

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
OCTOBER 10, 2011 – 7:00 P.M.**

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, Town Manager Merritt Burke IV and Town Solicitor Dennis Schrader. The meeting began with the Flag Salute and the Lord's Prayer. President Correll asked for a moment of silence in memory of Water Superintendent Doug Jones who served the Town for 25 years and recently passed away.

II. QUORUM PRESENT

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

III. APPROVAL OF AGENDA

Commissioner Tassone made a motion to approve the Agenda as presented. Commissioner Kovack seconded the motion. Motion carried.

IV. APPROVAL OF MINUTES

Commissioner Kovack made a motion to amend the Minutes of the September 12, 2011 Commission Meeting, New Business – Site Acquisition, O'Leary property, to reflect four "yes" votes and one "no" vote. Commissioner Kovack stated he had voted against the issue. Commissioner McCarron questioned that Commissioner Kovack seconded the motion to approve the property purchase and then voted against it? Commissioner Kovack advised that is true. Commissioner McCarron seconded the motion to amend the Minutes. Motion carried.

President Correll advised in the future all votes will be spoken and recorded individually so there is never any confusion about a vote.

V. CORRESPONDENCE

Town Manager Burke advised the American Bus Association, representing the Motor Coach Tour and Travel Industry, has named Punkin Chunkin and the Apple Scrapple Festival as part of the top 100 events in North America for 2012. It is a tremendous honor for these events and for the Town.

Correspondence has been received from the Delaware Compensation Rating Bureau, Inc.; the Town has qualified for a Delaware workplace safety program credit of 17% concerning our insurance.

A letter has been received from Morningstar Publications (Seaford/Laurel Star), thanking the Commissioners for participating in the Newspapers in Education program, making newspapers available to the public schools. President Correll believes it is a worthwhile program and asked for a motion to continue participation when the time of renewal comes. Commissioner Tassone made a

motion to continue the Newspapers in Education program when the renewal date comes up.

Commissioner McCarron seconded the motion. Motion carried.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending September 30th. The General Fund totaled \$896,401, which is a \$608,000 increase over last month, due to tax payments received at the end of September. The Reserve Funds for each department total \$386,616 for the month of September. All accounts totaled \$1,518,000, an increase of \$622,000 from the previous month. Concerning Accounts Receivable, there is still \$63,000 outstanding in property taxes; reminders will be mailed to past due accounts this month. On the Budget Report we are three months into the budget year and should be at 25% of the budget. Our income stands at \$947,000, or 37% of the budget, which is a 22% increase over last month and is due to the receipt of property taxes. Expenses totaled \$540,000, which is 21% of the budget, for a net income of \$407,000. Concerning building permits, there were five new home starts at Heritage Shores last month, bringing us well above target with a current figure of \$18,000. The Town has received bills totaling \$17,094. We continue to make energy grant improvements, with bills received of \$8,165 this month. Most bills listed are usual expenses. Expected expenses are \$128,500, including health insurance, payroll, utilities and semi-annual debt service, for total bills to be approved of \$145,594. It was noted that President Correll approves all checks as she signs them. Commissioner Tassone made a motion to pay the bills as presented. Commissioner Mervine seconded the motion. Motion carried. The votes were as follows:

Commissioner Kovack aye
Commissioner Mervine aye
President Correll aye

Commissioner McCarron aye
Commissioner Tassone aye

VII. DEPARTMENT HEAD REPORTS

Police Chief Longo advised the Bridgeville Police Department assisted Milford Police with a major federal drug arrest and they in turn assisted our department with the arrest of a female selling 133 pills. The Milford arrest will include compensation to Bridgeville. The Bridgeville Police today received a verbal commendation from Greenwood Police Chief Mark Anderson concerning Bridgeville's assistance to the Greenwood Police; two of three suspects were apprehended in that incident. The Chief also reported that interior painting will be done at the Police Station by individuals needing community service hours.

Commissioner Kovack questioned alarms. Chief Longo advised they are working with the Town Solicitor to revise the alarm ordinance. There were four alarms at residences, two at businesses and three at Heritage Shores this past month. Bike patrols are over for the year, as the officers must receive certification to ride the bike. Commissioner McCarron expressed concern about officers riding bikes in Town and suddenly being needed somewhere else in a vehicle. He is not sold on using bicycles.

Street Superintendent Passwaters has ordered a new service truck, which is included in the Street Department budget. He has been sweeping the streets in preparation for the Apple Scrapple Festival. Town Manager Burke asked everyone to thank Superintendent Passwaters and part-time employee Bruce Williamson for their hard work. There is continued maintenance work being accomplished and pot holes being filled.

Commissioner Kovack has spoken to a bike rider who has concerns about the safety of bike riding over our street drains. Town Manager Burke agreed to look into the matter.

Concerning the Wastewater Department, A.C. Schultes was awarded the bid on our well pump replacement project at wells #2 and #5. These funds (\$160,000) were from American Recovery and Reinvestment funds. The replacement lighting part of the project will save the Town approximately \$5,000 per year. The well pumps will be replaced with variable-speed drive products. Windows and doors have also been replaced at the wastewater treatment plant. This project has put local people to work.

The wastewater treatment plant recently passed a safety inspection conducted by the Delaware Workplace Safety Program. Many will remember the tragedy of a DelDOT employee that was electrocuted recently; Bridgeville takes safety very seriously.

Johnston Construction is finishing a punch list for the RBC replacement project.

Town Manager Burke advised the Town had the opportunity to meet with Senator Carper concerning the future of the Town's wastewater plant and the need to reduce nitrogen and phosphorus levels in our wastewater. The Town is working with legislators and the state to determine upgrade costs for compliance.

Town Manager Burke has had the opportunity to discuss the Bridgeville/Greenwood wastewater agreement with Greenwood Town Manager McDonnell. They will be working out a new agreement in the future. DNREC/USDA have advised they will not offer financing until a new agreement is signed. Greenwood's average monthly wastewater flow is 30% of the total flow. This month the flow was 24%.

Concerning the Code Department, Code Enforcement Officer Jerry Butler has been addressing dog issues recently and grass violations are always an issue at this time of year. As Finance Director Savage advised earlier, there has been an increase in building permits, both new construction and home renovations.

VIII. TOWN MANAGER'S REPORT

This Friday is the 5th Annual Bridgeville Charity Open Golf Tournament at Heritage Shores. This is a great opportunity raise monies for local charities.

The Town newsletter has been published and distributed by mail. It is also available on the Town website.

Finance Director Savage is the project manager re-designing our Town website. The new website should debut by the beginning of 2012. Town Manager Burke thanked Finance Director Savage for spearheading the project.

The Town received 15 applications for the Water Superintendent position. They will be interviewing four candidates in the near future and hope to have this important position filled by the first of the new year, if not sooner. This will take a great deal of stress from the other Public Works Departments. Town Manager Burke thanked all of the department members who have been working very hard during the last year with the loss of Water Superintendent Doug Jones.

Child Safety Seat Inspections took place at the Fire Hall on September 23rd. Town Manager Burke thanked Commissioner and Fire Company President Steve McCarron and Police Chief Longo for spearheading this effort. Fourteen child safety seats were inspected; therefore, fourteen more toddlers are buckled up properly and will have a much greater chance of survival in an accident. Mr. Mike Love ran the car seat check through the University of Delaware extension program.

Town Manager Burke and Commission President Correll attended the monthly Sussex County Association of Towns (SCAT) dinner in Lewes. President Correll advised M&T Bank was at the meeting, trying to appease citizens who have gone through the changeover from Wilmington Trust to M&T Bank. She expressed concern that evening about friends having trouble with the changeover. She later found out that representatives from the bank addressed those issues immediately following the meeting. Town Manager Burke added that there have been conversations with various banks about moving into the Town of Bridgeville or the Bridgeville zip code.

The Bridgeville Professional Center on Antique Alley is continuing construction. They have installed utilities and are actively pursuing a second tenant for the first of two buildings that will be constructed on the site. Town Manager Burke believes this project may be the trigger for expanded economic activity in this area and bringing new jobs to Bridgeville.

Town Manager Burke thanked Police Chief Longo for his assistance in filling out the yearly Delaware Emergency Management Agency (DEMA) report. This allows the Town access to all available Federal disaster emergency funding. Bridgeville will likely be reimbursed for the \$14,000 in damages the Town incurred during Hurricane Irene. A meeting is scheduled for October 18th concerning that funding.

Town representatives met with the Department of Natural Resources and Environmental Control (DNREC) Secretary and his staff in a three hour meeting concerning the Water Implementation Plan (WIP) and how it affects Bridgeville. The state has been holding various environmental workshops concerning this plan, the goal of which is to reduce pollution in the Chesapeake Bay Watershed. Bridgeville's wastewater plant, built in 1964, is a high polluter with excessive levels of nitrogen and phosphorus. To Bridgeville's benefit, we have invested in spray irrigation for the majority of the calendar year, which reduces our pollution level; however, there is a need for expansion of the spray irrigation operation. Town Manager Burke acknowledged the aid of Senator Booth, who was in attendance at this meeting, concerning these important issues. He also mentioned Commissioner McCarron's helpful expertise in this area.

IX. CITIZEN'S PRIVILEGE

Mr. Larry Skala of 108 Whistling Duck Dr. remarked that the Town will be choosing a garbage contractor at this meeting and hopes the Commission has taken into account the Heritage Shores residents, who have pleaded for 32 gallon, or smaller trash containers, as they have very little space in their garages.

Senator Joe Booth, our representative from the 19th senatorial district, returned his "coveted sow trophy" won at the 2010 Apple Scrapple Festival Mayoral Scrapple Sling. He shared his regret at having to return the trophy, rather than having the opportunity to defend his title at the 2011 Sling on October 15th. He added the trophy has been held in high esteem by his wife, as well, and will be sorely missed on their mantel.

Mrs. Lynette Kovack of 500 S. Cannon Street expressed concern over a hay field she owns across from the high school's Fillmore Clifton stadium. The gentleman she has scheduled to do a second cutting of hay is not able to do so because some unauthorized cutting had been done in the field and students' cars have been up and down the field trampling the grass, leaving nothing significant for the second cutting. She advised the farmer will use a bush hog to cut the field, due to an agreement that the field be mown and available for Apple Scrapple parking. The farmer requested permission to post No Trespassing and No Parking signs in the field for the future, with Mrs. Kovack's approval. The farmer was very upset due to the whole center of the field being smashed down and therefore, uncuttable, along with the ends and sides being cut. President Correll advised that field belongs to Mrs. Kovack and the Town has no jurisdiction over it. She suggested talking to Woodbridge School Superintendent Kohel, who is here this evening, concerning the field.

Mr. Harvey Lieberman of 144 Widgeon Way also expressed concern about the garbage containers. He personally has no problem with the larger container – he fills his recycling container in two weeks' time; however, people should be given a choice concerning container size.

Mrs. Ruth Skala of 108 Whistling Duck Drive reminded everyone in attendance of the Used Book/Magazine Sale at the Bridgeville Public Library. Everyone is invited to browse and buy.

President Correll has received a letter from the Woodbridge Elementary School concerning their on-going reading rewards program. In the past, the Commission and residents have donated reading prizes and/or money to the school for the children who meet their reading goals. Everyone is encouraged to bring in prizes or money for prizes. Items can be brought to Town Hall and President Correll will make sure the school receives them. Ms. Dottie Harper advised Heritage Shores will continue to support the program and make a bulk donation. She questioned whether there is a deadline to buy prizes. President Correll is not aware of a deadline, but advised there are 900 students at the school!

X. OLD BUSINESS

A. Public Hearing and Possible Voting on Ordinance A11-4, An Ordinance to Grant a Conditional Use for the Lands of Jeffrey and Pamela Tull at 101 Elliott Drive, Bridgeville

Commissioner Mervine advised he read the Planning and Zoning Commission Minutes concerning this ordinance and believes there was a misconception. The Commissioners of Bridgeville did not end a moratorium on multi-family homes at their September meeting. The Commission officially codified the fact that there was no moratorium. Solicitor Schrader agreed that they could never find a moratorium in writing; therefore it was determined there wasn't a moratorium.

President Correll recused herself from the discussion of this ordinance. Solicitor Schrader opened the Public Hearing at 7:37 P.M. He distributed a proposed Ordinance A11-4 concerning this conditional use request. The Planning and Zoning Commission met on September 26, 2011 and approved the application, sending a letter of recommendation to the Commissioners of Bridgeville for their approval. Solicitor Schrader advised the two conditions attached to this application by the Planning and Zoning Commission were (1) The applicant must submit a development plan for review and approval, as may be required by the Land Use and Development Code and (2) the applicant must comply with all other statutes, laws, ordinances, rules or regulations of any federal, state, county, or other governmental entity having subject matter jurisdiction over the proposed use of the premises. Solicitor Schrader advised if the Commissioners choose to approve the application, it would be based on the findings of fact noted on page 3 of the ordinance as follows:

1. The property is owned by Jeffrey R. Tull, Trustee and Pamela E. Tull, Trustee.
2. The property is 14,320 square feet, more or less, located at 101 Elliott Drive.
3. It is the intention of the applicant to convert a single-family dwelling to a two-family dwelling in an R-1 Residential District.
4. The Town Commissioners have determined that this conditional use application:
 - A. Is in harmony with the purposes and intent of the Comprehensive Plan.
 - B. Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structures.
 - C. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
 - D. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity.
 - E. Will have no detrimental effect on vehicular or pedestrian traffic.
 - F. Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area.
 - G. Complies with all other applicable standards, laws, and regulations in addition to the provisions of this chapter.
5. This application has been reviewed and approved by the Planning and Zoning Commission.

Mr. Jeff Tull advised this property was originally the Tommy and Sally Baker property – a dentist office downstairs with living space upstairs. He contends that the property was never a single family home; it was always an office space downstairs with a living space upstairs. The property has

been completely renovated; there are four bedrooms upstairs and his renovations have made two bedrooms downstairs. The electric and HVAC services were separate when the house was built and have been updated.. Total square footage of the house is 2,800 sq. ft. – 1,000 sq. ft. downstairs and 1,800 sq. ft. upstairs. There are 1-1/2 bathrooms downstairs and 2 full bathrooms upstairs. Smoke detectors have been updated throughout. The house is unique in that when it was built, there were two sets of exterior steps leading to the 2nd floor for safety purposes. These stairs do not enter/exit the first floor of the house at all. Parking spaces have been added and when it was a dentist office, cars were permitted to park on the street. Mr. Tull advised this property is an up-scale living space. He has talked to many of the neighbors; several gave him a written statement that they do not dis-approve of this conditional use. There was some apprehension among a few of the neighbors; he advised them he was willing to work with them about their concerns. He assured the Planning and Zoning Commission that he would abide by all the Town codes; he will abide by the rental property ordinance and provide additional parking spaces for a total of four spaces. He understands that the upstairs and downstairs water need to be separated into two meters, although he doesn't believe it is necessary since all water/sewer bills are sent to the property owner for payment. Mr. Tull doesn't anticipate the property will produce additional noise, nor is there a need for greater fire services.

Solicitor Schrader asked Mr. Tull several questions.

- There is water available to this site? Mr. Tull responded Yes.
- There is also sanitary waste service available? Yes.
- If necessary, you will separate water and sewer, if approved? Yes.
- There is fire protection available by the Volunteer Fire Company? Yes.
- There is police protection available? Yes.
- Are you going to make any exterior changes to the property that would keep it from looking any different than it does now? Mr. Tull responded no; the footprint of the property has not changed and will not change.
- You won't make any exterior changes that will keep it from looking like a residential property? Mr. Tull responded no; it will not change from the original conception when it was built.
- In your opinion alone, Mr. Tull, do you think this use will have any detrimental effect on the value of surrounding properties? Mr. Tull believes it will increase the values. He knows some people worry about rentals, but in this particular situation, he believes it will increase the property values.

Commissioner Tassone questioned whether Mr. Tull believes this will be considered a precedent? Solicitor Schrader advised, in matters of land planning, there are no such thing as precedent. Each item of real estate and each proposed use must be considered separately and independently of each other; there are few exceptions. Each situation must be weighed on its own merits. You are not bound by this decision in another property close by. Commissioner McCarron commented it would take considerable work to make this into a single family home, since the downstairs is completely separate from the upstairs. Solicitor Schrader commented it was significant at the Planning and Zoning Commission meeting that the building had been used as an office and a dwelling simultaneously.

Commissioner Mervine advised his best friend in high school lived in this house and he spent a great deal of time there. He can verify that it was always a living space on the second floor and an

office on the first floor. He asked Mr. Tull what had been done with the garage. Mr. Tull advised it was turned into a bedroom/living space. It was determined Mr. Tull will need to create two additional parking spaces, but he has room to accommodate them. He has ripped out the old sidewalk and parking space and re-surfaced them. Solicitor Schrader advised Mr. Tull must offer four off-street parking spaces. Mr. Tull added that if the application passes he will make any changes necessary to come into compliance with the Town.

Commissioner Kovack commented that the renovation work on the property has been excellent. Mr. Tull hopes that a family will buy the property and put the grandparents downstairs; however, he will need some flexibility concerning how the 2 apartments are used. If a single family buys this house, it will have to be a very large family. There are a lot of people (possibly teachers) who are looking for good rental properties.

Commissioner McCarron questioned the development plan that has already been submitted by Mr. Tull. Solicitor Schrader advised the final plan submittal must include all of the off-street parking spaces. Planning and Zoning Commission Chairman, Mr. Bill Atwood, advised the Planning and Zoning Commission felt, based on the information provided, they had enough information, including pictures and drawings, to recommend approval to the Commissioners of Bridgeville. Solicitor Schrader advised that does not substitute for a site plan. Mr. Tull will contact Code Enforcement Officer Butler to make sure he is aware of all the information needed on the site plan. He believes the only information missing is the additional parking spaces. It was established that Mr. Butler would review and approve the site plan; it will not return to the Commissioners of Bridgeville for approval.

Solicitor Schrader asked if there were any members of the audience who would like to speak in favor of or in opposition to the conditional use application by Mr. Tull. There being none, the Public Hearing was closed at 7:50 P.M. Solicitor Schrader turned the meeting over to President Pro Temp Mr. Jay Mervine who opened the floor for a motion. Commissioner Kovack made a motion to grant the conditional use request of Mr. and Mrs. Jeff Tull. Commissioner Tassone seconded the motion. Motion carried. The votes were recorded as follows:

Commissioner Kovack	aye	Commissioner McCarron	aye
Commissioner Mervine	aye	Commissioner Tassone	aye
President Correll	recuse		

XI. NEW BUSINESS

A. Proclamation – Ms. Amanda Reed, Woodbridge High School

President Correll invited high school senior, Ms. Amanda Reed, to the front for the reading of a Proclamation in her honor. Also in attendance were Amanda's parents, Mr. and Mrs. Reed, Amanda's senior project advisor, Ms. Crystal Thawley and Superintendent of Woodbridge schools, Mrs. Phyllis Kohel. Ms. Reed told the audience that her senior project concerns the effects of land and air pollution on the human body. She investigated the Sanctuary for Kids Park and found cigarette butts, alcohol bottles and other things that did not belong in a children's park, nor should that behavior be allowed in a children's park. She approached the Town with a letter and pictures concerning the condition of the

park. Commissioner Paul Kovack worked with Ms. Reed to post No Smoking signs at the Kids Sanctuary Park and she is working on doing the same at the Historical Society Park. Ms. Thawley and Mrs. Kohel were brought forward to join Ms. Reed as Commissioner Kovack read the Proclamation honoring Ms. Reed for her concern for Bridgeville's children. It was further learned that Ms. Reed will host a "Kick Butts Generation" booth at the Apple Scrapple Festival to curb the increase of youth smoking. Mrs. Reed expressed her and her husband's pride in their daughter for her efforts..

B. Town of Bridgeville Solid Waste and Recycling Contract

Town Manager Burke advised the Town must advertise for bids for a new, three-year solid waste and recycling contract. Three bids were received on the September 9th bid deadline. Currently residents pay \$14.00 for trash and the Town pays \$13.55 to the waste hauler.

Bids: Waste Industries - \$16.65/month w/ option for a 64 or 96 gallon cart
 Waste Management - \$13.25/month w/ option for a 64 or 96 gallon cart
 Allied Waste - \$17.50/month w/ a 64 gallon cart for recycling/96 gallon for solid waste

Per Town Code, the Commissioners shall consider all bids properly filed and may enter into a contract with the party offering the lowest and/or best bid; or the Commissioners may reject all bids and re-advertise for bids, or they may have the work done under the supervision of the proper department of the Town. Should the Commissioners decide to vote on the bids tonight, Town Manager Burke would meet with the winning bidder and execute a contract. The current contract expires November 1, 2011. Town Manager Burke recommended choosing the low bid; however, he can't make that decision for the Commissioners. All three businesses submitted qualified bids; the low bid of Waste Management (WM) is a good bid. President Correll reminded everyone that this price includes solid waste and recycling. If the Town takes the WM bid, the price to the residents will stay the same as it is now. This is a three-year contract with the option of a fourth year.

Commissioner Kovack advised the Town has always given 30 days for bids; there is precedence. He understands that Mr. Mark Banks, former owner of M-T Trash, was in the process of trying to secure a bid bond/insurance so that they could bid on this contract; however, this garbage bid period was only two weeks long and potential bidders did not necessarily have adequate time to arrange financing to bid on this contract. Commissioner McCarron advised the contract had to be decided at this Commission meeting so that the new contract could start at the beginning of November. He added, Mr. Banks knew better than anyone what the deadline was because he held the contract before selling M-T Trash. President Correll commented that they knew in July 2011 that this was coming up. Town Manager Burke advised an internal policy for a thirty-day bid time frame is reasonable, but this particular case included many moving pieces, including the recycling aspect and the complication of WM purchasing M-T Trash. A 30-day bid was not possible; however, they did follow Town Code. Companies have been in contact with the Town since late spring concerning their interest in this bid. All companies had a fair shot at the bid; Town Manager Burke does not believe the Town did anything wrong. He advised he will try to abide by a 30-45 day bid cycle if the Commissioners direct him to do so. Mr. Larry Skala of 108 Whistling Duck Dr. reported many people in Heritage Shores only have a single-car garage and do not physically have room for a 64 or 96 gallon container, but a 32 gallon container could fit. President Correll advised she believes all garbage

customers received a letter from WM on October 5th stating that they are willing to work with customers individually concerning container sizes. Mr. Skala has apparently made a number of calls to WM with no results. President Correll advised residents can call Town Hall with their size preferences and she will call WM. Commissioner Mervine asked if they would pick up trash in additional containers that do not have WM's name on them. Town Manager Burke could not speak for WM, but some trash/recycling collection services do take extra containers of trash that were not distributed by their company. We would need to determine WM's policy. Commissioner Tassone made mention of a recent meeting which took place concerning garbage collection at the Bridgeville Library. The gentleman from WM clearly stated that he would make available 64 gallon containers. He could not speak concerning 32 gallon containers because they do not carry them in their inventory. After the meeting Commissioner Tassone talked with this gentleman who advised if there was significant interest in the 32 gallon containers, he may be able to acquire them, but would have to charge for them; that would be a resident's personal decision. Mr. Dick Hagquist of 33 Amanda's Teal Dr. advised the problem they run into with WM is that none of the residents maintain an account directly with WM; their account is with the Town of Bridgeville, which has caused a communication problem. Town Manager Burke related that a number of years ago the Commission made the logical decision to have the Town jointly enter into a trash contract which would lower the cost for all. There are approximately 600 customers in the contract and they may sign-up and cancel as they choose. The other approximately 500 households in Town can choose any trash contractor they desire. The Town is willing to continue to discuss trash issues with the residents.

Commissioner McCarron made a motion to award the three-year garbage/recycle contract to Waste Management for a contract price of \$13.25 per customer, per month. Commissioner Mervine seconded the motion. Motion carried.

Commissioner Kovack aye
Commissioner Mervine aye
President Correll aye

Commissioner McCarron aye
Commissioner Tassone aye

Town Manager Burke will contact Waste Management and move forward accordingly. He added that he will pursue 32 gallon containers for those who desire them.

C. National Fish & Wildlife Foundation (NFWF) – Chesapeake Bay Small Watershed Grant

Town Manager Burke introduced Mr. Bryan Hall from the Delaware Office of State Planning, adding that on October 5, 2011 Bridgeville was one of 55 awarded a grant from the Chesapeake Stewardship Fund, administered through the NFWF. The Office of State Planning applied for this \$75,000 grant on our behalf. Mr. Hall introduced Ms. Jen Walls from the Department of Natural Resources and Environmental Control (DNREC) which is putting into action the Chesapeake Bay Watershed Implementation Plan (WIP). Ms. Walls advised the Phase I WIP was approved and accepted by the Environmental Protection Agency (EPA) on December 31, 2010; Phase II must provide an additional level of detail. This document delineates the state's water quality goals and how they will achieve them. The WIP affects Bridgeville in the area of land use and planning; the state will be looking for each jurisdiction's commitment toward the state's water quality goals. Ms. Walls acknowledged Bridgeville is already working with them on state goals by meeting with DNREC

Secretary O'Mara recently to discuss Bridgeville's wastewater treatment plant and the necessary improvements. This will help to achieve the state goals. Water quality and the environmental goals are vital to achieve the state's WIP. Ms. Walls would like the Town to submit a letter confirming the Town's commitment for EPA's benefit.

Commissioner Mervine questioned the goals. Ms. Walls advised (1) the point source goal is the amount of nutrients coming from the three wastewater treatment plants that are permitted within the watershed. Those goals are affected by EPA permits; there are enforcement, compliance and other requirements. (2) For non-point source pollution the statewide allocation is approximately three million pounds (nitrogen & phosphorus) annually. That amount will be divided by all the Towns/jurisdictions so all are aware of their pollution limitations. This includes lawns, rooftops, agriculture, streets, etc. Planting trees, landscaping, storm water management etc. all help the Town reach its goals in curbing non-point source pollution. 100% implementation of Delaware's plan is required by 2025. 60% is required by 2017. There will be an accountability process over the years. Ms. Walls advised this is being required of the state and of the Towns.

Town Manager Burke advised fines could be assessed if Bridgeville does not participate. The Town is willing to work with the state and federal government to reduce nitrogen and phosphorus in the Bay. Bridgeville has invested heavily in spray irrigation, which keeps pollutants out of the Bay. The Town currently holds a permit to discharge treated wastewater into the stream; it is this permit that is tied into the WIP. When the Town moves to 100% spray and no longer needs that permit, these regulations will likely not apply to us. He advised that the recent meeting with DNREC and other agencies verified that the state is on board with Bridgeville's plan.

Mr. Hall advised the state is looking for a broad level of commitment from the Towns; i.e. the Town will invest in planning, will look at its key infrastructure investment, will generally commit to reduction in non-point source pollution by doing what we are already doing – street sweeping, moving forward with ordinances that increase our compliance with state and federal jurisdictions, along with outreach and public education. Mr. Hall reiterated they are looking for a Memorandum of Agreement, a Letter of General Support or a Resolution.

The grant is from the National Fish and Wildlife Foundation (NFWF). Mr. Hall advised they are working to secure additional grant monies of \$25,000 to determine a prioritization plan for wastewater investment in the community. This includes infrastructure, new land, leaky pipes, storage facilities, etc., plus a cost benefit analysis and a clear path on what financial assistance state and federal partners can provide to Bridgeville.

Mr. Hall also advised the Town would need to address its Comprehensive Plan with a review and/or update. Land usage and the market have changed recently; this review will allow the Town to plan its future and become what it wants to become. The Comprehensive Plan maps are in great need of updating. Mr. Hall has already talked with Davis, Bowen and Friedel engineer Mr. Jason Loar, to determine the scope of work to meet the requirements of the Clean Water Advisory Council. Most of the project will take place after the holidays; the process itself takes 3-6 months. The focus is the environment; however, all else depends on the Town and its citizens. This same process is occurring throughout Towns in the watershed. Mr. Hall is asking for a commitment tonight from the Town to

work with him in this process. President Correll advised she is agreeable to the plan because of available grant monies and because many other Towns are participating. Town Manager Burke advised this Master Plan would be a subset of our Comp Plan. We have budgeted for an update to our wastewater facilities plan and this grant from NFWF will aid in the process. Mr. Hall added the first step is always an updated infrastructure plan, including immediate problems and long-term solutions

Ms. Jen Walls added that DNREC Secretary O'Mara is committed to working with Bridgeville. The state's Outreach Plan for Phase II must be in the hands of EPA by December 15th. This would involve Bridgeville's intention to pursue master planning and review the wastewater facilities. Commissioner Mervine questioned whether this is mandatory. Mr. Hall advised whenever more current information is available and is added to a Town's plan, you get more bang for your buck, as a community. It is important to keep documents up-to-date. Ms. Walls reported they are definitely moving forward with this plan and are receiving funds to do the work. Technical assistance is available to the Town.

Solicitor Schrader advised the plan, at this time, is aspirational. At some point in the future the Town will be asking for a discharge permit for the wastewater treatment plant, etc. and there will be specific impact on receiving our permit if we have done all of this intermediate work. Solicitor Schrader reported the meeting with Secretary O'Mara was very positive and everyone present was focused on helping Bridgeville with its wastewater treatment plant and with its relationship with its largest consumer.

Town Manager Burke advised it is a \$75,000 grant with a 15% in-kind match. Over the next month the NFWF will be reaching out to all grant recipients with a webinar and an opportunity to create an account to draw monies. The Town will also receive a general contractual agreement for signature.

Commissioner Tassone made a motion to send a letter of support concerning the \$75,000 grant from the NFWF. Commissioner McCarron seconded the motion. Motion carried. The votes were recorded as follows:

Commissioner Kovack	aye	Commissioner McCarron	aye
Commissioner Mervine	aye	Commissioner Tassone	aye
President Correll	aye		

Commissioner Kovack expressed concern about the in-kind match. Mr. Hall advised he already has provision for the match.

D. Town Election Redistricting

Solicitor Schrader advised election redistricting is required by the Town Charter. There is a requirement that we have five representative districts and that within one year of the completion of the U.S. decennial census, the Town must begin its redistricting process. The original districting was done in 2007.

1. The districts must be within 5% of each other regarding the total population of full-time residents over the age of 18.
 2. The Town must comply with the voting rights act of 1965 (one man, one vote).
- The Town must consider:
3. Population equality (compact/contiguous).
 4. Retaining neighborhood boundaries.
 5. Retaining district boundaries as close as possible to their current configuration.
 6. Being mindful of community interests that may be peculiar to certain sub-parts of the Town.
 7. Retaining historic boundaries, when possible.
 8. Trying to maintain the incumbency of current elected officials.

This all relates to Delaware Code Title 15 – the Municipal Election Code; compliance is mandatory.

Solicitor Schrader advised he supports the participation of the University of Delaware (UD) in the re-districting process. All of the census data must be sorted and superimposed onto the map of Bridgeville. Migration of population must be taken into consideration and whether it affects the requirements listed above. There are many aspects to be considered in moving district lines. The slowing of the economy has affected new growth; therefore, it is possible that the boundary lines will not move significantly. The Commission must approve the contractual use of the statistical data generated by UD. The Commissioners are also directed to pick one individual from their district to serve on a redistricting committee to study the results received from UD. This must all be completed before the March 2012 Municipal Election, due to the possible change of voting district for some individuals. It must be completed to conform to Title 15 of the Delaware Code and our own Charter. There must also be public hearings giving residents the opportunity to participate in the formulation of the districts and the approval of related ordinances. This is subject to the Freedom of Information Act (FOIA). The portion of Title 15 which deals with municipality elections begins with Chapter 75 – Formation of Board of Elections for Municipalities. When Town Code is silent about an issue, state law applies. There are also times when state law supersedes Town Code.

President Correll asked each Commissioner to submit the name of one committee participant from their voting district to Town Clerk Peggy Smith. President Correll had been waiting for census figures to be sent to the Town; however, we have never received all the data and have had to search for correct statistics. The Town needs to move forward quickly with redistricting as there must be time for candidates to file before the deadline for the March 3, 2012 election. It was determined Solicitor Schrader will run the redistricting meetings.

Town Manager Burke advised a small Town such as Bridgeville does not have the planning resources of larger Towns. GIS software is vital in the redistricting process. UD has the resources necessary for redistricting and has assisted other municipalities in their redistricting efforts. A proposal for \$2,640 has been received from UD – the College of Arts and Sciences, through the Center for Applied Demography and Survey Research for technical assistance in the redistricting process. It includes public workshops, Commission meetings and other necessary meetings. He believes this is a reasonable price and the Town needs an un-biased approach to the redistricting process. Solicitor

Schrader has seen the proposal and approves of it; he believes the GIS information is critical to comply with the requirements of the charter.

Commissioner Kovack made a motion to accept the University of Delaware contract in the amount of \$2,640. Commissioner Mervine seconded the motion. Motion carried. The votes were as follows:

Commissioner Kovack	aye	Commissioner McCarron	aye
Commissioner Mervine	aye	Commissioner Tassone	aye
President Correll	aye		

President Correll questioned Solicitor Schrader about the attendance of the Commissioners at the redistricting committee meetings. He responded that it is not a matter of law that the Commissioners not attend, but rather, good sense that they not attend. The ordinance drafted from these meetings will return to the Commission for approval.

E. Celebration of Halloween

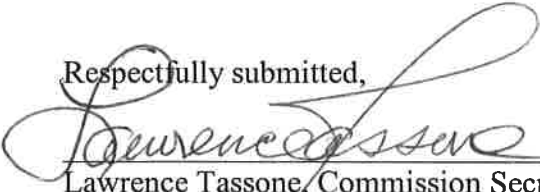
This year Halloween falls on Monday, October 31st and there is no need to change the date for Trick-or-Treating in Bridgeville. Commissioner Tassone made a motion to celebrate Halloween on Monday, October 31st, with Trick-or-Treating from 6-8 PM for ages 12 and under. Commissioner Mervine seconded the motion. Motion carried. The votes were recorded as follows:

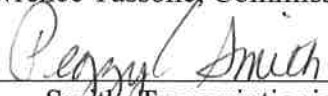
Commissioner Kovack	aye	Commissioner McCarron	aye
Commissioner Mervine	aye	Commissioner Tassone	aye
President Correll	aye		

XII. ADJOURNMENT

Commissioner Tassone made a motion to adjourn the meeting. Commissioner Kovack seconded the motion. Motion carried. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,


Lawrence Tassone, Commission Secretary


Peggy Smith, Transcriptionist