

## **MINUTES**

### **COMMISSIONERS OF BRIDGEVILLE JULY 12, 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 Glenn Miles, Commissioner Willie Pierce and Commissioner Charles Singman. The meeting started with a salute to the flag.

#### **II. APPROVAL OF MINUTES**

President Dalton said the minutes of the June 14, 1999 have been posted and without objection they are accepted as posted.

#### **III. APPROVAL OF MONTHLY BILLS**

**MOTION:** Commissioner Singman made a motion to accept bills for approval as presented (see attached). Motion was seconded by Commissioner Pierce and carried unanimously.

#### **IV. PRESIDENT'S REPORT**

##### **A. CORRESPONDENCE**

1. A complaint was received from Ms. Marlene Saunders pertaining to an old shed that needs to be removed for safety reasons located at 9 Oak Street. The property is also over grown with tall grass and weeds that need to be cut. President Dalton said the Town will have to find out the owners name and give them notice of the problem.

President Dalton said the office had received numerous complaints about buildings that are in massive disrepair and something needs to be done to get owners to correct the problem. He said the Commission has run into a road block with the county. He explained that two years ago when the Town adopted the County Housing Code, we thought the county would be the code enforcers. Since that time we have found out that the county will not come into a municipality to enforce such code. All towns have to have their own building codes and a code enforcement officer. President Dalton said the Commission is working to get a code in place that will allow the Town to get these houses taken care of.

2. A letter was received from the Delaware State Housing Authority stating that a total of \$1,094,500 in Community Development Block Grant Funds has been allocated to the Sussex County Council. Bridgeville will be receiving \$30,000 for housing rehabilitation.

3. A letter was received from the Criminal Justice Council inviting the Town to participate in several public hearings to develop policies and programs to better the justice system in the state. There are six different hearings in different locations.

4. A Draft Water Pollution Control Revolving Fund Project Priority list for FY 1999-2000 and the DRAFT Construction Grants Program Project List for FY 1999 was received. These Draft Project Priority Lists will be the subject of a public hearing to be held at 9:00 A.M., July 14, 1999 at the Delaware State Police Academy, 1453 N. DuPont Highway, Classroom #1, Dover, De.

5. A letter was received from the Apple-Scrapple Committee soliciting sponsorship in their festival flexi. MOTION: Commissioner Sipple made a motion to place a \$100.00 ad in the flexi. Motion was seconded by Commissioner Miles and carried unanimously.

6. A letter was received from the Town Solicitor regarding the dispute with Cannon Cold Storage in regard to the liability for the Town's property taxes. President Dalton explained to those attending that Cannon Cold Storage is interrupting the Town Charter by saying since they built their business in the Town they are exempt from their business taxes for ten years. He said there is a statement in the charter that reads to the Town Solicitor's satisfaction that if a piece of ground is annexed into the Town and a business built there that business would be exempt.

President Dalton explained that the new Town Solicitor, Mr. Walter Speakman, is with the firm of Brown, Shiels, Beauregard and Chasanov. Mr. Chasanov is the attorney for Cannon Cold Storage which obviously causes a conflict. Mr. Speakman has spoken with the Town's former solicitor, Mr. Dennis Schrader, and he has agreed to represent the Town on this matter. President Dalton said he had spoken with Mr. Schrader concerning this matter.

7. President Dalton read several letters received pertaining to the violations from Pet Poultry, Cannon Cold Storage and RAPA.

8. A letter was received from the Commission of Veterans Affairs and the Delaware Veterans Memorial Cemetery requesting a consideration of a donation of \$100 to \$500. The donation would be used to support the dedication ceremony at the new Veterans Cemetery in Sussex County. The dedication ceremony is scheduled for October 15, 1999. After some discussion it was decided to table the subject until the August meeting.

9. President Dalton went over the letters the Town had sent out to property owners pertaining to either tall grass or debris in the yards.

10. President Dalton read a letter (see attached) from Ms. Pat Correll sent to the Sussex County Council thanking them for the \$15,000.00 which represents property transfer tax refund.

11. Commissioner Singman read a letter that was received from the DNREC concerning the Y2K Action Alert urging towns to take the actions necessary to ensure that their facilities will continue to operate with "business as usual" status as we enter the new year. Commissioner Singman said testing and evaluations should be done in two weeks. He said the only problem we should have would be if the electric goes off.

**CORRECTION:** Commissioner Singman corrected the agenda by stating the Noise Ordinance should be listed under Old Business because it was tabled from last month's meeting.

12. President Dalton read a letter received from Mr. Lynn Bullock pertaining to alternative police training. President Dalton passed it on to Chief Allen Parsons.

13. A letter was received from the citizens of Elm Street regarding the extremely tall weeds on the Parnell Property. President Dalton said the office did send a letter to the owner, and we understand someone did make three swipes with a lawn mower and left. He said the office will follow up on the complaint.

## **B. DEPARTMENT REPORTS**

1. Police-(see attached) Commissioner Miles reported there were 240 traffic arrests for the month of June. Criminal arrests for the month totaled 19 with 88 total complaints reported. The July, 1999 total estimated revenue for traffic arrests was \$5,784.75. Commissioner Miles said the new police car arrived about two weeks ago.

2. Waste Water-(see attached) Commissioner Singman reported the average daily flow was .162 million gallons per day. There were no NPDES violations for the month. There were four septic haulers (44,750 gals dumped) for a revenue of \$1,790.00. Commissioner Singman reported there are three on-going projects:

1. The W.W.T.P. upgrade study for the TMDL situation.
2. There is a proposal to repair the pothole on Walnut and Railroad Avenue.
3. There is a proposal to repair the sewer pipe line near the plant entrance.

Commissioner Singman said he would discuss the three projects in the business part of the meeting.

Commissioner Singman reported the circuit board in the automatic gate to the treatment plant is broken and will be repaired in the next day or two.

3. Drinking Water- Commissioner Pierce reported the average daily supply used was 146,000 gallons for a total usage in June of 4,830,000 gallons. Total income reported was \$18,255.17 and the total expenses were \$18,117.03 netting a profit of \$137.66. Commissioner Pierce said a transfer of water kicking out is going to leave the department in the red of \$11,331.53. The department will remain in the red until it evens out.

4. Streets-Commissioner Sipple reported that Delmarva Paving Company was suppose to start the repaving of several alleys the first week in June, 1999. Commissioner

Sipple said there is one storm drain that needs tending to. She also said the new dump truck arrived last week and is in the process of having the brackets installed for the snowplow. Commissioner Sipple said the Commission would have to decide what is to be done with the old truck.

## **V. OLD BUSINESS**

1. MOTION: Commissioner Singman made a motion to adopt the proposal from Hopkins Construction to correct the pipe problem at the ditch crossing at the W.W.T.P. for a cost of \$13,087.00, and the money from the Sewer Sinking Fund would be used to pay for the project. Motion was seconded by Commissioner Pierce. Commissioner Singman explained what the proposal entailed to correct that pipe problem. Hopkins Construction Co was the only bid obtained for this project. Commissioner Singman said the new pipe line will be above the stream instead of under so maybe this problem will not arise again. He could not predict when the project work would get underway. After much discussion the motion was carried unanimously.

President Dalton explained that the Sinking Fund is a fund kept for maintenance of the waste water plant. It is a portion of the money that is paid to Bridgeville by the Town of Greenwood.

2. President Dalton said we are still waiting to hear from Georgetown and the Town Solicitor on the Housing and Building Code Enforcement. The matter remains tabled until next month.

3. Several months ago Commissioner Miles and Commissioner Singman agreed to up-grade the Town Code Book using their computers. President Dalton since reviewed what is entailed, and the Commissioners have determined they do not have the capacity to do the up-grading as required. MOTION: Commissioner Singman made a motion to go back to Code Publishers Company for the up-grading of the Town Code Book. Motion was seconded by Commissioner Miles and carried unanimously.

4. President Dalton suggested that the noise ordinance be tabled, and each Commissioner review the ordinance that is used by Rehoboth.

## **VI. NEW BUSINESS**

1. President Dalton read the proposed Planning Commission Ordinance prepared by the Town Solicitor. He said this ordinance is in response to the requirements that we have on the state level to have a Comprehensive Development Plan for the Town, and this is an effort to get citizens to serve on this Planning Commission. This Planning Commission will make sure there are plans for the future of the community and where development will take place. President Dalton said members of the commission should be citizens of Bridgeville or land owners in Bridgeville. MOTION: Commissioner Singman made a motion to amend the Town Code to include a Planning Commission Ordinance. He said he would like

to amend the nine member to a five member commission and have the members serve for a period of three and two years with a one member change each year. Motion was seconded by Commissioner Sipple and carried unanimously.

## **VII. CITIZEN'S PRIVILEGE**

1. Mrs. Joanne Conaway referred to the rate of growth that is going to be incurred in this area, and that the Commission reconsider the amendment to the Planning Commission. She asked the Town Commissioners to change the motion to try to find a least seven members to serve on the Commission. Mrs. Conaway explained that this area is suppose to grow at a rate of 15% to 26% in the next ten to fifteen years. She believes we should take a serious look at what we have and what we want in Bridgeville.

Commissioner Singman said he had no problem with having seven or nine members on the Planning Commission. He explained that when elections are held we have to "beat the bushes" to get people to run for an office. Commissioner Singman said he is afraid if an ordinance is adopted stating that nine members are needed to make up that commission, and we cannot get nine members, then we would have to go back and change the ordinance to a lower number or the commission could not conduct business. He said possibly we could start out with a five member commission and then add to it if necessary. President Dalton asked if a compromise could be made using a seven member Commission.

President Dalton asked the citizens what their feelings were as far as being a property owner, a registered voter or a resident of Bridgeville when it comes to selecting members for this commission. He said the areas that will be annexed, in most cases, are not owned by people who live in Bridgeville. President Dalton asked if we would be making plans for someone's land without them being involved or would it be better to have people who own such land on the commission.

Commissioner Singman said the county does not ask every large land owner to be on such a commission. He said the commission makes the suggested plan, and it is up to the property owner to comply or change his plans.

Mr. Joe Conaway said there is no town in this county that would have a Planning Commission that is not made up of citizens. He said a large mistake would be made if this Town allowed someone who is not a voting resident to be on such a commission. Mr. Conaway said you cannot incline that they have to be a taxpayer, and if they are, you cannot require they be up to date because that is unconstitutional. The commission may plan for growth in an area, but there is nothing that requires a land owner to come into this Town. Mr. Conaway said he thinks it is a dangerous precedent to go outside of Town for people to serve on a Planning Commission. He said you can have several ex-officio members to serve. Mr. Conaway explained that number wise the ordinance can state what quorum is necessary to conduct business. Example: if you have a seven member board, then you can set your quorum at four members and require those four people to vote in order to pass any business.

2. Mr. Conaway commended the Commission for selecting Allen Parsons to the position of Police Chief.

Mr. Conaway said he was pleased with the letter Mrs. Pat Correll sent to the Sussex County Council regarding the \$15,000 given to the Town, and he hoped the Town had sent a letter to compliment it. Mr. Conaway said the county does have sources of revenue which the Town would certainly like to tap into.

Mr. Conaway said he has seen signs all over Town pertaining to the "no truck" traffic, and yet the trucks are still rolling through. He said it bothers him that our police force is out patrolling the highway when they could patrol Church Street. Mr. Conaway said there is just as much revenue in Town as out on the highway, and it would solve the problem residents are having on Church Street. Mr. Conaway urged the Commission to move the police force into action. He said there is an ordinance, it should be enforced!

Mr. Conaway questioned if the \$200,000 loan was being paid back. President Dalton replied that we are paying on the principal when we can. He explained that when the transfer tax money was received, we took \$5,000 of it and applied it toward the principal of that loan. The loan is down to approximately \$125,000. Mr. Conaway said that level of debt service payment is substantial for a Town of this size and does not need to be put off. Mr. Conaway said the capital out-lay for this year is already over budget. Mr. Dalton explained that some of those are the state programs that are paid through the Town's books. Mr. Conaway said the budget states \$3,000 and we have already spent \$41,000-something does not add up. Mr. Conaway said the water department should be the money maker for the Town, and if the Town is not making money then something is drastically wrong. Commissioner Singman told Mr. Conaway he was looking at the mini-fiscal year which was March through June 30, 1999 (the Town changed their fiscal year to July 1 through June 30). Mr. Conaway stated that with the growth projection, we cannot have a Town that is fiscally unsound.

President Dalton asked what kind of things should we be paying attention to that would make people want to move to our community. Mrs. Conaway (a realtor) said the Town needs a grocery store, we need to enforce the ordinances that are in place, the Town needs a web page, and we need better "PR". Mr. Conaway said many homes are purchased by young people, and they cannot be taxed and serviced charged out of this Town. Mrs. Conaway said right now Bridgeville property values are starting to climb, but we must make sure it stays that way.

3. Mr. Philip Davis said he is concerned about the many abandoned homes or homes that are in disrepair in the Town. He believes the Town should contact the owners to get these homes taken care of. President Dalton said we are at the point now where being "nice neighbors" is not working. It has come to the point where we have to enforce it with the law. He explained one problem is the code that was adopted from the county will not work (county will not come in Town limits), and it needs to be rewritten. President Dalton said the moratorium is still in effect stating that homes cannot be turned into apartment buildings.

Commissioner Singman said the Commission has taken steps to clean up some of the properties with the limits they have. Right now he is waiting for a call from the Fire Marshall regarding a house at 102 N. Main Street. Commissioner Singman said they were able to clean up the property on S. Main Street with the help of Chief Parsons and the Delaware State Code that covered that type of violation. If the Town chooses to have a

housing code ordinance, then the Town must hire a part-time code enforcement officer or send one of the Town employees to school to train that person to become a code enforcement officer.

Mr. Davis asked why the house at 109 S. Main Street was cleaned up so fast when there are houses in North Bridgeville that have been abandoned for years. President Dalton said the Commission does not play favorites as far as what side of Town one lives on. He said the people at that address had moved and left all those items in the yard plus an unpaid water bill. The owners have called and threatened to sue the Town because items were taken off of their property. President Dalton said the Town is covered by the state ordinance in this issue. He said it was done because it was on Main Street, and he did not want to see that mess on that street especially when the holiday was approaching. President Dalton said the Commission has just as many houses to work on in North Bridgeville as we do on this side of Town.

Commissioner Sipple asked Mr. Davis if people in his community put everything outside and leave it? Mr. Williams said he paid to have items hauled away from a property that is near him. Commissioner Singman told Mr. Williams if that happens again let the Commission know or Chief Parsons and the state ordinance can be set in place to correct that situation. He explained that once the code enforcement ordinance is official the Town will make the repairs or clean up of the property and a lien will be put on the property to cover expenses. Commissioner Singman said the same is going to have to be done with owners allowing tall grass and weeds to grow. The Town will cut the grass and charge the owner \$25.00 an hour. Mr. Williams said he has been waiting eight years for the Commission to correct his situation.

Mr. Conaway said one can file a lien, but what are the Town's powers of selling and how long will the Town have to wait to get their money back? Mr. Conaway requested that the Commission not appoint Chief Parsons as the code enforcement officer. President Dalton said they found out last year that was not going to work, but one of the other employees has volunteered to go through that training.

Mr. Davis asked what was the outcome of the last meeting in Georgetown concerning the Waste Management Project. President Dalton said P & Z deferred voting on the matter until the next meeting.

## **VIII. EXECUTIVE SESSION**

Commissioner Singman made a motion to convene to executive session to discuss personnel matters. Motion was seconded by Commissioner Sipple.

The Commissioners reconvened to regular session at 9:00 P.M. President Dalton said no votes were taken during the executive session..

President Dalton explained that a vote needed to be taken regarding the reconciliation of the budget to include the hiring of Officer Kevin Wix as a full-time employee and to increase the salaries of Officer Wix and Officer Anthony Powell to bring to the medium which that is set by the SALLE Drug Fund for the State of Delaware.

**MOTION:** Commissioner Miles moved to hire Officer Wix full-time and to increase the

salaries for both officers. Motion was seconded by Commissioner Singman and carried unanimously.

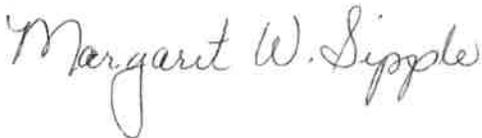
President Dalton said there is a motion on the table for the merit increase for Mr. Rick Passwaters and Mr. Doug Jones. MOTION: Commissioner Singman made a motion to approve the merit increase for Mr. Passwaters and Mr. Jones. Motion was seconded by Commissioner Miles and carried unanimously.

Commissioner Singman said we have an estimate on a spray irrigation system that will correct the TMDL problem that is being mandated by the state and federal levels. He said the Town has received two additional alternatives to the spray irrigation from the Town's engineering firm. One alternative is a post-denitrofication endeavor and the other is a pre-denitrofication endeavor which both systems call for additional buildings, holding tanks, blowers, etc. The ballpark figures for either system is between \$3.7 and \$4.4 million to upgrade the waste water treatment plant. Commissioner Singman said the medium cost is \$3.5 million, and the maximum is somewhere around \$5.9 million. These figures represent what Bridgeville will have to have to correct the mandate from the state.

#### **IX. ADJOURNMENT**

Commissioner Singman made a motion to adjourn the meeting at 9:05 P.M. Motion was seconded by Commissioner Sipple and carried unanimously.

Respectfully Submitted,



Margaret W. Sipple  
Secretary