

The Commissioners of St. Michaels

Public Working Session

November 18, 2009

3:00 p.m. - Special Working Session

Present:

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt, and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Town Attorney Karen Ruff, Robert Kane of Davis, Bowen & Friedel, and 10 members of the public.

President Brady called to order the special public 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.

Public Review of the Chesapeake Reach Stormwater Management Plan

President Brady announced that this is not a public hearing but merely a public review of the stormwater management plan for the Chesapeake Reach project. President Brady introduced Bob Kane of Davis, Bowen & Friedel, Town Attorney Karen Ruff, and Rick VanEmburch of Lane Engineering, representing Chesapeake Reach.

Rick VanEmburch of Lane Engineering gave an overview of Chesapeake Reach's proposed Stormwater Management Approval Request (a copy of which is attached as part of these minutes), explaining that it exceeds all minimum Town and State requirements.

President Brady thanked Mr. VanEmburch and then called upon Mr. Kane who gave an overview of Davis, Bowen & Friedel's Stormwater Management Review for the Chesapeake Reach Subdivision dated November 11, 2009 and revised November 17, 2009. A copy of the review is attached and made a part of these minutes.

Mr. VanEmburch then made closing remarks, reiterating that the storm water management plan for the project meets all requirements of Town ordinances, as well as the requirements as outlined in the new Maryland Department of the Environment manual, and exceeds requirements in the areas of recharge, infiltration, water treatment, mitigation, and pocket pond size. Commissioners Hunt, Brady and Dinkel expressed concerns about the safety of the pond area and asked the Applicant about installing a fence around the pond. Attorney Sarah Everhart stated that if the fence is a condition of the Commissioners' approval, the Applicants would be willing to comply with installing a fence. President Brady then called for public comment. Phil Jones of St. Michaels Road expressed concerns that the property discharges upstream and not into tidal waters. Mr. VanEmburch responded to Mr. Jones concerns, noting that the plan addresses tidal water flooding and the design meets all criteria. Commissioner Dinkel complimented the applicant and Davis, Bowen & Friedel for their very thorough review.

On consensus of the Commissioners, President Brady directed Attorney Karen Ruff to draft a decision Resolution based on the discussion and to have the draft available for discussion at the Commissioners' December 2, 2009 meeting.

Adjournment

As there were no additional comments or questions, President Brady adjourned the meeting at 5:30 p.m.

6:30 p.m. - Legislative Session

Present:

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt, and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Police Chief Miguel Dennis, and approximately seven members of the public.

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.

Public Hearings and Possible Introductions:

- **Ordinance 410** - AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), §340-26 "CENTRAL COMMERCIAL ZONE", TO ALLOW COMMUNITY CENTERS AS A PERMITTED USE AND TO AMEND §340-108 (DEFINITIONS) TO ADD A DEFINITION OF "COMMUNITY CENTER"; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY OF ORDINANCE NO. 410, AND MATTERS GENERALLY RELATING TO COMMUNITY CENTERS IN THE TOWN OF ST. MICHAELS.

Exhibits for Ordinance 410 were read into the record as follows:

1. Notices of the public hearing scheduled for November 18, 2009 as published in the *Star Democrat* on November 2, 2009 and November 9, 2009.
2. Ordinance 410
3. Notice of Public Hearing on November 18, 2009 for Ordinance 410 which was posted on the bulletin board in the Town Office.
4. Report and Recommendation of the St. Michaels Planning Commission dated October 28, 2009.

President Brady called upon Mrs. Thomas who gave an overview of the Planning Commission's recommendation for Ordinance 410. Mrs. Thomas said the Planning Commission recommended adopting the Ordinance, based on its compliance with the provisions of the Town's Comprehensive Plan and Legacy Plan. As there were no public comments, and no additional comments from the Commissioners, President Brady closed the public hearing on Ordinance 410. Ordinance 410 was introduced by Commissioners Clark, Hunt, and Snyder. President Brady stated that Ordinance 410 would be eligible for vote at the Commissioners' December 16, 2009 legislative session.

- **Resolution 2009-21** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND, TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE PURPOSE OF MAKING TEXTUAL CHANGES TO ARTICLE II, SECTION §C-5 REGARDING THE DAY OF THE MONTH IN JUNE ON WHICH A REGULAR TERM OF A COMMISSIONER EXPIRES; ARTICLE II, SECTION §C-10 REGARDING THE DAY OF THE MONTH IN JUNE ON WHICH A NEWLY ELECTED COMMISSIONER TAKES OFFICE AND THE OFFICERS OF THE COMMISSION ARE ELECTED; AND

ARTICLE II, SECTION §C-10 REGARDING THE ELIGIBILITY OF AN APPOINTED COMMISSIONER TO SERVE AS PRESIDENT OF THE COMMISSION- PROVIDING THAT THE TITLE OF THIS RESOLUTION SHALL BE DEEMED A FAIR SUMMARY

Exhibits for Resolution 2009-21 were read into the record as follows:

1. Notices of the public hearing scheduled for November 18, 2009 as published in the *Star Democrat* on November 2, 2009 and November 9, 2009.
2. Resolution 2009-21
3. Notice of Public Hearing on November 18, 2009 for Resolution 2009-21 which was posted on the bulletin board in the Town Office.

President Brady called on Mrs. Thomas to provide an overview of the Resolution. As there were no public comments, and no additional comments from the Commissioners, President Brady closed the public hearing on Resolution 2009-21. Commissioners Brady, Clark and Snyder introduced Resolution 2009-21. President Brady stated that Resolution 2009-21 would be eligible for a vote at the Commissioners' December 16, 2009 legislative session.

Bid Awards

• **Bid Award for W. Chestnut Street and St. Mary's Square Sidewalk Improvement Project**

Mrs. Yohn said that on September 16, 2009, the Town of St. Michaels received six bids for the W. Chestnut Street and St. Mary's Square Side walk Improvement Project, and the bids were 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.

Mrs. Thomas said that staff recommended awarding the bid to the lowest bidder, Bridges Land Management, Inc. for Bid Alternate 2 Pine Hall Brick. Mrs. Thomas also noted that as of today, 21 property owners on W. Chestnut Street have signed agreements for work to be done and that Bridges has agreed to accept an award based on unit pricing for the number of properties who joined the project. There were no additional comments from the Commissioners or the public. President Brady call for a motion to accept Town staff's recommendation and to award the bid for the W. Chestnut Street sidewalks to Bridges Land Management for Bid Alternate #2 with Pine Hall Brick in the amount of \$40,900.68 and,

until the date of construction, with the agreement of the contractor in each case, this award may be adjusted to include additional eligible properties under the same contractual arrangement with the Town. Commissioner Hunt made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Bid Award for Mulberry Street Bulkhead**

Mrs. Yohn said that on October 27, 2009, the Town of St. Michaels received five bids for the Mulberry Street Bulkhead replacement, and that all bids included a non-collusion statement and a bid bond of five percent (5%) of the base bid. The bids were as follows:

1. M.D. Miller Co., Inc. t/a The Marksmen Co., Baltimore, MD - \$266,400.00.
2. Edwin A. & John O. Crandell, Inc., West River, MD - \$214,780.00.
3. Heinsohn Contracting, Inc., Arnold, MD - \$156,825.00.
4. Central Bay Boat Lifts, Edgewater, MD - \$187,900.00.
5. Dissen & Juhn, LLC, Stevensville, MD - \$238,500.00

Mrs. Thomas noted that the original grant for this project from the Maryland Department of Natural Resources (DNR) was in the amount of \$100,000.00. Based on the bid amounts submitted, DNR has given a verbal commitment for an additional \$56,825.00 and Town staff suggests awarding the bid contingent on receipt of DNR's written approval for the additional funds. Mrs. Thomas said the Town already has permits and the contractor is prepared to start once written approval from DNR is received by the Town. Mrs. Thomas said the Commissioners had the choice of awarding the bid now, or waiting for the written confirmation. The Commissioners agreed to award the bid now. President Brady called for a motion to accept the Town engineer's and the Town staff's recommendation and to award the bid to the low bidder, Heinsohn Contracting, in the amount of \$156,825.00, with the award being contingent upon the Town's receiving the entire grant from the State in the amount of \$156,825.00. Commissioner Clark made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

Consent Agenda

President Brady said the Consent Agenda included departmental reports for the month of October, 2009 with disbursements noted in the amount of \$661,862.83, of which \$437,101.50 was for capital projects and engineering, and \$15,553.50 was reimbursable legal costs. The consent agenda also included draft minutes for public and closed session meetings in the month of October 2009. President Brady asked the Commissioners if there were any changes to the minutes or any questions on any of the reports. There being none, President Brady asked Chief Dennis about the increase in number of thefts over the past month. Chief Dennis said the thefts were primarily crimes of opportunity believed to have been committed by individuals living outside of St. Michaels involving unlocked vehicles or doors being left unlocked. Chief Dennis said he had some suspects in mind and would be meeting with other law enforcement in Talbot County to discuss the matter. President Brady said he also noticed that noise complaints had increased. Chief Dennis said the complaints were not the traditional complaints from businesses, but rather complaints such as radios too loud in vehicles. Chief Dennis said he would be re-coding these types of complaints as traffic-related complaints rather than noise complaints. As there were no additional comments, President Brady called for a motion to accept the Consent Agenda as presented. Commissioner Snyder 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.

Items for Discussion

- **Ordinance 411- 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 THE 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 provided an overview of Ordinance 411. Commissioner Clark said that the Town's current Chapter 54 of the Code only deals with salaries and compensation for the Commissioners, and that adopting Ordinance 411 would make clear that the Commissioners receive other types of compensation beyond an annual salary. Commissioner Clark also said that Resolution 2009-26, which would be discussed later in the meeting, would outline the types of compensation afforded to the Commissioners.

President Brady asked for comments from the Commissioners. Commissioners Dinkel and Snyder said they supported the Ordinance. President Brady recognized Ted Doyle of Perry Cabin Drive. Mr. Doyle said he was representing the Talbot County Taxpayers Association in supporting the Ordinance and accompanying Resolution 2009-26. Mr. Doyle urged the Commissioners to post the benefits and compensation details on the Town's website. As there were no additional comments from the Commissioners or the public, Commissioners Clark, Dinkel and Snyder introduced Ordinance 411. President Brady stated that Ordinance 411 would be eligible for a vote at the Commissioners' December 16, 2009 legislative session.

- **Resolution 2009-26 - 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 COMMISSION AS MANDATED BY THE TOWN CHARTER**

Commissioner Clark provided an overview of Resolution 2009-26, noting that it was discussed by the Commissioners at their October 28, 2009 meeting. Commissioner Clark said that there had been a couple of changes, particularly the wording related to conferences under Section 1 (Goods and Services), and incorporating changes based on Commissioners' comments. Commissioner Clark said this Resolution will affect Commissioners' health insurance benefits, which are currently fully paid by the Town. Commissioner Clark said that under this Resolution, Commissioners who have health insurance benefits will keep them through the end of their term however these benefits would not be offered to newly elected Commissioners.

Commissioner Hunt said that while she did not run for office for the benefits, the benefit does help. Commissioner Hunt said that she had concerns that reducing this benefit would discourage younger people who are not near retirement from serving as Commissioners. Commissioner Dinkel said that he supported Ordinance 411 and Resolution 2009-26.

Commissioner Brady said he agreed with Commissioner Hunt that the health benefit should not be removed because of the amount of time and effort Commissioners put into their work. Commissioner Snyder commented that he has also been receiving the health benefits, but that he believed that both positions have merit.

After some additional discussion by the Commissioners, and contributing comments from Helen Van Fleet of E. Chew Avenue and Ted Doyle of Perry Cabin Drive, the Commissioners agreed to discuss a clean revised version of the resolution at their December 2, 2009 meeting. President Brady said the Resolution would be eligible for a vote at the Commissioners' December 16, 2009, with revisions as discussed.

- **Resolution 2009-27 - RESOLUTION 2009-27, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND TO ADOPT AN INVESTMENT POLICY FOR THE TOWN OF ST. MICHAELS**

Mrs. Thomas commented that the Commissioners needed to settle the issue of the percentage cap for investing in a single security type. The Commissioners agreed on five percent (5%). The Commissioners also agreed to a change for the investment period from two years to five years and to remove Attachment A (List of Broker/Dealers) as this may be determined after they issue a Request for Proposal for banking services. President Brady asked if there were any comments from the public. Ted Doyle of Perry Cabin Drive said he supported the Resolution and suggested that the Town seek an investment advisory service at some point in the future. As there were no other comments from the public, President Brady said that Resolution 2009-27 would be eligible for a vote at the Commissioners December 16, 2009 meeting with changes as discussed.

- **Term of St. Michaels Cable Television Franchise Agreement**
President Brady called upon Commissioner Hunt, who presented her research into franchise fees. She presented a list of other towns and municipalities in Maryland who have moved to a five percent (5%) franchise fee. Commissioner Hunt said that St. Michaels was currently at three percent (3%) and that she favored the increase to five percent (5%). Mrs. Thomas said the Town Attorney had recently been contacted by Atlantic Broadband regarding negotiating renewal of the existing expired contract. Following some additional discussion, the Commissioners agreed to have the Town's attorneys move forward with negotiations with Atlantic Broadband, including pursuing relief from legal costs and also protecting taxpayers from additional fees.

Comments from the Public

Ted Doyle of Perry Cabin Drive suggested that the Town approach Easton Cable again, as the technology may have changed.

Comments from the Commissioners

Commissioner Clark thanked Commissioner Hunt for her research on franchise fees. Commissioner Snyder thanked Helen Van Fleet for her comments regarding health plans.

Announcement of Future Meetings

President Brady announced future Commissioners' meetings as follows:

- November 25, 2009 – Town Office closed for staff furlough
- November 26, and November 27, 2009 – Town Office closed for the Thanksgiving Holiday
- December 2, 2009 – 5:00 p.m. – Town Office – Regular Public Session


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- December 16, 2009 – 6:30 p.m. – Town Office – Regular Legislative Session
- December 24 and December 25, 2009 – Town Office closed for the Christmas Holiday
- December 28, December 29 and December 30, 2009 – Town Office closed for staff furlough
- December 31, 2009 and January 1, 2010 – Town Office closed for the New Year's Holiday

Adjournment

President Brady adjourned the meeting at 8:35 p.m.

Respectfully submitted,


Sabrenia L. Yohn
Administrative Clerk

Attachments:

- Chesapeake Reach's Stormwater Management Approval Request
- Davis, Bowen & Fridel's Stormwater Management Review for the Chesapeake Reach Subdivision dated November 11, 2009 and revised November 17, 2009
- Draft Ordinance 410 and Planning Commission Recommendation
- Draft Resolution 2009-21
- Reports - Administrative and Disbursements, Public Works, Police Dept.
- Draft Ordinance 411
- Draft Resolution 2009-26
- Draft Resolution 2009-27