

# COUNCIL OF TRAPPE MINUTES

February 2, 2011

6:30 p.m.

Trappe Town Hall

## Public Hearing

The public hearing of the Council of Trappe was called to order by President Robert Croswell at 6:30 p.m. Commissioners Walter Chase, Richard Dorbin and Rose Potter were present. Commissioner Norm Fegel was absent. Also present at the hearing were: Brynja Booth, Gretchen Seymour, George Ball, Shirley Quidas, Bobby Quidas, Don English, Paul Moore, Elizabeth Ferguson, Drake Ferguson, Rob Christopher and Conrad Harrison. President Croswell read aloud Ordinance 1-2011 amending the General Budget and Enterprise Budget; and reappropriate certain line item funds. He stated that the hearing was properly advertised in the Star Democrat, and gave a brief overview of the ordinance which included renaming certain accounts to provide clarity; and moving money within the budget but not increasing the budget. On the Enterprise side of the budget President Croswell stated that the combination of aging equipment and small number of users continues to be a problem in paying the debt service. The aging infrastructure, and increased cost of repairs has to be paid for, and we have reduced our labor costs, and are doing everything we can to control costs. If a couple of homes were being built we could get by for a while. In Lakeside in late 2012 or early 2013 when the first houses are built we will see some relief but until then we have to pay the bills. The enterprise budget does contain a small increase in the per gallon charge. Depending on water consumption the average household will see an increase of about \$3.00 more in water the bill. That brings the budget within \$189 of being balanced.

The floor was opened for comments. Conrad LaPrade of Harrison Circle commented that his current water bill of \$60 to \$80 a month, what is our longer term plans? It sounds like the plan is to rely on future homes being built. Each year since I moved here the water bill has increased. Continuing to raise the water bill every time something happens is not a long term situation. President Croswell replied that he too recalled lower water bills of \$28 a quarter, however, when 12-14 years ago the EPA required the new wastewater plant to be built the town relied on the savings to carry the debt service until new homes were built that would help offset the debt. Unfortunately, the economy went bust and homes were not built, and we are required to carry a minimum reserve. When homes are built at Lakeside they will become users of the system, and the builder will purchase the reserve capacity of the plant for \$12,470 which will help pay down some of the debt. When these payments come in we can pay down some of the debt, take care of deferred maintenance, build the reserve, and hopefully, ratchet down the actual user charges gradually.

Town attorney, Brynja Booth, expanded on the requirement from EPA to build the new wastewater treatment plant, the ever increasing legislative mandates, and the inability of small wastewater treatment plants to qualify for debt reduction or maintenance grants. The law requires the enterprise fund to be self supporting so they can't use tax money to pay the water/sewer creating an unfortunate situation for small towns. The new plant was not something Trappe decided on their own it was mandated by the State.

President Crowell stated we have researched multiple grants, however, either the size of the town, the median income of the town population, or the debt service does not fit the parameters of the grant criteria. One hundred percent grants are almost non-existent. We got a grant to pay for Nace's Park but had to pay \$100,000 as it was a revenue sharing grant. The audit is available on line and shows where the money comes from and where the money goes.

Mr. Conrad asked if the water bills as they are now, if they have to be the rate they are because of state mandate to pay a certain amount. Crowell stated the State mandated we do the upgrades several years ago and we are still paying for the upgrade. Conrad asked if the \$100,000 for the park came from the same fund. Crowell replied no, park money comes out of the tax revenue, and water/sewer is a separate fund, and has to be run as a separate business. The law requires we take in enough to pay for the water/sewer. For some time we have been drawing on the reserves to pay for the water/sewer expenses. We have borrowed money over the last 12 to 14 years from the general fund which is permitted; we don't want to draw the reserves any lower. The enterprise fund has borrowed about \$400,000 from the general fund over the years, and eventually should pay it back. Mr. Conrad asked for clarification on the structure of the water rate increases, a step plan, since he purchased a home in Trappe. Crowell replied at one time it was a flat rate, then a system which included a basic charge for water & basic charge for sewer which included 1,700 gallons after which you paid for what you used; then last year we changed so everyone pays a basic water & basic sewer cost which goes to fixed costs that the town has regardless of usage, then we imposed a per gallon fee for usage from gallon number one, and an administrative fee of \$4+ for replacement of meters after ten years-most are already twelve years old.

There being no other questions the public hearing on Ordinance No. 01-2011 was closed.

President Crowell opened the public hearing on Ordinance No. 02-2011, and read the ordinance aloud. The ordinance was properly advertised in the Star Democrat. Crowell summarized the ordinance which addresses water & sewer rates; compiles water & sewer policies in one place; addresses a backflow prevention system including testing systems; and addresses sprinkler systems. This ordinance will move all items related to water and sewer to one place within the Town Code. Table 1 of the ordinance reflects the water & sewer rates. Commercial property connection fees and capacity fees are addressed in a table within the ordinance. Commercial user's hookup fees will now be based on the table similar to what other towns use. Change to ordinance draft on page 25 the \$900 capacity fee recommended by town engineer for fire sprinkler fee was reduced to \$100 which seems more reasonable.

President Croswell called for any questions. There were none, and the public hearing on Ordinance 02-2011 was closed.

The public hearing on Ordinance 03-2011 was opened. President Croswell read the ordinance which town attorney, Brynja Booth, had drafted for another town, and recommended Trappe consider. Mrs. Booth gave an overview of the ordinance and pointed out the ordinance was not intended to generate any fees. The ordinance is intended to address concerns in rental housing where a landlord is non-compliant with the Property Maintenance Code-this would allow the town to terminate the rental license. This is intended to be an annual form, granting the ability to have a rental unit and authorizes inspections with notice. President Croswell stated that the only comment he had received on the ordinance was on the section that stated the town could establish a license fee. It was not his intention to charge a fee for a license although the ordinance states that the town may initiate a fee. The floor was opened for public comment.

Drake Ferguson stated his problem was with an open ended ordinance that allows a taxing authority, fee, which would never go away. Is this intended to be an annual inspection, which is most intrusive on the tenant? Mrs. Booth stated the town has the right at any time to establish a fee schedule but the intention is not to raise money. The intention is not to have an annual inspection or an inspection every time the tenant changes. It is intended to allow inspection if the tenant or town has a concern about the condition of the property. Mr. Ferguson asked that there be language that indicates what would trigger the inspection. President Croswell stated the town adopted the International Property Maintenance Code which gives us the ability to inspect upon notice, and this becomes a legal leverage. If you are not willing to comply it gives us more enforcement leverage to force the landlord to bring the unit up to standard. What I wanted the most was to have landlords to send us once a year the number of units they have in a building, and indicate how many tenants. I wanted a way of tracking this. It may also be helpful to know who is living in the unit as well. This perhaps would help Chief Ball, and also the billing office in determining that we are billing water/sewer correctly. Mr. Ferguson stated he felt the emphasis of enforcement was targeting multi family. Multi-family incurs higher costs in the administration of services so why not make the language of the ordinance fit the target you are going after. Sandy Thompson asked about the section that refers to bringing units up to code. I would have difficulty bringing my older homes up to current code. President Croswell stated that the units would have to meet the livability code otherwise they are grandfathered. The Town Planner aka Code Enforcement Officer aka Zoning Officer would conduct the inspections, and use the services of the Middle Dept as needed. Thompson asked if we have many homes within the town that are under the livability codes. Croswell stated there have been some, and generally are addressed as they come up. The issue is we had a person who owned a home who created an apartment upstairs which we did not know about, and were not being charged correctly for water/sewer. There are several instances where the original use of a unit changed, and the town was not kept informed. The annual reporting would contain the property owner's signature verifying the number of units in a building, and the number of people living within the building. This could be put in the January water bill annually. This is not intended to be a hardship. We want to make sure everyone

is getting the bill they are supposed to get. Commissioner Dorbin expanded on the comment made by Drake adding language about units that are only multifamily now. My concern is should there be language to address single use buildings that could be converted to multifamily units. Commissioner Chase noted that even with a single family house you can have it be divided into two units, or have several families living there in two bedrooms without the town being aware. Rob Christopher raised a concern regarding the town wanting to know who lives in each unit. That sounds like a “big brother” mentality. Sandy Thomson asked whose business it is to know who lives in each unit. Mrs. Booth stated the ordinance does not require that information. Chief Ball noted that the reverse 911 system is unable to reach rental units where the agency doesn’t know who lives there, or have phone or cell phone information. Chief Ball implied that the reverse 911 system can alert responders to the number of people within the building, or the age or physical impairments of the occupants. Rob Christopher stated he had a big problem with the inspections. It seems that you can’t invade my privacy but you can walk all over my tenant. You can go in and inspect their home anytime. Commissioner Chase injected that in Easton they can do inspections after giving a letter of notice. Mr. Christopher stated that you can’t do that to my home. Commissioner Chase stated that it’s a rental so they can inspect. Mrs. Booth interjected that the Property Maintenance Ordinance requires that notice be given to the tenant, and if they do not consent, the only way the town can go in is to get an administrative search warrant. Christopher stated that he feels the inspection component is redundant, and that he would like the language about fee to be taken out. Otherwise he has no problem listing how many rental units he has and where they are located. Gretchen Seymour asked who would do the inspections, and if there were a charge. Jennifer Shull, Zoning Administrator, stated that she does inspections now under Property Maintenance Ordinance and there is no charge for her inspections unless the assistance of MDIA is required, and then the fee of MDIA is charged to the landlord. She further explained that this is another program that requires owners to register the rental property, and there wouldn’t be any inspection unless there is a problem, and then it would revert to the authority of the Property Maintenance Ordinance. Ms Shull also commented on Mr. Ferguson’s earlier statement that most issues seem to be with multi-family units, that in the three years she has been with the town, most of the property maintenance issues have been with single family units, and most of those are owner occupied. There is a misconception. Most tenants won’t complain. President Crowell commented that many tenants don’t complain until things get pretty bad for fear of the landlord putting them out. President Crowell called for any other comments from the public. Mr. Harrison stated that he was not a renter; however, he too was uncomfortable with any language that tries to capture the names of who lives where. President Crowell stated the language is not in the ordinance. When we send out the form for the license landlords can leave the section on listing tenant’s names blank. Commissioner Dorbin asked if the issue of the fee should be addressed at the time of the vote. The Council concurred. The public hearing was closed at 7:50 p.m.

## **REGULAR MEETING OF THE COUNCIL OF TRAPPE**

Everyone stood for the Pledge of Allegiance and Clerk Joedy Cecil recorded the minutes. The regular meeting of the Council of Trappe was called to order at 7:51 p.m.

**Amendments to the Agenda:** There were none. Agenda stood approved as submitted.

**Presentation of the Minutes:** The minutes of the January 5th Council meeting were presented. Motion by Commissioner Chase to accept minutes, second by Commissioner Dorbin. All aye.

**Financial Statement:** Financial statement was submitted for review.

## **COMMITTEE REPORTS**

### **Clerk's Report: Town Clerk**

Mrs. Cecil read aloud her monthly report. Property taxes collected this month were \$28,199.99; highway user revenue \$989.73; and local income tax revenue \$107,563.69. Water bills billed for the month of January were \$40,828.67, and outstanding water bills were \$20,281.50. A copy of the report was provided to the Council and recorded with the minutes.

### **Executive Session: President Croswell**

President Croswell stated that an executive session was held on January 5, 2011 to consider a personnel matter, and for legal advice.

### **Public Safety: Commissioner Chase**

Commissioner Chase deferred to Chief Ball who was asked to abbreviate his report. Chief Ball advised that he had an individual who needed community service hours who had training in landscaping which may assist Commissioner Potter in park repairs. Two additional individuals also have hours to complete. Ball also requested permission to attend the Police Executive MML convention in Ocean City in April. A copy of the full report was provided to the Council.

### **Planning & Zoning: Commissioner Fegel**

Town Planner/Zoning Administrator, Jennifer Shull, reported everything was under control. President Croswell announced that the Planning Commission has moved its meeting night to the third Tuesday of the month. This change will remain for a year.

### **Parks: Commissioner Potter**

Commissioner Potter stated there was nothing to report. She continues to check parks periodically.

### **Communications: Commissioner Croswell**

Advertisement for bids for grass cutting has been placed. Accepting bids until 12:30 p.m. on March 2<sup>nd</sup>. Details are posted on town website. Chief Ball's picture with Flacco at the Polar Plunge for Special Olympics is

also posted on the website. There is an opening on the Trappe Board of Appeals. Interested residents should send a letter of interest to Jennifer Shull at the town office. President Croswell asked Mrs. Cecil to provide an update on Joe Thomas's condition. Mrs. Cecil stated that Joe Thomas, the town's trash contractor, was badly burned in a welding accident. Mr. Thomas received third degree burns over most of his body and is hospitalized in Baltimore. A donation jar has been placed on the counter in the town office to help offset bridge tolls, and gas expense for the family. A sign-up sheet is also in the office for preparing meals twice a week for his family of five. Additionally, she reported the town has been in contact with the Thomas family and an account will be set up at Talbot Bank to receive contributions on Joe's behalf. The address is Talbot Bank PO Box 949, Easton, MD 21601. Checks should be made out to his sister, Virginia Hayman F.B.O. (on behalf of) Joe Thomas. Cards can be sent to his home address. Details are posted on the town website. The report today is that Joe is still critical but now stable and recovery is expected to be lengthy.

**Attorney Report: Mrs. Brynja Booth**

No report.

**BUSINESS BEFORE THE COUNCIL**

**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, President Croswell stated the ordinance was advertised properly in the paper, and a public hearing was held prior to this meeting. Is there anyone with any comments or questions? There were none.

Motion by Commissioner Potter to adopt Ordinance No. 01-2011 and seconded by Commissioner Dorbin.

Vote:

Dorbin-Y

Potter-Y

Croswell-Y

Chase-Y

Fegel-Y

President Croswell asked the town attorney a question regarding a quorum. The code states that a quorum is needed to conduct a meeting. If two members are absent the Council has a quorum with three members. Does an item pass 2-1 based on the majority vote of those present? Mrs. Booth confirmed that the action indeed was based on the majority of those present.

**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

President Croswell asked if there were any discussion. There was none.

Motion by Commissioner Dorbin to adopt Ordinance No. 02-2011 and seconded by Commissioner Chase.

Vote:

Dorbin-Y                      Potter-Y                      Croswell-Y                      Chase-Y                      Fegel-Y

**Ordinance No. 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" TO ESTABLISH A LICENSING AND INSPECTION PROGRAM FOR RESIDENTIAL RENTAL DWELLING UNITS WITHIN THE TOWN OF TRAPPE

President Croswell stated the ordinance was properly advertised, and a public hearing was held where we garnered public opinion. Commissioner Dorbin stated that we can address the fee language separately; I don't feel we need a fee now, and if we ever need to have a fee we will have public input. President Croswell stated that once this is passed, and people realize we aren't charging a fee the commotion about the fee will pass. Only those who have maintenance issues will incur a fee.

Motion by Commissioner Chase to adopt Ordinance No. 03-2011 and seconded by Commissioner Dorbin.

Vote:

Dorbin-Y                      Potter-Y                      Croswell-Y                      Chase-Y                      Fegel-Y

While on the matter President Croswell called for consensus that the Council would not charge a fee for the rental license this year. All members agreed.

**Ordinance No. 04-2011** AN ORDINANCE OF THE TOWN OF TRAPPE ESTABLISHING A SCHOOL ZONE WITHIN A HALF-MILE RADIUS OF WHITE MARSH SCHOOL AND ST PAUL PRESCHOOL, AND ADOPTING A SPEED MONITORING SYSTEM TO ENFORCE SPEED LIMITS WITHIN THE SCHOOL ZONE IN ACCORDANCE WITH MD. CODE ANN. TRANSPORTATION ARTICLE § 21-809

Chief Ball introduced two representatives from RedSpeed-Scott Hemming, and Greg Zito, president of RedSpeed USA. Mr. Zito stated they had deployed these cameras in four communities in Maryland, and a recent newspaper article indicates that the cameras are doing what they were intended-enhance safety. The speed monitoring system within a half mile radius of schools in accordance with Annapolis legislation should enhance safety around schools, and is endorsed by your local law enforcement.

Motion by Commissioner Dorbin to introduce Ordinance 04-2011 and seconded by Commissioner Chase.

Vote:

Dorbin-Y                      Potter-Y                      Croswell-Y                      Chase-Y                      Fegel-Y

President Croswell set the Public hearing on Ordinance 04-2011 for March 2, 2011 at 7:15 p.m.

**Resolution 03-2011** A RESOLUTION OF THE TOWN OF TRAPPE AUTHORIZING THE PRESIDENT OF THE COUNCIL OF TRAPPE TO USE FUNDS AVAILABLE PURSUANT TO THE LINE OF CREDIT WITH TALBOT BANK FOR THE PURCHASE OF A NEW FORD F-150 IN THE AMOUNT OF \$21,687.00

President Croswell stated that this was in the budget we passed, the purchase was authorized at the last meeting, and funds were available in the line of credit. This is a formality for the bank.

Motion by Commissioner Potter to adopt Resolution 03-2011 and seconded by Commissioner Chase.

Vote:

Dorbin-Y

Potter-Y

Croswell-Y

Chase-Y

Fegel-Y

**Residential fire sprinkler system** President Croswell reviewed his proposal to have builders of custom ordered one and two family homes be required to offer the option of fire sprinklers to home buyers. The item had been sent to the Planning Commission for a recommendation. President Croswell reported that the Planning Commission recommended the Council take no action on the item. Commissioner Chase asked why? News has shown sprinklers save lives, why aren't we requiring them. Town Planner, Ms Shull, stated that the Planning Commission opinion was that if you felt strongly about fire sprinklers it should have been adopted as a requirement. Fire sprinklers are already an option, and adding another layer of requiring a builder to offer the option wasn't necessary. They felt that sprinklers were already available, and buyers were informed.

Another concern was how would the town enforce the requirement? Commissioner Chase stated that it was his opinion. Planning Commissioner Rob Christopher offered that he agreed with what has been said, that buyers are sophisticated today, and well aware of the options.

Discussion followed on educating the public, and building permit applicants on the advantages of the fire sprinklers. Town Attorney, Mrs. Booth, offered that she had concerns about how enforcement would take place if the item were adopted, and what the repercussions would be for non-compliance. The item was tabled.

**Executive Session:** President Croswell announced there would be an executive session after the meeting to discuss the Carousel Commons Public Works Agreement, and a personnel matter. The open session remained recessed in case there was a need to vote on the matter discussed in executive session in open meeting. He suggested folks read the announcements printed on the agenda.

### **Announcements**

Fri Feb 11<sup>th</sup> & 25<sup>th</sup> 4-6 p.m. Scotts UM Church is offering free soup

Tue Feb 15<sup>th</sup> 7:30 p.m. Trappe Planning Commission Meeting

Wed Feb 16<sup>th</sup> Trappe Vol Fire Co Soup Day, 4-6 p.m.

Thurs Feb 17<sup>th</sup> 1:00 p.m. A pre-bid walk thru of grass locations

Mon Feb 21<sup>st</sup> Presidents Day-Town Office closed

Wed March 2<sup>nd</sup> 12:30 p.m. Grass cutting sealed bids due at Town Office

7:30 p.m. Monthly meeting of the Council of Trappe

Tue March 15<sup>th</sup> Deadline to file certificate of nomination for the 2011 Town Election

Mon April 4<sup>th</sup> Last day to register to vote in the 2011 General Town Election

Tue May 10<sup>th</sup> General Town Election-elect two commissioners & decide term limits

**Benediction:** Rev. Malia Rust of Trappe United Methodist Church offered the benediction.

The public meeting was recessed at 8:27 p.m.

Respectfully submitted,

---

Joedy Cecil, Clerk

The Council convened an executive session at 8:35 p.m. for legal advice and to discuss a personnel matter. Persons present were Brynja Booth, Richard Dorbin, Rose Potter, Walter Chase, Robert Crosswell and George Ball (who was present until 8:45 p.m.). Minutes were recorded by Ms. Booth. The executive session concluded at 9:10 p.m., at which time Councilmember Chase made a motion to reconvene the regular Council meeting, which was seconded by Richard Dorbin. Mr. Chase made a motion to accept the public works amendment for Carousel Commons prepared by the Town Attorney, and authorize the President of the Council to execute the public works amendment on behalf of the Council. The motion was seconded by Mr. Dorbin, and the motion was unanimously approved. There being no further business, the meeting was concluded at 9:11 p.m.

---

Approved: Robert Crosswell, President

UNCERTIFIED COPY  
NOT FOR LEGAL REFERENCE  
Certified copies are available from  
the Trappe Town Office.