

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

NOVEMBER 16, 2009

PRESENT

Council President Louise Smith

Council Vice President Gary A. Comegys

Councilwoman Eugenie P. Shields

ABSENT

Councilwoman Deborah S. Campbell

Councilwoman Terry E. Cohen

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Internal Services Director Pam Oland, Doug Jerge, Janet Jerge

CONVENING

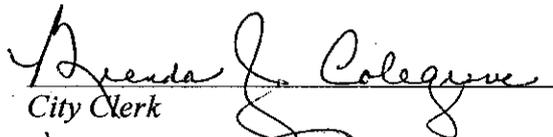
The City Council met in a special session at 4:00 p.m. in Conference Room 306 of the City/County Government Office Building. Council President Smith called the meeting to order.

CLAIM FOR A REFUND HEARING – 1203 MT. HERMON ROAD

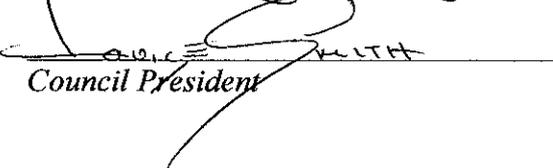
Internal Services Director Pam Oland briefed the Council on the Jerge's appeal for a refund of the water bill (\$298.12) for their property located on 1203 Mt. Hermon Road. A copy of the material provided to Council is attached and made a part of the original minutes. According to the Jerge's, they did not give authorization to turn the water on and all the cutoffs were turned off.

After discussion, Mr. Comegys moved to support Administration's recommendation, but the motion died for lack of a second. Mrs. Shields moved to refund the \$298.12 water bill. Upon review of the Council's Regulations and Rules of Order, Mrs. Smith seconded the motion. The motion to refund the \$298.12 water bill passed on a 2-1 vote with Mrs. Shields and Mrs. Smith voting aye and Mr. Comegys voting nay.

The special meeting adjourned at 4:34 p.m.



City Clerk



Council President

Memo

To: John R. Pick, City Administrator
From: Pamela B. Oland, Director of Internal Services
Date: November 10, 2009
Re: Refund for 1203 Mt. Hermon Road

Ms. Janet Jerge of Jerge Real Estate LLC has filed an appeal for a refund on a water bill for 1203 Mt. Hermon Road. The appeal is authorized by Chapter 3.04 of the City Code (a copy of which is attached). Under Code section 3.04, the appeal is to be heard by the City Council. The Council has the right to grant such a refund.

The property at 1203 Mt. Hermon Road was in an inactive status since 2007, however, when the property was to transfer from a Corporation to an LLC the final reading showed consumption of 36,000 gallons. The consumption resulted in a bill of \$298.12. The meter had been turned on unauthorized that resulted in the consumption. The City has no documents requesting the meter be turned on. The meter currently has a lock on the valve to prevent further activity on the account.

As Director of Internal Services, I am not recommending that a refund be granted. The property at 1203 Mt. Hermon Road does not qualify for our non-beneficial use program and based on meter readings the water ran through the meter. As a policy, the City does not take responsibility for unauthorized water turn on resulting in consumption.

If you have any questions, please let me know.

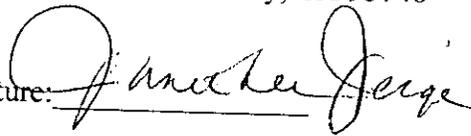
ED
AUG 22 2009
CITY OF SALISBURY, MD

Gerri Moore
City of Salisbury
Room 103
125 North Division Street
Salisbury, Maryland 21801

Gerri:

The property at 1203 Mt. Hermon Road is owned by Jerge Real Estate, LLC. As you and I have discussed, the water has been turned off to the mentioned location since 2/08. As of May, 2009, per your office, no water had been used. Then in June, 2009, it was determined that 36,000 gallons were used from 5/21-6/25/09 which resulted in a bill of \$298.12. My husband and I were forced into paying the bill so that we could record the deed since we had changed the name from Jerge Real Estate Corporation (same owners) to Jerge Real Estate LLC. We made numerous phone calls to your office and ultimately learned that the water had apparently been turned on by an unknown unauthorized person. The water is still shut off to the building and no authorization had ever been given by us to turn the water on. We immediately requested that the water department put a lock on the valve so as to prevent this from happening again. We also are asking that our master card be credited \$298.12 since this in no way was our fault. Once the counsel has reviewed the case, please contact us to provide you with the credit card information so that the credit can be made. Thank You.

Janet Lee Jerge
916-772-7833 Home
916-759-6769 Cell
Home address: 5002 Chelshire Downs Road
Granite Bay, CA 95746

Signature:  Date: 8/17/09

Please see attached Notarized Document
initials: TJM date: 8-17-2009

CERTIFICATE OF ACKNOWLEDGMENT

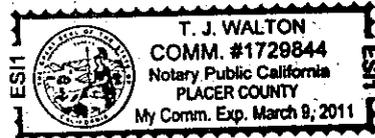
State of California)
County of Placer)

On 8-17-2009 before me, TJ Walton Notary Public,
Date (here insert name and title of the officer)
personally appeared Janet Lee Serge
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person ~~(s)~~ whose name ~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity ~~(ies)~~, and that by his/~~her~~/~~their~~ signature ~~(s)~~ on the instrument the person ~~(s)~~, or the entity upon behalf of which the person ~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature TJ Walton
Signature of Notary Public

Place Notary Seal Above

Chapter 3.04

CLAIMS FOR REFUNDS

Sections:

- 3.04.010 **Compliance with provisions required.**
- 3.04.020 **Time limit for filing claim.**
- 3.04.030 **Form of claim—Contents.**
- 3.04.040 **Investigation and report concerning claim—Hearing.**
- 3.04.050 **Allowance or disallowance of claim—Notification.**
- 3.04.060 **Interest on claims allowed.**
- 3.04.070 **Refund prohibited when final assessment made.**
- 3.04.080 **Refund applied to outstanding charges, assessments or taxes of claimant.**

3.04.010 **Compliance with provisions required.**

In the presentation of claims for refunds of city charges, assessments or taxes erroneously or mistakenly paid to the city, the provisions of this chapter shall be complied with. (Prior code § 6-1)

3.04.020 **Time limit for filing claim.**

No claim for a refund under this chapter shall be allowed as to any charges, assessments or taxes paid more than three years prior to the filing of such claim for refund. (Prior code § 6-2)

3.04.030 **Form of claim—Contents.**

All claims for refunds under this chapter shall be made in writing and addressed to the director of internal services. The claim shall specify the date of such erroneous payment and the amount thereof and shall detail the reasons why the payment is believed to have been made erroneously. All such claims shall be verified by the affidavit of the claimant. (Ord. 1992 (part), 2006: prior code § 6-3)

3.04.040 **Investigation and report concerning claim—Hearing.**

The director of internal services shall promptly make an investigation of any claim made under this chapter and shall submit a written report thereon to the council. Upon the receipt of such written report, the council shall hold a hearing on the claim in regard to which the report was filed. (Ord. 1992 (part), 2006: prior code § 6-4)

3.04.050 **Allowance or disallowance of claim—Notification.**

If, after investigation and hearing in accordance with Section 3.04.040 of this chapter, the council shall determine that such claim is just and proper and that it should be allowed in whole or in part, the council shall notify the director of internal services, and the claim for refund shall be allowed; otherwise the same shall be disallowed. Notice of the action of the council in allowing or disallowing such claim for refund shall be given to the taxpayer making such claim by ordinary mail. (Ord. 1992 (part), 2006: prior code § 6-5)

3.04.060 **Interest on claims allowed.**

Should a claim for refund made under the provisions of this chapter be granted in whole or in part, the council may allow interest on that portion of the claim ordered to be refunded; provided, that such erroneous payment was not due to any negligence on the part of the claimant. (Prior code § 6-6)

3.04.070 Refund prohibited when final assessment made.

No refund under this chapter shall be made or approved in any case in which it appears that an assessment upon which taxes were levied and collected has become final and has not been modified on appeal as provided by law. (Prior code § 6-7)

3.04.080 Refund applied to outstanding charges, assessments or taxes of claimant.

Should any claimant for refund under this chapter have any other charges, assessments or taxes open and due to the city, then any refund granted under the provisions of this chapter should be first applied to the payment of such other open and due charges, assessments or taxes. (Prior code § 6-8)

Chapter 3.08

PERSONAL PROPERTY TAXES

Sections:

- 3.08.010 Director of internal services authorized to estimate assessments—Payment of estimated tax bills.**
- 3.08.020 Director of internal services authorized to collect fee.**
- 3.08.030 Personal property subject to property tax.**
- 3.08.040 Word usage.**
- 3.08.050 Effective date.**

3.08.010 Director of internal services authorized to estimate assessments—Payment of estimated tax bills.

Pursuant to the authority of Article 81, § 49B, of the Annotated Code of Maryland, 1980 Replacement Volume, and 1983 Supplement, as amended, the director of internal services be and he is authorized and directed to estimate assessments in cases where the State of Maryland Department of Assessment and Taxation fails to notify the director of internal services of such assessment on or before September 1st of any year, so as to provide for the payment of tangible personal property taxes imposed by Article 81, § 8(2) of the Annotated Code of Maryland, not in excess of an amount determined by applying the current rate to the assessment for the last preceding year for which such assessment is available. Notwithstanding any provision to the contrary, estimated tax bills rendered on the basis of the assessment for the last preceding year for which such assessment is available shall be subject to such interest and penalties as have been established pursuant to Article 81, § 48(a) and (b), of the Annotated Code of Maryland. If the amount so paid is less than the tax as finally determined, the taxpayer shall be billed for the difference; and if the amount so paid is greater than the tax as finally determined, the taxpayer shall be refunded the difference, with interest. Any bill rendered for an additional amount, as finally determined under the provisions of this section, if not paid within thirty (30) days thereof, shall be subject to such interest and penalties as may be established by ordinance of the mayor and city council. (Ord. 1992 (part), 2006: prior code § 140-1)

3.08.020 Director of internal services authorized to collect fee.

Pursuant to the authority of Article 81, § 49C, of the Annotated Code of Maryland, 1980 Replacement Volume and 1983 Supplement, as amended, the director of internal services be and he is authorized and directed, in cases where a business begins doing a business or an existing business expands to a new location in the city of

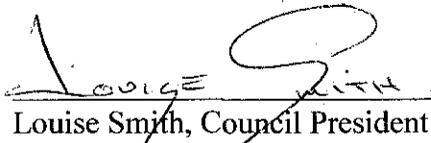
City of Salisbury



MARYLAND

October 20, 2009

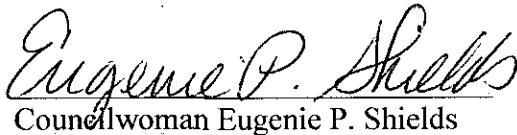
In accordance with §SC2-4 of the Salisbury City Charter, the undersigned members of the Salisbury City Council, representing a majority of the Council, hereby call a Special Meeting to be held on Monday, November 16, 2009 in Conference Room 306 of the City/County Government Office Building (125 N. Division Street). The Special Meeting will be held at 4:00 p.m. to conduct a hearing on a claim for refund.


Louise Smith, Council President


Gary A. Comegys, Council Vice President

Councilwoman Deborah S. Campbell

Councilwoman Terry E. Cohen


Councilwoman Eugenie P. Shields