

MAYOR & COMMISSIONERS
February 12, 2018

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Morgan and Tucker, Delmar Police Chief Barkley, Town Manager Bynum-King, Town Attorney Benson and Clerk of Council Fisher. Guests: Douglas Wright, Gary Spencer, Jennifer Alden, Emily Williamson, Shawn Johnson, Ryan Poe and Vasmi Patel.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells welcomed everyone to the meeting. She informed the Commissioners that she attended the Mayors Association meeting in Annapolis. She found out at the meeting that the Town of Ocean City is suing Worcester County over the issue of the tax differential. Mayor Wells said after the upcoming elections, City of Salisbury's Mayor Day is willing to work with the other municipalities and schedule a meeting with Wicomico County about tax differential considerations.

Approval of Minutes

Commissioner Morgan made a motion to accept the January, 2018 minutes as presented. Deputy Mayor Unsell seconded the motion which passed with 4 ayes, 0 absent and Commissioner Tucker abstaining due to his absence last month.

Unfinished Business

Town Manager Bynum-King told the Commission in regards to the Pheasant Lake presentation last month, there was a question about the Public Works Agreement. She stated that the Commissioners had wanted her to speak with the Town Attorney to determine if it was necessary to provide a new Public Works Agreement or amend the existing one. In speaking with Mr. Benson, Town Attorney, and he advised that from a conversation he had with Mr. Josh Taylor, Town Engineer, it was determined that the Storm Water Management Plan for that project was never reviewed. Upon review of the existing Public Works Agreement, he offered the opinion that the document should be at minimum amended and at best a new one should be created. Town Manager Bynum-King requested that Mr. Benson send a letter to Mr. Sullivan, the attorney representing the developer of Pheasant Lake, informing him that the Public Works Agreement can be amended or a new one created and that the Storm water Management Plan needs to be submitted to Town Engineer for review and comments. Mr. Benson prepared and sent the letter on behalf of the Town.

Mayor Wells asked if typically the developers' engineers work with the Town's engineers. Town Manager Bynum-King responded that yes they do, but our engineers have never reviewed the plan and after speaking with our engineers, they have not had any communications with the developer or their engineers for over a year. Town Attorney Benson said that developers have to submit a building plan for engineer review as well. Town engineers have received no plans from this developer.

New Business

Proclamation- Rare Disease Day

Mayor Wells read the Proclamation declaring February 28, 2018 as Rare Disease Day in Delmar, Maryland.

Ordinance 738- First Reading- Purchase of 11 E. East St, Delmar, MD

Town Attorney Benson informed the Commission that there is a signed contract by the seller and will be presented this evening for the Mayor's signature. The contract is contingent on the passage of this Ordinance. The purchase price of the property is \$30,000. If passed on First Reading this evening, it will be advertised for a Public Hearing scheduled in March. If it is not adopted on First Reading, then the contract will be voided.

Deputy Mayor Unsell made a motion to adopt Ordinance 738 on its' First Reading. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Ordinance 739- First Reading- Ethics Ordinance Update

Town Attorney informed the Commission that this update is mandated by the Legislature of the State of Maryland. In the mail packets they will see the revisions he has done in red ink. He thought it would be easier to just have one document to review. He took the Town's current Ethics Ordinance and made the revisions in red on it.

The State of Maryland originally mandated municipalities to adopt an Ethics Ordinance and also mandated the wording. The Legislature has made some changes to their Ethics Laws and the changes need to be incorporated into the municipal ordinances. He said that there are not a lot of significant changes. Most of the changes deal with Lobbyists, the use of Prestige of the Office and changed the section with the time line for candidates not complying with the Ethics Ordinance. They have actually made that time line shorter. Also after January 1, 2019, the Ethics Commission is no longer able to disclose the addresses of any of the Elected Officials. He said that some of the fines have been changed

Town Attorney Benson said if Ordinance 739 is adopted on this First Reading it will be advertised for a Public Hearing at the March meeting. It is mandated from the State that it is adopted.

Deputy Mayor Unsell made a motion to adopt Ordinance 739 on its First Reading. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

Proposed Annexation for Delmar Assisted Living- 31091 and 31093 E. Line Rd., Delmar, MD

Town Manager Bynum-King said that this information is for reference only at this point. We are not ready to move forward with the annexation process because the properties are not currently identified in the Town's future growth area. She is working with the Town Engineer making some necessary amendments to our existing Comprehensive Plan. Once the amendments are made, the changes are required to be reviewed and approved by the County and various State agencies. The Town will also have to make amendments to the water and sewer plan to extend services to the proposed annexation sites.

Student Advisory Report

No one was available to give a report.

Mayor Wells did say that she attended the Mayor's Association meeting in Annapolis. She said that our own Vasmi Patel was chosen as a Page for the General Assembly. She is the first Maryland Delmar High School student to receive that honor. Mayor Wells said that Ms. Patel will be encouraging juniors that are Maryland residents to apply next year.

Vasmi Patel and Emily Williamson arrived late and reported that one of their wrestling team members got his 100th win. Also Ms. Williamson said that she spoke with Mr. O'Neal in reference to using so much Styrofoam in the cafeteria and they have cut the use in half.

She said that Mayor Houlihan spoke with someone in the Honor Society and suggested, for Community Service hours, the students get the numbers off of the pole lights that are out and report them to Town Hall. Town Manager Bynum-King said that she was not aware of that suggestion. She wanted to gain a clear understanding of what Mayor Houlihan suggested. She inquired if he wanted the students to drive around at night and get the pole numbers off of street lights that are out. Ms. Patel said that was correct. The Town Manager said because this activity would have to take place during the evening hours, she would need to speak with Mayor Houlihan to come up with a safe way for the students to get the numbers off the poles and determine how to keep track of the community service hours.

Ms. Patel stated that they are starting a school store. She is surprised that Delmar has never had one. They thought they would start with apparel and have some school supplies along with agendas. They would start off by putting the items on a push cart and maybe sell those items at basketball games and school spirit days along with selling the items at lunch time.

They said that they are opening up their tutoring classes in the Middle School every Thursday in the library. They started out in the High School and now in the Middle School. The hours are 3:00 p.m. to 4:00 p.m. every Thursday. Tutoring is being offered in every subject.

Ms. Patel spoke a little bit about the Legislative Page program. She said it is very exciting. She is going to tell the Guidance Office to encourage all the Maryland students at Delmar to apply. It opens up so many opportunities to scholarships.

Police Chief's Report

Chief Barkley reported that nothing significant has been happening in Delmar. The Department is dealing with some traffic complaints near the elementary school with stop sign violators. He stated that there are other traffic complaints around Town and some include school bus issues where drivers are going around the stopped school buses.

He said that one of his officers is still injured and one is out with the flu. Chief did say that Pfc. Aungst starts training with the new K-9 Roxy later this month.

Mayor Wells questioned that until the sidewalks are installed, it has been observed that cars don't stop at the stop signs going north and south on Second Street. There are no 4 way stop signs on the side streets. Drivers are not looking for children crossing the streets. Chief said that he will have the Patrol officers look at that area and get more familiar with the signs in the area.

Code Enforcement Officers Report

Mayor Wells reviewed the report included in the mail packet from the part-time Code Enforcement Officer. She stated that the full time Code Enforcement Officer is still out. Town Manager Bynum-King said that the part-time Code Enforcement Officer is concentrating on debris in the yards and on vehicles in the yards. She informed the Mayor and Commissioners that last month the Delaware Council passed their ordinance to have an outside towing

company. She met with one towing company licensed in both Maryland and Delaware. The Maryland tow companies that the Town has reached out to have not been responsive.

The part time Code Enforcement Officer has been sending out letters over the past year asking residents in violation of the ordinance to do something with the abandoned vehicles that have in their yard. The Town does not have adequate storage if all the vehicles in violation were towed, therefore the Town outsourced the service. Now that we have a contract with a towing company, we will be sending out one final notice before towing. Before the letters are sent and the vehicles are towed the Code Enforcement Officer will go through an internal process to identify and confirm the legal property owners of record. All letters will be sent certified and regular mail because people normally don't pick up certified mail from the Town. If the certified mail is returned to Town Hall unclaimed, then the Town has satisfied it' requirements as specified in the Ordinance. If a vehicle is towed, the owners will have to pay the Town the towing fee, then go to the Towing Company and pay the storage fees before the vehicle can be reclaimed. Once vehicles are towed, the Towing Company agreed to store them for 12 months; the Town ordinance only requires 30 days.

The Code Enforcement Officer will be working in quadrants of the Town to assess debris and vehicles on property violations. We are now working on the west side of the railroad tracks on both the Maryland and Delaware sides.

Fire Department Report

Chief Shawn Johnson that last year there were 487 fire calls and 1066 EMS calls.

Chief Johnson said that during the snow storm, the Town took a lot of heat for the conditions of the roads. But he thought they did a great job. He asked about the heavy snow plow the Town had at one time. He said the problem they had is that we didn't have a heavy plow. The Police Dept. and the Fire Dept. has access to the same surplus program. He did ask if the Town wanted to look into getting that sort of equipment. The Fire Department does service areas that are outside of the Towns limits, so while the Towns roads are okay to travel, going outside of the Town's limits on snow storm days, they face roads that have not been plowed. When asked, Chief Johnson said that there are people in the fire department who could operate a snow plow.

He asked if there could be an article put in the newsletter in reference to burning in residents' yards. When the fire dept. is called for outside burning, they respond and put the fire out. There is no burning of any kind allowed in the Town even with fire pits. Town Manager Bynum-King said that the Ordinance in place is really old. Mayor Wells said that maybe the fine involved with this should be higher. Town Manager Bynum-King said that the Town should revisit the Ordinance. She will check with other jurisdictions and she how they handle outside fires and by what means do they use to enforce it and the consequences for the violators.

Chief stated that they have submitted an application for grant funding through AFG for smoke detectors and CO detectors. As of January 1, 2018, the State of Maryland mandated smoke detectors and CO detectors in homes to be replaced with the 10 year battery ones. They will be re-visiting the program they did a few years ago, where the cadets went door to door and supplied the community with smoke detectors.

Chief Johnson acknowledged that the Town did give the Fire Dept. funds for the hydrant ID markers. They were waiting for the City of Salisbury to install theirs and see how it worked out for them before Delmar installed theirs. The Fire Department opted not to go with the same type of reflectors Salisbury installed because of all the issues and complaints about them being installed on the roadways. They have found a new type of hydrant marker and have installed a sample. One has been installed on the corner of State Street and Second Street. The material goes on both sides of the hydrant. The material has a reflective coating and will be coated different colors so the Fire

Department will know what type of flow they will have at any particular hydrant. The hydrant marker will be installed in place of the reflectors that are on the roads. They found out that the road reflectors don't do well when they are covered up by snow.

He informed the Mayor and Commissioners that Shari Donoway and Andrew Vickers are working on a Safe Park Community project. They have been teaching people CPR and the use of AED's (Automated External Defibrillator) in places such as the parks and Wawa. They have made a Facebook page, Delmar Safe. It is all about hands-on CPR and they are trying to get as many AED's out into the community. The Fire Department has received 3 calls so far this year for AED's in Gordy Park. Mayor Wells thought it was a great idea, but questioned where they would be located. Chief suggested maybe at the concession stands. They are working to solicit donations from area businesses to fund AED's in several locations throughout Delmar.

There was some conversation about the Fire Department providing reports to the Town after a house is damaged by fire. Chief said that if a form could be put in pdf or a word document, it can be done at the same time they do their own reporting. He said that they can provide the address of the house and where the fire was located so the Code Enforcement Officer will know of possible items he needs to inspect prior to the home being inhabitable again.

Utility Commission Report

Deputy Mayor Unsell reported that there are still a few minor items to be checked off the punch list for the back-up well. The well is on-line and is operating according to specifications.

There was a misunderstanding out in Yorkshire Estates with Beracah Homes with the location of a sewer line for a home. It was determined that it was the responsibility of the contractor to locate the line and not the Towns.

Deputy Mayor Unsell stated that there was a secondary clarifier problem, with the plant spilling 4,000 gallons. The problem has been cleaned up, reported and has been corrected.

Public Works Report

Commissioner Tucker reviewed the report that was included within the mail packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Douglas Wright- Delmar Lions Club- Refurbish graphics for the Delmar Lions Club sign on Bi-State Blvd. heading north

Mr. Wright said that the Lions Club are refurbishing the signs they have throughout Town and also changing the meeting dates and times which are incorrect on the current signs. This one will be attached to the Welcome to Delmar sign located on Bi-State Blvd, heading north.

Commissioner Morgan made a motion to accept the favorable recommendation from the Planning and Zoning Commission to allow the Delmar Lions Club to refurbish their sign on Bi-State Blvd., heading north, Delmar, MD per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Gary Spence- Phillips Signs- New sign for BLVD KUTZ located at 1 Bi-State Blvd. Suite 3, Delmar, MD

Mr. Spence said that the existing framework will be used and they will just be changing out the face of the sign. He said that if anyone was wondering why the state of New Jersey was on the sign, it is because the owner is from

New Jersey. Commissioner Scholl said that they did receive a favorable recommendation from the Planning and Zoning Commission.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new sign for BLVD KUTZ located at 1 Bi-State Blvd, Suite 3, Delmar, MD, per the attached drawings. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

Jennifer Alden- Sign approval for Jen's Attic located at 501 E. Pine St, Unit B, Delmar, MD

Ms. Alden informed the Mayor and Commissioners that her business is located where Justin's Treasures was located. She is actually using the same existing sign and just changing out the graphics. She did receive a favorable recommendation from the Planning and Zoning Commission.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new sign for Jen's Attic located at 501 E. Pine Street, Unit B, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Report

Town Manager Bynum-King informed the Commission that the Maryland Municipal League Conference is scheduled the week of June 10th which includes the normal meeting date for the Mayor and Commissioners. She asked the Commission for any suggestions on how and when they wanted to have their meeting in June. The consensus of the Commission was to hold their meeting on the 3rd Monday in June which is Monday, June 18th.

The Town Manager also informed the Commission that if they are planning on attending the Conference, now is the time to make their hotel reservations through the Clerk of Council. The March copy of the Municipal Maryland Magazine will have all the information needed for the registration process for the Conference.

She reminded everyone that the 1st Budget Workshop is scheduled for Wednesday, February 28th at 6:00 p.m. The Office will be closed on Monday, February 19th in observance of President's Day. The Administrative Staff will be participating in the Career Day being held at Delmar High School on February 26th from 10:00 a.m. to 3:00 p.m.

The Town does have a Safety Coordinator who has worked with Paramedic Shari Donoway. Most of our employees have been trained and certified by her on CPR and AED usage. The Town did receive a Thank-You note from former Fire Chief Manson for the plant the Town sent on the passing of his wife.

Commission Comments

Commissioner Scholl stated that he is ready for warm weather.

Deputy Mayor Unsell said that he will not be available to attend the 1st Budget Workshop meeting on the 28th of February as he will be on vacation.

Commissioner Morgan thanked everyone for coming out this evening.

Commissioner Tucker thanked everyone for attending this meeting and thanked everyone for everything they do for our community.

Public Comments

Fire Chief and Delmar, Maryland resident Shawn Johnson said that he is living next to a problem. For a year he has

been complaining to the Town about the condition of the property next door to his property. He said he was told by Town personnel that letters were sent to his neighbors, but nothing has changed. The people finally moved out of the house this past Friday and the slumlord home owner said that the Town will be there on Wednesday to clean it up. The tenants moved to Florida and left their cats behind. The house is on 101 Chestnut Street and there are no window panes on the one side of the house. They do have some sort of plastic for windows. He was told by the Town Code Enforcement Officer that since the house was a "rent-to-own", there was no inspection that could be done. Mr. Johnson said he feels that if a house is a rent to do anything, it should be inspected. He passed out pictures of the property that he took yesterday of how they left the property. He said that it is and has been very frustrating.

Town Manager Bynum-King said that she is familiar with the address since she had seen it last week on the list of properties that are scheduled for clean-up this Wednesday. The Town Manager looked at the pictures and Mr. Johnson informed her that this is after the renters cleaned it up. The Town Manager said that she was aware of the address but had no idea it was this bad. She said that all the debris will be cleaned up and the invoice will be sent to the legal property owner of record. She said that it is very unfortunate that Mr. Johnson has had to live next to this property and this is the first time she heard anything about his complaints. Mr. Johnson also mentioned concerns with the interior of the house. He believed the floor was on the verge of collapse, animal waste among various types of trash, etc. Town Manager Bynum-King said that she didn't have any answers tonight but will look into this tomorrow.

Resident Ryan Poe spoke on the subject of Second Street and sidewalks. He asked about the possibility of painting crosswalks on the streets. He said that as a Maryland resident, he likes the idea of recycling and wants to know what the Town is doing to encourage recycling on the Maryland side. Mayor Wells said that it is to be discussed at the upcoming budget workshops. When recycling first started in Delmar, especially since it was mandated for Delaware, all Delmar, Maryland residents were sent a survey asking if they would be interested in recycling for an additional cost. Those Delmar, Maryland residents who did return their survey were against recycling because there would be an additional cost. Mr. Poe asked if it has to be the same provider that does our trash. Town Manager Bynum-King said that usually the garbage contractors do it all or nothing. She said that recycling on the Delaware side is every other Friday, so it isn't a weekly pick-up.

Resident Ryan Poe who is also a member of the Parks and Recreation Council, informed the Commission that their next meeting will be held next Tuesday. Town Manager Bynum-King said that the Council is just forming and are really getting familiar with each other. They are meeting in the small conference room. The Town Manager said that Steve Miller from Wicomico County Parks and Rec. had asked about attending the meetings. She thought that was a good idea but suggested to give the newly formed Council time to work on the bi-laws and establish the direction the Council want to go. Mr. Johnson said he came to the last meeting and couldn't get in because he was not part of the Council, but he is the Town's representative on the County. The Town Manager explained that he should have been able to attend the meeting, because all our meetings are open to the public. She would speak with the Parks and Recreation Coordinator about the laws pertaining to open meetings. She felt sure that the confusion came in because their initial meetings are workshops, so they could get familiar with their roles. Once the bi-laws are drafted, the Commission and Council will review them for approval. Mayor Wells asked how many members were on the Council. Town Manager Bynum-King responded that there are a total of 5 members.

Adjournment

Commissioner Scholl made a motion for adjournment which was seconded by Deputy Mayor Unsell. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council