

February 7, 2019

Executive Session

At 6:30 PM, Councilman Branson made a motion, seconded by Councilman Lister to hold an Executive Session, by Authority, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) (i), (ii) Personnel, (7) consult with legal counsel & (8) consult with staff on personnel policies.

At 6:56 PM, with no further discussion, Councilman Johnson made a motion to close the Executive Session, seconded by Councilman Lister, passing unanimously.

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 thanked everyone for coming and asked that the record reflect that the Council held an Executive Session earlier on this date, by Authority, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) (i), (ii) to discuss Personnel (7) consult with legal counsel & (8) consult with staff on personnel policies.

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

Councilman Johnson made a motion to approve the minutes of the January 3, 2019 Regular Meeting and the January 28, 2019 Working Session as presented; seconded by Councilman Branson, passing unanimously.

Public Hearing

Ordinance #696 – WWTP Loan Funding

Mayor McNinch opened a Public Hearing at 7:03 PM to receive public comments on Ordinance #696 – An Ordinance authorizing the issuance and sale by the Town of Denton (the “Borrower”) of its general obligation bond in an aggregate principal amount, not exceeding One Million Four Hundred One Thousand Seven Dollars (\$1,401,007.00). Loan funds for the ENR Refinement (UV / Basin) Project.

Mayor McNinch asked for comments from the State: there were none

Mayor McNinch asked for comments from the County: there were none

Mayor McNinch asked for comments from the Council:

Councilman Branson provided an explanation that the loan funds will be used for necessary upgrades to the Wastewater Treatment Plant. The project includes replacing a liner to one of the holding cells that has been out of service for a while, as well as allow the Town to switch over to Ultra Violet processing, discontinuing the use of dangerous chemicals.

Mayor McNinch asked for comments from the Public: there were none

With no further comments, Mayor McNinch closed this Public Hearing at 7:05 PM.

Ordinance #697 – Amended Parking Restrictions

Mayor McNinch opened a Public Hearing at 7:06 PM to receive public comments on Ordinance #697 – An Ordinance amending or repealing and replacing various subsections of Section 120 of the Town of Denton Code, generally outlining parking restrictions for public streets within the Town of Denton and providing penalties for the violation thereof.

*Mayor McNinch asked for comments from the State: there were none
 Mayor McNinch asked for comments from the County: there were none
 Mayor McNinch asked for comments from the Council:*

Councilman Branson, Councilman Johnson and Councilman Lister shared some concerns about Section 5 & 6 being too restrictive.

Mayor McNinch asked for comments from the Public:

Mr. Eddie Conway, President of the Savannah Overlook Home Owners Association, spoke on behalf of the Ordinance and thanked the Council for their efforts. With no further comments, Mayor McNinch closed this Public Hearing at 7:13 PM.

Petitions, Remonstrance's, and Communication

Caroline County State Attorney's Office

Mrs. Caroline Frost, of the Caroline County State's Attorney's Office, provided a summary of cases prosecuted in January for incidents that occurred within the Denton Town Limits.

Mallard Construction Open House

Mallard Construction has completed their first model home at their Legion Rd. Project. They are planning their grand opening for mid-March and provided some dates for the Town Council to attend.

The Council Members thought that March 13 would suit most of their schedules. Mr. Mulrine will relay the message.

DCT Annual Transportation Plan Meeting Notice

The Talbot County Council is submitting the annual application for grant funds from the State of Maryland, Mass Transit Administration, and the Federal Transit Administration for continuation of existing transit services in Caroline, Kent and Talbot Counties. The Public Hearing meeting in Caroline County is scheduled for February 20, 2019 1p.m. at the Central Library in Denton.

This item was for informational purposes only. Mayor McNinch is planning to attend.

Ordinances and Resolutions

Ordinance #696 – WWTP Loan Funding

An Ordinance authorizing the issuance and sale by the Town of Denton (the "Borrower") of its general obligation bond in an aggregate principal amount, not exceeding One Million Four Hundred One Thousand Seven Dollars (\$1,401,007.00). This loan will be for the ENR Refinement (UV / Basin) Project.

Councilman Branson made a motion to adopt Ordinance #696, seconded by Councilman Lister. The motion passed unanimously.

Ordinance #697– Amended Parking Restrictions

An Ordinance amending or repealing and replacing various subsections of Section 120 of the Town of Denton Code, generally outlining parking restrictions for public streets within the Town of Denton and providing penalties for the violation thereof.

Councilman Johnson made a motion to adopt Ordinance #697, seconded by Councilman Branson.

Discussion was held, it was recommended to eliminate or modify (5) & (6) and to continue to discuss the fees some more.

Councilman Branson made a motion to amend the motion on the floor to table consideration of adoption on Ordinance #697 until the March 7, 2019 meeting. Councilwoman Wilson seconded the amendment motion which passed unanimously.

Reports of Officers, Boards, and Committees

Mayor McNinch, Councilwoman Wilson and Mr. Don Mulrine, Town Administrator, recently made a presentation about Municipal Government Structure to the Fourth Grade Class at Denton Elementary School, encouraging students to participate in the Maryland Municipal League "If I Were Mayor" Essay Contest.

Mayor McNinch attended the Martin Luther King March, sharing that it was a great event and well attended.

Mayor McNinch announced that Councilwoman Wilson recently received the Martin Luther King Image Award from the Denton Police Department and the Basketball Classic Program.

Mayor McNinch recently attended the Maryland Mayors Association meeting in Rockville.

Mr. Chris Drummond, Town Attorney, announced that in working with the Planning & Codes Department on an abandoned property purchased at tax sale, he notified the Tax Sale Certificate Holder of property maintenance violations. The Certificate Holder has provided a deed transferring the property of 1105 Market Street to the Town.

Mr. Drummond provided an update on the Court of Special Appeals ruling in the Jesmer vs Town case, in which the Court rejected all claims of wrongful doing. Mr. Drummond has filed a motion for an evidentiary hearing, seeking award for judgement amount.

Unfinished Business

Agenda #1- Interim Main Street Coordinator – Independent Contract Agreement

Councilman Branson made a motion to authorize the Mayor to sign an Independent Contractor Agreement with Mrs. Audrey Clemens to serve as the Interim Main Street Coordinator until the end of June 2019. The motion was seconded by Councilwoman Wilson, passing unanimously.

Agenda #2 – Community Garden – Use Request

Mr. Patrick Allison spoke with the Council seeking approval for using the current Community Demonstration Garden at 4th and Gay St. for a community vegetable garden.

The Council supported and expressed that it would be a good use of the property and asked Mr. Mulrine to work with Mrs. Marina Dowdall, from the Community Gardens Committee, and see about drafting a Memorandum of Understanding.

New Business

Agenda #1 – Culinary School Roof Repair

Mr. Mulrine shared that the Culinary School has a leak in the roof and provided an estimate from Ruff Roofing for the repair for \$6,750.00, recommending using Capital Funds to cover the expense. The repair is necessary where the old bell tower was located, and the previous contract has expired.

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

In discussion, Councilman Lister raised concerns with the estimate only providing a 1-year workmanship warranty and ask Staff to seek a 5-year warranty.

Councilman Branson amended his motion to approve, subject to a 5-year workmanship warranty. The amended motion was seconded by Councilwoman Wilson, passing unanimously.

Agenda #2 – Safe House Contract -DPD

Chief Cox announced the Police Department was awarded a \$50,000 Community Watch Grant through the GOCCP BRYNE Program. He asked the Council for consideration to approve a contract with Safe House in the sum of \$46,490.35 for the installation of new security system equipment, using funds from the Community Watch Grant.

Councilman Johnson asked Chief Cox to make sure there is a retention policy in place before the system goes live.

Councilman Lister made a motion to authorize the Mayor to sign the contract as presented, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Scum Pump Emergency Repair

The Public Works Department shared that the Scum Pump, at the WWTP that conveys water and debris skimmed from the plant's two clarifiers, needs to be repaired. The cost is estimated at \$4,972. It's a 20-year-old pump that will be completely refurbished by Hill's Electric. The cost of a new pump is over \$12,000.

Councilman Branson made a motion to approve the request as submitted, seconded by Councilman Johnson, passing unanimously.

Agenda #4 - Bush Hog Consignment

The Public Works Department submitted a request seeking consideration to place the Bush Hog Side Arm Boom Mower, that was purchased in December 2017, on consignment at Rathell Farm Equipment. The hydraulic system on the tractor that the unit is installed on, has had to be repaired, and it was discovered that the attachment maybe too large for the tractor, creating instability. Staff proposed selling the unit and purchasing a smaller unit that is more suitable for this tractor.

Councilman Lister made a motion to consign the unit with Rathell, seconded by Councilman Johnson, passing unanimously.

Agenda #5 - Frysta Pops Lease

Mr. Mulrine has been working with Ms. Stephanie DeFiglia, owner of Frysta Pops, on possibly renting space at the Microenterprise Center at 323 Market St. for her business.

This item was pulled from the agenda, while Mr. Mulrine works with the State Health Department on recent changes to the State guidelines for this type of food business.

No action was taken.

Agenda #6 - Public Works Equipment Purchase

Public Works submitted a request to purchase a Toro Air Ride 74991 for the WWTP pump stations, wells, and water towers. Atlantic Tractor will accept the old unit for trade of \$1,300.00; the price of the demo unit is \$8,115.54, making the purchase price \$6,815.84. The unit has 116 hours on it and Atlantic Tractor will provide a full warranty.

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

Miscellaneous

Mayor McNinch announced that the February Working Session will be held on Feb. 19th at 6:30 PM instead of Feb. 25.

The Council has been invited to attend the District 36 Eastern Shore Delegation in Annapolis for a Tour of the State House on February 25th.

Mayor McNinch asked for an update on the CAMBIO WIFI.

Mr. Mulrine shared the status and will place CAMBIO on the March agenda so that Mr. Kirby can give a full update.

Mr. Mulrine shared that a submersible motor for Well #3 broke this week and asked the Council for consideration to replace it. A \$9,997 quote from A.C. Schultes of Delaware Inc. was provided.

Councilman Lister made a motion to approve an emergency purchase from A.C. Schultes of Delaware to replace the pump, seconded by Councilman Branson, passing unanimously.

With no further discussion, Mayor McNinch adjourned the meeting at 8:16 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*