

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

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**MINUTES - MAYOR AND COUNCIL MEETING
February 20, 2014**

MAYOR AND COUNCIL
REGULAR MEETING MINUTES
February 20, 2014

The recording of the meeting starts at the discussion of the agenda; there is no mention of when the meeting was held and at what time the meeting was convened and who was in attendance.

There was a discussion among the Mayor and Council, and the Town Attorney in regards to the approval of the Agenda. There was an audience member that asked to speak and the Mayor stated that he was going to hold all comments until the end of the meeting. Councilmember Price asked to have State Ethic's added to the agenda. Councilmember Jones made a motion to accept the proposed agenda prepared by the Town staff earlier today. Councilmember Jones' motion was not acknowledged. Councilmember Nesspor made a motion to accept the proposed agenda and add on what anyone wants to add on as we go. Councilmember Price seconded. There was a majority vote in favor of the motion made, the motion was so carried. Councilmember Jones, Price and Nesspor voted in favor of the motion made, Councilmember Francis and the Mayor voted in opposition of the motion made.

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 Price made a motion to approve the minutes from the January 9, 2014 Regular Mayor and Council Meeting. Councilmember Nesspor seconded. All in favor, motion carried.

GUEST SPEAKERS/INVITED GUESTS:

Mrs. Cindy Genther from the Business Association was in attendance to propose a new way of improving the ad revenues for the Trams. Mrs. Cindy stated that Mr. Jim Rich and herself have volunteered their time and service to go

and solicit for more advertising revenue for the Trams. They also put together a new brochure for the trams. They would like the approval of the Mayor and Council to allow Mr. Rich and Mrs. Cindy to solicit for more advertising as well as produce the new brochure for the Trams. There was a discussion in regards to this proposal among the Mayor and Council and Mrs. Cindy. The Mayor and Council were in agreement of having Mrs. Cindy and Mr. Rich continue with their work proposed for the Trams.

There was an overview given of the Website Committee's final report by Mr. William Fielder. There was a discussion in regards to the Website Committee's final report among the Mayor and Council, the audience member's, and the current Town Webmaster (Mr. Mike Wootten). Councilmember Price asked to have until the next workshop meeting to go over the information received to allow to be discussed in more detail then. Councilmember Jones asked to have the Rockhallmd.com domain listed under the Clerk Treasurer and maintain the business sites until they have been given notice that they will be dropped off. Mr. Mike Wootten agreed that this could be done. Councilmember Jones made a motion to move forward with the Website Committee's recommendations in its entirety. The motion made by Councilmember Jones was tabled. It was decided by the majority of the Council to wait until the next workshop meeting scheduled for March 3, 2014 to make any decisions in regards to the Town's website. Mr. William Fielder asked to have the Website Committee put on stand-down with the exception of himself who will be available to answer any and all questions that may need answering. The Mayor and Council were okay with this request and the majority agreed.

FINANCIAL REPORT:

The Town Manager read the Financial Report into the record as follows:

General Fund Investment Account: \$149,903.03

Museum Board Funds 3,047.63

Utilities Fund Investment Account: \$149,644.20

Total Available Funds: \$302,594.86

Property Taxes Outstanding: \$125,973.87

Utilities Fund Outstanding: \$ 33,308.81

Services Rendered Outstanding: \$ 3,593.84

Total Outstanding: \$162,876.52

Councilmember Francis asked for an update in regards to the status of the bank account that is still waiting to be closed out. The Town Manager stated that the Clerk Treasurer would be the best person to ask about the bank account(s) status.

CORRESPONDENCE:

There was a letter received from Mark Weist of the Coastal Heritage Alliance. The Mayor read the letter into record. The letter states that they are asking for a letter of support from the Town of Rock Hall in regards to their interest in the MFCA Clam House.

POLICE REPORT:

Chief Moore read the report into record.

STREETS/SANITATION:

Councilmember Jones stated that the Town has been busy with snow removal. The boys have done a great job with that. There were some potholes fixed today and when Spring rolls around we are going to do some drainage work. There was an update given by Councilmember Jones given in regards to the drainage pipe on Walnut Street that runs behind North Point Marina. There was a discussion among the Mayor and Council in regards to this update. The Mayor and Council agreed to have the engineer attend a meeting to speak with the Mayor and Council in regards to the drainage problems on Walnut Street and Haven Court.

SEWER/WATER:

Councilmember Nesspor read the reports into record. Councilmember Nesspor stated that Synagro picked up four loads of sludge and took it to the landfill. The Town Manager gave an overview of a problem with one of the Town wells(well #5). A.C. Schultes has been out and ran a test on it to find that it's not pumping as much as it should. There is an estimated cost of \$13,000.00 to have a brand new pump and motor put in that well (well #5). Councilmember Francis asked about a letter received from A.C. Schultes. She asked to have it read, Councilmember Nesspor read the letter into record from A.C. Schultes. Councilmember Nesspor made a motion to have A.C. Schultes move forward with the estimate provided for \$13,326.00 as presented to ensure the safety of the Town water supply. Councilmember Price seconded. Councilmember Jones and Councilmember Nesspor voted in favor of the motion made. ***You cannot clearly hear on the recording how Councilmember Francis, Councilmember Price, and the Mayor voted in regards to the motion made and whether there was a majority vote to approve the motion made, the Mayor does state "the vote's through we're going to go ahead" but does not clarify how everyone voted in regards to the motion made by Councilmember Nesspor***

There was a discussion in regards to the letter received by the Brawner Company. The Mayor stated that according to the advice received from the Town Attorney, we should ask the Brawner Company to write a letter and address it to the Utilities Board for review. The Town Manager stated that the Brawner Company is already in the process of writing a letter to the Utilities Board.

It was decided to discuss the out of town sewer accounts at another meeting.

PARKS/RECREATION:

The Town Manager gave an update on the Tennis/Basketball Court project. Councilmember Francis gave an update on the Parks and Recreation's last meeting held. There will be a St. Patty's Day family bingo held on March 14, 2014 from 7-10pm. Councilmember Jones asked if the advertisements being placed for Parks and Recreation events be sent to him so he can place them on the social media sites.

PLANNING/ZONING:

Councilmember Price gave an overview of the January 8, 2014 Planning and Zoning Committee meeting held. The Planning and Zoning meeting scheduled for this month was cancelled due to weather.

MUSEUM BOARD:

Councilmember Francis gave an overview of the Museum Board's meeting they had earlier that day. There was a discussion among the Mayor and Council in regards to the content in the building of the Tolchester Revisited Museum. The Mayor asked the Town Manager to have someone look at the street light in front of Durdin's Store. The face plate has been removed from the base of the light.

ORDINANCES/RESOLUTIONS:

The Town Manager gave an overview of Resolution No. 2014-01 (Rock Hall USDA Water Resolution). Councilmember Nesspor made a motion to adopt Resolution No. 2014-01 as presented. Councilmember Jones seconded. There was a discussion among the Mayor and Council and the Town Attorney in regards to Resolution No. 2014-01. Resolution No. 2014-01 was adopted with a majority vote. Councilmember Jones, Price, and Nesspor voted in favor of the motion made. The Mayor also voted in favor of the motion made. Councilmember Francis voted in opposition and did not sign the Resolution. The vote was then a 4-1 vote.

Councilmember Price raised a concern in regards to the Mayor's disclosure of confidential information that had been received from the Town Attorney and given to members of the press. He asked the Town Attorney if this was a violation of the State Ethics. The Town Attorney stated that Councilmember Price is referring to an e-mail sent on February 4, 2014. The Mayor disclosed a confidential memorandum from the Town Attorney in that e-mail. The Town Attorney stated that it is really a concern of the Mayor and Council to decide if they think anything should be done in regards to this matter. The Mayor stated that he thought Councilmember Price should recuse himself because it involved him. The Mayor also stated that "You asked me at the meeting if in fact that in turn if I had any correspondence that spoke specifically to any action that you need that I could not do unilaterally. I did not have that available but I made that available to you, so as far as I'm concerned you waived your rights." The Town Attorney went into further explanation of what Councilmember Price was referring to. He stated "After the last meeting I got an e-mail from you, Mr. Mayor, February 4, 2014. You addressed this e-mail to me and you copied the Councilmembers and two representatives of the Kent County News. And you went on to talk about what happened at the meeting but you attached some documents. One of the documents you attached was a memorandum dated August 12, 2013 from me to the Mayor and Council. The memorandum is clearly marked Confidential Attorney Client Communication. By copying individuals other than Council and attaching a document marked confidential, that obviously undermines the confidence or confidentiality of the memo. I just pointed out that should be concerning, because it's really for the Council any communications that are marked Confidential Attorney Client Communication the intention is that they should remain confidential. Now, it is the client's right to waive any privilege and the client in this case is the Council. It's not the Attorney's right to waive. Meaning, that if I mark a document Confidential Attorney Client Communication I have no right as the Town Attorney to waive that privilege and disclose that document. You all have that right to waive that privilege and disclose any documents that are marked, but that waiver has to occur as a majority because you all function as a whole. I just pointed out that you have to be very careful and respect the documents that are marked that way. Now if a Councilmember wants to pursue that more because they are a member of this Council and it's their privilege to waive not one member that's really up to them to pursue it further. There was further discussion among the Mayor and Council in regards to this issue. Councilmember Price made a motion to turn the issue over to the States Attorney and let him decide what needs to be done with it. Councilmember Nesspor seconded. There was a discussion among the Mayor and Council and The Town Attorney in regards to the motion made. There was a majority vote in favor of the motion made. Councilmember Jones, Nesspor and Price voted in favor of the motion made. Councilmember Francis voted in opposition of the motion made, the

Mayor did not vote. With a 3-1 vote the motion was so carried.

NEW BUSINESS:

There was a discussion in regards to the auditor for the Town among the Mayor and Council. Councilmember Price made a motion to retain the services of Lindsey & Associates for one more year to perform the Town Audit. Councilmember Nesspor seconded. With a majority vote in favor of the motion made the motion is so carried. The Town of Rock Hall will retain the services of Lindsey & Associates for one more year to perform the Town's year end audit. Councilmember Jones, Price, and Nesspor voted in favor of the motion made. The Mayor voted in opposition of the motion made. ***In listening to the recording of the meeting you cannot clearly hear whether Councilmember Francis abstained from voting or voted in opposition of the motion made*** The vote is then recorded as a 3-1 vote.

The Mayor asked the Town Attorney to give an overview of the process of asking for legal advice from the Maryland Attorney General. The Town Attorney gave an overview of this process.

The Mayor gave an overview of the Rock Hall Expo event.

OLD BUSINESS:

The Mayor asked if the Dollar General letter had in fact been sent. The Mayor stated that he would follow up with Lacey to make sure the letter had been sent.

TOWN MANAGER'S REPORT:

The Town Manager had nothing further to add.

GOOD OF THE TOWN:

Councilmember Nesspor asked about a booth being set up for the Town at the next MML convention. The Mayor and Council agreed that they would think it over and see what everyone could come up with, and discuss in further detail at a later date. Mr. Doug Francis offered to donate some of his time to help out with it.

The Mayor asked if Funk and Bolton was planning to refund fees charged to the Town for misrepresentation. The Town Attorney stated that Funk and Bolton had no intention of responding to the Mayor's request because it was not approved by the Majority of the Board to be sent. Councilmember Nesspor made a motion to let the issue die as it is. Councilmember Price seconded. There was a question raised by Councilmember Jones in regards to a Freedom of Information Act request and the fees charged for such request. There was a discussion among the Mayor and Council and the Town Attorney in regards to this issue.

There was a discussion in regards to the Tower Lease Agreement among the Mayor and Council and the Town Attorney. Councilmember Price made a motion to sign the Town Lease Agreement. Councilmember Jones seconded. All in favor, motion carried.

Councilmember Price made a motion to have Mrs. Cindy Genther and Mr. Jim Rich move forward with collecting the

advertising for the Trams. Councilmember Nesspor seconded. All in favor, motion carried.

With there being no further business, Councilmember Nesspor made a motion to adjourn ***There was too much noise during the recording of the motion made; you could not hear who seconded the motion or what time the meeting was adjourned. You also couldn't hear how everyone voted for the motion made.***

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian Nesspor, Councilmember

Brian Jones, Councilmember