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 October 26, 2010. For the record the meeting place and time were duly posted as required.

<u>MEMBERS IN ATTENDANCE</u>: Mayor Sandra Didra, Commissioner Clint Bowers, Commissioner Chris Callahan, Commissioner Thomas S. Mumey.

<u>MEMBERS ABSENT</u>: Commissioner Augie Pierson

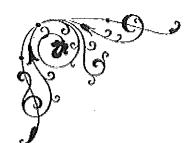
STAFF/CONSULTANTS PRESENT: Town Administrator Calvin A Bonenberger, Jr.

GUESTS: See Attached List

<u>MEETING OPENING</u> – The meeting was called to order at 7:00 PM by Mayor Sandra Didra followed by a pledge of allegiance and a moment of silence.

APPROVAL OF MEETING MINUTES – Mayor asked for any corrections to the minutes for the October 12, 2010 Town Workshop Meeting. A motion was made by Commissioner Bowers and seconded by Commissioner Mumey to approve the minutes of October 12, 2010 Town Workshop Meeting. Motion carried unanimously. Mayor asked for any corrections to the minutes for the October 12, 2010 Town Meeting. A motion was made by Commissioner Callahan and seconded by Commissioner Bowers to approve the minutes of October 12, 2010 Town Meeting. Motion carried unanimously. Mayor asked Mr. Bonenberger to read the Executive Session of October 15, 2010 report into the minutes.

Town Administrator Calvin Bonenberger read an Executive Session report for a meeting held at 9:00 a.m. on October 15, 2010 on the second floor of Town Hall. A motion was made by Commissioner Mumey seconded by Commissioner Callahan to hold the meeting. All commissioners were in attendance. The reason for the meeting as provided for by the Maryland open meetings act was for number 7 to consult with counsel to obtain legal advice. The topic discussed; to consult with counsel to obtain legal advice of which disclosure of such which would support the purpose of closing the meeting as provide for by law. The person's present at the meeting was Town Attorney Jay Gullo and Town Administrator Calvin Bonenberger. A motion was made by Commissioner Mumey and seconded by Commissioner Pierson to seal the closed meeting record as provided for by law. The motion carried unanimously 4 to 0. A motion was made by Commissioner Pierson seconded by Commissioner Mumey





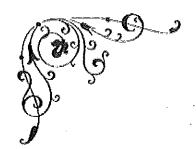
to adjourn the executive meeting, the vote was unanimous. The meeting was adjourned at 10:06 a.m. Mr. Bonenberger explained to the public that there are provisions by law that when you obtain legal advice that can be counter-productive to the Town, provisions allow the elected body to seal the meeting minutes. He stated that the meeting actions taken would be on the meeting minutes, he stated that the minutes would be sealed. Mayor Didra asked for a motion to approve the closed session report Commissioner Mumey motioned a vote, seconded by Commissioner Callahan the vote carried unanimously to approve the closed session report.

<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS</u> – Mayor Didra introduced Mr. Bonenberger to present Ordinance 2010-02

Mr. Bonenberger reported that we left the last meeting with the idea that the board would be considering a resolution for a water and sewer rate increase however, after reviewing the Town Code, he stated that as we move forward with the Towns legal case with the developer, there are certain fees and provisions that the town has been operating under for the last couple of years for setting impact fees. He stated that before we can move forward with any discussions about sewer and water rate increases, we need to amend the language for Chapter Eight, of the Town Code, in order to have our bases covered by law, as to what we can charge for impact or capacity fees. Mr. Bonenberger stated that is the reason for Ordinance 2010-02 that will go hand in hand with the resolution to increase water and sewer rates. He stated that when it is read into the minutes, we would advertise the Ordinance on the website and the Ordinance would be available in hard copy at the Town Hall. Mr. Bonenberger read Ordinance 2010-02 amending and repealing the language of Chapter Eight of the Town Code, titled Water, Sewage and Plumbing into the minutes. Mr. Bonenberger summarized the existing language in chapter eight titled Water, Sewage and Plumbing. After lengthy discussion about the existing language Mr. Bonenberger stated that the new amended language will allow the elected body more lead-way to be pro active with development impact fees. Mr. Bonenberger also stated that when residents terminate their service, ownership of that service becomes the Towns, and becomes a commodity for the Town.

A resident asked that if a customer terminates their service and wants to pay his quarterly bill, is he or she still vested in the system. Mr. Bonenberger answered that yes as long as he continues to pay he will remain vested.

Commissioner Callahan asked the definition of the responsibility of sewer lateral lines as stated on page five. Mr. Bonenberger answered that typically Town's responsibilities are to the main sewer line. After lengthy discussion about whether sewer line-repair responsibility lies at the clean-out or the main in the street, Commissioner Mumey stated that a study should be done to see how other





municipalities handle the responsibility.

<u>MAYOR'S REPORT</u> - Mayor Didra asked about the water leak at the CITGO gas station. She reported the problem to Ron Thomas the Town's water superintendent. Mr. Bonenberger stated that he was not aware of the leak. Mr. Bonenberger said he would look into the problem.

<u>FINANCES</u> – (No Report)

SEWER AND WATER REPORT - (No Report)

STREETS AND SIDEWALKS REPORT - (No Report)

<u>PUBLIC SAFETY</u> — Chief Peterson reported on the parking situation on Pearl St. in front of the Middle School. He recommends that the curbs needed to be painted and no parking signs posted.

<u>PARKS AND RECREATION</u> – Commissioner Bowers reported on the Cabin progress. As previously reported by Commissioner Mumey months earlier, an Amish Contractor had provided a price for tearing down the cabin, however the contractor did not have personal liability insurance. It was discussed previously that the Contractor's church would provide a letter of commitment to assume the liability of the demolition, however Commissioner Bowers stated that he did not believe that there was a vote at the last meeting, to allow accept this letter from the Church and he further stated that moving forward he wanted to get some formal direction from the board on whether or not they would accept this letter from the church. As a result, Commissioner Mumey motioned a vote to allow the contractor's Church to assume labiality on behalf of the contractor for the demolition of the log cabin. Motion was seconded by Commissioner Callahan, vote carried unanimously. Commissioner Bowers also reported on the bids from log cabin contractors. He stated that he and Calvin have talked extensively about paying to have the cabin demolished and a new one constructed. Mumey stated that his thought was that the town could take money from the parks and recreation budget. Mr. Bonenberger stated that there is money from the grant set aside and his thought was the American Legion would help out with any deficiencies. Commissioner Mumey stated that the existing fireplace on the property is not a working fireplace and could not be used as one. Mayor Didra asked about water and sewer for the cabin. Commissioner Mumey answered that; he was told that some of the water line could be done in house; he stated that we could run up to the creek and then a company would have to bore under the creek and permission from EPA would be needed. He stated that he had no idea what the cost would be. After lengthy discussion about water and sewer for the cabin, Commissioner Bowers stated that there is still a lot of work to be done but we are moving forward.





Mr. Dave Taylor reported on the Disc Golf course. He stated that he has been in touch with Mr. Brian May from the Scaroboro Disc Golf course association in Harford County and they have offered to bring their portable baskets to Town to set up a portion of the course for exhibition. Mr. Taylor reported that the cost to purchase baskets and set up a course for the Town would be around \$3,000 dollars. Commissioner Mumey asked Mr. Bonenberger if there is any grant money available. Mr. Bonenberger answered that he did not know if purchasing the components could be added. Mr. Bonenberger stated that he would check to see if any funds could be made available.

<u>TOWN ADMINISTRATOR'S REPORT</u> — Mr. Bonenbereger reported that he and Commissioner Mumey attended the MML conference. He reported that he attended classes on developing a personnel manual and also a class on TMDL standards that are coming down from the EPA through MDE and what impact that is going to have on our operation. He stated that he did not think that the impact would have a great effect on the town since we are already building a new wastewater treatment plant.

PLANNING AND ZONING BOARD- Mr. Bonenberger reported that the zoning and planning met last night and reviewed two individual cases where two property owners wants to put additions on the back of their homes. Both applicants were replacing existing structures with new structures. In one instance the votes were tied for recommendation to the Appeals Board to grant the variance, and the second case they voted to recommend that the Board of Appeals grant the variance. Mr. Bonenberger stated that the Zoning Appeals Board is scheduled for November fourth at 7:00PM.

Mr. Bonenberger reported that he, Don Craig a member of the Planning and Zoning Appeals Board and Allen Aluthenreath a member on Planning Commission will be attending a two day class on the new planning and zoning regulations that the State requires.

BOARD OF ZONING APPEALS – Mr. Bonenberger reported that there have been a lot of new permits for HVAC systems.

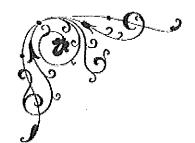
<u>CODE ENFORCEMENT</u> – (Type or paste in text)

HISTORICAL PRESERVATION COMMISSION - (Type or paste in text)

OLD BUSINESS. (No Old Business)

NEW BUSINESS. (No New Business)

41.





<u>NEW BUSINESS</u>. (No New Business)

<u>CITIZEN'S INPUT</u> – Ms. Emsley stated that she was very disappointed that none of the Town's Commissioners was present at the Cecil County Commissioners meeting held here in Town last Tuesday. She stated that the Mayor was the only one present. Ms. Emsley also asked what the procedure was for reserving the 3rd floor for meetings. Mr. Bonenberger stated that the procedure is to contact Stephany or Rhonda, and they will check the schedule for conflicts.

Ms. Emsley asked for the procedure for closed executive meeting minutes.

Mr. Bonenberger answered that he believes that the record stays sealed for at least one to two years, unless a court order is issued to unseal the record.

Ms. Emsley asked why the Town is paying for the construction of a new cabin, since only the Boy Scouts use it. Mayor Didra answered that the original cabin is owned by the Town and construction of the new cabin is a Town project funded by a Town grant. Commissioner Mumey stated that any organization can use the cabin. Mr. Bonenberger stated that since the Town owns the building the Town is responsible.

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

Meeting Adjourned at 8: 10 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 December 14, 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 15^{th} day of December 2010.

Respectfully submitted

Calvin A Bonenberger Ir.,

Town Administrator / Acting Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)