

Town Commissioners' Meeting
Minutes
June 8, 2010, 6:30 pm

The June 8th Town Commissioners' Meeting was called to order at 6:30PM pm by President Robert Gell. Also in attendance were Commissioners Doss, Durange, Letts and Sheets.

The Pledge of Allegiance was led by President Gell.

Accounts Payable report was reviewed and Commissioner Sheets motioned to pay the bills. There being no discussion, the motion was unanimously approved 5-0.

The minutes from the May 25th meeting were reviewed and Commissioner Letts motioned to accept them as written. This was approved 3-0 with two abstentions.

Miller Environmental Report for May 2010 was delivered by Robert Corn. In addition to the usual production numbers and tests, he spoke of leak detections and the repair of a fire hydrant at Charity Court. Further, he presented a letter which addressed a wireless radio system to replace the underground telemetry lines for the well pumps and also to install valves which could isolate both water lines (in and out) at the water tower in order to facilitate repairs and maintenance on those lines.

Charlestown Fire Company President, Tom Bicking, was present to speak for their annual request for funding (\$10,000) for the day-to-day operations of fire company. Mr. Bicking submitted a letter stating the Fire Company's case along with their 2009 income and expense statement. Mention was made of the open house scheduled for June 27th. This issue was remanded for consideration by the Commissioners.

Commissioner Michael Doss spoke of the Lee's Marina lease concerns. Commissioner Doss explained how a parcel #2 (owned by the Town of Charlestown) contract closed a boat ramp on the J.P. Lee property side when Tom Brittingham bought the marina and was then reissued to the North East River Marina side. Several inconsistencies were found. Although he asked that his appeal be heard, Mr. Brittingham, of J.P. Lee Marina, never had the opportunity to appear before the Commissioners. In 1988 the marina changed hands, as per a 1987 agreement parcel #2 should not have been included in any sale, but Mr. Brittingham continued to make lease payments which the Town accepted. Commissioner Doss feels that this would constitute a contract. Mr. Brittingham stated that he would like to have the ramp back since he has been making tax and insurance payments on it for the twenty years since he purchased the marina.

Mr. Brittingham being present, stated that he purchased the marina from Frank Lee with the assumption that the lease was fine. Commissioner Doss feels we need to rectify this situation as it impacts Mr. Brittingham's business. Additionally the wall of a "lift well" by the North East River Marina border has been let to fall into the J.P. Lee side so he is no longer able to work on large boats. In May 2008 Mr. Brittingham had requested a meeting but was never given the opportunity.

Commissioner Letts asked if the current lease was approved by the Board in 2008. Mr. Pumpaly stated that, then President, Steve Vandervort, was already handling it when he became Town Administrator. Commissioner Sheets felt that the board must have approved the lease, but at the direction of the Town Attorney. Commissioner Letts stated that he feels a 30-year lease term is too long and that no lease should be longer than 5 years. President Gell suggested that the Town needs legal advice on this matter. Commissioner Doss asked that all parties be kept apprised of any and all correspondence and documentations.

Commissioner Doss clarified that he found the discrepancies on his own and then approached Mr. Brittingham seeking information. It was decided to gather information concerning this situation and review it with the Town attorney prior to its being brought before the Commissioners for a decision.

Fiscal year 2010-2011 final budget proposal was presented for approval. Commissioner Letts praised the Office Manager, the Town Administrator and the Commission President for their diligent work in developing an understandable, balanced budget. President Gell reviewed the resolution which would officially adopt the budget. Commissioner Letts motioned to adopt the budget Resolution 2010-05 and it was unanimously approved 5-0.

Public Comment

David Hutchison, 103 Edgewater Avenue, spoke about a problem he encountered at the boat ramp on Memorial Day Weekend. As he was trying to launch his boat, children were swimming and jumping into the launch area and were loathe to clear the area when asked. The situation was repeated when he needed to use the ramp to remove his boat. He asked how a repeat of the incidents should be handled. Commissioner Doss said the DNR would be the one to call about issues on the water. Commissioner Gell asked if there were signs posted warning away swimming and diving in the area which was confirmed; he then suggested that the DNR phone number be posted at the park. Mr. Hutchinson also noted that there were seven “jet-ski” water craft beached at Veteran’s Park swimming area. Discussion then ensued about how the Town might charge for the boat ramp and the beach.

Ron Edwards spoke about a large bookcase on the second story of the Cecil House which Danny Armor has expressed an interest in purchasing. It was professionally appraised at about \$650 and is not of any architectural historic value. Mr. Edwards would like to sell it and put the funds into the restoration project. President Gell asked if he had presented this proposal to his board and Mr. Edwards stated that he felt it should be presented to the Town Board first. Commissioner Sheets motioned to authorize disposal of non-architectural assets at the Cecil House. This was approved 5-0. These funds will be considered a contribution to the Cecil House restoration fund.

Chip Muller-Thym, Ursula Boudart and Val Hahn all had comments concerning recent activity at Town Footlog Park and Veterans Park. Mr. Muller-Thym feels the use of these parks is going to become a nightmare and he asked if the parks are being advertised for use by individuals beyond Charlestown. Commissioner Doss noted that we cannot discriminate against anyone coming to our parks. Mr. Muller-Thym noted that a group set up tents and grills and were allegedly smoking marijuana. Additionally, he claimed they were disturbing the peace of the area with their activities. This group apparently had no regard for parking regulations and also left “a bunch of trash” upon leaving.

President Gell noted that if there is a report of drugs the police should be called. Commissioner Doss mentioned that illegal parking should be reported to the police in order to have them towed.

Val Hahn had a problem with members of the group using her raft in front of her home. She had to ask them to leave despite having a sign posted that it is private property. She also noted that they apparently took her mooring float and are seen to be sunbathing on her property. Again, President Gell suggested a call the police to resolve trespassing issues. This suggestion was met with a concern about retaliation. Ursula Boudart next spoke to point out that the incidents at Town Footlog Park are different from the Town’s other parks because of the private homes that border the area. It was suggested that regulation signs be posted in the area and Commissioner Doss wondered who would enforce the rules that the residents want.

Mr. Muller-Thym mentioned that he is concerned about people going onto their private property. Commissioner Durange suggested that we should post signs to show the rules so the residents have backing for any complaints. Commissioner Doss noted that the Sheriff’s Patrol and the courts are

reluctant to enforce local ordinances unless they have been approved by the local and State judiciary. President Gell asked Mr. Muller-Thym and Mrs. Boudart if they would be willing to work on getting our local ordinances recognized by law enforcement and they volunteered to do this.

Commissioner Doss explained that the Town's parks are noted on the Town's web site in order to show the Town's unique features. It was reiterated by the Commissioners that local ordinances are virtually impossible to enforce but illegal activity (trespass, narcotics, disturbing the peace, blocking rights of way) will be enforced by the Sheriff's Patrol. A short discussion ensued concerning the process to be followed for the possible establishment of a police department for Charlestown. Mrs. Boudart suggested the area needs to have "No Parking" signs posted. Commissioner Doss and Letts would request more foot patrols of Town Footlog Park, especially on weekends.

Town Administrators Report

Old Business

- Sewer Credit for Water Leaks – A Draft Resolution
This concerns user water leaks which do not impact the sewer system. Mr. Pumpaly indicated there is a resolution that addresses sewer credits for blue poly pipe leaks, but we haven't moved beyond that. This resolution hopes to make the sewer credit process easier to understand and to encompass all types of leaks. Mr. Pumpaly asked the commissioners to review the resolution and give comments. Emily Fletcher noted that the County must give us authorization in order to issue sewer credit on non-blue poly pipe issues.
- Slip Encroachment Lease – NorthEast River Marina
At the previous Town meeting a NERM principle came to explain why \$1000 was paid and not \$1400 the Town was expecting; unfortunately the explanation was not clear. Since their lease is now expired, Mr Pumpaly is moving to prepare the new 3 year lease agreement. He is changing it to indicate rental terms and that the rent shall be 10% of the annual slip fee but shall be no less than \$1000 per year per slip. There were 10 encroached slips originally but we need to make sure of this number prior to writing a new lease. Commissioner Doss mentioned that we should not do anything until the issue with Lees Marina has been resolved. Mr. Pumpaly requested guidance as how and when to proceed.
- \$50,000 Waterway Improvement Fund Grant -
Conversations were conducted with MDE to discuss allowable uses for the grant. Most situations require matching funds. One use for this grant would be replacing all of the top-side wood of the town pier, boat ramp walkway and fishing pier. An estimate Mr. Pumpaly received indicated that we could do all three projects within the grant amount.
Mr. Pumpaly asked that the Commissioners consider the request and permit him to move forward with using the grant money. President Gell asked to see the submitted quotes and also about considering composition decking. It was revealed that this material would send the estimates considerably beyond the grant amount. Mr. Pumpaly asked for approval move ahead on this and to bear in mind that we are applying for another grant next year. Commissioner Letts motioned to approve using this grant money as stated above. This was unanimously approved 5-0.

New Business

- May Budget Review – Wib Pumpaly and Emily Fletcher will make some recommendations to help make the budget easier to understand. It was noted that moving funds from long term savings only once a year makes the budget confusing. It is proposed to move funds more frequently, as required, to give more accurate figures. President Gell commented on the need to

know the state of the budget in order to better deal with unexpected expenses. Additionally, it is proposed to try to balance the budget on a monthly basis.

- May Cash Balance was briefly reviewed.
- May Accounts Receivable was reviewed with Water Street Properties LLC being a concern at this point.
- May Fuel Report was reviewed.
- May Maintenance Work Orders were reviewed.
- May Building Permit of the 11 building permits, only one is for a single family home so revenue is down in this area.
- Horizon Services – Heating/AC Annual Service Contract – Because of a recent problem with system, we would like to propose obtaining a service agreement. It would be most economical as an annual deduction from the Town credit card. Commissioner Sheets motioned to get the service agreement for \$162 annually. This was unanimously approved 5-0. A brief discussion occurred concerning upcoming heating oil and gasoline contract renewals. It was suggested that the Town Administrator check with the County to see if Charlestown could piggy-back on their contracts to get a better price.
- Repairs to Flagpole Lighting – Bradley Electric – After briefly explaining why the flagpole needs these repairs, Mr. Pumpaly asked to consider having Bradley Electric, as the original installer, repair the wiring and lighting for \$2,150. Our maintenance staff would repair the crow's nest, install a chicken wire deterrent and re-paint the pole. It was noted that an insurance claim is being submitted to LGIT on this repair. Commissioner Letts made motion to have Bradley Electric repair the flagpole with all approving 5-0.
- Repair Blacktop at Town Hall / Replace Concrete Curb and Blacktop at Charity Court Fire Hydrant – McGuirk Construction – An estimate for \$1,265 for both jobs was presented and Commissioner Doss moved to accept the proposal. This passed unanimously 5-0.
- 8 Louisa Partners Settlement – When 8 Louisa Partners purchased Avalon Marina, in the Town's view, it had ceased to be a marina and the Town cancelled an easement which was contingent upon the area being an active marina. 8 Louisa Partners elected to take us to task for cancelling this easement. Recently, the Town's attorney received word from 8 Louisa Partners and they submitted their offer to lease the land from us. Upon reviewing 8 Louisa Partners' lease offer Mr. Pumpaly recommends the lease term be reduced to 5 or even 3 years and that the Town, as well as 8 Louisa Partners, should be able terminate lease. Mr. Pumpaly asked the Commissioners to review the lease.
The Avalon property includes a 17-foot strip running along the east side of the existing bulkhead. The marina can operate with only this strip of land. The west side, 25-foot wide strip, the easement land, could provide a parking area. Mr. Pumpaly is requesting input from the Commissioners in order to compose a counter offer. There was discussion of the need for a 30-foot wide fire lane to access the proposed boat slips. It was hoped to gather ideas relating to this lease for presentation to the Town attorney.
- Town Boat Slips – An overview of Charlestown's slip fees since 1996 was presented. Also presented for consideration were user fees for launching and being placed on a slip "wait list;" a tax on all slips and storage of boats (Havre de Grace Ordinance # 765 of 10/01/1992) plus examples of fees charged by other Cecil county towns. President Gell learned that there are around 500 slips in Charlestown. It was noted that Port Deposit is hoping to institute the same

tax as Havre de Grace. It was also noted that the towns that have daily charges imposed for services, all have a police force to control enforcement. Mr. Pumpaly feels this is something to which we should give some thought.

Mr. Pumpaly would like to extend the blacktop on Water Street as it is deteriorating from the boat ramp to Lot A. Commissioner Doss said we need to consider repairs to Louisa Lane first. Mr. Pumpaly is proposing to diagonally stripe the street-side area in front of Charlestown Marina to provide additional automobile parking for Veteran's Park, Lot A. He has asked McGuirk Construction to provide price for this work if the Commissioners approve. He is also requested that Riverfest not mark the streets with permanent paint for their event.

Commissioner Doss spoke about the issue with Veteran's Park and Mr. Price's marina. His clients are using the Park as a dog station with no thought of clean up. Commissioner Doss suggested the Town send a strongly worded, registered letter to Mr. Price to take care of this problem or the Town will. The solution may be to fence the property line.

Commissioner Sheets motioned to adjourn, all agreed and the meeting adjourned at 8:46 PM.