

**MAYOR AND COUNCIL**  
**APRIL 21, 2014**

Mayor Cerino called the meeting to order at 8:24 p.m. In attendance were Council members Liz Gross, Linda Kuiper, Samuel T. Shoge and Mauritz Stetson, W. S. Ingersoll, Town Manager, Jennifer Mulligan, Town Clerk, and guests.

Mayor Cerino asked if there were any additions or corrections to the minutes of the Mayor and Council meeting of April 7, 2014. **Mr. Stetson moved to approve the minutes of the Mayor and Council meeting of April 7, 2014 as submitted, was seconded by Mr. Shoge and carried unanimously.**

Mayor Cerino stated that cash on hand and in banks was \$1,642,711.77, and the Washington College donation in a restricted fund of \$200,000.00 for a total of \$1,842,711.77.

Mayor Cerino asked for a motion to pay bills. **Mr. Stetson moved to approve payment of the bills as presented, was seconded by Ms. Gross and carried unanimously.**

Mayor Cerino stated that the Fountain Park Strategic Planning Commission had given their final report to the Council. He pointed out the photo montage of Fountain Park showing on the monitors in the room. Mayor Cerino stated that the open space has been "loved to death" and this committee was created in an attempt to consider ways that infrastructure and plantings can better accommodate all that use the park.

Mayor Cerino stated that the committee did a nice job and he thanked the members for serving. He said that the Town appreciated the volunteer services as they were needed and welcome.

Mayor Cerino asked Ms. Kuiper, a member of the committee, for a summary of the major points of the report. Ms. Kuiper stated that it was pertinent that the Artisans and Farmers were one of the main focuses of the park, and she had asked them to attend the meetings of the committee. She said that it was her goal for the conclusion of the committee that nothing was changed in the park, but the park would be redesigned to accommodate all activities in the park.

Mayor Cerino stated that he would like to discuss the report in depth at the next Mayor and Council meeting, giving everyone a chance to thoroughly review the suggestions in it. He said that preliminary soil samples were taken and there was unsuitable compaction of the soil throughout many parts of the heavily used areas of the park. There was a recommendation to fund a study of the soil so that a plan can be implemented to remediate the compaction and treat the soil.

Mayor Cerino stated that there were only two (2) clearly defined entrances to the park and there was a diagram showing the widening of the exterior sidewalks, with the exception of Park Row (it was already done). There were other recommendations such as

widening the interior walkways, accentuating and expanding entrances, adding benches, looking at the irrigation system and fixing or replacing it, and replacing the electrical system.

Mayor Cerino stated that while the renovation is underway an alternative location for the Farmer's Market and Artisan's Market had to be found.

Mayor Cerino stated that the phasing of the project was over a 3-year period and a regular maintenance schedule assessing the health of the soils and plants in the park would be established.

Ms. Kuiper asked when the Town seeded or sodded the park. Mr. Ingersoll stated that it has been 5 to 10 years since the park was sodded. Ms. Kuiper stated that there was a natural compaction of soil and nothing had been done. She said that a square of sod was put in the park on Saturday and there was a question from the farmers as to whether or not it would be watered. Mr. Ingersoll stated that the irrigation does work at Fountain Park and the sprinklers could be set for any time and duration.

Mr. Ingersoll stated that sod has not been put down at the Park because the activities have been year round for that period. He said that he talked with the garden club last summer about removing quadrants of the park at a time to restore the grass.

Ms. Kuiper stated that a natural path has formed from High Street to the fountain as people cut through the park. She said that any grass selected for reseeded would need to do well in the shade.

Ms. Barbara Macbeth of the Chestertown Garden Club stated that she appreciated being involved in the discussion amongst a coalition of stakeholders. She said that she thought everyone was on the same page and they stood together in the proposed project.

Mayor Cerino stated that he would like to make the Fountain Park an agenda item for the next meeting. Mayor Cerino thanked the Fountain Park Strategic Planning Committee for their work. He said that the suggested improvements make sense and he would like to analyze it further. Ms. Gross stated that she would not be present at the next meeting but would send detailed comments for the meeting, indicating that a point she wanted to make was that the impervious surface of the park should not increase and suggested pervious brick styles of walks.

Sergeant Stephen Lozar presented the Police Report for March 2014. He said that Chief Baker, Ms. Janet Legg and Ms. Bette Lou Cruikshank have received CPR and first aid training. He said that website for the Police Department was almost ready to go live. Sergeant Lozar stated that the Police Department was hiring for two (2) vacant positions and testing was scheduled for the end of the week. He said that the Police Building Committee continued to meet.

Mr. Ingersoll called Mr. Drew McMullen of Sultana Projects forward to discuss Downrigging Weekend. Mayor Cerino recused himself from the discussion. Mr. McMullen stated that the Council was in receipt of a letter indicating the requests for Downrigging weekend.

Mr. McMullen stated that there were several new requests for this year. He said that this year, the festival ran during Halloween so they would like a Halloween themed kick-off party at the Foot of High Street on Friday, October 31<sup>st</sup>, with open air fire pits. There would be one person monitoring each fire pit while they were active.

Mr. McMullen stated that Sultana was hoping to work with the Chesapeake Wine Trail and have the local wineries and breweries to have a beer and wine pavilion on Saturday, November 1<sup>st</sup>, between 11 a.m. and 5 p.m.

He said that he would like to propose that Sultana oversee the reservations for the marina over Downrigging weekend and keep the money from the slip sales. He said that the revenue (between \$700.00 and \$800.00) would help to pay for the volunteer and crew member party.

Ms. Gross asked if there was a way to monitor the electricity and water use for the weekend as there would be expenses. Mr. Ingersoll stated that the meters do go up over Downrigging weekend, but the idea of the free slips was a gesture of good will.

Mr. McMullen stated that there were facilities maintenance issues, such as the electrical hook-up at the foot of High Street. He said that a better electrical service would be an enormous help for Downrigging and other events. Mr. Ingersoll stated that the College facilities in the garden garage have 50 or 100 amps and have agreed to allow the Town to extend the service underground from there.

Mr. McMullen stated that the lights on the docks at the marina, as well as the overhead lights, were not all working and asked if they could be in working condition for Downrigging weekend.

Mr. Ingersoll said that at the previous week's meeting concerning the C-2 District, the merchants had stated how important Downrigging had become. He recommended that the Council do what they could to support it.

**Ms. Kuiper moved to approve the requests for Downrigging weekend as outlined in a letter from Drew McMullen to the Mayor and Council, including the revenue from transient slips for the weekend, was seconded by Ms. Gross and carried unanimously.**

Mr. McMullen stated that he would like to have crossing guards at the intersections of High and Cannon Street and also on Cross Street, Queen Street and Water Street. He said that he could put volunteers at Water Street and Queen Street. He said that he thought a

police officer should be at Cross Street since it was a major road. Mr. Ingersoll stated that he would like to work that request out separately with Chief Baker's input.

Ms. Gail Register, a resident of Cannon Street, stated that the last time Halloween fell on the same night as Downrigging it was "horrendous" and there were many problems. She said that more police protection was needed that weekend.

Ms. Leslie Raimond, director of the Kent County Arts Council said that they were overseeing the development of the Grand Army of the Republic Charles Sumner Post. She said that the building on South Queen Street was built in 1909 and was for returning African American Civil War soldiers and the lodge for the veteran's organization. It was also used as a community hall before it fell into ruin. She said that the grand opening of the restored building would take place on Saturday, June 21<sup>st</sup>. She said that she would like to invite the Mayor and Council, along with the general public, to the festivities. She said that there would be a parade, music, keynote speakers, and a ribbon cutting at 4:00 p.m. There were board members present and Ms. Raimond stated that they were delighted for the restoration and wanted to thank the Town of Chestertown for taking the lead on three (3) of the major grants that were received.

Mayor Cerino asked how the facility would be used after the renovation was complete. Ms. Raimond stated that the GAR building would be used mostly as an educational center for schoolchildren. She said that it would house a museum and there would be a display area exhibiting art and artifacts, as well as a performance stage, noting that Ella Fitzgerald performed on the stage at one time.

Ms. Raimond stated that this project was based on economic development and tourism. She said that this was one of only two African American Civil War Soldier lodges still in existence in the United States.

Mr. Ingersoll stated that final changes to the draft Website RFP had been completed by Mr. Shoge and Ms. Gross. Mr. Shoge stated that all he needed was a deadline for the bids to be received. Mr. Ingersoll stated that it should be 30-days after the bid was released or advertised. Mr. Ingersoll stated that the RFP would be put on the website and would also be added to the E-Maryland Marketplace, the local papers and the Chestertown Spy. It was decided that the bids would be due on Friday, May 30<sup>th</sup> at noon.

Mr. Ingersoll stated that he was had a permit request for the MS Society Walk on August 30<sup>th</sup>. **Ms. Gross moved to approve the MS Walk permit as submitted, was seconded by Mr. Shoge and carried unanimously.**

Mr. Ingersoll stated that he was in receipt of permits for the Tea Party Parade and the Memorial Day Parade, which were annual events. **Mr. Stetson moved to approve the permits for the Tea Party Parade and Memorial Day Parade as submitted, was seconded by Ms. Gross and carried unanimously.**

Mr. Ingersoll stated that Mr. Gil Watson sent an email that the Rail-Trail clean-up committee would be having their annual clean-up on Saturday, April 26<sup>th</sup> beginning at 9 a.m. Anyone interested could attend and they were meeting initially at Dixon Valve. Mr. Watson asked that participants bring gloves.

Mr. Ingersoll stated that Ordinance 02-2014 Chapter 81: Floodplain Management could be adopted at this meeting. **Ms. Gross moved to adopt Ordinance 02-2014 Chapter 81: Floodplain Management, was seconded by Mr. Shoge and carried unanimously.**

Mayor Cerino stated that he would like to set a date for the first public Charrette in a series of three for the marina. The Council decided to hold the first Charrette on Wednesday, May 28<sup>th</sup> at 6:00 p.m. There was discussion on having the Charrette at the marina site but the final site was not chosen.

Ms. Kuiper stated that the forum for C-3 Neighborhood Commercial had to be set. Mayor Cerino stated that it might have to be in June 2014.

Mayor Cerino stated that Arbor Day festivities would be held on Tuesday, April 29<sup>th</sup> at 1:15 on the courthouse lawn. If the weather was inclement, it would be held at Garnett Elementary School.

Mayor Cerino stated that there was a request from Kent County High School for the post-prom party. He said that last year the Council donated \$100.00. **Ms. Kuiper moved to donate \$100 to the post-prom party, was seconded by Mr. Shoge and carried unanimously.**

Mayor Cerino read the Fair Housing proclamation into the record, declaring April 2014 as Fair Housing Month in Kent County.

Mayor Cerino stated that there was a beer and wine license request for Play It Again Sam's. He said that there was a change in ownership. The hearing would take place on Tuesday, April 29<sup>th</sup> at 6:00 p.m. at 400 High Street. There were no objections to the renewal.

Mayor Cerino stated that Comptroller Peter Franchot would be visiting Chestertown on Tuesday, May 13<sup>th</sup> at 2:00 p.m.

Mr. Stetson stated that the potholes were being fixed and most of the potholes in Ward Four are already filled in.

Mr. Stetson stated that he would like to post signs to keep the 4-wheelers out of the Margo Bailey Community Park. He said that the signs should say "Authorized Motorized Vehicles Only".

Mr. Shoge stated that he had a request from a cycling enthusiast about the grates in front of the storm drains. He asked if there was a possibility of replacing the grates with lines

that run perpendicular to bicycle tires. Mr. Ingersoll stated that most of the parallel grates have been replaced in the past and asked for locations of the remaining ones.

Mr. Shoge asked if the LED lights used on High Street could be used on Flatland Road. Mr. Ingersoll stated that the downtown LED was at DP&L pilot program and he was not certain that LED lights could be obtained yet from DP&L elsewhere.

Ms. Kuiper stated that this weekend was the 5<sup>th</sup> Annual Paint the Town event sponsored by River Arts and the Taste of the Town was Sunday, April 27<sup>th</sup> from noon to 3:00 p.m.

Ms. Gross stated that many of the potholes in Ward One had been filled in.

Ms. Christina Showalter, a resident of Queen Street, stated that she wanted to say how fortunate Chestertown was to have Mr. Sipes as the Utilities Director.

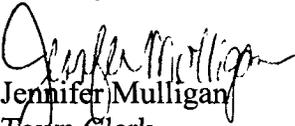
Mr. Jeff Carroll of the Fish Whistle stated that the lights were too dim at the marina. He said that some of the streetlights on Cannon Street were not working (north and south of the pump house). Ms. Gross asked about trimming around the lights. Mr. Ingersoll stated that trees were trimmed by Asplundh under Delmarva Power because of the issue of the voltage. The Town took care of trees that were not near the primary or secondary electric wires.

Mayor Cerino stated that the Recreation and the Mayor and Council would be holding a public hearing on the proposed baseball field at Kent County Middle School on Monday, April 28<sup>th</sup> (even though the County had postponed the issue).

Ms. Ruth Menefee stated that she was helping with the trees for the Arbor Day celebration.

A member of the audience stated that the Maryland High School Rowing Championship would take place over the weekend at the Wilmer Park.

There being no further business, **Mr. Shoge moved to adjourn the meeting at 9:40 p.m., was seconded by Mr. Gross and carried unanimously.**

Submitted by:   
Jennifer Mulligan  
Town Clerk

Approved by:  
Chris Cerino  
Mayor

## Shore Regional Health Update on Oil Remediation

### Town of Chestertown Mayor and Council Meeting, April 21, 2014

**In brief:** After nearly 30 years of oil remediation using a "pump and treat" system, the amount of oil in the recovery process has declined dramatically to trace amounts. This is not unusual in these cases; as the majority of the "free" or liquid oil has been captured, the remaining trace amounts become bound in soil and difficult to remove. In the best interest of the public, the hospital wishes to focus upon removing these trace amounts over the short term rather than leave them in the soils for decades. Clearly, when even higher groundwater does not produce significant amounts of the residue in the pump and treat system, it is time for a concentrated effort to remove the last traces of oil through a new technology that employs surfactants, or soaps, to release final amounts from the soil. Our priority is ensuring that the process is safe and that it protects the Town's wells and the health of the community. Our discussions with the Maryland Department of the Environment, the Town, and the hospital's experts bring us to this meeting for an update on the issue and its possible resolution.

1. A brief summary: A **1986** break in a heating fuel oil line at the Hospital resulted in oil contamination in an area around the fuel line. The amount of the oil leakage was not able to be definitively confirmed.
2. The hospital reported the break to the Maryland Department of the Environment (MDE) in 1986 and a State-approved comprehensive pump and treat system has continued in operation for 28 years in order to remove the oil from soil and groundwater. For nearly three decades of treatment, through 2012, this pump and treat system has recovered approximately 83,452 gallons of oil from the spill area. For the past two years, no additional liquid or "free" oil has been found and the consulting teams have concentrated on cleaning up residue and trace amounts of oil in the soils and groundwater.
3. In 2012, given the declining residue of oil being detected (see graph pg 2), the hospital proposed a new action plan which involved comprehensive monitoring of all test wells for a full year with the pump and treat system temporarily turned off. This plan was approved by MDE as a test. From summer, 2012 through May, 2013, only very small traces of oil and oil by-products were recorded, which, due to the nature and small amounts, required no further action than ongoing monitoring. In June and July, 2013, however, oil was detected in slightly increased amounts and the pump and treat system was reactivated by the hospital. This system remains in full operation to date while a focused plan of treatment for the trace amounts bound in soil is under review.
4. It is not uncommon during later phases of oil remediation efforts for trace amounts to reappear. This is associated with small amounts of organic products such as oil that had been bound in the soil reappearing as seasonal groundwater levels fluctuate.
5. Because the amounts of remaining oil are so small, the hospital's consulting team, in cooperation with MDE, has investigated adding a new technology to the remediation plan in order to remove all final traces of oil. The proposed new plan is a patented groundwater cleanup process that would involve the injection of surfactants, or soaps, called IVEY-SOL, in a "push-pull" operation which captures trace oils and removes them through a pump withdrawal process where they are scrubbed from soils and contained. The IVEY-SOL process and surfactants are used successfully worldwide and have been approved by MDE for a pilot test at the hospital site. MDE and the hospital continue in discussions with the Town regarding how best to pilot test the new technology this summer.

6. MDE, the Town, and the hospital have agreed that the pilot study will be controlled with all applications occurring only within the control of the existing pump and treat system, to ensure that surfactants and the petroleum products cannot migrate offsite.
7. This second technology is being piloted in order to remove the trace amounts of oil now encapsulated in soil. When successful, this approach will be protective of the public health and the environment and will ensure the safety of the Town's water supply. The results of the summer pilot study will be used to determine next steps and to design further applications in 2014.
8. The Town, MDE, and the hospital held a technical review meeting on April 15, 2014 and have agreed to continue to work together until demonstrations can be made that the site has been fully remediated.

If you have additional technical questions relating to the Hospital's past, present, or future activities in these regards please direct them to the technical team's project director, Mr. Dane Bauer, who can be reached at 410.812.9109 or [dbauer@dbldgsolutions.com](mailto:dbauer@dbldgsolutions.com).

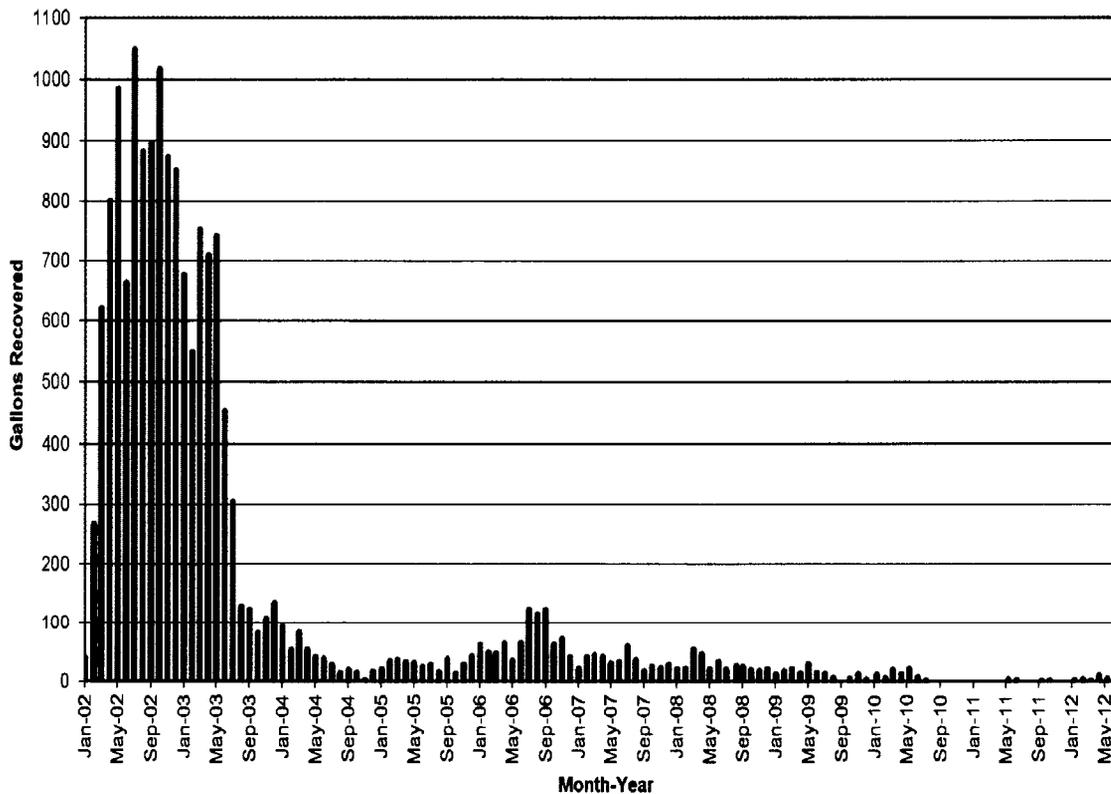


Figure 1 Free Product Recovery Graph, 2002-2012, Chester River Hospital Center, Chestertown, Maryland

Shore Regional Health  
Please leave your name/contact info - we will be glad  
to call you regarding your questions

<u>NAME</u>	<u>Contact Info</u>	<u>Question</u>
Alice Macnow	PO Box 337 Chertown	① Has this been tested in similar situations with public water nearby? ② What other alternative solutions have been considered?
DAVID FOSTER	DAFOSTER@AOL.COM	(1) WHAT IS THE PLAN FOR KEEPING THE PUBLIC INFORMED?

Return to : Shore Regional Health  
ATTN: Patti Willis  
FAX 410-~~770~~ - 8603  
pwillis@shorehealth.org

## **The Historical Identity of Fountain Park**

*Serviceability is key*

Chestertown's town square, located between High Street and Park Row, and Cross Street to Spring Avenue, a highly visible space central to parking and downtown commerce, has provided a community gathering place since it was established by an edict of Queen Anne exactly 308 years ago, as of Saturday, April 19, 2014. Since April 19, 1706, this pedestrian-friendly, historical landmark which began as a staging area for markets and the militia, eventually housed firehouses and fundraisers. By the twentieth century, the town square had evolved into a village green with a formal park design featuring a fountain as its focal point. Today, Fountain Park is the preferred backdrop for an artisan and farmers market, artistic displays and musical performances, wedding photo shoots and weekend extravaganzas. Unfortunately, the continued health of the park's lawn and trees is at risk. These vulnerable assets rightfully deserve a decisive action plan for extensive restoration and proper maintenance—that will ultimately protect the County Seat's valued resource.

### **A Restorative, Protective Mission**

To develop an incremental long term plan for park restoration and maintenance, in keeping with

- A formal park landscape design and
- The historic identity of the original town square,

that will continue to help define and ensure the vitality of the downtown business center and the community's gathering place.

### **The Park's Quadrants—see Appendix A, *Fountain Park Key Plan***

- Quadrant 1—paralleling High Street,
- Quadrant 2—paralleling Spring Street, and the *Nearly New* shop building,
- Quadrant 3—paralleling Park Row,
- Quadrant 4—paralleling Cross Street.

### **The Assessment of the Condition of Vulnerable Resources to Establish a Restoration Process**

**What is compaction?** In an excerpt from *Up By Roots: Healthy Soils and Trees in the Built Environment*, written by James Urban, (ironically, an urban planner with an office in Annapolis, Maryland) part one, page 30—"The natural soil forming process tends to create soil that is at suitable levels of compaction (bulk density) for ground stability and the growth of some kind of plant . . . Human activity tends to change the compaction level in the soil, most often making it more compact, but sometimes reducing its compaction. Identifying compaction levels in the

soil and when they need to be modified is a critical step in creating good growing conditions. .As soil becomes mechanically compacted, the organic bonds that were holding the soil structure are broken and soil particles are pushed together, filling the pore space. As pore space is eliminated, space for air and water is lost and roots must push harder to get through the soil. The plant has access to less water and grows fewer roots in the more difficult conditions.”

**Invisible damage to the trees:** Preliminary soil samples taken from two quadrants of the park last summer show definitive signs of unsuitable compaction. According to Chestertown Garden Club records, professional arborist Judge Anthony has repeatedly recommended an assessment of the levels of soil compaction. He has predicted that the soil around the absorbing root layer of trees will need to be improved or protected from unsuitable levels of compaction and disturbance. Last summer, Anthony Tree Experts took down three declining trees and two bushes. One tree was diseased. Others are beginning to show signs of decline.

A thorough assessment and rehabilitation process is time and labor-intensive. Soil probes and test pits to record soil profiles, compaction levels, and depths to un-compacted soil—is a part of that scientific process. Air-excavating tools used to blow soil apart, may be needed to locate and expose the tree’s root system. Mulching, trenching, plus organic/biological soil amendments may be part of this rehabilitative process depending on the diagnosis.

**Visible damage to the lawn:** The existing turf is sparse in all quadrants of the park with large bald spots especially located in heavily shaded areas but also with some frequency in areas that receive adequate sun. Proper drainage, fertilization, and irrigation may be part of the rehabilitative process depending on the location and the results of further soil testing (noting chemical and organic composition, compaction levels, and texture).

#### **The Malfunction of the Current Hardscape’s Serviceability:**

- **Poor regulation of pedestrian flow leading to crowding in gathering spaces,**
- **Poorly defined park entrances and crowded corners of the perimeter facing High St.**

#### **The current function of hardscape that regulates pedestrian flow and the spatial fitness of gathering spaces:**

**In quadrant 1**—The sidewalk paralleling High Street is narrow. Two adult pedestrians have difficulty walking together down this path.

**In quadrant 2**—The space on the perimeter of the park paralleling the *Nearly New* south-faced parking area and the historically significant building itself contains a narrow brick path. From a design standpoint, this secondary park entrance lacks definition.

**In quadrant 4**—The sidewalk paralleling Cross Street is also narrow. From a design standpoint, a significant park entrance is undefined in this area and the path of a major thoroughfare into the park is narrow.

### **The Malfunction of the Current Systems' Serviceability:**

**The irrigation system**—The watering system needs to be, at minimum, repaired. The system is outdated and ineffectively provides water to all vulnerable assets—grass and trees.

**The electrical system**—The random placement of electrical receptacles and controls is inefficient, unsafe, and unsightly.

**The accent lighting in the trees**—The wiring, largely embedded in tree trunks, cannot be restored. The system is inoperable.

**The seating**—The benches are ineffectively placed without thought for park serviceability or design.

### **A Restorative and Protective Plan—prioritized**

#### **FY 2014, with current budget, beginning now**

- 1. Assess the condition of vulnerable resources, identifying and monitoring the restoration process**—Approve and negotiate implementation of the proposal between The Town of Chestertown and South Fork Studio Landscape Architecture, Inc. for the analysis and written recommendations for work that will be done in Fountain Park to restore and protect the landscape. To include the following:

- Analyzing existing soils and trees, building off work completed for the Chestertown Garden Club
- Recommending written specifications and detailed drawings that can be used by a contractor to bid and perform the work required for—
  - a.) Relieving and avoiding unsuitable levels of soil compaction
  - b.) Amending the soil, as needed
  - c.) Seeding or sodding

*The Landscape Architectural firm should work closely with the contractor both on and off the work site as the work progresses until the project is completed.*

- 2. Assess the total cost of maximizing the serviceability of the park's hardscape—**

- **Minimizing the crowding caused by poor pedestrian flow with wider walks**
  - a.) Widening the existing brick walk into the perimeter of the park facing High Street (quadrant 1) to include light poles and other structure—from a 4'5" to an 8' width
  - b.) Widening the brick walk into the perimeter of the park paralleling the *Nearly New* parking area and the historical building (quadrant 2)—from a 6'3" to an 8' width—possibly removing the yew hedge from that corner of the park
  - c.) Defining an entrance from quadrant 2 with a widening of the area of the walk to incorporate structures like the bike rack and the doggie bag receptacle
  - d.) Widening the brick walk into the perimeter of the park facing Cross Street (quadrant 4) to include light poles and other structure—from a 7' to an 8' width

- e.) Defining the main entrance from quadrant 4 with a widening of the middle radial walk leading to the fountain—8' new width, in keeping with the added design features
  - f.) Expanding the brick paving at the four corners of the park to include the light posts and trash receptacles adding benches in corners that face High Street (see preliminary design)
  - g.) Expanding paving into park to create small seating areas (quadrants 1, 2, and 4) to include benches and trash receptacles (see preliminary design)
  - h.) Adding curved backless benches over expanded paving around the fountain (see preliminary design)
3. **Assess the total cost** of replacing the electrical, lighting, and irrigation systems in the park. **Create a plan** to cover all projected costs over the next three years to include, in order of importance:
    - a.) **Repair or replace the irrigation system--#1 priority**
    - b.) **Replace the electrical system--#1 priority**
    - c.) Add the recommended paving and benches
    - d.) Replace the low voltage accent lighting
  4. **Govern nonprofit participation in the market** to properly fit the pavement near the fountain or an area on the periphery of the park. Set a licensing limit on nonprofit participation in the market, based on the available space.
  5. **Assess alternate options** to house the market near the periphery of the park while the park is under construction—on Park Row, near Memorial Park, in the Nearly New Parking lot, and on High Street.
  6. **The #1 Priority: Repair or replace the irrigation system and the electrical receptacles and controls, while soil assessment is occurring.**
  7. **Police** the areas that are assigned to the managers of special events; holding individuals or businesses accountable for any damage to grass, trees, or benches that occurred in an assigned area during that event. Installing temporary protection fence during special events, but not during market day. **Prohibit cooking of any kind** which obviously means **banning events** that require cooking.

**FY 2015 Restoring Grass and Trees, September through November, 2014**

1. Moving special events to other highly visible active areas near the center of town
2. Relieving unsuitable levels of soil compaction; amending the soil, as needed; overseeding, sodding, and mulching
3. Utilizing pre-approved areas near the park's periphery to house the market while construction is underway. Temporarily cordoning off quadrants (predictably 1, 2, and 4) that are under repair.

4. In April, 2015: Reassessing the health of grass and trees; budgeting for additional repairs and protection—then fertilizing and overseeding, as needed.

#### **Every year following—**

In July: **Maintaining the health of trees**—pruning, addressing treatment for pests or disease; fertilizing

In August/September: **Re-conditioning the lawn**—aerating and over-seeding; temporarily cordoning off quadrants that may be under construction while utilizing approved areas on the park's periphery as market area

In April: **Reassessing the health of grass and trees**; budgeting for additional repairs and protection; fertilizing and overseeding, as needed

#### **Enhancements—**

In keeping with a professional design, additional plantings of flowers, shrubbery and trees may be incorporated into the landscape to help define the entrances and walkways in the park. All plants and trees should be sensitively labeled to draw attention to their importance. Small markers should identify flowers, bushes, and trees. Small markers could also recognize individuals, families, and organizations that have contributed to the park.

**Remarks—** *Miles Barnard's thoughtful and creative sensibilities deserve enormous credit in this restoration initiative. "Fountain Park is, (at so many levels), an ecosystem—a community together with its environment, functioning as a unit," he summarized in a recent Chestertown Garden Club proposal. While Mayor Cerino's strategic planning committee no longer officially exists, its former members who represent the vitality of the park's ecosystem will continue an unofficial partnership that has evolved from good communication. Their group discussion shared with the town manager at least twice a year, in the early spring and fall, will help uphold required due diligence toward a common mission—maintaining the health of the vulnerable assets in a much-coveted community gathering place.*

#### **Mayor Cerino's appointed Strategic Planning Committee for the Restoration and Protection of Fountain Park**

Nancy McGuire of the Downtown Chestertown Association and The Historic Commission

Nancy Butler of the Downtown Chestertown Association's *Curb Appeal*

Owen McCoy of the Farmers' Market

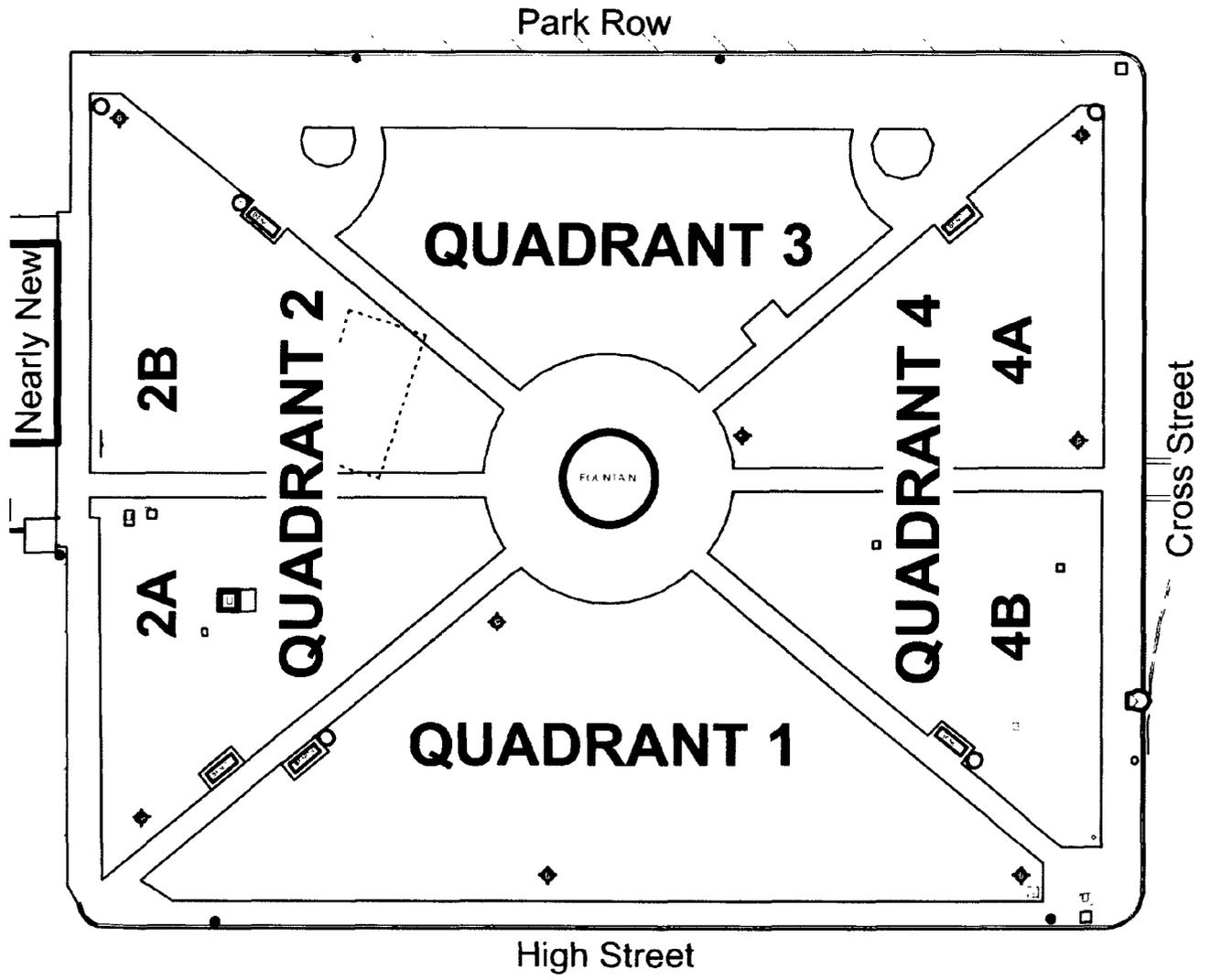
Wanda Gorman of the Artisans' Market

Kees deMooy of The Planning Commission

Linda Kuiper of Ward 2 and Town Council

Nora Carey, Michele Schweikle, and Barb Macbeth of The Chestertown Garden Club

APPENDIX A – Fountain Park Key Plan



**AGENDA**  
**APRIL 21, 2014**

**UTILITIES COMMISSION MEETING**

1. Minutes of the Utilities Commission meeting of March 17, 2014
2. Cash on hand and in the banks
3. Payment of bills
4. Mr. Sipes Report
5. Shore Regional Health – Presentation of Hospital Oil Remediation Plan
6. Questions or comments

**MAYOR AND COUNCIL MEETING**

1. Minutes of Mayor and Council meeting of April 7, 2014
2. Cash on hand and in the banks
3. Payment of bills
4. Fountain Park Strategic Planning Commission – Final Report Presentation
5. Police Report
6. Town Manager's Report
  - a. Website RFP – Final Draft
  - b. MS Society Walk permit
  - c. Permit for Tea Party Parade
  - d. Permit for Memorial Day Parade
  - e. Adopt Ordinance 02-2014 Chapter 81: Floodplain Management
7. Mayor Cerino's Report
  - a. Set date for Marina Charrette
  - b. Arbor Day festivities will be held on Tuesday, April 29<sup>th</sup> at 1:15 p.m. on the Courthouse lawn (at Garnett Elementary if inclement weather)
  - c. Post-Prom Party donation request
  - d. Proclamation – Fair Housing Month
  - e. Beer and Wine license for Play it Again Sam
  - f. Comptroller Peter Franchot's Visit on Tuesday, May 6th
8. Ward Reports
9. Requests from the public to be on the agenda:
  - a. Washington College Student Veteran's concerning monument for Kent County's fallen soldiers from War on Terror
  - b. Leslie Raimond – GAR building
10. Questions or comments

**Comments from Liz Gross on the written report on Fountain Park  
presented at the Mayor and Council meeting of April 21<sup>st</sup> 2014.**

At the outset, let me say that I am a frequent user of Fountain Park, especially as a weekly customer at the Farmers' Market, and as an occasional audience member at the summer concerts in the park. I walk through or around the park twice a week or more as I go about my errands in town.

I completely agree that Fountain Park is in dire need of restoration work. I do not agree that the park needs enhancements like brick walls, wrought iron fencing or other things that would change its appearance from its traditional look. So, I was very happy to see that the report we received did not include these embellishments. As a former Garden Club member, I am well aware of the long association of the Club with Fountain Park, and of the very hard work that many Club members have invested in the Park over the years.

The issue of compaction and the danger to the trees in the Park is clear. We lost a major tree at our lower High Street residence for the same reason – decades of compaction through vehicular traffic on our shared driveway and parking areas behind three adjoining properties. Sooner or later water fails to get through the hardened surface to the tree roots. In the case of the Park, inappropriate levels of foot traffic are having the same result.

With regard to the grass, I have observed the gradual loss of coverage myself, especially in the last 2-3 years as the Artisans' Market has grown. The problems are especially severe in Quadrants 1 and 4, which may also be the shadiest parts of the Park. The craft vendors almost all put their stalls on the grass, and stand on the grass (now mostly dirt), in theory leaving the pathways available for their pedestrian customers. But those customers do tend to wander from one place to another across the grass as much as they use the brick pathways, especially when the market is crowded. I am guilty of this myself.

**Specific comments follow, beginning with the section on the third page entitled "FY 2014, with current budget beginning now":**

It is true that the sidewalks within the Park itself are narrow. I do not agree that the Cross and High Street sidewalks are too narrow. It is not difficult for 2 adults to walk side by side on those sidewalks – we do it all the time. It is, however, difficult when the market is crowded.

I agree with most of the proposals to widen the pathways into the park as outlined in point 2, although I am not quite clear about the meaning of some of them. For example, 2 a) says "Widening the existing brick walk into the perimeter of the park facing High Street. . ." There is no pathway into the Park from High Street, except at the two corners. If they mean to widen the High Street sidewalk, I would want to know more about that. If it would be used by vendors, then I could be convinced that it could be widened.

I note that the yew hedge mentioned in 2.b.) was removed without approval from the Town Manager or Mayor and Council, before we ever saw this report, which is difficult to accept without protest.

My agreement with widening the paths has 2 strong conditions, however:

1. No impervious materials should be used, even if this increases the cost. We are trying to increase the water supply for trees and grass, not lessen it!
2. The two market managers must better enforce the location of vendors' stalls, so that they are not placed on grassy areas in the future. We need to think carefully about the placement of the vendors – both farmers and artisans – within the restored Park.

**Moving to the section entitled “FY 2015 Restoring Grass and Trees, September through November, 2014”:**

I completely agree that we need to relocate special events. We cannot continue to use the Park for large events like Taste of the Town and not expect damage to the grass, and continued or worsened soil compaction.

We MUST consider what to do about the markets while the restoration of the Park is underway. In addition to the possible locations mentioned in point 5, why not consider the Court House parking lot, which is available on Saturdays? This would have the advantage of not requiring any road closures.

And what do we do about the markets once the Park is restored? Do we return to “business as usual” and find ourselves back where we started in two or three more years? Unless the placement of vendors and the control of foot traffic can be better planned and managed, we will be wasting money by repairing the Park now. Can the two market managers be somehow involved in this planning process and made responsible for the implementation of a usage plan that maintains the health of the Park? If not, then we should seriously consider locating the markets elsewhere on a permanent basis. Fountain Park is too valuable a Chestertown asset for it to be constantly stressed by inappropriate uses. I do not think that the Garden Club’s report adequately considers the long-term aspects of this problem.

Were I able to be present at the Mayor and Council meeting on May 5<sup>th</sup>, I would argue strongly for this long-term view. If we invest public money in restoring the Park, we must be good stewards of that lovely space. While I love the Farmers’ Market in particular, I am not convinced that it is the best use of Fountain Park in the long term. I don’t want to see us 5 or 8 years down the road facing these same problems of loss of grass, soil compaction and endangered trees.

I am sorry that I can’t be there on Monday night.

Liz