



**PUBLIC HEARING MINUTES**  
**June 17, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 7:30 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Dr. James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer and Paul Woodburn, Town Engineer.

- Ordinance O-10-10, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 16, "Elections".

The Mayor read the Ordinance title and asked the Town Attorney to go over the changes. Mr. Mahoney asked for clarification from the Attorney on Section 16-601A, Campaign Sign Restrictions.

Public comment was taken.

The hearing adjourned at 7:43 p.m. on a motion by Mr. Mahoney. Seconded by Mr. Cumbo, all in favor.

- Ordinance O-10-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Utility Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.

The Mayor stated that the introduced Utility Fund Ordinance maintains the same rate structure as the current one in place. The Mayor stated that through the Maryland Rural Water Conference, staff attended a workshop on rate settings and will attend a course this fall to better understand the accuracy of setting the water and sewer rates.

Public comment was presented by:

Wes Donovan, representing Chesapeake Hotel & Spa.  
Charles MacDonald, 7611B Street  
Jeff Krahling, 3216 Ina Chase

There being no further comments, the hearing adjourned at 8:00 p.m. on a motion by Mr. Mahoney. Seconded by Mr. Cumbo, all in favor.

Submitted by,

Sharon L. Humm  
Town Clerk

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732



**MINUTES OF THE  
TOWN COUNCIL MEETING  
June 17, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 8:00 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb, Patrick J. Mahoney and Julie L. Spano, Council Members, Dr. James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer, Paul Woodburn, Town Engineer, Marilyn VanWagner, Water Park General Manager and First Sergeant Craig Bowen.

II. **Pledge of Allegiance.** Ms. Spano led the pledge of allegiance.

III. **Approve the Agenda.**

**MOTION:** Mr. Mahoney moved to approve the agenda. Seconded by Ms. Lamb, all in favor.

IV. **Public Comment on any item on the agenda.** None

V. **Approval of the minutes of the May 20, 2010 Public Hearing Meeting.**

**MOTION:** Mr. Mahoney moved to approve the minutes of the May 20, 2010 Public Hearing Meeting. Seconded by Dr. Beaudin, all in favor.

**Approval of the minutes of the May 20, 2010 Town Council Meeting.**

**MOTION:** Mr. Mahoney moved to approve the minutes of the May 20, 2010 Town Council Meeting. Seconded by Dr. Beaudin, all in favor.

**Approval of the minutes of the May 20, 2010 Closed Session.**

**MOTION:** Mr. Mahoney moved to approve the minutes of the May 20, 2010 Close Session. Seconded by Dr. Beaudin, all in favor.

**Approval of the minutes of the June 14, 2010 WWTP Work Session.**

**MOTION:** Mr. Mahoney moved to approve the minutes of the June 14, 2010 WWTP Work Session. Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Mr. Carpenter, Ms. Lamb and Mr. Mahoney. Abstained, Mr. Cumbo and Ms. Spano.

VI. **Petitions and Communications:**

A. **Deputy's Report** – First Sergeant Bowen submitted the attached written report. First Sergeant Bowen introduced Deputy First Class Dave Gatton, the new resident deputy

and Corporal Rob Selkirk, who will be replacing Corporal Wahlgren during his deployment.

- B. Public Works Report** – Mr. Cochran submitted the attached written report.
- C. Code Enforcement Officer's Report**- Mr. Watson submitted the attached written report. Mr. Watson addressed questions from the Council.
- D. Town Engineer's Report** – Mr. Woodburn submitted the attached written report. The Mayor stated that he visited the construction site of the new Chesapeake Village water tower, reported that Kellams Phase II has started and visited the site of the new Railway Trail, which has begun construction.
- E. Water Park Report** – Mrs. VanWagner submitted the attached written report and gave a brief update on the park since its opening on Memorial Day weekend and mentioned that the purchase of water park family passes are doing well so far. Mr. Cumbo stated that he did a surprise visit to the park and was very impressed with the overall appearance and commended Mrs. Van Wagner on a job well done.
- F. Mayor's Report** –
  1. The Mayor reported that there was a WWTP quarterly partners meeting and stated that he visited the Wastewater Treatment Plant and gave a brief update on the status of things.
  2. The Mayor announced that the Town staff is now using the new ADP payroll and time keeping system.
  3. The Mayor stated that the Town will continue to analyze the water rates.
  4. The Mayor read and presented to Robert Burton of Homes by Les, a Resolution recognizing and thanking him for his years of service in the beautification of the Town.

## **VII. Resolutions & Ordinance:**

- A. Introduce Ordinance O-10-10, an Ordinance of the Town Council of Chesapeake Beach, Maryland amending Chapter 16, "Elections".**

**MOTION:** Mr. Cumbo moved to approve Ordinance O-10-10, an Ordinance of the Town Council of Chesapeake Beach, amending Chapter 16, "Elections". Seconded by Dr. Beaudin

**MOTION:** Mr. Carpenter moved to amend Ordinance O-10-10 in the following areas: Article II, 16-201(b)(8) insert the word "to" at the beginning of the sentence; Article III, 16-305 (a)(4) delete the "semi-colon" and replace with a "period"; Article III, 16-310(a)(4), insert the word "or" following the semi-colon; Article IV, 16-402(b)(4), insert the word "and" following the semi-colon; Article IV, 16-403(b), following the deleted

“who’s”, insert the word “whose”; Article V, 16-516(c)(1), delete the word “a” and insert the word “as” ; 16-516(c), the second (c) needs to be re-lettered to “(d)” and delete the word “determine” and insert the word “determines”; 16-516(d) be re-lettered to “(e)”; 16-518(b), delete “above” and insert “of the section”; Article VI, 16-610, delete “Challengers” and insert “Challenger”, 16-610(a) delete the space following “Challenger”.  
Seconded by Mr. Cumbo, all in favor.

**MOTION:** Mr. Mahoney moved to amend Article IV, 16-402(b)(6) to add the words “a notarized” before the word affidavit. Seconded by Mr. Carpenter, all in favor.

**MOTION:** Mr. Mahoney moved to amend Article IV, 16-404(B) to delete the words “and size” and Article IV, 16-404(3) to delete in its entirety.  
Seconded by Ms. Lamb, all in favor.

**MOTION:** Mr. Mahoney moved to amend Article IV to add a new section, “16-405” entitled “Campaign Contributions” (a) all candidates for office who except campaign contributions are required to follow Maryland’s Campaign Finance Laws. Those laws dictate the manner in which a candidate must collect, spend and report money and other things of value. Seconded by Dr. Beaudin.

Mr. Carpenter respectfully asked the Mayor to rule the amendment out of order or have Mr. Mahoney withdraw his motion.

The Mayor declined the request and Mr. Mahoney asked for a vote on his amendment.

The Council voted on the amendment. Ayes, Dr. Beaudin, Mr. Mahoney.  
Opposed Mr. Carpenter, Mr. Cumbo, Ms. Lamb and Ms. Spano.  
Amendment failed.

A work session was requested and scheduled for July 19, 2010 at 7 p.m. to discuss Campaign Contribution Disclosures.

**MOTION:** Mr. Mahoney moved to amend Article VII, 16-701(a) to change One Percent (1%) to “Five Percent (5%)” in both places in paragraph.  
Seconded by Dr. Beaudin. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed Mr. Carpenter and Mr. Cumbo. Motion carries.

**MOTION:** Mr. Mahoney moved to amend Article VII, 16-701(b) to change \$2500 to “One Thousand Dollars (\$1000.00) with respect to a Mayoral Election and Five Hundred Dollars (\$500.00) with respect to an election for a Council Seat”. Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Abstained, Mr. Carpenter and Mr. Cumbo.  
Motion carries.

**MOTION:** Mr. Mahoney moved to amend Article VII, 16-701(b) to delete “such that a different candidate is declared the winner” and replace with “by

any number of votes". Seconded by Ms. Lamb. Ayes, Mr. Mahoney and Ms. Lamb. Opposed, Mr. Carpenter and Dr. Beaudin. Abstained, Mr. Cumbo and Ms. Spano. Motion fails.

**MOTION:** Mr. Mahoney moved to amend Article VIII, 16-811 to eliminate in its entirety. Mr. Mahoney withdrew his motion.

**MOTION:** Mr. Carpenter moved to amend Article I, 16-102(b), to delete "universal registration deadlines and" and insert "provided, however, that nothing contained herein shall be construed to alter the deadlines for universal registration by other methods authorized by State law". Seconded by Mr. Cumbo, all in favor.

**MOTION:** Mr. Carpenter moved to amend Article IV, 16-404(B) to delete from both paragraph (1) and (2), "Name and Title of Treasurer or President". Seconded by Dr. Beaudin, all in favor.

**MOTION:** Mr. Carpenter moved to amend Article III, 16-307(a). Mr. Carpenter withdrew his motion.

**MOTION:** Mr. Carpenter moved to amend VII, 16-701(a), 4<sup>th</sup> line from the bottom and add "/or member of the". Seconded by Dr. Beaudin, all in favor.

**MOTION:** Mr. Carpenter moved to amend Article VIII, 16-802 through 16-811 to change dollar amounts to be consistent. Seconded by Dr. Beaudin, all in favor.

**MOTION:** Dr. Beaudin moved to amend Article VI, 16-601, 1(A), to strike "within". Seconded by Mr. Mahoney, all in favor.

The Council voted on Ordinance O-10-10 as amended, all in favor.

**B. Vote on Ordinance O-10-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Utility Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011.**

**MOTION:** Mr. Mahoney moved to approve O-10-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Utility Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2010 to June 30, 2011. Seconded by Ms. Lamb.

**MOTION:** Mr. Mahoney moved to amend Ordinance O-10-11, to eliminate the bottom \$.36 tier for water rates only. Seconded by Ms. Lamb.

Mr. Carpenter asked that Councilwoman, Dr. Beaudin, recuse herself from voting on the amendment due to conflict of interest.

Dr. Beaudin saw no conflict of interest and asked what happens now?

The Mayor ruled in favor of Mr. Carpenter's recommendation and asked Dr. Beaudin to recuse herself.

The Council voted on Ordinance O-10-11 as amended. Ayes, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed, Mr. Carpenter and Mr. Cumbo. Amendment failed.

The Council voted on Ordinance O-10-11 as introduced. Ayes, Dr. Beaudin, Mr. Carpenter, Mr. Cumbo, Mr. Mahoney and Ms. Spano. Abstained, Ms. Lamb. Motion passes.

**VIII. Report of Officers, Boards and Committees:**

- A. Planning & Zoning Commission** – There was a meeting held June 9, 2010. Mr. Watson submitted, to Council, a copy of the Comprehensive Plan Draft along with a signed Resolution from the Planning Commission recommending the plan.
- B. Board of Appeals** – There were no hearings held.

**IX. Unfinished Business:**

1. Mr. Mahoney complimented the Mayor on the finished budget.

**X. New Business:**

- 1. Consider appointment of Megan Reiser to the Planning and Zoning Commission.** The Mayor introduced Mrs. Reiser to the Council.

**MOTION:** Mr. Cumbo moved to confirm the appointment of Megan Reiser to the Planning and Zoning Commission. Seconded by Mr. Carpenter.

**MOTION:** Mr. Mahoney moved to table the appointment until the July 15, 2010 Town Council Meeting. Seconded by Ms. Lamb. Ayes, Dr. Beaudin, Mr. Carpenter, Ms. Lamb, Mr. Mahoney and Ms. Spano. Opposed, Mr. Cumbo. Motion passes.

- 2. Consider termination of WWTP's Operating Agreement.**

**MOTION:** Mr. Carpenter moved to terminate the WWTP's Operating Agreement for 'cause' and direct the Town Attorney to begin the separation process. Seconded by Mr. Cumbo. Ayes, Mr. Carpenter and Mr. Cumbo. Opposed, Dr. Beaudin, Ms. Lamb, Mr. Mahoney and Ms. Spano. Motion fails.

- 3. Consider proposal from Beltway Paving in the amount of \$9,200.00.** Mr. Cochran stated that this was for the repaving of 16<sup>th</sup> Street.

**MOTION:** Mr. Cumbo moved to approve a proposal from Beltway Paving in the amount of \$9,200 for the repaving of 16<sup>th</sup> Street. Seconded by Dr. Beaudin, all in favor.

**XI. Council Lightning Round:**

1. Mr. Mahoney stated that the basketball game was in halftime.
2. Mr. Carpenter had no comment.
3. Ms. Lamb had no comment.
4. Ms. Spano said good night.
5. Mr. Cumbo said good night.
6. Dr. Beaudin stated she would sleep well tonight knowing she did her best.
7. The Mayor announced the arrival of his new grandson, John Ellis Isenberg, born on June 6<sup>th</sup> at 1:58 a.m.

**Adjournment:**

There being no further business, the meeting adjourned at 10:01 p.m. on a motion by Mr. Mahoney. Seconded by Ms. Spano, all in favor.

Submitted by,

  
Sharon L. Humm  
Town Clerk



**MINUTES OF THE  
OPERATIONS OF THE WASTEWATER  
TREATMENT PLANT WORK SESSION  
June 14, 2010**

I. Bruce A. Wahl, Mayor, called the meeting to order at 6:23 p.m. In attendance were: Dr. Valerie Beaudin, Robert Carpenter, Ingrid Lamb, Patrick Mahoney, Council Members, Dr. James Parent, Town Administrator, Sharon L. Humm, Town Clerk, Cheri Beard, Assistant Town Treasurer, Paul Woodburn, Town Engineer and Jon Castro, Wastewater Treatment Plant Superintendent. Absent were Stewart B. Cumbo and Julie Spano, Council Members.

II. **Operations of the Wastewater Treatment Plant** – The Mayor presented a PowerPoint on the Operations of the Wastewater Treatment Plant. The Mayor stated that a First Amended and Restated Interjurisdictional Agreement was entered into May 29, 1990 by and between the Town of Chesapeake Beach, County Commissioners of Calvert County and the Town of North Beach, all being owners in the Plant. The Mayor presented a proposal to the Council, for consideration, in terminating Calvert County's Operating Contract.

The Mayor stated that Calvert County is the Plant Operator but the Town of Chesapeake Beach is the Lead Agent. The term of the Agreement is three (3) years with a termination period of a one year notice. As Lead Agent, the Town is held accountable and ultimately responsible for any failures that should occur, including fines. The Mayor stated that in December 2009, there were two spills due to the failure of sludge pumps which were in need of repair.

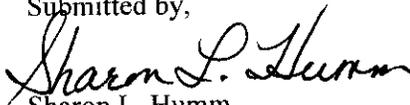
The Mayor talked about several other issues such as the fiscal consideration, budget preparation, the engineering and human resources support and the current purchasing process.

The Mayor asked the Council to consider a resolution in support of the decision to assume role as Plant Operator and consider the three (3) employees of the Plant, the option to become Chesapeake Beach municipal employees.

The Council discussed the matter.

There being no further business, the meeting adjourned at 8:12 p.m. on a motion by Dr. Beaudin. Seconded by Mr. Mahoney, all in favor.

Submitted by,

  
Sharon L. Humm  
Town Clerk