

MINUTES
COMMISSIONERS OF BRIDGEVILLE
JULY 14, 2008 – 6:30 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Joseph Conaway at 7:34 P.M. Present: Commissioners Patricia Correll, Ruth Skala, Earl Greason, William Jefferson and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer. President Conaway apologized for the late starting time, due to an Executive Session which preceded the regular meeting. It began at 6:30 P.M. and adjourned at 7:32 P.M. He advised the Executive Session dealt with personnel matters and the Commission intends to take action on those matters during this public meeting.

President Conaway introduced his son, Warrant Officer Joseph T. Conaway, II to the audience. Joey and his family are visiting prior to his second deployment in Iraq as a C.I.D. agent. Commissioner Jefferson commented that everyone in Bridgeville is proud of Joey. Many good wishes follow him as he leaves to serve his country.

II. QUORUM PRESENT

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

III. APPROVAL OF MINUTES

Minutes from the June 9, 2008 monthly Commission meeting were presented for approval. Commissioner Correll made a motion to approve the minutes. Commissioner Skala seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Walls reported the receipt of several thank you notes. Water Superintendent Jones and his wife, Joan, thanked the Commission for flowers sent at the death of her father. President Conaway and his wife, Joann, thanked the Commission for a donation to the Fire Company Ladies Auxiliary following the death of Mr. Conaway's mother. The Auxiliary also thanked the Commission for the donation in memory of Mrs. Margaret Conaway.

An invitation has been received for the dedication of the new Sussex County Emergency Operations Center on July 15th. President Conaway commented that it is a beautiful facility. The original center was built in 1976.

The Delaware State Housing Authority has informed the Town that it will not receive funding for the Community Development Block Grant Program (CDBG) this year. The CDBG has funded many housing rehabs and demolitions in Bridgeville in the past. Funds have been cut to the organization and, although disappointed, Town Manager Walls feels that Bridgeville has been very

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fortunate with the past funding received and it is time for other Towns to benefit from the program as well. President Conaway talked to Director Lecates and found that Bridgeville is doing a very good job helping residents on their waiting list; however, the program will be funding other Towns this year. Bridgeville will continue to seek residents who would benefit from this housing rehabilitation program.

The Commission is invited to the Delaware Correctional Industries' Trade Show on August 5th. The purpose of the show is to introduce the quality products and services they offer, accomplished by incarcerated offenders who are learning to develop marketable job skills and professional work ethics. Town Manager Walls will RSVP for any Commissioners who would like to attend.

The Town has received the Nemours Health and Prevention Services 2007 Annual Report Summary. Nemours is reaching close to 100,000 children who are now more physically active or eating healthy foods. Woodbridge School District has done away with all sodas and sugary drinks and snacks and is now offering water or juice throughout their schools.

The Delaware AfterSchool Alliance newsletter and the Kent-Sussex Industries newsletter are available for review.

President Conaway reported the Laurel Watermelon Spitting Trophy has been retired and will come to rest in Bridgeville, due to President Conaway's three wins in the last seven years. He "spit" 33 feet, 6 inches for his win. Laurel will change the mayor's competition to a Watermelon Eating Contest next year. Mr. Conaway added that he and his son only came in third at the mayor's egg throwing contest at the annual Nanticoke Riverfest in Seaford.

V. 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 the fiscal year end, June 30th, the Town's General Savings and Checking accounts totaled \$161,250. The Escrow accounts totaled \$772,500; adding the impact and sewer sinking funds, the total rainy day fund was \$919,000. Interest has not been applied to these accounts. President Conaway asked if the escrow funds had been transferred into operations. Finance Director Savage reported the money will go into the General Savings Account in the new fiscal year. Concerning the Budget Report, the target percentage is 100% as the Town closes out its fiscal 2008 budget year. The last three pages of the report detail the totals. Most fees are at or above the budget figure of 100%. The Town has not yet received the monies from seven settlements in June; these monies will bring the year's Transfer Tax to \$300,000. A year-end close will be included in next month's financial reports. This report shows a net income of \$304,000. President Conaway asked about the high sludge disposal cost. Finance Director Savage advised that due to problems with the RBC's and cold weather, the Wastewater Superintendent has had additional sludge hauled away. President Conaway was pleased that the Town stayed within budget in the areas of gas, electric and telephone, and under-budget for overtime. President Conaway shared the good news that the Town will receive an additional \$4,344.86 in Municipal Street Aid for this year, due to the use of a different method to calculate population. Finance Director Savage

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advised the accounts for approval to be paid total \$54,708, with expected expenses of \$71,500 before the next meeting, for a total of \$126,209. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

The Department Head reports are available to the public. There were no comments or questions concerning the reports.

VII. CITIZEN'S PRIVILEGE

President Conaway opened the floor for questions and comments from citizens.

Mrs. Jacqueline Vogle of 124 Widgeon Way asked if there is a way to place propositions on a ballot. President Conaway reported there are no referendum, initiative or recall provisions in the Delaware Code for the State of Delaware. It has been discussed for years, but has never gained support in the General Assembly. A School District Referendum is different and is the only type of referendum allowed under Delaware law. Ideas from residents are always considered by the Commission. The Citizen's Advisory Committee was established for just this purpose.

Mr. Russ Beard of 25 Amanda's Teal Drive asked what would be the correct avenue to follow with Town, county or state legislative ideas. The Legislative Record is documentation of all bills that have been introduced in the state legislature and is available for review. Citizens may always go to their state senator and state representative with concerns. On the county level, the County Councilman would be the right person to approach. Sometimes the Sussex County Association of Towns (SCAT) has discussed issues concerning an individual Town that have been considered for other municipalities, as well.

Mrs. Vogle was concerned about a mechanism (petition, etc.) that would allow for Townspeople to jointly express their approval of something the Commission had rejected. President Conaway advised each Commissioner is aware of what is taking place in their district and people do come to the Commission with good and bad ideas. Our country is a republic which elects people to make decisions for the people. If the people are not satisfied with the decisions, they have the opportunity to support another candidate for election. Commissioner Jefferson commented that the Commissioners are very responsive to their constituents and all of them will investigate an issue and return with a response to the resident.

Mr. Russ Beard requested more information about the dedication of the new Emergency Operations Center and Town Manager Walls made the information available.

Mr. Harold Shannon of 19 Amanda's Teal Drive asked about the operation of the FiOS fiber optics system by Verizon. His home in Heritage Shores has the service coming in and he uses it for internet. He questioned it being unavailable for television. President Conaway asked Mrs. Joann Conaway, a member of the Public Service Commission, to answer the question. Mrs. Conaway reported that Verizon is not yet ready to turn it on in Bridgeville. President Conaway advised the

Town has been fighting with Verizon for more than two years concerning the system. All utilities placed needed wiring, etc. in the ground when Heritage Shores first began development, including Verizon. The Town advised Verizon that Bridgeville should be considered as a whole and all should receive services, not just one neighborhood. Verizon has not yet come into the rest of Bridgeville to install lines. They haven't done it anywhere in our county, or even in Wilmington. It takes a commitment of capital they are not willing to make. Bill Allen of Verizon is well aware of Heritage Shores, Bridgeville and the circumstances here. The company won't step up to the plate and do it. The utility needs a license from the Town to operate the FiOS TV system and if they would demonstrate a commitment to wire the rest of the Town, the Commissioners would be more accommodating. Even a phase-in plan could be acceptable. Commissioner Correll was told that during the construction phase of Heritage Shores, Verizon said it was cheaper to put it in then, rather than later and sometime they would turn it on.

Mrs. Vogle questioned the "tree violation" on the Code Enforcement Constable's report. It was explained that it was a need for tree trimming due to an obstruction to the thoroughfare. She also asked for clarification concerning certificates of occupancy. The county issues the certificates and the Town issues its own based on the county issuance. The Town does not inspect, but depends on the county's inspection. Both bodies subscribe to the International Building Code. Concerning rental inspections, President Conaway reported the Town has begun voluntary inspections of all rental houses (units) in Town limits. Town Manager Walls advised there is a new Ordinance being written that would require rental inspections. No fees would be involved. The inspection includes proper installation and operation of the electrical and plumbing systems, the operation of smoke alarms and making sure the house is safe and habitable. Right now the inspections are voluntary. The tenants and property owners have both been pleased that the Town has inspected their premises.

VIII. TOWN MANAGER'S REPORT

The Town's Summer Youth Employment Program began on July 8th, with one youth employed. We also have Mr. Ryan Johnson, a young man who is volunteering his time to perform work for the Town. Both young men are doing an outstanding job.

Town Manager Walls sent a letter to Mr. Allen Parsons and Mr. Jack Cannon representing the Fire Company regarding the possibility of a special siren sound to warn residents of impending emergencies. Mr. Parsons has advised the old air raid siren is still in place and they are investigating the needed approvals to have it re-connected and available for use.

The double yellow lines have been placed on Railroad Avenue. Needed repainting near the high school has also been completed.

National Night Out will be held on Wednesday, August 27th. The event will be held in the Fire Company's parking lot. The First State Force Band will provide entertainment, along with other activities that are currently being scheduled. The Office of Highway Safety will again be in attendance, providing valuable information relating to drug use, seat belts, avoiding the use of alcohol, etc.

Town Manager Walls advised Section 84-10 of the recently adopted Dog Ordinance requires that a Board of Animal Control be appointed. The Board consists of the Town Code Enforcement Constable and two members of the public. Mrs. Margaret Sipple and Mr. Lester Williams have demonstrated an interest in the matter of animal control and Town Manager Walls requested that they be considered for appointment to this Board. Commissioner Jefferson made a motion that Mrs. Sipple and Mr. Williams be appointed to the Board of Animal Control. Commissioner Greason seconded the motion. Motion carried.

President Conaway commented on the Route 13A detour at Jimmy's Grille. The Town was originally informed that the work would be completed by March 19th. The second suggested completion date was June 20th, which has also passed. Town Manager Walls has been trying to find a correct completion date. She was told it would be done by late spring of 2009. Further phone calls brought a completion date of 4-6 weeks from now. The entire intersection was originally scheduled to be completed by this fall, but that is not likely to happen. The Town has received a call from the owner of the McDonalds on Route 13 saying that the contractor has regularly been cutting the electric line to the businesses in that area.

IX. OLD BUSINESS

A. Second Reading and Adoption of Ordinance A08-8 as it Relates to Swimming Pools

Town Manager Walls advised this is an amendment to the Swimming Pool Ordinance that is already in place. It adds a section concerning allowing residents to use a pool meter to fill their pool one time per summer without sewer fees. The setbacks for pool placement have also been established at 25 feet from the back of the property and 10 feet from the sides of the property. A permit must be obtained to install the pool. Pools which pre-date this Ordinance are not included in the new setback requirements. The Public Hearing was opened at 8:13 P.M. There being no comments pro or con, President Conaway closed the Public Hearing at 8:14 P.M. There being no questions from the Commission, Commissioner Correll made a motion to adopt Ordinance A08-8 related to Swimming Pools. Commissioner Skala seconded the motion. Motion carried.

B. Bridgeville Charity Open Golf Tournament Update

Town Manager Walls advised a second news release has gone out concerning the Golf Tournament. Allen and Rocks became the first Gold sponsor at \$5,000 and the Freeman Foundation became the second. Finance Director Savage advised \$11,200 has already been received for sponsorships and golfers. 9 of 36 teams have already signed up. Commissioner Correll advised she has seen a golf magazine with an article called "One-horse Town with Big Courses." She advised Bridgeville was included with a picture of the downtown stores and the golf course; it was a very nice article. Heritage Shores was the only Delaware golf course mentioned.

President Conaway advised the Town of Milford honored the longest-serving present mayor in Sussex County, Mayor Joseph (Ronnie) Rogers. Commissioner Correll represented Bridgeville

at the event and reported it was a very nice occasion, with nine Sussex County Towns represented. Bridgeville presented Mayor Rogers with a Resolution by the Town and a Key to the City.

President Conaway advised the Bridgeville Library will receive \$1 million in matching state grant money for the new library. It would not have been possible without the efforts of Senator Adams, retiring Representative Ewing, the Chairman of the Bond Committee, Senator Venables and Senator Simpson.

President Conaway advised Senate Bill 311 contains charter changes for the Town of Bridgeville. There are four sections that passed the House and the Senate (allowing the Town to bank in Sussex County, abolishing the Alderman's Court, adding a thirty day residency requirement for Town Elections and repealing a tax exemption for business establishments under certain conditions). The charter changes are currently on Governor Minner's desk for signature.

X. NEW BUSINESS

A. Library Construction Agreement

A proposed Construction Agreement has been placed before the Commission. There are some concerns about the way things will be handled. The Library and Town attorneys are communicating regarding the agreement. We trust concerns can be agreed upon by both parties and the agreement can be placed on the August agenda. There is a deadline for using Special Tax District funds and the Library project must move forward.

B. A Resolution Authorizing an Annexation Referendum

Town Manager Walls advised the Town intends to place three properties before the residents for annexation on Saturday, August 16th, with voting from 10:00 A.M. to 2:00 P.M. A Public Hearing will be held at the Bridgeville Fire Hall on Thursday, August 14th at 7:00 P.M. The property owners will be there to present their properties to the residents with site plans and renderings and to answer any questions. The three properties to be considered are all on Route 13. Highway One L.P. is 90 acres located directly across Rt. 13 from Heritage Shores. The Town is hopeful this property will be reason to place a stoplight at the entrance to Heritage Shores and the Highway One property. The Bariglio Corporation is 45 acres directly north of Highway One L.P. and goes all the way to Route 404. The Barbara M. Sylvia property is 1-1/2 acres and contains the old motel north of Heritage Shores. The properties are all commercial and have participated in a water/wastewater feasibility study. Another property, owned by Robert W. Tunnell, was involved in the feasibility study, but is not ready for annexation. Commissioner Jefferson made a motion to adopt the Resolution for an Annexation Referendum. Commissioner Correll seconded the motion. Motion carried. This Referendum is not handled by the State Election Board and it is necessary to appoint a Judge. Mr. John Shockley is available to serve. Town Manager Walls will assist in the Referendum. Commissioner Greason made a motion to appoint Mr. John Shockley as the judge. Commissioner Correll seconded the motion. Motion carried.

C. Introduction and First Reading of Ordinance A08-10 Related to Fees

President Conaway advised of a discussion two months ago with Brookfield Homes concerning transfer tax. There has been no response; therefore, President Conaway has written this Ordinance to replace lost transfer taxes, should it become necessary. The issue surrounds new homes in annexed areas. Previously, a new homeowner went to settlement and paid full transfer tax on the contract price (house and lot). Two contracts have come through recently that showed a house and lot settlement of \$407,945, which should have generated \$6,100 for Bridgeville. The transfer tax check from the county contained only the settlement on the lot (\$106,000). The transfer tax for the Town was only \$2,100. Bridgeville lost \$4,500 because of a financing mechanism. Our attorney maintains that the contract cost is what the transfer tax is based on and since a buyer can't purchase the land unless a house is also purchased through the contractor, a contract is entered into for the lot and house. The new property in question went to settlement only three days after the Town issued a building permit for the house. Back in the 1970's developers were beating the transfer tax by settling on the lot and then settling on the house the next day, because there is no transfer tax on a house. It was stopped at that time. State law today says that if you are issued a building permit on a lot that you settle on within a year of settlement, you must pay an additional 1% transfer, up to \$100,000 of value, which goes to the state, not to the Town. (In the 1970's, no transfer taxes went to counties or Towns.) With this settlement plan, the Town's benefit from transfer taxes would be reduced by one-third, or equal to the loss of transfer tax on 1,700 homes! This would greatly reduce our ability to maintain low taxes for residents and still provide services. President Conaway has talked to the attorney involved with the settlements and said if it wasn't corrected; the Town would not issue certificates of occupancy and would not sign releases of lien. With this Ordinance the Town will add to its building permit charge an extra 3% fee, based on the cost of construction, or the projected selling price of the residential property, whichever is greater. This fee would be collected if settlement involves only the price of the lot. President Conaway recommends introducing this Ordinance and scheduling it for a Public Hearing next month. If the contractor stops the current settlement practice, the Ordinance will not be adopted. Commissioner Greason made a motion to introduce Ordinance A08-10 for a first reading. Commissioner Jefferson seconded the motion. Motion carried.

D. Police Department Matters

President Conaway reported there is a serious personnel issue in the Police Department. The Executive Session dealt with this topic. Our full budgetary complement is six officers plus the chief, allowing us to patrol the streets 24-7. The Town has lost officers for a variety of reasons. In an effort to develop a program that will attract and retain police officers, the following proposal is being considered. Starting salary for a cadet (training at the academy) is \$28,000. The Commission proposes to increase that to \$30,000. A patrolman's starting salary would increase to \$33,000. The Town has a pension plan that it believes is better than the state plan; however, the Town is willing to look at the state's plan. Since 2001, the Town has lost 17 police officers. Five of them did not complete the academy. The Town pays expenses for all cadets at the academy and will now require a five year contract to be signed upon completion of the academy instead of the two year contract currently in place. Officers will also be required to sign an employment contract that requires

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cadets who do not finish the academy to re-pay all Town expenses while cadet was at the academy. There are currently three open positions that will be filled based on the preceding changes in policy concerning salary and years of employment. The Town will run an ad for experienced, certified police officers. A second ad will be run for new officers who would be trained at the academy. If the Town fills its vacancies with new recruits, the officers will not be on the streets until 2009. A third ad will be run for fully certified, part-time officers to assist the Town until new police recruits are available. As far as budgetary considerations are concerned, two highly paid police officers have left the department leaving excess funds. For the time being, this proposal can be funded from these existing monies. President Conaway opened for floor for discussion from the Commission. President Conaway added that when an adjustment is made in starting salaries, a pay raise would go into effect for existing officers to remain ahead of new hires. Commissioner Jefferson made a motion to adopt the new Police Department policies and salary schedules. Commissioner Skala seconded the motion. Motion carried.

XI. ADJOURNMENT

Commissioner Skala made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. The meeting was adjourned at 8:45 P.M.

Respectfully submitted:

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist