TOWN OF RISING SUN MAYOR & COMMISSIONERS TOWN MEETING MINUTES

Let it be remembered that the Mayor and Board of Commissioners of the Town of Rising Sun, held a Town meeting on the 3rd floor of the Town Hall on Tuesday evening March 23, 2010 at 7:00 PM. For the record the meeting place and time were duly posted as required.

<u>MEMBERS IN ATTENDANCE</u>: Mayor Judith M. 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 A Bonenberger, Jr.

GUESTS: See Attached List

<u>MEETING OPENING</u> — The meeting was called to order at 7:00 PM by Mayor Judith M. Cox, followed by a pledge of allegiance and a moment of silence. The Mayor introduced a young man in attendance that is completing work for his eagle scout badge. The Mayor also introduced two students from the University of Maryland that are completing a project on Municipal Government and are attending the meeting to observe the proceedings.

<u>APPROVAL OF MEETING MINUTES</u> — Mayor asked for any corrections to the minutes for the March 9, 2010 Town Meeting. Commissioner Mumey made a motion to approve the minutes, seconded by Commissioner Pierson. Mr. Bonenberger made two spelling corrections and also discussed a proposed format in which the meeting minutes would be developed to include the monthly meeting reports of the Commissioners as attachments. All members expressed an interest to try this format. The minutes were passed unanimously. Mr. Bonenberger also reported on a meeting that was held prior to this meeting, on the 2nd floor, at 5:30 PM. The purpose of the meeting was to meet with the Police Chief and a vendor, who provided an overview of Tazers. The meeting was conducted as an administrative function, with no motions or votes taken at the meeting.

<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS</u> — The Town Administrator, Calvin A Bonenberger Ir., gave an overview of 5 separate resolutions that were presented at the previous Town meeting but were not voted on at that time.

• Resolution 2010-03. This resolution enables the Town to turn the collection of Real Property Taxes over to the county. Mr. Bonenberger read the resolution into the minutes.





Commissioner Bowers made a motion to adopt resolution 2010-03. The motion was seconded by Commissioner Mumey. Motion passed unanimously.

- Resolution 2010-04 Mayor Cox called for the reading of resolution 2010-04. Mr. Bonenberger reported that 2010-04, which establishes the same penalty and collection fees that the county uses during the collection of taxes, was necessary and coincides with resolution 2010-03 that was just passed. The back page of the resolution contains the payment schedule currently in use by the County. Mr. Bonenberger read the resolution into the minutes. Commissioner Mumey made a motion to adopt resolution 2010-04. The motion was seconded by Commissioner Pierson. Motion passed unanimously.
- Resolution 2010-05 Mr. Bonenberger reported on resolution 2010-05, which establishes similar payment options and penalty fees for the collection of the Town's utility bills. He reminded the board that the Town will continue the collection of Sewer, Water and Trash collection fees. He further stated that the Town's codes are silent on how late payments are handled. He also advised the board that a 90 day grace period for the payment of such bills was incorporated into the language, as requested at the last meeting. Upon further discussion about shutting off the water, it was decided that more research and discussion should take place on this subject. A motion was made by Commissioner Pierson to table resolution 2010-05.
- Resolution 2010-06 The Mayor called for the reading of resolution 2010-06 titled adoption Hazard Mitigation Plan. Mr. Bonenberger provided a general overview of the resolution, stating that it was a requirement of FEMA to have a hazard mitigation plan in place, in order to qualify for future disaster relief funding. Mr. Bonenberger read resolution 2010-06 into the minutes. A motion was made by Commissioner Mumey, seconded by Commissioner Pierson to adopt resolution 2010-06. Motion carried unanimously. Commissioner Pierson advised the board that we should be meeting with the Police Chief to update our current plans going forward.
- Resolution 2010-07 Mayor Cox called for the reading of resolution 2010-07. Mr. Bonenberger stated that the Town is about to secure long term financing for the construction of a new sewage treatment facility. By law, the Town can secure additional financing to reimburse itself for out of pocket expenses related to the administrative cost to develop the new sewer plant project. Mr. Bonenberger stated that the Town is currently exhausting a significant amount of sewer reserve into this project, such as consulting and





legal fees, rfp's, advertisements, etc. When the project is done in 2 years, the Town might only have about \$100,000 in reserve, which is not a lot of money to deal with any unexpected expenses. The purpose of this resolution is to establish the authorization to secure such financing now to replenish the reserves to acceptable levels. Mr. Bonenberger read the resolution into the minutes. Commissioner Mumey made a motion to adopt the resolution, seconded by Commissioner Pierson. Commissioner Pierson asked if the Town would keep an accurate record of how much money was spent and how much would be recovered under this resolution. Mr. Bonenberger stated that accurate records would be kept and further stated that the law allows the board to go back retroactive if the board would so choose. Motion carried unanimously.

<u>MAYOR'S REPORT</u> - The Mayor reported on a letter that was received from the MML Board of Directors, thanking us for our continued participation and also notified us that they would not be raising their membership rates. She announced the grand opening of the new Elkton Sewer Plant and that everyone was invited. She reminded the Board of the upcoming meeting on the County Charter, to be held on Thursday evening.

<u>FINANCES</u> – Mr. Bonenberger reviewed the financial reports for March. He stated that the Town had \$238,631 of unrestricted funds and that the Town was still holding its own on expenses versus revenue. He reported that the Town is still working to clean up many of the financial reporting issues that were previously discussed.

<u>SEWER, AND WATER, REPORT</u> – Commissioner Majewski provided a comprehensive report as attached to the minutes. In addition to the report, the following action items were presented for consideration:

• Appointment of Infrastructure Financing Bond Counsel: Commissioner Majewski reported that the Town will be seeking financing from various lending institutions for the construction of our waste water treatment plant. This financing will be in the form of various municipal bonds etc. Federal Law requires that all municipal bonds be reviewed by a Bond Counsel. This appointment is fairly straight forward. Fortunately we have the benefit of a Law firm that has been used previously by both our Financial Consultants and Town Attorney. Commissioner Majewski made a motion to authorize the Mayor to sign the engagement letter with Patrick K. Arey, from the law offices of Abramoff, Jeuberger and Linder, LLP, to serve as Bond Counsel for the Town of Rising Sun. The motion was seconded by Commissioner Bowers. Motion passed unanimously.





- Approval to authorize RK & K to Update Preliminary Engineering Study and Complete Environmental Study: Commissioner Majewski reminded the board that the Town is seeking financing from USDA in the form of low interest loans and grants for the construction of a Waste Water Treatment Plant. Part of the application process requires the Town to update the previously submitted preliminary plan in addition to drafting an environmental study of the impacts of the new plant on the surrounding landscape. In order to move quickly with the requirements and to continue on path with the MDE consent order deadlines, Commissioner Majewski made a motion to authorize the Mayor to sign the proposal from RK & K to update the preliminary design report and to complete the environmental study in accordance to the USDA funding guidelines and at a cost not to exceed \$15,000. Motion was seconded by Commissioner Mumey. Motion carried unanimously.
- Approval of Davenport Contract for Water Financing Projects: Commissioner Majewski reported that the current loan rates for funding are very low right now and will likely increase over the next 6 to 9 months. As a result, we should be considering various combination loan and grant funding requests with USDA. However the various documents and studies needed for each project will not permit us to stay on path with our MDE Consent order deadlines. As a result, he reported that the sewer management team has decided to only pursue the sewer plant project and a water project that will be determined in the near future. He emphasized that in doing so, it is critical that we continue to develop sound financial strategies moving forward. He cautioned that the Town could have roughly \$16 million to \$25 million dollars worth of infrastructure upgrade needs over the next 10 years or so. As a result of the Town's general satisfaction with the work that Davenport and Company has done with the waste water project, He suggested that the Town consider extending our engagement with Davenport to include appointing them as the Town's water capital planning consultants. Commissioner Majewski reviewed a proposal from Davenport to assist the Town in the solution of our water infrastructure needs in 3 phases to include the identification and evaluation of all financial resources, completion and processing of funding and grant applications and securing the best possible financing for these projects going forward. Majewski made a motion to authorize the Mayor to sign the engagement letter with Davenport and Company to continue to serve as Water Capital Planning Consultants to the Town, at a cost not to exceed \$15,000 for phase 1, \$15,000 for phase II and \$30,000 for phase III. Motion was seconded by Commissioner Pierson. At the request of Commissioner Mumey, Mr. Bonenberger provided an overview of the proposal and the differences in the various phases in the proposal. Motion carried unanimously.





• Approval of the Development of an RFP for a Water Consultant: Commissioner Majewski reported that water remains a major area of concern. The Town currently has excellent technical consultants on board for the wastewater side, but do not have anyone in place for the water side. He suggested that securing good sound technical advice going forward is the key to making good decisions for the future of the town. Commissioner Majewski made a motion to authorize the Town Administrator to take the necessary steps to develop an rfp to secure the services of a water infrastructure expert to serve as a consultant for the Town as we work towards the necessary upgrades to the water distribution system. Motion was seconded by Commissioner Pierson. Motion carried unanimously.

At the request of Commissioner Majewski, Mr. Bonenberger provided an overview of the schedule of task associated with the sewer plant construction project. (Schedule Attached)

STREETS AND SIDEWALKS REPORT — Commissioner Bowers reported that we have begun to perform an assessment of our sidewalks and storm drains that need to be repaired in the coming budget season. He stated that we are aware of repairs that are needed on Ryan Drive and Keppel's Mill Road. He stated that we are not done the assessment but we know we have at least 4 so far. He reported that the Public Works crews have been performing street repairs at various locations to include Crothers Avenue and Buckley Avenue. He also reported that we are still waiting for our reimbursement from the state for the Queen Street Sidewalk project.

<u>PUBLIC SAFETY</u> – Commissioner Pierson provided a report on Public Safety as attached, to include a presentation on the acquisition of Tazers which will be assigned to the Police Officers on duty. At the request of Commissioner Pierson, Police Chief, Francis Peterson provided a summary of the presentation that was made to the board prior to the Town meeting. Upon a brief discussion, a motion was made by Commissioner Pierson, seconded by Commissioner Mumey to purchase 3 tazers in accordance to the schedule presented by the Chief. Motion carried unanimously.

<u>PARKS AND RECREATION</u> — Commissioner Mumey reported on a meeting with an Amish contractor who is interested in dismantling the log cabin. He reported on a proposal submitted by the contractor to dismantle the cabin at a cost not to exceed \$2,500. The Town will provide the dumpster for the project. Commissioner Mumey reported that the Amish typically provide liability insurance from their church and not an insurance company. Upon researching this, Commissioner Mumey found this to be acceptable. The contractor will remove the building down to the foundation. We still have to determine if we will build a cover over the open basement area or simply leave the first floor paneling in place with a lock on the door leading to the basement. He also reported that the contractor stated that the building was in fact insect infested and could not be salvaged. This supports the



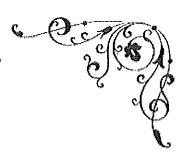


original determination made by the Town Administrator and an independent contractor that Commissioner Mumey brought into to evaluate the conditions. Mr. Mumey made a motion to approve the proposal of \$2,500 to demolish the log cabin, as submitted by the contractor. The motion was seconded by Commissioner Pierson. The Mayor questioned whether or not the site would be safe for children if we are only leaving the floor in place as a cover for the basement area. Commissioner Mumey reported that fencing could be brought in to cordon off the area and that all steps would be taken to make the site safe. Motion carried unanimously.

<u>TOWN ADMINISTRATOR'S REPORT</u> – In addition to the report, the following action items were presented for consideration:

- Town Owned and Operated Email Accounts. Mr. Bonenberger, reported on a proposal to have Town operated emails for all the staff and elected officials. This proposal would include a comprehensive management tool that enables us to identify, assign and track the completion of daily tasks and projects. We will have the ability to share calendars and "to do list" that can be viewable by the elected body. This is similar to the project tracking program that I shared with each elected official last week. The cost of this system is \$3,780 per year. Commissioner Pierson made a motion to approve the purchase of the system, seconded by Commissioner Mumey. Upon further discussion, Commissioner Mumey raised a concern about a similar program that the Town had several years ago. He reminded the board that we were unable to access the email accounts. Upon further discussion, Commissioner Pierson withdrew his motion and it was agreed to have the Town Administrator to research the previous program and to determine if this is a better system.
- <u>Utility Billing System.</u> The Town Administrator gave an overview of a proposal to purchase a new Utility Billing System. He provided the board with two separate proposals identified as proposal number 1 at a cost of \$9,945 and proposal number 2 at a cost of \$17,823. The first proposal represents the basic utility billing system to include the initial cost to populate the new data base with existing customers. Mr. Bonenberger provided an overview of the cost associated with proposal number 2 compared to the annual cost associated with the current billing system in use by the Town. He reported that the Town is currently paying \$10,999 per year in annual maintenance cost with the existing system, whereas the new system would only require an annual maintenance cost of \$1,750. Generally speaking, the total cost of the new system is only \$7,000 more than the annual cost associated with the current billing system. In addition to annual maintenance cost savings to the Town, the new system would provide many added features for the convenience of residents to include an electronic payment feature, credit card swipe system,





bar code reading, emailing of utility bills, direct withdraw from customer bank accounts, and an accounting interface module. Mr. Bonenberger reported that Commissioner Mumey and Bowers attended a presentation with the vendor earlier in the week and it was suggested that all of the available components be included in the price proposal. Mr. Bonenberger provided an overview of how the system would be paid for by contingency monies provided for in the original meter grant. Commissioner Mumey stated that the additional add-ons do not have to be purchased now and could be added on in the future. Commissioner Pierson opinioned that he would like to see us move forward with all the added features now. Mr. Bonenberger stated that we could go with the basic system now (option 1) at a cost of \$9,945, but the opportunity to have the upgrades paid for with grant monies was now. Any future upgrades would likely not be covered by any grant monies. With no further questions or discussions, a motion was made by Commissioner Pierson, seconded by Commissioner Mumey to approve the proposal # 2 from Continental Utility Solutions at a cost not to exceed \$17,823. Motion carried unanimously.

PLANNING A ND ZONING BOARD- Mr. Bonenberger provided a report which is attached.

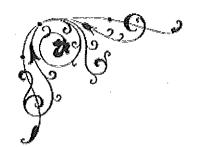
BOARD OF ZONING APPEALS - (No Report)

<u>CODE ENFORCEMENT</u> – Mr. Bonenberger reported that 110 Harrington Drive has been sold. He reported on an inspection that was performed on the house to update the new owner on what issues were still outstanding on the property. The owner must secure an approved storm water management plan for the property prior to the issuance of a building permit. However, Mr. Bonenberger reported that he gave the property owner permission to pour the garage floor in order to facilitate getting a garage door on the property in order to properly secure the building from trespassers.

<u>HISTORICAL PRESERVATION</u> COMMISSION – Karen Majewski reported on an upcoming meeting of the commission and the hours of operation of the museum. The Mayor reported that the 150th committee is meeting every two weeks and the opening ceremonies to include a ribbon cutting will be held on Sunday April 11, 2010

<u>OLD BUSINESS</u>- Commissioner Bowers requested an update on the status of the Comp Plan. Commissioner Majewski asked for an update on the status of the Generator and whether or not we are waiting for grant monies for the project.

NEW BUSINESS. (None)





<u>CITIZEN'S INPUT</u> – Resident Sandra Didra asked about the corner stone that was in place at the log cabin and also reported on the breakdown of the sidewalks in the Valley View development.

<u>ADJOURNMENT</u> – With no other business before the board a motion was made by Commissioner Pierson to adjourn the meeting.

Meeting Adjourned at 8:57 PM.

Respectfully submitted

Calvin A Bonenberger Jr.,

Town Administrator / Acting Town Clerk

Motion to approve the minutes made by Commissioner Thomas S. Mumey, seconded by Commissioner

August Pierson at the April 13, 2010 Town Meeting

Motion Passed 4 to 0



DECLARATION AND VERIFICATION OF AUTHENTICITY

I, Calvin A Bonenberger, Town Administrator and Interim Town Clerk for the Town of Rising Sun, Maryland, do herby certify that the above and foregoing minutes are a true, perfect and complete copy of the Minutes adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 14th day of April 2010.

Respectfully submitted

Calvin A Bonenberger Jr.,

Town Administrator / Acting Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)