

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
TUESDAY, SEPTEMBER 4, 2007
7:30 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Tuesday, September 4, 2007 at 7:30 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Gasser, Fluharty, Willis, and Gutkin. Also in attendance were local citizenry, municipal staff, and the local media.

The meeting was called to order by Mayor Ballas, who led the group in reciting the Pledge of Allegiance.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Willis and unanimously passed by a vote of five to zero as corrected for August 6th, August 20th, and August 6th Public Hearing.

GUESTS

Kimberly Willis – Water & Sewer Request for Reimbursement

Mrs. Kimberly Willis was present requesting an answer from the Mayor and Council in regard to her request at the August 20th workshop for reimbursement for plumbing expenses to clean out a sewer line that their plumber said was damaged on the town's side. The Mayor and Council requested Steve Dyott, Public Works Director, to camera the line prior to the regular monthly meeting to determine whether or not the line was defective and he did not find any defects or cracks in the line.

The Willis' had a plumber to come and snake the line, and the plumber advised them that the blockage was on the town's side. Town representatives were sent to their home several times, however, it was determined that a cleanout was needed at the edge of the property line before the town could determine that the blockage was on the town's side. Steve Dyott stated that the line was cameraed last week and town representatives found no collapsed pipes, no roots, etc.

The Willis' stated that their plumber pulled a snake through approximately 30 feet, which was into the street and found no blockages on the homeowner's side. The homeowner currently has a cleanout in the basement and the town's policy indicates that town personnel cannot enter onto private property. The Willis' feel the plumber proved that the blockage was not on their side when the plumber ran the snake into the street and found no blockages.

The Willis' requested town personnel come to their home approximately four times to check to see if the problem was on their property. Town personnel came out and ran their snake from the property owner's cleanout. The town's policy states that Public Works shall maintain all lines from the back of the curb out to the street, therefore a cleanout would be needed at the edge of the street.

Councilmember Fluharty questioned the number of times that the town came out and ran the snake to determine whether or not it is what cleared the line. Councilmember Fluharty has concerns in regard to the property owner being required to have a cleanout at the edge of their property. He said it sounded as though the problem was on the town side. Councilmember Fluharty feels that the existing policy is failing because of the numerous complaints such as the one from the Willis'. He said he felt that the homeowners did all they could do in this particular situation. He said it is not always feasible to put a cleanout at the edge of the curb. Councilmember Fluharty stated that he felt there was a blockage and that he believes it was the town's responsibility. The town always puts the burden of proof on the property owner to prove that the problem is the Town's, then the property owner has to fight to get their money back. He feels the town should be more proactive in this type of situation.

After much discussion about this matter, Mayor Ballas recommended the town's policy remain in place and that the town reimburse Ms. Willis for one half of the expense of the plumbers cost, which is \$487.50, because town personnel violated the policy when they entered private property to run the snake.

A motion by Mayor Ballas seconded by Councilmember Fluharty and passed by a vote of three to one, to reimburse Mrs. Kimberly Willis \$487.50, which is one half of the cost for the plumber to repair their sewer line. The vote was as follows: Ballas (Yea), Fluharty (Yea), Gasser (Nay), Gutkin (Yea). Councilmember Willis did not vote because he jointly owns the property in question.

Timothy Goodger – Request for Out of Town Water

Mr. Timothy Goodger, II was present requesting permission, via a letter dated August 21, 2007, from the Mayor and Council to tie into the existing water line. The property is located at 324 Liberty Road, just outside the corporate limits of Federalsburg. Mr. Goodger said he would like to tie into the existing line that was previously used to service his chicken houses that have been demolished. He presented a plat that showed where he wants to build his new home. He plans to subdivide his property to build his new home. The existing line would serve the house since it previously serviced four chicken houses. Currently, the property includes rental properties and is serviced with a separate meter. There would not be tap in fee required because he would be using an existing tap/line. Mr. Goodger was advised that he would have to pay for a water meter which would require a \$500.00 deposit. Mr. Goodger was also advised to contact Gail Kelley at the Health Department about the capacity.

A Motion by Councilmember Gasser seconded by Councilmember Fluharty and unanimously passed by a vote of five to zero granting Mr. Timothy Goodger, II permission to connect his new home to an existing water line located on his property, with no tap fee required because he is connecting to an existing tap/line and he would have to pay for the water meter expenses, which would require a deposit of \$500.00.

FEDERALSBURG HISTORICAL SOCIETY UPDATE

Mr. Joe Glime, President of the FHS, reminded the Mayor and Council of the upcoming Heritage Day scheduled for Saturday, September 22, 2007 from 11 a.m. to 4 p.m. They also plan to open the log cabin for display to the public. They will be using the Community Building for various festivities. They requested that citizens provide any information of past and current history.

PUBLIC CONCERNS

Steve Parks

Steve Parks stated that even though he would be keeping the Noble House, he would like to see the Mayor and Council pursue obtaining a right-of-way from Dr. Sloan for future use for the town and Police Department.

Fire Hydrants

Ms. Celeste Foley questioned what color the fire hydrants in town should be. Steve Dyott, Public Works Director, stated that they have volunteers that are currently painting the fire hydrants throughout town and they will be painted red. There was some question as to who regulates the color of the hydrant and it was advised the town would determine the color. The color red is used because it stands out. There were concerns addressed about the fire hydrant at the corner of University and Morris Avenues that was painted red, white and blue by a private citizen.

There have been citizens that have stated they would volunteer to paint a fire hydrant near their property, provided the town would purchase the paint. Councilmember Fluharty stated the town should think about considering an "Adopt A Hydrant" program. This could be a program whereby the town would purchase the paint and local volunteers (citizens, organizations) would adopt a hydrant and see that it is kept painted.

DEPARTMENTAL REPORTS:

Police Department

Donald Nagel, Chief of Police read the monthly police report. He stated there were a larger number of calls this month because the department has started making home checks, while people were on vacation.

He advised that during the month of September there will be a revival at the Federalsburg Marina (September 4th thru September 18th), the Cubcar Races (September 23rd) and the Hospice Walk/Run (September 22).

Public Works Department

Steve Dyott, Public Works Director reported the following:

1. The Wastewater Treatment Plant Project will require a building addition and Steve Dyott questioned the Mayor and Council on how the permit issuance should be handled by the contractor.

A motion by Councilmember Fluharty seconded by Councilmember Gutkin and passed by a vote of five to zero to require the contractor to obtain a building permit at no cost because this is town owned property. However, if the project requires independent inspections, other than the Town Building Inspector, the cost of those inspections will be borne by the contractor.

2. Pizza Hut, Easton location, is paying their employees to do volunteer work while they are waiting for their restaurant to be rebuilt. Therefore, there will be two volunteers painting the hydrants free of charge. The town is supplying the paint.
3. Bids have been received for the Covey/Williams Alley Historical Building as follows:

Contractor	Base Bid	Alternate 1	Alternate 2
CMSI	\$269,900	\$-0-	\$19,500
RBCI	\$284,235	\$2,500	\$15,993
R.D. Meredith	\$253,000	\$-0-	\$20,000
Harper & Sons, Inc.	\$236,000	\$20,000	\$20,000

There were some concerns as to what the specified time frame of the job was because the contractors have times frames for 120 to 180 days. There was discussion about the base bid, time frame for completion and alternative bid quotes. There was also some discussion about the penalty clause in the bid should the contractor go past the 120 day time frame. The Mayor and Council also had concerns about the difference in the price for removal and replacement of the roof deck. After much discussion, the Mayor and Council agreed to award the bid to CMSI because their original bid was within the 120 timeline for completion of the project.

A motion by Councilmember Fluharty seconded by Councilmember Gasser and passed by a vote of four to one to award the bid for the Covey/Williams Historical Museum to CMSI in the amount of \$269,900 with a time limit of 120 days.

Main Street/Grants Department

George “Happy” Mayer, Grants/Main Street Administrator reported the following:

1. There was one bidder for the fishing park/boat dock to be located on the south side of East Central Avenue.

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of five to zero to accept the bid from Atlantic Marine for \$9,887 for 25 foot boat dock and also granting the Mayor authority to execute all documents in regard to this project.

2. The town is still in the permit phase of the drainage project at the Federalsburg Marina Park.
3. There are five bridges along the Greenway Trail that have had erosion damage and the State through DNR has given the town a \$30,000 grant to rip rap the bridges so they will not wash away. The grant will be a pass through to RC&D and the permit has been issued to complete the work
4. The town is waiting for approval from MDE on the rip rap project. This would be the final stage of this project and the location would be behind the Czyz, Lloyd and Union Church properties located off of North Main Street. Once the permit has been awarded then the property owners will be notified of the project.
5. Councilmember Fluharty gave Happy Mayer a CD that outlines a “Fitness Trail” that he saw while he was in Williamsburg, Virginia. This may be something that the town would be interested in doing along the hike and bike trail.

Code Enforcement Department

Steve Watson, Code Enforcement Officer, reported the following:

1. A letter has been sent to Tilghman Properties in regard to their stormwater management pond violation in the trailer park. There have been concerns raised about the condition of the properties in the Trailer Park. There are numerous properties which are beginning to look bad with the trash and debris. Steve Watson has asked the manager to come discuss the concerns and visit the property. Steve Watson was advised to contact the owner Phil Tilghman if he does not get anything resolved with the property manager. The Tilghmans will want to resolve this problem before it gets out of control.
2. Councilmember Fluharty questioned whether or not the town has an ordinance about blowing grass onto the street or on the sidewalk. There are a number of properties that blow grass onto the street. There was discussion that this needs to be enforced

by sending a letter to the violator advising that they are not allowed to do this, because the grass goes into the stormdrain.

3. The Mayor and Council advised Mr. Watson to send a letter of violation to 209 South Main Street for trash violation.

Planning and Zoning Department

Howard Bradley, Co-Chairperson for the Planning and Zoning Commission, advised that the Commission has a workshop scheduled for September 10th in regard to the Comprehensive Plan. The Mayor and Council asked that a representative from Planning and Zoning be present at the September 17th workshop to review the Comprehensive Plan. The Mayor and Council will be submitting their recommendations at the workshop.

MAYOR AND COUNCIL ACTION ITEMS

Caroline County Municipalities Association Dinner Meeting

Correspondence was received advising that the next Caroline County Municipalities dinner/meeting is scheduled for Wednesday, September 19th at 6:30 p.m. at Vicky's Restaurant in Ridgely, Maryland. The scheduled guests will be Jim Bradley, who has been invited to discuss Building Together and Suzanne Carley, who has been invited to discuss Childhood Lead Poisoning. Mayor Ballas and Councilmembers Fluharty and Gasser will be attending.

FRANK M. ADAMS INDUSTRIAL PARK

Councilmember Fluharty questioned the status of the payoff for the Frank M.Adams Industrial Park Loan. The Clerk advised that she is working on several projects and it is third on the list to be completed. However, the information that the state has requested is being compiled so that it can be sent in with the payment.

SALE OF TOWN PROPERTY

Since the block building has been torn down on South Main Street, Extended next to the municipal playground, it was recommended that the Mayor and Council look into selling the municipal property. It was the consensus of the Mayor and Council to look into selling the property.

Councilmember Fluharty recommended the town look at disposal of the block building located behind the North Main Street businesses. The building doesn't coincide with what the town is looking for in the downtown area. It was suggested that the property could be sold and the building could be demolished. It was suggested to use the monies from the sale of this property to build a building at the new water tower site.

MINISTERIAL ASSOCIATION

The Ministerial Association was granted permission by the Mayor and Council to paint basketball markings on the asphalt near the Community Building in Chambers Park. The Ministerial Association will provide the paint.

FALL MML CONFERENCE

Councilmember Fluharty advised that he would be interested in attending the Fall MML Conference. The conference will be held on October 18th, 19th and 20th at the Greenbelt in Prince Georges County. Mayor Ballas and Councilmembers Willis and Fluharty, will attend the one day workshop on Friday.

Hospice Run/Walk

Caroline Hospice has scheduled a walk/run at the Marina Area on Saturday, September 22nd. The walk/run will begin at 8 a.m. and at 3 p.m. Mel Price and his band will perform at the marina, and at 5 p.m. there will be a memorial balloon release.

VFW Post 5246

Ladies Auxiliary will remember fallen heroes on September 11th at the VFW with light refreshments and a dinner at 6 p.m. There will also be a presentation of a flag to the town.

ABC Daycare

The Mayor said Ms. Pearl Lofland was very appreciative of the town's help and has begun to receive payments on a regular basis.

F450 Ford Cherry Picker/Bucket Truck

Richard Colburn, Town Manager requested on behalf of the Public Works Department, permission to purchase an F450 Ford Cherry Picker/Bucket Truck from Choptank Electric for a cost of \$15,000. Steve Dyott stated this equipment would help with the maintenance of street lights that belong to the town, installing Christmas lights and some things at the Wastewater Treatment plant. Currently the Town rents or hires someone to do the work or use their truck. Choptank Electric will train town personnel to use the bucket truck.

A motion was made by Councilmember Gasser seconded by Councilmember Gutkin and unanimously passed by a vote of five to zero, approving the purchase of a bucket truck from Choptank Electric in the amount of \$15,000 to be taken from the Debt Service Fund. The \$15,000 will be included in the FY 08-09 Budget to be reimbursed to the Debt Service Fund.

ADJOURNMENT

A motion by Councilmember Gutkin seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn at 11:13 p.m.

Submitted by,

Shirley A. Greene
Clerk/Treasurer