

## TOWN COMMISSIONER'S MEETING MINUTES

May 11, 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, Ryan Meisemann, TowerPoint, Dustin Cahill, TowerPoint, David Beste, Town Attorney, Prentice Cahill, Comcast Representative, Richard Mahan, Chris Rogers, Town Engineer, residents: Sean Durgin, Andrew Thompson, Karen Varady, Richard Mahan, Trey Giraldi.

The Pledge of Allegiance was led by Commissioner Fockler.

**Approval of the Minutes. Commissioner Kronner moved to approve the minutes of April 27, 2021 2021, seconded by Commissioner Wood. Approved 4-0-1 (Fockler).**

The report of the Executive Session of April 27, 2021 was that an offer of employment would be extended to Bryan Lightner. Mr. Lightner has accepted and will begin in his Town Administrator Capacity on May 24, 2021.

**Accounts Payable** in the amount of \$268,449.56 were presented for approval. **Commissioner Kronner moved to approve, with a deduction of \$1500.00 from the Eastern Shore Enterprises bill and contact them as to where their approval for the second top coat, seconded by Commissioner Wood. Approved 5-0.** Questions: Jar Dee cost should be passed on to Mr. Metz for the first \$1,000.00. The flagpole painting is over the proposal. The decision was to deduct the \$1500.00 from the Eastern Shore Enterprises bill and contact them as to where their approval for the second top coat.

**The FY2022 Budget** was presented for approval by Ordinance 2021-03. Commissioner moved to adopt ordinance 2021-03, Town of Charlestown Fiscal Year 2022 Budget Ordinance, seconded by Commissioner. Approved A workshop was scheduled for May 19<sup>th</sup> at 6:00 PM by Zoom and in person for the commissioners and zoom for the public. There will be a period of public comment on May 25<sup>th</sup> at 6:30 PM for a half hour on the subject of the budget.

**Miller Environmental April Report** - Mr. Josh Griffith submitted the following in a written report and was on hand by zoom to answer questions. A total of 2,371,000 gallons of water was produced with an average daily production of 79,000 gallons. No submitted samples tested positive for coliform. Weekly housekeeping and weekly and monthly maintenance were performed. In addition, 28 Miss Utilities 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. Presented quotes during the April Town Meeting for the back-up well pump(lead) and the redevelopment of well-3. Emailed copies of these quotes followed per the town's request, provided a last-min. recommendation list for the

meeting of 4/13/2021 per the town's request. Reviewed Progress reports for the Water Tower Paint Project as they were released by Doug DeClerck. Achieved confirmation via email that the pipe section in the tower's lab area will be painted during the paint project. Conducted lead operations throughout the temporary storage transitions to ensure water quality. Recommended MRWA come out and listen for a suspected leak near Cecil and Tasker. Leak was found and repaired within 24 hours. Finished draining the water tower by 4/20/2021 and the temporary storage system was put into service. Lead ops were conducted to compensate for the re-pressurizing of the system which occurred after draining the tower as much as possible as the temporary storage system went back online the weekend of 4/17/2021. 465 Frederick Street was checked for leaks. No leaks were detected/ The tower's alarm dialer was found inoperable on 4/6/2021 while remotely viewing the wells during the tower's drain period. A Hard-Reset was performed by us the same day and has been operable since. This is checked regularly as part of our WTF Maintenance Schedule.

A proposal for a backup motor for the wells is bid at \$4500. **Commissioner Kronner moved to order a new pump at a cost of \$4500, seconded by Commissioner Wood. Approved 5-0.**

A question was asked about the refurbishment of Well #3. Mr. Griffith feels that the interconnect with Artesian would be more beneficial. The refurbishment would fall under the CARES Act. The interconnect could also be covered by the CARES Act. Commissioner Wood thanked Mr. Griffith for all his help with the tower painting project.

**Cecil Co. Sheriff's April Report** – Lt. Mahan was in attendance by zoom and a written report was submitted showing in April 2021 15 shifts were approved for a total of 60 hours. Of that number 60 hours were covered. There were two calls for service and two out of town assists. There were 43 property checks made. There were 10 community contacts. There were 7 traffic citations (5 radar and 2 non radar) and 19 (18 radar and 1 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 stated that we have had no overdoses in the Town of Charlestown to date this year. Sgt Michael Kalinsky will be taking over Lt. Mahan's responsibilities of coordination of patrols. Commissioner Wood has talked to Lt. Mahan and voiced all of our concerns. She thanked Lt. Mahan and looks forward to working with Sgt. Kalinsky.

**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, if dumpster is there longer than 30 days will cite for that too; 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, has been removed to rear of property; 103 Revelation Road, potential disturbance to forest retention/non-tidal wetlands, will conduct inspection, refer to County and MDE. Mr. Lightner had written a violation letter to 22 Carpenter's Point Road. We received a letter back wanting to appeal. Not sure if they are appealing the loss of the building permit or the permitted use. Commissioner Wood had agreed that it was not permissible use. Mr. Beste also agrees that this is not a permissible use. Commissioner Fockler wants Mr. Lightner to ascertain what the resident is disputing. Commissioner Wood feels it is a traffic hazard. Commissioner Elmer wants to know the difference between that and a perpetual yard sale, which does not supply parking. There was discussion on pets vs. farm animals.

**Avalon Park 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. The Town Engineer recommends we consult with an engineer to design the project. Mr. Lightner suggests a permeable surface as opposed to gravel and to go after a grant. Commissioner Wood doesn't want to wait to find a solution as the lower parking lot is a quagmire when rain has been falling. Commissioner Fockler thinks we need to get an engineer to do a plan. Chris Rogers stated that he thought the idea was to do a very small project which would need a stormwater management plan similar to a single lot and not an overall plan.

Mr. Lightner suggested that Mr. Beste look at the proposed noise ordinance language to see if it is appropriate. Commissioner Wood agreed.

**Maintenance Report** - The lights have been installed on Water Street. The flagpole was painted and a bigger flag was installed. Sand was spread at Veterans Park. There was vandalism done in Trinity Woods. The water has been turned on at Avalon Building. They started reconstruction on Chesapeake Road and filled some potholes. Waiting on parts for the shower building at C Dock and the fire suppression system. Commissioner Wood would like to use the guys to pick up the equipment. It will be stored at the Water Tower area until we have a permanent plan.

## **OLD BUSINESS**

**Water Tower Painting Project Update** Mr. DeClerck sent in a sample of a written inspection report. We got another one today and it was sent out to the Commissioners today. Mr. DeClerck was on site today.

**Tower Point Lease Negotiation-** There is a revised LOI with a 50-year term and a clean easement agreement. Mr. Ryan Meismann was on the meeting to answer any questions. Commissioner Fockler is still not in favor of the agreement. Commissioner Wood is also not in favor. **Commissioner Kronner moved to accept the current proposal and easement with no second the motion fails. Commissioner Fockler moved to reject the offer by Tower Point, seconded by Commissioner Elmer. Approved 3-0-2(Fields and Kronner)**

**630 Water Street Lease** – Commissioner Wood and Mr Beste Mr. Beste was approached by the Town and received a copy of the lease. He has sent them by process server a vacate notice since the lease is month to month. Commissioner Fockler had spoken to Mr. Mahaffey who indicated Ms. Adreienne would be in touch, but has not been with the Town. Commissioner Wood also would like to have Mr. Beste's opinion through the Planning and Zoning Board has asked Mr. Beste to give advice and counsel on these issues. 211 Market Street has had work done by an LLC owned by Mr. Metz and Mr. McCarthy with no permits. There was a shed delivered without a permit. He had an agreement when the wedding venue was granted by the Appeals Board to provide 30(?) parking spaces. Mr. Beste will look into all of these issues and begin to work on them.

**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. Commissioner Fockler will meet with James Dellmyer (States Attorneys Office) on Thursday to make sure they are on board with the town.

**Post Office Update** – Ms. Myers announced that the new heat strip in the Post Office bathroom was installed last week.

**Eagle Scout Project** – Slave Cemetery Work – Mr. Halsey has made great progress. Colonial Charlestown will be participating in creating a plaque. Jody Shirey will be putting together a plan of native plants for the area. Commissioner Wood asked if the fence had a permit. Commissioner Fockler will reach out to the Halseys to get a permit in the works.

## NEW BUSINESS

**Frederick Street Storm Water management solutions** – Mr. Andrew Thompson, a resident of Frederick Street presented a power point presentation. The residents want to work with the town to remedy the stormwater issue. He offered three possible solutions. One would be to run storm water underground towards Cecil Street and send the water along the paper street towards the existing storm drain. Another would be to run on the property lines to Market Street. President Fields thinks that it is a problem and thinks that we need to try to get the State also involved to possibly enhance the ditch on Market Street to divert the water. Commissioner Wood stated that her street is just as bad as Frederick. She worries about doing something for just one. We need to look at the Stormwater study and start to work on these areas and use some of the CARES Act money. Commissioner Elmer stated that Frederick Street is the problem and also from Caroline Street. The suggestion was made to contact Amtrack and the county. Once our Town Administrator is seated May 24<sup>th</sup> we will start on the list. Mr. Thompson offered to help in any way he can. Mr. Mahan offered that any time strong storms tend to cause damage to both his property and his father-in-laws (Mr. Edwards). Commissioner Fockler stated that the water would need to be directed to the paper street or to Bladen Street. He questions if the property owners would be willing to grant a maintenance easement if necessary. Mr. Mahan cautions on 322 and 328 are both historic trust properties and you would have to deal with the historic trust to do any work on these properties.

**WiFi Connectivity at the Shop, Ramp and Pier** – Mr. Antoshak and Mr. Prentice Griffin Comcast Business Solutions Mr. Prentice Griffin stated that the construction would be covered by Comcast. The quotes would be about 20.00 cheaper than printed as the phone option was taken out. The cameras would record 24/7 and have either 30 or 60 day storage. If you are talking about public wifi. The only out of pocket would be 299.95 per site to install the cameras. The monthly cost would be 158.00 per month per site. Commissioner Elmer thinks that this would be a good investment. We had ice eaters taken from the pier this year. Commissioner Wood thinks that the 158 is high and we could save the 20.00 at some of the locations such as Veterans Park and the pier. A starter package could be had about 90.00 a month, which could be upgraded as needed. It may qualify for the CARES Act. President Fields suggests that Ms. Antoshak get the figures together. Commissioner Elmer thinks we only need cameras at the ramp and the water tower. Commissioner Wood stated that we are getting vandalism at Avalon Park. Mr. Beste feels that these are public places and there are no expectations of privacy. They could also defer false accusations against the town. 3 Cameras, and internet connection at Avalon.

**Picnic Table and Bench Request for Dead End Beach** – Commissioner Wood 998.45 picnic 998.85 bench with shipping. She does not have the money in her budget right now. Tabled for now.

**Circuit Rider** – President Fields and Ms. Antoshak – A few months back we expressed an interest in obtaining a circuit rider funded by a state grant through DHDC. The Town of North East is also interested in the grant. One of the towns would be responsible for the payroll and would receive reimbursement.

**Commissioner Fockler moved to pursue the Circuit Rider, seconded by Commissioner Wood. Approved 5-0.**

**Avalon Building and Avalon** – Commissioner Wood Planning and Zoning met at the Avalon Building. The building could be used for a number of things. Commissioner Wood would like to know if anyone is interested in getting the foundation fixed so that the building could be utilized. We have had requests to use the building. Commissioner Fockler would like to see us move forward with the stabilization of the building. Commissioner Wood would also like to get ahold of the corporation that was interested in a senior housing center and a community center. We would retain the land and not put out any funding. Commissioner

Fields feels we should get three bids if the cost of the building is over 10,000. Commissioner Wood was given the go ahead and explore the project.

**Street Proposal** – Commissioner Kronner presented some smaller jobs that are on the list. President Fields suggests that we discuss at the budget workshop next week. Ms. Antoshak suggests that the Commissioners drive around and look at the areas highlighted.

**Wellwood Parking Request** The Wellwood – We need more information. We are exploring the cost of the light with Delmarva. Commissioner Fockler mentioned that we are going to need additional lighting as we begin to use the area more. Tabled until we get more information.

**Mosquito Control Application** – Ms. Myers

**Cool Springs** – Mr. Lambdin is asking for two inspections 1) 3B and top-coated about a year ago the warranty period is up and we need to inspect and release the bond. 2) 3C asking for an inspection so that the top coat can be installed.

**York Building Products Appeal** – We have 30 days from April 27<sup>th</sup> to file an appeal of the decision. Commissioner Fockler strongly urges the town to file an appeal. The Town Attorney cannot handle this as one of his partners is the attorney for the County Council. Commissioner Fockler is exploring an attorney who could represent us. There is an attorney in Harford County (Mr. Lynch). His hourly fee is \$325.00 – his son is \$275.00 with a retainer of \$2,000.00. Commissioner Fockler recommends that we file an appeal. Commissioner Kronner is on board with Commissioner Fockler and we need to do everything we can to protect our town. Commissioner Wood has been a strong advocate against this zoning, but has learned some things since. MDE has been out and sited them on the ponds and they have placed flocculants which cause the sediment to the bottom of the pond. She also understands that they have tried to take the lot directly next to the town from the table (the Shockley Pond) which is next to the Payne property. Commissioner Fockler stated that his position is that M2 is butted right up next to the town. Commissioner Wood stated that they have mined for years. Commissioner Fockler stated that you don't need M2 to mine. Commissioner Wood stated that she doesn't want to spend thousands of dollars to fight something we can't win. She is going to meet with Gary Stewart soon and he has told her that the plan has not been set in stone. The plan was put out to get the interchange approved. She would like to see a woodland park and trails which would be a buffer between the town and the development. Commissioner Fockler stated that filing an appeal is imperative even if they agree to negotiate. Commissioner Fockler moved to move forward with an appeal to oppose the County Council's decision. Approved 4-0-1(Fields)

Commissioner Fockler mentioned that the Old Post Road Clean Up went well. Picked up a ton on trash. He hopes that in the future that we can adopt the road as a Town.

Commissioner Wood stated that we need to look at holding the Historic Commission with by-laws. There seem to be too much subjective decisions made by The Historic District Commission.

## **Public Comment**

**Sean Durgin** – He has some ideas for some walking trails and shared some screen shots of some proposed trails both in the Old Town side and Cool Springs side. The Commissioners will look into this. Most of it is on Principio Property

**Richard Mahan** – The Senior Center is a great idea and we need to look for more projects like this. Try to make the developer pay for the Senior Center. Town Meetings are extraordinarily tedious. It seems to him that the new Town Administrator could handle. It is very late and could the agenda be flipped so

that the New Business could be first and then Public Comment. Did we get any PPE funds? Could we use the Fire Hall for meetings? Have you talked to a Representative for getting some federal funds. We need a new Town Hall. Commissioner Wood rebutted.

**Trey Giraldi** will be installing cameras and a good number of them will be pointing to Avalon Park. With lights be careful with light pollution and be mindful of

There being no further business, **Commissioner Wood moved to close the meeting, seconded by Commissioner Elmer at 10:28 PM. Approved 5-0.**

Respectfully submitted,

Debbie Myers, Town Clerk

Approved 5-25-2021