

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
JUNE 8, 2009 – 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, Ruth Skala, Michael Collison, Earl Greason and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer.

II. QUORUM

President Jefferson reported a quorum was present to conduct the business of the Town of Bridgeville.

III. APPROVAL OF MINUTES

Minutes from the May 11, 2009 regular monthly Commission meeting and Executive Session were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Skala seconded the motion. Motion carried.

IV. INTRODUCTION OF NEW POLICE OFFICER

New Town police officer, Mr. Richard Baker, was introduced by Police Chief Allen Parsons. Patrolman Baker graduated from the Police Academy on April 8th with two other new Bridgeville police officers.

V. CORRESPONDENCE

Town Manager Walls advised the May 2009 newsletter from the Woodbridge Elementary School is available for review.

Town Manager Walls advised she has been in contact with Mr. Todd Bariglio from the Bariglio Corporation, whose land was annexed into Town limits on May 2, 2009, concerning the needs and opportunities at the new Bridgeville Library. This has led to a \$25,000 donation to the Bridgeville Library for the new computer room. Mr. Bariglio was not able to make the presentation personally; therefore, Town Manager Walls presented the check to Mr. Matthew Davis, President of the Library Board.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet. (The following amounts are in rounded figures.) As of June 2nd, the General Fund, including checking and savings accounts, totaled \$434,200. The Town's Rainy Day Fund, which includes the Escrow, Sewer Sinking and Impact Fee accounts, totaled \$590,100. Total savings and checking totaled

\$1,156, 600, a decrease of \$90,000, or 7% from the month of May. The Accounts Receivable for water/sewer fees are higher now that irrigation usage has increased. On the Budget Report, the Town is 11 months into the fiscal year, with a target of 92%. Income is at 100% of projection; some accounts are higher than 100%, while others are lower. On the expense side, the Town is at 81% and will increase this month as departments order budgeted items at the end of the fiscal year. May Transfer Tax was \$33,000, bringing the total to \$140,000 for the year. This unexpected amount was due to the sale of several Tatman properties from the May 2nd Annexation Referendum. Debt service shows \$167,000; however, with the payments due in June, we are actually at \$304,000. Concerning Accounts Payable, bills received to-date total \$125,600, \$93,000 of which is in debt service. Commissioner Correll made a motion to pay the bills as presented. Commissioner Collison seconded the motion. Motion carried.

I. DEPARTMENT HEAD REPORTS

President Jefferson advised Department Head Reports are available to the public. Commissioner Collison advised a correction should be made to the total number of stopped trucks for the month of May. The correct total is 17 trucks stopped. Commissioner Correll questioned the high number of seat belt violations. Chief Parsons reported many of them were due to the Click It or Ticket Program, but other seatbelt violations were addressed during routine stops. Commissioner Skala questioned the change of titles in the Wastewater Department. Town Manager Walls advised Mr. Collins is now preparing the reports; however, the titles have not officially changed. She will review the situation further.

II. CITIZEN'S PRIVILEGE

President Jefferson opened the floor for comments or questions from the citizens of Bridgeville. Ms. Karen Johnson, Director of the Bridgeville Library, presented an update on the Library Project. Construction is moving forward. They hope to move into the new building the first week of August. Regional Builders reports the library will finish the project under \$2.6 million. The Library is included in the Governor's recommended budget for 2010 with another \$500,000, which will allow the Library to be debt-free. They expect to receive their certificate of occupancy on July 31st. They are also pleased the Library's budget from both the state of Delaware and Sussex County did not decrease. Ms. Johnson told the Commission to save Wednesday August 19th as the date for a special V.I.P. Celebration at the new Library. There are still volunteer positions available at the new Library.

Ms. Dottie Harper of Brookfield Homes advised there have not been any big changes in the Heritage Shores development. They have several new contracts which include a delay in beginning construction contingent on the sale of the prospective buyer's previous home. There are new financing and incentive programs to extend to prospective homeowners and there has been a good increase in traffic recently. The Golf Club is doing well, with a number of tournaments planned. HVAC problems at the Clubhouse have been addressed.

President Jefferson reported on a meeting that he, Commissioner Skala and Town Code Enforcement Constable Butler attended at Heritage Shores with the Asset Committee on June 4th concerning the maintenance and upkeep of the common areas. At that time they reviewed the

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mowing and natural regeneration plans and determined the grass will be mowed on a regular schedule. A new proposed plan/policy will be presented to the Homeowners' Association for input. The proposed plan/policy will then go to the Town's Planning and Zoning Commission for their review, followed by their recommendation being presented to the Town Commission for action. During the time the plan is moving through these steps, the grass will be cut and maintained. President Jefferson opened the floor for questions and comments. Mr. Richard Hagquist of 33 Amanda's Teal Drive asked that Heritage Shores homeowner representatives be included in any future meetings between the Town and Heritage Shores. Mr. Hagquist brought documentation for the Commissioners' review which supports the homeowners' belief that portions of the new plan/policy may be contrary to Town Ordinances or to the master plan for the community, which was originally submitted and approved by the Town. Commissioner Skala clarified there seems to be a discrepancy between the originally submitted landscaping plan for the Residential Planned Community (RPC) and what is now being done in the community. Commissioner Collison believes it is important to review the original plan submitted by the RPC and approved by the Town Commission and then compare it to Town codes for discrepancies. The Commission may be pre-mature in reviewing Mr. Hagquist's documentation before seeing the RPC documentation and current codes. Mr. Hagquist reported the document package he has for presentation addresses discussions that were held between Heritage Shores and the Town of Bridgeville at a meeting that the homeowners were not invited to be involved in. Commissioner Correll noted the homeowners did have a representative at the meeting in Commissioner Skala. Town Manager Walls is to be involved in all further meetings concerning these issues. Mr. Hagquist further advised that while Heritage Shores is in the development stage, the developer holds 6,000 votes, while each current homeowner holds one vote in the Homeowners Association (HOA). This voting balance is not necessarily indicative of the homeowners' desires. Apparently, the Covenants of the HOA are different than Town Codes; these need to be reconciled. President Jefferson believes a Master Plan was presented to the Town; however, the landscaping portion of the plan was vague. He trusts this can be straightened out. Mr. Larry Skala of 108 Whistling Duck Drive suggested the Town should meet with the homeowners, because the HOA is Passwaters, LLC, which represents the builder, not the homeowners. He appreciated the support of Ms. Harper of Brookfield Homes and others concerning many issues. It was recommended that the homeowners and the HOA be present in future meetings on this topic with the Commission. Mrs. Janet Schroer of 108 Emily's Pintail Drive expressed concern that the uncared for, unmowed places will attract undesirable wildlife; a rabid fox came on their porch this past winter. Commission members assured her that Bridgeville is a rural area and we can expect wildlife not seen in the cities and suburban areas. Mrs. Peggy Sloan of 23 Amanda's Teal Drive asked what recourse they would have if only portions were mowed and other portions were left unmowed. She believes the grass behind her house was too tall for a landscaping employee's weedwacker and the worker simply gave up. President Jefferson advised, for the time being, all areas will be cut. Ms. Dottie Harper advised homeowners may email her concerning the uncut areas and then everyone needs to give the workers some time to catch up. Mr. Russ Beard of 25 Amanda's Teal Drive asked for clarification of who will cut the grass. Ms. Harper advised the partnership, Passwaters, LLC, will have the grass cut. Mrs. Marjorie Percival of 9 Amanda's Teal Drive expressed concern that no one has taken any responsibility for the homeowners' concerns. Mr. Chris Lannin, Senior Director of Land Development for Brookfield Homes, reported there was no malicious intent

concerning letting portions of the grass grow naturally. It was an environmental decision and was a good plan with poor execution and lacked communication with homeowners and the Town. They are trying to train their landscapers where to cut and where not to cut. Brookfield Homes wants to return to their previous status of no complaints concerning grounds keeping; Mr. Lannin asked for patience. Mr. Jim Stevenson of 29 Amanda's Teal Drive is concerned about the overgrown trees and shrubbery in the development. Individual shrubs have turned into a hedge and shrubs that should be waist-high, are 6-7 feet tall. Ms. Harper advised the shrubs planted around the parking lot were intended to create a hedge blocking the parking lot from the street. Some pruning has been done. Commissioner Collison believes that some of these complaints (i.e. hedges and shrubs) are contractual between the homeowners and developer, rather than a Town responsibility. Commissioner Skala believes there has been a breakdown in communication that will be rectified and we can work together to solve the problem. Mrs. Meredith Connar of 33 Canvasback Circle lives on the golf course and is concerned about storm drainage; when it rains heavily the streets flood in her area. There are times when she cannot get out of her street without 4-wheel drive. There is a drain on the golf course behind her that fills up and attracts mosquitoes. Ms. Harper advised the developer is considering removing the silt fence and gutter buddies along Canvasback, after stabilizing the area. When Ryan Homes begins to build in this area, those items will need to be re-installed temporarily. Ms. Harper will also investigate the debris that is filtering into the golf course drain from the undeveloped lot next to Mrs. Connar.

IX. TOWN MANAGER'S REPORT

Town Manager Walls reported the Woodbridge High School Key Club, under the direction of Kelli Duncan, has completed the Department of Natural Resources and Environmental Control storm water marking project of in-Town streets. Main and Market Streets and Heritage Shores locations will be marked in-house by the Public Works Department. Our sincere thanks go to the Key Club for their assistance.

Approximately 100 residents attended the fifth annual Memorial Day Celebration held on Monday, May 25th. Our thanks are extended to everyone who participated in the program and to the residents for taking their time to pay respects to those who have and are currently serving our country.

Concerning the completion of the Sussex County Emergency Preparedness Plan, Director Mr. Joe Thomas advised several months ago that the county was ready to go to bid to update the county's plan. Town Manager Walls followed-up with Mr. Thomas about one week ago, and he advised the county has not gone forward with any action. She approached the matter with the SCAT Steering Committee last week, specifically, Sussex County Administrator, Mr. David Baker, who stated the county was going to move forward to complete the plan. Bridgeville has its emergency plan in place, as do other municipalities, but they all need to be united with each other and with the county plan.

The Sussex County attorney is now reviewing the Greenwood Sewer Agreement and proposed submittals by the Towns of Greenwood and Bridgeville. Information should be forthcoming in the next week or two.

The Delaware Department of Transportation (DelDOT) held a dedication of U.S. Route 13 and 404 on May 21st. Everyone is hopeful the completed intersection will be a safer means of transportation for motorists. Prior to the realignment, the intersection was identified by the state as a high-accident area. At the dedication, President Jefferson pointed out that Antique Alley and Rifle Range Road, which were used for detours during construction, are in poor condition and should be repaved by DelDOT. President Jefferson added the Town has asked again for DelDOT to reconsider changing the stop sign on Railroad Avenue to a yield sign.

A meeting has been scheduled for June 16th between the Town and Delmarva Power to review their recommendations concerning a street lighting survey which was completed of the alley ways and streets throughout Bridgeville.

The geo reactor and media were removed from the wastewater treatment plant on Friday, June 5th. The Town is in the process of gathering documentation to prepare a letter to Parkson regarding our expectations of a solution to this problem.

Town Manager Walls is in the process of preparing proposed changes to the Personnel Policy and are in the midst of gathering information requested by the Commission.

At the May Commission meeting, the Commission requested that the Town investigate a possible audit of the Heritage Shores Special Tax District. Mr. Joshua Forster, our representative from MuniCap remains convinced that an audit is not necessary and is not required by law. He points out that he has conducted an un-audited "Management's Discussion and Analysis Report", which is exactly what an auditor would provide. The Town has spoken with its auditor, Mr. Rick Tull of Lank, Johnson and Tull, and he indicates if he conducts an audit, it would involve an extensive review of all documents relating to the development, including its creation, etc. Mr. Tull stated it is not out of the question, but it would be time consuming, involve a lot of travel and be expensive. He estimates the charge would be more than the annual Town audit for FY-08, which cost \$17,000. There was a general consensus of those Heritage Shores residents in attendance that the issue would not be pursued, as they would be responsible for all costs.

A Charity Open Golf Tournament meeting was recently held with plans for the third tournament well underway. Letters for sponsorships, tee sign sponsors and player registration have been mailed. A news release was sent to the media several weeks ago and plans are going well.

The Fiscal Year 2010 operating budget of \$2,302,305 was adopted on June 1st. A listing of the Budget Highlights, as read by Town Manager Walls, is an attachment to the permanent minutes. President Jefferson thanked Town Manager Walls and Finance Director Savage for a job well done in preparing the FY-10 budget.

X. OLD BUSINESS

A. Certificate of Referendum Vote for Back-up Well Project – June 4, 2009

Town Manager Walls advised a Referendum was held on Thursday, June 4th concerning the issuance of up to \$250,000 maximum principal amount of General Obligation Bonds of the Commissioners of Bridgeville to finance certain improvements to the Town's drinking water facilities including, but not limited to, the installation of a back-up well (#6) and other associated costs. It is anticipated that during the construction of the project, the Town of Bridgeville will receive loan forgiveness of \$185,155 through the American Recovery and Reinvestment Act of 2009 so that after completion of the project, the Town will only have a remaining loan of \$64,845. Votes were cast by 24 citizens; 22 votes were cast in favor of the Referendum and 2 votes were cast against the Referendum. The Referendum passed. Commissioner Correll made a motion to certify and adopt the June 4th Referendum Vote to borrow \$250,000 for the back-up well project. Commissioner Skala seconded the motion. Motion carried.

XI. NEW BUSINESS

A. Introduction and First Reading of Ordinance A09-7, An Ordinance to Amend Chapter 190 Concerning Silver Process Wastewater

Town Manager Walls advised it was brought to the Town's attention that the new Walgreen's drug store will be processing photographic materials. There is the possibility that pollutants could be discharged into the sewer system; therefore any facilities performing processing of photographic materials would be required to install and maintain pretreatment equipment. The Ordinance will protect the Town and include procedures to control site run-off, leaks, spillage, sludge, waste disposal or drainage from raw material storage. A permit has been prepared for future users. Commissioner Skala made a motion to introduce for a first reading Ordinance A09-7, an Ordinance concerning silver process wastewater. Commissioner Correll seconded the motion. Motion carried.

B. Introduction and First Reading of Ordinance A09-8, An Ordinance to Amend Chapter 128 Fees Concerning a Garbage Fee Increase

Town Manager Walls advised the garbage fee will be increased \$.75 to \$14.00 per month, beginning July 1, 2009. This fee must be added to the Town Codes section regarding Fees. Commissioner Correll made a motion to introduce for a first reading Ordinance A09-8 concerning a garbage fee increase. Commissioner Skala seconded the motion. Motion carried.

C. American Recovery Re-investment Act – ARRA Grant

Town Manager advised she is withdrawing the proposed grant from consideration. She and Finance Director Savage have reviewed the grant extensively, with the hope that the Town could receive monies from this program; however, after discussing the grant with other Towns in the Sussex County Association of Towns (SCAT) Steering Committee meeting, they came to the

conclusion that the monies will only help Towns such as Seaford, which has its own electric plant. Bridgeville does not really qualify for this grant.

D. Request to Dangerous Building Inspection Committee RE: 603 North Cannon Street

Town Manager Walls reported the Dangerous Building Ordinance has been in place for several years. Upon the receipt of two or more resident complaints concerning the dangerous nature of a property, the Town can turn the concern over to the Dangerous Building Committee. The Committee will inspect a property based on a check list of items regarding the condition of the building. The report will be returned to the Commission at the next monthly meeting for review. President Jefferson, Fire Chief Jack Cannon and the Town's Code Enforcement Constable have been members of the Committee in the past. If the Committee agrees that the property is in a serious state of disrepair, the property owner will be advised and a Public Hearing will be convened to determine the action of the Commission. The Commission agreed to turn this property over to the Dangerous Building Committee for inspection.

XII. EXECUTIVE SESSION

President Jefferson advised the Commission will go into Executive Session at this time to discuss personnel matters. Commissioner Correll made a motion to go into Executive Session. Commissioner Skala seconded the motion. Motion carried. The Commission went into Executive Session at 8:08 P.M.

XIII. RECONVENE REGULAR SESSION

The Commission re-convened the Regular Session at 9:12 P.M. President Jefferson reported the Commission discussed personnel matters and no votes were taken during the Executive Session.

XIV. ADJOURNMENT

Commissioner Skala made a motion to adjourn the meeting. Commissioner Collison seconded the motion. Motion carried. The meeting was adjourned at 9:13 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist