

The Mayor and Commissioners of the Town of Elkton

MINUTES

October 3, 2012

The Mayor and Commissioners of the Town of Elkton (the "Board") held their first regularly scheduled meeting in October on this date at 7:00 p.m. The following persons were present: Mayor Joseph L. Fisona; Commissioners Charles H. Givens, Sr.; Charles E. Hicks, V; and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Elkton Police Chief William E. Ryan; Administration Office Clerk Mary Olah and Town Attorney H. Norman Wilson, Jr., Esquire. Commissioner Mary Jo Jablonski was excused from the meeting due to a family emergency.

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

Notice of Closed Meeting

On Wednesday, September 19, 2012, at 7:50 p.m., during a regularly scheduled meeting of the Mayor and Commissioners of the Town of Elkton (the "Board"), a Closed Meeting was requested and approved by all present pursuant to Government Article § 10-508 (7) to consult with counsel to obtain legal advice on a legal matter; and (1) (ii) any other personnel matter that affects one or more specific individuals. Attendance: Mayor Joseph L. Fisona; Commissioners Charles H. Givens, Sr., Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Chief of Police William E. Ryan; Administration Office Secretary L. Michelle Henson and Town Attorney H. Norman Wilson.

ACTION: The minutes of the September 19, 2012 meeting were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks 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 Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Budget Amendment 2013-005

Mr. Repole presented Budget Amendment 2013-005 to budget \$10,300 for the purchase of two (2) spreaders capable of fitting into a standard pickup truck. Funding: 50% from the Department of Public Works Snow-Ice Removal, 25% from the Water Fund-Capital Reserve, and 25% from the Sewer Fund-Capital Reserve

ACTION: Budget Amendment 2013-005 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Proclamation P15-2012 – Domestic Violence Awareness Month

Mayor Fisona presented Proclamation P15-2012 - Domestic Violence Awareness Month for approval, a copy of which was read and placed in the record of the minutes.

ACTION: Proclamation P15-2012 – Domestic Violence Awareness Month, was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Ms. Barbara Crawford, Clinical Director, and Renise McCraw, of the Domestic Violence Rape Crisis Centers for Cecil County, expressed appreciation to the Board for the Proclamation.

Proclamation P16-2012 – Breast Cancer Awareness Month

Mayor Fisona presented Proclamation P16-2012 - Breast Cancer Awareness Month for approval, a copy of which was read and placed in the record of the minutes.

ACTION: Proclamation P16-2012 – Breast Cancer Awareness Month, was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Severn Trent Environmental Services

Water / Wastewater Treatment Services Report – Months of August and September 2012

Mr. Ken Benner, Area Manager, presented the Water/Wastewater Treatment Services report for the months of August and September 2012. A copy of the report was placed in the record of the minutes.

Mr. Benner stated repairs were required for the drive chain and sprockets of the sludge dryer. Discussion ensued regarding a possible design flaw and various options to fix the same.

Mr. Benner reported an inspection by Chris Carski, Maryland Department of the Environment, went well.

Discussion ensued regarding reestablishing all potential backup wells before the Town hires an engineering firm to perform a hydrogeological study to calculate the maximum safe yield of the aquifer. Mr. Benner stated that otherwise the study would have to be redone when each well was put in service. Mr. George stated KCI had already been engaged to start the MDE permitting process, but based on the Board's authorization, he would cancel that request.

Town Administrator's Report

Extension of Public Works Agreement Larson's South Stream LLC Phase I

Mr. George stated a Public Works Agreement was originally executed with Remle Inc. for the South Stream development in 2008. The agreement was subsequently assigned to Larson's South Stream LLC on October 4, 2008; however, the agreement expired on April 4, 2011. The Town now has a Letter of Credit from M & T Bank in the amount of \$365,618, which guarantees the completion of the Public Improvements, and Mr. George asked for the approval of a three-year extension of the Public Works Agreement.

ACTION: The request for an Extension of Public Works Agreement for Larson's South Stream LLC Phase I was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

EEOC Consent Decree

After a settlement hearing that was held on September 21, 2012, the U.S. District Court issued a consent decree to settle the case based on an agreement between the Town and the Equal Employment Opportunity Commission (EEOC) in the matter of Mr. Andrew Johnson. A copy of the decree was previously provided to the Board. Mr. George recommended that the Board approve the EEOC Consent Decree.

ACTION: The request to approve the EEOC Consent Decree was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Old Business

Commissioner Piner's Report

Commissioner Piner questioned if handicapped parking spaces would be reestablished at the redesigned intersection of High and North Streets where the traffic lights were removed by State Highway Administration (SHA). Mr. George responded that the spaces could not be reestablished because parked vehicles would adversely affect the line of sight at the new stop sign, but he would discuss the matter with SHA.

Commissioner Piner questioned the status of the Recreation/Community Center. Mr. George stated that the recreation center was to be discussed at the October 10th workshop.

Commissioner Givens' Report

Commissioner Givens asked if SHA had new information regarding a proposed pedestrian bridge on Delaware Avenue over the Little Elk Creek to ensure the safety of numerous pedestrians who use that bridge. Mr. George answered in the negative, and discussion ensued regarding the possibility of the Town's Public Works Department building a footbridge and the many engineering requirements, and needed approvals from SHA. Mr. George said that he would contact SHA to see if any progress has been made.

Commissioner Givens commented that the metered parking spaces on South Street were underutilized, and that the Town should consider removing those meters.

Public Comment

Mr. Kenneth Simmons, of Tenby Ridge Joint Venture, LP, reintroduced himself to the Board. He stated that numerous discussions regarding the proposed annexation of property on Muddy Lane has prolonged a decision by the Board. He stated that he wanted the property annexed, and that he would use Town water and sewer, and asked for a vote by the Board to either annex his property or not.

Discussion ensued regarding the developer's ability to sell homes in a poor economy, and Mr. Simmons confirmed that the economy was a concern, but he believed that the property had to be annexed to be ready for the buyers when the economy improved which would then bring an estimated six million dollars in fees for the town.

Mayor Fisona informed Mr. Simmons that the Board would take his request under advisement and inform him of the decision but it would not be at this meeting.

Commissioner Piner asked for the proper procedure to annex the property in question. Mr. George stated that Public Hearings had already been advertised and held, and documents had been prepared.

Commissioner Givens asked if action could be taken tonight, and Mr. George answered in the affirmative.

Commissioner Piner made a motion to approve the resolution.

Commissioner Givens seconded the motion.

Mr. George asked for a short break to consult privately with Mr. Norman Wilson, Attorney for the Town, and they left the room for approximately three minutes. The Board did not step down.

Discussion ensued regarding Mr. Simmons' involvement with the Red Hill Road development and the current rental prices.

Discussion ensued regarding the propriety of a short recess of the meeting with a motion on the floor.

Mr. George and Mr. Wilson reentered the room.

Mr. Wilson stated that the Board could take action that night, but advised the Board to require a written statement from Mr. Simmons and his counsel that the Tenby Ridge development would use the Town's water and sewer services since there had been past controversy regarding the possibility of United Water providing water for the development. Action could then be taken at the next meeting.

Mr. Simmons stated that he did not need counsel with him to request action tonight, and he would provide written confirmation the next day, but he requested action that night, and he would handle his issues with United Water.

Mr. Wilson reiterated his concerns regarding the United Water issue and his desire for a written statement before approval by the Board.

Commissioner Piner acknowledged Mr. Wilson's advice, but stated that the Town does not have an agreement with United Water, and United Water was Mr. Simmons issue. Commissioner Piner also felt that Mr. Simmons had the right to make his request without counsel if he so desired.

Commissioner Hicks mentioned his approval in general of the project, but agreed that a statement in writing should be obtained to avoid discrepancies.

Commissioner Givens asked if the Resolution that has been advertised specifically mentioned United Water, and if the Resolution would have to be changed. Mr. George confirmed that the Resolution as advertised did not address the water issue. He stated the water issue was addressed in the Annexation Plan which was a separate document.

Mayor Fisona stated that a motion was on the floor.

Commissioner Givens asked Mr. Simmons if he could wait until the next meeting until the entire Board was in agreement.

Mr. Simmons stated that he felt that if approval was postponed, he would never obtain approval after so much time had already passed. He again requested approval of the Resolution since all the requirements have been met.

Commissioner Givens asked Mr. Wilson if action could be taken.

Mr. Wilson reiterated his concern that this meeting was the first time that Mr. Simmons had stated that he would use Town services and not United Water. He expressed concern about Mr. Simmons' contract and position with United, and that United may not leave the Town out of it although the Town is not technically part of Mr. Simmons' contract.

Commissioner Piner restated his Motion, and Commissioner Givens restated his second of the Motion.

ACTION: The request to approve the Tenby Ridge Annexation Resolution was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

Mr. Robert Litzenberg suggested that the Town enlist assistance from our State of Maryland senators and delegates in regards to the proposed pedestrian bridge on Delaware Avenue.

Motion to Adjourn

Hearing no additional business to come before the Board, Mayor Fisona requested a motion to adjourn the meeting.

ACTION: The request to adjourn the meeting was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks and approved by all present.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:04 p.m.

Mary K. Olah
Administration Office Clerk

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.