

Utility Commission
March 4, 2019

The regular scheduled meeting of the Delmar Utility Commission was called to order by Vice Mayor Pase. In attendance were Council Member Smith and Deputy Mayor Unsell, Commission Member Dewald, and Town Manager Bynum- King. Absent: Commission Member Dickerson. Guests: Michael Sullivan, and Joshua Taylor.

Approval of Minutes

After notating some grammatical and spelling errors in the February, 2019 minutes, Commission Member Dewald made a motion to approve the February, 2019 minutes as amended. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 1 absent.

Unfinished Business

Update- Grove St. - Water Main Upgrade

Town Manager Bynum-King informed the Commission that there is a pre-construction meeting planned for this Wednesday at 2:00 p.m. at Town Hall.

Update- Back-Up Well

The Town Manager stated that the Town did receive permission from DNREC to use Well 3B temporarily while the permit is under State review with the stipulation that Well 3B cannot be operated at the same time as Well 3A.

New Business

Delmar Business Park- Utility Easements

Michael Sullivan, Attorney for Devreco Camden, LLC stated that Devreco is the developer for Delmar Business Park. The developer has a Public Works Agreement with the Town that requires the Town to provide public utilities to the site. The developer has to provide access to the Town for future maintenance of the utilities. Mr. Sullivan presented three Utility Easements for the Commission to review and grant favorable recommendations to the Delaware Council

Mr. Sullivan presented the following Utility Easements for the following parcels:

1- Parcel 92.01 is the most southerly located of all the parcels and is owned by S. Lee Smith, Jr., Inc. This easement agreement would be between S. Lee Smith, Jr. Inc., to Devreco Camden, LLC and the Mayor and Council of Delmar, DE.

2- Parcel 89.00 is the most northerly parcel and is owned by Delmar Associates, Inc. The easement would be between Delmar Associates, Inc. and the Mayor and Council of Delmar, DE.

3- Parcels 87.00 and 87.01 are the parcels in the middle. They are owned by Devreco Camden, LLC. The easement would be between Devreco Camden, LLC and the Mayor and Council of Delmar, DE.

Mr. Sullivan informed the Commission Members that the packages he provided them included the images of the utility easement and the written legal description of where the easements and utility lines are located.

The existing Town of Delmar utilities stop at the Stateline Plaza in Delmar, DE. The Delmar Business Park is located just north of the end of the Town's utilities. The utility line will run horseshoe shaped and into the west. All lines have already been installed underground. Terms and Conditions for Devreco Camden to receive a Certificate of Occupancy (C.O.) is that the facility must pass a final inspection and the utility easement must be in place prior to the issuance of a C.O.

Mr. Sullivan said that this has been the result of months and months of long discussions about where the lines are located and the obligation of the Town. Town Attorney Jim Waehler has reviewed the easements and has given preliminary approval. All the revisions have been done at Mr. Waehler's request. Mr. Sullivan is requesting that the Utility Commission give a favorable recommendation to the Mayor and Council for the Utility Easements for parcels 92.01, 87.00, 87.01 and 89.00.

Joshua Taylor from DB&F added to the discussion that he has been involved with this preparation and review of the utility easements from the beginning.

Vice Mayor Pase asked for a motion for favorable recommendation to the Delmar, Delaware Mayor and Council to grant the utility easements for parcels 92.01, 89.00, 87.00 and 87.01 as presented this evening. Council Member Smith made the motion which was seconded by Commission Member Dewald. The motion passed with 4 ayes and 1 absent.

Town Manager's Report

Town Manager Bynum-King informed everyone that the next budget workshop for the Utility Commission is March 20th and the next Budget workshop for the Joint Council is March 13th. She also informed the Commission that she did receive an email from Utility Commission Member Howard Dickerson informing her of his resignation effectively immediately.

Vice Mayor Pase read the resignation letter for the record. Howard Dickerson had served 20 years on the Utility Commission. Town Manager Bynum-King said that Mayor Houlihan will need to appoint a Delaware resident to fill the vacancy.

Adjournment

Upon hearing no comments, Council Member Smith made a motion for adjournment which was seconded by Deputy Mayor Unsell. The motion passed with 4 ayes and 1 absent.

Submitted by:

Cindy Fisher
Clerk of Council