

PUBLIC HEARING MINUTES
August 19, 2010

- I. Bruce A. Wahl, Mayor, called the meeting to order at 7:50 p.m. In attendance were: Dr. Valerie Beaudin, Robert E. Carpenter, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Elissa Levan, Town Attorney, Dr. James Parent, Town Administrator, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer, Paul Woodburn, Town Engineer, Marilyn Van Wagner, Water Park General Manager, and First Sergeant Craig Bowen. Absent was Stewart Cumbo, Council Member.

Ordinance O-10-12, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 1, "General", Section 1-403, "Issuance of Citations", to clarify the time period for payment of a municipal infraction citation; and amending Chapter 40, Section 40-250, "Penalties", to provide for action by the Town to abate a property condition comprising a substantial and immediate threat to the public health, safety and welfare, where the property owner fails to take prompt action following notice to correct such condition, and to provide that the cost of abating such conditions shall be charged to the property owner and shall constitute a lien against the property until paid.

The Mayor asked Mr. Watson to explain the rationale behind this Ordinance and then had the Town Attorney to elaborate on the details.

The Council had concerns in respect to the length of time specified in the Ordinance to allow a property owner to abate a property condition.

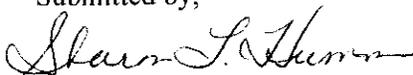
Public comment was taken.

There being no further comments, the hearing adjourned at 7:58 p.m. on a motion by Mr. Mahoney. Seconded by Dr. Beaudin, all in favor.

The Mayor stated there would be on the evening's agenda, for the Council's consideration, Emergency Ordinance O-10-13, amending the adopted budget to amend the Treatment Plant Fund budget to appropriate additional funds for the resolution of certain pending or potential fines imposed by the State of Maryland as a consequence of events connected with the operation of the Plant. The Mayor expressed the urgency and need of approval on this Ordinance.

Councilman Carpenter stated in order to vote on Emergency Ordinance O-10-13 that the Ordinance should be introduced and a public hearing conducted. The Mayor agreed and stated that the regular meeting would be called to order, closed for the introduction of Emergency Ordinance O-10-13, a public hearing held then reconvene the regular meeting.

Submitted by,



Sharon L. Humm

Town Clerk

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732

PUBLIC HEARING MINUTES

August 19, 2010

- I. Bruce A. Wahl, Mayor, called the meeting to order at 8:06 p.m. In attendance were: Dr. Valerie Beaudin, Robert E. Carpenter, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Elissa Levan, Town Attorney, Dr. James Parent, Town Administrator, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer, Paul Woodburn, Town Engineer, Marilyn Van Wagner, Water Park General Manager, and First Sergeant Craig Bowen. Absent was Stewart Cumbo, Council Member.

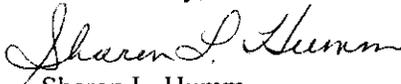
Emergency Ordinance O-10-13, an Emergency Ordinance of the Town Council of Chesapeake Beach, Maryland, amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011, to amend the Treatment Plant Fund budget to appropriate additional funds for the resolution of certain pending or potential fines imposed by the State of Maryland as a consequence of events connected with the operation of the Plant.

The Mayor stated that the Council will be considering approval of Emergency Ordinance O-10-13 as an Emergency Ordinance and then the approval of the Ordinance. The Mayor explained the rationale and urgency behind this Emergency Ordinance, stating that it would take a vote of all five Councilmembers present to deem it an Emergency Ordinance.

Public comment was taken.

There being no further comments, the hearing adjourned at 8:08 p.m. on a motion by Mr. Mahoney. Seconded by Mr. Carpenter, all in favor.

Submitted by,


Sharon L. Humm
Town Clerk

**MINUTES OF THE
TOWN COUNCIL MEETING
August 19, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 8:05 p.m. In attendance were: Dr. Valerie Beaudin, Robert E. Carpenter, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Elissa Levan, Town Attorney, Dr. James Parent, Town Administrator, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant 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. Absent was Stewart Cumbo, Council Member.

II. Pledge of Allegiance. Dr. Beaudin led the pledge of allegiance.

III. Approve the Agenda.

MOTION: Mr. Mahoney moved to amend the agenda to include the public hearing of Emergency Ordinance O-10-13. Seconded by Dr. Beaudin, all in favor.

MOTION: Mr. Mahoney moved to approve the amended agenda. Seconded by Ms. Spano, all in favor.

MOTION: Mr. Mahoney moved to recess the regular meeting to conduct a public hearing on Emergency Ordinance O-10-13. Seconded by Ms. Spano, all in favor.

The Mayor called to order the public hearing on Emergency Ordinance O-10-13.

MOTION: Mr. Mahoney moved to close the public hearing and reconvene the regular meeting. Seconded by Mr. Carpenter, all in favor.

IV. Public Comment on any item on the agenda.

1. Jimmy Niland, President of the Beach Buccaneers, was present to extend their appreciation to the Mayor and Town Council for all the work and improvements to the Kellams Ballfield and asked the Council to consider the approval of the Kellams Rehabilitation, Phase Three.

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

MOTION: Mr. Mahoney moved to approve the minutes of the July 15, 2010 Public Hearing Meeting. Seconded by Ms. Spano. Ayes, Mr. Carpenter, Ms Lamb, Mr. Mahoney and Ms. Spano. Abstained, Dr. Beaudin.

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

MOTION: Mr. Mahoney moved to approve the minutes of the July 15, 2010 Town Council Meeting. Seconded by Mr. Carpenter. Ayes, Mr. Carpenter, Ms. Lamb, Mr. Mahoney and Ms. Spano. Abstained, Dr. Beaudin.

VI. Petitions and Communications:

- A. Patricia Hoffman** – One Maryland One Book Program. Mrs. Hoffman, Head Librarian of the Calvert Library, was present to briefly discuss the One Maryland One Book program stating that this year's book is entitled "Outcasts United" and that there will be a kick-off event on September 2nd. Mrs. Hoffman presented a copy of the book to the Mayor and stated that the author, Warren St. John, will be at the Huntingtown High School Auditorium at 7 pm on September 27th and invited everyone to come out.
- B. Deputy's Report** – First Sergeant Bowen submitted the attached written report.
- C. Public Works Report** – Mr. Cochran submitted the attached written report.
- D. Code Enforcement Officer's Report**- Mr. Watson submitted the attached written report. Mr. Mahoney thanked Mr. Watson on several issues that have now been resolved.
- E. Town Engineer's Report** – Mr. Woodburn submitted the attached written report.
- F. Water Park Advisory Committee** – Dr. Beaudin gave a status report on the progress of the committee's meetings and stated that the committee hopes to present something to the Council next month.
- G. Water Park Report** – Mrs. VanWagner submitted the attached written report.
- H. North Beach Volunteer Fire Department** – Mr. Gordy submitted the attached written report.
- I. Mayor's Report -**
 - 1. The Mayor reported that he met with Len Zuza, President of the Southern Maryland Oyster Cultivation Society, with the idea of bringing the oyster program here to Chesapeake Beach.
 - 2. The Mayor reported that the water park rovers have expanded their litter pick up from the water park to throughout town.
 - 3. The Mayor was pleased to report that there was a great response from the citizens of the Town welcoming the wounded veterans to Town on August 14th.
 - 4. The Mayor introduced US Army Chief Warrant Officer David Hendry, who rode into town with the veterans, reporting the appreciation expressed by the veterans for the support and generosity shown by the Town's people. The Mayor thanked all that were involved with this event and reported

that CWO Hendry would be deploying to Afghanistan next month.

5. The Mayor reported that the MML Staff Retreat will be held in Chesapeake Beach on September 14th and will be touring different sites in the town and that September 14th is also primary voting day and encouraged all eligible voters to vote.
6. The Mayor reported that the Town is working on the Chesapeake Village school bus problem. Dr. Parent has been in contact with the Superintendent of Public Schools and will continue to pursue every avenue until a solution can be obtained.
7. The Mayor reported that the Town received its first check from EnerNOC for the Town's participation in their Demand Smart Program.
8. The Mayor announced that BGE will be at next month's Council meeting to give a status update on the 34KV Feeder and a general update on the BGE system.

VII. Resolutions & Ordinance:

- A. **Vote on Ordinance O-10-12, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 1, "General", Section 1-403, "Issuance of Citations", to clarify the time period for payment of a municipal infraction citation; and amending Chapter 40, Section 40-250, "Penalties", to provide for action by the Town to abate a property condition comprising a substantial and immediate threat to the public health, safety and welfare, where the property owner fails to take prompt action following notice to correct such condition, and to provide that the cost of abating such conditions shall be charged to the property owner and shall constitute a lien against the property until paid.**

MOTION: Mr. Carpenter moved to approve Ordinance O-10-12. Seconded by Dr Beaudin.

MOTION: Dr. Beaudin moved to amend Ordinance O-10-12, page 4, Section 2, 40-250 "Penalties", #2, to change "Three (3) calendar days to Ten (10) calendar days" in both places of the paragraph. Seconded by Mr. Mahoney, all in favor.

The Council voted on Ordinance O-10-12 as amended, all in favor.

- B. **Vote on Emergency Ordinance O-10-13, an Emergency Ordinance of the Town Council of Chesapeake Beach, Maryland, amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011, to amend the Treatment Plant Fund budget to appropriate additional funds for the resolution of certain pending or potential fines imposed by the State of Maryland as a consequence of events connected with the operation of the Plant.**

MOTION: Mr. Mahoney moved to approve Ordinance O-10-13 as an Emergency Ordinance. Seconded by Dr. Beaudin, all in favor.

MOTION: Mr. Mahoney moved to approve Emergency Ordinance O-10-13. Seconded by Ms. Lamb.

MOTION: Mr. Mahoney moved to amend Emergency Ordinance O-10-13, page 2, in the first WHEREAS paragraph, to remove the wording "by employees of Calvert County, Maryland, which has been operating the plant by agreement with the Town". Seconded by Dr. Beaudin. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed, Mr. Carpenter

The Council voted on Emergency Ordinance O-10-13 as amended, all in favor.

- C. **Introduce and Vote on Charter Amendment Resolution CAR-5-10, a Resolution of the Town Council of Chesapeake Beach, Maryland, amending Town Charter Section C-310, "Veto", to provide for notification to the Town Council of the Mayor's exercise of his veto power.** The Town Attorney explained this to Council.

MOTION: Dr. Beaudin moved to approve Charter Amendment Resolution CAR-5-10. Seconded by Mr. Caprenter, all in favor.

VIII. Report of Officers, Boards and Committees:

- A. **Planning & Zoning Commission** – There was no meeting held.
- B. **Board of Appeals** – There was no hearing held.

IX. Unfinished Business:

1. Mr. Mahoney asked the status on the website. The Mayor stated that a new web designer, Bob Munro, had been hired to handle the Town's website.
2. Ms. Lamb inquired about a new member for the Water Park Advisory committee. The Mayor stated he would submit someone for consideration next month.

X. New Business:

1. Consider bids for Kellams Rehabilitation, Phase Three, to include the awarding of the following: 1) Football Scoreboard to Nevco in the amount of \$43,232.73; 2) Lighting and Electrical upgrades to Mackey Electrical in the amount of \$10,000.00; 3) Foundation Pilings to Crandell, Inc. in the amount of \$18,000.00; 4) Batting Cage Foundation and Rough In/Warm Up Pitcher's Mound in the amount of \$4,000.00; 5) Football Press Box to Old Tyme Contractors in the amount of \$25,000.00; 6) Bleachers to A1 Bleachers, Inc. in the amount of \$49,000.00.

MOTION: Mr. Mahoney moved to approve the Kellams Rehabilitation, Phase Three project in the amount of \$149,632.73. Seconded by Mr. Carpenter, all in favor.

2. Re-appointment of Board of Appeals members: James Burke, Kenneth Horsmon, Jeffrey Krahling, Warren LaHeist and Doris Spencer for the term of three years.

MOTION: Mr. Mahoney moved to approve the re-appointment of the Board of Appeals members, James Burke, Kenneth Horsmon, Jeffrey Krahling, Warren LaHeist and Doris Spencer for a term of three years. Seconded by Ms. Spano, all in favor.

3. Re-appointment of Planning Commission members for the term of five years commencing from their original appointment date.
 1. Jeff LaBar, appointed July 2003, term expired
 2. Nancy Feuerle, appointed August 2009
 3. Randy Getman, appointed September 2009
 4. Eleanor Nelson, appointed May 2008
 5. Tim Stafford, appointed December 2006
 6. Marilyn Van Wagner, appointed November 2008

The Mayor asked for confirmation on the re-appointment of the Planning Commission members for a term of five years commencing from their original appointment dates.

MOTION: Mr. Mahoney moved to confirm the re-appointment of Planning Commission members, Nancy Feuerle, Randy Getman, Eleanor Nelson and Tim Stafford commencing from their original appointment dates for a term of five years and Jeff LaBar for a term of five years commencing today, August 19, 2010. Seconded by Ms. Lamb, all in favor.

MOTION: Mr. Carpenter moved to confirm the re-appointment of Marilyn Van Wagner from her original appointment date of November 2008 for a term of five years. There was no second, motion failed. Mrs. Van Wagner's term will expire November 2013.

MOTION: Mr. Mahoney moved to re-appoint Megan Reiser from her original appointment date of July 2010 for a term of five years. Seconded by Ms. Lamb, all in favor.

Mr. Mahoney stated, for the record, his reason for not re-appointing Ms. Van Wagner as a member of the Planning Commission was due to the fact that Mrs. Van Wagner was presently employed by the Town.

Mr. Carpenter questioned why Ms. Van Wagner should not be reappointed inasmuch as her job as General Manager of the Water Park would be ending in three weeks.

4. Consider proposal from Beltway Paving to pave B Street and Chesapeake Station
(Arcade Court, Bandshell Court, Carousel Way and Dentzel Court) in the amount
of \$57,210.00.

MOTION: Dr. Beaudin moved to approve a proposal from Beltway Paving in the amount of \$57,210.00 to pave B Street and Chesapeake Station. Seconded by Ms. Lamb, all in favor.

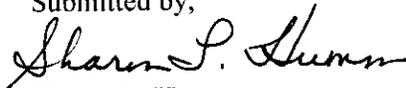
XI. Council Lightning Round:

1. Mr. Mahoney wished everyone a Happy Labor Day.
2. Mr. Carpenter stated schools will reopen next week and watch out for children and school buses.
3. Ms. Lamb thanked everyone for coming.
4. Ms. Spano asked everyone to watch out for children and school buses next week.
5. Dr. Beaudin stated she will have PTA membership forms next month.

Adjournment:

There being no further business, the meeting adjourned at 9:55 p.m. on a motion by Mr. Mahoney. Seconded by Dr. Beaudin, all in favor.

Submitted by,



Sharon L. Humm
Town Clerk