

MAYOR & COUNCIL
April 4, 2022
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. This meeting is available to the public, in person with limited seating and via teleconference. In attendance were Vice Mayor Pase, Council Members Smith, Jones, Kemp and Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Vondell Spencer. Guests: David and Kathy Magner, Robin Bond, Vince Luca, Tom Bauer, Penny Glasgow and Angel Ibarra-Martinez.

Mayor's Comments

Mayor Houlihan called the meeting to order and performed a roll call to confirm there was a quorum. A quorum was established.

Mayor Houlihan thanked Vice Mayor Pase for running the March meeting, while he was away on vacation, with his family on spring break in North Carolina.

Mayor Houlihan announced at 7:45 p.m. he and the Council will be going into an Executive Session to discuss a legal matter with Town Labor Attorney and return to regular session once that discussion is finished.

Approval of Minutes

Mayor Houlihan called for a motion to approve March 7, 2022 meeting minutes as prepared. A motion seconded (Smith/Jones) and carried with a roll call vote count: 4 Ayes and 1 Abstain (Houlihan).

Unfinished Business

None.

New Business

Please see attached Municipal Street Aid Grant.

Mayor Houlihan read the Municipal Street Aid Grant with the State of Delaware for the record.

Mayor Houlihan called for a motion to transfer money from the Municipal Street Aid Grant account into the Delmar, Delaware General Fund Account for reimbursement of allowable expenditures in the amount of \$41,420.70. A motion was made/seconded (Pase/Kemp) and carried by roll call vote of 5 Ayes.

Mayor Houlihan introduced the first reading of the Adoption of the State Voter Registration System, Ordinance #174, adding Chapter 319 to the Code of the Town of Delmar, Delaware relating to voter registration. He said the date of the second reading will be a public hearing, May 2, 2022 at the Council meeting next month.

Mayor Houlihan called for a motion to accept the first reading of Ordinance #174 adding Chapter 319 to the Code of Delmar, Delaware relating to voter registration. A motion was made /seconded (Smith/Pase) and carried by roll call vote of 5 Ayes.

Committee Reports:

Student Advisory-

Angel Ibarra-Martinez reported: 1.) Delmar Middle and Senior School are hosting a talent show Friday, April 8th, admission is \$5.00 or a can good. In addition, the art show will also be that same day. 2.) The Grand March is on Friday, May 6th, at 6:00 p.m. at the football field followed by the student dance 7:30 p.m. to 10:30 p.m., at Kylan Barn. 3.) Congratulations to MaKenna Lybarger for winning gold at the Delaware 2022 (HOSA) (Future Health Professionals) State Leadership Conference. She will be at the national convention in Nashville, TN. We are so very proud of her accomplishments. 4.) Varsity baseball traveled to Salesianum High School on Saturday. Unfortunately, the boys lost in a very close game, scored 7 to 8. The current record is 1 to 1. The next ballgame is tomorrow at Laurel at 4:15 p.m. 5.) Varsity boys Lacrosse traveled to Lake Forest High School on Friday and won with a score of 9 to 3. The current record is 2 to 2.

Police Chief's Report

Chief Barkley reported: 1.) The body worn cameras arrived a couple of weeks ago. The equipment is on-site but he is awaiting on further instruction on how to proceed. The company is supposed to send someone to get the department started. 2.) There has been concerns about traffic issues near the school; throughout the day vehicles are parking east on Grove Street. There is also a second line of cars that block Grove Street causing congestion. It has been requested by some school staff to consider making it a no parking area. 3.) The departments new website is up and active. 4.) Parking, traffic and noise issues etc. at 203 E. Jewell Street have begun again. He noted the house is supposed to be up for sale. Vice Mayor Pase added she was made aware the attendees of the last party where young adults jumping on cars and running through the American Legion property and in between the houses. Chief replied we were on the scene. Chief explained that the officers and himself have to do better documentation when they arrive on the scene in order to pursue charges. Council Member Kemp commented the attendees didn't do anything as far as breaking the law that he knew of, however it was the first time he felt unsafe in Town.

Vice Mayor Pase mentioned the cemetery has been vandalized again. She is aware that Chief has been notified. She further mentioned the importance of making the community aware of the vandalism so everyone can be on the lookout. Council Member Smith further added St. Stephens is trying to get the headstones put back in place before Easter. Chief responded they seem to be very random vandalizing the cemetery, we will do our best to solve this matter.

Mayor Houlihan asked can the Town label 203 Jewell Street as a nuisance property to put some teeth in the violation and penalty. Chief replied we have to get our Ordinance in digital copy and provide it to the Delaware Attorney General and we have not been able to do that. We have reached out to them for guidance on this matter.

Council Member Jones commented the website looks good. Chief responded thank you.

Code Enforcement Officer Report – Report in mail packet.

Public Works – Report in mail packet.

Mayor Houlihan added we are still recruiting for a general laborer position.

Utility Commission Report

Vice Mayor Pase reported: 1.) The Commission had a request for an EDU waiver for a new restaurant/bar. Mr. Doug Marshall spoke on behalf of Mr. Jason Welch which is the owner of Oaked 110 in Snow Hill, MD. Mr. Welch would like to open a restaurant/bar on Rt. 54. The Commission voted 3 to 1 offering them 50% reduction of EDU's up to a total of 6 EDU's. The 50% reduction offer is good up to a year from the building permit issuance of the Oaked 110 proposal. Mr. Welch accepted that proposal and we will welcome the new restaurant/bar business in Delmar.

Planning & Zoning

1. **David & Katherine Magner – New Construction – 609 E. Jewell Street, Delmar, DE** – Mr. & Mrs. Magner presented new construction as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – David & Katherine Magner – New Construction – 609 E. Jewell Street, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to approve – David & Katherine Magner – New Construction – 609 E. Jewell Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

Town Manager's Report

Town Mgr. Bynum King reported: 1.) The Town received a letter from Sussex County advising they amended their budget to include the one-time grant to Sussex County Municipality. The Town is eligible for up to \$173,194.00 with understanding that everything over \$100,000.00 requires a dollar per dollar match per her conversation with Gina Jennings, Financial Director for Sussex County. There is a project that we would like to apply those funds; replacing the sewer main on Delaware Avenue from Eighth Street to Fifth Street. Fourth Street to Pennsylvania Avenue sewer main has been replaced within the last ten years. A grant application has been submitted to the State

of Delaware Community Reinvestment Program seeking funds through Bond Bill to assist with this project. 2.) The spring clean-up for DE residents is on April 28th and April 29th. 3.) Our Offices will be closed on April 15th, Good Friday. 4.) The next Joint Council Budget Workshop will be April 20th at 6:00 p.m. here. 5.) The National Rural Water Association invited our Water Treatment Plant, Superintendent, Sophia Oberton, to participate in a production of an educational video about the National Rural Water Association. The NRWA organization representatives were very impressed with the testimony Ms. Oberton gave before the US Senate on Capitol Hill and televised on CNN regarding small utility systems and cyber vulnerabilities. Town Manager Bynum-King added Ms. Oberton's accomplishments are great for the Town of Delmar, being recognized on the Federal level and a National Water Association platform.

Mayor Houlihan announced Town Mgr. Bynum-King will be retiring June 30th of this year after thirty-seven plus years' service to this Town and twenty years as Town Manager. Great accomplishment, all that hard work. We want to recognize that.

Council Comments

Council Members Kemp and Smith had no comments.

Council Member Jones commented the new police website looks good and he's glad we are moving in the right direction.

Vice Mayor Pase mentioned we are starting to mow the lawns now. In order to help Public Works, it would be really nice if we could get the message out that everything shouldn't go in the street and down the drains. Also, check on your neighbors.

Mayor Houlihan called for a motion to go into the Executive Session to discuss legal. A motion was made/seconded (Jones/Kemp) and carried by roll call vote of 5 Ayes.

Mayor Houlihan called for a motion to go back into regular session. A motion was made/seconded (Smith/Jones) and carried by roll call vote of 5 Ayes.

Mayor Houlihan addressed collective bargaining. He said last year Maryland did pass a contract and Delaware voluntarily participated, accepted and are bound by that contract for 40% of all organizational costs and everything with that particular timeframe. Nothing has changed with that and Delmar, DE will fulfill our side of the bargain although the contract is Maryland's negotiated contract.

Mayor Houlihan also said there have been discussions about having more formal documentation regarding the Delaware side, as far as, collective bargaining SB 181 Public Employee Relations Board (PERB). Based upon talking with the Town's legal counsel it is complex because there are two different states involved, State Law Delaware and State Law Maryland. We will support our police department, our Chief of Police; we have come a long way from last year.

He further said we are going to move forward and have a resolution where the Mayor and Council of Delmar, Delaware does recognize the Delmar Police Department as a collective bargaining unit.

The language will be drafted by the Town's legal counsel for the resolution as there are going to be some necessary verbiage added in the body of that document. The timeframe for that will be, if possible, by the end of the fiscal year, or the first of the next fiscal year. We all want this to come to a good remedy.

Mayor Houlihan mentioned there have also been discussions about Compact Agreement. The Compact Agreement will require cooperation between both the state of Delaware and State of Maryland to create legislation to be enacted, which will be quite involved.

Public Comments: -

1. Tom Bauer asked when do the Town Attorney's attend the meetings and what their contracts say. Mayor Houlihan answered the Town Attorneys are contracted hourly and attend when they need to be here; the Mayor and Commissioner's (MD) is different. Mr. Bauer also asked has the Council spoken to, State Election Commissioner, Anthony Albence, about changing the voter registration. Mayor Houlihan answered he has not personally. Tom Bauer advised before going any further on the resolution get in contact with Mr. Albence because of where the election is held in the State of Maryland. There may be a problem if the election is held in the State of Delaware or a tax-exempt place. Mr. Bauer mentioned he has spoken with Mr. Albence. He inquired what the Town's bond rating is. Town Mgr. Bynum-King responded the Town has not been rated; however, we do have Utility debt and Delaware has very little debt.

Adjournment

A motion to adjourn was made/seconded (Pase/Jones) and carried by roll call vote of 5 Ayes.

Submitted by:

Clerk of Council
Vondell Spencer