

MAYOR & COMMISSIONERS

December 9, 2019

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. on Monday, December 9, 2019. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Police Chief Barkley, CEO Peek and Town Attorney Benson. Absent: Clerk of Council Fisher. Guests: Chris Brown, Kalpesh Patel, Darryl Willing, Liz Peek. James McAllister and Carrie Lenox.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells stated that she received a letter from Wicomico County asking if the Town wanted to follow suit from previous years and waive its right to receive the minimum allocation of funds, enabling the County to distribute state funds equally among all the County fire services providers. It was the consensus of the Maryland Elected Officials to waive the Town's right to receive the minimum allocation of funds.

Mayor Wells stated that both the Christmas Parade and the Tree Lighting Ceremony were both great events and very well attended.

Mayor Wells also asked everyone to keep Cindy Fisher, Clerk of Council and her family in their prayers. Her mother's health is declining.

Approval of Minutes

Commissioner Tucker made a motion to approve the November, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 4 ayes and Deputy Mayor Unsell abstaining due to his absence at last months' meeting.

Unfinished Business

Town Manager Bynum-King spoke about the Wood Creek geese issues. She said that she reached out to Mr. Tom Stevenson with the City of Salisbury seeking assistance on how the City dealt with the over population of geese. Mr. Stevenson directed the Town Manager to the U.S.D.A. Department of Wildlife Services Division. She then spoke with Mr. Scott Healey a representative from U.S.D.A. Wildlife Services and he explained that the individual homeowners or the HOA should contact the agency directly by calling (877)463-6497 or register for assistance on their website. The nuisance is normally on private property and that is why it is necessary for the individual property owners or an HOA contact the U.S.D.A. directly.

The Town Manager stated that she is still working with Mr. David White, the potential contractor for making the necessary upgrades and repairs to the Caboose. The Town Manager said that she is looking for a meeting one day this week to discuss some outstanding matters so the final project numbers can be submitted.

Town Manager Bynum-King said that she has not received confirmation from Doug Niblett if the V.F.W. is interested in partnering with the Towns to purchase and hang Veteran banners along State Street.

New Business

John Rubin Travers- 201 Chestnut St.- Violation Appeal

Code Enforcement Officer, Liz Peek, stated that Mr. John Travers, a resident of 201 E. Chestnut Street requested an opportunity to appeal to the Maryland Elected Officials regarding a violation letter received for debris and junk on the property. CEO Peek said that Mr. Travers was not present this evening. There was some discussion about what position the Town would take on this matter. Commissioner Scholl made a motion to deny the request from Mr. Travers for the failure to appear before the Mayor and Commissioners. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Student Advisory Report

The student advisor informed everyone that Progress Reports are coming out this week. Some students have complaints regarding EXCEL, which was a State requirement, and now no longer a State requirement, however the school still implements it. Most students feel that the EXCEL, a forty minute block of time could be better used. Most of the seniors are going to their tours of colleges and many representatives from colleges are visiting the High School. Salisbury University will be visiting the High School and will be able to offer acceptance letters to interested students based on their GPA and other qualifications. The new Guidance Counselor is excellent and very helpful to the students.

Police Chief's Report

Chief Barkley pointed out that the monthly report is a new reflection for the department's activities and the total numbers are not true for the year. He mentioned that through grants and partnership with neighboring agencies, there is a heightened presence of officers on foot in the shopping centers.

There was an inquiry about the automobile break-in. Chief Barkley confirmed that there has been some break-ins. They are trying to make sure they get the word out that people should make sure their doors are locked. Chief also mentioned that he still has a vacancy in the department and within the upcoming year, he will be losing Officer Kinlaw who will be moving to Washington State.

Parks and Recreation Report

Mayor Wells indicated the report was included within the mail packets.

Code Enforcement Officers Report

Mayor Wells indicated the report was included within the mail packets.

Fire Department Report

There was no report and no one was present to give a report

Utility Commission Report

Town Manager Bynum-King said that there was no meeting this month due to a lack of quorum. Deputy Mayor Unsell asked if there were any updates for the Commission. The Town Manager stated that the WWTP is starting to move in the right direction. The new superintendent is doing a great job turning things around so far.

Public Works Report

The report was reviewed by Commissioner Tucker and included within the mail packets.

Planning & Zoning Report

Commissioner Scholl reviewed the following:

Chris Brown- Ryan Homes-New Home build, Lot 122, located at 9565 Mourning Dove Way, Heron Ponds, Delmar, MD

Upon reviewing the documentation provided, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 122 located at 9565 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes-New Home build, Lot 136, located at 30708 Spoonbill Court, Heron Ponds, Delmar, MD

Upon reviewing the documentation provided, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 136 located at 30708 Spoonbill Court, Heron Ponds, Delmar, MD, per the attached drawings with the contingency that the Special Exception was lifted to allow 2-story homes along Rt. 54. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes-New Home build, Lot 137, located at 30700 Spoonbill Court, Heron Ponds, Delmar, MD

Upon reviewing the documentation provided, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 137 located at 30700 Spoonbill Court, Heron Ponds, Delmar, MD, per the attached drawings with the contingency that the Special Exception was lifted to allow 2-story homes along Rt. 54. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes-New Home build, Lot 49, located at 30388 Old Bridge Lane, Heron Ponds, Delmar, MD

Upon reviewing the documentation provided, Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 49 located at 30388 Old Bridge Lane, Heron Ponds, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Darryl Willing- New Home Build at 203 Poplar Street, Delmar, MD.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build at 203 Poplar Street, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Doug Marshall- request for the installation of a patio, tiki bar and pergolas at the home located on Lot 65, Purple Finch Court, located in Heron Ponds, Delmar, MD

Commissioner Scholl stated that no action will need to be taken at this time since Mr. Marshall needs to have other things in place first. So this discussion will be tabled.

Town Manager Report

The Town Manager reminded everyone that the Town's Holiday Dinner is this Friday at the V.F.W. at 6 p.m. Garbage services for the Maryland residents will not be disrupted during this holiday season.

Oath of Office

Mayor Wells indicated that it was now 8:00 p.m. and time for the Oath of Office to be administered by the Honorable James McAllister, Wicomico County Circuit Clerk. Mayor Well's Oath was administered first followed by Commissioners Unsell and Lenox.

Commission Comments

The Mayor and Commissioners wished everyone a very happy and safe holiday.

Upon hearing no Public Comments, Mayor Wells asked for an Executive Session for Legal Counsel. Deputy Mayor Unsell made the motion to go into Executive Session which was seconded by Commissioner Scholl. The motion passed with 5 ayes and 0 absent.

Those present at the Executive Session were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Attorney Benson and Town Manager Bynum-King. They discussed the pending litigation on Collective Bargaining and the current status and possible effects of litigation.

Mayor Wells asked for a motion to return to regular session. That motion was made by Commissioner Lenox and seconded by Commissioner Tucker. The motion passed with 5 ayes and 0 absent.

Adjournment

Mayor Wells called for a motion to adjourn the regular meeting. The motion was made by Commissioner Tucker and seconded by Commissioner Scholl. The motion passed with 5 ayes and 0 absent.



Submitted by:

Cindy Fisher

Clerk of Council (taken from notes of the Town Manager)