

MAYOR & COUNCIL
June 7, 2021
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 Council Members Smith, Jones, Kemp Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Vondell Spencer. Absent: Chair Person Mary Lee Pase. Guests: Yazzmine Harcum, Steve Franklin, Steve Ditmer, Tom Bauer, Vince Luca, Michael Dold, Carrie Williams, Conall Smith, Robin Bond, Bryce Bond, Anita Feaster, Dan Feaster, Alicia Feaster, Tracey West-Ney, Matthew Heacock, Robert Aldrich, Dawn Turner, Kathy Heacock, Missie Jones, Pam Price, Julie Parrish, Doug Marshall, Stevve Franklin, Casandra Barkley, Angel Calloway, and Dawn Turner

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

Mayor's Comments

Mayor Houlihan informed the audience that a representative from Tri-Community Mediation reached out to the Town to help us work through current issues we are facing in Town. We initially had one informative meeting then our mediator had a serious medical issue so we had to take a pause. We resumed with another meeting last week and spent three hours discussing matters of concerns from all parties involved. The meeting was very positive and very productive in helping us work with Chief Barkley on our path forward. We have another meeting scheduled for next week.

Mayor Houlihan stated he is aware people are wondering what is and what is not going on and he just wanted to inform everyone that we are working on this situation internally. He realizes that people have a lot of questions but the Town is not prepared to give answers, we have to have an opportunity to work on the matters at hand internally. He stated he wanted to get to the point where he could stand with Chief Barkley, Mayor Wells and Joint Council together and give better answers to questions. He further stated he is aware that people are thinking this is a slow process and he understands that and we are doing our best.

Mayor Houlihan established the protocol for anyone wishing to make public comments at the end of the meeting. He mentioned that public comments will occur at the end of the meeting and will only be taken from the podium, each person will have one opportunity to address the Council for two minutes.

Approval of Minutes

Mayor Houlihan called for a motion to approve May 3, 2021 meeting minutes as prepared. A motion

seconded (Smith/Kemp) and carried with a roll call vote count: 4 Ayes and 1 Absent (Pase).

Unfinished Business/New Business

Town Mgr. Bynum-King noted that the 2021 Delaware Comprehensive Plan has been advanced to the Governor's office for final certification. So, we are just waiting to receive our letter of certification from the Governor's office. Also, she wanted to make reference she had been in contact with the contractor pertaining to the Caboose Restoration. The contractor said he had all the tongue and groove for the siding in his possession and a week ago, he had approximately half of all the siding painted. She further noted the contractor is doing all of the restoration on site so, when he does the demolition of the side and replace the new side everything will be ready. She explained the contractor did experience some delays because he had difficulty finding good help, however did have another contractor scheduled to assist him in the next few weeks to get the project finished.

Committee Reports:

Student Advisory- No Report.

Police Chief's Report

Chief Barkley-reported: 1.) There are currently ten active police officers, six of which are on patrol, two are administrative which is himself and Lieutenant, one school recess officer, and one DEA Task Force officer. 2.) One recruit will be graduating from the Police Academy on the Maryland side on June 17th. After the graduation from the Police Academy, he has to get his certifications. 3.) One applicant for new recruit, Mr. Nicholas Snead is a prospective candidate that he is looking forward to officering a position. He is waiting to receive one more medical report to complete the pre-employment requirements, then he will be offered the position. 4.) Currently, the Police Department is working modified shifts. The officers are working nineteen hours per day from 7 a.m. until 2 a.m. The remaining five hours we have an agreement with Delaware State Police, Wicomico County Sheriff and MSP to cover for us. In that coverage any major calls received during those hours of outside coverage, our police officers may still be called in and we will still handle those investigations. Those agreements with the outside agencies will be reviewed monthly to see if there is a need and how we will carry on from that point. Since we have been covered by DSP, Wicomico County Sheriff and MSP there have been very few calls between 2 a.m. and 7 a.m. 5.) Overtime has been used to supplement our shift shortages and our best attempt to have two officers working. That does not cover all instances because we still have moments where there is just one officer. During the daytime hours typically it's the Lieutenant and myself backing up and even handling some calls primarily by ourselves. We are doing all we can to make it work. This still doesn't guarantee two officers. When we get into this time of the year officers are taking vacations and a lot of officers try to get training. The school resource officer usually when school is out for the summer, he is getting his annual training. So again, there are going to be points in time when officers are going to be gone and we can't fill with overtime. 6.) On Wednesday, May 19th we did have a major drug operation in town a quantity of cocaine, marijuana, and oxycontin was seized as well as two vehicles. There was also a follow-up Search Warrant served in the Laurel area in regards to the same operation. There were a number of arrests and a lot of things seized and post investigations are continuing. We know we cannot let up when it comes to drugs in Delmar. Last month we had five or six overdoses.

Code Enforcement – In Mail Packet.

Parks and Recreation-No Report.

Public Works -In mail Packet.

Utility Commission Report –

Council Member Smith reported: 1.) WWTP a sinkhole discovered on the main roadway into the facility. A partial collapsed storm drain, which is scheduled to be repaired by an outside skilled contractor. 2.) The Foskey Lane Water Tower is in the first phase of maintenance, being cleaned and repainted. The second phase of maintenance will occur in the Fall, which will include the mechanical operations of the well and pumps. 3.) We have a deteriorated sewer main on Delaware Avenue that needs to be replaced. 4.) The WWTP and Water Treatment Plants are functioning well at this time.

Planning & Zoning -

- **Yazzmine Harcum – New Signage – 605 N. Bi-State Blvd, Delmar, DE –**

Council Member Kemp stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Council for the approval of – Yazzmin Harcum – New Signage – 605 N. Bi-State Blvd., Delmar, DE, per the attached drawings contingent on only one sign having the name of the business which is the sign on the window and the sign removed from the door.

Mayor Houlihan called for a motion to accept the Planning Commission’s favorable recommendation contingent only one sign having the name of the business which is the sign on the window and the sign removed from the door. The motion was made/seconded (Smith/Jones) and carried by roll call vote with 4 Ayes and 1 Absent.

Mayor Houlihan mentioned on May 18th we had two Board of Adjustment Hearings, and they were asking for variances. The first hearing was from State Line Plaza, Mr. Dennis Silicato. Mayor Houlihan further mentioned where the Title Loan Building is Mr. Silicato wants to use part of the parking lot going north of that unit for a fast-food restaurant so, he had to ask for a variance with some of the lot size and setbacks and he was granted that variance. Mr. Silicato stated he potentially has two clients, Dunkin Donuts and Starbucks. Mayor Houlihan said the second hearing was with Mr. John Morris and Mr. Cory Harpool, they are doing the work on the northwest corner of State and Bi- Blvd, the business and the house. They are proposing to renovate the house into the first floor as a business, a coffee café and ice cream shop and the second floor to house two townhomes style apartments. It was determined by the Board Members to table this Hearing for 60 days to allow the developer had an opportunity to address some concerns discussed that pertained to the Fire Marshall regarding the necessary firewalls, etc. for the proposed multi-use building and State Highway Administration for the entrance and exit on to State maintained roadway. If all concerns are addressed the Board can reconvene in July.

Town Manager's Report

Town Mgr. Bynum-King reported she did receive a telephone call from Sussex County Council, John Rieley, expressing their sincerest condolences to the family of Cpl. Heacock. The Sussex County Council also wanted to contribute funds towards some type of stone tribute in Cpl. Heacooks' honor similar to what they did for Officer Spicer in Georgetown, DE. We just need to figure out where we would like to have this memorial. The Mayors, Chief and myself can all come together come up with a plan. Town Mgr. Bynum-King also mentioned, there is another local artist that has expressed interest in airbrushing a mural at a location to be determined by the Town in honor of Cpl. Heacock. As soon as we can get together and look at some appropriate areas, we can contact these gentlemen with the locations and work out any remaining detail.

Town Mgr. Bynum King further reported the Town Hall will have the roofing shingles replaced starting Wednesday weather permitting. The solar panels will be removed from the roof and we will be storing them in the fenced area where we have our two Town vehicles parked. After the solar panels are removed then the roofing company will come in and start tearing off the roof shingles and replace with new shingles.

Town Mgr. Bynum-King reminded the Mayor and Council of the Joint Council Executive Closed Session pertaining to collective bargaining at 6:00 p.m.

Council Comments –

The Council had no comments.

Public Comments: - Some comments were made that were inaudible.

- 1.) Robert Aldrich asked Mayor Houlihan to expand on his statement about the meeting with the mediator. Mayor Houlihan replied we have had two meetings with the mediator. Mr. Aldrich said he understood that but what was the purpose of the meeting and what is the Town mediating about. Mayor Houlihan responded these meetings are part of the mediation process, they are confidential discussions that we are having between the Town and Police Department taking input and ideas from both sides.
- 2.) Robin Bond said her husband is Sgt. Michael Bond who has been at the Delmar Police Department for twenty-eight years. She mentioned that Mayor Houlihan made a comment about the application process however, it could be a slow process. She further mentioned since Cpl. Heacooks murder her husband has worked alone. For the wives that have husbands out there on duty everyday how slow is this process because if you lose some of these officers who are looking at you and they decide to go somewhere else the citizens are going to suffer because that department is not going to be able to function when the officers start leaving. Mrs. Bond further said she had the officers job descriptions and they do a lot more than what's in the description. Also, Ms. Bond mentioned when talking about budgets

it would cost the Town to train a new officer \$50,000, a Maryland certified officer would be \$25,000 and Delaware certified is \$43,000. So, the Town would be putting a lot more monies into the officers that are unproven then the guys you have. She further mentioned she needs the Mayor to get the process going a lot faster than saying its going to be a slow process because she needs her husband because we don't have time for slow processes.

- 3.) Tracey West-Ney said she is the mother of Keith Heacooks' son. She questioned Mayor Houlihan what was his end goal for the mediation so this would not happen again. Mayor Houlihan replied we are working together to try to unify us, he understands her point. Ms. West-Ney further said we do not have time to slowly work through the process you never answered my question. Mayor Houlihan further replied how we are going to come together between the Police Department and the Town so this will never happen again. Ms. West-Ney asked again how are you going to fix this. Mayor Houlihan answered we are going to take input from each side.
- 4.) Alicia Feaster said she is the niece of Cpl. Heacock. She said to Mayor Houlihan he went on air and he was asked did he know about the shortage of police officers and both of the Mayors said they did not, but it's come to light that you've known about it for many years multiple chiefs, multiple paperwork's. Ms. Feaster asked Mayor Houlihan why he was still here and why he has not resigned.
- 5.) Angel Calloway said in Salisbury, MD alone there are 42 known gangs. They are here. She further said the best thing to do would be to resign because nobody can get a solid answer when asking what's going be done about this situation. Mayor Houlihan replied this Joint Council does support this Police Department. Ms. Calloway asked Mayor Houlihan how long he has been the Mayor. Mayor Houlihan responded 10 years. She further asked how long has he been aware there has been a problem in the Police Department such as, lacking funds and staffing. Mayor Houlihan further responded before Chief Barkley came here with Chief Saylor, our staffing from the Siegler's Report from his understanding had a recommendation for 15 officers. We were at 14 and then we hired Harris so we had 15 going forward. Then we hired Chief Barkley. My responsibility and our responsibility on this council is not to micromanage the government. We rely on the department heads to run the government. Mayor Houlihan stated he relies on department heads to tell him wants and needs.
- 6.) Cassandra Barkley offered food-for-thought. She mentioned all of the surrounding departments have published in the newspapers and on the news that they have made immediate changes to the existing offices. Maybe if you should look into doing the same. Ms. Barkley further mentioned she does not know about the budget but she is aware of the mediation. Ms. Barkley commented she is the wife of Chief Barkley and he doesn't have anything to do with the money. The budget had nothing to do with payroll. The Sheriffs Department gave their guys an immediate 6% increase, Princess Anne just did something

for their guys. Ms. Barkley further commented in order to maybe eliminate some of the chaos and drama perhaps in a Joint Council meeting maybe you could look into doing something for the existing officers then perhaps the officers and the wives at least can feel like you're working while you are doing your mediations.

- 7.) Bryce Bond commented he understands the inner workings of politics and how towns work. The issue facing the department is funding. Mr. Bond further commented to Mayor Houlihan that this is your job and you are left to fix these problems and he has the ability to raise the taxes, change the budget around to fix these issues so there is more desire for these officers to stay. Mr. Bond asked the Mayor and Council Members how many days it's been since Cpl. Heacock was murdered. Mr. Bond said 41 days. Mr. Bond also said to Mayor Houlihan that he said he had a meeting about a week ago for three hours after a month since Cpl. Heacock was killed. Mr. Bond said he understood they are only half of the elected officials and in mediation but they didn't do anything substantial until after a month of Cpl. Heacock's murder. This meeting could have been done days or a week after.
- 8.) Pam Price informed the Mayor and Council Members that she was doing a lot of research and she knew for a fact in 2013 the studies showed that the Town needed more officers. Since then, it has declined. Ms. Price stated it's been forty plus days and not one thing has changed. Nothing has been done for the support of the police. Ms. Price asked has anyone thought about a sign-on bonus for police.
- 9.) Tom Bauer questioned how much is in the budget for body cams, technology and what's taking so long for negotiations.
- 10.) Steve Franklin stated Yorkshire Estates is a small community that is generating a quarter of million dollars a year and property taxes. Mr. Franklin asked where is the money going. Mr. Franklin further commented not to the Police Department.
- 11.) Alicia Feaster said no one's done anything. Ms. Feaster asked the Mayor and Council how can you get more police officers if you won't pay them what any other department is going to. She further asked why nothing has happened yet, how can Delmar be a unified Town if all of you aren't here and why some people make more than Chief does when the police are protecting the Town.
- 12.) Missie Jones said she had some things she wanted to ask and a lot of things she wanted to point out. She asked the Mayor when he approved the Budget nobody discussed how the expenditures were. What would a 6% raise cost the Town and is that normal to them and could it be doable. Mayor Houlihan replied he was listening but he could not give an answer but he liked her input. He further replied he doesn't know what we could do yet and we passed a budget that's going to start July 1st we know that, but in the fiscal year we could also go back in May. Ms. Jones responded so, with that input you just said to me that might be a discussion to have with the Joint Council. Ms. Jones then inquired what was the

process for arbitration and what is the Town doing in that process. Mayor Houlihan responded that is a question for Maryland side. Ms. Jones questioned where is the money going that is coming in because it seems to be a need for accountability. Also, Ms. Jones further questioned how long the Town has been in collective bargaining. Mayor Houlihan answered that's also a Maryland question. Ms. Jones inquired what Mayor Houlihan's end goal was. He answered unification between the Town and Police Department, respect between the Town Police Officers and the Town Council, and friendship. The government is like a business and sometimes you have to separate personal and business. Mayor Houlihan added he cannot answer questions about arbitration because of the fair labor law and because it's a Maryland question.

- 13.) Dawn Turner asked Town Mgr. Bynum-King for a copy of the Charter. Town Mgr. Bynum-King answered Ms. Turner could complete a FOIA request form and we can make copies for her.

Adjournment

A motion to adjourn was made/seconded (Kemp/Smith) and carried by roll call vote with 4 Ayes 1 Absent.

Submitted by:

Clerk of Council
Vondell Spencer