

COUNCIL OF TRAPPE
TRAPPE TOWN HALL
JUNE 5, 2019

Council of Trappe Meeting: President Fegel called the meeting to order at 7:00 pm. Council members Nick Newnam, Tonya Pritchett, RD Diefenderfer and Walter Chase were present. Other attendees for the Town: Town Administrator Braband, Town Attorney Ryan, Superintendent Callahan, Apprentice Wood and 1st Sargent Dobson from the Talbot County Sheriff's Office. Public attendees: Don English, Ryan Showalter, Bob Rauch, Cheryl Lewis, Bobby & Shirley Quidas, Marty & George Doty, Brian Schmidt and Kathi Duvall – Clerk of Talbot County Circuit Court.

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

Presentation of Minutes: Commissioner Chase questioned the minutes regarding the interim financing for the pumping station project portion however after a brief discussion amongst the Commissioners, Town Attorney Ryan and Administrator Braband, Commissioner Newnam made a motion to approve the minutes as presented. Commissioner Chase seconded the motion. All approved.

Announcement and Certification of the Election: President Fegel read the May 14th Council election results. A total of 29 votes were cast and out of the 29 votes Commissioner Pritchett received 25 votes and Commissioner Diefenderfer received 24 votes. There was 1 write-in vote for Amanda Jones. Therefore, Commissioner Pritchett and Commissioner Diefenderfer have been re-elected to another 4-year term to expire in May 2023. The election results were certified by Election Chairman Don English and Administrator Braband.

Swearing in of two Commissioners: Kathi Duvall, Clerk of Talbot County Circuit Court swore in Tonya Pritchett and Robert Diefenderfer, Jr (RD) to another 4-year term to the Town Council to expire in May 2023.

Motion for Appointments for Officers of the Council:

President – President Fegel stated that the Council held a workshop prior to tonight's meeting to discuss Council President and Vice-President. President Fegel stated that the consensus at the workshop was to appoint Nick Newnam as President and asked for a motion. Commissioner Diefenderfer made a motion to appoint Nick Newnam as Council President. Commissioner Chase seconded the motion.

VOTE:

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

Vice-President – President Fegel stated that the consensus at the workshop was to reappoint Commissioner Diefenderfer as Vice-President and asked for a motion. Commissioner Pritchett stated that she wanted to go on record to state that she feels that having 2 family members, 1 as President and 1 as Vice-President, could cause a lack of transparency. Commissioner Diefenderfer stated that he and

Commissioner Newnam are like 6th cousins, very distant relatives. Commissioner Chase stated that the citizens of Trappe made a decision to elect both Commissioner Newnam and Commissioner Diefenderfer knowing that they are distant relatives and the decision to make them President and Vice-President is up to the Council. Commissioner Chase made a motion to appoint RD Diefenderfer as Council Vice-President. Commissioner Newnam seconded the motion.

VOTE:

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

Motion approved 4-1.

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 two of the air condition units in Town Hall were not working properly last week and Comfort Plus came out to repair them. During the repair the tech found that each unit was low on freon due to a unlocated leak and because of the age of the units (13 years old) he recommended that the Town look into replacing them instead of spending the money to recharge the freon over and over. A salesman from Comfort Plus came out to look at the units and is supposed to be submitting a quote. Administrator Braband stated that she will be obtaining quotes from multiple companies and will present them to the Council in the near future. Commissioner Chase asked what line item 5900 – expenses to be reimbursed on the Enterprise budget was for. Administrator Braband stated that the expenses in this line item were due to the fire at the treatment plant in February and that the insurance company should reimburse the Town for these expenses once the repairs are complete.

COMMITTEE AND DEPARTMENT REPORTS

Talbot County Sheriff's Office: 1st Sargent Dobson read the May report that is filed in the records. Sargent Dobson stated that the Sheriff's office will have extra patrols in Town during the fire department's fair.

Public Works: Superintendent Callahan read his report that is filed in the records.

Planning & Zoning: Town Attorney Ryan stated that the completed draft of the Comprehensive Plan will be reviewed at the June 18th Planning meeting.

Communications: Commissioner Fegel stated that this year is the 50th Anniversary of Municipal Clerk's week and read a Proclamation declaring June 3rd – June 7th Municipal Clerk's week in the Town of Trappe and thanked Administrator Braband for her service as the Town Clerk.

President Newnam requested permission from the Council to shut down Sullivan Street, Powell Avenue and a portion of Greenfield Avenue for the 3 nights of the fair and to shut down Main Street from 6 pm to 7 pm on Saturday, June 22nd for the parade. Commissioner Fegel made the motion as stated by President Newnam and Commissioner Diefenderfer seconded it.

VOTE:

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

Attorney Updates: Town Attorney Ryan stated that she had nothing additional to add.

Executive Session: President Newnam stated that no executive session was held on May 1, 2019.

ORDER OF BUSINESS BEFORE THE COUNCIL

New Business:

Resolution 1-2019 – A Resolution of the Council of Trappe adopting the Public Works Laborer job description was read by President Newnam. Commissioner Chase stated that he felt the job description should be amended to have the laborer report to the Water/Wastewater Apprentice in the absence of the Superintendent and Town Administrator. Discussion was held amongst the Council and a decision was made to amend the job description as requested by Commissioner Chase. Commissioner Chase stated that he felt the statement “Being a team player is essential” should be deleted because it is not clear what team is being talked about and what the definition of a team player is. Commissioner Chase also stated that he would like to have # 7 revised to say “All other duties as assigned, that are job related” because the laborer shouldn’t be required to do a job that isn’t job related. President Newnam stated that he understands wanting to add the reporting to the Water/Wastewater Apprentice portion as long as the chain of command is followed. Commissioner Fegel and Commissioner Diefenderfer agreed with that change. Commissioner Pritchett stated that she doesn’t want to change the “All other duties as assigned” portion because that is in all of the job descriptions and you have to do what you have to do sometimes. Commissioner Fegel agreed with Commissioner Pritchett. Administrator Braband stated that “All other duties as assigned” is in all of the Town’s job descriptions because it is impossible to list everything that someone may have to do. Town Attorney Ryan stated that the Council can approve the Resolution as amended instead of waiting until the next meeting if they would like to do so. Commissioner Diefenderfer made a motion to approve Resolution 1-2019 with the amendment of adding the Water/Wastewater Apprentice in the chain of command. Commissioner Fegel seconded the motion.

VOTE:

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

Ordinance 5-2019 – 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 unoccupied water service charge to \$15.00 per metered connection, and the monthly unoccupied sewer service charge to \$52.50 per metered connection, and the Bay Restoration Fund charge to \$5.00 per month per residence, and to authorize the Town to prohibit payment by check for water and sewer fees and charges upon the receipt of three (3) insufficient fund payments on the same billing account was read by President Newnam. Town Attorney Ryan stated that the Town receives a lot of payments by bad check and has to go through the process of obtaining good funds so a way to deter that is to give the Town the discretion if an account has been paid more than 3 times by bad check to not accept any more checks for that

account. Town Attorney Ryan stated that the fees for the unoccupied water and sewer service and bay restoration were incorrect and hadn't been adjusted since first adopted over 15 years ago. Commissioner Fegel made a motion to introduce Ordinance 5-2019. Commissioner Diefenderfer seconded the motion.

VOTE:

Newnam – Y Fegel – Y Pritchett – Y Diefenderfer – Y Chase – Y
Motion approved. A public hearing will be scheduled for July 3, 2019 at 6:50 pm.

Other Business:

Referral of Lakeside PN/PUD Application to the Planning Commission – Ryan Showalter –

Attorney Showalter stated that Lakeside is officially filing a concept plan application and a Petition to amend the Lakeside Planned Neighborhood Zoning District. The only changes are to tweak the layout and configuration of the property to bring it more consistent with current planning initiatives and what is believed to be the best for marketing. Attorney Showalter requested that the Town Council formally refer the application to the Planning Commission so they can consider it. The next step after it has been referred is for Lakeside to file a Preliminary Application which is a more detailed set of plans than what is in tonight's Petition. Lakeside and the Planning Commission will work together to get to a place where the Planning Commission will make a favorable recommendation to the Town Council for approval of the amendments. Once it comes back to the Town Council a public hearing would be scheduled and the Council will review the amendments as the Planning Commission has refined them and then introduce and ultimately adopt an Ordinance to amend the district. In conjunction with this amendment Lakeside is working on proposed amendments to the Developer's Rights and Responsibilities Agreement (DRRA) with Town Attorney Ryan so it can be reviewed with the Planning Commission to find it consistent with the Town's Comprehensive Plan. Lakeside would like for this to happen concurrently with the zoning district amendment so it can be referred to the Town Council for a public hearing at the same time. Commissioner Fegel made a motion to refer the Lakeside PN/PUD application to the Planning Commission. Commissioner Pritchett seconded the motion.

VOTE:

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

Piney Hill Road – Ryan Showalter

Attorney Showalter stated that Piney Hill Road from Rt. 50 to the first house on the northside of the road is entirely in town limits but is still listed in Talbot County's road inventory. In approximately 2008/2009 the Town adopted a road ordinance giving the Town authority over non-state highways within town boundaries but the County still maintains Piney Hill Road. Trappe East owns the bed of the road in fee simple subject to an easement to be used by the public. Several years ago, the Town Council discussed transferring Piney Hill Road from the County to the Town to provide the Town the full control over all aspects of the road. Also at that time it was proposed that Trappe East would reimburse the Town for the cost of snow removal and any costs associated with taking over Piney Hill Road while they worked on the development. Once houses are built and additional taxes are being paid to the Town, Trappe East's

contribution would lapse. This deal was never finalized. Attorney Showalter stated that tonight he is requesting authorization from the Council to work with Town Attorney Ryan to put together a Memorandum of Agreement and Understanding between the Developer and the Town to cover the reimbursement of snow removal costs and maintenance costs of that portion of Piney Hill Road. If the Town is able to reach an agreement Attorney Showalter is requesting that the Council give authorization to the Council President to submit a formal request to Talbot County for the transfer of that portion of Piney Hill Road to the Town. Attorney Showalter stated that the proposal would not require the County to bring that portion of Piney Hill Road to the Town's standards prior to the transfer but that the Town would take the road in its current condition and Trappe East would improve the road as part of the Lakeside development. President Newnam stated that his concern is the flooding that occurs on Piney Hill Road when it rains and the snow accumulation when the wind blows but if the Town is able to work out an agreement between themselves and Trappe East for Trappe East to cover the expenses of bringing Piney Hill Road up to Town standards then he is for the transfer. Attorney Showalter stated that the Town would first get this agreement in place before requesting the transfer from the County so the Town is covered and satisfied with the conditions. This agreement and request only affect the portion of Piney Hill Road that is within Lakeside and the remaining portions of Piney Hill Road would remain the County's responsibility. Bob Rauch stated that the plans for the road will be reflected in the development design plans and they would be reviewed by the Town's Engineer to make sure that the road is up to Town's standards and preference. Attorney Showalter stated that there are no plans to close the road, narrow the road, restrict access or reduce its utility, it is simply easier to have 1 jurisdiction reviewing and approving the plans. Commissioner Pritchett asked about the billable hours that will be incurred in working with the Town Attorney and who is responsible for that cost. Attorney Showalter stated that Trappe East will cover all the costs. Commissioner Diefenderfer made a motion for Attorney Showalter to work with Town Attorney Ryan to put together a Memorandum of Agreement and Understanding for the portion of Piney Hill Road that is currently in Town limits. Commissioner Pritchett seconded the motion.

VOTE:

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

Howell Point Sewer Extension Update –

Town Attorney Ryan stated that unfortunately not much more headway has been made on this project since the last Council meeting. Town Attorney Ryan and Administrator Braband have had conversations with GMB to see if there was anything that could be done to secure funds from USDA for this project. If we are able to secure funds from funding agencies, those agencies may require that all properties be connected so the Council has to decide if they would make the properties connect even if the property owners did not want to. Commissioner Chase asked about the Bay Restoration Funds (BRF) that were supposed to be available to fund the extension and connections. Town Attorney Ryan stated that initially the Town was working with Talbot County to take advantage of the County's BRF funds for this project but once the permit application got to MDE it was denied because the Town's treatment plant is not an ENR plant. Discussions were held with MDE to try to get them to grant an exception since the Town is pursuing a possible ENR upgrade but they refused. Town Attorney Ryan stated that the best option that has been found with another agency so far is with USDA that would offer a grant/loan option but would require the Town to have a preliminary engineering report (PER) done and the Town would be responsible

for this cost. Marty Doty stated that they applied for a septic permit from the County for their property in January 2018 and were denied because they were told that the Town was going to extend the sewer and they could connect to that. Administrator Braband stated that Ray Clarke from Talbot County contacted the Town after Mr. and Mrs. Doty submitted their permit application and introduced this idea and said they had BRF funds to cover the costs. Mrs. Doty stated that Talbot County approved a mound system but they do not want to put a mound system in the front yard. Mrs. Doty stated that she was told by Anne Morse from the Talbot County Health Department that years ago the Town signed a letter stating that they would not allow any additional septic systems to be installed. Town Attorney Ryan stated that she was unaware of this letter and would look into it. Mrs. Doty asked if there was a way to find out what the cost would be to extend the sewer to their property and allowing them to connect. Superintendent Callahan stated that perhaps the Shelby Acres pumping station can handle connecting the Doty properties since it won't be the entire project. Cheryl Lewis stated that DHCD may be able to offer funding. President Newnam stated that Town Attorney Ryan would look into other options, talk with Ray Clarke about the costs to extend and connect the Doty properties and talk to Anne Morse regarding the letter Mrs. Doty is referring to.

Public works vehicle –

Administrator Braband stated that the Town is in need of an additional vehicle with the creation of the Public Works position and the Town has \$18,600 set aside from a previous vehicle accident. Administrator Braband asked the Council if they could discuss what kind of vehicle they would like to purchase so staff can start searching for one. President Newnam stated that he was thinking of a utility body truck for water/wastewater and the Town's current truck being used as the public works vehicle. Superintendent Callahan stated that a utility body truck would be ideal and perhaps they would be able to put a crane in the back sometime in the future so they could pull their own pumps and save money instead of using a contractor. The Council agreed to try to locate a utility body truck within the \$18,600 budget that the Town has.

Public Questions/Comments: None

Executive Session: President Newnam stated that an executive session is requested to discuss a real property acquisition. Commissioner Fegel made a motion to enter into executive session at 8:11 pm. Commissioner Diefenderfer seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 8:23 pm, Commissioner Diefenderfer made a motion to reconvene the open meeting. Commissioner Fegel seconded the motion and it was unanimously approved.

There being no further business to discuss, Commissioner Diefenderfer made a motion at 8:23 pm to conclude the meeting. Commissioner Fegel seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk