

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
SEPTEMBER 13, 2010 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

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

President Jefferson introduced and welcomed Bridgeville's new Town Manager, Mr. Merritt Burke IV. Mr. Burke was born in Milford and raised in Lewes, Delaware. He has degrees from Washington College and the University of Delaware and has a background in a wide variety of fields. President Jefferson believes Bridgeville will benefit from Mr. Burke's expertise.

President Jefferson acknowledged a successful Heritage Shores Patriot's Day Celebration on Saturday, September 11th and thanked the coordinator of the program, Mr. John Barr, for an excellent program. President Jefferson would like to see the celebration become Town-wide next year with Mr. Barr's leadership. Mr. Barr acknowledged the able assistance of many Heritage Shores residents.

President Jefferson introduced Bridgeville's new Police Chief, Mr. Robert Longo. President Jefferson reported that Chief Longo has already done a wonderful job at Patriot's Day and at Mt. Olive Baptist Church's Community Outreach Day, also on Saturday, September 11th.

II. QUORUM PRESENT

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

III. APPROVAL OF MINUTES

President Jefferson presented the August 9th Commission meeting minutes for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Tassone seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Burke reported the receipt of a letter from Mt. Olive Baptist Church requesting permission to block off a portion of First Street on September 11th for a church event. Permission was granted. President Jefferson added that Chief Longo and Patrolman Hogan were at the event. He commended Patrolman Hogan for getting involved with the children and making them feel part of the activities.

V. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending August 31, 2010. (The following amounts are in rounded figures.) The General Fund checking and savings accounts totaled \$223,328. The Town's Escrow accounts totaled \$468,450, for a combined total of \$792,000. This is an increase of \$174,000 from last month and is mainly due to tax collections. Accounts Receivable stands at \$204,000 and includes normal expenses. The Town's outstanding loan balance for water/sewer improvements is \$5,686,000. On the Budget Report, the Town should be at 16% of its budget. Property tax payments of \$327,000 are anticipated in September. Total income is currently \$509,000, or 22% of the budget. Town expenses are currently \$280,000, or 12% of the budget. Concerning Bills Payable, the Town has received \$19,824 in bills to-date. Non-departmental bills are for engineering and advertising for the RBC replacement project. Expected expenses include a quarterly debt service bill of \$43,600. Total bills payable to be approved is \$178,424. Commissioner Tassone made a motion to pay the bills as presented. Commissioner Correll seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

President Jefferson advised Department Head Reports are available to the public. Commissioner Tassone questioned the "inoperable and untagged vehicles" listing in the Code Enforcement Department Report. He believes it should be a function of the Police Department and included in their report, although both departments are canvassing the Town regularly. He asked if this is something the Police are not sensitive to? Commissioner Mervine suggested the vehicles may be located in yards rather than on the street and therefore the Police Department would not be as aware of them. Chief Longo advised he has spoken with Code Enforcement Constable Butler about the vehicles, but has not yet discussed the matter with Town Manager Burke. He has suggested that Mr. Butler contact the owner concerning the vehicle and allow two days for the owner to move the vehicle. Should the vehicle not be moved, Mr. Butler would contact the Police Department and they would issue a summons. In the future, when Mr. Butler is trained on the computer system, he will be able to issue a "tow ticket" for the vehicle himself after two citations. Commissioner Correll asked if the Police/Code Departments have authority to go into the yards. Police Chief Longo advised if there is a violation, they can access the yards. Commissioner Mervine asked if there is any liability if the non-uniformed Code Enforcement Constable issues a tow ticket. Chief Longo will research that issue and return with an answer; however, what Chief Longo has asked Mr. Butler to do thus far is permissible. Commissioner Collison reiterated the Chief must make sure that Mr. Butler is not doing anything illegal or issuing tickets he is not allowed to issue. Chief Longo replied that Mr. Butler is not doing anything illegal. Town Manager Burke agreed that Mr. Butler and the Police are abiding by the Town Code. He added that they are researching other jurisdictions where code enforcement officers take on some sort of light police authority or presence. There are violations that need to be addressed; the Town is discussing options.

As a matter of public record, Commissioner Collison expressed his continued dissatisfaction with the amount of trucks coming through Town vs. the number stopped and

ticketed. He has discussed the issue personally with Chief Longo and will continue to press until the truck traffic is greatly reduced. He added that Chief Longo has given him a copy of correspondence that will be sent to trucking companies when a ticket is issued to their trucks. Companies will also receive a copy of the Ordinance to enable them to advise all their truck drivers concerning Bridgeville's code.

VII. TOWN MANAGER'S REPORT

Town Manager Burke advised he has signed a Letter of Understanding between the Town and BBP & Associates, LLC, as the selected consultant to perform a feasibility study for a Civic Center in Bridgeville. He will be meeting with the company in the near future to begin discussions.

Plans to update Sussex County's Emergency Operations Plan continue. Finance Director Savage represented Bridgeville at a workshop on August 17th with representatives from county agencies, first responders and Towns concerning the county plan update. The company chosen to update the county plan was in attendance and made a presentation. Finance Director Savage advised he and one other individual were the only participants, although there was another workshop date option. At the meeting Mr. Savage reported that Bridgeville's Emergency Plan is in its final stages and waiting for the county plan to be completed to achieve county-wide compatibility.

Bridgeville's 6th Annual National Night Out Celebration took place on August 24th and was a success.

The Town's Community-wide Yard Sale takes place on Saturday, September 18th starting at 7:00 A.M. Public notices have been posted throughout Town.

Clean-Up Day is scheduled for Saturday, September 25th starting at 6:00 A.M. Our trash contractor will go down each street in Town for pick-up. Town Manager Burke has directed the Code Enforcement Constable to check the Town after the yard sale and Town clean-up for any leftover items in violation of Town Codes.

The Bridgeville Charity Golf Tournament is scheduled for Friday, October 8th. Sponsors and 4-somes are still being accepted. This is a great event to start the Apple Scrapple festivities. Town Manager Burke will be participating in the tournament and is looking forward to meeting many residents there, as well as during the Festival.

Town Manager Burke asked Finance Director Savage to update the Commissioners on the energy grant the Town has received through the Delaware Department of Energy. Finance Director Savage reported the Commissioners previously approved a formula grant application for \$35,000 for lighting retrofits and motor upgrades for the Town, which the Town has received. All Facilities Energy Group performed our initial energy audit and will now perform the contract administration portion of the grant in the amount of \$3,000. This involves reporting documents for the ARRA project, the bidding process, etc. Because All Facilities was chosen for the energy

Commissioners of Bridgeville Minutes

September 13, 2010

Page 4

audit, they were also chosen for this portion of the work; the \$3,000 is a part of the \$35,000 grant.

President Jefferson reported the bridge over the branch on North Main St. underwent a regular inspection and problems were found. The bridge was closed by the Delaware Department of Transportation (DelDOT) on Thursday, September 9th. The bridge maintenance engineer was called in to check the bottom footers and it was discovered there had been scouring underneath and the earth had washed away. The engineer may decide to pump concrete into the area to secure the structure. There is some uncertainty about how often they inspect the bridge; however, Commissioner Correll believes it is inspected yearly. Town Manager Burke reported he has left three voicemail messages with DelDOT and has not received a return call concerning the status of the project. Per Street Superintendent Passwaters and other sources, the Town is looking at a minimum of one to a maximum of several weeks to accomplish the repairs. Permits must be procured from the Department of Natural Resources and Environmental Control (DNREC) and possibly the federal government for the support work underneath the bridge. Town Manager Burke will monitor the situation closely. We need the bridge fixed quickly for the sake of public safety as well as for the Apple Scrapple Festival. With the influx of thousands of visitors, our roadways must be accessible. President Jefferson added that the Fire Company needs access to Route 13 North by way of North Main Street for accidents. President Jefferson spoke with a DelDOT contact, Mr. Webber, at the bridge and he advised Mr. Finney is his supervisor at DelDOT. Commissioner Collison recommended contacting these gentlemen again, and if no response is received, we should progress to a higher level within DelDOT for information. Commissioner Correll has spoken with state representative Dave Wilson, who has called DelDOT on our behalf to expedite the work. He reported they would be working on getting permits all this week before being able to start the work. The Town has two other bridges, one on North Cannon St. and the other, a new bridge, by Jimmy's Grille.

VIII. CITIZEN'S PRIVILEGE

President Jefferson asked for an update on Heritage Shores from Ms. Dottie Harper of Brookfield Homes. Ms. Harper reported 2-3 sales per month, recently. Although she was not able to attend, she has heard wonderful comments about the Patriot's Day celebration at Heritage Shores on September 11th and extended her thanks to Mr. John Barr and those who were involved. Ms. Harper commented that Heritage Shores is pleased to be involved in the Bridgeville Charity Open Golf Tournament again this year and encouraged people to participate in the Tournament on October 8th.

Mr. Leo Lynch of 106 Emily's Pintail Dr. commented on the recent tax and water/sewer increases. He advised we still have a bargain here in Bridgeville concerning taxes and especially trash pick-up. He wanted the Commissioners to understand that if we raise property taxes, the residents can take it off their income taxes and receive 15-25% of their money back from the federal government. If we raise water/sewer, there is no return. He suggested the Commissioners keep that in mind; he was advocating the raising of taxes for all Town income needs. Commissioner Collison responded that the water/sewer increases were initiated to make the departments self-sufficient, allowing the Town to apply for grants, loans, etc. in the future; he

agreed raising the taxes would be easier. Mr. Lynch added that Laurel has the same trash collection company and has recently raised residents' trash collection from \$20 to \$25 per month. Bridgeville's trash collection is only \$14 per month. President Jefferson commented, with the proposed development in Bridgeville, he is hopeful the Town will be able to stabilize service fees and run the Town in the black. Mr. Lynch's final comment was that the Town believed their tax decrease several years ago would be permanent, and it was not.

Mr. Russ Beard of 25 Amanda's Teal Dr. commended the agenda change placing the Town Manager's Report before Citizen's Privilege and allowing residents to make comments or question issues introduced in the Report. President Jefferson advised the change was influenced by Mr. Beard's request.

IX. OLD BUSINESS

Commissioner Tassone referenced the Department Head Reports from the August 9, 2010 Commission meeting minutes for an issue discussed then that needed further investigation. At that meeting, Town Manager Walls was to investigate whether or not the Wastewater Department raw pump that was repaired and then replaced by DSI was under warranty. Finance Director Savage advised it was all warranty work; the Town will not be charged for it.

X. NEW BUSINESS

A. Resolution Authorizing an Annexation Referendum – Antonio & Rosa Carannante

This Resolution authorizes an Annexation Referendum to take place on Thursday, September 16, 2010 from 10:00 A.M. to 2:00 P.M. at the Bridgeville Town Hall. Any resident registered to vote in the Town of Bridgeville may cast his/her ballot. The property under consideration is owned by Antonio and Rosa Carannante. It is approximately .8 acres located on South Main St., adjacent to Tony's Pizza and Pasta. As prescribed in the Resolution, ballots were made available five days prior to the Annexation Referendum and it was advertised in the Seaford Star for two consecutive weeks prior to the Referendum. Commissioner Tassone made a motion to adopt the Resolution. Commissioner Mervine seconded the motion. Motion carried.

B. Annexation Public Hearing

President Jefferson opened the Public Hearing at 7:37 P.M. allowing residents to comment in favor or against the Annexation Referendum scheduled for September 16, 2010 concerning the Carannante property. President Jefferson gave Mr. Carannante an opportunity to speak on his own behalf; however, he declined. President Jefferson believes most Bridgeville residents know Tony and how hard he works. He has bought the property and building next to his current restaurant, which previously served as a medical office for Dr. Penserga. Mr. Carannante would eventually like to build his Italian Restaurant on the property. President Jefferson advised the property is on South Main St. adjacent to his current restaurant, Tony's Pizza and Pasta. He also encouraged everyone to vote on Thursday. There being no questions or

comments from the Commissioners or the public, President Jefferson closed the Public Hearing at 7:39 P.M.

C. Introduction and First Reading of Ordinance A10-3, an Ordinance to Create a New Chapter of the Bridgeville Town Code Regulating the Maintenance and Care of Public Rights of Way

President Jefferson asked for any questions or comments from the Commissioners. Commissioner Tassone understands that this Ordinance does not apply to any Heritage Shores streets that have not been accepted into the Town of Bridgeville. He has concerns due to the fact that only approximately three Heritage Shores streets have been accepted in the Town. Commissioner Collison believes that all of the Heritage Shores streets that were annexed are a part of the Town of Bridgeville. He believes Commissioner Tassone is referring to the point in time when maintenance and care of streets is turned over to the Town; however, the streets themselves are already part of the Town. Many streets have not been turned over due to continuing construction. All Heritage Shores streets would be impacted by this Ordinance. Commissioner Tassone made a motion to introduce Ordinance A10-3 concerning Rights of Way for a first reading. Commissioner Collison seconded the motion. Motion carried. Copies will be available to the public after the first reading.

D. Personnel Policy Amendment

Town Manager Burke advised there are two proposed amendments to the Personnel Policy. The first relates to the Employment Screening Process and is found in Article IV, Section 3. This amendment would add background checks to other possible tests, interviews, evaluations and drug testing for employment applicants. The second amendment is in Article XIV, Section 2, Procedures. This amendment deletes the word "physical" concerning the types of examinations which can be used to decide whether or not an employee is physically or mentally fit for duty. It thereby broadens the type of examinations which would be permissible. Commissioner Correll made a motion to amend the Personnel Policy as stated above. Commissioner Collison seconded the motion. Motion carried.

E. Approval of Apple Scrapple Food Vendor List

Commissioner Correll made a motion to approve the Apple Scrapple Food Vendor List, with the stipulation that any additional food vendors that the Apple Scrapple Festival committee might add may be approved by Apple Scrapple Committee Chair-person, Mrs. Bonnie Workman. Commissioner Collison seconded the motion. Motion carried.

Commissioner Collison requested permission to discuss another issue related to the Apple Scrapple Festival. He received a phone call from Mr. Mark Hunsberger advising that in the past the Hunsbergers have received a letter from the Apple Scrapple Committee releasing them of any liability on their property used by the Apple Scrapple Festival. He has not yet received that letter for this year's Festival. Commissioner Correll reported she will see Mrs. Workman immediately following the Commission meeting and will make sure the letter is sent.

Commissioners of Bridgeville Minutes

September 13, 2010

Page 7

She was directed to contact Town Manager Burke on Tuesday morning concerning the status of the letter.

F. Hometown Carnival Night – Bridgeville Public Library

President Jefferson read a letter from the Bridgeville Public Library requesting permission to have a Hometown Carnival Night on Thursday night, October 7th before the Apple Scrapple Festival. This event would be advertised locally only and would offer a pay-one-price wristband for the entire evening. The Commissioners have approved this for several years; it mitigates losses should there be inclement weather during the Festival. Commissioner Tassone made a motion to approve the Library's Hometown Carnival. Commissioner Mervine seconded the motion. Motion carried.

G. Proclamation – International Private Security Officer Memorial Week

The Commission has received a request from the National Association of Private Officers to proclaim September 19 – 25, 2010 as International Private Security Officer Memorial Week. Commissioner Tassone made a motion to adopt the Proclamation. Commissioner Mervine seconded the motion. Motion carried.

Commissioner Collison advised he had received a telephone call from a Town business earlier today that had been given mis-information regarding public hearings and fees the Town has established per its Town Code and Land Use and Development Code. He addressed all Commissioners and asked that they have a full understanding of the current code and fees before they possibly mis-state the information to others. If you do not fully understand the codes and fees, please contact Town Manager Burke or Finance Director Savage for correct information.

XI. ADJOURNMENT

Commissioner Correll made a motion to adjourn the meeting. Commissioner Tassone seconded the motion. Motion carried. The meeting was adjourned at 7:56 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commissioner Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist