

## **MINUTES**

### **COMMISSIONERS OF BRIDGEVILLE**

**APRIL 12, 2004 - 7:00 P.M.**

### **BRIDGEVILLE TOWN HALL**

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

The meeting was called to order by President Joseph Conaway at 7:00 P.M.  
Present: Commissioners Patricia Correll, Earl Greason, William Jefferson, Margaret Sipple, and Town Manager Bonnie Walls. The meeting started with the flag salute and the Lord's Prayer.

#### **II. APPROVAL OF MINUTES**

Commissioner Sipple made a motion to accept the minutes from the regular board meeting of March 22, 2004. Motion was seconded by Commissioner Correll and carried unanimously.

#### **III. CORRESPONDENCE**

Town Manager Walls advised monthly newsletters were received from The Department of Natural Resources and Environmental Control (DNREC) and Comcast.

President Conaway stated a letter of request for financial sponsorship was received from Big Brothers Big Sisters pertaining to their fund raiser, "Bowl for Kids' Sake", scheduled for April 24, 2004 at the Millsboro Bowling Lanes and April 25, 2004 at the Strikemaster Lanes in Seaford. Sponsorship is \$100 per team member. No action taken.

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

President Conaway advised the Municipal Street Aid Fund Account has been used for various street related projects. Because of these projects, Street Superintendent Passwaters will probably not be within his budget, with examples being the construction of a salt building, wind storm and hurricane damage clean up.

President Conaway reported that as of March, 2004, revenues exceeded the FY-04 budgeted amount by \$108,000.00 and spending is less than budgeted. The town is anticipating property transfer tax funds on the settlement of two properties: Pictsweet Frozen Foods and the Passwaters Farm, which will increase our revenue amounts. After a general review of the financial reports and the bills payable, Commissioner Correll made a motion to accept the financial reports and to pay the bills as presented. Motion was seconded by Commissioner Jefferson and carried unanimously.

## **V. DEPARTMENT REPORTS**

Wastewater-Superintendent Mowbray reported this is the 66th consecutive month without a NPDES violation.

Police-The report submitted by Chief Parsons advised 193 traffic tickets were issued for the month of March, 2004, generating revenues in the amount of \$22, 584.75.

Water-The report submitted by Superintendent Doug Jones advised National Water Works representatives are scheduled to field demonstrate radio read water meter equipment on April 14, 2004 at 10:00 A.M. Equipment of this type is needed for the new development, Heritage Shores.

Streets-The report submitted by Superintendent Rick Passwaters advised community workers recently painted street curbs on Laws and Edgewood Streets.

## **VI. CITIZEN'S PRIVILEGE**

Mr. Joe Bianca of 309 Cedar Street expressed his concern regarding vandalism to his and six other vehicles in the area on Thursday, April 8, 2004. He inquired as to what action the town is proposing to enact to stop the problem, and if citizens could form some type of a "neighborhood watch". The Commissioners agreed a "neighborhood watch" group would be welcomed. President Conaway stated this type of vandalism occurred around this time last year and it would not happen again. Chief Parsons will address and take care of the matter immediately. Commissioner Jefferson stated he and Chief Parsons would meet following tonight's Commission meeting to discuss a plan of action, its implementation, etc. Chief Parsons advised his department is working on the problem and believes the youth causing the problems range from 14-16 years of age. The town currently has one officer on duty per shift except during the day when Chief Parsons is working. An officer is currently attending the police academy and after graduation, the police department will be able to double the staff on some shifts, which will have a positive affect to resolving problems of this type,

Chief Parsons pointed out the night of the vandalism incident; Officer Parker was out of town escorting a patient to the State Hospital in New Castle County. The State requires an officer from the municipality where the patient resides to transport them to either Lincoln or New Castle County for a 72 hour commitment per doctor's orders from

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Nanticoke Hospital. If the officer needs to travel to New Castle, the town is without police coverage for approximately 4 hours, with the town covering the cost. President Conaway advised all municipalities have asked the County and State to remedy this problem as it creates a manpower situation. Commissioner Correll suggested that when an officer is called to transport a patient, Chief Parsons be called to duty to cover the town until the officer returns. After a general discussion, Commissioners authorized over time pay for an off duty officer to report to duty to cover the town when this type of incident occurs.

Mr. Lester Williams of 600 Birch Street expressed concern for the properties in his area of town who frequently receive damage. The Commission stated they would encourage residents, town wide, to help with this problem by notifying the police department if they see anything suspicious. It was pointed out by Chief Parsons that the town has a curfew ordinance whereby children under sixteen years of age must be off the streets by 11:00 P.M. Commissioners advised Chief Parsons to enforce the ordinance. Residents should call 911 or the evening shift phone number, 337-8302 (calls go directly to the officer on call), for police assistance.

President Conaway stated the Commissioners encourage the help of all residents and to be assured the town will prosecute offenders. Commissioner Jefferson stated street policing will become more intense to correct the problem of vandalism. Commissioner Greason suggested the police department inform the public as to what action they can take to help the department.

Mr. Jack Hallman of 306 Cedar Street expressed his appreciation to the Commission and the Police Department for their operation of the town. He stated the newsletter published quarterly was informative, but he would like to see included in the newsletter, a police report. The Commission agreed this was a good idea and instructed Chief Parsons to prepare reports for the newsletter.

Mr. Hallman asked the Commissioners if the "Boot Camp" workers could assist the town with cleaning the streets other than only in the spring and fall. President Conaway explained that the town hires both the City of Seaford and City of Harrington to sweep the streets of sand which has been a problem for years. The construction of a salt building will eliminate this problem, as only salt will be used on the streets for snow and ice.

Mr. Hallman suggested installing surveillance equipment to help prevent vandalism in town and that it might help the police officers with a quicker response to a situation. President Conaway explained portable equipment was moved from the school

to Cedar Street, but the cameras did not reach the distance needed and the street was too dark to record; since that incident, a new street light has been installed on Cedar Street.

After further discussion, it was decided to address the need throughout the community with an assertive plan. Commissioner Jefferson and Chief Parsons will schedule a meeting to discuss measures to resolve these types of problems. Commissioner Jefferson and Chief Parsons will report on the plan at the regular Commission meeting scheduled for May 10, 2004.

A discussion followed regarding dogs running at large. All residents are urged to contact the SPCA when they see dogs at large as more calls reported, quicker is the response time of the SPCA.

President Conaway introduced his daughter Jennifer, who is visiting from South Carolina.

Mr. Nick Rocks, developer of Heritage Shores, announced the signing of golf course designer Mr. Arthur Hill. In the next month or so plans for the clubhouse (10,000 square feet) will be ready for presentation. Meetings have been held with both the off-site and on-site contractors to finalize the plans in order to start the pipe work in the development (Eastern Shore Contractors: Teal Construction and Bryant Brothers). Mr. Rocks advised a number of homes should be built and ready for occupancy by October, 2004. Phase I will include the grading of the golf course and the entire Heritage Shores community.

Mr. Hallman inquired of Mr. Rocks regarding his survey conducted 2002 if any suggestions made were incorporated in the development, etc. Mr. Rocks advised yes some of the survey results completed by town residents were being incorporated in the planning of Heritage Shores. Benefits from that survey include: a 10' walking trail which parallels the Wilson Farm Road. One acre of land will be donated for a new library, plus \$100 will be donated to the library (\$200,000 total) for settlement on every home. The library board will make a decision to either construct a new facility or upgrade the present library. Little league fields will be donated to the town (were privately owned), and \$100 will be donated to the fire company after each settlement in the Heritage Shores (total \$200,000), enabling the fire company to purchase needed supplies and equipment.

Mr. Rocks reported that after talking with representatives from The Department of Transportation, the Route 404 and 13 intersection project is scheduled to be completed by March, 2006 and they will start with the Bridgeville side of the intersection.

President Conaway explained Ordinance No. A03-3, an Emergency Services Funding Program regarding building permits, was specifically adopted (April 14, 2003) for the Heritage Shores project, although it affects everyone in town. Residents will pay the regular building permit fee based on the cost of the project, plus an emergency preparedness fee which is one quarter of one percent of the value of the project cost. This emergency fund will allow the fire department to purchase needed equipment as the town grows.

President Conaway pointed out per the Development Improvements and Services Agreement the developer will pay a sewer impact fee of \$3,000.00 every time a new home is constructed in Heritage Shores. The developer is responsible for all costs of construction and installation of all water improvements for the development. Improvements anticipated are an additional well near existing town well 5, installation of generators to provide back-up electricity for Wells 2, 2D, 5 and 5D and construction of a water main from the town's existing distribution system. As the project progresses, prior to the issuance of the 250th residential building permit, the town shall construct at developer's expense or permit the developer to construct, either a water main loop to connect the southern line of the initial water improvements to another location in the town's existing water distribution system or an additional well and water tower near the southern boundary of the developers property. After the water system is completed, the system will be donated to the town at which time water will be charged to each customer by usage. The town will then be responsible for the water and sewer system to Heritage Shores.

President Conaway explained the new development (800 acres more or less) is currently not taxed because of being exempt farm land, but property taxes will be billed June, 2004, for the 800 acres as it becomes a residential district annexed into town. The tax base increase will allow the town to possibly look at a tax rate reduction from the present \$1.83 per hundred of property value.

President Conaway explained inspection of the infrastructure in Heritage Shores will be through the town's engineer firm of Davis, Bowen & Friedel. Currently the town does not employ a Code Enforcement Officer, so all building inspections will be provided by the County.

A letter was received from the Sussex County Emergency Medical Services informing municipalities of the changes in their paramedic services. An emergency service unit and the Delaware State Police Troup 5 will be located on Sussex Highway (Rt. 13), Bridgeville, in the former visitor's center. On April 1, 2004, the new paramedic unit was temporarily placed in the Blades/Seaford station, pending completion of the State Police/EMS station project. The City of Seaford has raised concern over the paramedic unit change and has begun a "campaign" to get the unit continued in Blades.

Once the remodeling is completed at the former visitor's center in Bridgeville, a paramedic supervisor will then be located in Blades who will be primarily responsible for the Laurel, Blades, Lincoln and Stockley Units.

President Conaway presented a proposal from Davis, Bowen, & Friedel, Inc. for preliminary screening of spray irrigation for properties of Addison Tatman and Dale Wheatley. The proposal provides for survey locations of well and test pit sites, two days for test pit evaluations, two days for construction and installation of three 2-inch PVC test wells, four days for collection and interpretation of three aquifer tests, water level monitoring at test well sits, GIS review of site conditions, including air photo review and a report of findings, correspondence with DNREC, etc. Estimated Cost is \$20,900.00 with costs being no more than \$22,500.00. Depending on the testing and results, we are hopeful to lease sites from Mr. Tatman and Mr. Wheatley for the spray irrigation project. After a general discussion, Commissioner Jefferson made a motion to accept Davis, Bowen & Friedel, Inc. proposal for preliminary screening for spray irrigation. Commissioner Correll seconded the motion and was carried unanimously.

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

Town Manager Walls advised she attended, along with President Conaway and Commissioner Correll, the presentation of the FY-03 and FY-04 donation to the Bridgeville Public Library on Wednesday, March 31st. The Library Board, also in attendance, was very appreciative of the donation. Monies will go toward the cost of a new step railing.

Bridgeville hosted the April 7th SCAT dinner meeting with there being 114 in attendance. Town Manager Walls stated she had received a number of comments from the guests, saying how much they enjoyed the fellowship and outstanding meal.

Town Manager Walls advised Commissioner clothing to be worn at different town meetings and functions was ordered Thursday, April 8th with a two to three week delivery schedule.

A Steering Committee meeting has been scheduled, per the request of Greenwood Mayor and Council, for Tuesday, April 13th at 7:00 p.m. regarding operation, management and performance of the town's treatment facilities as it relates to costs, etc. President Conaway and Commissioners Correll and Greason are on the committee.

Town Manager Walls reminded Commissioners of a water meter demonstration scheduled for Wednesday, April 14th at 10:00 a.m. at the town office.

Construction of the salt building is to begin the middle to end of May, 2004.

### **VIII. OLD BUSINESS**

President Conaway opened the scheduled public hearing at 8:04 p.m. pertaining to the second and final reading of Chapter 205, Ordinance No. A04-4, an Ordinance to Regulate Swimming Pools in the town (see attached). The Ordinance pertains to required fencing and self-latching gates, set backs, building lines and drainage from pools. After a general discussion, Commissioner Correll made a motion to adopt Ordinance A04-4 to Amend the Code of The Town of Bridgeville To Regulate Swimming Pools for a second and final reading. Motion was seconded by Commissioner Sipple and carried unanimously.

President Conaway asked Chief Parsons to direct an officer to 506 South Cannon Street pertaining to an open gate with a pool on the property. Public hearing closed at 8:08 p.m.

President Conaway opened the scheduled public hearing at 8:09 p.m. pertaining to the second and final reading of Ordinance No. A04-3, An Ordinance to Amend the Code of The Town of Bridgeville by Adding Provisions Regulating Abandoned or Inoperable Vehicles (see attached). The Ordinance permits the Bridgeville Police Department to declare a vehicle a nuisance on public property. A written order will be issued to the owner to comply with this Ordinance by removing said vehicle within a 72 hour period. A hearing request may be filed with the town if a resident believes he/she has a reasonable condition for parking a vehicle on a particular piece of property. If towing or storage expenses incur, the vehicle owner or the property owner will be responsible for the expense. Any person knowingly causing or permitting a nuisance to exist in violation of this Ordinance shall forfeit and pay a fine of not more than \$100 plus cost of prosecution. Each day following the expiration of the 72 hour period for removal shall constitute a separate offense.

After a general discussion, the Commission agreed the effective date for Ordinance No. A04-3 will be May 1, 2004 with notification being mailed to residents explaining the new Ordinance. Commissioner Sipple made a motion to adopt Ordinance No. A04-3; An Ordinance to Amend the Code of The Town of Bridgeville by Adding Provisions Regulating Abandoned and Inoperable Vehicles for a second and final reading. Motion was seconded by Commissioner Correll and carried unanimously. Public hearing closed at 8:19 p.m.

President Conaway opened the scheduled public hearing at 8:20 p.m. pertaining to the second and final reading of Ordinance No. A04-2, An Ordinance to Amend Zoning, Article VIII, Section 234-40, The Code of The Town of Bridgeville by Regulating The Placement of Signs. The Ordinance allows no sign to be erected that will obstruct the view of motorists and pedestrians. After a general discussion, Commissioner Greason made a motion to adopt Ordinance No. A04-2-An Ordinance to Amend Zoning, Chapter 234-40, Regulating the Placement of Signs in The Town of Bridgeville for a second and final reading. Motion was seconded Commissioner Jefferson and so carried. Public hearing closed at 8:23 p.m.

President Conaway advised that Senator Adams and Representative Ewing have introduced two bills for legislative action as requested by the town. The first being House Bill No. 372 which pertains to abatement of town property taxes, Section 27 of the Town Charter. The tax abatement would eliminate an exemption of ten years from taxation of town business establishments employing ten or more employees, annexing into town limits. The second bill for legislative action is to change the title "Treasurer", Section 20 of the Town Charter, to "Finance Director". The title better describes the responsibilities of this position.

## **IX. NEW BUSINESS**

Town Manager Walls presented documents (amendments and resolutions) pertaining to the Commissioners of Bridgeville Profit Sharing Plan for the employee's pension plan. The Profit Sharing Plan is amended effective May 1, 2003. It was explained Equitable Life Assurance represents the pension plan and Karr Barth Pension Administration, Inc. administers the Plan. Town Solicitor, Wilson, Halbrook and Bayard, reviewed amendments and resolutions and advises plan requirements are in compliance with tax laws and supports execution of the Plan.

A Corporate Resolution as it relates to the amended Profit Sharing Plan and the Economic Growth and Tax Relief Reconciliation Act of 2001, certifying and adopting the Plan, was presented for approval (Profit Sharing Plan Adoption Agreement, Basic Plan Document, EGTRRA Amendment, POST-EGTRRA Amendment, Funding Policy and Method, and Qualified Domestic Relations Order Procedure) with all the exhibits. After a general discussion, Commissioner Jefferson made a motion to adopt The Corporate Resolution as presented. Motion was seconded by Commissioner Sipple and carried unanimously.

The Commissioners of Bridgeville Sharing Plan Qualified Domestic Relations Order Procedure, which addresses the profit sharing plan and procedures should an employee become divorced, was presented for adoption. After a general discussion, Commissioner Sipple made a motion to adopt the Qualified Domestic Relations Order



Procedure Resolution. Motion was seconded by Commissioner Correll and carried unanimously.

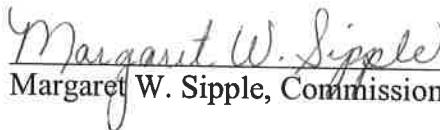
Amendment Number One and Certificate of Corporate Resolution to Commissioner of Bridgeville Profit Sharing Plan addresses eligibility conditions, namely employees excluded from the pension plan (union employees, non-resident alien employees, and the police secretary). Town Manager Walls advised it is her understanding that part time employees are not entitled to any town benefits. Commissioners confirmed that her understanding is correct. For the time period of 2003, the police secretary (part time) was enrolled on the pension plan. This amendment will exclude this part time position. After a general discussion, Commissioner Sipple made a motion to adopt Amendment Number One to Commissioners of Bridgeville Profit Sharing Plan and Certificate of Corporate Resolution addressing eligibility conditions and excluded employees. Motion was seconded by Commissioner Correll and carried unanimously.

Commissioner Correll announced that during the recent Lions Club Show, President Conaway was presented with the Annual Lions Club Citizen's Award for his dedicated service to the Town, County and State.

#### **X. ADJOURNMENT**

Commissioner Sipple made a motion to adjourn the meeting at 8:39 p.m. Motion was seconded by Commissioner Correll and so carried.

Submitted by:

  
Margaret W. Sipple, Commission Secretary

Alma Fleetwood, Transcriptionist