

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
OCTOBER 6, 2008, 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, 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 September 16, 2008 Commission Meeting and the September 11, 2008 Public Meeting were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Skala seconded the motion. Motion carried.

IV. SUSSEX COUNTY COUNCILMAN VANCE PHILLIPS – TROPHY PRESENTATION

President Conaway advised this presentation will be postponed until the November 5th Sussex County Association of Towns (SCAT) meeting. Former Mayor of Georgetown, Mr. Michael Wyatt, was going to be in attendance tonight to visit; however, he had to change his plans.

V. SPECIAL PRESENTATION – BRIDGEVILLE HISTORICAL SOCIETY

President Conaway advised the Commission presents a donation to various Town organizations that benefit the entire community. The Bridgeville Historical Society President, Mr. Howard Hardesty, came forward to receive this yearly \$1,000 donation from the Commission. President Hardesty reported the Society appreciates the money and shared that there are several projects that would benefit from the donation, including the development of a new web page. The Society has been working diligently on cataloging and storing all of their acquisitions. He advised the annual Christmas in Bridgeville Craft Show will take place on Saturday, December 6th. He also reported a Preservation Conference has been scheduled for November 8th at 10:00 A.M. at St. Mary's Parish Hall. The restoration of the Sudler House on N. Main Street will be highlighted; a tour is included. The Sudler House is again for sale.

VI. INTRODUCTION OF PATROLMAN AARON BONNIWELL

President Conaway introduced and welcomed the newest member of the Bridgeville Police Department, Mr. Aaron Bonniwell. Patrolman Bonniwell is a graduate of the police academy and has almost finished his training with Bridgeville police officers. He will soon be on his own in patrolling. Police Chief Parsons reported three additional police officer candidates will enter the police academy November 4th to begin training. Commissioner Correll asked if the recruits would be able to help with the fingerprinting scheduled during the Apple Scrapple Festival. Chief Parsons replied that two recruits would be helping with the fingerprinting and the third would be working.

VII. CORRESPONDENCE

Town Manager Walls advised the receipt of an invitation from the Department of Natural Resources, Division of Fish and Wildlife to a meeting regarding the Nanticoke Watershed, focusing on the watershed's health, important wildlife species / habitats and landowner opportunities for restoration and involvement. It will take place on October 23, 2008, at the Seaford Public Library from 6:00-8:00 P.M. Town Manager Walls will RSVP for anyone who is interested in attending.

A letter from Nanticoke Health Services thanks the Town for its donation as a hole sponsor in their recent golf tournament. They also sponsored a tee in Bridgeville's upcoming golf tournament. Although it was simply an exchange of monies, the advertising made it worthwhile.

The Woodbridge Elementary School newsletter and the Annual Report from the Delaware Forest Service are available for review.

The Delaware State Housing Authority has notified the Town that Community Development Block Grant (CDBG) monies will again be available through Sussex County. The Town will contact Mr. William Lecates, director of the program, and the county to advise them of our continued interest in the program. Mr. Lecates will likely present the program at the December Commission meeting with a required Public Hearing.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet. (The following amounts are in rounded figures.) There is \$106,000 in the Town's General Fund Checking Account and \$717,000 in the General Savings Account. This does not include interest. The Escrow accounts, impact fees and sewer sinking funds total \$533,000. All funds combined total \$2.7 million, approximately \$100,000 higher than this time last year. The Special Tax District monies equal approximately \$1.1 million of that amount. Those monies have been removed and sent, lowering our funds by that amount. There are some delinquent taxes to be collected. According to our collection process, we send a second notice in October; a letter from the Town

Manager in November and then the Town Solicitor is contacted concerning the overdue bill. Finance Director Savage advised property taxes received equals \$381,700; the amount still outstanding is only \$21,000. Commissioner Skala questioned the Accounts Receivable Demolition category in the amount of \$38,200. Finance Director Savage advised it refers to the two properties across the street at 102/104 N. Main Street. There is a lien on the property concerning the demolition and outstanding maintenance and landscaping initiated by the Town. On the Budget vs. Actual report, the budget categories should be at 25% percent for this time in the budget year. Building permits are still low, although there were three new home permits issued in September. Transfer taxes for the month of September were \$6,200. The Town is still ahead of budget in this category. Six to seven settlements are expected in October. Concerning the reimbursables, of the \$46,000, \$30,000 is from the Facility Plan conducted by engineers Davis, Bowen & Friedel, Inc. for the most recent annexation. There are two sets of bills. Each month the Commission is asked to approve the expected expenses for the next month. The Town has decided to provide an actual report for the miscellaneous bills that were paid for the benefit of the Commission, should there be any questions. The bills to be paid total \$39,600. The Davis, Bowen and Friedel bills are reimbursable. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

IX. DEPARTMENT HEAD REPORTS

President Conaway advised Department Head Reports are available to the public. He mentioned an animal control issue that involved a boa constrictor. Apparently, the owner was playing with the seven foot snake outside. Our Code Enforcement Constable visited as requested; to our knowledge, the snake has been taken care of.

X. CITIZEN'S PRIVILEGE

President Conaway opened the floor for comments and questions from the citizens. Mr. Larry Skala of 108 Whistling Duck Drive reported Representative Ben Ewing has donated \$1,000 to the Kiss the Pig Contest at Apple Scrapple for School Superintendent Kevin Carson to kiss the pig. This fundraiser is for new library construction. Apparently several events will start approximately 15 minutes earlier than expected, i.e. the Mayor's Scrapple Sling and the Opening Ceremonies.

XI. TOWN MANAGER'S REPORT

Town Manager Walls reported the Bridgeville celebration of Halloween will take place from 6:00 – 8:00 P.M. on Friday, October 31, 2008 for children ages 12 and younger. The Lions Club will host a party for Town youth at the Historical Society Park at 8:00 P.M.

The Community-Wide Yard Sale was successful. On the following weekend, Clean-Up Day did not yield a great deal of items to be picked up by M-T Trash. Tonnage was down to 11.95 tons versus the 2007 fall Clean-Up Day of 15.02 tons. It appears that residents have already disposed of their trash during past Clean-Up Days.

Town Manager Walls advised she has spoken with representatives of the Lindenmere project on Federalsburg Road concerning their notification to the Town of their inability to afford the new elevated tank for Phase I of their project, due to the current downturn in the economy. As they pointed out at the Town Public Meeting in September, their engineer, the DC Group (Design Consultants Group, LLC), is going to review the water/wastewater feasibility study done by the Town engineer, Davis Bowen & Friedel, Inc. (DBF). The DC Group will render their determination if the tank can be delayed until Phase II, with DBF reviewing that opinion to see if the project can move forward with the delay of a water tank. (It would have cost \$4,500 for DBF to rerun the water model.) President Conaway added that the Town has asked DBF to provide additional explanations of charges on bills to developers in the future for clarification. The Town is anxious to move forward with the Lindenmere project because the first portion of the development will be moderately priced housing. If the Town can service these new homes with the existing water supply, it should be considered. President Conaway reported the developer has decreased the number of townhouses in the project, with more single family instead, feeling the market is more directed toward single family homes at the present time. The Town acknowledges that everyone benefits when this development breaks ground and begins to build.

The Sussex Conservation District was in Town to clean the Bridgeville Branch. On the west side of the Branch they found a gravity 24" clay sewer pipe that was partially exposed. The matter needed immediate attention from the Town. Two quotes were obtained; Hopkins Construction received the contract as the low bidder at \$9,400. The work will entail supporting the existing pipe to allow for excavation around the pipe, excavating around the sewer pipe and installing a small stone bed for concrete to rest on, forming and pouring 4' x 4' x 30' concrete around the existing sewer pipe, removing forms and installing forty tons of rip-rap to protect the area of exposed sewer pipe. It is not certain whether this was correctly installed to begin with or whether it has been there for a long time and the water turbulence has shifted the pipes. There was neither raw sewage in the branch nor any effect on the environment. Lines never broke.

Concerning the Parkson Geo Reactor, the Commission received a copy of the letter from the Town sent on September 26, 2008 to the Parkson Corporation requesting that the existing geo reactor be removed and replaced with a correctly sized unit that will properly fit our wastewater treatment plant basin. The Town is awaiting a reply. Our DBF representative on this project, Mr. Jason Loar, is also pursuing a reply from Parkson. It was questioned how the wastewater treatment plant can continue with a geo reactor not in service. Town Manager Walls reported that we have had no NPDES violations this month. The cooler weather and rain help the situation and the official start-up of the spray irrigation site will also be helpful; however, if this is not corrected by next spring, the Town could have a serious problem with sewage. The Town solicitor feels that taking legal action against Parkson could take a very long time. Unfortunately, the first replacement geo reactor did not fall apart until the equipment had been paid for. The Town may need to reconsider how payments are made. Town Manager Walls commented when contracts are signed, most companies outline their payment schedules. Parkson is the only source for this type of equipment. President Conaway suggested that once the new unit is in and operational, the Town should make Bridgeville's experience with the

equipment and company public to other Delaware municipalities and even out-of-state organizations.

The Spray Irrigation Project is nearing completion. Daisy Construction should finish their punch list items within the next several weeks. There has been a successful start-up of the sludge de-watering equipment, with formal training provided. The Town is waiting for a draft operating permit from the Department of Natural Resources and Environmental Control (DNREC). A DNREC representative will then come to the site to witness a start-up. The time frame is "any day now."

XII. OLD BUSINESS

Public Hearing and Second Reading of Ordinance A08-13 regarding Building Permit Renewal Fees

Finance Director Savage reported this Ordinance institutes a renewal fee for building fees which expire at the end of six months. With a fulltime Code Enforcement Constable, the Town will be able to keep track of the expiration/renewal of permits. The renewal fee is equal to the cost of the original permit, with a maximum charge of \$50. There is no limit on extensions built into this Ordinance. Commissioner Skala reported, according to the Homeowners' Association at Heritage Shores, their building permit requires completion of the project within one year of issuance. This Ordinance is actually a benefit to the residents, as they do not have to pay the full price of the permit again. President Conaway opened the Public Hearing at 7:40 P.M. He asked if there was anyone present to speak in favor of or against this Ordinance. Hearing no response, he asked if there were any comments by the Commission. Hearing none, the Public Hearing was closed at 7:42 P.M. Commissioner Jefferson made a motion to table this Ordinance for a month because the Commission is uncertain about a limit on permit extensions and should look at the Ordinance more closely. There was no second to the motion to table this Ordinance.

Commissioner Correll made a motion to approve Ordinance A08-13. President Conaway seconded the motion. President Conaway opened the floor for discussion. Commissioner Skala asked whether the renewal should have an expiration date. Finance Director Savage stated his understanding is this would be a new permit; therefore, it would also have a new six month expiration date attached to it. Commissioner Correll commented that this would cost the resident less than to pay the entire cost of the original permit a second time. Currently, the Code Enforcement Constable would have no choice but to charge the full price of a new permit. Town Manager Walls read from the Bridgeville Code Book that, "work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted in writing by the building official." This indicates the work does not have to be completed in six months, a resident must continue working on the project. President Conaway advised he had a motion and a second to approve Ordinance A08-13. He called for the motion and asked for a show of hands of those voting in favor of Ordinance A08-13. The motion carried and the Ordinance was adopted with a vote of four in favor and one not voting.

XIII. NEW BUSINESS

A. Approval of Apple Scrapple Vendor List

President Conaway reported the Commission has received the Food Vendor List for the Apple Scrapple Festival. Per the Town's Ordinance and to protect the interests of the vendors who have paid to sell their products, the Commission must approve the vendor list.

Commissioner Jefferson made a motion to approve the food vendor list for the Apple Scrapple Festival; any additional food vendors that the Apple Scrapple Festival committee may add may be approved by the Town Manager. Commissioner Greason seconded the motion. Motion carried.

B. Introduction and First Reading of Ordinance A08-9 Amending Chapter 172 of the Code of the Town of Bridgeville as it Relates to Peddling and Soliciting

Town Manager Walls advised this Ordinance was a "housecleaning" issue. During the summer there are ice cream vendors who frequent the Little League and similar functions. Currently the vendor must stop sales at 7:00 P.M., before these events close. This Ordinance would extend the hours of solicitation until 9:00 P.M. Other changes were made, such as the addition of proof of insurance and names of all solicitors; the Police Department must now be notified of all solicitation in the Town. A non-profit organization will not be charged for solicitation, but must register with the Town Hall. It was suggested that the Town send letters to the school district, vocational school district, Girl Scouts, etc. requesting that they inform the Town when their students enter into fundraising projects. It is for the students' protection, as well as the Town's. Commissioner Skala made a motion to introduce Ordinance A08-9 for a first reading. Commissioner Greason seconded the motion. Motion carried.

C. Canton Inn Billboard

President Conaway reported on the moving signage on Route 13 just south of the Heritage Shores entrance. He has been in constant communication with the county's code enforcement arm. The county recently lost a battle in court over a similar situation. The judge ruled that the mobile sign on a truck was on someone's personal property and freedom of speech was brought into the issue. Efforts have continued to have Mr. Lui remove his Canton Inn sign south of Bridgeville on Route 13. He has moved the sign to different spots so it cannot be considered a permanent billboard.

D. Jack Lewis Mural

President Conaway believes we will soon lose the Jack Lewis Mural, located on the east side of the Dollar General Store building if it is not stabilized and protected. It would be a shame to lose this important piece of Bridgeville history. The Town needs to explore avenues to protect this valuable mural painted by Jack Lewis and young people from the high school. With no objection from the Commission, President Conaway requested that Town Manager Walls

investigate the preservation of the mural. He suggested contacting Mr. Russ McCabe from the Historical and Cultural Affairs department. Commissioner Greason reported this issue was discussed when the Comprehensive Plan was being updated. He remembers the discussion of this painting and the indoor painting at the Fire Hall (not a Jack Lewis work) being protected and using the Bridgeville Historical Society to look into preservation. There is another Jack Lewis painting at the library and a painting at Cannon Cold Storage which was moved to the high school sometime in the past. President Conaway reiterated that the Town should explore the preservation of these paintings.

Golf Tournament – Tournament is sold out and will raise over \$6,000 for each charity. There is no rain date.

Apple Scrapple Festival – opening ceremonies begin around 6:00 P.M. Friday night and the festival will continue all day Saturday. Traffic patterns have been determined by the Department of Transportation. Route 13A should be open for this festival; however it is not, due to the realignment work of U.S. Route 13 and Route 404.

XIV. ADJOURNMENT

Commissioner Skala made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:07 P.M.

Respectfully submitted by:

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Secretary