

Town Commissioners' Meeting Minutes
May 8, 2012, 7:00 pm

Meeting was called to order at 7:00pm by President Dr. Robert Gell. Commissioners Robert Gell, Mary Carol Durange, Kenneth Confalone, Joseph Letts, and Renee Capano were in attendance.

The Pledge of Allegiance was led by Ryleigh Johnson.

Approval of Minutes – The minutes from the April 24th, 2012 meeting were approved. Commissioner Confalone motioned to approve the minutes as they are written. This was approved, 4-0 with 1 abstention by Commissioner Gell.

Accounts Payable Review - The Accounts Payable report that was provided to the Commissioners was reviewed. Commissioner Capano questioned the invoice for URS if it was for the Lambdin annexation. Mr. Pumpaly explained this is paid by us then we bill Lambdin. Commissioner Confalone motioned to pay the bills per the Accounts Payable report. This was approved, 5-0.

Miller Environmental Report – Robert Corn reported on monthly water treatment activities. He also reported that DJ's Services is continuing work on the telemetry lines for the water tower. He said the preliminary work is in, but has some final work to complete.

Sheriff's Report – April 2012 – Sgt. Ron Schmidt – No report. Sgt. Schmidt is awaiting reports from some of his officers.

Charlestown Comprehensive Plan – Commissioner Confalone – The current plan was done August 2008. One thing the plan did, was lay out the recommendations for the future. He wants to make sure we are on track with the plans. He said that this plan should be updated periodically – usually every five years. He is looking at the capitalization budget and capital improvement budget. He feels it is time for the document to be updated. He said this is done through a citizen's advisory panel guided by the board of Commissioners. Commissioners asked that the 2008 plan be scanned and placed on the website.

Land Acquisition Questions – Prosper & Ursula Boudart – Ursula Boudart spoke regarding the 12' alley located between the two lots owned by the Boudart's. They have located the heir who purchased this alley. The Boudart's would like to purchase this "alley". She said some problems have developed because of this piece of land being defined as an "alley". This makes it appear that the Town possibly could have claim to ownership. Mrs. Boudart researched back to see if there was any ownership by the Town and has found none. Her attorney advised her to request that the board sign a quit-claim deed indicating that the Town does not have any ownership of the alley they are looking to purchase. Commissioner Gell asked if they would subdivide the property if they were to sell their vacant lot. Mrs. Boudart said they are combining this lot with their existing property. Mr. Pumpaly presented information from the 1742 map of the Town. He has also provided the Boudart's with a sample quit-claim deed. Commissioner Capano motioned to provide a quit-claim. This was approved, 5-0.

FY 2013 Budget Review – Emily Fletcher – Emily Fletcher first discussed the correction to budget amendment #7, which was an error in the account numbers regarding the vehicle reimbursement. The number 422 should have been 442. In addition, the amount for Transfer in from LT savings-general fund was off by \$1.00. She then presented Budget Draft #6 with the changes made as requested from the previous meeting which included the increase in administration and trash due to the Fund Balance and

trash contracts coming in higher than anticipated. She also indicated that an additional \$4,000.00 was added to the Special Revenue-Streets Fund for the Water Implementation program. Mr. Pumpaly was informed that cost would be involved in this program in the upcoming fiscal year. In addition to these changes, Mrs. Fletcher presented three additional budget scenarios in response to the Commissioners request to create separate capital budget for the capitalization of water and sewer hook-up fees. She explained the first option would utilize the current budget as-is and only capitalize the portion of the hook-up fees that will be used toward capital projects in the upcoming fiscal year. The second option would fully capitalize the hook-up fees, but would require an additional \$71,644 to be taken out of long-term savings from the General Fund. The third option, which she said she felt was the best option, would allow the budget to remain as-is, but reserves and transfers the funds already held in Utility long-term savings to be used for capital projects. She asked the board to review each scenario and decide on which option they wish to proceed with prior to the next Town Commissioner meeting as the budget has to be approved in the next meeting. Mrs. Fletcher then went over the current amounts in each of the Utility Fund savings accounts and asked the board if they would like her to go ahead and open the new MLGIP account for the Utility fund in order to set up the capital budget accounts. The Commissioners approved opening the MLGIP-Utility Account.

Town Administrator's Report

Old Business

- **Water/Sewer Rates Commercial Accounts (Immediate)** – Mr. Pumpaly presented the letter to be mailed to the commercial accounts in regard to the increase. The Town never raised water/sewer rates since 2005 to the residential and commercial accounts. Last year the increase was approved for the residential rates effective July 1, 2011 to be made on the third quarter billing. The Town needs to make sure that from this point on, the commercial accounts are paying the same increase as the residential accounts. Mr. Pumpaly reviewed the major repairs, upgrades and planned capital projects for the water system. Mr. Pumpaly said if Board is ok with letter, he would like to get them out to get the increase into effect with the next upcoming billing. Commissioner Gell asked if he is asking them to approve the letter and the increases. Commissioner Capano asked about the difference in the rates for the restaurants. Commissioner Confalone said Mr. Pumpaly worked to fully make the explanation about what rates are paid by each entity. He said in the end we need to have the customer pay what the County is charging us. He explained that the sewer is nothing but a pass-through rate on what the County is charging us. He said it is important to note that residents are getting a discounted rate from the County of 25%. A couple marina owners argued that they are paying sewer during winter months so they are paying extra. Commissioner Confalone said that is an expense you have to realize as a business owner. He further explained that he has a guest house that he pays the minimum on, even though it is not occupied year-round so he too pays extra. He further explained that with the current growth rate, it is projected that the Town will need a second water tower by 2025. Commissioner Gell said he would like to approve what Mr. Pumpaly has presented. He would like to have further research on how the commercial rates are determined. Commissioner Letts motioned to approve sending the letter out and approving the commercial increase. This was approved 5-0.
- **Resolution 2012-01 FY2013 Proposed Increase** – Mr. Pumpaly presented a draft of Resolution 2012-01 to the Commissioners. The Commissioners then discussed the need for a Public Hearing regarding this Resolution.
- **Public Hearing Proposal – Sewer Rate Increase** – Mr. Pumpaly further explained Resolution 2012-01. He went over the next increase that the County posed last year. He reviewed the

information presented at the last meeting showing the gap between what the Town is currently charging for sewer and the recent sewer increases implemented by the County. Mr. Pumpaly suggested holding a public hearing. He presented the proposed public notice for a hearing to be held on the 21st of May. He asked for a motion to have a public hearing regarding the sewer increases. The commissioners said they already made the motion. Commissioner Confalone said it was a motion to move forward with looking into increasing the sewer rates. Commissioner Confalone motioned to hold the public hearing and table the resolution until after the public hearing. This was approved, 5-0.

- **Bay Restoration Fee Increase** – Also, Mr. Pumpaly received notification from the County regarding the increase in Bay Restoration fee that is to start July 1, 2012. He indicated that this does not have to go to public hearing to be put into effect as it is a State mandate.

Commissioner Gell asked Diane Letts to present the results of the mayoral race in Perryville. Mayor James Eberhardt won and will remain as Mayor of Perryville.

- **DHDC Infrastructure Loans Up-date** – Mr. Pumpaly reported that the loan has been approved. The savings that the Town will experience in the refinance of the current bond is \$93,516.77. Mr. Pumpaly also said that he also spoke to Charles Day regarding the funds approved for the drainage project. If there are funds left over, there is provision to use the funds in other projects.
- **Trinity Woods/Charlestown Manor Sewer Issue Up-date** – Mr. Pumpaly said there was a letter sent to Vicky Rinkerman of the County in regard to bringing their rates in line with Town Sewer rates. He has no further information on the results of this letter. Commissioner Confalone said that they made their deal with the County when they bought their homes and they are paying the extra on the infrastructure for the sewer. Commissioner Gell explained that there is a document that says that the sewer was supposed to be transferred over to the Town upon annexation, but for some reason, this was not done. Commissioner Confalone said his fear is that if they stir it up, the County will turn around and place a bill on the residents of Trinity Woods and Charlestown Manor for the upgrades to the infrastructure. Further discussion ensued regarding the legal concerns of this pursuit. Commissioner Gell said the question was asked if there was any merit in getting the Town involved on the side of Trinity Woods and this is why the Town attorney was involved in this case.
- **Ice House Plaque**- Mr. Pumpaly said this was discussed, but a motion was not made on it, so he asked Becky and Robert Phillips to come in to discuss it. Rebecca Phillips reviewed the wording that she would like on the sign that was presented to the Commissioners. She is asking for a motion to approve the wording on the sign. She indicated that the Historic Commission has already approved this sign. Robert Phillips said all they are asking for is permission to place the sign on a Town building. Commissioner Gell asked for a copy of the Historic commission minutes showing their approval of the sign. Commissioner Letts said there was an approval last year for a sign. Commissioner Durange said there was a problem with the approval of the wording. Mrs. Phillips said she would like to place it on the building facing the Water Street side. Commissioner Durange motioned to accept the plaque wording as written. This was approved, 5-0. Mrs. Phillips said it will be dedicated on July 15, 2012. Emily Fletcher questioned if the park has been reserved. She looked and it appeared it had not. Emily completed a Park Reservation Form for Mrs. Phillips and Mrs. Phillips signed it.
- **License Agreement (Garage) – Claudia Grace Patterson** – Mr. Pumpaly presented a License Agreement that was jointly written by himself and the Town Attorney. Mr. Pumpaly indicated that the License Agreement would be provided on the Town Attorney's letterhead to Mrs. Patterson. The Commissioners agreed that Mr. Pumpaly should move forward with presenting the License Agreement to Mrs. Patterson.

New Business

- **April Budget Review** – Mr. Pumpaly presented the April Budget Review for the Commissioners.
- **April Cash Balance Review** – Mr. Pumpaly reviewed the April Cash Balance Review with the Commissioners.
- **April Accounts Receivable Review** – Mr. Pumpaly reviewed accounts receivable. He asked Emily Fletcher to explain the issue with the aging. Emily explained that Fund Balance does not properly age Accounts Receivable and shows invoices current which are in fact 1-30 days past due.
- **April Fuel Report Review** – The April Fuel Report was provided to the Commissioners for their review.
- **April Maintenance Work Order Review** – The April Maintenance Work Order Review was presented to the Commissioners for their review.
- **April Building Permit Review** – Fewer building permits this month. A little concerning as Cool Springs has slowed down considerably.
- **Long Point Erosion Control Project** – Mr. Pumpaly explained that if he is able to come out of the Town Hall drainage project with extra funds he would like to use the funds to take care of the erosion at Long Point. He spoke with a contractor who had offered rip rap for free and will place it for free. Mr. Pumpaly is concerned that rip rap is too large and wouldn't work. He is speaking with several people regarding this project to see if it is feasible. He just wanted to make the board aware of it and he would like to continue working on it. He said he is still looking to see if they can use the free rip rap.

Commissioner Capano received an email from the state saying the new ethics needs to be complete for the ethics board. Mr. Pumpaly said Commissioner Confalone has been working on that for over a year now. Commissioner Confalone said the Town has applied for a waiver. He said if the Town was not approved for a waiver, someone from the ethics board should have been notified. Commissioner Capano wanted to know the status. Mr. Pumpaly said he has not seen the email. Commissioner Capano said she would forward the email to Mr. Pumpaly. Commissioner Confalone said Charlestown has the status of being the first to respond to the application for a waiver. As far as he knows we were approved. He said we would be notified if we were not approved. Commissioner Capano also said, when pulling out of Ogle Street the grass is extremely tall on the vacant lot on the corner and is a hazard pulling out. Commissioner Letts said he and Mr. Pumpaly talked about it this morning.

- **Period of Public Comment**

Gophery Richardson – Mr. Richardson questioned if the Town has an obligation to see that all leases are enforced. He said letting some slide and enforcing others shows disrespect for the system. He said for one thing the leases offset the property taxes. He wants to know why the Town would spend a considerable amount on a project they are leasing then let them default on the lease. He feels the Town should enforce the lease and ask the tenant to leave if they cannot pay their lease. Mr. Richardson then expressed that the town has an obligation to enforce the lease.

Rebecca Phillips – invited all present to attend the July 15th dedication.

Dennis Taylor – funds have been transferred to cover legal fees. Because funds have been transferred to cover legal fees, Mr. Taylor expressed that he would like to know how much has been spent on legal fees. He said that the legal fees could have been used to do other projects. Commissioner Durange said that we were sued not us suing someone.

Ursula Boudart – Mrs. Boudart questioned about the County's raising of the sewer rates. She wants to know if they give notice. Mr. Pumpaly said they put the public notice in the newspaper and that is it. He explained that we knew that it was coming, but didn't increase it. She said our problem doesn't lie with the rate; the problem lies with the minimum amount. We will never catch up with having a 15,000 gallon minimum.

President Gell adjourned the meeting without a motion.

The meeting adjourned at 8:35pm.

Respectfully submitted by Christina Jackson; Town Clerk.