

**MAYOR AND COUNCIL REGULAR MONTHLY MEETING  
MONDAY, JANUARY 7, 2008 @ 7:30 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Monday, January 7, 2008 at 7:30 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Gasser, Gutkin, Willis and Fluharty. Also in attendance were local citizenry, staff and a newspaper representative.

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

**Minutes**

A motion by Councilmember Fluharty to approve the minutes of December 3, 2007 Mayor and Council Regular Monthly Meeting was tabled for lack of a second. The minutes were tabled because Councilmembers Gasser, Gutkin and Willis did not agree with the motion as written in the December 3, 2007 draft minutes that states, *“A motion by Councilmember Fluharty seconded by Councilmember Willis and unanimously passed by a vote of five to zero granting approval to the War Memorial Committee to begin with the installation of the concrete for the war memorial at the triangle.”* Shirley Greene was asked to review the tape to get the correct wording of the motion.

**Guests**

**Bernard Vervin – Federalsburg Community  
Voice of the Homeless “Cold Weather Shelter”**

Mr. Bernard Vervin, representative for the “Voice of the Homeless”, gave a brief summary of the organization and requested use of the Community Building for a temporary Cold Weather Shelter. The organization is providing information to the schools as well as local government about this program. The purpose of the “Voice of the Homeless” is to provide a safe and warm environment for the night to 4 men, women, and children during harsh and very cold winter days; to serve dinner, breakfast, and bagged lunches to all shelter guests; and to provide needed links and referrals to appropriate agencies.

The organization received referrals from local church leaders, social services, and other helping agencies. The dates and times of service are from December 1, 2007 through April 1, 2008 – 7 days per week or as needed. The times of service are 6 p.m. – 7 a.m. on Wednesday, Friday, Saturday and Sunday, and 8 p.m. to 9 a.m. on Monday, Tuesday, and Thursday. Volunteers will chaperone the shelter when it is in use.

Councilmember Gutkin questioned where other shelters are located. Mr. Vervin advised that there are shelters in Cambridge and Queen Anne. Councilmember Fluharty questioned what types of facilities they are and Mr. Vervin advised that they are churches. Mr. Vervin also advised that he is looking to work with the local churches for what is needed in Federalsburg. Mr. Vervin requested approval from the Mayor and Council to use the Community Building located in Chambers Park as a Homeless Shelter. Mayor Ballas advised that Mr. Vervin has already spoken with the people that are using the building on Tuesday and Thursday nights, so

that would not be a problem, and the Ministerial Association is working on providing some of the chaperones.

Councilmember Willis questioned how this would affect the Town's insurance if someone gets hurt. Mayor Ballas stated that this is town owned property and it would be covered under LGIT, which is the Town's liability insurance carrier.

Councilmember Gutkin questioned if there are no chaperones would the facility still be available. Mr. Vervin said there would be chaperones when someone was housed at the shelter. Councilmember Gutkin questioned whether or not it would be male and female that could stay at the shelter. Mr. Vervin said it could also be a family. Mr. Vervin said he does not anticipate more than four people at this time. Councilmember Gutkin also questioned whether the other places have bathroom facilities and places to shower. Mr. Vervin said some places just have bathrooms. Councilmember Gutkin questioned the number of bathrooms in the Community Building and was advised that it just has one bathroom, kitchen sink with running water and a refrigerator. Councilmember Gutkin questioned where the people would come from and was advised that they would be local people referred by local agencies, such as the Police, the Department of Social Services, and local churches. The people using the facility would be from Federalsburg and the county. Councilmember Gasser questioned the number of homeless in Federalsburg and was advised that there are approximately 15 people homeless in Federalsburg.

Donald Nagel stated that on the news there was a church in Baltimore that started this and had to put a sprinkler system in and he suggested that it maybe something the Mayor and Council want to check into before saying yes to this request. Chief Nagel also questioned who would run the criminal background checks and was advised by Mr. Vervin that he runs the criminal records check. Pastor Buddy Dunn advised that he may be able to clarify the requirement for a sprinkler system. Pastor Dunn said some homeless shelters are open seven days a week/twenty four hours a day, and they would be required to have a sprinkler system. His understanding is that because this request is just for an emergency homeless cold weather shelter on a temporary basis; and the intent is to get them placed with a family member as soon as possible; Pastor Dunn said he doesn't believe this would require installation of a sprinkler system.

A motion was made by Councilmember Fluharty, to allow the Community Building to be used for a cold weather shelter overseen by Voice of the Homeless, provided the building meets all fire standards. The motion died on the floor due to lack of a second.

Councilmember Willis asked Chief Nagel how he felt about this request. Chief Nagel said he is concerned that the Mayor and Council are making a decision to quickly. He stated that he just brought up sprinklers, but there could be other things. Chief Nagel also said there is a portable handicap toilet outside the Community Building, but he is unsure if this is permissible. Chief Nagel questioned if there is a family of six people that needs shelter, what would happen to the other two. Mr. Vervin said if the family with six members would be accepted and he did not see any problems with that. Mr. Vervin reiterated that this is only a temporary shelter and not a permanent shelter. There was question as to why only four members would be allowed in the shelter. Mayor Ballas advised that the building has a lot of equipment inside because it is being used two nights per week for street kids to come in and play games, this is a successful program that is being funded by the ministerial association.

Steve Bollinger stated that he lives on the block where the Community Center would be used and he stated that he did not have any problem with the request.

Councilmember Guktin questioned if Mr. Vervin has tried looking for other facilities in other areas. Mr. Vervin stated that he had, but that this was what was needed in his mind at this moment.

Councilmember Willis questioned Steve Dyott, Public Works Director, whether or not it would interfere with Public Works. Mr. Dyott stated his only question was in regard to the sprinkler system and the handicap bathrooms. He said he had no problem with the shelter being at the community building but he would want the facility to meet all requirements.

Steve Bollinger asked each Councilmember who was not in favor of the cold weather shelter, to state their reasons for their decision.

Councilmember Gutkin stated that the building was not set up for that purpose. He stated that he does not believe that people should be sleeping overnight in the building without proper facilities. Councilmember Gutkin stated that if the churches would like to do this and volunteer a space in a church to set up, he knows that churches have men and women's bathrooms and adequate lighting and parking where people can be properly watched and protected.

Councilmember Gasser stated that she did not feel that it is the town's responsibility to solve every single problem. She feels that the churches should take a forward step on this.

Councilmember Willis stated that he is just concerned about the building and the area and just what other people in town feel, because this has not been opened up to the town to express how they feel about this matter. He stated that they (the Mayor and Council) are representing the town and if they say yes to this request and then half the town may not be happy with their decision.

Mr. Vervin thanked the Mayor and Council for their time.

### **Amanda Morris**

Mrs. Amanda Morris, who resides at 105 Liberty Road, voiced her concerns regarding storage of various inappropriate items and an abundance of vehicles on various owner occupied properties along her street. She suggested contacting other towns to see how they handle this problem in other communities. She said she was concerned that this problem is lowering the property values of other homes in the neighborhood. Steve Watson, Code Enforcement Officer, advised that he is aware of the area that Ms. Morris is referring to and stated that the Planning and Zoning Commission has been working on an outside storage amendment to the zoning ordinance. This will put guidelines in place that will allow the code enforcement officer to take more serious measures with violators. There were also concerns addressed regarding parking in the front yard of some residential properties. Steve Watson, Code Enforcement Officer and Steve Bollinger, Planning and Zoning Chairperson, advised that the Planning and Zoning Commission is also working on some regulations that would cover this issue. There was concern about a trashcan on Liberty Road that sits out 24/7. Steve Watson will be given the address of the property to follow-up on this matter.

## **COMMITTEE REPORTS**

### **Federalsburg Historical Society**

Joe Glime stated that much of the roof is completed at the Covey/Williams Historical Museum. He also said that the blocks for the building have been delivered.

### **Federalsburg Volunteer Fire Company**

Councilmember Fluharty stated that the December fundraisers were all completed and they turned out good. The Annual banquet is scheduled for February 9<sup>th</sup>, 2008.

## **PUBLIC CONCERNS**

Mrs. Marion Copper-Felton, who resides at 3437 Holland Drive stated that she received the letter in regard to being charged for two garbage cans. She stated she has two cans, however, she only puts out one can and currently has another use for the second can. As long as she only sets out one can she will only be charged for one garbage can. Councilmember Fluharty requested a list of the properties that have two cans be distributed to the driver of the garbage truck.

## **DEPARTMENTAL REPORTS**

### **Police Department**

Chief Nagel presented his report for the month of December and the Annual Report for 2007. He thanked the Public Works Department for their help during the Christmas Parade. Officer Richard Alberto was injured while on duty and he will be out for approximately one to two weeks. The Police Department has hired a new officer Alton Hoffman, who was a retired Cambridge Police Officer. Since Officer Hoffman is already certified, he will only have to complete comparative training at the Police Academy. These courses will be a refresher course on certain laws and will requalify him for firearms.

### **Public Works Department**

Steve Dyott, Public Works Director reported the following:

1. The street light that was approved for installation on Park Lane has been installed.
2. The new streetlight has been ordered for Holland Drive. Delmarva Power will be installing the streetlight.
3. The water tower is awaiting fillup and the logo.

Mayor Ballas requested Mr. Dyott advise her when the demolition of the two existing towers would take place.

### **Main Street/Grants Department**

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

1. The Contractor for the small boat dock project south of the East Central Avenue Bridge, has received the permit from MDE to complete the project. The Contractor hopes to begin the project during the month of February.
2. The Marina Drainage Project meeting that was held on Friday, January 4, 2008. The purpose of the meeting was to obtain final approvals, permits and comments for MDE and Critical Area Commission on the project. Mr. Mayer reported that once Critical Areas comments have been received MDE will release the permit. The project will take approximately two to three weeks to complete.
3. Mr. Mayer reported the Federalsburg Home Decorating Contest was a great success. The contest was sponsored by Frank Adams, Nationwide Insurance, and Roman Coale, Marshyhope Realty. The in-Town winners were: 1<sup>st</sup> place Eddie & Dawn Coulbourne of Academy Ave., Second Place: Harold & Shirley Netzer of Liberty Road and Third Place Vicky Galloway of West Central Ave. The winners outside town within a two mile radius were a tie, between Frank & Valerie Fluharty; Mike, Sheila and Paul Richardson; and Larry and Brenda Nagel. Prize money was provided by the sponsors and advertising was paid by the town, Main Street Department. Both sponsors would like to hold this contest again next year.
4. The debris clean-up along the Marshyhope Creek is progressing. The Contractor should be on site for two more weeks.

### **Code Enforcement Department**

Steve Watson reported the following:

Mayor Ballas advised that there is a property on Academy Avenue where the backyard is filled with inappropriate items. Mayor Ballas will get the address to Steve Watson to follow-up.

Steve Watson advised that he would be starting to hand out violation report forms. These forms will better assist him if he has to go to court on some the violation notices.

### **Planning & Zoning Department**

Mr. Howard Bradley reported that the Commission did not have a meeting in December, however, a workshop was scheduled for Monday, January 14, 2008 and they will have their regular monthly meeting on Monday, January 28, 2008.

### **ACTION ITEMS**

Mayor Ballas reported the COG meeting will be held Tuesday, January 8<sup>th</sup> at 6:30 at HAPS building in Denton.

Town Manager Richard Colburn will be leaving after this meeting, for General Legislative Session in Annapolis and will return April 9<sup>th</sup>.

The Mayor and Council rescheduled their January Workshop for Monday, January 28<sup>th</sup> at 4 p.m. due to the Martin Luther King Holiday. The February Workshop would be scheduled at the February 4<sup>th</sup> Regular Mayor and Council Meeting.

## **WAR MEMORIAL**

Mayor Ballas stated that there were four items that the Mayor and Council informed the War Memorial Committee that needed to be accomplished. 1. It has been reported tonight that the committee has spoken with Chief Nagel and there is no problem on the visibility. 2. The Code Enforcement Officer is aware of this project and will be inspecting each step of the project. 3. Councilmember Fluharty will keep the Mayor and Council informed of each step prior to commencement of the work. 4. At this time Danny Phillips has researched the Heirs down to one person.

Danny Phillips gave the report of the Heir research he completed as follows: Since the last meeting, Mr. Phillips took it upon himself to look into finding the Heirs of Issac Henry Morris, who is the person who sold the town the triangle property in 1919. Mr. Phillips traced Mr. Morris and his wife, who had three children. The daughter died at four months of age, and one son died at 16 years of age. Mr. & Mrs. Morris and both of those children are buried in Hillcrest Cemetery. The other son, Issac Sewell Morris, went on to be a West Point Graduate and retired from the army as a Major General in the transportation services in D.C, and he died in 1965. His wife, Joselyn, is still living and they had one son, Jay Terron Morris. Jay Morris was appointed in 1982 by President Reagan, as the Deputy Director of Foreign Aid Administration and worked for the government until he retired in 2005. The person who gave Mr. Phillips this information, advised that after three years, all personnel information is destroyed, and they did not keep in touch with him. Joselyn Morris was 96 years old when she died, and there was no date on the newspaper heading. Mr. Phillips believes her obituary was in the paper between 2002 and 2005, based on when she was married and census records. Jay Morris, from Sun City, Florida was listed in her obituary. Mr. Phillips stated that he researched all records available to him from that time frame and he is unable to locate Jay Morris after 2005, and he has not been listed in any of the obituaries since that time.

Mr. Phillips also said Issac Henry Morris had a brother who had two sons, and they would be the great nephews, and they still live in the area. Mr. Phillips contacted the great nephews and advised them of the project. They were fine with this project and stated that if they needed to come in and talk to anyone they would be glad to.

Mayor Ballas said there are no direct heirs left to the property.

Lisa Ruiz questioned whether or not the committee could proceed with the memorial. Mayor Ballas advised that it was her thought that the Mayor and Council said to move ahead with the project. Mayor Ballas stated they (the War Memorial Committee) had met all the requirements thus far and as far as she is concerned, the Code Enforcement Department, the Police Department, and a representative from the Council is involved in the project.

Councilmember Gasser said there was one question that Shirley Greene, Clerk Treasurer, was checking with LGIT, in regards to insurance coverage about the town owning the memorial. She questioned whether the town would be taking ownership. Mayor Ballas said she had spoken with Keith Wheatley, Public Works Department, who is on the committee, and one of the things

that he is doing is to help with the design of the surrounding area and that the town has always maintained that property; and the town will continue to maintain the property because it is town property.

Councilmember Gasser questioned who would maintain the lights. Mayor Ballas advised the town already maintains the lights because it is a town owned property.

Mayor Ballas stated at this point the maintenance on the wall and statue would not come up for a while, but if something comes up and it needs maintenance, then it will be dealt with at that time. Mayor Ballas stressed the need to move ahead on this project.

Councilmember Gasser stated that it was not the surrounding area that LGIT was talking about it, but it was the monument itself. LGIT questioned who would own the monument once it was completed. Mayor Ballas advised the town would own the monument, because it is town property.

Mr. Ruiz questioned if they could start the project and she advised him they could start and the only person who could stop them at this point would be the Code Enforcement Officer, if they are not doing something according to code.

Mr. Tim Foley questioned whether or not the town attorney has reviewed the project, and he was advised that the town attorney has reviewed it.

### **CLOSED SESSION**

A motion by Councilmember Gasser seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn to a Closed Session immediately following the Regular Monthly meeting to discuss a Real Estate Matter, as approved under the State of Maryland State Government Article, Section 10-508(a) 3.

### **Adjournment**

A motion by Councilmember Fluharty seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn at 8:52 p.m.

Submitted by,

Shirley A. Greene  
Clerk/Treasurer