

## **Joint Council June 1, 2010**

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and the Mayor & Commission of Delmar, MD, was called to order at 7:00 p.m. In attendance were Mayor Niblett, Mayor Outten, Deputy Mayor Hitchens, Vice Mayor Houlihan, Commissioners Anderton, Wells and Henderson and Council Members Pase, Payne (arrived late) and Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: Chris Walter, Shawn Johnson, Robert Benson, Thomas Luffman, and Dr. David Ring.

### ***Called to Order***

Mayor Niblett called the meeting to order at 7:00 p.m.  
The Joint Council performed the Pledge of Allegiance.

### ***Mayors Comments***

Mayor Niblett introduced Girl Scout Troop # 691 who were present this evening working towards their Citizenship Badge. Representatives asked the Council five questions on how the Town is run. The Mayors presented the Troop with a Certificate of Acknowledgement for their work for the Citizenship Badge, tee shirts, pens and cups. The Girl Scouts presented to the Mayors cards and mugs.

Mayor Niblett reported that he has received a request for the use of the Mason Dixon Athletic Field by NATRA from October 18, 2010 through October 26, 2010. He read the letter that explained that it will be for the homeless veteran outreach event called a Stand Down, which will be the first of this kind of event in the region. All the appropriate paperwork has been done in reference to renting the Park for those days. Deputy Mayor Hitchens made a motion for the approval of NATRA to use the Mason Dixon Athletic Field from October 18, 2010 through October 26, 2010. The motion was seconded by Commissioner Henderson and passed with 5 ayes and 0 absent.

### ***Approval of Minutes***

Mayor Niblett made a motion to approve the May, 2010 minutes as circulated. The motion was seconded by Council Member Thompson and passed with 9 ayes and Council Member Pase abstaining due to her absence last month.

### ***Parks and Recreation Report***

Commissioner Wells reported that they are working on getting the reimbursement funding from the County for the lights at the fields. She also reported that Parks and Rec. does not meet in the summer, so their next meeting will not be until September. Town Manager Bynum-King reported that she received an email and from Gary Mackes, Director with Wicomico County Recreation and Parks Division regarding the status of outstanding Open Space Program grants. She said that more specifically, the Irrigation and Pavilion project at the Mason Dixon Park, according to Mr. Mackes records the last activity from the grant was in 2003. Effective immediately the State is ceasing all reimbursement requests for POS projects until there is accountability for the outstanding grants. She further stated that administratively, contact was

made with Carol Porter and Ron Wilkosz requesting any outstanding invoices for the irrigation portion of the project because we have received reimbursement in 2003 for the Pavilion. She asked Commissioner Wells if she was aware if the irrigation system had ever been installed at the Mason Dixon field. Commissioner Wells said she was unsure, because it would have occurred prior to her involvement. Shawn Johnson stated that he recalled that most of the equipment and labor was donated for the irrigation system. Town Mgr. Bynum-King, asked Commissioner Wells and Councilmember Payne for any assistance they could provide in securing the invoices so we could submit a reimbursement for the remaining grant funds. She further stated that this was an urgent matter because, Mr. Mackes requested a response no later than June 8, 2010 or the funds would be reverted back to the State. Commissioner Wells said that she would try to get whatever information that was available from Ron Wilkosz.

### ***Police Chief's Report***

Mayor Niblett read the report that was included within the mail packet.

Town Manager Bynum-King mentioned that funding for a new public safety facility is a standing part of the Police Chief's monthly report and they need to know how to proceed with there funding search. It is recognized by all that the Department is in need of a new location, however it needs to be decided if the building will be new or will we be renovating this building (Town Hall) to meet their needs. She requested the Joint Council to give clear direction so she could convey to Chief, so that his search for funding would be concentrated to renovations vs. new construction.

Mayor Niblett responded that there is no need to incur the expense to install water and sewer lines as well as the installation of a street for a new public safety building when those things are already in place for this building (Town Hall). Vice Mayor Houlihan agrees, especially with this economy. Council Member Payne inquired if it would be more beneficial to place the Police Officers in the bank building to accommodate the department with more employees and the need for the safes for evidence storage.

Town Manager Bynum-King said that there are several safes within the bank building, however due the size, lighting, age and the heaviness of the doors on most of the safes are not set up to house evidence. Mayor Outten said that although the Police Department has the most employees, they are not all working in the station at the same time. Mostly during the day you have three or four people, the Officers are mostly on the streets. Town Mgr Bynum-King said that the Police Facility would need adequate space for detaining suspects, interrogation rooms, evidence storage, in-house training space and conference room, which could be accommodated with this building by adding an addition.

Commissioner Henderson said that it would be easier to find grant funding to retrofit the Municipal building than to find funding for millions of dollars for a new building.

The consensus of the Council was to retrofit the Municipal Building for the Police Department.

### ***Delmar Revitalization Report***

Chris Walter reported that the Delmar Revitalization Committee will be meeting with the Delmar Historical and Art Society on June 10, 2010 at Wilmington Trust Bank. Membership applications will be available at The Day in The Park.

He reported that Denny from the Mustang Club said that he and his group would not be available in October if the Town chose to hold its' Heritage Day Festival then. He would be available on the last Saturday in September.

Chris Walter reported that he has resigned as the President of the Revitalization Committee. He said that he is interested in working with the Delmar Historical and Arts Society and on June 10, 2010 they will be holding elections. He said that the Historical Society does have money in the bank to work with. Mayor Niblett thanked Mr. Walter for all his work and dedication in everything that he and the Committee have accomplished.

### ***Code Enforcement Officer's Report***

Mayor Outten read the report that was included within the mail packets.

Mayor Niblett asked that instead of sending out certified letters for each time there is a violation of the grass cutting ordinance, certified notices are sent out only the first time, especially with the repeat offenders. If the grass is too tall and the Town has to come and cut it, you will be billed. He said that he would like to see the Ordinance change to reflect this.

Council Member Pase reported that many residents that do maintain their yards are sweeping their grass clippings into the streets. She would like to see some wording added to the Ordinance so that residents are fined when they sweep their grass clippings into the streets.

### ***Fire Department's Report***

Delmar Fire Department Representative Shawn Johnson reported that the Fire Department applied for a grant for new uniforms and received \$255,000.00. He said that everyone received new gear, since it is now mandated that fire department personnel's equipment cannot be older than 10 years to be compliant.

He presented the equipment here this evening and gave the Council some idea of the costs associated with the equipment. Fire coats with the cost of \$1039.00 each, helmets with LED lights along with a locater light for \$270.00 each, safety vests for use on the highway; \$47.00, pants-\$890.00, leather boots for \$219.00, flashlights-\$90.00, gloves-\$90.00, and hoods \$30.00. He reported that they also put in for 19 new air packs at \$3,500.00 apiece.

Shawn reported that the Sportsman Giveaway will be held on Saturday, November 6, 2010, and is their biggest fund raiser. The tickets are being printed now and will be \$25.00 each. He said that they actually sold 400 tickets at the door. He said the Softball Tournament is July 23, 24, 25, 2010, where the old guys play the young guys.

He also reported that there had been 216 fire calls and 602 ambulance calls so far this year.

### ***Utility Commission Reports***

Council Member Pase reported that the WWTP Upgrade is moving along. The project contractors, Bearing Construction, Inc. has requested a change order for a time extension of 136 days. On June 4, 2010, they will be tying into the Town's system. The Public Works personnel as well as the Superintendent will be reporting to work at 1:00 a.m. to assist with that.

She reported that the Town is still waiting for a response from the State of Delaware DNREC and the State of Maryland MDE regarding previously reported violations.

The Special Election was held and 9 voters voted in favor of the Town borrowing funds from the State of Delaware Revolving Fund to upgrade the water main on Delaware Avenue.

Mayor Niblett reported that he and Planning and Zoning Member Thomas Luffman did visit the water treatment plant and the sewer treatment plant. Both were very impressed on how things were running. He also reported that a fire hydrant on Foskey Lane and the water tower has been out of order for quite some time. Town Manager Bynum-King said that the hydrant has been bagged.

### ***Public Works Reports***

Vice Mayor Houlihan reported that Public Works Superintendent Reid has passed his Maryland Level 4 Water License. He explained that it was not an easy test.

He continued by reporting that there have been a lot of force accounts for cutting grass that the Public Works personnel are doing. They have also been working in the Parks cutting grass and removing trash along with installing a sewer line at the corner of Foskey Lane and Old Stage Road.

Vice Mayor Houlihan reported that the water main for Heron Pond on Rt. 54 had to be taken up and redone by Christiana Paving at a depth of 32 inches. Tate Engineering repaired the check valve for Well #2. They are still one general laborer position short.

### ***Planning and Zoning Commission Report***

#### **DE Comprehensive Plan**

Vice Mayor Houlihan reported that Tim Bourcier from DB&F was not present at the meeting.

#### **Kevin Gleason- Subaru Gateway Signs**

Vice Mayor Houlihan reported that Mr. Gleason represents the sign company who is putting up the signs for the Subaru building. He was alone and did not have a representative from Subaru with him. It had been agreed upon at an earlier meeting that the name that would be on the signs would be Gateway Subaru of Delmar, but that was not the case on this sign package. This had been tabled and no motions were made and he is to return to the next meeting.

#### **First Baptist Church- Pavilion Request**

Vice Mayor Houlihan reported that representatives from First Baptist Church located on Bi-State Blvd. had presented plans for the construction of a pavilion at the rear of their property. He said that it was a large parcel of land and there were no problems with violations of any setbacks.

Deputy Mayor Hitchens made a motion to accept the Planning and Zonings favorable recommendation for the building permit for the addition of a pavilion for First Baptist Church, located at 501 Bi-State Blvd., Delmar, MD. per the attached drawings. Commissioner Henderson seconded the motion which passed with 5 ayes and 0 absent.

#### Thomas Knorr- Evolution Craft Brewery- Patio Addition

Vice Mayor Houlihan reported that Mr. Thomas Knorr of Evolution Brewery was requesting a permit to build a patio in the existing parking lot that would take up about 3 parking spaces. He said that the State of Delaware has launched a Delaware Wine and Ale Trail and will be advertising all the wineries and breweries of the State. He said that this would be a nice addition for all the people who come on the buses. He said that the business is doing well and they are looking to expand.

Mayor Niblett said that they still do not have any shrubbery in front as was indicated they would have, along with not having a Knox box for the fire department.

Council Member Pase made a motion to accept the favorable recommendation from Planning and Zoning for the approval for Evolution Craft Brewery to build a patio in the front per the attached drawings, and to make the suggested changes of additional shrubbery and the installation of a Knox box. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

#### Abandoned House Ordinance-

Vice Mayor Houlihan reported that Planning and Zoning did look at the sample ordinance. They decided to investigate what other municipalities have on this subject as well as forwarding this onto the attorneys for both sides. He did say that the Town does need something customized for Delmar.

Vice Mayor Houlihan concluded by reporting the next meeting would be held on Thursday, June 17, 2010.

#### ***Unfinished Business***

##### Public Hearing- MD Resolution 2010-06-01.1

Mayor Niblett read Resolution 2010-06-01.1 for the Maryland budget. He opened up the hearing for public comments. Upon hearing no comments, he closed the hearing to public comments. Commissioner Anderton made a motion to accept MD Resolution 2010-06-01.1. Commissioner Wells seconded the motion which passed with 5 ayes and 0 absent.

##### Public Hearing- DE Resolution 2010-06-01.1

Mayor Outten read resolution 2010-06-01.1 for the Delaware budget. He opened the hearing for public comments. Upon hearing none, he closed off the hearing for public comments. Council Member Pase made a motion to accept DE Resolution 2010-06-01.1. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

First Reading- MD Ordinance 712-

Town Attorney Benson said that Ordinance 712 is here for a first reading. He reported that Delmar, DE has adopted an ordinance in reference to allowing casinos under special exception. Maryland wants to amend their zoning code to be consistent with Delaware. Commissioner Henderson made a motion to accept the first reading of MD Ordinance 712. Commissioner Wells seconded the motion which passed with 5 ayes and 0 absent.

Mayor Niblett asked about the general provision (#3 on the Ordinance) which gives the Maryland side the right and/or discretion to reject any petition seeking approval under the Planning and Zoning regulations. Town Attorney Benson replied that it could be done at the Public Hearing.

First Reading- MD Ordinance 713

Mayor Niblett read MD Ordinance 713 which reduces the number of Delaware Board of adjustment members from five (5) to three (3). The Maryland side is enacting this ordinance to mirror the Delaware side. Commissioner Henderson made a motion to accept the first reading of MD Ordinance 713. Commissioner Anderton seconded the motion which passed with 5 ayes and 0 absent.

Resolution 2010-06-01- Issuance of General Obligation Bond

Mayor Outten read Resolution 2010-06-01 which has the Delaware approval of the issuance of a \$400,206.00 General Obligation Bond for the water main project on Delaware Avenue. Vice Mayor Houlihan made a motion to accept Resolution 2010-06-01. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

***Town Manager's Report***

Town Manager Bynum-King reported that the Maryland Board of Zoning Appeals still needs two members.

The Maryland Tax Differential Study has been completed. The study was a comparison between the Town and County for duplication of services. The Cities of Salisbury and Fruitland also participated in this study. The overall results for the Town of Delmar equated to approximately a six cent tax differential for the Delmar, Maryland residents or the Town would receive a rebate. Town Manager Bynum-King said that the study is available for Commission review upon request.

The Energy Efficiency and Conservation Audit has been completed, which included all Town owned buildings as well as the Delmar Public Library. The Delmar Fire Department was also invited to participate in the audit, but opted not to at the time. Each building had a number of energy efficient needs. The Town originally was looking at geothermal heating for the bank building along with some other large ticket items. This was more money than the grant funding was for. The Town will be applying for grant funding for an energy efficient heating/air unit for the bank building. The grant funding would be \$35,000.00 from Delaware and \$15,000.00 from Maryland for making the Towns' buildings more energy efficient. The grant funds between the two states could not be combined; each funding source must be spent on separate energy project.

Town Manager Bynum-King reported that Mr. Lecates, the owner of the corner building has received a letter from the Town's Code Enforcement Officer in regards to securing the openings of the building. Code Enforcement Officer, spoke with Mr. Mills, contract holder, and discussed several options to secure the building. One item that was discussed was maybe putting hinges on the window and door openings so that they can be open when there is construction going on and then closed to ensure safety. If the building is not secured by the scheduled time, we will contract a contractor to perform the task and assess all cost to the property to be collected at time of transfer. She did say that all parties have not signed the Stipulation Order prepared by Mr. Chris Mill's attorney; the Town is the only signers as of today's date.

She reminded everyone that The Day in the Park is on Saturday, June 5, 2010 with the rain date being on the 21<sup>st</sup>. The preliminary construction plans for the bank building are on the Council's table and any changes will need to be made now so that it can be finalized and send it out for bids and quotes.

### ***Council & Commission Comments***

Council Member Payne said that he is glad summer is almost here and wished everyone a Happy Summer.

Council Member Thompson reported that he voted to take down the Stop sign at the corner of Penn Ave and Grove Street. He noticed that it is still up. He is now asking that cross walk signs be placed there instead of the Stop sign. Council Member Payne said that if a cross walk sign goes up on one corner it should go up on all the corners.

Council Member Pase apologized for not being here last month but she did have jury duty.

Vice Mayor Houlihan thanked Town Manager Bynum-King, Municipal Clerk Layton and all of the Department Heads for their hard work with the budget.

Mayor Niblett reported that he had received an invitation from the Delmar Public Library Director Kathy Crosby to welcome the new director. That date is June 12, 2010 at 10:00 a.m. at the Library. You can RSVP by June 4, 2010.

He also said that he has received a request by a former Maryland Mayor asking if the Town could possibly recognize the living Mayors for their accomplishments and past endeavors. Town Manager Bynum-King responded that an attempt had been made to do just that, without much participation from the past Mayors. In an effort to recognize the past Mayors, we have their name framed with the year(s) of their term(s) on display in the large conference room.

He reported that he received a letter from the Talbot County Council in reference to the closing of the Easton Post Office branch. They are asking for letters of support sent to the Consumer Affairs Department in Baltimore, Maryland. If everyone is in agreement, he said that he and Mayor Outten would send off a letter. Everyone said that they were in favor of a letter being sent off showing the Town's support in keeping the Easton Branch open.

He said that he has mentioned that the Heritage Day Festival is coming up and is asking the Joint Council if they would be able to fund half the cost of the fireworks display, if businesses or members of other committees could fund the other half. The total cost of the display is \$5000.00 and the festival has been moved to September 25, 2010. There was some discussion about drafting a letter to be sent to the businesses. He said that he the Town Manager had a discussion about Christmas lighting decorations and a vendor sent a brochure announcing a massive sale on holiday fixtures. Mayor Niblett suggested that the Council consider using some of the remaining funds from the Sesquicentennial Celebration to purchase holiday decorations.

Commissioner Wells thanked the Council for their help in solving the traffic problem at the Delmar Elementary School.

### **Public Comments**

Resident Thomas Luffman stated that the water test that Director Jerome Reid took and passed on his first attempt is very difficult and it is almost unheard of that someone would pass the test on the first try.

Another resident stated that a merge sign by the Exxon station is needed. There is a lot of confusion at that intersection. Council Member Pase said that it is a Maryland State Highway and the Town could not do anything.

### ***Adjournment***

Vice Mayor Houlihan moved to adjourn. There was a second to the motion which passed with 10 in favor and 0 absent.

Cindy Fisher  
Clerk of Council