

**UNAPPROVED**  
**Aberdeen City Council Meeting**  
**April 16, 2007**

**OPENING:**

**Roll Call:** The Aberdeen City Council Meeting roll was called with the following results:

**Present:** Council President Hiob, Councilwoman Elliott, Councilmen Kupferman and Yensan

**Absent:** Mayor Simmons

**Also Present:** Mr. Miller, Mr. Lapinsky, Mr. Jack, and Captain Cox

Council President Hiob called the meeting to order at 6:00 p.m. in the Council Chambers. The prayer was led by Pastor Stephen Lyons of Bread of Life Church and the Pledge of Allegiance was led by Cody Caudell.

Council President Hiob informed those in attendance that Mayor Simmons was accepting an award for Chief Rudy in Tucson, Arizona. The award was from Columbia Southern University for Chief Rudy being the Outstanding Student of the Year. Chief Rudy could not accept the award himself because he is in Ft. Lauderdale, Florida testifying in a capital murder case.

**APPROVAL OF MINTUES:**

The minutes of the April 2, 2007 meeting were approved as submitted.

**PRESENTATIONS:**

None

**PUBLIC HEARINGS:**

1. Ordinance No. 728-07; Amend Chapter A 150-1, Fees, Code of the City of Aberdeen, Introduced: 3/12/07

Mr. Lapinsky stated that in the current Code there is a schedule of rates and charges which are preset for water meter fees. There has been a considerable increase in these costs. This change will increase the costs to market rate plus 15%, plus any additional costs encountered for labor, etc. Ordinance No. 728-07, as proposed, will read as follows:

Chapter A150-1.A.(6), Water meter charge.

- (a) This charge is additional to the area connection charges. The City will furnish and install the water meter. The meter shall be owned and maintained by the City.
- (b) The meter charge will include all costs accrued by the City, including the meter, any ancillary components, and any labor/installation charges, plus a charge of fifteen percent (15%) of said cost for handling.
- (c) Applicants will need to provide to the City, in writing, the size of the meter required for a given project before said meter is ordered.
- (d) Applicants will need to provide at least a thirty (30) day notice to the City to allow for ordering and receipt of meters.
- (e) Meters will not be released, provided, or installed until all requisite fees and charges are paid to the City.

Councilwoman Elliott asked the cost of a meter. Mr. Lapinsky said the cost will vary with the sizes and types of meters.

2. Ordinance No. 723-07, Amend Chapter 113, Sewers, Code of the City of Aberdeen, Introduced: 1/29/07

Mr. Lapinsky said this Ordinance is being promoted by MDE Regulations for the Pretreatment Program. The City recently received its Pretreatment Agreement Notification which has been forwarded to the City Attorney for review and approval. Some of the items in the current documents need to be changed or eliminated.

Chapter 113-33. Local limits.

The pollutants were listed on the handout with the new recommendations.

Chapter 113-46. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Chapter 113-56. Periodic compliance reports.

All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Chapter 113-43 of this Part 1.

**PUBLIC COMMENT:**

1. Mr. Art Koszura, 424 Doris Circle

Mr. Koszura asked the status of the Airport Survey. He suggested that the Survey be placed on the next election ballot for input by the City residents.

Mr. Koszura suggested placing 4-way stop signs on Middelton Road by Target.

Council President Hiob said there is nothing to report on the Airport Survey.

Councilman Yensan noted that APG is still working on clearing the documents. There are two other projects dependent on APG's joint use. No action has taken place for a long time.

Council President Hiob indicated that a 4-way stop would not be a Council decision. Mr. Lapinsky, Chief Rudy, and Mr. Ranney looked at the intersection and are in the process of having Target restripe the turning lanes which will help with traffic.

Councilwoman Elliott said she was informed the Feasibility Study was completed in August, 2006. APG is currently waiting for a proposal from the City of Aberdeen.

2. Mr. John Feroli, 126 Mt. Royal Avenue

Mr. Feroli said he was a member of the Tax Payers' Revolt to reduce property taxes. He is appalled by the amount of lawyers' fees charged for the City's defense in violating the City Charter. Nothing was gained from the attorneys because the tax increase and Charter violations were never addressed.

Mr. Feroli noted that the City Council and City Manager have taken 1 ½ years to address the sale of the Stadium. He urged caution with selling this facility because the City could get the worst of the deal.

Mr. Miller said the cost to the City for attorney fees was \$31,000 to react to pleas by the citizens group. He will clear with the attorney what can be discussed and address the issue at a later date.

Councilwoman Elliott asked if the amount was near \$80,000. Mr. Miller said the amount was \$31,000 attorney fees plus Staff time.

Councilman Yensan feels the terms "irresponsible" and "blunder" were used irresponsibly. The taxes were not handled in this manner. That particular budget was completed as closely to the deadline as possible. There is an error in the Charter which will be corrected.

Council President Hiob said the Stadium issues will not be handled too quickly.

3. Mr. Bob Hartman, 226 Paradise Road

Mr. Hartman suggested that other municipalities be contacted for the purchase of meters. Buying in larger quantities would reduce the cost to the consumers.

Mr. Hartman said motorists coming down Bel Air Avenue and turning right onto Rt. 40 should not encounter traffic turning from Rt. 40. The island which helped with traffic has been removed. He asked if warnings and/or tickets could be given by the Police.

4. Mr. William Young, 445 Doris Circle

Mr. Young asked why there was disparity with the amounts of the attorney fees. Mr. Miller said he made a mistake when the facts were given to Mayor Simmons.

5. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young complimented Ms. Correll on the Agenda and the other items in the packet handed out to those in attendance tonight. However, the Agenda appeared later than desired on the internet. Ms. Young noted that last week there was a meeting on the Environmental Impact Statement. She expects the Council to work with others to help solve these problems. She referred to a document that she has which is 500 pages long. By 2011, the carbon monoxide level will be more than seven times the acceptable rate. Everyone will have to deal with this problem. Ms. Young asked the Council members to bring this issue up at the next Quarterly Meeting.

Ms. Young referred to traffic ratings on the northern peninsula on APG. This is another problem the City needs to help solve. County Executive Craig's representative said that this Study is being done because these are State roads.

Councilman Yensan asked that the Council be furnished a copy of this report.

5. Pastor Ken Telsee, True Joy Ministries

Pastor Telsee invited everyone to the 10K Fun Run/Walk at Aberdeen Festival Park on May 5<sup>th</sup> from 7:00 a.m. – 11:00 a.m. He also noted that the scholarship recipients would be announced in the near future.

Councilman Yensan mentioned that this was also the day for Unity in the Community.

**LEGISLATIVE SESSION:**

1. Introduction of Ordinance No. 729-07 which amends Ordinance No. 711-06,

Aberdeen Development Code

Mr. Miller said this Ordinance is an attempt to augment the City's new Camera Program. This proposal requires new developments to be equipped with cameras for security purposes.

A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the Introduction of Ordinance No. 729-07 which amends Ordinance No. 711-06, Aberdeen Development Code.

**The motion was passed with a vote of 4 – yes and 1 – absent.**

**Ayes – Council President Hiob, Councilwoman Elliott, Councilmen Yensan, and Kupferman**

**Absent – Mayor Simmons**

**BUSINESS OF THE COUNCIL:**

1. Unfinished Business – None
2. New Business – None
3. Business from the Director of Planning & Community Development - None
4. Business from the Chief of Police – None
5. Business from the Director of Finance

Mr. Jack distributed copies of the Financial Activities for the Reporting Period: July 2006 through March 2007. He reviewed these figures with those in attendance. Mr. Jack noted that, financially, the City is doing very well.

Councilman Yensan asked if all payments have been received from the Stadium Fund. He was told all receipts were up-to-date.

6. Business from the Director of Public Works

Mr. Lapinsky reported that the City has an agreement with APG on replacing the screening to improve the process. The new process would allow wet material to also be handled. The City was quoted a price of \$165,000 and the supplier reduced the cost to \$125,000. APG told the City to offer \$100,000 and there was a counter-offer of \$112,500. This final amount was approved by APG. The entire cost will be paid by APG. The maintenance will be a 70 – 30 split between the two entities. Mr. Lapinsky said maintenance will not be difficult and it will process 2 to 3 times the amount of material currently being processed.

**A motion was made by Councilman Yensan and seconded by Councilman Kupferman to approve the purchase of the screen from Aggregate Screens and Crushers, LLC in the amount of \$112,500.**

**Ayes – Council President Hiob, Councilwoman Elliott, Councilmen Yensan, and Kupferman**

**Absent – Mayor Simmons**

Mr. Lapinsky mentioned that Earth Day will be held on April 21<sup>st</sup> and everyone is welcomed.

Councilman Yensan asked if DPW had any problems with all of the rain last weekend. Mr. Lapinsky said the City Treatment Plant handled 11.7 million gallons and APG handled 6 million gallons. The shop people and DPW handled all issues without any problems.

#### 7. Business from the City Manager

Mr. Miller said one meeting a month will be altered to a different format. When possible, the third meeting will be a more casual format. The first meeting of this type will be next week, April 23<sup>rd</sup> at 6:00 p.m. The Budget will be discussed at this meeting.

Mr. Miller said the final Budget should be received from the Mayor on April 20<sup>th</sup>. It will be presented at the meeting on April 23<sup>rd</sup> which will be open to the public. On April 30<sup>th</sup>, it will be introduced at the regular Council meeting along with the Tax Yield. The Budget Hearing will be held on May 7<sup>th</sup> and on May 14<sup>th</sup> the Budget and Tax Yield will be adopted. Mr. Miller noted that a Budget has never been adopted by May 1<sup>st</sup>.

Mr. Miller said the City has been lobbying wherever and whenever possible to have Rt. 715 extended to Rt. I-95 without any lights. He asked Ms. Young to attend some of the meetings.

Council President Hiob stated that the Hotel Tax Bill was not passed. If it had been passed for the 1% proposed, the City would have received \$200,000 in tax money.

#### 8. Business from the Mayor – None

#### 9. Business from the Council

Councilman Kupferman said the legal fees were \$31,000 and the Staff costs were \$49,000. The action was not initiated by the City but that it was forced to respond. Mr. Miller noted that the actual cost will be approximately \$40,000 not \$80,000.

Councilman Kupferman said the case was dropped by some of the people because they ran out of money. The cost to the citizens was said to be \$7,000.

Councilwoman Elliott can understand the cost of \$31,000 but additional money for City Staff should not be considered because they are already on the payroll. It was stated that the Staff could have spent their time performing other duties.

Councilman Kupferman noted that the Council has always tried to adopt a Budget by June 1<sup>st</sup> because the County and State need to set the tax rate.

Councilwoman Elliott feels the Council should really look at the City Charter and just not consider it as another piece of paper. It should be followed and/or amended as needed.

Councilman Yensan attended a dedication of the Word of Life Church. This was a great event. An individual purchased the Old Equitable Bank Building which was renovated and is being used for a church. This is a plus for the City in many ways. Additionally, the church will be paying taxes to the City.

Councilman Yensan reminded everyone that Saturday is Earth Day and Parks and Recreation Baseball Day. The Parks and Recreation parade will begin at 9:30 a.m. at Bakerfield School and end at the Aberdeen High School baseball fields.

Councilman Yensan asked if the State sends money to the City for municipal policing. Capt. Cox said the City receives a supplement from Harford County. Currently, County Executive Craig is exploring the possibility of changing the formula for distributing these funds. There will be a meeting on June 21<sup>st</sup>. The funding from the County was in the amount of \$660,000. Councilman Yensan asked that citizens contact their representatives for help with keeping the Police Department.

Councilman Yensan referred to many inaccuracies in local papers and informed those in attendance that print does not always mean the facts are true. He also mentioned a cartoon of the Mayor and noted that the newspaper staff should be reprimanded. There was also misinformation regarding Ripken Stadium. He feels the papers are failing the public miserably. Councilman Yensan mentioned an article in the Sunday Sun stating that the City and Harford County are looking for regional water solutions.

Council President Hiob asked Mr. Lapinsky for an update on Bush Chapel Road. He was told that the right of way was staked out last week and the poles will be relocated in the near future. Mr. Lapinsky also mentioned that the Chapel Crossing Pond is working wonderfully and the fencing will be in place soon.

Council President Hiob referred to a statement that the town of Perryville was first to require sprinklers in private residences. The truth is that Aberdeen was first and

Havre de Grace was second.

Council President Hiob attended the Mid-Atlantic Renewable Energy Expo at Harford Community College. The Expo consisted of exhibits, movies, workshops, music, and food. Aberdeen was well represented by Mr. Jim Litke with fliers and games.

**PUBLIC COMMENT:**

1. Mr. Bob Hartman, 226 Paradise Road

Mr. Hartman noted that Ordinance No. 729-07 does not mention fees and upkeep for the cameras. Will the HOA's and businesses contribute to this expense? He was informed that cameras will be the responsibility of the developers. Capt. Cox said the cameras will record activity which will be available to the Police if there are criminal incidents. Mr. Hartman asked if the tapes would be kept; he was told tapes were not used. However, the information can be saved if needed.

Mr. Hartman would like the Council meetings listed on the computer to be current. Council President Hiob assured him that the website would be updated.

Mr. Hartman noted that the meeting for the tax increase should have been postponed. Residents should have been present, but they were told to leave by the police. If the meeting is running too long, the tax discussion should be deferred until later.

2. Mr. William Young, 445 Doris Circle

Mr. Young asked that a more detailed sheet for City income and expenses be made available for citizens. These reports should only deal with pertinent facts.

Councilman Yensan assured him that this was coming; previously reports were not accurate or understandable.

3. Mr. John Feroli, 126 Mt. Royal Avenue

Mr. Feroli said the elections were non-partisan at one time. Previously, he mentioned the Hatch Act.

Council President Hiob said the elections are non-partisan as required by the City Charter. Councilman Yensan noted that the last election was made "somewhat partisan" by the two Central Committees; not by the candidates. Newspapers asked candidates their Party affiliation and they refused to answer that question. The Hatch Act is not being violated.

Mr. Feroli stated that newspapers were asked not to raise this question, but they did. Councilman Yensan said the papers are still using Party affiliations.

Council President Hiob feels sure that the Central Committee and other political organizations will try to involve this issue again.

4. Pastor Barnes, Highway Holiness Church

Pastor Barnes is heavy hearted by the actions which took place in Virginia today. Many families are suffering and everyone was asked to keep these people in their thoughts and prayers.

5. Mr. Robert Price, P.O. Box 279

Mr. Price thanked the Aegis and Record for their editorial page. He feels they were on target with their criticism.

6. Mr. Curtis Coon, 400 Hickory Drive

Mr. Coon referred to two law suits in the local papers; one being dismissed and one being started. There was no reference to ten golf carts from Wetlands Golf Course which were taken from the premises and crashed into a river bed. He also referred to another law suit which did not include his client. Everyone should be working together. He stated that more could have been done by the police investigating this vandalism. The Police Budget is closely related to tax revenues. He encouraged the City to look into the lawsuit which was dismissed because legal action can be taken. Measures could be addressed in order for the legal fees to be recovered. Mr. Coon said the City has a Legislation Ordinance which requires that annexation petitions be processed by the Planning Commission within sixty days. This is currently being ignored. The Resolution passed by the Council on January 29<sup>th</sup>, does not have the dignity of an ordinance and does not repeal the ordinance which is on the books that requires processing within sixty days. These are things which the Council may want to address.

7. Ms. Ruth Ann Young, 445 Doris Circle

Ms. Young asked that a thorough discussion be held for clarification of Ordinance No. 711-06 before any action is taken. This discussion should include: who will finance, who will view, etc.

Ms. Young noted that the Budget has a limited list of Capital Projects. There is no money being set aside for the Bay Project when it comes into being.

Mr. Miller said Capital money will be used for current projects and there are funds in escrow for the new water plant. A better, more detailed list will be available during Budget deliberations.

**ANNOUNCEMENTS:**

1. Earth Day at Aberdeen Festival Park, Saturday, April 21<sup>st</sup> from 11:00 a.m. - 4:00 p.m.
2. The Big Event 10K Fun Run/Walk at Aberdeen Festival Park, May 5<sup>th</sup> 7:00 a.m.- 11:00 a.m.

**ADJOURNMENT:**

The meeting was adjourned at 7:45 p.m.