

TOWN COMMISSIONER'S MEETING MINUTES

April 13, 2021 7:00 PM

The meeting was called to order by President, Jeff Fields at 7:04 PM by Zoom. Those in attendance were Commissioners Jeff Fields, Karl Fockler, Jack Kronner, Lou Wood and Curtis Elmer. Also in attendance to facilitate the meeting were Office Manager, Janine Antoshak, Town Clerk, Debbie Myers, Code Enforcement Officer, Bryan Lightner, and Sheriff's Dept. Representative, Lt. Shawn Mahan, Miller Environmental Representative, Josh Griffith, residents: Renee Capano, Tina Marie, Kimberlee Lloyd Justison, Richard Mahan, Ursula and Prosper Boudart, Felicia Kennedy, Doreen Moran, Karen Varady, Joe Letts, Suzanne Fockler, Trey Giraldi,

The Pledge of Allegiance was led by Commissioner Wood.

Approval of the Minutes. Commissioner Kronner moved to approve the minutes of March 23, 2021, seconded by Commissioner Wood. Approved 4-0.

Accounts Payable in the amount of \$110,429.18 were presented for approval. Commissioner Kronner moved to approve, seconded by Commissioner Wood. Approved 5-0.

Commissioner Wood moved to accept the resolution to send to the county for the property tax rate of .3334, seconded by Commissioner Kronner. Approved 5-0.

Miller Environmental February Report - Mr. Josh Griffith submitted the following in a written report and was on hand by zoom to answer questions. A total of 2,869,000 gallons of water was produced with an average daily production of 93,000 gallons. No submitted samples tested positive for coliform. Weekly housekeeping and weekly and monthly maintenance were performed. In addition, 38 Miss Utilities were completed, 1st quarter meter reads were completed, tested and ensured adequate a water quality of the temporary storage tanks at the water tower prior to the storage tank supply trial, conducted lead operations as necessary during temporary storage tank start up, recommended having the tower painting contractor paint the pipes inside the tower's lab area, ordered extra chemicals which should prevent any deliveries during the tower's paint project, leak check performed for 405 Caroline, lead found and reported to the town, leak check performed for 316 Ogle Street, no leaks detected, monthly operations report was sent to MDE. Daily pH and chlorine tests were performed and chemical feed pumps were adjusted as necessary to maintain optimal pH and chlorine parameters. Chemicals were mixed daily to maintain adequate levels for chemical feed with buffer time for fire safety. The chemical inventory was maintained. Daily tests were recorded in the WTF logbook. Monthly samples were collected and sent to certified lab for testing per state requirements. All data sheets for chemical usage, equipment runtime, pH calibration, and routine checklists were utilized and filed. The WTF Maintenance schedule was followed. Trained with the town to read radio meters. Mr. Griffith has gotten a quote of \$4500.00 for a backup well pump and \$12,300 for the redevelopment of Well #3. Miller Environmental recommends A C Schulties. Mr. Griffith anticipates having to drain off 50,000 to 100,000 gallons when the tower gets down and we will need to switch to the portable tanks. President Fields asked that the Fire Company be notified. Commissioner Kronner asked that we rent a portable pump. Commissioner Elmer stated that the Fire Company is prepared and has their own pumps.

Cecil Co. Sheriff's February Report -Lt. Mahan was in attendance by zoom and a written report was submitted showing in March 2021 10 shifts were approved for a total of 40 hours. Of that number 40 hours were covered. There were two calls for service and no out of town assists. There were 49 property checks made. There were 23 community contacts. There were 2 traffic citations (1 radar and 1 non radar) and 6 (3 radar and 3 non-radar) warnings issued. There were no repair orders issued. No criminal summons were served and one adult arrest was made due to a traffic citation. Lt Mahan has sent to Commissioner Fockler the information

about the ongoing noise complaints at 207 Black Avenue. He is encouraged to hear that Commissioner Wood is the police commissioner. Commissioner Wood had put into the packet of material issued earlier a sample of the log in sheet which the Sheriff's Department will use as the start and finish their shifts. Ms. Antoshak will give to Lt Mahan a code for the door lock. He will pass that information to the deputies.

Code Enforcement Monthly Review – Bryan Lightner . a written report was submitted showing his monthly review. 619 Bladen Street, issued citation/fine, working with property owner to abate; 423 Chesapeake Road, issued citation/fine, Town attorney filed injunction, waiting for District Court date (we have a tentative date of June 22 at 8:45 AM; 207 Black Avenue, conducted inspection, sent letter, attorney sent letter; consider ordinance update; 1227 W. Old Philadelphia Road, (Trinity Woods Stormwater issue) conducted inspection, located stormwater plans, potential grant opportunity?; 139 Saratoga Court, conducted inspection, sent letter, will post second notice, consider towing; 415 Chesapeake Road, untagged vehicle, conducted inspection, sent letter, will post second notice, consider towing.

Noise ordinance update The proposed code language has been submitted to the Commissioners for review and comment. The cost of a Class 2 sound level meter ranges from \$50 to \$500. While Class 1 sound level meters are more accurate, the cost is higher, typically closer to \$1,000. Class 2 should suffice for our purposes. The cost of a training course to use a sound level meter is around \$400. In regards to annual certification of the sound level meter, a calibrator can be purchased for \$200 to help correct any sensor drift over time, and a calibration certificate would cost \$200 each year. We could also consider renting the equipment on an as-needed basis from local safety supply companies. The Commissioners feel it might be more cost effective to rent or to partner with someone who has the equipment and the training who we might reimburse. Mr. Lightner will send to the Commissioners the wording for the Noise Ordinance.

Egg Stand at 22 Carpenter's Point Road. It appears to be setback from the road but does not seem to have any parking. The Commissioners have given the OK to send a letter to cease and desist as the location is dangerous.

Avalon Park Kayak Launch – Consistency Report to Critical Area Commission for the beach location has been approved, MDE says no permit is required, just waiting on letter from DNR Wildlife and Heritage Service about possible sensitive species. Commissioner Wood asked how long it would be before we hear back from them as we have a work day clean up planned for April 24.

Parking Lot – The proposed 10,000 square foot gravel pad will require a County grading permit, and Town-approved erosion and sediment control and stormwater management plans. In order to satisfy the 10% nutrient reduction requirement inside the Critical Area, some type of stormwater management facility will need to be installed, such as a bio-swale. Will need to collaborate with Town Engineer for approval. It might be wise to include both parcels (upper and lower) at the same time. Commissioner Kronner might have some other ideas. Chris Rogers of AECOM was asked if he had any ideas for the area. He has been thinking about the requirements for stormwater management and keeping us in line with the rules for stormwater management with the Town's guidelines and the state. Mr. Rogers thinks that there is grading that needs to be put down before paving or stone work.

Maintenance Report - We welcomed new employee Eric, Bathroom at Veterans Park are open, Cut grass for the First time this year, Removed Ice Eaters – 2 missing would like to have 7 more thermostats for town dock, Revisited water runoff next to Athletic Complex and Cecil Street, Installed lock at Charlestown Marina for water meter, We painted garage doors on the two bay shop, Addressed two sink holes Grace Avenue and Manor Avenue, Two pot holes filled Frederick Street and Ogle Street, Cut back ornamental grass at Avalon Park, Park bench is put together, need OK to proceed due to color and location, Reorganized parking lot for construction and made more parking spaces with 57 stone,

Cleared area for salt barn, Help with the water tank process and placement, Daily process of the scaffolding receiving and stages, Help with the Salt Barn process and completion, Fix gates entrance and exiting, being hit with fork lift, Unclog storm drain at Cecil Street and Veterans cemetery and Frederick and Water Streets. Upcoming projects include: Install lights on Water Street, No swimming sign at boat ramp, Asked about Town water pumps, if failed how long would it take to get one, 3 to 4 days. The weekend of April 10th, 11th will be a trial run for the water tanks. Asked the contractor if problem with their system could they show Town Maintenance how to turn tower back on. Contractor said we could have someone there in 2 to 3 hours to turn tower back on.

Maintenance Request for inspection of fire suppression system on C Dock The maintenance staff would like permission to seek an inspection of the fire suppression system on CDock. If it has leaks they would be hard to detect as the water would flow right into the river. Commissioner Kronner asked that we get someone to inspect the system. Commissioner Elmer will ask his contact plumber (Timmy) to take a look.

Maintenance suggestion of a security system for the maintenance complex. With the way things are today in the world and the ongoing construction and equipment stored at the complex, the staff feels a camera system might be prudent. Mr. Willard would like to see a motion sensor camera from 6PM to 7AM. Commissioner Elmer will look into this. Mr. Willard would like to see a locking system on the wells. Commissioner Kronner thinks that Mr. Griffith might have an idea of what might be available. Mr. Willard will talk with Mr. Griffith and was also thinking about a small building around it.

Mr. Willard wonders if we could have an agreement with Artesian Water in case of a problem to use as a backup. This was an idea around 2010 which was approved but never acted on. We will get the minutes together to revisit this. Commissioner Fockler stated that it is certainly worth exploring. He also thinks that we should get a security system at that boat ramp. Commissioner Wood would like to take it one step further and the Avalon area to be added. Commissioner Kronner stated that bundling might save us money.

If we have an electric failure, do we have back ups for the pumps. No we do not. Mr. Chris Rogers stated that the tank with its pressure would be sufficient to last us for approximately four days.

They will continue to drag the baseball field until it looks good.

Announcement of the retirement of Town Administrator Wib Pumpaly as of March 26, 2021.

Appointment of Search Committee for Town Administrator – President Fields announced the Search Committee as Commissioner Lou Wood, Chair; Commissioner Fockler, Ken Confalone, Chair of Planning and Zoning and Debbie Myers, Town Clerk.

OLD BUSINESS

Water Tower Painting Project Update Mr. DeClerck sent in the following written update

Work Completed and/or In-Progress:

- A: The contractor has completed equipment set-up and mobilization
- B: The temporary water system/tankers/piping have been installed, filled, pressure tested and water quality analyzed - Everything appears to be operating fine - The temporary system has been up and running fulltime since 1 PM on Monday 4/5/21 with no apparent problems
- C: Elevated tank started draining on 4/12/21 at about 10 AM
- D: Contractor has cleaned the interior dry chamber above the condensate ceiling, spot primed rusted locations and is proceeding with the remaining 3 spot applications of paint (light blue,

tan and white finish)

- E. Scaffolding the exterior of the tank is in progress

Next 2 weeks:

1. Complete interior dry chamber spot painting above the condensate ceiling
2. Start interior wet chamber cleaning and painting
3. Continue with exterior scaffolding

NOTE:

Contractor is working on getting up charge pricing for additional LOGO wording - *Historic* - To be placed in script type above CHARLESTOWN

Josh (Miller Environmental) is in the process of researching pricing for a new back-up well pump in case existing pump has problems

Completion Time:

It is a little early to get a good handle on an estimated completion date, but work appears to be pretty much where we had thought it would be in mid-April- If weather cooperates, it looks like work should be wrapping up sometime the latter part of June - A better idea of completion time will be provided at your 1st meeting in May

Tower Point Lease Negotiation Mr. David Beste was present to help guide the Commissioners in this decision. TowerPoint has split their offer into two parts (AT&T \$645,000 and Verizon \$355,000). This is basically because of the 60-day notice clause in the AT & T lease. The red line easement agreements were also included for discussion. The easement would be filed with Land Records. When looking at the easement language in item #2 what would the use be? The language gives Mr. Beste pause on what the usage could be. Also Exhibit #C does not identify the meets and bounds of the easement. Long story short TowerPoint is not interested in an assignment of leases and requires the easement. Mr. Beste described the easement as stating it would give TowerPoint right to access egress, and to make modifications. TowerPoint will bundle this and sell these leases to investors. Commissioner Kronner encourages Mr. Beste to continue to talk to TowerPoint to soften the language. Commissioner Fockler stated that the vote was to sell the leases but not to grant an easement and he feels that the town should run away. Commissioner Fockler moved to reject the counteroffer. No second was reached. President Fields has pushed this back to Mr. Beste for reworking the language of the easement.

Salt Shed Update – The packet included a number of pictures of the completed Salt Storage Shed. The staff is very pleased with this addition to the complex.

York Building Products Rezoning Application The County Commissioners had their meeting last Tuesday and they will be making a vote next Tuesday. Commissioner Fockler encourages everyone to oppose this project. Commissioner Wood stated that she has been pushing this opposition and we have so much support from not only locally but county wide, state wide and nationally. She really hopes that the County Commissioners are listening. She hopes that the Town will appeal the decision if it does not go our way. Commissioner Fockler shared a map of the plans of the Stewart Company showing the proposed warehouses to

eventually be built on that property. One of the proposed warehouse buildings would dwarf the large one on Rte 40 housing Lidl.

630 Water Street Lease – Commissioner Wood presented the idea of not renewing our present lease with the existing tenants and turning a bigger profit not using it as a home. Commissioner Fields feels there is too much work to be done with someone living there. Commissioner Elmer wants to know what we are going to do with it? Commissioner Kronner stated that they were given 60 days. Commissioner Kronner stated that they had until the end of April to vacate. Commissioner Fockler stated that he felt that they have until the end of May. That would give us time to do the repairs.

Installation of Water Meters – Ms. Antoshak has been in contact with Joe Tilley of LECCO Contracting who does our major water repairs. The feeling is that LECCO could do the install and the software work could be done inhouse. The Commissioners are in agreement with using LECCO as long as the budget is maintained.

Installation of Lights on Water Street – Ms. Myers has been in contact with Delmarva and received permission to have the lights up during the summer season. The maintenance staff is in the process of lighting the structures with LED lights that will be brighter especially during the summer when the sun sets later in the evening.

Noise Complaint Suit – Commissioner Fockler has received the information that he requested and needs some more information. He will craft the suit as soon as he has the rest of the information.

Golf Cart Issue – Included in the packet of materials was our proposed ordinance from 2017 that did not get through the General Assembly and the ordinance that has been adopted and approved by the General Assembly by Crisfield. **Commissioner Elmer moved to move forward, seconded by Commissioner Kronner.** Commissioner Fockler wants to know if Commissioner Elmer has reached out to our delegation. They may have some input. Commissioner Elmer says that the vehicles will need to follow the guidelines and rules. Crisfield has an ordinance allowing golf carts and it was endorsed by Gov. Hogan. Commissioner Wood stated that this is not thoroughly thought out. **Vote Kronner, Yay, Elmer, Yay, Fields Yay, Wood Nay, Fockler Nay (3-2)**

Post Office Update – Ms. Myers announced that the new system will be installed on April 20th.

Eagle Scout Project – Slave Cemetery Work – An email was included in the packet from Mr. Halsey that the work began on April 10th. It is coming along.

Sheriff FY22 Contract – Deferred to Executive Session

NEW BUSINESS

Resignation of Town Attorney – Mr. Dennis Clower, Town Attorney has submitted his resignation. **Commissioner Kronner moved to accept the resignation, seconded by Commissioner Wood. Approved 5-0.** We thank him for his years of his service to the town.

Appointment of New Town Attorney – In light of the fact that Mr. David Beste has been acting Town Attorney on many of our current projects, **Commissioner Kronner moved to offer the position of Town Attorney to Mr. Beste, seconded by Commissioner Wood. Approved 5-0.** Congratulations to Mr. Beste

Young at Heart Request – Ms. Rosalyn Bott has requested a decision on whether or not the Senior Group can resume meeting. As this is a Town sponsored group and we share in the liability she wants the town's blessing before reopening. She has researched and found that the Senior Center in Elkton is not open as of yet. The foodstuffs are individually packaged. The consensus is to allow them to meet.

Bass Pro Shop Fishing Tournament – Commissioner Fockler has been approached by Sandy Turner of Cecil County Tourism requesting our participation in a proposed fishing tourney on July 17, 2021. We would need volunteers to help facilitate the boat ramp launch and with parking. **Commissioner Fockler moved that we express our interest in participating and can make accommodations for 50 boats, seconded by Commissioner Kronner. Approved 5-0.**

Layout of Perryville High School Yearbook Ad – Ms. Myers has included in the packet the ad that will run in the yearbook congratulating our Town Seniors.

Earth Day – Work Day at Avalon – Commissioner Wood April 24, 2021 is the day and we can use all the volunteers we can get. If enough show up we can deploy to other Town parks and beaches.

Conestoga Street Tree – Ms. Myers has received only one bid so far on the tree that is damaged on Conestoga Street. She will continue to pursue two other contacts.

Granite Path to Partnership – Included in the packet was a proposal from Granite a company that wholesales utilities. They could save us money, but we would have to change out some of our hardware and any issues would be facilitated through them, but with Comcast technicians. The staff does not think at this time that the cost savings would be worth the tradeoff in service.

Commissioner Wood spoke with a local resident who would like to see the bridge on her end painted. Commissioner Kronner stated that it is a state highway, can we paint it? Commissioner Wood stated that we should be able to paint it. We will have our maintenance guys look at it.

The announcement was made that the town will receive \$999,613.00 from the COVID-19 recovery act. The monies are restricted as to use and must be expended by December 31, 2024. The funding is to be used to respond to or mitigate the COVID-19 health emergency or its negative economic impacts, including assistance to households, small businesses, nonprofits, and aid for tourism, travel and hospitality; to provide essential workers with premium pay; cover revenue loss as a result incurred as a result of the COVID-19 emergency; or to make necessary investment in water, sewer, or broadband infrastructure. Funds may not be used to support any pension fund or offset a tax cut. The Commissioners will begin to look for projects that may fit the criteria to utilize these funds. Cecil County will receive \$19,948,094 with the same restrictions.

Public Comment

Dwayne Sweet, a resident that lives on Bladen Street, says that he has noticed an increased number of speeders on Bladen Street. He said it is very difficult for him to pull out of his driveway. He is a retired police officer and has clocked them at 60mph. He does not see anyone being stopped for speeding or anyone being pulled over. He has also seen as many as seven 4 wheelers and trail bikes at one time on Bladen Street and across and on Rt. 7 (West Old Philadelphia Road). They swerve in and out of traffic and when he saw the 7 together, they took over both directions on Rt. 267 (Bladen Street) and blocked traffic.

Ursula Boudart –

1. Regarding the boarded up residence on Bladen Street. Nothing has been done. You need to get on it. You need to start fining him.

2. Avalon Park – Great that you are cleaning up Avalon, Foot Log needs attention. At the corner of Baltimore and Cather, the new owner is using it as a VRBO. The town could implement a lodging tax on such businesses.
3. Foot Log needs to be cleaned up and needs some plantings, we are losing the beach.
4. Parking lot at Avalon in the upper area the decision needs to be made by all of you. This space could be a money maker for the town.
5. Fire suppression inspection on CDock, need a fire suppression company not a plumber
6. Tower is still needed in Cool Springs. They are pulling pressure from our system.
7. She believes that Mr. Pumpaly's retirement was not handled in a good manner. Be professional.

Trey Giraldi – He has worked with Wib and thinks that his absence will be a loss for the town. He feels that the town has a lot of history that walked out the door with Mr. Pumpaly. Mr. Giraldi feels that charging a lodging tax usually comes with more resources supplied to those owners, such as are available in Ocean City. He feels that the town needs to support new owners more than he was when renovating his home/rental.

Suzanne Fockler –

1. The TowerPoint deal – we were approached by TowerPoint and she would hope that a revote would take place if the offer has changed
2. She would like to thank Wib Pumpaly for his service and support to the Historic District Commission and Colonial Charlestown
3. She would like to thank Lou Wood for her leadership in the York Building issue
4. She would like to thank Sonny Diamonte and Jeanneatte Armour for the event that they put on at the Ice House on April 3, 2021 (Commissioner Wood stated that this event was a wonderful event and the decoys found at the Ice House were on display).
5. She would like to mention that Mr. Giraldi has added a tremendous asset to the Historic District

Commissioner Kronner moved to close the public meeting and go into Executive Session at 9:49 pm seconded by Commissioner Fockler. Approved 5-0.

There being no further business, Commissioner Kronner moved to close the meeting, seconded by Commissioner Fields at 9:50 PM. Approved 5-0.

Respectfully submitted,

Debbie Myers, Town Clerk