

The Mayor and Commissioners of the Town of Elkton

MINUTES

October 21, 2009

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in October on this date at 7:00 P.M. The following persons were present: Mayor Joseph Fisona; Commissioners Charles H. Givens, Sr., Mary Jo Jablonski, Earl M. Piner, Sr. and C. Gary Storke; Assistant Town Administrator Kimberly Kamp; Elkton Police Department Chief Executive Officer Matthew Donnelly; Finance Director Steven Repole; Human Resources Director Venus Kincaid; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esquire. Town Administrator Lewis H. George, Jr., was excused from the meeting.

NOTICE OF CLOSED MEETING: Pursuant to State Government Article § 10-508 (a) (1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom the Town has jurisdiction; or any other personnel matter that affects one or more specific individuals, a Closed Meeting was held at 8:59 p.m. on Wednesday October 7, 2009 in the Mayor and Commissioners Conference Room at 100 Railroad Avenue, Elkton, Maryland. The following persons were in attendance: Mayor Joseph L. Fisona; Commissioners Charles H. Givens, Mary Jo Jablonski, Earl M. Piner and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Human Resources Director Venus Kincaid; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esq.

Mayor Fisona called the meeting to order, and led the Pledge of Allegiance.

ACTION: The minutes of the October 7, 2009 meeting were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present with no corrections or amendments.

ACTION: The financial report and the bills submitted for payment were approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

Request for Major Facility Fees Waiver

Mr. John Litzenberg

Mr. John Litzenberg introduced himself to the Board. He stated the purpose of his appearance was to request a waiver of Major Facilities fees pertaining to vacant building lots he and his family owned at Collins and Bethel Streets.

He said there were houses on the lots several years ago that were connected to Town water and sewer, and stated he should not be charged to tap into public services because the lines were still in place.

Mr. Litzenberg stated he originally spoke with Mr. Craig Trostle, Zoning Administrator, who informed him that he would be required to pay the Major Facilities fees. He said he spoke with Mr. Steven Repole, Finance Director, who reiterated Mr. Trostle's statement. He followed up with Mr. Lewis George, Town Administrator, who requested an opinion from Mr. Norman Wilson, Town Attorney. Mr. Wilson stated his opinion was the Town Code did not provide for grand-fathering of Major Facilities fees. A copy of Mr. Wilson's opinion was placed in the record of the minutes. Copies of Mr. Litzenberg's correspondence with the previously mentioned individuals were placed in the record of the minutes.

Mr. Wilson stated Mr. Litzenberg's contention that there were existing service stubs in the roadway did not prove that Major Facilities fees were paid for the properties. Mr. Litzenberg stated he was unsure if Major Facilities fees existed at the time the houses were built or demolished. He added that he wanted the Board to consider transfer of the unused tap-ins to another property.

Ms. Kamp stated she discussed Mr. Litzenberg's request with Mr. Trostle, reporting that Mr. Trostle informed Mr. Litzenberg that in order to obtain credit for pre-existing Major Facilities hook ups, Mr. Litzenberg needed to provide proof that the properties received services from the Town.

Commissioner Jablonski suggested Mr. Litzenberg could utilize "Miss Utility" services to locate the water and sewer lines. Mayor Fisona concurred with Commissioner Jablonski.

Commissioner Piner stated he wanted to discuss the issue with Mr. Trostle to obtain the details.

Commissioner Storke stated the Town Code did not provide grandfathering of fees. He stated if Mr. Litzenberg proved service existed for the properties, he should pay current Major Facilities fees less the amount paid for the original hookups. Mr. Litzenberg stated he did not think any fees were assessed when the houses were built. Commissioner Storke stated the properties should not receive hookups at no charge.

Mayor Fisona reiterated that the Board needed to discuss the issue with Mr. Trostle.

Assistant Town Administrator's Report

Ms. Kamp stated Mr. George suggested elimination of the monthly personal appearance by representatives of the Town's Engineering Firm, KCI Technologies, Inc. each month to reduce costs. Commissioners Piner and Storke agreed to eliminate the

monthly personal appearance by representatives of KCI Technologies, Inc., adding that a representative should be available when circumstances warranted an engineer's attendance.

Ms. Kamp stated Mr. George inquired about the monthly appearance by representatives of Severn Trent. Commissioner Piner stated the monthly appearance by representatives of Severn Trent was part of the contracted services, and stated their monthly appearance should not be curtailed, especially during the ongoing BNR/ENR Upgrade Project.

Ms. Kamp stated the Town saved approximately \$75,000.00 in energy costs since joining the Eastern Shore of Maryland Education Energy Consortium Energy Trust at the beginning of 2009.

Mayor Fisona's Report

Mayor Fisona stated the State Highway Administration ("SHA") agreed to improve the pedestrian crossing at the Route 40 Delancy Road intersection.

Commissioner Jablonski's Report

Commissioner Jablonski requested from Mr. Repole an update regarding her request to investigate terms and rates from various local banks. Mr. Repole stated he would provide an update to the Board at an upcoming workshop.

Commissioner Piner's Report

Commissioner Piner reiterated Commissioner Jablonski's request for terms and rates from local banks.

Commissioner Givens' Report

Commissioner Givens stated he called the 911 center to request neighborhood patrol. He stated the 911 operator incorrectly directed him to the Cecil County Sheriff's Department. He said he told the operator he needed an Elkton Police Officer, and she gave him the former non-emergency contact number for the Elkton Police Department. He stated the process was confusing.

Commissioner Storke's Report

Commissioner Storke stated he saw a recent news broadcast regarding Police Officers in Baltimore who were equipped with Blackberry communication devices. He suggested the information provided by the devices could be helpful to Elkton Police Officers. Lt. Donnelly stated the Elkton Police Department currently utilized the same type of technology with in-car computers.

Public Comment

Mr. James Crouse, referring to Mr. Wilson's opinion regarding the lack of a grand-fathering clause in the Town's Code with respect to Major Facilities fees, expressed concerns that the Code did not differentiate between new construction and reconstruction. He suggested that the Board clarify the language in the Code.

Mr. Ronald Rae stated the Board historically denied waivers of Major Facilities fees, including non-profit entities, such as the Presbyterian Church. He stated another example was the redevelopment of the property at 144-146 West Main, in which the building plans called for water and sewer hook up fees.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 7:42 p.m.

L. Michelle Henson,
Administration Office Secretary

AN AUDIO AND VIDEO RECORDING OF THIS MEETING RETAINED AT THE
ADMINISTRATION OFFICE

Note: The minutes of regularly scheduled public meetings conducted by the Mayor and Commissioners of the Town of Elkton, following their approval, are posted at www.elkton.org. The minutes, in hard copy format, are retained indefinitely by the Town of Elkton, Administration Office, 100 Railroad Avenue, Elkton, Maryland 21921.

The Maryland Public Information Act provides that the minutes of public meetings be made available to the public upon request. Please contact the Town of Elkton by telephone at (410) 398-0970, by facsimile at (410) 392-6633, or by email at administration@elkton.org to request a copy of the minutes.