

**Aberdeen City Council Meeting  
October 27, 2008**

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

**Present:** Mayor Bennett, Council President Elliott, Councilwoman Young, Councilman Hiob, and Councilman Kupferman

**Absent:** None

**Also Present:** Douglas Miller, City Manager  
Phyllis Grover, Director of Planning and Community Development  
Matthew Lapinsky, Director of Public Works  
Randy Rudy, Chief of Police  
Opiribo Jack, Director of Finance  
Monica Correll, City Clerk

Mayor Bennett called the meeting to order in the Council Chambers at 7:00 p.m. The prayer was led by Rev. Samuel V. Young of St. Joan of Arc Roman Catholic Church of Aberdeen and the Pledge of Allegiance was led by Councilman Kupferman.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve the minutes of the October 13, 2008 Aberdeen City Council Meeting as submitted.**

**The motion was passed with a vote of 5 – yes.**

Mayor Bennett announced that there would be no hearing or vote on Ordinance No. 08-9, Amendment to Chapter 63, Environmental Control and Property Maintenance at this meeting.

**PRESENTATIONS:**

1. Municipal Government Works Month – Mayor Bennett

The Mayor presented a proclamation and proclaimed November as Maryland Government Works Month. In celebration of this event, which is promoted by the Maryland Municipal League, the Mayor will visit two local schools to talk to fourth graders. The classes will be participating in an essay contest entitled, “If I Were Mayor”. The theme this year is on the environment and green issues. About thirty of the City of Aberdeen’s DVD entitled, “Storm Drains and Turtle Games,” were distributed by MML to other mayors for their local schools. This DVD was produced by City Environmental and Safety Manager, Jim Litke, especially for young people. Mayor Bennett is on the communication committee for MML. They will read the essays from the students and determine the winners.

## 2. Enhanced Nutrient Removal (ENR) - Stearns and Wheeler

Thor Young, Principal, and Scott Crosswell, Project Manager, presented key points and summary information on the Aberdeen Advanced Waste Water Treatment Plant Enriched Nutrient Removal Upgrade Project for the City of Aberdeen.

This is the second round of upgrades being mandated by the State of Maryland for the 66 major waste water treatment plants in Maryland to go through upgrades. The effluent nutrient discharge load from each plant will be capped at the loading rate equivalent to a concentration of 4.0 mg/L TN (nitrogen) and 0.3 mg/L TP (phosphorus) at the approved planned design capacity of the facility. The Chesapeake Bay Watershed Restoration Fund provided additional State grant funding of up to 100% for planning, design, and construction for implementing ENR upgrades.

The summary of recommended improvements was: 2.0 mg flow equalization tank and associated pump stations; addition of influent screen; primary effluent splitter box; additional reactor volume for ME process for year-round operation; denitrification filters; methanol feed system; UV disinfection; sodium hypochlorite feed system; and an additional emergency generator. An aerial of the existing facility and proposed facilities was shown.

Inflow/infiltration and flow equalization requirements were discussed. The main points were: the peak flow at the Waste Water Treatment Plant (WWTP) cannot exceed 10 mgd; as a result, there have been numerous sanitary sewer overflows (SSOs) within the collection system; in 2005, the City was required to submit a report to the USEPA regarding the City of Aberdeen's wastewater collection system, pumping stations, and treatment systems; this report contained a summary of all sanitary sewer overflows between 2000 and 2005; during this time, approximately 15 SSOs were recorded; flow equalization tanks are recommended to store influent flows over 10 mgd and to minimize SSOs in the future.

The total construction cost is \$18,221,000 for the ENR upgrade of which 60.56% is ENR (grant funding) eligible, \$11,034,641. The non-eligible local share is \$7,186,359. The total project cost is \$21,996,000 of which 60.56% is ENR eligible for \$13,320,782. The non-eligible local share is \$8,675,218.

The project schedule is as follows: project design phase begins October to early November 2008; the complete final design and advertisement for bids are scheduled for August 2009; October 2009 to receive bids; notice to proceed for construction, December 2009; complete construction/ENR process compliance date is January 2012.

The City had requested the permit compliance date be extended, but was not granted by MDE. There would be a small increase in solid waste due to the nutrient removal and the bulk of nitrogen goes to the atmosphere as harmless nitrogen gas. The cost to the City would be \$8,675,218. When the City applies for a loan based on the estimated cost (with some allowance for contingency), they will receive the loan, receive a letter, submit/formalize the loan, and then as the project continues, there are opportunities to change the loan amount.

The City's I & I program is important and beneficial. It helps plant performance and is a cost savings. It reduces the amount of water to the sewers thus preventing sanitary sewer overflows which impacts the environment.

**PUBLIC COMMENTS:**

1. Pat Martin, Carol Avenue;

Ms. Martin questioned why the Environmental Control and Property Maintenance Ordinance will not be discussed tonight and wants public notification on these types of ordinances.

2. Joe Burkins, Bush Chapel Road;

Mr. Burkins also wanted more information on this ordinance.

Mayor Bennett responded that this ordinance is off the table for now and since they will not be voting on it today, this ordinance number will be dead. It may be brought back at a later date once revisions are made. It will follow the same legislative process as the other ordinances.

**LEGISLATIVE SESSION:**

1. Maryland Municipal League Geocache Trail Resolution No. 08-12 (For Adoption)

The Mayor explained the Geocache process and how it enhances tourism. He read the resolution into the record:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF ABERDEEN, MARYLAND FOR THE PURPOSE OF APPROVING PARTICIPATION IN THE MARYLAND MUNICIPAL LEAGUE GEOCACHE TRAIL.**

**WHEREAS**, the City of Aberdeen is a member of the Maryland Municipal League (MML), a voluntary, non-profit, non-partisan association controlled and maintained by city and town governments, and

**WHEREAS**, the Maryland Municipal League works to strengthen the role and capacity of municipal government, and

**WHEREAS**, tourism is one of the top industries in the United States and Maryland generating jobs and tax revenue, and

**WHEREAS**, tourists dine, shop, sightsee and seek entertainment in Maryland and,

**WHEREAS**, Maryland residents make up one third of the state's tourists, and

**WHEREAS**, the Maryland Municipal League works to educate citizens about the fact that only 157 place names on the state map are incorporated cities or towns, and

**WHEREAS**, the Maryland Municipal League seeks to promote tourism and economic development in Maryland cities and towns, and

**WHEREAS**, Geocaching is a rapidly growing form of tourism where people use GPS units to find the caches that individuals and organizations have hidden all over the world and then share the information about these caches on the internet, and

**WHEREAS**, the Maryland Municipal League Geocache Trail will be exclusively composed of caches hidden in Maryland cities and towns, and

**WHEREAS**, the Maryland Municipal League Geocache Trail will be publicized in many ways by the Maryland Municipal League, the Maryland Geocaching Society, and the Maryland Office of Tourism, and

**WHEREAS**, visitors using the Maryland Municipal League Geocache Trail will learn about Maryland cities and towns while contributing to their economy.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Mayor and City Council of the City of Aberdeen, Maryland

- Will participate in the Maryland Municipal League Geocache Trail.
- Will work with the Maryland Municipal League and the Maryland Geocaching Society to locate an appropriate place for our municipality's geocache.
- Will maintain the geocache.
- Will adhere to geocaching standards and procedures.

**ADOPTED AND APPROVED** by the Mayor and City Council of Aberdeen, Maryland on October 27, 2008.

**A motion was made by Councilman Kupferman and seconded by Councilman Hiob to approve Maryland Municipal League Geocache Trail Resolution No. 08-12.**

**The motion was passed with a vote of 5 – yes.**

Mayor Bennett stated that he, the Council, and Staff need to review and discuss Resolution No. 08-4, Annexation Plan for Paradise Meadows, Inc.; Resolution No. 08-6, Annexation Plan for the Presbyterian Home of Maryland, Inc. and Vernon K. Johnson Trust Properties; and Resolution No. 08-7, Scotten Property Annexation Plan. In order to resolve issues before adoption, he recommended tabling these until the next Council Meeting scheduled for November 24, 2008. They will discuss at the next Council Work Session on November 17, 2008.

The City Manager explained that on November 24, it will be a vote on how the services would be brought to the site if annexed and not on the annexation itself.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to table Resolution No. 08-4, Annexation Plan for Paradise Meadows, Inc.; Resolution No. 08-6, Annexation Plan for the Presbyterian Home of Maryland, Inc. and Vernon K. Johnson Trust Properties; and Resolution No. 08-7, Scotten Property Annexation Plan to the November 24, 2008 Council Meeting and for further discussion at the November 17, 2008 Council Work Session.**

**The motion was passed with a vote of 5 – yes.**

**BUSINESS OF THE COUNCIL:**

1. Unfinished Business - None
2. New Business – None
3. Business from the Director of Planning & Community Development
  - a) Preliminary Site Plan, Royal Farms
  - b) Preliminary Subdivision, Lot 1, Royal Farms

Ms. Grover, Mr. Eric McWilliams, Project Manager from Bohler Engineering, P.C. and Mr. Jeff Brainbridge, Director of Real Estate, from Royal Farms presented background information on both items.

**A motion was made by Councilman Hiob and seconded by Councilwoman Young to approve the Preliminary Subdivision, Lot 1, Royal Farms with the Department of Public Works caveats.**

**The motion was passed with a vote of 5 – yes.**

**A motion was made by Councilman Hiob and seconded by Council President Elliott to approve the Preliminary Site Plan for Royal Farms with the Department of Public Works caveats.**

**The motion was passed with a vote of 5 – yes.**

- c) Transportation Element Update
- d) Comprehensive Plan Update

Ms. Grover announced that the Transportation Element Update is on schedule and the draft is being finalized. This will be presented at the Planning Commission meeting on October 29, 2008 at 6:00 p.m. along with the draft of the Comprehensive Plan. Kittelson and Associates, the City of Aberdeen’s consultants, will brief everyone on the Transportation Element at the November 10, 2008 Council Meeting. The schedule for the Comprehensive Plan update has changed. There is a work session with the Planning Commission on October 29, 2008 at 6 p.m. to review the draft and comments. Another work session is scheduled on November 19, 2008 at 5:30 p.m. The finalized

Comprehensive Plan with recommendations will be presented on December 10, 2008 at 7 p.m. at the regular Planning Commission Meeting. The updated schedule is on the City website.

4. Business from the Chief of Police

Corporal Larry Wade was recognized by the State Highway Administration for his involvement in the Smooth Operator Enforcement Campaign targeting aggressive drivers. Sergeant Albert Severn was also recognized for being instrumental in providing management for all of the City's highway safety programs in the Aberdeen Police Department.

On October 15, 2008 the Aberdeen Police Department, working in conjunction with the Maryland State Police and Harford County Sheriff's Office, arrested two subjects for a string of convenience store robberies in Harford County.

5. Business from the Director of Finance – None

6. Business from the Director of Public Works

a) ENR Engineering

In follow-up to the ENR presentation, Mr. Lapinsky said that this funding has been evaluated by the MDE netting us additional funding (2.7 million dollars) and if we choose to ask for additional funding it should be in an effort parallel to the design of the project.

Foregoing the mandate is strongly discouraged due the civil and criminal penalties for non-compliance. The upgrade schedule is an enforceable condition of our permit.

Penalties for non-compliance:

Administrative:	\$1,000 per occurrence per day up to \$50,000
Civil:	\$10,000 per occurrence per day with a 3-year limit
Criminal:	\$50,000 plus potential jail time (willful and wanton)

On Thursday, October 15, 2008 we received notification that we were approved for a State Revolving Loan for the project. Mr. Miller is working on the loan details.

The impact on the consumer would be an increase in our current sewer rate of about \$1.00 per thousand and will depend on the terms of the loan and how the loan draws are made. The Mayor pointed out that this charge would be used to pay the loan and when the loan was finished, it would disappear.

The upgrade does not expand our capacity and only meets the nutrient regulations.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to award to Stearns and Wheler the engineering costs of \$1,387,552.35 for ENR upgrades.**

**The motion was passed with a vote of 4 – yes and 1 – no.**

**Ayes: Mayor Bennett, Councilman Hiob, Councilman Kupferman, and Councilwoman Young**

**Nays: Council President Elliott**

b) Water Van Approval

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve Bid #09-06 Water Service Van, Ford E450 2009 to Plaza Ford, Inc. of Bel Air in the amount of \$55,835.00.**

**The motion was passed with a vote of 5 – yes.**

c) APG Water and Sewer Bids

**A motion was made by Councilman Hiob and seconded by Councilwoman Young to approve APG Bid # APG WTP #04-11 for the replacement of the Valve Vault Cover to Grose Construction in the amount of \$36,700 and modifications to Chapel Hill Meter Vault to PSI Pumping Solution in the amount of \$43,747 and Building 451, Storm and Sanitary Sewer Separation to George and Lynch, Inc. in the amount of \$95,642.**

**The motion was passed with a vote of 5 – yes.**

Mr. Lapinsky referred to an article in the October 26, 2008 Baltimore Examiner entitled, “State Taking Steps to Reduce Stormwater Runoff from Development.” He strongly encouraged the local development community in the City to be cognizant and respond to the new Bill that is being proposed by the State to reduce impervious surfaces by 50% for areas being redeveloped. This new constraint would adversely hamper the redevelopment along the Route 40 corridor as well as increase costs.

7. Business from the City Manager

Mr. Miller introduced Virginia (Ginny) Leftridge, the City of Aberdeen’s new receptionist, who was warmly welcomed by the Mayor and Council.

8. Business from the Council

Councilman Hiob stated his displeasure on the Baltimore Examiner article mentioned by Mr. Lapinsky. He also encouraged opposition to this Bill. He congratulated the work on Bush

Chapel Road. The Lions Club Annual Spaghetti Dinner will be held at Aberdeen Middle School on Tuesday, October 28, 2008 from 4-7 p.m. In regard to the Maintenance Ordinance, he expressed that he is not in favor of it in current form, but looks forward to its return in a modified version. Councilman Hiob encouraged all to vote in the presidential election next week.

Councilwoman Young encouraged the Lions Club Spaghetti Dinner as well and said they have carryout. She said she attended the Maryland Municipal League Conference held in Cambridge, Maryland October 23-24, 2008. She brought in some literature about "Green" development and environmentally friendly, cost-saving items. She was impressed and said there are alternative ways to be compliant with redevelopment rules and regulations. Another class concerned municipal audit where she gained new and fresh ideas. The Councilwoman stated that she feels the Maintenance Ordinance needs to be tweaked as well. For those who feel that new items were placed in this ordinance, they should not be alarmed because many were already in the livability code. Mr. and Mrs. Cronin, the caretakers of the Aberdeen Room, were visited by Paul Miller, from the U.S. Army Corps of Engineers, to get a historical perspective of APG's property acquisition in the early 1900's. He came to the APG Restoration Board several months ago and made a presentation and spoke very highly of the Aberdeen Room's available resources.

Councilman Kupferman wanted to clarify a topic discussed at the last Aberdeen Council Meeting. It was his opinion that the City does not have to go to the Harford County Council to get a land use and zoning waiver for R1 zoning if that property was zoned as agriculture in the County. The anticipated income would be \$210,000 per year in taxes from the Paradise Meadows and Glengarry Annexations.

Council President Elliott made no comments.

#### 9. Business from the Mayor

The Mayor mentioned that he, the City Manager, and Councilwoman Young attended the MML Conference in Cambridge, Maryland. He attended the Board of Directors meeting and Doug Miller attended the Legislative Committee meetings. The Legislative Committee came back with three initiatives that the City will proceed with at the General Assembly in 2009, two of which are speed cameras and preserving municipal revenues. They learned that the speed camera/stop light camera revenue generated would come back to the municipality where written and not to the State. They interacted with counterparts from throughout the State.

#### **PUBLIC COMMENT:**

##### 1. Tom Buonaugurio, 469 W. Bel Air Avenue;

Mr. Buonaugurio thanked the Mayor and Council for their assistance in helping him in regard to renting the stadium parking lot for the Military Vehicle Rally scheduled for May 20-23, 2009. They paid \$5,000 rental as well as secured the permits. It is a fundraiser and they donate \$5,000 to local organizations. He suggested that the Memorandum of Understanding should be modified to accommodate events such as this.

**ANNOUNCEMENTS:**

Maryland Department of Planning Task Force on Growth and Development: Aberdeen High School, 251 Paradise Road, Tuesday, October 28, 6:30 - 8:30 p.m.

Next Council Work Session: Monday, November 17, 2008 at 4:30 p.m.  
Next Council Meetings: Monday, November 10, 2008 at 7:00 p.m.  
Monday, November 24, 2008 at 7:00 p.m.

The Lions Club Annual Spaghetti Dinner, Aberdeen Middle School, October 28, 4-7 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 8:57 p.m.