

## MINUTES

### COMMISSIONERS OF BRIDGEVILLE MARCH 17, 2008 – 7:00 P.M.

#### I. CALL TO ORDER

The meeting was called to order by President Joseph Conaway at 7:00 P.M. Present: Commissioners Patricia Correll, Earl Greason, William Jefferson, Commissioner-Elect Ruth Skala 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 from the February 11, 2008 monthly Commission meeting were presented for approval. Commissioner Jefferson made a motion to approve the minutes as presented. Commissioner Correll seconded the motion. Motion carried.

#### IV. CERTIFICATION OF MUNICIPAL ELECTION – MARCH 1, 2008

Town Manager Walls reported the Municipal Election for Election District #2 took place on March 1, 2008, electing one Commissioner for a two year term. Election District #1 candidate, Mr. Earl W. Greason, was unopposed and was returned to the Commission for a two year term. Election District #3 candidate, Ms. Patricia M. Correll, was unopposed and was returned to the Commission for a two year term. The election results were as follows: Mr. Edward J. Heath – 45 votes; Mr. (James) Steve Kendall – 74 votes; and Mrs. Ruth L. Skala – 85 votes for a total of 204 votes. Mrs. Skala was declared the winner and will serve a two year term as Commissioner. The Certificate of Election was signed by Election Board members. Town Manager Walls recommended the Certificate of Election be adopted. Commissioner Correll made a motion to certify the election results. Commissioner Jefferson seconded the motion. Motion carried.

#### V. ADMINISTER OATHS OF OFFICE

Town Manager and Notary Public Bonnie Walls administered the Oath of Office to continuing Commissioners Correll and Greason and newly-elected Commissioner Skala. (Copies are attached to these minutes.) Congratulations were extended to the elected Commissioners.

## **VI. APPOINTMENTS**

Per the Bridgeville Town Charter, the first Commission meeting in March is set as the re-organizational meeting. President Conaway read the following suggested Commission Appointments for the coming year:

|                             |                                   |
|-----------------------------|-----------------------------------|
| President                   | Joseph Conaway                    |
| President Pro Tem           | William Jefferson                 |
| Secretary                   | Patricia Correll                  |
| Town Manager                | Bonnie Walls                      |
| Finance Director/Assessor   | Jesse Savage                      |
| Solicitor                   | Firm of Wilson, Halbrook & Bayard |
| Certified Public Accountant | Dennis Schrader                   |
|                             | Firm of Lank, Johnson & Tull      |
|                             | Rick Tull                         |

Commissioner Jefferson made a motion to accept the appointments as presented. Commissioner Correll seconded the motion. Motion carried.

## **VII. PRESENTATION: OFFICER OF THE YEAR AWARD**

This presentation has been postponed.

## **VIII. CORRESPONDENCE**

Town Manager Walls reported a card was received from out-going Commissioner Sipple thanking the Commissioners for the surprise tribute given to her at the February 2008 meeting. She also commented on the beautiful plaque presented to her from the Town.

A letter was received from Grace United Methodist Church in Georgetown thanking the Commissioners for their contribution honoring the memory of Police Sergeant Burke Parker 's grandmother, Elizabeth Parker, who passed away.

A thank you letter was received from the Woodbridge School District concerning an annual \$1,000 donation from the Commissioners for uniform assistance and outerwear for needy children.

A resignation letter has been received from PFC Brode of the Police Department effective March 11, 2008. Officer Brode appreciated the opportunity the Commissioners gave him to "work for such a great Town." He has accepted a position as a Deputy Fire Marshal with the Delaware State Fire Marshal's Office.

A brochure was received from the Bridgeville Public Library concerning details of the proposed new library, with suggested ways of becoming involved and supporting the effort.

Commissioners of Bridgeville Minutes

March 17, 2008

Page 3

A letter of thanks was received from the Boys and Girls Clubs of Delaware for the Commissioners' \$1,000 donation to the Western Sussex Boys and Girls Club "Annual Fund One Campaign."

An invitation was received addressed to the Commissioners for the 10<sup>th</sup> Annual Kent County 4-H Dinner and Basket Auction on March 28<sup>th</sup> at the Felton Fire Hall. Town Manager Walls advised she would RSVP for those Commissioners who wish to attend.

A donation request was received from the Del-Mar-Va Council of the Boy Scouts of America concerning an upcoming event. President Conaway recommended we treat it as other donation requests and inform the BSA that it will be considered during budget discussions for donations in the 2009 Fiscal Year.

President Conaway advised the Commissioners have already interviewed candidates for vacancies in the Police Department. The next training school will begin April 10<sup>th</sup> and continue for 22 weeks; all officers must be certified by taking the state police training. Our force will be understaffed in the interim. Sergeant Parker has been out of work with a bad back, but should be able to return to full duty around the beginning of April.

**IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Finance Director Savage was not able to attend the meeting. The Commissioners and residents extend their congratulations to him and his wife, Wendy, on the birth of their daughter, Avery Ellen on March 14, 2008. The family already has a two year old son, Talan.

President Conaway directed the Commissioners to the Balance Sheet. (The following amounts are in rounded figures.) Actual funds total \$424,000, which will help the Town come close to finishing the fiscal year in good standing. The Escrow accounts total \$851,000. These "rainy day" funds are timely, due to the current financial climate in our country. The Town is reviewing whether it will need to adjust fees or taxes to maintain current services, due to the high cost of energy and fuel. The Town will continue to watch its expenditures very carefully. President Conaway reported that the new Public Works building has been completed and the Town saved a great deal of money by having employees complete the offices themselves. President Conaway presented the bills to be paid. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

**X. DEPARTMENT HEAD REPORTS**

President Conaway reported building permits for the month of February were only \$2,087, as the general slowdown continues. He advised the amount received in transfer taxes last month was \$26,000; however this month's transfer taxes amounted to only \$3,000. Ms. Dottie Harper of Brookfield Homes reported three new home sales took place this past weekend. There are also three new homes currently being built. There continue to be national builders who might be interested in signing on and building new homes at Heritage Shores. The Town continues to write traffic tickets; however the monies realized are far lower.

## XI. CITIZEN'S PRIVILEGE

President Conaway opened the floor for questions and comments from residents.

- Mrs. Jacqueline Vogle who owns a home at 124 Widgeon Way expressed concerns about the Special Tax District (STD) and its legality. President Conaway explained the STD and assured residents that the charter change by the State Legislature was legal.
- Mr. August Daesener who owns a home at 140 Widgeon Way questioned whether the Town Attorney attends the Commission meetings. President Conaway advised the attorney is present when the Commissioners request his attendance. He also asked who could address the Commissioners during Citizen's Privilege. President Conaway advised the opportunity is intended for residents of Bridgeville, but others have not been prevented from speaking. The Commissioners are elected by and serve the people of Bridgeville. Mr. Daesener questioned the fact that he owns a home in Bridgeville but is not eligible to vote in Town elections. President Conaway commented an individual must be a permanent resident to register to vote in Town elections. This is state law, not Bridgeville law. Rehoboth Beach and other coastal communities have given non-residents the ability to vote in their Town Charters. Bridgeville property owners are allowed to vote if the Town is going to indebt itself.
- Mrs. Denise Kuegler of 57 Whistling Duck Drive asked for clarification about the STD money funding the new library and residents outside the STD not having the same responsibility. President Conaway reported that the STD was developed to benefit a number of groups, including the developer. Funds can be earmarked for a project that benefits the entire community, not just those in the STD. Bridgeville asked for monies for a new library and road improvements to service the library, which are clearly eligible requests. Current residents have been supporting the library for many years and expansion is necessary to accommodate the growing community. The philosophy employed is that growth should pay for itself. Due to past confusion concerning the STD, the Town has now provided a 3-page explanation for new homeowners to review at settlement. Bridgeville was the first Town to request an STD in Delaware; other Towns have followed suit. The new developments of Heritage Shores II and Lindenmere will likely become STDs and the Town will ask each developer for special funds, such as those which came from the current Heritage Shores development. Concerning the library building project, President Conaway clarified that the Library Trustees are independent of the municipal government and are appointed by the resident judge of the Superior Court in Sussex County. The key to acquiring state library funds is to participate in the state's bond bill; our library is currently not a part of that funding. Money for the library is going to be an issue, as state funds are very limited. The Commission has received a letter from the attorney representing the Bridgeville Public Library, asking them to extend an April 1<sup>st</sup> deadline. If the library is not prepared to use the \$700,000.00 from the STD before the final deadline, the Town will use the money for the improvements to the Wastewater Treatment Plant. The STD money cannot make up more than 73% of the cost of the project it is used for. It was re-iterated that Heritage Shores will have no further bond obligations for future projects than what they have now. If the developer defaults, Heritage Shores residents would have no additional monetary obligation. A contract will be awarded later in the meeting for stormwater

management and a road to service the new library. This also was part of the bond issue. President Conaway proceeded to introduce another community project the Town would like to pursue. The proposed development of Lindenmere on the west side of the Town will soon begin its building phase. Located on an old potato farm, there are outbuildings that could potentially be renovated and turned into an indoor recreation facility for the Town. Bridgeville could request STD funds from Lindenmere to help pay for that project.

- Ms. Dorothy Harper of Providence of Brookfield Homes added a developer's perspective to what President Conaway shared. She advised that Town governments always have a "wish list" to be considered for project approval whenever they go into a new community. Schools, playgrounds, ball fields, road improvements, etc. are all possible projects requested. If a STD is not in place, the cost of these special improvements/projects is included in the price of the home. Ms. Harper added that, since the bonds were paying for the improvement projects in Bridgeville, the developer had the funds to build amenities (i.e. clubhouse & aquatic facility) immediately instead of waiting for the usual 300 occupied homes before those facilities could be built.
- Mr. Bill Atwood of 113 Emily's Pintail Drive asked for clarification that all other new developments will be required to make a sizeable donation to the Town as Heritage Shores residents have been required to do. President Conaway replied in the affirmative.
- Mrs. Jean Lynch of 106 Emily's Pintail Drive added that Heritage Shores II and Lindenmere will not be age restricted communities, so their contribution will likely need to be in the area of schools, etc. President Conaway reported that the Town did not originally know that Heritage Shores would be age restricted. All contracts since then have included the stipulation that no more than 50% of the project can be age restricted. Bridgeville is concerned about housing for its younger population and that it has a population young enough to continue to operate a viable volunteer fire company to serve the Town. He also added that the Town has requested a donation of land from the Heritage Shores II development for 20 acres of land (valued at \$1 million) to build a new elementary school, should it become necessary. All residents are subject to Woodbridge school taxes and would be required to pay for that new land, had it not been donated. In addition, three acres have been set aside at Heritage Shores II for a Fire Company substation, should it become necessary. At Lindenmere, the old buildings are set aside for the Town and they have offered land to build a new fire hall, which would be a \$25 million project. Funds to help the Town build a new Town Hall could also be requested from a new development. President Conaway reported the Town has received tentative approval for a loan of \$3-4 million from U.S.D.A. for a new Town Hall.
- Mrs. Jacqueline Vogle requested clarification of the individual homeowner's liability, should the Heritage Shores development not fully build out. President Conaway advised the homeowners are only responsible for the original amount determined. The Town has a lien on the Heritage Shores property and could sell assets to pay off the bond payment for a particular year, if necessary. The STD is unique in this way; the bond issue cannot completely default. The bonds are not insured; they are revenue bonds. The Town did not pledge full faith and credit of the community for the bond issue. The Town's bonded indebtedness is approximately \$4 million, which does not include these bonds. Bond

buyers for this issue were insurance companies and pension funds. They would lose in the case of default.

- Mr. Ed Heath of 40 Whistling Duck Drive commented he appreciated the discussion this evening and learned more than he has learned in the past year about the STD. He suggested that President Conaway join Commissioner Skala and Mrs. Harper in a meeting at Heritage Shores to stop the rumor mill concerning the STD. President Conaway expressed a willingness to participate and also stated that residents are encouraged to call the Commissioners if they hear a rumor or have a concern; the Commissioners' phone numbers are published in the local phone directory.

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

Town Manager Walls reported that Bridgeville resident Fred Leger has donated memorabilia concerning the American Legion Post 26, which existed in years past. Town Manager Walls intends to place the newspaper articles in a booklet and display the charter information so that it will be available to all residents here at Town Hall. The American Legion was close to T.S. Smith & Son right outside of Town limits.

The "Spring into Health" Community Walk is scheduled for Saturday, April 5<sup>th</sup> at 9:00 A.M. at the Woodbridge Sports Complex outside of Town. The rain date is Sunday, April 6<sup>th</sup>. Everyone is encouraged to attend.

A Citizen's Advisory Committee meeting will be held here at the Town office on Tuesday, April 15<sup>th</sup> at 7:00 P.M.

A meeting was held with representatives from Providence of Brookfield Homes in which they confirmed the purchase of the Lennar portion of construction at Heritage Shores. Brookfield stressed their willingness and desire to work with the Town; they are eager to move forward in building and producing a first class development. The Town looks forward to working with them.

The development of commercial properties at Heritage Shores is progressing. Mr. Robert Rauch, engineer for the development, shared during a meeting at Town Hall that negotiations with businesses are moving forward. The completion of the realignment of U.S. 13 and 404 is holding up the process somewhat. A sketch plan was presented, reviewed and approved by Town Manager Walls and Code Enforcement Constable Butler. The plan will also be brought before the Town's Planning and Zoning Commission for approval. Mr. Rauch indicated there are several grocery stores interested in the area, a pharmacy, fast food restaurants, a bank, hotel and they are having discussions with big box stores.

Town Manager Walls advised she has spoken with Verizon regarding a water tower lease agreement that was put on hold approximately one year ago. All paperwork had been approved by attorneys; Verizon and the Town were ready to move forward with execution of the agreement to place equipment on the water tower behind Town Hall. At the last moment Verizon reported all agreements and spending had been frozen until the beginning of 2008.

Commissioners of Bridgeville Minutes

March 17, 2008

Page 7

Town Manager Walls contacted the representative several weeks ago for a status report and found that all agreements were still on hold.

The yearly Town-wide Neighborhood Yard Sale is scheduled for May 3<sup>rd</sup>, with Clean-Up Day scheduled for May 10<sup>th</sup>.

Town Manager Walls again met with a representative from the Delaware Economic Development Office regarding the opportunity for Town businesses to learn more about downtown revitalization. Monies for training are available through U.S.D.A. and monies may become available through the Department of Transportation to attend conferences. The Development Office would like to schedule a meeting with Town businesses to discuss issues such as: reducing downtown vacancy, retaining and expanding existing businesses and promoting a community image. Letters have been sent to Town businesses to explore their interest, after which a meeting would be scheduled. President Conaway clarified an incorrect statement made on WBOC TV news. They inaccurately stated that Bridgeville had already received funds through this program.

Late this afternoon Town Manager Walls received new information concerning DelDOT's intention to paint yellow lines on Railroad Avenue this spring. They anticipate scheduling the project in May and are uncertain whether the double yellow lines will go all the way to the stop sign, where the road crosses the railroad tracks. It was suggested that the Town return to them the stop sign that it doesn't need or want in exchange for double yellow lines for Railroad Avenue.

### **XIII. NEW BUSINESS**

#### **A. Adoption of Updates to Personnel Policy**

This agenda item will not be considered tonight.

#### **B. Second Reading and Adoption of Ordinance A08-1, An Ordinance to Amend Chapter 19 of the Town of Bridgeville Code Relating to Emergency Management to Include the Bridgeville Emergency Operations Plan**

President Conaway advised Mr. David Levy chairs a Town Committee which has prepared an Emergency Preparedness Plan for the Town of Bridgeville. This committee includes Town employees, citizens, police, fire and county personnel. Sussex is also preparing an Emergency Plan for adoption at the county level. Bridgeville intends to mesh its plan with the county's plan; however, the state is requiring Bridgeville to adopt its Emergency Plan immediately in order to remain eligible for state funding. The Town can later amend its Plan so that it will coincide with the county plan. President Conaway opened the Public Hearing at 8:17 P.M. and asked for comments or questions from the Commissioners and the audience. Hearing none, Commissioner Jefferson made a motion to close the Public Hearing. Commissioner Greason seconded the motion. Motion carried. The Public Hearing was closed at 8:18 P.M.

Commissioners of Bridgeville Minutes

March 17, 2008

Page 8

Commissioner Jefferson made a motion to adopt Ordinance A08-1. Commissioner Greason seconded the motion. Motion carried.

**C. Update: Bridgeville – Greenwood Agreement**

President Conaway advised the Commission held a productive meeting with the Town of Greenwood on March 12<sup>th</sup>. The Commission is awaiting the final draft of the Memorandum of Understanding agreed upon. It solves the problems regarding the wastewater contract between the two Towns. This Memorandum of Understanding would waive the excess flow penalty; fifteen days after signing the Town of Greenwood would purchase an additional 25 EDUs at the rate of \$1,080 each. They will not use the additional EDUs, but hold them as a protection against exceeding their EDU limit. The MOU will be in effect for nine months until the Town of Greenwood purchases additional capacity, under the re-negotiated agreement, or until the new spray irrigation facility is in service. The Town of Greenwood can lift the moratorium on new development when the spray irrigation system is operational. Any annexations would be at the prevailing impact fee charged to developers, which is currently \$7,500 per EDU. Greenwood will continue its good faith efforts to reduce inflow and infiltration into its sanitary system. Thirty-nine instances of rainwater in Greenwood's system have been discovered and corrected. The agreement signed in 1989 will be re-negotiated by both Towns and written by the Sussex County attorney. Councilman Finley Jones was instrumental in making this agreement possible. The two Towns met without lawyers present. Bridgeville will continue to provide Greenwood with all the data which is necessary to determine their costs. The Commissioners have seen the agreement and are satisfied with it. The two Towns' respective engineering firms are preparing the final draft of the MOU. Commissioner Jefferson made a motion to sign the Memorandum of Understanding in its correct, final draft. Commissioner Correll seconded the motion. Motion carried.

**D. Bid Recommendation for Elliott Drive / Library Road**

Town Manager Walls advised the bid deadline for stormwater management and road improvements for the Library service road was February 27<sup>th</sup>. Twelve bids were received and have been reviewed by our engineers Davis, Bowen & Friedel, Inc. for conformity. It is their recommendation that the Town accept the low bid from A.P. Croll and Son in the amount of \$132,370.00. President Conaway elected to abstain from this vote, as he has been involved with several of the bidders, including the low bidder. Commissioner Correll made a motion to accept the recommendation of Davis, Bowen & Friedel, Inc. and award the contract to A.P. Croll & Son. Commissioner Greason seconded the motion. Motion carried with the following votes being recorded.

Commissioner Jefferson – Yes  
Commissioner Skala – Yes  
Commissioner Correll – Yes  
Commissioner Greason – Yes  
Commissioner Conaway – Abstain

#### **XIV. NEW BUSINESS**

##### **A. First Reading and Introduction of Ordinance A08-2 Relating to Dog Ownership, Etc.**

President Conaway advised the Commissioners received this Ordinance tonight from the attorney concerning the ownership of dogs within Bridgeville Town limits. It is not necessarily in the form and wording which will be finally agreed upon; however, because dog problems escalate in the upcoming summer months, it would be helpful for the Commission to introduce the Ordinance for its first reading tonight and then thoroughly examine the document before the Ordinance is voted on at the April Commission meeting. Commissioner Jefferson made a motion to introduce Ordinance A08-2 for a first reading. Commissioner Correll seconded the motion. Motion carried.

##### **B. First Reading and Introduction of an Ordinance Amending Impact Fees**

This agenda item will not be considered tonight, as the Ordinance was just received from the attorney late today. President Conaway reported the Town has an Ordinance identifying impact fees for an individual house as \$1,080. The Town must insure that impact fees negotiated in a developer's agreement supersede or are not affected by that current Ordinance in place for impact fees for a single-family house.

##### **C. Community Health Day Proclamation**

President Conaway read a Proclamation naming April 5, 2008 as "Community Health Day" in Bridgeville. He added that at last year's inaugural Health Walk, Bridgeville won a trophy for the most participants in the surrounding Towns that participated. Commissioner Correll made a motion to adopt the Proclamation. Commissioner Skala seconded the motion. Motion carried. Commissioner Correll gave directions to the Woodbridge Sports Complex on Adams Road outside of Town limits. Town Manager added that there will be free t-shirts for the first 100 walkers. Free water and fruit will be available after the walk and there will be hand-outs on healthy lifestyles for all participants.

##### **D. Update to Town Construction Standards and Specifications for Water, Sewer and Streets**

Town Manager Walls reported Town engineers Davis, Bowen and Friedel, Inc. reviewed Bridgeville's construction standards and identified necessary updates to remain current with the Delaware Department of Transportation, construction industry, etc. Recommended changes included thicker pavement, design standards, construction traffic, additional options for meter pits, culvert requirements, etc. Commissioner Jefferson made a motion to adopt the updates to the Town Construction Standards and Specifications for Water, Sewer and Streets. Commissioner Skala seconded the motion. Motion carried.

**E. Arbor Day Proclamation**

President Conaway reported that Bridgeville is a Tree City U.S.A. He read a Proclamation naming April 25, 2008 as "Arbor Day" in the Town of Bridgeville. Commissioner Correll made a motion to adopt the Proclamation. Commissioner Skala seconded the motion. Motion carried.

**F. Bridgeville Public Library – Attorney Response**

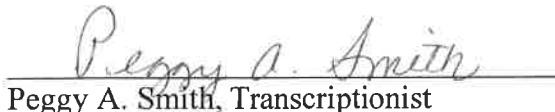
President Conaway read a letter from the Bridgeville Library Trustees' attorney, John Tarburton. The letter states, "Through a plan of fundraising, construction cost reduction and borrowing money, the Trustees plan to specify the amount of their local match (local funds available) within the next few days. This information will be used to demonstrate to the Town of Bridgeville their ability to follow-through with construction. These funds, combined with the \$700,000 from the Heritage Shores Special Tax Bond Issue and the value of the land to be donated to the Library, will be presented to local legislators to request matching funds from the State." President Conaway advised that procuring matching funds was a key issue. Without matching funds, it is not possible to be a part of the bond bill. The Trustees have promised in this letter to forward requested information from the library to the Commissioners, as this is a Bridgeville Bond, not a Library Bond. The Commissioners have required an April 1<sup>st</sup> deadline from the Trustees; however, this letter requests an extension of that date. President Conaway recommended the Commissioners should not extend the April 1<sup>st</sup> deadline, but continue to insist that the trustees move forward quickly, with no opposition voiced by the other Commissioners. The Town's letter to the Library Trustees encouraged them to spend the money set aside from the Special Tax District (STD). The Commissioners will not cause the Library's builder, Regional Builders, to lose their money; however, paying Regional Builders with a portion of the \$700,000 from the STD will reduce the amount of money the Trustees can use as a match to reach the \$1.5 million needed. The Town will find out if the new Bridgeville Library is included in the Bond Bill by July, 2008. The Commissioners expect to hear again soon from Mr. Tarburton.

**XV. ADJOURNMENT**

Commissioner Skala made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:46 P.M.

Respectfully submitted,

  
\_\_\_\_\_  
Patricia M. Correll, Commission Secretary

  
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Peggy A. Smith, Transcriptionist