

July 7, 2008

Regular Meeting

Vice-Mayor Clendaniel 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.

Vice -Mayor Clendaniel asked that the record reflect that all Council members were present with the exception of Mayor Foster.

Councilman Branson made a motion to approve the minutes of the June 2, 2008 meeting, seconded by Councilman Moore, passing unanimously.

Swearing in of New Police Officers

Officer Eric Hall was sworn in by Vice-Mayor Clendaniel, and welcomed by the Council.

Officers Thomas Scott was sworn in by Vice-Mayor Clendaniel and welcomed by the Council.

Police Officer Recognition Awards

Chief Cox took the opportunity to recognize the outstanding efforts of several of the Police Departments members.

Officer of the Year award was given to PFC Bradley Korisher.

Outstanding support of the Department's mission and closing of criminal cases was awarded to Detective Jamie Secrist.

Corporal Thomas Conneely, PFC Dan Franklin, Corporal Cynthia Komenda and PFC Michael Rodano received the Chief's recognition certificate for their outstanding efforts in going above and beyond the department's average.

PFC Dan Franklin, Corporal Conneely and PFC Richard Starkey received certificates for their outstanding traffic enforcement efforts.

Police Seatbelt Award

Chief's Cox presented the Seat Belt Challenge Award to Scott Getchell, the Director of Public Works for the department for their 92% seat belt usage compliance during the Chief's seat belt safety challenge.

Councilman Branson took a minute to commend the Denton Police Department on the wonderful job they do, which was reiterated by Councilman Clendaniel.

Petitions, Remonstrance's and Communication

Ms. Courtney Montgomery

The Council reviewed a letter received from Ms. Courtney Montgomery regarding the crime occurring in the Mallard Landing housing development.

The Council directed the Town Administrator to prepare a response on behalf of the Council advising that they are aware of the issues and that hopefully the new substation will help.

Mr. and Mrs. R. Blazejak

The Council reviewed a correspondence received from the Blazejak's regarding "Alley #5", the road behind Bargain Beverage. The Blazejak's raised a concern about the lack of speed control in the area, the declining condition and deviation of the alley from its original pattern.

The Council directed staff to look at the alley and see if the rear entrance to Bargain Beverage can be more defined to slow down traffic and deter use of the alley.

Dr. Agnes G. Case

The Council reviewed a letter received from Dr. Case in regards to her support of commercial growth and development in Denton. Dr. Case was present and reiterated the need for growth to keep Denton attractive. She expressed that commercial development needs to be done in a way that there is economic development as well.

The Council thanked Dr. Case for her comments.

Ordinances and Resolutions

Resolution #703 – Main Street Improvement Plan

On behalf of the Denton Main Street Program a request for grant monies has been made to the Department of Housing and Community Development (Neighborhood Revitalization) to finance the completion of the Downtown Market Analysis and to further the Main Street District signage plan. A resolution approving the application and receipt of grant funds was presented to the Council for consideration and adoption.

Councilman Branson made a motion to adopt Resolution #703, seconded by Councilman Moore, the motion passed unanimously.

Ordinance #559 Industrial Park Contract of Sale Lot # 10A-2

The adoption of the Industrial Park Option Agreement was deferred from the June 2nd meeting. The Denton Town Attorney recommended that this item be deferred until August 4th meeting.

Councilman Branson made a motion to defer consideration of adoption on Ordinance #559 until the August 4, 2008 meeting, seconded by Councilman Moore, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Denton Industrial Park Interim Financing

This item was deferred from the June 2nd meeting. The Denton Town Council had previously approved to re-acquire lot 10A, 11 and 12 from KRM Development Corporation. Lot 10 A has already been purchased to meet the turn around time frame for Hershey Creamery. Lot 11 and 12 are proposed to be financed through the State of Maryland One Maryland, however interim financing may need to be considered or a second contract extension.

Staff asked the Council to consider holding on executive session to discuss this item prior to taking action. The Council agreed to defer until the end of the meeting.

Agenda #2

Water/sewer allocation amendment for Savannah Overlook Phase IV

Mr. Tristan Stewart, on behalf of Savannah Overlook and McCrone, Inc. requested the Town's signature on an application for an amendment to the Master Water and Sewerage Plan for Parcel 450, Garland Road.

Staff advised that the Council had previously approved this subject to the plat being amended. However the County is requiring a formal submission from the Council.

Councilman Branson made a motion to authorize staff to submit the application, seconded by Councilman Porter, passing unanimously.

Agenda #3 Crouse Park Improvements

Tim Glass from Lane Engineering is working on two projects for the Town/DDC. The one project is the construction of the parking area for the Visitor Center under the Coastal Zone Management Grant (CZM.) This grant expires September 30, 2008 and is

in the amount of \$50,000. The project is estimated to total about \$100,000. The other project is the basketball court at Sharp Road Park.

Mr. Ellis Davison Project Manager for the DDC provided an update on the status of the project and proposed to construct the parking lot in two phases to satisfy the grant requirements.

Mr. Tim Glass provided additional details on the proposed parking lot phases and the possibility to work around the basketball courts for now. They are still working on the design to raise the road way and insure proper drainage.

Staff asked the Council to consider authorizing to move forward with the project and to obtain three proposals from local contractors.

Councilman Porter made a motion to authorize Lane Engineering to get three local bids, local to include the Delmarva Peninsula, seconded by Councilman Branson. In discussion Councilman Moore asked that the record reflect that he is a member of the DDC. The motion passed unanimously.

Vice-Mayor Clendaniel took a moment to publicly address why this item has come to the Council so quickly. He confirmed that Mr. Davison had sent an email to the State in September to discuss the project, however did not receive a response back until April.

Discussion on the relocation of the basketball courts was deferred until August.

New Business

Agenda #1 – Board of Supervisors of Election Appointment

The Town's Supervisors of Election Board members terms expired on June 30, 2008. The current board members have all expressed interest in being re-appointed for another 2-year term.

Staff asked for consideration from the Town Council to re-appointment Ms. Joan Fountain, Mr. David Hollis and Ms Michele Wasson to serve another 2-year term as the Supervisors of the Elections and for Mrs. Mary Claytor to be re-appointed as an alternate supervisor.

Councilman Branson made a motion to re-appoint Ms. Joan Fountain, Mr. David Hollis, Ms. Michele Wasson and Ms. Mary Claytor, seconded by Councilman Porter, passing unanimously.

Agenda #2 MDOT SHA Visit

The annual SHA and Eastern Shore Legislation visit is scheduled for Tuesday, September 23rd at 10:30 am.

The Council expressed interest in having discussion on the possibility of an opening on Shore Highway placed on the agenda.

Agenda #3 - Corporation Tax Abatements

Staff has been unsuccessful in collecting the following corporation taxes and asked for consideration from the Town Council to abate the corporation taxes that were billed and any accrued interest.

1) Caroline's Cards & Gift

Staff has advised the previous owner on several occasions to file an application with the State of MD. Dept. of Assessments to seek abatement. Instead their Attorney provided a letter to the Town advising that the business was sold on March 24, 2005. Since the business was sold in 2005 prior to the 2006-2007 taxable assessment year, staff supports and is seeking an abatement of 2006-2007 corporation taxes in the amount of \$183.90 plus interest.

2) Double Cheese Pizza

Staff has been unsuccessful in contacting the previous owner and the mail is now being returned as undeliverable. The Maryland State Assessment office records reflect that this business has been forfeited. Seeking abatement for 2005-2006 corporation taxes in the amount of \$79.20 plus interest.

Councilman Branson made a motion to abate these corporation taxes as requested, seconded by Councilman Moore, passing unanimously.

Agenda #4 - Water/Sewer allocation refund request

The Council reviewed a letter from Mr. Martin Colonna requesting a refund of the \$6000.00 Water/Sewer 25% Preliminary fee that he paid on 4/20/07.

The Council held discussion about whether to refund and if so what calculation method to use.

Councilman Branson made a motion to refund \$5,100 and retain the balance for administration cost, seconded by Councilman Porter. Further discussion was held after which Councilman Branson withdrew his motion and Councilman Porter withdrew his second.

Councilman Moore made a motion to defer this item for the Town Administrator and Town Attorney to review, seconded by Councilman Porter, passing unanimously.

Agenda #5 - Eagle Scout Trail Project

Boy Scouts of America, Choptank District, Del-Mar-Va Council Eagle Scout requested permission to construct a nature trail through part of town owned Towers Park (8.28-acres natural area behind The Gables between Fifth Street and Route 404). The scout and others under his supervision propose to create a woodchip nature walk from the scout cabin through the woods, across stream (twice) and return. Two bridges will be constructed over the stream (may require state stream crossing permits). A hold harmless agreement will be signed by the Boy Scout organization. The Scout needs to complete the project by the end of the month.

Staff advised that they met on site with the Scout and Mr. Alan Kampmeyer to discuss the proposed project. This is a wetlands area and upon reviewing the plans Mr. Kampmeyer advised that the State would not allow the crossing of a stream with out a permit. Due to the timing the project was then amended to be acceptable by the State.

Councilman Moore made a motion to authorize the Scout to proceed with the amended project, seconded by Councilman Branson, the motion passed unanimously.

Agenda #6 - FY-09 Budget Enterprise Fund Water/Sewer and Highway Fund

A copy of the final draft budget for Water and Sewer and Highway funds were presented to the Council for consideration of adoption.

Staff provided an overview of the North Denton, Lockerman and Caroline St. Project and the budgets.

Councilman Branson made a motion to adopt the highway fund budget, seconded by Councilman Porter, passing unanimously.

Councilman Branson made a motion to adopt the water fund budget, seconded by Councilman Porter, passing unanimously.

Councilman Moore made a motion to adopt the sewer fund budget, seconded by Councilman Porter, passing unanimously.

Councilman Porter asked to have the parking on Market Street in the Ninth Street area to be placed on the next agenda for discussion.

Councilman Porter recently saw that the Town of Oakland's Main St. Program was televised on a local cable channel and suggested that the Town of Denton look into this.

Staff advised that they would pass this recommendation on to the Main St. board to explore.

Executive Session

Councilman Branson made a motion at 8:28 PM to hold an executive session to discuss a real estate transaction, seconded by Councilman Moore, passing unanimously.

Council members Clendaniel, Branson, Porter and Moore were present during this session along with the Town Administrator, Clerk-Treasurer.

There was discussion only during this session, no action was taken.

At 8:37 PM. Councilman Moore made a motion to close the executive session and reconvene the regular meeting, seconded by Councilman Branson, the motion passed unanimously.

Unfinished Business #1 – Denton Industrial Park Interim Financing

Vice – Mayor Clendaniel advised the public that the Council discussed in closed session the potential purchase of Industrial Park Land from KRM.

Councilman Moore made a motion that the Town proceed with the purchase of the lots with KRM and address the situation of the farming, seconded by Councilman Porter, passing unanimously.

Councilman Branson made a motion to close the meeting at 8:39PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*