

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, MAY 5, 2008 @ 7:30 P.M.**

The Regular Monthly Meeting of the Mayor and Council of Federalsburg was held on Monday, May 5, 2008 at 7:30 p.m. in the Mayor and Council Office on the 2nd Floor. Those in attendance were Mayor Ballas and Councilmember's Gasser, Willis, Gutkin and Fluharty. Also in attendance were citizenry, guests, staff and local media.

The meeting was called to order by Mayor Ballas at 8:02 p.m. due to the War Memorial Public Hearing held prior to the regular meeting.

WAR MEMORIAL VOTE

Mayor Ballas turned the meeting over to Sharon VanEmburch, Town Attorney, to address the petition in regard to the war memorial location that was presented at the public hearing prior to the meeting.

Sharon VanEmburch stated that in regard to the petition there were some questions about whether or not it was a legal petition. She stated that some types of petitions have specific legal requirements, but there are no legal requirements for a petition like this. She stated that she was not present at the first hearing, but she was told that someone was advised that they were not allowed to do a petition. She was not sure whether it was on a level playing field or not, but basically the council can give it whatever weight they think that the petition is worth. She said there is no legal requirement for the Mayor and Council to accept a petition. The Mayor and Council may choose to accept or decline the petition. Sharon stated that there is also no preferential between a person speaking publicly at a hearing or signing their name to a petition.

Mayor Ballas stated that the question of whether or not the petition would or would not be accepted, has never been discussed. She said someone asked her if the Town Charter mentioned any guidelines for a petition and she told them that there were none. Therefore, the person did not create a petition. Sharon VanEmburch stated that the Mayor was correct that there ~~was~~ is nothing in the Town Charter that addresses a petition of this nature, it only addresses petitions for candidates to file for election.

Mrs. Santos stated that the reason they were here was because the town council wanted them to go through three months of public hearings. She questioned if a petition would have sufficed, why spend three months going through the public hearing process. She stated if the Mayor and Council choose to accept the petition before them tonight; the Committee would like an opportunity to also submit a petition. Councilmember Gasser stated that she felt that they had equal time and that no one asked them about a petition, they just took it upon themselves to do it. She said the Mayor and Council chose to hold three public hearings based on such an outcry from both sides regarding the location of the memorial. Mrs. Santos stated that the Mayor and Council wanted to have the public hearings because they did not want to speak for their town. Councilmember Gasser said they worked very hard at a workshop in December, where no one could get a word in and their patriotism has been attacked. They have listened to other people

that have said that the memorial needs to be stopped because what they voted for was a field cross next to a flag; it is now from side to side on the triangle. Excavation started before the Mayor and Council saw final plans.

Councilmember Fluharty stated that the Mayor and Council held a meeting with the committee in an attempt to iron out all the issues from the Council members. The first issue was the deed restriction, and the Town received a legal opinion from the Town Attorney. The public hearings were brought up and the committee asked if they should do a survey like this and it was his understanding that these hearings were to be the forum for that survey. Councilmember Gasser said they also talked about a referendum. Councilmember Fluharty stated that the Town found out that they do not have the ability to go to referendum. Councilmember Fluharty stated that he found it rather subject that all 201 persons on the petition voted against and not one person out of those 200 voted in favor. He said that in order for it to have any weight to it - it needs to be distributed to all the people in an unbiased form and he felt that would be more favorable. To turn around and just bring in the petition tonight, he found it very subject as to why it was done. Councilmember Willis stated he wanted to make it clear that they did not pass the petition around. Councilmember Willis stated he wanted to make it clear because it was his opinion that the public felt that the petition was circulated by some of the Council members.

Councilmember Gasser stated that the Mayor and Council could go on and on as to which side has more chances to speak their mind, however, at some point the Mayor and Council have to take a vote.

Someone stated that everyone has had a chance to speak their mind by coming the last few months. Councilmember Gasser stated they have also had a chance to sign the petition. Councilmember Willis stated they also had a chance to come to the public hearings to sign-up to speak their opinion.

A gentleman stated that it had been brought up at the public hearing that there were some people who were afraid to speak their mind whether they were for or against. There are people that are here and they have stated they want the monument, and there are those that say they don't want the monument. If there have been three meetings and the tallies have been taken; irregardless of the people who have told Council members that they don't want the monument, they are not present speaking at the meetings. He said in his opinion the Mayor and Council have to vote on what they know.

Mayor Ballas took an alphabetical voice vote.

Mayor Ballas made a motion that the hometown monument be continued in the triangle, seconded by Councilmember Fluharty. The motion failed by a vote of three to two as follows:

Betty Ballas, Mayor – Yea
Councilmember Fluharty - Yea
Councilmember Gasser - Nay
Councilmember Gutkin - Nay
Councilmember Willis - Nay

Councilmember Gutkin made a motion to look at placing the monument at a more appropriate location of the people's choice other than the triangle that would be appropriate for all parities.

After much discussion the motion died on the floor for lack of a second.

After much discussion this portion of the meeting was closed. Mayor Ballas stated that she did not know how to continue with a meeting where the majority have been so totally disregarded except to say that she would have to table the discussion because the vote has been taken.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Gutkin and passed by a vote of five to zero approving the minutes of the April 7, 2008 regular Mayor and Council meeting as corrected. The corrections were grammatical and typographic.

COMMITTEE REPORTS

Federalsburg Historical Society

Bart Johnson stated that the Hobby Fair would be held on May 17th at the Federalsburg Elementary School from 10 a.m. to 2 p.m. Mr. Johnson encouraged everyone to participate. He asked that anyone who would like to set-up a display please contact him. Mr. Johnson said he hopes to have a large collection of World War II Memorabilia. He also is looking at having a display of old cars.

The Federalsburg Historical Society Museum Building is almost complete, except for the garage door. Mayor Ballas complimented the Board on the lettering on the doors. They thanked Extreme Graphics for donating the lettering.

Federalsburg Volunteer Fire Company

Councilmember Fluharty advised that the Fire Company has the following activities scheduled for the month of May:

- Saturday, May 10th - Chicken BBQ at the Federalsburg Firehouse
- Teen Dance is scheduled for May 16th
- The paintball field will be open on the 1st and 3rd Saturdays

PUBLIC CONCERNS

NEWSPAPER NOTICES/ADVERTISEMENTS

Bart Johnson questioned what newspaper the Mayor and Council use to advertise legal notices. The Town generally uses the Times-Record, which is regularly circulated throughout Federalsburg. Occasionally, time does not permit publication in Times-Record to announce

some hearings. The Mayor and Council agreed to advertise primarily in Times-Record, and will advertise in the Star Democrat when possible and feasible for the Town.

FEDERALSBURG WEBSITE

There was concern regarding information on the Town's website not being updated on a regular basis. Happy Mayer advised that the website is updated on a continual basis, however, sometimes there are many projects progressing which cause some delays.

HEATHER HUTSON

Heather Hutson reported that the Rape Community Forum that was held on April 28th was not well attended. She stated that some concerns were voiced to her about the word "Rape" being placed on the marquee and she apologized to anyone that was offended by the word being placed on the sign. The forum was scheduled due to concerns voiced at the March Mayor and Council Meeting. "For All Seasons" provided information at the forum on preventive measures.

PASTOR BUDDY DUNN

Pastor Buddy Dunn voiced his concerns about the war waged at the public hearings and tonight's meeting in regard to the placement of the War Memorial. He questioned where the memorial was going to be placed for the casualties and hurt that has been waged in the hearts of men. He questioned when people would take a step back and see someone else's point of view, when people would begin to see life from someone else's perspective.

DEPARTMENTAL REPORTS

Police Department

Chief Nagel submitted a copy of the monthly police report. Officer Richard Alberto has resumed his duties without restriction from his knee injury. Chief Nagel advised that he spoke to a representative from the Humane Society, about the feral cats within the town limits of Federalsburg. He stated that people have gone so as to trap the cats and take them to be spayed or neutered, and are bringing them back to the area. Councilmember Fluharty stated that the Humane Society should be instructed to trap and remove the feral cats from this area. Councilmember Gasser stated that she has experienced a problem with sick kittens in her neighborhood. She advised that the Caroline County Animal Control Ordinance requires that cats stay on the owners property at all times. Councilmember Gasser questioned if signs could be posted stating "Do Not Feed Animals". Chief Nagel stated that the police would not be able to enforce those signs if posted, because the animals are wildlife.

Chief Nagel stated that the Soapbox Derby practice will be held on West Central Avenue on Sunday, May 18th and the Soapbox Derby will be held on Saturday, June 7th all day. Derby donations are being accepted.

Chief Nagel reported that Officer Hoffman is currently on patrol by himself and he has completed his field training.

Chief Nagel has looked into the Reverse 911 and it is not working at this time. He has also checked into a system that would allow events or messages to call each household in town, and it would cost approximately \$.15 per call and the equipment is very expensive. Chief Nagel stated that if a grant could be obtained under Homeland Security for this equipment, residents would have to sign up to be notified of events or warnings.

Chief Nagel received an application for Truck Permit in Tilghman Brothers Trailer Park. He is concerned that the pavement in the Trailer Park is not rated for tractor trailers. Mayor Ballas expressed concern about the width of the streets in the park. The consensus of the Mayor and Council was to let Chief Nagel make the decision on whether to grant or deny this parking permit.

Heather Hutson reported that Federal Manor Apartment Complex has allowed one of the local Churches to hold Bible Study Classes and Neighborhood Watch activities at the sub-station in their complex. The Federal Manor Spring Fest will be held on Saturday, May 10th from 12 to 2 pm.

Heather Hutson questioned if the Mayor and Council have scheduled their Budget Workshops yet. Mayor Ballas advised that there is a meeting on Thursday, May 8th and Monday, May 12th with the Accountant, and Monday, May 19th if more work is needed. The Public Hearing for the Budget will be held early before the July regular Mayor and Council meeting.

Public Works Department

The demolition of the first of the two old water towers began today and the demolition of the second tower is scheduled to begin on Wednesday afternoon, May 7th. A portion of Vernon Avenue will be closed during the demolition of the second tank. A notice will be hand-delivered to all residents in this area.

A local contractor has questioned removal of the chain link fencing around the water tanks that are being demolished, and offered to remove all of it for the Town. The fencing, which was installed in the 1950's, is warped. Councilmember Fluharty made a motion, seconded by Councilmember Willis and unanimously agreed by a vote of five to zero, to have the fencing removed at both water tower demolition sites.

Steve Dyott stated that he has been approached by a Company that fills swimming pools about purchasing water from the Town. He questioned how the Mayor and Council would like him to handle this and what fee would be charged. Cambridge currently charges \$60 for 6,000 gallons or \$20 per load per day. Sharon VanEmburch, Town Attorney, stated that the Town of Easton also sells water and Steve could get their policy on swimming pool water. This water would be taken directly from a fire hydrant. Heather Hutson stated that the Fire Company fills pools to raise money and this might be competition for them. Councilmember Fluharty will check with the Fire Company at their next meeting.

Howard Bradley questioned who would monitor this water usage. Steve Dyott advised that the Town would purchase a meter and install it on a fire hydrant and read it monthly to determine the usage. The Town would have to approve who is permitted to use this hydrant and who is not.

Steve reported that some of the trees may have to be trimmed near the wooded area on Holland Drive.

Mayor Ballas reported that on Saturday morning, her work crew went to clean out the ditch along Old Denton Road because of reports of a blockage and slow draining water. The storm drains are functioning properly and the problem may be on private property. Steve Dyott thinks that there is a 12 inch concrete pipe, which is not capable of holding the water from heavy rains. He also stated that the jetter could be run through the pipe to make sure it is not clogged. Mayor Ballas thinks that there are trees at the edge of the culvert and the roots have grown into the drain.

Councilmember Gasser stated that the area in front of First Church of God really looks nice. The handball courts in Chambers Park have been closed by the work crews removing tree limbs and working on the tennis courts. There have been reports of people playing tennis on the courts.

There was question if there is a Street Sweeper Schedule, and Steve stated that there is no schedule. He stated that because of the numerous projects and activities taking place recently, Public Works has not had time to run the sweeper; however, he will make sure they begin sweeping again soon.

Main Street/Grants Department

Happy Mayer reported that the permits have been received from MDE for repair of the bulk head at the Marina. The grant for this project is \$5,000 and there have been three contractors look at the project to submit bids.

The drainage project at the marina is complete. The project was funded by CDBG and was designed to drain well and create a wetland to the rear of the marina. The electric boxes will be raised at no cost to the Town. Pastor Buddy Dunn asked if there would be a length of time for consideration of low places, and he was advised that the contractor will come back and make any necessary corrections.

Code Enforcement Department

Steve Watson requested direction from the Mayor and Council on how to financially handle abandoned properties. One property is currently tied up in tax sale; however, a demolition contractor would still have to be paid if the Town proceeds with Clean & Lien.

Steve reported that the tall grass notices are currently allowed 10 days to cut the grass, and he feels that this time period is too long. He suggested changing the time to 5 days.

Planning & Zoning Department

Steve Bollinger reported there was no new business discussed at the last meeting. The Commission is beginning to discuss rezoning the community and invited the Mayor and Council to sit in on a meeting to get their point of view. Mr. Bollinger also questioned whether or not the Mayor and Council had an opportunity to discuss the Outside Storage Ordinance. He was advised that the Mayor and Council have not had the opportunity to have a formal discussion on the information that he sent to them via email.

ACTION ITEMS

Basketball Court Lighting

Public Works was asked to check the timers on the Marina Basketball Court lights. The lights need to come on earlier.

Susan B. Komen Cancer Fund

Tri-Gas & Oil

Councilmember Gasser commended Tri-Gas and Oil Company for their fund raising initiative with the Maryland Affiliate of Susan G. Komen for the Cure. For every gallon of propane gas delivered from Tri Gas & Oil's Driven to Find a Cure pink truck, Tri Gas & Oil will donate two cents to support Komen for the Cure.

Community Building Rental

Councilmember Gasser questioned what concerns the supervisors had in regard to opening the community building for public rentals. Chief Nagel voiced his concerns in regard to the community building and about some of the recent incidents at this location. There have been problems with persons renting building as a birthday party; however, it turns out to be a party charging admission, loud music and numerous complaints from neighbors. Rentals were being made without allowing the Town adequate time to check out the facility, the persons and the event. The towns of Denton and Preston have stopped renting their facilities to anyone but local residents.

Steve Dyott stated that cleanup and repairs of the building were also an issue because there was not enough income generated to cover the expenses. He also stated that the building is really not setup to be rented in that way anymore.

Heather Hutson reported that while she was on the Council, a police helicopter was called in to search for people and weapons were removed from people. The man-hours and equipment costs for incidents like this made renting the building more cost prohibitive than cost effective. Councilmember Gasser stated that there are local people who would like to rent the Community Building. Mayor Ballas questioned how they would police the types of events being held there because people lie on the applications. The applications may have to be made through the Police.

Heather Hutson stated that if the Town were going back to renting this building, that would mean the Police will have to patrol the events that are taking place there, and this would result in more time that would not be spent patrolling the Town, etc. She stated that salaries and overtime for Police and Public Works should be factored into the budget, if rentals resume at the Community Building.

Santa House

Councilmember Gasser requested that the Santa Claus house be removed from the triangle. She also requested a time frame for the removal. Heather Hutson requested Councilmember Gasser send a letter to the Santa Claus Committee in regard to removal of the building and the Committee will respond back to the Mayor and Council. The Santa Claus house is owned by the Santa Claus Committee.

Municipal Sign

Councilmember Fluharty questioned whether or not there was a copy of the design plan for the sign to be constructed on Reliance Avenue. Happy Mayer advised that he would get a copy for Councilmember Fluharty.

War Memorial

Someone asked what happens from this point regarding an alternate location for the war memorial.

After some discussion it was suggested to have an open public meeting with the committee to explore other options. There was a question of how other towns like East New Market and Easton determined their location. There was a suggestion that the committee put together several locations and invite other members of the town to join the existing committee to be included in the preparation and planning of the memorial.

Town Manager Report

Richard Colburn, Town Manager, reported the following:

1. The following budget workshops have been scheduled:

Thursday, May 8th – Supervisors Budget Proposals
May 12th – Workshop with Accountant
May 19th – If necessary

All budget workshops are scheduled to begin at 6 p.m.

2. Mr. Colburn advised that he has talked to Soil Conservation representatives in regard to the concerns about the mistletoe growing in the community. He was advised that mistletoe

grows on any part of the wood, and is prevalent on the Eastern Shore particularly on hard wood.

3. Maryland Plastics now processes for Walgreen's and they hope to employ 25 additional employees.
4. Mr. Colburn gave a summary of the 2009 Legislative awards for funding.

MML Legislative Requests

Mayor Ballas advised that MML has requested 2009 legislative requests. The requests must be submitted to them by June 27th.

Margaret Jolley – 100th Birthday

Mayor Ballas advised that Ms. Margaret Jolley would be celebrating her 100th birthday on May 20th. Ms. Jolley was a very active citizen of the Town of Federalsburg and her family is asking that cards, proclamations, etc. be forwarded to her. The Police Department and the Federalsburg Historical society would be sending something in celebration of her birthday. Ms. Jolley is currently living at Heartfield in Easton.

ADJOURNMENT

A motion by Councilmember Fluharty seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn at 10:08 p.m.

Submitted by,

Shirley A. Greene
Clerk