

MINUTES

COMMISSIONERS OF BRIDGEVILLE AUGUST 9 , 1999 - 7:00 P.M. TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Jack Dalton at 7:00 P.M. Present: Commissioner Margaret Sipple, Commissioner Willie Pierce, Commissioner Glenn Miles and Commissioner Charles Singman. Mr. Walter Speakman, Town Solicitor, was also present. The meeting started with a salute to the flag.

AGENDA ADJUSTMENT: President Dalton announced that under New Business a discussion will be held on the property at 103 S. Main Street.

II. APPROVAL OF MINUTES

President Dalton said the minutes of the July 12, 1999 have been posted and without objection they are accepted as posted.

III. APPROVAL OF MONTHLY BILLS

MOTION: Commissioner Sipple made a motion to pay bills as presented (see attached). Motion was seconded by Commissioner Pierce and carried unanimously.

IV. PRESIDENT'S REPORT

A. CORRESPONDENCE

1. A memo was received from Frank B. Calio, Director of the Sussex County Economic Development and Industrial Airpark inviting the Commissioners to attend the 1999 Sussex County Business & Education Conference on Wednesday, October 27th at the Higher Education Building at Delaware Technical & Community College in Georgetown.

2. The American Red Cross will be holding a meeting on Wednesday, August 11, 1999 at the Delaware Technical and Community College in Georgetown.

3. An invitation was received to attend an Open House and Ribbon Cutting Event for the Brandywine Assisted Living at Seaside Pointe in Rehoboth Beach on Thursday, August 12, 1999.

4. A letter was received from Mr. Hallman of Cedar Street thanking Doug Jones for stopping by his house to explain the water problem that was stated in the News Journal. Mr. Jones said the Town was fortunate to have an employee like Doug.

5. A report was received from DELDOT concerning the Rt. 13 Corridor Capacity Preservation Program. President Dalton and Commissioner Sipple will be meeting with DELDOT on Tuesday morning, August 10, 1999 to discuss the corridor.

6. A letter was received from Miss Annie Williams, DBF Engineer, regarding the grant conditions of the Wastewater Facilities Advisory Council and stating what is needed to complete the BRN study. A policy from the Town will have to be included with the study in order to be eligible for the WWFAC reimbursement (federal program). Mr. Speakman suggested President Dalton read the "draft" policy for the public, and then the Commissioners prepare their policy for the September meeting.

7. Several violation notices were received from Pet Poultry Products and Cannon Cold Storage pertaining to their wastewater treatment.

8. A letter was received July 22, 1999 from Ms. Margaret MacLeod stating she had arranged for consultants to advise and aid her in the care of her lawn.

9. A complaint was received from several residents on Elm Drive stating cars are now using that street as a thorough-way. Mrs. Alma Fleetwood, Town Secretary, said she talked with Mr. and Mrs. Tim Cox of Elm Drive, and they have been given permission from the property owner, Mrs. Jeanette Bennett, to place "no trespassing" signs at the end of the street. Mrs. Fleetwood said she talked with Mr. Rob Parnell about cars driving across his field, but he said it would be costly to install a fence around that property.

10. An invitation was received from the Sussex County Sheriff's Department to attend a celebration of 330 years of service. The celebration will be August 18, 1999 at the Sheriff's Department, 12-4 P.M. in Georgetown, De.

11. On September 13, 1999 the Delaware Police Chief's Council will hold a recognition in honor of United States Senator Joseph Biden. Chief Allen Parsons will be attending that program.

12. An invitation was received to attend the First State Community Action Agency's Legislative Breakfast to be held on Tuesday, August 17, 1999 from 8:00 A.M. to 9:30 A.M. on the campus of Del Tech Community College in Georgetown, De., Room 540A of the William A. Carter Partnership Building.

13. A letter was received regarding the Second Annual Friends of Vance Phillips Crab Feast and Watermelon Party to be held Saturday, August 21, 3-7 P.M. on Cypress Point at Trap Pond State Park.

B. DEPARTMENT REPORTS

1. Police-(see attached) Commissioner Miles reported there were 391 traffic arrests and nine criminal arrests.

2. Waste Water-(see attached) Commissioner Singman reported the average daily flow was .163 million gallons per day. He reported there were no N.P.D.E.S. violations for the month. There were three septic haulers providing a revenue of \$1,776. Commissioner Singman said last month the Commission voted and accepted the proposal for moving the wastewater pipe over the stream crossing. He said the bid was more than the allowed \$10,000.00. Commissioner Singman said anything between \$10,001 and \$24,999 has to have three quotes, but not necessarily written quotes. Anything over \$25,000 must be submitted by bid procedure. The Town is in the process at this time of obtaining two additional quotes. Commissioner Singman said as soon as the bids are in and selected, the work will begin at once.

Commissioner Singman reported the plant took several lightning hits. Some of the systems were under warranty while others will have to be repaired at a cost to the Town. He said insurance will cover some of the items being replaced but not all of them.

Commissioner Singman said he had received several complaints from people on the west side of Town about the odor coming from Pet Poultry Products. He said he has discussed this problem with the Chief of Police and the DNREC representatives, but only residents living in that area can register complaints. Commissioner Singman said business owners or the Commission cannot file a complaint.

3. Drinking Water-(see attached) Commissioner Pierce reported that water usage for the month of July was 4,343,000 gallons, and the daily average supply was 140,100 gallons of water. The total income for the month was \$11,315.04 and the expenses totaled \$6,898.11.

President Dalton said a few weeks ago there were a few residents concerned about an article in the newspaper pertaining to farm run-off and a certain pesticide. The paper mentioned that problems had been found in some wells in the Bridgeville area as well as other areas in the county. President Dalton said the new wells that were installed three years ago are 450' deep, and that is one of the reasons why the Town does not have any nitrate problems in the water. With the wells being that deep the Town should not have to worry about such pesticides being a problem. A sample of our water was sent away to be tested anyway just to make sure there are no problems.

President Dalton said questions have been coming from the media as to the usage in Bridgeville. He said the Town's daily water usage is normally between 15,000 and 120,000 gallons. With the extremely hot weather in the last couple of months the usage has increased between 135,00 and 145,000 gallons a day. President Dalton explained that most of that high usage can be attributed to the use of an evaporator at the Cannon Cold Storage facility. He said it appears domestic use is down in Town, and people are conserving water. President Dalton said we are part of the state, and everyone seems to be observing what is

being asked by the state on water restrictions. He stated that Bridgeville's water supply is fine, and we should not have any problems.

4. Streets-Commissioner Sipple reported that Delmarva Paving was to start work on several streets on June 1, 1999! The contractor has assured her that work will begin Wednesday or Thursday of this week. Streets to be repaved are: Elm Street, Emory Street, Pine Alley, Maple Alley, and John Street.

V. OLD BUSINESS

1. Tabled from July-the Commission of Veterans Affairs and the Delaware Veterans Memorial Cemetery are requesting a donation to support the dedication ceremony at the new Veterans Cemetery in Sussex County on October 15, 1999. Commissioner Singman moved to remove the matter from the table and bring it to a vote. Motion was seconded by Commissioner Pierce. MOTION: Commissioner Pierce made a motion to donate \$100.00 to support the dedication ceremony for the Veterans Cemetery. Motion was seconded by Commissioner Singman and carried unanimously.

2. Tabled from July-Commissioners were asked to review the noise ordinance set in place in Rehoboth Beach. Commissioner Singman asked Mr. Speakman two questions concerning the ordinance.

1. The enforceability of a broad based ordinance.
2. Will the ordinance cover sound and vibration?

Mr. Speakman explained that the decibel item really does not go in to the motor vehicle as it does in residential areas. He does not believe the Town needs to get into the decibel. Mr. Speakman said vibration comes from the loud sounds in a vehicle. After some discussion, President Dalton presented Ordinance 99-2, Motor Vehicle Sound Limits, for the first reading.

3. President Dalton said after meeting with Mr. Speakman it was determined that the adoption of the Sussex County Building Code will be sufficient for us to maintain in Bridgeville. We are required to have an Enforcement Officer to enforce such codes. At the July meeting it was discussed that one of the Town employees be trained in that area, but that person has declined that opportunity. President Dalton said he has found that there is an association of property inspectors in Sussex County. If we place an ad in the Sussex Guide we expect to find more than enough qualified people who would be interested in working for the Town on a part-time basis. He said the idea of the Commission is to hire someone on a part-time basis or as a contract person so we can get this back log of problems cleared up and keep on top of such problems. President Dalton said the Commission needs to determine pay rates and the way to bring on a person on a part-time basis.

The Commissioners had a copy of a gentleman's resume. He had responded to an ad from the City of Seaford when they had advertised for a full-time code enforcer. The gentleman is retired and looking for part-time work only. President Dalton said he would be talking with him but would still be placing an ad in the paper for this position.

MOTION: Commissioner Singman made a motion that the Town create a position for a part-time Code Enforcement Officer. Motion was seconded by Commissioner Sipple and carried unanimously.

4. President Dalton said the County Council denied the zoning change for Waste Management to put the trash truck facility at North Bridgeville. He thank all those involved who worked on this project. The vote of the council was four against and one for the project.

VI. NEW BUSINESS

1. President Dalton explained that the Commissioners purchased the property at 103 S. Main (Davis Property) last year because they thought they might need to expand the WWTP, and that land would be needed for access. Since that time it has been decided that the property would not help because an expansion will take up more land than what is there. The property is currently rented to Delmarva Fife Federal Credit Union for \$350.00 a month. The credit union notified the Commissioners that they have merged with the Nylon Capitol Credit Union, and together they have become the Sussex County Federal Credit Union. President Dalton said under the existing lease the Town has the option to continue or discontinue the lease or do whatever they think is necessary for the property. He said the Town might not want to own that property when there is not a need for it. The property has been appraised by Handy Realty for \$44,900 to \$49,800. President Dalton said it has been suggested that instead of listing the property (if it is to be sold), the Commission opt for what is called an open listing. President Dalton said he had also had a market study done for renting said property. He was advised that on a triple net lease the rent should be \$450.00 a month. President Dalton said there are two parties interested in purchasing the property at this time, if a long-term tenant has signed on the lease.

Sussex County Federal Credit Union requests that the Town assign the lease written in November 1998 while it was Delmarva Fife Federal Credit Union to the new name. Mrs. Nancy Regelin said they would like to keep their business in Bridgeville. The company would like first right refusal should the Commission decide to sell the property, and they would like a copy of the appraisal. The Board of Directors has planned to make substantial improvements to the building, at their expense, and with the Town's permission if they stay on as renters. Mrs. Regelin said if the Commission wants to re-negotiate the lease, they need to see an amount in writing.

MOTION: Commissioner Singman made a motion to have President Dalton enter into the negotiations with the Sussex County Federal Credit Union and bring the information to the meeting in September. Motion was seconded by Commissioner Miles and carried unanimously.

2. President Dalton said the ladies in the office and the Police Department compiled a list of people in Town who are elderly and living alone who might be at some risk because of heat. Alma Fleetwood made on two separate days to check on those people to see if they needed assistance of any kind.

3. President Dalton said during last month's meeting a motion was made to have five members on the Planning Commission. After much discussion it was decided at that time that seven members would be more appropriate but the motion was never changed. MOTION: Commissioner Singman made a motion to amend the motion to allow seven members on the Planning Commission. Motion was seconded by Commissioner Sipple and carried unanimously. President Dalton then presented the first reading of Ordinance 99-1: AN ORDINANCE TO AMEND CHAPTER 234 OF THE CODE OF BRIDGEVILLE RELATING TO ZONING. The second reading and vote will take place at the September meeting.

VII. CITIZEN'S PRIVILEGE

1. Mr. Tim Banks, a Sussex County Work Release Program drug and alcohol counselor, explained to the Commissioners about a vision he has for the property at 105 S. Main Street. Mr. Banks has started a non-profit organization called Restoration Outreach and would like to provide transitional phase treatment for drug addicts. Mrs. Rita Kirk, a nurse and counselor, gave her support for Mr. Banks and the service he wants to provide. The treatment will hopefully get these people back in the work force, get them to complete their education and show them that someone does care. Mr. Banks said right now his financing is being supplied by churches. Mr. Banks said he can see where questions and concerns might be on the minds of the citizens, but he still believes his vision is needed in this Town.

Mr. Joe Conaway said this situation is "hedging on violence" and suggested Mr. Banks hold an open meeting stating what he is proposing for the property. Mrs. Kirk said they are not talking about violent offenders. Mr. Conaway said because of the way the Town Zoning Ordinance is written, a Board of Adjustment hearing would have to be held. Mr. Banks said this project would not be run by the state. He also said those participating in the program are out of jail. Mr. Conaway said this project would probably come under a convalescent home, and the zoning code would not permit this type of program to occur. Mr. Conaway told Mr. Banks he agrees with what he is trying to provide, but he does not believe this piece of property is the place.

Commissioner Singman said the Zoning Code clearly states that a building may be erected or used for any of the following purposes and no other:

D) religious or philanthropy use, including a hospital but excluding an animal hospital, sanitarium, convalescent or rest home and correctional or penal institution.

Mr. Speakman said it depends on the definition of convalescent or rest home, therefore, Mr. Banks may be able to seek a special exception.

Ms. Pam Quillen, Mr. Michael Street, Mr. Gary Warfield, and Mrs. Jeanine Scott expressed their concerns about the project. They all agreed the idea held by Mr. Banks and Dr. Burns is good, but they do not believe the center of a residential area is the place for such a project.

Mr. James Lofland said he did not think those attending this meeting were giving Mr. Banks a chance. He believes Mr. Banks should put his proposal in writing and present it to the whole Town.

Mrs. Joanne Conaway asked the Commission or the attorney to make some type of ruling as to whether the type of project being discussed is permitted under the R-1 zoning.

Mr. Banks said he is not sure if the people will live in the home and receive treatment for three months or a six-month, but there will always be staff members in the home. He said there would be no level four people staying in the home. Mr. Speakman stated he was sure the building would have to be brought up to code for this type of project.

Commissioner Singman told Mr. Banks that before he signs any papers or make any commitments, a meeting must be held with the community and the zoning approval has to be met first. President Dalton said the Commission cannot and will not take any action on this matter at this time. He advised Mr. Banks to prepare a business plan and a financial statement to explain where the project is going in the next five years. President Dalton explained that there may not be a reason to have a public meeting if the Board of Adjustments rules that it is not permissible in this Town.

2. Mr. Lofland asked the Commissioners to reconsider the amount that is charged for the monthly water and sewer bills when there are no tenants residing in the houses. President Dalton explained that the property owner is responsible for the service bill if the tenant does not pay it. President Dalton said the \$17.00 fee is not there to read the meter, but is there to recoup the cost of expanding the system that had a cost of \$4 million.. He said all property owners received notification of the expansion and the cost to everyone before the project was started.

3. Mrs. Susan Cina asked when the hole was going to be repaired on Jacobs Avenue. Commissioner Sipple said the hole would be repaired when the paving company is in Town to repave the alleys.

4. Mrs. Ruth Ann Tull of 107 N . Main Street requested that the Commissioners replace her driveway. She said when the new system was installed her driveway was dug up and replaced with a curb. At the time she discussed the problem with the Town's engineer but nothing ever came of it. Since that time, she has talked with a couple of other Commissioners, and still nothing has ever been done. President Dalton said the repair of the driveway is on the schedule to be replaced.

Mrs. Tull also brought to the attention of the Commissioners that North Main Street in the last three weeks is seeing a rodent problem. She said she did not see any rats during the winter and you don't usually see them in the summer, but they are here. Mrs. Tull said she is not the only one on Main Street having this problem. She told the Commissioners they probably know where the problem is originating. She would like to see it cleaned up as soon as possible before the problem gets any larger. Mr. Bill Flynn, also a neighbor, said he has killed three rats in his yard.

Mrs. Tull said she believes the house across the street (102 N Main St) is a possible fire hazard. She said their air condition cord is running from somewhere on the outside of the house. Before that house burns down and other homes possibly be destroyed, she would like to see something done soon!

President Dalton explained that one of the driving forces behind the Town hiring a Code Enforcement Officer is so the Town can take care of such problems. He explained that two years ago the Town adopted the County Housing Code. We have since been told that the county will not come into the towns to enforce the code, and each town has to have their own officer. The Town has had the fire marshall and the health inspector here, and the Town is at a stand still. Commissioner Singman reported some clean-up has been done at 102 N. Main Street but understands wires are running outside, everywhere.

5. Mr. Flynn said he had an accident on John Street between the old IGA and the next block. He said there is not enough room for two cars and suggested the Commission take into consideration making all of John Street a one-way street.

6. Mr. Conaway stated he was glad the Commission is acting on the Housing Code Enforcement in this Town. He said if a building is condemned in this Town, the county has the funds to demolish it. Mr. Conaway told the Commission it is very important for them to get a Code Enforcement Officer as soon as possible to solve the problems we have here. He said his only concern pertaining to the motion of hiring an officer is in determining how much money would be paid to that person and how many hours they would work. He wants to make sure the Town has sufficient funds to pay for this position.

Mr. Conaway's second comment pertained to the bid cycle of the state. He asked the Commission to check the Town Charter because it may not be set up like the state.

Mr. Conaway asked if the grant money covered the entire price of the new truck? Commissioner Sipple explained that the truck is under a lease for three years. Each year we will take a portion of our Municipal Street Aid Funds to cover the cost of the truck.

Mr. Conaway said that from July 26 to August 25 the Town paid Brown, Shiels and Chasanov a substantial amount (\$2100) in legal fees. He asked which office is serving Bridgeville? Mr. Speakman said the Dover office serves Bridgeville, but he does not charge travel time. Mr. Speakman explained that the \$2100 covers several months of legal work done for the Town.

Mr. Conaway said the \$450 lease of the building at 103 S Main Street is still a very good lease price. He said a triple-lease that would cause them to pay approximately an extra \$400 a year is not overwhelming.

7. Ms. Pat Correll asked when the problem at the end of Walnut Street is going to be repaired? President Dalton said the materials to repair the problem have been ordered.

Ms. Correll asked if the Town or the renter paid to have the new air condition installed at 103 S Main Street? President Dalton said the Town, as landlord, put the new system in the building. Bids were obtained. He said the bid did not have to be approved because it was below the regular operating procedure. President Dalton explained that any employee must get the approval of a Commissioner before spending more than \$25.00 on supplies. Ms. Correll suggested that a new heat and air condition system be installed in the upstairs of Town Hall.

8. Mr. Phillip Davis thanked the Commissioners for their support given to the citizens concerning the Waste Management Project.

VII. EXECUTIVE SESSION

Commissioner Singman made a motion to convene to executive session to discuss personnel matters at 9:10 P.M. Motion was seconded by Commissioner Sipple.

The Commissioners reconvened to regular session at 10:00 P.M. President Dalton stated no motions and no votes were made during the executive session.

VIII. ADJOURNMENT

Ms. Correll said she wanted to read something from the Code Book that pertains to why she asked a question earlier in the meeting regarding the spending of money (Section 32, Page C15). Mr. Speakman said most towns do have a set figure, but Bridgeville has always used the state figure of \$10,000. President Dalton explained that when they do not have a ruling or number that covers them, the Commission takes the next step up whether it be county level or state level. If a project is over \$10,000 the Town is not required to take the lowest bid, but we do have to obtain three bids and take which is the best value and the best quality.

Ms. Correll questioned the ruling set by the Commission on multi-family homes. President Dalton explained they voted to set a moratorium not to allow single family homes to be converted to multi-family residences.

IX. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Motion was seconded by Commissioner Singman and carried unanimously.

Respectfully Submitted,



Margaret W. Sipple
Secretary