

June 7, 2018

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

Councilman Branson made a motion to approve the minutes of the May 3, 2018 Regular Meeting and the May 21, 2018 Working Session as presented; seconded by Councilman Lister, passing unanimously.

Public Hearing

No public hearings were held on this date.

Petitions, Remonstrance's, and Communication

Utility Commission Updates

Mr. Scott Getchell, Chairman of the Utility Commission, provided an update on the Utility Commission's activity; announcing that the Utility Commission accepted the Town Council's recommendation to elevate the next sewer rate increase to that reflected in the Rate Study for 2020.

Mr. Getchell shared that the Utility Commission is also recommended increasing the fee for water meters to recover the purchase cost.

Mr. Getchell provided an update on the Waste Water Treatment Plant Ultra Violet and Liner Replacement Project.

Discussion about water meter fees and the Utility Commissions recommendation will continue on June 18, during the next scheduled Working Session.

Mayor McNinch modified the agenda, moving to New Business #4

New Business Agenda #4 – GMB Contract Renewal

The Contract Renewal for GMB to continue providing Engineering Services for On-Call Support was presented to the Council for consideration.

Councilman Branson made a motion to renew the contract, seconded by Councilman Wilson.

In discussion, Councilman Johnson questioned if there was any conflict of interest with Mr. Getchell also serving on the Utility Commission.

Mr. Chris Drummond, Town Attorney, indicated there was no conflict of interest.

With no further discussion, Mayor McNinch called for a vote on the motion to renew the GMB contract.

The motion passed unanimously.

Mayor McNinch returned to Petitions Remonstrances and Communication

Waterway Improvement Project Approval – Floating Dock

Mr. Don Mulrine, Town Administrator, shared that the Town has received approval of Grant Funds being awarded in the amount of \$95,825 to be applied toward the construction of a floating dock at Crouse Park. The Grant requires a 50% match. Staff is working to seek and secure additional funding sources to complete the project.

Councilman Branson made a motion to approve the acceptance of the Grant, seconded by Councilman Johnson.

In discussion, Councilman Johnson inquired if there is any County involvement in this project. Mr. Mulrine stated not at this time. Mrs. Sandi Pepe, with the Department of Natural Resources, has help with the design and securing the funding.

Councilman Johnson questions maintenance needs in the future. Mr. Mulrine shared that there will be some maintenance, but that he has not identified those cost yet.

Councilman Lister questioned seeking funding from the County Boat Ramp Fee Project. Mr. Mulrine shared that through Mrs. Sue Simmons, Director of Caroline County Recreation and Parks Dept., they have committed and designated \$5,000 in Boat Ramp Fees toward the paving of the parking lot. Additional funding to be applied toward the parking lot has been denied.

With no further discussion, Mayor McNinch asked for vote on the motion to approve the acceptance of the Grant Funds.

The motion passed unanimously.

Ordinances and Resolutions

Resolution #852 – Zoning & Building Permit Fee Increases

A Resolution revising the Fee Schedule for Zoning, Building Permits, and Plan Review Services, to increase the fees to cover administrative costs. The fees were last increased in June 2014.

This item was pulled from the agenda and additional discussion will be held during the June 18, 2018 Working Session.

Reports of Officers, Boards, and Committees

None

Unfinished Business

Agenda #1- FY19 Highway Fund Budget Adoption

The final draft Fiscal Year 2019 Highway Fund Budget was presented for consideration of adoption. Using State Highway User Revenues and General Fund Tax Revenues the Highway Fund Budget is balanced.

Councilman Johnson made a motion to adopt the FY19 Highway Fund Budget, seconded by Councilman Lister.

In discussion, Mayor McNinch provided an update on the nine-year battle trying to get the State to reinstated Highway User Revenues. The Mayor was pleased to announce that through the Maryland Municipal League's Legislative initiatives, and representation from many Municipalities, that the State has committed to begin reinstating the revenues that were cut many years ago to balance the State General Fund Budget. The Town should start to see those funds in FY 2020.

With no further discussion, Mayor McNinch called for a vote on the motion to adopt the Fiscal Year 2019 Highway Fund Budget.

The motion passed unanimously.

Agenda #2 – Personnel Sick and Safe leave Policy Amendment

Pursuant to the State of Maryland's new "Healthy Working Families Act", staff presented a draft amendment to the **Personnel Manual - Section 14 "Employee Benefits"** – specifically **14-2 Sick and Safe Leave**.

Councilman Branson made a motion to approve the Personnel Manual Amendment, Section 14., the motion was seconded by Councilman Lister, passing unanimously

Agenda #3 - Solid Waste and Recycle Bid Award

Discussion was continued from the May meeting on awarding the bid for the household trash and recycling for the 2019 Budget Year. Staff had previously presented 4 bids, that provided 3 different scenarios. The first option was to continue the same level

of residential trash collection as is currently being provided. Another option is to continue the current service, and to provide trash containers to everyone in Town, and the third bid option is to implement a recycling program, providing two containers, one for trash and the other for recycling.

Staff presented the bids in May and was asked to obtain some additional information on the recommended hauler. Staff shared the additional information requested with the Council pertaining to Eastern Shore Environmental LLC. Due to the additional cost to provide containers and recycle, Mr. Mulrine recommended to continue the current service, while continuing to explore the other options to possibly implement in the future.

Mayor McNinch inquired if residents could recycle privately.

Mr. Phil Clark, Superintendent of Public Works, shared that the owner of Eastern Shore Environmental has agreed to honor the price quoted to the Town of \$8 a month for any resident that would like to privately contract for a recycling container. Mr. Clark mentioned that the owner has indicated that, if the Town wishes to upgrade to one of the other bid options later, he will honor the prices quoted.

Staff was instructed to promote the location of the Recycling Center on the Town website.

Councilman Branson made a motion to award the solid waste contract to Eastern Shore Environmental LLC, option #1 \$6,004 per month. Councilwoman Wilson seconded the motion.

Additional discussion was held, Councilman Johnson asked for the Town Attorney to make sure the contract has adequate language for protection and to provide provision for termination, if the work is not done satisfactorily.

Councilman Lister inquired about only entering into a one-year contract, and work toward recycling. Consider doing a ballot initiative to let the Citizen decide.

Mr. Drummond reminded everyone that the bid was predicated on service for three-years, and to change it now to a one year would require putting this back out to bid, and he added that the Town may not receive much interest from a trash hauler that has to plan for equipment financing, etc. if only for a one-year contract. Mr. Drummond will research the Town Code to see if petition for a Charter Change is allowed.

Councilman Branson amended his motion to include having the Town Attorney amend the final contract to include additional protections, seconded by Councilwoman Wilson, the motion passed unanimously.

Agenda #4 - Denton Project LLC

Patrick Thomas, Attorney for Denton Project LLC, requested a reclassification of zoning for property located on Caroline County Tax Map 104, Parcel 903, Market Street, at the April Town Council Meeting. The Applicant requested a change in zoning classification from Recreation and Parks (RP) to Mixed Residential (MR) based on mistake. The Denton Town Council forwarded this request to the Planning Commission for a recommendation to the Town Council. At the May Planning Commission Meeting, the Planning Commission recommended to accept the Findings of Fact presented and recommended Conclusions of Law prepared by the Town Attorney and to change the zoning classification from Recreation and Parks (RP) to Mixed Residential (MR) based on a mistake for the current zoning classification for this parcel.

Mayor McNinch shared that a Public Hearing was held on this topic in May.

Mr. Drummond stated that if the Council was satisfied that the evidence provided, and the discussion held during the Public Hearing, they could make a motion, recommending to motion to approve the request for rezoning, based upon the Findings of Fact and Conclusion of Law, justifying the rezoning.

Councilman Branson so moved to accept the Attorney's recommended motion, seconded by Councilman Johnson.

In discussion, Councilman Branson expressed that he would rather this be referenced as reversing back to a prior zoning, rather than a mistake.

Mr. Drummond explained why in law this would be considered a mistake, as that the zoning was originally changed for a school that never happened.

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

The motion passed unanimously.

Agenda #5 - CIP Request – 504 Choptank Phones

Mr. Mulrine provided an update on the Fiber Optics Project in Town and asked for permission to utilize CIP Funds to purchase and install a new phone systems for the Public Works Department located at 504 Choptank Avenue.

Councilman Lister made a motion to approve the purchase as presented, seconded by Councilman Branson, passing unanimously.

New Business

Agenda #1 – Denton Police Department Security Upgrade

Chief Cox made a presentation and requested approval for a budget line item transfer and to spend funds to upgrade door locks and security cameras on the Police Building. Seeking to transfer monies from the salary line item to Capital to cover the cost to upgrade which is proposed to be \$19-\$20K.

Councilman Lister made a motion to approve the line item transfer and to spend about \$20,000 for the Safe House Proposal, seconded by Councilman Branson. The motion passed with 4 votes, Councilman Johnson abstained as he is a friend of the Safe House Contractor.

Agenda #2 – Waste Water Treatment Plant Equipment Maintenance

Public Works provided a contract with Remi to take over the Town's Equipment Maintenance Agreement. Hach currently maintains all the waste water treatment plant's ENR online probes at an annual cost of \$14,503. The Remi proposal is for \$10,442. To provide the same service as Hach's. The Town Attorney has reviewed the contract. Staff recommended approving the contract to begin in July of 2018.

Councilman Lister made a motion to approve the contract with Remi, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Election Judge Appointments

The Town's Supervisors of Election Board Members terms expire June 30, 2018. The current board members Ms. Signe Hippert, Mrs. Cheryl Getchell, Mrs. Carol Clendaniel, and Ms. Denise Quinn, who serves as an Alternate, have all requested to be reappointed.

Councilman Branson made a motion to reappoint all of the existing Election Board Members, seconded by Councilwoman Wilson, passing unanimously.

Agenda #4 - GMB Contract Renewal

This item was discussed earlier.

Agenda #5 - FY2019 Water and Sewer Fund Budgets

Discussion on the FY19 Water and Sewer Fund Budget was held and will continue at the June Working Session.

Agenda #6 - Water and Sewer Allocation

Mid-Atlantic Real Estate Investments, Inc., submitted a request for approval for (4.25) ERU's for the proposed new retail building to be located on the existing pad site at the Denton Plaza. The cost of (4.25) ERU's is \$38,250.

Councilman Branson made a motion to approve the water and sewer allocation for Mid-Atlantic Real Estate Investments, seconded by Councilman Lister, passing unanimously.

Agenda #7 - Water & Sewer Allocation

Bullock's Deli submitted a request for approval for an additional (0.5) ERU's for Customer Bathroom renovations/addition. The cost of the additional (0.5) ERU is \$4,500.00.

Councilman Branson made a motion to approve the additional water and sewer allocation for Bullock's Deli, seconded by Councilman Lister, passing unanimously.

Agenda #8 - Farmers Market Request

Chesapeake Culinary School submitted a request seeking permission to hold a Farmer's Market every Wednesday, May through October, on the Town property at 512 Franklin Street, as per the Memorandum of Understanding.

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

In discussion, Mrs. Susie Hayward, of the Mid-Shore Board of Realtors, announced that the Realtor Association applied for a Place Making Grant, seeking funds to provide a seating area, with flag stones at the Culinary School. They were awarded \$3,000 and the Local Board of Realtors is adding another \$500.

The Council thanked and congratulated Mrs. Hayward for all her efforts.

With no further discussion, Mayor McNinch called for a vote on the motion to approve the Farmer Market Request.

The Motion passed unanimously.

Agenda #9 - Byrne Grant Funds

Chief Cox announced that the Police Department has been contacted by the Governor's Office of Crime Control and Prevention, regarding the State having some additional BYRNE Grant monies available. Chief has applied for the funding and if the State awards the grant of \$10,900 to the Town, he asked for approval to purchase two more MDT's for the Police Department.

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

Agenda #10 - Parking Stations Easement

As per previous discussion the Town wishes to install 3 pay stations for parking around the Caroline County Courthouse. Station locations would include 2 units on Market Street in front of the Court House and 1 on N. 2nd Street. An Easement Agreement between the Town and Caroline County Commissioners outlining the details was reviewed.

Councilman Lister made a motion to sign the Agreement as presented, seconded by Councilman Johnson, the motion passed unanimously.

Agenda #11 - Trice Meadows Storm Water Management Deed

A deed outlining the responsibilities of the storm water management within the Trice Meadows Development was discussed.

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

Discussion was held regarding concerns on making sure the Developers maintain these storm areas; and having the Attorney insure these types of agreement are more restrictive than in the past. Once the development is complete, the Home Owners Association will take on the responsibility of the maintenance.

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

The motion passed 3-2, with Councilman Johnson and Councilman Lister voting no.

Miscellaneous

Councilwoman Wilson asked for a Proclamation to be drafted to recognize July 13th as National Summer Learning Day.

Mayor McNinch inquired about scheduling a meeting with the different folks involved in the Sharp Road Park.

Mr. Mulrine provided an update on the Sharp Road Park.

Mr. Mulrine provided an update on the 4th St. Tennis Court Resurfacing Project.

Mayor McNinch recently hosted the Webelo's Cub Scout Troup.

Mayor McNinch announced that the Maryland Municipal League Conference begins this Sunday, June 10 and runs through June 13. The ESAM dinner will be held on Monday.

Mr. Randy Jenkins, the Director of Tuckahoe Habitat for Humanity, provided an update on their projects and thanked the Town for their recent support on the demolitions.

With no further discussion, Mayor McNinch adjourned the meeting at 8:58 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*