

MAYOR & COMMISSIONERS

May 14, 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, Commissioners Scholl and Tucker, Town Manager Bynum-King, Delmar Police Lt. Alexander, Delmar Fire Chief Johnson, Town Attorney Benson and Clerk of Council Fisher. Absent: Deputy Mayor Unsell. Guests: Janis Walls, Chris Morgan and Delegate Carl Anderton.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Approval of Minutes

Commissioner Scholl made a motion to approve the April, 2018 minutes as circulated. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 absent.

New Business

First Reading- MD Resolution 2018-05-01- Delmar Assisted Living Annexation

Town Attorney Benson reviewed the annexation request from Delmar Assisted Living. He introduced Exhibit "A" which was the legal description of the property that is being asked to annex into Town. He also introduced Exhibit "B" which is the Terms and Conditions of the annexation. He showed the Mayor and Commissioners how the proposed annexation will be contiguous to the current Delmar corporate limits.

Town Attorney Benson said that Delmar Assisted Living would like to be annexed into Delmar because they are in need of the Town's water and sewer services. Wicomico County suggested to them that annexation is the way to proceed. If Resolution 2018-5-1 is adopted on First Reading then the Resolution will be published for a Public Hearing to be held on June 18, 2018 at 7:30 p.m. When the zoning is not the same in the County as it would be in the Town, he will have to go before the County to get their approval for annexation once the Resolution is adopted. Town Attorney Benson said that he does not foresee any problems since it was the County that suggested Delmar Assisted Living ask for annexation. The County currently has the property zoned as "Agriculture" and the Town has it as "Community Business".

Commissioner Tucker made a motion to adopt the First Reading of Resolution 2018-05-01; the annexation of Delmar Assisted Living. Commissioner Scholl seconded the motion which passed with 3 ayes and 1 absent.

Student Advisory Report

There was no one present to give a report.

Police Chief's Report

Lt. Alexander reported on Chief's behalf since he is attending the Delaware Chief's Conference. Lt. Alexander stated that the Delmar Police Department participated in the County Saturation Patrol called "Saturday Night Live". They were focusing on 3 areas but it was cut short due to the weather. They did make a few traffic stops and a small amount of drugs and paraphernalia were confiscated.

Lt. Alexander stated that the Department has been dealing with an ongoing domestic situation. Last Sunday the

gentleman took his own life but not before he set his house on fire. No one else was hurt.

He also reported that this past Friday they had to terminate Cadet Montaque. He was not able to meet the standards set forth by the Police Academy for graduating. He had been in the Academy for 5 months. The Department is hoping to advertise and try to get some qualified candidates. The next academy is not until January.

Mayor Wells asked Lt. Alexander about the box truck. He responded that the box truck was obtained through the 1033 program. The money for the painting and the markings on the truck came out of the 1033 funds. It cost the Town nothing and had only 3,000 miles on it. He said it will be used to carry equipment and supplies for community events such as Day in the Park and Delmar Night Out. Town Manager Bynum-King said that Chief Barkley referenced the box truck several meetings ago. It has been kept at the old police building.

Parks and Recreation Report

Town Manager Bynum-King said that we have transitioned again. The part-time coordinator is no longer working for the Town. Office Clerk Amanda Taylor is taking on additional responsibilities in Parks and Rec. In the mail packets are the minutes of all the previous meetings. Next month there will be a report included in the mail packet.

Code Enforcement Officers Report

The Town Manager informed everyone that the Town has hired a new Code Enforcement Officer and the Town Manager thought she would be attending this evening's meeting. She started last Monday and is currently working in sections of the Town. Now they are dealing with grossly overgrown properties and Community Development Coordinator Hardin is working with her. They are sending out violation letters and will work their way throughout Town. Town Manager Bynum-King said that there are a lot of properties in violation and is asking the Community's patience in this transition.

The violation letters will be sent out to the properties that are grossly overgrown. There will be a period of time in which the property owner is given to correct the situation. If not corrected in the time frame given, then Public Works will go onto the property and cut the grass. There will be no additional violation letters sent to those properties. If their grass gets to be in violation again, then Public Works will go out and cut the grass again. With the properties that are between being in compliance and being in violation, the Code Enforcement Officer will try to work with them. There are an abundance of properties with debris and vehicles on properties that need to be addressed but there will be a window of opportunity to the property owners to see that the situation is corrected or they can make contact with the Town on what their plan of action is.

Fire Department Report

Fire Department Chief reviewed the report that was included in the mail packets. He also informed the Mayor and Commissioners that some of the fire department members will be in Harrisburg this weekend for the Fire Expo. They are looking to replace their 1994 Pierce.

Utility Commission Report

Since Deputy Mayor Unsell is absent, Town Manager Bynum-King reported for the Utility Commission. She said that the Utility Commission voted to deny an impact fee reduction request from the developer of Heron Ponds and Yorkshire Estates based on the timing of the request. The developer was instructed to appear before the Commission back in February prior to budget workshops, but the developer appeared before them as they were winding down the budget workshop sessions.

There were two other requests for water and sewer connections at the out-of-town rates. One is for a new business

on the Delaware's side and the Traveler's Motel on the Maryland side. The Utility Commission tabled both discussions until the Utility Commission finds out if they have the ability to serve them. Both of the proposed projects have water and sewer in the general area of their properties, the Town needs to confirm if there is capacity to handle the projected flows. The Town will also need to know if the sewer mains are gravity or force main. The Utility Commission wants to know what would be involved if the Town wanted to service them. Town Manager Bynum-King did mention that she had a discussion with the Motel's owner in reference to annexing into Town and what was needed to do that. In consideration of the costs involved, the owner thought he would request out-of-town rates first and then if the Town was not responsive, request annexation. They are currently experiencing septic failure and the County will not renew their permit because of a deficient drain field. The County suggested to them to contact the Town of Delmar to see if they could connect to our system. The representative of the motel have been made aware all costs associated with the connection to the Town system, if approved, is theirs to bear.

Town Manager Bynum-King said that one of the Town's policies is that the Towns' utilities are reserved for properties in Town. The Utility Commission has granted use at the out-of-town rates for properties outside the Town's municipal boundaries when annexations could not be achieved. The Utility Commission also tabled the Delaware request for serving the proposal for the storage unit project with fire protection by allowing an out of town connection for fire sprinkler system proposal. The Utility Commission wants to get feedback from the Town's engineer to see if we have capacity to serve such a project.

She concluded the report by informing the Mayor and Commissioners that the sand filters at the Waste Water Treatment Plant were cleaned by CES. There was some algae that got loose and clogged up the pumps. She stated that they are back on-line.

Public Works Report

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

Mayor Wells asked about the street work that is being done on First Street and how it was going to affect the ditches along First Street because they are overflowing now. Fire Chief Johnson said that when the walkway was installed on Pennsylvania Avenue, the middle of the ditch is caving in and the water is not moving. Town Manager Bynum-King said that at the time the walkway was installed the concentration was more on Pennsylvania Avenue and not First Street. On Walnut Street the deep ditch is for water coming off the First Street area. She said that she is aware that the Public Works Director and the Town's Engineers are looking at the drainage issues along Pennsylvania Avenue but does not know what is being planned on the First Street side.

Fire Chief Johnson also commented that there's nothing stopping people from parking alongside the grassy areas on First Street for the ball games. They have even parked on the grassy areas between the ballfield and the trees behind a resident's house. The edge of the black top is being torn up. He has spoken with the Public Works Director and they have blocked off that area tonight.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Dipal Patel- 9062 Newbridge Drive, Bridgewood Estates- requesting to remove the existing deck, to extend the bedroom and living room and install an enclosed 4 season deck

Commissioner Scholl stated that Mr. Patel purchased the property next to him so he could expand his property and not require a variance. He will be expanding on the back and the sides. He stated that the Planning and Zoning Commission did give a favorable recommendation.

Mayor Wells made a motion to accept the favorable recommendation from Planning and Zoning for the expansion of 9062 Newbridge Drive, Bridgewood Estates, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 absent.

Town Manager Report

Town Manager Bynum-King informed the Mayor and Commissioners that she received an email from Keith Hall and the Town needed to appoint someone to MPO to fill the vacancies. She said the meetings are quarterly and as needed. She also informed the Commission that the Town has received notification from Wicomico County that they will not be holding a tax sale this year.

She wanted to remind everyone that the Public Hearing for the budget is scheduled for the Joint Council meeting at 6:30 p.m. on Monday, May 21st. The Day in the Park is June 2nd. The Maryland Municipal League is early this year; the week of June 10th. Our next Mayor and Commissioners meeting will be moved to Monday, June 18th because of the conflict with the Maryland Municipal League Conference schedule.

On behalf of the Staff thanks to the Elected Officials and especially the Mayors joining us at the Administrative Luncheon. She concluded by informing everyone that the Town of Delmar cookbooks are in at Town Hall and they will be selling for \$10.00. They will also be available at The Day in the Park and is a fundraiser for Heritage Day.

Commission Comments

Commissioner Scholl said that he is looking forward to having fun in Delmar this summer.

Commissioner Tucker thanked everyone for attending the meeting this evening.

Public Comments

Delegate Anderton informed the Commission that when someone leaves local office, the General Assembly likes to have presented to that individual a plaque acknowledging the time spent in that office. Delegate Anderton presented the plaque to former Delmar, Maryland Commissioner Chris Morgan and said that he is grateful for the gift of time Chris Morgan gave to the Mayor and Commissioners.

Delegate Anderton stated that the Highway User Bill passed and the Town should be getting \$151,000 starting next year and be steady for the next 5 years. He has noticed paving projects in Town as well as in Fruitland and Salisbury.

Ms. Janis Walls stated that she lives in the trailer park located on the other side of Foskey Lane. She complained that the brother of a trailer owner who is directly across from her plays loud music from 7 am to 11 pm on a daily basis when he is there. She can hear it through her closed doors and over her own television set. She stated that she has come to Town Hall and received a copy of the Noise Ordinance. It spoke a lot about decibel levels, but it only pertained to music coming from a vehicle. She asked the Commission for their consideration in changing the Ordinance to include all loud music at any time. She said that the stereo is outside right in front of his trailer. Wicomico Village is where she stated she lived. She has spoken with the owner of the trailer park and she was told that they followed the regulations of the Town.

Lt. Alexander said that this seems to constitute a disturbance of the peace. He suggested to her to contact the police and they would make contact with her at the trailer park and observe the loud music firsthand and inform him that he will have to play his music lower. He said that for legal action to take place an officer will have to be able to

hear the music for themselves. He informed her that every time she hears the music to call the police. Town Manager Bynum-King suggested that the police department do regular patrols in the area.

Shawn Johnson said that he is now speaking for Little League. He said that from July 6th through July 11th, the Delmar Girls All-star Tournament will be held in Delmar this year. Opening ceremonies will be held on that Saturday. He asked Delegate Anderton for some flag pins that can be passed out. Mr. Johnson said that Little League had to bid to have the tournament in Delmar. They are thinking about ideas such as a movie night for the girls at the softball field. They are also thinking about putting together a coupon book with the local businesses.

Mr. Johnson also spoke about the ice cream trucks that come through Delmar. They seem to want to park on Pennsylvania Avenue. The trucks sit there and play their music. Families are at the Little League Park and the little ones are playing on the swings. But when the ice cream trucks stop on Pennsylvania Avenue, all the children seem to run out onto Pennsylvania Avenue for ice cream. He wanted to make sure that first, they had a business license, and second, if all the trucks have health department papers on them, that they have been inspected by the Board of Health. He is also asking if there is some type of regulations that will keep the ice cream truck away from the Little League Park so the children don't just dash out across Pennsylvania Avenue. Town Manager Bynum-King said that she will look into the business license process. If they are licensed, then they can sell throughout Town. As for the small children running out to Pennsylvania Avenue, we want them to be safe, however that will require parents watching their children. Mr. Johnson said that they use make-shift vans with stickers on them. He has spoken with the Health Department and they have asked him to take pictures of the vans and send them into the Health Department.

Adjournment

Commissioner Tucker made a motion for adjournment which was seconded by Commissioner Scholl. The motion passed with 3 ayes and 1 absent.

Submitted by:

Cindy Fisher
Clerk of Council