

PUBLIC HEARING MINUTES
April 15, 2010

- I. Bruce A. Wahl, Mayor, called the meeting to order at 7:33 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, Acting 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-10-3, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Mitigation Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.

The Mayor explained this Ordinance and the Town Treasurer addressed Council's questions and concerns.

Public comment was taken.

The hearing adjourned at 7:40 p.m. on a motion by Mr. Mahoney. Seconded by Ms. Lamb, all in favor.

Ordinance O-10-4, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Water Park Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.

The Town Treasurer answered the Council's questions and concerns on this Ordinance.

Public comment was taken.

The hearing adjourned at 7:48 p.m. on a motion by Dr. Beaudin. Seconded by Ms. Spano, all in favor.

Ordinance O-10-5, 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.

The Mayor and Town Treasurer addressed the Council on this Ordinance.

Public comment was presented by:
Maggie Chaney, Rod 'n' Reel, Inc.

Ed O'Brien, Maryland Charter Boat Association
John Gott, Fastop
Linda Apichell, Chesapeake Beach Resort & Spa

The hearing adjourned at 8:27 p.m. on a motion by Mr. Mahoney. Seconded by Ms. Lamb, all in favor.

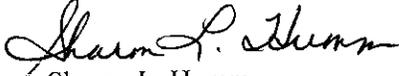
Ordinance O-10-6, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Treatment Plant Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.

The Town Treasurer addressed the Council's questions and concerns.

Public comment was taken.

The hearing adjourned at 8:30 p.m. on a motion by Mr. Mahoney. Seconded by Mr. Cumbo, all in favor.

Submitted by,



Sharon L. Humm
Town Clerk

**MINUTES OF THE
TOWN COUNCIL MEETING
April 15, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 8:30 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, Acting 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 Bowen.

II. Pledge of Allegiance. Mr. Carpenter led the pledge of allegiance.

III. Approve the Agenda. The Mayor stated that the Kellams Field Site Improvement-Phase II Project had inadvertently been left off the agenda and asked that it be added under "New Business".

MOTION: Mr. Mahoney moved to amend the agenda to include the Kellams Field Site Improvement-Phase II Project under "New Business". Seconded by Dr. Beaudin, all in favor.

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

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

1. Beach Elementary PTA - Sandy Shoemaker of the Beach Elementary PTA was present to promote this years' PTA fund raiser. A silent auction will be held on April 17, 2010, 6 pm at the American Legion in Chesapeake Beach and invites all to come.

V. Approval of the minutes of the March 18, 2010 Town Council Meeting.

MOTION: Dr. Beaudin moved to approve the minutes of the March 18, 2010 Town Council Meeting. Seconded by Mr. Mahoney, all in favor.

Approval of the minutes of the April 5, 2010 Special Town Meeting.

MOTION: Dr. Beaudin moved to approve the minutes of the April 5, 2010 Special Town Meeting. Seconded by Mr. Mahoney, all in favor.

Approval of the minutes of the April 6, 2010 Budget Work Session.

MOTION: Ms. Spano moved to approve the minutes of the April 6, 2010 Budget Work Session. Seconded by Mr. Mahoney, all in favor.

VI. Petitions and Communications:

- A. Deputy's Report** – First Sergeant Bowen submitted the attached written report and stated that Deputy Bri Gray would be transferring and Deputy Gatton would replace her as the Beach's full-time Resident Deputy.
- B. Public Works Report** – Mr. Cochran submitted the attached written report and addressed questions and concerns from the Council.
- C. Code Enforcement Officer's Report**- Mr. Watson submitted the attached written report and addressed questions and concerns from the Council.
- D. Town Engineer's Report** – Mr. Woodburn submitted the attached written report and addressed questions and concerns from the Council. Mr. Woodburn submitted a memorandum giving an update on his meeting with the US Army Corps of Engineers regarding the Fishing Creek Dredging Project.

Mr. Woodburn addressed the Mayor and Council on the Sansbury Road Traffic Calming project. Mr. Woodburn stated that V & V Construction, Inc. was the lowest responsible bidder and recommended the project be awarded to V & V Construction in the amount of \$29,535.00

MOTION: Ms. Spano moved to approve awarding the Sansbury Traffic Calming Project to V & V Construction, Inc, in the amount of \$29,535.00. Seconded by Dr. Beaudin, all in favor.

- E. Water Park Report** – Mrs. VanWagner submitted the attached written report.
- F. Mayor's Report** –
 1. The Mayor stated that the North Beach Tri-Athalon would take place the weekend of June 19th and 20th, 2010.
 2. The Mayor stated that the Town will continue with the water shut-off policy and letters will be sent out by the end of April to those who are \$400 or better in arrears.
 3. The Mayor announced there will be a groundbreaking ceremony for the Chesapeake Beach Railway Trail on April 20, 2010. The Mayor stated that the Maryland State Board of Public Works has revised the elevation of the bridges on the new trail that will be crossing Fishing creek to 11 feet above the mean high water line.
 4. The Mayor stated that the Town's Public Works Department has revised its work hours to be on duty from 7:00 a.m. to 5:00 p.m., an increase of 1.5 hours over the present schedule.
 5. The Mayor stated that there was a Cable Advisory meeting held on April 7, 2010.
 6. The Mayor reported that the "Nam Knights" will be holding their annual picnic at the American Legion Post on May 29, 2010.

7. The Mayor was pleased to report that the Town was successful in receiving a \$250,000 grant from the State of Maryland for the Kellams Project.

8. The Mayor reported that the State of Maryland has indicated that the Town will be receiving back approximately \$300,000 from the gaming machines in Town.

VII. Resolutions & Ordinances

- A. Vote on Ordinance O-10-3, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Mitigation Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.**

MOTION: Mr. Mahoney moved to approve Ordinance O-10-3.
Seconded by Mr. Cumbo.

MOTION: Mr. Carpenter moved to amend Ordinance O-10-3 to change the introduction date from March 19, 2010 to March 18, 2010.
Seconded by Mr. Mahoney, all in favor.

The Council voted on Ordinance O-10-3 as amended, all in favor.

- B. Vote on Ordinance O-10-4, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Water Park Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.**

MOTION: Mr. Cumbo moved to approve Ordinance O-10-4.
Seconded by Dr. Beaudin.

MOTION: Mr. Mahoney moved to amend Ordinance O-10-4 to change the introduction date from March 19, 2010 to March 18, 2010.
Seconded by Mr. Cumbo, all in favor.

The Council voted on Ordinance O-10-4 as amended, all in favor.

- C. Vote on Ordinance O-10-5, 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.**

MOTION: Dr. Beaudin moved to approve Ordinance O-10-5.
Seconded by Ms. Lamb.

MOTION: Dr. Beaudin moved to amend Ordinance O-10-5 to reflect a zero % increase across the board and 50% increase on the 3rd tier of 100,000+ gallons, dropping the current year tier of 200,000+ gallons.
Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney

and Ms. Spano. Opposed Mr. Carpenter and Mr. Cumbo. Motion passed.

MOTION: Mr. Mahoney moved to amend Ordinance O-10-5 to increase the capital connection fee for water from \$5,000 to \$6,000 per new dwelling unit and capital connection fee for sewer per new dwelling unit from \$15,000 to \$18,000. Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed, Mr. Carpenter and Mr. Cumbo. Motion passed.

MOTION: Mr. Carpenter moved to amend Ordinance O-10-5 to change the introduction date from March 19, 2010 to March 18, 2010. Seconded by Mr. Mahoney, all in favor.

The Council voted on Ordinance O-10-5 as amended. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed Mr. Carpenter and Mr. Cumbo. Motion passed.

The Mayor exercised his right and vetoed this Ordinance.

D. Vote on Ordinance O-10-6, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Treatment Plant Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.

MOTION: Mr. Cumbo moved to approve Ordinance O-10-6. Seconded by Mr. Mahoney.

MOTION: Mr. Carpenter moved to amend Ordinance O-10-6 to change the introduction date from March 19, 2010 to March 18, 2010. Seconded by Mr. Cumbo, all in favor.

The Council voted on Ordinance O-10-6 as amended, all in favor.

E. Introduce 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. A public hearing will be held at 7:30 p.m. prior to the next regularly scheduled meeting.

F. 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 approve R-10-2. Seconded by Mr. Cumbo.

MOTION: Mr. Mahoney moved to amend R-10-2, Section 2 B to change the word "consent" to approval. Seconded by Mr. Carpenter, all in favor.

MOTION: Mr. Mahoney moved to amend R-10-2, Section 2, A2 to read "one member shall be the Water Park Manager/Town Administrator and add an "A5" to Section 2, to read "an alternate member". Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Mr. Carpenter, Ms. Lamb, Mr. Mahoney and Ms. Spano. Abstained, Mr. Cumbo. Motion passed.

MOTION: Mr. Carpenter moved to table Resolution R-10-2 as amended until the next regular Town Council meeting. Seconded by Ms. Lamb. Ayes, Mr. Carpenter, Mr. Cumbo, Ms. Lamb and Ms. Spano. Opposed, Dr. Beaudin and Mr. Mahoney.

VIII. Report of Officers, Boards and Committees:

- A. Planning & Zoning Commission** – The Planning and Zoning Commission held its last work session on April 7, 2010 and completed their review and comments on the comprehensive plan draft. There was a final public hearing held on April 14, 2010 prior to its regular P & Z meeting.
- B. Board of Appeals** – There were no hearings held.

IX. Unfinished Business:

1. **Consider revised purchase agreement from Harris Computer Systems for Utility Billing Software.** The Town Treasurer stated that there were 3 item changes to the purchase agreement.

MOTION: Mr. Mahoney moved to approve the revised purchase agreement from Harris Computer Systems for Utility Billing software. Seconded by Ms. Lamb, all in favor.

X. New Business:

1. **Consider allocation of grant funds in the amount of \$2,000 to the Beach Buccaneers.**

MOTION: Mr. Mahoney moved to approve the allocation of grant funds in the amount of \$2,000 to the Beach Buccaneers. Seconded by Dr. Beaudin, all in favor.

2. **Appointment of Town Clerk.** The Mayor requested confirmation for the appointment of Sharon Humm as Town Clerk.

MOTION: Mr. Mahoney moved to approve the confirmation for the appointment of Sharon Humm as Town Clerk. Seconded by Mr. Cumbo, all in favor. The Mayor administered the Oath of Office to Ms. Humm.

3. **Kellam's Field Site Improvement - Phase II Project.** Mr. Woodburn addressed the Council on this project stating that Homes & Gardens by Les was the lowest

responsible bidder. Mr. Woodburn recommended the bid be awarded to Homes & Gardens by Les in the amount of \$171,873.00.

MOTION: Mr. Mahoney moved to award the Kellam's Field Site Improvement Phase II Project to Homes & Gardens by Les in the amount of \$171,873. Seconded by Dr. Beaudin, all in favor.

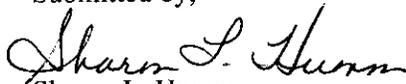
XI. Council Lightning Round:

1. Mr. Mahoney asked the Mayor to work with the Council on a compromise for the Utility Fund.
2. Mr. Carpenter reported on the Skateboard Park meeting held on April 11, 2010. He also thanked the Town Staff and Public Works crew for all their help in the success of the Easter Parade.
3. Ms. Lamb thanked everyone for coming out and participating.
4. Ms. Spano thanked everyone for coming out.
5. Mr. Cumbo congratulated Ms. Humm on her appointment as Town Clerk.
6. Dr. Beaudin reminded everyone about the Beach Elementary PTA's Silent Auction April 17, 2010 at the American Legion at 6 p.m.

XI. Adjournment:

There being no further business, the meeting adjourned at 10:18 p.m. on a motion by Mr. Cumbo. Seconded by Ms. Spano, all in favor.

Submitted by,


Sharon L. Humm
Town Clerk



**MINUTES OF THE
SPECIAL TOWN MEETING
April 5, 2010**

I. Bruce A Wahl, Mayor called the meeting to order at 6:00 p.m. In attendance were: Dr. Valerie Beaudin, Robert Carpenter, Stewart Cumbo, Ingrid Lamb and Patrick Mahoney, Council Members, Dr. James Parent, Town Administrator, Sharon L. Humm, Acting Town Clerk, Leslie Porter, Town Treasurer, Elissa Levan, Town Attorney. Absent was Julie Spano, Council member.

II. **Pledge of Allegiance.** Mr. Carpenter led the pledge of allegiance.

III. **Resolutions & Ordinances**

Introduce Ordinance O-10-7, 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, 2009 to June 30, 2010, to amend the Water Park Enterprise Fund budget to appropriate additional funds to effectuate certain repairs and capital improvements necessary to make the facility safe and efficient for the 2010 summer operating season.

MOTION: Mr. Mahoney moved to close the Special Town meeting and convene the public hearing. Seconded by Mr. Cumbo, all in favor.

IV. **Public Hearing**

A. **A public hearing on Emergency Ordinance O-10-7, an 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, 2009 to June 30, 2010, to amend the Water Park Enterprise Fund budget to appropriate additional funds to effectuate certain repairs and capital improvements necessary to make the facility safe and efficient for the 2010 summer operating season. Dr. Parent and the Town Treasurer explained this to the Council.**

MOTION: Mr. Mahoney moved to close the public hearing and go into the Special Town meeting. Seconded by Mr. Cumbo, all in favor.

V. **Resolutions & Ordinances**

A. **Vote on Ordinance O-10-7, 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, 2009 to June 30, 2010, to amend the Water Park-Enterprise Fund budget to appropriate additional funds to effectuate certain repairs and capital improvements necessary to make the facility safe and efficient for the 2010 summer operating season.**

MOTION: Mr. Mahoney moved to approve Ordinance O-10-7 as an Emergency Ordinance. Seconded by Mr. Cumbo, all in favor.

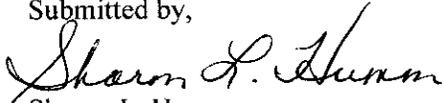
MOTION: Mr. Cumbo moved to approve Emergency Ordinance O-10-7, an Emergency Ordinance of the Town Council of Chesapeake Beach, Maryland, amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2009 to June 30, 2010, to amend the Water Park-Enterprise Fund budget to appropriate additional funds to effectuate certain repairs and capital improvements necessary to make the facility safe and efficient for the 2010 summer operating season. Seconded by Mr. Mahoney, all in favor.

B. Introduce Ordinance O-10-8, 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 and setting rates, charges and fees related to water and sewer service by the Town. The Town Attorney stated this Ordinance was for the purpose of including in the title the setting of rates, charges and fees related to water and sewer service by the Town.

After Council discussion, Mr. Carpenter stated that he would prefer amending the original Ordinance title at the April 15, 2010 Town Council meeting.

There being no further business, the meeting adjourned at 6:45 p.m. on a motion by Mr. Carpenter. Seconded by Mr. Mahoney, all in favor.

Submitted by,


Sharon L. Humm
Acting Town Clerk



**MINUTES OF THE
BUDGET WORK SESSION
April 6, 2010**

- I.** Bruce A. Wahl, Mayor, called the meeting to order at 8:00 p.m. In attendance were: Dr. Valerie Beaudin, Robert Carpenter, Stewart Cumbo, Ingrid Lamb, Patrick Mahoney and Julie Spano, Council Members, Dr. James Parent, Town Administrator, Sharon L. Humm, Acting Town Clerk, Leslie Porter, Town Treasurer and Cheri Beard, Assistant Town Treasurer.
- II. Present the FY11 Budget to the Town Council** – The Mayor and Town Treasurer presented the FY11 Budget for the General Fund.

Revenues:

1. The Mayor stated that there would be no change in the tax rate.
2. The Council discussed the proposed decrease in the Admissions and Amusement taxes.
3. The Council discussed the proposed Bayfront Park Admissions.

Expenditures:

1. Grants for Local Organizations – Mr. Cumbo requested his unallocated \$2000 from FY10 be donated to the Beach Buccaneers. Mr. Mahoney and Ms. Spano stated that their proposed unallocated FY11 funds of \$2000 each be donated to the Beach Elementary School, Ms. Lamb, to the NBVFD and Dr. Beaudin back into the GF. Mr. Carpenter and Mr. Cumbo made no decision on their proposed funds.
2. Council will consider increasing Economic Development by \$5,000 for the Trolley.
3. The Council discussed donating \$1500 to the Railway Museum.

Operating Capital Outlay:

1. The Council discussed the submitted capital requests by Mr. Cochran for public works vehicles and equipment. (Mr. Cochran was not present, due to Military duty, to address the Council's concerns on these requests).
2. There was discussion to consider increasing the amount for Holiday Lights.
3. The Council discussed the submitted "Other Capital Projects" list.
4. "Principal Payments" - Mr. Carpenter asked about the "Principal Payments" for Seawall #7 and Seawall #8.

**MINUTES OF THE
ELECTION WORK SESSION
April 19, 2010**

- I. Bruce A. Wahl, Mayor, called the meeting to order at 7:00 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb and Patrick J. Mahoney, Council Members, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer and Election Board members, Malcolm L. Funn, Chairman, Ron Draper, Mary Horsmon and Alternate member, Brain Beard. Absent were Julie L. Spano, Council Member and Dr. James Parent, Town Administrator.
- II. **Discussion of proposed update to the Town Election Code.** The Mayor stated that changes were made to the Town's Election Code in 2007 and tested in the 2008 election. With that, the Election Board reviewed the election policy and submitted to Council recommendations they would like to see implemented into the Code.

Resolution CAR-4-10 – It was discussed that an amendment be made to Section C-612 of the Charter to extend the certification period from 48 hours to 72 hours and to also amend Section 16-705 of the Election Code to state the same.

Ordinance O-10-10 – To amend Chapter 16 "Elections".

The Council discussed amending Chapter 16, "Elections", Article I "Definitions", to add Section 16-102 - "Time and Deadlines", incorporating provisions regarding the computation of time and deadlines.

The Council discussed amending Section 2, 16-307 (a) "Registration Closing" to eliminate the current registration closing deadline of 9 p.m. and have registration closing at the conclusion of regular business hours at Town Hall.

The Council discussed amending Section 3, 16-402 "Certification of Nomination" to amend the filing from 45 days to 49 days and to **add** under (b), required elements of a certification of nomination, #6, "identifying a candidate's name.

The Council discussed Section 4, 16-502, "Ballot Formulation" to amend the "legal name of the candidate" to read "name identified in the candidate's certification of candidacy issued by the Board".

Discussion as to amending the filing of a challenge under Section 16-403, "Challenges to Candidacy".

The Council discussed amending Section 5, 16-601 "Illegal Electioneering" to delete (b) (3) and change #(4) to #(3).

The Council discussed requiring candidates to follow MD's campaign finance laws.

Mr. Funn, Chairman of the Election Board, stated several additional concerns that the Board had:

1. Voting Site – The Board feels that the limited space at Town Hall is no longer adequate to manage an election. After discussion, the Mayor stated he would talk with the County Board of Elections concerning the possibility of the County conducting the Town's Elections.
2. Voting Machines – The Board recommends aligning the Town's selection of voting machines with the County Board of Elections choice.
3. Campaign Literature - The Board recommends requiring attribution statements.
4. Slates – The Board recommends that the process for creating, defining and registering "Slates" should be further defined in the Election Code.

The Mayor expressed his appreciation to the Election Board for all their dedication and hard work in this process.

The meeting adjourned at 8:56 p.m. on a motion by Mr. Mahoney. Seconded by Dr. Beaudin, all in favor.

Submitted by,


Sharon L. Humm
Town Clerk