

**Regular Meeting
Town of Preston
April 5, 2010**

The regular meeting was called to order by Commissioner Gary Waltemeyer at 7:00 p.m. Also present were Commissioner Bill Willis and Commissioner Shane Dickinson and Mimi Willis.

Attendance: Kathleen Barry, Michelle Barry, Harold Moxley, Robert Lorenz, Wayde Barnhart, Dr. Timothy Sniezek, Attorney Jesse B. Hammrich, Woody Larrimore, M. Quidas, C. Garrett, Ellery Adams, H. B. Wright, Gloria Elzey, and four others, Abby Andrews of the Times-Record, and Attorney Walter Palmer.

Commissioner Waltemeyer turned the floor over to Ellery Adams to discuss the Comprehensive Plan. Ellery said he is very concerned about the County Planning Commission wherein an article in the Times-Record spoke about a gentlemen who had been here many times to block any effort for a By-pass. A By-pass is not in the works due to the economy any time soon. His concern is that in the rewriting of the County Comprehensive Plan there is an effort to make a permanent stop to the By-pass. The Town Comprehensive Plan does not have to agree with the County Comprehensive Plan, however, it is essential that the Town's Comprehensive Plan includes a By-pass. He believes that putting a permanent stop on the By-pass is a big mistake. He then quoted a letter written in 2005 from the County Commissioners in favor of a By-pass for the Town of Preston, due to the increase in traffic and for the public safety.

Police Dept. Report: There was no Police Department report because Chief Trise was not present.

Public Works Report: Commissioner Dickinson read the Public Works report submitted by Dale Whitley, who said he:

- had two sewer blockages and was able to clear both of them with our jet machine.
- had an inspection of the town buildings from our insurance carrier and Mimi received his report.
- repaired a yard at 102 Fooks Ave. from a water leak in January and fixed a yard on Sunset damaged by our snow plow
- patched holes on Main St. several times. State Highway to repair Main and Maple later this month.
- scraped and graded the driveway to the sewer plant and repaired a clogged chlorine feed line
- replaced the chlorine injector valve in the water plant
- shut the water off at 129 Sunset so homeowner could repair a water leak
- dug footers for the park bathroom. Footers have been poured, walls are up and sewer lines are hooked up
- hauled dirt behind 290 Tidewater to keep storm drain water from flooding the backyard.
- serviced the backhoe, the lawnmower and the 1999 Ford and took the snowplow off the dump truck
- had a small hole repaired in the fence at the lagoon, at the request of the MDE inspector
- read all the meters in town

Administrative Report: Mimi gave her report as follows:

- processed bills for payment
- calculated and mailed corporate tax bills
- processed and sent out water bills for 1st quarter, 2010
- processed accounts receivable
- prepared and typed Ordinance for Budget Changes
- researched insurance for school crossing guard
- worked with Public Works and MDE. Still working getting on a meeting set up with Town and MDE
- met with LGIT for hazard evaluation. Need to make a few improvements
- prepared letters and mailed to homes on Main St. regarding sump pumps. Received good results. The lift station is now running 4-5 hrs a days instead of 20 hrs. a day.
- reconciled monthly bank statements
- wrote new Newsletter to go out with water bills
- started working on budget. Will sit down with PD and PW to go over their requests.
- prepared for upcoming election
- sent out 3 clean-up letters for Mr. Malkus
- ran ads in paper for Charter changes

- Completed and mailed Maryland Dept. of Planning Annual Report
- will attend a LGIT renewal meeting on April 7, 2010

Ordinances: Commissioner Waltemeyer read the Ordinance for Budget Amendment for FY 2009-10.

- This amendment will take effect May 24, 2010
- Commissioner Willis read the Ordinance to Amend Zoning for 3683 Choptank Road. First reading was March 22, 2010. This is the second reading.

Unfinished Business: Commissioner Waltemeyer said:

- regarding the new town hall bids, Bill said it was decided at the work session to take the 3 lowest bids and contact them with any questions or requests; such as their home improvement license number; proof of insurance and proof they will establish a 10% performance bond, along with more details on the equipment. Shane said the lowest bid from Bosch looked good to him. Gary suggested it go to the lowest bidder. Bill Willis made a motion to accept the lowest bidder which is Bosch Construction, if he provides the specs., proof of liability insurance, 10% performance bond, and if we are not happy with the information they give us, then to the second lowest bidder, and if we are still not happy with the information they give us, then to the third lowest bidder. Seconded by Gary and unanimously carried.
- we heard from the Board of Education for information on the school crossing. A meeting with Caroline County Board of Education will be scheduled. Dr. Shirley has agreed to meet with us and discuss the crossing guard problem. In the meantime, our police department will take care of it until it is resolved.
- our Town park bathroom is moving along. Hopefully, it will be ready in another month.
- the State Fire Marshal has been sent answers to his questions about the new Town Hall from Bob Lorenz

New Business: Bill made a motion to pay the March, 2010 bills as submitted, seconded by Shane and unanimously approved.

- Gary discussed a letter received from South Carolina Football and Cheerleading requesting a donation, along with Colonel Richardson HS requested \$100.00 for baseball teams. Mimi said there was no money left in this budget but it could be sent in July. A motion was made by Shane, seconded by Bill and unanimously approved for donations from new budget and asked Mimi to write them a letter.
- Mimi has written Maryland Dept. of Environment to set up a meeting regarding non-compliance wastewater reports issued by their inspector. No response yet.
- received letters from citizens regarding doctor's office in Town; Mrs. Fletcher and Bryan Gadow. Gary said he received phone calls also.

On Agenda:

Attorney Jesse Hammich from Miles and Stockbridge, representing Wayde Barnhart, discussed changing the zoning classification on 3683 Choptank Road from R-1 to C-1. He said it is not what he considers illegal "spot zoning", but what he would determine "selective rezoning" which is permissible as long as it is consistent with the Comprehensive Plan as well as the surrounding uses.

Wade Barnhart identified himself and stated the surrounding property changed since he bought it in 2005. He said on one side was a farmhouse on property zoned as R-1, bought by Mr. Aroom (now Snell & Sons), and the other side was two residential lots which were unoccupied. Around 2006 Snell and Sons was erected and 2007 was when the E.M.S. station was erected changing the overall land use. Attorney Hammich discussed the change in the character of the neighborhood.

Bob Lorenz read a letter from Planning and Zoning to the Commissioners, wherein he stated at the meeting of March 9th Mr. Barnhart requested a zoning change for his property from R-1 to C-1 Commercial to create a doctor's office. He wrote R-1 allows a "home doctor's office". This would be "spot zoning": which is illegal according to Maryland State Law. He said the zoning change was denied, however, they recommended dropping the word "home" and you would have a doctor's office.

Gary said their point is taken. He is for changing it to C-1.

Mike Quidas, Mr. Moxley and others spoke in favor of the zoning change to C-1.

Mr. Palmer said it would have to be rezoned under one of three items; an outright rezoning of that parcel; change in the character of the neighborhood; or mistake. He believes the testimony in the change in the character of the neighborhood would be the best reason for the change. Bill Willis made a motion to change the zoning due to the

change in the character of the neighborhood, and delete the sections on spot zoning and mistake from the ordinance. The motion was seconded by Shane and unanimously carried.

Gary made a motion to go into closed session for legal advice, seconded by Bill, approved by all.

The Commissioners returned from their closed session and reported no decisions were made.

Meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Fran Johnson

On April 5, 2010, at 8:09 p.m., Commissioners Gary Waltemeyer, Shane Dickinson and Bill Willis voted to hold a Special Meeting to consider a motion to go into an executive or closed meeting, under OMA Article 10-508(a)(7), to discuss legal matters. All three Commissioners voted for closure.

A closed meeting was held April 5, 2010 at the Preston Town Hall, from 8:10 p.m. to 8:15 p.m. p.m. Commissioners Gary Waltemeyer, Shane Dickinson, Bill Willis, Mimi Willis and Town attorney Walter Palmer were present. The meeting was closed under OMA Article 10.508(a)(7) to discuss legal matters. No decisions were made. The meeting was adjourned at 8:15 p.m.

On April 25, 2010, at 8:15 p.m., the Special meeting was reopened by Commissioners Gary Waltemeyer, Shane Dickinson and Bill Willis. Commissioner Waltemeyer advised no decisions were made and the Special Meeting was adjourned at 8:16 p.m.