

MINUTES - UTILITY COMMISSION MEETING

August 29, 2011

MAYOR AND COUNCIL
UTILITIES BOARD MINUTES
August 29, 2011

The Mayor convened the Mayor and Council Utilities Board meeting on the above date at 7:05 P.M. All Councilmembers were present. The Town Manager was also present.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of August 1, 2011 as presented; Councilmember Jones seconded. All in favor, motion carried.

SEWER ALLOCATION REPORT:

The Town Manager read the sewer allocation report into the record.

THE FOLLOWING ITEMS WERE DISCUSSED:

With there being no further business, Councilmember Price made a motion to adjourn at 7:05 p.m.; Councilmember Francis seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor
Olin B. Price, Councilmember
Susan A. Francis, Councilmember
Brian Nesspor, Councilmember
Brian Jones, Councilmember

MAYOR AND COUNCIL
WORKSHOP MINUTES
August 29, 2011

The Mayor convened the Mayor and Council Workshop meeting on the above date at 7:05 P.M. All Councilmembers were present. The Town Manager was also present.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of August 1, 2011 as presented; Councilmember Francis seconded. All in favor, motion carried.

THE FOLLOWING ITEMS WERE DISCUSSED:

Ed Berk mire was scheduled to be here this evening, but it does not look like he is here. We will continue on with the rest of the agenda and if he should happen to show up later we will come back to the issue.

The Mayor stated that he spoke to the Town's Attorney today in regards to the Lord's Prayer and we still have not come to a formal decision in regards to this issue. There does seem to be a general consensus that we would like to have a prayer said by local clergy, within our town and district, at the beginning of each meeting. At that point we can decide on what type of prayer is going to be given. There doesn't seem to be anything that will be finalized on this issue this evening, but what I'm hoping we can do tonight is decide on how we want to move forward so we can allow our attorney to take the necessary steps to allow us to move on. Councilmember Francis spoke to an ACLJ Attorney and they informed her that if the Town should decide to continue to say the Lord's Prayer and a lawsuit is filed against the Town, the Town is then obligated to follow through with the lawsuit even if they decide to stop reciting the Lord's Prayer during the process of the lawsuit. The lawsuit will not cease to exist if we decide to have local clergy come in and open our meetings with a prayer, it will continue on despite the fact.

Councilmember Price stated that he thinks he knows what each one of them would like to continue to do, but at what cost to the town. The Mayor said that this is a tough decision and unfortunately the Establishment Clause shows that this is not something that we are going to be able to win in a court system. Councilmember Nesspor stated that the worse part about it is that 95 to 98% of the Town would like to see us continue to recite the Lord's Prayer. It's a shame that the decision has to be made by just five (5) people. The Mayor reiterated that we're not giving up if we continue to have a prayer (invocation) said at the beginning of each meeting by a local clergy. Councilmember Price would like to definitely keep on saying a prayer, "I do not want to be silent". He also stated that he thinks the prayer should be contained to just district 5 clergy. The Mayor stated that these are all details that need to be discussed with the Town Attorney, so we can make sure that the decisions we make based on the details we wish to abide by are legally correct. Councilmember Price stated that he feels if we invite clergy of all religions from the 5th district to start our meetings with an invocation that we should not restrict them on the prayer that they decide to say. Councilmember Francis agrees with this point. The Mayor and Council have decided that they want the local clergy, limiting it to clergy of the 5th District, and offer a prayer just as they would at worship. The Mayor said the next step is to wait and see what the Town

Attorney has to suggest we do in regards to our decision on this matter and where to go from here. They will be able to tell us if there are any legal ramifications to conducting our meetings in such a manner. Councilmember Nesspor wanted it to be known for the record that the Mayor and Council don't agree with the decision we are forced to make in regards to this issue. The issue has been forced on us to have to overcome and it's not nice that these five (5) people are the ones that have to figure out a way to appease everyone. Councilmember Francis still wants to know why after 5, 10 15 years has this just now become an issue. There were comments and questions from the audience that were addressed from the Mayor and Council in regards to this issue.

The Town Manager reported that the town was very fortunate during hurricane Irene. There wasn't a whole lot of damage done, some trees down, and the electricity outage, but that was about it. The town was very prepared and came together to help out those in need of services.

Mr. Tim Moore, from the audience, mentioned the flooding that happens on the corner of Main Street and Frederick Avenue. The Town Manager stated that the flooding from two Sunday's ago, was caused by the storm drain being clogged up. Once the storm drain was unclogged the flooding diminished in a matter of 40 minutes or so. We've come to find out during hurricane Irene that the storm drain there was free of debris throughout the whole time, but the street still became flooded, and this was simply due to the amount of rain that had fallen during that time span. The storm drain just couldn't keep up with the amount of water that it had to cycle through. Once the rain had stopped the storm drain had a chance to catch up and the water had receded from there. It's simply an area that collects a lot of water. An audience member mentioned that he used to own a house in that area, and had traced the water backed up to the Haven road. It seems that is where all the bottlenecking occurs at. The ditches aren't wide enough or the drain pipes are big enough to accommodate the amount of rain fall that comes through there sometimes. The Mayor mentioned that we should make sure the storm drain is free of debris prior to having heavy rains hit. Councilmember Price also mentioned that maybe we should have someone take a look and check and make sure that the storm drain on the Haven road is not blocked up either. We could have someone take a look at the storm drain and see what kind of suggestions they may have and go from there. In the mean time we need to make sure the storm drains stay free and clear from debris.

We have recently received some letters concerning an issue with a feral cat colony located on Main Street, across from the lagoon. Cat colonies must be registered with the Humane Society. And currently we're not sure if this particular colony has been registered. Councilmember Price said that he thinks there should be a limit on how many cats one can obtain, as long as they contain them to their homes or not contributing to being a nuisance in the neighborhood. Councilmember Francis wanted to know if you limit the number of cats one has how do still keep the cats from straying into the neighborhood. Unfortunately the board has been faced with this

issue, not because any of us have issues with cats, but because there have been problems with cats that have been brought to our attention, and asked for our assistance with this problem. Councilmember Jones doesn't think that the town should allow any cat colonies at all and Councilmember Nesspor agreed with him. The Town Manager stated that we've addressed this issue before and no matter how you look at it and how much you try to come up with a reasonable solution, the fact of the matter is, you don't have feral cats at least in residential areas or within town limits. The decision we need to make tonight is whether to eliminate feral cat colonies completely, or allow them to exist as long as their habitat is not within a residential area. The Mayor and Council have decided that they would like to pass an ordinance/resolution to eliminate feral cat colonies within the town limits. We will have the Town Attorney supply a draft of the law; we'll look it over and go from there.

Mrs. Patsy Reihl still has questions in regards to the property the town owns located on Chesapeake Avenue. She would like to know when the decision was made and how the Mayor and Council came to the decision that they made. She also asked what information is accessible to the public when there has been a closed session meeting. The Mayor and Council explained the rules and regulations regarding obtainable information when the town has a closed session meeting. The Mayor stated that he and the council have decided not to use the property on Chesapeake Avenue for any purpose dealing with the museum project on Main Street. Mrs. Patsy would like the Mayor and Council put it in writing that they will never use that property for anything. The Mayor stated that he is not about to refuse someone in the future access to the idea of using that property for something/anything that may be beneficial to the town at that moment. The issue can be brought to the Mayor and Council's attention at that time, and whoever may be in that position, can make the decision in regards to that matter at that time.

Councilmember Price made a motion at 8:17 p.m. to move into an Executive Session - Under the Maryland Open Meeting's Law, Section 10-508, Subsection A, Paragraph 1, Subsection 2, in order to discuss any other personnel matter that affects one or more specific individuals. Councilmember Nesspor seconded the motion. All in favor, motion carried.

The Mayor and Council returned from their Executive Session at 9:10 p.m. to report that there were no actions taken during the Executive Session in regards to the discussion of any other personnel matter that affects one or more specific individuals.

With there being no further business, Councilmember Price made a motion to adjourn at 9:12 p.m.; Councilmember Jones seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember
Brian Nessor, Councilmember