

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN WORKSHOP  
MEETING MINUTES

*Let it be remembered* that the Mayor and Board of Commissioners of the Town of Rising Sun held a Town Workshop Meeting at the Janes United Methodist Church on Tuesday evening September 11, 2012. For the record the meeting place and time were duly posted as required.

**MEMBERS IN ATTENDANCE** – Mayor Robert Fisher, Commissioner Stephen Naughton  
Commissioner Travis Marion , and Commissioner Joanne Osborne

**MEMBERS ABSENT** – Commissioner Berkowich

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

**GUESTS:** See Attached List

**MEETING OPENING** – The meeting was called to order at 7 : 01 PM by Mayor Robert Fisher, followed by the pledge of allegiance, and a moment of silence led by Commissioner Marion.

**APPROVAL OF MEETING MINUTES** – Mayor Fisher asked for any corrections or approval for the August 14, 2012 Town workshop meeting, the August 28, 2012 Business meeting and the September 6, Special Meeting. Commissioner Osborne motioned to approve the August 14, 2012 Workshop meeting minutes. Mayor Fisher commented that he did not receive a copy of those minutes. Also the August 28<sup>th</sup> and the September 6<sup>th</sup> minutes are not completed, therefore the minutes should be deferred until the next meeting. Vote passed 3-0.

**SPECIAL PRESENTATIONS** –

- Maple Heights Development; Final Dedication and School Bus Pickup; in the absence of Mr. Montgomery the presentation was tabled.

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- Ordinance 2012-05 Rules of Ethics; Town Attorney Mr. Gullo outlined recommendations that will be presented tonight to meet the requirements of the State of Maryland Ethics. Mr. Gullo stated that the rules will impact employees, financial and campaign funds. Mr. Fox an Ethics Board member stated to the Board that the Town of Rising Ethics Board has met and put together an Ordinance that has exceeded the State's requirements. After a short discussion about the length of the document and should the whole 27 page Ordinance be read into the minutes, Mayor Fisher introduced Ordinance 2012-05 for adoption and asked Mr. Gullo to read into the minutes a summary of the sections. Mr. Gullo read into the minutes sections of the Ordinance with brief explanations. Mr. Gullo opened the floor for questions with no questions Mayor Fisher asked for a motion to approve Ordinance 2012-05. Commissioner Osborne motioned seconded by Commissioner Marion to approve Ordinance 2012-05 titled Rules of Ethics. Motion passed 3-0.
- Ordinance 2012-06 Addressing the Board; Time Limits and Decorum; Mayor Fisher introduced Ordinance 2012-06 and asked Commissioner Naughton to read Ordinance into the record. After reading the Ordinance into the minutes Commissioner Naughton asked for any discussion. Commissioner Osborne asked to add business owners to Section 1 subsection 2 titled Oral Commutations. Mayor Fisher commented that he does not see a need to make any changes. Stating that he does not see a need to exclude people and this appears to be one more way to limit his duties. Commissioner Naughton replied that not allowing out of towners' speaking rights would be a way to be more responsive to residents and taxpayers. After a short discussion Mayor Fisher deferred the Ordinance for a vote at the September 25th meeting.
- Resolution 2012-12 Grant Funding and Program Designation Compliance: Mayor Fisher introduced Resolution 2012-12 and asked Commissioner Marion to read the Resolution into the minutes. After reading the

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Resolution into the minutes Commissioner Marion asked for any discussion and motioned for passage. Mayor Fisher commented that he believes that the residents should have a chance to review the Resolution before passage. After a short discussion Commissioner Marion stated that his motion stands and was seconded by Commissioners Osborne. Mayor Fisher called for a vote. Motions passed 3-0.

**MAYOR'S REPORT** – Mayor Fisher reported that his campaign platform was based on change, but it seems to him that all the changes have been to take the powers from him. Change should benefit the residents, Mayor Fisher suggested to the Board to sit down and settle our differences and make changes for the betterment of the Town of Rising Sun.

**TOWN ADMINISTRATOR'S REPORT** – Mr. Bonenberger reported on the following:

- Mr. Bonenberger went on record to say that no powers have been transferred from the Mayor to the Town Administrator with the newly passed Ordinances and Resolutions stating that he feels it is important that everyone knows this.
- General Code; we are still working on the documentation needed to proceed with the codification project.
- Ethic's Board Staff Secretary; stating that he has been serving as the staff secretary for the Town's Ethic Board.
- Financial Audit; reporting that the audit is running smoothly. Mr. Bonenberger also commented on the questions that were brought forth at the last meeting about expenses paid to the Town Auditor and stating that going forward the accountant expenses are trending downward.

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- Mr. Montgomery; he received the Maple Heights punch list from the engineer and he and the Town Attorney will be reviewing the list.
- Armstrong Cooper Ave Storm-water Issues; we are waiting for the engineering proposals for a joint project with Armstrong to correct the storm-water issues on Cooper Ave.
- White Line Painting on Reynolds Ave; he is going to have a conversation with the Public Works superintendent to see what can be done.
- Utility Pole on Queen St; we are awaiting a response from Delmarva Electric in reference to cutting down the pole.

### **STREET & SIDEWALKS** – Mr. Bonenberger reported on the following:

- Storm-Water Permits for the Dog Park; stating that we are in the process of submitting plans to the County for approval. Also reporting that he, Ronald Thomas the Public Works Superintendent and Commissioner Marion walked the park with a measuring wheel to submit to the landscape architect. Mr. Bonenberger brought to the Boards attention that a water line needs to be run to the Dog Park and we are in the process of determining with the Town engineer what would be the best route.

### **SEWER AND WATER** – Mr. Bonenberger reported on the following:

- CDM Meeting; we have met with CDM to clarify in detail various drawings for the wastewater treatment plant.
- Frapple Lawsuit; depositions are in process.

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**BUILDING, PLANNING, ZONING AND CODE** - Mr. Bonenberger reported on the following:

- The next meeting is scheduled for September 24, 2012 with no new cases.
- The next Zoning Appeals meeting will be September 21, 2012 at 7:30 PM to hear the variance request from Clean Enterprise.
- Old Martins Occupancy; a Halloween store has requested a temporary occupancy and I have done the inspections however next year if there is not a permanent tenant, we will request permanent renovations to the building.
- Residential Sprinklers Code; issues need to be addressed concerning the Town Code in reference to single line water service to residential homes.

**FINANCES** – Ms. Wagner reported on the following:

- Financials; total net assets of the primary government increased \$179,616.28 year to date. The net assets of the governmental activities increased \$156,270.67 from the previous year, while the net assets from the business activities increased \$23,345.61. However if we add back the depreciation to the business activities; we would have an increased of net assets of \$208,867.67. Actual revenues on a budgetary basis are \$218,541.20 below the amount of budget, while actual expenditures are below budgetary basis by \$402,051.53 for the primary government. As for the primary budget actual revenues are higher by \$14,306.48 while the actual expenditures are below the budgetary basis by \$53,648.33.

**PUBLIC SAFETY** –Chief Peterson reported on the following:

- Pearl Street and N Queen St intersection issue; an assessment of the intersection was done and a report was given to Commissioner Berkowich for review.

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- State Aid Police Protection Grant; announcement has been made for the opening of the application grants and he will be applying in the next couple weeks.
- Police Computer Upgrade; the transition has been complete and all reports will be computer generated and will have the capabilities to link with online services.
- Monthly Crime Statics; the reports are available at Town Hall for viewing.

**Town Attorney Mr. Jay Gullo reported on the following:**

- Bryans Grace Issues; he needs to know what the issues are regarding the dedication before he can make a recommendation.

**Commissioner Marion reported on the following:**

- Dog Park; the millings at the Dog Park have been removed.
- Web Site Development; the Commissioners pictures were taken and he is awaiting the submittal of the bios and hoping to post in the next couple of weeks.

**Commissioner Naughton reported on the following:**

- Wastewater Treatment Plant; we had a very productive meeting last week.
- Rising Sun Library; the library has re-opened.

**Commissioner Osborne reported on the following:**

- Town Speed Limit Signs; requesting that we contact the State and County about moving our 25 mile and hour speed limit signs to the boundaries of the Town.

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**Mr. Bonenberger in Mr. Berkowich absence reported on the following:**

- Noise Concerns; residents brought to Mr. Berkowich's attention about concerns about noise. He is researching the Ordinance and will review with the Chief and the Town Administrator and report back.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**CITIZEN'S INPUT** –

- Ms. Donna Authenreath of 107 Broad Leaf Ct; shared her concerns about the statement Commissioner Osborne quoted in the newspaper.
- Mr. Allen Authenreath of 107 Broadleaf Ct.; also shared the concerns stated by Ms. Authenreath. He also commented that Commissioner Berkowich should step down if he is unable to regularly attend meetings.
- Mr. Brian Leishear of 102 Broadleaf Ct.; commented he supports the legislation preventing non-residents from speaking at Town meetings. Also asking the Mayor about what his plans are for the Town. The Mayor replied that he has no formal plans or goals. Mr. Leishear commented that the Town is dying.
- Ms. Shelly Leishear of 102 Broadleaf Ct.; commending the Town Administrator, Mayor and Commissioners for their hard work. Ms. Leishear asked Commissioner Osborne to retract her comment to the newspaper. She also commented that there has been an increased presence of Police in her subdivision and fears retaliation. Her hope is that the Town moves forward in a positive way.
- Ms. Dee Emsley of 479 Slicer Mill Rd; expressed that she doesn't want to lose the right to speak at Town meetings expressing that she does not live in Town but supports the business in Town.

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- Mr. Joe Moore of; 212 Maple Leaf; shared his concerns in reference to Commissioner Osborne's quote to the newspaper.
- Anthony Burton of 211 Maple Leaf; commented that unfortunately a lot of negative events have taken place recently although he sees a lot of positive going forward.
- Chris Callahan of 20 Mount St.; thanked the Ethics committee for their efforts and commented to Commissioner Naughton that he does not agree with Ordinance 2012-06.
- Mr. Jeff Aughenbaugh of 112 Turtleback Ct; expressed his disagreement with Ordinance 2012-06 citing the first Amendment.
- Mr. Nate Harris of 208 Maple Leaf Dr. expressed his disagreement with Ordinance 2012-06.

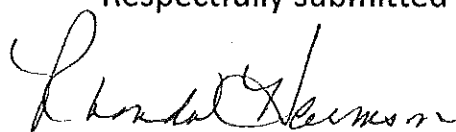
**ADJOURNMENT** – With no other business before the Board a motion was made by Commissioner Osborne seconded by Commissioner Marion to adjourn the meeting. The motion passed 3-0.

Meeting was adjourned at 9: 30 PM.



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Respectfully submitted

A handwritten signature in cursive script, appearing to read 'Rhonda Harmison', is written over a horizontal line.

Rhonda Harmison  
Town Clerk

Motion to approve the minutes made by Commissioner Stephen Naughton,  
seconded by Commissioner Charles Berkowich at the September 25, 2012 Town  
Meeting

Motion Passed 3 0

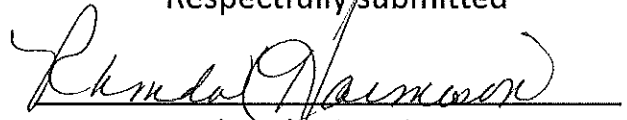
**DECLARATION AND VERIFICATION OF AUTHENTICITY**

I, Rhonda Harmison Town Clerk for the Town of Rising Sun, Maryland, do hereby 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.

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*IN TESTIMONY WHEREOF*, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 25<sup>th</sup> day of September 2012.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Rhonda Harmison", written over a horizontal line.

Rhonda Harmison  
Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**

**(COUNTY OF CECIL)**

**(TOWN OF RISING SUN)**