

Joint Council May 26, 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 Mayor Niblett, Mayor Outten, Deputy Mayor Hitchens, Vice Mayor Houlihan, Commissioners Anderton, and Hodgins and Council Members Pase (arrived late), Payne and Town Manager Bynum-King and Clerk of Council Fisher. Absent: Council Member Thompson, and Commissioner Williams. Guests: Eleanor Kaul, Sara Hughey, Jeannie Stitt, Shawn Johnson, Marcia Elliott, and Chris Walter.

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 commented that there had been a good turn-out at the last L.E.S.M.A. meeting. He also stated that the V.F.W. will be holding its Memorial Day Service on Saturday in the back of the Post at 11:00 a.m.

Approval of Minutes

Deputy Mayor Hitchens made a motion to approve the April, 2009 Joint Council minutes. Commissioner Hodgins seconded the motion which passed with 7 ayes and 3 absent.

Parks and Recreation Report

Council Member Payne reported that there is progress on the skate park along with the basketball court. He said that the fence still needs to be anchored around the basketball court and the poles are in place right now around the skate park. Commissioner Hodgins inquired as to who would be responsible for locking the gates at dark. Town Manager Bynum-King said that it would be worked out between the Police Department and the Public Works on-call employee. She said that the Police presence would be important especially in the beginning. She also reported that the signs for the park have been ordered and is hopeful that the signs will arrive about the same time as the park construction is completed.

Police Chief's Report

Mayor Niblett read the Police Chief's Report that was included within the mail packets. Commissioner Hodgins questioned the highway construction overtime and if they were reimbursed. Mayor Niblett responded that yes, they were reimbursed by the State.

Delmar Revitalization Report

Mr. Chris Walter was present and reported that there had not been a quorum at their last meeting. He said that they have submitted plans for the Doctor's Museum and they have been stamped. He submitted it to the Council for their review. He pointed out that the Museum would be handicap accessible, both with ramps and restrooms, display rooms, a utility room along with other features. He is now working on an estimate to submit to the Town along with any grant funding available. He stated that all these plans would be submitted to the Fire Marshal for their

approval. He stated that trash receptacles and benches are some of the things that still need to be discussed for the downtown area.

Code Enforcement Officer's Report

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

Fire Department's Report

Chief Shawn Johnson reported that last month was the slowest month the Delmar Fire Department has had in the last 10 years. He said that he has a few concerns that he would like to address the Council about:

Chief reported that a letter had been sent in reference to the lighting around Bonanza. The lights have been fixed, but they are facing the wrong way. He said the lights are faced upward and light the tress instead of the street.

He suggested that any fire hydrants that are installed in the new developments be located on their entrance side. He said that locating them on the exit side makes it difficult for the fire truck to connect with. He also commented that the Heron Ponds development, while there are structures in the development, has concrete barriers blocking access to them. He stated that if they would want fire protection, he recommended that they be removed.

Chief also reported that there is a Cadet (Toby Schraom) that is working on his Eagle Scout Badge and wants to paint and GPS the fire hydrants in Town. He said that there is another Cadet that has already achieved his Eagle Scout Badge and is the first African-American in 64 years of that troop to do so.

Chief Johnson stated that he knows that the Town had an Ordinance about grass cutting. He questioned if the Town had an Ordinance about tress and bushes. He said that the fire truck cannot travel down some of the side streets due to low hanging branches from the trees and overgrown bushes. Town Manager Bynum-King stated that there is such an Ordinance and she will direct the Code Enforcement Officer to inquire to other Municipalities in how they are enforcing this Ordinance.

Chief Johnson stated that the Fire Department felt that Delmarva Power failed the Town in not notifying them that the Delmarva Inn's electric was to be disconnected. It would have made it easier for both the Town and the residents of the Inn. He also said that he felt that the Fire Department should have also been notified that the electric had been turned off. According to the Fire Marshall, the Town could have been sharing responsibility if anything had happened at the Inn due to the non-response from the Town in respect to the Code violations at the Inn. Town Manager Bynum-King stated that the Town did identify numerous violations, however due to the nature of our Ordinances we have an established protocol to follow.

Resident Eleanor Kaul stated that she had heard something about a discount for ambulance service. Chief Johnson stated that they have an Ambulance Fund Drive. The donation of \$35.00 goes towards any ambulance service, the fire department processes any payment that is paid

through Medicare and then uses the \$35.00 as a deductible. He said the names are from a mailing list provided from a mailing agency.

Utility Commission Reports

Council Member Pase reported that the slip lining process on Pennsylvania Avenue should be starting at the end of this month or the first week of June. The Commission had approved 2 EDU's for single family units, based upon the payment of the impact fees at the old Hastings property for Lou Alberti. They also approved the connection to Town water for Lou Alberti for a home at Wilcher Park located at the end of Spruce Street at the out-of-town rate.

She also reported that there are 3 Public Works employees that have completed their Basic Level Operation course and will be tested in the next few weeks. Also, the Fire Cadets have been working with Public Works on installing the new connectors on the fire hydrants.

Public Works Reports

Vice-Mayor Houlihan reported that the fire lane striping has been done at WoodCreek. Schrock and Sons have completed replacing the laterals for the street-scape project. Malone and Phillips are replacing the curbs and gutters that are in really bad shape on the Maryland side.

Vice-Mayor Houlihan continued by reporting that Public Works have done a lot of work on force accounts this season, especially with the Delmarva Inn. The Public Auction for the Inn is scheduled for this Friday. Also, Scott's Striping will be doing the lane painting on Pennsylvania Avenue. The playground equipment at State Street Park has been power-washed.

Centennial Reports

Mayor Niblett reported that the selling of ads for the Centennial Booklet is going well. This Thursday, will be a meeting here at Town Hall.

Planning and Zoning Commission Report

DB&F MD Comprehensive Plan Update

Vice-Mayor Houlihan reported that the draft of the Maryland Comprehensive Plan is being reviewed and any comments or suggestions will be going through Community Development Coordinator Hardin. Representatives from DB&F have been giving the Commission updates and will be back for the June meeting hopefully with the final draft.

Microbrewery

Vice-Mayor Houlihan reported that no one was present at the meeting.

Mr. Thomasson- WoodCreek

Vice-Mayor Houlihan reported that Mr. Thomasson presented a new town-house style for a section of the WoodCreek development. It is a two-story house with a garage. He said that these homes are slated to be built off of the 17th hole on the golf course where some pad sites have already been poured. His proposal shows 100 possible units. The price point for these homes will be around \$130,000.00. Vice Mayor-Houlihan reported that there had been some discussion amongst the Planning and Zoning members of the impact these new-style homes would have on

the existing residents of WoodCreek. He said that no approvals were given. The Commission instructed Mr. Thomasson to present this idea in a meeting with the existing residents of WoodCreek to get their feedback. He is to send out letters to the residents telling them of a meeting that he is to attend and get their feedback. The Town is also to be notified of the meeting so that a member of Planning and Zoning can also attend.

WoodCreek resident Eleanor Kaul along with Delmar resident Marcie Elliott asked for some consideration in reference to the walking trails and ponds that don't have fountains that have been promised but as of yet has not happened in WoodCreek. Mayor Niblett stated that at this meeting would be a good time to bring this matter up for discussion. He also said that any approval of the new style of town-houses could be contingent upon the completion of the promised projects that have not been started or finished.

Town Manager Bynum-King stated that these things that have been promised but not delivered should be on the final plat approval and could be some leverage the Town has over Mr. Thomasson.

L.J. Link- Walnut Street Marty's Custom Paints

Vice-Mayor Houlihan reported that Mr. Link was present but the parcel of land he wanted to discuss was not within the Town limits of Delmar.

Donald Garraway- 9 Spruce Street

Vice-Mayor Houlihan reported that Anna Humphreys owns the property at 9 Spruce Street, and has submitted a letter to the Planning and Zoning Commission that gives permission for the addition as well as the day-care that is being run out of the home. Mr. Garraway wanted to add an addition to the existing home basically for the day-care business. Originally, the plans did not show an access from the addition to the existing part of the home. The Commission told Mr. Garraway that his plan would not be approved as such since it then would be a duplex. Mr. Garraway and the renter of the home were agreeable to put in an access from one part of the house to the other. The day-care business already has a State license as well as a business license from the Town of Delmar. The Planning and Zoning Commission did recommend that the addition could be added as per the plan provided as well as having an access from one part to the other. Deputy Mayor Hitchens made a motion to approve Planning and Zoning's recommendation for the addition at 9 Spruce Street, Delmar, MD with the access to both parts of the home. Commissioner Hodgins seconded the motion which passed with 4 ayes and 1 absent.

Bobby Strohecker- Bay Area Disposal

Vice-Mayor Houlihan reported that Mr. Strohecker was present and was interested in leasing the property on Ocean Highway where United Rentals use to be located. His business is garbage disposal and wanted to know if it would be allowed in that location under the Highway Regional Commercial District. Vice-Mayor Houlihan stated that the Code does not specifically state waste removal is allowed, but it would be an inherent use under an office building complex or as a warehouse. Community Coordinator Hardin has already drafted a letter to Mr. Strohecker stating such. No motion was made since the zoning code already allowed this business to be at that location. As a side note, Vice-Mayor Houlihan said that this new business could create 30 new jobs.

Vice-Mayor Houlihan concluded by stating that the next meeting would be held on Thursday, June 18, 2009 at 7:00 p.m.

Unfinished Business

Town Manager Bynum-King reported that she did have a conversation with Wicomico County in reference to striping Pennsylvania Avenue and Foskey Lane. Their response was that their budget was tight and they would have to wait until the end of the fiscal year to see if there was any funding available. She said that she has contacted Scott's Striping and they said that they would be able to strip Pennsylvania Avenue around June 2, 2009, weather permitting, with the cost being around \$2,600.00.

New Business

Mayor Niblett reported that he had attended the Delmar School Board meeting on behalf of the Centennial Committee to request the use of their facilities for the kick-off and the ending of the week-long celebration.

He also reported that Senate Bill 98 was introduced which will consolidate Delaware's 19 school districts into 4 districts. This change will take place in July of 2011. Also Senate Bill 98 was introduced that will limit contracts of the administrators to one year.

Fiscal Year 2009-2010 Budget for Delmar, Delaware and Maryland

Town Manager Bynum-King and Municipal Clerk Layton discussed with the Council and the Public how the budget was formulated. First, the utility rate structure will change. The user fees for per 1,000 gallons for water and sewer will increase. Water rates will increase from \$2.50 to \$3.50. Sewer rates will increase from \$4.00 to \$5.00. The flat rate charges will decrease: water availability charge will go from \$17.35 to \$15.75. The sewer front footage charge will go from \$33.00 to \$16.89. They provided examples on how this will affect customers.

They continued by stating the Mayor and Council found it necessary, to help balance the budget, to increase the real property taxes by .10¢ making it now .50¢ instead of .40¢ per \$100.00 of assessed value. The Mayor and Commissioners also found it necessary to increase their taxes as well. The increase is .017¢ making it now .693¢ instead of .676¢ per \$100.00 of assessed value. The Town will still be offering the 5% discount for taxes for the senior residents.

Town Manager Bynum-King stated that it was very difficult to balance the budget with the state of the economy as it is today. She said that there was no cost of living increases given this year to the employees and the only major expenditures approved are a new police vehicle, updating the financial software, and the WWTP BNR/ENR upgrades. Delaware really had a hard time balancing its side; therefore, Maryland agreed to finance the major expenses 100% with an IOU from Delaware. The Town was to acquire the Bank of Delmarva building to relocate the Municipal Government Bldg in its location. She said that the bank drive thru area was the original location for the Town of Delmar Municipal building.

Delmar resident and Utility Commission member Howard Dickerson stated that the increase on the utilities given as an example was for the residents only. The commercial customers increase was more significant.

Public Hearing- Resolution 2009-05-26.1 Delaware Budget

Mayor Outten read Resolution 2009-05-26.1 which is for the adopting and implementing of the budget for Delmar, DE for the period of July 1, 2009 through June 30, 2010. Mayor Outten opened up the meeting for Public Comments. After hearing none, Mayor Outten closed the Public Comments. Vice-Mayor Houlihan made a motion to approve Resolution 2009-05-26.1 for the adoption and implementing of the budget for Delmar, DE for fiscal year 2009-2010. Council Member Payne seconded the motion which passed with 3 ayes and 2 absent.

Public Hearing- Resolution 2009-05-26.2 Maryland Budget

Mayor Niblett read Resolution 2009-05-26.2 which is for the adopting and implementing of the budget for Delmar, MD for the period of July 1, 2009 through June 30, 2010. Mayor Niblett opened up the meeting for Public Comments. After hearing none, Mayor Niblett closed the Public Comments. Commissioner Hodgins made a motion to accept Resolution 2009-05-26.2 for the adoption and implementing of the budget for Delmar, MD for the fiscal year 2009-2010. Deputy Mayor Hitchens seconded the motion which passed with 4 ayes, 0 absent and Commissioner Anderton with a nay vote.

Town Manager's Report

Town Manager Bynum-King reported that she had received a letter from C.O.P.S. recovery program that made the Town aware that our application was in the review process. The letter indicated that they had received 7272 applications totaling 8.3 billion requesting for over 39,000 sworn officers. The total appropriation for this program was 1 billion through the Recovery Act. She said that this is a very competitive request program.

She reminded everyone that Dewey Beach is hosting the SCAT meeting this month and to make any RSVP's with Assistant Municipal Clerk Chandler since Clerk of Council Fisher is on vacation.

Town Manager Bynum-King reported that Malone and Phillips has been going throughout Town and replacing curbs and gutters, along with making some sidewalks handicap assessable. She said that letters had been sent to residents in the areas of Town where this work was going to take place. The letter also offered the residents an opportunity to have their sidewalks replaced at the contractors' costs. That work would be a separate contract between the property owner and Malone and Phillips and would not involve the Town.

Mayor Niblett stated that he had received a letter from Wicomico County Emergency Services that invited officials from the surrounding municipalities to their office located on Naylor Mill Road on June 23, 2009 at 1:30 p.m. They are asking for participation from each jurisdiction in providing new addresses for their 911 system. The Department will conduct emergency operations and would discuss what each municipality's role would be.

Council & Commission Comments

Council Member Pase apologized for not being present during the Public Hearing for the budget. She explained that she had to attend a viewing of a long time Delmar resident that had passed. She did say that she felt that the Town worked very hard to get the budget to where it is now, and it will affect the elected officials in the same way as it does the rest of the residents of Delmar. She stated that she would like to see a Certificate of Accomplishment given to Jeremy Smith for being the first African-American to have achieved an Eagle Scout Badge in his troop. Town Manager Bynum-King stated that one has already been completed.

Vice-Mayor Houlihan stated that the budget process was daunting, especially this year. He said that while it is unfortunate, it was necessary to increase taxes. The Town employees will not receive a Cost Of Living increase this year, and some projects had to be put on hold. He thanked Town Manager Bynum-King and Municipal Clerk Layton for all their hard work.

Mayor Outten agreed to what has already been said.

Commissioner Hodgins stated that she agreed with the budget. She said that she is celebrating living in Delmar for 27 years. During that time, she has raised her children, her husband has died and she has conquered cancer, for now.

Commissioner Anderton said he voted against the budget because he felt the Maryland Budget could have balanced without raising the tax rate as recommended by the State.

Public Comments

Resident Eleanor Kaul thanked the Council for the fire lane painting of the curbs on Executive Club Drive in WoodCreek. She also said that the sidewalk in front 8940 and 8944 Executive Club Drive is in bad shape. Town Manager Bynum-King stated that she would have someone go out there and inspect it.

Resident Wayne Moore reported drainage problems on the railroad side of Pennsylvania Avenue. He said that when it rains, the area usually floods near the south end of the concession stand. Mayor Niblett stated that it probably needs to be re-graded.

Resident Howard Dickerson stated that the iron fence by the caboose looks really nice. He said that last week was National Police Memory Day and the flags were to be flown at half staff. When he questioned why the Delmar Police Department didn't even have their flag flying, he said the response was that they don't have a flag because their flag pole was broken. He stated that he would like to see the Police Department get a new flag pole.

Adjournment

Commissioner Hodgins moved to adjourn. There was a second to the motion which passed with 8 in favor and 2 absent

Cindy Fisher
Clerk of Council