

MAYOR & COMMISSIONERS
October 11, 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, and Commissioner Lenox. Town Manager Bynum-King, Police Chief Barkley, CDC William Hardin, Clerk of Council Spencer and Robert Benson Town Attorney. Guest: MD State Little and Major Softball Leagues, Robin Bond, Penny Glasgow, Linda Morris, Tom Bauer, Jacob Boothe, Anita Feaster-Heacock, Dan J. Feaster and Jesse McCoy. Absent: Commissioner Tucker.

Mayor Wells performed the Pledge of Allegiance.

Mayor's Comments-

Mayor Wells announced that she changed the agenda to present the certificates to the 2021 Maryland Little League and 2021 Maryland Major League Softball Champions under Mayor's Comments. She congratulated the teams on their accomplishments. She then presented certificates to each team member on both the Little and Major Softball Leagues.

Mayor Wells read a statement to be put on record to bring everyone up to speed on the negotiating contract between the Town and the officers.

Approval of Minutes

A motion was made, seconded, (Unsell/Lenox) and carried to approve the September 13, 2021 minutes as circulated by roll call vote of 3 Ayes 1 Absent (Tucker).

Unfinished Business-

None.

New Business –

Mayor Wells read the Halloween Resolution 2021-10-11.

Mayor Wells called for a motion to accept Halloween Resolution 2021-10-11. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 3 Ayes 1 Absent (Tucker).

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) Chief thanked Mr. Tom Bauer for stepping up and agreeing to be our school crossing guard. 2.) School is back in session as well as the issues that go along with school. 3.) The body worn cameras that the Mayors and Commissioners agreed to fund have been ordered and on their way. We hope to get everybody trained. Mayor Wells asked if the data would be stored in the Cloud. Chief answered yes, absolutely. That makes it much easier for our State Prosecutors as well as defense and every other interested party that would want to view the footage. It's actually mandated in the State of Maryland. 4.) The police department has had some progress with recruitment. We do have two applications since our last meeting. We have not begun testing yet but we intend to begin testing shortly and typically some of those that put in apps may not show for testing. 5.) Officer Coco is done with his training. He does have his provisional okayed from COPD to work as a Delaware Officer, so he is now working on the street by himself but not alone and doing very well. 6.) Recruit Snead is doing well in the Police Academy and is expected to graduate in December 2021. 7.) Rt. 13 and Foskey continues to be a very sore spot and hopefully at some point we will get a resolution on some changes at that location. Mayor Wells stated Delegate Anderton is working on this issue and will be requesting a letter from the Town so studies could be done for that location.

Mayor Wells asked do we have enough time for testing and potentially get new recruits to be hired and ready for the January academy. Chief answered yes, that's why we are going to start right now. She also asked Chief about a call that went out for a drunk driver coming out of Thirst's or Pizza Boys area. She mentioned she was told that two of our officers were doing a welfare check and asked them to send Wicomico Sheriff's Department, the Sheriff didn't have anyone available to respond. Chief replied that she was right. Mayor Wells asked Chief to explain what mutual aid is and how that works. Chief explained what mutual aid is and how it worked. Mutual aid is where agencies agree to assist each other. He added that there are limitations if the County does not have people available and he cannot expect his Delaware partners to come into Maryland and handle a call because they are not certified to do so and vice versa, however there are some different rules that apply when an officer is in need of assistance. He further explained he is not asking other agencies to come in and take criminal action, investigate or make an arrest. He would be asking them to come in and help our officer who is in need at that moment. As far as calls for service our agreement right now is with the County, State and Salisbury but we would never really call out Salisbury to assist us. He said he is unaware of a mutual agreement on the Delaware side, they all just help each other out. Mayor Wells inquired if an agreement is different from a contract, she cannot make anyone come and Chief can't make anyone come. Chief Barkley replied no they could not make anyone come.

Town Mgr. informed Chief Barkley he has four more applications coming his way this afternoon. He responded that's good and upbeat.

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.) Woodcreek Mulligan Drive sink hole repair status. The contractor of T.K Construction is still waiting to be paid by the Developer for the repair that Construction Representative on behalf of the Developer authorized to be repaired. The Developer owes the contractor approximately 38,000.00. The Town is looking for alternative methods to assist in getting the Developer to pay the contractor. 2.) Jerome Reid retired six days ago, the Town is still in search of a new Director. 3.) Thanks to Town Mgr. Bynum-King traffic cones were dropped off to close a section on Executive Club Drive to have a block party to sendoff a couple of our neighbors that have lived in the community almost since the beginning and are moving to Boston.

Planning & Zoning

Commissioner Lenox reported as follows: Planning and Zoning did not have a quorum last month once again.

1. **Warren Burrell – New Deck and Railing – Lot 340, 9369 Mulligan Way, Delmar, MD** – Mr. Burrell presented with a new deck and Railing per the attached drawings. Commissioner Lenox stated these are situations in which we are likely to see more and more as time goes on because many of the new Ryan Homes are set-up for a deck of some sort which is unspecified when CDC Hardin gives the building permit. However, if you can picture a slider 7 ft. off the ground blocked and just going off into air, that's what we are looking at for a number of homes. Commissioner Lenox said that the new deck and railing have been approved by the Woodcreek HOA. He further said his reasoning for referencing Ryan Homes is because if there is anything that can be worked out with our permitting with our initial permit if the intention is to do some sort of deck, if they can show that with the application that might head off some further delays for our citizens.

CDC Hardin added he has spoken with Ryan Homes and if that is not a contractual option that the home owner takes at that point and time of sale then it's going to come at a later time as an accessory structure. Commissioner Lenox responded at least the respected home owner is aware of what they are getting into because it leads frankly to heartache both on the HOA side and also on the permitting side if someone is thinking they have something straight forward and then finds out that they have to wait one month for Planning and Zoning and another month to come before the Commission, it can come as a shock and he is aware Mr. Burrell has been patient with being first with this process.

Commissioner Lenox asked for a motion to approve – Warren Burrell – New Deck and Railing – Lot 340, 9369 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

2. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Sienna – Lot, 132, 30736 Spoonbill Court, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Sienna – Lot 132, 30736 Spoonbill Court, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

3. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Pisa Torre – Lot 267, 9490 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Pisa Torre – Lot 267, 9490 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

4. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 273, 9487 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell – Lot 273, 9487 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

5. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Allegheny – Lot 294, 9552 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Allegheny – Lot 294, 9552 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Wells/Unsell) and carried by roll call vote of 3 Ayes 1 Absent.

6. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 295, 9554 Song Sparrow Circle, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lenox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 295, 9554 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

7. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 341, 9367 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lennox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 341, 9367 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wells/Unsell) and carried by roll call vote of 3 Ayes 1 Absent.

8. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Ballenger – Lot 352, 9345 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lennox asked for a motion to approve – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Ballenger – Lot 352, 9345 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

9. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 383, 9324 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lennox asked for a motion to approve – New Home Build – Woodcreek/Hudson – Lot 383, 9324 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wells/Unsell) and carried by roll call vote of 3 Ayes 1 Absent.

10. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Ballenger – Lot 404, 9449 Rolling Green Drive, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Commissioner Lennox asked for a motion to approve – New Home Build – Woodcreek/Ballenger – Lot 404, 9449 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Wells) and carried by roll call vote of 3 Ayes 1 Absent.

Town Manager's Report

Town Manager Bynum reported as follows: 1.) Upcoming election will be held on November 16th, 7:00 a.m. to 7:00 p.m. The election will occur in the large conference room. 2.) All candidates and supporters that are putting signs out and around the Town, the Planning and Zoning Code does have a section that pertains to Election Signs and more specifically Section 24.B.4.B of the Code. The Code is available online for anyone who would like to read it in its entirety and if anyone would like a copy, they can certainly request one. 3.) We are still in search for a Public Works Director for our Public Works Department. During this time, we are going through quite a transition and there is a

significant personnel shortage. We did have our director retire, an employee out on medical leave pending surgery and another employee has COVID. That being said we have two employees in Public Works that are working; a foreman and a tech. She requested that the residents should be patient during our transition. Town Mgr. Bynum-King said she is in the process of hiring an individual that has a CDL to drive our streetsweeper and our garbage truck because our former Director of Public Works and employee that is out on medical leave are CDL driver's. We currently have two employees studying to get their CDL's and we are also actively searching for a Public Works Laborer position in addition to Director of Public Works. 4.) October 23 – October 24 there is a USSSA tournament at the Mason Dixon Park. 5.) Chesapeake Utilities will be installing gas mains to replace some old mains and those mains will be replaced on Pennsylvania Avenue, First Street, Second Street, Third and Fourth Street between E. Elizabeth Street and State Street. The project is scheduled to start the end of this month, first of next month. Chesapeake Utilities has agreed to give the Town two weeks notification before they start the project so we can make the residents aware, as well as, the Fire Department and other emergency personnel. 6.) The 2020 Census blueprint was presented to the City of Salisbury and the count for Delmar, Maryland exceeded the projected goal numbers. It was noted that Delmar was among the tops in the state, so she extended a huge thank you to CDC Hardin, Community Development Coordinator. He worked endlessly and was an integral part of this process in terms of assisting and volunteering his time to share the importance of the census 2020 message to make sure that everyone is counted. She added the census count is certainly critical to the Town's ability to secure funding for our community. Mayor Wells thanked CDC Hardin and he responded my pleasure.

Council Comments

Deputy Mayor Unsell – It's great to see Town Hall full of visitors. Until, April 28th, we had a Town meeting and it was Chief and maybe one or two more people and it was that way for almost the entire 7 years that he has served. So, if it was one good thing that came out of this disaster it is that it got people in here and he appreciates them all.

Commissioner Lenox – No comment.

Public Comments: -

1. Anita Heacock-Feaster commented to Mayor Wells, you are the leader it trickles down. So, if there is a problem, they are going to come to you for answers.
2. Robin Bond thanked Mayor Houlihan, Council Member Smith and Deputy Mayor Unsell for attending Friday nights Officer Memorial Benefit and Saturday's Gulf Tournament. She asked how bad does the Mayor and Commissioners want the contract resolved, why does it take a week to get the contract back to the Teamsters, does Mayor Wells agree to what's in the contract, can Town Mgr. Bynum-King and the Chief get together in one room and resolve the contract issues and has anybody rode with the officers.
3. Linda Morris asked if the contract has been worked on for a year when did the language piece come into play in the contract, when was it reviewed, why did it take a whole year for

this language stuff to come out, and why are we still trying to dust it off and fix it when those two things could've been done simultaneously. She said to Mayor Wells facilitate leadership and the buck does stop with Mayor Wells because she serves the people and we the people hold Mayor Wells accountable and the people have every right to criticize what's being done and what's not being done and compliment for the same. She further commented there is never any unfinished business because it's so much unfinished business it's ridiculous. She asked what the status was of the sidewalk on Woodcreek and Foskey Lane.

4. Penny Glasgow commented this contract and police pay is not a new problem. She said she cannot believe that the Mayor and Commissioners also Town Mgr. Bynum-King still claim they had no idea of this problem.
5. Tom Bauer asked why the contract was not sent to the Teamsters on Friday, is the Chief out of the picture now as far as negotiations because he's heard different and Delmar, Delaware should have a say in everything that's going on.
6. Jesse McCoy commented if you want to see positive change there has to be growth. He asked who is going to Sheppard this community, who's going to be the light. He further commented it starts with accountability and transparency. Let's come together, we are stronger together. Take responsibility. Let's be the change.
7. Tina Lambert-Marzec asked does the Labor Code state that the Town can do whatever they want when they want for whatever reason they want, why is there an overwhelming attitude of why we cannot do something, can the Labor Code be changed. She added four months ago we were promised a Town meeting, why haven't we had it and when is it going to happen for the community. She said if verbiage is the problem there has got to be a way to fix it. The longer it takes it's there's only a couple of people that are going to benefit from it and there are people getting paid by the Town's money by the Town's people's money which are the attorneys. Time is of the essence please make it happen.
8. Jennifer Smithhart commented to Mayor Wells it really doesn't seem like you want to hear from the public, you work for the people but you have time and time again shown that you don't care about the comments. She further commented you don't allow comments on Facebook, you don't answer anybody, you don't have public forums. So, what you are telling us is you really don't care what we have to say. That's what you are portraying to everybody. You literally cut the community off on Facebook. The public deserves to be heard and you shut them out time and time again.

Adjournment

Mayor Wells called for a motion moved and seconded (Unsell/Lenox) and carried to adjourn with a roll call vote of 3 Ayes 1 Absent (Tucker).

Submitted by:

Clerk of Council