

COUNCIL OF TRAPPE  
TRAPPE TOWN HALL  
AUGUST 7, 2019

**Council of Trappe Meeting:** Vice-President Diefenderfer called the meeting to order at 7:00 pm. Council members Norm Fegel, Tonya Pritchett and Walter Chase were present. Other attendees for the Town: Town Administrator Braband, Superintendent Callahan, Attorney Ryan, CJ Wood, Shawn Lane, GMB representative Scott Getchell and 1<sup>st</sup> Sargent Dobson from the Talbot County Sheriff's Office. Public Attendees: Don English, Bobby & Shirley Quidas, Marty Doty, Shayma Mereish, Bob Rauch, Casey Rauch, Scott Kane, Jim Haynes and Edgar Harrison.

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

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

**COMMITTEE AND DEPARTMENT REPORTS**

**Clerk's Report:** Administrator Braband presented the Clerk's report, the General Fund and the Enterprise Fund budgets that are filed in the records. Administrator Braband stated that the RFP (request for proposals) was published for the trash pickup contract and the proposals are due back on September 4<sup>th</sup> by 1:00 pm. All proposals will be presented to the Council at their September 4<sup>th</sup> meeting for review and decision. The new trash contract goes into effect October 1<sup>st</sup>.

**Talbot County Sheriff's Office:** Vice-President Diefenderfer read the July report that is filed in the records.

**Public Works:** Superintendent Callahan read his report that is filed in the records. Superintendent Callahan introduced Shawn Lane to the Council and residents. Shawn is the new Public Works employee. Superintendent Callahan stated that CJ took his MDE Water Treatment 1 exam on July 30<sup>th</sup> and we are awaiting the results. Vice-President Diefenderfer welcomed Shawn and stated that he is doing an excellent job and it is being noticed by the Town residents.

**Planning & Zoning:** Edgar Harrison asked if comments have been received from MDP regarding the comp plan and Attorney Ryan stated that nothing has been received yet. After comments are received a public hearing will be scheduled.

**Communications:** None

**Attorney Updates:** Attorney Ryan stated that she spoke with Terry Fearins from USDA regarding the Town's new well. USDA offered the Town a loan in the amount of \$1,141,000 and MDE has since offered a 50% loan and 50% loan forgiveness for the same amount. Terry has asked the Town to de-obligate the USDA funds if the Town is proceeding with MDE funding instead. USDA's funding offer is for 40 years at 1.7% and MDE's funding offer is for 30 years at .8% because the Town has been declared a disadvantaged community. MDE has sent a letter to the Town acknowledging the offer but it has not been approved by

the Board of Public Works yet. Attorney Ryan stated that she spoke with Eileen from MDE and Eileen stated that the Board of Public Works will probably not review the funding for this project for another 6 months. The Board of Public Works is a formality but the Town does not have final approval until it has been approved by them. Attorney Ryan stated that if the Council chose to de-obligate USDA's funding and something fell through with MDE's funding the Town could reapply with USDA and since the project has already been approved it shouldn't be an issue to get funding approval again. Commissioner Chase made a motion to de-obligate the USDA funding for the well project. Commissioner Pritchett seconded the motion.

VOTE:

Diefenderfer – Y      Fegel – Y      Pritchett – Y      Chase – Y

Motion approved.

**Executive session:** Vice-President Diefenderfer stated that an executive session was held on July 3, 2019 to discuss a personnel matter.

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

**New Business:** None

**Other Business:**

Scott Kane – Old Trappe Road Solar Project –

Mr. Kane introduced himself as the President of Solar Lane and Jim Haynes who is his partner in this project. Mr. Haynes has a contract to purchase the land at the corner of Old Trappe Road and Backtown Road which consists of over 26 acres. Mr. Kane stated that they are interested in installing solar panels on this property as shown on the attached plans. Mr. Kane stated that this solar array would be capable of producing 6-7 megawatts of power and would be connected to the Delmarva Power lines that run down Rt. 50. The residents of Trappe would be able to purchase their electric from this solar project at an estimated rate of .10/kWh. This rate is much cheaper than Delmarva Power's current base rate of .15/kWh. Mr. Kane stated that the earliest construction would begin would be 12 months from now and then it will take 3-4 months to construct so this project will take 1 ½ - 2 years to complete. Commissioner Fegel stated that his only concern is that this property is the only industrially zoned property in Town and it would completely be used for solar panels. Attorney Ryan stated that solar collectors and panels are permitted in any zoning district but if they exceed 15% of the property then it would require a special exception from the Board of Appeals. Attorney Ryan stated that they would need to fill out a building permit application and then go to the Planning Commission for review and referral to the Board of Appeals. The Planning Commission would give a favorable or unfavorable recommendation and then the Board of Appeals would review the plans, hold a hearing and make a ruling.

Lakeside Stormwater Management Administrative Waiver Request –

Bob Rauch introduced Casey Rauch who is the lead on stormwater for this project. Bob stated that Lakeside had stormwater approval and was ready to go to construction years ago when the project stalled. Since that time the State has initiated and implemented new stormwater regulations (ESD to the MEP),

Town Council Minutes – August 7, 2019

Page 2 of 6

ESD stands for environmental site standards and MEP stands for maximum extent practicable. The plans that were approved were grandfathered in 2010 with an exception to the grandfathering to extend to the life of the project if you already had approval and a DRRA was recorded. However, this would require a waiver of the current ESD to the MEP standards by the local jurisdiction. The conditions to that waiver are that the plans need to be substantially the same as the prior approved plans. Bob stated that the most current site plans that have been submitted are substantially the same, nothing has physically changed on the property, all the outfall points are the same, it has the same density of housing and commercial and with the exception of rearranging some streets the project is the same. Bob stated that they do support the ESD standards and they are asking the Town to determine that the project is essentially the same, that the project qualifies for the waiver and requests that the Council grant the waiver. This will allow the Town Engineer to review the plans under those conditions. Bob stated that they are voluntarily incorporating as much ESD practices as they can but will have to use some of the open water that was previously approved for amenities. Attorney Ryan stated that she doesn't disagree that COMAR allows for the administrative waiver however the Town's stormwater management ordinance allows for an administrative waiver that at maximum expires in May of 2017 unless it is extended because the project received preliminary project approval and is subject to a DRRA. Attorney Ryan stated that her interpretation of this is that it expired in May 2017 unless an extension was granted and Lakeside never had a granted waiver so how can the Town extend the waiver that wasn't granted by the final date. Attorney Ryan stated that she believes that the Town's ordinance does not give the Council the authority to grant the waiver. Bob Rauch stated that without the waiver the project will die. This project was started in 2003 and they have been working with the Town since then and communications have been continued with the Town even with the starts and stops of the project. Bob stated that they are going to implement as much ESD practices as they can but the ESD to the MEP practices are so evasive and restricted for developments. Bob stated that Lakeside did not know that they needed to ask for a waiver prior to May 2017 and without the waiver the project will be backed up. Bob stated that in 2014 a developer was looking at the project and at that time rain gardens were going to be required on every yard and the Town said that was something that they did not want. Bob stated that Lakeside will incorporate as many ESD practices as feasible. Bob stated that they have been relying on COMAR and are willing to show the Town what practices they are proposing to use. Commissioner Fegel asked if the Town had any options and Attorney Ryan stated that the Town can consider amending the stormwater management ordinance if COMAR allows to grant a waiver after the May 2017 date. Commissioner Chase stated that what Lakeside wants the Town to do doesn't meet the current standards and he is not willing to violate any law. Bob stated that is not what Lakeside's intentions are but if the Town can work through their ordinance to grant the waiver then that is what he is requesting they look at doing. The Council agreed that they would like to look at their options to work with Lakeside and keep the project moving. Attorney Ryan stated that she will look into the Town's ordinance and COMAR and see if anything can be done to change the Town's ordinance to allow the Town to grant the waiver. Bob stated that the ESD to the MEP means to the maximum extent practicable and they will clearly show that it is not practicable but will show that they will use the ESD to the maximum extent that they can. Bob stated that Lakeside will work with the Town Engineers and together they can come up with an acceptable plan. Casey stated that it is not practical to put a rain garden on every lot and it is best to look for open spaces, they have grass swales behind every lot and they will be very close to the ESD requirements and what can't be met with will be accounted for with the ponds. Attorney Ryan stated that she will discuss with the Town's Engineers and Ryan Showalter and look into what options the Town has to amend their Ordinance according to

COMAR. Commissioner Chase clarified that Lakeside will reimburse the Town for any expenses that are incurred from the Town Engineers in working with Lakeside on this project. Bob stated that yes Lakeside will continue to reimburse the Town for any expenses incurred. Bob stated that they will also be going back to the Planning Commission on August 20<sup>th</sup> to present a new site plan that has a few minor changes and then seeking their final approval at their September 17<sup>th</sup> meeting.

#### Howell Point Sewer Extension –

Attorney Ryan stated that she, Erin and Scott from GMB have had conversations with Terry Fearins from USDA and it is clear that there is nothing that can be done from the Town's standpoint without the Town having to spend money. Attorney Ryan stated that because of this we are looking for direction from the Council to see if they are willing to take on the project and spend the money before more time is spent. Attorney Ryan stated that the only logical way for the Town to handle the project would be to require all 11 properties to connect and not make it optional. Attorney Ryan stated that for the Town to apply to USDA for funding we would have to have a PER completed and that could cost upwards of \$10,000. Commissioner Pritchett asked if the properties that are failing are able to connect now and the other properties connect once the treatment plant is upgraded to an ENR plant and BRF funding is available. Attorney Ryan stated that is an option but that there is still a cost to the Town unless the Council requires the failing properties to pay for the force main to be extended. Mrs. Doty stated that she is not interested in paying \$30,000 for a mound system to be put in her front yard because it will affect the property value. Scott Getchell stated that the Town could apply to USDA for funding but it will be a grant/loan combination and there is a cost to the Town to even apply. Scott stated that we didn't want to spend a lot of time looking for funding options knowing there is a cost to the Town without the Town Council directing us to do so. Mrs. Doty asked what it would personally cost them to tie into the Town's sewer. Scott stated that he could look into the cost of connecting her properties and the plans that were drawn up by the County if the Council directs him to do so. The Council asked Scott to look into these options and a cost estimate and bring the information back to the Council.

#### EJCDC contract with GMB for Pumping Station Rehab/Upgrade Project –

Attorney Ryan stated that at the July Council meeting the Town talked about this contract and the insurance claim liability clause and chose to table the decision. Attorney Ryan stated that she spoke with GMB and they have added a sentence back into the clause stating that if the claim is denied by the insurance then GMB will cover it up to 2 million dollars which is the project cost. Commissioner Pritchett made a motion to approve the EJCDC contract as revised. Commissioner Fegel seconded the motion.

#### VOTE:

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

#### Renewal of GMB Engineering Services for On-Call Support –

Administrator Braband stated that the renewal contract was introduced at the last Council meeting but tabled until this month because the Council wanted clarification on the contract. Administrator Braband stated that Superintendent Callahan stated that he didn't use GMB much but there were still costs

charged to this account. This contract allows Superintendent Callahan to call GMB when he has an emergency situation but it also allows the Town to use GMB in other water/sewer areas. Some of the areas that they have been used recently are the Town's water/sewer capacity plan, Talbot County's comprehensive plan, the Town's water appropriations permit, the Town's wastewater discharge permit renewal, MDE/USDA grant funding application help, evaluating and designing structural support for Rumsey Drive pumping station, Howell Point sewer extension, stormwater/street drainage issues and helping with the Town's water/sewer rate structures. In addition to these items GMB is also used for the Well 6 project, the pumping station rehab/upgrade project, the ENR upgrade study and anything pertaining to Lakeside. Any costs associated with Lakeside are reimbursed and any costs associated with the fire at the treatment plant will hopefully be reimbursed in full by LGIT. Administrator Braband stated that next fiscal year she will propose to change the title on the budget from Supervisory Services to Engineering Services so it is not so specific and cause confusion. Commissioner Fegel stated it was initially put into the budget that way many years ago when Easton Utilities was helping Superintendent Callahan before he received his license. Commissioner Fegel made a motion to renew GMB's engineering services contract. Commissioner Pritchett seconded the motion.

VOTE:

Diefenderfer – Y            Fegel – Y            Pritchett – Y            Chase – Y

Motion approved.

Public Works Vehicle –

Superintendent Callahan stated that they have been looking for a 2<sup>nd</sup> truck now that there are 3 employees and have found the following options:

Truck #1 – 2001 Chevy 3500, extended cab, flat bed with 87,353 miles for \$12,500 and is already MD inspected.

Truck #2 – 2012 Dodge Ram 2500 2WD crew cab with 73,115 miles for \$24,990

Truck #3 – 2019 Ford F250 4x2 regular cab, utility bed, brand new for \$37,900

Truck #4 – Is from the Town of Oxford which is a 1991 Ford utility body truck with about 40,000 miles for a donation. This truck was brought to Trappe and sent for inspection. The truck did not have any tags so it was towed to Spurry's for inspection. When the truck was dropped off the truck doors were locked and apparently we did not have the correct keys to unlock it as Oxford doesn't have those keys. We had the doors unlocked but the inspection has not been complete yet. Superintendent Callahan stated that just from his observation the truck will need new tires, brakes will need to be redone, the rotors will need to be replaced, new exhaust and everything is pretty rusted because it was a salt spreader. Superintendent Callahan stated that he is afraid that is going to be costly to get the truck to pass inspection but we won't know until the inspection is completed. Commissioner Chase stated that since it was a salt spreading truck it will most likely be rusted completely underneath.

Vice-President Diefenderfer asked Superintendent Callahan which truck does he think would be best for the Town as they are the ones using it. Superintendent Callahan stated that he likes the 2001 Chevy 3500

because the Town can purchase tool boxes to put on the flat bed and configure it to the way they want it. This truck would also be under budget even with the tool boxes purchased and installed.

Commissioner Pritchett made a motion to purchase the 2001 Chevy 3500 and purchase the required equipment within the \$18,000 budget. Commissioner Fegel seconded the motion.

VOTE:

Diefenderfer – abstain Fegel – Y Pritchett – Y Chase – Y

Motion approved

**Public Questions/Comments:** None

**Executive Session:** Vice-President Diefenderfer stated that an executive session is requested to obtain legal advice. Commissioner Fegel made a motion to enter into executive session at 8:14 pm. Commissioner Chase seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 8:43 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Fegel made a motion at 8:43 pm to conclude the meeting. Commissioner Pritchett seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk