

## **MINUTES**

### **COMMISSIONERS OF BRIDGEVILLE FEBRUARY 9, 2004 - 7:00 P.M. BRIDGEVILLE TOWN HALL**

#### **I. CALL TO ORDER**

The meeting was called to order by President Joseph Conaway at 7:00 P.M. Present: Commissioners Pat Correll, Earl Greason, Bill Jefferson, Margaret Sipple 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 the regular board meeting of January 12, 2004 and the special meeting of January 28, 2004. Motion was seconded by Commissioner Sipple and carried unanimously.

#### **III. CERTIFICATE OF APPRECIATION PRESENTATION**

The Commissioners presented a group of men who formed "The Liars Club" last year, a Certificate of Appreciation for their good deeds throughout community. Some of their deeds have been: provided treats for children at Halloween; distributed turkeys to the less fortunate at Thanksgiving and Christmas; brought Santa Claus to town for the children; and donated Christmas candy to the kindergarten classes. On behalf of the Commissioners, Commissioner Jefferson presented the Certificate of Appreciation to Mr. Robert Jefferson, representing the Club.

Chief Allen Parsons explained the purpose of a program provided by The Sussex Correctional Institute in Georgetown which offers a Work Release Program for inmates. The group works in communities throughout the county doing various projects. The group recently scraped and painted the trim and windows at the Bridgeville Police Station. President Conaway presented a Certificate of Appreciation to Deputy Warden William Oettel, Officers Robert Kelley, James Kidd, Dean Hudson, Dean Blades and Mike Costello for an outstanding job. Deputy Warden Oettel advised should the town need further help, give him a call and he will do his best to offer assistance.

#### **IV. CORRESPONDENCE**

A booklet was received on Educational Opportunities from the University of Delaware and is available for review.

January newsletters were received from People's Place II, Inc.; Community Reinvestment Action; and the Woodbridge School District.

Town Manager Walls advised information was received from Smart Vent, Inc. of Delaware regarding Foundation Flood Vent, which protects buildings in flood areas. FEMA has approved the vent.

Town Manager Walls read a letter received from Mrs. Annabel Tatman of Greenwood thanking the Commission for their efforts regarding the request for installation of flashing caution lights at the Intersection of Rt. 13 and Rt. 40. Due to the number of accidents at this intersection (November, 2003 a local high school senior lost her life), the town sent a letter to DelDOT requesting flashing lights. A response was received advising the Traffic Studies Section will study the intersection to determine what appropriate and effective actions are needed. As of today, no further response from DelDOT has been received regarding this matter.

President Conaway advised DelDOT is in the process of installing red light cameras at various sites in Sussex and Kent Counties. A camera will be installed at Route 13 and Tharp Road/Herring Run Road at the Seaford Walmart Shopping Center location. The camera locations selected have a history of accidents and/or reports from police that drivers frequently run red lights. Red light violations cause over 900 deaths and 200,000 injuries in the United States each year. DelDOT has been asked for consideration of a camera at the Rt. 13 and Rt. 40 intersection. Chief Parsons advised he had a personal contact with Mr. Donald Weber of DelDOT and would speak with him regarding this matter.

A report was received from Conectiv as a follow up to Hurricane Isabel where the company was criticized for not doing their job effectively. The in-house report indicated that Conectiv believes their performance during the hurricane was acceptable, but the report recommended organizational changes to provide more visibility to emergency management functions. President Conaway stated Conectiv responded to the town's problems promptly during the hurricane and also during a July summer storm. Town Manager Walls stated with her involvement with Conectiv during these periods, the representatives were very responsive and efficient.

Newsletters from the Bridgeville Historical Society; Comcast of Delmarva, Inc; and Preservation Delaware, Inc. were received for review.

The DART Division of DelDOT will conduct a Sussex County Mobility Freedom Forum on Friday, March 19, 2004 from 9:00 A.M. to 4:30 P.M. at the Delaware Technical and Community College. The forum will focus on the growing and changing needs in Sussex County regarding transit.

President Conaway received a letter from DNREC, Division of Water Resources, listing the draft Project Priority List for Fiscal Year 2005 and the 2004-2005 Intended Use Plan. Bridgeville is on the Fiscal Year 2005 Project Priority List following submittal of a Notice of Intent for two separate projects-Infiltration and Inflow Elimination (\$586,100.00) and land for spray irrigation and lagoon (\$991,000.00), (discussed at the September 8, 2003 meeting).

President Conaway read a letter from Mr. Bob Rauch, Bridgeville South Engineer, advising the sediment and erosion control and stormwater management plans prepared for the first phase of construction for Bridgeville South have been approved by the Sussex Conservation District. The plans cover the construction of roads and utilities to serve 171 residential lots. The plans permit the mass grading of the proposed 18 hole golf course and future residential areas. Mr. Rauch applauded the working relationship with Jessica Watson, Ed Bender, and John Bister of the Sussex Conservation District and their efforts in completing the review in a timely manner.

President Conaway complimented Mr. Casey Rauch, engineer with Robert D. Rauch and Associates, Inc., for his hard work and efforts on the first phase of the Bridgeville South Project.

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

President Conaway reviewed several financial revenue items of importance: police revenues at this time have reached their budget projection; the amount estimated for transfer taxes is higher; and properties outside of town that receive town services but pay "in lieu of taxes" are current. Following a general discussion, Commissioner Correll made a motion to accept the financial reports and to pay the monthly bills as presented. Motion was seconded by Commissioner Jefferson and carried unanimously.

## **VI. DEPARTMENT REPORTS**

Wastewater-Superintendent Mowbray's monthly report advised this is the 64th consecutive month without a NPDES violation.

Water-Superintendent Jones submitted report advised water service was turned off for eight customers due to frozen and broken pipes at their residences.

Code Enforcement Constable Maurer submitted report stated residents are making efforts to adhere to their written notices either concerning accumulated debris or abandoned vehicles. Constable Maurer would like the Commission to consider giving an "Appreciation Award", either a certificate or yard sign, to residents who take extraordinary efforts in cleaning up their properties. Constable Maurer's second suggestion would be to give a gift certificate along with the certificate. After a general discussion, the Commission agreed to establish the award program with a yard sign only.

Streets-Superintendent Passwaters submitted report stated the town received a load of salt and sand from DelDOT. Also, a meeting was held with Commissioner Jefferson regarding the salt building specifications with a bid letter given to Town Manager Walls for approval and advertising.

Police-The submitted police department report from Chief Parsons advised the January, 2004 traffic arrest revenues are estimated to be \$19,597.25.

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

No comments from citizens.

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

Town Manager Walls reported in October, 2003, the Department of Natural Resources and Environmental Control (DNREC) was waiting for DelDOT's notification regarding the rip rap project on North Main Street. The damaged bulk head on the north side of the branch has been on the repair schedule for months. Because of safety concerns, the house on the property was demolished by the State in the fall of 2003. After recently speaking with a representative from DNREC, funding is in place but now the project depends on time and weather conditions.

Town Manager Walls extended her thanks to Superintendents Passwaters, Mowbray and Jones for their outstanding efforts in the recent snow removal.

November, 2003 Town Manager Walls sent a letter to the Sussex County Council requesting funds for a beautification project of the municipal building. Councilman Finley Jones responded with a grant in the amount of \$250.

Town Manager Walls advised employee evaluations will be conducted in the next two weeks.

Last month Superintendent Passwaters included in his report an updated proposed

project list of Streets and Sidewalks needing repairs/repaving-estimated cost \$237,700. Town Manager Walls asked the Commissioners if they had any changes or deletions to list. No changes or deletions were offered. In 2003, Senator Adams and Representative Ewing awarded the town \$129,630, with \$16,500 being used for engineering cost. On September 30, 2003, a pre-bid meeting was held, with contractors advising they would be unable to bid on the project due to their busy schedules and the town's project would not be able to start before the concrete plants closed and cold weather sets in. It was decided to re-bid the project in spring 2004 with President Conaway suggesting an updated proposed project list be added to the original project for street/sidewalk repairs and paving. It was felt if the project involved more work; the possibility of attracting more contractors would be greater. After a general discussion, the Commission authorized Town Manager Walls to submit the total project costs to Senator Adams and Representative Ewing and request funding consideration from their Suburban Street Aid Funds for the streets and sidewalks proposed project.

Town Manager Walls and Treasurer Savage met several times with copier representatives regarding the cost of purchasing a new copier. The current 1996 Toshiba copier continues to cause problems. Treasurer Savage submitted the following proposals:

Automated Copy Systems, Inc. (Salisbury, MD) (includes one year warranty)	\$3,642.76
Panasystems, Inc. (Georgetown, DE)	\$3,473.00
Affordable Business Systems (Salisbury, MD) (includes one year warranty-\$800)	\$3,799.00

The current copier repair diagnosis by Automated Copy Systems is \$230 if the Town purchases the new copier from them. Treasurer Savage recommended the town purchase the copier from Automated Copy Systems, Inc. After a general discussion, Commissioner Correll made a motion to accept the recommendation of Treasurer Savage to purchase a new copier from Automated Copy Systems, Inc. for a cost of \$3,642.76 and accept the cost of \$230 to repair the present copier. Motion was seconded by Commissioner Sipple and carried unanimously.

## **IX. OLD BUSINESS**

President Conaway opened the scheduled public hearing at 7:46 P.M., pertaining to the property located at 305 Second Street belonging to Mrs. Mary Bisson. The appropriate procedures have been followed per Ordinance #A03-2-Hazardous Buildings. After inspection of the property, the Dangerous Building Inspection Committee filed a report with the Commission with the following findings: broken and/or missing windows, rotten porch roof shingles, front entrance floor joist rotten, fascia molding loose, window

casing rotten, half of the roof missing on the right side of the house, water damage to ceilings and floors, back chimney is not secure, accumulation of trash and debris on the property, and the exterior siding on the house is asbestos. Commissioner Jefferson stated the house is badly deteriorated and presents a serious hazard to life and property.

Mrs. Bisson, owner of the property, advised she plans to demolish the home in the spring of 2004. President Conaway explained the procedures, per law, that must be followed in the event a property owner does not follow through with his/her plan:

Ordinance No. A03-2-Section 10: Whenever the owner of a property fails to comply with the order issued by the Commissioners within the time prescribed, the Commissioners shall authorize the Town Solicitor to file suit in a court of competent jurisdiction to obtain the necessary order to enforce the direction of the Commissioners or to have the building demolished at the cost and expense of the owner. The cost of the razing and removal of such building or structure shall become a tax lien pursuant to 25 Del. C. Chapter 29.

After a general discussion, the Commission accepted the date of July 1, 2004 for Mrs. Bisson to demolish the building and clear the property of all debris. If no corrective measures are taken by July 1, 2004, the Commissioners shall declare the building a public nuisance and its demolition by a certain date shall be ordered per the Ordinance. Commissioner Jefferson made a motion to declare the house located at 305 Second Street a hazard and extended to the owner, Mrs. Bisson, the opportunity to demolish the building and clear the property of all debris by July 1, 2004. Motion was seconded by Commissioner Greason and carried unanimously. Mrs. Bisson inquired about demolition funding through the Sussex County Community Development Block Grant Program. Town Manager Walls explained all Sussex County applications were submitted in January regarding the Sussex County Community Development Block Grant Program to the Delaware State Housing Authority. The State Housing Authority determines the funding distribution for such projects. Bridgeville submitted requests for two demolition projects and a list for rehabilitation. Town Manager Walls advised that of this date, the town has not been notified of any funding amount, but she is hopeful Bridgeville will receive notification in the near future. President Conaway closed the public hearing at 7:57 P.M.

President Conaway opened the scheduled public hearing at 7:58 P.M. pertaining to the second and final reading of the Amendment Chapter 128, Ordinance No. A04-1, An Ordinance Dealing With Fees For Variance, Zoning and Conditional Use Hearings. The purpose of the change is to bring the costs for such a hearing in line with the actual costs the town incurs (advertisement, legal, administrative, etc.). The current fee is \$150, but if the Ordinance is adopted, the fee will increase to \$300. Commissioner Sipple

made a motion to adopt Ordinance No. A04-1, Fees, as presented for a second and final reading. Motion was seconded by Commissioner Correll and carried unanimously. Public hearing was closed at 8:01 P.M.

President Conaway advised Senate Bill No. 192, Senate Amendment No. 1, pertaining to the town's power to borrow money, Charter Section 29, (permits the town to accept grants or loans from federal, state or interstate agencies) and Senate Bill No. 193, pertaining to power to raise revenue, Charter Section 127, (deletes the limit on the revenue raised by property taxes of \$200,000), were signed by Governor Ruth Ann Minner. The Town Charter will be changed to reflect the two approved Bills.

#### **X. NEW BUSINESS**

President Conaway advised the Town's Charter, Section 26, requires the Commission to select a Certified Public Accountant in February of each year to conduct an annual audit. President Conaway commented the firm of Lank, Johnson and Tull has prepared the audit for a number of years and has demonstrated a real commitment to the town. Commissioners agreed, with Commissioner Sipple making a motion to extend the open contract to Lank, Johnson and Tull for another year. Motion was seconded by Commissioner Correll and carried unanimously.

Correspondence was received on January 20, 2004 from the Department of Natural Resources and Environmental Control pertaining to the 2004 State Mosquito Control services for the town. During the spring, the Delaware Mosquito Control Section will spray for mosquitoes at no cost to municipalities. Commissioner Sipple made a motion to participate in the mosquito control program for 2004. Motion was seconded by Commissioner Greason and carried unanimously.

President Conaway announced he has the opportunity to represent Bridgeville and all Sussex County municipalities as President of the Sussex County Association of Towns (SCAT) at a meeting with Delaware Senator Joseph Biden and Delaware Representative Michael Castle. In order to attend the scheduled meeting sponsored by the Delaware League of Local Governments on March 9, 2004 in Washington, D.C., President Conaway requested the Commission consider changing the regular monthly March meeting from March 8, 2004 to March 15, 2004. Commissioner Correll made a motion to change the Commission meeting from March 8, to March 15, 2004. Motion was seconded by Commissioner Jefferson and carried unanimously.

President Conaway advised the town's newsletter, The Journal, is currently self supporting and published quarterly. Because the town is changing so rapidly, he believes the public needs to be informed on town updates and happenings possibly every other

restaurant facilities. Lakes and ponds within the open space consist of 50 acres. There will be two community park areas.

The density calculation of the number of residential units within Phase I of the residential area is 156 single family detached units, 6 units single family attached, and 9 units, 3 groups of 3 for tri-plexes. The residential area averages to 3.5 units per acre which was approved in the RPC District Concept and Preliminary Plans. Mr. Showalter advised the actual floor plans and elevations for homes has not been established, but the general market appears to be for active adults who are looking for a golf course community. The developer envisions that the majority of the homes will be single or two story. The market predominately is showing the two story homes having a master bedroom on the first floor.

Mr. Showalter advised the entrance from Wilson Farm Road into the development is not in Phase I. President Conaway pointed out there will be eventually four entrances- Wilson Farm Road, South Cannon Street, an entrance for the commercial area, and the main entrance from Route 13. Mr. Showalter stated a circular drive will ultimately run throughout the project.

It was noted that the final site plan for Phase I is consistent with the town's zoning requirements, RPC Ordinance, Concept Plan and the Preliminary and Revised Site Plans previously approved by the Commission.

Mr. Showalter advised there are three elements of the project that are not reflected in the final site plan with the details currently being worked out. Those are:

Floor plans and elevations of residential homes.

Location, height and materials of all fences and landscaping.

Landscaping and building elevations will be presented at the time building permits are issued, which will become a preference to each homeowner.

Location, character, and signage size.

The builder will want to make sure everything built in Heritage Shores is subject to the same strict architectural review so property values in the community remains high. The architectural design will probably depict the eastern shore style homes, and signage will not be neon or flashing lights.

Mr. Showalter stated that in the residential area of Phase I, there are no state or federal wetlands. The only wetlands in the development are located at the northern portion, with no wetland impact by the residential development.

The RPC Ordinance requires Phase I RPC Final Site Plan to be recorded after its approval. Sussex County Recording Office has no interest in recording approximately seventy pages of construction documents which are required for the site plan. Mr. Showalter advised the developer will most likely place the final subdivision plats on record with Sussex County, with all other construction documents and final site plan being filed in the Bridgeville Town Hall. All plans have signature blocks for approval by the Town Commission which will provide the Town Manager and the town a record of the construction documents without recording the water and sewer plans.

The plats, as well as the construction documents, have been reviewed by the town's consulting engineer, Annie Williams, Davis, Bowen & Friedel, Inc. The town did receive from Davis, Bowen & Friedel, Inc. comments and suggested revisions regarding pipe sizes, curbing specifications, with these suggestions being accepted.

It was noted that the town entered into a Development Improvements and Services Agreement with the developer of the project, Allen & Rocks, Inc. The Agreement states the town will extend water and sewer service along Route 13 to the property to accommodate the development, and the developer will reimburse the town for the construction expenses. The design and permitting for the improvements has been completed, and per the Agreement, the town will be reimbursed.

President Conaway commented that over the past two years, because of obvious financial gains, he has recused himself from voting and will do the same tonight.

Town Manager Walls read in its entirety A Resolution Of The Commissioners Of Bridgeville To Approve Development, Subdivision and Infrastructure Plans For The First Phase Of Development Of The Bridgeville South RPC District And To Authorize The President Of The Commission Of Bridgeville To Execute, Sign and Approve Certain Documents Related Thereto (Resolution No. 01-04). The resolution also seeks approval by the Commission to allow the Town Manager and Commission President to move forward with the construction at the developer's expense. With there being no questions or comments, President Pro-Tem Jefferson called for a motion to approve Resolution No. 01-04, approving all necessary related documents for Phase I RPC Final Site Plan, Bridgeville South, "Heritage Shores", and to authorize the President of the Commission to execute, sign, and approve needed documents related thereto. Commissioner Sipple made a motion to approve the resolution as presented. Commissioner Correll seconded the motion. Town Manager Walls called for the vote:

President Conaway - Abstain  
Commissioner Correll - Yes  
Commissioner Greason - Yes  
Commissioner Jefferson - Yes

month. The Commission will consider publishing the newsletter six times a year as opposed to four. Time and cost will be a factor in their decision.

President Conaway advised the Town Manager will be conducting employee evaluations in the next two weeks and he will conduct the Town Manager's evaluation and present the evaluation to the Commissioners for their review and comments.

President Conaway announced the new development south of town has been named Heritage Shores. Also that Mr. Ryan Showalter, representing Miles & Stockbridge, P.C. appearing on behalf of Passwaters Farm, LLC, along with Mr. Casey Rauch, would present Phase I RPC Final Site Plan for Heritage Shores.

Mr. Showalter pointed out in addition to the RPC Final Site Plan for Phase I, he has for review and approval subdivision plats, minor subdivision on the lands of Passwaters Farm, LLC 1-31 10-80.00, Minor Subdivision of the lands of W. Coulter & Charlotte H. Passwaters, Trustees, 1-31 14-44.00, Subdivision of the lands of Passwaters Farms, LLC and construction documents. The construction documents describe precise locations showing sizes and elevations of sewer pipes, curbs, gutters, roads, etc. and grading plans for the entire project.

Mr. Showalter explained there will be mass grading for the entire golf course, with excavation to create ponds. The soil from the excavation of ponds will be placed in areas where houses will be built in the future. Needed approval from the Sussex Soil Conservation District has been granted, which allows the developer to proceed.

The first phase of the project is located in the southern portion of the property, consisting of 171 residential lots and an entrance road off of Route 13. The entrance has been conceptually approved by DelDOT. DelDOT is reviewing final traffic numbers to determine whether they will permit a full intersection allowing movement both left and right, or whether a right in and right out only on Route 13. This matter has not been resolved, but approval for an entrance, has been granted.

Mr. Showalter discussed the statistics for approval: total residential area (south) 49 acres; 28 acres single family attached dwellings; 4.7 acres single family attached duplexes; 1 acre tri-plexes. Of the 49 acres, 19.3 acres will consist of roads, sidewalks, and buffers. There will be buffers between all lots and any adjoining properties. The plan calls for roads to all properites and right-of-ways for public sidewalks.

Phase I consist of 667 acres with 225 acres being designated for recreational and open space. Approximately 174 acres will be the golf course area. The clubhouse and community center will be constructed in this area. The clubhouse will most likely have

Commissioner Sipple - Yes

Motion carried.

Commissioner Jefferson congratulated Commissioners Sipple, Greason and Correll on their re-election as Town Commissioners. There will not be a Commission Election on March 6, 2004 as only the incumbents filed for positions by the filing date of February 6, 2004.

One Year Term	Commissioner Correll
Two Year Term	Commissioner Greason
Two Year Term	Commissioner Sipple

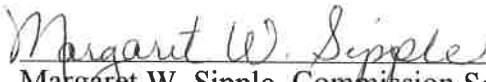
President Conaway reminded Ms. Carol Gasior, Director of the Bridgeville Library, the town will present a financial donation to the library in the near future. Ms. Gasior extended thanks on behalf of the library and advised she would like to develop a closer relationship with the town. On behalf of the Library Board, Ms. Gasior expressed her gratitude to the town for clearing the library driveway during the recent snow storm.

Commissioner Jefferson will contact the Commissioners when a date and time is scheduled regarding interviews for a new police officer.

## **XI. ADJOURNMENT**

Commissioner Sipple made a motion to adjourn the meeting at 8:34 P.M. Motion was seconded by Commissioner Correll and carried unanimously.

Respectfully submitted by:

  
Margaret W. Sipple, Commission Secretary

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Alma Fleetwood, Transcriptionist