

Town Commissioners' Meeting Minutes
July 12, 2011 - 6:30 pm

Meeting was called to order at 6:30 pm by President Robert Gell. Also in attendance were Commissioners Mary Carol Durange, Joseph Letts and Donna Sheets. Commissioner Michael Doss arrived at 6:57 pm after attending to a fire call.

Ryleigh Johnson once again led the Pledge of Allegiance.

The Accounts Payable Report was reviewed and Commissioner Durange motioned to accept and all approved 4-0.

The minutes from the June 14, 2011 meeting were then reviewed with Commissioner Sheets motioning for approval as written; the motion passed 4-0.

The Sheriff's Patrol Report for May & June 2011 from Sgt. R. Schmidt were reviewed from the meeting materials with Commissioners Letts emphasizing the number of "calls for service" listed. A comment was made that these increases are usual for this time of the year.

Robert Corn, of Miller Environmental, delivered the water service report for June and Miller's Capital Improvement Recommendations for 2011/2012. It was questioned if the recommendations were prioritized with the answer being no. Mr. Corn suggested Item #3 be a top priority; to remove electrical outlets that are damaged, dangerous and thus are not being used or even necessary. Item #4: to repair or plug and replace a very fragile, easily damaged, PVC joint with tapping sleeves and metal valves. When asked for a cost estimate, Mr. Corn felt it would not be very expensive and that now would be an ideal time for this repair, before the area gets painted. A contractor will be asked to view the situation and submit an estimate.

Commissioner Sheets asked about the well telemetry system and if the stated \$10,568 cost could be lessened somehow. It was noted that there would be a savings if the present mercury switches and such were left in place. It was revealed that an antenna for the telemetry system would have to be attached to the tower before completion of the painting. Item #2 concerns the two large, polyethylene soda ash tanks. The 250 gallon tank has a cut in its side which hopefully can be repaired in-house. Additionally the support on which the 500 gallon tank rests is deteriorating. The plan is to quickly repair the 250 gallon tank for use while the base of the 500 gallon tank is removed, refurbished and reinstalled. Discussion ensued concerning the tower's electrical control box being damaged by lightning strikes and it was noted that converting to wireless telemetry would eliminate this problem and the expense of repairing the underground wires. The 15,000 gallon temporary water tanker has been connected, tested, and cleared of contamination. The tower will be drained over the next three days but AT&T must remove their equipment from the sides of the tower before painting can begin.

Scoutmaster Nathan Porch introduced Boy Scouts from his troop who are attending this meeting as a requirement to obtain a Communications Merit Badge

A draft resolution to express Charlestown's opposition to the proposed Hatem Bridge/I-95 toll increases was introduced for consideration and support so it may be forwarded to the Maryland Transportation Authority. Commissioner Sheets moved to support Resolution 2011-06 (with corrections) to urge revisions of the proposed toll increases. This was approved 4-0.

President Gell spoke about the possibility of State Highway money being made available for sidewalks in Charlestown. The area suggested would be along Route 267 (Bladen Street) from Caroline Street to Route 7 (West Old Philadelphia Road). It was indicated that the State would do the engineering and design work. Discussion ensued concerning the area where Bladen Street curves and narrows near Louisa Lane. Commissioner Durange made the motion to move forward in pursuit of State funding for this sidewalk project. This was approved 4-0.

Copies of the proposed Charter changes were distributed for the Commissioners to review before the next Commissioner's meeting (7/26) when the Charter Review Commission will be available for questions. A public hearing will be needed before any changes are enacted.

Town Administrator's Report **Old Business**

- A proposal for registration and licensing of rental property and the subsequent Rental Unit Code Enforcement was presented for discussion. Commissioner Sheets opened with a comment that apparently our attorney feels enacting this proposal may expose the Town to legal issues. She feels that in order to treat tenants fairly, the property owner should be notified if the tenant is not taking care of the property. President Gell noted that (licensing) cannot be a tax for revenue.

Commissioner Doss commented on the attorney's opinion and also information from concerned parties at the previous meeting; that the issue is about a control for non-resident landlords. He offered a compromise by having a rental property registration list maintained in Town Hall listing landlords, the properties they own and their tenants, for notification purposes. Commissioner Doss commented on the problems Charlestown has had with finding property owner information. Commissioner Sheets suggested any correspondence sent to a renter be copied to the property owner as well. Discussion ensued concerning gathering the proper information, owner/tenant responsibilities and what kind of fee would be imposed for the maintenance of this list.

It was learned that there are 37 towns in Maryland with rental registration fees. They have ordinances covering inspections and several other obligations which need to be considered. The ordinance from Perryville was reviewed by the Town's attorney, and, after his review, he suggested Charlestown's proposed ordinance be composed, or at least reviewed, by an attorney. A draft ordinance was requested with the compromise suggested by Commissioner Doss included. Commissioner Doss would like to help compose the ordinance.

- The mechanism for instituting the collection of the Boat Slip User Fee was outlined. First would be a meeting with marina owners, their attorneys and the Town attorney. Commissioner Letts recalls approving a three-tier phase-in but now it is slated to start at the full 5%. Commissioner Letts then motioned to repeal the boat slip user fee entirely or to implement the fee with the original 3-year phase-in. Discussion ensued about not repealing the user fee only amending the ordinance. Commissioner Durange asked if repealing the ordinance would affect the current budget with the answer being that it would create an approximate \$15,000 shortfall. Commissioner Durange then suggested reverting to the original three-tier phase-in plan. Commissioner Doss feels the proper way to handle this problem is to repeal Ordinance 2011-01 and start over because of the confusion that has been created. After consulting Dennis Clower, the Town's attorney, Commissioner Letts amended his motion from repeal back to the original, three-tier phase-in which Commissioner Durange made the second. Boat slip fee phased-in as it was originally presented at the public hearing was approved 3-2. President Gell and Commissioner Doss voted against.
- Planning & Zoning Ordinance Revisions and Town Charter Revisions will require two separate public hearings, then if the Commissioners approve the revisions, they will become part of a revised Charter and P&Z Ordinance. Copies were distributed to the Commissioners in order for discussions to be held at the next meeting with both revision Commissions in attendance.
- A proposal for a user fee to deal with some of the issues at the Town Boat Ramp was introduced for discussion. Commissioner Doss agrees with the fee schedule for registry tags but feels registration and payment should also be made available via the internet-website. He does not like the idea of a contract (1099) employee collecting payment on-site for safety concerns. It was noted that this was an overview of what could possibly work and it is open for suggestions. As there are many details which have to be considered and implemented, the Commissioners need to be thinking about this in order for implementation in 2012. Also suggested was traffic control

with seasonal one-way streets to direct ramp traffic. It is hoped that the registry fee would cover the cost of having a patrol deputy cover this area. Approval was requested from the Commissioners to move forward with charging a user fee for the Town Boat Ramp in order to begin implementation and informing the public. Commissioner Doss made this motion and it was approved 5-0.

- Charlestown has applied for DHCD Bond Loans. One is for Artesian Water emergency interconnect; another is for the 630 Water Street refurbishment and the last would be for the Town Hall Drainage project. It is believed that these will be approved so Charlestown may receive funds totaling \$285,000 with added fees of \$5,799. One loan is for a fifteen year term, the other two are for twenty years. Award notification should be around the 23rd of August. Confirmation is needed in order to know if we should accept loan offers for any or all these projects

It was noted, that, once refurbished the Water Street property would generate rental income. Discussion ensued concerning which projects to consider financing. Commissioner Doss argued that Charlestown has funds in reserve to pay for the Artesian Interconnect. President Gel asked for a motion to pay for the Artesian Interconnect out of the Utility Long Term Savings Fund (municipal funds) which Commissioner Doss then put forth and this was approved 5-0. Discussion continued regarding the 630 Water Street project and loans. Commissioner Durange made the motion to move forward with the Department of Housing and Community Development loans (approximately \$180,000) for the 630 Water Street and the Town Hall Drainage projects. This was approved 4-1 Commissioner Doss disapproved

New Business

- Budget Amendments were submitted for review, and, after explanation and discussion Commissioner Sheets motioned for acceptance; all approved 5-0
- Trash Collection Enforcement Ordinance 2011-04 was presented for explanation and review. It was explained that since the yard waste and bulk removal schedule has changed, some means to enforce adherence is required. Non-compliance would be first addressed with correspondence and then a \$100 (maximum) fine that, if not paid, would result in a lien being placed on the property. Discussion ensued concerning the ramifications of the proposed ordinance and then the dumpster located next to Fairgreen Park which is used by the Fire Company. Apparently the refuse company needs it in that location for access but it was suggested that it be moved to a less visible location. Commissioner Sheets motioned to approve passage of Ordinance 2011-04. This was approved 5-0.
- Joshua Wheeler, Eagle Scout candidate from Troop 348 would like to refurbish the Ice House. Mr. Wheeler presented his proposal for repair and replacement of various items at the site. After discussion and explanation of the requirements of historic restorations, Commissioner Sheets motioned for approval of the Eagle Scout Project to refurbish the Ice House. This passed 5-0.
- It was noted that repairs must be made to floor in the Post Office to reinforce it beneath the area where a large safe is located. Cecil Construction was consulted and they submitted a suggestion to shore up the area in question at a cost of approximately \$1,500.

Commissioner Doss excused himself from the meeting at 8:42 pm.

- In discussing the Pot-Holes in Charlestown it was noted that there are three more areas that also require attention. A sample section of the asphalt from Frederick Street was shown as it is extremely thin.
- Dolly Henry is having a Birthday Open House July 14th starting at 1 pm.
- Commissioner Letts noted the passing of Grace Smith during the past weekend.
- The proposed donations were discussed for the Charlestown Fire Company (\$10,000); the Charlestown Historic District (\$4,500) and for Riverfest (\$8,000). Commissioner Sheets suggested these donations be delayed until it can be determined how the change to the Boat

User Fee will affect the 2011/2012 budget. Commissioner Sheets move to table this item until next meeting and this was approved 4-0.

June Budget Review

June Cash Balance Review shows a cash balance of \$1,091,797.40.

June Accounts Receivable Review – It was noted that several payments have been received since this report. One issue concerns Water Street Properties and the 5% late fees they are being charged. They feel it should be a one-time fee but Charlestown adds an additional 5% late fee (not compounded) with each billing. The question presented is if Charlestown should change its present policy. Commissioner Letts moved that we continue with our present policy on late fees; charging 5% with each monthly billing of late invoices. This was approved 4-0.

June Fuel Reports (Gas-Diesel)

June Maintenance Work Order Review

June Building Permit Review

Commissioner Sheets would like investigate landscaping the Civil War cemetery located on Cecil Street. She asked for the Board's permission to get the work started and to get it done. Commissioner Durange suggested contacting the Elkton Historical Society to see if they can help with this.

President Gell spoke of a Duplication of Services memo that was issued from the County about a 10% per year reduction of payments from the State for duplicate services until it would be phased-out. Nine Maryland counties have a provision which reads that the State "shall" reimburse Towns for duplicate services. The municipalities of Cecil County want to request that Cecil County be moved from "may" category to the "shall" category. President Gell asked for a motion that the Board of Commissioners of Charlestown endorse a request from the MML to seek to change the State law and move Cecil County to the "shall" category for reimbursements. Commissioner Letts made the motion and all approved 4-0.

Period of Public Comment

Gophrey Richardson feels Riverfest should be self-supporting and the Town should only give a token of \$1000-\$2000. He also feels that fining people for putting their trash out early is not going to work and will cause a lot of hard feelings. He understands the Town wants to get the trash under control but the Town has yet to control untagged cars in Charlestown and the trash issue would be much the same.

Prosper Boudart would like to see the "Civil War" cemetery refurbished with a historic sign and fencing. He also understands there is a slave cemetery in Town and would like to see this addressed. Discussion revealed that the location or existence of the "Slave Cemetery" has yet to be confirmed. It was noted that many of the markers were removed to prevent their defacement.

Doris McDaniel asked about the dumpster; who is supposed to use it and why it is in the center of Town. Commissioner Sheets explained that she was told it is for the Fire Company and the location is for easier access. It was suggested to ask if Market Street Café would allow them to put it next to their dumpster. Ursula Boudart suggested removing the dumpster entirely and instead using large trash cans that they can pull in and out of the fire bays. Ms. McDaniel spoke about observing a girl washing her car at the Fire Hall after the publication of the "Water Use Notice" had been issued. President Gell asked that a notice be forwarded to the President of the Fire Company. She also mentioned the drain at her house is working but the cement around the catch basin has cracked.

Judy Calvert asked about reserving the pavilion at Veterans Park and was (mistakenly) told that there is no fee for that area as it is first-come-first-serve. She mentioned a problem on July 3rd at the pavilion because a sign was not posted. She also mentioned an incident at Chesapeake Road on July 3rd between a deputy and a boater using Holloway Beach concerning supposed traffic and road closing in that area. Commissioner Letts would investigate the details for Ms. Calvert.

Commissioner Letts motioned to adjourn, this was approved. The meeting adjourned at 9:17 pm.

Commissioner Sheets then moved to go into Executive Session and this was approved 4-0.

Commissioner Sheets requested dialog with the Town Attorney relating to legal issues and possible litigation concerning the Trinity Woods sewer system and sewer rates.

Town Office Manager and Administrator requested discussion with the Commissioners relating to personnel, staffing and budget implications.

Respectfully submitted by Linda Jackson.