

**COMMISSIONERS OF SUDLERSVILLE  
WORKSHOP MEETING MINUTES  
April 18, 2007**

The Commissioners of Sudlersville held their monthly Workshop Meeting on Wednesday, April 18, 2007. All five Commissioners were present: Constance Engrem, William H. Faust, III, Ronald Ford, E. T. Kimble and Lawrence T. Price.

The Pledge of Allegiance was made.

The minutes for the April 4, 2007, monthly meeting were discussed first. No changes were made to the minutes. Commissioner Ford made a motion to approve the minutes. Commissioner Price seconded the motion. The minutes were unanimously approved.

Mr. Joseph Skinner, of Studio Jaed, was in attendance to receive the Commissioners' choice of floor plan for the modification of the Town Hall building. The Commissioners and Mr. David Teel, Circuit Rider/Town Manager, provided Mr. Skinner with the choice of plan, number A.2, and changes they wanted made to it. Commissioner Kimble made a motion to approve the selected plan, A.2, with changes. Commissioner Ford seconded the motion. The A.2 plan, with changes, was unanimously approved. Roof options were next discussed. Commissioner Ford made a motion to approve a gabled roof for the remodeled Town Hall building. Commissioner Kimble seconded the motion. The motion for a gabled roof was unanimously approved. Commissioner Kimble made a motion to approve hardiboard or, if hardiboard is too expensive, vinyl siding for the building. Commissioner Ford seconded the motion. The motion for hardiboard or vinyl siding was unanimously approved.

Ms. Laura Stahl, Clerk/Treasurer, informed the Commissioners she had acquired a list of accounting firms from Maryland Municipal League (MML). She said she had received a mailing from a company, Municipal Group, LLC, that she had not had time to contact yet. Ms. Stahl did provide a copy of the mailing to each of the Commissioners. After reviewing that letter, the Commissioners asked that Ms. Stahl ask Municipal Group if they would make a presentation of their services to them; but, not at the May 2<sup>nd</sup> meeting. Ms. Stahl said she would try to arrange for Municipal Group to be at the next Commissioners' workshop meeting on May 16<sup>th</sup>.

Mr. Teel suggested the Commissioners hold their budget meeting and the meeting with the developers at their next monthly meeting on May 2<sup>nd</sup>. The Commissioners all agreed to this.

Ms. Stahl presented the Request for Quote (RFQ) for the code/zoning enforcement officer vacancy. Ms. Stahl informed the Commissioners that she received an offer from a representative with the Code Enforcement and Zoning Officials Association (CEZOA) to send out the RFQ to all of its members. Commissioner Kimble said the ad should be placed with Maryland Municipal League (MML), as well. Commissioner Kimble made a motion to approve the RFQ. Commissioner Price seconded the motion. The RFQ was unanimously approved.

Ms. Stahl presented a price quote received from American Legal Publishing (ALP) for completion of the Sudlersville Code of Ordinances book. After some discussion, Commissioner Price made a motion to approve completion of the book to a maximum of \$1,500. Commissioner Engrem seconded the motion. The motion to complete the Code of Ordinances book begun with ALP, at a maximum cost of \$1,500, was unanimously approved.

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Mr. Teel explained to the Commissioners that the Maryland Environmental Service (MES) contract presented here was not one they needed to act on now. They will deal with it at the same time as working on the budget on May 2<sup>nd</sup>.

Next on the agenda was the Planning Commission (PC) zoning ordinance change to amend the rules to be a member of the PC and to change the member number from seven back to five. Commissioner Kimble stated his objection to changing the PC membership number from seven to five. He also stated his opposition to the ability of non-resident property owners being on the PC, because they own a stake in the Town also. Commissioner Faust responded that seven members have not shown up at the PC meetings. Commissioner Ford said the reason non-resident property owners should not be on the PC is because they do not qualify to vote in any Town elections. Commissioner Faust said someone who does not live in the Town should not be able to make decisions for the Town either. After reviewing the amended zoning ordinance provided to the Commissioners by Mr. Charles MacLeod, the Town's attorney, Commissioner Price made a motion to recommend the zoning ordinance to the PC for their review and approval. Commissioner Ford seconded the motion. The motion to recommend the zoning ordinance to the PC passed by majority vote; Commissioner Kimble alone voted against it.

Commissioner Price then made a motion to approve Ms. Stahl advertising the zoning ordinance change if the PC approves it at their May 7<sup>th</sup> meeting. Commissioner Engrem seconded the motion. The motion to advertise the zoning ordinance change passed by majority vote; Commissioner Kimble alone voted against it.

The Commissioners next discussed the PC's desire to have a secretary just for the PC. It was decided that the Commissioners would discuss this when preparing the budget for next fiscal year, as there was no money in this fiscal year's budget for a part-time PC secretary.

The agreement between Mr. Teel and the Commissioners, dating back to December 18, 2006, was next on the agenda. Days before the meeting, Mr. Teel had presented the Commissioners with an agreement he prepared. Ms. Stahl suggested, assuring Mr. Teel that she would not be able to view materials he felt were confidential, that she purchase security envelopes. He could then put those documents in them, place a label over the seal that he then signs; on the front, he writes a brief explanation of its contents. This way the Town's records are in tact, per State law, and Mr. Teel is confident Ms. Stahl has not seen any of the material. Mr. Teel said Commissioner Kimble said he should not be required to sign either agreement. Commissioner Price said Mr. Teel should sign because the agreement is simply one to ensure he understands what the Commissioners want and that he has read and understood the terms. Commissioner Price said the agreement reviewed and approved by the Town's attorney is not meant to force Mr. Teel to unreasonable terms. Mr. Teel said he was perfectly willing to sign the agreement he prepared himself. Commissioner Price said the Town's money was just wasted having the attorney review the original agreement; the one the Commissioners unanimously voted to have Mr. Teel sign. Commissioner Ford spoke of a recent Local Government Insurance Trust (LGIT) Claims Brief newsletter, which stated that e-mails must be retained when litigation is pending because those e-mails can become discoverable in a lawsuit. Commissioner Kimble said that the annexation agreement with the developers protected the Town from any litigation arising from their developments. Ms. Stahl replied that those agreements only protect the Town from having to spend money in its own defense; it did not mean the Town's records were not subject to discovery. Mr. Teel said that if Mr. Gray is sued, then all of the electronic communications pertaining to that development have to be made

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available and he has a file on his computer that contains all Gray related materials. Ms. Stahl asked what happens if his computer is destroyed. Mr. Teel said then they are gone, but that's one of those things that can happen. Ms. Stahl said that is the point; the Town should have those records on file. Mr. Teel said most of them are in the Town's records; there is no requirement to keep the records centralized. Mr. Teel said they just cannot be willfully destroyed.

Commissioner Kimble made a motion to have Mr. Teel continue as he has been doing. Commissioner Engrem seconded the motion. The motion passed by majority vote; Commissioners Ford and Price being the dissenting votes. Commissioner Faust said that, as the tie-breaking vote, he votes to have Mr. Teel sign the agreement prepared by Mr. Teel, with the exception that the e-mail communication issue must be verified with MML. If MML says the Town is protected the way Mr. Teel says, then matters can continue as they have; otherwise, this will have to be dealt with again.

Commissioner Kimble informed the Commissioners that the no parking sign and pole on Miller Street, in front of the rental home of Mr. & Mrs. Charles and Darla Gessford, has disappeared. Ms. Stahl confirmed that this is the same home from which one of Mr. & Mrs. Gessford's tenants had asked repeatedly for the sign to be removed. Commissioner Faust said he would speak with Mr. Calvin Embert, the Town's part-time maintenance person, about putting up a new sign.

Commissioner Price asked if the school zone sign had been put back up today. Commissioner Faust said he would check on that in the morning. If it was still lying on the ground, Commissioner Faust said he would ask Ms. Stahl to contact State Highway Administration (SHA) to take care of it.

Commissioner Kimble informed Ms. Stahl that there were some street lights in need of replacement. He told her he would provide her with the pole numbers so she could contact Delmarva Power.

Commissioner Ford raised the issue of the people at 101 Miller Street parking in their driveway in such a way that their vehicle is blocking the sidewalk. Commissioner Ford wanted the Town to send them a letter.

Commissioner Kimble said the Town should begin issuing permits for plumbing and HVAC. At present, QAC receives a percentage of the plumbing permit fee. If the Town begins issuing those permits, the Town would, instead, receive that percentage of the plumbing permit fee. Commissioners Ford and Price said they believed this was a good idea.

Commissioner Engrem raised her concern with her neighbor, Mr. Roland Rash, storing so much stuff on his property that it is almost going over to her property. She did say she spoke with him about a rat problem, which she believes is a result of all the stuff. Mr. Rash told her the rat problem is from his having corn stored.

Mr. Pete Scanlon, of QAC Housing, along Mr. John Scarborough and Mr. David Remaniak, both of QAC Department of Public Works, appeared before the Commissioners. Commissioner Price explained the reason they were asked to be present at this evening's meeting was to discuss an access road being installed behind the homes with backyards abutting the QAC Foxxtown senior housing property. This is in case the fire company needs to

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fight a fire at the back of any of those properties; also, to provide access to the homeowners of those properties to their backyards. Mr. Scanlon explained that the project currently has a walking path planned, which will be able to support the weight of a fire truck. Commissioner Price said he wanted this to work out somehow so that it is fair to everyone. Mr. Scanlon said that an alleyway is not planned for this project; but, had this come up during the design process, QAC would have to accommodate that and QAC would have had to redesign the plans. Commissioner Faust said it was brought up at that time, but it was "shot down". Commissioner Faust said he was now getting pictures of his property, which is one of those abutting the project, from Mr. Scanlon saying he needs to clean up his backyard. Yet, Commissioner Faust pointed out, he cannot gain access to his backyard to do what Mr. Scanlon would like. Mr. Scanlon said QAC went through the Town's process to get where they are now in the project.

Commissioner Faust asked about squares showing on the plan. Mr. Scanlon said those indicated exercise areas for the seniors; but, since the park has them now, Foxxtown will not install them. Commissioner Faust said that, in that case, the walking path is not needed. Mr. Scanlon agreed. Commissioner Faust then asked why QAC does not put in an alleyway, as the Town is asking them to. Mr. Scanlon replied that the project would have to be redesigned, redesign the site work and pay the engineer to recalculate the impervious areas. Commissioner Ford asked why the walking path could not just be changed into a roadway by installing asphalt there instead of the walking path. Mr. Scanlon said it was not possible because the alleyway would require it being moved closer to the houses; it could not be left where it is. Doing this, Mr. Scanlon explained, would extend the length of it quite a bit. Mr. Scanlon said that the forested areas would have to be moved. Commissioner Faust said that forested areas would prevent the fire company from being able to fight fires at the backs of those houses. Commissioner Price said he did not understand why the whole project would have to be redesigned. Mr. Remaniak answered that the stormwater management pond has been designed for a certain amount of impervious surface and, also, a certain pattern of runoff. And when you put a paved road around the perimeter, it will change the runoff patterns on the land. Mr. Remaniak said that meant that would have to be recalculated, the ponds may have to be enlarged and they cannot at this time say if that has to happen or not. Discussion on this continued. No resolution to the concerns about the forested area was reached.

A motion to adjourn was made by Commissioner Price. Commissioner Ford seconded the motion. The meeting was adjourned.

Respectfully submitted,

Laura Stahl  
Town Clerk