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 April 26, 2011. For the record the meeting place and time were duly posted as required.

<u>MEMBERS IN ATTENDANCE</u>: Mayor Thomas S. Mumey Commissioner Clinton E. Bowers Commissioner Chris Callahan, Commissioner Allen Authenreath and Commissioner August Pierson.

MEMBERS ABSENT: None

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

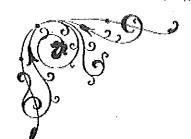
GUESTS: See Attached List

<u>MEETING OPENING</u> — The meeting was called to order at 7:00 PM by Mayor Thomas S. Mumey, followed by a pledge of allegiance and a moment of silence.

<u>APPROVAL OF MEETING MINUTES</u> -Commissioner Pierson motioned seconded by Commissioner Callahan to approve the Meeting Minutes for April 12, 2011 motion passed unanimously.

PRESENTATIONS, ORDINANCES AND RESOLUTIONS - None

MAYOR'S REPORT -Mayor Mumey reported that we have two action items tonight. The first item is an appointment of a Public Safety Commissioner. The second item is an appointment of an Ex officio member for the Planning and Zoning Board. Mayor Mumey stated, but before we do that I would like to read a letter from the Town's Attorney, clarifying the discussion held at the last meeting on the number of votes needed to select a Commissioner to fill the vacancy created when Commissioner Mumey was appointed by the Board to fill the Mayoral vacancy. Mayor Mumey also read that it was the result from the vote, which was 2 in favor, 1 against and the specific issue is whether such an outcome is sufficient for the action to pass. Mayor Mumey read that according to Section C-12 of the Town's Charter, which has been cited in the past to require an affirmative vote of at least three Commissioners for any action to be successful, but this is not the case in the action to fill a vacancy on the Commission. This action is controlled specifically by Section C-8(a) which deals with the filling of vacancies. To summarize: When a vacancy is created by the appointment of a member of the Board to the office of Mayor, the Board is required to fill the vacancy on the Board pursuant to the procedures outlined in this section. This Section is addressed by the following language: the vacancy so created





shall be filled by appointment for the remainder of the unexpired term by the Mayor, subject to the approval of the majority of the remaining members of the Board of Commissioners. Thus as applied in this matter, the vacancy on the Board left the Board composed of three members, and a majority is defined as being more than fifty percent. More than fifty percent of a three member board is two members (66%). Accordingly a 2-1 vote on the appointment of a vacancy passes. Mayor Mumey reported that at the last meeting a motion was made to table the appointments and he asked the Board to un-table the motion. Commissioner Pierson, seconded by Commissioner Bowers motioned to remove the vote taken at the last meeting to table the appointment of a Public Safety Commissioner and Ex Mayor Mumey asked for the appointment of Officio member. Motion passed unanimously. Commissioner Authenreath as the Public Safety Commissioner, motion made by Commissioner Bowers seconded by Commissioner Pierson to appoint Commissioner Authenreath. Motion passed 4-0 in favor. Mayor Mumey asked for the appointment of Commissioner Authenreath as the Planning and Zoning ex-officio member, motion made by Commissioner Bowers seconded by Commissioner Callahan motion passed 4-0 in favor. Mayor Mumey asked for the appointments of Ms Judy Miller and Ms Joan Donahue to the 2011 Election Board. Motion made by Commissioner Pierson seconded by Commissioner Bowers to appoint Ms. Miller and Ms. Donahue, motion passed 4-0 in favor.

Mayor Mumey reported on a pleasant task tonight stating that he is presenting Ms. Evon Goody from the Rising Sun High School with a donation check of \$200.00 stating proceeds to be used for the After Prom Party.

Mayor Mumey reported that he wanted to remind everyone that Town Elections are fast approaching and at our next meeting, he hopes to be appointing the election board. Mayor Mumey also reported that May 13th is the last day to register to vote and Books close at 4:30 PM.

Mayor Mumey reported that he, Commissioner Callahan, Commissioner Authenreath and Mr. Bonenberger attended the quarterly meeting of the Cecil Harford County MML Chapter dinner at the Chesapeake Inn on Thursday April 21st.

Mayor Mumey reported that he, Commissioner Callahan and Commissioner Authenreath will be attending the MML training session on Wednesday evening in Elkton. The training class will cover Municipal Charters.

Mayor Mumey reported that he will be attending a meet and greet session with the various Cecil County legislators on Thursday April 28th in Chesapeake City. The event is put on by the Cecil County Chamber of Commerce.

Mayor Mumey reported on a delightful experience last week, stating that the Boy Scout troop 92





painted the train at the Diddie Richards Park. Mayor Mumey stated that on behalf of the Mayor and Commissioners that he wanted to congregate Troop 92 for a job well done.

Mayor Mumey introduced Mr. Luke Raymond and Mr. Wyatt Raymond from Boy Scouts Troop 143.

FINANCES – Mr. Bonenberger reported that the Town is operating \$141,193 in the black. Mr. Bonenberger reported under Revenues the line for Other Grants and Contributions is showing \$227,812.41 shown as not collected because grants for the Town's two parks have not come in yet. Mr. Bonenberger reported that Revenues show \$268,000 less than what was projected, due to the fact that without the grants that amount would be significantly smaller. Mr. Bonenberger stated that the Town is on target. Mr. Bonenberger reported that under Expenditures the Town has spent \$362,526.73 less than what the Town projected. Mr. Bonenberger reported on the Propriety Fund shows deficit because MDE still has not give the Town the \$380,000.00 grant money for the Water Meter Project.

Mr. Bonenberger reported on the constant yield tax rate, stating that in the past the Town has been required to advertise and hold a public hearing if the Town planned to either keep the rate the same as last year resulting in a positive revenue of \$25,000.00 or if you raised the rate resulting in positive revenue more than \$25,000.00. Mr. Bonenberger reported that the tax revenues for the Town have dropped and based upon last year's assessed values at the .36 tax rate the Town collected \$801,339 through property taxes. This year with the assessed value dropping from 236 million to \$197 million, and in order to bring in \$801,339 the Town would need to raise the rate to .40 and at that level the Town would generate the same amount of revenue and the resident would not see an increase on their tax bills because of the drop in values. Mayor Mumey asked when do, we have to take action on this. Mr. Bonenberger answered that when the Town adopts a budget, the Town only needs to notify the State and County of your new tax rate if the tax does not generate additional revenue more than \$25,000. Mayor Mumey asked for questions from the Board and received none.

Mayor Mumey reported on the 11th Annual Youth Celebration dinner, will be held May 13th at 5:30 PM, at the Rising Sun Fire Company banquet hall located at 300 Biggs Highway, sponsored by the Boys and Girls Club.

<u>SEWER AND WATER REPORT</u> – Mayor Mumey asked to strike off the agenda the Water and Sewer Commission stating that it is no longer affective, and now it will just be the Water & Sewer Report.

Commissioner Pierson reported that Mr. Bonenberger will be meeting with CDM, the Town's water consultant, to discuss the next steps in bringing the Town water situation into compliance.





STREETS AND SIDEWALKS REPORT -NO REPORT

<u>PUBLIC SAFETY</u> – Commissioner Authenreath reported no action items and reported that the police activity reports are available at the Town Hall for anyone who is interested in reviewing them.

<u>PARKS AND RECREATION</u> — Commissioner Bowers reported that we are slowly filling representatives for our Park L. Recreation Committee to help us with the planning and design of both Rising Sun Veterans Memorial Park and the Daydream Park. We are trying to have a good mixture of people to serve on the committee. Commissioner Bowers reported that currently the committee is comprised of Commissioner Bowers, Mayor Mumey, Mr. Ron Thomas, Mr. Bonenberger and Mr. Neil Eller from the American Legion Post.

Commissioner Bowers motioned seconded by Commissioner Pierson to appoint Ms. Grabarczyk and Mr. Dave Taylor to the Parks and Recreation committee. Motion passed unanimously.

Commissioner Bowers reported on the Log Cabin project, stating that a meeting is scheduled for Friday at 6:00 PM, to review the proposals for the Log Cabin. Mr. Bonenberger, Mayor Mumey, the Boy-scouts, the American Legion, the Lions Club and himself will be attending.

Commissioner Bowers reported on the RFP for the Park & Recreation equipment, stating that he is trying to set up a meeting next week to discuss the RFP with the recreation committee.

TOWN ADMINISTRATOR'S REPORT – Mr. Bonenberger reported on a housekeeping issue, in reference to the awarded bid for the Town Hall security system, stating that at the last meeting Chief Peterson presented and suggested Homeland security group as the lowest bid, but due to some confusion the Board voted to approve the highest bidder. Mr. Bonenberger stated that this was brought to the attention of the Board the next morning and was granted a go ahead for Homeland Security Group. Mr. Bonenberger asked the Board to officially approve the bid from Homeland Security Group. Commissioner Callahan motioned seconded by Commissioner Bowers to approve the Homeland Security Group bid of \$12,581.00 for the Town Security system. Motion passed unanimously.

Mr. Bonenberger reported on the Cherry St. mercury clean up stating that he has the latest report for review.

Mr. Bonenberger reported on the Charter changes, stating that we are starting to clean up the Town Charter to organize and format the language similar to the Town Code book. Mr. Bonenberger presented the board with current and revised municipal charter sections for their review. Mayor





Mumey asked how much time the board has to review the changes. Mr. Bonenberger answered that he would like to have response back by the next Town meeting.

<u>PLANNING AND ZONING BOARD</u>- No action items. Mr. Bonenberger reported that there was no meeting last night for two reasons the first was due to the HVAC system not working the second was due to not having a quorum, which we have vacancies on the Planning and Zoning board. Mayor Mumey reported that there are two vacancies on the board and we are asking anyone who may be interested to please let us know, so we can get those vacancies filled.

Mr. Bonenberger reported on an energy grant that was submitted a year ago and was approved for \$10,000.00 from the Maryland Department of Energy. Mr. Bonenberger stated that with the grant the Town has a couple options that the Town can do to save energy, One option would be to install motion sensor light switches on the third floor lights because often, occupants that use the room leave the lights on. Mr. Bonenberger also stated that other options are energy saving T8 fluorescent lamps and potentially ceiling fans. Mr. Bonenberger also stated that another option is to replace the HVAC system, and reporting that he is getting conflicting information on the problems with the unit and would like to get another opinion before we go down that road.

Commissioner Callahan stated that the building has had numerous problems with the HVAC system and needs to be fixed also stating the original contractor should have fixed the problems.

BOARD OF ZONING APPEALS - NO REPORT

<u>CODE ENFORCEMENT</u> – Mr. Bonenberger reported on the Town's tree problems, stating that there has been a drastic change in the tree canapés throughout Town. Mr. Bonenberger reported that due to disease, storm damage or old age the trees had to be cut down. Mr. Bonenberger stated that he would like to see the Town find a financial vehicle to replant the trees.

Mayor Mumey reported that his understanding is that Mr. Bonenberger is asking for a modification to the Town Code, in which there is an Ordinance requirement that states that for every one tree that gets cut down two must replace it; Mayor Mumey stated that is impossible in some cases. Mayor Mumey reported that we need to take a second look at this problem and come up with solution.

<u>HISTORICAL PRESERVATION</u> COMMISSION – Ms. Ehrhart reported on the April 13^{th} guest speaker WM Pare, stating that there was a good turnout and everyone enjoyed the history of St Patrick Church. Ms. Ehrhart reported that the next event will be the parade and Sunfest and the historical society has a booth at Sunfest.

OLD BUSINESS. NO OLD BUSINESS





<u>NEW BUSINESS</u>. NO NEW BUSINESS

<u>CITIZEN'S INPUT</u>—Ms Joann Osborne of 20 W Cherry St apologized publicly to Mr. Bonenberger for indicating that he and Town Commissioners were responsible for allowing certain things to continue when indeed he was the one responsible for bringing a halt to the conditions that brought about the removal of our Mayor. My apologies Mr. Bonenberger. Ms. Osborne also stated that her criticisms still apply to former Town Administrators and former Town Commissioners.

Mr. Skip Yost of 36 W Cherry St reported that he would like to ask the Board to leave the tax rate the same.

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

Meeting Adjourned at 8: 00 PM.

Respectfusly submitted

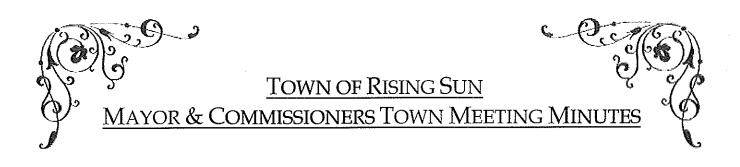
Rhonda S. Harmison

Town Clerk

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

Bowers at the May 10, 2011 Town Meeting

Motion Passed 3 - 0



DECLARATION AND VERIFICATION OF AUTHENTICITY

I, Rhonda S. Harmison 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

Respectfully submitted

Rhonda S. Harmison Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)