

MINUTES

COMMISSIONERS OF BRIDGEVILLE NOVEMBER 8, 2004 - 7:00 P.M. TOWN HALL

I. CALL TO ORDER

President Joseph Conaway called the regular monthly meeting to order at 7:00 p.m. Present: Commissioners Margaret Sipple, Patricia Correll, Bill Jefferson, and Town Manager Bonnie Walls. Commissioner Earl Greason arrived at 7:50 p.m. The meeting started with the flag salute and Lord's Prayer.

II. APPROVAL OF MINUTES

Minutes of an executive session held on August 9, 2004 and the regular board minutes held on October 4, 2004 were presented for review and approval. Commissioner Correll made a motion to accept the executive session minutes of August 9, 2004 and the regular board minutes of October 9, 2004 as presented. Motion was seconded by Commissioner Jefferson. Motion carried.

III. APPROVAL OF FINANCIAL REPORTS AND BILLS PAYABLE

Finance Director Jesse Savage presented the financial reports and bills payable and explained due to the October meeting being held a week early, bills were received after the meeting making the bills payable this month higher (\$13,000 for insurance and \$17,000 for purchase of land adjacent to the wastewater treatment plant). President Conaway advised the town will be receiving monies from property transfer taxes and building permits, once construction begins in the new development, Heritage Shores. As of October 31, 2004, Bridgeville has received \$16,000 in property transfer tax money from the County. President Conaway pointed out the escrow and money market accounts continue to earn interest money. After a review of the financial reports and bills payable, Commissioner Jefferson made a motion to accept the financial reports and to pay the bills as presented. Motion was seconded by Commissioner Correll. Motion carried.

IV. CORRESPONDENCE

President Conaway read a letter received from Dr. Kevin Carson, Superintendent of the Woodbridge School District, thanking Chief Allen Parsons and members of the Bridgeville Police Department for their work on the weekend of October 30th when vandals broke into the Woodbridge High School on Laws Street. A special thanks was extended to Officer Christopher Story for his investigation regarding the matter where two arrests were made on November 1, 2004. Dr. Carson stated the Woodbridge School

District appreciates the police department's diligence and believes the town is safer and more secure thanks to the efforts of the department.

The November/December, 2004 Sussex Spot Light Read-A-Loud Delaware newsletter was received and available for review. An annual volunteer luncheon will be held on November 10th at 11:00 a.m. at the Sussex Pines Country Club.

A thank you letter was read from Ms. Dorothy Harper of Brookfield Homes (home builders in Heritage Shores) thanking the people of the town for their hospitality during the Apple-Scapple Festival.

A letter of thanks was presented from Ms. Kathy Rash, YMCA Youth Resource Center and the Woodbridge After School Program, regarding the \$1,000.00 donation by the town toward after school activities for the youth in the community. Every nine weeks activities change, allowing the youth to take part in various activities.

The monthly newsletter from Comcast was received and available for review.

V. DEPARTMENT HEAD REPORTS

Code Enforcement - The written report submitted by Constable Jack Kimlel advised six residents received letters concerning abandoned vehicles - four have taken corrective action and two from September were referred to Chief Parsons. Six letters were sent for accumulated trash and solid waste - five have taken corrective action. Visited a resident on North Cannon Street after a complaint was received regarding chickens in the yard. Met with Mr. Lester Williams and Reverend Marie Robinson regarding establishing a community effort to clean and fix up the community. Constable Kimlel will be meeting with the pastors of other churches in the area. Constable Kimlel proposed a letter be sent to residents who make exceptional property improvements. After a general discussion, the Commissioners agreed sending a letter of thanks was an excellent idea.

Police - The written report submitted by Chief Parsons advised there were 276 traffic arrests for the month of October. When the police department is called to assist with matters outside of Bridgeville, it is by orders of Suscom or the Delaware State Police.

Wastewater - The written report submitted by Superintendent Phillip Mowbray advised this is the 73rd consecutive month without a NPDES violation. The painting of the lime silo was completed on November 1, 2004. The 12" sewer line that begins at Jacobs Avenue and picks up Laverty Lane, Canterbury Apartments, and Elizabeth

Cornish Landing was cleaned on October 28th and 29th by Clean Delaware, Inc. On October 18th, a RBC gearbox experienced mechanical failure and was replaced with a partially built gearbox. The approximate cost for a new RBC gearbox is \$15,000.00. Superintendent Mowbray is currently studying various possibilities related to future gearbox replacement.

Water - The written report submitted by Superintendent Doug Jones advised the hydrostatic testing of water at Elizabeth Cornish Landing Apartments has been completed and the remaining meter pits are being installed by the contractor and should be completed the week of November 8th. Routine service was performed on the auxiliary generator at the Route 12 and 404 pumping station on October 26th.

Streets - The written report submitted by Superintendent Rick Passwaters advised the paving of St. Mary's Episcopal Church parking lot on North William Street is being done by P & A Paving. Three loads of rock salt have been delivered in anticipation of winter weather. Shrubs and flowers were planted around the new Bridgeville sign located in the park at the corner of Market and Main Streets.

VI. CITIZEN'S PRIVILEGE

No comments.

VII. TOWN MANAGER'S REPORT

Town Manager Walls advised she attended the Woodbridge School District Seventh Annual Title One and Advisory Council Dinner on October 21, 2004 with school staff, community leaders, teachers and parents in attendance. Assignments were made to different advisory committee groups. She was in a group chaired by Dr. Kevin Carson who reviewed the school's goals, school uniform program, and updates on the growth of the community.

Town Manager Walls advised that Mr. Brian Hall of the Delaware Forestry Service and Delaware Urban and Community Forestry Council, planted sixteen trees on Walnut Street - cherry, crabapple, plum and maple - on October 12th. The tree planting program was a grant through the Department of Agriculture.

Town Manager Walls advised a public hearing is scheduled for the Commission meeting on December 13, 2004 regarding the town's participation in the Community Development Block Grant Program.

Official ribbon cutting ceremonies for the new development, Heritage Shores, was held on Saturday, October 16, 2004.

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Town Manager Walls advised that Mr. Rob Robinson with the Town Solicitor's office has filed the first set of required documents with the courts pertaining to the vacant property located at 104 North Main Street. Mr. Robinson is preparing a draft for the next legal procedure concerning the sale of the property.

Town Manager Walls advised a designated area needs to be established for key town personnel in case a dangerous situation arises. President Conaway and Town Manager Walls suggested the wastewater treatment plant be the designated area. The plant would allow excess to telephones and be in a position to safeguard the town. President Conaway advised a discussion on this matter was held during the executive board meeting of SCAT (Sussex County Association of Towns) relating to homeland security. After a general discussion, the Commission decided if a state of emergency, etc. was declared in Bridgeville, they would report to the wastewater treatment plant which would allow them to continue to operate and monitor the town. Town Manager Walls advised she will prepare a supply kit (water, food, first aid kit, etc.) to be placed in the designated area.

S.P.C.A. personnel picked up three stray dogs and issued one summons on October 30th. The random visits in town by the S.P.C.A. have been working quite well.

Town Manager Walls attended the Open House for the News Print Shop (Emma Jane Lane-404 by-pass) on October 20-22, 2004.

Town Manager Walls advised that during the grading of St. Mary's Episcopal Church parking lot by P & A Paving, it was discovered two homes had once been located on that lot. Approximately thirty years ago, pieces, etc. of the homes were buried at this site. To correct this unforeseen problem, P & A Paving submitted a "worse-case" proposal of \$13,000 (above actual cost) to correct the problem. The lot has been graded and crusher run has been applied; once it settles and is stable, paving will proceed. President Conaway has discussed this matter and unexpected costs with church members. After a general discussion, the Commission agreed to wait to see what the actual bill will be and if the church will agree to help with the bill.

Commissioners were reminded of a water meter presentation scheduled for Tuesday, November 9th at 6:00 p.m. in the Town Hall. Information packets were distributed to the Commissioners for their review.

VIII. OLD BUSINESS

President Conaway opened the scheduled public hearing at 7:30 p.m. concerning the property of Linda L. Young and John Musso located at 109 North Cannon Street. The Dangerous Building Inspection Committee submitted their report regarding the hazardous conditions of the property at the regular board meeting held on October 4, 2004. A letter was received from Ms. Angela Watson, Office Manager/Volunteer Coordinator for First State R C and D Council, regarding a request from Ms. Young for emergency home repair. Town Manager Walls informed the Commissioners that after talking with Ms. Watson, Ms. Young does not qualify for grant funding. Per Ordinance No. A03-2 - Maintaining of Dangerous Buildings, Ms. Young and Mr. Musso were notified of the date and time of the public hearing. President Conaway advised that the owners of the property were not in attendance and there were no additional comments. Code Enforcement Constable Kimlel stated the property conditions remain the same as reported by the Dangerous Building Inspection Committee. Hearing no further comments pro or con from those in attendance, Commissioner Sipple made a motion to serve notice to Ms. Young and Mr. Musso of 109 North Cannon Street, advising the Commission will proceed per the ordinance and the building must be brought up to code within ninety (90) days or demolition will begin per Ordinance No. A03-2-Maintaining Hazardous Buildings. Motion was seconded by Commissioner Correll. Motion carried. The public hearing relating to 109 North Cannon Street closed at 7:34 p.m.

President Conaway opened the scheduled public hearing at 7:35 p.m. concerning the second and final reading on an Amendment to Chapter 90 - Brush, Grass and Weeds for a second and final reading. Town Manager Walls advised there are two changes to Chapter 90: The addition of Section 90-3A - Grass, Weeds or Other Vegetation Clippings - No weeds, grass or other vegetation clippings, etc., shall be placed on any street, alleyway, passageway, sidewalk or walkway. The second change relates to Section 90-7: Issuance of notice; compliance required. An administrative fee of \$250.00 will be billed to the property owner if the violation is corrected by the town. After a general discussion, Commissioner Jefferson made a motion to adopt Ordinance A04-8, Amendment to Chapter 90 -Brush, Grass and Weeds, as presented for its second and final reading. Motion was seconded by Commissioner Correll. Motion carried. The public hearing closed at 7:40 p.m.

All residents will be sent a flyer concerning the changes in Chapter 90 and a reminder concerning snow/ice removal in the Town of Bridgeville.

Recent complaints have been received from residents concerning the one way traffic pattern on John Street and not being able to see on-coming vehicles when exiting onto North Main Street. Chief Parsons reviewed the traffic pattern and offered a recommendation at the October 4, 2004 meeting that the traffic pattern be reversed - vehicles would enter John Street from North Main Street. Commissioner Jefferson requested the matter be tabled for further review and discussion at the November 8th meeting. Chief Parsons advised he revisited and reviewed the traffic pattern and would at this time suggest the shrubs on the corner of John Street and North Main Street be cut back. This would eliminate the problem and the traffic pattern would remain as posted. After further discussion, Code Enforcement Constable Kimlel will discuss the matter with the property owner.

President Conaway advised that Senator Thurman Adams, Jr. has committed \$175,000 for the town's on-going street improvement project. In speaking with Representative Ben Ewing, he has also stated that upon a letter of request he will commit funding for the street improvement project. President Conaway stated the town appreciates the efforts of Senator Adams and Representative Ewing regarding funding towards the on-going street improvement project.

Town Manager Walls advised a prepared street/sidewalk improvement priority list was agreed upon by the Commission some time ago. The street improvement project was re-bid, as earlier bidding was unsuccessful, with the bid stating the town would award the project using the funding currently available. The following two bids were received:

A.P.Croll, Georgetown, Delaware	\$134,700.00
Delmarva Paving, Inc, Seaford, Delaware	\$121,018.00

Town Manager Walls advised a letter has been sent to the Department of Transportation requesting consideration to the town's agreement for an amendment on the current street/sidewalk improvement project (#03-P-PROG-69). The original agreement covers streets that became less prioritized by the Commission; no reply has been received as of this date. Town Manager Walls reviewed the updated priority list. President Conaway advised forthcoming monies from Senator Adams and Representative Ewing will allow for continued street/sidewalk improvements.

Commissioner Sipple advised a complaint was filed with her concerning raised sidewalks on the southwest corner of Laws and Edgewood Streets. The sidewalk will be added to the list of needed improvements.

IX. NEW BUSINESS

Town Manager Walls introduced a Resolution to adopt an all Hazard Mitigation Plan for the Town of Bridgeville. The Plan will allow Sussex County and The State of Delaware an opportunity to qualify for Hazard Mitigation Grant Program monies in the event a presidential emergency or disaster declaration is made to lessen the economical impact of a natural or man-made hazard. Also, an approved Plan will allow Delaware to competitively apply for Pre-Disaster mitigation funding for projects. By adoption of the Resolution, The Town of Bridgeville will receive a grant in the amount of \$1,000 to help offset the cost of participating in the development of the "Multi-Jurisdictional all Hazard Mitigation Plan". After a general discussion, Commissioner Jefferson made a motion to adopt the Resolution for a Hazard Mitigation Plan for The Town of Bridgeville.

Commissioner Sipple seconded the motion. Motion carried.

Mr. Edwin J. Kelly, Jr., 110 Elliott Drive, submitted a request to have five feet of the alley width which adjoins his current property, transferred to his name. Mr. Kelly has had a survey completed of the ten foot alley on the north side of his property, which has been abandoned. It was pointed out residents have maintained the alley way for years, with only these property owners benefiting from this strip of land. Following a general discussion, Commissioner Jefferson made a motion to deed five feet of an abandoned alley to Mr. Kelly, contingent upon a deed provision that the town has a permanent easement in case there is ever a need to install utility lines. Also, that all costs of transferring the land, etc. are at the expense of Mr. Kelly. Commissioner Conaway seconded the motion. The following voted were recorded:

Commissioner Conaway - Yes
Commissioner Correll - Yes
Commissioner Greason - Yes
Commissioner Jefferson - Yes
Commissioner Sipple - No

Motion carried.

Discussion followed on establishing a date for the annual Caroling in Park. The event will be held Tuesday, December 14th at 6:30 p.m. Citizens are asked to bring canned food items for community food basket distribution. Notice of this event will also be placed on the information flyer to Bridgeville residents.

President Conaway advised he had received some complaints from residents concerning Happy Harry's lack of inventory in the pharmacy department. With this in mind, he sent a letter to Mr. Alan Levin, the C.E.O. of Happy Harry's, (copy attached) advising of the complaints. President Conaway pointed out in his letter, with two

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thousand homes being built across from the drug store area, residents could just as easily use Wal-Mart for their pharmacy needs. Also pointed out was vacant land is available for the location of a new pharmacy. Mr. Levin has responded (copy attached) that while he appreciates President Conaway's observation, no negative comments have been received dealing with inventory, or the lack of same. As to another drug store in the immediate area, Mr. Levin states that his company has been able to handle their selves against competition because of their superior service, support of the community, and attention to detail. President Conaway suggested anyone experiencing problems with pharmacy needs at Happy Harry's, call into the town office for documentation of same.

Commissioner Correll stated she did not feel it was the responsibility of the town to monitor business complaints. After further discussion, President Conaway requested a statement be placed on the outgoing flyer, that anyone experiencing pharmacy inventory problems to contact Mr. Levin at Happy Harry's.

President Conaway discussed with Commissioners the Davis, Bowen & Friedel, Inc. amendment to the construction phase services contract regarding Heritage Shores development inspections as discussed at the Commissioner's meeting of October 4, 2004. The proposed contract amendment, dated September 23, 2004, stated that inspections had been occurring since the last week of July 2004. The town's concern was that there was no executed contract in place, and the assumption by Davis, Bowen & Friedel, Inc. to proceed without an executed contract. U. S. Home and the developer of the project, Allen & Rocks, Inc. (who will be responsible for the contract amendment costs) was contacted, with them agreeing to the proposed contract amendment, as they would rather have more inspections than less. The Commissioners commended U. S. Home and Mr. Rocks for their attitude. After further discussion, Commissioner Sipple made a motion to execute the contract amendment. Commissioner Correll seconded the motion. Motion carried.

President Conaway advised four property owners have requested annexation into the Town of Bridgeville. To go into the area requested for annexation (south of the Heritage Shores development), an amendment to the town's the water and wastewater facility plan is required to have available needed answers as how the town would handle utilities in this area. Mr. Robert Rauch, engineer for Heritage Shores, has agreed to pay the \$25,000 fee that will address the 472 acres south of the Wilson Farm (additional 2,000 homes are planned). After a general discussion, Commissioner Correll made a motion to award Davis, Bowen & Friedel, Inc. the contract for engineering services to prepare a water and wastewater facility plan amendment. The study will be similar in format and build upon the September 2002 Facility Plan. Motion was seconded by Commissioner Greason. Motion carried.

Mr. Nick Rocks, developer of Heritage Shores, advised the three parcels he would like to have annexed into Bridgeville are situated south of the current development

(Wilson Farm and Wheatley Farm). Because part of the land is in Land Preservation, Mr. Rocks advised he met with the Agricultural Board approximately six months ago and acquired road and utility crossings in anticipation of additional homes. The lower phase of the project would be wooded lots and at least one half of the project would non-age restrictive. The project will incorporate 1500 to 1600 single family homes, several duplexes, and approximately 400 condominiums. The lower phase would have a community house. Mr. Rocks believes this phase is important for the overall developmental project, plus it will allow for future commercial opportunities near Route 18. The water and wastewater cost to the lower phase would be paid by the developer. Mr. Rocks requested the support of the Commission and looks forward to an annexation referendum in the near future. If approved by the Commission, Mr. Rocks would like to hold a public meeting to discuss the plans for this phase of the development.

President Conaway stated because of obvious conflicts with the proposed project, he will explain procedures only. President Conaway advised because the town received a request for annexation, necessary information, etc. was sent to the Office of State Planning under Town Manager Walls' signature. When the town receives a response from the Office of State Planning, the Commission will have the opportunity to schedule a public hearing and referendum for complete details to the residents of Bridgeville. Mr. Rocks commented he has enjoyed and wants to continue to work with Bridgeville for a long period of time.

X. EXECUTIVE SESSION

Commissioner Jefferson made a motion to hold an executive session to discuss personnel matters and land acquisition. Commissioner Sipple seconded the motion. Motion carried. Regular session adjourned at 8:25 p.m.

President Conaway reconvened the regular meeting to order at 9:23 p.m. Two items were discussed in the Executive Session: personnel matters - no action taken; and discussion concerning land acquisition negotiations for a parcel of land owned by Mr. Addison Tatman. President Conaway was instructed by Commissioners to continue negotiations with Mr. Tatman.

Commissioner Jefferson made a motion to promote Patrolman First Class Burke Parker to Corporal effective November 8, 2004, with a salary increase to be paid the next town pay period. Motion seconded by Commissioner Greason. Motion carried.

It was pointed out that Chief Parsons must be accountable for his department by presenting for consideration promotions, salary increases, etc. during budget hearings. Department items of this type cannot be addressed and approved without prior planning and budget approval.

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X. ADJOURNMENT

Commissioner Correll made a motion to adjourn the meeting. Motion seconded by Commissioner Sipple. Motion carried. Meeting adjourned at 9:30 p. m.

Respectfully submitted by:

Margaret W. Sipple
Margaret W. Sipple, Commission Secretary

Alma Fleetwood
Alma Fleetwood, Transcriptionist