

## Commissioners of Ridgely

### Minutes March 3, 2008

The March 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, Chief of Police; Robin Eaton, Director of Public Works; David Crist, Supt. of Water/Wastewater; Missy Vanskiver, Asst. Clerk; Cary Malkus, Code Enforcement Officer; and Carol Balderson, Clerk; were present.

A list of residents in attendance is attached.

**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** – February 11, 2008 – Commissioner Epperly-Glover made a motion to approve the minutes as submitted, seconded by Commissioner Hunter. Unanimously passed.

**Treasurer's Report** – Clerk reported a General Fund balance of \$125,472.08, Sewer Fund - \$116,548.94, and Water Fund - \$22,110.22. Bills were presented to the Commissioners for payment approval.

**Police Report** – Chief Evans reported there was a drug operation a week or so ago in the parking lot of Connolly's and two houses near town. There were numerous arrests (found heroin).

Ridgely Police Dept. began a security check list in regard to all businesses in town with date and time checked and officer's name.

The Chief went on to report that traffic stops in town have more than doubled from this time last year. It's now becoming harder to find those that are speeding—they seem to be getting the message. Last month there were 25 traffic citations, 100 traffic warnings, and 17 criminal arrests (not counting the drug arrests through the Task Force).

So far this year court hours are half of last year's; most defendants are pleading out rather than going to trial.

Chief Evans reported the Sheriff's Dept. grant for technology is too expensive for us to join. We will be going through Salisbury Police Dept. via internet for MVA info like Denton Police Dept.

Ridgely Police Dept. is working on an activities list for the upcoming spring and summer season. Some ideas are: 1) Little League Parade, 2) Group walks to include the Town Manager and Commissioners, 3) Ridgely Night Out – Giveaways (pencils, pens, key chains, coloring books, etc.), 4) Strawberry Festival, 5) School incident training with school personnel. This will lead into the inclusion of Fire and EMS as training goes on, 6) Spring and late summer – Hot Dogs in the Park – with police cooking and serving at M. S. Park, 7) Commissioners' Day – Hot dogs, soda, etc. at Town Hall – Open House. President Gearhart said at the last work shop, one of the things that came up was regarding the police working with the younger kids a little more. This should include having officers talk to kids at the bus stops to talk about safety.

The Chief also reported that there are some “junkers” going around town. Don’t leave anything out near the alley that you want to keep.

**Public Works Report** – Robin reported on his department’s activities, meetings, and training in February.

Robin said the NCHS tennis team is using our tennis courts again this year. A letter has been received by the town.

Robin reported that Seward Rd. came up at the Tech Park Meeting. The initial agreement states the town will take over that road. It’s a mess now, needs to be fixed before we take it. In his opinion, it doesn’t need to be hot-mix (could be tar and chip), traffic should not be heavy. The Commissioners need to decide if they want more than that.

Joe said the marketing committee wants to change Race Track Road to Airport Road. He pointed out the fact that the paved portion of the road is actually in town, and it should be up to the Town Commissioners to name it.

President Gearhart reminded Commissioner Hunter that he offered to see if he could get some folks to paint the tennis fence (community service).

**Water/Sewer Report** – David reported he is still stream discharging and has 60 days holding time in the lagoons. He reported on his activities in February.

David said they had a water leak on N. Maple. There is an old 4-inch waterline that runs down the alley. Years ago everybody’s water came from the back, now it comes from the front. Valves were not shut off when the new system was put in.

**Other Board/Commission/Committee Reports** – Planning/Zoning Commission – Martin Sokolich reported they approved a sign for the Church of the Brethren. They talked about the agreement they had for the Cow Barn property that is not going to be developed at this time, and what that means for future use of that property.

Rails to Trails Advisory Committee – Joe said they had the initial presentation by the consultant. The big issue that came up was what to do about the caboos. Hoping to have this resolved by the next meeting in March and then a plan design will be presented to the Commissioners for their input. Once the Commissioners have finished that, the committee will present it to the public for their input.

Joe reported the committee has done a fantastic job.

Joe said there is a glitch: the railroad ties are the responsibility of the state to take up, but, we’re not sure when that is going to happen.

President Gearhart said ESHI wants a final report on the previous grant.

Ridgely Historical Society – Cathy Schwab said they talked about having an Ice Cream Social in Railroad Memorial Park on Saturday, May 3. Trying to get people together for different projects for this. Brenda Walls is working with them. They are looking into getting some vendors. They will be having an organizational meeting tomorrow night. Rick Schwab said there will be horse and buggy rides and there will be a model train display.

Chief Evans offered for his department to cook the hot dogs.

Kathy said they are working on a town clock, which Community Together had started. She and Rick made a trip to Mass. to a specific clock factory. They will discuss it at the next meeting.

Tree Commission – Joanne Shipley said they received a grant for another spring planting. Most are replants in Lister Estates and First Street. This will be done for Arbor Day on April 19 starting at 9:00 am in Martin Sutton Park. There will be a dedication of the monument at the Elementary School in honor of the town’s founding fathers.

Commissioner Hunter said he was reading about a new tree – RPM; supposed to be a good tree for towns.

President Gearhart said some information is still needed for the website. Descriptions are needed for the Board of Appeals, EDC, and the Ethics Commission. Not getting the agendas and minutes for EDC and Planning/Zoning (last month). Need agendas earlier. Joe said he would try to get agendas done Wednesdays before the meetings.

**Town Manager’s Report** – Joe reported that the Commissioners have his monthly travel log, the WWTP Sewer Capacity Management Plan, Development Escrow accounts up to date, and building permit application schedule in their packets.

Joe read the “State of the Town Address”. (copies available at the Town Office)

Joe announced that today we received the construction permit for the WWTP to upgrade the present spray irrigation system. The permit is dated February 28, 2008 with an expiration date of February 28, 2011. He read the permit.

Joe said a letter was received from MDE which he feels “vindicated” the town in most of the activities being done. There are 27 approved subdivision lots that have been okayed by MDE. Tomorrow he will carry paperwork over to the county.

They want the town to undertake Phase I of the spray irrigation upgrade which would be to make the plant more efficient (200,000 ga.). Phase II will take the 200,000 ga. to 300,000 ga. and that would bring in the second phase of Ridgely Park. The total cost of the project is \$4.825 million. The first phase is \$1.5 million.

Joe reported that the Weese Town House Project, the Ridgeway Estates Subdivision, the Walnut Farms Subdivision, and the 128 Walnut Street Subdivision are all ready to begin.

Ridgely Municipal Public Safety Facility – Joe reported he met with the City Manager in Pocomoke City on Friday and saw their new firehouse building. The plan here was to go out and do a feasibility study and get a consultant to help us with the building. We might be able to bypass that and do a design/construct. We may be able to have a contractor come in and sit with the Fire Co. and us and come up with a design. Need to check into this more.

Ridgely EDC Local Revolving Loan Fund – Joe reported they put in for \$50,000. DBED is fast-tracking that for us.

Ridgely 140<sup>th</sup> Anniversary Celebration Project – Commissioner Hunter said they are looking at April 12.

**Old Business** – President Gearhart said there were three ordinances read at the February meeting. Normally, they would be voted on at this meeting. Ordinance #307 which deals with Property Maintenance Municipal Code includes adopting the updated version of the BOCA book and we don’t have a copy of the book yet so we can’t review it. They are going to defer this until they can review it.

Cary said he would do an outline of the changes and get it to the Commissioners.

President Gearhart said Ordinance #308 deals with sprinkler systems; it is also being deferred until we get comments back.

Joe reported that the ordinance itself would amend our building code and would make it law to install interior fire sprinkler systems in single-family homes. It is required now in commercial, industrial, apartments, and townhouses.

The new ordinance would apply to new single-family homes and homes renovated more than 50%.

Joe said he wants to make sure our developers understand what we are doing and are able to have input. Also want to make sure this is okay with the Fire Dept.

President Gearhart reported that Ordinance #309 concerns revising our budget. Joe has proposed a revision. This budget included developer fees which we never got. It also calls for adding a loan of \$1.5 million for building a new irrigation system. She thinks the loan needs to be a separate issue from the budget revision.

President Gearhart went on to say that she doesn't like revising the budget 2/3 of the way through the year, but in this case, she feels it is necessary because the last two budgets we had showed a deficit. If Ridgely was to have a real emergency and we had to go out and borrow a lot of money, it wouldn't look favorable.

Joe said there is not a deficit in the budget; there is a deficit shown in the audit in the General Fund. The town is not bankrupt. There is a reason why there is a deficit in the General Fund and he would like to have another meeting to explain that. The administration and staff need to explain why there is this situation on the upgrade to the WWTP.

**New Business** – 1) Consideration of re-appointment of Al Witkofsky and Frank Hall to three year terms on the Board of Appeals.

President Gearhart made a motion to re-appoint Al Witkofsky and Frank Hall, seconded by Commissioner Hunter. Unanimously passed.

2) Consideration of appointment of Butch Martin (replacing Jerry Sutton) and Phil Clark (replacing Dana Jarrell) on the Parks/Recreation Committee.

President Gearhart made a motion to appoint Butch Martin and Phil Clark, seconded by Commissioner Epperly-Glover. Unanimously passed.

3) Consideration of re-appointment of Kelly Hayman to a five year term as a member of the Ridgely Economic Development Commission.

President Gearhart made a motion to re-appoint Kelly Hayman, seconded by Commissioner Epperly-Glover. Unanimously passed.

**Public Comments** – Kathy Schwab suggested some way of tying off the caboose. They have seen children climbing on it, even up on the top. There is a sharp piece where a step was that is very sharp and needs to be covered, etc.

Kathy Smith asked how we got into this situation where we need to take out a loan so that the town doesn't have a deficit.

President Gearhart said the \$1.5 million is so that we can put in the irrigation system because Ridgely Park has not been approved to come on line just yet. They had agreed to finance that.

Joe said our plant is designed and permitted for 200,000 gals. today. When he first came here Robin and David talked to him about the intent of taking the spray irrigation system we have now and changing it to make it better so that David could spray more often, and during inclement weather. They talked about that for about six months with the State. They actually went over there in the spring of 2005. They liked the plan Robin and David came up with...they were impressed by that (without engineers). They proceeded down that road.

Joe said when the situation with Hanover came in, the State wanted us to help address that issue, along with the County and County EDC. So, knowing that the town would be going through a growth spurt at some point, they came up with a maximum buildout that they would go ahead and look at upgrading the plant to 500,000 gals.

In November of 2005, MDE told us they thought we could go to complete stream discharge at 500,000 gals. Around that time Ridgely Park came into the picture and they realized that going to direct stream discharge might raise some environmental concerns, and it was going to be pretty expensive, \$12 to \$15 million. Ridgely Park committed \$5.2 million to upgrade our water and sewer systems. \$4.825 would be for spray irrigation and \$375,000 for water.

Joe explained that in March, 2007, the Town Commissioners entered into an agreement with Ridgely Park for the project of 403 units (184 units in the first phase). They felt then, and now, that we had the allocation for that. The upgrade of the system (Phase I) would take us to 200,000 gals. Phase II would bring us up to 300,000 gals.

Ridgely Park was on the fast track to be approved by the Town, and then it would be approved through the County Health Dept. for allocation. Expected all of this to be done in November. In July, 2007 the County refused to sign off on some smaller subdivisions that had been approved. Everything went downhill from there.

Joe said this has cost the town a year or two. Ridgely Park is in a contract of sale to buy the property; most of their project has been approved by the town. We have entered into a DRRA (Developer's Rights and Responsibilities Agreement). If MDE had not come into the picture, we would have been receiving money from Ridgely Park now. They are now in a holding pattern.

Joe reported that the town is committed to Phase I because of the discussions with MDE. The recommendation is that the town take out a loan of \$1.5 million with that being paid back by Ridgely Park once they are onboard and moving.

Joe went on to say the other subdivisions that he spoke about tonight are obligated for an impact fee of \$12,000/unit being built in this town. We lost a 36-unit townhouse development worth \$500,000 to this town, most of which would have been water and sewer.

The plan now is to go to MDE and see how much we can get in grant funds. This has been done by our engineers.

Ted Wold said we have to buy development?

Joe said it has nothing to do with development. It is something the town wanted to do before those projects came in.

Mr. Wold said we are doing this voluntarily with the citizens of Ridgely's money?

Joe said at the present time, it is voluntary. If, 30 days down the road, the Commissioners of Ridgely tell MDE they aren't going to do it...Can't speak for MDE.

Mr. Wold said the 2007 Audit is very ugly.

Mr. Wold went on to say that on February 8 Ordinance #309 was proposed to be \$1.393 million. Two weeks later you change it to \$1.5 million. That's a lot of money.

Joe said the General Fund is off in the audit because we bought equipment with cash, rather than taking out loans. Part of the \$59,000 is in a reserve fund that we can't touch.

Kathy Smith expressed concerns as well with the housing market in a slump, etc.

Betty Jean Mumford said it would cost the residents here now \$1/day more per household to pay back this \$1.5 million loan.

David Crist said people should be really concerned with MDE; the problem we have is that they will slap a consent order on us. That will be on their terms; not ours.

There was some discussion on getting MDE here to meet with the residents.

Rick Schwab said if these problems were created by MDE, they should be fast tracking something.

Joe said they did...the construction permit.

There were a number of questions and comments from some citizens.

Commissioner Hunter said the town had a consent order once before. One thing folks need to think about is if they do that they will set the rates we pay for sewer.

Joe said the grant/loan obtained from MDE for the Sunrise Ave. Pump Station Upgrade was supposed to be a \$90,000 loan. Normally, they use the loan funds first and then the grant. In this case, he called, and they reversed the process. The loan wound up being \$45,000 to \$50,000 and saved the people of this town a lot of money.

Mr. Diaz expressed concern over the traffic coming from a 400 house development (800 cars).

Joe explained this would be over a 10 to 15 year period.

President Gearhart said she thinks they need to go back to Ridgely Park to see what they require to go ahead and put this money out now. Then go to MDE with that information.

Joe said they need subdivision approval. They can't get that until Phase I of the upgrade is completed.

David said this upgrade has to happen, if Ridgely Park never comes. They knew this had to be done before Lister Estates came into town. We are just getting farther and farther behind. This plant does not do what MDE said it would when they approved it years ago.

Joe said MDE had an inquiry from this county; everything was rolling until that happened.

Commissioner Hunter said these meetings between the town and MDE have been going on for three years. All of a sudden we have a problem. Politicians went over and helped get some things moving.

Kathy Smith said the citizens of this town have a lot of concerns, and it seems like every time they come and voice their concerns Joe takes the opportunity to slam the people that don't agree with him. The citizens have questions.

Joe said he has a right to respond and defend the administration.

Cathy Schwab said it would be a good idea to get these folks together to meet with residents and answer questions.

Robin said he wants the people to understand that we are permitted for 200,000 gals. This construction permit does not allow us to go over 200,000 gals. Our lagoons are based on 200,000 gals. Our lagoons work well; the problem is in our fields. That has always been the problem, the absorption rate. Since that plant has come on line there have been changes made out there, not necessarily 100% supported by MDE. These changes have affected the absorption in the fields. What MDE is saying is that those fields and the system we currently have with single pedestal spray farm irrigation is only able to put out 126,000 gallons per day.

Robin said our proposal, and what they would like us to do; we are going to be planting trees and putting in single set pivots. It will eventually all be in trees and won't be seen. There is a bi-weekly walk through of the whole area. This is to get us to the 200,000 gpd officially, properly, and the way the plant was designed. This is not an expansion. This is the most efficient, cost effective way to go.

Kathy Smith said this changes things. They thought we had to do this because of the development.

Robin said he wanted to make sure everyone understands the facts.

President Gearhart said we will try to get a public meeting with MDE, and will have a meeting on the Budget Amendments. The Commissioners also plan to meet with Ridgely Park.

Commissioner Hunter said he likes it when people yell at Joe, because they aren't yelling at him; but folks need to remember that Joe doesn't make these decisions, the people and the elected officials do.

Commissioner Hunter reminded folks that there is a Town Election coming up on April 28.

President Gearhart said some decisions do get made in here that the Commissioners don't know about until after the fact. The Commissioners are not here all the time.

Commissioner Hunter made a motion to pay the bills, seconded by Commissioner Epperly-Glover. Unanimously approved.

President Gearhart made a motion to adjourn at 9:30 pm, seconded by Commissioner Epperly-Glover.

Respectfully submitted,

Carol A. Balderson  
Clerk