

## MINUTES

### COMMISSIONERS OF BRIDGEVILLE MARCH 22, 2005- 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 Margaret Sipple, Earl Greason, Patricia Correll, William Jefferson, and Town Manager Bonnie Walls. The meeting started with the flag salute and the Lord's Prayer.

#### **II. ADMINISTER OATH OF OFFICE**

The municipal election for Commission positions was scheduled for March 5, 2005, with only incumbents seeking re-election. The Oath of Office for Commissioner of The Town of Bridgeville was administered to Joseph Conaway for a two-year term, Patricia Correll for a one-year term, and William Jefferson for a two-year term. Congratulations were extended to the Commissioners.

President Conaway introduced the Mayor of Georgetown, Mr. Mike Wyatt, and Councilwoman Angie Townsend. Mayor Wyatt and Councilwoman Townsend are visiting each Sussex County town to see how other municipalities conduct their meetings.

Per the town charter, Section 8, following the election, a re-organizational meeting is to be held. Appointments are presented for consideration. For the position of President of the Commission, Commissioner Jefferson nominated Joseph T. Conaway with Commissioner Correll seconding the motion. Motion carried.

President Conaway pointed out in past years a Commissioner was appointed to oversee each town department. With a Town Manager in place, President Conaway feels that the Commissioners will be the policy making people and the Town Manager will now oversee all departments.

President Conaway stated a Commissioner secretary needed to be appointed and he would recommend Commissioner Sipple. He also appointed Mr. Jesse Savage as Finance Director, Mr. Dennis Schrader with Wilson, Halbrook, and Bayard as Town Solicitor, and a president pro tem who will serve in the absence of the president, Commissioner William Jefferson. Commissioner Correll made a motion to accept the recommendations and appointments as stated. Commissioner Jefferson seconded the motion. Motion carried.

### **III. APPROVAL OF MINUTES**

Minutes of the regular board meeting held on February 7, 2005, as well as the minutes of the police candidate interviews held on March 3, 2005, were presented for adoption. Commissioner Correll made a motion to accept the minutes as presented. Commissioner Sipple seconded the motion. Motion carried.

### **IV. SPECIAL DEVELOPMENT DISTRICT RESOLUTION**

Mr. Nick Rocks, Allen and Rocks, Inc., developer for the Heritage Shores Project, introduced Mr. John Murray with Miles & Stockbridge, who advised his firm had represented the developers, Nick Rocks, for several years. Mr. Murray stated names of those involved with preparing documentation for the Special Development Tax District and complimented them on their hard work and many efforts.

President Conaway advised they were present to consider creating a Special Development District for the Heritage Shores Development. This legislation gives the Town of Bridgeville the authority to create municipal special development tax districts. In February, Governor Minner signed House Bill 21 thus making Bridgeville one of only two governments in Delaware eligible to create these types of districts. The City of Wilmington is the other government. If a proposed resolution is adopted, Bridgeville will become the only government in Delaware to establish such a district.

The creation of a special tax district enables the town to create a designated area within the town as a special tax district. The proposed resolution creates the entire Heritage Shores Development as a special tax district. Once the district has been created, the town will move to issue special development district bonds at the level requested by the applicant, in this case, Passwaters Farm, LLC. and the developers, Allen & Rocks, Inc. The applicant will use these funds to pay for the public infrastructure necessary to build this project. The applicant is responsible for paying the principal and interest associated with this bond issue. These bonds are tax exempt bonds - the interest paid is tax exempt, because the bonds are being issued by the town. All costs associated with the bonds are being paid for by the applicant. The floor was opened for questions. The benefits of this program are not just for the developer and the institutional bond investors.

Part of the bond issue is to provide the town with the funds necessary to construct two streets - one between the Woodbridge athletic fields and little league fields with the school district paving the parking lot so the entire area will become a first class facility. The second street will be south of the little league fields to create a street to service the library site which the developers have already given to the town. On that site the bond

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issue will provide matching funds (\$700,000) to build a new 10,000 square feet, state-of-the-art library for the Town of Bridgeville, which is the minimal site that can be built in the state of Delaware with state matching funds. The library trustees support the town's efforts to obtain these funds and have stated they are delighted to build a new facility on this site and will be responsible for filing the grant application and paying these funds. With the addition of the \$100 per settlement pledge for library construction already in place and being paid by the developer, the total funds for construction match will be \$900,000, a figure more than sufficient to meet construction costs and have some funds available for furniture and equipment. These figures are based on the Bridgeville library's construction report.

Because the Special Development District Bonds are in the name of the Town of Bridgeville, Bridgeville will receive funds totaling \$500,000. These funds will enable the town to repay its general fund for expenses related to growth already incurred and to provide for items that we believe are associated with growth in the future. For example, next year's budget beginning July 1, 2005, will provide for a street cleaner, a new police vehicle, a wood chipper, and paving of two additional parking lots. The Special Development District Bonds will generate a total of \$1.6 million available to the town. Who pays for it? Not the present residents of the Town of Bridgeville. The collateral for this bond issue is because of the development of Heritage Shores and its present and future owners through a special tax assessment, over and above their normal property tax, will repay the entire bond issue. These bonds do not count against our bonded indebtedness, as controlled by the Town Charter. There is no risk financially or otherwise for the people in the Town of Bridgeville.

President Conaway read by title, the proposed Resolution - A resolution designating a Special Development District in the Town of Bridgeville, Delaware ("Bridgeville") to be known as the "Heritage Shores Special Development District" (the "Heritage Shores District"); creating a special fund to be known as the "Heritage Shores Special Development District Special Fund" (the "special fund") providing for the introduction of a future ordinance to provide for a levy of a special tax in connection with the Heritage Shores District; making certain legislative funding, among others, concerning the public benefit and purpose of the Heritage Shore District; approving, pursuant to the notice and following a public hearing, the designation of a special development district and the creation of a special fund, all in accordance with Title 22 of the Delaware Code, Chapter 18 and Section 29A of the Charter of Bridgeville (collectively, the "Act"). President Conaway reviewed the recitals - an application has been received to create a special development district, the need for the adoption of a bond ordinance with a public hearing, and with the adoption of the Act, the creation of the Heritage Shores District will serve the public purposes of providing public

improvements within Bridgeville, thereby directly and indirectly enhancing the taxable base of Bridgeville, encouraging the development of commerce and industry and increasing employment within Bridgeville. At this time, prior to action on the resolution, Commissioners and the public were invited to ask questions, etc. Commissioner Jefferson inquired of Town Solicitor, Dennis Schrader; if he concurred that the Special Development District was in the best interest of the Town of Bridgeville. Mr. Schrader responded by saying "absolutely". With the creation of Heritage Shores, the infrastructure, town services, etc. which will be required, allows the Special Development District to have those people pay for these needed services, etc. Mr. Schrader went on to say the town should be very proud of enacting this type district. With no other questions, Commissioner Jefferson made a motion to adopt the resolution. Motion was seconded by Commissioner Sipple. Motion carried. President Conaway stated "we have made history tonight" and affirmed to the Commissioners this was a good move.

## **V. CORRESPONDENCE**

Town Manager Walls stated a letter was received from the Department of Public Safety, Division of Alcoholic Beverage Control and Tobacco Enforcement, regarding Texas Holdem Poker. The letter has been sent to all municipalities, organizations, etc. who have ever received a permit for serving alcoholic beverages, such as Bridgeville hosting SCAT with a social hour prior to the dinner meeting. The Department of Public Safety is advising all licensed land is considered gambling and is illegal under the current Delaware law and ABC Commission. All activities must be approved by the Gaming Committee.

Town Manager Walls stated a letter was also received from the American Red Cross advising of a meeting at the Bay Center in Dewey Beach on May 4, 2005 for an inaugural hometown heroes breakfast. An application to nominate a candidate is available.

Monthly newsletters were received from the Woodbridge School District, Boys and Girls Club, Peninsula Oil Company, Comcast, Inc., Delaware Housing Journal, and the Department of Natural Resources and Environmental Control. First State Community Action Agency has advised of their annual senior services employment job fair to be held on Thursday, April 7. A letter from Delaware 4-H Foundation advising their 7th annual Kent County 4-H dinner and basket auction will be Friday, April 1st at the Felton Fire Hall.

President Conaway read a letter from Mr. Jeff Scott requesting permission to burn a pile of logs and lumber scraps in his back yard. President Conaway stated it is the

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Town of Bridgeville's position that no burning is allowed within the town limits and the town has made it possible for the residents to bring their limbs, etc. to our wastewater plant. Other Commissioners pointed out if an exception is made for one resident, a precedent would be established which could certainly create problems. The question of a "Spring Cleanup" was mentioned, with Town Manager Walls, stating there are no monies in the budget for this activity.

President Conaway read a letter from George and Sandra McEnrod regarding sex offenders living in town and not being informed of such by the Police Department. Chief Parsons stated when the department receives notification of a conviction, neighbors and the school district are notified. President Conaway recommended that Chief Parsons keep the Town Manager up to date on this matter, with a notification being given to all residents.

A Certificate of Appreciation was presented to Miss Lauren Sipple for three hours of community service to help complete a school project. The Certificate was presented to her by Commissioner Sipple, her grandmother.

**VI. APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLE**

Finance Director Savage advised the ordinary monthly bills were typical, but did want to point out that \$26,500 is due for the USDA quarterly loans. After a general discussion, Commissioner Correll made a motion to pay the bills as presented and accept the financial statements. Motion was seconded by Commissioner Sipple. Motion carried. President Conaway pointed out that from last month's report, anticipated funds are \$73,000 above in the general fund. Finance Director Savage pointed out that previous years delinquent taxes are indeed being collected.

**VII. DEPARTMENT HEAD REPORTS**

President Conaway thanked Street Superintendent Rick Passwaters for his efforts in getting a previously used police vehicle ready for town use.

With the Town Solicitor in attendance, an update was requested on properties being cited under the dangerous building ordinance. Mr. Schrader advised that the process is slow and all attempts need to be made to ensure proper documentation submitted to the court is correct and concise. Commissioners pointed out properties have debris, etc. in the yards with a cleanup being needed. Town Manager Walls stated she would check as to the availability of the boot camp workers and using their services for the cleanup.

### **VIII. CITIZEN'S PRIVILEGES**

No comments from citizens.

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

Town Manager Walls presented a request for an extension of contract time as it pertains to Teal Construction South Bridgeville Utilities contract with the town who is installing the water and sewer lines at Heritage Shores. Adverse weather conditions have delayed the project (gravity sewer extension along Route 404) along with issuance of a certificate of approval from the State of Delaware, Office of Drinking Water. Our engineering firm, Davis, Bowen & Friedel, Inc., recommends that a time extension be granted (33 days). Following a general discussion, Commissioner Sipple made a motion to grant an extension. Motion seconded by Commissioner Greason. Motion carried.

A letter was sent to Senator Thurman Adams and Representative Ben Ewing asking for their support in the appropriation process for funding to the Delaware Rural Water Association. The Delaware Water Association has certainly provided the Delaware communities with assistance through their many environmental protection programs, such as providing circuit riders who assist small communities with EPA water regulations. The Town of Bridgeville is very appreciative of the support the Delaware Rural Water Association provides to our staff.

Town Manager Walls advised the town has received written notice from the Delaware Health and Social Services, Division of Public Health, Office of Drinking Water, that we will be invited to submit a loan application for replacement of approximately 2,300 feet of water mains in the Walnut Street area (South Main Street to Railroad Avenue). The town submitted a pre-application in October 2004 for funding consideration of this project. In December 2004, projects were ranked. Bridgeville was ranked fifth out of nineteen submitted projects, and placed on the project priority list for funding. Total project amount requested was in the amount of \$260,000.00 - construction costs estimated at \$200,000.00, engineering \$40,000.00, and a contingency amount of \$20,000.00. The town will now be able to submit a full application for funding. Town Manager Walls requested of Commissioners to please remember - if awarded, this is a loan. After a general discussion, Commissioner Sipple made a motion that a full application be submitted for a possible loan to complete the presented project. Commissioner Correll seconded the motion. Motion carried.

Town Manager Walls stated in January 2004, the town submitted two Notices of Intent to the Department of Natural Resources and Environmental Control, representing water pollution control projects for consideration during the next six years. The two

projects were (1) miscellaneous sewer improvements for infiltration and inflow (I & I) removal. The work would include investigation and removal of approximately four catch basins from the sewer system, installation of new storm drain piping, street repair as needed, and possibly a storm drain outfall to Bridgeville Branch. Also included in the proposal are miscellaneous improvements to the Bridgeville Mall pump station to include raising the top of the structure to reduce or eliminate flooding, and to provide a weather protection enclosure around the electrical control panels. Sewer televising and manhole inspection for location and correction of infiltration in targeted problem areas is also included. Estimated cost of the project is \$586,100.00. (2) Additional spray irrigation land and larger storage lagoon area, which will be concluded when results of hydrogeological studies are completed. Estimated cost of this project is \$991,000.00. The town is on DNREC's FY-06 priority list and will be considered for funding. These monies are loans/grants. Following a general discussion, Commissioner Greason made a motion that an application be submitted for each stated project. Commissioner Correll seconded the motion. Motion carried.

The Kiwanis Club of Bridgeville has advised they will be responsible for maintenance and seasonal plantings at the Market and Main Street Park. The Woodbridge FFA is going to assist the Kiwanis Club with this project. Our thanks to both groups.

Town Manager Walls stated she personally wanted to thank Mr. George Hardesty for repairing a bench and picture frame for the town office.

## **X. OLD BUSINESS**

In January, Mr. Mark Fields, President of the Woodbridge Little League Association, requested the town to permit the league to continue using the ball fields located on South Cannon Street. Solicitor Dennis Schrader has prepared a license agreement with the Woodbridge Little League Association. President Conaway has signed and sent the agreement to the Little League Association for their signature.

An amendment to Chapter 84, Animals, was presented for a first reading. The amendment will prohibit farm animals and wild animals within the town limits except those animals permitted in the Agricultural Zoning District. After a general discussion, Commissioner Correll made a motion to accept the amendment for the first reading. Motion was seconded by Commissioner Greason. Motion carried.

An amendment to Chapter 234, Zoning, was presented for a first reading. The amendment will add a provision restricting the parking of certain vehicles and trailers in residential districts. This amendment prohibits trailers and certain large vehicles from

being parked in front and sides of dwellings. Following a general discussion, Commissioner Correll made a motion to accept the amendment for a first reading. Motion seconded by Commissioner Sipple. Motion carried.

An amendment to Chapter 190, Sewers, was presented for a first reading. This amendment will reduce the permissible discharge of greases and oils into the sewer system and require food service facilities to provide for the removal of greases and oils into the sewer system. This amendment regulates the discharge of grease, oil, and fats into the public sewer system. These materials can interfere with the operation of the sewer system and facilities that prepare food contribute the largest amounts of these materials into the sewer system. After a general discussion, Commissioner Sipple made a motion to accept the amendment for a first reading. Motion seconded by Commissioner Jefferson. Motion carried.

An amendment to Chapter 234, Zoning, was presented for a first reading. The amendment will add a provision providing for the enforcement of handicapped sign requirements. The Town of Bridgeville is required under Title 22, Chapter 1 of the Delaware Code to enact an ordinance to require all handicapped parking spaces to be marked by signs and, as part of that ordinance, to provide for its enforcement. After a general discussion, Commissioner Correll made a motion to accept the amendment for a first reading. Motion seconded by Commissioner Sipple. Motion carried.

An amendment to Chapter 205, Swimming Pools, was presented for a first reading. The amendment will include above-ground swimming pools whether of solid construction or with inflatable sides, designed to hold water at a depth greater than two feet and intended for recreational use or viewing. After a general discussion, Commissioner Correll made a motion to accept the amendment for a first reading. Motion seconded by Commissioner Sipple. Motion carried.

## **XI. NEW BUSINESS**

Two new policemen have been hired and started the academy on Monday, March 21st. Upon graduation, a Work Agreement with the town will be fully executed.

President Conaway reminded Commissioners that they are required by Charter to meet and hold a Court of Appeals regarding resident's property assessments. The charter requires that the Court of Appeals be held on the last Saturday of March. Therefore, the date of March 26, 2005 from 12:00 - 1:00 P.M. has been established for the hearing of any appeals.

On behalf of the Commissioners and residents of Bridgeville, President Conaway advised that earlier in the month he proclaimed March as Red Cross Month.

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We all support and appreciate the American Red Cross, as we know they respond to local and worldwide disasters along with providing life saving skills, etc.

President Conaway advised he attended, on behalf of the Town of Bridgeville, the 66th Anniversary of the Kiwanis Club of Bridgeville being established. He presented a resolution honoring the Capital District Kiwanis International Governor, Warren W. Kane. Governor Kane was recognized by other dignitaries such as Senator Adams and Representative Ewing for his many accomplishments.

President Conaway advised cameras are being placed at the intersection of US Route #13 and US Route #40 which will monitor motorists running red lights. Following a general discussion, the Commissioners stated they supported and are pleased to learn that cameras are at this intersection, as we all know the dangerous conditions at this intersection.

## **XII. SPECIAL REPORTS**

Chief Parsons advised a telephone poll was made to Commissioners, with the majority being contacted and supportive in accepting a SALLE/EIDE and Office of Highway Safety grant. Due to time limitations regarding acceptance of the grants and moving the Commissioners meeting later in the month, it was necessary to obtain permission to accept the grants. The SALLE grant monies have been used to purchase medical bags and EIDE grant monies will be used for drug overtime. The Office of Highway Safety grant was utilized for child restraint patrols and/or checkpoints.

President Conaway advised he was amending the agenda to include an executive session regarding personnel matters.

## **XIII. EXECUTIVE SESSION**

Commissioner Correll made a motion to hold an executive session to discuss personnel matters. Motion seconded by Commissioner Jefferson. Motion carried. Meeting recessed at 8:25 P.M.

Regular meeting reconvened at 8:37 P.M. with President Conaway advising no action was taken at the executive session.

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#### **XIV. ADJOURNMENT**

Commissioner Sipple made a motion to adjourn the meeting. Motion was seconded by Commissioner Jefferson. Motion carried. Meeting adjourned at 8:38 p.m.

Respectfully submitted by:

Margaret W. Sipple  
Margaret W. Sipple, Commission Secretary

Sharon Schultz  
Sharon Schultz, Transcriptionist