

The Mayor and Commissioners of the Town of Elkton

MINUTES

September 12, 2012

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 Joseph Fisona, Commissioners Charles H. Givens, Sr.; Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Elkton Police Lieutenant Lawrence Waldrige; Zoning Administrator J. Craig Trostle, Jr.; Director of Planning Jeanne D. Minner; Director of Parks & Recreation Mary Magaw; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr..

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

Motion for a Closed Meeting

ACTION: Pursuant to State Government Article § 10-508 (7) to consult with counsel to obtain legal advice on a legal matter; Commissioner Givens made a motion for a Closed Meeting. The motion was seconded by Commissioner Jablonski and approved by all present. Mayor Fisona announced that the workshop meeting would reconvene.

Meeting Re-convened

Mayor Fisona re-convened the workshop meeting at 4:50 p.m.

Discussion – Tenby Ridge Joint Venture Annexation – United Water Agreement

Messrs. Ken Simmons and Elmer Justice, partners in Tenby Ridge Joint Venture, and Mr. Dwight Thomey, Esquire, representing Tenby Ridge Joint Venture, introduced themselves to the Board.

Mr. Thomey stated the purpose of their appearance was to discuss the annexation of Tenby Ridge Joint Ventures’ property, which was located adjacent to Muddy Lane. He stated his clients, at the beginning of the annexation process in 2009, were advised to locate a source of water for the project prior to annexation. He stated his clients entered an agreement to purchase water from United Water Delaware in order to serve the project, adding that his clients wanted to eventually assign the agreement to the Town of Elkton, which would purchase the water in bulk for distribution to the Tenby Ridge project.

Mr. Simmons reiterated Mr. Thomey’s statement that he wanted to assign the United Water Delaware purchase agreement to the Town after annexation.

Mayor Fisona expressed concerns that the United Water purchase agreement contained restrictions on resale of water.

Mr. Simmons asked the Board for a decision regarding annexation of the property and assignment of the United Water Delaware purchase agreement. He added that he would remain in the contract if the Board would annex the property. Mr. Justice stated the developers of the Tenby Ridge project would pay sewer hookup fees but not water hookup fees due to the United Water Delaware purchase agreement.

Mr. Wilson questioned if the property was in the Artesian Water Maryland franchise area. Mr. Thomey answered in the negative. Mr. Wilson added that the sale would have to be approved for inclusion in the Cecil County Water Sewer Plan.

Mr. George cautioned the Board Tenby Ridge's agreement with United Water Delaware would amount to an un-franchised water operation in Town. He stated the Town would have to grant a franchise to Tenby Ridge in order to sell water to its residents, which was an unprecedented situation.

Mr. George advised the Board scheduling of the Tenby Ridge annexation request was at the Board's discretion. Mayor Fisona advised Mr. Simmons that the Board would discuss the issue and would follow up with him at a later date.

Discussion – State Highway Administration – Intersections of Bow & Main Streets, Main & North Streets, and North & High Streets

Messrs. Larry Gredlein, Terry Wright and Jeff Wentz, representing the State Highway Administration (SHA), and Mr. Kevin Orley, representing Skyline Engineering, introduced themselves to the Board.

Mr. Gredlein stated the purpose of their appearance was to discuss a previous request by the Town for SHA to conduct traffic studies of the intersections at Bow & Main Streets and Main & North Streets to determine the feasibility of creating all way stop traffic control at the intersections.

Mr. Gredlein stated SHA was advised by Maryland Broadband that a project involving installation of fiber optic cable through Elkton encountered a conflict with SHA signal equipment on a pole at the southwest corner of the intersection of North and High Streets. He said the equipment, including the traffic signal, would have to be removed from the pole. In anticipation of the removal of the equipment, including the signal, SHA initiated a traffic study to create an all way stop at that intersection.

Mr. Gredlein stated the signal was re-programmed to flash red all around the intersection and stop signs were installed at each corner. He said preliminary data indicated an increase in traffic delay by 9 – 10 seconds on High Street for 10 – 15 minutes 2 times a day. He said for 23 hours the all way stop was successful.

Commissioner Piner expressed concerns regarding safety at the intersection. He stated there were several near misses between vehicles and between vehicles and pedestrians since the initiation of the study. Mr. Gredlein stated SHA could install “bumpouts” at pedestrian crossings, which would provide smoother turning radii for vehicles, and a shorter walk across the intersection for pedestrians.

Commissioner Jablonski echoed Commissioner Piner’s concerns, stating she was almost hit twice in her own vehicle after the study began. She stated fire apparatus was rolling over the pylons that were placed for the new stop signs. She stated she appreciated the costs associated with installation of a new traffic signal but she felt safety of motorists and pedestrians outweighed the expense. She added that she supported elimination of the signal and transition to an all way stop at the intersection of North and Main Streets.

Commissioner Hicks stated he experienced issues while walking across the intersection. Commissioner Jablonski expressed concerns regarding safety of school children who used the intersection. Commissioner Piner noted that the pylons and temporary stop signs affected handicap-accessible parking at the northwest corner of the intersection.

Mr. Wright stated SHA could replace the signal however the issue involved design and replacement of the pole and installation of new signals. He stated the design and installation process would be lengthy due to the many existing underground utilities, adding the pole would require a 10-foot deep foundation.

Mayor Fisona questioned the status of establishing an all way stop situation at the Bow & Main Street and Main & North Street intersections.

Mr. Gredlein stated it would be a relatively short time frame to initiate the transition from a signal to all way stop at the North & Main Street intersection. Mr. George added that the Town could initiate the all way stop at the Bow & Main Street intersection during the North & Main Street intersection transition period.

Mayor Fisona queried Lt. Waldrige regarding the intersections. Lt. Waldrige stated the Elkton Police Department (EPD) received no calls for service related to the High & North Street intersection since initiation of the study. He added the transition from signalization to all way stop at North & Main Streets, and transition to all way stop at Bow & Main Streets were appropriate.

Mayor Fisona queried the Board for a consensus regarding moving forward with the transition from signalization at North & Main Streets to an all way stop, and conversion to all way stop at Bow & Main Streets. It was the consensus of the Board to move forward with the transition from signalization at North & Main Streets to an all way stop, and conversion to all way stop at Bow & Main Streets.

Discussion – YMCA of Cecil County

Ms. Mary Magaw, Director of Parks & Recreation, and Mr. George Patchell, Executive Director, YMCA of Cecil County, introduced themselves to the Board.

Mr. Patchell stated he previously discussed a potential partnership with Commissioners Givens and Piner, as well as Ms. Magaw and Mr. Trostle, and hoped to discuss it with the Board as a whole. He stated the YMCA had room at its facility to accommodate the programs that Parks & Recreation currently held at area schools. He said the YMCA had classrooms, a pool, and 3 full-sized basketball courts as well.

Discussion ensued regarding the programs that could be held at the YMCA facility. Commissioner Piner expressed concerns regarding parking at the facility. Mr. Patchell stated parking should not be an issue, adding that during the basketball season, which was the busiest time, the parking lot experienced turnover approximately every 15 minutes.

Mr. Patchell stated the YMCA was open to collaboration with the Town, noting the YMCA's before- and after-school programs, child care, pool and senior services, and said the YMCA was on the county's bus loop. He stated the YMCA had very limited duplication of Parks & Recreation programs and could run without competition between the two entities.

Commissioner Piner stated he supported using space at the YMCA to help offset costs associated with the need to build a larger Community / Recreation Center.

Mr. Patchell stated the YMCA could alleviate issues with Parks & Recreation programs that were affected by school closings, as well as provide indoor facilities for summer camp.

Mr. Patchell noted the Town of Havre de Grace had a Community Center from which its County Parks & Recreation Department was based along with the Boys & Girls Club. He stated it was not unprecedented for a government entity to share space with a non-profit.

Commissioner Jablonski stated she supported the collaboration but expressed concerns that the partnership could be perceived as the Town taking over the "county" YMCA. Mr. Patchell stated he did not see that as an issue.

Commissioner Jablonski questioned if program fee structures would conflict. Mr. George stated the issue could be eliminated by not duplicating programs. He stated the YMCA's basketball program was the only program that was close to Elkton's Parks & Recreation, and noted the fees were similar.

Commissioner Givens expressed support for the potential partnership.

Mr. Patchell stated he strongly supported swimming instruction for children, noting the many areas of Cecil County that were available to swim, and inherent dangers to children.

Ms. Magaw expressed support for the partnership and use of the YMCA facility. Mayor Fisona suggested initiation of a pilot program.

Commissioner Hicks stated the Board still intended to build a Community / Recreation Center. Commissioners Givens and Piner echoed Commissioner Hicks' statement regarding the Community / Recreation Center.

Discussion ensued regarding the size and design of the Community / Recreation Center. Mr. George asked the Board to provide Ms. Magaw an outline of what the members wanted to include in the Community / Recreation Center.

Discussion – Vacant Building Registration

Mr. Trostle stated he conducted an inventory of vacant houses in Elkton, counting 160 vacant dwellings.

Mr. George, referring to Ordinance 4-2012 Vacant Building Registration (draft), asked the Board for input regarding any revisions.

Commissioner Jablonski questioned Mr. Trostle for his opinion regarding the proposed Ordinance. Mr. Trostle stated he underestimated the number of vacant houses in Elkton, adding that his department would need an additional Code Enforcement Official to enforce the Ordinance.

Mr. Trostle stated Mr. Jason Allison, Esquire, Attorney for the Town's Board of Zoning Appeals, was attempting to have uncorrected Code violations at 4 properties addressed at the judicial level. He stated if Mr. Allison was successful he would address other outstanding violations in the same way, which would negate the need for the new Ordinance.

Commissioner Hicks questioned if the Town's costs associated with filing suit would be recouped. Mr. Trostle stated Mr. Allison would ask for reimbursement of the Town's legal fees as part of the suit.

Commissioner Hicks stated vacant buildings left unattended led to blight. He stated if Mr. Allison was successful in his suits he supported the effort.

Mayor Fisona queried the Board regarding a decision to wait for the outcome of Mr. Allison's attempts to have outstanding Code violations addressed at the judicial level prior to taking action on Ordinance 4-2012 Vacant Building Registration. It was the consensus of the Board to wait for the outcome of Mr. Allison's attempts to have

outstanding Code Violations addressed at the judicial level prior to taking action on Ordinance 4-2012 Vacant Building Registration.

General Discussion

Commissioner Givens, noting previous discussion regarding budget issues and staffing, stated he agreed with Commissioner Jablonski's prior statements regarding creation of short- and long-term plans.

Discussion

Commissioner Givens, referring to the earlier discussion regarding the Tenby Ridge Annexation, questioned the status of the Tenby Ridge Annexation request. Mr. George advised the Board that the Town should provide water to the Tenby Ridge development via its source. Commissioner Piner stated Mr. Simmons, managing member of Tenby Ridge, LLC, said he was advised to locate a source of water and the Town would annex the property. Mr. George stated the water purchase between Tenby Ridge, LLC and United Water Delaware should have been provided to the Town for review prior to execution.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 7:05 p.m.

L. Michelle Henson
Administration Office Secretary

A RECORDING OF THIS MEETING RETAINED
AT THE ADMINISTRATION OFFICE