

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

P. O. Box 367 | Rock Hall, Maryland 21661
phone: (410) 639-7611 | fax: (410) 639-7298

[Return to the 2014 Minutes Index page](#)

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

MAYOR AND COUNCIL
UTILITIES BOARD MINUTES
November 3, 2014

The Mayor convened the Mayor and Council Utilities Board meeting on the above date at 7:02 P.M. All Councilmembers were present. The Town Manager and Town Attorney were also present.

APPROVAL OF THE AGENDA:

Councilmember Nesspor made a motion to approve the agenda as presented. Councilmember Price seconded. The Mayor asked to add the fire hydrants and Bay Fund Restoration to the agenda. Councilmember Price mentioned that there were two members that needed to be sworn in tonight, Mr. Joe Strollo and Mr. Walter Souder. All in favor, motion carried.

APPROVAL OF THE MINUTES:

Councilmember Nesspor made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of September 29, 2014 as presented; Councilmember Price seconded. All in favor, motion carried.

SEWER ALLOCATION REPORT:

The Town Manager read the sewer allocation report into record.

THE FOLLOWING ITEMS WERE DISCUSSED:

Mr. William Fielder gave an overview of an e-mail policy that he compiled and was proposing to the Mayor and Council. There currently is no e-mail policy in place for the Town. Mr. Fielder asked the Council to approve having the Town Attorney review the proposed e-mail policy. The Mayor asked Mr. Fielder to provide copies of the most recent/current version of the proposed e-mail policy to the Mayor and Council to look over as well. It was agreed to

have the Town Attorney review the E-mail Policy proposed by Mr. Fielder. There was a discussion among the Mayor and Council and the Audience Members in regards to the e-mail policy.

The Mayor swore in Mr. Walter Souder to the Planning & Zoning Board Committee, and Mr. Joe Strollo as the alternate to the Board of Appeals Committee.

Mrs. Madelyn Reni was in attendance to speak to the Mayor and Council in regards to the second and third meters being removed from being read in regards to the water/sewer bills. Mrs. Reni asked the Mayor and Council to reconsider the actions taken to eliminate the reading of the second and third meters for the water/sewer bills and readdress the issue. There was a discussion among the Mayor and Council, the Town Manager, and the Town Attorney in regards to the concerns raised by Mrs. Reni.

There was a discussion among the Mayor and Council, the Town Manager, Audience Members, and the Town Attorney in regards to delinquent water bills and how the process is handled due to non-payment of water/sewer bills. The Mayor and Council decided to readdress the issue at the next meeting. It was decided to follow the language written and approved in Ordinance 2013-02.

There was a discussion in regards to the inspection and maintenance of the fire hydrants throughout the Town among the Mayor and Council, the Town Manager, and the Audience Members. It was agreed to borrow the "tester" from Chestertown Fire Company and have Timmy test a number of fire hydrants for amount of flow through the hydrants.

There was a discussion among the Mayor and Council, the Town Manager, the Town Attorney, and the Audience Members in regards to the Bay Fund Restoration and the possibility of upgrading the wastewater treatment plant with the available Bay Fund Restoration funds.

With there being no further business, Councilmember Price made a motion to adjourn at 8:45 p.m. Councilmember Nesspor 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
November 3, 2014

The Mayor convened the Mayor and Council Workshop meeting on the above date at 8:45 P.M. All Councilmembers were present. The Town Manager and Town Attorney were also present.

APPROVAL OF THE AGENDA:

Councilmember Nesspor made a motion to approve the agenda as presented. Councilmember Price seconded. Councilmember Jones asked to add a budget item and the Energy Grant Award that the Town received. The Mayor asked to add a letter from the American Legion and a letter issued to Dollar General.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Workshop Meeting of September 29, 2014 as presented. Councilmember Jones seconded. The Mayor asked to have a correction made to the minutes in regards to the statement that reads "Ms. Peggy Clothier has been chosen to fill the Ethic Committee's vacancy," it should state that Ms. Peggy was sworn in for the Ethics Commission, she is actually a sworn in member on the Ethics Commission. All in favor, motion carried.

Councilmember Nesspor made a motion to approve the minutes of the Closed Session Meeting of September 29, 2014 as presented; Councilmember Jones seconded. For the record the Mayor stated the following: "that the Attorney stated at the October 9th meeting that he in turn was given direction by the Council to in turn draft the minutes/resolution. The Town Attorney stated for the record, "I disagree and the official meeting minutes of the Town Council will matter in that respect." With a majority vote in favor of approving the Closed Session Meeting Minutes of September 29, 2014, the motion was so carried. There were three votes in favor of the motion made, Councilmember Jones, Nesspor, and Price voted in favor of the motion made. Councilmember Francis abstained because she did not attend the meeting, and the Mayor voted in opposition of the motion made.

THE FOLLOWING ITEMS WERE DISCUSSED:

The Town Manager gave an overview of the parking waiver request from Heron Cove, LLC. Councilmember Jones made a motion to approve the parking waiver for Heron Cove, LLC. Councilmember Price seconded. There was a discussion in regards to the parking waiver request for Heron Cove, LLC among the Mayor and Council and the Town Manager. All in favor, motion carried.

The Town Attorney asked the Mayor and Council to give direction for the Town Attorney to proceed with responding on behalf of the Town of Rock Hall in regards to the Open Meetings Act Complaints that have been filed against the Town. The Town Attorney drafted the specific language for the motion because the Town Attorney wants the discretion of providing the Open Meetings Compliance Board the audio recording of the September 29, 2014 Closed Session and we can't do that without the majority of those there. Councilmember Price made a motion to authorize the Town Attorney in their discretion to submit the approved minutes and audio recording from the closed session portion of the September 29, 2014 Workshop Meeting to the Open Meetings Compliance Board as part of the Council's response to Councilperson Francis' open meeting act complaint provided that the Board is advised to keep the minutes and recordings confidential. Councilmember Francis asked to amend the motion to include the September 9, 2014 audio recordings. Councilmember Nesspor seconded. All in favor, motion carried.

The Town Attorney had questions to the Mayor and Council in regards to Mr. Whitman's FOIA/PIA Open Meetings Act complaint. The Town Attorney asked the Mayor "when you were with the Ethics Commission Members and who exactly was present". The Mayor stated "it was August 23rd that I in turn swore in the Ethics Commission. And I in turn was here at Town Hall and I swore in Terri Mullikan, Warren Zimmerman, and Dave Robinson, Reverend Dore

was the witness, as well as the spouses.” The Town Attorney then asked, “and then after the swearing in anything”, the Mayor answered “No”. The Town Attorney then asked “And then any subsequent meeting that you had or any communications you had with the Ethics Commission. The Mayor stated “No, after that was the meeting of September 3rd where I in turn had announced to the Board where this had occurred, I gave the Board letters, at that meeting the Kent News was in the paper, Ron was given a packet that had the resume’s, it had this information that you just asked for, and it had some additional information to go ahead and move this board forward, to that extent you know contacting you as you are the only one that really has the ability to interact with this group because everybody else is subject to the Ethics Commission where you are subject to because you have already agreed to the Commission.” There was a discussion among the Mayor and Council, the Town Attorney, the Town Manager, and the Audience Members in regards to the Ethics Commission. Councilmember Price made a motion to allow the Town Attorney to proceed with recommendations for the Ethics Commission. Councilmember Nesspor seconded. All in favor, motion carried, the vote was 4-0 and the Mayor did not vote. An Audience Member asked the Mayor about the swearing in of Ms. Peggy Clothier to the Ethics Commission. The Mayor stated that he swore Ms. Clothier in at her house, without the full Council being present. There was more discussion in regards to the Ethics Commission among the Mayor and Council, the Town Attorney, and the Audience Members.

There was a discussion among the Mayor and Council, the Town Attorney, the Town Manager in regards to the PIA request from Robin Kurowski. This led to a discussion in regards to the Mayor’s FOIA request among the Mayor and Council and the Town Attorney. The Town Attorney stated for the record that “You have been given your answer to this request on multiple occasions.” The Mayor read an e-mail into record that he wrote on October 21, 2014. The Town Attorney stated “We bill monthly, we send the bills to the Town office, and those are available for any of you at any time to review. What your staff does with them as far as copying, that’s not me I don’t do anything like that. The Funk and Bolton invoices for July 2014, June 2014, and August 2014 are available for inspection at your convenience in the Town Office, period that’s the answer.” The Mayor stated that he wants copies. The Town Attorney stated that the Mayor should come to the office and let the office staff know that he wants copies and the staff will provide them accordingly. The Mayor stated that he had been in the office previously and asked for copies and did not receive them.

There was a discussion in regards to adjusting the budget according to the lawsuit the Town is currently faced with. The Mayor stated that “in my last cover letter that went from my Attorney to Chip he said that he thought that mediation still is on the table, you got that, you just heard what I said to Chip that mediation was still an option.” The Town Attorney stated that “see what the Mayor is doing, the Mayor is suggesting that mediation is a viable, understand what he’s doing he’s trying to make this sort of posture that he sued because you all wouldn’t sit down and mediate all these differences and he’s continuing now to say that hey we’ll mediate but if not I’ve got to go to court.” The Town Attorney also said, “I’m going to offer this, I’ll give you this advice in open session, if the Mayor seriously wants to mediate with you all, you should request that he drop his lawsuit and then you mediate or ask him if he will stay his lawsuit and you consider that request.”

There was a discussion in regards to the Town Christmas Party/Employee bonuses among the Mayor and Council and the Town Manager.

There was a discussion in regards to the award the Town received during the ESAM dinner/meeting among the Mayor and Council.

The Mayor read a letter received from the American Legion into record.

The Town Attorney stated that “I received a phone call and a follow up e-mail from Mrs. Robin Kurowski asking me for advice and counsel with respect to the Museum Board. When she called I said I really wasn’t authorized to talk with her unless I had direction from Council. I just wanted to bring this to your attention so she isn’t left without an answer.” The Town Attorney read the e-mail received from Mrs. Kurowski into record. There was a discussion in regards to this issue among the Mayor and Council, the Town Attorney, and the Town Manager. It was decided to have the Town Attorney refer Mrs. Kurowski to her Museum Board liaison with her questions so her concerns can be brought up at the next Mayor and Council meeting.

There was a discussion among the Mayor and Council and the Town Manager in regards to a letter written to Dollar General and Walgreens from the Planning & Zoning Commission.

There was a discussion in regards to the water clarifier project among the Mayor and Council and the Town Manager.

With there being no further business, Councilmember Price made a motion to adjourn at 9:47 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