

May 13, 2009

Present:

Commissioners Joanne Clark, Michael Brady, Robert Snyder, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, and approximately 15 members of the public.

Call To Order:

President Clark called to order the regular working session of the Commissioners of St. Michaels at 5:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street. The Pledge of Allegiance was recited.

Announcement of Prior Closed Session:

President Clark announced that the Commissioners had met in closed session at 2:00 p.m. on May 13, 2009, pursuant to Maryland Code, State Government Article § 10-508 (a) (7) and (8) to consult with staff and to receive advice from counsel regarding legal matters related to Westside Village and 109 Conner Street and to consult with counsel regarding legal matters related to current litigation associated with the TND Overlay Zone Approval on property owned by TND Development, Inc. and Miles Point, LLC.

Special Presentation to Jeff Richardson:

President Clark made a special presentation of the Louis E. "Sonny" Davis Memorial Water System of the Year Award to Jeff Richardson, Director of Public Works. The award was given by the Maryland Rural Waterways Association in recognition of St. Michaels as the first town in Maryland to successfully complete arsenic removal from the Town's water system, as required by the Maryland Department of the Environment.

Consent Agenda:

President Clark said the Consent Agenda included departmental reports for the month of April 2009, with disbursements in the amount of \$485, 930.00, and a request for the Commissioners to authorize Davis, Bowen & Friedel, Inc. to design Phase IV of the Street Reconstruction Project. There were no questions from the Commissioners or the public. Commissioner Brady made a motion to accept the Consent Agenda as presented. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

Special Legislative Session:

President Clark called for a motion to open a special legislative session. Commissioner Dinkel made the motion. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

Legislation Eligible for Discussion and/or Introduction and/or Vote:

- **St. Michaels Nature Trail Bid Awards** - President Clark called upon Mrs. Thomas who noted that bids for the Nature Trail project were opened on April 30, 2009 and that bids were submitted for the construction of the trail along with the following alternates:
 - Alternate #1- Overflow Pond Tree and Shrub Planting,
 - Alternate #2- Parking Lot Landscaping,
 - Alternate #3- Concrete paving in the 600 ft. buffer strip,

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- Alternate #4- Resin Paving in the 600 ft. buffer strip, and
- Alternate #5- Stone Dust on the entire trail

There were a total of seven (7) bids received and they were as follows:

- Harper & Son – Total lump sum base bid = \$558,829.00. Total bid with alternates = \$562,301.00.
- David A. Bramble, Inc. – Total lump sum base bid = \$613,160.74. Total bid with alternates = \$661,235.64.
- Bridges Land Management – Total lump sum base bid = \$374,366.21. Total bid with alternates = \$475,068.71.
- Rick Breeding Excavating – Total lump sum base bid = \$524,500.00. Total bid with alternates = \$589,569.25.
- Total Engineering, Inc. – Total lump sum base bid = \$647,325.10. Total bid with alternates = \$746,616.87.
- Dixie Construction Co., Inc. – Total lump sum base bid = \$548,810.35. Total bid with alternates = \$655,275.45.
- Duvall Brothers – Total lump sum base bid = \$616,960.70. Total bid with alternates = \$672,970.70.

Mrs. Thomas also noted that following the bid opening meeting, the Town office received a letter from Bridges Land Management advising they would like their bid withdrawn and thus, the resulting low bid is from Rick Breeding Excavating. Staff and Consultant's recommendation is to award the bid to Rick Breeding Excavating for the base amount of \$524,500.00 with Alternate #1 in the amount of \$8,222.50 and Alternate #2 in the amount of \$4,620.00 for a total bid award amount of \$537,342.50. This recommendation depends upon the ongoing review of the plans by the Town's Engineers, and a possible change order may be forthcoming in the plans for the storm water management component of the contract. Mrs. Thomas further noted that the Commissioners' award of this contract is not final, but is contingent upon the review and approval of the contract award by the State Highway Administration and the Federal Department of Transportation Agency in charge of Transportation Enhancement grants.

President Clark praised the work of the Rotary Club and Town staff on the trail project over the past four years and asked if there were any comments from the Commissioners or the public. Hans Gruenberg of Water Street asked if the contract was a fixed price contract. Consultant Cindy Todd of Pace Design said the contract was a fixed price contract, except for asphalt, which had a 30-day pricing schedule. There were no comments from the Commissioners. Commissioner Brady made a motion to award the contract to Rick Breeding Excavating for the bid price and pending the appropriate approvals by the State Highway Administration and possible change orders related to the storm water management portion of the project. Commissioner Dinkel seconded the motion, which passed on a roll call vote of 5-0 in favor.

- **Resolution 2009-14** - Mrs. Yohn read the title of Resolution 2009-14 into the record as follows: Resolution 2009-14 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ACCEPT AN AMENDMENT TO THE AGREEMENT OF SALE BY AND BETWEEN THE COMMISSIONERS OF ST. MICHAELS, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND AND ST. MICHAELS WESTSIDE VILLAGE, LLC, A MARYLAND LIMITED LIABILITY COMPANY.

President Clark explained that discussion of this resolution had been postponed from the April 22, 2009 meeting, and would be postponed again because the Commissioners had recently received several proposed amendments to the Agreement of Sale from the developer. President Clark also announced that the Commissioners had received a petition from residents seeking demolition of the structure located at 109 Conner Street by the Town. The Commissioners agreed that the next discussion of this project would be on May 27, 2009.

- **Resolution 2009-15** - Mrs. Yohn read the title of the resolution into the record as follows: Resolution 2009-15 - A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS, MARYLAND, ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM TO DETECT, PREVENT AND MITIGATE IDENTITY THEFT IN CONNECT WITH OPENING OR MAINTAINING AN ACCOUNT WITH THE TOWN IN ACCORDANCE WITH FEDERAL REGULATIONS RELATING TO RED FLAG IDENTITY THEFT

President Clark said that Resolution 2009-15 had been discussed at the Commissioners' meeting on May 8, 2009 and was a requirement of the State of Maryland. Commissioner Brady said the resolution was a good piece of housekeeping legislation and he had no objection to it. Commissioner Snyder said he also supported the legislation. There were no additional comments from the Commissioners. The Commissioners agreed to vote on Resolution 2009-15 at their May 27, 2009 meeting.

Commissioner Brady made a motion to move out of the Special Legislative Session and return to the regular working session. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

Discussion Items:

- **Signage on Talbot Street** - President Clark noted that directional signs were needed to identify the location of the Police Station and other shops off Talbot Street, and that the Commissioners would be meeting with the Planning Commission to work on other wayfaring signs for the Town. After some discussion of sign costs, the Commissioners directed Town staff to order a black sign with white lettering for the Police Station to be placed under the Library directional sign at the corner of Talbot Street and the Acme parking lot. The Commissioners also directed Town staff to order a white sign with black lettering for "Shops" and including a directional arrow to be placed at the corner of Railroad Avenue and Talbot Street. Commissioner Brady made a motion to authorize expending the money to create and erect the signs in the amount of \$950.00 as discussed. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.
- **Police Chief Miquel Dennis and False Alarms** - The Commissioners and Chief Dennis discussed the wording of possible letters to be sent to residents and/or businesses that have a history of false alarms. Following the discussion, the Commissioners agreed the issue of false alarms should be a topic in the next Town newsletter, and that the wording of a letter, or letters, needed additional work. President Clark asked Chief Dennis to draft additional language for the letters to be discussed during the May 27, 2009 meeting.
- **Resolution 2009-07** - Mrs. Yohn read the title of Resolution 2009-07 into the record as follows: Resolution 2009-07 - A RESOLUTION OF THE COMMISSIONERS OF ST.

MICHAELS TO ADOPT THE BUDGET FOR FY 2010 AND TO SET THE TAX RATE FOR PERSONAL PROPERTY AND CORPORATIONS AT SIXTY-FIVE CENTS (\$.65) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE AND TO SET THE TAX RATE FOR PERSONAL PROPERTY OF PUBLIC UTILITIES AT ONE DOLLAR AND SIXTY CENTS (\$1.60) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE

President Clark provided a brief history of the Resolution, and called upon Mrs. Thomas for a review of the Fiscal Year 2010 Budget. Mrs. Thomas said there had been no changes to the Resolution or the Budget since the public hearing on April 22, 2009. The Commissioners had no additional comments. President Clark said Resolution 2009-07 would be eligible for a vote at the May 27, 2009 legislative session. Hans Gruenberg of Water Street inquired about additional work on Water Street sidewalks and erosion problems. Mrs. Thomas said the Town's engineers would be contacting him to discuss the matter.

- **Presentation by Suellen Gargalli, Miles River Yacht Club** - Mrs. Gargalli highlighted recent renovations to the Yacht Club and its schedule of upcoming events, including sponsoring the fireworks display on July 3, 2009 for the St. Michaels July 4th celebration.
- **Presentation by the St. Michaels Art League for "Paint the Town Day"** – Valerie Sunderland of the Art League provided a history of the “Paint the Town Day” event and highlighted a number of additional activities for this year's celebration. Ms. Sunderland thanked the Commissioners for their support of the event, and asked for their participation in judging artwork for a new "Commissioners Award" on July 2, 2009 at the Library. There were no comments from the Commissioners or the public.
- **Commissioners' Calendar** - The Commissioners discussed changes and additions to their meeting agendas through their first meeting in July. Commissioner Brady asked that the Webb Lane project be placed on the schedule for a meeting in August. Commissioners Clark and Hunt said they would provide Mrs. Yohn and Police Chief Dennis with some possible dates and times to meet with the residents on Griffin Drive. President Clark also asked the Commissioners to submit any changes to the schedule to Mrs. Yohn.

Comments from the Public:

President Clark asked for comments from the public. There were no comments.

Comments from the Commissioners:

There were no additional comments from the Commissioners.

Announcement of Next Meetings:

President Clark said the next scheduled meeting of the Commissioners was a special working session with the Planning Commission on May 20, 2009 at 6:00 p.m. in the Town office. Other meetings would include a public hearing of the Critical Areas Commission on Chesapeake Reach Growth Allocation on May 26, 2009 at the St. Michaels Library, and Commissioners' regularly scheduled meetings on May 27, 2009 and June 10, 2009.

Adjournment:

President Clark adjourned the meeting at 6:40 p.m.

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Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Nature Trail Bid Results
- Departmental Reports
 - Administrative and Disbursements
 - Public Works
 - Police