

MAYOR & COMMISSIONERS

June 18, 2018

Deputy Mayor Unsell called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Deputy Mayor Unsell, Commissioners Scholl and Tucker, Town Manager Bynum-King, Town Attorney Benson and Clerk of Council Fisher. Absent: Mayor Wells Guests: Delmar Police Sgt. Michael Bond.

Call to Order

The Maryland Deputy Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Deputy Mayor Unsell informed everyone that Mayor Wells was not here this evening due to medical concerns with her father.

Approval of Minutes

Deputy Mayor Unsell stated that the May, 2018 minutes would have to be tabled since there was not a voting quorum this evening.

Student Advisory Report

No one was present to give a report.

Police Chief's Report

Deputy Mayor Unsell reviewed the report that was included in the mail packets. Sgt. Bond, from the Delmar Police Department informed the Commission that there had been 2 heroin overdoses in Delmar, one of the individuals passed. Deputy Mayor Unsell said that the MML Convention offered a class on Opioid addiction. He said that more people have died from drug overdoses in the past few years than the amount of soldiers having died in Viet Nam, Iraq and Afghanistan all together. Sgt. Bond said that now there is cocaine coming in from Florida that is being laced with phentanyl.

Sgt. Bond informed the Commission that Delmar's Blue Light Night event will take place on Friday, August 3rd in State Street Park. They will also be hosting a golf tournament. These are fund raisers so they can sponsor community events. They sponsored a Little League team this year and they support a needy family during Christmas. Officer Kinlaw is working on the Blue Light Night event. At the event, they will be having back packs filled with school supplies. They are already doing a drive for that event. The Community businesses and residents have really come through with donations.

Sgt. Bond stated as a special note, the Delmar Police Department raised around \$11,000 to go towards Special Olympics for Delaware. It was double of what they raised last year and is more than any other municipality in Delaware.

Parks and Recreation Report

Deputy Mayor Unsell reviewed the report that was included in the mail packets. He said that the Parks and Recreation Council has expressed an interest in starting a Community Garden. Town Manager Bynum-King said that they are reaching out to Renovate Church, who are doing a garden to see if they can partner up with them. If not, they would like to start a garden of their own. Parks and Rec. still needs to work out a lot of the details but has provided, in the mail packets, a basic breakdown of what they would need to start along with pricing. They will also need to find a location to start their garden. They are hoping to reach out to the Community for donations, which will help on getting the costs down. The Delaware Mayor and Council said that they would be willing to contribute to the Parks and Recreation Council to help get started with the purchasing of supplies and materials.

Town Manager Bynum-King informed the Commissioners that also as part of their report is a copy of the by-laws for the Parks and Recreation Council. It is for the Mayor and Commissioners review and any suggestions or changes can be discussed at the July meeting.

Code Enforcement Officers Report

Deputy Mayor Unsell reviewed the report that was included in the mail packets. Town Manager Bynum-King said that the report next month will be expanded as the new Code Enforcement Officer gets comfortable in her position. She feels it is not necessary to report the names and addresses of the properties that are in violation therefore only the number of violators will show up in their monthly report. The Code Enforcement Officer is working the Town in quadrants.

The number of abandoned vehicles has increased. The Town has a contract with Passwaters Towing. Certified letters as well as letters going out in regular mail have been sent out to residents. If the abandoned vehicle situation at those locations have not been rectified, then they will be towed starting on June 25th. The Town Manager said that there are about 5 vehicles to be towed. The Town has been telling residents for a long time, that if the matters pertaining to the vehicles in question have not been addressed they will be towed and nothing has happened in the past, because the Town had nowhere to store the towed vehicles. Now the towing company will store the vehicles at their impound lot and the Town will pay for the towing fees and assess the property owns. The towing company will collect the storage fees from the owner if the vehicle is reclaimed.

Fire Department Report

Deputy Mayor Unsell reviewed the report that was included in the mail packets.

Utility Commission Report

Deputy Mayor Unsell reported that the Grove Street Water Main Project went out for bid on June 13th. Mr. Diakos came before the Utility Commission asking permission to connect to the Town's water services at the out-of-town rates for fire protection services. Deputy Mayor Unsell stated that Town Manager Bynum-King did an inquiry and found that several municipalities in the surrounding area do not assess a user fee for fire protection utility use. There was no motion made that night.

Deputy Mayor Unsell stated that the Traveler's Motel has made a request of the Utility Commission for utility services at the out-of-town rates. The Utility Commission allowed the Traveler's Motel to hook up to the Town's utility services at the out-of-town rates and they will bear all the financial responsibility for the costs associated with the connection.

The Waste Water Treatment Plant had an issue with their chlorine booster, which has been corrected. The pumps

at the Pine Street Pump Station were clogged with debris and caused the pumps to shut down. An outside contractor made the necessary repairs and the pump is back up and running.

Deputy Mayor Unsell informed the Commission that Mayor Houlihan came before the Utility Commission and informed them that the Town has an opportunity to partner with the State of Delaware and Sussex County with the cost of extending the water and sewer services north of Stage Road. There has been some interest in those properties. Mayor Houlihan requested consideration in the reallocating of funds in the FY 19 budget to be used as a cost share on the infrastructure project. This was something that was presented to the Mayor and Town Manager after the budget process had been completed. Town Manager Bynum-King said that this is something that Representative Dukes has been working on with the State of Delaware and hopefully by Wednesday, the Town will be receiving a letter from the Governor's Office stating that the Bond Bill will support this project. The Utility Commission agreed to reallocate the funds as requested.

Public Works Report

Commissioner Tucker reviewed the Public Works Report that was included within the mail packets. The Town Manager informed the Commission that C.E.S. was in Town today cleaning out the storm drains. She said maybe due to all the rain and water causing some wash out under the surface, a sink hole was created on Lincoln Avenue. The C.E.S. truck had to be towed out of the hole, which has been filled in and cold patch put on it.

Planning & Zoning Report

Commissioner Scholl reported that there were no Maryland items on the Planning and Zoning agenda.

Town Manager Report

Town Manager Bynum-King informed the Commission that the Town is finishing their year-end and getting ready for the annual audit. The auditors will be on-site July 9th through July 11th for their preliminary audit work. They will be back on September 10th to do their final audit. Our Financial Officer will be compiling information for them and running some reports and numbers. This is a really busy time administratively at Town Hall. She asked if there is anything the Commissioners may need from the Town Hall staff, to have a little patience while it is being processed.

She said the Day in the Park was this past weekend and it was well attended earlier in the day The Town did have a booth there and had some fundraising items on display and for sale. All the fundraising is for Heritage Day which is Saturday, September 15th. This Friday, June 22nd, is our annual Quarter Auction. Town Manager Bynum-King said that this is a major fundraiser for Heritage Day. There is a lot of work that goes into it prior to the Auction date and during the event itself. She informed the Elected Officials that any help that evening would be greatly appreciated and welcomed. The doors open at 5 p.m. and the Auction starts at 6:30 p.m.

Public Hearing- Resolution 2018-5-1 Delmar Assisted Living Annexation

Town Attorney Benson did an overview of the annexation process. According to Maryland law, the Town can undertake annexation in 2 ways. One- The Town initiates the annexation process or; Two- the property owners can request the annexation. The Town of Delmar has never initiated an annexation of a property. Once the request has been made, a resolution is produced and advertised by law and a public hearing is to be held. The Resolution was introduced last month. The applicant is located outside the corporate limits some distance from the line. They are in need of the water and sewer services from the Town. Wicomico County suggested to them to contact the Town in reference in receiving the Town's services. An agreement was put together and recorded. The Town will extend the water and sewer services but the petitioners will need to annex into Town.

He continued by saying when a Resolution is adopted on first reading, it goes to the County for their approval and zoning changes and then to the State for notification of the annexation. What is different in this case is, under Maryland law, the Town of Delmar has to have certain plans in place. This area was not within the Town's growth plans, so the Town has to amend their growth plan and water and sewer plan. The individual in the County who is working on this has had a health issue and has been out of the office for quite a while. Those plans are still in a pending process.

In addition, as part of the notification process to the County, the existing County zoning and the Town's proposed zoning cannot be different without an approval from the County. As part of this process, there will be a hearing with the County Council and County Planning. The Town's zoning for the property will be Community Business. The existing use is not going to change, just the wording of zoning names. Town Attorney Benson stated that he doesn't anticipate any issues with the new zoning. Tonight here, we have a Public Hearing advertised and scheduled for annexation. The Commission will have the opportunity to vote on this. Town Attorney Benson is requesting that the Commission not to vote, but to table the vote. He is requesting this so the other processes with the County and State have a chance to be completed. A hearing is scheduled for July before the County Planning Commission. The alternative would be to postpone the public hearing, but that would entail more costs including advertising for the petitioner. He suggested to proceed with the public hearing this evening and assuming there is not a vote to turn it down, then vote to table it this evening until such time as the Town Manager states that it is ready to proceed. Town Attorney Benson said that the Town's engineers' are already working with the applicant in putting the sewer on the project. There is an Annexation Agreement in place and the petitioner is aware that he is responsible for all the costs associated with the connection.

Town Attorney Benson said that this evening there is a public hearing scheduled for 7:30 p.m. for Resolution 2018-5-1 for the annexation of property known as Delmar Assisted Living facility. It has been advertised in the newspaper on 2 occasions as required by Maryland law and notices have been sent to the County, which is all that is required by State law. Town Attorney Benson notated for the record that there were no residents in the Chambers for discussion either in favor or not in favor.

Commissioner Scholl made a motion to open the hearing to public comments. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 absent.

Hearing no comments from the public, Commissioner Scholl made a motion to close the public comment portion of the hearing. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 absent.

Town Attorney Benson said that if the Commission had any interest in passing this Resolution, he is suggesting that it be tabled tonight and go ahead with the vote when the Town Manager informs them that the process with the County and State have been completed.

Commissioner Scholl made a motion to table the vote on Resolution 2018-5-1 until such time as the Commissioners are notified by the Town Manager that the process with the County and State have been completed. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 absent.

Commission Comments

Commissioner Scholl asked the Town Manager if anyone has expressed an interest in becoming a Planning and Zoning member. The Town Manager said that she knows the Planning and Zoning Commission needs another member. She will speak with both Mayors to determine if the vacancy needs to be filled by a Delmar, Maryland or

Delaware resident.

Deputy Mayor Unsell said that he attended the Maryland Municipal League Conference in Ocean City. Delegate Carl Anderton was presented with an award for being an Outstanding Legislator. Through his hard work, 88% of the Highway User Revenue will be going back to the municipalities. The Town will be receiving around \$122,000 this fiscal year and then approximately \$140,000 in the upcoming fiscal year.

Adjournment

Upon hearing no public comments, Commissioner Scholl made a motion for adjournment which was seconded by Commissioner Tucker. The motion passed with 3 ayes and 1 absent.

Submitted by:

Cindy Fisher
Clerk of Council