

August 7, 2006

**Executive Session**

Mayor Branson asked for consideration to hold an executive session to seek legal advise on the proposed lease renewal with Mid Shore Council and a law suit update.

At 6:35 Pm Councilwoman Stockley made a motion to hold an executive session, seconded by Councilman Horsey the motion passed unanimously.

All Council members, the Town Attorney, Town Administrator and Clerk Treasurer were present for the executive session.

With no further business to discuss Councilman Horsey made a motion to close the executive session at 7:00 PM, seconded by Councilman Gregory, the motion passed unanimously.

**Regular Meeting**

Mayor Branson called the regular meeting of the Denton Town Council to order at 7:00 PM, leading everyone in the Pledge of Allegiance to the Flag

Mayor Branson asked for everyone to join him in a moment of silence in memory of Marc Hayman.

Mayor Branson asked that the record reflect that all members were present.

Councilman Horsey asked that the minutes of the July 3, 2006 meeting be corrected to reflect that Councilman Gregory seconded the motion to introduce Ordinance #521 and not Councilman Foster.

Councilman Horsey made a motion to approve the minutes of the July 3, 2006 meeting as corrected, seconded by Councilwoman Stockley, the motion passed unanimously.

**Public Hearings**

**Ordinance # 521 Denton Industrial Park III Lot #3 Acquisition Option**

**Agreement**

Mayor Branson opened a public hearing at 7:06 PM to receive public comments on the proposed option agreement for Lot #3 in the Denton Industrial Park.

Mayor Branson asked for any comments from Caroline County Government – there was none.

Mayor Branson asked for any comments from the State of Maryland – there was none.

Mayor Branson asked for any comments from the Public – there was none.

Mayor Branson asked if there was any comment from the Council – there was none.

With no further discussion Mayor Branson closed this public hearing at 7:07 PM

**Resolution #674 Minamoto Annexation Public Hearing**

Mayor Branson opened a public hearing at 7:07 PM to receive public comments on the proposed resolution annexation of property owned by Ben and Beatrice Minamoto consisting of 32.59 acres west of the Choptank River on Maryland Route 328 and West River Landing Road.

Mayor Branson asked for any comments from Caroline County Government – there was none.

Mayor Branson asked for any comments from the State of Maryland Planning Office – there was none.

Mayor Branson asked for any comments from the Public – Mr. Robert Clendaniel stated that with the on going litigation the Council might wish to defer action.

Mayor Branson asked if there was any comment from the Council – there was none.

With no further discussion Mayor Branson closed this public hearing at 7:09 PM

### **Petitions, remonstrances and communication**

#### **Proclamations**

Mayor Branson read a proclamation of the Denton Town Council extending their best wishes on the celebration of The Bailey Casson Family 60th reunion.

Mayor Branson asked the Council for consideration for a proclamation to be presented to Christian Jensen, son of Chris and Judge Karen Jensen for his accomplishments in earning the Eagle Scout Award.

Councilman Horsey made a motion to adopt proclamations in recognition of the celebration of The Bailey Casson Family and Christian Jensen for his Eagle Scout Award.

**Campbell Request** – A request to salvage items from Hill Property was reviewed by the Denton Town Council.

Councilwoman Stockley made a motion to allow Mrs. Campbell to salvage the pockets doors out of the Hill house upon signing a liability release with the Town, seconded by Councilman Gregory, the motion passed unanimously.

#### **Introduction and adoption of resolutions and ordinances**

**Resolution #674 Minamoto Annexation Petition** – A petition for annexation received from Ben and Beatrice Minamoto on January 9, 2006, consisting of 33 acres immediately adjoining the west town boundary on Route 328 and West River Landing Road. The petition has been found legal sufficient by the town attorney, was given a favorable recommendation by the Planning Commission, and is within the town's designated growth area. The resolution was introduced by the Council on May 1, 2006, and has been properly advertised and was presented for adoption consideration.

Councilman Horsey made a motion to adopt Resolution #674, seconded by Councilwoman Stockley, the motion passed 4-1 with Councilman Gregory voting- no.

**Resolution #681 Fortner et al Annexation** – A petition for annexation was received for 60.845 acres on the south side of Market Street with frontage on both Market and Pearson Roads. The properties are owned by the Fortner, Wright, Gosnell and Davidson families. The properties lie within the town's growth area, abut existing water/sewer utilities on Market Street, are located on the comprehensive water/sewer map, and received a favorable recommendation by the Planning Commission. The town attorney has found the application to be legally sufficient and has prepared the resolution for introduction.

Councilman Horsey made a motion to introduce Resolution #681, seconded by Councilman Foster, the motion passed unanimously.

**Resolution #682 Wells et al Camp Road Annexation:** A petition for annexation from Horace B. and Carol Louise Wells of Camp Road has been received. The annexation includes a portion of Camp Road, two parcels owned by the Wells, a parcel owned by Andrew Neuwirth, a parcel owned by George and Hazel Layton, and a parcel

owned by Fred and Paula Hayes. The petition was referred to the Planning Commission & town attorney on July 3<sup>rd</sup>. The petition is legally sufficient, the property is within the town's growth area, and received a positive recommendation from the Planning Commission. The applicants will need to seek an amendment to the County Comprehensive water/sewer plan prior to contemplating development.

Councilman Horsey made a motion to introduce Resolution #682, seconded by Councilwoman Stockley, the motion passed unanimously.

**Resolution #683 Delaware Valley Development Company:** A letter and a copy of the information packet provided by the Delaware Valley Development Company in which they are seeking to purchase Riverview Gardens II and III was presented to the Council. They are proposing to apply for Low-income housing tax credits through the Maryland Department of Housing and Community Development. They are requesting a local support resolution from the Town of Denton and some "local contribution" - this can be inkind.

Councilman Horsey made a motion to adopt Resolution #683 and for water quality to be included to support critical area plan, seconded by Councilwoman Stockley.

Further discussion the Town Administrator explained in more detail the provisions for the potential for the use of the tree fund to plant trees and the project including water quality.

Councilman Horsey asked to amend his motion to have the fee in lieu of for the tree program to be included, the amendment was seconded by Councilwoman Stockley, the motion passed unanimously.

Both Marcus Henry and Glen Worgan were present to discuss the project planning.

**Ordinance #521-Option Agreement Lot 3 Denton Industrial Park III –**

Councilman Horsey made a motion to adopt Ordinance #521, seconded by Councilman Foster, the motion passed unanimously.

**Ordinance #522-Ciprietti Gay Street Redevelopment** – With a favorable recommendation from the Planning Commission the Town Attorney has prepared an ordinance for introduction that would apply the redevelopment overlay to Phase 1 of the Ciprietti redevelopment project. Previous ordinances put in place the mechanism for the overlay. This ordinance physically attaches the overlay to specific properties based on a master plan. A public hearing will be scheduled following introduction of the ordinance. Christine Dayton- Architect and Mr. Bob Ciprietti provided an explanation of the housing proposed.

Councilman Horsey made a motion to introduce Ordinance #522, seconded by Councilman Gregory, the motion passed unanimously.

**Ordinance #523 - Loitering Ordinance Repeal**

Chief Cox and the Town Attorney made a recommendation to the Council to repeal the Town's loitering ordinance, advising that there are other laws in effect which the Town can use.

Councilman Foster made a motion to introduce Ordinance #523, seconded by Councilwoman Stockley, the motion passed unanimously.

**Reports of officers, board and committees**

None

**Unfinished Business**

**Agenda #1 Request to Abandon Paper Alley**- The Stewards, who reside at 301 S. Sixth Street, have requested that the paper alley adjacent to their Lot #2 be abandoned. This had been referred to the Planning Commission for a recommendation with input from Police and Public Works. Chief Cox, and Scott Getchell have indicated they see no reason their departments would have future need of the alley.

Councilman Gregory made a motion to abandon the paper alley upon condition that the adjoining property owners bare the expense for the legal fees to have quit claim deed prepared by the Town Attorney, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #2 Council's consideration of proposed lease term by Mid-Shore Council on Family Violence, Inc** - The Mid-Shore Council on Family Violence has requested a renewal term of 5 years for the lease of town property for a shelter. Town Attorney provided an overview of the new lease.

Councilman Horsey made a motion to allow a five-year lease term renewal with the Mid Shore Council to be reviewed and approved by the Town Attorney, seconded by Councilman Gregory, the motion passed unanimously.

**Other Unfinished Business**

None

**New Business**

**Agenda #1 - Water and Sewer Allocations**

**Denigroup, Inc., (Mallard Landing)** request for 3 additional single-family home allocations. Request that the new allocation be provided outside of the Public Works Agreement, which set the previous allocation at the former rate. The 3 new ERU, if approved, should be set at the current rate.

Councilman Horsey made a motion to allow for the water/sewer allotment for Denigroup, Inc., seconded by Councilman Gregory, the motion passed unanimously.

**Black Oak Associates** is requesting allocation for 62 ERU for their commercial development. This is proposed for the Hershey Plant property on Legion Road. Their allocation request is 13,950 gpd. They have provided a concept plan, which has been reviewed by the Planning Commission.

Councilman Horsey made a motion to allow the request for allotment to Black Oaks for 13,950 gal. per day, seconded by Councilman Gregory, the motion passed unanimously.

**Agenda #2 - Travel Expense Reimbursement** – Seeking authorization to reimburse Council members for travel expense to attend MML Convention.

Councilman Horsey made a motion to reimburse all travel expense to Councilman's Gregory and Foster for the MML Convention, seconded by Councilwoman Stockley, passing unanimously.

**Agenda #3 - Board of Appeals Appointment** - Ed Bell's appointment to the Board of Appeals expires August 31<sup>st</sup>. Mr. Bell is a juvenile probation officer with the State of Delaware, and resides at 39 Village Center on Fleetwood Road. Mr. Bell is interested in being reappointed for a three-year term.

Councilman Horsey made a motion to re-appoint Mr. Ed Bell to the Board of Appeals, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #4 - Request for Refund** – Staff received a letter from Mr. William Maloney, the developer for Savannah Overlook, requesting a refund for all or part of the money he invested in the Wesleyan Pump Station since he did not connect to it. A detailed memo to the Utility Commission was provided along with the meeting minutes from July 13, 2006, where the UC agreed that Mr. Maloney be refunded \$63,000, approximately 24% of the total amount invested. Staff is requesting the Council approve the Utility Commission's recommendation to proceed with the refund of \$63,000.

Councilman Gregory made a motion to give a credit based on the recommendation of the Utility Commission, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #5 - Lockerman Pump Station** – MDE has approved grant funding in the amount of \$165,000 towards upgrading this pump station. Staff would like to begin the design phase of this project and requests the Council approve the attached proposal from Lane Engineering to perform the design as well as manage the construction. Upon Council approval, this proposal will be sent to MDE for their approval as well.

Councilman Gregory made a motion to endorse the proposal to commit \$47,700 for the design and hold back on the \$48,335 for construction for now, seconded by Councilman Horsey, the motion passed unanimously.

**Agenda #6 - Trash Collection** – Letters received from Cahall Recycling regarding their trash collection service they provide for the Town of Denton, in which they requested an increase from the 5% increase in their contract effective July 1, 2006 to 12% increase, and in which they also requested to change the time frame in which they may begin to collect trash. A copy of their existing contract, the existing ordinance and a spreadsheet, which shows fiscal impact of their proposed increase, was provided to the Council for review.

Councilman Horsey made a motion to have the Town Administrator negotiate with Mr. Cahall in regards to the trash collection fee, seconded by Councilman Gregory, the motion passed unanimously.

The Town Attorney was directed to look at the noise ordinance regarding the request to start trash collection before 6:00 AM.

**Agenda #7 - DDC Request** – JOK Walsh, Chairman of the Denton Development Corporation made a request for funding appropriation. The Town of Denton recently settled on the sale of the former Dollar General building site and has a contract for sale on the two lots at Fifth and Gay Street. The DDC is requesting appropriation of funds from the sale of these properties towards their Arts and Entertainment District – specifically the 401 Market Street property.

Councilman Gregory made a motion to accept the request of the Denton Development Corp, to allow funding from the sale of the Dollar General and the two lots on Fifth and Gay to be applied toward the purchase of the 401 Market St. property, seconded by Councilwoman Stockley, the motion passed 4-1 with Councilman Horsey abstaining due to membership on the DDC board.

**Other New Business -**

Mayor Branson mentioned the passing of Mr. Dan Crouse and Mr. Arnold Jensen.

*Councilman Horsey made a motion to have the Town Administrator work with Caroline County Government to negotiate a price with the Deford Family, seconded by Councilman Gregory, the motion passed unanimously.*

*Scott Getchell discussed with the Council the overview concept design of the Fifth Ave construction project. A public workshop will be held in September.*

*With no further business to discuss Mayor Branson adjourned the meeting at 8:30 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*