

MAYOR & COMMISSIONERS
September 13, 2021
Delmar Town Hall & 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, Lieutenant Alexander, Clerk of Council Vondell Spencer and Robert Benson Town Attorney. Guest: Paresh Nakrami, Nila Nakrani, Rachel Lord, Anita Heacock-Feaster, DJ Feaster, Robin Bond, Penny Glasgow, Linda Morris, Pam Price, Benjamin Jordan, Cory Shaffer, Jessica Hughes, Jacob Boothe, Carrie Williams and Josh Taylor. Absent: Commissioner Tucker.

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 said before she got started, she wanted to thank everyone for coming. She further said she had a prepared statement for the record to be attached with the formal meeting minutes.

Approval of Minutes

A motion was made, seconded, (Unsell/Lenox) and carried to approve the August 9, 2021 minutes as circulated by roll call vote of 3 Ayes 1 Absent (Tucker).

Unfinished Business – None.

New Business –

Resolution No. 2021-01 to Revoke 2021-1:

Town Attorney Benson explained the Mayor and Commissioners adopted a resolution in early 2020 which would have amended section 7.4 of the Delmar, Maryland Charter which dealt with the police right to collective bargaining. The change would allow the Commissioners to continue to collective bargain but did not mandate it. That resolution was passed under Maryland Law, there is a right to petition that resolution to referendum. There was a successful petition to referendum and that resolution has to come up for election at the next Town general election, Tuesday, November 16, 2021. Attorney Benson said he was asked the question a week or two ago as to whether or not the Mayor and Commissioners could revoke or resend that resolution. He did some research however; he also contacted the representatives of the police officers because they would be the ones most directly affected by the proposal. He believed it was necessary to get their feedback of what their position would be if the Town were to try to take the action to resend or revoke the earlier resolution and thereby void the referendum to be included on the ballot during the November 2021

election. Town Attorney Benson further said he contacted Attorney Robin Cockey which is the attorney that represents the union and presented him with the proposal. He spoke to Attorney Cockey again this morning and Attorney Ashley Bosche this afternoon, both indicated they presented that information to their clients and their clients would be favorably inclined to accept the Towns revocation or resending the earlier resolution and not having an election in November 2021. The alternative would be to do nothing and then there would be an election, at the election the resolution could win or lose but by revoking the resolution would not come up for a vote.

Attorney Benson further explained Maryland Law addresses whether or not we can do this under Section 4306 of the Maryland local government article. Essentially, we have to put another resolution in to amend the Charter, to go back to where we were before. The first resolution never went into effect because of the petition referendum but not withstanding that at least the language seems clearer if we had to undo it by filing another resolution. The effect of the resolution would be to basically change the language back to what it was prior to that resolution coming into effect.

Attorney Benson read, described and explained Resolution No. 2021-01 to Revoke 2021-1. He stated the resolution was there for the Mayor and Commissioners consideration and if they did this tonight then this will become effective, if not the Town will need to advertise a petition for referendum for the November 2021 election.

Mayor Wells asked for a motion to adopt Resolution No. 2021-01 to Revoke 2021-1. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 3 Ayes 1 Absent.

Committee Reports:

Police Chief's Report

Lieutenant Alexander reported as follows: 1.) Recruit Snead is in the academy and is doing well. The academy hasn't had any issues with COVID-19. 2.) Officer Coco has just been granted provisional police authority through COPT which gives him full police powers in the State of Delaware. He is still on police training and should be released within the next week or two. COPT and Delaware will probably vote in January 2022 on his full police powers. 3.) A school crossing guard is slated to officially be hired this Thursday. We should get the testing back and he will be starting Thursday evening. Commissioner Lenox asked what the timing was for the academy. Lieutenant Alexander answered six months. Mayor Wells inquired if there were any prospects for January. Lieutenant Alexander replied one application so far.

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.) TK Construction Co. Inc. was not paid by Mr. Mehta or his contractor for repairs to a sewer line on Mulligan Drive. The amount owed is \$39,000. Mr. Mehta's contractor is Kinnamon Construction. 2.) At 2:30 p.m. this afternoon there was a sewage blockage between Walnut and Spruce Street and that was repaired inhouse. 3.) Mr. Sullivan with DNREC Chesapeake Bay Foundation will be holding a peer-to-peer meeting

Thursday, October 7th, at Abbotts Grill in Laurel, Delaware. 4.) Public Works Director, Jerome Reid, will be retiring and his last day is October 5th.

Planning & Zoning

There was no Planning and Zoning Commission meeting August 26, 2021.

Commissioner Lenox reported as follows:

1. **Nakrani Paresh – New Home Build – Lot 61, 9116 Swingbridge Lane, Delmar, MD –**
Mr. Paresh presented a new home build with a completed site plan showing the house, driveway and setbacks. He added there is a little modification to the widths of the house, they wanted to fit their plan into the site plan.

Commissioner Scholl (In the 7/22/2021 P&Z meeting) called for a favorable recommendation for – Nakrani Paresh – New Home Build – Lot 61, 9116 Swingbridge Lane, Delmar, MD, per the attached drawings with the contingency that there is a completed site plan showing the house, driveway and setbacks.

Commissioner Lenox asked for a motion to approve – New Home Build – Lot 61, 9116 Swingbridge Lane, Delmar, MD, per the attached drawings. A motion was made/seconded (Wells/Unsell) and carried by roll call vote of 3 Ayes 1 Absent.

2. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 383, 9324 Mulligan Way, Delmar, MD –**

Withdrawn

3. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 384, 9336 Mulligan Way, Delmar, MD –** Representative Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Lenox asked for a motion to approve – New Home Build – Woodcreek/Allegheny – Lot 384, 9336 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.

4. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 390, 9348 Mulligan Way, Delmar, MD –**

Withdrawn

5. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 408, 9441 Rolling Green Drive, Delmar, MD –** Representative Ms. Brown presented a new home build as referenced per the attached drawings.

Commissioner Lenox asked for a motion to approve – New Home Build – Woodcreek/Allegheny – Lot 408, 9441 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.) Candidacy filing closed at 4:30 p.m. today for the upcoming Mayor and Commissioner election. 2.) The Town has two individuals to file for the Mayors position: Incumbent Mayor Wells and Benjamin Jordan. 3.) The Town has three individuals that filed for the Commissioner Seat: Faith Higbee, Cory Shaffer and Jacob Boothe. 4.) There will not be a Primary Election because there is no more than two persons per available position that have filed as candidates. The General Election will be held on Tuesday, November 16th from 7:00 a.m. to 7:00 p.m. The polls will be here in the Council Chambers. 5.) The deadline for voter registration is Thursday, September 23rd by 4:30 p.m. 6.) The auditors are onsite. As previously mentioned, they will probably be here for the next week or two because we are starting our audit. 7.) Director of Public Works, Jerome Reid, will be retiring October 5th. Today was the closing day for that position. We do have several applicants that HR will be screening and forwarding to her. Once we have an opportunity to go through those applications the best qualified will be interviewing for a Board that we normally put together to review the applications and consider for hiring. 8.) The Town employees want to extend their appreciation again for the end of the summer dinner at the Old Mill for the staff plus one. Thank you on behalf of the employees.

Council Comments

Deputy Mayor Unsell had no comment.

Commissioner Lenox – The Planning and Zoning Commission has had two attempts to get a quorum but for a variety of personal reasons we have not been able to achieve that. I'd like to ask that we all pay particular attention to the vacancy that has been there since Eric Catellier stepped down. It is obviously a very important Board right know. He said he is the only Maryland person on the Commission so we are really in need. We want to recruit for that position.

Public Comments: -

- 1.) Carrie Williams asked if the Mayor and Commissioners were getting rid of collective bargaining. She encouraged the Mayor and Commissioners to hear the police officers out.
- 2.) Robin Bond inquired about a time frame for the Mayor and Commissioners when negotiations were going to be done.
- 3.) Linda Morris commented, thank you for the thorough update tonight. She commented when you hand the ball off to the next person include a due date to have some timeline to monitor the updates. She asked if the police were recruiting and informed Lieutenant Alexander where they can advertise.

- 4.) Jacob Boothe commented everything in the system is broken. He said he hopes regardless of what happens that this Town will be the best on the Eastern Shore. We have a lot of work to do. The only way that's going to happen is if we lock arms and do it together. He encouraged everyone to fight for Delmar.

Adjournment

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

Submitted by:

Clerk of Council
Vondell Spencer