

TOWN COUNCIL MEETING  
MAY 3, 2023

**Public Hearing – 5:45 pm**

**Ordinance 1-2023** – An Ordinance of the Town of Trappe adopting a General Budget for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024, and establishing a tax rate of \$.33 per \$100 of assessed real property value and a tax rate of \$.75 per \$100 on all commercial or business personal property and public utilities; and establishing an annual fee of \$182.00 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 Newnam.

**Ordinance 2-2023** – An Ordinance of the Town of Trappe to amend Section 14 of the Trappe Town Code titled “Water and Sewer”, Section 14.6 to require the property owner to pay all expenses associated with extending and connecting water and sewer to a property, and Table 1 titled “Fees and Charges” to increase the water and sewer connection and capacity charges, increase the monthly water and sewer fees and increase other fees and charges was read by President Newnam.

No public comment was received for Ordinance 1-2023 or Ordinance 2-2023. Commissioner Schmidt made a motion to close the public hearing. Commissioner Chase seconded the motion and it was unanimously approved. The public hearing was closed at 5:46 pm.

**Council of Trappe Meeting:** President Newnam called the meeting to order at 6:00 pm. Council members Michael Sullivan, Brian Schmidt, Tonya Pritchett, and Walter Chase were present. Other attendees for the Town: Town Administrator Erin Braband and Town Attorney Lyndsey Ryan.

**Agenda:** Commissioner Schmidt made a motion to approve the agenda as presented. Commissioner Pritchett seconded the motion and it was unanimously approved.

**Minutes:** Commissioner Schmidt made a motion to approve the April 5, 2023 Council minutes as presented. Commissioner Chase seconded the motion and it was unanimously approved.

**Clerk’s Report:** Administrator Braband stated that the Clerk’s Report, General Fund and Enterprise Fund budgets are in the Council’s binders and filed with the records.

**Public Works:** President Newnam stated that the public works report is in the Council’s binders and is filed with the records.

**Public Safety:** First Sergeant Dobson reviewed his report that is in the Council’s binders and filed with the records. Sgt. Dobson gave an overview of the new cannabis laws that go into effect July 1<sup>st</sup>.

**Planning & Zoning:** Commissioner Schmidt stated that Dairy Queen received preliminary approval for their building on the new site. The Planning Commission discussed the Adequate Public Facilities Ordinance and will be discussing it again at their May 16<sup>th</sup> meeting. The June Planning meeting has been

changed to June 14<sup>th</sup> due to scheduling conflicts. Commissioner Schmidt stated that Scott Metje's term on the Planning Commission ends this month and Mr. Metje is requesting to be reappointed to the board for another 5-year term. Commissioner Schmidt made a motion to reappoint Scott Metje to the Planning Commission for another 5-year term. Commissioner Sullivan seconded the motion and it was unanimously approved.

**Communications:** Commissioner Pritchett stated that May 31<sup>st</sup> is World No Tobacco Day and she has received grant funding to give free fruit and smoking cessation information and would like to do so at Town Hall. Teddy Bear Fresh will deliver the fruit and the staff will make up the bags for distribution while supplies last. Commissioner Chase made a motion to approve handing out the free fruit and smoking cessation information at Town Hall on May 31<sup>st</sup>. Commissioner Pritchett seconded the motion and it was unanimously approved.

Commissioner Schmidt stated that the Town sent a letter of support for the Rural Life Museum in their pursuit of grant funding and he thanked the Council for signing the letter.

#### **Attorney Updates:**

Attorney Ryan stated that the Council previously discussed a Charter amendment to increase the Council's salary immediately but it conflicts with the Town's conflict of interest policy. The policy states that a Council member cannot vote on any matter that will benefit them financially. After discussion the Council asked Attorney Ryan to bring the original Ordinance back to the Council so they can discuss adopting it for future Council members.

Attorney Ryan stated that the Chesapeake Bay Foundation's Administrative Appeal of MDE's decision for Lakeside's discharge permit has a hearing scheduled for August 10<sup>th</sup> at 9 am. The Town is an interested party and will have 15-20 days to respond after receiving the Plaintiff's memorandum.

Attorney Ryan stated that GMB has submitted a construction administrative services proposal to oversee the Town's sludge removal project and the total cost for this service is \$21,500. After discussion the Council decided that this was not needed and did not approve the proposal.

Attorney Ryan stated that GMB has submitted an amendment to the Owner/Engineer Agreement for the pumping station project that is funded by USDA. This amendment is for construction phase services and inspection services for Phase 1. The total cost for these services is \$124,427.69. This oversight is required by USDA and not required to be bid out because it is a continuation of construction management. After discussion, Commissioner Schmidt made a motion to approve the amendment contingent upon USDA's approval. Commissioner Chase seconded the motion and it was unanimously approved.

Attorney Ryan stated that the cannabis laws for recreational and medicinal manufacture and sales facilities change on July 1<sup>st</sup> and it will be easier for them to get approved and licensed. Some jurisdictions are adopting zoning regulations to restrict where these businesses can go based on public health, safety, and welfare. The Town's Zoning Ordinance is currently silent on these facilities and the Planning Commission is currently revising the entire Zoning Ordinance to address this but it is not ready yet. The Council has

the option to do a moratorium to ban these facilities for a certain timeframe to give the Town time to discuss and decide where these facilities would best fit. The Council asked Attorney Ryan to draft an Ordinance for a moratorium on cannabis facilities for 9 months and bring it back to the Council at their June meeting.

Attorney Ryan stated that the Council has been looking into drainage issues on Rumsey Drive and are still in the process of obtaining quotes from contractors and once quotes are received the Council can discuss the options at that time. President Newnam stated that he will contact a few other contractors to see if they can take a look and provide a quote before the next meeting.

**Executive Session:** President Newnam stated that an executive session was held on April 5, 2023 to obtain legal advice.

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

**Town Electric Rate Proposal:** Mr. Tabeling from CQI Associates stated that the Town’s electric rate contract is expiring in December 2023 and presented the Council with contract options for 12, 24 and 36 months. The electric rates have increased 200% in the last 18 months but they are starting to come down but no where close to where they were before. After reviewing the options, Commissioner Schmidt made a motion to approve the 24-month contract with CNE at 0.08639 per kWh. Commissioner Sullivan seconded the motion and it was unanimously approved.

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VOTE:

Sullivan – Y      Newnam – Y      Schmidt – Y      Pritchett – Y      Chase – Y

Motion approved.

**Ordinance 2-2023:** An Ordinance of the Town of Trappe to amend Section 14 of the Trappe Town Code titled “Water and Sewer”, Section 14.6 to require the property owner to pay all expenses associated with extending and connecting water and sewer to a property, and Table 1 titled “Fees and Charges” to increase the water and sewer connection and capacity charges, increase the monthly water and sewer fees and increase other fees and charges was read by President Newnam. A public hearing was held tonight and no comments were received. Commissioner Pritchett made a motion to adopt Ordinance 2-2023. Commissioner Schmidt seconded the motion.

VOTE:

Sullivan – Y      Newnam – Y      Schmidt – Y      Pritchett – Y      Chase – Y

Motion approved.

**Resolution 3-2023:** A Resolution of the Council of Trappe to amend the Charter for the Town of Trappe by repealing the term limit provisions set forth in Section 201 was read by President Newnam. Attorney Ryan stated that this is available for introduction and a public hearing will need to be held. Commissioner Pritchett made a motion to introduce Resolution 3-2023. Commissioner Chase seconded the motion.

VOTE:

Sullivan – Y      Newnam – Y      Schmidt – Y      Pritchett – Y      Chase – Y

Motion approved.

A public hearing will be set for June 7, 2023 at 5:55 pm.

**Lakeside Phase 1, Section B Bond Reduction Request:** Attorney Ryan stated that Lakeside has requested a bond reduction for Phase 1, Section B to a reduced amount of \$195,000.00. GMB has reviewed this request and approved the reduction but reduced to \$244,000.00. Commissioner Schmidt made a motion to approve the bond reduction request to GMB's recommended amount of \$244,000. Commissioner Pritchett seconded the motion.

VOTE:

Sullivan – Y      Newnam – Y      Schmidt – Y      Pritchett – Y      Chase – Y

Motion approved.

**Public Questions:**

Stephanie Chester – Mrs. Chester asked about her culvert on Rumsey Drive and the drainage issues. President Newnam stated that the Council has a couple contractors coming out to look at the issue and give a quote on what needs to be done. Once the Council receives this information, they will be able to review and discuss the options.

**Executive Session:** President Newnam stated that an executive session is requested to obtain legal advice. Commissioner Schmidt made a motion to enter into executive session at 7:20 pm. Commissioner Sullivan seconded the motion and it was unanimously approved.

There being no further business to discuss, Commissioner Schmidt made a motion at 8:12 pm to reopen the public meeting and then adjourn the meeting. Commissioner Sullivan seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk