

October 28, 2009

**3:00 p.m. – Special Public Working Session**

**Present**

Commissioners Michael Brady, Joanne Clark, Donna Hunt , and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, and approximately 4 members of the public. Commissioner Robert Snyder was absent.

**Call to Order**

President Brady called to order the special working session of the Commissioners of St. Michaels at 3:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels. The Pledge of Allegiance was recited.

**Special Working Session to discuss amendments to the stormwater management sections of the Code of the Town of St. Michaels**

President Brady opened the discussion explaining that all municipalities must adopt stormwater management procedures using MDE model language. These new procedures will not be applicable until May, 2010.

Mrs. Thomas walked the Commissioners through the ordinance language section by section and proposed revisions were discussed.

Phil Jones of St. Michaels Road commented on the definition of “Point of Study” and the impact of downstream flow path convergence moving from properties in Town to properties in the county.

John Wolfe of Perry Cabin Drive asked if the MDE 2010 manual was available to which President Brady responded that the changes being discussed at the meeting this evening are being made to bring the Town’s ordinance into compliance with the 2010 MDE requirements.

Mike Estrella of Rio Vista asked about water flowing onto someone else’s property to which President Brady responded that an applicant’s stormwater management plan must protect surrounding properties.

President Brady instructed Town staff to make the proposed changes discussed this evening to the ordinance language and to send the draft document to MDE for their review and approval by the November 4, 2009 deadline with copies to the Commissioners.

**Adjournment**

President Brady adjourned the meeting at 4:10 p.m.

**6:30 p.m. – Legislative Session**

**Present**

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

**Call to Order**

President Brady called to order the regular legislative session of the Commissioners of St. Michaels at 6:30 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels. The Pledge of Allegiance was recited.

President Brady announced that Commissioner Snyder will not be attending the meeting this evening, however, in accordance with Resolution 2002-03 he gave sufficient notice to the remaining Commissioners that he would not be present and that he would be voting on matters eligible for vote by absentee ballot and his votes would be read into the record by Town Manager Cheril Thomas.

**Public Hearing**

**Resolution 2009-23** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2010. Exhibits for Resolution 2009-23 were read into the record as follows:

1. Notice of Public Hearing dated October 21, 2009 and October 28, 2009
2. Resolution 2009-23 dated October 28, 2009
3. Notice of Public Hearing, dated October 28, 2009, and posted on the bulletin board in the Town office

Mrs. Thomas gave an overview of the proposed budget amendments that were necessary to offset lower real estate tax revenue and highway usage revenue, and that staff was recommending cuts to offset the deficits in the General Fund Budget and the Capital Fund Budget. Mrs. Thomas also said that the staff was recommending that the funding shortage for the W. Chestnut Street sidewalks in the amount of \$4,150.00 be funded out of the street repair bond. Commissioner Clark added that the accommodations tax revenues for the Town were down approximately seventeen percent from the previous year. As there were no additional comments from the Commissioners, President Brady invited questions or comments from the public.

Ann Borders of 105 Cherry Street asked for a copy of the original budget, which Mrs. Thomas said she would provide.

Marie Martin of 104 Cherry Street encouraged residents to access the Town's website for agenda documentation to help save paper.

Steve Florkewicz of East Marengo Street asked about the payment to Westside Village and storage of the dismantled structure previously located at 109 Conner Street. President Brady said that the Town and Westside Village had agreed to dissolve their partnership and the payment to them was a settlement to avoid litigation. Mrs. Thomas said the structure from 109 Conner Street was being stored on Town property for possible future reconstruction at another location. There were no additional questions from the public. President Brady closed the public hearing on Resolution 2009-23.

### Consent Agenda

President Brady said that the Consent Agenda included minutes for closed sessions and open sessions in the month of September 2009 as follows:

- September 9, 2009 – public session
- September 16, 2009 – public session
- September 23, 2009 – closed session
- September 23, 2009 – public session

President Brady noted that the Consent Agenda also included a request for an over-the-street banner for Midnight Madness and Christmas in St. Michaels. There were no comments from the Commissioners. Commissioner Clark made the motion to adopt the Consent Agenda as presented. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote as read by Mrs. Thomas.

### Contract Awards

- **Bid Award for Town of St. Michaels Public Works Truck.** On October 8, 2009, the Town of St. Michaels received four bids for a public works truck as follows:
  1. Fred Frederick CDJ, Easton, MD. The bid for 2010 Dodge Ram 1500 Quad Cab for \$26,373.00 3yr./36,000 mile bumper to bumper warranty. Price does include all standard equipment specifications plus additional options as requested. Delivery 90-120 days.
  2. Hertrich Fleet Services, Milford, DE. The bid for 2010 Toyota Tundra for \$28,702.00 provides 3 yr/36,000 mile warranty. Price does include all standard equipment specifications. Delivery October 30, 2009.
  3. Norris Ford of Easton, MD. The bid for 2010 Ford F-150 4x4 Super Cab for \$22,023.00 provides for 3 year/36,000 mile bumper to bumper warranty, 5 year/60,000 mile power train warranty. Price does include all standard equipment specifications. 8 week +/- delivery date.
  4. Preston Ford, Preston, MD. The bid for 2010 Ford F-150 for \$26,156.00 provides for a 3yr./36,000 mile bumper to bumper warranty, and a 5yr./60,000 mile power train warranty. Price does include trailer tow package and drop in bed liner. Delivery 8 weeks.

President Brady asked for comments from staff. Mrs. Thomas said the new truck was for the water department and would replace the Town's Ford Ranger, which is not a candidate for trade-in but would instead be sold. Mrs. Thomas said the staff's recommendation was to award the contract to the lowest bidder, Norris Ford of Easton for the Ford F-150 in the amount of \$22,023.00 and confirmed that the truck would be a capital expense paid from the water fund. There were no other comments from the Commissioners. President Brady called for a motion to accept the staff's recommendation and award the bid to Norris Ford. Commissioner Clark made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote as read by Mrs. Thomas.

- **Bid Award for W. Chestnut Street and St. Mary's Square Sidewalk Improvement Project.** On September 16, 2009, the Town of St. Michaels received six bids for W. Chestnut Street and St. Mary's Square Sidewalk Improvement Project as follows:
  1. Bridges Land Management, Inc. Base bid with Glen Gerry Brick = \$65,750.00. Bid Alternate 1 with concrete = \$39,350.00. Bid Alternate 2 with Pine Hall Brick = \$62,700.00.
  2. DW Masonry, Inc. Base bid with Glen Gerry Brick = \$158,450.00. Bid Alternate 1 with concrete = \$134,600.00. Bid Alternate 2 with Pine Hall Brick = \$158,450.00.
  3. Intown Restorations, Inc. Base bid with Glen Gerry Brick = \$71,152.50. Bid Alternate 1 with concrete = \$41,811.00. Bid Alternate 2 with Pine Hall Brick = \$71,305.50.

4. Metro Paving Corporation. Base bid with Glen Gerry Brick = \$70,900.00. Bid Alternate 1 with concrete = \$46,500.00. Bid Alternate 2 with Pine Hall Brick = \$70,900.00.
5. BII Corporation. Base bid with Glen Gerry Brick = \$171,075.00. Bid Alternate 1 with concrete = \$104,775.00. Bid Alternate 2 with Pine Hall Brick = \$166,575.00.
6. Gateway Construction, Inc. Base bid with Glen Gerry Brick = \$148,938.00. Bid Alternate 1 with concrete = \$73,000.00. Bid Alternate 2 with Pine Hall Brick = \$144,600.00.

President Brady called on Mrs. Thomas, who said that staff needed guidance from the Commissioners on what approach to use with residents who did not want brick and who prefer either grass or concrete. After a protracted discussion among the Commissioners and additional input from W. Chestnut Street residents, the Commissioners decided to defer award of the bid and to schedule another meeting with the W. Chestnut Street property owners to discuss their options and potential costs.

- **Bid Award for Plan Review Services for the Miles Point III Traditional Neighborhood Development Modified Sketch Plan and Design Code.** On October 7, 2009, the Town of St. Michaels received seven bids for Plan Review Services for the Miles Point III Traditional Neighborhood Development Application. The bids were as follows:
  1. KCI Technologies, Sparks, MD. Proposed price = \$14,780.00.
  2. TND Planning Group, Baltimore, MD. Proposed price = \$8,540.00.
  3. Lane Engineering, LLC, Easton, MD. Proposed price = \$8,800.00.
  4. URS Corporation, Wilmington, DE. Proposed price = \$13,680.00.
  5. Robert D. Rauch & Associates, Inc., Easton, MD. Proposed price = \$31,650.00.
  6. George Miles & Buhr, LLC, Salisbury, MD. Proposed price = \$4,220.00.
  7. F.X. Browne, Inc., Lansdale, PA. Proposed price = \$9,888.00.

Mrs. Thomas said staff was recommending the contract be awarded to Lane Engineering LLC of Easton, Maryland, pending the firm's affirmation that it has no association with the Miles Point partners. Commissioner Clark said that the Town's attorneys had reviewed the bids and she was comfortable with the choice. President Brady said he agreed with the recommendation, and then asked for public comment. Beth Jones of St. Michaels Road said she appreciates the affirmation of no relationship between Lane Engineering and the Miles Point principals. As there were no additional comments from the Commissioners or the public, President Brady called for a motion to award the contract for Plan Review Services for the Miles Point III Traditional Neighborhood Development Modified Sketch Plan and Design Code to Lane Engineering, LLC, pending written affirmation that it has no association with the Miles Point partners. Commissioner Clark made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote as read by Mrs. Thomas.

#### **Legislation Eligible for a Vote**

- **Ordinance 405 - A BILL TO DEFINE "ADULT ORIENTED BUSINESSES" AND TO ADOPT A TEMPORARY MORATORIUM UPON PROCESSING APPLICATIONS, SITE PLANS, BUILDING PERMITS, AND APPROVALS OF ADULT ORIENTED BUSINESSES IN THE INCORPORATED LIMITS OF THE TOWN OF ST. MICHAELS FOR A PERIOD OF NINE MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AT THE COMMISSIONERS OF ST. MICHAELS MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE TOWN OF ST. MICHAELS**

President Brady said Ordinance 405 had been introduced by Commissioners Brady, Clark, Dinkel and Hunt on September 23, 2009, and noted that if adopted at this session, it would become effective on November 17, 2009.

As there were no comments from the Commissioners, staff or the public, President Brady called for a motion to adopt Ordinance 405 as written. Commissioner Dinkel made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote as read by Mrs. Thomas.

- **Ordinance 408** - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING) §340-108 (DEFINITIONS) TO AMEND THE DEFINITION OF A PUBLIC PARK TO INCLUDE THE HOLDING OF COMMUNITY ENHANCEMENT EVENTS AS DEFINED; TO AMEND §340 (ZONING) TO ADD A NEW SUBSECTION 340.51.2 (COMMUNITY ENHANCEMENT EVENTS); TO DEFINE COMMUNITY ENHANCEMENT EVENTS AS OPEN AIR CONCERTS/PERFORMANCES, CULTURAL AND GOVERNMENT SPONSORED OR SUPPORTED EVENTS AND FARMERS' MARKETS; TO DEFINE THE PURPOSE AND GENERAL REQUIREMENTS OF ALL COMMUNITY ENHANCEMENT EVENTS; TO AMEND CHAPTER 234, (PEDDLING AND SOLICITING), ARTICLE I, (TRANSIENT VENDORS), §234-2 (PROHIBITED CONDUCT) TO ALLOW FOR THE VENDING OF GOODS ON PUBLIC PROPERTY UNDER THE PROVISIONS OF A COMMUNITY ENHANCEMENT EVENT; AND PROVIDED THAT THIS TITLE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO PUBLIC PARKS AND COMMUNITY ENHANCEMENT EVENTS IN THE TOWN

President Brady said that public hearings on Ordinance 408 were held on August 26, 2009, September 9, 2009 and September 23, 2009. The Ordinance was introduced by Commissioners Brady, Clark, and Dinkel on September 23, 2009. President Brady said if the Ordinance was adopted at this meeting, it would become effective on November 17, 2009.

As there were no comments from the Commissioners, staff or the public, President Brady called for a motion to adopt Ordinance 408 as written. Commissioner Dinkel made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote as read by Mrs. Thomas.

- **Resolution 2009-19** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO REPEAL AND REENACT THE REGULATIONS FOR OPERATION OF ALL PUBLIC PARKS TO ENACT REGULATIONS FOR PUBLIC EVENTS TO BE HELD IN PUBLIC PARKS AND ON TOWN PROPERTY PURSUANT TO A PERMIT ISSUED BY THE TOWN AND TO ENACT REGULATIONS FOR FARMERS MARKETS HELD IN PUBLIC PARKS OR ON PUBLIC PROPERTY PURSUANT TO A PERMIT ISSUED BY THE COMMISSIONERS OF ST. MICHAELS

There were no comments from the Commissioners, staff, or the public. President Brady called for a motion to adopt Resolution 2009-19 as presented. Commissioner Clark made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote, as read by Mrs. Thomas.

- **Resolution 2009-22** - A RESOLUTION OF THE TOWN OF ST. MICHAELS APPROVING AN AGREEMENT BETWEEN THE MARYLAND STATE POLICE, THE ST. MICHAELS POLICE

DEPARTMENT AND OTHER STATE AND LOCAL LAW ENFORCEMENT AGENCIES  
PERTAINING TO THE TALBOT COUNTY DRUG TASK FORCE

There were no comments from the Commissioners, staff or the public. President Brady called for a motion to adopt Resolution 2009-22 as written. Commissioner Hunt made the motion as stated by Commissioner Brady. Commissioner Clark seconded the motion which passed on a roll call vote of 5-0, including Commissioner Snyder's absentee vote, as read by Mrs. Thomas.

- **Resolution 2009-23 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2010**

There were no comments from the Commissioners, staff or the public. Mrs. Thomas said there was a typographical error in the title which would be corrected by staff. President Brady called for a motion to adopt Resolution 2009-23 as written and corrected, and including Attachments A, B, and C. Commissioner Dinkel made the motion, as stated by President Brady. Commissioner Clark seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote, as read by Mrs. Thomas.

- **Resolution 2009-24 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

There were no comments from the Commissioners, staff or the public. President Brady called for a motion to adopt Resolution 2009-24 as written. Commissioner Hunt made the motion, as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's absentee vote, as read by Mrs. Thomas.

- **Resolution 2009-25 - RESOLUTION 2009-25, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT A DEBT POLICY GUIDELINE FOR THE TOWN OF ST. MICHAELS**

There were no comments from the Commissioners, staff or the public. President Brady called for a motion to adopt Resolution 2009-25 as written. Commissioner Clark made the motion, as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's vote as read by Mrs. Thomas.

**Other Matters Eligible for Discussion**

- **Ordinance No. - [TBD] - AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS AMENDING CHAPTER 54 (SALARIES AND COMPENSATION), ARTICLE I (COMMISSIONERS) TO ADD A NEW SUB-SECTION 54.2 (OTHER COMPENSATION, NON-MONETARY) TO ENUMERATE ALL GOODS AND SERVICES THAT MAY BE GIVEN, LOANED OR OTHERWISE PROVIDED TO THE COMMISSIONERS DURING THEIR TENURE; PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY AND RELATING GENERALLY TO MATTERS OF COMPENSATION FOR THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS, MARYLAND**

Commissioner Clark said, as a companion to cuts in the budget, she was putting forth this Ordinance to clarify the non-salary items Commissioners receive to assist them during their term of office, such as paper, internet access, mileage costs, per diem allotments, etc. Commissioner Clark said that these types of expenses are enumerated in a separate Resolution. Mrs. Yohn read the title of the proposed Resolution into the record as follows:

RESOLUTION 2009-[TBD] - A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS TO ENUMERATE ALL GOODS AND SERVICES THAT MAY BE GIVEN, LOANED OR OTHERWISE PROVIDED TO THE COMMISSIONERS DURING THEIR TENURE, WHICH GOODS AND SERVICES SHALL BE IN ADDITION TO THE SALARY RECEIVED BY EACH COMMISSIONER AS MANDATED BY THE TOWN CHARTER.

Commissioner Clark discussed changes to the proposed Resolution language based on the earlier budget discussion including limitations on Commissioners' participation in the Maryland Municipal League Conference, mileage, computers and equipment, and the health care allowance for Commissioners. Commissioner Brady said the health insurance should be offered for those Commissioners who need it, and not just taken away altogether because doing so was discriminatory to them. After additional discussion, the Commissioners agreed in general with the language of the Resolution, and noted any additions or changes could still be addressed in a subsequent discussion. President Brady took comments from the public, and then directed staff to assign numbers to the draft Ordinance and Resolution and to schedule both for a future agenda.

- **Requests from the St. Michaels Parks and Recreation Committee**

President Brady said the St. Michaels Parks and Recreation Committee had come before the Commissioners on October 14, 2009 and that he had promised them a response at this meeting. President Brady called on Mrs. Thomas, who presented the staff's recommendations. Mrs. Thomas said staff was recommending that the request to dedicate the skateboard park in Beverly Richardson's name be deferred until the park was no longer being used as a staging area for sewer and road repairs and could be beautified for a dedication. Mrs. Thomas said staff also recommended approval of a plaque in honor of Morris Osborne to be placed in Hollis Park, improved landscaping for Hollis Park, and utilizing space in the Town's newsletter to encourage volunteers for the Parks and Recreation Committee. Mrs. Thomas said the Town could probably provide a Christmas tree for the Muskrat Park gazebo from the Town's tree mitigation program. Based on comments from the public, the Commissioners deferred any action on the proposed Committee to plan a War of 1812 celebration pending additional discussion by the Parks and Recreation Committee regarding recruiting volunteers. Following additional discussion, the Commissioners agreed with staff recommendations.

- **Request for Proposal (RFP) for Phase 4 (Cherry Street and Mulberry Street)**

Mrs. Thomas outlined the scope of work for Phase 4 of the Town's street repair project. The staff report on the scope of work is attached as a part of these minutes.

Marie Martin of Cherry Street and James Valliant of Green Street urged the removal of the concrete sidewalk on the North side of Cherry Street.

Commissioner Hunt asked staff to send letters to property owners on Water Street regarding the ornamental fences blocking legitimate parking areas.

President Brady instructed staff to making changes to the scope of work as discussed and to send the revised document to Davis, Bowen & Friedel to forward to Bunting and Murray to inquire if they are interested in performing this work under their current contract.

- **Signage request from the Hambleton Inn**

Mrs. Thomas explained that the Hambleton Inn was requesting that a directional sign be hung underneath the Cherry Street sign on Talbot Street to direct guests to the Inn. The Commissioners had no objection. President Brady directed staff to send a letter to the Inn's owner informing her of the cost of the sign.

**Comments from the Public**

Marie Martin of Cherry Street noted that the Muskrat Park Fund had received a \$725.00 donation from the FreshFarm and the vendors at the farmers' market and that donations to the park fund from T-shirt sales totaled \$210.00. There were no other comments from the public.

**Comments from the Commissioners**

Commissioner Clark thanked Public Works Director Jeff Richardson and the Public Works crew for the many new plantings of trees around the Town, and noted that more trees would be planted in the coming weeks.

**Announcement of Future Meetings/Events**

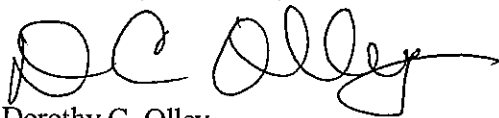
President Brady announced the following schedule of meetings and events in November:

- November 4, 2009 - Regular Public Session at 5:00 p.m. in the Town office
- November 11, 2009 - Town offices will be closed in observance of Veteran's Day
- November 18, 2009 - Regular Legislative Session at 6:30 p.m. on the Town office.
- November 25, 2009 - the Town office will be closed for staff furlough
- November 26, 2009 and November 27, 2009 - the Town office will be closed for the Thanksgiving Holiday

**Adjournment**

President Brady adjourned the meeting at 9:15 p.m.

Respectfully submitted,



Dorothy C. Olley  
Secretary

**Attachments:**

- Absentee votes by Commissioner Snyder
- Bid Award - Public Works Truck
- Bid Award - Plan Review Services for Miles Point
- Ordinance 405
- Ordinance 408
- Resolution 2009-19
- Resolution 2009-22
- Resolution 2009-23
- Resolution 2009-24
- Resolution 2009-25
- Staff report on Request for Proposal (RFP) for Phase 4 (Cherry Street and Mulberry Street)