

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
JULY 9, 2012
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by President Pat Correll at 6:00 P.M. Present: Commissioners Paul Kovack, Steve McCarron, Jay Mervine, Lawrence Tassone, Acting Town Manager/Finance Director Jesse Savage and Town Solicitor Dennis Schrader.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville.

III. EXECUTIVE SESSION – PERSONNEL/PROPERTY

Commissioner Kovack made a motion to go into Executive Session to discuss Personnel and Property matters. Commissioner Tassone seconded the motion. Motion carried. The Commissioners went into Executive Session at 6:01 P.M.

IV. RECONVENE OPEN SESSION

Commissioner Tassone made a motion to reconvene the Open Session. Commissioner Mervine seconded the motion. Motion carried. The Open Session reconvened at 7:00 P.M. The Open Session continued with the Flag Salute and Lord's Prayer.

V. APPROVAL OF AGENDA

Commissioner Tassone made a motion to strike New Business item A. "Discussion and Possible Vote on the Sale of 103S. Main St." from this Agenda and approve the remaining portions of the Agenda. Commissioner Kovack seconded the motion. Motion carried.

VI. APPROVAL OF MINUTES

Commissioner McCarron made a motion to approve the Minutes from the April 18th Budget Workshop, the June 11th Executive Session and regular Commission Meeting. Commissioner Kovack seconded the motion. The motion carried with a vote of 5 to 0.

VII. CORRESPONDENCE

Acting Town Manager/Finance Director Savage advised the Town has received a card from Mr. and Mrs. Mike Collison thanking the Town for sending flowers following a death in their family.

The Western Sussex Boys and Girls Club has submitted a donation request to the Town. The Club has been in operation in Seaford since 1995 and services approximately 400 children.

Any donation the Commission sends would be matched by The Boys and Girls Club of Delaware. Acting Town Manager/Finance Director Savage reported there is no budget money allocated to this organization and suggested saving the request for consideration during the January Budget Amendment hearings. The Town has not donated to the Boys and Girls Club in quite a while. It was reported that a large number of Bridgeville children go to the Seaford Club. Commissioner Kovack stated he would like to donate his Commission salary to this organization. Acting Town Manager/Finance Director Savage will discuss this with Commissioner Kovack at a later date.

The Bridgeville Public Library has requested a Hometown Carnival Night the night before the Apple Scrapple Festival. This is a yearly request to open the carnival to Bridgeville families before the festival begins and would only be advertised locally. Children would pay one price for rides all evening on Thursday, October 11th. Commissioner Tassone made a motion to approve the Hometown Carnival Night. Commissioner Kovack seconded the motion. The motion carried with a vote of 5 to 0.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Acting Town Manager/Finance Director Savage advised on the Balance Sheet, as of June 30th, the General Fund totaled \$111,311, which is a decrease of \$61,500 from last month. The Reserve accounts total \$511,686 and all accounts total \$743,911, which is a decrease of \$113,500 from last month. Accounts Receivable has \$76,786 in outstanding bills. On page 2 of the report is the Emergency Services fund, which stands at \$7,070. \$3,400 is the special EM fund contribution from building permits and developers' agreements. Starting in July, this category will be amended to indicate the amount of each. On the Budget Report we are at the end of the 2012 budget year and should be at 100%. Some invoices and receipts have yet to arrive; however, income currently stands at 2,353,193, which is 95% of the budget. Expenses stand at \$2,357,063, which is also 95% of the budget. Net income is -\$3,870 to-date. June water/sewer bills are still outstanding, which will affect these totals.

Commissioner Tassone questioned the Accounts Receivable line item of \$27,523 for the demolition of two buildings. Is the Town owed this money by other entities? Acting Town Manager/Finance Director Savage advised this involves the two properties across the street on N. Main; the Town owns one and is waiting for a Sheriff's sale on the other property. These are delinquent accounts that have been outstanding for a number of years.

Acting Town Manager/Finance Director Savage advised Accounts Payable stands at \$73,337. Bills include a quarterly interest payment on the O'Leary building, a yearly code update and a pension contribution for the 2011 calendar year. Expected expenses total \$117,500 for a total to be approved of \$190,837. Commissioner Tassone made a motion to pay the bills as presented. Commissioner Kovack seconded the motion. The motion carried with a vote of 5 to 0.

Commissioner Tassone questioned three separate telephone entries on the phone bill for the Police station. Acting Town Manager/Finance Director Savage advised they refer to separate charges for cell phones, land lines and Verizon DSL lines.

President Correll recommended expediting bills so that the 2012 books can be cleared. Acting Town Manager/Finance Director Savage advised many outstanding bills involve national companies that have procedures in place that wouldn't easily be hurried. All outstanding bills should be accounted for by the end of July.

IX. DEPARTMENT HEAD REPORTS

Commissioner Tassone asked if the street sweeper is being used on the three streets in Heritage Shores that have been approved by the Town. Acting Town Manager/Finance Director Savage advised Street Superintendent Passwaters is sweeping as much as he can; however, there remains a hold-up in tree-trimming by the developer before he can adequately sweep the streets in some areas. Ms. Dottie Harper from Providence of Brookfield Homes was in attendance and advised the trees have not been trimmed yet due to the intense heat; they might not recover from being trimmed in this hot, dry period. Mr. David Carro is the lead person at Heritage Shores concerning trees/grass/landscaping and should be in touch with the Town concerning the tree trimming. Acting Town Manager/Finance Director Savage advised he will also follow-up on the status of the tree-trimming and sweeping.

It was clarified that the back-up alarm in the Water Department has been completed and tested.

President Correll commented that the building permits increased in June to 14 permits.

Commissioner Tassone questioned if there have been any license violations by contractors. Acting Town Manager/Finance Director Savage will check with Code Enforcement Officer Butler concerning that information.

Commissioner McCarron questioned the fact that the Town supplies 10 million gallons of water per day, but only treats 5 million gallons of wastewater. Acting Town Manager/Finance Director Savage mentioned that lawn irrigation in the summer at Heritage Shores is significant with 340 homes and added that a Facility Plan study that has not yet been funded would be very helpful in answering that question. There are also some properties that do not have meters installed to measure their usage, which accounts for some of the disparity in wastewater treatment volume.

Commissioner Tassone questioned Police Chief Longo about 13 alarm responses from last month. The Chief advised it was not all residences, several were businesses and their names were forwarded to Acting Town Manager/Finance Director Savage and Code Enforcement Officer Butler for fines to be sent to those who have exceeded the false alarm restrictions. It was clarified that owners of home alarms within Town limits should notify the Bridgeville Police when they have a false alarm. The State Police are also notifying the Town Police Department about false alarms they respond to within Town limits. Repeat offenders are being handled by the Code Enforcement Officer. President Correll believes homeowners with false alarms should schedule a service call from their alarm company and be required to bring the invoice to the Police Department to prove they have fixed the problem. The Town Ordinance identifies more than 3 false alarms as a violation of the Ordinance. The Police Department is repeatedly asking homeowners to have their alarm systems serviced due to false alarms.

Commissioner Tassone questioned traffic citations and JP Court/Voluntary Assessment. Chief Longo advised an assessment is not questioned, just paid. Commissioner Tassone believes most of these people are going to court, rather than paying through voluntary assessment. Chief Longo advised that is true.

Commissioner Tassone questioned the status of schooling for bike patrols. Chief Longo advised all bike patrollers must go through a course. Unfortunately, Dewey Beach's class has been delayed and the national course would cost \$1,000/person. Chief Longo hopes to have classes finished before the end of September, but is waiting on Dewey Beach's classes. There are precise police procedures involved, as well as liabilities; it is not just learning to ride a bike. Senator Joe Booth advised he served on the Council on Police Training for the State of Delaware for 5-6 years and the training would be done through this organization.

Commissioner Mervine questioned the \$13,000 in vehicle maintenance on the Police report. Chief Longo advised that is what has been spent this year to-date on a variety of issues.

X. TOWN REPORT

Acting Town Manager/Finance Director Savage reported Public Works employees repaired ruts in the road at the spray farm in June. This concerns a low-lying area that is constantly wet. Approximately 4 loads of stone were used.

All that remains of the Main St. project is the road paving and installation of traffic lights at the intersection of Market and Main Sts. There has been no word as to when that work will take place, but the paving cannot be done until the new lights have been installed. The State may meet this week to discuss the status of the project. Commissioners will be updated after the meeting takes place.

The Town has received a grant of \$12,000 for the purchase and training of a Police K-9. Corporal James has been enrolled in a training program starting in late August. In addition, \$3,909.61 has been collected in donations toward the K9 Program, which will be used for travel expenses associated with the training. Acting Town Manager/Finance Director Savage is working with the Chief on a K9 Policy Manual to be adopted by the Commissioners prior to implementing the K9 Program. He hopes to have it ready for adoption at the August meeting. Commissioner McCarron congratulated Chief Longo on the upcoming K-9 unit. He praised the department for the money that has been raised and for the support the Town has shown for the project.

The final meeting among stakeholders of the Bridgeville Master Plan is scheduled for Thursday, July 12th at 6:00 P.M. Table-top exercises will resume with a final layout determined, which will be submitted to the public for their review and comment.

Mr. Rich Von Stetten of the Statewide Recycling Program has advised they have placed oil and oil filter igloos at the Goodwill recycling center location; therefore, that site is exactly the same as the center at Town Hall.

The Town is currently accepting bids for a ten-year maintenance contract on the two elevated water storage tanks. Bids are due by 3:30 P.M. on July 25th.

The Town is also accepting bids for the removal of a walkway extending over the raw influent well at the Wastewater Treatment Plant. Bids are due by 3:30 P.M. on July 24th.

There will be a Planning and Zoning Hearing on July 18th at 7:00 P.M. The Planning and Zoning Commission will consider an Ordinance to amend Chapter 234, Section 22 of the Land Use & Development Code of Bridgeville creating exceptions from development plan reviews.

XI. CITIZEN'S PRIVILEGE

President Correll welcomed Senator Booth and Representative Wilson to the meeting. Senator Booth gave a brief report on the recent General Assembly session.

- The three Bridgeville charter bills were passed in the General Assembly with some changes. They were submitted on or before April 18th and passed at the end of the final day of the legislative session on June 30, 2012.
- Another bill that passed requires that public hearings stay open for a prescribed amount of time. If advertised from 7:00 – 9:00 P.M., the hearing must stay open until the closing time stated. A 15-day written comment period is also allowed, following the public hearing.
- Municipal Street Aid (MSA) was increased; however, there are further regulations concerning how the money is spent and Police Departments will be excluded in the future for MSA funding. He doesn't believe Bridgeville will have any problem meeting the requirements the state is asking for. He also advised the funds were lower than what SCAT (Sussex County Association of Towns) asked for.
- Bridgeville had written Senator Booth and Representative Wilson in opposition to SB167 concerning collective bargaining rights for all Police Departments regardless of their size. Senator Booth reported the bill was not even considered at this session.
- Senator Booth advised he has brought a street paving list and a 21st century fund list for the Town Manager to examine.

President Correll checked into the regulations for the use of MSA monies and the Town's files and found that Bridgeville is not in violation of the use of the money. In previous years, MSA could be used for Police Departments; however, that will no longer be acceptable. Bridgeville has not used these funds in this way in the past, although it was allowed. Senator Booth had expressed his concern in the General Assembly that Towns had already finalized their budgets for the upcoming year before this change in usage passed the House and Senate; therefore, the change will go into effect next year.

Mr. Bill Atwood of 113 Emily's Pintail Dr. thanked Senator Booth and Representative Wilson for listening to the voters and citizens of Bridgeville concerning Bridgeville's charter changes. Mr. Atwood also expressed his opinion that the appointment of a new Town Manager later in the meeting should involve the appointment of Mr. Jesse Savage. Mr. Atwood brought up the charter change concerning \$2.5 million debt permission without a referendum. The General

Assembly passed the charter change, but changed the allowed borrowing amount to \$1.5 million. He understands that the Town cannot borrow more than \$4 million. He questioned what the limitation would be on the total debt – \$4 million + \$1.5 million? Or some other figure. Solicitor Schrader advised it could be the $4 + 1.5 = 5.5$ million; however, it depends upon the type of bond involved. There are general obligation bonds, revenue bonds, etc. Solicitor Schrader advised we are looking at a charter that was written in the 1960's and the way we do business and borrow money has changed over the years. He believes the Town will be able to borrow \$5.5 million; however, he is reticent to say anything definitively without researching our charter further.

Commissioner McCarron questioned the issue concerning journeymen electricians. Senator Booth advised it has to do with House Bill 180 that was passed on the consent agenda, by the Senate and by the Governor last year. He believes the Board overstepped its boundaries by requiring a very broad definition of individuals in contact with electricity and wiring (i.e. changing a light bulb/ballast) being included in this legislation. Senator Booth's bill (Senate Bill 179) asked for a 2-year delay in implementation in order to avoid a possible 2,500-4,000 workers being laid off and to create classroom opportunities for apprenticeship programs, waivers, etc. That bill became stuck in committee. The Board of Electricians will soon finalize the regulations. Senator Booth has drafted a letter to the Governor expressing his disappointment in how Bill 180 was carried out; he believes the process was abused and believes the end result of Bill 180 goes against the Governor's current executive order to review all state agencies as they pertain to small businesses and people conducting business. There are a few exemptions which include DelDOT. The final regulations are still being drafted. This will probably be more of a problem here downstate. Commissioner McCarron has heard a lot about the bill and is concerned for very experienced electricians who simply do not have the required documentation/certificates to prove it. He is also concerned that costs for an electrician will rise.

Mr. Bob Hunsberger from Pet Poultry and Cannon Cold Storage advised his companies have supported the Apple Scrapple Festival since its inception with parking permissions and in many other ways. In the past 5 years they have had significant vandalism problems during the festival after hours. All incidents were reported to the Police Department, which came and looked. There have been broken windows several years and other businesses in the area have been affected as well. This past year vandals jumped the fence, stole a truck from Cannon Cold Storage and drove it through the gate. It ended up in the back woods of Bridgeville with the drive-shaft torn up. Cost to the company was approximately \$20,000. Mr. Hunsberger is requesting police surveillance this year around Jeff's Tap Room from 1:00-3:00 A.M. If the Hunsbergers do not receive cooperation from the Town and Police, they will likely withdraw their cooperation with the festival. This vandalism is definitely connected to the Apple Scrapple Festival and to Jeff's Tap Room. President Correll expressed her concern and will look into the matter and provide extra attention and coverage this year during the Festival. The Commissioners thanked Mr. Hunsberger for coming to them.

XII. OLD BUSINESS

There was no Old Business to be brought before the Commissioners at this time.

XIII. NEW BUSINESS

A. Discussion and Possible Vote on the Sale of 103 S. Main St.

The Commissioners removed this item from the Agenda at the beginning of the meeting.

B. Discussion and Possible Appointment of Town Manager

President Correll advised Mr. Jesse Savage has been the Acting Town Manager for the past 3-4 months. Commissioner Kovack made a motion to appoint Mr. Savage as the Town Manager. Commissioner Tassone seconded the motion. Motion carried with a vote of 5 to 0. President Correll welcomed Mr. Savage as new Town Manager and Finance Director.

C. Greenwood Wastewater Agreement

President Correll advised the Commission has been working with Greenwood for an extensive period of time ironing out problems and coming to an agreement concerning Bridgeville's wastewater services to Greenwood. Town Manager Savage related some of the highlights of the finalized agreement:

- Greenwood has agreed to pay current impact fees and tapping charges.
- Language has been removed which stated that the wastewater plant must be at 80% capacity before Greenwood would pay impact fees.
- A mandatory review of the agreement will take place between the Town Managers every 5 years so that any issues can be resolved.
- Concerning overage of allotment, if Greenwood goes over their allotment by 10% in any 3-months of a 12-month period, there would be an automatic increase and they would owe impact fees.
- Instead of a formula based on invoices we receive, Greenwood will pay our rates. We will take Greenwood's total flow and divide it by the number of users in their system; multiply the average use by our rates and then multiply it back by the number of users, creating a bill using the rates adopted by the Commission.
- A Steering Committee will be re-instituted, meeting quarterly with 3 representatives from Bridgeville and 2 from Greenwood. Bridgeville's representatives will be Town Manager Savage, Wastewater Superintendent Collins and DBF Engineer Jason Loar.

Greenwood has not yet formally signed this agreement; Bridgeville is signing first. Commissioner Kovack made a motion to approve and sign the Greenwood Wastewater Agreement and to approve the Steering Committee members mentioned above. Commissioner Tassone seconded the motion. Motion carried with a vote of 5 to 0.

D. Planning and Zoning Commission Reappointment

President Correll advised that Mr. Rob Richey replaced Mr. Richard Rowe on the Planning and Zoning Commission when Mr. Rowe died. This term expires in early August. Commissioner

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McCarron made a motion to reappoint Mr. Rob Richey to a three-year term on the Planning and Zoning Commission. Commissioner Tassone seconded the motion. Motion carried with a vote of 5 to 0.

XIV. INTRODUCTION OF ORDINANCES

There were no new Ordinances to be introduced.

XV. ADJOURNMENT

Commissioner Kovack made a motion to adjourn. Commissioner McCarron seconded the motion. Motion carried. The meeting was adjourned at 7:51 P.M.

Respectfully submitted:

Lawrence Tassone
Lawrence Tassone, Commission Secretary

Peggy Smith
Peggy Smith, Transcriptionist