

MAYOR & COMMISSIONERS
January 10, 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 via teleconference. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Spencer and Robert Benson Town Attorney were in attendance. Guest: Dipal Patel, Anita Heacock-Feaster and Dan Feaster Jr.

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 wished everybody a Happy New Year. He mentioned that Commissioner Unsell has joined the meeting via ZOOM. He thanked everybody for being patient with the last snow storm, Town had issues with the plowing, but was able to work through with limited personnel in Public Works. He is aware of the trash removal being pushed back and the snow plowing was an inconvenience but he does appreciate everybody being patient.

He further added there is a lot of great things happening with the police department, recruitment is going well.

Approval of Minutes

A motion was made, seconded, (Boothe/Shaffer) to approve the December 13, 2021 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business-

Mayor Jorden called for a motion to introduce Resolution No. 2021-12-01 in reference to the Wood Creek Street Lights. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Mr. Benson read - Resolution No. 2021-12-01 in its entirety and explained its purpose. Deputy Mayor Lenox made reference to the last month's meeting, the Mayor and Commissioners opted to table taking action on this particular resolution. The Mayor and Commissioners posed a very reasonable alternative to insure the street lights and the needed trenching work is properly installed and in a timely manner. We asked that performance guarantee be posted with the Town so the project could proceed without creating an impact on the issuance of building permits. It was made particularly clear at the last meeting that if the Developer chose not to post the performance

guarantee that we would be revisiting the matter this evening and we would be putting a hold on all additional building permits. The bond was not provided to the Town; therefore, the resolution is back before the Commissioners this evening. Deputy Mayor Lenox added as this matter is to be considered there is a need to discuss the type of street lights, which could be deferred on because that is not specifically a matter of this resolution. Deputy Mayor Lenox made a motion to amend the resolution as introduced to include, “Until the required streetlights are installed” and also include “or a suitable performance guarantee posted”. He said the additional language will give them that alternative moving forward.

Deputy Mayor Lenox made a motion to amend Resolution No. 2021-12-01, No. 1 to read: No building permits for the construction of the new homes in Wood Creek will be issued by the Town of Delmar until the required streetlights are installed or a suitable performance guarantee is posted. A motion was made/seconded (Lenox/Boothe) and carried by roll call vote of 5 Ayes.

Deputy Mayor Lenox made a motion to approve Resolution No. 2021-12-01 as amended. A motion was made/seconded (Lenox/Shaffer) and carried by roll call vote of 5 Ayes.

Deputy Mayor Lenox further said there have been questions about how the performance guarantee is calculated which is obviously a monetary amount and that has to do with not just the physical labor involved but the purchase of the street lights. We have been given a request through the Developer for a particular type of pole that is available through Delmarva Power more quickly than another type and while time is important to us it’s best that Wood Creek gets the same type of lights installed as we have in Wood Creek currently. The language that Delmarva Power has used that the light is being suggested is an alternative is less expensive and less elegant. At this point we really owe it to our citizens to have consistency. Deputy Mayor Lenox informed Commissioner Unsell that Town Mgr. Bynum-King just circulated pictures that showed the existing street lights as well as the purposed and at this point the difference in the appearance of the street lights are pretty significant.

Deputy Mayor Lenox made a motion that the alternative streetlights as purposed not be accepted by the Town and the required streetlights for the remainder of Wood Creek reflect the current design. A motion was made/seconded (Lenox/Boothe) and carried by roll call vote of 5 Ayes.

Deputy Mayor Lenox stated the streetlight plan shows a landscape plan. This was approved 15 years or so ago. Now that this has been brought to our attention it does appear that additional landscaping is required throughout the new Ryan Homes section and that requires a street tree at every home. We want to make sure that this gets completed. He asked Town Mgr. Bynum-King to review this plan with CDC Hardin to determine whether it’s the Developer or home builder.

New Business –

None.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) The holidays had little to no severe incidents. There were some car break-ins in Bridgewater Estates. A group of people went into the neighborhood after 2:00 a.m. The sheriff's office responded. One suspect was apprehended and two fled but were later identified. 2.) There were twenty calls answered directly related to the winter storm Monday. A lot of people in accidents, driving off the roadways unable to control vehicles. 3.) Recruitment has been our number one focus, finding new employees, and how to better market ourselves. We did get a lot of help from the Town and for that we are thankful. We have a new application that we are using and it appears to be working well. Since we started the application a week ago Thursday, we have picked up ten new applications. One of the things that we know is that our new applicants are vested. We are not making any money off of this however the application fee is \$25.00. The idea behind that is if the applicant has to buy-in they've got skin in the game, they are more than likely to show up for the testing and that has been one of our short spots. Along with that we've also been talking to a number of people who are interested in looking at a career in law enforcement. We all have taken time to come in and meet, conversate with these individuals to see where their head is at and encourage them to fill out the application. As well, we've also started working on an advertisement of sort, a recruitment video which is well underway. We have been working on that for the last week or so. Thanks to some very good technical people in the community, we're getting that done pretty much free of charge, we're getting it out there on social media and it will be apart of our webpage, just another way to get people in. The more people we get through the door the better our chances for filling those positions. We are doing well. 4.) We have one new recruit in the academy, Engelskirch. 5.) Patrolman Snead is doing very well with his field training which he is just about halfway through. He has some classes he is going to have to attend over the next couple of weeks for the State of Delaware which is going to take him outside of Town for a few weeks. Hopefully real soon he will be out in the fold as well. We are moving forward. Very positive. Mayor Jordan said thank you for your dedication. He further said Chief Barkley has been showing up if it's his day off or doing interviews just to make it happen. Thank the police department for putting in the work. Chief replied we are all doing it together and he thought it was a positive thing for us all.

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

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

Utility Commission

Commissioner Unsell reported as follows: 1.) The TK Construction situation on Mulligan Way and Wood Creek is still not straightened out, so there is no update on that. For those that don't know it has to do with a \$38,000.00 bill to TK Construction to go in and repair a problem that was created by Mr. Mehta's contactor and Mr. Mehta is basically on the hook for that but he has not settled it yet. 2.) We had resident who paid close to \$1,000.00 to address a sewer back up that their plumber said was caused on the Town's side. The Town had the main video and there was no blockage on the Town's side. The resident was not present to discuss their claim, the matter was tabled that until the February meeting. 3.) The WTP lab numbers are on target with our permit and repairs have all been done regarding running new cooper pipes and painting inside the WTP. 4.) The WWTP has no issues.

Planning & Zoning

Deputy Mayor Lenox suggested that due to the adoption of Resolution No. 2021-21-01 in reference to the Wood Creek streetlights that we continue to take action on each of the Ryan Homes applications with the understanding that they are in fact held until they address the streetlights, but this would be our final sign-off at this table pending that resolution.

Deputy Mayor Lenox reported as follows:

1. **Dipal Patel – New Home Build – 9137 Drawbridge Drive, Delmar, MD** – Mr. Patel presented a new home build as referenced per the attached drawings. Deputy Mayor Lenox announced we have received the additional clarification of the proposed driveway as requested by the Commission and that appears to be in order and complies with the rest of the Town requirements.

Deputy Mayor Lenox asked for a motion to approve the Planning and Zoning favorable recommendation – Dipal Patel – New Home Build – 9137 Drawbridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante – Lot 326, 9189 Clubhouse Drive, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox asked for a motion to approve the Planning and Zoning favorable recommendation – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante – Lot 326, 9189 Clubhouse Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 381, 9320 Mulligan Way, Delmar, MD** – Representative Chris Brown withdrew this submittal.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 364, 9321 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox asked for a motion to approve the Planning and Zoning favorable recommendation – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 364, 9321 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre – Lot 354, 9341 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox asked for a motion to approve the Planning and Zoning favorable recommendation – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre – Lot 354, 9341 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 390, 9348 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox asked for a motion to approve the Planning and Zoning favorable recommendation – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 390, 9348 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Ms. Brown asked the status of the permits for her understanding, will they be issued or held. Deputy Mayor Lenox answered they will be held. She further asked is that something she needed to let the builder know, they will be held until the streetlights are put in. Deputy Mayor Lenox further answered they have an option; they can install the streetlights which could take quite a while considering what we have heard from the supply chain or they post a performance guarantee acceptable to the Town to assure the work gets done. The later alternative is much quicker. Ms. Brown responded she will go back and inform the builder and they will discuss with the developer, but she will let them know that these permits and going forward will be held up until one of these two things are done because the installing of the lights could take quite a while per the electric company. Deputy Mayor Lenox replied yes it could, for the purchase of the lights and then the installation.

Town Manager's Report

Town Manager Bynum reported as follows:

- 1.) There was a major water main leak on Chestnut Street in front of the catholic church. The Public Works Foreman, Bob Buck and Public Works Tech III., Bob Conaway worked Friday late afternoon and again all day Saturday to make the repair. She said that Mayor Houlihan submitted a letter on behalf of himself and the members of the Holy Redeemer Catholic Church stating their appreciation for the work the guys performed over the weekend. Town Mgr. Bynum-King read the letter in its entirety for the record. She also noted that the working conditions were extremely cold and wet from all the rain, however they kept working until the main was repaired. She further mentioned that without complaining Public Works employees have worked from one side of this Town to the other with limited personnel to be able to accomplish whatever task needed to be done. The last several weeks have been outstanding and unremarkable.
- 2.) The first budget workshop for FY'2023 is scheduled for March 1st and it will include the Utility

Commission and the Joint Council. The first workshop will consist of Capital Outlay presentations from each department head or their designee. For each workshop the elected officials will have workbooks and PowerPoint presentations. Those workbooks are only for the Elected Officials they are not for public use. All workshops are open to the general public but will not involve public comments or input. Public comments are only permitted during the public hearing, scheduled for Monday, May 23rd at 6:30 p.m. Prior to the public hearing the FY23 proposed budget will be available for public review.

3.) Wicomico County Executive forwarded a Press Release announcing that Maryland has an emergency home repair program for Maryland homeowners called the Home Grant. The program is to provide assistance for emergency home repairs for residents experiencing financial hardship due to the impact of COVID-19. The home in need of emergency repairs must be the homeowner's primary residence. The grant is capped at \$10,000.00 and can be used for emergency repairs including: mold and mildew mediation, no heat or air conditioning, electric, plumbing, septic repair, roof repair or roof replacements, reduction or elimination of lead paint, hazardous and other kinds of structural damage, etc. There is also an income chart that shows availability. In Wicomico County one person's annual salary could be \$79,900.00. Commissioner Shaffer asked for the name of the grant. Town Mgr. Bynum-King gave him the information and mentioned the same information will be posted as well. Deputy Mayor Lenox asked where the contact information was and is this grant through the state. She answered, it is a state grant through Maryland Department of Housing Community Development (DHCD). She added there is an 800 number and contact information on the flyer.

4.) The Eastern Shore Association of Municipalities (ESAM) is hosting a legislative meeting on the evening of Wednesday, January 19th, in Grasonville, Maryland at Fisherman's Inn from 5:30 p.m. to 8:00 p.m. and if any of the Mayor and Commissioners are interested in attending the meeting RSVP by January 12th.

Council Comments

Commissioner Shaffer recognized Public Works guys working in freezing cold and wet weather to repair the water main. He thought it was really nice Mayor Houlihan bothered to write a letter of appreciation on behalf of Holy Redeemer Church. He also noted it was great that the repair was completed in a timely manner so that the church had no down time.

Commissioner Boothe thanked everybody for their hard work. He mentioned being aware Public Works have been really down with lack of staff and their efforts are definitely not unseen especially with the snow and dealing with other issues on top of that. He also thanked Chief and the officers for dealing with normal everyday things but then adding snow to it. He also thanked the Fire Department for their service. He thanked everybody for their service.

Deputy Mayor Lenox said obviously the same things that the others have offered as well as to the Mayor and Commissioners itself for the support at Wood Creek, there are a lot of changes going on out there these days. We are in this for the long haul and we want to make sure it gets done right; we appreciate your support.

Commissioner Shaffer responded absolutely he thought it was very important to have the street lights all be the same with the existing neighborhoods is pretty important. He expressed that's a big issue.

Deputy Mayor Lenox also mentioned the issue with the street trees is interesting because the first phase closer to Bi-State Blvd. did not have street trees. So, the new phase had trees and if you drive through and notice them it does look a lot better. In Wedge Way particularly it's a nice residential street. The subdivision is built out in the middle of a farm field and so helping nature a little bit makes sense.

Commissioner Unsell commented he saw on the news tonight that our great Governor Larry Hogan has introduced a plan for refunding police. It includes \$220,000,000.00 for historic salary increases and bonuses for law enforcement officers to help ensure more competitive compensation, \$137,000,000.00 into a plan to get a 50% increase in state police aid to local jurisdictions which we qualify as, \$24,000,000.00 to create a new Accountability Resources Fund which will be used to provide more body cams, de-escalation training, and other critical tools for state and local police agencies. So, that's coming down the pipe to help us with our police situation and he wanted to thank Governor Hogan for his action on that.

Public Comments:

1. Chief Barkley commented in the midst of everything else during our wintery days he is aware his guys were out there on a four-wheeler trying to clear lots in between the calls. It became kind of cumbersome. Somebody and he is unaware who saw fit to come through and shovel our walkways. That was very nice and we are very appreciative. Thank you whoever it was. Mayor Jorden responded Commissioner Shaffer may or may not have come out and helped out so thank you. Chief Barkley replied much appreciated.

Adjournment

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

Submitted by:

Clerk of Council