

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
APRIL 12, 2010 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by President William Jefferson at 7:00 P.M. Present: Commissioners Patricia Correll, Michael Collison, Lawrence Tassone and Town Manager Bonnie Walls. The meeting began with the Flag Salute and the Lord's Prayer.

II. QUORUM PRESENT

President Jefferson reported a quorum was present to conduct the business of the Town of Bridgeville, despite the absence of Commissioner Greason.

III. APPROVAL OF MINUTES

Minutes from the March 8th Commission meeting were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Tassone seconded the motion. Motion carried.

IV. PRESENTATION OF CERTIFICATE OF APPRECIATION

This agenda item will be considered at a future date.

V. CORRESPONDENCE

Town Manager Walls advised a thank you card has been received from former Commissioner Ruth Skala, thanking the Commissioners for their thoughtful memento recognizing her two years as a Commissioner of Bridgeville.

The Kiwanis Club of Bridgeville has invited the Commissioners to participate in their upcoming Annual Prayer Breakfast on May 1st. Town Manager Walls advised the Commissioners have sponsored a table in the past and she would like to know the Commission's interest in continuing. Commissioner Correll made a motion to sponsor a table at the Prayer Breakfast. Commissioner Tassone seconded the motion. Motion carried. Town Manager Walls also requested that the Commissioners let her know who is available to participate in the breakfast.

The Woodbridge Elementary School newsletter is available for review.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending March 31, 2010. (The following amounts are in rounded figures.) The General Savings and Checking Accounts totaled \$334,996; impact fees and escrow accounts totaled \$491,588. The total for all accounts was \$919,791. There is currently \$135,000 in Accounts Receivable for miscellaneous taxes and invoices. On the Budget Report, we are nine months into the budget year and should be at 75% of our budget. Income is currently at 78% of the budget, an increase of 4% from last month. Our expenses are at 66% of the budget, an increase of 9% from last month. The Greenwood quarterly billing will be sent the end of April. Concerning Accounts Payable, bills for approval tonight total \$6,548. Expected expenses, including health insurance, payroll, utilities and debt service are \$114,500, for a total to be approved of \$121,048. The Town will be reimbursed from the state and federal governments for Well #6 expenses. Commissioner Collison made a motion to approve the bills as presented. Commissioner Tassone seconded the motion. Motion carried.

VII. DEPARTMENT HEAD REPORTS

President Jefferson advised Department Head Reports are available to the public. Commissioner Collison questioned Chief Parsons concerning the estimated sum of fines written (\$275,988) compared to the total amount received of only \$52,081, or less than 20%. Chief Parsons reported the Town only receives 20-30% of the fines written. One-half of the fines collected go directly to the Delaware Department of Transportation (DelDOT). Finance Director Savage advised another payment is due to the Town by the end of March; therefore, the total will increase slightly. Commissioner Collison questioned what the Towns and Police Departments are doing to fight this. Chief Parsons reported the Police Chiefs have made efforts to increase the amount the Towns recoup from the traffic tickets. They are researching where the monies actually go – 50% to DelDOT; 18% to victims' compensation and other funds. This is an ongoing battle; the Towns consistently only receive 20-30% of the fine revenue and it is not fair to the Towns. Town Manager Walls advised the Sussex County Association of Towns (SCAT) has written letters and Bridgeville has contacted their legislators concerning the inequities; however, it seems to fall on deaf ears. Commissioner Correll added, on a related topic, that she was very upset when the Towns' street aid money was taken away. DelDOT was the recipient of those funds in addition to already receiving 50% of ticket revenue. Commissioner Tassone asked whether this distribution of funds is codified. Chief Parsons advised it is through legislation.

VIII. CITIZEN'S PRIVILEGE

President Jefferson introduced Ms. Dottie Harper from Brookfield Homes and asked for any comments she might like to make. Ms. Harper reported Heritage Shores has had three new home sales in April. Two new homes have been started and traffic has picked up at the sales offices. The re-sale market is picking up, which assists the Heritage Shores homebuilders since all of their customers have a home to sell before they can buy at Heritage Shores.

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Mrs. Ruth Skala of 108 Whistling Duck Drive asked the status of the damaged geo reactor at the Wastewater Treatment Plant. Town Manager Walls advised she has received a response from the Parkson Corporation which the Town attorney is reviewing. She is waiting for his response before the Town can move forward. The Town is looking for reimbursement for the equipment from the manufacturer. There are legal aspects to be considered; however, she says things look positive for resolving the situation. In meeting with the Town engineer, it has been decided to return to an RBC as a replacement to the geo reactor; it will take time to get this new unit in place. The Wastewater Treatment Plant is staying within its capacity at the present time.

Mr. Russ Beard of 25 Amanda's Teal Drive questioned the speed limit increase in the area around the Route 13/Route 404 intersection. During intersection improvements the speed limit was dropped to 45 MPH; it has now returned to 55 MPH. Police Chief Parsons advised when DelDOT knew construction was forthcoming; they reduced the speed limit to 45. Now that the work is finished they have returned it to 55. Mr. Beard reported that all the Towns on Route 13 have reduced speed limits on Route 13 through their Towns; he feels we should too. The busier that intersection becomes, the more important a lower speed limit will become. Chief Parsons advised the state would need to do an assessment to determine the necessity of lowering the speed limit. Ms. Harper advised she has already made this same inquiry to DelDOT and agrees with Chief Parsons that DelDOT does an assessment of the number of cross-streets and the number of businesses that enter directly onto the highway. Now that the improvements have been made, DelDOT believes the 55 MPH is warranted. Commissioner Collison suggested there are many more access points off Route 13 in Seaford than there are in Bridgeville. It was decided that the Commission will send a request to DelDOT concerning the lowering of the speed limit near the Route 13/Route 404 intersection.

Mr. Larry Skala of 108 Whistling Duck Drive asked the status of the standing water issue at the entrance to Heritage Shores. Town Manager Walls advised it will be corrected. There has been a walk-through inspection with the contractor and Brookfield Homes and lines will be run to correct that situation. Ms. Harper advised Brookfield's engineers are working on the problem, not the Town. She advised they are investigating why the problem became worse.

IX. TOWN MANAGER'S REPORT

Along with Commissioners Jefferson and Collison, Town Manager Walls attended a reception with community leaders and Delaware Technical and Community College / University of Delaware representatives. Del Tech is very interested in locating a satellite campus on the western side of the county. Efforts are being made to continue talks and hold Del Tech's interest, as the east side of the county would also welcome a satellite campus. A satellite campus on the western side of the county would be a tremendous asset for all involved, particularly for the future of our children, the promotion of jobs and an overall boost to the economy. Town Manager Walls will keep everyone informed as decisions are made.

The Town has prepared and submitted a pre-application to the United States Department of Agriculture (USDA) for grant monies to conduct a feasibility study for a proposed civic

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center. The civic center efforts are through the Sussex Economic Development Action Committee (SEDAC), the Delaware Economic Development Office (DEDO) and Sussex County's Economic Development Office. The Bariglio Corporation and Allen and Rocks have both offered acreage for the project. A civic center would spark the commercial properties to move forward with their retail and motel plans; a 25,000 square foot building is proposed. A civic center would also bring tourism and commercial dollars to the area, which presents the potential for new jobs, both in construction and ongoing jobs at the center itself. It would also improve Bridgeville's tax base. Commissioner Correll commended Town Manager Walls and Finance Director Savage for their speed in preparing the pre-application and sending it to USDA. Even USDA was surprised at how quickly the paperwork was submitted.

"Welcome to Bridgeville" banners have been placed on Market and Main Streets. The banners are in conjunction with the Town's efforts in promoting our downtown businesses. Some of the other items addressed at the March 24th Economic Development meeting with area businesses, and chaired by Commissioner Collison, were the removing of the stones at the Town parking lot. The Town will place sod and pavers for easier access and beautification. Flower barrels placed in the downtown area will be the responsibility of business owners to water regularly. The current Town billboard signs "If you lived here, you would be home now" will have the following wording added, "visit our downtown business district for shopping, restaurants and services." There are currently three signs at entrance points into Town and a fourth sign will be added giving Bridgeville a billboard in all four directions into Town. The cost of the signs will be paid for by Representative Wilson and Senator Booth. Our sincere thanks go to them for their support. Commissioner Collison added that our website address will also be included on the signs. Businesses will be able to register their websites on the Town website with a link to the businesses. A "Visitor Center" sign with an arrow pointing to the Town Hall will be placed on Mr. Mark Hunsberger's building at the intersection of Market Street and Route 404, entering Town from the west. The Kiwanis and Lions Clubs have been approached to purchase trash receptacles – one for each block of Market Street. The Town is making great strides in revitalizing the downtown area and we are looking forward to continued support and interest from the businesses. Commissioner Correll has spoken with Representative Wilson and he wondered whether the signs are ordered and when the money is needed. Town Manager Walls advised they are anxious to receive the money and then will order the signs. President Jefferson advised Representative Wilson had also donated all of the food for the Fire Company Open House, held on April 10th. Commissioner Correll stated that Representative Wilson has been very generous to Bridgeville.

Police Officers Baker and James recently presented a program to Heritage Shores' residents regarding safety tips. There were approximately forty residents in attendance and the program was well received. Our thanks go to Officer James and Officer Baker for a job well done.

The Accelerated Reader Program continues at Woodbridge Elementary School. Prizes are needed for the children in the program by April 22nd.

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Town Manager Walls agreed with President Jefferson that the Fire Company's 100th Anniversary Parade went very well this past Saturday. The Firemen's pride was very apparent as they marched in the Parade.

Town Manager Walls has received a request, signed by two residents, to investigate the property located at 15 Church Street, which is in a state of disrepair and threatens the life, health and safety of the residents of the Town. The request will be turned over to the Dangerous Building Committee for investigation, with a report due to the Commissioners within thirty days.

The Community Health Walk is scheduled for Saturday, April 17th at the Woodbridge High School Sports Complex, beginning at 9:00 A.M. Town Manager Walls urged everyone to participate. President Jefferson added that Bridgeville has won the trophy for the most participants for the first three years the walk has taken place and we hope to keep the trophy this year, as well. Be sure to sign the participation sheet to register your attendance at the walk.

X. OLD BUSINESS

A. Public Hearing and Second Reading of Ordinance A10-1, An Ordinance to Amend Chapter 234 of the Bridgeville Land Use and Development Code

President Jefferson opened the Public Hearing at 7:29 P.M. and advised this Ordinance covers a variety of changes to Chapter 234. The Commissioners tabled the Ordinance at the March meeting to investigate what weight vehicles should be allowed to park on Town streets. It was determined that vehicles weighing over 20,000 pounds will not be allowed to park on Town streets. President Jefferson was concerned about some businesses that have tractor-trailers coming to unload. Commissioner Collison believes unloading and parking are two very different things; we are talking about parking for an extended period of time in this Ordinance. President Jefferson asked if there was anyone who wished to make comments in favor of or against the Ordinance. Mr. Larry Skala of 108 Whistling Duck Drive questioned the size of truck allowed to park on Town streets. 20,000 pounds is correct. Mr. Russ Beard of 25 Amanda's Teal Drive asked if there is any length restriction included in the vehicle parking Ordinance; there could be very long vehicles that are not necessarily heavy. The Commissioners indicated they were only looking at tonnage, not length. Recreational vehicles and boat trailers are covered under another section of the code. There are time limitations for unloading large ton vehicles. There being no further questions or comments, the Public Hearing was closed at 7:31 P.M. Commissioner Collison made a motion to adopt Ordinance A10-1 for a second and final reading. Commissioner Tassone seconded the motion. Motion carried.

XI. NEW BUSINESS

A. Introduction and First Reading of Ordinance A10-3

President Jefferson advised this Ordinance has been tabled until a future meeting.

B. Planning and Zoning Commission Re-Appointments

President Jefferson advised the Planning and Zoning Commission appointments of Mr. Jack Cannon, Mr. Joe Conaway and Mr. John Shockley will expire in early May. The three individuals have been contacted and are willing to serve another three-year term. Commissioner Tassone made a motion to accept the Planning and Zoning Commission re-appointments as presented. Commissioner Collison seconded the motion. Motion carried.

C. 2010 Arbor Day Proclamation

Arbor Day will be observed on April 30, 2010. Commissioner Tassone made a motion to proclaim April 30th as Arbor Day in Bridgeville. Commissioner Correll seconded the motion. Motion carried.

D. Public Hearing – Planning and Zoning Commission Recommendations

1. Heritage Rocks Properties Two, LLC – Subdivision of Lot 4

President Jefferson opened a Public Hearing for this application at 7:35 P.M. Mr. Robert Rauch, project engineer and Mr. Ryan Showalter, project attorney, came to represent Heritage Rocks Properties Two, LLC. Mr. Rauch advised he is in attendance to request the approval of the subdivision of Lot 4A, as recommended by the Bridgeville Planning and Zoning Commission. The subdivision is not related to any development, but is an administrative step by the developer to release portions of the property from mortgage obligations. Mr. Rauch hopes to come before the Commissioners soon with development plans for this parcel. The dividing line between Lot 4 and proposed Lot 4A was determined by the amount of land able to be released from mortgage obligations. The property dividing line will accommodate a through road which connects to Heritage Shores. Revisions to the plat have been made, as requested by the Bridgeville Planning and Zoning Commission, and as conditioned by their recommending approval to the Commissioners of Bridgeville. Should the Commissioners agree to the subdivision tonight, Mr. Rauch requested that President Jefferson sign the plats tonight so that they can be recorded with Sussex County. President Jefferson asked for comments from Planning and Zoning Commission Chairman, Mr. Bill Atwood. Mr. Atwood advised he had nothing to add to the Planning and Zoning Commission Recommendation Letter to the Commissioners of Bridgeville and the Minutes of the March 24th Planning and Zoning Meeting, both of which the Commissioners have received and read. President Jefferson asked for any comments or questions from the public. There being none, the Public Hearing was closed at 7:40 P.M. Commissioner Collison made a motion to accept the recommendation of the Planning and Zoning Commission, including the changes to the plat, and approve the Subdivision of Lot 4. Commissioner Correll seconded the motion. Motion carried.

2. Bariglio Corporation – Preliminary Development Plan Review

President Jefferson opened a Public Hearing for this application at 7:41 P.M. Mr. Mike Riemann, engineer with the Becker Morgan Group and engineer/architect for the project, came to represent the Bariglio Corporation. Mr. Riemann advised the 67 acre Tatman Farm was annexed into the Town in May 2009. The Bariglio Corporation's client is purchasing this particular portion of the property and proposes a 5,400 square foot retail building and a 3,800 square foot tunnel car wash. The specific portion of the property under consideration is located between Route 13 and the East Service Road. They propose to gain access through the East Service Road and a right in/right out access on Route 13. A pay station is located at the rear of the property at the car wash entrance. This is not a self bay car wash, but an automated facility. There is also a bypass lane, if needed. At the side of the tunnel car wash are three stations with a total of six vacuum units for use. The project exceeds the parking requirement of 35 spaces, with a total of 42 spaces. The project meets ADA parking and fire lane requirements. They plan to incorporate landscaping with trees and shrubs throughout the property to screen the cars and for shade. Town utilities will be provided, as designated by the developer's agreement. A future pump station has been designed and is nearing approval from the Town engineer for the Tatman Farm property. A future sewer main will be constructed along the East Service Road to serve all the developments on the east side of Route 13. There is an existing 12" water main that crosses Route 13 at Royal Farms and will provide Town water for this project. Town engineers, Davis, Bowen and Friedel, Inc. have reviewed those hook-ups as a part of this preliminary development plan review. The engineer's comments being resolved before the developer returns to the Commission for final approval were a condition of the Planning and Zoning Commission's recommendation to the Commissioners of Bridgeville. The architectural style of the retail building will be very similar to the Bridgeville Commons renderings, which were introduced when that development came before the Commissioners for a preliminary plan review. The retail space is not yet leased. Mr. Riemann showed a picture of a tunnel car wash that will have a similar exterior to the one which will be built at this location. Commissioner Correll asked about the type of car wash. Mr. Riemann believes it will be a car wash where you stay in the car and it carries you through; however, there is a possibility that Mr. Bariglio and the car wash tenant may decide on a car wash where you leave the car during the wash; two different styles are being considered. Commissioner Correll has talked to several older people who cannot wash their car themselves and have trouble getting their car into the right groove for it to be pulled through a car wash. They want one that tells you when to stop and when to go; this type of car wash is easier for our older citizens; it would be the type of car wash that would have equipment that moves around the car; the car doesn't move. Mr. Riemann advised there would not be a group of employees drying cars afterward, although there would be several employees on duty at all hours. President Jefferson asked for any comments or questions from the public. Mr. Bob Rauch, representing Heritage Rocks Properties Two, questioned the wastewater plan for this project. He said there is currently a temporary line with future intentions to build a permanent force main. He stated there is language in the minutes from the March 24th Planning and Zoning Commission that indicate this project will have access to capacity in the Heritage Shores pumping station until such time as the permanent force main is constructed. He advised that is not consistent with any agreements the Heritage Shores developer has had with the Town. There

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has never been any provision for Heritage Shores to sacrifice any capacity from the Heritage Shores pumping station. He understands that any development on the east side of Route 13 was to have a permanent force main and not go through the Heritage Shores pumping station. They have a large investment at Heritage Shores and are not prepared to sacrifice any capacity, even on a temporary basis, as they do not know how soon they will need the capacity. He believes this must be resolved. Town Manager Walls asked Mr. Riemann where his information has come from. Mr. Riemann has worked with the Town engineer concerning these arrangements. He advised the long-term plan is to construct a new force main that will pump directly to the Wastewater Treatment Plant from the future pump station on the Tatman property. Mr. Rauch suggested if the project is conditional on that force main, it should be bonded so they have the assurance the force main will be built in the future. Currently, there does not seem to be any guarantee that the new force main will be built and in the meantime the project will be taking capacity from the Heritage Shores pump station. Mr. Riemann advised a pump test has been done on the Sonic pump station with the aid of the Bridgeville Public Works Department and there actually is a large volume of capacity in that pump station which pumps to Heritage Shores and serves the properties on the east side of Route 13 on a temporary basis. They have been working closely with the Town for a number of months, not only on this project, but on the Bridgeville Commons project, as well. The further development of Heritage Shores is sometime in the future and Heritage Shores residents will certainly benefit from these new commercial entities on the east side of Route 13. The wastewater plan, including the temporary sewer connection, has been accepted by the Town engineer. It would not be possible to build a half-million dollar pump station and a one and one-half million dollar force main to the treatment plant for a project like this. Due to the small size, the only way to proceed is to find a temporary solution. There is capacity at the pump station now and it will likely continue to have extra capacity for quite some time. It is a Town pump station, not Heritage Shores' pump station; this project is asking for temporary capacity. There will be little sewer flow and they are requesting the most efficient wastewater plan for the situation. This plan defrays large costs for the Town until later. Commissioner Tassone asked if the Bariglio Corporation would consider a bonding, as requested by Mr. Rauch. Mr. Riemann replied he would have to consult the owner; however, it is a substantial cost and would, therefore, be a significant bond. He added that the future, permanent force main would not just be for this property; there are other properties (i.e. the Corey Farm) that would also need to share in this force main in the future. Commissioner Collison advised the Town engineer and attorney are not available tonight to determine contractual obligations the Town has with the Heritage Shores development; therefore, he believes the request should be tabled to research these issues. The Public Hearing was closed at 7:51 P.M. Mr. Rauch is sympathetic to the needs of this new development; however, this is not just the Town's pumping station. It was constructed and paid for by the residents of Heritage Shores through a special tax district bond. There are specific provisions attached and there is no capacity for anyone else in that pumping station. They are not prepared to allow it on a temporary basis without ample controls over what, where, when and how that capacity is cut off. There were some very specific agreements when this project began; they are not prepared to compromise or sacrifice any capacity that they paid dearly for. Town Manager Walls advised she was under the impression that Mr. Remington had explained this to the Heritage Shores developer. Mr. Atwood was under the same impression. Commissioner Collison also asked Mr.

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Riemann to have answers to the following when he returns. 1) When will the temporary wastewater plan become the permanent new force main? What does "temporary" mean? 2) How many EDU's will this project use from the Sonic pump station? Commissioner Collison would like to see the pump test results and know how many gallons this project will use. 3) Concerning the 125 EDU's available at the Sonic pump station, is this based on the Food Lion Shopping Center being at full capacity, or just with the current tenants? Do the 125 EDU's available take into account all the other businesses currently using the pump station?

Planning and Zoning Commission Chairman Mr. Atwood recommended the Commissioners consider and include the findings of fact and contingencies placed in the Planning and Zoning Commission's recommendation to the Commissioners when they vote on the application. Commissioner Collison agreed with Mr. Atwood's recommendation. Commissioner Tassone made a motion to table this application. Commissioner Collison seconded the motion. Motion carried. President Jefferson advised the Commission will table this application until the next meeting.

XII. ADJOURNMENT

Commissioner Collison made a motion to adjourn the meeting. Commissioner Tassone seconded the motion. Motion carried. The meeting was adjourned at 7:57 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist