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 at the Janes United Methodist Church located at 213 N. Walnut St, in Rising Sun on Tuesday evening February 8, 2011 at 7:00 PM. The location of the meeting was changed to accommodate a larger than normal attendance from residents. For the record the meeting place and time were duly posted as required.

<u>MEMBERS IN ATTENDANCE</u>: Mayor Sandra Didra, Commissioner Clinton E. Bowers, Commissioner Chris Callahan, Commissioner Thomas S. Mumey and Commissioner Augie Pierson.

MEMBERS ABSENT: None

<u>STAFF/CONSULTANTS PRESENT</u>: Calvin Bonenberger Town Administrator, J. Gullo Town attorney.

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 January 25th 2011 Town Meeting. Commissioner Pierson asked to amend two corrections. The first one on page two, Commissioner Bowers not Commissioner Mumey motioned to table the Davenport and Associate contract. The second correction was the spelling of Kreger's on page five which should be Creeger's. A motion was made by Commissioner Pierson seconded by Commissioner Mumey to approve the Town minutes of January 25, 2011 with amended changes. Motion carried unanimously.

Mayor Didra asked Mr. Bonenberger to read into the minutes the Executive Session meeting held January 27, 2011. Mr. Bonenberger reported that the four Town Commissioners met with the Town attorney on January 27, 2011 to discuss legal issues relevant to their criminal matter currently pending in the State Attorney office. The meeting was held to obtain legal advice on the subpoenas that some Commissioners and employees have received as a result. A motion was made at the meeting to seal the Executive Session report as is provided for by the Maryland Open Records Law.

Commissioner Pierson stated that he would like to make a correction to the Executive Session report. He stated that there were only three Commissioners present, not four as reported. Mr. Bonenberger





stated that was correct there were only three Commissioners present. Mayor Didra asked for a motion to approve the Executive Session report. Commissioner Pierson motioned to approve the Executive Session report seconded by Commissioner Mumey, vote passed unanimously.

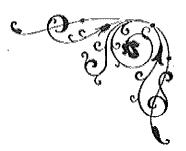
<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS</u> – Commissioner Mumey made a motion seconded by Commissioner Pierson that the Town Attorney Jay Gullo be permitted to provide a presentation on the status of the sewer plant project.

Mr. Gullo was directed to proceed with his presentation. Mr. Gullo addressed the audience and the board from a podium set up in front of the audience. Mr. Gullo went on to comment as follows:

"Normally when you see me, it is usually bad news, but tonight my intention for coming here was to brief the Town on good news". I wanted to brief the Town on the completion of the MDE process concerning the water and sewer master plan and the MDE permit. Mr. Gullo stated that he was prepared to present a briefing on the sewer master plan tonight, but was told about a lot of things going on in the community and that there was a lot of concerns about how the Town got to this point and whether you wanted to continue on this path. Mr. Gullo stated that he was shocked that the Town would consider not continuing on this path because the Town is under court order to do so. Mr. Gullo stated normally he would be giving the board an update on the legal matters regarding this project in closed executive session but he thought it was important to brief the Town's citizens and give his opinion. He stated that it is important that everyone understand where the Town is headed and where the Town came from and really what, the options are which really aren't many.

To start off the presentation, Mr. Gullo presented the concept of reputation. He further stated that as the Town's lawyer, he is trying to make sure that the Town and the citizens have the proper reputation within the community. Mr. Gullo further stated that right now the Town has a bad reputation and he can say that because in 2006 before his time as the Town's attorney, the Town made an agreement with Maryland Department of Environment that the Town would stop polluting, and he reminded the residents that in reality that is what they are, polluters, because the effluent from the Towns wastewater treatment plant violates the limits that the law say has to be there. It violates it; you cannot help it because that's the way the plant is operated and the way it was designed. The Towns current wastewater treatment plant works fine but the limits have changed, but the Town knew that back in 2004 and 2005 and the Town promised MDE back in 2006 to fix the problem. Mr. Gullo stated that the promise the Town made in 2006 is called a consent order, which states that if you promise to fix the wastewater treatment plant within a certain amount of time, MDE will not get involved or fine the Town. The Town promised that it would fix the problem in 2006 and it was suppose to be resolved in 2007, and that is when the Town's reputation starting going down, because the Town did nothing and failed to fix the problem. In 2007 MDE came to the Town and said that



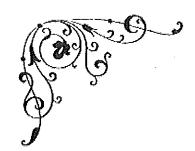


they understood how large the project was and gave the Town a second chance. MDE worked with the Town to develop a different schedule and a plan with a due date of 2008. Once again the Town of Rising Sun promised to fix the problem, but again the Town still did nothing and yet the Town wonders why the Maryland Department of the Environment comes down so hard on the Town. At the end of 2008 still nothing was done and MDE said that they had had enough and the Town will comply because MDE will take the Town into court. Mr. Gullo stated that in 2009 the Town entered into another consent order agreeing to a schedule, penalties and fines enforced by the Cecil County Court. If you go to the Maryland website for Circuit Court Cases you will see a case which has the Maryland Department of the Environment versus the Town of Rising Sun. In that case is an order passed by a judge, ordering the Town to do certain things by a certain time and that time is right now. The Town had to come up with a plan in a certain time, had to submit the plan in a certain time, had to get the money by a certain time and had to get a permit in a certain time. Mr. Gullo stated that he was here to tell the Town we are now on track solving the polluting problem. He stated that the Town is on track with the courts, on track with MDE, but now he has come to understand there was a petition passed around that said we want to stop and we do not want to do this and we want to talk to MDE and get some additional latitude on this. Mr. Gullo stated that you do not need to be talking to MDE, you do not need to be talking to these people (elected body) you need to be talking to the Judge because the Court will be the one to enforce this ruling. Not only will they enforce it against the Town, they will enforce it upon these people (elected body) and we have had numerous conversations about that. Mr. Gullo stated that is why the Town does not have a good reputation with MDE and does not trust you. Mr. Gullo further elaborated that the elected body took this court order to heart and realized that you needed to raise the money in order to do these things that were required. He stated that there were numerous public hearings and he was asked to come up and explain this stuff and we needed to have a public process because obviously you did not have the money to build anything and you needed to borrow money. So the Town made more promises and we are going to keep that promise because we all know how important it is to keep a promise; and so we made a promise to the United States Government, the Department of Agriculture (USDA) that if they gave the Town money at a very low interest rate, we would build a new wastewater treatment plant so that we do not pollute anymore. USDA believed us and we filled out a whole bunch of paper work in public because they believed you were going to keep your promise. USDA approved the Town for the loan but the Town needed to get the money right away, so the Town went out on the bond market and made promises to people to bid for the loan. PNC a local bank actually - won that bid and turned \$13 million dollars over to the Town, because they thought you were going to use that money to do what the Courts said the Town had to do. He stated that the money is here and is ready to be used because of that. Mr. Gullo went on to explain that getting that money was not easy and asked the audience to be realistic here. He emphasized that this goes back to the reputation. He reminded the audience that the Town Mayor was under indictment. He asked the audience if they realized what





had to happen to get the money because of the indictment. He stated that there were special meetings and special disclosures that had to happen to make that happen. He reminded the audience that the Town is a credit risk. He reminded the audience that many have had to get mortgages and they understand what a credit risk is and the Town had to work hard to get this to happen, to keep their promises. He reminded the audience that we are doing this because of our reputation, we are polluting, and we are polluters. Mr. Gullo also stated that the Town had to design a bigger wastewater treatment plant because they are being sued by a developer- Frapple for \$90 million dollars. The reason was because the Town could not get its act together and the developers could not use their properties. As a property rights kind of guy, Mr. Gullo stated that he could understand that a property owner should be able to do certain things with his property and when people do not do what they say they are going to do and I lend them money and they have made promises to me, I am going to be upset and angry enough to file a lawsuit. He elaborated that the damages claimed by Frapple stem from the belief that if the Town would have been building the sewer plant in the past when they said they were going to, then Frapple would be building and selling houses now. Mr. Gullo stated that he believes the Town can successfully defend the lawsuit, but what if he is wrong, what if the Town has to pay only 10% in damages? It is still \$9 million dollars, out the door and it does not buy you a new sewer plant and no one is going to lend you money to pay those damages. The money will come from the residents in the form of increased taxes. Mr. Gullo stated that the insurance carrier is currently covering the legal fees associated with the lawsuit but there are certain counts to the lawsuit that are not covered and if the insurance carrier is not successful in getting the counts thrown out; the Town will be stuck with the cost of defending those claims and any potential damages. He also advised the audience that a second developer has filed a notice of claim based upon the lawsuit filed by Frapple. Mr. Gullo asked the audience why they want to live like that. It is no way to run a business. He reminded the audience of reputation and highlighted the many false starts and did not follow through, thus leaving the Town with a bad reputation. Mr. Gullo stated that in the beginning of the most recent process, other options were looked at to include a meeting with North East under the advice of the Towns local Delegate. So the Town met with North East and they said they have capacity but the Town would have to pay for not only the installation of the line but the capacity charge associated with the expanded service. It was quickly decided that this was not a good option for the Town. Mr. Gullo, touched on some information being passed around the Town in the form of a petition, being circulated to residents, that among many of the erroneous information being given to the residents it states that the County back in 2007 offered to take over the Towns wastewater system by October 2011 at no additional cost to the Town. He stated that it sounds too good to be true. In response to the claims made in the petition, Mr. Gullo read an e-mail dated April 4, 2008 after the 2007 meeting supposedly occurred. The e-mail was from Mr. Dwayne Wielder who was the Town's engineering consultant on this project, and was sent to Mr. Bonenberger. Mr. Gullo read the e-mail which highlights a conversation that Mr. Wilding had with Mr. Flannigan in which





he stated:

"Calvin, Scott Flanigan returned my call regarding the possibility of the Town of Rising Sun getting water and sewer service through Cecil Co. From our emails and other general information, he felt that the Town's needs were immediate and that at this time the County had no available water or sewer capacity that could satisfy the need at this time. I explained to him that although the need is somewhat immediate, even longer term alternatives should be looked at. He then went on to describe the County's general plans for water and sewer as follows:

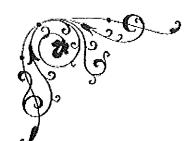
Sewer-

The County's Seneca Point (near Charlestown) WWIP's capacity is about 75% committed and they're currently carefully managing the remaining capacity. They are considering expanding the plant from its current 2.0 MGD to 5.0 MGD but it this were to occur, it wouldn't happen till around 2012. This additional capacity is needed for designated growth in the northeast I-95 corridor area.

Water -

The County is looking for additional water supply in the northeast area and considering joint efforts with Elkton or other entities. For the western part of the County they may eventually look at using the Susquehanna River. However, use of the SR and developing any sort of treatment or supply is only conceptual at this point and it would be many years before anything would be constructed if at all. He did say that they may consider doing a feasibility study in the next few years."

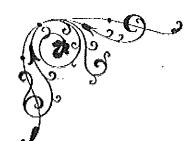
Mr. Gullo emphasized that this email was sent after the supposed 2007 meeting referenced in the petition. Mr. Gullo went on to summarize a meeting that he and the former Mayor had with Mr. Flannigan back in March of 2009. The County had maps and diagrams showing conceptual ideas of how things could work and if the Town wanted to hook up, Mr. Flannigan said that maybe it could happen but Mr. Flannigan went on to say that they had not even taken over Port Deposit yet and did not even have that line in yet. Mr. Gullo again emphasized that this meeting was in March of 2009. He went on to emphasize that although the information in the petition is upsetting to the residents it is not reality. He further stated that the Courts and the decisions that have to be made on reality. He stated that there is a fantasy plan out there that says you are all going to hook up to the County, like a magic wand, and if the County had the money they would basically do it. Mr. Gullo stated that all the Town residents are also county tax payers but would the rate payers of the county system, would let the County connect a \$10 million dollar project and it wouldn't cost you anything? If you were





rate payers would you allow that to happen? Of course not, Mr. Gullo replied. If the County even had the money and the desire it would not happen for years. He went on to emphasize that you have certain individuals stirring up the public and although it is great to be involved you need to be involved with the proper information. He went on to emphasize that there is no money set aside, your rates have been the same for years and years, you have not set anything aside to prepare for the day when guess what the sewer plant has failed it doesn't work. You have to come out and bite the bullet. No one likes it, I do not like it, Mr. Gullo commented. He read a newspaper article in which the rates in his home town are going up by 75% though 2013 to help pay for the Town's sewer plant. He cautioned that this is happening all over state.

Mr. Gullo stated that the bottom line is that there are things that we like and things that we do not like. He stated that he had to do certain things every day that he does not like. He does not like paying taxes, he does not like the cost of gasoline and does not like any of those things any more than the audience in attendance, but he emphasized that that the board and he as the attorney have a duty to make sure the best interest of the citizens and this Town are served. He went on to question how the Town could even imagine that the Town's people would think that the best interest of the Town would be better served by violating the law anymore with MDE, being subject to at least two lawsuits over \$90 million dollars worth; how could that possible serve your best interests? He reminded the audience that it is too late to go back. You already have the plan, you already have the money, and you cannot go back. He further questioned how certain people that are not even residents of the Town could act on the Town's behalf and contact MDE to negotiate on your behalf. The residents did not vote for these individuals that is what the elected body is supposed to do. He went on to state that the board has made decisions that are responsible to the lawsuit, responsible to MDE, been responsible for what you are doing and even though you had to raise rates to do it you did those things because you felt it was your duty, not because you wanted to. Mr. Gullo emphasized that many things had been accomplished by doing this. The Town will not be a polluter, which is supposed to be a good thing. You will eventually be able to accommodate growth which is a good thing, more businesses and more taxes. You will be able to avoid a \$90 million dollar lawsuit by carrying out this thing. That is supposed to be a good thing but the most important thing is that you will have finally lived up to your commitments. He reminded the audience that is great to have discussions on this but to simply say that we are going to stop is counterproductive and is just one more thing that damages your reputation.





With that Mr. Gullo opened the floor for discussion and questions.

Due to the overwhelming response of questions and comments; the Town has listed the names of the residents who asked questions, along with answers summarized by Mr. Gullo and the Board.

Theresa Eckley, 12 Keppels Mill

Debbie Brinkman, 49 Louise Ct

Bob England, 120 E. Main St

Shirley England, 120 E. Main St.

Don Craig, Rising Sun

Debbie Craig, Rising Sun

Joanne Osborne, 20 W. Cherry St.

Jim Majewski, 124 E. Main St.

Ron Jaggers, 407 Pearl St.

Ruth Muir, 47 W. Cherry St.

Sandy Campbell, 16 Buckley Ave.

Bob Eckman,

Brenda Maynard, 23 Louise Ct.

Dee Emsley, 479 Slicers Mill Rd:

Bob Fisher, Wilmington DE.

Stewart Yust, Ryan Dr.

Frank Wood, 120 Reynolds

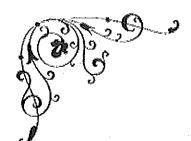
Richard Braun 307 Ryan Dr

Bob Fisher stated that he was the evil man that Mr. Gullo is refereeing to and stated that he has talked to someone at Cecil County and they have told him that The County has the capacity. Mr. Gullo answered that he has also talked to the County and the County does not have the capacity.

Commissioner Pierson asked Mr. Fisher who he spoke to at Cecil County. Mr. Fisher stated that he would rather not say. Commissioner Mumey also requested who Mr. Fisher had spoken to and after a short debate on revealing the name, Mr. Fisher answered Commissioner Mr. Dunn and further stated that he could arrange a meeting with the Town within two weeks. Commissioners Mumey and Pierson both responded that they too had spoken to Commissioner Dunn and that is not what he is telling them. Mr. Fisher replied that he knows what Mr. Dunn said to him.

Theresa Eckley stated that she is offended that she is referred to as a polluter. As citizens we are doing what we are supposed to do. Mr. Gullo answered that he did mean her personally, he clarified that his reference was to the Town, stating that she is a resident of the Town.

Debbie Brinkman stated that when Mr. Gullo referred to us, we are not responsible for the debt. I bought my house without the Town's debt. Mr. Gullo answered what would you have the Town do? You are facing a grave situation affecting the whole Town.





Richard Braun stated that the Town should become unincorporated. Mr. Gullo answered he can appreciate his problems, but what would you have the Town do, not comply? Mr. Braun also stated that he has also has spoken to Cecil County and they are interested.

Commissioner Pierson stated that the Town has grown over the years and now the Town has a failing sewer plant and the situation impacts everyone. He further stated that the Town knew back in the 1990's and nothing was done. Commissioner Pierson stated that he is not happy and has to pay the same rates just like everyone else but we have no choice.

Don Craig stated that he would be willing to pay for a 275 gpd plant but why should he pay for a 500 gpd plant and expressed his concerns on how the Town was going to pay for the project. Mr. Gullo answered that a 275 gpd plant would cost \$9 million dollars, but by doubling the size of the plant at \$13 million dollars allows the Town to satisfy the pending lawsuit and allow growth to help pay for the cost of the new Sewer Plant.

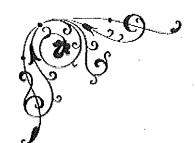
Mayor Didra stated that to answer the question, how the Town got to this point, she went on to further state that when the Town's lagoon was built, it was state of the art, but in order to build the lagoon the Town had to classify Stone Run as a trout stream. Today the rules have changed and the out flow of the lagoon is working fine, but nutrients and other things have to be addressed. She stated that it is all part of saving the bay, and how we take stewardship of our waters.

Ron Jaggers stated that we should not blame the Town officials; they are only doing their job mandated by the court. He further elaborated on how these decisions and issues start at the Federal and State levels and are, passed down to the local level. He stated that we need to hold our state and federal leaders responsible and accountable.

A question was asked for clarification on the County Master Comprehensive Plan and how many taxpaying properties are in the Town. Commissioner Pierson answered that the Master Plan submitted by the Town is incorporated into the County Master Plan and further represents the Town's water and sewer plan. Mr. Bonenberger clarified that the Town has roughly 1267 properties.

A question was asked how long the 500 gpd plant will last before it is at capacity. Commissioner Pierson answered, at that point we may have an alternative, but we have to plan for now. He stated that the Towns goal is to find funding to pay down the cost of the loan and reduce the cost for residents.

A question was asked about the \$800,000.00 grant from the State of Maryland. Commissioner





Mumey answered that the grant was used for engineering. Mr. Bonenberger clarified that the \$800,000.00 grant is already been incorporated into the loan documents as money that will be received when the wastewater treatment plant is approved. He furthered clarified that the money is already factored into what the rate increase is, and that payment of the \$800,000.00 dollar grant will not lower the proposed sewer and water rates. He stated that to lower the rates we will need grants from the State. He outlined how the Town is working to get additional monies and highlighted a recent grant application that was driven down to the State. The grant requested is for \$6 million dollars, based upon a recent inquiry to Davenport and Associates, regarding the impact of additional money put towards the cost for the project. He stated that for every million dollars of money the Town receives from grants or developers contribution, the rates can be lowered by 11%. He emphasized that this board has made a commitment to lowering the rates based upon additional monies received and recognizes that they have to lower the rates.

A question was asked if the Town knows we can't afford the rates, how, can the Town promise to pay back the bank. Mr. Bonenberger answered that if the Town doesn't do anything, MDE will come in and build a sewer plant, they will not care how much it will cost and the Town will pay for the cost through another type of tax. The State is telling the Town that we have to fix the problem and there is no other alternative.

A question was asked how much the impact fee for developers will be. Mr. Bonenberger answered that the impact fee is \$19,400.00 for developers that only want to pay when they sell a home and \$16,500 for developers who pay their connection fees upfront. He stated that he does not have the information in front of him right now but the breakdown is roughly \$4,900 for water and \$14,500 sewer.

A question was asked about the way rates are calculated, stating that the more you use the less your rate cost. Mayor Didra answered; everyone is charged the same rate, based on the first 1000 gallons of usage after the minimum charge.

A question was asked what happens if we exceed the daily discharge limit. Commissioner Mumey answered that there is a formula used to calculate how many homes can be build, he stated that the Town has to reserve a certain amount of capacity that we cannot assign to a house. Mr. Bonenberger elaborated further by stating that the nutrient capping limit placed upon the Town would restrict the Town to a flow of about is 670,000 gallons a day. He stated that we are only building 500,000 gallons a day sewer plant, allowing a considerable buffer between what we can discharge safely, without a non compliance fine from MDE. Mr. Bonenberger stated that MDE would typically like to have 10% of the total capacity flow set aside for ICI in flow which is rain water that drains into





the sewer lines and system by way of manholes, down spouts and sump pumps. He stated that we will have 170,000 gallons a day buffer.

Bob Fisher asked why the Town's cost is higher than the 8 million that Elkton's Meadowview sewer plant cost. After a brief debate among Mr. Fisher and some of the other residents in attendance it was stated that the Elkton plant cost \$42 million dollars. Commissioner Mumey stated that the County posted a \$42 million dollar cost in the newspaper.

A question was asked if it would be cheaper for the Town to settle the lawsuit with the developer. Mr. Gullo answered that even if we pay the developer in this lawsuit; the Town will have the same cost to build a new sewer plant. The resident elaborated and clarified the question of which Mr. Gullo clarified his answer that Town will not pay anything; instead the Town will collect from the developer when he starts to build.

Resident Jim Majewski asked if the new wastewater plant will have a belt press. Mr. Gullo answered no it will not, the Town will continue to draw the sludge back into the lagoon. He stated that a belt press would cost another \$1 million dollars, and since the Town does not need a belt press at this time, it can be deferred to a later date.

A question was asked if Mr. Gullo would meet with Mr. Fisher's attorney to discuss the Frapple lawsuit in more detail. Mr. Gullo replied no. He is the attorney to the Town and inviting another party into the discussions of the Town's lawsuit would not be proper.

A question was asked if the board would meet with Cecil County and find out if the Town can hookup to the County's sewer lines. Ms Didra stated that if the County can come up with a miracle plan then it would be worth it for the Town to pursue going another way, but she further emphasize that she is not holding her breath and nether should they. Resident Don Craig stated that this is what got the Town in trouble in 2004 and 2005. He has a letter from MDE in which the Town was going to begin paying fines for non compliance for their limits for sewer. He further questioned that here we are down to 45 days from starting this project and we are going to throw the anchor out? Mayor Didra said she is not throwing the anchor out. She spoke to the lady from MDE and she stated that we are in compliance with the consent decree and we are right in line for compliance. Mayor Didra stated that she is only giving the County one more shot to tell us yeah or nay and they have to do it in the same time lines in the consent order.

<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS CONTINUED</u> – Mayor Didra introduced presentation of Resolution 2011-01 Unsafe Structures and Hazardous Storefronts. Mr. Bonenberger reported that this was put on the agenda, so that a poll could be taken from the board in





terms of the Town's desire to create new language and ordinances to take care of some of the broken storefront windows and hazards the Town has encountered. Mr. Bonenberger proposed an ordinance stating that you cannot have broken storefront glass or sidewalk hazards. Commissioner Bowers stated that he thought it was a good idea, Commissioner Mumey stated that he encourages the effort.

MAYOR'S REPORT - No Report

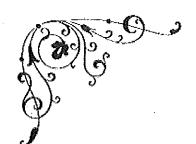
FINANCES - No Report

<u>SEWER AND WATER REPORT</u> – No Report

STREETS AND SIDEWALKS REPORT —Commissioner Callahan requested that the Town Administrator issue a letter to Centro Properties about their sidewalks. Mr. Bonenberger stated that they had previously reached out to the property maintenance company and the sidewalks were cleaned earlier today. Commissioner Pierson wanted to remind the residents that they should be cleaning their sidewalks. Residents asked how long the residents have to clear their sidewalks. Commissioner Mumey replied 24 hours.

<u>PUBLIC SAFETY</u> – Issues were brought to the board concerning snow piles on sidewalks and street entrances. Commissioner Pierson reminded everyone to clean their sidewalks.

PARKS AND RECREATION - Commissioner Bowers reported on a meeting with Carrie Lotsky from the Department of Natural Resources to discuss the status of the grants the Town has with the State. Commissioner Bowers proposed that the Town create a small committee to work with the Commissioner Bowers suggested that the committee should consist of design of the park. Commissioner Mumey and himself, Calvin, Ron Thomas, the Mayor and a couple people from the legion post given the fact that the park is going to be veteran's themed park. Commissioner Bowers made a motion seconded by Commissioner Mumey. Motion carried unanimously. A resident raised an issue regarding residents having to walk down the hill on Walnut Street below the church and it is dangerous. He was advised that the Town had been in conversations with the County on this previously. He reported on an effort to develop an RFP for consultants to help design the new parks. He also reported on efforts to meet with various vendors to secure prices on the replacement of the log cabin. He also reported on the proposed dog park asking for direction from the board. His question for the board is the Town still heading in that direction of a dog park. He stated that the grant was approved for a dog park. Commissioner Mumey replied that he understood that we do have lead way to change but right now I am under the opinion that we are going with the original design. After a brief discussion about dog faces clean-up in the park. The board's opinion was to continue. Commissioner Bowers reported on a Mr. Phil Smith that called him wanting to remove the old cabin





so that he can erect it on his property. He stated that this would be no cost to the Town and save the Town money. After brief discussion about labiality Commissioner Bowers asked the board if they would like to pursue this idea. Commissioner Pierson replied that we should if it does not cost the Town any money. All the board members agreed.

<u>TOWN ADMINISTRATOR</u> — Mr. Bonenberger reported on the Town's insurance company LGIT. The insurance company evaluates the Town every year for hazards, safety issues and risks. He stated that we just received the report today and has not had a chance to review the report in great detail.

<u>PLANNING AND ZONING BOARD</u> – Mr. Bonenberger reported that the next meeting is scheduled for the fourth Monday of this month February 24, 2011. Mayor Didra asked Mr. Bonenberger the status of the Comprehensive Plan. Mr. Bonenberger replied that we are still waiting to get availability from the planning and zoning board and Mr. Markus Gradecak, Commissioner Bowers asked when our extension runs out. Mr. Bonenberger replied that Mr. Markus Gradecak told us we are still good.

BOARD OF ZONING APPEALS - No Report

<u>CODE ENFORCEMENT</u> — Commissioner Pierson reported that the police are averaging 16.3 calls every 24 hours.

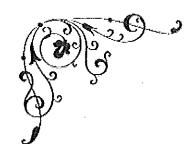
HISTORICAL PRESERVATION COMMISSION - No Report

<u>OLD BUSINESS</u> – Commissioner Mumey had reported that we were waiting for the permits from MDE and we did get the permits to move forward on the new WWIP.

NEW BUSINESS - No New Business

<u>CITIZEN'S INPUT</u> — A resident asked the status of the Mayor and the pending indictment. Mayor Didra replied that she was advised by her attorney not to discuss the matter. After lengthy discussion, about disclosing information about the pending indictment to the public the Town's attorney Mr. Gullo clarified that the board has been instructed not to discuss the matter to avoid liability for the Town. He also stated that the Town is not a party to the indictment and the Town is a victim.

A resident reported a problem with vehicles with out of date tags parked on streets and sidewalk repair issues. Mayor Didra replied that she would look into the sidewalk issues.





<u>ADJOURNMENT</u> — With no other business before the board a motion was made by Commissioner Pierson seconded by Commissioner Callahan to adjourn the meeting. Motion passed unanimously.

Meeting Adjourned at 9:36 p.m.

Respectfully submitted,

Calla Borens

Calvin A Bonenberger Jr., Town Administrator / Acting Town Clerk

Motion to approve the minutes made by Commissioner Pierson, seconded by

Commissioner Bowers at the March 8, 2011 Town Meeting

Motion Passed 4 to 0

Town of Rising Sun Mayor & Commissioners Town Meeting Minutes

DECLARATION PAGE & 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 9th day of March 2011.

Respectfully submitted,

Cala Bonen S

Calvin A Bonenberger Jr., Town Administrator / Acting Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)