

MINUTES

COMMISSIONERS OF BRIDGEVILLE DECEMBER 8, 2003 - 7:00 P.M. BRIDGEVILLE TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Joe Conaway at 7:00 PM. Present: Commissioners Margaret Sipple, Pat Correll, Earl Greason, Bill Jefferson and Town Manager Bonnie Walls. The meeting started with the flag salute and the Lord's Prayer.

II. APPROVAL OF MINUTES

Commissioner Correll made a motion to accept the minutes from a special meeting held October 27, 2003 and the regular board meeting of November 10, 2003. Motion was seconded by Commissioner Sipple and carried unanimously.

III. CORRESPONDENCE

Holiday cards were received from Johnson, Mirmiran, and Thompson and the News Print Shop.

A thank you note was received from Mrs. Rita Hovermale, Delaware Teacher of Year, thanking the Commission for the Resolution presented in her honor.

A letter of request was received from Mr. Jeff Scott, 201 S. Main Street, asking permission to burn a pile of limbs. After a general discussion, the Commission will follow the code rules which states no outdoor burning is allowed in the town. Commissioner Jefferson suggested a site for a one time burning of limbs for all those interested residents within the town be looked at. Town Manager Walls will look into the matter and present her report at the February, 2004, meeting.

The annual report was received from the Bridgeville Public Library. Their winter reading program begins December 12, 2003 for children up to the age of fourteen.

Monthly newsletters were received from Comcast, the Department of Natural Resources and Environmental Control (DNREC) (November & December), and the Delaware Water Resource Center.

IV. APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLE

President Conaway explained November payable bills were substantial, \$44,294.53 but nothing out of the ordinary with funds available to pay said bills. President Conaway authorized Town Manager Walls and Treasurer Savage to pay bills received after the monthly meeting, which would be due and payable prior to the next regular scheduled meeting. President Conaway reviewed several line items of importance from the Balance Sheet. Commissioner Correll made a motion to pay the bills as presented and to accept the Financial Reports. Motion was seconded by Commissioner Jefferson and carried unanimously.

V. DEPARTMENT REPORTS

Police-The submitted police department report from Chief Allen Parsons advised the October, 2003 traffic arrest revenues estimate to be \$28,000.

Water-The report submitted by Superintendent Doug Jones reported the gallons used for the month of November, 2003.

Wastewater-Superintendent Phillip Mowbray submitted report suggested the Town needs to create an ordinance pertaining to the routine cleaning of restaurant grease traps. Mr. Mowbray also advised the pump station (Rt. 13 & 404) is completely out in the open and exposed to all weather conditions. Erecting a building around the pump station or even a roof would be effective to those who have to maintain the pump station. Town Manager Walls will discuss the matter with Mr. Mowbray and report their recommendations to the Commission at a later meeting date.

VI. CITIZEN'S PRIVILEGE

Mr. Bob Rauch, engineer for Bridgeville South, advised project plans and specifications were submitted to the Sussex County Soil Conservation Committee on December 1, 2003. President Conaway stated DelDOT still needs to review the plans for an access entrance from Rt. 13 into the development, but they guaranteed the access would be permitted. Mr. Rauch is working on an easement across agricultural property (Wilson Farm) to assure there will be a physical connection for the future growth area. Mr. Nick Rocks, developer, advised homes built around the golf course will cost approximately \$170,000 to \$230,000 with option packages being available. Mr. Rauch stated all permits should be in hand by February 2004, and moving of dirt should begin in January 2004.

VII. TOWN MANAGER'S REPORT

Town Manager Walls advised a letter was sent to Sussex County Councilman Finley Jones requesting grant funds for a beautification project of the municipal building. President Conaway stated the request is on the agenda for Tuesday's (12/9/03) meeting of the Sussex County Council.

On December 5, 2005, M-T Trash, Inc. began their trash contract with the Town with very little problems reported. Waste Management of Delaware will be in Town Wednesday or Thursday of this week to pick up their containers.

Town Manager Walls reported Code Enforcement Constable Dawn Maurer began employment with the Town on November 17, 2003 and will be available on Tuesdays and Wednesdays. Mrs. Maurer submitted a report listing projects completed and outstanding issues. She suggested the Commission consider the inception of a "Pride Award" for homeowners who demonstrate good stewardship through the upkeep and maintenance of their homes and property. Commissioner Greason suggested a "Home Beautification Sign" be placed in the yard of the homeowners who earn the award. The matter will be looked into as to cost, etc.

Town Manager Walls advised the necessary paperwork regarding the proposed annexation of the property owned by Kenneth and Bernice Wilson (Wilson Farm Road) has been submitted to the Office of State Planning Coordination. We are waiting for their review and comments.

President Conaway and Town Manager Walls are reviewing the draft regarding the update and creation of the Zoning and a Subdivision Ordinance. The updates, etc. are being done by the University of Delaware and a meeting will be scheduled to answer questions, etc. The Ordinance will then be submitted to Mr. Dennis Schrader, Town Solicitor, for his review. Copies will be presented to the Commission for their input, etc. following his review.

Town Manager Walls advised an invoice on the Financial Report was payable for work on the computer system. A second invoice is forthcoming for additional work, etc. as Mr. David Milholland found the computers had been hit with a virus. On the advice of Mr. Milholland, the town needs to look into the Norton Anti-Virus Program. Town Treasurer Savage will address the matter.

Town Manager Walls announced President Conaway was elected President of the Sussex County Association of Towns (SCAT) for the year 2004.

On behalf of all the employees, Town Manager Walls thanked the Commissioners for the wonderful Christmas Party celebrated on Saturday, December 6, 2003 at the Seaford Golf and Country Club and generous bonuses.

On behalf of the Town employees and those in attendance Town Manager Walls extended birthday wishes to President Conaway who will celebrate his birthday on December 9th.

VIII. OLD BUSINESS

Town Manager Walls presented an update regarding the funding for the street and sidewalk improvement project. Funding was provided from Senator Thurman Adams and Rep. Ben Ewing. As reported at the October meeting, a pre-bid meeting was held in September, 2003 with contractors in attendance advising they would be unable to bid on the project due to the fact they were extremely busy and the Bridgeville project could not start before the concrete plants closed and cold weather arrived. It was decided to re-bid again in December. On December 4, 2003 two bids were received:

- a) Shea's Concrete, Ltd. in the amount of \$239,665
- b) Swain Excavation in the amount of \$251,553

All bids exceeded available funding of approximately \$113,000. Town Manager Walls suggested a priority list be prepared by herself and Street Superintendent Passwaters. They will conduct a ride around to select priority streets, and submit the streets to Commissioners for their input and recommendations. Town Manager Walls and Superintendent Passwaters would like to have the opportunity to meet with the low bidder to discuss the bid amount submitted to ascertain if amounts would be less if project work was not done on a street mobilization process, but as an entire on-site project. Town Manager Walls recommended bids not be accepted until after the meeting with Mr. Shea. After a general discussion, Commissioner Jefferson made a motion to reject all bids. Motion was seconded by Commissioner Greason and carried unanimously. After a general discussion, Commissioner Jefferson made a motion to allow Town Manager Walls to meet with Mr. Shea concerning the prioritized street improvements, and if needed, discuss the project with Mr. Swain. Motion was seconded by Commissioner Greason.

It was suggested after details of the above are completed, President Conaway meet with Senator Adams and Representative Ewing to explain the funding and cost situation, etc. The motion was carried unanimously.

Following the November, 2003 Commission meeting, where it was decided to participate in the Community Development Block Grant Program, etc. Town Manager Walls met with Mr. Bill Lecates, Director of the Program, to discuss the town's application of infrastructure projects, demolition and rehabs in further detail. Per President Conaway's recommendation, it was decided not to do any infrastructure projects this year because of needed town participating funds. It was recommended to concentrate on demolition and rehabs. Three properties should be submitted for demolition which requires paperwork and property owner authorization before proceeding. A list of properties needing rehab work is already in place. Commissioner Sipple made a motion to accept the Town Manager's recommendation and to authorize President Conaway to sign all appropriate and needed paperwork to participate in grant funding. Motion was seconded by Commissioner Correll and carried unanimously.

Town Manager Walls commented that in 1998 a fluoridation project was instituted and funded by the Division of Public Health, but funds were depleted before Bridgeville's fluoridation system was accomplished. The Division of Public Health has notified the town that funding is now available. The town engineers, Davis, Bowen and Freidel, Inc., have updated cost estimates for fluoridation and needed equipment. The total estimated project cost is \$38,146.95 with all cost being covered by the Division of Public Health. Break down of project cost:

Fluoridation Equipment	\$18,087.00
Safety Equipment	1,582.00
Building (if required)	15,539.95
Fluoride Test Kit	1,695.00
Fluoride Testing Reagents	<u>1,243.00</u>
Total	\$38,146.95

All annual testing and related items to maintain the system will become the expense of the town. Commissioner Correll made a motion implement the required fluoridation system. Motion was seconded by Commissioner Greason and carried unanimously.

IX. SPECIAL REPORTS

On April 14, 2003, the Commission adopted Ordinance No. A03-3: An ordinance creating the Emergency Services Enhancement Funding Program, providing for the administration of grants and creating funding for the expense of providing volunteer fire service and emergency services to Bridgeville. Funding is provided by collecting one quarter of one percent of the total of each building permit. As of December 8, 2003 the collected funds total \$5,674. The Town will present to the Bridgeville Volunteer Fire Department the annual \$1,000 donation check, as well as, a check for the \$5,674 at the Firemen's Appreciation Night in January, 2004. Mr. Pete Stephens in attendance,

extended on behalf of the Bridgeville Volunteer Fire Department, their thanks and appreciation to the town.

Commissioner Jefferson submitted a draft of a weekly report to be used by the police department. The Commissioners were asked to review the report and give their input. The weekly report will commence in January, 2004.

President Conaway explained that when Bridgeville annexed out to Dual Route 13 it was for future growth areas, but it also was an opportunity for the police department to patrol and collect fines. Currently officers are patrolling in town but will soon be patrolling the highway in hopes of stopping some of the speeding and negligent driving habits. Commissioner Jefferson will look into having new signs installed advising motorists they are entering town limits. He suggested placing a part time officer for highway patrolling during the peak of the holiday season, with the understanding the officer must attend any scheduled court hearings. Town limits on the highway begin at the intersection Rts. 40 and 13 and end at Antique Alley (VCR Clinic). Town Manger Walls was requested to send a letter to DelDOT asking for two flashing lights-dangerous intersection ahead-, one north of town and one south of town.

Commissioner Jefferson presented a report from the Dangerous Inspection Committee (Joe Conaway, Jack Cannon and Bill Jefferson) regarding the conditions of property at 305 Second Street, Bridgeville. Items of concern: half of roof missing, window sills rotten, fascia molding loose, accumulated trash and debris on property, floors and ceilings damaged by leaking roof, etc. Commissioner Greason made a motion to accept the report from the Dangerous Inspection Committee regarding 303 Second Street and to follow Ordinance #A03-2. Motion was seconded by Commissioner Sipple and carried unanimously.

X. NEW BUSINESS

President Conaway stated that Bridgeville was the first in the County and the State to implement a Certified Land Use Plan. The State of Delaware has determined that certain local land use decisions have complex effects on the region resulting in development which often requires the commitment of limited resources by government as well as private investors. In order for review of development proposals to be more efficient and effective to improve consistency and coordination between various levels of government and interested parties, the Office of State Planning Coordination shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Planning Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan. The State and the town would agree to the following items, but the final decision will always be made by the Bridgeville Commissioners. Those interested in building in Bridgeville, are required to

obtain the approval of the Commission. Land use planning actions are and shall remain subject to State review:

- a. Residential subdivisions or land developments containing 50 or more dwelling units.
- b. Any non-residential subdivision or site plan involving new construction with total floor area equal to/or exceeding 50,000 square feet.
- c. An application for rezoning or annexation that is inconsistent with the land use plan.
- d. Any local land use regulation, or ordinance, or requirement referred to the Office of State Planning for their review and comments.
- e. A developer can voluntary submit their project for review even though it might be smaller than required, but has to complete the required pre-application meeting with the Commissioners of Bridgeville.
- f. Any project which is required to be referred to the State for pre-application review by the town's regulations.
- g. Any time the town amends the Comprehensive Land Use Plan it must be submitted to the State.
- h. The Office of the State Planning Coordination shall not do any reviews until the Commissioners of Bridgeville have had the opportunity to review the plans.
- i. The Memorandum of Understanding may be revised from time to time, as circumstances warrants, only with concurrence of both the Town of Bridgeville and the Office of State Planning Coordination.

After a general discussion, Commissioner Correll made a motion to accept the Memorandum of Understanding with The Delaware Office of State Planning Coordination. Motion was seconded by Commissioner Greason and carried unanimously.

President Conaway presented Ordinance No. A03-8: An Ordinance Requiring Snow And Ice Removal From Sidewalks for a first reading. The Ordinance states owners or occupants have twenty-four (24) hours after the last snow fall to remove snow and/or ice from their sidewalks. If a resident does not remove the snow/ice after a written one year notice, the town will inspect after forty-eight (48) hours from the date of notice. If upon inspection, the sidewalk is found to be in violation of Ordinance No. A03-8, Section #107-2, the town may immediately schedule abatement by the Public Works Department or a private contractor.

In order to remove accumulate snow and/or ice, the following paragraph, Snow Emergency Routes, was added to the Ordinance: Residents having access to their yard from an alleyway, shall so utilize and park their vehicle(s) accordingly. If a driveway does not exist, all residents with an odd number address should move their vehicle(s) to

the opposite side of the street; after snow and/or ice has been removed from the odd number side of the street, all vehicle(s) should be moved to the opposite side of the street. Commissioner Jefferson made a motion to introduce Ordinance No.A03-8, Snow and Ice Removal From Sidewalks for its first reading. Motion was seconded by Commissioner Correll and carried unanimously. A public hearing and second reading will be schedule for the regular Commission meeting on January 12, 2004.

XI. EXECUTIVE SESSION

President Conaway advised the Commission had two items to discuss in executive session:

- a) Personnel matters
- b) Litigation matters between the Town and the Developer of the Bridgeville Park Center concerning sewer capacity calculations. An agreement has been proposed which needs to be reviewed. Commissioner Sipple made a motion to hold an executive session to discuss personnel matters and legal matters regarding Bridgeville Park Center. Motion was seconded by Commissioner Correll and so carried. Regular meeting recessed at 8:22 PM.

President Conaway called the regular Commission meeting back to session at 8:50 PM.

Commissioner Sipple made a motion to remove Treasurer Jesses Savage from probation to permanent status and accept the recommendation of Town Manager Walls for a salary increase for Mr. Savage. Motion was seconded by Commissioner Greason and carried unanimously.

Discussion was held regarding litigation between the Bridgeville Park Center Developers and the Town. After reviewing the settlement agreement, the Commission decided, in the best interest of the Town, to sign the agreement which will settle the dispute and the Town will receive \$12,400. Commissioner Jefferson made a motion to authorize President Conaway to sign the settlement papers. Motion was seconded by Commissioner Correll and carried unanimously.

XII. ADJOURN

Commissioner Sipple made a motion to adjourn the meeting at 8:53 PM. Motion was seconded by Commissioner Correll and so carried.

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Respectfully Submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Alma Fleetwood
Alma Fleetwood, Transcriptionist Secretary