

## MAYOR & COMMISSIONERS

**April 13, 2020**  
**Via Teleconference**

Mayor Wells called, via teleconference, the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. on Monday, April 13, 2020. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Police Chief Barkley, Town Attorney Benson and Clerk of Council Fisher. Guests: Sydney Scharf and Senator Mary Beth Carozza.

Mayor Wells performed the Pledge of Allegiance.

### **Call to Order**

Mayor Wells took roll call and all Elected Officials are present along with Police Chief Barkley, Town Attorney Robert Benson, Student Advisor Sydney Scharf and Senator Mary Beth Carozza.

### **Mayors Comments**

Mayor Wells said that this was a historic meeting since it is the first meeting outside of Town Hall. She asked everyone to be patient as we maneuver through the protocols. Mayor Wells stated that the government never shuts down. She thanked everyone who is continuing to work.

### **Public Hearing-** Ordinance # 746

Mayor Wells stated that this is a Public Hearing for Ordinance #746 which was adopted on First Reading last month. This has been advertised for a Public Hearing for this evening.

Town Attorney Benson identified himself and read Ordinance #746, which states that the command structure of the Delmar Police Dept. has only officers that are responsible for the day-to-day management of the employees of the Department which are the Chief of Police and the Lieutenant. The Delmar Labor Code limits the Chief and the Captain as not being eligible to engage in collective bargaining. In the history of the Delmar Police Department, there has never been the position of "Captain". The clear intent of the Delmar Labor Code was so that any individual with managerial or supervisory responsibility in the chain of command at the Police Dept. should not be included among the employees entitled to engage in collective bargaining. The Mayor and Commissioners have reviewed the definitions of employee, managerial employee and supervisory employee in the Delmar Labor Code together with the description of Lieutenant and believe that the rank of Lieutenant is a managerial or supervisory position and is not the type of employee entitled to collective bargaining under the Labor Code. The Delmar Labor Code, Ordinance #709 is being amended by deleting Section 1.3.B and changing the definition of "employee".

Town Attorney Benson said that Ordinance 746 was adopted on First Reading in March and is here this evening for a Public Hearing.

Mayor Wells asked for a motion to open the hearing to public comments. That motion was made by Deputy Mayor Unsell and seconded by Commissioner Tucker. Mayor Wells took roll call for the vote: Commissioner Scholl- aye, Commissioner Lennox- aye, Commissioner Tucker-aye, Deputy Mayor Unsell-aye, Mayor Wells-aye. That is 5 ayes and 0 absent. The motion passes.

Hearing no public comments, Mayor Wells asked the Clerk of Council if she received any requests from the public to be heard this evening. Clerk of Council Fisher stated that there were no requests for public comments.

Mayor Wells asked for a motion to close the public comment portion of the hearing. Deputy Mayor Unsell made a motion to close the public comment portion of the hearing. The motion was seconded by Commissioner Scholl. Roll Call indicated that all Maryland Elected Officials voted in favor of closing the hearing to public comments. The motion passed with 5 ayes and 0 absent.

A motion was made by Deputy Mayor Unsell to adopt Ordinance #746. Commissioner Tucker seconded the motion. Roll call indicated that all Maryland Elected Officials voted to adopt Ordinance #746. The motion passed with 5 ayes and 0 absent.

Town Attorney Benson asked the Clerk of Council if she would forward him a copy of the signed and executed Ordinance. Clerk of Council Fisher said that she would.

### **Approval of Minutes**

Mayor Wells asked for a motion to approve the March, 2020 minutes as presented. Commissioner Scholl made that motion which was seconded by Deputy Mayor Unsell. By roll call, all the Maryland Elected Officials voted in favor of approving the March, 2020 minutes. The motion passed with 5 ayes and 0 absent.

### **New Business**

Town Manager Bynum-King said that the Town has received a letter from the Department of the Environment granting the Town \$1,139,457 for FY'21 for the sewer replacement project. The Board of Public Works has to give final approval before the project funds are awarded. That funding will go a long way in assisting with addressing some of the I&I problems.

The Town Manager said that a letter was addressed to the Mayor and Commissioners from the resident of 201 E. Chestnut Street. In the letter, the resident said that he would not be paying taxes until we clean the property adjacent to his on the corner of Chestnut and Second Street. The Town Manager identified the property the property in question as it is the property that had the chickens. The Code Enforcement Officer was told by the property owner in question that he was holding the debris until the spring clean-up. The Town Manager said that as of Thursday afternoon, he has not called to be added to the pick-up list. He has to at least contact Town Hall by Tuesday or it will be treated as a violation. The Town Manager said that she will send a letter to the resident stating that we understand his concerns and are working to address his issues, however, he needs to pay his taxes to avoid any further penalties and fees.

### **Student Advisory Report**

Mayor Wells said that she has invited student advisor Sydney Scharf to the meeting to update the Commission on the distant learning. Sydney said that most of the kids are having a hard time following the classes and the list of assignments for each class and when they are due. There are on-line meetings the students can attend with the teachers, but they are optional. In the Group Chats, the teachers do record the class so if anyone misses the class because of work or illness, they can bring it up on the computer at a later date.

Sydney said the situation is not ideal but it is not awful. If school goes back into session soon, then the last day for

seniors will be June 1<sup>st</sup> and the last day for the underclassmen is June 16<sup>th</sup>. There is still a question about the prom and graduation. Currently they are on spring break which is from April 10<sup>th</sup> to the 17<sup>th</sup>.

She informed the Commission that all state assessment testing has been canceled except for AP (Advanced Placement) testing. Now that it is an on-line test, the time for the AP test has gone from 3 hours to 45 minutes and the number of questions went from 45 to 2.

Deputy Mayor Unsell asked if there are students who don't have internet access. Sydney stated that she doesn't know but she does know that the school is aware of who has access and who does not. Deputy Mayor Unsell said that the Delmar School System has done a better job than the Wicomico County School System.

Everyone thanked Sydney for her report

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

Chief Barkley said that everyone should have the statistics in their mail packet. He informed the Commission that there was another pedestrian accident on Rt. 13 and North Winner Blvd. The person had been drinking and, in the dark, stepped out in front of a car. Chief said that domestic calls have been on the rise. He feels that it is due to everyone's confinement.

He reported that Officer Kinlaw is now in and employed by Washington State. He was put under quarantine as soon as he arrived. Chief Barkley stated that one of his officers has been quarantined for 14 days due to someone in his household having contact with someone with symptoms. He is now back to work showing no symptoms.

Chief Barkley said he is having phone conferences on a daily and weekly basis in reference to concerns with COVID-19 and he is on the phone with Wicomico County every day at 4 pm. Chief Barkley stated that his department hasn't noticed any violations on either side. They are good on PPE's and they have ordered more. The Department has received hand sanitizer from Wicomico Emergency Services made at Dogfish Head Brewery.

There have been a lot of inquires about the Governor's orders about not going from one state to another. Delmar is a Bi-State Town and the Police Department would not be doing the residents a good service if they stop residents from going from Maryland into Delaware and the same for the reverse. He said that for those businesses that are open and continue to operate, we should all support them.

Senator Mary Beth Carozza thanked Chief Barkley for his report. It's good to see common sense being used along with the orders from the Governor. She agrees with supporting local small businesses. Senator Carozza thanked Chief Barkley for his comments about small businesses.

Senator Carozza thanked the Commission for allowing her to join the meeting. She said that she would like to provide a brief update on what's going on. Senator Carozza stated that this is the first time the General Assembly has adjourned early since the Civil War. She is working with a team of 5, including herself, to primarily assist people going through the approval process for small business grants along with filing unemployment applications. There have been delays in processing both applications. The number of applications is staggering. She and her team are available for individual requests. She can be contacted via her email address:

[marybeth.carozza@senate.state.md.us](mailto:marybeth.carozza@senate.state.md.us) or she can be reached on her personal cell phone number which is 443-978-0742. She said that Towns have their own challenges and they need to think about long term recovery. She said that she is looking forward to attending these meetings in person. The Senator thanked everyone for their dedicated

work.

### **Parks and Recreation Report**

Town Manager Bynum-King stated that there was not a meeting last month.

### **Code Enforcement Officers Report**

Mayor Wells said that the Code Enforcement Officers Report is included within the mail packet.

### **Utility Commission Report**

Deputy Mayor Unsell reported that there was not a meeting this month.

### **Public Works Report**

Mayor Wells stated that the report is included in the mail packets.

### **Planning & Zoning Report**

Commissioner Scholl reported that there was not a meeting last month.

### **Town Manager Report**

Town Manager Bynum-King stated that the Town received a Thank You card from Starr and Bob Conaway with the passing of Starr's mother and Bob's father.

During the COVID-19 epidemic our employees have been coming to work. There is one employee out due to her not having child care for her children since the schools are closed due to the coronavirus. With this situation, the Town became aware of the Families First Coronavirus Response Act which allows employees with no child care for their children who are now out of school to use a combination of their sick and vacation time for the first 10 days they are out and then the employer will pay 2/3's of their wages for the next 10 weeks. Currently we have one employee eligible to participate in this program.

The Town purchased one case of hand sanitizer from Dog Fish Head and will be sharing it with the wastewater treatment plant and the water treatment plant. The Town Manager said that the Spring Clean-up for the Delmar, Maryland side will be held on April 21<sup>st</sup> and 22<sup>nd</sup>. Residents need to follow the instructions in the newsletter for signing up one week prior to pick-up.

Town Manager Bynum-King said that we need to have one more Joint Council Budget workshop on April 27<sup>th</sup>. It would include discussion on how to proceed with the proposal with pay scale of the Police Dept. The proposed budget is balanced with contingency funds.

The 2020 Summer Maryland Municipal League Conference is still scheduled to go on. It is scheduled from June 28<sup>th</sup> to July 1<sup>st</sup>. The League is monitoring the situation and will cancel the convention if things don't turn around. However, until such notification of cancellation occurs, May 22<sup>nd</sup> is the deadline for hotel reservations. Anyone who hasn't done so and is interested in attending, please contact Clerk of Council Fisher. The early bird registration has been extended until May 20<sup>th</sup>. If anyone has to cancel there is a cancellation fee. If the MML Conference is canceled then everyone would get a full refund.

### **Commission Comments**

Commissioner Scholl stated that he had no comments.

Deputy Mayor Unsell said that Ryan Homes is marking off the Lots in Wood Creek.

Commissioner Tucker stated that he had no comments.

Commissioner Lennox had a scheduling question. He said that the 27<sup>th</sup> is supposed to be the 1<sup>st</sup> reading of the FY21 budget. Are we going to have the workshop before the meeting?

Town Manager Bynum-King apologized and said that the workshop should be held on April 22<sup>nd</sup> at 6 pm and the 1<sup>st</sup> reading of the FY'21 Budget is scheduled for April 27<sup>th</sup> at 6:30 p.m. At the workshop you will be considering the pay scale submitted by the Police Department and any other MD and DE items to be included in the budget.

The proposed budget is balanced. Our accounting software moved the contingency fund from last year to this year which was noticed by our Financial Officer. The Commission has \$60,721 in contingency. The Commissioners can also determine if there are other smaller projects they would like to use some of the funds to complete, just keeping in mind that some of the contingency funds are used for special things we do like the Holiday Dinner, the awards and gifts, etc.

Mayor Wells said that she doesn't want to get used to this style of meeting. It would work with bad weather and for Planning and Zoning so the petitioners won't have to wait another month to present. It's good that we have contingency plans for everything.

### **Public Comments**

Upon hearing no public comments, Mayor Wells asked for a motion for adjournment.

### **Adjournment**

Deputy Mayor Unsell made the motion for adjournment which was seconded by Commissioner Scholl. Mayor Wells took a roll call vote and the motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher  
Clerk of Council