

MAYOR & COMMISSIONERS

March 9, 2020

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. on Monday, March 9, 2020. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Fisher and Town Attorney Benson. Guests: Julie Ringgold, Sydney Scharf and Chris Brown.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells welcomed everyone to the meeting.

Approval of Minutes

Commissioner Scholl made a motion to approve the February, 2020 minutes as circulated. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Unfinished Business

Town Manager Bynum-King reported that the Second Street Project is finally underway. The contractors were on-site today. There is a large tree that needs to be removed. This project has been in the works for 5 years. The Town did get the grant amount modified because it has been so long since the original grant funds were award. The State increased the funding amount to \$41,230.00 to cover the difference between the original project award and actual project cost.

Town Manager Bynum-King provided the Commissioners with an update on Resolution 2020-01 that was passed last month with the intent to amend the Charter. She said that prior to the deadline to appeal the amendment and seek a referendum, she received 65 pages of signatures with a total of 540 names on February 20, 2020 hand delivered by Lt. Wade Alexander. There are 2246 registered Delmar, Maryland voters and the Delmar Police Department will need 20% of that total of signatures on the petitions for the matter to go to referendum. The Delmar Board of Elections did their initial review and there will be a second review for cross referencing and validating the signatures.

New Business

First Reading- Ordinance No. 746- To Amend Ordinance No. 709- Labor Code

Town Attorney Benson stated that this is the first reading of Ordinance 746 which is amending Ordinance 709, Section 1.3.B by amending the definition of employee.

Town Attorney Benson explained that in 2000 a member of the Delmar Police Department attempted to have Delmar, DE amend their charter to allow collective bargaining. They continuously worked on this but the State of Delaware is currently undecided, therefore all measures and attempts have failed.

Delmar, Maryland and Delmar, Delaware have a Unification Agreement. The two Towns fund the Police

Department jointly. In 2007 the Delmar Police Department made efforts for collective bargaining in Maryland. In 2009, Delmar, Maryland adopted Ordinance 709 which was largely written by the Fraternal Order of Police.

From 2009 to 2019 Ordinance 709 has been in place. There have been no efforts from the Delmar Police Department during that time for Delmar, Maryland to change their charter. They kept waiting for Delmar, Delaware to adopt collective bargaining. The Delmar Police Department knew about the Unification Agreement.

They got frustrated with the lack of movement in Delaware on this issue and tried to start the process in Maryland. In the fall of 2019, the union on behalf of the Delmar Police Department, filed an action in Circuit Court to have Delmar, Maryland engage in collective bargaining. The Court ruled that the Town of Delmar had to go to arbitration. The Town opposed it on merits. The union did not address the merits. The union only wanted arbitration. The courts sent it to arbitration and the arbitrator said that the union did not abide to the procedures.

Town Attorney Benson reported that in reviewing Ordinance 709, there appeared to be an oversight. If it goes to collective bargaining, the wording in Ordinance 709 needs to be corrected and clarified.

Town Attorney Benson read Ordinance 746 in its entirety and said that if adopted on this first reading, then it will come back in April for a Public Hearing.

Town Attorney said that the change is to the word "Captain" changing to "Lieutenant." Delmar Police Department has never had the rank of Captain. The second in charge is the Lieutenant.

The words "supervisory employees" has been added to managerial employees in the Ordinance. The Town attorney read the definitions of each.

Mr. Shapiro, who is the attorney for the Town in this matter said that supervisory and managerial employees do not have the option to collective bargain. The description of a Lieutenant seems to be someone who has management authorities. If the Chief is out for any period of time, the Lieutenant would take command. Mr. Shapiro has stated that he would likely argue, even under the current wording that the Lieutenant would not have the authority for collective bargaining. The Lieutenant is a supervisory or managerial employee. He is a supervisor for everyone below him and is second in command.

If the petition relating to the Ordinance to amend the charter does not have enough signatures, then the charter amendment goes into effect. If there are enough signatures, then it would need to be decided when the election would take place.

Deputy Mayor Unsell made a motion to approve Ordinance # 746 with Commissioner Tucker seconding the motion. The motion passed with 5 ayes and 0 absent.

Town Attorney Benson stated that this Ordinance will be back in April as a Public Hearing for final approval.

Student Advisory Report

Student Advisor Sydney Scharf reported that the S.A.T.'s for the 9th and 10th grades were given 2 weeks ago. The S.A.T.'s for the 11th grade were administered this past Wednesday. She spoke about the Excel classes. She feels that the school should make that time more worthwhile for the Juniors. She stated that she didn't know how to go about changing or making suggestions. Mayor Wells suggested that Sydney find out what the state requirements

are. Also, maybe speak to an instructor that was more into the Excel classes, or even suggest changing the teacher to make it more worthwhile. She should then speak to the principal.

Sydney said that it is scholarship time. April 24th is Prom and they are off from school She believes that the Prom will be at the Wicomico Civic Center. Afterwards, everyone is going bowling. Graduation is early June.

Police Chief's Report

Chief Barkley reported that the investigation into the Stop N Shop incident has concluded. All subjects have been arrested and charged and they were all juveniles. They were part of a larger ring. There was a lot of help from many agencies. The Clerk at the store was hit with brass knuckles.

In reference to the Spruce Street incident, where an elderly lady was severely injured by a man who broke into her house and assaulted her a few years ago. She is still recovering. The case has gone to court and the man received a conviction and 50 years of incarceration.

Chief reported that all is quiet on Carriage Walk Lane. The female subject got a protective order and it has been served. The guy who had the heart attack's conditions have not improved, as of his last update, and the outcome is not looking good at this time.

Parks and Recreation Report

There was not a quorum to have a meeting.

Code Enforcement Officers Report

The report is included in the mail packets.

Utility Commission Report

Deputy Mayor Unsell reported that there was a progress meeting for the Stage Road Project. The water main has been installed. The Library has had some problems with plumbing and is closed until the matter can be fixed. He stated that one of the laterals from the house that was demolished was not capped off properly. Deputy Mayor Unsell also reported that there was a pre-construction meeting for the second phase of Ponds' Edge.

Public Works Report

The report is included in the mail packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Julie & Bobby Ringgold- New Home build on Lot 1, W. Elizabeth St., Delmar, MD

Mrs. Ringgold stated that she and her husband have purchased all four Lots on W. Elizabeth Street. She is here this evening for final approval for the house build on Lot 1. She stated that it did get a favorable recommendation from the Planning and Zoning Commission. The plans call for a garage but they will not be building the garage. The house is 1307 Square feet. They will all be spec homes. Mrs. Ringgold stated that she and her husband are aware that the elevations of the homes on the 4 Lots need to be different and they will be building them one at a time.

Commissioner Lenox made a motion to approve the favorable recommendation from the Planning and Zoning Commission for the new home build on Lot 1, W. Elizabeth Street, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- New Home Build in Wood Creek Lot 403, located at 9374 Mulligan Way, Delmar, MD

Mrs. Brown informed the Commission that this would be the model home for Ryan Homes in Wood Creek. She also informed the Commission that there are 81 properties in Wood Creek to be developed. Commissioner Lenox asked if this house would be on a slab. Mrs. Brown stated that the application indicates that it would be on a crawl. Commissioner Lenox also stated that everything in Wood Creek is concrete from the driveways to the walkways to the front door. He would like to see the same thing for the new houses that Ryan Homes will be building.

Deputy Mayor Unsell made a motion to accept the Planning and Zoning's favorable recommendation for a new house build on Lot 403, located at 9374 Mulligan Way, Wood Creek, Delmar, MD with the contingency that the driveways and walkways to the front door be concrete. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Report

Town Manager Bynum-King reported that she attended the quarterly meeting of the MPO on February 27th. She learned that Maryland State Highway is working with DelDot in redesigning the intersection of Rt. 13 and Rt. 54. They will be re-doing the signal lane to provide full pedestrian crossing.

The Delmar wrestling coaches sent a thank-you card for the donation the Town made in memory of Noah Vincent. The funds will be used to purchase new uniforms for the middle school.

The quarter auction will take place on Friday, April 3, 2020. Volunteers are needed and we are still accepting donations.

Spring Clean-Up for Delmar, Maryland is Tuesday and Wednesday, April 21st and 22nd. Residents wishing to participate need to select one of those days. Participants will need to contact Town Hall so they can be added to the pick-up list. The information is in the newsletter.

Opening Day for Little League is April 18th with the parade beginning at 9 am. Usually the Elected Officials are in the parade and they have been asked to participate in Opening Day by throwing out the first pitch.

The registration forms for the summer MML Conference is in the MML magazine Anyone interested in attending, please fill out the forms and please pay attention to the deadline dates.

The office will be closed tomorrow between 10 am and 1:30 pm so everyone can attend Starr's mothers' funeral.

Town Manager Bynum-King said that she will be attending the Maryland Managers Conference in Bowie from April 30th to May 1st.

CDC William Hardin is the Town's representative for Census 2020. As part of the effort to get the information to our residents, a Party With a Purpose will be held on Saturday, March 28th from Noon to 2 pm at the Holy Redeemer Catholic Church in the Community Center. There will be free hot dogs, chips, soda and water and there will be more information available as to the importance of the Census.

The Town Manager said that there will be several sites in Wicomico County that the Census 2020 will be hosting. Delaware residents are encouraged to attend.

Lastly, the Town Manager reminded the Mayor and Commissioners of the Budget Workshop scheduled for Wednesday, March 11 at 6:00 p.m.

Commission Comments

Deputy Mayor Unsell stated that he was at Walmart the other day and they had a table out for the Census 2020. They are looking for people to work and will be paying \$18.50 per hour.

He also informed the Commission that Barry Mehta has signed an agreement with 2 Delmar women to have an eatery at the Club House. They will be open from 11:00 a.m. to 8:00 p.m. while the golf course is open. April 18th is opening day for the Wood Creek golf club. He believes the ladies are Terri Addlesburg and Jennifer Lord.

Mayor Wells said that there was an Executive Session scheduled for after this meeting but at this time, she doesn't feel one is necessary.

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