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 February 14, 2012. 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.

Staff Absent: Town Clerk Rhonda Harmison

GUESTS: See Attached List

<u>MEETING OPENING</u> – The meeting was called to order at 7:03 PM by Mayor Thomas S. Mumey, followed by a pledge of allegiance and a moment of silence. The Mayor asked everyone to keep in mind the homeless.

APPROVAL OF MEETING MINUTES – Mayor Mumey asked for any corrections to the minutes for the January 24, 2012 Town Meeting. The Board had not had a chance to read the minutes so they will be tabled until the next meeting. Mr. Bonenberger reported on the executive session that was held before the Town meeting. The meeting was called to order at 5:35 PM. Commissioner Naughton did not join the meeting until 6:20 PM. See attached report.

PRESENTATIONS, ORDINANCES AND RESOLUTIONS — Mr. Bonenberger gave an overview of the changes that were incorporated into ordinances 2012-01. The changes were minor in nature and were related to making the language consistent for membership to the Planning and Zoning Board and Board of Zoning Appeals. He also highlighted that there is a section of the zoning code that relates to the creation of an appeals board. This language needed to be incorporated into the opening page of the ordinance. This enables the creation of the Board of Special Appeals to be included in Chapter Two of the Town Code so that the creation of all boards is now in one location in the code. With no further discussion or questions, Commissioner Naughton made a motion, seconded by Commissioner Pierson to approve ordinance 2012-01. The motion passed 4-0. Mr. Bonenberger provided a brief summary of the scope and purpose of ordinance 2012-02. He emphasized that the purpose was to identify residents within 500 lineal feet of any property requesting a special exception and or variance before the Board





of Special Appeals. This will help to ensure that residents, who could be directly impacted by such appeals, are given a greater opportunity to attend the public meetings. With no further discussion or questions, Commissioner Naughton made a motion, seconded by Commissioner Pierson to approve ordinance 2012-01. The motion passed 4-0.

MAYOR'S REPORT — Mayor Mumey reported on 2 vacancies on the Planning and Zoning Board stating that last July we had several residents express an interest in serving on the Board of Special Appeals and the Planning and Zoning Board, but at that time there were not enough positions for all the applicants. Mayor Mumey stated that he has contacted one of the individuals that had an interest, a Mrs. Rebecca Grabarczyk to see if she was still interested. The Mayor stated that Mrs. Grabarczyk is also a member of our Parks and Recreation Committee and has a lot of experience in the field of landscape design. Mayor Mumey requested a motion to appoint Mrs. Rebecca Grabarczyk to the Planning and Zoning Board and to fill the unexpired term of Mr. Matt Telep who recently resigned. A motion was made by Commissioner Naughton, seconded by Commissioner Callahan to appoint Mrs Grabarczyk to the Planning and Zoning Board. Motion passed 4-0

Mayor Mumey asked Mr. Bonenberger to present to the Board the new Town Logo. After a discussion and comment period, a motion was made by Commissioner Pierson, seconded by Commissioner Naughton to move forward with the new Logo design. Commissioners Pierson and Naughton voted in favor, with Commissioners Callahan and Osborne voting against. In accordance to the Town Code, the Mayor passed the motion by voting in favor of the new logo design.

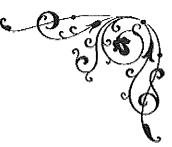
Mayor Mumey reported that he and Mr. Bonenberger attended the grand opening of the new Lowes store in North East.

Mayor Mumey reported that he and Mr. Bonenberger attended a second meeting with the Greater Rising Sun Chamber members stating that he and Mr. Bonenberger will be attending their monthly meeting tomorrow night at the Fire House.

<u>FINANCES</u> – Mr. Bonenberger reported that the monthly financials will be provided at the next meeting.

Mr. Bonenberger reported on the review of the Towns loans stating that there is still no word yet on the review from the banks.





SEWER AND WATER REPORT - Commissioner Pierson reported on the Chester Water Project Design Agreement stating that the Town has researched viable options to secure the necessary water capacity needed for our existing users and any future users of the Town's water system also informing everyone that the Town was named in a lawsuit in excess of 90 million dollars and has been notified of a potential second filing for perceived failures to secure adequate sewer and water infrastructure for property owners looking to develop their land. Commissioner Pierson outlined a study done by CDM/Smith Engineers that determined that in order for the Town to be in compliance with MDE regulations for adequate water supply we would need to produce an additional 290,000 gallons of water a day, also stating the report outlined the cost associated with the purchase of additional lands to increase the Town's calculated rate of water recharge and the cost associated with finding potential well head locations, testing, permitting, installation and piping the water back to the Town's current well system would be roughly 16 million dollars.. Commissioner Pierson also stated that the timeline for this to happen would take roughly six years to develop additional well sites. Pierson concluded that it is important to note that this is the 2nd time the Town has paid for a study to determine the feasibility of expanding our well fields and incidentally, just like the previous study done in 2007, expanding our well fields is simply not economical. And concluding that there is a clear distinction that a water line from Chester Water is the most viable, secure and cost effective method of securing the water that the Town needs. He also noted that we are still under significant time restraints and commitments that we can no longer ignore or delay action on. Commissioner Pierson motioned seconded by Commissioner Osborne that we authorize the Mayor to execute this agreement and to forward to the proper parties at Chester Water and to move forward with the necessary task associated with this agreement. The motion passed 4-0.

Commissioner Pierson reported on the Southern States Agreement stating that previously discussed at a Town meeting last year, we have been approached by Southern States to address issues with well water contamination outside of Town. They have requested that we work jointly with them to see if a water line could be run along route 273 in order to provide clean drinking water to the affected properties. Commissioner Pierson outlined the agreement with Southern States stating that all legal and engineering fees incurred by the Town as part of this review will be paid for by Southern States and noting that it is important that this agreement does not bind the Town to any service nor does it impact the Town's ability to provide services to any current or future properties within the Town of Rising Sun. Commissioner Pierson motioned seconded by Commissioner Osborne to have the Town Attorney incorporate into a formal agreement the issues raised at the executive Session of February 14, 2012 and to have such agreement executed by the Mayor and Commissioners and forwarded to Southern States for their endorsement. Motion passed 4-0. Commissioner Osborne asked if this was an escrow agreement, Commissioner Pierson replied yes.





Commissioner Pierson reported on the progress of the new sewer plant stating that we have received a confirmation letter from USDA that concurs with our previous selection of Howard Robson as the contractor selected to build the new sewer plant and we are now going through the process of executing the contract with the contractor, collecting the required performance bonds from the contractor and scheduling for the preconstruction conference also noting that we still need to provide MDE with documentation.

Commissioner Pierson reported that we have had a few water line breaks recently and commending the public works department for their efforts dealing with the breaks and recognizing their efforts especially the difficult one on Pearl Street on Sunday stating how bitterly cold it was and thanking Commissioner Callahan for taking coffee to the DPW crew.

STREETS AND SIDEWALKS REPORT— Commissioner Osborne reported on the Mount St. improvements stating that we are moving forward with the temporary improvements to Mount Street that were previously approved by the Mayor and Commissioners. Commissioner Osborne outlined the improvements stating collapsible barriers, and additional signs directing one way traffic will be put into place.

Commissioner Osborne reported on pothole repairs stating that our crews have been taking advantage of some brief periods of warmer weather for repairs, also commending the public works department for their efforts and quick response to the recent snow fall.

<u>PUBLIC SAFETY</u> – Commissioner Naughton reported that the Police Activity reports are downstairs for public viewing.

<u>PARKS AND RECREATION</u> — Commissioner Callahan reported on the meeting with the Octoraro Water Shed Association on the grant project for the dog park at Triangle Park. Commissioner Callahan stated that we had a good meeting and outlined the development of the Triangle Park reporting we have identified several opportunities to develop partnerships with both the County and State on the reduction of storm water nutrients that affect the Chesapeake Bay. Also stating that we have since learned that several State agencies are very excited about the prospects of Triangle Park and especially like the incorporation of rain gardens and the use of natural habitats to deal with the bad stuff that can run into the storm drains along Route 1 and Walnut Street, and also stating that combined with an off leash dog park we have a very unique commodity that will attract a great deal of State attention. Commissioner Callahan also reported on his meeting with vendors who are able to provide various types of equipment for parks, including suitable sample surfaces used for dog parks.





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TOWN ADMINISTRATOR'S REPORT – Mr. Bonenberger reported on the Re-Codification Project stating that a proposal from General Code was presented a couple meetings ago and a request was made to get additional quotes and we now have additional quotes, Mr. Bonenberger reported that the additional quoted prices came in less than General Code but General Code sharpened their pencil and re-quoted a lower price to meet the competition. Therefore he recommended General Code and stated the reason for that is he found that their product is very user friendly. Commissioner Osborne motioned seconded by Commissioner Pierson to contract General Code's proposal dated February 14, 2012. Motion passed 4-0.

Mr. Bonenberger reported on the Town Hall HVAC System, stating that it was brought to the Town's attention that the 3rd floor system when the building was built the original documents showed 12 areas of the system did not meet the balance test for proper air flow, therefore we now have concrete proof that our system is not working properly. Mr. Bonenberger reported that we are now in the process of finding out what the cost would be to rectify the problem.

Mr. Bonenberger presented Resolution 2012-01 titled Monthly Utility Billing Guidelines to the Mayor and Commissioners for review. Mr. Bonenberger outlined the language presented in the Resolution stating this is a Resolution to regulate the billing and collection of utility services such as water, sewer and trash collection. Commissioner Pierson asked if action on this Resolution is required tonight, Mr. Bonenberger replied that it was up to the Board. After lengthy discussion from the Board members and questions from Commissioner Osborne about the cost and time spent on processing the utility bills, and comment from Commissioner Callahan stating he is in support of the monthly billing but we probably need to address the out of Town users. Commissioner Naughton commented that he would like more time to review the Resolution language. Mayor Mumey asked if we could pass the Resolution as written and amend the Resolution language if needed. Mr. Bonenberger replied that it would not be a good idea to pass a Resolution then amend at a later date. Commissioner Pierson motioned seconded by Commissioner Naughton to proceed to allow Mr. Bonenberger to go to a monthly billing for utility services because of a time restraint with getting the utility bills out before the end of the month and to table the Resolution until further review of the language until the next meeting. Motion passed 4-0.

<u>PLANNING AND ZONING BOARD</u> – Commissioner Naughton reported on the McDonalds second drive-thru stating that we are still waiting for the County review stating their requirements and also reporting that the next Planning and Zoning meeting is scheduled for February 27th.





BOARD OF ZONING APPEALS - No Report.

<u>CODE ENFORCEMENT</u> — Mr. Bonenberger reported on the house located at 108 Stone Run that was struck by lightning stating that it is being renovated and we are bringing the property up to code. Mr. Bonenberger also reported on the Veterinary Clinic handicap accessible issues, stating we are working with the property owner to address the issues.

<u>HISTORICAL PRESERVATION</u> COMMISSION – Ms. Ehrhart reminded everyone that on February 27th at the library at 7:00 PM Mr. Ron Jaggers will speak about the Peace Democrats who did not support the war, urging everyone to attend.

<u>OLD BUSINESS</u> — Commissioner Callahan reported that we need to move forward with the Mount St. and Pearl St repaving.

<u>NEW BUSINESS</u> – Commissioner Callahan reiterated Commissioner Pierson's comment on the conditions the DPW workers were under repairing the water main breaks last week in the freezing cold temperatures.

<u>CITIZEN'S INPUT</u> – Mr. Robert Fisher stated his concerns about the monthly utility billing and questioned the Town Audit process.

Mr. Lowell McCoy stated his issues concerning his utility bill.

Ms. Maria Gainey stated her concerns about her water bill.

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

Meeting Adjourned at 9: 14 PM.

Respectfully submitted

Rhonda Harmison,

Town Clerk





Motion to approve the minutes made by Commissioner August Pierson, seconded by Commissioner Joanne Osborne at the March 13, 2012 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 28^{th} day of February 2012.

Respectfully submitted

Rhonda Harmison

Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)