

*August 5, 2021*

**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.*

*Councilwoman Wilson made a motion to approve the minutes of the June 3, 2021, Regular Meeting as presented; seconded by Councilman Branson, passing unanimously.*

*Councilman Branson made a motion to approve the minutes of the June 21, 2021, Working Session as presented; seconded by Councilman Lister, passing unanimously.*

*Councilman Johnson made a motion to approve the minutes of the July 1, 2021, Regular Meeting as presented; seconded by Councilman Branson, passing unanimously.*

**Public Hearing**

*No public hearings were held.*

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

**Proclamation – Caroline Summerfest 2021**

*Mrs. Sue Simmons, Director of Caroline County Recreation and Parks, read a joint Proclamation of the Denton Town Council and the Caroline County Commissioners proclaiming Friday, August 20 through Sunday August 22, 2021, as Caroline Summerfest Days. Mrs. Simmons presented members of the Council with magic wands, thanking them for their continued support of the event and everyone posed for a photo.*

**Citation – Eagle Scout Thomas Kimble**

*Mayor McNinch read a Proclamation of the Denton Town Council recognizing Thomas Kimble for earning his Eagle Scout Badge. The Proclamation will be presented at a ceremony being held on August 7, 2021.*

**Planning & Codes Complaint**

*Mrs. Linda Powell of 1214 Painted Fern Rd. had submitted a request to speak with the Town Council about the Planning & Codes Department.*

*Mrs. Powell was not in attendance when the discussion began.*

*The Town Attorney, Mr. Chris Drummond, provided a summary and shared that Mrs. Powell has expressed that she is upset at the Town's requirements for having to obtain a permit for work she was having done in her yard and the required inspections. Mr. Drummond also shared that after Mrs. Powell having made lots of accusations against staff, expressing that she was being singled out, the decision was made to hire a third-party inspector. And he further explained that the private inspector also found several structural violations of the work not meeting the building code while onsite, and during the inspection Mrs. Powell had him leave her property as well.*

*Councilman Johnson mentioned that the pictures provided show the work that had been done was unsafe and could potentially cause harm to the homeowner and their family if not constructed properly.*

*At 7:20 PM, Mrs. Powell and her husband, Mr. Bruce Powell arrived, and Mrs. Powell approached the Council.*

*Mayor McNinch asked for consideration to go into a closed session to discuss with Mrs. Powell her concerns directly related to Town personnel.*

*Per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) discuss: (ii) Personnel – any other personnel matter that affects 1 or more specific individuals, and (2) to protect the privacy of reputation of individuals with respect to a matter that is not related to public business.*

*At 7:21 PM Councilman Johnson made a motion to hold an Executive Session as requested, seconded by Councilman Lister, passing unanimously.*

*Everyone not involved in the discussion was excused and left the room.*

**Executive Session**

**Present for Closed Session:**

*Mayor McNinch, Councilman Lister, Councilman Branson, Councilman Johnson, and Councilwoman Wilson.*

*Town Staff - Mr. Donald Mulrine, Town Administrator, Planning & Codes Staff Mr. David Renshaw, Mr. Eric Knapp, and Karen Monteith, Clerk Treasurer.*

*Mr. Chris Drummond, Town Attorney.*

*Mr. Michael Callender, Remington & Vernick Engineers, Inc.*

*Mrs. Linda Powell and Mr. Bruce Powell.*

**Discussion:**

*Mrs. Powell shared and discussed her concerns about Town Staff with the Council and the Town Attorney.*

*At 8:06 PM, Councilman Lister made a motion to close the Executive Session and reopen the regular meeting, seconded by Councilman Johnson, the motion passed unanimously.*

*The meeting was reopened to the public.*

**Regular Meeting resumed**

*Mr. Drummond announced that the Council heard from Mrs. Powell concerns about certain employees of the Town, no decisions were made by the Town Council during the Executive Session. The Council will take her concerns regarding personnel complaints under consideration.*

*Mrs. Powell provided some additional comments regarding the Town's Policy, permit issues and feels the Town's policy is somewhat of an invasion of privacy, using the permitting process as a cash cow and that she and her community are being singled out.*

*Councilman Johnson shared that the Town's Policy follows state mandates. While the department has been asked to be complaint driven, if Town Staff sees work going on, they are required to enforce the rules to ensure the safety of the entire community, making sure that all structures are safe.*

*Mrs. Powell stated that the community does not like what the Town is doing and that the Town Policy stinks.*

*Mayor McNinch thanked Mrs. Powell for her comments.*

*Councilman Johnson asked Planning & Codes Staff to provide a list of fines and violations issued within the last 12 months, by community, to the Council to look at by next month. Suggesting the Town can use this as a tool to reach out to the HOA's for assistance of the issues we are seeing and working with them to help get the word out to their residents.*

**Ordinances and Resolutions**

*None*

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

Mr. Angel Perez, the YMCA Family Coordinator, thanked and presented Mayor McNinch with a Mayor for Mentoring Campaign Plaque, thanking her for participating in the national mentoring program.

Councilman Lister provided an overview of the July Utility Commission meeting.

Councilman Johnson provided an overview of the July Planning Commission meeting.

### **Unfinished Business**

#### **Agenda #1- Legion Road Median Turn and Dunkin Donuts Property Turn**

Mr. Drummond shared that no comments have been received from Mr. Kaiser & Brodie Holdings, regarding the Legion Road access to the Dunkin Donuts Property and the safety concerns of the traffic flow. No specific information on a pending court case has been provided or found.

Councilman Johnson explained the history and issues with traffic stacking up and expressed the Town has a duty to the community for safe traveling.

Councilman Branson talked about the road everyone is traveling on to access Taco Bell and Dunkin Donuts is a private road, that was put in temporarily 10 years ago, and was never intended to be the main travel lane.

Councilman Lister stated the Town has an obligation to notify the public by posting signage that the left turn lane is going to close in September. If it becomes necessary, hold a special meeting to discuss with the public.

Mayor McNinch would like to see the Town work on developing a marketing plan of the area.

### **New Business**

Mayor McNinch moved around the agenda items some to accommodate the audience.

#### **Agenda #5 - Visitor Center**

Mrs. Nancy Minahan addressed the Council with a proposal to consider using part of the Visitor Center as a restaurant. Sharing that they have established a Denton Restaurant Board, and with Harry's on the Green lease expiring in about 11 months, their board would like to explore relocating the restaurant to the visitor center.

Discussion was held on the existing granting requirements for it to remain a visitor center, ways the restaurant could enhance the use of Visitor Center by helping to promote the Town and the history of Denton, and funding pledges the Restaurant Board has already gathered.

For the Town to consider, the multiple grants that were acquired to originally build the center would need to be researched, as well as the Town Zoning and Code Regulations.

Mr. Mulrine and Mr. Drummond asked for a more defined plan to be put together that can be distributed to the granting agencies to review to see if they would allow, and to review the Town Code.

#### **Agenda #9 -114 Siesta Drive Water Allocation Request**

Mrs. Eleanor Lacklen, owner of property located just outside the Town boundary at 114 Siesta Drive, is having an issue with their well was present to discuss the possibility of connecting to the Town Water System.

The Council reviewed information provided by staff of which it has been the Town's Policy to require a property to be annexed into the Town limits in order to hook up to the Town Water and Sewer System. Town Staff has also identified that Mrs. Lacklen's property

is not contiguous to the Town Boundary and therefore would also require the neighboring property to annex as well.

Mrs. Lacklen questioned that since the property across the street is in Town couldn't it be possible that she is close enough to connect to the same line they are and asked if the Town can take a closer look to see where the boundary starts and stops.

Mr. Phil Clark, Superintendent of Public Works, shared that the property across the street that is connected is within the Town boundary as well as the water line, but that the road base of that portion of Siesta Drive is not within the Town limits. The property across the street is contiguous to neighboring property that is on the corner of S. Second St.

Staff and Mr. Drummond will research the boundary further.

**Agenda #1 – Tyler Holdings Lean Position Request**

Staff provided a letter from Provident State Bank requesting the Town consider subordinating the Tyler Holdings Business Loan from the current 2<sup>nd</sup> lien to 3<sup>rd</sup> lien position.

The Council asked Staff to obtain some additional information on the total encumbrance on the property and to provide an updated property value to consider this item next month.

**Agenda #2 – Cambio Broadband LLC Name Change**

Mr. Kirby has notified the Town that he has closed his business under Cambio Broadband LLC and has started a new business called Veloce Network, LLC. Mr. Kirby is presently working with the State of Maryland on registering the new business. The 323 Market St. Rental Lease and the Dark Fiber Agreement both need to be updated and will be forth coming.

Mr. Mulrine asked for this item to be removed as Mr. Kirby was not able to attend and is still waiting on Maryland License to be approved.

Discussion was held with Mr. Drummond, regarding leases and name changes. This item will be placed on the Sept. agenda.

**Agenda #3 - Deford – Sewer Abatement Request –**

Staff shared a letter received from Mrs. Paula Wright asking for an abatement on the water billing on behalf of her mother, Mrs. Ann Deford of 320 S. Third St. due to a broken pipe that was leaking in the crawl space that was repaired by her son.

The leak was not certified by a licensed plumber or Town Public Works Staff as required per Sewer code 102-34.1 to qualify for Staff to issue an abatement on the sewer portion.

Councilman Johnson shared that he had spoken to Mr. Jeff Wright and asked him to have a plumber come look at the repair to certify they had fixed a leak under the house.

No action was taken on this request.

Mr. Drummond mentioned, for the record, that Mr. Knapp, Property Maintenance Inspector for the Planning & Codes Department, had shared with him that he was upset that he did not have an opportunity to rebut what was said earlier during the conversation with Mrs. Powell.

Mayor McNinch stated the Council has heard what Mrs. Powell had to say, and that if the Council wishes to have any additional discussion with Staff, that he will be notified.

At Councilman Lister's request, discussion went back to Agenda #2 – Cambio in which Mr. Drummond provided some additional guidance on the effects on leases when there is a business name change, options for approving a new lease and/or terminating leases. Mr. Drummond will continue to monitor and provide an update next month.

**Agenda #4 - 902 Old Camp Road**

Mr. Drummond and Mrs. Monteith advised the Council that the Owner of 902 Old Camp Road, Ms. Debra McCaw, is in default on the Public Works Agreement signed in 2017. The Owner, nor her family that reside at the residence have not met any of the requirements of the agreement. The Owner is seeking to transfer ownership of the property to her tenants, which is her son and daughter-in-law. Town staff is not able to sign off on a transfer of ownership until the property is brought into compliance with PWA or a new agreement is entered into. The statute of limitation is nearing on the recent agreement. In lieu of going to court, the property owner's family like to request an extension or to enter into a new agreement.

Mr. Drummond drafted a motion for the Town to negotiate an extension through a new agreement with the owners, Ms. McCaw, the current owner and the Echard's the potential new owners to extend the obligation to hook up to the Town Public Water and Sewer System with a period to not extend beyond one year and for the \$9,000 permit allocation fees to be paid within 180 days, and if they fail to do so, the Town will have an option to enter into a monetary judgement, placing a lien on the property; and in exchange for the agreement, the Town will sign off on Ms. McCaw conveying ownership to the Echard's, and release the 2017 agreement that is currently recorded among the land records.

The recommended motion from the Town Attorney was so moved by Councilman Lister, seconded by Councilman Branson, and passed unanimously.

**Agenda #6 - FY22 Highway Fund Budget**

The FY2022 Highway Fund Budget was presented for discussion and consideration of adoption.

Councilman Johnson made a motion to adopt the Fiscal Year 2021-2022 Highway Fund Budget as presented, seconded by Councilman Lister, passing unanimously.

**Agenda #7 - FY22 Water and Sewer Fund Budgets**

The FY2022 Water Fund and Sewer Fund Budgets recommended by the Utility Commissions were presented for discussion and consideration of Adoption.

Councilman Lister made a motion to adopt the Fiscal year 2021-2022 Water Fund and Sewer Fund Budgets as presented.

In discussion, Councilman Lister provided an overview of the details. Mrs. Monteith shared that discussion was held with the Utility Commission regarding the recent increases in the cost for new water meters, the amount assessed by the Town is not enough to offset the cost. The Utility Commission discussed increasing the quarterly water meter replacement fee rate to all users to \$6.00 per quarter and to start charging \$600 for meters for all new residential construction to cover the rising cost. This recommended increase is not included in the Water Fund Budget presented, as the increase will be contingent of approval from the Council.

With no further discussion, Mayor McNinch asked for a vote on the motion to adopt the FY22 Water and Sewer Fund Budgets.

*The motion passed unanimously.*

**Agenda #10 - Wesleyan Pump Station Repair**

*Mr. Mark Chandler, Water & Wastewater Operation Superintendent, shared that the generator automatic transfer switch at Wesleyan Pump Station recently failed. This unit is approximately 15 years old. After extensive troubleshooting, and in working with Craig Generator & Diesel, LLC., the Town's generator technician, it was determined a new transfer switch will need to be installed.*

*Because it takes a couple months to get the new unit, Mr. Chandler had Mr. Craig go ahead and order the equipment and asked the Council to approve up to \$5,000 for the replacement and install.*

*Councilman Lister made a motion to approve the repair for the transfer switch up to \$5,500, seconded by Councilman Johnson, passing unanimously. Amount was corrected on the next agenda item.*

**Agenda #8 - WWTP – Emergency Repair**

*Mr. Chandler shared that the motor and drive unit for the WWTP barscreen roto-press failed due to age. This unit is 22 years old. The roto press is part of the headwork's process that screens trash out of the influent waste stream and conveys it into a dumpster. Mr. Chandler provided a quote from Parkson Corporation and requested approval to move forward with the repair estimated to cost not to exceed \$5,500.00.*

*Realizing that the agenda items were taken out of order, Councilman Lister corrected his previous motion on Agenda item #10, for the cost to not exceed \$5,000.*

*Councilman Lister made a motion to approve the emergency repair for the barscreen roto press to not exceed \$5,500, seconded by Councilman Branson, passing unanimously.*

**Agenda #11 - MOA Law Enforcement Terrorism Protection Program Grant**

*Police Chief George Bacorn presented a Memorandum of Agreement between the Caroline County Department of Emergency Services and the Town of Denton for the FFY2019 Law Enforcement Terrorism Protection Grant that will provide \$3,927.50 for video surveillance cameras, hardware, and installation for the Denton Police Department for consideration of approval.*

*Councilman Johnson made a motion to approve, seconded by Councilman Branson, passing unanimously.*

**Agenda #12 - Televic Communications-DPD**

*Chief Bacorn and Councilman Johnson shared highlights from a conference call recently held with Televic Communications. This company offers software and recording devices that could improve making public meetings more electronically accessible. They will continue to explore other vendors.*

**Agenda #13 - LEOPS- DPD**

*Chief Bacorn shared that many local agencies are now moving to the Maryland State Retirement Law Enforcement Officers Pension System as an added benefit for attracting new hires. Chief stated that with the department having so many vacancies, now is when the entry cost maybe at its lowest. He just wanted to provide a heads up that he is going to seek an estimate for having an updated actuary study done to see what the cost would be for the Town to make a change.*

**Agenda #14 - DHCD Loan Refinancing**

*The Town Administrator has been exploring ways to reduce existing debt and has been working with DHCD on possibly refinancing current debt the Town has through USDA.*

*Mrs. Monteith provided additional information, sharing that the Utility Commission gave a favorable recommendation to move forward with refinancing as it would save the Town about \$330K in interest over the terms of the existing loans. If the Council approves staff will complete the States Infrastructure Refinancing application that is due this month.*

*Councilman Johnson made a motion to authorize moving forward with submitting the application to refinance the infrastructure debt, seconded by Councilman Lister, passing unanimously.*

**Miscellaneous**

*With no further discussion, Mayor McNinch adjourned the meeting at 9:58 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*