

## **Joint Council May 24, 2021**

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and the Mayor and Commissioners of Delmar, MD, was called to order at 6:30 p.m. at Delmar Town Hall and via teleconference by Mayor Houlihan. In attendance via role call were Mayor Wells, Mayor Houlihan, Deputy Mayor Unsell, Vice Mayor Pase, Commissioners Scholl, Tucker and Lenox, Council Members Smith, Jones and Kemp, Town Manager Bynum-King, Financial Supervisor Chandler and Clerk of Council Spencer. Guests: Steve Ditmer, Tom Bauer, Angel Calloway, Tina Lamber-Marzec, Casandra Barkley, Vernita Ringgold, Merri Whitman, Sally Ferro, Janice Hughes, Julie Parrish, Shannon Perdue, Kathy Heacock, Michaelina Jones, Roberta Aldrich, Robert Aldrich, Dottie Neill, Penny Glasgow, Carrie Williams, Missie Jones, Diane Cornish and Anita Heacock-Feaster.

### ***Called to Order***

Mayor Houlihan called the meeting to order at 6:30 p.m., and lead the Pledge of Allegiance.

### ***Mayors Comments***

Mayor Houlihan commented we are working to move forward with a forum. He mentioned the start of this process was to first work with Tri-Community Mediation. The mediator we are working with is Michelle Ennis, she is the Executive Director of the organization. We've had an initial meeting which included myself, Mayor Wells, Chief Barkley and Town Mgr. Bynum-King. Individual meetings with Council Members and the Commissioners. Unfortunately, and unexpectedly Ms. Ennis had a medical issue, so we had to take a pause as she worked through her health issue. He mentioned during the first meeting Ms. Ennis cautioned us because of the complexity of the situation, mediation is not a quick fix, it will take baby steps. When and how we get to this public forum he said he could not give a date at this time.

Mayor Houlihan commented he hurts to and he doesn't think people understand that. He further commented he has to live with this every day and this has destroyed him. Mayor Houlihan said he tries to do the best for this Town and he loves this Town. He said he thought alot about this Town and he's had a good relationship with the police officers.

Mayor Houlihan further said he is aware he has been on Council for a long time and maybe some don't like him and some do. He further said he has been a supporter of the police department and to do a budget you have to look at what's coming in and what's going out and consider the overall impact on the residents and businesses. Mayor Wells with all her colleagues. Mayor Houlihan stated people might not like us or the decision made, but we try to do our best. Mayor Houlihan said he is not going to sit here and stand for division and we have to find a way to unify. He further said people want his resignation but he loves this Town. He was not born and

raised here, he moved here in 1994. Mayor Houlihan said he raised two beautiful daughters that were born during his entire time of being a public servant. As his daughters grew up, he missed some important school events, time he can't get back, because he had to attend meetings. He further asked the Town people and the Community, please give us a chance to work through this situation. He also said there is ill-will out there and there is a lot of anger and emotion and he understands that and he gets that, he is not making excuses about anything. He mentioned, if people would look at this national environment we are living in right now with police and he hates it. He concluded his comments with, Delmar, lost our innocence that morning, small Town USA. Somehow, someday, we have to go forward.

Mayor Wells said this tragedy was very personal to her as well. She went to Corporal Heacock's funeral and she thought about her own son in dress uniform. When she saw his face, she thought Jesus God what if that was her son. She said that she is a police supporter and she is also trying to do the best that she can. She said she would have tried and considered all request if things were presented in the budget. She said she was not blaming anyone, just clarifying that we only work with what is presented. Mayor Wells mentioned the arbitration process will likely hold some decisions. She said that last year, better salaries were discussed by the Joint Council to start, we were made aware that's where our problem was in order to attract better recruits. The Joint Council accepted that factor and increased the PD salaries. She added at that time she felt everything was fine and we were moving in the right direction, apparently that was not true. She added that she is committed to this Town and she committed to this Police Department. She also mentioned that she had blue lights in front of her house much longer than a month because she believes in them. Mayor Wells concluded her comments by saying she was sorry that she acted out on Facebook but that's her nature. However, it is human nature, when you see things on Facebook and people are picking you apart, one day when you have had enough you just come out swinging. Again, she said she apologize for that.

### ***New Business***

Public Hearing Delaware Ordinance #176; Adopting and Implementing the Budget for the Town of Delmar, Delaware, for the period of July 1, 2021 through June 30, 2022.

Supervisor of Finance Chandler said we will review the FY-22 Budget for Maryland, Delaware and Utility so while we are just working on the Delaware Public Hearing at this time, we will review everything so it's all done at one time.

Supervisor of Finance Chandler stated the expenditures are equal to the revenue. Delmar, Delaware Tax Rate will remain the same at 0.62 cents per 100.00 dollars of the assessed value.

Delmar, Maryland total operating budget the tax rate for Maryland will be 0.622 per 100.00 dollars of the assessed value that is following with a constant yield tax rate that is established by the State Department of Assessment and Taxation from the State of Maryland.

Utility Commission stated as noted with the Maryland and Delaware budgets these expenditures are equal to the stream for the Utility Commission.

Supervisor of Finance Chandler explained more in depth that the Miscellaneous category in the budget was vehicle, property, insurance as well as loan payments that we have for Maryland and Delaware. She also, explained more in depth that the Law category in the budget was for the attorneys.

Town Manager Bynum-King asked Supervisor of Finance Chandler to explain the expense for the sewer collection in the budget and she explained it was for the sewer main replacement project and also the entire category of sewer collection which also covers the outside skilled source services throughout the year for sewer collection, salaries, benefits, anything that would be categorized under sewer collection also, water and some Public Works.

### **Delmar, Delaware FY22 Budget Public Hearing**

Mayor Houlihan explained once the floor was open for public comments if anyone wished to speak, they have to stand at the podium, he then read the conduct for this meeting.

Mayor Houlihan asked for a motion to open the public comments for this meeting. A motion was made/seconded (Pase/Smith) by roll call vote of 5 Ayes. He then reminded the public that the comments were specifically for the FY'22 Delmar, Delaware Budget.

Some comments were inaudible.

1. Carrie Williams asked are we making any allotments for the Police baseline salaries to hire new qualified officers. Mayor Houlihan answered we are not allowed to discuss salary because of negotiations with collective bargaining. Mayor Houlihan said we can modify the budget at a later time if necessary. Town Manager Bynum-King mentioned in the budget as proposed right now it is based on the current salaries and the starting salary that has been in place. She further mentioned as Mayor Houlihan explained we haven't had an opportunity to review the proposal that Chief has drafted for us and any changes that come after the budget is passed this body will have an opportunity to amend the budget to increase starting salaries.
2. Sally Ferro asked if Town Manager Bynum-King is getting another raise.
3. Julie Parrish commented there is a Public Safety Crisis going on that has been created by lack of management or oversight. She further commented our Police Department is underfunded.
4. Janice Hughes stated if the Town is going to fund police more money, then the Town needs to do it now.

5. Robert Aldrich stated we were promised a Town Meeting to conquer this situation because it's been a month now. When is the meeting going to be? Mayor Wells commented we have formed a relationship with a facilitator from Tri-Community Mediation which have offered her services for free.
6. Tom Bauer stated we need to get the Police Department up to twenty officers to monitor the Town 24/7. The starting salary for the Police Department is abysmal. We need to increase the starting salary for the Police Department to \$50,000 a year and raise the salary to existing officers accordingly.
7. Missie Jones asked for clarification FY'22 sewer collection expense budget and if we have a contract for those items. Also, she said she understands repairs and sewer main replacement but do they coincide or are they separate items.
8. Tina Lambert-Marzec asked how in good conscience could Mayor Houlihan approve a budget without increases to the Police Department and Public Safety. Mayor Wells answered nobody put in for increases for the Police Department because we were in negotiations and it's got to go to arbitration.
9. Vernita Ringgold asked if the sewer main was being replaced because it's having an issue because her sewer backed up, when was the budget composed and at what point do you do anything in reference to the Police Department to make our communities safe. Town Mgr. Bynum-King answered yes, it is a major replacement on Chestnut Street from Bi-State all the way over Pennsylvania a smaller section on the west side of the railroad tracks and then there are sections on Pine Street that is going to be replaced as well. There are areas that the funding will not allow us to replace.
10. Kathy Heacock stated in the budget under legal fees is that the same budget that the Town used to fight against the Police Department. Mayor Wells responded no; the money used is not in this budget.

Supervisor of Finance noted that the Utility Commission operates only on water and sewer. It has nothing to do with the Public Safety or the Police Department.

Mayor Houlihan asked for a motion to close the public comments portion of the hearing. Council Member Smith made that motion which was seconded by Council Member Kemp. By a roll call vote, the motion passed with 5 Ayes.

Mayor Houlihan asked for a motion to accept Ordinance # 176; Adopting and Implementing the budget for the Town of Delmar, Delaware for the period of July 1, 2021 through the June 30, 2022 budget. Council Member Smith made the motion which was seconded by Council Member Jones. By a roll call vote, the motion passed with 5 Ayes.

## **Delmar, Maryland FY22 Budget Public Hearing**

Mayor Wells read Ordinance #749 Adopting and Implementing the FY'22 Budget in its' entirety for Delmar, Maryland. She then explained once the floor was open for public comments if anyone wished to speak, they have to stand at the podium, she then read the conduct for this meeting.

Mayor Wells asked for a motion to open the public comments for this meeting. A motion was made/seconded (Tucker/Unsell) by roll call vote of 5 Ayes.

Mayor Wells explained that in a budget process the department heads ask for what they need Chief Barkley did not ask for more police officers in the budget.

Chief Barkley replied he understood what was said and in retrospect Mayor Wells was absolutely correct. He said he did not ask and one of the reasons he didn't ask was because if part of the dispute was about salaries as you said how can he ask for more officers if it's already in dispute. Mayor Wells said Chief we just went to negotiations. Chief Barkley replied he understood that but this dispute has been going on for a long time and he heard what Mayor Wells was saying and please understand when Mayor Wells said he did not submit he was not disagreeing with that, you're right. Chief Barkley further replied but there was a reason why. Mayor Wells said to Chief Barkley since he has been a Chief, we've talked about this and there have only been three things that they did not approve so what made him feel like he couldn't. Chief Barkley responded he understands and you have all been very kind at the same time he didn't feel like he could ask for more officers. He then said please understand when you continually say we can't afford it he understood that. Mayor Wells said you ask for what you need then we can decide what we can afford. Chief Barkley replied and he is not going to debate that but please understand the reason why.

Some comments were inaudible.

1. Robert Aldrich addressed Mayor Wells by stating that she was not going to discuss salaries in the open budget hearing and we are at an impasse. Mayor Wells responded we can't go by a scale when we don't know what the arbitrator is going to rule.
2. Penny Glasgow asked why would Chief Barkley think that he could discuss the raises because of collective bargaining.
3. Diane Cornish asked does this budget include the Town Mgr. Bynum-Kings salary? Mayor Wells answered all the salaries are included in this budget.

Town Mgr. Bynum-King stated if the overall goal is to ensure that we are adding additional police officers to the department for the safety of the officers and the community then why keep going round and round about the officer's salaries? She suggested that, maybe the issue at hand is looking at the starting salary for new recruits with Chief Barkley. She added if that's what we have to do to get new recruits or make us more competitive to get new recruits

than that should be the focus. We should let everything else pertaining to salaries right now pause as we are in negotiations with the Police Department or with the officers and whatever comes out of the negotiations is how we will have to proceed with the existing officers' salaries. She added if we can come together and at least establish what a revised starting salary would look like, for the Town and then move forward. She further added that everyone still needs to understand even in setting new starting salaries and authorizing Chief Barkley to hire however many new officers, even if he was given a million dollars tonight, he is still not going to have officers out on the streets next week. We have to work through the process. There is arguing about a lot of things and some we may have to agree to disagree but the goal here should be to put more officers on the street so we don't have officers working alone.

4. Carrie Williams commented we need more police officers if not we are going to lose our police station and the people will suffer.
5. Angel Calloway we are in the same exact conversation as we were ten years ago, we need more police officers. Mayor Wells explained the budget process.
6. Isaac Barkley asked was a proposal made to the Mayors, Commissioners and Council within the last week. Mayor Wells answered we received a plan. Mr. Barkley also asked the Council to remember Chief Barkley has a family at home and remember the reputation that Chief Barkley has built and it is to be respected.
7. Shannon Perdue stated the Police Department does not trust the Council and they have merit not to.
8. Dottie Neill commented whatever Chief Barkley needs to get more police in his department he should get it, they deserve it.

Upon hearing no public comments, Mayor Wells made a motion to close the public hearing portion of the hearing. A motion was made/seconded (Scholl/Lenox) by roll call vote 5 Ayes.

Mayor Wells made a motion to accept Ordinance #749; the Adopting and Implementing of the budget for FY'22. A motion was made/seconded (Tucker/Unsell) by roll call vote 5 Ayes.

#### **Approval of Minutes –**

Mayor Houlihan asked for a motion to approve the May 18, 2020 minutes. A motion was made/seconded (Smith/Tucker) by roll call vote 7 Ayes, 1 Absent, Abstain (Jones, Kemp).

#### **Council/Commission Comments –**

Commissioner Tucker had no comment.

Commissioner Scholl – said he is looking forward to the mediation to fully see everything and discuss it openly, publicly and please everybody come because your input is just as valuable that's what we look for up here to get direction. We do the budget process every year and we have to figure it out on our own. You guys can see the thought process. There are more people here tonight than the eight years I have been on the Council. You guys can come and see the process and the thought process that we go through every time we get together. He heard someone say some rubberstamp stuff. We all have full-time jobs so we come here and get advised from the departments and accounting this is where this information comes from and you can sit here literally while we learn. So, come to that be there, learn how the process works and how the decisions are made, ask questions. He hopes to see you guys stay involved and become aware.

Commissioner Lenox – said clearly, we are all looking forward to the public forum to get the opportunity to talk about a lot of issues. He added would just hope that the forum involves more than just us, it's more than just what's outside. Crime does not stop. If this had been one street over literally one street over this would have been a little different. He hopes when we have that forum other law enforcement agencies will be involved as well. He has a great respect for Chief and Salisbury. He knows these folks and they definitely mean the best. We need both states involved, State Police and we need Wicomico County certainly and Sussex County as well in terms of police. We need to hear from everybody and we need to hear from professionals as well and I hope they will be included in this discussion because there will be a cost. How that process is broken down we need to figure out how to come together as Mayor Houlihan says and how we need to share that.

Deputy Mayor Unsell – said he has always felt an obligation to this Town to balance the budget. He has overseen seven balanced budgets and there is so much money that goes in and so much money that goes out. If arbitration leads to an increase of 30% to our Police Department, then so be it, it's going to be a 30% increase to your tax bill and he understands with feeling the way it is people don't mind paying 30% and he frankly don't mind paying that 30% either. But we have to wait for the process to get us there. Right now, 44.3 cents out of every dollar this Town collects supports our Police Department. It's probably going to get bigger than that down the road if things go the way we hope they go. But the problem right know as Chief Barkley will tell you it's hard to find good police officers in the atmosphere we have right now regardless and then they have to pass the Maryland Academy and they have to pass the Delaware Academy and it takes 6-8 months. So, it's a long process. As Deputy Mayor, he makes that promise, we are going to do what's necessary to make that happen because as people said here tonight this is a problem that is not going to get better it's going to get worse. We have to address the problem. We don't get paid enough for what we do. He gets enough pay as Deputy Mayor to pay his tax bill and his water bill

and it involves somewhere between 20-30 meetings a year. He makes \$2,000.00 a year as Deputy Mayor and he doesn't have a full-time job.

Council Member Kemp – said he was born and raised in Delmar. He took this spot because it was open to change Delmar to make Delmar the way it was when he was growing up. He said he told Chief Barkley that he had his back and he will live up to that. If there was a vote right now, please get this raise, whatever it was, his vote is yes.

Council Member Jones – said this is his third month on the job. This seat sat vacant for a year. Nobody wanted to do it. The Mayor asked him and he gave it a shot. Unfortunately, we had an incident and he is pro police and he will support Chief Barkley and any of our police. We have to approve this budget and figure out what's going on in arbitration and move forward. That's the only thing we can do, one step at a time. He added whatever Chief needs as long as he is here, he is going to try give it to him to the best of his ability.

Council Member Smith – said he would like to thank everybody for coming out tonight to try to help us through this. It's a tough situation. He was personally on Chief Barkley's committee trying to get him hired. We know we have a situation and we are working on it.

**Adjournment –**

After hearing no further comments, Mayor Houlihan asked for a motion for adjournment. A motion was made/seconded (Scholl/Unsell) by roll call vote of 5 9 Ayes, 1 absent.

Clerk of Council

Vondell Spencer