

**Regular Meeting  
Town of Preston  
November 3, 2008**

The regular meeting was called to order by Commissioner Ellery Adams at 7:00 p.m. Also present were Commissioner Bill Mills, Commissioner Robert Stacey, and Mimi Willis.

Attendance: Harold Moxley, Bill Willis, Roger Banko, Kathleen Barry, Mike Blanchfield, Attorney Walter Palmer, Abby Schmidt from the Times-Record, and Chief Robert Reed.

Ellery explained several volunteers were appointed to rewrite the Planning and Zoning Codes, including Roger Banko. Mr. Banko has come to the point where he must step aside and Ellery told him the Town is proud of his service not only as a Board member, but as Chairman of the Board. Ellery presented him with a certificate of appreciation from the Town for his service October 11, 2005 to September 9, 2008.

- The minutes of the previous meeting were approved as submitted.

**Police Dept. Report:** Chief Reed gave his report for October including:

- 20 calls for service
- 10 warnings
- 2 traffic citations
- 1 arrest
- 6 assists for other agencies
- He fixed the speed trailer and moved it to Sunset.
- A part time officer was hired, Marcus Trice, and they are working on his training.
- Halloween was a success with no problems.

**Public Works Report:** Robert Stacey gave the Public Works report submitted by Dale Whitley, who said he:

- hopefully, cut grass for the last time this month.
- serviced the mower and backhoe for the winter.
- removed several old tree stumps and fallen trees from the lagoon area
- replaced five meters in town.
- hauled two loads of crusher run to the storage area to replace mud taken out of the ground from water leaks
- repaired two water leaks in town; one on Messick Ave. next to Pam's; and one on Car-O-Lin Ct.
- installed new manhole ring and cover on our discharge line from the sewer plant to monitor the flow to Hunting Creek, and installed a marker sign so it doesn't get lost.
- rented a tarp and repaired six patches in the road from previous water leaks.
- met with the State at the water plant and tower and they both passed inspection. He also made a water distribution map for the EPA in Philadelphia.
- replaced a section of sidewalk on Maple Ave.
- got the aerator back and installed it in the lagoon.
- Installed two new lights at Town Hall; one in the basement and one over the outside doorway.

Ellery asked Mimi to bring everyone up to date on Dale's certification. Mimi said Dale took a test to be superintendant of our water system and he is now a superintendant according to M.D.E. He will be taking another test to become superintendant of wastewater. Ellery said we all are very proud of him not only for his certification, but for his attention and self-motivation.

Mimi asked for approval for fixing the Town's sewer machine for no more than \$4,800.00, as discussed in the work session. Bill Mills made a motion to spend \$4,800.00 to repair the sewer machine vs. buying a new one for close to \$75,000.00. The motion was seconded by Robert Stacey, unanimously approved.

**Unfinished Business:**

- Ellery then discussed an Ordinance for repaying the loan for the new building. Mimi said the building itself is \$50,800. and the surveyor is \$1,800.00. Ellery suggested they commit up to \$150,000.00 to be borrowed from the Town L.G.I.P. account. Bill Mills said he believes year end surpluses should be given back to the people instead of being carried over. He would like to see the year end surpluses used to pay off the loan. The loan would be a 30 year mortgage to 2038 and pay a minimum of \$5,000.00 per year.

- Ellery read the first reading of Ordinance #2008-3. Mimi said the second reading would be on December 1<sup>st</sup> and the ordinance would become effective 21 days later. Bill Mills suggested the ordinance be put on the website.
- Ellery advised the Commissioners accepted a bid from Christopher Waters Surveying for \$1,800.00 to survey the location for the new building.
- At the last meeting, the Commissioners agreed to allow \$500.00 for putting barriers behind Mr. Cosden's property. It was determined it would take 3 times that amount and, therefore, the Town is not putting barriers in at this time. However, the Town has some wooden posts it is willing to donate and help install. Mimi said Mickey McCrea will provide an auger to dig the holes. Bill Mills suggested a thank you letter to Mr. McCrea
- Ellery suggested letters to both property owners stating that the Town and Mr. McCrea volunteered and it is now up to them to settle any disputes.
- New street light has been put on Chambers and another is to be installed.
- Mimi is waiting for a call from the railroad regarding weeds and road repairs. Bill Mills said to ask them if it would be easier if our Public Works handled the weeds and road repairs and billed them.
- Ellery said Mimi is working on amendments to the "Housing Ordinance".
- He also advised the Commissioners of Preston went into a closed meeting on October 27, 2008 to discuss a full time assistant for Public Works and decided to hire a full time Assistant with the stipulation that he becomes certified in water and sewer testing. His name is Chris Whitley.

#### **New Business:**

- The October bills were approved for payment unanimously.
- Mimi discussed the financial software class she and Fran went to in Dover last month and she received a bid on a water and sewer utilities program and an accounting program for \$9,000.00 minimum. Quickbooks is \$400.00 a year.
- She attended classes at the fall convention for MML including classes for sharing with other towns, update on new employee laws and structures of government. She wants to talk about sharing with other towns at the work session. Bill Mills asked if she could get someone to come to Preston to speak to us.
- Mimi also advised:
  - there have been changes in the American Disability Law. The State of Maryland has changed the meaning of "disability" to "an impairment that substantially limits one or more major life activity". They are also changing the meaning of "life limit".
  - You no longer report sexual harassment to your supervisor. It is reported to the owner of the company or directly to the commissioners.
  - Employers must be fair and uniform in their treatment of employees and must follow the employment handbook.
  - A lie detector test cannot be required unless the applicant is going to be a public safety employee.
- Ellery said there is a customer who has been fined and would like to pay his fine, as per Mr. Malkus. Mimi said the fine is up to \$200.00 and the violation is gone, but they did have to go to court. Mr. Malkus wants to know if you want to lower his fine or just leave it at \$200.00. Bill Mills said he would like to know how many hours Mr. Malkus has in it, so the Town can at least break even. Ellery suggested actual cost plus 15%, not to exceed \$200.00. Bill Mills made a motion that the fine consists of total costs to the Town plus 15%, not to exceed \$200.00, seconded by Robert Stacey, unanimously approved.
- Ellery said there is a scheduled Board of Appeals Hearing on November 18<sup>th</sup> regarding Adams Apts.
- He stated that there was no quorum at the last Board of Appeals Hearing and there should be an alternate, to prevent that from happening. He asked the Commissioners to pick one.
- There is a discussion for a straw vote for amendment to change from 3 to 5 Commissioners. Ellery suggested a straw poll in the water bill. Bill Mills made a motion that Mr. Palmer draft language that would appear on the April ballot for a straw poll for Preston to go from 3 Commissioners to 5 Commissioners, seconded by Robert Stacey, unanimously approved.

- Ellery said an extension has been granted for the Town Audit to be filed with the State until January 31, 2009. Ellery asked why we need an extension and Mimi said the auditor is backed up. Mimi said she could ask the Auditor to have the audit filed by October 31<sup>st</sup> in the future.

**ON AGENDA:**

Mr. Mike Blanchfield, on behalf of Parks and Recs. Committee, said he needs a driver for Santa Claus to go through town.

He said he gave the Commissioners a rough sketch of a skateboard park about 35-40' wide x 50-60' long. Bill Mills suggested a key card to control who is using the park and to use for discipline purposes. As far as building it, Mike has an excavating company that is willing to help and a business in town that is willing to help. He said he is not asking the town for money. He has a ball park figure of \$15,000. to \$25,000. to build. He also submitted proposed guidelines. Ellery said he went to Ridgely and Easton. The man at Ridgely said they used a card for admission in the beginning and now they do not; anyone can use the park at any time, and it seems to be working well. Ellery said he has never seen the one in Easton open. It is always closed and locked. Ellery asked Bill Mills to take the floor regarding the location. Bill suggested a high visibility location. He said he has no problem with a volleyball court going into the park but not the skateboard park. Ellery suggested Mike Blanchfield come to the next meeting or work session with a proposal for locations. He suggested a straw poll for the location of a skateboard park and/or the entire skateboard park proposal. Mike Blanchfield said the Town will have to donate the land. The skateboard park would be open to the public because of potential federal funding. Ellery asked Mr. Palmer his legal opinion regarding an out of town citizen, because anyone who lives out of town pays 150% for water and sewer.

**Meeting was adjourned at 8:25 p.m.**

Respectfully submitted,

Fran Johnson

On October 27, 2008, at 6:14 p.m., Commissioners Ellery Adams, Bill Mills and Robert Stacey voted to hold a Special Meeting to consider a motion to go into an executive or closed meeting, under OMA Article 10-508(a)(1)(ii) and (7), to discuss personnel matters. All three Commissioners voted for closure.

A closed meeting was held October 27, 2008 at the Preston Town Hall, from 6:15 p.m. to 6:45 p.m. Commissioners Ellery Adams, Bill Mills and Robert Stacey, Mimi Willis and Town Attorney Walter Palmer, Dale Whitley and Chris Whitley were present, . The meeting was closed under OMA Article 10.508(a)(1)(ii) and (7) to discuss personnel issues. The meeting was adjourned at 6:45 p.m.

On October 27, 2008, at 6:46 p.m., the Special meeting was reopened by Commissioners Ellery Adams, Bill Mills and Robert Stacey. Ellery advised that they decided to hire a full time assistant for Public Works with the stipulation that he becomes certified in water and sewer testing. His name is Chris Whitley. The Special Meeting was adjourned at 6:47 p.m.

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On November 3, 2008, at 6:46 p.m., the Special meeting was reopened by Commissioners Ellery Adams, Bill Mills and Robert Stacey. Ellery advised that no decision was made. The Special Meeting was adjourned at 6:47 p.m.