

## **Joint Council March 30, 2009**

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 Deputy Mayor Hitchens, Vice Mayor Houlihan, Commissioners Anderton, Hodgins, and Williams and Council Members Payne and Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Absent: Mayor Niblett, Mayor Outten, and Council Member Pase. Guests: Mr. Remington.

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

Vice Mayor Houlihan called the meeting to order at 7:00 p.m.

The Joint Council performed the Pledge of Allegiance.

### ***Mayors Comments***

Vice Mayor Houlihan reported that Mayor Niblett and Council Member Pase were both returning from Virginia after visiting the Mayor's grandson in the hospital. Also, Mayor Outten could not be here due to a prior commitment this evening.

Vice Mayor Houlihan read the April is Fair Housing Month Proclamation for Delmar, Delaware. Council Member Thompson made a motion to approve the Fair Housing Proclamation for Delmar, Delaware. The motion was seconded by Council Member Payne and was passed with 3 ayes and 2 absent.

Deputy Mayor Hitchens reported that Delmar, Maryland had the exact same Proclamation declaring April as Fair Housing Month. Commissioner Hodgins made a motion to accept the April is Fair Housing Month Proclamation for Delmar, Maryland. The motion was seconded by Commissioner Williams and passed with 4 ayes and 1 absent.

Vice Mayor Houlihan read the Municipal Government Works Month Proclamation for Delmar, Maryland. Commissioner Anderton made a motion to accept the Proclamation that designates April as the Municipal Government Works Month. The motion was seconded by Commissioner Hodgins and passed with 4 ayes and 1 absent.

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

Council Member Thompson reported that on page 2 under the Utility Commission Report, the dollar amount for the new well should be \$100,000.00 instead of \$1,000,000.00. Commissioner Hodgins made a motion to accept the amended minutes from February, 2009. The motion was seconded by Council Member Thompson and passed with 7 ayes and 3 absent.

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

Commissioner Williams reported that she had received information from Wicomico County on the costs of running the summer program for the children at State Street Park. The \$5,000.00 was

the cost of the eight-week program that ran from Mon-Thurs. along with covering the cost of 2 instructors.

She also reported that Wayne Mitchell from WoodCreek Golf Course has expressed an interest in holding a Golf Tournament this fall and Parks and Rec. are supportive of this. Also, included within the packets she submitted, was information on the breakdown of Parks and Rec. funding in Wicomico County. She said that almost everything they do is paid for with user fees. Also, there will be no meeting held this Wednesday, and that they would have to check the calendar to reschedule.

Commissioner Hodgins stated that she did bring up this funding for the Summer Program for Delmar's youth at the last Budget Workshop. She also said that if next year, the Town could not fund this program, then it should be run by volunteers.

Town Manager Bynum-King reported that the contracts have been awarded for the basketball courts and skateboard parks. She said that it was noted in the last newsletter for everyone's safety, residents and children should stay clear of these areas while they were under construction. She also reported that it is a 45 day project, and the Notice to Proceed has already been issued as of April 6th.

Town Manager Bynum-King also reported that she had received a phone call from Donna Wilcosz on behalf of the Girl Scouts. They were asking permission to paint flowers on the trash cans in the Parks. The Council agreed that this was a nice idea and it would be a great thing for them to do as long as it was done tastefully.

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

Vice Mayor Houlihan reviewed the report that was included within the mail packets.

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

Mr. Chris Walter reviewed the report that was included within the mail packets. He did report that the last meeting that was scheduled on March 19, 2009. The Election of Officials was postponed to a later date.

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

Vice Mayor Houlihan reviewed the report that was included within the mail packets. He did report that he read in the Daily Times that the Delmarva Inn is also delinquent on the payment of their hotel taxes to the County. The Council did confirm that the Town did withhold their business license.

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

President Shawn Johnson did report that for the month of February they have responded to 33 fires and 98 ambulance calls. He also said that on the Town's website, there is a section that states that open burning is allowed only with permits either from the Fire Department or thru the Fire Marshall's Office. President Johnson stated that neither organization issues burn permits. Town Manager Bynum-King responded that the Town will make that change to the website.

Chief Johnson passed out pamphlets about 1-800-BOARDUP. This company only comes to homes after being called, either by the Fire Department or the homeowner. This company bills the insurance company instead of the home-owners. This is the company that the Delmar Fire Department will be using. They respond after fires to board up the scene and will do whatever water salvage is needed only after being called by either the Fire Department or the home-owner. Chief Johnson said that this is a national company and not something just local, and that the Fire Department endorses them 100%. Town Manager Bynum-King said that this information is something that could be put in the next newsletter.

Chief Johnson spoke of their Cadet Program. He reported that the program is limited to 10 individuals and the success that the program is having. Council Member Thompson is in charge of the cadet program.

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

Commissioner Hodgins reported that there had not been a meeting due to a lack of a quorum.

### **DB&F- Stimulus Funding**

Town Manager Bynum-King reported that Mr. Bill Remington w/Davis, Bowen and Friedel, Inc. wanted to speak on the stimulus funds and what funding would potentially be available for the Towns, along with some of the projects that the Town has been submitted as priorities.

Mr. Remington reported that he had submitted to State agencies, on behalf of the Town, water and sewer project along with some street projects. He said that we did not have much luck in the receiving of any stimulus funding. There were over 3 Billion Dollars in projects and only 92 Million Dollars in funding.

He did mention that although we were not selected to receive the stimulus funds that there was other avenues that could be pursued for potential funding for the priority projects through USDA and/or Community Block grants.

He concluded by stating that the Wastewater Treatment Plant is still open for possible funding thru the stimulus funds. He stated that there was still hope for the priority projects if one of the other funded municipalities fails to meet the federal regulations by the scheduled deadline. Delmar is currently next in position to receive stimulus funding through the Delaware Office of Drinking Water.

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

Vice Mayor Houlihan reported that Public Works has done some camera work in the sewer lines where the street-scaping project is taking place. The pipes are in relatively good shape, but might need a thin liner in certain places. Town Manager Bynum-King reported that the cameras showed that there were some cracks and breaks in some areas. She indicated that it appears that the Town could use the slip lining process to take of the necessary repairs without having to dig up and replace the existing sewer lines. The slip lining process would not be interfering with the streetscape project. She said approximate cost for the slip lining process will be \$28,000.00.

Vice Mayor Houlihan reported that the cameras showed some grease build-up from the Nursing Home from Delaware Avenue to Lincoln Avenue. Also, Spruce Street has problems with the laterals and roots.

Vice Mayor Houlihan continued by saying that Public Works will be doing spot-checks of commercial traps and would like residents to know that they should not be dumping grease down their drains. Town Manager Bynum-King said that she has previously asked Public Works Director Reid to make grease trap assessments part of their routine maintenance schedule.

Vice Mayor Houlihan concluded by reporting that they will be mulching the playgrounds and doing some weed control in the parks along with doing maintenance work on the lawnmowers and equipment.

### ***Centennial Reports***

Vice Mayor Houlihan reviewed the report that was included within the mail packet.

### ***Planning & Zoning***

#### DB&F MD Comp. Plan Update

Vice Mayor Houlihan reported that a representative from DB&F reviewed the update to the Maryland Comprehensive Plan that is due October, 2009. They had a map projecting the future growth of the southern areas maybe close to the tourist center. The Plan is for 6 (six) years.

#### Kirk Kinnamon- Bridgewood Estates

He continued by saying that Kirk Kinnamon presented plans for a new home construction in Bridgewood Estates. The plan is for a 2 story Cape Cod which wasn't suitable to be alongside the existing homes in the development. The Commission offered some suggestions for the home, and the developer said that he would do some revisions to the plan and possibly present them to the Bridgewood Estates Homeowners Association. He should be back for the April meeting.

#### Delmar Pizza

Vice Mayor Houlihan reported that a representative from Delmar Pizza presented a sign package for a sign for the existing pylon sign in the shopping center. One rendition had a little pizza man off to the side, that the Commission denied right off the bat. He had wanted to raise the sign by approx. 35" to incorporate a sign plate in the pylon. There is a sign for a business that is no longer located in the shopping center, but the landlord wanted to keep that sign space open as a lure for potential renters for that empty spot.

The Commission Members also discussed the shrubbery that was located underneath and around the pylon sign. Due to that shrubbery, the sign could not be located on the bottom of the pylon due to poor visibility from the highway. There was also discussion from the Commission whether or not this sign should be grandfathered in as far as the height restrictions. The representative from Delmar Pizza stated that he would speak to the landlord about cleaning the brush from underneath the sign and probably be back next month with a clearer plan for sign proposal.

Hastings Bros. 305 S. Maryland Ave.

Vice Mayor Houlihan reported that a representative from Hastings Bros. presented a plan to demolish the existing house at 305 S. Maryland Ave. and then rebuild. The overall footprint of the proposed house would match the existing home. The Commission Members were not favorable to the house plan due to the lack of windows on the sides of the house. After some discussion, the developer made concessions and agreed to put windows in specific spots in the house.

Vice Mayor Houlihan reported that a motion had been made and passed for Hastings Brothers, Inc. for the demolition and replacement of the dwelling at 305 S. Maryland Ave., Delmar, Maryland with the presented drawing. The drawing will show 2 windows added on the first floor on the north side and one window added to the master bedroom on the south side.

***Unfinished Business***

Town Manager Bynum-King referenced a letter, in which a copy was included within the mail packets, that was sent by Mr. Chris Mills' Attorney (James Yori) to Mr. Percy Elliott's Attorney (William Wilgus) regarding the Lecates Building. She reported that the last communication that she had with the Town Solicitor was that he and Mr. Yori left a voice message for Mr. Wilgus to return the call, so a telephone conference call could be arranged to discuss the on going matter of Mr. Mill's desire to obtain suite to quiet title to the property behind the Lecates bldg and establish an easement that would be agreeable to all parties involved. We are currently waiting for Mr. Elliott or his attorney to respond to the letter.

***Town Manager's Report***

Town Manager Bynum-King gave an update on the joint venture the Town has partnered with Salisbury, Fruitland and Wicomico County regarding the tax differential study. The study is to analyze duplicate services provided to see if the Towns were entitled to some sort of rebate from the County. The Towns collectively did prepare a request for proposal which was responded to by several firms and after the review process it was agreed the contract would be awarded to Municipal Financial Service Group (MFSG) out of Annapolis. Town Mgr Bynum-King said that she had Kim Layton, Municipal Clerk accompany her during the selection process. MFSC's bid was not the lowest however their proposal and interview demonstrated that their firm displayed the best expertise and experience for the scope of work that needed to be done. The total bid was \$59,000.00. Wicomico County will be paying \$30,000.00, the City of Salisbury will be paying \$15,000.00, and the Towns of Fruitland and Delmar will be paying \$10,000.00 each. Town Manager Bynum-King did say that this dollar amount has already been budgeted for this year since it has been an ongoing effort to have Wicomico County come to the table to discuss this issue with the Towns.

Town Manager Bynum-King reminded the Elected Officials that the Town of Delmar will be hosting the LESMA meeting in April which will be held on April 16, 2009 at the VFW. She encouraged the Elected Officials that we should have good support from Maryland as well as the Delaware Officials because we were hosting the dinner. The menu will be Prime Rib. Additional reminder that if they RSVP for this dinner and not attend, then it will be their responsibility to reimburse the Town for the cost it incurred for the dinner.

She also reported that the April SCAT meeting has been cancelled, but the Steering Committee will still hold their meeting on April 3, 2009.

***Council & Commission Comments***

Commissioner Williams reported that personally, she would like to thank Officer Heacock. She said that her son was attacked this past Friday after school. She said that the possibility was that it was an attack from gang members. Officer Heacock investigated and by Sunday afternoon 2 of the 3 suspects had been located and arrested.

Commissioner Hodgins commented that this evening alone, there have been two (2) events that is reason enough to have more officers on the force, incidents such as muggings, threats and now possible gangs.

Commissioner Anderton reported that he has researched through the Police Department that they had responded to the Delmarva Inn 41 times over this past year. He reiterated that these were just Police calls and not Ambulance or Fire Department calls. He inquired as to why they are still open, since the Town decided not to renew their business license. In his opinion, it was no longer a hotel but an apartment complex. Town Manager Bynum-King reported that this matter was brought up at the last Maryland meeting at which time the Maryland Officials asked their legal counsel to do some research on this subject matter. All of their questions should be addressed to their Attorney at their next Maryland meeting in Executive session as this is a legal matter that could potentially be litigated.

Deputy Mayor Hitchens wished to thank the ladies in the Municipal Office for his birthday card.

Council Member Thompson agreed with Commissioner Anderton that there are a lot of responses from the Fire Department to the Delmarva Inn.

Council Member Payne asked everyone to keep Mayor Niblett in their prayers for a speedy recovery for his grandson. He also wished to thank all the people who work for the Town, especially those who work in the Municipal Office, for all the work that they do.

Vice Mayor Houlihan reminded everyone that the Little League will be April 18, 2009 at 9:00 a.m.

Town Manager Bynum-King reminded everyone that Town Hall will be closed on Friday, April 10, 2009 for Good Friday.

***Adjournment***

Council Member Payne moved to adjourn. There was a second to the motion by Deputy Mayor Hitchens which passed with 7 in favor and 3 absent

Cindy Fisher  
Clerk of Council