

COUNCIL OF TRAPPE
JULY 7, 2021

Council of Trappe Meeting: President Newnam called the meeting to order at 7:00 pm. Council members Brian Schmidt, Tonya Pritchett and Walter Chase were present. Attendees for the Town: Town Administrator Erin Braband, Town Attorney Lyndsey Ryan, Superintendent Steve Callahan and Operator Shawn Lane. Public attendees: Edgar Harrison, Don English, Ryan Showalter, Tom Mitchell, Bob Rauch, Mike Hellyer, Andrew Kane and Brad Dress from the Star Democrat.

Agenda: Commissioner Pritchett made a motion to approve the July 7, 2021 agenda as presented. Commissioner Chase seconded the motion. All approved.

Minutes: Commissioner Schmidt made a motion to approve the June 2, 2021 Council minutes as presented. Commissioner Chase seconded the motion. All approved.

Clerk's Report: Administrator Braband stated that the Clerk's report, the General Fund and the Enterprise Fund budgets are in the Council's binders and filed with the reports.

Public Works Report: Superintendent Callahan read his report that is filed in the records. Superintendent Callahan stated that the Council approved the purchase of an electric gate for the treatment plant in this fiscal year's budget in the amount of \$15,000 but due to the increase of pricing lately the new estimate from Long Fence has come in at \$17,875.00. Another quote was obtained from Brinsfield Fencing which was for \$23,000. Superintendent Callahan asked the Council to approve the increase in the purchase price. After discussion Commissioner Pritchett made a motion to approve the proposal from Long Fence in the amount of \$17,875.00. Commissioner Chase seconded the motion.

VOTE:

Schmidt – Y Newnam – Y Pritchett – Y Chase – Y Diefenderfer – absent
Motion approved.

Planning & Zoning: Commissioner Schmidt stated that Bob Rauch made a presentation to the Planning Commission for a PUD Plan amendment and they will be looking for approval of the amendment at the July 20th meeting.

Communications: None

Attorney Updates:

Attorney Ryan stated that Lakeside presented an infrastructure bond for Phase 1A in the amount of \$5,398,203.88 which is the total infrastructure costs for Phase 1A plus a 15% contingency to the Planning Commission at their last meeting. The Planning Commission and the Town's Engineers have reviewed it and they have confirmed that the unit prices and the unit amounts are consistent and made a favorable recommendation to the Town Council for approval with the addition of a 3-year guarantee for treescaping in the public right-of-way. Council approval would be contingent upon receiving documentation from the

bonding company that the bond is in proper form and is accompanied by the required Power of Attorney and Certificate of Insurance as required by the Town's Subdivision Ordinance. Commissioner Pritchett made a motion to approve the bond with the contingencies that Attorney Ryan stated. Commissioner Schmidt seconded the motion.

VOTE:

Schmidt – Y Newnam – Y Pritchett – Y Chase – Y Diefenderfer – absent
Motion approved.

Attorney Ryan stated that the Town has received an award letter from MDE for the ENR upgrade. MDE has awarded the Town grant and loan funding with the total amount to be determined by construction in the amount of \$7,105,000 for fiscal year 2022. MDE did not specify how much would be grant and how much would be loan. MDE is requiring a project schedule to be submitted to them by 12/1/21. The 2 recommended options stated in the PER that was done by GMB range between \$10,929,000 and \$14,969,000.

Attorney Ryan stated that the discharge permit that was submitted to MDE for Lakeside has received a tentative determination, it is the same tentative determination that was approved last time with the same permit limitations and conditions. MDE will hold a public hearing if they receive a written request to do so and they are receiving written comments until July 26, 2021.

Attorney Ryan stated that Dan Watson has submitted a 10-page letter to the Talbot County Planning Commission that contains many false allegations in the letter about the Town of Trappe. Attorney Ryan stated that based on the allegations in the letter she suggests that the Council submit a letter to the County to negate the false claims. One of the false allegations is that the Town is not reporting their Nitrogen levels to the State because the Town has been reporting zeros. The Town submits their NetDMR reports every month as the required. In the last 3 years, with the exception of the last 3 months, the Town only had 1 violation and that was in 2018. The Town did have 3 violations this year, February, March and April, for Ammonia and that was due to the large amounts of precipitation. There was nothing that the Town could have done to prevent this. The Council authorized Attorney Ryan to work with Superintendent Callahan, GMB and the Council to compile and send a letter to the County in response to Mr. Watson's false allegations.

Executive Session: An executive session was held on June 2, 2021 to discuss a personnel matter and to obtain legal advice.

ORDER OF BUSINESS BEFORE THE COUNCIL

New Business:

Lakeside Development Rights and Responsibilities Agreement (DRRA) – First Amendment

On behalf of the applicant who is asking for the Amendment, Ryan Showalter gave a presentation of the proposed changes.

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1. Page 3, number 6 - The DRRA term is proposed to be changed to be valid for 30 years after the date of the recordation of the first amendment of the agreement.
2. Page 3, number 7 – The proposed change is for names and addresses in regards to formal notices.
3. Page 4, number 8 – The proposed change would defer the 10% lot sale requirement for residential lot sales to the general public until recordation of a plat creating the 121st residential lot. This would not change the total number of lots available for individual sale but would defer that requirement until after the new treatment plant is up and running. This proposed change also makes it clear that the lots for individual sale would only be single family lots and not townhouses or apartments. At the end of the project the developer will still have offered 250 lots for individual sale.
4. Page 4, number 9 – The proposed change reflects the maximum number of lots in a phase that the Town will review and approve at a time. This number increases from 260 to 300.
5. Page 5, number 10 – The proposed change would decrease the number of required HOA's from a minimum of 3 to 1. All HOA documents will be presented to the Town Council for review and approval. The concern with creating multiple HOA's and limiting the terms of the members is that the small pool of interested people to serve would be lessened even more. This will also create a more cohesive development that will adhere to the design guidelines set by the Town.
6. Page 5, number 11 – The proposed change only changes the maximum age restricted residential dwelling units from a percentage to a number. The original DRRA stated that it shall not exceed 50% of the total number of residential dwelling units and the proposed change says it may be up to 1,250 units. There may not be an age restricted portion at all, this will be determined phase by phase and approved by the Town.
7. Page 6, number 13 – The proposed change incorporates the Town's request to receive a new public works 4x4 extended cab utility truck and a street sweeper instead of a backhoe. The equipment will be provided on or upon the earlier of the issuance of a building permit for the 650th residential dwelling unit or the Town's acceptance of any new subdivision streets in Lakeside. The developer will also build a 3,000 sq. ft building and covered storage pad on either the Town's existing wastewater treatment plant, near the water tower to be constructed on the Lakeside property or near the new wastewater treatment plant. The public works improvements shall not exceed \$790,000.00 and will be constructed and available for occupancy upon the earlier of the issuance of an occupancy permit for the 850th residential dwelling unit or the Town's acceptance of any new subdivision streets in Lakeside.
8. Page 7, number 14 – The developer has exceeded their obligation and responsibility for a Town Police Department by over \$556,000.00 so this change acknowledges that this has been satisfied and removes that requirement and does not require the Town to reimburse the developer for the overage or give a credit.
9. Page 7, number 15 – This proposed change increases the developer's contribution to the Fire Department for a total contribution of \$450,000.00 and describes the way that contribution would be paid. The Fire Department will still receive the \$100.00 annual contribution per residence as stated in the original DRRA. This change also removes the requirement for the developer to provide emergency sensors to the traffic lights because they already exist. The

developer will provide the emergency sensors to any new traffic signals.

10. Page 8, number 16 – This proposed change removes the requirement to establish a Town Center Enterprise Fund and instead will create a Town Improvement Fund. This will provide the Town with greater flexibility for use of the funds. The developer will pay \$1,125.00 per dwelling unit for the first 1,000 residential dwelling unit and then \$1,500.00 per dwelling unit for the remaining residential dwelling units. These fees will be paid at building permit issuance.
11. Page 8, number 17 – This proposed change reflects the timing, location and cost for the 3,000 sq. ft new Town Hall. This change gives the Town the choice in regards to where the new Town Hall will be located. The construction for the new Town Hall will begin at the issuance of the 450th residential building permit or at the issuance of the 350th occupancy permit, whichever shall occur first. The new Town Hall is not to exceed \$1,550,000 in which a maximum value of \$75,000 shall be allocated to the site if it is provided by the developer within Lakeside.
12. Page 9, number 18 – The proposed change is for the timing of the public park by LaTrappe Heights. This park will now be offered to the Town for dedication within 24 months after commencement of construction within the phase or land adjacent to the park and roadway.
13. Page 9, number 19 – The proposed change is to update the dates associated with the PUD Plan and the updates to the Plan.
14. Page 10, number 21 – Section 8.1 - The proposed change is adding the Town's request for an automated meter reading system. Section 8.2 – The proposed change is for the timing of the additional wells and makes the language for the connection of the wells clearer and more specific. Section 8.3 – The proposed change is for the timing of the additional water tower and to state that the developer will provide a new water tower sized to serve Lakeside only. Section 8.4 – The proposed change adds contaminant removal from the water, not just arsenic. Section 8.9 -The proposed change clarifies the water facilities capacity and how that is measured.
15. Page 13, number 22 – Section 9.1 – The proposed change details the wastewater treatment system and clarifies that the system will be constructed in phases. Language was also added to state that the building to accommodate the administrative offices, storage and lab space would be completed before the Town would accept the wastewater treatment system. Section 9.4 – The proposed change adds details regarding operation, maintenance and warranties of the wastewater facilities. Section 9.5 – The proposed change provides language for the 120 equivalent dwelling units (EDUs) of wastewater capacity in the Town's existing wastewater treatment plant and the developer purchasing those EDUs for Lakeside's use. The developer will construct such collection system improvements needed for that connection. The developer also reserves the right to temporarily or permanently divert the wastewater flow back to Lakeside but will reserve the EDU's in the Town's existing plant. Section 9.6 – The proposed change will change the term from Spray Irrigation Facility to Land Application. The developer will be required to provide all the spray area, the spray capacity needed to discharge the wastewater and provide the Town with an easement that is acceptable to the Town. Section 9.7 – This section applies to user fees, rates and policies and it has been kept the same with the exception of the 120 EDU's that the Town is taking on.

16. Page 16, number 23 – The proposed change impacts the timing for payment of the Capital Asset Impact Fees but the final total paid to the Town remains the same.

Commissioner Pritchett made a motion to refer the First Amendment of the DRRA to the Planning Commission for them to make a finding that it is consistent with the Town's Comprehensive Plan. Commissioner Chase seconded the motion.

VOTE:

Schmidt – Y Newnam – Y Pritchett – Y Chase – Y Diefenderfer – absent

Motion approved.

Other Business:

Board Appointments – President Newnam stated that the Town has 2 open position on the Board of Appeals and the Town received 2 letters of interest. The applicants are Don English and Jeremy Newnam. Commissioner Pritchett made a motion to appoint Don English and Jeremy Newnam to the Board of Appeals. Commissioner Chase seconded the motion.

VOTE:

Schmidt – Y Newnam – Y Pritchett – Y Chase – Y Diefenderfer – absent

Motion approved.

Trash issues/complaints – The Council discussed the issues with the trash pickup and complaints that have been received. The Town is under contract with Eastern Shore Environmental until September 30, 2022. After discussion the Council decided to speak with the trash hauler and try to work out the issues and improve the service.

Public Questions/Comments – None

Executive Session – An executive session was requested to obtain legal advice. Commissioner Pritchett made a motion to enter into executive session at 8:36 pm. Commissioner Chase seconded the motion.

At the conclusion of the closed session at 9:17 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Pritchett made a motion at 9:17 pm to adjourn the meeting. Commissioner Schmidt seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk