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 Town Hall on Tuesday evening May 22, 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. Commissioner August Pierson

MEMBERS ABSENT: None

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

GUESTS: See Attached List

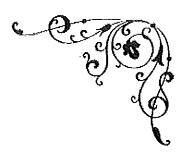
<u>MEETING OPENING</u> – The meeting was called to order at 7:00 PM by Mayor Thomas S. Mumey, followed by a pledge of allegiance and a moment of silence.

<u>APPROVAL OF MEETING MINUTES</u> –Mayor Mumey asked for any corrections to the May 8, 2012 Town Workshop Meeting Minutes. Commissioner Callahan motioned, seconded by Commissioner Naughton to approve the minutes as recorded. Motion passed 4-0.

Mayor Mumey asked Mr. Bonenberger to read into the minutes the May 22, 2012 Executive Session. Mr. Bonenberger read into the minutes stating that an Executive Session was held Tuesday May 22, 2012 at 5:30 PM on the second floor of Town Hall. All Commissioners, Mayor Mumey, Town Administrator Calvin Bonenberger and the Town Attorney Mr. Jay Gullo were in attendance. Topic discussed; Charter Provision regarding eligible voters. Mayor Mumey asked for a motion to approve the minutes, the vote was 4-0 in favor.

PRESENTATIONS, ORDINANCES AND RESOLUTIONS Mayor Mumey introduced Mr. Jay Gullo the Town Attorney to present his recommendation of a possible legal issue facing the Town in reference to the Out of Town property owner's right to vote in the Town Elections. Mr. Gullo referenced a 1986 case citing a Federal District Court opinion (Franklin M. Tobin verses the Town of North Beach Maryland), stating that the provision that allows non-resident property owners to vote in the Town Election is illegal, unconstitutional and it violates the mutual protection clause of the US Constitution which is the Fourteenth Amendment. Mr. Gullo explained that you cannot use property





ownership as a metric to give someone the right to vote. Mayor Mumey asked for a vote on Mr. Gullo's recommendation, Commissioner Callahan motioned seconded by Commissioner Osborne to honor the US Constitution and to give notification, out of respect to the out of Town property owners that the Town of Rising Sun will be honoring the constitution. Vote passed 4-0.

<u>TOWN ELECTION</u>—Mr. Bonenberger reported that this Election year there are two Commissioners seats open and the position for Mayor. Mr. Bonenberger reported that that we have received the following letters of intent for these positions:

Candidates for Commissioner

Christopher Callahan of 20 Mount St.

Charles Berkowich of 103 Turtleback Ct.

Travis Marion of 105 Broad Leaf Ct.

August Pierson of 102 Little Brick Ct.

Candidates for Mayor

Thomas S. Mumey of 202 Mount St

Robert Fisher of 108 Wilson Ave

Mr. Bonenberger reported that the deadline for receiving letters of intent to run for office, expired at 4:30 P.M. today, however as per the Charter, nominations can be taken from the floor. Mr. Bonenberger asked if there are any nominations for the Town Mayor position from the floor. Mr. Bonenberger reported that there were no nominations from the floor for the position of Town Mayor. Mr. Bonenberger asked if there are any nominations for the seat of Board of Commissioner from the floor. Mr. Bonenberger reported that there were no nominations for the seat of Board of Commissioner. Mr. Bonenberger closed the nominations from the floor.

Mr. Bonenberger reported on the following important Election dates and times;

- June 11, 2012 Deadline to submit absentee ballots 4:30 P.M.
- June 11, 2012 Town Elections Polls open at 8:00 A.M. till 8:00 P.M.

<u>PRESENTATIONS</u>, <u>ORDINANCES AND RESOLUTIONS</u> – Mayor Mumey reported on the following Resolutions that were introduced at the May 8, 2012 Town Workshop Meeting and considered for vote at this meeting.

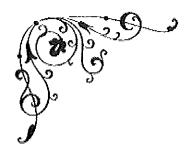
• Mayor Mumey presented Resolution 2012-02 titled Fee Schedule Amendment - Park Use Fees





and asked Mr. Bonenberger to read the Resolution into the minutes. Mr. Bonenberger read Resolution 2012-02 into the minutes. Mayor Mumey asked for any public comment with no comment, Mayor Mumey asked for a vote, Commissioner Pierson motioned seconded by Commissioner Osborne to approve Resolution 2012-02 titled Fee Schedule Amendment - Park Use Fees. Motion passed 4-0.

- Mayor Mumey presented Resolution 2012-03 titled Creation of Street Banner Sponsorship Program, and asked Mr. Bonenberger to read the Resolution into the minutes. Mr. Bonenberger read Resolution 2012-03 into the minutes. Mayor Mumey asked for any public comment or discussion with none, Mayor Mumey asked for a vote, Commissioner Naughton motioned seconded by Commissioner Callahan to approve Resolution 2012-03 titled Creation of Street Banner Sponsorship Program. Motion passed 4-0
- Mayor Mumey presented Resolution 2012-04 titled Street Banner Sponsorship, and asked Mr. Bonenberger to read the Resolution into the minutes. Mr. Bonenberger read Resolution 2012-04 into the minutes. Mayor Mumey asked for any comment or discussion with none, Mayor Mumey asked for a vote, Commissioner Pierson motioned seconded by Commissioner Osborne to approve Resolution 2012-04 titled Street Banner Sponsorship. Motion passed 4-0.
- Mayor Mumey presented Resolution 2012-05 titled A Resolution Adopting An Annual Budget For The Fiscal Year July 1, 2012 through June 30, 2013, For The General Purpose; Fixing The Tax Rates For The Fiscal Year Beginning July 1, 2012; Authorizing Collection Of Taxes Herein Levied, And Appropriating Funds For The Fiscal Year. Mayor Mumey asked Mr. Bonenberger to read the Resolution into the minutes. Mr. Bonenberger read Resolution 2012-05 into the minutes. Mayor Mumey asked for any comment or discussion. Commissioner Naughton asked for a for a percent sign to be added to the language tax rate for all real property, not otherwise exempted, and located within the corporate limits of the Town of Rising Sun, shall remain at 0.4062 for each \$100 dollars of assessed value. Commissioner Pierson motioned seconded by Commissioner Callahan to approve Resolution 2012-05 titled A Resolution Adopting An Annual Budget For The Fiscal Year July 1, 2012 through June 30, 2013, For The General Purpose; Fixing The Tax Rates For The Fiscal Year Beginning July 1, 2012; Authorizing Collection Of Taxes Herein Levied, And Appropriating Funds For The Fiscal Year. Motion passed 4-0.





MAYOR'S REPORT - Mayor Mumey reported on the following;

• Annual Report; Mayor Mumey presented and read a list of Town highlights for the year reporting the ground breaking ceremony for the new wastewater treatment plant, water meter upgrades, monthly billing for utilities, off leash dog park, establishment of the Mayors Special Events Committee, creation of the Town Street Banner Program to include Business Sponsorship, Police sponsored Easter egg hunt, new Town Logo, a new Facebook page, improved monthly financials and internal controls.

FINANCES – Ms. Wagner from Wagner and Associates reported on the following;

• Total net assets of the primary government increased \$177,580.97 year to date. The net assets of the governmental activities increased \$147,171.01 from the previous year, while the net assets from the business activities increased \$30,409.96. However if we add back the depreciation to the business activities; we would have an increased of net assets of \$220,274.46. Actual revenues on a budgetary basis are \$166,448.45 below the amount of budget, while actual expenditures are below budgetary basis by \$355,660.43 for the primary government. As for the primary budget actual revenues are higher by \$21,104.05 while the actual expenditures are below the budgetary basis by \$49,858.68.

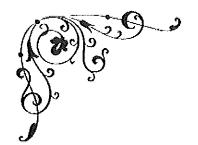
SEWER AND WATER REPORT – No Report/No Action Items

STREETS AND SIDEWALKS REPORT - Commissioner Osborne reported on the following;

• Cherry Street Petition; Commissioner Osborne introduced Ms. Cindy Mars from 21 Cherry St. who presented to the Board a petition signed by 27 residents to have Speed Humps installed on Cherry St. Ms. Mars explained that vehicles' speeding on Cherry St. is a safety issue for the children.

PUBLIC SAFETY - Commissioner Naughton reported on the following;

• Commissioner Naughton asked Chief Peterson to present the crime statistics report. Chief Peterson presented to the Board a copy of the monthly activities, reporting that the total calls for the month of April 2012 for service were 222, of those calls, criminal complaints were 132 public service were 84 and traffic related were 6.





Chief Peterson reported on the following;

- Early Trash removal: reporting that we have received complaints about the trash company picking garbage up before 5:00 A.M. at the Middle School and stating he has been in touch with Mr. Wills who will speak with the contractor. Also stating that Mr. Willis instructed him to give citations for anyone not abiding by the law.
- Evening with the Chief; reporting that the first meeting will be held June 6, 2012 at 6:00 P. M. on the 3rd floor of Town Hall, encouraging everyone to attend.
- Sunfest; reporting that there will be traffic changes and advising everyone to please be prepared.

PARKS AND RECREATION - Commissioner Callahan reported the following;

• Triangle Park Update; reporting that we have secured a storm water grant of just under \$150K and we will be starting construction of the wetland area this summer.

TOWN ADMINISTRATOR'S REPORT - Mr. Bonenberger reported on the following;

• Town Hall 3rd floor HVAC system; reporting that he has an action item for approval of the replacement of the air conditioner on the 3rd floor of Town Hall. Stating that the lowest bidder was R Brooks Mechanical which came in at \$19,400.00. Mayor Mumey asked for a motion to approve the bid submitted by R Brooks Mechanical. Commissioner Callahan motioned seconded by Commissioner Osborne to accept the bid submitted by R Brooks Mechanical with a cost not to exceed \$19,000.00 vote passed 3-0 with Commissioner Pierson abstaining.

<u>PLANNING AND ZONING BOARD</u>- Commissioner Naughton reported that the next scheduled meeting is cancelled due to the holiday, and stating that we are looking at a new dates to have the meeting.

B<u>OARD OF ZONING APPEALS</u> – No Report

CODE ENFORCEMENT - No Report

HISTORICAL PRESERVATION COMMISSION - No Report





OLD BUSINESS. — Commissioner Pierson reported that he attended a recent Chamber meeting and would like to report back that the businesses are ecstatic over the Banner Program, however a point was raised that while waiting for sponsor banners, there will be no banners around the Town parking lot area during the Sunfest celebration and he would like to suggest purchasing 20 Tiger Pride Banners to fly next to our Sunfest banners. Commissioner Pierson stated that the cost to purchase 20 Tiger Pride Banners will be \$3,200.00. Mayor Mumey asked for a motion to approve the purchase of 20 Tiger Pride Banners at a cost of \$3,200.00 Commissioner Pierson seconded by Commissioner Callahan to approve the purchase of 20 Tiger Pride Banners at a cost not to exceed \$3,200.00 vote passed 4-0.

<u>NEW BUSINESS</u>. – Commissioner Naughton reported that the Rising Sun library branch will be getting a new roof and this will be paid for by Capital Improvements funded by Slot money.

CITIZEN'S INPUT-

- Mr. Yust shared his concerns to the Board about Cherry Street safety
- Ms. Benjamin shared her concerns to the Board regarding an additional \$4.00 base charge included on her monthly utility billing.

<u>ADJOURNMENT</u> – With no other business before the board, a motion was made by Commissioner Stephen Naughton to adjourn. The meeting adjourned at 8: 39 PM.

Respectfully submitted

Rhonda Harmison Town Clerk





Motion to approve the minutes made by Commissioner Stephen Naughton, seconded by Commissioner Joanne Osborne at the June 12, 2012 Town Meeting

Motion Passed 4 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 6th day of June 2012.

Respectfully sybmitted

Rhonda Harmison Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)