

TOWN OF BETTERTON
Mayor & Council Meeting
July 12, 2022 @ 7:00 P.M.
Berterton, MD 21610

Meeting was held via GotoMeeting link. Meeting began after public hearing at 7:00 p.m.

IN ATTENDANCE: Mayor Donny Sutton, Councilman Bill Fracassi, Councilman Wayne Gilchrest, Councilman Harry Marcy, Councilman Bob Pyfer, Town Manager Tom Mogle, Town Clerk Sheila Dlugoborski, WTP/WWTP Operator Jeff Miller and Town Attorney Tom Yeager.

RESIDENTS: (in person or virtually via GoTo link) Ginny Story, Candi Sorge, Cheryl Fracassi, Mary Ann Wasko-Smith, Russell Bell, Sharon Sutton, Mark Zwanger, DMC, Halerman, Caller 1, Caller 2, and Caller 3.

MINUTES: *Councilman Marcy motioned to approve the Public Hearing on May 10, 2022. Council Meeting on May 10, 2022. Public Hearing on May 24, 2022 (Ericsson Avenue Street Reconstruction), Public Hearing on May 24, 2022 (Ordinance 2022-01, Budget) Council Workshop meeting on May 24, 2022 and Council Workshop meeting on June 28, 2022. There was no Council Meeting on June 4, 2022. Seconded by Councilman Fracassi; all in favor, motioned carried.*

FINANCIAL REPORT: *Councilman Fracassi motioned to approve the May & June financial report; seconded by Councilman Pyfer; all in favor, motioned carried.*

SHERIFF'S REPORT: Mayor Sutton read the May report. The Sheriff's Department handled 14 calls for service, 11 traffic warnings, 4 traffic citations, 0 Man hours and overtime cost of \$0.00.

GUEST SPEAKERS: NONE

Mayor Sutton stated that we are required to hold a public hearing for the MD rural Development Corp. (MRDC) for Circuit Rider/Town Manager services. The public hearing has been advertised in the Kent County News for this evening.

Mayor Sutton opened the **PUBLIC HEARING** at 7:15 p.m. Mayor Sutton read into record the Memorandum of Agreement and Resolution 2022-02. Town Manager Mogle explained that the Circuit Rider would assist with the Ericsson Avenue grant process. There was no comments or discussion. *Councilman Marcy motioned to close the public hearing at 7:18 p.m. Councilman Gilchrest seconded; all in favor; motion carried.*

Mayor Sutton opened the regular Council Meeting at 7:15 p.m. Mayor Sutton asked for a motion to adopt the Memorandum of Agreement and Resolution 2022-02. *Councilman Gilchrest made a motion to adopt Resolution 2022-02 Circuit Rider/Town Manager Program; Councilman Fracassi seconded; all in favor; motion carried.*

COMMITTEE REPORTS:

BCC: No Report.

BCDC: Candi Sorge stated they are looking forward to Berterton Day. Ask permission to hold the Baby Contest at the Community Center on Berterton Day. Council approved. 9 a.m. registration, 10 a.m. judging; winners announced at the beach area after the parade. Impressed with the number of visitors in the museum.

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PLANNING: They have 2 residents that they would like to nominate to the Planning/Zoning board. George Bailor and Cheryl Fracassi. Council approved. Mayor Sutton administrated the Oath of Office to both nominees.

APPEALS BOARD: No Report.

ROADS: There are a few potholes on Ericsson Avenue that need to patch.

PARK: Working on grants to redo the tennis courts as well as the basketball courts, fencing, nets, etc.

SAFETY: No Report.

FIRE CO.: No Report.

WATER/SEWER: Mayor Sutton read the report submitted by Jeff Miller, Plant Operator. Water & Wastewater Report June 2022. The water plant pumped 864,000 gal. of potable water in the month of June. There were no leaks or repairs in the distribution system this month. Bids have been submitted for the new water meter installation at the Bath house. The Wastewater Plant treated and discharged 939,000gal of Effluent to the Sassafras River this month. We have started replacing the valves in the Denite filter and are waiting for the remaining handles to be made to complete the project. The plant is running well and there have been no major issues at this time. We are reviewing Bids for the new Generator at pump station #2. Also, we have installed seals for the manholes on Main Street through Ericsson Ave. to cut down on the rain water infiltration, we are in the process of measuring and counting what is needed for the remainder of Manholes in the town.

SUSTAINABLE COMMUNITIES: Joe Stock reported he is working with Kent County Parks and Recreation to obtain a grant to install path-mat walkway that would start at the board walk and go out to the water. It would be ADA compliant and be able to launch kayaks from it.

Trash: May 2022 – no report June 2022 – 17.2 Tons

Recycling: May 2022 - 3.0 Tons – Last month of recycling

Currently in discussing with Easter Shore Environmental. The trash company is not happy with the amount of tonnage due to lack of recycling in the town. Based on conversations with Eastern Shore Environmental, they will stop collecting trash in the Town of Betterton July 31st and will pick up their containers that day. We are waiting on bids from a couple of companies. Looking into other bids. Eastern Shore Environmental is in breach of his contract with the town. We are reviewing the contract at this time.

UNFINISHED BUSINESS: Tower Leases –AB Indiana/Bridgemax has not signed a lease to date, and if they don't sign, they will need to remove their equipment from the tower. Delmarva Wifi has changed their name to Eastern Shore Wifi. Will need to do an amendment for a name change on the lease.

Bayside Project – Court update: The judge postponed the scheduling conference and the hearing on the injunction while MDEM's motion to dismiss is pending.

Contract: Town Attorney Tom Yeager is working with Lindstrom's attorney Lance Young to reach an agreement with regards to construction issues addressed in our previous meeting. Of course, this potential agreement will be contingent upon FEMA's approval of the land-based approach to construction and funding.

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Bayside Project cont.d.

FEMA/MDEM: MDEM's Caitlan Whiteleather confirmed, "FEMA has started the Environmental Review for the project change to land base." Today, I reached out to FEMA's Project Officer Meagann Mielke who confirmed that the Mayor's request and supporting documents have been shared with EHP to begin their review. Also, I clarified that a "re-phasing" would not be necessary if the Town could keep the project in budget. Mielke stated that she understood.

Budget: Since our contract with Lindstrom may push our budget to its very limit, I will address the project's financial status when we have reached an agreement and when I have confirmed our budget with MDEM. So far, MDEM I've been unable to speak directly to MDEM, but will keep trying.

Ericsson Avenue Project: Court update: The judge postponed the scheduling conference and the hearing on the injunction while MDEM's motion to dismiss is pending. Contract: Town Attorney Tom Yeager is working with Lindstrom's attorney Lance Young to reach an agreement with regards to construction issues addressed in our previous meeting. Of course, this potential agreement will be contingent upon FEMA's approval of the land-based approach to construction and funding. FEMA/MDEM: MDEM's Caitlan Whiteleather confirmed, "FEMA has started the Environmental Review for the project change to land base." Today, Town Manager Mogel reached out to FEMA's Project Officer Meagann Mielke who confirmed that the Mayor's request and supporting documents have been shared with EHP to begin their review. Also, the Town Manager clarified that a "re-phasing" would not be necessary if the Town could keep the project in budget. Mielke stated that she understood.

Budget: Since our contract with Lindstrom may push our budget to its very limit, the Town Manager will address the project's financial status when we have reached an agreement and when the town manager has confirmed our budget with MDEM. So far, MDEM the Town Manager has been unable to speak directly to MDEM but will keep trying.

Bid Discussion for County Bathhouse connection/meter – Jeff Miller, WTP/WWTP Operator, went over the two bids we received to replace the water meter at the County Bathhouse. David A. Bramble, Inc. bid amount \$23,375.00 and Lindstrom Excavating Contractors, Inc. bid amount \$17,700.00. Discussion about the two bids and what each cover. Mr. Miller expressed concerns about the county service line from the meter to the bathhouse. Met with Mike Moulds, P.E., Director of Public Works for Kent County to update on the situation and if there may be any issues when installing the meter that the County will have to be involved. *Councilman Gilcrest motioned to accept David A. Bramble, Inc. bid at present time and have the worked scheduled to be completed in the fall when the bathhouse is closed; Councilman March seconded; Councilman Pyfer abstained; Four in favor; motion carried.*

Pump Station 2 Generator bids – Two bids were received. Nilo Electrical Contractors. LLC bid amount \$36,350.00 and Lywood bid amount \$28,975.00. Discussion on what each bid covers. Nilo's bid did included an automatic transfer switch and will be changing from diesel to LP gas. After discussion *Councilman Marcy motioned to award the bid to Nilo Electrical Contractors, LLC; Councilman Fracassi seconded; all in favor; motion carried.*

Lywood Company will be doing the portable generators for the other pumping stations, which came in under the required amount for the bid process.

NEW BUSINESS:

Planning/Zoning – Backyard Chicken Ordinance Recommendation.

CHICKENS

Chickens are permitted only within Single-Family Residential Zones (R-1 or R-2)

A license is required to keep chickens, and it must be renewed every three (3) years.

The Town requires a Provision of Notice of an approved license to neighboring property owners.

STANDARDS

Permits must always comply with the following conditions:

- 1) Chickens are only permitted in Single Family Residential Zones (R-1 or R-2)
- 2) A maximum of six hens are permitted on any one lot.
- 3) Roosters are prohibited.
- 4) Harvesting or butchering of a chicken is prohibited.
- 5) Chickens must be always confined within a chicken facility.
- 6) The chicken facility must be in the rear yard of a lot and at least ten (10) feet from all property lines.
- 7) The chicken facility must not exceed 200 square feet in floor space.
- 8) The chicken facility must not exceed a height of eight (8) feet measured from the tallest part of the roof surface to the ground.
- 9) The coop must have at least three enclosed sides. The fourth side may be open with the open side facing away from all neighboring property lines.
- 10) The chicken facility must be maintained in good repair, in a clean and sanitary condition, and free of vermin, and obnoxious smells and substances that create a nuisance for adjoining properties.
- 11) Chicken feed must be properly stored in a vermin-proof container or receptacle.
- 12) The Town Manager or their appointee will conduct periodic inspections. Owners will be notified in advance of inspections. Any violation of this ordinance must be corrected and brought into compliance within the time specified by the inspector. The Town reserves the right to revoke permits for egregious conditions or for repeated violations.
- 13) If anyone suspects animal abuse, residents are urged to call Kent County Animal Control: 410-708-5006.

Discussion. Recommendation will need to be put into an ordinance form and will need to hold a public hearing. Public hearing must be advertised two times with the first advertisement fourteen days prior to hearing. Will advertise for an August 9th public hearing.

Town Manager Report – We are collecting quotes from Republic and Blue Hen for trash pickup and recycling together. We received a bid for \$8,250 from Blue Hen. I am awaiting a reply from Republic.

The Town applied for Critical Area Grant. No word on that grant.

In June, the Town applied for a CDBG grant for \$800K for Ericsson Avenue Reconstruction. We are working with AECOM to finish up the PER. We will also need to work with USDA to underwrite the project which has been estimated to run over \$4M.

The Town also submitted applications to Kent County Parks and Recreation for two projects. The Basketball Court Rehab and the Tennis Court rehab. We will be receiving around \$23K to go along with the \$95.8K we received last year for the Tennis Court rehab. In addition, the Town will receive about \$88K to rehab our basketball court. In the end, Betterton will be receiving over \$206K from Kent County to improve our parks.

Striking while the iron is hot, the Town applied for \$750K for the purchase of 30-acre parcel of land at the head of town. The land will be used to create a solar array to power the WWTP. Part of the funding will be used for a

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Town Manger Report cont'd.

water study. If successful, the Town will qualify as a Main Street Community. This will allow for more funding opportunities. Ultimately, we want to establish a viable commercial district along the quarter mile of road frontage. This was an application to the Rural Maryland Economic Fund.

Last week, I received a call from Scott Delude at Maryland Rural Water. Delude has submitted the Town of Betterton as a candidate for a pilot program in Maryland to update old water systems and rid them of lead and copper and other harmful materials. If we are selected, we would be eligible for a great deal even replacing our current system with an upgraded tower and replacing lead pipes free of charge.

OPEN FORUM:

On-line viewer asked what could be done about people feeding the buzzards. Complaint about feeding buzzards food on paper plates and the plates end up in neighbors' yards. Mayor Sutton stated that the town cannot do anything about anyone feeding wildlife and that the buzzards are a protected species.

ANNOUNCEMENTS: -

Betterton Fire Co.— Food Trucks at the beach- Friday, August 5th 4 – 8 p.m.
Betterton Day, August 6th. Baby Contest, Cow Plop Bingo, Parade.

Blue Grass and Brews - September 17th

Car Show, 5th Annual - September 25th

Betterton American Legion - July 30th – Dance 8 – 12 p.m. \$10 per person.
Thursday nights – Open Mic Night, Open at 5:00 p.m.
Sundays – Cash bingo – doors open at 12:30 p.m., bingo starts at 2:00 p.m.

Betterton United Methodist Church Youth Group – Will start up in the fall. Sept. 23rd

Elections for the Town of Betterton Mayor and 2 Council Seats (Marcy & Gilchrest)

Candidate petitions available at town hall August 4, 2022. Due back to town hall by 4 p.m. on Sept. 1, 2022.

Qualifications – Shall be a legal resident of the Town of Betterton for at least 2 years.

Voter registration through Kent County Board of Elections. Voter registration closes Sept. 1st. Voter must live in Betterton for at least 30 consecutive days prior to Oct. 1st

Motion was made by Councilman Gilchrest to close the July 12, 2022, meeting, seconded by Councilman Marcy; all in favor; Motion carried.

Meeting adjourned at 8:59 p.m.

Respectfully submitted,

Sheila Dlugoborski, Town Clerk/Treasurer

Approved:

Aug. 9, 2022