

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

Meeting was held via GotoMeeting link.

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, and Town Attorney Tom Yeager.

RESIDENTS: (in person and virtually via GoTo link) Dick & Ginny Story, Candi Sorge, Cheryl Fracassi, Ken Nyczaj, Joe Stock, caller 1 and caller 2.

MINUTES: *Councilman Fracassi motioned to approve the Mayor and Council Meeting minutes of the March 8, 2022, meeting. There was no Council Workshop meeting on March 22, 2022. Seconded by Councilman Marcy; all in favor, motioned carried.*

FINANCIAL REPORT: *Councilman Marcy motioned to approve the March 2022 financial report; seconded by Councilman Fracassi; all in favor, motioned carried.*

SHERIFF'S REPORT: Mayor Sutton read the March report. The Sheriff's Department handled 1 criminal complaint, 13 calls for service, 2 traffic warnings, 0 traffic citations, 12 Man hours and overtime cost of \$544.90.

GUEST SPEAKERS: None.

Mayor Sutton announced that council would be going into closed session after the meeting to discuss ongoing litigation. Town Attorney Yeager stated that with the Open Meetings Act, council can go into closed session without it being on the agenda, due to developments in the case to inform council about the ongoing litigation.

COMMITTEE REPORTS:

BCC: No Report.

BCDC: Candi Sorge thanked Council for allowing the use of the building to host the runners of the Still Pond/Berterton Tree Run on April 2nd. The Kent County Museum Driving Tour of Kent County will be on April 24th & 25th. BCDC is looking for volunteers. Busy working on the gardens around the town.

PLANNING: Working on possible amendment to the animal ordinance to allow chickens in town limits. Busy working on the comprehensive plan. Looking for two more members for the planning board.

Cheryl Fracassi asked about the requirements for the board. Town Manager Mogle will send her the requirements. Mayor Sutton stated that there is training required for the planning board.

APPEALS BOARD: Looking for an additional member as well.

ROADS: No Report.

PARK: No Report.

SAFETY: No Report.

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FIRE CO.: Dick Story reported that the Fire Co. voted to hold Betterton Day and will be held on Saturday, August 6th and will be partnering with the Sons of the American Legion on the event.

WATER/SEWER: Mayor Sutton read the report submitted by Jeff Miller, Plant Operator. Mr. Miller received quotes for replacing the service lateral and meter at the County bathhouse as well as generators for pump stations. Both projects are in critical need. Discussion. Will put these out to bid.

Ken Nyczaj, owner of 102 Ericsson Avenue asked if there is any way to get some relief on his current water/sewer bill. A data log was performed on the meter and showed a high usage of water but not a continuous leak. There is an issue in the building or tenants are using a lot of water.

Mayor Sutton asked Mr. Nyczaj if he would ask the tenants not to park on the sidewalk at 102 Ericsson Avenue.

SUSTAINABLE COMMUNITIES: Met with Transportation Authority to discuss funding to rebuild/replace Rigbie Steps.

Trash: March 2022 – 9.17 Tons - Eastern Shore Environmental proposed the following to save the town some money:

OCTOBER THROUGH MARCH I WILL CHARGE THE TOWN FOR ONLY THE CANS THEY PUT OUT. AVG FOR LAST 3 MONTHS HAS BEEN 130 CANS A WEEK.

FROM APRIL THROUGH SEPTEMBER WILL BE FOR FULL AMOUNT.

WHICH IS 6 MONTHS THE TOWN WOULD **PAY \$2350.50 A MONTH.**

FROM OCTOBER TO MARCH WOULD BE \$1456. A MONTH

OVER A YEAR TOWN WILL SAVE \$864.50 A MONTH / \$5,187. A YEAR.

Mr. Yeager stated that the agreement will need to be modified to reflect these amounts.

Recycling: March 2022 - 3.00 Tons – Letter from Infinity Recycling, Inc. informing the town that they will be closing its doors in the near future. They will continue picking up recycling through the end of May 2022. Mayor Sutton asked the town manager to put recycling pick up out to bid.

UNFINISHED BUSINESS: Tower Leases – Delmarva Wifi has sent back the signed lease. AB Indiana/Bridgmax has not signed a lease and has asked if the town would consider charging them a lessor amount due to not having much equipment on the tower. Mr. Yeager stated that the fee will not change and if AB Indiana does not agree, they will have to disable and remove their equipment.

Bayside Project – Currently in a holding pattern on the re-bid opening of bids due to litigation.

Ericsson Avenue Project: Engineers have been on site taking photos and making notes. CDBG has stated that there is a lot of money available through grants and do the project as a whole and not in phases. Apply for the grants. Dick Story asked if anyone has discussed adding more fire hydrants on Ericsson Avenue during this project. Mr. Mogle will speak with the fire chief.

NEW BUSINESS: Code Enforcement – Dave George requested the Council to add a sentence in the letters for rental inspection. The sentence should target non-compliance of inspections in a timely manner. i.e. “if inspection is not scheduled and completed by _____, a fee of \$ _____ per (day/week/month) will be charge until inspection is completed”. Mayor Sutton asked to have the Ordinance pertaining to the rental inspections researched. Will review once we check the ordinance.

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NEW BUSINESS cont'd.**

Review Bids for replacing County Bath House water hookup. – Discussed during waters/sewer report.

Review Bids for Generator for Pump Station #2. – Discussed during water/sewer report. Councilman Pyfer asked about the old generator that is at the old wastewater treatment plant. Will need to get a bid on moving the old generator from its current location to the water treatment plant.

Infinity Recycling, Inc. Announcement – Read during recycling report.

Crews Landing Water Leak Adjustment Request – There was a leak in the common area of Crews Landing on February 15, 2022. Crews Landing Association was billed for the leak. Councilman Marcy recused himself from any decisions. Discussion on the leak that occurred in the common area just after a “T” in the line before the meter to a specific unit. Per Crews Landing bylaws states it should be billed to that specific unit. Councilman Marcy asked how a previous large water leak was handled in the past?? We will look into the issue and table our decision on the adjustment at this time.

Planning/Zoning – Back Yard Chickens – Planning needs to put in writing a text amendment request to the ordinance. Council will have a public hearing on the ordinance change and vote at a future meeting.

Joe Stock stated he strongly opposed of the town allowing chickens. Current comprehensive plan prohibits. Mayor Sutton stated that the planning/zoning ordinance prohibits it at this time. Candi Sorge commented that the ordinance was put in place to keep animals besides household pets from running loose in town. Discussion. Council will wait for the Planning board to have their public meeting and then present their text amendment to the ordinance. Letters of support or opposition can be sent to the Council and Planning board. Council will need to advertise and have a public hearing on the ordinance change.

Town Manager Report –

Final stages on the landscaping for Rigbie area.

Reached out to Jamie Williams, Kent County Economic Development, about Rural Economic Development money available for the counties. Will be submitting applications.

The town was awarded the grant to re-do the tennis courts. The grant does not cover the project. Joe Stock is working on some fund raising for the tennis court project.

OPEN FORUM:

ANNOUNCEMENTS: - Betterton American Legion - Thursday nights – Open Mic Night, Open at 5:00 p.m.

- Collecting women’s hygiene products and clothing for the Disabled Women Veterans Outreach Program.
- Sundays – Cash bingo – doors open at 12:30 p.m., bingo starts at 2:00 p.m.
- Saturday, April 16th – Easter Egg Hunt, 11:00 a.m.
- Saturday, April 23rd – Spring Fling Dance. 7 – 11 p.m.
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Betterton Youth Group - Winter/Spring Schedule –April 15th & 29th. Any questions, contact Patti Bone 443-298-0057.

Easter Sunday Sunrise Service, April 17th at 6:30 a.m. at the Mary Roe Walkup Pavilion.

Dick Story – Betterton/Still Pond Lions Club. Night at the Races, June 11th.

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Candi Sorge – Driving Tour of Kent County. April 23rd & 24th. Betterton Heritage Museum is highlighted. The Train display will also be open during the tour.

Betterton Beach Clean-up April 23rd.

Councilman Gilcrest motioned to go into closed session for discussion on current litigation with the town attorney at 8:47 p.m.; Councilman Fracassi seconded; all in favor; motion carried.

Re-opened Council meeting at 9:32 p.m. Mayor Sutton stated that the closed session pertained to litigation discussion with the attorney and that no motions were made, or actions taken at this time.

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

Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Sheila Dlugoborski, Town Clerk/Treasurer

Approved:
