

MAYOR & COMMISSIONERS

MAY 11, 2009

Mayor Niblett called the regular scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Niblett, Deputy Mayor Hitchens, Commissioners Anderton, Hodgins, and Williams and Clerk of Council Fisher. Absent: Town Manager Bynum-King. Guests: Robert Benson, Bobby Strohecker, and Stephanie Hyre.

Mayors Comments

Mayor Niblett reported that Town Manager Bynum-King will not be present this evening as she is attending her daughter's last band concert. He also informed the Commission that all newsletter articles will need to be turned in to Clerk of Council Fisher no later than Friday, May 15, 2009. He cited an article in the Wor-Wic Community College Update magazine that they will be starting a new turf management program this fall.

Mayor Niblett continued by saying that Town Hall will be closed on Monday, May 25, 2009 for Memorial Day. The meetings that are usually scheduled for that day are now scheduled for Tuesday, May 26, 2009. He said that he is reviewing the Draft copy of the Maryland Comprehensive Plan provided by DB&F. When he is finished, he will pass it along the mailbox system. When the last person has finished reviewing the Plan, he asked that it be returned to his mailbox.

Approval of Minutes

Commissioner Williams made a motion to approve the March 9, 2009 minutes as circulated. Commissioner Hodgins seconded the motion which passed with 5 ayes and 0 absent.

Deputy Mayor Hitchens made a correction to the April 13, 2009 minutes. On the last page, under Commission Comments, it should read "4 W. Elizabeth Street" instead of "4 E. Elizabeth Street". Mayor Niblett made a motion to accept the April 13, 2009 minutes as amended. Deputy Mayor Hitchens seconded the motion which passed with 2 ayes, 0 absent, and Commissioners Anderton, Hodgins, and Williams abstaining due to their absence at the last meeting.

Committee Reports

Planning & Zoning-

Commissioner Anderton reported that their meeting is not scheduled until next week and there is nothing new to report since there was not a quorum last month.

Utility Commission-

Commissioner Hodgins reported that their meeting is not scheduled until the end of this month and that there is nothing new to report.

Parks & Recreation-

Commissioner Williams reported that there was not a meeting this month. She did distribute memos that provided a list of the items that Parks and Rec. would like to have in the parks. She said that the total cost of the skateboard park which will include 2 quarter pikes is \$28,425.00. She said that Parks and Rec. would like the balance of the funds to

possibly go into fencing for around the park. Rampage is the company doing the installation and they will be doing it on-site on May 22, 2009. She said that she has two (2) residents that have volunteered to help form leagues for the new basketball courts. One of which is the new owner of "Fat Boyz", the restaurant where "Good Fellas" used to be. He is also interested in being a vendor for the Centennial Celebration. She is hoping to have a ribbon-cutting ceremony for both the skate park and the basketball courts on the same day.

Public Works-

Deputy Mayor Hitchens stated that there is nothing new to report

Police commission-

Mayor Niblett reported that at the Joint Council meeting, 'Aron', the new canine unit was introduced and 'sworn in'.

Centennial Committee-

Commissioner Williams reported that over 50 invitations had been sent out for participation in the parade. Both Governors from both states had also been invited to attend the festivities. She said that there has also been some conversation about inviting Vice-President Biden.

Mayor Niblett reported that the souvenir booklet committee has established rates for the ads and will be researching articles for the booklet as well as asking local businesses to sponsor some of the ads to offset the price of printing. He said that the opening ceremony has been moved from the school to the Mason Dixon Complex. The opening ceremonies will take place after the parade which will end up at the complex. There will be a Little Miss and Mr. Pageant along with the awarding of trophies for the parade, followed by the softball games. He reported that Mayor Outten has had a meeting with the representative of the fireworks company that does the display for the Shorebirds games. They scouted out the best area for the fireworks to be launched and decided on the high school. Mayor Niblett said that they now want to see if the area across from the elementary school will work, since it is closer to the Mason Dixon Complex where the majority of people will be.

Unfinished Business

Public Hearing- Resolution 200-05-11 CDBG Funding

Mayor Niblett read Resolution 2009-05-11 which authorizes the submittal of an application for **C**ommunity **D**evelopment **B**lock **G**rant funds in the amount of \$195,810.00. Commissioner Hodgins made a motion to accept Resolution 2009-05-11. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

Mayor Niblett read from the report that Town Manager Bynum-King provided in her absence. It stated that the Delmarva Inn was closed on Friday, May 1, 2009. She has received formal notification from Mr. Hooper from Hearn & Bailey that the property will be sold for foreclosure on Friday, May 29, 2009 at 1:00 p.m. The memo also stated that the maintenance manager of the Inn had contacted her to request that he be allowed to reside in one of the rooms with the use of a generator to provide electric so that he can clean the other units from debris and food left behind. The consensus of the Commission was not to allow the handyman to reside there to clean it up. It was too hazardous. It was suggested that Public Works be sent there to clean out the rooms so that it would not be infested with rodents due to the quick eviction of the residents.

New Business

Ordinance- 709 Police Department Labor Code

Town Attorney Robert Benson stated that Ordinance 709 is an ordinance for the purpose of adopting a police department labor code for the Town of Delmar, Maryland affecting employees of the Delmar Police Department including setting forth employee rights, the recognition of employee organizations, the method and manner of negotiations and the manner of dispute resolution. He stated that this is a revised version from the original draft. The

only thing that has changed are the numbers for the Sections and Sub-sections of the code that applies to Delmar and not from the Town that it was drafted from. He stated that this is the first reading and if adopted at this first reading, it will be advertised for a Public Hearing for the June meeting and if at that time the Commission choose to adopt it then, it will take effect immediately.

Commissioner Hodgins made a motion to adopt the first reading of Ordinance 709. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

Bay Area Disposal- Bobby Strohecker

Mr. Strohecker introduced himself and stated that his business is interested in leasing the property at 9172 Ocean Highway, in Delmar, MD. They deal with residential and commercial disposal removal. He stated that this will be his first company located on the Eastern Shore. He stated that the only refuse that would be stored on the property would be in the trucks and that is only if the trucks still have stops on their route after going to the landfill. It was suggested that some lattice work be used to separate the trucks from road visibility. He also knows that there needs to be a lot of work done to the inside of the building. Commissioner Anderton suggested that maybe some landscaping similar to Harvey Mack, which is a business next to this property should be done. There was some discussion on the new sign ordinance and the possibility of grandfathering the existing sign in.

The Commission along with Town Attorney Benson reviewed the zoning code for this parcel which is Highway/Regional Commercial. Town Attorney Benson stated that this particular business does not fit within the scope of what is listed as an inherent use for this zoning district. He suggested that Mr. Strohecker be placed on the Planning and Zoning agenda for next week and have that Commission discuss the possibilities. There might be a chance that he would also have to go before the Maryland Board of Zoning Appeals. Town Attorney Benson stated that when the Town adopted the zoning ordinance it was inconceivable to think of every situation that could apply for every zone. The consensus of the Mayor and Commissioners is that this situation is feasible and that he should come next Thursday for the Planning and Zoning Commission.

Bridgewood Estates

Ms. Stephanie Hyre from the HOA of Bridgewood Estates was present and discussed on-going situations that have gotten out of hand with the developers. She explained that she did work with Ryan Homes and did actually sell some of the homes that the same residents are still living in today. The developers are not maintaining the vacant properties in the development. There are undeveloped properties that are covered with weeds that are feet high. She said that the residents are having a hard time maintaining their own property due to the wind blowing the seeds off of those weeds onto their property. She said that the HOA was established in October 2008 and have run into resistance from the developers from the start. There was some discussion on what the responsibility of the HOA is, and what the developer is still responsible for. The storm water pond is still a separate entity and is owned by Bridgewood Estates, LLC. She is disappointed in the developers, because before the HOA was established, they were collecting maintenance fees that obviously were not used for maintenance. There are about 20 lots that are still vacant and still the responsibility of the developers (Eastfield Developers). She said that the lots that were to be left vacant for open space are all overgrown and a path from one leads to the storm water management pond. She asked what the plans are for that pond. She reported that there is no aerator for the pond; the water is not circulating, the grass around the pond is extremely high and everyone is getting upset from the lack of response from the developers. They have come here tonight to see if the Town could mandate that the developers do what they are supposed to do with maintaining their property. There also was discussion about the outside perimeter of the fence for the pond. She asked who actually owns that small part outside the fence along with who actually owns the ditches behind some of the pond along with being behind some of the resident's houses. Mayor Niblett and Commissioner Anderton both stated that the Town has an easement going to and from the pond that will be maintained by the Town, but the rest should either be the residents or the developers depending on what the individual deeds state.

Mrs. Hyre also reported that signs for Atlantic Homes are popping up all over the neighborhood. She was adamant that the HOA would not allow modular homes to be built or brought into the development. She said that the prices of the existing houses would not be brought down either by neglect of the developers or by modular homes being brought in. Mayor Niblett read from the Town Managers' memo that stated there has been a punch list has been generated and the items on that list would have to be addressed before the streets can receive its final surface course of hot mix. Also, the Town has a Letter of Credit that could provide the Town some leverage to get the Developer to finish the punch list and get the final surface for the streets.

Mayor Niblett continued with the memo provided by the Town Manager. He read that the Saturn of Salisbury has moved to Dover temporarily with the possibility of coming back to Delmar. Also, the Delaware Council had requested that a letter be sent to Delmarva Power & Light to request that in the future, the Town be notified when there are disconnects due to nonpayment for entities that directly violate/affect the Town's codes/operations such as the pumping station, the Delmarva Inn, nursing homes, etc. If the Maryland Commission is agreeable, a letter would be compiled to be sent from both Mayors. The consensus of the Maryland Commissioners is to send a letter to Delmarva Power in reference to Town notification prior to any disconnects due to nonpayment on entities that would affect the Town's codes of operation.

Commission Comments

Commissioner Hodgins reported that she attended the Kiwanis Prayer Breakfast recently which was also attended by the majority of clergy in the Town of Delmar. She said that she offered a challenge to them since they are always speaking of helping the youth in Town, but she told them that she never sees any of them at the meetings. Her challenge is for them to come up with some ideas for the youth of Town. They are to call Town Hall with their ideas and tell the Clerks that they had spoken with her. She said that one clergy said that he would attend the Monday night meeting. Commissioner Hodgins stated that she would like to see a letter sent to the Clergy in Town inviting them to attend our meetings.

Commissioner Williams said that the Kiwanis did donate \$200.00 towards the Summer Youth Program. Mayor Niblett said that the Lions did table that discussion until this month, and it will be discussed this Wednesday.

Commissioner Anderton reported that he has completed his work with the Legislative Committee. He has worked hard with them in restoring some of the Highway User Funds back to the municipalities. Now he can concentrate on the parade committee for the Centennial Celebration. He said that he would like to have letters sent out to the landlords of the homes on the parade route, to ensure that those properties are clean and maintained for the Centennial Celebration.

Mayor Niblett reported that there are sections on Rt. 54, near the new shopping center that are starting to buckle due to the braking of the tractor-trailers. He would like to see those spots attended to before they get worse.

Commissioner Williams reported that there are a lot of homes in Delmar that have trees or bushes that block the view of intersections, such as the corner of E. East Street and Bi-State Blvd. She feels a letter should be sent to the homeowners to clean up the trees and bushes before an accident happens due to poor visibility. She inquired as to the paving on Walnut Street. Mayor Niblett said that to pave Walnut Street and to do the underlying pipe lying, the cost would be approximately \$2 million. They will only be doing street patching this year.

Commissioner Williams also spoke of concerns from the Police Department. One was the use of their parking lot during baseball and softball games. Mayor Niblett answered that it is a municipal parking lot and that spectators of the games have always parked in their parking lot. She also spoke of them using the Police Department's restroom

facilities. Mayor Niblett responded that there are bathrooms provided at the ball fields and they should be used and not those at the Police Department. Commissioner Williams also spoke highly of Officer Smithhart for being on top of issuing tickets for illegal parking in Town.

Deputy Mayor Hitchens said that at the corner of Maryland Avenue and W. Elizabeth Street there is a large bush that is obstructing the view of oncoming traffic and he agrees that at the corner of Pine Street and Bi-State Blvd., those bushes should be chopped down. He also spoke of the Mason Dixon Auction and what they do outside on the weekends. They hold yard sales and have sandwich type signs close to the road that prevents drivers from seeing oncoming traffic. There was discussion on the auction having yard sale items spread close to the railroad tracks.

Commissioner Anderton stated that the Maszera property has been tilled under and is looking better. He also said that the property, probably owned by American Casein, is really getting tall with weeds and grass.

Mayor Niblett said that in the Comprehensive Plan draft provided by DB&F, there are some changes that will need to be made. For example; Delmarva Aluminum, Saturn of Salisbury, and American Casein are no longer in business. There was discussion that it should be brought up at the Planning and Zoning Commission meeting next week when DB&F will be present to review the draft.

Adjournment

Commissioner Hodgins made a motion to adjourn which was seconded by Commissioner Williams. The motion passed with 5 ayes and 0 absent.

Submitted;

Cindy Fisher
Clerk of Council

