

MAYOR & COMMISSIONERS

August 12, 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, Clerk of Council Cindy Fisher and Town Attorney Benson. Guests: Delmar Fire Chief Shawn Johnson, Janis Lankford, Jordan Reed, Doug Marshall, Ben Phillips, Rajesh Patel and Chris Brown

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Public Hearing- CDBG- Housing Rehab Status Update

Town Manager Bynum King gave the report to the Mayor and Commissioners. She said that Community Development Block Grant (CDBG) program, through a competitive application process, granted financial assistance for Delmar, Maryland homeowners that meet a certain federal minimal income criteria for housing rehabilitation. The funds are used to bring substandard living conditions to a standard livability code. The Town was granted funds to assist eight low to moderate income families. The program served six of the eight, with two families backing out because they no longer financially qualified for the program. As the housing rehabilitation program is concluding, it was brought to the Town's attention, that an elderly resident needed some emergency assistance. She lives alone and what could be seen from the outside of the house there were a few holes in the roof and the front porch was rotten and in need of repair. The State granted the Town permission to use the funds to assist with the emergency rehabilitation situation. The grant expires on August 31, 2019. The Town will need to request an extension from the State for finishing up the open projects and provide assistance for the emergency rehab.

In an effort to meet one of the requirements of the CDBG Funding, there has to be a Public Hearing held at the beginning of the process and one held at the end of the process. The Public Hearing this evening will satisfy the public input and project status update requirements.

Permit to Display Fireworks

Mayor Wells read the Permit to Display Fireworks which allows the Heritage Day Committee to display fireworks for the Heritage Day Celebration on Saturday, September 21, 2019. The Mayor and the Elected Officials all signed the Permit to Display Fireworks.

Approval of Minutes

Commissioner Scholl made a motion to approve the July, 2019 minutes as circulated. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Unfinished Business

Town Manager Bynum-King reported that she is still working with the Historical Society to secure funding for the

rehabilitation of the Caboose.

Mayor Wells asked about the “Safe Routes to School” Project. The Town Manager responded by saying that just when the Town has thought they have provided all the information requested, Maryland State Highway, who is the funding source always seems to require additional items and information. The project is now 3 years old. The bid prices for the project came in considerably higher than what the Town Engineer’s estimate 3 years ago. The funding source requested additional information from the Engineers to justify and verify the adjustments of the actual bid to bring it in alignment with the actual funding amount. It seems to be an endless process. The Town has put a lot of cost, time and effort in trying to get this project approved.

New Business

Doug Marshall- Concept Plan for Heron Ponds

Mr. Marshall referenced the boat that was pictured in the mail packets. He said that the boat came up for auction and he ended up being the winning bidder. It is the 3rd most famous boat built on the Chesapeake Bay. He wants to bring it to Heron Ponds and memorialize it. He would like to bring it to the west side of the amphitheater berm and rest it on the land but make it look like it is on the water. He also would like to run utility lines from Kylan Barn and put a cover over the boat so it won’t deteriorate. The dimensions of the boat are 46 ft. long and 13 ft. wide. He would like to use it as an overnight sleeping quarters for people using Kylan Barn.

Mr. Marshall said that it does have an operational bathroom and kitchen on it. The Health Department in Wicomico County and the Fire Marshall are reviewing the plans now. He said that it will be going to the Planning and Zoning Commission next.

Mayor Wells asked if there is anything prohibiting this? The Town Manager responded that initially, when Mr. Marshall first brought the plan to her attention, the boat would actually be in the water. During the original conversation, Mr. Marshall was required to provide written documentation from the County Public Works, MDE, the Health Department and the Fire Marshal’s Office to verify his idea was breaking no County or State regulations. The Town was looking more at regulations that addressed storm water issues, as well as occupancy for the proposed overnight stays on the boat. Mr. Marshall stated that the Storm-water Management representatives did not like the idea of the boat in the storm water pond and that is why he changed the plan to place the boat on the west side of the berm. Mr. Marshall also said that there will be other inspections that will be required, such as ADA compliance and health and safety issues will be addressed. He believes the ADA requirements may be waived.

Again, Mr. Marshall said that the boat would be placed on the west side of the storm-water pond between the amphitheater and pond. When asked by Commissioner Lenox what the use of the boat would be, Mr. Marshall responded that the boat would be a memorial and if someone wanted to stay on the boat overnight they could use it. There is no food and beverage component to the stay. He also said that he wants to put in a small pump station to pump the waste to Kylan Barn.

Commissioner Scholl said that the area would function as a commercial tourism site and he has no problem with it. No one else had anything negatively to say. They thanked Mr. Marshall for coming in.

Student Advisory Report

No one was present to give a report.

Police Chief's Report

Chief Barkley said that the Blue Light Night went off well even with the postponement from last week. They are now preparing for Back to School, Heritage Day and their Golf Tournament.

He informed the Commission that there were 2 suicides this past month. Also, there was a developmental challenged child missing and they helped find him with the use of one of their drones.

Chief Barkley said that as of this past Friday, they are assisting the State's Attorney General with an elderly resident in Town being taken advantage of by family members. He is a retired federal employee who has quite a bit of money. He has had some medical issues and is currently in Adult Protective Services who will house him and take care of him until his sister can relocate him to her house.

Chief stated that the Department will probably be losing an Officer to Rehoboth Beach. They expect to know something in the next few weeks. The Department will keep the K-9.

Parks and Recreation Report

Mayor Wells reviewed the report that was included in the mail packet. It was noted that the land that had been donated to the Town and was to be used as a dog park is way too small by national standards. Mayor Wells suggested that maybe that land could be used for the Community Garden next year.

When asked by Mayor Wells if the Parks and Recreation Council has all needed members, the Town Manager informed her that there is a need for one more Delaware resident member.

Code Enforcement Officers Report

Mayor Wells reviewed the report included in the mail packets.

Fire Department Report

Fire Chief Shawn Johnson was present and gave a report. He reviewed the amount of year-to-date calls for fire and ambulances. He said there is an average of 6 ambulance calls per day.

Chief Johnson said that they went last week to do the final inspection of the new engine and hopefully it will be here by the end of this week. He also noted that the house on First Street, which he believes the Town owns, has been unsecured with the front door being open.

There was a pedestrian struck on Rt. 13 the other evening. He noted that the street lights along Rt. 13 were not working. When he reported it to DP&L, he was told by DP&L that the street lights belong to State Highway.

Delmar Police Chief Barkley said that he has been in contact with State Highway on that matter.

Utility Commission Report

Deputy Mayor Unsell reported that the Grove Street Water Main Project punch list should be completed by this week.

Public Works Report

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

Planning & Zoning Report

Commissioner Scholl reported on the following:

Matt Phillips- Phillips Signs-Re-face road sign and new building sign for Caterpillar Alban located at 8660 Ocean Highway, # 2A, Delmar, MD

Mr. Ben Phillips from Phillips Signs and Jordan Reed from Caterpillar Alban were present to answer any questions the Commissioners might have.

Commissioner Lenox asked about the fence behind the building, Mrs. Reed responded that it would be the area for the outdoor storage of rental equipment.

Commissioner Scholl said that this request met all the guidelines for signage and the Planning and Zoning Commission gave it a favorable recommendation. Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the re-facing of the road sign and a new building sign for Caterpillar Alban located at 8660 Ocean Highway, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Janis Lankford- Home addition to 403 E. Walnut Street, Delmar, MD

Commissioner Scholl informed the Mayor and Commissioners that Planning and Zoning gave a favorable recommendation with the contingency that a new site plan be presented this evening showing all the setbacks for the addition, which Mrs. Lankford has provided this evening.

Mrs. Lankford said that they wanted the addition for more living space and that the garage would be going on the left side of the home.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the addition to 406 E. Walnut Street, Delmar, MD, per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Rajeesh Patel New home build at 9121 Swingbridge Lane, Delmar, MD

Commissioner Scholl said that house meets all the setbacks and the Planning and Zoning Commission did give a favorable recommendation. Mr. Patel stated that the house is 2,000 sq. ft.

Upon reviewing the plans provided, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new house build at 9121 Swingbridge Lane, Delmar, MD, per the attached drawing. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 63, "Roanoke" home-style, 2-story, elevation "A", located at 30652 Green Heron Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 63, "Roanoke" home-style, 2-story, elevation "A", located at 30652 Green Heron Way, Delmar, MD, per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 114 “Ballenger” home-style, 2-story, elevation “A”, located at 9495 Mourning Dove Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Mayor Wells made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 114, “Ballenger” home-style, 2-story, elevation “A”, located at 9495 Mourning Dove Way, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 156 “Powell” home-style, 2-story, elevation “K”, located at 30745 Hawks Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 156, “Powell” home-style, 2-story, elevation “K”, located at 30745 Hawks Way, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 158 “Alleghany” home-style, 2-story, elevation “A”, located at 9514 Mourning Dove Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 158, “Alleghany” home-style, 2-story, elevation “A”, located at 9514 Mourning Dove Way, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 218 “Alleghany” home-style, 2-story, elevation “K”, located at 30664 Green Heron Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 218, “Alleghany” home-style, 2-story, elevation “K”, located at 30664 Green Heron Way, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New house build- Lot 219 “Roanoke” home-style, 2-story, elevation “C”, located at 30674 Green Heron Way, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation for this build.

Upon reviewing the documentation in the mail packet, Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 219, “Roanoke” home-style, 2-story, elevation “C”, located at 30674 Green Heron Way, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Report

Town Manager Bynum-King reported that last Tuesday, August 6, 2019, Delegate Anderton arranged a tele-conference with Secretary Ben Grumbles and Mr. Jay Sakai of MDE, regarding the Town's Infill and Infiltration (I&I) issues and the impact it is having on the Wastewater Treatment. She mentioned to Mr. Grumbles and Mr. Sakai that the Town has submitted applications for funding over the last 10 years including this last round for assistance to replace severely deteriorated sections of sewer drain. The application did not rank high enough to receive total funding. She informed the gentlemen of our issues with the I&I and how the Town has been proactively taking measures to slip line areas that were identified as less invasive. She further explained that working with the Town Engineer, she arranged to proactively meet with representatives from MDE to explain the Wastewater Treatment Plant issues and the plan of action the Town has been working on. It was during the meeting with MDE Representatives that it was recommended that the Town submit an application for assistance, which should rank pretty high because the Town is going to be under a Consent Order issued by the State. The application was submitted with all of the information we were told to include and it still did not rank high enough for funding.

Secretary Grumbles informed the Town Manager that according to his records, he was showing that the Town's project would be funded FY 21, starting July 1, 2020 next year. He also informed the Town Manager that there is a possibility that funding could occur sooner if some of the other jurisdictions funded in FY 20 do not accept the funds allocated for their projects.

The Town Manager said that Mr. Sakai mentioned that the Town of Delmar is considered a "Disadvantaged Community" and no-interest loans and low-interest loans would be available. It was suggested to the Town to continue to do what we are doing and in addition look into the issues with the Waste Water Treatment headworks because the screen and grit unit plays an important role in the plants' daily operations. The Town Manager said that the tele-conference was positive and she is hopeful for the Town. She thanked Delegate Anderton for arranging the meeting.

Town Manager Bynum-King said that Maryland tax bills were sent out this past week and the revenue is starting to come in. She also reported that there are 2 vacancies on the Maryland Board of Zoning Appeals. The paving of the Town Hall parking lot seemed to have helped with the flooding issues especially in the drive-thru area.

She informed everyone that Heritage Day is fast approaching and will be similar to what it was 2 years ago. Also, the Town is gearing up for the annual audit which will start on September 9th this year.

Commission Comments

Deputy Mayor Unsell stated that he was sorry he missed the Blue Light Night activities.

Adjournment

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