

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
NOVEMBER 9, 2009 – 7:00 P.M.
TOWN HALL**

I. CALL TO ORDER

The meeting was called to order by President William Jefferson at 7:00 P.M. Present: Commissioners Patricia Correll, Ruth Skala, Michael Collison and Town Manager Bonnie Walls. The meeting began with the Flag Salute and Lord's Prayer.

II. QUORUM PRESENT

President Jefferson reported a quorum was present to conduct the business of the Town of Bridgeville, despite the absence of Commissioner Greason.

III. APPROVAL OF MINUTES

Minutes from the October 12th Commission meeting and the October 5th Executive Session were presented for approval. Commissioner Correll made a motion to approve the minutes as presented. Commissioner Skala seconded the motion. Motion carried.

IV. CORRESPONDENCE

Town Manager Walls reported letters were received from the Lions Foundation and the Bridgeville Senior Center thanking the Commissioners for their monetary donation, made possible through the Bridgeville Charity Open Golf Tournament.

A letter was received from Morning Star Publications thanking the Commissioners for their sponsorship of the Newspapers for Education program.

A letter was received from the family of deceased Senator Thurman Adams thanking the Commission for the tree planting ceremony in honor of Senator Adams. The family will be placing a plaque in his honor at the base of the Snow Goose Cherry tree planted in the park across from Town Hall.

The Delmarva Power October 2009 newsletter is available for review. DP has requested a rate increase from the Public Service Commission, effective May 2010. If the rate increase is not approved, they will refund money to customers.

The Sussex Spotlight Read Aloud Delaware Nov/Dec/Jan newsletter is available for review.

V. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Finance Director Savage directed the Commission to the Balance Sheet for the period ending October 31st. (The following amounts are in rounded figures.) The General Savings and Checking Accounts totaled \$645,000. The Town's Rainy Day Fund, including the Escrow, Sewer Sinking and

Impact Fee accounts, totaled \$485,000. The total for all accounts was \$1,245,000. Accounts Receivable is at \$56,000, due to the \$42,000 third quarter billing for Greenwood. Property Tax Accounts Receivable has decreased to \$14,000. Delinquent taxes stem mostly from 102 and 104 N. Main Street and the Tennefoss properties. There is also a Transfer Tax Receivable of \$32,000. Concerning the Budget Report, the Town is four months into the budget year with a target of 33%. Building permits are increasing, with 15 new permits at Heritage Shores. Transfer taxes are at \$37,000 and do not include the receivables. Sewer and utility fees are above budget; however, some of these numbers will track closer to budget figures as the irrigation season comes to an end. Total income is at 58% of the budget, which is an 8% increase over last month. On the Expense side, the Town's debt service is showing 13%; however there will be \$136,000 paid in debt service next month. The maintenance agreement line item is low; however a \$10,000 payment is due to Wheatley Farms next month. Vehicle expenses have been below budget. Total expenses are at 28% of the budget, which is a 7% increase. Concerning Accounts Payable, bills received to-date equal \$34,721. The State of Delaware bill is a loan payment for the RBC; however, it is reimbursable through Parkson. The spray irrigation system has had enhancements installed; the spray discharge is now lower to the ground for better absorption. Commissioner Correll made a motion to pay the bills as presented. Commissioner Collison seconded the motion. Motion carried.

VI. DEPARTMENT HEAD REPORTS

Commissioner Skala questioned whether the new geo reactor is in place and working properly. There was a problem with loose bolts when the unit arrived, which have been fixed. Town Manager Walls reported Davis, Bowen and Friedel Town engineer, Jason Loar, is looking closely at the second geo-reactor. Parkson has offered a new unit rather than a repaired unit; however a new unit will take longer for delivery. She added that the Parkson Corporation has kept their word on everything which had been agreed upon before the first geo reactor arrived in October. Commissioner Collison questioned the Police Report. He wondered if the Traffic – Speeding line item was a typographical error, as it decreased from 274 to 112 and then down to 39. Town Manager Walls will double check the report numbers. Commissioner Correll advised she had checked into the recent overflows from Greenwood and acknowledged that they were based on excessive rainfalls that had taken place.

VII. CITIZEN'S PRIVILEGE

Mrs. Jacqueline Vogel of 124 Widgeon Way asked for clarification concerning the ownership and maintenance responsibility for the area between the sidewalk and the street curb (devil strip) at each residence in Heritage Shores. It was suggested that area is the Town right-of-way. Ms. Dottie Harper of Brookfield Homes understands it is owned by the Town and maintained by the homeowner. Town Manager Walls advised the same is true in the older portion of Town; the strip is owned by the Town, but maintained by the homeowner. Mrs. Vogel asked who would be responsible if a tree dies. The homeowner would be responsible to replace the tree, trim branches, etc. Town Manager Walls reported the Town has received tree grants from time to time and could potentially consider replacing a dead tree at a homeowner's property with grant money. Mr. Russ Beard of 25 Amanda's Teal Drive expressed a desire to investigate this issue further. He doesn't understand maintaining something you don't own. He reported some newer areas in Heritage Shores are not planting trees at all in that strip. Ms. Harper acknowledged this is true; the trees were such an issue they decided in the new phases not

to plant trees in that strip. The trees are now planted on the homeowner's front lawn, so there is no confusion as to ownership and maintenance responsibilities. Mr. Beard expressed concern that these trees are known to have mature heights of 80 feet. This may create problems in the future interfering with curbing, sidewalks, etc. According to the homeowner surveys at Heritage Shores, their property ends at the house side of the sidewalk. Town Code states that the sidewalks belong to the property owners and must be maintained by them. Commissioner Collison reported the unwritten rule in place now is that each owner takes care of everything in front of his/her property, i.e. sidewalk, curb, etc. He recommended that the code be researched further and correct information be provided at the next monthly meeting. He also suggested that Ms. Harper research the HOA for whatever information is available concerning these specific issues. Mr. Larry Skala of 108 Whistling Duck Dr. advised every place he has lived the homeowner was responsible to maintain all sidewalks and all property. Mrs. Vogel requested that during this process the Commission investigate ongoing issues with the sidewalks. She does not want to be responsible for a sidewalk that was not put in correctly to begin with. When streets are being turned over to the Town, please look closely at the curbs, as some are broken and please look carefully at the sidewalks, as some have deficits. Town Manager Walls advised the Town's Street Superintendent checks the streets, etc. before accepting the streets for Town responsibility. Mr. Beard additionally reported they have stopped placing mulch around trees in the common areas. It is his understanding that the common areas are to be maintained by the HOA.

VIII. TOWN MANAGER'S REPORT

Town Manager Walls reported further on a ceremony to plant a tree in memory of Senator Adams. The tree was planted on October 14th with help from the Woodbridge High School FFA Class, under the direction of Mrs. Karen Breeding and assisted by Mr. Bryan Hall, who donated the tree. Family, friends and residents were in attendance (approximately 30 people). Refreshments were served at the Town Hall following the tree planting.

A meeting was held on October 21st with the Delaware Economic Development Office (DEDO). After the DEDO representatives met with Commissioners and Town Manager Walls, a meeting was held with business and property owners. The DEDO representatives are going to evaluate comments, concerns, etc. from the two meetings and prepare a report with suggestions and ideas on how we can best proceed with a possible revitalization of the downtown area. The report is expected at the end of November. One suggestion from the meeting was identifying the Town Office as a Visitor Center and we have placed the designation on the Town Office sign. We are working toward the availability of useful information for inquiring visitors. We have also checked on the cost of placing a sign on the Cannon building at the intersection of U.S. 404 and Market Street – "Welcome to Bridgeville, Town Hall/Visitor's Center," with an arrow pointing down Market Street to Town Hall. The cost of the sign would be \$395. The potential purchase will need to wait until the budget is reviewed in December. A DEDO follow-up meeting with business owners, Commissioners and community stakeholders has been scheduled for November 19th from 10:00 A.M. to 11:00 A.M.

Regarding requests to DelDOT concerning Heritage Shores lighting and lane distance, Town Manager Walls spoke with a representative last week and was advised a letter of determination should be forthcoming in the next two to three weeks. From all indications, neither concern will be addressed.

Commissioners of Bridgeville Minutes

November 9, 2009

Page 4

The representative indicated there have not been any “night crashes” and the developer or HOA would need to provide additional lighting.

Town Manager Walls provided an update regarding the Joe Burden property located at 603 N. Cannon Street. This property was brought before the Commissioners by the Dangerous Building Committee and at their July 13th meeting, the property was deemed to be in a state of disrepair and in need of demolition. At the August 10th Public Hearing, the Commissioners gave Mr. Burden and future purchaser of the property, Annie Hoskins, sixty days (until October 12th) to submit house renovation plans to the Code Enforcement Constable for review, as Mr. Burden felt the house could be renovated and brought up to code. On October 12th, Ms. Hoskins advised she does not believe the house can be brought to code and is pursuing demolition of the structure, with the intention of constructing a new house on the property. Mr. Burden (with a copy to Ms. Hoskins) was advised by letter they have ninety days (until January 18, 2010) to accomplish the demolition.

Town Manager Walls provided an update regarding the Mildred Polk property located at 13 Gum Street. This property was brought before the Commissioners by the Dangerous Building Committee and at their September 14th meeting, the property was deemed to be in a state of disrepair and in need of demolition. A Public Hearing was scheduled for October 12th. Mrs. Polk notified the Code Enforcement Constable on the 12th that she agreed the dwelling should be demolished. Mrs. Polk has been notified she has ninety days (until January 18, 2010) to accomplish the demolition.

Along with President Jefferson, Commissioners Correll, Skala and Collison, Town Manager Walls attended the Annual Greater Seaford Chamber of Commerce dinner/award program. Mr. Ralph Scott, III of Scott's Furniture was the recipient of the Business Person of the Year Award. Town Manager Walls stated she personally has always found Mr. Scott to be a very generous person. He has given furniture to the Town Office, helped civic groups, churches, nearby communities and been a very giving person. Town Manager Walls extended her sincere congratulations to Mr. Ralph Scott for this well deserved award.

Town Manager Walls attended the Woodbridge School District Twelfth Annual Advisory Council Meeting. Superintendent Kevin Carson presented and explained the District's Sussex Plan for 2009 through 2011. In individual break-out committees, Mr. Carson reviewed the District's narrative statement outlining the four primary goal groups with objectives and activities. Also discussed was concern regarding the lack of affordable housing for teachers. Per the real estate market, homes are in the price range of \$225,000 and upwards. This amount is out of line with a teacher's salary and budget and with young people in general. Everyone agreed with Dr. Carson that there is a tremendous need for affordable house and that hopefully, with the changing economy, affordable housing will become a reality, especially with the start-up and construction of developments planned within the Town of Bridgeville.

Halloween was celebrated on October 31st. Per Police Chief Parsons, there were no problems in Bridgeville that evening.

On October 28th, the Town finally received its water allocation permit. The Department of Natural Resources and Environmental Control (DNREC) suggested, with the Town agreeing, to a

Commissioners of Bridgeville Minutes

November 9, 2009

Page 5

growth projection period of five years, instead of the requested twenty-year growth projection. This is reflected in the permit.

There was discussion several month ago of a needed clean-up along N. Cannon St. Town Manager Walls spoke with Ms. Mary Jones of Mt. Calvary Church regarding the matter, who then discussed the project with Reverend Hopkins. Miss Mary advised the church would assume responsibility for the project. Town Manager Walls suggested she contact other churches for their support and individual residents, as well. These discussions occurred in the early spring and it was agreed to wait until the fall for cooler weather and to make sure the poison ivy and oak would not be a serious threat. In speaking with Miss Mary several weeks ago, she advised the clean-up will be completed before Thanksgiving. (Mr. Russ Beard advised the poison ivy and oak doesn't die in the fall and winter. It is still possible to get a bad case of poison ivy at this time of the year.)

In July 2007, the Institute for Public Administration at the University of Delaware was awarded a grant by the Delaware Division of Public Health to promote healthy communities in Delaware. The funding was used to conduct an assessment of five Delaware communities with specific emphasis placed on walk-ability and other opportunities within the communities to promote physical activity. Bridgeville was recommended as an ideal partner by the Nemours Foundation and the Town received a \$2,000 grant. Commissioner Correll represented the Commissioners and we solicited interested residents, held meetings and conducted a walk-ability assessment to promote physical activity. The grant monies were to improve signage and help initiate a walking trail in Town. The location selected by the group for a walking trail began at Town Hall and proceeded down Main Street, Market Street, with a left turn on S. Cannon St., a left turn on Jacob Ave. and back to Main St.

Town Manager Walls advised she was contacted last week by the Sussex Child Health Promotion Coalition and advised some grant monies were going to become available and they would like to apply for funding for Bridgeville and other nearby communities. There is a possibility of receiving grant monies up to \$6,000. If Bridgeville receives the grant, the Town can go forward with signage for a walking trail and explore other allowable grant items. Bridgeville has been selected because of its active role in the Community Spring Health Walks the Town has sponsored for the past three years. If Bridgeville agrees to pursue the grant, a letter in support of the Sussex County Child Health Promotion Coalition, through Delaware's Department of Public Health, has to be submitted. Town Manager Walls asked for and received permission to move forward with the potential project.

Please be advised the Town Office will be closed on Wednesday, November 11th in observance of Veterans Day and Thursday and Friday, the 26th and 27th for Thanksgiving. On behalf of the employees, Town Manager Walls thanked the Commissioners for those days off.

Through the JAG grant, the Police Department was able to purchase new desks, a conference table and other needed items. They have the new furniture in place now and Commissioners are welcome to stop by and see the new changes.

IX. OLD BUSINESS

A. PUBLIC HEARING AND SECOND READING OF ORDINANCE A09-10, AMENDING CHAPTER 190 – SEWERS TO INCLUDE A PRETREATMENT PROGRAM

Town Manager Walls opened the Public Hearing on this Ordinance at 7:33 P.M. She advised the first reading was at the October Commission meeting. A Sewer Ordinance is already in place; however, this amendment adds a Pretreatment Program to the existing Ordinance to incorporate Best Management Practices (BMP) by the Town's industrial users. It is a protection for the Town and for the businesses. Most of our industrial users are already using BMP; however, this will be protection in the future. The Environmental Protection Agency requested that we include this new component into our existing Ordinance. The industrial users are required to pre-treat before their sewage goes into the Town's system. Town Manager Walls asked if there were any questions from the public or the Commissioners in favor or against this Ordinance. There being no questions from the public, the Public Hearing was closed at 7:37 P.M. Commissioner Correll made a motion to adopt Ordinance A09-10 amending Chapter 190-Sewers to include a Pretreatment Program. Commissioner Collison seconded the motion. Motion carried.

X. NEW BUSINESS

A. PUBLIC HEARING – PLANNING AND ZONING COMMISSION RECOMMENDATION RE: HERITAGE COMMERCIAL PHASE 1, SECTION 2 PRELIMINARY DEVELOPMENT PLAN REVIEW

Town Manager Walls opened the Public Hearing at 7:39 P.M. She advised the Town's Planning and Zoning Commission considered this request on October 28th and has made a recommendation to the Commissioners to approve the preliminary development plan, which includes parking space, open space, the basic layout of two buildings and our engineer's comments and concerns regarding the property. A copy of the Planning and Zoning Commission minutes and recommendation concerning the request was forwarded to the Commissioners for their review. Some concerns will be addressed and incorporated into the final development plan review. President Jefferson introduced Mr. Bob Rauch of Robert D. Rauch and Associates, Inc., engineer on this project for Heritage Rocks Properties Two, LLC. Mr. Rauch advised this review establishes the scope of the proposed project and addresses requisite issues regarding site requirements of the Town's zoning code, parking issues, etc. Mr. Rauch advised Phase 1, Section 1 of this commercial project included all state highway entrances, construction of utilities and the roadway through the project. This section of the project includes a a 12,000 sq. ft medical office building on Lot 3B, intended to house individual doctor offices and other medical facilities. Additionally, the project includes a retail building on Lot 3C, divided into nine spaces; however, the end users' needs will determine the number and size of each retail space. The footprint of this building is 13,000 sq. ft. Conceptual architecture has been proposed at this time. The developer intends to maintain continuity throughout the project with brick types and other features. These will be leased parcels to the end users. There is a stormwater management pond adjacent to the Walgreen's which will service the entire project, managed through a below grade storm-tech system. Comments from the Town engineer have centered on looping water lines. This

will be done; however, the issue becomes what stage in the project it is accomplished. There are several options to consider. The exact area of looping will be addressed in the final design. If there is an advantage in providing the loop now, they would comply. Parking and fire lanes were discussed at the Planning and Zoning Commission Hearing; the project will need the approval of the Fire Marshall to return for final approval from the Town and these issues will be addressed at that time. Another issue is the amount of parking necessary for the project. There will be an opportunity for shared parking. The developer does not desire to have more paving than necessary. They have started with the requisite number of spaces required by Town code. Reducing those numbers would be up to the Town. An issue with site distances between two buildings was brought up by the Town engineer; however, that issue has been resolved satisfactorily.

Commissioner Collison questioned a pond on the site. Mr. Rauch advised it is a dry pond for use in heavy rain events, as the Department of Transportation installed rather small pipes at the intersection of Route 13 and 404 and it became the developer's responsibility to provide additional water storage; it is connected to the wet pond.

Commissioner Skala expressed a concern about the lighting for the project. She is aware of people who have lived close to commercial developments and have had problems with the direction of the lighting. The lights can become mis-positioned and cause problems for the residential communities close by. She asked that this be taken into consideration as the project moves forward. Mr. Rauch reported the Town code is very specific about protecting the impact of lighting on outlying residential communities; there are lighting levels they must meet. They have no intent of making it look like an airport landing strip. They are hoping to use a 2-headed version of the Heritage Shores colonial lights. The lighting is not direct and is softer; it cannot be directed, but there is a certain level of lighting that must be attained for security purposes. Mr. Rauch advised they are planning a linkage from the commercial center to Heritage Shores with a roundabout off the service road. The commercial would extend on the other side of Route 404 with possible restaurants and a softer streetscape – a village/commercial concept. This would act as a transition from the commercial section to the Heritage Shores residential community.

Commissioner Collison questioned the additional pad site on the drawing. Mr. Rauch advised it was master planned as a bank site. Additionally, the area behind the medical building is a future expansion area.

Mrs. Vogel asked if the commercial project will have Town water and will be hooked into the Heritage Shores water system. She feels that portions of Heritage Shores have good water pressure and other areas do not. She is concerned about the impact of commercial development in this area on Heritage Shores residential water pressure. Mr. Rauch advised it will all be municipal water. Heritage Shores was designed with this commercial project in mind; it is all managed under a single water model. Town engineers are responsible to make sure the water demands are met. Wells and a new water tank have been constructed as a part of the system. As additional water loops are added, the water pressure tends to improve, not deteriorate.

There being no further questions, President Jefferson closed the Public Hearing at 7:54 P.M. Commissioner Collison made a motion to accept the Recommendation of the Planning and Zoning

Commission to approve the Preliminary Development Plan for Heritage Commercial Phase 1, Section 2. Commissioner Skala seconded motion. Motion carried.

B. VETERAN'S DAY PROCLAMATION

President Jefferson read a proposed Veteran's Day Proclamation. Commissioner Correll made a motion to adopt the Proclamation making November 11, 2009 Veteran's Day in the Town of Bridgeville. Commissioner Skala seconded the motion. Motion carried. President Jefferson asked for a moment of silence to honor those servicemen killed and injured at Fort Hood in Texas.

C. EXECUTIVE SESSION – PERSONNEL MATTERS

President Jefferson advised the Commission will go into Executive Session at this time to discuss personnel matters. Commissioner Collison made a motion to go into Executive Session. Commissioner Correll seconded the motion. Motion carried. Regular session recessed at 8:08 P.M.

D. RECONVENE REGULAR SESSION

Commissioner Correll made a motion to re-convene the Regular Session. Commissioner Collison seconded the motion. Motion carried. The Commission re-convened the Regular Session at 8:30 P.M. Commissioner Collison made a motion that the security/surveillance cameras for the Town of Bridgeville (1) be used strictly within the confines of the Town limits; (2) that Chief Parsons has the responsibility for scheduling, placement and coordinating with residents on the placement of the camera and (3) that Sergeant Burke Parker be the other officer who has the authority to review the surveillance and (4) that no other resident or Commissioner have the ability to review the surveillance camera video. There is also in this motion an understanding by all Commissioners and the Town Manager that all discussions in Executive Session remain strictly confidential among the members of the Commission and the Town Manager and are not to be discussed with any other member of the community, family or friends. In addition, there shall be a select person in the Town to type the minutes that also has a clear understanding that whatever is typed in the minutes is strictly confidential and not to be discussed with any family member, friend or fellow employee. Commissioner Correll seconded the motion. Motion carried.

XI. ADJOURNMENT

Commissioner Skala made a motion to adjourn the meeting. Commissioner Correll seconded the motion. Motion carried. The meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Patricia M. Correll
Patricia M. Correll, Commission Secretary

Peggy A. Smith
Peggy A. Smith, Transcriptionist