

**MINUTES  
COMMISSIONERS OF BRIDGEVILLE  
October 13, 2014  
BRIDGEVILLE PUBLIC LIBRARY**

**I. CALL TO ORDER**

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Sharon McDowell, Jay Mervine, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

**II. QUORUM PRESENT**

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville, despite the absence of Commissioner Tassone. President Correll advised there is a full Agenda this evening and she trusts that during public comment everyone will be concise and avoid repetition. She added that she expects everyone to be respectful of other residents and Commissioners.

**III. APPROVAL OF AGENDA**

Motion to approve the Agenda – Kovack; 2<sup>nd</sup> – McDowell; motion carried.

**IV. APPROVAL OF MINUTES**

Motion to approve the Minutes from the September 8<sup>th</sup> Commission meeting, the August 5<sup>th</sup> Special Meeting concerning fee increases, the August 13<sup>th</sup> Special Meeting concerning the Heritage Shores Special Tax District and the August 13<sup>th</sup> Executive Session – Kovack; 2<sup>nd</sup> – McDowell; motion carried.

**V. CORRESPONDENCE**

Town Manager Savage advised the Commissioners have been invited by the Delaware Commission on Veterans' Affairs to the annual Veteran's Day Service on Tuesday, November 11th at the Memorial Plaza, Delaware Memorial Bridge at 10:30 A.M. An RSVP is required by October 24<sup>th</sup>. Please contact Town Manager Savage concerning your availability.

**VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Balance Sheet – September 30, 2014

General Fund – \$1,986,160 (\$1.2 million is for Heritage Shores Special Taxes)

Reserve Accounts – \$747,286

Accounts Receivable – \$218,913

Budget Report Target – 25% (3months into the budget year)

Income – \$1,131,744 (46%) Expenses – \$633,012 (26%)

Net Income – \$498,732

Accounts Payable

Bills – \$86,326 Expected Expenses – \$122,117

Amount to be approved – \$208,443

Motion to approve the bills as presented – Kovack; 2<sup>nd</sup> – McDowell; motion carried.

## **VII. TOWN REPORTS**

Commission President Correll advised the Mill St. project involves property behind Jeff's Tap Room on Market St. and has recently been completed.

Police Chief Longo advised the Town received 80 lbs. of prescription drugs during their recent Drug Take-Back Initiative.

## **VIII. CITIZEN'S PRIVILEGE**

Mr. David McCurley from 107 S. Main St. advised he appreciates the Police Department and the new speed limit signs. He added, for the past 3-4 months, his older home has been shaking from large tractor-trailers speeding on S. Main St. in front of his home. There is a new stretch of street patching on the corner of S. Main St. and Delaware Ave. that is causing additional noise as the trucks pass his house. The problem involves out-of-town trucks, not local trucks.

Mrs. Ruth Skala from 108 Whistling Duck Dr. questioned Greenwood's 31% flow on the monthly report, with no payment from them at this point in the fiscal year. Town Manager Savage advised Greenwood is billed quarterly and the bill will go out at the end of October. Their percentage has increased due to the addition of the new high school to their sewer line.

## **IX. OLD BUSINESS**

### **A. Public Hearing, Discussion and Possible Adoption of Ordinance 2014-G – AN ORDINANCE AMENDING AND RESTATING THE TOWN OF BRIDGEVILLE OPERATING AND CAPITAL BUDGETS FOR FISCAL YEAR ENDING JUNE 30, 2015**

Town Solicitor Schrader advised the current Ordinance establishes the fixed taxation for real estate at \$2.40 per \$100 of assessed value and will generate \$683,215 in tax revenue. No money is set aside for reserves, except for transfer tax receipts received in excess of the budgeted amount (\$92,248). The water rate will be \$3.76 per thousand gallons. The monthly water meter rate will be \$3.50 per meter and the rate for wastewater service is a flat rate of \$24.00 for the first 2,500 gallons used (0-2,500) per month, \$7.10 per thousand gallons for the second 2,500 gallons used (2,501-5,000), \$8.50 per thousand gallons for the next 5,000 gallons used (5,001-10,000), and \$13.00 per thousand gallons over 10,000 gallons used (10,000+). This is the rate charged since July 1<sup>st</sup>. Solicitor Schrader opened the Public Hearing at 7:19 P.M.

Mr. David McCurley from 106 S. Main advised he doesn't mind the water rate increase; however, he is concerned about the increase in his taxes, as he is on Social Security disability.

Mr. Phil Clark from 32 Amanda's Teal Dr. understood that the tax rate was going to be set back to \$2.00 and wonders what changed.

Commissioner Mervine advised during the last two public workshops urgent needs at the Town's Wastewater Treatment Plant and the anticipated acceptance of new streets at Heritage Shores were reviewed and the Commission does not believe they have the revenue to cover upcoming needs if they lower the tax rate to \$2.00 per \$100 of assessed value.

Commissioner McDowell believes it is the law that you can reduce what has been proposed.

Mr. Joe Conaway from 105 Delaware Ave. commented that the proposed tax and water rates are different than he anticipated discussing this evening; he expected an Ordinance to return the tax rate to \$2.00. Concerning the accepting of new streets in Heritage Shores, they won't be accepted unless they meet Town specifications and he anticipates no maintenance issues/expenses for many years to come. He finds no financial crisis causing the rise in fees. He is not aware the Town has pursued state/federal money for assistance for the WWTP and believes the Town has the money for the Walnut St. water main replacement in its funds. He believes Bridgeville is the best Town in Sussex County. He is not in favor of a single water rate and urged the Commissioners to reject this Ordinance. He also recommended initiating a finance committee to assist the Commissioners in money matters.

Mrs. Kathy McGeady from 12 Harlequin Loop advised she doesn't mind a tax increase; it is reality and she has lived through it before; however, she feels this increase is exorbitant and should be done in small steps over several years.

Mrs. Jacqueline Vogle from 124 Widgeon Way expressed confusion. She remembers Commissioner Mervine previously that the Town could not fund a new sewer plant and DNREC and the state must provide the money. She also commented that WBOC news reported today that the Town was returning to the \$2.00 tax rate. It was clarified that WBOC had not received that information from the Town and was not a valid source for correct information.

Ms. Dottie Harper, developer representative from Heritage Shores, advised the streets will be delivered to the Town to specifications and the Town will then be responsible for snow removal, street cleaning, street light maintenance etc. This will be an additional cost to the Town. She added that Heritage Shores has been marketed as a "change of pace" with tax advantages for most people; many are retired/semi-retired and planning their finances is an important part of their housing choice. She does not oppose the tax increase, but believes a gradual increase would be preferred.

Mr. Carlos Alvarez from 99 Emily's Pintail Dr. supported Mr. Conaway's position and shared a numbers analysis done by Mr. Bill Atwood from 113 Emily's Pintail Dr., who couldn't be in attendance this evening.

- May 2014 proposed increase – total cost of property tax/water usage/meters (per Heritage Shores household) – baseline of \$986.00, which jumped to \$1,203.00 – a 22% increase.
- Mr. Mervine's flat rate for water + meter fees – reduces the cost to \$1,163.00 – an 18% increase
- Another proposal was introduced of \$1,290.63 – a 31% increase. Mr. Alvarez wondered if the Commission is trying to run everyone out of Town.

Mrs. Marge Gibson from 68 Emily's Pintail Dr. asked for a re-stating of what Commissioner McDowell commented earlier, that you can reduce what has been proposed legally, but cannot raise what has been proposed legally.

Ms. Barbara Devine from 100 Whistling Duck Dr. advised the Town has been "kicking the can down the road" for 5 months and the Commissioners are not listening to the people. The direction the Commissioners have taken is not helping the residents' confidence in their leadership.

Mr. Joe Juknelis from 104 Will's Island Dr. advised in previous discussions he has heard both Commissioners Mervine and Tassone explain the problems that have brought about this large tax increase – the movement of transfer taxes out of the operating budget. Unfortunately, the initial decision to place the transfer taxes in the budget was a miss-step. He does not believe a tax increase is necessarily unfair; however, it should not have been pursued without hearing what those who have to pay the price have to say about it (the taxpayers). Take into consideration who was responsible for the problem and who will be responsible to fix the problem. He suggested raising the taxes incrementally over several years. He added that there is a potential of 800 new homes in the next 5 years, which will provide additional transfer tax and allow the money issue to resolve itself without burdening current residents. Mr. Juknelis asked that the Commissioners consider those who are getting them out of this dilemma.

Mrs. Kathleen Alvarez from 99 Emily's Pintail Dr. requested, with the absence of Heritage Shores Commissioner Tassone, that the Town Commission postpone this decision until he returns.

Mr. Tim Carr from 20 Ruddy Duck Ln. advised moving from Maryland they were pleased to find taxes here fair and reasonable, along with the special tax for Heritage Shores residents. Mr. Carr read from a letter that Commissioner Tassone had sent to his constituents recommending the Town count households, rather than water meters. Commissioner Tassone advised the meter fee is not going into a separate account and is a misnomer; there should be a water service fee based solely on consumption. Mr. Carr agrees with Commissioner Tassone's comments; he believes that H.S. homeowners are contributing significantly to the Bridgeville tax base, due to the higher prices of their homes; this increase will hurt those who have contributed so much to the tax base.

Mr. Jack McIlvaine from 29 Ruddy Duck Ln. believes the budget process for all businesses/entities is to review the current and proposed budget for the up-coming year and justify any increases. He has been to several meetings and has not seen any information to be able to determine if the new budget is reasonable. He recommended releasing the budget figures so that the citizens know what is going on.

Mr. Joe Kennard from 16 Gadwall Circle is the Vice President of a manufacturing company. When their raw material prices increase dramatically, they have to raise the prices gradually, not all at once unless they can reduce the expenses. He asked that the Commission re-visit the price increases.

Mr. Morris Eader from 27 Whistling Duck advised if he had known of these increases before he bought in June, he would not have moved here, due to a fixed income. He asked that the Commissioners carefully consider this increase. He has seen no paperwork about this budget. He asked the process to become a Commissioner. It was clarified that residents in each of 5 districts vote for their Commission representative.

The Public Hearing was closed at 7:57 P.M.

President Correll advised the Commissioners held an additional meeting on September 26<sup>th</sup> and discussed the budget numbers in depth. The Commissioners will also be impacted by this tax increase.

Commissioner Mervine advised Ordinance 2014-G restates the proposed tax/water/sewer rates for the Town. His proposal fixes the tax rate at \$2.40 per \$100 of assessed value. The water rate in this proposal has a flat rate for water of \$3.76 and a water meter fee of \$3.50 per meter. He understands there is a difference of opinion concerning that and deferred to Commissioner Kovack considering the rates.

Commissioner Kovack advised in 2007 the Town received transfer taxes in excess of \$750,000. The Town responded by cutting taxes, water rates and meter fees. Since then, transfer taxes have decreased as H.S. home sizes now range from 9,000 sq. ft. to 3,000 sq. ft. He added, if you take transfer tax out of the budget, it must be replaced somehow.

Commissioner Kovack advised they wish to make the rates as fair as possible. At the September 26<sup>th</sup> meeting the Commissioners generally agreed to continue the tax rate at \$2.40 per \$100.00 of assessed value. The Commissioners further discussed the water rates and generally agreed to return the water rates to previous levels.

In 2008 the water meter rates were cut from \$7.00 to \$3.50. The Commissioners have generally agreed to raise the water meter fees to \$7.50, with the exception that all secondary meters used for irrigation will be charged \$5.50 per month. The majority of secondary meters are located at H.S. and have been installed at the request of the developer to avoid a wastewater charge on irrigation.

The rates were re-stated as follows:

**Water Rates:**

- \$2.79 per 1,000 for the first 5,000 gallons used per month (0-5,000)**
- \$3.35 per 1,000 for the second 5,000 gallons used (5,001-10,000) and**
- \$3.75 per 1,000 gallons over 10,000 gallons (10,000+)**

**Meter Rates:**

- \$7.50 per month on the primary water meter**
- \$5.50 per month on the secondary water meter**

**Wastewater Rate:**

**No Change**

**Tax Rate:**

**\$2.40 per \$100.00 of assessed value**

Commissioner McDowell made a motion to adopt Ordinance 2014-G with the following amendments: 1) Strike that part of 2014-G dealing with the water rates and substitute the water rates as of May 1, 2014. 2) Strike all references to sewer increases. The motion failed for lack of a second.

Commissioner Kovack made a motion to adopt Ordinance 2014-G with the following rates:

- 1) Accept the fixed tax rate of \$2.40/\$100 of assessed value.
- 2) Strike the fixed water rate of \$3.76/thousand gallons for water and revert to the previous tier rates of \$2.79/1,000 for the first 5,000 gallons used per month (0-5,000), \$3.35/1,000 for the second 5,000 gallons used (5,001-10,000) and \$3.75/1,000 gallons over 10,000 gallons used (10,000+).
- 3) Raise the primary water meter fee to \$7.50/month and the secondary water meter fee to \$5.50/month.
- 4) No changes to the wastewater rate.

Commissioner Kovack advised this will give the Town enough money to adequately handle the debt of the water project on Walnut St.

Commissioner Mervine seconded the motion; motion carried. The votes were recorded as follows:

- Commissioner McDowell – No
- Commissioner Kovack – Yes
- Commissioner Mervine – Yes

President Correll – Yes

Commissioner Tassone – Absent

Motion carried 3 to 1 in favor, with one Commissioner absent.

**B. Public Hearing, Discussion and Possible Adoption of RESOLUTION R14-7 – A RESOLUTION ADOPTING A MASTER PLAN FOR BRIDGEVILLE AND GREENWOOD SUSTAINABLE GROWTH IN THE NANTICOKE WATERSHED**

Mr. Ed Lewandowski is a Coastal Communities Development Specialist with the University of Delaware. He is in attendance tonight to ask the Commission to adopt by Resolution the final version of the Town's Master Plan. The process began approximately 2-1/2 years ago. He has prepared a briefing that describes changes that have been made to the Master Plan, in response to comments from the Town Commission/Planning and Zoning Commission and from state agencies.

Solicitor Schrader advised this is not an amendment to the Town's Comprehensive Land Use Plan, but is a Resolution adopting the Master Plan. One of the conditions of adoption is that the Town of Greenwood adopts a similar Resolution, which it has (Greenwood Resolution 14-01, August 5, 2014)

Commissioner Kovack asked if the Master Plan is set in stone. Solicitor Schrader advised the document is aspirational and not a matter of law.

President Correll believes Mr. Lewandowski has done an excellent job in assisting the Commissioners; this document will protect Bridgeville and Greenwood in the future. President Correll opened the Public Hearing for comments from the audience at 8:13 P.M. An unidentified gentleman asked how much this will cost the taxpayers, to which President Correll advised it is no cost to the Town; a grant was secured for the project. The document is available on the Town website. The Public Hearing was closed at 8:14 P.M.

Motion to adopt Resolution R14-7 – A Resolution adopting a Master Plan for Bridgeville and Greenwood sustainable growth in the Nanticoke Watershed – Kovack; 2<sup>nd</sup> – Mervine; motion carried with a vote of 4 in favor; with 1 Commissioner absent.

**X. NEW BUSINESS**

**A. Dollar General Store – Preliminary Development Plan Review**

Mr. Gary Biales from the Zaremba Group, which represents Dollar General (DG) concerning any store they own directly, was in attendance to discuss DG's proposal. Mr. Biales advised DG only owns approximately 5% of its stores. He introduced Mr. Keith Kooker from Landmark Engineering, the engineering firm for the project.

Mr. Biales advised the company likes the Bridgeville market a great deal; however, due to the size of the store, they cannot compete and service the market adequately in the current building. They propose a new, 9,100 sq. ft. store on the corner of Market and Main Sts. in Bridgeville.

- Store to be built on 3 parcels, 2 owned by the Town and under contract since July, 2013.
- Entrances on Market and Main Sts. – Delaware Department of Transportation (DelDOT) must approve entrances; the company is going through that process.

- Delivery is at a side entrance and dumpsters are at the rear of the proposed store.
- DeIDOT is requiring a longer turn lane (stacking lane) on N. Main St.
- Proposed landscaping is shown on the drawing and a hedge on N. Main St. is anticipated to shield the houses on that street from headlights.
- 30 parking spaces are provided. The DG Corporation uses 28-30 spaces as their standard for over 11,000 stores and has compiled data to substantiate the number of spaces.
- The Town has been pursuing additional parking for businesses in this “Town Center Zoning” area on two properties they own. A property on S. Main St. has the potential for 22 parking spaces and another property on Mechanic St. has the potential for 15 parking spaces.
- Per Town Code, the Commissioners have the final decision regarding parking space/sizes in Town Center. Code Officer Butler has measured parking spaces throughout Town and found that the Town Hall spaces are 9x20. The current DG has 9x20 spaces, as well as smaller ones and they only offer 22 parking spaces. The current parking spaces on the corner of Market and Main Sts. are approximately 8-1/2 x18. DG’s proposed 9x20 spaces meet or exceed current parking spaces in Bridgeville.
- Stormwater plan – The property will have rain gutters to purify the water and the system has been designed for a 50-year flood event. Approved by DeIDOT is required.
- Concern was expressed previously about the “Welcome to Bridgeville” sign on the corner of Main /Market Sts. DG would like to incorporate the sign into the green space at the corner.
- The proposed DG Store’s sales area will be 1,700 ft. larger than the current store with wider aisles. More product will be available, including a greater variety of refrigerated foods, etc.
- DG has one semi-truck delivery per week, during operating hours. The truck services 3-4 stores per day. The store is prepared to choose the most advantageous day of the week (from the Town’s perspective) for that delivery. Mr. Biales described the truck’s entrance on N. Main St. Smaller panel trucks will also deliver during the week.
- DG is pursuing approvals – Fire Marshal, DeIDOT, Stormwater Drainage.
- DG has put deposits down on both properties and has already invested approximately \$60,000 on environmental survey/engineering/geo-tech testing and anticipates a summer 2015 opening.
- The Town can expect upgrades to the DG because it is owned by the company. I.E. they will lay sod on the property and have an irrigation system to keep it looking nice. They will take more pride in the store as owners.
- The brick color was questioned. Mr. Biales advised there are different shades available.

Commissioner Mervine asked if there will be any modifications to the turn lanes on Market. St. Mr. Biales advised DeIDOT has not advised of any changes to-date. DeIDOT will have traffic studies to review. DG has also done traffic studies on their stores; at the peak period/hour of the day, which for DG is 5-6 PM, their stores average 25 cars in and 25 cars out. At the proposed DG, this will be broken up with 2 entrances.

Tonight DG is requesting preliminary approval for the store; after which they will seek state agency approvals and return to the Commissioners for final approval. The company has submitted engineering drawings to the Town’s engineering firm, Davis, Bowen & Friedel, Inc. Mr. Jason Loar from DBF advised he has received the information and does not see any major concerns in the plan.

Solicitor Schrader reported the use of the property is permitted within the Land Use and Development Code of the Town of Bridgeville. Comments should be limited to height/area/bulk/traffic, etc. The Public Hearing was opened at 8:33 P.M.

Mr. Ralph Root from 44 Canvasback Circle asked if DG asked the current landlord if he would consider a “build to suit.” Mr. Biales responded the building and lot are too small for the new store. Additionally, DG could not wait for the structure to be demolished, followed by a new structure built.

Mr. Root advised he is on the Town’s Economic Development Committee and wondered if Mr. Biales is aware of the store’s information technology requirements. There is a new high-speed fiber link coming to the area and he wonders if the company will have need of that. Mr. Biales advised DG I.T. is all done in-house at their headquarters by satellite uplink.

Mr. Mike Ballenger from 119 N. Main St. advised the only people who received notification of the Planning and Zoning Commission meeting and this meeting tonight are those who live within a certain distance (approx. 200 ft.) from the proposed property. Mr. Ballenger added that the Planning and Zoning Commission turned this application down at their meeting and wonders how that affects what is going on tonight.

Solicitor Schrader advised the action of the P&Z Commission is not binding on the Town Commission; they can make their own decision on preliminary site plan approval, with conditions, if they so choose.

Mr. Ballenger asked if the proposed DG approval does not go through, what is the company’s contingency plan, other than suing the Town for breach of contract. Mr. Schrader advised if it doesn’t go through, that does not necessarily mean that DG has the right or the privilege of suing the Town for breach of contract. He added that Mr. Ballenger is welcome to ask Mr. Biales about contingency plans.

Mr. Biales advised he has had this discussion with DG. They cannot stay where they are at; they are unable to succeed there. They have looked at other places; however, they are in close proximity to the current store. They could go out to Route 13; however, that is not their choice. If they cannot build at this location, he believes they will go elsewhere. They would like to compete and service the local market better.

Mrs. Ruth Skala from 108 Whistling Duck Dr. advised she sits on the Economic Development Committee with Mr. Root and they have a beautiful image and a mission they are hoping to adopt this coming month and this store is not part of that image. Mrs. Skala believes people come to Bridgeville because of what she saw – beautiful Victorian homes, the park on the corner, the Historic District, a place she really wanted to live. She shops at DG, but is concerned about traffic issues. She is very concerned that the Town even considered putting DG on the corner. She is not saying she does not want them in Bridgeville; however, it is not the right location for the store.

Solicitor Schrader reminded the audience that DG is a permitted use under the Land Use and Development Code of the Town at this particular location. We are here tonight for preliminary site plan consideration, including height/area/bulk/water availability, etc.

Ms. Barbara Devine from 100 Whistling Duck Dr. agrees that DG doesn’t fit in with the plan for Bridgeville, as the traffic would be a nightmare. She believes the store would be more appropriately located out on the highway close to the Goodwill Store.

Ms. Susan Hyatt from 18 Blue Heron Ct. advised she was at the Planning and Zoning meeting and thought everyone made it perfectly clear that they don't want the DG at that location. She believes it looks like a prison and won't attract people to Bridgeville. She suggests they look for property on the highway.

Solicitor Schrader advised the Commission is only considering this site tonight and whether it meets the technical requirements. We are not here to discuss the store's business plan.

Mrs. Marge Gibson asked if the Town has a Planning and Zoning Commission, why the Town Commissioners aren't listening to them. Solicitor Schrader advised the decision is in the hands of the Town Commissioners, not the Planning and Zoning Commission.

The Public Hearing was closed at 8:43 P.M.

Commissioner Kovack re-stated the question before the Commission is whether or not they approve a Preliminary Site Plan for DG on the corner of Market and Main Sts. They must consider the height/setback/landscaping, etc. that is included in the Town Code, Chapter 234. Commissioner Kovack believes the Planning and Zoning Commission should have looked at the criteria of the Code in Chap. 234, rather than to their own personal feelings. He personally doesn't want the store at that location; however, professionally looking at what is presented to him in Chap. 234, he has to consider their preliminary plan, which meets all the criteria.

Commissioner Kovack made a motion to approve the Preliminary Development Plan with the conditions of working with the Town engineers to make sure the drainage is correct. He suggested they proceed to DelDOT and the other state agencies for approvals. He believes they have already gone through Soil Conservation and DNREC. He added that he has spoken with Planning and Zoning Commission Chairman Atwood, who agrees with Commissioner Kovack about moving forward.

Solicitor Schrader advised there may be as many as 26 state agencies that will have the opportunity to look at this development plan. It may not look the same when it returns to the Town Commission. This approval gives the developer permission to proceed with further engineering plans.

Commissioner Mervine seconded Commissioner Kovack's motion to approve. The votes were recorded as follows:

Commissioner Kovack – Yes  
Commissioner McDowell – No  
Commissioner Mervine – Yes;  
President Correll – Yes  
Commission Tassone – Absent

Motion carried 3 to 1 in favor, with one Commissioner absent.

## **B. Celebration of Halloween**

Commissioner McDowell made a motion to approve the celebration of Halloween in Bridgeville on Friday, October 31, 2014, with Trick-or-Treating from 6 to 8 PM for ages 12 and under.

Motion to approve – McDowell; 2<sup>nd</sup> – Mervine; motion carried.

### **C. RBC Repair Approval**

Town Manager Savage advised the Commissioners discussed RBC (Rotating Biological Contactor) repairs at their recent Budget Workshop. There are now 2 RBCs that are out of service at the Wastewater Treatment Plant (WWTP). One has been discarded; the other is still in the basin with a broken shaft. The Town was considering a local fix; however, they are now pursuing a company in Maine that handles RBC repairs. WWTP Superintendent Collins and Town Engineer Loar advised the company is comfortable it can repair the RBC, with a quote of \$31,543 for the repair and a site inspection of \$3,255 for a total of 34,798. The RBCs must operate for the Town to be in compliance with their NPDES permit. Town Manager Savage is seeking approval of this emergency repair. Mr. Loar advised from their research, this is the only company here in the eastern U.S. capable of handling this repair. He has checked at least one of the company's references with good results. The company will come down to inspect and it is very likely they will be able to fix the RBC on site. This is very specialized work. The company will consider bonding/warranties, although it is not typical. If these repairs/replacements are not pursued, the Town will not be in compliance concerning stream discharge.

The Town also needs to address the RBC which has been removed. The basin is empty; solids are building up and creating a treatment issue. DNREC is pressing the Town to move forward to address this problem. There are 8 basins with 6 RBCs currently in operation. 2 RBCs are new and 4 are almost 30 years old and could break at any time.

Commissioner Kovack recommended the Commission also direct Town Manager Savage to solicit bids for new RBCs to replace the old ones; it is possible we will pay less by purchasing several. He recommended continuing the stream discharge permit for emergencies, but moving predominantly to spray irrigation. The alternative is a new sewer plant, with a possible cost of \$12-16 million.

Commissioner Mervine questioned the price of RBCs. Mr. Loar advised list price for our previous RBC unit was \$125,000, not including installation; however, it was part of a state project with higher wage rates. It was noted that it takes several months to fabricate the units. Commissioner Kovack believes we have money in surplus to purchase 2 units. Mr. Loar reported installation might cost \$30,000-40,000. He added that they are considering moving the RBCs around to satisfy DNREC and the solid build-up issue, at a cost of \$5,000.

Mr. Loar advised by purchasing RBCs the Town is determining its future path in the direction of spray irrigation.

Commissioner Kovack believes the Town should repair 1 RBC and pursue bids for 2 new RBCs. Commissioner Mervine added that the Commission should meet again and review actual bids and costs before a purchase is made.

President Correll asked if Bridgeville would be in a more favorable position with DNREC if we moved forward with repairing an RBC and pursuing bids on 2 more. Town Manager Savage believes we would be in a better situation than we are now. Concerning the issue of pursuing bids, it was noted that there is only one company that makes RBCs.

Commissioner Kovack made a motion to repair the broken RBC and have Town Manager Savage investigate pricing for 2 additional RBCs; Commissioner McDowell seconded the motion; motion carried 4 in favor, with 1 Commissioner absent.

## **XI. INTRODUCTION OF ORDINANCES**

Commissioner Kovack introduced Ordinance 2014-H, An Ordinance to grant a Conditional Use of land in a TC Town Center District for a Mini-Storage Facility to be located on a certain parcel of land lying and being in the Town of Bridgeville, Delaware (Tax Map #1-31-10.16-14).

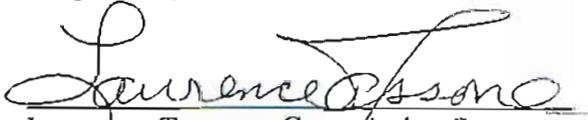
## **XII. GOOD OF THE ORDER**

There were no announcements to be made for the Good of the Order.

## **XIII. ADJOURNMENT**

Motion to adjourn – Kovack; 2<sup>nd</sup> – McDowell; motion carried 4 to 0. The meeting was adjourned at 9:13 P.M.

Respectfully submitted:

  
Lawrence Tassone, Commission Secretary

  
Peggy Smith, Transcriptionist