

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 Town Hall on Tuesday evening November 8, 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:

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.

APPROVAL OF MEETING MINUTES – Mayor Mumey asked for any corrections to the October 25, 2011 Town meeting minutes. Commissioner Naughton asked Mr. Bonenberger if the requested changes were made to the minutes; Mr. Bonenberger replied that they were. Commissioner Pierson motioned seconded by Commissioner Callahan to accept the minutes as recorded. Motion passed unanimous for approval.

Mayor Mumey requested Mr. Bonenberger to read into the minutes the Executive Session report. Mr. Bonenberger reported that an Executive Session was held on November 8, 2011 at 6:00 P.M. on the second floor of Town Hall, also reporting that all the Board members were present including him. Mr. Bonenberger stated that a motion made by Commissioner Callahan seconded by Commissioner Pierson to hold an Executive Session. Mr. Bonenberger stated that as provided for by the Maryland Open Act, the reason for the meeting was to discuss item number eight (To consult with staff, consultants or other individuals about pending or potential litigation) and number fourteen (Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. The topics discussed were a slip and trip complaint filed by the Town's insurance agency and a review the Towns engineers' identification of successful bidder for the Town's construction of the new Wastewater Treatment Plant. A motion to adjourn the meeting was made by Commissioner Pierson seconded by Commissioner Callahan.





Mayor Mumey asked if an approval was needed. Mr. Bonenberger replied that an approval is not needed.

PRESENTATIONS, ORDINANCES AND RESOLUTIONS - None

MAYOR'S REPORT – Mayor Mumey reported that he and other Commissioners attended the annual fall MML. Convention held in Cambridge Maryland stating that it was very beneficial and one of the workshops that some of us participated in was dealing with the new law on ethics and we will be taking a look at our Ordinance and bringing it up to code.

Mayor Mumey reported that the Annual Christmas Carol Sing will take place at the Town's Center Square December 6, 2011 with a visit from Santa Clause, also reporting that refreshments will be served at the Jane's United Methodist Church, Mayor Mumey stated that all are welcome.

<u>FINANCES</u> – Mr. Bonenberger reported that the Town Audit is done and the general corrections were forwarded to the accountant today for updating the financial statements retroactively; however the collateral documentation from PNC bank is still pending stating we have the gap narrowed on the 13 million financing but we also have a 100,000 CD that also requires collateral.

SEWER AND WATER REPORT — Commissioner Pierson made a motion seconded by Commissioner Osborne to select Howard Robson Inc as the successful bidder from a list of five bids received on September 16, 2011 and by making this recommendation we are notifying USDA that Howard Robson Inc is the most responsive and suitable contractor to move forward with the construction for the Town's new 500,000 gallon per day Orbal Oxidation Ditch. The award of the final contract is contingent upon approval from USDA. Mr. Bonenberger outlined the results of the five bids from highest to lowest stating that the prices came in ranging from 7.7 to 8.9 million. Mr. Bonenberger reported that Howard Robson has built a significant number of wastewater treatment plants within the cost range that we are spending and have references to include City of Aberdeen the Town of Snow Hill and East Penn Borough PA. Mr. Bonenberger recapped the bids stating that Howard Robinson came in \$500,000 less than the other bids. Mayor Mumey called for a vote. Vote passed unanimously for approval.

Commissioner Pierson motioned seconded by Commissioner Osborne to enter into a contract with RKLK engineers to provide Construction Administration and field inspection services for the construction of the Town's new 500,000 gallon per day Orbal Oxidation Ditch, wastewater treatment plant at a cost not to exceed \$697,951 and to further authorize the Mayor to sign the agreement provided, dated September 13, 2011.





Commissioner Naughton asked if there was a ball park for how much this kind of service can cost and is there a way of calculating. Mr. Bonenberger replied that a project of this magnitude you are going to have a contractor who is building the project and an engineer who is designing the project and it is typical for the owner to hire someone to be the Town's representative to oversee the project and that is where the project management comes into play. Further stating that it is typical as a rule of thumb the cost is usually 10% of the total project cost. Mr. Bonenberger further stated that USDA requires an inspector to be on site every hour that the contractor is on site and RKLK has built into their price an onsite inspector and possibly in the future we can have camera surveillance.

Commissioner Osborne asked if the Construction Manager acts as representation between the Town and the construction company and the engineer. Mr. Bonenberger replied that he would like to clarify that the construction manager is RKLK who is also our design engineer. Mr. Bonenberger further explained that the construction manager typically is not an engineer and he will be a qualified inspector who specializes in piping and grading. Mr. Bonenberger also stated that if there was a conflict with the construction company the Town's avenue for resolving the conflict would not be with the Construction Manager, it would be through other means. After discussion the Mayor called for a vote. Vote passed unanimously for approval.

STREETS AND SIDEWALKS REPORT – No reported

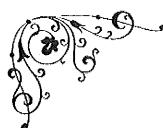
<u>PUBLIC SAFETY</u> – No Report

<u>PARKS AND RECREATION</u> – Commissioner Osborne reported that she is reviewing the grants that the Town has received for the Town's Veterans Park and Daydream Park projects and is planning on meeting with the Parks and Recreation Committee within the next couple weeks.

<u>TOWN ADMINISTRATOR'S REPORT</u>—Mr. Bonenberger reported that we are still moving along with the weekly updates and we will be sending a follow up report on Fridays.

Mr. Bonenberger also reported on the Town's street lights stating that the Town has changed all the light bulbs but some lights are still going out so we are going to have the electrician come in and take a look at the problem also stating that someone has removed the tape from the poles so we are going to have the electrician look at all the lights at the end of this week or beginning of next week.

Mr. Bonenberger reported on the sidewalk on Main St. by Bucks stating that there is sufficient erosion. Mr. Bonenberger reported that the State Highway Administration is taking responsibility and will be repairing the sidewalk.





Mr. Bonenberger reported that there was a question about removing some of the street banners and the Town has made a decision not to remove all the banners, although the banner in front of Sue's Restaurant was removed, due to the trucks exhaust causing the banner to blacken. Mr. Bonenberger reported that by the end of next week the banners will be coming down and the winter banners will be going up in their place.

Mr. Bonenberger reported on the Maryland Bay Restoration Bay changes, stating that right now the residents are paying \$7.50 per quarter and the money is supposed to fund failing wastewater treatment plants but the problem is that the Town cannot receive any of that money because the Town's sewer plant does not service more than 10,000 connections. Mr. Bonenberger stated that MDE has proposed changes to double or possibly triple the quarterly amount and in essence the Town's residents have to pay without receiving any of the funds for updating the wastewater treatment plant. Mr. Bonenberger reported that the Town is reaching out to the Senator and will be reaching out to our Delegate to see if they can enact legislation that will allow the Town to access the money to fix the Town's sewer plant.

Mr. Bonenberger reported that the Utility postcard billing went out without a hitch and the feedback has been positive. Mr. Bonenberger also reported that he is in the process of updating and creating language for the Town's water and sewer ordinance revisions to reflect monthly billing, late payments and water turn on and off procedures.

Mr. Bonenberger reported on the Mount St. one way issue reporting that he and the Mayor visited the site yesterday and people were still making left hand turns, we have talked about doing something more permanent whoever it will take some time, but we can temporarily place a sand barrel that can be put into the circle with signage, if the Board is receptive to this idea. Commissioner Callahan stated that he did not like the idea of a barrel in the road. After discussion Mayor Mumey suggested that Mr. Bonenberger get prices and ideas to resolve the issue.

<u>PLANNING AND ZONING BOARD</u> — Mr. Bonenberger reported that the next meeting is scheduled for Monday the 21st instead of the 28th due to the Thanksgiving holiday.

Mr. Bonenberger reported that he has received an application for a second drive-thru lane at the McDonalds restaurant, and also reported on a Veterinary Clinic that is moving to the old Curves building on Maple Heights Drive and reporting the he recently contacted the property owner and they are moving forward waiting for financing. Mr. Bonenberger also reported on the proposed Dollar General stating that they are not going to annex into the Town and they have not contacted the Town for water and sewer.





BOARD OF ZONING APPEALS — Mr. Bonenberger reported that the Boys and Girls Club had their appeal hearing and was granted their exceptions and variances.

Mr. Bonenberger reported that the Board of Zoning Appeals has requested that the Town look into changing the zoning code to now require a notification to be sent to all adjoining property owners when a property is under consideration for a variance or exception.

Mr. Bonenberger also reported that a discussion of increasing the number of voting members on the Appeals Board from 3 to 5 stating that right now the number of voting members are 3 and the alternates cannot vote, stating that with the upcoming construction there will be more exceptions and variances and it may be a good idea to increase the number of voters.

CODE ENFORCEMENT - No Report

<u>HISTORICAL PRESERVATION COMMISSION</u> — Ms. Ehrhart reported a good turnout for the speaker Reverent Jay Bunting the pastor at the Hopewell United Methodist Church who spoke about his book titled Oxford Class of 1850.

Ms. Ehrhart reported on the annual Cecil County Christmas Parade being held on December 3rd. also reminding everyone about the Town's annual Christmas Carol Sing December 6th at 7:00 PM.

OLD BUSINESS – Commissioner Osborne reported on the in and out of Town utility user fees, stating that as a in Town user she pays a fee and believes that a premium should be paid for the out of Town utility users. Commissioner Osborne concluded by saying that she is in favor of keeping the out of Town utility premium rate higher than the in Town rate, although the rate should only be 40 to 50% more.

Commissioner Naughton commented that he agrees that the out of Town users should pay a higher rate but feels that double the rate is too much and the Town needs to look at the rate fees and determine a reasonable rate.

Commissioner Callahan commented that he does not agree with the out of Town users paying a higher rate.

NEW BUSINESS - No New Business

<u>CITIZEN'S INPUT</u> – Mr. Dave Taylor voiced his concerns to the board in reference to the safety of the proposed 5K run and also concerns about walker and bicycle safety education.





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

Meeting Adjourned at 8: 30 PM.

Respectfully submitted

Rhonda Harmison Town Clerk

Motion to approve the minutes made by Commissioner August Pierson, seconded by Commissioner Joanne Osborne at the December 13, 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 21st day of November 2011.

Respectfully submitted

Rhonda Harmison Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)