

MINUTES
COMMISSIONERS OF BRIDGEVILLE
JUNE 14, 2010 – 7:00 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President William Jefferson at 7:00 P.M. Present: Commissioners Patricia Correll, Michael Collison, Lawrence Tassone, Appointed Commissioner Stephen Jay Mervine and Town Manager Bonnie Walls. The meeting began with the Flag Salute and the Lord's Prayer.

II. QUORUM PRESENT

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

III. CONSERVATION CLUB PRESENTATION – Certificate of Appreciation

Commissioner Collison introduced members of the Conservation Club from the Phillis Wheatley Middle School. These young people are responsible for re-planting the flower barrels on Market St. Ms. Pam Vanderwende, Club Sponsor, and other parents contributed to this effort. Commissioner Collison thanked the club members and assisting adults for their efforts to improve the appearance of Market St. Many compliments have been received from residents concerning the flowers. Ms. Vanderwende thanked all the parents and adults who participated. She advised their next step will be to paint embellishments on watering cans provided by A.C. Schultes for businesses to keep the flower barrels watered. Ms. Vanderwende thanked the Commission for their support. She also thanked Jeff's Greenhouse, Ms. Lori Rider and the Lion's Club for monetary and plant donations. Ms. Vanderwende advised the club won a state award for their wetland adoption; the state's Adopt a Wetlands program includes over 100 adoptions and the Phillis Wheatley Middle School Conservation Club is the star for the entire state. They lead all other middle schools in the amount of work they have accomplished and the enthusiasm they have shown. They have since won the Governor's Conservation Award and a \$2,500 prize for projects at their school and at Woodbridge Elementary School. They intend to build a Reading Garden with their cash award. This year the club won the Superstars in Education award, one of only 7 schools in Delaware. They are currently working on making all their gardens low maintenance. Ms. Vanderwende invited the Town to come to the school and view their projects. Ms. Marlene Mervine wanted the Town Commission and the Bridgeville residents to understand that Commissioner Correll informed the audience that Ms. Vanderwende and her husband operate Little Wagon Produce on Route 404 west of Town. Ms. Vanderwende acknowledged that coming from a farm family allows her access to the plants she needs for the club. Her father has also been very supportive and has donated his time and materials to projects at the school.

IV. APPROVAL OF MINUTES

President Jefferson presented the following meeting minutes for approval: May 10 Commission meeting; May 20 & June 1 Special Commission meetings; and June 2, 3 & 8 Police Chief Interviews. Commissioner Tassone made a motion to adopt the minutes as presented. Commissioner Correll seconded the motion. Motion carried.

V. OATH OF OFFICE ADMINISTERED TO NEWLY-APPOINTED COMMISSIONER

President Jefferson introduced Mr. Jay Mervine who has agreed to an appointment to the Town Commission from District #1, replacing Mr. Earl Greason who has moved out of Bridgeville. Town Manager Walls administered the Oath of Office to Mr. Mervine. Mr. Mervine will fill this position until the March 2011 Municipal Election.

VI. CORRESPONDENCE

Town Manager Walls advised the Town has received notification from Delmarva Power (DP) that they intend to replace mercury vapor streetlight fixtures with more energy efficient high-pressure sodium fixtures across their service territory. A total of 113 fixtures will be replaced in Bridgeville. The increase in cost to the Town will be \$53.50 monthly; however, Town Manager Walls feels the additional cost is worthwhile considering the increase in energy efficiency. DP will complete the work this week.

The Sussex Spotlight-Read Aloud Delaware newsletter is available for review.

Town Manager Walls reported that, following the discussion at last month's Commission meeting, she corresponded with the Department of Transportation (DelDOT) requesting their consideration in reducing the speed limit on Route 13 through Bridgeville town limits permanently. The speed had been reduced during the realignment work on Routes 13 and 404 and had been raised when the construction was completed. DelDOT has responded that they will conduct a traffic study to determine if the lowering of the speed limit is warranted. The study will take several weeks to complete, after which the Town should hear from DelDOT. Resident Russ Beard had requested that the Town pursue the reduction of the speed limit.

VII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending May 31, 2010. (The following amounts are in rounded figures.) General funds totaled \$233,000; escrow and impact fee funds totaled \$490,000 for a combined total of \$819,500. Accounts Receivable stands at \$164,000, including property taxes and past due water / sewer fees. The Town has \$6.2 million in outstanding loans. On the Budget Report, the Town is eleven months into the fiscal year and should be at 92%. Income totals are at 87% of budget at \$2,000,023. Expense totals stand at 84% of the budget at \$1,957,000. Commissioner Tassone asked for a clarification on deferred revenue. Finance Director Savage advised the four separate accounts for deferred revenue on the Balance Sheet are related to a journal entry for monies that the Town received in a previous year that have not yet been spent. I.E., the \$1.9 million in the Wastewater Department consists of prepaid impact fees, which will be reduced as new Heritage Shores homes are built. On Bills Payable, the Town has received \$135,000 in bills for approval, \$93,000 of which is for the spray irrigation farm debt service. Expected expenses before the next Commission meeting are \$136,000 for a combined total of \$272,249. The A.C. Schultes well project is complete. We will receive all of the well project money back through a state loan and federal loan forgiveness. Commissioner Correll made a motion to pay the bills as presented. Commissioner Tassone seconded the motion. Motion carried.

VIII. DEPARTMENT HEAD REPORTS

There were no comments or questions concerning the Department Head Reports.

IX. CITIZEN'S PRIVILEGE

President Jefferson asked for a Heritage Shores update from Ms. Dottie Harper of Brookfield Homes. She advised there will be two closings on new homes at Heritage Shores this month. Additionally, they have sold one house per week over the past month. They are seeing more traffic at their sales office and the resale market is spurring on potential buyers. Ms. Harper reminded everyone of the Spicer Golf Tournament on Thursday June 17th. Proceeds will benefit the Aubrey Spicer Fund. There were no comments or questions from the citizens of Bridgeville.

X. TOWN MANAGER'S REPORT

Town Manager Walls advised she and Commissioner Correll attended the 33rd Annual Sussex County Mayor's Prayer Breakfast at Delmarva Christian High School in Georgetown.

Plans are underway for the 4th Annual Bridgeville Charity Open Golf Tournament on Friday, October 8th at Heritage Shores.

The Town's Memorial Day Celebration was very successful with approximately 150 participants. Town Manager Walls thanked all those who came to the event and those who took part in the program.

Commissioner Tassone attended a Local Official's Day at Legislative Hall in Dover; other Bridgeville Commissioners have attended a similar event in the past. Commissioner Tassone had the opportunity to learn about Delaware's legislative process and tour Legislative Hall. He reported he had learned a great deal from the experience.

Town Manager Walls has met with the owner of 15 Church Street concerning its designation as a Dangerous Building, according to Bridgeville's codes. The owner has asked that the Town work with them; by early fall they will have plans in place to demolish the building. Town Manager Walls emphasized the owner needs to keep their word concerning the timetable for demolition.

Town Manager Walls reported she had praised Police Officer James at the May Commission meeting for drug arrests. Since that time he has again stopped a car for traffic violations which resulted in the two individuals being incarcerated for marijuana usage. She extended her congratulations to Officer James. Town Manager Walls also introduced Sergeant Burke Parker who was in the audience to represent the Police Department at the meeting.

Town Manager Walls advised President Jefferson has asked that the July Commission meeting be moved from July 12th to July 19th. Commissioner Tassone made a motion to change the monthly Commission meeting to July 19th. Commissioner Collison seconded the motion. Motion carried.

XI. OLD BUSINESS

A. Public Hearing and Second Reading of Ordinance A10-4, An Ordinance to Amend Chapter 128 Fees, to Increase the Property Tax

Commission President Jefferson opened the Public Hearing at 7:26 P.M. A resident asked why the property tax was being raised. President Jefferson advised the property tax was raised in order to balance the FY-11 budget. The Commission began budget discussions with a \$600,000 deficit. There are a number of rate increases in the budget to allow the Town to function properly. The Commission cannot drain all of its funds in the day-to-day operation of the Town. There being no further questions, the Public Hearing was closed at 7:28 P.M. Commissioner Tassone made a motion to adopt Ordinance A10-4 to increase the Town property tax for a second and final reading. Commissioner Correll seconded the motion. Motion carried.

XII. NEW BUSINESS

A. Introduction and First Reading of Ordinance A10-5, An Ordinance to Amend Chapter 128 of the Code of the Town of Bridgeville Relating to Fees to Increase the Rates for Water and Sewer

Written documentation concerning all of the Ordinances introduced tonight is available to the public. Commissioner Tassone made a motion to introduce and approve Ordinance A10-5 for a first reading. Commissioner Collison seconded the motion. Motion carried.

B. Introduction and First Reading of Ordinance A10-6, An Ordinance to Amend Chapter 128 of the Code of the Town of Bridgeville as it Relates to General Charges and Fees Concerning Variance, Zoning and Conditional Use Hearings

Commissioner Tassone made a motion to introduce and approve Ordinance A10-6 for a first reading. Commissioner Collison seconded the motion. Motion carried.

C. Introduction and First Reading of Ordinance A10-7, An Ordinance to Amend Chapter 128 of the Code of the Town of Bridgeville Relating to Fees to Increase Building Permit Fees

Commissioner Tassone made a motion to introduce and approve Ordinance A10-7 for a first reading. Commissioner Collison seconded the motion. Motion carried.

D. Introduction and First Reading of Ordinance A10-8, Creating a New Chapter of the Code of the Town of Bridgeville Requiring the Registration and Licensing of All Residential Rental Units Within the Town

Commissioner Tassone made a motion to introduce and approve Ordinance A10-8 for a first reading. Commissioner Correll seconded the motion. Motion carried.

E. Introduction and First Reading of Ordinance A10-9, Creating a New Chapter of the Code of the Town of Bridgeville Requiring the Registration and Licensing of Businesses Within the Town of Bridgeville

Commissioner Tassone made a motion to introduce and approve Ordinance A10-9 for a first reading. Commissioner Collison seconded the motion. Motion carried.

F. EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Collison made a motion to go into Executive Session to discuss personnel matters. Commissioner Tassone seconded the motion. Motion carried. Regular session recessed at 7:33 P.M.

G. RECONVENE REGULAR SESSION

Commissioner Collison made a motion to re-convene the Regular Session. Commissioner Tassone seconded the motion. Motion carried. The Commission re-convened the Regular Session at 8:06 P.M. President Jefferson advised the Commission discussed personnel matters during the Executive Session. No votes were taken during the session.

Town Manager Walls advised the Commission that the June 21st meeting scheduled with the Town of Greenwood will have to be re-scheduled due to conflicting schedules.

Commissioner Mervine expressed a desire to discuss Ordinance A10-9 further concerning business licenses. He advised he had spoken with Town Manager Walls about the Ordinance previous to this meeting. He is concerned that the registration and licensing is not going to accomplish what the Commissioners intend for it to accomplish. Fly-by-night operators are going to continue whether there is a licensing procedure in place or not. Town Manager Walls had said the goal was to keep unscrupulous contractors out of Town; however, he does not believe the Town requiring a copy of a contractor's state license and liability insurance accomplishes what we want. If residents would check to make sure a contractor has a Bridgeville business license, they would certainly be able, on their own, to ask for a state license and proof of insurance from a contractor they wish to hire. The Town will incur liability if it infers by its licensure that a contractor is a good contractor; he / she may or may not be. He also believes Town licensure is a business killer; for example, a small businessman may deliver a refrigerator to Bridgeville and never deliver again for many months. This individual could not afford a \$100 license to earn \$50 for a delivery to Bridgeville. A large company would not be affected, but it might be a disincentive for a small contractor/business. Commissioner Mervine doesn't believe the license will create protections for the residents. Commissioner Collison agreed that Commissioner Mervine's points are well-taken. He expressed concern about the contractors in Town that are ripping people off that are not licensed contractors in Delaware; they have no insurance whatsoever. With this Ordinance the Town would ensure that any contractor or businessman contracting in this Town is licensed and has insurance. It has nothing to do with their workmanship; it has nothing to do with the Town taking on liability that they are a reputable company. All Bridgeville is guaranteeing is that they have a Bridgeville business license, they have a state license and they have a certificate of insurance. The Ordinance allows us to have some control – we can kick contractors out of Town if they're not licensed. This is one safety measure Bridgeville can take. In his business, Commissioner Collison pays a variety of license and

business fees to most municipalities he works with in Maryland, Delaware and Virginia. Bridgeville's proposed fees are far less than he pays elsewhere. He personally does not believe this fee will kill business in the Town. Viable businesses/contractors will not be bothered by this. Commissioner Mervine is a small contractor, compared to Mr. Collison. If every small town in Sussex County has a similar fee, he would have to carefully choose which Towns he would pursue business in. Commissioner Mervine suggested changing the Ordinance to say that every business/contractor working in Town must be licensed and have proof of insurance. That would give the authority to remove them without requiring payment. Commissioner Collison advised there needs to be some fee because of the need for inspections and administrative procedures. He also believes a reputable business may receive even more work in Town due to the status of their Town licensing. All municipalities and states in our area will likely initiate this same system in the near future. Laurel, Georgetown and Ocean View already have this license requirement. Commissioner Tassone believes we need to look ahead to the future growth of the Town, not just at the small Town we are administrating today. Town Manager Walls reported the County does the initial inspections on all housing units; they are responsible for housing inspections. Bridgeville currently also inspects all new dwellings. According to county code, the county issues a Certificate of Occupancy (CO); the Town receives a copy and then the Town issues its CO based on the county's inspection. Commissioner Mervine questioned if the license fee will be used to offset Town code inspections. Town Manager Walls believes it would help compensate the cost; however, the Town is only expecting to receive about \$20,000 from this license fee and much less than that on rental unit inspections. The point is not to make money, but to protect the residents. Commissioner Mervine agrees with the rental property inspections and fees. Commissioner Collison warned that the license fees are requisite to the balanced budget that has just been passed. During the budget workshops the Commissioners were fully behind the Ordinance. Commissioner Correll believes the Commissioners should vote what they feel is best for the Town and not be pressured by anyone else. President Jefferson feels the Ordinance should be discussed at the first reading if there is any disagreement. Commissioner Mervine came in late on this particular issue; he appreciated the opportunity to discuss the Ordinance and find out more about how the Commissioners go about deliberations and discussions.

XIII. ADJOURNMENT

Commissioner Tassone made a motion to adjourn the meeting. Commissioner Collison seconded the motion. Motion carried. The meeting was adjourned at 8:19 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist