

Town Commissioners' Meeting Minutes
March 8, 2011, 6:30 pm

The meeting was called to order at 6:30 pm by President Robert Gell. All present were Commissioners Michael Doss, Mary Carol Durange, Joseph Letts and Donna Sheets.

The Pledge of Allegiance was led by Ryleigh Johnson.

The Accounts Payable report was reviewed with Commissioner Sheets making the motion to pay the bills and all approving 5-0.

The minutes from the February 22 meeting were reviewed. Commissioner Sheets moved to accept them as written. This passed 4-0 with 1 abstention.

Sgt. Ronald Schmidt delivered the Sheriff's Report for February 2011. It was noted that all 24 scheduled shifts totaling 96 hours were covered. He further reviewed patrol activities during the month.

Robert Corn, of Miller Environmental, Inc. presented his company's report on water treatment and other services rendered during February. It was noted that the average parts per million of chlorine in Charlestown's drinking water is about 1 part per million.

A request to move Charlestown savings accounts from MLGIP to MMA since the MMA accounts are getting higher interest returns was discussed and Commissioner Sheets made the motion to move all but \$1000 from each MLGLIP account to MMA accounts. This was approved 5-0.

President Gell introduced the Charlestown's new attorney, Dennis S. Clower, Esq. It was mentioned that the Commissioners would like to bring him up to speed on some ongoing cases concerning Charlestown.

- C-Dock – Having met with Mr. Pumpaly on 3/4/11 for a briefing on the case, Mr. Clower has not had a chance to review all of the documents, but will be prepared for the May 6th conference. The hope is that a settlement can be reached before the subsequent court date. It was noted that the court case right now is the liability concerning the hazard of the wires, roof and other structures attached to the Town's pilings. Further discussion revealed that in recent past correspondence from the Charlestown Marina LLC's representatives seemed to indicate acceptance of Charlestown's proposal to indenture the pilings to the LLC but later correspondence negated this acceptance on the basis that they are involved in Charlestown's lease of C-Dock to the Wellwood Marina.
- Clarification was requested of Resolution 2008-01 regarding requiring a bid process for contracts over \$10,000. The question involved the possible need to negotiate professional services such as auditing. Mr. Clower reviewed the history of the law and the Resolution changing the Charter. The Resolution changed the Charter in order to raise the dollar amount required before bidding out. It was noted that professional services are generally excluded from the bidding process. Commissioner Letts requested this in writing.
- Commissioner Sheets explained the history of the Trinity Woods Sewer annexation and she feels the sewer system should have been taken over by the Town. The County has denied their claim that they should have been included in Charlestown's rate system upon completion of the annexation as apparently was indicated by a 1993 document from which Commissioner Sheets read. Mr. Clower said on the face of it he agrees but will need some time to look into the history and the sequence of the subdivision's development. Commissioner Sheets wants to know why this has not been resolved after all these years.

President Gell noted that in the past the Zoning Board and Historic Commission have had their meetings the same night. This arrangement could conceivably delay building permits within the Historic District for a month. He mentioned that recently the Planning & Zoning Board agreed change their meeting to the

Thursday after the Historic Commission's Tuesday meeting allowing a permit applicant to be cleared by the Historic Commission prior to the P&Z meeting.

Also mentioned were items involving the Town Administrator being asked to contact outside agencies by any Commissioner. Apparently it is felt that the Board should be contacted before having the Town Administrator make an outside contact. Commissioner Doss asked the Town Attorney for an opinion on the issue as it relates to authority to take action. It was noted that allowing Commissioners to issue individual orders to the Town Administrator can be confusing and nonproductive; also if a situation were so dire as to require immediate action, the entire Board needs to be notified. Commissioners Durange and Sheets feel this is simply an easily remedied communication issue.

Town Administrator's Report

Old Business

- The Commissioners were requested to turn in their budget request work sheets so the input can be included in the third draft budget and a Commissioner Work session can be scheduled.

New Business

- Maryland Historical Trust Grant request has been complied by Stanley Hearne seeking a non-capital grant for \$5,000. Charlestown would have to commit 50% (\$2,500) of the \$5,000 in order to qualify for this grant. Resolution 2011-01 would signify Charlestown's agreement. Commissioner Doss and Letts noted that it was voted to put Cecil House on hold. It was noted that the grant has to be used by July 1, 2012. Commissioner Durange made the motion to continue with the grant application and it was approved 3-2.
- February Budget Review
- February Cash Balance Review
- February Accounts Receivable Review
- February Fuel Reports (Gas – Diesel)
- February Maintenance Work Order Review
- February Building Permit Review

Wib Pumpaly reported on the request from the last meeting about the One-Call system. The system would cost \$3,000 per year. Discussion ensued concerning the systems options and benefits. No action was taken.

It was reported that a part on the plow may have not been tightened and came off of the plow. The dealer has ordered and will replace the part at no charge.

Commissioner Letts is requested a copy of tonight's Town Meeting tape.

Period of Public Comment

Any resident who wishes to comment on this proceeding, or who may have comments for the good of the Town of Charlestown, may offer their comments to the Commissioners for a period of not to exceed (5) five minutes. All residents offering comments must first sign the "Public Comment Speaker" roster.

Dennis Taylor commented on public disagreements of the Board. He said that the airing in public could have been resolved with a few phone calls. He said it seems like the communication among the Board leaves a lot to be desired.

Gary Woods commented on the Open Meetings Act. This "Act" discourages discussion amongst Commissioners outside of meetings making it difficult for Commissioners to communicate. In his experience (with serving on councils in New Mexico), any time a Town makes a statement, it has to be

first approved by the entire Board. Individual Board members may request action be taken to rectify individual situations but if this were to involve the Town then the action must get Board approval.

Gloria Woods noted the Commissioners were all elected by the Town and supposedly well liked. Her experience has been that there is nothing worse than sitting on a Board and being uninformed about what is going on. She feels it is the Commissioner's responsibility to contact their fellow Commissioners with information on events; and with modern communication i.e.: cell phones and e-mail, there is no excuse for not forwarding information. Discussion ensued about when it is appropriate to communicate through Town staff instead of through each Commissioner.

The difficulty associated with Commissioner's being able to return communications to reach decisions (work and travel issues) was noted; as was the fact that decisions could be made by a majority (3) of the Board. It was mentioned once more that unless there were a rare dire emergency, e-mail communications could be sent out and decisions could wait for the regular Commissioner meetings.

A resident from Trinity Woods asked about the responsibility for the cutting along the Amtrak line. She was told that neither Charlestown nor the County are responsible for the cutting or clean up. She also expressed appreciation for the guard rail installation along Route 7.

Commissioner Sheets motioned to adjourn and the meeting adjourned at 7:49 pm.

Submitted by Linda Jackson