

## MAYOR & COMMISSIONERS

November 12, 2019

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. on Tuesday, November 12, 2019. In attendance were Mayor Wells, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Police Chief Barkley and Town Attorney Benson. Absent: Deputy Mayor Unsell. Guests: Chris Brown, Mark Welsh, Wayne Parsons, Alan Perry, Jason Stimis, Kyle Hughes, Heather Ward

### Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

### Mayors Comments

Mayor Wells stated that Mr. Mehta, owner of the Wood Creek development, contacted her looking for some assistance in the removing of the flocks of geese in Wood Creek. He said that he wanted to do whatever the City of Salisbury did to eliminate their geese problem. Mayor Wells said that she reached out to Salisbury Mayor Day. He informed Mayor Wells that the City contacted the U.S.D.A. and the City was not involved at all. Mayor Day gave Mayor Wells a contact name and number of Tom Stephenson , City of Salisbury, Director of Field Operations, who worked directly with USDA Wildlife Division.

Town Manager Bynum-King said that a petition has been signed by a majority of the homeowners in the Wood Creek subdivision supporting the idea of eliminating the geese. The petition identified that health concerns with the geese droppings on the front lawns and driveways being tracked by children inside the homes. The homeowners believe it is a public health issue.

Commissioner Lenox stated that he lives in Wood Creek and he and his wife did not sign the petition. He also said that where he lives there is not a goose problem but he knows that the area to the south of his house shows a distinct geese issue.

Mr. Alan Perry, developer of Ponds Edge Apartments stated that they had issues with geese a few years ago. He said there is a treatment that is sprayed on the grass and when the geese come down to eat the grass, it doesn't taste very well and then they don't land in the area anymore. Mr. Perry said it took 2 seasons to stop the geese from flying in to Ponds Edge. He also said that the geese are attracted to the ponds.

Mayor Wells said that this topic of discussion will be tabled for now, allowing the Town Manager time to contact Mr. Stephenson for guidance on how the City of Salisbury worked with the USDA.

Mayor Wells also reminded everyone that the Delmar Christmas parade is Saturday, December 7<sup>th</sup> at 2:00 p.m. The tree lighting ceremony at State Street Park will be held on Sunday, December 1<sup>st</sup> at 6:00 p.m.

She also informed everyone that there was a County Town Hall meeting with Mr. Culver, County Executive at the V.F.W. The meeting was not very well attended by the public, the Town was notified just a few days prior to the meeting. Mayor Wells said that she and the Town Manager did attend along with Commissioner Tucker. It was a good meeting. Mr. Culver brought along many of his department heads to be able to answer any and all questions posed by residents. He did offer to have Town Hall meetings more often. Mayor Wells suggested that she would

like to see those meetings quarterly.

### **Approval of Minutes**

Commissioner Tucker made a motion for the approval of the November minutes as circulated. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

### **Unfinished Business**

Town Manager Bynum-King said that she has been working with the contractor for the caboose. The contractor has made some revisions and will provide to her one more quote to at least get the caboose winterized.

The Town Manager said that she was still waiting to hear back from former Mayor Doug Niblett in referencing partnering with the Town with the banner to be hung along State Street for recognizing our veterans.

### **New Business**

#### Mark Welsh- TGM Group- Annual Audit Report

Mr. Welsh informed the Commission that he has concluded the audit for Delmar, Maryland, Delaware and the Utility Commission. This evening he will do a quick review of the Utility and Maryland Commissions.

Utility Commission- Mr. Welsh stated that in the Independent Auditors Report, the Utility Commission was given an Unqualified Opinion. This is the highest standard given.

Net Profit is \$250,111

Equity is almost \$16 Million and the cash and investments is \$4.3 Million

The Balance Sheet indicates that the Utility Commission has over \$1Million in depreciation and shows a \$1.3Million cash increase. Some debt was added and some was paid off. Depreciation is over \$1 Million.

Commissioner Scholl asked what the reason would be for the Utility Commission to still have debt when they have so much cash. Town Manager Bynum-King if the Utility Commission opts to, we can certainly look at things differently going into the next budget session.

Maryland Commissioners- Mr. Welsh stated that in the Independent Auditors Report, the Maryland Commission also was given an Unqualified Opinion, the highest standard being given.

Mr. Welsh said that there were 2 capital leases which were very small and have been paid off.

Capital Assets- A four year trend shows a steady increase from 2016 to 2019. There is over \$3Million in Capital Assets.

Mr. Welsh stated that he is noticing positive trends in the Change in Net Position. From just under \$240,000 in 2016 to just under \$600,000 in 2019.

He notated that this is a strong balance sheet. He asked if the Mayor and Commissioners had any questions and if they had some at a later time he could be reached by phone.

Commissioner Lenox said that he came on the Commission towards the tail end of the budget process. He found

the format was easy to follow. It looks like Delmar, Maryland has some options moving forward.

Everyone thanked Mr. Welsh for his presentation.

#### Permit to display fireworks- Outdoor Permit- Wedding at Kylan Barn, Heron Ponds

Mayor Wells read the Permit to Display Fireworks within the Town Limits of Delmar, Maryland. The fireworks will be displayed in celebration of the wedding of Stephen Whitelock and Heather Ward at Kylan Barn in Heron Ponds on Saturday, November 30, 2019 between 8:00 p.m. and 9:00 p.m.

With no objections from the Commission, Mayor Wells and the Commissioners signed the Permit.

#### **Student Advisory Report**

Our Student Advisor reported that report cards were distributed today. Basically, all fall sports are done. The football team is going on to the Championship games on November 29<sup>th</sup>. The next field hockey game was scheduled for this Saturday but it has been bumped due to the possibility of sleet on Saturday. The last final game is scheduled for November 30<sup>th</sup>.

She informed the Commission that American Education Week will be from November 18<sup>th</sup> thru November 22<sup>nd</sup>.

#### **Police Chief's Report**

Chief Barkley stated that his department is now using the new reporting format. Some of the fields on the new report are empty due to them not normally tracking that data. But when they start doing so, all the information requested will be available for review.

Chief said that the Town made it through Homecoming and Halloween without any reported issues. Officer Cockey (the rookie) has completed his Maryland training. He still has a few things to complete for the Delaware side before he can patrol on his own.

Chief Barkley said that the name of the new crossing guard is Rosemary Sacer and he has been notified by the school and the members of the community how well she interacts with the children.

Communications Officer Niblett started last week. She is already certified on the Maryland side and she completed the Delaware certification last week. She will be working part time covering CO Warner's hours.

PFC Brown has started his K-9 training with Roxy. Chief anticipates that PFC Brown should be done with training by the end of next month.

Chief Barkley said that he was extremely grateful that the SHA road work on Rt. 13 has been completed in Delmar. He said that there were at least 4 auto accidents per shift while that work was being done.

#### **Parks and Recreation Report**

There was not a quorum this past month to have a meeting.

#### **Code Enforcement Officers Report**

Mayor Wells informed the Commission that the report was included within the mail packet.

#### **Fire Department Report**

No one was present to give a report and there was not one in the mail packets. Mayor Wells said that last week, the new officers were sworn in and Joey Morris is the new Chief.

### **Utility Commission Report**

Town Manager Bynum-King reported that last month she discussed with the Utility Commission that it needed to be determined if the east tertiary arm drive at the WWTP needed to be repaired or replaced. The assessment was done and it was determined that it needs to be replaced. Also another component, the flocculation drive, needs to be repaired. The quotes to fix the east tertiary arm drive ranged from \$104,000 to \$79,000. The contractor who came in with the lower bid has actually done work at the WWTP before. We accepted their proposal and we will have to move funds from the Reserve or contingency to make up the difference from what it was budgeted for.

As of November 5<sup>th</sup>, there is a new Superintendent of the WWTP. His name is Frank Daniels and he came from Pocomoke and was in Snow Hill for a while. When Frank started in Delmar, it was in our new plant back in 1989. He has a wealth of knowledge of a waste water treatment plant and has a reputation of getting troubled plants back on track. He is making some changes and hopefully we can get some of our issues resolved in the near future.

### **Public Works Report**

Commissioner Tucker reviewed the report that was included in the mail packets.

### **Planning & Zoning Report**

Commissioner Scholl reviewed the following:

#### Jason Stims- New home build at 9295 Stage Rd, Delmar, MD

Mr. Stims stated that the home will be 1,200 sq. ft. and have vinyl siding. Commissioner Scholl said that the Planning and Zoning Commission had a favorable recommendation with the contingency that Mr. Stims provided a site plan that showed the setbacks for the new house, which he provided prior to this meeting.

After reviewing the documentation provided, and hearing no further comments, Commissioner Lenox made a motion to approve the favorable recommendation from the Planning and Zoning Commission for the new house build at 9295 Stage Road, Delmar, MD, per the attached drawings which included the requested site plan. Commissioner Tucker seconded the motion which passed with 4 ayes and 1 absent.

#### Alan Perry- Re-submittal of original request for final approval for the Land Development Plan for Ponds Edge Phase II, Delmar, MD

Alan Perry introduced himself as the owner of the development along with Kevin Parsons who is from the Becker Morgan Group. Mr. Perry stated that he let the approval expire and he is here now requesting to get approval again on the same original plans. It has been a challenging project but he has all the bids in and they have financing with the bank and with weather permitting they are ready to start.

Mr. Perry said that the apartment style have changed a little from Phase I. There has been a demand from retirees for one bedroom apartments and 2 bedroom apartments with a den. The exterior will basically remain the same but with subtle changes.

Mr. Parsons said that there has been no changes to the storm-water since the plans were originally approved. When asked about the commercial pads out front, Mr. Perry said that he has been in discussions with a hotel, but there is nothing close to comment on. He spoke about the commercial site and how there will not be any other roads

coming in and out of the development until the commercial sites are developed. State Highway is fine with the one main entrance and exit especially at the signal light.

Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for final approval for the Land Development Plan for Ponds Edge, Phase II, Delmar, MD per the attached drawings. Commissioner Lenox seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- new home build on Lot 110 located at 30735 Bobwhite Drive, Heron Ponds, Delmar, MD

After reviewing the documentation and hearing no comments, Commissioner Scholl stated that the Planning and Zoning gave a favorable recommendation.

Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 110, located at 30735 Bobwhite Drive in Heron Ponds, Delmar, MD per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- new home build on Lot 123 located at 9566 Mourning Dove Way, Heron Ponds, Delmar, MD

After reviewing the documentation and hearing no comments, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 123, located at 9566 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Lenox seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- new home build on Lot 152 located at 30717 Hawks Way, Heron Ponds, Delmar, MD

After reviewing the documentation and hearing no comments, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Commissioner Lenox made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 152, located at 30717 Hawks Way, Heron Ponds, Delmar, MD per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 1 absent.

### **Town Manager Report**

Town Manager Bynum-King reported that a pre-construction meeting for the Safe Route to Schools was held on October 31<sup>st</sup>. This project has been on the table since 2014. The contract has been awarded to ECM and they have received notice to proceed. The Town is looking at ways to modify the contract due to the lengthy span of time to get to this starting point. The funding that was awarded to the Town in 2014 comes \$40,000 short of the cost of the project now. The Town's engineers are looking to see what they can do.

She stated that the Delmar Library is hosting some fundraisers and all their proceeds will go towards their operational costs and building fund. They are having a flap jack fundraiser at Applebee's on December 8<sup>th</sup>. Also they are selling holiday wreaths. For more information on these or other fundraisers they are having, please contact the Library.

The Town's Holiday Dinner invitations have been sent out and you will need to RSVP by Friday, November 22<sup>nd</sup>. If you are bringing children, please provide their names and ages along with gift ideas.

The Office and Services will be closed on Thanksgiving and the day after. Maryland garbage collection will take place on Friday, November 29<sup>th</sup>.

The Town Manager reported that the audit went well. There are things we can look at a little differently in this upcoming budget cycle. She wanted the Commission to be mindful that even though the Utility Commission has a significant amount of money in its reserves; the Waste Water Treatment Plant has major capital projects coming up to get the plant operating at 100%. Some of the Projects can be prolonged until outside funding is available, however many of the upgrades/repairs cannot wait for outside funding.

#### **Commission Comments**

Commissioner Scholl stated that he was just asking about why some of the choices were made for debt versus paying with cash. He also said that he would not be attending the Holiday Dinner.

Commissioner Tucker said that the housing market in the Town is good, he has sold a lot of homes in Delmar. He also stated that the construction on the second phase at the elementary school starts next week.

Mayor Wells reminded everyone that the Delmar Maryland Municipal Elections is next week and for everyone to come out and vote.

#### **Adjournment**

After hearing no public comments, Commissioner Tucker made a motion for adjournment which was seconded by Commissioner Scholl and passed with 4 ayes and 1 absent.

Submitted by:

*Cindy Fisher*

Cindy Fisher

Clerk of Council