

MINUTES

COMMISSIONERS OF BRIDGEVILLE JULY 9, 2007 – 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 Patricia Correll, Margaret Sipple, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the flag salute and Lord's Prayer.

II. QUORUM PRESENT

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

III. APPROVAL OF MINUTES

Minutes of the June 11th Commission Meeting were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Jefferson seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Walls reported the receipt of a letter of thanks from the Kiwanis Club of Bridgeville for a \$500 donation from the Commissioners for the purchase of new American Flags for community streets. They were short on funds and were appreciative of the Town's support.

A thank you card was received from the family of Leonard Chaffinch for a donation received from the Commissioners in memory of their father.

A thank you card was received from Ms. Karen Johnson, Director of the Bridgeville Public Library, for the re-striping of the library parking lot. Street Superintendent Passwaters gave his assistance and accomplished the work.

A general letter was received from the Bridgeville Public Library encouraging residents to join the "Friends of the Bridgeville Public Library."

The Delaware Rural Water Association's spring newsletter is available for review.

V. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commissioners to the Balance Sheet. As of June 30th, 2007 the Town's escrow accounts totaled over \$419,000. In rounded figures there is \$27,800 in the Library Fund and \$13,330 in the Emergency Fund. There is \$65,000 in the Impact Fee Fund (for future improvements.) There is approximately \$722,000 in the General and Money Market Funds. On the Budget vs. Actual Report the figures represent the end of the budget year with the target of 100%. Building Permits only reached 72% of their target income. The Transfer Tax reported does not include a check for \$49,000, bringing the total to \$681,000, well over the budgeted amount. Most income levels were on target. Concerning expenses, donations were lower than budgeted due to not reaching an agreement on parking lot paving with Mt. Calvary United Methodist. Talks are on-going with the church. (There are several church parking lots that the Town has helped to pave with the understanding that the parking lots will be open to the public.) Miscellaneous expenses are at \$102,000, due to traffic confiscations, duplicate tax reimbursements, etc. Income from police fines finished the year low due to a continuing problem with receiving the money in a timely fashion. This end-of-year-report will change slightly, as additional June bills are still being received. President Conaway commented that he was amazed and pleased that property tax collections were unusually high at 99.7%. Additionally, quarterly taxes have generated almost \$18,000 of supplemental funds for the Town. Total accounts payable stands at \$135,975. Commissioner Jefferson made a motion to pay the bills as presented. Commissioner Correll seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

Department Head Reports are available to the public. Unfortunately, the Wastewater Treatment Plant violated its NPDES permit this past month for discharge. This was due to the weather. We exceeded our monthly average biochemical oxygen demand limit and exceeded the monthly average total kjeldahl nitrogen limit. This has been reported to the Department of Natural Resources. It will likely end our 102-month record of being violation-free. President Conaway commented that the weather can cause havoc with a sewer plant. Building permit revenues were significantly down in June with only \$1,014 reported. The new water tower is awaiting the insulation of chlorination equipment at the end of July. The tower will be drained, refilled and tested. It will then be placed in service.

VII. CITIZEN'S PRIVILEGE

There were no comments or concerns from the residents of Bridgeville.

VIII. TOWN MANAGER'S REPORT

Town Manager Walls reported that initial meetings have been held with appointed members of new Town committees. These were established by the Commissioners at the May meeting. Ads had been placed in the local newspaper asking for interested citizens to respond to the Town office; sign up sheets for the committees were also made available during a March 22nd

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Town meeting. Chairmen were named for the committees and regular meetings have begun, with reports of their progress, activities, etc. being given to the Town.

Town Manager Walls advised the Institute for Public Administration at the University of Delaware was awarded a grant by the Delaware Division of Public Health to promote healthy communities in Delaware. The funding is being used to conduct an assessment of five Delaware Communities with specific emphasis placed on walk-ability and other opportunities within the communities that promote physical activity. Bridgeville was recommended as an ideal partner by the Nemours Foundation and the Town has received a \$2,000 grant. We solicited interested residents, held meetings and conducted a walk-ability assessment to promote physical activity. The grant monies are to be used to improve signage and marking of a walking trail in Town. The location selected by the group for a walking trail begins at the Town Hall on Main Street. It proceeds down Market Street, with a left turn on S. Cannon St., another left turn on Jacob Ave. and back to Main Street. Commissioner Correll was active on the committee, representing the Commissioners. Commissioner Correll commented there are no sidewalks in one area of the walking trail, but signs will need to be posted to direct people through the walking path.

The Town requested and was granted funding for one summer youth employee through the State of Delaware Department of Labor Summer Youth Program. The employee has been hired and began work on Tuesday, June 26th.

A concern was brought to the Commissioners' attention several months ago regarding the lack of lines on Railroad Ave. A representative from DelDOT has met with Street Superintendent Passwaters regarding the placement of double yellow lines on Railroad Ave. for safety and to look at the intersection at Wilson Farm Rd. as it connects with Railroad Ave. The representative determined that counters should be placed in the concerned areas to prepare a traffic flow report which will help in DelDOT's decision.

Notification has been received from the Delaware State Housing Authority through Sussex County Council, regarding the Community Development Block Grant allocation. Bridgeville is to receive \$90,000 to complete rehabs of five properties and \$10,000 for one demolition.

On June 22nd Town Manager Walls was notified by Public Safety Director Chaffinch that Patrolman Robert James made a traffic stop which resulted in a drug confiscation of cocaine and marijuana. Our congratulations go to Officer James on a job well done.

Concerning the property located at 102 N. Main St. (Alvin Tribbett), information has been received from the Court of Chancery of their filing paperwork between the estate of Ellen Tribbett (Plaintiff/Petitioner) and Delmar Homes, Inc. (Defendant/Respondent) as it relates to Mrs. Tribbett's agreement and contracts with Genesis Health Care, Inc., where she was a patient before her death. Mrs. Tribbett's contract with Genesis Health Care indicates that the health care facility will receive any money from the sale of the property first.

Recycling Program information was included in the May Town Journal. Residents were encouraged to return a participation form to the Town office. There would be two curbside pickups per month for an additional \$2.00 charge on the water/sewer bill. The Town will need 75% participation to proceed with the program. We will need approximately 700 responses with only 60 received so far. Town office personnel will encourage participation as residents come in to pay bills. President Conaway requested help from the local newspapers in getting the word out about the program. He also noted that some sort of mandated recycling is coming to Delaware. This is a cheaper, easier way to handle it than a mandated program. Town Manager Walls understands that one large bin would be provided to residents with dividers in it for different types of recyclables. Michael Harrigan of 20 Amanda's Teal Dr. suggested wider publication of the information with flyers being sent to each address. Town Manager Walls reported the information has been on the outside sign and included in the Town newsletter, which she feels, is widely read. It may be helpful to disseminate more details about the recycling program. Town Manager Walls will investigate further and see if we can display a sample recycle bin.

IX. OLD BUSINESS

A. Introduction of a Loan Resolution from U.S.D.A. – Spray Irrigation Project

President Conaway advised that per our agreement with the U.S.D.A. Rural Development Administration, we are required to pass a loan resolution regarding the funds that were allocated to the Town approximately four years ago for the new spray irrigation project. The money is not available until the work is accomplished; therefore, the Town must make arrangements for interim financing. Three banks have been approached; the financing will be in place by next month. This will later be replaced by the bonds that will be issued. A recent Town charter change now allows us to accept federal and state loans and grants. Commissioner Correll made a motion to adopt the Loan Resolution. Commissioner Greason seconded the motion. Motion carried. President Conaway advised grants of \$1 million are also included for this project.

B. Update – Bridgeville Charity Open Golf Tournament

President Conaway advised the foursomes are coming in slowly for the tournament; only 36 foursomes will be accepted. Currently, eight foursomes are registered. Basing expenses on 144 golfers, including all amenities, \$21,741 will be needed to break even. The income currently stands at \$22,725. Two companies with golf courses are even sponsoring our golf tournament. All profits will be passed along to the Bridgeville Kiwanis Foundation, the Bridgeville Lions Club and the Bridgeville Senior Center.

C. Second Reading and Public Hearing Adopting Ordinance A07-6 Regulating the Use of Skateboards

President Conaway advised the Skateboard Ordinance was introduced at the June Commission meeting. A substitute Ordinance has been drafted. A section has been added to define skateboards; another section has been added excluding alleyways from the Ordinance, therefore allowing skateboarders to use the alleys. President Conaway reported he has seen

much abuse of skateboard riding, with young people passing cars while seated on a skateboard, skateboards all throughout the street, knocking people down on sidewalks and jumping off the Fire Company's flower beds, ruining the flowers. The issue must be weighed with public safety and the need for children to play appropriately. Public safety is the issue and that must take precedence. Skateboard parks are a great direction to turn; however, they are very costly to build and to insure. The Parks and Recreation Committee is looking into the idea of a skateboard park. Ordinances have been reviewed from Milton, Bethany and Rehoboth. Milford used to have a skate park with promises from parents that they would supervise; however, the parents did not follow through. It became an insurance liability to the Town. Milton's Ordinance is very strict with a skateboarder being arrested on a first violation. The school district does not allow any skateboards on their properties. Bridgeville's proposed Ordinance requires that skateboarders stay off the streets, sidewalks and all buildings. A first offense would bring confiscation of the skateboard for one month and five hours of community service. A second violation would bring permanent confiscation of the skateboard and ten hours of community service. A third violation would be considered a misdemeanor. The Commissioners are concerned that a skateboarder will be struck by a car and killed or maimed, based on the disregard of traffic by current skateboarders. President Conaway advised that due to a mis-communication between himself and the staff, an advertisement was placed in the newspaper indicating that the Commission would not take action on this Ordinance tonight. He recommended that the Commission extend the Public Hearing to the August meeting, at which time the Ordinance would be adopted if the Commissioners so chose. This would assure the public the full opportunity for comment. In the meantime, the Police Department would begin to issue warnings to prepare for the future Ordinance adoption. President Conaway opened the Public Hearing at 7:40 P.M. allowing testimony on this issue. Mrs. Christine Davis of 202 Walnut Street asked for clarification that skateboards are allowed in the alleys. President Conaway replied, skateboarding is allowed in the alleys. Mrs. Davis was afraid it would be a complete abolishment of skateboards in the Town. She would like to see the Town move in the direction of having a skateboard park. President Conaway advised the Parks and Recreation Committee has been given the task of exploring a full recreation program that includes all aspects and seasons of recreation. Mr. Steve Kendall of 125 Whistling Duck Dr. asked whether there were still private church parking lots that could allow skateboarders. President Conaway reported he believes most churches post signs against skateboarding. Commissioner Correll advised the Methodist Church parking lot is very busy and would be very dangerous for skateboarders. Mr. Larry Skala of 108 Whistling Duck Drive asked if the alleyways are open to the public. President Conaway replied, they are open to all. Mr. Skala asked if that could be changed to a "local traffic only" designation, making skateboarding in the alleys safer. There isn't room for a car and skateboards in the alley. President Conaway suggested that the Commissioners could look into that possibility. Commissioner Sipple is concerned that the children have a place to play. Commissioner Correll responded that she has come close to hitting a dozen or more skateboarders. Ms. Davis brought documentation of the Ridgely, Maryland Skateboard Park to share with the Commissioners and the Parks & Recreation Committee. It was suggested that a park would do well placed next to the new library. The Ridgely Skateboard Park cost approximately \$24,000, with many business donations (i.e. \$10-15,000 worth of concrete) and insurance costs are \$3,000 per year, according to the literature from Ridgely. Mr. Conaway advised the Parks and Recreation Committee would need to provide their own cost estimates and the Commissioners would then weigh that against

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the number of children who would benefit from the park. There might be other recreational possibilities that would benefit the greatest number of children. Mrs. Davis advised skateboard parks accommodate in-line skates and bicycles as well. She also asked how the residents and their children will know about the new Ordinance. Commissioner Sipple suggested that since the Davis children will know about the Ordinance, they will share it with friends and word will spread. President Conaway stated the Commissioners will make sure everyone is aware of the Ordinance before it is enforced. He also advised when there is a public safety issue; the Commissioners must address the issue. Commissioner Correll advised when there is damage to business properties, that is a liability and the Commissioners must address the issue. President Conaway closed this session of the Public Hearing at 7:55 P.M. and requested that a motion be presented to extend the Public Hearing on Ordinance A07-6 until the August 13th Commission Meeting and that the Police Department begin instructing young people to skateboard in the alleys. He also recommended that the Commissioners urge the business community to post signs against skateboarding to protect themselves from liability for skateboarding accidents on their properties. Commissioner Sipple made a motion to extend the Public Hearing on Ordinance A07-6 until the August 13th Commission Meeting and warn skateboarders of the impending law. Commissioner Correll seconded the motion. Motion carried.

X. NEW BUSINESS

A. Appointment of Assistant Town Attorney Ms. Rebecca L. Trifillif

President Conaway reported that there have been serious concerns regarding the attention the Town's business has received from the law firm of Wilson, Halbrook & Bayard. The firm has had a decrease of available attorneys, including our Assistant Attorney Mr. Robinson, leaving Mr. Dennis Schrader very busy and not always available for the Town's needs. Many issues are at a standstill due to a lack of attorney response. Our law firm has recommended Ms. Rebecca Trifillif, from the law firm of Griffin & Hackett, as an assistant attorney for the Town of Bridgeville. She has the experience necessary and is currently the lawyer for Sussex County Council. President Conaway has received high recommendations concerning her abilities. Commissioner Jefferson made a motion to appoint Ms. Rebecca L. Trifillif as the Assistant Town Attorney. Commissioner Correll seconded the motion. Motion carried.

B. Annexation Request of Royal Farms –

A Resolution Authorizing an Annexation Referendum and Establishing Dates

Town Manager Walls reported the Town has received a request for annexation from Royal Farms at the intersection of Route 13 and Route 404. With the realignment of that intersection now in progress, this would be the ideal time to place all necessary water/sewer lines for Royal Farms while the road is being opened. The Highway Department does not encourage the roadways to be opened again at a later date if at all possible. If the Commissioners choose to move forward with annexation, a requisite Public Hearing date has been established for Thursday, August 2, 2007, 7:00 P.M. at Town Hall. The Annexation Vote would take place on Saturday, August 4, 2007 from 10:00 A.M. to 2:00 P.M. at Town Hall for all registered voters. President Conaway advised Royal Farms is requesting annexation as commercially zoned

property with the business that is currently on site. They would take the lead in establishing sewer and water lines down the S. Main Street corridor so that those property owners who have already been annexed will also be able to go forward with developing their properties. A Developer's Agreement will be necessary. A Public Works Agreement will also need to be signed. This document will determine the cost of the entire line and each entity along the line will pay their proportionate share of the total. The Town will not pay for the lines to be run. The Town does have the EDU capacity to handle this facility. Commissioner Jefferson inquired whether there were other properties in that area that are interested in annexation. President Conaway advised there are two other properties that are considering annexation, but the Town has not received complete documentation from them to allow consideration of their annexation request. Commissioner Sipple made a motion to adopt a Resolution Authorizing an Annexation Referendum, scheduling the Royal Farms Annexation vote for August 4th with a Public Hearing on August 2nd. Commissioner Greason seconded the motion. Motion carried.

**C. Davis, Bowen & Friedel, Inc. Proposal for Design of Water and Sewer
To Serve Royal Farms Annexation**

Town Manager Walls reported our engineer Davis, Bowen and Friedel have submitted a proposal to design the water and sewer system for Royal Farms. As agreed upon by Royal Farms, the Town will pay the engineers for this contract and then collect the money from Royal Farms. The proposal expense is estimated at \$40,800. Commissioner Jefferson made a motion to accept the proposal of Davis, Bowen & Friedel for the design of water and sewer to serve Royal Farms annexation. Commissioner Correll seconded the motion. Motion carried.

**D. Davis, Bowen & Friedel, Inc. Proposal for Engineering and Planning Services –
Development Review for Upcoming Projects**

Town Manager Walls reported our engineers Davis, Bowen & Friedel, have submitted a proposal for engineering and planning services and development review for all the upcoming development projects in the estimated amount of \$6,750. Town Manager Walls has met with the engineers several times and President Conaway has been involved in one of the meetings as well. The engineers would establish an outline for developers, identifying each step to take in order to go forward with the water/sewer installations, plan review, etc. These forms would also include all steps to take in applying for a building permit or requesting a zoning change or conditional use. This would be very helpful to the Town office, as we do not have the manpower or time to devote to each project to make sure each aspect of the process is addressed. The forms which have been developed are currently in the hands of Code Enforcement Constable Butler for his review. Commissioner Correll made a motion to accept the Davis, Bowen & Friedel review proposal concerning upcoming projects. Commissioner Sipple seconded the motion. Motion carried.

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E. Davis, Bowen & Friedel, Inc. Recommendation – Bridgeville Farm Spray Irrigation Project – Materials Testing

Town Manager Walls reported our engineers Davis, Bowen & Friedel have submitted a recommendation for a firm to provide geotechnical engineering services for the construction phase of the Bridgeville Farm Spray Irrigation Project. Our engineers have recommended that we award the contract to John D. Hynes & Associates for soil testing, etc. President Conaway advised he has seen their work and they are one of the better firms. This is a subcontract which is a part of the entire project. Commissioner Sipple made a motion to accept the recommendation of Davis, Bowen & Friedel and award the Materials Testing portion of the Spray Irrigation Project to John D. Hynes & Associates. Commissioner Greason seconded the motion. Motion carried.

F. Adoption of Harassment Policy

Town Manager Walls advised the Town's general liability insurance policy requires that we adopt a Harassment Policy. To be compliant, we must adopt this policy. Commissioner Sipple made a motion to adopt the Harassment Policy as presented. Commissioner Correll seconded the motion. Motion carried.

XI. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist