

**MINUTES**  
**COMMISSIONERS OF BRIDGEVILLE**  
**November 10, 2014 – 7:00 P.M.**  
**TOWN HALL**

Minutes corrected – pg. 4 “Citizen’s Privilege” - 12/8/14

**I. CALL TO ORDER**

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Sharon McDowell, Paul Kovack, Jay Mervine, Lawrence Tassone, 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.

**III. APPROVAL OF AGENDA**

Commissioner Mervine made a motion to amend the Agenda to allow the DFIT Trust Agreement presenters (New Business A) to go first. Motion to approve – Mervine; 2<sup>nd</sup> – McDowell; motion carried.

**X. NEW BUSINESS**

**A. DFIT TRUST AGREEMENT – DELEA**

Town Manager Savage introduced Mr. Eugene Dvornik, Jr., Town Manager of Georgetown and trustee for the DELEA Founder’s Insurance Trust program, to present this insurance program to the Commissioners. He also advised the Town has been approved for acceptance into this workers’ comp insurance program, should the Commissioners choose to have the Town employees participate. Mr. Dvornik introduced Ms. Theresa DiSanto from Strategic Insurance Partners, program administrator.

As background, Georgetown is a charter member of DELEA Founders Trust, one of the original municipalities in the organization. Except for 2009, when there was a catastrophic event (fatal shooting of Police Officer Spicer), the organization has had a tremendous return of premium. The Trust is led by various Sussex Towns and the Delaware League of Local Government (DLLG). Many members of the Sussex County Association of Towns (SCAT) serve as officers and trustees.

Mr. Dvornik shared a portion of Georgetown’s history in this organization and the savings and benefits they have realized. The money is set aside in sub-accounts for municipalities in PNC Bank; the program’s trustees elect who may join. It is a group with common issues, which accounts for their success. Kent County is the largest participant.

Ms. DiSanto advised this self-funded group has performed very well since 2008 and the group is self-insured as of September 1, 2014. Joint insurance funds across the country are standard. The program has been well-vetted and has gone through 14 insurance regulators and the Insurance Commission. Quarterly meetings are open to all and a safety meeting is held several times each year to discuss relevant topics. Rebates are kept at PNC Bank in individual accounts. The insurance group is highly regulated by the Departments of Labor and Insurance. There is an umbrella policy for personal protection.

December 11<sup>th</sup>. They expect Town employee participation in the quarterly meetings and for the monthly safety meetings. Bridgeville's quote for the first year has been revised and is the same as the Town is currently paying. It was clarified that the Town employees would not be eligible for workers' compensation increases. Ms. DiSanto advised with surplus funds from year to year the Town will experience lower rates.

Bridgeville has gone through the vetting process, passing a risk control inspection and has been approved by the nine trustees. Per Ms. DiSanto, safety and risk control is an extremely important part of the program; establishing a culture of safety is important.

Mr. Dvornick was asked if he has seen any disadvantages in this program. He advised he has not seen any downside since Georgetown became part of the program in 2008. President Correll has also heard very good reports about the program.

Town Manager Savage reached out to our current agent about 6 weeks ago concerning the DFIT program. He heard back from the agent earlier today, who is checking into it and asked that we delay our decision until December.

Town Manager Savage believes the benefits surpass the premium; the whole DFIT program is important. We know the board members and we would have a representative. The safety meetings would be very helpful. Commissioner Mervine has spoken with the Town's insurance carrier and understands they are expecting a 2<sup>nd</sup> quote in approximately 10 days; we qualify for an insurer now that we didn't qualify for in the past. Town Manager Savage advised the Town's modification factor has varied, which is important in insurance company's' evaluation of our risk. The agent may get us a better quote, but it likely won't last over a year.

President Correll reminded the Commissioners that this quote expires December 12<sup>th</sup> and the next Commission meeting is December 11<sup>th</sup>. Ms. DiSanto added there is a lot of time-sensitive paperwork to accomplish to accept Bridgeville into the program. It took 6 months of work to be able to offer the program to the Commissioners tonight.

Commissioner Tassone believes we should proceed with a decision. This program has the safety the Town needs and removes us from being under the State Insurance Commissioner; it provides benefits we don't currently have. It was clarified that Blue Cross Blue Shield is the third party administrator.

Motion to approve the Town's participation in the DFIT group self-insured program – Tassone; second – Kovack; motion carried.

Town Manager Savage will proceed with signing and submitting the Trust Agreement. Commissioner Kovack recommended that Town Manager Savage become our representative to the DFIT program. Town Manager Savage reported he would be happy to serve in that capacity and has already received agreement from our most tenured employee, Phillip Mowbray, to serve as the safety representative for the Town.

#### **IV. APPROVAL OF MINUTES**

Motion to approve the Minutes from the September 8<sup>th</sup> Executive Session, the October 9<sup>th</sup> Special Meeting concerning the Heritage Shores Special Tax District Bonds and the October 13<sup>th</sup> regular Commission meeting – Tassone; 2<sup>nd</sup> – Mervine; motion carried.

#### **V. CORRESPONDENCE**

Town Manager Savage advised the Commissioners have been invited by Sussex County Administrator, Mr. Todd Lawson, to the annual “Caroling on the Circle” event on December 8<sup>th</sup> at 6:30 P.M. Unfortunately, it is the same evening as our monthly Commission meeting and we will not be able to attend.

The Town has received a thank you note from the Morning Star Publications for its continued participation in the “Newspaper in Education” program. We donate approximately \$200.00 annually to provide 250 weekly newspapers to local schools for education programs.

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

Balance Sheet – October 31, 2014

General Fund – \$1,027,741

Reserve Accounts – \$747,473

Accounts Receivable – \$204,980 (As of Oct. 31<sup>st</sup>, there was still \$47,000 outstanding in property taxes, which is now down to \$13,000, or 2%)

Budget Report Target – 33% (4 months into the budget year)

Income – \$1,418,324 (58%) Expenses – \$739,417 (30%)

Net Income – \$678,907

Accounts Payable

Bills – \$17,433 Expected Expenses – \$111,600

Amount to be approved – \$129,033

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

Commissioner Mervine questioned the status of the new water main project on Walnut St. Town Manager Savage advised the water main was connected to Main St. today. The pipe is in the ground awaiting bacteria test results, followed by individual connections to the homes.

#### **VII. TOWN REPORTS**

Town Manager Savage advised we have received a one-year limited warranty on the RBC repair. The price was approximately \$32,000.

Commissioner Tassone questioned the Conservation District’s comments concerning changes to Dollar General’s underground storage. Per Town Manger Savage, it concerns stormwater management.

President Correll advised the new Wawa opened on Friday November 7<sup>th</sup>. Town Manager Savage added that he, Police Officers Longo and Wilkes, along with Commissioners Mervine and Kovack participated in a hoagie building contest against the new store employees. The Town won with 25 hoagies

made (possibly 2 edible). The Police Department and Wawa raised \$2,000 for St. Jude's Children's Research Hospital.

Commissioner Kovack questioned police information he sees in the News Journal. Chief Longo advised the Bridgeville Police sends information to the state, which might be the source for the information he read.

President Correll commented on the large number of building permits during September (21).

Commissioner Tassone questioned the Street Report which stated we assisted in cleaning up 24 Church St. with the backhoe. Town Manager Savage advised we maintain the abandoned property and levy charges against it in the event of a sheriff's sale.

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

Ms. Barbara Devine from 100 Whistling Duck Dr. asked for serious consideration of changing the monthly Commission meeting venue. Many people want to participate, but believe it is too crowded at Town Hall. Other possibilities include the library, fire hall and churches. It would be greatly appreciated if a larger space could be used.

Ms. Devine has talked with Town Manager Savage and learned about the Ordinance process that the Town follows. She also requests that the Commissioners allow Heritage Shores to have a second Commissioner, whether by Ordinance or Charter change. She advised she is not pleased with Heritage Shores' representation and feels that the development has not had a say in decisions. She represents others who are in agreement with her and want her to represent them.

Mr. Bill Atwood from 113 Emily's Pintail Drive publically acknowledged the contributions made by the Town Commissioners to the recent Army Band Concert. **\*\$5,000 (not \$500)** in proceeds from the concert is being distributed to four veterans' organizations (including the local Home of the Brave). He appreciates the Commission's contribution.

## **IX. OLD BUSINESS**

### **A. Bike Path Easement**

Town Manager Savage advised the proposed easement was prepared by Brookfield Homes' attorney, which would give the Town a temporary construction easement and a permanent bike path easement for the north boundary of the Heritage Shores property. A bike path is to be completed from the Bridgeville Public Library to the substation on Wilson Farm Rd., where the current bike path ends.

Commissioner Kovack believes it is appropriate to turn this issue over to the Town Attorney for review, as it involves a pedestrian/bike path, which needs to follow ADA guidelines.

Town Manager Savage advised the Town is concerned about liability issues (ADA) if we take over the path. The Developer's Agreement states the Town will take over responsibility for this bike path. There is also concern from the Town's Code Department concerning ADA requirements.

Commissioner Tassone wondered if it is common for bike paths to include pedestrians. Town Manager Savage believes any bike path will also have foot traffic. DNREC has always used the term “pedestrian” when they have talked about the path, per Town Manager Savage. To Commissioner Tassone, “ADA” means wheelchair accessible and other matters of compliance. Town Manager Savage reported he has been told it must be ADA compliant.

President Correll advised she is in favor of the bike path; when they borrow money for it, we will need to go by their rules.

Town Manager Savage suggested dividing the path for now and only working on the northern boundary (new section) and waiting until it is finished to consider the entire bike path.

Ms. Dottie Harper from Heritage Shores believes the language we use is important. If we use the word “pedestrian” we will need to make the path ADA compliant. The current path is called a “Bike Path” and doesn’t include words such as “hiking” or “pedestrian”. The Town can choose to use its words carefully and exclude pedestrians. The Commissioners generally agreed.

Ms. Harper has not been able to find past correspondence, but believes the original agreement was when the back entrance to Heritage Shores is brought up to DelDOT specs and turned over to the Town, the bike path will be part of that “turning over” event. They don’t have an objection to waiting for the turning over of the bike path to the Town.

Town Manager Savage advised there is concern about the grass maintenance in the bike path area. President Correll added there are a lot of trees and grass to be cut.

Per Town Manager Savage the bike path is 10 ft. wide, with a 5 ft. easement on either side; therefore, there is no additional area to maintain; we do not need a devil strip.

Commissioner Tassone believes we will only need to consider ADA requirements if we mention the word “pedestrian” in the title. Town Manager Savage agrees; in the original documents only “bike path” was used. It was suggested that the width be staked so there is agreement with the path width and easement. The entire 20 feet will be determined and Heritage Shores will continue to mow the entire 20 ft. to avoid trees/bushes growing up in the easement area. It was clarified that the estimate the Town received included clearing the present trees.

Commissioner Tassone recommended using gravel in the 10 ft. easement; however, Ms. Harper believes gravel is more problematic than grass.

Motion to table this discussion until Solicitor Schrader can research requirements for the bike path further – Kovack; 2<sup>nd</sup> – McDowell; motion carried.

## **B. RBC PURCHASE**

Town Manager Savage reported the Town has received an estimate for a new Walker RBC for \$150,000 to fill the vacant spot in the Wastewater Treatment process. Installation is expected to run approximately \$10-20,000 additional. Reserve funds are available; however, we need to consider the costs of the current Walnut St. project, the alarm system upgrades and the replacement water meter project. We

are also awaiting the final bill for the Mill St. pavement project. We are using our reserve funds, which currently total \$747,000, as interim financing to avoid a temporary loan from the bank. We have \$275,000 in approved capital projects to be spent, with a balance of \$500,000. Spending \$160,000 would decrease the reserve fund to \$340,000.

Commissioner Kovack commented we will be realizing an increase in cash flow to fund these projects, due to the increase in meter charges that has gone into effect, along with an increase in transfer taxes. He believes it would be wise to buy the RBC and appease DNREC.

Per Town Manager Savage, the repaired RBC is working well. We need to move one RBC to improve the process and satisfy DNREC. He recommends waiting until these other projects are completed to avoid a cash flow problem. Commissioner Kovack suggested giving approval for the purchase now and buying when the other projects are completed.

Town Manager Savage advised DNREC was okay with a vacant spot where the removed RBC had been, as long as the Town addressed the solids forming on the top; however, they could choose to enforce our permit to the letter; the entire plant must be running according to the permit.

DBF engineer Jason Loar understands it would take 8-12 weeks to have a new RBC on site. The Johnston Company was the sole source manufacturer for our previous RBCs (\$339,000 for 2 RBCs with contractor mark-up in 2007).

Commissioner Tassone believes we are in a vulnerable position if there is another break. Per Mr. Loar, we are stressing the system (not operating optimally) due to the missing RBC.

President Correll recommends adding a new RBC to the capital program. Town Manager Savage advised the Town will need to advertise the project and receive bids before the Commissioners make their final decision about the RBC move.

Motion to authorize Town Manager Savage to add a new RBC to the capital plan and when most advantageous, purchase the additional RBC; 2<sup>nd</sup> – Kovack; motion carried.

## **X. NEW BUSINESS**

### **A. DFIT Trust Agreement – DELEA**

Placed earlier in the meeting.

### **B. Planning and Zoning Commission Re-appointments (Atwood / Banks)**

Town Manager Savage advised the terms of two Planning and Zoning (P&Z) members expire in December – Mr. Tim Banks and Chairman Bill Atwood. Both gentlemen have been approached about serving a three-year term and are interested in continuing.

Commissioner Kovack advised Mr. John Gladmon from Market St. is also interested in serving on P&Z in place of Mr. John Shockley, who has resigned from P&Z. Mr. Gladmon has come to the meeting, as he has not received a response to his letter of interest. Commissioner Kovack advised Mr. Shockley was in

Commissioner McDowell's district and was a member of the Historical Society. It may be that she would like to nominate someone from her district to serve on the P&Z. Town Manager Savage added that the P&Z was originally set up with one member from the Fire Company and one from the Historical Society. The Commissioners may want to contact the Historical Society concerning their interest in providing a candidate for the opening.

Commissioner Tassone believes P&Z requires a certain amount of expertise; background should be the deciding factor, rather than where you live. Town Manager Savage agrees that qualifications should prevail over association. Commissioner Mervine added that since this is the Historic District, he has no problem with a representative from the Historical Society serving, as there are already several people on P&Z with planning backgrounds. Mr. Gladmon has a history background.

Mr. Gladmon advised when he joined the Historical Society he talked to the Howard Hardestys and they seemed happy to have him appointed to P&Z; however, there is nothing in writing from them.

Town Manager Savage advised this item is not on tonight's Agenda and it was determined that the matter would be considered at the December meeting. He added that he would contact the Historical Society concerning the appointment.

Motion to approve the re-appointments of Mr. Atwood and Mr. Banks – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

#### **C. Board of Election Appointment (Kover)**

President Correll advised Mr. John Shockley has also resigned from the Board of Election and Mr. Donald Kover has submitted a letter of interest in the appointment.

Motion to appoint Mr. Donald Kover to the Bridgeville Board of Election – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

#### **D. Economic Development Committee Mission Statement**

President Correll advised the new Economic Development Committee has proposed a mission statement for their organization and requests its consideration by the Commissioners. Commissioner Tassone, representative for this committee, advised Mrs. Ruth Skala and several others formulated the mission statement. (copy attached to the permanent Minutes)

Commissioner Tassone questioned Solicitor Schrader as to whether this statement should be a part of the Town's Charter. Solicitor Schrader advised it would not be added to the Charter.

Motion to adopt the Economic Development Committee Mission Statement – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

Concerning the Mission Statement, Mrs. Skala advised they gathered three long-term and three new Bridgeville residents and asked them the following questions: "How do you envision Bridgeville in 5 years and what does the Economic Committee have to do to make it happen." The results of that survey are embodied in the Mission Statement. She advised the Town missed out on the Delaware Downtown District

monies. She suggested the Town complete that application for the next round of money available, possibly in 8 months. They need to determine what they would like the downtown district to be and a handbook would be developed to help new businesses through the application process downtown and on the highway.

#### **E. Veterans Day Proclamation**

Commissioner Tassone read the Veterans Day Proclamation announcing its observance on November 11<sup>th</sup>. Motion to adopt the Ordinance acknowledging our Veterans – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

President Correll recognized all Veterans in attendance at the meeting. Commissioner Tassone advised there will be a dedication on November 11<sup>th</sup> at the Heritage Shores flag pole at 10:00 A.M. The flagpole will be dedicated to a Marine Veteran who is very ill, Mr. Brendan Lynch, who has been “the keeper of the flag” for the past 8 years.

#### **F. Pancreatic Cancer Proclamation**

Commissioner Tassone read the Pancreatic Cancer Proclamation proclaiming the month of November 2014 as Pancreatic Cancer Awareness Month in Bridgeville. Motion to adopt the Ordinance – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

### **XI. INTRODUCTION OF ORDINANCES**

There were no Ordinances to be introduced at this meeting.

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

Commissioner Kovack requested that Town Manager Savage continue to prepare legislation concerning noise for the December meeting. Town Manager Savage advised he will pursue the request.

Commissioner Kovack asked the Commissioners to consider another look at the current Vehicle Take Home policy for the Police Department, which allows officers to take home their police vehicles after three years of employment. He would prefer discretion be given to the Police Chief concerning take home vehicles, based on performance standards.

Commissioner Kovack believes other Town Police Departments are looking at Bridgeville as a training ground for new officers for them, because our officers are well-trained, exceed their standards of performance and can be lured with take-home cars. Several nearby Towns have lost officers and are looking locally for trained replacements. He doesn't want Bridgeville to lose good, trained officers over the issue of take-home cars. Commissioner Kovack believes another Town already has their eyes set on one of our officers and will pay-off what the officer would owe Bridgeville to leave early. As of March 2015, our new officers will have been here two years.

Per Town Manager Savage, this matter would be changing an existing policy. He trusts our officers would give us the opportunity to re-consider our policies rather than accept new jobs.

Commissioner McDowell believes Chief Longo is competent to make decisions for the department concerning take-home vehicles. Town Manager Savage advised there are monetary and insurance aspects to this decision, as well. He believes there are also other Town employees to consider.

President Correll believes the Chief should keep the Town Manager in the loop about officers' concerns and changes in other Police Departments. Chief Longo is on the officers' side, as the department has reduced crimes 16% from 2013 and increased their counter drug offenses and weapons offenses. They have also pulled 35 weapons off the streets (192% increase) and handled 391 drug offenses.

Chief Longo doesn't want to lose another officer like they lost Officer Baker. He doesn't want to wait until it's too late or wait until officers come to the Commissioners with an ultimatum. Since the Chief has implemented performance standards, all officers have met and exceeded them.

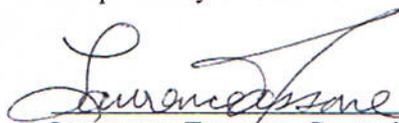
Commissioner Mervine believes each officer would have a laundry list of reasons why they would leave their employment, one of which would be a take-home car. He finds it hard to believe that they would leave just because of the car.

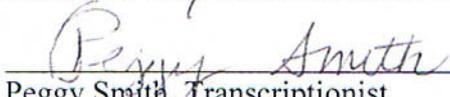
Commissioner Kovack believes we offer a competitive wage; however, we haven't offered a take-home car and can't offer unlimited overtime like Greenwood does. He asked that the Commissioners consider this issue.

### **XIII. ADJOURNMENT**

Motion to adjourn – Kovack; 2<sup>nd</sup> – McDowell; motion carried. The meeting was adjourned at 8:47 P.M.

Respectfully submitted:

  
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Lawrence Tassone, Commission Secretary

  
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Peggy Smith, Transcriptionist