

MAYOR & COMMISSIONERS
June 14, 2021
Via Teleconference

Mayor Wells called the regular scheduled meeting of the Mayor and Commissioners of Delmar, Maryland to order at 7:00 P.M. Due to COVID-19, the meeting is being held via teleconference. In attendance were Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council and Robert Benson Town Attorney. Guest: Rashod Duffy, Richard Haxton, Chris Brown, Anita Feaster, Penny Glasgow, Dan Feaster, Tracey West-Ney, Matthew Heacock, Carrie Williams, Mandi Smith, Angel Calloway, Missie Jones, Robert Aldrich, Roberta Aldrich, Tom Bauer, Linda Bauer, Vernita Ringgold, Hannah Cechini, Dawn Turner, Robin Bond, Bryce Bond, and Pam Price Absent:

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 – Written Statement prepared by Mayor Wells is attached.

Approval of Minutes

A motion was made, seconded, (Scholl /Tucker) and carried to approve the May 10, 2021 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business – None.

New Business – None.

Committee Reports:

Student Advisory- No Report.

Police Chief's Report

Chief Barkley reported as follows: 1.) There are currently ten active Police Officers, 6 are on patrol, 2 are in Administration, 1 School Resource Officer and 1 DEA Task Force Officer. We have one recruit that will be graduating the academy this Thursday June 17th, and one applicant who we look forward to offering a position any day. 2.) We are currently working modified shifts, 19 hours per day. Their shifts are 7:00 a.m. to 2:00 a.m. The remaining five hours are covered by Delaware State Police, Wicomico Sheriff's Office and the Maryland State Police through agreements we have with those agencies. Please understand that those agreements will be reevaluated, some monthly, some may even give us a little more time than that and at some point, may require some funding from us for them to continue their services. Thus far, we read reports every morning and there have

been very few calls for service in the hours between 2:00 a.m. and 7:00 a.m. As well, we have been offering overtime to supplement shift shortages during the afternoon and evening hours and sometimes even during the morning hours. Both the Lieutenant and myself assist with normal calls during the morning business hours and whenever we are needed. Even this does not guarantee two officers per shift. We are getting to that time where vacation is coming and actually, we have held off on training, we have deferred training in some cases. We've cancelled classes to maintain staffing. We can't do that forever. 3.) In our last month's report we discussed the number of overdoses in Town. We did run through the DEA Task Force two Sting Operations here in Delmar which columnated a quantity of drugs ceased, two vehicles ceased and a small quantity of currency.

Chief Barkley stated he seen we had a lot of people in the audience tonight probably many of which wish to address the Mayor and Commissioners. He further stated his duties and responsibilities one of which was to maintain order while the meeting is taking place. We can all be civil. Please know we are working with the Elected Officials to come up with solutions to make things better for our officers to get us where we need to be so I can hire additional officers and have more officers on the street, that is taking place.

Commission Member Scholl stated we are a small fraction to all the other Towns and municipalities. He further stated Delmar is not South-Central Chicago. Chief Barkley agreed. Commissioner Scholl further stated we are a small fraction to these other municipalities and he understands that there was a horrible incident but he does not think it is indicative of the trend in Delmar he asked Chief Barkley. Chief Barkley responded in his opinion; no, it is not indicative of a trend. He further responded when he looks at crime in Delmar, he looks at a couple things: 1.) What we deem violent crimes (murders, rapes, robberies, etc.) and how that's trending because these crimes come right to the forefront. 2.) Nuance's (drunk and disorderly, domestic, traffic stops etc.). You just don't know what you are going to encounter when you step out of that police car. Those calls are the worst for the Police Department, not to say that any call can't go bad in an instance that's why he doesn't always look at numbers when he talks about staffing. Commissioner Member Scholl said staffing is completely different if our goal is patrol or more compared to years of more in-person and on the street and out and about that's staffing hours. Chief Barkley agreed. He also said he doesn't want the residents to feel unsafe. Chief Barkley replied we are going to respond regardless.

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.) A sink hole to the left at the WWTP being repaired. 2.) The South Water Tower was power washed last week. 3.) There was a video inspection on Delaware Ave. of the main sewer line and it was found that it was very brittle and needed replacement. 4.) The Water Treatment Plant and the WWTP are operating within their permits.

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

Planning & Zoning

Commissioner Scholl and Commission ember reported as follows:

1. **Rashod Duffy – Deck Build (12 x 15) – 30739 Hawks Way, Delmar, MD** – Mr. Duffy presented a deck build as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Rashod Duffy – Deck Build (12x x15) – 30739 Hawks Way, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation for a – 12 x 15 Deck Build – located at 30739 Hawks Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

2. **Richard Haxton – Replacing existing sign with 50” x 75” Electronic Message Board – 1301 East State Street, Delmar, MD** – Mr. Haxton presented replacing existing sign as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Richard Haxton – Replacing existing signage with 50” x 75” Electric Message Board – 1301 East State Street, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation to Replace existing signage with 50” x 75” Electric Message Board – 1301 East State Street, Delmar, MD, per the attached drawings. – A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 345, 9359 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 345, 9359 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Bramante – Lot 345, 9359

Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 347, 9355 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 347, 9355 Mulligan Way, Delmar, MD, per the attached drawings

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Bramante – Lot 347, 9355 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegany – Lot 359, 9331 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Scholl stated the Planning & Zoning Commission gave a favorable recommendation the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegany – Lot 359, 9331 Mulligan Way, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Allegany – Lot 359, 9331 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

7. **Chris Brown/Ryan Homes -New Home Build – Woodcreek/Hudson – Lot 361, 9327 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 361, 9327 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Hudson – Lot 361, 9327 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 376, 9306 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 376, 9306 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Hudson – Lot 376, 9306 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegany – Lot 406, 9445 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegany – Lot 406, 9445 Rolling Green Drive, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Allegany – Lot 406, 9445 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

- 10. Chris Brown/Ryan Homes – New Home Build – Woodcreek/Ballenger – Lot 407, 9443 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Ballenger – Lot 407, 9443 Rolling Green Drive, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Ballenger – Lot 407, 9443 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

- 11. Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 411, 9435 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 411, 9435 Rolling Green Drive, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Woodcreek/Hudson – Lot 411, 9435 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

- 12. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 269, 9575 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 269, 9575 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Heron Ponds/Aviano – Lot 269, 9575 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Tucker/Lenox) and carried by roll call vote of 5 Ayes.

- 13. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberti – Lot 277, 9515 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberti – Lot 277, 9515 Song Sparrow Circle, Delmar, MD, per the attached drawings contingent upon a variance previously granted for the front setback to be less than 20 ft.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Heron Ponds/Alberti – Lot 277, 9515 Song Sparrow Circle, Delmar, MD, per the attached drawings contingent upon a variance previously granted for the front setback to be less than 20 ft. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

14. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 295, 9554 Song Sparrow Circle, Delmar, MD – Ms. Chris Brown presented a new home build as referenced as per the attached drawings.

A favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 295, 9554 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners favorable recommendation for – New Home Build – Heron Ponds/Roanoke – Lot 295, 9554 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

Town Manager’s Report –

Town Manager Bynum reported Wicomico County has scheduled a Tax Sale for Wednesday June 16th at 10:00 a.m. that will be held at the Wicomico County Civic Center located at 500 Glen Avenue in Salisbury, Maryland. The Tax Sale will be held in the Flanders Room on the North side of the building. We, The Town of Delmar, Maryland had a total of 17 properties. Six were satisfied leaving a total of 11 properties. The property owners have until 4:00 p.m. tomorrow to satisfy their outstanding debt to the Town and the Wicomico County to prevent their properties from going to sale.

Town Mgr. Bynum-King noted she received an email from Ms. Tina Thomas, Vaccine Officer Coordinator Special Program Health Services, on behalf of the Lower Shore Vulnerable Population Task Force, informing us that on June 15th between the hours of 2:00 p.m. and 4:00 p.m. there will be a Vaccine Clinic in Delmar at the Delmar VFW at 200 West State Street.

Council Comments –

Deputy Mayor Unsell – No comment.

Commissioner Scholl – No comment.

Commissioner Tucker – No comment.

Commissioner Lenox – mentioned he was pleased last week and this evening to hear comments

from the Chief about the cooperation from Wicomico County and the State Agencies and trying to adjust coverage and shifts. It should not all come down on the Delmar Police. It shouldn't all come down on the Town of Delmar tax payers. It's great news that the County and States are helping.

Public Comments:

- 1.) Carrie Williams commented for twenty years now both Councils have been told the same thing by the Chief of Police that the base amount of money for the police is not been comparable to other Towns like us. We are a stepping stone for officers that do get hired and then leave for better paying jobs.
- 2.) Robin Bond commented her husband works for the Delmar Police Department and her husband works alone. She said she hopes the baby steps become giant leaps because lightening can strike twice. She further said the Mayors and Commissioners have to be careful in comparing us to other Towns as far as stats because the numbers are low in this Town, 2021 due to COVID. Also, the officers are being recruited hard, is there a contingency plan for the citizens of Delmar whose safety might be compromised.
- 3.) Anita Heacock-Feaster asked Chief Barkley to reiterate what Commissioner Lenox said. She said she thought the funding needed to come from Delmar not from Wicomico and Delaware. Chief Barkley answered it may, the funding is not coming from the State it may have to come from the Town. Commissioner Lenox said he wasn't talking about funding he was talking about the service they are providing right now which we know is month to month and may in the future require more local assistance. Ms. Heacock-Feaster then, stated to the Mayor and Commissioners it's one Town, it's separating the community instead of joining your community with two meetings, one for Maryland and one for Delaware. She further stated that the Mayor and Commissioners need to know their job, everything that's going on in their Town not just the Town Mgr. Bynum-King.
- 4.) Bryce Bond asked the Mayor and Commissioners did they know about the change in the tax rate for next year whether it would be increased or stay the same. He also asked them did they not want to allocate the funds to the Police Department that's why the taxes are always decreasing not actually going to the Police Department. Mayor Wells answered the constant yield number keeps us the same but that's a number given to us by the State Government. Mayor Wells said we do not come up with our own tax rate. Mayor Wells stated if we were to go above constant yield it would raise everyone's taxes. She further stated even though the Town tax rate might go down it's called a constant yield because that money is going somewhere and we are not lowering the taxes so nobody gets any money. Also, you wouldn't know from year to year if your taxes did change because it's a constant yield rate.
- 5.) Dawn Turner commented she is not a Town resident but she is a lifelong resident of Delmar so what happens in the Town affects her with school. Ms. Turner commented with all the developments she understood that they were approved years ago. Ms. Turner asked what type

of plan does the Mayor and Commissioners have to add the police to monitor all the growth when the builders start to build these homes. Ms. Turner then asked according to Section DC4-12C44 in the Delmar, Maryland Charter did the Mayors and Commissioners feel that they all were doing their job to complete the Charter, to establish, operate and maintain the Police Department. Mayor Wells answered we are not the operating people we are the legislation. The Charter made us create a Police force. We don't manage the Police Department in Delmar, Maryland. We try to work with them if the Police Department needed more funding. We are trying to do the best that we can to work out our differences. Deputy Mayor Unsell mentioned for the last four years the Police Department has been authorized to have more police officers. He further mentioned they had fourteen officers; Ten on the road, four Administrative and DEA. Due to retirements and the unfortunate incident that happened with Corporal Heacock that number is down from ten to six. We have space for four more officers in our budget. Ms. Turner stated she thinks we need to do something about getting officers with 10-15 years of experience that wants to come here. Mayor Wells agreed.

- 6.) Tom Bauer asked how much money are we paying for the State Police and Wicomico to back us up. Mayor Wells answered right now Chief Barkley said nothing. She further answered we already pay Wicomico County and Delaware our taxes but he's saying if it has to continue then we would probably look at paying. Mr. Bauer questioned Mayor Wells if she had any idea how much it would cost. Mayor Wells answered no. Mr. Bauer then said approximately 800 more people are moving here and they want to feel secure about their police. Response time is a problem that's why you need two officers on at the same time.
- 7.) Pam Price had multiple questions and comments. Ms. Price stated she would offer \$5,000.00 for the Town however the legalities have to be. Two \$2,500.00 dollar bonuses for a new officer which will be contingent upon the Town giving the current officers raises and also contingent upon the Town raising what the minimum wage is to hire a police officer. We are in a Public Safety Crisis. Ms. Price mentioned the offer for \$5,000.00 was on the table for thirty days.
- 8.) Penny Glasgow commented to Commissioner Scholl that when he was discussing crime rates do not to tell her as a 66 yr. old resident that she doesn't have anything to be afraid about. She suggested to stop all and any building permits until the Police Department is sufficiently paid and staffed, be transparent with your constituents, stop they can't talk about it excuse, and the money the Town has tied up untie it and use the money for the greater good of the Police Department and our Town.
- 9.) Robert Aldrich asked for clarification if the money used for four new officers could be used for Term of Service (Length and Longevity) Bonuses for the Police Officers.
- 10.) Julie Parrish asked multiple questions. Also, she asked for clarification from Commissioner Lenox as far as Wicomico and Delaware, did Wicomico County respond that morning for Heacock because they were the closest? She stated she wanted to clarify, other agencies can

only respond to render aid and not enforce the law. The employee handbook says that you cannot hire an experienced officer who is over the age of 37. Ms. Parrish suggested the Mayor and Commissioners look at the Charters, Employee Handbooks and see what needs to be changed.

- 11.) Mandi Smith asked Chief Barkley how many dispatchers he had. Chief answered one full-time and one Part-time. Ms. Smith commented to Mayor Wells that the Town is not only worried about themselves at this point but they are also worried who's next. It's getting frustrating because we don't feel like we are getting any answers. Also, what about Fatigue Management Policy. Ms. Smith commented that the hired officers will say that they are dully certified and go to DSP and MSP because they are paying more.
- 12.) Missie Jones commented to Commissioner Scholl that he could not tell anyone how to feel that's up to the person and we are all here to try to make it better. Ms. Jones said it was up to the Mayor and Commissioners to see the trends and to see where things were needed and it's up to everybody to see what the needs are for the Town. Ms. Jones asked when does the Town anticipate reaching an agreement with the collective bargaining, when did the collective bargaining begin and is it progressing faster? She further commented it is up to the Town to pay for protection in our Town, it is no one else's responsibility to pay for additional hours, it is not up to the State or Counties. Ms. Jones inquired if there was a contingency plan and stated don't loose the experienced officers that the Police Department already has, give them something to keep them here.
- 13.) Robert Aldrich asked was if binding arbitration for both sides or just an arbitrator and did both sides agree to binding or just arbitration. Town Mgr. Bynum-King answered Maryland is binding arbitration.
- 14.) Tom Bauer asked who is on the Arbitration Team. Town Mgr. Bynum-King answered myself and Chief, no Elected Officials because that's how it's written in the Labor Code.
- 15.) Angel Calloway mentioned in the Town of Delmar there are Gang Members. Chief Barkley stated in the parts that he is aware of we had some individuals from outside of the Delmar area that have come in and caused some issues as well, we have some youth who have formed groups who call themselves gangs. Mayor Wells replied so now we are aware. Ms. Calloway further mentioned the crime is here and it's only going to get worse with more people moving here. Ms. Calloway suggested to the Mayor and Commissioners to open up a little more.

Adjournment

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

Submitted by:

Clerk of Council