

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

*Let it be remembered* that the Mayor and Board of Commissioners of the Town of Rising Sun held a Town Meeting at the Rising Sun Fire Hall on Tuesday November 27, 2012. For the record the meeting place and time were duly posted as required.

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

**MEMBERS ABSENT:** Commissioner Charles Berkowich

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

Town Clerk Rhonda Harmison, Mr. Jay Gullo, Town Attorney

**GUESTS:** See Attached List

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

**APPROVAL OF MEETING MINUTES** – Mayor Fisher asked for any corrections to the November 13, 2012 Town Workshop meeting minutes, recognizing that the minutes were not completed he deferred the approval until the next meeting.

**RECORD OF CLOSED MEETING MINUTES** – Mayor Fisher asked for the report of the November 18, 2012 Executive Session and the November 19, 2012 Executive Sessions.

**November 18, 2012 Executive Session:** Commissioner Osborne read into the minutes of the Executive Session held November 18, 2012 on the 2<sup>nd</sup> floor of Town Hall at 5:00 PM The reason for the meeting was in accordance to the Maryland Open Meeting s Act, Title 10. Governmental procedures, Subtitle 5 to discuss (1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

matter that affects one or more specific individuals. Meeting was adjourned at 9:30 PM and re-adjourned Monday November 19, 2012 at 8:35 PM, to continue discussing personnel issues. Meeting was adjourned at 9:30 PM.

**PRESENTATIONS, ORDINANCES AND RESOLUTIONS –**

Ordinance 2012-05 Revised Ethics Ordinance; Mr. Chip Slaybaugh read into the minutes that due to his error the Ordinance could not be passed at the last meeting and asked the Board to re-vote the Ordinance . Commissioner Osborne motioned and seconded by Commissioner Marion to approve Ordinance 2012-05. Vote passed 3-0. Mayor Fisher reported on a letter that he saw in Town Hall stating that the Town is requesting a waiver and the hearing set for January 2013. Mayor Fisher stated he is confused and questioned why the Town has to pass an ethics code if a waiver has been requested. Mr. Slaybaugh responded that in June of 2012 the Town requested an extension although we have been able to complete the revised code therefore not needing the waiver. Mr. Gullo outlined the state law requiring the adoption of the Ordinance.

Act of Censure 2012-01 Board of Commissioner Censure of Mayor Robert A. Fisher; The Act indicated that Rising Sun has a “weak mayor & Commissioner” form of government which requires cooperation among the elected representatives to accomplish the executive and legislative functions of government. The Act stated that several incidents have occurred where Mayor Robert Fisher has acted in direct disregard of directives voted on by the Board of Commissioners which has endangered himself and others, caused delay to the wastewater construction project and incurred additional expense. Following the reading of the Censure, Commissioner Naughton read into the minutes a letter from Mayor Fisher asking to attend the monthly wastewater construction meetings. Commissioner Naughton responded with a letter of denial, which Mayor Fisher disregarded. Commissioner Naughton closed by stating that it gave him no pleasure to take the action, but indicated that the Board is addressing a pattern of behavior.

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

Public Comment; Commissioner Osborne asked for public comment from citizen in reference to the Act of Censure

August Pierson; expressed his support as a former Commissioner for the Act of Censure.

Lynn Griffin; expressed her support for the Act of Censure.

Beth Griffin; expressed her support for the office of Mayor and respectfully asked the Mayor to resign from office.

Bill Smith; expressed that the Mayor violated the order and you should resign from office.

Allen Authenreath; expressed his support for the Act of Censure.

Shelly Leishear; shared her concern and her support for the Act of Censure

Commissioner Osborne closed the discussion and asked for a vote. Vote passed 3-0.

**MAYORS REPORT** – I have tried to make the Town a cost effective and collaborative government. Mayor Fisher invited anyone to sit down with him and show him the facts.

**STAFF REPORTS;**

**Town Administrator** – Calvin Bonenberger reported on the following:

- Junior Explorer Program; the Explorer program is moving ahead.
- Town Audit; the Audit is complete and we are working on bringing the auditor in for our December 11<sup>th</sup> meeting.

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

- Town Resident copper theft; a resident who had her house broken into and the copper lines were stolen and she is asking the Town to waive the water and sewer billing.
- Scheduled Town Meetings; the next Town meeting will be December 11<sup>th</sup> with no meeting scheduled for December 25<sup>th</sup>.
- Mr. Bonenberger apologized to the residents for not sending a reminder notice of the annual utility billing increase.
- Planning and Zoning meeting will meet on December 18<sup>th</sup> and hear case 2012-03 Ace Hardware special exception.
- Code enforcement; read into the minutes a report that he received from the Cecil County health department in reference to a housing violation, stating that the Town has serious issues with properties.

**FINANCIALS –**

Ms. Wagner gave a summary on the year-to-date financial activities of the Town and compared revenues and expenses to budgeted amounts for various funds.

**COMMISSIONER BERKOWICH REPORTED ON THE FOLLOWING: NO REPORT**

**COMMISSIONER MARION REPORTED ON THE FOLLOWING:**

- Triangle Park Update; a conference call with the Town administrator for any updates on parks, the DNR permits have not been granted yet however we have our County permits and have been in touch with a landscape architect to set a meeting for the final landscape design.
- TOWN ANNUAL CAROL SING; reminding everyone the date is set for December 4<sup>th</sup> urging everyone to attend.

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

**COMMISSIONER NAUGHTON REPORTED ON THE FOLLOWING:**

- Encouraged residents to participate and speak up with any concerns.
- Acknowledged the Community Fire Department's caring and efforts at an accident involving a family member this past weekend

**COMMISSIONER OSBORNE REPORTED ON THE FOLLOWING:**

- Sidewalk Mount, Pearl and Haines update; we are awaiting quotes from contractors to replace the sidewalk.
- Road Line Painting; Walnut St and Buckley Ave. hoping to get the contractor to offset the line painting.

**OLD BUSINESS.** – Commissioner Osborne motioned seconded by Commissioner Naughton that we forego conflict mediation. Vote passed 3-0.

**NEW BUSINESS.** – No New Business

**CITIZEN'S INPUT –**

Lynn Griffin; thanked the Board for using face book for updates on hurricane Sandy stating that everyone did a wonderful job, and asked the Board to archive the Town meetings so anyone can have access.

Shelly Leishear; presented to the Board a petition with 77 signatures asking the Mayor to step down.

Brian Leishear; expressed his concern for the Town to do the right thing and asking the Mayor to step down immediately.

Vince Sammons; ask when the Banner program will begin. Mr. Bonenberger responded that there is a form that needs to be developed for graphics.

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

August Pierson; ask why Commissioner Berkowich wanted to fire Chief Peterson.

Tom Mumey; thanked the Board for having the courage to do what they did stating a job well done.

Will Smith; quoted Charter powers and duties of the Mayor, and asked the Mayor for his resignation.

Jami Kane; asked the Mayor to step down from his elected position.

Allen Authenreath; asked the Board about availability of online utility payments, Commissioner Marion responded that he and Calvin are working on the online utility billing. Mr. Authenreath asked Commissioner Osborne about the roads and the trash trucks blowing oil all over the road in his development, explaining that it is an environmental hazard.

Dave Warnick; expressed that when you serve on a board you work as a team.

**FINAL COMMENTS**

Commissioner Osborne; thanked everyone for coming out and giving their opinions, and urging everyone to please come to the next meeting as she will have an agenda to present and will be asking for volunteer help.

Mr. Bonenberger; responded to a question from Mr. Authenreath; Commissioner Osborne the Town Attorney and I have been working with the engineer to do a review of the Maple Heights development issues.

**ADJOURNMENT** – With no other business before the board, a motion was made by Commissioner Osborne seconded by Commissioner Marion to adjourn. The meeting adjourned at 9:25.

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

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

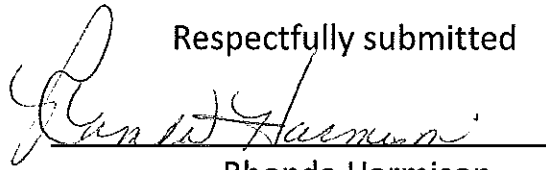
Motion Passed 3 0

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN BUSINESS  
MEETING MINUTES

**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 here unto set my hand and have affixed the seal of the Town of Rising Sun as of this 12<sup>th</sup> day of December.

Respectfully submitted  
  
Rhonda Harmison  
Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**

**(COUNTY OF CECIL)**

**(TOWN OF RISING SUN)**