

## MINUTES

### COMMISSIONERS OF BRIDGEVILLE JANUARY 8, 2007 – 7:00 P.M. TOWN HALL

#### I. CALL TO ORDER

The meeting was called to order by President Joseph Conaway at 7:00 P.M. Present: Commissioners Patricia Correll, Margaret Sipple, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the flag salute and Lord's Prayer. President Conaway asked the audience to remember in their prayers the young men from Fort Stewart, Georgia who are on their way to Iraq for a third tour of duty and a young lady, an airman from New Castle, Delaware, who is our latest casualty in Iraq.

President Conaway began the meeting with an announcement to the Commission, Town Manager and audience concerning the proposed park within Heritage Shores. An agreement with the Heritage Shores developer, Mr. Nick Rocks, was completed earlier this evening. Additional lands will be donated to the Town, adjacent to the existing athletic fields, to add four ball fields at the present location in the central part of Bridgeville. New ball fields will not be pursued at the Heritage Shores location and the park there will be passive. Additionally, the developer will provide up to three acres of land for the Fire Company, should they decide to place a substation for an ambulance in the southern portion of the development. This land will be located in the twenty acre land gift to the school district. The agreement is contingent on a successful annexation vote. Another developer has already offered three acres to the Fire Company for a new fire station; however, the Fire Company is hesitant to undertake a 15-20 million dollar building program.

#### II. QUORUM PRESENT

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

#### III. APPROVAL OF MINUTES

Minutes of the regular monthly Commission meeting held on December 11, 2006 were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Sipple seconded the motion. Motion carried.

#### IV. CORRESPONDENCE

Town Manager Walls reported receipt of a thank you note from the Bridgeville Fire Company Auxiliary for a donation from the Commissioners in memory of Mrs. Mildred Brown, a former Town employee.

The Sussex Spotlight Read Aloud Delaware January/February 2007 newsletter is available for review.

A letter has been received from a Seaford resident who does not concur with the recently passed ordinance concerning demonstrations. It is available for review.

A memorandum has been received from Director of Public Safety Chaffinch advising that Corporal Burke Parker has passed his test for promotion to the rank of Sergeant. This promotion will become effective on his anniversary date of February 4<sup>th</sup>. Corporal Parker received a perfect score on the testing and we congratulate him for his efforts.

President Conaway advised Officer Truluck will be leaving the Bridgeville Police force, possibly in March. Director of Public Safety Chaffinch reported help wanted ads have been placed in area newspapers.

## **V. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Finance Director Savage directed the Commissioners to the Balance sheet. As of December 31, 2006, the Town has \$1.2 million in all its checking and savings accounts, \$976,00 of which is not earmarked. The Emergency Services Fund stands at \$57,434 and the Library Fund stands at \$24,853. Impact fee funds have been established; there is \$63,000 in the Wastewater Fund and \$1,600 in the Water Fund. President Conaway added there is \$536,000 in the escrow accounts. He also mentioned a Police Department Drug Statistics Report from 2005 and 2006. \$72,000 seized in a drug stop in 2005, which is to be given to the Town, is presently in the hands of the Attorney General. He questioned when we might receive the money. Director of Public Safety Chaffinch advised we don't know when to expect the money. There will be a SLEAF meeting, possibly in February, followed by a 90 day period before the money is released from the fund. The Police Department is putting together a detailed list of requests which will be considered. Often 88-91% of a request is granted; however, the Town might receive less. A year or more can pass before any money from a drug bust reaches the Town and SLEAF meetings are only quarterly. President Conaway referred again to the Drug Statistics Report, advising that in 2005 Town police officers confiscated over \$76,000, with Officer Spicer making 16 stops and Officer Hitchens 10. In 2006 Town police officers confiscated over \$12,000, with Officer Spicer making 17 stops, Officer Parker 11 and Officer Hitchens 10. Finance Director Savage directed the Commissioners to the Accounts Payable, which is at approximately \$126,000. All are usual expenses, including repairs to police vehicles. Water meters have been purchased for the aquatic center and clubhouse at Heritage Shores. Advertising is for Police Department ads and the Kathleen Wright Public Hearing. We have also received the bill for the fiscal year 2006 audit. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

## **VI. DEPARTMENT HEAD REPORTS**

President Conaway advised there have been 397 water meters installed at Heritage Shores to date. Building permits in 2006 totaled 239, up 77 from the previous year. The Wastewater Treatment Plant has a record 98 months with no violation of its NPDES permit.

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

Mr. David Levy of 34 Amanda's Teal Drive questioned the status of Verizon TV Service for Bridgeville. President Conaway deferred to Public Service Commissioner Joann Conaway for an update. She advised the first push will come on the eastern side of the county and it may still be several years before Bridgeville sees this service. New construction is being wired, so Heritage Shore is wired for the service, but the rest of the Town is not wired. Mrs. Conaway recommended making phone calls to Verizon and asking when it will be available locally.

## **VIII. TOWN MANAGER'S REPORT**

Town Manager Walls reported she and Finance Director Savage met with department heads and reviewed their FY07 budgets as to revisions necessary; i.e. items that can be held over, items not budgeted for but needed, etc. An amended budget will be forthcoming.

Six Christmas food baskets were delivered to residents from canned goods collected at the Caroling in the Park event and from residents at Heritage Shores.

The Police Department is preparing for the sale of a confiscated car as a result of a recent drug raid.

Town Manager Walls toured the Heritage Shores Club House on Friday, January 5<sup>th</sup>. The Club House target opening date for Heritage Shores residents is the middle of February. April is the target date for opening to the public. The Golf Course target opening date is July 4<sup>th</sup> and the pro shop is open to the public now. Town Manager Walls reported the facility is very nice and is a club house to be proud of. She also reported she had requested, on behalf of a Nanticoke Hospital committee, to hold the annual Women's Day at the new Club House. They will meet soon to work out the details. Town Manager Walls also advised the Club House personnel that Woodbridge School District is interested in holding their prom at the facility. Without hesitation, the Club House personnel said yes and asked if the high school also had a Homecoming Dance. They readily offered the facility for that event as well. The Club House was very receptive to meet the needs of the community, which pleased the Town Manager.

As a reminder, the Annexation Referendum is scheduled for Saturday, January 13<sup>th</sup> from 10:00 A.M. to 2:00 P.M. A Public Hearing is scheduled at the Fire Hall on Thursday, January 11<sup>th</sup>, at 7:00 P.M.

A 100-level Incident Command System training course was held at the Town Hall on December 13<sup>th</sup>. The course is designed to prepare the Town and its employees for emergencies that include extreme weather, terrorism, etc.

The Town has received a proposed agreement with Verizon Wireless for the installation of antennas on the Bridgeville water tower located behind the Town offices. Verizon agrees to pay the Town \$1,650.00 per month with a 12% per term increase in rent. There would be an initial 5-year term with four 5-year renewals. Verizon must still provide a final version as it relates to technical

data. Town Manager Walls feels she needs specs on the type of equipment to be placed on the tower, how the equipment will be attached, and whether or not they need a shed to house control panels. She will also ask Police Chief Parsons and Director of Public Safety Chaffinch to examine the area for homeland security issues. Town Manager Walls recommended the Commissioners review the document and contact her with comments or questions by the end of the week. There are still blanks to be filled in by Verizon on the document. Currently, there are no other companies interested in our tower; Town Manager Walls contacted Comcast and they were not interested. It was suggested we make sure Verizon will be carrying insurance on the equipment. Town Solicitor Schrader has reviewed the document, but has not yet approved it. Commissioner Greason advised there are construction standards which are followed on all water tower equipment. President Conaway does not believe the necessity of a bidding process applies in these circumstances. Bidding only applies when the Town is purchasing over \$22,500 worth of goods or services. Commissioner Correll made a motion to table the contract until the February meeting, when all blanks are filled in and Solicitor Schrader has approved the contract. Commissioner Sipple seconded the motion. Motion carried with the following votes being recorded.

Commissioner Jefferson – Yes  
Commissioner Sipple – Yes  
Commissioner Correll – Yes  
Commissioner Greason – Yes  
President Conaway – Abstain

## **IX. OLD BUSINESS**

### **A. Approval of Developers' Agreements Regarding Referendum for Annexation of Properties Scheduled for January 13, 2007**

Town Manager Walls reported all property owners have signed developers' agreements and added the following highlights from each agreement.

1. Cannon Roads, LLC, Cannon Roads Farms 2, LLC and Wilson Farm, LLC have agreed to the following: the property will be RPC; they are proposing 1,800 homes – 900 homes open market and 900 homes can be age-restricted; 180 homes will comply with the Town's moderately priced housing program; the developer will pay a sewer impact fee of \$5,000 per EDU plus all other expenses to tie into the Town system; water impact fees will be waived due to the developer constructing the new water tower at their expense; developer will pay \$100 per building permit toward the library fund and the Emergency Services fund; the developer will provide 20 acres to the Town, deeded to the school district for a new school, should it be needed (estimated \$1 million value); developer is planning for a special tax district for the land, for which they will pay a fee of \$400,000 to the Town based upon the issuance of \$40 million worth of bonds. Should they sell less, the Town will still receive \$400,000, should they sell more, the Town will receive 1% of the face value of the additional bonds.

2. Tull Group, LLC has agreed to the following: The property is zoned commercial zoning district; they will pay \$5,000 per EDU for sewer and \$1,500 per EDU for water, unless the line is sized for future expansion, in which case the water impact fee would be waived.
3. Jimmy's Grille and Catering, LLC has agreed to the following: The property is zoned commercial zoning district; they will pay \$5,000 per EDU for sewer and \$1,500 per EDU for water, unless the line is sized for future expansion, in which case the water impact fee would be waived; they will pay \$400 to the Town's Emergency Fund per building permit issued.
4. Beach Commercial Realty, LLC has agreed to the following: The property is zoned commercial zoning district; they will pay \$5,000 per EDU for sewer and \$1,500 per EDU for water
5. F.E.D. Investments, LLC has agreed to the following: The property is zoned commercial zoning district; they will pay \$5,000 per EDU for sewer and \$1,500 per EDU for water; they will pay \$500 for each commercial building permit issued; they will pay \$500 to the Library Fund and the same to the Emergency Services Fund.
6. Robert W. Hunsberger, Miller Furniture Industries, Inc. and Joe C. & Toni Johnson properties all have no intentions of development on their properties in the foreseeable future. They understand that no development activity of any kind can begin until a fully executed developer's agreement has been signed between the property owner and the Town. Each of these properties want Town water and sewer. They are each zoned commercial.

President Conaway advised Town Manager Walls has reviewed the developers' agreements and Solicitor Schrader has them in his possession. The property owners have all signed the agreements. Commissioner Jefferson made a motion to execute these agreements under the conditions that the annexation referendum is successful and that the agreements are approved by our attorney. Motion was seconded by Commissioner Correll. Motion carried with the following votes being recorded.

Commissioner Jefferson – Yes  
Commissioner Sipple – Yes  
Commissioner Correll – Yes  
Commissioner Greason – Yes  
President Conaway – Abstain

#### **B. Appointment – Judge of Elections – January 13, 2007 Annexation**

President Conaway reported Mr. William Hartzell has agreed to serve as Election Judge for the Annexation Referendum on Saturday, January 13, 2007. Town Manager Bonnie Walls and Secretary Peggy Smith will serve as Election Clerks. Commissioner Correll made a motion to appoint Mr. William Hartzell as Election Judge. Commissioner Greason seconded the motion. Motion carried.

**C. Public Hearing and Second Reading of Ordinance A06-8, An Ordinance to Amend Section 234-7 of the Town of Bridgeville, Relating to Zoning, to Modify the Open Space Standard for the Residential Planned Community (RPC) Zoning District**

The scheduled Public Hearing was opened at 7:38 P.M. President Conaway advised the Town is amending the existing open space standards for Residential Planned Communities. The open space would be reduced from 33% to 20%. President Conaway opened the floor for public comment. Hearing none, the hearing was closed at 7:40 P.M. President Conaway has spoken to the Town Solicitor, who has questions and comments which have not yet been forwarded. It is recommended that the ordinance be tabled. Commissioner Jefferson made a motion to table the ordinance until the Town discusses the matter with Solicitor Schrader. Further action is open to the Commissioners if they so choose. Commissioner Sipple seconded the motion. Motion carried with the following votes being recorded.

Commissioner Jefferson – Yes  
Commissioner Sipple – Yes  
Commissioner Correll – Yes  
Commissioner Greason – Yes  
President Conaway – Abstain

**X. NEW BUSINESS**

**A. Board of Adjustment Appointments**

Town Manager Walls requested the Commissioners to make appointments to the Board of Adjustment. The following candidates have been contacted and are willing to serve:

Mr. Charles Kelly – 1-year term; Reverend Dale Brown – 2-year term; Mr. George Hardesty – 2-year term; Ms. Joan Ochs – 3-year term; and Mrs. Pam Slater – 3-year term. The present zoning ordinance requires a 5-member board, rather than the 3-member board the Town has had in the past. This board will hear requests to grant variances (exceptions) to our zoning ordinance. The code requires terms of members to be staggered. These appointments are effective January 2007. Commissioner Jefferson made a motion to appoint the 5-member board as presented. Commissioner Sipple seconded the motion. Motion carried.

President Conaway reported Town Manager Walls has placed an ad in The Star newspaper asking for volunteers from the community to be involved in all Town boards and committees.

**B. Official Language Designation**

President Conaway referred to an email article received based on a speech Theodore Roosevelt gave in 1907 concerning the necessity of immigrants becoming a part of the United States and not remaining separate in areas of language and allegiance. President Conaway read the following proposed policy statement.

“It is hereby the policy of the Commissioners of the Town of Bridgeville that English is the official language to the Town of Bridgeville. All the official documents will be in English;

all business transactions will be conducted in English; all official Town business will be conducted in English; all public notices will be in English; all public hearings will be conducted in English; all official transcripts of the Town of Bridgeville will be written in English.”

President Conaway expressed concern about immigrants who break our laws or cannot get the help they need because they do not speak our language and do not know the laws of the land. He believes it is time to stop looking the other way and excusing people who do not understand our language. An ethnic community can honor its heritage and still show allegiance to the United States. Assimilation is important. In California Spanish takes precedence in some signs, with Spanish written first and English second. President Conaway feels it is important to acknowledge that English is the language of the Town of Bridgeville. Commissioner Jefferson made a motion to adopt English as the official language of Bridgeville. Commissioner Greason seconded the motion. Motion carried.

### **C. State of the Town of Bridgeville Annual Report**

President Conaway advised this yearly report was instituted in 2002. He read the report, highlighting financial matters, services and accomplishments and new ordinances in 2006. In financial matters President Conaway reported finishing fiscal year 2006 with a \$608,553 surplus. Increases in services included the purchase of a street sweeper and the addition of three police officers to patrol the Town. New Ordinances will allow the Town to better protect children from adult sexual offenders and to properly address the orderliness of potential demonstrations in our Town. The full transcript is attached to these Minutes.

## **XI. SPECIAL REPORTS**

### **A. Dangerous Building Inspection Committee Report Regarding 31 Church Street**

Dangerous Committee Chairman Jefferson advised he and Code Enforcement Constable Butler made a building inspection of 31 Church Street (Tax Map #1-31-10.12-82.00) in late December, 2006. His report is attached to these minutes. The Dangerous Building Committee's recommendation is that the house be condemned and demolished.

President Conaway asked Mr. Jefferson if this structure threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, to which Mr. Jefferson responded “yes.” President Conaway asked if this structure had been damaged to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge, to which Mr. Jefferson responded “yes.” President Conaway asked if this structure had been so damaged or had become so dilapidated or deteriorated as to become an attractive nuisance to children, or a harbor for transients, vagrants, or criminals, to which Mr. Jefferson responded “yes.” President Conaway asked if this structure was unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or other cause, to which Mr. Jefferson responded “yes.” President Conaway asked if this structure creates a fire hazard by

virtue of its condition, to which Mr. Jefferson responded "yes." President Conaway asked if this structure constitutes a public nuisance as defined by law, to which Mr. Jefferson responded "yes." President Conaway asked if this structure has exits which do not conform to the city ordinances or any other feature which may cause a hazard to life or safety of the occupants or general public, to which Mr. Jefferson responded "yes." The Commissioners agreed with the Dangerous Building Committee, based on the committee report, pictures presented by the committee and their own personal examination of said structure, that the structure at 31 Church Street meets the definitions of a dangerous building; it is a hazard to life and property; it is a danger to the Town and community and should be demolished.

Commissioner Sipple made a motion that the Commission condemn and seek demolition of the building at 31 Church Street. Commissioner Correll seconded the motion. Motion carried. Town Manager Walls advised the Town will hold a public hearing at the February Commission meeting and the owners will be notified of the meeting and their opportunity to show just cause why the structure should not be demolished.

#### **B. Alley Closing Behind Fire Company**

President Conaway asked Director of Public Safety Chaffinch for an update concerning the proposed closing of the alley behind the firehouse. He reported only one resident had approached him concerning the alley closing. This family was affected by a previous ordinance enacted this year not allowing trailers on the street. They must now put their trailer behind the house, which means using the alleyway to park the trailer behind the house. President Conaway recommended Mr. Chaffinch make contact with this resident and resolve any issues so that the Commission can make a final decision concerning this matter at the February meeting.

President Conaway reminded the audience of the Public Hearing concerning the Annexation Referendum at the Fire Hall on Thursday, January 11<sup>th</sup> at 7:00 P.M.

#### **XII. ADJOURNMENT**

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. Meeting was adjourned at 8:08 P.M.

Respectfully submitted by:

Margaret W. Sipple  
Margaret W. Sipple, Commission Secretary

Peggy A. Smith  
Peggy A. Smith, Transcriptionist