

MINUTES
COMMISSIONERS OF BRIDGEVILLE
JANUARY 9, 2012 – 7:00 P.M.
BRIDGEVILLE FIRE HALL

I. CALL TO ORDER

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Steve McCarron, Jay Mervine, Lawrence Tassone, Town Manager Merritt Burke IV and Town Solicitor Dennis Schrader. Also in attendance was Mr. John Laznik from the University of Delaware College of Arts and Sciences, Center for Applied Demography and Survey Research. The meeting began with the Flag Salute and the Lord's Prayer.

II. QUORUM PRESENT

A quorum was present to conduct the business of the Town of Bridgeville.

III. APPROVAL OF AGENDA

Commissioner Tassone made a motion that the CBDG item be moved to the first position on the Agenda to accommodate Mr. Lecates' schedule and that the balance of the Agenda be approved as presented. Commissioner McCarron seconded the motion. Motion carried.

IV. CDBG – Community Development Block Grant Program

Mr. William Lecates advised the purpose of the public hearing tonight is to provide an opportunity for the Town to participate in the development of a block grant application. The funds come from the Department of Housing and Urban Development (HUD) directly to the Delaware State Housing Authority (DSHA). Towns may work with DSHA to submit an application for funding. This year's funding of \$1.7 million is a 16% cut. The funding goes mainly to eligible projects, including housing rehabilitations and demolitions. Small infrastructure projects have a lower priority and there is a 50% match from the county. Housing rehab projects are offered to low to moderate income residents. The guidelines include the following income qualifications:

1 occupant – \$34,300 income (These categories are total household income)
2 occupants – \$39,200
3 occupants – \$44,100
4 occupants – \$49,000

Homeowner qualifications include: homeowner-occupied, the main resident, deed in their name, have insurance or be eligible and current on taxes. A non-interest-bearing lien is placed on the property; if the home is sold before the lien is over, the owner would owe a percentage on the house rehab costs.

Grant monies average \$15,000 per project and apply to single-family housing only; new home construction is not eligible for this program. Bridgeville has been very successful with the CDBG program for the past 10-15 years; the Town has received over \$1 million in funding. This program preserves the housing stock and helps in reducing inadequate housing through demolitions. The Town has done an excellent job in using these funds to enhance Bridgeville properties. Mr. Lecates advised the purpose for the public hearing is to entertain questions and concerns from the Commissioners and residents. President Correll asked if Bridgeville will receive CDBG funds this year. Mr. Lecates

believes so and hopes so; the Town has received monies the past several years. Bridgeville has done several demolitions recently and Mr. Lecates believes the Town should focus on rehabs at this point in time; we currently have 24 houses on the waiting list. Bridgeville is considered high on the county's list; however, DSHA makes the decisions on funding. President Correll stated there are some houses that have been on the list for a long time. Mr. Lecates advised there are often tax payment or property issues that delay the process. Town Manager Burke advised the Code Enforcement Officer maintains the list of properties in need of assistance. There were no comments or questions from the public. Commissioner Tassone made a motion to approve the submission of a grant application to CDBG for 2012. Commissioner McCarron seconded the motion. Motion carried. Two Resolutions were read for the record: the Application Resolution and the Fair Housing Resolution.

Commissioner Kovack introduced a young lady in the audience, Alyssa, who is selling Girl Scout Cookies. Everyone was encouraged to contact her to order cookies. (302-339-1539)

V. DNREC WASTEWATER PLANNING MATCHING GRANT 2012 APPLICATION FACILITIES PLAN UPDATE

See Agenda item VI.

VI. USDA SEARCH GRANT APPLICATION – INFLOW& INFILTRATION STUDY/ WATER FACILITIES PLAN UPDATE

Town Manager Burke grouped the two grant applications together. He advised in the past 90 days the Commission approved a grant application to the National Fish & Wildlife Foundation and a 2011 DNREC Wastewater Planning Matching Grant. With grant submission approval of these additional grants, the Town will have applied for approximately \$140,000 in state and federal grant monies. Projects include the Town Master Plan, the effluent line design, facilities plan update and an I & I (Inflow & Infiltration) Study to assist in repairing wastewater pipe leaks. Town Manager Burke is also recommending that the Commission approve a third grant application for a Planning Grant from the Office of Drinking Water. There is continuing concern about the antiquated water line on Walnut St., as well as other lines in Town. Town Manager Burke asked for approval of applications for the 2012 Wastewater Planning Matching Grant, the USDA Search Grant for an Inflow & Infiltration Study and the Office of Drinking Water Facilities Grant for a water infrastructure study. Commissioner Tassone made a motion to approve the three grant applications. Commissioner McCarron seconded the motion. Motion carried.

VII. APPROVAL OF MINUTES

Commissioner Tassone made a motion to approve the Minutes from the December 12th Commission Meeting and Executive Session. Commissioner Mervine seconded the motion. Motion carried.

VIII. CORRESPONDENCE

Town Manager Burke advised there was no correspondence to report.

IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage advised all accounts totaled \$1,072,000, which is a decrease from last month of \$135,000. The General Fund totaled \$302,571 and the Reserve Funds totaled \$553,905. Accounts Receivable stands at \$162,204 as of December 31st. Since then, the outstanding transfer tax has decreased by \$18,000 with the receipt of a check from the county. Concerning Deferred Revenue, the Emergency Services Fund of \$15,055.22 will be presented to the Bridgeville Volunteer Fire Company at their upcoming yearly meeting. On the Budget Report, the Town is six months into the fiscal year and should be at 50% of the budget. Income stands at \$1,466,000, which is just under 58% of the budget. Expenses total \$1,254,000, which is 49% of the budget, with a net income of \$211,481. Bills of \$36,180 have been received, \$19,075 of which is Johnston retainage for the RBC project; other monies relate to the energy projects. Expected expenses before the next Commission meeting, including health insurance, payroll, utilities, etc., totaled \$103,000, for a total accounts payable to be approved of \$139,180.

Commissioner Kovack questioned a \$9,000 amount in the Administration budget. Finance Director Savage advised it related to tax software technical support, restocking of first aid cabinets, office supplies and the majority was the first payment for the 103 S. Main St. property.

Commissioner Tassone made a motion to pay the bills as presented. Commissioner Kovack seconded the motion. Motion carried.

X. DEPARTMENT HEAD REPORTS

Town Manager Burke advised the Street Department is ready for winter with the servicing of the salt spreader and the purchase of salt. Greenwood's wastewater flow was 28% of total flow at the Bridgeville Wastewater Treatment Plant. The curbing project has now been completed and the DelDOT street project is still to be scheduled.

XI. TOWN MANAGER'S REPORT

Town Manager Burke advised the 2012 Municipal Election is scheduled for Saturday, March 3, 2012 from noon until 7:00 P.M. Districts #1, #2 and #3 will be voting in this election. If you are uncertain of your district, a new map will be available soon after tonight's Redistricting Ordinance is passed. Voter registration qualifications include: at least 18 years of age, residency for at least 30 days and being registered at Town Hall. Registration is available weekdays from 8:30 AM to 4:30 PM, with an extra registration time of 4:30 P.M. to 7:00 P.M. on February 13th. The registration deadline is February 22nd. Absentee balloting will be available for this election.

The Commissioners and Town Manager Burke attended the January 4th SCAT meeting with Senator Carper as the featured speaker. Town Manager Burke also attended the SCAT Steering Committee meeting on January 6th, which allows Town leaders to discuss local issues and policies.

A.C. Schultes of Delaware has begun the pump and motor replacement project at Well House #5F and the high velocity jetting work.

The Delaware Office of State Planning will begin coordination of the Bridgeville Master Plan process in 2012.

The Delaware Department of Transportation (DelDOT) American Disabilities Act (ADA) replacement curb ramps project has been successfully completed.

Town Manager Burke encouraged residents to view the Town's new website at www.bridgeville.delaware.gov for meeting information, documents, etc.

The DelDOT street paving project on N. Main St. is re-scheduled to begin in late winter/early spring. The project will include 2 new ADA curb ramps on Market St.

The 9,000 sq. ft. Bridgeville Professional Center on Antique Alley has been inspected and should receive its certificate of occupancy shortly.

President Correll reported on the Caroling in the Park event on December 18th. The Bridgeville Mustangs 4-H Club organized the event and it was very well-received. It appears that this will be a continuing event. Each participant received a gift of two handmade ornaments from the club members. The 4-H Club is also collecting children's books, which can be brought to Town Hall and President Correll will make sure the 4-H Club receives them.

CITIZEN'S PRIVILEGE

Mr. Mike Breeding, President of the Woodbridge Board of Education, came to thank the Commissioners, and specifically Commissioner McCarron and Police Chief Longo, who came to the Woodbridge Middle/High Schools to conduct a first ever drug search. This search was initiated by Chief Longo and, fortunately, no drugs were found. Mr. Breeding thanked all who participated, including police officers and police dogs from Lewes, Milford and other Towns. He also thanked the Town for supporting this event.

Mrs. Jacqueline Vogel from 124 Widgeon Way questioned information from the Town auditor at the December Commission meeting. It is her understanding that he recommended the Town use excess monies from water fees to pay services not directly related to water/sewer (i.e. salaries). Commissioner Tassone clarified that the auditor recommended that the Commissioners charge staff over-time to the department involved. She also advised she has had her water tested and is concerned about the chlorine level at 2 parts per million, which, per Mrs. Vogel, far exceeds government recommendations. Two different companies tested the water; she is considering installing a reverse osmosis system. Mrs. Vogel believes she can smell the chlorine in her house. Commissioner McCarron advised he has also had his water tested and if it is a company that is trying to sell you something, their information might be questionable. Another resident in the audience advised the EPA allows 4 parts per million; 2 parts per million is $\frac{1}{2}$ of the allowable level. All Town water must have chlorine in it.

Mr. Jim Durkin from 49 Ruddy Duck Ln. questioned the delayed paving of Main St. It was clarified that DelDOT is responsible for the project and has delayed the start. He is concerned about spring/summer traffic in that area. Town Manager Burke advised temperatures must be above 40

degrees for paving work, which indicates spring/summer/fall for initiating the work. DelDOT's last choice would be summer. It was added that asphalt companies typically close down during the winter. Town Manager Burke advised he will relay project starting date information to the Commissioners, website, etc. as soon as he has it. Besides resurfacing the road, there will be signal modifications.

Mrs. Ruth Skala from 108 Whistling Duck Dr. advised of two up-coming library events. On January 19th, the Executive Director of Delaware Tourism, Mr. Scott Thomas, will be speaking. On March 31st the Friends of the Library will host their annual fundraiser with the Smooth Sound Dance Band at Heritage Shores ballroom. Tickets are currently available for this event.

Mr. Carlos Alvarez from 99 Emily's Pintail Dr. questioned whether the Commissioners approved both the December 12th and December 29th meeting minutes earlier in the meeting. Commissioner Tassone advised the minutes of the December 29th meeting were not approved; only the December 12th executive session and regular meeting were approved. Town Clerk Peggy Smith advised the Town Solicitor and John Laznik from UD still need to review the December 29th minutes before they can be made public and be approved.

XII. OLD BUSINESS

A. Public Hearing and Possible Adoption of Ordinance A11-5, An Ordinance Requiring Licenses for Contractors and Subcontractors Doing Business Within the Town of Bridgeville

Town Manager Burke read the Ordinance for a second reading. Commissioner Mervine advised Solicitor Schrader has added wording for clarification in the definition of a contractor, as follows: "The foregoing shall not include contractors performing work or providing materials for the repair, restoration or maintenance of previously existing contracting work." Commissioner Mervine advised this definition indicates that licensure is for new work only, not the repair of existing work. Service work or reparations of an existing system is not covered by this license. The fee has also been lowered to \$50.00 to match the Town's solicitation license fee.

Commissioner McCarron asked whether the Town is initiating this Ordinance for revenue. President Correll advised it isn't generating any money. Commissioner McCarron sees nothing in this Ordinance that relates to work being accomplished to a satisfactory quality level. There is only information about money being collected and the application process. Other than collecting money, he does not see anything that this license is accomplishing. He would like clarification on what this Ordinance is doing, other than collecting money. He does not see any consumer protection in the Ordinance itself. Commissioner McCarron gave the example of a contractor who botches a roofing job. According to the requirements of the Ordinance, the contractor didn't mislead anyone on his application, he paid the fee and complied with all sections of the Ordinance and is in good financial standing with the Town. There is a section concerning failure to correct violations, but where does a botched roofing job fall in this document? President Correll asked Code Enforcement Officer Butler to explain the Ordinance. Mr. Butler advised if you come into Town to sell ice cream, the Town requires that you have a Delaware license, insurance and pay a fee for a solicitation license. Contractors do not like to be held to any rules; however, this Ordinance stops that and will protect the people of Bridgeville from fraudulent or illegal contractors and those whose craftsmanship is not up to a

reasonable level. This Ordinance is to protect the people of Bridgeville. The fee is only \$50, which is approximately one-half the fee of some other Sussex County Towns.

Commissioner McCarron repeated his question. If a contractor botches a roof job, how does this Ordinance help the homeowner? Code Enforcement Officer Butler advised the work must be done up to code, per the 2003 Inspection Code that the Town adheres to. Commissioner McCarron advised if it is already in the code, this Ordinance is not needed. Mr. Butler questioned whether contractors should be held to a different standard than solicitors. Commissioner McCarron advised he would repeal the solicitation permit as well. He believes this Ordinance is a \$10,000 tax on Bridgeville residents. Code Enforcement Officer Butler believes Commissioner McCarron does not mind putting the people of Bridgeville at risk. Commissioner McCarron believes asking how the resident is helped with a botched roofing job is a legitimate question. Mr. Butler suggested the Solicitor can certainly amend the Ordinance to address Commissioner McCarron's concerns.

Commissioner Mervine asked how the Code Enforcement Officer is going to enforce someone who is not complying with the code. Commissioner Tassone believes the contractor must comply with the requirements of state licensure. Commissioner Mervine responded that there are many contractors working in Bridgeville with no Delaware license. The state has enforcement authority, but they are greatly under-manned and have no way to go after unscrupulous contractors. Commissioner Mervine is a former contractor and he believes our residents currently have no avenue to protest and receive satisfaction. The county inspects but does not enforce. There is nothing the Code Enforcement Officer can do to make a contractor come into compliance. Commissioner McCarron asked how this Ordinance will correct that problem. Commissioner Mervine advised the Ordinance allows the Code Enforcement Officer an avenue to come in at the request of a resident and tell the contractor to do it right or be fined. Commissioner McCarron believes that is the intent of the Ordinance, but continued to ask where in the document it gives the Code Enforcement Officer the authority to do that, other than "failure to correct violations." Commissioner Mervine believes a violation would be not conforming to code. Commissioner Kovack drew Commissioner McCarron's attention to Section 2 Requirement – "Licenses shall be issued only to those contractors that are to provide an allowable service as determined by the Town Code." Per this statement, the contractor would be required to conform to the Town Code; that is the teeth Commissioner McCarron is looking for. Commissioner Tassone added that if someone does a bad roof job, the Town can pull his license and the contractor would not be allowed to do another job in Town; currently, nothing can be done if a contractor does a poor job.

President Correll opened the Public Hearing at 8:03 P.M. Mr. James Kendall from 125 Whistling Duck Dr. stated that he agrees with Commissioner Mervine that there are teeth to this Ordinance.

Mr. Robert Gay from 58 Emily's Pintail Dr. recommended if a contractor comes in and scams a homeowner, he should be charged \$1,000 for the first offense, rather than \$100. He also suggested there must be some responsibility on the part of the homeowner to check out a contractor. He always asks for documentation of the contractor's license, proof of workman's compensation coverage for the contractor and all employees. He believes the responsibility lies with the homeowner; there is no need to enact another law.

Ms. Dottie Harper from Brookfield Homes advised she has more riding on this Ordinance than any others in attendance because of the scale of their homebuilding business at Heritage Shores. She is concerned that she will have to add the additional burden of policing her builders, alongside the Town policing them. Due to the amount of work taking place and construction phases on their houses, she cannot afford to wait for the Code Enforcement Officer to come and tell her she has an unlicensed contractor on her jobsite and shut down her construction. She has always believed that the inspection process by Sussex County and the Town, which the builder endures at each stage of construction, already provides the opportunity to inform Brookfield if someone has performed to an inferior standard. As a corporation, Brookfield does not allow any contractors to work for them without a Delaware license, workman's comp or liability insurance; that internal mechanism is already set up. If this is passed, she has questions about the licensing period and how to display licensure at the jobsite if there are several houses in construction at the same time. She also has concerns about how much time she would have to initiate licensing as many as 25 different contractors. She questioned whether the GE appliance man who installs a washing machine would be subject to this licensing. How will she get GE or Sears to purchase a license in Bridgeville? She has many questions about various issues and would like to sit down with representatives from the Town if this Ordinance is approved; there are numerous ramifications with the passing of this Ordinance and she does not want to lose building days. There will be a lot of man-hours involved at Brookfield Homes in sorting through all the issues.

Mrs. Vogle reported she has likely done more work on her house than other people in Bridgeville. She believes that Lennar builders (a previous contractor at Heritage Shores) brought in illegal workers to build homes. She has had work done on two other houses in other parts of the country and has never had as many problems with contractors as she has had on her home here in Heritage Shores. She advised the state and county do not care about consumers; they apparently allow contractors with many lawsuits in their name to get another license. Per Mrs. Vogle, many local contractors don't do work regularly in Bridgeville and therefore are not concerned about the standard of work they perform because they will likely not return. She is in favor of the Town's contractor's license, but believes it should be broadened to a county or statewide basis.

Commissioner Mervine advised other states require a test to license contractors, although Delaware does not have that requirement. In Delaware you can acquire a contractor's license on-line; there are no other requirements. You do have to comply with all the state codes and the county is responsible for inspections. Mrs. Vogle added that the county does not inspect all jobs that pull a permit, only some of them. She advised if you ask for an inspection, they are supposed to inspect a job.

Mr. Larry Skala from 108 Whistling Duck Dr. asked about quick repairs, i.e. maintenance of a washing machine or a plumber fixing a water leak. The Commissioners advised that is a service and does not require licensure; however, if the workman rips out the entire bathroom, then he is a contractor. Repairs, grass cutting, etc. are services and are not covered by this Ordinance. If a contractor/sub-contractor gives you a completely new bathroom or pulls out all your lawn and re-seeds it, that would require a contractor's license.

Mr. Richard Hagquist from 33 Amanda's Teal Dr. questioned who the violator is in the Ordinance. Solicitor Schrader advised if the homeowner in good faith has sought to determine that a person is licensed and later discovers that it is a fraudulent license, he is not at fault; however, if he

purposefully seeks to hire someone without a license and slip past the licensing Ordinance, the homeowner is at fault.

Mr. Russ Beard from 25 Amanda's Teal Drive questioned whether the Town is talking about State, County or Town code. Code Enforcement Officer Butler advised the Town is under Sussex County Building Code, which subscribes to the 2003 edition of the International Residential Code.

Mr. Harry Schwartzer from 44 Ruddy Duck Lane questioned whether this Ordinance would apply to someone with friends or relatives who are capable of doing work on their home.

Commissioner Mervine advised if it is a family member or someone who is a handyman and doesn't do this work as a full-time job, this Ordinance doesn't apply; however, the work must be up to code.

Mr. Gay advised all the regulations that have been placed on citizens by the government have done damage to the economy. The industries cannot function with all the rules and regulations. He added that, as competent as Code Enforcement Officer Butler is, he cannot possibly check everyone's work. He questioned whether additional inspectors would be added to make sure all work is inspected. Mr. Butler advised this is similar to the police not being able to catch every speeder. They are counting on disgruntled homeowners informing the Town of inferior work so it can be checked, along with the contractor's credentials.

Mr. Durkin believes the homeowner should be responsible rather than the Town being the "big brother" to take care of issues. Mr. Butler suggested there are a lot of elderly and widows in Town who have no one to protect them. Mr. Gay somewhat agreed with Mr. Butler, but reiterated that the government is growing in its control over us and restraining industry.

Commissioner McCarron read into the record the following comments: "I have reviewed the proposed Ordinance A11-5 regarding the registration of licenses for contractors. I am strongly opposed to passing an Ordinance that regulates any form of business in this Town and further encumbers businesses with unnecessary and duplicate paperwork, as well as placing \$10,000 to \$15,000 in additional taxes on the residents and businesses of this Town. I have previously expressed my concerns with my fellow Commissioners regarding this Ordinance; however, I feel it is important to state my reservations again.

"On August 9, 2010, proposed Ordinance A10-9 was brought before the Commission for its second reading. While there was intent to have different purposes for each Ordinance, the idea that caused the public's negativity was the contractor license portion. Citizen after citizen asked why the Town was looking to become involved in matters that are private to the Town's individual businesses and residents. It quickly became very clear there was little understanding of the proposed Ordinance and that this was just a mechanism to generate revenue for the Town.

"During the August 9, 2010 meeting 15 residents spoke and expressed their displeasure with the proposed Ordinance. There was not one resident that spoke in favor of passing a bill that would raise taxes on the Town's residents while providing no value other than a list of registered contractors in the area. I am still wondering why we are pursuing an Ordinance for the second time that was so strongly opposed less than 2 years earlier. I have heard of no residents at a meeting asking for some

kind of consumer protection. I am wondering who among us comes to Town Hall to ask for licensed contractors when there is a locally established better business bureau and chamber of commerce.

"In managing a small business I think it is ridiculous to think that the unique service people that we use at our facility are either going to plain ignore the Ordinance or each have to pay \$50 to be able to perform the work that we are asking them to perform. If I call someone to fix a problem I want them to come when I call, not after they spend 2 hours preparing the necessary paperwork and obtaining a license. If you want leverage over a contractor you should first check references and then not pay in full before you are satisfied with the work performed. There is no greater motivation to do a good job than a customer threatening not to pay.

"Lastly, this Ordinance has no teeth. The Town is not going to pursue legal action against unscrupulous contractors; we are not going to save the funds to compensate any victim from a bad contractor and we only know if a contractor is insured on the day that the insurance certificate was printed. This is the second time that I have expressed my displeasure with increased regulation and fee-type income for this Town. It is also the second time that this idea has been brought before the Commission, not by our residents, but from within. We are now proposing much more work on a one man department that is already very busy. Former Commission President Billy Jefferson stated in 2010 that business license inspections will likely result in the hiring of a second employee in the Code Enforcement Department to complete all the paperwork.

"Just recently we gave up the stream of revenue that was provided by managing the trash collection billing in Town because of the time that was involved and the limitations we had with staffing. For anyone who has spent 45 minutes waiting to talk to Waste Management, that was a good service provided by the Town that I would have considered paying more for. Controlling contractors in an incorporated area for the purpose of taxing our businesses and residents, I cannot agree with that."

Mrs. Vogle requested the opportunity to refute some of Commissioner McCarron's comments. She advised this is not the same Ordinance that was introduced in August 2010; that was a business license and this is a contractor's license. She agreed that local businesses were not culprits, but unscrupulous contractors were and there was no consumer protection in that Ordinance. She questioned whether the repair work she is doing now to offset the shoddy workmanship of contractors who built her Lennar home falls within this Ordinance. The Commission advised her work is repair work and is not covered under this Ordinance. Commissioner Mervine advised the intent is not to require someone who comes to repair, fix or provide annual maintenance to apply for a contractor license in the Town of Bridgeville. It was determined that Mrs. Vogle's need to rip out the bathroom plumbing would fall within this Ordinance. Mrs. Vogle believes the wording may be misleading concerning which projects require a license and which do not.

Mr. Gay suggested that there is likely someone who is trying to push through this Ordinance, since it came up several years ago. He respectfully recommended that the Town put it up for Referendum at the March 3rd Election.

Mr. Skala asked where in the Ordinance it says that the contractor must be qualified. It was determined that contractor qualifications are not included; however, the contractor's work must meet the Town code.

President Correll closed the Public Hearing at 8:30 P.M. Solicitor Schrader advised the Commission can make a motion to adopt, amend, reject or defer the Ordinance. Commissioner Tassone made a motion to adopt Ordinance A11-5. Solicitor Schrader advised there is no process set forth in the Charter for Referendum on this issue. It was pointed out that there are typographical errors that need to be corrected; however, Solicitor Schrader does not believe they concern the substance of the Ordinance. Solicitor Schrader added he understands that Commissioner Mervine is asking that the Ordinance contain: (1) the reference to repair/restoration work not being included in the need for a license and (2) that the fee be changed to \$50.00 for the license. Commissioner Mervine agreed those statements are correct. Commissioner Tassone agreed that those changes should be included in his motion to approve. Commissioner Kovack seconded the motion. Motion carried 4 to 1. The votes were recorded as follows:

Commissioner Kovack	Aye
Commissioner McCarron	Nay
Commissioner Mervine	Aye
Commissioner Tassone	Aye
President Correll	Aye

B. Public Hearing and Possible Adoption of Ordinance A11-6, An Ordinance Redistricting Election Voting Districts Within the Boundaries of the Town of Bridgeville

Solicitor Schrader advised this Ordinance relates to the description of Election Voting Districts within the boundaries of the Town of Bridgeville; he read the Ordinance in its entirety. Solicitor Schrader advised the Commission met on December 29th concerning this Ordinance. At that time, a motion was made by Commissioner Mervine directing Mr. Laznik from the University of Delaware to produce a new Version #4 Map of the election districts. Previously, the Redistricting Committee moved on December 8th to recommend the adoption of Version #3 Map to the Commissioners of Bridgeville.

Mr. Laznik from UD advised the Town has gone through a several-month redistricting process after the 2010 Census. The Version #4 Map bypasses the +/- 5% margin; it maintains Heritage Shores as a single district and balances the remaining 4 districts. There is no change in District #1. District #2 added 39 people previously removed from Heritage Shores. District #3 added 2 people and gave 10 people to District #5 for balance. (It was noted that District #3 contains the three apartment complexes on Route 13.) District #4 basically stayed the same, giving 34 people to District #5. District #5 gave 39 people to District #2, it added 34 people from District #4 and added 10 people from District #3. Mr. Laznik reported he made an effort to minimize the number of people who switched districts (135 or 6.83%). New totals are: District #1 – 379; District #2 – 446; District #3 – 399; District #4 – 375; and District #5 – 378.

Solicitor Schrader advised there are deadlines that must be met. The Municipal Election is subject to the requirements of Title 15, including the publication of certain notices. The Town must

publish a Solicitation of Candidates for the districts by Friday, January 13th. The Town must also publish a Notice of Election no later than Friday, February 10th.

Commissioner Tassone advised he has studied the Version #4 map and notes that the difference between the lowest and highest numbers in the other 4 districts is +/- 24 people. The difference between the other districts and Heritage Shores is much greater, 71 people. Mr. Laznik advised he was directed by the Commissioners at the December 29th meeting to construct a map version with Heritage Shores in one district.

Commissioner Tassone read into the record the following comments. "Tonight is an historic watershed in the history of Bridgeville. It is also a test of leadership and belief in the principles of a participatory democracy.

"On December 29th we watched as this Commission reviewed the work of its own special committee on redistricting. This committee composed of 5 citizens of Bridgeville worked through three long meetings to produce, at our behest, a recommendation that was well thought out after considering almost 6 hours of testimony under the leadership of our very able Town Solicitor. Their work was treated, in my personal opinion, rather cavalierly and was almost summarily dismissed by members of this body, who then assumed the committee's role and proceeded to perform a work of gerrymandering equal to the original Commission that created the 5 districts in the first place.

"Foremost on their minds, then and now, has been the preservation of the existing Commissioners' positions rather than balancing populations and voter representation, which is supposed to be the primary purpose of redistricting. A review of the 7 factors that we must be mindful of (but not in bedrock), places preservation of incumbents at the bottom of the listing, with population equalization/voter balancing at the top. We managed to turn that concept upside down.

"Let me be clear in one thing tonight. The two words which seem to bother folks most are: Heritage Shores. This is a marketing term used to sell houses; no more and no less. The residents are citizens of Bridgeville just as every other citizen resident here is. There are no walls dividing district two from the other four districts, no moats, merely a few acres of golf course and, unless we create them, no barriers.

"Most of us here are aware of the widely circulated and totally unsubstantiated document that maliciously characterized the residents of district two as planning to wrench some mythical "power" away from the longest resident citizens of our fair Town. The allegations therein are unsupportable in fact and everyone knows that. Let us look to the numbers. As constituted in option #3, presented to us as a recommendation and which I gladly supported at our last meeting, there would be minimal disruption in the populations of the various districts, even if we insist on incumbency of Commissioners taking the priority.

"I held a meeting to listen to the residents of district two just last Friday. Among the 60 plus attendees, there was not one individual who stood and asked that we not adopt the committee's recommendations, knowing fully that this meant that some of us would be voting in a different district in our Town when that incumbent's term is up. So there is no need for any Commissioner to be concerned about keeping district two as it is, because we all understand the implications of that option

Commissioners of Bridgeville Minutes

January 9, 2012

Page 12

... It's called "containment". What have the Bridgeville citizens of district two done, in word or deed, to earn this "special recognition"/concern? Was it their support of the new library or their support of the new high school?

"I have spent considerable time reviewing Commission minutes from the period FY-1999 and FY2000. It was enlightening, but a very far cry from the Bridgeville of today, both in fiscal strength and in future potential. Rather than cutting salaries of employees to balance the budget, we have produced surpluses for at least three straight years that I am aware of.

"To conclude, there is no division among the citizens of Bridgeville. Let us not, by deed, create one tonight. The Bridgeville residents residing in district two are not...as they were recently termed....'you people' ...nor are they...'the barbarians at the gate'. They are proud citizens of Bridgeville who ask of their elected officials only that they be fair and logical and abide by both the spirit and intent of the law. As Commissioners, we can do no less and be true to our oath. In closing let me simply add the maxim: Perception ... to the perceiver ... is truth! Thank you for giving me this opportunity to speak on their behalf."

Mr. Laznik recalled the events of the December 29th Special Meeting on Redistricting. He advised Commissioner Tassone made a motion that evening to adopt the Version #3 Redistricting Map which was the map recommended by the Redistricting Committee and which divided a portion of Heritage Shores population into another district. The motion died for lack of a second and Mr. Laznik was instructed to create a Version #4 map. Mr. Schrader advised there is nothing more either he or Mr. Laznik can present to the Commissioners concerning the redistricting discussion. A final Public Hearing is scheduled for this evening. The Public Hearing was opened at 8:48 P.M. President Correll advised five minutes would be given for comments and there would be no need for the residents to all say the same thing.

Mr. Skala advised he has heard the word "containment" tonight and at the December 29th meeting. The people at Heritage Shores cannot be contained; they are already here in the Lions Club, shopping with Bridgeville residents and going to the churches. He stated it's our Town, not just your Town. It's all of our Town. The new library is approximately 50% attributable to the residents of Heritage Shores. \$700,000 came directly from the pockets of Heritage Shores residents and the developers. An additional \$500,000 came from fundraisers and people who wrote grants. He asked that the Commissioners not keep them out of Town, but do what is right.

Mrs. Vogle questioned whether there are any other future growth areas in other districts that could add population to the Town, or is the Town population static in other areas. Solicitor Schrader advised future growth is not the standard by which redistricting is done. The redistricting must be done based on permanent population as delineated in the decennial census. Mrs. Vogle continued to ask where future growth is expected. President Correll advised the Lindenmere property on Route 18 is another potential growth area, although it has not yet been developed. Commissioner Tassone advised the question is not germane, we can only use the census figures, and using those figures we still have a disparity of 71 individuals in one district, which shows it is not fair and balanced, which is the basis of redistricting.

Mr. Laznik reported, per legal advice, the Town does not have to abide by the +/- 5% margin. President Correll agreed that we are not bound by the margin because we are a municipality.

Solicitor Schrader returned the floor to Mrs. Vogle, who asked if the next redistricting will take place in 10 years after the next census. Solicitor Schrader advised that is true, unless the Town annexes property with an existing population. That event would trigger a redistricting.

Mr. Gary Trojak from 107 Will's Island Dr. re-iterated what Commissioner Tassone said that the residents of Heritage Shores do not wish to remain isolated and separate. A portion of the Heritage Shores population could easily be placed in another district. We want to be part of Bridgeville.

Solicitor Schrader advised there did not appear to be any other individuals wishing to express their opinion; therefore, the Public Hearing was closed at 8:53 P.M.

Commissioner Tassone made a motion to adopt redistricting draft Version #3. The motion died for lack of a second.

Commissioner Mervine made a motion to adopt Ordinance A11-6 using the Version #4 Map as the map of record for the Town of Bridgeville election districts. Commissioner McCarron seconded the motion. Motion carried with a vote of 3 in favor of the Version #4 Map, 1 against and 1 abstention. The votes were recorded as follows:

Commissioner Kovack Aye

(Commissioner Kovack commented that he has made several efforts to find out exactly how many people live at Heritage Shores to no avail; therefore, he chose to vote in favor of Map Version #4.)

Commissioner McCarron

Commissioner Mervine Aye

Commissioner Tassone Nay

XIII. NEW BUSINESS

A. Planning and Zoning Commission Recommendation – Fire Company LED Sign

Solicitor Schrader advised this matter was brought before the Planning and Zoning Commission at their December 18th meeting. He asked the Commissioners if they are a member or have a relationship with the Bridgeville Volunteer Fire Company to declare whether or not their interest in this application or their relationship with the Fire Company in any way impairs their ability to vote on this issue. Commissioner McCarron is a member of the Fire Company and does not believe his ability to vote on this application is impaired. President Correll is a member of the Fire Company Auxiliary and, although she does not believe her ability to vote on this application is impaired, she will recuse herself from the vote. President Pro Temp, Mr. Jay Mervine took over the responsibility for the Planning and Zoning application.

Solicitor Schrader advised the Fire Company has requested permission for an LED sign to replace their old sign on Market St. in front of the Fire Hall. This new sign would bring the Fire

Company into the 21st century and allow the sign to be changed by computer, rather than manually on a ladder. The Fire Company has agreed to comply with the Delaware Department of Transportation concerning all aspects of the LED sign. Current law requires that the message cannot be changed less often than 8 seconds. The change must be made in 1 second and the brightness/intensity is regulated by DelDOT to be brighter during the day and dimmer at night. In the event of emergencies (i.e. Amber Alert, hurricanes, etc.) the sign would be used to disseminate emergency information. The Commissioner would be confirming the Planning and Zoning Commission recommendation. Mr. Pete Stephens is in attendance if the Commissioners have any questions.

Commissioner Kovack asked if the Fire Company has given additional consideration to the background and colors they intend to use for the sign since the Planning and Zoning Commission met. Mr. Stephens advised their sign committee has not yet met to discuss those alternatives. They are waiting for Commission approval before they meet with the sign company. His personal opinion would be to purchase a multi-colored sign so that color options would be available. Some members of the Planning and Zoning Commission felt that red was too harsh or too bright and were interested in seeing some alternate colors. Commissioner Kovack advised red and blue are universal colors for emergencies.

Commissioner Tassone made a motion to approve the Fire Company LED sign request. Commissioner Kovack seconded the motion. Motion carried 4 votes in favor and 1 recusal by President Correll.

President Correll advised she has received a letter from the Fire Company requesting that the \$500.00 Planning and Zoning application fee be waived and returned to the organization. After investigating past circumstances, President Correll advised the Commission has waived the fee in the past, as the Fire Company is a non-profit / volunteer organization. The Town works closely with the Fire Company and depends on them a great deal. Commissioner Tassone made a motion to waive the application fee for the Bridgeville Volunteer Fire Company and return the \$500.00 to the organization. Commissioner Mervine seconded the motion. Motion carried.

B. Mr. Joel Farr – Development Preliminary Approval Extension Request

Town Manager Burke advised Bridgeville developer, Mr. Joel Farr, has submitted a request for a six-month extension for his preliminary site plan approval which will expire on February 13, 2012. According to current Town code, applicants are granted one year to begin to develop with a possible 6-month extension. The request before the Commission tonight is the 6-month extension, which can be granted by the Commissioners of Bridgeville. There is also in process an Ordinance to lengthen preliminary site plan approvals to 2-year approvals with 1-year extensions. This is similar to changes Sussex County instituted in their regulations. Commissioner Kovack recommended postponing this request until the February meeting when the new Ordinance would be passed; however, Town Manager Burke feels it is important to grant the extension now. President Correll added that this extension would be replaced when the new Ordinance is passed next month. Commissioner Tassone made a motion to extend the 6-month extension of the preliminary development plan review by FED Investments for Bridgeville Commercial Gateway Center. Commissioner McCarron seconded the motion. Motion carried with 4 in favor and 1 vote against the extension.

Commissioner Tassone questioned whether the Ordinance concerning the extension of preliminary development plans is being considered tonight. It was clarified that the Ordinance will come before the Commissioners at the February meeting.

President Correll thanked everyone for coming and staying through the entire meeting. She stated that the Commission often has hard decisions to make, but we remain one Town and all of the Commissioners serve all of the people of Bridgeville.

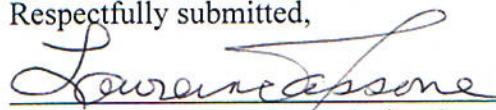
C. Introduction of Ordinance(s)

There were no Ordinances to be introduced at this meeting.

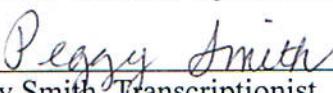
XIV. ADJOURNMENT

Commissioner Tassone made a motion to adjourn. Commissioner McCarron seconded the motion. Motion carried. The meeting was adjourned at 9:08 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary



Peggy Smith, Transcriptionist