

**TOWN COMMISSIONER'S MEETING
CHARLESTOWN, MARYLAND
July 9, 2019
MINUTES**

The Town Meeting was called to order by President, Lou Wood at 7:00pm. Commissioners present were Lou Wood, Jeff Fields, Patsy Clements, Joe Letts, Karl Fockler and Town Administrator Wib Pumpaly

Pledge of Allegiance was led by Prosper Boudart

Approval of the Minutes – June 11, 2019 Commissioner Fockler moved to accept the minutes as written, Commissioner Letts seconded it. Approved 4 – 0 with 1 abstention

Accounts Payable Review – Charlestown Commissioners reviewed accounts payable from three dates due to not having a meeting on June 25 due to the MML Convention. The accounts payable from June 25 is \$17, 454, July 2, \$11,300.53 and July 9, \$41,727.95. Commissioner Clements motioned to approve the total accounts payable in the amount of \$70,483.00. It was seconded by Commissioner Letts motion carried, 5- 0

Miller Environmental June Report – J. Griffith presented the water withdrawal report of 2,633,000 gallons monthly, 87,767 gallons average daily, 124,000 gallons maximum daily withdrawal, and 45,000 gallons minimum daily withdrawal

Cecil Co. Sheriff's June Report – Sgt. Mahan was in attendance and a written report was submitted showing in June 2019 156 hours were approved and 144 hours were filled. There were 40 community contacts. There were not any shifts with radar as the radar guns were out being calibrated. While Sgt. Mahan was the duty officer for the event on July 3, he did notice an increase in the presence of golf carts. The use of golf carts has also been expressed in the notes of other deputies during their shifts. According to the transportation article of the State of Maryland, golf carts are not authorized vehicles that are allowed to be driven on state roads. Even though the town roads are in the town limits, the state law applies as the transportation article is not paused inside the incorporated town limits. The only time it may not apply is on a private road marked with a blue sign.

Code Enforcement Monthly Review – President Wood introduced Bryan Lightner as the new Code Enforcer. He was in attendance and a written report was submitted showing his monthly review. He addressed complaints on 16 different properties within town for various issues. A few were for high grass. There was one for a basketball net in street, which was found to be a HOA violation. There were several complaints about buildings in disrepair and/or salvage/untagged vehicles on properties. And there was one complaint concerning a propane tank- setback violation. He sent letters and made contact with the property owners. Other activities this month included helping with the Keep Maryland Beautiful Grant that was for the native demonstration garden at Avalon and helping Ms. Antoshak write a façade improvement grant. Commissioner Fields asked about the basketball hoop in the street and how it was abated. Mr. Lightner stated that in that case the Town did not have an ordinance but the HOA did, so he deferred to the HOA to take care of the violation. Commissioner Fockler suggested that make verbal contact as a first attempt and then a letter of warning. He also would like to see the letter that is being sent out. Commissioner Fockler thanked Mr. Lightner for helping out with the Charter Review Committee on a few occasions.

Certified Seal Power Sweeping Contract & Maintenance Commissioner Up-date President Wood stated that this was tabled and that the contract was included at this meeting. Commissioner Fields made a motion to reject said proposal, Commissioner Letts seconded. Motion carried 3-2. Discussion on this topic continued. Commissioner Fields asked if it could be completed quarterly instead of monthly. Commissioner Letts agreed. Commissioner Clements mentioned that we are

expecting the report from KCI in two weeks and that cleaning the roads ahead of repairing them is out of order; fix drainage before cleaning. Commissioner Fockler stated that the way the contract is written is that it is at the discretion of the Town Administrator.

Fockler suggested to modify the contract for an as-needs and directed by the Town Administrator with an indemnity clause for the contractual price of \$325 for 3 hours, we pay tipping fees \$79. The wordage of the indemnity provision is as written:

Indemnity provision: Contractor agrees to indemnify the town for any and all liability resulting from their negligence or wrongful acts by its officers, directors, agent and/or employees including all reasonable costs and attorney fees and such other subsequential damages. This contract would be governed under the laws of the State of Maryland and Cecil County

Commissioner Fields added that between sweepings the drains need to be maintained.

Commissioner Fockler motioned to bring it to vote again as a modified contract with a 1 year term at the discretion of the town administrator and with the indemnity clause added. President Wood seconded it and it was approved 3 – 0 with two abstentions.

Maintenance Issue by Commissioner Fields: Commissioner Fields said he is unsure what his duties as maintenance commissioner are? He is opposed to the iPad as he cannot access it and suggests that we go back to paper work orders. President Wood said that the iPad is set up with Trello. Commissioner Fields had several maintenance departments questions; why the Safety Inspection Reports are not being completed quarterly as required? Why Mr. Grapes does not wear a uniform? How did Mr. Grapes get the title of head of public works?. Why is Sean not trained on the tractor? Why is the maintenance gate always locked while the buildings and tower are locked? President Wood addressed the questions; She asked Wib to order Mr. Grapes shirts that would identify him as a worker in the Town. President Wood & Commissioner Fockler said the gate should be locked..

Mr. Pumpaly presented a request for Out-of-Town Water Service for Beacon Hill Heights (Clearview Avenue & Delaware Avenue). This was reviewed by the Town's Attorney and said that the agreement to future annexation would follow the deed even as ownership changes. This lot is less than 10,000sf, so it is a nonconforming lot according to our code. Commissioner Clements stated that it isn't subject to the Town's code or set-backs. President Wood said that she understands that they would be paying out of town water rates which are higher than in town rates and they would be paying the hook up fee. Commissioner Clements is concerned this would make a precedence for future annexed properties. Commissioner Fockler made a motion to provide out of town water service. Commissioner Fields seconded it. Motion carried 3 – 2.

Charlestown Street Repairs – Mr. Pumpaly reviewed the quote that was prepared by McGuirk Construction to repair the streets. This quote would total \$97,102.00 which leaves approximately \$4500 to spare of the \$105,86 which is the amount that we are receiving from the Highway User Fund. Mr. Pumpaly stated that this would include Water to Conestoga St. and Market to Water St. as well as others. Mr. Pumpaly feels that this list would take care of the streets that are most in need of repair. Commissioner Fields would like to go on record to say that McGuirk Construction goes above and beyond in every way. Commissioner Fockler motioned to approve list as written and commissioner Fields seconded it. Motion carried 5 – 0. It was stated that McGuirk Construction will get started in August.

Long Point Fishing Pier – Mr. Pumpaly stated that he requested bids to repair a pier at the Long Point Fishing Pier and a copy of the bids are in the Board's book. He suggests that we hire Steve Lewis for the repair for a price of less than \$1000. Commissioner Fields motioned to hire Steve Lewis and Commissioner Letts seconded. Motion carried 5 – 0.

Lee's Marina Lease Extension – Mr. Pumpaly presented terms of new lease with 15 year extension instead of 25 years. It would take the lease from 2031 to 2046. Commissioner Clements stated that we have 13 years left on lease and Lessee is responsible for repairs to the marina. Commissioner Clements does not believe that all the papers are in order to review the new lease. Commissioner Clements motioned to table the current proposed lease; Commissioner Fields seconded. Motion carried 4-0 with 1 abstention.

Amendment to Verizon Lease Agreement – President Wood warns that this lease needs to be reviewed carefully. Mr. Pumpaly said lease will run to 2022 but Verizon recently contacted us to renegotiated a new lease with 3, five-year extensions. Currently, Mr. Pumpaly requested to speak to them

to see if he can negotiate a better deal but Verizon has not gotten back to them as yet. He suggests that we wait for a response from Verizon. Commissioner Fockler said to keep in mind that they as well as us can terminate with 90-days written notice.

Mr. Pumpaly stated that at MML he learned about Small cell technology and as a Town we need to be aware of what is going to be put on telephone poles or what not. Commissioner Clements stated that our zoning board can make regulations concerning small cell technology. Mr Pumpaly said that he had sample ordinances from other towns. Commissioner Fockler said he would like to see anything about small cell technology. Commissioner Fockler suggested that we extend the termination notice to 6 months or 1 year.

Ice House – Colonial Charlestown Lease Proposal – Commissioner Fockler stated that attorney Clower reviewed the lease proposal. Commissioner Fockler said that he would get the lease for the commissioner to review before voting on it. Mr. Pumpaly updated about the electric service for the Ice House and said that the meter and interior lighting has been inspected by the County. And it was decided that the Town will pay for the electric service and continue to cut the grass.

Salt Storage/Pole Building – Mr. Pumpaly stated that on August 18 minutes the Pole building was approved but it did not move forward. President Wood stated that she and Commissioner Clements spoke with the accountant and were assured that we have the money to complete the project. Commissioner Fockler reviewed the project and summarized the structure he is suggesting which is a concrete pad with sides and a membrane top and the potential to store salt, sand and mulch at different times of year. He would like to look to the future but thinks that a \$50k building might not be the best use of our money. He would like to see a new heated building with a break room. So that if you needed to go meet with a maintenance staff member you would not freeze your tail off. He also thinks that the storing of salt with the vehicles is not a good idea. President Wood is encouraging the Board to have a storage place for the salt this winter. President Wood stated that she is not for just a concrete pad with a tarp. Commissioner Fockler has a picture but it would not project on to the TV for all to see. He described that it has 2 sections with sides and a membrane top. Commissioner Fockler will have the information as to the location of where it could go and what the cost of it would be at the next meeting.

Veterans Park Public Bathroom Repairs/Replacement – Mr. Pumpaly stated that the town engineers inspected the building and determined that the outer walls are well supported and all that need to be repaired are the interior building. He received several bids and suggest that we take the bid from G & S construction \$26,947K. They will be providing commercial grade fixtures instead of institutional fixtures. They are designing it to make it more accessible for repairs. Commissioner Fockler asked that the contract state that it will have concrete interior block wall and that it will state that the commercial grade fixtures will be supplied and installed. Commissioner Fields asked when the project would be started, Mr. Pumpaly was unsure. Commissioner Fields moved to approve and Commissioner Letts seconded. Motion carried 4 – 1 with one abstention.

Trash Collection Service letter up-date – Mr. Pumpaly wanted to suggest a change in the bulk trash pick- up to reflect pick up the second and fourth Wednesday. The number 5 states that the items for bulk pick up cannot be placed out in advance of bulk day and if this should occur the maintenance staff will pick it up and dispose of it but will charged to the property owner. Commissioner Fockler asked what the cost will be? The cost of the landfill fee based on the items. Since we have a code enforcer can we give them one warning first?

Golf Cart Usage in Charlestown – Commissioner Fockler reviewed that in the past an ordinance that allowed golf carts was prepared but it never was submitted to the State legislators since it appeared that it would not be considered. What is going on in the State right now it appears that golf carts would not be approved only possibly electric low speed vehicles.

Fair Green Park Playground Up-date – Commissioner Clements wanted the commissioners to review the playground project. The grant was written with the help from a local contractor for GameTime. Mr. Pumpaly has received a quote from a company that he is familiar with and Commissioner Clements is seeking out another quote from another company that she met at the MML Convention.

Commissioner Fockler stated that the Charter Review Committee has had 4 meeting and expect to bring recommendations to the Board at an August meeting. The recommendations will be made available prior to the meeting for review by the commissioners.

President Wood said that the roof on the pavilion at Veterans Park needs to be replaced. A resident roofer, Curtis Elmer, has offered to donate his labor for the replacement with a metal roof. The maintenance staff will be spraying the pavilion white prior to the roofing installed. The cost of material is \$2650.00. Commissioner Fields motioned to approve the roof in the color of blue and commissioner Letts seconded. Motion approved 5-0. Then commissioner Clements asked to revisit the color as she thought it was said it would stay the same color green as Ice House. President Wood stated that the vote was for a blue roof. There was discussion between the commissioners and commissioner Fockler stated he wanted a green roof as the Ice House too. Commissioner Fockler made a motion to change the color to green. It went to vote again and was carried with a 3-0 with 2 abstentions.

Period of Public Comment

- Pauline said that you allow bikes without helmets, and tractors without saying a word but you are taking golf carts away. Pauline Bryant said that a Sheriff told her that she was not welcome in her golf carts to the park. She questioned if other drivers that use golf carts are to obey the restriction?
- Rosie Bott asked Commissioner Fockler if golf carts are allowed to be driven in town or not? Commissioner Fockler said that the annotated code supersedes everything else and it says that golf carts are not allowed. Discussion ensued and it was determined that you can be written a ticket by one of the Deputies if you are driving a golf cart in town. Ms. Bott stated that there are many rules that we have in town without a method to enforce them. Ms. Bott suggests that we put signs at every park stating Private Park, Residents Only. As every park is overflowing on the weekends. President Wood said she does have something in mind to propose so please attend the meeting on August 13th as the next meeting (July 23rd) is for the County Executive McCarthy and the KCI Technology report and will be held at the Fire Hall, (starting at 6pm)
- Jack Kronner, no comment
- Dan Rubert, no comment
- Prosper Boudart – What about the water tower repair? He stated that the water system needs to be refurbished and protected as needed. It is the Town's responsibility to all the tax payers. The recording stopped after this comment.
- Sean Durgin – The recording started after he was already speaking but he stated that he believes the town can levy up to a \$500 fine for a charter violation. He would like to suggest a Town Hall renovation of some sprucing up or maybe investigate a new town hall. He thinks that the history of this building should be preserved. Commissioner Clements suggested that during any renovation that Town Hall could be moved to the Avalon building temporarily. Mr. Durgin has spoken to J.B. Jennings who is a senator and the new minority leader about the golf cart issue and he is looking into it and thinks that there is something that would allow the driving of golf carts on town roads. He will report back.

A motion to adjourn was brought by Commissioner Letts and seconded by Commissioner Fields. All in favor, so moved 5 – 0. Meeting adjourned at 10:12pm.

Respectfully submitted by Janine Antoshak. Office Manager

JANINE ANTOSHAK, OFFICE MANAGER

LOUCRETIA WOOD, PRESIDENT