

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
March 9, 2015 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

Minutes corrected 4/13/15 – pg. 1 “Approval of Minutes”

The meeting was called to order at 7:00 P.M. by President Pat Correll. Present: Commissioners Sharon McDowell, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and 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. COMMISSIONER OATHS OF OFFICE

Oaths of Office were administered to returning Commissioner Sharon McDowell, who ran uncontested for the District #5 Commission seat, and new Commissioner Kevin Carson, who ran uncontested for the District #4 Commission seat.

IV. APPOINTMENT OF COMMISSION OFFICERS AND STAFF

Commissioner Mervine made a motion to appoint Pat Correll as Commission President, Sharon McDowell as President Pro Tempore, Lawrence Tassone as Commission Secretary, Jesse Savage as Town Manager/Finance Director, Dennis Schrader as Town Solicitor and Jason Loar from DBF, Inc. as Town Engineer. Motion was seconded by Commissioner Carson; motion carried.

President Correll acknowledged her appreciation of Dr. Carson running for the 4th District Commission seat and welcomed him. She also welcomed Mrs. McDowell to another 2-year term and expressed appreciation to all of the Commissioners for their support this past year and for all that has been accomplished.

V. APPROVAL OF AGENDA

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

VI. APPROVAL OF MINUTES

Motion to approve the minutes from the February 5th Budget Workshop and the February 9th Commission meeting – Tassone; 2nd – McDowell; *Motion carried 4-0-1 (abstention by Commissioner Carson).

VII. BRIDGEVILLE BRANCH STREAM RESTORATION PROJECT

The State is preparing to begin a project on the Bridgeville Branch between N. Main and Cannon Sts. Planning Technician Mr. Jason Strauss and Mr. Brooks Cahall, Program Manager for DNREC’s grant program, were in attendance to explain the project to the Town. No approvals are required from the Town. The project involves bank erosion in this channel of the Bridgeville Branch Tax Ditch. The most

significant changes in the ditch are around the Bridgeville Cemetery. Rivers and channels like to meander; however, water moves more quickly in a straight line. The current bank erosion is caused by the river reverting to a meandering pattern of water movement. The intention is to control the path of the stream and to use vertical elevation to keep the waterway straight to protect the banks. The channel will also be broadened. New plantings and vegetation will be added and DNREC will be responsible for maintenance for the first 5 years. Mr. Cahall advised the sanitary line from Greenwood crosses the ditch and they intend to encase it for added protection and also add plantings to keep it in place.

The project cost is over \$700,000; however, no funding is required from the Town. Funding will come from:

- 21st Century Funds
- Water Infrastructure Advisory Council (Water Quality Improvement Grant)
- EPA 319 Non-Point-Source Pollution Funds (for plant materials)
- Community Transportation Funds (Representative Wilson/Senator Pettyjohn)

They are also working with the U.S. Fish and Wildlife Service on the Nanticoke River tax ditch between Redden and Fawn Roads and look forward to having 2 projects that they can use as demonstration projects concerning a different way to do drainage.

Commissioner Mervine mentioned the excessive debris that collects around the bridge at N. Cannon St. Mr. Cahall is aware that the bridge washed out in 2006. They have had a consultant look at the area for size options and discovered that the costs are prohibitive at this time. If FEMA funding should become available, they are aware that this area needs to be addressed.

Commissioner Carson questioned whether they have other sites where these applications have been used, since they are considering this a demonstration site. Mr. Cahall advised they also have an agricultural setting in Kent County on Fish and Wildlife property. Nationally there are many examples. The Bridgeville and Nanticoke projects will be the first wide-scale projects that DNREC has done.

Commissioner Carson questioned an anticipated lifespan for the project. Mr. Cahall suggested the expectation is 40-50 years; it will be somewhat determined by how the plant materials are maintained. They intend to use the stream mechanics to their advantage in maintaining the system.

Commissioner Carson asked if the Kent County location has had to endure a 100-year storm. Mr. Cahall advised it has. He added that beavers like to block-up the culverts in this official wildlife area.

It was questioned whether a feasibility study was required. The engineering consultant did study the whole project as part of the design process. Mr. Cahall added that the next step will be to look at the section of the tax ditch from N. Main St. to U.S. Route 13 and the area of the Town's Wastewater Treatment Plant, per Town Manager Savage's request. The Town will not have the responsibility to maintain the tax ditch.

VIII. CORRESPONDENCE

Town Manager Savage advised a letter has been received from the Glenna J. Smith Revocable Trust and Robert D. Smith, III (PIDN #131-10.20-105 – 502 S. Main St.) requesting annexation into the

Town of Bridgeville. The Town has received the annexation fee and has requested more information from Mr. Smith to move forward on the request. Once the information is complete, the Commissioners will be required to sign a Resolution authorizing an Annexation Referendum for a Town-wide vote. Per President Correll, Mr. Smith is interested in receiving Town water and sewer.

The Town has received a letter from FEMA acknowledging that our recently adopted Flood Plain Ordinance is in compliance with the National Flood Insurance program and they commend the Town for its efforts to reduce future flood losses.

The Commissioners have received an invitation from the Sussex County League of Women Voters to a Land Use Committee Forum on March 18th from 7-9 P.M. at the council chambers in Georgetown. This is one of several land use forums that will take place in preparation for developing the county's 2018 Comprehensive Plan. A meeting will be scheduled in each of the state's counties.

IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – February, 2015

General Fund – \$271, 826, a decrease of \$70,190 over last month

Library Fund – \$2,866

All Accounts – \$1,318,202, a decrease of \$69,879

Accounts Receivable – \$261,807

Budget Report Target – 67% (8 months into budget year)

Income – \$1,989,647 – 81% of budget

Expenses – \$1,703,167 – 69% of budget

Net Income – \$286,480

Accounts Payable

Bills – \$5,536.

Expected Expenses – \$164,200 (including health insurance, payroll, utilities, etc.)

Total estimated amount to be approved – \$169,736

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

Commissioner Carson asked who the liability insurance carrier is for the Town. Town Manager Savage advised it is CNA.

X. TOWN REPORTS

President Correll questioned Police Chief Longo about activities in the department. He advised the department's noticeable increase has been in the area of drug interdiction.

President Correll wanted to acknowledge our Town employees who have kept the streets clean during the recent snow events. She added that other Towns have commented on Bridgeville's extra efforts keeping the streets clear.

Commissioner Tassone questioned Chief Longo about a fight which took place at an area Royal Farms. Chief Longo advised the Bridgeville Police Department was asked to assist an agency in another Town, which they were glad to do.

Commissioner Carson congratulated the Street Department for their excellent job in cleaning the streets. He also wanted to thank the Town, and specifically Town Manager Savage, for bringing Wifi to Town Hall.

Commissioner Carson questioned the intended location of a new Police Department for the Town. It was clarified that they intend to use the lots owned by the Town directly south of the Town Hall, 103 and 105 S. Main St.

XI. CITIZEN'S PRIVILEGE

Mrs. Jacqueline Vogle from 128 Widgeon Way questioned the Water Department report concerning bad water meters. Town Manager Savage advised a meter will never spin ahead and a bad meter is one that will not read. It was clarified that new meters have been installed in the older portion of Bridgeville. They are working to correct problems with some of the new meters, as well as some old meters that do not read correctly. When there are "0" readings on the water bills, we know a meter needs to be replaced. The Town cannot bill the homeowner when that happens, as the Town does not have an accurate record of usage; therefore, there can be no charge for that month.

Mrs. Marge Kloiber from 100 Emily's Pintail Dr. questioned the process. Town Manager Savage advised they investigate the meter and determine whether the lack of usage is due to the homeowner being out of Town before they make any changes.

Mrs. Ruth Skala from 108 Whistling Duck Dr. advised she has become Chairperson for the Economic Development Committee. They have adopted a Mission Statement and are creating a check-list concerning all the information a new business would need to open in Bridgeville. They have resurrected the branding package that was designed for the Town in the past and had a joint meeting with the Commissioners, Town Development Committee, Diane Laird (State Economic Development) and Ed Muldrow from the company who developed the branding package. The next step is an intense discussion to develop the vision the Town wants to present. It includes market analysis, physical design, planning, marketing and implementation strategy. Within approximately 3 months the Town should have a product to display.

XII. OLD BUSINESS

A. Public Hearing, Discussion and Possible Voting on AN ORDINANCE OF THE COMMISSIONERS OF BRIDGEVILLE REDUCING THE RATES OF THE HERITAGE SHORES SPECIAL TAX ESTABLISHED AND LEVIED BY THE COMMISSIONERS OF BRIDGEVILLE PURSUANT TO ORDINANCE NO. A-05-7 IN CONNECTION WITH THE HERITAGE SHORES SPECIAL DEVELOPMENT DISTRICT; AND PRESCRIBING, DETERMINING, PROVIDING FOR AND APPROVING VARIOUS OTHER MATTERS, DETAILS, DOCUMENTS AND PROCEDURES IN CONNECTION WITH SUCH RATE REDUCTIONS; ALL IN ACCORDANCE WITH TITLE 22 OF THE DELAWARE CODE, CHAPTER 18 AND SECTION 29a OF 51 DELAWARE LAWS, CHAPTER 234, AS AMENDED

Mr. John Stalfort from the law firm of Miles and Stockbridge advised this Ordinance would reduce the Heritage Shores Special Tax rates in effect since 2005. Municap has been the administrator/advisor for the project. There have been some recent changes; the developer is interested in

building a greater number of detached homes and fewer attached homes. Going forward they intend to reduce the special tax rates, still allowing the debt service to be paid in full.

Commissioner Tassone questioned whether this is a reduction in the total number of homes built at Heritage Shores as originally designed. Ms. Emily Metzler from MuniCap advised the original number of homes envisioned in 2005 was 1,706. They are increasing that number to 1,753. There is a significant increase of single family detached units in this new configuration. They originally planned for 982 detached and 724 attached. Now they intend to build 1,645 detached units. Per Ms. Metzler, this will make a difference, due to the fact that detached units pay a higher special tax rate.

Commissioner Tassone and Solicitor Schrader discussed the possibility that there may be a difference between the maximum number of units approved by zoning and the maximum units they used to calculate the rate. They do not have to build the number of units approved by zoning; however, that is the maximum amount they may build.

Solicitor Schrader advised MuniCap submitted a January 8th Memorandum explaining the reduction in maximum special tax rates. Ms. Metzler added the memo explained the re-allocation of special taxes. They determined that without changing the district maximum special tax, they could reduce the special tax rate. The district maximum special tax that was initially established will not change. The maximum special taxes for a detached unit changes from \$2,669 to 2,292. For the attached units the rate changes from \$1,822 to \$1,564. The reduced rate and increased development allow them to arrive at the same District maximum special tax. The 42 units that have prepaid in full receive no benefit.

Ms. Metzler advised the reduction is the product of an increase in the development. A further reduction is not anticipated; there would need to be a significant change in product mix for another reduction in the future.

The Public Hearing was opened at 7:45 P.M.

Mrs. Jacqueline Vogle from 124 Widgeon Way advised she has researched Special Tax Districts and she does not believe that the change in rates, due to the number change in detached units, is in line with Delaware State Code. Mr. Stalfort advised the special tax rate will be the same for all attached properties and for all detached properties. He added her tax was pre-paid, and that is the only difference.

Mrs. Vogle's concern is that new homebuyers will pay less than current homeowners in the development. Mr. Stalfort added the reduction is for all properties, not just new properties. Prepayment has already lowered the current homeowners' price.

Ms. Metzler went over the Memorandum in detail to show that the existing homeowners are also paying less. A single-family detached home is being reduced from \$2,669 to \$2,292. The homeowner's rate who already partially pre-paid will be approximately \$1,800. She added that the developer did allocate the special tax equally among properties, but then Mrs. Vogle and other property owners came to an agreement with the builder to pre-pay to a lesser amount. The starting point is equal across the district. Mrs. Vogle asked for the total dollar amount (not rate) to pay off the house. Ms. Metzler advised the prepayment in 2006 dollars before any reductions for a single family detached unit was \$39,559 and for an attached unit it was \$27,005. The amount is reduced in Phase III; however it is reduced for all parcels

and all phases throughout the project. Mrs. Vogle's property was pre-paid even further than what will be pre-paid for upcoming phases of the development.

Mr. Alan Greene from 136 Widgeon Way understood Ms. Metzler. From the perspective of the individual homeowner, if he were to pay-off the special tax, it would be lower than it was before passage of this Ordinance.

Per Mr. Keenan Rice from Municap, the maximum is being reduced across the board for everyone. For some owners, the maximum has already been paid-down below what is being reduced and these properties will not be affected at all. Everyone has a right to pay-down their special tax in full or in part. To-date, 42 have paid off in-full; others have paid-down the special tax in part. The tax was levied at the same amount for all properties, but some have paid-down their special tax. Those who have paid-down their tax are at a lower number than this reduction would bring them to. Mr. Rice understands that parties who paid-down their special tax agreed to waive any rights to a refund. Mr. Greene believes that is lost money to the buyer.

Mrs. Kloiber asked if they pay yearly, is their special tax rate going to decrease. Mr. Stalfort advised homeowners continue to pay their current special tax rate, as a portion was already pre-paid. Town Manager Savage advised if Mrs. Kloiber were to buy a home now with no pre-payment by the developer, she would pay \$2,292. Mrs. Kloiber is only paying \$1,300 due to pre-payment; she already received a benefit when she bought the house. New buyers will receive the benefit monthly in their special tax rate.

Mr. Greene understands that the developer will no longer make prepayments on properties for sale. Mr. Stalfort advised he could not speak for what might happen in the future; however, at this time the developer does not wish to continue offering prepayments. If this reduction does not result in sufficient sales, the developer may choose to re-consider prepayments. It was clarified that Mr. Greene's yearly special tax will be less than those who buy homes in the future.

Commissioner Tassone mentioned a previous situation concerning 12-14 households when the development builder changed from Lennar to Ryan Homes. This serves as past precedent for the possibility of change in the Special Tax District.

Mr. Bill Merritt from 56 Canvasback Circle believes someone who paid off their special tax is at a disadvantage. It was clarified that the developer paid \$26,000 of the special tax for the homeowner. Per Mr. Schrader, a third party has paid the tax for the homeowner. No money will come back to you, but its money you didn't have to pay.

Ms. Dottie Harper from Brookfield Homes suggested looking at it the same way that you do when you bargain for your house. For instance, in negotiating for your \$400,000 home, the builder is offering \$50,000 in free upgrades/incentives. You walk away and come back later to find out that he is now only offering \$25,000 in upgrades/incentives. You lose out because of the timeframe when you locked-in your contract on the house.

Mr. Bill Atwood from 113 Emily's Pintail Dr. advised he has a single-family detached unit and is paying over 30 years. He wants to know if Phase III buyers are paying more or less than him. It was clarified that Phase III buyers will be paying \$800.00 more than he pays.

The Public Hearing was closed at 8:02 P.M.

Motion to adopt Ordinance #2015-B to reduce the rates of the Heritage Shores Special Tax for future purchasers and rename the adopted Ordinance #15-2 – Tassone; 2nd – Carson; motion carried.

B. Public Hearing, Discussion and Possible Voting on AN ORDINANCE AMENDING AND RESTATING THE TOWN OF BRIDGEVILLE OPERATING AND CAPITAL BUDGETS FOR FISCAL YEAR ENDING JUNE 30, 2015

Town Manager Savage advised the Commissioners held a Budget Workshop on February 5th where an Ordinance was introduced to amend the FY-2015 operating budget with an 8.8% increase. Income is mainly affected by an increase in user fees and building permits, a substantial increase due to commercial projects. The amended budget is balanced at \$2,682,000. A major item on the expense side of the budget is \$200,000 for the effluent line project, which was delayed and placed in this budget year. The approved water projects had a delayed start; therefore, the debt service for those projects will not be realized in this budget year. The increased fees are to cover the \$70,000 debt service on the water projects.

The Public Hearing was opened at 8:07 P.M. There being no persons wishing to speak in favor of or opposed to the Ordinance, the Public Hearing was closed.

Motion to adopt Ordinance #2015-C amending and restating the Bridgeville Operating and Capital Budgets for Fiscal Year ending June 30, 2015 – and rename the adopted Ordinance #15-3: Tassone; 2nd – Mervine; motion carried.

XIII. NEW BUSINESS

A. Apple Scrapple Festival – Possible Approval of Additional Carnival Day

The Apple Scrapple Committee has requested the approval of an additional Carnival Day on the Sunday following the Apple Scrapple Festival, in the event of a rain-out on any of the days of the Festival (Thursday, Friday and Saturday). The Sunday carnival would be open from 1:00 P.M. to 6:00 P.M. The Committee's insurance would cover a 4th day. The Commission would approve 4 days, but the Festival Committee may use 3 of the days. Chairperson Karen Johnson would need to explain the plans for the Carnival in the Apple Scrapple booklet. It was noted that Sunday would be an extra day that the Police would need to rope off Railroad Ave., with possible approval needed from DeIDOT. Chief Longo advised he would bring up that issue with the Police later this year. It was questioned if it would affect the T.G. Adams grain trucks, but it is not believed it would be an issue.

Solicitor Schrader recommended the decision as to the degree of "inclement weather" should be made by Town Manager Savage and the Apple Scrapple Committee jointly.

Motion to approve the extra Carnival Day, with the stipulation that Town Manager Savage work with the Committee to determine whether an extra day is warranted – Tassone; 2nd – McDowell; motion carried.

B. Property Assessment Listing and Tax Appeal Day

Town Manager Savage advised he has received the listing of property tax assessments from Sussex County. Per the Town Charter, Tax Appeal Day will be March 28th from 1:00 – 2:00 P.M. to hear appeals from the public, which would then be researched. Although this opportunity is afforded each year and is advertised, no one usually takes advantage of this event.

Motion to accept the Bridgeville Tax Roll as presented – Carson; 2nd – Mervine; motion carried.

XIV. INTRODUCTION OF ORDINANCES

There were no Ordinances to be introduced at this meeting.

XV. GOOD OF THE ORDER

Commissioner Mervine presented a document for the Commissioners' review and possible consideration – Rules of Procedure for the Town of Bridgeville.

Commissioner Tassone questioned the battery on the new portable speed detector. Street Superintendent Passwaters will be moving the portable detector around Town and re-charging the battery as needed (approximately 1-week battery usage). There had been some discussion of others being involved; however Mr. Passwaters will take the responsibility and coordinate with the Police Department. Night shift officers will also be involved.

Commissioner Tassone questioned a proposed future meeting with the FFA concerning the parking area for the Apple Scapple Festival. Town Manager Savage advised the mowing issue has been resolved with no code changes/special exemptions necessary. The grass must stay under 21”.

Commissioner Tassone advised there have been problems with shoveling sidewalks in Heritage Shores and in the older portion of Bridgeville. The Heritage Shores HOA is under the assumption that the asphalt walk paths are not sidewalks, because our Town Code does not identify them as such (asphalt vs. concrete, etc.) These walk paths constitute at least 1/3 of the walking options in the development. Per Town Manager Savage, this is a gray area. The current Code only covers sidewalks concerning shoveling requirements. Additionally, the definition of sidewalk in our Code is concrete and the definition of a bike/walking path is asphalt. Town Manager Savage is prepared to re-write the Code with a better definition.

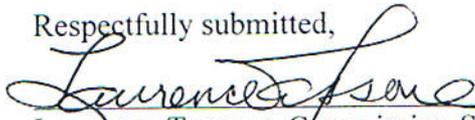
Commissioner Tassone is also concerned about the Heritage Shores homeowners who go to Florida during the winter and do not make arrangements for snow removal while they are away. Per Town Manager Savage, the Code currently reads that offenders must be warned each time they neglect to shovel. This is different than lawn mowing, which has a “one warning per season” aspect attached to the requirement.

Commissioner Carson commented that his constituents have concerns about potholes. He is aware that money is appropriated for these repairs and appreciates the work the Public Works Department does in this area. Commissioner Tassone added that the entranceway to Heritage Shores also has a hole.

XVI. ADJOURNMENT

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

Respectfully submitted,


Lawrence Tassone, Commission Secretary


Peggy Smith, Transcriptionist