

MINUTES

COMMISSIONERS OF BRIDGEVILLE JULY 10, 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, Patricia Correll, William Jefferson 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, even with the absence of Commissioner Greason.

III. APPROVAL OF MINUTES

Minutes of the Commission meeting regarding the FY-07 budget held on June 5, 2006 and minutes of the regular Commission meeting held on June 12, 2006 were presented for approval. Commissioner Correll made a motion to approve both sets of minutes as presented. Commissioner Sipple seconded the motion. Motion carried.

IV. PRESENTATION – DORIS AND KENNETH McILVAIN

The Commissioners of Bridgeville paid tribute to Doris and Kenneth McIlvain as two individuals in the Town who have volunteered for many years in many ways. They were recently honored by the Delmarva Volunteer Fireman's Association and were inducted into the Hall of Fame and Hall of Honor. The Commissioners presented Certificates of Appreciation to them for their years of community service through the Bridgeville Volunteer Fire Company. Doris was Treasurer of the Ladies Auxiliary for over 30 years and Kenneth drove the ambulance until he turned 80 years of age, among his many responsibilities.

V. CORRESPONDENCE

Town Manager Walls reported notification of the FY-06 Community Development Block Grant allocation to the Town in the amounts of \$87,500 for 5 Rehabilitations and \$10,000 for 1 Demolition.

The following publications are available for review: the Delaware Housing Coalition's Housing Journal, the Sussex Spotlight – Read Aloud Delaware newsletter and the Delaware Community Reinvestment Action Council's June 2006 newsletter.

Town Manager Walls reported receipt of a letter from the Delaware Economic Development Office announcing no-interest loans for small businesses adversely impacted by June's floods.

The Bridgeville Historical Society's Summer 2006 newsletter announced the 28th Annual Auction and Social at the Bridgeville Fire Hall, August 5th at 7:00 P.M. President Conaway reported the Commissioners will present a \$1,000 grant to the Historical Society at this event.

President Conaway advised he had been out of town during the June flooding. Town Manager Walls was in charge during the event and was in communication with Mr. Conaway. They both participated in conference calls with other municipalities and county agencies concerning the emergency. One million gallons of sewage flowed through the Wastewater Treatment Plant, which is in excess of our permit; however, due to the circumstances, the Town will not be fined for what is usually a violation. President Conaway commended Public Works employees Phillip Mowbray and Doug Jones for a job well done. President Conaway thanked the Commissioners for their involvement as well. The Town lost the road on North Cannon Street at Frog Hollow. It would take approximately \$750,000 to permanently repair this road. Mr. Jeff Reed, maintenance engineer for the southern division of the Department of Transportation, examined the road and advised the Town Manager the road would be fixed within a week's time. It was accomplished as stated. A thank you letter was sent to Mr. Reed and his staff.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage was not in attendance. The balance sheet indicates the Town closed the FY-06 budget year with \$673,492 in the General Fund, Money Market savings and CD. As previously announced, \$300,000 will be moved to the FY-07 budget and the remaining \$373,000 will go into a rainy day fund, bringing that fund to \$532,000. Looking at income and expenses for FY-06, most of the income line items are above 100%. Our traffic violation fines are lower than expected. Impact fees were higher than expected. The Heritage Shores developer had advanced fees to the Town to assist in purchasing the new spray irrigation site, so only \$5,750 was budgeted for impact fee income. \$55,950 in income was actually realized in this category. Expenses were normal in June. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

VII. DEPARTMENT HEAD REPORTS

The Department Head Reports are available for review. As of June 30, 2006, 245 water meters have been installed at Heritage Shores. This is the 93rd month without a violation of our NPDES permit at the Wastewater Treatment Plant. President Conaway reported Street Superintendent Passwaters' son was injured in a motorcycle accident

involving a deer. Town Manager Walls added that Rick Jr. was released from Christiana hospital earlier today, but needs a time of recuperation. Per the Police Department report, the Town has written tickets in the amount of \$235,472 for the FY-06 year. The Town has only collected \$65,000 of that money. Chief Parsons was not in attendance to comment. President Conaway reported 238 building permits were issued in FY-06.

VIII. CITIZEN'S PRIVILEGE

Mr. Allan Percival of 9 Amanda's Teal Drive requested an update on the help wanted ads published in the Seaford Star. Town Manager Walls advised she would be re-advertising for the Wastewater Level 1 operator position and the part-time Code Enforcement Constable position. President Conaway added the Town is also advertising for a Director of Public Safety.

IX. TOWN MANAGER'S REPORT

Town Manager Walls reported attendance, along with Commissioners Correll and Jefferson, at the dedication of the Edward Redfield Historic Marker on June 13th at the Bridgeville Historical Society Park.

According to Police Chief Parsons, monies may be forthcoming to the Town from a drug bust that occurred approximately 8 months. The case is currently in the hands of the Attorney General.

The State of Delaware Summer Youth Program began July 5th. Bridgeville has hired one youth through this program. The Town has initiated its own Summer Youth Program to assist the Public Works Department. Interviews should begin this week.

Town Manager Walls reported the June 25th rain storm did significant damage to the North Cannon Street stream area. The street was damaged and appropriate steps were taken to secure the area and protect residents. On Friday, June 30th Mr. Jeff Reed and Mr. Mike Henry from the Delaware Department of Transportation examined the damage and advised DelDOT would make necessary repairs. Their help is greatly appreciated.

Town Manager Walls and Ms. Liz Brown from the engineering firm of Davis, Bowen and Friedel attended the Office of State Planning PLUS meeting in Dover regarding the proposed amendment to the Town's Comprehensive Plan. State agencies were present and an overview of the amendment was presented. These agencies now have twenty days to respond with their comments on the amendment.

Town Manager Walls advised an agreement was executed between the Town and the Department of Transportation concerning the U.S. 13/404 Intersection Realignment and Bridgeville Service Roads. The agreement provides the state with jurisdiction to construct, reconstruct and/or improve the intersection of U.S. 13 and 404. The agreement

was received following the last Commission meeting, with the state requesting the paperwork returned as soon as possible. The Town Solicitor reviewed the document and recommended execution of the agreement by President Conaway. Town Manager Walls requested a motion by the Commissioners to adopt the agreement. President Conaway advised the agreement was necessary since construction work would take place on the western side of Route 13 within Town limits. Commissioner Correll made a motion to accept the agreement between the Delaware Department of Transportation and the Town concerning the realignment of the Rt. 13/404 intersection and service roads. Commissioner Jefferson seconded the motion. Motion carried. The Commissioners discussed the Rt. 13/404 intersection further, as well as the intersection at the new State Police Barracks. There are continuing safety and traffic concerns regarding the intersection.

President Conaway advised he joined Town Manager Walls and Solicitor Robert Robinson in the Court of Chancery this morning regarding 102 N. Main Street. The Town was offered a settlement that would give the present owner an opportunity to renovate the structure. The Town did not accept the settlement due to the length of time the property has been in a depressed state and the track record of the new owner. President Conaway and Town Manager Walls both testified in the proceedings. The Town won the decision granting the Town of Bridgeville the right to demolish the structure, with a lien against the property for all associated costs. The Chancery Court Master agreed the Town was procedurally correct in its handling of the issue. If the owner appeals the decision in 7 days, there will be a 30-day process allowing the matter to be heard at a higher level. After this matter is settled the Town should be able to move quickly on 104 N. Main Street as well.

X. OLD BUSINESS

A. Public Hearing and Second Reading of Ordinance A06-3 Fees to Reduce the Property Tax Rate

The scheduled Public Hearing was opened at 7:42 P.M. President Conaway opened the floor for comments from the public for or against the property tax reduction. Hearing none, the Public Hearing was closed at 7:44 P.M. After the second and final reading, Commissioner Correll made a motion to adopt Ordinance A06-3 regarding fees to reduce the property tax rate. Commissioner Sipple seconded the motion. Motion carried.

B. Public Hearing and Second Reading of Ordinance A06-4 Ensuring the Peace, Safety and Good Order of the Town

The scheduled Public Hearing was opened at 7:45 P.M. The Ordinance was written by Solicitor Robert Robinson and it is tied to public peace and safety in order for it to be constitutionally sound. Corrections to the Ordinance include: changing the

distance a permitted group must remain from a lawful assembly to 1,000 feet and requiring that a license be applied for 15 business days before the event. There were grammatical mistakes to be corrected as well. President Conaway opened the floor for comments for or against the Ordinance. Hearing none, the Public Hearing was closed at 7:50 P.M. After the second and final reading, Commissioner Jefferson made a motion to adopt Ordinance A06-4, ensuring the peace, safety and good order of the Town, including the above mentioned changes and various typographical errors which do not affect the significance or the substance of the Ordinance. Commissioner Correll seconded the motion. Motion carried.

President Conaway advised Senator Thomas Carper visited the Town on Wednesday, July 5th. President Conaway presented the Town's new zoning map, the proposed Comprehensive Plan amendment and the Peace, Safety and Good Order Ordinance to the Senator. Mr. Carper questioned whether this type of planning is taking place anywhere else in Delaware, to which President Conaway admitted Bridgeville was the only municipality involved in this extent of planning. Senator Carper was duly impressed with the advances made by this Commission.

C. Ordinance A06-5 Conditional Use to Operate Daycare/Learning Center

Gerry D. Royal

The Commissioners conducted a Conditional Use Hearing and Public Hearing on June 19, 2006, to consider a request from Gerry Royal, owner of a daycare at 219 First Street, to extend her hours of operation to 24 hours. The Commissioners amended the first condition of the original Ordinance to operate the daycare, changing the hours to 24-hour operation. The third condition of the original Ordinance was also changed to allow 5 employees at the daycare. All other conditions remained the same. Commissioner Sipple made a motion to adopt Ordinance A06-5 An Ordinance to grant a Conditional Use of land in an R-1 residential district for a daycare/learning center to operate 24 hours a day. Commissioner Correll seconded the motion. Motion carried. A copy of Ordinance A04-6 is attached to these minutes.

D. Presentation and Acceptance of Bids for Miscellaneous Street / Curbing Improvements – Project #06-P-PROG-129

Town Manager Walls advised the opening of bids for the above mentioned project was held on June 22nd. Engineers Davis, Bowen and Friedel reviewed the bids for correctness and recommended the Commissioners' acceptance of the low bidder for Contract A – Paving, Jerry's Inc. of Milford, in the amount of \$103,404. Our engineers also recommended the Commissioners' acceptance of the only bidder for Contract B – Concrete, Bulls-eye Construction, in the amount of \$53,340. Commissioner Jefferson reminded the Commission of the street paving done last summer by Delmarva Paving. The roads were not paved in their entirety and Mr. Jefferson was concerned that the full roads be paved in these contracts. Town Manager Walls assured Commissioner Jefferson

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that Street Superintendent Passwaters directed the contractors' attention to that issue. Commissioner Jefferson made a motion to accept the recommendation of our engineers and award contracts to Jerry's Inc. and Bulls-Eye Construction. Commissioner Correll seconded the motion. Motion carried. President Conaway reported being pleased that the bids had come in under budget and recommended the contract be amended to construct additional handicap-accessible sidewalks. Approval must come from DelDOT to amend the contract. Town Manager Walls reported the contractors are aware of the Apple Scrapple Festival in October; Superintendent Passwaters advised bidding contractors of the importance of work being accomplished in time for the festival. Mrs. Walls will send acceptance letters immediately and request that the work be started as soon as possible

XI. NEW BUSINESS

A. Welcome Bags

Our Lady of Lourdes Catholic Church in Seaford has provided information cards with church directions to be included in the Welcome Bags for new residents.

B. Squirrel Issue

The Town has had 800 feet of Verizon phone cable replaced on Delaware Ave., as well as other areas, due to squirrels chewing on electrical lines and blowing transformers. There have been an overwhelming number of complaints from residents. After research, it was determined that squirrels can be trapped unharmed and relocated to Redden Forest. Town Manager Walls has contacted A-1 Wildlife concerning the problem. This company usually charges \$65 per animal; however, with the number of squirrels to be re-located, A-1 Wildlife has indicated they would be willing to discuss a more cost-effective plan. After a general discussion Commissioner Jefferson made a motion to authorize Town Manager Walls to develop a program to trap squirrels up to \$1,000. Commissioner Correll seconded the motion. Motion carried.

XII. ADJOURNMENT

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. Meeting was adjourned at 8:01 P.M.

Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist