

Town Commissioners' Meeting Minutes
February 26, 2013, 7:00 pm

Meeting was called to order at 7:00pm by President Robert Gell. Commissioners Gell, Capano, Durange and Letts were in attendance. Commissioner Confalone was absent.

The Pledge of Allegiance was led by: Holden Ostrowski Boy Scouts of America Troop # 144

Approval of Minutes – The minutes from the January 22, 2013 meeting were presented for approval. Commissioner Letts motioned to approve the minutes and Commissioner Capano seconded it. All were in favor, approved 4-0. The minutes from the public hearing “Structures on Easements” on January 22, were reviewed. Commissioner Capano made a motion to approve the minutes and Commissioner Letts seconded it. All were in favor, approved 4-0.

Accounts Payable Review - The Accounts Payable report provided to the Commissioners was reviewed. Commissioner Letts motioned to accept the Accounts Payable report, Commissioner Capano seconded it. All were in favor, approved 4-0.

Miller Environmental January Report – The Environmental water report was reviewed. Commissioner Capano motioned to approve as written and Commissioner Letts seconded it. All were in favor, approved 4 – 0.

Sheriff's January Report – Sgt. Ron Schmidt – Report from January was presented. Sgt. Schmidt stated that it was a quiet month except for an armed robbery in the parking lot of a Café. Sgt. Schmidt said that it is still an ongoing/active investigation. No arrests have been made. Commissioner Gell thanked Sgt. Schmidt for coming to the community forum that was held in the fire hall on February 20, 2013. Commissioner Capano motioned to approve and Commissioner Letts seconded it. All were in favor, approved 4-0.

Trinity Woods- Annexation, Sewer Service & Storm Water Mgt. Agreements- Commissioner Capano

Commissioner Capano thanked Mr. Pumpaly for gathering all of the information on storm water management as it pertains to Charlestown and the county. Commissioner Capano stated that based on what she read that it is not recommended by our current attorney, Mr. Clower, to pursue a case with the county. She cited the recent case where North East took it up with the county and it went to the public utility commissioners and their rates went up. And they paid \$1million in lawyer fees.

Mr. Pumpaly stated that the sewer pipes are owned by the county, as they got the hook-up fees as the houses were being built. It was stated in documents that were signed by Mr. Porter (Trinity Woods developer) that the storm water management would become the responsibility of the Home Owners Association. Commissioner Capano addressed Donna Sheets and stated that before she had read through all of these documents from the county that she thought different.

Commissioner Capano stated it was in the declaration of restriction that the storm water management is handled by the HOA. Dr. Gell stated that State law says that if there isn't a Home Owners association that the home owners would be charged accordingly. Donna Sheets said that no HOA was ever formed and that it is in the Town's charter that the Town is responsible for the storm-water management. She feels that Trinity woods is paying the same taxes as other areas in Charlestown but is not getting the same rights as the other Town residents. She feels that Trinity Woods is being discriminated against. It was explained that that the storm-water ponds are deeded to each homeowner not the Town. Ms. Sheets stated that a home owners association never got started and the Town never followed up to see that one got started. It was said that the Town is not responsible to start a Home Owners Association or to see that one was formed. Commissioner Letts questioned Mrs. Sheets that she had approached the county and asked them to “give over “the pipes for the sewer system to the Town and that they said “no”. Ms. Sheets feels that all Charlestown citizens should be treated equal.

Mr. Richardson made a public comment that the agreements of sewer and storm-water were in place before the home owners moved in. That they should have been aware of it and that if they don't like the circumstances in Trinity Woods that they can move to a different place. It was agreed upon that Mrs. Sheets would get a copy of all the documents that Renee had used to come to her conclusion.

Cecil Inn Up-date & Review – Commissioner Gell & Ron Edwards

Commissioner Gell stated that Delegate Rudolph has presented a bond bill that could be used on the Cecil Inn. Commissioner Gell clarified for Commissioner Capano what a bond bill is. It is a process where the State borrows (in this case) \$100K for the Cecil Inn and the Town needs to match it with \$100K but we do not owe the State back the \$100K. Mr. Edwards informed all of what work is needed at the Cecil House. He said the project has been on hold for 2 years. It was purchased and scheduled to get a \$50K grant and then the economy turned bad. So consequently, the project was put on hold. He said that with \$200K that all of the structural/outside work could be done and some of the inside work could be started. The \$100K that comes from the Town doesn't have to be cash. It can be any improvement that is done to the house. Dave Gordon stated that the insurance company is going to give us \$9000 to repair the damages sustained from Hurricane Sandy. Commissioner Gell and Ron Edwards feel that this house is very important to preserve. There was some talk about making it Town Hall but that would require some structural differences. Commissioner Letts asked where our portion of the bond would come from and Dr. Gell suggested that it would come out of reserve. Commissioner Capano suggested that we apply for the bond with Delegate Rudolph but that a final decision is not made until the new FY2013/2014 budget is worked on. Commissioner Gell stated that if we don't take steps to repair the Cecil Inn we will lose the investment that is already in the property.

Mr. Pumpaly addressed that there was a \$172K mortgage on the property that was paid down to \$138K and was refinanced with the MD historic trust with a low interest balloon mortgage that is coming due in 2014. Mr. Pumpaly said that along with some grants and money that the Town has contributed already, he feels that we have invested about \$185K and we haven't even gotten started on repairs. Ron Edwards said that since it is under the Maryland Historic Trust that the building cannot be torn down but could be sold. It was discussed that it would require a special type of buyer.

Commissioner Gell said that we need to "get in line" for the bond and then the option to not accept it could be determined later after the budget has been further reviewed. Mr. Pumpaly said that the initial submission for the bond has been made. Commissioner Durange motioned that since, the application for the bond was submitted, to continue with the application. However no final decisions will be made until the budget has been approved. All were in favor, approved 4-0.

Resolution 2013 -01 (Propose to Amend Zoning Code, Chap 175, Sect 35(1) – Commissioner Gell

A hearing was held on "structures and easements" on January 22, 2013, at that time, the commissioners decided to review the public comment and to make the decision to adopt this at the next meeting. The meeting on February 12th was cancelled. Commissioner Capano made a motion to accept Resolution 2013-01 to amend Chapter 175, section 35(1) of the Charlestown Zoning code as enabled by Section 175-48 of the Charlestown Zoning Code and Commissioner Capano seconded it. All were in favor, approved 4-0.

Old Business

- **Proposed Repairs to "C" Dock Transformer at Charlestown Marina**

The court case between Charlestown Marina LLC and Town of Charlestown is settled. And the Town of Charlestown is responsible to restore C dock. Mr. Pumpaly has discovered that delmarva does not own most of the poles on the dock as was thought. Due to that Delmarva cannot help us on this project. However it is the Town's responsibility to extend the sea wall about 8 – 10 feet and onto the property of Charlestown Marina. Mr. Pumpaly estimates that the project is going to cost about \$20K. He would also like to see it completed in Spring. Mr. Pumpaly also needs to speak to Mr. Price concerning this issue.

- **Proposed Repair “Ice House” Roof**

Mr. Pumpaly state that he has received an estimate from Boudart construction of \$3600 and that includes the wood and labor. The roofing material will be bought from a supplier at the cost of about \$3300. So the total would be approximately \$6942.00. LGIT insurance is going to give the Town \$4030. That would leave us with about \$2912 to pay. The plan is to empty the building in the middle of March and start the project in the middle of April but there are still details that need to be worked out.

New Business

- FEMA Floodplain Management Ordinance – Mr. Pumpaly has reviewed this document and has made some corrections to this document. It is a document that needs to be approved by the commissioners so that flood insurance can be offered in Town. Mr. Pumpaly stated that it is a very, long technical document and if the Commissioners prefer, they can look it over and vote on approval at the next meeting as it is not due until July. Commissioner Capano motioned to review the document and vote on it at the next meeting, Commissioner Durange seconded it. All were in favor, approved 4-0.
 - January budget, Cash Balance and Accounts Receivable Review was reviewed and approved
 - January Building Permit Review – there were 5 building permits approved in January
 - January Work Order Review 97.1% complete. The team we have now is running upwards of 96% every month.
 - Perryville Year Book Advertisement - Commissioner Durange explained that we have been buying a full page color advertisement in the Perryville yearbook every year. The commissioners agreed to place the advertisement that displays the pictures of all the Charlestown graduates. Commissioner Letts motioned to approve the advertisement in the Perryville High School yearbook. All were in favor, approved 4-0.
 - Commissioner Capano stated she was asked by the North East Little League if the Town would like to donate \$100 towards the Little League program since the children from Charlestown play in North East. The Commissioners discussed it and decided that maintaining our fields and allowing the teams to practice on them, is our donation.
 - Mr. Pumpaly presented each Commission
 - Commissioner Capano said that the church is allowing her to use the church to have a senior's lunch. This has been in the budget and she hopes to have the first one in March.
- **Period of Public Comment**

Lori Wankel asked what the Vision committee? President Gell explained that it is a committee assigned to work on the Comprehensive Plan which gets updated about every 10 years.

She also brought up the noise that is caused by the Wellwood restaurant and banquet facility. She asked what the Town was doing about the noise. President Gell said that noise is a State issue and since our town does not have the equipment to measure in decibel levels. He is supposed to turn down the music at 10pm. Commissioner Letts suggested that she go to the liquor control board. She questioned why she can't go to her Town to help her. Commissioner Durange stated that noise, as well as other things like dogs on lease are difficult to enforce.

Dr. Gell adjointed the meeting at 9:01pm.

Respectfully submitted by Janine Antoshak, Town Clerk