

COMMITTEE: INFRASTRUCTURE
DATE: JANUARY 4, 2010
TIME: 10 A.M.

In attendance: Council Committee Members Baker (Chair), Redmon, Ritenour and Vena (alternate); Council Member Mauck, Town Manager Fauber, Director of Public Utilities Tewalt, Director of Public Works Rhodes, Town Planner Rex, and Town Clerk Keller.

Action Item:

The minutes of the November 30, 2009 meeting were approved as presented.

Discussion Items:

➤ Ryan Judy matter

Emails had been received by all of Council regarding this, mainly between Council Member Baker and Town Attorney Neal; copies of the emails were distributed to Council Members present. Council Member Baker and Council Member Le Vine had a discussion regarding this on January 3, but Council Member Baker would like to get more information from Town Attorney Neal before moving forward on this. The only cost to date, other than attorney fees, would be the fee to engineer David Bushman. Mr. Bushman is to see if the catch basin can be made smaller and if it can, and it is decided to proceed, then there will be cost associated with this, but it is not clear who would pay for this. It was also noted that if the basin is made smaller, Rite Aid would need to sign the agreement to do so.

It was stated the two options from Town Attorney Neal are to maintain the basin as is, or to make the basin smaller and have the Town maintain. Town Attorney Neal does not recommend trying to do a boundary adjustment since Mr. Judy has a mortgage on the property, but some felt it should go through the mortgage company because if the Town maintains this, they will be maintaining the basin on private property which could cause a liability issue. **Director of Public Works Rhodes** said this is the only catch basin the Town would not own. **Council Member Baker** said he feels the Town would rather upkeep it because of the problems that could happen if it is not maintained.

Questions were asked regarding this issue with one being, if the catch basin is made smaller, who would be responsible for getting the agreement with Rite Aid? **Council Member Baker** said Rite Aid would have to be in agreement with this and included in the agreement. Also asked was who would pay for all the legal work? If there is a boundary adjustment, then Town Attorney Neal would do the legal work, but if there is no adjustment, Mr. Judy's attorney would need to do the legal work. Already, the legal fees are probably higher than what Mr. Bushman will charge.

Council Member Vena asked why the Town is getting involved in this when it is owned by a homeowner. **Council Member Mauck** said there are some "gray" areas and the Town should be responsible for this catch basin. **Council Member Vena** said it was a bad business move on Mr. Judy's part and "he should bite the bullet". **Council Member Mauck** does not think it is practical for the homeowner to have to maintain this. **Town Planner Rex** said it originally was discussed that the Town just enter into an agreement with the owner and no property would be exchanged. **Director of Public Utilities Tewalt** discussed an article in the NVD today about infrastructure requirements and so he thinks a new look should be taken on storm water management, etc., because funds must be gotten to handle these problems.

Council Member Mauck asked if the Town should enter into a maintenance agreement until Town Attorney Neal can further study the issue. The consensus was that this should all be done at once.

Liability questions were asked as far as the Town maintaining this basin, but not owning it. Town Attorney Neal does not believe the Town would be liable if the Town is maintaining it, but this would need to be found out. The Town might have some general responsibility to make sure the catch basin does not overflow onto individual properties. It was thought there would be no liability for the Town if the basin is well-maintained,

Town Manager Fauber feels more information is needed as far as the engineering report. The Judys have given no indication of being in agreement with the Town just maintaining the basin.

In further discussion, **Council Member Mauck** said the lot was originally designated as open space and was not to be built on so the Town should not have signed off on it, but **Town Manager Fauber** and **Director of Public Works Rhodes** said this lot had always been designated as a building lot. There is an easement on the property for this basin, but research will need to be done on this to clarify the particulars of it to see if the Town already has the right to maintain it, but the covenants of the subdivision say the property owners will maintain the drainage basins. **The consensus of the committee was the Town should not spend a lot of money to rectify the property owner's mistake.** It was explained catch basins are just designed to slow the water down before going to the area it is designed to go to, in this case, across Route 11.

When asked how Staff feels about this issue, **Director of Public Works Rhodes** said his biggest concern is the edge of the basin goes right along the sidewalk and trees and brush are growing along there; he is concerned someone might go off the edge of the sidewalk and fall into the catch basin. **Planner Rex** said his recommendation would be that the Town maintain the basin under an agreement. **Town Manager Fauber** said originally the Town wanted this agreement, but it somehow evolved to making the basin smaller so as the property owner would have more side yard; this then caused the cost of an engineer. It was asked that if the homeowner does not agree to this, what further responsibility the Town has. It was decided to check to see if there is already an easement, but **Planner Rex** said this was set-up so as the homeowner would maintain.

Consensus of the committee --- if Mr. Judy will allow the Town to maintain the basin, the Town will do it, but if not, Mr. Judy will be responsible for any problems that might come from it.

It was said Mr. Bushman was asked to study this to try to make the property owner "happy", but how this will be paid for is unsure. It was thought that if Mr. Judy is going to be the beneficiary of additional property, Mr. Judy should pay for the cost of the engineer. The Town will offer to maintain the catch basin, but the Town should only be concerned with the basin being maintained; if Mr. Judy wants to see if the basin can be made smaller, then it would be at his cost.

Director of Public Utilities Tewalt suggested dividing the cost of maintaining the basin between the landowners that are spilling into the basin, but it was said there might be a legal issue with this.

An agreement stating the Town will maintain the basin will need to get full Council approval at some point, as well as the agreement from Rite Aid will need to be signed, but the general consensus of the committee was to offer this and if Mr. Judy refuses the offer, the matter is over --- take it or leave it!

- Strasburg Fire Department roof update --- Town Manager Fauber reported temporary repairs have been done, but the company doing this will come back and give a more thorough inspection once the weather improves; no indication of cost was given. Another update will be given at the February meeting.
- Town Property inventory --- Town Manager Fauber said Staff is working on this and information will be given at the February meeting. Ordinance Committee will take the responsibility of the streets/alleys that may be vacated.
- Transportation Survey --- Planner Rex said a cover letter has been completed by the NSVRC and will be emailed to him today. After approval of the letter, the paper survey will be sent out and this should be done by the February meeting, but responses will not be available before that meeting. Planner Rex will give an update of how many surveys were sent at that time. The surveys are being sent to the 22657 zip code so some recipients might not be Town residents.

- Trash Collection --- Town Manager Fauber has had preliminary discussions with other towns, but has mainly talked to Larry Bradford, Town Manager of Woodstock. They are also discussing other opportunities of sharing resources. Woodstock is interested in starting a recycling program and so this will be up for discussion. It was said a countywide policy needs to be come up with and regional programs need to be thought about. The NSVRC may be the way to work on this. Town Manager Fauber will work with the other towns in the County and if they are not interested, then Strasburg should go to the NSVRC on their own.
- House numbers on curb --- Town Manager Fauber said Council Member Terndrup stated this issue had been discussed previously in the Ordinance Committee and the idea had been rejected because of the lack of curbs. Council Member Ritenour said if there was a uniform position of the house number, it would be much easier for the emergency personnel to respond to calls. The proposal is, as time and resources allow, Public Works staff would paint numbers on the curbs in a common place. Director of Public Works Rhodes said this is really not a big issue, but would take some time and would only be done as time allows. Painting of the numbers could eventually be added to the requirements of a subdivision. After discussion, Council Member Ritenour said this would not be a “solve all”, but it would be helpful to emergency services. He realizes there are areas in Town without curbs, but it could be done where appropriate.
It is a requirement already to have house numbers displayed so as a reminder to residents a “blurb” will be added to the home page of the website stating this; it will also be added to the water bills. At a future time, an ordinance can be written requiring the curb numbers for future developments.
The consensus of the committee was to allow the Public Works Department to paint the numbers on the curb as time allows.
- Director of Public Utilities Tewalt said a good size water leak has been detected, but the source has not been found; the departments are working on this and it has been a consistent leak for several weeks. The water audit should be put on hold until a handle can be gotten on this,

The meeting adjourned at 11:44 a.m.