

MAYOR & COMMISSIONERS
November 8, 2021
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Wells 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 Unsell, Commissioners Lenox and Tucker. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Spencer and Robert Benson Town Attorney. Guest: Linda Morris, Anita Feaster, DJ Feaster, Tom Bauer, William Houlihan, Jonathan Street, Carl Anderton, Faith Higbee, Bill Krapf, Penny Glasgow, Ben Jordan, and Cory Shaffer.

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 welcomed everyone to the meeting.

Mayor Wells announced two former Delaware Councilmen passed away within a week of each other, Councilman Lonnie Figgs and Councilman Alan Littleton. Councilman Figgs served the Town of Delmar from November 2004 – November 2007 and Councilman Littleton served the Town of Delmar from November 2012 – August 2016. We ask everyone to keep their families in their prayers.

Approval of Minutes

A motion was made, seconded, (Unsell/Tucker) and carried to approve the October 11, 2021 minutes with a correction to page 2, Chief's report on the third line, should read body "worn" cameras, as circulated by roll call vote of 4 Ayes.

Unfinished Business-

None.

New Business –

None.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) Chief reported the body worn cameras have not been received today. He followed up with the company and was assured that most of the ordered equipment is in, however, the company is waiting on a few missing pieces before releasing the order. 2.) There were very few incidents on Halloween. 3.) We are currently processing candidates for testing in preparation for the January academy. The applicants are going through an accelerated process at this point in an effort to get them into the academy class, if they are successful. Chief added, at the same time, he has interest coming in, from both unsworn and sworn officers, however, he hasn't received an application from any of those individuals as of yet. As soon as he receives the applications he will report. 4.) Thanks to all who made the new contract signing possible. That will certainly help as we work to rebuild. The support from our community as well as our Town Officials is appreciated and we now ask for a little patience as we go about this task. He said they did not get here over night and they are not going to get out of this overnight by any means. 5.) We have been spending a little more time at our local pubs and taverns. He stated he is working with management and owners to reduce the incidents that they are having. Last weekend and into the weekend we did have an incident where an infant was found with a broken arm. So, we are working with Delaware Child Protective Services to go through that investigation and get all of the medical reports and determine what direction we are going because right now it's still early in the game to even know how that incident happened, still working with that. Commissioner Lenox asked is Mr. Snead still on target for graduation. Chief answered yes, he is still on target for December 2021. Mr. Snead is working strong and coming down to the end of it and we look forward to that.

Mayor Wells inquired as a follow-up from a conversation in September, if Chief was working on updating the website in-house or outside sources. Chief responded he is working with a company, Digital, out of Laurel, DE that is actually doing the website update. Mayor Wells asked if the site would be going live sometime soon. Chief replied yes. She also said she wanted everybody to be aware Zip Recruiter is like a dating match service. People could have applied or put their interest in three months ago then when a company put in what they are looking for, the system matches the company with capable candidates, however nothing else happens until the company reaches out to the application for further review, i.e., invitation to complete an application. Last time we had four matches but when we made contact none of them came to testing. Chief replied not one. Mayor Wells said it could be because they found another job or they decided they did not want to move across the country or whatever. Chief responded with one of the matches he was unsure what the gentleman was looking for because he was already 65 years old. Mayor Wells commented now that we have everything in-place we are going to need to do aggressive recruiting. She further commented she guessed the website is going to be updated to include the new vacation time accrual, additional holiday, sick time payout and pay scale for PD that went into effect July 2021. She said she is assuming we would put a link from Facebook for that. We all know that social media sells. Chief said he is already aware there is a link to Facebook and it also runs vice versa. Chief informed the Council that he is hoping to work with two different venues to help them set-up a video to showcase who we are and what we want. We will try to entice more people like that.

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.) The issue in Wood Creek the problem with the busted sewer line on Mulligan Way has not been resolved yet; still trying to get the Developer to pay the Contractor. 2.) The WTP Superintendent was notified that the chlorine booster pump stopped working and that was a week ago and was replaced on November 3rd.

Planning & Zoning

Commissioner Lenox reported as follows:

1. **Heather Estep or Mickie Hughes – New Modular Home – Lot 6, 702 S. Maryland Avenue, Delmar, MD** – Ms. Hughes presented for a new modular home build per the attached drawings. Received registered site plan 11/01/21.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – Heather Estep or Mickie Hughes – New Modular Home – Lot 6, 702 S. Maryland Avenue, Delmar, MD, per the attached drawings, with a registered site plan be produced for the permit.

Commissioner Lenox asked for a motion to approve – Heather Estep or Mickie Hughes – New Modular Home – Lot 6, 702 S. Maryland Avenue, Delmar, MD, per the attached drawings. A motion was made/seconded (Tucker/Wells) and carried by roll call a vote of 4 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Ballenger – Lot 80, 9431 Rolling Green Drive, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Ballenger – Lot 80, 9431 Rolling Green Drive, Delmar, MD, per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Ballenger – Lot 80, 9431 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 4 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 259, 9186 Clubhouse Drive, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings. Deputy Mayor Unsell said this is the first outside of the 83 that she first talked about with the Developer. He asked was Ryan Homes also planning on building homes on the other three vacant lots on Clubhouse Drive. Ms. Brown responded she does not have that information and she has not been made aware of anything about that or that they won't be. She further responded she is only privy to information once they sell something and she applies for it. She asked is this something he wanted her to find out from the builder and what lots he was asking about. Deputy Mayor Unsell answered yes, three lots on Clubhouse Drive that don't have any homes on them. She commented she will find out and email the answers to Clerk of Council Spencer.

Deputy Mayor Unsell mentioned he has heard complaints from three or four new home owners on Mulligan Way and Rolling Green Drive about the lack street lights. Whereas the rest of the community does have street lights. He further mentioned he asked CDC Hardin to dig into the past records and the original developer PCS Homes submitted a landscaping plan and in a box on that plan it stated Developer will be responsible for purchasing and installing street lights. He said he is not taking any action this month but he is going to forewarn her that she could pass it on to Ryan Homes that he would like to see the developer and or Ryan take action to start to put street lights on Mulligan Way and Rolling Green Drive for the safety of the community. If no indication of action happens by next month's Town meeting, he is going to propose a Resolution from the Mayor and Commissioners that future building permits in Wood Creek will be withheld until the street lights are put in. He asked Ms. Brown to convey to the Developer or Mr. Mehta it's time to move on it. Ms. Brown replied she has this written down and she will certainly relay it to the office and they will go from there. Commissioner Lenox agreed with Deputy Mayor Unsell and he said he has heard those concerns as well. It is the Developers responsibility no matter how many years have passed.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 259, 9186 Clubhouse Drive, Delmar, MD, per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 259, 9186 Clubhouse Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 4 Ayes.

4. **AJ Tucker – Final Plans – 500 Maryland Avenue, Delmar, MD** – The applicant was not present at this meeting.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – AJ Tucker – Final Plans – 500 Maryland Avenue, Delmar, MD, contingent upon a revised site plan with correct setback lines especially including a rear setback and driveway annotated on the site plan itself.

Commissioner Lenox asked to Table – AJ Tucker – Final Plans – 500 Maryland Avenue, Delmar, MD, pending the availability of the applicant to answer any questions as well as the follow-up site plan as conditioned by the Planning and Zoning Commission. A motion was made /seconded (Tucker/Unsell) and carried by roll vote of 4 Ayes.

5. **Ryan Conway – 83 Single Family Lot Subdivision – Kiltel Estates – Gordy Mill Road, Delmar, MD** – Mr. Conway presented for an 83 Single Family Lot Subdivision per the attached drawings. Commissioner Lenox said this is an item that has not been in front of the Town and none of the current officials for about 16 years. He further said he had the opportunity to go and look over the revised plans the last week or so and he had questions. He mentioned, that while there was a favorable recommendation from the Planning and Zoning Commission he would like to go through a few points. Commissioner Lenox commented the plans that they have pending the last 16 years have been updated and to his understanding there is a sign up on construction details from our engineers. Mr. Conway said yes sir that is correct. Commissioner Lenox further commented that being the case things do change over the years, he is going to ask that all references to Wicomico County Storm Water Approvals be removed from the plan. There are approximately 6 notes on the coversheet that reflect the fact that some time in the past two decades the Town has replaced Wicomico County in terms of stormwater reviews. Commissioner Lenox asked was it acceptable to Mr. Conway removing all the county references. Mr. Conway answered yes, that's no problem.

Commissioner Lenox stated Forest Conservation is a program that is administered by the county but can have a great impact on the way we lay out subdivisions. There was a Forest Conservation approval granted according to the plan in 2005 however none of the details are reflected on the subdivision plan itself. Again, how open spaced and Forest Conservation is laid out can affect the design of a subdivision significantly. He further stated Mr. Conway has gone through conservation and is prepared to have the county recertify the plans through a signature block. Mr. Conway responded he has spoken to Forest Conservation and they stated since we originally got the approval in 2005 and Mr. Houlihan has paid into his fee at that time, he is still eligible for Forest Conservation to this date and we will put a signature block on our coversheet for Forest Conservation and sign off on it to approve it. Commissioner Lenox replied somewhere you have an approved Forest Conservation plan however, that will be reflected on the recorded drawings

themselves before we put any signatures down. Mr. Conway responded yes that is correct. Mr. Conway added when they record the subdivision plat, they will show all areas dedicated to Forest Conservation. Commissioner Lenox further replied that's great, that's really important for future home owners to understand what they are signing onto.

Commissioner Lenox said his last question has to do with sewer service, obviously sewer and water. That's a topic for our entire community. There is a general reference to sewer being provided by the Town of Delmar. We all know that there has to be a follow-up Public Works Agreement to clarify when actual construction can occur pending the availability of those services. He asked was Mr. Conway acceptable to the idea that, that reference on the coversheet would also give reference to a Public Works Agreement and that understanding that sewer would be available in time not necessarily today. Mr. Conway said yes, we can add on to that note stating that is it susceptible to an agreement. Commissioner Lenox responded, thank you.

Mayor Wells clarified for herself and the guests, at this meeting this was already on the books there is nothing they can do to take it off the books. Right now, we are just building based on wastewater capabilities at the time of the build. Commissioner Lenox stated its pending that exactly. Subdivision Regulations, Zoning and all the rest of the requirements are in place. For good or for bad this property was annexed into the Town. They are citizens of our Town. If they comply with the rules they are approved.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – Ryan Conway – 83 Single Family Lot Subdivision – Kildeel Estates – Gordy Mill Road, Delmar, MD, per the attached drawings.

Commissioner Lenox asked for a motion to approve subject to three conditions– Ryan Conway – 83 Single Family Lot Subdivision – Kildeel Estates – Gordy Mill Road, Delmar, MD. The conditions are: 1.) All references to Wicomico County Storm Water Approvals be removed from the plan. 2.) Have Wicomico County recertify Forest Conservation through a signature block on a coversheet and have the previous approval from 2005 Forest Conservation be reflected on the recorded drawings themselves. 3.) A follow-up Public Works Agreement to clarify when actual construction can occur pending the availability of sewer services. The motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 4 Ayes.

6. **William Krapf, LC Management – Construction Review – Phase 2, Residential Portion of the Ponds Edge Development, Delmar, MD** – Mr. Krapf and Mr. Street presented with a construction review per the attached drawings. Mr. Krapf introduced himself and informed the Commission he is with LC Management and

they are a Developer, owner and manager out of the Wilmington area. They have residential properties, commercial properties, retail and office properties throughout the State of Delaware, Pennsylvania, Maryland and a little bit in Florida. They have owned and operated 5500 residential rental units and 2500 bought and sold. They are starting work in Maryland; they are working Parsons Lake outside of Salisbury right now and those are under construction. They have purchased an interest in the Ponds Edge Property and taking over as the manager. Basically, they are using the existing infrastructure that was approved and slightly changing the building plans. The floor plans will remain identical to those in your packet. The elevations may change slightly. The color and accent siding seen on the plans is no longer available they can't get the pigments so they are looking to change that but it will be substantially the same as those. Commissioner Lenox asked for a description of what the design changes are. Mr. Krapf answered it's the size of the building and the footprint.

Mr. Street the engineer for LC Management said the existing buildings themselves previously proposed were 9,000-14,000 square feet and the proposed townhomes tonight are all consistently about 10,000-10,300 square feet. He presented the Mayor and Commissioners the plan. He also said he has worked with the Town Engineer to look back over all the stormwater itself, each individual piece and how any impacts the buildings would have changed. He further said they have added some parking and reduced the amount of impervious overall. The garages previously sat back 18 feet off of the pavement but now we have pulled them in to reduce that coverage. Overall, the development itself, the stormwater impacts were not recordable from our standpoint and it stays the same. They reanalyzed each area and compared it with the existing and what was previously approved and are adding to it and they all even out. Besides shifting some parking spaces and adding some parking spaces one of the most notable with parking would have been adding one more space with the 5 spaces allowed for parking for each townhouse. There will be shifting and adjusting some for the curb cuts for the handicap ramps to make it more agreeable with their footprint. Deputy Mayor Unsell asked where on the plat were the adjustments being made near Rt. 13 and the Subaru Dealer. Mr. Street answered he is unaware the actual distance. Deputy Mayor Unsell inquired if there is still room to put a Royal Farms in that area. Mr. Krapf said he is unaware. Commissioner Lenox inquired if there were any elevation changes approximately. Mr. Street responded approximately same height, same number of units in each building. Mr. Krapf replied all three stories with A frames. Mayor Wells asked are they apartments. Mr. Street replied they are apartments for rent.

Mayor Houlihan called for a favorable recommendation to the Mayor and Commissioners for – William Krapf, LC Management – Construction Review – Phase 2, Residential Portion of the Ponds Edge Development, Delmar, MD, per the attached drawings which actually showed the seven or eight buildings. We have added some parking areas, the garages

Commissioner Lenox asked for a motion to approve – William Krapf, LC Management – Construction Review – Phase 2, Residential Portion of the Ponds Edge Development, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 4 Ayes.

Before moving to the Town Manager's Report, Mayor Wells introduced Delegate Carl Anderton and asked him if he had any updates to comments. Delegate Anderton, said he finally got the email to Town Mgr. Bynum-King that he was supposed to send a week or so ago about the geometric changes to Foskey Lane and Rt. 13 involving the crossover traffic. He further said the proposed plan is similar to the crossover by the Holiday Inn. Vehicles will have to make left turn or right turn. There have been 31 accidents between 2015 and 2019, 25 of them have been because of crossover. There have been efforts to get that intersection signalized but it does not meet the Highway Administration's criteria because of west bound traffic on Foskey Lane there is not enough volume to warrant a light. The Highway Administration will not install a traffic light in a place that doesn't meet the criteria because if there is an accident the state is beholding to at the threat of a lawsuit because they put up an unwarranted stoplight. Delegate Anderton, said that the State is aware that something needs to be done, so he is asking for a letter of support from the Town and the County agreeing to the proposed changes. Mayor Wells thanked Delegate Anderton for the update on the US 13 and Foskey Lane traffic matter. She added that the Town have exhausted much effort to get the Highway Administration to do some much needed safety improvements. Delegate Anderton mentioned the first thing they did a couple years ago was restripe and put up a couple lights. Mayor Wells responded we had lights there until somebody hit one. He mentioned he is aware that some of our neighbors that have lost life in that intersection and hopefully we will be in the position where we will not lose anyone else. Mayor Wells inquired what are we going to do about Foskey and Bi-State. He said that is another tricky intersection and at this time he is unsure. Mayor Wells mentioned the US 13 and Rt. 54 near the WaWa. He replied that falls under DelDOT's umbrella. Line Road is divided up between Delaware and Maryland, it straddles the state line. Instead of Maryland doing one side there and Delaware doing the other side, they take the entire roadway. Maryland Highway Administration has intown Rt. 54W from US 13 and Delaware has the Rt. 54 E from US 13. He further replied, he has had conversation about that intersection with State Representative Tim Dukes. There is a lot of accidents that started happening at Stage Road and Line Road. There is congestion where the extra turn is at Wawa's. If you try to make a left hand turn to go South you miss the light because you are behind the other traffic that wants to go straight across because the area to turn left at Stage Road is not long enough for the increased volume in traffic.

Delegate Anderton said we will keep hoping and see if we can get something done in Delaware. Mayor Wells thanked Mr. Anderton for coming.

Town Manager's Report –

Town Mgr. Bynum-King said she would get the letter of support for Mayor Wells to sign and also forward a copy of the letter to the Commissioners so they can see what they are supporting.

Town Manager Bynum reported as follows: 1.) The Delmar, Maryland Election is set for Tuesday, November 16th and the polls will be open at 7:00 a.m. and close at 7:00 p.m. The election will occur in the large council chamber. She wished everyone good luck. 2.) She is in receipt of a letter from Mr. Glen Bridge. Mr. Bridge is the property owner of the parcel of land located on the SE corner of US 13 and 54 East. His letter stated that he authorized Pastor Charles Rideout permission to spread the gospel to the lost souls on his property. Mr. Rideout informed Town Mgr. Bynum-King that he does not want to break any laws of the Town, he is just there to witness, pray and encourage people. He is on site daily between 2:00 p.m. and dark, he is never there past dark. He travels around the peninsula and he may not be seen for weeks at a time; he also agreed to reduce the volume on his sound system because he doesn't want to be a distraction and he doesn't want to offend people. 3.) Our offices will be closed on November the 11th, for recognition of Veteran's day, Thursday 25th and 26th in recognition of the Thanksgiving Holiday. 4.) Sunday, November 28th, at 6:00 p.m. the annual Love, Life Tree Ceremony will take place at the State Street Park. 5.) Saturday, December 4th, the Greater Delmar Chamber of Commerce will be having their annual Christmas Parade and it will start at 2:00 p.m. Anyone wishing to participate in the parade by way of entry float organization will have to submit their application to the Chamber no later than December 1st. The Chamber emphasized no late entries will be allowed. Any Elected Officials that will be participating in the parade please let us know.

Council Comments

Deputy Mayor Unsell – Commented he has been thinking a lot about what has been said about this organization not supporting the police over the last 20-30 years and he was thinking back before he was appointed to the Commission maybe 2014 and he used to come to Town meetings every month for two to three years. He was serving on the Zoning Appeals Board at that time but he wanted to see what was happening at the Town. He remembered one evening Chief Harold Saylor saying we needed to figure out where to put the police officers because now we are in a dilapidated, decades old pole building at the end of Walnut and Pennsylvania Avenue. So, the plan was initiated to move Town Hall into this building which was a sizable expense and move the police into the old Town Hall. That is a state-of-the-art Police Department building. They got bays that they can pull in, body worn cameras that they can hopefully pull right into the bay and hopefully download videos to the wireless cloud server. One thing Chief Saylor said at that time he remembers distinctly, whenever the officers arrest somebody they bring them into that old facility down there and they would handcuff them to a metal bench until they could transfer them to the County or Delaware facilities. Now they have a cell that they place people who are arrested in. The whole top floor in the back they have a beautiful gym, clean women and men bathrooms in that building. In the old building they had one restroom which needed cleaning and updating all the time. The four leaders at that time were Mayor, Carl Anderton, Karen Wells, Deputy Mayor, Michael Houlihan, Mayor (DE), and Mary Lee Pase. Three of those four people are still here. It is that leadership that made that move possible and put our officers in a beautiful Police Department building. That seems to have been forgotten. We have an outstanding leader sitting up here.

Commissioner Lenox – We have come to the end of Commissioner Tucker's term and he thanked him for his service and friendship. He wished Commissioner Tucker well in his next endeavors and next football season.

Commissioner Tucker – No comment.

Public Comments: -

1. Penny Glasgow – asked Deputy Mayor Unsell why we are going over this all over again and why he was bringing this up now.
2. Linda Morris – commented Mayor Wells has accomplished things through the years. The problem still exists and she hasn't seen any change in the months that she has attended and her biggest regret as a citizen of Delmar is that she hasn't been engaged and she hasn't been an informed citizen by participating in these meetings. They are an eyeopener. Mayor Wells says we want to move forward but every meeting we stay right where we are or we go backwards. Mayor Wells posts on Facebook and is the biggest criticizer but she is posting them. Leadership is really not there.
3. Tom Bauer asked how many poll workers from each county are allowed next week, are there any poll watchers, is there anybody allowed in the large chambers to watch just like with a regular election making sure things are done properly, are there representatives for the candidates when the count is being done, how many absentee ballots there is, what happens in case of a tie, as far as recruiting are we going to the local colleges and how many registered voters do we have.
4. Tony Russo – asked about the Mulligan Way sewer issue; has it gotten any closer to being paid and did the Lieutenant give his permission for that photo to be used in the attack ad that was mailed earlier this week or late last week; did he go to the Chief or did the Chief go to him; how did the Chief find out about it.

Adjournment

Mayor Wells called for a motion moved and seconded (Tucker/Unsell) and carried to adjourn with a roll call vote of 4 Ayes.

Submitted by:

Clerk of Council