

**MAYOR & COMMISSIONERS**  
**February 13, 2023**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Jorden called the regularly 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, Fire Department Liaison Shawn Johnson, Town Attorney Robert Benson and Clerk of Council Vondell Spencer were in attendance. Guests: Dennis Murray, Jill Braungart, Theresa Souden, Vice Mayor Jones, Mayor Bauer, Council Member Morris, Jackie Milter, Elaine Purnell, Bill Purnell, Elizabeth Stripling, Maria Madero, Will Madero and Natasha Sheppard.

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 attending the meeting.

Mayor Jorden commented they had a meeting regarding the Mason Dixon Sports Complex that was held at the elementary school. The meeting went very well. The majority of the Council and Commissioners were present at that meeting. There was very positive feedback from the community. He said it seems like everyone would like to see the Complex get revitalized, get a new field and be able to attract more people to the Town.

He further commented they met about an issue with the community center and ways to solve the issue. They have met again with the Town engineer and architects trying to get some things finalized as far as concepts, appearance, etc. The Town already has the funding for that so it should be moving forward over the next few weeks.

Mayor Jorden mentioned on the DE side the new park equipment is in place, operational and looks phenomenal. He said he received a lot of messages at church and over the weekend. A lot of the calls were from kids that are excited.

He further mentioned the Mayor and Commissioners welcomed Wood Creek, who has a lot of the HOA members present and he thanked them for being in attendance at this meeting. He said he had the privilege of sitting in their last HOA meeting to hear their needs and issues.

**Approval of Minutes**

A motion was made, seconded, (Boothe/Unsell) and carried to approve the January 9, 2023 minutes as circulated by roll call vote of 5 Ayes.

## **Unfinished Business-**

Mayor Jorden stated before he was Mayor of Delmar, MD there were issues with Wood Creek involving one of the developers, unpaid bills, issues with contractors all involving a developer with the Town. Last month this body made a motion to suspend permits for a new section in Wood Creek being built until the money issues have been resolved between the contractor and the Town of Delmar.

Attorney Ryan Showalter representing Mr. Barry Mehta/Wood Creek stated he has been in discussions with Town Attorney Benson and Town Mgr. Fleetwood. He said Mr. Mehta would like to find a way to reach a compromise that is acceptable to the Town. Also, they do not believe that the Town can or should withhold building permits while the compromise is pending. Mayor Jorden asked Mr. Showalter if he had a timeline finding an acceptable resolution. Mr. Showalter answered he does not have a specific timeframe.

Mayor Jorden informed Mr. Showalter when the Mayor and Commissioners have monthly meetings. He explained to Mr. Showalter they were going to adopt a resolution to suspend permits for Wood Creek. Mayor Jorden further informed Mr. Showalter he and the Commissioners are not opposed to having an emergency meeting one week from now for the proposal for suspension to be resolved; then they can lift the resolution that is going to be adopted this evening.

Town Attorney Robert Benson, introduced Resolution No. 2023-2-1.

Mr. Showalter questioned if there is a statement in the Resolution that stated there is a violation of the Town's Code & Regulations. He asked Mr. Benson if there is a specific regulation that can be pointed out. Mr. Benson answered it relates to regulations involving building permits. Mr. Showalter further asked Mr. Benson for clarification of the exact Code & Regulations. Mr. Benson further answered it is in the section of the ordinance involving issuance of the building permits. Mr. Showalter responded does it indicate NVR has to pay the fees associated with the building permits? Mr. Benson replied parties have to be in good standing with the Town in order to be entitled to get the building permits. Mr. Showalter further questioned if the Code uses that phrase. Mr. Benson answered he believed so. Mr. Showalter further responded he would like that citation today while at this meeting. Mr. Benson further replied he could get it for Mr. Showalter in a day or so.

Commissioner Unsell asked Town Mgr. Fleetwood if he knew the day of the original TK Construction invoice. Town Mgr. Fleetwood answered June 1, 2021. Commissioner Unsell stated this issue with Wood Creek has been going on for a year and TK Construction is a contractor the Town depends on periodically. He said it was clear that the contractor Barry Mehta hired did the damage to the water and sewer line and should have repaired it. The Town had to contact TK Construction to repair it so the people on Mulligan Way would have water and sewer. Mr. Benson clarified Mr. Mehta called TK Construction to make the repairs. The Town did not contact TK Construction. Mr. Benson further clarified the contractors that were contacted/hired to make the repairs to the water and sewer lines in the subdivision. A conversation ensued.

Town Mgr. Fleetwood stated there are a number of engineering invoices that have gone unpaid. A conversation ensued. Town Mgr. Fleetwood discussed a document sent to Mr. Mehta, Kirk Kinnamon and TK Construction dated August 13, 2021. A conversation ensued.

Mayor Jordan called for a motion to adopt Resolution 2023-2-1; A Resolution to impose and declare that the issuance of building permits for the Wood Creek subdivision shall be suspended due to the unresolved issues between the Town and the developer involving unpaid fees due the Town, the Town's Engineer, and others. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

### **New Business –**

Mayor Jordan stated Mr. Brian Green is a DE resident so he will not be nominated until adjournment and a Joint Session follows this meeting.

### **Student Advisory -**

Lillian Frazier reported: 1.) The boys' basketball team record is 5-13. Their last competition date is 2/22/2023. The next game is 2/16/2023 vs. Lake Forest at Lake Forest High School at 6:15. The 1<sup>st</sup> round tournament is 2/28/2023. 2.) The girls' basketball team record is 7-9. The next game is 2/16/2023 vs. Lake Forest High School and will take place at Delmar High School at 4:30 p.m. The 1<sup>st</sup> round of the state tournament is 3/1/2023. 3.) Future Health Professionals (HOSA) is selling chocolate bars to raise funds for a field trip to nearby medical museums. 4.) There is a blood-drive February 23<sup>rd</sup>. 5.) Spring Break is in a month and a half and students are excited for that. 6.) Senior's Graduation Day is set for June 8<sup>th</sup>.

### **Committee Reports:**

#### Police Chief's Report

Chief Barkley reported as follows: 1.) January 27<sup>th</sup> PD had an infant reported as nonresponsive. Officers performed CPR until the EMS arrived on the scene. Unfortunately, the situation did not end well. Subsequently, PD provided a funeral escort for that family. 2.) This previous Sunday evening PD responded to a home invasion on Shannon St. Two subjects dressed in black kicked in a rear door to a home. There were no injuries reported and nothing was stolen from the home. The investigation is ongoing. Chief Barkley said this is not a random invasion; this was very targeted. PD have identified suspects and are working with the Governor's task force to resolve that issue. The unfortunate side is the reported victims are not being as cooperative as they could be. 3.) There are ongoing efforts to make the Delmar Middle and Senior High School safer for everyone. A light has been placed atop the stop sign at Eighth St. and Grove St. that is in place and working. PD has been researching some other options to draw attention to the stop sign to make drivers aware that the stop sign is there and people need to stop. 4.) PD is working with elected officials, school officials, DBf and everyone to evaluate the traffic in that area and advise some other ways PD can try to stave off some of that congestion. 5.) Officer Zachary Walters and Officer Darrell Powell were sworn in January 27<sup>th</sup> and are currently completing their field training to finish their DE

certifications. 6.) PCO Kimberly Rojas is doing very well with her training. Chief Barkley said it may take another month or so before she is ready to work on her own. 7.) Recruits Blaine Erdie and Paul McGrath continue to do well in the academy up to this point. 8.) Applicant testing was conducted at the PD on January 28<sup>th</sup> for the final open position. Out of 19 applicants 7 responded to the notifications and 3 actually showed up to the PD for testing and out of those three PD is already down to one. 9.) Citations & warnings were given to Wood Creek residents. As the PD staffing numbers improve Wood Creek residents will see more of this going on and PD will be able to deal with traffic and parking issues.

Chief Barkley stated in 2021 PD had 12 police officers. One officer was in the academy, another officer was assigned to the DEA Task Force, one Lieutenant and himself which left PD with about 8 officers for patrol forces. He said that total number of officers was not enough coverage for 24-hour coverage. Currently, there are 13 total officers with two in the academy.

Chief Barkley said that he fully expects once the two officers get out of the academy PD will be back to 24-hour service. Once the two officers graduate from the academy PD will really be in a good place; better than his time here. When PD reaches 16 officers they will be even better. It will still be difficult because there will still be moments where PD will have to supplement shifts to make sure there are at least two on for coverage. Seven days a week almost 24 hours a day with the numbers like PD have; once you add in training, leave, vacation and illness it's tough with the numbers that the PD has. He further said things are looking up, their numbers are good, PD has not lost anybody in quite a while to any other agencies and no officer is looking for other employment.

Town Mgr. Fleetwood added the headcount that PD is authorized is 16 sworn determined in 2009. From 2010 to 2020 this Town has grown 21%. Town Mgr. Fleetwood shared other Town's populations and size of their PD's such as, Fruitland and Laurel. He said when the Budget Workshops start the Town PD will be approaching the Elected Officials to entertain 2 additional officers.

Mayor Jordan asked Chief Barkley how well the traffic camera on Foskey Lane is going? Chief Barkley answered the violations have reduced monthly because more people are staying within the limits.

Deputy Mayor Lenox said he is looking forward to two more June graduations.

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

Mr. Johnson stated the FD is facing the same issues as the PD. There is one opening for a paramedic. The FD is hiring people off the street and sending them through the academy. There are 32 employees at the FD for just EMS (full-time and part-time).

Deputy Mayor Lenox asked Mr. Johnson the breakdown of full-time and part-time employees. Mr. Johnson answered there are 9 full-time employees with one open paramedic position and 2 part-time employees. Mr. Johnson explained how many employees work a shift. A conversation ensued.

Mayor Jordan asked Mr. Johnson if there are any other FD's that are looking towards getting their

own bariatric unit. Mr. Johnson answered the only other bariatric ambulance in Wicomico County is Parsonsburg and he is unaware about Sussex County.

Commissioner Shaffer asked Mr. Johnson if the FD has a job listing. Mr. Johnson answered yes on the FD's social media.

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

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

Mayor Jordan mentioned WTP Superintendent, Sophia Oberton, teaches an apprenticeship program established with DE and MD Rural Water Association at Delmar Senior High School. Town Mgr. Fleetwood added this Thursday at 7:30 a.m. there will be a celebration for the young students that have completed the program. He said the goal is to bring one of the two senior students to work for the Town. A conversation ensued.

Utility Commission –

Commissioner Unsell reported: 1.) Starting in mid-February to mid-March there will be streets torn up on this side of Bi-State and South of State St. in Phase 1 of the Town's sewer line replacement project which has been approved. 2.) There has been an application done for MDE Phase 2 sewer line replacement which is on the MD side on the other side of Bi-State/Rt. 54. Town Mgr. Fleetwood added we have some funding for that phase. 3.) Phase 3 is on the DE side. Town Mgr. Fleetwood further added the Town is in the process now of applying for the funding of Phase 3. 4.) There was a sewer leak on DE Ave. from Fifth St. to Eighth St. which is on the DE side. The Town does have funding for that sewer leak which is \$500,000.00 total; \$262,000.00 came from DE, \$173,000.00 from Sussex County and 150,000.00 from the Town. 5.) Town Mgr. Fleetwood reported the Town has \$250,000.00 plus in a PAYGO Grant and \$60,000.00 from MD and \$40,000.00 from DE to equaling \$350,000.00 for the conversion of the old PD to a community center.

Planning & Zoning

Deputy Mayor Lenox reported:

Deputy Mayor Lenox stated the Mayor and Commissioners will not be proceeding with the 5 applications from Ryan Homes at Wood Creek. This is based on the previous action just taken. Deputy Mayor Lenox explained the process Wood Creek should take and the Resolution just adopted.

1. **Kenneth Shockley – 16 Bed Living Facility (Preliminary Plan)– 31093 E. Line Road, Delmar, MD** – Mr. Shockley was not present for this meeting. Deputy Mayor Lenox stated this preliminary plan is for the fourth building at the existing complex. Deputy Mayor Lenox explained the project was started under county jurisdiction for the first two buildings and came about after the Town annexed the property. The services are in place. He added the Planning and Zoning Commission had a thorough review of the application.

Commissioner Boothe asked if the I&I problems the Town had previously; was it factored in prior to the EDUs, as far as, that aspect of it. Town Mgr. Fleetwood responded it was not because this is new construction. Commissioner Boothe questioned how many EDUs this facility would use. Town Mgr. Fleetwood answered 20 EDUs.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commissions favorable recommendation to approve – Kenneth Shockley – 16 Bed Living Facility – 31093 E. Line Road, Delmar, MD, per the attached drawings subject to removal of lot lines and providing for additional parking. A motion was made/seconded (Unsell/Shaffer) and carried by roll call vote of 4 Ayes 1 Nay (Boothe).

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 86, 9419 Rolling Green Drive, Delmar, MD –**

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 86, 9419 Rolling Green Drive, Delmar, MD, per the attached drawings, pending approval from MDE.

**Not proceeding since the previous action just took place.**

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson/Elevation A – Lot 334, 9381 Mulligan Way, Delmar, MD –**

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson/Elevation A – Lot 334, 9381 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE.

**Not proceeding since the previous action just took place.**

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation C – Lot 366, 9317 Mulligan Way, Delmar, MD –**

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation C – Lot 366, 9317 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE.

**Not proceeding since the previous action just took place.**

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 377, 9308 Mulligan Way, Delmar, MD –**

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 377, 9308 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE.

**Not proceeding since the previous action just took place.**

**6. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 378, 9314 Mulligan Way, Delmar, MD –**

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 378, 9314 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE.

**Not proceeding since the previous action just took place.**

**Town Manager’s Report**

Town Manager Fleetwood reported: 1.) The Town has grant money to turn the old PD into a community center. 2.) The State St. Park is open but there is work that still needs to be done. The remaining work to be done is installing new grills, new picnic tables, and face lift for the old scout house. The Heacock Memorial is in place. A rededication of the park will happen soon; date and time to be announced along with a dedication of the monument as well. 3.) The West Tot Lot is not completed but it is open. The contractor has the fence that goes around it. A gazebo will be donated to the West Tot Lot to provide shade. 4.) The Phase 1 sewer main replacement project on the MD side will require alot of the roads to be torn up. There will be no parking on the streets when this project starts. 5.) At Wood Creek entering in off of Rt. 675 on Executive Club Drive a paving project will happen soon. 6.) DE Drinking Water Association, Sharon Shears, complimented the WTPs turnaround due to the efforts of WTP Superintendent, Sophia Oberton. 7.) The Heacock Fest at Heron Ponds is scheduled for April 30<sup>th</sup> 12:00 p.m. to 8:00 p.m. More details to follow. 8.) Tomorrow, Mayor Bauer, a couple of State Delegates and himself will meet on site at Stage Rd. and Rt. 54 to see what could potentially be done about that intersection and find a solution. The road is maintained by DelDot and getting worse. 9.) February 23<sup>rd</sup> at 2:00 p.m. will be the First Annual Employee Service Recognition and will be held in the Town Hall’s large chamber. Three employees will be recognized. Certificates will be given out to those three employees. 10.) The Town received a Safety Grant in the amount of \$70,000.00 for cameras in Gordy Park. The Town has not received a notice to proceed yet. 11.) Town Mgr. Fleetwood thanked everyone that attended the Public Input Session. 12.) This Wednesday, February 15<sup>th</sup> the contractors will be back to finish up the exterior maintenance on the PAC tower at the WTP. 12.) Well #3A had a wellness check. The results have not come back yet. Well #3B has had maintenance as well. 13.) Employees will begin anti-harassment training in Town Hall’s large chamber. 14.) Wednesday of this week DBf, the Chief Financial Officer, Heather Chandler, Bond Counsel Lindsey Rader and himself will meet in reference to the Phase 1 sewer main replacement project to submit everything needed to move forward to complete this project. 15.) Heritage Day will take place this year on the third Saturday in September.

## **Council Comments**

Commissioner Shaffer asked Town Mgr. Fleetwood to go over the streets that are in Phase 1 of the sewer line replacement project. Town Mgr. Fleetwood answered everything west of Bi-State which includes Pine St., Chestnut St., a portion of Pennsylvania Ave., a portion of Third St., a portion of East St. On the west side of the railroad track: a portion of Maryland Ave. In addition to that paving wise on the MD side: Railroad Ave., Pennsylvania Ave., Maryland Ave., East Walnut St., East Pine St., East Chestnut St. and Connelly Mill Rd.

Commissioner Shaffer commented two Fridays ago he was at the WTP checking out the upgrades WTP Superintendent, Sophia Oberton, has done. He said the upgrades are amazing. Commissioner Shaffer invited everyone to stop in and check it out. Ms. Oberton was tossed into the position and has done very well. She is going through a lot of old records and she is making it so anyone can access her water records, locations, etc. It's a lot of work and she is doing a really good job.

He further commented he and Ms. Oberton discussed the old hot water heater in the WTP. It already has a natural gas line that runs to it. He further said he is unaware if a tankless water system is applicable for a Town water system. Ms. Oberton said she would research it so the Town doesn't have to constantly pay to heat water; it would be on demand when needed. Commissioner Shaffer explained the process of recouping the savings and future savings.

Commissioner Boothe commented last month Town Mgr. Fleetwood, Council Member McClure and himself were going to have a Parks and Recreation meeting but members of the Committee did not attend and we did not have a quorum. The first official Parks and Recreation meeting will take place February 28<sup>th</sup>. Moving forward Parks and Recreation can have their meetings regularly.

He further commented the grant money that the Town received for the cameras at Gordy Park; the big focus as far as parks will definitely be out there to Gordy Park. At State St. Park there has been so much time and money that has been spent there; Gordy Park needs attention as well.

Commissioner Unsell thanked his Wood Creek neighbors for attending tonight's meeting. He said this is the first time that more than ten people have showed up from Wood Creek in years. In 2010 there was a group of 8 people show up to the meetings on a regular basis but that hasn't happened in a long time. He further said it is good to see the Wood Creek residents.

Town Mgr. Fleetwood added one of the hot topics in Wood Creek is the lighting. He said he is hoping that the lights will be turned back on by Friday.

Deputy Mayor Lenox asked Town Mgr. Fleetwood the status of the other lights on the state road. Town Mgr. Fleetwood answered the lights are owned by the state; not Mr. Barry Mehta. There is an engineering issue and Delmarva Power is supposed to be working on them soon.

**Public Comments: -**

- 1.) Shawn Johnson asked Town Mgr. Fleetwood if the parking lot at Gordy Park by the basketball court and behind the T-ball field could have some maintenance done. Town Mgr. Fleetwood responded he thought that was an excellent idea, yes. Mr. Johnson said it would solve a lot of headaches.
- 2.) Shawn Johnson commented the FD did go out today and look at the rescue truck and did some inspections on it. It looks like March/April the rescue truck will be back at the FD and back in service; basically, a brand-new truck.
- 3.) Ryan Showalter commented the offer that they made today was to pay \$10,000.00 now and \$10,000.00 when the sewer capacity for the Town house project is allocated. Town Mgr. Fleetwood replied allocated EDUs and with Mr. Mehta being that a priority. Mr. Showalter agreed and said he understood at this point the Town may not be in a position to decide how the wastewater is prioritized.

He further said he just wanted to make sure that was articulated. Mayor Jorden stated he does not think it is up to the Mayor and Commissioners who gets priority over anybody else as far as that goes. These issues are separate in itself. One being new projects that want to come in the Town. A conversation ensued.

Town Mgr. Fleetwood publicly stated he has no vote but he is a firm believer and he would not do that for an individual that is not in good standing with the Town and right now Mr. Mehta is not in good standing with the Town.

- 4.) Dennis Murray commented; Mr. Mehta's credibility since he has been in the Town is terrible. Mr. Mehta reneged on a lot of promises but the biggest issues for the Wood Creek community is he refuses to open the golf course which is driving down their property values thousands of dollars. He further commented he just doesn't understand why he is doing this. Mr. Murray said he wouldn't give Mr. Mehta any permits until he gives residents the golf course back.

Town Mgr. Fleetwood added he is aware it will become a concern in his opinion, a meter has been pulled off of the maintenance building in Wood Creek for the irrigation. He further added it is his understanding that the irrigation system at Wood Creek golf course and community are all one in the same.

- 5.) Dennis Murray mentioned Wood Creek is getting a number of complaints on golf holes 17 and 18 of some criminal behavior. Chief Barkley asked Mr. Murray what kind of criminal behavior. Mr. Murray answered drug transactions, public sex, drinking, etc. Chief Barkley

responded PD has no problem even now dealing with those issues but residents have to say something. Unfortunately, people wait until the next day or next week to complain about it. People have to say something while it's going on. A conversation ensued.

- 6.) Maria Madero commented the absence of lighting that took place once those meter issues with Mr. Mehta happened there has definitely been an increase in traffic when you first come into Executive Club Drive there has apparently been drug transactions going on down there. People are partying; liquor bottles are seen. She further commented helping to get the lights back on hopefully will resolve some of these issues. Chief Barkley agreed. A conversation ensued.
- 7.) Maria Madero asked if there is a drug task force within the PD? Chief Barkley answered there is an officer that is assigned to a drug task force but he does work around Town.
- 8.) Bill Purnell commented he had a concern because previously lots were sold with knowledge that it is a golf course community. He said he noticed that all those signs are gone and he is concerned that other individuals who are purchasing homes will have that same thought that the golf course actually exists because there is a golf course that is there but it is not open. Mr. Purnell asked if the Town in any way is involved in ensuring people aren't conned into thinking it is a golf community when it's not? Mayor Jordan answered not to his knowledge. A lot of that falls back on Ryan Homes to deliver that information to their clients. Mayor Jordan stated he will look into it and try to get an answer for the Wood Creek attendees.

## **Adjournment**

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

Submitted by:

Clerk of Council  
Vondell Spencer