

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
OCTOBER 8, 2012 – 7:00 P.M.
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, Lawrence Tassone, Town Manager 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, despite the absence of Commissioner Mervine.

**III. EXECUTIVE SESSION – PROPERTY ACQUISITION, PURCHASE AND/OR SALE
PERSONNEL – POLICE OFFICER**

Commissioner Tassone made a motion to go into Executive Session to discuss Property Acquisition, Purchase and/or Sale and Personnel – Police Officer. Commissioner Kovack 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 Kovack seconded the motion. Motion carried. The Open Session reconvened at 7:00 P.M. Solicitor Schrader advised the Executive Session was held to discuss Property Acquisition, Purchase and/or Sale and Personnel – Police Officer, as posted on the Agenda. President Correll, Commissioners Kovack, McCarron and Tassone were in attendance, along with Solicitor Schrader and Town Manager Savage. Commissioner Mervine was not in attendance, as he was delayed in Italy due to his employment. Solicitor Schrader advised no inappropriate votes or actions were taken during the Executive Session.

V. APPROVAL OF AGENDA

Commissioner Tassone made a motion to approve the Agenda as presented. Commissioner Kovack seconded the motion. Motion carried.

VI. APPROVAL OF MINUTES

Commissioner McCarron made a motion to approve the minutes from the September 10, 2012 Commission meeting. Commissioner Tassone seconded the motion. Motion carried.

VII. CORRESPONDENCE

Town Manager Savage advised the Bridgeville Police Department received a letter from a couple who had been in a traffic accident. Officer McQuown assisted them and they were very thankful for his help. The letter is available for review.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Town Manager Savage advised on the Balance Sheet, as of September 30th, the General Funds totaled \$1,934,053, largely due to special tax payments, which will be mailed this week. All accounts totaled \$2,616,048. Accounts Receivable stands at \$144,006. On the Budget Report, the Town is three months into the fiscal year and should be at 25%. Income stands at \$867,306, which is 37% of our budget. Expenses stand at \$476,531, which is 20% of our budget. There is approximately \$30,000 in outstanding tax bills, which is a little higher than last year; past due notices will be sent within the next 2 weeks. Most people respond to a second notice fairly quickly. The Town is currently writing 4-5 new Heritage Shores building permits per month and has previously been averaging 25-30 new homes per year. On Accounts Payable, the Town has received bills totaling \$57,689. Bills include the Water Facility Plan update draft from Davis, Bowen & Friedel for approval at the November meeting. The quarterly payment is due for the 103 S. Main St. property. Johnston Construction completed the walkway removal project and O.A. Newton completed the control panel upgrade for the spray farm rigs for remote control access; the spray irrigation farm will now be able to run 24 hours per day. We have expected expenses of \$126,017, for a total amount to be approved of \$483,706. Commissioner Tassone made a motion to pay the bills as presented. Commissioner McCarron seconded the motion. Motion carried.

IX. TOWN REPORTS

President Correll advised the Agenda has been changed to combine the Town Manager's Report with the Department Head Reports into a single agenda item – Town Reports.

Town Manager Savage advised the Town received seven bids for the utility vehicle purchase in September. Wastewater Department Superintendent Collins reviewed the bids and test-drove several of the vehicles. The approved bid is a Bobcat utility vehicle for a cost of \$9,651 from Burke Equipment. \$10,000 was budgeted; therefore, the purchase came in under budget.

The raw effluent well walkway removal project has been completed. As expected, there was a great deal of debris in the bottom of the well that could have done damage to the well equipment. Costly repairs have been averted with this project's completion.

National Drug Take Back Day took place on Saturday, September 29th at the Bridgeville Volunteer Fire Company. 76 pounds of medications and drugs were turned in. Statewide, 4,500 pounds were collected, for a 3-year total of 22,200 pounds of drugs collected in Delaware.

The Bridgeville Charity Open Golf Tournament will take place at the Heritage Shores Golf Club on October 12th. A meeting was held on September 20th to discuss the status of this year's tournament. Our player count is higher than last year and we are anticipating approximately the same income as last year. The tournament can accommodate additional players; all are welcome.

Town Manager Savage attended a meeting of the Clean Water Advisory Council (CWAC) on September 19th. The Town's grant application to update our Wastewater Facility Plan was approved. It is a 50/50 grant with the Town paying \$15,000 and the remaining \$15,000 to come from a Fish and Wildlife grant.

Town Manager Savage advised the effluent line replacement is contingent on Greenwood adopting the Wastewater Agreement with Bridgeville; after the adoption, the Town can move forward on the effluent line replacement application, likely in November. It was clarified that the effluent line is a loan application for \$750,000 to replace the effluent line on Redden Rd. that carries treated effluent to the branch for disposal when spray irrigation is not possible. At the time of loan approval, the state may be able to grant forgiveness for a portion of the loan amount. Town Manager Savage is not aware of any plans for partial loan forgiveness by the state, although it remains a slight possibility.

President Correll stated she received a memo from Town Manager Savage concerning the November Commission meeting date. The Town Hall will be closed on Monday, November 12th for the Veterans Day holiday and she questioned whether the Commissioners would like to change the Commission meeting date to Tuesday, November 13th. Solicitor Schrader advised he will not be available on Tuesday, November 13th. Commissioner Tassone made a motion to move the November Commission meeting to Tuesday, November 13th at 7:00 P.M. Commissioner Kovack seconded the motion. Motion carried. The November Commission meeting will be changed.

Commissioner Tassone asked Police Chief Longo if any alarm system owners have reached the number of alarms to cause violations. Per Code Enforcement Officer Butler, no alarm owners have reached the violation stage.

Commissioner Tassone questioned the cost and scheduling of replacement curb brooms for the street sweeper. Town Manager Savage advised the brooms are replaced yearly and the specific invoice of \$600 included a number of other charges beside the street sweeper brooms. It is a continuing maintenance cost for the sweeper.

Commissioner McCarron congratulated Police Chief Longo for the amount of drugs collected in Bridgeville for the Prescription Drug Take Back Day.

Police Chief Longo reported on the new K-9 unit. Corporal Bobby James was excited to contact the Chief and advise him that the new K-9 successfully completed all the required training to be certified in narcotics tracking. Corporal James reported the dog is doing very well in his training; the team is on-track for beginning their duties in Bridgeville at the beginning of November. Commissioner McCarron commended Corporal James for spending 5 days each week for 1-1/2 months in North Carolina (a 5-hour drive) to train with the K-9, when he has a wife and young family at home. Commissioner McCarron expressed his appreciation to Officer James for his personal sacrifice to train with the K-9.

Commissioner Tassone questioned the 2 counts of property vandalism in the Chief's report. Chief Longo advised they have 2 out of the 3 people involved and have leads on the other.

Commissioner Tassone questioned the 5 drug/narcotics cases in the Police report. These individuals were arrested. The 3 for theft and larceny resulted in one arrest and a weapons violation.

X. CITIZEN'S PRIVILEGE

Mr. John Barr from 41 Amanda's Teal Dr. had questions about the streets in Heritage Shores. He asked if a street has been turned over to the Town and accepted by the Town, does the developer

still have any responsibility concerning that street. The answer from several Commissioners was "no." Mr. Barr asked, based on that information, why the developer is pruning the trees or authorizing the trees to be pruned. Town Manager Savage advised the Town didn't accept the devil strip trees along with the streets, as they are not a part of the utility. If tree branches hang out into the streets, cutting them back is the developer's responsibility. Commissioner Tassone advised it would be the same for any homeowner outside the development with overgrown trees on their property that need trimming. When the developer leaves, the responsibility will be placed on the individual homeowners.

(Please Note: In the following discussion both 10 ft. and 12 ft. tree trimming clearances are quoted by various individuals. These minutes depict the actual discussion; however, according to Bridgeville Street Superintendent Passwaters, the correct height for trees to be trimmed is 12 feet.)

Mr. Barr reported when he returned from a vacation he had tree limbs all over his yard. They had been cut 10 ft. and were going to be cut to 12 ft., per Town Ordinance. Mr. Barr brought pictures of what the trees looked like before and after trimming. He doesn't understand what is appropriate size and trimming for the trees at Heritage Shores. He admitted there are neighbors who want the trees cut and those who don't want the trees cut. There are neighbors who are concerned about acorns and neighbors who aren't concerned about acorns. Commissioner McCarron advised, based on his background in Horticulture, the trimmed tree is actually a healthy tree; cutting off the lower branches makes the tree grow. You don't want to support lower branches that are shaded by the upper branches. Mr. Barr had already been trimming his trees for the postal vehicle; he understands that the current trimming is for the sake of the street sweeper and by the Ordinance, the trees must be cut to 12 ft. It was noted the street sweeping is a Town service and is paid for by taxpayers. There are smaller sweepers; however, ours has a 12 ft. clearance.

Mr. Barr asked for clarification – every tree on Amanda's Teal Dr. and Will's Island Dr. will be cut to comply with this Ordinance? Town Manager Savage advised that is true, according to the current code. He added there is a separate issue concerning the entranceway to the development, due to the lights and signage being obstructed. The main entrance has not yet been trimmed; it has been turned over to the Town. Commissioner Tassone reported the Town owns the street, but does not own the trees. The trees will continue to be trimmed by the developer. Commissioner Tassone's understanding is that once the trees clear 10 ft., they will be maintained at 10 ft. and above, because that is the height of the street sweeper plus the light on top of the truck.

Mr. Bill Atwood from 113 Emily's Pintail Dr. had questions regarding the Town's ability, under the current charter, to borrow money and particularly, the limitation in the amount that can be borrowed when the borrowing is subject to referendum. He has reread the charter and has re-introduced this question to the Commission several times without getting a satisfactory answer. The charter indicates that the current borrowing is limited to \$4 million plus an aggregate amount of up to \$1.5 million borrowed without a referendum, when adopted by the majority of the members of the Commission. The Town has indicated a number of times that there is no limit on the amount that the Town can borrow. Town Manager Savage responded to Mr. Atwood by saying that is what Ms. Maryann Piper from the Bond Counsel has indicated in the past. Her opinion is that when it is state and federal funding sources, there is no limitation. That is why we are currently at the \$5.5 million mark in borrowing, which is above the \$4 million listed in the charter.

Mr. Atwood asked if we borrow all our money from the government. Town Manager Savage agreed that, for the most part, we borrow our money from the government. Mr. Atwood stated his opinion that, apparently the \$4 million and the \$1-1/2 million that we had a big issue about when we made the charter change don't make a particle of difference – the Town can borrow whatever it wants. Is that true? Town Manager Savage stated, subject to referendum that is true.

Mr. Atwood returned to the \$4 million that is in the charter today and asked what we currently have borrowed. Town Manager Savage advised our borrowing is currently at \$5.7 million. Mr. Atwood again stated that the \$4 million limitation in the charter doesn't seem to mean a particle of difference since the Town borrowed all the money from the government. Town Manager Savage advised the amount in the charter does mean something, but not if you borrow from the state or federal government. Mr. Atwood understands that's the only way we borrow; however, Town Manager Savage advised we have borrowed from PNC Bank and other banks in the past. Mr. Atwood saw a listing when the Town started this charter operation that added up to \$5.5 million and all of that was borrowed from the government. Town Manager Savage agreed all of our current debt is from the federal and state governments. Mr. Atwood questioned if the Town could continue borrowing from the government in excess of \$10 or \$15 million. Town Manager Savage advised that is true. Commissioner Tassone added that is the way the bond counsel interprets acceptable borrowing. It was clarified by Commissioner Tassone, Town Manager Savage and Solicitor Schrader that the bond counsel (Ballard Spahr, LLP, Wilmington) is the source of that legal interpretation. Mr. Atwood asked if there is any document he could FOIA concerning this legal interpretation. Town Manager Savage stated there is no document, as such; the evidence is found in the past approvals by the bond counsel and the referendums themselves. Additionally, the proof is in the state granting the Town the money. The state/federal legal counsels also review our finances and our charter before approving loans to make sure we are following our guidelines. The bond counsel, state and federal governments all agree that the Town has the ability to receive a loan before the money is released. Mr. Atwood expressed concern that a citizen reading the Town charter that says there is a \$4 million limitation would come to a different conclusion. Town Manager Savage agreed with his statement.

Mr. Atwood brought up an article in the Seaford Star which included comments from Town Manager Savage related to these charter changes. He understood Town Manager Savage to say that the \$1.5 million was in perpetuity, that is to say, the Town could decide to borrow \$1.5 million, but couldn't borrow above that without going to referendum. Town Manager Savage agreed that is true. Mr. Atwood advised he would like to see documentation (other than conversation) that says that the \$4 million limitation doesn't mean a doggone thing because of legal advice to the Town from some bond person saying the Town can borrow whatever it wants. He stated, there are those who pay taxes in the Town and think they have some control because there is a limitation of \$4 million; however, the Town government actually doesn't pay attention to that because they have some legal opinion that says the Town can borrow whatever it wants. Mr. Atwood believes that is misleading and everyone would agree it is misleading. He would like to see some evidence in the bond documentation and asked for assistance to FOIA the information. Mr. Atwood stated a citizen reading this charter does not interpret it the way the Town is interpreting it.

Solicitor Schrader advised the information Mr. Atwood wants probably would have been given in an opinion letter at the time of the last borrowing by the Town. Town Manager Savage stated the last borrowing would have been for the spray farm. Commissioner Tassone asked Solicitor Schrader if he is fully on-board with the bond attorney's interpretation. Solicitor Schrader responded he comes to

Bridgeville once a month and Mr. Atwood asks these questions. His response once a month to Mr. Atwood is to call him at his office where he can access all his files. Solicitor Schrader would be glad to talk his way through the issue with Mr. Atwood; he is not saying he agrees or disagrees with Mr. Atwood, but he needs his copy of the charter or other documentation with him to respond correctly. He does agree with Town Manager Savage that in order to get loans, the bond counsel and the state's counsel always have to certify that the process was in compliance with the charter. Solicitor Schrader also has to give an opinion on the matter; everything is reviewed before the borrowing is approved. He doesn't believe it's as simple as Mr. Atwood describes it. It is more complex because there may be separate paths and separate lending requirements for the types of loans that are being sought. He added the residents elect Commissioners to use good judgment in order to formulate an appropriate loan. Additionally, if you borrow money from the state or federal government, it is inherent that you must have a dedicated revenue stream from whatever improvement you make that pays that bonded indebtedness. It may be user fees, assessments or something else, but they are typically encumbered funds that come out of the revenue stream.

Mr. Atwood advised he sent Solicitor Schrader the Seaford Star article that quoted Town Manager Savage concerning the issue and received no response from Solicitor Schrader. Mr. Atwood believes the statement "cannot exceed \$4 million" should be a true statement for all borrowing. Solicitor Schrader advised it is important to read the whole chapter; Mr. Atwood reported he has read the whole chapter. Solicitor Schrader advised the charter provision was written when the Town had to take bonds to the bond market; that is most likely the section Mr. Atwood is reading. Mr. Atwood countered with a statement that the indebtedness is to the taxpayer. Solicitor Schrader advised that fact is understood. Commissioner Tassone suggested modifying the charter to clarify commercial loan money vs. state/federal loan money. The current information is ambiguous to the general public. Solicitor Schrader advised we have a 60 year-old charter that needs an overhaul. Mr. Atwood stated that he would like the charter to include a limitation on all borrowing because it results in indebtedness to him as a taxpayer; he would also like to see a limitation on what the Town can borrow from the government.

Mrs. Ruth Skala from 108 Whistling Duck Dr. reported in her past she was in charge of the borrowing for both a school district and Town. Their limits were set (although she can't say whether it was state or federal). They had legislation in place in addition to the local charter that stated their debt limit. In every bond prospectus, bond counsel always had a statement as to what percentage of the limit was being borrowing. She is not sure if the laws her Town went under were state or federal, but she believes there is a federal limit of borrowing on every municipal unit. She doesn't understand why it is so ambiguous, because she believes it is legislated at a higher level than locally and you can only borrow so much of your debt limit.

Solicitor Schrader advised there is no state law in Delaware, nor any federal law that would limit municipal debt. Commissioner McCarron recommended checking further before the next Commission meeting.

Mrs. Jacqueline Vogle from 124 Widgeon Way advised she has done no research on the topic; however, she is wondering if it states anywhere in the charter about borrowing from the state and federal governments. Town Manager Savage advised the last paragraph of Section 28 in the charter deals with borrowing from state/federal sources. It states that borrowing from those sources is not subject to limitations set out herein.

Commissioner Tassone asked if the Town is granted approval for the loan, will we go to referendum for the effluent line replacement on Redden Rd.? Town Manager Savage advised that decision is completely in the hands of the Commissioners. They can go to referendum or merely accept the loan and move forward with the project. Commissioner Tassone questioned how much money has been spent plugging the leaks on the line to-date. Town Manager Savage advised the Town has spent \$60,000 repairing leaks to the line, not including a new leak that has recently been discovered. Commissioner Tassone questioned the fine we would be charged if we don't fix the leaks. Town Manager Savage advised the fine could be up to \$10,000 per day. The state is not happy with the status of that effluent line, but they are also the reason it is not repaired; the state hasn't approved the loan to fix the pipe.

President Correll added that a referendum adds approximately \$10,000 to the cost of any project. Commissioner Tassone believes that anytime we go to the citizens to encumber them, we have a moral and ethical obligation to allow them to give input. Town Manager Savage advised there is always a Public Hearing requirement involved in the process, which addresses Commissioner Tassone's concerns. President Correll suggested a Public Workshop, but Commissioner Tassone countered that a workshop is fine for those residents who make time for it; however, a referendum makes the people do something tangible. They have to get out of their house and come to a voting place to cast their vote on the issue. In his view, it is incumbent on the Commissioners to defend the action they take. I.E., once the options are laid out for them, any logical individual, whether they like the idea or not, is going to vote "yes". But the Commissioners should at least provide the referendum process that gives them the chance to say "yes".

Mr. Atwood believes, according to the proposed charter change, the Town would never be required to conduct another referendum; the Commission could avoid the referendum process entirely. Commissioner Tassone stated he does not want to take the referendum process away from the citizens of Bridgeville. Commissioner McCarron advised the original discussion concerning referendums was the ability to move forward in emergencies, but typically, the Town would have a referendum. Commissioner Tassone added that the effluent line is definitely an emergency.

Mrs. Skala understands we now have a 5th leak on the effluent line. She questioned how long the spray fields have been in operation. Town Manager Savage advised we have used spray irrigation since 2008. It was likely 2006-07 when the design phase began. Mrs. Skala questioned whether this line was an old line that was put into use when we began the spray irrigation. It was an old line. She then asked why the engineers did not discover that the line was no good before we began spray irrigation. Town Manager Savage advised they tested the line and made some repairs; the line passed the tests. There was an option to replace the line considered, but it would have added approximately \$1,000,000+ to the project. Commissioner Tassone asked when the drilling took place to insert cameras in the line to study the pipe. The issues began when we went from gravity to pressure in the line. The holes that are generating the problems are from inspections in the 1980's and '90's. Commissioner Tassone advised it is important to note that the original flow was not pressurized and not designed for pressure. Mrs. Skala is concerned about the difference in the cost if we had changed the entire line in 2008 vs. the cost of replacing the line now. She is also concerned that it is the same engineering firm advising us that made such a poor decision in 2008.

Commissioner McCarron returned to the topic of the street sweeper. He believes the Town bought the street sweeper when Heritage Shores began developing. He never really saw a need for the

street sweeper in the older portion of Bridgeville. It appears the residents of Heritage Shores are more aggravated about it than the older portion of Town. Commissioner Tassone advised the street sweeper was bought with money set aside from the original development arrangement and the bond issue.

A resident suggested the money shouldn't have been spent on a street sweeper, but on important things like the effluent line. Solicitor Schrader advised that particular money was designated and had to be used to benefit Heritage Shores.

Ms. Dottie Harper from Brookfield Homes advised she has been talking with Town Manager Savage after receiving calls from residents about their trees being "butchered." She agrees that trimming the trees is good for their health; however, they would like to know if the Commissioners would entertain an agreement between Heritage Shores and the Town that would forgive the Town the responsibility of sweeping the streets in Heritage Shores. The development would take the street sweeping responsibility until the trees are mature enough to prune them. Some of the trees were replaced in the last year due to storm loss; she is fearful that if the younger trees are pruned extensively, they may run the risk of losing those trees again in a bad storm. This is just an idea being laid on the table for development and discussion. Solicitor Schrader asked if the Town defers trimming the lower branches for 5 years, won't there be the same arguments 5 years from now. It was suggested the trees would be more established with a stronger root base, so trimming wouldn't be as drastic.

Commissioner Kovack brought up the topic of a landscaping plan that is to be submitted with each new development. Commissioner Kovack said having a landscaping plan to begin with would have avoided these problems and this whole discussion. Trees were not even mentioned in all the documentation Commissioner Kovack has researched in the early stages of the Heritage Shores development. Trees in the devil strip are a problem because they mess up the infrastructure of water/sewer lines. Ms. Harper responded the development would continue to trim the trees at the required height. Commissioner Tassone asked Town Manager Savage if he had any objections to the proposal by Ms. Harper for a moratorium on street sweeping. Town Manager Savage advised they could consider the possibility; however, he doesn't want to set a precedent that becomes a problem in other areas of the Town. He is willing to consider a proposal. It is true that the trees in Heritage Shores scratch the side of the street sweeper and scrape along the light standard on the top of the equipment. Commissioner McCarron isn't sure why we want to continue sweeping streets since the development the equipment was bought for isn't interested in having their streets swept. Commissioner Tassone believes the equipment is too large/tall for the task, with an unexpected negative ripple effect. He believes Ms. Harper's proposal would solve the problem; the streets would be cleaned when the trees reach a sustainable height.

Mr. Russ Beard from 25 Amanda's Teal Dr. agrees with Ms. Harper's plan and he does not believe the streets need sweeping. He suggests trimming the lower branches when they are young to accelerate the upper growth; however, he doesn't advocate the tree heights reaching 40 feet, either. He recommends cutting in phases and not waiting until the lower branches are too big to cut easily. Mr. Beard also commented that the street sweeper is useful after a snowstorm, as it can pick up all the debris (sand/dirt/grit) left behind when the snow melts. He still contends that the month-to-month cleaning is unnecessary.

Commissioner Tassone believes Ms. Harper's plan is a good idea. The Town would still use the street sweeper in the older portion of Bridgeville, but not in the new development. Heritage Shores would take the responsibility of cleaning both the streets they own and the streets the Town owns. Commissioner Tassone believes it is a win-win situation.

Commissioner McCarron commented the street sweeper does come in handy sometimes – especially at Apple Scrapple. President Correll advised before the purchase of the street sweeper the Town paid another Town to sweep Bridgeville's streets periodically.

Ms. Harper questioned whether the trees in the older portion of Bridgeville must also follow the 12 ft. clearance. It was clarified they do. She added that all new trees planted at the development are now placed in homeowners' yards and not in the devil strip. Only the entrance and 2 older streets have an issue with trees overhanging the streets.

Commissioner McCarron made a motion to have Town Manager Savage and Ms. Harper submit a proposal for a street cleaning policy for Heritage Shores to be voted on at the November Commission meeting. Town Manager Savage clarified the policy is for existing trees only and not for future tree planting. With that added to the motion, Commissioner Tassone seconded the motion. Motion carried.

Mrs. Jacqueline Vogle asked who is responsible for the weeds that grow up along the edges of the Town-owned streets in Heritage Shores. Town Manager Savage advised if it is in the right-of-way, it would be the responsibility of the homeowner. Mrs. Vogle advised these weeds are in the street. Mr. George Blake from 133 Widgeon Way reported he has seen the Town truck spray weed killer on them; therefore, the Street Department is responding to the weeds.

XI. OLD BUSINESS

A. Possible Charter Change – Bridgeville Election Law

Town Manager Savage advised Solicitor Schrader proposed charter changes concerning Bridgeville's Election Law at the August 1st Commission meeting. The discussion was tabled for further review. Our state legislators will soon go back into session and that will be an appropriate time to submit proposed charter changes.

Solicitor Schrader advised he has received no additional comments concerning election law since the August 1st meeting when this was last discussed. With the upcoming November election, we do not know who our legislators will be; therefore, he recommends waiting until after the election to send any changes to our legislators.

President Correll asked if this subject can be tabled, as Commissioner Mervine is stranded out of the Town and has questions about the proposed changes. Solicitor Schrader advised the General Assembly comes together again in January and if Bridgeville is going to have a March 2013 election, the Town will have to move forward quickly.

Commissioner Tassone understands that Solicitor Schrader re-wrote the charter change amendment to follow Delaware state law. He does not understand those portions of election law where

the local level can supersede state law. Solicitor Schrader advised there is a “conflicts” or “hierarchy” provision in the state law that says at certain points the Town charter prevails and at certain points state law prevails. The areas where the charter would prevail have been retained in this proposed charter change; everything else would be subject to the state provision which takes out all the conflicting provisions that previously appeared in the charter. Bridgeville’s election law would be a part of the uniform election system that is being implemented throughout the state.

Commissioner Kovack’s only request concerning the voting requirements had been that an individual be required to be a state of Delaware registered voter in order to vote in Bridgeville municipal elections; he wants the proposed voter to be registered at the state/federal level and the Town level. This addition was recommended to Commissioner Kovack by Mr. Kenny McDowell, Director of the Sussex County Board of Elections.

Commissioner Tassone understands that voter registration is a part of getting your Delaware License, so if a resident of Bridgeville shows their Delaware state license for voter registration in Bridgeville that proves they are already a registered voter at the state/federal level. Commissioner Kovack understands you don’t have to show a license to register to vote in Bridgeville; you can show an electric/water/etc. bill addressed to you to register locally, which would not prove you are a registered voter at the state/federal level. Solicitor Schrader added that you can show a bill to register to vote at the state/federal level, as well and a Delaware State license is not the only I.D. you can bring.

Commissioner Tassone finds it to be “overkill” to require that a resident who registers to vote in Bridgeville must also be registered to vote in state/federal elections, but he will support it to move the process forward.

President Correll questioned how long a resident must live in Town before they are eligible to register to vote. Our current election law says they must be a resident for 30 days. Solicitor Schrader advised that is also the current state law.

Solicitor Schrader suggested the Commission would have to vote to add Commissioner Kovack’s stipulation that a registered voter in the Town of Bridgeville must also be a registered voter in the state of Delaware. Solicitor Schrader added this does not just include newly registered voters, but all voters on the Town voter registration list – not “either/or”, but “both.”

Commissioner McCarron believes that likely only one-half of the U.S. population is registered to vote in national elections; that percentage is also likely true in Bridgeville. With this amendment to the charter, ½ of the Town of Bridgeville would not be able to vote in municipal elections!

Commissioner Tassone made a motion to approve the inclusion of Commissioner Kovack’s additional verbiage that a Bridgeville resident must be a State of Delaware registered voter in order to vote in Bridgeville municipal elections. Commissioner McCarron questioned - if this passes, would all potential voters need to supply their state polling card or other proof that they are registered to vote at the state level and an electric bill to prove their residency? Town Manager Savage advised it would not have to be an electric bill, but any form of i.d. He added that every year the Town can get a copy of the voter rolls from the state. It’s not full-proof – there would be time lapses between the resident’s registration with the state and an updated list that includes the new registration.

Commissioner McCarron seconded the motion. Motion carried. The votes were recorded as follows:

Commissioner Kovack	Aye
Commissioner McCarron	Aye
Commissioner Tassone	Aye
President Correll	Aye

B. Water Tank Maintenance Contract Award

Town Manager Savage advised the receipt of four bids for the 10-year maintenance contract on the Town's two water towers. Low bid was Caldwell Tanks at \$20, 676. The contract includes various required maintenance over the term of the contract, including visual inspections, painting of the interior/exterior, inspection reports, pictures, etc. He is asking the Commissioners to approve the low bid for the contract. The Heritage Shores tank was built in approximately 2003 and the tank at Town Hall is much older. Mr. Bill Bassett, Caldwell Tanks representative in this area, was in the audience and advised our water tank at Town Hall was built in 1972 by Brown-Still and Caldwell Tanks built the Heritage Shores tank. Mr. Bassett advised the Town prepared an RFP which accompanied the bid documents to the 4 bidders. According to the RFP, Caldwell Tanks will redo the Town Hall tank totally in year 5 of the contract. Caldwell Tanks' main office is not local; however, they have technicians in the area. Commissioner Tassone made a motion to approve the contract award to Caldwell Tanks for the Town's water tank maintenance. Commissioner Kovack seconded the motion. Motion carried. Mr. Bassett thanked the Town for the contract; he looks forward to working with the Town. Commissioner McCarron thanked him for personally coming to the meeting tonight

XII. NEW BUSINESS

A. Celebration of Halloween

Town Manager Savage asked for Commission approval to celebrate Halloween in the Town of Bridgeville on Wednesday, October 31st with trick-or-treating from 6 – 8 P.M. for children ages 12 and under. A party will follow at the Historical Society Park sponsored by the Lions and Lioness Clubs. Commissioner Tassone made a motion to approve the Halloween celebration. Commissioner Kovack seconded the motion. Motion carried.

President Correll asked for the Commissioners' assistance at the Mayoral Scrapple Sling at the Apple Scrapple Festival at 2 P.M. on Saturday, October 13th. All Commissioners are encouraged to participate.

President Correll reported the Bridgeville Charity Open Golf Tournament will take place at Heritage Shores this Friday, October 12th. It is still possible to field a team or sponsor a tee for the tournament.

President Correll encouraged residents to join the Twilight Breast Cancer Walk at Heritage Shores on October 9th from 4 – 7 P.M.

President Correll reported she is going to jail on Saturday, October 13th from 4:30 – 5:30 P.M. to help raise money for a group of youth from Union United Methodist Church who are going to Kenya with a water purifier to be installed in a very needy area. She must raise \$1,000 and would appreciate phone calls with pledges ahead of time so she knows how close she is to her goal.

President Correll expressed appreciation to Shelly and Steve McCarron for handling this year's Apple Scrapple program book. They raised a large amount of money through new ads this year, which was very helpful to the Apple Scrapple Committee.

Commissioner McCarron encouraged everyone to bring their children and grandchildren to the Thursday night Carnival and come back Friday night and Saturday all day for the many activities at the Apple Scrapple Festival. President Correll added that this year's festival has attracted 6 tour buses to the festival from various locations, which is a record.

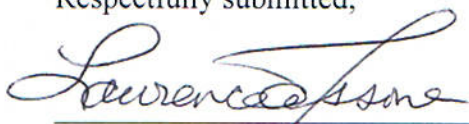
XIII. INTRODUCTION OF ORDINANCE(S)

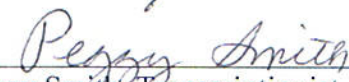
There were no new Ordinances to be introduced this evening.

XIV. ADJOURNMENT

Commissioner Tassone made a motion to adjourn the meeting. Commissioner McCarron seconded the motion. Motion carried. The meeting was adjourned at 8:09 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary

Peggy Smith, Transcriptionist