

**MINUTES**  
**COMMISSIONERS OF BRIDGEVILLE**  
**SEPTEMBER 16, 2008**  
**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, Ruth Skala, 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 from the August 11, 2008 monthly Commission meeting and the August 14, 2008 Annexation Referendum Public Hearing 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 advised the newest MHDC and Raider Review newsletters were available for review.

Town Manager Walls reported that President Conaway had sent a letter to Mr. Jack Cannon, Chief of the Bridgeville Fire Company, thanking him for the company's efforts during a fire last week at Doris Beulah's antique store on Market Street. It is a tribute to the Bridgeville Fire Company that the entire block did not burn. Town Manager Walls added her appreciation for their quick response and successful efforts.

President Conaway shared a letter he had received from the Delaware Home Builders concerning an effort to make fire sprinklers mandatory in all housing. This will be discussed at the International Building Code Hearing on September 20 and 21, 2008 in Minnesota. The letter discussed the expense of such a system and asked that the importance of this issue be passed on to fire officials so that they will vote in favor of mandating residential fire sprinklers. Chief Cannon reported the issue comes up from time to time. It is economical to place in new construction; however retro-fits are difficult and expensive. Commissioner Correll asked if the issue was discussed at the State Fire Convention. It was not. President Conaway commented that he and his wife attended a service for the deceased members of the fire service and the ladies auxiliary at the state convention. President Conaway's mother passed away this year and she had been a member of the ladies auxiliary. Commissioner Correll added that several Bridgeville Fire Company members were honored. Mrs. Doris McIlvain and Mrs. Louise Thomas were honored

for 50 years of service; Mrs. McIlvain entered the Hall of Fame. Mr. James Cina won the Lifetime Achievement Award for EMS. The Bridgeville Antique Fire Truck won first place and the Woodbridge Band came in first place in their competition.

#### **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 August 31<sup>st</sup>, the General Savings and Checking accounts totaled \$578,000; the department escrow accounts totaled \$380,000; accounts receivable totaled \$527,000; and interim financing stood at \$1.9 million. On the Profit and Loss Statement, building permits are very low; through August 31<sup>st</sup> there was only one new home start at Heritage Shores. The budget calls for 25. One additional new home permit came in today. Transfer tax of \$21,970 reflects July's payment. August's payment is a little over \$17,000. Transfer taxes have slowed down. Miscellaneous fees are already above budget, due to EDU violations from commercial businesses. Utility fees are in line with the budget. Water fees are higher; however, it is still irrigation season. On the expense side, pension costs reflect a full contribution for the year. The Special Recognition fund is over, due to a down payment on the employee Christmas Party. Concerning Accounts Payable, bills due to date total \$66,436.59. Health insurance will be due and the USDA quarterly debt service will be due for September. The bills to be approved total \$175,514.59. Only \$1,200 of the Davis, Bowen & Friedel (DBF) bills are not reimbursable. President Conaway advised the new spray irrigation farm started up the equipment and the pumps began to vibrate, so the system was shut down immediately. They have no idea what happened. The pump company has been asked to send a representative to check the equipment. President Conaway instructed the Town not to pay another bill to DBF, Daisy Construction or any other contractor involved until the system works properly. There are also retainage monies being held by the Town. Commissioner Correll asked for clarification on the DUFC entry on page 3 of the Accounts Payable. Finance Director Savage advised it concerns unemployment insurance for a previous employee. Town Manager Walls reported there is no way to avoid that expense. The Town hasn't won in the past when they have questioned the expense. Employees can file for unemployment and the Town cannot avoid paying. The system does not work for the employer; the Board does not listen to the employer and it seems the employee always wins. Commissioner Correll made a motion to pay the bills as presented. Commissioner Skala seconded the motion. Motion carried.

#### **VI. DEPARTMENT HEAD REPORTS**

President Conaway advised Department Head Reports are available to the public. He has talked with Wastewater Superintendent Mowbray concerning the continuing NPDES violations due to the failed geo reactor. Town Manager Walls advised the new geo reactor was delivered on August 27, 2008. Superintendent Mowbray discovered a missing bolt and had concerns about all of the bolts. There was also additional painting that needed to be accomplished after the unit arrived; therefore, the Parkson Company sent two engineers on September 4, 2008 to inspect the reactor. They contracted with Hopkins Construction to complete the painting and install locknuts on all of the bolts. The work is scheduled for September 17, 2008. Inspectors will be present and our engineer will be represented to make sure everything is working correctly.

When this equipment is operational, the Town will go through the entire process again for the installation of a geo reactor. The Town had to threaten to sue the Parkson Corporation before they agreed to replace the defective unit. Commissioner Skala questioned the color-coded tops on fire hydrants. Fire Chief Cannon advised the color-coding identifies water pressure available from each hydrant. The Town has a number of hydrants with very good pressure.

## **VII. CITIZEN'S PRIVILEGE**

There were no concerns or questions from the citizens of Bridgeville.

## **VIII. Town Manager's Report**

Town Manager Walls advised the Commission has received a report concerning Emergency Management from Mr. David Levy, Chairman of the Town's Emergency Planning Committee. She asked him to share the details of the information. Mr. Levy advised the Town's interim plan has been adopted by the Commission and is currently in effect. Mr. Joe Thomas, Director of Sussex County Emergency Preparedness, advised the county is now ready to bid the update to the county's emergency plan and anticipates the updated plan may be ready in six months. Mr. Levy believes it may be longer. When the county update is completed, Bridgeville will work to align its current plan with the county plan. Mr. Levy reported the Town's Emergency Planning Committee is merely an advisory group to help prepare Bridgeville's emergency plan. The committee would have no authority or involvement in an actual emergency. Mr. Conaway reported the Commission President would be the "point man" in an emergency and would approve expenditures. Responsibility could be passed on to the Town Manager. The first responders will be the individuals who actually respond and run the plan; there is a system or a "flow" in place. President Conaway commented how difficult it was years ago when he was in charge at the county level during a hurricane to see the people at a shelter who came with their worldly possessions in a plastic bag. It is an immense responsibility to make decisions for the common good, in such situations.

Town Manager Walls reported the Groundbreaking for the new Library was held on August 13, 2008. The Library Board informed the Commission that construction should begin in early October.

A Public Hearing was held on August 14, 2008 concerning an Annexation Referendum. The Bariglio Corporation, Highway One and Barbara Sylvia properties were presented for annexation. Each property owner provided an overview of their proposed project. All three properties requested commercial zoning. The annexation vote was held on Saturday, August 16, 2008, with the following results:

Bariglio Corporation – 104 supporting the annexation – 3 against  
Highway One – 101 supporting the annexation – 6 against  
Sylvia – 103 supporting the annexation – 3 against; 1 no vote

Town Manager Walls reported her attendance, along with Commissioner Correll and Chief Parsons, at the graduation exercises of the Delaware State Police Training Academy for the municipal police class. The Town had one officer graduating – Patrolman Aaron Bonniwell. Mr. Bonniwell's first day on the job was Wednesday, September 3, 2008. He will be trained by Sergeant Parker and should be ready to work alone in four to six weeks.

National Night Out was held on Wednesday, August 27, 2008. Approximately 80 citizens were in attendance. The First State Force Band and state and local agencies were in attendance distributing important information and handouts regarding drug and alcohol use, fire protection, having and maintaining positive attitudes, etc. Town Manager Walls expressed her thanks to all those who made the event successful.

Town Manager Walls reminded everyone of the Town-Wide Yard Sale scheduled for Saturday, September 20, 2008; Clean-Up Day will follow on Saturday, September 27, 2008.

As a reminder, the October Commission meeting has been rescheduled for Monday, October 6, 2008, in order to approve the Apple Scrapple Festival vendor list. The Festival is scheduled for October 10 and 11, 2008.

A second Town Public Meeting was held this past Thursday, September 11, 2008. Developers presented an update of their projects, the Town engineer gave an update regarding the spray irrigation project and details of the new Library were presented by Mrs. Karen Johnson. In addition, representatives from Apple Scrapple, Punkin Chunkin and Christmas in Bridgeville shared about their upcoming events. The Delaware Department of Transportation (DelDOT) was also invited to give an update of the Route 404 / 13 project. Due to a busy schedule, they had no one from the Department who could attend the meeting. President Conaway added that a local reporter checked with the DelDOT Public Relations personnel who advised the project has been delayed by some work done at that site three years ago. Apparently, Route 13A will be opened in November. According to the reporter, the Route 404 / 13 intersection will be opened in April. Many different dates have been put forth concerning the opening of the intersection and Route 13A. It will be interesting to see when both projects are actually completed.

Town Manager Walls brought an update concerning Chief Parsons' investigation of the fine system and lack of monies being returned to the towns. Chief Parsons received permission from the Commission at last month's meeting to contact State Senator Adams concerning this problem, which affects all municipalities. Senator Adams advised he would look into the possibility of the system being changed and report to the Town. President Conaway commented the Town is down in tickets written due to a shortage in staff.

The Town submitted a pre-application to the State Division of Public Health, through the Drinking Water State Revolving Fund, for a back-up well and piping for Well #6, located at Heritage Shores. The state standards regarding back-up capacity has changed and this project will help Bridgeville meet those standards. The estimated cost of the project is \$250,000.00, with a current interest rate of 2.69%. This would be a loan. A new well would be operational by

May 2010. The pre-application does not commit the Town. If successful with the pre-application, we would be invited to submit a full application. Commissioner Jefferson made a motion to move forward with the pre-application for a back-up well and piping for Well #6. Commissioner Greason seconded the motion. Motion carried.

Town Manager Walls advised the construction of the new Library impacts the current Woodbridge Little League complex. The Little League needs to remove a fence for later relocation and use. They will later design and build a new field. The Town has been working with the Little League and monies for these projects are available in the bond monies from the Heritage Shores Special Tax District. President Conaway reported the Little League, acting in good faith, made improvements at the fields prior to the decision by the Commission to move the Library to its present location. As a result, the Commission discussed and agreed to hold them harmless. Because these Little League fields affect the whole Town, the Commission is able to use monies that were saved from the street fund of \$400,000.00. The removal of the Little League fence will actually help the Library in its site preparation. It will be stored and later used on a complex in the future. President of the Little League, Mr. Dave Friedel, obtained bids for the two projects. Two bids were submitted, first the removal and reinstallation of the current fence and second, payment for a new fence. There were three proposals submitted for each of the two sections of this project. Mr. Friedel was pleased with the low bids and approves of the low bid contractor. The total winning bid for the two projects is \$27,834.00. Commissioner Correll made a motion to accept the low bid of \$10,374.00 by Nanticoke Fence LLC to remove and re-locate an existing fence. Commissioner Jefferson seconded the motion. Motion carried. Commissioner Correll made a motion to accept the low bid of \$17,460.00 by Nanticoke Fence LLC for a new fence for another new field. Commissioner Greason seconded the motion. Motion carried. The Little League is eliminating one field and building two others. There are additional plans for enlarging the Little League complex in the future; hopefully special tax districts funds will be available from Heritage Shores II and possibly from Lindenmere to fund the expansion.

## **IX. OLD BUSINESS**

### **A. Certification of Annexation Referendum Vote – August 16, 2008**

Town Manager Walls advised the Annexation Referendum took place on Saturday, August 16, 2008, with the following results:

Bariglio Corporation – 104 supporting the annexation – 3 against  
Highway One – 101 supporting the annexation – 6 against  
Sylvia – 103 supporting the annexation – 3 against; 1 no vote

Commissioner Jefferson made a motion to certify the results of the Annexation Referendum. Commissioner Greason seconded the motion. Motion carried.

**B. Public Hearing and Second Reading of Ordinance A08-11 regarding Real Property Transfer Tax, adding the Term “Construction Contract” to Definitions**

President Conaway advised this corrects a problem in the determination of fees to be paid to the Town for new construction. It defines the term “Construction Contract” and makes it a part of our building permit process. This Ordinance firms up the action taken last month with Ordinance A08-10 in creating a 1-1/2% fee for those building on a lot after settlement occurred for the lot only. President Conaway opened the Public Hearing at 7:47 P.M. He asked if there was anyone present to testify for or against the Ordinance. Hearing no questions or comments, President Conaway asked if there were any questions from the Commissioners. Hearing none, President Conaway closed the Public Hearing at 7:49 P.M. Commissioner Skala made a motion to adopt Ordinance A08-11, regarding Real Property Transfer Tax. Commissioner Correll seconded the motion. Motion carried.

**C. Bike Path**

President Conaway reported that new progress on the Heritage Shores Bike Path was presented at the September 11, 2008 Town Meeting by Mr. Ryan Showalter, representing the Heritage Shores developer. Plans have been approved for the Walking/Biking Path, a three mile path from the water tower to the electric substation. The developer is soliciting bids and construction will begin this fall.

**X. NEW BUSINESS**

**A. Introduction and First Reading of Ordinance A08-13 regarding Building Permit Renewal Fees**

Finance Director Savage advised this Ordinance would change Chapter 96 – Building Construction. Section 1, Part A of this Ordinance adds the current fees of building construction permits to the Building Construction chapter. (It is currently placed in the Fees Chapter 128.) These fees are not changing, they are simply being relocated. Section 1, Part B adds a fee for the renewal of a building permit. Currently the code specifies that a permit is void after six months if no action is taken on it. This requires the constant watch of the Code Enforcement Constable. Apparently, if the permit expires, the property owner would have to pay the full price for a new permit. This Ordinance institutes a charge for the renewal of a permit, equal to the original permit, with a maximum fee of \$50. There would not be an extra  $\frac{1}{4}$  of 1 percent charge on this renewal. Commissioner Correll made a motion to introduce Ordinance A08-13 for a First Reading. Commissioner Skala seconded the motion. Motion carried.

**B. Bid Acceptance for Comminutor – Bridgeville Wastewater Treatment Plant**

Town Manager Walls reported the current comminutor was removed for a re-build. Upon inspection, it was determined it could not be re-built and must be replaced. Wastewater Superintendent Mowbray reported two comminutors were installed in 1966 as a part of the original wastewater treatment plant and have been running 24 hours per day, 7 days per week

ever since. The cost of a new comminutor would come out of the bond money because this equipment provides a service to all residents. Bids have been received with the low bid of \$39,400.00 provided by DSI, Inc. from Baltimore. Mr. Mowbray has reviewed all the bids and is satisfied with the low bid. Town Manager Walls also reported that she will add the replacement cost of the second comminutor to next year's budget. Commissioner Correll made a motion to accept the low bid from DSI, Inc. to replace the comminutor. Commissioner Greason seconded the motion. Motion carried.

#### **C. Sussex County Planning and Zoning Enforcement**

President Conaway advised he has spoken to Mr. Bud Rickard, the enforcement arm of the Sussex County Planning and Zoning Commission concerning Mr. David Lui's property on Route 13, south of Heritage Shores. Mr. Lui has a movable sign advertising the Canton Inn in Seaford. It is distasteful and Bridgeville would like to see it removed; however, it is not in Town limits. The county has rules and regulations concerning these matters and they asked Mr. Lui move his sign. He merely moved it to another location on his property. After a second notice from the county, he put the sign on the back of a truck, only to be re-positioned on his property. The county took another property owner to court for the same issue and lost the case. The county is going to review their Ordinances, with the possibility of amending them to get the signs removed. Mr. Rickard said he would do everything within his ability and with existing Ordinances to get Mr. Lui to come into compliance. The county suggested Mr. Lui place his sign on Canton Inn property behind the club; however, he did not take the suggestion. Mr. Lui has approached the Town in the past about annexation. President Conaway advised the Town would not be inclined to move quickly on that particular annexation. If the property were in Town, the Commission could potentially have the sign removed. The county will continue to work on the problem.

#### **XI. ADJOURNMENT**

Commissioner Skala made a motion to adjourn the meeting. Commissioner Jefferson seconded the motion. Motion carried. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Patricia M. Correll  
Patricia M. Correll, Commission Secretary

Peggy A. Smith  
Peggy A. Smith, Transcriptionist