

The Mayor and Commissioners of the Town of Elkton

MINUTES

September 3, 2008

The Mayor and Commissioners of the Town of Elkton (the "Board") held their first regularly scheduled meeting in September 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; Finance Director Mr. Steven Repole; Human Resources Director Venus Kincaid; Chief of Police William Ryan; Director of Water & Wastewater Operations Douglas Connell; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esq.

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

ACTION: The minutes of the August 20, 2008 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 Storke and approved by all present.

Budget Amendment 2009-002

Mr. Repole presented Budget Amendment 2009-002 for approval. Mr. Repole said the Interdepartmental budget amendment replaced the originally approved excavator and trailer with two (2) Ford F-250 4WD Supercab Trucks and one (1) F-350 4WD Crew Cab Truck. The three (3) new trucks totaled \$77,473.00 or \$6,527.00 less than the \$84,000.00 that was budgeted for the excavator and trailer.

ACTION: Budget Amendment 2009-002 was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner.

DISCUSSION: Commissioners Givens and Storke questioned the addition of 3 vehicles to the Department of Public Works ("DPW") fleet. Mr. George stated the vehicles were replacements for vehicles that were being phased out. He added the Acting Deputy Director, Mr. Mark Turnbull, determined that 3 new trucks would be more productive than the proposed excavator.

Mayor Fisona stated there was a motion on the floor and a second, and requested a vote. The record of the vote is as follows:

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Mayor Fisona: Aye

Commissioner Givens: Aye

Commissioner Jablonski: Motion

Commissioner Piner: Second

Commissioner Storke: Nay

**KCI Technologies, Inc.
Engineering Services Report – August, 2008**

Messrs. Ryan Flickinger, P.E., Paul Guttman, P.E., and Jeff Gernand, P.G., appeared on behalf of KCI Technologies, Inc.

Mr. Flickinger, referring to the report previously submitted to the Board, presented the August 2008 Municipal Engineering Summary, updating the Board on KCI's review of subdivision/land development plans and other engineering activities which occurred during the month. A copy of the report was placed in the record of the minutes.

Proposal for Construction Management and Inspection Services for Elkton Artesian Interconnection Project

Mr. Flickinger presented KCI's Construction Phase Proposal for the Elkton – Artesian Interconnection Project. A copy of the proposal was placed in the record of the minutes.

Commissioner Storke questioned if the Town was hiring a construction manager for the project, stating it was policy to hire a construction manager for projects exceeding \$1,000,000.00. Mr. George stated it was currently unknown if the project would exceed \$1,000,000.00, and the cost determination would be made upon receipt of the bids for the project.

Commissioner Storke expressed his concerns that a construction manager or other personnel with the authority to halt the project when necessary, should be on site. Mr. Flickinger responded that language would be added to the proposal to direct KCI's personnel to inform the Town in the event of a problem, and the Town could halt the project, if necessary.

ACTION: The proposal by KCI Technologies, Inc. to provide Construction Management and Inspection services for the Elkton-Artesian Interconnection Project was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner.

DISCUSSION: Commissioner Piner said he seconded Commissioner Jablonski's motion based on the Board obtaining more detail regarding a construction manager, based on Commissioner Storke's concerns. Commissioner Givens suggested tabling the decision until the Board could obtain more information.

Commissioner Jablonski stated the proposal was for engineering services for the project, saying KCI could not act as a construction manager with construction management and inspection oversight capabilities.

Mayor Fisona stated he had a motion on the floor, which had been seconded, and asked for a vote.

The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Nay

Commissioner Jablonski: Motion

Commissioner Piner: Second

Commissioner Storke: Nay

Technical Presentation – Grays Hill Test Well #4

Mr. Jeff Gernand, P.G., Senior Hydrogeologist representing KCI Technologies, Inc., provided a Power Point presentation regarding the drilling and planned draw down test of a well located on property owned by the Grays Hill Development Company. A copy of Mr. Gernand's presentation was placed in the record of the minutes.

Mayor Fisona queried the audience for comments regarding Mr. Gernand's presentation.

Ms. Joanne Pryor expressed concerns that the proposed development would adversely affect her well. Mr. Gernand stated the permitting process was based upon the amount of water that could be drawn from the aquifer. He stated the number of homes was immaterial to individual well performance.

Mr. David Leithren questioned who would be responsible if private wells went dry. Mr. Gernand said the draw down test was on hold until a contingency plan was in place, adding the plan had to be approved by the Maryland Department of the Environment ("MDE") and the Board.

Ms. Rose Brown asked Mr. Gernand to clarify the testing would stop if it had a detrimental impact on residents' wells. Mr. Gernand stated the data from a 24-hour draw down test would be used to determine the immediate effect, and the data would be used to project future impacts on the aquifer.

Ms. Deb Logan stated she had issues with sediment affecting her home's plumbing. She said she was in the process of having her water tested to determine the cause, and expressed concern it was due to the well drilling project. Mr. Gernand stated the chronological time frame of the issues indicated the issues with her home's plumbing were not related to the well drilling project.

Mr. Terrance Dear questioned the location of the test well. Mr. Gernand stated the test well location was determined based upon the depth of the aquifer, which permitted a deeper placement of the well screen.

Town Administrator's Report

Request for Waiver of Alcohol Prohibition – Howard Hotel, Inc.

Mr. George presented a request from the Howard Hotel, Inc., for a waiver of the Town's Alcohol Prohibition (Code of the Town of Elkton, Title 9, Chapter 9.04 § 9.04.030) during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m., and Saturday September 20, 2008, from 12:00 p.m. – 8:00 p.m.

ACTION: The request of the Howard Hotel, Inc. for a waiver of alcohol probation during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m. and Saturday September 20, 2008 from 12:00 p.m. – 8:00 p.m. was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

Request for Waiver of Alcohol Prohibition – North Street Tavern

Mr. George presented a request from the North Street Tavern for a waiver of the Town's Alcohol Prohibition (Code of the Town of Elkton, Title 9, Chapter 9.04 § 9.04.030) during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m., and Saturday September 20, 2008, from 12:00 p.m. – 8:00 p.m.

ACTION: The request of the North Street Tavern for a waiver of alcohol probation during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m. and Saturday September 20, 2008 from 12:00 p.m. – 8:00 p.m. was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Storke and approved by all present.

Request for Waiver of Alcohol Prohibition – Relax, LLC

Mr. George presented a request from Relax, LLC for a waiver of the Town's Alcohol Prohibition (Code of the Town of Elkton, Title 9, Chapter 9.04 § 9.04.030) during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m., and Saturday September 20, 2008, from 12:00 p.m. – 8:00 p.m.

ACTION: The request of Relax, LLC for a waiver of alcohol probation during the Town's Fall Fest / Firefighters Combat Challenge events on Friday September 19, 2008 from 5:00 p.m. – 9:00 p.m. and Saturday September 20, 2008 from 12:00 p.m. –

8:00 p.m. was approved on a motion made by Commissioner Storke. The motion was seconded by Commissioner Givens and approved by all present.

Southstream Phase I Public Works Agreement – Request for Amendment (Assignment)

Mr. George stated Remle, Inc. sold its interest in the Southstream Phase I project to Larson Southstream, LLC, and subsequently requested that the Public Works Agreement between the Town and Remle, Inc. be amended to accept the assignment to Larson.

ACTION: The request of Remle, Inc. for amendment (assignment) of the Southstream Phase I Public Works Agreement to Larson Southstream, LLC was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

Artesian-Elkton Interconnection 20” Cost Share Agreement Bids

Mr. George stated the Town executed an agreement with Artesian for a water supply interconnection; the first phase of the construction was to commence in Delaware at the state line. He said the Town agreed to a fifty percent cost share for the project, which, at present, was \$198,230.65.

ACTION: The Artesian-Elkton Interconnection 20” Cost Share was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

Assistant Town Administrator’s Report

Proposals to provide IT service – MTM Technologies & Devine Computing

Ms. Kamp presented proposals to provide IT services from MTM Technologies and Devine Computing, copies of which were placed in the record of the minutes. She recommended Devine Computing.

Commissioner Storke questioned if there would be a contract between the Town and Devine Computing. Ms. Kamp answered in the affirmative.

ACTION: The proposal from Devine Computing to provide IT service to the Town was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Ms. Kamp presented proposals to provide Website Design & Maintenance from The Cattail Company and Small Details, copies of which were placed in the record of the minutes. Ms. Kamp recommended The Cattail Company.

ACTION: The proposal by The Cattail Company to provide Website Design & Maintenance 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 questioned if Road 14 in Hollingsworth Manor was on the Road Restoration schedule. Mr. George answered in the affirmative. Mayor Fisona requested short-term repairs for the road surface.

Commissioner Jablonski's Report

Commissioner Jablonski requested discussion of the previously-tabled request by the Cecil County Commissioners for a waiver of the fees associated with the renovation of the Circuit Court building at 129 East Main Street.

ACTION: The request by the Cecil County Commissioners for a waiver of the fees associated with the renovation of the Circuit Court building at 129 East Main Street was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner.

DISCUSSION: Commissioner Givens stated the Board needed to discuss the request prior to making a decision. He suggested the matter be discussed in a workshop meeting.

Commissioner Jablonski questioned what would happen if the Board did not make a decision to waive the fees. Mr. George stated the fees would be charged to Cecil County.

Commissioner Storke expressed concerns about lack of cooperation from the county. He stated the fees amounted to over \$26,000.00, which was a large amount of money.

Commissioner Piner stated the fee waiver would be a goodwill gesture, adding that IT professionals from the County assisted the Town with its computer issues at no charge.

Mayor Fisona stated there was a motion on the floor, which had been seconded, and asked the Board for a vote.

The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Nay

Commissioner Jablonski: Motion

Commissioner Piner: Second

Commissioner Storke: Nay

Commissioner Jablonski stated she read letters to the *Cecil Whig* regarding the Elk Landing property, and said she wanted to address rumors that the Town was considering the sale of the Elk Landing House, saying the Board was not considering sale of the structure. She said the Board had conversations with a consultant regarding plans for a recreational center. She suggested that the Board meet with the consultant, the Elk Landing Foundation Board, and other interested parties to discuss the matter, and make a final decision.

Commissioner Storke expressed concern regarding financial impact a recreational center would have on taxpayers. Commissioner Piner stated a recreational facility did not have to be the expensive building previously presented by Clark Design Group.

Commissioner Storke suggested that the Board permanently table the subject of a recreational facility.

ACTION: The permanent tabling of a recreational facility was made on a motion by Commissioner Storke. The motion died for lack of a second.

Commissioner Piner suggested the Board discuss a recreational center at the October 8, 2008 Workshop.

ACTION: Commissioner Piner made a motion to discuss a recreational facility at the October 8, 2008 Workshop. 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

Commissioner Givens' Report

Commissioner Givens expressed concerns regarding Workshop meetings, stating the workshops were originally meant for the Board to obtain information to make decisions.

Commissioner Givens suggested that the Board review the Town Charter at upcoming workshops.

Commissioner Givens requested a review and analysis of the Council room's audio equipment.

He stated the Board needed to act in unison with one another.

Commissioner Storke concurred with Commissioner Givens' request for a review of the audio equipment.

Commissioner Storke stated his concerns regarding selling any property that was originally purchased with Program Open Space ("POS") funds.

Commissioner Storke stated the Board originally planned to erect a large steel building to use as a recreational facility at a cost of approximately \$250,000.00.

He concurred with Commissioner Givens' statements regarding communication between the Board members.

Public Comment

Mr. James Crouse suggested the Board incorporate an "Old Business" category into the meeting agenda. He requested follow up regarding the PC Supplies computer issue.

Mr. Jim Miller, President of the Cecil-Harford Chapter of the Maryland Municipal League, presented a "Geo Trail" to the Board. He said the Geo Trail was a high-tech treasure hunt, designed to bring tourists to town.

Mr. Mike Dixon urged the Board to seek public input regarding the proposed sale of a parcel adjacent to the Elk Landing property.

Mr. David Wiseman stated the Board needed to improve communication as well as review meeting protocol.

Motion for a Closed Meeting

Pursuant to State Government Article, § 10-508 (7) consult with counsel to obtain legal advice; and (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations; Commissioner Jablonski made a motion for a Closed Meeting. The motion was seconded by Commissioner Givens and approved by all present.

There being no additional business to come before the Board, Mayor Fisona adjourned the meeting at 9:01 p.m.

L. Michelle Henson,
Administration Office Secretary

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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 these minutes.