

MINUTES

COMMISSIONERS OF BRIDGEVILLE JUNE 12, 2006 – 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, Pat Correll, William Jefferson, Earl Greason and Town Manager Bonnie Walls. The meeting began with the flag salute and Lord's Prayer.

II. QUORUM

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

III. APPROVAL OF MINUTES

Minutes of the regular Commission meeting held on May 8, 2006 were presented for approval. Commissioner Sipple made a motion to approve the minutes as presented. Commissioner Greason seconded the motion. Motion carried.

IV. PRESENTATION TO MR. RALPH SCOTT, III OF SCOTT'S FURNITURE, INC.

The Commissioners expressed appreciation for the donation of furniture by Ralph L. Scott, III of Scott's Furniture, Inc. President Conaway presented a Certificate of Appreciation to Mr. Scott for "generous donation of furniture for the Bridgeville Town Hall, allowing the Town to receive guests in a professional manner and project a positive image."

V. CORRESPONDENCE

Town Manager Walls reported receipt of a letter from Delmarva Power advising their parent company Pepco Holdings is proposing a new interstate transmission line to improve the ability to import lower-cost electricity from the south and west. If approved, construction on the line would take place in the years 2008 – 2014. The line would not come close to Bridgeville.

A letter has been received from Comcast offering a family tier of programming to customers on or about June 1, 2006. Cost will be \$37.54 per month plus applicable taxes and fees.

Thank you notes have been received from the family of Larry Miller and Nanticoke Senior Center regarding a donation from the Commissioners to the Senior Center's building fund following the death of Mr. Miller, a former Seaford City Councilman.

The Sussex Spotlight Read Aloud Delaware May/June newsletter and the Kent-Sussex Industries, Inc. first quarter newsletter are available for review.

The Delaware Rural Water Association Spring 2006 newsletter features a picture of Wastewater Superintendent Mowbray as he and Water Superintendent Jones use the DRWA televising collection system to "work smarter, not harder." The letter section of the newsletter also includes a thank you note from Town Manager Walls regarding the DRWA Conference and Exhibition in February.

The Commissioners received a letter of thanks from the Bridgeville Police Department for a \$100.00 donation to the Torch Run and Delaware Special Olympics. Police officers Hitchens and Truluck represented the Bridgeville Police Department in the Torch Run.

President Conaway reported a successful meeting with the Council on Police Training regarding Patrolman Robert James' status. President Conaway thanked the Commissioners, specifically Commissioner Sipple, the Bridgeville Police and Town Manager Walls for their support and involvement. Our Police force has been increased to seven officers.

A letter was received from the SPCA with notification that effective July 2, 2006 the Delaware SPCA will no longer contract with the State to handle dog control in New Castle and Sussex counties. They will focus on their mission, which includes prevention of cruelty to animals; humane education; spay/neutering and pet adoptions. The Town will work with Kent County for dog control in the Town.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage reported the General Fund and Money Market savings accounts have been reduced due to the purchase of the new street sweeper and the new equipment/office building for the Public Works Department. Funding for the street sweeper arrived after these reports were printed. The escrow accounts continue to accrue interest. The Water Department account is \$45,000 higher due to the purchase of water meters for Heritage Shores. The EMS savings fund totals \$36,600. The Library fund stands at \$20,200. Cash on hand is approximately \$642,000. The Town has collected 110% of what was budgeted, due to income from quarterly tax billings, transfer taxes and building permits. The Town has collected approximately 50% of its delinquent taxes with help from the Town Solicitor. The Suburban Street Aid line item is low; however, the funds have been pledged by Senator Adams and Representative Ewing. We should be at approximately 92% in expenses at this point in the budget year. Our current accounts payable is \$116,700, \$51,200 of which is re-imbursable through the Department of Natural Resources and Environmental Control and the Heritage Shores developer. Bills include a Delaware Water Association bill for water quality reports, a Moyer's Heat and Air bill for air conditioner repairs at Town Hall, a Roberts Oxygen bill for a generator and a DNREC bill for wastewater treatment plant upgrades. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

VII. DEPARTMENT HEAD REPORTS

President Conaway reported this is the 92nd consecutive month our Wastewater Treatment Plant has not had a violation of its NPDES permit. It was reported major repairs have been accomplished on treatment plant equipment. Commissioner Correll commented the new street sweeper is doing an excellent job. Street Superintendent Passwaters has designed a cleaning schedule that will be published. Commissioner Jefferson questioned whether all departments have had security measures updated. Town Manager Walls advised the Town is still working through FEMA to complete the upgrades. Finance Director Savage advised the Town Hall security system is complete and we are waiting for cameras for the wastewater/water departments.

VIII. CITIZEN'S PRIVILEGE

Mr. David Levy of 34 Amanda's Teal Drive inquired about the proposed park directly south of Heritage Shores. President Conaway reported if the annexation is voted through by Bridgeville residents, the 142 acres will be given to the Town for a park. The land is under agricultural preservation and the Town will take steps to make sure it remains open space, or a "passive" park. The Town has considered moving the Little League to that location. A fishing pond and Victory gardens are possibilities. There will likely be walking trails, including one starting in "Old Bridgeville" leading to Heritage Shores along Wilson Farm Road. The park was initially suggested by the developer in the very early days of discussion about the Heritage Shores development. As to who will be responsible for planning the park, President Conaway advised the Town would likely hire professional planners to work with the Commission. The Secretary of Agriculture and President Conaway disagree as to the use of agricultural preservation land. Commissioner Greason added that there was a time when agricultural preservation land could only be used for a farm, i.e. a swine farm. Recently the definition and parameters have broadened. The Town's goal has always been to have a passive park at this location. In our Comprehensive Plan this area is identified as open space. Mr. Conaway indicated agricultural preservation land must make money through a farm crop – grain, livestock, etc. How this land can be used is yet to be addressed. President Conaway advised there is a possibility, pending annexation, the old buildings on the Baldwin property on Routes 404 and 18 might be donated to the Town for a sports facility. Currently Town facilities include the Children's Sanctuary Playground, a small park (grassy area) across from the Town Hall and the Historical Society Park on Delaware Avenue with a gazebo often used for weddings. School playground facilities are no longer available to the community.

IX. TOWN MANAGER'S REPORT

Town Manager Walls reported attendance at the Sussex County Prayer Breakfast on Monday, May 15th with Commissioners Correll and Conaway.

Town Manager Walls attended the monthly Nemours meeting where positive efforts are being made to promote a healthy lifestyle for all children.

Town Manager Walls reported Code Enforcement Constable Jack Kimlel offered his resignation on May 16th, effective June 1, 2006. Mrs. Walls expressed her appreciation for his efforts and trusts he will have good health.

The Town Memorial Day Celebration was held on Monday, May 29th with approximately 70 people in attendance. Gunny Michael Janiszewski from the Woodbridge ROTC was the key note speaker, Melissa Baker played Taps, Christen Hatfield sang the National Anthem, Reverend Raymond Taylor and Lay Reader Mary Parsons from St. Mary's Church shared opening and closing prayers. Town Manager Walls expressed appreciation for their involvement.

Town Manager Walls reminded the Commissioners of a Conditional Use Hearing scheduled for Monday, June 19th at 7:00 P.M., concerning the Gerry Royal day care at 219 First Street changing to 24-hour operation.

The street/curbing bid deadline has been postponed to June 22nd to provide prospective bidders additional time to prepare bids.

Town Manager Walls advised the turnaround on the northbound lane at the U.S. Route 13 and 404 intersection will be removed. This will be completed before the end of June, according to the Delaware Department of Transportation.

Town Manager Walls reminded the Commissioners the Edward Willis Redfield Historic Marker will be unveiled June 13th at the corner of Delaware Avenue and William Street. The event is scheduled for 10:30 A.M., with a reception following at the Parish Hall of St. Mary's Episcopal Church.

Town Manager Walls asked the Commissioners for a motion to accept a \$42,000 proposal by Davis, Bowen and Friedel, Inc. for a water/wastewater study for annexations. The cost of the study will be shared by those requesting annexation, based on the number of EDUs required for each project. Commissioner Sipple made a motion to accept the proposal by Davis, Bowen and Friedel. Commissioner Correll seconded the motion. Motion carried.

X. OLD BUSINESS

A. Public Hearing – 15 Oak Street

The scheduled Public Hearing concerning a dangerous building at 15 Oak Street, owned by the heirs of Earnest Carrey, c/o Frances Polk, was opened at 7:47 P.M. In accordance with Ordinance A03-2, AN ORDINANCE RELATING TO MAINTAINING OF DANGEROUS BUILDINGS WITHIN TOWN OF BRIDGEVILLE, the Dangerous Building Committee investigated a structure at the above mentioned property, upon receipt of letters of complaint from two (2) or more residents of Bridgeville, pursuant to Ordinance A03-2, Section 3. They then submitted a report to the Commissioners at the May 8, 2006 meeting. Pursuant to Ordinance A03-2, Section 6, a public hearing was scheduled for June 12, 2006, giving the

property owners an opportunity to show just cause why the structure should not be declared a hazard to life and why it should not be ordered to be demolished. The property owner received a certified letter advising her of tonight's hearing. Let the record show that the property owner of 15 Oak Street is not in attendance at this public hearing. President Conaway addressed the audience asking if there was anyone present who wished to speak for or against the action the Commission could take concerning the structure. There were no comments from the audience. As Chairman of the Dangerous Building Committee, Commissioner Jefferson was asked to respond to a series of questions concerning the structure at 15 Oak Street to enable the Commissioners to rule as to whether this structure fits the definition of a dangerous building according to the Ordinance and whether the structure is in violation of Ordinance A03-2. President Conaway asked Commissioner Jefferson if this structure threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, to which the Commissioner Jefferson responded "yes." President Conaway asked if this structure had been damaged to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge, to which Commissioner Jefferson responded "yes." President Conaway asked if this structure had been so damaged or had become so dilapidated or deteriorated as to become an attractive nuisance to children, or a harbor for transients, vagrants, or criminals, to which Commissioner Jefferson responded "yes." President Conaway asked if this structure was unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or other cause, to which Commissioner Jefferson responded "yes." President Conaway asked if this structure creates a fire hazard by virtue of its condition, to which Commissioner Jefferson responded "yes." President Conaway asked if this structure constitutes a public nuisance as defined by law, to which Commissioner Jefferson responded "yes." President Conaway asked if this structure has exits which do not conform to the city ordinances or any other feature which may cause a hazard to life or safety of the occupants or general public, to which Commissioner Jefferson responded "no, this is a shed with no doors." Commissioner Correll made a motion to declare the structure at 15 Oak Street in violation of Ordinance A03-2 and to condemn the structure. Commissioner Sipple seconded the motion. The Commissioners agreed unanimously with the Dangerous Building Committee that the structure at 15 Oak Street meets the definitions of a dangerous building; it is a hazard to life and property and is a danger to the Town and community and should be demolished. Motion carried. The property owner will be notified of the Commission's decision with a deadline date to reply. Pending their response, the matter could be placed in the hands of the Town Solicitor to establish a court date for condemnation and an order to demolish. The public hearing was closed at 7:50 P.M.

Concerning the structure at 102 N. Main Street, President Conaway reported Attorney Robert Robinson has asked for a court date to order demolition of the structure.

B. Public Hearing – Adoption of FY-07 Budget

The scheduled Public Hearing regarding adoption of the FY-07 Budget was opened at 7:51 P.M. President Conaway reported the Town Manager and Finance Director worked in conjunction with department heads in preparing this budget. It was presented to the Commission at a Budget Workshop in May and was introduced for a first reading on June 5, 2006. The budget and highlights are attached to these minutes. Town Manager Walls commented this is a good budget that will represent the Town well. She and Finance Director Savage appreciated the assistance of the department heads in preparing the budget. Commissioner Correll commented she was very pleased with the groundwork and preparation Town Manager Walls and Finance Director Savage had completed before it was first presented to the Commission. She was pleased with the innovations she saw and appreciated their efforts. President Conaway advised copies of the budget have been made available to the public. He gave an opportunity for the public to comment on the budget. Let the record show there was no public comment on the proposed FY-07 Budget. President Conaway reported this is the third reduction in taxes and fees this Commission has enacted. The Commission previously eliminated the capitation tax and cut the water meter fee by 50%. This budget reflects a property tax decrease of 5%; all other fees have remained the same. This is a prime example of growth paying for itself and benefiting all the taxpayers. Spring and fall clean-up days are included in the budget. The Kent County S.P.C.A. will serve the Town needs. The starting salary for Police officers has been increased to \$30,000. The 25-year retirement plan for police has been reduced to 20 years. Street and curb improvements will continue to be funded by Senator Adams and Representative Ewing. The new Public Works Department building is progressing and additional funding for its completion is included in this budget. The Town has initiated a salary schedule which allows employees to progress to different pay grades based on experience and merit. The Town will continue to pay the cost of employee health care. The Commissioners' salaries are increased for the first time in many years. The Public Hearing was closed at 8:02 P.M. Commissioner Correll made a motion to adopt the FY-07 Budget as presented. Commissioner Greason seconded the motion. Motion carried.

C. First Reading of Ordinance A06-3, an Ordinance to Amend Chapter 128 of the Code of Bridgeville Relating to Fees to Reduce the Property Tax Rate.

President Conaway requested a motion to introduce the first reading of Ordinance A06-3 to reduce the property tax rate from \$1.83 to \$1.73 per \$100. Commissioner Correll so moved. Commissioner Greason seconded the motion. Motion carried. A Public Hearing and second reading will take place at the July 10th Commission meeting.

D. Planning Commission Recommendation – Comprehensive Plan Amendment

Town Manager Walls advised the Planning Commission held a Public Hearing on May 30, 2006 to consider an Amendment to the Comprehensive Plan. A letter has been received from Planning Commission Chairman Howard Hardesty recommending the Amendment to the Commissioners for approval pending the correction of several maps. The Town will go before

the State Planning Office Plus Review Board on June 28th concerning the Amendment. They will respond within 45 days, followed by a public hearing by the Commission. President Conaway advised the Comprehensive Plan itself is not changed. The Amendment will be attached to the Plan which will delineate changes. The only significant change is increasing our proposed growth area. The identification of this growth area allows the Town to consider annexation requests from people within this area; however, many of these parcels may never be annexed into Bridgeville. Commissioner Jefferson made a motion to accept the draft of the Amendment to the Comprehensive Plan as recommended by the Planning Commission. Commissioner Sipple seconded the motion. Motion carried.

XI. NEW BUSINESS

A. Resolution – Italian Heritage Month

As a member of the Italian Heritage Commission, President Conaway presented a Resolution declaring October 2006 as Italian Heritage Month. The State of Delaware will also adopt this Resolution. Commissioner Sipple made a motion to adopt the Resolution. Commissioner Jefferson seconded the motion. Motion carried.

Commissioner Jefferson congratulated President Conaway's daughter, Jill Lewandowski, for being chosen as Teacher of the Year in the Woodbridge School District.

B. First Reading of Ordinance A06-4 to Create a New Chapter of the Code of the Town of Bridgeville to Insure the Peace, Safety and Good Order of the Town.

President Conaway advised this Ordinance was born out of the recent protest / demonstration that took place in Seaford during the funeral of a U.S. soldier killed in Iraq. He commended the Seaford city government for their handling of the unfortunate event. The Town of Bridgeville and its attorney have written an Ordinance designed to control similar situations. Our concern is the peace and safety of the Town. This Ordinance defines terms such as loitering, disorderly conduct and trespassing. The Ordinance will require a 1,000 foot distance from a lawful assembly, such as religious, funeral, memorial, or community event. The Town will require a permit application 15 business days before the event. A fee will be charged for police security. The demonstration / protest group could be placed in the fenced area near the Bridgeville sewer plant. There are also penalties included for violating this Ordinance. Commissioner Jefferson made a motion to introduce Ordinance A06-4 for its first reading. He added his recommendation that, should the fenced area ever be used for a protest / demonstration, the individuals must enter and exit the area without coming in contact with our wastewater treatment plant facilities. The Commissioners acknowledged a separate entrance is available for this use. Commissioner Correll seconded the motion. Motion carried.

XII. SPECIAL REPORTS

A. National Night Out – Police Chief Parsons

Chief Parsons advised the 2nd Annual Bridgeville Night Out is scheduled for Thursday, August 31st. This date was chosen to allow for more special exhibits and guests to be involved. The National Night Out will be held earlier in the month. Chief Parsons is pursuing the First State Band for the event. He is also hoping to have a Police canine demonstration unit.

B. Proposed Summer Youth Program

President Conaway announced a Summer Youth Employment Program to assist the Public Works Department in Town maintenance jobs. The Town will employ one youth through the state employment program and is planning to employ 4 additional youth for 35 hours per week at minimum wage, along with an adult supervisor, for approximately \$9,000.00. Commissioner Jefferson suggested contacting the school district regarding hiring a teacher for the supervisor position. It was also recommended that we hire students age 14 to those who graduated from high school in 2006. This should be open to Bridgeville residents. Commissioner Jefferson made a motion to create a Summer Youth Employment Program. Commissioner Sipple seconded the motion. Motion carried.

XIII. ADJOURNMENT

Commissioner Jefferson made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. Meeting was adjourned at 8:30 P.M.
Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist