

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 28, 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, Commissioner Joanne Osborne and Commissioner Bernard Chiominto.

MEMBERS ABSENT: None

TOWN BUSINESS MEETING

APPROVAL OF MEETING MINUTES – the minutes of May 14, 2013 were not ready for approval.

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 28, 2013 Ethics Board Closed Meeting; Calvin Bonenberger read into the minutes that a closed meeting was held on May 9, 2013 at 5:45PM on the second floor of Town Hall. Motion to open the meeting was made by Chip Slaybaugh and seconded by David Foxx. Vote passed 2-0. Motion to hold an executive session was made by Chip Slaybaugh and was seconded by David Foxx. Vote passed 2-0. The reason for the meeting in accordance to The Maryland Open Meetings Act,

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Title 10 Governmental Procedures, this meeting was closed in order to discuss: consult with counsel to obtain legal advice. Topic discussed; to review an ethics code violation complaint received from a town resident. Action taken; approval of a letter to be sent to the Board of Commissioners that there was an issue in the original complaint that came to the ethics board, that while it did not specifically fall within the purvey of the Ethics Board, it was significant enough that the board felt compelled to forward it to the town board of commissioners. Motion to adjourn the meeting was made by Chip Slaybaugh and was seconded by David Foxx. Vote passed 2-0. Meeting adjourned at 6:08 PM.

Commissioners Closed Meeting May 28, 2013; Mr. Bonenberger read into the minutes that a closed meeting was held on May 28th at 6:40 PM on the second floor of Town Hall. Persons present were Ethics Board Chairman Dave Foxx, Ethics Board member Charles Slaybaugh, Town Administrator Calvin Bonenberger, Town Attorney Jay Gullo, and the elected body. Commissioner Marion arrived at 6:45PM. Motion to hold an executive session was made by Commissioner Osborne and was seconded by Commissioner Chiominto. Vote passed 4-0. 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 (1) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. (7) In order to consult with counsel to obtain legal advice. Topic discussed; preliminary findings of an ethics complaint. Motion to close the executive meeting was made by Commissioner Osborne and was seconded Commissioner Naughton. Motion to adjourn the meeting was made by Commissioner Marion and was seconded by Commissioner Chiominto. Vote passed 4-0. Meeting adjourned at 6:47 PM.

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BUSINESS MEETING ITEMS –

Ethics Board Report; Ethics member Chip Slaybaugh read into the record a letter of complaint regarding the residency of Mayor Fisher within the Town of Rising Sun stating although this is not a matter for the ethics board he would like to turn the complaint over to the board of commissioners for further investigation. Commissioner Osborne motioned and was seconded by Commissioner Marion to authorize the town attorney to conduct an investigation. Vote passed 4-0. Mayor Fisher stated that he submitted all the proof required for his candidacy.

MAYORS REPORT-

Annual Report; read into the minutes his annual accomplishments.

Wastewater Treatment Plant Progress Meetings; read into the record an e-mail correspondence that he received from Commissioner Osborne regarding the wastewater treatment meetings, stating that he was, under no circumstances, allowed to attend the monthly meetings because of the fact he is involved in a lawsuit suing the Town.

MDE Wastewater Treatment Grant Money; read into the record a letter copied to him from MDE regarding an \$800,000 dollar grant that the Town needs to draw from or MDE will close the application at the end of May 2013. In response Mr. Bonenberger replied that the application is in process.

STAFF REPORTS:

Commissioner Marion:

Dog Park Update; invitations to bid have been sent out. The scope of the bid has been split into two parts; one for the wetlands and another for the dog park.

Commissioner Naughton:

Update on the Wastewater Treatment Plant; the plant construction is 49% complete.

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Commissioner Osborne:

Reduced Speed limit Request; the State has responded back regarding the reduction of speed coming into Town at both ends. Their response was that the Town does not warrant a speed reduction although they have agreed to post "reduced speed ahead" signs.

Painting of Bicycle lanes; in the next few months the State Highway will start painting signage through Town for bicycle traffic.

Street and Sidewalk repaving; the cost for repaving Pearl to Mount will be \$251,000.

Commissioner Chiominto: one of his priorities is to hire another police officer to fill the vacant position. Also he would like to hire an additional officer to head up the Middle School DARE program. He stated that his goal is to be pro active in the community.

Calvin Bonenberger:

Annual Report; read into the minutes, items that he previously e-mailed to Mayor Fisher to include in his report but Mayor Fisher neglected to mention them.

Election; reminding everyone of the election June 10th. Polls open at 8:00AM and close at 8:00 PM. Absentee and emergency ballots should be in Town Hall early next week.

2013/2014 Budget; presented to the Board a draft of the proposed budget for review, although it does not have to be voted on tonight. He proceeded with an outline of the budget for the new fiscal year stating that the budget does not provide for any new vehicle purchases. It does include some equipment upgrades to include a new salt spreader and attachments to the backhoe. Also included in the budget the hiring of two (2) police officers. An administrative employee that will become part time and will not be replaced with a full time staff. Significant cuts were made in all materials and supplies accounts, elected body training, travel and conferences. There is no escaping the impact of legal fees.

Resolution 2013-10 Tax Rate; read into the minutes Resolution 2013-10 adopting the various tax rates for the upcoming fiscal year July 1, 2013 through June 30,

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2014 and authorizing collection of taxes herein levied, and appropriating funds for the fiscal year.

Building, Planning, Zoning:

PZBA Case 2013-01; Way of Life Church was approved

PZBA Case 2013-02; Signage for Big Lots was approved.

Code Enforcement:

Big Lots Grand Opening; on Friday May 31st..

Queen St. Boutique; moving along

Aberdeen Proving Ground Federal Credit Union; is now open.

Physic Reading Business; has applied for an occupancy permit to be located on Main St.

TOWN ATTORNEY JAY GULLO – had planned to update residents on the lawsuit regarding the Rick Braun and Mayor Fisher case, but stating that he has changed his mind after another lawsuit has been filed against the Town.

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

POLICE CHIEF REPORT – the crime statics are downstairs for anyone wanting to view them.

HISTORICAL SOCIETY – Mr. Mumey announced that on June 18th 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 -

Ruth Muir; expressed concerns that the elected body is leaving the meeting often, the town administrator is texting during the meeting and her concern that the videotaping of the meetings is possibly being edited.

Augie Pierson; asked the Mayor to answer a question he asked at the last meeting regarding his policy for handling meeting disruptions. Mayor Fisher replied that he will try to treat everyone equally.

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Shelly Leishear; expressed her willingness to help establish a farmers market in the town.

Tom Mumey; asked the Mayor several questions and the Mayor offered to meet with him outside the meeting. Mr. Mumey declined the meeting.

Jeff Aughenbaugh; read excerpts from Noah Webster's book "Advice for Children".

Roger Lamb; commented that there is not an open and transparent government present in the town.

Dee Emsley; seconded the comment made by Ruth Muir regarding commissioners leaving the meeting and asked for more clarification regarding the PNC wastewater treatment plant loan.

After a lengthy discussion involving citizens and the elected body regarding the cost of legal fees that the town is incurring due to lawsuits brought on by the Mayor. The Mayor became frustrated and commented that "the Board could have stopped the lawsuit without spending a nickel. Stating that "all you had to do was rescind (Resolution 2012-03)".

Keith Campbell; expressed his issues to the Board regarding the Town Administrator Calvin Bonenberger asking for an investigation regarding his ties with a developer. Mr. Bonenberger welcomed any investigation on his behalf.

Mr. Bonenberger asked the Mayor to excuse him from the meeting; Mayor Fisher excused him.

Chris Callahan; shared his disappointment that the meetings are getting worse and worse and no one can come together.

OLD BUSINESS – No Old Business

NEW BUSINESS –

Ordinance 2013-03 Floodplain Management Regulations; Introduction and reading.

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Adoption of Resolution 2013-09 titled Bay Restoration Fund Financial Hardship Program; Commissioner Osborne motioned and was seconded by Commissioner Marion to accept Resolution 2013-09. Vote passed 4-0.

Adoption of Resolution 2013-10 Tax Rates for FY 2014; Commissioner Marion motioned and was seconded by Commissioner Chiominto adopting Resolution 2013-10. Vote passed 4-0.

COMMISSIONER S COMMENTS –

Commissioner Chiominto; asked to discuss the proposed farmers market with Ms. Leishear stating he likes the idea and would to have more information.

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.

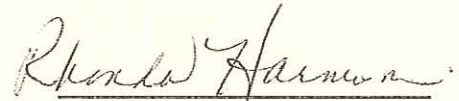
Commissioner Naughton; the new format of public input is a positive first step, also commented that the opening of Big Lots has generated sixty five jobs.

Commissioner Osborne; attended the Greater Rising Sun Chamber meeting and it was very productive. Also attended mayors bicycle meeting and WILMAPCO is putting together a grant to pay for fifty percent of the cost for bike racks.

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ADJOURNMENT –meeting was adjourned at 9:47 PM

Respectfully submitted



Rhonda Harmison
Town Clerk

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

Motion Passed 3 0

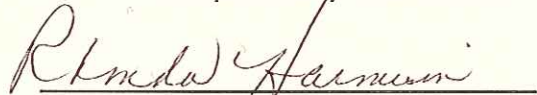
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Declaration And Verification Of Authenticity

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 7th day of June 2013.

Respectfully submitted



Rhonda Harmison
Town Clerk

CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)