

MAYOR & COMMISSIONERS
August 8, 2022
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Jorden 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 Lenox, Commissioners Boothe, Shaffer and Unsell. Town Manager Fleetwood, Police Chief Barkley, WTP Superintendent, Sophia Oberton, PW Acting Director, Robert Buck, WWTP Superintendent, Frank Daniels, Clerk of Council Spencer and Robert Benson Town Attorney. Guests: Linda Morris, Julie Giordano, Tom Bauer, Darrin and Beth Wyatt, Joshua Taylor, Penny Glasgow; via teleconference Adrian Mason, Edward Owens and Chris Brown.

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

Mayor's Comments-

Mayor Jorden thanked everyone for consistently attending the meetings.

Mayor Jorden acknowledged the Girls Little League Softball Team congratulating them and saying they have been doing an incredible job.

Mayor Jorden announced August 28th the Town of Delmar will have its' first ever Community Night in the Park free of charge.

Approval of Minutes

A motion was made, seconded, (Boothe/Shaffer) and carried to approve the July 11, 2022 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business-

None.

New Business –

Public Works Acting Director, Robert Buck requested reallocation of funds for a Public Works vehicle. Mr. Buck said in the FY23 Budget one of his requests was approved. The request was a new small dump truck. The quotes for the truck were obtained and the prices have increased since receiving the original quotes. He further said he was unable to use those funds and allocate them as they were approved based on the increased price for a second vehicle.

Mr. Buck asked the Mayor and Commissioners if he could use the additional approved funds and reallocate them to install a utility body on the previous Director of PW, Jerome Reid's truck to make it more versatile for the staff in the PW Department.

Mayor Jorden asked for a motion to reallocate funds from the small dump truck to redoing the existing truck. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

Mr. Buck said a fire hydrant that was inoperable was fixed today at E. Chestnut St. and Pennsylvania Avenue. He further said he located a valve that was paved over, he cut the asphalt out over the valve and accessed it today on East Pine St. and Pennsylvania Avenue. Unfortunately, it was not fixed today. Commissioner Shaffer asked was the valve off when Mr. Buck found it. Mr. Buck answered the valve was off but when the valve was opened in his opinion the plunger was stuck.

Water Treatment Plant Superintendent, Sophia Oberton, explained that the MD Rural Water Association and DE Rural Water Association have been working diligently on the fire hydrants administering pressure testing and flows. She said along with the two hydrants that Mr. Buck worked on today there are three other hydrants that they were able to get working with the help of the MD Rural Water Association.

She further explained the Lead and Cooper Rule Revision. The Town received an inventory spreadsheet that is extensive that will be utilized along with the Town engineer. Ms. Oberton said they do have a lot of information already however there is still a long way to go. EPA has not confirmed anything yet so as of right now they are just working on the inventory. The starting place will be homes that were built prior to the original Lead and Cooper Rule in 1986. That process is an EPA mandate. Town Mgr. Fleetwood added what generated this is the Flint, MI issue from a number of years ago. The ideal situation would be to start at the meter pit to see if the Town is providing a plastic pipe and then going from the meter to the house evaluating if the pipes are plastic. He further added with the homes in Town using the 1986 rule (built prior to 1986) there are about 1,000 dwellings which is better than the total amount within the entire Town.

Town Mgr. Fleetwood mentioned there was a reported 28 bagged hydrants originally. He further mentioned as of today there are 24 bagged hydrants. He and Mr. Buck did discuss the potential of valves being paved over which they determined today. The Town has enlisted Dover Plumbing in Dover, DE which will be here one day a week and will charge \$200.00 a day plus material to repair or rebuild three to four hydrants a day. Mr. Buck will provide one laborer for them. This laborer will be working on fire hydrants moving forward.

Mayor Jorden read the 1st reading of Ordinance #751 to amend the Delmar Zoning Code, also known as Ordinance #560 by adding a new use permitted by special exception in section 10, Community Business District, to allow contractor's construction equipment, supplies or storage yard. The ordinance is attached.

Deputy Mayor Lenox explained Ordinance #751 came from the Planning and Zoning Commission

last month. Mr. Darrin Wyatt attended that meeting and had a proposal that the Commission discussed and the question that was put forth was whether or not Mr. Wyatt's sealcoat business would fit under the categories allowed in Community Business. Deputy Mayor Lenox said the Commission had difficulty and did not find it possible to fit that into any of the existing categories within Community Business.

He further explained the property that this project is speaking about is near the intersection of Bi-State Blvd. and Stage Road although clarification is needed for the exact location. Deputy Mayor Lenox described the Community Business Zone and special exception uses which is possible after going through a public hearing process and a vote by the DE Board of Zoning Appeals. CDC Hardin added some modification or revision would need to take place. A conversation ensued.

Mr. Benson clarified Ordinance #751 was introduced tonight but it was not adopted. It will not be advertised for a public hearing and it is not coming back in September.

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

WWTP Superintendent, Frank Daniels, presented WWTP Capital Improvements. A conversation ensued. The powerpoint is attached.

Town Mgr. Fleetwood said throughout the Town there is eleven lift stations on both sides of the state line. The Town is spending on average about \$175,000.00 for preventative maintenance, replacements, etc. He further said he believed we could cut that cost by 50% easily. Half of the lift stations have hoists and the other half do not. Town Mgr. Fleetwood mentioned for the FY2024 Budget he will recommend to DE, MD and UT to add a head count to Public Works. The additional head count can be used for some of that preventative maintenance to cut the \$175,000.00 in half.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) PD assisted DSP with a suicidal subject. The subject was too far away for a responding DSP unit and PD was asked to respond to the location until DSP could get to this end of the state. The suspect followed through with his intent. 2.) PD assisted the county sheriff's office with a report of a dead body on the eastern side of Town. As it turned out when PD got on the scene the area was not in town; PD maintained the scene until county sheriffs arrived. 3.) An armed robbery was reported at the Exxon off of Bi-State Blvd. PD did follow-up, warrants were in hand within a day and two days later all subjects were in custody. 4.) A theft was reported at Rite Aid on the Wicomico County side, a male and female that PD is aware of. Chief said the subjects have been into several Rite Aid's, gathered up things and ran out the door. 5.) A serious accident occurred on Rt. 13 near E. Chestnut St. southbound next to Delmar Diner. Chief Barkley mentioned there were four people injured; no one seriously injured. 6.) One officer withdrew out of the academy. The other two officers in the academy. They are both doing great. 7.) Officer Engelskirch is doing his field training at this point, getting his DE certification and maybe ahead of time on his field training. One of his classes aren't scheduled yet and it may be difficult to get him scheduled but everything else he is doing exceptionally well. 8.) PD did testing

July 30th, seven new applicants, all passed the testing and they all moved to the next phase which is CVSA's (Computer Voice Stress Analysis). 9.) The swearing in ceremony will be held August 17th at 1:00 p.m. in the PD training room. Town Mgr. Fleetwood added the invitation is for everyone in this Town. If there is an overflow of people then the swearing in will be moved to Camelot Hall.

Commissioner Boothe asked if Chief Barkley can put 4 recruits in the academy in January instead of three or is the amount capped for Delmar? Chief Barkley answered they haven't capped anything yet because the request hasn't gone in yet. The academy will ask how many recruits will be attending a couple months before the academy starts. He further answered he has three open positions/slots left and he has to allocate them.

Mayor Jordan asked Chief Barkley to elaborate on where PD is as far as officers once the two graduate and where PD will be projected to be? Chief Barkley answered when the two recruits that are currently in the academy graduate, field train and get certifications hopefully PD will be at a point they can push back to 24-hour service again; back up to thirteen officers. The next three will put PD up to its full complement now which is sixteen officers.

Mayor Jordan asked were the bodycams up and running? Chief Barkley answered yes. Mayor Jordan further asked how the bodycams were performing? Chief Barkley answered so far so good. There haven't been any big issues thus far. Officers are still getting used to them. There are some privacy issues with wearing them 24/7 as well there will be a lot of storage issues. There is expense when storing the video; the video has to be kept in its natural state and individuals have to be edited out of the videos that do not pertain to the incident or the crime.

Commissioner Shaffer asked Chief Barkley the status of the fence. Chief Barkley answered we have the quotes but we have not done anything with them yet. He further asked how was the fingerprinting going? Chief Barkley answered PD is still fingerprinting a couple days a week, it's starting to pick-up but PD is telling most people they cannot do MD fingerprints so people that want MD fingerprints done will have to find another source for that. Commissioner Boothe asked can someone call the nonemergency number and schedule an appointment for fingerprints? Chief Barkley answered yes. Town Mgr. Fleetwood added there is an organization called INDIGO inside of the Salisbury, MD MVA that will do federal and/or MD fingerprints.

Commissioner Shaffer asked Chief Barkley if he considered putting the phone number for a contact for fingerprinting or maybe have another link on the website to cut down on phone calls in the department to make it super accessible for people? Chief Barkley further answered that number is not different it is the same number that comes into the department. An issue that came up is people are calling and not getting an answer or the call is going to the sheriff's department because of the medical emergency PD had where there was no one there to answer.

Mayor Jordan inquired if there was a way to setup it up where people can go online to set their own appointment. Chief Barkley responded no; PD has to manage it. He further responded it cannot be managed that way because people will look at the schedule and assume all slots are empty but there may be other factors that will not allow him to provide those hours for them. He further inquired if it would be better if people called or for PD to get the information to call them and schedule them. Chief Barkley replied PD is restricted, he does not have administrative personnel, it's simpler to

keep it the way it is. Chief Barkley added every Tuesday and Thursday there are open slots.

Chief Barkley added the golf tournament will be held Saturday, October 1st at 10:00 a.m., Blue Line Classic Golf Tournament at Mulligan's Pointe that DPD does each year, our fundraiser. That's the funds PD uses to support Delmar's Little League teams, football teams, families in need during Christmas, etc. He said there are no slots left. Commissioner Shaffer commented they are looking for raffle items.

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

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

Fire Department Report – The report is included in the mail packets.

Utility Commission

Commissioner Unsell Reported as follows: 1.) In a week we have gone from 29 bagged hydrants and now we are at 24 bagged hydrants. 2.) Superintendent Oberton went into detail about the Lead and Copper Rule Revision. The Town staff may have to go into residents', individual home's that were built prior to 1986 and dig holes to determine if they have lead and copper pipes. 3.) Town Mgr. Fleetwood reported there was going to be a swearing in of officers. 4.) Town Mgr. Fleetwood reported the Town received funding for the Phase I sewer main replacement project.

Planning & Zoning

Deputy Mayor Lenox reported as follows:

1. **Adrian Mason – New Deck – 9371 Mulligan Way, Delmar, MD** – Mr. Mason presented for a new deck per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Adrian Mason – New Deck – 9371 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

2. **Jeffrey Lang/Edward Owens– New Deck and Railing – 9548 Song Sparrow Circle, Delmar, MD** – Mr. Owens presented for a new deck and railing per the attached drawings. The HOA letter of approval was received 7/27/22.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Jeffrey Lang/Edward Owens – New Deck and Railing – 9548 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 365, 9319 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation A – Lot 365, 9319 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 372, 9305 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve– Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 372, 9305 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Town Manager's Report

Town Mgr. Fleetwood reported as follows: 1.) State St. railroad crossing is scheduled to be corrected/fixed/repaved on August 16th starting at 7:00 a.m. 2.) Stage Road from the MD side from 675 Bi-State up to Rt. 13 road has been reclaimed. 3.) This Friday the section from the backend of Doughboys heading south towards Amber Ridge Dr. on the westside of Stage Road will be reclaimed as well. 4.) Acting PW Director, Robert Buck and PW staff have filled in the potholes and filled in holes on the shoulders of Stage Road. 5.) Town Mgr. Fleetwood said he appreciated everything Superintendent, Frank Daniels has done for the WWTP. 6.) All approvals are in place for Starbucks and should be breaking ground on that soon. 7.) The Town has a new salt spreader. The Town will now procure salt from Maryland State Highway Administration and the Town has signed an MOU to get our salt from the Maryland State Highway Yard in Salisbury, MD at their cost and we do not have to store it or load it. 8.) Fuel cards should be in any day now; switching from the current process of Exxon and start using CATO Fuelman. Every gas station in Delmar participates with Fuelman. When gas is needed and Exxon closes WaWa and Doughboys can be used here in Town. With this change we do not pay the state fuel tax with CATO and we also get a fuel discount so, we are saving money. 9.) Town Mgr. Fleetwood said Steve Miller, Wicomico County Parks & Rec., met with him, Delmar Staff and Delmar Fire Department to discuss the parks on Pennsylvania Ave. 10.) Reminder to citizens when cutting grass do not blow it in the road because it clogs storm drains and some even make it over to the WWTP. 11.) Elected Officials did receive an updated organizational chart. There will be another change coming to our phone roster that will be more user friendly. 12.) PD is in the preliminary stages trying to get closer to full-time staffing of PCO's in the dispatch center.

Town Mgr. Fleetwood publicly thanked former Town Mgr. Sara Bynum-King for leaving everything so detailed when she retired. He said it's been truly a godsent for what she has passed down. Her files, her system is fantastic. He further said to the citizens of the Town if they have questions do not

hesitate to call or stop in if they need him.

Council Comments

Deputy Mayor Lenox and Commissioner Unsell had no comments.

Commissioner Shaffer commented on ESPN Plus tomorrow at 10:00 a.m. the World Series involving the Girls Little League Softball Team will be advertised.

Commissioner Boothe thanked Town Mgr. Fleetwood for his help getting permits in the State St. Project which was unique compared to Foskey Lane and Chestnut St. He said the railroad is required to make the crossing passable; there is no requirement to make them new. That means cold patch can be used; it does not matter if it is state or municipality. He further said the railroad met the Town 50-50% basically. They did all the ripping out and removal for Foskey Ln. and Chestnut St. Commissioner Boothe mentioned he spoke with the Director of Track Maintenance about getting a timeline for the State St. Project. Track Maintenance is going to take it down. It will not be a complete rip out and leave the base that is there now and put more asphalt on top. Moving forward there is a lot of property that is owned by the railroad that the Town has leased so we need approval to do any kind of project on their property. That should not be an issue from what he is hearing.

Commissioner Boothe said there is a lot of improvements at WWTP and thanked WWTP Superintendent, Frank Daniels for that.

Public Comments: -

1. Penny Glasgow said there are some cool things happening for the Girls Little League Softball Team such as the girls were given new uniforms for free, batting helmets, cleats and bats. The two catchers for the team were also given brand new catchers gear. The girls have also played ping-pong with a team from Italy. Ms. Glasgow asked if the mail packets were for the public or private. Town Mgr. Fleetwood responded everyone on the payroll and sitting on the dais we are all public servants. He further responded Clerk of Council Vondell Spencer is now putting the mail packets online. Ms. Spencer added she can put some mail packets out before the meeting or if it's something specific that Ms. Glasgow would like she could call Ms. Spencer.
2. Tom Bauer asked Chief Barkley when PD got fully staffed would it be Lieutenant and the Officers in the 16 allotted slots? Chief answered he will be included in the 16 allotted slots. He further asked how long the bodycam video has to be saved/storage? Chief Barkley further answered he is unsure.
3. Linda Morris thanked Town Mgr. Fleetwood for putting the reminder/notice out on Facebook about grass cutting. She asked is there a mechanism to reach out to the people not in line with it? Town Mgr. Fleetwood answered we are doing that. She further asked Chief Barkley is there any further plans for the speeding on Grove St. and Lincoln? Chief

answered officers have been out there monitoring traffic and writing citations. Ms. Morris inquired if signs could be installed for speeding. Chief Barkley responded keep in mind the signs put out have to comply with federal regulations. It's not done by the PD. Ms. Morris further inquired if there was going to be a National Night Out in Delmar this year. Chief Barkley further responded not this year, next year.

4. Linda Morris asked Chief Barkley if he said he was planning to have a private ceremony when Cpl. Heacock's monument was installed at PD? Chief Barkley answered he believes that is true and they are unaware when the monument is going to arrive. Commissioner Shaffer explained the monument process. Town Mgr. Fleetwood added the State St. monument is in its final stages. She inquired if there was any estimated time when that ceremony will be. Town Mgr. Fleetwood responded he does not have a date as of yet. Ms. Morris responded if PD wanted to have a private ceremony for the monument at the PD that is fine but she thought there needed to be a ceremony for the community as well. Chief Barkley replied the community is welcome but he just wanted to keep the first ceremony small for the PD.
5. Ms. Morris mentioned the Call of Duty Truck that came to PD. She said the community was not aware of that either. Chief Barkley responded the community would not have been aware of that because PD had little information. Call of Duty called Chief Barkley and announced they were bringing the wall through and would like to stop through in Cpl. Heacock's honor. Ms. Morris responded Chief Barkley has to be aware of the sensitivity that is in the community and she thought what they were trying to do is bring the community together. By not communicating, that causes hardship and people are upset and a little more sensitivity would be appreciated. Chief Barkley further responded he is aware of the sensitivity in the community.
6. Ms. Morris thanked Town Mgr. Fleetwood for the planning, facility assessment and the plans going forward. She said she was very encouraged. She further said this was the first time these kinds of reports were done at the meetings. Ms. Morris questioned why certain presentations were not done at the DE meeting. Town Mgr. Fleetwood responded because this is the first meeting Mr. Taylor, Mr. Daniels and himself could schedule to meet.
7. Julie Giordano commented she is the Republican Candidate for Wicomico County Executive. She thanked the Town of Delmar for allowing her to come and speak. She said she has heard wonderful things about Town Mgr. Fleetwood so she hoped to work with him. She further said hopefully he will be collaborating with her Director of Administration

Adjournment

Mayor Jorden called for a motion moved and seconded (Boothe/Unsell) and carried to adjourn with a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council
Vondell Spencer