

Minutes of the March 26, 2008 Planning Commission

Meeting called to order at 6:00 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich, Margaret Haven, and Mickey Newport were present. The following were also in attendance: Joe Mangini, Town Manager; Chuck Hunter, Town Commissioner; Nancy Gearhart, Town Commissioner; Missy Vanskiver, Asst. Clerk; Stacey Weisner, Director, Caroline Co. Planning & Codes; Mike & Joanne Shipley; and Josh Webster.

Approval of the Minutes

A motion to approve the February minutes after correcting the typo (underlined text) was made by Margaret, seconded by Martin.

Stacey Weisner, Director of Caroline County Planning & Codes Administration, introduced herself and gave an overview of the department and its current projects.

New Business

Building Permit Application - 101 Maple Avenue – Mike and Joanne Shipley presented a building permit application for an addition to their residence at 101 Maple Avenue. There was some discussion and a motion to approve was made by Martin, seconded by Margaret, unanimously approved.

Town Manager's Report

Joe gave an overview of the current situation of Josh Webster's property at 106 W. Railroad Street. The property is currently zoned C-2, but Mr. Webster has not had any success in obtaining a commercial tenant for the downstairs portion of that building. Mr. Webster has asked for assistance from the town and/or Planning Commission to resolve his dilemma. There was some discussion concerning this property.

Cow Barn Property – Joe stated that he told Archie Carroll that even if the Planning Commission members were in favor Mr. Carroll's suggestion to subdivide the property, (4 +/- acres to the developer, Cow Barn and 2 +/- acres stay with Archie), Don Wilson most likely wouldn't sign the subdivision. The subdivision would need allocation upon subdivision approval, which wouldn't be available until the first phase of Ridgely Park is complete. Joe has talked with Tommy Vendemia, and he has stated he would like to remain with the project, but first needs the Ridgely Park project to start.

Building Permits Report – Joe stated that Todd Elliott will not be pursuing his building permit for 208 Caroline Avenue because the project won't be able to receive approval from the county.

WWTP Capacity Management Plan – A copy of the WWTP report that was accepted by the state was given to the Planning Commission.

Development Projects – Joe stated that the owners of Walnut Farms have a new partner now and reviewed the letter that was sent to them. A pre-construction meeting was held today with Ridgeway Estates; they should be breaking ground within the next few weeks, if not sooner. Groundbreaking for 128 Walnut Street is expected within the next month. Joe recently received a call from Rodger Weese, who said that he is still interested in pursuing his project; it just may not be this year.

Municipal Capital Projects – The town is current working on Phase I of the upgrade for the WWTP upgrade. The Water Storage Tank has been put on hold until the town receives more information from

the county. The Rails to Trails project is under way. Members of the Rails to Trails committee will make comments on and return the proposal to the consultant. After that, a presentation will be made to the Town Commissioners, followed by a formal presentation to be made to the public. Joe also stated that the rails will be removed by the State of Maryland (per the lease), however no timeframe is given for that action. Joe has had some discussions with Blades Construction, the contractors who built the fire department building in Pocomoke City, and they said they are willing to meet with the Commissioners and RVFD about how that building was constructed.

Economic Development Projects – Joe said that there will be a meeting on March 27th to discuss the infrastructure at the Technology Park. Joe also said that the building that once was Sam's/Vicky's is now going to house a restaurant that serves breakfast, lunch and dinner. Mr. Brodie is currently also breaking ground at the shopping center location on Rt. 480.

Commission Roundtable Discussion

Toby asked how the town ended up in the current situation they are facing with the WWTP upgrade and its funding. Joe stated that it is not just a plan of Robin and David, but the town's administration. The plan for Phase I of the WWTP that has been presented to approved by MDE is the same plan that was discussed with MDE in 2005. The initial goal of this plan is to make the spray irrigation fields operate more efficiently. This plan was discussed before Ridgely Park entered the picture. Then Hanover Foods encountered wastewater issues and the state asked the town to assist in resolving those issues. At that time (November 2005) MDE moved the town toward a direct stream discharge of 500,000 gallons instead of spray irrigation. Shortly after the decision was made for direct stream discharge, Ridgely Park entered the scenario. The intent was for Ridgely Park would pay for the entire WWTP upgrade – phases I and II. Ridgely Park committed \$4.825 million for this upgrade in the DRRA; anything in excess of that amount would be at the town's cost. It was determined that the 500,000 gallon direct stream discharge option was going to be very expensive, and the focus shifted back to spray irrigation. The best the town could do would be to upgrade to 300,000 gallons; this would include the entire Ridgely Park project, and Ridgely Park would pay for the upgrade.

On July 5, 2007 Joe received a call from a developer who was attempting to obtain subdivision approval. The approval wasn't granted at that time and Don Wilson gave the developer various reasons; however it was the developer who brought this to the town's attention – not Don Wilson. Joe said that Don Wilson told him the allocation reports were not correct. Over the next eight months there were many reports done, one of the state reports even indicated that the town had more allocation than the town's report stated; however the state didn't accept that report either. After a meeting with the town and Senator Colburn, MDE agreed to release 27 units of allocation. During all of this, Ridgely Park was moving towards final subdivision approval, which is necessary in order for settlement; funding is not available until settlement has occurred. Final subdivision approval has not been granted, therefore no funding is available. After eight months of addressing various issues (including I/I), MDE said the spray fields were the real issue – which was also the town's issue. The town sent plans for a construction permit to MDE and received the permit faster than Joe has ever seen it happen. The town currently has a construction permit for phase I of the WWTP upgrade, which is changing the spray irrigation system to make it more efficient. Under the current spray irrigation system, there are many conditions when the town is unable to spray (too cold, too windy, too wet or raining, the farmer is using the field, etc), which wouldn't affect the new system.

Toby asked if the town would be fined if after a year the upgrade hasn't been accomplished because the town can't stream discharge. Joe said no, the state and town have agreed to do Phase I of the

upgrade, bringing the plant's capacity to 200,000 gallons, which would also allow for the first phase of Ridgely Park to be included. Toby asked if another upgrade would need to be necessary for the other phases of Ridgely Park; Joe said yes. Toby asked if the town would essentially have to 'eat' the \$1.5 million. Joe said no, that is not correct. The town will have to 'up front' the money but that \$1.5 million will be paid back by any party or developer (including Ridgely Park) when they come into the system. Joe also said that 19 units will be next (fiscal) year, bringing approximately \$100,000 to the town, which would cover the first year's loan payment, if not more; and the people of this town will not have to pay for it. Joe said he's not saying any more about finances because those issues will be addressed at the March 27th meeting. Nancy asked from which developments the 19 units would be coming; Joe said Ridgeway Estates and 128 Walnut Street.

Margaret said that she feels like this is a matter of philosophy as far as the town paying for something and hoping to get paid back. Toby said the town could have had the developer do the improvements first and that the spray irrigation upgrade could have been done if it had been known that the system was in such dire straits a year and a half ago. He also stated that he thinks it should have been part of the DRRA and mentioned an MOU. Joe asked what Ridgely Park would use as collateral since they don't yet own the property. Nancy said they should use some other property that they already own as collateral. Joe said that everybody knows what happened in July – how things were ok until somebody wanting to stop the Ridgely Park project turned Don Wilson on to it. Joe said he knows what happened, and so does MDE's Deputy Director who made the comment that MDE was asked to come in.

Toby said what bothers him is that there has been a change between what David Crist first said, then what he later said, then what was approved based on that; he said that what David said was the 'green light' for him. Toby said the fluctuation in opinion and/or testimony of the town's administration over the course of the DRRA leads him to wonder. Nancy said there must be something to it because now everybody is saying this has to be fixed anyway. Joe said that the town administration's position has not changed one bit. Nancy said that she doesn't understand how there can be an emergency at the same time 247 homes can go online. Joe said that it is not an emergency and wants to clarify that the town and the state (MDE) have agreed on Phase I of the WWTP upgrade to get to 200,000 which would allow those units to come into the system; this has always been the plan. Joe said the design of the WWTP may have changed, but the plan has not changed.

There was discussion about grants and other funding options. Joe said he has talked about this matter to three different financial institutions. Toby said he believes nobody, neither Planning Commission members nor Town Commissioners, would have voted for the DRRA if it meant a cost of \$1.5 million to the town. Joe said he still recommends a loan to the Commissioners, even if Ridgely Park is not here, this upgrade still needs to happen; the only difference is that there is a developer who will be reimbursing the town for the money the town puts out. Margaret inquired about the bottom line – is this something that the town needs to do anyway? Martin stated that he feels that MDE is the wildcard in this situation. He said the town hasn't changed position, MDE has, and so have their standards. There was further discussion about various financing options.

A motion to adjourn was made by Mickey, seconded by Margaret. Nancy mentioned the Cow Barn property. A motion to reconvene was made by Mickey, seconded by Martin. There was some additional discussion concerning the Cow Barn and its possible subdivision. Joe introduced the building permit application for an entrance-type sign in Lister Estates. There was some discussion and a motion to approve the permit was made by Mickey, seconded by Martin, unanimously approved.

Nancy asked about the status of 207 Park Avenue. Joe said that the property owner has been cited and a court date would soon be scheduled.

Adjournment

At 8:29 a motion to adjourn was made by Mickey, seconded by Margaret.

Respectfully Submitted,

Missy Vanskiver
Asst. Clerk