

## Commissioners of Ridgely

### Minutes September 10, 2007

The September Town Meeting was held in Town Hall on the above date at 7:00 pm. Nancy Gearhart, President; Chuck Hunter, Commissioner; Linda Epperly-Glover, Commissioner; Joe Mangini, Town Manager; Robin Eaton, Director of Public Works; David Crist, Supt. of Water/Wastewater; and Carol Balderson, Town Clerk; were present. See attached list of others present.

**Call to Order** – President Gearhart called the meeting to order with the Pledge of Allegiance and a moment of silence for our service men and women.

**Approval of the Minutes** – August 6 – Commissioner Epperly-Glover made a motion to approve the minutes as submitted, seconded by Commissioner Hunter. Unanimously approved.

August 20 Work Session – Commissioner Hunter made a motion to approve the minutes as submitted, seconded by Commissioner Epperly-Glover. Unanimously approved.

August 20 Executive Session – Commissioner Hunter made a motion to approve the minutes as submitted, seconded by Commissioner Epperly-Glover. Unanimously approved.

**Treasurer's Report** – The Clerk reported a General Fund balance on August 31 of \$69,777.75, Sewer Fund - \$176,747.41, and Water Fund - \$21,570.58.

Bills have been presented to the Commissioners for payment approval.

**Police Report** – Joe presented the report in the absence of the Chief. He is attending the annual Chief's Conference and Training from September 9 through September 13 in O. C.

The Department was requested to investigate an alleged excessive use of force by the Preston Police during an incident at the past Carnival. This is now completed.

The Department was going to lose two officers due to them moving to their respective families areas. One has decided not to leave. Ofc. Steve Creason has moved to PA. The application deadline is Sept. 14. Several applicants have been interviewed with one being moved farther into the process.

Ofc. Ewing has now completed all required training and is working on his own.

During the last of July and all of Aug. the Department responded to numerous calls to the Oakview Ct. area for a person in need of assistance from the mental health realm of the county. This was finally accomplished after a meeting was demanded by the police at the residence which included Social Services and two mental health reps. Since then there have been no calls of that nature.

There were three SWAT call outs last month netting 8 arrests and the seizure of a healthy amount of drugs. Two were in Caroline Co. and one in Kent County. Persons involved in the Kent mission are known to frequent our area.

Joe reviewed the monthly report for August.

**Public Works Report** – Robin reported the street lights on Oak St. are done. They are working on fixing some others.

He reported uniforms for his crew have been purchased. This will be less expensive than the uniform service we have been using.

Robin reported he has found a less expensive alternative to the town dumpster situation. The trees on Central Ave. have been elevated 10 feet.

The Welcome to Ridgely signs have been changed out – new names.

Rev. Cheek said the “No Trucks” sign on Walnut St. is not being monitored.

Betty J. Mumford asked who is responsible for sidewalks and who enforces.

Robin said when he came here sidewalks belonged to the property owner. He said a 2 inch deflection is acceptable.

Joe said it is the Town’s responsibility to enforce corrective measures.

President Gearhart said the Town had a program where the Town would pay for the labor to replace and the property owner would pay for the materials. There was a sign up list for this.

There was some discussion on the Town’s right of way. Robin said Central Ave. is 100 ft., streets that run north/south are 80 ft., alleys are 20 ft., and streets that run east/west are 60 ft. Some of these streets are crooked which makes it difficult to define.

Commissioner Gearhart asked Mrs. Mumford to turn in a list of the bad sidewalk areas to Sara.

Cathy Smith requested mosquito spray and Mrs. Diaz requested spraying the Railroad St. parking lot.

**Water/Sewer Report** – David reported 96 days of holding time in the lagoon and that the water complaints received at the last meeting have been handled/tests done.

He reported that Hanover’s contractors cut an electric line creating wastewater spray issues.

He is working with Joe on Sewer Capacity Management Plans.

He reported that Bilbrough is to be in to hook up generators. There are a few more things left to do to the well.

Mr. & Mrs. Diaz complained about the calcium (spots on dishes and clogged shower heads) and chlorine in the water. She said it used to help when the hydrant was opened for flushing and that has not been done in a long time.

David reported chlorine is distributed from the water tower for the entire town. Use varies so much every day, it’s hard to regulate.

Some discussion.

**Other Board/Commission/Committee Reports – P & Z** – Joe reported there was an application for a home daycare and a Zoning Appeal for swimming pool setbacks. A preliminary sketch for Mr. Brodie’s stores was also received. Joe has requested a more detailed sketch (in color) for the Planning Commission. There was also the consideration of the preliminary subdivision for Ridgely Park.

**Rails to Trails Advisory Committee** – Joe reported the biggest item was to bring everybody up to date on the project. DNR is getting possession, or use, of the right of way and has requested that the town provide a letter of request for the easement in order for us to do work on the rails to trails. That letter was reviewed by the committee and has been sent out to DNR. That letter will be reviewed (will take about 3 months to work its way through the system) and will eventually come before the state’s Board of Public Works for approval. He has asked the committee to select some rails to trails projects around the state, Del., and Pa. so they can go visit them and talk to those people to see

how they did theirs.

Ridgely Historical Society – Rick Schwab said they have taken over the town clock project from Community Together and have \$800 toward it.

He reported that Justin Ebling has volunteered some assistance with equipment for cutting bricks, etc.

President Gearhart reminded folks of the brick project to go in Railroad Memorial Park.

**Town Manager's Report** – Joe – WWTP Sewer Capacity Management Plan – A report is generated by MDE and is given out to all the county health officers throughout the state. It indicates on there the design capacity, the average flow reported, and the allocation. Based on the state's report, the town does its own report internally that is shared with the state and the county. It includes those projects that have been approved by the town in the past year that the state would not have reported. It also includes reserve capacity and what we anticipate.

Joe reported that the county health officer is responsible to sign off on subdivision plats before they are recorded indicating that there is allocation for that project. We have one subdivision that they have not signed off on because the state is looking for additional figures from us indicating what our allocation is.

The report they give, and get back from the state, is on outflow. They discussed inflow with MDE mainly because of the I&I issue, which we have been addressing. The state is interested in knowing what our rainfall is going into the lagoons. The other issue is ensuring that our facility is operating at its capacity.

Development Projects – 1) Weese Town House Project on hold by the developer. 2) Ridgeway Estates Subdivision is the one in question with the county health officer.

There is a Public Works Agreement for that. All these projects have been approved by the Planning Commission and by the town. 3) Mid Shore Regional Business Technology Park – There is going to be a progress meeting held on that this month. Most of the infrastructure is to be in in November. There is a marketing committee that has been formed, and a marketing director has been hired by the county to market the park. Phase 1 is 100,000 sq. ft. of office space with 400 jobs.

The county has written a letter to the Commissioners referencing the Hayman farmhouse. The county would like for the structure to be brought down and a new structure put up in its place. The town has expressed an interest in the structure, and at the present time, the Town Commissioners need to make a decision on which way they are going to go. They would offer it to the town to either be relocated or fixed up to be a usable facility. The marketing committee has also recommended that the structure be brought down. Any demolition in the town of Ridgely has to be approved by the Planning Commission.

4) Walnut Farms Subdivision – On hold by the developer. 5) 128 Walnut Street Subdivision is in the same situation (waiting on the market). 6) Cow Barn Town House Project – Tied to Ridgely Park for the water/sewer infrastructure.

Municipal Capital Projects – 2) WWTP Upgrade Project – ongoing. 3) Water Storage Tank – presently on hold. There is an engineering proposal from Whitman, Requardt & Assoc. (the county's consulting engineers for the business/tech park). The scope of services is to provide coordination services with the town's engineers on the water tank. He has stopped all work on this until this is resolved; it has gone back and forth between

the town and the county for some time now.

Municipal Grant Proposal/Projects Update – 2) Martin Sutton Park Renovations Project – Waiting for Parks & Rec. meeting and Lions Club comments/consideration. President Gearhart would like this project done this fall. 3) 140<sup>th</sup> Anniversary Celebration Project – He had initially considered having an appreciation dinner recognizing the anniversary and people that have helped the town in service to the community over the course of the year. Mugs would be given out and a citizen, and possibly a town business, would be recognized. Then there was some discussion about a parade, maybe a 2 or 3 day event. There is a banner up. Need some input from folks. He has pursued fireworks – initially looking at Oct. 20 or Oct. 27. They think the athletic park is the best place to do this. The Commissioners have talked about some music and a town picnic. Looking for some input. Want it to be a town, community affair. 4) Ridgely EDC Local Revolving Loan Fund – Will be filing application tomorrow. 6) Water Storage Tank – Looking at CDBG and other funding sources.

The town will have a monthly newspaper coming out soon. The editor will be needing help.

New Business – 1) Ordinance No. 305 – “An Ordinance of the Commissioners of Ridgely to Amend Chapter 18 ETHICS of the Municipal Code of the Town of Ridgely”. President Gearhart read the ordinance.

Commissioner Epperly-Glover made a motion to adopt Ord. No. 305, seconded by Commissioner Hunter. Passed unanimously.

President Gearhart said 3 people are needed to serve on this commission. She said she has 3 nominees who are willing to serve. They are: Rev. Denzil Cheek, Cathy Smith, and Betty J. Mumford.

Commissioner Epperly-Glover submitted Shirley Hunter’s name for consideration. President Gearhart said she thinks we may have some situations coming up here that may, not sure, call for an ethics review. If there is not an ethics board in place she is going to suggest that an attorney come in and do a review of some things, or you could have the state board come in.

She said perhaps this board could be decided after the Executive Session tonight.

2) Resolution No. 06-07 – “A Resolution of the Commissioners of Ridgely Confirming Its Non Acceptance of Certain Platted Streets and Alleys Into the System of Public Streets and Alleys of the Town.”.

Steve Horne and Cindy McCann were present representing Ridgely Park. Ms. McCann said this resolution is needed to clear up title to streets and alleyways that were platted sometime ago. This resolution was submitted to Jack Hall (Town Atty.). He has approved it.

President Gearhart read the resolution and passed around a copy of the map indicating streets/alleys involved.

Steve Horne said this happens a lot. Someone plats out a subdivision and it never gets built.

Commissioner Hunter made a motion to accept Resolution No. 06-07, seconded by Commissioner Epperly-Glover. Passed unanimously.

3) Consideration of the Proposal from Whitman, Requardt and Assoc., LLP to provide

engineering coordination services to the Commissioners of Ridgely for the new Elevated Water Storage Tank.

Joe explained that the preferred site for the new water tank is at the Business Tech Park. The county has offered the town at least an acre of ground. Our engineers are already on board with the engineering. The county engineers have submitted a proposal to provide coordination services, cost is \$6500. This is holding things up.

President Gearhart explained that the county Tech Park project has been handled like any other developer coming into town. The developer pays the bills connected with the project.

Some discussion.

The Commissioners would like to talk with the County Commissioners about this.

Joe will try to set something up.

President Gearhart said EDC needs someone to serve (need 2).

**Public Comments** – Shawn McMahon asked what was going on with the web site.

President Gearhart said the new one is not online yet. She said she hasn't had time to do some of the things that need to go on there.

Arlene said it could go up as is now. She said all three Commissioners need to look at it and give it the go ahead.

Commissioner Hunter said it gets to a point and then it stops. He is available 24/7.

Kim Wold said she understood that there was talk of a new contract for the Town Manager. Why are we even thinking about a new contract, and secondly, is the residency requirement going to be in the contract and enforced?

President Gearhart said the current contract says he will establish permanent residency within six months of the contract. That hasn't happened.

She said at budget time this year he was told they wouldn't consider a raise until he honors his contract, or it would have to be rewritten.

She said the main issues of complaint she has received concern the residency requirement and the cost of providing a car and gas for the commute.

She said what she would like to do in the meantime is an addendum to the contract to take care of the residency and vehicle issue. It's an at-will contract with no expiration date.

Commissioner Hunter said when they decided to look at everything hardline they asked Joe to present them with a proposal for his contract. They would have a proposal and they would meet about it. The last workshop meeting, at the end of the meeting, Joe gave the three commissioners a copy of his proposal. They left after that, without looking at it or talking about it. Somehow that information got sent out to the public. They still have not met about it. Then, Toby wrote a blog saying there were issues. We were violating the Town Charter, Joe was going to get 5 years, it was going to cost us millions of dollars to buy him out... Toby has since changed the blog.

Someone asked who Toby was, and Commissioner Hunter said Nancy's (Gearhart) husband. She said he is Planning and Zoning Chairman.

Kim said she thinks Joe is doing a fine job, but she wants the residency clause upheld.

Cathy Smith agreed. This is unethical for the Commissioners to allow this to go on this long. She doesn't see how the employees can respect the whole system.

Commissioner Hunter said he has received numerous phone calls, maybe we need to look for another Town Manager. The only reason he would have ever considered not having him do this is because he is a good Town Manager; but that does not make a difference with his moving. He has been addressing this. Several months ago he suggested cutting out all of the cars. That didn't happen. There is no new contract now.

Joe said the present contract is an indefinite status. There is no ending unless the Commissioners decide they want to remove the Town Manager, and that has to be done at a public meeting. There is a severance package in the contract (6 months).

Joe went on to say the contract calls for the Town Manager to live in the zip code area (not in town).

Joe said he has publicly asked for, and still would like to have, a five-year contract. One of the reasons for that is security. Two Commissioners can put him out. Most professional managers will tell you they like to have protection. A fixed term is not unusual.

Commissioner Hunter said the town needs protection. The last time this went down the town incurred a lot of financial responsibility. One day we had a Town Manager and the next day we didn't. They are not easy to find. He worries about the town. There is a lot of stuff going on. This town is beyond a circuit rider.

Herman Dunst said who knows his performance better than you? The three commissioners need to sit down and work it out. There is a lot more involved than just the fact that he didn't move here.

When asked why he wouldn't want to live in the town he manages he replied that they have been looking (have looked at about 30 homes) and he is going to look at one on Wednesday. He is presently residing in the zip code area until they find a house. He said you cannot force anyone to purchase a house.

Cathy Smith said when Mike Downes was let go it was decided the towns people wanted the Town Manager to live in town.

Herman Dunst said things have changed, technology has changed.

Ms. Smith said what has changed is that people have no ethics, and people are not held accountable.

Mr. Dunst said you have three commissioners who are working with this problem. They understand Joe's situation, they understand what he has done for us so far. They need to work it out. They know his performance better than the residents.

President Gearhart said the people have not changed their minds, they want the Town Manager to be a stakeholder in the town, pay taxes, and be a citizen of the town.

Betty J. Mumford said why have a contract if you're not going to make him honor it.

What are the consequences for breach of contract?

Commissioner Hunter said firing him. This has gone about as far as it can go here tonight. That's why the Commissioners are meeting about this. They were supposed to discuss it on the 20<sup>th</sup>, but there was a big presentation on residential sprinklers. They will discuss it tonight in Executive Session.

President Gearhart said she would like to put it out to the public again after they have discussed it, before it gets voted on.

More discussion.

Commissioner Epperly-Glover said they try to work together. They don't always agree, and they do listen to the residents. They appreciate folks coming and saying what they have to say, whether they agree or not. Invited folks to come back. They are not experts. They are trying to act in the best interests of the residents.

Historical Society Meeting will be held October 4 at 7:00 pm. To meet every month.

**Payment of Bills** – Commissioner Hunter made a motion to pay the August bills, seconded by Commissioner Epperly-Glover. Passed unanimously.

President Gearhart made a motion to adjourn to Executive Session to discuss personnel issues at 9:15 pm.

Respectfully submitted,

Carol A. Balderson  
Clerk