

MAYOR & COMMISSIONERS

August 9, 2021

Mayor Wells called the regular scheduled meeting of the Mayor and Commissioners of Delmar, Maryland 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 Deputy Mayor Unsell (via teleconference) and Commissioner Lenox. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Vondell Spencer and Robert Benson Town Attorney (via teleconference). Guest: Eleanor Kaul, Carol Wenkel, Jeanne Stitt, Sara Hughey, Penny Glasgow, Anita Feaster-Heacock, Robin Bond, Linda Morris. Tina Marzec and Dan Feaster. Absent: Commissioner Tucker.

Mayor Wells performed the Pledge of Allegiance followed by a roll call to confirm there was a quorum. A quorum was established.

Mayor's Comments-

Mayor Wells officially informed everyone that Commissioner Scholl resigned his seat as Maryland Commissioner effective August 2, 2021. She stated he is moving out of Town limits so he will not be able to serve.

Mayor Wells said United States Senator, Tom Carper, Chairman of the Senate Committee on Environment and Public Works, invited the National Rural Water Association to give testimony at a hearing on July 21, 2021. The National Rural Water Association, Mike Keegan, Regulatory Analyst, asked Rick Duncan, Director of the Delaware Water Association, if he would recommend a small utility system in Delaware to represent all of the small systems across the country. Mr. Duncan suggested Delmar was a small system and he recommended Sophia Oberton, Public Works Special Project Coordinator, Certified Water License Holder, in both Maryland and Delaware gave testimony at the United States Senate. Mayor Wells commended Ms. Oberton for doing a fine job and she further mentioned this was a very good opportunity for Delmar.

Unfinished Business-

Oath of Office – Maryland Board of Elections Supervisors:

Mayor Wells conducted the Oaths of Office for the Maryland Board of Elections Supervisors: Sarah Hughey, Eleanor Kaul, Jeanne Stitt, Carol Wenkel. Mayor Wells also thanked the Maryland Board of Elections Supervisors for their willingness to serve.

New Business –

Town Mgr. Bynum-King referenced an email that was sent to both Mayors, Deputy Mayor Unsell, Chief Barkley and herself from the HOA President of Woodcreek, Ms. Laura Dohoney, on behalf of

the HOA stating that Mr. Barry Mehta agreed to sign an agreement for a right of way along Foskey Lane from Clubhouse Drive to Second Street to have a sidewalk installed and a pedestrian crosswalk in front of the elementary school. Town Mgr. Bynum-King said Ms. Dohoney referenced in this email traffic issues along Foskey Lane when school is in session. Town Mgr Bynum-King mentioned this section of roadway has been an issue for many years and the Wicomico County Board of Education has made several adjustments to try to resolve the issues. Ms. Dohoney's email reference her awareness that the sidewalk will have to be funded. Town Mgr. Bynum-King informed the Commissioners that the section of roadway from the railroad tracks to Second Street is in the Town's jurisdiction. She asked if this body would like the Town Engineers to evaluate the area to see what would be involved to get a sidewalk installed. Town Mgr. Bynum-King explained it's our roadway from the railroad tracks to Second Street, however the southside is properties that are owned by Mr. Mehta. Mayor Wells responded yes; we can get pricing from the Town Engineers. Commissioner Lenox asked was there any discussion of who would pay for the actual sidewalk. Town Mgr.-Bynum-King answered she thought it was assumed by the HOA or Mr. Mehta that it would be a combination between the Town and the Board of Education. Commissioner Lenox said we would probably be incorporating that easement area into the right of way ultimately becoming the Town's responsibility. He further said initially we should look to the developer for some participation. Also, that's the point that Ryan Homes is very actively marketing, in fact, there is a flag outside that says walk your kids to school. Commissioner Lenox added he thought this would be a great opportunity to get involved. Town Mgr. Bynum-King inquired if Commissioner Lenox was suggesting that she should reach out to Ryan or Mr. Mehta. Commissioner Lenox replied both.

Mayor Wells announced that Commissioner Lenox will be stepping up to fill Commissioner Scholl's Planning Commission seat in the interim until after the elections are finished.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) The Department is still two officers short meaning one in the academy, one in field training and two vacancies. 2.) The Police Department is still actively recruiting. It is difficult yet until we have an agreement on salaries, as far as, advertising. 3.) Serious traffic accident at Rt. 13 and Rt. 54 in front of WaWa between a firetruck and tractor trailer. Most of the firefighters at this point have returned to work with the exception of maybe one or two. 4.) The Department is currently struggling with crossing guards as well, with two vacancies. The email from Ms. Dohoney is requesting two more crossing guards. Mayor Wells asked if we had a crossing guard for the start of school. Chief Barkley answered we do not.

Parks and Recreation – No Report.

Code Enforcement Officer Report - The report is included in the mail packets.

Utility Commission

Deputy Mayor Unsell Reported as follows: 1.) There is a need to amend the Utility budget for the electricity budget line item for the WWTP. The electricity line item should have been in the amount of \$120, 000.00, however it was mistakenly put in for \$12, 000. The budget was \$108, 000 short.

This was discovered by the WWTP superintendent after the budget was passed. The Commission authorized last Monday \$57, 000 additional from the investment fund and \$51, 000 additional from the contingency fund in order to make up that \$108, 000 shortfall. 2.) The WWTP is functioning at 100% for the first time in years. 3.) The east and west clarifiers are operating. 4.) Raw Pump four is down and has been sent for repair but a replacement pump was put into place and is operating. 5.) Public Works had to repair three water main leaks.

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

Planning & Zoning

Mayor Wells reported as follows:

1. **Nakrani Paresh – New Home Build – Lot 65, 9116 Swingbridge Lane, Delmar, MD** – Mr. Paresh was not in attendance.

The Planning Commission gave a favorable recommendation for – Nakrani Paresh – New Home Build – Lot 65, 9116 Swingbridge Lane, Delmar, MD, per the attached drawings with the contingency that there is a completed site plan showing the house, driveway and setbacks.

Mayor Wells asked for a motion to table the new home build due to contingencies not being met – Lot 65, 9116 Swingbridge Lane, Delmar, MD. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote 3 Ayes 1 Absent.

2. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 270, 9573 Song Sparrow Circle, Delmar, MD** – Representative Ms. Brown presented a new home build as referenced per the attached drawings.

The Planning Commission gave a favorable recommendation for – New Home Build – Heron Ponds/Powell – Lot 270, 9573 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 270, 9573 Song Sparrow Circle, Delmar, MD per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 3 Ayes 1 Absent.

3. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 272, 9569 Song Sparrow Circle, Delmar, MD** – Representative Ms. Brown presented a new home build as referenced per the attached drawings.

The Planning Commission gave a favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 272, 9569 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 272, 9569 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote 3 Ayes 1 Absent.

4. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberti – Lot 279, 9523 Song Sparrow Circle, Delmar, MD** – Representative Ms. Brown presented a new home build as referenced per the attached drawings.

The Planning Commission gave a favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberti – Lot 279, 9523 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – Heron Ponds/Alberti – Lot 279, 9523 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote 3 Ayes 1 Absent.

5. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 338, 9373 Mulligan Way, Delmar, MD** – Representative Ms. Brown withdrew this submittal.

6. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 348, 9353 Mulligan Way, Delmar, MD** – Representative Ms. Brown presented a new home build as referenced per the attached drawings.

The Planning Commission gave a favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny, Lot 348, 9353 Mulligan Way, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 348, 9353 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote 3 Ayes 1 Absent.

7. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 383, 9324 Mulligan Way, Delmar, MD** – Representative Ms. Brown withdrew this submittal.

8. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 397, 9362 Mulligan Way, Delmar, MD** – Representative Ms. Brown presented a new home build as referenced per the attached drawings.

The Planning Commission gave a favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Lot 397, 9362 Mulligan Way, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 397, 9362 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried by roll call vote 3 Ayes 1 Absent.

9. **Chris Brown/Ryan Homes – New Home Build –Woodcreek/Allegheny – Lot 399, 9366 Mulligan Way, Delmar, MD** –

The Planning Commission gave a favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 399, 9366 Mulligan Way, Delmar, MD, per the attached drawings.

Mayor Wells asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 399, 9366 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote 3 Ayes 1 Absent.

Town Manager’s Report

Town Manager Bynum-King reported Delmar, Maryland will be having a municipal election this year. The deadline for candidacy filing will be no later than 4:30 p.m., Monday, September 13th. The deadline for registration to vote is no later than 4:30 p.m., Thursday, September 23rd. If a Primary Election is necessary, it will be held on September the 28th from 7:00 a.m. to 7:00 p.m. The General Election is November 16th, 7:00 a.m. to 7:00 p.m.

She also noted the auditors from the TGM Group were on site in July the week of the 19th to start their preliminary audit. The auditors will be back in September after Labor Day for the full audit.

Town Mgr. Bynum-King further reported Town wide there is garbage collection issues. Some residents are not complying with the current policies. Now the garbage collection drivers are notifying the administrative staff when residents are not in compliance and we are sending letters to the property owners making them aware of the Town’s policy. In an effort to make sure all of the new residents moving into Town are aware, we do send out a welcome packet and in that welcome packet it does identify the garbage policy.

Council Comments

Commissioner Lenox – said while he personally conveyed his appreciation to Commissioner Scholl for his service, he wanted to state for the record his appreciation and he believed that of the community for his service. The years spent not just with this group one day a month but with Planning and Zoning and all of the work that is done on the bright light’s sunshine, so he will be missed. Mayor Wells agreed. Commissioner Lenox said he particularly appreciated the help he provided him when he first joined.

Deputy Mayor Unsell – said he seconded what Commissioner Lenox commented.

Public Comments: -

- 1.) Tina Marzec commented she wanted to be very clear she was speaking on behalf of herself and no one else. Last week she thanked the Delaware side for the glimmer of hope she saw with the checks to the five officers that were not given their steps in 2018 and 2019 and she wanted to make sure she expressed the same to the Maryland side. It is a good start and shows good will. She further commented things are not going fast enough. The police officers are understaffed with some officers working 13 days straight without a day off. The difference in percentage between what was asked for in February and what Chief Barkley submitted is 4% less.
- 2.) Penny Glasgow commented she watched three of our officers walk into the building and they looked dejected and worn out by their body language. It’s clear the police officers need something to help them. She inquired what the process was for when the Town decides to approve lots in subdivisions, do the elected officials meet with the school, police department, fire department or review water and sewer to see if we can afford to grow without risking public safety and overcrowded schools. Town Mgr. Bynum-King explained the process.
- 3.) Robin Bond asked many questions. Such as what is the process to take all the things in account that we are hearing to move forward, who is the person in charge to make sure everybody is covered such as police, firefighters, waste water etc., why doesn’t the body try to account all those things that are coming here this year and next year by raising the property tax.

Adjournment

Mayor Wells called for a motion moved and seconded (Unsell/Lenox) and carried to adjourn with a roll call vote of 3 Ayes 1 Absent.

Submitted by:

Clerk of Council