

# The Mayor and Commissioners of the Town of Elkton

## MINUTES

June 2, 2010

The Mayor and Commissioners of the Town of Elkton (the "Board") held their first 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 and Mary Jo Jablonski; Town Administrator Lewis H. George, Jr.; Finance Director Steven Repole; Elkton Police Chief William E. Ryan; Zoning Administrator J. Craig Trostle, Jr.; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr. Esquire. Commissioner Earl M. Piner arrived at 7:05 p.m.

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

**ACTION:** The minutes of the May 19, 2010 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 Jablonski and approved by all present.

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

#### **Ordinance 2-2010 – Crediting Major Facilities Charges – Presented for Adoption**

Mr. George presented Ordinance 2-2010 – Crediting Major Facilities Charges – for adoption. He stated Ordinance 2-2010 amended the Town Code, Title 13, Chapter 13.04, § 13.04.090 by providing that all major facilities charges would be paid at the time of the building permit's issuance; providing credit to the property owner for water and/or sewer service connection(s) under specific conditions; providing said credit in the form of prevailing major facilities charge(s); limiting the extension of credit to five (5) years. A copy of Ordinance 2-2010 was placed in the record of the minutes.

**ACTION:** Ordinance 2-2010 – Crediting Major Facilities Charges was adopted on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

**Ordinance 3-2010 – Fiscal Year 2011 Budget – Presented for Adoption**

Mr. George presented Ordinance 3-2010 – Fiscal Year 2011 Budget for adoption. He stated Ordinance 3-2010 established the Real Property Tax Rate and Personal Property Tax Rate. A copy of Ordinance 3-2010 was placed in the record of the minutes.

**ACTION:** Ordinance 3-2010 – Fiscal Year 2011 Budget was adopted on a motion made by Commissioner Piner. The motion was seconded by Commissioner Jablonski and approved by all present.

**Resolution R4-2010 – Building Codes**

Mr. George presented Resolution R4-2010 – Building Codes for approval. He said Resolution R4-2010 adopted updated building codes in order to comply with State of Maryland regulatory standards. A copy of Resolution R4-2010 was placed in the record of the minutes.

**ACTION:** Resolution R4-2010 – Building Codes was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

**Oath of Office Administered to Mayor-elect Joseph Fisona**

Mr. William L. Brueckman, Clerk of the Circuit Court of Cecil County, administered the Oath of Office to Mayor-elect Joseph Fisona.

**Oath of Office Administered to Commissioner-elect Charles E. Hicks, V**

Mayor Fisona administered the Oath of Office to Commissioner-elect Charles E. Hicks, V.

**Oath of Office Administered to Commissioner-elect Mary Jo Jablonski**

Mayor Fisona administered the Oath of Office to Commissioner-elect Mary Jo Jablonski.

Mayor Fisona thanked his wife and supporters for their efforts during his re-election campaign.

Commissioner Hicks thanked his family and supporters for their efforts during his campaign.

Commissioner Jablonski thanked her family and supporters for their efforts during her re-election campaign.

**Severn Trent Environmental Services**

**Water/Wastewater Treatment Services Report–Months of April & May 2010**

Mr. Ken Benner, Area Manager, Severn Trent Environmental Services, presented the Water/Wastewater Treatment Services report for the months of April and May 2010. A copy of Mr. Benner’s report was placed in the record of the minutes.

**Request by Elkton United Methodist Church for Driveway Access to East High Street and Subsequent Relocation of Existing Parking Spaces**

Mr. David Strouss, P.E., McCrone Engineering, and Mr. Joe Tanner, representing Elkton United Methodist Church, introduced themselves to the Board.

Mr. Strouss stated the Elkton United Methodist Church, as part of its renovation project, proposed a revised driveway access to East High Street and subsequent relocation of parking spaces. He said the project resulted in no net loss of parking on East High, and provided an additional 25 parking spaces in the church parking lot.

Commissioner Piner stated he discussed the project with a neighbor of the church, who had no complaints regarding the proposal. Commissioner Piner requested the installation of “No Parking” signage at the driveway entrance.

Commissioner Hicks, referring to a neighboring property, stated the property owner, Mr. John Brown, had concerns about drainage from the parking lot. Mr. Strouss stated drainage issues were addressed. He said the site provided drainage and stormwater management.

**Request by All American Sports Academy for Outdoor Concert Event  
July 18, 2010**

Mr. Charles Henze, representing All American Sports Academy, and Mr. Wesley Walker, introduced themselves to the Board. Mr. Henze stated the purpose of their appearance was to request the Board’s approval of a proposed outdoor concert event on Sunday July 18, 2010 from 1:00 p.m. until 8:30 p.m.

Commissioner Givens questioned who provided security for the event. Mr. Henze stated he hired private security for the event.

Commissioner Givens questioned the anticipated attendance. Mr. Henze stated he anticipated 2,000 attendees.

Commissioner Jablonski, referring to noise complaints associated with a previous outdoor concert event at the site, said she supported the 8:30 p.m. closing of the event.

Commissioner Piner stated the event must comply with Town Codes.

Commissioner Hicks questioned how Mr. Henze was going to address traffic. Mr. Henze stated his private security team would address traffic onsite, and that he would work with the Elkton Police Department regarding offsite traffic.

Mayor Fisona questioned if Emergency Response Personnel would be onsite. Mr. Henze answered in the affirmative.

Commissioner Givens, referring to Mr. Henze's statement that the event was a fundraiser, questioned who would be the recipient of the funds raised. Mr. Henze stated he was a softball coach, and the event was to raise funds for development of a Travel Ball Program.

**ACTION:** The request of All American Sports Academy to hold an outdoor concert event on Sunday July 18, 2010 from 1:00 p.m. until 8:30 p.m. was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

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

Mayor Fisona asked Mr. George to contact Comcast Cablevision for an update regarding the status of High Definition television service to Elkton.

Mayor Fisona reported that the Town received \$41,000 in Federal Emergency Management Agency funds via the Maryland Emergency Management Agency for reimbursement of funds expended by the Town during the winter storms of December 2009. He said the Town expected additional reimbursement for the February 2010 storms.

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

Commissioner Jablonski requested that the Board consider creation of an Ordinance banning open containers of alcohol.

Commissioner Jablonski requested that the Board consider creation of an Ordinance requiring people to wear shirts in the Downtown Business District.

Commissioner Jablonski stated Channel 2 News did a segment on Elkton. She said the New York Times recently covered Elkton's Arts & Entertainment District, adding that she expected an article about Elkton in the Washington Post.

#### **Commissioner Piner's Report**

Commissioner Piner congratulated Mayor Fisona and Commissioner Jablonski on their prospective re-elections, and welcomed Commissioner Hicks to the Board.

#### **Commissioner Givens' Report**

Commissioner Givens echoed Commissioner Piner's congratulatory remarks.

Commissioner Givens suggested that the Board consider funding a scholarship program for Elkton High School.

Commissioner Givens stated the upgraded audio system was working well.

### **Commissioner Hicks' Report**

Commissioner Hicks questioned if playground equipment could be replaced at the Delancy Village Community Playground.

### **Public Comment**

Mr. Ron Wardrop commented that citizens and elected officials needed to be conservative.

Mr. John Litzenberg stated his family owned various lots on Bethel Street and Collins Avenue, and questioned if his properties would be grandfathered with regard to Major Facilities Fees credits under Ordinance 2-2010. He said the houses that were previously on the lots were razed in the 1960's or 1970's and added that he was able to determine that there were service laterals leading to the lots.

Discussion ensued regarding parameters under which property owners could apply for waivers of Major Facilities Fees.

Commissioner Jablonski said the Board could not consider Mr. Litzenberg's request without having clearly defined plans for the parcel, and suggested that he met with Mr. Trostle regarding the property. Commissioner Givens concurred with Commissioner Jablonski.

Ms. Donna Lakeman stated she lived in the Holly Hall neighborhood, an out of Town area that utilized Town water and sewer service. She questioned why out of town customers paid double for water and sewer service. Referring to the recent rate study performed by Municipal Financial Services Group ("MFSG"), she expressed concerns regarding anticipated rate increases.

Discussion ensued regarding minimum billing amounts. Discussion continued regarding the proximity of properties that were in Town and out of Town.

Mr. John Armitage stated he was a resident of the Holly Hall neighborhood. He reiterated Ms. Lakeman's comments and said his neighborhood was at a disadvantage because he and his neighbors could not vote in Town elections. He said he felt he did not have a say regarding his water and sewer rates. He asked the Board how to go about making formal comments regarding issues before the Board.

Mayor Fisona stated the Board received public comments at their regularly scheduled meetings.

Mr. Ronald Rae questioned why the Fiscal Year 2011 did not contain funding for the Defined Benefit Plan for the Elkton Police Department. He expressed concerns that taxes would be increased to fund the plan.

Ms. Wanita Barr stated she lived in the Holly Hall neighborhood. She expressed concerns regarding anticipated water and sewer rate increases. She questioned why the public was not permitted to comment at workshop meetings. Mayor Fisona stated public comment was taken at Public Meetings and that the workshops were for the Board to have informal work sessions during which they considered items upon which they would vote during Public Meetings.

Mr. James Nicholson stated he owned property on North Street and Bow Street, and questioned if he could receive Major Facilities Fees credits for those parcels. Mayor Fisona stated the Board would consider his request if he presented a detailed plan regarding the parcels.

Ms. Joanne Zamesnik stated she was a resident of the Holly Hall neighborhood. She echoed her neighbors' comments, adding that she felt the residents had no voice regarding the anticipated increases in water and sewer rates.

Mr. Marshall Chastain stated he was a resident of the Holly Hall neighborhood. He reiterated his neighbors' concerns and asked the Board to consider persons on fixed incomes.

Commissioner Piner, referring to the citizens' comments regarding speaking at workshop meetings, asked the Board to consider permitting a representative from the neighborhood to offer citizens' comments during the workshop at which the rate study would be considered. Commissioner Givens stated he understood Commissioner Piner's statement, and added that all citizens should be permitted to speak.

Mayor Fisona requested that the Board consider Commissioner Piner's request.

**ACTION:** Commissioner Piner's request to permit a spokesperson, designated by the residents of the Holly Hall neighborhood, to address the Board during the Workshop meeting at which the water sewer rate study would be discussed was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner. Commissioners Givens and Hicks opposed the motion. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Nay

Commissioner Jablonski: Motion

Commissioner Hicks: Nay

Ms. Cheryl Robinson asked for clarification of the percentage of increases being considered by the Board. Mr. George stated the Board had not yet determined which rate structure to incorporate. Ms. Robinson asked the Board to reconsider any increase in water and sewer rates.

**Motion to Adjourn**

Mayor Fisona requested a motion to adjourn the meeting. Commissioner Givens made a motion to adjourn the meeting. Commissioner Piner seconded the motion, which was approved by all present.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:40 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.