

COUNCIL OF TRAPPE
TRAPPE TOWN HALL
NOVEMBER 6, 2019

Council of Trappe Meeting: President Newnam called the meeting to order at 7:00 pm. Council members Norm Fegel, Tonya Pritchett, RD Diefenderfer and Walter Chase were present. Other attendees for the Town: Town Administrator Braband and Attorney Ryan. Public attendees: Don English, Ryan Showalter, Kim Hardesty, Bobby Quidas, Brian Schmidt and Evan Roe.

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

Presentation of Minutes: Commissioner Fegel made a motion to approve the agenda as presented. Commissioner Chase 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.

Talbot County Sheriff's Department: President Newnam read the Sheriff's Department report that is filed in the records.

Public Works: President Newnam read Superintendent Callahan's report that is filed in the records.

Planning & Zoning: Commissioner Fegel stated that their November meeting was rescheduled due to MDE's meeting on the same night. The Planning Commission will meet on November 25th at 4:00.

Communications: President Newnam read a thank you letter from Anne Houck regarding the presentation and upkeep of Nace's Park. Commissioner Fegel made a motion to change the January 1, 2020 Council meeting to January 8, 2020 due to the holiday. Commissioner Chase seconded the motion. All approved.

Attorney Updates: Attorney Ryan stated that she met with Ray Clarke, Ryan Showalter and Bob Rauch to discuss the amendment to the Talbot County water/sewer comp plan. The amendment must go in front of the County Council at their December 18th meeting. Attorney Ryan stated that the Town Council had previously discussed submitting a request that the entire development be classified as S1/W1 with a backup plan of having a couple of phases, the water tower and the spray fields as S1/W1 and the later phases would be S2/W2 with the understanding that the Town wouldn't have to go back to the County for an amendment. Commissioner Fegel made a motion to approve Attorney Ryan to work with Ryan Showalter to get a draft together to be presented at the Town Council's December 4th meeting and then sent to the County for their December 18th meeting. Commissioner Pritchett seconded the motion.

VOTE:

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

Executive session: President Newnam stated that an executive session was held on October 2, 2019 to obtain legal advice and for a personnel matter and an executive session was also held on October 15, 2019 to obtain legal advice.

ORDER OF BUSINESS BEFORE THE COUNCIL

New Business:

Joe Tabeling from CQI Associates –

Mr. Tabeling introduced himself and stated that he has been working with the Town since 2015 to help lower our electric bills. The Town is currently in an agreement with Direct Energy till December 2020. Mr. Tabeling stated that now is the time to start looking to lock in prices before the current contract expires. Rates are scheduled to increase drastically due to the Clean Energy Jobs Bill that was passed in May 2019. Mr. Tabeling presented a spreadsheet (filed in the records) to the Council showing the 5 different energy companies that bid on the Town's usage. The proposals are for 12 months, 24 months or 36 months and do not go into effect until our current contract expires. Mr. Tabeling stated that his recommendation based on the spreadsheet is for the Town to go with CNE for the 36-month term at \$0.05933 per kwh. This has the potential to save the Town \$7,433 over the 36 months. Commissioner Fegel made a motion to enter into a contract with CNE for 36 months at the rate of \$0.05933 per kwh. Commissioner Diefenderfer seconded the motion.

VOTE:

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

Town owned rental on Sullivan Street –

Administrator Braband stated that the tenant in apartment 2 has moved out and the apartment is in need of repairs before it can be rented out again. Administrator Braband stated that a few Council members asked that the apartment building be put on the agenda so the Council could discuss what they would like to do. President Newnam read a report that Administrator Braband complied regarding the yearly rental income and expenses. If the rental does not require any repairs the Town makes an income of approximately \$6,685.00 a year. After discussion the Council asked Administrator Braband to get a few bids from contractors to complete the repairs for apartment 2 and present them at the next Council meeting for the Council to discuss and make a decision on whether to retain or sell the apartments.

LaTrappe Heights sewer line easements –

Attorney Ryan stated that the Town is in the process of upgrading the pumping stations and in LaTrappe Heights the project would affect the current force main running from Marvel to Seymour and an 8 inch sewer line that runs from Seymour to Rumsey, through 4 properties on both sides. At the time the development was done the sewer easements were never deeded to the Town. The Town still has the easement because of the existing line however to make everything a little clearer Attorney Ryan suggested drafting easements and asking the property owners to sign it and have it recorded. The pumping stations on Marvel Drive will be abandoned and the sewer will be gravity fed to the pumping station on Rumsey

Drive. Attorney Ryan stated that if the Council was ok with the approach the Town could approach the property owners and ask for them to agree and sign the easements. President Newnam and Commissioner Diefenderfer stated that they would go to the property owners and present the easements to them. Commissioner Chase made a motion for Attorney Ryan to draft the easements and then President Newnam and Commissioner Diefenderfer to meet with the residents seeking their approval.

VOTE:

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

Possible 4 way stop at Maple Ave and Main Street Intersection –

President Newnam stated that this conversation came up during the ribbon cutting/open house for Momma Maria's because traffic was zipping by as they stood on the sidewalk. Administrator Braband stated that she and Commissioner Chase met with SHA last week regarding the Town of Trappe sign and brought up the 4 way stop for that intersection. The SHA representatives stated that the Town owns 3 of the 4 corners at that intersection and can put up a stop sign at anytime on any of those 3 corners. In addition to the corners where the stop signs are already located the Town's third corner is the one at Momma Maria's. In order to get a stop sign at the corner by the old Habitat building SHA would have to do a traffic study. In order for the intersection to qualify for the additional stop sign traffic would have to measure 300 cars per peak hour and 200 cars per nonpeak hour. After discussion the Council requested that SHA complete the traffic study as they would like to see the intersection become a 4 way stop. Commissioner Fegel asked about putting crosswalks down and Administrator Braband stated that she talked to SHA about that as well and they said we can go put our 3 down but they wouldn't be putting one down on their side. Administrator Braband stated that she also asked about having the Town of Trappe sign out on Route 50 and the SHA representatives stated that we can't have anything in their right-of-way and that we would have to get the private property owner's permission to put the sign up. We would have to apply for a permit through SHA and be approved prior to putting up the sign even with property owner's permission. In the area that the Council is interested in putting up the signs there are only 2 property owners. 300 feet is required between each sign so that limits the possible locations even more. The SHA representatives gave Administrator Braband a name and number of another individual who could help with the permit but she has not received a return call.

Ordinance 6-2019 - An Ordinance supplementing Ordinance 6-2017 to extend the time period for issuance of the bonds which were authorized by Ordinance 11-2006 passed on December 6, 2006 (the "Original Ordinance") (as supplemented by Ordinance 11-2007 passed on November 7, 2007, Ordinance 8-2008 passed on November 5, 2008, Ordinance 7-2009 passed on November 4, 2009, Ordinance 8-2011 passed on November 2, 2011, Ordinance 6-2013 passed on November 6, 2013, Ordinance 6-2015 passed on December 2, 2015 and Ordinance 6-2017 passed on December 6, 2017) by the Council of the Town of Trappe (the "Town"), which original Ordinance, among other things, confirmed the creation of the Lakeside Special Taxing District (the "Lakeside District"); provided for the creation of the Lakeside Special Fund (the "Special Fund"); provided for the levy of a special tax on all real property subject to tax within the Lakeside District; pledged the special tax on real property within the Lakeside District to the special fund and promised that the proceeds of the special tax will be paid into the special fund; provided for the use of moneys in the special fund; authorized the Town to enter into construction and funding agreements

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with the current owner of all the property within the Lakeside District; made certain legislative findings, among others, concerning the public benefit and purpose of special obligation bonds to be issued by the Town; authorized and empowered the Town to issue, sell and deliver, at any one time or from time to time, its special obligation bonds in one or more series in an aggregate principal amount not to exceed \$60,000,000; provided that such special obligation bonds and the interest thereon shall never constitute a general obligation debt of or a pledge of the Town's full faith and credit or taxing powers; authorized and empowered the Trappe Town Council to adopt a Resolution prior to the issuance, sale and delivery of such special obligation bonds, to prescribe the rate or rates of interest such special obligation bonds are to bear, the form, tenor, terms and conditions of and security for such special obligation bonds, and to prescribe, determine, provide for and approve various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale and payment for such special obligation bonds; and generally provided for the financing of public infrastructure improvements within and outside the Lakeside District and for the imposition and levy of a special tax and the issuance of special obligation bonds, all in accordance with Article 23A, Section 44A of the Annotated Code of Maryland, as amended was read by Attorney Ryan. Attorney Ryan stated that the Ordinance extends the time frame for the Lakeside Special Tax district until 12/31/21 and authorizes the Town to issue special bonds in connection with the Lakeside District but does not put the bonds into place. Commissioner Fegel asked Ryan Showalter if the developer has any intention on using the bonds. Ryan Showalter stated that no, Phase 1 will not be using bond financing. Commissioner Pritchett made a motion to introduce Ordinance 6-2019 and set it for a public hearing on December 4th at 6:50 pm. Commissioner Fegel seconded the motion.

VOTE:

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

Other Business:

Lakeside Discharge Permit –

Attorney Ryan stated that MDE has scheduled a public hearing for November 19th at 6:00 pm at the firehouse for the Lakeside discharge permit.

Ferry Point Marina –

Attorney Ryan stated that she, Administrator Braband and President Newnam met with County Council President Corey Pack to discuss extending Trappe's sewer line to Ferry Point and including Bolingbroke Point. President Pack stated that they are looking at constructing a stand-alone plant as well but it would be more expensive to do that then to connect to Trappe. The County Council were under the impression that the Town would only the connection if the property was annexed into Town but there is a provision in the Town Code that allows connection if there is a health or safety risk which there is because there are failing septic. President Pack stated that he would go back to the County Council and discuss this with them and inform them that we are in the process of trying to upgrade our plant to ENR. Attorney Ryan stated that she talked to Ray Clarke after the meeting and President Pack is still leaning towards the standalone plant. President Pack was questioning the possible public backlash and Attorney Ryan stated it has been discussed at 2 Council meetings and the only concerns were having to extend to other property

owners between Trappe and Ferry Point. The Town would structure the agreement to not allow additional connections. Attorney Ryan suggested that if the Town Council are interested that we reach out to a couple of the other County Council members to express our interest and make sure they keep us in mind. Attorney Ryan stated that she will reach out to them as well.

Howell Point Sewer Extension –

Attorney Ryan, Administrator Braband, Commissioner Chase, Walid and Jeff from MDE, Senator Eckhardt and Delegate Mautz met to discuss using BRF funds to connect Howell Point. MDE said that it is not possible to use BRF funds because we are not an ENR or BNR treatment plant. A discussion was held with Senator Eckhardt to propose an amendment to COMAR that would allow a jurisdiction to use BRF funds if they were in construction to go to an ENR plant, they did not have to wait until the upgrade was completed. If this amendment was able to go through then we would be able to use the BRF funds because we would already be in construction to go to ENR by that time. The County would then be able to use BRF funds and connect Howell Point at that time. Senator Eckhardt is going to work with MDE and come up with the appropriate language. There are other jurisdictions that are in a similar situation as us. Commissioner Fegel asked if we have heard from the Doty's in regard to hooking their property up to sewer now. Attorney Ryan stated that Scott from GMB has talked to the Doty's and we are awaiting their decision.

Public Questions/Comments:

Kim Hardesty stated that when it snows ice forms in front of the West Maple Building and she would like someone to look into putting more salt down.

Executive Session: President Newnam stated that an executive session is requested to obtain legal advice. Commissioner Fegel made a motion to enter into executive session at 8:10 pm. Commissioner Pritchett seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 8:37 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Fegel made a motion at 8:37 pm to conclude the meeting. Commissioner Chase seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk