

**Town Commissioner's Meeting  
Charlestown, Maryland  
February 28, 2023  
6:00 PM  
Town Hall, 241 Market Street and on Zoom**

Attendees: Karl Fockler, Renee Capano, Jeff Fields, Lou Wood, Curtis Elmer, Bryan Lightner, Kathy SanDoe

Public in Attendance: Dan Rubert, Charles (CJ) Heitz, Trey Giraldi, Cheryl Ryans, Richard Mahan, Prosper and Ursula Boudart, Jane Bellmyer, Worrell Reynolds

Zoom: Robyn Rowe, Thelma McMullen, Tom Costanzi, Dan Sweet, Linda Shroyer, Monica Goodyear, Sam Settlemyre, Steven Jones

President Fockler called the meeting to order at 6:03 PM.

Ms. Pauline Bryant was asked to lead the Pledge of Allegiance.

Approval of the Minutes – January 24 and February 14, 2023 – Charlestown Commissioners: The January 24, 2023 minutes were approved 3-0-2 with Commissioners Capano and Elmer abstaining. The February 14, 2023 minutes were approved 4-0-1 with President Fockler abstaining.

Accounts Payable Review – Charlestown Commissioners: Commissioner Fields motioned to approve the Accounts Payable in the amount of \$50,269.76. Commissioner Wood seconded the motion. Approved 5-0.

Charter Amendments, Personnel Manual Updates – President Fockler: The Charter Amendments and Personnel Manual Updates were presented and discussed during a Public Hearing held on February 23, 2023.

Charter Amendment Resolution 2023-01 pertains to the powers of the President of the Commissioners. The President is ultimately responsible for all hiring and firing actions which will be done with the consensus of the Commissioners, approval by the President and a majority of the remaining Commissioners. With respect to Town employees working under the Town Administrator, personnel actions will include recommendations from the Town Administrator. Commissioner Capano motioned to accept the amendment. Commissioner Fields seconded. Approved 5-0.

Personnel Manual Update 5-107 will amend the dismissal procedures to add the same language as listed above in Charter Amendment Resolution 2023-01. Commissioner Capano motioned to approve the update. Commissioner Elmer seconded. Approved 5-0.

Charter Amendment Resolution 2023-02 will amend Section 601 of the Town Charter of the Town of Charlestown pertaining to voters. The purpose of the amendment is to change the residency requirement from 90 days to 30 days. A resident must be a citizen of the United States, at least 18 years of age, and reside in Town for at least 30 days

preceding any Town election and shall be a registered voter of the Town. Commissioner Wood Motioned to approve the change. Commissioner Fields seconded. Approved 4-1.

Charter Amendment Resolution 2023-03 will amend Section 602 of the Town Charter. The purpose of the amendment is to allow one alternate position to be appointed to the Board of Supervisors of Elections. There will be three members and one alternate. All other language will remain the same. Commissioner Fields motioned to approve the resolution. Commissioner Wood seconded. Approved 5-0.

Charter Amendment Resolution 2023-04 will amend Section 606 of the Town Charter to clarify citizens can register in both a Town and County office at least thirty (30) days prior to any given election. A person must be registered in the Town at least thirty (30) days prior to an election to be entitled to vote. Commissioner Wood motioned to approve the resolution. Commissioner Elmer seconded. Approved 5-0.

Charter Amendment Resolution 2023-05 will amend Section 608 of the Town Charter to require a Town Commissioner Candidate to submit a Maryland Driver's License or MVA ID, along with a statement of candidacy, and to update the year dates for this century. Commissioner Capano motioned to approve the amendment. Commissioner Elmer seconded. Approved 4-1 with President Fockler in opposition.

Zoning Revisions – President Fockler: The Zoning Revisions were presented and discussed during a Public Hearing held on February 23, 2023. Some changes were made after receiving feedback from the meeting. A non-conforming chicken plot may continue to operate, in accordance with section 175-10, so long as the chickens are registered with the State of Maryland and a copy of the registration is provided to the Town. A non-conforming rooster is considered exempt from this regulation, so long as it has not been discovered by the Zoning Administrator to be a noise nuisance, three or more times within a one-year period. A violation of this ordinance is subject to a pre-set fine, in accordance with section 175-52. All changes will be included in the next quarterly utility bill.

The wording 'Short Term Rental Home' will be used instead of 'Air BnB'.

A Home Occupation added two categories, for type:

Type 1. No employees or customers visit the home

Type 2. One or more employees, or customers, may visit the home. Conditions of approval would be established by the Board of Appeals.

Chapter 175 – Zoning, Article III, Section 175-16, A 3, permitted uses, needs to strike the language “excepting those which the chief activity is a service customarily used as a business”.

The permissible use cross reference in the 'Residential' districts will be returned to the previous format in the R2 and R3 zoning districts.

Chapter 175-19, part 5, strike no Bed and Breakfasts will be allowed within 100 feet of the mean high-water line. Commissioner Capano motioned to strike the language. Commissioner Elmer seconded. Approved 5-0.

Mr. Lightner will revise the zoning language and bring it before the Commissioners at the next meeting. Commissioner Wood motioned to table the discussion and wait for the updated language. Commissioner Fields seconded. Approved 5-0.

Grass Mowing Contract – Commissioner Fields: Apologies from Commissioners Fields and Capano were stated for revealing the proposed price for Settlemyre’s grass mowing contract during the February 14<sup>th</sup> meeting, before deciding to send the mowing contract out for bid. This would not have been fair to Settlemyre, as other bidders would have had an advantage knowing the price. Commissioner Fields motioned to approve Settlemyre’s Grass Mowing Contract for the 2023 season. Next year, a Request for Proposal for the mowing contract will be advertised. Commissioner Elmer seconded. Approved 5-0. On-call contracts for street repaving and water system repair, should also be put out for RFP.

Town Banners – Commissioner Capano: Two types of material are available for the banners – marine acrylic, which has a 15-year guarantee and vinyl, which has a seven-year guarantee. The marine acrylic was chosen. There are two sizes of banners. The larger banner, 30” by 94”, will be used in the historic part of Town. The smaller banners, 30” by 60”, will be used in the Cool Springs neighborhood and other developments on that side of Town, because the street light poles are different. Commissioner Wood motioned to accept the final artwork for the banners. Commissioner Elmer seconded. Approved 5-0. Pauline Bryant is against the banners as she feels that they cost too much. Commissioner Wood and President Fockler stated that the money is in the budget and the Town is receiving a 28% discount on the wreaths that have been ordered. The wreaths will be displayed on the street light poles during November, December, and part of January. Only Delmarva poles may be used to display the wreaths and banners. The banners will be displayed the rest of the year. Sample wreaths will be provided to be sure the correct size is ordered.

Town Administrator’s Report – Bryan Lightner:

Lee’s Marina Agreement Extension Request: Currently they have a ten-year lease and wish to extend the lease to twenty years. With the extension, Tom would be more able to make improvements, such as bulkhead repair. Their current monthly rent is \$1,475.00. Every commissioner should look at the lease. The Town may not be getting fair market rent for the property. As an example, the C Dock monthly rent is \$2,500.00. The Town should consider adding other provisions, as part of revising the lease agreement. President Fockler suggested asking Tom what he is proposing. It was decided to table the discussion while more information is gathered.

Speed Study: Discussion ensued regarding the investigation needed to lower the speed limits on Town roads. While the State minimum speed limit is 25 MPH, for safety, it would benefit the Town to lower the speed limit to 15 MPH. WILMAPCO has provided the Town with crash data for the past seven years. We have speeding data from Altumint and the Sheriff’s Office, and the Town can collect pedestrian data from citizen surveys. All of this may be enough of an investigation for the Town to pass an ordinance to lower the speed limits on Town roads, which would be legally enforceable. Mr. Lightner will

follow up with the Town Attorney and Maryland Municipal League, to make sure we're on the right path.

**Speed Cameras:** The Town Attorney has reviewed the Altumint contract. The Town has the option of where speed cameras are placed and they can be moved within 48 hours of request. Altumint suggests limits for how often a speed camera should be moved and believes a 90-day minimum would be best. The clause for termination of the contract is not Town friendly and the minimum term is one year. The Town awaits answers to the contract questions sent to Altumint.

**Back-up Generators:** The AECOM updated cost proposal for the costs of the back-up power generators is based on the data collected during 2014 URS Study. D & D Electric has submitted a cost proposal for the generators as well. Alger has provided proposals for propane tank installation. It was decided to table the decision until additional proposals are obtained for propane tank installation.

**Watershed Master Plan:** Two different models are proposed by the engineer, Dewberry, and the desire is to make sure both models cover the entire Town. More information will be provided at the next Commissioner's meeting. Another community workshop will be held in May to get more citizen input on the assessment results.

**Artesian Letter:** There are concerns with Artesian's Well #5 interfering with the Town's water supply. This is a concern, since our water is a finite source. There are also concerns with potential sources of contamination. Geologist maps produced for the Town show some of the aquifer conditions, including recharge areas. The recharge areas overlap for the Town's wells and Artesian's proposed well #5. Land use activities within the Zone 3 recharge areas have the potential to impact our wells. The Town would like to discuss future water source protection regulations with Cecil County. The Town is installing transducers into the wells to collect data on water levels and pumping rates on a daily basis. A letter has been written to Joe DiNunzio at the Artesian Water Company to start the conversation about sharing data collection methods and establishing an agreement with procedures, well interference is detected in the future. We need to protect our shared water source and maintain an open line of communication. President Fockler signed the letter to be sent to Artesian.

**Foot Log Park Update:** A cost proposal was provided to the Town from Coastal Resources Inc., eliminating the construction plans and design for an outfall at the end of Baltimore Street to the beach area at Foot Log Park, and adding landscaping design and additional fill for the sewer stabilization project. Access to the beach for clean-up needs to be maintained. Commissioner Wood motioned to approve Bobby Straiton's plan. Commissioner Fields seconded. Approved 5-0.

**619 Bladen Street:** The property has been sold and is under contract, according to Worrell Reynolds. There are outstanding zoning violation fees and water bill for the property. The outstanding water bill is \$5,032.28 and the zoning violation fees are \$81,000.00. Since the zoning violation fees have not been brought before a judge in District Court, it

is highly unlikely the Town would be awarded the fees. Commissioner Wood motioned to waive the zoning violation fees of \$81,000.00. Commissioner Fields seconded. Approved 5-0. The water bill stands and is still owed to the Town.

Election Board Help: The Charter amendment passed and the alternate position will be in effect for the next election in 2024. There are two candidates interested in the position and both will be allowed to serve as volunteers for this year's election.

### **New Business**

Short Term Rental Properties – Trey Giraldi: Mr. Giraldi asked several questions of the Commissioners. He wanted to know, as a STR property owner, if he, and others like him, had done anything wrong. He wondered if requiring permits and taxing the STR property owners would create liability for the Town. He wants to be a viable part of the community. Some negatives of STRs are parking, noise, and not knowing your neighbor. One advantage is that by contacting the STR property owner, any negative issues can be corrected promptly, including asking guests to leave the property. Three of the four STR property owners live in Town and are readily available if any problems arise. STRs use fewer Town resources as they are not in daily use, such as less water, less sewer, less trash, but the property taxes collected by the Town are the same. Each of the STRs have video surveillance, which also deters misbehavior by the guests. As STRs are small businesses, there are constant improvements to the properties to make them attractive to guests. They are a big value to the community. President Fockler stated that he was not in favor of Town permits and no taxes at this point.

### **Commissioner Comments**

Commissioner Elmer apologized for missing the public forum for Commissioner candidates since he was in the hospital with a blood infection.

Commissioner Capano said the Ice Splash was well attended with over 100 cars parked at Avalon Park by Town staff. Next year, extra Town staff will be needed to assist with parking. Money was raised for donation to children's programs in Cecil County. The Town should work with the Wellwood and American Legion to consider adding vendors for next year's event.

### **Public Comment**

Steven Jones is the out-of-Town STR property owner. His property is on Cather Avenue. He wants to be a good neighbor and will give his contact information to the Town.

Suzanne Fockler thanked President Fockler and Commissioner Elmer for their service on the Town Commissioner Board.

Linda Shroyer asked about the fence replacement estimate for the Scott Gardens Retention Pond. President Fockler said it would be taken up with the new group of Commissioners. He noted that there is a need to maintain the Storm Water detention basins in Scott Gardens and Trinity Woods.

Monica goodyear thanked Trey Giraldi for his comments. She has upgraded her properties and has security cameras that are monitored. President Fockler said the maintenance was appreciated.

Thelma McMullen asked what would happen if Lee's Marina decide to sell after they receive an extension on their lease with the Town.

Dan Rubert feels STRs are commercial, like hotels and motels. He is concerned Charlestown will become more commercial.

CJ Heitz asked about the generators and wondered why the old proposal was so much more than the new proposal. He urged the Commissioners to look into that. Commissioner Fields stated that the Board knew the propane fuel source cost estimates would be needed when the generator bid was approved. Two more bids are needed for the propane fuel source before a decision can be made.

Cheryl Ryans is a new resident to the Town and lives in Cool Springs. She appreciates Mary keeping the residents informed. She attended the meeting just to learn more about where she is living.

Pauline Bryant thanked the Commissioners for giving Sam Settlemyre the Grass Mowing Contract for the 2023 season.

Richard Mahan thanked President Fockler for his many years of service and Commissioner Elmer for his two years of service and wished him luck with possible continuation.

Ursula Boudart feels Air BNBs are a business and that permits and taxes are appropriate.

Trey Giraldi said there is a difference between commercial activity and commercial property use. He appreciated the mowing contract being awarded and that next year will be put out for bid. He suggested family relays be considered for the Ice Splash next year.

President Fockler stated that this was the most respectful, functional, and productive Board that he's been a part of. He asked that the new Board keep the momentum going.

Commissioner Wood motioned to adjourn. Commissioner Fields seconded. Approved 5-0.

Meeting adjourned at 9:06 PM

Respectfully submitted,

Kathy SanDoe