

**MINUTES  
COMMISSIONERS OF BRIDGEVILLE  
APRIL 9, 2012  
TOWN 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 and Town Solicitor Dennis Schrader.

**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 to approve the Agenda as presented. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

**IV. APPROVAL OF MINUTES**

Commissioner McCarron made a motion to approve the minutes from the March 12, 2012 Commission meeting and Executive Session. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

**V. CORRESPONDENCE**

Acting Town Manager/Finance Director Savage advised the Town has received a Planning and Zoning Commission application from Union United Methodist Church for a hearing to consider a Consignment Shop at the former library building on Market St., owned by the church. They have requested that the Commissioners return the \$500 application fee for the hearing, since they are a non-profit organization. Acting Town Manager/Finance Director Savage will need a response from the Commissioners in the near future. The Planning and Zoning Commission hearing is scheduled for April 18, 2012 at 7:00 P.M. President Correll advised Ms. Barbara Devine and Mr. Tom Connar from Heritage Shores will be involved in the shop and the plan is to sell high-end items. President Correll and Commissioners Kovack and Mervine recused themselves concerning the decision on returning the application fee, as they are members of the church. Commissioner Tassone advised he had no problem waiving the fee for a church which will run a fundraising effort next to their property. Code Enforcement Officer Butler understands that the shop operators will receive remuneration in addition to the church. President Correll has been to church meetings concerning the project and understands that the owner of a sold item will receive a certain percentage of the sale and the rest will go directly to the church. Acting Town Manager/Finance Director Savage suggested waiting to make the decision until the hearing takes place and all questions are answered. Commissioners Tassone and McCarron were the only voting members of the Commission and chose to table discussion of the \$500 fee until after the Planning and Zoning Commission meets on April 18<sup>th</sup>.

Acting Town Manager/Finance Director Savage advised the Commissioners are invited to the Annual Kiwanis Prayer Breakfast on Saturday, May 12<sup>th</sup>. Money has been budgeted for the Town to

sponsor a table of 8 for \$80.00. Acting Town Manager/Finance Director Savage will need to know who is available to fill those seats this week. President Correll advised the Commissioners have supported this event every year; it is the Town's Prayer Breakfast. Commissioner Tassone made a motion to sponsor the Prayer Breakfast. Commissioner Mervine seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Correspondence has been received from the Delaware Commission of Veteran Affairs concerning an Annual Memorial Day Service on Wednesday, May 30<sup>th</sup>. The first service will be held at the Memorial Bridge Plaza in New Castle at 10:30 A.M. A second service will take place at the Delaware Veterans Memorial Cemetery in Bear at 2:00 P.M. The correspondence requests R.S.V.P.'s by May 4<sup>th</sup>. Commissioner Tassone will mention the ceremony to the military group at Heritage Shores.

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

Acting Town Manager/Finance Director Savage advised on the Balance Sheet for the period ending March 31<sup>st</sup>, all accounts totaled \$958,691, which is an increase of \$13,800 from the prior month. The General Fund stands at \$217,982, an increase of \$13,637 from the prior month. Reserve accounts stand at \$554,222. Accounts Receivable stands at \$78,305, \$1,105 of which is outstanding property taxes. On the Budget Report, the Town is nine months into the budget year and should be at 75% of the budget. Total income stands at \$1,860,456, which is right on target with the budget and an increase of 5%. Expenses total \$1,774,591, which is 72% of the budget and an 8% increase over last month. Net income stands at \$85,865. On Accounts Payable, the Town has received invoices totaling \$30,079; expected expenses total \$118,517, which includes the USDA semi-annual debt service of \$15,517. The total amount to be approved is \$148, 596.

Commissioner McCarron questioned whether we have seen any changes in expenses after the energy efficiency upgrades. Acting Town Manager/Finance Director Savage advised it is difficult to determine because usage varies significantly from month to month, making it hard to quantify savings. There has been a minimal improvement in energy expenses at the Police Department and Town Hall.

Commissioner Mervine questioned the new well pump installation from the energy grant. Acting Town Manager/Finance Director Savage advised the project was just completed on the first of April.

Commissioner Kovack questioned a Police Department budget item on page 6 of the Budget vs. Actual Report. Acting Town Manager/Finance Director Savage explained that the budget is tracking better than expected at this point in the budget year.

The Town has received a bill from Ballard, Spahr, Andrews and Ingersoll LLP concerning legal fees from the bond counsel for the Walnut St. Water Main Project. The company withheld their bill in case the Town should move forward on the project; however, they came to the point where they needed to bill the Town \$3,936 for legal services. It was noted they did not charge interest in their billing. Commissioner Tassone advised the Commissioners/Town must be mindful of the inherent expenses of a referendum, regardless of the outcome. Solicitor Schrader advised this price was very reasonable; legal could have been much higher.

Commissioner Tassone made a motion to pay the bills as presented. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

## **VII. DEPARTMENT HEAD REPORTS**

It was noted that Police Chief Longo is not in attendance, as he was involved with a police matter. Commissioner Correll thanked Water Superintendent Kimball and Street Superintendent Passwaters for their quick response to an incident last Friday when the Town was temporarily without water. A faulty censor was found on the water pump, which was bypassed and water flowed again within 20-25 minutes. Former Commission President Conaway called President Correll and commended the Public Works Department for an awesome job in correcting the problem so quickly. President Correll also commended the Public Works employees for their swift actions. The water system was turned on and off manually throughout the weekend and the problem was permanently fixed today. Acting Town Manager/Finance Director Savage has asked for a written report concerning the incident. Commissioner Tassone questioned whether there was some way to alert the residents when there is this type of problem. President Correll commented Delmarva Power doesn't alert her when her electricity goes off.

Commissioner Kovack advised in May, 2010 there was discussion of installing high/low water alarms on the towers and it was rejected because of problems with the landline communications. It appears that AT&T and Verizon are no longer going to fix land lines quickly, due to new cellular/digital communications. Code Enforcement Officer Butler advised the Town does have an alarm; however, it failed, as well and has been fixed today. Acting Town Manager/Finance Director Savage added there were several separate failures involved in this incident. Some residents' heating systems were also affected due to the water problem.

Commissioner Kovack recommended a digital communication system for the high/low water censors. Acting Town Manager/Finance Director Savage will pursue quotes for an upgraded communication system for consideration at the FY-2013 budget hearings.

Commissioner McCarron questioned the Inflow and Infiltration study. Even during a dry month, the Town has been treating the excessive amount of 40,000 gallons per day. It is well worth any expense to fix our I&I. Acting Town Manager/Finance Director Savage advised our engineer is currently working on the USDA application for an I & I Study.

President Correll informed the Commissioners that six outstanding projects on the Town's Open Project List have been addressed and completed. Four others are on-going and will likely never reach completion.

## **VIII. TOWN REPORT**

Acting Town Manager/Finance Director Savage reported the annual Court of Appeals took place on Saturday, March 24, 2012 from 1:00 to 2:00 P.M. No residents came to appeal their assessments; therefore, the current tax roll is approved as written.

Acting Town Manager/Finance Director Savage reported President Correll and he attended the annual SCAT Legislative Breakfast. State legislators were invited to listen to the concerns of the Towns. The main issues discussed were transfer tax (which was down 5% last year); municipal street aid monies (which the Governor is promoting a 20% reduction); recycling concerns (commercial recycling coming into effect in the near future); the continuation of the igloo recycling program and possible regulation of municipality-owned utilities.

On March 15<sup>th</sup>, Acting Town Manager/Finance Director Savage and Street Superintendent Passwaters met with Mr. Brooks Cahall from the Department of Resources and Environmental Control (DNREC) to review the repair/renovation of Mill St. Before that can take place, drainage issues must be solved. DNREC will request a grant in the new Bond Bill for that purpose and the Town hopes to receive Community Transportation Funds (CTF) from Representative Wilson and Senator Booth for the repaving project. Commissioner Kovack stated that Mill St. is a state road and is maintained by the state. He has previously spoken with Representative Wilson and Senator Booth about the issue and Senator Booth agreed that Mill St. is a state road. Acting Town Manager/Finance Director Savage advised the street is on the Town's list for municipal street aid funds and is treated as a Town-owned street. The plan is to run the drainage to the state's catch basin on Market St. Acting Town Manager/Finance Director Savage will confirm correct information for Commissioner Kovack.

On March 23<sup>rd</sup>, Acting Town Manager/Finance Director Savage met with Town Manager McDonald from Greenwood and another meeting is scheduled for next week. They continue to discuss the shared wastewater concerns of both Towns. Acting Town Manager/Finance Director Savage will report their progress to the Commissioners.

On March 27<sup>th</sup>, Acting Town Manager/Finance Director Savage met with Ron Breeding to discuss the 6<sup>th</sup> Annual Community Health Walk. It will be held at the Woodbridge Sports Complex on April 21<sup>st</sup>, with registration at 8:30 A.M. and the walk from 9:00 – 10:00 A.M. The Commissioners are invited to attend.

Upcoming events include:

- April 18<sup>th</sup> Planning and Zoning Commission hearing (previously discussed) concerning the Consignment Shop.
- Community Health Walk on April 21<sup>st</sup> with health screenings and refreshments; 2 grand prize drawings will be held for an adult and a youth bicycle.
- The Town-wide Yard Sale is scheduled for Saturday, May 5<sup>th</sup> at homes throughout Town starting at 7:00 A.M.

Commissioner Mervine questioned the status of the DelDOT repaving on N. Main St. Acting Town Manager/Finance Director Savage advised they have recorded billable hours on the project, but no actual construction work has begun. Acting Town Manager/Finance Director Savage also has received the re-design of the Main and Market St. intersection.

## **IX. CITIZEN'S PRIVILEGE**

Mr. Wayne Faircloth of 138 Widgeon Way brought up a related issue to the water pressure problem over the weekend. Last Thursday Mr. Faircloth had water damage to his home and water

pouring out of his dining room light fixture, due to his Munchkin HVAC system having an overflow problem at the catch basin; this resulted in an HVAC contractor replacing Mr. Faircloth's blow-back preventer. On Friday, the Town had the water issue and other residents with radiant heat systems experienced similar problems. Mr. Faircloth does not fault the Town for these instances of water damage, but does request that the Town alert people with radiant heat systems when water pressure changes. It was clarified the drip pan is supposed to be vented outside and the water main should not be placed on the second floor of the house. Mr. Faircloth advised he has repaired his problems. Code Enforcement Officer Butler advised all drain pans are supposed to have access to the exterior; once the drain pan overflows, there is nowhere to go but all over the rugs, etc. if it does not have access to the exterior. Mr. Faircloth's system does drain to the outside; however, the water was coming too fast for it all to drain properly. Code Enforcement Officer Butler believes Mr. Faircloth must have a faulty valve. It was reported that older homes do not have check valves on their heating systems. Commissioner Tassone also expressed concern regarding unoccupied houses that could experience serious damage should these events be repeated.

Commissioner Kovack reported Acting Town Manager/Finance Director Savage had sent an email to the Commissioners informing them of a corrosion inspection on the Town Hall water tower, which involved draining the tower. It was suggested there might be a tiny amount of water pressure variance. The Heritage Shores water tower should have held enough water for the entire Town for 3 days; however, a valve malfunction complicated the issue.

Ms. Dottie Harper from Brookfield Homes advised the Roto Rooter incident in Heritage Shores last month has been corrected. Acting Town Manager/Finance Director Savage has received a report and will receive a video shortly. Brookfield/Passwaters LLC has paid the bill for cleaning out the sewer lines (\$40,000). It was a direct result of a lack of communication between Lennar and Brookfield builders. These streets had not been turned over to the Town yet and the Town/Brookfield have now established a line of communication to prevent issues in the future.

## **X. OLD BUSINESS**

### **A. Public Hearing and Possible Adoption of an Ordinance to Amend the Dangerous Dog Ordinance**

Solicitor Schrader advised this is a proposed amendment to Chapter 84 of the Town Code which regulates dangerous dogs. The amendment relates to the request for an exemption of the registration fee portion of this Ordinance for a particular dog in Commissioner Tassone's voting district. The Ordinance amendment states that if the owners of a dog (which has been deemed a dangerous dog by breed) can turn over to the Animal Control Board training certificates, community service awards, or other similar certifications the dog has received, the registration fee for the dangerous dog may be waived. According to the Ordinance amendment, once the recommendation has been forwarded to the Commissioners, they shall vote on the matter; a simple majority vote shall determine whether or not the fee shall be waived. It was determined that there is currently one dog that meets the above criteria for the waiving of the dangerous dog registration fee. The Commissioners are considering the March 22, 2012 rough draft version of this Ordinance. Discussion ensued as to whether the Commission should vote on the waiving of the fee for a particular dog or whether the 3-member Animal Control Board should have the responsibility of making the determination themselves.

Solicitor Schrader recommended the Commissioners allow the Board of Animal Control to make the decision and stay out of the matter. Acting Town Manager/Finance Director Savage stated there is no issue as to whether the dog is a dangerous dog or not; that has already been decided by its breed. The issue is whether or not the fee will be waived, based on certifications, public service, etc. The Animal Control Board is not involved with the setting of fees. It was proposed that the Animal Control Board consider certifications, public service, etc. and make a recommendation to the Commissioners, who then decide whether or not to waive the registration fee. Solicitor Schrader advised this Ordinance does not affect the state dangerous dog laws; this applies only to the registration of a dangerous dog in the Town of Bridgeville. Any dog attack would be dealt with by state law.

The Public Hearing was opened at 7:55 P.M. Mr. Frank Mills from 64 Emily's Pintail Dr. asked if the Animal Control Board would make a decision on waiving the registration fee and an appeal would go to the Commissioners, or is the Commissioners' involvement strictly related to waiving the fee. President Correll understands that the Animal Control Board would check the dog's credentials/schooling and make a recommendation to the Commissioners to waive the fee. She believes the Animal Control Board members are knowledgeable about dogs. Acting Town Manager/Finance Director Savage believes that since the Commission sets the fees, it should be the body that waives any fees. It was determined the current text of the Ordinance is correct as written.

Mr. Bill Atwood from 113 Emily's Pintail Dr. believes the original Ordinance was adopted to address the type of dog belonging to the Mathews family. Mr. Atwood knows the Mathews' dog and knows it to be safe; he trusts his grandchildren with the dog and they love him and are drawn to him. Tank should not be discriminated against. Commissioner Tassone added that the Mathews should not have to pay an exorbitant fee for a safe dog.

Code Enforcement Officer Butler advised the reason the original Dangerous Dog Ordinance was created was not to deal with Tank, who is a very nice dog, but to deal with a group of specific pit bulls in Town that were used as fighting dogs.

The Public Hearing was closed at 8:00 P.M. Commissioner Kovack made a motion to adopt this Amendment to the Dog Ordinance – Ordinance (A12-1). Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

## **B. Public Hearing and Possible Adoption of an Ordinance to Amend Penalties**

Solicitor Schrader advised the newest version of this Ordinance is dated April 2, 2012; this code change was recommended by the Code Enforcement Officer. The Ordinance removes various sections of the Bridgeville Code which provide for the payment of fines for violations (i.e. alarms, dogs, fences, etc.) and substitutes a new chapter of the code with a uniform penalty provision for all violations. The uniform penalty provision prescribes a \$100.00 fine for the first violation of any of the codes stated in the Ordinance and a \$250.00 fine for a subsequent offense. Also included in this Ordinance is a direct-pay option to the violator, allowing them to pay the fine directly to the Town of Bridgeville without the necessity of having a trial at the Justice of the Peace Court. Solicitor Schrader advised there was recently a case in the 3<sup>rd</sup> Circuit Court of Appeals in which a person complained that the direct pay option did not allow for due process of law, which is required by the 14<sup>th</sup> Amendment of the Constitution. The court agreed and set aside similar Ordinances in surrounding Towns in the

Wilmington vicinity. Corrective measures were taken in the Ordinance wording in that case and those same corrections appear in this Ordinance. The plaintiff will have the option of 1) a court hearing in the Justice of the Peace Court or 2) direct payment to the Town of Bridgeville by a prescribed due date. If the person chooses option #2, but fails to pay by the due date, it will automatically fall-back to option #1 and the Justice of the Peace Court. If a person wishes to challenge the decision of the Code Enforcement Officer, he/she may stay within option #2 (direct-pay) but appeal to the Board of Adjustment for a hearing; the civil penalty would be abated until a ruling is made. President Correll advised the Town's fees/penalties are currently scattered throughout the code book and this is an attempt to simplify the penalty process. Commissioner Mervine questioned the appeal process that goes directly to the Board of Adjustment, rather than to the Commissioners. Solicitor Schrader advised this is the way the state statute reads. From the Board of Adjustment it would go to Superior Court. Code Enforcement Officer Butler believes this revised process is easier for the residents. As it stands now, the resident would automatically be summoned to the Justice of the Peace Court and miss a day of work, and if he/she loses the case, also pay court costs.

The Public Hearing was opened at 8:08 P.M. There being no individuals who wished to comment on this Ordinance, the hearing was closed at 8:09 P.M. Commissioner Mervine questioned whether there is a mechanism by which the Town can take someone directly to court if they continue to be defiant and not fix the violation. Solicitor Schrader advised under most of these Ordinances, each day is a separate violation; the Code Enforcement Officer would continue to raise the price of the violation as it is ignored. Code Enforcement Officer Butler added the Town may choose to summons someone to court at any time. It was noted that the Town would send violators to Court 14 in Georgetown, not Court 4 in Seaford. (It was later determined that the Court changes its venue from time to time and current location information would be provided to the resident at the point of the summons.)

Commissioner Tassone made a motion to adopt the Penalties/Violations Ordinance. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

## **XI. NEW BUSINESS**

### **A. Review and Consideration for Submission to the General Assembly proposed Charter Amendments**

#### **1. Termination of Town Manager**

Solicitor Schrader advised this proposed Charter amendment he was requested to write abandons a portion of the Charter related to the appointment and removal of the Town Manager. The current Charter provision requires 2/3 of the members of the Commission to agree to terminate the Town Manager. He was tasked to change that figure to a majority of the members of the Commission. This would change the number of Commissioners required for termination of the Town Manager from 4 (2/3 of members) to 3 (majority of members). This Charter amendment would be sent to the General Assembly for approval. Commissioner McCarron asked why this change is being recommended. President Correll advised the 2/3 figure has been in the charter since the 1930's and all other Commission decisions are based on

a simple majority rather than 2/3 of members for passage. Commissioner McCarron suggested some provisions in the Code, such as this, are written with a specific intent; a 2/3 majority requires consensus, where a simple majority does not. He believes a simple majority is appropriate for some less important matters; however, the hiring and firing of a Town Manager is a very important decision and should require a 2/3 majority, which exhibits consensus of the members. He was uncertain how long the Town has had 5 Commissioners. (Solicitor Schrader advised the Town has had 5 Commissioners at least since 1972 when he became the Solicitor. He added that there have only been 3 or 4 Town Managers within that time frame.) Commissioner Kovack believes this has been in the charter since 1947 or '48 and there were 3 Commissioners at that time. He believes Commissioner McCarron is saying that the Town Manager is over and above all other employees and decisions in the Town because of a 2/3 vote needed, rather than a simple majority for all other circumstances. Commissioner McCarron disagreed with that statement. Commissioner Kovack questioned if a majority can hire, why can't a majority terminate? He added, the Town is removing an employee in a position, not the position itself. Commissioner McCarron believes a consensus is more fitting in certain circumstances than a simple majority. There are many circumstances that should require a consensus rather than a simple majority. It was clarified that the Charter date is 1957.

Commissioner Tassone brought to the Commissioners' attention the term "the tyranny of the majority," which was used by John Adams in 1788. Adams was very firm in his speech that consensus was critical, rather than a simple majority in government decisions. The issue at the present moment is the position of Town Manager, but when you change the rules in the charter to a simple majority, you will have to live with that decision in the future. He suggested perhaps as soon as 5 years in the future, when the Town may have 3 Commissioners who are not native-born Bridgeville people, these 3 could eliminate municipal election districting with a simple majority vote for their personal purposes. President Correll believes the number of Commissioners will grow as the Town grows. Commissioner Tassone reiterated he does not believe it is wise to remove the 2/3 majority vote. Commissioner McCarron agreed with Commissioner Tassone and advised consensus could conceivably prevent a bad decision in the future. Commissioner Kovack believes each circumstance must be judged by its merit and by its facts. Several Commissioners expressed a desire to only discuss the charter change, not mitigating circumstances. President Correll is anxious to move forward to clean-up the Charter and expedite getting changes to the state house and senate, as there have been delays in the past that impacted the Town in a negative way. Solicitor Schrader added that the General Assembly likes to have proposed Town charter changes by early May.

It was determined the Commissioners will vote on each of the Charter changes separately. Solicitor Schrader advised the Commissioners are voting to authorize him to forward each charter change to Senator Booth and Representative Wilson for introduction and possible adoption by the General Assembly. Commissioner Kovack made a motion to request a charter change for terminating a Town Manager from 2/3 vote needed to a majority vote. Commissioner Mervine seconded the motion. The votes were recorded as follows:

|                       |     |
|-----------------------|-----|
| Commissioner Kovack   | Aye |
| Commissioner McCarron | Nay |
| Commissioner Mervine  | Aye |

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Commissioner Tassone Nay

Nay

President Correll Aye

A roll call vote was taken and the motion carried with 3 in favor and 2 against.

## 2. Declaration of Elections

Solicitor Schrader advised this charter change is basically a housekeeping issue concerning verbiage that should have been removed from the charter when the Town changed to Voting Districts for Municipal Elections. The highest vote getter in each Voting District now wins the election and the following language must be removed:

"The two candidates for Commissioners for the two year term who shall have the highest and next highest number of votes for such office and term shall be declared elected for the two year term and the candidate for Commissioner for the one year term shall be declared elected for such term."

Solicitor Schrader also advised we also have requirements in our election code that are somewhat archaic, such as eligibility to hold office based on the candidate or his/her spouse being a property owner. (Our election code is currently based on the state's 1950's election code.) Approximately 5 years ago there were changes to Title 15 in the Delaware state election code concerning municipal elections. Solicitor Schrader would like to "clean-up" some of Bridgeville's election law in accordance with current state law. Title 15 supersedes Town code in areas where they disagree. It was clarified that anyone who is a resident for at least 30 days is eligible to register to vote in municipal elections. Commissioner Kovack expressed concern about a Town resident who lives in government-subsidized housing with government assistance being allowed to hold public office in Bridgeville. He believes, based on the 1963 Civil Rights Act, that "one person, one vote" applies to federal and state elections, but not to municipal elections. Solicitor Schrader respectfully disagreed with Commissioner Kovack on this point and directed him to Delaware Code Title 15, Chapter 75.

Acting Town Manager/Finance Director Savage advised the election code “clean-up”  
Solicitor Schrader is currently discussing is not included in the written charter changes before  
the Commission tonight. Commissioner Tassone advised the Town requirement that a resident  
must be an owner of property or the spouse of the owner or property for candidacy is a  
violation of a Supreme Court ruling and he is anxious that the Town remedy that requirement.  
He does not believe we should make any charter changes without correcting this aspect, as  
well. Solicitor Schrader advised it would be the Commissioners’ decision to move forward  
with any additional charter changes.

Commissioner Kovack made a motion to approve the original written charter change concerning the housekeeping issue of the highest vote getter in each district winning the election, and send to the General Assembly through our state representative and senator. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Solicitor Schrader is willing to present further recommended charter updates concerning the election process at the May meeting for the Commission's approval, such as the outdated requirement about home ownership mentioned above and similar outdated aspects. This document would also go the General Assembly through our state senator and representative. He believes the month of May will be acceptable for additional changes. These changes would bring us in alignment with Delaware Code Title 15, Chapter 75.

Mr. Bill Atwood from 113 Emily's Pintail requested that the final charter change document which Solicitor Schrader sends to Senator Booth and Representative Wilson be made available to the public, allowing the residents to respond to the elected officers personally if they disagree with the Commission's proposed charter changes. President Correll advised Acting Town Manager/ Finance Director Savage will make the document available when it is completed.

### 3. Borrowing

There are two proposed charter changes regarding the power of the Town to borrow money. A) This proposed amendment to the Charter of Bridgeville authorizes the Commissioners to borrow money without the duty of a referendum by issuing bonds or other obligations to either the State or Federal governments where the obligation shall bear no interest and the obligation shall be forgiven in its entirety. He believes this is a reasonable change to our charter and shows fiscal prudence. The Town would have the option of going this route if it were beneficial; such as vital equipment that needed immediate repair. 2) The second proposal would allow the Town to borrow up to \$2,500,000 for proper municipal purposes by issuing bonds or other obligations without the duty of a referendum. Solicitor Schrader advised that calling for a referendum can be costly and it only allows the Town to borrow up to \$2.5 million, which is not a large amount of money for a major project. It was clarified that the proposed project would still need approval from the Town Commission. Commissioner Tassone is hesitant to take the referendum vote away from the taxpayers. Solicitor Schrader countered that the Commissioners were elected to represent the taxpayers and Commissioner Tassone responded that the Commissioners were not handed a blank check. Commissioner Kovack advised if the Walnut St. water main broke and there was no bond money, etc, the Town could move forward and complete the emergency work with this proposed charter change. Per Solicitor Schrader, a Public Referendum requires 90-120 days preparation, which is problematic for emergency situations. Commissioner Tassone is concerned about the Town's current encumbrance of over \$5 million, which is approximately 20% of the assessed value. The encumbrance of other local Towns was unknown; however, President Correll is aware that some Towns allow unlimited encumbrance, which she is not willing to approve for Bridgeville. The Town assessment is approximately \$25.5 million. Solicitor Schrader advised this borrowing tool could not be used for wages and other operational expenses. Monies would only be available for capital projects and municipal purposes. Acting Town Manager/Finance Director Savage advised a Public Referendum could cost as much as \$10,000.

Commissioner Kovack made a motion to approve borrowing option #1, which allows the borrowing of money from the state or federal government with the following conditions:

0% interest; state and federal grant or loan only; forgiveness at the completion of the project. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Commissioner Kovack made a motion to approve borrowing option #2, which allows the borrowing of up to \$2.5 million without the necessity of a Public Referendum if the borrowing is for a proper municipal purpose. Commissioner Mervine seconded the motion. The votes were recorded as follows:

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

A roll call vote was taken and the motion carried with 4 in favor and 1 against.

Solicitor Schrader reviewed a pending Ordinance/Charter Change list with the Commissioners to ascertain where each issue falls in the adoption/rejection process. Some have been written but never introduced and some, like the Ordinances and charter changes mentioned tonight, are moving through and completing the process. It is helpful to remind all involved where legislation stands in the process.

#### **B. Community Health Day Proclamation**

President Correll read into the record a Proclamation supporting the 6<sup>th</sup> Annual Community Health Walk, which is taking place on Saturday, April 21, 2012 at the Woodbridge Athletic Complex. All in attendance were encouraged to participate in the Walk. Registration begins at 8:30 A.M. with the Walk taking place from 9:00 – 10:00 A.M. Commissioner McCarron made a motion to adopt the Community Health Day Proclamation. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

#### **C. Planning and Zoning Commission Appointment**

President Correll advised the Planning and Zoning Commission appointment of Mrs. Sandie Rementer is coming to an end. Mrs. Rementer has been contacted and is willing to serve another term on the Board. Commissioner Mervine made a motion to reappoint Mrs. Sandie Rementer to a three-year term on the Planning and Zoning Commission. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Commissioner McCarron advised Little League Opening Day is April 28, 2012. A parade will be taking place in Bridgeville to launch the season. Acting Town Manager/Finance Director Savage will contact the Little League for parade approval. Commissioner Kovack made a motion to approve the Little League Opening Day Parade. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with a vote of 5 in favor.

President Correll advised she recently participated in a fundraising event for the Greenwood VFW by going to jail at the VFW with Greenwood's mayor. She appreciated the support of many

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Bridgeville residents who contributed to the charity for President Correll's release. She raised \$487 and beat Greenwood's mayor in monies raised.

**XII. INTRODUCTION OF ORDINANCE(S)**

There were no new Ordinances to be introduced at this meeting.

**XIII. ADJOURNMENT**

Commissioner Kovack made a motion to adjourn the meeting. Commissioner Mervine seconded the motion. Motion carried. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Lawrence Tassone  
Lawrence Tassone, Commission Secretary

Peggy Smith  
Peggy Smith, Transcriptionist