

MAYOR & COMMISSIONERS

September 10, 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, Commissioner Scholl, Town Manager Bynum-King, Police Lt. Alexander, Fire Chief Johnson, Town Attorney Benson and Clerk of Council Fisher. Absent: Commissioner Tucker. Guests: Michael Sullivan, Brock Parker, Joel Gallihue, Pat Petersen, Julia Rathel, Noah Hale and Ryan Poe.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.
Mayor Wells welcomed everyone to the meeting.

Approval of Minutes

Commissioner Scholl made a motion to approve the August, 2018 minutes as circulated. Deputy Mayor Unsell seconded the motion which passed with 3 ayes and 1 absent.

Unfinished Business

Delmar Assisted Living Annexation

Town Manager Bynum-King reported that this should still remain on the agenda under “Unfinished Business.” The Town is still waiting to hear back from the County and the State Clearinghouse.

Storm Water concerns in Bridgewood Estates

Mayor Wells asked if our Town Engineer had a chance to assess the storm water situation in Bridgewood Estates. Town Manager Bynum-King said that Town Engineer Josh Taylor and Rob Duma, another engineer from DB&F did go to Bridgewood Estates to assess the drainage situation. Both engineers put in about 8 hours assessing the area. Town Engineer Josh Taylor provided several points that he wanted brought up. He said that he didn't believe the storm water management system is the source of the flooding issues. From the street the properties at 9102 and 9106 have a visible low drop in grade which is where the flooding complaints are coming from. The fence in the back is flush with grade. The fence was installed to the swell or was cut and maintained to put the fence in a swell area. It allows little water flow to the ditch. The swell is fairly flat. Fine grading could improve the flow. There is a private ditch on the south side that should flow towards Stage Road. There is not much of a slope from west to east. The ditch does not look like it has been regularly maintained. Maybe with the cleaning of the ditch and the fine grading of the swell, the flow may improve.

He assessed Stage Road. He noted 3 culverts needed to be evaluated to determine if they are properly sized to convey storm water south east to the stream that flows to the William Mill Pond. Because it was dry, it was hard for the engineers to see how the water flows. There are many things that could be the reasons for the flow blockage, but very little that has to do with the Town. There were questions on how the fence got there in the first place either with or without a permit. There is a question if the fence is in a forest conservation area which would be an issue with the County.

The Town's Engineer said that he would be happy to go back for any additional surveying if and when the

Bridgewood Estates HOA would sign the contract for services and reimburse the Town. Engineer Josh Taylor will be sending a follow-up letter to Mr. Patel on the findings.

New Business

Permit to Display Fireworks- Delmar Heritage Day Committee

Mayor Wells read and signed the permit which will allow the Delmar Heritage Day Committee to display fireworks at Heritage Day, September 15th from 8 p.m. to 10:30 p.m.

Parks and Recreation Council- By-Law Approval

Town Manager Bynum-King informed the Commission that the by-laws have been pulled out of the mail packets. It was discovered that between Kayla's tenure as the Parks and Rec. liaison and now Amanda's, there have been different drafts of the by-laws. She is going to compare all the drafts and have the correct by-laws for next month's packet.

Michael Sullivan- Revised Plan- Maszera Property "Station Crossing Commons"

Mr. Sullivan was present this evening to introduce a revised plan to the approved Pheasant Lake site plan. The Pheasant Lake site plan was approved on January 8, 2018. He presented to the Commissioners, the comparison impact study between the approved subdivision "Pheasant Lake" and the newly proposed project "Station Crossing Commons". The original "Pheasant Lake" project has 248 units; 125 are townhouses and the balance is single family residential homes. To replace that plan, "Station Crossing Commons" proposal will have 248 garden style apartments. These will not be subsidized and will have no age restrictions. Mr. Sullivan, referenced that The Town Officials requested Maszera Corp. to perform an extensive study detailing the impacts of traffic, roads, schools, water and sewer as a result of the new development concept in comparison to the existing approved Pheasant Lake subdivision..

The Maszera Corp. hired Mr. Joel Gallihue of Gallihue Planning to perform the analysis of the Town. Mr. Gallihue identified himself as a certified planner for 23 years as well as being an accredited Educational Planner. He has worked primarily in Maryland. He was asked to take a look at what was already approved and the alternative proposal. The property is a 46 acre plat owned by Maszera Corp. for the last 25 years. It was originally planned as a single family community with detached homes, townhouses and garden apartments and the alternative plan is to have 248 garden apartments in low three-story buildings.

Mr. Sullivan and Mr. Gallihue reported on the following:

Traffic Impact and Roads: Per the study provided in the mail packets and explained by Mr. Sullivan, it is estimated that the proposed Station Crossing Commons for apartments would only generate approximately 2/3 of the a.m. and p.m. peak hour trips that would have been generated by the development of Pheasant Lakes. In the Pheasant Lakes development the Town's Zoning Code requires all roads in a residential development be dedicated to the Town. In the apartment concept design the roads and road maintenance would rest entirely with the developer, with no responsibility falling on the Town.

Mayor Wells asked what attributes to the difference in the numbers of lower am and pm trips. Mr. Gallihue said that it is based on samples. If the same amount of land is used for single family homes, the family would grow, thus causing more vehicles and more need to leave the house and travel by car. In an apartment community, the space is smaller and there basically is no room to grow a family.

Schools: Mr. Gallihue stated that converting the single family homes and garden apartments to just apartments

would reduce the impact of school services. The pupil generation rate patterns for various types of housing units assist in predicting future enrollment. With the approved Pheasant Lake development, there would be generated 66 elementary school aged children, 29 middle school aged children and 38 high school aged children. Making a total of 133 K-12 children. With the proposed "Station Crossing Commons" they would generate 24 elementary school aged children, 9 middle school aged children and 12 high school aged children. He chose apartments that were in areas similar to Delmar's demographics for comparison. He also said that the rate on increase would begin in around 20 years. He said the given numbers are projections and he rounded the figures to make them more calculable.

It was mentioned that one of the site plans presented was named "Fox Chase". There was also discussion that Delmar already has a State Street Station and a Delmar Crossing.

Water and Sewer Utilities

Mr. Sullivan stated that he was led to believe that for a period of time when the development was originally permitted, capacity issues were not the same as they are today. With the newly approved site plan, they had to submit a new Public Works Agreement before the start of construction due to do capacity changes.

Engineer Brock Parker said for the most part, the units would be 2 bedrooms but there will be some 1 bedroom and 3 bedroom apartments. The numbers seem to be more stable in communities such as this. Changes in ownership tend to be slower.

Mr. Gallihue said based on the Water Research Foundation the overall finding is that potable water consumption will be lower in the apartments. Smaller spaces tend to have less people living in them. The proposed "Station Crossing Commons" will produce 75% of the sewer flow that would be produced by the approved Pheasant Lake project. The apartment proposal reduces the equivalent EDU factor from 248 EDU's to 143 EDU's.

Mr. Gallihue stated that he found points in the Comprehensive Plan that would encompass this project. The Comprehensive Plan seeks to direct growth to existing vacant subdivisions in the Town. The Station Crossing Commons proposal follows the growth pattern that has the least impact on the community resources because the impact to schools, roads and public utilities is lower than the Pheasant Lake project. The new proposal helps ensure a variety of housing choices in Delmar. The more compact design of Station Crossing Commons and the closeness of the site to parks and public amenities allow for a new walkable neighborhood that the Town can build upon for investment in active recreational facilities.

Both Mayor Wells and Commissioner Scholl thanked Mr. Sullivan and Mr. Gallihue. They did exactly what was asked of them by the Commission. Mayor Wells summarized that originally the project was approved for 263 units and that number had been reduced to 248 single family and town houses. With a new storm water management plan in place, the new proposal is for garden style apartments but still 248 units.

Mayor Wells said that the school system is the major concern. She said that something is going to happen on the property whether the Commission likes it or not. The garden style apartments does seem to lower the impact on Town services, roads and schools.

Mayor Wells said that she is not comfortable on voting on this since Commissioner Tucker is not present. Mr. Sullivan said that the Planning Commission in Delmar is unique. He said that in either Chapter 26 or 28 of the Zoning Code, requires some sort of preliminary approval so they can move forward to the Planning and Zoning Commission. He will be requesting to be placed on the October Planning and Zoning agenda and would like to

have the preliminary approval from the Mayor and Commissioners. No formal decision is required.

Town Manager Bynum-King said that the Commission would probably need more time to digest all this information. Commissioner Tucker should be at the October meeting, in which it can be reviewed with him. With the time frame of the Planning and Zoning Commission scheduled for October 25th, and the deadline for submittals is Friday, October 12th and the Maryland Commissioners will meet on Monday, October 8th, gives enough time for the Commission to review this again in October.

Mayor Wells thanked Mr. Sullivan again for doing everything the Commission asked of him.

Student Advisory Report

Noah Hale introduced himself as being a senior at Delmar High School. He said that all grades had an assembly welcoming everyone back. Also, the seniors are reviewing the graduation policies, expectations and responsibilities. They are also reviewing the Code of Conduct. He reported that Delmar got their first football win this season.

Police Chief's Report

Lt. Alexander said that he was standing in on behalf of Chief Barkley since Chief is attending a conference in Ocean City. He stated that there are still ongoing car theft incidents, but they are outside of Delmar's jurisdiction. The Department feels it is close to an arrest but they don't have enough evidence that would stand up in court.

When asked about the drug abuse and/or overdose situation in Delmar, Lt. Alexander said that most property crimes and thefts are related to drugs and the need for them. There have been no drug overdoses in Town.

The Department is keeping an eye on the weather. They are expecting a lot of rain and wind. The high winds will take down trees and then the power goes out.

Parks and Recreation Report

Mayor Wells reviewed the report that was included in the mail packets. In the audience, Ryan Poe welcomed the newest member of the Parks and Recreation Council as Noah Hale. Noah said that for now there is not a Maryland representative from the school for the Student Advisory Report so he will be attending both the Maryland and Delaware meetings.

Code Enforcement Officers Report

Mayor Wells reviewed the Code Enforcement Report that was included in the mail packets. It was noted that 403 E. Pine Street was boarded up as an abandoned property. Town Manager Bynum-King said that the property goes to tax sale every year. She stated that she spoke with a County Representative to see if there is a way the Town could obtain the property. The fees are extremely high and not feasible for anyone to purchase the house even through a tax sale. The County is also working with someone who is interested in purchasing 708 E. State Street which was demolished after arson made the building unsafe for occupants.

Fire Department Report

Fire Chief Shawn Johnson was present and reported that so far this year, they have responded to 348 fire alarms and 1242 EMS calls.

In speaking of the upcoming severe rain and wind conditions coming our way, the Department has sign-up sheets for volunteers and the engines are staffed as well as EMS units for the week and weekend.

Chief Johnson spoke about the apartment development proposal that was discussed this evening. The 248 units will be a concern for the schools, traffic and roads, but nothing was discussed about public safety and how this development will impact that. There will be an additional strain put on the fire department as well as the police department. The more people in Town, the higher the call volume. There should be some consideration for the people who service those calls.

Mayor Wells apologized and said that she should have mentioned it and spoke about that impact. She said that they are going to build on that property no matter what this Commission said. It had already been given approval years ago. There are impact fees that are in place but they are for utilities. There was a suggestion at one time to consider making the developers pay a fee for services rendered from the fire and police departments. Mayor Wells agreed that this should have been taken into consideration as well. Chief Johnson said that carrying bodies on stretchers up and down apartment staircases is a night mare.

The new proposed apartments are the same style as Ponds Edge. Chief Johnson said that Wood Creek's roads are not wide enough and are terrible to go down in an engine. He is hoping that since the roads inside the apartment complex are to be maintained by the developer, they are reviewed by the Town's engineers and set to Town Standards.

Utility Commission Report

Deputy Mayor Unsell reported that a pre-bid meeting was held for the Grove Street Water Main project. There were 6 contractors at the bid meeting. The project was slated to start in October. Five of the six contractors did not want to bid on the project that would take them into the wintery months. The decision was made to delay the project with the bidding going out in December and the project to start in March.

Public Works Report

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

Planning & Zoning Report

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

Town Manager Report

Town Manager Bynum-King asked if any of the Elected Officials would be attending L.E.S.M.A. to RSVP with Clerk of Council Fisher no later than September 13th. Our annual audit is underway. They are onsite and the Financial Supervisor will be spending quite a bit of time with them.

The cancellation of Heritage Day is being considered due to the weather. Community Development Coordinator Hardin will be making the notifications if the event is cancelled. The Town has never had a rain date, we have always held the celebration. A decision will be made by Wednesday at the latest. We will be keeping track of the weather, seeing where the hurricane hits and what happens once it does hit. Before any decision is made, it will be brought before both Mayors.

Commission Comments

Commissioner Scholl thanked everyone for coming out this evening.

Deputy Mayor Unsell reminded everyone that the E.S.A.M. District 1 meeting is coming up and will be held at the Wicomico County Civic Center. The speaker will be from the MD Dept. of Transportation and will give the report

on the Bay Bridge Study.

Public Comments

Pat Petersen identified herself as a resident of Wood Creek and a dog lover. She informed the Maryland Mayor and Commissioners that last week she spoke before the Delaware Council. She is here this evening to see if the Commission has any interest in providing a dog park in Delmar. Mayor Wells said that this has been discussed in the Parks and Recreation Council. The issue right now is finding a location and the funding for it. Mrs. Petersen said that she would be happy with a fenced in area and a trash can. She also said that she would love to volunteer for this project. Mayor Wells said that Mrs. Petersen is not the only one who has expressed an interest in a dog park.

Ms. Julie Rathel introduced herself as a Delmar resident for 21 years, though not living in the corporate limits of the Town. She is employed by Perdue Farms and was formally employed by DB&F in their Cambridge office. She is here this evening to speak on substance abuse. She said her family was struck by this devastation of an opioid addicted child. He has been in recovery for 6 years and today she is very proud of the person he has become. It was a very long and torturous journey. Recently, her 26 year old niece was found unresponsive in Salisbury on September 2nd. She wants her niece's life to mean something. She did not know that her niece had a drug problem. Her parents never spoke about it to anyone because of the shame attached. She wants to make others aware of this dilemma and break the stigma attached to it. She is going to be joining organizations. She wants to break the shame behind this. She presented paperwork of a drawing for a yard sign that she would like to have available for anyone who would like to put it in their yard. "Let's Break the Shame. Delmar Rains Purple". She is friends with the owner of Signs by Tomorrow and has spoken with him about the possibility of making yard signs. The sign will have "In Support of _____" in which a name could be written on the line. She said that our students struggle with this every day, she worries about her grandchildren.

Mayor Wells said that she knows of another support group. She said that she is sorry for Mrs. Rathel's loss and the situation is heart breaking. The parents don't want to tell anyone that they are struggling. Mayor Wells said that she personally will do whatever she needs to do. She supports the temporary sign permits for this. Mayor Wells gave to Mrs. Rathel her phone number to call her anytime day or night. Town Manager Bynum-King said that the Community Development Coordinator can issue permits for temporary signage.

Fire Chief Johnson said that Maryland Governor Hogan signed an emergency order allowing EMT's to report overdoses to the Wicomico County Health Department, but it violated HIPPA rules. Now Governor Hogan has signed a MOU, which is going through the process right now, that if an overdose occurs in Wicomico County, that name can be reported and given to the COATS team. They will send someone to the family for support.

Deputy Mayor Unsell said that he was not fully aware of the scope of the drug epidemic until he attended an MML meeting last year.

Adjournment

Commissioner Scholl made a motion for adjournment which was seconded by Deputy Mayor Unsell and passed with 3 ayes and 1 absent.

Submitted by:

Cindy Fisher
Clerk of Council