

COUNCIL OF TRAPPE
TRAPPE TOWN HALL
December 7, 2016

Council of Trappe Meeting:

President Fegel called the meeting to order at 7:00 pm. Council members Rose Potter, RD Diefenderfer and Don English were present, Commissioner Pritchett was absent. Other attendees: Bunky Luffman – Intergovernmental Affairs, Governor Hogan’s Office, Charles Adams, Bobby Quidas, Nick Newnam, Nancy Dunn, Edgar Harrison, Chris Polk – Star Democrat, Planner Shull, Chief Ball, Attorney Booth and Clerk Braband.

Amendments to the Agenda:

President Fegel requested to have the agenda amended to reflect the outcome of the executive session held tonight at 6:45 pm to approve the job description for Erin Braband to change her position to Town Administrator/Town Clerk. Commissioner English made a motion to approve the agenda as amended. Commissioner Diefenderfer seconded the motion. All approved. President Fegel stated that the Resolution for the new job description will be added to the agenda under Order of Business before the Council.

Presentation of Minutes:

Commissioner Potter made a motion to approve the minutes as presented. Commissioner English seconded the motion. All approved.

Clerk’s Report:

Clerk Braband presented the Clerk’s report that is filed in the records. Clerk Braband also presented the current budgets for both the general and the enterprise funds.

Clerk Braband stated that on November 23rd she was contacted by the Comptroller’s Office and informed that the Comptroller’s Office recently went through an audit for income tax withholdings and the audit showed that they had misdirected 21.4 million dollars from 2010-2014. The audit also showed that the Town of Trappe was one of the 83 municipalities in the State of Maryland that received money that should have gone to other jurisdictions. The Town of Trappe reportedly received \$283,941 from 2010-2014 that we should not have and the Comptroller’s Office wants the money back. The Comptroller’s Office stated that repayment of the \$283,941 will start in 2024 and the Town will have 10 years to repay the full amount without interest. Attorney Booth stated that both Oxford and St. Michaels also owe money however the Town of Easton was one of the 89 municipalities that received money. Attorney Booth stated that she has talked to MML and recommends that the affected towns request more information from the Comptroller’s Office and that the Town’s write to their Legislators because MML has said that there are some Legislators who are willing to put in bills to try to use the State’s rainy day funds to cover this. Attorney Booth recommends that the Town hold off on signing any documentation concerning the repayment until more information is produced and discussions with the

Comptroller's Office are held. Commissioner English made a motion to send letters to the Town's Legislators asking for their help in this matter. Commissioner Potter seconded the motion. All approved, motion carried.

Mr. Bunky Luffman – Intergovernmental Affairs, Governor Hogan's Office. Mr. Luffman stated that he is with Governor Hogan's Office and that he is the liaison for the 56 municipalities and 9 Counties on the Eastern Shore. Mr. Luffman stated that he is available to all the Towns to help make contacts with various State departments. President Fegel stated that the Town is still concerned with the lack of highway user funds and now the income tax funds that need to be repaid. Mr. Luffman stated that the other towns he has visited are concerned about the same things and he would put it in his report to the Governor.

COMMITTEE AND DEPARTMENT REPORTS

Public Safety – Chief Ball read his report that is filed in the records. Chief Ball stated that this year has been a bad year for law enforcement with an increase of 67% of officers killed by gunfire, an increase of 22% of auto accident deaths, a decrease of 46% for other deaths which is a total increase of 14% in police deaths this year.

Public Works – President Fegel read Superintendent Callahan's report that is filed in the records. President Fegel stated that the final disconnection notices have been mailed and hung on the doors for the end of the year disconnections. All accounts must be brought to \$0 prior to Dec. 31st or they will be disconnected on Jan. 3rd. Clerk Braband stated that 117 notices were mailed and 44 were hung on doors.

Planning & Zoning – Planner Shull stated that the Planning Commission met last month and have produced an Ordinance regarding chickens that is available for introduction tonight. Planner Shull stated that she met with Attorney Booth to discuss the moratorium on commercial chicken houses which will hopefully be ready for introduction at the January meeting. Planner Shull stated that she has finished the initial rental inspections and there are about 45 that are in need of repairs and a reinspection.

Parks and Recreation – As Commissioner of Parks, Commissioner Potter updated the Council on the progress of the Nace's Park Redevelopment Project. The Town was awarded a grant in the amount of \$105,830.00 from the Maryland Department of Natural Resources Community Parks and Playgrounds funds. A pre-bid meeting was held on November 10th that explained the project and the two alternate options the Town was considering. At the meeting the Contractors were told to have their proposals back on or before November 29th. The first alternate is a water fountain and the second alternate is an irrigation system. The contractors were requested to submit prices for the alternates with their bids. The Town received three sealed bids that were opened on November 29th. Bids were received from Gateway Construction of Delaware, Bridge's Site and Utilities of St. Michaels and Barker's Landing Corporation of Easton. All bidders did include references (which were verified) and a certificate of insurance. Barker's Landing Corporation was the only bid that was submitted with the proper alternate requests. The bid results are as follows:

Gateway Construction submitted a bid in the amount of \$109,775.00; Bridge's Site and Utilities submitted a bid in the amount of \$103,378.00, and Barker's Landing Corporation submitted a bid in the amount of \$101,376.00.

Commissioner Potter stated she had previously requested the Town Council to support this project and they agreed to do so and agreed to contribute \$10,000 to the project. Therefore with the Community Parks and Playground grant and the Town of Trappe's contribution \$115,830.00 is available for this project. Should the Town choose to continue with this project and include the 2 alternates there is a possibility of a \$3,000 shortage. Commissioner Potter stated that President Fegel has stated that should a shortage occur, funds can be taken out of the parks budget to cover it. Commissioner Potter stated that she recommends to the Council that the bid from Barker's Landing Corporation in the amount of \$101,376.00 be accepted for the completion of the Nace's Park Redevelopment Project. President Fegel stated that the alternate for the water fountain was bid at \$2,500 and the alternate for the irrigation was bid at \$17,025.75. President Fegel stated that it was discussed that the \$101,376 bid from Barker's Landing did not include the change of asphalt to concrete which would be a deduction of roughly \$2,500.00. Planner Shull stated that she has discussed some other adjustments with Commissioner Potter which would also reduce the price. Planner Shull stated that the Town of Oxford highly recommended Barker's Landing. Planner Shull stated that the Town can seek reimbursement from the grant as the project takes place and does not have to wait until the end of the project. Reimbursement usually has a 3 week turnaround time from the State and this project is projected to only last about 60 days. Barker's Landing has also agreed to a 30 day pay period.

Commissioner Potter made a motion to accept the bid in the amount of \$101,376.00 from Barker's Landing Corporation for the redevelopment of Nace's Park. Commissioner Diefenderfer seconded the motion. No discussion held.

VOTE:

Potter – Y Fegel – Y Diefenderfer – Y English – Y Pritchett – absent
All approved, motion carried.

Economic Development – Commissioner Pritchett is absent. Planner Shull stated that no meeting was held yet in December and there will not be a meeting in January but they will resume in February. Talbot County has merged the Economic Development office and the Office of Tourism together and has hired a new Economic Development Coordinator. The new group will begin to make their rounds to the different Towns sometime in the spring and would like to meet with all the businesses.

Communications – None

Attorney Updates – Attorney Booth stated that she doesn't have anything in addition to what is on the agenda but requests an executive session following the meeting to give legal advice on a water/sewer matter.

Executive Session – An executive session was held tonight at 6:45 pm to discuss a personnel issue.

ORDER OF BUSINESS BEFORE THE COUNCIL

Ordinance 14-2016 – An Ordinance of the Town of Trappe amending the Trappe Zoning Ordinance, Title III and Section 2 to add a definition of “Farm Animal”; and to amend Title IV, Section 12 to prohibit the keeping of farm animals in all zoning districts other than the Agricultural (“A”) zoning district and to prohibit the keeping and maintaining of any exotic animals as described and regulated by State Law; to amend Article IV, Section 7 to permit an animal shelter or animal sanctuary in the “A” Agricultural district by special exception; and to permit the keeping of chickens in the R-1, R-2 and R-3 districts by special exception was read by President Fegel. President Fegel stated that at the last Council meeting the Council was split on the previous Ordinance and sent the Ordinance back to the Planning Commission to be revised. The Planning Commission took the public hearing comments and the comments made at the regular meeting and came up with this Ordinance for introduction tonight. Commissioner Potter made a motion to introduce Ordinance 14-2016. Commissioner Diefenderfer seconded the motion. No discussion held.

VOTE:

Potter – Y Fegel – Y Diefenderfer – Y English – Y Pritchett – absent
All approved, motion carried.

A public hearing will be held on January 4th at 6:45 pm.

Resolution 9-2016 – A Resolution of the Council of Trappe authorizing the President of the Council to use funds available pursuant to the Lines of Credit with Shore United Bank to pay for emergency water repairs was read by President Fegel. President Fegel stated that these funds would be used to pay for the 3 water leak repairs on Main Street in October. The total bill was \$41,672.25. Commissioner Diefenderfer made a motion to approve Resolution 9-2016. Commissioner English seconded the motion. No discussion held.

VOTE:

Potter – Y Fegel – Y Diefenderfer – Y English – Y Pritchett – absent
All approved, motion carried.

Resolution 10-2016 – A Resolution of the Council of Trappe adopting the Town Administrator/Town Clerk job description was read by President Fegel. Commissioner Diefenderfer made a motion to approve the job description as presented. Commissioner English seconded the motion. No discussion held.

VOTE:

Potter – Y Fegel – Y Diefenderfer – Y English – Y Pritchett – absent
All approved, motion carried.

Commissioner Potter made a motion to adopt Resolution 10-2016. Commissioner English seconded the motion. No discussion held.

VOTE:

Potter – Y Fegel – Y Diefenderfer – Y English – Y Pritchett – absent
All approved, motion carried.

Other Business:

Nick Newnam – Mr. Newnam stated that on September 7th he had a sewer back up on his girlfriend's property that he also resides in and he called Superintendent Callahan who in turn called Mr. Rooter. Mr. Rooter found 2 problems in the sewer lines, 1 of which was on his property and the other on his neighbor's (Mr. Walley) property. Mr. Newnam stated that he was charged \$512.50 by the Town for the work that Mr. Rooter completed that evening and then discussed the situation with President Fegel and Commissioner English. After the meeting Mr. Newnam stated that he received a letter from the Town, along with a portion of the Town Code, advising him that the Town was not responsible for the costs of the repair and it is the responsibility of the homeowner. Mr. Newnam stated that the Town Code states the customer is responsible for the installation, maintenance of service lines from the point of service connection to his premise. The point of service connection for sewer is the end of the service lateral where the lateral enters the customer's premise. Mr. Newman stated that the premise is the property line which is located between his property and Mr. Walley's property and not the road. Mr. Newman asked why he was billed for the entire repair when part of the problem was on Mr. Walley's property. President Fegel stated that this was discussed at the meeting that he and Commissioner English had with Mr. Newnam and while the lateral does cross Mr. Walley's property the lateral solely services Mr. Newnam's girlfriend's property therefore it is her responsibility for the repair. Attorney Booth stated that somehow in the past a lateral was put under private property and Mr. Walley's property is not serviced by that lateral. Attorney Booth stated that the Town's policy is that once the lateral hits the property line it is the property owner's responsibility, the Town's service does not go onto private property. Mr. Newnam disagrees with the Town's interpretation of the Code and feels that he is being charged to repair a line that he doesn't own. Attorney Booth stated that he is only being charged to repair a line that services only his property that happens to run under private property. Mr. Newnam stated that his property is under a 90 day contract and the problem has to be fixed before then. Attorney Booth stated that her legal opinion does not change and the Town is not responsible. President Fegel stated that Attorney Booth has given her opinion and the Council stands with her opinion. Commissioner Diefenderfer stated that Mr. Newnam fixed his property and how can he be allowed to go onto someone else's property to fix the rest of the line? Attorney Booth stated that is why conditions like this should not have been allowed to happen however Mr. Newnam has an implied easement across Mr. Walley's property and Mr. Walley has to allow Mr. Newnam to fix his line. Attorney Booth stated that an engineer needs to look into issues like this and fix them but that costs money that the Town does not have.

Announcements – President Fegel read the announcements.

Executive Session – President Fegel stated Attorney Booth requested an executive session to give legal opinion on a water/sewer issue. Commissioner English made a motion to recess into executive session at 7:50 pm which was seconded by Commissioner Potter and unanimously approved.

At the conclusion of the closed session at 8:24 pm, Commissioner Potter made a motion to reconvene the open meeting, which was seconded by Commissioner Diefenderfer and unanimously approved.

Attorney Booth stated that after reviewing the Town auditors recommendations of a mid-year water/sewer rate increase an informal water audit was completed and a rate increase has been proposed. A rate increase is being proposed because the audit revealed that the Town has been operating the Enterprise budget in a negative of at least \$200,000.00 each year. There are grant and loan opportunities that the Town can be eligible for to finance much needed projects in Town but first must be able to show that the water/sewer rates cover the basic operations. As a result the rates were reviewed by Clerk Braband, Scott Getchell and Attorney Booth and it was determined that to cover the basic operating costs of the water and sewer system the rates needed to be increased to a basic water fee of \$15.00 a month, a basic sewer fee of \$50.00 a month which is an increase to the total base rate of \$27.97 a month. Attorney Booth recommended that an Ordinance be prepared to address the increase as well as doubling the water and sewer rates for out of town residents, like the Town used to charge and have the Ordinance introduced at the January meeting. Attorney Booth will also look at any other revisions that the Council may want to make to the Water and Sewer portion of the Code. Commissioner Diefenderfer made a motion to increase the basic water and sewer rates as described by Attorney Booth, to double the water and sewer rates for out of town residents and look for any other revisions that may need to be made. Commissioner Potter seconded the motion. All approved, motion carried.

There being no further business to discuss, Commissioner Diefenderfer made a motion at 8:34 pm to conclude the meeting, which was seconded by Commissioner Potter and unanimously approved.

Erin Braband, Town Administrator/Clerk

Norm Fegel, Council President