

COUNCIL OF TRAPPE  
TRAPPE TOWN HALL  
APRIL 3, 2019

**Council of Trappe Meeting:** President Fegel called the meeting to order at 7:00 pm. Council members Nick Newnam, Tonya Pritchett and RD Diefenderfer were present. Other attendees for the Town: Town Administrator Braband, Attorney Booth, Attorney Ryan, Superintendent Callahan, Apprentice Wood and 1<sup>st</sup> Sargent Dobson from the Talbot County Sheriff's Office. Public attendees: Don English, Scott Getchell from GMB, Bunky Luffman, Bobby and Shirley Quidas, Valerie Russ, Evan Roe, Karla Cherry, Brian Schmidt, Edgar Harrison and Chris Polk from the Star Democrat.

**Amendments to the Agenda:** Commissioner Newnam made a motion to approve the agenda as presented. Commissioner Diefenderfer seconded the motion. All approved.

**Presentation of Minutes:** Commissioner Newnam made a motion to approve the minutes as presented. Commissioner Pritchett seconded the motion. All approved.

**Clerk's Report:** Administrator Braband presented the Clerk's report, the General Fund and the Enterprise Fund budgets that are filed in the records.

**COMMITTEE AND DEPARTMENT REPORTS**

**Talbot County Sheriff's Office:** 1<sup>st</sup> Sargent Dobson read the March report that is filed in the records. Sargent Dobson stated that the Sheriff's Office will be changing their patrol hours in the summer.

**Public Works:** Superintendent Callahan read his report that is filed in the records. Superintendent Callahan said that the monthly effluent total is exceptionally high because they are still pulling from the lagoons after the fire. Ground infiltration is still a concern and as of Monday the levels at Lakeview pumping station were still really high. The Council has budgeted to have the additional leaks repaired in the new fiscal year.

**Planning & Zoning:** President Fegel stated that the Planning Commission is waiting for the Lakeside developers' comments regarding the Comprehensive Plan. After the comments are reviewed by the Planning Commission the Comp Plan will be sent to the Maryland Department of Planning for their review.

**Communications:** President Fegel stated that the quarterly ESAM meeting is scheduled for April 30<sup>th</sup> and asked if any Council members wished to attend. President Fegel will attend the ESAM meeting. President Fegel also stated that the registration deadline for the MML conference in June is approaching and asked if any Council members wished to attend. No Council members are able to attend the conference this year.

**Attorney Updates:**

Howell Point Sewer Extension update – Attorney Booth gave an overview of the project by stating that there are several properties on Howell Point Road that are in Town limits but are not connected to Town sewer. The Town was contacted by Ray Clarke from Talbot County and Ray proposed that the County help

fund a sewer extension to allow these properties to connect using Bay Restoration Grant Funds (BRF) that the County has. BRF funds are only allowed to be used to decommission septic systems and there are a few properties down Howell Point that currently have a failing septic. The County took the lead on this project and went through all the steps, at no cost to the Town, and got to the final review by MDE before MDE said that Trappe is not eligible because our treatment plant is not a BNR plant. In 1996 the Town was under a consent order to upgrade and at that time there wasn't grant funding available so the cost fell onto the citizens of Trappe. The Council at that time decided that they couldn't afford to do all the components to be considered a true BNR plant and since they were not required to do so these components were never completed. Attorney Booth stated that she has called MDE and pleaded with them and reiterated that the Town is looking into upgrading to an ENR plant in the future. Unfortunately, Attorney Booth stated that she was told that the State Statute requires that the funds only be used for BNR or ENR plants and since we are not treating to that level we do not qualify. So, at this time the Town is unable to pursue the extension. Commissioner Newnam asked what happens to the residents that have failing septic systems and do not have the area for a new septic. Attorney Booth stated that she told MDE this but they still said no. Attorney Booth stated that she just received this information and will be talking to Ray Clarke to see if there is anything that can be done. Perhaps the Town could create a special sewer district or a low interest loan to the homeowners to extend the main and connect?

Approval of GMB contract for PER to study ENR upgrade – Attorney Booth stated that MDE did provide 100% grant funds to have a PER done to study the feasibility of an ENR upgrade. The Town awarded the bid to George, Miles and Buhr (GMB) for a lump sum of \$25,975.00. This project is scheduled to be approved by the Board of Public Works on May 9<sup>th</sup>. GMB has presented an Engineers Joint Contract Documents Committee agreement (EJCDC) to be signed as required by USDA. This contract is available to be adopted by the Council this evening and Attorney Booth is recommending that the Council do so contingent upon Board of Public Works approval. Commissioner Newnam made a motion to authorize the President to execute the contract contingent upon Board of Public Works approval. Commissioner Diefenderfer seconded the motion.

VOTE:

Newnam – Y    Fegel – Y            Pritchett – Y    Diefenderfer – Y  
Motion approved.

**Executive Session:** President Fegel stated that an executive session was held this evening at 6:30 pm to obtain legal advice and discuss a personnel matter.

### **ORDER OF BUSINESS BEFORE THE COUNCIL**

#### **New Business:**

**Ordinance 1-2019** – An Ordinance of the Town of Trappe to amend Section 14 of the Trappe Town Code titled "Water and Sewer", table 1 titled "Fees and Charges" to increase the monthly water usage rate to \$4.40 per thousand gallons, and the monthly sewer usage rate to \$10.28 per thousand gallons and to increase the basic monthly sewer service charge for in town properties to \$52.50 per month and the basic

monthly sewer service charge for out-of-town properties to \$105.00 per month was read by President Fegel. Commissioner Pritchett made a motion to introduce Ordinance 1-2019. Commissioner Diefenderfer seconded the motion.

VOTE:

Newnam – Y Fegel – Y Pritchett – Y Diefenderfer – Y

Motion approved.

**Ordinance 2-2019** – An Ordinance of the Town of Trappe adopting a General Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, and establishing a tax rate of \$.33 per \$100 of assessed real property value and a tax rate of \$.54 per \$100 on all commercial or business personal property and public utilities; and establishing an annual fee of \$180 per residential household for trash collection services, and also adopting an Enterprise Budget for the Town’s water and sewer operations was read by President Fegel. Commissioner Newnam made a motion to introduce Ordinance 2-2019. Commissioner Pritchett seconded the motion.

VOTE:

Newnam – Y Fegel – Y Pritchett – Y Diefenderfer – Y

Motion approved.

**Ordinance 3-2019** – An Ordinance of the Town of Trappe, a municipal corporation of the State of Maryland, providing for the issuance and sale of up to (and including) One Million Three Hundred Seventy-Six Thousand Dollars (\$1,376,000) par amount of bonds, to be issued and sold pursuant to the authority of Sections 19-301, ET SEQ. of the Local Government Article of the Annotated Code of Maryland, as amended, and Section 612 of the Charter of the Town of Trappe, for the purpose of providing funds necessary to pay the costs of repairing, upgrading or replacing sanitary sewer pumping stations and other public improvements for the Town of Trappe, and paying capitalized interest on and the costs of issuing the bonds; providing that the bonds shall be issued upon the full faith and credit of the Town of Trappe; providing for the disbursement of the proceeds of the sale of the bonds and for the levy of annual taxes upon all assessable property within the corporate limits of the issuer subject to assessment for the payment of the principal of and interest on the bonds as they shall mature; providing for the form, tenor, denomination, maturity date, interest rate and other provisions of the bonds; providing for the sale of the bonds; and providing for the designation of specific projects to be financed with proceeds of the bonds and related purposes was read by President Fegel. Attorney Booth stated that the Town is not doing 2 separate issuances, it is only 1. This Ordinance authorizes the Town to eventually sell bonds to USDA for pump station upgrades and to ultimately enter into the loan and grant obligations with USDA. The Town received a loan from USDA in the amount of \$1,376,000 and a USDA grant for \$599,500. This funding package was given to the Town in September 2018 and the Town has 5 years to complete the project. Commissioner Diefenderfer made a motion to introduce Ordinance 3-2019. Commissioner Newnam seconded the motion.

VOTE:

Newnam – Y    Fegel – Y            Pritchett – Y    Diefenderfer – Y

Motion approved.

Attorney Booth stated that Ordinance 4-2019 authorizes interim financing with Shore United Bank to finance the pump station project in the amount of \$1,975,500. USDA financing is not given until the project is completed so interim financing will allow the Town to pay for the project along the way. This is a line of credit for 5 years with a fixed interest rate of 3.55% and the Town only pays the interest on what is drawn.

**Ordinance 4-2019** – An Ordinance of the Town of Trappe, a municipal corporation of the State of Maryland, providing for the issuance and sale of no more than One Million Nine Hundred Seventy-Five Thousand and Five Hundred Dollars (\$1,975,500) par amount of General Obligation Bond and Grant Anticipation Notes to be known as “The Town of Trappe General Obligation Bond Anticipation Notes” and “The Town of Trappe General Obligation Grant Anticipation Notes”, to be issued and sold pursuant to the authority of Section 19-212 of the Local Government Article of the Annotated Code of Maryland, as amended, and Section 612 of the Charter of the Town of Trappe, for the purpose of providing funds necessary to pay the costs of repairing, upgrading or replacing sanitary sewer pumping station, and other public improvements for the Town of Trappe, and paying capitalized interest on and the costs of issuing the notes, all in anticipation of the future issuance of the issuer’s General Obligation Bonds or the receipt of grants for such purposes; providing that the notes shall be issued upon the full faith and credit of the Town of Trappe; providing for the disbursement of the proceeds of the sale of the notes and for the levy of annual taxes upon all assessable property within the corporate limits of the issuer subject to assessment for the payment of the principal of and interest on the notes as they shall mature; providing for the form, tenor, denomination, maturity date, interest rate and other provisions of the notes; providing for the sale of the notes; and providing for the designation of specific projects to be financed with proceeds of the notes and related purposes was read by President Fegel. Commissioner Diefenderfer made a motion to introduce Ordinance 4-2019. Commissioner Newnam seconded the motion.

VOTE:

Newnam – Y    Fegel – Y            Pritchett – Y    Diefenderfer – Y

Motion approved.

A public hearing will be held on May 1, 2019 at 6:30 pm for Ordinance 1-2019, 2-2019, 3-2019 and 4-2019.

**Other Business:**

USDA Grant Agreement – Pumping Station Upgrade project – Attorney Booth stated that USDA requires the Town to enter into a Grant Agreement for the grant funding portion of the pumping station project. This agreement states that the Town agrees to USDA’s \$1,376,000 loan and a grant not to exceed \$626,00. The grant amount is different because USDA already gave the Town \$26,500 to fully fund the PER study for this project. Commissioner Newnam made a motion to approve the USDA Grant Agreement for the pumping station upgrade. Commissioner Pritchett seconded the motion.

VOTE:

Newnam – Y Fegel – Y Pritchett – Y Diefenderfer – Y

Motion approved.

Election Board Appointments – Commissioner Newnam made a motion to appoint Don English, Carol Fegel and Chris Routzahn to the Election Board and to appoint Nancy Dunn as the alternate on the board. Commissioner Diefenderfer seconded the motion. President Fegel stated that he was abstaining from the vote due to his wife being appointed to the board.

VOTE:

Newnam – Y Fegel – abstain Pritchett – Y Diefenderfer – Y

Motion approved.

**Public Questions/Comments:**

Valerie Russ – Harrison Circle

Ms. Russ stated that she received a zoning violation letter from the Town because she has 3 pigs in her house. One of her pigs escaped the backyard and was picked up by the Humane Society. Ms. Russ stated that she has had pigs at her property since 2017 and it was never an issue. She stated that she went door to door to her 13 neighbors and no one cared that she had them. Ms. Russ stated that her pigs are pot-bellied pigs which USDA characterizes as pets and they are domesticated. Ms. Russ stated that she started an online petition and was able to get 120 signatures and that she had contacted other municipalities and counties to get copies of their regulations. President Fegel stated that when the Ordinance was done livestock was included which also states hooved animals and that is where the pigs are categorized. Attorney Booth stated that the Council can change the Ordinance if they would like and they can also grandfather the pigs until the Planning Commission reviews the Ordinance. The Planning Commission can revise the Ordinance to state that it doesn't apply to domesticated animals. Attorney Ryan will look at the materials provided by Ms. Russ and prepare an amendment for the Planning Commission to review and consider. Commissioner Diefenderfer made a motion to grandfather Ms. Russ' pigs pending further review by the Planning Commission. Commissioner Newnam seconded the motion.

VOTE:

Newnam – Y Fegel – Y Pritchett – Y Diefenderfer – Y

Motion approved.

Bunky Luffman introduced himself and said that he is now working for Congressman Harris' office and is happy to help the Town and Council with any Federal and State issues that may come up.

Attorney Booth stated that she has been the Town Attorney since 1998 and she has now been appointed by the Governor to the Court of Appeals and will be sworn in on April 18<sup>th</sup>, making this her last Council meeting. Attorney Booth stated that she has thoroughly enjoyed working with Trappe and it has been very rewarding. Attorney Booth stated that she would like to see Trappe continue with her firm and

appoint Lyndsey Ryan as the new Town Attorney. Commissioner Pritchett made a motion to appoint Lyndsey Ryan from Booth, Cropper and Marriner as the new Town Attorney. Commissioner Diefenderfer seconded the motion.

VOTE:

Newnam – Y    Fegel – Y            Pritchett – Y    Diefenderfer – Y

Motion approved.

President Fegel presented Attorney Booth with a Certificate of Appreciation and thanked her for 21 years of dedicated service to Trappe. She will truly be missed.

There being no further business to discuss, Commissioner Newnam made a motion at 7:55 pm to conclude the meeting. Commissioner Diefenderfer seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk