

April 5, 2010

**Executive Session**

At 6:02 PM the Mayor opened an executive session to seek legal advice and discuss personnel.

All Council members were present as well as Karen Monteith, Clerk-Treasurer and Steve Kehoe, Town Attorney.

The Council held discussion to seek legal advice from the Town Attorney; then met with the incoming Town Administrator, Mr. Don Mulrine.

At 6:57 PM the Mayor closed the executive session to relocate down stairs for the Council regular monthly meeting.

**Regular Meeting**

Mayor Gregory 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.

**Appointment of Town Administrator**

Mayor Gregory provided an overview of the process the Town Council recently completed in seeking a new Town Administrator, and announced that the Council had selected Mr. Donald H. Mulrine.

Councilman Clendaniel made a motion to appoint Mr. Donald H. Mulrine as the new Town Administrator effective April 14, 2010, seconded by Councilwoman Case, the motion passed unanimously.

Mayor Gregory announced that Ms. Terry Fearins will remain on board as Senior Advisor to the Council.

Mayor Gregory expressed thanks and appreciation to Karen Monteith for serving as the Acting Town Administrator for the past six months.

Mayor Gregory announced that the Town Council had held an executive session earlier on this date to discuss personnel and seek legal advice.

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

Councilman Clendaniel asked for a correction to be made to the March 1, 2010 minutes, on page 3025EDA Grant application, where it states that Councilman Clendaniel made a motion to approve and lock in the Town's contribution; the minutes should state "motion to approve, if this would be the Town's last contribution".

Councilman Clendaniel made a motion to approve the minutes of the March 1, 2010 regular meeting as amended, the minutes of the March 15, 2010 working session/special meeting and the minutes of the March 22, 2010 working session. The motion was seconded by Councilman Porter and passed unanimously.

**Public Hearing**

**Ordinance # 599**

Mayor Gregory opened a public hearing at 7:07 PM to receive public comments on Ordinance #599 - an ordinance of the Town of Denton repealing and reenacting with amendments Chapter 106 of the Town Code regarding stormwater management

Mayor Gregory asked for comments from the State – there were none

Mayor Gregory asked for comments from the County – there were none

Mayor Gregory asked for comments from the Council – there were none

Mayor Gregory asked for comments from the Public – there were none

With no further comments, Mayor Gregory closed this public hearing at 7:08 PM.

**Ordinance # 600**

*The Denton Development Corporation has asked for a Town Councilmember to be appointed to serve on the DDC Board. The Board tries to meet at least once a month; sometimes this is pending on what activity is going on. Meetings are usually held at 6:00 p.m. on Thursdays.*

*Councilman Clendaniel made a motion to appoint Councilman Dean Danielson to serve on the DDC Board, seconded by Councilwoman Case, the motion passed unanimously.*

*Staff was asked to provide a copy of the MOU and Articles of Incorporation for the DDC board.*

**Agenda #2 - Diem Annexation Extension Request**

*The Council reviewed a letter submitted from Mr. and Mrs. Ronald Diem requesting an extension on paragraph 2A of their annexation agreement to allow them to continue their cattle/livestock operations on their property for an additional 5 years, or until such time development starts on Foy Road. The current use is set to expire October 3, 2010.*

*Councilman Porter made a motion to extend for another 5 years, seconded by Councilwoman Case. In discussion the Town Attorney advised that he would need to draft an amendment to the original annexation agreement to be signed by all parties to be recorded at the Court House. Councilman Danielson asked to have the Diems pay for all legal cost to amend the agreement, and Mr. Kehoe advised that the original annexation agreement already requires the Diems to pay for any legal cost associated with the agreement.*

*Councilman Porter amended his motion to extend for 5 years to allow for an additional 5 years if needed, the amended motion was seconded by Councilwoman Case, the motion passed unanimously.*

**Agenda #3 - Towers Annexation Modification Request**

*Mr. Bob Jarrell, Attorney representing Ms. Eleanor Towers submitted a letter to the Town regarding her property at 10036 Pearson Road. For estate planning purposes, Ms. Towers would like to set up her deed so she has lifetime rights to the property and upon her death, her daughter, Carol Ann, would become the owner. Before conveying the property, Ms. Towers wanted seek approval from the Town that this would not affect her current real estate tax waiver status until her death.*

*The original annexation resolution #283B adopted June of 1980 allowed for a tax waiver until either additional town services were requested by the property owner or at which time the property had a transfer of ownership.*

*Councilman Porter made a motion to allow the request, seconded by Councilman Clendaniel. During discussion Councilwoman Case clarified that the real estate tax waiver would only be in effect while Mrs. Towers was alive. The motion passed unanimously.*

**Agenda #4 North Denton Improvements Phase II – Bid Award**

*This item was deferred until the May meeting at the request of the Public Works Director, Mr. Scott Getchell.*

**Agenda #5 - ENR Upgrade Bid Award**

*Mr. Scott Getchell, Public Works Director asked the Council for consideration to award the contracts for the construction bid and construction management bid for the ENR Upgrade. Seeking award of the contract to J.L.W. Associates of Leonardtown, MD, the lowest bidder for the ENR Upgrade. The total bid amount is \$3,894,829. In addition to the low bidder, the Public Works Director also requested the Council approve the construction management proposal from GMB for the amount of \$467,000. The low*

assistance in which Federalsburg and Denton are being asked by the County to participate. There is no cost to the County and or towns for this study.

Mrs. Freeman came asking the Council to decide if the Town of Denton wishes to be a recipient of the technical assistance program being offered.

Councilman Porter made a motion to participate, seconded by Councilman Clendaniel. In further discussion Councilman Danielson asked Mr. Kastning what he recommended. Mr. Kastning advised that he has no problem with what is proposed. Councilman Clendaniel asked Mrs. Freeman to double check and make sure there are no catches.

The Mayor called for the vote on the motion, the motion passed 4-1 with Councilwoman Case abstaining due to her personal concerns.

Mrs. Freeman thanked the Town for their consideration and announced that a letter will go to the EPA on April 9, 2010, a copy will be forwarded to the Town.

**Agenda #13 - Escrow Fees**

Mr. Kastning came before the Council to discuss collecting an escrow fee for any major project that will incur consultant review fees. Mrs. Monteith advised that by having a fee up front that it would avoid cash flow issues.

Staff came seeking the Town Council's permission to establish an escrow procedure and create the appropriate line items in the FY2011 budget.

Councilwoman Case made a motion to support staff pulling together an escrow fee policy, seconded by Councilman Porter, the motion passed unanimously.

**Agenda #14 - 2010 Draft Comprehensive Plan**

The 2010 Draft Comprehensive Plan has been forwarded to Maryland Department of Planning on March 25, 2010, for review and comments. A joint Public Hearing of the Town Council and the Planning Commission is scheduled to be held on May 25, 2010. Appropriate edits and amendments will be made during the next 60-days based upon comments received from State agencies, Caroline County, Town Council and the public. Staff requested the Town Council's input during the 60-day comment period.

Councilman Porter advised that he had received permission for the use of the Denton Fire Hall to hold the meeting.

Councilman Porter mentioned to the Council that he has been asked to serve on the commission to try to resolve the issue between the Emergency Management Services and the Denton EMS units.

With no further discussion, Mayor Gregory adjourned this meeting at 7:55PM.

Respectfully submitted,



Karen L. Monteith  
Clerk-Treasurer