

TOWN OF RISING SUN

BOARD OF TOWN COMMISSIONERS

MAYOR
Judith M. Cox

COMMISSIONERS
Deborah Craig
James Majewski
Thomas Mumey
August Pierson

TOWN ADMINISTRATOR
Shawn Hershberger

**PLANNER/CODE
ENFORCER**
Alex Smith

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October 10, 2006

CLERK-TREASURER
Sandra D. Didra

Present: Judy Cox, Tom Mumey, Debbie Craig, Augie Pierson, Jim Majewski

Town Administrator: Shawn Hershberger

Town Planner: Alex Smith

Town Attorney: Keith Baynes

Guests: See Attached List

The regular scheduled meeting of the Mayor and Commissioners of Rising Sun was held on October 10, 2006 at the Town Hall with all members in attendance. The meeting was called to order at 7:05 PM by Mayor Cox followed by the pledge of allegiance and a moment of silence.

Mr. William Brueckman, Cecil County Clerk of the Court, was in attendance to swear in Mr. Majewski as a new Commissioner to fill the vacancy left by Mr. Bowers' resignation.

The minutes of the September 26, 2006 were presented. With no corrections or additions, a motion was made by Mr. Pierson, seconded by Mr. Mumey, and carried to accept the minutes as presented.

Alex Smith read a letter from the Planning and Zoning Commission recommending that the amendments proposed by the Citizens Advisory Commission and the adjusted Growth Area be adopted as drafted and incorporated within the text of the Comprehensive Plan for the Town of Rising Sun. (copy of letter attached)

Mr. Pierson addressed the Board concerning the Comprehensive Plan advising that he had served on the CAC who had discussed the issues concerning the Boyd farm annexation. It was the decision of the CAC that development north of Rt 1 was not the direction that the Town should be going. The Town should be looking at development to the east and south. They did not feel that the general public was in favor of it. Therefore, Mr. Pierson did not feel that the growth area should be amended.

Mr. Mumey advised that he also served on the committee and that the decision was not unanimous. He advised that he changed his view point when he learned about the TDR legislation which becomes effective in January. The TDR legislation makes the Town of Rising Sun a receiving area for development. He went on to say that the proposed development of the Boyd farm is an additional 116 houses. Under the TDR legislation, if developed in the county, there could be more than that. The developer proposes 42 acres in parkland, they will be paying their share of the new WWTP and there will be a sight for a new water tower.

Mayor Cox called for a motion. A motion for approval was made by Mr. Mumey, seconded by Mr. Majewski. The vote was 2 yeas and 2 nays. Mayor Cox exercised her right to vote in a tie and voted in favor of the approval making the final vote 3 yeas and 2 nays. The secretary requested clarification on the motion. The motion is to adopt the amendments proposed by the CAC and the adjusted Growth Area and incorporated within the text of the Comprehensive Plan for the Town of Rising Sun.

Mr. Hershberger presented amended text to the Cecil County Water & Sewer Master Plan. The new text includes the Legion Wells at 50-100 gpm and proposed wells on the north end of Town at 350-500 gpm, plus, the improvements to the WWTP to 670,000 gpd. A copy of the full amendment is attached. A motion for approval of the amendment was made by Mr. Mumey, seconded by Mr. Majewski and carried.

Mr. Hershberger advised that Annexation Resolution 2006-2 for 391 Biggs Hwy., would not be discussed this evening as the Resolution had not yet been prepared.

Mr. Hershberger presented the Re-introduction of Annexation Resolution 2006-01 for the Boyd Property. The question was asked as to why the "re-introduction". Mr. Hershberger advised that since it was not on the agenda at the last meeting, it was decided to re-introduce it to be sure that everything is done correctly.

Mr. Richard Bechtel, an attorney representing the proposed developers of the Boyd property explained the annexation process with regard to advertising, the public hearing (within 15 days of the advertising), and the 45 day period for referendum. He requested that the Mayor and Commissioners limit any questions and answers for this evening to those from registered voters who currently live on the property to be annexed and the registered voters who live within the limits of Rising Sun. The Board was advised that the Maryland Department of Planning has approved going forward with the annexation process.

Mr. Bechtel further advised that the developers were prepared to enter into an "annexation agreement" with the Town addressing such issues as wells, the WWTP upgrade, parks, bridges, etc.. Such an agreement would be signed by the developers and the Town and recorded and would be binding if the property were sold to some other person or company for development.

Mr. Baynes addressed questions concerning annexation with regard to bringing in additional properties, advising that the property to be annexed must be contiguous with the current Town limits. He also advised that the Town could not create an island of land not in Town limits, i.e a piece of property that is completely surrounded by the property to be annexed. He also encouraged the annexation agreement.

The Mayor call for comments and questions from any registered voter who currently lives on the Boyd property. No person came forward. She then called for comments and questions from registered voters who live in Town.

Chris Callahan of 36 W. Main Street questioned where access to the development would be and who would maintain the roads. James Keiffer of Morris Ritchie Associates advised that they propose to rebuild a bridge over Stone Run to Slicers Mill Road to the development. A traffic study will have to be done and the state will evaluate the intersections of Rt 1 and Slicers Mill and Rt 1 and Red Pump. Mr. Callahan also questioned the 42 acres of parkland and asked how much was wetlands. Mr. Keiffer advised that there is about 53% of the property is Open Space with a small area of wetlands. The parkland area has a moderate sloop.

Donald Craig of 12 Springhouse Ct., requested that the Board consider all people's opinions, saying that it would be irresponsible of the Board to not consider everyone's opinions who would be affected by the development..

Mrs. Craig asked at what point in construction would the bridge be built. Mr. Keiffer advised that it would require permits from the Army Corps of Engineers. Mrs. Craig suggested that it be done early in the construction, not towards the end.

Mr. Bechtel reminded everyone that this was just a request to bring raw land into Town not the development of the land. Mr. Baynes recommended that the annexation agreement address all issues such as zoning, density, etc. These issues need to be resolved before the public hearing.

Mr. Pierson advised that he agreed with Mr. Craig with respect to the impact on surrounding areas. He used the example of the affects that Wellington will have on Red Pump Road. These property owners have a right to their say in the matter. He also used the example of Martin's proposed use of McNamee Lane for heavy equipment.

Mr. Baynes advise that tonight is only the introduction. Only people who are registered voters who live on the property to be annexed and only registered voters who live in Town can vote on the referendum.

Mr. Hershberger advised that the public hearing would be held on November 28, 2006 at a location to be announced.

Shirley England questioned what roads would be used and asked why they did not do that first. She was advised that that could be a part of the annexation agreement. She also questioned if the soil had been tested. She was advised that they were aware that human waste had been dumped on areas of the farm which ceased about 30 years ago and they have begun the evaluation and environmental assessments.

Ron Smith of Stephens Road and Chairman of the Friends of Rising Sun Group advised that he was talking to his neighbor Ken Thompson who is having trouble getting the asking price for his property because of the section 8 apartments adjacent to it. Development like this can either cause your property values to go down or up to the point that you cannot afford to pay the taxes.

Mr. Ed Ellison who lives on Red Pump Road stated that the annexation should be denied as the old plan does not call for development across Rt 1. He was advised that the new plan had been adopted this evening.

Ron Jagers of 407 Pearl Street questioned money for street repair on the current streets. He said he applied for grant was not received. He questioned taking on the maintenance of additional streets. Mr. Hershberger advised that even though the Town was denied this year's grant, we will still be eligible and kept on file for the next 3 years. He also explained that for each house built on the Boyd farm \$1000 would be put in the streets and sidewalk fund for improvements and/or repairs. Mr. Jagers stated that the Town needs to make up a schedule for an adequate system for annual maintenance.

Mr. England asked that the referendum process be explained. Mr. Baynes explained the process

REPORTS:

Mayor - Mayor Cox had nothing to report

Streets & Sidewalks - Mr. Mumey had nothing to report

Public Safety – Mr. Pierson had nothing to report.

Water & Sewer - Mr. Majewski will be in charge of water & sewer

Parks & Recreation - Mrs. Craig advised that the safety surface has been installed in both parks. It looks good and she is getting good feedback. She advised that Donnie Craig is a mentor for a community service worker and they have been cleaning up in the parks. She advised that the merry go round does not meet safety standards and must be removed as soon as we find something to replace it. Something for the older kids to play on.

Planner - Mr. Smith had nothing further to report

Town Administrator - Mr. Hershberger advised he had nothing further to report.

Ron Thomas advised that the fire hydrant at W. Main and Cooper had been repaired.

In the absence of Diane Ehrhart, Dee Emsley reported that the dance is set for November 17 and to call for tickets

Mayor Cox thanked the FORS group for their assistance with supplying the food for the Saturday night. She also advised that Mr. John Houck had donated a string of lights for the pavilion. A thank you letter is to be sent to Mr. Houck.

Mr. Pierson asked if Alex had been about to find out anything from the County concerning the situation on Maple Leaf Drive. Shawn advised that he had spoken with Tom Montgomery who advised that they have a contract to have the roadwork done.

There was no unfinished business or new business to report.

CITIZEN'S INPUT:

Ron Phillips of 221 Pierce Road voiced his concern about being able to have input at the meeting. He advised that he had Bryan's Grace behind him and the Knutsen property in front of him and felt that he should have the right to voicing his concerns other than at a public hearing. Mayor Cox advised that the meetings have always been open that the restriction only applied to tonight's meeting for the introduction of the Boyd annexation.

Pou Chilles of 221 Pierce Road questioned the status of the well testing. Shawn explained that it should begin soon and he will advise as soon as he knows. Those involved will be advised of the test results.

Clint Bowers asked the status of the E Main Street storm drain. Shawn advised that we were waiting for the bid package. Clint also questioned if MDE has approved the 670,000 gpd for the new WWTP and will it meet the necessary nutrient levels. Shawn advised that it would meet the TMDL permit at 670,000 gpd. Mr. Bowers also questioned if the engineering for the proposed water tower would be engineered to address the difference in pressure in the system. CLSI is currently working on a water model for the Town. He also asked if the Maryland Department of Planning had reviewed the Comp Plan amendments. He was advised that they have not responded with comments, but that the Planner, Mark Gradecak had advised to proceed with the plan. Mr. Gradecak had not responded in writing.

Shirley Smith asked if the TDR legislation had been put into affect. She was advised that it has been adopted by the County and will go into effect on January 1, 2007

Dee Emsley addressed the Board and advising that although it is a mute point because it has already been approved, she then read a prepared statement which is attached.

Chris Callahan asked what the parameters of the work crew is questioning if they could do the necessary road repair. He was advised that they do not have the pavers or other equipment to do major paving jobs. It is far out of their expertise

Mr. Ellison again asked about the Boyd property annexation. He stated that the Wellington property was done illegally 3 years ago, and should not have been allowed. He felt the developer knows that it is okay because of the plans. Shawn explained that it is the job of the developer to do such a presentation even at the introduction phase.

Don Craig questioned the paving and repair of N Walnut. He advised that Mr. Williams had been working on it and questioned the current status. Mr. Hershberger advised that he had received a letter from Mr. Stephens advising that the Town's share was \$14,569, if nothing underneath needs repair. Mr. Craig questioned the Stephens' share. Shawn advised that it was not in the letter, but he would find out the information and get back to Mr. Craig.

Mr. Craig questioned the status of the website with regard to email addresses. The secretary advised that as far as she

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knew all addresses were working except Mr. Pierson and Mr. Majewski. Mr. Craig urged those in attendance to email the members of the Board voicing their opinions of the Boyd annexation.

With no additional business coming before the Board , a motion for adjournment was made by Mr. Mumey, seconded by Mr. Pierson and carried.

Meeting was adjourned at 8:35 PM

Respectfully submitted,

Sandra D. Didra
Secretary