

MAYOR & COUNCIL
November 2, 2020
Via Teleconference

Vice Mayor Mary Lee Pase called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. Due to COVID-19, the meeting is being held via teleconference. In attendance were Mayor Houlihan (late arrival), Council Members Smith and Boyan, Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Vondell Spencer, and Administrative Assistant Starr Conaway. Guests: Teresa Morelli, Jim Waehler, Tom Bauer.

Mayor's Comments

Vice Mayor Mary Lee Pase called the meeting to order and performed a roll call to confirm there was a quorum. A quorum was established. Upon establishing the quorum she mentioned that Mayor Houlihan would be running a little late this evening, he is at the Fire Department conducting the Oath of Office to their new Officers.

Approval of Minutes

Vice Mayor Pase, said the minutes could not be approved until Mayor Houlihan arrived, because she was absent last month therefore a vote could not take place without his presence. Shortly afterward, Mayor Houlihan arrived and Vice Mayor Pase released the meeting to him. He called for a motion to approve the October 5, 2020 meeting minutes as prepared. A motion seconded (Smith/Boyan) and carried with a roll call vote count: 3 Ayes and 1 Abstain (Pase).

Unfinished Business-

Town Mgr. Bynum-King reported the portable lighted sound trailer has been secured from the Town of Georgetown for the annual Love Light Tree Lighting Ceremony. Also, County Council member John Rieley has agreed to sponsor the cost of the trailer which is \$500.00. Council member Smith mentioned the dead tree in the park will be removed. He further mentioned he will be using the same company to purchase a cut tree to replace the tree that died.

New Business-

Mr. Waehler reported: 1.) He has been working with a lawyer in Sussex County, Veronica Faust, retained by the Perdue Corporation to process the donation of land. 2.) Although, this land was listed in some collateral agreement with some creditor it has been released for quite a few months. 3.) The latest appraisal for this property is listed at \$500,000. The land was acquired in October 2015 according to the last deed and the property appraisal was \$279,000. Ms. Faust agreed that Perdue will have the appraisal updated. 4.) There has been language taken out of the deed by Perdue that DE is accustomed to and also to make sure there is no possible liability. The Town is taking the property as is. The language eliminates every type of warranty that might be given. The

Town would be better protected if it obtained Title Insurance at some point in time. 5.) The Towns' only obligation is to execute the IRS form 8283 which contains the information about the donated property that has to be signed by the appraiser and the Town certifying it's a charitable organization or qualified organization as a municipality. 6.) There is no access onto Rt. 13 preferably entering from Old Stage Road and this property also has two 60 ft. tax ditches.

Mr Waehler asked Town Mgr. Bynum-King why the Town Accountant thinks the Town needs a current appraisal. She replied he just referenced it in the reply email when she was asked to get his input on the transfer documents. She added the appraisal will assist when the accountant has to book the donated land as an asset for the Town. Mr. Waehler stated he still did not understand why it was still necessary.

Mr. Waehler said he was unsure how the no access to the property from US 13 was approved, he thought perhaps Perdue was able to negotiate with DelDot to change their requirement to just give them an entrance. Mr. Waehler asked Mayor Houlihan if he saw a plan that showed an entrance and an exit on to US13? Mayor Houlihan replied, yes, he did, the entrance and exit to the property was on to both Stage Road and Rt. 13. He mentioned he did not know anything about their permitting process.

Mayor Houlihan asked Mr. Waehler if he felt good about the language outside of what was taken out of the deed and does he think the Quitclaim Deed is okay as long as the Town gets Title Insurance? Mr. Waehler responded yes, because of the language taken out and the past insurance companies' reluctance to insure property that was acquired without any warranties by the seller of ownership, liens or environmental problems. Mayor Houlihan replied the Council is comfortable with that, it would just make better business sense. Mayor Houlihan asked the council if they had any comments. Council member Boyan replied he agrees it's a good idea to have insurance. Town Mgr. Bynum-King said she's been in discussion with Mr. Waehler for two weeks and she is comfortable with acquiring insurance. She further said she would pass it along to the Town's accountant to inform him that we have secured the one appraisal Perdue provided. Mr. Waehler said he would ask Ms. Faust if they get an updated appraisal to disclose the amount so we have the last appraisal which the donation was based. Mr. Waehler advised the next step would be for Mayor Houlihan to present the resolution to accept the donated property for the Council's final decision.

Mayor Houlihan called for a motion to accept the Donation Agreement between Perdue Agribusiness LLC and the Town of Delmar, DE regarding this property donated. In addition, to also, accept the language of the Quitclaim Deed between Perdue Agribusiness LLC and the Town of Delmar, DE and the signing of the IRS form 8283 with this agreement.

The motion was made/seconded (Pase/Boyan) and carried with a roll call vote count: 4 Ayes.

Committee Reports:

Student Advisory- Ms. Morelli reported: 1.) The first Delmar High School football game was scheduled against Woodbridge on October 23, 2020 has been postponed. The next game took place on October 30, 2020 against Seaford High School which Delmar won with a score of 27 to 6. This

day was also Senior Night recognizing members of the Delmar football team, cheerleaders and band. The next football game is a home game scheduled on November 6, 2020 against Caesar Rodney. 2.) The field hockey team has played four games this season. The first three were against Smyrna, Woodbridge and Caesar Rodney. Today they played Cape Henlopen which Delmar won 2-0. They have won all their games without having one point scored against them. The next game is an away game against Laurel scheduled for November 5, 2020. 3.) All other fall sports teams which are cross-country boy soccer and girls' volleyball have had mixed wins and losses. 4.) Hybrid learning is scheduled to start at the beginning of the second quarter. Students will begin returning in waves according to their grade levels. Returning students will attend in person on either Monday and Tuesday or Thursday and Friday with the rest of the week virtual. The rest of the students will be returning in the following order: Wave 1 is grades 5 and 12 on Thursday November 19, 2020, Wave 2 is the addition of grades 6 and 11 on November 30, 2020, Wave 3 is the addition of grades 7 and 10 on Monday December 7, 2020, and Wave 4 is the addition of 8 and 9 on December 14, 2020. 5.) Election Day is November 3, 2020. Voting for Delmar, DE is at the High School in the small gym. Parking is by the football field. Polls are open from 7 a.m.-8 p.m.

Police Chief's Report

Chief Barkley reported: 1.) Halloween was a success without any issues. 2.) Last weekend we worked additional DUI for the State of Delaware. One incident with a vehicle that fled North towards Laurel. No chase was initiated; however, the suspect was apprehended. 3.) Preparations are being made for Election Day with extra personnel. Council member Boyan stated there was a man inquiring about neighborhood watch on Grove Street. Council member Boyan further stated this individual stated that the Chief of Delmar Police Department was on board with him. Chief Barkley replied he is not on board with this person and this issue is resolved. Council member Boyan said thank you and please continue to observe the area. Chief Barkley replied absolutely.

Code Enforcement Officer Report-In mail packet.

Parks and Recreation-No Report.

Public Works-In mail packet.

Utility Commission Report-Madam Chairperson Mary Lee Pase reported: 1.) Town Mgr. Bynum-King has been working with the Director of Public Works, Jerome Reid, on a contract for the roof at the WTP. 2.) The WWTP is running well and has withstood all the rain with no problems.

Planning & Zoning-None.

Town Manager's Report-

Town Mgr. Bynum-King reported the Curative Testing Trailer will be back in town on November 2, 2020. Curative will be providing free COVID testing to the public. The process is quick. Individuals are encouraged to register online prior to arrival to the test site. Testing is available to individuals residing in both Delaware and Maryland. Hours of operation are 10 a.m. to 6:00 p.m.

Council member Boyan mentioned he tested October 27, 2020 here at Delmar Town Hall. He agreed the results are within 24 hrs. He inquired if Curative would be testing regularly at Delmar Town Hall. Town Mgr. Bynum-King responded she did not believe it would be a regular set up, however they have 2 sites they use in town. One site will be at Delmar Town Hall and the other at Delmar Middle School & Senior High School. The Curative Trailer sets up in various locations throughout the State of Delaware and is federally funded through DEMA. She further added that she confirmed the Municipal Building was an authorized location because it is located on the Maryland side of Delmar. She was advised the location in Delmar; Maryland did not have any bearing on their ability to provide the COVID test. As people register the data from the results go to the respective state the person resides. Council member Boyan requested a website for Curative from Town Mgr. Bynum-King. She gave two website addresses which are: <https://delaware.curative.inc.com> or curative.com.

Chief Barkley suggested the trailer be moved to a different location because of difficulty entering and exiting the Police Department. Town Mgr. Bynum-King mentioned the trailer drop-off will be in the morning between 7 a.m. and 9 a.m. She mentioned the trailer is supposed to be located on the parking spaces nearest the Town Hall's courtyard area on the Pennsylvania Avenue side, however it was dropped off last time before we had a chance to identify where it should have been placed. Chief Barkley said he would be on the lookout for the trailer drop off to help facilitate where it should be placed.

Town Mgr also mentioned that there has been rumors that the testing is offered in Delmar due to a heightened amount of cases. She said that information is false, Curative is contracted by DEMA to set up locations around the State to free test to services the community. Madam Chairperson Mary Lee Pase mentioned she heard on the news the testing started up North at different sites in the State and Delmar was mentioned as well. At least we are getting these services offered to us.

Tom Bauer inquired if there was a garbage pick-up November 3, 2020. Mayor Houlihan replied yes. Mr. Bauer said thank you.

Council member Boyan stated SU will be on a shortened break for 2 days for the Thanksgiving Holiday which is Thursday and Friday. After the holiday break November 30, 2020 everyone has to be tested before resuming their schedule. The problem is there is not a lot of testing. If anyone knows of any place in MD testing, he is open to suggestions. He said the Health Department downtown Salisbury but he is unsure of the location. Mayor Houlihan mentioned the address of the Health Dept in Salisbury. He also mentioned with Curative students just need a location like a Delmar Town Hall municipal building in the parking lot would be very accommodating for them.

Mayor Houlihan stated every two years on the first Monday at 8:00 p.m. per our charter is when the Oath of Office is given to any Elected Official. Starr Conaway, Administrative Assistant and Delaware Notary conducted the Oath of Office for Michael T. Houlihan as Delmar, Delaware Mayor. Town Mgr. Bynum-King mentioned to the Mayor and Council members they needed to stop by Town Hall to sign the Oath of Office as well.

Mayor Houlihan thanked his colleagues for supporting him.

Council Comments-

Vice Mayor Mary Lee Pase congratulated Mayor Houlihan and expressed her appreciation for the Council members and community for her time of need. She said everybody stay safe.

Council member Boyan said stay safe and healthy.

Council member Smith mentioned we will have the Tree Lighting Ceremony November 29, 2020. He further mentioned he is unaware of the amount that will be in attendance but the Tree Lighting will still take place.

Town Mgr. Bynum-King mentioned to Mayor Houlihan that it should be acknowledged regarding the election he ran unopposed and the two Council member seats were vacant. In order to fill those two seats, he will have the task of appointing two members. A vetting process will have to be established. She further mentioned Council member Boyan agreed to still be a Council member until a replacement is found for his seat. Council member Boyan said that is correct. Mayor Houlihan agreed we will go forward and try to create a vetting process for the two vacant seats. Mayor Houlihan said to Council member Boyan thank you for staying on until your seat is filled.

Public Comments:

Mr. Tom Bauer inquired what time the Tree Lighting Ceremony is taking place. Council member Smith replied the Tree Lighting Ceremony will take place at 6:00 p.m. on November 29, 2020. Mr. Bauer said thank you. Mayor Houlihan questioned Council member Smith if there are flyers made. Council member Smith replied yes.

Adjournment

A motion to adjourn was made/seconded (Pase/Boyan) and carried by roll call vote with 4 Ayes.

Submitted by:

Clerk of Council