

COUNCIL OF TRAPPE  
TRAPPE TOWN HLL  
MARCH 4, 2020

**PUBLIC HEARING – 6:30 PM**

President Newnam opened the public hearing at 6:30 pm. Council members RD Diefenderfer, Norm Fegel, Tonya Pritchett and Walter Chase were present. Other attendees for the Town: Town Administrator Braband and Town Attorney Ryan. Public attendees: Don English, Edgar Harrison, Bobby & Shirley Quidas, Eddie Moore and GMB representatives Jason Lytle and Scott Getchell.

Resolution 1-2020 – A Resolution of the Council of Trappe approving the 2019 Comprehensive Plan for the Town of Trappe. Ryan Showalter, Attorney for Lakeside stated that the County Comprehensive Water and Sewer Plan that is pending before the County Council has an added provision that provides the Town the flexibility to consider using some of the Town’s existing sewer capacity to service the first phase of Lakeside. Peter Johnston noted that the Town’s draft comprehensive plan does not have a similar provision in its water and wastewater element. Mr. Showalter stated that it was suggested that it might be appropriate to add a sentence in the Town’s comprehensive plan, before it is adopted, to give the Town that flexibility. The Council discussed and agreed to send the comprehensive plan back to the Planning Commission for review.

Resolution 3-2020 – A Resolution of the Council of Trappe approving and adopting certain revisions to the Lakeside Planned Neighborhood (“PN”) Zoning District and Planned Unit Development (“PUD”) plan and approving certain revisions to the Design Guidelines for the Lakeside Planned Neighborhood Zoning District. Ryan Showalter stated that the design guidelines that are a part of Resolution 3-2020 were recommended for approval by the Planning Commission. There was a concern about a sentence regarding potential amendments on the second page of the Design Guidelines and Mr. Showalter stated that he updated that sentence to make it clear that any amendment would be subject to Town approval and Town Regulations. This is the only change that was made.

With no further comments Commissioner Fegel made a motion to close the public hearing at 6:35 pm. Commissioner Chase seconded the motion.

**Council of Trappe Meeting:** President Newnam called the meeting to order at 7:00 pm. Council members RD Diefenderfer, Norm Fegel, Tonya Pritchett and Walter Chase were present. Other attendees for the Town: Town Administrator Braband, Town Attorney Ryan, Superintendent Callahan and Operator Lane. Public attendees: Don English, Edgar Harrison, Bobby & Shirley Quidas, Eddie Moore, GMB representatives Jason Lytle and Scott Getchell, Brian Schmidt, Talbot County DES representative Greg and Shore United representatives Fran Jenkins, Laura Reeder and Abby Graves.

**Amendments to the Agenda:** President Newnam stated that he needed to add Greg from Talbot County DES to the agenda under Communications. Attorney Ryan stated that she would like to add Ordinance 1-20200 under New Business. Agenda approved as amended.

**Presentation of Minutes:** Commissioner Diefenderfer made a motion to approve the March 4, 2020 minutes as presented. Commissioner Chase seconded the motion.

### **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 monthly report that is filed in the records.

**Public Works:** Superintendent Callahan read the public works report that is filed in the records. Superintendent Callahan requested approval for a quote from Mr. Rooter to do 3 liner installations for sewer lines on Harrison Circle to total a minimum of \$10,100.00. There is an additional cost of \$250.00 per hour if they need to jet and camera the lines prior to the installation. Commissioner Fegel made a motion to approve Mr. Rooter's quote to install the 3 liners. Commissioner Chase seconded the motion. All approved. Superintendent Callahan also presented another quote from Mr. Rooter to fix the trough at manhole #53 because it has a flat bottom and the sewer is piling up. The Council requested that Superintendent Callahan get a second bid to do the manhole repair.

**Planning & Zoning:** Attorney Ryan stated that no meeting was held last month but they will be meeting this month to discuss Talbot County Resolution 281 which is the amendment to the County's water and sewer comp plan.

**Communications:** Greg from Talbot County DES requested that the Town consider participating in the Team Trace AED project. Team Trace has donated \$25,000 to the County AED program to place AED's in climate controlled boxes at all County parks. It was found that the County of Veteran's Park has electrical issues and they are unable to place an AED there. Therefore they are requesting that the Town install the AED on the Town's portion of the park near the gazebo. The County would reimburse the Town for any installation costs and would accept full responsibility for the AED. If the AED is opened an alarm will sound and notification will be sent immediately to DES. Greg stated that most of the other parks have a separate power switch so it can be left on but the Town can control the other lights as needed. The Council agreed this is a great idea and something that should be available for the residents. Commissioner Diefenderfer made a motion to move forward with the AED installation at Veteran's Park. Commissioner Chase seconded the motion. All approved.

**Attorney Updates:** Attorney Ryan stated that she had nothing in addition to what is listed on the agenda.

**Executive Session:** President Newnam stated that an executive session was held on March 4, 2020 to discuss a personnel matter and to obtain legal advice.

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

#### **New Business:**

**Shore United Bank** – Fran Jenkins, manager of the Tred Avon branch of Shore United Bank stated that the bank has a few recommendations on some new products that the Town can take advantage.

Abby Graves, Municipal Relationship Manager stated that there is a program called ICS – Insured Cash Sweep and it has been very popular and successful with other municipalities. When the Town has over \$250,000 in an account with Shore United Bank the additional funds are dispersed to other banks under the FDIC limit of \$250,000. When the funds are put out into the network the exact amount is received back on Shore United’s books so the value of the Town’s deposits stays in the community but the Town still receives the FDIC insurance. The interest is better than what the Town is earning in the money market accounts that we currently have. The ICS program moves the funds automatically each night and makes sure that the Town always has their funds ready when needed. A statement is sent every month that will show the Town where the funds are. There are 7 municipalities and Queen Anne’s County government are currently enrolled in the program through Shore United Bank. Commissioner Pritchett made a motion for Town Administrator Braband to work with Shore United Bank to enroll and set up the ICS accounts. Commissioner Fegel seconded the motion. All approved.

Laura Reeder from Shore United stated that the bank also offers credit card services which the office would have a pin pad for in office transactions and a link would be placed on the Town’s website so people can go online to pay their bill. Another service is ACH origination which would allow the Town to automatically draft the monthly water and sewer bill from a person’s checking account with that person’s permission. The cost for the credit card service is about 2.5% of the payment which would have to be paid by the resident and not the Town. The cost for the ACH origination there is a \$25.00 month charge plus a \$10 batch fee. The Council discussed the 2 services and decided to poll the resident’s to see if there is interest before committing to the service and cost.

**Resolution 1-2020** – A Resolution of the Council of Trappe approving the 2019 Comprehensive Plan for the Town of Trappe. Attorney Ryan asked that based on public comment at tonight’s public hearing and the Council’s discussion would the Council like to send the comp plan back to the Planning Commission for their review and recommendation. Commissioner Fegel made a motion to send the Comprehensive Plan back to the Planning Commission for review. Commissioner Diefenderfer seconded the motion. All approved.

**Resolution 3-2020** – A Resolution of the Council of Trappe approving and adopting certain revisions to the Lakeside Planned Neighborhood (“PN”) Zoning District and Planned Unit Development (“PUD”) plan and approving certain revisions to the Design Guidelines for the Lakeside Planned Neighborhood Zoning District was read by Attorney Ryan. Attorney Ryan stated that before the Council can adopt this Resolution, if they choose to do so, there are specific findings that the Council has to make. In June of 2019 Trappe East Holdings Business Trust submitted revised PUD Plan and PN District and provided Design Guidelines which are now dated March 2020 due to changes requested by the Town. The revised plan includes reconfiguration of the road network, integration of a greater diversity of residential unit types, enlargement and enhancement of the community parks and beach on the lake and some revisions to the maximum height including the 4 story apartment building. The PUD plan designates 6 different phases within the development which consist of Lakeside Village, Lakeside Park, Lakeside Commons, Lakeside Run, Lakeside Center and the shops at Lakeside. Within each phase there is sufficient open space and community recreation areas. The open space consists on neighborhood greens, ponds and lakes as shown on the plans. There are some existing coarse and sensitive areas, some of which will not be graded. The

streets are designed with block patterns and everything is within walking distance. Each recreation area will be developed based on the demographics of the phase. Throughout the development there are sidewalks, bicycle and pedestrian paths that promote walkability within the development. The pattern is based on interconnected rectilinear and higher article street designs referenced and established by the Comp Plan and reinforced by the PN floating zone. The Planning Commission received the plan in July and after discussing with the developer they had the apartments moved back further into the development in a more dense area and some of the streets were adjusted. The Council is required to make specific findings within the Zoning Ordinance prior to approving the PUD Plan and Design Guidelines. Prior to approving a floating zone map amendment, Section 8.42 of the Zoning Ordinance requires the Council to make findings on the following categories read by Attorney Ryan and answered by the Council as follows:

1. Anticipate Population Change
  - Population should not vary much from when PUD Plans were initially approved in 2005. Attorney Ryan stated that the residential unit number of 2,501 is not proposed to change.
2. Availability of public facilities to serve the property
  - Addressed in the DRRRA. Attorney Ryan stated that nothing has been proposed to change from when it was adopted other than some of the infrastructure. The requirements of the developer to construct and fund the infrastructure is all still in the DRRRA.
3. Present and future transportation patterns
  - Traffic primarily local and will remain local but will increase. The development will add two lights (one at Piney and 50 and one at the entrance) which should improve traffic.
4. Compatibility with existing and proposed development in the area
  - Property is adjacent to several different existing uses – residential, highway commercial and agricultural which are compatible and there will be sufficient buffers.
5. Relationship of the proposed amendment to the Comprehensive Plan
  - Designated PN in Comprehensive Plan. Development accommodates range of housing types and styles while ensuring architectural harmony throughout which is consistent.

The Council also finds that the amendment is as follows:

1. Consistent with the 2010 Comprehensive Plan
  - Designated PN in Comprehensive Plan. Encourages a range of housing types and construction styles while ensuring architectural harmony throughout. Lakeside is a part of the Town's growth area.
2. Consistent with the stated purposes and intent of the particular floating zone sought to be established which are the requirements of the PN floating zone in the Zoning Ordinance
  - PN intended to permit master planned mixed-use development. Complies with PN density standards.
3. In compliance with the requirement of the Zoning Ordinance
  - Consistent with the PN floating zone and PN design guidelines.

Attorney Ryan stated that based on the Council's decisions and the review of the DRRRA, the Amendment

and the Design Guidelines if the Council finds it consistent then a motion can be made to approve Resolution 3-2020. Commissioner Fegel made a motion to approve Resolution 3-2020 and instruct Attorney Ryan to draft findings consistent with the Council's findings that were just made that found the plan to be consistent with the Comprehensive Plan and Zoning Ordinance. Commissioner Diefenderfer seconded the motion.

VOTE:

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

President Newnam thanked the Planning Commission for all their hard work on this project and helping to make the Council's job a little easier.

Attorney Ryan introduced Ordinance 1-2020 – An Ordinance of the Town of Trappe approving and adopting certain revisions to the PUD Plan and Design Guidelines for the Lakeside Planned Neighborhood Zoning District. This Ordinance would formally adopt the Findings of Fact that will be drafted by Attorney Ryan. Commissioner Fegel made a motion to introduce Ordinance 1-2020. Commissioner Diefenderfer seconded the motion. All approved. Public hearing is set for April 1<sup>st</sup> at 6:45 pm.

#### **Lakeside Proposed Water Treatment Facility –**

Attorney Ryan stated that Lakeside has submitted a joint permit application for the construction of water treatment facility 1 for Lakeside. This permit was previously approved by MDE but has expired and needs to be renewed. Attorney Ryan stated that GMB is currently reviewing this permit and plans but have not finished their review. Commissioner Chase made a motion to approve the permit application contingent upon GMB's approval. Commissioner Diefenderfer seconded the motion. All approved.

#### **Lakeside Phase 1A Sewer Proposal –**

Bob Rauch presented the Town with a letter requesting to use some of the Town's sewer capacity for the Lakeside project. The flows will be low when the development starts and after some conversations with the Town it was thought it might be good financially for the Town to allow the connections. The developer would be responsible for all the connection costs and running the lines and would work with GMB for approval. Mr. Rauch stated that the development is requesting 120 EDUs but would take as many as the Town would like to provide. The connection and capacity fees for each EDU is \$6,610 which is a projected income of \$793,200 to the Town. The developers are looking to start the SHA entrance on May 1<sup>st</sup> and proceed with the infrastructure required for Phase 1. The Town is estimated to have about 250 EDUs remaining after the allocations for infill that are required to be held. Mr. Rauch said that they have already been working with and discussing this possibility with GMB and looking at different locations that their sewer could tie into. After discussion the Council agree to discuss and consider selling 120 EDUs to Lakeside for sewer connection. Attorney Ryan stated that she will look into the Town's comprehensive plan water/sewer element portion and will review the information with GMB. The Council agreed to table a decision until April.

### **Easton Utilities letter –**

Attorney Ryan stated that the Town has received a letter from Easton Utilities requesting that the Town consider using their service for the Town's sewer and have this as an option in the ENR upgrade PER that is currently being developed by GMB. Attorney Ryan stated that the Town would become a bulk user and Easton Utilities would set the rates for the residents. The Town would be required to bill the residents to get the money back and wouldn't have control over the rates. After discussion the Council agreed to listen to what Easton Utilities has to say and see how it would work. Attorney Ryan stated that the PER is currently underway and there would be an additional cost to add this option in. Jason from GMB stated that the easiest approach would be to do an amendment to the PER if the Council was interested. The Council decided to table this matter at this time.

### **Other Business:**

#### Town Owned Rental – Sullivan Street

Attorney Ryan stated that the Town put the Town apartment out to bid and the bids were due March 2<sup>nd</sup>. One bid was received for \$95,005 from Eddie and Jonathan Moore. Commissioner Chase made a motion to accept Eddie and Jonathan Moore's bid of \$95,005 for the purchase of the town apartment. Commissioner Fegel seconded the motion. All approved. Eddie Moore asked how long settlement would take and Attorney Ryan explained the process to him. Mr. Moore would like to begin repairs as soon as possible because he already has a tenant that wants to move in. Attorney Ryan stated that the Council could enter into an agreement contract if they choose to do so which would allow Mr. Moore to start repairs. The Council discussed the agreement and asked Attorney Ryan to draw up an agreement for them to review. A workshop was set for March 11<sup>th</sup> at 4:30 to review and discuss the agreement.

#### Howell Point Sewer –

Attorney Ryan stated that an agreement for the Doty's to connect to the Town sewer has been drafted and provided to the Council for their review and approval. The agreement states that the Town is not responsible for owning or maintaining anything that is located on personal property. The agreement also states that the Doty's are responsible for any fees incurred by the Town such as attorney fees and engineering fees. The agreement has not been reviewed by the Doty's yet. Commissioner Fegel made a motion to approve the public works agreement as prepared by Attorney Ryan subject to the Doty's approval. Commissioner Pritchett seconded the motion. All approved.

#### Talbot County Resolution 281 –

Attorney Ryan stated that the County Council held their public regarding Resolution 281 for an amendment to the County Water/Sewer Comp Plan. A map was introduced requesting to amend the Comp Plan to allow the top half of Lakeside to become S1/W1 and the bottom half would be S2/W2. The County sent the amendment back to the Planning Commission and they will be hearing it again on March 20<sup>th</sup> and then will go back to the County Council on March 24<sup>th</sup>. The County Council is accepting written comments until the Friday before their hearing and Attorney Ryan asked if the Council would like to send a letter to the County Council and County Planning Commission stating that it consistent to the County's

Town Council Minutes – March 4, 2020

Water/Sewer Comp Plan. Commissioner Fegel made a motion to send a letter to the County Council and County Planning Commission in support of the amendment and finding it consistent with the County's Water/Sewer Comp Plan. Commissioner Diefenderfer seconded the motion. All approved.

**Public Questions/Comments:** None

**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 8:32 pm. Commissioner Diefenderfer seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 9:05 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Diefenderfer made a motion at 9:05 pm to conclude the meeting. Commissioner Fegel seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk