

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

### **MINUTES**

November 19, 2008

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in November on this date at 7:00 P.M. The following persons were present: Mayor Joseph Fisona; Commissioners Charles H. Givens, Sr., Mary Jo Jablonski, and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Assistant Town Administrator Kim Kamp; Chief of Police William Ryan; Finance Director Steven Repole; Planning Director Jeanne Minner; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esquire. Commissioner Earl M. Piner, Sr. was excused from the meeting.

### **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; and (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations; a Closed Meeting was held on Wednesday November 5, 2008 in the Mayor and Commissioners Meeting Room at the Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland 21921. 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.; Human Resources Director Venus Kincaid; 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 November 5, 2008 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 Storke and approved by all present.

### **Budget Amendment # 2009-010**

Mr. Steven Repole presented Budget Amendment #2009-010 to amend the FY 09 Budget to include \$1,500.00 in seized funds forfeited to the Town of Elkton and to allocate the funds to be utilized for undercover Police operations.

**ACTION:** Budget Amendment #2009-010 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Storke and approved by all present.

Mayor Fisona asked Mr. George to present the Town Administrator's Agenda in the interim prior to opening the Public Hearing.

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

#### **Project 2008-007 - Sewer Lining & Restoration Program - Bid Opening**

Mr. George stated (2) bids were received for Project # 2008-007 - Sewer Lining & Restoration Program. The bids were unsealed and read into the record of the minutes. The results of the bid are as follows:

<b>Company Name</b>	<b>Address</b>	<b>Bid Amount</b>
Reynolds Inliner, LLC	15A Middle Road Fairfield, Maine 04937	\$ 72,157.00
Tri State Grouting, Inc.	567 Walther Road Newark, Delaware 19702	\$ 117,060.00

Mr. George recommended the Board tentatively award the bid, pending engineer review, to Reynolds Inliner, LLC.

**ACTION:** Project # 2008-007 - Sewer Lining & Restoration Program was tentatively awarded to Reynolds Inliner, LLC, pending engineer review, on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

#### **Meadows Construction - Project # 2008-003 Meadow Park Paving Program Change Orders 1 - 5**

Mr. George presented Project # 2008-003 Meadow Park Paving Program Change Orders 1 - 5 for the Board's approval. He stated Change Orders 1, 2 & 3 increased the contract price due to additional quantities of base course and hot mix asphalt. He said Change Orders 4 & 5 decreased the contract price due to savings on silt fence materials and site restoration work by the Contractor. He said the Change Orders amounted to a total of \$10,574.48.

**ACTION:** The Meadows Construction-Project # 2008-003 Change Orders 1-5 were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

**Resolution R5-2008 - Homestead Property Tax Credit**

Mr. George presented Resolution R5-2008 - Homestead Property Tax Credit for approval. He said the Resolution, if approved, adjusted the Town's homestead credit from the current 105% to 108%, which was consistent with that of Cecil County. He said the change, if approved, was effective July 1, 2009.

**ACTION:** Resolution R5-2008 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Storke and approved by all present.

**Public Hearing  
Ordinance 16-2008 Elderly-Handicapped Housing  
Presented for Introduction**

Mayor Fisona declared the Public Hearing open at 7:07 p.m.

Ms. Jeanne Minner presented Ordinance 16-2008 Elderly-Handicapped Housing, which amended the Town of Elkton Zoning Ordinance Permissible Uses Table to permit, by special exception with conditions, housing for Elderly or Handicapped persons in specified zones, and amended the Supplementary Use Regulations by defining Maximum Density requirements. She stated the Planning Commission recommended approval of Ordinance 16-2008.

Mayor Fisona queried the audience for comments, and, hearing none, asked Ms. Minner to proceed to presentation of the next Ordinance.

**Ordinance 17-2008 Auto & Light Truck Storage  
Presented for Introduction**

Ms. Minner presented Ordinance 17-2008 Auto & Light Truck Storage, which amended the Town of Elkton Zoning Ordinance Permissible Uses Table to permit, with conditions, Automobile, Light Truck and Other Vehicle Storage Lots in specified zones, and amended the Supplementary Use Regulations by defining parameters under which storage would be permitted. She stated the Planning Commission recommended approval of Ordinance 17-2008.

Mayor Fisona queried the audience for comments, and, hearing none, asked Ms. Minner to proceed to the presentation of the next Ordinance.

**Ordinance 18-2008 Convention Centers  
Presented for Introduction**

Ms. Minner presented Ordinance 18-2008 Convention Centers, which amended the Town of Elkton Zoning Ordinance Permissible Uses Table to permit, with conditions, Convention Centers in specified zones and amended the Supplementary Use Regulations by defining parameters of Convention Centers.

Mayor Fisona queried the audience for comments, and, hearing none, declared the Public Hearing closed at 7:15 p.m.

Mayor Fisona queried the Board for comments.

Commissioner Storke questioned if convention centers would be subjected to the same safety codes as other buildings. Ms. Minner responded in the affirmative, stating a developer of a convention center was required to apply for building and occupancy permits, and was subjected to the same inspections as any other developer.

**ACTION:** Ordinances 16-2008, 17-2008 and 18-2008 were approved for introduction, based on the Planning Commission's recommendation of approval, on a motion made by Commissioner Storke. The motion was seconded by Commissioner Givens and approved by all present.

**Request for Support of Senior Housing Project**

Mr. David Holden, Ms. Maria Buckley, and Mr. Jim Haley, representing the Ingerman Group, introduced themselves to the Board.

Mr. Holden stated the purpose of their appearance was to request the Board's support for a 4-story, 60-unit affordable housing development on East High Street. He said the Ingerman Group owned and operated several multi family housing developments in Maryland, Pennsylvania, Delaware and New Jersey.

Mr. Holden stated the Ingerman Group was submitting a tax credit application to Maryland Department of Housing and Community Development, and said a requirement of the application process was a Resolution of Support from the Board, as well as a pledge of support, such as a reduction in water and sewer hook up fees.

Mr. Haley provided a brief description of the proposed building, stating the facility would house an onsite community center that would be available to residents and non-resident seniors. He said the building would utilize recycled materials and would be energy efficient.

Mayor Fisona questioned the qualifications for residency. Mr. Holden stated that residents must be at least 62 years, or, if a couple, at least one must meet the minimum age requirement.

Mr. Holden stated the facility was geared toward independent living, and would link with Union Hospital for wellness programs.

Mr. Holden stated his group proposed to submit their application to the Department of Housing by December 16, 2008, and asked for a Resolution of Support, as well as a 25% reduction in water and sewer hookup fees.

Commissioner Storke stated that parcel upon which the facility was proposed consisted of 1.2 acres, and questioned if the project was compatible with requirements of the Town's Zoning Ordinance. Ms. Minner responded that the ordinance currently required a minimum lot size of 1.5 acres for a facility of this type.

Commissioner Storke questioned parking space requirements. Mr. Holden responded that his experience was that one of four residents owned a vehicle, resulting in a lower demand for parking spaces.

Commissioner Storke questioned if the Town provided water and sewer fee discounts to other senior facilities in the community. Ms. Minner answered in the negative, stating that the Town had previously provided fee deferrals, but not discounts.

Commissioner Storke stated that he supported this type of project, but expressed concern that a precedent would be set by discounting fees. He said he did not want to discriminate against earlier projects or future projects that were or would be required to pay full hookup fees.

Commissioner Jablonski expressed support for the facility, and stated it was unique from previous projects in that it offered affordable housing for senior citizens.

Commissioner Givens expressed concerns regarding parking for the facility. Mr. Haley stated one half parking space per unit was sufficient at similar facilities. He said his group always addressed parking issues with towns because they always allotted fewer spaces than the municipality's requirements, adding that they never had to provide additional spaces once the facility was occupied. He added that an adjacent parking lot provided overflow parking for the building.

Commissioner Jablonski stated the Ingerman Group needed the Board's approval to move forward with the application process. She stated the project was a revitalization of a downtown property, and reiterated her support.

Mayor Fisona queried the Board for a decision regarding the resolution. Commissioner Givens stated he did not want to make a hasty decision. Mayor Fisona suggested the Board could provide a decision at the December 3, 2008 meeting. It was the consensus of the Board to defer their decision until the December 3, 2008 meeting.

**Public Comment**

Mr. Justin Charles expressed opposition to the project.

Mr. Greg Dante expressed support for the project.

Mr. James Lowe expressed concerns that the residents would have no place to shop.

Mr. David Cain stated many details needed to be worked out, and said he supported any project that would help develop the area in a positive manner.

Ms. Deborah Storke questioned if Ordinance 16-2008 would permit handicapped, but not elderly persons to live at the proposed facility. Ms. Minner stated the building owner would determine residency requirements.

Ms. Storke expressed concerns that parking would become an issue when the building was fully rented.

She questioned if the owner of the building would be responsible for the water and sewer bills. Mr. Holden answered in the affirmative.

Mr. Robert Litzenberg expressed concerns that the property would lose overflow parking at the adjacent lot if that parcel were sold. Ms. Minner stated a parking easement would be established that would run with the land.

Commissioner Storke stated that he did not oppose the project, and reiterated his concerns that all citizens should be treated equally. He stated he was concerned that future developments would request discounts based upon this precedent. He stated the Town depended upon fees for revenue.

Mr. Holden stated he appreciated Commissioner Storke's viewpoint, and said the development should be viewed based on the economic benefits it would bring to the Town.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:15 P.M.

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L. Michelle Henson,  
Administration Office Secretary

Mayor and Commissioners Meeting Minutes

November 19, 2008

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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](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 these minutes.