

MINUTES

COMMISSIONERS OF BRIDGEVILLE FEBRUARY 6, 2006 – 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, William Jefferson, Earl Greason and Town Manager Bonnie Walls. The meeting began with the flag salute and Lord's Prayer.

II. QUORUM

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

III. APPROVAL OF MINUTES

Minutes of the regular Commission meeting held on January 9, 2006 were presented for approval. Commissioner Sipple made a motion to approve the minutes as presented. Commissioner Correll seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Walls advised receipt of a letter from the State of Delaware Department of Transportation regarding the time frame for improvements to the Route 13 and Route 404 intersection. President Conaway commented this was a response to a letter he had sent to former Secretary Nathan Hayward. This letter states the project is currently in its final design; it includes a realigned at-grade intersection with service roads to the east and west sides of Route 13. It has been on hold since July of 2005 due to a lack of funding, but has recently been re-prioritized. Property owners have made the land available on both sides of the road. Plans should be complete this spring and construction should begin spring 2007 and continue over at least two construction seasons, contingent upon funding. Completion of the project is anticipated by fall 2009. President Conaway advised the commercial section of land annexed to the Town has several interested tenants, but they have been reluctant to sign contracts until the schedule of construction for the intersection is finalized. President Conaway is anticipating at least one new food store at the intersection; Nanticoke Hospital is committed to building a 5,000 sq. ft. facility; Lennar Homes will build a regional headquarters; there will be a shopping center and a motel-type facility as well.

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Town Manager Walls reported the receipt of an invitation to the Delaware Water Association's 16th Annual Technical Conference and Exhibition. The Meet and Greet Night is February 21st from 6 – 8 P.M. Mrs. Walls will R.S.V.P. for the Commissioners.

The Town has received a thank you note from Mrs. Gloria Baynard, recipient of a food basket at Christmas time. The canned goods were donated by Town employees and by those who attended Caroling in the Park.

A thank you note was received from the Bridgeville Public Library regarding the \$1,000 grant presented to the library from the Town at the January Commission meeting.

An invitation has been received for the Biggs Museum Gala "An Affair with the Arts" on May 20th at 7:00 P.M. in Dover. Mrs. Walls will R.S.V.P. for the Commissioners.

The Comcast newsletter for January-February, 2006 is available for review.

V. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

President Conaway advised Finance Director Savage was not in attendance at the Commission Meeting and Town Manager Walls was available to answer any questions. The bills payable are standard monthly bills. Town Manager Walls pointed out the Corrosion Control bill is for maintenance on the water tower. There is cash on hand of approximately \$696,000 and our escrow accounts continue to grow. President Conaway reported the Commission had the privilege of presenting the Bridgeville Volunteer Fire Company with \$51,000 from the emergency services building permit fund. That fund is growing and will continue to benefit the Fire Company in the future. At this point in the budget year any expense line items in excess of 59% are in deficit and any income accounts in excess of 59% are in surplus. The Town is in excellent financial condition. Commissioner Sipple made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

President Conaway advised the Court Hearing regarding 102 N. Main Street has been postponed. It was originally scheduled for February 10. This is a house that the Commission has been seeking demolition approval for the past four years. The postponement was questioned and Town Solicitor Robinson advised someone had opposed the demolition and asked the court for additional time to prepare a defense. The court clerk was hoping for a February 10th hearing, but the judge's schedule did not allow it. The new date has not been determined. Solicitor Robinson objected to the continuance because the interested party waited until the day before the hearing to oppose. Solicitor Robinson also questioned the interested party's legal right to oppose. Solicitor Robinson has been in contact with the opposing attorney who is reviewing the Town's work to

make sure it is in compliance with code. President Conaway advised there are issues with the sale of 102 N. Main Street. The property encroaches on Town property. Currently the driveway at 102 N. Main St. is on Town property. Should someone buy the property, the Town will move its fence to its property line and the house will have no parking availability. Additionally, the policy of this Commission has been that a structure cannot be upgraded if it doesn't meet code and this property is far from meeting code. President Conaway recommended the Commission adopt the following policy: A structure that has been condemned must be thoroughly examined and a written report submitted to the Commission by a structural engineer (P.E.) that indicates the house is repairable before any reconstruction can take place. This particular house has a tree through the roof and the Commissioners are not qualified to judge the structural integrity of the building with this extent of damage. President Conaway stated the Town Code Enforcement Constable would be instructed to carry out this policy provided there were no objections from the Commissioners. Since no objections were forthcoming, this policy goes into effect immediately. The house at 109 N. Cannon Street is another condemned building in Town. President Conaway advised the new owner will apply for a demolition permit and replace it with a new home.

President Conaway reported the Bridgeville Wastewater Treatment facility concluded its 88th consecutive month without a NPDES violation.

President Conway advised Police Officer Spicer was involved in another drug bust. Two individuals were arrested with marijuana in the vehicle.

VII. CITIZEN'S PRIVILEGE

There were no requests or concerns from citizens of Bridgeville.

VIII. TOWN MANAGER'S REPORT

Town Manager Walls advised necessary paperwork has been submitted to state legislators to amend the Town Charter, permitting the establishment of five voting districts for the Commissioners' general elections. The districts will be subject to redistricting following a ten-year U.S. census count or substantial changes to Town population as a result of annexations. President Conaway commented the bill was introduced by Representative Ewing as House Bill 339; it will be considered during this session of the legislature. It would not go into effect until after the next census in 2010, or it could be considered earlier at the discretion of the Commissioners.

Town Manager Walls reminded the Commissioners of election details. The election is scheduled for March 4th, with voting from noon to 7:00 P.M. at Town Hall. The candidate filing deadline was February 3rd. Incumbent Pat Correll has filed for re-election to a one-year term. Commissioner Correll is running unopposed; therefore she is to be congratulated for winning the election and retaining her seat on the Commission.

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Incumbents Earl Greason and Margaret Sipple have filed for re-election to two-year terms. Mr. Timothy Banks, a Town resident from 11 Church Street, has also filed for a two-year term. There are 2 two-year terms to be filled in this election. The voter registration deadline is February 22nd. President Conaway was reminded by Commissioner Sipple that the Town has previously offered a nighttime registration. Thursday, February 16th, from 6:00 to 8:00 P.M., was tentatively chosen, pending Town Manager Walls and Town Secretary Smith's availability. The information will be posted on the outdoor sign at Town Hall, in the newspaper and other Town locations.

Town Manager Walls advised an update on Wastewater Treatment Plant improvements was received from engineers Davis, Bowen and Friedel. Copies of the report were dispersed to the Commissioners. President Conaway commented sewer capacity will increase in Phase I to 578,000 gallons per day. This gives Bridgeville 2,572 EDU's for its needs, providing capacity for one-half of the Heritage Shores development, the golf course and the anticipated commercial area on Route 13. It also offers Greenwood 150 additional EDU's for growth. (An EDU is essentially one house.) The next phase of the construction in 2014 will bring the plant to a maximum utilization of 962,000 gallons. President Conaway advised the Town is close to finalizing a land contract which will provide more than sufficient spray irrigation capacity for future growth.

Town Manager Walls joined President Conaway at a Sussex County Emergency Preparedness meeting, discussing necessary planning for hurricanes, hazardous material spills, etc. In an effort to have an Emergency Plan in place for the Town, we will hold a meeting on February 27th at 9:00 A.M. to begin such a plan. Representatives from fire, local and state police, school and county emergency office will be in attendance. The Commissioners are invited to attend the meeting.

Town Manager Walls reminded the Commissioners that Bridgeville will be hosting the SCAT dinner meeting on April 5th at the Bridgeville Fire Department.

Marble Source Unlimited on Rt. 13 in Bridgeville has donated and installed a new marble floor in the entranceway at Town Hall. Work should be completed this week. Town Manager Walls expressed her appreciation for a job well done.

The 64th Municipal Police Graduation was held in Dover on Friday, January 27th. Patrolman Robert Brode joined the Bridgeville Police Department and Town Manager Walls expressed pride in having him on the Town force.

Bids have been mailed and advertised for a metal pole building to house the street and water departments. Bids are due on Monday, February 27th by 3:00 P.M. The building will provide office space for Street Superintendent Passwaters and Water Superintendent Jones and also allow for equipment storage, including the soon to be purchased street sweeper.

Town Manager Walls reviewed the Commissioners' decision at the January meeting to award the \$1,000 grant previously given to the fire department to another worthwhile organization. Mrs. Walls respectfully recommended the Western Sussex Boys and Girls Club be considered for this donation. The Boys and Girls Club currently has approximately 100 Bridgeville youth participating in after school programs and other activities at the Club. There is an after school program held at Woodbridge Elementary School. The Boys and Girls Club also provides membership for the youth from Elizabeth Cornish Landing and periodically the 4-H Club of Bridgeville participates in activities at the Club. The Club is currently conducting a fund drive with every dollar being matched by the State organization. This is a worthwhile organization effectively serving our community and those around us. Commissioner Correll made a motion to give the \$1,000 grant to the Western Sussex Boys and Girls Club. Commissioner Greason seconded the motion. Motion carried.

IX. OLD BUSINESS

A. Second Reading and Public Hearing Adopting Ordinance A06-1, Prohibiting Adult Registered Sexual Offenders From Residing Within Certain Areas Of The Town Of Bridgeville, Delaware.

The Public Hearing was opened at 7:23 P.M. for comments, first from Bridgeville residents, and then from the general public. President Conaway advised the Ordinance has been available to the public for their review. President of the Woodbridge Little League, Mark Fields, expressed his support for the Ordinance, stating anything we can do to protect our children, especially around the schools and ball fields is in our interest. The Woodbridge Little League family supports adoption of the Ordinance.

President Conaway reported there were three complaints filed in the year 2005 pertaining to this issue. One complaint was from a citizen who suggested we need to be very careful and look closely around us. The second complaint led to the arrest of a sexual offender who failed to register upon moving into Bridgeville and the third concerned the sexual offender's register and a sexual offender who lived elsewhere, but worked in Bridgeville. President Conaway made available a map prepared by www.familywatchdog.org, which indicates there are only four registered sexual offenders in the Town of Bridgeville. The media has previously quoted inaccurate figures based on the entire 19933 zip code, rather than the actual Town. The entire 19933 zip code is not the Town's jurisdiction. President Conaway reported receipt of a letter from the ACLU regarding this issue. One issue mentioned in the letter was the passing of a similar Ordinance in Iowa resulting in sexual offenders failing to register. He did not feel this was a valid reason not to pass the Ordinance. He was quick to say that by passing this Ordinance, we are not saying that parents would be free from worrying about sexual predators. That is never the case. Supervision from parents is absolutely essential. The Ordinance gives us the ability to take steps to remove these people from those places that

children frequent. The reason the Commission is adopting this Ordinance is to protect our youngest residents. The media asked President Conaway to reiterate the details of the Ordinance. He stated the Ordinance expands to 2,500 feet, the area around which a convicted adult sexual offender can live and includes childcare facilities, parks, schools and athletic fields. The state law is 500 feet. There is a penalty section of the Ordinance. It grandfathered those residents who already live within the 2,500 feet, but upon moving, the Ordinance would apply. The Ordinance can be amended as the Commission sees fit in the future. Our loitering laws, already in place, will deal with those sex offenders who don't live within 2,500 feet, but attempt to frequent places where children spend much of their time. One of the criteria for constitutionality is whether the Town legislates the adult sexual offenders out of Town completely. There are places in the community where they could still live. Bridgeville is the first Town in the State of Delaware to pass such an Ordinance. Commissioner Jefferson wanted to make sure that the Ordinance was written to abide by state and federal laws and Bridgeville code. Solicitor Robinson responded that the Ordinance can always be challenged; however he researched other jurisdictions and similar Ordinances, as well as the challenges, and found that the courts have ruled that the Ordinances are constitutional and have upheld the Ordinances. This Ordinance is based on those constitutional Ordinances that Solicitor Robinson researched. Commissioner Correll made a motion to adopt Ordinance A06-1. Commissioner Jefferson seconded the motion. Motion carried. President Conaway commented the Ordinance will take effect immediately. The Public Hearing was closed at 7:36 P.M.

B. Action of Annexation Request / Application Fee

Town Manager Walls presented a new Annexation Request Form for adoption by the Commission. This form includes a fee of \$1,500 for the request to annex property. The Town must amend its fee Ordinance to adopt the Annexation Request Form. President Conaway asked about the fee applying to those who want to annex one acre, vs. those who want to annex larger acreages. Mrs. Walls replied the cost is the same for each request. It includes a great deal of paperwork, advertising, attorney fees and the cost of holding a referendum. The Town chooses to have a Public Hearing and advertise to keep the residents informed as a public service, although some of the effort is not required. Commissioner Correll commented the Town currently absorbs all the cost for annexation. Those who want to be annexed should be paying the associated expenses. Commissioner Correll made a motion to introduce for its first reading, Ordinance A06-2, to amend Fee Ordinance 128-1, adding a \$1,500 Annexation Application Fee. Commissioner Greason seconded the motion. President Conaway opened the floor for discussion. Commissioner Jefferson was concerned for the individual homeowner who wanted to annex his small property having to pay the same as someone with large acreage. The other Commissioners reiterated that the cost to the Town in advertising, attorney fees and referendum costs is the same whether it involves one acre or many acres. Motion carried.

C. Appointment of Election Board

President Conaway reported there will be an election on March 4th; therefore the Commission must appoint an Election Judge. Former Commissioner William Hartzell has been approached concerning his availability to serve as such. Commissioner Jefferson made a motion to appoint William Hartzell as Election Judge. Commissioner Correll seconded the motion. Motion carried. President Conaway advised Town Manager Walls and Town Clerk Smith will serve as clerks for the election.

X. NEW BUSINESS

A. DNREC, Division of Fish & Wildlife, Delaware Mosquito Control Section, Participation in 2006 Program

Town Manager Walls reported DNREC's inquiry as to whether the Town will participate in the 2006 Mosquito Control Program. The spraying is from April to November. Commissioner Sipple made a motion to approve the Town's involvement in the 2006 Mosquito Control Program. Commissioner Jefferson seconded the motion. Motion carried.

B. Amendment to the Comprehensive Plan

Town Manager Walls advised the Town has received a \$7,200 proposal to amend our Comprehensive Plan from our engineers Davis, Bowen and Friedel. Our Comprehensive Plan was adopted in 2002 and must be updated. Liz Brown from the Milford office of Davis, Bowen and Friedel will be updating the Plan. She has recently been certified as a Land Use Planner. This is not an extensive update, but necessary. The maps concerning our growth plan will be updated and we will make sure we are in compliance with the State Planning Office. President Conaway advised the \$7,200 has been set aside for the update; however, he has asked Town Manager Walls to write a letter of request to Sussex County Councilman Finley Jones for a Community Grant to cover this expense. We will be looking for recommendations for growth areas and the state is pushing for Transfer of Development Rights (TDR's). We will include a section stating we will be willing to look at TDR's. It has been suggested that we reconvene the Planning Commission for a Public Hearing to ask the people of Bridgeville what they would like to see in the Land Use Plan. Based on information from the residents, we will release Liz Brown to revise our Plan. The Planning Commission will review the Plan and make changes and a Public Hearing will be held for comment. The State Planning office will review as well. The final Plan will be in effect for five years. Commissioner Correll asked whether we have to wait for the new Plan to be adopted before we can hold an annexation referendum. Town Manager Walls replied that many of the requests already fall in our growth area, so annexation of those properties could be considered before this new Plan is adopted. President Conaway commented some of the annexation requests extend the Town limits quite a bit and we should present all of the requests together. He

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believes we will have an annexation referendum before July 1st. Commissioner Correll made a motion to accept the \$7,200 proposal from Davis, Bowen and Friedel to amend our Comprehensive Plan. Commissioner Greason seconded the motion. Motion carried. President Conaway commented he and Commissioner Greason represent the Commission on the Planning Commission, so they will need to prepare for the reconvening of the Planning Commission.

XI. SPECIAL REPORT

A. Request to Accept Office of Highway Safety – National Child Passenger Safety Awareness Grant.

Town Manager Walls advised receipt of a letter from the State of Delaware Office of Highway Safety offering a grant for National Child Safety Awareness Week February 12-18, 2006. We are eligible for a \$2,000 grant specifically for Child Restraint Patrols and/or Checkpoints. During daylight hours only officers are to look specifically for child restraint law violations and ticket motorists accordingly. Commissioner Jefferson made a motion to accept the \$2,000 grant. Commissioner Sipple seconded the motion. Motion carried.

B. Request from the Bridgeville Public Library to Host a Thursday Night “Hometown Night” at the 2006 Apple Scrapple Festival Carnival.

President Conaway reported receipt of a request from Assistant Library Director Karen Johnson to again add a Thursday night Carnival night to the Apple Scrapple Festival. This provides an opportunity for Bridgeville residents to have a less crowded night before the festival officially begins with a special deal of one price for all rides. Railroad Avenue will again need to be closed for the event and opened during the day on Friday. Commissioner Greason commented he had not heard any negative comments regarding the event in 2005. Commissioner Jefferson made a motion to grant an additional night to the Library Carnival at the Apple Scrapple Festival. Commissioner Greason seconded the motion. Motion carried.

XII. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. Meeting was adjourned at 7:50 P.M.

Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist