

May 5, 2022

**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 Councilwoman Wilson will be joining shortly attending virtually, and that all other Councilmembers were present in person.

Pastor Dan Gedman of St. Luke's United Methodist Church came to the podium and provided the Invocation.

Councilman Johnson made a motion to approve the minutes of the April 7, 2022 Regular Meeting, the April 18, 2022 and April 25, 2022 Working Sessions, and the April 25, 2022 Special Meeting as presented; seconded by Councilman Lister, passing with four votes. Still awaiting Councilwoman Wilson to join the meeting.

**Public Hearing**

**Constant Yield Tax Rate**

Mayor McNinch read the contents of the Constant Yield Tax Rate Public Hearing Notice. The current tax rate for Fiscal Year 2021-2022 is \$.76 per \$100 of assessed value. The State Certification shows the Constant Yield Tax Rate should be reduced to \$.7372 to maintain the same revenues for the upcoming Fiscal Year 2022-2023. The Council is proposing to set the FY23 tax rate at \$.74 per \$100 of assessed value.

Mayor McNinch opened a Public Hearing at 7:06 PM to receive public comments on the Fiscal Year 2023 Constant Yield Tax Rate.

Mayor McNinch asked for comments from the State: there were none received online or in person during the hearing.

Mayor McNinch asked for comments from the County: there were none received online or in person during the hearing.

Mayor McNinch asked for comments from Council Members.

Chief George Bacorn announced that Councilwoman Wilson is now online and able to participate in the meeting.

Councilman Branson wanted to let the citizens know that the Town is proposing to drop the tax rate to \$.74 per \$100 of assessed value.

Councilman Johnson remarked that with lowering the rates to \$.74, it will help reduce most homeowner's Town taxes.

Mayor McNinch asked for comments from the public: there was none received online or in person.

Mayor McNinch announced that the Council will finalize and set the FY2023 tax rates this evening during their discussion on Unfinished Business #1.

With no further comments, Mayor McNinch closed the public hearing at 7:09 PM.

**Ordinance #733 – Property Maintenance Code Amendment**

Mayor McNinch opened a public hearing at 7:10 PM to receive public comments on Ordinance #733 - An Ordinance to amend the Town of Denton Property Maintenance Code contained in Chapter 94 of the Denton Town Code with respect to property maintenance.

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 Johnson clarified that this Ordinance corrects typos and references that were adopted with the last Ordinance #726.*

*Mayor McNinch asked for comments from the Public: there were none online or in person.*

*With no further comments, Mayor McNinch closed the public hearing at 7:10 PM.*

**Ordinance #734 – FY2023 General Fund Appropriations**

*Mayor McNinch opened a public hearing at 7:11 PM to receive public comments on Ordinance #734 – An Ordinance to Appropriate Funds and Estimate Income in accordance with the General Fund Budget being adopted for Fiscal Year Beginning July 1, 2022 through June 30, 2023.*

*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 Lister shared that as the Ordinance relates to the budget that it includes changes for police retirement and police retention, public fleet improvements, and that the budget is close to a flat budget without burdening the taxpayers.*

*Councilman Johnson added that it also includes adjusting the Town's PayScale to comply with mandated minimum wage changes, the new scale will start at \$13.50 per hr.*

*Mayor McNinch asked for comments from the Public: there were none online or in person.*

*With no further comments, Mayor McNinch closed the public hearing at 7:13 PM.*

**Petitions, Remonstrance's, and Communication**

**Citation Presentation**

*For their efforts in assisting a lost gentleman with dementia get back to his home safely in Trappe on March 29, 2022, Chief Bacorn presented Corporal Mark Snyder and Patrolman Benjamin Mitzel with Chief Citations for Outstanding Performance and Mayor McNinch presented them with Council Citations.*

**Proclamation – 53<sup>rd</sup> Municipal Clerks Week**

*Councilman Branson read and presented a Proclamation recognizing May 1<sup>st</sup> through May 7, 2022 as National Municipal Clerks Week, expressing the Council's gratitude for the hard work and dedication of our Town Clerks and the vital services they provide to our community. Accepting the Proclamation was Account Clerk Robin Lahnemann and Clerk-Treasurer Karen Monteith.*

**Proclamation – National Police Week**

*Councilman Lister read and presented a Proclamation recognizing May 15<sup>th</sup> through May 21<sup>st</sup>, 2022 as National Police Week, expressing the Council's gratitude for the vital public service our Police Dept. provides. Accepting the Proclamation was Sergeant Rick Starkey and Chief of Police George Bacorn.*

*A candlelight vigil will be held on May 11<sup>th</sup> at Calvary Baptist to honor fallen officers during Police Week ceremonies.*

**Proclamation – National Public Works Week**

*Councilman Johnson read and presented a Proclamation recognizing May 15<sup>th</sup> through May 21<sup>st</sup>, 2022 as National Public Works Week, expressing their gratitude for the hard work and dedication of the Public Works Staff in providing vital services to our*

community. Accepting the Proclamation was the Superintendent of Public Works Phil Clark and the Superintendent of Water & Wastewater Operation Mark Chandler.

**Proclamation - May 28<sup>th</sup> Pride Day in Denton**

Mayor McNinch read a Proclamation recognizing May 28, 2022 as Pride Day, the 2<sup>nd</sup> Annual Pride Festival will be held on this date in downtown Denton. The Proclamation was accepted by Angel Perez.

**YMCA Donation Letter**

The Council reviewed a letter from the Caroline County YMCA seeking a donation of \$500.00 to assist them in continuing to provide community programs in the area. Angel Perez, Program Coordinator for the YMCA spoke with the Council.

Mayor McNinch shared that the Town is working on instituting a grant program for community organizations and they will be sure to let the YMCA know when it is ready so they can apply.

**Ordinances and Resolutions**

**Ordinance #733 - Property Maintenance Code Amendment**

An Ordinance to amend the Town of Denton Property Maintenance Code contained in Chapter 94 of the Denton Town Code with respect to property maintenance.

Councilman Johnson made a motion to adopt Ordinance #733, seconded by Councilman Branson, passing unanimously.

**Ordinance #734 – FY23 General Fund Appropriations Ordinance**

Action on this Ordinance was deferred to be discussed with Unfinished Business #1 – FY2023 General Fund Budget.

**Reports of Officers, Boards, and Committees**

Councilman Johnson shared that Mr. Steven Becker has been posting additional complaints about the basketball court on North Third St. Councilman Johnson walked the area, met with six neighboring residents who support keeping the basketball courts where they are on North Third St. The only changes they recommended was to use the other gate and to raise the fence on the one side.

Mr. Don Mulrine, the Town Administrator, and Chief Bacorn will explore switching gates.

Councilman Johnson shared one resident said Denton needs a shoe store.

Councilman Lister announced that the next Denton Utility Commission meeting is scheduled for May 18, 2022. He is working on scheduling for the UC to meet with Easton Utilities as they continue to explore expanding services in Denton.

Mayor McNinch announced that on May 11<sup>th</sup> the Police Unity Bike Tour will be coming through Denton again this year in the afternoon and later that evening the Fallen Officer Candlelight Vigil will be held, encouraging everyone to attend.

Mayor McNinch congratulated Caroline County School Board on their appointment of Derek Simmons as the new School Superintendent.

Mr. Mulrine announced that the Legislative Action Requests are coming due for next year, asking the Council to provide their suggestions.

Mayor McNinch announced that Delegate Ghrist worked hard to get Community Parks & Playground Grant Funding for the parks in Caroline County. Unfortunately, the Caroline County Commissioners are planning to keep all the funds this year for the North County Park and the Municipalities will not get any funding. Mayor McNinch recommended submitting a legislative request that would give the Towns an opportunity

to be able to apply directly to the State for grant funds rather than having to go through the County.

Mayor McNinch, Councilwoman Wilson, and Councilman Johnson are all registered to attend the Maryland Municipal League Summer Conference.

Councilwoman Wilson was elected to serve as the Treasurer for the Eastern Shore Association of Municipalities.

Councilman Johnson and Councilwoman Wilson said they will share a report next month on the "Wondering Maryland Waterways."

### **Unfinished Business**

#### **Agenda #1- FY2023 General Fund Budget Item & Ordinance #734 – FY2023 General Fund Appropriations Ordinance**

The Fiscal Year 2022-2023 General Fund Budget is before the Council for final discussion and consideration of adoption. Along with Ordinance #734, and Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year Beginning July 1, 2022 – June 30, 2023, and further establishing the Property Tax Rates for FY2023.

Councilman Lister made a motion to adopt Ordinance #734, seconded by Councilman Johnson.

In discussion, staff clarified that the Council is required to adopt the budget before the Ordinance, or they can do both at the same time.

Councilman Lister withdrew his motion, and Councilman Johnson withdrew his second, first motion died.

Councilman Johnson made a new motion to adopt the Fiscal Year 2023 General Fund Budget as well as to adopt Ordinance #734, seconded by Councilman Lister, passing unanimously.

### **New Business**

#### **Agenda #1 – LGIT Election Ballot**

Councilman Johnson made a motion to nominate Mayor McNinch to cast the vote for the LGIT annual election, seconded by Councilman Lister, passing unanimously.

#### **Agenda #2 – Road Resurfacing Project**

Mr. Mulrine and Mr. Phil Clark submitted a proposal received from David A. Bramble, Inc. for this year's paving projects. \$146,400 is for Fleetwood Rd., Camp Rd., and Legion Road, using State Highway User Revenues. The proposal includes \$50,000 for adding a layer to Crouse Park that will be covered by DNR Grant.

Councilman Lister made a motion to approve the request for David A. Bramble for \$196,400, seconded by Councilman Branson, passing unanimously.

#### **Agenda #3 - Caroline County Police Accountability Board Discussion**

Chief Bacorn shared the Caroline County draft resolution pertaining to the new Police Accountability Board and Administrative Charging Committee and discussion was held.

#### **Agenda #4 - Local Parks and Playgrounds Infrastructure Grant**

Mr. Mulrine submitted a revised budget and invoices for the DNR Community Parks & Playground Grant for Sharp Road Park. Many of the items have been ordered, seeking final approval to use the funds awarded by DNR to cover the cost.

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

*Discussion was held on the status of the 4<sup>th</sup> St. Park Project, and maintenance of the restrooms being installed at the Sharp Rd. Park.*

*Mr. Chandler shared that the CYSA has taken the Town's soccer equipment from the Sharp Road Park building and moved it to the Elementary School. Staff will monitor and make CYSA puts the equipment back.*

*Mayor McNinch announced that Delegate Ghrist was successful in getting the Town awarded \$300K last year for park upgrades. He has been working on getting additional funding awarded this year and just recently found out he was able to secure a million for this coming year. However, the County has decided it will be using the million for their North County Park Plan. Mayor McNinch suggested sending a letter to the legislators explaining how hard it is for Municipalities to apply to the county and compete with the County for park funds.*

*Mr. Chris Drummond, Town Attorney asked for the Mayor to share the CP&P Legislation, and Mayor McNinch will draft a letter for everyone to review.*

**Agenda #5 - Axon Body Cameras**

*Chief Bacorn explained that the Town is in the last year of the body contract with Axon, and he presented a proposal to upgrade the current equipment and enter a new contract with Axon for \$54,407.29, with payments to be spread out over five years. The current contract is \$7,800 per year, with the proposed security and safety upgrades the new contract will be \$10,881 per year.*

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

**Agenda #6 - DPW Bucket Truck Purchase**

*Mr. Mulrine shared that Public Works has been offered to purchase a 2013 Bucket Truck from Choptank Electric for \$30,000. After reviewing the truck, staff shared that it will take an additional \$5000 to get repairs done to put the truck on the road. This is a 2013 Ford 550 bucket truck and will replace the Town's 1998 Ford Bucket truck we have now. Staff asked the Council for consideration of approval to purchase the truck, and to have the repairs completed using \$35,000 of the ARPA funds.*

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

*Councilman Lister made a motion to authorize the Mayor to sign the Agreement with Choptank Electric, seconded by Councilman Johnson, passing unanimously.*

**Agenda #7 - WWTP Waste Pumps**

*Mr. Mark Chandler submitted a request to replace 2 waste pumps at the WWTP that are currently 23 years old and are at the end of their life cycle. A quote was submitted from Sherwood Logan with a cost for replacement to be \$20,090, and Mr. Chandler estimated an additional \$10,000 for labor to install. Total requested was \$30,090.*

*Councilman Lister made a motion to approve the purchase and installation of the two pumps, using sewer funds that was originally designated for the grinder pump that is now being purchased using the ARPA Funds. The motion was seconded by Councilman Branson, passing unanimously.*

**Agenda #8 - Sludge PER/ER RFP**

*Mr. Chandler submitted a request to hire RK&K Engineering to perform a Preliminary Engineering Report and an Environmental Report for a Sludge Drying*

Process at the WWTP. Out of 4 bidders, RK&K was the lowest bidder at \$25,027. Mr. Chandler explained he would be using funds earmarked for the Grit Machine replacement that ended up being funded by ARPA Funds.

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

**Agenda #9 - ARPA Report**

Mr. Mulrine shared the first SLFRF Compliance Report that was submitted by Valerie Mann for the ARPA funding. Discussion was held on the updated project budget and funding allocated and total spent to date.

Mr. Drummond explained loss of revenue assumption and how it works.

Mr. Mulrine shared that the engineering design for the utility portion has been put out to bid. This was for discussion only.

**Agenda #10 - Parking Poles at Courthouse**

Councilman Lister talked about his recent discussion with Commissioner Porter and how convoluted this has become. The County is hiring a surveyor to find out who the parking meter poles belong to. Councilman Lister recommended working this out with the County instead of them taking on the expense of going through the survey process.

Councilman Lister made a motion to have the Mayor send a letter to the county authorizing the County to remove the poles, seconded by Councilman Branson.

As discussion continued, Councilman Lister said that the County showed him where they had previously approved for the Town to install the parking kiosk on their lawn instead of in the street, however that information was never shared with the Town.

Mr. Drummond shared that the cost for the survey will be expensive, and he had already researched and found that many years ago the Federal Government gave the land to the County and the Town, however all the old documents do not explain the details of who gets what.

Councilman Lister said that to save tax dollars, let's just authorize the County to remove them by the end of the month.

**Miscellaneous**

The Council discussed a draft Request for Proposals pertaining to future administration changes and made some changes. Council directed Staff to make the changes and to move forward with distributing the RFP to a list of firms obtained through MML, post on the MML website, with RFP due by May 31, 2022 and look to award on July 7, 2022.

Councilman Lister shared that Shore River Keepers has a meeting scheduled to discuss where the outflow of rainwater goes, as they are working to modernize the development along the Route 404 corridor to slow the velocity of the out flows to the river to stop the erosion and undermining taking place in the eastern part of Town.

With no further discussion, Mayor McNinch adjourned the meeting at 8:57 PM.

Respectfully submitted,

Karen L. Monteith,  
Clerk - Treasurer