

TOWN OF RISING SUN  
MAYOR & COMMISSIONERS TOWN 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 Janes United Methodist Church on Tuesday evening July 24, 2012. For the record the meeting place and time were duly posted as required.

**MEMBERS IN ATTENDANCE:** Mayor Robert Fisher, Commissioner Stephen Naughton  
Commissioner Travis Marion, Commissioner Joanne Osborne. Commissioner Charles Berkowich.

**MEMBERS ABSENT:** None

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

**GUESTS:** See Attached List

**MEETING OPENING** – The meeting was called to order at 7 : 40 PM by Mayor Robert Fisher, with an invocation presented by Reverend Gill Clark, followed by the pledge of allegiance and a moment of silence.

**APPROVAL OF MEETING MINUTES** –Mayor Fisher asked for any corrections to the July 10, 2012 Town Workshop Meeting Minutes. Commissioner Naughton motioned, seconded by Commissioner Osborne to approve the minutes as recorded. Motion passed 4-0.

Mayor Fisher asked Mr. Bonenberger to read into the minutes the July 24, 2012 Executive Session. Mr. Bonenberger read into the minutes that an Executive Session was held Tuesday July 24, 2012 at 5:00 PM on the second floor of Town Hall. All Commissioners, Mayor Fisher, Town Administrator Calvin Bonenberger, Town Attorney Mr. Jay Gullo, Town Insurance Attorney Mr. Richard Colaresi, Town Bond Counsel Ms. Kimberly Minn and Police Chief Francis Peterson were in attendance. Topic discussed; Personnel Legal Counsel and Legal update on pending matters. Mayor Fisher asked for a motion to approve the minutes, Commissioner Osborne motioned, seconded by Commissioner Berkowich to approve the minutes. The motion passed 4-0.

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### **PRESENTATIONS, ORDINANCES AND RESOLUTIONS**

Confirmation of Ordinance 2012-03; Mayor Fisher asked for confirmation for Ordinance 2012-03 titled Administrative Structure that was originally introduced at the July 10, 2012 Workshop Meeting. Mayor Fisher opened the floor to discussion; Commissioner Osborne explained that the goal of the Ordinance is to define the job description of our Town Administrator and the roles and responsibilities of the Commissioners. Commissioner Naughton reminded everyone that this is the way the Town has always done business. After a short discussion Mayor Fisher closed the floor for discussion and called for a vote. Commissioner Osborne motioned seconded by Commissioner Naughton. The vote passed 3-1.

Resolution 2012-08; Mayor Fisher introduced Resolution 2012-08 titled Electronic Media Manager, and asked Commissioner Marion to read the Resolution into the minutes. Commissioner Marion read Resolution 2012-08 into the minutes. Mayor Fisher opened the floor for discussion and stated that his belief is that a Commissioner should not name their self in a Resolution as Commissioner Marion has done, and his name should be left out. After a short discussion the Mayor called for a motion. Commissioner Marion motioned seconded by Commissioner Berkowich. The motion passed 4-0.

### **MAYOR'S REPORT** – Mayor Fisher reported on the following;

- Mayor Fisher reported that his campaign as the newly elected Mayor was based upon three main issues; transparency, cost effectiveness, and collaboration, Mayor Fisher further stated that at the first Town Meeting since taking office he was presented with the passage of emergency Resolutions that had no input from voters, which would effectively continue with all previous Town policies and remove the Mayor from signing official papers, also introduced was an Ordinance which he felt greatly reduced his role as the Mayor. Mayor Fisher further expressed his support for the Wastewater Treatment Plant project, and his concerns with the Chester Water agreement stating that he would like to hire a geologist to evaluate the feasibility and cost of developing additional wells locally. In closing Mayor Fisher proposed that the Town start over again with this new administration and asked that Resolutions 2012-07 and 2012-08 be repealed and to

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withdraw Ordinance 2012-03 until such time as the voters and the Commissioners can review the contents in open meetings.

**FINANCES** – Ms. Wagner from Wagner and Associates reported on the following;

- Monthly Financials; Total net assets of the primary government increased \$179,616.28 year to date. The net assets of the governmental activities increased \$156,270.67 from the previous year, while the net assets from the business activities increased \$23,345.61. However if we add back the depreciation to the business activities; we would have an increased of net assets of \$208,867.67. Actual revenues on a budgetary basis are \$218,541.20 below the amount of budget, while actual expenditures are below budgetary basis by \$402,051.53 for the primary government. As for the primary budget actual revenues are higher by \$14,306.48 while the actual expenditures are below the budgetary basis by \$53,648.33. Ms. Wagner opened the floor for questions. Commissioner Osborne asked if all the Town's open contracts could be tracked and the outstanding balances reported with the monthly financials. Ms. Wagner replied that she could.
- Payment of Monthly Bills; Commissioner Osborne asked Ms. Wagner about the pending issue of the monthly bills not being paid since the Resolutions that were passed at the last Town meeting has yet to be signed by the Mayor. Ms. Wagner responded that as of July 24, 2012 there are outstanding Town bills to include electric, Trash and Oil with a few being past due, and although the checks have been processed we cannot send the payments until we have the required authorized signers sign the checks. Mayor Fisher stated that the Town has two authorized signers and does not understand what the problem is. Mr. Gullo the Town attorney explained that the Mayor has not signed Resolution 2012-07 allowing for the appointees to have the authority to sign checks and without a signed Resolution from the Mayor, the Commissioners would have to motion to nominate a signer. After lengthy discussion and encouragement from the Board members and concerned citizens Mr. Fisher signed the Resolutions at the meeting.

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### **SEWER AND WATER REPORT** – Commissioner Naughton reported on the following:

- Resolution 2010-15 Creation Of Sewer And Water Project Administration; Commissioner Naughton asked to read back into the record Resolution 2010-15 which was passed on the 11<sup>th</sup> of August 2010, designating one individual to serve as the Sewer and Water Project Administrator, further stating that the Resolution appointed Town Administrator Mr. Bonenberger to serve as the Sewer and Water Administrator for the 2010 Sewer and Water Upgrade Project. Commissioner Naughton also stated that he wanted to clarify that there should be only one contact for this project and no one elected official should be micromanaging this or any other project. Commissioner Naughton brought to the Boards attention that Mayor Fisher spent \$394.61 of tax payer money for copies of prints for the wastewater treatment plant upgrade when in fact the Town has contracted engineers which includes this service, and should not have used additional taxpayer money to produce copies that can be obtained from the engineer. Mayor Fisher responded that with his effort he was able to expedite the grading permit, stating that he saved the Town several weeks of time. Mayor Fisher also stated that if the Town does not want to reimburse him he is ok with that, although he believes the Town should.

### **STREETS AND SIDEWALKS REPORT** – Commissioner Osborne reported on the following;

- Pogue Ave Sidewalk Repair; Reporting that she received from a resident a letter and pictures of a sidewalk in need of repair and reporting that after a site visit with the DPW department the sidewalk has been added to the sidewalk budget. Commissioner Osborne also reported that the corner of Pogue and Walnut on the North side is in need of repairs to include bringing the corner up to code for ADA compliance. Commissioner Osborne stated that she will be meeting with the sidewalk committee to present the final recommendations.

### **PUBLIC SAFETY** – Commissioner Berkowich reported on the following;

- Queen and Pearl St Traffic Control; Reporting that he has received information from the Rising Sun Fire Department on recommendations for traffic control for Queen and Pearl Street, however he wants to take the time to review and correspond with Chief Peterson before he reports back to the Board.

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### **PARKS AND RECREATION** – Commissioner Marion reported the following;

- Triangle Park; Reporting that he had a meeting with the Octoraro Watershed Group and the Department of Natural Resources and everything is moving forward and we are in the permitting process.
- Letter of Directive for the Parks and Recreation Commission; Commissioner Marion read into the record his written letter addressed to the Town Administrator and the Town Clerk, stating that all correspondents, contracts, and meetings related to Parks, Recreation and Public Property will now go through the Commissioner of Parks and Recreation. And at no time will access to the files regarding this department be given to the Mayor and or other respective department heads without this authorization.

### **TOWN ADMINISTRATOR'S REPORT** – No Report;

### **PLANNING AND ZONING BOARD** – Commissioner Naughton referred to the Planning and Zoning Chair Mr. Smith to present a report.

- Mr. Smith reported that at the last meeting we did not have a quorum and was unable to have a meeting.

### **BOARD OF ZONING APPEALS** – No Report

### **CODE ENFORCEMENT** – No Report

### **HISTORICAL PRESERVATION COMMISSION** – Ms. Emsley reported on the following;

- Bus Trip to the Baltimore; Reporting that a bus trip to the Baltimore & Ohio Railroad Museum and Fort McHenry for the Star Spangle Banner Spectacular and Defenders Day Presentation are planned for September 8, 2012.
- Civil War Re-enactment; Reminding everyone that the re-enactment will be held at the Rising Sun Town Park Saturday October 6, 2012 and Sunday October 7, 2012 and a schedule will be available in the future. Also reporting that Ms. Dee Emsley has set up an e-mail address for anyone wishing to receive information on the RSHPC.

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### **OLD BUSINESS.** –

- Video Recording of Town Meetings; Commissioner Marion reported that the Town is still working on securing video recording equipment for the Town's meetings and currently we have Mr. Vince Sammons recording the meeting, however we are hopeful by the next meeting we will have our own equipment and reminding everyone that presently the meeting videos can be viewed on you-tube and the Town's facebook page.

### **NEW BUSINESS.** –

- Rules of General Conduct for Town Meetings; Commissioner Naughton read into the minutes the adoption of the Roberts Rules of Order. Commissioner Naughton motioned seconded by Commissioner Osborne. The motion passed 4-0.
- Library Roof Repair Update; Commissioner Naughton reminded everyone that the Library will close August 1, 2012 for about five weeks for roof renovations and if you check out a book or video before they close you will not be required to return the book or video until the Library re-opens in five weeks.

**CITIZEN'S INPUT** – Citizens presented their concerns to the Board.

**ADJOURNMENT** – With no other business before the board, a motion was made by Commissioner Joanne Osborne to adjourn. The meeting adjourned at 9: 43 PM.

Respectfully submitted

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Rhonda Harmison

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Town Clerk

Motion to approve the minutes made by To be determined, seconded by To be determined at the August 14, 2012 Town Meeting

Motion Passed to be determined to be determined

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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 hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 6th day of August 2012.

Respectfully submitted

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Rhonda Harmison  
Town Clerk

**CERTIFICATE & TOWN SEAL**

**(STATE OF MARYLAND)**  
**(COUNTY OF CECIL)**  
**(TOWN OF RISING SUN)**