

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 on the third floor of Town Hall Tuesday April 23, 2013. 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 Berkowich

STAFF/CONSULTANTS PRESENT –Town Administrator Calvin A. Bonenberger Jr.
Town Attorney Jay Gullo.

STAFF/CONSULTANTS ABSENT – Town Clerk Rhonda Harmison

GUESTS: See attached list.

MEETING OPENING – The meeting was called to order at 7:01 PM followed by the pledge of allegiance and a moment of silence.

HEARING FOR KEITH CAMPBELL ELIGIBILITY QUALIFICATIONS TO CONTINUE SERVING ON THE PLANNING AND ZONING BOARD –

READING OF THE WRITTEN CHARGES: Town Attorney Jay Gullo read into the record that the reason for this hearing is to determine the eligibility for Mr. Campbell to continue serving on the Planning and Zoning Appeals Board. Mr. Gullo proceeded to read, that it has been brought to the Board of Commissioners attention that Mr. Campbell is no longer a bona fide resident of the town of Rising Sun, which disqualifies him from continuing serving as a member on the board. According to the financial disclosure submitted to the Ethics Board, Mr. Campbell reported on schedule (A) of the form, property owned by him located at 87 Post Rd, and according to the Maryland land records this is his primary residence.

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Mr. Gullo proceeded, stating according to Maryland land records Mr. Campbell's principal residence is 87 Post Rd therefore disqualifying him to serve on the Zoning Appeals Board. Mayor Fisher asked for public comment. Members of the elected body thanked Mr. Campbell for his service. After all comments were made, Commissioner Osborne motioned and seconded by Commissioner Marion to terminate Mr. Campbell from the Zoning Appeals Board in accordance to Ordinance 2013-01 titled Administration & Government. Mayor Fisher called for a vote. Vote passed 3-0. Meeting adjourned at 7:18 PM.

TOWN BUSINESS MEETING

APPROVAL OF MEETING MINUTES – Mayor Fisher asked for any corrections to April 9, 2013 Town Workshop Meeting. Commissioner Naughton motioned to approve the minutes with one correction that was brought to the town clerks attention. Motion was seconded by Commissioner Marion. Vote passed 3-0.

RECORD OF CLOSED MEETING MINUTES – Commissioner Osborne reported that a closed meeting was held on April 11, 2013 at 9:12 PM on the second floor of Town Hall. Motion to open the meeting was made by Commissioner Osborne and seconded by Commissioner Naughton. All of the elected body was present also in attendance were Town Administrator Calvin A. Bonenberger Jr. and Town Attorney Mr. Jay Gullo. The reason for the meeting in accordance to The Maryland Open Meetings Act, Title 10 Governmental Procedures, this meeting was closed in order to discuss: 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 matter that affects one or more specific individuals.

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BUSINESS MEETING ITEMS –

Resignation of Commissioner Berkowich; Mayor Fisher read into the minutes a letter of resignation he received from Commissioner Berkowich. He proceeded to read that the resignation was effective April 23, 2013.

Walnut Manor Storm Pond Issue; Ms. Susan Himmer thanked the Town for their assistance regarding the cleanup of the storm water pond in Walnut Manor. Ms. Himmer proceeded to inform the Board that Mayor Fisher has consistently interfered with the clean up and reminded the town that this is a matter between the development residents and the County and this matter is none of his concern. She stated that she resents his presence and would like no more of his involvement.

Mayors Report – Mayor Fisher reported on the following;

Eagle Scout Court of Honor; he attended the court in honor for Eagle Scout Matthew Hayden, proceeding to state that it was a very nice affair.

STAFF REPORTS –

Calvin Bonenberger reported on the following:

Town Hall Floors; the long awaited cleaning and waxing of the floors in Town Hall have been done.

FEMA Command Post Reimbursement; we have been informed that we will be receiving about \$5,800.00 for reimbursement.

Triangle Dog Park; the dog park has gone out to bid and we are getting close to putting a shovel in the ground.

Streets and Sidewalks Project; we have sent the bid specifications have gone out for bid.

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Valley View Water Main Break; thanking the Public Works Department, the Police department and the contractor for their efforts to quickly repair the break.

Town Attorney Jay Gullo:

Effective meetings; the Mayor has brought to his attention that the Town is interested in learning how to make the Town meetings more effective and efficient. He recommended that a session should be held and the elected body discuss the issues regarding the structure of the meetings. Mr. Gullo also recommended that the reading of the introduction of a Resolution or Ordinance does not have to be read in its entirety; instead a synopsis of the header is acceptable.

Personnel Matters; it has been brought to his attention that there is certain employees with issues regarding their safety in the work place in reference to the elected body. Mr. Gullo proceeded to tell the elected body that the Town can face criminal or civil liabilities for these matters and right now there is no policy in the Town Charter to police the elected officials conduct. A resolution has been presented to amend section C-8 of the Charter to read; removal of elected officials for Just Cause.

Resignation of Commissioner Berkowich; encouraged the Mayor to read the Town Charter section C-8 the appointment of replacement for the vacancy of Commissioner Berkowich, encouraging him to follow the process. Mr. Gullo answered questions from the elected body concerning the process.

OLD BUSINESS. –

2nd Reading and Adoption of Ordinance 2013-01 titled Verification of Age, Citizenship and Residency; Commissioner Osborne read into the minutes the synopsis of Ordinance 2013-01 and motioned for approval which was seconded by Commissioner Marion. Mayor Fisher asked for comments after all comments were made Mayor Fisher called for a vote. Vote passed 3-0.

NEW BUSINESS. –

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Ordinance 2013-02 titled Reaffirmation of Administrative Structure & Updates; Commissioner Osborne read into the record a synopsis of Ordinance 2013-02 and asked Mr. Gullo to clarify why we are reintroducing Ordinance 2013-02. Mr. Gullo clarified the reason for the re-introduction of Ordinance 2013-02, stating that this Ordinance is readopting, and reaffirming the action taken by the board of commissions in the previously adopted Ordinance 2012-03 on July 24, 2012 that is facing a pending lawsuit. Mr. Gullo proceeded to clarify this re-adoption does not mean that Ordinance 2012-02 is not valid although by re-adopting the prior Ordinance clarifies the adoption process. Commissioner Osborne motioned to introduce Ordinance 2013-02 into the record for consideration and was seconded by Commissioner Naughton. Mayor Fisher asked for any discussion. Commissioner Naughton asked Mr. Gullo if the passage of this Ordinance can wait until the next Town Meeting or due to the pending litigation does this Ordinance need to be passed sooner. Mr. Gullo replied that this Ordinance can be passed (6) six days after introduction and by passing the Ordinance before the next court date will overcome the pending litigation, suggesting calling a special meeting to take place to discuss the Ordinance for passage, before the next court date which is in early May. Commissioner Naughton asked the elected body for a special meeting. After discussion Mayor Fisher called for a vote of the introduction of Ordinance 2013-02. Vote passed 3-0.

Resolution 2013-08 titled Removal from Office with Cause; Commissioner Osborne read a synopsis of Resolution 2013-08 and motioned for approval which was seconded by Commissioner Marion. Mayor Fisher asked for any discussion. After discussion Mayor Fisher called for a vote. Vote passed 3-0.

Scheduling of a special meeting to affirm passage of Ordinance 2013-02. Commissioner Naughton motioned and was seconded by Commissioner Osborne to hold a special meeting on May 1, 2013 at 7:00 PM for discussion and passage of Ordinance 2013-02 due to a court hearing deadline. Vote passed 3-0.

Police Report; Chief Peterson:

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Crime Statics; are downstairs for the public to view. Also letting everyone know that heroin and prescription drugs are on the rise

Drug Take Back; an upcoming event Saturday April 27th form 10:00 AM to 2:00 PM. The public can bring in old prescriptions for disposal.

Gun Take Back; the governor's office will be presenting a gun take back program in the next few months that we will be participating in.

Boston Marathon awareness; asking everyone to be vigilant and report any suspicious activity.

COMMISSIONER OSBORNE REPORTED ON THE FOLLOWING:

Streets and Sidewalk Repairs; we have sent out bid specifications for Pearl, Mount, Cherry, Walnut and Cooper Streets for repair and a pre bid meeting is planned for next week.

MML Quarterly Meeting; expressing how informative the meeting was.

Voting Machine Rental For Elections; has received input from residents that are not in favor of the machines and would like to change an earlier motion that passed allowing expenditure to rent the machines, and continue counting the votes by hand. Instead the money could be used to purchase microphones for the town meetings.

Elkton Bicycle Plan Meeting; expressing the need to put on the next meeting agenda, what our priorities are for implementing a bicycle route through town.

Water Main Break; thanking everyone involved in the repair.

Bicycle Committee Update; Mayor Fisher asked Commissioner Osborne to update him on the bicycle committee. Commissioner Osborne replied that we are working on recruiting members and will inform the Mayor when a meeting will be set.

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COMMISSIONER MARION REPORTED ON THE FOLLOWING:

Triangle Park Update; reporting that the bid specifications for the park have been sent out and a pre bid meeting has been set for next week.

Video Taping of The Town Meetings; the RFP has been put out for bid and we already have positive feedback.

Diddie Richardson Park Vandal; the plexi-glass that was replaced on the park equipment has been vandalized again, stating that the piece that was replaced has been destroyed. If anyone should have any information please let the police department know.

Maryland Parks and Recreation Conference; attending the conference and stating that he learned a lot especially ideas on how to engage your community.

COMMISSIONER NAUGHTON REPORTED ON THE FOLLOWING:

Harford/ Cecil MML Chapter meeting; a very nice meeting and for him it was a walk down memory lane explaining that he and his wife had their wedding reception at the Tower restaurant where the meeting was held, almost exactly seven years to date.

Little League Parade; expressing how enjoyable and positive the event was.

CITIZEN'S INPUT –

Augie Pierson; let the board know that he would like to be considered for the vacant Commissioner seat.

Jason Sneed; letting the board know, that he does not want to see a lesser time limit for public input and asking the board for support on the gun law legislation.

Roger Lamb; asking the board if there is an Ordinance for litter violations and expressing that the town meeting agenda is not posted in a timely manner.

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Dee Emsley; asked Mr. Gullo do the the Election and the Ethics Board members also have to be Town residents. Mr. Gullo answered, that those boards are governed by the State not the Town.

Lynn Griffin; letting everyone know that May is allergy month. Also asking everyone to practice fire safety when grilling outdoors.

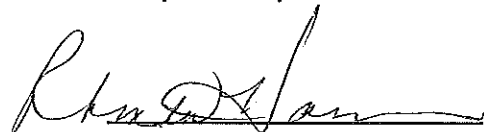
Jeff Aughenbaugh; shared his concerns about the use of electronic voting machines and the structure of town meetings.

Shelly Leishear; asked the Mayor if she could post on her community facebook page, the vacant Commission seat. After discussion with the Mayor it was agreed to post the Mayors e-mail address for contact.

Lynn Dugger; shared her concerns to the board regarding Resolution 2013-08.

ADJOURNMENT – With no other business before the board, Mayor Fisher adjourned the meeting at 9:29 PM.

Respectfully submitted



Rhonda Harmison
Town Clerk

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Motion to approve the minutes made by Commissioner Travis Marion,
seconded by Commissioner Stephen Naughton at the May 14, 2013 Town
Meeting

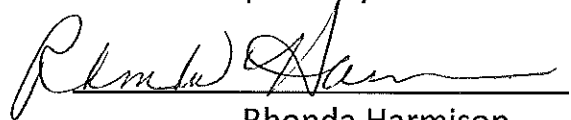
Motion Passed 3 0

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.

In Testimony Whereof, I have here unto set my hand and have affixed the seal of the Town of Rising Sun as of this 11thth day of June 2013.

Respectfully submitted



Rhonda Harmison
Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)