

MINUTES

COMMISSIONERS OF BRIDGEVILLE DECEMBER 10, 2007 – 7:00 P.M. TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Joseph Conaway at 7:00 P.M. Present: Commissioners Patricia Correll, Margaret Sipple, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer. President Conaway asked for a moment of silence to honor a former Commissioner of Bridgeville, Mr. Earl "Dugan" Willey, who passed away.

II. QUORUM PRESENT

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

III. APPROVAL OF MINUTES

Minutes from the November 5, 2007 monthly Commission meeting were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Sipple seconded the motion. Motion carried.

IV. MR. WILLIAM LECATES – SUSSEX COUNTY COMMUNITY BLOCK GRANT PUBLIC HEARING

President Conaway introduced Mr. William Lecates, Director of the Sussex County Community Development Block Grant Program and opened the Public Hearing concerning the CDBG Program at 7:02 P.M. Mr. Lecates advised the purpose of this Public Hearing is for the citizens to participate in a CDB grant application, which is developed each year. The funds come from the U.S. Department of Housing and Development (HUD) to the Delaware State Housing Authority. Each year Delaware towns can make application for funds. The application will be submitted at the end of January. The fund year runs from July 1, 2008 to June 30, 2009, so the program is currently preparing for funding for next year. Historically, the application process is 70% for housing rehabilitation and demolition. The remaining 30% of the 1.9 million can be used for infrastructure projects; however, these projects require matching funds from the Town for project approval. The program has tended to focus on housing and demolition, mainly because it is one of the only programs still available to deal with these needs. If the Town of Bridgeville applies for a CDBG Program grant, it will have to prove the location is within the targeted area. The program is geared toward low to moderate income individuals. Homeowners must meet the following eligibility criteria: property must be in individual's name and not be used as a rental property; owner cannot have over \$15,000 in cash or savings; must be unable to

make improvements themselves; taxes must be current; home must be insured or insurable; and the homeowner must sign a non-interest bearing lien. The average grant is \$15,000. If the home is sold for a profit after improvements, there is a pro-rated re-pay requirement. Income guidelines are set yearly by HUD. (Please see accompanying documentation from the CDBG Program.) Bridgeville has been one of the top communities in receiving funding; last year the Town received \$100,000 in funds from the program. Sussex County matches the funds. Currently the CDBG Program is conducting five home rehabilitations in Bridgeville, three of which are already begun, and 2 demolitions, which will be completed by June 30, 2008. Mr. Lecates asked for questions or comments from the Commissioners and the citizens. Hearing none, President Conaway closed the Public Hearing at 7:12 P.M. He advised the Commissioners must sign a Resolution endorsing the project to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development, authorizing Mr. Baker, the Sussex County Administrator, to submit the application. The Commissioners resolve to apply for the funds, as a Town that meets the application requirements. The Commissioners agree to allow Sussex County to accomplish the projects in the targeted areas of Bridgeville. The Commissioners of Bridgeville and Sussex County endorse grant permission for rehabilitation, demolition and infrastructure. Commissioner Jefferson made a motion to adopt the above mentioned Resolution. Commissioner Sipple seconded the motion. Motion carried. The second Resolution before the Commissioners recognizes the importance of fair housing for the citizens and supports the goals of federal fair housing, and therefore resolves that the Town will not discriminate on the grounds of race, color, national origin or sex or allow anyone to be denied a fair and equal opportunity for housing. Commissioner Jefferson made a motion to adopt the above mentioned second Resolution. Commissioner Correll seconded the motion. Motion carried.

V. MR. RICK TULL – LANK, JOHNSON & TULL – PRESENTATION OF FY-2007 AUDIT REPORT

President Conaway introduced the Town's accountant, Mr. Richard Tull, from the CPA firm of Lank, Johnson and Tull. Mr. Tull directed the Commissioners to the beginning of the report which shows an analysis of the current fiscal year in layman's terms. The Town's finances are considered in a very similar way to a commercial, for-profit enterprise, as required by a change at the federal government level. Per Exhibit A, as June 30, 2007, the end of the fiscal year, the Town had total assets of \$11,222,874; liability was \$6,492,963 and net assets were \$4,729,911. Within the net assets was an unrestricted balance of \$1,245,501 in cash and receipts. This indicates a very positive current position for the Town financially. President Conaway asked if Mr. Tull would be comfortable going to the bond market with this audit, if the Town needed to. Mr. Tull replied that the Town finances look good and he would be comfortable. Mr. Tull called attention to Exhibit D, which would be comparable to an Income Statement in a for-profit entity. It shows a change in net assets (net income) of \$843,800. The financial statements are very positive. This audit will be sent to the state for their review, due to the federal/state funding the Town is receiving for the wastewater treatment plant upgrades. President Conaway commented that Mr. Tull has spent time discussing financial problems which have occurred in other municipalities around us with the Finance Director and Town Manager,

making recommendations for the implementation of proper financial procedures to protect the Town. President Conaway mentioned that an employee in the City of Harrington was able to steal close to a million dollars from the municipality. He advised there is no distrust of employees in Bridgeville, but accountability to the public requires that we have a check and balance system in place. Mr. Tull added that there should be documentation that the check and balance system is actually being used on a daily basis. Commissioner Correll added, based on her experience in banking, it will be easier to implement the checks and balances and cross training now that our staff is growing. Town Manager Walls advised the staff has always checked each other for the sake of accountability. President Conaway added the Town has come a long way in recent years with more money and better control over it. The audit report is a public document and will be available to be viewed at the Town Hall. It will also be sent to the Bridgeville Library. Residents may purchase a copy. It will also be made available on the Town website, www.townofbridgeville.net

VI. REQUEST FROM ROBERT PATTERSON REGARDING ALLEYWAY LAND

Mr. Robert Patterson of 305 Second Street first inquired about having the unused alleyway behind his property deeded to him in September of 2006. Historically, one-half of other unused alleyways which have been maintained by the property owner have been deeded to owners, following all necessary legal paperwork, with the stipulation that there be an easement retained by the Town for future utility needs. Mr. Patterson did not pursue the inquiry further, due to a change in job location and putting his house up for sale. Circumstances have changed and Mr. Patterson and his family intend to stay in Bridgeville. He was interested in having the entire alleyway deeded to him and wondered about the status of the other half (7-1/2 feet). He intends to pave the alleyway and use it for his children to skateboard. President Conaway expressed concern about the request when he was made aware of the For Sale signs on the property. The intent has always been to deed alleyways to those who are trying to improve their property and make it a permanent home. The back line of the property in question is adjacent to the cemetery. Apparently that area is not used for access to the cemetery. Code Enforcement Constable Butler was concerned that an easement should be retained by the Town. He was also concerned that, should the Town need to take over that easement, in this particular case, the property owner intends to pave the alleyway. Sometime in the future all electric wiring will be placed underground. If the property owner blacktops the alleyway, that is a step toward permanence alongside the uncertainties of the future. President Conaway advised that an easement has been maintained for all other properties that have gone through this process. He is uncertain where the water/sewer lines run in the area of 305 Second Street and whether or not that is another issue. Commissioner Greason advised the Town has always stipulated an easement be maintained for Town use and that property owners maintain the area as grass. Nothing of permanence should be placed within the 7-1/2 foot alleyway. President Conaway added that the idea of paving the area would not be possible. Mr. Patterson expressed a concern that children may only skateboard in an alley, but his children cannot skate behind his house on grass, dirt or stones. President Conaway observed there is no alleyway immediately behind the Patterson home, but there are other alleys in Town. President Conaway suggested that this request is different from other requests to have alleyways deeded to homeowners. Others were

merely interested in owning the alleyway so they could maintain it and make it a part of their yard. Again, this request is different; therefore he suggested that the Commissioners review the matter and visit the site in order to make an informed decision on the request. Commissioner Jefferson made a motion to table the request. Commissioner Sipple seconded the motion. Motion carried.

VII. MR. WILLIAM JEFFERSON – CONCERN REGARDING VEHICLE CODE

The family recently bought a car for Mr. Jefferson's daughter that needs work performed on it to make it drivable. The purpose was to promote a healthy work ethic in the young girl, as she works with her dad to make the vehicle road-ready. The Town tagged the car for towing because it is not registered with the Department of Motor Vehicles. According to Bridgeville Town Code, an untagged vehicle must be kept in a garage. It may not be kept outside on the street or in the yard or driveway, covered or uncovered. Mr. Jefferson has a small garage and cannot accommodate the car immediately. He is asking for a temporary waiver to allow him to cover the car in front of the house until June. Mr. Jefferson has just moved into the house and has boxes stored in the garage. The garage is divided into two spaces and he will need to tear out a wall to make adequate space for the car. Time is an issue, as he is currently working six days a week. Mr. Jefferson has spoken to Code Enforcement Constable Butler concerning the car and Mr. Butler said Mr. Jefferson would need a waiver from the Commissioners to avoid following the code. Mr. Jefferson contends that the car is not an eyesore and with two other vehicles in the family, it is not economically feasible to tag the car now when it won't be used for another year when his daughter turns 16. President Conaway explained the Town's perspective. There are three separate ordinance mentions of unlicensed, inoperable vehicles in the code. The Town has required 99 other vehicles to be removed from Town this year already. For the Commissioners to change the law for one individual is not reasonable. The solution would be to work on the garage and prepare it for the car. President Conaway is not concerned that Mr. Jefferson will take advantage of the situation and not work to prepare the garage, but he is not inclined to deviate from the Town Code. He is concerned about the other 99 people who have also been tagged and required to remove unlicensed vehicles from Town. President Conaway is delighted to have a young family moving into Town and is anxious to encourage that trend, but Town rules must be followed. The county also does not allow unlicensed cars on county properties. President Conaway trusts that Mr. Jefferson and Mr. Butler can come to an agreement concerning a reasonable timetable to move the car into the garage. Mr. Jefferson asked if the structure for the car must be permanent or could it be a canvas structure. Town Manager Walls advised the structure must be permanent; canvas storage structures are not allowed. The Commissioners are turning the situation over to the Code Enforcement Constable and are hoping for a quick resolution to the problem.

VIII. CORRESPONDENCE

Town Manager Walls has received information that Comcast is adding three new cable programs to their high definition (HD) programming. The letter and specific programming additions are available for review.

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The Delaware Rural Water Association Fall 2007 newsletter is available for review. This will be the last newsletter published, as the organization's finances do not allow for the continued publication of the quarterly report. Additionally, the November/December Sussex Spotlight newsletter from Read Aloud Delaware is available for review.

A letter has been received from the Bridgeville Senior Center informing the Commissioners that the Center has used the monetary donation received from the Bridgeville Charity Golf Tournament to purchase a 2002 Chevy Venture for meal delivery. The excess money was used to make repairs to the Senior Center's roof.

A thank you letter was received from the Bridgeville Lions Foundation, Inc., acknowledging the \$8,000 donation received from the Bridgeville Charity Golf Tournament.

The Kiwanis Club of Bridgeville informed the Commissioners of the following winners of the Apple Scrapple Home Decorating Contest in October 2007: Mr. and Mrs. John Tomeski, Laws Street; Mrs. Diane Chaney, Cedar Street; and Mr. and Mrs. Kenneth McDowell, Laws Street.

IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commissioners to the Balance Sheet. (The following amounts are in rounded figures.) For the month ending November 30, 2007, the Town has \$66,000 in its Impact Fee funds. The Escrow funds total \$765,000. That with the Money Market account totals 1.5 million dollars. Finance Director Savage directed the Commissioners to the Long Term Liabilities section of the report. Included in these liabilities are the Department of Natural Resources and Environmental Control loans for the wastewater treatment plant upgrades and RBC equipment replacement, as well as the general obligation bonds. The total for those long term liabilities is in excess of 4.8 million dollars. The Town is about 2/3 of the way through the treatment plant improvements in the area of cash flow. President Conaway commented that the change orders for the project have not altered the original contract price. Change orders are always expected in a project of this magnitude. Concerning the Budget vs. Actual Report, the Town is five months into the FY-08 budget year. The target percentage for budget categories is 42%. The Heritage Shores special taxes have been fully collected. The transfer tax figure is above budget at this time. The Town anticipates receiving \$40,000 in transfer taxes from twelve settlements in November. Finance Director Savage does not have any settlements scheduled in December, as of yet. The Town anticipated a drop in transfer taxes this fiscal year and budgeted accordingly. Additionally, a general drop in building permits follows the slow-down in the building industry and an unfortunate decrease in funds for our Town emergency services (a portion assessed from each building permit issued.) Building permits totaling \$5,000 this month were encouraging. President Conaway indicated that rougher times are anticipated due to the building industry slow-down. Finance Director Savage reported that the Public Works fees are at 50%. President Conaway advised the Town's interest income is up. On the expense side, sludge disposal has increased. This will be addressed in the January budget amendments. President Conaway advised the electric bills are running about 14% less

than what was budgeted, which indicates the Town staff is being conservative in their energy usage. Concerning Accounts Payable, the Town has received \$493,000 in bills, \$427,000 of which is for treatment plant upgrades. Expenses include health insurance, payroll and the quarterly debt service for U.S. Department of Agriculture loans for the treatment plant. There is approximately \$370,000 left on one of the loans. President Conaway suggested possibly paying the remaining amount due on the loan before bringing on new expenses in order to protect our water rates. It was suggested checking the interest rates first. To date the Town has paid Daisy Construction \$2.9 million of the \$4.3 million contract for the spray irrigation project. Commissioner Correll made a motion to pay the bills as presented. Commissioner Sipple seconded the motion. Motion carried.

X. DEPARTMENT HEAD REPORTS

President Conaway advised these reports are available to the public. The wastewater treatment plant did not have a violation of its NPDES violation in November 2007.

XI. CITIZEN'S PRIVILEGE

Mrs. Peggy Atwood of 115 Emily's Pintail Drive asked if this was the time to discuss the establishment of voting districts. President Conaway advised there will be a Public Hearing conducted during that portion of the meeting (Section XIII, B). Mr. Michael Harrigan of 20 Amanda's Teal Drive suggested that it is time to remove the Apple Scrapple sign located on South Main Street near Jimmy's Grille.

XII. TOWN MANAGER'S REPORT

Town Manager Walls reported that at the November 5th meeting, Commissioners approved participation by the Police Department in an Office of Highway Safety DUI Campaign Grant. Specific details regarding the grant were unavailable at that time. The grant amount is \$800.00, with five patrols on November 21 & 30 and December 8, 21 & 31 from 9:00 P.M. to 3:00 A.M.

Finance Director Savage and Town Manager Walls met with a representative from USDA regarding loans for the construction of a new Town Hall and needed renovations to house the police department in the current Town Hall. The Town is outgrowing the building. There are some monies available and the Town was advised to complete and submit a pre-application for consideration. After review of the pre-application, USDA will meet with the Town for a review of the project, followed by a possible invitation to submit a full application. In conjunction with the project, the Town had an appraisal completed on the Harry Kefauver property, located on South Railroad Avenue. This property has been listed for sale at \$440,000.00. The appraisal values the property at \$290,000.00. Town Manager Walls requested permission to submit the pre-application and asked for direction from the Commissioners concerning the Kefauver property. President Conaway advised the Town cannot submit a pre-application for money unless property is selected. He added that the appraised value of \$290,000

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for the Kefauver property is a reasonable price for four acres in Town limits. The property has never had Town services of water and sewer; the price of extending those services must be included when considering the purchase of that property. The Town is at the point where it should make decisions about constructing a new Town Hall and moving the Police Department to the larger facility at the Town Hall. President Conaway recommended the Town either make an offer on this property or look for another property. The Kefauver location would place a new Town Hall central to the new developments to our south and west. Finding at least 4 acres within Town limits is difficult. Perhaps the Town could later consider, with enough acreage, adding a Boys and Girls Club or Senior Center. The only other site that has at least 3 acres is the Horney property north of here on North Main Street. (There are floodplain concerns with the property.) It was clarified that what is needed tonight is a motion to approve a contract offer on the Kefauver property for the appraised value of \$290,000 with the following conditions: 1) an environmental assessment be completed on the property, 2) funding for a new Town Hall be approved and 3) an appropriate inspection be completed, in addition to the environmental assessment. The Town could settle within 30 days as it has escrow funds to use. Those monies would be repaid by whatever financing USDA offers for the project. This would allow the Town to submit the pre-application for funding from USDA. If the Town could not purchase the Kefauver property, there would be time before a full application was submitted to USDA to amend the application. Commissioner Jefferson asked about the possibility of purchasing the O'Leary property next to the present Town Hall. Town Manager Walls has approached Mrs. O'Leary in the past, and she was not interested in selling. There is some concern that the property is too small for Town needs. The wastewater treatment facility will stay where it is and as the Town grows, additions will be made to it. Commissioner Sipple asked about a potential donation of the Lennar property where the trailers are located on South Main Street. If the Kefauver property is not available, this site might be something to look at. It is eventually planned for housing; however it could accommodate a Town Hall. President Conaway is not certain it would be wise to wait to see if that property could be available. Ms. Dottie Harper of Brookfield Homes advised the whole property is undergoing an audit, so it is currently unknown if that property would become available. She will be glad to investigate further and share her findings with Town Manager Walls. Commissioner Sipple made a motion to permit Town Manager Walls to: 1) explore the Kefauver property; 2) submit a pre-application to USDA and 3) continue discussions with Ms. Harper about the S. Main Street property. Commissioner Greason seconded the motion. Motion carried. President Conaway reported that he will be meeting with Lennar Homes and Providence of Brookfield Homes on December 11th concerning rumors that need to be dispelled and will be free to discuss other options after that meeting.

Several Commissioners and Town Manager Walls attended the installation of Ms. Winnie Martin as new postmaster of Bridgeville. The Town wishes her the best.

Caroling in the Park was held on Friday, November 30th with twenty-four participants. Santa arrived to distribute candy canes and updated his list of Christmas presents from the children in attendance. On behalf of the Commissioners and herself, Town Manager Walls thanked Commissioner Correll for organizing and preparing for the event. She advised there has been some discussion by the Commissioners to suspend this event based on poor participation

the last several years and other considerations. The Commissioners will consider that option at a later date.

Town Manager Walls reported on the improvements requested by the Town to the Delaware Department of Transportation at Railroad Avenue and Wilson Farm Road. DelDOT has completed upgrades at Wilson Farm Rd., Wesley Church Rd. and Railroad Ave. At the railroad, vehicles on Railroad Ave. will be allowed the right of way at the crossover, since the tracks are close to the intersection. Vehicles in the direction of Railroad Ave. and Wilson Farm Rd. will now be made to stop, except in the case of southbound motorists making right turns. DelDOT has placed additional signs to make vehicles aware of the railroad crossing in the crossover. President Conaway had the opportunity to meet with DelDOT concerning other matters and also discussed the confusing signage that has been installed. He reported Railroad Ave. will have double stripes painted in the spring. The area in question is becoming a greater traffic concern.

President Conaway's meeting with DelDOT was held to request a minimum of two additional traffic lights on Route 13, with a third light becoming necessary in the future.

1. Traffic Light #1: When the new service roads are in place, including a road from Heritage Shores to the west side service road, there should be a red light and a full intersection to allow people to cross where the present State Police Barracks is so that local Bridgeville people can shop in the Food Lion Shopping Center. President Conaway was present at a very early planning meeting on the intersection improvements with DelDOT Secretary Hayward where it was agreed that the people of Bridgeville would have the opportunity to avoid the Route 404 and 13 intersection by using the service road and would have access to the shopping center at that point. The current plan does not include a traffic light at the State Police Barracks.
2. Traffic Light #2: Mr. Conaway also asked for a second traffic light at the corner of Rifle Range Rd. and Route 13, where commercial development is imminent. DelDOT had told the developer that, not only would a red light not be placed at that intersection, but the intersection itself would be closed, killing the location as a viable commercial development site.
3. Traffic Light #3: Mr. Conaway asked for a third red light at the Heritage Shores entrance. It makes no sense for Heritage Shores residents who want to travel north to turn south and then turn around at the next intersection. Major commercial development is being discussed for the property across Route 13 from Heritage Shores on the northbound lane, so it is only a matter of time before that red light will be necessary. The Highway Department was willing to reconsider traffic lights one and two and consider traffic light number three if and when more development comes to the northbound side of Route 13.

Currently the Town has a system in place to notify residents of the need to pay or make payment arrangements for their due water/sewer bills. The system takes a large number of man hours to conduct. The Town will eliminate this full procedure and put into place the following plan: When water/sewer bills are past due, a letter will be sent to the property owner and tenant,

when applicable, to provide details of the delinquent account and to advise of the need to pay or make payment arrangements within ten days. If the account is not paid in full or payment arrangements made, the water will be turned off. An explanation of the change will be placed in the December newsletter.

The Town office is accepting donations of canned goods for the needy and plans to deliver food baskets to Bridgeville residents in need. Anyone interested in participating should do so by Monday, December 17th.

XIII. OLD BUSINESS

A. SECOND READING AND ADOPTION OF ORDINANCE A07-8 TO AMEND CHAPTER 128 OF THE CODE OF BRIDGEVILLE RELATING TO SEWER RATES

Finance Director Savage explained that the Ordinance corrects a typographical error in Ordinance A01-4, where the water usage between 2,400 and 2,500 gallons was not covered. This Ordinance corrects that error. The minimum usage is raised to 2,500 and the next rate category begins at 2,501 gallons. President Conaway opened the Public Hearing at 8:29 P.M. and asked for comment from the Commissioners and the public. Hearing no comments or questions, President Conaway closed the Public Hearing at 8:31 P.M. Commissioner Correll made a motion to adopt Ordinance A07-8 amending Chapter 128 of the code in regard to sewer rates. Commissioner Sipple seconded the motion. Motion carried.

B. SECOND READING AND ADOPTION OF ORDINANCE A07-9 ESTABLISHING VOTING DISTRICTS WITHIN THE BOUNDARIES OF THE TOWN OF BRIDGEVILLE

President Conaway opened the Public Hearing at 8:32 P.M. He reported that in 2003, with the advent of development, the Town began the process of changing the voting system from "at-large" elections to elections with voting districts. The election districts have been created and will be amended every ten years when new census information becomes available. The one change in the election process is that all Commissioners will be elected for two-year terms, where previously one Commissioner held a one-year term and the other four, two-year terms. A new state law signed by the governor of the state of Delaware amended the Bridgeville Town Charter.

President Conaway opened the floor for comments.

- Mrs. Peggy Atwood of 113 Emily's Pintail Drive asked to read a statement by her husband, William Atwood, who was unable to attend the meeting. A full copy of those comments is attached to these minutes.
- Mr. Michael Harrigan of 20 Amanda's Teal Drive asked if there are any other towns of this size in Delaware that have election districts. The Commissioners responded that most Delaware towns our size have election districts.

- Mr. Carlos Alvarez of 99 Emily's Pintail Drive asked if there were any towns where the distribution of districts is not based on population. President Conaway advised the number of voters in a district has nothing to do with the creation of the voting district. The Town is required by law to create districts of equal population, not voters. The only criticism he has heard concerning the district divisions is that many believe Heritage Shores does not have a large enough population to warrant a district. The Heritage Shores district, number 2, has the least population of any of the districts. You cannot legally create districts by voter registration, only by population. Changing to a district system provides for both Heritage Shores and Lindenmere, the new development on the west side of Town beginning construction in the spring. It also provides for minority representation. After the 2010 census there will be different numbers and the sitting Commissioners will have to redraw district lines, with major changes possible. The number of Commissioners for the Town may need to be addressed in the future as well. (Seaford, with 5,000 population has 7 Commissioners and Georgetown, with 3,000 population has 5 Commissioners.) The planning for districts began in 2003. The Town growth was coming and the Commissioners know that everyone would need a voice in the Town government. The Town does not view Heritage Shores residents as being disenfranchised.
- Mr. Gil Wildes of 132 Emily's Pintail Drive was concerned about appearances. All of the voting districts look like they have unusual boundaries in them that speak of gerrymandering. All the districts seem to come to the center of Town and protect the current Commissioners. This makes Heritage Shores residents feel like they have been gerrymandered out of equal representation. President Conaway expressed his understanding of Mr. Wildes' position. He said that two of the districts referred to had incumbents returned to the Commission by a large majority in the last election. The Commission feels it is not the business of the Commission to draw district lines that would take a sitting Commissioner's seat away from him/her because of the initiation of voting districts. Commissioner Sipple decided not to run again, which allowed the Commission to draw district lines so that Heritage Shores could have Commission representation. Commissioner Correll commented that she has looked at the districting in other Towns and believes Bridgeville has followed suit with other municipalities.
- Mr. Michael Harrigan pointed out that of the 469 voters in the Town; Heritage Shores has almost 40% of the registered voters. The rest of the Town is not involved as much and doesn't care as much. With 40% of registered voters, they will only have 20% representation. Mr. Harrigan added that approximately 23% of the voters turned out for past elections. In last year's election, when Heritage Shores had two candidates running, there was higher voter turnout, more than 75%. This also speaks to the Heritage Shores' residents wanting to be involved and not being able to be involved. President Conaway reiterated that this system will assure a Commissioner from Heritage Shores. Commission Sipple added that she stepped down so that Heritage Shores could have a representative.

- Tom Woolcock of 7 Amanda's Teal Drive asked the date of the population figures that were used to create the districts. President Conaway replied they used the best information available at the time, some from the State Planning Office based on census and adjustments for projects where there are no residents. The Town has seen 221 settlements at Heritage Shores, as of this date. President Conaway advised the population is based on residents in Heritage Shores, not on the number of people who own a home there. Homeownership does not constitute eligibility to vote, only residency. You cannot vote in two places. In the coastal areas of Bethany Beach and Rehoboth, non-resident voting is allowed through their charters. Our charter does not allow non-resident voting. A non-resident homeowner can only vote in a referendum where the Town indebts itself.
- Tina Hill of 124 Emily's Pintail Drive questioned basing the districts on population, when that includes children who would not be eligible to vote anyway. She found that way of counting somewhat odd. President Conaway reiterated that a person must be a resident of Bridgeville to vote in elections. Heritage Shores residents were not included in the 2000 census; the development occurred after that count took place, so the Town is using the best information which is available to accurately count citizens. The Town used registered voters and settlement information to count Heritage Shores residents. Finance Director Savage added that the Town bases some of its information on mailing address. The Town uses the mailing address given to it by the county. In some cases it is not correct. He added the Town has issued approximately 270 building permits, many of which are not completed homes.
- Mr. Michael Harrigan asked if the issue could be tabled until the next meeting so that more information could be gathered. President Conaway indicated that would be up to the Commissioners to decide.
- Mr. Gil Wildes commented there are a large number of people at Heritage Shores who are not happy. Their perception is that there are five Commissioners who intend to maintain absolute control of the entire area and there is nothing the Heritage Shores residents can do to change that. President Conaway indicated that his perception, based on the comments of Heritage Shores residents in this meeting, is that the Heritage Shores residents want complete control. Mr. Wildes commented the Commissioner from Heritage Shores will always be a minority and will have no effect on Town decisions. The Commissioners were quick to remind Mr. Wildes that the 2010 census could very well change the districts and the influence Heritage Shores may have on Town decisions.

Commissioner Jefferson made a motion to close the Public Hearing. Commissioner Correll seconded the motion. Motion carried. The Public Hearing was closed at 8:45 P.M. President Conaway advised the Commissioners can adopt Ordinance A07-9. They can also delay the vote, or establish a time for additional information to be provided to the Commission. Commissioner Correll questioned what would happen if the Ordinance were not adopted tonight. President Conaway advised it would be very difficult, and probably impossible for the voting districts to be in place in time for the March 1, 2008 Municipal Election. The candidate filing

deadline is the first of February, so the Commission is on deadline for the March elections. Commissioner Jefferson made a motion that Ordinance A07-9 be adopted establishing election voting districts within the boundaries of the Town of Bridgeville. Commissioner Greason seconded the motion. Motion carried.

C. DeLea FOUNDERS INSURANCE TRUST WORKMEN'S COMPENSATION PROPOSAL

Finance Director Savage advised the Delaware League of Local Governments (DLLG) has recently formed the DeLea Founders Insurance Trust, self-funded municipal insurance group. It offers an opportunity for municipalities to pull together; each municipality in the pool would be given an assessment, which is their premium for the year. During the year the municipality would have its workmen's compensation claims handled and paid through this pool with the monies assessed to each municipality. A portion of any monies collected over and above expenses would be placed in a fund for future claims. Should the fund be short, the Towns would be assessed to cover the need. The Commissioners were informed of the program before all the details were available. We have the opportunity to become a charter member. Finance Director Savage, Town Manager Walls, Attorney Schrader and our insurance agent, Mr. Short, have all reviewed the program. They have also discussed the program with other municipalities who are similar in size to Bridgeville. Finance Director Savage is recommending that the Town continue with its own present insurance provider and not enter the pool at this time. The basis for that recommendation is cost. Our current premium is projected to be \$31,600 for calendar year 2008. The first year DeLea assessment would be \$38,556. The final assessment would be lower or higher, based on claims. When we have our own insurance we control our own fate. With the pool, we are paying for any unknown, and potentially costly, accidents or disasters that take place in other Towns in the pool. We would be able to enter into the DeLea program at a later date, with a not-yet-defined surcharge. President Conaway commented, with the City of Wilmington participating in this program, our rates would increase due to events in Wilmington. Finance Director Savage added that there are issues with Towns that have Fire Departments (i.e. Wilmington, Dover, Elsmere), as there is additional liability potential. Each Town is assigned an experience module based on past history. Bridgeville has a very low rating, number one. The Towns that will benefit the most will be those with the worst past history. They will benefit from this pool. The Sussex County government has declined the program. (They have the lowest experience module and the most employees.) Seaford, Selbyville and Blades are not participating. The Town will revisit the DeLea program in the future. Commissioner Greason made a motion to stay with our current workmen's compensation program and decline the DeLea program. Commissioner Correll seconded the motion. Motion carried.

XIV. NEW BUSINESS

A. MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE STATE FIRE MARSHAL'S OFFICE

Code Enforcement Constable Butler informed the Commissioners that this is an agreement with the State Fire Marshall's office covering services that they are already providing within the Town of Bridgeville. These include the permitting process and inspections of new homes. The Fire Marshall's office is requesting that Bridgeville cooperate with them and uphold their building code and enforcement. They continue to offer us the option of performing our own final inspection on homes and rejecting aspects based on our codes. Mr. Butler and Town Manager Walls have reviewed the memorandum and feel it is a reasonable request. Virtually nothing will be different from the permits we have issued in the past. The commercial buildings will still go through the Fire Marshall's office, as previously. Certificates of occupancy will still be handled through the Fire Marshall. The memorandum asks for more extensive cooperation. They are asking all municipalities to enter into this agreement with them. Commissioner Correll made a motion to accept the Memorandum of Understanding. Commissioner Sipple seconded the motion. Motion carried.

B. POLICE DEPARTMENT LONG RANGE REPORT

Public Safety Director Chaffinch prepared a long range report for the Commissioners. President Conaway advised it is an excellent beginning to planning for a Police Department that will meet our growing population needs. There are a number of issues dealt with in the report the Commissioners should seriously consider. Of special note is the loss of an existing officer and the approximate \$100,000 expense to put a new policeman on the street. Another important issue concerns adequate accommodations for the Police Department in the future. A small detective unit has also been proposed. There are many suggestions in the report that would enable our Police Department to react quickly and efficiently. President Conaway suggested scheduling a workshop meeting in January with Public Safety Director Chaffinch, Police Chief Parsons and the Commission to discuss establishing this strategic plan for the future. Town Manager Walls was asked to schedule a date for the workshop.

C. GREENWOOD SEWER AGREEMENT

President Conaway advised the Commissioners have been negotiating with the Town of Greenwood concerning treatment of their wastewater for many months. Greenwood had been exceeding their monthly quota for wastewater by thousands of gallons and Bridgeville instituted an Ordinance containing a monetary penalty for any user that exceeded their contractual arrangements. Greenwood raised fees to their residents to cover the penalties, but would never pay the penalties owed to Bridgeville. Since the penalty has been in place, Greenwood has not exceeded their quota. Greenwood is working toward improving their system and reducing their usage, as should be done. President Conaway thanked County Councilman Finley Jones for bringing Mayor Donovan and President Conaway together to negotiate an agreement between the two Towns. President Conaway read the Memorandum of Understanding into the record. A

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copy is included with these minutes. He advised the Sussex County attorney will draw up a new contract between the two Towns, with Bridgeville and Greenwood agreeing to share equally the costs of the new contract. Commissioner Greason made a motion accept the Memorandum of Understanding between the Towns of Greenwood and Bridgeville. Commissioner Correll seconded the motion. Motion carried.

XV. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. The meeting was adjourned at 9:03 P.M.

Respectfully submitted:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist