

ACT OF CENSURE 2012-1

Town of Rising Sun

Cecil County, Maryland

BOARD OF COMMISSIONERS CENSURE OF MAYOR ROBERT A. FISHER

WHEREAS, the authority of the Town Government rests in the Mayor and Four Commissioners of the Town of Rising Sun; and

WHEREAS, this form of government, known as a "weak mayor & Commissioner" form of government requires cooperation among the elected representatives to accomplish the executive and legislative functions of government for the benefit of the citizens of Rising Sun; and

WHEREAS, cooperation is defined as the action of acting jointly with another towards a common end; and

WHEREAS, as elected officials elected by the democratic process of majority vote, it is not practical to believe that said officials will agree on all matters, these decisions by the Mayor and Board of Commissioners are reached by majority vote; and

WHEREAS, such decisions once reached determine the direction or action on a matter for the Town and are expected to be observed and adhered to by all officers of the Town regardless of their personal positions or feelings on the matter; and

WHEREAS, the Mayor upon taking office, appointed with the consent and approval of the Board of Commissioners, various Commissioners as liaisons to the various departments to oversee the day to day operations of said department; and

WHEREAS, one such appointment was of Stephen Naughton to be the Commissioner of the Water and Sewer department; and

WHEREAS, due to the complexities, liabilities, legalities and money involved in the construction of the new wastewater treatment plant and its impact on the Town's finances, lawsuits with developers, judicial orders with the Maryland Department of the Environment, and the very future of the Town, the Mayor and Board of Commissioners as a body, unanimously voted that all matters related to the construction of the new wastewater treatment plant shall be handled solely through a project manager and that project manager shall be the Town Administrator, Calvin Bonenberger, Jr; and

WHEREAS, several incidents have occurred where Mayor Robert Fisher has acted in direct disregard of this directive voted on by the Board of Commissioners, which endangered himself and others; caused delay to the construction project; caused added expense to the construction project; and created additional liability to the Town from neighboring property owners; and

WHEREAS, as egregious as these actions are individually, the totality of these actions show that the Mayor Robert A. Fisher has no intention of abiding by the decisions made

by the Board of Commissioners and seeks to act unilaterally, without Board approval, and many times in direct conflict to written directives of the Board, to take actions which are not in the best interests of the Town; and

WHEREAS, as a review of the Charter of the Town of Rising Sun shows it is beyond the power of the Board of Commissioners to remove or otherwise suspend Mayor Robert A. Fisher for his actions which are not in the best interests of the Town and in violation of the Board of Commissioners; and

WHEREAS, the only avenue available to the Board of Commissioners to address this misconduct is to publicly Censure Mayor Robert A. Fisher for his inappropriate conduct. A Censure is a term used for the formal condemnation by the elected body of one of its members. It is a reprimand aimed at the reformation of the person and prevention of further offending acts.

NOW, THEREFORE, WE the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, on this 27th day of November, 2012, do hereby censure and condemn in the strongest terms Mayor Robert A. Fisher for his reckless disregard of the actions taken by vote of the majority of the Rising Sun Board of Commissioners to address the manner in which all aspects of the wastewater treatment plant construction, and items related thereto, are handled. Such action shows his contempt and disregard for the democratic decision making process utilized in the governing process and his disdain and lack of respect to his fellow elected officials by his failure to abide by the Board's decision reached in a cooperative process, when such decisions do not coincide with his personal agenda. We further believe that by engaging in such conduct Mayor Robert A. Fisher has breached his duty as an officer of the Town of Rising Sun.

BY: Not Present

Commissioner Charles Berkowich

ATTEST:

BY: Rhonda Harmison

Town Clerk - Rhonda Harmison

November 27, 2012

BY: Travis Marion

Commissioner Travis Marion

BY: Stephen Naughton

Commissioner Stephen Naughton

Approved for form and legal sufficiency

On this 27th day of November, 2012

BY: Joanne Osborne

Commissioner Joanne Osborne

BY: Jack A. Gullo, Jr.

Jack A. Gullo, Jr., - Town Attorney