

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 on the 3<sup>rd</sup> floor of Town Hall on Tuesday evening November 13, 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 , Commissioner Joanne Osborne and Commissioner Charles Berkowich

**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 6, 2012 Special Town Meeting, the September 25, 2012 Town Business, and the October 23, 2012 Town Business Meeting minutes. Commissioner Osborne motioned and seconded by Commissioner Naughton to accept the minutes as written. Vote passed 4-0.

**Executive Session November 13, 2012** Mr. Bonenberger read into the minutes that an Executive Session was held November 13, 2012 on the 2<sup>nd</sup> floor of Town Hall at 5:35 PM. The reason for the meeting was in accordance to the Maryland Open Meetings Act, Title 10. Governmental procedures, Subtitle 5. Meetings, section §10-508(a) This meeting was closed in order to discuss: (7) To consult with counsel to obtain legal advice. Person present were all Commissioners, Mayor Robert Fisher, Town Attorney Jay Gullo and Town Administrator Mr. Bonenberger. Motion to hold a meeting was

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made by Commissioner Naughton and seconded by Commissioner Marion. Motion passed 4-0. Commissioner Berkowich left the meeting at 6:20 PM. Motion made by Commissioner Naughton and seconded by Commissioner Osborne to seal the minutes of the executive session due to pending legal issues. Motion made by Commissioner Naughton and seconded by Commissioner Marion to leave executive session. Motion passed 3-0. Motion made by Commissioner Marion and seconded by Commissioner Osborne to adjourn the. Meeting adjourned at 7:29 PM.

Frapple Lawsuit; Mr. Bonenberger reported that initially the amount of the lawsuit from Frapple LLC in reference to the Wellington Manor was \$90 million and later increased to \$120 million although five of the six charges in the case have since been dismissed. The remaining charge carries a possible award of \$21 million which is not covered by the Town Insurance carrier. A consideration was offered by Frapple that the Town pays them the amount of \$5 million dollars and supply water and sewer hook ups to the Wellington Manor subdivision whether it be developed by Frapple or by someone else. Another stipulation is that Wellington Manor pay only \$7,000 per edu hookup. Commissioner Osborne motioned and seconded by Commissioner Berkowich to decline the offer from Frapple Development. Vote passed 4-0.

Delaware Development Company; Mr. Bonenberger reported that the Delaware Development has filed a suit against the Town regarding rescinding a plan to approve the second and third phases of Maple Heights. Commissioner Berkowich motioned to reaffirm rescinding Resolution 2012-10, seconded by Commissioner Naughton. Vote passed 4-0.

**Ordinances, Resolutions and Special Presentations –**

Ordinance 2012-05 Revised Ethics Code; Mr. Chip Slaybaugh Chairman for the Ethics Committee presented to the Board Ordinance 2012-05 Revised Ethics Code for emergency passage due to the Town missing the deadline date that the State mandated. After lengthy discussion Commissioner Naughton motioned seconded by Commissioner Marion to approve Ordinance 2012-05. Vote passed 3-1 with Commissioner Osborne voting against an emergency adoption. Commissioner Osborne asked Mr. Slaybaugh to read into the minutes the highlights of the Ordinance. Mr.

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Slaybaugh read into the minutes the highlights of Ordinance 2012-05. Commissioner Osborne motioned and seconded by Commissioner Naughton to adopt Ordinance 2012-05 under regular passage. Vote passed 4-0.

Municipal Government Works Month Proclamation; Mayor Fisher read the proclamation into the minutes. He stated that he plans to speak to the 4<sup>th</sup> graders at Rising Sun Elementary and propose to them to write an essay "If I were Mayor".

**MAYOR'S REPORT** – commending all those that stayed at Town Hall acting as an emergency response team during the hurricane. Mr. Fisher reiterated his reason for running for Mayor stating that he cannot get any cooperation from the Commissioners. He shared his reasons why he became Mayor stating that he wanted to fix a lot of things that needs fixed in Town. He also stated that he is not suing the Town.

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

- Hurricane Sandy; the Town set up an emergency response team supporting the County and local residents. The team stayed at Town Hall during the storm. He outlined the emergency response task list that the Town has put in place to assist residents if they had trouble. Also reporting that the Historical room at Town Hall had a leak but we were able to secure the artifacts. The Town purchased a generator and expects to be reimbursed for the cost from FEMA.
- Explorer Post in Rising Sun; he has met with the ones that want to start an Explorer Program and it will be another 30-60 days before everything is in place. He will report back with updates.
- Town Economic Development; Mayor Fisher, Calvin Bonenberger, Commissioner Marion and Brian Leishear attended a webinar seminar regarding economic development.

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- Town Decorating; the Public Works Crew is starting to decorate the Town for Christmas and we will be putting colored gels in the Town's fancy street lights.
- Sales of Ammunition and Weapons in Town Limits; current Town codes do not allow the sale of weapons or ammunition and we are looking into the possibility of a variance request.
- APG Credit Union Locating in the Town; the credit union is considering opening a branch in the Town limits.

**STREET & SIDEWALKS** – Commissioner Osborne reported on the following:

- Repairs on Pearl and Mount Streets; repairs will be made at the corner of Pearl and Mount streets and also she is looking at a 25 mile an hour speed limit in the Town.
- Expanded Parking for the Town; she is looking into expanding parking to the site of the old water tower as was suggested by Mr. David Taylor at the last meeting.

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

- Monthly Crime Statics; the reports are available at Town Hall for viewing.

**PARKS AND RECREATION** Commissioner Marion reported on the following:

- Triangle Park update; a conference call with the Octoraro Watershed and will report back.

**Commissioner Naughton reported on the following:**

- Limited interaction with Mayor Fisher; that his interaction with the Mayor will only be at Town meetings, in fear that there a law suit could be brought against him. Commissioner Marion also stated he would be doing the same.

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**Commissioner Berkowich reported on the following:**

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

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**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.

Respectfully submitted



Rhonda Harmison  
Town Clerk

Motion to approve the minutes made by Commissioner Joanne Osborne,  
seconded by Commissioner Stephen Naughton at the December 11, 2012 Town  
Meeting  
Motion Passed 3 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 11<sup>th</sup> day of December 2012.

Respectfully submitted



Rhonda Harmison  
Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**

**(COUNTY OF CECIL)**

**(TOWN OF RISING SUN)**