

MINUTES
COMMISSIONERS OF BRIDGEVILLE
May 12, 2014 – TOWN HALL
EXECUTIVE SESSION – 6:30 P.M.
OPEN SESSION – 7:00 P.M.

I. EXECUTIVE SESSION CALL TO ORDER

The meeting was called to order at 6:30 P.M. by President Pat Correll. Present: Commissioners Sharon McDowell, Paul Kovack, Jay Mervine and Lawrence Tassone.

II. QUORUM PRESENT

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

III. APPROVAL OF AGENDA

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

IV. EXECUTIVE SESSION

- A. Land Acquisition/Sale**
- B. Land Acquisition/Sale**

V. OPEN SESSION CALL TO ORDER

Motion for Open Session Call to Order – Kovack; 2nd – Tassone; motion carried. The Commissioners returned to Open Session at 7:00 P.M. The Commissioners discussed Land Acquisition and Sale. The meeting began with the Pledge of Allegiance and Prayer.

VI. HERITAGE SHORES SPECIAL TAX DISTRICT REPORT

Mr. Joshua Forster from MuniCap, Inc. presented the yearly report for the Heritage Shores Special Tax Development District. The Town of Bridgeville issued \$28,447,000 Special Obligation Bonds in 2005 related to the development of Heritage Shores. The bonds are to be repaid from special taxes levied on the taxable property in Heritage Shores. The report explains the methodology used to calculate the levy of special taxes in the District for the 2014-2015 tax year. Special taxes in the amount of \$1,297,000.00 will be collected in 2014.

Mrs. Annette Cotrell from 18 Harlequin Loop advised she had written Mr. Forster asking if this special tax was tax deductible. He recommended she ask her tax attorney, as he and his company are not tax attorneys.

Motion to approve the Special Tax District Report – Tassone; 2nd – Kovack; motion carried.

VII. APPROVAL OF MINUTES

Motion to approve the minutes from the April 14th regular Commission meeting and the March 25th Master Plan Workshop – Tassone; 2nd – Kovack; motion carried.

VIII. CORRESPONDENCE

Town Manager Savage advised no correspondence has been received.

IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – April 30, 2014

General Fund – \$144,811

Reserve Fund – \$746,186

All Accounts – \$1,018,000

Accounts Receivable – \$107,327

Budget Report Target – 83%

Income – \$2,069,376

Expenses – \$1,981,162 (80%)

Net Income – \$88,214

Accounts Payable

Bills – \$44,091

Expected Expenses – \$121,500 (including health insurance, payroll, utilities, etc.)

Total bills to be approved – \$165,591

Motion to approve the bills as presented – Tassone; 2nd – Kovack; motion carried.

X. TOWN REPORTS

Commissioner Tassone commented on the activities of our canine unit – 10 interactions this month.

Commissioner Kovack expressed concern about the three guns taken off the streets this month, an alarming number.

President Correll commented that all Public Works employees have picked up the slack due to Street Superintendent Passwaters' sick leave; she encouraged everyone to commend the employees for their hard work. She also thanked Phillip Mowbray for writing the Street Department report this month.

It was clarified that there were 6 building permits issued for new homes in April. CEO Butler's report of 20 building permits included renovations, etc.

XI. CITIZEN'S PRIVILEGE

Mr. Harvey Lieberman from 144 Widgeon Way questioned who is responsible for maintenance and completion of the bike path. According to the developer's agreement, the completed portion is to

be inspected and possibly accepted, followed by turning it over for Town maintenance. Mr. Lieberman advised the path is full of stones, making it dangerous. Town Manager Savage advised at this time, it is still private property and belongs to the developer.

Mr. Michael Kelly from 112 Will's Island Dr. questioned the "who" and "how" for financing the Heritage Shores Phase 3 project. Mr. Forster advised the public infrastructure improvements are funded by the development bonds; the developer finances the lot and house developments. Ms. Dottie Harper from Brookfield Homes recommended that Mr. Kelly attend "Cottage Meetings" at the development, where the developer shares that type of information. The funding sources for the development are not known by the Bridgeville Commissioners/Town government.

Mrs. Ruth Skala from 108 Whistling Duck Dr. recommended a sign on Whistling Duck Dr. for heavy trucks advising there is no outlet at that location. She added that some of the house number signage is almost un-readable during daytime hours and that the house numbers on Ruddy Duck Ln. are not even in sequence.

Mr. John Anderson from 310 Market St. shared several concerns: a location for the canine unit, other than the police car; updated computers for the Police Department; a grant for tasers; a dangerous crossing at Market St. & S. Cannon St; a 2-hour parking sign that is not being heeded on S. Cannon and Market Sts.; dog walkers ignoring leash and pooper scooper requirements; litter at Dollar General; revitalized flower pots; non-operable crosswalk signs on N. Main St. at Town Hall.

Mrs. Annette Cottrell questioned when the new water meters will be installed. Town Manager Savage advised the loan closed last week; the next step is to go out for bids.

Ms. Anna Thomas from 9 Church St. expressed concern about the one-way sign on First St., which is not conducive to her driving to her home. The street is currently one-way; Town Manager Savage will look into the problem.

XII. OLD BUSINESS

A. Heritage Shores, Final Approval–RPC Phase 3 and Site Development Approval–Phase 3A

Solicitor Schrader advised the Heritage Shores developer is requesting Heritage Shores RPC Phase 3 approval and Site Development approval for Phase 3A. The final approval from Soil Conservation was submitted this evening and a Resolution has been generated for possible adoption tonight.

Commissioner Mervine questioned details concerning rear access alleyways and right-of-ways in the project with an explanation from Heritage Shores' engineer, Mr. Bob Rauch.

Mr. Rauch advised they have submitted final subdivision and development plans for Phase 3A; 3B plans will follow shortly.

Town engineer, Mr. Bill Remington, from Davis, Bowen & Friedel, has reviewed the technical aspects of the plan and has submitted some small concerns to the developer, who has agreed to address

those issues. He added that the Town's Wastewater and Water Superintendents have reviewed the plans with no further comments or concerns.

Motion to adopt the Resolution approving the Phase 3 Subdivision and Development Plan for the Bridgeville South RPC District and modifying the Development Standards applicable to such Phase – Mervine; 2nd – Kovack; motion carried.

Mr. Rauch will work with the Town to provide the bike path easement, which is necessary to apply for a grant. Town Manager Savage and Mr. Dave Carro from Heritage Shores will move forward together on the project.

B. NPDES Permit

Town Engineer Mr. Jason Loar from Davis, Bowen & Friedel, Inc. presented the 5-year permit, which went into effect April 1st. This permit does not affect the spray field. The compliance schedule is very detailed with numerous deadlines. Specific changes include:

1. A 50% reduction of nutrients within 59 months.
2. 1-1/2 years to utilize the old outfall (Bridgeville Branch).
3. A compliance schedule with new effluent limits in effect by February 1, 2019. (50% reduction)
4. Testing of additional nutrient species.

Mr. Loar advised the Town has fought these nutrient reduction requirements in the past and been able to delay them. It is no longer possible to resist; non-compliance will result in huge fines.

Commissioner Mervine advised we have the capacity the Town needs in this plant for 20 years; it simply doesn't reduce nitrogen the way the state would like and they haven't shown the science that proves the Town's wastewater is a significant contributor to pollution to warrant spending \$12 million to fix it. He added that Delaware is 1% of the Chesapeake Bay watershed and is 3% of the problem.

The Town could go to 100% spray irrigation; however, it is advantageous to keep the stream discharge permit. The Town will need approximately 400 acres of new spray land for future needs. It was mentioned that a farmer is not going to want spray effluent that has had nitrogen removed from it.

The state is requiring the Town to build a new plant (even though the current plant was approved to last until 2025) and purchase more land for spray irrigation.

Mr. Loar suggested setting up a working session with DNREC personnel in the near future; however, it is likely that they would not have the authority to make decisions on the issues.

The Town must continue discussions on this topic with the state, per President Correll.

XIII. NEW BUSINESS

A. Economic Development Committee Appointments

President Correll advised a new Economic Development committee is being appointed tonight and will meet monthly starting in June. 2-year terms are recommended for Commissioners Tassone and Kovack, as well as John Barr, Joe Conaway and Trey Hardesty. 1-year terms are recommended for Ruth Skala, Brian Butler, Ralph Root and Jeff Tull.

Motion to approve the appointments – McDowell; 2nd – Mervine; motion carried.

B. State Legislative Concerns

Town Manager Savage advised a bill has been introduced in the General Assembly concerning limitation of municipal taxing powers. Solicitor Schrader reported Jimmy's Grille in Dewey Beach sued the Town of Dewey Beach, challenging their authority to levy a \$5,000 permit fee for bars/restaurant/grills. There is a fine line between and tax and a permit fee. A permit fee is equated with the actual approval expense of that particular activity by the Town; whereas a tax is a general levy for funds to raise revenue.

This bill would limit municipal taxing powers, unless the tax is specifically listed in the Town's charter. Any new tax a municipality considers would go to the General Assembly for a charter change, which would require 2/3 majority of each house to approve. Charter changes are generally considered by the General Assembly at the end of the session, which would create a huge log jam, with a potential of 56 municipalities requesting charter changes. Municipalities are incorporated and have the ability to tax because the Delaware General Assembly allows them to tax. It was clarified this bill only applies to new taxes, not current taxes.

Per Solicitor Schrader, State Senator Pettyjohn has asked for Bridgeville's response to this bill. Solicitor Schrader is not in favor of it; President Correll and Town Manager Savage voiced their agreement with him. Solicitor Schrader suggested the Town go on the record to oppose the bill.

Commissioner Kovack made a motion to not support House Bill #333; 2nd – Mervine; motion carried. The Town will draft a letter to all members of the Delaware General Assembly concerning its stand.

Solicitor Schrader requested permission for himself and Town Manager Savage to discuss the Commissioners' lack of support of this bill in public conversations. Permission was granted. It was noted that the Sussex County Association of Towns (SCAT) and Delaware League of Local Governments (DLLG) are not in favor of this bill.

XIV. INTRODUCTION OF ORDINANCE(S)

Commissioner Mervine introduced the following Ordinances:
Ordinance 2014 – C An Ordinance to amend Chapter 128 of the Code of the Town of Bridgeville relating to fees to increase the rates for Water.

Ordinance 2014 – D An Ordinance to amend Chapter 128 of the Code of Bridgeville relating to fees to increase the Property Tax Rate.

XV. GOOD OF THE ORDER

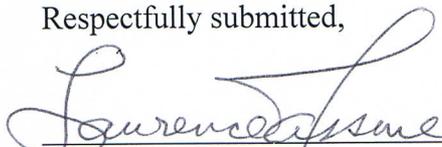
President Correll encouraged everyone to participate in Bridgeville's Memorial Day Celebration on Monday, May 26, 2014, 9:30 A.M. at the Bridgeville Cemetery.

President Correll congratulated Bridgeville resident Bob Slater for being named Water Operator of the Year for the Delaware Rural Water Association. She added that Greenwood resident Roger Breeding was also named Water Operator of the Year.

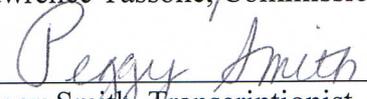
XVI. ADJOURNMENT

Motion to adjourn – Kovack; 2nd – Mervine; motion carried. The meeting was adjourned at 8:27 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary



Peggy Smith, Transcriptionist