

TOWN OF SUDLERSVILLE

Commissioners Minutes

January 8, 2020

Present: President Ronald Ford
Commissioner David Ruffner
Commissioner Carrie Comegys
Commissioner Larry Leonard
Commissioner Charles Leager

Town Clerk: Crissy Talty

Paper: Christian Jaime, Bay Times

Attendance: Francis Kinnamon, Chris Stant, Brenda Stant, Faye Williams, Bill Faust, Vincent Talty, Pam Price, Rebecca Lepter, Leslie Davis, Andrew Mutchler ,Amy Meisling, Tom Meisling Nancy Beck, Wendy & Keith Griffin, Cole Norris , Attorney Tom Yeager, Brenda Schmidt, Suzanne Harris, Jay Falstad, Elizabeth Miller, Terry Coleman, Tommy Coleman, Michelle & Martin Beville, Laura Leager, Karle Mast, Norma Weller, Sergio Espana, Nicole Hillard, Larry Price, Linda Cades, Amy Warner, Fred McNeil, Amethyst McNabb, Nancy Wagner, Jean Waazbo, Doug Hertzler, Dianne Seiffert, Susaant Follingstad, Deborah Bostic, Tim Rotherand, Lauren Taylor, Jennie Schmidt, Margaret Christs, Alan & Brenda Schmidt, Ashley Lukaszewicz, Kitty Maynard, John Boyd, Emily Vooris, Josh Biddle, Guy Hutchison, Jan Whalen, Mary Ella Jaurday, May Jam

Meeting was called to order at 6:30 pm. Pledge of Allegiance was recited.

President Ford asked for a show of hands for in town residents, he announced that they would get to comment first during public comment section of the hearing. They would have two minutes to speak, and if they were here to speak about the Detention center it was not coming to town. Two people from the back misread the amended ordinance and stated that it read on the web site this ordinance was already passed, he explained it was just a copy of what they were voting on for the public to read.

Minutes from December 4, 2019 meeting: Ruffner entered a motion to approve the minutes from the December 4, 2019 meeting, Comegys seconded the motion, a vote of 5-0 was entered.

Ruffner entered a motion to approve the workshop minutes from December 23, 2019 and Leonard seconded the motion, a vote of 5-0 was entered.

Fire Company Report: Mr. Kinnamon stated he was representing the fire department for any questions or comments, announced that Chris Stant was elected as Chief and provided an update on the success of the laundromat, stated things were well at the Fire Department.

Sheriff: No Report

Library Report: Enclosed in packet

MES Report: Included in the packet.

Engineering Report: No report.

Planning Commission: Review and Recommendation for adoption of Ordinance 2019-05.

Town Manager Report: Ron Ford explained we have no Town Manager; we are in the process of looking for one and no report was given. Crissy Talty explained she had never been given a report since the resignation of Jo Manning. The public asked isn't the commission in charge of hiring a new one, Ron Ford explained we are working with MRDC. Keith Griffin then stated out of order we thought the commission did the hiring, Tom Yeager then explained we are working with Maryland Rural Development on trying to get another manager that would serve various towns and we are still in a relationship with them. Ron Ford explained they help with the salary of the town manager and we will stick with them.

Public hearing: A motion was made by Dave Ruffner to open the public hearing at 7:00 PM it was second by Carrie Comegys for the adoption of Resolution 2019-05 to amend the zoning ordinance to add Private Entity and Detention Services to item L of section 4.4 for Safety Services. It would be Repealed and Re-Enacted as Amended to read as follows: Tom Yeager read the ordinance and explained this change to the public and what the strike throughs were and that the commission had the right to amend what was there but not change the ordinance wholly, and that the Commission was the ultimate decision maker regarding this ordinance. He also explained this was the time for public comment solely about this resolution, and other comments should be made during public comment after the regular commission meeting, amendment as follows:

“L. Safety services – Facilities provided by the town, state or federal government, OR PRIVATE ENTITY, that provide fire, police, ~~or~~ life protection, OR DETENTION SERVICES together with incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.”

SECTION 2. That the item titled “Fire or Rescue Service” contained in the “PUBLIC, CIVIC AND INSTITUTIONAL” category of Section 4.12 “Table of Permitted Uses” of Article IV of the Sudlersville Zoning Ordinance be Repealed, and Re-Enacted as Amended to read as follows:

“ARTICLE IV

ZONING DISTRICT

4-12 Table of Permitted Uses.

TCC MU TR SF

PUBLIC, CIVIC AND INSTITUTIONAL USES

Fire [Ø] AND Rescue Services, SAFETY SERVICES P C C C”

Public Comment for Hearing: Ron Ford read the names of the residents of the Town who signed in first, public complained Tom Yeager explained the town resident should be allowed to comment first as it affects them directly.

Andrew Mutchler- Recommends the commission pass it with the following changes by putting fire house or ambulance in and striking private entity and detention services. He doesn't care how secure they say it is, there is always a chance to escape. Building it next to an Adult living center or school is a bad idea, there are plenty of other good ideas to use.

Brenda Stant- Opposes the detention center, website states it is already passed, Tom Yeager corrected- anticipated on the 4th of December not passed and not signed or voted on, the document was published for public review. She also stated that the town manager in Farmville VA Scott Davis didn't tell Ron Ford or Dave Ruffner the truth. The town would not make any money on this, only a dollar a day, she does not feel this will benefit the town in any way shape or form.

Faye Williams- She is on the Planning commission, after much thought and research her view is to do nothing tonight, not change anything. She feels we are being railroaded into this because the town is hurting for money, she does not see how this project is going to help us, she would like the ordinance to stay exactly like it is. We have an office for the sheriff's department right her how does that affect this? Tom Yeager again clarifies this has no bearing on that just adds private entity and detention services to the ordinance. Faye again states she had no clue about this no time to research and doesn't know how to feel about this.

Celestine Heath- not in favor of this

Pam Price- Not in favor.

Sharon Wing- Opposes

Rebecca Lepter- Respect the commission- opposes- wants detention services removed.

Lauren McMillan- Opposed

Amy Meisling- Agrees with Mutchler

Nancy Beck- New resident-favors amendment without private entity or detention center

Chris Stant- People of the town have spoken listen to them.

Keith Griffin- Agree with Mutchler, greatly opposes, take advise from the residents of the town, take charge, and figure out what got us where we are financially. Think long and hard about what the residents say. Get rid of MES, Trash services, and hire him for town manager.

Billy Faust- Listening to everyone he agrees to some extent, but we need to review private entity with a paid ambulance service, I agree with everything, but he wants to hold off on the private entity aspect. He thinks the detention center should be taken off the table, however what most people don't know is when he was president of the commission behind the middle school was supposed to be a tri-county detention center watch how it is thrown around, but private entity should stay to leave the door open for paid ambulance or private security company.

Ashley Lukaszewicz- she opposes the detention center.

Jay Falstad- He is with QACA, his organization has had two lawyers scrutinize the ordinance, and it would be an unlawful act to vote this ordinance in according to the town's comprehensive plan this is not compatible with the town and how the town is. Strike detention center from the ordinance and could be easily done tonight with a motion. If ICA is truly not coming there is no reason to have this ordinance at all. He appreciates the situation the town is in and suggests we explore other options to remedy the situation.

The other out of town public opposed the detention center as well.

Tom Yeager advised the commission they could Pass as written, Pass as amended, reject it completely, or differ consideration to a specific date. If rejected the ramifications are the ordinance stays the same as it is. Tom Yeager states if you are considering making amendments to the language of this his recommendation is to differ to a later date. Dave Ruffner asked for clarity on differing. Tom makes it clear they must be specific about the date and can only amend wording no major changes.

Larry Leonard makes a motion to reject the ordinance, we can deal with the situation if it arises, no second. Motion denied for lack of second.

Tom Yeager clarifies they could differ and delete things such as the word detention from service etc...

The audience started talking during commission deliberation, interrupting and being obnoxious.

A motion was made by Dave Ruffner in listening to public comment the commission will differ to confer on the ordinance and vote on February 5, 2020 second by Charles Leager. A vote was made 4-1.

The public erupted and started blaming Tom Yeager, stating he was only after the town to make money pushing the issue of differing to confer about the ordinance.

Stating for the record not one person of the public was in favor of Ordinance 2019 - 05.

With no further comments or questions the public hearing was closed at 8:50 pm with the reopening of the regular meeting at 8:51 pm.

Old Business: It was stated that Crissy start putting unfinished new business as old business to ensure action is taken to address it.

New Business:

- Charging the Fire Department for water and sewer – They will start getting billed in February.
- Trash Pick-up – The public is upset with the trash collection, wants a new company, Dave Ruffner acting Code Administrator reported he called the company and they sent out a new driver, he has this driver's personal cell number and this week trash collection was good. The public wanted it terminated right now, Tom Yeager explained they must be in breach of contract to terminate. The commissioners determined they would give them a chance to straighten up since they are in contact with Dave and the driver was fired and last pick up was good. Bill Faust stated this was bologna they have steady been getting worse and worse. Larry Leonard states there is a man in the audience that wants the contract, Jason Bishop, Tom Yeager explains we cannot just drop the current company we would be in breach of contract and the charter states it has to be done through a proposal and reads the charter to clarify. Larry Price states it must be advertised per the town charter and RFPs sent and received. The commission determined this must be put in the paper and a Request for Proposal sent out with bids returned from

companies. Tom Yeager reads the charter rules and recommends waiting for the contract to run out, as it is not an emergency, send out RFP's and do a public bid. The commission decides to send out RFP's and wait, but if the company does not cure with trash collection give notice and we get RFP's and accept a new contract.

Public Comment: Faye Williams she is concerned that the five commissioner's they all have difficulty making decisions and sticking to it. They say we will conduct things as old business, and it develops legs and walks and never comes back up. Differing to the lawyer is costing the town more money. Tom Yeager states if you compare what he charges to others they would realize that he is generous with his services. She also wants solar lights over the doors. Ron Ford talked to ET about the pole lights and he fixed them. They don't shine up here per Faye.

Andrew Mutchler- How many commissioners were elected by the town? One Ron Ford and were any of them a commissioner at large. He would like to proclaim himself part of the commission. He wants to be one of the commissioners starting tonight, Tom Yeager explains how all the commissioners got there seat according to the town charter. Mr. Mutchler was upset Tom Yeager took time away from him and he is going to finish his public comment. We need change, new and bold ideas for our town. Moving forward and helping the town get out of dire straits he is volunteering his services.

Amy Meisling- Suggests putting old business in the minutes and on the agenda. Mutchler they are supposed to use Roberts Rules of Order. Tom Yeager clarifies from the charter old business needs to be addressed.

Faye Williams – Says it's important for the townspeople to know the hearing was Friday, she thinks the commission doesn't let people know what's going on.

Keith Griffin - States the ordinance could have been resolved tonight, blames Tom Yeager stating it will be pushed back and he only wants to get paid. Everyone in the audience wanted it passed with detention center taking out tonight, but the commission didn't do it just costing the town more money.

Faye Williams – Do not understand why they didn't vote on it; they could have gone back. Tom Yeager clarifies no if that was done it would have to go all the way back through from the beginning.

Amy Meisling – Questions, the public has nothing else to do to control this amendment, right? The commissioners are the only ones that have anything to do with it and they can pass it if they want right public has no say? Ron Ford responds explaining this is what the public hearing is for, to take public opinion into consideration and advisement. She also requests old business be put on the minutes.

Faye Williams- Inquires about the requested solar lights on the side of the Town Office over the doors. She was also upset because no one has mentioned to the town that the court date is Friday.

Andrew Mutchler- States he wants to start tonight on the commission. Tom Yeager explains the steps you must take to become a commissioner in accordance with the town charter.

With no further issues to discuss a motion was made by Ron Ford at 9:45 to adjourn the meeting, Comegys seconded the motion, and a vote of 5-0 was entered.

Respectfully submitted,

Crissy Talty

Town Clerk