



PUBLIC HEARING MINUTES
May 20, 2010

I. Bruce A. Wahl, Mayor, called the meeting to order at 7:30 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Dr. James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer and Paul Woodburn, Town Engineer.

- Ordinance O-10-9, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the General Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011 and setting municipal taxes.

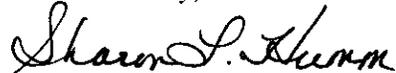
The Mayor asked the Town Treasurer to go over the budget Ordinance and address any questions or concerns from the Council.

Public comment was taken.

The Mayor asked the Town Treasurer to read the constant yield statement and the Mayor explained the constant yield tax rate. The Mayor stated that the current local tax rate is \$.37 per \$100 of the assessed property value, which will remain the same for the coming year.

There being no further comments, the hearing adjourned at 8:04 p.m. on a motion by Mr. Mahoney. Seconded by Ms. Spano, all in favor.

Submitted by,


Sharon L. Humm
Town Clerk



**MINUTES OF THE
TOWN COUNCIL MEETING
May 20, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 8:04 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Dr. James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer, Paul Woodburn, Town Engineer, Marilyn VanWagner, Water Park General Manager and First Sergeant Craig Bowen.

II. Pledge of Allegiance. Ms. Lamb led the pledge of allegiance.

III. Approve the Agenda.

MOTION: Mr. Mahoney moved to approve the agenda. Seconded by Dr. Beaudin, all in favor.

IV. Public Comment on any item on the agenda. None

V. Approval of the minutes of the April 15, 2010 Public Hearing Meeting.

MOTION: Mr. Mahoney moved to approve the minutes of the April 15, 2010 Public Hearing Meeting. Seconded by Ms. Spano, all in favor.

Approval of the minutes of the April 15, 2010 Town Council Meeting.

MOTION: Mr. Mahoney moved to approve the minutes of the April 15, 2010 Town Council Meeting. Seconded by Dr. Beaudin.

MOTION: Mr. Carpenter moved to amend the minutes of the April 15, 2010 Town Council meeting, Section VII, C, to replace the word "exercised" with the word "announced" in the sentence, "The Mayor exercised his right and vetoed this Ordinance"; and Section VII, F, Resolution R-10-2, to amend Section 2, A3, to read "one member shall be the Town's Director of Public Works or his designee". Seconded by Mr. Mahoney, all in favor.

The Council voted on the Minutes as amended, all in favor.

Approval of the minutes of the April 19, 2010 Election Work Session.

MOTION: Mr. Mahoney moved to approve the minutes of the April 19, 2010 Election Work Session. Seconded by Dr. Beaudin, all in favor.

VI. Petitions and Communications:

- A. **Deputy's Report** – First Sergeant Bowen submitted the attached written report. First Sergeant Bowen gave a brief review on a new community notification service called “Nixle”.
- B. **Public Works Report** – Mr. Cochran submitted the attached written report. Mr. Cochran submitted a road grading worksheet and explained this to the Council.
- C. **Code Enforcement Officer's Report-** Mr. Watson submitted the attached written report.
- D. **Town Engineer's Report** – Mr. Woodburn submitted the attached written report. Mr. Woodburn gave an update on the Railway Trail and the Dredge spoil site.

E. **Water Park Report** – Mrs. VanWagner submitted the attached written report.

F. **Mayor's Report** –

1. The Mayor was proud to announce the arrival of a new granddaughter and another due on May 30th, 2010.
2. The Mayor announced that June 5th, 2010 will mark 25 years of living here in Chesapeake Beach.
3. The Mayor stated that Bobby Burton, Supervisor for Homes by Les Landscaping, which does the Town's landscaping, will be retiring Friday, May 28th, 2010.
4. The Mayor distributed to Council and read aloud a copy of the Minutes of the Commissioners of Chesapeake Beach dated May 22, 1943.

- G. **Close for Executive Session to discuss pending or potential litigation.** The meeting was closed at 8:40 p.m. for a Closed Executive Session pursuant to State Government Article 10-508(a) Subsection 7, to consult with counsel to obtain legal advice on a legal matter and Subsection 8, to consult with staff, consultants, or other individuals about pending or potential litigation on a motion by Mr. Mahoney. Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Mr. Cumbo, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed, Mr. Carpenter.

The meeting was reopened at 9:00 p.m. on a motion by Mr. Cumbo. Seconded by Mr. Mahoney, all in favor.

The Town Attorney clarified that all members that voted in favor to close the executive session were present the entire closed session and that the purpose was to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation by a property owner with respect to an encroachment into the Town's right of way and dispute regarding ownership of the right of way.

VII. Resolutions & Ordinances

- A. Vote on Ordinance O-10-9, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the General Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011 and setting municipal taxes.**

MOTION: Mr. Mahoney moved to approve Ordinance O-10-9, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the General Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011 and setting municipal taxes. Seconded by Mr. Carpenter, all in favor.

- B. Introduce Ordinance O-10-10, an Ordinance of the Town Council of Chesapeake Beach, Maryland amending Chapter 16, "Elections".** A public hearing will be held at 7:30 p.m. prior to the next regularly scheduled meeting.

- C. Introduce Ordinance O-10-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Utility Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.** A public hearing will be held at 7:45 p.m. prior to the next regularly scheduled meeting.

During the April Town Council meeting, an Ordinance was introduced adopting the annual budget for the Utility Fund but was vetoed by the Mayor. Mr. Carpenter had concerns about the veto process and asked the Town Attorney to address the Council as to the Town's policy regarding this. The Mayor asked the Clerk to distribute to the Council the Mayor's veto statement which is required to accompany the vetoed Ordinance.

MOTION: Mr. Mahoney moved to close the meeting for a five minute recess to allow the Clerk to distribute to Council the Mayor's veto statement. Seconded by Mr. Carpenter, all in favor.

- D. Introduce and Vote on Resolution R-10-2, a Resolution of the Town Council of Chesapeake Beach, Maryland, creating a Water Park Advisory Board.**

MOTION: Mr. Carpenter moved to remove Resolution R-10-2 from the table. Seconded by Dr. Beaudin, all in favor.

MOTION: Mr. Mahoney moved to amend Resolution R-10-2, Section 2, C, to have the last sentence read "Any board member may be reappointed by the Mayor, upon approval of the Town Council, for additional terms. Seconded by Ms. Lamb, all in favor.

The Council voted on Resolution R-10-2 as amended, all in favor.

- E. **Introduce and Vote on Resolution R-10-3, a Resolution of the Town Council of Chesapeake Beach, Maryland, accepting all dedications of land to public use in certain portions of the Town.** The Town Attorney gave a brief summary.

MOTION: Mr. Cumbo moved to approve Resolution R-10-3, a Resolution of the Town Council of Chesapeake Beach, Maryland, accepting all dedications of land to public use in certain portions of the Town. Seconded by Dr. Beaudin, all in favor.

- F. **Introduce and Vote on Charter Amendment Resolution CAR-4-10, a Resolution of the Town Council of Chesapeake Beach, Maryland, amending Town Charter Section C-612, "Vote Count", to provide that election results are to be certified within 72 hours following a town election.**

MOTION: Mr. Cumbo moved to approve Charter Amendment Resolution CAR-4-10, amending Town Charter Section C-612, "Vote Count", to provide that election results are to be certified within 72 hours following a town election. Seconded by Ms. Spano.

MOTION: Mr. Carpenter moved to amend Resolution CAR-4-10, Section C-612, "Vote Count", to add, "(72)", after the written word "Seventy-Two". Seconded by Mr. Mahoney, all in favor.

The Council voted on Charter Amendment Resolution CAR-4-10 as amended, all in favor.

VIII. Report of Officers, Boards and Committees:

- A. **Planning & Zoning Commission** – There was a meeting held May 12, 2010. Mr. Watson stated there was discussion concerning preparation of an Annual Report, as required by the Zoning Ordinance, and staff was directed to draft and submit for comment.
- B. **Board of Appeals** – There were no hearings held.

IX. Unfinished Business: None

X. New Business:

1. **Consider approval of a proposal by Stearns & Wheler, GHD to complete the Chesapeake Village Water Tank groundwater appropriations (GAP) study in the amount of \$14,003.79.** The Town Engineer explained this to Council.

MOTION: Mr. Carpenter moved to approve a proposal by Stearns & Wheler, GHD to complete the Chesapeake Village Water Tank groundwater appropriations (GAP) study in the amount of \$14,003.79. Seconded by Mr. Mahoney, all in favor.

2. The Mayor established a small study group, appointing Councilwoman Lamb, Town Treasurer, Mrs. Porter and Town Administrator, Dr. Parent to study the actual cost of

producing water and processing waste in order to determine the correct way to set water/sewer rates.

3. The Mayor stated that a work session will be held June 14, 2010 at 6 pm on the Operations of the Wastewater Treatment Plant.
4. Mr. Cumbo recommended that the Town Council present to Bobby Burton, Supervisor of Homes by Les Landscaping, a resolution for his outstanding work and service to the Town.
5. Mr. Carpenter moved to approve presenting the Mayor of North Beach with a letter of congratulations on their centennial celebration. Seconded by Mr. Mahoney, all in favor.

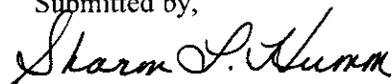
XI. Council Lightning Round:

1. Mr. Mahoney wished everyone a Happy Summer!
2. Mr. Carpenter announced that the Trolley is back and the kick-off is Friday, May 28, 2010 at the Dunkirk Center. There will be 3 trolleys and 3 routes this year. Mr. Carpenter stated that June 6th marks the 25th anniversary of the North Beach Home & Garden Tour and jokingly, stated that reflecting back on the May 22, 1943 minutes that Dr. Parent distributed earlier in the evening, he noticed that it only took 67 years for the Council to go from all men to half women, half men!
3. Ms. Lamb thanked everyone for coming out.
4. Ms. Spano thanked everyone for coming.
5. Mr. Cumbo thanked everyone for coming.
6. Dr. Beaudin recognized and thanked Calvert Trash for calling 911 for one of her neighbors whom suffered a heart attack while in her yard. Also, Dr. Beaudin recognized Maggie Widman and Jonathan Weems of Beach Elementary as finalists in the "If I were Mayor" contest.
7. The Mayor announced that the Water Park will open Saturday, May 29, 2010.

XI. Adjournment:

There being no further business, the meeting adjourned at 10:01 p.m. on a motion by Mr. Mahoney. Seconded by Ms. Spano, all in favor.

Submitted by,



Sharon L. Humm
Town Clerk