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 March 8, 2011. For the record the meeting place and time were duly posted as required.

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

MEMBERS ABSENT: (None)

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

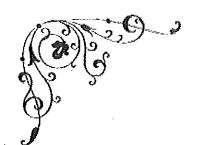
GUESTS: See Attached List

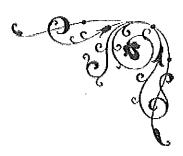
<u>MEETING OPENING</u> – The meeting was called to order at 7:00 PM by Mayor Sandra D. Didra, followed by a pledge of allegiance and a moment of silence.

APPROVAL OF MEETING MINUTES – Mayor Didra asked for any corrections to the February 8th 2011 Town meeting minutes. A motion was made by Commissioner Pierson seconded by Commissioner Bowers to accept the minutes as recorded. Vote carried unanimous.

Mayor Didra asked for any corrections to the minutes for the February 22nd 2011 Town Meeting. Commissioner Callahan asked to amend one correction as recorded on page two. He stated that repairs to streets should also include sidewalks. A motion was made by Commissioner Callahan and seconded by Commissioner Bowers to approve the Town meeting minutes of February 22, 2011 with one amendment. Vote carried unanimous.

Mayor Didra asked Mr. Bonenberger to read into the minutes the Executive Session report. Mr. Bonenberger reported that an Executive Session was held on March 1, 2011 at 3:00 PM on the second floor of the Cecil County Administration building. Mr. Bonenberger reported that Commissioner Callahan, Commissioner Pierson and Commissioner Mumey were present. He stated that as provided for by the Maryland Open Act, the reason for the meeting was to discuss item number twelve; (to conduct or discuss and investigative proceeding on actual or possible criminal conduct) the topics discussed was a request made by an investigative agency wishing to meet with the Town Attorney to discuss various elements related to the ongoing criminal proceedings of case number 7-K10-1458 State of Maryland verses Sandra Didra of which disclosure of such would thwart the purpose of closing the





meeting as provided for by law. The Town Administrator was present at the meeting. The first action item was a general motion to grant such permission. The second action item was a motion by Commissioner Mumey seconded by Commissioner Pierson to seal the closed meeting record as provided for by law. The third action item was a motion to adjourn the Executive Session, made by Commissioner Mumey seconded by Commissioner Pierson. Motion passed unanimously. Meeting was adjourned a 3:05 PM. Commissioner Mumey made a motion to approve the Closed Session Meeting seconded by Commissioner Pierson, motion passed unanimously.

PRESENTATIONS, ORDINANCES AND RESOLUTIONS - Mayor Didra introduced Resolution 2011-01 for adoption, titled Rising Sun 2010 Comprehensive Plan. Mayor Didra asked Mr. Bonenberger to present the resolution. Mr. Bonenberger read the resolution for formal adoption into the minutes and provided an overview of the Plan. Mr. Bonenberger stated that a public notification in the Cecil Whig was published on February 24th, 2011 and a public hearing was held on March 3, 2011 at 7:30 PM on the third floor of Town Hall. Mr. Bonenberger reported that the Planning and Zoning Commission approved and adopted the plan as Resolution 2011-01 and further recommended formal approval and adoption of this Comprehensive Plan by the Mayor and Town Commissioners as an official document of Rising Sun Maryland and recognized as an official document. Mr. Bonenberger reported that there is a revision to the Comprehensive plan document, stating that on page 16 due to a typo error on the population of Rising Sun in 2000, table 2-1, population projection is 1079 and should be 1702. Mr. Bonenberger explained how that calculation was done in reference to the County and does not change any proceeding numbers based upon population going forward. Mr. Bonenberger gave an overview of how the comprehensive plan was handled. He stated that a law was passed in 2009 that you have to have growth consistent with available water and sewer. Mr. Bonenberger reviewed a map in the document that possibly projects growth in the Town of Rising Sun. Commissioner Mumey motioned to adopt Resolution 2011-01 seconded by Commissioner Pierson Mayor Didra asked Mr. Bonenberger why the Resolution is titled Comprehensive Plan 2011 but your document states Comprehensive Plan 2010. Mr. Bonenberger answered that when the Town attorney reviewed the plan, he recommended that we put some type of identifier in the Resolution as to what this plan is going to be, and if the Resolution is adopted the heading can be changed from 2010 to 2011. Mayor Didra asked Mr. Bonenberger do we have a letter of approval from the State planning office. Mr. Bonenberger replied yes we do and Mr. Gradecak has reviewed them. Mayor Didra asked Mr. Bonenberger is the Town going to do a Comprehensive re-zoning section. Mr. Bonenberger replied yes we should because some of the areas in the interior limits of Town there is discussion about proposing to change some of the zoning to enhance better business. He stated that some of the residential homes have expanded out and are starting to turn into business. He stated that it is healthy to have a good mixture of business and residential. Mr. Bonenberger stated that some of the Town's older, smaller homes that are not desirable to potential buyers because buyers today are looking





for larger homes possibly can be used for business. Mayor Didra asked for public comment, with no public comment Mayor Didra called for a vote. The vote was unanimous for approval.

MAYOR'S REPORT - (No Report)

<u>FINANCES</u> – (No Report)

<u>SEWER, AND WATER, REPORT</u> – Commissioner Mumey reported on the meeting that was requested at the last Town meeting to meet with Cecil County in reference to a review for water and wastewater interconnection with Cecil County for the Town of Rising Sun.

Commissioner Mumey read a letter received from Cecil County responding to the questions the Town presented to the County at the March 1, 2011 meeting.

Commissioner Mumey read Cecil County's answers to four questions that the Town of Rising Sun presented to the County concerning a conceptual plan to convey Rising Sun sewage to the County's Northeast River Advanced Wastewater Treatment Plant at Seneca Point as well as County sewer user rates and fees.

Answer #1 The County cannot meet the Town of Rising Sun's need to meet demands to convey the Towns wastewater to the County's northeast river advanced wastewater treatment plant at Seneca Point within forty five to sixty days.

Answer#2 Commissioner Mumey read the response from the letter stating, that no agreement was ever made between the Town and the County, regarding construction and financing of such an interception and it was highly unlikely that the County would agree to cover the cost of this project free of charge to the Town.

<u>Answer #3</u> Commissioner Mumey read a response from the letter that the County sewer rate is currently \$7.03 per thousand gallons and highly unlikely that the sewer user rate will remain unchanged through the year 2020.

Answer #4 Commissioner Mumey also read that all Cecil County current and proposed wastewater capital projects is factored into the ongoing rate study and will have an impact on sewer user rates and associated fees. Commissioner Mumey also read the County's response to the aggressive timeline for construction of a wastewater treatment plant, stating that the Town must submit a plan review and a storm water review to the County for approval. Commissioner Mumey reported that plans have been submitted and we are well on our way to establishing those permits.





Commissioner Mumey also read a letter from the Maryland Department Environment stating that the Town of Rising Sun is in violation of effluent discharge and a penalty has been levied against the Town of \$1,000.00 dollars.

Commissioner Mumey also read a letter from the Director of Environmental Health from the Cecil County Health Dept. He stated that a request was received from the Rising Sun firehouse to install bathrooms for up to 200 people for the use at their pavilion. Commissioner Mumey made a motion to approve the firehouse to install a 1000 gallon septic tank, seconded by Commissioner Callahan. After brief discussion a vote for approval was unanimous.

STREETS AND SIDEWALKS REPORT - (No Report)

<u>PUBLIC SAFETY</u> – Chief Peterson reported on an update of an incident that happened, where a young boy was approached by a gentleman driving a silver sedan on Pearl St. the gentleman offered the young man \$50.00 to get into the vehicle. Chief Peterson stated that so far this incident has been an isolated incident. Chief Peterson stated that we are trying to narrow down suspects.

<u>PARKS AND RECREATION</u> – Commissioner Bowers reported that Mr. Bonenberger, Commissioner Mumey, himself and Ron Thomas have met with cabin manufactures and awaiting quotes. Commissioner Bowers also reported that Mr. Phil Smith has been in touch and no longer is interested in the removal of the cabin. Commissioner Bowers reported that he plans to meet with the Legion about the playground equipment.

TOWN ADMINISTRATOR'S REPORT – Mr. Bonenberger reported that the highway user fund is being reduced. Mr. Bonenberger stated that in 2009 the Town expected to receive \$128,000, but we were just notified that the amount we will be receiving is \$4,211.37. Mr. Bonenberger also reported on how the State permit process works for the Town for repairs of streets and sidewalks.

PLANNING AND ZONING BOARD- Mr. Bonenberger reported that the next meeting is scheduled for March, 28, 2011.

BOARD OF ZONING APPEALS - (No Report)

CODE ENFORCEMENT – (No Report)

<u>HISTORICAL PRESERVATION COMMISSION</u> – Ms. Ehrhart reported that a guest speaker Mr. Bill Pare will speak about the history and the restoration of St. Patrick's Church on April 13, 2011 at Town hall on the third floor at 7:00 PM. Ms. Ehrhart also reported that refreshments will be served.





OLD BUSINESS. (No Report)

<u>NEW BUSINESS</u>. (No Report)

<u>CITIZEN'S INPUT</u> – Ms. Joanne Osborne stated that she attended the meeting with the County Commissioners and was disappointed at the approach the Town used to question the County. Ms. Osborne asked for explanation of the why we are building a wastewater treatment plant knowing that it is not going to meet our minimal needs according to the Comprehensive Zoning Plan.

Commissioner Mumey answered that the new wastewater treatment plant will accommodate an additional 700 maximum for growth. Commissioner Mumey stated that will be the cap. After lengthy discussion of the Comprehensive plan projections and explaining the Comprehensive zoning plans, two tier levels stating the first tier is to accommodate infill within the Town's limits and the second tier is for future expansion, if there is ability to have water and sewer.

Mr. Bob Fisher stated that he has instructed his attorney to prepare an injunction against the Town of Rising Sun to make sure that we get the questions answered we want, instead of someone else's interruption.

Commissioner Pierson asked Mr. Fisher why he called the United States Department of Agriculture (USDA) to tell them the Town's wastewater treatment plant will be put on hold. Mr. Fisher responded that he did not tell (USDA) that the wastewater treatment plant will be put on hold. Commissioner Pierson replied that, that is what the director at (USDA) told the Commissioners. Mr. Fisher stated that he called (USDA) to find out what financing was available. Commissioner Pierson replied that Mr. Fisher is interfering with the Town's financing and possibly jeopardizing our financing with (USDA).

Commissioner Mumey expressed that Mr. Fisher is circulating misinformation and making false statements that the County was going to put in a sewer line at no cost and also that the County would hold their user rate until the year 2020.

Mr. Fisher replied that at the County meeting, the Town did not ask the right questions.

Commissioner Callahan replied that we were all at the County meeting and we asked all the questions we needed to know.

After lengthy discussion Commissioner Mumey stated that we are moving forward to solve the Town's polluting problems and the Town will do everything possible to reduce water and sewer rates to pay for this system.





Commissioner Pierson asked Mr. Stephen Naughton how his meeting in Annapolis went. Mr. Naughton replied that everything went well, stating that the funding for Cecil County libraries will stay even.

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

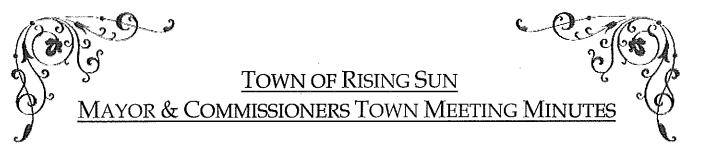
Meeting Adjourned at 8: 16 PM.

Respectfully submitted

Rhonda Harmison Town Clerk

Motion to approve the minutes made by, Commissioner Pierson seconded by Commissioner Mumey at the April 12, 2011 Town Meeting

Motion Passed $\underline{4}$ to $\underline{0}$



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 this day of March 9, 2011.

Respectfully submitted

Rhonda Harmison Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)