

**Utility Commission  
September 7, 2021  
DELMAR TOWN HALL & 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 has been provided to all the members as well as the public. In attendance were Commission Member Dewald, Council Member Smith, Deputy Mayor Unsell, Town Manager Bynum- King and Clerk of Council Vondell Spencer.

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

**Approval of Minutes**

Madam Chair Pase, called for a motion to approve the August 2021. Commission Member Dewald said there were a few corrections. Second page, first paragraph the word valve. Madam Chair Pase called for a motion to accept the August 2021 minutes as corrected. The motion was made, seconded (Smith/Unsell) and carried to approve the minutes. Madam Chair Pase took a roll call vote and the motion was pass 4 Ayes.

**Unfinished Business –**

Town Mgr. Bynum-King mentioned she wanted to follow-up regarding the two sewer mains and storm drain damaged on Mulligan Way in the Wood Creek subdivision. Originally when the damage was identified, Mr. Mehta acknowledged he would have his contractor address any damage they caused to the Town's utilities. Mr. Mehta the developer had his contractor Mr. Kirk Kinnamon to identify and correct the problem. Now that the work is completed both Mr. Mehta and Mr. Kinnamon have backed away from their obligation to pay. T.K. Construction, LLC is the contractor that did the repair and to date they have not been paid by the developer or the developer's contractor. She further said there is a meeting scheduled for next Wednesday to bring all parties together to hopefully come up with a solution.

Town Mgr. Bynum-King said there is an email from Mr. Kinnamon claiming the damage to the mains and storm drain resulted in the Town not marking utilities. Public Works is reviewing records from last year's Miss Utility locate tickets to confirm the Town utilities were marked. She further said that TK Construction was contracted by Kinnamon Construction on behalf of Mr. Mehta for the emergency repair, therefore Mr. Mehta should satisfy the debt and if there is any dispute with the Town then we can resolve it later. The contractor should be paid. Commission Member Dewald asked the amount of the unpaid bill. Town Mgr. Bynum-King answered approximately \$39, 000. Deputy Mayor Unsell questioned who was the contractor that owes. Town Mgr. Bynum-King answered Kinnamon Construction or the developer Mr. Mehta. She further added if they believed the utilities were not marked, the Town should have been made aware before TK Construction was authorized to do the project.

### **New Business –**

Town Mgr. Bynum-King referenced this afternoon around 2:30 p.m. there was a sewage blockage on Pennsylvania Avenue between Walnut Street and Spruce Street. The Town received reports that there was a large amount of water ponding on Spruce Street. One of the manholes were overflowing so Public Works contacted CES to do an environmental cleanup and also jet the line to unclog it. No homes were impacted.

### **Town Manager Report –**

Town Mgr. Bynum-King reported she received a call from Tim Sullivan with DNREC informing her that the Chesapeake Bay Program is hosting a peer-to-peer workshop looking at facilities in Western Sussex Counties starting with Seaford and ending at Laurel Wastewater Facility, touring the two facilities and understanding each effort to minimize the impact and preserve bay restoration on, October 7<sup>th</sup>. Lunch will be provided at Abbots to allot some time for peer-to-peer discussion before going out and touring the town of Laurel's Wastewater Facility. Mr. Sullivan will be sending out an email to each of you to make a formal request. She stated she was making the Commission aware because she was providing Mr. Sullivan email information for the Commission to contact each member for a formal request. Commission Member Dewald asked if the tour would be coming to Delmar and what time on October 7th. Town Mgr. Bynum-King answered no because our plant is on the Maryland side. She added that Mr. Sullivan did not give a time.

Town Mgr. Bynum-King also reported she received notification from, Director of Public Works, Jerome Reid, who will be retiring after 26 years of service to the Town. His last day would be October 5<sup>th</sup>. The Town has started advertising for that position.

### **Council Comments –**

Madam Chair Pase, Deputy Mayor Unsell and Council Member Smith had no comments.

Commission Member Dewald- Remember when we used to meet at the old Town Hall and Tidewater wanted to come into Town? Then in 2008 everything imploded. The last she remembered the Town still had a contract with them but they moved on from us so to speak. She saw in the Cape Gazette that they have been sold to Artesian. She asked was the contract still valid with Tidewater or has it expired finally. Town Mgr. Bynum-King answered the Town is no longer in a contract with Tidewater, we did not renew or extend the contract so it has expired. Commission Member Dewald mentioned if there is still a contract in a file drawer does it transfer with the sale to Artesian or is it broken. Town Manager Bynum-King informed the Commission the Town is no longer in contract with Tidewater and haven't been for a few years.

### **Adjournment**

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

Clerk of Council  
Vondell Spencer