

COUNCIL OF TRAPPE
OCTOBER 6, 2021

Public hearing – 6:00 pm

Ordinance 9-2021 – An Ordinance of the Town of Trappe approving and adopting the first amendment to Development Rights and Responsibilities Agreement by and between the Town of Trappe and Trappe East Business Holdings Trust was read by President Newnam. The public hearing was opened for comment and members of the public expressed concern over the condition of La Trappe Creek and the connection of 120 additional homes to the town's wastewater treatment plant. Other concerns were expressed over the County's capability to handle the increase of population and the effects on the schools, hospitals and traffic. Additional concerns were expressed over the Town's growth in size and what the Town was receiving from the development in the way of money, infrastructure and additional resources. A few comments were made regarding Lakeside's spray irrigation and the concern for Miles Creek and neighboring residents. With no further public comment Commissioner Chase made a motion to close the public hearing for Ordinance 9-2021 at 7:00 pm. Commissioner Schmidt seconded the motion and all approved.

Council of Trappe Meeting: President Newnam called the meeting to order at 7:04 pm. Council members RD Diefenderfer, Brian Schmidt, Tonya Pritchett and Walter Chase were present. Attendees for the Town: Town Administrator Erin Braband, Water/Wastewater Superintendent Steve Callahan and Town Attorney Lyndsey Ryan.

Agenda: Commissioner Diefenderfer made a motion to approve the October 6, 2021 agenda as presented. Commissioner Chase seconded the motion and all approved.

Minutes: Commissioner Diefenderfer made a motion to approve the September 1, 2021 Council minutes as presented. Commissioner Pritchett seconded the motion and 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 in the records.

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

Planning & Zoning: Commissioner Schmidt stated that Lakeside's Phase 1A was given final subdivision approval at their September meeting. A concept plan was also presented for property located on Main Street that would demolish existing housing and replace with townhouses. The Planning Commission offered additional ideas back to the Applicant and are awaiting their return at a future meeting.

Communications: Superintendent Callahan stated that Shawn Lane was awarded the Rookie Operator of the Year Award by MD Rural Water Association.

Attorney Updates: Attorney Ryan stated that the Talbot County Planning Commission met this morning on Resolution 281. They closed the record today and will be meeting again tomorrow at 8:00 pm to discuss and possibly make a decision on their recommendation to the County Council.

Executive Session: President Newnam stated that an executive session was held on September 1, 2021 to obtain legal advice.

ORDER OF BUSINESS BEFORE THE COUNCIL

New Business:

Ordinance 9-2021 – An Ordinance of the Town of Trappe approving and adopting the first amendment to Development Rights and Responsibilities Agreement by and between the Town of Trappe and Trappe East Business Holdings Trust was read by President Newnam. A public hearing was held this evening at 6:00 pm. Attorney Showalter reviewed the proposed DRRA Amendment and gave an overview of what the Town and County would be receiving. The developer is obligated to build all the roads in Lakeside to the Town of Trappe’s standards, to upgrade Rt. 50 and to pay County impact fees which will benefit the schools in addition to other sections that the County allocates the money to. The Town will be receiving capital asset impacts fees, town improvement fund fees, continued salary for a Town Planner, a new Town Hall, a new Public Works building, a new Public Works truck and street sweeper, new parks, an automated water meter system for Lakeside, new wells, capacity fees for the first 120 sewer connections and the fire department will be receiving funds for firehouse improvements.

Attorney Showalter stated that he is proposing a change to Section 9.5 which details the initial 120 sewer capacity allocations. The change states that when the flows of the initial 120 units are diverted back to the Lakeside plant from the existing Trappe plant, those flows will always stay with the Lakeside plant and the 120 units of capacity would not be used unless and until Trappe’s existing plant is either upgraded to an ENR plant or replaced. The intention of the initial 120 unit connections to the existing Trappe plant is to generate the bio-mass that is needed to start the Lakeside plant and then have those flows treated at Lakeside’s ENR plant and spray irrigated. This change confirms Lakeside’s commitment that has always been in place.

Attorney Showalter stated that the proposed amendment has an exhibit for an update to the trails exhibit that was in the original DRRA however when the Town Council approved the changes to the PUD Plan several months ago, the trails were shown on the open space exhibit so there is not a separate trails and open space exhibit. Exhibit F-FA in the proposed amendment shows the existing and required development approvals and permits so this will be completed to show the approvals as of the date that the DRRA Amendment is approved.

Commissioner Schmidt stated that he has concerns about having a singular HOA for the development and that the development will not have variety. Attorney Showalter stated that the Town Council and the Planning Commission have approved the design guidelines for the project and they are implemented

through subdivision review at the Planning Commission level. The HOA will not take over architectural control until the development is completed. The developer retains control until that time. The HOA will be responsible for owning and operating all of the common areas that are not owned by the Town. Attorney Showalter stated that there is also the 10% requirement that will allow for different builders and multiple different builders may be interested in building different phases. The intention is for the development to be diverse.

Commissioner Schmidt stated that he is also concerned about the age restriction in the DRRA and that the project can be up to 50% age restricted and would like to see that lower. Attorney Showalter stated that there is currently not a plan for age restricted phases and this number is a cap. After discussion Attorney Showalter stated that the developer is comfortable with lowering the age restriction cap to 30%, 750 units.

Commissioner Diefenderfer made a motion to adopt Ordinance 9-2021, the first amendment to the DRRA as amended, updating the exhibit list and amending Section 4.1.10 to limit the age restriction to up to 750 units. Commissioner Pritchett seconded the motion.

VOTE:

Diefenderfer – Y Newnam – Y Schmidt – Y Pritchett – Y Chase – Y
All approved

Preliminary Engineering Report Amendment for Town’s wastewater treatment plant – Attorney Ryan stated that GMB has prepared Amendment #2 to amend the PER for the ENR upgrade to include exploring the option of connecting Trappe’s plant to Lakeside’s plant and decommissioning Trappe’s existing plant. The cost for the amendment is not to exceed \$13,013.06. MDE has stated that this could possibly be reimbursed with grant funds. Commissioner Schmidt made a motion to approve Amendment #2. Commissioner Pritchett seconded the motion.

VOTE:

Diefenderfer – Y Newnam – Y Schmidt – Y Pritchett – Y Chase – Y
All approved

MDE Construction Permit Application – Lakeside at Trappe, Pumping Station #2 – Attorney Ryan stated that this is available for authorization. The Town Engineer’s will continue to review and approve all plans and will inspect throughout construction and upon completion. Commissioner Schmidt made a motion to approve the construction permit application. Commissioner Chase seconded the motion.

VOTE:

Diefenderfer – Y Newnam – Y Schmidt – Y Pritchett – Y Chase – Y
All approved

Other business:

President Newnam asked about the fire hydrants at the Old Trappe Road Townhomes and their request

for the Town to take them over. Administrator Braband stated that they are working on it and it will be ready for the November meeting.

Public Questions/Comments:

Edgar Harrison stated that he would like the Planning Commission to review and update the Zoning Ordinance and would like the Town Council's approval to do so. The Town Council approved the review and possible update of the Zoning Ordinance.

Sarah Kennedy stated that she is concerned with the Town adding 2,500 homes and the Town growing so quickly. She would like for the Town to do it slowly and do it right.

Casey Kennedy stated that he does not want to lose the way that Trappe is and is worried that will happen with Lakeside coming.

Executive Session – An executive session is requested for a personnel matter and to obtain legal advice. Commissioner Diefenderfer made a motion to enter into executive session at 8:42 pm. Commissioner Schmidt seconded the motion.

At the conclusion of the closed session at 9:10 pm the open meeting was reconvened.

There being no further business to discuss, Commissioner Diefenderfer made a motion at 9:10 pm to adjourn the meeting. Commissioner Chase seconded the motion and it was unanimously approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk