

**MAYOR AND COUNCIL REGULAR MONTHLY MEETING
MONDAY, MARCH 3, 2008 @ 7:30 P.M.**

The Regular Monthly Meeting of the Mayor and Council of Federalsburg was held on Monday, March 3, 2008 at 7:30 P.M. Those in attendance were Mayor Ballas and Councilmembers Gutkin, Gasser, Willis and Fluharty. Also in attendance were local citizenry and the local media.

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

MINUTES

A motion by Councilmember Gasser, seconded by Councilmember Willis and passed by a vote of five to zero approving the minutes of the February 4, 2008 Mayor and Council Meeting as corrected. The corrections were typographical and changes in word usage.

GUESTS

**John Burrell/Larry Bolhen – LGIT
Training Grant Award**

Jon Burrell, LGIT Executive Director and Larry Bolhen, LGIT Loss Control Training Coordinator, thanked the Mayor and Council for the opportunity attend their meeting. He said that Federalsburg has been a valued member since 1999. Steve Dyott, Public Works Director and George “Happy” Mayer, Grants Administrator accepted a check in the amount of \$1,760.00 to be used to train four Public Works employees in work zone traffic control. Mr. Burrell advised that LGIT has awarded \$41,000 in 2008 and has awarded \$360,000 in past years. He commended the Town for reaching out for training assistance before it becomes a concern.

OLD BUSINESS

Steve Pennington

Bay Broadband - (Please note that this section was typed as spoken on the tape with only minor grammatical changes.)

Mayor Ballas advised that Mr. Steve Pennington from Bay Broadband was present at last month’s meeting and he requested to come back. Mr. Pennington thanked the Mayor and Council for allowing him to return. Mr. Pennington said last month he requested permission to locate their equipment for broadband network on the new water tower and at a subsequent council meeting there were some questions and concerns. Initially, the response was not favorable and he wanted to ask for reconsideration and to provide a little different view and more information to the Town about exactly what they are looking to do. Mr. Pennington also wanted to provide a more detailed view of what he thinks is an accurate statement about what Broadband will do for the Town from an economic point of view. Mr. Pennington presented two documents to the Mayor and Council: A drawing of the water tower presented to him by Steve Dyott that has been blown up. Essentially, when you look at the water tower, the tank itself is 43’ wide by 40’ high. There are three small objects on the far right hand side of the sheet that are actual size of what will be

placed on the water tower, if allowed. There is one round dish which is approximately 2 ½ feet, which is actually the receiver dish for backhaul and the two other very small objects are the radio receiver panels. Mr. Pennington stated that the reason he put those objects on this diagram, is to show the appearance and to show a size perspective of what would go on the tower. The weight of the dish is about 12 pounds, the small panels are about one pound each.

Mr. Pennington also presented several reasons how Broadband service would benefit new companies coming to Town and creating new opportunities and competition in the technology sector for high speed internet and digital phone service. It also expands the options for service for all residents in Federalsburg and surrounding communities. It presents new business opportunities for local communities and local companies, and can also elevate the image of the Town to attract new businesses and retain current residents. He said access to broadband is one of the key reasons businesses and residents stay or why they leave. This service also enhances access for Government Outreach Programs and provides an additional source of revenue for the Town.

Based upon the initial proposal it would benefit the town by \$3,000 a year. He knows that is a concern and he asked that the Mayor and Council consider that figure, and if that number is totally unreasonable, he would be willing to talk about that concern. However, he does think it is important to bring this service to Federalsburg.

He brought an article from Farm Week regarding a study of broadband services for rural Maryland. He read a few excerpts from the article which highlights the need for broadband services. He said he hopes the Council will look at his proposal from February and reconsider it. Mr. Pennington assured us they have professional engineers and are fully bonded, and will make sure that the town is comfortable with anything they want do. He asked if there were any questions from the Mayor and Council.

Councilmember Fluharty said that at the last meeting he was under the impression Mr. Pennington had told them about the 2 foot dish and so forth, but what did he mean when he said they would be placed in certain positions on the tower? He said quite frankly he took that to mean that there was going to be quite a number of them. Mr. Pennington said there would be one of the 2 ½ foot dishes, and three of the medium size panels, each one would be equally positioned around the tower to provide full 360 degree coverage throughout the surrounding area. Councilmember Fluharty questioned if the panels would be 18" x 24". Mr. Pennington said they would be closer to 15" x 15". Mr. Pennington looked at the tower from University Avenue, that would be the northern face of the tower and you would see the back hall dish somewhere up on the railing because they like to get as high as they possibility can. Most likely just one of the flat panels would be seen, because the other panels would be on the sides to get the full 360 degree coverage. This would require a total of four separate objects to be located on the tower in four separate locations. Councilmember Fluharty asked if the panels would be on the railing as well, and do they have to be as high. Mr. Pennington said they need to be high as well because what they need is line of sight.

Steve Bollinger questioned what kind of bandwidth is provided and how many customers do they anticipate that that equipment alone could support? Mr. Pennington stated that they have several thousand customers now and they are looking to grow to over 1,300 to 1,400 customers throughout the four county areas. Mr. Bollinger said he referring to the equipment that is mounted

on the tower. Mr. Pennington said that equipment would be able to support anywhere from 500 to 600 customers. Mr. Pennington said they would also be members of the Broadband Cooperative so they would also be connecting into their fiber optics bringing that bandwidth capacity in and they already have a bandwidth shot at the northern part of their network and they are looking at where to take that additional connection through the Maryland Broadband Cooperative. Mr. Bollinger asked what their bandwidth is from line of sight to line of sight and what the bandwidth is. Mr. Pennington said they go anywhere from 1 Meg to 12 Megs and download and upload speeds go from 356 to 768 k to 2 Megs uploads per user.

Mr. Pennington said they build for capacity and it is easily upgradeable to provide more capacity as well.

Mr. Pennington answered other questions from the audience. Mayor Ballas said that one of the questions they have to look at is the fact that Comcast already provides service in Town, and they have struggled for a number of years trying to get Comcast some competition. Comcast is currently giving an increase again and there is nothing the town can do about it. One of the concerns with Comcast is that there is a 25 cent fee on each bill that the customer is paying to the entity that allows Comcast to come into this area, however, the town is not getting that 25 cent fee. Previous Mayor and Council's decided that they would not charge a fee. Some towns charge a fee, however, Federalsburg decided that they would not charge a fee and they would allow the savings to go to the citizens. This council has in the past looked into competition for Comcast, unsuccessfully.

Councilmember Fluharty asked whether the panels had to be of certain color? Mr. Pennington said they don't like to paint it, and the manufacturer's specs do not include paint. They are currently a beige color so it is kind of a general bland color. Councilmember Fluharty asked if all the pieces would be that color. Mr. Pennington said the dish would be kind of a gun metal gray and the panels will be beige and that is a standard color that they come in. He said they don't want paint to interfere with any of the reception or transmission that they have. Councilmember Fluharty said his first impression was that there would be numerous dishes surrounding the tower and he was concerned that the Town has a brand new water tower and then is going to start cluttering it up. Councilmember Fluharty stated that he would take another look as far as with the size and especially if the town can generate income. Mr. Pennington said he could understand that concern and he said he thinks when the town sees their equipment it will blend in and it really would not be seen at all.

Someone asked if there was another water tower locally that people could see the setup. Mr. Pennington said the closest one would be in Denton on the water tower on 5th Street. Mr. Pennington also said that all the equipment on that tower is not all their equipment. There are several cellular companies with their equipment on the tower as well.

Councilmember Willis questioned whether or not you could powder coat this equipment. Mr. Pennington said you really can't do anything to cover them up.

The Mayor and Council thanked Mr. Pennington for attending.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Joe Glime stated that the Historical Society is pleased with the progress on the museum. He said that in the last month and a half, the members have been in Cambridge doing studies and they have also attended a conference in Ocean City, where they spent over seventy-five hours in classes about building small museums. They are trying to learn how to do things right the first time and they are getting a lot of input and education on that and they will be ready when the building is complete.

Federalsburg Volunteer Fire Department

Councilmember Fluharty reported that the following:

Breakfast – March 30th
Teen Dance – March 14th

PUBIC CONCERNS (Please note that this section was typed as spoken on the tape with only minor grammatical changes.)

Single Family Housing Rezoning Request

Scott Phillips asked the Planning and Zoning Chairperson about when they might be able to look at something other than the comprehensive plan, which has been going now for sometime. He would very much like to look at changing the zoning classifications in town. He said there are alot of streets in town that are basically single family residences that are currently zoned R-2 and R-3 where people can go in and buy a house and turn it into a three and four unit apartment. Mr. Phillips said he thinks it would be a shame to loose the older houses that are still here and are not already cut up. He would like for the Council to give Steve Bollinger direction in the near future to take the time to look at this and perhaps redo the zoning for the town. He said his street is an example (Reliance Avenue) it is zoned R-2 or R-3 and all homes with the exception of one house is single family residence. He said he is not opposed to someone renting the whole house out but once you start dividing them up everything goes downhill. He said he would like to see streets like his converted back to R-1 so they can stay single family. Mr. Phillips feels that the town needs to have the Planning & Zoning Commission look into this matter. Mayor Ballas said she thinks they have begun to look at this, and she said that the Comprehensive Plan has been passed.

Speeders on West Central Avenue

A gentleman who lives on West Central Avenue asked if there was anyway the town could look at having more strict enforcement on speed because people just fly down the street. He said when he backed out of his driveway he almost got hit a couple of times and he has four small children ages three to twelve. He is concerned for the safety of his children and the speeding traffic, that someone could possible hit them. Mayor Ballas said that the Chief had to leave because he is very ill and Officer Wolf also had to leave. The police will be asked to set up radar.

Another gentleman that lives on West Central stated that in regard to the speeding before the no parking signs went up on the right side he also had concerns about speeding traffic on this street. He said he felt the No Parking signs that were installed slowed them down.

Mr. Quakenbush agreed with the speeding comments on West Central Avenue. He said there are a lot of families with children and the traffic goes extremely fast. He said more Police presence is needed and the Police are welcome to park in his driveway anytime.

War Memorial (Please note that this section was typed as spoken on the tape with only minor grammatical changes.)

Councilmember Willis said he wanted to speak to the Ruiz Family. He said that he was sorry for what is happening in this situation and also for the people that have donated their time and money to this project, but looking back the information being given between everyone has not been, one saying this and one saying that, and he believes about the excavation, as he mentioned to Mrs. Ruiz in front of his mother-in-laws house, and he asked how did you, who told you to do that and basically you say that Mayor Ballas gave you permission and that she would deal with the consequences later. So that's what's happened. We are being told and the other thing is that it started out as a pedestal that was agreed to and now it's a large monument and actually when you came secondly with the other size monument it was 12 foot wide and now it's 36 foot wide and it keeps escalating and what is starting to be discussed, just happened without approval and he doesn't know if they are getting permission from other people, whatever, he don't know how that's rolling but...you know right now you have a sight that is excavated and you got building on it with no building permit. He said he just doesn't understand that. He said he didn't understand how that went. He said what happened at the meeting where we personally met with the committee and like he said at the meeting we should have did that three months ago and he thinks the kind of direction their Structural Engineer said you know what we are asking for was how it rolls in other towns and asking for the permits and drawings. He said he was sorry how it started off in the beginning the way it did but he thinks after that meeting we are finally getting back on track of what's happening. He said he was not sure where the miscommunication was made but we don't need to lay blame on either side but hopefully we can continue to move forward on it.

Sarah Piece asked Councilmember Willis why he chose to speak now during public comments. Councilmember Willis said because he is speaking as a public person and not as a Councilmember. Sarah Piece asked when did he met privately with the Ruiz Family and how many members of the council were there. Councilmember Willis said it was an emergency town meeting. He said it was January. He said they met with them because it was just getting so haywire and there were so many rumors on the street. He said there were other towns people present at the meeting. This was the meeting where there was supposed to be the five members of the committee and the Mayor and Council. Councilmember Fluharty stated the meeting was January 22nd. Sarah Pierce questioned whether the meeting was announced. Councilmember Willis said, "Yes" that day. The meeting was just to try to clear things up. Sarah Pierce asked if anyone could answer when it was announced or where. Shirley Greene advised it was placed on the public board outside Town Hall. The notice of the meeting was placed on the board immediately when the Clerk-Treasurer found out about the meeting. Councilmember Willis said that some public did show up at the meeting. Someone in the audience said that the public did not

know about it until the last minute. She said that when it originally started out it was suppose to be five Councilmembers and only five members of the board.

Councilmember Fluharty stated that the meeting was held on January 22nd because Monday was a holiday and as Councilmember Willis stated trying to move forward he called the Mayor and Councilmembers and the committee to come together and work through the issues. Shirley Greene was then contacted and it was then posted on the public bulletin board. Councilmember Fluharty stated again Monday being a holiday, he didn't know if it was posted Tuesday morning, but there were people there that night who claimed to have seen it on the board that day. There was a question if there were minutes and was it recorded. They were advised that it was recorded. It was questioned whether it was a regular scheduled workshop and they were advised that it was not a regularly scheduled workshop. There was a question if it was posted inside on the board. They were advised that it was posted on the outside board. Barbara Davis said it was the same meeting she questioned Mayor Ballas about in regard how could it be posted the same day of the meeting. Mayor Ballas advised that this was not her meeting it was a meeting of the committee and the Mayor and Council were asked to attend to try and iron out some of the problems. Councilmember Fluharty stated that the only decisions made that evening were to say okay what are the issues and let's work on these issues, and the request was to hold three public hearings. Councilmember Fluharty said for the record we never have three public hearings on an issue but that was the request and that is one of the things that is being done and that was one of the discussions for that evening. Sarah Pierce asked if all the Mayor and Council were present. She was advised that all the Mayor and Councilmembers were present.

Someone asked if all the permits have been obtained and approved now. Steve Watson advised that no permits have been issued. The town is waiting on a set of sealed plans. Since the cost is over \$5,000 they will have to have sealed plans and the plans and inspections will be referred to First State Inspection agency to review the plans and do the inspections.

Heather Hutson said that at the original meeting while discussing the permits, they were told that they didn't need a permit by the Mayor and Council because it was town property and town property doesn't require a permit. So the delay in the permit process started at the board of five because they were told originally that they didn't need a permit. They were later told that they needed a permit and they applied for a permit and they were later told after conversation with Steve Watson that they should have architecturally sealed plans. When they were made aware of the fact they should have made the progress to get that. So this has been a communication error from the beginning. Mrs. Hutson stated to Councilmember Willis that she disagrees with him and she hopes they can disagree without taking it personally but as far as any request that's been made from the committee and she has only missed one meeting and that was an open town meeting they have all been made at an open town meeting with the five of you present. She said she says that as a citizen, she only missed one meeting, and Councilmember Willis, Gasser and Gutkin don't ask questions, the three of you do not have dialog. Councilmember Willis said he asked questions and they have not been put in the minutes at every meeting he has asked questions. Mrs. Hutson said she is not a tape recorder and she is not typing the minutes but she can tell you that he has asked questions after the fact that he has not asked while they are sitting there presenting their points and they were given the go ahead and they walked out the door and 10 days later or five days later or 10 hours later when they are at the job site their told to stop. There may have been some questions that you have asked and she is sorry if they haven't made it into the minutes but she has been at

those meetings as well and there have been three of you sitting there and you did not say a word until later after you have discussed it with people out on the street.

Councilmember Willis said for the first thing they said no permits were needed when it was a small pedestal – a very simple thing. Heather Hutson said it had a base to it. Councilmember said it had a base but not 36 feet wide; it went from a \$3,000 project to a \$50,000 project or \$30,000 whatever it is. Heather Hutson said they have only raised \$16,000. Councilmember Willis said it is more than a \$5,000 project now, which Maryland law states you have to have structurally engineered. So you have gone from a small project to a large project so that changes all the rules. Heather Hutson said and again they obtained the approval before hand and they were told they didn't need a permit. No one said to them that if you go beyond this \$5,000 that you're going to need this. It's a communication error. At the same time they did say that it was going to be a memorial on a pedestal they did talk about a pathway and a concrete area and they did on the December meeting Adam presented a plan that was done on a computer that I think you helped do the drawing. Councilmember Willis said that was when it went from a small project to a large project. Heather Hutson said so you are saying, the plan that you did is totally different from the plan that they are doing now. Councilmember Willis said that the first plan that was agreed to changed differently. Councilmember Fluharty said that they are trying to work together and he would hope that they could get on past the he said she said and lets all try to move forward. He said there was a very lively public hearing tonight and they certainly have opinions from all sides and he said he would like for them tonight...we have not conducted very much town business over the last four months. We have business to tend to, let's work on doing our business. The process is being done from the meeting that was spoke about, they are getting architecturally sealed drawings and there is a rendition up here tonight for people to see so that people are becoming familiar with what the concept is and he said he would hope that at some point there will be public comment so that we can continue to move forward. Councilmember Willis said we did have a communication problem. Someone spoke up and said the only reason we don't have a better drawing is because the surveyor hasn't gone out and done what he has to do to get the measurements that is needed but next month they should have a better drawing.

Mrs. Kim Willis stated that you didn't require permit. Mayor Ballas stated let me clear that up and if you are looking for somebody to take the blame I will be glad to take the blame. She said I made the statement at the meeting that we had not required permits for some of the other projects that we were doing in town and she said she specifically remembers saying this because she viewed it as a town project – it's a hometown memorial. So when you require a permit you are basically taking money from your right pocket and sticking it in your left pocket so she made the statement that she didn't see any reason to require the permit fee, but she did make it very clear that everything that would be done would have to be inspected by our code enforcement officer, permit or no permit.

Kim Willis said that she has lived in this town all of her life and because...this is a small town and we are supposed to work together and we are supposed to do things the right way and she is very disappointed in this town and she is very disappointed in how people speak at these meetings. Someone made a statement that could not be heard. Mrs. Willis said this is what I am talking about. There was other conversation that could not be heard. Mayor Ballas said she did not consider that a derogatory comment, and she was sorry if she did. Mrs. Willis said it didn't hurt her because she considers where it is coming from and that's fine. Mrs. Willis said that her point

is this is a public concern it is not a public beating. We are not here to take out our frustrations on other people. We are here to honor soldiers and to do it legally and do it ethically and to do something that we can all be proud of. She said that she just thinks it is ridiculous the way that people speak to each other. She said it breaks her heart...she said people should think long and hard about how they have spoken to people at this meeting.

Mayor Ballas said she has two hands up and she will call on the people but let's keep it kind. She said she takes as much of a beating up here as anybody but she sits there and she takes it because that is the nature of being in a political office. She said she is not a cry baby...Mrs. Willis left... and Mayor Ballas said she is not aiming her statement at her and she said she was sorry. She said she was aiming it at the council people who complain when they get hollered at. Mayor Ballas stated she was sorry if Mrs. Willis took offense, if so she took it wrongly. She said part of the nature of being an elected official is that you are going to get hollered at and people are going to talk about you and if you want to be an elected official you better just sit there and take it. She said she was sorry if Mrs. Willis took it the wrong way she was not talking about her. She said she was sure there would be people that would go out and say that the Mayor made Mrs. Willis cry but she did not.

Barbara Davis stated seriously she thinks that they all should be ashamed of themselves. Mayor Ballas stated she thought so too. Mrs. Davis said she does not have problems with the memorial she just really doesn't care for where they are having it. She said she has had friends from Salisbury call her up and make fun of you Betty because of what you did on television the other night was so one sided. Barbara Davis said she was embarrassed. Mayor Ballas stated that she was being one sided with her opinions why doesn't she have the right to be one sided with her opinions. She said she had three people call her and say the Mayor made the Council look dumb because they said one thing and then changed their mind. Mayor Ballas said they did, this is a fact, and this is what happened. Barbara Davis said you are not telling the other side. Barbara Davis said this is something that is really important but it is not being handled right. Mayor Ballas said when this happened when the work to the memorial was stopped it was stopped out on the street. She said the three councilpersons went out on the street and stopped the memorial. They did not come to Councilmember Fluharty and I and say we have to get together we have to have to have another meeting; we have to reconsider this it was stopped on the street. She said she got phone calls from the people who were actually doing the work. Councilmember Gasser said that Eric and her stopped the work. Councilmember Willis said that we came down and we talked to Richard and we talked to Shirley and she said we couldn't have a meeting and we emailed everybody so that everybody knew. Mayor Ballas said she got the email about four days (because she doesn't check her email everyday) after it went out to the public. Someone in the audience said that there should be no question at all about this memorial –none. She stated that if any of you, not just the council as a whole, but if any of us because my children are in the armed services or anybody else other than the Ruiz Family in Federalsburg had a fallen child then they should have stepped forward. If this memorial is meant to be and can proceed basically everyone needs to be acting like a grown up and something needs to be agreed to as to where it will happen and get rid of all the other opinions and take right to whoever will do it.

Sarah Piece asked if one of the three council people who went out there would explain to her what happened when it was stopped in the street. Councilmember Willis said they were at the town hall. Councilmember Willis said they just came down to ask about the permit and stuff, and how

it could happen and the town manager said he couldn't help us so then we went to Shirley and we were just asking to have a meeting of us to try to stress what is happening. He said he didn't know and he was trying to get a group not to try to go against them he wanted questions from them and they wouldn't allow it. Shirley said it wasn't legal or whatever or couldn't do it. Mayor Ballas stated you wanted a closed meeting on something that had already been discussed publicly and we could not do a closed meeting on a vote that had been taken publicly. Councilmember Willis stated there was a proper way to ask for it, and that would be for us to get together to discuss it and we were told we were not allowed and there was a workshop scheduled, and that's when Mickey somehow got us all to meet so that's where we are having the problem. If we had met and talked this would have probably – we had questions that we didn't have answers to.

Someone asked how can that letter that you three signed go out into the public without anybody else being aware of it and without the Mayor and Councilmembers being aware of it.

Councilmember Willis said it was put in their folders, however, Mayor Ballas stated she did not get a copy of the letter she said that Councilmember Fluharty did receive a copy. Councilmember Willis said that what was being said was that those two had the floor and that what we said didn't matter that was what was being told to us. So we were just saying that the majority of us don't understand what is going on and we want to get it stopped until we get further explanation.

Someone asked if the Mayor and Council had a problem with the news and media getting a copy of that letter. Mayor Ballas said she did not get a copy of the letter – she had not seen it. A gentleman stated that the letter was dated January 12, 2008. The gentleman continued to read the letter in its entirety and he stated that it was signed by three councilmembers. A lady stated that the letter went out to the public before the other two saw it.

Sarah Pierce asked regarding the letter the three councilmembers signed if they all got together and signed the letter together. She was advised that they did not all get together at the same time. Sarah Pierce said that she is publicly requesting copies of all minutes of public meetings where there was a quorum of council people and/or the Mayor since December 1st and she also wanted a list of private meetings held with a quorum. A lady in the audience said that you said you didn't meet together to do this (meaning write the letter). Councilmember Gasser answered, "No". The lady then stated that two of them signed it on the same day. Councilmember Gasser and Councilmember Willis stated it doesn't mean that they met together. Councilmember Gasser said they had one person take it to each member. Councilmember Willis stated so we wouldn't meet in a quorum. It was questioned if it ever made it to Betty or Mickey. Councilmember Willis stated that it should have it was in their boxes and on the desks. Mayor Ballas said that it was not in her box. The person stated that there was not even a place on the letter for their name to be signed. Someone asked, it was stated that it was a neutral party that carried from one to the other. Councilmember Gasser stated that two councilmembers can be together and it is not a quorum. The party said they understood and that his question was when the third person did. Councilmember Gasser said there was one person that took it to the other councilmember. The party asked who the individual was and asked for a name. Councilmember Gasser stated that she did not see where that mattered. There was much discussion after this where all parties were talking at the same time.

Mr. Chuck Planner stated that after listening to the discussion here and what is going on here now it seems like we are beating a dead horse and going nowhere. He said question one – there is a committee formed from the public to work on this memorial. There are people from the Mayor

and Council who work with them. Mayor Ballas stated actually at the very first meeting the Mayor and Council appointed Mickey Fluharty as a representative from the Council to the Committee. They appointed Keith Wheatley as a representative because he is Maintenance Supervisor and one of the things they particularly said was they don't want to increase maintenance for the town's maintenance department. So they knew if Keith was there he would make sure that it did not increase the maintenance. So they have those two – a town employee and then of course Steve Watson and they also appointed Chief Nagel to look at it from a traffic point of view.

Mr. Planner stated that after listening to the comments tonight he jotted down a few notes that maybe it would be a good idea for this committee, Councilmember from the town and so forth to all get together before the next meeting and go over some things. He said from what he picked up seems like size is an issue and height. He recommended they get together and come to an agreement, maybe change the design of the platform to make it more neutral. If you are talking about putting it up in the triangle he said that safety could be an issue if it is put where it is now because it is a steep slope down for somebody to fall or move it back further to the center so it is on level ground and to allow for expansion where the bricks are going to go and as time goes on and people find out about it and want their loved ones remembered on that. He said he would like to see the Council and the Committee get together and sit down and talk it out and try to come up with something that is going to be feasible for everybody. Whether it is up in the triangle or whether it is going somewhere else and stops the bickering, sit down across from each other across the table and hack it out.

Tim Foley stated that he wanted to reiterate what Chuck has said and he couldn't agree more with Scott. He said he most certainly thinks it is time to bring professionalism back into the Chamber because what is going on in this chamber is a disgrace and is reflected in the public view badly and to one councilmember to bash another is an outright disgrace. He said that he is going to ask this again because he has consistently asked it for the five years that he has been present at meetings – is this meeting and all meetings that he has been too be recorded to the point where you can hear every single citizen that is speaking including him or the furthest person in the back of the room? He said that he has still not gotten an direct answer because if he can get an answer then play the tape back so you can hear my voice or any other gentlemen that spoke in the back. He said because he thinks that part of mud slinging – which is thinks is the most outlandish thing he has ever seen in a public meeting. He said he has been to Bridgeville meetings and they are up and up with professionalism the way they are run. This whole thing unfortunately was thrown in the lap of Mr. & Mrs. Ruiz for the memorial for the lack of public notification - that's where this all transpired. If there was public notification prior to the November meeting back in August, September or October all these people that are here tonight would have been here then and there wouldn't have been one individual at the mike begging for this memorial because we would have been all together as a town. What is transpiring is a disgrace.

Mayor Ballas advised that the Ruiz Family did not bring this to the town not until October and there were only three councilpersons at that meeting so the three of them said that they would have to wait until all five councilpersons were present and so at that point they came to the first November meeting. Regarding the question on the recording, we are now recording but not all voices are being picked up we tested it at the workshop and our Public Works Director is in the

process of working up a system with digital mikes so that each Council person will have a mike so that it will go into a recording – so it is on the way.

Mrs. Vicki Galloway stated that when you consider the size and the whole thing of the monument could they please consider maybe two or three locations that it could go and not just being set on putting it in the triangle? Mayor Ballas said that is what they have been doing and they have really – she said she has not really been to the meetings other than the meeting that Councilmember Fluharty asked all of them to come to downtown. She said she has not been a part of the meetings and just what happened at the public meeting is all she has been too.

DEPARTMENTAL REPORTS

Police Department

Chief Nagel was not present due to illness, however, he did leave the monthly police report and statistical reports on the back table for the public.

Public Works Department – Steve Dyott

Councilmember Fluharty questioned Mr. Dyott about the painted lines on Morris Avenue by the post office that Mrs. Telmonoski asked about at the last meeting. Mr. Dyott reported that he did meet with Mrs. Telmonoski early last week and they came up with a process to put the yellow curb between Dollar General and the Post Office. He said it was hard to move the handicap spacing up further because there is no ramp.

Steve Dyott reported that there has also been discussion placing an entrance only on the side where the mail boxes are located and an exit only on the other end of the parking lot. They will paint the parking lot to make two separate areas. Currently there is an in and out near the mail boxes that is creating a safety problem. Councilmember Fluharty said he thinks if you extend the parking spots down closer to the hydrant then maybe there will be enough space down at the opposite end, and he feels that in time people will catch on to the method for the parking and exit part anyway. Steve Dyott also mentioned placing bumpers in the parking spaces. There was further discussion about the parking spaces. There were questions about the signage for the entrance only area.

Tim Foley stated that if you come around the by pass the decal on the water tower looks beautiful it can be read very legibly, but when he stands in the fire house parking lot he can't read it at all unless he has binoculars. He questioned if there was a vote on it and is there going to be some type of change to enlarge the letters Federalburg underneath of it. He said when you come around the by pass it is perfectly legibly you can read it as clear as day but from the fire company and as a town resident where the majority of citizens come from the McDonalds area it is not legible at all. Steve Dyott advised that right now he is in the process of getting a price to repaint the lettering. Steve Dyott said that when he originally brought it up he brought it up it was 34 feet long and 10 foot tall, but at 139 feet in the air it is not very big.

Mr. Quackenbush questioned what would happen to old water tower. He was advised that there are two water towers that will be demolished – the one on Morris Avenue and the one in the Caroline Industrial Park adjacent to the new water tower.

Mr. Buddy Rowe said he lives on Academy Avenue, and he thanked Steve Dyott for fixing the stop sign on Academy and University Avenue. He said a couple of weeks ago somebody knocked it down. He said the issue with the girl that got raped over at Chambers Park – this is an important thing that you are doing with the memorial but what's more important that we have kids in our community that are getting hurt and nobody's talking about it. He said yes our kids are going over and getting killed, he said he was in the Navy he understands that, but we have kids right here in Federalsburg getting hurt. He said he has three girls – what if it were his child? Mr. Ruiz what if it were yours? He said he is pissed because we are fighting over this – and we have more important things to discuss but we have other concerns that take up a little bit more time in these meetings than what we are talking about. He said take it how you want it – he said he is serious. He said it really upset him. He said we go out every week to the middle school and what they call character counts – Happy is around here somewhere and he does it. Mrs. Willis we do one of her classrooms. It makes a difference so when I mentioned that in one of the classes last week every kid in one class raised their hand – every kid knew those kids. We need to be making a difference here that they can understand. The Memorial is a great job but we have other issues and he said he would like to know what we are doing about it. Mayor Ballas said right now – back in May the Federalsburg Ministerial Association came to this Mayor and Council and asked for use of the Community Building. We stopped renting the community building out because of they were having BYOB parties up there and they were charging and this is illegal to do in the community building so we stopped renting it out. The Mayor and Council gave the Federalsburg Ministerial Association the right to use the Community Building on Tuesday nights and Thursday nights from 6 to 8 p.m. There are about 15 of us that go up there and chaperone. The building is open and this basically is not drawing a lot of your kids who are having dinner at home and doing their homework. This is drawing 25 to 30 kids each night and that they are open to any kids. Kids come in and they have pool tables. She has used monies from the C-Safe Grant to purchase pool tables and a bowling alley. They have air hockey games – Pastor Buddy Dunn has put up a two basketball courts. They have kids that play basketball in 27 degree weather. This takes the kids off that street for two hours a night – two nights a week. Mayor Ballas said she received a \$10,000 grant from the Human Services Council that she had to turn back because the HSC did not like fact that they were all part of church bodies here in this town. They are teaching these children the right way to do and they do not allow foul language, they do not allow them to hit each other and if this happens they send them home. They are trying to teach them how to behave when they are in groups. Their dream, and Pastor Buddy Dunn has been to the meeting before and he has told the town their dream. Their dream is to someday own their own building and to be able to have enough chaperones for children of all ages – right now they limit it from fourth grade up through the middle school. They would like to have enough chaperones there for kids of all ages. She said she doesn't know what else they can do. They need help – they need people. They have now become incorporated as a CYC and every chaperone will be finger printed and will have a criminal background check run on them to protect themselves and to protect the children. Mayor Ballas said she feels that they have made a good start. They have been doing this since May. Mayor Ballas said another thing they need to do as citizens when this trial comes up if you believe that these young men should be tried as adults you need to fill the court room like you filled this room tonight. We need to show the courts that Federalsburg wants these children punished if they

are guilty. Mr. Rowe said that is what he is saying is that we will come out for something that is a concern but we have more people come out for this quorum than we do for one that should really make a difference in the community. Mayor Ballas asked Mrs. Hutson to tell the public how many people came out to the last meeting that they tried to do the Human Services Council and this was on crime prevention.

Mrs. Hutson stated that they have actually had a couple different meetings of the Neighborhood Watch and have tried to start it back up. At the first meeting it was Mr. Foley, Mrs. Hutson, Loren, from the Community Service Council and Susan Runnells and at the second meeting it was Mrs. Hutson, Councilperson Gasser, Mrs. Foley, and the Mayor. These were all done – she said she thinks the first one was in December and then they met again in February. They have been trying to come up with a way to get everybody involved to try to strike up neighborhood watch and to try to get everyone involved again and they can't get people to come to the meetings. Someone asked how they promoted it. Mrs. Hutson said Loren was the one that actually handled the promotions she had actually put an ad in the paper and she had done flyers. She had put flyers in the businesses. There were some present who stated that they don't get the town paper. Mrs. Hutson said she would get in touch with Loren again and try to strike up something again. Mrs. Hutson said that one idea she had just as a way to try to find the kid escape program that happens with the younger kids. Mayor Ballas said they have a kid escape program set up for May 9th. It would be at the Elementary School on May 9th and on that Friday evening in the firehall and the C-Safe Grant is paying for the gentleman that comes. Mrs. Hutson said she was thinking about possibly doing something like that for the older age group and particularly for females with some type of women's empowerment, young ladies empowerment and teaching them how to get out of that particular situation. And then the same thing through Character Counts possibly addressing the young men. As citizens possibly finding some sort of speaker and she is looking for some grant monies. She is talking to Laura Patrick for the smoking cessation program for something that they are doing through the church. First Church of God is also starting back up with basketball. They already have one open night at the school. They are actually renting the school to do it in cold weather. Hopefully, they will have the grant finished tomorrow for them to do three more nights – one Friday night a month and again it's getting the kids off the street it's getting them something to do and it's providing supervision. They have to be dropped off and they have to have a school I.D. so they know they are the proper age and they have to be picked back up we don't let them just walk off. Mrs. Hutson asked if Mr. Rowe would like to help her try to find out if there is some sort of national speaker – somebody that could come out and help them get this point across to the kids. She said sitting on the council for 4 ½ years it goes back to the same thing they have said before at some point home training, being at home, having good parents, good role models, a neighbor that could possibly be a good role model, an aunt or an uncle, something and it goes back to how much can we legislate and how much of it becomes a town problem, when it actually a community problem, what can we do to help ourselves. What can we do to put the parent in a position where they can find a parent educator? It bangs your head against a wall and unfortunately for this girl and unfortunately for these boys it just went way too far.

Someone stated that there is nothing right about what happened – nothing at all, but your education starts at home. She has two teenage boys and they want to know why they can't go to that park and play. She said education starts at home.

Ms. Belinda Bollinger said she lives on Liberty Road not too far away from the tennis courts and she stated that when playing on the tennis courts you are taking your life in your hands. They are cracked, there is broken glass. Happy Mayer stated that he has a grant request into the State and if it comes through hopefully the courts will be reusable again.

A gentleman said that Mrs. Hutson stated about the basketball night at the elementary school they had to pay in order to rent the space out. If the church is trying to do something for this to give the kids some place safe to go it seems counter productive to charge. Mayor Ballas stated she was at one of the County Commissioners meeting when the superintendent of schools brought this up and he was given permission by the commissioners to make this charge. One of the things that they had to come up with was a cost figure and the reasoning was because all of the taxpayers would be subsidizing the children. He said that one of the things that he heard that the lights were out for about an hour while the kids were in there. Mrs. Debbie Rowe encourages him to go to one of the School Board Meetings. She said the School Board is up the creek without a paddle and they don't have any money.

Mrs. Hutson stated that they are charged \$105.00 per hour to do it for two hours and the church paid \$210 for two hours of service to use the gym and have the lights on. She said the lights did go off, it wasn't quite an hour but they did go off because there was a malfunction and it took a while for them to come back up. They do not allow them to use the cafeteria and they can't serve any food. They can bring in bottled water and they provide the bathroom facilities. Hopefully they will go after the smoking cessation grant and hopefully if they are awarded the grant that will allow them to pay for rent for the next couple of events they want to do. Mrs. Hutson said they did talk to Vaughn Adams at the Federalsburg Elementary School and also talked to the principal Mrs. Schmidt and there is nothing that they can do to waive that fee or change that fee at this point. Mayor Ballas said it is not a local issue it is a county issue.

Main Street/Grants Department – George “Happy” Mayer

1. An Application was presented for a revolving business loan for Eric Padgett, Owner of Maryshope Hardware. Mr. Padgett has invested a lot of money into this project, and he wants to get into this business because he feels that this is a good business for the Town. The building is very unique and could be considered historical and the location is perfect. In late February, a Hardware Distributor invited Mr. Padgett to Florida to meet and discuss the sale of products with his business. The committee feels that this is a business that should work and the maximum that the Town should loan Mr. Padgett is \$55,000, but the Mayor & Council can increase the amount if they so choose. The start-up needed for this project is between two and twenty five hundred. He is working with the banks is looking toward finishing the business. Mr. Padgett has enough personal wealth to finish job, but needs the small business loan for inventory. Mr. Padgett plans to open in May and will stock a variety of items including hardware, building materials, pet supplies, clothing, boots, etc.

Mayor Ballas stated that there have been several meetings with Mr. Padgett and asked what figure is being requested. Happy thinks he needs the \$125,000 to get started, the Town would then become #1 lien holder or worse case scenario would be #2.

Councilmember Gasser asked what is the loan program guideline that stopped at \$55,000, and should the guidelines be updated. The inventory costs are not out of line and the Committee is trying to review the guidelines.

Councilmember Fluharty stated the town has a revolving loan program, and these are funds that came to us through RDA and CDBG. It was a large amount of money, but the State, as being paid back to the town, this money was allowed to come back to Federalsburg and we were allowed to keep as paid back. The topic of revisiting it, and it was discussed to find out if CDBG and RDA will allow it. The structure gives the power to the Mayor and Council to extend the limits and he is not very comfortable with that because if they are not satisfied they could come back and pull the money. The Committee makes recommendations and comes back to Mayor and Council. The balance in the account is somewhere around \$500,000, and no other applications are pending at this time. One person has picked up paperwork but has not returned it. Part of the process is that they are secured loans and prudent to either be a first or second position. There was a question if there are any payoffs expected next year, and Happy Mayer stated that there were no payoffs expected.

Councilmember Willis stated that he is friends with Mr. Padgett and questioned if there would be a problem with him voting on this matter. Mayor Ballas said there would be no problem with him voting because he is not a partner in the business.

Wendy Garner thanked Eric Padgett for his willingness to open this type of a business. She stated that this building has been vacant for 8 years and it will be wonderful to see it open. She also will encourage people in Federalsburg to support this business to help pay for this loan.

Mr. Padgett stated that his main competitor is going to be Lowe's and he would be cheaper than Ace Hardware. Happy said he would have products available for all seasonal types of needs – mulch, landscaping needs, etc. The hardware store will be a general store and the porch really makes the building cool.

Happy asked if Mayor & Council is prepared to vote tonight, or make an answer at the workshop.

Councilmember Fluharty made a motion seconded by Councilmember Gasser and unanimously approved by a vote of five to zero, approving a Small Business Loan in the amount of \$125, 0000 to Eric Padgett for inventory for his business known as Marshyhope Hardware.

Happy said that there was advertising for a community internet billboard, which is a community map which is an ad that would be on the internet and would be in the map where the building is as a pin on the map. The map is being sponsored by the Chamber of Commerce. Federalsburg has a prominent space and it is expensive, a big block costs about \$2,900 and he wants to sell pieces in the block then divide by the number of people

so it will be less expensive. It was the consensus of the Mayor and Council to allow Happy to proceed to negotiate.

Councilmember Gasser asked if the debris clean up is finished and what this project entails. Happy stated that there are two parts cleanup of what is on the banks that might be growing and should not be there, and also debris that is in the river. It is important because boats could run into this debris. A portable toilet was found near the VFW Boat Ramp, and was removed. DNR looks at it as a proactive way to solve the problem and the grant is about \$20,000 a year. Councilmember Gasser stated that there is a lot of garbage out there on the River Banks. The project usually takes about two weeks to a month to complete, and the objective is to get the most he can find.

Councilmember Gasser asked if there were three other business coming in Foodlion Shopping Center, and Happy advised that the two that are rumored to possibly locate here are Subway and Dunkin Donuts. They are looking at the corner lot where Trice Realty says is sold. The final procedures have not occurred and it looks positive that something will happen out there.

Councilmember Fluharty asked if there anything the town can do to help the situation on the corner and Bart Johnson stated it is in the hands of the attorneys. Scott Phillips questioned the number of units in the Dominos building, and Happy stated that we know there are going to be several units in the building, we just don't know what businesses have made firm commitments at this time.

Code Enforcement and Inspections – Steve Watson

Steve Watson Code Enforcement Officer advised of the following:

1. Steve Watson had a meeting with Rob Smith, First State Inspection Agency, inquiring why their contract was not being honored for building inspections. Steve Watson advised that he was unaware of his contract with the town and that he would now have First State do all the commercial/industrial inspections and Steve will assist with plan review and focus more on code enforcement. Steve Watson advised the Mayor and Council that due to the numerous complaints he has been receiving, he will request each complainant to write out their complaint so that he can keep a better paper trail and this will allow him to follow up with the complaint after the matter has been resolved.
2. Steve advised that the property owner located at 220 East Central Avenue has come into the office and obtain extra garbage tickets to begin to remove the debris from their property. The property has been sold to a gentleman that lives in Federalsburg.

Planning and Zoning Department

Steve Bollinger reported that the Commission is working on creating an Outside Storage Ordinance. This ordinance would assist the Building Inspector to address some concerns that have been reported in regard to junk and debris in the front yard. The Commission will submit a draft to the Mayor and Council at their March Workshop.

The Planning & Zoning Commission adopted the Comprehensive Plan pending final changes by the Commission and Town Attorney. Once a final corrected copy is received, the Commission plans to inquire about having it put in electronic format, so it would be posted on the Town's website, etc. This would eliminate the expense involved with making paper copies for persons interested in obtaining a copy.

Sarah Pierce from the Times-Record questioned if the public would be able to come in and purchase a copy. Sarah was advised that the public would be able to request a copy under the Public Information Act. The plan would be available online for free or a paper copy could be purchased for the standard fee. Sarah stated that not everyone has access to the internet to print an electronic copy. Internet access is available at the Federalsburg Library for free, and there is a cost per page to print documents.

ACTION ITEMS

Federalsburg Economic Development Commission

Councilmember Fluharty reported that the Federalsburg Economic Development Commission would be meeting at the Town Hall on Wednesday, March 5, 2008 at 8 a.m. One of the topics of discussion will be to look at the possibility of the redevelopment of the Koski property located on Bloomingdale Avenue. The property is currently on the market for sale. This would be a good time for the town to get a plan of action for the area.

Bruce Kelly – War Memorial

Mr. Bruce Kelly stated that he didn't know if it was proper or what the procedure is but he came to the meeting because of the memorial questions and he listened to both sides and what was being said about it. He said he thinks that it is a pretty clear that the town's people in general want a memorial of some type/somewhere. What the Ruiz Family is trying to do is to provide that in some manner and maybe there were misgivings on both sides on how it had been handled in the very beginning. He said he didn't know if they had been misinformed or they interpreted wrong, and he said he didn't know any of those answers. He said what he can see is that there is a letter that three of the council people put out that allegedly the other two didn't know about that stopped work on it, that may or may not have been proper or may or may not have been a quorum and who knows what all they may have did. He said that it has been his example in life to lead by example. He asked the Mayor and Council if they thought it would be proper that the council might bring them together to retract that letter since it seems to be the one thing that has sparked as much of the hatred from both sides from when this whole mess got started. He asked the Mayor and Council to take a proactive approach to reaching back not to the Ruiz Family, but the committee to start to move forward on whichever direction this memorial is going to go in. But not take the side of waiting to see what they are going to do next so we can see what we are going to do next because he said he thinks that has been the wrong approach on this thing from the very beginning. He said he would like to see the Council take a proactive approach and try and clear the air and clean everything up. He said he was not going to say kiss and make up but that was basically what he was saying and just go ahead and move forward with this thing and go ahead and get all of this childishness that went on tonight, of which he stated he was probably part of it, and put it all to rest and get moving.

Request from Tom Kelly

Mayor Ballas stated that there has been a request from Tom Kelly in regard to the Friends of Caroline County regarding the kick off its Senior Center Building Fund Campaign on Thursday, March 13, 2008 at 10 a.m. at the Caroline County Senior Center in Denton. The event will feature light refreshments and an informal talk by Carl Burke, Executive Director of Upper Shore Aging, Inc. about grant programs that can fund Senior Center renovations or construction projects. The current senior center has been located at the rear of Caroline County Health and Public Services in Denton since 1999. When many Caroline County citizens in recent years expressed a desire for more programs and activities including a wellness facility at the senior center, Friends of the Caroline County Senior Center were formed to advocate for either a new or larger center. They are planning on having four fundraisers this year. The kick-off for the first fundraiser will be on Thursday, March 13th, 2008. The first fundraiser will be a Disney Framed Lithograph – “Happiest Day on Earth.” They invited the Mayor and Council to attend the kick-off event which is very important to the seniors of Caroline County. When the senior center is closed due to inclement weather the senior center should be contacted for a new date.

Mayor Ballas stated that Federalsburg has its Senior Center housed in the Town Hall but they all operate under Upper Shore Aging. Mr. Kelly said they are trying to have a larger capacity. He said if someone would donate some land for them it would be a good chance that it would be built; now necessarily in Denton, but that is down the road. Mr. Kelly was just asking for the support of Federalsburg. He said he has been to Marydel, Henderson and Goldsboro last week and he received a support letter from them. He said that the seniors in Marydel and Henderson go to Delaware. The support letter should be addressed to Mr. Carl Burke. It was the consensus of the Council granting approval to the Mayor to write a letter of support to Mr. Carl Burke for the Senior Center project.

Water Tower

There was a question asked if the town grants approval for the antennas to go on the water tower, would the town receive funds for the space. Mayor Ballas said that the town would receive a monthly rental. She said when Mr. Pennington contacted the Mayor she advised him that there were two problems with the lease. The town did not get a clear description of how invasive it was going to be and the second concern was the town wanted more money if the town were to reconsider their request to rent space on the new water tower. The town will now be negotiating with the company. Steve Dyott will be part of the negotiation team.

War Memorial

Mr. Howard Bradley asked what the procedure would be after the April meeting on the memorial – what happens after the town meeting. Mayor Ballas advised that at the April meeting the question now as it stands is will the memorial continue and she said, “If I think there has been 100% testimony here tonight and this entire council has said yes they want to see a memorial. The question would have to be where it will be. She said after the May meeting a vote would have to be taken in order to continue and the vote would have to be taken on the location.

Bart Johnson asked if there wasn't a greater question as to how big it will be. Mayor Ballas said "yes", but by that time we would have the plans. Mr. Johnson questioned if a decision would be made on the plans. Mayor Ballas stated that they would review the plans as soon as they get them and they hoped to have the plans at the next meeting. The bottom line is that some people will not want the memorial in the triangle no matter what the size is, and some people, if they like the plans will want it in the triangle and then there will be some people who want it in the triangle period. As it stands the vote will come at the May meeting.

ADJOURNMENT

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of five to zero to adjourn at 10:19 p.m.

Respectfully submitted,

Shirley A. Greene
Clerk-Treasurer