

COSM
Commissioners
COSM Closed Session and Work and Legislative Session
Wednesday, October 10, 2018, 5:00 pm - 8:00 pm
Edgar M Bosley Jr. Municipal Admin Building
300 Mill Street; PO Box 206
St. Michaels, MD 21663

- I.

5:00 - Call to Order for Closed Executive Session

The Commissioners will vote to hold a closed session at 5:00 pm prior to the open session.

Motion to vote to go into closed session pursuant to MD Code, Open Meeting Act, General Provisions Article, Section 3-305 (b)3 - to consider the acquisition of real property for a public purpose and matters directly related thereto.

Donn Bibb, Executive Director of Housing Authority of Talbot will be in attendance

President Boos called for a motion to move into Closed Session. Commissioner Harrod made the motion, which was seconded by Commissioner Gorman, and which then passed on a roll call vote of 4-0 in favor.

- II.

6:00 - Call to Order for Working and Legislative Session - Pledge of Allegiance

- President Boos re-convened the combined working and legislative session of the Commissioners of St. Michaels in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland at 6:00 p.m., and the Pledge of Allegiance was recited. Present were Commissioners Bill Boos, Joyce Harrod, Jaime Windon, and Michael Gorman, Town Manager Jean Weisman, Public Works Director Jeff Richardson, Legislative Clerk Suzanna Warnick. and six members of the public. Commissioner Michael Bibb was absent.

- III.

Agenda Amendments

There were no agenda amendments.

- IV.

Announcement of Prior Closed Session

The Commissioners met in closed session today at 5:00 pm pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section 3-305 (b) 3 - to discuss possible acquisition of real property for a public purpose.

- V.

Comments from the Public

President Boos asked for any public announcements from staff. Mrs. Weisman announced that Zoning Officer Sarah Abel has resigned to take a position in Washington, D.C., and that the Town is accepting applications for her replacement. Mrs. Weisman encouraged everyone to join Commissioner Bibb for his next "Conversation with a Commissioner" on Saturday October 20th at 8:30 a.m., and to attend Police Chief Smith's "Coffee with a Cop" on Friday, November 2nd at 8:00 a.m. in the library. Mrs. Weisman said the Talbot County Emergency Operations Center has urged everyone to stay alert and informed as Hurricane Michael approaches the Florida panhandle. Mrs. Weisman said that Commissioner Bibb is attending the Fall MML conference today October 10th through October 12th. Commissioner Harrod said the Character Counts teacher and class would like to visit the Town Office on a Friday. Mrs. Weisman said she would help coordinate the visit, and Commissioner Boos said he would be happy to be present to answer any questions. President Boos then called for comments from the public. Mike Estrella of E. Chew Avenue praised Zoning Officer Sarah Abel for a job well done and said he hoped the Town could find someone as capable. Susan Reiswerg of E. Chew Avenue said that public comment at meetings needed to be clarified, as there was some confusion about whether non-residents were allowed to speak. President Boos said the Town would add back a regular clarification on the agenda that both residents and nonresidents could speak, and make a statement on the website. Ms. Reiswerg also asked whether the Commissioners would be reviewing the matter of the American Corners gas station. President Boos said the Commissioners have no role in the review process, adding that the next step after the Town's Board of Appeals would be the Talbot County Circuit Court of Appeals and after that, a special Court of Appeals. Ms. Reiswerg also suggested a special town meeting be held to air all public comments not expressed at recent meetings. Kate Koepen of Conner Street suggested that the public comment period at the beginning of the agenda be moved back to the end so that the public could hear the Commissioners' comments first. Ms. Koepen also urged the Commissioners to get information out as soon after a meeting as possible to help quell public dis-

information. Gary Mueller of 900 South Talbot said "you can lead a horse to water, but you can't make them read it." Mr. Mueller explained that the Town does put information out there, but there are those that simply don't read or take note of it. President Boos thanked everyone for their comments and suggestions and said the Commissioners would take public comment at the end of this meeting as well.

- VI.

Emergency amendment for Appointment of Jean Weisman as Zoning Inspector

President Boos said that, according to the rules, the Town Commissioners must appoint an interim Zoning Officer in light of Ms. Abel's departure, and made a motion to appoint Jean Weisman, Town Manager, as interim Zoning Inspector until a permanent replacement can be hired. Commissioner Windon seconded the motion, which then passed on a roll call vote of 4-0 in favor.

- VII.

Consent Agenda for Minutes, Department reports and Event Permits

Minutes of September 2018

September 12 2018 - Regular COSM Work & Legislative Session

September 17 2018 - COSM Work Special Session

Department Reports for September 2018

Police Dept

Disbursements for August

Profit and Loss Statements

Planning and Zoning

Public Works

Administration

Marketing and Communications

Event Permits

-- Permit Application for Public Event from St. Michaels Business Association, for Midnight Madness Holiday Shopping Event throughout town, on December 1, 2018 all day and night, for approx. 1,500 - 2,000 during the day and approx. 300 attendees for the drawings at 11:30 pm

President Boos announced that a vote to approve the consent agenda would include approval of minutes and reports for the month of September 2018, as well as event permits as noted above. Mrs. Weisman noted that the Midnight Madness event would be held at the Galley restaurant in order to have a raised outdoor platform for the announcements. As there were no questions from the Commissioners, President Boos called for a motion to approve the consent agenda as presented. Commissioner Harrod made the motion, which was seconded by Commissioner Boos, and which then passed on a roll call vote of 4-0 in favor.

- VIII.

Ordinances Eligible for Possible Vote

Ordinance No. 497 - Firearms and Explosives

AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 166 - FIREARMS AND EXPLOSIVES; BY ADDING SUBCHAPTER 166.1.1 EXCEPTIONS ALLOWING FOR BLANK AMMUNITION FIRING OF HISTORIC WEAPONS THAT ARE A PART OF A PLANNED EDUCATIONAL DEMONSTRATION OR INTERPRETATION OF AN HISTORIC OR HERITAGE CELEBRATION, AND TO INCREASE THE AMOUNT OF THE FINE FOR A VIOLATION

President Boos announced that Ordinance No. 497 was eligible for a vote, and called upon Mrs. Warnick, who read the title of the Ordinance into the record as above. President Boos noted that the only change to the ordinance since the last discussion was an increase in the fine to \$1,000.00, which is the limit allowed by Maryland State law. As there were no other questions or comments, President Boos called for a motion to adopt Ordinance No. 497 as presented. Commissioner Harrod made the motion, which was seconded by Commissioner Windon, and which then passed on a roll call vote of 5-0 in favor, including an

absentee vote from Commissioner Michael Bibb, as read into the record by Mrs. Weisman.

- IX.

Ordinances for Discussion and possible Introduction

None

- X.

Items for Discussion

Pascal request for amendment to easement

President Boos welcomed Willard Burry Parker, attorney for Robert Pascal. Mrs. Weisman said that Mr. Pascal wants to amend the easement agreement that has been in place since 1987 between Mr. Pascal and the Town for the parking lot behind the Long and Foster building. The Town agreed at the time to allow Mr. Pascal access to parking spaces for his employees and the Town was allowed to put parking meters on the spaces. Mrs. Weisman said Mr. Pascal now wants to have reserve parking (the four spaces against the building) for his use. Mr. Parker said that parking on Talbot Street has diminished, and Mr. Pascal wants to create a handicapped space for one of his employees and designate three other regular spaces for the same total of four spaces. Mrs. Weisman suggested that Mr. Pascal should draft an amendment to the easement agreement for the Commissioners to review. Mr. Parker agreed to draft the amendment by the next scheduled review of the matter.

MOU with Talbot County for Road construction as a part of the County's USDA Rural Development Project

President Boos said an opportunity has come to the Town because Talbot County now has access to additional grant money which could help defray the Town's costs in terms of repairs on Grace and Thompson Streets. President Boos said the County wants a Memorandum of Understanding (MOU) from the Town that if the government does not step up to pay for cost overruns, the Town would be liable for those overruns. President Boos said that the overruns would not exceed what the Town has already allocated for the project. The Town's allocation would be saved if the grants come through. The additional funding source has also allowed the County to continue its street work on Grace Street with a single contractor and the work may finish more quickly due to the

economies of scale. Mrs. Weisman said the County Council has approved the MOU and the Town's attorney has approved it. President Boos said that the Commissioners individually had met with the Town Manager and generally agreed to go forward. As there was no additional discussion, President Boos made a motion to approve the MOU as presented. Commissioner Harrod seconded it, and the motion passed on a roll call vote of 5-0, with Mrs. Weisman having read an absentee vote of "yea" from Commissioner Michael Bibb. President Boos said the Commissioners would sign off on the MOU within the next couple of days.

Talbot Street- trees and tree grates

President Boos said that some of the Town's sidewalks are difficult to negotiate because of tree roots that are trip hazards. President Boos noted that other towns, including Easton, have put metal grates around the trees to level the walking surface and protect the trees roots from being trod upon. Mrs. Weisman said that staff is proposing grates for 15 tree areas on Talbot Street. Mrs. Weisman continued that public works would need to retro-fit the grates and each location would need preparatory cement ribbons, digging up and replacement of the surrounding brick sidewalks, repositioning of electrical outlets, and replanting of trees. There was then a discussion of where and how to position the electrical outlets to avoid excessive moisture or having them be yet another tripping hazard, and whether there were alternatives, such as up-lighting the trees or battery operated lighting. Mike Estrella of E. Chew Avenue suggested possibly a post on the street side of the tree that would protect it from impact and also house the electrical.

Mrs. Weisman concluded that the staff was coming to the Commissioners for guidance and permission to expend funds for a project that would not be a simple installation. Mrs. Weisman said that \$25,000 had been budgeted, but the cost may exceed that amount due to the number of issues. The Commissioners then directed staff to obtain more information on lighting options, ground water issues, and electrical and tree costs before the project went out to bid.

Drinking Water Quality

Commissioners have asked to receive an update on drinking water- chlorine smell and taste

Public Works Director Jeff Richardson presented a report on the quality of St. Michaels drinking water and MDE requirements. Mr. Richardson said the amount of chlorine in the water had been increased per State regulations. Mr.

Richardson said that St. Michaels water was tested for quality on a daily basis at each well for levels of iron and chlorine.. Mr. Richardson noted that arsenic testing is federally regulated and testing samples are taken and sent to an independent laboratory. Mr. Richardson said that when one of the Town wells was deactivated for repairs, his crew did not flush hydrants, which was done regularly when both wells were in operation. Mr. Richardson said that regular flushing has resumed now that both wells are operating again, and he believed that the spikes in the chlorine smell would subside or even out. Commissioner Gorman thanked Mr. Richardson for his report and noted that the Commissioners were now familiar with the process and could respond to questions from residents.

Resolution for USDA Grant- Street sweeper

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS AGREEING TO APPLY FOR FINANCIAL ASSISTANCE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT TO FINANCE A TOWN STREET SWEEPER

Mrs. Weisman said that the Talbot County grants coordinator had informed her that a grant might be available to offset the cost of the new street sweeper. Mrs. Weisman said she had been sent the paperwork to apply for the grant, but needed the Commissioners to adopt Resolution 2018-04, authorizing the Town to apply for the grant. Commissioner Boos called for a motion. Mrs. Warnick read the title of the resolution into the record as noted above. Commissioner Windon made the motion to adopt Resolution 2018-04 as presented. Commissioner Gorman seconded it, and the motion passed on a roll call vote of 5-0, with Mrs. Weisman reading Commissioner Michael Bibb's vote of "yea" into the record.

President Boos took a moment to say that the new street sweeper is used once a week and covers the whole town in one day. He noted that the usage is far less than what the manufacturer considers "normal use," and thus the unit should last longer than the fifteen-year life expectancy, thereby reducing the over-time cost.

- XI.

Calendaring

Hollis Park Bulkhead dock complaint

Mrs. Weisman said she had received a complaint about the Hollis Park bulkhead being used by boaters rafting out and partying at late hours, and the rafting made

it difficult for other boats to get in and out of the slips opposite the bulkhead. Mrs. Weisman said the park rules needed to be amended and signage for the bulkhead should be changed to close its use at dusk like the rest of the park. The Commissioners agreed that staff should prepare documentation to make the changes, and have the Waterways Committee look at the issue.

Mrs. Weisman and the Commissioners discussed future agenda items, including the next design meeting, the Character Counts visit, and the Pascal easement.

- XII.

Comments from the Commissioners

President Boos opened the discussion for additional public comment. Donna Hunt of E. Chew Avenue asked how much was the grant for the street sweeper. Commissioner Boos said the grant was for \$50,000. Ms. Hunt also suggested that information about public input at quasi-judicial and de novo hearings should be added to the bottom of meeting agendas. President Boos noted that had all of the people wanting to comment at the recent hearing stayed for the whole meeting, they would have been given the opportunity to speak in turn. Mrs. Weisman added that all attendees were encouraged to send emails with their comments as an alternative to waiting to the end of the meeting, and that all emails received were entered into the record. Kate Koepen of Conner Street asked if the grates were primarily for beautification. President Boos said no, that safety for walkers and for the trees were the primary reasons. Ms. Koepen also said to please keep the white lights in the trees. Chris Polk of the Star Democrat asked when the next design meeting for the town office was scheduled. President Boos said the date had not been set yet, but the design committee was working on it.

- XIII.

Announcement of Future Meetings

November 12 2018 - Town Office closed for Veterans Day

November 14 2018 - 6:00 pm - Town Office - COSM Regular Working and Legislative Session

- XIV.

Adjournment

The meeting was adjourned at 7:35 p.m.