

TOWN OF CECILTON

**Mayor and Council Work and Regular Session Meeting
Friday, September 20, 2019**

The Mayor and Council held a Work and Regular Session Meeting in Town Hall on Friday September 20, 2019. The following were in attendance:

Joseph A. Zang, III, Mayor

Mike Cooper, Member

Craig DeVary, Member

Danielle Zack, Member

Charles Ringgold, Member

All in attendance recited the Pledge of Allegiance.

Mayor Zang stated that due to the interest of time and members having other obligations, that the new business be tabled.

PUBLIC HEARING:

Member Cooper motioned to move into a public hearing. Member DeVary seconded the motion. Motion carried to move into a public hearing to concerning the connection fees for the Senior Village and Early Childhood Learning Center.

Attorney Yeager explained that in order to get the state grant money for the project, the town has to make a contribution. The value of the land itself is not sufficient, so water or sewer connections fees need to be looked at to be waived. The best option would be sewer connections be waived in order to qualify for grant and the Town to meet our obligation. The Town Ordinance did not provide for any provision for any waiver of fees. The Town Charter also says that whatever the fee is, it has to be the same for every property. So the only option the Town has, based on the charter, is the waiver of the fee. So what this emergency ordinance does is that any property in which the town is an owner, only for property in which the town is an owner either directly or indirectly, this particular property is currently owned by the town. It is going to be owned by a limited liability company in which the Town is going to be a member. So the Town is 100% owner of it outright currently, but if the project goes forward the Town is going to have an ownership interest by virtue of being part of the not for profit limited liability company project. What this ordinance does, it gives the ability to waive fees for sewer connections to properties with which the Town has ownership interest. If the Mayor and Council pass it, they can waive it for this project and also have the ability to waive it for any other properties that the Town owns, if they want. The procedure would be to have a public hearing because of the time limit (state money not out there forever), the charter allows for an emergency ordinance. An emergency ordinance can be effective immediately. You can pass an emergency ordinance the same night you introduce it. It can be introduced in a public hearing and then pass it. The Mayor and Council Members would all have to vote in the affirmative to do this. If it is passed, it is a two-step process. The ordinance gives them to ability to waive the sewer connection fee because ordinances are not project specific they are for classes of property. This gives them the ability to waive the

sewer connection fee for this property because the Town currently owns this in full and down the line the Town is going to be owning it through the company. Assuming the ordinance is passed, the next thing is to entertain a motion to waive the fee (sewer connection fee) for this property. This only allows to waive the sewer connection fee. The water connection fee would be paid. It also does not affect the usage fee. Attorney Yeager expressed that it only waives the sewer connection fee. If you add up the value of the land and the value of waiving the sewer connection fees, it would satisfy the State of Maryland's requirements to release the grant fund which is several million dollars.

Member DeVary asked about the ownership. Mayor Zang replied that the Town has 1% ownership in the project with no liability to the Town. Attorney Yeager indicated the non-profit corporation has 99% ownership and indemnifying the Town harmless. The State requires that the Town have ownership in the project. The 1% meets the state requirements and there will be no liability associated with the Town. That was one thing that was negotiated.

Emergency Ordinance #2019-09 was introduced. Mayor Zang read the ordinance aloud.

Public Comments:

Question from Joe Piri, concerning the Town's donation to the project. Have we given them all of the land? Mayor Zang replied that we have given them a portion of the land. The Town still retains ownership of the highway commercial portion of land.

Joe Piri continued for clarification in they (Home Partnership) was given land for the MRDC building and the apartments and the revenue from the commercial entity would go to the town. Mayor Zang confirmed this.

Alan Pleasanton expressed that there are other parcels of land for development that would require sewer hookups. He understands that this is a county/state run operation. He wanted to know if there is any intention by the Council to lower sewer fees, like Elkton put a moratorium on their water and sewer connection. "In Elkton, you can get a water and sewer connection for free. Is there going to be any economic development through the Town of Cecilton to try to stimulate growth and for other areas in the town? Is that something that could be coming in the future?"

Mayor Zang expressed, "I think that we have that to discuss, because I think that and I am not speaking for the council, I want them to say their part too. I understand exactly what you are saying with what we are seeing for development purposes that is becoming more and more of almost like a requirement to get people to want to build in municipalities. So I think that it has to be discussed for that reason, because we've got parcels that are developable but we haven't had a lot of interest in those because of the cost in associated with development."

Mr. Pleasanton stated, "It makes it hard for anyone to want to develop in Cecilton when you can go 19 miles north and get free water and sewer. It makes it hard for anybody in this town to try (to develop). Any one of the council members have any...?"

Member DeVary replied, "It is I understand the Elkton, free everything. They have a lot more that brings revenue to the town. Police department, etc. We don't. There is nothing else. We're waiving, potentially waiving the sewer hookup fees, we'll gain the water hookup fees. But realistically even with that it's you going to have 1 1/2 parts, people per unit on the average. It is going to be minimum usage at best. What are we gaining? So if you waive it altogether, then you're, you are really looking at potentially hurting the town as a whole."

Attorney Yeager said, "If I could jump in. You have a lot of options if you look at your hookup fees. It is not an all or nothing. You could set a lower fees (DeVary: "Correct") for everyone in town. It is just that the charter says that whatever the fee is, it has to be the same. So in order to have different fees, you would have to amend the charter. The way the charter is right now it has to be one fee. But you can say that the fee that we have we feel is too high to encourage development but we still need to have some fee to recoup our council cost. So it is not an all or nothing thing. I think that you are wise to take a look at what revenue you need and compare that to what development that you see happening."

Member DeVary agreed with Attorney Yeager. Member DeVary also stated, "That is why I used the Elkton of they waive everything, but they do have other revenue. We don't. We don't at all."

Member Zack commented, "There are a lot of people trying to move out of Elkton though also, so that is why they are trying to keep them there." (Member DeVary agreed.)

Member DeVary continued in saying that he understands why they had to. There is no building going on in the Cecil County area. Due to a lot of changing sewer, runoff, and sprinklers, there is a lot of things that needed to happen.

Administrator Cooper redirected that that is a separate issue. What she thinks the community might be looking for is that the Mayor and Council will be meeting at some time in the future to discuss it. So that they know that the topic of discussion is and they can come and share their thoughts, feelings, and opinions and visit that for everybody as a whole. Attorney Yeager commented that it could be an agenda item at a meeting or hold a workshop to go over that. That is something to look at to discuss what would be best for the town.

Member Cooper commented that when water is hooked up that the landowners owns from the meter out and the Town owns from the main to the meter. He asked how much that cost the Town. Treasurer Roland replied that she has that question out to AECOM now, because the cost has changed since the last time there was construction in town. Member DeVary inquired about the cost for Dollar General. Treasurer Roland replied that Dollar General did all that themselves. Discussion continued between several members on the infrastructure and the lateral being hooked up. Attorney Yeager continued in explaining that the hookup fee covers not only the actual cost of AECOM going out to do the work but it also gives a reserve for capital improvements that are needed. The quarterly charges cover the cost associated with treatment. Your hookup charges not only cover the cost of that one time hookup but give you money when you have to capital upgrades and improvements to your plant. The cost of the hookup fee is usually a little more than the actual cost of that one connection.

Continued discussion how a development will tend to have several laterals that tie into a main and that main would tie into the Town's main. The developer typically pays for the cost of that and then we inspect it to make sure it meets town standards. Then it is dedicated to the town. In that case it is cost that the developer incurs rather than the town incurring.

Joe Piri commented when he proposed Frisby's Meadows 20 years ago, there was no support whatsoever. He reiterated that it did does not cost the town anything, the water, the sewer, the streets, the sidewalks, etc. was borne by the developer. Then it is all done and approved by the town engineer and the developer engineer therefore when you do a development (Frisby's Meadow), the town did not incur any cost for the infrastructure that was put in for each house in the development. Mr. Piri continued to explain that he, in the past, was the

only developer in town and he was the one that proposed and supported raising the town's connection fees so that the town could support, maintain, and expand the plant. To give it away is one thing but there has to be a real good reason why, because at some point down the road the Town is going to have to pay the "fiddler". If the developer is not paying for this, then the rest of the town is. He also expressed his concern of looking to what this means in the future. He feels the town could have the possibility for 100 hookups and do we have the capacity for it.

Mayor Zang replied that we do have the hookups. We had AECOM do all the new numbers for the projects that could be built, so that we are good for that. The Town has done a lot of research on that due to the changes in the law from MDE that are coming. We are fortunate to get the water line project for the Pearce Creek water line through MPA. We got all the water hookups for that so we are in a better position than we have ever been that allows us to do something like this project. The idea is to continue the growth and in the right way, so that the town is taken care of even after this Mayor and Council are gone.

Mr. Piri expressed the concern of the infrastructure and the inflow on Douglas Lane.

Shannon Kelly from MRDC, commented that the community, families, and children need this (new school) and the change needs to happen. Cecilton needs this. Children are coming from all over to Head Start. They now have 2 classrooms with 34 children. Bus service is now provided.

Mayor Zang reminded the council that the ordinance needs to be voted on. Attorney Yeager also added that it has to be unanimous vote and it is deemed an emergency ordinance because it needs to get in place as soon as possible to not jeopardize the state grant.

Member DeVary motioned to leave the public hearing. Member Zack seconded the motion. Motioned carried to leave the public hearing.

REVIEW AND ACT:

Senior Village and Early Learning Center Sewer Connection Fees Emergency Ordinance #2019-09:

Member Zack made a motion to approve Emergency Ordinance #2019 -09 for the waiver of the sewer connection fees for town owned property. Member DeVary seconded the motion. Mayor Zang called for any discussion. There was not discussion. All members were in favor. No opposed. The motion passed.

Monday, August 19, 2019 Mayor and Council Work and Regular Session Meeting Minutes:

Member Craig made a motion to accept the Monday, August 19, 2019 Work and Regular Session Meeting Minutes as written. Member Zack seconded the motion. Motion carried.

July and August Final Financials and Account Balances:

July and August Final Financials and Account Balances were reviewed. Member Cooper motioned to accept the July and August Final Financials and Account Balances as presented. Member Zack seconded the motion. The motion carried.

NEW BUSINESS:

New Business was tabled to the next meeting.

OLD BUSINESS:

Brandon Michael Craig Memorial: Dedication is scheduled for Saturday, September 28th at 10:00 am and immediately following will be a reception at the fire hall.

Good of the Order:

Next MML Dinner is in North East on October 17th. If anyone wants to go let Treasurer Roland know.

Shannon Kelly asked about a meeting concerning the fire hydrants in the Pearce Creek area. Mayor Zang indicated that was up to the fire department. Her concern was driven by the house fire in West View Shores. The fire hydrants are supposed to be for filling up tankers not for putting out fires. She questioned why the fire company did not know that the fire hydrants do not work for putting out fires. Member Zang expressed that the fire hydrants work as they were designed and hoses are never supposed to be hooked to those fire hydrants. She then questioned why the fire company did not know that. Member Zang said that she needed to talk to the fire company. Attorney Yeager commented that the fire company was notified when the hydrants were put in and then there was some change leadership to the fire company. Member Cooper also expressed several outside companies were involved in that fire and they would not know. Administrator Cooper said also an issue was the number of hydrants that were open. Member Cooper commented that once you open a head, you've lost pressure down from it. Mayor Zang expressed that the hydrants were designed and strategically placed by fire company for optimum design for firefighting. Mayor Zang expressed that the hydrants in town are designed the same way. We do not have a pump and anyway to provide pressure other than the tank. The fire company uses the hydrants to fill trucks. Mrs. Kelly expressed that she understands that, but is there a way to get the information to the community so that they understand that they are not made for a direct hookup. Mayor Zang continued to explain that originally there were meetings were held because we knew we had enough pressure to do fire hydrants to provide what we could provide. We met with the fire company, engineers, everyone and then there were community meetings for 4 or 5 years for discussion for everyone who attended, but especially community leaders. Administrator Cooper commented that it was important to know that the HOA presidents were at the meetings. Mrs. Kelly expressed that some of the HOA presidents are different now and there are new people that have moved into the community. Mayor Zang continued saying that the first thing that the Town did when we got the call from the fire company was to send our operator to the water plant and have him turn both wells on to over fill the tanks to create as much pressure as we could. That is the only way to get water pressure is through gravity. That was within 20 minutes of the phone call. We were fortunate that our operator was available that fast. It is an education issue and we have records of the education provided. Once this happened the first thing we did was contact the attorney to say all the documentation has been provided to everyone. How people act on an emergency situation is something that we can't control. Looking forward, yes it is all about educating the community. They are not an FPA standard set aside from hydrant to hydrant. The hydrants were laid out because of the way the fire company fights a fire. That was done by the fire company strategically to fill a truck. They would have two options (to fill a truck), they could pump from the bay and they could also pump from a hydrant. That is all we can say. I don't think you can put the finger on the fire company either. He thinks they did exactly what they thought they were supposed to do. He understands that the community is trying to find answers and it is good that the community wants to be involved. The Town has provided as much documentation over the last 4/5 years as we could. Administrator Cooper asked Mrs. Kelly what she would like to have happen and what the community would appreciate. Mrs. Kelly would like to have

a community meeting (at the fire house). Administrator Cooper said that was something that she could work on. Mrs. Kelly wants to have a community meeting so that everyone can understand/ be informed. Attorney Yeager expressed that perhaps the surrounding fire companies should be invited so that they are informed. Administrator Cooper expressed that is important to note that this is her (Mrs. Kelly's hometown) and we are township for so many communities. You should be able to come to town and express what is needed and we try to help out. Administrator Cooper will advertise in the paper, on the website, etc. when the meeting is scheduled.



Joseph A. Zang, III
Mayor

Respectfully submitted



Teresa Quinn