

## Commissioners of Ridgely

### Minutes December 3, 2007

The December Town Meeting was held in the Ridgely House on the above date at 7:00 pm. Nancy Gearhart, President; Chuck Hunter, Commissioner; Linda Epperly-Glover, Commissioner; Joe Mangini, Town Manager; Merl Evans, Police Chief; Robin Eaton, Director of Public Works; and Carol Balderson, Town Clerk; were present.

A list is attached of other attendees.

**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.

President Gearhart thanked the Lions Club and the town staff for a good Christmas Parade and Open House.

**Approval of the Minutes** – November 5, 2007 – Commissioner Hunter made a motion to approve the minutes as submitted, seconded by Commissioner Epperly-Glover. Passed.

**Treasurer's Report** – Finance Report – The Clerk reported a General Fund Balance of \$192,123.30, Sewer Fund Balance of \$169,441.69, and Water Fund Balance of \$21,851.51.

President Gearhart made a motion to go into a short Executive Session with the Police Chief regarding a personnel matter. (Adjourned for about 10 minutes)

President Gearhart called the meeting back to order.

**Police Report** – Chief Evans reported that after that meeting, his department would be back up to strength in about two weeks.

The Chief reported on his request to change parking regulations regarding Connolly's Market. There will be No Parking for trucks on either side of Rt. 480 in front of the store between Central and Maryland Ave. An ordinance will be introduced tonight for this.

Chief Evans reported on the Traffic Safety Summit held on November 30 and attended by Lt. Creason and himself. This was mandated by SHA for grant funds.

The Chief reported that Officer Carroll attended Field Training Officer School.

Chief Evans reported that he has been appointed to a special re-organization committee in regard to the new Chiefs Challenge for the Md. Highway Safety Office.

There were 6 adult and 3 juvenile arrests, 12 traffic citations, and 85 warnings issued in November. (2916 patrol miles)

The Chief reported that SHA has been here to look at Central Ave. between Railroad and Belle to see what they need to do to smooth out the bump.

He reported he has received many good comments as to the new hats and the maroon ties the department is wearing.

**Public Works Report** – Robin reported on the activities and meetings of his department. Bill Moore expressed his frustration with the lack of light replacement by Delmarva in front of his house.

Robin said this problem is the county's problem (from the Tech Park Project), but he has worked hard to try to get it corrected. He too is frustrated.

Joe said he would go over there on Wednesday and see what he can do.

Commissioner Hunter said he received two calls regarding two lights out on Eighth St. Robin will check on these.

**Water/Sewer Report** – Robin reported there are 73 days of holding time in the lagoons. One spray field is still set up to run.

**Other Board/Commission/Committee Reports** – EDC – John Balderson reported that they met with Mr. Brodie and support him on his project. He had to leave the meeting after that.

Joe reported that they talked about the Hayman farmhouse (demolition to come before the Planning Commission).

They talked about Thayer Entertainment, does commercials and short films. He is interested in occupying a bay in the Musselman building.

They also talked with Subrena Guy from the Day Care Center. They are waiting to hear from the Fire Marshall's office to find out what needs to be done to put her business in Mr. Brodie's building.

Joe said he briefed EDC on the Hanover Foods project. The county is going to be taking that over.

He also gave them a quick rundown on Rails to Trails.

**Planning/Zoning Commission** – Joe reported that the Planning Commission met on November 28. Joe went over the projects for development and municipal with them, as well as the EDC projects. There was a brief update on the Comprehensive Plan Update. There was approval for a sign permit for 101 Central Ave., building permit for a fence at 8 N. Park Ave., building permit for a home addition at 4 N. Central Ave., and Mr. Brodie brought in a new proposal for his building and it was approved.

Joe read a letter from Toby Gearhart, Chairman – Planning & Zoning, into the record. (copy attached)

**Rails to Trails Advisory Committee** – Joe reported the committee met on Nov. 26 and the primary focus of the meeting was to get the project up and running. They received proposals from three different planning and design consultants ranging anywhere from \$40,000 to \$140,000. The town wanted to do the Old Tyme Railroad Village as part of the Rails to Trails. Because funding at the present time is going to be limited, the committee decided to contact the three consultants and phase the project in. Planning to do the basic trail itself (in town), an addendum to extend down to Crouse Mill once annexation occurs, and a third addendum to be added will include equestrian trail. The Eastern Shore Heritage Group (\$2200 Grant) was considering taking the money back because the town hadn't done anything up to that point. Joe sent a letter asking for an extension and it has been extended to Mar. 1. The \$200,000 is a state grant and needs to be used.

On Dec. 10 Joe is to receive the proposals back as the phased in project. Commissioners are scheduled to meet on Dec. 17 and the Rails to Trails Advisory Committee will meet again on Dec. 19 and make a recommendation to the Commissioners so they can formally award the planning and design phase in January.

**Ridgely Historical Society** – Rick Schwab reported that the last meeting (and social time) was held at their home and JOK Walsh of the Caroline Co. Historical Society was the

guest speaker. There are 123 engraved bricks in the park.

President Gearhart said this will be an ongoing project. Order forms are available at the Town Office. She also thanked the Historical Society for helping her get the Christmas ornaments together.

**Town Manager's Report** – Joe reported that he was going to try to get the Ethics Commission into training on Dec. 4, but the class was filled. The state is going to try to come here in Jan. to do the training. Commissioners and staff would be able to attend.

**WWTP Issue** – Joe reported there is about 41,000 gals. of capacity available at our plant, including projects already approved.

Joe reported the county's environmental health officer has refused to sign off on two subdivision plats that were approved by the town. They are claiming we do not have the allocation. There have been several meetings with MDE. There will be more. Some other issues are starting to come up that they have been able to address. A meeting is being scheduled with URS (town engineers) and town staff regarding a study they did that indicated a very high I & I.

The next step will be to address the I & I projects that we have in place. We were within two weeks of submitting for a construction permit to begin the upgrade of our plant to change the spray irrigation system. For the last three years MDE has been with us, advising us, and helping us along the way. There is still nothing official in writing about the issues. The legality of whether they can withhold the approval of subdivisions is still up in the air. Because of these issues, all the major projects in the town (residential) that have been approved by the town are on hold. The exceptions are the Mid-Shore Regional Business Technology Park and the Walnut Farms Subdivision.

**Municipal Capital Projects** are also on hold except for the well project. This is because some of the funding for these projects was coming from developers. Could still do some feasibility studies.

**Municipal Grant Proposal/Projects Update** – Robin needs to get with President Gearhart on the Martin Sutton Park Renovations Project to get that completed in the spring.

Commissioner Hunter has agreed to chair the 140<sup>th</sup> Anniversary Celebration Dinner.

There is a wetlands issue with the second water storage tank site picked.

The Cow Barn Athletic Field Facility – They are planning more ballfields, parking, etc.

There is developer funding involved with this facility as well.

Municipal Public Safety Facility – Joe reported that probably after the first of the year we can go out and advertise for a consultant to do a feasibility study. The facility would be located on the fire company's property on Sunset Blvd.

Joe reported the 2007 Audit Report is completed and there will be a Work Session on this with the auditor Dec. 17.

**New Business** – 1) Consideration of reappointment of John Balderson to the Ridgely EDC for a 5-year term (Dec. 3, 2012) – President Gearhart made a motion to reappointment John, seconded by Commissioner Hunter. Passed unanimously.

2) Consideration of appointment of Gerald Sutton to complete the unexpired term of Portia Dunst (EDC) (Mar. 7, 2010) – Commissioner Epperly-Glover made a motion to appoint Gerald, seconded by Commissioner Hunter. Passed unanimously.

3) Consideration of appointment of Dominic Capella to complete the unexpired term of

Dale Mumford (Zoning Appeals Bd.) President Gearhart made a motion to appoint Dominic, seconded by Commissioner Hunter. Passed unanimously.

4) Introduction of Ordinance No. 306 – “An Ordinance of the Commissioners of Ridgely to Amend Chapter 175 Vehicles and Traffic of the Municipal Code of the Town of Ridgely”. President Gearhart read the proposed ordinance. This will be voted on at the next Town Meeting.

Joe requested this ordinance be posted on the town website for review.

5) Consideration of Resolution R-7-07 – “A Resolution of the Commissioners of Ridgely approving the Employment Contract for the Town Manager”.

President Gearhart reported they have been working on the rewrite of this contract since July. When they passed the budget there was a motion that when everyone was given their raise they would not give Joe one until the new contract was written and agreed upon. They have had several meetings with an attorney and have worked very hard on this, and they feel it’s a good contract; not only for our current Town Manager, but for any in the future.

President Gearhart went on to say the main concerns they had from the public were the residency requirement and the car. Residency was reworded to say “primary permanent residency”. Joe has to/had to provide proof that this is his main address. He can still have another home, but during the week, he lives in Ridgely. The initial intention was to have the Town Manager move into the town. Technically, legally, they can’t do that. As far as the vehicle goes, Joe will be using the vehicle for business use only. He will not be using it to commute to Westover any more. Gas will be obtained from the town pump unless he is away.

President Gearhart reported there were some things that were changed and rearranged, etc. She said the only other issue involved salary increase. There was a motion back in June, that Joe would not get a 5% increase until the contract was settled, and it was passed by the Commissioners. She said since then she has looked back at the history of increases in pay since his hiring and with the way they had agreed the raises would go, she is rescinding her vote. The motion still carries. The three year period discussed would not be up until July, 2008.

Commissioner Hunter said the contract has been available to folks online and at the Town Office. He said their original intent was to have the Town Manager move to Ridgely. Joe interviewed with those desires and expressed that he would move here. Wished we could go back, but we can’t. In hiring the lawyer for the town, it was said that in a court of law we can say in here whatever we want, but if this went to a court of law a judge would go by the primary domicile. Proof of primary domicile is voter registration, lease agreement/mortgage agreement, and driver’s license. He feels this contract is a lot tighter and more legal than what we had. The budget issue with the salary increase was based in the town meeting/budget hearing and on Joe’s providing proof of residency and a signed contract.

President Gearhart read resolution R-7-07. Commissioner Hunter made a motion to approve this resolution, seconded by Commissioner Epperly-Glover. President Gearhart opposed due to salary issue. Motion carried.

**Public Comments** – Cathy Schwab asked if there would be another salary increase

requested for the new fiscal year budget.

Joe said no, his contract will run from December to December.

Cathy said the Christmas Parade was very nice, decorations look good, etc. Suggested setting up a committee after the holidays to help with some of this.

Cathy asked if residents were allowed to come and sit in on EDC meetings.

Joe and President Gearhart said all meetings are open to the public.

Cathy also asked if ads were being placed by the town for vacant buildings/businesses to get people interested in town properties.

President Gearhart said a monthly list is needed as to what business properties are vacant/available, size, zoning, etc. This could be shared with county EDC.

**Town Commissioners Comments** – Commissioner Hunter said he has worked with grants before, and wants to volunteer to write grants for the town when he gets out of office. He will be attending a grant writing training session on Dec. 12 and 13 in Philadelphia. He will be taking a real Ridgely grant application with him to work on. President Gearhart reviewed upcoming events/meetings. Looking for folks to participate in the Live Nativity Pageant on Dec. 15. Contact her.

The Town Commissioners Work Session is scheduled to be held on Dec. 17, the same night as the Lions Club Winter Party (Commissioners invited) from 7 to 10 pm.

Discussion on meeting earlier, 5 pm.

Joe will check with the auditor to see if he can come then.

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

Meeting adjourned at 8:30 pm.

Respectfully submitted,

Carol A. Balderson  
Clerk

Commissioners of Ridgely  
Ridgely House  
Ridgely, MD. 21660

Dear Commissioners:

The proposed minutes contain two inaccuracies that I would like to correct.

First, the planning commission never stopped work on Patricia Puckett's Business because she hadn't put in imitation colonial windows. Her permit was put on hold because she hadn't applied for nor received a permit with the proper design standard review. Once this was done, she was able to proceed like every other citizen in this town.

Second, the planning commission didn't trade "four dormers for four businesses" as the town manager states. We expected that the developer would follow through with what he proposed. This was a building that would compliment Ridgely's architectural heritage. Last Wednesday he returned with a proposal which was accepted even without dormers because it was in line with what was first proposed to the planning commission.