

MINUTES

COMMISSIONERS OF BRIDGEVILLE FEBRUARY 8, 1999 - 7:00 P.M. TOWN HALL

I. CALL TO ORDER

The meeting was called to order at 7:05 P.M. by President Jack Dalton. Present were the following: Commissioner Margaret Sipple, Commissioner Glenn Miles, Commissioner Charles Singman, and Town Treasurer, Watha Hostetler. The meeting started with a salute to the flag.

President Dalton called for a short executive session at this time. Motion was made by Commissioner Sipple to convene to executive session; seconded by Commissioner Singman and carried unanimously.

A. The Commission reconvened to regular session at 7:16 P.M. President Dalton read a letter received from Mr. Harry Willey resigning from his position as Commissioner of Bridgeville due to personal reasons. President Dalton said the Commission accepted his resignation while in executive session. President Dalton said the Commission was presented with a slate of candidates to fill the position. Mr. Willie Pierce was nominated for the position.

Commissioner Singman made a motion to elect Mr. Willie Pierce to fill the remaining one-year term on the Commission vacated by Mr. Willey. Motion was seconded by Commissioner Miles and carried unanimously.

At this time, the swearing in of Mr. Pierce was conducted by Miss Hostetler.

B. President Dalton explained that through the efforts of Mr. Pete Stephens, Fire Company Treasurer, Mr. Doug Jones, and Miss Hostetler it was found that the Town has a tax exempt status that was not being recognized by some of the utilities. After checking into Bell Atlantic, Chesapeake Utilities and AT&T the Town was credited \$2,180.00 in recouped federal and state taxes that had been previously paid by the Town. President Dalton thanked those involved for a job well done.

II. APPROVAL OF MINUTES

Commissioner Sipple made a motion to dispense with the reading of the January 11, 1999 minutes. Motion was seconded by Commissioner Miles and carried unanimously.

III. APPROVAL OF MONTHLY BILLS

President Dalton said the \$12,980.00 Davis, Bowen & Friedel billing is pertaining to the study of the TMDL regulations. This was approved a month ago where Greenwood and Bridgeville would each pay \$3,000.00 and the balance would be paid by grant money. After reviewing the bills, Commissioner Sipple made a motion to pay the monthly bills. Motion was seconded by Commissioner Singman and carried unanimously.

IV. PRESIDENT'S REPORT

A. CORRESPONDENCE

1. A letter was received from the E. I. DuPont Company stating they had implemented a Class 1 permit modification to its Hazardous Waste Storage Pad.

2. Several letters were received from Cannon Cold Storage stating they had been out of compliance with their permit on TKN's.

3. President Dalton read a letter from the Bridgeville Building and Loan Association pertaining to the debris on the properties of 102 and 104 N. Main Street. The letter stated that besides being an eyesore to the community, it could be a health hazard and could soon attract vermin.

Commissioner Sipple stated both property owners had been notified to remove the debris several times. She said Chief Handley Orr had also been notified. Chief Orr said his department did contact the owner of 104 N. Main, and the trash had been removed prior to February 3, 1999. He said that property should be monitored to see that trash does not appear again. If his department does not see it themselves, then someone should call to report their findings. Chief Orr said the owner has been fined once.

4. President Dalton read a letter from Chief Orr dated January 29, 1999 stating his resignation effective May 2, 1999 from the Bridgeville Police Dept.(see attached). President Dalton thanked Chief Orr for his years of public service.

5. An invitation was received to attend the International Women's Day Celebration on Wednesday, March 3, 1999 at Reboboth Beach Country Club, Rehoboth Beach, De.

6. A letter was received from the Business and Professional Women of Delaware stating the month of March as "Women's History Month". The Commission passed a resolution stating their support (see attached).

7. President Dalton announced the Chancel Choir of the UUMC would be sponsoring an all-you-can eat pancake supper on February 16, 1999.

8. A letter was received from the State of Delaware, Division of Research, pertaining to a project which entails taking the last reincorporation of each Town's charter and engrossing all subsequent amendments thereto, and making the information available on their website.

9. Mr. Harry Davis wanted to know if bids would be open for 1999 on the Town's liability insurance and workmen's compensation. Miss Hostetler stated that bids had not gone out in the last several years, but different Commissions had changed carriers during that time. President Dalton said if there is any reason to change this year, they will look into the matter.

B. DEPARTMENT REPORTS

1. Police-see attached. Commissioner Miles said there were 219 traffic arrests compared to 290 this time last year. There were two property damage investigations. Chief Orr said there were two suicide attempts in the month of January.

2. Waste Water-see attached. Due to the resignation of Mr. Willey, Commissioner Singman was appointed to be the Waste Water Commissioner. He reported the average daily flow was 191,000 gallons per day giving the total monthly flow 5, 934,000 gallons. There were no N.P.D.E.S. violations. There were four waste haulers for a revenue of \$1,840.00. Commissioner Singman stated there are several significant problems at the plant that need immediate attention. Mr. Phillip Mowbray will be compiling a list of the ten most critical items that need attention at the wastewater treatment plant. He said he would introduce the first item as roof repair to the control building which he will bring up under new business. Commissioner Singman said the waste line that flows across the branch is going to have to be addressed in the near future (area between the branch and the water plant). The quote received for this repair is between \$10,000.00 and \$16,000.00.

Commissioner Singman said there are still homes with roof leaders running into the sewer system. The ordinance states there is a fee per connection which the Town will enforce in the near future. Commissioner Singman said he will be working on the Gateway Plaza negotiation situation. He said the bid of the roof repair was \$2,057.00.

President Dalton gave an update report on the Western Sussex Wastewater Coalition. He said the coalition now has support from the county and SCAT. Members of the coalition will be presenting a formal presentation to the governor's cabinet committee on March 17, 1999. After touring a spray irrigation system in Rehoboth, it was determined that it will be more than a local thing with Bridgeville to install a system. The coalition will be approaching state officials as well as federal officials to obtain support and grants so we can install a system that will cover all needs in the future. President Dalton said the coalition plans to work closely with the legislators between now and the year 2000 election.

3. Drinking Water-Commissioner Singman said we supplied 3,217,000 gallons for an average daily rate of 111,0000 gallons. He reported that we had near unanimous compliance from the residents to allow samples of their water for lead and copper testing. Bridgeville is significantly below the federal level requirements of contaminants.

4. Streets-Commissioner Sipple reported the Boot Camp workers have been cleaning the streets and will be cleaning South Main Street on Tuesday. She is in the process of getting bids ready to go out for the repaving of several alleys and streets in Town.

Commissioner Sipple reported that double yellow lines were installed on Church Street a few months ago. The Commission thought the lines would be put off center, but the state said the street is not wide enough to have it that way. The Town is faced with a situation of either removing the double lines or installing "no parking" signs on either side of the street. She reported most people living on Church Street have a driveway except for one corner lot. Per the state engineer there should be no parking in front of the school.

Mr. Philip Davis said since the double lines were painted, the street is not as wide. One resident stated he thought allowance of an eighteen wheeler through a residential area to be a hazard. President Dalton explained the Town has worked very hard to get truck traffic off of Church Street. Now most of the trucks using that street are local farmers carrying their grain to Perdue, and the Town cannot ban local truck traffic. After much discussion, President Dalton said it would be addressed under new business.

V. OLD BUSINESS

1. ~~President Dalton said it was his understanding that since the entire Comcast~~ Ordinance was read last month, it does not have to be read this month. Commissioner Singman made a motion to waive the verbal reading of the ordinance. Motion was seconded by Commissioner Sipple and carried unanimously. Mr. Tom Worley of Comcast said the Baltimore station was removed so they could add more family channels. He said they are trying to merge the two systems in the near future.

Commissioner Singman made a motion to adopt the Comcast Franchise Agreement, Ordinance 99-1. Motion was seconded by Commissioner Sipple and carried unanimously.

2. President Dalton explained that a letter was received from Ms. Barbara Chaffinch requesting release from the property taxes that were due on the Bridgeville Mini Storage. He explained that Ms. Chaffinch sold the property on a contract sale (held the mortgage). President Dalton also explained it is the owner of the property that is responsible for the property taxes not the rest of the citizens of Bridgeville to pick up that loss. Commissioner Singman made a motion to reject the request relief of the taxes. Motion was seconded by Commissioner Miles and carried unanimously.

3. President Dalton said the DELJIS system used by the alderman is still in the Town Office. The state is now in the process of upgrading systems or having them replaced with new ones. He explained it cost the state \$400.00 a month to keep that system in this office. It would cost the Town approximately \$2,000.00 to upgrade the system to handle the new software. President Dalton said he did not have it removed earlier because he did not know if the girls at Town Hall would have to handle that work due to the loss of the police clerk in October. There has been grant money allotted to upgrade the DELJIS system at the police department. After some discussion, Commissioner Sipple made a motion to remove the DELJIS system from the Town Hall. President Dalton told Commissioner Miles that if the Town would ever implement an alderman court again, then a DELJIS system would have to be installed in the Town Hall. Commissioner Singman explained that the alderman

resigned, but the Town had not done away with the position. Motion was seconded by Commissioner Miles and carried unanimously.

4. President Dalton explained that last year the Commission voted to change the fiscal year to coincide with the state which is July 1 through June 30. The Town budget runs to March 1 making a four month interim budget necessary. He said some of the numbers will not be balanced particularly in the wastewater and water departments because of two large debt payments which come due in the next few months.

Four Month Budget	Income	Expenses
General Fund	\$166,300.00	\$ 18,220.00 (p)
Water Dept.	41,700.00	51,676.00 (n)
Waste Water Dept.	99,000.00	136,836.00 (n)
Police Dept.	22,720.00	79,366.00 (n)
Street Dept.	36,814.00	9,906.00 (p)

Commissioner Singman made a motion to accept the interim budget to July 1, 1999. Motion was seconded by Commissioner Pierce and carried unanimously.

5. President Dalton said last year the need to conduct a comprehensive land use plan was mentioned. He said before the Town can file for any state grants to make improvements to our facilities we must have a comprehensive land use plan in place. The University of Delaware offers this service of helping to develop a plan at no charge to the municipalities. Commissioner Miles made a motion to obtain the university to develop such a plan for Bridgeville. Motion was seconded by Commissioner Singman and carried unanimously. President Dalton explained that we are faced with a situation that Delaware through the Corridor Preservation is going to control access off Rt. 13. Also through the Delaware State Land Use Plan, they are going to target municipalities to have more development to move into the town. The municipalities will be pressured to annex land around the area for the purpose of controlling zoning flexibility that is not available on the county level. He said when this happens we must bring in land and projects that will be a positive impact for the community.

5. President Dalton said he attended a meeting to see what role the libraries will be playing in the next few years. It was reported that Bridgeville offers nothing for our children to do after school hours. People have been discussing the possibility of a "cyber bar", and the possibility of a new and larger library.

6. Commissioner Singman asked if anything had been done to replace the Town Solicitor since his resignation last month. President Dalton said letters have been sent out to a list of attorneys provided by Mr. Schrader. The Commission will vote on a new attorney when the response from those interested are received. President Dalton said if we need legal advice before a replacement is hired, someone from Wilson, Halbrog and Bayard will work for us on an hourly basis.

VI. NEW BUSINESS

1. Commissioner Singman made a motion to install the "no parking" signs on Church Street, but to delay the implementation until Mr. Phil Davis reports his findings as to whether all residents concerned have an entrance to their property. If someone does not have a driveway, the Commission will give them time to correct the problem. Motion was seconded by Commissioner Sipple and carried unanimously.

2. It was brought to the attention of the Commission that Bridgeville did not recognize Dr. King's birthday as a legal holiday. The Commission acted unilaterally and the holiday was observed on January 18, 1999. Commissioner Pierce made a motion to make Dr. Martin Luther King's birthday a legal holiday for the Town of Bridgeville. Motion was seconded by Commissioner Singman and passed unanimously after discussion regarding budget implications. Commissioner Miles questioned whether all the holidays were adopted by the Town that were on the list from the State of Delaware: New Year's Day, Dr. King's Birthday, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and day after, Christmas Eve Day and Christmas Day (13). Commissioner Sipple jokingly stated maybe one of those days should be taken away since giving employees another one. Mrs. Fleetwood, Town Secretary, told the Commission the employees do not have President's Day off.

President Dalton complimented Mrs. Fleetwood on the work she does for the Apple-Scrapple Festival. In support of the work that needs to be done on the Friday that the festival begins, the Commission granted her the day off.

3. President Dalton explained that there are two properties on Delaware Avenue, which are owned by the fire department, and are in question as to whether they should pay Town taxes. The Methodist Church also owns a property on North Laws Street. Mr. Pete Stephens, treasurer for both the fire department and the church, was in attendance to answer any questions the Commission might have. President Dalton said the fire department is a tax exempt organization. The question is should the fire department be charged property tax on those two properties. President Dalton explained that in previous years the Commission had made financial contributions to the fire department to show support for a job well done in protecting the community. He said any time the properties are rented out the tenant will be responsible for the water and sewer charges. Another question raised is if the property is not rented, does the fire department have to pay the water and sewer charges?

Mr. Stephens explained the property was purchased for future expansion. The company decided to rent the properties out until expansion becomes necessary. Money is being collected from the rent, but that goes right back into the borrowed account. He said the rent money collected does not cover the mortgage loan. The fire company is planning on renting the houses for at least ten years and possibly fifteen. Mr. Stephens said they do receive tax relief through the county.

Commissioner Singman said if a church purchases a non-church related property they must pay taxes on that piece of land. President Dalton said taxes on 310 Delaware

Avenue is \$94.25 and taxes on 311 Delaware Avenue is \$107.97. Commissioner Sipple said her main concern is that more and more houses are being torn down and not replaced, shrinking the tax base for the Town. President Dalton said he had no problem if the Commission decided to give property tax relief in lieu of a cash donation to the fire department. His only question regarding the church property is if the church is not tax exempt, then is the Commission making a donation to a church and do they have the right to do so? Mr. Stephens said the church is operating that rental property at a loss.

Commissioner Singman said he knows where the fire department is coming from, but he feels the Commission would be setting a dangerous precedent with every non-profit or tax exempt organization that might purchase a piece of land. He said \$90.00 a year over a twelve month rental period is less than \$8.00 a month, and that the rent could be raised to cover the tax base. Commissioner Sipple said she would rather give the fire company a donation when the budget allows rather than give a tax exempt exception. Commissioner Singman agreed with what the fire company is trying to do, but he is also concerned about precedent..

Mr. Stephens said the church properties are all tax exempt. President Dalton said he would like to vote on the fire department and church separately.

Commissioner Singman made a motion to grant tax exempt status to the two properties owned by the fire department, but it is to be a single action and does not set precedent for any other organization that is tax exempt in the Town. Each organization would have to present their petition on a case by case basis. Motion was seconded by Commissioner Pierce and carried unanimously.

Commissioner Singman suggested the church property tax matter be tabled.

4. President Dalton explained that all of the Town's ordinances and codes are combined into a code book. A letter was received stating \$700.00 to \$920.00 would be needed to update the entire book along with new indexes. It was asked if some other printer could print said pages, but it could cost the same or more. Commissioner Singman suggested having the new matter printed up, and it would be the responsibility of each Commissioner to update his/her book. With today's computer technology he feels they could hire someone who could type set and match what is already in the book. Commissioner Miles said he might be able to scan the book, enter it in the word processor and make the changes himself. He said he would investigate the matter. Commissioner Sipple motioned to table the subject until next month giving Commissioner Singman and Commissioner Miles time to look into the situation.

5. President Dalton explained that the current property tax rate is \$1.83 per hundred and there is a \$15.00 per person for capitation tax for those over 21 years of age. There were 59 capitation bills past due for the 1998 tax season for a total of \$1387.65. The third past-due notices were mailed on February 1, 1999 (postage \$19.47). There were 57 capitation bills past due for 1997 totaling \$1960.39. The question being raised by the treasurer as to whether the homeowner should be responsible for the capitation tax of their tenants meaning this tax of \$30.00 would be added to each landlord's tax bill. The office needs to know what should be done about the residents in Market Street Apts, Laverty Lane, Colonial Gardens, Canterbury Apts. as well as multi-family dwellings in reference to capitation tax. President Dalton said some renters are long gone without having paid their

capitation taxes. When homeowners who live in their own dwellings receive their tax bill, the capitation tax is included as part of that bill.

After a lengthy discussion, Commissioner Sipple made a motion to table the matter. President Dalton asked Mrs. Pat Correll to find out how the county handles this situation.

6. President Dalton said the Commission attended the unveiling of the 1999 Sussex County Profile magazine. The ad for Bridgeville turned out beautifully. Commissioner Sipple made a motion to place the ad for next year at a cost of \$425.00. Motion was seconded by Commissioner Miles and carried unanimously.

VII. CITIZEN'S PRIVILEGE

1. Ms. Betty Carter of the Mt. Olive Baptist Church presented the Commission with a signed petition stating complaints concerning the on-going odors on Church Street and First Street. She stated they have made calls to the Town for the last year or so with no help in solving the problem of the odor. Ms. Carter said the odor was coming from the manhole in front of the church.

Ms. Fleetwood said that the plant personnel did respond last month to a call from the church members. They met with those members and told them the first item that needed to be done was to correct the cut off vent pipe in the attic. Our personnel told the members if the problem continued after that repair was made, then an investigation would continue to find the problem. Mr. William Teagle said he believes the odor is coming from a sewer line that runs by the church. Ms. Carter said it started after the line from Greenwood was installed.

Commissioner Singman said he would take a look at the situation tomorrow and then have the waste water personnel take a look also. If a vent pipe is not installed properly then the exhaust fans could be recirculating the odors throughout the church.

2. Mr. Philip Davis said the complaint he brought to the Commission's attention last month has yet to be taken care of as promised. He also said he was giving his support to Commissioner Pierce, and suggested that those attending tonight bring their ideas and support to the monthly meetings. The Commissioners said if someone has a specific problem or concern give them a call.

3. Ms. Pat Correll asked what the Town is doing to attract new businesses to our area, and is there any committee working on such a project. President Dalton explained that earlier this evening, the Commission had authorized the University of Delaware to develop our comprehensive land use plan. He said as far as the Town is concerned, Mr. Coulter Passwaters told him there are developers looking at his property at the south end of Town. He said the car wash and Laundromat is being built on Rt. 13. Commissioner Singman said the Commission can make a business environmental friendly. It's the businesses in the Town, which normally constitute a Chamber of Commerce, and then they would go out and solicit new businesses.

President Dalton said the corner lot on Main and Market Street is in what is called a "brown field" but is available for development. He said the owner has plans for a

convenience market in the future. A new beauty school will soon be ready at 101 Market Street.

VIII. EXECUTIVE SESSION

Commissioner Sipple made a motion to convene to executive session. Motion was seconded by Commissioner Singman and carried. President Dalton called for a five minute break before the executive session.

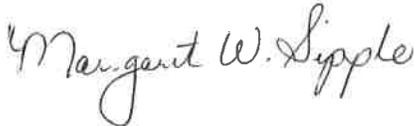
IX. ADJOURNMENT

The Commission reconvened to regular session at 10:20 P.M. President Dalton said no motions were voted on during executive session.

President Dalton explained that during the budget discussion earlier the allowance of the \$3,000.00 for the monthly savings in the water department was not included. After some discussion, Commissioner Sipple made a motion to suspend setting money aside for the water department during the interim budget period. Motion was seconded by Commissioner Singman and carried unanimously.

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

Respectfully Submitted,



Margaret W. Sipple
Secretary