

COUNCIL OF TRAPPE
TRAPPE TOWN HALL
JULY 3, 2019

Public Hearing – 6:50 pm: President Newnam opened the public hearing for Ordinance 5-2019.

President Newnam read 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. Commissioner Chase clarified with Attorney Ryan that it applies to the same address and if he owned a house and moved out would it apply to the new owner? Attorney Ryan stated that it would apply but that the Ordinance also states “in the Town’s discretion” so the billing clerk would take that into account. The Ordinance is not intended to penalize an occupant who might move into a property that already has 2 insufficient fund payments. With no further comments the public hearing for Ordinance 5-2019 was closed at 6:52 pm.

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: Billing Clerk George, Town Attorney Ryan, Superintendent Callahan and Apprentice Wood. Public attendees: Don English, Bobby & Shirley Quidas.

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 minutes as presented. Commissioner Diefenderfer seconded the motion.

Clerk’s Report: Administrator Braband was absent from the meeting due to illness but the Clerk’s report was in the Council’s binders and is filed in the records.

COMMITTEE AND DEPARTMENT REPORTS

Talbot County Sheriff’s Office: President Newnam read the June report that is filed in the records.

Public Works: Superintendent Callahan read his report that is filed in the records. Superintendent Callahan asked for approval to purchase the oxidizers to help with the sludge removal and stench from the sludge. Commissioner Chase stated that the bug situation is better this year. Council approved the purchase of the oxidizers.

Planning & Zoning: Commissioner Fegel stated that a draft of the Comprehensive Plan has been submitted to MDP for their review. Attorney Ryan stated that it was also sent to Talbot County and both agencies are supposed to have comments sent back to the Town within 60 days. Commissioner Fegel stated that Ryan Showalter and Bob Rauch submitted amendments to Lakeside’s plan and gave the

Planning Commission packets to review with the proposed amendments and changes. The Planning Commission will discuss it at their next meeting. Attorney Ryan stated that once the Planning Commission makes their findings on a complete package it will be referred back to the Council.

Communications: Commissioner Diefenderfer stated that Administrator Braband wanted to inform the Council that TGM Group will be in the office the week of August 19th to do their annual financial audit. Amy from Accounting Strategies will be here on July 24th to complete her end of the year review and prepare documents for TGM.

President Newnam stated that he had a letter from Talbot County asking for the Town to appoint an individual to serve on the Talbot County Parks & Recreation Advisory Board. Commissioner Chase is currently serving on the board and stated that he would like to continue. Commissioner Diefenderfer made a motion to reappoint Commissioner Chase to the Talbot Count Parks & Recreation Advisory Board. Commissioner Pritchett seconded the motion.

VOTE:

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

Motion approved.

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

Executive Session: President Newnam stated that an executive session was held on June 5, 2019 to discuss a real property acquisition.

ORDER OF BUSINESS BEFORE THE COUNCIL

New Business: None

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. Commissioner Fegel made a motion to adopt Ordinance 5-2019. Commissioner Diefenderfer seconded the motion.

VOTE:

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

Motion approved.

Other Business:

EJCDC contract with GMB for Pumping Station Rehab/Upgrade Project –

Attorney Ryan stated that GMB submitted the EJCDC contract a couple of weeks ago and she submitted

her changes to the contract back to GMB. Attorney Ryan stated that she just received the latest version. This contract is a standard USDA contract for GMB to perform the design, engineering and bidding process for the pumping station project. Attorney Ryan stated that the contract in general is typical and the total price is \$340,585. The only issue that Attorney Ryan has is an added portion in the latest version that is titled limitation of engineer's liability; this section was added to say that if there is any kind of damage, either property or personal, it would be limited to the amount that GMB's insurer will pay. Attorney Ryan stated that they have submitted their insurance as required and their limit is \$500,000 per injury. Attorney Ryan stated that the contract states that a claim is being limited to the amount paid on behalf of the engineer by the engineer's insurer. So, if the insurer denies the claim then the amount is \$0. Attorney Ryan stated that this section is part of the standard EJCDC contract but there are 3 options – a total limit option (dollar amount that they are willing to pay), the insurance proceeds option or it is up to the coverage of whatever the damage is. Attorney Ryan stated that the Council could defer this until next month if they would like to do so. Commissioner Chase stated that he would like to read the document before making a decision and questioned a section that is crossed out. Attorney Ryan stated that USDA will strike out a section of the contract that they feel does not apply to the job, GMB did not do this. President Newnam stated that the Council will table this until the next meeting to give the Council and Attorney Ryan more time to review and discuss with GMB.

Lakeside Stormwater Management Administrative Waiver Request –

Attorney Ryan stated that Lakeside had an approved Stormwater management plan when it was supposed to start in 2004-2005. Bob Rauch has now requested that the Town authorize Lakeside to proceed using that Stormwater management plan. In 2010 the Stormwater management plan regulations were completely redone and are now requiring much stricter management and flows. Attorney Ryan stated that Bob is asking the Town to waive the 2010 regulations and allow Lakeside to proceed on the approved 2004 plan. Bob will be at the August Council meeting to make a formal request. Attorney Ryan stated that MDE does allow the waiver; in the Stormwater management regulations it states that if you have a development that has received preliminary approval that is also subject to a DRRR prior to 2010 then the Town does have the authority to waive the 2010 provisions. Attorney Ryan stated that unless Bob has good reasonings in August, she doesn't suggest that the Council approve this request because the Town would be limiting itself to standards that were in place 10 years ago. Attorney Ryan stated that she has spoken to Katherine at GMB and Katherine is putting together a memo of what she feels Lakeside should be required to do versus what their plan currently covers.

Renewal of GMB Engineering Services for On-Call Support –

Attorney Ryan stated that GMB has submitted a renewal contract for engineering services. Attorney Ryan stated that last year's contract had 3 scopes of services for \$10,000 and this year's contract has 5 scopes of services for \$20,000. All expenses for Lakeside development will be reimbursed and the chemical feed setup will be reimbursed by LGIT for the fire. While the contract is \$20,000 the Town will be reimbursed for a substantial amount of the \$20,000. President Newnam asked if this has been bid out before and asked Superintendent Callahan what he thought of the services. Superintendent Callahan stated that the Town used to use Easton Utilities and then the Council went with GMB. Superintendent Callahan stated that he doesn't use GMB like it was planned for but somehow it is being used. The Council chose to table

a decision on this contract until next month when Administrator Braband is here to explain in more detail.

Public Works Vehicle –

Apprentice Wood stated that he found a 2008 Dodge Ram 1500 quad cab with 73,000 miles for \$13,995. Superintendent Callahan stated that all the utility body trucks they have found with under 100,000 miles are way over the budget. President Newnam stated that the Town has \$18,000 in the budget and if a truck is worth it then the Town can use the \$18,000 as a deposit and finance the rest. Apprentice Wood stated that Fred Frederick in Easton has the state contract if the Town is interested in purchasing something new. Commissioner Pritchett asked if the money from the sale of the police car could be used in addition to the \$18,000. President Newnam told Superintendent Callahan to look into trucks for under \$30,000 and bring them to the Council meeting next month to look at and discuss. President Newnam stated that the Town of Oxford has an old utility body truck that they are looking to get rid of and perhaps would be willing to give it to the Town. This truck is not a long-term solution but would be ok to run around Town in.

Public Questions/Comments: None

Executive Session: President Newnam stated that an executive session is requested to discuss a personnel matter. Commissioner Fegel made a motion to enter into executive session at 7:40 pm. Commissioner Diefenderfer seconded the motion and it was unanimously approved.

At the conclusion of the closed session at 7:58 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Diefenderfer made a motion at 7:58 pm to conclude the meeting. Commissioner Chase seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk