

October 5, 2017

Executive Session

Executive Session -per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) discuss: (i) Personnel – Town Administrator.

At 6:30 PM, Councilman Branson made a motion to hold an Executive Session to discuss a personnel item; Seconded by Councilman Johnson; passing unanimously. This session was held at the Denton Town Hall, 4 N. Second St., in the second-floor training room.

Present

Mayor McNinch, Councilman Branson, Councilman Johnson were present at the start of the session. Councilman Porter and Councilman Lister arrived a few minutes after discussion began.

Mr. Don Mulrine, Town Administrator, Karen Monteith, Clerk Treasurer, and Mr. Christopher Drummond, Town Attorney were also present.

Discussion

Discussion was held pertaining to personnel and accumulated leave.

The Town Attorney provided some legal advice.

At 6:53 PM Councilman Porter made a motion to close the Executive Session, seconded by Councilman Branson, passing unanimously.

The Executive Session was closed. The Council relocated to the meeting room to prepare for their Regular Monthly Meeting.

Regular Meeting

Mayor McNinch announced for the record that an Executive Session was held earlier on this date at 6:30 PM, per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) discuss: (i) Personnel – Town Administrator – accumulated leave.

Mayor McNinch called the Regular Meeting of the Denton Town Council to order at 7:00 PM on this date, leading everyone in the Pledge of Allegiance to the Flag.

Mayor McNinch thanked everyone for coming and held a moment of silence in memory of the victims of the recent tragedy in Las Vegas.

Mayor McNinch asked that the record reflect that all Council members were present.

Councilman Porter made a motion to approve the minutes of the September 7, 2017 Regular Meeting as presented, seconded by Councilman Branson, passing unanimously.

Councilman Branson made a motion to approve the minutes of the September 18, 2017 Working Session, seconded by Councilman Lister. The motion passed with 4 yes, Mayor McNinch abstained, as she was absent and had not attend the Working Session.

Public Hearing

None

Petitions, Remonstrance's, and Communication

Proclamation – First Responders Event

On September 24, 2017, the Calvary Baptist Church held their 2nd annual First Responders Day. Members of the Town Council and Staff were present and presented a

proclamation to recognize all the First Responders in Denton and the surrounding areas for their hard work, long hours, and separation from their families to keep the public safe.

Councilman Johnson read the proclamation for the record.

Proclamation - What's New Shop Celebrates 35 Years

Mayor McNinch read a proclamation congratulating Carl and Janice Clere, the owners of the What's New Shop, for their 35 years of business in downtown Denton. The Mayor announced the What's New Shop will be holding a big event on Saturday and encouraged everyone to attend.

Proclamation – Lifetime Well Drilling

Mayor McNinch read a proclamation to recognize Kenny Wood and the family of Lifetime Well Drilling for recently donating an irrigation well and pump to the Sharp Road Park Project.

Proclamation – St. Luke's UMC Youth Group –

Mayor McNinch read a proclamation to recognize the youth group from St. Luke's United Methodist Church for their recent Blessing Boxes Project.

Proclamations were presented to Ms. Kennedy Thomason and Ms. Abby Price.

Ms. Thomason explained how the Blessing Boxes work.

Mayor McNinch spoke highly of the program and encouraged everyone to check it out.

MDOT Annual Capital Program Tour

The Council reviewed and discussed a letter received from the Maryland Department of Transportation on the upcoming schedule for the Capital Program Tour. MDT is scheduled to visit Caroline County on November 7, 2017.

The Council discussed road priorities that the Town will be seeking.

MDOT Highway Revenue Revised Estimate

The Council reviewed and discussed the Maryland Dept. of Transportation annual letter, regarding the revised 2018 and 2019 Highway User Revenues for the Town.

The Mayor shared with those in attendance that the Town continues fighting for the HUR Revenues to be restored and returned to the Towns. This continues to be a main priority for the Maryland Municipal League. Mayor McNinch and several of the Councilmen encouraged the audience to contact their legislators and let them know they want the Gas Tax restored to local governments to repair and replace roads.

Communication – Resident Concerns – Spectrum Energy Power Plant

Mayor McNinch acknowledged that many members of the community were in the audience, and surmised they were in attendance regarding the potential power plant that may be constructed at the Industrial Park. The Mayor announced that this was not a scheduled public hearing, and that there would be time at the end of the meeting for public comment.

Mr. Mulrine, Town Administrator, gave an overview of the potential project, the current path of the natural gas pipeline, and shared that, at this point, the Council has only signed a letter of intent to hold the land and to not sell it to anyone else for a period of time.

Councilman Porter shared that this is in the very early preliminary stage. The Council is just starting to investigate, and will be very open with the public and post information on the Town's website, as it becomes available.

Councilman Johnson encouraged anyone to email Council Members with any concerns.

The Mayor mentioned again, that there will be time for public comment at the end of the meeting.

Ordinances and Resolutions

Resolution #847 - RMC Grant Application – Fiber Phase II

A Resolution of the Town of Denton approving the application and receipt of financing for a Rural Maryland Prosperity Investment Fund (RMPiF) Grant from the Rural Maryland Council (RMC). These Grant Funds will be used to connect fiber lines to the Waste Water Treatment Plant, Industrial Park, Town Pump Stations, and the Visitor Center Pump Station to a Fiber Optic Network.

Councilman Porter made a motion to adopt Resolution #847, seconded by Councilman Lister.

In discussion: Mr. Mulrine provided a synopsis.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to adopt Resolution #847.

The motion passed unanimously.

Ordinance #689 – Rental Ordinance Amendments

An Ordinance of the Town to amend the provisions contained in Chapter 98 of the Denton Town Code with respect to residential rental housing.

Councilman Branson made a motion to introduce Ordinance #689, seconded by Councilman Lister.

In discussion: Chief Rodney Cox and Mr. Chris Drummond, Town Attorney, shared the Ordinance is to address and improve quality of life issues, where other laws do not govern nuisances.

Councilman Porter mentioned this could help give landlords a basis to evict a tenant for disorderly actions.

Councilman Johnson questioned putting police in a matter of civil enforcement and shared some concerns.

Mr. Drummond will look into the concerns mentioned.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to introduce Ordinance #689.

The motion passed unanimously.

Reports of Officers, Boards, and Committees

None

Unfinished Business

Agenda #1- His Hope Haven – Grant Agreement

Mr. Mulrine provided an overview of a grant agreement that pertains to Resolution 841, signed in May 2017, for His Hope Haven to receive grant funds for the upcoming year. The Town applied for \$145,000 in grant funds and was awarded a \$108,900. Mr. Mulrine explained the Town is the grant recipient, His Hope Haven is the subrecipient; the funding is used for the Homeless Shelter.

Councilman Porter made a motion to approve for the Mayor to sign the grant agreement. Seconded by Councilman Lister, passing unanimously.

Agenda #2 – Election Judge Appointment

Letters of interest were received from Mrs. Carol Sue Clendaniel of 513 Franklin St. and Ms. Susan Denise Quinn of 305 S. First St. seeking appointment to the Town Board of Supervisors of Elections.

Councilman Porter made a motion to appoint Mrs. Clendaniel to serve as an Election Judge to fill the vacancy of Mr. Clemens and to also appoint Ms. Quinn to serve as an alternate board member. Councilman Branson seconded the motion, passing unanimously.

Agenda #3 - Visitor Center Rental Agreement

The revised draft of the Facility Use Agreement and Building Use Policy for the Visitor Center was provided and discussed.

Mayor McNinch shared information about the Visitor Center, and explained the types of use, and encouraged everyone to visit the center.

Councilman Lister made a motion to accept the lease agreement, seconded by Councilman Porter, passing unanimously.

New Business

Agenda #1 – Rural Maryland Council Grant Agreement

Mr. Mulrine announced the Town has been approved for a RMC Grant for Phase II of the Fiber Installation Project. This phase, is in continuation of Resolution #847. The Grant Funds will be used to connect fiber lines to the Waste Water Treatment Plant, Industrial Park, Town Pump Stations, and the Visitor Center Pump Station to a Fiber Optic Network. Mr. Mulrine shared that the estimated cost of work is \$64,900.00. Grant funds have been approved in the amount of \$52,586.00. Staff will prioritize connections to stay within the awarded grant funds.

Councilman Porter made a motion to authorize the Mayor to sign the agreement, only approving to spend \$52,586. Councilman Branson seconded the motion, passing unanimously.

Agenda #2 – Public Works Storm Water Pipe Repair

Public Works staff submitted a request of funds for repairs to a storm water pipe that has collapsed. A new manhole and pipes are needed for the repairs. Public Works provided three bids for the work done, seeking permission to go with the lowest bid of \$12,500 for the repair, using Highway User Funds.

Councilman Porter made a motion to accept the low bid for \$12,500, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Public Works Purchase Request – Boom Arm Mower

Public Works staff submitted a request to purchase a boom arm mower for the New Holland Tractor. This will allow Public Works to cut ditch lines, around pond banks, around guard rails and around fence lines. This purchase was approved in the Capital Outlay for FY2018. The purchase will be made from Atlantic Tractor in Queen Anne's under NJPA Purchasing Agreement in the amount of \$20,888.00.

Mr. Mulrine provide additional information.

Councilman Lister made a motion to approve the request, seconded by Councilman Branson, passing unanimously.

Agenda #4 - Fiber MOU With Caroline County

Mr. Mulrine provided a draft Memorandum of Understanding that outlines the use of fiber lines between Caroline County and the Town of Denton.

Mr. Drummond recommended a couple of minor changes.

Councilman Porter made a motion to authorize the Mayor to sign the agreement with the Attorney's modifications, seconded by Councilman Johnson. The motion passed 4-1, with Councilman Branson voting against.

Agenda #5 - BLT Cantina, LLC/Provident State Bank

Mr. Drummond shared some details of a proposed Public Works Agreement and Inspection and Maintenance Agreement of Private Stormwater Management Facilities for BLT Cantina, LLC/Provident State Bank, for the Taco Bell Restaurant

Councilman Porter made a motion to authorize the Mayor to sign the Public Works Agreement and Property Maintenance. Motion seconded by Councilman Branson, passing unanimously.

Agenda #6 - State Highway Administration – Salt Agreement

The State Highway Administration Salt Agreement was presented to the Town Council for review and approval. The agreement is for a 3-year term at a cost not to exceed \$5,775 during the agreement term.

Councilman Lister made a motion to authorize the Mayor to sign the SHA Agreement. Councilman Porter seconded the motion; passing unanimously.

Agenda #7 - FY2019 Homestead Tax Credit Cap

The current Homestead Tax Credit Percentage Cap for Denton is set at 5%. The Homestead Tax Credit is available to all owner-occupied residential properties in which the Real Estate Tax, on a qualifying property, cannot increase by more than 5% each year, no matter how much the assessment changes. The Tax Credit Cap has remained the same since July 1, 2008, when the Council decreased the percentage from 10% to 5%.

The Council agreed to take no action, leaving the cap at 5% for the tax year beginning July 1, 2018.

Agenda #8 - FACES Lease Renewal

Discussion was held with Mrs. Marina Dowdall, Executive Director of the Caroline County Council of Arts regarding a new lease with FACES for 7 N. 4th Street, and sub-lease agreement pertaining to the second-floor room, with Habitat for Humanity.

Discussions will continue October 16th at the Working Session.

Agenda #9 - HotDesk Lease Agreement

Mr. Mulrine provided a lease draft for the HotDesk that will be locating on the 2nd floor of the Micro Enterprise Center at 323 Market St.

Discussion will continue October 16th during the scheduled Working Session.

Agenda #10 - Water Meter Replacement Proposal

There are approximately 700 water meters that Public Works is having trouble obtaining electronic radio reads on each quarter, requiring staff to have to manually read the meters for billing. The FY18 Budget was approved allocating \$75,000 to start replacing the meters, many of which are 10 years or older.

Staff recently met with a new vendor and asked for approval to begin the process of switching from using the Master Meter units to Kamstrup.

Mr. Tony Dibuo, representative from Belair Road Supply, provided information and answered question on the Kamstrup Meters, the Warranty Program, and benefits of switching equipment.

Mr. Mulrine and Mr. Phil Clark, Supervisor of Utilities, provided additional information.

Councilman Lister made a motion to purchase the Kamstrup Water Meters, not to exceed the \$75,000 allocated. Councilman Porter seconded the motion, passing unanimously.

Agenda #11 - Denton Volunteer Fire Dept. CIP Draw Request

Denton VFC submitted a request to draw \$8,482.00 from the Town's Capital Improvement Program Funds that are designated for the Fire Department to use for their capital needs. The Fire Dept. plans to use the funds toward getting their ladder truck in service.

Councilmen Porter, Branson and Lister disclosed, for the record, that they are all members of the DVFD.

Councilman Johnson made a motion to provide the funding as requested, seconded by Mayor McNinch. The motion passed with 4 yes votes, Councilman Porter abstained due to him currently serving as the Chief of the Fire Dept.

Agenda #12 - Mallard Landing Open Space Lot

Mr. Mulrine and Mrs. Victoria Hoffman, representing Denton Ventures, LLC., provided information and answered questions pertaining to a draft agreement in which Denton Ventures is looking to transfer ownership of some Open Space Land at Mallard Landing.

Questions were about the HOA, Forest Conservation Area and whether the land should be transferred to the HOA or the Town.

Councilman Porter made a motion to table this item until next month, when the Town Attorney finished researching. Councilman Lister seconded the motion, passing unanimously.

Agenda #13 - Sewer Allocation

ADBM Properties, Inc., submitted a request for approval for two (2) ERU's for the existing Denton Ford located at 1207 Double Hills Road.

Councilman Porter made a motion to approve the request, seconded by Councilman Branson, passing unanimously.

Miscellaneous

Mayor McNinch announced that she has been appointed as the Secretary for the Eastern Shore Association of Municipalities. ESAM will be working to eliminate Public Information Act Request for Solicitations.

Mayor McNinch announced that she will be attending the Maryland Municipal League Fall Conference this month, along with Mr. Mulrine.

Councilman Branson announced his graduation from the University of Maryland, Academy of Local Excellence in Governance.

Mr. Mulrine announced that the Town recently hired a person that will start next Wednesday to operate the Choptank of Wharves Visitor Center.

Mayor McNinch welcomed public comments.

Mr. Bill Jesmer, of 700 Gay St., part owner of 12 N. 7th St., shared comments, recommending the Town make the recordings of the meetings available for the public; reestablish the Community Relations Board, and encouraged the Community to get involved.

Several residents and property owners from near and around the Legion Road area came before the Council to ask questions and share concerns about a possible Gas Energy Plant coming to Denton.

Discussion with the Council was held. Those that spoke included:

Mrs. Heather and Mr. Mark Beaven of 8846 Legion Road.

Mr. Jim DiDonato, from the Gardens Land Group.

Mrs. Alice Schuyler of 9725 Foy Road, read a letter for the record from Dr. Christian Jensen in opposition.

Mr. Jeff McGinnis, owner of Watts Landing.

Mrs. Mindy Nashold of 9390 Mike Street.

The Town Attorney provided a detailed explanation on the permitting process for these types of facilities, the role of the Maryland Public Service Commission, and the role of the Town.

Mayor McNinch and the Council members thanked everyone for their feedback and for coming, and expressed that as the Council continues to research this potential plant, they will keep the Community updated and post information on the website.

Councilman Porter announced that he is in the process of purchasing a new home that is located outside of the Town limits, therefore he will not be running for re-election this year. Councilman Porter expressed that it has been a pleasure to serve on the Council and that everyone can be assured, that the members of the board take all public comments to heart and they appreciate all the feedback.

With no further discussion, Mayor McNinch adjourned the meeting at 9:31 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*