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**TOWN OF EASTON, MARYLAND
EASTON TOWN HALL
14 S HARRISON STREET**

February 18, 2019

PRESENT AT CONVENING.

Mayor Robert C. Willey
President of the Council John Ford
Councilmember Alan I. Silverstein
Councilmember Ron E. Engle
Councilmember Megan M. Cook

Also present was the Town Manager Mr. Don Richardson, Town Attorney Mrs. Sharon VanEmburch, Town Engineer Mr. Rick VanEmburch and Town Clerk Mrs. Kathy M. Ruf.

CALL TO ORDER.

At 6:03 p.m., President Ford called the meeting to order.

**6:00 PM KEITH F. NOVAK, PRINCIPAL CLIFTONLARSONALLEN LLP TO PRESENT
FY2018 AUDIT.**

Mr. Keith Novak stated that there were few changes made to the financial statement. He discussed recording the whole liability and the change to OPEB. Mr. Novak stated that OPEB is 40% unfunded; a bit higher than some of the counties. He discussed the Pension Trust Fund being recorded in a year lag and stated that it makes more sense to adjust the fiduciary fund to bring it in sync to the same current year; that's where the significant deficiency came in. Mr. Novak stated that the fund is a truer picture than what was stated on the June 30, 2018.

Mr. Novak reported that there were no difficulties while performing the audit and no disagreements with management.

Mr. Novak discussed the percent the pension was funded as well as the expenses which were recorded as \$76,000 over budget.

President Ford asked if there were any comments or council questions.

Mr. Novak stated that Account Reconciliations have no supervisory review and they are suggesting that be done.

In regards to Information Technology, Mr. Novak stated that the town's passwords are not up to industry standards. Mr. Novak suggested some type of external security testing.

Mr. Novak stated that he is retiring December 31, 2020 and he will be transitioning a new person in to his position.

**6:30 PM WORKSHOP WITH ROSS BENINCASA, DIRECTOR, EASTON BUSINESS
ALLIANCE TO DISCUSS ARTS & ENTERTAINMENT DISTRICT PROPOSAL.**

At 6:28; President Ford asked Mr. Ross Benincasa, Director of Easton Business Alliance to discuss the proposal for an Arts & Entertainment District in the Town of Easton with tax benefits and exemptions for qualifying activities in the District.

Mr. Benincasa was present and discussed the benefits of an Arts & Entertaining District in the downtown. He stated that the area proposed would be a 113 acre section, which would provide tax benefits to qualified residing artists and arts and entertainment enterprises. He discussed the main benefits. He stated that selling must occur in one of the 26 A&E Districts in order to benefit from the property tax exemption which would be a 100 percent property tax abatement for 10 years for properties renovated for artists or arts enterprises. Mr. Benincasa stated that the proposal would mirror Chestertown's program with benefits.

The proposed area of the district was discussed. Mr. Benincasa stated that it was asked that the district proposed be adjusted by the State of Maryland to include additional streets. He stated that the State of Maryland reviewed the proposal and it was approved.

Concerns regarding the management of the district, the buy-in and economic impact on Easton as well as the management and necessary reporting was discussed. Mr. Benincasa stated that EBA could manage the program.

The next step is for the Council to approve a Resolution of support and hold a public hearing for public comment.

57 It was the consensus of the Council support the proposal for an A&E District and of moving ahead.

58 Mr. Richardson, Town Manager recommending allowing the staff to review what is required as well as
59 any financial impacts on the Town’s revenue sources.

60 President Ford asked for audience comments. He stated that he assumed all present in the audience are in
61 support of moving forward with this.

62 Ms. Betty Huang, 401 Goldsborough Street, stated that she is looking forward to being in the A&E
63 District.

64 Town Planner Mr. Thomas stated he will look at zoning implications as well as what is permitted. He
65 stated the boundaries may change.

66 At 6:52 p.m., President Ford recessed the workshop until 7:00 p.m.

67 **PRESENT:** Town Engineer Mr. Rick VanEmburch and Town Attorney Sharon VanEmburch joined the
68 meeting.

69 **7:00 PM OPENING REMARKS BY MRS. COOK AND PLEDGE OF ALLEGIANCE.**

70 Mrs. Cook led those present in the Pledge of Allegiance.

71 President Ford stated that the meeting this evening began at 6:00 p.m. with the Town’s audit outbrief then
72 a workshop with EBA who is promoting Easton’s application to become an Arts & Entertainment
73 District.

74 **APPROVAL OF MINUTES OF FEBRUARY 4, 2019 MEETING.**

75 Upon motion by Mr. Silverstein seconded by Mr. Engle and carried unanimously, minutes of the
76 February 4, 2019 meeting were approved as written.

77 **ITEMS BY THE MAYOR.**

78 **CONFIRMATION OF RE-APPOINTMENTS TO BOARDS AND COMMISSIONS.**

- | | | | |
|----|---------------------|------------------------------|-------------|
| 79 | ○ Bonnie Chase | Board of Canvassers | 2 year term |
| 80 | ○ Lou Dorsey | Board of Canvassers | 2 year term |
| 81 | ○ W.W. (Buc) Duncan | Easton Utilities Commission | 6 year term |
| 82 | ○ Michael O’Keefe | Board of Zoning Appeals | 3 year term |
| 83 | ○ Paul Weber | Planning & Zoning Commission | 5 year term |

84
85 Upon motion by Mr. Silverstein, seconded by Mr. Engle and carried unanimously, the appointments as
86 submitted by Mayor Willey were confirmed.

87
88 President Ford brought the request from Mr. Tom Haschen for a Proclamation for Jeremiah Banning to the
89 floor and asked the council for their opinion.

90
91 President Ford stated that he was originally opposed to the Proclamation and also expressed concern that a
92 business named after an individual is requesting a proclamation. President Ford stated that he has since
93 learned that Jeremiah Banning was instrumental in the formation of The Hill and also was commissioned
94 by George Washington to lay out the streets in Easton. President Ford stated that he was present when
95 Professor Dale Green, Morgan State University spoke of Jeremiah Banning and shared that 21 slaves were
96 freed and granted property in The Hill because of Jeremiah Banning. He asked that Professor Dale Green
97 be present and tell the complete story.

98
99 Mayor Willey discussed a letter received from DHCD regarding non-compliance with Federal Labor
100 Standards for the Block Grant Program for the Children's Center at the Easton Elementary School. He
101 stated that the findings of non-compliance are related to the payment of Davis-Bacon wage rates by
102 contractors and subcontractors. Mayor Willey stated that the letter has been forwarded to Talbot County
103 for review.

104
105 **ITEMS BY THE TOWN MANAGER.**

106 **APPROVAL FOR TISCHLERBISE IMPACT FEE STUDY.**

107 Town Manager Mr. Richardson asked for approval of the proposal from TischlerBise for an updated
108 Impact Fee Study. Mr. Richardson stated that the calculation and formula that was in effect concluded in
109 2018 and the project schedule expired is expired. Mr. Richardson stated that there is \$75,000 in the budget
110 for an updated fee study and that is in line with the contract from TischlerBise.

111 Upon motion by Mr. Silverstein, seconded by Mr. Engle and carried unanimously, the proposal from
112 TischlerBise for an updated Impact Fee Study was approved.

114 **PUBLIC ASSEMBLY REQUEST – 5K FUNDRAISER 3/30/19.**

115 Upon motion by Mr. Engle seconded by Mrs. Cook and carried unanimously, the 5K Fundraiser run/walk
116 for Mid-Atlantic Shockers Baseball Club on March 30, 2019 at 8:00 a.m. was approved.

117 **ITEMS BY THE TOWN ATTORNEY.**

118 The Town Attorney Mrs. VanEmburch stated that she has nothing at this time.

119 **FIRE BOARD.**

120 Fire Chief Sonny Jones was present from Easton Volunteer Fire Department and introduced the
121 Administrative Officers and the Line Officers for 2019.

122 President Tim Knotts stated that he is looking forward to working with the council and stated that he
123 appreciates the great working relationship. He discussed the proposed training ground facilities and the
124 possible opportunities. President Knotts stated that EVFD is purchasing a new rescue from Sutphin in
125 Colorado. President Knotts stated that they have received a \$23,000 donation to go towards gear.

126 President Knotts introduced administrative officers, trustees and the ambulance captain. He stated that
127 they are working really hard to get the ambulance brought up to standards.

128 Mr. Silverstein thanked the Department for the award banquet.

129 **CONT'D. PUBLIC HEARING TO CONSIDER ORDINANCE NUMBER 730 WHICH**
130 **PROPOSES AMENDMENTS TO SECTION 28-414 OF THE TOWN CODE, WHICH ARE THE**
131 **REGULATIONS OF THE MIXED USE WATERFRONT (MXW) ZONING DISTRICT.**

132 At 7:16 p.m., President Ford opened the continued public hearing to consider Ordinance Number 730 and
133 to receive public comment.

134 Mr. Thomas discussed the responses. He stated one raised concerns over the prohibitive costs. He
135 discussed scenarios in the Waterview District well as more intense districts. Mr. Thomas discussed
136 additional costs such as infrastructure and development costs.

137 Mr. Richard Tettlebaum, Chair Easton Planning & Zoning Commission, stated that it is not just the bonus
138 fee which are the issues. Mr. Tettlebaum discussed the opportunity to bring developers and businesses in
139 the Waterfront Zoning District.

140 Zach Smith, Armistread Lee Rust & Wright, 114 Bay Street, followed up on the letter submitted. Mr.
141 Smith stated that his client has not offered specific financial data. He asked the Planning & Zoning
142 Commission to reconsider the fees and stated that having these fees will not entice development. He stated
143 that the costs will be passed on to future developments and residents. Mr. Smith asked that the additional
144 fee in the bonus provision be reduced.

145 At 7:29 p.m., President Ford closed the public hearing and stated that the record would be left open for
146 written comments until the end of the week. President Ford stated that at the next meeting, there will be
147 discussion on the Zoning District. He stated that he thinks that everyone considers the costs significant.

148 **ORDINANCE NO. 730, “AN ORDINANCE OF THE TOWN OF EASTON AMENDING**
149 **SECTION 28-414 OF THE EASTON TOWN CODE (ZONING) TO REVISE PORTIONS OF THE**
150 **MIXED-USE WATERFRONT ZONING (MXW) DISTRICT.”**

151 Not acted on.

152 **PUBLIC HEARING TO DISCUSS RESOLUTION NO. 6100.**

153 At 7:31 p.m., President Ford opened the Public Hearing to receive comments on Resolution No. 6100.

154 Town Attorney Mrs. VanEmburch stated that state law has mandated the enactment of the ability to break
155 a tie vote after an election. She stated that it would require an amendment of the Town’s Charter; and 1)
156 dictate a special election; then if another tie then 2) a coin flip.

157 Mrs. VanEmburch discussed the process for a Charter Amendment. She stated that if the council moves
158 forward on the process, then the resolution would be passed followed by significant advertising before
159 enacting the legislation.

160 President Ford asked for public comment. There was none.

161 At 7:34 p.m., President Ford closed the public hearing.

162 **RESOLUTION NO. 6100, “A RESOLUTION OF THE TOWN OF EASTON AMENDING THE**
163 **CHARTER OF THE TOWN OF EASTON TO ESTABLISH A PROCEDURE FOR RESOLVING**
164 **A TIE VOTE IN AN ELECTION AND MATTERS GENERALLY RELATED THERETO.”**

165 Upon motion by Mr. Silverstein, seconded by Mr. Engle and carried unanimously, Resolution No. 6100
166 was approved.

167 **RECOMMENDATION FROM TOWN ENGINEER FOR ONE WAY STREETS & PARKING**
168 **MODIFICATIONS IN PATRIOT SQUARE.**

169 Town Engineer Rick VanEmburch was present to present to discuss his recommendation for one-way
170 streets and parking modifications in Patriot Square.

171 Mr. VanEmburch discussed the residents' concerns that it is not possible to drive thru streets with parking
172 on both sides. He stated that comments have been received from a few residents in the community and 5
173 are in favor of the one way streets and parking modifications and 6 residents are somewhat in favor. He
174 stated that the Town Engineer's office has personally sent letters to residents and property owners with a
175 deadline to provide feedback with only 2 responses received. Mr. VanEmburch stated that his
176 recommendation is the option that the homeowner's board preferred; one way streets which would allow
177 parking on streets.

178 Mr. VanEmburch stated that he has received two comments in regards to the proposed changes; one in
179 favor of the changes and one with a different proposal.

180 The Town Attorney discussed the necessary steps which would be a motion then a vote, authorizing the
181 Town Engineer to make the recommended changes.

182 Mr. Mike Thielke, 200 Tubman Drive, was present on behalf of Phyllis Wells, the Patriot Square HOA
183 Treasurer, and stated that they are pleased that the council is addressing their concerns. He stated that the
184 townhomes are very congested and asked that the recommendation of one-way streets be considered as it
185 is keeping with the normal traffic pattern residents now take. Mr. Thielke stated that they prefer to have
186 parking on one side of the street on Meadow. He stated that they appreciate the recommendation brought
187 forth by the Town Engineer.

188 Mr. Engle asked to be recused as he owns property at Patriot Square.

189 Upon motion by Mrs. Cook, seconded by Mr. Silverstein, and carried unanimously with Mr. Engle not
190 voting, approval was given to accept the recommendation of the Town Engineer for parking modifications
191 in Patriot Square.

192 **REVIEW OF INVOICES TOTALING \$1,085,001.61.**

193 Upon motion by Mr. Engle seconded by Mrs. Cook and carried unanimously, invoices totaling
194 \$1,085,001.61 were approved for payment.

195 **ITEMS BY MEMBERS OF THE COUNCIL:**

196 Mr. Silverstein stated that the ACE Mentor Awards 15th Annual Program will be held Tuesday, March 5th
197 at the Easton Elks Lodge at the cost of \$10 per person with tickets being sold at the door.

198 President Ford asked if there is anything from the audience to bring before the council. There was nothing.

199 **ADJOURNMENT.**

200 At 7:41 p.m., upon motion by Mr. Silverstein seconded by Mr. Engle and carried unanimously, President
201 Ford adjourned the regularly scheduled meeting.

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204 Kathy M. Ruf, Town Clerk