

MAYOR & COUNCIL

November 5, 2018

Vice Mayor Pase called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. In attendance were Mayor Houlihan (arrived late), Vice Mayor Pase, Council Members Smith, Boyan and Holmes, Town Manager Bynum-King, Delmar Police Chief Barkley and Clerk of Council Fisher. Guests: Chris Brown, Mark Welsh and Bob Wheatley.

Mayor's Comments

The Mayor and Council performed the Pledge of Allegiance. Vice Mayor Pase asked anyone who would be addressing the Council to sign in at the podium so it can be part of the written record.

Approval of Minutes

Council Member Smith made a motion to approve the October, 2018 minutes as circulated. Council Member Holmes seconded the motion which passed with 4 ayes and Mayor Houlihan absent at this time.

Committee Reports:

Student Advisory Report

The high school was closed today and there was no one present to give a report.

Police Chief's Report

Chief Barkley said that the Department participated in the Homecoming Parade and gave a shout out to the Delmar Football Team. He said that the Town got through Halloween with no major incidents. There was one report of a youth using a sword to take candy from the younger kids. Election Day is tomorrow and his department will not be at the polling locations but will be on stand-by if needed.

Chief Barkley informed Vice Mayor Pase that while they have been investigating the truck that has been terrorizing her neighborhood, they have yet to see him. Vice Mayor Pase said that the incidents usually occur around 11:00 p.m. to 11:30 p.m. Chief Barkley said that his Communications Officer who lives in the area has also commented on the incidents but has been unable to get a license plate number.

Parks and Recreation Report

Vice Mayor Pase informed the Council that the report is in the mail packets. Town Manager Bynum-King stated that she attended their meeting that was held on October 30th. She said that the Members all have wonderful ideas. Her purpose was to try and have them focus on proposed activities and projects for next year and prepare a proposed budget to be submitted during the budget workshop time frame. They will also be seeking donations from local businesses.

Town Manager Bynum-King said that the by-laws were approved last month but an amendment will be needed dealing with attendance. One of the Members has not attended any of the meetings since his Oath. The amendment will allow the removal of someone who is not going to be active and will allow room for someone else who will

be. Their first activity is the community garden on the south side of the former police department building. They will be starting with 2 garden beds and see how it goes.

Code Enforcement Officer Report

Vice Mayor Pase informed the Council that the report is included in their mail packets. Town Manager Bynum-King stated that the rental inspections for the apartment complexes has begun. The new Code Enforcement Officer has picked up a rhythm and is doing well with the inspections.

Fire Department Report

There was no report included within the mail packets and no one was present to give a report.

Mayor Houlihan arrived at this time and apologized for being late but he was swearing in the new Officers of the Delmar Fire Department.

New Business

Mark Welsh- Audit Presentation- DE Council and Utility Commission

Mr. Welsh identified himself as the Town's auditor with The TGM Group. He stated that he will begin with Delmar, Delaware Council. In the Independent Auditors Report it gives an unqualified or unmodified report which is the best the Town could receive.

Mr. Welsh suggested that if any residents inquired as to what is happening with the Town's money, to refer them to the Management Discussion section, pages 5-10 of the Audit Report which gives the highlights of the Town financials.

Starting with Delmar, Delaware, Mr. Welsh provided a four year comparison on how Delmar, Delaware has maintained. He summarized as follows:

Currently the Town has \$1,053,576 in Cash and Investments.

Net Capital Assets are \$ 2,652,135.

The Long Term Debt has been very consistent, now at \$415,969.

Net Position; total revenues less expenses is \$3,689,858.

The expenses running for Delmar, Delaware have slightly exceeded revenue for 2016-2018.

For the Delmar Utility Commission, Mr. Welsh had this summary:

Again the Independent Auditors gave an unqualified report.

Cash is just under \$3 Million (\$2,931,726), which has been improving the past four years.

Capital is going down to almost \$15 Million, due to the depreciating of the equipment.

Debt of \$2,777,418 has been pretty stable for the past 4 years with depreciation being over \$1Million.

Net Position is \$15,720,361.

The change in the Net Position of \$409,487 is due to an operating loss of \$31,293 and \$1Million in depreciation.

The Utility Commission still ended up with non-operating/grant revenues of approximately \$478,000.

Mr. Welsh said that on Page 15 (Operating Activities) there was a lot of money spent on capital outlays and the Utility Commission paid approximately \$136,000 in long term debt payments.

Mayor Houlihan stated that both reports are positive. He said that he likes the direction the Town is going in.

Mr. Welsh asked if anyone had any questions to please let the Town Manager know and he would get back with them. Everyone thanked Mr. Welsh for the reports.

Bob Wheatley- State Senate Candidate

Mayor Houlihan introduced Mr. Wheatley as being a candidate in the Senate race in tomorrow's election. Mr. Wheatley said that he has had business here in Delmar for many years and has grown to understand the uniqueness of Delmar. He stated that he thinks his job is to be proactive with the Towns he serves. He would like the Town and himself to have regular meetings, maybe once a month, or weekly so he will have an understanding what is on our horizon as far as new projects and developments as well as what the Town's needs are.

Mr. Wheatley said that Mayor Houlihan went to the County Council for assistance with water and sewer along the Rt. 13 corridor. If he needs to go again, he will be right there with the Mayor. He stated that his job is to be available and to be a resource to connect the Town to the State. He appreciates the time Delmar has offered him. Mayor Houlihan said that he appreciated the time he spoke with Mr. Wheatley at the Day in the Park. He said that the Town is being fiscally responsible. Mr. Wheatley said that the Town is doing a great job handling their finances. He thanked everyone again and said good-bye.

Utility Commission

Vice Mayor Pase said that the Utility Commission accepted the recommendation of DB&F for the acceptance of the pump station at Heron Ponds as of October 30, 2018. The Town has hired a new wastewater treatment operator who has experience with pumping stations. He has a CDL and lives in Delmar and starts this Wednesday.

Vice Mayor Pase passed around the photos that the Town Manager provided at the Utility meeting, so the Council Members can see that the aeration tanks are being cleaned out and they show the grit and debris that is getting through the screens. There are mop heads hung up on the pumps and mixers. The cleaning of the aeration basin will allow the mop heads to be sucked out through vacuuming. The Town Manager said that the mop heads and solids are taken to Princess Anne and the liquid on top is transported to Pocomoke. Our operators, once the basin is cleaned, will replace any of the diffuser discs as needed.

Council Member Smith asked if everyone has mop heads. Town Manager Bynum-King said that the problem varies but our issue is with the screens. The manufacturer was on-site along with Town Engineer Jason Loar, Director of Public Works Reid and Superintendent of Wastewater Hardy. They explained that they had something that they could retro-fit the drum of the screen to catch more of the debris. It would be more cost effective than replacing the whole thing. The question the Superintendent of Wastewater asked the engineer has the manufacturers done this before and if so where, so we can go and see how it works. The Town Manager explained that the headworks does not catch the debris and it goes into the system and collects as mop heads. There are bugs in the system that do eat some of the debris.

Vice Mayor Pase also spoke of the back-up well. The well was completed and on-line functioning as it was designed. Town Manager Bynum-King said that she just learned that the back-up well is not on-line because the State has not released our permit. They are imposing on the Town to do additional testing to ensure that the back-up well is not exposed to any PCE contaminates. She feels that this will cause undo financial hardships. The cost is upwards towards \$15,000. The E.P.A. has already cleared the soils for the PCE contaminates. She is looking to speak with Representative Dukes to see if he can help the Town with this process. Well 3A is currently our only well and it needs some repairs. A.C. Schultes has bought the material to do the repairs but are unable to take Well 3A off line because our back-up well is not on line.

Public Works

Council Member Smith reviewed the report that was included in the mail packets.

Planning & Zoning

Council Member Boyan reported on the following:

Chris Brown-Ryan Homes-New Home Style 1680, Lot 19, located at 13408 Grace Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Council Member Smith made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1680 to be built on Lot 19, at 13408 Grace Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes-New Home Style 1296, Lot 126, located at 11635 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Vice Mayor Pase made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1296 to be built on Lot 126, at 11635 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes-New Home Style 1440, Lot 127, located at 11639 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Council Member Smith made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1440 to be built on Lot 127, at 11639 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes-New Home Style 1296, Lot 128, located at 11645 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Vice Mayor Pase made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1296 to be built on Lot 128, at 11645 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes-New Home Style 1680, Lot 159, located at 38396 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Council Member Smith made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1680 to be built on Lot 159, at 38396 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes-New Home Style 1296, Lot 161, located at 38390 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation in the packets and hearing no discussion, Vice Mayor Pase made a motion to approve the favorable recommendation from the Planning and Zoning Commission for home style 1296 to be built

on Lot 161, at 38390 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith second the motion which passed with 4 ayes and Council Member Holmes abstaining.

Town Manager's Report

Town Manager Bynum-King asked the Council for some guidance on how to proceed with the property at 2 N. Pennsylvania Avenue (the Mills building across the street from Town Hall). She informed the Council that a few weeks ago, she and Community Development Coordinator Hardin met with a potential developer for the building. The developer said that the building is in very bad shape. Outside on the north side, it is starting to look like the south side looked a few years ago. All the work that was done a few years ago to stabilize the building, is now in a weakened state. He said that the building may not last but another 5-6 years.

She asked the Council how they wanted to proceed. She asked if they wanted DB&F to come and re-evaluate the building. She said that she wasn't sure what or if Mr. Mills was going to do anything towards fixing the structure. The Town Manager said that this is a historic building to the Town, but not part of the National Registry, she would love to see it restored, however the Town cannot let this building stay in the shape that it is in.

Council Member Smith asked if there was anyway the Town could divert the tractor trailer traffic from State Street. Town Manager Bynum-King said that even with the diversion of truck traffic, the building still is falling apart. Maryland State Highway would have to approve the re-routing of the tractor trailers.

Town Manager Bynum-King said she was not sure if the potential buyer was just playing down the condition of the building to get it at a better price, or if the building is actually as bad as he presented it to be.

Council Member Boyan asked about the other potential buyer for the building. The Town Manager said that he was concerned about the amount of EDU's he would have to pay for. This current potential buyer is concerned about parking. She said again that this building, in the shape it is right now, will not last another 5-6 years with the worsening conditions.

Council Member Holmes said that at some point there comes a time that a building has outlived its' usefulness even if it is historic.

Town Manager Bynum-King said that she doesn't want the Town to be a part of any liability. Mayor Houlihan said that the Town should contact DB&F and have them come and do an assessment of the building structure. Once that is done, then we will know how to move forward. It is in a Community Business District and that type of building will require parking. We will also need to re-evaluate what the overall use of the building should be. Most want to put apartments on the second and third floors and that requires parking.

The consensus of the Council was to have DB&F do an evaluation of the building and once we get that we can move forward with any decisions. Town Manager Bynum-King said that she would reach out to Mr. Mills and make him aware of the Council's decision based on the information given on the condition of the building and that we will be doing an independent assessment. Council Member Boyan said that the independent assessment would be a good thing to have for any future prospective buyers. The building is not registered as historic but has a major history with Delmar. Council Member Holmes said that it might be less expensive to take the building down than to fix it. Town Manager Bynum-King said that once the building is gone then it is gone. Council Member Holmes said that maybe prospective buyers would look at the land differently if the building is gone.

Town Manager Bynum-King informed the Council that there has been an inquiry onto the Lecates property on N. Second Street. The house has been torn down and the inquiry is about building a new home on the Lot. Also the neighbor of the property wants to increase his lot size and if affordable he would buy it.

The Town Manager informed the Council that the Office will be closed on Monday, November 12th for Veterans Day and the Maryland meeting will be held on Tuesday, November 13th, the same day as the Citizen of the Year banquet. Also the Office will be closed on Thursday and Friday, November 22nd and 23rd for Thanksgiving.

The Delmar Christmas Parade is Saturday, December 1st. Mayor Houlihan said that he will be reaching out to everyone in regards to the parade. He knows that it is a different route this year. The Fire Department convinced the Chamber of Commerce to change the route.

Oath of Office

Mayor Houlihan announced that on the first Monday in November in the even numbered years, the Oath is administered to the candidates winning the Delmar, DE election. Since no one ran against either of the incumbents, the Oath will be administered to himself, Vice Mayor Pase and Council Member Smith.

Delmar, Delaware Notary Public Amanda Taylor administered the Oath of Office to Mayor Michael Houlihan. Mayor Houlihan administered the Oath of Office to Vice Mayor Mary Lee Pase and Council Member Greg Smith.

Also presented was a Proclamation acknowledging Jane Ann Smith for her 50 years volunteering as a Ladies Auxiliary Member of the Delmar Volunteer Fire Dept.

Council Comments

Council Member Holmes said that on Halloween night, he was out with his grand-daughter and there were lots of people out but it was so quiet. It was a good night to have so many people out and about. He asked that everyone go out and vote tomorrow.

Mayor Houlihan asked for a motion to appoint Council Member Pase as the Vice Mayor. The motion was made by Council Member Boyan to appoint Council Member Pase as the Vice Mayor. The motion was seconded by Council Member Holmes and passed with 5 ayes and 0 absent.

Council Member Boyan stated that he encourages everyone to go out and vote tomorrow.

Council Member Smith agreed that everyone should vote tomorrow. He informed everyone that December 2nd would be the lighting of the Love Light Tree in State Street Park. The deadline to make a donation and have the name on the banner is November 18th. After that, money can still be donated, but the names will not appear on the banner.

Vice Mayor Pase said that there must have been about 500 kids on Grove Street on Halloween night. There were 10 SUV's that had trunk-or-treat. She said overall it was a good night.

Mayor Houlihan said that he is proud of the Council and the way they are handling the Taxpayers money. It is a pleasure to serve everyone and he appreciates the Council's support of his leadership.

Adjournment

Upon hearing no public comments, Council Member Boyan made a motion for adjournment which was seconded by Council Member Holmes. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council