

Commissioners of Bridgeville
Regular Meeting
March 8, 1993

Meeting was called to order at 7 p.m. by President Tull, with a salute to the flag.

Commissioners present: Daryl Tull George Torbert
 Chuck Royal Stephen Cina

*Commissioner Bob Slater was absent due to another commitment.

Guest present: Gertrude Harris, Francis Norris, Jerry Mars, Andy Roberts, Phillip Mowbray, John Loscomb, Dianne Willey, Chief Handley Orr, Dorothy Haysel, Mildred Pusey , & Douglas Crockett.

Motion was made by Commissioner Royal, seconded by Commissioner Torbert to dispense with the reading of the last month's regular meeting minutes. Motion unanimously approved, so carried.

Motion was made by Commissioner Torbert, seconded by Commissioner Cina to dispense with the reading of the special meeting held on March 2nd. Motion unanimously approved, so carried.

President Tull asked for approval of the bills totaling approximately \$ 14,000.00 . Commissioner Royal questioned one bill to Zee Medical Center for first aid supplies. After an explanation, a motion was made by Commissioner Cina, seconded by Commissioner Torbert to approve the bills as presented. Motion was approved unanimously and so carried.

President Tull presented the 1993-94 Budget for approval. The estimated Budget being \$ 825,380.00 . He asked if anyone had any questions on the Budget. Mr. Jerry Mars asked if there was a contingency in the Budget. Mr. Tull said it would be the Savings of hopefully \$ 62,000.00 at the end of the Fiscal Year of 1993-94 Budget.

President Tull explained to the public that the Town's Bond indebtedness at this time is \$ 550,000.00 . This debt was voted on in the referendum. Payments are to be paid on this loan in April of this year ('93) of approx. \$ 15,000.00, then one in August of \$ 30,000.00, and then one in October of approx. \$ 15,000.00.

In answer to several questions, Mrs. Harris had on the Sewer Plant, etc., President Tull explained that the EPA was mandating more all the time and that the Town and the Commissioners were forced into doing what they were saying we have to do. The capacity of the plant is more than sufficient. It is the States & EPA ruling that makes it difficult.

Mr. Mars asked about the pending referendum. President Tull deferred his questions to Citizen's Privilege.

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The Town assessment appeal date is set by Our Charter for the last Saturday in March, which will be March 27th, from 1 p.m. - 4 p.m. President Tull and Commissioner Royal urged anyone who had a question on their taxes to express it on the date scheduled.

President Tull called for Department Reports.

Alderman Report - Alderman Robert said there were 233 paid motor vehicle violations in the month of February. Report accepted as presented.

Commissioners Report:

Police Dept. - Commissioner Torbert said that in February there were 249 traffic arrests, 1 DUI, 51 complaints, 6 arrests, 7 cases pending, 6 criminal arrest, and 44 complaints cleared.

Water Dept. - Commissioner Cina reported that on February 22, 1993 there were 54 water/sewer accounts in arrears. On March 1st. people still owing were contacted by phone & door notices. Five people have not responded to either contact made. Mr. Cina said their services will be disconnected. At the present time eleven people still owe, in the amount of \$ 2,057.00.

Sewer Dept. - Commissioner Royal reported that his bills for February totaled \$ 6,349.00, which he felt was very reasonable.

President Tull asked for Citizen's Priveledge.

Mr. Mars asked if the Town goes to referendum for Water/Sewer repairs; of which 55% would be grant, plus 45% loan; would the added cost affect the 93-94 budget.

President Tull said the Charter has to be changed first to allow the Town to borrow enough money for the improvements. It will probably be June before we could vote in the referendum, so it would not affect the 93-94 budget.

Mr. Mars asked if Del Dot had not indicated they were set to repave Main Street in 1993. President Tull said he did not know exactly.

In response to the question by Mrs. Harris, President Tull said there would be an increase in Water/Sewer bills if the referendum was passed, but we do have to up grade the Sewer Plant regardless. The Government has mandated that we do so, the Commissioners do not necessarily want to.

Mrs. Norris ask what the Town's indebtedness be if the referendum was passed. President Tull said it would be approx. 2 million dollars more over our 1.5 million we have now. If the referendum does not pass it would increase 4 million dollars.

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Citizen's Priveledge continues:

Mrs. Norris asked how many men were on the Police force. President Tull said there were four full time, four part-time, & one secretary. The Commissioners are hoping that the projected income for the Police Dept. would be \$ 245,000.00 for the year. Mrs. Norris felt that we needed to cut somewhere. President Tull said that we had cut to the bare minimum. The benefits that are derived from the Dept. are well worth the expense. They are doing a good job.

A question was asked concerning the V.C. Tax. This is a victims compensation tax imposed by the State on each fine written in Bridgeville. 18% of the total fines are paid to the State.

Mrs. Norris asked if the other housing authority project went through (Delmarva Rural Ministries). President Tull said he had not received any response to his last letter sent to them. Farmers Home Administration has not approved their plans yet. They have purchased the land between Laverty Lanes & Canterbury Apts. They have to submit their plans to the Town for approval first. When President Tull hears from them he would be glad to provide information to anyone who would like it.

Mr. Mars said he might be able to give a statement of hope. There are now seven applications before F.H.A. Since President Clifton has frozen the amount of money F.H.A will receive for the year and the fact that there was so much public opposition there could be the possibility of someone else getting the loan instead of Rural Ministries. If their loan goes through the Town cannot refuse water & sewer lines to their proposed project because we would have received federal funding.

President Tull said Commissioner Slater could not be here tonight due to obligations to his job.

A motion was made by Commissioner Torbert, seconded by Commissioner Cina to go into an Executive session at 8 p.m. Motion was unanimously approved & so carried.

President Tull re-opened the meeting after the Executive session at 8:52 p.m., and called for any further discussion to be made. The floor was opened to the discussion of the resignation letter dated March 4, 1993, submitted by Mr. John Loscomb, the acting superintendent of the Town's Sewer Plant. Commissioner Cina made a motion to except the letter of resignation dated March 4, 1993 presented by Mr. John Loscomb, with the stipulations that Mr. Loscomb work from March 9th to March 23rd, at

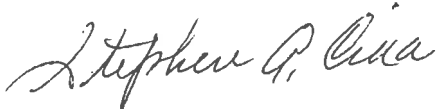
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eight (8) hours per day, this would be a noted change from Mr. Loscomb's resignation letter, which stated that April 5, 1993 would be his last day of employment with the Town. The motion & the stipulations given were seconded by Commissioner Royal. Motion unanimously approved and so carried.

Commissioner Torbert motioned to adjourn the meeting. Seconded by Commissioner Cina. Unanimously approved, motion so carried.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephen A. Cina".

Stephen A. Cina
Secretary

Commissioners of the Town of Bridgeville
Minutes of the Executive Session
Held on March 8, 1993

Meeting called to order by President Tull at 8:05 p.m.

Persons attending: Commissioner Chuck Royal
Commissioner George Torbert
Commissioner Stephen Cina

President Tull stated that the agenda called for the President's Report on legal matters & personnel, and since he had no report to make on legal matters at this time, we continued on with personnel matters.

A lengthy discussion was held on the letter from Mr. John Loscomb, stating his intent to resign as of April 5, 1993 as Bridgeville's Water Treatment Plant Superintendent.

Commissioner Royal read the letter from Mr. Loscomb dated March 4, 1993, stating his resignation as of April 5, 1993. Mr. Royal stated his opinion regarding the resignation.

President Tull stated that Mr. Smith from Harrington had told him today, that Harrington was not aware that Mr. Loscomb was working on our time when he was at Harrington, they thought he was working on vacation and sick leave time, and that they would consider taking care of their portion of Mr. Loscomb's benefits.

President Tull suggested that we accept the resignation letter of Mr. Loscomb with certain changes. The changes were, that Mr. Loscomb work (8) hours a day at Bridgeville, from March 9th, thru March 23rd. and that his resignation would take effect at the end of his working day, March 23, 1993.

President Tull went on to explain the cost of hospitalization, pension and vacation Mr. Loscomb would receive.

Commissioner Cina stated that he did not want to wait until the 23rd. of March, but let him go now and that we would be saving money by not paying benefits for the next (3) weeks.

Commissioner Torbert suggested that we go along with the resignation date of March 23rd. and he explained why.

Finally an agreement was reached that Mr. Loscomb's letter of resignation be accepted with certain changes. The changes are that he work eight hours a day, from March 9th to March 23rd, and that he was not to work at Harrington during these days, March 9th to March 23rd on our time.

Commissioner Royal asked permission to allow Phil & Doug to attend the funeral tomorrow of Mrs. Evans. Approval was so given.

The meeting was adjourned at 8:50 p.m. by President Tull.

Respectfully Submitted,

Stephen P. Cina
Secretary

Commissioners of Bridgeville
Special Meeting Minutes
March 2, 1993
6:30 p.m.

Meeting was called to order at 6:30 p.m. by President Tull with all Commissioners in attendance.
Listed below are the Residents & Interested Parties that also attended:

Dick Hydel	Lee Beetchum, P.E.
Ted Jones	Hans Medlarz, P.E.
Phil Jones	Annie Williams, P.E.
Mike Flannagan	Raymond Short
Jerry Homer, ESQ.	

President Tull asked Mr. Homer, Esq. to present RAPA's concerns in reference to the Sewer Use Ordinance. Mr Homer made a brief presentation in regards to the Ordinance and then introduced Mr. Lee Beetchum, P.E. of Cabe Associates to follow up on RAPA's concerns.

Mr. Beetchum's presentation lead to the idea of suggested changes to the Sewer Use Ordinance as attached to the minutes.

Mr Hans Medlarz, P.E. responded to the comments on behalf of the Commissioners of Bridgeville.

President Tull suggested that the Town's Engineer and RAPA's Engineer finalize details & recommend such to each party.

RAPA extended their thanks for the opportunity to respond to the Sewer Use Ordinance.

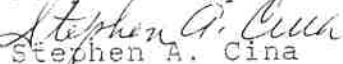
President Tull stated for the record that this meeting was advertized in the Seaford Leader on two consecutive issues, 2/24/93 & 2/26/93.

President Tull asked if anyone else had any comments on the Sewer Use Ordinance. There were no other comments from any party.

A motion was made by Commissioner Slater, seconded by Commissioner Cina to adjourn. Motion was so carried unanimously by all Commissioners voting "yes".
Meeting adjourned.

The Executive session of the agenda was not held due to no information on the DNREC Consent Order.

Respectfully Submitted,


Stephen A. Cina

Commissioners of Bridgeville

101 NORTH MAIN STREET
BRIDGEVILLE, DELAWARE 19933

February 23, 1993

Jeremy W. Homer, Esquire
Parkowski, Noble & Guerke, P.A.
P.O. Box 598
Dover, DE 19903-0598

Re: Preliminary Letter Report on Impact
of Bridgeville New Ordinance on RAPA

Dear Mr. Homer:

Per your request, action on the referenced Ordinance was tabled at the February 8, 1993 Commissioner's meeting. RAPA's presentation has been scheduled for March 2, 1993 at 6:30 P.M. at the Bridgeville Town Hall, giving RAPA additional opportunity to comment on the pending legislation.

Having reviewed Abdul Qaissaunee's "Preliminary Letter Report on Impact of Bridgeville New Ordinance on RAPA" and our Engineer's comments (attached) regarding the same, the Commissioners offer the following suggestions as a step forward to conclude this issue:

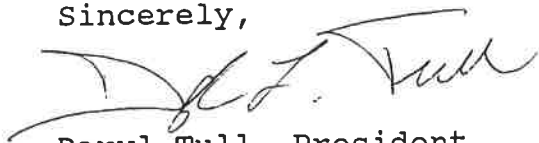
1. The new Ordinance and their technically based limits were mandated by EPA where they are currently under review. Our Engineer's study and the technically based limits have been approved by the Town.
2. It is not necessary to address further the details of the wastewater treatment plant design and operation except as they relate to the Ordinance. Please limit your presentation to the issue of the proposed Ordinance.
3. In the interest of the Town, we must take a broader view of the Ordinance than RAPA naturally would. It is prudent to have an Ordinance that will achieve Town goals, be fair to Shore Best, and RAPA, as well as protect Bridgeville's interests in case new industries apply for hook up.
4. We feel that Mr. Qaissaunee has presented a valid observation on RAPA's behalf with respect to the TKN versus SBOD strength of RAPA's wastewater. Mr. Qaissaunee reports that TKN is 50% that of the proposed limit and SBOD is 150%. This may provide a means of modifying limits without jeopardizing plant impact.

Jeremy W. Homer, Esquire
February 23, 1993
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5. While the Town would naturally prefer an Ordinance and permits that are easy to administer to all industries, it may be possible to make modifications that will provide the flexibility requested by RAPA while continuing to meet Town goals, meet EPA requirements, and be legally correct and fair to Shore Best. Being considered is a TKN credit towards SBOD. Any such modifications, after being worked up by our Engineer, will have to be presented to the Commissioners, Town Solicitor and EPA. Concurrence of all parties would be required.

Obviously, we cannot make any decisions during the meeting, but please be assured that we welcome RAPA's participation and that your comments will be carefully reviewed and considered as we proceed. We would appreciate additional comments provided in writing to allow for proper review.

Sincerely,



Daryl Tull, President
Commission of Bridgeville

cc: Commissioners
Dennis Schrader
Davis, Bowen & Friedel, Inc.



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS

JOHN A. DAVIS, P.E.
G. DONALD BOWEN, A.I.A.
GERALD G. FRIEDEL, P.E.
CHARLES W. BOWEN, A.I.A.
MICHAEL R. WIGLEY, A.I.A.
HANS M. MEDLARZ, P.E.
RANDY B. DUPLCHAIN, P.E.

February 23, 1993

Town of Bridgeville
101 N. Main Street
Bridgeville, DE 19933

Attn: Mr. Daryl Tull, President of Commissioners

Re: "Preliminary Letter Report on Impact
of Bridgeville New Ordinance on RAPA"
by Abdul Qaissaunee, Cabe Associates, dated 2/8/93
DBF #372A003A

Dear Mr. Tull:

Based on a review of the above referenced report by myself and Hans Medlarz, we find nothing therein that would, in our opinion, justify modification of the technically based limits recommended to the Commissioners on March 9, 1992 by Davis, Bowen & Friedel, Inc.

While Cabe Associates' letter report emphasizes oxygen requirements, it de-emphasizes the importance of influent waste strength, media surface area, temperature and hydraulic loading which are equally important to plant design and operation. Engineering references commonly report that once a minimum dissolved oxygen of 2 mg/l is provided, the remaining parameters influence the actual physical design.

From the Town's point of interest, the problem at hand for which the limits are proposed, is that the plant was designed, according to Cabe Associates' specifications dated 12/8/85 page TS XIII-25, for 20 mg/l influent TKN versus the average of 60 mg/l we observed during our influent study. While the referenced report does concede that the "normal" TKN of domestic wastewater is higher than that used for design, it claims that 40 mg/l TKN is "normal". What is actually "normal" for Bridgeville is still a matter to be resolved by continued monitoring of the influent. There is good evidence that "normal" domestic strength may exceed 40 mg/l since Greenwood (largely domestic) has been shown to have a concentration of 45 mg/l. As a result of the higher-than-expected TKN influent, the anticipated organic and flow capacities of the plant are reduced.

lt: Mr. Daryl Tull, Pres. of Commissioners
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Cabe Associates' letter report states that the plant is designed for removal of 100 pounds of Ammonia. Using the design parameters referenced previously, they do not appear to add up to this amount.

The referenced report recommends a \$3,000 to \$15,000 study. As part of Davis, Bowen & Friedel, Inc.'s recommendations for technically based limits to the Commissioners, we provided data collection and analysis like that recommended by Cabe Associates' letter report, making another study redundant.

Cabe Associates' letter report does contain useful information on the subject of how the Ordinance will effect RAPA. We would not dispute that the proposed limits will have a financial impact on RAPA, just as it has had on Shore Best. We would also take at face value that RAPA's waste strength is 150% stronger than the proposed limits for SBOD but only 50% of the proposed limit for TKN. Herein may lie a method for resolving the issue by providing a TKN credit towards SBOD. We think a formula can be developed that would allow an excess of SBOD in exchange for lower TKN, without affecting the intent and purpose of the proposed limits. Obviously, the details would have to be worked out and reviewed by the Commissioners, EPA and the Town Solicitor. As a result, the pretreatment program would become slightly more complex but also more flexible by tailoring permits to each industry.

To avoid continued disagreement between ourselves and RAPA's Engineers, we feel the referenced report need not be agreed or disagreed with, but taken under advice to allow the Town to move forward with full implementation of the pretreatment program.

If we can be of further assistance, please feel free to contact either myself or Hans.

Sincerely,



Annie Williams, P.E.

Hans M. Medlarz, P.E.
Principal

SUGGESTED CHANGES
TO
AN ORDINANCE PROVIDING FOR
RULES & REGULATIONS
RELATING TO THE PUBLIC SEWERS
TOWN OF BRIDGEVILLE
March 1, 1993

Insert the following definition as Item 0:

Maximum Allowable Oxygen Demand. The value computed from the formula:

Maximum Allowable Oxygen Demand (lbs/day) = (8.34) (Flow, MGD) (1.5 x SBOD,
mg/l + 4.6 x TKN, mg/l)

Insert as the last paragraph in Section 2.3 as follows:

1. The SBOD and TKN Maximum Allowable Composite Concentration shall be evaluated for compliance with this Ordinance in a manner to reflect the unique design of the waste water treatment facilities. The industrial discharger shall be given a Maximum Allowable Oxygen Demand for this purpose. Compliance with that demand shall be determined by using the formula incorporated into the Maximum Allowable Oxygen Demand definition.

LJB/jmr
158-003