

MAYOR & COUNCIL
September 6, 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, Lieutenant Alexander, Clerk of Council Vondell Spencer, WTP Superintendent Sophia Oberton, Chief of Finance Heather Chandler and Town Engineer Joshua Taylor. Guests: Tom Bauer, Alan Whitley, Jerry Yates, Linda Morris, Tina Lambert Marzec, Jo Ditmer, Steve Ditmer, Sharon Levadnuk, James Levadnuk, Brad Gillis and Mike McClure; via teleconference Bruce Wardwell.

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 welcomed all the attendees.

Mayor Houlihan mentioned that last month was very special for the Ladies Little League Softball Team Allstars. He further mentioned they advanced to the World Series Championship Game. The girls made us all proud and he congratulated them. He said we are going to plan something from the Town so stay-tuned.

Mayor Houlihan further said last month officers Coco, Snead and Engelskirch were sworn in. That was a really good moment for this Town. He thanked St. Stephens United Methodist Church, Joy Smith and others for allowing the Town to use Camelot Hall for our fellowship and celebrating that special day.

Mr. Gillis introduced himself and announced that he is running for Wicomico County Council at Large. He mentioned his background, business endeavors and his life about serving the community and building a community one generation at a time.

Approval of Minutes

Mayor Houlihan called for a motion to approve August 1, 2022 meeting minutes as prepared. A motion seconded (Smith/Jones) and carried with a roll call vote of 5 Ayes.

Unfinished Business

None.

New Business

Mayor Houlihan read the Oath of Office and swore in the DE Board of Election Supervisors. He thanked them and said he appreciated them for their service to the Town.

Town Mgr. Fleetwood mentioned the DE Election will be held on October 3rd, at the Delmar Public Library in the North Meeting Room. The polls will be open from the hours of 7:00 a.m. to 7:00 p.m.

Chief Financial Officer, Heather Chandler, read and discussed the Annual Municipal Street Aid Grant from the State of Delaware.

Mayor Houlihan called for a motion to transfer monies from the Municipal Street Grant Account into the Delmar, DE General Fund Account for reimbursement of allowable expenditures in the amount of \$41,197.65. A motion was made/seconded (Smith/Kemp) and carried by roll call vote of 5 Ayes.

Town Mgr. Fleetwood gave the Mayor and Council an overview of the request the Delmar Historical and Arts Society has for transforming the building at 100 E. Grove St. into a museum for the Town of Delmar. This building is also known as the old library.

Delmar Historical and Arts Society President, Mr. Alan Whitley, explained and discussed a place to display artifacts from Delmar's history. He said the museum would be open for special occasions such as Heritage Day, Day in the Park, model railroads running during Christmas, special occasions by appointment, etc. He further said they would have hours a couple of times a month for the general public.

Mr. Whitley further explained the museum would include a recreation of the original Dr.'s office that was there as well. He mentioned the organization would also like to build on to its arts portion and this location would give them the opportunity to do so.

He further mentioned refurbishing the building which is in poor condition and that would improve the looks of the Town. He said the building is presently owned by St. Stephens United Methodist Church and leased back in July 1996 by the Town of Delmar, a ninety-nine-year lease. He further said that lease is still in effect.

Mr. Whitley mentioned he has spoken to Town Mgr. Fleetwood about subletting the property for the museum and he was receptive to the idea but he needed to go before the Mayor and Council for approval. He further mentioned Town Mgr. Fleetwood said the Town would still continue to pay the property insurance and possibly the electric on the building. Mr. Whitley explained the Historical and Arts Society understands that they will have to provide a liability insurance within the building.

He said the society went to St. Stephens to ask about subletting from the Town and they responded back in August, that was not problem. DE Representative Tim Dukes, DE Senator Bryant

Richardson and the Historical and Art Society were able to secure a grant from the State of DE for \$250,000.00 for this project. This grant has to start being incurred by November 1, 2022 or it will be lost.

Mr. Whitley asked the Mayor and Council to draw up a lease between the Historical and Arts Society and the Town to bring the project forward. Council Member Kemp asked Mr. Whitley if they were going to charge or was it going to be free to the public? Mr. Whitley answered to his knowledge it will be free to the public, donations will be accepted. He further asked if Mr. Whitley would make the building bigger? He further answered it's what they have an opportunity to work with. He said he is unaware because of the ownership and the chain of leases. A conversation ensued. Mayor Houlihan applauded the idea for the museum for this Town and the partnership between the Town and St. Stephens United Methodist Church. Another conversation ensued.

Town Mgr. Fleetwood clarified the liability insurance would be something that the Historical and Arts Society would carry for any individual inside that building including guests and members. A conversation ensued.

Mayor Houlihan called for a motion to sublease the building located at 100 E. Grove Street, Delmar, DE to the Delmar Historical and Art Society. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

DBF Senior Municipal Engineer, Mr. Joshua Taylor, presented a WWTP EDU Capacity Update. A conversation ensued. The powerpoint is attached.

WTP Superintendent, Sophia Oberton, discussed the Lead and Cooper Rule and its requirements with the revision. She said the WTP is doing revisions with the EPA (Environmental Protection Agency), working with DBF and Delmar Town Hall, Municipal Clerk, Kimberly Layton to discover the houses that were built before the original Lead and Copper Rule from 1986.

She explained the results lead to about 2,000 residents. Last week DBF was able to incorporate their information for the GIS for the properties and GIS for the meters. She said we are close to about 200 properties just different with the meters verses the properties. Moving forward this will give us a standard of what to expect. By October 2024 the Town must have the inventory and a plan of action of how we plan to attack the buildings that have or potentially have lead and copper. The information sheet is attached.

Ms. Oberton said she received a spreadsheet that said what is expected with the inventory. This spreadsheet is extensive, which they are working on. They are trying to keep the cost down to keep from using outside skilled service to help with this project.

WTP Superintendent, Sophia Oberton discussed the DE Rural Water Association Apprenticeship Program background. She further discussed the apprenticeship program will be offered at Delmar High School in early October and ending mid-February 2023. She mentioned she will be teaching the pre-apprenticeship class.

WWTP Superintendent, Frank Daniels, presented a WWTP Capital Improvements presentation. The

powerpoint is attached.

Town Mgr. Fleetwood updated Mayor and Council and attendees about the bagged fire hydrants. He publicly thanked DBF for mapping all the fire hydrants with the help of WTP Superintendent, Sophia Oberton. He said all hydrants have been flushed, roughly just north of 34 hydrants did not work for various reasons.

He further said that number has been reduced to 14 that are still bagged. The location of where they are bagged has been communicated with the Delmar Fire Department. Town Mgr. Fleetwood mentioned he and Public Works Acting Director, Robert Buck, went to Dover, DE Thursday of last week to Dover Plumbing. He further mentioned there is a gentleman there that is a textbook of knowledge in reference to hydrant repair. They enlisted his help and he will be here in the next week to week and a half. PW will probably get seven fixed.

He said after the repairs then painting will begin, some yellow and some blue. The color designates the flow/volume, they will all be tagged and will coincide with the map DBF provided.

Town Mgr. Fleetwood presented a proposal to replace damaged playground equipment for the State Street Park and West Tot Lot. He presented two product options in the colors blue and orange. A vendor from GameTime gave him pricing for industrial playground equipment.

He explained the pricing for option one is \$128,000.00 option two is \$123,000.00 which also includes \$20,000.00 for the demolition and installation for both options. He further explained State of DE Representative Tim Dukes and the previous Town Mgr. Sara Bynum-King acquired an \$85,000.00 grant to be used for an ADA pathway in State Street Park.

Town Mgr. Fleetwood commented in his opinion the money would be better appropriated for the playground. He said he spoke with Mr. Dukes and the State of DE and received the thumbs up to use that money for the playground equipment. After researching this left the Town with a deficit of about \$40,000.00. The \$40,000.00 could be taken away from the ARPA money.

He mentioned Delmar MD Commissioner, Cory Shaffer, would like to split the \$40,000.00 between Delmar, DE and Delmar, MD. Town Mgr. Fleetwood said the plan is to apply the \$85,000.00 and use the \$40,000.00 from both Delmar, MD and Delmar, DE (\$20,000 each). Also, at the West Tot Lot some of the equipment needs to be replaced, fencing needs to be replaced and he is also exploring a big canopy umbrella. The cost is \$80,000.00 for the equipment and the fence. The Town has a \$51,000.00 grant. The difference was appropriated last year and has not been expended.

Town Mgr. Fleetwood added if he orders the playground equipment tonight the vendor has indicated the arrival will be early to mid-November and the installation will be completed hopefully early December. He further added he would like to replace the sign for the State Street Park. The Cpl. Heacock Memorial should be in place about that same timeframe. The most appropriate thing would be to rededicate the park.

Mayor Houlihan called for a motion for Town Mgr. Fleetwood to order new playground equipment

for State Street Park Option #1 Delmar, DE and also with the allocation of \$20,000.00 of the ARPA funds to help with this purchase. A motion was made/seconded (Pase/Smith) and carried by roll call vote of 5 Ayes.

Town Mgr. Fleetwood mentioned State Street Park has about seven trees that are diseased, a couple are dead and will be removed. These are large trees. The process was supposed to start today but the weather stopped that process. After that process is completed, trees will be replanted.

Mayor Houlihan commented he reached out to the guidance department at Delmar High School. Emily Richie is going to look for two representatives for the Delmar, MD and Delmar, DE student advisory. Hopefully we will have them on board for the October meetings.

Police Chief's Report

Chief Barkley said last month PD swore in officers, supported several community events, supported benefits, softball tournaments and a few other things that went on. Over the last couple of months there have not been any major crime incidents to report.

Chief Barkley reported: 1.) Officer Engelskirch completed all that he needs for his DE certification. He has been given temporary blessing of the COPT (Council on Police Training). However, he will not get his official blessing until October 12th; that is when they meet quarterly. 2.) The two recruits in the academy are progressing fine. PD is looking forward to the December graduation date. 3.) Most of the CVSA 's (Computer Voice Stress Analyzer) on the new applicants is done and the next part will be first interviews for those individuals for our January 2023 academy. PD would like to see three go into the January academy. 4.) New vehicles approved in the FY23 Budget, a window just opened and PD can purchase vehicles so they are in the process of being ordered. PD will expect these vehicles early next year. However, we keep in mind everything is moving slow right now. 5.) Chief Barkley mentioned he will be away to a conference next week. Lieutenant Alexander will be in charge of the department while he is away.

Council Member Jones asked Chief Barkley how PD will handle the dirt bike situation? Chief Barkley answered there are restrictions that have been put on PD unfortunately, especially MD SB600 (Maryland Senate Bill 600). Officers cannot go out and chase the dirt bikers. There is more than enough risk involved because if officers go out and chase after them and they are in an accident if the dirt bikers get hurt or killed it will fall back on the Town, liability and responsibility.

He further answered if the dirt bikers run from officers and run into someone else and kill them it will fall back and the Town will be liable and responsible. The other side of it is if officers decide to take that action and someone gets hurt or killed the Attorney General's Office will have to be informed and they will have to start an investigation. Furthermore, the officer that decided to engage in that chase more then likely will be brought up on criminal charges.

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

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

Town Mgr. Fleetwood mentioned PW has started on the Westside of Town down by the VFW working east on State St. painting the yellow curbing. Then they will be painting the curbing on Bi-State Blvd. and Delmar High School, in that order. Then at that point they will develop a plan on whether they will start developments or side streets. The Town has one high school student that is working for them on a seasonal basis and a young man that graduated about a year and a half to two years ago.

Utility Commission Report –

Council Member Smith reported that the New Business in the Utility Commission Meeting was recapped in this meeting by WWTP Superintendent, Frank Daniels, DBF Senior Municipal Engineer, Mr. Joshua Taylor and WTP Superintendent, Sophia Oberton.

He further reported 14 hydrants are still bagged and half of them will be fixed very soon. Power-washing, repainting the windows and the back stairway is in progress at Town Hall.

Council Member Smith said the DE Election will be October 3rd from 7:00 a.m. to 7:00 p.m. at the Delmar Public Library. He further said the playground equipment has been covered.

Planning & Zoning

Council Member Jones reported:

1. **Bruce Wardwell – New Home Build – 200 E. Jewell Street, Delmar, DE** – Mr. Wardwell presented with a new home build as referenced per the attached drawings. A revised site plan was received 8/25/22.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Bruce Wardwell – New Home Build – 200 E. Jewell Street, Delmar, DE, as proposed with the addition of the updated site plan showing the driveway location be submitted for Council review.

Mayor Houlihan called for a motion to approve – Bruce Wardwell – New Home Build – 200 E. Jewell Street, Delmar, DE, proposed with the addition of the updated site plan showing the driveway location submitted for review and the attached drawings. A motion was made/seconded (Smith/Jones) and carried by roll call vote of 5 Ayes.

Town Manager's Report

Town Mgr. Fleetwood reported: 1.) Town Hall and the police station have been power-washed. The painter should be here tomorrow. 2.) The DE Election will take place at the Delmar Public Library in the North Meeting Room. The election day is October 3, 2022. The polls will be open from 7:00 a.m. to 7:00 p.m. 4.) Town Mgr. Fleetwood thanked the Board of Election Supervisors. He said we are waiting on the Sussex County Board of Elections to give us a list of names for the poll workers. Correspondence was exchanged today between Bo McDowell that said we will have those names soon. 5.) There is an issue on Connelly Mill Road from the WWTP down to the

railroad track. The shoulders are about two to three inches higher than the pavement. Lee Outten with Wicomico County has agreed to grade the shoulders for the Town. The Town has an RFP that will be going out soon for street paving. Wicomico County is getting ready to pave their portion of Connelly Mill Road. He commented he is hoping that his RFP for his cost will come in before he begins his work because if his price is cheaper then what he gets, the Town will go with the lesser of two evils. 6.) WTP Superintendent, Sophia Oberton, is working on the Little League plaque with Fire Department, Shawn Johnson, and they are getting close to having a prototype. 7.) Town employees have had email address changes. Their emails have changed to their first initial, last name, TownofDelmar.us. 8.) New business cards had to be purchased because of email changes. The new business cards are colored and cheaper then the previous black and white business cards.

Council Comments

Vice Mayor Pase, Council Members Kemp and Jones had no comment.

Council Member Smith said he is very glad to see the Town moving forward. There are many changes daily it seems but what he has seen is positive. He further said he thinks we are headed in the right direction.

Mayor Houlihan said he recognized and appreciated Joy Smith and all the other ladies for helping with the fellowship for the swearing in ceremony of the police officers at St. Stephens United Methodist Church. Ms. Smith responded herself and seventeen ladies from the church adopted the police officers. She further responded they decided to honor, give incentive and let them know they are loved.

Mayor Houlihan mentioned since the Election will be October 3rd which is the normal Mayor and Council meeting night, it will not take place that evening. He further mentioned they will be meeting Tuesday, October 4th.

Public Comments:

1. Tina Lambert-Marzec thanked St. Stephens personally from the police officer wives' group (Leo Wives) for recognizing their husbands and making them feel loved and appreciated. At the luncheon that they gave them some of the officers got to meet their sponsors.
2. Tina Lambert-Marzec said the last time she was at a meeting was May 2nd. Fellow wife group member Robin Bond asked if the Council will continue to fight the police officers with their efforts with collective bargaining? The Council answered that they were not going to fight collective bargaining moving forward. Ms. Lambert-Marzec questioned why on Friday June 24th was Delmar taxpayer money spent for an attorney to send an objection to the PERB Board to continue to fight against the police officers for collective bargaining.

Mayor Houlihan responded we did the resolution. Town Mgr. Fleetwood added from his understanding the main issue is how the PERB sees one thing vs. Delaware, MD law. We do not object to the collective bargaining we object to the process as a whole. So, he thought that is what needed to be resolved first; the direction that the PERB is going.

He further added we actually met three weeks ago with the Teamsters Rep. and also the two Shop Stewards from the PD. Town Mgr. Fleetwood said he felt very sincere that we want to get to the end of the road on this. PD has a contract, it's already in place. What document is needed to put in place that says Delmar, DE will abide by that contract?

Town Mgr. Fleetwood commented he is waiting on something from the Teamsters to present to the Mayor and Council. Mrs. Lambert-Marzec responded not so much on the DE side, there is a history of mistrust and not following through.

3. Tom Bauer asked Chief Barkley what is going on with the plaques for Cpl. Heacock, the private one and the one in Town and is his sisters and mother going to be invited to the one at the police station? Chief Barkley answered everyone is going to be invited. He further asked are there any dates? Chief Barkley further answered no we have no dates on when either of those monuments are going to arrive.

Town Mgr. Fleetwood replied the plaque for State St. Park is with Sipple right now. His hopes are right now with the approval of the Mayor and Council when we get closer is to make that dedication of the monument, new playground equipment and new sign for the State St. Park to rededicate the whole park.

4. Tom Bauer asked is the new sweeper up and running? Town Mgr. Fleetwood answered yes. Mr. Bauer further asked are the streets getting done? Town Mgr. Fleetwood further answered yes.
5. Mr. Bauer commented he is aware of concern for first responders, police cars, fire, EMS and volunteers. DPW works hard trying to keep the roads plowed. He asked is it possible to subcontract some of the plowing? Town Mgr. Fleetwood answered right know the PW Dept. is twice the size that it was last winter. If need be, he can do that but right now with the employees they have and with them in place he thinks we are fine.
6. Mr. Bauer asked is the Town going to use up the salt that we already have before we get salt from the state? Town Mgr. Fleetwood answered yes.
7. Mr. Bauer asked instead of white for our water tower can we paint it school colors and show some Town spirit? Town Mgr. Fleetwood answered that is up to the Elected Officials. Mayor Houlihan responded that would have to be a budget item and looked at. Mr. Bauer said it would be a nice thing to do for school and Town spirit.
8. Joy Smith commented St. Stephens United Methodist Church is doing a lot of upgrades. She thanked Chief Barkley for his help when they had vandalism in February. She said they did \$32,000.00 worth of damage in the cemetery and most of that has been corrected.
9. Joy Smith announced on September 22nd columbarium's will be put in the cemetery to upgrade/beautify and put new signs in the cemeteries. New trees will also be cut down on Templton and Twelfth Street. This will be done in four stages and the cost is \$5,000.00 per

stage.

Adjournment

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

Submitted by:

Clerk of Council