

Minutes of the February 27, 2008 Planning Commission

Meeting called to order at 6:10 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich and Jeff Garrett were present. The following were also in attendance: Joe Mangini, Town Manager; Nancy Gearhart, Town Commissioner; Missy Vanskiver, Asst. Clerk; and Rev. Denzil Cheek, Ridgely Church of the Brethren.

Approval of the Minutes

A motion to approve the January minutes was made by Martin, seconded by Toby, unanimously approved.

Town Manager's Report

Joe stated that there still just a little bit of activity concerning building permits. Joe stated that the WWTP Capacity Management Plan included in the packet is the one that has been accepted by the State. Joe also referenced the letter received from MDE. He said that MDE is now accepting the town's report, indicating approx. 38,000 gallons of available allocation. MDE has released 27 lots/allocations (Ridgeway-16, Weese-7, 128 Walnut-3, Sebasco-1). The Cow Barn project would have been included, however that project is "not on the table" at the present time.

The town wants to go into Phase I of the upgrade to the plant, which includes changing the spray irrigation system, thus making the WWTP more efficient. The application and the construction permit have been submitted to MDE and the town is awaiting approval. The schedule for this upgrade is pretty tight, but the town is aiming for a date of February 1, 2009 to be up and running. Joe said if any further subdivisions were approved by the town, they most likely would not be approved by Don Wilson/Caroline County or MDE until the Phase I of the upgrade has been completed, which directly affects Ridgely Park. In order for Ridgely Park to go to settlement, they must have subdivision approval for financial reasons. Joe is not sure if Ridgely Park can wait until the projected completion date of February 1, 2009 to go to settlement. He has talked to Steve Horne, and at this point they still want to continue with the project.

The other option would be if MDE would agree to approve the Ridgely Park subdivision, which would fund Phase I of the WWTP upgrade, but not allow the town issue any building permits until Phase I is completed. Joe said that would require a special agreement between the Town, Ridgely Park and MDE, but that he believes it could be possible. A meeting between the Commissioners and Ridgely Park may be set up within the next week or two.

The town is currently pursuing funding for the operation, going after grants as well as loans. The Commissioners will have to make a decision as to how to proceed with the upgrade project. The important thing to be stressed to the people of this town is that this upgrade project was in the works long before Ridgely Park came into the picture; the town just wants to use Ridgely Park to fund the upgrade, which was agreed to in the DRRA. If it had not been for the MDE decision, Ridgely Park probably would have already started their project this spring.

Joe said Ridgely Park had already sent their plans to MDE; they have a design for the pump station, have spent \$40,000 in engineering costs, and have been meeting with the county. Joe said the town may just need to go into a Memorandum of Understanding that building permits would not be issued until the upgrade is complete. Toby asked about the wording of the letter and what would justify Don Wilson to not approve any subdivisions. Joe said that it would be based on the opinion of MDE, for which Don

Wilson works, to not approve any subdivisions. The town has committed to 184 units for Ridgely Park, via the DRRA. If Ridgely Park decided to leave of their own accord, that would be one thing; if the town could not provide that allocation because the upgrade was never done, that would be a different situation.

Jeff referenced the wording “incident” in the letter, and what that constituted. Joe said that the town is in compliance; the town is neither under a Consent Order nor does the town have any violations. There will not be any violations once the town continues to build. However, due to the set up of the current system, the town can not always spray as needed. The town does not have a big I/I problem, it is not I/I filling the ponds, but rather the rainfall; the town has no control over the rain. Joe said that the town has requested and received approval for emergency discharge twice in the past, due to the amount of rainfall received, but only had to use it once.

Martin asked if the town already had a contractor for the upgrade and what the process would entail. Joe said that there currently is not a contractor, there would be a bid process and the plant will still be operational during the upgrade. He believes that the approval to proceed may be received as early as mid-March. Joe briefly explained the upgrade process and said that with good weather, it could be completed in six months. Toby asked if Ridgely Park would be making a cash payment to fund the upgrade. Joe said no, that there won't be any money coming from Ridgely Park until their subdivision has been approved, which would have happened in November if not for MDE. Toby stated that Ridgely Park would simply be paying the town back for what had been discussed a year ago; Joe agreed.

Toby asked if the \$1.1 million would be included in this current fiscal year's budget. Joe said that it is included in this year's amended budget. Nancy added that it would be via a loan. Martin added that if Ridgely Park obtained subdivision approval next month, it would be almost a year before they had anything to connect to the system. Joe said that the town received a bill from URS where they had recommended approval of Ridgely Park's pump station; Ridgely Park is still putting out money even though they don't yet own the property.

Toby asked if the town could feasibly give the approval as early as May. Joe said that the town could give the approval, but the town would have to be backed up by MDE through an MOU. Nancy asked what the town would be approving; Toby and Joe said final subdivision approval for Ridgely Park. Toby said that is where the amended budget comes in because part of the amended budget would include the loan which would be paid back as stated in the DRRA, but the money can't be forthcoming according to the terms of the DRRA until Ridgely Park receives subdivision approval and can actually begin, even though they wouldn't construct a house until almost a year from now. Joe said that this way, it would get the town its money and would enable Ridgely Park to put their infrastructure in at the same time the plant is being upgraded. Toby asked what would happen if the Commissioners approved the \$1.1 million and then Ridgely Park pulls out. Nancy said it's actually \$1.5 million, not \$1.1 million. Joe said that the staff's position is that this upgrade has to be done regardless. Joe said that the second part of the letter states that if at any time the town has a violation of significant non-compliance MDE will come down on the town. Nancy stated that David and Robin went to Joe not long after he came to Ridgely and started talking to him about a new irrigation system, but it wasn't urgent at the time; knowing that sometime down the road the town would need it – the sooner the better, but let a developer pay for it. Joe said that the other part is that while the town was moving to do that is when the Hanover issue came to light. While the town was trying to help Hanover, Joe was looking at the build out of the town, to include the second phase of the Tech Park; Joe did a master build out of the town which was 500,000 gallons, thus taking care of the needs of the town for the next 20 to 30 years. This was proposed to MDE and at that time (November 2005) MDE stated they could support the town for

500,000 direct stream discharge. The town then lost 2-3 years because the focus shifted away from spray irrigation to direct stream discharge.

Toby stated that the town's capacity per house is higher than the state requirement (300 gpd vs. 250 gpd). Joe said that the state's suggestion/requirement is 250, but that some towns actually use 200 or 225, but the real figure coming from Ridgely's homes is more like 175. Nancy said she thinks the ideal situation would be the MOU and possibly a grant and having Ridgely Park pay the match on the grant. Joe said the DRRA clearly states the amounts that Ridgely Park gives to the town. Nancy asked if URS was currently working on a grant for this project; Joe said that it is a grant/loan and that any grants received would be determined by MDE. Martin stated that grants pay to upgrade failing systems, not for new development. Joe said that this is not for new development, but to increase the efficiency of the existing system. Joe also said that if Ridgely Park were to leave, he would ask the Commissioners to do a resolution "freezing" that allocation for Economic Development purposes.

Development Projects – Joe provided an overview of the current development projects. Weese, Ridgeway Estates, Walnut Farms and 128 Walnut Street are all ready to proceed. The I/I issue will be temporarily put on the back burner. The spray irrigation issue is more important at this time, even though the old system of terra cotta pipe does need to be replaced. Also, there is still an issue with the water storage tank.

Rails to Trails – Joe said the project is up and running. Pace Design gave a presentation to the committee last night. The caboose is still an issue. There will be a meeting again next month, at which time it is expected that the committee will make a final recommendation to the Commissioners. The Commissioners will then review that and make changes if desired. Once the Commissioners are satisfied, it will be presented to the public again and then go out to bid.

Municipal Public Safety Building – Joe is going to put together an RFP for a feasibility study, but he still needs some information from the fire department before he can finish.

Mid Shore Regional Business Technology Park – A progress meeting is scheduled for February 28th. There has been some activity in the park area, apparently in the way of interested businesses. Joe will check with Cynthia Pyron about that.

Musselman Building – Joe met today with another individual interested in space in the building. They would be interested in two bays for their computer-oriented business.

Caroline County Board of Zoning Appeals – The Caroline County Board of Zoning Appeals met on February 19th and approved a request from Hanover Foods for a special use exception on Peaviner Road. This will enable Hanover Foods to construct their 60-day holding pond, which needs to be up and running by October 10, 2008 per the court order.

Joe stated that the North County Water/Sewer Amendment to the Comprehensive Plan was approved by the County. He also said that the town needs to be thinking about its involvement with the BRAC (Base Re-Alignment and Closure) process. The last item Joe mentioned to the Planning Commission was the memo from Jack Hall regarding 106 W. Railroad Street. There was some discussion concerning the memo and the property.

Old Business

There is no new information concerning the Comprehensive Plan and/or the Water Resources Element. Nancy asked if the town was still going to try to get a grant to pay for Shane Johnston's services; Joe said yes.

New Business

Sign Permit Application/110 Park Avenue – Rev. Denzil Cheek presented a building permit application for a sign at the Ridgely Church of the Brethren at 110 Park Avenue. Martin asked about how the sign would be illuminated. Rev. Cheek said that it could be put on a timer, if desired. After reviewing the permit application and some discussion, a motion to approve was made by Jeff, seconded by Martin, unanimously approved.

Cow Barn Property Discussion – Joe gave an overview of the current status of the project, stating that the premise of the original plan was the preservation of the Cow Barn. He said that if the 36 allocations are released, they will go to the next project in line, which would be Ridgely Park. There was some discussion concerning the overlay in that zoning district.

Adjournment

At 7:35 a motion to adjourn was made by Martin, seconded by Jeff.

Respectfully Submitted,

Missy Vanskiver
Asst. Clerk