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 July 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 Stephen Naughton, Commissioner Chris Callahan, Commissioner Joanne Osborne and Commissioner August Pierson.

MEMBERS ABSENT: - None

<u>STAFF/CONSULTANTS PRESENT</u>: Town Administrator Calvin A Bonenberger, Jr. Rhonda Harmison, Town Clerk

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.

APPROVAL OF MEETING MINUTES – Mayor Mumey asked for any corrections to the July 12, 2011 Town meeting minutes. Commissioner Naughton motioned, seconded by Commissioner Pierson to accept the meeting minutes as recorded, with one amended spelling correction. Motion passed unanimously for approval.

Mayor Thomas S. Mumey asked Mr. Bonenberger to read into the minutes the Executive Session report. Mr. Bonenberger reported that an Executive Session was held on July 12, 2011 at 6:03 PM on the second floor of Town Hall. The reason for the meeting in accordance to the Maryland Open Act was to discuss item number seven; (to consult with counsel to obtain legal advice). Topics discussed; updates on the Frapple lawsuit and the Braun (Fisher) verses the Town of Rising Sun lawsuit. Persons present at the meeting were Commissioner Stephen Naughton, Commissioner Osborne (leaving the meeting at 6:47 PM due to conflict with the Braun case), Town Attorney Mr. Jay Gullo, Mr. Richard Colaresi, Town Attorney for the Frapple and Fisher Cases and Mr. Bonenberger Town Administrator. Motion was made by Commissioner Callahan, seconded by Commissioner Pierson to consent to the dismissal of the Braun lawsuit with prejudice. Motion passed unanimously. Motion to adjourn the Executive Session was made by Commissioner Callahan. Meeting adjourned at 6:55 PM. Mayor Mumey asked for a motion to approve the Executive Session report. Commissioner





Pierson motioned seconded by Commissioner Callahan to approve the Executive Session report, vote passed unanimously.

<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS</u> – Mayor Mumey introduced Mr. and Ms. Cloman to present the annual Hunter Safety Program conducted at the American Legion Post.

Mr. Cloman presented the goals of the Maryland' Hunter Education Program for behalf of Mr. Buddy Cather Chief Instructor, who was not able to attend. He reported that classes will be held through September and October of 2011. He also outlined the state law requirements for purchasing a hunting license or to hunt in Maryland, reporting that the Rising Sun American Legion, Post 194 has sponsored our teaching team for more than 15 years and the class is certified and accredited throughout North America. Mr. Cloman outlined the requirements for the class stating that each student must successfully pass a fifty question test, display an understanding of proper gun handling and complete a safety trail walk. Mayor Mumey asked for a motion to approve a Hunter Safety Program. Commissioner Pierson motioned seconded by Commissioner Naughton to approve the Hunter Safety Program held at the American Legion, Post 194. Motion passed unanimously.

<u>MAYOR'S REPORT</u> – Mayor Mumey presented the Planning and Zoning Board appointments stating that the Town has four appointments and the appointment are as follows;

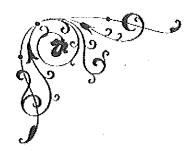
- Commissioner Naughton to serve as the ex-officio member to the planning and zoning board.
- Allen Authenreath re-appointed to a five year term on the board, with the term ending June 30, 2016
- Matt Telep re-appointed to a five year term on the board, with term ending June 30, 2016
- Joe Gutberlet to fill the unexpired term vacated by Bill Hartlove, with term ending June 30, 2013

Mayor Mumey asked for a motion to approve the appointments. Commissioner Pierson motioned seconded by Commissioner Osborne to approve the appointments. Motion passed unanimously for approval.

Mayor Mumey presented the Board of Zoning Appeals Appointments as follows;

• Keith Campbell to serve as the alternate on the Board of Zoning Appeals

Mayor Mumey asked for a motion to approve the appointment. Commissioner Callahan motioned





seconded by Commissioner Pierson to approve the appointment. Motion passed unanimously for approval. Mayor Mumey congratulated the newly elected members.

Mayor Mumey reported that he attended the quarterly MML Cecil Harford Chapter dinner held in Elkton last Thursday evening. Also in attendance were Commissioner Joanne Osborne, Commissioner Stephen Naughton and Mr. Calvin Bonenberger Town Administrator. Mayor Mumey reported that one of the highlights of the evening was the presentation of two \$1,000.00 educational grant scholarships, awarded to two very deserving and exceptional young adults, commenting that one is working towards a career in Mechanical Engineering and the other in Childhood Education, specializing in children with special needs.

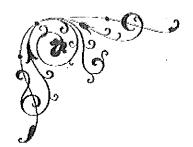
FINANCES – Mr. Bonenberger introduced Ms. Patricia Wagner from Wagner and Associates to present a summary overview of the financials and provide a fiscal yearend summary. Ms Wagner reported that two financial statements are prepared for the Town. The first is the Proprietary Funds, and the second is the Governmental Funds. Ms. Wagner summarized the process of the statements, reporting that in the Governmental Funds, the Town has a positive cash flow of \$99,706.78 reporting that cash is going up. Ms. Wagner reported on the budget to actual line, stating that the Town budgeted 1.6 million and only had 1.2 million come in, explaining that the Town is still waiting for grants which accounts for most of the shortfall, however the Town is still \$13,000.00 in the positive. Ms. Wagner also reported on the Proprietary funds stating that the budget to actual; the Town is \$32,000.00 in the positive.

Mr. Bonenberger added that he will be meeting with the auditor within the next week or two to confirm what will be needed for the final audit.

Commissioner Osborne asked if we have a ten year financial comparison as recommended by the municipal league. Mr. Bonenberger replied that we have data for the last three years; we just need to put it together for comparison, stating that it is a good idea.

<u>SEWER AND WATER REPORT</u> — Commissioner Pierson reported that the final bid for the wastewater treatment plant upgrade has been backed up to August 26, 2011 due to RKLK having to change some language and eliminate certain proprietary items from the bidding specifications. Commissioner Pierson also reported that the Town is starting to get preliminary reports on the recharge area and what capabilities our future water needs will be.

STREETS AND SIDEWALKS REPORT – Commissioner Callahan reported no information or action items, and asked if anyone had any comments on the Mount St. one way proposal. Commissioner Pierson replied that he has received input from residents and there seems to be positive





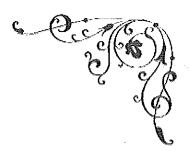
feedback for the proposal. Commissioner Naughton added that he also has had positive feedback from residents and asked Commissioner Callahan to clarify where the one way proposal would start. After a brief discussion Mayor Mumey strongly urged the Board to have an assessment for the one way proposal, and have a public hearing, to allow residents to have an opportunity to voice their opinion. Commissioner Osborne asked Mr. Bonenberger if he was able to determine if an Ordinance was needed to change the traffic flow, Mr. Bonenberger replied that he has talked to the Town Attorney and he was told that you do not need an Ordinance but the Town should have a document for change in writing. After a brief discussion Mayor Mumey suggested a motion to conduct a Public Hearing at the next Town meeting to change Mount St. to a one way traffic flow. Commissioner Callahan seconded by Commissioner Naughton motioned to have a Public Hearing at the next Town meeting to be held before the Town Meeting. Mayor Mumey clarified the date of August 9, 2011 and the time of 6:30 PM. Mr. Bonenberger suggested to the Board to change the meeting place from Town Hall to either Jane's Church or the Firehouse due to possibly needing additional seating. The board agreed.

<u>PUBLIC SAFETY</u> — Commissioner Naughton reported on an incident that happened last Saturday, stating that Officer McKinney was doing a routine check of the Town's businesses and came upon a burglary in progress at the Dominos Pizza. The suspect was able to flee the scene and hideout in the woods behind the car wash. Commissioner Naughton reported that backup was called and a helicopter was brought into Town but he was not apprehended. He reported that later in the day, a resident of Ryan Dr. spoke to Officer Vanaskey and reported that he observed a male using a cell phone in the marsh area behind Dominos Pizza, but did not report the suspect to the police. Commissioner Naughton reminded everyone how important it is to report suspicious activity. Commissioner Naughton also 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 Osborne reported that she has had the opportunity to meet with the Town Administrator to discuss and review the current grant projects for Veterans Memorial and Day Dream parks, stating that we discussed possible strategies moving forward and hope to be meeting with the Park and Recreation Committee in the next week or two.

Commissioner Osborne also reported that she had the opportunity to meet with Mr. Bonenberger to discuss the current status of the log cabin replacement project, reporting that she has some ideas of how to save money on the project. Commissioner Osborne reported that she will be scheduling follow up meetings with the Log Cabin Committee to gauge their interest in participating. Commissioner Osborne also reported that she has reviewed the quotes for the log cabin replacement and she has the opinion that the quotes are for a lot more building than what we have there now.





Commissioner Osborne reported that she has spoken to Eagle Scout Steven Wood who is working on the pavilion at Center Square and he proposed to move the crepe myrtle tree to the Diddi Richardson Park. Commissioner Osborne stated that she proposed to him that it be placed about 3 feet from the end of the white fence, between the fence and the driveway, or at the obtuse angle of the chain link fence leaving that choice to him.

TOWN ADMINISTRATOR'S REPORT – Mr. Bonenberger reported that a resident has requested to dedicate a park bench at the pond on 273, in memory of her uncle who recently passed away, stating that in his later years he would fish at the park regularly. Mr. Bonenberger reported that there are already benches at the park that have dedications and there are still benches available. After a brief discussion from the board about who would be responsible for the benches, and how to handle possibly running out of benches for dedication. Mayor Mumey suggested to the board that the Town has three parks and any one of the parks could have dedication if there would be too many requests for the pond. Mayor Mumey asked for a motion to approve the bench dedication, Commissioner Osborne motioned seconded by Commissioner Callahan to approve the bench dedication with the Town providing an acceptable approved vendor list for the bench and placard. Motion passed unanimously.

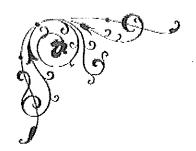
<u>PLANNING AND ZONING BOARD</u> – Mr. Bonenberger reported that the scheduled Planning and Zoning Board meeting was postponed until August 1, 2011 due to the fact that we need to fill out the Board, stating that hopefully at the next meeting we will have a full contingent of members. Mr. Bonenberger reported that the planning and Zoning Board will have meetings on August 1st and August 22nd.

BOARD OF ZONING APPEALS – Mr. Bonenberger reported that the Zoning Board typically only meets when there is a request and there have been no requests for awhile but he will be speaking to the chairperson about getting together for a meeting to get reorganized and meet the new member Mr. Campbell. Mayor Mumey asked Mr. Bonenberger since the Town has a need to update zoning ordinances and the Zoning Board is at times busy, could the Zoning Appeals Board make recommendation to the Planning and Zoning Board for changes or updates on the zoning codes. Mr. Bonenberger replied that the answer is no, stating that you want the Zoning Appeals Board independent of any other organization.

CODE ENFORCEMENT - No Report

HISTORICAL PRESERVATION COMMISSION - No Report.

<u>OLD BUSINESS</u>. – Commissioner Osborne asked Commissioner Callahan if there has been any action taken on the Valley View sign issues; Commissioner Callahan replied that he has not had time.





<u>NEW BUSINESS.</u> – Commissioner Callahan reported that it was brought to his attention and asked Mr. Bonenberger if there is an ordinance as to how many unlicensed or unregistered vehicles are allowed at a residence. Mr. Bonenberger replied that yes there is and the total is two. Mayor Mumey stated he also has received complaints and would like to see that ordinance updated. After a brief discussion about what is allowable in the present ordinance, Mr. Bonenberger suggested that he and Chief Peterson will review the ordinance and report back to the board for recommendations.

CITIZEN'S INPUT - Mr. Authenreath thanked the Board for his re-appointment to the Planning and Zoning Board. He also reported that the board is working towards rearranging the codes and making the code book more user friendly and setting up workshops to address upcoming land development. Mr. Authenreath also congratulated Mr. Connelly from Sun Pharmacy for his 30 years in business and mentioned the activities that Sun Pharmacy has presented to the community in celebration of his 30 years. Mr. Authenreath reported on the condition of the Maple Heights community asking Commissioner Callahan to visit the community and see firsthand the condition of the roads and sidewalks, stating that before the Town can take dedication, road issues needs to be addressed with the developer. Mayor Mumey asked Mr. Bonenberger if the Town has taken dedication of Maple Height, Mr. Bonenberger replied that the Town has not taken dedication, explaining that until the developer develops the remaining lots, he has no obligation to put a final on the blacktop and due to the water moratorium he is unable to build at this time and with the new wastewater treatment plant being built, the developer will be able to go forward and complete the remaining lots. After discussion about already developed communities with existing road and sidewalk issues Mayor Mumey closed the discussion stating that we have discussed the issues thoroughly.

Mr. Connelly from Sun Pharmacy reported that the concert held Thursday night at the pharmacy was a success and thanked the Rising Sun Police Dept. for their help with traffic management. Mr. Connelly also reported on an upcoming zucchini contest and the exhibition of a giant shredding truck on the 13th and encouraged everyone to bring anything they would like to shred.

<u>ADJOURNMENT</u> — With no other business before the Board a motion was made by Commissioner August Pierson to adjourn the meeting, Mayor Mumey asked for a vote to adjourn. Vote was unanimous.

Meeting Adjourned at 8: 15 PM.





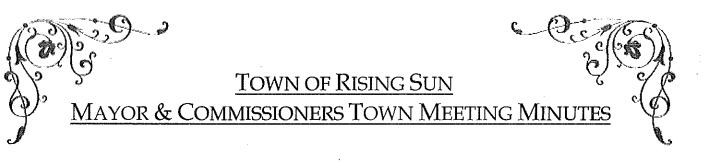
Respectfully submitted

Rhonda Harmison

Town Clerk

Motion to approve the minutes made by Commissioner August Pierson, seconded by Commissioner Chris Callahan at the August 9, 2011 Town Meeting

Motion Passed 4 to 0



DECLARATION AND VERIFICATION OF AUTHENTICITY

I, Rhonda 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 8th day of August 2011.

Respectfully submitted

Rhonda Harmison Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)