

TOWN MEETING MINUTES
February 6, 2008
7:30 p.m.
Trappe Town Hall

The regular Town meeting was opened by President Don English and called to order at 7:30 p.m. Commissioners Danny Adams, Norm Fegel, Walter Chase and Cheryl Lewis were present. Everyone stood and recited the Pledge of Allegiance. The January minutes were read and accepted as presented. The January financial statement was accepted as presented.

Com. Chase introduced Judge Bo Earnest. Judge Earnest spoke and welcomed the opportunity to be in a Trappe Town Council meeting to see just who and where the laws for the town were made.

OLD BUSINESS:

Police Chief George Ball – Monthly Report:

Mr. Ball gave his monthly report and requested permission to attend the Maryland Municipal Chiefs Training seminar in Ocean City at the Carousel Hotel on April 15th thru 18th. The cost would be \$125.00. A Motion was made by Walter Chase to grant the \$125.00 for Mr. Ball to attend the Maryland Municipal League Training. Motion was seconded by Com. Lewis.

Adams – Y Lewis – Y English – Y Chase – Y Fegel – Y

Chief Ball also handed out brochures on Camp ESPA (Eastern Shore Police Association of Maryland) the camp is for underprivileged children to be able to attend summer camp. It is run by all volunteers and there is a need for a fire escape. Chief Ball will be trying to raise \$1,000.00 for this by being placed in what is called a lock up and he will have to be bailed out by donating money to the fire escape for his release.

Update Road Issue:

President English stated that the Council had voted to send letters to the County requesting Piney Hill Road, we have done that. Pres. English met with Andy Hollis and gave him the letter and met with Ray Clarke, of Talbot County Public Works, to get his opinion which he has forwarded to the Council; Mr. English stated that he is waiting for their response on how to proceed. Mr. Dorbin asked if Mr. Clarke expressed his opinion. Pres. English said he agreed that he felt this should be turned over to the Town also.

Lakeview Park Bid Openings:

Ms. Shull stated that we had received a grant for Lakeview Park from the State of Maryland Department of Natural Resources. This was applied for in 2005 and the grant has just been approved.

The bids were broken down into four phases.

Phase I - Site work

Phase II – Fencing

Phase III – Landscaping

Phase IV – Playground Equipment/Picnic Area. Included in the minutes are the price quotes of the bidders. The bidders were permitted to bid on one or all phases individually. President English said that we received one bid after 12:30 p.m. and were unable to accept. All bids were opened and read stating the prices and insurance information if included.

Motion was made by Com. Lewis to turn all bids over to the Town Planner for review and consolidation of the amounts.

Motion was seconded by Com. Fegel.

President English asked if they had to wait for the next meeting to come back with the information. Ms. Booth suggested a Special Town Meeting to accept the bids.

Vote:

Adams – Y Lewis – Y English – Y Chase – Y Fegel – Y

Special Town Meeting is set for February 20th at 7:00 p.m.

GIS Mapping Update

President English and Ms. Shull met with Dr. Scott and Lauren McDermott in Salisbury on the GIS Mapping and signed a contract for \$4,900.00. We will be meeting later in the month to finalize.

NEW BUSINESS:

Ordinance 1-2008

President English introduced Ordinance 2-2008 Property Maintenance Code for introduction tonight.

Attorney Booth said that the Town had adopted a new Town Code but there were some enforcement issues when she began to look at the Property Maintenance Ordinance. This was the first time that the Town had adopted the International Property Maintenance Code. I have a couple of recommendations; under State Law there is also a minimum livability Code that also applies. We wanted to make it clear that it will still apply in the Town and was not intended to supersede it. The other being in the Property Maintenance Code, the exterior portion should apply to everyone in town so that the town will be able to enforce grass cutting etc., but we also do not want it to be used to go into homes without a

reason. Make the Property Maintenance Code consistent with Livability Code, under State Law it requires that you can do inspections for houses that are not owner occupied on the interior, cannot enter interior without a reason if owner occupied. This will make the laws consistent with each other and it is just a simple amendment. This is the same language that is in the State Code and it will apply in Livability Code. Minimum Livability Code will also continue to apply in the Town.

Motion was made by Com. Chase to have Public Hearing on Ordinance 1-2008 Property Maintenance Code. Motion was seconded by Com. Adams.

Vote:

Adams – Y Lewis – Y English – Y Chase – Y Fegel – Y

Ordinance 2-2008 – Administration Search Warrant

President Booth stated that when we recodified the code it was in a lot of pieces and she realized that the Administrative Search Warrant Section in the Code was left out. I have attached an article from MML. She advised that she would like to have the Council Amend the Code to provide the process for Administrative Search Warrant. There would still have to be a legitimate reason to obtain a warrant, this would spell out how to obtain one, it was modeled from the old Fire Code and the City of Westminster, Maryland. We would have to have probable cause.

Motion was made by Com. Lewis to introduce Ordinance 2-2008, amending Trappe Town Code Title “Administrative Search Warrants; Rights of Entry”.

Com. Chase questioned the model that is coming from Westminster, Maryland procedures to obtain an administrative search warrant in Section 4 of “An Administrative Search Warrant,” issued under this section shall specify the place, structure, premise, vehicle or records to be inspected. If you are searching the premise why would you want to go into their vehicle? In the sample that you printed in section C of Ordinance 2-2008, I have the same problem if you are getting a search warrant for someone’s property why would it say vehicle. Attorney Booth gave an example of why that was needed in a very rare case.

Mr. Chase felt that this should be left premises because it goes beyond the law and felt that this should not be in the ordinance. Vehicle or records would be stricken from the record. If you have a search warrant for a civilian and he is in someone’s house and they refuse to let you in, what is the next procedure? Attorney Booth said that you would go back to the Judge and ask for a bench warrant or whatever is needed since this is a civil matter. This is just for administrative property issues.

The motion was changed by Com. Lewis to introduce Ordinance 2-2008 as amended striking the words **vehicle** and **records** from section 121 C.

Motion was seconded by Com. Fegel.

Vote:

Adams – Y Lewis – Y English – Y Chase – Y Fegel – Y

Public Hearings set for March 5th Ordinance 1-2008 at 7:00 p.m. and Ordinance 2-2008 at 7:15 p.m.

Jennifer Shull: Town Web Page.

Ms. Shull stated, at the last Planning Meeting they discussed the many documents that the Town has prepared and compiled concerning Planning Issues. The feeling was that they needed to be accessible to the public. It was suggested that maybe we consider making a pamphlet to be passed out so that when permits are obtained we would have information available to the public concerning Planning and Zoning regulations. The next option was to create a link on the web site putting some of the documents there. Or to burn CD's with the Ordinances for distribution.

Com. Lewis stated that she had discussed with Ms. Shull what she thought would be most appropriate. She suggested separating the documents such as documents that are actually Ordinances and Laws and documents that are actually guidelines and use what is informational. Looking at the ones that are really guidelines such as the Village Overlay, Planned Neighborhood Design and the manual that talks about street scapes, trees etc. and the Comprehensive Plan which is standards for the Town. These types of documents are appropriate to put on the web, advise just putting the land use from the Comprehensive Plan, not putting the whole books since we are in the process of rewriting.

A page to reference where the information needed could be found and who you would go to for more information. Ordinances which are technically the Laws, I have a problem with putting on line for many reasons. If someone were to hire an engineer to build something by the specs that we have on the internet as law we could be liable. They should be talking face to face with office personnel.

My recommendation is that we do a page for every Ordinance: Sub Division, Zoning and Sewer Construction standards, for each individual one that applies and who you would need to contact for further information.

The Town does pay someone to put the information on the web we have a webmaster. I believe that CD's would be a good idea. If they come for information on Ordinances, Comprehensive Plan and Zoning Ordinances, we could also make them disks.

Com. Fegel felt that a list of Ordinances would be a good idea for the web, contacting the Town Personnel for information if needed.

Motion was made by Com. Lewis to accept the recommendation of Cheryl Lewis with a letter of response to the Planning Commission and attach a copy of the minutes with decision attached. Motion was seconded by Com. Fegel.

Vote:

Adams – Y

Lewis – Y

English – Y

Chase – Y

Fegel – Y

Ron Brigerman:

Mr. Brigerman appeared before the Council to advise them of an incident involving a policy decision of the Board of Education and requested a letter of support from the Council if so inclined.

Norm Fegel:

Mr. Fegel asked if the Lyons Club could hold their chicken barbeques on the Bramble Property (Trappe South Park) during the summer. President English stated that he had one concern and that was of the newly planted grass.

Motion was made by Com. Chase to grant permission for the use of the Bramble Property (Trappe South Park) for the Lyons Club.

Vote:

Adams – Y Lewis – Y Chase – Y English – Y Fegel – Y

Don Haring:

Mr. Haring was concerned that in the newsletter the Town may be letting the Board of Elections take over the Town Elections, stating that he objected. We have never had any trouble with our elections. He had called the Board of Elections and talked with Ms. Mitchell concerning the cost, and she could not give him a figure at this time. President English: I have met with Ms. Mitchell and discussed cost, when received it will be taken back to the Council for approval. Concerns with the town voting, was the paper ballots, and the manual machine since the county has electronic machines.

Mr. Haring asked if this would be in the Index when presented before the Council for approval. President English: Yes I am still investigating.

Charles Adams:

Mr. Adams said that on Thursday there would be a chipper at the Rural Life Museum to clean up some of the limbs and debris being donated by Billy Bryan. He asked if anyone could volunteer some time helping.

Motion was made by Com. Lewis to go into Executive Session 15 minutes after the close of the Town meeting for police matters.

Motion was seconded by Com. Adams.

Vote:

Adams – Y Lewis – Y English – Y Chase – Y Fegel – Y

ANNOUNCEMENTS:

February 18th Closed for President's Day
February 20th Planning Commission Meeting

The Meeting adjourned at 9:05 p.m.

Respectfully submitted:

Joedy Cecil, Clerk

Approved: Don English, President