

# The Mayor and Commissioners of the Town of Elkton

## MINUTES

February 5, 2014

The Mayor and Commissioners of the Town of Elkton (the "Board") held their first regularly scheduled meeting in February on this date at 7:00 p.m. The following persons were present: Mayor Joseph L. Fisona; Commissioners Charles H. Givens, Sr.; Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; 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.

### **Notice of Closed Meeting**

On Wednesday January 15, 2014, at 7:53 p.m., during a regularly scheduled meeting of the Mayor and Commissioners of the Town of Elkton (the "Board"), a Closed Meeting was requested and approved by all present pursuant to State Government Article § 10-508 to discuss (1) (ii) any other personnel matter that affects one or more specific individuals. Attendance: Mayor Joseph Fisona; Commissioners Charles H. Givens, Sr., Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Department of Public Works Director J. Daniel Handley; Administration Office Secretary L. Michelle Henson and Town Attorney H. Norman Wilson.

**ACTION:** The minutes of the January 15, 2014 meeting were approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens 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 Piner. The motion was seconded by Commissioner Hicks and approved by all present.

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

#### **Severn Trent Environmental Services Operations & Maintenance Contract Amendment – Presented for Approval**

Mr. George, referring to Severn Trent Environmental Services, the Town's Water and Wastewater Treatment Plant Operator, stated the Board previously discussed installation of an effluent screen at the Big Elk Sanitary Sewer Pump Station. He said subsequent discussions with Severn Trent resulted in an offer from Severn Trent to provide \$200,000 in funding for the project, contingent upon the Board's approval to extend the current Operations & Maintenance Contract from its current expiration to

November 30, 2023. Mr. George stated the proposed amendment contained an April 1, 2014 deadline for finalization of plans, contracts, etc. He expressed concerns that process would not be completed within the timeframe, and requested that the Board postpone approval of the contract amendment until he could obtain additional time. Commissioner Givens questioned if a vote to postpone the approval of the amendment was necessary. Mr. George answered in the negative, adding the item would be placed on the February 19, 2014 agenda.

**Elkton Chamber & Alliance Request for Alcohol Waiver  
2014 Downtown Classic Car Shows**

Mr. George presented a request from the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during the 2014 Downtown Classic Car Shows, scheduled for April 24, May 22, June 26, July 24 and August 28, 2014.

**ACTION:** The request of the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during the 2014 Downtown Classic Car Shows, scheduled for April 24, May 22, June 26, July 24 and August 28, 2014, was approved on a motion made by Commissioner Hicks. The motion was seconded by Commissioner Piner. Mayor Fisona and Commissioner Givens voted in the affirmative. Commissioner Jablonski abstained from voting. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Aye

Commissioner Hicks: Motion

Commissioner Jablonski: Abstained

Commissioner Piner: Second

**Elkton Chamber & Alliance Request for Alcohol Waiver  
St. Patrick's Day Events**

Mr. George presented a request from the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during St. Patrick's Day events, scheduled for March 14 and 15, 2014.

**ACTION:** The request of the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during St. Patrick's Day events, scheduled for March 14 and 15, 2014, was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner. Mayor Fisona and Commissioner Hicks voted in the affirmative. Commissioner Jablonski abstained from voting. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Motion

Commissioner Hicks: Aye

Commissioner Jablonski: Abstained  
Commissioner Piner: Second

**Elkton Chamber & Alliance Request for Alcohol Waiver  
Fall Fest Event**

Mr. George presented a request from the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during the Fall Fest events, scheduled for September 19 and 20, 2014.

**ACTION:** The request of the Elkton Alliance for a waiver of the Town's Alcoholic Beverage Restriction Ordinance in order to permit public consumption of alcohol during Fall Fest events, scheduled for September 19 and 20, 2014, was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks. Mayor Fisona and Commissioner Piner voted in the affirmative. Commissioner Jablonski abstained from voting. The record of the vote is as follows:

Mayor Fisona: Aye  
Commissioner Givens: Motion  
Commissioner Hicks: Second  
Commissioner Jablonski: Abstained  
Commissioner Piner: Aye

**Resolution R2-2014 Supporting Sandy Island LLC Project located at 101  
West Main Street (formerly the Howard House)**

Mr. George presented Resolution R2-2014, supporting the Sandy Island LLC project located at 101 West Main Street (formerly the Howard House). He stated the purpose of Resolution R2-2014 was to approve and support the redevelopment of 101 West Main Street, and for which the owners had applied to the State of Maryland for a Neighborhood Business Works loan. A copy of Resolution R2-2014 was placed in the record of the minutes.

**ACTION:** Resolution R2-2014, supporting the Sandy Island LLC project located at 101 West Main Street (formerly the Howard House) was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

**Old Business**

Commissioner Hicks questioned if there were any updates regarding the sale of the Patriots Glen Golf Course. Mr. George stated the previous owners of the golf course obtained a Water Appropriation Permit from Maryland Department of the Environment (MDE). He stated the permit was necessary to irrigate the golf course, adding that the permit would be needed by any new owner. He stated MDE recently issued a Water

Appropriation Permit to the current owner, a subsidiary of TD Bank, for an interim period of 1 year, allowing for watering and maintenance of the course.

Commissioner Hicks questioned if the course had been purchased. Mr. George responded he did not know if the golf course had been purchased.

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

#### **Reappointments – Board of Supervisors of Elections**

Mayor Fisona announced the Board of Supervisors of Elections terms were to expire on March 31, 2014, and requested a motion to reappoint the following members to the term April 1, 2014 – March 31, 2016:

Ms. Karen Lofthouse  
Ms. Paula Newton  
Ms. Kingsley Shaffer  
Ms. Jill Vamos

**ACTION:** The request to reappoint Ms. Karen Lofthouse, Ms. Paula Newton, Ms. Kingsley Shaffer and Ms. Jill Vamos to the Board of Supervisors of Elections for the term April 1, 2014 – March 31, 2016 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

#### **Appointment – Board of Supervisors of Elections**

Mayor Fisona announced a vacancy on the Board of Supervisors of Elections. He requested the appointment of Ms. Sandy Barnett for the term April 1, 2014 – March 31, 2016.

**ACTION:** The request to appoint Ms. Sandy Barnett to the Board of Supervisors of Elections for the term April 1, 2014 – March 31, 2016 was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

#### **Reappointments – Board of Zoning Appeals**

Mayor Fisona requested a motion to reappoint the following persons to the Board of Zoning Appeals for the term February 1, 2014 – January 31, 2017:

Mrs. Shirley Ann Hicks  
Mr. Jared Roudybush  
Ms. Dawn Schwartz

**ACTION:** The request to reappoint Mrs. Shirley Ann Hicks, Mr. Jared Roudybush and Ms. Dawn Schwartz to the Board of Zoning Appeals for the term February 1, 2014 – January 31, 2017 was approved on a motion made by Commissioner Givens. Commissioner Jablonski seconded the motion. Mayor Fisona and Commissioner Piner approved the motion. Commissioner Hicks approved the motion, with the exception of abstaining from voting on the reappointment of Mrs. Shirley Ann Hicks, whom he identified as his Mother. The record of the vote is as follows:

Reappointment of Mrs. Shirley Ann Hicks:

Mayor Fisona: Aye  
Commissioner Givens: Motion  
Commissioner Hicks: Abstained  
Commissioner Jablonski: Second  
Commissioner Piner: Aye

Reappointment of Mr. Jared Roudybush:

Mayor Fisona: Aye  
Commissioner Givens: Motion  
Commissioner Hicks: Aye  
Commissioner Jablonski: Second  
Commissioner Piner: Aye

Reappointment of Ms. Dawn Schwartz:

Mayor Fisona: Aye  
Commissioner Givens: Motion  
Commissioner Hicks: Aye  
Commissioner Jablonski: Second  
Commissioner Piner: Aye

Mayor Fisona reported staff from Congressman Andy Harris' office would be available to provide tax assistance to citizens at the Elkton Library during the afternoon of February 8, 2014.

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

Commissioner Piner, referring to the Board's previous discussions regarding the Town's Municipal Election, asked the Board to consider changing the date. He stated the election was scheduled for the fourth Tuesday of May, which typically fell the day after Memorial Day, which affected voter turnout. He added the Board voted on the Budget during the second meeting in May, which gave no time for a newly-elected Board member to make an informed decision. He asked the Board to consider changing the date of the election, suggesting the second Tuesday in April (April 8, 2014).

Discussion ensued regarding changing the date of the election and the necessary amendments to the Town Charter.

Commissioner Givens, referring to Commissioner Piner's comments, stated the amended date would provide a newly-elected Board member 7 weeks to review the budget.

Mr. George stated a new election date would require amendment of the Town Charter regarding candidacy filing deadlines, etc., adding that an amended election date would result in changing the date for installation of newly elected officials as well.

Commissioner Hicks stated that any decision to amend an election date should be made in a non-election year. He stated if the amended date was based upon voting on the budget, the election date should be moved later in the year.

Discussion continued regarding amending the date of the election to earlier in the year vs later in the year.

Commissioner Jablonski stated the Mayor and two Commissioners were up for election in 2014, creating the potential for three new members. Mayor Fisona agreed with Commissioners Piner and Jablonski regarding amending the date of the election.

Mr. Wilson stated the process for changing the date of the election would include adoption of the new dates via Resolution. He said staff would need a consensus from the Board regarding the amended dates in order to draft the required Resolutions.

Mayor Fisona requested a motion to amend the Municipal Election date to the second Tuesday in April.

**ACTION:** The request to amend the Municipal Election date to the second Tuesday in April was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Jablonski. Commissioners Givens and Hicks opposed the motion. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Nay

Commissioner Hicks: Nay

Commissioner Jablonski: Second

Commissioner Piner: Motion

Commissioner Hicks, stating the change was occurring during an election cycle, reiterated his comments that any decision to amend the election date should be made in a non-election year.

Discussion ensued regarding the date scheduled for adoption of the Fiscal Year 2015 Budget. Mr. Repole stated the Board historically voted on the upcoming Fiscal Year Budget at the second meeting in May. Mr. George stated the Board was required to adopt

the budget 32 days prior to the end of the fiscal year. He stated in this case, the vote would occur on May 21, 2014.

Commissioner Hicks stated the Board needed to discuss the issue further.

Commissioner Givens expressed concerns that the amended date still did not permit enough time for a newly elected Board member to become indoctrinated on the new budget. Commissioner Givens questioned if the election date would be re-amended for future elections. He stated the issue should have been discussed in a workshop.

Mr. George stated he would prepare the required Resolutions for presentation at the February 19, 2014 meeting.

### **Commissioner Givens' Report**

Commissioner Givens questioned the status of the Director of Zoning position. Mr. George stated Mr. Chip Bromwell had been appointed Acting Director of Zoning.

Commissioner Givens stated a citizen who lived at Mackall Street previously requested enforcement of restrictions regarding parking over-weight vehicles on Town streets. Mayor Fisona stated he spoke with Capt. Donnelly, who indicated the issue had been addressed.

Commissioner Givens, referring to placement of barricades to keep motorists away from Delaware Avenue during times of roadway flooding, stated the devices were placed at the intersection of Delaware Avenue and Whitehall Road, resulting in increased traffic on Whitehall Road. He asked if additional barricades/warning devices could be placed at the intersection of Route 40 and Delaware Avenue to reduce the amount of traffic detouring onto Whitehall Road. Mr. George stated he would contact the State Highway Administration (SHA) with the request.

### **Public Comment**

Mr. Richard Lemen, referring to the upcoming Fiscal Year 2015 Budget, requested that the draft budget be made available to the general public earlier in the year, stating citizens should be given ample time to review the information.

Mr. Lemen stated the Town employees should be queried for their input regarding cost-saving measures, stating employee involvement paid off.

Mr. Lemen stated he did not support amending the date of the 2014 Municipal Election.

Mr. Lemen expressed support for the request by Cecil County to temporarily utilize capacity at the Town's Wastewater Treatment Plant. He stated he understood

concerns of Ms. Jeanne Minner, Planning Director, regarding available capacity however the County's request was an opportunity for added revenue. He suggested that the Town run financial projections to determine the feasibility of providing capacity to the County.

Mr. George, referring to Mr. Lemen's comments, stated the flow data analysis pertaining to the County's request was completed. He suggested that KCI Technologies, the Town's engineering firm, attend the February 12, 2014 workshop in order to discuss the analysis.

Mr. Robert Litzenberg requested that the budget be made available earlier for public viewing. He stated the public should be given ample time to question the information.

Mr. Litzenberg, referring to a previous meeting in which it was announced that Senator Hershey and Delegate Rudolph were working to receive funds for the Elkton Train Station, questioned the ownership of the facility. Mayor Fisona answered the facility was owned by the State. Mr. Litzenberg questioned if the Town could receive funds to refurbish the station, since Elkton did not own it. Mayor Fisona answered the funds would not be provided to Elkton. Mr. Litzenberg questioned if the Town would be required to match any funding. Mayor Fisona answered in the negative.

Mr. Litzenberg, referring to vehicle parts purchased from out of state vendors, stated he realized not all items could be purchased in Elkton however the Town should always investigate local business prior to purchasing products elsewhere.

#### **Motion for a Closed Meeting**

**ACTION:** Pursuant to State Government Article § 10-508 to discuss (1) (ii) any other personnel matter that affects one or more specific individuals; Commissioner Piner made a motion for a Closed Meeting. The motion was seconded by Commissioner Hicks and approved by all present.

Mayor Fisona announced that the public meeting would not reconvene.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 7:52 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



Mayor & Commissioners Meeting Minutes

February 5, 2014

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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.