

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 3<sup>rd</sup> floor of Town Hall on Tuesday evening October 23, 2012. For the record the meeting place and time were duly posted as required.

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

**MEMBERS ABSENT:** None

**STAFF/CONSULTANTS PRESENT** – Town Administrator Calvin A. Bonenberger Jr.  
Town Clerk Rhonda Harmison

**GUESTS:** See Attached List

**MEETING OPENING** – The meeting was called to order at 7 : 00 PM by Mayor Robert Fisher, followed by the pledge of allegiance and a moment of silence.

**APPROVAL OF MEETING MINUTES** – Mayor Fisher asked for any corrections to the September 25, 2012 Town Business meeting minutes, recognizing that the minutes were not completed he deferred the approval until the next meeting.

**RECORD OF CLOSED MEETING MINUTES** –

October 14, 2012 Executive Session: Mr. Bonenberger read the minutes of the Executive Session held October 14, 2012 on the 2<sup>nd</sup> floor to Town Hall at 5:35 PM. Motion was made by Commissioner Naughton and seconded by Commissioner Berkowich to enter into executive session. The reason for the meeting in accordance to the Maryland Open Meeting Act was to discuss item number seven (to consult with counsel to obtain legal advice). Persons present; all the Commissioners, Town Administrator Calvin Bonenberger and the Town Attorney Jay Gullo. Commissioner Berkowich left the meeting at roughly 6:20 PM. Actions taken at the Executive Session: Motion by

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Commissioner Naughton and seconded by Commissioner Marion to open the meeting. Motion passed 4-0. Motion was made by Commissioner Naughton and seconded by Commissioner Osborne to seal the minutes of this executive session due to pending legal issues. Motion was made by Commissioner Naughton and seconded by Commissioner Marion to leave executive session. Motion passed 3-0. Motion was made by Commissioner Marion and seconded by Commissioner Osborne to adjourn the meeting. Meeting adjourned at 7:29 PM.

September 4, 2012 Ethics Board Executive Session: Mr. Bonenberger read the minutes of the Ethics Board Executive Session that was held September 4, 2012 on the 2<sup>nd</sup> floor to Town Hall at 5:30 PM. Motion was made by Chip Slaybaugh and seconded by Jim Jones to hold an Executive Session. The reason for the meeting in accordance to the Maryland Open Meeting Act was to discuss item number seven (to consult with counsel to obtain legal advice). Persons present were Chip Slaybaugh, Jim Jones, David Foxx, Town Administrator Calvin Bonenberger and the Town Attorney Jay Gullo. Topics discussed: Review State requirements for updates to the Ethics Code. Actions taken at the Executive Session: Motion by Chip Slaybaugh and seconded by David Foxx to adjourn the meeting. Meeting adjourned at 7:30 PM.

September 11, 2012 Ethics Board Executive Session: Mr. Bonenberger read of the minutes that an Ethics Board Executive Session was held September 11, 2012 on the 2<sup>nd</sup> floor to Town Hall at 6:00 PM. Motion was made by Chip Slaybaugh and seconded by David Foxx to hold an executive session. The reason for the meeting in accordance to the Maryland Open Meeting Act was to discuss item number seven (to consult with counsel to obtain legal advice). Persons present were Chip Slaybaugh, David Foxx, Town Administrator Calvin Bonenberger and the Town Attorney Jay Gullo. Topics discussed: Review and finalize final comments for draft Ethics Code. Actions taken at the Executive Session: Motion by Chip Slaybaugh and seconded by David Foxx to adjourn the meeting. Meeting adjourned at 6:55 PM.



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### **PRESENTATIONS, ORDINANCES AND RESOLUTIONS –**

David Taylor Parking solutions for Rising Sun; Presenting to the Board potential areas of study for possible parking solutions for the Town. The first location would be Walnut and Cherry where the previous water tower was located, with the possibility of 40 to 50 parking spots. (2). Mount St., heading north on the right hand side all the way to where the road narrows.

Downtown revitalization; shared with the Board about talk he has heard concerning the possibility of Sue's Restaurant holding an after hours, one weekend a month and possibly having entertainment.

**MAYORS REPORT**– Mayor Fisher commented that he needs to repeat that his campaign was based upon a cost effective, responsive, transparent and collaborative government, although he has yet to see that. Commenting that time is going by and we need to settle our differences.

**FINANCIALS** – Ms. Wagner of Wagner and Associates presented to the Board the financial statement ending June 30<sup>th</sup>. Total net assets of the primary government increased \$41,181.89 year to date. The net assets of the governmental activities increased \$61,820.79 from the previous year, while the net assets from the business activities decreased \$20,638.90 due to depreciation to the business activities when added back in the increase of net assets is \$207,291.20. The proprietary budget actual revenues are higher by \$9,212.52 while the actual expenditures are below the budgetary basis by \$6,644.78.

July; Total net assets of the primary government increased \$770,009.20 year to date, the assets of the governmental activities increased \$753,265.43 from the previous year. With add back of the depreciation to the business activities; we would have an increase of net assets of \$35,804.86.

August; Total net assets of the primary government increased \$692,007.39 year to date. The assets of the governmental activities increased \$672,823.86 from the previous year, while the net assets from the business activities increased \$19,183.53.

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### STFAFF REPORTS

#### TOWN ADMINISTRATOR, CALVIN A. BONENBERGER REPORTED ON THE FOLLOWING:

Turn the Town Pink; the Town has calibrated with Ms. Vicki Rinkerman of the Cecil County government in observance of Breast Cancer Awareness month, and thanks to the public works department we were able to turn our fancy street lights pink throughout the month of October using a pink film.

Wastewater Treatment Plant Update; the project is 16% complete and we are on target to complete the project in April. The subcontractor Dutchland will be coming in next week to begin construction of the cast in place clarifiers. We are waiting for Delmarva power to run the three phase service to the plant and as soon as this is completed, Armstrong will follow in that footprint with their permanent lines.

Water; Chester Water update; we have received the preliminary water line design from Chester Water, and waiting for the cost estimate for the line installation. We have requested CDM Smith to provide a second opinion cost estimate for the Pennsylvania portion and an estimate for the Maryland portion. The cost estimate is expected to come in somewhere between 5-8 million dollars.

ICMA Conference; he attended a five day training conference last week stating that it was the single best event he'd ever attended, reporting that he learned a great deal about community revitalization and economic development.

TV Monitors; Recognized the Chief of Police for securing monitors as part of an emergency services grant.

Holiday meeting schedules; to assist the Board in making any appropriate changes of the Board's meeting dates for November and December the following items should be considered:

- The Rising Sun Chamber meeting has been rescheduled for November 14<sup>th</sup>. and no December meeting
- The Planning and Zoning meeting scheduled for the 26<sup>th</sup> of November will



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be rescheduled and the December meeting will be rescheduled for the first or second week of December.

- Town Business meeting scheduled for the 27<sup>th</sup> of November if anyone has travel plans or if there is a reason to postpone.
- The Town business meeting for December will fall on the 25<sup>th</sup> and in the past the Town has cancelled without rescheduling.

### **COMMISSIONER BERKOWICH REPORTED ON THE FOLLOWING:**

Halloween Safety; Trick or Treating will be from 6-8 p.m. and urging residents to use caution. Also reporting there will be extra police on duty for the event.

### **COMMISSIONER MARION REPORTED ON THE FOLLOWING:**

Triangle Park Update; we have all the approvals for the wetlands portion and we will be having a meeting with MDE for final approval. Construction for the park will begin in mid-November.

Community Park; the Public Works Department is formulating a plan to deal with the low lying areas and we are getting quotes for the repair of the storage shed.

Civil War Reenactment; the event was a wonderful success and everyone had a good time. We owe a special thanks to Historical Society especially Ms. Diane Ehrhart.

MML Conference; it was a great conference stating that he learned a lot.

MML Dinner; the Town sponsored event was a success and extended thanks to the Town staff and the Chief for securing a speaker.

Christmas Carol Event; scheduled for December 4<sup>th</sup> at 7:00 P.M.

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### **COMMISSIONER NAUGHTON REPORTED ON THE FOLLOWING:**

MML Conference; he also attended the MML conference and it was a great learning experience.

Rising Sun's Zoning Code; the Town has been approached by a business to sell fire arms and after a lengthy discussion at the planning and zoning meeting about a possible glitch in the code in reference to the sale of fire arms we will be looking into the code further.

Planning and Zoning Meeting; a meeting was held last night and there is no new cases before us.

Next Scheduled Meeting Date; we were awaiting the scheduled date for the Carol Sing and now that we have that date we can schedule the next planning and zoning meeting.

### **COMMISSIONER OSBORNE REPORTED ON THE FOLLOWING:**

Town Parking Issues; thanking Mr. Taylor for his presentation stating that we will take the recommendations into consideration.

MML conference update; stating that she also learned a great deal from the MML Conference.

Pogue Ave. Update; progress has been made to the Pogue St. sidewalk. After doing a site visit the sidewalks on Haines, Mount and Pearl streets are also in deplorable condition.

E-Mails; everyone was thanked for sending e-mail correspondence. She reads them all but does not always reply.



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**OLD BUSINESS.** – No Old Business

**NEW BUSINESS.** – No New Business

**CITIZEN'S INPUT** – Citizens presented their concerns to the Board as follows;

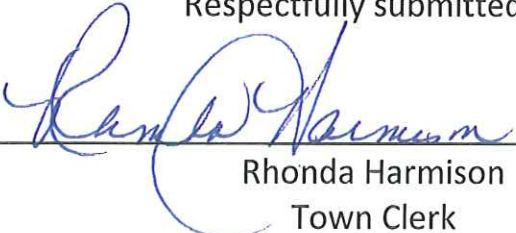
- Lynn Griffin, 207 Maple Leaf Dr.; said that she is looking forward to the using the Towns facebook page for social media. She also asked the Board if there is an Ordinance for barking dogs.
- Jeff Aughenbaugh 112 Turtle Back Ct.; presented the Board with copies of the Maryland Constitution urging the Board to govern accordingly. In closing Mr. Aughenbaugh quoted from Luke 16:10.
- Delores Smith, 807 E Maple Heights Ct; spoke on the behalf of the Junior Explorer Program addressing Commissioner Berkowich in regards to any updates on the criminal investigation for the misuse of funds that he is conducting. Ms. Smith also asked how he was able to obtain her unlisted telephone number. Commissioner Berkowich replied that he received a memo in his Town mail box with her address and telephone number with the message to give Ms. Smith a call, which he did. During the phone call she stated that money collected for the program was missing. His response to her accusation was that he would bring this to the attention of Mr. Bonenberger. After lengthy discussion Mayor Fisher directed that this matter be dealt with outside of the Town Meeting suggesting a meeting to be scheduled between the concerned individuals and the Town Administrator.
- Justin Westbrook, 7 Meadow Dr. North East MD; addressed Mr. Bonenberger to set a meeting in reference to the Junior Explorer Program. A meeting was set for Thursday October 25<sup>th</sup> at 9:00 AM.
- Caitlyn Grubb and Connor Miller, 315 Maple Heights Ct.; presented a petition to allow the Junior Explorer program to continue.

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- Coby Taylor, 713 E Maple Heights Ct; shared his interest in the Explorer Program and asked that the program be reinstated.
- Tom Mumey, 202 Mount St; addressed the audience and the Board stating that he was disturbed by use of the term "criminal investigation" regarding the money collected from the prospective Explorer members, the amount being \$20.00. Mr. Mumey addressed Mr. Westbrook asking him to clarify where the money went. Mr. Westbrook replied that the money was not missing. Stating that the money was used to process the applicants for the program. Mr. Mumey asked the Board to nullify the accusations brought before the Board.
- Dave Taylor, recited a fall poem titled Octobers Party.
- Mr. Vince Sammons donated \$100.00 dollars to the Junior Explorer program.

**ADJOURNMENT** – With no other business before the board, a motion was made by Commissioner Naughton seconded by Commissioner Osborne to adjourn. The meeting adjourned at 8: 15 PM.

Respectfully submitted



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Rhonda Harmison  
Town Clerk



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Motion to approve the minutes made by Commissioner Joanne Osborne,  
seconded by Commissioner Stephen Naughton at the November 13, 2012 Town  
Meeting

Motion Passed 4 0

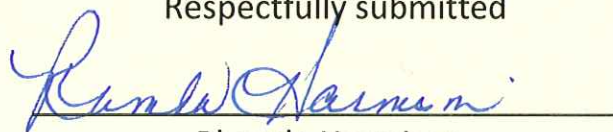
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### DECLARATION AND VERIFICATION OF AUTHENTICITY

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.

*IN TESTIMONY WHEREOF*, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 14th day of November 2012.

Respectfully submitted



Rhonda Harmison

Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**

**(COUNTY OF CECIL)**

**(TOWN OF RISING SUN)**