

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 May 14, 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:** None

**TOWN BUSINESS MEETING**

**APPROVAL OF MEETING MINUTES** – Mayor Fisher asked for any corrections to April 23, 2013 Town Meeting. Commissioner Marion motioned to approve the minutes and was seconded by Commissioner Naughton. Vote passed 3-0.

**STAFF/CONSULTANTS PRESENT** –Town Administrator Calvin A. Bonenberger Jr., Town Attorney Jay Gullo, and Rhonda Harmison Town Clerk.

**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.

**RECORD OF CLOSED MEETING MINUTES –**

**May 9, 2013 Closed Meeting;** Commissioner Osborne reported that a closed meeting was held on May 9, 2013 at 9:20 PM on the second floor of Town Hall. Motion to open the meeting was made by Commissioner Marion and seconded by Commissioner Osborne. Vote passed 3-0. Motion to hold an executive session was made by Commissioner Naughton and was seconded by Commissioner Marion. Vote passed 3-0. All of the elected body was present. Other person present was

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Bernard Chiominto. 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. There were no action items taken. Motion to close the meeting was made by Commissioner Osborne and was seconded by Commissioner Marion. Vote passed 3-0. Motion to adjourn the meeting was made by Commissioner Marion and was seconded by Commissioner Naughton. Vote passed 3-0. Meeting adjourned at 10:05 PM.

Ethics Board Closed Meeting:

**Meeting May 7, 2013;** Mr. David Foxx chairperson read into the minutes the closed meeting that was held on May 7<sup>th</sup> at 5:30 PM on the second floor of Town Hall. Reason for the meeting was to obtain legal advice. Topics discussed; review an ethics code violation complaint received from a town resident. Action Taken; motion was made by Mr. Slaybaugh and was seconded by Mr. Foxx to send a letter to the complainant thanking them for their concerns, however many of the items listed by the complainant did not fall under the ethics code. Mr. Foxx proceeded to read that the ethics board will address each of the items that were raised and request further documentation before any further investigation can take place. Motion passed 2-0. The second action taken at the closed meeting; Motion was made by Mr. Foxx and was seconded by Mr. Slaybaugh to send a letter to the Board of Commissioners notifying them of the names of individuals that did not comply with the ethics code and complete their financial disclosure. Motion passed 2-0. Meeting adjourned at 6:27PM.



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**Meeting May 14, 2013;** Mr. Foxx read into the minutes that a closed meeting was held on May 14<sup>th</sup> at 5:30 on the second floor of Town Hall. Reason for the meeting was to obtain legal advice. Topics discussed; further discussion on the previous ethic code violation complaint received from a town resident and review campaign contribution forms. Action Taken; Motion was made by Mr. Foxx and was seconded by Mr. Slaybaugh to have all campaign funds run through a segregated finance account. Motion passed 2-0. Meeting adjourned at 6:34 PM.

**ACTION ITEMS –**

**PNC Sewer Plant Construction Loan Extension – Town Attorney Jay Gullo;** stated that this month the wastewater treatment plant should have been completed but due to delays completion will not be until 2014 explaining that the original loan that was entered into is coming due and will need to be extended to cover the additional construction time and introduced Mr. Joe Mason from Davenport to explain the process needed to obtain an extension. Mr. Mason summarized the three options available and recommended option B which would be an extension of the original note. Mr. Gullo introduced Ms. Minn the Town's Bond Council who presented to the Board a loan modification to extend the term of the loan and present to PNC bank. Mayor Fisher asked for discussion and after discussion a motion was made by Commissioner Naughton and was seconded by Commissioner Marion to extend the bond anticipation note maturity date until November 2014. Vote passed 3-0.

**MAYORS REPORT-**

**Proclamation 2013-01 Tourism Month;** read into the minutes proclaiming May as Tourism month.

**Recommendation of New Commissioner;** nomination was made for Mr. Chiominto to fill the vacant seat of Commissioner Berkowich. Commissioner Naughton motioned and was seconded by Commissioner Osborne to nominate Mr. Chiominto. Vote passed 3-0. Mr. Derrick from Cecil County Court swore Mr. Chiominto into office.

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**STAFF REPORTS:**

**Town Administrator Calvin Bonenberger;**

Election; reminding everyone that June 10<sup>th</sup> is election day and the polls open at 8:00 AM and close at 8:00 PM. We have received five candidate applications to fill two commission seats and they are as follows;

Ms. Elaine Dugger

Mr. George Walker

Mr. Stephen Naughton

Mr. August Pierson

Ms. Joanne Osborne

**Election Judges;** motion was made by Commissioner Osborne and was seconded by Commissioner Marion to appoint Joan Donahue, Melissa Copenhaver, Mary Lou Benjamin and a fourth alternate Linda Reese to the Town's Election Board. Vote passed 4-0. Mr. Bonenberger explained that this election the Town will be using electronic voting machines at the request of the outgoing election judges. There will be open house to include training on the machines June 4<sup>th</sup> at 6:00 PM at Town Hall. We will also have absentee and provisional ballots.

**Town Budget;** we are in the process of creating the budget. This year the budget is proving difficult due to Town legal expenditures and employee health care costs.

**Resolution 2013-09 Constant Yield Tax Rate;** Commissioner Marion read into the minutes the resolution 2013-09 and motioned for approval. Commissioner Osborne stated that she did not feel comfortable voting on this resolution until the budget was complete, and asked Mr. Bonenberger when a budget workshop will be set. Mr. Bonenberger replied that they are being scheduled for this week. Commissioner Marion withdrew his motion until the budget is complete.

**Sunfest;** reminding everyone that the date is June 1<sup>st</sup> and also reporting that the Town has ordered portapots and trash receptacles for the event.

**State Repaving Project;** reporting that the project was broken down to seven different categories with one category being a base which is the minimum for repaving Pearl to Mount Street. Mr. Bonenberger reported that Crillio Brothers submitted the winning bid with a cost of \$251,254.39 for the base minimum



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category. Mr. Bonenberger outlined the costs associated with the seven phases. Commissioner Osborne motioned and was seconded by Commissioner Marion to award the base project to Crillio Brothers and obtain funding to complete the entire project and allowing completion as funding becomes available. Mayor Fisher asked to defer the project on Mount Street until after the election and the new Board takes office. Vote passed 4-0.

**Dog Park ;** the bids for the development of the dog park will be opened this Friday and the Town has applied for a grant of \$280,000 for sidewalks at the dog park and reporting that we should receive an answer sometime in September. Mr. Bonenberger addressed the need to enter into a contract for the project manager that the Town committed to previously to complete the project. Commissioner Marion motioned and was seconded by Commissioner Osborne to enter into a contract with Lo Impact Design Studio as the project manager for the completion of the Dog Park. Vote passed 4-0.

**Opening of New Town Businesses;** reporting that Big Lots will open May 30<sup>th</sup>, Aberdeen Proving Ground Federal Union has opened and Queen Street Boutique is nearing completion. A Physic Reader business has applied for an occupancy permit.

**Bay Restoration Hardship Program;** bringing to the Boards attention that before them they have information on the Hardship Exemption program for the Bay Restoration fee that is required by the State although no action is required tonight.

**TOWN ATTORNEY JAY GULLO** – he had planned to update residents on the lawsuit regarding Rick Braun and Mr. Fisher but he has changed his mind after another lawsuit has been filed.

**FINIANCIALS-** Ms. Wagner reported year to date expenditures and revenue.

**POLICE CHIEF REPORT** – reporting the crime statics are downstairs for anyone wanting to view them. The Town participated in the governor's office gun turn in program. No weapons were received.

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**COMMISSIONER S COMMENTS -**

**Commissioner Marion;** thanked Dave Warnick for the photos that were taken around Town for publishing on the Towns website. The Town's entrance signs will be getting a facelift. The dog park is moving along. Triangle Park bids will be going out next week and will update the Board. The Diddie Richardson park equipment vandals were apprehended.

**Commissioner Naughton;** welcomed Bernie Chiominto to the Board of Commissioners.

**Commissioner Osborne;** informed everyone that after speaking to the State highway we will not be allowed to install a handicap parking space on Main St. The bike committee met on May 9<sup>th</sup>. Members present were herself, Jason Sneedon, Mayor Fisher, Allen Authenreath and August Pierson. The meeting was very productive. Commissioner Osborne stated she is disappointed that the goal of some individuals seems to be the financial impairment of the Town. Mayor Fisher asked for clarification, Commissioner Osborne replied spending money that we should not have to for certain items and will explain further at the meeting when the Attorney gives his report.

**Commissioner Chiominto –** No report.

**OLD BUSINESS –** No Old Business

**NEW BUSINESS –** No New Business

**HISTORICAL SOCIETY** – Mr. Mumey announced that on June 18<sup>th</sup> at Town Hall starting at 7:00 PM "an evening to remember" presenting Ms. Wendy Falko\_who will entertain everyone with her harp. Admission is free to everyone.

**CITIZEN IMPUT -**

**Beth Griffin;** shared her concerns about out of control meetings telling the Mayor that he needs to practice Roberts Rule of Order for everyone.

**Lynn Griffin;** read from the Robert's Rules of Order.



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**Augie Pierson;** questioned the Mayor about several things and told Mayor Fisher that he does not have veto power.

**Shelly Leishear;** shared with the Board an idea about a Town Farmers Market.

**Tom Mullaney;** shared with the Board his concerns regarding citizens input.

**Calvin Bonenberger;** shared with everyone his feelings regarding his position with the Town and stating that he has been accused of having ties with Chester Water Authority and welcomed disclosure of his financial forms.

**Chirs Callahan;** praised Mr. Bonenberger for the excellent job he has been doing. Also stating, that he cannot find one good thing to say about Mayor Fisher.

**Lynn Dugger;** informing everyone that her candidacy is not sponsored by Mayor Fisher.

**ADJOURNMENT** – meeting adjourned at 10:04 PM

Respectfully submitted

A handwritten signature in blue ink, appearing to read "Rhonda Harmison", is written over a horizontal line.

Rhonda Harmison  
Town Clerk

Motion to approve the minutes made by Commissioner Travis Marion,  
seconded by Commissioner Bernard Chiominto at the June 11, 2013 Town  
Meeting

Motion Passed 3 0

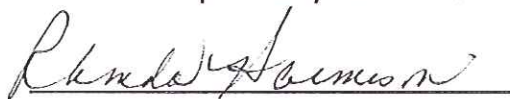
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**Declaration And Verification Of Authenticity**

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 here unto set my hand and have affixed the seal of the Town of Rising Sun as of this 11<sup>th</sup> day of June 2013.

Respectfully submitted



Rhonda Harmison  
Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**

**(COUNTY OF CECIL)**

**(TOWN OF RISING SUN)**