

COUNCIL OF TRAPPE  
TRAPPE TOWN HALL  
APRIL 4, 2018

**Council of Trappe Meeting:** President Fegel called the meeting to order at 7:00 pm. Council members Nick Newnam, Tonya Pritchett and Walter Chase were present. Other attendees for the Town: Administrator Braband, Sgt. Gadow and Captain Mergenthaler from the Talbot County Sheriff's Office and Superintendent Callahan. Public attendees: Don English, Bobby & Shirley Quidas, Bunky Luffman, Jim Thompson and Edgar Harrison.

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

**Presentation of Minutes:** Commissioner Newnam made a motion to approve the March 7, 2018 Council minutes as presented. Commissioner Chase 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 Department:** Sgt. Gadow presented the Council with the March report that is filed in the records.

**Public Works:** Superintendent Callahan presented the public works report that is filed in the records. Commissioner Chase addressed the midges that are coming from the treatment plant ponds and asked that a chemical be put into the water to kill the eggs. Superintendent Callahan stated that he is obtaining prices for the chemicals and will continue to look into it.

**Planning & Zoning:** President Fegel stated that the Planning Commission met in March.

**Communications:** Commissioner Pritchett stated that the Trappe Community Outreach Group will be at the Trappe Little League Opening Day to hand out information and prizes for smoking cessation.

**Attorney Updates:**

ENR upgrade – Attorney Booth stated that there is 100% grant funding available to upgrade our treatment plant to an ENR plant using BRF funds. Attorney Booth stated that she met with MDE regarding the Town's plant and we are currently on a list of treatment plants that need to be updated. In the late 1990's the Town was under a state mandate to upgrade the plant and at that time no grant funds were available so the Town had to fund the entire project with loans which are still currently being repaid. The Town has been in a holding pattern waiting to see what Lakeside is going to do as the grant funds will not pay for expansion. Attorney Booth stated that she discussed these concerns with MDE and was reassured that if the Town were to accept the grant funding for the study at this time, the Town would not be losing any future expansion possibilities. Attorney Booth stated that she recommends that the Town Council

approve the grant agreement with MDE to study an ENR upgrade. This study will be 100% grant funded by the State of Maryland. This will allow the Town to do an engineering study to look at the options with respect to upgrading what is existing or demolishing what is there and building a new plant. This allows the citizens to take advantage of grant funding opportunities but does not close the door to expansion in the future. Attorney Booth stated that a meeting has been set up with the Town's engineers and Bob Rauch (Lakeside's engineer) to discuss this and other infrastructure projects that the Town is working on. This meeting will ensure that the current projects are consistent with Lakeside but also makes sure that the Town takes care of the existing Town. Attorney Booth stated that she recommends that the Town make a motion to accept the grant agreement with MDE for the ENR upgrade and a second motion to direct Attorney Booth to prepare an RFP (request for proposal) or RFQ (request for qualifications) for engineering services related to the ENR upgrade. MDE requires that the engineering services be put out to be bid. Commissioner Pritchett made a motion for the Town to accept the grant agreement with MDE for the ENR upgrade. Commissioner Chase seconded the motion.

VOTE:

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

Commissioner Pritchett made a motion to direct Attorney Booth to prepare an RFP (request for proposal) or RFQ (request for qualifications) for engineering services related to the ENR upgrade. Commissioner Chase seconded the motion.

VOTE:

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

Trappe Comprehensive Plan – Attorney Booth stated that the Town's comprehensive plan hasn't been updated since 2010 and it is time to update it again. Attorney Booth and Peter Johnston will be attending the May 15<sup>th</sup> Planning Commission meeting to have a kick off for the comp plan update. Planning Chairman Edgar Harrison agreed to begin the update. Attorney Booth stated that Lakeside developers will be invited early in the discussion to get their input on the comp plan. Attorney Booth stated that the comp plan should also build in more of the projects that the Town is working on, which will hopefully improve grant funding opportunities. Attorney Booth stated that the Town also has a comprehensive water and sewer subsidiary plan that was done around 2006. The Talbot County water and sewer comp plan has jurisdiction over the Town according to State Law but it would be good to bring the Town's plan up to date.

Howell Point Sewer – Attorney Booth stated that in February, Ray Clarke, Talbot County's engineer, contacted her to inquire about using the County's BRF funds to extend the Town's sewer main down Howell Point Road. This service would allow the 11 properties that are in Town limits but not currently on the Town's sewer to connect if they wanted and/or needed to as a few of these 11 properties currently have failing septic. The BRF funds would provide grant funding of up to \$20,000 per property to help with the expenses for the homeowner to connect to the Town's sewer. The Talbot County water and sewer comprehensive plan required an amendment which was introduced at the County's last meeting and a public hearing will be held on April 24<sup>th</sup>. The BRF funds must be spent by July 1<sup>st</sup> so the County plans

to have this project done before then. This project is at no cost to the Town and will give the Town extra sewer connections. The \$20,000 per property will help pay for the force main extension, decommissioning of the individual septic systems and the Town's capacity fees. A small portion may still be required from the resident but this will allow the residents to connect to the Town's sewer at a fraction of the cost. The Town will hold an informational meeting with the owners of the 11 properties after the County has approved the Comp plan amendment. Commissioner Chase asked what would happen if a resident refuses to connect. Attorney Booth stated that there is a law that requires the homeowner to connect to Town water and sewer if it is available so at sometime MDE will require them to do so. The Town can also work with the residents to help with the connection costs and help the residents explore other possible grant opportunities. President Fegel stated that each house will be required to have their own grinder pump and the homeowner will be responsible for the maintenance cost of the pump.

**Executive Session:** President Fegel read that an executive session was held on March 7, 2018 to discuss a personnel matter.

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

Ordinance 1-2018 – 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 \$4.11 per thousand gallons, and the monthly sewer usage rate to \$9.61 per thousand gallons was read by President Fegel. Commissioner Chase asked how much the water and sewer increase is. President Fegel stated that the increase was 7% and Administrator Braband stated it is an increase of .91 per 1,000 gallons. Commissioner Newnam made a motion to introduce Ordinance 1-2018. Commissioner Pritchett seconded the motion.

VOTE:

Newnam – Y    Fegel – Y                  Pritchett – Y    Chase – Y

Motion approved

Ordinance 2- 2018 – An Ordinance of the Town of Trappe adopting a General Budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019, 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 \$150 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 Chase asked if the trash annual fee was the same or an increase. Administrator Braband stated that the trash rate is the same as well as the tax rates. Commissioner Chase made a motion to introduce Ordinance 2-2018. Commissioner Newnam seconded the motion.

VOTE:

Newnam – Y    Fegel – Y                  Pritchett – Y    Chase – Y

Motion approved

Ordinance 3- 2018 – An Ordinance of the Council of Trappe authorizing the execution of a Law Enforcement Mutual Aid Agreement in accordance with MD. Code Ann. Criminal Procedure Article Section 2-105 was read by President Fegel. Attorney Booth stated that the Town has had mutual aid agreements

with other jurisdictions and this update has been in the works for a while. This agreement has been reviewed by all the Town Attorney's, County Attorney, Sheriff's Department and Police Chiefs. Attorney Booth stated that the mutual aid provisions of the State law were expanded by the Attorney General which clarified that these agreements can be used in non-emergency situations. For example, if the Town of Easton came to Trappe at our request and ran radar, the current mutual aid agreement does not cover that and those cases were dismissed once they got to Court. Attorney Booth stated that this version expands the ability of the jurisdiction to allow non-emergency patrols if Trappe ever wanted to do that. Attorney Booth stated that the agreement states that each Town has the ability to request another jurisdiction's services, the other jurisdiction has the right to refuse the request if not enough manpower, there is no cost for services unless there is an agreement made beforehand, it clarifies that the employees of the respective departments remain their employees, the agreement can be terminated at anytime by any jurisdiction, there are provisions that each jurisdiction looks to their own workers compensation and that jurisdictions indemnify each other. Commissioner Chase made a motion to introduce Ordinance 3-2018. Commissioner Pritchett seconded the motion.

**VOTE:**

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

A public hearing will be held on May 2<sup>nd</sup> at 6:30 for Ordinance 1-2018, Ordinance 2-2018 and Ordinance 3-2018.

**Other Business:** None

**Public Questions/Comments:**

Edgar Harrison – Mr. Harrison asked about the Town's intentions regarding sewer laterals on private property. Mr. Harrison stated that the Code as he reads it states that as soon as a sewer lateral enters private property it becomes the homeowner's responsibility. Mr. Harrison stated that it does not address a main that goes through private property then splits into multiple laterals. Where does the responsibility lie? What constitutes a main line? Attorney Booth stated that the intention is that the property owners are responsible for their lateral and the Town is responsible for the main but that she would read the Code and address it at a later time.

Jim Thompson – Mr. Thompson stated that he is in the process of obtaining approval to build a detached garage with an apartment above it and was told that he had to pay for a separate connection and wonders what the intention of the connection fee is. Is the intent to charge the fee for someone who already has a connection and adding a separate structure or was it for someone who was starting from scratch with no connection. Mr. Thompson said that the Town Code Article 14, Table 1 says that the charges are established per dwelling unit and in the Zoning Ordinance a dwelling unit is defined as 1 room or rooms connected together constituting a separate independent housekeeping establishment including independent cooking and sleeping facilities but no reference to bathrooms. An apartment is defined as a part of a building containing cooking facilities, separate bathroom facilities consisting of a room or group of rooms intended, designed and used as a residence but as individual or single family. Mr. Thompson is proposing to build an apartment above his garage with a bathroom, bedroom, kitchen, etc but as defined

the Code states that the connections fees are only for a dwelling unit and not an apartment. Mr. Thompson said that the \$12,470 connection fee is about 15% of his total building cost and if he has to pay it then it could be cost prohibitive even if it is approved by the Planning Commission and Board of Appeals. Mr. Thompson asked if he didn't put in a kitchen would he have to pay the connection fee because the way that he reads the Code he wouldn't be required to. Mr. Thompson stated that if he does have to pay the fee then he suggests the Council charge a tiered approach based on bedrooms or bathrooms. Attorney Booth stated that MDE defines sewer based on EDUs or equivalent dwelling units. Any municipality that you go to and construct a standalone dwelling unit you are required to pay for the capacity in the system as the code looks at what is being constructed and the use, not who lives there. Attorney Booth stated that a dwelling unit is an apartment or any independent separate dwelling. Attorney Booth stated that the Town Code and the Zoning Ordinance have to be read together but if the Council wants to clarify the definitions it can be done by Ordinance but doesn't appear to be necessary. Edgar Harrison stated that he would like to look at definitions and compare the Code and the Zoning Ordinance and discuss with Attorney Booth. Mr. Thompson asked if there is no kitchen, then is it considered a dwelling unit? Attorney Booth stated that if this can be converted in the future by just putting in a stove then it is a dwelling unit and the connection fee needs to be paid for.

Bunky Luffman – Mr. Luffman introduced himself as the Liaison for the Eastern Shore municipalities for the Governor's Office and stated that he is available for anything that the Town may need.

**Executive Session:**

President Fegel stated that an executive session is requested to discuss a personnel matter and consideration of proposal to purchase law enforcement equipment.

Commissioner Pritchett made a motion to enter into executive session at 7:56 pm to discuss a personnel matter and consideration of proposal to purchase law enforcement equipment. Commissioner Newnam seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 8:49 pm, Commissioner Chase made a motion to reconvene the open meeting. Commissioner Pritchett seconded the motion and it was unanimously approved.

Commissioner Newnam made a motion to sell the police equipment, vehicle and Carbine to the Talbot County Sheriff's Department for \$15,225.00. Commissioner Pritchett seconded the motion.

**VOTE:**

Newnam – Y Fegel – Y Pritchett – Y Chase – N

Motion approved by a vote of 3-1.

There being no further business to discuss, Commissioner Newnam made a motion at 8:52 pm to conclude the meeting. Commissioner Pritchett seconded the motion and it was unanimously approved.

Respectfully submitted,  
Erin Braband, Town Administrator/Clerk