



Town Council MEETING MINUTES

Tuesday, January 18, 2022 - 4:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

4:30 PM Workshop with State Highway Administration to discuss Rt. 50 Median.

At 4:30 PM, President Cook called the workshop to order.

Present: Mayor Robert C. Willey, Councilmembers Mr. Silverstein, Mr. Abbatiello, Mr. Engle, Rev. Davis, and Council President Mrs. Cook, Town Manager Mr. Donald Richardson, Town Clerk Mrs. Kathy Ruf, Interim Chief of Police Greg Wright, Town Engineer Mr. Rick VanEmburch, and Town Attorney Mrs. Sharon VanEmburch.

Present via Zoom were Ken Fender, MDOT SHA District 2; District Engineer, Assaye Gabre; Project Development Team Leader, James Robinson - Whitman, Requardt & Associates; and Diane Szekely, Streetscapes, Inc.

Mr. VanEmburch opened the meeting with comments regarding the US 50 median project.

Mr. Ken introduced members of the SHA.

Discussion was held regarding improvements from Dutchman's Lane to west of Lomax Street.

Mr. Fender gave an overview of the project and discussed the history of the project. He stated SHA is proposing sidewalks in some sections of the median. Crosswalks will be added at Dover Road and Goldsborough Street, cut through islands will be stamped with concrete. Pedestrian signals will be added at Dover Road and Goldsborough Street.

Mr. Fender discussed installing crosswalks and proposed improvements at Dover Road and Goldsborough and Rt. 328. Stormwater management goals were outlined.

Ms. Diane Szekely, Streetscapes, Inc. discussed opportunities and constraints. She stated they look for the median to provide corridor-wide cohesiveness. She stated that they are proposing to rehabilitate all the closed raised medians.

Mr. Fender discussed underground utilities as well as subsurface investigations. He discussed permits.

Mr. VanEmburch stated he will get the drawings printed so the council can preview the information and respond to SHA.

Mr. Fender stated he will be in touch with another meeting.

5:30 PM: Call to Order by President Cook.

At 5:30 PM, President Cook called the meeting to order.

Opening remarks and Pledge of Allegiance by Councilmember Abbatiello.

Councilmember Abbatiello gave opening remarks and led those present in the Pledge of Allegiance.

Approval of Minutes.

Approval of minutes of December 20, 2021 meeting.

Upon motion by Mr. Silverstein seconded by Rev. Davis and carried unanimously, minutes of the December 20, 2021 meeting were approved as written.

Municipal Official Items.

Items by Mayor Willey.

Mayor Willey asked for a Closed Session after the audit out brief.

Mayor Willey stated he hopes everyone enjoyed the Fire Department ground breaking January 11.

Mayor Willey commented on the new chairs for the councilmembers in the Council's

Chambers.

Items by the Town Manager.

Town Manager, Mr. Richardson complimented Public Works on their snow removal efforts during the recent snow.

Items by the Town Attorney.

Town Attorney Mrs. VanEmburch stated she had nothing at this time.

Legislation.

Resolution No. 6148, "A RESOLUTION OF THE TOWN AMENDING THE TOWN OF EASTON EMPLOYEE HANDBOOK RELATED TO ORGANIZATIONAL DESCRIPTION, HOLIDAYS, SERVICE AWARDS, MARYLAND FLEXIBLE LEAVE ACT AND THE MARYLAND PEACE ORDER LAW."

Resolution No. 6148, "A RESOLUTION OF THE TOWN AMENDING THE TOWN OF EASTON EMPLOYEE HANDBOOK RELATED TO ORGANIZATIONAL DESCRIPTION, HOLIDAYS, SERVICE AWARDS, MARYLAND FLEXIBLE LEAVE ACT AND THE MARYLAND PEACE ORDER LAW" was brought to the floor and tabled until revised by the Town Manager.

Resolution No. 6149, "A RESOLUTION OF THE TOWN OF EASTON APPROVING THE 2022 WATER AND WASTEWATER SERVICE RATE AND TARIFF REVISIONS PROPOSED BY THE EASTON UTILITIES COMMISSION."

Upon motion by Mr. Silverstein seconded by Mr. Engle and carried unanimously, Resolution No. 6149, "A RESOLUTION OF THE TOWN OF EASTON APPROVING THE 2022 WATER AND WASTEWATER SERVICE RATE AND TARIFF REVISIONS PROPOSED BY THE EASTON UTILITIES COMMISSION" was approved.

Ordinance No. 773, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF D.R. HORTON, INC. FOR A PLANNED UNIT DEVELOPMENT UNDER THE PROVISIONS OF THE EASTON ZONING ORDINANCE."

President Cook brought Ordinance No. 773, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF D.R. HORTON, INC. FOR A PLANNED UNIT DEVELOPMENT UNDER THE PROVISIONS OF THE EASTON ZONING ORDINANCE" to the floor for a first reading. The Town Attorney asked for comments for the Findings of Fact.

Mr. Silverstein stated, if based on the previous discussion regarding alleyways and widening roads, how does the Planning Commission's recommendation apply to this application?

The Town Attorney stated that this approval is contingent on the approval of the subdivision regulations.

President Cook stated that the approval of the subdivision regulations is running parallel to this application.

Discussion of Proposed Amendment of Easton Subdivision Regulations.

President Cook set the public hearing for February 7 at 5:35 p.m.

President Cook asked for clarification in the terms "abutting" and "adjacent." The Town Attorney stated that it could be just a preferred interchangeable use of the words.

Presentations.

5:35 PM PUBLIC HEARING to discuss the request of Mallard Construction Group, Inc., (Contract Purchaser) for a proposed Planned Unit Development (PUD) located on the parcel at the southeast corner of the intersection of Elliott Road and Matthewstown Road.

At 5:50 p.m., President Cook opened the 5:35 p.m. scheduled public hearing.

The President of the Council stated that anyone testifying this evening needs to be

administered an oath. The Town Attorney administered the Oath for those giving testimony.

Mr. Thomas discussed the Planned Unit Development proposed for Matthewstown Road and Elliott Road or the Mallard Construction Group, Inc. and the findings of the Planning and

Zoning Commission at their January 20 meeting. He stated that this project is considered Planned Unit General. He discussed the Affordable Housing provision. Mr. Thomas stated that the Planning Commission further recommended that the council approve the PUD with conditions as it is a needed housing project in Easton. He stated that the approval stated that the applicants coordinate with town staff the design of the sidewalk along Elliott Road. He stated that the Commission supports multiple access, but realizes that due to the location, it may not be suitable for multiple access points. Mr. Thomas discussed Open Space requirements.

Brendan Mullaney, McAllister, DeTar, Showalter and Walker discussed the project and introduced members of the team. He stated that the project consists of 120 units, four 3-story buildings with 30 apartment units in each, and complies with the underlying bulk standards. Mr. Mullaney stated they are seeking approval of a PUD permitting construction of 120 multi-family units on the corner of Elliott Road and Matthewstown Road. They are requesting approval for a density of 17.54 units per acre. He discussed the proximity and walkability to stores and restaurants. Mr. Mullaney discussed the amenities of the project, which will have a playground, pool, passive recreation area and a clubhouse to be used by the residents of the community. Mr. Mullaney discussed the market rate for workforce housing. He stated that they intend to target teachers, first responders, local government employees, nurses, single individuals, young professionals and young families. He discussed discounts offered to local and state police officers. All units have balconies and will have a key fob for security.

Mr. Jim DiDonato, President of Mallard Construction, discussed the HVAC units. He stated that each unit has its own unit. Mr. DiDonato stated the exterior grill will be visible. Mr. Mullaney displayed project elevations as well as existing residences.

Mr. Mullaney discussed the Comprehensive Plan consistency. He stated that this project addresses young couples and workforce housing. The project has 34.8% open space. The two bedroom units have two full baths should the renter care to have a roommate.

President Cook asked if rent includes amenities. Mr. DiDonato stated that the only other fees is utilities and cable.

Mr. Mullaney discussed the traffic study. He stated that a full traffic impact study had been submitted with the packets. He stated the project has a negligible impact. He stated the grades of the intersections did not change. Mr. Mullaney stated the review for Rt. 50 and Matthewstown Road is still under review.

Mr. Mullaney discussed other by-right uses that could be approved on the property. He stated the traffic study also includes other projects that have been approved.

Mark Keehley, Project Manager, Traffic Concepts presented testimony in support of the application and discussed the methodology for the traffic impact study as well as the level of service for trips. He stated it is level service B. He stated the intersections are all at an acceptable level as all intersections performed at a C or better.

Victoria Hoffman, of Mallard Construction Group, discussed affordability. She stated that the rentals would be \$1250 to 1700 per month.

Mr. Mullaney discussed the sidewalk proposed on Elliott Road.

Mr. VanEmburch discussed the timeline regarding the design and construction of the sidewalk.

President Cook asked for public comment.

Larry Smith, 8501 Swann Haven Road, discussed traffic concerns with tractor-trailers and the ability to make turns. He stated there needs to be a bicycle lane.

Tracy Ward, Executive Director, EEDC supports this project and is enthusiastic about the workforce housing units and the ability for a walkable community.

With no further testimony, at 7:01 p.m., President Cook stated that the public hearing would be continued on February 7. She stated that written comments will be accepted.

Mr. Ted Book, Director of Easton Velocity, Easton Utilities, to discuss the Programming Cost Adjustment.

Mr. Book was present to discuss the Programming Cost Adjustment for Easton Cable which can be adjusted each year.

Mr. Book stated that the fees are a pass-thru and this is an adjustment to cover the costs with none of the increase retained by Easton Utilities. He stated that the basic is increasing by \$.75, Tier 1 - \$1.40, Tier 2 - \$3.23, Tier 3 - \$3.52. He stated that next year will have local channel negotiations.

Mr. Abbatiello asked about the trend of customer retention.

Mr. Book stated that they are seeing a 6% monthly decrease in cable but an increase in broadband side.

Presentation of the FY2021 Audited Financial Statements by CliftonLarsonAllen LLP.

Mr. Bill Early, Principal with CliftonLarsonAllen LLP discussed the FY21 Audit. He thanked Carol Callahan, Finance Officer, for the help from the Finance Department. He discussed the audit approach, results and required communications.

Mr. Early stated they use a Risk Base approach, reasonable approach with materiality thresholds.

Mr. Early stated that the Town received a modified opinion also known as a clean opinion with no material weaknesses and no significant deficiencies with strong internal control. 2021 Assets increased and liabilities stayed even. Mr. Early stated there will be lease assets and liabilities recognition in the balance sheet moving forward.

Review of Invoices.

Check Report 2021-12-02 to 2021-12-30.

Upon motion by Mr. Silverstein seconded by Mr. Abbatiello and carried unanimously, invoices totaling \$1,190,038.92 were approved.

Public Participation/Comments.

There was no one present for comments.

Items by Members of the Council:

Mr. Silverstein would like to work with staff to address individuals regarding animal waste and review the current ordinance.

Mr. Abbatiello thanked Public Works for their phenomenal job during the recent snow storm.

Mr. Engle wished everyone a Happy New Year. He reminded those listening that February 18-20 Fire & Ice Festival will be in Easton.

Rev. Davis reminded everyone to be safe, drive careful and be cautious with the impending weather. Rev. Davis reminded everyone that it takes public works time to clean streets.

Mayor Willey stated he has three things to address. He stated he would like to be on the committee for sidewalks.

Mayor Willey updated on the search for a police chief. He stated he received 70 applications, and once distributed to the committee, the three lists for applicants to interview were almost identical.

Mayor Willey asked for an Executive Session following the regular meeting to discuss personnel.

At 7:20 p.m., upon motion by Mr. Silverstein, seconded by Mr. Abbatiello and carried unanimously, President Cook convened into Closed Session for General Provisions Article 3-305(b) (1) "to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals."

At 7:28 p.m., upon unanimous consensus, President Cook re-convened into Open Session.

ADJOURNMENT

At 7:29 p.m., upon motion by Mr. Silverstein, seconded by Rev. Davis and carried unanimously, President Cook reconvened into regular session and adjourned the regularly scheduled meeting.

Respectfully submitted,

Kathy M. Ruf, Town Clerk

