

The Mayor and Commissioners of the Town of Elkton

MINUTES

January 14, 2009

A public meeting (workshop) of the Mayor and Commissioners of the Town of Elkton ("the Board") was held on this date at 4:00 P.M., with the following persons present: Mayor Joseph Fisona, Commissioners Charles H. Givens, Sr.; Mary Jo Jablonski; Earl M. Piner and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Assistant Town Administrator Kim Kamp; Finance Director Steven Repole; Chief of Police William Ryan; Human Resources Director Venus Kincaid; Director of Parks & Recreation Mary Magaw; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr.

Mayor Fisona called the Workshop meeting to order at 4:00 p.m.

Stearns & Wheler Wastewater Treatment Plant Update

Messrs. Thor Young and Kelvin George, representing Stearns & Wheler, the Town's Construction Management firm for the Wastewater Treatment Plant ENR / BNR Upgrade Project, introduced themselves to the Board.

Mr. Young stated the purpose of their appearance was to provide the Board with an update regarding the upgraded facility.

Mr. Young said the plant was operating with minor outstanding issues that were being addressed by the contractor, Galway Bay. He said wastewater was being treated at the plant since September 2008, and the solids handling was up and running since December.

He said Galway Bay was aware they were behind schedule and of contractual obligations in which liquidated damages were being assessed until Stearns & Wheler determined the facility was substantially complete.

Mr. George stated all systems would be performance tested before receiving substantial completion designation. He added a reliability test, which tested the plant's automatic systems for 24-hour, 7-day period, was also required.

Mr. Young stated there were (3) phases of completion, which were Substantial Completion, Final Completion (when final punch list items were addressed) and a subsequent warranty period. He said the contractor was in the first phase of completion.

Commissioner Storke expressed concerns about comments previously made by Mr. Ken Benner, Regional Manager for the facility's operator, Severn Trent, in which

Mr. Benner stated there were outstanding electrical issues, an auger was bent, and the effluent filters were not operating.

Mr. George stated the auger was originally bent during construction, and the contractor attempted to straighten it. He said he contacted the supplier via Galway Bay, and was notified the auger was under warranty and would be replaced.

Commissioner Storke questioned the length of time to get the auger replaced, and stated his concerns that the auger would damage other equipment. Mr. Young stated the auger was positioned in the bottom of tank and did not affect other equipment.

Commissioner Storke questioned the issue regarding the effluent filters. Mr. George stated the filters contained fine, washed sand, which was not properly washed and screened prior to installation in the filters. He said the filter manufacturer was onsite, removing and replacing the media material.

Mr. Young stated the electrical system was operating correctly, and added that the issues that arose were not unique to a project of this size.

Mr. Young stated he and Mr. George, and representatives from the Town, held routine progress meetings with Galway Bay. He said he requested Galway Bay provide a specific schedule to address all outstanding issues.

Mr. George stated the electrical inspection was scheduled for the end of the week. He said the electrical inspection was a condition of occupancy for the Administration Building, and expected that issue to be resolved once the inspection was completed.

Commissioner Jablonski questioned if Mr. George could provide a grand opening date. Mr. George responded that he expected all issues to be resolved soon, but could not provide a specific timeline for a grand opening.

Commissioner Storke expressed concerns regarding Maryland Department of the Environment ("MDE") requirements of nutrient reduction. Mr. Young stated that nutrient limits were based on 12-month averages. He added that MDE understood issues associated with plant startup, and would not identify Elkton as a major violator.

Mayor Fisona questioned the process of assessing liquidated damages. Mr. Young stated the liquidated damages would be deducted from \$2.19 million in retainage funds held by the Town.

Charter Review - Articles X, XI, XII, XIII, XIV, IV

The Board reviewed the Town Charter, Articles X, XI, XII, XIII, XIV, and IV. There were no suggestions or comments regarding the articles.

Budget Discussion - Elkton Police Department

Chief Ryan presented the proposed FY2010 Elkton Police Department Budget, which he said was a \$19,222.00 increase over the FY2009 Budget. He provided an overview of the budget packet for the Board, stating each request item was outlined and explained.

Commissioner Givens questioned personnel requests, asking Chief Ryan if the Police Department had a full compliment of officers. Chief Ryan stated he anticipated a need for additional officers based on data indicating increases in calls for service. He added that requested personnel additions would not be hired until spring 2010.

Discussion ensued regarding staffing of specialized investigation units and increases in arrests. Chief Ryan stated the Neighborhood Action Team received positive feedback from citizens.

Discussion continued regarding space utilized by the Police Department. Chief Ryan stated the Police Department utilized approximately 7,000 square feet, and needed about 20,000 square feet.

Commissioner Givens questioned if the Police Department utilized calls for service and geographic data to determine "hot spots" in Town. Chief Ryan responded in the affirmative, stating he expected the updated records management system would provide data in greater detail.

Commissioner Piner questioned if the Police Department followed specific patrol patterns and schedules. Chief Ryan stated patrols were being scheduled to match calls for service data.

Commissioner Jablonski commended Chief Ryan on his budget presentation. Commissioner Piner echoed Commissioner Jablonski's comments.

Discussion - Ordinance 14-2008 - Public Park Regulations

Ms. Kamp presented a draft of Ordinance 14-2008 - Public Park Regulations. She stated the draft included prohibition of camping.

Commissioner Storke stated that he did not support prohibition of camping, and stated he would vote against the ordinance. He stated he would excuse himself from the meeting if the Board wanted to continue discussion of prohibiting camping.

Mr. Wilson stated that case law prevented the Town of prohibiting camping, and stated the Town only needed to enforce the hours of operation of Town parks.

Discussion ensued regarding the numerous cities and towns in which lawsuits were filed and lost due to camping ordinances.

Mayor and Commissioners Workshop Meeting Minutes

January 14, 2009

Page 4 of 4

Discussion continued regarding enforcement of open fire prohibition in Town parks.

Mayor Fisona questioned if the ordinance would stand if the camping prohibition were removed. Mr. Wilson answered in the affirmative.

Discussion ensued regarding the Town's participation in the Maryland Municipal League's Geo Cache Trail project. Commissioner Jablonski stated the project was a success, and was an excellent idea for tourism.

There being no additional business to come before the Board, Mayor Fisona adjourned the meeting at 5:20 P.M.

L. Michelle Henson
Administration Office Secretary

A RECORDING OF THIS MEETING RETAINED AT THE ADMINISTRATION
OFFICE