

## **MINUTES**

### **COMMISSIONERS OF BRIDGEVILLE FEBRUARY 12, 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.

#### **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 January 8, 2007 were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Jefferson seconded the motion. Motion carried.

#### **IV. CORRESPONDENCE**

Town Manager Walls reported receipt of a thank you card from Mrs. Lori Parker, wife of Police Sergeant Burke Parker, for flowers sent by the Town during a recent illness.

The Delaware Rural Water Association's Winter 2007 On the Waterfront newsletter is available for review.

The Town has also received a brochure highlighting the Delaware Rural Water Association's 17<sup>th</sup> Annual Technical Conference and Exhibition, which will be held February 27<sup>th</sup> – March 1<sup>st</sup> at the Delaware State Fairgrounds in Harrington. It is available for review.

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

Finance Director Savage directed the Commissioners to the Balance sheet. The Town has \$519,038.56 in its Money Market Savings Account and the Escrow Accounts are now at approximately \$82,500. After bills are paid, the Town will have approximately \$951,000 in available monies. On the Budget vs. Actual Report the target percentage for this month of the budget year is 58%. Income is above that percentage due to additional property taxes received. Expenses are at 57%. Transfer taxes are still coming in well. (This report includes a transfer tax check which arrived this week.) Building permits are down; Heritage Shores anticipates starting 3 new homes per month. Accounts Payable stands at \$47,126.58; the majority of the bills are

normal expenses. The Bulls-Eye Construction bill is for a sidewalk project that Representative Ewing has approved and will be reimbursed. All but \$6,000 of the \$19,000 Davis, Bowen & Friedel bill is reimbursable. The Town has paid for inclusion in the Sussex County Profile. The Peninsula Roofing bill concerns repairs to the Police Department. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

## **VI. DEPARTMENT HEAD REPORTS**

President Conaway highlighted the request from Police Chief Parsons concerning the second round of SALLE funding. Chief Parsons has requested additional bulletproof vests at a cost of \$677.87 each. The grant amount could be up to \$2,250; however, the exact amount of the grant is yet to be determined. Director of Public Safety Chaffinch advised there is a SALLE meeting on February 13<sup>th</sup> which Chief Parsons will attend. President Conaway advised the Commission seems to be indicating they do not have a problem with spending the additional monies necessary to purchase a total of four vests. Commissioner Sipple made a motion to apply for SALLE funds for the purchase of additional bulletproof vests. Commissioner Correll seconded the motion. Motion carried. President Conaway reported this is the 99<sup>th</sup> consecutive month with no NPDES permit violation at the Wastewater Treatment Plant. President Conaway commented he was glad to see the Code Enforcement Constable enforcing the Land Use and Development Plan concerning the number of unrelated people who can reside together. He also commented that, although the building permit fees have decreased, \$5,400 is still a good monthly income. Commissioner Jefferson requested clarification on the extent of police patrolling that is acceptable on Route 13 and on Route 13A, since annexing additional property into the Town. Director of Public Safety Chaffinch advised the Town officers can now patrol south on Route 13A to Jimmy's Grille. Route 13 will not change in regards to patrolling. The newly annexed lands do not all front Route 13; therefore, it is somewhat nebulous how much farther south we should patrol. Commissioner Jefferson reported our police department has been seen running radar on the south end of the newly annexed property. Director Chaffinch indicated he has clarified the patrol area to the officers and they will not patrol that far south in the future. Director Chaffinch indicated he considers the annexation includes the land, but not the roadway. The police officers are sometimes outside of town assisting the state police. The only other reason officers should be stopping vehicles outside of Town limits is when it takes extra time and distance to actually stop the offending driver.

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

There were no questions or concerns from the citizens of Bridgeville.

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

Town Manager Walls advised Mr. Barry Hafko from Greenwood was hired for the Public Works Department position and began work today.

Town Manager Walls attended the unveiling of the 2007 Sussex County Profile with President Conaway. This publication showcases local municipalities and provides an overview of the area's educational facilities, local businesses, tourism, economic facts and other pertinent information. The Town of Bridgeville ad is located on page 45. Copies of the Profile are available in the foyer.

A pre-bid meeting for the Town's spray irrigation project was held on January 25<sup>th</sup>. Approximately seven contractors attended, with a number of sub-contractors also present. Bid opening is scheduled for February 15<sup>th</sup> at 4:00 P.M.

The Town of Bridgeville Disaster Preparedness brochure is now available. The brochure highlights steps to follow in an emergency. It provides information on instituting a family disaster plan, preparing necessary supplies and it outlines procedures for those with disabilities and special needs. The brochure will be an attachment to the Town's next newsletter. The brochure was printed with funds from a \$4,500 Homeland Security Grant (FY-04-052).

Town Manager Walls and President Conaway attended a workshop presented by the Institute for Public Administration, University of Delaware, regarding public meetings. Topics covered agendas, types of meetings, public involvement at special public meetings, planning for special meetings ground rules, code of ethics, etc. Town Manager Walls was pleased to report that Bridgeville already follows FIOA rules as well as the suggestions and guidelines that were presented at the workshop.

President Conaway has suggested increasing the number of issues of the Town's newsletter and publishing bi-monthly, in lieu of our quarterly format. With on-going growth and the desire to keep residents advised of Town affairs, Town Manager Walls feels this is an excellent idea. Currently the cost of each issue is approximately \$750. This year there would be an additional issue, with publications in March, May, July, September and November. The first 2008 issue would come out in January. Town Manager Walls respectfully requested the Commissioners to approve President Conaway's recommendation. It was suggested that the increase in the price of advertising from \$75 per year to \$100 would assist in covering the additional expense. President Conaway commented it is important to keep the public informed and he advised other towns take our newsletter to copy it. The number of advertisers should grow as the Town grows. Commissioner Correll recommended the Commissioners come and help prepare the newsletter for mailing, as it is a very time consuming project. President Conaway asked for objections to changing the newsletter to a bi-monthly format. Hearing only positive comments, the decision was made to change the newsletter starting with the March 2007 issue.

Town Manager Walls advised a 200-Level Incident Command System Training Course has been scheduled for March 27<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup>. The course will be held at the Town office and will begin at 9:00 A.M. each day. This training course is mandatory for all Bridgeville Department Superintendents and is designed to prepare the Town and its employees for emergencies that may include extreme weather, terrorism, etc. The Commissioners are encouraged to attend.

Town Manager Walls reminded the Commissioners of the scheduled public meeting on Tuesday, February 13<sup>th</sup>. The meeting will be held at the Fire Department beginning at 7:00 P.M. The subject of the meeting is a discussion of rumors concerning the Heritage Shores development.

## **IX. OLD BUSINESS**

### **A. Public Hearing – 31 Church Street**

The scheduled Public Hearing was opened at 7:20 P.M. In accordance with Ordinance A03-2, AN ORDINANCE RELATING TO MAINTAINING OF DANGEROUS BUILDINGS WITHIN TOWN OF BRIDGEVILLE, the Dangerous Building Committee investigated a structure at the above mentioned property, upon receipt of letters of complaint from two (2) or more residents of Bridgeville, pursuant to Ordinance A03-2, Section 3. They then submitted a report to the Commissioners at the January 8, 2007 meeting. Pursuant to Ordinance A03-2, Section 6, a public hearing was scheduled for February 12, 2007, giving the owner an opportunity to show just cause why the structure should not be declared a hazard to life and why it should not be ordered to be demolished. Mr. Harold Crockett received a certified letter advising him of tonight's hearing. Let the record show that the owner of 31 Church Street is not in attendance at this public hearing. Town Manager Walls advised that Mr. Crockett, is in the hospital with pneumonia. President Conaway addressed the audience asking if there was anyone present who wished to speak for or against the action the Commission could take concerning the structure. Hearing no response, President Conaway closed the Public Hearing at 7:23 P.M. and advised that the Dangerous Building Committee Chairman, Commissioner Jefferson, had answered a series of questions concerning the condition of the structure at the January 8<sup>th</sup> meeting per Ordinance A03-2. President Conaway also advised that if the owner were to come forward with a plan to bring this house into compliance, the Commission would be cooperative with his efforts. Commissioner Correll made a motion to reaffirm the Commission's decision from the January 8<sup>th</sup> Commission meeting that the structure at 31 Church Street is in violation of Ordinance A03-2 and to condemn the structure. Commissioner Sipple seconded the motion. The Commissioners agreed unanimously with the Dangerous Building Committee 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. Motion carried.

### **B. A Resolution Authorizing an Annexation Referendum**

President Conaway advised this Resolution would not need to be considered until the March Commission Meeting.

### **C. Certification of Annexation Referendum Vote – January 13, 2007**

Please see page 10 of these minutes for the handling of this issue.

#### **D. FY-07 Proposed Budget Amendment**

Finance Director Savage advised the budget amendment would reduce the Town's budget reserves to \$84,788 from a current reserve of approximately \$126,000. The majority of the change is due to the Heritage Shores Overtime Grant to provide additional security patrols in the development. President Conaway advised the Town budgeted \$31,000 in income for administrative fees; however, instead of using the Police Department for additional patrols, Heritage Shores elected to hire a security company. The Town had already budgeted the overtime hours and administrative costs to provide the extra services. Finance Director Savage noted the highlights of the Budget Amendment; a copy is attached to these minutes. The budget will change by \$41-42,000. President Conaway advised the budget is still well within reasonable parameters. Additionally, the Wastewater Department needs a new truck to replace the 1989 Ford pickup. Finance Director Savage advised they intend to take monies from the escrow account and reimburse the money to the fund when the Special Tax District for the newly annexed land in Heritage Shores South is established and capital expenditure monies are provided. President Conaway advised the Town must advertise for bids on the new truck since the expense is over \$21,500. \$40,000 is being budgeted for this vehicle. The Town is advertising for a 2007 or 2008 truck. The truck will be outfitted for a snowplow, which increases the price. Commissioner Correll made a motion to amend the budget as presented. Commissioner Sipple seconded the motion. Motion carried. President Conaway advised the Town is in complete control of its finances; it can move monies as needed and an accurate audit can be conducted of monies spent each year. Commissioner Correll requested clarification as to whether the Town has a spare gearbox on hand for emergencies. Commissioner Greason advised there is a spare; however, its condition is unknown, as it hasn't been used for several years. Town Manager Walls advised the Town is experiencing difficulties with another gearbox and the Public Works Department is assessing the situation. She commented the Town has been lax about preparing for equipment failure in past years. Commissioner Greason advised much of the equipment is 30 years old. A gearbox had to be replaced soon after he became a Commissioner and he recommended the old gearbox be overhauled and set aside as a replacement in an emergency. Commissioner Correll was concerned about a gearbox problem on a weekend when a replacement would not be immediate. Commissioner Greason advised the RBCs will still run if one is malfunctioning, although the wet well will fill up. Town Manager Walls advised Superintendent Mowbray is looking at a replacement or repair. The Town is preparing to make improvements to the treatment plant and this equipment may not be necessary; therefore, the Town wants to spend as little money as possible on the current system.

#### **E. Verizon Lease Agreement**

#### **F. Chesapeake Utilities Agreement**

Town Manager Walls advised she is still waiting on these agreements. She is hopeful the Verizon agreement will be finalized by the March Commission meeting. Verizon will be coming to investigate a site for the equipment shelter. Commission Greason suggested the Commissioners give Town Manager Walls the authorization to execute the agreement, based on all questions and concerns being dealt with and the finalized contract being acceptable. Several years ago a similar

contract was lost due to delays on the Town's part and he does not want that to happen again. Commissioner Greason visited Denton, which has equipment on their water tower, and the contract offered to Bridgeville seems very similar. President Conaway commented the agreement is fairly cut and dry, although it must be approved by our attorney. The Town would receive \$1,600 per month in income. The only detail to be worked out is the placement of an 11x30 foot building. Commissioner Greason commented that the concerns that made the Commissioners table the previous agreement do not exist in the industry anymore. Commissioner Greason made a motion to authorize Town Manager Walls to take action on the agreement, pending confirmation that the agreement is the same as originally presented and approval by the Town Attorney. Commissioner Jefferson 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 Election Appointments for General Municipal Election – March 3, 2007**

President Conaway advised the Commission must appoint an Election Judge for the Municipal Election. Mr. John Shockley has had experience and is willing to serve. Commissioner Correll made a motion to appoint Mr. Shockley as the Election Judge for the Municipal Election. Commissioner Greason seconded the motion. Motion carried. Town Manager Walls and Town Secretary Smith will serve as Election Clerks.

### **B. First Annual Apple Scrapple Open**

President Conaway advised he has made arrangements with Western Golf, the company operating the golf course at Heritage Shores, for the First Annual Apple Scrapple Open. It will be played on Friday, October 12, 2007, at 10:00 A.M. on the Heritage Shores golf course. President Conaway will serve as chairman for the event, which will raise money for a Bridgeville charity.

### **C. Delaware Department of Transportation Correspondence**

President Conaway advised the Town has entered into correspondence with the Department of Transportation concerning the signage in front of Town Hall. It is very difficult to take pictures of our Town Hall and avoid having the highway signs in the picture. We are hopeful the signs can be moved.

#### **D. Heritage Shores Clubhouse**

President Conaway reported he has visited the new Heritage Shores Clubhouse and it is a beautiful facility. The hours of operation are being publicized. He is proud that the Clubhouse has agreed to allow the School District to use the facility for the Woodbridge Junior/Senior Prom. The ballroom will be the envy of Sussex County.

#### **E. Special Meetings**

President Conaway advised two meetings were scheduled to dispel rumors. The first meeting took place today with President Conaway, Town Manager Walls and the sales staffs of the builders at the Heritage Shores development, Lennar Homes and Providence of Brookfield Homes. Discussion centered on how Heritage Shores came about; original discussions with the developer; what will happen with the annexed land; and what could happen with other lands being considered for annexation. It was explained that the Heritage Shores streets are not private, they are public. The sales staff asked for documentation concerning how the Town defines a passive park. The sales staff received web site information and phone numbers to help answer future questions that might present themselves and they were encouraged to call the Town office if they have any questions. The Town wants the sales office to be successful, as the Town's success is linked to their success. President Conaway was pleased with the meeting. The second meeting is scheduled for Tuesday night, February 13<sup>th</sup> for the residents to discuss rumors as well. President Conaway announced the meeting will be postponed, as the weather forecast is not conducive to having a good turnout. The Town would like as many people as possible to attend the meeting so the information can be disseminated only once. It is important for the entire Bridgeville community to be advised of the meeting; therefore, it will be re-scheduled for a later date.

#### **F. Parks and Recreation**

President Conaway advised the workshop he and Town Manager Walls attended presented by the Institute for Public Administration, University of Delaware, was helpful in explaining how a Parks and Recreation Committee should work. President Conaway plans to appoint a Parks and Recreation Committee to begin discussions on opportunities and plans for Bridgeville. The Town already has the Children's Sanctuary Park, built by over 1,000 residents. The Commissioners are very proud of the park and are aware of the responsibilities it brings. A larger Little League complex is planned at the present site in Town, which will need planning and preparation. President Conaway believes that opportunities for young people will keep them off the streets and out of trouble. A Parks and Recreation Committee would look for solutions for these issues, canvassing the townspeople for their input. The Town has placed an ad in the local newspaper for volunteers and has had three responses. The Commission will soon address appointments to the Planning and Zoning Commission. Support is needed from all residents. President Conaway asked Mike McClure from The Star newspaper to help publicize the need for volunteers in the Town.

**G. First Reading – Ordinance A07-1 An Ordinance to Amend Section 128-1 of the Code of Bridgeville, Delaware, Entitled “Fees’ to Increase the Fee for Variances, Zoning & Conditional Uses to \$500.00**

Town Manager Walls advised there is a need to increase the fees for variances, zoning and conditional use requests from \$300 to \$500. The Town’s actual expenses are not covered with the current fee. The attorney expenses alone can use the entire fee as it is charged now. President Conaway reported the county charges \$500 for these same requests. Bridgeville cannot subsidize residents who want to make changes to their properties. Commissioner Correll made a motion to introduce Ordinance A07-1 for a first reading. Commissioner Sipple seconded the motion. Motion carried.

**H. First Reading – Ordinance A07-2 An Ordinance to Amend Section 128-1 of the Code of Bridgeville, Delaware, Entitled “Fees” to Charge for Sewer Usage in Excess of Allocation**

President Conaway advised the Town signed a contract with the Town of Greenwood to treat its effluent approximately ten years ago. There have been problems with the total volume that comes to our treatment facility. Greenwood has exceeded the volume allowed in the contract for three months. Greenwood is charged for the total volume treated, but they are taking advantage of Bridgeville by sending more water to our treatment plant than allowed by contract. The Commissioners have asked for a meeting with Greenwood to discuss the problem, with no response from officials. Greenwood has ignored the additional billing because it is not part of the contract. The contract does say that Greenwood will pay all fees charged by the Town of Bridgeville. This Ordinance would charge \$250 per equivalent dwelling unit (EDU) in excess of the allocation agreed upon for any industrial, commercial or non-Bridgeville user. It is an all-inclusive Ordinance and is not aimed at Greenwood, but will stop the subsidizing of Greenwood’s sewer needs. Commissioner Greason made a motion to introduce Ordinance A07-2 for a first reading. Commissioner Jefferson seconded the motion. Motion carried.

**XI. SPECIAL REPORTS**

**Request by Bridgeville Volunteer Fire Company to Close Union Alley  
Director of Public Safety Chaffinch**

Director of Public Safety Chaffinch has not received additional phone calls from concerned citizens living in the Town or near the Fire Hall regarding the alley closing. He has made contact with a homeowner about her initial concern and after an extensive conversation, she and her husband are agreeable to the plan. Director Chaffinch stated, if the Fire Company does build an addition behind the current structure, the alley should be closed from a public safety standpoint. President Conaway asked Mr. Pete Stephens of the Fire Company when they anticipate building. Mr. Stephens advised they are planning on two phases. The first will be a 2-story addition on the west engine bay coming out on Cannon St.; the second addition will be off the back of the east engine bay and very close to the alley. They hope to begin Phase I sometime this year, as they



will need storage for their antique fire engine. The Fire Company hasn't met with architects yet. President Conaway asked the Commission if they have any objection to ultimately closing the alley behind the Fire Hall. Commissioner Sipple still feels there should be a plan for the alley to turn and come out to Delaware Ave. where the two Fire Company rental houses presently stand. President Conaway advised the Commission is agreeable to closing the alley at some future point with an additional egress plan. The Commission requests that the Fire Company present the building plans to Director Chaffinch for his review. The Commission is agreeable to the closing, but wants to review the final plans before making a decision. Commissioner Jefferson recommended that speed bumps be installed at two locations behind the Fire Hall to slow the traffic in the alley, both residents and firemen, until the alley is closed. Commissioner Correll asked if the Fire Company has plans in place to demolish the two rental houses they own on Delaware Ave. Mr. Stephens replied there is a motion on the books, but no timetable for the demolition. Currently the Fire Company receives needed income from the rentals. Their greatest concern right now is safety due to fire and ambulance equipment that exits out onto the alley. Their other concern is when the Fire Hall has functions and guests need to cross that alley. There is too much traffic in the alley and it moves too quickly. President Conaway asked whether the Fire Company would be agreeable to speed bumps for an interim time in the alley. Mr. Stephens answered affirmatively. Director Chaffinch commented, based on finding out more about the phases of expansion at the Fire Hall, his public safety concerns are greater with the second phase of construction. Commissioner Jefferson made a motion for the Town to install speed bumps in the alley behind the Fire Hall. The Commission intends to keep the alley open until a decision is made concerning a passageway from the alley to Delaware Ave., after demolition of the Fire Company's rentals. Commissioner Greason seconded the motion. Motion carried.

### **Trash Concern**

Commissioner Sipple expressed a concern about areas of trash build-up inside and outside of Town that reflect on the Town of Bridgeville. She has contacted Royal Farms, Food Lion, the various renters at the shopping center and McDonalds. The fields surrounding those locations are full of trash. She is uncertain if she has made any progress with the business owners; however, she is certain that the trash was not there before those businesses moved into the area. Unfortunately, the fields around Bridgeville are very unsightly. There is likely a problem with the trash not being emptied often enough and the overflow blowing into the fields. The trash problem is also a problem for the area farmers, as it gets into their farm equipment. Commissioner Sipple has suggested having the 4-H Club, Key Club, or another service organization clean up the trash periodically and the business owners offer a donation to the club for their efforts. Commissioner Greason reported the Junior ROTC program at the high school has done trash pick up around Town in the past. Commissioner Sipple will contact the school, but she feels the responsibility to pay for clean up belongs to the businesses that have generated the trash. She realizes the Town has no real authority, because the businesses are not within Town limits, but she is concerned that the trash is a poor reflection on the Town. President Conaway advised the high school students are required to complete a certain number of hours of community service; this may be a good project for students. Commissioner Correll also mentioned that emptying large dumpsters into trash trucks is not a precision operation. Commissioner Greason questioned whether there is an

enforcement opportunity for littering if trash blows away when a trash truck is emptying a dumpster. Director Chaffinch remarked it would be an issue if the trash fell on the streets of the Town. There is an “escaping contents” law. These areas outside of Town are subject to state enforcement. Commissioner Sipple can contact the county enforcement officer if she does not get results through the business owners. President Conaway advised Mr. Holloway currently holds that position.

## XII. ADJOURNMENT

Commissioner Sipple made a motion to adjourn. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:13 P.M.

### XIII. COMMISSION MEETING RECONVENED

President Conaway reconvened the meeting at 8:20 P.M. for the purpose of taking action on an agenda item which was not considered during the regular meeting.

## OLD BUSINESS

## Certification of Annexation Referendum Vote – January 13, 2007

President Conaway reported the Commissioners are not required by law to certify the Annexation Referendum vote; however, the Commissioners will do so for a complete record. The vote was as follows:

### Parcel A

## For the Issue

Votes Cast on Premises: 131      Absentee Votes Cast: 25      Total Votes Cast: 156

### Against the Issue:

63                      2                      65

### Parcel B

### Against the Issue

Votes Cast on Premises: 161      Absentee Votes Cast: 25      Total Votes Cast: 186

### Against the Issue:

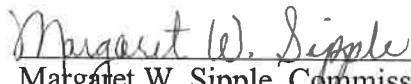
31                      2                      33

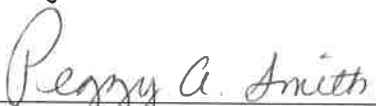
Commissioner Jefferson made a motion to approve the Certificate of Election as read. Commissioner Correll seconded the motion. Motion carried.

#### **XIV. ADJOURNMENT**

Commissioner Correll made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. The reconvened meeting was adjourned at 8:27 P.M.

Respectfully submitted by:

  
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Margaret W. Sipple, Commission Secretary

  
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Peggy A. Smith, Transcriptionist