

MINUTES
COMMISSIONERS OF BRIDGEVILLE
January 12, 2015 – 7:00 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order at 7:00 P.M. by President Pat Correll. Present: Commissioners Sharon McDowell, Jay Mervine, Lawrence Tassone, Code Enforcement Official (CEO) Jerry Butler and Solicitor Dennis Schrader.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville, despite the absence of Commissioner Kovack and Town Manager Savage, who were absent due to family concerns.

III. APPROVAL OF AGENDA

Motion to approve the Agenda as written – Tassone; 2nd – Mervine; motion carried.

IV. APPROVAL OF MINUTES

Motion to approve the minutes from the December 8th Executive Session and Commission meeting – Tassone; 2nd – McDowell; motion carried.

V. CORRESPONDENCE

President Correll advised no correspondence was available for this meeting.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – December 2014

General Fund – \$522,491 (including checking and savings) a decrease of \$425,789 over last month

All Accounts – \$1,568,273, a decrease of \$289,894

Accounts Receivable – \$119,015

Budget Report Target – 50% (6 months into budget year)

Income – \$1,680,355 – 68% of budget

Expenses – \$1,321,376 – 54% of budget

Net Income – \$358,978

Accounts Payable

Bills – \$109,194 A portion of that total (\$79,934) will be reimbursed through loans with the State, which will be paid with future debt service payments.

Expected Expenses – \$120,600 (including health insurance, payroll, utilities, etc.)

Total estimated amount to be approved – \$229,794

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

VII. TOWN REPORTS

Commissioner Tassone questioned Solicitor Schrader about the Chancery Court hearing scheduled for January 19th concerning the structure at 10 Cook Street, Bridgeville. Solicitor Schrader advised if the judge so rules, and weather permitting, the Town will hire a contractor to demolish the building. He added the Town will pursue a lien against the title of the property and at some point in the future will be able to perfect that lien, forcing the sale of the property.

Commissioner Tassone questioned the length of time to perfect the lien. Solicitor Schrader advised it depends on the funding source. In the past the Town has received funds from the county to pay for the demolition. He doesn't believe any action has been taken by the county currently concerning this property. Per CEO Butler, Mr. Brad Whaley from the Community Development Block Grant Program (CDBG) will provide funding; however, the Town must place the lien on the property.

Commissioner Tassone questioned the Wastewater Department Report concerning the number of days of stream discharge vs. spray discharge. Davis, Bowen & Friedel, Inc. engineer Jason Loar advised it is based on usage – the Town is not spraying, but storing now, due to the weather.

Commissioner Tassone congratulated Police Chief Longo on his year-end report. He questioned to what the department attributed the almost triple increase in weapons offenses interdiction (12 last year, 35 this year)? The Chief advised there is a more efficient staff on the road and better coverage due to the "Safe Cities" program. Interdiction of weapons and drugs is officer-initiated and they have been pro-active. The stops are both in Town and on the highway. Commissioner Tassone is also pleased with the officers' community outreach.

Commissioner Tassone questioned whether the Town has received fine money for the meat truck(s) that have been canvassing Town. CEO Butler advised the drivers worked as independent vendors. One of the offenders was from Virginia and was unable to be tracked; the second was from Capital Meats in Hurlock, Maryland and he no longer works there. A fine was assessed, but not been paid. CEO Butler intends to discuss the matter with Chief Longo, who added that the Bridgeville Police will contact the Hurlock Police and Dorchester County Sheriff to serve the paperwork.

President Correll was pleased to see a report of 8 building permits in the middle of December, which is usually a slow time for building trades.

VIII. CITIZEN'S PRIVILEGE

Mrs. Jacqueline Vogle from 124 Widgeon Way asked that the Town look into an apparent problem with the water bills. It appears that there are only whole numbers on the meter readings. She wonders if the Town is rounding up or down on the numbers. She also requested that when the Town does an estimated reading, rather than an actual reading, that the word "Estimated" be noted on all water bills.

President Correll advised currently at Heritage Shores each meter is being read by a radio-read system that allows the driver to read the meters as he drives down the road, rather than having to walk from meter to meter. Radio-read meters are currently being installed in the older portion of Bridgeville, as well. The Town has, at various times in the past, estimated readings, but not recently. Mrs. Vogle was concerned that if the estimated bill was lower than actual usage, it could put the customer in a higher rate category the next month.

when exact readings take place. Commissioner Tassone advised that has only taken place when the Town has had to delay a meter reading for extra days. Water Superintendent Passwaters believes the Town Manager generally takes a 3-month average when this issue has arisen in the past. Mrs. Vogle contends the water bill should acknowledge (with the word "estimate") when an estimated reading is taken, rather than an exact reading. President Correll commented that she will discuss this issue with Town Manager Savage.

Ms. Barbara Devine from 100 Whistling Duck Dr. asked the status of her requests several months ago (1) changing the venue for Commission meetings and (2) getting a second Commissioner for Heritage Shores. Commission President Correll advised neither of the requests have been addressed and cannot be addressed until the Town has its mid-year Budget Workshop and amends the budget. The workshop date is pending.

Ms. Devine assumed that President Correll cannot address the status of the \$93,000 that will go into a fund to get the Town off of the transfer tax. President Correll advised she does not have that information at this time.

Mr. Mike Ballenger from 119 N. Main St. believes the electronic traffic signs on Market and S. Main Sts. are very effective. He asked if another sign could be installed on N. Main St. going in and out of Town. Chief Longo advised there is a portable sign that is currently on Church St. and can be moved to different locations.

Mr. Gil Wildes from 132 Emily's Pintail Dr. questioned the Dale Wheatley de-annexation request scheduled for later in tonight's meeting. He asked if that is approved, would it mean that other properties adjoining Heritage Shores might ask for the same thing. Mr. Wilson's property was mentioned; however, Commissioner Tassone advised that property is not in Town limits. President Correll reported they will discuss it in detail when it comes up on the Agenda; it is not a cut and dried procedure. She added that the Town residents will have a say in any de-annexation.

Dr. Kevin Carson from 204 Market St. suggested the long term solution to the portable radar might be the addition of a solar unit. Chief Longo advised he and Town Manager Savage agree. They will likely go through DelDOT again. The price might be \$500 – \$1,000. Dr. Carson added that Representative Dave Wilson, Senator Brian Pettyjohn and County Councilman Mike Vincent all contributed funds to this project.

Ms. Sue Hyatt from 18 Blue Heron Court brought up concerns about a new Dog Park in Heritage Shores. It was to be placed in Phase 3 of the project; however, they have placed it in an established residential area next to her property. She asked if the Dog Park had to go before Planning and Zoning. Commissioner Tassone advised it did not have to go before P&Z because it was Heritage Shores property. The developer only had to receive permission for the fence. Ms. Hyatt advised they erected the fence before they applied for and received permission for it. Commissioner Tassone reported they met the Town requirement of fencing the area. He agrees they should have applied for the fence earlier and informed neighbors. Ms. Hyatt requests that the Town initiate an Ordinance concerning Dog Parks. She added that the state has very little mention or regulation concerning this issue.

Per Commissioner Tassone there is no mention of regulations concerning a Dog Park in the Heritage Shores Master Plan. In the revised Master Plan for Phase III, there was to be a piece of land for a dog watering station. Out of nowhere came a Dog Park in the middle of Phase I between Brookfield and Ryan sales offices in the area of the gazebo, which was intended to be a mini pocket park. The Dog Park is locked and not in use.

Ms. Hyatt is a homeowner directly in the vicinity of the Dog Park and she believes there is significant liability involved. The Town will need a Noise Ordinance and liability insurance in someone's name for possible problems. She asked if there should be a limit to the number of dogs or people. She added that most dog parks are a minimum of one acre in size, with different runs for small and large dogs. Other dog parks have limitations about how many dogs a person can bring. This type of regulation is often handled by an HOA and she has been in contact with Ms. Dottie Harper from Brookfield Homes concerning many of these questions.

Commissioner Tassone admitted being shocked at the placement of the Dog Park on a main road. CEO Butler advised they applied for and received a building permit, as their request was legitimate. He believes the Heritage Shores HOA should be the organization to oversee the Dog Park.

Mrs. Vogle added the issue of parking on Heritage Shores Circle in the vicinity of the Dog Park. Commissioner Tassone advised the closest parking would be the lower level of the Club parking, a 2 minute walk.

President Correll suggested she and Commissioner Tassone contact Ms. Harper about the situation.

IX. OLD BUSINESS

There was no Old Business to discuss at this meeting.

X. NEW BUSINESS

A. Planning and Zoning Commission Annual Report – 2014

Planning and Zoning Commission Chairman, Mr. Bill Atwood, has presented the 2014 report of P&Z applications which were addressed this past year. The Commissioners had no comments or questions concerning this report.

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

B. Public Hearing, Discussion and Possible Adoption of Ordinance 2015-A “AN ORDINANCE TO REPEAL CHAPTER 138 FLOOD DAMAGE PREVENTION AND TO ADOPT A NEW CHAPTER 138 FLOOD DAMAGE REDUCTION”

Solicitor Schrader introduced Mr. Greg Williams from the Department of Natural Resources and Environmental Control (DNREC), one of the two National Flood Insurance Coordinators for the State of Delaware, to discuss the Ordinance. As background, FEMA has updated the flood insurance rate maps for the coastline of Delaware; DNREC has updated the floodplain boundaries for the Nanticoke River and Bridgeville is affected. The floodplains are not changing drastically in Town limits; outside of Town they are being changed slightly. FEMA is requiring that all Delaware communities participating in the National Flood Insurance Program review their Flood Plain Ordinance for compliance. Bridgeville joined the program in 1977, DNREC has produced a model Ordinance for Bridgeville to consider. All Delaware Towns are being solicited concerning the adoption of this Ordinance prior to a March deadline.

Solicitor Schrader questioned how many of the 26 Sussex County municipalities have adopted the Ordinance to-date. Mr. Williams advised 5-6 communities have and the County is about to adopt the Ordinance.

Solicitor Schrader asked that Mr. Williams explain “freeboard”. Mr. Williams advised freeboard is a federal requirement. If your home is constructed in a floodplain, the floors must be built at or above the base flood elevation. Bridgeville has adopted an Ordinance at 12” of free board. The contractor must build one foot higher than the 12” freeboard number. (Most Kent County communities adopt 18” freeboard.) The reason for the added measure is to reduce the risk for flood damage. If the floor is at the base foot elevation, everything below that (floor joists, insulation, drywall, ductwork, etc.) will get wet. Building a floor one foot higher will reduce the risk of damage to the home and reduce an insurance claim. Mother Nature is not paying attention to FEMA’s maps, but added protection for the homeowner is important, as this is not an exact science.

Solicitor Schrader questioned that the adoption of this Ordinance with National Flood Plain Insurance will have an effect on the flood insurance available within the Town of Bridgeville. Mr. Williams advised that is correct. The higher the freeboard the less insurance premiums will be. If the Town has an Ordinance, homeowners are eligible for federal flood insurance. If you build at 12” freeboard, your federal flood insurance premiums will be cheaper because of the decreased risk of flood. Solicitor Schrader added that anyone who borrows money to build, construct, remodel, etc. with a federally insured (regulated) lender has to have flood insurance. This program is mandatory; every Town that has flood plain within its corporate boundaries participates.

Solicitor Schrader asked how many properties in Bridgeville are actually affected by this Ordinance. Mr. Williams was uncertain. Solicitor Schrader believes there is only one property and it is municipally-owned. President Correll concurred.

Commissioner Tassone questioned, as a homeowner with flood insurance, under what circumstances he can make a claim. Mr. Williams advised the definition of a flood is “two or more adjoining properties involved”. It could mean a water main break in the street; it doesn’t need to be a federally-determined disaster or state of emergency. There are different coverages, i.e. building coverage or content coverage. Only mechanical coverage is allowed in a basement. He suggested going to FEMA’s flood insurance website www.floodsmart.gov. Mr. Williams admitted that flood insurance is a complicated subject.

Solicitor Schrader reported you cannot purchase flood insurance less than 30 days prior to a storm, meaning you can’t become insured when a major storm is in the weather forecast.

Mr. Harvey Lieberman from 140 Widgeon Way questioned the price of flood insurance. It depends on the type of coverage chosen, but runs \$500 – \$1,000 per year, if you are in a high-risk area. FEMA believes everyone is in a flood plain; however, it may be low-moderate-or high risk. If you are in a very high risk area, the cost could be \$5,000 – \$7,000.

Mr. Gil Wildes questioned whether a house built on a slab can purchase flood insurance. Mr. Williams advised that is true.

Commissioner Tassone commented one of his neighbors had flood insurance and then found out that he wouldn’t receive benefits unless the Governor declared a disaster area. He later found out that isn’t true.

Mrs. Vogle questioned a cap on flood insurance: \$250,000 on residential structures, \$100,000 on contents coverage and \$500,000 on commercial structures. Private insurance is available, but costly.

Mr. John Gladmon from 114 Market St. questioned if it is mandatory that the Town participates in this program. Mr. Williams advised it is voluntary; however, if it didn't participate, the flood insurance wouldn't be available for Bridgeville residents and the Town would not be eligible for disaster assistance. Per Solicitor Schrader, what makes it mandatory is the lack of ability to get federally insured loans without it. Mr. Gladmon asked if it made any difference if the freeboard is 12" or 18". Mr. Williams advised 18" is better due to the added height. From an insurance standpoint, 18" is considered 2 ft. and you can save money.

Solicitor Schrader advised Sussex County is considering its flood insurance recommendation currently, as are coastal communities. According to Mr. Williams, some Towns have very tight restrictions. If Towns want to increase the freeboard to 2 ft., the county would possibly accommodate by increasing height restrictions.

Mrs. Vogle questioned coastal community housing. Solicitor Schrader advised most buildings are on pilings, not built on slab and they must have a flood certification survey to show the first-floor elevation plus additional requirements. Heritage Shores homes are built on slab and if they were in a floodplain, there would be a different construction standard applied to the houses. It was clarified the first floor elevation is built above the flood plain.

There being no further questions, the Public Hearing was closed at 7:51 P.M.

Motion to adopt the Ordinance to repeal Chapter 138 Flood Damage Prevention and to adopt a new Chapter 138 Flood Damage Reduction and to change the Ordinance number from #2015-A to Ordinance #15-1 – Tassone; 2nd – Mervine; motion carried.

C. 2014 EM Funds Contribution

President Correll advised the EM Fund is distributed yearly to the Bridgeville Volunteer Fire Company. The Fire Company has submitted a funding request which details how the monies have been used in past years and their intention for this year. This year's contribution will assist in the purchase of a new \$744,259 Pierce Rescue/Pumper to replace their 1990 Rescue Truck. The Commission will present the \$32,000 fund check at a dinner later this week.

Motion to approve the EM Fund contribution – Tassone; 2nd – McDowell; motion carried.

D. DelDOT Safe Routes to School Project Agreement

President Correll introduced Superintendent Heath Chasanov from the Woodbridge School District, as well as Bridgeville Street Superintendent Rick Passwaters and Ms. Sarah Coakley.

Ms. Coakley advised in fall 2003 the Bridgeville Town Manager and Woodbridge School District staff asked for assistance from DelDOT concerning the intended change of the Woodbridge High School to a Middle School campus and the resulting younger student population walking to school. Of greatest concern was the corner of Edgewood and S. Main Sts. where there are no pedestrian crosswalks and a large contingent of students crossing there from nearby subdivisions and apartment complexes.

A traffic study was conducted and funding was requested from the "Safe Routes to School" program, a 100% federally-funded program that provides up to \$125,000 for projects. DelDOT is taking over the administrative portion of the project and is reimbursed from the federal government. They design, bid and manage the construction of the project. (DelDOT will maintain the roadway curb to curb) and the Town will maintain the sidewalk and signage.

Crosswalks (curb ramps) on Main St. must be revised in this project. Piano key crosswalks will be installed and school crossing signs will be added. Drainage will likely need to be adjusted in that area. The curb ramps are ADA sloped ramps.

Street Superintendent Passwaters advised he has had discussions with Ms. Coakley concerning all aspects of the improvements. Proposed bump-outs were eliminated, as the buses could not make the turns required, based on a turning template analysis. There will be fluorescent signs, but no flashing lights at the intersection.

Per Ms. Coakley, DelDOT will be responsible to install the ramps, crosswalks and signage. Afterwards, the Town will assume maintenance. They anticipate more than 20 students using the crosswalks.

CEO Butler asked if DelDOT had been in communication with Elizabeth Landing management, which is where the students live. In the recent past CEO Butler was going to start fining the management for the trash that accumulated from the students. The owner of that property, Delmarva Rural Ministries, was considering closing off that fenced pathway for the students at that time, due to the excess trash.

Solicitor Schrader remembers contacting Delmarva Rural Ministries at that time and believes they changed their minds about closing the pathway. Ms. Coakley advised the owner has received written information concerning this plan; however, she will contact them directly about future use of the fenced path and the proposed crosswalk.

Superintendent Chasanov has been pleased with the project and thanked the Town for looking out for the safety of the students.

This review has been for information only. No vote needs to be taken at this time and the project will continue to move forward.

E. Wheatley De-Annexation Request

Solicitor Schrader advised on November 25, 2014 Wheatley Farms, Inc. sent the Town Manager a letter requesting that 4 parcels (Tax Map #1-31-18.00 Parcels 22.00, 28.00 and 35.00 and Tax Map #1-31-19.00 Parcel 8.00), annexed into Bridgeville as a part of a Residential Planned Community, be removed from the Town (un-annexed or de-annexed). Currently the parcels are zoned AIOZ (Agricultural-Industrial Overlay Zone) and the property is slated for Agricultural Preservation. Solicitor Schrader advised a de-annexation requires three steps (1) Commissioners of Bridgeville must approve by Resolution and by a majority of members that the property be taken out of Town limits. (2) A Referendum of all qualified voters and real estate owners in the Town must be conducted (3) Delaware General Assembly must take action to amend the Town Charter to remove the property from Town. Solicitor Schrader advised over the last several hundred years in Delaware, a de-annexation has been approved twice. He asked the Commissioners of Bridgeville if they wish

to have this property de-annexed. They will lose revenues; the property will go back into the county zoned at a compatible zoning district; it is their call.

President Correll reported Mr. Wheatley has paid the required \$1,500 to present this request to the Town Commission. Per Solicitor Schrader, if the Town accepts this request, the matter would go to Referendum. President Correll added that the Town Charter would have to go to the House/Senate at the State level for approval. She encouraged the Commission to make a decision concerning this request by February, as she doesn't believe the General Assembly in Dover would entertain this type of request in April/May/June.

The cost of a Referendum was questioned. It was clarified the \$1,500 fee covers the cost of advertising, employee time, attorney fees, etc. President Correll believes the Wheatley property has been listed as a permanent Ag Preservation property, but does not believe it has gone to settlement yet.

Solicitor Schrader advised before the Commissioners make a decision they should know that there is no compulsory annexation in this Town. If this property is removed from the Town, it will never come back unless the property owner applies for annexation. He added there are economic factors (taxes, etc.) in this request; the economic benefits and detriments must be taken into consideration.

According to Solicitor Schrader, for the property to go into a Preservation District, it must be voted upon favorably by the Delaware Agricultural Farm Preservation Trust, by the local jurisdiction and a third body. Solicitor Schrader believes the current zoning on the property is R-1/AIOZ, as the RPC has been revoked. The property does pay taxes to the Town and Mr. Wheatley is farming it. Commissioner Tassone wants to determine the loss of revenue impact to Bridgeville before making any decisions.

Commissioner Mervine questioned the benefit to Mr. Wheatley. Currently he is farming and paying taxes to the Town and county. Solicitor Schrader advised if Mr. Wheatley de-annexes and goes into the county he will be in the Farmland Evaluation Act, which will give him a reduced tax rate; however, if he wants to sell or develop the land in years to come, he would have to pay rollback taxes for either five or ten years at the value the land holds when he takes it out of agriculture.

President Correll was concerned about what kind of sewer Mr. Wheatley's "Clearbrooke Estates" development has, which is right across the road from the Wheatley property being discussed this evening. CEO Butler advised that development has septic systems and Tidewater provides its water.

Commissioner Tassone believes the Commissioners need additional information before they decide on a course of action concerning a possible de-annexation, as this may not be beneficial to Bridgeville. Solicitor Schrader recommended waiting a month so that Town Manager Savage can calculate the economic impact of inclusion or non-inclusion of the property.

Motion to table this discussion – Mervine; 2nd – Tassone; motion carried.

XI. INTRODUCTION OF ORDINANCES

There were no Ordinances to be introduced at this meeting.

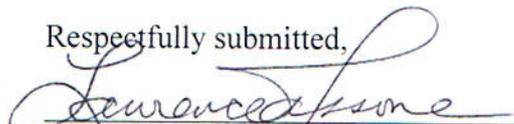
XII. GOOD OF THE ORDER

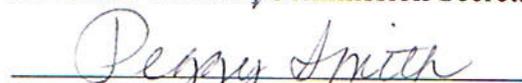
There were no announcements to be made.

XIII. ADJOURNMENT

Motion to adjourn – Mervine; 2nd – McDowell; motion carried. The meeting was adjourned at 8:25 P.M.

Respectfully submitted,


Lawrence Tassone, Commission Secretary


Peggy Smith, Transcriptionist