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TOWN OF EASTON, MARYLAND
Easton Town Hall
14 S. Harrison Street

September 2, 2008

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PRESENT AT CONVENING

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8 Mayor Robert C. Willey	11 Councilmember Scott R. Jensen
9 Council President John F. Ford	12 Councilmember Leonard E. Wendowski
10 Councilmember Maureen Scott-Taylor	

IN ATTENDANCE

Also in attendance were the Assistant Town Attorney Ms. VanEmburch, Town Manager Mr. Karge, Town Planner Mr. Hamilton, Building Code Official Mr. Richardson and Town Clerk Ms. Ruf.

CONVENING

At 7:00 p.m., the President Ford called the meeting to order.

Ms. Scott-Taylor opened the meeting with prayer and led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES OF AUGUST 18, 2008 MEETINGS

Upon motion by Mr. Wendowski seconded by Mr. Jensen and carried; minutes of the August 18, 2008 meetings were approved.

ITEMS FROM MAYOR WILLEY

Upon motion by Mr. Jensen seconded by Mr. Wendowski and carried the following re-appointments were approved:

Ms. Joyce Delaurentis	-	Historic District Commission	-	3 year term
Mrs. Carlene Phoenix	-	Affordable Housing Board	-	3 year term
Mr. Otis Sampson	-	Affordable Housing Board	-	3 year term

ITEMS BY THE TOWN MANAGER

Upon motion by Mr. Wendowski seconded by Mr. Jensen and carried unanimously, the bid from Elliott Wilson Trucks for the purchase of an automated collection truck and collection cans was approved at a total cost of \$334,612.00.

Upon motion by Ms. Scott-Taylor seconded by Mr. Wendowski and carried the bid from Mid Atlantic Waste System for the street sweeper truck was approved for a total cost of \$153,508.

Mr. Karge stated that both trucks are below the budget requests.

Mr. Karge forwarded a request from the Easton Police Department regarding the police department expansion project. He stated that the Police Department would like to relocate the handicap space on Dover Street on the Police Department side of the building closest to the patrol entrance. He stated that the handicap ramp is already adjacent to the space.

Upon motion by Mr. Jensen seconded by Mr. Wendowski and carried, approval was granted to move the handicap space.

(Ms. Jackson-Amis arrived at 7:09 p.m.).

The following Public Assembly Permits were recommended for approval by the Easton Police Department:

- o Saturday, September 6, 9:00 a.m. to 4:00 p.m. - Historical Society Historical Car Show in the parking lot adjacent to the Talbot County Historical Society.
- o Request to use Idlewild Park Pavilion sponsored by Queen Esther Church. Mr. Karge stated that he has been advised that there may be a scheduling conflict and he recommended approval giving the Director of Parks and Recreation the final scheduling authority.

- 1 ○ Saturday, September 20, 10:00 a.m. to 2:00 p.m. - Choices for Life Fundraiser Walk.
- 2 ○ Sunday, September 21, 2:00 p.m. to 3:00 p.m. at Idlewild Park near the fountain - P.E.A.C.E. in
- 3 observance for UN International Day.
- 4 ○ Sunday, September 28, 2:00 p.m. to 4:30 p.m., Walk for Hunger commencing at Idlewild Park.

5
6 Upon motion by Mr. Jensen seconded by Ms. Scott-Taylor and carried, approval was granted for the
7 Public Assembly Permits as recommended by the Easton Police Department.

8
9 Mr. Ralph Case, Co-Chair Grounds Committee, Easton Club East asked for help in obtaining
10 documents regarding the stormwater pond. He discussed Pulte's bond. The Town Manager stated he
11 will get the information for Mr. Case.

12
13 Mr. Wendowski discussed signs that are popping up over the weekends at intersections advertising
14 businesses.

15
16 Mr. Hamilton stated that Mr. Smith in the Planning Department is the contact and he is calling the
17 businesses and telling them that each sign will be a \$100 fine if they put them back out. He stated that
18 the only alternative is to fine the businesses heavily because minor fines don't seem to bother them.
19 Mr. Wendowski suggested writing a letter to document they have been notified.

20
21 Ms. VanEmburch stated that the fine is already in the ordinance.

22
23 Mr. Wendowski discussed the storage pod behind Acme. Mr. Hamilton stated that he has contacted the
24 property owner and landlord that said he is anxious to get rid of it as well.

25
26 Ms. Jackson-Amis discussed the trees that have been removed on the gas plant property. She asked if
27 all were infested.

28
29 Mr. Karge stated that all the trees had problems and were in their downstage. He stated that they will
30 be replaced when the landscaping is accomplished for the Easton Police Department addition.

31
32 Ms. Scott-Taylor discussed the work planned on Goldsborough Street and the concerns of Mr. John B.
33 Ippolito, 214 Goldsborough Street.

34
35 Mr. Karge discussed Mr. Ippolito's concerns and stated that the bricks will not be re-used due to their
36 condition and size. Mr. Karge stated that he thinks Mr. Dickerson has worked out the issues. Ms. Scott-
37 Taylor asked to have the Superintendent of Public Works telephone her.

38
39 Mr. Jensen asked that the Town develop an ordinance that will conserve and save trees in the town. He
40 wants to make sure there is a procedure to save trees. Mr. Jensen suggested coming up with rules and
41 checkpoints.

42
43 Ms. Jackson-Amis discussed the Treekeepers. She stated that she would like to be aware of situations
44 in order to keep her constituents informed.

45
46 President Ford asked that a copy of the tree plan be forwarded to the Council.

47
48 Mr. Jensen asked for clarification from the Assistant Town Attorney regarding the responsibility of the
49 town for the stormwater management ponds.

50
51 Ms. VanEmburch discussed the situation when the town actually takes over the maintenance of the
52 stormwater ponds.

53
54 Mr. Hamilton discussed the new policy where the Homeowner Association or the developer takes over
55 the management.

56
57 Discussion occurred regarding the stormwater pond at Waylands. Mr. Karge stated that the town has
58 not taken possession of the pond but has maintained it.

59
60 Ms. Scott-Taylor asked if there is an ordinance against roosters.

61
62 Mr. Karge discussed the existence of chickens and rooster complaints and stated that there is currently
63 no prohibition on the books to prevent someone from keeping chickens.

1 Mr. Don Richardson, Building Code Official discussed the existence and proper maintenance of the
2 chickens and stated that the chickens cannot run at large and must be kept in sanitary conditions. He
3 stated that legislation could be enacted to prohibit chickens from being within town limits.

4
5 **REQUEST FROM MS. SUSAN D. DEVLIN, EXECUTIVE DIRECTOR FOR LETTER OF**
6 **SUPPORT FOR GRANT APPLICATION TO THE MARYLAND AFFORDABLE HOUSING**
7 **TRUST**

8
9 Ms. Susan Devlin discussed the letter of support for application to Maryland Affordable Housing
10 Trust.

11
12 It was the consensus of the Council to forward a letter of support from the Mayor and Council.

13
14 **PUBLIC HEARING ON THE REQUEST OF KELLER HOMES AT ASHBY COMMONS,**
15 **LLC (THE OWNERS) FOR AN AMENDMENT TO THE ASHBY COMMONS PUD**
16 **GENERALLY LOCATED NORTH OF THE VETERANS OF FOREIGN WARS FACILITY**
17 **ON GLEBE ROAD BETWEEN THE EASTON MARKETPLACE SHOPPING CENTER AND**
18 **ASHBY ROAD SUBDIVISION. THE REQUEST IS TO AMEND THE ASHBY COMMONS**
19 **PUD SIBDIVING OFF TWO SMALL PARCELS (TOTAL OF 1,508 SQUARE FEET) FROM**
20 **THE OPEN SPACE LOT A (46,725 SQUARE FEET) WHICH IS TO BE TRANSFERRED TO**
21 **AN ADJACENT PROPERTY OWNER.**

22
23 At 7:49 p.m., the President of the Council opened the Public Hearing.

24
25 Mr. Hamilton discussed the project and the Planning Commission's support for the minor amendment
26 to allow the open space lot to be transferred to the adjacent property owner. He stated that the Planning
27 Commission did not forward any recommendation on the vacation of the lane or street.

28
29 Mr. Ryan Showalter distributed a handout of the project and discussed the subdivision plat of Ashby
30 Commons. He discussed the paper street called Ashby Lane which connects with a 15' alley called
31 Glebe Alley which the town has electric utilities. Mr. Showalter stated that there is a shed located on a
32 portion of Glebe Alley primarily on the developer's property. He stated that the property owner, Mr.
33 Carl Wooters asserts that the shed has been there for more than 20 years which under Maryland law if
34 you have aversely occupied someone else's land in excess of 20 years, you essentially gain title to it by
35 operation of law and adverse of possession. Mr. Showalter stated that through litigation through Circuit
36 Court, they have reached a settlement agreement with Mr. Wooters to convey to him two areas which
37 would be cut out of open space Lot A but will not affect the appearance, the number of units, the size
38 of the lots, the number or size of the homes or any of the public perception of the development of
39 Ashby Commons. He said that the drainage swale will be reduced but that will not affect the
40 recreational open space. Mr. Showalter stated that because the property which will be conveyed to Mr.
41 Wooters is separated by a town alley, there was a lot of discussion that the developer should come
42 before the council as a PUD amendment. Mr. Showalter discussed what if the Town should decide to
43 abandon the alley subject to the utility easements needed to reserve. He stated that the ownership of the
44 alley would go half to the lot owners and half to Keller.

45
46 Mr. Hamilton stated that the public hearing advertisement was for the vacation of Ashby Lane and
47 Glebe Alley as well as the PUD amendment.

48
49 Ms. VanEmburch stated that the concerned property owners stated that they felt that instead of the
50 developers getting half of the road and the property owners getting half of the road, the whole road
51 should go to the property owners. She stated that this is not how Maryland law works; each property
52 owner would get half although the developer could agree to otherwise. She stated that the town would
53 have to retain the utility easement. She discussed the preparation of deeds and who would bear the
54 associated costs.

55
56 Mr. Showalter stated that he is present to ask the Council to deal with the two blue lots as shown on the
57 plat. He stated that they have agreed to give Mr. Wooters whatever rights they have in that portion of
58 the alley.

59
60 President Ford stated that if the property owners want to get deeded that portion of the property, they
61 need to pay for it.

62
63 Ms. Scott-Taylor discussed Mr. Wooters obtaining a building permit to construct a garage.
64

1 President Ford discussed the staff's recommendation which is to vacate the town's right of way but
2 maintain the utility easement for 15' width for all of the alley and the Ashby Lane.

3
4 President Ford asked for audience comments. There were none.

5
6 At 8:16, President Ford closed the Public Hearing and stated that the public record would remain open
7 for written comments until close of business Friday.

8
9 Mr. Wendowski asked for a transcript of the Planning Commission meeting regarding the issue.

10 **MR. MARK SAMSONE TO ADDRESS COUNCIL REGARDING DRAINAGE ISSUES.**

11
12 Mr. Samsone addressed the Council regarding drainage issues at his residence. He stated that he had
13 recently attended the Planning and Zoning Commission meeting due to an application for a
14 development behind his house that may alleviate drainage problems with the stormwater management
15 proposed in that area. Mr. Samsone stated that he was told that Planning and Zoning would not act on
16 his problem because that was not the purpose of them holding their meeting. Mr. Samsone discussed
17 the stream bed behind his house.

18
19 Mr. Hamilton stated that the instructions to Mr. Glass, the Civil Engineer designing the project behind
20 Mr. Samsone's property, was to come up with a solution to the drainage issues as part of the new
21 development.

22
23 The Town Attorney stated that she understands from Mr. Glass that the problem will be substantially
24 improved.

25
26 Mayor Willey suggested getting together with the staff and then meeting by the end of the week with
27 Mr. Samsone when they have some answers and something to really talk to him about and decide the
28 next step.

29
30 **RESOLUTION NO. 5934, "A RESOLUTUION TO APPROVE A PROJECT TO BUILD
31 ORGANIZATIONAL CAPACITY BY INCREASING COASCHING STAFF AND
32 DEVELOPMENT ACTIVITY" (Freedom Rowers).**

33
34 Ms. Diane Logan, coach, was present to discuss the Freedom Rowers organization. She stated that they
35 plan to use the money to expand their program.

36
37 Upon motion by Ms. Jackson-Amis seconded by Mr. Jensen and carried unanimously, Resolution No.
38 5934 was approved.

39
40 **RESOLUTION NO. 5935, "A RESOLUTION TO APPROVE A PROJECT TO
41 BUILD COMMUNITY BY PRODUCING PUBLIC PERFORMANCES, EVENTS AND
42 CULTURAL ACTIVITIES TO A WIDE RANGE OF EASTON CITIZENS. THE DIVERSE
43 EVENTS ENCOMPASSED IN OUR PROJECT BRING LIFE AND BUSINESS TO THE
44 DOWNTOWN HISTORIC DISTRICT AND TOURISTS TO OUR AREA – WHILE WE
45 BUILD A STRONGER COMMUNITY LOCALLY. PERSONS OF LOW AND MODERATE
46 INCOME GET TO PARTICIPATE IN HIGH QUALITY CULTURAL ACTIVITY THAT
47 WOULD OTHERWISE NOT BE AVAILABLE. MOST IMPORTANTLY, PEOPLE FROM
48 DIVERSE BACKGROUNDS GET TO KNOW ONE ANOTHER IN THE CONTEXT OF
49 SHARED TRADITION."**

50
51 Ms. Jackson-Amis asked what the Avalon is planning to do to build a stronger community and build a
52 more diverse program.

53
54 The Town Manager stated that he did not know their specific plan.

55
56 Upon motion by Mr. Jensen seconded by Ms. Scott-Taylor and carried, Resolution No. 5935 was
57 approved with Ms. Jackson-Amis abstaining.

58
59 **ORDINANCE NO. 536, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING,
60 REPEALING AND REENACTING WITH AMENDMENTS, AND RE-CODIFYING
61 CHAPTER 14 OF THE TOWN CODE."**

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1 **ORDINANCE NO. 537, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING**
2 **CHAPTER 14 LICENSE AND PERMITS FOR LICENSING AND REGULATION OF**
3 **ELECTRICIANS."**
4

5 President Ford stated that these ordinances can be acted on tonight as emergency ordinances.

6
7 Mr. Don Richardson, Building Code Official discussed the need for Ordinance No. 536 and Ordinance
8 No. 537. He said both address Chapter 14 of the Town Code which deals with the licensing of
9 businesses. Ordinance No. 536 restructures Chapter 14 to prepare it to be ready to accept Ordinance
10 No. 537 which deals with licensing of electricians in the Town of Easton.

11
12 President Ford asked that the Board of Electrical Examiners of Talbot County have an opportunity to
13 review these ordinances before acting on.

14
15 Mr. Jensen suggested Mr. Karge call Occupational Licensing and Safety at DLLR to find out if they
16 have any plans to do anything different.

17
18 President Ford introduced Ordinance No. 536 and Ordinance No. 537 for a first reading.

19
20 **ITEMS FROM THE COUNCIL**
21

22 Mr. Wendowski stated that he attended the groundbreaking for the new Talbot County Senior Center
23 last Thursday.

24
25 Mr. Wendowski discussed the use of the sirens for general alerts. He discussed Emergency
26 Management updating the sounds in order to tell the difference between a fire siren and the general
27 alert or natural disaster. He discussed the ability of the 911 system to reverse call residents to alert of
28 an emergency. He asked for clarification of from Talbot County Emergency System.

29
30 Ms. Jackson-Amis asked the Town Manager to get information regarding Resolution No. 5935 and
31 what kind of events will be free and what they are planning.

32
33 Ms. Jackson-Amis stated that there will be a community meeting September 8 at 6:00 p.m.at the Be A
34 Star Center for those interested in what has happened with the Frederick Douglas statue.

35
36 President Ford set the Best Buy at Waterside Village Public Hearing for October 6 at 7:15 p.m.
37

38 **ADJOURNMENT**
39

40 Upon motion by Ms. Scott-Taylor seconded by Mr. Wendowski and carried unanimously; President
41 Ford adjourned the regularly scheduled meeting at 9:05 p.m.
42

43
44 _____
Kathy M. Ruf, Town Clerk