

Town Council Meeting
June 5, 2024

Public Hearing – 5:30 pm

President Schmidt called the public hearing to order at 5:30 pm. Council members Jeremy Newnam, Michael Sullivan, Rose Potter were present. Council member Walter Chase arrived at 5:45 pm. Other attendees for the Town: Town Administrator Erin Braband, Water/Wastewater Superintendent Steve Callahan and Town Attorney Lyndsey Ryan.

Ordinance 1-2024 – An Ordinance of the Town of Trappe amending the Trappe Zoning Ordinance, Title III, Section 2, Title IV, Sections 5, 7, 8 and 12 to establish reasonable Zoning regulations for cannabis businesses was read by President Schmidt and opened for public comment. With no public comments received, Commissioner Potter made a motion to close the public hearing for Ordinance 1-2024 at 5:31 pm. Commissioner Sullivan seconded the motion and it was unanimously approved.

Ordinance 2-2024 – An Ordinance of the Town of Trappe adopting a General Budget for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, and establishing a tax rate of \$.33 per \$100 of assessed real property value and a tax rate of \$.75 per \$100 on all commercial or business personal property and public utilities; and establishing an annual fee of \$182.00 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 Schmidt and opened for public comment at 5:31 pm.

Mr. Teets stated that the budget sounds reasonable and asked if the rates were the same as last year. For the public’s information, Attorney Ryan stated that the tax rate is the same as last year, as well as the trash rate but the Town is required to adopt an Ordinance each year even without increases.

Mr. Calcagnini questioned the trash amount on his tax bill and why the Town was not using ARPA funds to cover the cost of the trash. For the public’s information, Administrator Braband stated that the Town sets the trash rate and then provides that information to the County and the County puts that amount onto the tax bill for payment, there is no additional bill sent for the trash fee.

With no further comment, Commissioner Potter made a motion to close the public hearing for Ordinance 2-2024 at 5:37 pm. Commissioner Newnam seconded the motion and it unanimously approved.

Ordinance 3-2024 – An Ordinance of the Town of Trappe to amend Section 14 of the Trappe Town Code, Table 1 titled “Fees and Charges” to increase the water and sewer monthly fees was read by President Schmidt and public comment was opened at 5:38 pm.

Leah Foxwell questioned why the rate was being increased and shouldn’t the Lakeside development and businesses in Town contribute to the Town’s revenue.

Ken Calcagnini questioned how much revenue was being collected from Lakeside.

Bessie Moore asked how people who are on social security are supposed to afford these increases.

Leah Foxwell asked if this was already approved and why the Town newsletter isn't mailed out anymore and it should be emailed to everyone to make obtaining information easier.

Kaylee asked what the basic water and sewer fees were.

Deanna asked when the post office would reopen and stated how inconvenient it is to have to go to Cambridge to get mail.

Ryan Showalter stated that the existing town residents are not paying for anything that has to do with wastewater for Lakeside. The Lakeside residents are paying for their own wastewater treatment plant. Mr. Showalter stated that the Town must have a balanced budget for water and sewer operations, so the revenue has to cover the expenses. The water and sewer revenue can only pay for these functions.

Ken Calcagnini questioned why the Town used General funds in the past to pay expenses for the Enterprise fund and if that was ever corrected.

Richard Allison stated that he moved here 3 years ago and started coming to meetings so he could ask questions and was able to get answers. He stated that he decided to get involved in the Town and is now a member of the Planning Commission and aware of what is going on in Town. Mr. Allison suggested that other residents do the same thing so they can learn what is going on and why these decisions are being made.

Josh Saia stated that he is concerned about the increase in rates and he tested the water coming out his tap and determined that it is not safe to drink. He requested that the Town look into these issues and address them as they can cause health problems.

Allison Quattrucci stated that the water bills are too high, the roads are in bad condition, no police force, no post office, there is lead in the Town's water and the Town needs to find more grant funds to make living here more affordable. She stated that she contacted Governor Moore's office for help.

Ken Calcagnini asked when the Town would seek an outside company to handle the Town's water and sewer.

With no further public comment, Commissioner Potter made a motion to close the public hearing for Ordinance 3-2024 at 6:19 pm. Commissioner Sullivan seconded the motion and it was unanimously approved.

Council of Trappe Meeting: President Schmidt called the regular meeting to order at 6:19 pm.

Agenda: Commissioner Potter made a motion to approve the June 5th agenda as presented. Commissioner Chase seconded the motion and it was unanimously approved.

Minutes: Commissioner Potter made a motion to approve the May 1, 2024 Council minutes and workshop minutes as presented. Commissioner Newnam seconded the motion and it was unanimously approved. Commissioner Newnam made a motion to approve the May 15, 2024 Council workshop minutes as presented. Commissioner Potter seconded the motion and it was unanimously approved.

Clerk's Report: President Schmidt stated that the Clerk's Report, the General Fund and Enterprise Budgets are in the Council's binders and filed with the records. Administrator Braband read the Clerk's report.

Public Works Report: President Schmidt stated that the report is in the Council's binders and filed with the records.

Public Safety: Lt. Dobson read his report for the month of May. Lt. Dobson encouraged residents to contact the Sheriff's Department directly if they have any issues or concerns and not to post on Facebook because the Sheriff's Department does not monitor Facebook. A request was made to increase patrols and radar on Main Street as there have been issues with speeding.

Planning & Zoning: Chairman Harrison stated that Curtis Snyder presented a request to put up a billboard on Rt. 50 and that was denied. Mr. Vissering submitted a preliminary plan to build a pole barn on his property and offer cooking classes. This would require a special exception and would need to go to the Board of Appeals. The Planning Commission reviewed the Cannabis Ordinance again as requested by the Town Council due to changes in the law and they recommend back to the Town Council to allow dispensaries in the C2 as a permitted use and in the C1 by special exception. President Schmidt stated that his term on the Planning Commission is ending and he expressed interest in being reappointed to the board. Commissioner Sullivan made a motion to reappoint Brian Schmidt to the Planning Commission. Commissioner Chase seconded the motion and it was unanimously approved.

Communications: President Schmidt announced that the Fire Department's annual fair will be held June 27th – 29th with a parade on the 29th. Also announced was the Rural Life Museum's Friends and Family day which will be held on June 8th and that the Town will have the streets swept on June 25th with a rain date of June 26th. President Schmidt stated that the Town has received a letter of interest from Lucas Foxwell to be appointed to the Board of Appeals. After discussion, Commissioner Chase made a motion to appoint Lucas Foxwell to the Board of Appeals. Commissioner Sullivan seconded the motion and it was unanimously approved. President Schmidt informed the audience that the Town is still searching for 1 more member for the Board of Appeals and 1 alternate member if anyone is interested in submitting a letter of interest.

Attorney Updates: Attorney Ryan stated that she did not have anything in addition to what is on the agenda.

Executive Session: President Schmidt stated that no executive session was held on May 1, 2024.

ORDER OF BUSINESS BEFORE THE COUNCIL

Grass Violation Letter – Mike Teets

Mr. Teets stated that he received a violation letter from the Town for the height of his grass and submitted a letter to the Council requesting that he be allowed to keep his grass high as it helps with the number of mice coming into his house due to the construction in Lakeside. After discussion with the Council, an agreement was reached between both parties that the Council would abate enforcement for 30 days and Mr. Teets would create a plan for his wildflower meadow and present to the Council at their next meeting for review and discussion. If the grass is not cut within 30 days, a fine will be issued to Mr. Teets.

Mullikin Lane – Ken Calcagnini

Attorney Ryan stated that she received a letter with exhibits from Attorney Zach Smith on behalf of Mr. Calcagnini requesting that the Town issue a letter stating that Mullikin Lane is a 30 foot wide right-of-way. Mr. Calcagnini stated that he was concerned about public statements made at a previous Planning Commission meeting stating that the right-of-way was 50 feet wide and his garage encroached into the right-of-way and he would like a letter from the Town stating that is incorrect, the right-of-way is 30 feet wide and his garage does not encroach into the right-of-way.

Dollar General – Letter of Credit Reduction Request for Sewer Relocation and Demo Project

Curtis Snyder stated that the sewer relocation and demo work is done at the Dollar General site and he is requesting that the Council approve a reduction in amount of the Letter of Credit. GMB has inspected and approved the work and recommends the reduction. Commissioner Newnam made a motion to authorize the reduction in the Letter of Credit amount for the sewer relocation and demolition to 10%. Commissioner Potter seconded the motion and it was unanimously approved.

Water Service Line Inventory Project – Davis, Bowen & Friedel contract

Attorney Ryan stated that at the May 1st Council meeting, the Council selected Davis, Bowen and Friedel for the water service line inventory project that is mandatory for all jurisdictions in the United States to complete by October 16, 2024. Davis, Bowen and Friedel submitted their contract for these services and has agreed to provide the required spreadsheet to the Town no later than October 7, 2024. Attorney Ryan has reviewed and approved the contract. Commissioner Potter made a motion to sign the contract with the change of additional service #1 from lump sum fee to not exceed fee of \$19,900. Commissioner Chase seconded the motion and it unanimously approved. The Town will use ARPA funds to pay for this project.

Smoke Testing

President Schmidt apologized that this was skipped over when the Public Works Report was done but requested that Steve give a brief overview of the smoke testing results. Smoke testing was completed on May 14th and May 22nd and letters have been sent to the property owners where issues were found. The Council will discuss locations that were found on Town property at the Council's July 3rd meeting.

Storm Drain Basin Report on Powell Avenue

President Schmidt stated that the Jesse found an issue with a storm drain basin near the

intersection of Powell Avenue and Maple Avenue. The storm drain is collapsing and could cause additional damage to the road if not immediately repaired. Commissioner Newnam made a motion to declare this as an emergency repair due to the severity of the situation and to have the area roped off so no vehicles can drive over it. The Town has put cones at this location twice and they have been stolen each time. Commissioner Potter seconded the motion and it was unanimously approved. Commissioner Newnam made a motion to grant Steve Callahan the authority to get quotes from at least 2 contractors for the repair and to select the most qualified bidder with the lowest bid and quickest repair time for an amount not to exceed \$20,000 and to use ARPA funds to pay for the repair after confirming that it qualifies. Commissioner Chase seconded the motion and it was unanimously approved.

Lakeside – Second Agreement to Transfer Wastewater Allocation and Development Restriction

Ryan Showalter stated that this agreement is similar to the one that the Council approved last month with the Lakeside Pool/Pool house. Lakeside has paid for 120 sewer connections with the Town and currently has 3 connections remaining that do not have building permits pulled for or houses on the lots. There is a total of 3 houses that are very close to going to settlement in Phase 1 B-2 and Phase 1D and the developer would like to use the remaining 3 EDU allocations from Phase 1A for these lots. Once the Lakeside treatment plant is fully operational, all Lakeside sewer connections will be serviced by this plant and none will be connected to the Town's existing wastewater plant. Commissioner Newnam made a motion to approve this agreement. Commissioner Sullivan seconded the motion it was unanimously approved.

Lakeside – Agreement for Transfer, Operation and Expansion of Lakeside Wastewater Treatment Plant

Attorney Ryan stated that the Council has received the revised version of the agreement for transfer of the Lakeside wastewater treatment plant and President Schmidt opened the floor for the Council to ask any questions they may have to Ryan Showalter and Bob Rauch. After discussion, Commissioner Newnam made a motion to table the agreement until the July 3rd Council meeting. Commissioner Sullivan seconded the motion and it was unanimously approved.

ENR Treatment Plant Upgrade – MDE Funding Award Notice

Attorney Ryan stated that the Town received notification on May 22nd that \$4,816,834 in grant funds has been awarded to the Town from the Bay Restoration Fund to upgrade the Town's wastewater plant to ENR. This award is considerably less than the preliminary determination that the Town received from MDE and Attorney Ryan and Administrator Braband are working to figure out why. The total cost for the upgrade is \$13,612,920.

Resolution 3-2024 – A Resolution of the Town of Trappe authorizing a Note Modification Agreement with the Shore United Bank for a General Obligation Bond in the principal amount of \$1,376,000 and a General Obligation Grant in the amount of \$599,500, of which the sum of \$412,925.10 has been drawn and borrowed from the BAN Note for expenses necessary to pay the cost of repairing, upgrading or replacing sanitary sewer pumping stations and other public improvements for the Town, capitalized interest on the Note and the payment of the costs of issuing the Note pursuant to prior Legislative Acts of the Council of Trappe was read by President Schmidt. Attorney Ryan stated that there is a correction to the amount drawn and the Resolution is amended to the amount of

\$409,295.24. This Resolution extends the maturity date for 6 months for the existing interim financing that the Town has with Shore United Bank which matures today. The new maturity date is December 5, 2024 and the interest rate remains the same at 3.55%. The Town has applied to USDA for additional grant and loan funding to complete this project but is still awaiting notification of that award. Commissioner Newnam made a motion to adopt Resolution 3-2024. Commissioner Sullivan seconded the motion and it was unanimously approved.

Ordinance 1-2024 – An Ordinance of the Town of Trappe amending the Trappe Zoning Ordinance, Title III, Section 2, Title IV, Sections 5, 7, 8 and 12 to establish reasonable Zoning regulations for cannabis businesses was read by President Schmidt. A public hearing was held this evening at 5:30 and no public comment was received. Attorney Ryan stated that the Council has 2 drafts of the Ordinance in front of them. The first draft is the Ordinance that they introduced at their May 1st Council meeting stating that dispensaries are allowed by special exception in the C1. The second draft is the Ordinance that the Planning Commission is recommending for adoption by the Council. This draft still allows dispensaries by special exception in the C1 but also allows dispensaries as a permitted use in the C2. Commissioner Newnam stated that he would like to see the Ordinance state that they are permitted by special exception only in the C1 and C2. Commissioner Potter stated that she would like to see it only in the C1 to keep it more condensed. Attorney Ryan suggested that the Council adopt one of the proposed Ordinances this evening as the Town’s moratorium has expired and they can consider changes if necessary. After additional discussion, Commissioner Potter made a motion to adopt Ordinance 1-2024 as originally drafted by the Town Council. Commissioner Chase seconded the motion.

VOTE –

Newnam – N Sullivan – N Schmidt – Y Potter – Y Chase – Y

Motion approved with 3-2 vote.

Ordinance 2-2024 – An Ordinance of the Town of Trappe adopting a General Budget for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, and establishing a tax rate of \$.33 per \$100 of assessed real property value and a tax rate of \$.75 per \$100 on all commercial or business personal property and public utilities; and establishing an annual fee of \$182.00 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 Schmidt. A public hearing was held tonight at 5:31 pm and public comment was received. Commissioner Newnam stated that this Ordinance does not increase property taxes or the trash rate, everything remains the same as the previous year. Commissioner Sullivan made a motion to adopt Ordinance 2-2024. Commissioner Potter seconded the motion.

VOTE:

Newnam – Y Sullivan – Y Schmidt – Y Potter – Y Chase – Y

Motion approved.

Ordinance 3-2024 – An Ordinance of the Town of Trappe to amend Section 14 of the Trappe Town Code, Table 1 titled “Fees and Charges” to increase the water and sewer monthly fees was read by President Schmidt. A public hearing was held tonight at 5:38 pm and public comment was received.

Each Council member stated that they did not want to raise water and sewer rates but due to upcoming infrastructure projects and the increase in operating costs, they did not have a choice. Commissioner Chase stated that he wanted the Town to find a way to level out the water bill so it would not have to be increased and work to obtain additional grant funds for the upcoming projects. Commissioner Newnam made a motion to adopt Ordinance 3-2024. Commissioner Sullivan seconded the motion.

VOTE:

Newnam – Y Sullivan – Y Schmidt – Y Potter – Y Chase – Y

Motion approved.

Public Questions/Comments –

Leah Foxwell asked if it would be possible to hold fundraisers to help with these project costs and to bring down the water bills. She also asked if it was possible for the Town to form a 501.C3. The Council liked the idea of fundraisers and Attorney Ryan stated that she will look into the possibility of creating a 501.C3.

Curtis Snyder stated that he has talked with Sheriff Gamble about some options for more police presence in Town and asked if the Council would be interested in discussing. The Council stated that they were interested and Lt. Dobson will work with Sheriff Gamble to get information together and submit to the Council.

Kayle asked about the Town's existing wastewater plant and if when it was upgraded did it account for Lakeside? Attorney Ryan stated that when it is upgraded in the early 2000's, the size was not increased and it was never intended to serve Lakeside.

Executive Session – President Schmidt stated that an executive session is requested to obtain legal advice and discuss a personnel matter. Commissioner Potter made a motion at 8:29 pm to enter into executive session. Commissioner Sullivan seconded the motion and it was unanimously approved.

Commissioner Newnam made a motion to reopen the regular meeting at 9:20 pm. Commissioner Chase seconded the motion and it was unanimously approved.

With no further business to discuss, Commissioner Newnam made a motion to close the regular meeting at 9:20 pm. Commissioner Sullivan seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator