

MAYOR & COUNCIL
August 1, 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 Greg Smith, Doug Kemp, and Odell Jones, Town Manager Jeff Fleetwood, Police Chief Barkley, Clerk of Council Vondell Spencer, WTP Superintendent Sophia Oberton and Acting Director of Public Works Robert Buck. Guests: Mr. & Ms. Ahlers, Tom Bauer, Vince Luca, Demetrius Jones, Steve Nichols, Penny Glasgow, Linda Morris and Jessica Horton.

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 conducting the July meeting while he was on vacation with his family. He also welcomed new Town Mgr. Fleetwood to the first official meeting with them both present.

Mayor Houlihan said at the Joint Council May meeting he announced that there was going to be a meeting in Dover, DE in June with the State Planning Board for a dispute with the zoning with the board as well as the county. This involved properties outside of Town on Rt. 54 and Providence Church Road. He further said these are rather large parcels and we had concerns. The day of the hearing Chief Barkley, a few Delmar Town residents, Providence Church Road residents and himself were present at that meeting. They all testified in the public comments of that meeting. The State Planning Board tabled any type of decision at that time.

Mayor Houlihan mentioned he appreciated his MD colleagues because in the interim they did send written letters to the State Planning Board of their concerns and how this would affect the Town of Delmar concerning schools, public safety, FD, infrastructure, roads, etc. They did reconvene and their meeting was July 18th.

He further mentioned he was unable to attend that meeting due to a previous engagement for which he apologized. A Delmar resident that attended that meeting emailed him what transpired. Mayor Houlihan said the ruling was not in our favor. The State Planning Board referenced back to the original zoning which gives them high density. The Town does have an ally there, Secretary of Agriculture, Michael Scuse. Mr. Scuse will be paying attention to whatever happens with Sussex County.

Mayor Houlihan further said the individuals he has spoken with, we need to be more vigilant and watch the agendas for county council as well as the Planning and Zoning Commission. He added if

anyone would like to write letters to them this Council can give them that information. He further added he is unsure what the time table is they just need to be paying attention. Mayor Houlihan thanked everyone who attended those meetings with the Sate Planning Board.

Approval of Minutes

Mayor Houlihan called for a motion to approve July 5, 2022 meeting minutes as prepared. A motion seconded (Smith/Jones) and carried with a roll call vote count: 3 Ayes and 2 Abstain (Kemp/Houlihan).

Unfinished Business

Mayor Houlihan read the second reading of the Adoption of the State Voter Registration System, Ordinance #177. The ordinance is attached.

Mayor Houlihan called for a motion to open the Adoption of the State Voter Registration System for a public hearing. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

There were no Council comments. A conversation ensued with the attendees of the meeting. Town Mgr. Fleetwood explained to the attendees what Ordinance #177 means, the Council will make their decision based off of the attendees educated input, and if passed this Ordinance will be used for the 2024 DE Election. A conversation ensued.

Mayor Houlihan called for a motion to close the public hearing for the Adoption of the State Voter Registration System. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

Mayor Houlihan called for a motion to accept Ordinance #177, an ordinance Adopting Chapter 319 to the code of the Town of Delmar, Delaware relating to voter registration. A motion was made/seconded (Pase/Kemp) and carried by roll call vote of 5 Ayes.

New Business

PW Acting Director, Robert Buck discussed reallocation of funds for a PW vehicle. He said in the FY23 budget the Mayor and Council approved a new utility body for PW as well as a mini dump truck which they utilize frequently. He further said with the increasing cost of everything the projected number for the vehicle that PW would typically use Hetrich Fleet for increased. He mentioned money was taken from that same account which was already approved and used towards the utility body and the Town acquired it two weeks ago.

Mr. Buck explained he is asking for a utility body for the truck that previous Director of PW, Jerome Reid, drove. He further explained he is asking to take the approved funds, reallocate them towards a utility body and install it on the truck that Mr. Reid drove so the Town can have another utility truck. He said the estimates were in the mail packets provided to the Council from Meadow's Hydraulics to install the utility body, line-item number, and the amounts on the budget

reallocation request for the Utility Commission, Mayor and Council and Mayor and Commissioners completed by Chief of Finance, Heather Chandler and himself. Town Mgr. Fleetwood added the difference in funding is about \$5,800.00 and those monies are going to be pulled from the vehicle maintenance account, Mr. Buck is not asking for new money.

Mayor Houlihan called for a motion for Public Works reallocation of funds for the purpose of purchasing and installing a service body on an existing truck and this paperwork will be attached to the motion itself. A motion was made/seconded (Smith/Jones) and carried by roll call vote of 5 Ayes.

Town Mgr. Fleetwood publicly thanked PW Acting Director, Robert Buck and his Public Works staff for the work they are doing. A conversation ensued. Mayor Houlihan added the work that was done on Stage Road will now be moved over to Stage Road going past Amber Ridge Drive towards Pizza Boys. Town Mgr. Fleetwood replied yes it will be this week. Mr. Buck said it will be from the back entrance of Dough Boys and Hardee's on, Stage Road all the way down past Amber Ridge Drive. Mayor Houlihan said Mr. Buck and PW staff are really doing a great job.

Committee Reports:

Police Chief's Report

Chief Barkley reported: 1.) Earlier in the month SCC (Sussex Communication Center) contacted PD to assist with a suicidal subject just outside of Town. Unfortunately, the subject had passed away. PD maintained the scene until SP arrived. 2.) Last week PD received a call for a deceased person off of Stage Road and officers responded. The individual was just outside of Town limits. PD maintained the scene until the county could arrive. 3.) PD received a report of an armed robbery at Exxon near Bi-State Blvd. Officers responded and took the report from the victim, which wasn't reported until a little over an hour after occurrence. After investigation and follow-up officers identified the suspect and have an active warrant on file for the suspect. Neither the victim or suspect were from Delmar. 4.) PD responded to WaWa in report of an altercation, fight, with two armed subjects. All parties were located and identified. The investigation is still continuing; awaiting video footage from the WaWa to corroborate stories the individuals were telling. 5.) Last week a serious accident off of US Rt. 13 near the Delmar Diner was reported. Four people were injured but not critically. All four people were transported to Tidal Health. 6.) At the end of week two recruit Roe dropped out of the academy. The other two recruits Walters and Powell are still doing great in the academy. 7.) Officer Engelskirch is still field training and on an accelerated path to get his DE certification done. 8.) August 6th PD applicant testing was done for the January 2024 academy. PD now has 3 job openings due to the departure of Mr. Roe. There were 14 and 18 applicants; 7 showed for testing. At this point all 7 were successful on the testing done thus far. 9.) Officer Coco should have been sworn in some time ago so we look forward to August 12th swearing in ceremony. Town Mgr. Fleetwood asked the maximum age to attend the academy? Chief Barkley answered thirty-five.

Council Member Jones asked the progress of getting in line with DE on the bodycams? Chief Barkley answered DE hasn't said. He further answered we know the bodycams are coming; we haven't received a date. The biggest reason for selecting the bodycams that PD currently has is because it has a GPS feature which allows PD to know their location. Chief Barkley said he can activate the camera remotely so it tells the supervisor on duty where the officer is and if the officer does not respond

quickly on the radio, then the camera can be turned on to see what is happening. Vice Mayor Pase asked why shouldn't the cameras be activated the entire time the officer on duty? Chief Barkley further answered there are a lot of right to privacy issues that go on. The rule is if an officer is having contact with a citizen in the public, it's on the officer to turn it on; the camera can not be left on 24/7. Someone may walk up to the officer and say something they may not want to say, then it will be reviewed by someone else.

WTP Superintendent, Sophia Oberton discussed the Lead and Cooper Rule. She explained the new Lead and Cooper Rule revision is coming down the pipeline for all municipalities and utilities across the country. Town Mgr. Fleetwood added the driving force behind this was Flint, MI issue with drinking water. She further explained the EPA stated they want an inventory of what materials are used on the public and private side. On the private side the number has been narrowed down to the homes that were built in 1986 which is the year the Lead and Cooper Rule was put into place. Everything after 1986 should not have lead and cooper on the lines on the private or public sides which narrows Delmar down to about 1,000 residents. Ms. Oberton said we will produce this list and gather inventory information which comes from the residents letting the Town staff examine the pipes on their property. She further said we have information that will allow the Town to examine the pipes from the meter pit side.

She mentioned the EPA has not solidified anything; by January 2024 the Town has to have the inventory list and by October 2024 the Town has to have a plan. She further mentioned the Town is on Tri-Annual Lead and Cooper testing because the Town has good numbers so we don't have to test every year or every six months. The Town was contemplating testing on the resident side but that would put in a noncompliant, send a read flag and the Town would have to get tested more often than we would like to. Town Mgr. Fleetwood further added the new ruling is being conducted due to a new rule mandate to ensure better protection especially for children and pregnant women across the country; not out of any concern in the Town's water supply. A conversation ensued.

Ms. Oberton commented DE Rural Water Association, MD Rural Water Association and herself were conducting hydrant flushing. She said the Town does have around 28 hydrants that are inoperable at this moment however they do have a plan of action to get the hydrants operable. There will be further testing with the hydrants that are bagged.

Code Enforcement Officer Report – The report is included in the mail packet.

Public Works – The report is included in the mail packet.

Utility Commission Report –

Town Mgr. Fleetwood stated retired Town Mgr. Bynum-King procured \$2,800,000.00 for the Phase I sewer main replacement project initiated prior to his arrival. He further stated we are fully funded for the Phase I sewer main replacements on Chestnut St., Pine Street and Pennsylvania Avenue. The Town received \$1,100,000.00 in a grant, \$850,000.00 in a loan, and another \$850,000.00 in a SRF forgiveness loan. The \$850,000.00 loan has an APR of 1%. We are moving forward with the contractor from Dover, DE.

Planning & Zoning

1. **Demetrius Jones – Accessory Building (Garage) – 209 W. Jewell Street, Delmar, DE** – Mr. Jones presented with a new accessory building (Garage) as referenced per the attached drawings. The submittal was tabled at the 7/5/22 Mayor and Council meeting. The engineer drawings were received 7/21/22. Council Member Kemp asked what the garage was for? Mr. Jones answered he does not have a garage and wanted one.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Demetrius Jones – Accessory Building (Garage) – 209 W. Jewell Street, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to approve – Demetrius Jones – Accessory Building (Garage) – 209 W. Jewell Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Smith/Kemp) and carried by roll call vote of 4 Ayes 1 Abstain (Jones).

2. **Thomas & Anna Ahlers – Accessory Building (Garage) – 300 Lincoln Avenue, Delmar, DE** – Mr. Ahlers presented with a new accessory building (garage) as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Thomas & Anna Ahlers – Accessory Building (Garage) – 300 Lincoln Avenue, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to approve – Thomas & Anna Ahlers – Accessory Building (Garage) – 300 Lincoln Avenue, Delmar, DE, per the attached drawings. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

3. **Tim Metzner/Steve Nichols/Davis, Bowen and Friedel – Final Plan Approval (Starbucks) – State Line Plaza – 38666 Sussex Highway, Delmar, DE** – Mr. Nichols presented with a final plan approval as referenced per the attached drawings. Town Mgr. Fleetwood asked if DBF devised an original guesstimate for EDU's? Mr. Nichols answered he was unsure. Council Member Kemp asked Mr. Nichols when they planned on breaking ground? Mr. Nichols answered depending on approvals they are planning to break ground February 1st. Mayor Houlihan said the next step would be a Public Works Agreement to tie in. Town Mgr. Fleetwood agreed.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Tim Metzner/Davis, Bowen and Friedel – Final Plan Approval (Starbucks)– State Line Plaza – 38666 Sussex Highway, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to accept – Tim Metzner/Davis, Bowen and Friedel – Final Plan Approval (Starbucks) – State Line Plaza – 38666 Sussex Highway, Delmar, DE, per the attached drawings. A motion was made/seconded (Kemp/Jones) and carried by roll call vote of 5 Ayes.

Town Manager’s Report

Town Mgr. Fleetwood reported: 1.) In the FY23 budget this Council approved PW to procure a new salt spreader which was acquired last week. The Town has initiated an MOU with DelDot and SHA for the possibility of procuring salt for winter storm events. If the Town needs salt they load it and payment is made for the quantity the Town needs for a cheaper price. Also, there are no slip hazards. 2.) Tomorrow, Steve Miller, Director of Parks and Recreation, Shawn Brittingham and Town staff will meet to discuss an MOU for the ball fields on the south end to get clarity on the contract. 3.) The swearing in ceremony for the new officers is August 12th at 9:00 a.m.

Council Comments

Council Member Kemp had no comment.

Council Member Jones congratulated the Little League Team for winning the region in softball. He wished them good luck in the world series.

Council Member Smith congratulated the Little League Team for winning and their efforts this year. He hoped they make it all the way.

Vice Mayor Pase said we did stand outside to see the Little League Softball Team come by and they didn’t come down the street. She suggested to everyone in attendance to remind their neighbors to try to avoid the drains because of the rains that we have had and be a little more considerate.

Mayor Houlihan commented congratulations to the Little League. Our young ladies are pursuing the World Series making Delmar proud once again.

Public Comments:

1. Tom Bauer asked has Chief Barkley decided who gets the Delaware bodycams and who gets the Maryland bodycams? Chief Barkley explained it doesn’t work that way, everybody gets all cameras, Maryland and Delaware have different vendors and on the DE side PD didn’t get to choose. He further explained PD is getting those cameras because that is what DE is pushing at PD. Mr. Bauer thanked Town Mgr. Fleetwood for taking care of the salt for the winter so it’s safer for PW. He further thanked the Mayor and Council for the voter registration change and he looks forward to the exchange.
2. Mr. Bauer asked for more information about the monuments. Mayor Houlihan answered we are getting a monument done in State Street Park beside the Veteran’s Memorial. He further

answered the final plans have been approved with William V. Sipple & Son; it's in their court when they are going to start. Mayor Houlihan stated the Town did get monies from Senator Bryant L. Richardson, Representative Timothy D. Dukes and Sussex County.

Chief Barkley explained PD's monument would be different and a lot smaller than the one that is going out on State Street. He further explained it is a little more personal and once it goes into place the PD just wants something a little closer to home for all the officers that worked with Cpl. Heacock. Chief Barkley said there is no date as of yet when PD will have their monument but they are all for the community. Mayor Houlihan said we will keep everybody informed.

3. Linda Morris asked is there any way that we can remind residents to keep the cut grass out of the road on Grove Street and Lincoln Avenue? She thanked Vice Mayor Pase for bringing up the sewer because there is a lot of debris still clogging them up. She further asked is there any way we could get some kind of digital speeding sign or some sort of sign for Grove Street? Chief Barkley answered he could get the officers to set up radar. Ms. Morris thanked everyone and said great meeting, very informative.
4. Council Member Smith commented the trees have been cut out at the cemetery behind Food Lion underneath. Then we are going all the way through the fence. It will take a little while to do the fence. He further said it's going to take a little bit of sectioning because of funding. We have \$5,000.00 but they are going to clear that all out. He said graves were found that they did not know were there. They have a columbarium coming to put urns in and that's probably going to lead to the back section of the cemetery. Penny Glasgow said the grass cutting maintenance looks wonderful out there now.
5. Mayor Houlihan commented PD Dispatcher, Ed Ferro's wife Sally Ferro has been going through a really tough time health wise. Please keep sending prayers and thoughts. Chief Barkley added they still have a way to go.

Adjournment

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

Submitted by:

Clerk of Council