

TOWN OF RISING SUN

BOARD OF TOWN COMMISSIONERS

MAYOR
Judith M. Cox

COMMISSIONERS
Clinton E. Bowers
James Majewski
Thomas S. Mumey
August Pierson

TOWN ADMINISTRATOR
Calvin Bonenberger, Jr.

1 East Main Street P.O. Box 456 Rising Sun, Maryland 21911
410-658-5353 410-287-9039 FAX 410-658-5244 website: risingsunmd.org

December 8, 2009

MEMBERS IN ATTENDANCE: Mayor Judy Cox, Commissioner Clinton E. Bowers, Commissioner Jim Majewski, Commissioner Thomas S. Mumey and Commissioner Augie Pierson.

MEMBERS ABSENT: None

STAFF/CONSULTANTS PRESENT: Town Administrator: Calvin Bonenberger, Jr.
Clerk Treasurer: Sandra Didra

GUEST: See Attached List

MEETING OPENING - The regular meeting of the Mayor and Commissioners of Rising Sun was held on Tuesday evening December 8, 2009 at the Town Hall with all members in attendance. The meeting was called to order at 7:00 PM by Mayor Cox. The mayor then requested a pledge of allegiance and a moment of silence.

APPROVAL OF MEETING MINUTES - The minutes of the November 24th 2009 Town meeting were presented. Commissioner Pierson made a correction to typo regarding capitalization. A motion was made by Commissioner Pierson, seconded by Commissioner Majewski to approve the minutes as corrected. The motion carried unanimously. Mr. Bonenberger raised an issue that the minutes for November 10 were discussed and corrected, but were never formally motioned for approval. Commissioner Pierson made a motion, seconded by Commissioner Majewski to formally approve the minutes of November 10, 2009. Motion carried 3-0 with Commissioner Bowers abstaining because he was not present at the November 10th meeting.

Mr. Bonenberger read the closed meeting report for December 13, 2009 into the record. A motion was made by Commissioner Pierson, seconded by Commissioner Bowers to accept the closed meeting report. Motion carried unanimously.

PUBLIC PRESENTATIONS AND ADOPTIONS – Town Administrator Calvin A Bonenberger Jr Reported on the following:

- Ordinance 2009-09 Ethics Policy - Mr. Bonenberger provided a summary report on proposed ordinance 2009-09 titled Ethics Policy. Mr. Bonenberger reviewed the new language that was requested at the last meeting for section 2-605 (e) regarding the keeping of an individual's financial statements. Mr. Bonenberger also reviewed an email received from the Town Attorneys regarding conflicts of interest when a member of the Board is also representing another party or entity before the board. After discussion, a motion was made by Commissioner Pierson seconded by Commissioner Majewski to approve the ordinance as amended. The motion carried unanimously.
- Ordinance 2009-08 Town Administration – Mr. Bonenberger provided a summary report on proposed ordinance 2009-08 titled Town Administration. He clarified amended language to Article 2 titled Organization of Government, section 2-502 titled Procurement Procedures, in which the previous proposed document, which had inadvertently indicated that the word clerk treasurer would be deleted when in fact the text did not reference the term "Clerk". The actual reference was to "Clerk Treasurer". The new language was corrected to read as *"deleting the reference to "Clerk" and replacing it with the term "Treasurer"'*. A motion was made by Commissioner Pierson, seconded by Commissioner Majewski to approve the ordinance as amended. Under further discussion, Commissioner Mumey expressed his support of the concept of splitting the duties of Clerk Treasure but expressed reservations about the current clerk treasurer taking a pay cut as a result. He further stated that he would be voting no on the ordinance. Commissioner Bowers also expressed his dissatisfaction with the ordinance stating the job description for the job was inadequate. Commissioner Pierson and Majewski voted in favor of the motion, with Commissioners Bowers and Mumey voting opposed. Based upon recommendations from the Town's various consultants on this matter, the Mayor voted in favor of the motion. Motion carried.
- Resolution 2009-03 - Sewer and Water Rate Increase. Mr. Bonenberger read resolution 2009-03, which was designed to raise the current sewer and water rates over a 6 year period. He provided a comprehensive overview of why the rate increases were needed; the studies that were done to determine the proper rate needed; and the process in which the rate would be applied. He explained the differences between the in-town and out of town users and how each rate would be applied over the 6 year period. Commissioner Majewski made a motion to adopt resolution 2009-03 seconded by Commissioner Pierson. Under further discussion, Commissioner Mumey expressed his frustration over having to enact such a rate increase, but emphasized that the Town did not have much of a choice and that the Town had to build a new sewer and water plant. Commissioner Bowers and the rest of the board also echoed those sentiments but again emphasized there was little choice. With no further discussion the motion carried unanimously.

REPORTS:

Mayor - Reported that the 150th committee is making good progress and has been meeting on a regular basis. Everyone is working hard and the meetings have been very productive. People are getting excited and everyone is stepping up to volunteer for various committees.

Financial - Mr. Bonenberger reported that the Town had opened up a separate water checking account and a separate sewer checking account. This is in accordance to recommendation made by the Town's Auditor in the last Audit report. The Town has been depositing all receivables into the general fund checking account paying all expenses and then transferring funds from the sewer and water reserve funds. This is not a normal or recommended practice according to the Government Accounting Standards Board. The accountant is attempting to determine how much money is earmarked for sewer and water checking accounts and such funds will be transferred to these new sewer and water checking accounts. Mr. Bonenberger also reported that the professional services agreement with the Accountant has been reviewed and approved by the Town Attorney and is presently in the hands of the Accountant. This is essentially a modification of the current agreement already in place with the Town.

Sewer and Water: Commissioners Majewski reported on the following:

- RFP for New Wastewater Plant: We will be meeting with Lenny Gold on Wednesday at 11:00 to finalize the scope of the rfp.
- Contract with HD Supply for Meter project: The Town attorney has approved the contract for HD supply for the water meter project. We have also been given the okay from MDE to award the notice to proceed letter. We will be meeting with HD supply this Thursday to review some procedures. We will be meeting with MDE after the 1st of the year to review their procedures related to inspections etc.

The Mayor stated that Delegate Rudolph has been working with the Mayor and Commissioner Majewski to set up a meeting with MDE. The Mayor thanked the Delegate for his efforts to assist the Town.

Streets and Sidewalks: Commissioner Bowers reported on the following.

- Queen Street Sidewalk Retrofit Program: We have completed some minor driveway repairs at the Foard funeral home. Commissioner Bowers read an email from the Town Engineer that stated that the state has been contacted about reimbursing the Town for the project cost. We should be receiving the monies in about 30 days.
- Town Street Lights Without Power: It has come to our attention that two of the Towns Street lights along South Queen Street no longer have any electrical power to them. We believe that this is a result of Delmarva relocating the utility poles along South Queen Street. We were able to secure a contractor with a devise capable of locating the severed electrical line under the new sidewalk area. We were able to dig next to the new sidewalks, without damaging them in order to bring new connections up to

the Delmarva poles. We are awaiting permission from Delmarva to reconnect these street lights to the Delmarva system.

- Walnut Street Crack Sealing: We are waiting for dry weather to proceed with the crack sealing of Walnut Street as previously approved. Commissioner Bowers reported that Ron and the Contractor are monitoring the situation and will move forward with the project once the weather dries up.
- Hearing Impaired Signs: We have completed the installation of the hearing impaired signs in the Summer Hill Development. Commissioner Bowers read a letter of thanks from the family for the installation of the sign.

Public Safety: Commissioner Pierson reported on the following:

- Police Activity Reports: The monthly Police activity reports are available for review in the Town Hall.
- Tobacco Compliance Grants: As you will see in your packets, the police have received a \$1,335.00 grant to conduct tobacco vendor and youth access law compliance checks.

Park and Recreation: Commissioner Mumey reported that he would be meeting with the Town Administrator on Wednesday afternoon to continue our planning of the renovations of the Boy Scout Cabin and subsequent upgrades to Community Park.

Town Administrator: No Report

Planning & Zoning: Town Administrator Calvin A Bonenberger Jr reported on the following:

- Rising Hills Dedication: We are completing the final stages of taking dedication of the Rising Hills Development. As part of the original project, the developer was required to post a \$670,500 performance bond. Once the project is completed the developer would replace this bond with a \$67,500 maintenance bond for one year. In order to provide this maintenance bond, the developer has requested that we send a letter to the bank (NBRS) authorizing the release of the performance bond. I have received all of the information regarding this performance bond today and I have asked the Town Engineer to confirm that all of the items have been met and that we can release the letter. The developer is in turn going to furnish the Town with the maintenance bond and a deed turning the streets and utilities over to the Town. Upon receipt of these items we can then proceed to final dedication of the project.

Board of Zoning Appeals – No Report

Code Enforcement – No Report

Historical Preservation Commission – Karen Majewski reported that there was a meeting tomorrow night here at Town Hall. The Mayor reminded the audience that the Museum would also be open this coming Friday and the following Sunday from 1 PM to 4 PM.

The Mayor reported that the Upper Chesapeake Band would be performing a Christmas show at the Legion Post.

Old Business. None

New Business. Commissioner Pierson asked if there would be a quorum for the next meeting. Commissioners Majewski and Mumey reported that they would not be available due to vacations. It was agreed that the next Town Meeting scheduled for December 23, 2009 would be cancelled.

Mr. Bonenberger reported that the dedication of Rising Hills was time sensitive and required us to release the previous letter of credit in exchange for new letter of credit for the maintenance agreements required on the projects. He requested that the staff and Town attorney be able to review the deed and supporting paper work for the dedication of Rising Hills and if the attorney felt the paper work was in order, the Town could complete the paper work for the Highway User Fee in order to get credit for Highway User Revenue for the 4 streets in the development. A motion was made by Commissioner Mumey seconded by Commissioner Pierson to move forward with this project as described.

CITIZEN'S INPUT: None

The Mayor introduced Joe Watson who is a local boy scout completing work for one of his badges. He gave a brief summary of his Eagle Scout project which will be completed at near the Woodlawn Transfer Station. He is constructing a deck at the nature preserve in order to allow visitors to view the wildlife in the adjacent field area.

Under public discussion, several residents expressed concerns about the separating of the duties of the Clerk Treasurer and the reduction of the salary. There was a concern that the Board was being unfair to the employees, such as Chris George.

Karen Majewski reminded the audience that Chris George and the other members of the Public works crews were previously recognized for the amount of work that they do and a raise was recommended.

Dee Emsley came to the meeting expecting a public hearing on the issues voted upon but the public was never given an opportunity to comment.

Chris Callahan read a letter that he wrote to the Board regarding the reduction in the Clerk Treasurers salary given all the things that she had done. He reminded the board that there could be consequence to the elected body come election time.

Ron Jagers stated that he would second everything that has been said. He also stated that in accordance to the Town Audit the finances in the Town are sound and did not understand why the Town was reducing the salary.

Jeff Williams stated that he had looked over the audit report and asked if the \$1.7 million dollars sitting in reserve was calculated into the rate increase. Mr. Bonenberger stated that the money was earmarked to be spent and was part of the calculation.

Bob Shallcross expressed a concern about the rate increase for sewer and water and asked if the board would reconsider the rate for out of town residents.

Don Craig, expressed concerns about how the rate structure was developed. He felt the rate was too high for users of the system. He expressed concern for higher users such as Martins, who based upon his estimation that they use 23,000 gallons per day of water, their rate would be roughly \$42,550 per quarter. He suggested that the rate increase would be over 100% in 6 years. He expressed concerns regarding the timing of the request for the plant if the RFP was just now being issued. He suggested that the plant might cost more than what is anticipated and what will that do to the rates as adopted. He wanted to know if the Town was planning for the cost of a new plant in 40 years. Mr. Bonenberger stated that planning for that type of cost now would require the rates to be even higher than what they are proposed now.

With no other comments or business the meeting was adjourned

Adjournment 8:05 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Calvin A. Bonenberger Jr.", written in dark ink.

Calvin A Bonenberger Jr,
Town Administrator