

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
MAY 11, 2009 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by President William Jefferson at 7:00 P.M.
Present: Commissioners Patricia Correll, Ruth Skala, Michael Collison, Earl Greason and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer.

II. QUORUM

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

III. APPROVAL OF MINUTES

Minutes from the April 13, 2009 monthly Commission meeting and the May 4, 2009 Special Commission meeting were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commission Collison seconded the motion. Motion carried.

IV. INTRODUCTION OF NEW POLICE OFFICER

New Town police officer, Mr. Richard Baker, was not in attendance at the meeting.

V. MR. JOSHUA FORSTER, MUNI-CAP: ADOPTION OF HERITAGE SHORES SPECIAL TAX DISTRICT REPORT FY 2009-2010

President Jefferson introduced Mr. Joshua Forster from MuniCap for a discussion and adoption of the Heritage Shores Special Tax District Report for the next fiscal year. Copies of the report were made available to the Commission and the public. A copy is also attached to the permanent minutes. Mr. Forster directed the Commission to various tables throughout the report for the Commission's review. He advised the current rate of return is significantly lower, as the money market rates are ranging from .15% and .28%. Mr. Bill Atwood of 113 Emily's Pintail Drive questioned the low rates and if Muni-Cap searches for the best rates of return possible. Mr. Forster reported they look diligently; however, the trust indenture provides a conservative limitation concerning how the bonds are invested; the rates at which an individual can invest will be different than those allowed by the trust indenture. Mrs. Jacqueline Vogel of 124 Widgeon Way questioned how long-term low money market rates would affect homeowners' special tax district payments in the future. Mr. Forster advised the rates homeowners will pay are specified at the outset and cannot be changed. The assigned rate will increase 2% each year. The shortfall between the total amount owed and the homeowners' payment is paid by the developer, who owns the balance of the land at this point in time. The most that can be levied

on homeowners is 110% of the assigned special tax rate. If the homeowner chooses to pre-pay the balance owed on their property, their commitment is fulfilled immediately. Mr. Forster advised the special tax requirement for the 2009-2010 tax year for Series A & B bonds includes interest and principal payments. Total debt service for the bonds is added to administrative expenses. The Town will not generate much reserve fund investment income this year, due to low rate returns; however there is a prior year surplus. The total special tax requirement for 2009-2010 is \$1,460,000, approximately 21.8% higher than last year. This is due to the fact that more will be paid in principal this year and administrative expenses were higher than expected. The date of classification for the 2009-2010 tax year for the Town of Bridgeville is May 1, 2009. As of that date there were 280 developed units of taxable property, 186 of which were single-family detached units and 94 single-family attached. The majority of the units have been partially pre-paid. To meet the total special tax requirement for this upcoming year, the special tax shall be levied on each parcel proportionately. The property is divided into (1) developed, (2) platted but undeveloped and (3) unplatted and undeveloped. To be considered a "developed" property, a building permit must be issued by May 1. This year, developed property will pay (in rounded figures) \$302,686; platted, undeveloped property (the developer) will pay \$378,790 and unplatted, undeveloped property (the developer) will pay \$778,470, for a total of \$1,460,000. This will fulfill the special tax requirement for this year. Questions from Mrs. Vogel prompted Mr. Forster to explain that the homeowner's special tax district rate will only be levied for 30 years. He advised additional bonds will be issued in the future for additional infrastructure and improvements. Bonds are redeemed throughout the life of the bonds as pre-payments are made at settlements. The developer pays special tax on the property the same way homeowners pay their special tax rate. Mr. Bill Atwood reiterated a desire to see the special tax district audited and a discussion concerning auditing ensued. Mr. Forster advised annual unaudited financial statements are available. Auditing this account is not required on the Town level; it would increase the administrative expenses of the tax district. From the Town's standpoint, the money is collected and sent immediately to the bondholder. Our accountant/auditor does not believe an audit is necessary. Mr. Forster advised there are numerous controls and bodies the invoices and monies go through before payments are made. President Jefferson requested that our accountant re-visit the need for an audit of the special tax district and research a cost estimate. The Town would not be responsible for any costs involved. Mr. Atwood asked whether MuniCap has a contractual relationship with the developers of the project. Mr. Forster advised MuniCap does not have relationships with Brookfield Homes or with Allen & Rocks. MuniCap does have contractual relationships with Lennar Corporation, which previously built homes at Heritage Shores. Mr. Forster advised his company provides consultation services to the Town in the early stages of setting up the special tax district. When the bonds are issued, the Town can hire MuniCap or another agency to administer the bonds and the administrator works for the Town, not for the developer. Commissioner Skala made a motion to (1) set May 1, 2009 as the date of the 3 classifications of properties; (2) set the amount to be repaid in the 2009-2010 bond year at \$1,460,000; and (3) accept the tax report prepared by MuniCap, which will become public information with the tax rolls. Commissioner Correll seconded the motion. Motion carried.

VI. RESOLUTION APPROVING AND ADOPTING THE 2008 TOWN OF BRIDGEVILLE COMPREHENSIVE PLAN AMENDMENT – Mr. Bryan Hall, Office of State Planning Coordination

Mr. Bryan Hall is the Circuit Rider Planner for Sussex County from the Office of State Planning Coordination. Mr. Hall advised he has been working with Town Manager Walls and former Commission President Conaway to improve upon and amend the Town's Comprehensive Land Use map as the Town implements its Comprehensive Plan. During internal audits at the Office of State Planning Coordination, it was discovered that a 2007 amendment done to support some of the Bridgeville annexations was not documented to suit the new state administration and legal counsel. The amendment was completely legitimate and properly adopted and certified by the Office of State Planning Coordination; however, this Resolution has been requested from the state level as further documentation. Mr. Hall advised all new annexations are proper according to the amended map of 2007 and are in line with the Town's Comprehensive Plan. The Historic District is a sub-element of the zoning code. This map under consideration does not reference the Historic District, but it also does not affect the Historic Overlay District. Mr. George Blake of 133 Widgeon Way asked about concerns the new staff at the state level has. Mr. Hall reported under the old map the Town had classified land south of Route 404 as an industrial zone. The Town has since determined that the zoning in this area should correspond with Heritage Shores' commercial/residential zoning. The residents need not be concerned about industrial smokestacks being situated across Route 13 from Heritage Shores, as this is the explicit reason why the map was amended. Originally, commercial/industrial zoning was planned across from Heritage Shores. There is already an existing commercial/industrial area on the north side of Town at Route 13 and Newton Road. Those northern areas are being changed to mixed use commercial/industrial, rather than mixed use commercial/residential. It is appropriate to place the industrial zoning together. Under Delaware law, the Comprehensive Plan must be amended every five years. Commissioner Collison made a motion to approve the Resolution approving and adopting the 2008 Town of Bridgeville Comprehensive Plan Amendment. Commissioner Correll seconded the motion. Motion carried.

VII. CORRESPONDENCE

Town Manager Walls advised the Sussex Spotlight Read Aloud Delaware April-May newsletter is available for review.

The Town has received a thank you letter from the Kiwanis Club of Bridgeville for sponsoring a table and supporting the annual Prayer Breakfast on May 2nd.

The Town has received notification from the Sussex County Council of a \$500 grant from Councilman Samuel Wilson for the purchase of shutters for Town Hall. This money will be earmarked for the project until the remaining \$500 is acquired to move forward with the purchase and installation of shutters.

The Woodbridge Elementary School has invited the Commission to attend their "Walk a Thon 2009." Students will participate in a walk to benefit the "LiveStrong" Foundation and the Woodbridge PTO on May 15th.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet. (The following amounts are in rounded figures.) For the period ending April 30th, accounts totaled \$1,246,526, with \$382,000 in rainy day funds. The Town continues to collect delinquent taxes, with a balance due of \$4,400. On the Budget Report, the Town is 10 months into the fiscal year, with a target of 83%. Income is at 97% of projection. The Town of Greenwood category includes the latest invoice, for a total of \$145,000 for the year. On the expense side, the Town is at 75% of budgeted expenses. This report does not include the Town Clean-up expense last weekend. Most of the categories are in line. Engineering expenses have been low this year. Accounts Payable stands at \$22,500 with expected expenses before the next meeting of \$104,900, for a total of \$127,398. Commissioner Correll made a motion to pay the bills as presented. Commissioner Skala seconded the motion. Motion carried.

IX. DEPARTMENT HEAD REPORTS

President Jefferson advised Department Head Reports are available to the public. Commissioner Collison commended Chief Parsons for his efforts in improving the police report. Commissioner Collison questioned Greenwood's wastewater violations. Town Manager Walls advised Greenwood has been contacted and is exempt from penalties right now. The extra sewage is directly proportionate to the excess rain we have received; they have low-lying areas that have always been a problem. We do not believe any rain gutters remain connected to the wastewater system. Town Manager Walls will investigate this issue with Greenwood. The new geo-reactor was questioned. The Public Works Department is still trying to get the first unit to work properly. The Town is in communication with the manufacturer and is awaiting delivery of the second unit. President Jefferson spoke with Wastewater Superintendent Mowbray who advised the algae problem has dissipated due to the rain and he anticipates being able to start over, so to speak, and receive accurate information on performance of the new geo reactor. New chemicals have been added as well. Commissioner Collison still has concerns that only 17 trucks were stopped during the month; too many trucks are still coming through Town.

X. CITIZEN'S PRIVILEGE

Fireman Steve McCarron advised the Fire Company intends to begin improvements to their parking lot on May 18th. They would also like to repair the deteriorating portions of the Town-owned alley with the Commission's permission. The price is already included in their bids and there would be no expense to the Town. Commissioner Collison made a motion to allow the Fire Company to repair Union Alley directly behind the Fire Hall. Commissioner Correll seconded the motion. Motion carried. It was noted the block building behind the Fire Company has been removed, which will enhance visibility in the area. It was questioned

whether in our cell phone age there is still a need for the siren. It was determined the Fire Company couldn't depend on everyone carrying a cell phone at all times; therefore, the siren is still necessary. Mr. Steve McCarron of 416 S. Laws Street returned to the issue of trucks coming through Town. He works for Kenny Brothers Produce in Town and they have as many as 50 trucks per day come to their business without a bill of lading. There are many other businesses in Town that have truck traffic coming and going as well. He is concerned that trucks be allowed to access their in-Town destinations. The Commission is only concerned about trucks using Bridgeville as a shortcut. Mr. Larry Skala of 108 Whistling Duck Drive announced the Western Sussex Relay for Life is scheduled for Friday, May 15th at the Mears campus in Seaford beginning at 6:00 P.M.

XI. Town Manager's Report

Town Manager Walls reported the first 2009 Bridgeville Charity Open Golf meeting has been held. Mr. Rick Tull will chair the tournament, with monies raised going to the Bridgeville Senior Center, Bridgeville Lions Foundation, Inc. and the Bridgeville Kiwanis Foundation. The tournament is scheduled for Friday, October 9th with a shotgun start at 9:00 A.M. Details are being finalized, with requests for tournament sponsorships being distributed.

In conjunction with Arbor Day and the Tree City Program, a cherry tree was planted on Delaware Avenue. Our thanks to Barton's Landscaping for donation of the tree, mulch, stakes and other needed materials. We appreciate their generosity and support of the Town.

Regarding the preservation of the Jack Lewis mural on the Dollar General Store, Ms. Meg McDire, an individual with talents to assist with our project, will examine the mural the next time she is in Town and offer her comments. (Ms. McDire is Richard and Kay Lewis' daughter, a family in the Bridgeville area.)

The Bridgeville Volunteer Fire Company will be seeking a variance request regarding setbacks for their Fire Company Building #2, located on Delaware Avenue. The intent is to place their command vehicle and a number of other vehicles in the structure. Building #2 will also contain a showcase section for their recently restored 1936 fire truck.

Regarding the request to PNC Bank for consideration of re-installing the cement bumpers at parking spaces facing Union Alley to aid in deterring traffic from using the alley, Town Manager Walls has been advised a local decision cannot be made; the request has been forwarded to a bank representative who handles this type of situation and they should be responding in the near future.

Town Manager Walls advised she attended the Kiwanis Prayer Breakfast along with Commission President Jefferson and Commissioners Correll and Greason. The event was very nice, from the breakfast and decorations to the music performances and message.

Clean-Up Day was held this past Saturday, with no problems being reported. Per M-T Trash, nearly 23 tons was collected, which is higher than the past several years.

With \$32,000 in street aid monies from former Representative Ewing, the final portion of the street project should soon be completed. Colonial Drive and Pine Alley are being repaved. Residents will be notified to make temporary vehicle parking arrangements.

A Memorial Day Celebration is planned for Monday, May 25th beginning at 9:30 A.M. The Celebration will be held at the Veteran's Memorial at the Bridgeville Cemetery.

Town Manager Walls and Commissioner Correll, attended the National Day of Prayer sponsored by the Union United Methodist Church. The service was very well planned with several ministers speaking and outstanding music being presented by the Greenwood Mennonite School and local residents.

The Storm Water Marking project scheduled for Saturday, May 9th was canceled due to an uncertain weather forecast. A new date will be chosen.

The Town has scheduled a Referendum Vote to borrow \$250,000 for certain improvements to the Town's Drinking Water Facilities, including, but not limited to, the installation of back-up well #6 and other associated costs. It is anticipated that during the construction of the project, the Town will receive loan forgiveness in the amount of \$185,155 through the American Recovery and Reinvestment Act of 2009, so that after completion of the project, the Town will only have a remaining loan of \$64,845. The Referendum will be held on Thursday, June 4th at Town Hall between the hours of 10:00 A.M. and 2:00 P.M.

The Town is awaiting additional maps and information from Delmarva Power regarding a survey of the Town's streets and alleyways. It is quite possible we may be able to upgrade some of the current lighting to high pressure sodium at no cost.

The Commission has received an invitation to the dedication of the Route 13 and 404 realignment. It is scheduled for May 21st, 10:00 A.M. at Troop 5 on Route 13. Project Manager McIlvain expects the project to be completed, with just a few punch list items remaining, as long as the weather does not interfere.

XII. OLD BUSINESS

A. Certification of Annexation Referendum Vote – May 2, 2009

Town Manager Walls advised an Annexation Referendum was held on Saturday, May 2nd. Three properties were successfully annexed into Town limits. They included property of the Bariglio Corporation, Windsor Development, LLC and Matthew and Christine Davis. The Certificate of Referendum is an attachment to the permanent minutes. Commissioner Skala

made a motion to certify and adopt the May 2nd Annexation Referendum vote. Commissioner Correll seconded the motion. Motion carried.

B. Public Hearing and Second Reading of Ordinance A09-5, An Ordinance to Amend Chapter 222, Vehicles and Traffic to Add New Streets

Town Manager Walls opened the Public Hearing at 8:10 P.M. She advised Chapter 222 of the Bridgeville Code lists all of the Town streets within corporate limits. The Town has recently taken over several Heritage Shores streets that must be added to this Ordinance. She asked for any comments for or against this Ordinance by the Commission or citizens. Hearing none, Town Manager Walls closed the Public Hearing at 8:11 P.M. Commissioner Collison made a motion to adopt Ordinance A09-5. Commissioner Skala seconded the motion. Motion carried.

C. Public Hearing and Second Reading of Ordinance A09-6, An Ordinance to Amend Chapter 222, Vehicles and Traffic by Repealing Articles 1-6

Town Manager Walls opened the Public Hearing at 8:12 P.M. She advised the Ordinance removes Articles 1 – 6 of Chapter 222, due to the fact that the Town no longer has an Alderman's Court. By using the State of Delaware traffic codes, the Town can be assured that all traffic and vehicle codes are covered and up-to-date in the state DELJIS system. This will insure that when the Town takes someone to court concerning violations, we can be heard by the courts and they will acknowledge our codes because they are the same as state codes. Town Manager Walls asked for any comments for or against this Ordinance by the Commission or citizens. Hearing none, Town Manager Walls closed the Public Hearing at 8:13 P.M. Commissioner Correll made a motion to adopt Ordinance A09-6. Commissioner Collison seconded the motion. Motion carried.

XIII. NEW BUSINESS

There was no New Business to be considered.

XIV. SPECIAL REPORTS – Office of Highway Safety Grant – Click It or Ticket Campaign

Police Chief Parsons reported the Office of Highway Safety is allocating \$1,600 to the Town of Bridgeville for seat belt enforcement. Ten patrols will take place from May 10 – 25 in four-hour increments, with most being during daytime hours. The areas to be patrolled include Market Street, Main Street and areas surrounding the schools. Commissioner Correll made a motion to participate in the grant. Commissioner Skala seconded the motion. Motion carried.

XV. EXECUTIVE SESSION

President Jefferson advised the Commission will go into Executive Session at this time to discuss personnel matters. Commissioner Collison made a motion to go into Executive Session. Commissioner Skala seconded the motion. Motion carried. The Commission went into Executive Session at 8:13 P.M.

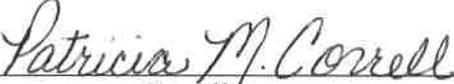
XVI. RECONVENE REGULAR SESSION

Commissioner Collison made a motion to adjourn Executive Session. Commissioner Correll seconded the motion. Motion carried. The Executive Session was adjourned at 8:58 P.M. The Commission re-convened the Regular Session at 8:59 P.M. President Jefferson reported the Commission discussed personnel matters and no votes were taken during the Executive Session.

XVII. ADJOURNMENT

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

Respectfully submitted,



Patricia M. Correll, Commission Secretary



Peggy A. Smith, Transcriptionist