

Utility Commission
October 4, 2021
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, Deputy Mayor Unsell, Town Manager Bynum- King, Town Engineer Josh Taylor and Clerk of Council Vondell Spencer. Absent: Council Member Smith. Guest: Blair Carey.

Madam Chair Pase took a roll call for attendance to establish a quorum and three 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 with 3 Ayes and 1 Absent (Smith).

Unfinished Business –

Town Mgr. Bynum-King gave an update on the status of the outstanding Woodcreek subdivision matter pertaining to damage utilities on Mulligan Way.

There was a meeting held on the 23rd of March and the attendees were: the Town Engineer Josh Taylor, T.K. Construction representatives, Mr. Kinnamon, Public Works personnel, Jerome Reid, Robert Buck, Sophia Oberton and the Town Manager was present. Mr. Kinnamon, who was acting as an agent for Mr. Mehta in the beginning of trying to source out the cause and potential corrective action, made it perfectly clear to all the attendees he was not in attendance to the meeting on Mr. Mehta. He stated that he has no further affiliation with Mr. Mehta. Mr. Kinnamon informed the attendees his only purpose for attending the meeting was to help with finding a solution for the contractors to receive payment for the repair service they performed. Mr. Mehta was invited to the meeting because he is the developer and the one who hired the contractor that performed the boring. Mr. Kinnamon made it known that the boring contractor was K&T Utilities from Cambridge, Maryland.

Town Mgr. Bynum-King informed the Commission that after TK Construction did the excavating to assess the issue, it was discovered that the boring only impacted one 6” sewer main. She originally was informed and reported that the storm drain, and the 10” sewer main was damaged. They did more exploring after that meeting trying to determine if they did a MISS Utility locate. It appears that the boring contractor K&T Utilities did not secure a utility locate from MISS Utilities. As it stands, we still believe that Mr. Mehta is responsible for the damage because K&T Utilities was his contractor.

Town Engineer Josh Taylor explained there is definitely some grey areas but the damages were done to Town Utilities. Either way TK Construction came out and did repairs as requested by the developer and they should be paid by the developer. He added once the developer satisfies

the debt, he should discuss with us if he believes there is a portion of those fees that were not their fault and possibility owed by the Town. He is working with the Town Manager to make sure the contractor who has done very good work in the Town of Delmar, for years is made whole and then we can debate the rest. Mr. Taylor felt like the Town's next step is to discuss with the Town's legal counsel what options are available to encourage Mr. Mehta to satisfy this outstanding debt. He added, this would not benefit anyone if it ends in court.

Deputy Mayor Unsell mentioned generally people don't get their money from Mr. Mehta unless they take him to court. Mr. Taylor replied unfortunately that was Mr. Kinnamon's sentiments also.

New Business & Town Manager Report –

Town Mgr. Bynum-King said over the last 30 days the Public Works Department had to repair three random water leaks in certain areas of Town.

She mentioned that the Director of Public Works, Jerome Reid's last day is, October 5th, she has taken some proactive measures to help out during our transition and staff shortage in the Public Works Department. During the next few months or at least through the winter, the department will be outsourcing some of the larger time-consuming projects, which will allow the existing staff to keep up with their daily routine projects.

Town Mgr. Bynum-King also mentioned looking to hire a temporary part-time individual with a CDL. The Public Works department had two employees with CDL's one is retiring and the other is out on medical leave until potentially the end of the year. The department has the street sweeper, trash truck and dump truck that requires a CDL.

Town Mgr. Bynum-King informed the Commission that once the Director of Public Works leaves the position, he will no longer be the Superintendent of the Water Treatment Plant. We have two employees fully certified and licensed as operators in Delaware and Maryland. Prior to the Director's retirement she asked him to make a recommendation on who he felt would be the best fit for the Superintendent's position. She said that he gave it a few weeks consideration and informed her that he talked with both Operators and he felt Ms. Oberton would be the best fit for the Superintendent position. She added that Ms. Oberton has over the years developed a very positive professional relationship with representative from the Rural Water Associations and State agencies, which will serve very beneficial to her as well as the Town. She also mentioned that Ms. Oberton will go by the policies and regulations, so she has confidence she will keep the Water Treatment Plant on track and operating the way the plant is designed to function. She further said Sophia Oberton is going to be the Towns Superintendent of the WTP. Town Mgr. Bynum-King concluded her report with she is working with Ms. Oberton advising her in setting up and posting standard operating procedures in various locations throughout the treatment plant so each operator will follow the same protocol. Ms. Oberton is the first female Operator and Superintendent of Delmar WTP.

Council Comments –

The Council had no comments.

Public Comments –

None.

Adjournment

A motion was made, second (Dewald/Unsell) and carried to adjourn. By roll call, the motion passed with 3 Ayes and 1 Absent (Smith).

Submitted by:

Clerk of Council