

**UTILITIES COMMISSION MEETING  
DECEMBER 17, 2007**

Mayor Bailey called the meeting to order at 7:30 p.m. In attendance were Council Members Harrison C. Bristoll, Jr., Gibson Anthony and Mabel Mumford-Pautz, Robert Sipes, Utilities Manager, Jennifer Stead, Stenographer, and guests.

Mayor Bailey asked if there were any additions or corrections to the minutes of the meeting of November 19, 2007. **Mr. Bristoll moved to approve the minutes as submitted, was seconded by Mrs. Mumford-Pautz and carried unanimously.**

Mayor Bailey stated that cash on hand and in the banks was \$770,278.30.

Mr. Sipes stated that the road repairs through Town were now finished.

Mr. Sipes stated that a new lagoon liner was installed and a start-up date would be scheduled for the near future.

Mr. Sipes stated that he gave each member of the Council a letter that he received from Maryland Department of the Environment referencing PCE that was located in the groundwater at 107 North Cross Street (Admiral Cleaners). Mr. Sipes stated that PCE was tetrachloroethene, which was a chemical that was used for dry cleaning that was determined as hazardous and has not been used for the past fifteen (15) years.

Mr. Sipes stated that Park Cleaners had used that chemical years ago and there were issues with PCE in the soils detected as far back as 1991 by MDE.

Mr. Sipes stated that the letter to the Town from MDE put the onus of compliance and enforcement on the Town. Mr. Sipes stated that the Town was not equipped for this role and they did not know the specifics required for remediation.

Mr. Sipes stated that MDE expected the Town to identify the extent of the plume, determine if neighboring properties would have to apply for permits before digging, set acceptable levels of PCE, and then to see to enforcement on the property owners. Mr. Sipes stated that this was clearly the function of MDE.

Mr. Sipes stated that PCE was not present in the drinking water at dangerous levels nor was it anywhere near dangerous levels and said that this issue was regulatory in nature finding who would be the responsible party.

Mr. Sipes stated that he drafted a letter for Mayor Bailey stating that it would be appropriate for MDE to handle this situation. Mayor Bailey agreed, stating that MDE was shifting the burden of their responsibility onto the Town. Mayor Bailey stated that the Town did not own this property and it seemed patently unfair.

Mr. Sipes stated that this was being passed onto the Town at a level which MDE was not willing to accept themselves. He said that PCE was discovered in 1991 and there was the opportunity for remediation at that time. He said he did not know why they waited fifteen (15) years to pass it onto the Town. Mr. Sipes stated that the letter did not offer any assistance from MDE.

Mayor Bailey read the letter from MDE and the proposed response into the record.

Mrs. Mumford-Pautz stated that that the Town attorney should review the letters and said that the letter from MDE should also be forwarded to the MML. Mayor Bailey agreed stating that she would forward the letter to Mr. Jim Peck at the MML.

**Mrs. Mumford-Pautz moved that Mayor Bailey sign and send the draft letter to MDE. The motion was seconded by Mr. Bristoll and carried unanimously.**

Mr. Sipes stated that he had two (2) phone calls into Mr. Arthur O'Connell, the author of the letter from MDE which were not returned.

There being no further business, **Mr. Bristoll moved for payment of the bills. The motion was seconded by Mrs. Mumford-Pautz and carried unanimously.**

**Mr. Bristoll moved to adjourn the meeting at 7:45 p.m., was seconded by Mr. Anthony and carried unanimously.**

Submitted by:

  
Jennifer Stead  
Stenographer

Approved by:

Margo G. Bailey  
Mayor