

MAYOR & COUNCIL

February 4, 2019

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. In attendance were Vice Mayor Pase, Council Members Smith, Boyan and Holmes, Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Fisher. Guests: Delmar Girls Field Hockey Team, Noah Hale and Chris Brown.

Mayor's Comments

Mayor Houlihan welcomed everyone to the meeting and asked if anyone who would be addressing the Council to sign in at the podium. He also welcomed Vice Mayor Pase back.

Mayor Houlihan stated that the Council had special guests in attendance: the Delmar, 3 time State Champions, Girls Field Hockey Team. He invited Delmar, Maryland Mayor Wells and the Maryland Commission to be here this evening as well. Mayor Houlihan said that the Field Hockey Team has been to Sussex County and to the State House to receive accolades from them. He stated that the team has made the community proud.

Mayor Houlihan read the plaque and presented it to Coach Jodi Hollamon and he and Mayor Wells handed out individual certificates to the entire team. Everyone was taking team pictures.

Approval of Minutes

Council Member Smith made a motion to approve the January, 2019 minutes as circulated. Council Member Boyan seconded the motion which passed with 4 ayes and Vice Mayor Pase abstaining due to her absence at the January meeting.

New Business

Mayor Houlihan said that he received a letter from the Supervisor of Finances stating that the Town received a Municipal Street Aid Grant from the State of Delaware in the amount of \$34,828.20 for FY'18. All the funds were expended appropriately. The Town of Delmar, DE needs to transfer the money from the Street Aide fund account to the Municipal General Funds account. A formal motion is needed.

Council Member Boyan made a motion for the transfer of \$34,828.20 from the Municipal Street Aid Grant account to the Municipal General Funds account. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

Committee Reports:

Student advisory report-

Delmar Senior Noah Hale informed the Council of the HVAC malfunction the school had. It was during mid-terms and caused quite a bit of disturbance. There have been no fights in school. Vice Mayor Pase said that he represents the school very well. When asked, Noah Hale told Mayor Houlihan that he will be enlisting in the Merchant Marines.

Police Chief's Report

Chief Barkley thanked the Council for the 3 vehicles that finally arrived. He said that next week they will be

outfitted with the proper equipment and then put into service. He stated that the one truck took from July to now to arrive.

He stated that there had been some reported thefts from vehicles a few weeks ago. The suspects managed to get themselves locked up before the Delmar Police could apprehend them. Once they were locked up, the thefts stopped occurring. With the past snow event, there were 8 accidents almost all at the same time.

Parks and Rec. Report

Member Noah Hale reported that they are focusing on a Community Garden. He stated that formal paperwork will be presented for the budget review. They will have a digital power point presentation that depicts the location of the garden. They have also just printed off a banner but will have paper copies for review. They are still seeking funding.

Code Enforcement Officer Report

Mayor Houlihan stated that the report is included within the mail packets. Town Manager Bynum-King said that the Code Enforcement Officer had just completed the inspections of the rental complexes on the Maryland side for 2018. Now the focus of the Code Enforcement Officer is on debris in the yard and abandoned vehicles.

The Town Manager informed the Council that the Code Enforcement Officer did attend her first Planning and Zoning meeting in January. She will be attending those meetings and be more involved with the zoning code. Community Development Coordinator Hardin will be working with her through the process.

Fire Department Report

Mayor Houlihan reviewed the report that was supplied to the Council prior to the meeting.

Utility Commission

Vice Mayor Pase reported that the bid opening for the water main upgrade project was held on January 30th. There were 3 bids submitted. All bids were high with the lowest bid coming in \$100,000 over the engineer's estimate. The lowest bidder is a contractor that the Town has not dealt with before but has a good reputation.

Vice Mayor Pase stated that the Town has received a letter from Mr. Cocke, with the State, acknowledging receipt of our resubmittal application for the back up well dated January 21, 2019.

Public Works

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

Planning & Zoning

Council Member Boyan presented the following:

Chris Brown- Ryan Homes- home-style 1296, Lot 176 located at 11644 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon hearing no questions, Council Member Boyan asked for a motion to approve the favorable recommendation from the Planning and Zoning Commission for home-style 1296 to be built on Lot 176, located at 11644 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings.

Council Member Smith made that motion which was seconded by Council Member Boyan. The motion passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- home-style 1440, Lot 49 located at 11781 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon hearing no questions, Council Member Boyan asked for a motion to approve the favorable recommendation from the Planning and Zoning Commission for home-style 1440 to be built on Lot 49, located at 11781 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings.

Council Member Smith made that motion which was seconded by Council Member Boyan. The motion passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- home-style 1296, Lot 20 located at 13412 Grace Lane, Yorkshire Estates, Delmar, DE

Upon hearing no questions, Council Member Boyan asked for a motion to approve the favorable recommendation from the Planning and Zoning Commission for home-style 1296 to be built on Lot 20, located at 13412 Grace Lane, Yorkshire Estates, Delmar, DE, per the attached drawings.

Vice Mayor Pase made that motion which was seconded by Council Member Smith. The motion passed with 4 ayes and Council Member Holmes abstaining.

Town Manager's Report

Town Manager Bynum-King said that she did ask to have the agenda amended to include an Executive Session to discuss legal matters. She asked Mayor Wells to stay for the Executive Session as well.

The Town Manager said that the Town received a letter from St. Stephen's Church, via Council Member Smith, thanking the Town for their support and donations during the tree lighting ceremony in State Street Park. They are thanking the Town for the opportunity to work with the Town for the community event.

She also said she received an email from the High School in reference to their Career Fair Day, being held on Monday, February 25th asking if the Council would like to participate. Loreen Sharkey from the High School will need to be notified. She is asking for a response to confirm or decline the invitation.

Town Hall will be closed on Monday, February 18th for President's Day. The first budget workshop will be held on Wednesday, February 27th at 6:00 p.m. The normal notices have been sent to the Delmar Library and the Delmar Fire Department.

The Town Manager stated her other comments would be reserved for the Executive Session.

Council Comments

Vice Mayor Pase thanked everyone for everything they did and for the prayers and support offered.

Adjournment into Executive Session

Upon hearing no Public Comments, Vice Mayor Pase made a motion to adjourn into Executive Session. Council Member Holmes seconded the motion which passed with 5 ayes and 0 absent.

Those present at the Executive Session were Mayor Houlihan, Vice Mayor Pase, Council Members Holmes, Boyan and Smith, Maryland Mayor Wells and Town Manager Bynum-King. The Town Manager updated the Mayors and Council Members on tow outstanding legal matters and on new legal matter. The outstanding matters are still in a

pending status; waiting the final decision on one matter and the other awaiting a reschedule of the hearing. The February 4th hearing was postponed.

The new matter pertained to a discrimination matter, the Town is involved by association. The case is regarding an employee and their employer of which the Town is not party to either. The Town provides a payroll/benefit service for the employer, in which the Town is 100% reimbursed. In order to get the Town released from this suit, there was a need to retain legal counsel that specializes in Labor Employment Law. Town Manager Bynum-King was seeking guidance from the Delaware Council how to proceed in recovering then unexpected cost that is impacting the Town's budget. Much discussion occurred among the Council.

A motion was made and carried to return into regular session. The consensus of the Mayor and Council was to seek reimbursement from the employer for all legal costs incurred by the Town. Additionally, the consensus of the Mayor and Council was to discontinue the payroll/benefit service provided by the Town effective June 30th. Town Manager Bynum-King advised the Mayor and Council that she would have the same discussion with the Maryland Elected Officials to make sure they agree with the Delaware Council's decision.

A motion was made and carried to adjourn.

Submitted by;

Cindy Fisher,
Clerk of Council