

Commissioners of Bridgeville

101 NORTH MAIN STREET
BRIDGEVILLE, DELAWARE 19933

AGENDA

COMMISSIONERS OF BRIDGEVILLE
JULY 13, 1998 - 7:00 P.M.
BRIDGEVILLE TOWN HALL

- A. CALL TO ORDER
- B. QUORUM PRESENT
- C. READING OF MINUTES-June 8, 1998
- D. APPROVAL OF BILLS
 - (Review of Financial Statements)
- E. CORRESPONDENCE
- F. DEPARTMENT REPORTS
 - 1. Police
 - 2. Waste Water
 - 3. Drinking Water
 - 4. Streets
- G. OLD BUSINESS
 - 1. Community Trash Collection
- H. NEW BUSINESS
 - 1. Grant Writer
 - 2. Car Wash/Laundry Mat
 - 3. Second Reading and Vote on Ordinance #98-2-Real Estate Transfer Tax
 - 4. Fire Line Discussion
 - 5. First Reading on Ordinance #98-3- Truck Traffic
- I. CITIZEN'S PRIVILEGE
- J. EXECUTIVE SESSION
- K. ADJOURNMENT

*****THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE ANY ADDITIONAL ITEMS SUCH AS EXECUTIVE SESSION OR THE DELETION OF ITEMS INCLUDING EXECUTIVE SESSION, WHICH MAY ARISE AT THE TIME OF THE MEETING.*****

MINUTES

COMMISSIONERS OF BRIDGEVILLE JULY 13, 1998 - 7:00 P.M. TOWN HALL

I. CALL TO ORDER

The meeting was called to order at 7:00 P.M. by President Robert Bennett. Present: Commissioner Margaret Sipple, Commissioner Glenn Miles and Commissioner Charles Royal. Absent was Commissioner Jack Dalton. A quorum was present. Also attending the meeting was County Councilman Finley Jones. The meeting started with a salute to the flag.

II. APPROVAL OF MINUTES

Commissioner Sipple made a motion to dispense with the reading of the minutes from the June 8, 1998 meeting. Motion was seconded by Commissioner Miles and carried unanimously.

III. APPROVAL OF MONTHLY BILLS

See breakdown attached. President Bennett explained the \$3,400.00 on page three is the bill for repair of the flow charter damaged by a lightning strike. That amount will be re-imbursed by the insurance company. Commissioner Royal asked what the deductible is on the Town's insurance policy. President Bennett stated the Town has a \$250.00 deductible. Commissioner Sipple made a motion to pay the bills. Motion was seconded by Commissioner Royal and carried unanimously.

President Bennett said he would like to see the incoming bills cut-off day be the Thursday before the meeting instead of on Monday meeting day. This way the accounts payable report can be prepared on Friday giving the Commissioners time to go over it on the weekend. (Example: if a company does not get their bill in to us by Thursday, they will have to wait another month to get paid). Commissioner Sipple questioned whether that would work for all bills or would the Town be charged a finance charge by some companies. Commissioner Royal suggested a notice be sent with the next payment stating the new plan.

IV. PRESIDENT'S REPORTS

A. CORRESPONDENCE

1. President Bennett read a thank you note sent to Alma and Watha from a couple in Maryland who had car trouble and stopped in the Town Hall for help. They also had a nice comment on the newsletter.

2. A letter was received pertaining to the Church Street pre-construction meeting to be held Tuesday, July 21, 1998 at 9:00 a.m. in Georgetown. President Bennett passed the letter on to Street Commissioner Sipple.

3. President Bennett said he had several items to mention that were not on the agenda but will be on the agenda next month.

A. A letter was received from the Town's insurance company from the Loss Control Department. They have four recommendations for improvements on several of the properties (See attached).

B. President Bennett said the audit has been completed, and the auditors will be asked to attend the August meeting to answer any questions anyone might have.

C. President Bennett said he met with Tom Worley of Comcast recently to discuss franchise fees for Bridgeville. He said a 5% fee would give the Town about \$10,000.00 annually and a 3% fee would bring in about \$6,000.00 annually.

D. President Bennett said a letter was received from The Way of Christ Evangelistic Church located on N. Cannon and Market Street requesting a marked parking spot for the church van (loading and unloading).

E. A letter was received from Mr. Dennis Schrader, Town Solicitor, concerning day care facilities in the Town of Bridgeville. All Commissioners received a copy.

B. DEPARTMENT REPORTS

1. Police - See attached report. Commissioner Miles reported forty complaints for the month of June. Traffic arrests totaled 389 with one D.U.I., one vehicle tagged, one vehicle towed and one parking violation.

2. Waste Water - See attached plus a W.W.T.P. evaluation report. Commissioner Royal reported no violations for the month of June. There were four septic waste haulers for a total revenues of \$2,466.00 (64,150 gallons dumped). He reported Jimmy's Grille had contacted an engineer concerning the grease trap installation, but no construction has been started. Commissioner Royal said a letter had been sent to the owner requesting his intentions in following the specifications for installing the grease trap.

On June 26, 1998 a lightning strike at the W.W.T.P. damaged beyond repair the effluent flow chart recorder and its sending unit. Replacement cost totaled approximately \$3,000.00. This bill will be submitted to the insurance company.

Commissioner Royal reported the sewer main on Cedar Street had to be jetted due to a blockage. The total cost for clean up was \$1,300.00.

The Town insurance carrier has practically condemned the glass house. This is the building that houses the dried stock-piled sludge on one side, and we still need the other bed for sludge de-watering. Replacing the glass panes is not the answer as they will not stay in place. Commissioner Royal said he had spoken with the plant manger, and they discussed replacing the glass with some other type of material which would have to be discussed with the Commission. He said as of today, no conclusion has been made. Commissioner Royal reported another transmitter had been purchased for \$2,835.00.

Commissioner Royal said he would like to make a reference as to what has been conveyed to him: there are three Town employees running the W.W.T.P., Street Department and the Water Department. Commissioner Royal said he would like for the Commission to consider evaluating this situation and hopefully come up with a solution for more help.

President Bennett asked Commissioner Royal if he or the employees had spoken with the Town engineer about the glass roof replacement. President Bennett suggested Commissioner Royal contact the engineer about this situation.

3. Drinking Water - See attached. President Bennett reported 3,518,000 gallons pumped for the month of June for an average daily flow of 117,000 gallons per day. Commissioner Dalton gave President Bennett the following report: With the closing of the State's General Assembly there were two laws passed that affect municipal water systems. 1) The "Aesthetic" law, which requires municipal systems to provide aesthetically pleasing water, having to do primarily with color, taste and odor. Fortunately, we do not have a problem with these aspects of our water. What the Town does need to work on is getting ready to implement the fluoridation that was mandated by the State. We are exploring all methods of complying with the law to see which ones offer the least operating cost for the long run. There are several ways the fluoride can be added to the water supply, ranging from gas injection to dry powder saturation. We will report our progress.

President Bennett said to update everyone, the State and the Governor passed a law that all municipalities will have to fluoridate their water. The State will pay for the fluoridation equipment, the installation and the chemicals needed for this project for the next three years.

4. Streets - Commissioner Sipple reported the boot camp workers did get some trees removed along the ditch bank. President Bennett said the workers would be back for three days in July.

Commissioner Sipple discussed the special parking space requested by a member of a church located at the corner of Church and N. Main Street. She said President Bennett, the men from the plant and herself had looked at the area. Commissioner Sipple said parking cannot be allowed right next to the corner on Main Street because it would obstruct the view for drivers coming out of Church Street. She said they all felt it could not be marked off any differently than it is now. President Bennett said even with the markings now, when a van is parked there you have to pull out some ways to see if any traffic is coming.

Commissioner Sipple reported the Town cannot erect signs on state maintained roads pertaining to truck parking. She said the state might have to do a study to see if parking is causing a problem along such streets. Commissioner Sipple said DELDOT told her that was strictly not allowed by the Town if the street is not maintained by the Town. She said the spot would have to prohibit parking of all vehicles. Commissioner Sipple said she had been in touch with the gentlemen who conduct studies of problem areas. The Commissioner explained to Mrs. Cindy Truitt that Delaware Avenue is not a state maintained street.

President Bennett said a new ordinance had been prepared by the Town Solicitor to be read under new business. He said the ordinance seems very complicated with two pages to the ordinance and seven pages of references. Chief Handley Orr said if the attorney can make sure that the ordinance adopts Chapter 45, Code 21 which covers the truck laws in municipalities, then we would be covered. President Bennett did not hold the first reading of the ordinance.

Commissioner Sipple said she had not heard from any business people that they did not want the traffic in Town. She said once the truck by-pass is finished, and the Town would like to enforce no truck traffic. DELDOT can post signs directing trucks to alternative routes. If the Commission agrees to do this, they must write a letter requesting what they want posted. She said they would post "Business District Signs" letting drivers know each alternative route. Commissioner Sipple said by having posted signs, the Town would have the right to enforce the "no truck" traffic through Town.

Mr. Charles Singman said back in April when he was on the Commission, there was a motion on the table to ban truck traffic as soon as the by-pass was complete. He said it was approved but tabled until such time as Commissioner Sipple got information on the by-pass. He said many complaints were received from residents living on Market and Main Streets regarding the increased truck traffic. Commissioner Sipple said she was referring to any revenue the businesses might lose with less traffic and not about the noise level.

Commissioner Royal made a motion to send a letter requesting signs to be posted outside of Town restricting trucks except for local deliveries. President Bennett said that motion might be out of order according to the Freedom Information Act because it was not an agenda item. The Commission decided to put it on the agenda for the August meeting.

President Bennett said the last memo received from DELDOT concerning the by-pass stated it should be completed by July 31, 1998.

V. OLD BUSINESS

1. Commissioner Sipple said residents are asking her when the community trash collection will begin. She said only a few she has talked with are against it. Commissioner Sipple said quite a few residents said they are for it but have not written a letter to the Town. President Bennett reported as of this date 33 are for and 9 are against. Mr. Charles Singman said he is for the community wide collection. Commissioner Sipple said she had heard from Ms. Dorothy Chaney, and she is interested in the pick up. This now makes it 35 for and 9 against. President Bennett said there are many things that have to be worked out before the bids could go out. He said he talked with people in Greenwood

recently about how they work their system. If the Town of Bridgeville starts the trash pick up, everyone will be billed. President Bennett explained that a few lots in Town only have water meters on them but the lot is vacant, so they would have to be exempt. He said he thought there were only three major garbage collectors left: Shore Disposal, BFI, and Harvey and Harvey.

Commissioner Royal asked how rigid the Commission is going to be with this pick up. President Bennett said anyone who has a water meter unless one was forgiven would be billed. Commissioner Sipple said everyone realizes a single person will not generate as much trash as a family. Commissioner Sipple made a motion to have the Town attorney draw up a contract to start the process of the community-wide trash collection. President Bennett said because several trash haulers are already picking up in Town, the contract package should be an item that if a particular haulers bids, they forego any contracts they have in Town if they do not receive the bid. Motion was seconded by Commissioner Miles and carried unanimously.

2. President Bennett said the new Bridgeville Pins have arrived. The pins can be purchased at the Town Hall.

VI. NEW BUSINESS

1. President Bennett said he found a grant writer who seems to be very knowledgeable. He said she would take all grants and write them on a percentage basis (no salary). Presently she is on the Fruitland, Maryland Town Council and has eighteen years experience in grant writing with major emphasis on the CDBG Program. President Bennett read a list of her experiences in the grant writing field. After some discussion, the Commission decided to let President Bennett set up a meeting with her to further discuss the grant writing for Bridgeville.

2. President Bennett said the annexed land on the south end of Bridgeville has been sold (Kellam Property). The new owner would like to install a laundromat and car wash on the property facing Rt. 13 (just north of the VCR Clinic). President Bennett said the owner is willing to pay for the water and sewer lines to connect to Elm Street, and use the Town's engineer to draw the plans. President Bennett said the new owner is asking the Commission to release him from the impact fees for the two new units. He said they did not charge Jimmy's Grille last year when he expanded the restaurant. President Bennett could not give the amount of the impact fees being discussed. Commissioner Royal said before the Commission committed themselves, he thought the impact fee figures should be obtained from the engineer. President Bennett told him the figures could be figured at the W.W.T.P. Commissioner Royal said a laundromat and a car wash will definitely create an increase in the system, and they should know approximately how much of a flow increase is to be expected before committing themselves. President Bennett said the Town has been after new businesses, and now we are going to stall this oppounity! Commissioner Royal said he was not suggesting to stall, but he thinks the Commission should have a better idea of what the Town is getting into. Commissioner Royal said before he waives

any impact fees, he would like to have more information on the project. He said every time he goes by McDonalds he thinks about the money Bridgeville is losing because they did not check things out in the proper way several years ago. He would not like to see that happen again.

After much discussion, Commissioner Sipple made a motion to waive the impact fees on this particular property. Motion was seconded by Commissioner Miles and carried three to one with Commissioner Royal voting no.

3. President Bennett and the Commission read the second reading of Ordinance 98-2: AN ORDINANCE TO PROVIDE FOR THE LEVYING OF A TAX ON THE TRANSFER OF REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF BRIDGEVILLE (See attached). Commissioner Sipple made a motion to accept Ordinance 98-2 as read. Motion was seconded by Commissioner Miles and carried unanimously.

President Bennett said he attended a SCAT meeting recently where Mr. Stickels, the County Administrator, explained to him that the Town must send a letter sixty days after our fiscal year ends stating our transfer tax revenue. He said if a municipality does not collect \$20,000.00 in a year, the county will give \$15,000.00 to them.

4. A letter was received from the Apple-Scrapple Festival requesting a sponsorship ad in their flexi. President Bennett said he did not remember what the Commission gave last year. After much discussion, Commissioner Royal made a motion to give a quarter page ad for a cost of \$250.00. Motion was seconded by Commissioner Sipple and carried unanimously.

VII. CITIZENS PRIVILEGE

1. Mrs. Truitt said she would still like to show why trucks should not be allowed to park in front of her house on Market Street (she showed a drawing of the problem). She commented that drivers leave their diesel trucks running while doing their banking. Mrs. Truitt said the fumes from the trucks travel into her home filling it with a terrible odor. She also explained how dangerous it is to other vehicles turning right on to Market Street from Laws Street. Mrs. Truitt said this is a safety concern and a property damage concern. She hopes DELDOT will listen to her complaint and take some type of action. Mrs. Truitt would like to see a proper sign erected stating no truck parking. She said when a proper sign is posted, then the police department can do their job of enforcing the ordinance. She stated this should be a joint effort between the Town and the police department. Mrs. Truitt passed around pictures showing the problem.

President Bennett suggested Mrs. Truitt send her letter and pictures to DELDOT.

2. Mrs. Truitt said with the increase of traffic in Town she thinks a traffic light should be installed at Cannon and Market Street to slow traffic down. She also said the light should be one that would stop traffic when the fire trucks are called out. Mrs. Truitt said this light would slow traffic enough to allow traffic to exit from Laws Street on to Market Street. President Bennett said that there are fire lights across Market Street but

must be turned on by the firemen when answering a call. Mrs. Truitt was told the light would have to be installed by DELDOT.

3. Councilman Jones said he wanted to explain about the new revenue sharing which was recently approved for all municipalities and to answer any questions.

Commissioner Royal stated that with all that surplus money available, he thinks the communities should benefit from it providing entertainment or recreation for the kids. Councilman Jones said Sussex County is the only county that has passed the revenue sharing program. He explained that the county will give each town that does not collect \$20,000.00 a sum of \$15,000.00. He said there are some guidelines as to how the money must be spent. Commissioner Royal thanked the county for thinking of the municipalities.

4. Mr. Singman said he had two points to make to Commissioner Royal:

1. He said that earlier Commissioner Royal attempted to have a motion made to have a letter written to DELDOT to get ready for the posting of signs once the by-pass is opened. He said a motion is currently on the table and there is no need to wait seven days. He said all that is required is to bring that motion from the table to discussion and passed if that is what is needed. Mr. Singman said he made the motion in April, 1998 that signs would be posted prohibiting truck traffic immediately upon the opening of the by-pass.

2. He said President Bennett was concerned earlier about the passing of the payment of bills and getting the information to the Commissioners on Thursday before the regular meeting night. He said in the next part of business, Commissioner Royal brought up a very valid point: the fact that a business waits until the end of the month, knowing fully well that the Commissioners have less than a week to review a proposal impacting -the Town's situation. Mr. Singman said he did not think it was being unfriendly to businesses, he thinks its a fiscal responsibility on the members of the Commission to look at all the areas. He said it shouldn't be the onus on the Town for "being anti-business", it should be the onus on the Town to be pro-town. Mr. Singman said Commissioner Royal made a good point that the Commission should know what they have. He thinks the Commission should have advance notice of large items that will impact the Town on its budget.

3. The Commissioners received an invitation to attend a back-to-school fun day to be held August 29, 1998 at the Woodbridge ECEC School on Church Street. The festivities starts at about 1:00 P.M.

Commissioner Royal asked if the church van parked further away from the corner, could an area be designated for special parking. Commissioner Sipple explained to Commissioner Royal that the church asked last month for a closer space which she explained could not be done because of traffic flow.

VIII. EXECUTIVE SESSION


Commissioner Miles made a motion to adjourn to executive session at 8:30 P.M. Motion was seconded by Commissioner Sipple and carried unanimously.

IX. ADJOURNMENT

The Commission reconvened to the regular session at 9:05 P.M. No business was transacted during the executive session.

Commissioner Sipple made a motion to adjourn the meeting. Motion was seconded by Commissioner Royal and carried unanimously. Meeting adjourned at 9:06 P.M.

Respectfully Submitted,


Margaret W. Sipple
Secretary

COMMISSIONERS MEETING
JULY 13, 1998
EXECUTIVE SESSION

The meeting was called to order by President Robert Bennett
at 8:40 P.M.

Present: Commissioner Sipple, Commissioner Royal and
Commissioner Miles.

Discussion held on police department.

Convenued to regular 9:04 P.M.

No business took place.

Meeting adjourned.

Margaret Sipple
Commissioner Secretary

**BRIDGEVILLE POLICE
DEPARTMENT**

**MONTHLY REPORT
JUNE 1998**

SUBMITTED BY:

**HANDLEY J. ORR
CHIEF OF POLICE**

COMPLAINT SYNOPSIS

TYPE OF COMPLAINT-	MONTH	PREVIOUS YEAR	YEAR TO DATE
BURGLARY	0	0	6
THEFT	0	1	14
ASSAULT	1	0	9
DOMESTIC DISPUTES	2	3	20
CRIMINAL MISCHIEF	1	5	22
DRUG	2	1	6
SEX CRIMES	0	0	0
SUICIDE	0	0	0
ALARMS	2	13	30
DISORDERLY CONDUCT	3	5	11
PUBLIC RELATIONS	1	0	5
AUTO THEFT	1	1	2
HARRASSMENT	0	0	9
KIDNAPPING	0	0	0
MISSING PERSON	0	0	2
PREVENT B. OF P.	0	1	0
SUSPICIOUS PERSON	3	0	6
THREATEN BODILY HARM	0	1	1
D.O.A.	0	0	1
MURDER	0	0	0
CRIMINAL ARRESTS	9	2	74
PUBLIC ASSIST	2	5	41
ASSIST OTHER DEPT.	8	12	50
OTHER	5	57	71
TOTAL	40	107	380

TRAFFIC INVESTIGATIONS

<u>TYPE OF INVESTIGATION</u>	<u>MONTH</u>	<u>PREVIOUS YEAR TO DATE</u>	<u>YEAR TO DATE</u>
TRAFFIC ARREST	389	141	1,988
D.U.I.	1	0	6
VEHICLES TAGGED	1	0	13
VEHICLES TOWED	1	1	7
PARKING VIOLATIONS	1	0	39
TOTAL	393	142	2,053

ACCIDENT INVESTIGATION

<u>TYPE OF ACCIDENT</u>	<u>MONTH</u>	<u>PREVIOUS YEAR TO DATE</u>	<u>YEAR TO DATE</u>
PROPERTY DAMAGE	1	3	12
PERSONAL INJURY	0	0	0
FATAL ACCIDENTS	0	0	0
INDUSTRIAL	0	0	0
TOTAL	1	3	12

The following statistical data has been generated by the Bridgeville Police Department for the month of JUNE

VEHICLE INFORMATION

DESCRIPTION	THIS MONTH	PREVIOUS YEAR	YEAR TO DATE
TOTAL MILEAGE	5,799	2,396	36,754
FUEL	555 gal.	253	3,213
MAINTENANCE	\$382.37	\$39.90	\$1,611.51

W.W.T.P. Monthly Report
Date JUNE 1998

Average Daily Flow: .171 mg/d
Total Monthly Flow: 5.117 MG
Maximum Daily Flow: .234 mg/d

N.P.D.E.S. Violations
NO VIOLATIONS

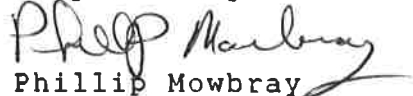
Septic Haulers Report

Number of Haulers: 4
Total Gallons Dumped: 64,150 gals.
Total Revenue Received: \$2466.00

On Going Projects

1. Jimmys Grille grease trap: Jimmy has contacted an engineer concerning the grease trap installation. However, no construction has been started.
2. Thunderstorm damage: On Friday, June 26, a lightning strike at the W.W.T.P. damaged beyond repair the effluent flow chart recorder and its sending unit. Replacement cost totaled above \$3,000. This bill will be submitted to our insurance carrier.
3. Sewer line cleaning: The sewer main on Cedar St. had to be jetted do to a blockage. Contractor charged \$1300.00
4. Sludge drying glass-house: The Town insurance carrier has practicaly condemned the glass house. This building houses our dried stock-piled sludge on one side, and we still need the other bed for sludge de-waterering. Replacing the glass panes is not the answer, as they will not stay in place.

Respectfully submitted,


Phillip Mowbray

BRIDGEVILLE W.W.T.P.
1998 EVALUATION

1. Wastewater plant understaffed: Three employees can not keep up with the work load required to maintain the wastewater treatment plant and its collection system, the water treatment and its distribution system, the street department, and snow removal.
2. W.W.T.P. Main building:
 - a. Wet well cat-walk unusable. Replacement cost approx. \$8,000.
 - b. Raw pumps: 9 years old and need rebuilding or replacing.
 - c. Paw pump piping needs painting.
 - d. Flat-roof leaks occasionally: Roof warranty expires Nov. 1999. Future roof repairs will have to be funded in the budget.
3. Rotating Biological Contactors:
 - a. 8 contactors on line for 9 years non-stop. Major mechanical failures are to be expected.
 - b. More contactors will have to be added to allow for future expansion. Cost approx. \$200,000 each.
4. #1 Clarifier:
 - a. Drive mechanism on line for 33 years.
 - b. 1 sludge pump needs replacing: cost approx. \$7,000.
5. #2 Clarifier:
 - a. 2 sludge pumps need replacing: cost approx. 14,000.
6. De-chlor contact tank:
 - a. 2 of 3 submersible pumps are 9 years old. approx. \$9,000.
7. Digester building:
 - a. Flat roof needs re-roofing: cost approx. \$4,000.
8. Sand filter building:
 - a. Flat roof leaks occasionally: Roof warranty expires Nov. 1999.
 - b. Piping needs painting.
 - c. Electrical panel needs repair.
9. Sand Drying Beds:
 - a. Roofing fascia boards need replacing.
 - b. Beds need updated drying material for more efficiency.
 - c. Glass-house needs repairing.
10. Mechanical sludge de-waterer is needed: cost \$100,000 to \$200,000.
 - a. In lieu of a mechanical de-waterer, we will have to continually increase the amount of liquid sludge hauled off site. This cost could escalate to \$35,000 annually.

BRIDGEVILLE W.W.T.P.
1998 EVALUATION

11. New Septic Haulers Station:

a. Station collects and holds large amounts of grit (dirt and sand) with no means of removal other than by Vac-Truck. The grit wears out the grinder pump teeth and takes up space needed for septic waste. Cost of a pretreatment system to remove grit and solids approx. \$200,000.

12. Collection system:

a. No budget money is set aside for regular sewer line maintenance. This would include scheduled inspections and cleaning of the sewer lines.

Respectfully submitted,


Phillip Mowbray

Manager W.W.T.P.

JACK L. DALTON

**207 Delaware Avenue
Bridgeville, Delaware 19933
302-855-6032**

COMMISSIONER'S MEETING

June 8, 1998

Gallons pumped for the month 3,518,000. An average of 117,000 gallons per day.

With the closing of the State's General Assembly there are two laws passed that affect municipal water systems. Number one is the "Aesthetics" law, which requires municipal systems to provide aesthetically pleasing water, having to do primarily with color, taste and odor. Fortunately, we do not have a problem with these aspects of our water.

What we do need to work on is getting ready to implement the Fluoridation that was mandated by the State. We are exploring all methods of complying with the law to see which ones offer the least operating cost for the long run. There are several ways the fluoride can be added to the water supply, ranging from gas injection to dry powder saturation. We will report our progress.

ORDINANCE NO. 98-2

AN ORDINANCE TO PROVIDE FOR THE LEVYING OF A TAX ON THE TRANSFER OF REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF BRIDGEVILLE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF BRIDGEVILLE AS FOLLOWS:

Section 1: Amount of Transfer Tax.

(a) Every person who makes, executes delivers, accepts or presents for recording any deed or lease, except as excluded by Section 7(e), or in whose behalf any deed or lease is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect of the transaction or any part thereof, a realty transfer tax at the rate of ONE AND ONE-HALF PERCENT (1-1/2%) of the value of the property represented by such deed or lease. Such tax shall be payable at the time of making, execution, delivery, acceptance or presenting of such document for recording.

(b) The transfer tax shall be apportioned equally between the parties to the transaction in the absence of an agreement to the contrary.

(c) No tax shall be imposed on any conveyance when the actual value of the property being transferred is less than ONE HUNDRED DOLLARS (\$100.00).

Section 2: Judicial Sales. The tax imposed by this Ordinance shall be paid from the proceeds of any judicial sale of real estate as part of the costs of such judgment or estate and of the writ upon which the sale is made.

Section 3: Affixing of Notation of Payment. The payment of the tax imposed by this Ordinance shall be evidenced by a notation of payment on the document. The collector shall note on the document the payment of the payment of the tax, the amount of payment, the date of payment and the initials of the person receiving payment and his or her office. Such notation shall be conclusive evidence of payment as to any subsequent purchaser relying thereon.

Section 4. Appointment of Collection Agent; Commission.

(a) The President of the Commissioners of Bridgeville may appoint the Recorder of Deeds in and for Sussex County and such other persons within or without the County as agents for the collection of the tax imposed by this Ordinance. Each such agent shall be provided with an official stamp to be used on the document on which the tax is paid.

(b) A commission shall be allowed by the President of the

Commissioners to such agents of ONE PERCENT (1%) of the face value of the tax.

Section 5. Prohibited Acts. No person shall make, execute, deliver, accept or present for recording or cause to be made, executed, delivered, accepted or presented for recording any document without the full amount of tax thereon being duly paid.

Section 6. Additional Tax; Refunds. In the event the State of Delaware determines that additional taxes are due under Title 30 of the Delaware Code, Chapter 54, then additional taxes shall be due to the Town in accordance with the valuation of the transfer as determined by the State, together with interest thereon at the legal rate. Refunds shall likewise be determined and paid.

Section 7. Definitions.

(a) "Deed" shall mean and include any instrument or writing pursuant to which title or possession of any real estate situate within the corporate limits of the Town which shall be quitclaimed, granted, bargained, sold, conveyed or transferred by a seller, vendor, grantor, assignor or transferor to any purchaser, buyer, vendee, grantee, assignee, or transferee, except as provided in Section 1.

(b) "Lease" shall mean and include any document or instrument in writing transferring or purporting to transfer a title or possessory interest by a seller, vendor, lessor, assignor or transferor to any purchaser, buyer, vendee, lessee, assignee or transferee in or to any of the following:

- (1) A condominium unit or an property or properties subject to the Unit Property Act (25 Del.C. §2201, et seq.) for a determinable term of five (5) years or more;
- (2) An interest in land owned by another and/or improvements owned by another located on land owned by another for a determinable term of five (5) years or more;
- (3) The exercise of any right or option to renew or extend the title possessory interest in an existing document or instrument in writing when such renewal or extension is for a period of five (5) years or more.

(c) "Transaction" shall mean and include the making, executing, delivering, accepting or presenting for recording of a deed or lease as defined herein.

(d) "Value" shall mean and include in the case of a deed the amount of the actual consideration thereof, including liens

or other encumbrances thereon and ground rents or a commensurate part of the liens or other encumbrances thereon where such liens and encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments; provided that where such documents shall set forth a small or nominal consideration, values shall be determined from the price set forth in, or actual consideration for, the contract of sale or lease, or, in the case of a gift or any other document without consideration, from the actual consideration for, the contract of sale or lease, or, in the case of a gift or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed, which, in either event, shall not be less than the amount of the assessment of such lands, tenements or hereditaments as shown on the books of Sussex County.

(e) "Deed" and "Lease" shall not include any of the following:

- (1) Any conveyance by will;
- (2) Any mortgage;
- (3) Any lease other than those described or defined in Section 7(b);
- (4) Any conveyance between persons who were previously husband and wife but who have since divorced, provided such conveyance is made after the granting of the Final Decree in Divorce;
- (5) Any conveyance between husband and wife;
- (6) Any conveyance between parent and child or a spouse of such child;
- (7) Any conveyance to a trustee, nominee or straw party for the grantor as beneficial owner;
- (8) Any conveyance for the beneficial ownership of a person other than a grantor where, if such person were the grantee, no tax would be imposed upon the conveyance pursuant to this Ordinance;
- (9) Any conveyance from a trustee, nominee or straw party to the beneficial owner;
- (10) Any conveyance between a parent corporation and a wholly owned subsidiary corporation, provided such conveyance is without actual consideration;
- (11) Correctional deed without actual consideration;
- (12) Any conveyance to or from the United States, the

State of Delaware, or any instrumentality, agency or political subdivision of the State;

(13) Any conveyance to or from a corporation or a partnership where the grantor or grantee owns stock of the corporation or an interest in the partnership in the same proportion as his interest in or ownership of, the real estate, or interest therein being conveyed;

(14) Any conveyance by the owner of a previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises were taken in trade by such builder as a part of the consideration from the purchaser of new, previously unoccupied premises;

(15) Any conveyance to the lender holding a bonafide mortgage, which is genuinely in default either by a sheriff conducting a foreclosure sale or by the mortgagor in lieu of foreclosure;

(16) Any conveyance to a religious organization or other body or person holding title to real estate for a religious organization, if such real estate will not be used following such transfer by the grantee or by any privy of the grantee for any commercial purpose;

(17) Any conveyance made pursuant to a contract executed prior to the effective date hereof;

(18) Any conveyance made by or to an individual, a corporation or partnership when there is no change in beneficial interest;

(19) Any conveyance made by or to any organization exempt from ad valorem real estate taxes.

Section 8. Effective Date. This Ordinance shall become effective upon its adoption by a majority of the Commissioners of the Town of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

BY: Robert J. Bennett

President

ATTEST: Margaret W. Sipple

Secretary

ADOPTED: 7-13-98

7/13/95

Cindy Truitt

Marcel E. Truitt

Charles R. Singman

Lonnie Hilliard

Philip Davis

B.W. McCamley