

**COUNCIL AND UTILITY COMMISSION MINUTES FOR THE TOWN OF ROCK HALL****TOWN OF ROCK HALL**

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**MINUTES - MAYOR AND COUNCIL MEETING  
November 14, 2013**

MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
November 14, 2013

The Mayor convened the Mayor and Council Regular meeting on the above date at 7:30 p.m. All Councilmembers were present. The Town Manager, Clerk Treasurer, Assistant Clerk Treasurer, and Chief Moore were also present.

There was no invocation given. A moment of silence was given for those serving our Country. The Pledge of Allegiance was recited.

**APPROVAL OF THE MINUTES:**

Councilmember Nessor made a motion to approve the minutes from the October 10, 2013 Public Hearing. Councilmember Francis seconded. All in favor, motion carried.

Councilmember Nessor made a motion to approve the minutes from the October 10, 2013 Regular Mayor and Council meeting. Councilmember Jones seconded. All in favor, motion carried.

**GUEST SPEAKERS/INVITED GUESTS:**

Mr. Bob Diss and Ms. Alicia Scarlett from Lindsey & Associates were in attendance to give an overview of the year end audit. There were questions from the Mayor and Council, the Town Manager, and audience in regards to the audit. These questions were answered accordingly.

**FINANCIAL REPORT:**

The Clerk Treasurer read the Financial Report into the record as follows:

General Fund Investment Account: \$275,376.56

Museum Board Funds 2,796.66

Utilities Fund Investment Account: \$194,096.19

Total Available Funds: \$472,107.60

Property Taxes Outstanding: \$223,133.58

Utilities Fund Outstanding: \$ 43,292.19

Services Rendered Outstanding: \$ 3,600.00

Total Outstanding: \$270,025.77

The Clerk Treasurer read the Transportation Financial Report into record.

The Clerk Treasurer stated that the Financial Statements were not being signed off on. There was a discussion in regards to the Financial Statements among the Mayor and Council, and the Clerk Treasurer.

#### CORRESPONDENCE:

There was a Thank You card received from Tracey & Kevin Middleton.

There was a letter received from Women of the Rock.

#### POLICE REPORT:

Chief Moore read the report into record. There were some questions asked of the Chief and he answered all questions accordingly. There was a discussion in regards to the Drug Awareness Meeting recently held. Councilmember Jones asked about enforcing a curfew. There was some discussion among the Mayor and Council, Town Manager, Audience, and Chief Moore in regards to enforcing a curfew. It was a general consensus to enforce a curfew during the winter/school season.

#### STREETS/SANITATION:

Councilmember Jones stated that the Chesapeake Villa light project is complete. We have started putting out the Christmas Decorations. The Christmas tree has been ordered to be placed at the corner of the Rock Hall Village.

#### SEWER/WATER:

Councilmember Nesspor read the reports into record. Councilmember Nesspor gave an update on the Water Plant Clarifier Project. There was a discussion in regards to replacing a pump in pumping station #3.

#### PARKS/RECREATION:

There was a discussion in regards to the Tennis/Basketball Court Project among the Mayor and Council, the Town Manager, Clerk Treasurer, and Audience Members. It was decided to incorporate a guarantee of the work done by the by the contractor in the RFP.

Santa will be here on December 7, 2013. The Reindeer Dash is scheduled to start at 10:25 a.m. and the 5k Run is scheduled to start at 10:30 a.m., and an awards ceremony will be held at 11:30 a.m. Durdin's Open House is at 12:00 p.m. Sensitive Santa Parade lineup starts at Bayside Foods at 12:30 p.m. Santa is to arrive at the Bulkhead at 6:00 p.m., Santa will turn the lights on at 7:00 p.m. and will be located at the Gazebo for the kids to see.

Someone from the Audience asked if the "Fish" was going to be dropped at the Village this year? The Mayor stated that we didn't have money in the budget this year for fireworks, but because the 4th of July fireworks ended prematurely, the gentleman has volunteered his labor and materials to put a show on at the Bulkhead. So, yes the fish will be dropped at the Bulkhead.

#### PLANNING/ZONING:

Councilmember Price reported that there will not be a Planning & Zoning Committee Meeting for the month of November. There is a Board of Appeals meeting scheduled for November 20, 2013; concerning Family Dollar. Jerry Creighton and Vic Costa are both up for renewal. They will need to be sworn in again.

The Town Manager read a letter received from Amy Moredock stating that Dollar General/Oxford Chase Development is asking for a Release of Credit of \$19,676.20 for Stormwater Management and Sediment and Erosion Control. Councilmember Price made a motion to release the letter of credit to Dollar General/Oxford Chase. In the middle of Councilmember Price's motion Councilmember Francis asked a question in regards to the date of the letter and why the Mayor and Council didn't have a copy placed in their boxes. There was a discussion in regards to the time frame in which correspondence is received and how it is received among the Mayor and Council, the Town Manager, the Clerk-Treasurer, and the Assistant Clerk Treasurer. An audience member inquired about the signage issue. Councilmember Price stated that the Planning & Zoning Board has met on that issue and put together a suggestion for the Mayor and Council, we're just waiting to put it on the next agenda to address it. Councilmember Jones seconded the motion made earlier by Councilmember Price in regards to the release of credit for Dollar General/Oxford Chase. There was a discussion in regards to the motion previously made by Councilmember Price in regards to the release of credit for Dollar General/Oxford Chase. All in favor, motion carried. There is a release of credit to be issued to Dollar General/Oxford Chase in the amount of \$19,676.20.

#### MUSEUM BOARD:

Councilmember Francis gave an update and overview of the Museum Board's recent activities.

#### ORDINANCES/RESOLUTIONS:

The Town Manager stated that Ordinance 2013-01 an Obligation Debt for Water Treatment Plant Upgrades is to be voted on tonight. Councilmember Price made a motion to pass Ordinance 2013-01. Ordinance No. 2013-01 is captioned "An Ordinance concerning The Authorization of General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds for the Rock Hall Water Treatment Plant Upgrade Project." Ordinance No. 2013-01 authorizes the Town to issue, sell and deliver from time to time its (i) general obligation bonds and (ii) if needed, general obligation bond anticipation notes ("BANs"), each in an aggregate principal amount not exceeding \$260,000, to finance, reimburse or refinance costs of the Rock Hall Water Treatment Plant upgrade project. The Ordinance also authorizes the Town to issue general obligation refunding bonds to refund any general obligation bonds issued pursuant to the Ordinance. The Ordinance reflects that the Town expects to issue any such general obligation bonds to USDA and that

USDA has indicated that it likely will not require the Town to obtain interim financing for project purposes by issuing BANs, but the Ordinance contains BAN issuance authority in case USDA changes its mind. The Ordinance also allows the Town to issue any bonds to a purchaser other than USDA. Details of any such bonds, BANs or refunding bonds will be determined or provided for by resolution.” Councilmember Nesspor seconded. All in favor (all affirmative), motion carried.

#### NEW BUSINESS:

Councilmember Jones inquired about electrical outages throughout town. Some time ago it was mentioned that they were rerouting cables so that the whole town didn't have to be without electricity during an outage. The Town Manager stated that the project wasn't completely done yet, but when it is there should only be sections of town that will lose electricity at a time not the whole town. Councilmember Jones also asked if anyone from the Town was notified from Delmarva of a time frame of when the outage may happen, and if they may happen to know for how long the outage will take place for. No one seemed to know how Delmarva made those decisions and who they decided to contact in regards to notification of such circumstances.

Rosie Harroll from the MFCA stated that the Re-dedication of the Clam House was a huge success with everyone. Councilmember Nesspor offered to be a Liaison between the Clam House and the Mayor and Council. An audience member stated that someone might want to let Mr. Don Darnell know that there is a portion of the roof and building that hasn't been put on or painted.

Councilmember Jones gave a brief overview of a suggestion for the Christmas Party. He also asked about having December 26, 2013 off as a paid holiday. Councilmember Price made a motion to hold the Christmas Party as suggested by Councilmember Jones. Councilmember Francis seconded. All in favor, motion carried.

#### OLD BUSINESS:

The Mayor stated that there was a report received from the Open Meeting Compliance Board (OMCB). They have included the two complaints from Mr. Grenville Whitman and Councilmember Francis/Robert Willis in one report. It is a twelve (12) page report. The Mayor read a statement into record in regards to the OMCB opinion. There was a discussion among the Mayor and Council, the Town Manager, and the Audience in regards to this issue.

The Town Manager stated that there needs to be a decision made on how the Mayor and Council are planning to have the money paid back from the water/sewer account holders that are being required to pay back money owed to the Town. There was a discussion in regards to this issue among the Mayor and Council, the Town Manager, and the Audience Members. Councilmember Price made a motion to give the four (4) water/sewer account holders that owe back money to the Town six (6) years to pay back the balance due. Councilmember Jones seconded. The first payment will be due with the next quarter's water/sewer bills. An audience member inquired about the statute of limitations on how many years the Town can require the account holders to pay back. Councilmember Francis voted in opposition of the motion made. It was mutually agreed to table the vote and wait to see if the Town Attorney can provide additional information in regards to the statute of limitations. The motion died.

The Mayor asked if it was procedure to shut people's water off at 5:30 at night. There was a discussion among the Mayor and Council, the Town Manager, the Assistant Clerk Treasurer, the audience members in regards to this issue.

There was a discussion in regards to the recall petition form among the Mayor and Council, the Town Manager, and the audience members. Councilmember Francis made a motion to hold a special election to recall all the elected officials and let the Town decide and also put the Town Attorney up too. Councilmember Francis made a motion to release the tapes of the 12 hr. meeting held on April 28, 2013. None of the motions made were seconded, all motions made died on the floor. The Mayor and Council agreed to table the decision in regards to the recall petition form until the Town Attorney could revise it accordingly.

#### TOWN MANAGER'S REPORT:

The Town Manager had nothing further to add.

#### GOOD OF THE TOWN:

Councilmember Jones acknowledge that after eight (8) years of service with the Town one of our Police Officers was resigning, and thanked him for his service to the Town.

Mr. Jim Gillin spoke in regards to the property that Mr. Stephen Maloney owns on Main Street and what his intentions are for these properties. There was a discussion among the Mayor and Council, the Town Manager, and the Audience Members in regards to this issue.

There was a discussion in regards to the loss of business to Bayside Food's due to the opening of Dollar General and making sure the Town holds Planning & Zoning accountable for enforcing that Dollar General only has 13-14% of space allotted to food.

There was a question in regards to the investigation into the Mayors allegations that his signature was forged. The Mayor stated that the MSP had paid him a visit and the investigation was ongoing.

It was agreed to postpone the Closed Session for another meeting.

With there being no further business, Councilmember Price made a motion to adjourn at 10:30 p.m.; Councilmember Francis seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Brian Nesspor, Councilmember

Brian Jones, Councilmember