

**Utility Commission**  
**March 29, 2010**

The regular scheduled meeting of the Delmar Utility Commission was called to order by Council Member Pase. In attendance were Commission Members Dickerson and Dewald, Commissioner Henderson, Council Member Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: David Ring, Jr.

**Approval of Minutes**

Commissioner Henderson made a motion to approve the February Utility Commission minutes as circulated. Commission Member Dewald seconded the motion which passed with 4 ayes and Commission Member Dickerson abstaining due to his absence last month.

**Unfinished Business**

Town Manager Bynum-King reported that she had spoken with Town Attorney Waehler in reference to Tidewater's request that the Town take no action on their interim agreement request. He said that if the Utility Commission is agreeable a letter of response can be written stating that the Delmar Utility Commission will take no action but that it provides no waiver nor does it serve as an extension of the expected performance of the original agreement. She reported that the Town Attorney said that the original agreement does have expiration dates and that Tidewater and the Delmar Utility Commission should be mindful of those dates. No action taken on the interim agreement will have no bearing on the original agreement. If agreeable, a draft of the letter will be forwarded to the Town Attorney for his response before being sent to Tidewater.

Commissioner Henderson stated that he was not on the Commission when the original agreement with Tidewater was drafted and asked how this interim agreement is different from the original. Town Manager Bynum-King responded that the interim agreement happened when Tidewater was under the impression that there might be a commercial developer ready to develop their property earlier than anticipated. The original agreement showed Tidewater needing 100,000 gallons a day, and in the interim agreement, they felt they would only need 50,000 gallons per day allocated to them with the option to increase by 10,000 gallons per day until they reach the 100,000 gallon per day limit. They also wanted to pipe their waste to the Town's wastewater facility until such time as they could complete their own. The Town would be compensated for the cost involved with this.

Commissioner Henderson made a motion that the Delmar Utility Commission will take no action on Tidewater's Interim Request and acknowledges that this will have no effect nor serves as a waiver on their original agreement with Tidewater. Commission Member Dewald seconded the motion which passed with 5 ayes and 0 absent. The consensus of the Commission was for Town Manager Bynum-King to draft a letter stating such and forwarding it on to the Town Attorney.

Town Manager Bynum-King reported that a letter had been sent to the Maryland Department of the Environment's Compliance Officer David Lyons in reference to the Consent Order advising him that the Town is in receipt of the Draft Order. The letter expressed the Utility's comments

and requests for consideration or any adjustments to the amount of the fines and permit limitations of phosphorous until the project is complete along with any consideration to the proposed completion date of the project.

### **New Business**

Town Manager Bynum-King reported that Mr. Gillions from the Green Meadow Mobile Home Park has requested that the Utility Commission allow him to submit monthly water reports like he does for the State of Maryland Department of the Environment Water Management Administration instead of being assessed by the Town for sewer at the out-of-town rate. The letter from Mr. Gillions, included within the mail packet, reports that in 2009, the total water usage for the whole park was approximately 30,000 gallons. The park is approved for 39 trailers and currently has 29.

There was some discussion on the out-of-town rates and how he should be assessed. The maximum trailers in the park is 39 and he is currently being assessed 39 EDU's. He is being billed correctly but he wants some consideration with the cost. The consensus of the Utility Commission is that they doubt he only used 30,000 gallons of water all of last year. Since he is located outside of the corporate Town limits, he should be charged the out-of-town rate. The Town would have no way of knowing when his mobile home park is full to capacity.

There was some discussion on the original owner and who did ask about annexation. Town Manager Bynum-King thought that Mr. Greene had been the person who at the time inquired about annexation. She had asked Mr. Gillions about the possibility of annexation and he has not followed through on it due to the cost factors.

Commissioner Henderson stated that if the Utility Commission gives consideration to this out-of-town customer, then they would have to give consideration to all the out-of-town customers.

Council Member Thompson made a motion for the Delmar Utility Commission not to make any adjustments to the rates for the Green Meadow Compact Homes Trailer Court in care of Brian Gillions. Commission Member Dickerson seconded the motion which passed with 5 ayes and 0 absent.

### **Town Manager's Report**

Town Manager Bynum-King reported that Jason Gidge from TMG, LLC. will be reviewing the year end audit at the Joint Council meeting this evening.

She also reported that the Delaware Council will be reading Resolution 2010-03-29.2 for the purpose of borrowing \$400,206 from the Delaware Department of Water State Revolving Fund (DDWSRF) for the upgrade to the water main on Delaware Avenue. This Resolution will need to be read because all debt exceeding \$1 Million will have to go to referendum to the voters of Delmar, Delaware to see if they will allow the Town to borrow the money.

Town Manager Bynum-King reported that she did receive a warning letter from the Delaware Division of Resources stating that the 2008 water usage was in violation of our permit for Well A, exceeding the permitted use. We used 182 million gallons and we are permitted for 160

million gallons. After some research, it was discovered that the discrepancy was due to an accounting software problem. A letter has been drafted to explain the discrepancy.

### **Commission's Report**

Commission Member Dewald wished everyone a Happy Easter.

Commission Member Dickerson thanked everyone for their assistance in helping him and his family from the loss of his house catching on fire.

Council Member Pase stated that she was glad to have him back.

### **Adjournment**

Commission Member Dewald made a motion for adjournment which was seconded by Council Member Thompson. The motion passed with 5 ayes and 0 absent.

Cindy Fisher  
Clerk of Council