

MAYOR & COMMISSIONERS
May 10, 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, Lenox and Tucker. Town Manager Bynum-King, Clerk II Donna James and Robert Benson Town Attorney. Guest: Jason Reez, Jamie Dykes, Mary Karoly, Robin Grist, Lt. Wade Alexander, Christine Brown, Robert Aldrich, BJ Zonko, Mary Kate Moore, Anita Heacock-Fester, Julie Parrish, Denise Carey, Dee, Crystal Ritter, Leah Fisher, Doug Marshall and Pam Price.

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

Mayor's Comments-

Mayor Wells thanked everyone for joining the meeting and commented it's been a very difficult two weeks for the Town, Police Department and our Community. Today we laid a hero to rest. Cpl. Keith Heacock was a 22-year veteran of the Delmar Police Department. He served our Town with honor and with integrity. Cpl. Heacock will be deeply missed by his brothers in blue and by the entire community. Mayor Wells requested to take a moment of silence in to honor Cpl. Keith Heacock.

Mayor Wells mentioned in a nation that has been so divided and with other cities across the country at odds with one another in the midst of war with the police it has been heartwarming to see our town come together to honor our fallen hero, but we would expect nothing less from Delmar. We are not divided by a Stateline and we cannot allow ourselves to be divided in this. Mayor Wells stated she is aware of many accusations and finger pointing going on through the media and social media much the result in misinformation and propaganda. There are many unanswered questions and answers that the elected officials don't know some of either. As a mother of a law enforcement officer, I too would want answers. We owe them to the family and we owe them to our tax paying residents. We are currently planning a facilitated forum which we hope to hold by the end of the month. We will know more about that this coming week and she will reach out through our Facebook and our webpage to let everyone know when that is. Public comments will come at the end of the agenda and if anyone has any questions to put forth, we will try to answer them. She said she is unaware if Chief Barkley is in attendance but respectfully, he deserves to be with his brothers to celebrate the life of Cpl. Heacock. Some have expressed disappointment that we would have this meeting to begin with. Mayor Wells said she just hoped everyone would understand that it's not our lack of empathy or respect it's because we are doing the first reading of our budget tonight and as it has been duly advertised, we are bound by law to have this meeting.

Approval of Minutes

A motion was made, seconded, (Scholl/Unsell) and carried to approve the April 12, 2021 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business –

None.

New Business –

First Reading of the Fiscal Year 2021 Budget Ordinance #749. An ordinance of the Town of Delmar a Maryland Municipal Corporation adopting and implementing a budget for the Town of Delmar, Maryland for the period of July 1, 2021 through July 30, 2022. Mayor Wells read the Ordinance. She said there will be a copy of this ordinance at Town Hall if anyone chooses to review it and we will have public comments then.

Mayor Wells asked for a motion to approve Ordinance #749 the first reading of the budget. A motion was made, seconded, (Unsell/Lenox) and carried to by roll call vote 5 Ayes.

Committee Reports:

Student Advisory-

Ms. Park reported: 1.) In the past month of April Delmar High School held a grand march for seniors to walk down the football field for pictures. 2.) Students are now in the second week of AP testing. 3.) There are plans to be an in-person concert for the Delmar High School Band on May 20th in the big gym. 4.) There are plans to have a graduation ceremony to be held on June 11th that would also be held on the football field. 5.) There are virtual award ceremonies the first week of June which is also the week for the senior exams. Mayor Wells asked Ms. Park was she ready for graduation in which Ms. Park answered she is very ready for graduation. Mayor Wells asked Ms. Park which college would she be attending. Ms. Park responded she committed to MIT. Deputy Mayor Unsell offered his congratulations to Ms. Park and he also said it is a great school. Ms. Park said thank you. Mayor Wells mentioned this is the last meeting for Ms. Park because she will be moving on.

Police Chief's Report

Town Manager Bynum-King mentioned she did reach out to Chief Barkley and forwarded him the email advising him that we had to move forward with this meeting based on the items on the agenda. We certainly understand he's had a trying couple of weeks and we did not expect him to be on this call this evening and his report was in the mail packet and it is sufficient for the meeting this evening. Mayor Wells commented very good.

Parks and Recreation – No Report.

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

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

Utility Commission –

Deputy Mayor Unsell Reported as follows: 1.) T.K. Construction at the time of the meeting was repairing the drain and sewer on Mulligan Drive and Woodcreek. 2.) The clarifiers at the WWTP were repaired by Breakwater Construction and are functioning well.

Planning & Zoning

Commissioner Scholl reported as follows:

1. **Crystal Ritter – Replacement Signage – 5 E Chestnut St., Delmar, MD** – Ms. Ritter presented a replacement signage as referenced.

A favorable recommendation to the Mayor and Commissioners for the approval of – Crystal Ritter – New Signage – 5 E Chestnut St, Delmar, DE per the attached drawings. The motion was made/seconded (Outten/Kemp) and carried by roll call vote 5 Ayes.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Crystal Ritter – Replacement Sign – Signage – 5 E. Chestnut Str., Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote 5 Ayes.

2. **Brock Parker/Parker Associates-Lot Consolidation-9101 & 9115 New Bridge Dr, Delmar, MD** – Representative Brock Parker presented a lot consolidation as referenced on behalf of Mr. Jayesh Patel.

A favorable recommendation to the Mayor and Council for the approval of Brock Parker/ Parker Associates - Lot consolidation of 9101 & 9115 New Bridge Dr, Delmar, MD- per the attached drawings. The motion was made/seconded (Kemp/Wilson) and carried by roll call vote 5 Ayes.

Chairperson Scholl asked for motion to accept the Planning Commissions favorable recommendation to accept the approval of – Brock Parker/Parker and Associates on behalf of Mr. Jayesh Patel – Lot Consolidation – 9101 & 9115 New Bridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

3. **Barry Mehta – Adjust Lot Size – to accommodate NVR 20’ wide townhouse model (existing 30’ wide lots) Woodcreek, Delmar, MD** –

Request withdrawn after much discussion with Planning and Zoning Commission.

- 4. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 297, 9562 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 297, 9562 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 297, 9562 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.

- 5. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell– Lot 290, 9536 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Powell – Lot 290, 9536 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 290, 9536 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made and seconded (Tucker/Unsell) and carried by roll call vote of 5 Ayes.

- 6. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 287, 9520 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 287, 9520 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 287, 9520 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made and seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

- 7. Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – 286, 9516 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 286, 9516 Song Sparrow Circle, Delmar, MD, per the attached drawings

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – 286, 9516 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made and seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 282, 9535 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 282, 9535 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 282, 9535 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made and seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 361, 9327 Mulligan Way, Delmar, MD** – Representative Chris Brown withdrew this submittal.

10. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD** – Representative Chris Brown withdrew this submittal.

11. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Pisa Torre – Lot 342, 9365 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Pisa Torre – Lot 342, 9365 Mulligan Way, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Pisa Torre – Lot 342, 9365 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote 5 Ayes.

12. Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 339, 9371 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced.

The Planning and Zoning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Pisa Torre – Lot 339, 9371 Mulligan Way, Delmar, MD, per the attached drawings.

Chairperson Scholl asked for a motion to accept the Planning Commissions favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 339, 9371 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote 5 Ayes.

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

Town Manager’s Report

Town Manager Bynum reported as follows:

The Budget Public Hearing is scheduled to be held on May 24th and will start at 6:30 p.m. It is a Joint Council Budget Workshop which will include the Mayor and Commissioners, and the Mayor and Council. This meeting will be in-person held at Town Hall in our large conference room and we will continue to make available to the public the GoTo Meeting as a way to join in on the meeting as well. Face cover and mask will be required, and we will continue to utilize social distancing practices and seating will be limited. Moving forward the all-monthly meetings will return to in-person beginning in June.

Council Comments –

Deputy Mayor Unsell – Today was a very memorable event. The blue brothers showed up in the numbers they did today to support their brother. My condolences to Cpl. Heacock’s family, friends and to the entire Town of Delmar. It’s been a harrowing two weeks and I’m glad that part is over.

Commissioner Scholl – I second Deputy Unsell’s comments. It was really nice to see everybody coming together and to see the support and outreach from so far away. This is one town that will definitely come together in times like this.

Commissioner Lenox – Obviously many thoughts and prayers today but no additional comments for tonight.

Commissioner Tucker – No comments at this time.

Public Comments: -

- 1.) Anita Heacock-Fester – Mardela Springs, Maryland – Called for the resignation of both Mayors and the Town Manager. Mayor Wells inquired if we can make this part of the record why Ms. Heacock-Fester felt this way. Ms. Heacock-Fester said changes need to be made. Ms. Heacock-Fester said she didn't really want to go into detail.
- 2.) Julie Parrish – Redberry Road – Inquired what the history of collective bargaining is in Delmar? Mayor Wells responded there was some legislation that everyone thought was going to pass in Delaware that would require agencies with full-time employees to offer collective bargaining. Delmar, Delaware does not fall into that because our officers are not considered full-time because they are also employees of Maryland. She further responded in 2017, Chief Barkley submitted a salary scale which was accepted and Chief submitted another revised salary scale last year which was also accepted by the Joint Council. Chairperson Scholl stated to Ms. Parrish that she assumed that collective bargaining equals more officers. The Police Department has never asked for more officers and they don't need to be in a collective bargaining situation to put a line item in a budget that they are requesting another position. Ms. Parrish inquired how many officers and how many sworn positions the Delmar Police Department has currently. Mayor Wells responded we currently have two vacancies and one recruit in the academy. Deputy Mayor Unsell responded we have eleven officers right now.
- 3.) Denise Carey – Lincoln Avenue – Ms. Carey asked multiple questions. She asked if we currently don't have a police force right now to sustain our community then how were we just approving houses ten minutes ago to bring in more people to the Town. Also, how are you going to constantly keep growing when you do not have the foundation that currently supports them? Are they still within the Town limits, are they still in the jurisdiction? Chairperson Scholl answered all of the lots that we approved were subdivided back before 2010. Ms. Carey stated we need to stop building until we actually have the police force that can control the population. Mayor Wells answered previous Council approved the subdivision. Ms. Carey asked how could we stop new residents from moving into Town limits. Mayor Wells stated that would require deannexation and she doesn't know if that has ever been done. Chairperson Scholl commented even if you remove them from the Town limits the people would still live here. Mayor Wells asked Attorney Robert Benson if deannexation is possible. He answered deannexation is possible but it has to be something that the property owner would have to bring forward careful and that's what our current Commission has done. Ms. Carey then said our school system is impacted. Chairperson Scholl mentioned we have required studies from developers to make sure that the paths forward will reduce the impact on the school system.
- 4.) Dee – Barbara Ann Way – Ms. Dee questioned if the Town has ever done a pay scale study to see what police officers should be paid. Mayor Wells replied the Town did a report that included the officers job duties how they arrest, where they arrest, and it did have

suggestions for a salary scale. The numbers were ran and the taxes were not affordable at that time for our residents. Ms. Dee further questioned if any of the Town has ever been on a ride-along with any of the officers to see what they do on a nightly and daily basis. Mayor Wells answered yes, she has.

- 5.) Crystal Ritter – 5 E. Chestnut Street – Ms. Ritter commented she has been at the same address for most of her entire life and she has made several calls to (410)896-3131. They all responded but one at a time. She further commented she has asked the police officers why they respond one at a time and the responding police officers gave the same answers, budget. Mayor Wells mentioned we have never denied anything that's been asked for except for a pole building and a Master's Degree.
- 6.) Leah Fisher – St. George Road – Ms. Fisher commented Recruits and Officers that have been here for a long time should also have raises. Not just the recruits. Ms. Fisher also asked about the transfer tax. Ms. Fisher asked does transfer tax just go to the Town also? Mayor Wells asked for clarification, asking does Ms. Fisher mean a transfer tax on property. Ms. Fisher said yes. Town Manager Bynum-King confirmed it's a county transfer tax. Ms. Fisher then inquired why can't that huge amount of money go towards the Delmar Police Department also patrolling the county. Mayor Wells responded the transfer tax would be managed by Wicomico County; it would be their funds. Town Manager Bynum-King also responded that in Delaware a percentage of the transfer tax is shared between the Town of Delmar and Sussex County. Ms. Fisher asked for confirmation, how many positions total are filled and vacant at the Delmar Police Department. Deputy Mayor Unsell responded eleven and we have two open positions now. Ms. Fisher asked how long the vacancies were open. Mayor Wells responded there were already two and there are four applicants that haven't gotten through the pre-hiring process yet, one in the academy. Ms. Fisher further inquired when was the Delmar Police Department fully staffed? Deputy Mayor Unsell replied 2019 we had fourteen officers and today we have eleven.
- 7.) Lt. Wade Alexander – Morgan's Ridge Road – Lt. Alexander said he had been listening this entire time and there has been a lot of talk about collective bargaining moving forward and that is not the case. The Town seeked negotiations. Lt. Alexander further said the Delmar Police Department at this point and time requested an impasse and going to arbitration because the Town has ceased negotiations with the Police Department. Chairperson Scholl asked what is it that the Police Department requested that has not been approved. Lt. Alexander replied I am not going to speak on behalf of Chief Barkley.
- 8.) Doug Marshall – Heron Ponds – commented he could not believe we were having this conversation tonight. He further commented what he saw and what the Police Department has been through is incredibly irresponsible and we plan on challenging this data that the Town is putting forward about how they have spent in legal fees. He further commented this is going to be the Civil Court System for years. The amount of money we could have spent paying the police officers. Chief Barkley has been at every budget hearing saying he

needed resources. Chairperson Scholl responded Mr. Marshall resources does not mean more officers. He further responded you cannot blame us for something that has not been requested. The capital outlay is on paper its public every year. There are no requests for additional officers.

- 9.) Leah Fisher – St George Road – inquired if the Town had the power to hire, pay or give raises to the Delmar Police Department regardless of whether Chief requested the raise or not. Mayor Wells responded she would never overstep her boundaries.
- 10.) Pam Price – Address Unknown – Ms. Price said she had a client that wanted to buy a lot home package on the corner of 9395 Old Stage Road. The client signed an agreement with the builder and the builder did not do things to code. Ms. Price further said she reached out to Mr. Hardin to meet her at the property to go over this report to see if they could get this resolved. She said Mr. Hardin said no he was not going to meet her at the property and that he stood by what he signed his name to which was the CO which really gave us no leg to stand on with the builder. She further said she reached out to Town Manager Bynum-King and she said Mr. Hardin goes by Wicomico Inspection and Codes. Ms. Price said she has an email that said if you cannot help me fix this problem than I am going to have to seek legal counsel. She commented that if she were to seek legal counsel that they could no longer talk to her. This could have been resolved by the Town stepping up and taking care of what should have been taking care of. Mayor Wells replied once you say your contacting a lawyer then conversation stops.
- 11.) Lt. Wade Alexander – Delmar Police Department – commented we laid our brother to rest today my friend and all of our friends and tonight I have heard nothing but blame. Lt. Alexander stated he has not heard one suggestion from the Council about how we are going to fix this problem. He further commented he would suggest to the council between now and the forum come together and think about how you are going to fix this problem because God rest our soul and God rest the soul of my brother Keith Heacock may this never happen again.
- 12.) Doug Marshall – Heron Ponds – Mr. Marshall stated he thought the record should reflect we are protesting the closing of the meeting before people like Julie Parrish and Pam Price can finish their comments. Mayor Wells said the next time we are going to get together will be for the Joint Budget meeting May 24, 2021 at 6:30 p.m. in-person. Masks and social distancing will be required.
- 13.) Chairperson Scholl commented stated Police Department questions to be handled at a public forum where we can all get together. He further stated he would love to have something substantive to discuss at the public forum.

Adjournment

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

Submitted by:

Clerk of Council
Vondell Spencer