

## **MINUTES**

### **COMMISSIONERS OF BRIDGEVILLE OCTOBER 8, 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 from the September 10, 2007 monthly Commission meeting and from the September 12, 2007 special meeting of the Commissioners were presented for approval. Commissioner Jefferson made a motion to approve the minutes as presented. Commissioner Sipple seconded the motion. Motion carried.

#### **IV. DONATION PRESENTATION TO HISTORICAL SOCIETY**

The Commissioners of Bridgeville presented a yearly \$1,000 donation to the Bridgeville Historical Society. Approximately \$5,000 is set aside for donations to Town organizations. Historical Society President Howard Hardesty received the check from the Commissioners and encouraged everyone to visit the Historical Society museum during the Apple Scrapple Festival, as they have new displays to share.

#### **V. CORRESPONDENCE**

Town Manager Walls advised a card was received from Rick and Mary Passwaters thanking the Commissioners and employees for flowers received when Street Superintendent Passwaters was ill.

The Bridgeville Lions Foundation has invited the Commissioners and Town Manager to their annual Charter Night on Saturday, October 20<sup>th</sup>. Town Manager Walls will RSVP for the Commissioners.

Town Manager Walls reported receipt of the Food Vendor List for the 2007 Apple Scrapple Festival. A 2001 Ordinance requires the Commissioners to approve the food vendors who will operate during the festival each year and the Town license fee to operate is waived. This year over 40 food vendors will be involved. Commissioner Correll made a motion to approve the list of food

vendors as submitted and allow the Town Manager to approve any additional food vendors who are added at a later date. Commissioner Jefferson seconded the motion. Motion carried.

Town Manager Walls introduced the new part time secretary at Town Hall, Mrs. Karin Flowers.

## **VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Finance Director Savage directed the Commissioners to the Balance Sheet dated September 30, 2007. The General Fund has over \$488,000 due to the collection of taxes which have not yet been moved to another fund. Approximately \$400,000 will be transferred to the Money Market account this week. The Municipal Street Aid savings account shows that the Town has received its \$48,000 for FY-08. Impact fee funds total just over \$65,000. The five Escrow accounts now total almost \$422,000. On the Budget vs. Actual report the target percentage for this month of the fiscal year is 25%. The Transfer Tax line item does not yet reflect September transfer taxes of \$34,850. We have received a total of approximately \$126,000 in transfer taxes this new fiscal year. The water rent line item is above budget based on additional summertime water usage. On the expense side, there is a SLEAF grant of approximately \$16,000. The repairs line item is already above budget due to a comminutor at the Wastewater Treatment Plant needing repair. Finance Director Savage advised the Town has collected \$1.2 in Heritage Shores Special Taxes. Concerning Accounts Payable, current bills total approximately \$581,000, \$530,000 of which are reimbursable through the treatment plant upgrades. The U.S.D.A. semi-annual debt service is due this month. Commissioner Correll made a motion to pay the bills as presented. Commissioner Jefferson seconded the motion. Motion carried.

## **VII. DEPARTMENT HEAD REPORTS**

President Conaway reported the Department Head Reports are available for review. The Wastewater Treat Plant had no violations of its NPDES license this month. President Conaway reported on a recent incident in Town concerning the Adult Sexual Offender Ordinance passed by the Commissioners in 2006, which the ACLU recommended against passing. Last week a resident made us aware of an adult sexual offender who had moved into Town and did not register with the police or report his movements. Additionally, his address was within the restricted area surrounding a school, park, etc. The Bridgeville Police Department arrested the individual and escorted him out of Town. President Conaway reported that the Ordinance does work and congratulated Police Chief Parsons and the department on their quick response.

## **VIII. CITIZEN'S PRIVILEGE**

Mr. Howard Hardesty of 304 S. Main Street reported that the Lions Club has agreed to help the Town in purchasing and installing new house numbers for those who are not able to do so themselves. President Conaway clarified that the new addressing Ordinance only requires that houses currently without numbers have them posted. Old house numbers that are not reflective do not need to be replaced. From this point on, all new houses must have numbers on the

house/mailbox and they must be reflective. Town Manager Walls also clarified that the Town has been working with the county on the adoption of this Ordinance.

Mrs. Joann Conaway of 105 Delaware Avenue advised that this topic was also discussed at the last Emergency Planning Committee meeting. Fire Chief Jack Cannon reiterated the need for numbers on all dwellings, due to the fact that there are new employees at the Fire Company who are not familiar with residents.

Mr. Leo Lynch of 106 Emily's Pintail Drive expressed concern about the difficulty of reading addresses at Heritage Shores. He has two mailboxes outside his house, one for his dwelling and one for the dwelling across the street. He's concerned that there be no confusion if he ever needs fire or ambulance assistance. The Heritage Shores people will only be able to change their numbers to reflective if the Town requires it. Due to the homeowner's association restraints he cannot make a change himself. He doesn't really want to be "grandfathered in." He would rather make the change to reflective numbers.

Three representatives of M-T Trash were in attendance and expressed their appreciation to the community for having supported them with the garbage contract in the past. President Conaway commented the Town has appreciated the exceptional service that M-T Trash has given to the Town. The Town has put the garbage contract out to bid. The September Clean-Up Day went smoothly. There were more chemicals than usual. Tonnage was down; however, people have been taking advantage of previous Clean-Up Days, taking place for the last 6-7 years.

## **IX. TOWN MANAGER'S REPORT**

Town Manager Walls reported that Lank, Johnson, and Tull have completed their audit review for FY-07. The report should be ready for presentation in the near future.

The Town received telephone notification from Mr. Art Agra of Delmarva Power regarding the location of a gas-fired plant to be placed north of Bridgeville (outside Town limits.) The plant will serve as back-up power for the company. Delmarva Power is currently working with the Public Service Commission to finalize the specific plans for the new plant. President Conaway added that the plant may be located where Chesapeake Utilities has its pump station near the railroad tracks.

On Monday, September 17<sup>th</sup>, a safety accident occurred at the Wastewater Treatment Plant involving a Hopkins Construction Company crane boom coming in contact with a Delmarva Power high voltage line. Hopkins was on site to remove the first of two RBC (rotating biological contactor) units. They were placing the covers back on an RBC unit when the crane operator exited the crane cab to assist the laborer with lining up the bolt holes on the RBC cover section being put in place. As a result, the crane arm swung around and caused the cable to touch the 7200 volt overhead high tension transmission line. This caused a short in the electrical system and a loss of power at Woodbridge High School, the elementary school in Greenwood, the Bridgeville bank, police station, traffic signals on U.S. 13, many homes, a Town domestic water well and the loss and damage of the phone system at the treatment plant. A letter has been sent to Hopkins concerning safety issues, with a request for a personal letter from Mr. Hopkins explaining how and why the

accident occurred, as well as additional safety measures he intends to put into place to avoid a serious accident reoccurring in the future. We also requested documentation that the crane boom cable has been fully inspected for any damage and is safe for use, particularly on Town property. Town Manager Walls intends to call Mr. Hopkins if she does not receive an expeditious response. The second RBC unit will be removed in the next few weeks; therefore, we addressed safety measures that must be taken in the letter.

Town Manager Walls reported that the Town also had a structural failure on the newly installed RBC. Failure appears to be with the rivets, welds and braces. The failure resulted in the release of the cones into the area between the geo-reactor and the fiberglass cover resulting in damage to the fiberglass cover. Some of the cones were damaged. Hopkins Construction, the general contractor on the installation, assisted the Town in clean-up by collecting the cones and placing them in a Hopkins dumpster for temporary storage. We have requested an evaluation from Parkson on why the failure occurred and their plans for repair/replacement of the damaged erector and cones to avoid this situation in the future. Wastewater Superintendent Mowbray is in contact with Parkson daily to resolve the situation.

The Town has received information from Sussex County Council regarding participation in the FY-2008 Community Development Block Grant program. The program guidelines have been changed whereby any single applicant shall not receive more than \$153,000 in any program year. A Public Hearing regarding the Town's participation in the program will most likely be held in December.

Clean-Up Day was held on Saturday, September 29<sup>th</sup> and was very successful. According to M-T Trash, total tonnage was down, possibly around 14 tons. Our thanks go to M-T Trash and their employees for another outstanding job.

At the July 9, 2007 Commission meeting, the Commissioners adopted a Resolution regarding the annexation of 7.88 acres of property, known as Royal Farms. The tax map number was inadvertently entered incorrectly on the Resolution. We have acknowledged the error and are confirming the correct information at this time. The incorrect tax map number was #1-31-10.15-35.00. This Resolution is being corrected tonight to read #1-31-15.00-35.00. The Resolution has been physically corrected at the bottom and Commission Secretary Sipple will sign the correction. Commissioner Jefferson made a motion to adopt the Resolution authorizing the Referendum to annex Royal Farms with the corrected tax map #1-31-15.00-35.00. Commissioner Correll seconded the motion. Motion carried.

On October 1<sup>st</sup>, a representative from the Delaware Department of Transportation advised that the traffic study conducted at Wilson Farm Road and Railroad Avenue several months ago should be completed in the next two weeks. They now feel the study should be reviewed by railroad experts.

The Town has advertised for bids regarding the collection of Town trash. The Town is requesting bids for a period of three years, with the option of renewal for one additional year. Bids are due on Thursday, November 1<sup>st</sup> by 3:30 P.M.

## **X. OLD BUSINESS**

### **A. Public Hearing – Dangerous Building Inspection Committee RE: 40 Church Street Accessory Building**

Town Manager Walls reported that one of the two accessory buildings which are in need of demolition has been torn down. The old dry cleaning building is the only accessory building still under consideration. President Conaway opened the Public Hearing at 7:40 P.M. for public comment concerning this property. Mr. Alfonso Blackwell came to represent 40 Church Street. He does not reside at the property; however, he is part owner. His grandmother, Nellie Rich, now deceased, willed 25% of the property to him. Mr. Blackwell recently sent a proposal to the property occupants to upgrade the property to Town standards, with a copy sent to the Town. The property occupants (Mr. Blackwell's relatives) helped to demolish the first building, but do not seem interested in spending any money for additional improvements. Mr. Blackwell has a plumbing, heating and air conditioning business and uses the accessory building for storage. The relatives have a bad lifestyle and the property is not being maintained properly. Mr. Blackwell has had windows broken in the storage building by those visiting the relatives at the property. Mr. Blackwell suggested he could make the necessary improvements within a year's time, if he received permission from the Town. He was hoping the Town could make the property occupants participate financially in the improvements. Commissioner Jefferson suggested that 90 days was a more reasonable time frame to make improvements. President Conaway asked Mr. Blackwell if he could bring the building up to code if the Town were to give him 90 days. Mr. Blackwell said that the roof is the main concern and most costly. That would be tackled first. Commissioner Jefferson expressed concern about the amount of structural damage there is to the block. Any building can be repaired, but at what cost? Commissioner Correll was also concerned about the amount of money it would take for repairs and suggested purchasing a storage unit to place on the property where Mr. Blackwell lives in Greenwood. President Conaway commented that he hates to vote to demolish a building when there is someone who cares about improving it, but it would seem more economically feasible in this case to build from scratch or purchase a pre-fab storage shed than renovate. The Commissioners feel the building and the equipment are in danger of being damaged or stolen at the present location. On another matter, President Conaway suggested pursuing the possibility of Mr. Blackwell giving the Town permission to park a police car on the property to take care of police issues at the property. The Public Hearing was closed at 7:50 P.M.

President Conaway asked Mr. Jefferson whether this structure threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, to which Mr. Jefferson responded yes. President Conaway asked if this structure has been damaged to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge, to which Mr. Jefferson responded yes. President Conaway asked if this structure has been so damaged or become so dilapidated or deteriorated as to become an attractive nuisance to children, or a harbor for transients, vagrants, or criminals, to which Mr. Jefferson responded yes. President Conaway asked if this structure was unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or other cause, to which Mr. Jefferson

responded yes. President Conaway asked if this structure creates a fire hazard by virtue of its condition, to which Mr. Jefferson responded yes. President Conaway asked if this structure constitutes a public nuisance as defined by law, to which Mr. Jefferson responded yes. President Conaway asked if this structure has exits which do not conform to the Town Ordinances or any other feature which may cause a hazard to life or safety of the occupants or general public, to which Mr. Jefferson responded yes. The Commissioners agree with the Dangerous Building Committee, based on the committee report, pictures presented by the committee and their own personal examination of said structure, that the accessory building (old dry cleaning building) at 40 Church Street meets the definitions of a dangerous building; it is a hazard to life and property; it is a danger to the Town and community and should be demolished. Commissioner Jefferson made a motion to condemn and seek demolition of the accessory building at 40 Church Street. Commissioner Greason seconded the motion. Motion carried. All of the Commissioners were appreciative of Mr. Blackwell's circumstances and his efforts to bring the property up to code and help his family. President Conaway added that he hoped they could help him with some storage ideas.

#### **B. Appointment to Emergency Planning Committee**

This appointment was addressed at the end of the September Commission Meeting.

#### **C. Appointments to Election Board**

Town Manager Walls advised that Mr. John Shockley, Mr. William Hartzell, Mrs. Betty Hardesty and Mrs. Betty Coakley have all agreed to serve on the Election Board. President Conaway reported that new election laws place restrictions on local Election Board members and they are not allowed to participate actively in Commission electioneering. This board will set up rules for the Town elections, but not for election districts. Commissioner Correll made a motion to appoint Mr. John Shockley, Mr. William Hartzell, Mrs. Betty Hardesty and Mrs. Betty Coakley to the Election Board. Commissioner Sipple seconded the motion. Motion carried.

#### **D. UPDATE – Bridgeville Charity Golf Tournament**

President Conaway advised there are thirty-four foursomes scheduled to participate in the golf tournament on Friday, October 12<sup>th</sup>. It appears that the Kiwanis Foundation, the Lions Club and the Senior Center will each receive \$8,000 from the proceeds. The tournament begins at 8:30 A.M. and continues through the luncheon and awards after the final teams finish the course.

#### **E. Cleveland, Ohio Community**

President Conaway shared a newspaper article concerning a mortgage situation in Cleveland Ohio. Lenders are finding new ways to get people into homes. As long as the market grows and home values appreciate, a 100% mortgage with all costs is a viable option; however, this adjustable rate mortgage often leads to foreclosure with a market downturn. Some areas in Ohio have moved to protect their cities from predatory loans. President Conaway asked the Commissioners if Bridgeville should look into this Ordinance, put into place in several Ohio cities, to see if it is worth consideration locally. The Commissioners agreed to pursue more information.

## **XI. NEW BUSINESS**

### **A. Celebration of Halloween**

Town Manager Walls advised the Town of Bridgeville will celebrate Halloween on Wednesday, October 31<sup>st</sup>, with trick-or-treating for children 12 years of age and under from 6:00 – 8:00 P.M. The Lions Club will host a Halloween Party at the Historical Society Park immediately following.

### **B. Proclamation – World Diabetes Day**

The Delaware League of Local Governments is asking all Delaware municipalities to adopt a Proclamation declaring November 14, 2007 as World Diabetes Day. It urges all citizens to help raise awareness of this serious, expensive and rapidly increasing disease. Commissioner Sipple made a motion to proclaim November 14<sup>th</sup> as World Diabetes Day. Commissioner Correll seconded the motion. Motion carried.

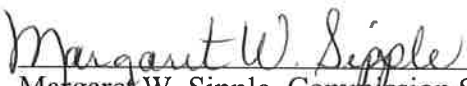
### **C. November Commission Meeting Date Change**

President Conaway reported he will not be available for the regular monthly Commission meeting date on November 12<sup>th</sup> and asked that it be changed to November 5<sup>th</sup>. Commissioner Correll made a motion to change the meeting date to November 5<sup>th</sup>. Commission Sipple seconded the motion. Motion carried. President Conaway reminded everyone of the Apple Scrapple Festival on October 12<sup>th</sup> and 13<sup>th</sup>, with the Mayor's Scrapple Sling on the 13<sup>th</sup> and the Punkin Chunkin on November 2<sup>nd</sup> – 4<sup>th</sup>.

## **XII. ADJOURNMENT**

Commissioner Sipple made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:09 P.M.

Respectfully submitted,

  
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Margaret W. Sipple, Commission Secretary

  
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Peggy A. Smith, Transcriptionist