

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

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**MINUTES - UTILITY COMMISSION MEETING
February 3, 2014**

MAYOR AND COUNCIL
UTILITIES BOARD MINUTES
February 3, 2014

The Mayor convened the Mayor and Council Utilities Board meeting on the above date at 7:00 P.M. All Councilmembers were present. The Town Manager and Officer Wode were also present.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of December 30, 2013 as presented; Councilmember Price seconded. All in favor, motion carried.

SEWER ALLOCATION REPORT:

The Town Manager read the sewer allocation into record. There were two new allocations allotted for new construction of a single family dwelling for Blue Claw Court and a new commercial building for Rock Hall Park Center, LLC.

THE FOLLOWING ITEMS WERE DISCUSSED:

There was a letter received from Mr. Chap Richardson asking for a sewer credit. The Town Manager read Mr. Richardson's letter into record. Councilmember Price abstained from voting in this matter due to the fact that he did the repairs for Mr. Richardson. Councilmember Nesspor made a motion to give Mr. Richardson a sewer credit in the amount of \$201.50. Councilmember Jones seconded. All in favor, motion carried. The Town Manager was asked to let Mr. Richardson know that he had been approved for a sewer credit in the amount of \$201.50.

The Town Attorney arrived at 7:05 p.m.

There was a letter received from Brawner Management asking for a sewer credit. The Town Manager read the letter into record. There was a discussion among the Town Manager, the Mayor and Council in regards to this issue. Councilmember Price asked if there would be any legal issues in giving a credit of some sort to the Brawner Management in regards to this issue. The Town Attorney stated that he would have to look into it and check. The Mayor and Council agreed to have the Town Attorney check into how to proceed with this and get back to the Mayor and Council at the next meeting.

The MDE annual report has been taken care of. The Mayor asked for a copy of the report and the Town Manager gave him one at that time.

There was a discussion in regards to the pumping stations among the Mayor and Council and the Town Manager.

There was a discussion in regards to the corrected sewer accounts that have back charges to pay among the Mayor and Council, the Town Attorney, and the Town Manager. Councilmember Jones made a motion to have the water/sewer liaison work with the Town Attorney to work with these individual account holders to settle these past sewer fees. Councilmember Price seconded. Councilmember Francis stated again that she was opposed to making them pay back the fees, it was the Town's mistake and they should be responsible. Councilmember also stated that she was against it. ***I do believe the Mayor abstained from voting, but you could not clearly hear that from the recording. 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*** With a majority vote in favor of the motion made the motion was so carried. Councilmember Price, Jones, and Nesspor voted in favor of the motion made.

With there being no further business, Councilmember Price made a motion to adjourn at 7:20 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

February 3, 2014

The Mayor convened the Mayor and Council Workshop meeting on the above date at 7:20 P.M. All Councilmembers were present. The Town Manager and Town Attorney, and Officer Wode were also present.

APPROVAL OF THE MINUTES:

Councilmember Francis made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of December 30, 2013 as presented; Councilmember Price seconded. The Town Attorney asked to have the meeting minutes state that he had asked if the grievance filed by the Mayor with the Attorney Grievance Commission was an action approved by the majority of the Council, and I believe the answer to that was no. The Mayor stated there was no discussion on it and that it was a dead issue, Councilmember Jones seems to remember that it was asked about. The Town Attorney then stated that he wasn't going to take up any more time and that he would ask about it again. There were no changes approved to be made to the meeting minutes. All in favor, motion carried.

THE FOLLOWING ITEMS WERE DISCUSSED:

The Town Manager stated that he had received a phone call from the auditor's (Lindsey & Associates) asking if their services were going to be retained for another year. The Mayor suggested that an RFP be put out to see what auditors are available. Councilmember Francis agreed. There was a discussion in regards to the auditors among the Mayor and the Town Manager. There will be a follow up discussion in regards to this issue at the next meeting (next Thursday).

The Town Manager stated that he had contacted the companies that had placed bids on the Tennis/Basketball Court project. He explained to them that the bids were higher than the Town was hoping for, and they both in turn stated that it was due to the lighting package the Town was requesting. Town Manager asked if they could both resubmit bids with a different lighting package proposal and eliminating the cost of some of the demolition being provided by the Town. The Town Manager did receive new proposals from each company. Councilmember Francis suggested that American Asphalt be awarded the bid for the Tennis/Basketball Court project. There was a discussion among the Mayor and Council, and the Town Manager in regards to this project. Councilmember Francis made a motion to accept the bid proposal for the Tennis/Basketball Court project from American Asphalt in the amount of \$161,000.00. Councilmember Nesspor seconded. The Mayor stated that the vote on the motion made was 4-1 ***there was no mention on the recording of how the Councilmembers voted in regards to the motion made***. An audience member asked if there was a time set of when the lights for the courts would be turned off. Councilmember Francis stated that it has not been determined yet.

The Mayor introduced the newly appointed Board of Appeals Attorney, Mr. Tom Yeager. The Mayor swore in Mr. Tom Yeager as the new Board of Appeals Attorney.

There was an update given by the Town Manager in regards to the Haven Court lights. The Town Manager suggested that the Mayor and Council schedule an electrician(s) to come to a meeting to allow them to provide a possible solution to the problem. The Mayor and Council decided to have Nilo Electrical attend the next meeting to ask if they can provide a solution to the problem with the Haven Court lights.

There was a discussion among the Mayor and Council in regards to the Appreciation Dinner. There was a suggestion made by Councilmember Jones to have a picnic/crab feast for the appreciation dinner this year. The Mayor and Council decided to discuss the appreciation dinner in further detail at a later date.

The Mayor stated that the Fire Department is asking if they are committed to the cost of \$500.00 for the CODE RED system for the 2014 and 2015 years. They have the opportunity to use the County alert system that they use for no charge. There was discussion in regards to the CODE RED system and other alternatives among the Mayor and

Council, and the Town Attorney.

The Town Manager gave an overview of a House and Senate bill 145 that was introduced this past week in regards to the Seafood Industry. The Town Manager read a letter into record addressed to an assortment of Government Officials from the Town in regards to this issue. The Town Manager asked if the Mayor and Council would be willing to sign the letter so it could be sent out in the mail the next day. Councilmember Nesspor made a motion to sign the letter and send it to the appropriate people. Councilmember Price seconded. All in favor, motion carried.

The MFCA will be coming to Rock Hall on February 6, 2014 for a pre-bid meeting and an informational meeting for potential clients.

There was a discussion in regards to the burglaries happening around town among the Mayor and Council, the Town Manager, Officer Wode, and the Audience.

The Mayor asked about a letter that has been distributed to vendors informing them that they do not have to discuss any information in regards to the Town with the Mayor.

Councilmember Jones asked to go back to the fireworks discussion that was skipped on the agenda. There will be a meeting at the firehouse on Wednesday in regards to the fireworks. There was a discussion among the Mayor and Council in regards to the fireworks.

Moving on, the Mayor went back to the discussion in regards to the item on the agenda of the Town Attorney. The Mayor and Council, and the Town Attorney had a discussion in regards to a letter approved by a majority of the Council stating that the Mayor needed approval of a majority of the Council prior to conducting any business on behalf of the Town. The Town Attorney read an e-mail correspondence from the Mayor into record. The Town Attorney stated that he received a call from General Council to Washington Gas Energy Services. The Town Attorney gave an overview of the phone conversation with the General Council to Washington Gas Energy Services he had. There was a discussion among the Town Attorney and the Mayor in regards to this issue. The Town Attorney stated that he hadn't heard the Mayor disclose that the Mayor signed a letter to the Public Service Commission on behalf of the Town asking to make sure the Public Service Commission cleared the way for this solar project. The Town Attorney then asked if the Mayor had shared a copy of a letter he had been given by the Town Attorney with anyone. There was no answer from the Mayor in regards to this question. There was a discussion among the Mayor and Council, the Town Attorney, and the Town Manager in regards to the solar project. The Mayor asked again who had sent the letter from the Majority of the Council. The Town Attorney stated that it is irrelevant who sent the letter, it's a public record. The Town Attorney stated that it could be posted on the website. The Town Attorney quoted the meeting minutes from a November 2, 2011 meeting of the Mayor and Council in regards to the solar panel project. The Town Attorney then gave another explanation of the power purchase agreement for the solar panel project. There was a discussion among the Mayor and Council, the Town Attorney, and the Town Manager again in regards to the letter given to vendors.

There was a discussion in regards to the Ad-hoc website committee among the Mayor and Council, the Town Attorney, and the Town Manager. The issue was raised whether the Ad-hoc website committee is in compliance with the Opens Meeting Act. The Town Attorney read an e-mail correspondence from the Mayor into record in regards to the Ad-hoc website committee. The Town Attorney explained the correspondence.

There was a discussion among a procurement process for the town. The Town Attorney gave an overview of the current procurement process the town has in place. The Town Attorney also stated that they had prepared a proposed Procurement Ordinance in 2004 for the Town, which allows a lot more structure to be put into basic procurement practices.

The Town Manager asked if the Mayor and Council wanted him to turn the letters he has received from constituents with concerns about the finances of the Fireworks Committee to the investigative services that handle those kinds of concerns. The Town Manager never got an answer from the Mayor in regards to his question.

The Mayor asked if the Town should be responsible for paying a bill to the Town Attorney for bad legal advice given. The Town Attorney asked the Council if the Mayor's letter to Mr. Chip MacLeod's law partner's on this issue was something the Council authorized and directed. The Town Attorney asked if the Mayor was acting independently. The Mayor answered yes to the Town Attorney's question. The Town Attorney then asked if the Mayor acted unilaterally when he sent the November 25, 2013 complaint against the Town Attorney (Chip MacLeod) to the Attorney Grievance Commission. The Mayor answered yes to the Town Attorney's question. The Town Attorney wanted it stated for the record "That when it comes to our services that we provide to the Town Government, and we serve at the pleasure of the Town Government, we can be replaced as quickly as you want to replace us. What matters most is what the majority of the Council thinks about our services, if a majority of the Council has a concern with billing or issue like that, I will consider it and it will be taken very seriously. But I'm not going to waste a lot of time on the whim of one member of the Council." The Mayor immediately went into a discussion about the original bond council letter from the USDA that he had received from the MSP. There was a discussion among the Mayor and Council, the Town Attorney, the Town Manager, and the audience in regards to the Bond Council agreement, the ratification of the agreement, and whether the proper procedures were followed in regards to such.

There was a discussion in regards to the Ethics Commission among the Mayor and Council, the Town Attorney.

There was a discussion in regards to the position of the Town Manager holding a dual position among the Mayor and Council, the Town Attorney, the Town Manager, and the audience.

There was an Ad-hoc website committee member who asked the Mayor to explain how to make sure the committee was in compliance. The Mayor answered the question accordingly.

There was a discussion in regards to the meetings being video recorded.

With there being no further business, Councilmember Nesspor made a motion to adjourn at 10: 20 p.m.; Councilmember Price 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