

MINUTES
COMMISSIONERS OF BRIDGEVILLE
MAY 9, 2011 – 7:00 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Steve McCarron, Jay Mervine, Lawrence Tassone and Town Manager Merritt Burke IV. The meeting began with the Flag Salute and the Lord's Prayer.

II. QUORUM PRESENT

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

III. DELAWARE DEPARTMENT OF TRANSPORTATION – MARKET STREET PEDESTRIAN SAFETY CROSSING

Town Manager Burke introduced Mr. Chris Sylvester from the Delaware Department of Transportation (DelDOT) and advised former Town Manager Walls had begun to investigate an additional pedestrian crosswalk on Market St. in the vicinity of the public parking lot. Mr. Sylvester reported he works in the Traffic Studies Section of DelDOT, which conducted an engineering study on Market St. concerning its needs, including speed limits, parking restrictions, modifying signals, etc. They conducted field investigation at the site for existing conditions. To place a crosswalk at the Town parking lot would involve crossing westbound and eastbound lanes, in addition to the start of a turn lane, which is an undesirable, as a motorist is making decisions on his actions and may not see a pedestrian. It is a mid-block crossing, also making it an undesirable location. They searched for another crosswalk location close to the parking lot and chose the Mechanic St. intersection. This choice does not have the undesirable issues of the original location and yet is still close to the parking lot; pedestrian safety plays the most important part in these decisions. The field investigators made appropriate signage and striping recommendations, with pedestrian warning signs at the crossing. This crosswalk will include improved ADA (Americans with Disabilities Act) curb ramps and were added to the existing street improvement project currently taking place. Mr. Sylvester commented retrofitting has its challenges. Town Manager Burke questioned the cost of the pedestrian crossing to the residents. Mr. Sylvester advised the residents will not be charged for this work. Commissioner McCarron questioned the timeline. Mr. Sylvester advised all work orders he initiates will correspond with the timeline of the current street project; the crosswalk will likely be completed within 30 days. The work will take place during daytime hours. There are concerns about working on Fridays, due to beach traffic coming through Bridgeville. Mr. Sylvester does not control the scheduling of the work, but will mention the beach traffic issue to those responsible for scheduling.

**IV. HERITAGE SHORES SPECIAL TAX DISTRICT ANNUAL REPORT –
MS. JULIA MCDANIEL**

Town Manager Burke introduced Ms. Julia McDaniel from MuniCap. She advised representatives from the company will also be attending a meeting at Heritage Shores on Thursday, May 12th at 10:00 A.M. for special tax district members. Ms. McDaniel advised this report pertains to the special taxes to be collected in the 2011-2012 fiscal year. The Trustee Accounts in Table A indicate the March 31st balance, as well as interest paid, additional proceeds and disbursements. The funds are currently invested in money market accounts earning 0.01%. The Special Tax requirement for 2011-2012 is billed on July 1, 2011 and due on September 30, 2011. These taxes will be used to pay debt service in 2012. Expenses due include interest payments on January 1, 2012 and July 1, 2012 and a principal payment due July 1, 2012. Current Administrative expenses are expected to be \$29,235, plus a contingency built in of 3% in case of delinquency or unanticipated expenses. Investment income was delineated. Table D outlines surplus from the prior year. Only debt service is anticipated. There is a surplus in the Administrative Expense Fund of \$81,100.

Concerning the method of levying special taxes, today marks the date of classification of land use categories, with Commission approval at this meeting. As of the date the report was written, there were 313 developed units, consisting of 222 single family detached units and 91 single-family attached units. Some of the units have been partially pre-paid by the developer. The total amount to be collected from developed units in 2011-12 is \$347,853. The remaining balance of the special tax requirement is \$1,062,147, which is collected from the undeveloped property in the district, for a total of \$1,410,000 (a reduction of \$50,000 from the prior year.)

Commissioner Tassone asked Ms. McDaniel to explain the difference between Bond Fund A and B. Ms. McDaniel advised there were two series of bonds issued. The Series 2005A Bonds funded the developer's improvements including roadways, water systems and/or public improvements in the district. The Series 2005B Bonds were issued to fund the Commissioners' facilities, which included a portion of the library and other expenses of the district. To-date all of Bond Funds A and B have been expended (obligated). Commissioner Tassone asked if this is sufficient to cover the public improvements for all 1,800+ homes. Ms. McDaniel advised they were aware at the establishment of these bonds there would be additional bond issues to cover the entire project. There are approximately 545 acres of unplatted, undeveloped property which may need an additional bond issue to fund public improvements.

Commissioner Tassone asked Ms. McDaniel who will pay for new bonds that are issued for future phases of the development. Ms. McDaniel advised all property owners will pay the debt service, allocated in a similar fashion as it is now; however, current property owners who are several years into their 30-year special tax district payments will not necessarily pay these additional bonds that are issued in the future. There is a 30-year limit to homeowner payments. The first property owners began paying in the 2007-2008 tax year and they will only pay for 30 years. It was added that there is an assigned special tax rate and a maximum special tax rate. Commissioner Tassone asked what would trigger going from the assigned 2% to the maximum

10%. Ms. McDaniel advised a vast amount of delinquencies on a large number of properties or a catastrophe such as bankruptcy of the developer. Should they have to assess at the maximum rate, it is built into the tax sale process to collect those taxes; therefore, the maximum rate could very possibly only last for one year.

Commissioner Mervine asked for clarification on the contingency fund. Ms. McDaniel advised the fund is 3% of debt service and administrative expenses. Copies of the annual report are available at Town Hall, the library at Heritage Shores and on the Town website. www.townofbridgeville.net.

Ms. McDaniel advised a pre-paid property would have no additional liability in the event of a new bond release. Special Tax District tax will continue to increase at a rate of 2% each year. Ms. McDaniel will leave business cards for anyone with additional questions.

Mr. Bill Merritt from 2 Canvasback Circle questioned the money market interest rate of 0.01%. Ms. McDaniel advised that is a fluctuating rate. Currently, MuniCap administers 100 tax districts and is investigating better interest rates for all their clients. They are limited in venues they can place the money for safety reasons.

Mr. Bill Atwood from 113 Emily's Pintail Dr. thanked the Commission for allowing Ms. McDaniel to come to Heritage Shores on Thursday, as it is his understanding there is a cost involved to bring a MuniCap representative to discuss the Tax District and answer questions. Town Manager Burke advised the Town is always looking out for the residents' dollars.

Commissioner Kovack made a motion to 1) set May 9, 2011 as the date of the 3 classifications of properties; 2) set the amount to be repaid in the 2011-2012 bond year at \$1,410,000 and 3) accept the tax report prepared by MuniCap, which will become public information with the tax rolls. Commissioner Tassone seconded the motion. Motion carried.

V. APPROVAL OF MINUTES

Commissioner Kovack made a motion to approve the Minutes from the April 11th Commission meeting and Executive Session. Commissioner McCarron seconded the motion. Motion carried.

VI. CORRESPONDENCE

Town Manager Burke advised there was no correspondence this month.

VII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending April 30th. The General Fund totaled \$363,235, a decrease of \$58,000 from the prior month. All accounts totaled \$891,593, a decrease of \$60,000 from the prior month. Accounts

Receivable stands at \$91,058, including code enforcement fines, property taxes, water/sewer fees, etc. This line item is \$4,000 higher than last month. On the Budget Report the Town is 10 months into the budget year and should be at 83% of its budget. We are currently at 78% of the budget income. Concerning federal grants, we have received \$35,000 of the expected \$88,000. \$50,000 of that amount is a USDA grant for police cars that has not yet been received. Greenwood's third quarter billing for wastewater services has been sent in the amount of \$50,500. Expenses stand at 72% of the budget, which is a 7% increase from last month. Concerning Accounts Payable, the Town has received bills totaling \$55,001. Expected expenses, including health insurance, payroll, utilities, etc. are \$113,000, for total bills to be approved of \$168,001. Commissioner Tassone made a motion to pay the bills as presented. Commissioner Mervine seconded the motion. Motion carried.

VIII. DEPARTMENT HEAD REPORTS

The Department Head reports have been made available to the public. Town Manager Burke advised the Code Enforcement Officer completed 75 rental property inspections this month. Fines are being assessed on non-responsive rental properties. Street Superintendent Passwaters has managed the Street and Water Departments while Water Superintendent Jones has been out on medical leave. He is currently managing a DelDOT street project and ADA ramps. When the street project is almost complete, he will be cleaning the Town streets. This has been a busy time for the Town, including preparation of the FY-12 budget. There is another leak on the Wastewater effluent line going to Route 13; the Town is investigating the replacement of this line.

Commissioner Tassone asked if there are funds available to continue demolishing condemned buildings in Town. Town Manager Burke advised the funds are depleted and we will possibly receive more funds from the CBDG program next year. Our demolition and rehab list always remains active. This year the Town accomplished three demolitions. Finance Director Savage advised one of the garages on the demo list may be removed; the property has been sold and the new owner has expressed interest in renovating it.

Commissioner Tassone questioned the ADA ramps project. Town Manager Burke advised the project is moving slowly, at the moment. There have been some obstacles; however, they intend to bring two crews tomorrow to continue the work.

Commissioner Kovack questioned the water pump for the street sweeper. Town Manager Burke reported it has been replaced.

Commissioner Mervine asked if the new RBC is enhancing the performance of the wastewater plant. Town Manager Burke was uncertain about a measurable difference; however, he feels the morale is up due to the new equipment installation. The project will be complete in 30-60 days with the addition of a second RBC unit. The sewer leak may cause complications; however, they are working through that issue at the moment.

Town Manager Burke advised a draft letter is being prepared to Governor Markell and SCAT lobbyist Robert Maxwell concerning possible state funding of one-time capital improvement projects.

Sergeant Parsons from the Bridgeville Police Department advised several search warrants were served during April and there were approximately 54 drug charges issued. The Take Back Prescription Drugs day netted approximately 80 pounds of prescription drugs turned in and discarded properly. The Police and Fire Departments and Parsell Funeral Home held a mock vehicle crash on May 5th at the high school in anticipation of the May 7th prom. Sergeant Parsons believes the young people heard the message due to the fact that 7 proms occurred that evening in Sussex County and there were no prom-related injury accidents. Several Bridgeville officers attended the ceremony at the Georgetown Circle dedicating a memorial to Police Officer Chad Spicer, killed in the line of duty. It is a wonderful remembrance. Chad served as a police officer in Bridgeville before he moved to the Georgetown police force. Sergeant Parsons reported there is a typographical error on the Police report concerning the vehicle maintenance column for the calendar year. It should read \$2,467.35.

IX. TOWN MANAGER'S REPORT

Town Manager Burke thanked the Bridgeville Fire Company and Town employee Mrs. Smith for coordinating the April 7th Sussex County Association of Towns (SCAT) dinner at the Fire Hall.

A Yard Waste Disposal Day has been scheduled for Saturday, May 14th from 8:00 A.M. to 3:00 P.M. Residents may bring their yard waste to Town Hall. Please call Mrs. Smith if you know of any residents who are unable to bring their waste to Town Hall. There is a group of students available to pick up yard waste at homes. Commissioner Kovack volunteered his truck, and asked that we provide a young person to pick up yard waste for those who can't bring it. Street Superintendent Passwaters will be coordinating the event at Town Hall.

Town Manager Burke thanked the Police and Fire Departments for the Mock Crash event. Mr. Burke used to coordinate such events himself and is very aware of the benefits.

The DelDOT street project is approximately 25% complete. A few ramps have been approved and all catch basins have been replaced. Kwik and Crafty Contracting will be working this week on Market St. ramps and then move to Main St.

Code Enforcement Officer Butler is continuing to enforce the rental unit license ordinance. There are additional concerns with grass, rubbish, debris and dogs that he is handling. If you see violations, please call Town Hall and report the problems.

Town Manager Burke related he has received very few, if any, complaints about the Town staff. They work very hard. He added that the Town will be advertising for a new Water Superintendent in the near future.

X. CITIZEN'S PRIVILEGE

Mrs. Betty Pucci from 414 S. Main St. questioned the commercial development plans around the Route 13 intersection (stores, restaurants, and hotel). She assumed the hold-up was the economy, but heard a rumor that DelDOT is holding up the development. Commission President Correll advised DelDOT is not holding up those potential projects; it is the economy that is holding up new development. Town Manager Burke added his agreement. He is in regular contact with the developers and no progress is being made, in general; however, one project is ready to move forward. Bridgeville Professional Center on Antique Alley is expecting to break ground within a week. Town Manager Burke reported that DelDOT is not an obstacle to Route 13 development in the Bridgeville area. Mrs. Pucci had heard that a Cracker Barrel restaurant was going to locate in Seaford rather than Bridgeville due to ingress/egress issues with DelDOT. Town Manager Burke acknowledged DelDOT is tough concerning entrances and exits; a business must make its own decision as to where to locate. He added he had not heard of that situation, nor had President Correll. Commissioner Kovack questioned Planning and Zoning Commission Chairman Atwood about a developer who came before Planning and Zoning and was not going to proceed due to the economy. Mr. Atwood responded they have had several developers bring plans before them, but they all said what Town Manager Burke has said that they are not moving forward because of the economy. Should the economy change, some projects may move forward.

Mr. James Lofland, who owns six houses in Bridgeville, requested permission to address the Commissioners. He assumes that Bridgeville is a friendly, warm, cordial, safe place for citizens and that the Town works for the good of everyone. He acknowledged that Bridgeville does not have a great deal of industry and wonders if the Town wants businesses, based on various rules and regulations the Town has enacted, specifically the rental licensing. Many professions require licenses, i.e. doctors, lawyers, CDL drivers, teachers, etc. These industries only have one license and he does not understand why Bridgeville requires a license for every bedroom in a house. He owns property in Prince Georges County, Virginia and Washington D.C. He has one license to do business, not several. Commissioner Mervine has talked with Mr. Lofland previously and understood they were going to schedule a separate meeting to address Mr. Lofland's concerns, not the monthly Commission meeting. He believes the conversation would require more time than is available in this meeting. He suggested they schedule a meeting next week. President Correll requested the meeting be postponed for approximately two weeks. The Commissioners and staff are in the middle of budget preparation which is very time-consuming and has an imminent deadline. Town Manager Burke advised he has met with Mr. Lofland. The rental license ordinance was passed in July of 2010 with the cost of \$25 per bedroom for rental properties in Town limits. Two of the current Commissioners were not members when this ordinance was passed. He is tasked with enforcing the entire code book whether he personally agrees with the codes or not. The ordinance has been advertised to the public; the information has been placed in many places. The fines are \$50 for the first offense with a \$250 administrative fee. The public had an opportunity to comment on the ordinance when it was introduced last year. All residents may attend Commission meetings and participate in Citizen's Privilege. Town Manager Burke advised fire safety was one important reason why

this ordinance was adopted. He added that rental unit licenses/inspections are common throughout the United States. Other Towns in Sussex County also have this rental license requirement. Through comments by Commissioners McCarron and Mervine and Mr. Lofland it appears that Mr. Lofland has no problem with a license, but takes exception to the licensing per bedroom. Commissioner Mervine reported there is a cost associated with enforcing this inspection; therefore, the per bedroom fee. Each unit must be inspected to determine compliance. The Town is not licensing the owner, but the specific rental units. Mr. Lofland asked if the Town has provided each rental owner with a calendar specifying date and time of visit. Commissioner Mervine responded the Town has gone out of their way to communicate with the owners. Mr. Lofland believes the Town should work together with the property owners. Commissioner Mervine responded the Town has advertised the new ordinance extensively. Mr. Lofland expressed concern that a quorum of the 2,000 residents is not in attendance at Commission meetings. Commissioner Kovack advised all landlords in Town received a letter concerning this new ordinance. He is a landlord and he received a letter along with everyone else and had to comply with the license requirements. Mr. Lofland does not believe he received a letter. Commissioner Mervine again suggested that this isn't the right forum to continue this discussion. President Correll suggested Mr. Lofland contact Town Manager Burke to set up an appointment to discuss his concerns further.

President Correll advised she joined the Kovacks and Mervines in representing the Town at the Bridgeville Kiwanis Prayer Breakfast last Saturday. It was reported at the breakfast that Miss Emma Rider, an 8th grade student, has already collected over 10,000 pairs of used shoes to fund pure drinking water systems in foreign countries and hopes to reach 20,000. Residents can donate their old shoes for the project at the Bridgeville Public Library or Town Hall. Emma has recently received an award from the Governor for her volunteer work.

XI. OLD BUSINESS

There was no Old Business to discuss.

XII. NEW BUSINESS

A. Award EECBG Contracts

Town Manager Burke advised the Town has applied for a competitive grant from the Energy Efficient Community Block Grant Program and has been awarded over \$170,000. The money for the first contract will be used to replace windows and doors at the wastewater treatment plant. Commissioner Kovack made a motion to award the window and door replacement contract to Terra Development, Inc., in the amount of \$17,282.58 (after a deduction of Alternate #1 from the total bid of \$19,306.31.) Commissioner Mervine seconded the motion. Motion carried.

The second contract concerns RBC & Digester Building Motor Replacement. Commissioner Tassone made a motion to award the RBC & Digester Building Motor

Replacement contract to Bilbrough's Electric, Inc. in the amount of \$14,730.00 (with the addition of Alternate #1 and Alternate #2.) Commissioner Kovack seconded the motion. Motion carried.

B. Certificate of Referendum Vote for Walnut St. Water Main Project – May 5, 2011

Town Manager Burke read the Certificate of Special Election for the May 5th Referendum for water improvements on Walnut street, including, but not limited to, replacement of a ninety-five year old four inch cast iron water main for a distance of approximately 2,370 linear feet and installation of a new ten inch water main with fifty-one water service reconnections, in order to provide sufficient fire flow protection to the surrounding area. The Referendum failed by a vote of 56 votes in favor of the proposed borrowing and 60 votes against the proposed borrowing. Commissioner Kovack made a motion to certify the May 5th Referendum Vote which denied the Walnut St. water main replacement. Commissioner Tassone seconded the motion. Motion carried.

C. Bond Resolution – Walnut Street Water Improvements

The Bond Resolution will not be signed due to the failure of the Walnut St. Referendum. President Correll believes the public should be aware of the cost involved in bringing an issue to Referendum vote. Finance Director Savage advised he has not yet received invoices from the bond counsel and newspaper advertising, but would estimate that the process cost the Town \$6,000-7,000.

D. First Reading of Ordinance A11-1 An Ordinance to Amend Chapter 90 of the Code of the Town of Bridgeville as it Relates to Grass, Brush and Weeds

Town Manager Burke read Ordinance A11-1 into the record. He reported this ordinance will increase the efficiency of our code official by instituting a one-warning system for a calendar year concerning the unregulated growth of grass, brush and weeds. The ordinance will also eliminate a \$250 administrative fee and change the fine from \$50 to \$100. President Correll expressed concern that we have sent out many costly certified letters and the home owner doesn't always correct the violation. This ordinance is in Chapter 90 of the Town Code and does not require review by the Planning and Zoning Commission. There was some discussion whether a second reading of an ordinance is required. According to the code, it is not required. President Correll advised since she has been on the Commission they have always used a 2-reading system, allowing Commissioners and residents to think about the issue before adopting an ordinance. She advised there have been several times when, upon further reflection, she has changed her vote on an issue, due to having that extra time to consider it. President Correll prefers to continue the 2-reading system. Commissioner Kovack made a motion to introduce for a first reading Ordinance A11-1, An Ordinance to amend Chapter 90 of the Bridgeville Code as it relates to grass, brush and weeds. Commissioner Mervine seconded the motion. Motion passed.

XIII. EXECUTIVE SESSION – PERSONNEL MATTERS / SITE ACQUISITION

Commissioner Kovack made a motion to go into Executive Session to discuss personnel matters and site acquisition. Commissioner Tassone seconded the motion. Motion carried. The regular session recessed at 8:15 P.M.

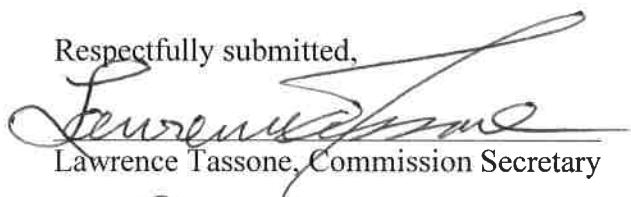
XIV. RECONVENE REGULAR SESSION

Commissioner Tassone made a motion to re-convene the regular session. Commissioner Kovack seconded the motion. Motion carried. The Commission re-convened the regular session at 8:50 P.M. President Correll advised the Commission discussed personnel matters and site acquisition and no votes were taken.

XV. ADJOURNMENT

Commissioner Tassone made a motion to adjourn the meeting. Commissioner Mervine seconded the motion. Motion carried. The meeting was adjourned at 8:51 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary

Peggy Smith

Peggy Smith, Transcriptionist