

The Mayor and Commissioners of the Town of Elkton

MINUTES

December 16, 2009

The Mayor and Commissioners of the Town of Elkton (the “Board”) held their second regularly scheduled meeting in December 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; Town Administrator Lewis H. George, Jr.; Assistant Town Administrator Kim Kamp; Elkton Police Department Chief William Ryan; Finance Director Steven Repole; Planning Director Jeanne Minner; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esquire.

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

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 on Wednesday, December 2, 2009, at 7:36 p.m., in the Mayor and Commissioners Conference Room at 100 Railroad Avenue, Elkton, Maryland. The following persons were in attendance: Mayor Joseph Fisona; Commissioners Charles H. Givens, Mary Jo Jablonski, Earl M. Piner, Sr., and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Assistant Town Administrator Kim Kamp; Human Resources Director Venus Kincaid; Department of Public Works Director Mark Turnbull; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esq.

ACTION: The minutes of the December 2, 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 Givens. The motion was seconded by Commissioner Piner and approved by all present.

Mayor Fisona announced the Board planned to present a Certificate of Appreciation to Ms. Donna Short for nearly 25 years of volunteer service to the Town of Elkton. He stated Ms. Short was unable to attend the meeting. Mayor Fisona read a copy of the certificate into the record of the minutes.

Mayor Fisona asked Mr. Swiatek to present the Elkton Signage Study Steering Committee recommendations in the interim prior to the Public Hearing.

Elkton Signage Study - Steering Committee Recommendations

Mr. William Swiatek, Senior Planner, WILMAPCO

Mr. William Swiatek, Senior Planner, Wilmington Area Planning Council (“WILMAPCO”) provided a Power Point presentation of the Elkton Signage Study Steering Committee Recommendations. A copy of Mr. Swiatek’s presentation was placed in the record of the minutes.

Mr. Swiatek stated the goal of the signage study was to limit tractor trailer traffic on North Street (MD 268) by signage and enforcement of truck restrictions.

Commissioner Storke expressed concern regarding trucks carrying explosives or chemicals, and stated the vehicles should be prohibited from traveling within town limits.

Commissioner Storke expressed concerns that trucks carrying deliveries to local businesses would be affected by the truck prohibition. Mr. Swiatek stated local delivery trucks would be exempted from the prohibition.

Mr. Swiatek requested the Board’s endorsement of the steering committee recommendations.

ACTION: The Elkton Signage Study Steering Committee Recommendations were endorsed on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Public Hearing - Ordinance 9-2009 Amending the Elkton Zoning Ordinance to allow, with conditions, Community Piers in the RP (Resource Protection) Zone Presented for Introduction

Ms. Jeanne Minner, Planning Director

Mayor Fisona declared the Public Hearing open at 7:15 p.m.

Ms. Minner presented Ordinance 9-2009, Amending the Elkton Zoning Ordinance to allow, with conditions, Community Piers in the RP (Resource Protection) Zone, for introduction. She stated the Elkton Zoning Ordinance defined Community Piers, but did not provide permission in any zone, and added the Planning Commission recommended approval of the Ordinance at a Public Hearing on December 7, 2009. Ms. Minner read a copy of Ordinance 9-2009 into the record of the minutes.

Mayor Fisona queried the audience for comments.

Hearing no comments from the audience, Mayor Fisona declared the Public Hearing Closed at 7:18 p.m.

ACTION: Ordinance 9-2009 was accepted for introduction on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Tri State Waste Solutions - Company Merger

Mr. Kevin Beane, Sales Manager

Messrs. Kevin Beane and Kevin Shegog, representing Tri State Waste Solutions, and Mr. Tim Brubaker, representing Waste Management of Delaware, were introduced to the Board.

Mr. Beane stated the purpose of their appearance was to announce the sale of Tri State Waste Solutions to Waste Management of Delaware. He said Waste Management agreed to assume the existing service contract between the Town and Tri State, with no changes to service or price. He said the previously submitted consent of assignment guaranteed the Town's service would continue with no changes.

Mr. Shegog stated the goal was to make the transition seamless, adding Waste Management retained the same drivers for the Town's route.

Mayor Fisona questioned if the holiday trash schedule would be affected. Mr. Shegog answered in the negative, stating the holiday schedule would remain the same.

ACTION: The Consent of Assignment of the Town's trash removal service to Waste Management of Delaware was approved on a motion made by Commissioner Storke. The motion was seconded by Commissioner Piner and approved by all present.

Town Administrator's Report

Mr. George presented a request for an Alcoholic Beverage Prohibition Waiver from Commissioner Piner for an event he was hosting in the Municipal Building Community Room on December 27, 2009.

ACTION: The request for an Alcoholic Beverage Prohibition Waiver for Commissioner Piner was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Storke and approved by all present.

Mr. George stated the Petition for Annexation from Wilber Properties, LLC was pulled from his agenda.

Ingerman Group - Contribution for Senior Housing Apartment Building

Mr. George stated Cecil Bank sent a letter to the Town on December 8, 2009 requesting consideration for water and sewer credits with regard to 110 Collins Avenue, which was a vacant apartment building. He said the Ingerman Group, a developer who planned to build a senior housing apartment building at 141 East High Street, proposed to purchase 110 Collins Avenue, demolish the building and transfer the hook up fees to the High Street project. Mr. George,

referring to the Board's discussion of a Blight Reduction Incentive Program at the December 9, 2009 Workshop, stated the Collins Avenue property could be included in the plan.

Mayor Fisona expressed approval for removal of the blighted building, saying it would be a good investment in the neighborhood.

Commissioner Jablonski stated the Board discussed the issue at the December 9, 2009 Workshop and expressed support for the request, based upon the developer's plan to demolish the building. She stated the cost of demolition of the building could cost \$50,000, and the removal and disposal of the debris would add additional expense.

Commissioner Storke stated he did not support the request because there was no system in the Town Code addressing the transferring of fees from one property to another. He expressed concerns the Board would start a precedent.

Commissioner Piner reiterated his support for demolition of the building.

Commissioner Givens concurred with Commissioner Piner, and questioned Mr. Holden, representing the Ingerman Group, regarding the developer's intentions for the Collins Avenue parcel. Mr. Holden stated the developer initially planned to use the parcel for satellite parking for the proposed senior housing apartment building. Discussion ensued regarding use of the lot by other businesses.

Discussion ensued regarding the distance from the Collins Avenue parcel and the proposed senior housing apartment building. Ms. Minner stated the distance between the properties was approximately 400 feet.

Commissioner Storke stated the Elkton Zoning Ordinance did not permit parking lots in residential zones. He questioned if the Zoning Ordinance would be amended to permit the lot. Ms. Minner stated the parcel would have to be rezoned.

Commissioner Givens expressed concerns regarding the exit of the parking lot. He said the lot would exit onto a narrow one-way street.

Commissioner Storke questioned if there was a precedent regarding transfer of water and sewer hook up fees. Mr. Wilson stated the Town previously reduced hook up fees.

Commissioner Jablonski reiterated her support for the request, stated a Blight Reduction Incentive Program could be utilized to address other blighted properties in town.

Mayor Fisona stated it was the third time the Board heard plans regarding 110 Collins Avenue. He stated it was an opportunity to rid the area of a blighted property.

Mayor Fisona requested a motion to approve the request for the contribution of water and sewer hook up credits regarding 110 Collins Avenue.

ACTION: The request for water and sewer hook up credits regarding 110 Collins Avenue was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Jablonski. Commissioner Storke opposed the motion. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Aye

Commissioner Jablonski: Second

Commissioner Piner: Motion

Commissioner Storke: Nay

Mayor Fisona's Report

Mayor Fisona stated the West Main Street Project was moving toward completion at the end of the month. He commended Meadows Construction on its work.

Mayor Fisona reported the Delaware Avenue road elevation project was scheduled to go out to bid in February 2010.

Mayor Fisona wished all those present Merry Christmas and Happy New Year.

Mayor Fisona announced the Town reached a settlement with the Mary Randall Center. He stated the Town, upon advice of counsel, agreed to the settlement to avoid the risk of additional expense.

Mayor Fisona requested that Mr. George send an inquiry to Cecil County regarding a flea market at the intersection of Delaware Avenue and Route 40.

Commissioner Jablonski's Report

Commissioner Jablonski echoed Mayor Fisona's Christmas and New Year's wishes.

Commissioner Piner's Report

Commissioner Piner requested drug enforcement on East High Street. He questioned the status of a landlord's plans to place a fence between properties on East High Street in order to curtail foot traffic behind the buildings.

Commissioner Givens' Report

Commissioner Givens questioned if the recent flood event caused any damage. Mr. George answered he had received no reports of damage.

Commissioner Givens queried Mr. George for his opinion regarding the Delaware Avenue Road Elevation Project. Mr. George stated the project would reduce maintenance and closure of Delaware Avenue after minor flooding events. Commissioner Givens asked Mr.

George if he foresaw disadvantages to the project. Mr. George stated he could see no disadvantages to the project, adding that the recent flood event of December 9, 2009 was an exceptional situation, and the elevation of the roadway would not have prevented flooding of the road. He stated the road would still flood during major storms and flood events.

Commissioner Piner questioned if the State Highway Department (“SHA”) planned to improve pedestrian access over the Delaware Avenue Bridge. Mr. George stated SHA had no plans to alter the bridge.

Commissioner Givens wished all those present Merry Christmas and announced his daughter’s impending return from service in Afghanistan.

Commissioner Storke’s Report

Commissioner Storke echoed the Board’s Christmas and New Year’s wishes.

Public Comment

Mr. Wes Walker expressed concerns regarding safety at the intersection of Route 40 and Delancy Road, and requested improvements.

Mr. Walker questioned the status of the building located at 124 East Main Street. He said the building was in poor condition and expressed concerns that it was leaning toward his building. Commissioner Jablonski stated the owner was not responding to notices from the Zoning Administrator. Mr. Wilson stated he would attempt to contact the owner.

Mr. Walker thanked the Board for the suspension of parking meters and time limits for the holidays. He stated customers were pleased with the parking situation.

Mr. Walker questioned violations motorists received for parking more than 12 inches from the curb. Commissioner Jablonski stated she looked into it and found it was a State law.

Mr. Walker expressed concerns regarding public drunkenness and requested increased Police presence in the downtown area.

Mr. Robert Litzenberg questioned if the Town planned to address other blighted properties.

Mr. Litzenberg questioned the amount of fees that had been waived for the proposed senior housing apartment building. Mayor Fisona stated the proposed credit for the 110 Collins Avenue property amounted to \$150,000. Mr. Litzenberg stated the Town previously waived \$60,000 in fees.

Mr. Litzenberg asked who owned the 110 Collins Avenue property. Commissioner Piner answered Cecil Bank owned the property. Mr. Litzenberg stated Commissioner Piner should not vote on the matter. Commissioner Piner stated he was on an advisory Board for Cecil Bank and would not benefit in any way from the Mayor and Commissioners decision.

Mr. James Crouse questioned if Cecil Bank would receive the water and sewer hook up credits. Mr. Wilson answered in the negative, stating the Ingerman Group would receive the credits if the sale of the property came to fruition.

Mr. Crouse questioned what would happen if the Ingerman Group pulled out of the senior housing project, asking if he could pass the credits to another developer. Mr. Wilson answered in the negative.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:05 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.