

June 6, 2019

Executive Session

Per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) discuss: (i) Personnel Matters, (ii) Any other Personnel Matter that affects 1 or more specific individuals.

At 6:30 PM Councilman Branson made a motion that was seconded by Councilman Lister to open an Executive Session to discuss Personnel matters. The motion carried 5-0.

The Executive Session was held in the Training Room on the 2nd Floor of the Town Office Building.

Present

Mayor McNinch, Councilman Branson, Councilman Lister, Councilman Johnson and Councilwoman Wilson.

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

Discussion

Discussion was held on personnel matters.

No action was taken during this session.

At 6:56 PM, with no further discussion, Councilman Johnson 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.

Mayor McNinch observed a moment of silence in memory this date being the 70th Anniversary of D-day.

Executive Session Announcement

Mayor McNinch announced for the record that an Executive Session was held earlier on this date at 6:30PM, Per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) (i) and (ii), to discuss personnel matters.

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

Councilman Johnson made a motion to approve the minutes of the May 2, 2019 Regular Meeting as presented; seconded by Councilman Branson, passing unanimously.

There was no Working Session held in May.

Public Hearing

None

Petitions, Remonstrance's, and Communication

Caroline County State's Attorney's Office Monthly Report

Mr. Don Mulrine, Town Administrator, shared the monthly activity report received from the Caroline County States Attorney's Office with the Council.

Ordinances and Resolutions

Resolution #864 DHCD Grant Application – Strategic Demolition Phase II Grant

A Resolution approving the application and receipt of financing for a Strategic Demolition and Smart Growth Impact Fund Project in Denton, to be funded either directly by the Department of Housing and Community Development of the State of Maryland or through other departments or agencies of the State of Maryland.

Mr. Mulrine provided a synopsis of the Resolution indicating these funds will continue the work with Tuckahoe Habitat for Humanity, purchasing slum and blighted properties and rebuilding. This grant will also include funds to assist DDC with the Gay Street Living in Place Project.

Councilman Branson made a motion to approve Resolution #864, seconded by Councilman Johnson, passing unanimously.

Ordinance #700 – Small Cell Facilities

An Ordinance of the Town of Denton adding Denton Town Code Chapter 110 regulating the installation of Small Cell Facilities, Wireless Support Structures, and Other Utilities in the Public Right-of-Ways within the Town.

Councilman Johnson made a motion to introduce Ordinance #700, seconded by Councilman Branson.

Discussion was held in which Mr. Mulrine provided a summary of the Ordinance.

Mayor McNinch shared information obtained through the Maryland Municipal League.

Mr. Chris Drummond, Town Attorney, provided additional information.

Councilman Johnson and Councilman Lister both spoke on behalf of the need to protect the Town by having regulations established for this new wireless access method.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #700.

The motion passed unanimously.

Ordinance #701 – Refuse Collection/Recycle Program

An Ordinance of the Town of Denton adding Denton Town Code Chapter 65, entitled “Recycling Program” providing for the regulation and collection of recyclables within the Town.

Councilman Johnson made a motion to introduce Ordinance #701, seconded by Councilman Branson.

Discussion was held in which Mr. David Renshaw, Senior Codes Enforcement Officer, Mr. Phil Clark, Superintendent of Public Works, and Mr. Mulrine, provided an overview of the Ordinance and its intent to establish a Town Wide Recycling Program.

Councilman Lister added there will be a quarterly fee assessed and that the Supplier will provide recycling containers for each household, expressing this will help to reduce the amount of trash being hauled to the landfill.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #701.

The motion passed unanimously.

Ordinance #702 – Refuse Collection Amendment

An Ordinance amending Denton Town Code Chapter 64 for the regulation, collection, and disposal of trash, rubbish, garbage, and other material and providing for penalties for non-compliance.

Councilman Branson made a motion to introduce Ordinance #702, seconded by

Councilman Johnson.

Discussion was held in which Mr. Renshaw and Mr. Drummond provided an overview of the Ordinance, the amendments to the existing code and answered questions.

With no further discussion, the Mayor asked for a vote on the motion to introduce Ordinance #703.

The motion passed unanimously.

Reports of Officers, Boards, and Committees

Mayor McNinch announced she will be scheduling a visit with Easton Utilities to tour their plant.

Councilman Branson shared hearing concerns of Queen Anne's County not wanting to participate in the next phase of the Landfill, which is something that everyone should keep an eye on.

Mayor McNinch mentioned that the Maryland Municipal League Summer Convention is this month and that most Council Members will be attending.

Mayor McNinch and Mr. Mulrine recently met Maryland's Secretary of Natural Resources to discuss rain gardens, marinas and tidal wash outs, the 2050 plan for Crouse Park, and the States Pilot Programs.

Councilmembers attended several events this month, to include: The Choptank Cleaning Services Open House; Hotdesks/Cambio Wi-Fi Open House, and announced that Sno-Angels will be opening soon.

Mr. Mulrine mentioned that he has been working with Eastern Shore/Chesapeake Gas in Dover, who will be sending out flyers to area residents of the services they provide.

Mr. Drummond spoke with the Council in regard to the Ocean City Case on Tax Differential now pending in the Court of Special Appeals. Discussion was held on the opportunity for other Municipalities to file an "Amicus Brief" to join in supporting the cause, which may help to push a legislative change that will benefit those that are "may vs shall" Counties.

Councilman Lister made a motion to have Mr. Drummond continue to research and make a recommendation to the Council. The motion was seconded by Councilman Branson, passing unanimously.

Mr. Mulrine provided an update on Sharp Road Park and announced there will be a Park meeting later this month.

Unfinished Business

None

New Business

Agenda #1 – GMB On Call Agreement – Renewal

The George, Miles & Buhr, LLC. (GMB) Annual Agreement for On-Call Services for the Public Works Department was presented to the Council for consideration for approval.

Councilman Lister made a motion to accept and approve the Agreement, seconded by Councilman Johnson, passing unanimously.

Agenda #2 – Denton Volunteer Fire Dept. CIP Draw Request

The DVFD, Mr. Todd Berneski, President, submitted a request to draw the accumulated CIP – Development Impact Fees Fund that are designated for the Fire Dept. to use for the replacement of the building entry door and HVAC replacement.

Staff advised that the accumulated CIP Funds designated for the Fire Department is currently \$12,000.

Councilman Johnson made a motion to approve the transfer of \$12,000 in CIP Funds, seconded by Councilman Branson.

Discussion on how the funds are to be used, which includes capital expenditures and equipment needs was held. It was expressed that these funds should not be used for general maintenance or the replacement for lack of maintenance.

Mr. Mulrine will send a reminder to the Fire Department as to what qualifies as a Capital Expenditure, and bring the Impact Fee Study before the Council to review and update.

With no further discussion, the Mayor called for a vote on the motion to approve the request.

The motion passed 4-1, with Councilman Lister opposing.

Agenda #3 - 1105 Market St. Disposal

Ownership of 1105 Market St. was recently signed over to the Town. There are several property maintenance issues and safety concerns regarding the dwelling. DPW has boarded up the dwelling and the property has been posted condemned.

Mr. Mulrine provided additional information and discussed disposal of the surplus property.

Councilman Lister made a motion to dispose of the property, seconded by Councilman Branson, passing unanimously.

Agenda #4 - The Gardens Land Group, Inc.

The Gardens Land Group, Inc., submitted revised legal agreements for The Gardens Subdivision to reference the amended final plat entitled, "Easement Abandonment Plat." This request is to authorize the Mayor to sign the revised Second Amendment to Public Works Agreement and the Second Amendment to Inspection and Maintenance Agreement of Private Stormwater Management Facilities.

Mr. Mulrine provided a brief summary and Mr. Drummond stated that he had no concerns with the amendment.

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

Agenda #5 - CIP Funding Request – Phone Line Connections

Mr. Mulrine submitted a request to use \$1,413.33 from CIP Funds to connect the phones from the Denton Police Department to the Town Office, to allow direct dialing from the Town Office to the Police Dept.

Councilman Branson made a motion to approve, seconded by Councilwoman Wilson.

In discussion Mr. Mulrine provided additional information and shared that this will cover the cost for the software and equipment.

With no further discussion, the Mayor asked for a vote on the motion to approve.

The motion passed unanimously.

Agenda #6 - Planning Commission Appointment

Mr. Nicholas Iliff recently resigned from the Planning Commission effective May 31, 2019. His unexpired term ends December 31, 2019. Lauren Shilling currently serves as the Alternate Member.

Staff submitted a request seeking the appointment of Lauren Shilling to fill the unexpired Regular Member Position ending December 31, 2019. Staff will seek a volunteer to fill the Alternate Member Position.

Councilman Branson made a motion to appoint Mrs. Shilling as requested, seconded by Councilman Lister, passing unanimously.

Miscellaneous

Mr. Mulrine, Lt. Bacorn recently met with Judge Johnathan Newell and provided an updated status.

Councilman Lister encouraged staff to move forward with getting this finalized.

Councilman Johnson shared that Calvary Baptist Church will be hosting Active Assailant and Narcan Training that will be open to the anyone who wants to attend.

Discussion was held regarding the YMCA relocation and the Sheriff Departments new building. If the County moves forward with the proposal to transfer acreage to the YMCA, the Town has approved for that parcel to be annexed into Town and connected to the Town Utility Service. However, the County has moved forward with allowing the Sheriff Dept. building to utilize a well and septic and remain outside the Town limits.

Clarification was provided in that the Town is under no obligation to provide public utilities for the Sheriff's Dept. building.

Mr. Mulrine provided an update on the Department of Social Services Relocation Project.

Mr. Drummond asked for clarification on the approval to dispose of 1105 Market Street property.

Councilman Lister clarified that the approval is to receive the highest and best bid offer.

Mr. Patrick Allison of Agape, provided an update on the Community Gardens and invited the Council to come look at how beautiful it looks. He shared that all 11 garden plots have been assigned.

Mr. Allison also mentioned that this Saturday, the YMCA will be celebrating their 175th Anniversary with a 175 Minutes of Volunteering, and the Community Gardens Site has been selected as a place to participate.

With no further discussion, Mayor McNinch adjourned the meeting at 8:30 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*