

## **The Mayor and Commissioners of the Town of Elkton**

### **MINUTES**

June 17, 2009

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in June 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 Kimberly Kamp; Lt. Matthew Donnelly, Executive Officer, Elkton Police Department; Finance Director Steven Repole; Human Resources Director Venus Kincaid; 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.

Mayor Fisona presented a Certificate of Recognition to Ms. Kathleen Kisner, the winner of the Maryland Municipal League's "If I Were Mayor" essay contest.

**ACTION:** The minutes of the June 3, 2009 meeting were approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner 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 asked Mr. Repole to present Budget Amendments 2009-020 through 2009-026 as a group.

Mr. Repole presented the following Budget Amendments:

**Budget Amendment 2009-020** - to budget additional Real Property Tax Revenue and additional Salary, FICA, Professional Services and Legal Liability expense for Administration.

**Budget Amendment 2009-021** - to budget additional Parking Fines Revenue and additional Contracted Services Expense for Finance Department.

**Budget Amendment 2009-022** - to budget additional Real Property Tax Revenue and additional Unemployment Claims Expense for Human Resources; to transfer budgeted Expenditure from Advertising to Equipment.

**Budget Amendment 2009-023** - to budget current year Seized Funds and previous years Seized Funds forfeited to the Town for the purpose of providing for Elkton Police Department Patrol and Investigation activities.

**Budget Amendment 2009-024** - to budget additional Real Property Tax Revenue and additional Telephone Expense for the Elkton Police Department Support Services.

**Budget Amendment 2009-025** - to reallocate savings from previously purchased Capital items to the purchase of Subgrade Utility Location Equipment for marking of Subgrade Water and Sewer Lines.

**Budget Amendment 2009-026** - to reallocate savings from previously purchased Capital items to the purchase of Subgrade Utility Location Equipment for the marking of Subgrade Water and Sewer Lines.

**ACTION:** Budget Amendments 2009-020 through 2009-026 were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

**Public Hearing - Ordinance 6-2009 - Amending the Elkton Zoning Ordinance Regarding Housing for Elderly and Handicapped - Presented for Introduction**

Ms. Jeanne Minner, Planning Director

Mayor Fisona declared the Public Hearing open at 7:11 p.m.

Ms. Minner presented Ordinance 6-2009 for introduction. She stated Ordinance 6-2009 amended the Elkton Zoning Ordinance to permit housing for the elderly and handicapped via Special Exception by the Board of Zoning Appeals in the Central Business District. She said the ordinance and defined lot size and set back parameters. She stated the Planning Commission approved Ordinance 6-2009 at its June 8, 2009 meeting.

Mayor Fisona queried the audience for comments in favor of Ordinance 6-2009.

Mr. Stephen Pannill, President of Cecil College, stated the proposed Elkton Senior Housing Project addressed the need for housing added to the revitalization of the downtown area, and expressed support for Ordinance 6-2009.

Ms. Marybeth Snyderowski Cole, pharmacist with Lyons Pharmacy, expressed support for Ordinance 6-2009, stating the proposed Elkton Senior Housing Project would provide opportunities for local businesses.

Mr. Dwight Thomey, Esq., representing the Ingerman Group, developer of the proposed Elkton Senior Housing Project, stated Ordinance 6-2009 provided the opportunity for development of a quality housing project in the downtown.

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Mr. Dan Schneckenburger of Paul Risk Associates stated the proposed project addressed the need for affordable housing for seniors and expressed support for Ordinance 6-2009.

Mayor Fisona queried the audience for comments in opposition of Ordinance 6-2009. Hearing no comments in opposition to Ordinance 6-2009, Mayor Fisona declared the Public Hearing closed at 7:20 p.m.

Mayor Fisona queried the Board for comments regarding the introduction of Ordinance 6-2009.

Commissioner Givens questioned the type and amount of fees that were waived for the proposed Elkton Senior Housing Project.

Commissioner Storke replied the Board waived \$68,000.00 in permit fees.

Commissioner Givens expressed concerns that Ordinance 6-2009 would set a precedent and asked if each project of this type would be subject to Planning Commission approval.

Ms. Minner stated each project would be reviewed upon its own merits, and added that Ordinance 6-2009 expressly stated a project of this type would be approved only upon a finding that it would not adversely affect the use or development of the surrounding area.

Commissioner Storke expressed concerns that the Zoning Ordinance was being changed to accommodate one project. He stated the Town required Union Hospital and other entities to follow parking regulations and set back requirements. He stated he was not against the project or housing for the elderly and handicapped, and reiterated his concerns that the Board was changing the Zoning Ordinance to accommodate a specific project.

Commissioner Jablonski stated Ordinance 6-2009 applied to housing for persons aged 62 years and older, and located in the downtown business district.

Commissioner Storke stated the Board previously restricted parking for the hospital and doctors' offices, and expressed concern that there had been intimidation regarding this ordinance.

Ms. Minner stated the Board was authorized to amend the Zoning Ordinance from time to time. She stated the Board previously endorsed the project, which enabled the developer to apply for funding assistance.

Commissioner Givens questioned the next step in the project's approval process. Ms. Minner stated if Ordinance 6-2009 was approved by the Board at the July 8, 2009 meeting, the developer would then apply for variances including building height and

special exceptions including parking space requirements. She said the project would be presented to the Planning Commission and the Board of Zoning Appeals.

**ACTION:** Ordinance 6-2009 was approved on a motion made by Commissioner Piner. Commissioner Jablonski seconded the motion. 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

### **Wastewater Treatment Plant ENR Upgrade Status Report**

Mr. Kelvin George, P.E., Project Manager, Stearns & Wheler, LLC

Mr. Kelvin George, P.E., representing Stearns & Wheler, LLC, stated the purpose of his appearance was to provide a status update the Board regarding the Wastewater Treatment Plant (“WWTP”) ENR Upgrade Project.

Mr. George stated the project was 336 past its original completion date of July 6, 2008.

He stated the contractor, Galway Bay, could have applied for an extension of the contract due to delays resulting from design issues but did not, resulting in contractual liquidated damages being applied.

Mr. George said total current change orders amounted to .6% of the original contract amount, adding Galway Bay did a good job keeping change orders to a minimum.

Regarding the question of the project’s completion date, Mr. George stated all major components were to be operating and Galway Bay had to satisfy a set of requirements prior to achieving final completion status.

Mr. George stated recent data indicated the plant was operating correctly and odors from the plant were reduced.

Mayor Fisona and Commissioner Storke expressed concerns regarding the delays.

Commissioner Jablonski questioned if Galway Bay would remain onsite upon completion. Mr. George answered in the negative, adding that the equipment was warranted.

Commissioner Storke questioned when the pre-inspection would occur. Mr. George replied he was trying to have it scheduled for June 25, 2009, and added the electrical components were scheduled for inspection on June 18<sup>th</sup>.

### **Town Administrator's Report**

#### **Artesian-Elkton Interconnection Certificate of Commencement - Presented for Approval**

Mr. George stated the terms of the Artesian-Elkton Interconnection Agreement required the execution of a Certificate of Commencement upon completion of the interconnection. He stated the 5-year agreement would commence on July 1, 2009.

**ACTION:** The execution of the Artesian-Elkton Interconnection Certificate of Commencement was approved on a motion made by Commissioner Storke. The motion was seconded by Commissioner Givens and approved by all present.

#### **Back Up Water Supply Plan Update**

Mr. George stated the Maryland Department of the Environment ("MDE") required the Town to provide a Backup Water Supply Plan. He stated he provided a plan in addition to documentation from KCI Technologies stating the provisions of the Artesian-Elkton Interconnection Agreement would satisfy the Town for ten years given there was no substantial growth or demands on the system. He stated the update was presented for the Board's information and wanted it to be a matter of record that he submitted the plan to MDE.

### **Assistant Town Administrator's Report**

#### **Ordinance 7-2009 - Parking Meters - Presented for Adoption**

Ms. Kamp stated Ordinance 7-2009 created uniform hours of parking enforcement (8:00 a.m. - 4:30 p.m.) and incorporated the Municipal Parking Lot behind 107 North Street and provided for the temporary suspension of parking enforcement on holidays via Resolution by the Mayor and Commissioners. She stated Ordinance 7-2009 was approved for introduction at the June 3, 2009 meeting.

**ACTION:** Ordinance 7-2009 was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

#### **Resolution 7-2009 - Parking Meter Holidays**

Ms. Kamp presented Resolution 7-2009 for approval. She stated the purpose of Resolution 7-2009 was to provide a list of holidays for which parking enforcement would be suspended.

**ACTION:** Resolution R7-2009 was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Jablonski and approved by all present.

### **Mayor Fisona's Report**

Mayor Fisona announced the award of \$234,910.00 in Community Development Block Grant ("CDBG") funding for rehabilitation of the Thomson Estates Standpipe Water Tower. He commended Ms. Minner on her hard work in obtaining the grant funds.

Mayor Fisona stated he served on the Wilmington Area Planning Council ("WILMAPCO"). He stated WILMAPCO requested funding to develop a bicycle route through Elkton.

Mayor Fisona congratulated the Elkton Police Department for a quick arrest in a shooting that occurred in Elkton on May 31, 2009.

### **Commissioner Jablonski's Report**

Commissioner Jablonski reiterated Mayor Fisona's comments to Ms. Minner and the Elkton Police Department.

Commissioner Jablonski reported the next Mayor and Commissioners meeting was scheduled for July 8, 2009 and the next Mayor and Commissioners workshop was scheduled for July 22, 2009.

### **Commissioner Givens' Report**

Commissioner Givens commended the clean up and installation of screens to keep birds from nesting at the Municipal Building.

Commissioner Givens requested a program for July 4<sup>th</sup> activities. Mr. George stated he would obtain a program from Parks and Recreation.

### **Public Comment**

Ms. Rebecca McKinney requested speed enforcement in the Hollingsworth Manor neighborhood.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:07 p.m.

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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](http://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](mailto:administration@elkton.org) to request a copy of the minutes.