

**September 6, 2018**

**Executive Session**

*By Authority, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and (7) consult with counsel to obtain legal advice.*

*At 6:45 PM, Councilman Lister made a motion to hold an Executive Session to discuss the acquisition of real property and consult with counsel to obtain legal advice, seconded by Councilman Branson, the motion passed unanimously. This session was held at the Denton Town Hall, 4 N. Second St., second floor training room.*

**Present**

*Mayor McNinch, Councilman Branson, Councilman Lister and Councilwoman Wilson. Councilman Johnson arrived at 6:55 PM.*

*Others present included: Donald H. Mulrine, Jr., Town Administrator, Karen L. Monteith, Clerk-Treasurer and Christopher Drummond, Town Attorney.*

**Discussion**

*The Council discussed potential acquisition of a parcel of land; demolition and use of the existing structures, negotiation plan, obtaining legal advice.*

*Discussion was held regarding the former Town Hall and legal advice was obtained.*

*No action was taken during this session.*

*At 6:58 PM, with no further discussion, Councilman Lister 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 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.*

*Councilman Branson asked everyone to join him in a moment of silence in memory of Queen Anne Volunteer Fire Department, Assistant Fire Chief Danny Lister, who died recently in the line of duty.*

*Mayor McNinch thanked everyone for coming and asked that the record reflect all Councilmembers were present.*

*Mayor McNinch announced for the record that an Executive Session was held August 30, 2018 at 8:30AM for the purpose to discuss the Performance of a Specific Employee, by Authority 2014 Md. Code, State Government 3-305(b)(1). No action was taken during this session.*

*Mayor to announce for the record that an Executive Session was held earlier on this date at 6:45PM to discuss the acquisition of real property for public purpose and matter directly related thereto; and to consult with Counsel to obtain legal advice, by Authority 2014 Md. Code State Government 3-305 (b)(3) & (7). No action was taken during this session.*

*Councilman Branson made a motion to approve the minutes of the August 2, 2018 Regular Meeting as presented; seconded by Councilman Lister, passing unanimously.*

**Public Hearing**

**Ordinance #694 – Sewer Rate Increase**

*Mayor McNinch opened a Public Hearing at 7:03 PM to receive public comments on Ordinance #694 - An Ordinance of the Town of Denton to increase the sewer rates for usage and the base fee.*

*Mayor McNinch asked for comments from the State: there were none*

*Mayor McNinch asked for comments from the County: there were none*

*Mayor McNinch asked for comments from the Council:*

*Councilman Branson explained the reason for raising the sewer rates, due to the expenses exceeding the revenues and because this is an Enterprise Fund, the Town is responsible to have a balanced budget. He indicated the Water Fund is doing fine financially.*

*Councilman Lister serves on the Utility Commission and shared that the expenses for an aged system and upgrades to the system has created a situation where the outflows are greater than the inflows and, as Councilman Branson mentioned, the fund is required to balance. The Town had an outside third-party agency conduct an audit of the water and sewer, which indicates a sewer rate increase is needed, therefore, the Council is following the guidance of the study and recommending implementing the proposed rate changes.*

*Councilman Johnson mentioned that a rate increase was recommended back in 2012 when he served on the Utility Commission, and it was not done then, which is now causing a problem and with the infrastructure ageing, the rates need to be increased.*

*Mayor McNinch asked for comments from the Public:*

*Mr. Santo Mirabile of 101 Sunset Drive asked what the rate increase will be.*

*Councilman Lister shared that the quarterly base fee would increase from \$25.00 to \$41.00, and the rate per 1,000 gallons of usage would increase from \$6.41 to \$7.00.*

*With no further comments, Mayor McNinch closed this Public Hearing at 7:07 PM.*

#### **Ordinance #695 – Water Meter Fee Increase**

*Mayor McNinch opened a Public Hearing at 7:08 PM to receive public comments on Ordinance #695 - An Ordinance of the Town of Denton proposing to increase the fee charged for new water meters for new homes from \$300 to \$350 to help offset the cost for purchasing meters from the supplier.*

*Mayor McNinch asked for comments from the State: there were none*

*Mayor McNinch asked for comments from the County: there were none*

*Mayor McNinch asked for comments from the Council:*

*Councilman Lister shared that the cost to purchase a new meter has increased to \$325, raising the rate to \$350 will cover purchase cost.*

*Councilman Johnson mentioned that the Town will still cover the cost of labor.*

*Mayor McNinch asked for comments from the Public: there were none*

*With no further comments, Mayor McNinch closed this Public Hearing at 7:10 PM.*

#### **Petitions, Remonstrance's, and Communication**

##### **Proclamation – Caroline Goes Purple**

*Mayor McNinch read a proclamation recognizing September 2018 as “Caroline Goes Purple Month” a community effort to bring awareness of the opioid epidemic in our Country.*

*The Mayor and Council members all wore purple to show their support.*

**Proclamation – Allison Smith**

Mayor McNinch read and presented a proclamation to Ms. Allison Smith, thanking her for all her hard work and dedication for decorating the streets with chalk art during the 30<sup>th</sup> Caroline Summerfest.

**Communication – CC Dept. of Social Services Family Fun Fest 2018**

The Mayor shared a letter from the Department of Social Services thanking and recognizing the Town's support of their Annual Family Fun Fest, held on August 3, 2018.

Mayor McNinch took the opportunity to thank the Caroline County Dept. of Social Services for all their efforts in hosting the event and for all they due for the community throughout the year.

**Communication – MDOT Consolidated Transpiration Program Event**

Mayor McNinch announced the Maryland Department of Transportation is in the process of updating their Consolidated Transportation Plan and will be holding a meeting in Caroline County at the Board of Education Building on October 16, 2018, at 10:30a.m.

Mr. Donald Mulrine, Town Administrator, shared MDOT reviews road projects throughout the State every year and that Denton's priority request this year will be to seek support for developing and completing the road to nowhere across from Walmart.

**Communication – Brush Removal**

Mr. Jeff Wright, of 316 S. 2<sup>nd</sup> St., previously submitted a letter and came before the Council to discuss concerns he has in reference to the curbside brush removal policy. Mr. Wright stated for many years the Town normally picks up his brush. He questioned why policy has been changed and now only a portion of his pile is being picked up and not all of it.

Mr. Mulrine explained the Town's policy and shared that it is hard for staff to keep up with the demand and pick up everyone's brush. When there is a large pile staff has been instructed to only pick up a portion each week to allow them time to be able to get to all the other stops that have called in a request.

Mr. Wright recommended, if the Town is going to enforce an existing policy that has not been enforced for a while or make any changes on how special collections are handled, that the Town should improve on communicating changes with tax payers. He referenced the newsletter, that the Town use to send out, was great and always had reminders in it that everyone could read.

Mayor McNinch said the Town will work on communicating better.

**Power Plant**

Mr. Mulrine mentioned that there have been a number of emails received in reference to the Power Plant and Gas Line. The emails have been filed, if the Town receives any information about the gas line or the power plant, that the Town will be sure to share with the public and those that have submitted emails.

**Ordinances and Resolutions**

**Ordinance #694 – Sewer Rate Increase**

An Ordinance of the Town of Denton increasing sewer rates for usage from \$6.41 per 1,000 gallons to \$7.00 and increasing the quarterly base fee from \$25 to \$41.

Councilman Branson made a motion to adopt Ordinance #694, seconded by Councilman Lister.

*In discussion, Mr. Mulrine shared that following the 2018 Water and Sewer Rate Study completed by the Maryland Center of Environmental Training, the Utility Commission has met several times and it is recommended for the Town to increase the sewer rates to maintain financial stability. Mr. Mulrine mentioned that staff has done a good job keeping the nitrates down and has upgraded the pump stations to improve the flow and reduce clogs.*

*Councilman Johnson stated the rate increase is critical for the infrastructure of the Town, as there are many old lines in Town that need upgrading.*

*Councilman Lister stated that the key is that the Town has an expensive system, better than what is needed for the size of the community. However, because of that, the expense to run the system is more than what other communities may have. The Town cares about the community and is working with MDE to upgrade the plant, converting to Ultra Violet process to eliminate the use of chlorine and other harmful chemicals, and working on repairing a cell liner that the Town has not had the money to repair. With the recent economic increase in commercial growth, the Town is working toward a safer process to be more environmentally friendly. Little more expensive, but as the community grows, the cost will be shared by more users.*

*With no further discussion, Mayor McNinch called for vote on the motion to adopt Ordinance #694.*

*The motion passed unanimously.*

**Ordinance #695 – Water Meter Rate Increase**

*An Ordinance of the Town of Denton increasing the fee charged for water meters for new homes to offset the cost for purchasing meters from the supplier.*

*Councilman Lister made a motion to adopt Ordinance #695, the water meter fee increase from \$300.00 to \$350.00, seconded by Councilman Johnson, passing unanimously.*

**Reports of Officers, Boards, and Committees**

*Councilman Johnson talked about Homeowner Associations, MD Rural 11B, and the HOA's issuing find for trash not being picked up. Requested working on improving communications between the Town policy that HOA's.*

*Mayor McNinch expressed how amazing the Summerfest Event was and extended the Councils gratitude to Town Staff and Caroline County Recreation and Parks Staff for doing an awesome job.*

*Mayor McNinch announced an ESAM Dinner will be held on Sept. 25<sup>th</sup> in Chestertown.*

*Mayor McNinch announced that she is serving on the Maryland Municipal League's Legislative Committee.*

*Chief Cox mentioned that school is back in session and provided information on how everything is going.*

*Mr. Mulrine announced the Town was recently awarded a Maryland Rural Water Grant for \$20,000 to upgrade the water line connection at Sixth and Lincoln Streets to improve water pressure to some homes in that area.*

*Mr. Mulrine announced the Town has also been awarded \$20,000 from the Dept. of Housing and Community Development to match the grant for the connection, which will be put toward upgrading the line to Church St.*

Councilman Johnson talked about trash concerns he has received through emails about the new company, and mentioned that this week, the contractor changed up the route some, and will continue to keep working with Public Works to improve the service. Asking for continued patience from the residents.

Mayor McNinch questioned, it been two-months with the new hauler, there are still some issues and suggested sending a letter of Council's concerns about the removal.

Mr. Phil Clark, Superintendent of Public Works, shared the efforts that are being taken to improve the service being provided.

Councilman Lister supported sending a letter for documenting all communications.

Mayor McNinch shared the Town would like to offer single stream recycling, but can not afford to do so at this time.

Councilman Johnson encouraged everyone to continued communicating concerns and sending pictures.

### **Unfinished Business**

#### **Agenda #1- FY2019 Water and Sewer Budget**

The Council discussed the FY2019 Water and Sewer Fund Budgets.

Councilman Lister made a motion to adopt the Water and Sewer Fund Budgets as presented, seconded by Councilman Branson, passing unanimously.

#### **Agenda #2 – Downtown Parking**

Discussion continued on the locations for the automated parking meter kiosk; the status of the MOU Easement Agreement with the County; the County's request for discounted parking for staff; and how long this is taking.

Councilman Lister made a motion that if there is no resolution by September 15, 2018, for the Town to move forward with locating the kiosk in existing parking spaces, seconded by Councilman Johnson, passing unanimously.

#### **Agenda #3 - Southern States Property**

The Town has been awarded a Community Development Block Grant to acquire the Southern State Property, and staff is seeking approval to accept the grant and begin negotiations.

The condition and safety of the building was discussed.

Councilman Lister made a motion to accept the CDBG Grant Funds, and to begin negotiations to purchase the property, seconded by Councilman Branson, passing unanimously.

### **New Business**

#### **Agenda #1 – PAR Mixer Design**

A proposal for George, Miles & Buhr to design electrical drawings for the installations of the PAR Mixer at the WWTP under the EWIP Grant was presented. In addition, GMB will apply for a construction permit from MDE (Maryland Department of the Environment). The cost for GMB is \$5,880, all of which is fully reimbursable under the EWIP Grant. Staff advised that MDE will not release the EWIP Grant Funds without a construction permit and an engineered design.

Councilman Lister made a motion to hire GMB for the design of the mixer, seconded by Councilman Branson.

In discussion: Mr. Mulrine added that last month the Council approved accepting the EWIP Grant Funds for the Par Mixer, which will reduce the cost of operations.

Councilman Lister added that this is part of a series of improvements to the Waste Water Treatment Plant.

Councilman Johnson shared that Mr. Scott Getchell from GMB is very familiar with the plant operations.

With no further discussion, Mayor McNinch called for a vote on the motion to approve hiring GMB to handle the design.

The motion passed unanimously.

**Agenda #2 – Board of Appeals Appointment**

Councilman Branson made a motion to appoint Mr. Harry Wyre to serve on the Board of Appeals as the Alternate Member, seconded by Councilman Lister, passing unanimously.

Mr. Wyre will replace the vacant position previously held by Mr. Vadim Stakeeff, filling the unexpired term which ends December 31, 2020.

**Agenda #3 - MOU Caroline County Health Dept. Chronic Disease Prevention Program**

Mrs. Laura Patrick, of the Caroline County Health Department, came before the Council seeking consideration to enter into a Memorandum of Understanding between the Town of Denton and the Caroline Co. Health Department. The MOU outlines a grant program promoting physical activity and signage around Town to promote walking. The Town will be paid \$3,000 by the Health Department for signage.

Councilman Lister made a motion to sign the MOU with the Caroline County Health Department, seconded by Councilman Johnson, passing unanimously.

**Agenda #4 - WWTP – UV Project – GMB Contract Amendment**

The Council discussed a contract amendment reflecting additional service fees of \$23,000 for GMB pertaining to projects at the Waste Water Treatment Plant, Ultra Violet Disinfection and Improvement Project.

Councilman Branson made a motion to approve the GMB Contract Amendment, seconded by Councilman Lister, passing unanimously.

Mr. Mulrine thanked Delegate Jeff Ghrist for helping the Town work with Maryland Department of the Environment to obtain funding for the project.

**Agenda #5 - Market Street Public House Generator**

Discussion was held pertaining to a request from the Market Street Public House seeking permission to install a generator in the alley owned by the Town for their restaurant.

Councilman Lister made a motion to table this item pending legal review, seconded by Councilman Johnson, passing unanimously.

**Agenda #6 - DDMS Walk Your City Project**

Mrs. Heather Tinelli, Denton Downtown Main Street Coordinator, made a presentation to the Council pertaining to a Grant Awarded for the DDMS Walk Your City Project. A project to get people to walk our Town and to help visitors know what's on the next block or around the corner. DDMS is working on a project that will include signs that tell people how many minutes to walk to different locations of interest and is seeking the Town's support.

Discussion was held regarding the sign regulations, historic district guidelines, etc. The Council supports the project and asked the Town Attorney to take a look at directional signage regulations. No action was taken.

*Mrs. Tinelli announced the Supper at Sunset is scheduled for September 15 – full dinner and a band. The Third Thursday Event will be on September 20<sup>th</sup>.*

*Mrs. Tinelli shared that the DDMS has been awarded a \$25,000 Grant through the Department of Housing and Community Development to update the Marketing Study and implement promotions identified by the study.*

**Agenda #7 - YMCA Parcel - Water and Sewer Conditions**

*Mr. Robbie Gill, Director of the YMCA of the Chesapeake, joined by several YMCA Board Members Mr. Rick Barton, Mrs. Debbie Bennett, Mr. Clem Hathaway and the recently appointed Caroline County YMCA Director, Mr. Bryan Burnes, were present to discuss the Denton YMCA Project with the Town Council.*

*Mr. Gill shared details on the YMCA's mission; services they provide for the community and their long-term goals for securing a permanent home. The Caroline County Commissioners have offered to donate a section of land, known as the Double Hills Farm, to the YMCA to construct a facility. As part of the Purchase Option Agreement with Caroline County, the YMCA is required to secure public water and sewer through the Town of Denton.*

*The Council supports the project, acknowledging that the parcel is presently located outside of the incorporated Town limits. The Council asked the Town Attorney for guidance.*

*Mr. Chris Drummond, Town Attorney, advised that the Town can consider providing the YMCA access to the water and sewer system, and expressed, however, that the Town cannot offer any fee waivers or discounts. Mr. Drummond requested some time to review the Water and Sewer Comp Plan, possible annexation of the parcel, will report back next month to bring back next month.*

*No action was taken*

**Agenda #8 - Visitor Center Rental – CASA Fundraiser November 3, 2018**

*Casa of Caroline is hosting a fundraising event at the Visitor Center in November and submitted a letter requesting permission to serve alcohol during the event. The price of the alcohol will be included in the price of the ticket that the individual buys. Any use of alcohol at the Visitor Center must be approved by the Council.*

*Discussion was held, Mr. Mulrine shared that if the Council approves serving alcohol, CASA will be required to obtain a license from the Liquor Board. Allowing alcohol to be served on Town Property and liability exposure were discussed.*

*Councilman Branson made a motion to allow alcohol to be served at this particular event, seconded by Councilwoman Wilson, passing 3-2, with Council Lister and Councilman Johnson voting against.*

**Agenda #9 - AT&T Water Tower Lease Amendment 5**

*The Council reviewed and discussed an amendment for the New Cingular Wireless (AT&T) Water Tower Lease, for additional space for equipment to be located on the Camp Road Water Tower.*

*Mr. Drummond previously reviewed for legal sufficiency.*

*Councilman Lister made a motion to authorize the Mayor to sign the Fifth Amendment Lease Agreement as presented, seconded by Councilman Branson, passing unanimously.*

**Miscellaneous**

*Mr. Mulrine announced that former Councilman Dennis Porter is home recovering from surgery.*

*Mayor McNinch announced that Dr. Sloan recently retired from his dental practice.*

*Mr. Mulrine shared information about the Franklin Delano Roosevelt's 80<sup>th</sup> Anniversary Event.*

*Mr. Mulrine shared that he has been working with the Maryland Heritage Area, trying to help facilitate the reinstatement of a grant that had been previously awarded to the Caroline County Historical Society to renovate the former Town Hall. The grant has expired, and the Maryland Department of Planning has indicated their willingness to renew the grant for an additional two-years, recommending the Town of Denton, as the property owner, be added as a second grantee to the contract.*

*Councilman Johnson mentioned the Funeral Services for Danny Lister of Queen Anne Volunteer Fire Dept. will be at 11AM on Saturday at Chesapeake College.*

*Mayor McNinch opened the meeting to receive comments from the Public.*

*Mr. Jeff Wright expressed that he is excited for the YMCA to be considered for this track of land, glad to see it being utilized.*

*Mr. Wright brokered the last sale for the Southern State property and shared some environmental concerns about the previous use of the land, and recommended the Town do some homework before acquiring the property.*

*Mr. Santo Mirabile commented and expressed his concerns over a possible gas pipeline, gas energy plant coming in Town, suggesting the Town hold another Open Meeting.*

*The Mayor shared that the Town is looking at all aspects.*

*Councilman Johnson mentioned that the project is at the stage of being reviewed by the Federal Government, then it will have to go before the Planning Commission and, at this time, the Town has nothing new to report.*

*Mr. Drummond reiterated that the Town has not heard any news on this in six months. He suggested that those with concerns should speak with members of the General Assembly, it would be beneficial if the local government agencies were provided more authority on the sighting and placement of energy facilities, but that is not how it works.*

*Mrs. Paula Wright shared some concerns about trash collections and the limitation of elderly residents not being able to meet regulations, giving an example of her Mom not being able to put cardboard in her trash can. Not sure what the answer is but working toward a way to make it work for the older generation.*

*Councilman Branson said the Town is trying hard to implement a trash collection service that is cost effective and not have to charge a separate fee.*

*Mayor McNinch recognized Delegate Ghrist, who was in attendance for doing a tremendous job for the Town of Denton and spoke about the efforts being put forth to help protect the Towns.*

*Ms. Susan Andrew of Federalsburg questioned if the Town has entered into a PILOT Agreement with the Power Plant Group.*

*Councilman Johnson stated "no", that the Town has only helped push legislation to be have the power and right to be able to enter into a PILOT Agreement with any energy project. Previously, only Counties had this right.*

*Mayor McNinch stated that the Town will hold a Public Hearing, if or when the Town is approached about entering into a PILOT Agreement for any energy related project. Adding that the Town is working the County and together they have requested the power company to conduct an independent study, which will help the Town should they seek to enter into an agreement.*

*Councilman Lister stated that by the Town being involved in changing legislation to allow the municipalities to enter into PILOT Agreements, that was a battle the Town was able to fight and win the right. Many legislative requirements are dictated by larger communities and out of Denton's control.*

*Delegate Ghrist stated that PILOT Agreements are a great thing for local communities and provided an explanation on how these agreements work. He shared that this power project is just speculation at this point and explained information about the process these projects need to go through.*

*Mr. Drummond shared that the Federal Government and the State have full control on the location.*

*Mr. Mirabile shared additional comments.*

*Delegate Ghrist mentioned that everyone is trying to obtain enough information to understand whether it is good or bad for the community.*

*Councilwoman Wilson shared that the Library is choosing civility and invited Mrs. Debbie Bennett, of the Caroline County Library, to speak.*

*Mrs. Debbie Bennett expressed that it is great to see the communication and that there is a way to remain civil in these discussions. She was grateful and applauded the Town for their willingness to create a partnership between the several agencies tonight; and recognizing that not everyone is going to agree on everything.*

*Mrs. Bennett mentioned that the Caroline County Library received a grant through the Maryland State Library, and in partnership with the Caroline County Public Schools, the Caroline County Library they are working on a program like Howard County has called "Chose Civility", focusing on the High School and Middle School at this time.*

*Mayor McNinch announced the Town Council will hold a Working Session on September 17 at 6:30PM to discuss updating the Town's Strategic Plan and hold an Executive Session to discuss personnel.*

*Councilman Johnson announce the His Hope Haven Homeless Shelter will open on Sept. 20<sup>th</sup>, offering a meal train this year, always looking for volunteers to help with the program and meals.*

*Delegate Ghrist mentioned the Funeral Services for Danny Lister will be at 11AM on Saturday at Chesapeake College.*

*With no further discussion, Mayor McNinch adjourned the meeting at 9:37 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*