MINUTES
COMMISSIONERS OF BRIDGEVILLE
March 14, 2016 – TOWN HALL
EXECUTIVE SESSION 6:30 P.M.
OPEN SESSION 7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 6:30 P.M. by President Pat Correll. Present: Commissioners Kevin Carson, Sharon McDowell, Lawrence Tassone, Town Manager Jesse Savage, Solicitor Dennis Schrader and by invitation, Tim Banks.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss Bridgeville Town business.

III. APPROVAL OF AGENDA

Motion to approve the Agenda – Tassone; 2nd – McDowell; motion carried.

IV. EXECUTIVE SESSION – Pending or Threatened Litigation

Motion to go into Executive Session – Tassone; 2nd – Carson; motion carried. The Commissioners went into Executive Session at 6:30 P.M.

V. RETURN TO OPEN SESSION

Motion to return to Open Session – Tassone; 2nd – McDowell; motion carried. The Commission returned to Open Session at 7:00 P.M.

The meeting began with the Pledge of Allegiance and Prayer.

Solicitor Schrader advised an Executive Session took place at 6:30 P.M. concerning pending or threatened litigation. In attendance were President Correll, the three sitting Commissioners, Town Manager Savage and by invitation, Mr. Banks. The Executive Session ended approximately 6:45 P.M. and no votes were taken. The Executive Session will be discussed during New Business (XIV. A)

VI. COMMISSIONERS OATH OF OFFICE

New Commissioner from District #1, Mr. Timothy Banks, and returning Commissioners Pat Correll (#3) and Lawrence Tassone (#2), took the Oath of Office administered by Solicitor Dennis Schrader.

VII. APPOINTMENT OF COMMISSION OFFICERS AND STAFF

Motion by Commissioner McDowell to continue with the same officers as the 2015 Commission year (Pat Correll – President; Sharon McDowell – President Pro Tempore; Lawrence Tassone – Secretary; Dennis Schrader – Attorney; and Jesse Savage – Town Manager/Finance Director) 2nd – Commissioner Carson. Commissioner Banks requested a few words before he voted. He advised in ministry and in business it is important to consider succession – what will we look like in two years. He stated that he ran for office to represent the community members who were in the audience. Thinking about the future, if he

were to nominate someone, he would nominate Commissioner Carson for President. He did not know how Commissioner Carson would respond, but that would be his recommendation.

Commissioner Tassone advised a motion is on the table that must first be acted upon. For the sake of unity, Commissioner Banks voted "yes" concerning the re-appointment of current officers, along with Commissioners Tassone and President Correll also voted yes. Motion carried 5 to 0.

VIII. APPROVAL OF MINUTES

Motion to approve the Minutes from the February 8th Commission meeting – Carson; 2nd – McDowell, motion carried.

IX. CORRESPONDENCE

Town Manager Savage advised the Town received a thank you card from the Ewing family concerning the Commission sending flowers to the funeral of former State Representative Benjamin Ewing.

X. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – February 29, 2016
- General Fund – $903,256 (decrease of $28,988 over last month)
- All Accounts – $1,928,887 (decrease of $28,581)
- Accounts Receivable – $95,723

Budget Report Target – 67% (8 months into budget year)
- Income – $1,941,519 (Income at 75% of budget)
- Expenses – $1,664,960 (Expenses at 65% of budget)
- Net Income – $276,559

Accounts Payable
- Bills – $27,410
- Expected Expenses – $181,500 (including health insurance, payroll, utilities, etc.)
- Total estimated amount to be approved – $208,910

Commissioner Carson questioned whether employees receive 24 or 26 paychecks per year. Employees receive 26 pays and there will be an additional pay in late June or July. The Town pro-rates the days on June 30th; therefore that pay period will be adjusted. Commissioner Carson wanted to make sure the Town is prepared for extra paychecks twice per year.

Motion to pay the bills as presented – Tassone; 2nd – McDowell; motion carried.

XI. TOWN REPORTS

Commissioner Carson thanked Chief Longo for a change in the Police Report to reflect monthly comparisons from the prior year.

Commissioner Tassone questioned the Street Report which indicated that the street sweeper did not sweep the streets in Heritage Shores due to trees needing to be trimmed. Town Manager Savage advised Code Enforcement Officer Butler has sent out the appropriate trimming notices.

XII. CITIZEN'S PRIVILEGE

Mr. Samuel Magri from 414 Walnut St. questioned the possibility of the Town taxing vacant homes; he is aware the Town needs revenue. He expressed concern about four empty homes around him and would like neighbors and more voters. Additionally, the house next door at 412 Walnut St. is in very poor condition. He is making an effort to fix his home and make the neighborhood better for everyone.

President Correll understands where Mr. Magri is coming from and advised there have been conversations about that problem area. An Ordinance concerning the problems should be considered.

Mrs. Annette Cottrell from 18 Harlequin Loop has seen the 2016 property tax roster Commissioner Tassone sent out and has looked at the Sussex County link. Town Manager Savage sent a pdf copy of the tax assessments for this year to Commissioners, advising it was the tax roll for approval. He hasn't put it on the website or made it available to the public yet, as it is a draft until approved tonight. The property owners will have 2-1/2 weeks to review it and determine accuracy, or they can question it at Tax Appeal Day, Saturday, March 26th at Town Hall from 1:00 – 2:00 PM. The Town website is bridgeville.delaware.gov

Mrs. Cottrell questioned how often the Town picks up trash on Wilson Farm Rd. As a state road, the Town isn't responsible for it. Commissioner McDowell reported she regularly sees trash trucks losing trash all over the road. President Correll advised before the Apple Scrapple Festival a prison group is often brought in to clean up litter. Commissioner Banks commented the Department of Corrections cleaned up the back side of Heritage Shores just last week.

Mrs. Skala reminded the community of the Lions Club Show on Friday and Saturday, March 18th and 19th, 7:30 P.M.at the Middle School. She also advised the Friends of the Library will host Scott Thomas from Southern Delaware Tourism sharing activities/events in our area on April 6th at 7 PM.

Mr. Magri questioned if the property taxes are being increased. Town Manager Savage advised they are not being raised; however, each March the tax rolls assessment must be approved.

XIII. OLD BUSINESS

A. Heritage Shores Bike Path Easement Approval

In February Town Engineer Jason Loar presented the condition of the existing bike path on Wilson Farm Rd. and the Town's acceptance of the path, as is. However, it has been decided to only pursue an easement for the north section of the bike path, which does not yet exist. A proposed 20' easement for the new, northern bike path is being presented this evening with a 20' temporary construction easement. Solicitor Schrader has talked with Heritage Shores (H.S.) attorneys concerning the project. He advised the Town has worked off and on over two years on this project. Only a few minor changes have been made to the document and mutual indemnities are in the agreement.

The path begins at the library parking lot and goes between the existing ball fields along the northern boundary of H.S. It will meet with the existing path by the Verizon substation on Wilson Farm Rd. The Town is responsible for the maintenance of the ten ft. path and the five ft. each side of the path.

The Town received a Delaware Bike Council Grant for the design/permitting of the new path. The deadline to use the grant monies is May 31st. The Town is also looking into a state grant to complete the path (application out in Mar/Apr and awarded in July).

Commissioner Tassone questioned the process/liability in connecting the two bike paths. Town Manager Savage doesn't believe there will be a liability – the private bike path simply connects to the public bike path. Connecting the 2 paths also will not cause a problem with ADA. Town Manager Savage recommends the Commissioners move forward with signing the document.

Motion to sign the Deed of Easement for Pedestrian and Bike Path, Heritage Shores – Carson; 2nd – Tassone; motion carried.

XIV. NEW BUSINESS

A. Discussion and Possible Voting on Items Discussed in Executive Session

Solicitor Schrader advised in 2014 the Town received notices from DNREC and EPA of potential violations of certain federal requirements by the Town Wastewater Treatment Plant (WWTP). Over the past 6-7 months, the Town has met with EPA and DNREC representatives concerning remediation of issues raised and an agreement was reached on February 22, 2016.

Violations include (1) The Town's failure to maintain the WWTP in good working order, including the problem with the Town's rotating biological contactors (RBC's). (2) Failure to implement a stormwater plan in accordance with the NPDES permit (a record-keeping issue, not a violation of the stormwater plan) and (3) discharges from the outfall into the Bridgeville branch – approximately 20 violations going back to 2011. These discharges were sporadic, often concerning RBC problems and have been resolved. The Town is now sending quarterly reports to the state concerning compliance with its permits. The Town has provided to DNREC/EPA a schedule for the WWTP upgrade; the plant must be running by March, 2019. Bridgeville must pay a $12,000 fine, which could have reached $38,000 per violation, per day. These agencies will provide funding to help the Town reach its requirements through grants and loans for the new plant.

The Solicitor and Engineer agree that the Town should accept responsibility for these fines. Town Manager Savage believes to have a new plant up and running by 2019 will be a challenge. There are many variables in the process; however, we must meet the compliance schedule. The Town will keep the agencies apprised of progress through quarterly reports. Our engineer has submitted a pathway with milestones, etc. to move the Town forward in the process.

Mr. Robert Duma from Davis, Bowen and Friedel, Inc, (Town Engineer) advised they will have the first draft submitted regarding the Preliminary Engineering Report by the end of the month, with recommendations concerning moving forward with funding. It was clarified that having all RBC's working would not have placed us within permitted limits. The RBC technology was never meant to treat for nitrogen/phosphorous, per Mr. Duma.

Per President Correll, there is no mercy from the state. She stated the western side of Sussex County, of which we are a part, receives no assistance concerning wastewater, yet on the eastern side the county runs the wastewater plants for a lot of Towns. The western side deserves the same advantages.

Commissioner Tassone questioned our NPDES permit which allows us to overflow into the Bridgeville Branch under certain conditions. Town Manager Savage advised we have an emergency outfall to the Branch; however, we still must meet our limits of nitrogen, phosphorus, etc. The rules are stricter when we discharge into the stream.

Motion to execute the agreement with EPA/DNREC – Carson; 2nd Tassone; motion carried.

B. Property Assessment Listing and Tax Appeal Day

Town Manager Savage advised the Town uses the county as its assessor, and per our charter, we must accept the assessment list. Tax Appeal Day is an opportunity for residents to question their assessment. Improvements to the property, i.e. addition of a shed, could raise the assessment several hundred dollars. Town Manager Savage will take questions from residents concerning their assessments on Saturday, March 26th from 1:00 – 2:00 P.M. at Town Hall. Assessment figures are available at Town Hall and on the website. The information is also posted throughout Town.

Motion to approve the Bridgeville Tax Roll – Tassone; 2nd – Carson; motion carried. **35:00**

C. Economic Development Committee – Grant Program Approval

Town Manager Savage advised the Economic Development Committee has put forth a plan to spend the remaining funds within the FY-16 budget by developing a Grant Program.

Economic Development Committee (EDC) Chairperson Ruth Skala advised the state paid for the conceptual vision plan the EDC developed, but required that the Town budget of $9,000 be spent by June 30th. These funds have already paid for banners and a new sign on Market and Main Sts. The EDC is recommending that the remaining funds (approximately $5,000) be offered to commercial property owners on Main/Market Sts. for beautification. The committee is offering up to $1,500 (75% paid by EDC and 25% paid by owner). Suggestions include sidewalk repair, signage, wall-painting, etc. The expenditure must be completed by June 30th. A letter from the Town will be sent to business owners. Applications beyond the $5,000 will be held and considered in next year's budget. Hopefully the CDC will be able to offer grants in residential areas in the future, as well.

Commissioner Carson thanked the Economic Development Committee for their efforts and expressed concern about the grants being offered on a "first come, first served" basis. He suggested a deadline for applications with a vetting process by the EDC instead.

Mrs. Skala will be glad to change the grant as suggested by Commissioner Carson and added the committee would welcome additional members. The EDC is sponsoring a round-table discussion with area realtors on March 16th about moving forward with Economic Development in Bridgeville.

Commissioner Banks questioned Mrs. Skala about possible monies for residential purposes. Mrs. Skala advised currently the state is requiring that they focus on the downtown area, although the committee has discussed residential needs, as well. It was clarified that the county's Community Development Block Grant program (CDBG) specifically assists homeowners with residential needs.

Motion to approve the Economic Development Committee's Grant Program, as modified by Commissioner Carson – Tassone; 2nd – McDowell; motion carried.

D. Bridgeville Cemetery Association Request to Close Portion of Emory Street

The Town has been approached by the Bridgeville Cemetery Association concerning property acquired on the northeast and southeast sides of Emory St. (a dead-end road). The Association has requested that the Town close a portion of Emory St. so the Association can extend its fence to the western boundary. Town roadway (.05 miles) is involved, which represents $186 in Municipal Street Aid monies that would be lost, which is fairly insignificant. There is a street light that would no longer be unnecessary, which would make up the monetary difference. The Town maintains a water line with a fire hydrant at the end located in the proposed fenced-in Association area and they have agreed to provide the Town and the Fire Company with a key to the gate for access to the hydrant. Town Manager Savage has talked with Water/Street Superintendents about any concerns they might have and they do not oppose the proposed changes.

Commissioner Tassone asked if there were any issues with area homeowners. Town Manager Savage advised there is one property on N. Cannon and Emory Sts.; however, they are used to having cemetery fences in their vicinity. Additionally, there is a fire hydrant on N. Cannon St. to serve that home.

Mr. Hardesty advised the fence would be 97 ft. from the existing gate, which they will move further down. There is a small area where they hope to plant trees and make the area more attractive.

Town Manager Savage advised it will take an Ordinance to change the Town-owned streets; however, he is asking for a general consensus from the Commissioners before pursuing the issue.

Commissioner Carson met with Mr. Hardesty concerning the request and agreed that it seems appropriate and is in favor of the change.

Motion to approve the Bridgeville Cemetery Association request to close a portion of Emory St. and move forward with drafting the associated Ordinance – Tassone; 2nd – McDowell; motion carried.

XV. INTRODUCTION OF ORDINANCES

There were no Ordinances to be introduced at this meeting.

XVI. GOOD OF THE ORDER

Dr. Carson advised he has become interested in continuing education in Land Use and Development and has taken several classes offered by the Institute of Public Administration. The classes have been very helpful and there are a number of offerings. It is an opportunity to meet colleagues from other Towns, as well, and he recommends the classes to the Commissioners. (Information sheet provided.)

Dr. Carson suggested the garbage issues on Wilson Farm Rd. might be handled by offering Community Service hours, or the school district might pursue an "Adopt-a-Road" project.

Dr. Carson expressed his appreciation for Commissioner Banks' comments at the beginning of the meeting. He added that it is a pleasure to serve on the Commission and he is comfortable with the present

leadership. He and his wife have purchased a property in Seaford and there is a possibility that between now and his term end, March 2017, they will be moving. As long as they are Bridgeville residents, he wishes to serve as Town Commissioner; however, when they move, he will no longer be able to serve. He believes it is appropriate to let the Commissioners and residents know about his future plans, but not appropriate for him to take on a leadership role in the Commission.

Commissioner Tassone questioned Ms. Dottie Harper about a hole on Wilson Farm Rd. that keeps returning. Ms. Harper advised they have dumped dirt and gravel in the hole and within a day or two it is gone. She will fill it again tomorrow.

President Correll welcomed Mr. Tim Banks to the Bridgeville Commission. Commissioner Banks advised he is putting together a "Meet Your Commissioner" event for District 1 residents to encourage community relations and advised Mr. Lester Williams will join him in that event. When he talked to District #1 residents before the election, he found that many had a poor attitude about each section of our Town. He was hurt by those opinions and his heart is to see a whole/complete Bridgeville. He invited all the Commissioners to join him in this upcoming meeting as soon as he can schedule it.

President Correll added that when you say "Bridgeville" you are including all parts of the Town; not just one or two parts…ALL BRIDGEVILLE!

XVII. ADJOURNMENT

Motion to adjourn – Banks; 2nd – McDowell; meeting was adjourned at 7:57 P.M.

Respectfully submitted,

_____
Lawrence Tassone, Commission Secretary

_____
Peggy Smith, Transcriptionist