

## COUNCIL OF TRAPPE MINUTES

January 5, 2011  
7:30 p.m.  
Trappe Town Hall

The regular meeting of the Council of Trappe was called to order by President Croswell at 7:30 p.m. Commissioners Richard Dorbin, Norm Fegel, Rose Potter and Walter Chase were present. The pledge of allegiance was given and Clerk Joedy Cecil recorded the minutes.

**Amendment to the Agenda:** President Croswell asked if there were any amendments to the agenda. There were none.

**Presentation of the Minutes:**

The minutes of the December Council meeting were presented and accepted without objection.

**Financial Statement:**

Financial statement has been submitted for review.

### **COMMITTEE REPORTS:**

**Clerk's Report: Town Clerk**

Mrs. Cecil read aloud her monthly report. Water bills billed for the month of December were \$37,437.32 outstanding bills for the month were \$ 18,633.88 a copy was provided for the Council and filed with the minutes.

**WWTP Report filed with minutes:**

Commissioner Croswell stated that there is not much to report. Mr. Christopher thanked the Council for taking care of a sewer issue on School Street.

**Planning & Zoning: Commissioner Fegel**

Commissioner Fegel stated the board will be visiting the proposed fire sprinkler ordinance.

**Police Report: Commissioner Chase**

Commissioner Chase recognized Chief Ball for identifying the burglar of the Lowest Price Gas Station in Trappe after a traffic stop. This resulted in the burglar being apprehended.

Chief Ball gave his report and thanked Kari Diefenderfer, the Trappe Fire Company and the State Police for the "Bears that Care" for the children at Christmas. There were over 200 children given toys through this for Christmas. On January 29<sup>th</sup> if things go as scheduled Chief Ball will be meeting with Joe Flacco of the Ravens due to the Polar Bear Special Olympic Plunge in November at Ocean City.

**Parks: Commissioner Potter**

Commissioner Potter stated that we are trying to make Lakeveiw Park a safer place for the children and we have just installed some additional tie downs for the mats and the gully has also been taken care of. The mulch has also been spread. An ad-hoc committee has been formed to work on future plans for Nace's Park, they have not yet scheduled a meeting this will be later in the year.

**Communications: Commissioner Crowell, Dorbin and Potter**

Commissioner Crowell stated that there is not much to report other than we have filed the Bio terrorist preparedness report required by the Government. We had the roads cleared from the snow storm by P.E. Moore.

**State Ethics Law: Attorney Booth**

Ms. Booth stated that we have an Ethics Ordinance for the town but it is much different from the State regulations that went into effect on October 2010. Smaller towns have their own ethic ordinances may request an exemption from the very extensive and complex State regulations. The consensus of the Council was to have Ms. Booth look into applying for an exemption. Commissioner Crowell suggested having the Trappe Ethics Committee and the Council of Trappe review the Town's current ethics ordinance.

**BUSINESS BEFORE THE COUNCIL**

**RedSpeed Automated Photo Enforcement Presentation:**

Chief Ball introduced Gia Colaneo who explained the speed camera that will placed in the town the school zones. The speed camera will cover a half mile radius from the school Monday thru Friday from 6:00 a.m. to 8:00 p.m. and is the only time can be ticketed. To receive a ticket a vehicle would have to be doing 12 miles over the posted speed limit. The town is provided with a Mobile speed van or trailer and all expenses are paid for by RedSpeed. Whenever tickets are issued they would have to have a final approval of our Police Department. There will be public relation campaigns to let the community know.

Chief Ball stated that the violation would be a \$40.00 citation with no points that would not affect one's insurance. A traffic study was done on Dec. 20<sup>th</sup> thru the 24<sup>th</sup> on the South bound lane on Main street with approximately 1500 vehicles on the road, 1200 of which were violators. The town will receive \$25.00 of the fine which has to be spent on public safety. The vehicle will not be staffed it is self contained with daily calibration.

Chief Ball stated the only expense for the town would be gas for the vehicle. Signs will be posted identifying the school zones. Most of the town will be included in the radius. It will take approximately 2 months to get all the paperwork prepared and be ready to set up.

Motion was made by Commissioner Dorbin to have the town attorney draft an Ordinance Authorizing the town to use the RedSpeed automated enforcement system.

Motion was seconded by Commissioner Fegel.

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Vote:

Dorbin – Y      Potter – Y      Crowell – Y      Chase – Y      Fegel – Y

**Future plans for Main St. ballpark:**

Mr. Rick Towle and Ms Cindy Meekins from Talbot County Parks and Recreation were introduced along with John Farwell, Representative from Trappe. Mr. Towle made a presentation asking the council to agree to have the County take down the concession stand, dugouts and the back fencing at the Old Trappe Park. The concession stand is constantly being vandalized and has been an ongoing problem for several years. The dugouts have been used for drugs.

Mr. Towle stated that soccer is becoming a growing sport in the towns now, and this would be a perfect soccer field. He suggested removing the concession stand, dugouts and fence then redo the field back in green space making it available for more sports. The concession stand could be removed in a couple of days after the decision to do so is made. There would still be plans to leave electric and water for the events that the town now has at the park.

Commissioner Chase asked about the lighting. Mr. Towle stated whenever the police had asked for more lighting they have complied. He also explained that he felt that this would be looked at but would have to be careful as too much lighting infringes on the homes nearby.

Mr. Towle said he would keep the Commissioners and Chief Ball informed of their time line. Commissioner Fegel agreed to notify the Lions Club since they purchased a lot of the equipment for the Little League.

This work will begin in phase's stated Commissioner Crowell beginning with the removal of the building. Phase II would be clearing landscaping and added infrastructure such as water, electricity. Commissioner Crowell stated let the record show there was unanimous agreement to having the County remove the concession stand and other structures from the park.

**Rural Life Museum Membership:**

Commissioner Crowell asked if the Council would like to renew their membership to the Rural Life Museum for the year.

Motion was made by Commissioner Chase and seconded by Commissioner Fegel.

Vote:

Dorbin – Y      Potter – Y      Crowell – Y      Chase – Y      Fegel – Y

**Vehicle Procurement:**

Commissioner Crowell stated that Mr. Callahan had offered his truck to the town for replacement of the other truck. The cost to inspect his truck would be \$1,440.00 and this would be for a 1991 truck with 164,000 miles. The book value for the truck now is \$2,000.00.

Prices have been obtained for a new truck and using fleet pricing the town could save as much as \$6,000.00 off the retail price. Several prices have been obtained for a Ford ½ ton 4 wheel drive with no extras would cost approximately \$21,958.16. A similar Chevrolet would cost approximately \$22,000.00. The town could use their line of credit for the purchase. Commissioner Croswell felt that the new truck would be the best option for the town, there would be a warranty. Commissioner Croswell stated that the new truck in this service should easily last for ten years and debt service over that period would be manageable.

Commissioner Dorbin suggested a trailer hitch would be useful, and felt that the town should buy the new truck. Commissioner Potter also agreed. All agreed.

**Annual Donation to Trappe Vol. Fire Co.**

This item was included in the budget last year. Authorization is requested to cut the check. Commissioner Chase raised a concern that there weren't sufficient funds in the bank account to write the check. Commissioner Croswell stated the check wouldn't be written today.

Motion by Commissioner Chase to issue the check once the funds are available.

Seconded by Commissioner Fegel.

Vote:

Dorbin – Y      Potter – Y      Croswell – Y      Chase – Y      Fegel – Y

**Ordinance No. 01-2011** AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING THE GENERAL BUDGET AND ENTERPRISE BUDGET ADOPTED BY ORDINANCE 2-2010 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2010 AND ENDING ON JUNE 30, 2011 TO ADJUST CERTAIN LINE ITEMS AND TO RE-APPROPRIATE CERTAIN FUNDS. Commissioner Croswell stated that he and the Clerk, Joedy Cecil, had made adjustments in areas that were overspent and areas that were under spent. No new money and expenses. Some items were renamed to provide clarity on what goes into the line item. The water/sewer budget started the year with a \$27,000 deficit, and an adjustment in staffing at the plant has helped with the budget as well as cutting some expenses. The law requires we take in sufficient funds to make the system self sufficient. This budget ordinance includes a small increase in the per gallon charge for water & sewer that will amount to about \$3.00 per average persons bill. That generates funds that cut the deficit by \$20,000. Tonight we will introduce the budget ordinance and set a date for a public hearing.

Motion by Commissioner Dorbin to introduce Ordinance 01-2011 and seconded by Commissioner Potter.

Vote:

Dorbin – Y      Potter – Y      Croswell – Y      Chase – Y      Fegel – Y

Commissioner Croswell stated we will begin working on next year's budget very soon. The tax assessor was in town, and assessments are going down roughly 22%. Every \$0.01 increase in the tax rate results in revenue of \$6,600 for the town under the current assessment.

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**Ordinance No. 02-2011** AN ORDINANCE OF THE TOWN OF TRAPPE REPEALING SECTIONS 14 AND 15 OF THE TOWN CODE AND RE-ENACTING CHAPTER 14 TITLED “WATER AND SEWER” TO ESTABLISH REGULATIONS CONCERNING THE CONNECTIONS TO AND THE USE AND PROTECTION OF THE PUBLIC SEWER AND WATER SUPPLY, AND ESTABLISHING THE TOWN’S WATER AND SEWER CONNECTION AND CAPACITY FEES, AND USER RATES, AND REPEALING ALL PREVIOUS ORDINANCES INCONSISTENT WITH THIS ORDINANCE. Commissioner Croswell stated that there are several requirements meant to protect the town’s water supply from contaminants. This contains a backflow program that was modeled on an EPA template, and should comply with both MDE and EPA requirements. It also contains a table of uses consistent with MDE recommendations that classifies certain commercial uses based on water usage demands; it covers shut off and turn on policy; sprinkler connections and similar provisions. This extensive document covers previous gaps and omissions in the former document.

Mrs. Booth stated that Bobby put a lot of time into this document saving the town money; and it’s a very good document.

Motion by Commissioner Dorbin to introduce Ordinance 02-2011 and seconded by Commissioner Chase.

Vote:

Dorbin – Y      Potter – Y      Croswell – Y      Chase – Y      Fegel – Y

**Ordinance 03-2011** AN ORDINANCE OF THE TOWN OF TRAPPE TO AMEND THE TRAPPE TOWN CODE TO ADD SECTION 12.5 TITLED “RESIDENTIAL RENTAL HOUSING LICENSE AND INSPECTION PROGRAM FOR RESIDENTIAL RENTAL DWELLING UNITS WITHIN THE TOWN OF TRAPPE. Commissioner Croswell requested Mrs. Booth explain the ordinance. Mrs. Booth stated that the town recently adopted the 2009 International Property Maintenance Code and has used the Middle Dept for rental inspections. This came from the Town of Federalsburg that wanted additional teeth in getting compliance beyond the property maintenance ordinance. The purpose of the ordinance is an annual license where rental property owners would be required to secure an annual license stating what properties in town were rentals. It gives the Council another mechanism to take away the privilege (license) of having a rental property where the landlord wasn’t maintaining the property.

Mr. Rob Christopher asked what he, as a landlord, gets out of the \$20 license fee. Is this the cost of doing business in your town? I’m open to inspections. You just raised water rates last year, are discussing another rate, and these type of fees are pushing me out of business.

Commissioner Croswell interjected that this ordinance doesn’t include a fee, it is not being proposed as a fundraiser and would create an annual report so the town is properly collecting water and sewer. Commissioner Chase stated that in Easton each apartment is considered a unit and the landlord pays \$30.00 for each unit annually. Mrs. Booth stated that this ordinance does not include any fee.

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Mrs. Gretchen Seymour asked wasn't the water and sewer meters checked several years ago? Commissioner Crowell stated yes, master meters were checked and we picked up apartments that were on master meters. However, the town has no way of knowing if the landlord adds other units and we aren't told about it, or if the landlord takes several units and combines them into a single use we don't have a way of tracking that, or who is living there, and sometimes it is beneficial for the town to know that.

Town Planner, Jennifer Shull, asked what are the consequences if someone doesn't get a license? And would the ordinance be applicable to persons who rent a single family dwelling? Mrs. Booth stated that failure to get a license results in a municipal infraction similar to property maintenance fines, and yes, the ordinance would apply to single family rentals as well as apartment buildings. Ms Shull asked if this was a data gathering mechanism? Commissioner Chase stated yes. Commissioner Crowell stated he didn't care if a fee was assessed for the license-this was not an income generating item.

Motion by Commissioner Chase to introduce Ordinance 03-2011, and seconded by Commissioner Dorbin.

Vote:

Dorbin – Y      Potter – Y      Crowell – Y      Chase – Y      Fegel – Y

Commissioner Crowell stated that a public hearing needed to be scheduled for all three ordinances. It was determined that the public hearings would be held on February 2<sup>nd</sup> beginning at 6:30 p.m.

**Resolution No. 01-2011** A RESOLUTION OF THE TOWN OF TRAPPE AUTHORIZING THE RENEWAL OF A LINE OF CREDIT PROMISSORY NOTE WITH THE TALBOT BANK IN THE PRINCIPAL AMOUNT OF \$200,000.00, OF WHICH THE SUM OF \$192,649.87 HAS BEEN DRAWN AND BORROWED TO PROVIDE FOR REPAIRS AND MAINTENANCE TO MAPLE AVENUE AND HENNISSEE LANE, AND FOR THE ACQUISITION OF CERTAIN PROPERTY LOCATED AT 3816 OCEAN GATEWAY, TRAPPE, MARYLAND Commissioner Crowell stated this is a routine item required by the bank annually.

Motion by Commissioner Fegel to approve Resolution 01-2011 and seconded by Commissioner Chase.

Vote:

Dorbin – Y      Potter – Y      Crowell – Y      Chase – Y      Fegel – Y

**Resolution No. 02-2011** A RESOLUTION OF THE TOWN OF TRAPPE AUTHORIZING THE RENEWAL OF A LINE OF CREDIT PROMISSORY NOTE WITH THE TALBOT BANK IN THE PRINCIPAL AMOUNT OF \$100,000.00, OF WHICH THE SUM OF \$33,323.53 HAS BEEN DRAWN AND BORROWED TO PROVIDE FOR INTERIM FINANCING FOR RENOVATIONS TO THE TOWN OFFICE FOR THE TRAPPE POLICE DEPARTMENT AND FOR WELL REPAIRS. Commissioner Crowell called for a motion.

Motion by Commissioner Potter to approve Resolution 02-2011 and seconded by Commissioner Chase.

Vote:

Dorbin – Y      Potter – Y      Crosswell – Y      Chase – Y      Fegel – Y

Commissioner Crosswell asked Mrs. Booth to prepare a resolution for this line of credit to access it for the purchase of a town truck.

**Proposed fire sprinkler ordinance:**

Commissioner Crosswell stated that last month the town elected to exempt from the requirement of installing fire sprinklers in new one and two family homes. In thinking about this we all agreed that the sprinklers are worthy and valuable items. I would like to make it a requirement that builders on made to order one and two family homes be required to offer fire sprinklers as an option. This would provide support for the idea but not make it a requirement. We can ask the Planning Commission to give it consideration. Commissioner Fegel stated he would take it to the Planning Commission.

Commissioner Crosswell stated the Council will meet in an executive session for a routine personnel matter and to get legal advice on several ongoing items.

**ANNOUNCEMENTS:**

January 14<sup>th</sup> Christmas Tree collection by Rural Life Museum

January 17<sup>th</sup> Martin Luther King Day-Town office closed

January 19<sup>th</sup> Soup Day at the TVFD

January 19<sup>th</sup> Planning Commission Meeting

Commissioner Crosswell welcomed back Rev Hackett and invited him to give the benediction. Clerk, Joedy Cecil, led the audience in singing Happy Birthday to Commissioner Crosswell. Rev Hackett thanked the Commissioners and everyone for their flowers, well wishes, prayers, and food during his recovery. Commissioner Chase announced that the new County Commissioners held a meet and greet at the Talbot Community Center. It was well attended, open, and all about helping each other. They anticipate holding more, and I got a lot from it.

**BENEDICTION**

**EXECUTIVE SESSION FOR LEGAL ADVICE AND A PERSONNEL MATTER**

The Council voted unanimously to continue in closed session to obtain legal advice and to consider a personnel matter. Following the closed session, Commissioner Fegel made a motion to accept a settlement offer from Moore Rentals, LLC for water and sewer connection and capacity fees due to the Town. Commissioner Chase seconded the motion.

Vote:

Dorbin – Y      Potter – Y      Crosswell – Y      Chase – Y      Fegel – Y

Attorney Booth was instructed to inform Moore Rentals, LLC of the Town's intention to accept their settlement offer and to draft the appropriate documents to amend the Carousel Commons public works agreement to reflect the terms of the settlement.

Respectfully submitted:

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Joedy Cecil, Clerk

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Approved: Robert Crosswell, President

Respectfully submitted:

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Joedy Cecil, Clerk

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Approved: Robert Crosswell, President

## **SUMMARY OF EXECUTIVE SESSION MINUTES \***

**January 5, 2011**

The Council of Trappe convened an executive session on January 5, 2011 at 9:35 p.m. The purpose of the meeting was to discuss a personnel matter, and to obtain legal advice and to discuss potential litigation. Persons in attendance were Norm Fegel, Walter Chase, Robert Crosswell, Richard Dorbin, Rose Potter, Brynja M. Booth and Jennifer Shull. The meeting was held at the Trappe Town office.

The council discussed a personal leave request from a town employee. The consensus of the Council was that the request was very reasonable, and the Council unanimously voted to approve this request.

Ms. Booth then advised the Council that she had received a letter from the Moores' attorney whereby the Moores accepted the Council's settlement offer concerning the commercial building located in the Carousel Commons project and that The Moores were requesting that the underpayment be paid in monthly installments. Several council members (Messrs. Crosswell, Chase, Dorbin and Fegel) indicated a willingness to accept these terms and conclude the matter.

Commissioner Fegel made a motion to conclude the executive session, which was seconded by Commissioner Chase, and unanimously approved.

At 10:00 p.m., the Council reconvened in open session. Commissioner Fegel made a motion to accept the payment terms proposed by the Moores and to have Ms.

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Booth memorialize the terms of the payment in the Public Works Agreement. The motion was seconded by Walter Chase, and approved unanimously by all five Council members.

There being no further business, the meeting adjourned at 10:01 p.m.

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Robert H. Croswell

\* Complete minutes of executive sessions are maintained as required by law and may contain additional details and privileged information not included in the *Summary Minutes*.

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