

**TOWN OF RISING SUN  
RESOLUTION 2016-11**

**A RESOLUTION TO ADOPT THE  
BULK WATER SUPPLY AND CONNECTION AGREEMENT  
WITH CHESTER WATER AUTHORITY**

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under the provisions of the Maryland Constitution and governed under the provisions of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Town's current drinking water supplies are inadequate to meet the current needs of the residents and businesses of the Town as there is insufficient capacity to meet demand during drought conditions and an inability to meet maximum demand should a current Town well be out of service; and

WHEREAS, the Town does not have adequate drinking water supplies to meet the projected future demand for properties currently within the corporate limits of the Town which are shown to be in the Town's service area in the Town's Water and Sewer Master Plan; and

WHEREAS, the Town also experiences water quality issues from time to time with the drinking water supply as detailed by various Environmental Protection Agency Reports. While such issues are common in groundwater sources, an improved supply of filtered and treated water would allow the Town avoid such issues in the future; and

WHEREAS, the Town has extensively studied these issues and solution alternatives by engaging various engineering firms. In 2012 the engineering firm CDM Smith issued a report entitled "Rising Sun Water System - Evaluation of Groundwater Recharge & Well Development to Augment Supply" which concluded that future development of groundwater supplies by drilling wells and acquiring the associated recharge area was not feasible or cost-effective to meet the Town's future needs. In 2016 the engineering firm GHD issued a report entitled "Town of Rising Sun Water System Supply Improvements Preliminary Engineering Report" which also studied various alternatives to solve the Town's problem and concluded that the most cost-effective solution to the present and future needs of the Town was to connect to the Chester Water Authority water system via a transmission line and purchased finished, treated water for consumption by the Town. This report was further reviewed by the engineering firm of KCI, the long-standing Town Engineer, which concurred with the findings therein; and

WHEREAS, during this time period the Town investigated other solutions to the problems which included the construction of transmission lines and purchase of water from the Town of Elkton, the Town of Northeast, the Town of Perryville and the Town of Port Deposit. None of these options were cost-effective in meeting the needs of the Town, and presented other implementation obstacles; and

WHEREAS, the Town also explored the option of selling the water system to third parties – private for-profit water companies, or in the alternative, purchasing water from these entities. These solutions also presented obstacles which made them excessively costly and not in the Town’s long-term best interest; and

WHEREAS, Chester Water Authority (CWA) operates an extensive drinking water system which is nationally recognized for its state of the art treatment technology and has sufficient capacity to meet the present and future needs of the Town; and

WHEREAS, over the course of many years the Town has publicly discussed the concept of connecting to the CWA system and explored the matter with CWA. After reviewing the engineering studies and options cited above, the Town selected the CWA service option as the most cost effective and feasible option which would be in the Town’s best interest to meet both the present and future needs of the Town. The Town entered into a lengthy negotiation process to address all facets of such service and memorialized the Town’s and CWA’s understanding in a Bulk Water Supply and Connection Agreement. Said Agreement is attached hereto as Exhibit “A” and is intended to be adopted and executed as a part of this Resolution.

WHEREAS, the Mayor and Board of Commissioners of Rising Sun find based on the recitals contained in the Resolution and the information referenced therein, that entering into this Bulk Water Supply and Connection Agreement with Chester Water Authority under the terms and conditions contained therein, is in the best interests of the citizens of Rising Sun.

**THEREFORE, BE IT ENACTED AND RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun that:

1. The Bulk Water Supply and Connection Agreement with Chester Water Authority, attached to this Resolution as Exhibit “A” be hereby adopted; and
2. The Mayor and appropriate parties on behalf of the Town of Rising Sun be directed to execute said Agreement, and any documentation related thereto, on behalf of the Town and Board of Commissioners; and
3. All necessary and related actions to consummate said adoption be taken by the appropriate parties of the Town, including the ability of the Town Administrator to make necessary, non-material changes to the Agreement based on the advice of counsel.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the Mayor and Commissioners, introduced, passed, approved and adopted this resolution on this 13 day of September, 2016

**AYES:**

**NAYES:**

**ABSTAIN:**

**THE MAYOR AND COMMISSIONERS OF  
THE TOWN OF RISING SUN**

**ATTEST:**

**BY:** \_\_\_\_\_  
**Travis Marion, Mayor**

\_\_\_\_\_  
**Calvin A Bonenberger Jr**  
**Acting Town Clerk**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS 22th DAY OF AUGUST, 2016**

**BY:** \_\_\_\_\_  
**Jack A. Gullo, Jr., - Town Attorney**