

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**

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November 28, 2006

CLERK-TREASURER
Sandra D. Didra

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

Town Administrator: Shawn Hershberger

Guests: See Attached List

The regular scheduled meeting of the Mayor and Commissioners of Rising Sun was held on November 28, 2006 at the Community Fire Company of Rising Sun Banquet Hall with all members in attendance. The meeting was called to order at 7:15 PM by Mayor Cox followed by the pledge of allegiance and a moment of silence.

PUBLIC HEARINGS:

Court Recorder Julie Parrack was in attendance and took a verbatim transcript of the public hearings. Anyone desiring a typed verbatim transcript may contract with Ms. Parrack to obtain one.

By acclamation, it was decided to hold the public hearing for Annexation Resolution 2006-02 before 2006-01.

The Mayor & Commissioners of Rising Sun are conducting a public hearing to consider Annexation Resolution 2006-02. Said resolution is for the annexation of .228 acre of land, more or less owned by Susan & Kenneth Eshleman. The resolution has been duly advertised in a paper of general circulation once a week for 2 consecutive weeks.

Peter Kirsch, counsel for the Ewings and Eshlemans gave the presentation. The Ewings had built a house at 391 Biggs Hwy., and due to a surveying error, they built a portion of the house on the adjacent lot owned by the Eshlemans, which was not in Town. Annexation Resolution 2006-02 is to correct that oversight. No persons appeared in favor of or in opposition of the requested annexation. A motion for acceptance of Annexation Resolution 2006-02 was made by Mr. Mumey, seconded by Mr. Pierson and carried by a vote of 4 yeas and 0 nays.

The Mayor & Commissioners of Rising Sun are conducting a public hearing to consider Annexation Resolution 2006-01. Said resolution is for the annexation of 213.985 acres of land, more or less owned by Sara & Isaac Boyd. The resolution has been duly advertised in a paper of general circulation once a week for 4 consecutive weeks.

Steve Laurillo, the developer of the property to be annexed did a presentation on the proposed annexation and fielded questions from those in attendance. James Keiffer, an engineer from MRA and an engineer from GTA also gave testimony. Many persons appeared in opposition to the annexation. The issues addressed were: overcrowding of schools, water & sewer issues, county & state approval, access roads, storm drainage, impact on private wells in the area, and runoff.

Mr. Lauriello explained how they plan to assist the Town with the water and sewer crisis by providing a location for a new water tower and fees per house toward the funding of the wastewater treatment plant upgrade.

The secretary read a letter of support for the annexation from Robert Cameron and a letter from Sara & Isaac Boyd. There being no further testimony from the floor, Mayor Cox called for a motion. Mr. Mumey made a motion to approve Annexation Resolution 2006-01, which approval shall be conditioned upon the Board of County Commissioners of Cecil County granting a waiver of the requirements outlined in Article 23A, Section 9 of the Annotated Code of Maryland within 90 days from today's date. Annexation Resolution 2006-01 shall become effective 45 days from the date the waiver is granted by the Board of County Commissioners of Cecil County becomes effective. If within 90 days from today's date the Board of County Commissioners of Cecil County does not grant a waiver of the requirements outlined in Article 23A, Section 9 of the Annotated Code of Maryland or otherwise fails to vote on the granting of a waiver, Annexation Resolution 2006-01, shall immediately become ineffective and of no further force or effect. The motion was seconded by Mr. Majewski.

Mayor Cox called for discussion by the Board. Mr. Pierson addressed the Board with his views concerning the proposed annexation. He explained his understanding of the TDR and NAR density and advised that as of January 1, 2007, it was possible that in the county the developers would only be able to develop 1 house per 10 acres. He advised that he was not in favor of the Boyd annexation as he did not feel it was put on the table in a fair manner. He reported that the developer was going to the County TAC review on 12/6 and at that time they would find out if they were eligible for the 71 houses.

Mrs. Craig advised that she wants to see the Town follow Town laws and she is concerned with the approval recommendation for the annexation from Planning & Zoning before the approval of the Comp Plan. She wished things had been handled differently. She is bothered that it has not been approved by the County nor the State.. She acknowledged that the developer has been willing to work with the Town on many issues. She would like to see the Town go forward with an APFO so we can control growth. She asked the Board to reconsider this issue and to listen to what the citizens have said.

Mr. Majewski advised that this is a tough decision as the Town has a big problem with the water and sewer. He advised that the upgrade to the wastewater treatment plant will cost \$8-9.5 million and the developers are willing to help with that cost.

Mr. Mumey advised that he has always given back to the communities in which he has lived. He advised that he has taken every word to heart in making a decision. He advised that the TDR was not explained as it was tonight. So information may have been in error, but not intentionally. He has tried to share with people why he has changed his position on this annexation. By the Town entering into an Annexation Agreement we would work with the developer and he with us to get what is best for the Town. Our police are 1st responders in that area, so if they use our services they should pay town taxes. We see the annexation as a way to solve our water and sewer crisis and not put an unfair burden on the citizens of the Town. I did not start this problem, but I am willing to complete it.

Mayor Cox asked if there was anymore discussion. She advised that she had a motion and a second on the floor. She then asked for the vote. The vote was 2 yeas and 2 nays. Mayor Cox exercised her right to vote in a tie and cast her vote for the annexation. The final vote was 3 yeas and 2 nays. Mayor Cox advised that her vote would allow the people to take the matter to referendum and thereby it would be voted on by the people.

That concluded the public hearing. The remainder of the meeting was suspended.. A motion for adjournment was made by Mr. Pierson, seconded by Mr. Majewski and carried.

Meeting was adjourned at 10:35 PM

Respectfully submitted,

Sandra D. Didra
Secretary