

MINUTES
COMMISSIONERS OF BRIDGEVILLE
MARCH 9, 2009 – 7:00 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Pro Tem William Jefferson at 7:00 P.M. Present: Commissioners Patricia Correll, Ruth Skala, Earl Greason, Commissioner-Elect Michael Collison and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer.

II. QUORUM

President Pro Tem Jefferson reported a quorum was present to conduct the business of the Town of Bridgeville.

III. SWEARING IN OF COMMISSIONERS

Town Manager and Notary Public Bonnie Walls administered the Oaths of Office to continuing Commissioner Jefferson from the 5th Election District and newly-elected Commissioner Michael Collison from the 4th Election District. (Copies are attached to the permanent minutes.) Congratulations were extended to the elected Commissioners.

IV. APPOINTMENT OF COMMISSION OFFICERS AND STAFF

Per the Bridgeville Town Charter, the first Commission meeting in March is set as the re-organizational meeting. Commission Secretary Correll made a motion to approve the following Commission appointments:

President	William Jefferson
President Pro Tem	Michael Collison
Secretary	Patricia Correll
Town Manager	Bonnie Walls
Finance Director/Assessor	Jesse Savage
Solicitor	Firm of Wilson, Halbrook & Bayard Dennis Schrader

Commissioner Collison seconded the motion. Motion carried.

V. APPROVAL OF MINUTES

Minutes from the February 9, 2009 monthly Commission meeting were presented for approval. Commissioner Correll made a motion to approve the minutes. Commissioner Skala seconded the motion. Motion carried.

**VI. MR. JIM WESTHOFF, DEPARTMENT OF TRANSPORTATION
RE: Delaware Bike Summit Invitation**

Mr. Westhoff was not in attendance at the meeting.

VII. CORRESPONDENCE

Town Manager Walls advised the Commissioners have received an invitation from the Delaware 4-H Foundation for their 11th annual Kent County 4-H Dinner & Basket Auction on March 27th at the Felton Fire Hall. Tickets are \$25.00. Town Manager Walls will be glad to RSVP for any Commissioners planning to attend.

A letter has been received from Mr. R. Michael Collison resigning his chairmanship and position on the Bridgeville Planning and Zoning Commission, as Mr. Collison was elected to the Commission seat in the 4th Election District.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet. (The following amounts are in rounded figures.) For the period ending February 28th, the general checking and savings accounts totaled \$555,900, which is 6% lower than last month. Rainy day funds (including sewer sinking, impact fees and escrow accounts) totaled \$586,000, which was a minimal increase from last month, due to interest earned in January. Our accounts total \$1,274,800, which is \$47,000 less than at this point in FY-08. Concerning Accounts Receivable, the \$52,700 figure reflects a \$44,000 quarterly billing to the Town of Greenwood, which has been paid since this report was printed and leaves an \$8,000 balance. The amount outstanding for the interim financing loan increased by \$96,000, which is the balance of the EPA grant. On the Budget Report, the Town is 8 months into the fiscal year, with a target of 67%. The transfer tax of \$82,000 does not reflect February's receipts of \$5,900 for two settlements. There is one settlement expected in March. The interest income line item does not include interest-bearing account statements for February, which have not yet been received. Sewer collections are slightly below average. In the area of industrial collections, Pet Poultry is showing slightly less sewer usage than normal. Total income is at 87% of budget, which is a 3% increase from last month. Concerning expenses, the "dues" category increased because of a yearly SCAT fee and the Sussex County Profile. Total expenses are at 57% of the budget, up 5% from last month. Commissioner Correll questioned the price of newsletter ads. Town Manager Walls advised it has remained constant at \$100 per year. Several advertisers have stated they will not be able to renew this year. Finance Director Savage advised the accounts payable for approval is \$24,894. Expected expenses before the next Commission meeting bring the total to \$126,794. Our garbage collection of 515 customers should increase when Heritage Shores residents return from winter vacations. Commissioner Skala questioned the new uniform bill. Finance Director Savage advised it refers only to the new police recruits. Commissioner Correll made a motion to pay the bills as presented. Commissioner Collison seconded the motion. Motion carried.

IX. DEPARTMENT HEAD REPORTS

President Jefferson advised the Department Head Reports are available to the public. Commission Skala asked the status of Well #6 and whether Heritage Shores roads have been turned over to the Town. Town Manager Walls advised they are still working on the issue at Well #6 and the roads that are a part of Heritage Shores Phase 1A were turned over to the Town by letter dated February 27, 2009. Commissioner Correll commented the new geo reactor has been installed and in operation for approximately one month. Town Manager Walls added the second unit is on order. Commissioner Collison commended the Public Works Department for their quick and efficient snow removal during the recent storm.

X. CITIZEN'S PRIVILEGE

President Jefferson opened the floor for questions or comments from the citizens of Bridgeville. Mr. Larry Skala of 108 Whistling Duck Drive believes the Town cleared all of the Heritage Shores streets, although they weren't responsible for all of the streets. He thanked the Commission and commended the Town for their extra work and effort on behalf of the Heritage Shores development. Mr. Russ Beard of 25 Amanda's Teal Drive questioned which streets have been turned over to the Town. Town Manager reported the streets turned over to the Town for maintenance, etc. include Amanda's Teal Drive, Will's Island Drive and portions of Heritage Shores Circle and Heritage Shores Drive. Sidewalks belong to the property owner.

XI. TOWN MANAGER'S REPORT

Town Manager Walls personally thanked the Public Works employees for a terrific job with last week's snow removal. She drove through other Towns during the bad weather and Bridgeville's streets were outstanding in comparison. She extends her thanks to Rick Passwaters, Phillip Mowbray, Doug Jones and Barry Hafko.

The Town has received requests for consideration of annexation into Town limits. As reported at the February meeting, Matt and Christine Davis have requested annexation of a property at 16695 Adams Road. This is a residence on Church Street next to the Phillis Wheatley Middle School. Additionally, Addison, Morris and Stephen Tatman, c/o the Bariglio Corporation have requested annexation for property located north of Route 404 along the east service road, consisting of approximately 67 acres. They are requesting commercial and R-2 apartment zoning. Finally, Windsor Development, LLC has requested annexation for approximately 2.97 acres located on the north side of Antique Alley. They are requesting commercial zoning for professional buildings. Needed paperwork and water/wastewater studies are underway, with an expected annexation date in early May.

The Wastewater Treatment Plant Operator position has been filled. Mr. Jeff Collins will begin employment on March 16th. He has a Level IV license.

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Town Manager Walls and past Commission President Conaway attended a financial presentation by Governor Markell. The Governor addressed the serious financial crises facing Delaware. Per his presentation, all state departments and agencies are going to be examined for unnecessary spending and personnel. He stated, making Delaware financially sound will not happen overnight. The Governor does welcome input from residents.

Town Manager Walls appeared in court to present testimony regarding the steps taken by the Town in reference to 24 Church Street, owned by Edith Carey Palmer, c/o Carroll Palmer. This property was placed before the Dangerous Building Committee in late 2005, with a decision by the Commissioners for demolition. No action was taken by the property owner; therefore, the Town offered assistance as to demolition contractors, time extensions, etc. Again, with no response, by the property owner, the matter was turned over to our solicitor for action and a court date was finally secured. After providing testimony at the court hearing, with assistance from a representative of our attorney's office, the Court of Chancery Master stated he would issue an order for declaring judgment to the Town. Bridgeville can now proceed with demolition, by placing a lien on the property. We do not currently have the necessary funds; however, we will try to address the demolition in the FY-10 budget.

Another property on Church Street has been before the Dangerous Building Committee, as well. The old concrete dry cleaning building behind 40 Church Street, owned by Nellie Rich, c/o Teresa Palmer, has made very slow progress in cleaning up/demolishing the building. The Town will delay in taking them to court as long as progress continues.

The Commission had requested that we examine the adequacy of the current lighting in our alley ways. Contact was made with Delmarva Power and they advised a representative will be in Town this week to perform a lighting study.

The Department of Natural Resources and Environmental Control has solicited the Town for participation in the 2009 Mosquito Control Spraying Project. Bridgeville has been an active participant in this program in the past; therefore, Town approval was submitted before the March 5th deadline.

A \$500 grant from the Delaware Preservation Fund has been received for Town Hall shutters. Town Manager Walls originally requested \$1,000. Before we can receive the grant monies, the Town Hall must be included in the Historic District. We have one year to accomplish this requirement and are working toward that goal. Due to the fact that we will be short the needed monies for shutters, a letter was sent to newly elected County Councilman Sam Wilson, requesting consideration of his discretionary funds to complete the project.

Town Manager Walls spoke with a representative from the Department of Transportation regarding an update on the re-alignment project for the intersection of U.S. Route 13 and 404. Per the representative, the project is on schedule, although the recent snow cost them some work days. As long as there are no more big snows or bouts of rain, the total project should be complete by the beginning of May. The last piece of work will be the overlay of the entire work area.

With the election of Mr. Mike Collison as a Bridgeville Commissioner, we have a vacancy on the Planning and Zoning Commission. Mr. Collison served as chairman for that Commission. Mr. William Atwood, a current member of the Planning and Zoning Commission, has done an outstanding job and Town Manager Walls respectfully requested the appointment of Mr. Atwood as Chairman. Commissioner Collison made a motion to appoint Mr. Atwood as Chairman of the Planning and Zoning Commission. Commissioner Correll seconded the motion. Motion carried.

Town Manager Walls advised she has been working with the Police Department regarding the purchase of surveillance cameras. One company has reviewed the needs and will send a proposal later this week.

XII. OLD BUSINESS

A. Public Hearing and Second Reading of Ordinance A09-2, An Ordinance to Create a New Chapter of the Town of Bridgeville Code Relating to Alarms

Town Manager Walls opened the Public Hearing for this Ordinance at 7:23 P.M. The Ordinance is being recommended due to the number of false alarms and the failure of property owners to make repairs to their alarm systems. The Ordinance will entitle businesses and homeowners three false alarms during a calendar year. 4-6 false alarms will incur a \$150 fine; 7+ false alarms will incur a \$250 fine. If the Ordinance is adopted, the Police Department will make contact with businesses and homeowners affected. Town Manager Walls asked if there were any comments or questions from attendees in support of or against the Ordinance. There being none, President Jefferson asked for a motion. Commissioner Skala made a motion to adopt Ordinance A09-2 relating to Alarms. Commissioner Collison seconded the motion. Motion carried. The Public Hearing was closed at 7:25 P.M.

B. Public Hearing and Second Reading of Ordinance A09-3, A Historic Ordinance Amending the Bridgeville Land Use and Development Code by Providing Regulations for the Overlay Zone Known as “Historic District”

Town Manager Walls opened the Public Hearing for this Ordinance at 7:26 P.M. The Ordinance requires that structures within the Historic District be under closer scrutiny than structures in other parts of Town. The proposed Ordinance is not as restrictive as some Historic District Ordinances in place in other Towns. There are building permit requirements and public hearings. Paint color is not involved. The Planning and Zoning Commission would hold hearings on proposed changes to homes within the Historic District. Demolition would not be easy under this Ordinance, which would add a measure of protection for historic structures. Town Manager Walls asked if there were any comments or questions from attendees in support of or against the Ordinance. Mr. Joe Conaway of 105 Delaware Avenue advised there was an error in The Leader newspaper, probably an error by a copywriter, concerning this Ordinance. Please take note that this Ordinance does not apply to the interior of a historic structure. Mr. Russ Beard of 25 Amanda's Teal Drive asked about the pros and cons of including paint color. Town Manager Walls advised the Ordinance, as written, does not specify paint color. Mr. Beard

expressed concern about a black or purple house being undesirable. President Jefferson asked for questions from the Commission. There being none, he asked for a motion to accept or reject. Commissioner Collison made a motion to adopt Ordinance A09-3 providing regulations for the Historic District. Commissioner Skala seconded the motion. Motion carried. The votes are recorded as follows:

Commissioner Collison	Yes
Commissioner Correll	Yes
Commissioner Greason	No
President Jefferson	Yes
Commissioner Skala	Yes

C. Amendment to Town's Profit Sharing Plan

Town Manager Walls reported a Certificate of Resolution has been prepared in conjunction with the Town's Profit Sharing Plan. This amendment excludes the police officers from the Town plan, as they have recently signed with the state pension plan. Commissioner Skala made a motion to adopt the Resolution excluding the police officers from the Town's Profit Sharing Plan. Commissioner Collison seconded the motion. Motion carried.

XIII. NEW BUSINESS

A. Property Assessment Listing and Tax Appeal Day

Finance Director Savage advised each Commissioner has received a copy of the tax assessment roll for the Town. The Town uses Sussex County assessments in determining Town taxes. The total assessment for the Town is \$24,638,000, with a difference of approximately \$300,000. This is mainly due to a decrease in the Verizon assessment. It is a phase-out agreement with the county. It will not decrease in the future. That difference in assessment will be reflected in the budget as roughly \$5,000 less in tax revenues. These assessments will not change unless there are improvements made to the properties between now and July 1st, 2009. Commissioner Skala asked what comprised the 3.5 million dollar assessment of Verizon. Finance Director Savage reported it includes lines, poles, underground wiring and buildings. The county assessment is approximately 70% of the value of the property. For homes in Town, the county uses the 1974 housing assessments. Town Manager Walls advised a Court of Appeals will be held on Saturday, March 28th from 1:00 – 2:00 P.M. at Town Hall. Finance Director Savage will be available for any property owners who wish to question their assessment.

B. Introduction and First Reading of Ordinance A09-4, An Ordinance to Amend Chapter 222, Vehicles & Traffic

Town Manager Walls advised she had placed a drawing, made by Street Superintendent Passwaters, before each Commissioner regarding the exact location of a proposed 4-way stop in front of the new library. Both Police Chief Parsons and Street Superintendent Passwaters feel there is a safety issue at that location. Chief Parsons advised they had considered several

options; however, decided the best plan was to install stop signs at every road on that intersection for safety. In conjunction with that recommendation, the Town must amend Chapter 222 of the Town Code. Commissioner Correll made a motion to introduce for a first reading Ordinance A09-4 to amend Chapter 222 of the Town Code. Commissioner Collison seconded the motion. Motion carried.

XIV. SPECIAL PRESENTATIONS

The following presentations were made to outgoing Commission President Joseph T. Conaway as he steps down after eight years as President of the Bridgeville Commission.

35th District State Representative Mr. David Wilson and 39th District Representative Daniel Short came forward to make a presentation. Mr. Wilson read a Tribute from the House of Representatives to Commission President Conaway. They acknowledged his outstanding leadership in gaining certification of the first Land Use Plan by a municipality in the state of Delaware. Mr. Wilson acknowledged knowing Mr. Conaway for many years and commented that “whatever Joe Conaway told you is what you went to the bank with.” Mr. Short commented that relationships and friendships transcend politics. Mr. Conaway acknowledged that even though Mr. Wilson and Mr. Short are Republicans and he is a Democrat, they have always gotten along and gotten things accomplished together.

The Seaford Town Council, Mayor and Town Manager came forward. Mayor Ed Butler acknowledged that the two Towns have always worked well together. He read a letter of recognition from the Town of Seaford to Mr. Conaway. Mr. Conaway acknowledged the camaraderie and good-natured fun between Bridgeville and Seaford.

Town Manager Walls read a Resolution from the Town in honor of Mr. Conaway and presented a pale blue acrylic award and gift certificate for his years of service to the Town. Mr. Conaway acknowledged the faithfulness of his wife, Joann, who has put up with a great deal during his years of public service. He is very proud that his son-in-law, Mike Collison, has been elected to the Commission and acknowledged Mike’s parents in the audience. He is proud of his children and feels they gave up a lot for their dad’s sake; they have always been supportive. He is pleased that several of his grandchildren could be in attendance. Mr. Conaway believes that a lot has taken place in Bridgeville since he took office eight years ago. He extended appreciation to the other Commissioners he has worked with and to the employees who have always gone out of their way to assist the Town. President Conaway acknowledged his appreciation of the new Commission President, Mr. Bill Jefferson. Mr. Jefferson added the Commission’s appreciation for Mr. Conaway’s leadership. He trusts they can count on Mr. Conaway’s guidance and input in the future.

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XV. ADJOURNMENT

Commissioner Skala asked everyone to remember that Bridgeville is the center of the universe. She then made a motion to adjourn the meeting. Commissioner Collison seconded the motion. Motion carried. The meeting was adjourned at 7:53 P.M.

Town Manager Walls invited everyone to stay for a reception honoring former President Conaway.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist