

The Mayor and Commissioners of the Town of Elkton

MINUTES

July 9, 2014

A public meeting (workshop) of the Mayor and Commissioners of the Town of Elkton (“the Board”) was held on this date at 4:00 p.m. with the following persons present: Mayor Robert J. Alt; Commissioners Charles H. Givens, Sr.; Mary Jo Jablonski; Earl M. Piner, Sr.; and Daniel R. VanReenen, Jr.; Town Administrator Lewis H. George, Jr.; and Administration Office Secretary L. Michelle Henson. Also in attendance: Department Managers Jeanne D. Minner, Director of Planning; J. Daniel Handley, Director of Public Works; Sidney Ojofeitimi, Public Works Stormwater Manager; Beryl Gore, Public Works Inspector; Mary Magaw, Director of Parks & Recreation; Charles Bromwell, Director of Zoning; Steven H. Repole, Director of Finance; Matthew Donnelly, Chief of Police; Laura Brown, Director of Human Resources; and Town Attorneys John Downs, Esquire and Lisa Hamilton, Esquire.

Mayor Alt called the workshop to order at 4:00 p.m.

Mayor Alt recognized Mr. Phil Scott, President of the William M. Singerly Steam Fire Engine and Hook and Ladder Company. Mr. Scott expressed appreciation for the Town’s contribution of \$130,069.60, based on the Town’s annual contribution of \$0.012 per \$100 of assessed Real Property values. He stated the contribution alleviated the Town from employing a fire company.

Mr. Scott expressed appreciation for assistance at the beginning of the year with water pressure issues, and reiterated the fire company’s commitment to partnering with the Town.

Mayor Alt concurred with Mr. Scott’s comments, adding that the Town also donated water and sewer service to the fire houses. He advised Mr. Scott that the Town was conducting a water audit, and a component of the audit was to identify the amount of water that flowed through all meters. He announced the Town would initiate reading of all meters in order to obtain water usage data.

Elkton Gas Easement – Candy Davis, Elkton Gas

Ms. Candy Davis, Operations Manager, Elkton Gas, introduced herself to the Board. She stated the purpose of her appearance was to discuss a request by Elkton Gas to establish an easement for placement of a gas service line on Town-owned property to the new Hertrich Dealership at 1147 East Pulaski Highway. She noted the line would be located between the Tractor Supply Store at 1111 East Pulaski Highway and the dealership.

Mayor Alt asked if Elkton Gas serviced businesses and residences in the area. Ms. Davis answered in the affirmative, stating Elkton Gas served Tractor Supply as well as the neighborhood located to the north of the site.

Mayor Alt queried the Board and those in attendance for comments.

Commissioner VanReenen questioned if Elkton Gas would be responsible for maintenance and related costs associated with the line. Ms. Davis answered in the affirmative.

Commissioner VanReenen questioned if there was a fee attached to the easement. Ms. Davis answered in the negative, stating this was for a service line easement, vs a previously granted transmission line easement, for which Elkton Gas paid the Town.

Mayor Alt stated the Elkton Gas Easement would be voted on by the Board at the July 16, 2014 meeting.

Discussion – Grass Collection – Jeff Karch, Waste Management

Mr. Jeff Karch, Public Sector Representative, Waste Management, introduced himself to the Board.

Mayor Alt stated he invited Mr. Karch to the workshop in order to discuss yard waste disposal / removal options for the Town. He expressed his desire to eliminate dumping of grass clippings into the streets by encouraging “grass-cycling”.

Mr. Karch stated Waste Management could address yard waste removal by initiating a “mixed organics” program, in which residents could dispose of clippings, brush, etc., as well as food scraps, in a designated 64-gallon tote, which would be collected as part of a weekly route, similar to the Town’s trash and recycling collection schedule.

Mr. Karch stated this type of program was mandatory on the west coast, adding the program was initiated by Middletown, Delaware.

Commissioner Givens, referring to previous discussions regarding yard waste removal, stated the Board talked about using yard waste bags. Mr. Karch stated yard waste bags eventually tear, adding a “mixed organics” program alleviated the need to separate yard waste.

Mayor Alt questioned where the organic materials would be deposited. Mr. Karch stated Waste Management had a site in Delaware, adding the materials were used in various ways, such as heating pellets, athletic fields, etc.

Mayor Alt questioned if the costs to dump organic materials would be lower than fees associated with household trash. Mr. Karch answered in the affirmative.

Mayor Alt queried Mr. Handley regarding the amount of grass handled by DPW. Mr. Handley stated DPW dumped 244 tons of grass between April 1, 2014 and June 1, 2014, adding that costs associated with dumping yard waste included staff (2,400 staff hours to date), equipment, fuel, etc.

Mr. Handley noted the indirect costs associated with yard waste removal included 4 – 8 staff members daily.

Mayor Alt stated the challenge of yard waste pickup was compounded if the schedule was interrupted, noting clippings may remain on a yard for more than a week. He noted the waste contained fertilizers and other organics that could be washed into storm system in rain events.

Mr. Sidney Ojofeitimi, Stormwater Manager, noted that the current procedure of placing yard waste in the street was counteractive to the State's Watershed Implementation Program, an unfunded mandate which required municipalities to reduce Nitrogen and Phosphorus from stormwater runoff.

Commissioner Jablonski questioned the costs associated with the totes. Mr. Karch stated he would present a proposal for the program, including the totes.

Commissioner VanReenen questioned what would happen if a resident placed non-organic material in the yard waste tote. Mr. Karch stated Waste Management would take it anyway, however a separate truck would remove it, resulting in additional fees. He suggested that the fee be passed on to those residents responsible for the additional pickup.

Mayor Alt questioned the number of households at which DPW removed yard waste from the street. Mr. Handley answered about 60% of households placed yard waste in the street.

Commissioner Jablonski questioned if the Middletown, Delaware program was a pilot. Mr. Karch answered in the affirmative.

Commissioner Givens questioned education efforts prior to implementation of the program. Mr. Karch stated he could supply brochures and other educational materials.

Commissioner VanReenen requested information regarding municipalities that ceased participation in the program. Mr. Karch stated the program was mandatory on the west coast, adding Middletown, Delaware was the first municipality to volunteer for the program. He stated he could provide a status of the program in Middletown in about a month.

Mayor Alt queried the Board and those in attendance for comments.

Ms. Debbie Storke stated the Town should determine if residents continued to participate in recycling.

Discussion – Public Works Agreement – Walnut Hill Roads LLC – Village of Quail Ridge, Section 2

Mr. George, referring to the development identified as Village of Quail Ridge, Section 2, stated the project was initiated by a partnership of developers, which has since dissolved. He stated in order for the 17 remaining lots to be developed, the Public Works Agreement (PWA) had to be renewed, particularly with respect to the road bed and stormwater management ponds. He stated the agreement captured the conditions and circumstances under which the Town will eventually assume ownership of the public improvements.

Mr. George noted developers did not typically place the final course of asphalt on roads prior to completion of the project.

Mayor Alt questioned if the proposed PWA different from other PWA's. Mr. George stated the PWA differed from the original as it was now between the Town and the successor of the project.

Commissioner VanReenen, referring to required Letters of Credit (LOC) that guaranteed completion of a projects public improvements, questioned if the previous PWA had an active LOC. Ms. Henson replied that the LOC was issued as "irrevocable" however it was called in by PNC Bank.

Discussion – Lease Agreement – Sandy Island LLC

Mr. Downs stated the owners of Minihane's Irish Pub previously requested to lease 9 parking spaces located in the Municipal Parking Lot located at 117 – 119 West Main Street, adjacent to the rear of their business.

Mr. Downs stated an initial draft lease was drawn and forwarded to the Town for review. He requested clarification of outstanding items, including the amount to be paid by the Minihane's, the term and whether a security deposit would be required.

Mayor Alt questioned the length of the term in the current draft. Mr. Downs stated the current term was 1 year, automatically renewed with 90-days written notice by either party.

Discussion ensued regarding the payment terms. Commissioner Jablonski stated the parking lot's 30 spaces generated approximately \$3,000 per year. Commissioner

VanReenen questioned if a template existing for this type of lease. Mr. Downs answered in the negative.

Mayor Alt queried the audience for comments regarding the proposed lease. Ms. Debbie Storke questioned if the Board had reached a consensus to approve the lease. Mayor Alt stated the goal of the current discussion was to determine if the Board wanted to schedule presentation of the lease on the July 16, 2014 meeting.

Former Commissioner Mr. Gary Storke questioned what would happen if the leased spaces were needed in the future. Mayor Alt stated the Town could terminate the lease if needed.

Mr. Richard Lemen expressed support for leasing the spaces.

Commissioner Givens, stating the Board was setting a precedent regarding leasing the spaces, questioned if the Board would approve all requests for leasing of spaces. He also questioned if a security deposit would be required.

Ms. Ingrid Rautenberg, co-owner of Minihane's, stated the lease amount should be equal to what is currently generated.

Commissioner Piner stated the lease amount should be \$1,000 per year. Commissioner Jablonski concurred with Commissioner Piner.

Commissioner Givens stated the lease amount should be \$1,500 per year. Mayor Alt and Commissioner VanReenen concurred with Commissioner Givens.

Mr. Downs stated he could develop criteria of leasing spots vs economic development impacts in order for the Board to make informed decisions.

Discussion – Historic Elk Landing Zebulon Hollingsworth House – Mold Mitigation and Repairs

Mr. George stated the purpose of his request to discuss the Zebulon Hollingsworth House was to bring the Board up to date regarding water damage and subsequent repairs to the building. He introduced Mr. Josh Brown, President of the Elk Landing Foundation.

Mr. George stated a 3rd floor heater failed on January 14, 2014, leading to freezing and rupturing of coils in the unit, resulting in hot water cascading from the 3rd floor to the 2nd and 1st floors. He stated a claim was placed with the Town's Insurer, the Local Government Insurance Trust, (LGIT), and that a contractor cleaned the building, and noted a residual effect of the incident was mold growth.

Mr. George stated an adjustor inspected the building, and an estimate of \$46,000 was obtained to address the mold, including decontamination of the contents, adding the building's contents were a major issue, as the Town's limit of coverage was \$15,000.

Mayor Alt questioned if the contents of the building were owned by the Town or the Elk Landing Foundation. Mr. George stated the Town conveyed personal property to the Elk Landing Foundation.

Mayor Alt, referring to the estimate, questioned if the proposal indicated the contractor would clean every surface in the building. Mr. Brown answered in the affirmative. He noted that some items, such as books, were damaged beyond repair.

Discussion ensued regarding limited cleaning vs cleaning every surface in the building. Mayor Alt noted that the building could be meticulously cleaned and declared mold free, and the mold process could begin again by a wet umbrella left in the corner of a room. Mr. Brown concurred, stating there was no baseline of mold in the building.

Mayor Alt stated former Commissioner Gary Storke was familiar with the house, and asked Mr. Storke if he was aware of issues with dampness in the building. Mr. Storke stated the floor of the basement was dirt, and added the building was always damp.

Mr. Brown stated the Elk Landing Foundation managed the property on a shoe string budget for many years, and expressed a desire to partner with the Town and the Elkton Alliance to increase tours and utilization of the site, and extended invitation to the Board for a tour of the property.

General Discussion

Mayor Alt reiterated his goal to reduce water and sewer rates, saying it was in the Town's best interest to perform an updated rate study.

Commissioner Piner questioned the cost of an updated rate study. Mr. George answered the cost of the original study was \$20,000. Commissioner VanReenen stated an updated study should not be as expensive, as the initial study involved building the computer model upon which rate scenarios were based.

Hearing no additional business to come before the Board, Mayor Alt adjourned the workshop at 5:45 p.m.

L. Michelle Henson
Administration Office Secretary

AN AUDIO RECORDING OF THIS MEETING IS RETAINED AT THE
ADMINISTRATION OFFICE