

**Utility Commission**  
**March 7, 2022**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

The regular scheduled meeting of the Delmar Utility Commission was called to order by Madam Chair Pase. This meeting is available to the public, in person with limited seating and via teleconference. The phone number and access code for accessibility to the meeting for the general public is posted on the meeting agenda. In attendance were Commission Member Dewald, Council Member Smith, Commissioner Unsell, Town Manager Bynum- King, Town Foreman Robert Buck and Clerk of Council Vondell Spencer. Guest: Michael Myers, Linda Morris and Penny Glasgow.

Madam Chair Pase took a roll call for attendance to establish a quorum, and all were present.

**Approval of Minutes**

A motion was made, seconded (Dewald/Unsell) and carried to approve the minutes. Madam Chair Pase took a roll call vote, and the motion was passed 4 Ayes.

**Unfinished Business –**

Madam Chair Pase revisited the February 7<sup>th</sup> Utility meeting involving the issue this Commission had with the reimbursement requested by the residents Mr. and Mrs. Prebenda. Robert Buck, Public Works Interim Director, was present to answer questions and present his report in the series of events that led to his conclusion pertaining to the Prebenda's sewer back up issue.

Madam Chair Pase inquired if any residents on that same line had any issues. Mr. Buck responded no. Town Mgr. Bynum-King said the Prebenda's were insistent that their line is clear; however, his issue is not 100% resolved and could potentially happen again. She cautioned the Utility Commission for taking any responsibility at this point because it is still unclear what has caused the problem. She further suggests that the Town monitor the main over the next few quarters to ensure the main is functioning correctly because the issue occurred over a seven-month period starting in May 2021 when the Prebenda's purchased the house and another issue in December 2021. Mr. Buck agreed he would monitor the main to make sure it was flowing properly.

Madam Chair Pase said if this Commission does make a decision to reimburse the full amount today, we are setting a precedence because we are unsure. Mr. Buck just reported it is not the Town's issue at this point. If the same issues were to happen again, he would go through the same procedures.

Vice Mayor Pase called for a motion to deny reimbursement for the property owners (Prebenda's) on 4 W. Grove Street for plumbing cost associated with a sewer back up. A motion was made/seconded (Dewald/Smith) and carried by and carried by roll call vote of 4 Ayes.

Commission Member Dewald said she apologized to Mr. Buck for not acknowledging him at the Budget Workshop and how detailed the report he provided was. She said she recognized Public Works Coordinator, Superintendent of the Water Treatment Facility, Sophia Oberton at the budget workshop, and she also wanted to note that he also did a very remarkable job. Mr. Buck thanked Commission member Dewald.

Mr. Michael Myers presented an out-of-Town sewer request.

Mr. Myers said a little over a year ago he purchased a property N. 8<sup>th</sup> Street. The property consists of a house with what used to be a detached garage with an apartment over it. The house has a 2-bedroom apartment downstairs and a one-bedroom apartment upstairs. He further said he did significant renovations to the entire property and it is completely rented. This property has a septic system that dates back to the early 1980's and he has to make a decision to annex to the Town. It is his understanding that there is a moratorium along annexations, but it could be hooked up on an emergency basis. The option is to put a mound system on the north end of the property. The soil has been evaluated and it would have to be a mound.

Mr. Myers asked in reference to emergency hook-up is it necessary to wait until the current system fails to apply. Town Mgr. Bynum-King stated the property would have to be in failure before the Town could make an appeal to MDE to add new connections to the Town's sewer system.

Mr. Myers further asked how long it would take to make the decision and about how long would it actually take to hook-up assuming the decision is yes. Town Mgr. Bynum-King answered the timeframe would depend on how long it took for his engineer to provide the Town with an acceptable plan to tie into the main and all associated cost associated with the Town's review will be at his expense; it would still be his cost to do that.

Mr. Myers inquired if he could have a ball park estimate of how long that might be. Town Mgr. Bynum-King further answered the process would depend on his engineering for the design; then our engineers would review it to make sure it is consistent with Town standards. Mr. Myers commented but if we are hooking into the Town's system then he would think the engineering was already done. Town Mgr. Bynum-King responded that would not be the case.

Mr. Myers further inquired if it is hooked up on a necessity to annex once annexation became available. Town Mgr. Bynum-King responded no; we have properties that are paying out of town rates. Mr. Myers asked how much would the hook-up fees be considering the layout of the property. He further asked if you have a house with two apartments, across from that you have a one-bedroom apartment that used to be above a garage which he has converted into two storage areas for the one-bedroom apartments and a laundry room and would they each be the same price. Town Mgr. Bynum-King confirmed he would have two connections, one for the garage

and one for the house; we have made adjustments in terms of EDU evaluations based on apartments and that would be something for the engineers to determine.

Mr. Myers said there is a significant amount of property on the north end of that property past the garage apartment. It does not have enough frontage on the Town street to currently qualify, there is about 65 feet of frontage on the Town street but then there is considerable frontage where the school runs. He questioned if there was any possibility of a variance on the north end of that lot in order to create another building lot and put another housing unit there. Town Mgr. Bynum-King replied in that area it is very dense, it's a small piece of land and adding another house creates more vehicles in an already highly traveled area with the school being right there. As it stands right now today, his property is in the county's jurisdiction so the Town has no jurisdiction on his property. If the county authorized that proposed use it would be outside of the Town; however, if the property is annexed into Town, then he could seek a variance from the Board of Adjustments.

Mr. Myer asked if his property was annexed would his proposal be a possibility. Town Mgr. Bynum-King answered if annexed, the Delmar Delaware Board of Adjustment would make the decision to grant or deny a variance.

#### **New Business –**

None.

#### **Town Manager Report –**

Town Mgr. Bynum-King reported the Phase I sewer main replacement project in the area on the Maryland side, Chestnut Street, Pine Street; from Pennsylvania Ave. over to Bi-State Blvd., there is a projected schedule for this project to start. Final authorization was received from MDE our funding source for this project. Starting this week, we are going to be advertising in the Daily Times for bids. Projection for a pre-bid meeting will be somewhere around the 23<sup>rd</sup> of this month. On April 13<sup>th</sup> there will be a bid opening. By April 20<sup>th</sup> a recommendation of award will be done. Prior to proceeding with the project all submittals will then have to be submitted back to MDE for their final review and approval and she added with any great success we will have a pre-construction meeting after the award process on June 15<sup>th</sup> with construction starting around July 1<sup>st</sup>. We are slating it to be a six-month project with completion around December.

She further reported the next Utility Commission Budget Workshop will be Wednesday, March 23<sup>rd</sup> at 6:00 p.m.

Town Mgr. Bynum-King mentioned the pump station on Stage Road and Rt. 13 lost power. Apparently when Delmarva Power was installing a new pole, they cut the line. Delmarva Power then had to come out Friday night and do a repair. The Town's pump station is running by generator until Hills Electric Service comes tomorrow and makes sure the pumps are fully functioning and operating after the reconnection of the disconnected wire.

## **Council Comments**

Madam Chair Pase and Council Member Smith had no comments.

Commission Member Dewald commented she watched a documentary the other day that was about cybersecurity of the infrastructure in the United States including electric, public water etc. She said she was curious and she is aware we have talked about this in the past, if there was anything new going on that we are doing to protect ourselves from cyber criminals not just with our SCADA system but also breaking in and readjusting the chemicals in the WTP or anything like that. Town Mgr. Bynum-King responded right now our plant is pretty self-contained because we are not connected to the world of technology with easy access for cyber criminals all of our adjustments are performed manually. We just reinstalled the electric gate so the grounds are secure and no one can walk onto it now. We are looking to add other components such as cameras at some point so we can have another eye on the plant as well.

Deputy Mayor Unsell mentioned he will be out of town for the 23<sup>rd</sup> so he will be missing in action for the workshop.

## **Public Comments –**

None.

## **Adjournment**

A motion was made, second (Dewald/Smith) and carried to adjourn. By roll call, the motion passed with 4 ayes.

Clerk of Council  
Vondell Spencer