

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
MAY 14, 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 Kovack made a motion to approve the Agenda. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

IV. HERITAGE SHORES SPECIAL TAX DISTRICT LEVY – Mrs. Julia Bradshaw, MuniCap, Inc.

Commission President Correll introduced Mrs. Julia Bradshaw from MuniCap, Inc. to present the Tax District Report for the 2012-2013 tax year. Mrs. Bradshaw advised Table A on page 2 concerns fund balances and fund activity. Revenues include special taxes and prepayments, both partial and full. Bonds have been redeemed with the partial and full pre-payments to-date in the amount of \$522,000. A redemption of Series B bonds is imminent in the amount of \$584,000, including both partial and full prepayments. Disbursements were basically debt service on Series A & B bonds, as well as administrative expenses. The developer's facilities account was closed in May 2011; the remaining balance of \$4.00 was transferred to the redemption fund and will be used to redeem bonds. The special tax requirement is found in Table C on page 4. The calculation for the special tax requirement includes debt service, administrative expenses, a contingency less reserve fund investment income and surplus from the prior year. There are two debt service payments due on January 1, 2013 and July 1, 2013 of \$566,000, as well as principal payment due on the series A and B bonds of \$238,000. Anticipated administrative expenses are approximately \$29,800 and a 3% contingency has been budgeted for unexpected circumstances. Reserve Fund investment income is approximately \$191,000, which is fairly low. It is currently invested in money market accounts earning approximately .01%. They anticipate \$176 on the Series A reserve requirement and \$15 on the Series B reserve requirement. The surplus from the prior year is outlined in Table B on page 6. The remaining expenses for the 2011-2012 fiscal year includes an interest payment of \$586,000 and principal payment of \$210,000 due on July 1, 2012. The current balance is a revenue fund of 856,000. There is currently \$3.00 in the interest fund and an available reserve fund of \$1,300, as well as anticipated reserve fund investment income through June 30th of \$49.00. The current balance in the administrative expense fund is approximately \$10,000 and they anticipate approximately \$22,000 remaining for administrative expenses, which includes trustee's fees as well as MuniCap's fees for preparing the tax report. This is a conservative estimate; any funds remaining will roll over into next year. Adding the anticipated expenses for the coming year, less the available revenues, results in a

special tax requirement of \$1,390,000. This will be collected from the taxable parcels within the district.

The balance of the report, beginning on page 6, discusses how the special tax will be collected. Concerning developed properties, there are three different tax rates, due to differing partial pre-payment percentages. There are 176 detached units and 86 attached units that were partially pre-paid at the 58.78% partial pre-payment percentage. There are 8 detached units and 2 attached units that have been paid in full. There are 11 detached units and 1 attached unit that were partially pre-paid at the 30.63% rate. The current partial pre-payment percentage is 58.6%. There are currently 44 detached units and 1 attached unit that will be charged that assigned special tax rate, which does not include 3 detached units that are partially pre-paid. In total there have been 13 partially pre-paid units.

- Current developed units total 248 detached and 91 attached units.
- \$362,000 to be collected from developed units for the special tax requirement.
- \$1,028,000 will be collected on the undeveloped property for the special tax requirement.
 - 28% collected from the undeveloped platted lots (156-160 lots)
 - 72% collected from the remaining 595 acres

Commissioner McCarron questioned what would happen if the undeveloped land fails to pay the tax. Mrs. Bradshaw advised the tax sale process is in place. It does represent an obligation to pay by the developer/property owner, just like real property taxes. She believes the tax sale process takes 12-18 months; however, they have not gone through that process yet, so she is uncertain of the timeline. Significant delinquencies would result in a draw on the reserve fund to pay current debt service if there are not sufficient funds. If the tax sale process is not complete within approximately one year, it could result in higher than anticipated special taxes. It was clarified that it could mean a 10% maximum increase in the special tax requirement on developed lots.

Mrs. Bradshaw added that this year's tax requirement is a slight decrease from last year due to prepayments; to-date there have been 13 prepayments of special taxes. Mrs. Bradshaw will leave her business card with Acting Town Manager / Finance Director Savage if there are any further questions.

Commissioner Tassone made a motion to accept the Special Tax District Report as submitted. Commissioner Mervine seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Mr. Harry Schwartzer from 44 Ruddy Duck Dr. asked whether the full prepayment exclusively goes to reducing the 2012/2013 tax requirement. Mrs. Bradshaw advised MuniCap called bonds and paid off principal with the full prepayment so that the overall special tax requirement and the debt payment are both reduced. He also asked if additional bonds can only be issued if the developer and district meet certain bond tests. Mrs. Bradshaw advised that is true, although she is uncertain of the exact tests, but will check the bond documents. She believes bonds testing would be to insure that if additional bonds are issued, the district can take on the additional debt service requirements of the bonds. Additional bonds would fund more infrastructure for the undeveloped lots, which would, primarily, be responsible for paying those bonds.

Concerning additional debt, Mr. Schwartzer advised the Commissioners recently approved an Ordinance seeking a Charter change from the Delaware General Assembly allowing the Town to take on additional debt without a Referendum. He asked if that has any effect on Heritage Shores and bond testing so that the developer can secure additional bonds for the project. Mrs. Bradshaw is not aware of the current process in place to issue additional bonds; she knows that the developer and Commission would need to work together concerning the issuance of additional bonds. Solicitor Schrader suggested that Mr. Schwartzer is talking about bonded indebtedness which is separate from the Heritage Shores Tax District. He advised the Town taking on additional debt for Town projects would not be a bonded indebtedness that would go into the Special Tax District (STD). Town debt for other projects would not affect the STD bonds. Mr. Schwartzer asked for clarification that the Town raising the debt limit without going to referendum has no effect on the Heritage Shores developer being able to issue additional bonds. Solicitor Schrader advised that is correct; however, the developer and all the other owners at Heritage Shores would still be subject to the same repayment requirements, as would any other properties in the Town of Bridgeville on the new bond.

There being no further questions, President Correll thanked Mrs. Bradshaw for coming to the meeting.

V. APPROVAL OF MINUTES

Commissioner McCarron made a motion to approve the minutes from the April 9, 2012 Commission meeting. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

VI. CORRESPONDENCE

Acting Town Manager/Finance Director Savage advised a letter has been received from Comcast informing the Commissioners that effective July 1, 2012 all Comcast customers will be charged an additional \$1.99 per month for a new digital adaptor.

The City of Seaford is inviting the Bridgeville Commissioners to a retirement dinner for Seaford Mayor Ed Butler. The event is scheduled for June 2nd at the Seaford Fire Hall and RSVP's are required. Mayor Butler has been in city government in Seaford for the past 26 years. President Correll advised he has been a very good friend to Bridgeville and has helped our Town over the years. President Correll would like to prepare an official document from Bridgeville thanking Mayor Butler for his service. Commissioner Tassone made a motion to honor Mayor Butler. Commissioner McCarron seconded the motion. All Commissioners approved.

VII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Acting Town Manager/Finance Director Savage advised on the Balance Sheet for the period ending April 30th, all accounts totaled \$958,314, which is a decrease of \$375.00 from last month. The General Fund stands at \$284,000 and Reserve accounts stand at 554,000. Accounts Receivable stands at \$196,307. Of that, Greenwood's first quarterly billing totaled \$38,000. On the Budget Report, the Town is ten months into the budget year and should be at 83% of the budget. Income stands at \$2,113,991, which is 85% of the budget, up 10% from last month. Expenses totaled \$1,979,002, which

is 80% of the budget, an 8% increase from last month. Our net income is \$134,988. On Accounts Payable, the Town has received invoices totaling \$26,628; expected expenses total \$103,000, including health insurance, payroll, utility bills, etc., for a total to be approved of \$129,628. Acting Town Manager/Finance Director Savage advised the \$4,081 is for the design of the Bridgeville Branch effluent line replacement, which has had multiple leaks. It involves a 50/50 grant from the federal government and DNREC. Commissioner Tassone made a motion to pay the bills as presented. Commissioner Mervine seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

VIII. DEPARTMENT HEAD REPORTS

Commissioner Tassone questioned the Police Department arrests and charges. Police Chief Longo advised the report is correct as written; there were only 13 arrests last month, but the charges from those arrests totaled 52.

Commissioner McCarron expressed his thanks for Officer Hogan's professionalism at a tragic event that took place right outside of Town a week ago. The Fire Company was also on-site and appreciated Officer Hogan's assistance. Police Chief Longo will pass along Commissioner McCarron's comments to Officer Hogan.

Commissioner Tassone questioned when bike patrols would begin. Police Chief Longo advised the officers must attend a class to be certified, which will cost the department overtime money.

President Correll advised the Town has received several thank you notes commending our police officers for their assistance in different circumstances and she is very appreciative of our officers. The letters will be placed in the officers' personnel files.

Commissioner Kovack advised there has been an increase in assaults and a decrease in drugs/narcotics. Police Chief Longo added those figures are for the entire year.

President Correll highlighted the Code Enforcement Constable's report regarding grass violations. Unfortunately, those who need to be reminded about the Town's grass cutting policies do not come to the monthly Commission meetings. The Town has distributed a number of warnings, which precede fines. She also reminded residents not to blow or rake grass clippings into the street.

IX. CITIZEN'S PRIVILEGE

Mr. Dave Levy of 34 Amanda's Teal Dr. advised he had suggested to the Commissioners approximately a year ago that they consider moving Commission meetings to the library meeting room. There is more space there for residents and additional parking in comparison to the space available at Town Hall. He wonders if the Commissioners have considered that change. President Correll advised she has not considered the change. She expressed concern that an unexpected need may arise for information/documentation that is only available in this building. She would prefer to enlarge this meeting room than to move the meeting to another location. Attendance varies month to month; other months we have plenty of empty chairs. Issues do tend to pack the hall wherever you go. She realizes the library is more comfortable; however, she has concerns about meetings lasting later

than the library closing time and the problems that would bring. She is more comfortable using the Fire Hall for meetings; she is a member there and is familiar with the lock-up procedure and has keys to the building. She is willing to do whatever the Commissioners decide. Commissioner Tassone understands the issue of needing to retrieve documents, although he doesn't remember it ever happening. He does believe, as the Town grows, the Commission needs to address this growing problem. The Commissioners should be pleased that more people are interested in the Town government and should look into accommodating more residents at the meeting.

Mrs. Ruth Skala from 108 Whistling Duck Dr. advised the Code Enforcement report includes the total price of building permits written in the month of April, but is missing the number of permits written. President Correll will look into it. She also questioned last month's meeting minutes that mentioned 6 projects remaining on the Town's open project list and wondered what that referred to. President Correll advised it is basically a punch list that was started when she became President and began with 16 items on it. As projects have been completed, they have been taken off the list. The projects that are on-going refer to replacements/upgrades to water and sewer. There will always be a new upgrade or replacement to be considered in those two departments. The Master Plan is still on the list, as is the inflow and infiltration study. Commissioner McCarron reported six of the projects on the list involved grants the Town has received for studies and improvements, including the Master Plan and Facilities Plan Update. Mrs. Skala would be very interested in seeing a capital improvement program set up for the Town; not just a wish list. Acting Town Manager/Finance Director Savage advised he does maintain a capital improvements list. Mrs. Skala advised she has worked municipal finance all her life and towns always maintained a prioritized capital plan so they could go into the budgeting planning phase with prioritized needs in mind.

Mr. Tony Stento from 106 Will's Island Dr. suggested putting the monthly reports, etc. on the internet so that residents could read the material themselves and then the copies in the hallway would not be necessary. It would be helpful and very easy to make documents available over the internet. Acting Town Manager/Finance Director Savage suggested putting the reports, etc. on the website after they have been approved.

Mrs. Janet Schroer from 108 Emily's Pintail Dr. suggested that since President Correll is a member of the Fire Co. Auxiliary, why not make arrangements to have all monthly Commission meetings take place there. President Correll responded that there are other events taking place at the Fire Hall regularly which would preclude the Town using the facility every second Monday of the month.

Mr. Bill Atwood of 113 Emily's Pintail Dr. referred to the April 9th Commission meeting when the charter changes were discussed, with no written information provided and no public hearing arranged. He had asked if he could get a copy of the charter changes that were being sent to Representative Wilson and Senator Booth so that he could respond to them directly about his views on those changes. The Town sent letters to Wilson/Booth on April 16th, the day before Representative Wilson's local monthly gathering. Mr. Atwood now has copies of the documents due to his FOIA request to the Town that cost him \$2.25. He is displeased that the information was not made public on the website; he was not called nor was the information given to him earlier, since he mentioned its need to be made public at the last Commission meeting. Three weeks later he received the information. If he were a suspicious person, he would assume the Town was trying to get the charter

changes introduced before he had an opportunity to comment on them. He believes, as a citizen, he was poorly served by the actions of someone in that process. He asked; it was stated he would receive it; and then he didn't get it. Mr. Atwood also had a question concerning borrowing funds. If money is borrowed for water or sewer improvements, he understands that it is not paid by residents' taxes, but rather paid by the sewer and water funds, which must be increased to accommodate the improvement. Solicitor Schrader advised it is revenue stream; therefore, the income from the particular project (water or sewer) is dedicated to the payment of the improvement. It is not a general obligation of the Town. Mr. Atwood understands that if there is money borrowed for water or sewer improvements it will result in the second increase in two years to his water/sewer bill, which already increased 50% two years ago. All homes in Heritage Shores have 2 water meters on their property, one of which is for irrigation only. He asked what percentage of the Town's water usage is from Heritage Shores and questioned whether it is 60-80%. (He reported Heritage Shores pays 40% of all Town taxes.) Acting Town Manager/Finance Director Savage was not in a position to answer that question. It may be true for residential users, although that is speculation, but commercial users are the biggest water users in Town. Mr. Atwood asked that Acting Town Manager/Finance Director Savage get that information for him. He also suggested he should move to Greenwood since they have had such a "sweetheart deal" on their wastewater for a long time.) Commissioner McCarron advised he was in attendance at the DNREC meeting and understands that the water and sewer should pay for themselves as much as possible and should not be subsidized by other departments. There is a greater likelihood that the Town will receive more grant money, rather than loan money if that practice is maintained. Mr. Atwood responded that "it wouldn't be a good reason if I as a Heritage Shores resident paid the majority of those improvements and they came out in my water/sewer bill because I have a sprinkler system." Solicitor Schrader advised Mr. Atwood is using the water; if he uses twice as much water as someone in the older portion of Bridgeville, shouldn't he pay twice as much money? Mr. Atwood asked if he should pay for improvements that are not to Heritage Shores while he's paying \$1,000 per year to do that. Solicitor Schrader replied "yes" to Mr. Atwood's question; his money pays for the whole system. Mr. Atwood believes he would become nothing; he would not have a voice in whether improvements are made based on one of the charter changes concerning borrowing money without a referendum. The Commissioners would be the body that makes the decisions. Mrs. Pam Slater from 210 S. Main St. responded that was why residents voted these Commissioners into office, to let them make those kinds of decisions and she said she thinks they're doing a fine job. She commended the Commissioners for their handling of Town business.

Mrs. Skala questioned the current \$5.7 million indebtedness the Town has, which is primarily for water/sewer. She does not believe that is being paid out of the water and sewer fund. Acting Town Manager/Finance Director Savage advised that it is indeed paid out of the water/sewer fund and the Town also continues to set aside reserve funds every year. There had not been an increase in water/sewer rates in quite a while before the rate increase two years ago. Before that increase, the Town was subsidizing water/sewer through taxes. When that policy ended, there was a jump in water/sewer rates.

Mr. Bob Slater of 201 S. Main St. advised water/sewer improvements are necessary every year due to increasing regulations by the Environmental Protection Agency (EPA). Our sewer plant may be okay today, but it won't be acceptable next year. The Town might have to spend \$2 million to get it up to new specifications. The same is true of the water regulations. The Town doesn't have any control. He added that we all pay the bill, whether we live out there or we live in here.

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Mr. Bill Clark from 32 Amanda's Teal Dr. questioned what the boundaries or controls would be on projects if this new borrowing authority without referendum is approved in the charter. Solicitor Schrader advised the wording allows municipal projects. Acting Town Manager/Finance Director Savage advised it would include buildings and infrastructure. It could not be used for salaries or similar uses. Mr. Clark's concern is that the Town could use the money to build a new Town Hall or other projects, which he believes are unnecessary, with no controls. He believes the authorization is a wide open checkbook for projects. It was suggested this charter change takes away the peoples' voting rights. If residents have to pay the taxes, they should have a say in the Town.

Commissioner Kovack advised he was involved in early discussions with the Town Manager concerning this proposed charter change. They initially discussed using a \$1.5 million figure; however, based on our economy and rising costs, decided to use the \$2.5 million figure. They were concerned about money being available for a critical repair that would be time-sensitive.

Commissioner Kovack had asked Acting Town Manager/Finance Director Savage to check into the policies of other local towns and he found that Laurel can spend up to \$15 million without a Referendum and Georgetown, over \$4 million. Commissioner Tassone expressed concern that the Commission did not discuss this information at a public forum where people could have input; last month's Commission meeting only allowed a 20 minute discussion. Commissioner Kovack advised it was voted on at the April meeting and passed with a vote of 4 to 1. Commissioner McCarron advised he will be living and paying taxes in Bridgeville for a long time, due to his younger age, and he should be the one concerned about the ramifications of this charter change. He indicated that \$2.5 million is not a huge amount of money when you are considering a municipal project. Commissioner Tassone countered that you have to consider the \$5.4 million indebtedness the Town already carries.

Commissioner Mervine believes a public hearing on this issue already took place at the April Commission meeting. It was later clarified that the charter change discussion during the April meeting was not a Public Hearing.

Acting Town Manager/Finance Director Savage shared how he envisions the use of this charter change provision. Referendum would be the first course of action for any municipal project. This authorization would be a back-up if an important project was rejected. Apparently that just happened in Smyrna. Commissioner Tassone believes that would be a clear-cut violation of the democratic process.

Mr. Allen Greene from 136 Widgeon Way expressed concern that if this charter change is approved, the Commission could divide a \$25 million project into ten \$2.5 million projects and completes them all one at a time in spite of citizen disapproval. Acting Town Manager/Finance Director Savage explained the \$2.5 million is an aggregate total. Once they have spent \$2.5 million, (in one large project or several smaller projects) the Town could not borrow more money without Referendum until the \$2.5 million principal was paid down.

Mr. William Merritt of 53 Canvasback Circle is not opposed to this charter change in emergencies only. He is not opposed to bypassing a Referendum if there is an emergency fix to a critical water/sewer main; however, he is not in favor of bypassing a Referendum for a project such as a new Town Hall or other non-essential projects. He believes it should be clarified what projects can be pursued without a Referendum; there need to be restraints built into the authorization.

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President Correll advised a new wastewater plant, alone, will cost \$10-20 million. The Town is continually pursuing grant money for projects; however, the Town often needs to begin the project immediately to receive these grants and would not be able to wait for the Referendum process, which can take several months to complete. She questioned Mr. Bob Slater about the accuracy of her information. Mr. Slater advised another small Town in Delaware was offered a full-forgiveness loan. The Town went to Referendum and it did not pass; therefore, they lost the \$3 million free money. Commissioner Tassone advised another of the charter changes that was passed last month will cover the particular circumstances that Mr. Slater has shared. President Correll advised the Town will need the second charter change that is being discussed tonight to be able to go out and borrow that money. Without it, the first charter change is useless. Per Acting Town Manager/Finance Director Savage the Town must have interim financing.

Mr. Clark suggested that boundaries or limitations concerning what projects / repairs / emergencies (with a definition for “emergency”) could be considered under this provision would alleviate the concerns he has about the charter change. Without boundaries, a future group of Commissioners with different values and agendas could make poor decisions with this charter change in place.

Solicitor Schrader reported that a new Fire House had been mentioned earlier in the discussion. He wanted to set the record straight that it is not a municipal building. He also advised that under the normal bonding process, it takes 180-270 days for approval time for a Referendum. It is not designed for quick action at all. Commissioner Tassone questioned that length of process for a small Town like Bridgeville. Solicitor Schrader advised there are publication and notice time frames that must be adhered to. The Town must pass several Resolutions – authorizing the Referendum, setting the question for the Referendum, giving notice for the Referendum, etc. Commissioner Tassone questioned whether we can streamline those requirements and Solicitor Schrader and Commissioner Kovack suggested that the Commission tried to do so last month with this charter change.

Mr. Larry Skala of 108 Whistling Duck Dr. asked whether the purpose of the Town’s Rainy Day Funds is for emergencies. President Correll advised that is true and the Rainy Day Funds are being used whenever needed. Mr. Skala does not believe we also need a \$2.5 million Rainy Day Fund.

Commissioner Mervine brought attention to two current projects that are in need of funding. The effluent line which runs down Redden Rd. to the spray irrigation site has had 4-5 leaks in the past year and the Town has spent \$50,000-60,000 from the Rainy Day Fund to fix the problems. That line could break again tomorrow, as well as the Walnut St. 100 year-old water main that was voted down by Referendum last year. The Walnut St. project is a \$550,000 job and the effluent line is likely a \$500,000 job. We could need \$1 million tomorrow very easily. The Town will not have time to go to Referendum for a water line that is leaking into the Bridgeville Branch for which DNREC has threatened to fine the Town \$10,000 per day.

Mr. Stento commented that he went to the polls for the Walnut St. Referendum and no one could answer his questions: how old was the system; what are the maintenance records on the system and are there any major problems; what type of system is it? Mr. Stento believes the Commissioners or Town Manager should have been available to answer questions. President Correll agreed that the

Town Manager should have been available throughout the voting. She has already made note of that for the future.

Commissioner Mervine challenged the audience to find one time when the Commissioners have acted behind closed doors rather than been open to the public or a public hearing. Mr. Skala brought up the purchase of the O'Leary property next door. Mrs. Skala advised she could not find it anywhere in the minutes. Commissioner McCarron advised it was in the minutes because Commissioner Kovack seconded the motion to purchase the property and then voted against it.

Mr. Stento has been in all phases of construction throughout his life. The whole United States has a terrible backlog of infrastructure problems and Bridgeville is no different than anyone else. He questioned whether the Town has engineers to evaluate our systems so the Town can move forward with the bond process to take care of these problems. Numerous repairs are costly; however, a one-time complete fix saves the Town money. Do it right one time. He questioned what the Town is doing about planning.

Acting Town Manager/Finance Director Savage advised the Town has a Water Facilities Plan which is in the process of being updated; the same is true of our Wastewater Facilities Plan. The Street Department has a street by street study to prioritize repairs and is looking at sidewalk repair, as well. Once these plans are complete they can be put on the website, probably this fall. The Town is playing catch-up concerning needed improvements.

Mr. Clark asked if the Commission is willing to consider changes to the proposed charter changes due to tonight's discussion. Solicitor Schrader replied that would be up to the Commissioners themselves. The documents are already at the General Assembly. Solicitor Schrader asked if the public has given the Commissioners a reason to rescind what they have sent to the General Assembly. Commissioner Tassone believes the Commission could write a letter to the General Assembly saying they want to re-think one of the charter changes and to hold in abeyance submission to the legislature of that particular issue.

President Correll believes that the ability to bypass the Referendum process is a very important tool for the Commission.

Commissioner Mervine commented the Town is required to have a balanced budget. They could raise the budget to \$5 million and they wouldn't have to go to Referendum for that. He doesn't really understand the problem the audience is expressing. He added that the \$5 million debt the Town already owes is in the budget and has been in the budget for decades; the debt is being serviced properly. The Commissioners are not going to indebt the Town to a degree it can't handle.

Mr. Clark did not want to make his appeal to appear personal against the sitting Commissioners; he is concerned about Commission members in the future.

Mrs. Skala believes the Commissioners have not defined "proper municipal purposes" in the charter change. It was determined the Commissioners are responsible to define the phrase. Commissioner Kovack advised the Commissioners would meet and if they determined it was too great

a burden on the Town financially, they would not proceed. He added they must be fiscally responsible regarding the entire Town, not just a portion of the Town.

Commissioner Kovack reported there is a difference between the water line materials used at Heritage Shores and the constraints on the water system with the older pipes in the older part of Bridgeville. He also explained that the reasons for the leaks in the effluent line are due to the difference in pipe regulations years ago vs. current regulations.

A resident expressed the desire to know what's going on and the ability to have a say in decisions.

Mrs. Jacqueline Vogle of 124 Widgeon Way suggested placing upcoming charter change discussions, etc. in the quarterly newsletter; she believes more people would come to the meetings if they were advised ahead of time concerning important topics. She doesn't believe important topics are necessarily dealt with at the monthly Commission meetings.

President Correll reported she has discovered that the Commission President job is very different from the Commissioner job, which she held for nine years. She has found that there is a great deal of study, consideration and "working out" that precedes bringing a topic to the public. She personally studied these proposals before they were brought before the Commissioners for approval. She added that the Town doesn't have enough staff to talk to/email everyone in the Town about their concerns. The Commissioners have been elected by their district to represent them; it could be considered a "sleepy town," as most citizens are not actively involved in the Town government, but trust their representatives.

Commissioner Tassone believes many of the citizens' concerns have to do with the process. There had been no public notification about the charter changes prior to the brief discussion at the April Commission meeting. He added that the fact that knowing charter changes were submitted is one thing, but letting his constituents know the logic behind the charter changes is another thing altogether and that is a very important part of the process.

Commissioner Kovack advised he had talked to citizens in his district about the charter changes. The Town is not trying to put something over on the citizens.

X. TOWN REPORT

Acting Town Manager / Finance Director Savage advised Bridgeville hosted the monthly Sussex County Association of Towns (SCAT) at the Bridgeville Fire Hall on April 4th. The evening was a success, as it was well attended and the meal prepared by the Ladies Auxiliary was delicious.

The Town is in its 10th (and final) year of a water tower maintenance contract, with scheduled work being done on the tower behind Town Hall. The work performed included pressure washing the interior, a complete inspection of the interior and chlorination.

A final walk through of the well houses was conducted on April 11th to inspect the upgrades that were completed as part of the EECBG Energy Grant Project. The Town has begun project closeout.

Acting Town Manager / Finance Director Savage advised he had met with Greenwood Town Manager John McDonnell in late April. They discussed a new wastewater agreement between the Towns and Mr. McDonnell was in agreement with most of the details. The meeting ended with Mr. McDonnell offering to re-write the agreement to include the items discussed. He has since returned a draft and Acting Town Manager / Finance Director Savage will distribute it to the Commissioners after he has reviewed the document.

Department Superintendents were asked to submit their requests for the upcoming budget year, which begins on July 1st. Each department was responsive and Town Management is currently working through the budget worksheets in order to submit a final draft of the 2013 budget to the Commission for approval.

On April 30th, Acting Town Manager / Finance Director Savage attended a yearly State of Delaware and Participating Groups benefits meeting. It has been determined that, for a second year, there will not be an increase in the insurance premiums.

Another successful Prescription Drug Take Back Day was held in Bridgeville on April 28th. A total of 85 pounds of medication was collected.

Commissioner McCarron questioned the Greenwood Agreement. He asked if the previous agreement was scrapped because Greenwood Commissioners were not in agreement with it, or did that lack of agreement include the Greenwood Town Manager. Acting Town Manager / Finance Director Savage advised the Greenwood Town Manager told him they were not in agreement. The previous document was just a concept and Acting Town Manager / Finance Director Savage was not part of the negotiations. President Correll advised in this version of the agreement, Bridgeville is taken care of and it will be directed to the Commissioners for their review and comments when it is ready.

XI. OLD BUSINESS

A. K-9 Proposal

Bridgeville Police Chief Longo and Officer James came to present a proposal for a K-9 unit for the Police Department. President Correll advised a grant has been submitted and contributions have come from local businesses for a K-9 unit. Chief Longo advised the Police Department is proposing a K-9 unit at no taxpayers' funds, pursuing grants and donations; they are currently awaiting the status of a federal grant. After the start-up costs, the K-9 unit would operate under additional grants and forfeiture funds. They are pursuing a dog that would be trained in tracking, building/article searches, area scent searches and narcotics. The Chief advised there have already been 10 instances this year when they needed the services of a dog. The State Police has a dog; however, it is one dog that works a single shift and is a single purpose dog for drugs only.

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Corporal James advised the department prematurely asked for donations from businesses and received \$1,800. They are anticipating a \$1,000 grant from Walmart and have contacted our Sussex County Councilman, Mike Vincent, who will be donating approximately \$500. The Georgetown Police Department has offered a K-9 vehicle insert and bulletproof vest, worth \$2,500. A local food company will donate dog food as a start-up and then offer food at dealer cost. A local veterinarian has donated his time and the department will pay for medications. After funding they intend to purchase a dog from the same kennel the State Police uses in North Carolina. The dogs are guaranteed for health and performance for one year. The cost of the dog is \$12,000 and it will be like another officer on the street. Approximate yearly upkeep is \$2,000 and includes insurance, medication, food and miscellaneous. The Police Department will fund the K-9 through grants, vehicle and currency seizures. (Any currency seizures over \$10,000 result in 80% being returned to the Town.)

Commissioner Kovack questioned whether the dog handler is willing to sign a contract with the Town, as the training the police handler is also very expensive. Officer James has made a commitment concerning his long-term employment with the Town. Commissioner Mervine asked if the special duties he is currently committed to will end and Officer James advised they will end.

Chief Longo advised Officer James' primary duty will be traffic; however, Officer James will be in addition to the regular shift, in the areas of traffic enforcement, drug interdiction and responses. Chief Longo added that the dog policy reads that the K-9 will not leave Bridgeville easily and not without the patrol supervisor and Chief's approval.

Commissioner Mervine questioned whether grants would continuously fund the dog or would the Commission have to put dog funding in the budget. Chief Longo intends to continue to file for grants for the upkeep of the dog.

President Correll advised if this program doesn't work or can't be funded within a reasonable amount of time, it will be cut. Chief Longo intends this to be a self-sustaining unit. President Correll commended Officer James on his work for the past 1-1/2 years in researching and preparing for a K-9 unit; he has been very persistent.

Mr. Paul Schroer from 108 Emily's Pintail Dr. asked if the Town is suddenly having a crime spree so there is need for a police dog. Wouldn't it make more sense to fund another thinking human being? Chief Longo advised a patrol dog is considered to be worth one-and-one-half persons. Criminals will challenge an officer, but won't challenge a dog. He added that the Town does have crime issues and reiterated the 10 cases this year when a dog would have been an asset. He does not want to wait until the crime problem is larger and more serious before doing something about it. Major drug arteries come through Bridgeville; the chief's intent is to be proactive.

Mr. William Merritt from 53 Canvasback Circle commented he believes it is a good idea; a dog can do a lot more than an officer can do.

Mrs. Lynnette Kovack from 500 S. Cannon St. also believes the police dog is a good idea. We have many older people in Bridgeville and we are hearing about home invasions more often.

Mr. Stento asked how much money has been raised for the K-9 to-date and can the residents donate. Chief Longo advised they have \$1,800 on hand and they need \$12,000 total. (One grant has been written for the entire \$12,000.) They need permission from the Commissioners to canvas the residents for donations.

Commissioner McCarron made a motion to pursue the K-9 unit and proceed with obtaining successful grants and private funding. Upon obtaining the dog, the Town and Officer James would enter into a contract concerning his continued employment. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

Acting Town Manager / Finance Director Savage recommended that the Commissioners sign off on a specific set of policies for the K-9 unit when they are closer to completing their funding goal.

B. Review and Consideration for Submission to the General Assembly Proposed Charter Amendments

Commissioner Kovack made a motion to table this discussion concerning qualifications for elected officers, as he doesn't understand some portions and believes there are some portions that should be removed. The motion on the floor failed due to the lack of a second.

Solicitor Schrader advised there are additional charter changes to be considered by the Commissioners concerning the conduct of elections. The election provisions that our charter contains are antiquated, at best. There are requirements of property ownership. If you don't own property but your wife does, you can be a candidate for office in this Town. There are things that have long since passed the test of constitutionality. He offered to submit a draft ordinance for purposes of discussion, to get the debate started. He advised there are overlapping statutory requirements in Delaware relating to municipal elections – Title 15 of the Delaware Code, the Bridgeville Charter and the Bridgeville Code, which in Chapter 17 deals with absentee ballots.

Solicitor Schrader advised that 7-10 years ago there was an election in Smyrna, Delaware that was hotly contested. Due to the bad conduct of some of the candidates, the General Assembly decided there should be uniform municipal election laws in Delaware. There would be minimal standards by which to judge the conduct of each election. Portions of Title 15 dictate aspects of the election and other portions defer to the Town Charter concerning aspects of election law. Based on this information and the property ownership provision in the Bridgeville Code, Solicitor Schrader wrote a proposed charter change. He has deferred to state election law on many of the requirements of the election concerning registration of voters and absentee ballots. The aspects of Bridgeville current election law that Solicitor Schrader recommends keeping are: five representative districts; staggered terms to avoid more than 3 districts voting at one time; election on first Saturday of March, 12:00 P.M. to 7:00 P.M.; eligibility age of over 18; and residency at least 30 days prior to election. Conduct of the election will be governed by Title 15, chapter 75. Concerning candidates, Solicitor Schrader recommends keeping the following aspects: 21 years of age; resided in the Town for at least one year and have been a qualified (registered) voter for at least one year; and not have been convicted of a felony. Solicitor Schrader advised the Town must add that the filing deadline must be approximately one month prior to the election (more than four weeks.) Currently the Town has a filing deadline of four weeks. Two notices must be published prior to the election. One of them involves filing as a

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candidate and the other, not more than 20 days prior to the election the notice must be published that there will be an election, the location, hours and candidates. State law also provides for the Election Board to count the ballots, allow the ballots to be certified, return the certification to the Town and 7 days thereafter, the winning candidate is certified and sworn in as a Commissioner. There is a process in the state law whereby a person may challenge a candidate's eligibility or portions of the election notices. In other Towns, Solicitor Schrader has had challenges based on the residency, registration requirements and whether or not a campaign must or must not be a non-partisan campaign. Areas of concern deal with permanence of residency. The current minimum requirement of state law is that you be a permanent resident for purposes of registration for a minimum of 30 days in Town and you can prove your residency with an electric bill. Solicitor Schrader is not satisfied with that determination. State law has a hierarchy of documents you can bring in to show your residency; a driver's license would be most desirable and an electric bill would be least desirable. Town Clerk Peggy Smith advised Bridgeville asks for a driver's license with a Bridgeville address, or another photo i.d. from all those registering to vote. A state-issued I.D. is also allowed. The definition of permanent residency was brought up. Solicitor Schrader advised your permanent residency is where you declare it to be. He gave the example of his parents who started out going to Florida for one month per year. That expanded as time went on and eventually they declared Florida residency to avoid income and inheritance taxes. You must have minimum contacts with a Town to show your residency. The state you pay your resident income taxes to would determine permanent residency. Your residency is not based on property ownership. In this mobile population, it is important to establish permanent residency. Solicitor Schrader advised a Delaware driver's license with a Bridgeville address shows that you are a permanent resident of the Town of Bridgeville.

President Correll thought the residency requirement for voter registration was 90 days; however, Solicitor Schrader clarified it is 30 days. He advised permanent residency in Ocean View is considered 181 days, based on their Town code. Commissioner McCarron questioned again driver's license vs. electric bill for establishing residency. Solicitor Schrader advised his 95 year old mother cannot drive and doesn't have a driver's license, but she does get an electric bill, which can be an acceptable proof of residency, if not the preferred. He added that the potential for fraud does exist the lower the standard is for validating permanent residency. In a small Town, everyone is likely to know each other. To answer Commissioner McCarron's questions, if someone brings in an electric bill sent to them at a Bridgeville address, they should be allowed to register to vote. Solicitor Schrader would always prefer the see a driver's license, especially with the recent upgraded federal driver's licenses. Mr. Schrader advised in a Referendum a non-resident property owner can vote by showing a form of i.d. These individuals are not eligible to vote in municipal elections. It was clarified that U.S. citizenship is a requirement on the Town's voter registration cards.

Mrs. Vogle questioned non-residents' ability to vote in Rehoboth Beach. Solicitor Schrader advised that many of the coastal communities have agreed to and made charter provisions to allow for non-resident voting, but only for non-resident Commissioners. Mrs. Vogle also asked if a provision could be made for Bridgeville non-residents to vote only for Commissioners, not for state senators or representatives. Solicitor Schrader believes that could be put into the Charter if the Town wanted to do so. He added that property ownership, typically, is not intended to be a reason for voting for the governing or legislative body of a municipality, etc. It has been said that granting property ownership for voting is a dilution of the one man, one vote, because of the lack of residency. That has begun to be challenged.

Mrs. Skala believes it may be a bigger problem that someone can be a renter in Bridgeville for fifty years and can't be a candidate for public office. Solicitor Schrader advised that is the issue they intend to address in this charter change. The intention is to take property out of the election discussion altogether. He commented that most Towns are moving to a more uniform election code. There are 26 Towns plus Sussex County government as an entity and uniformity makes sense.

Mr. Atwood asked about the Election Board. Bridgeville has an Election Board with several members. Town Clerk Smith advised the Election Board was appointed when former Town Manager Walls was here. It is a 5-member board that meets to qualify the candidates for Commissioner. They also serve as the election clerks and certify the results after the election. The Election Board was appointed before the Town instituted election voting districts. Solicitor Schrader advised Election Board members cannot be a whole-blood or half-blood relation to any of the candidates.

Commissioner Kovack asked Solicitor Schrader if this proposed charter change must go to the General Assembly immediately. Solicitor Schrader advised this issue has arisen each spring before the municipal election and he suggested it be placed before the Commissioners before the next election. Commissioner Kovack commented that since it has been incorrect since 2005, there is no rush to address it at this meeting. Solicitor Schrader requested that it be addressed before January 2013 when the next election cycle begins. The General Assembly will consider issues such as this in the beginning of January, which would allow the change to be made before the next election.

Commissioner Kovack made a motion to table this charter change. Commissioner Mervine seconded the motion. The motion passed 3 to 2. The votes were as follows:

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

XII. NEW BUSINESS

A. Police Department Grants and Applications

Acting Town Manager / Finance Director Savage advised the Police Department has received a Highway Safety Grant (Summer Motorcycle Safety Enforcement) in the amount of \$1,000 for patrols June 1-15. This is a grant for patrols within the Town of Bridgeville only. All officers will be offered this overtime work. Commissioner Mervine advised this is voluntary patrolling and the officers can make extra money. The department will be required to fulfill the hours if the Town accepts the grant. They will be looking for safety issues, erratic driving, etc. Commissioner McCarron made a motion to approve the acceptance of the Grant. Commissioner Tassone seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

The second grant is a Checkpoint Strike Force Grant in the amount of \$2,000. This mobilization will take place at various locations July – December, with 11 four-hour blocks.

Commissioner Tassone made a motion to approve the acceptance of the Grant. Commissioner Kovack seconded the motion. A roll call vote was taken and the motion carried with 5 in favor.

B. Consideration of the Removal or Relocation of the Town Hall Recycling Center

Acting Town Manager / Finance Director Savage reported the Town has funds to repave the Town Hall parking lot and increase parking spaces. If we resurface the lot, the recycle trucks would tear up the surface immediately. The Town has found grant money to accomplish the repaving and is investigating where to move the recycle center. Delaware Solid Waste Authority (DSWA) has advised there are currently centers at the high school and at Goodwill and they recommend removing it entirely. Commissioner Correll advised there are several types of recycling bins that the high school does not have at their location and their containers look full from school use. Acting Town Manager / Finance Director Savage was hoping we could send our containers to both of these locations to make sure they had adequate containers and all the types of recycling containers available. President Correll advised the Town Hall recycling center is a highly-used location, although the traffic is very busy here, especially for our older citizens. Commissioner McCarron believes the waste oil recycle container is very valuable, because it is not found at all locations. Mrs. Kovack suggested that the Goodwill store has plenty of space for the containers and the recycling traffic; it would be a central location for old Bridgeville and Heritage Shores. Mrs. Vogle asked where she can take her recyclables, since she does not have garbage pick-up. It was suggested that she take her recyclables to Goodwill and it was clarified that anyone can use any of the recycle locations. Acting Town Manager / Finance Director Savage will let the Commissioners know if we receive the grant money for the parking lot and then they can make a final decision on the recycle station.

C. Administrative Board Appointments – Children's Sanctuary Park

President Correll reported that she would like to put together a group of individuals, 3 from Union United Methodist Church (already chosen) and 3 from the Town to be in charge of the care and possible relocation of the park. Acting Town Manager / Finance Director Savage advised the 3 Town members must be the President or her designee and 2 members of the community at-large. President Correll suggested Acting Town Manager / Finance Director Savage and Commissioner Kovack, since the park is in his district. Solicitor Schrader recommended that Mr. Savage be excused from this service, but allow Mr. Kovack to serve. Commissioner Tassone made a motion to approve the selection of 3 individuals by the Town for the Children's Sanctuary Park Administrative Board. Commissioner Tassone seconded the motion. Motion carried.

Commissioner McCarron has observed new businesses opening in Town center that have had to go before the Planning and Zoning Commission for a development plan review, expressly because of the location, even though they are using existing buildings and the use is an approved use. He believes it is expensive and unnecessary. Per the code book, the new business is not creating new lots; it does not require the construction of public utilities and is not required to go through a PLUS review. Solicitor Schrader agrees with Commissioner McCarron; if the use is permitted and the existing building/parking will not be changed, it makes sense to remove that requirement. Solicitor Schrader believes the review technically falls within the code; however, he believes there should be an exception where there is no structural change and no parking change requirements. Solicitor Schrader advised some businesses require different parking requirements than other businesses and that should be taken

into consideration; however, in simple applications that we have considered in recent months, there was no real need for the review. Mr. Atwood, who is the Chairman of the Planning and Zoning Commission, commented that there were concerns with the bakery that they were going to have tables and chairs to service people. That matter is more complicated and would have justified the need for a review. It was suggested that a paragraph be added that instead of the development plan review, the proposal be placed before the Code Enforcement Officer for his review to make sure a development plan review wasn't necessary. Solicitor Schrader will craft an Ordinance for the Commission's review. Commissioner Tassone commented that Bridgeville needs to make the Town more business-friendly.

Representative Dave Wilson was in attendance. He believes the meeting was so exciting that he won't need to turn on his television when he returns home. He will review all the comments that have been made tonight concerning charter changes and he will also share the comments with Senator Booth, who was not available to attend the meeting. They want to make all parties happy in Bridgeville. Mr. Atwood asked the timetable for these charter changes so people could make their concerns known. Committee meetings will be taking place soon, although they are not yet scheduled. Mr. Wilson reported he has heard comments here tonight and at the recent coffee meeting held at Jimmy's Grille. Solicitor Schrader advised when the issue is introduced it will have a House Bill number added to it, which can be tracked online.

Police Chief Longo advised the flag will be at half-staff tomorrow by order of the President of the United States for Police Officer Week, in tribute to the 167 officers who died in the line of duty last year. This week is Law Enforcement Week.

XIII. INTRODUCTION OF ORDINANCE(S)

The Commissioners did not have any Ordinances to introduce at this time.

XIV. ADJOURNMENT

Commissioner Kovack made a motion to adjourn the meeting. Commissioner Tassone seconded the motion. The meeting was adjourned at 9:31 P.M.

Respectfully submitted,

Lawrence Tassone

Lawrence Tassone, Commission Secretary

Peggy Smith

Peggy Smith, Transcriptionist