

MAYOR & COMMISSIONERS
March 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 and Morgan, Police Chief Barkley, Town Manager Bynum-King, Town Attorney Benson and Clerk of Council Fisher. Absent: Commissioner Tucker. Guests: Sara Murat, Charlie Towers, Bunky Luffman, Shawn Johnson, Andrew Vickers, and Shari Donoway.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells reported that Commissioner Tucker was not here this evening due to his job.

Approval of Minutes

Commissioner Morgan made a motion to approve the February, 2018 minutes as circulated. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 1 absent.

Unfinished Business

Town Manager Bynum-King informed the Commission that the Town still has not heard back from the attorney representing Mr. Maszera.

The final submittal to State Highway for the Second Street sidewalks project was on March 7th. Based on their approvals, we can put the project out for bid. The protocol from the funding source was extremely time consuming.

New Business

Public Hearing- Ordinance 738- The Purchase of 11 E. East St., Delmar, MD

Town Attorney Benson stated that this ordinance was before the Commission last month and was approved on its' first reading. It has been advertised for Public Hearing tonight. Town Attorney Benson read Ordinance 738 as being an ordinance to allow the Mayor and Commissioners of Delmar, MD to purchase 11 E. East Street, Delmar, MD as authorized by Section DC 4-12(46) of the Delmar Charter. The Town has entered into a contract with the owners of 11 E. East St. contingent on the approval of the Commissioners. This is here for discussion this evening.

Commissioner Scholl made a motion to open the hearing to public comments. Commissioner Morgan seconded the motion which passed with 4 ayes and 1 absent. Mayor Wells said that the property in question is located behind the police station and it has been abandoned for quite a while.

Upon hearing no further comments, Commissioner Scholl made a motion to close the comment portion of the public hearing. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 1 absent.

Deputy Mayor Unsell made a motion to adopt Ordinance 738 as presented this evening. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Public Hearing- Ordinance # 739- Ethics Ordinance

Town Attorney Benson stated that this ordinance was before the Commission last month and was approved on its' first reading. It has been advertised for a Public Hearing tonight. Town Attorney Benson read Ordinance 739 as being an ordinance for the Mayor and Commissioners to repeal Ethic Ordinance No. 724 in the Town of Delmar, Maryland and to enact a new Ethics Ordinance in compliance with the General Provisions Article, Title 5, Subtitle 8 of the Annotated Code of Maryland. Town Attorney Benson said that the Town has an Ethics Ordinance that was based on legislation at the time. Legislation has made changes, so the Town is adopting this new ordinance. The State of Maryland is requiring this Ethics Ordinance and it will go into effect after being adopted.

Deputy Mayor Unsell made a motion to open the hearing to public comments. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Mayor Wells said that the Town does not have a choice on this ordinance. Instead of making the changes needed to the existing ordinance, it was easier to create a new ordinance.

Upon hearing no other public comments, Commissioner Scholl made a motion to close the comment portion of the public hearing. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 1 absent.

Commissioner Morgan made a motion to adopt Ordinance 739 as presented this evening. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 1 absent.

First Reading- Delmar Assisted Living Annexation

Town Attorney Benson informed the Commission that he is still waiting on the annexation plat which is being done by the applicant's surveyor. Attorney Benson said that they have to show how the connection will occur from Heron Ponds subdivision along Rt. 54 to the new area. So the first reading will be postponed until such time as that plat is ready.

Student Advisory Report

Mayor Wells reported that our student advisor is in Annapolis.

Police Chief's Report

Chief Barkley reported that the individual who had been breaking windows of vehicles and taking belongings out of them has been arrested. But he has since been released and is out on the streets again. Chief reported that there are individuals who are using the "Let It Go" app and taking advantage of the citizens here and in the Salisbury and Fruitland areas. There are 2 men in custody as of Friday and they are not being released. In Fruitland, the individual who was buying the item, pulled a weapon on the seller when he found out it wasn't what he was supposed to be buying. There were 2 cases in Delmar where the sellers were physically assaulted as the buyers tried to get the money back.

Chief Barkley said that there have been a few domestic calls. The Department will be working with the schools in Delmar on Wednesday to shore up some evacuation plans.

Chief also mentioned that the Police Department will be selling tee shirts to raise funds to help with their community endeavors; like their adoptive family at Christmas, making a donation to Pop Warner and they will be sponsoring a Little League team. Raising funds through the tee shirts and other fund raisers will eliminate use of

funds from the Police budget, no taxpayer's funds are used.

Mayor Wells said that the Salisbury Police Department is used as a pick up and drop off point for the "Let It Go" - type online purchase exchanges. It is safe and well lit. Chief Barkley said that yes they and the fire department are locations for exchanges. It was the video from the fire department that helped in some of the Delmar cases.

Code Enforcement Officers Report

Town Manager Bynum-King said that there is no report inside the mail packets. The Town is actively seeking someone for that position through our Facebook page and through advertisements in the newspaper.

Fire Department Report

Fire Chief Shawn Johnson stated that there are a few issues with the hydrants in Heron Ponds. There are 3 or 4 hydrants in that development that do not have the stork connections which makes them universal for all fire departments to be able to connect to. He indicated that there is also one behind Wawa and on Rt. 13 by the hotel. Town Manager Bynum-King said that she would have to contact the Public Works Director and find out information from him. Chief Johnson informed the Commission that they have received the hydrant markers. They have been installed on the Maryland side and are getting them done on the Delaware side.

Chief Johnson also stated that Opening Day for Little League is Saturday, April 14th. He let Chief Barkley know that he is more than welcome to set up a table and sell the tee shirts on Opening Day. Mayor Wells asked if the pavilion would be up in time for Opening Day. The Town Manager said that she is not sure of the schedule but would speak with the Public Works Director. She knows that they are getting quotes for the pouring of the concrete flooring for the pavilion.

Utility Commission Report

Town Manager Bynum-King reported that everything with the back-up well has been completed and is operating as designed. The Pine Street Pump Station is getting a more energy efficient upgrade. There was a preconstruction meeting on March 9th and the project should be underway shortly. On March 21st, the Water Main Upgrade on Grove Street will go out for bid. The bid opening will be April 18th and we are hopeful that the project can be started by June 4th and be completed by September 4th so as not conflict with the school schedule for the fall. On Grove Street, the mains being replaced will be from Seventh Street to Pennsylvania Avenue.

Public Works Report

Mayor Wells reviewed the report that was included in the mail packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Charlie Towers- Sign Approval for Building Sign for The Truck Store located at 8640 Ocean Highway, Delmar, MD

Mr. Towers said that they have remodeled the entire building and the existing sign no longer fits on the outside façade of the building. The old sign was longer and narrow. The new design has the words stacked on top of each other and is not as long and will fit on the front fascia. It will be self- illuminated and will have security cameras and will be screwed into the building. Commissioner Scholl stated that the Planning and Zoning Commission did give a favorable recommendation for a new sign for The Truck Store.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning

Commission for a new sign for The Truck Store located at 8640 Ocean Highway, Delmar, MD, per the attached drawings. Commissioner Morgan seconded the motion which passed with 4 ayes and 1 absent.

Sarah Murat- Attractor Signs for Delmar Diner located at 9506 Ocean Highway, Delmar, MD

Mrs. Murat said that she is asking for temporarily having the flag attractor signs in front of her diner during the summer because the diner sits back from Rt. 13 and is hard to see. Commissioner Scholl stated that the Planning and Zoning Commission recommended that the signs come down every night. With bad weather, they would come down and be replaced as necessary. Mrs. Murat is asking that she be allowed to keep the signs up overnight. She stated that if the Commission requires her to take them down every night, then she would withdraw her request.

Commissioner Scholl said that the Planning and Zoning Commission was worried about setting a precedent. He said that the purpose for these type of flag attractor signs is to temporarily advertise for a special or a grand opening. He also said that McDonald's keeps their attractor signs up overnight. No one on the Commission had a problem with the signs being kept up overnight.

Deputy Mayor Unsell made a motion for Delmar Diner, located at 9506 Ocean Highway, Delmar, MD to have attractor signs advertising "Breakfast", "Lunch" and "Dinner" in front of their location from May 21, 2018 until September 8, 2018. The Commission indicated that the signs could be up through the night for the time period indicated above. Commissioner Morgan seconded the motion which passed with 4 ayes and 1 absent.

Town Manager's Report

Town Manager Bynum-King reported that the Parks and Recreation Council has had 2 working session so far. They are getting familiar with each other and their roles. They have come up with some ideas and activities for the Town. The first thing that will be coming to the Commission will be the by-laws and there will be a Parks & Rec report in the monthly mail packets as well as a line item on the agendas.

The Town will be entering into a contract with the Men's League for the use of the Men's ball field at Mason Dixon Park. This will help define who is responsible for the field when it is in use. We currently have a contract with the concession stand. There will be a separate contract with the Men's League for their fall league.

The Wicomico County Health Department has an initiative for walking as an alternative to exercising. They have partnered with each Town to do a walk. They are currently working with our Parks & Rec. Council as they organize a mile walk next month. The idea is to start small and build onto it each year. They plan on scheduling the mile walk after the Opening Day for Little League. There has been continued discussion for a community garden. It is going to take a lot of volunteers, sponsors and location. At the budget workshop, it was mentioned that Pastor Searcy at Renovate Church was interested in doing a community garden as well. It was suggested that maybe our Parks and Rec. Council can partner with the Church.

Another idea the Parks and Rec. Council had was live music at State Street Park along with having movie nights again at the Park as St. Stephen's Church used to.

The Town Manager said that there is a candidate for the Public Works position pending pre-employment testing, the position will be filled. Currently the Town is accepting applications for the Code Enforcement position through the end of the month. Until such time, the primary duties are being handled by the Community Development Coordinator along with his own duties.

The Utility budget workshop is Wednesday, March 14th and the next budget workshop for the Maryland Commission is Wednesday, March 28th at 6 p.m.

Commission Comments

Deputy Mayor Unsell informed everyone that the Maryland Municipal League Conference will be held from June 9th through the 12th in Ocean City. The next ESAM meeting is at the Shorebirds Stadium on April 19th.

Public Comments

Thomas “Bunky” Luffman from the Governor’s Office said that it is amazing that when he was part of this elected body the back-up well and the 2nd Street projects were topics of discussion. He said that the 2nd Street Project seems to have taken way too long. He will speak with MML about the timeline since it has been a few years. The Town Manager said that there have been some challenges getting the paperwork and documentation needed for the funding source. They had to get signed letters from the property owners being affected by the sidewalk expansion and other items that made the process very long.

Mr. Luffman said that the House of Delegates has passed the HUR Bill. He also shared that Delegate Anderton was re-elected since no one ran against him.

Andrew Vickers introduced himself and stated that he is partnering with the Fire Department offering training for response to an active shooter events. The same classes are being offered through the Sheriff’s Department. He is going to start the training with the Fire Department and then open the training up to the community. Another program is “Stop the Bleed” and CPR. Not much training is spoken about after an incident and how by-standers or others can actively help save lives until EMS arrives. He and Paramedic Shari Donoway attend all the community events with CPR training and this year will also offer “Stop the Bleed” training.

Mr. Vickers offered paperwork to make Delmar a Heart Safe Community but he said it takes a level of commitment from the Town. The commitment from the Town is to educate the public on the use and location of the AED’s in the community. The Town is pretty much already set-up to be a Heart Safe Community. He said that Paramedic Donoway has the applications and they have been given to the fire department as well as the police department. The commitment consists of having AED’s where the public can access them, they track and make sure the AED’s are in good working order, and that there are good response times. This will be certified by the American Heart Association. They will provide signage and PR and it will let the community know the Town has taken the step towards being heart healthy. He and Paramedic Donoway have taken on the commitment to train CPR. Since Wicomico County started a cardiac arrest study through the EMS, the report is nationwide and tracks data. When Wicomico County tracked its data, they found that citizens would handle CPR would more than likely do chest compressions than in other jurisdictions while waiting for emergency services to arrive.

He suggested that the Parks and Recreation Council start promoting that Delmar is taking steps to be a Heart Healthy Community. The application has both a Maryland and Delaware side. Other than the University of Delaware, there is no Heart Healthy Community in Delaware and there are none in Maryland. The Town of Delmar would be the only Heart Safe Community in the nation and be bi-state as well. There is a pulse-point app for the Delaware side. The County did adopt this and it alerts people who are willing to do CPR within a ¼ mile of an incident and in a public place prior to emergency services arriving. It does not allow them to go into a private residence. This system is tied into the dispatch center.

Mr. Vickers said the locations for the AED’s in Town are 2 at the high school, 1 at Town Hall, 1 at the elementary

school, 1 at Anytime Fitness and 1 at the refrigeration business located on Stage Road and 1 in each police car. He suggested that they have them in the Park locations. They have tamper resistance lock boxes. The Commission thanked him for the information.

Adjournment

Commissioner Scholl made a motion for adjournment which was seconded by Commissioner Morgan. The motion passed with 4 ayes and 1 absent.

Submitted by;

Cindy Fisher
Clerk of Council