

MINUTES

COMMISSIONERS OF BRIDGEVILLE MAY 9, 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 Lord's Prayer.

II. APPROVAL OF MINUTES

Minutes of the regular board meeting held on April 11, 2005 were presented for adoption. Commissioner Correll made a motion to accept the minutes as presented. Commissioner Sipple seconded the motion. Minutes of an Executive Session held on March 22, 2005 were presented for adoption. Commissioner Jefferson made a motion to table the minutes with Commissioner Greason seconding the motion. Motion carried.

III. CORRESPONDENCE

Town Manager Walls advised a letter had been received from the National Council on Paint Distribution stating that they are working on getting a program up and running by July, 2005 in accordance with DNREC's paint program to collect paint, stains, etc.

Town Manager Walls advised a letter was received from Senator Adams thanking the Commission for their letter regarding mandatory recycling. Senator Adams agrees that no action be taken on the matter until every concern has been studied. Mandatory recycling has been discussed for all communities, but with no answers on how to pay for the program which is a major concern for all municipalities as budgets are limited. Commissioners will be informed of the matter as further studies are made.

The Sussex Spotlight Read Aloud Delaware Newsletter and Preservation Delaware, Inc. Newsletter have been received and are available for anyone wishing to review them.

The Department of Natural Resources and Environmental Control April Newsletter was received with one item of concern being pointed out by Town Manager Walls. DNREC is asking the public for help in efforts with West Nile Virus by reporting sick or dead birds.

IV. APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLE

Finance Director Savage presented the monthly financial reports and bills payable for approval. He stated all accounts on the balance sheet are in good order with \$189,000 in a money market account and \$82,000 in the general fund before bills are paid. President Conaway pointed out the amounts in the Escrow accounts for town departments had not changed. Mr. Savage indicated that was because he had not received monthly statements. Finance Director Savage indicated the accounts payable for May 2005 totaled \$63,874. Davis, Bowen & Friedel invoices, as well as John D. Heinz Associates invoices, were reimbursed through Passwaters Farms LLC. A General Code Publishers invoice is for the code to be placed on the internet with a link on the town's web site. This information will be placed in the town's next newsletter. P & A Engineering has billed for 100% of St. Mary's parking lot. Due to the fact that stripping is not complete, payment will be held until completion. President Conaway stated money is good, with only two months left in this fiscal year, thereby predicting that the Town will end the year in a surplus position. Commissioner Correll made a motion to pay the bills as presented and to accept the financial reports. Commissioner Jefferson seconded the motion. Motion carried.

The town budget was presented for review and, according to the Charter, must be adopted by the first Tuesday in June making it necessary for the June meeting to be moved to June 6, 2005. A public hearing on the budget will be held at that meeting. Finance Director Savage advised following the budget workshop held on May 2nd, meetings were held with all department heads to prioritize their capital outlay requests and review their proposed budget requests. Following the meetings, budget figures were adjusted. A 3% cost-of-living raise is proposed for fulltime employees along with merit raises being considered for certain employees. The starting salary for a policeman in this community will be \$28,000 which necessitates raising all policemen salaries by \$1,500 for equity in the program. Budgeting is being proposed for a new public works employee to assist in all three departments, the part-time police department secretary position will be eliminated, with the position being advertised and made full-time, and the part-time secretary position in the town office will be eliminated. After speaking with Mr. Rauch regarding construction at Heritage Shores, ninety four (94) building permits are proposed in the FY 2006 budget at Heritage Shores. Property taxes show an increase due to the increase of new property, real estate transfer taxes were increased due to anticipated settlements at Heritage Shores. Surplus funds in the amount of \$100,000 will carry over for the second year in a row. Growth reimbursables were discussed. These are expenses budgeted because of the growth at Heritage Shores and will be 75% reimbursable. One major item hoping to be purchased is a street sweeper. Monies for a chipper/shredder are budgeted, but after speaking with United Rentals, it is questionable as to whether to purchase or rent. Cost to rent is approximately \$350. A small increase in fines should be coming from the police department and we have budgeted for a grant from Sussex

County Council for \$15,000 for police department equipment purchase. A new police vehicle will be purchased, along with replacing the vehicle which was wrecked in an accident, bringing the fleet up-to-date with the oldest vehicle being a 1999. President Conaway stated hopefully a school will be found to send new recruits to bring the force up to the needed number.

Now that Ordinance No. A05-5 (an ordinance to reduce the permissible discharge of greases and oils into the sewer system) has been passed, the wastewater department will now issue \$100 permits to restaurants, etc. to pay for the cleaning of grease traps which will be used to pay someone to perform this service.

The Town of Greenwood fees will increase due to allotment share per an agreement with both towns.

Budgeting for the street department has increased. With monies received from Senator Thurman Adams and Representative Ben Ewing, plans will be made to re-pave additional streets in town. Confirmation of Municipal Street Aid Funds has not been received, so amount to be received is still unknown. Two major items budgeted for the street department are a street sweeper with the cost being split between the street and water departments, and a new building to house offices for these two departments.

The cost of health insurance continues to rise, and should costs continue, the 100% coverage paid for employees will be reviewed each fiscal year. The FY-06 budget does propose coverage remaining at 100% for full-time employees. The pension contribution for employees hired after January 1, 2003 will be to 10%. A police pension in the area of twenty years is being studied to bring the Town of Bridgeville more in line with the other towns in Sussex County.

At the budget workshop, Town Manager Walls stated a discussion and proposal for long and short term disability was held with the Commissioners recommending looking at the proposal further. Additional information is being obtained with more information at the June 6th meeting being provided.

Commissioner Correll introduced the FY 2006 budget for a first reading which was seconded by Commissioner Sipple. Motion carried. Copies will be made available for the public.

V. DEPARTMENT HEAD REPORTS

The Water Department reported a problem with some hydrants pertaining to operating rods which were manufacturer defective. The manufacturer is replacing the rods at no cost and labor costs of \$40.00 per hydrant will be reimbursed once repairs are completed and documentation has been submitted.

The Police Department continues to write tickets - \$273,554 written, received \$120,000 which is approximately 40% of what you write. President Conaway pointed out that if a motorist is stopped for a violation and, for example, has no proof of insurance, when proof of insurance is received, the fine is dropped but the court costs remain.

Code Enforcement continues to show great success but we need some movement on the demolition of the house at 104 North Main Street to make a positive impression on visitors as they come into our town. This matter is in the hands of the Town Solicitor, Wilson, Halbrook & Bayard.

The Wastewater Treatment Plant monthly report submitted by Superintendent Mowbray indicates that this is the 79th consecutive month without a NPDES violation which puts that department near record territory. A partial equipment test run of Heritage Shores pumping station was conducted on April 26.

Street Department Superintendent Passwaters reports St. Mary's Church parking lot has been paved.

VI. CITIZEN'S PRIVILEGE

A citizen brought to the attention of the Commissioners a problem which they believe involves two sex offenders in their area.. President Conaway informed the citizen that the Town of Bridgeville will not tolerate sex offenders and asked Police Chief Parsons to schedule a watch in the area to try to apprehend the men.

VII. TOWN MANAGER'S REPORT

A proposed contract from Davis, Bowen & Friedel regarding the wastewater storage and spray irrigation at Tatman Farm in the amount of \$54,000.00 was presented for consideration.. The contract is for the continuation and completion of work being finalized on soil testing, studies, etc. for the Tatman Farm property. Davis, Bowen & Friedel is extremely pleased with this piece of property for the Town's spray irrigation project. After a general discussion, Commissioner Sipple made a motion to accept this contract. Commissioner Greason seconded the motion. Motion carried.

Town Manager Bonnie Walls reminded Commissioners of the Sussex County Council Prayer Breakfast to be held at the Cheer Community Center in Georgetown on Monday, May 16, 2005 at 7:00 A.M.

Town Manager Walls reviewed with the Commissioners that on Tuesday, April 12, 2005, Chief Parsons was involved in an accident on U.S. Routes #13 and #18. The 2005 Crown Vic was totaled. All insurance information has been filed with Farm Family and a replacement vehicle has been picked up by Chief Parsons. Mr. Parsons was out of work for three days with a shoulder injury but no one was seriously injured in the accident.

In review of the Town's application to the Office of Drinking Water State Revolving Fund for replacement of a water main on Walnut Street, Town Manager Walls was asked if the Town has ever considered selling the water system to a private water company or would the Town be interested in doing so? To the knowledge of the Commissioners, the matter has never been discussed or considered, and they would not now consider privatization.

For the Commissioners information, the SPCA was in town on Saturday, April 30th. One failure to license summons was issued.

Town Manager Walls reported P & A Engineering had completed the paving of St. Mary's parking lot - only the stripping remains. With St. Mary's dedicating the parking lot for public use, the paving project was paid for with monies from the Town of Bridgeville. The Town of Bridgeville is hoping they can help two other churches in the same way.

Town Manager Walls reminded Commissioners that a Memorial Day Celebration is scheduled for Monday, May 30, 2005 at 9:30 A.M. across the street in the Town Park. If anyone has suggestions or wants to participate, please contact Mrs. Walls.

The next scheduled Commissioner's meeting will be Monday, June 6 at 7:00 P.M. The meeting date was changed in order to follow the Charter and adopt the FY06 Budget.

Inmates from the Sussex Correctional Violation of Probation Unit were in town on Friday, May 6, 2005 for four (4) hours. Town Manager Bonnie Walls expressed her appreciation for a job well done in the cleaning of Walnut Street.

VIII. OLD BUSINESS

President Conaway opened the scheduled public hearing at 7:48 P.M. regarding the second and final reading of an ordinance confirming the creation of (1) Heritage Shores Special Development District (the "Heritage Shores District") and (2) Heritage Shores Special Development District Special Fund (the "Heritage Shores Special Fund").

President Conaway read by title the following proposed Ordinance:

An Ordinance of the Commissioners of Bridgeville (the "Commissioners"):
confirming the creation of the (1) Heritage Shores Special Development District (the "Heritage Shores District") and (2) Heritage Shores Special Development District Special Fund (the "Heritage Shores Special Fund"); providing for the levy of a special tax on all real property subject to tax within the Heritage Shores District; pledging the special tax on real property within the Heritage Shores District to the Heritage Shores Special Fund and promising that the proceeds of the special tax will be paid into the Heritage Shores Special Fund; providing for the use of moneys in the Heritage Shores Special Fund; authorizing the Commissioners to enter into development agreements with the current owner of all of the property within the Heritage Shores District; making certain legislative findings, among others, concerning the public benefit and purpose of special obligation bonds to be issued by the Commissioners; authorizing and empowering the Commissioners to issue, sell, and deliver, at any one time or from time to time, its special obligation bonds in one or more series in an aggregate principal amount not to exceed \$65,000,000; providing that such special obligation bonds and the interest thereon shall never constitute a general obligation debt of or a pledge of the Commissioner's full faith and credit or taxing powers; making a finding that the use of the property in the Heritage Shores District is consistent with the comprehensive plan for the area; authorizing and empowering the president of the Commissioners prior to the issuance, sale, and delivery of such special obligation bonds, to prescribe the rate or rates of interest such special obligation bonds are to bear, the form, tenor, terms, and conditions of and security for such special obligation bonds, and to prescribe, determine, provide for, and approve various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale, and payment for such special obligation bonds; and generally providing for the financing of public infrastructure improvements within and without the Heritage Shores District and for the imposition and levy of a special tax and the issuance of special obligation bonds, all in accordance with Title 22 of the Delaware Code, Chapter 18 and Section 29A of 51 Delaware laws, Chapter 237, as amended.

President Conaway stated Bridgeville is only the second city in Delaware to create such a tax district whereby the home owners in Heritage Shores will pay an equal property tax as a part of the Town of Bridgeville but will also pay an additional tax for improvements and growth they create. These tax monies will allow the Town to make many needed improvements. The Heritage Shores residents will help pay for infrastructure costs allowing the town to fund infrastructure improvements. Among the town's planned projects is the paving of two streets including the dirt street between the Woodbridge High athletic fields and the little league complex. The improvements will provide more parking for Woodbridge High sports and little league events. The road will circle west and come out on a second street on the south side of the complex and will end in a loop where the new library will be located. The school district also plans to pave their lot near the little league road.

John Murray of Miles & Stockbridge spoke briefly to say this special tax district was complicated because it was new but would greatly benefit the Town as well as the developer by allowing the Town to do more.

Town Solicitor Dennis Schrader informed the Commissioners that this special tax district allows the town to sell bonds and explained the procedures and benefits. He stated the Commission should pay attention to the methodology by which the assessments will take place describing approximately 1,600 types of properties which will be in the district, how the assessments will take effect on the plotted, unplotted, and open spaces that are in there, how these charges will be applied to those properties. The project is on schedule.

Town Solicitor Schrader advised this meeting was properly noticed and advertised and no persons were present who wished to speak in favor of or in opposition to this Special Tax District Ordinance. Commissioner Jefferson once again asked the Town Solicitor if this Ordinance was in the best interest of the Town of Bridgeville and Heritage Shores, with Mr. Schrader confirming yes it is.

Commissioner Jefferson made a motion to adopt the Ordinance creating the Heritage Shores Special Development District for the second and final reading. Motion seconded by Commissioner Correll. President Conaway stated he would not be voting because of involvement with that district. The following votes were recorded:

Commissioner Conaway - abstained
Commissioner Correll - Yes
Commissioner Greason - Yes
Commissioner Jefferson - Yes
Commissioner Sipple - Yes

Motion carried. The Public Hearing was closed at 8:08 P.M.

Mr. Robert Rauch of Robert D. Rauch and Associates, Inc. spoke on behalf of the Heritage Shores developers and reported the project is moving fast and furious. In efforts to stay ahead, Mr. Rauch was requesting approval of the Phase II Plat. This entire plan is to get preliminary sub-division approval. Phase II will continue with 327 lots - bringing the total to 494 lots. Mr. Rauch asked that the Commissioners authorize the President to sign and approve the Phase II plat upon his and Town Engineer, Davis, Bowen & Friedel's review.

Mr. Rauch pointed out all concerns with Davis, Bowen & Friedel have been met, all permits and approvals have been received from the Sussex Conservation District, Del Dot will act on an entrance permit, Delaware office of Drinking Water has reviewed and approved plans, and the Fire Marshall has indicated they will have comments soon.

President Conaway asked if Mr. Rauch had broken ground on the club house. Mr. Rauch advised the biggest problem with the club house is bringing the site fill up-to-grade. Plans for the club house are being reviewed, architectural work is being done, and the general contractor is meeting weekly. The golf course is on schedule and should open next spring. Mr. Rauch explained that it usually takes twelve months to build a golf course and two full growing seasons before it is ready for play.

Commissioner Correll made a motion to authorize President Conaway to sign, approve, and to allow recordation of the Phase II plat for Heritage Shore after review by him and Davis, Bowen & Friedel. Motion was seconded by Commissioner Jefferson. Motion carried.

IX. NEW BUSINESS

A Certificate of Corporate Resolution, in conjunction with the Town's pension plan, was presented by Town Manager Walls. The Resolution addresses the change in the laws for automatic rollover provisions for an employee's profit sharing plan with Equitable Life Assurance once they are no longer employed by the Town of Bridgeville. Motion was made by Commissioner Correll to approve the Certificate of Corporation Resolution as presented. Commissioner Greason seconded the motion. Motion carried.

A motion to promote Patrolman Adam Hitchens to Patrolman First Class effective July 1, 2005 was made by Commissioner Jefferson and seconded by Commissioner Sipple. Motion carried.

Town Manager Walls introduced and welcomed Mrs. Peggy Smith to the Commissioners of Bridgeville. Peggy will start employment as secretary on June 20, 2005 in the Town Office.

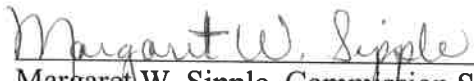
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Commissioner Jefferson asked the police department to patrol the little league complex to make sure the speed limit was adhered to now that a number of children were in the area.

X. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Meeting adjourned at 8:32 P.M.

Respectfully submitted by:


Margaret W. Sipple, Commission Secretary


Sharon Schultz, Transcriptionist