

## MAYOR & COMMISSIONERS

**July 8, 2019**

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Delmar Police Chief Barkley, Town Attorney Benson. Guests: Delmar Fire Chief Shawn Johnson, Chris Brown and Charlie Towers.

### **Call to Order**

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

### **Mayors Comments**

Mayor Wells informed the Town Manager that she received a call from Delegate Carl Anderton in reference to Maryland Avenue. Town Manager Bynum-King said that she also received a phone call from Delegate Anderton. Mayor Wells explained to the rest of the Commission that Delegate Anderton lives on Maryland Avenue and his neighbors are parking their vehicles in their front yard which makes it hard for anyone leaving or backing out of Delegate Anderton's drive way to be able to see on-coming traffic. The vehicles in the neighbor's yards are blocking the sight of on-coming traffic. There have been a few close calls when Delegate Anderton's wife has tried leaving her drive way.

Mayor Wells said that it is the only house on Maryland Avenue that does not have a drive way. The Town has offered to the property owner to put in an apron so that there would a space for parking to the side of the house. The driveway apron has been recently installed.

### **Approval of Minutes**

#### May, 2019- Joint Council

Commissioner Scholl made a motion to approve the May, 2019 Joint minutes as circulated. Commissioner Tucker seconded the motion which passed with 4 ayes and Deputy Mayor Unsell abstaining due to his absence at the May, 2019 Joint Council meeting.

#### June, 2019

Deputy Mayor Unsell made a motion to approve the June, 2019 Commission minutes as circulated. Commissioner Scholl seconded the motion which passed with 3 ayes and Commissioners Tucker and Lenox abstaining due to their absence at the June meeting.

### **Unfinished Business**

Town Manager Bynum-King said that last week she had a meeting with representatives of the Historical Society who are wanting to restore the caboose. They have received their 3<sup>rd</sup> bid for the caboose restoration which came in at \$72,000. The lowest bid that they received was more for repairs than for replacing. The second bid from Lewis Construction came in at approximately \$32,000. That bid didn't take into consideration that some of the materials will be donated; such as the white pine. A member of the Historical Society will meet with Mr. Lewis to see what the bid could be lowered to after the donated materials are taken off. Depending on what that lowered bid turns out to be, the Town Manager had a discussion in reference in doing the project in phases. The Historical Society has

raised around \$4,500 in funding and they have about \$10,000 they could put towards the project. If they use the \$10,000, it would completely deplete their funds. So, right now they are awaiting the meeting with Mr. Lewis to see what the reduction of the bid will be.

Deputy Mayor Unsell suggested contacting a roofing and coating company to see if they would be willing to donate time and materials for the project.

### **New Business**

Town Manager Bynum-King reported that last week she also had a meeting with Delegate Anderton. They spoke about securing potential funding for the Town. He inquired about some of the older proposed projects such as the old police building and the streetscape along Pennsylvania Avenue. Town Manager Bynum-King informed Delegate Anderton that the Town is still interested in completing those projects, however funding was the obstacle. The Town Manager also mentioned that the Town has committed to MDE through the State Revolving Fund program to assist with the service for the I&I issues throughout Town. The last application that we submitted did not rank high enough to receive full funding requested. She advised Delegate Anderton that the Town has submitted, over the years, at least 10 different applications seeking funding without success. He was further informed that the Town went to the State to explain how the I&I are creating issues with the Wastewater Treatment Plant exceeding its permit and the Town is facing a Consent Order. Town Manager Bynum-King said that the Town was told by MDE Representatives that with our pending Consent Order, the Town would rank higher in securing funding. The Town really needs to get the I&I issues resolved for our permitting which we are in violation of every day the water table is high or when we're in the wet seasons.

Town Manager Bynum-King advised that Delegate Anderton said he would see if he could assist in securing the Town some funding. He also said that he would be back in Annapolis this Wednesday. Town Manager Bynum-King said that she would prepare the original application packet for him on Tuesday and send it over to him electronically so he would have it when he gets to Annapolis.

### **Student Advisory Report**

No one present to give a report.

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

Chief Barkley and Mayor Wells spoke about the speeders on Maryland Avenue. Chief Barkley said that he believes he is aware of who the subject is and that he is hiding his vehicle in a garage switching tags on the vehicle.

Chief also reported that there is video footage of a few individuals who have been stealing from unlocked vehicles. The thefts have been occurring lately on Pine and Chestnut Streets. He is reminding everyone to keep their vehicles locked at all times.

He informed the Commission that the Department has a new officer just out of the academy. Officer Richard Cockey, Jr. is currently out in the field with senior officers.

Chief said that they are currently working on their quarterly grant reports and on their Blue Light Night festivities which will take place on Friday, August 2, 2019 from 5:00 p.m. to 8:00 p.m. at State Street Park.

Mayor Wells asked Chief if the reports of naked women appearing on people's front door steps banging on the doors on Providence Church Road were true. Chief responded that as far as he knows they are true. One of his officers has actually identified one of the women. This is being handled by Delaware State Police since it is taking

place outside of Delmar's Town limits. Delaware State Police has not asked for any assistance at this time.

There was also conversation about the pedophile in Delmar. Chief said that while the Town of Delmar was the first to respond, the County has taken over the case since it was outside of Delmar Town limits. The County has everything that they need.

Chief Barkley informed the Commission that their golf tournament will take place on Saturday, September 28<sup>th</sup>.

Town Manager Bynum-King spoke about the need for signage on Maryland Avenue indicating that tractor-trailer trucks are not allowed on Maryland Avenue. They seem to be traveling more frequently coming off of RT 54. She suggested that Chief Barkley meet with P.W. Director Jerome Reid not only about ordering the signs but the best placement for them along Maryland Avenue. Chief Barkley said that he might say something to the Maryland State Police since the trucks may also be avoiding the scales on Rt. 13.

### **Parks and Recreation Report**

Mayor Wells reviewed the report that was included in the mail packet.

### **Code Enforcement Officers Report**

Mayor Wells reviewed the report that was included in the mail packet.

### **Fire Department Report**

Chief Johnson reviewed the amount of fire calls and ambulance calls they have had year-to-date. He said that quite a few of the calls to other areas are due to this unit being the only one on this side of the County to have a bariatric unit. Sometimes due to the weight of the patient they cannot go on a regular stretcher.

Chief Johnson reported to Town Manager Bynum-King that the hydrant on the corner of Bi-State and Jewell Street does not have the right fitting and how some of the hydrants such as the one on Grove and 5<sup>th</sup> Street are facing the wrong direction. He also said that the hydrant in front of the 3C Church is still out of service.

Chief Johnson said when the black-topping on Grove Street took place, the contractors did not black top their parking lot where they cut it up. The contractors cut out the parking lot for the new hydrant but did not come back to fill in the cut-out.

He said that on August 4<sup>th</sup> they will be doing the final inspection of their new engine and the engine will probably be in Delmar by the end of August.

Mayor Wells spoke of all the fireworks that were going off on the evening of the 4<sup>th</sup> of July. She thought the house was on Spruce Street that continued to set off fireworks until 11:00 p.m. Chief Johnson said that the fireworks were coming from a residence on 2<sup>nd</sup> Street. The Department was getting calls all night in reference to fireworks. He said that he is seeing more and more mortars which has a cylinder base that the fireworks are shot out of. He did say that what the fireworks stands in Maryland as well as retailers in Maryland sell are legal to shoot off in Maryland.

He spoke about the house on Elizabeth Street that caught on fire due to fireworks. That house had no working smoke detectors. Not all the people in the house were all one family. The amount of people in the house could be due to the fact that they were renting rooms out to more than one person. He stated that he is not sure how it works but that one person rented the entire house and then subleased the rooms to other people. The bedrooms had locks

on the outside of their doors.

Town Manager Bynum-King said that there are a few places in Town that seem to operate that way. One tenant actually brought in eviction papers along with a letter from the owner's attorney. The Town sent a letter to the attorney for the property owner informing him that he did not possess a rental license. The Town was then informed that it was family and a rental license was not needed. The Town was informed that no one besides the property owner lives there. She stated that she is not sure how the Town would gain access inside the home to conform that it is not a rental.

### **Utility Commission Report**

Deputy Mayor Unsell reported that the Grove Street Water Main Project has been progressing. They have asked for and received a 15 day extension.

The Public Works Staff distributed Boil Water notices as a precaution for the residents of Grove Street to Pennsylvania Avenue. The notice expired on July 3<sup>rd</sup>.

The Utility Commission motioned to approve the bid of \$449,015.45 for the North Stage Road Water and Sewer Main Extension Project to the highway regional areas along Rt. 13.

### **Public Works Report**

Commissioner Tucker reviewed the report that was included in the mail packets.

### **Planning & Zoning Report**

Charlie Towers- Sign Approval for "All Mobility Solutions" located at 8999 Ocean Highway, Delmar, MD  
Commissioner Scholl informed the Commission that the Planning and Zoning Commission did give a favorable recommendation. Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new signage for "All Mobility Solutions" located at 8999 Ocean Highway, Delmar, MD, per the attached drawings. The motion was seconded by Commissioner Lenox and passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home style "Ballenger" on Lot 178, located at 9517 Royal Tern Drive, 2-story, elevation A in Heron Ponds, Delmar, MD

Commissioner Scholl informed the Commission that the Planning and Zoning Commission did give a favorable recommendation. Upon hearing no comments or questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for new home style "Ballenger" to be built on Lot 178 located at 9517 Royal Tern Drive, Heron Ponds, Delmar MD., per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home style "Powell" on Lot 164, located at 30718 Bobwhite Drive, 2-story, elevation A in Heron Ponds, Delmar, MD

Commissioner Scholl informed the Commission that the Planning and Zoning Commission did give a favorable recommendation. Upon hearing no comments or questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for new home style "Powell" to be built on Lot 164 located at 30718 Bobwhite Drive, Heron Ponds, Delmar MD., per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home style "Roanoke" on Lot 142, located at 30707 Spoonbill Court, 2-story,

elevation A in Heron Ponds, Delmar, MD

Commissioner Scholl informed the Commission that the Planning and Zoning Commission did give a favorable recommendation. Upon hearing no comments or questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for new home style “Roanoke” to be built on Lot 142 located at 30707 Spoonbill Court, Heron Ponds, Delmar MD., per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home style “Alberti Ranch” on Lot 135, located at 30714 Spoonbill Court, elevation A in Heron Ponds, Delmar, MD

Commissioner Scholl informed the Commission that the Planning and Zoning Commission did give a favorable recommendation. Upon hearing no comments or questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for new home style “Alberti Ranch” to be built on Lot 135 located at 30714 Spoonbill Court, Heron Ponds, Delmar MD., per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

**Town Manager Report**

Town Manager Bynum-King informed the Commission that she has met with Public Works Director Reid about the low lying branches around Town. There was a list compiled last year of residences that had low lying branches that were trimmed back. The Public Works staff will be checking those areas to see if they have been maintained. They will also be sending letters to property owners whose properties have low lying branches. Public Works is also in the process of securing quotes from different tree companies to trim and cut-back trees.

Today was the first day for the new hire, filling in the vacancy, at Public Works.

Town Manager Bynum-King said that the Town had to cancel the largest fundraiser for Heritage Day due to lack of participation. The Town is still going to be able to afford to host Heritage Day this year with the same quality of attractions with the money in the budget.

At last month’s L.E.S.M.A., Delmar’s Mayors did a great job talking about our Town. It opened up the thought process of other municipalities to have their Mayors speak about their own accomplishments and challenges instead of looking for speakers.

**Commission Comments**

Commissioner Scholl said that when reviewing the statistics from the Police Report, he was glad to see there were no juvenile arrests this past month.

Deputy Mayor Unsell apologized for his tardiness this evening.

Commissioner Lenox informed the Commission that he attended the MML Conference in Ocean City along with the Town Manager. He stated that at MML, Senator Carozza reached out to Delmar and asked if she could attend a Commission meeting, since Delmar is new to her. It is part of her outreach program. She shared some contact information with him that he passed on to the Town Manager.

**Public Comments**

Shawn Johnson said that starting on July 17<sup>th</sup>, the tournament will be taking place for 2 days that week. They will be using all 4 fields. The County bought the property across from the Elementary School. He described the

property as it was once used as a tree farm. Right now it is being used for parking for the tournament. He said that he spoke with the Public Works Director about putting more trash cans out.

When asked how Delmar was selected for hosting the tournament. Mr. Johnson responded that the County is running out of fields that have lights. The lights automatically turn off at 10:15 p.m. and it takes about 20 minutes for them to come back on manually.

Deputy Mayor Unsell asked who in the Town endorsed Comcast as the Town's TV and internet provider. He spoke on how expensive his Comcast bill is. He suggested that maybe the Town endorse another internet provider.

Town Attorney Benson said that the Town does not restrict providers from coming into Town. When there is already a provider established in a Town, no other ones tend to come in and compete. It has nothing to do with the Town's endorsement. Once Comcast puts in their monopoly then other companies just don't compete.

### **Adjournment**

Upon hearing no further comments, Commissioner Scholl made a motion for adjournment which was seconded by Deputy Mayor Unsell. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher  
Clerk of Council