

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
SEPTEMBER 9, 2013 – 7:00 P.M.
TOWN HALL**

IV. OPEN SESSION CALL TO ORDER

The meeting was called to order by President Pat Correll at 7:00 P.M. Motion to come out of Executive Session – Kovack; 2nd – Mervine; motion carried. President Correll advised the Commissioners discussed pending litigation in the Executive Session and no votes were taken.

Present: Commissioners Paul Kovack, Sharon McDowell, Jay Mervine, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville, despite the absence of Commissioner Tassone.

V. APPROVAL OF AGENDA

Motion to approve the Agenda – Kovack; 2nd – Mervine; motion carried.

VI. APPROVAL OF MINUTES

Motion to approve the August 12th Commission meeting minutes; the May 29th Budget Workshop minutes and the August 8th Police Swearing-In Ceremony minutes – Kovack; 2nd – Mervine; motion carried.

VII. CORRESPONDENCE

Town Manager Savage advised the Apple Scrapple Festival Committee would like to store their rental golf carts at the Wastewater Treatment Plant from October 9th through October 14th, as they have done in past years. It is a secure location that is accessible and the golf carts are insured under Apple Scrapple's policy. Several of the golf carts are also made available to Town employees for their use during the festival.

Motion to approve the storage of golf carts at the Treatment Plant – Mervine; 2nd – McDowell; motion carried.

Town Manager Savage advised receipt of a report from the Nanticoke Watershed Alliance (NWA). The Nanticoke Watershed report card looks at 4 major indicators of water quality and examines bacteria on the river from Seaford, Delaware to Nanticoke, Maryland. Tips are included to improve water quality. The report is available for public review at Town Hall and available at the NWA website: www.nanticokeriver.org

The Town has received a letter from the Sussex County Council with monetary donations to Bridgeville's National Night Out from Councilman Mike Vincent (\$500) and Councilman Sam Wilson (\$250).

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – August 31, 2013

General Fund – \$372,805

Reserve Accounts – \$621,649

All Accounts – \$1,127,322 (increase of \$196,198)

Accounts Receivable – \$462,809, the majority of which is property taxes

Budget Report Target – 17%

Income – \$755,561 (32%)

Expenses – \$304,821 (13%)

Net Income - \$450,740

(The majority of property tax payments will be received the last week of September.)

Accounts Payable

Bills - \$31,345 Expected Expenses – \$170,100

Amount to be approved - \$201,445

The \$30,000 miscellaneous account covers electric, repairs, supplies, etc. that Town Manager Savage may approve, when needed. All of the money is not used; however, it provides coverage for bills that have not yet been received.

Motion to approve the bills as presented – Kovack; 2nd – McDowell; motion carried.

IX. TOWN REPORTS

Town Manager Savage highlighted the Mill Street project, which has taken approximately 10 years to move forward. Representative Wilson and Senator Pettyjohn have agreed to split the estimated \$125,000 cost and have obligated themselves to the project. Catch basins will be placed on either side of the roadway and directed to the state's stormwater system on Market St. Former Senator Booth had placed Bridgeville on the 21st Century grant list; however, we were too low on the waiting list to receive funding through that program.

President Correll reported Mill St. is also where Social Services is located and the street is in very poor condition. She believes the state should have assisted with the project since a state agency is located there. Town Manager Savage advised it is a Town-maintained road and we do receive Municipal Street Aid funds to use for Town streets.

President Correll requested that Layton's Hardware and Jeff's Tap Room be advised of the project so that they can improve their properties at the same time. Town Manager Savage reported Layton's is no longer interested; however, G.L. Jefferson is still interested in parking lot improvements and intends to upgrade the stormwater system, as well. The Mill St. project will begin sometime after the Apple Scrapple Festival.

Commissioner Kovack brought up a discussion Town Manager Savage had recently with Woodbridge School District Superintendent Chasanov, Assistant Superintendent Cameron and Police Chief Longo. Town Manager Savage informed the school district that the Bridgeville Police will not be making special trips to the schools unless it is an emergency situation. He has recommended that a

letter be drafted to the School Board to explain that the school needs resource officers, not Town Police in the schools. The school should be responsible for the internal investigations, with assistance from the Town when our officers have time. Commissioner Kovack does not believe the Town Police will be expected to assist in high school problems when the high school moves to their new campus in Greenwood; the state will assume responsibility then. Town Manager Savage added the plan for the new school came up in the recent discussions. When the new school is occupied, they will seek a new agreement with the Town Police – possibly including Greenwood's Police Department.

Commissioner Kovack advised the Governor sent a directive to Homeland Security/State Police/Secretary of Education for SRO's to go back into the schools; however, the SRO's are the responsibility of the individual school boards. Woodbridge has voted twice not to bring SRO's into the schools. Indian River has SRO's in their schools this year. Police Chief Longo advised Bridgeville Police will continue monitor Woodbridge ballgames this school year.

Town Manager Savage asked for approval to send a letter to the school district defining the Commissioners' decision that there be no special treatment concerning Bridgeville Police Department's involvement in the schools. The Commissioners did not call for a roll call vote on this matter, but generally agreed for the letter to be sent. Chief Longo stated that he does not believe the Bridgeville Police gave special treatment to the school district in the past. He began a foot patrol through the school as a preventive measure; they had less calls when they did the foot patrols and more calls when they suspended them. The Police officers have not left traffic stops to go to the high school or any other preference actions. This year, Chief Longo recommended the school conduct preliminary investigations before calling the Bridgeville Police Department, which is what has been done so far. No special trips have been made to-date.

Commissioner Mervine questioned the Frog Harbor bridge problems. Town Manager Savage advised DNREC controls that ditch and has forwarded our complaint to DelDOT and made the agencies involved aware that he would like to be kept in the loop. They indicated the fix will take specialized machinery, which they do not have.

Commissioner Kovack advised this area washed out during the storm Irene. At that time there was discussion of a open span bridge at that location; however, the project never moved forward.

President Correll congratulated the Police Department for a job well done with the National Night Out event. Chief Longo advised he received a thank you card from a citizen today.

President Correll has asked Town Clerk April Buckler to spread the word to new residents about not placing grass cuttings in the streets.

Commissioner Kovack asked if the Town has heard from Greenwood concerning signing the Bridgeville/Greenwood Wastewater Agreement. Town Manager Savage advised no word has been received. There has been no advancement in 1-1/2 years and the new wastewater permit is imminent. The permit will not go into effect until the Greenwood Agreement is signed. He advised DNREC called today and it appears they will be trying to amend the permit so the signing of a new agreement will not be a qualifying factor. We would not necessarily be considered in the decision; however, there would be a 60-day comment period for response. DNREC added the qualifier themselves; Bridgeville

did not ask for it. Ms. Jennifer Walls from DNREC has indicated that she will be at next month's Commission meeting when our engineer, Jason Loar, comes to discuss the Wastewater Facility Plan.

Town Manager Savage understands there is a letter from Greenwood concerning the agreement to be sent to us; however, it has not been received to-date.

X. CITIZEN'S PRIVILEGE

Mrs. Ruth Skala from 108 Whistling Duck Dr. commented that Greenwood's wastewater usage was significantly decreased this month. Town Manager Savage advised Greenwood has made improvements and fixed a considerable portion of their Inflow & Infiltration (I&I) problems. Bridgeville still has I&I problems; therefore, during big rain events our usage increases significantly and Greenwood's stays the same, giving Bridgeville the higher percentage of wastewater flow.

Mrs. Skala asked for a time-line for the completion of the walking/bike path between Heritage Shores and the older portion of Bridgeville. Town Manager Savage reported in order for the Town to receive grant money it must own the property. They are in discussions with the developer to convey a portion of the property or a permanent easement. The developer has completed the portion of the walkway for which they are responsible. There is a chance the project can move forward after Phase III of the RPC is approved. Town Manager Savage is waiting to hear back from the developer concerning compensation/remuneration.

Mrs. Skala added that there is an event at the Bridgeville Public Library on September 10th at 7:00 P.M. with a presentation on de-stressing and de-cluttering your home.

President Correll reported the Historical Society Auction Saturday night at the Bridgeville Fire Hall was very successful, with almost 100 people in attendance. She appreciates the Town's support.

XI. OLD BUSINESS

A. Police Department Take-Home Vehicle Program Policy

Town Manager Savage advised the Commission requested a policy for take-home vehicles by the Police officers. A proposed policy is before the Commissioners tonight for their review and possible adoption.

President Correll advised guidelines were necessary as the Town has never allowed Police vehicles to be taken home by the officers. Chief Longo is the responsible party concerning a successful Police car take-home arrangement, along with Town Manager interaction.

Commissioner Kovack advised he has discussed this policy with Town Manager Savage. The first two paragraphs ("Purpose" and "Policy") should be determined by the Commission. The "Procedures" portion of the policy should be determined and administered by Chief Longo and Town Manager Savage. Reports, maintenance guides, etc. will need to be drawn up for use by the officers.

The policy provides take-home vehicles for officers who live within 25 miles of the Town and have been an employee of the Town for at least 3 years.

Commissioner Mervine asked if the policy will need to be amended from time to time. Town Manager Savage believes it is complete in its present form. Commissioner Kovack believes the only changes might be disciplinary.

President Correll is concerned about insurance liability with "ride alongs." A Liability Release Form has been generated to be signed; a signature on the waiver form should be sufficient. Solicitor Schrader advised a suit may be filed regardless of a signed waiver. It is the responsibility of the insurance company to defend the Town and indemnify it. There is sovereign immunity to consider and insurance aspects. Commissioner Kovack advised the State Police has a ride-along program for 16-21 year-olds who might be interested in a Police career. Solicitor Schrader believes any ride along should be through a State Police-organized program.

Currently, persons interested in riding along in a Police vehicle fill out paperwork to be approved by Chief Longo. He allows individuals who are interested in becoming Police officers to ride-along with Bridgeville officers. The Chief also encourages spouses to ride along in order to understand what their husbands do. He will comply with whatever the Commissioners decide on this policy.

Commissioner Mervine stated this ride along policy does not belong in the Take-Home Vehicle Policy.

Commissioner Mervine questioned a provision on page 3 that an officer could refuse to drive a vehicle because he believes it is unsafe. If the maintenance plan is being followed, this shouldn't even come up. If there is a problem with the Police vehicle, officers should drive their personal vehicles. He is also concerned about all the appeal opportunities.

Town Manager Savage believes maintenance is the responsibility of each officer. If during their inspection they determine something is wrong, they would go to the Chief and report they are unable to drive the car. If the Chief says it's ok to be driven, the officer either drives the car or appeals the Chief's decision to the next level; however, he is uncertain whether appeals need to be included at all. Town Manager Savage advised this paragraph should be part of the maintenance policy, not the Take-Home Vehicle Policy.

Chief Longo advised currently an officer with a take-home vehicle will leave the car behind and drive another department vehicle home when there is a problem with his car. (Officers try to do their vehicle maintenance when they are off-duty, rather than in the middle of their shift.)

Commissioner Kovack reiterated that the Commissioners should not micro-manage the Police Department and should concern themselves with the Purpose and Policy of the Take-Home Vehicle Policy and leave the Procedures to the Police Chief.

Motion to adopt Section I Purpose and Section II Policy of the Take-Home Vehicle Program Policy of the Bridgeville Police Department – Kovack; 2nd – McDowell; motion carried.

Section III Procedures will be determined by Police Chief Longo and Town Manager Savage.

XII. NEW BUSINESS

A. Major Development Plan Review – F.E.D. Investment

Town Manager advised the Town has received an application from F.E.D. Investment to subdivide a single parcel of land into 6 parcels. The Bridgeville Planning and Zoning Commission heard the application at their August 20th meeting and recommended approval to the Commissioners of Bridgeville.

Solicitor Schrader was at the Planning and Zoning Commission meeting and advised the application was for 5 lots parallel to Route 13 with an internal service road and 1 residual tract in the rear facing South Main St. The lots meet the minimum dimensional requirements for lots in a highway commercial area in Bridgeville; they also meet the minimum bulk requirements. The property is served by water/sewer and public utilities. Before there is any development of these properties the owner must follow the Town/County/State building permit process.

Solicitor Schrader advised the entrance/exit to this development will be on the proposed internal service road which enters/exits on Rifle Range Rd., not on Route 13. He added there were no persons present at the Planning and Zoning Commission meeting in opposition to the development.

Solicitor Schrader reported the only comment that would be germane to this application would be whether or not the lots meet the dimensional and technical requirements of the zoning ordinance by way of lot width, content or depth, or whether or not they are adjacent to a road that will provide access to a public highway. It was clarified that this a separate application from the proposed billboard requests for this property.

Mr. Joe Conaway was in attendance to speak on behalf of the applicant. He advised they had submitted a plan after the property was annexed into Bridgeville in January, 2007. One change has been made; the lot facing South Main St. is now a larger lot affording more flexibility in usage. This is a preliminary major subdivision plan; the owner will return for a separate hearing on billboards in the near future.

Motion to approve the division of parcel #131-15.00-1.00 into 6 lots – Kovack; 2nd – McDowell; motion carried.

B. Approval of Apple Scrapple Festival Food Vendors

President Correll advised in the early years of the festival, food vendors that were not approved would set up and avoid paying to participate in the event. Now the Commissioners approve the food vendor list for the Apple Scrapple Festival each year. Food Chairman, Mrs. Bonnie Workman, will likely add several more vendors to the list before the Festival.

Motion to approve the Apple Scrapple food vendor list, with the stipulation that any additional food vendors added may be approved by the Town Manager – Kovack; 2nd – Mervine; motion carried.

XIII. INTRODUCTION OF ORDINANCES

A. Conditional Use Ordinance #2103-H

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 COMMERCIAL DISTRICT FOR THREE (3) OFF-PREMISES SIGNS (BILLBOARDS) TO BE LOCATED ON CERTAIN PARCELS OF LAND ON THE WESTERLY SIDE OF U.S. ROUTE 13 IN THE TOWN OF BRIDGEVILLE CONTAINING 5.17 ACRES, MORE OR LESS, BEING THE APPLICATION OF F.E.D. INVESTMENTS, LLC.

This Ordinance was sponsored and introduced by Commissioner Kovack and co-sponsored by President Correll. Commissioner Kovack read the Ordinance into the public record. The Ordinance will be sent to the Planning and Zoning Commission for review and a Public Hearing at their October 15, 2013 meeting.

B. Impact Fee Ordinance #2013-I

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF BRIDGEVILLE AS IT RELATES TO SEWER AND WATER IMPACT FEES

This Ordinance was sponsored and introduced by President Correll, who read the Ordinance into the public record. This Ordinance will be considered by the Commissioners of Bridgeville for passage with a Public Hearing at the October 14, 2013 Commission meeting.

Solicitor Schrader advised this Ordinance would reduce the minimum charge for sewer and water EDU's. President Correll added the Commission has been considering decreasing impact fees for the past several years. Town Manager Savage has worked on the calculations with Davis, Bowen & Friedel engineer, Mr. Jason Loar. The calculations will be provided to the Commissioners for consideration of a fiscally responsible reduction in impact fees.

XIV. ADJOURNMENT

Motion to adjourn – Kovack; 2nd – Mervine. Motion carried. The meeting was adjourned at 7:57 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission President

Peggy Smith
Peggy Smith, Transcriptionist