

**Town Commissioner's Meeting Minutes**  
**June 21, 2007**

*Public Hearing – Cedar Run Drainage Issues*

**Attendees:** Mayor Spencer, Comm. Boyd, Comm. Mackey, Comm. Garey, Comm. Jones David Kibler, Jeannette DeLude, Jack Hall, Bob Palmer, , Chief Jackson, Ofc. Schmitt

**Public Attendees:** Mr. Jackson, Rich Covert, Cheryl Jones, Clay Owens, Chad Wicklein~ 538 Vaughn, Michelle Houseman~ 517 Vaughn, Kim Thompson~532 Vaughn, and Wayne Holmes~ 534 Vaughn

The meeting was called to order at 630pm.

Mayor Spencer briefed everyone on the reason for the hearing and introduced Mr. Palmer.

Mr. Palmer displayed pictures of what he had discovered when he went to look at the drainage in Cedar Run. He reviewed various types of drainage. He explained what was required for the drains to work correctly in the development. He pointed out erosion that has occurred. The sediment from the erosion has caused a new elevation. Some of the residents expressed concern about the excessive water laying in the back yards. Mr. Palmer went over some issues discovered inc. trash, toys, lawn cuttings, growth all which impounds the water. The residents said the water doesn't reach the ditches and they felt they may be graded incorrectly. One resident said the ditches are too large. Mr. Palmer said they are that size because they take water from not only Cedar Run but from surrounding farms. The system is functioning correctly but it must be maintained.

The Mayor summarized the situation. The town stands behind Mr. Palmer's decision that the swales were designed correctly but they need to be maintained to function. Mr. Hall gave each resident the covenants from their development's Home Owners Association.(HOA) The HOA has been defunct for at least 10years. He explained it is the homeowner's obligation to maintain the drainage ditches. Mr. Hall suggested they create a new HOA and then they could collect the money to help correct the issues. Some of the residents questioned the number of rentals in the development. Mr. Hall said the town can not discriminate against rentals but they could create a ruling regarding this through a HOA. The Mayor reviewed where the town stands. Their options are to create the HOA and take care of it as a neighborhood or they can discuss it and come back to the town but then we would hold a public hearing to get the neighborhood opinion and then we could fix it and tax them a special tax to pay for it. Mr. Palmer stated to disturb that much land

they would need to get a permit from soil conservation. The group was advised to contact a lawyer to proceed with the HOA.

The regular meeting was called to order at 720pm.

The minutes from the previous meeting were approved as submitted.

**Public Forum:**

*Mr. Jackson*

Thanked Public Works for cleaning up the leaves and brush. He also questioned the status of some properties he had previously complained about. The Mayor gave him an update.

**Police:**

See attached report

Comm. Boyd thanked the Police Dept. for helping with Fire on Mill Street.

**Planning Comm.**

Ms. Jones reported they had met Tuesday. Final approval with conditions was given to U&I. Final approval was given to Jamie Darling with conditions.

Ms. Jones reviewed the adaptive re-use proposed ordinance. Mr. Hall went over what the adaptive re-use would do for the town. Mr. Garey motioned to send the information to the Planning Commission for their recommendation; a second was given by Mr. Jones unanimous approval given. The Adaptive re-use ordinance will be sent to the planning commission for their review and recommendations.

**Engineer's Report – Mr. Palmer**

*Replacement of RBC*

MDE will issue a construction permit for the project. The unit will be shipped on Aug. 30<sup>th</sup> so it should be ready for installation a few weeks after that. Mr. Palmer advised the town they need to have a contractor ready when it comes in. Barring Construction removed the original unit. Mr. Kibler explained his discussion with legal council about going with Barring without going to bid and due to the financial aspects it was agreed that was ok to do. Mr. Hall said it's reasonable to waive the bid process because the bid process cost would out weigh the savings. Davis, Bowen and Friedel said they recommend Baring and they have worked with them on other projects. A motion was made to waive the bid process and go with Barring Const. by Comm. Garey; Seconded

by Comm. Mackey, Unanimous approval was given. Mr. Palmer will contact Barring to set up a construction date.

### *Water/Waste Water plans*

The wastewater plans were submitted and accepted with no further comment.

Water ó Mr. Palmer reported Davis, Bowen and Friedel had evaluated several years of data and they confirmed several leaks in the distribution system. It was explained in his report to MDE and the numbers were revised to take those leaks into account. MDE said we need to go back and revise again with the false high flow totals. Once the permit is approved with MDE, Davis Bowen and Friedel will go back and revise the water capacity plan. The Capacity plan should take 60 days or less to be approved. The Mayor asked if that changes the eduø remaining? Mr. Palmer said those would be waste water allocations and it is not the same thing. The water allocations do not exist on paper so that is the reason for the amendment. Mr. Palmer stated there are many leaks in town that need to be fixed. Maryland Rural Water found dozens just on a few streets. The soil is very sandy in town so the leaks don't show up it just goes down in the ground. The leaks are suspected to be at the joints based on the distance apart they seem to be.

The wells have been amended to get the required new info for the waste water. Mr. Palmer stated we should get the data in approx. 60days. MDE will then review it. The Town will need to do a Public Notification of at least 45 days. Mr. Palmer suggested we do this after the report is completed by Davis, Bowen, and Friedel.

Apartment expansion - Quietchild Prop. The Storm Water Management plan was reviewed and approved.

U&I submitted their Storm Water Management plan and Davis, Bowen and Friedel are working with their engineers. Davis, Bowen and Friedel are approx. 90% through the initial review and expect to have comments to U&I by the end of the month. The Mayor questioned the drainage on this project. Mr. Palmer explained the drainage system being put in place by U&I which is set to hold double the water it needs to do so this project will not affect the drainage on Wood Duck and Academy.

Greensboro Farms have submitted four separate plans for review and they are in various stages with DBF. The Street improvements right of way on Granby to Sunset is too narrow for a road section needed for the subdivision to use it as an outlet. The E. Pump Station improvements have been reviewed and DBF issued small comments, the plans for the Elevated Storage tank were just received and will be completed shortly, phase 1 sewer revisions are more extensive than originally thought due to additional changes so the reviews had to be more extensive.

Elmor Ct. ó The developer will need to finish the improvements soon the agreement is getting ready to expire.

Kinnamon Meadows ó Dept of Environment shut the project down because the developer was using unapproved fill from an off site location. The site was stabilized so it would minimize the erosion. The storm drain work is still in progress.

Park Ave ó 3 options evaluated for Park Ave.

#### Option 1

2 way traffic with no parking on the street. This was not viable because of the lack of driveways.

#### Option 2

2 way traffic with a widening of the street to allow parking on both sides. This option requires a dedication of land from Taylor's Garage and Champion Realty. The town would need to negotiate with the owners or take the land by eminent domain.

#### Option 3

##### 1 way traffic

1 way traffic is best due to the width and geometry of the street. Mr. Palmer said they would need to create a series of islands to reconfigure the intersection to make traffic slow down and make a right turn. Mr. Palmer said the proposed concepts should be run by State Highway Administration because they do control Rt. 480. The Mayor said we should consider one way the opposite way. All council agreed should keep it one way. Mr. Palmer will proceed with concepts for one way.

### **Parks Board**

The following items were discussed at the last Parks Board Meeting.

- Founders Day totals and suggestions for next year
- Fishing Derby totals and suggestions for next year
- Barb Mutolo presented ideas for a Farmers Market and more plantings in town

Ms. DeLude reported the town received a \$1000.00 grant from Caroline County Council of the Arts to help with the Founder's Day expenses.

### **Old Business ó Budget FY 07-08**

Mr. Hall presented Ordinance 2007-O-4 for the second reading. A Motion was made by Comm. Boyd to approve Ord. 2007-O-4; it was seconded by Comm. Mackey Unanimous approval given.

Ordinance 2007-O-5 was presented for a second reading. A motion was made by Comm. Garey to accept ordinance 2007-O-5, Seconded by Comm. Jones Unanimous approval given.

**New Business** ó None

**Town Attorney's Report**

Mr. Hall presented ordinance 2007-O-6 for the first reading establishing a service charge for admin and tax payments. Comm. Mackey sponsored the ordinance, Seconded by Comm. Jones

2007-R-03 ó Approving the pick up program for State Retirement. Comm. Garey made a motion to accept the resolution, Seconded by Comm. Mackey unanimous approval given.

**Town Manager's Report**

See attached report.

Caroline Farms ó The Mayor asked Mr. Hall to contact Mr. Bramble regarding getting the light project done.

Mr. Kibler requested Executive Session to discuss financial issues.

**Bills** ó Approved for payment

The meeting recessed at 845pm to enter executive session.

The meeting was reconvened at 858pm ó The open space fee in lieu for the U&I Development project was discussed. All agreed to use the same formula used to calculate the fee for the Kinnamon Meadows project and add inflation.

Comm. Boyd made a motion to go with the same calculations as Kinnamons plus inflation. (\$12-15000) Seconded by Comm. Mackey All approved

The meeting was adjourned at 9pm.

**Executive Session**  
**June 21, 2007**

Attendees; Jack Hall, Dave Kibler, Mayor Spencer, Comm. Boyd, Comm. Mackey, Comm. Jones, Comm. Garey, Cheryl Jones, Bob Palmer, Jeannette DeLude

Mr. Kibler reviewed Mr. Galloway's figures for the fee in lieu for U&I development. He felt they may be a little high based on what we had charged in the past for the Kinnamon Meadow's project.

Mr. Kibler recommended keeping the fee in the same area as Kinnamon's and add inflation cost. (2.62%). It would make the figure approx. \$13000 instead of the \$30000 calculated by Mr. Galloway. Ms. Jones said the Planning Commission had no strong feelings either way. They had all agreed to go with Mr. Kibler's recommendation.

Comm. Jones said the town should come up with formula for the future. All agreed. This will be referred to the Planning Commission for a fee calculation formula.