

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
TUESDAY, SEPTEMBER 2, 2008**

The Regular Monthly Meeting of the Mayor and Council of Federalsburg was held on Tuesday, September 2, 2008 in the Mayor and Council meeting room. Those in attendance were Mayor Ballas, Councilmembers, Gasser, Fluharty, Willis, and Gutkin. Also in attendance were local media, guests, and staff.

The meeting was called to order by Mayor Ballas who then led the group in reciting the Pledge of Allegiance. Mayor Ballas advised the public that the meetings are now being recorded on a sound system. Anyone that would like to speak should come to the podium to speak and state your name and address.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Gutkin and passed by a vote of five to zero approving the minutes as corrected. The changes included spelling and grammatical corrections.

GUESTS:

Drew Blackwell – Wolf Martial Arts Program

Mr. Blackwell was unable to attend and requested permission to attend October Regular Monthly meeting

C-SAFE REPORT – BETTY BALLAS

Betty Ballas, C-Safe Coordinator, gave a summary of the town's C-Safe Program and how it works. She asked the Council if they had any questions in regard to the operations of the program. She issued the 4th quarter report (April, May, and June 2008) for review. Ms. Ballas asked the Council to review the report and if there were any questions to bring them to the October regular monthly meeting.

Councilmember Willis asked Ms. Ballas if she would be able to continue to administer the grant after her term of office. Ms. Ballas stated that she originally started the grant before she was elected and would have no problems continuing to administer the grant after her term of office.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Joe Glime advised that the Federalsburg Historical Society will hold their Annual Heritage Day on Saturday, September 20, 2008. Flyers have been distributed advertising the event.

Federalburg Volunteer Fire Department

Councilmember Fluharty advised of the following activities for the Federalburg Volunteer Fire Department for the month of September as follows:

September 13th – Chicken Barbeque

The Fire Company will not hold their monthly breakfast for September because they are completing the renovations to their kitchen. They hope to be completed and ready for the October breakfast.

PUBLIC CONCERNS

Ball Field Concerns

Councilmember Fluharty stated that there is one issue and concern that the Men's Fall Softball League has regarding Chambers Park. When people are attending the football practices, they park where the men would park for the softball games. The Men's Fall Softball League questioned if the Mayor and Council would permit the football patrons to park on the other side of the softball field. Another concern involves the five trash cans that the Fall Ball League uses. He stated that the football league uses three of those cans and they would like to request additional trash cans.

There was a concern that both Leagues should be required to ask permission to make changes in the park. The lock on the concession stand has been changed and the new key should be distributed to the Public Works Director and the Maintenance Supervisor. Richard Colburn stated that he has called and asked the representative of the Senior League for the key and to date the new key had not been turned in.

After much discussion the Mayor and Council authorized Richard Colburn to address a letter to all the leagues advising them to provide a copy of all keys to all locks placed on any of the buildings in Chambers Park. The key copies must be dropped off to the Town Office for emergency purposes, and failure to do so may result in permission to use the fields being revoked.

DEPARTMENTAL REPORTS

Police Department

Officer Tom Wolf, on behalf of Chief Nagel, read the monthly police report. Copies were also made available for the public.

Public Works Department

Steve Dyott, Public Works Director, reported the following:

1. Public Works has received a request to replace the basketball nets at the Federalsburg Marina. The existing nets have not been replaced in approximately four to five years. The approximate cost for each net would be \$25.00 each. The Mayor and Council agreed to purchase four new basketball nets for the marina basketball courts.
2. The pump at Well four (4) which is located on Liberty Road is no longer functional. To rebuild the pump and make it work again would be very costly and it is not a budgeted item. The pump is currently not used by the town. It was used by the Fire Department, if needed, for filling swimming pools because it is untreated water. The Fire Company used the pump in the past but they have had trouble getting the water to come up. It was the consensus of the Mayor and Council not to repair the pump. The cost to cap the pump is also quite costly, however, Steve Dyott was asked to budget this expense in the FY10 budget.
3. Steve Dyott advised that he has received literature regarding curbside recycling. He requested and was granted approval to obtain the information on curbside recycling and bring it back to the Mayor and Council at a later date. Recycling would benefit the town in the long run by paying less for tipping fees.
4. Richard Colburn requested that Mr. Dyott obtain a bid to replace the entire roof on the town hall.

Code/Inspections Department

Steve Watson, Codes/Inspection officer reported the following:

1. Super Soda is installing new gas tanks. The work originally started without a permit, however, Steve is currently working with contractor to obtain a permit for the work.
2. Mr. Watson has received a telephone call about a large colony of bats on a property located on Buena Vista Avenue. The bats are apparently nesting inside the chimney of the house. Mr. Watson was advised to contact the finance company and advise them of the problem.
3. Mr. Watson stated that he has received a letter from a landlord barring him from their property. The landlord advised that by law Mr. Watson could not enter his property. However, Mr. Watson was called to the property for an inspection by the tenant, which gives him legal authority to enter the property.
4. The construction at the former Northwest Fork Property has been put on hold until some permit issues have been resolved.
5. Mayor Ballas advised that she has received an inquiry regarding handicap ramps being treated as decks when calculating the fee. Mayor Ballas was advised that ramps fall under the same fee schedule as decks, porches, etc. Mayor Ballas advised she had been asked to inquire whether or not the fee for ramps could be waived. The Mayor and

Council agreed that the codes/inspection officer could bring any requests for ramps before the Mayor and Council, who could then make the decision whether or not to waive the fee. The fee for a ramp would be at the discretion of the Mayor and Council, however, a permit would still have to be applied for.

6. Councilmember Willis asked if a permit had been obtained for the Citgo sign at the corner of Main and Central Avenue. Mr. Willis read a portion of the zoning ordinance in regard to signs at the corner of a property. Steve Watson stated that he would put something in the Mayor and Council packets that relates to commercial signage.
7. Mr. Watson was advised to send a letter to the property owner at the corner of Greenridge and University Avenue advising them to cut back the bush at the corner of the property because it is blocking visibility.

Main Street/Grants Department

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

1. The vacant lot that was created when the water tower near M & M Refrigeration was demolished, was recommended to be deeded to M&M Refrigeration with the provision that any and all water and sewer lines that currently cross the property would remain accessible to the town at any time. The lot is approximately 50 x 50 feet. Mr. Mayor stated that the property is of no value to the town. Mr. Mayor presented to the Mayor and Council pictures of the property. There is an abandoned well that is capped on this property, and the town would just need rights to maintain the infrastructure, if and when needed. The Mayor and Council instructed Mr. Mayer to contact the property owner to confirm the sale of the property.

A motion by Councilmember Fluharty seconded by Councilmember Gutkin and passed by a vote of five to zero to sell to M & M Refrigeration for \$1.00 a vacant piece of land owned by the town that is approximately 50 x 50 feet located off of Railroad Avenue. The buyer must pay for the cost of the transfer with the inclusion of right-a-way and the town having final review before signature.

2. Councilmember Willis voiced his concerns about the use of the community center that is being built at Federalsburg Gardens using CDBG Funds. His concerns stemmed from the fact that the town had a community building that was used and shut down because of the trouble. Happy Mayer advised that the Community Building will be used to house Federalsburg Gardens office, laundry, room and community room. This community building will not be used for parties nor will it be rented.

Resolution No. 2008-08

Happy Mayer requested approval to submit a grant application to CDBG to apply for funding for the Maryland Sustainable Communities initiative under the Maryland Community Development

Block Grant Program for completion of the Comprehensive Plan and to adhere to the New Critical Area Planning regulations.

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by a vote of five to zero approving Resolution No. 2008-08, which authorizes the Grants Administrator to apply for funding in the amount of \$20,000 under the Maryland Sustainable Communities initiative under the Maryland CDBG Program for completion of the Comprehensive Plan and to adhere to the New Critical Area Planning regulations. The Mayor and Council also gave approval to add the following language in the ordinance in the first paragraph to reflect what the grant will be used for as follows:

“WHEREAS, the State of Maryland through the Department of Housing and Community Development has solicited applications from eligible jurisdictions to apply for funding for the Maryland Sustainable Communities initiative under the Maryland Community Development Block Grant (CDBG) Program for finishing the Comprehensive Plan and to adhere to the New Critical Area Planning Regulations; and”.

These monies will be used to hire Larry Duket, consultant to put the plans together for submittal to the state for final approval Comprehensive Plan and the New Critical Area Requirements.

Small Business Loan Request

S & S Market & Deli requested approval from the Mayor and Council for a loan from the town’s Small Business Revolving Loan Program in the amount of \$55,000 for job retention and operation. The funds are to be used to consolidate current debts, expand their inventory, and provide some additional working capital and to make some improvements to the appearance of the store.

The loan committee recommended that the Mayor and Council extend a loan in the amount of \$30,000, which is the maximum amount that they qualify for based on the current loan program guidelines. However, the Mayor and Council have the authority to set the final approval amount. CDBG has reviewed and approved the loan request and views the loan as retention of jobs. The loan committee recommended \$30,000 because that is as high as they can approve. The Grants Administrator’s recommendation was to grant the loan request in the amount of \$55,000 because it is a local business and it would keep the business operational.

A motion by Councilmember Willis seconded by Councilmember Gasser and passed by a vote of four to zero granting a Small Business Revolving Loan in the amount of \$40,000 to the owners of S & S Market & Deli. Councilmember Fluharty recused himself from voting (because he and Mr. Mike Robinson, partner of this business, are members of the Federalsburg Volunteer Fire Department).

Ms. Henrietta Porter thanked the Mayor and Council for the help they received from Happy Mayer and Mr. Loffler.

Planning and Zoning Report

The Planning Commission is looking at rezoning the community and will present their recommendations to the Mayor and Council at the October Regular Monthly Meeting. The Mayor and Council were invited to attend the September 15th workshop at 6 p.m. to give any input in regard to the rezoning.

The Mayor and Council will hold a public hearing for the Outside Storage Ordinance during the October 6, 2008 Mayor and Council Regular Meeting.

ACTION ITEMS

Water and Sewer Adjustment Requests

1. A resident requested relief for a water leak that he had on his property. After finding the leak he immediately contacted a plumber who repaired the leak. The Mayor and Council agreed to grant the resident a credit in the amount of \$36.52. The resident will be charged \$.28 per 1,000 gallons of that difference for treatment of the water.
2. A resident requested relief for a water leak that was on their property. This is a tenant property and the tenant immediately contacted the landlord who contacted a plumber to repair the leak. The average usage for this property is 13,000 gallons. Their last bill showed 37,000 gallons. The Mayor and Council agreed to an adjustment for the difference, but charge \$.28 per 1,000 gallons of that difference for treatment of the water. This would mean a credit of \$39.84.
3. A resident requested relief for a water leak that was on their property. After learning of the leak the resident immediately repaired the leak. The average usage for this property is 9,000 gallons. The bill showed 102,000 gallons used. The Mayor and Council agreed to an adjustment for the difference, but charge \$.28 per 1,000 gallons of that difference for treatment of the water. This would give the resident a credit of \$180.42.

Reminders

Councilmember Fluharty recommended that a notice be placed on future agendas reminding everyone to silence their cell phones and pagers now that the room is equipped with a sound system.

Hometown Memorial Committee Report

Councilmember Fluharty reported that the Hometown Veterans Memorial Committee and the public would hold a second meeting on September 3rd at 7 p.m. at the Town Hall, second floor. He said their first meeting was very productive and was mediated by Peter Tallie. Mr. Fluharty thanked Mr. Tallie for his services and commended him on a job well done. In summary, at the meeting those present scored various locations and through the scoring process, three properties rose to the top. Those properties were at the corner of Veterans Drive, Federalsburg Marina, and the former water tower property located on the corner of Vernon and Morris Avenue. The

properties were scored as follows: Former Water Tower Property – 0 votes; Federalsburg Marina – 1 vote; Corner of Veterans drive – 14/15 votes.

Mr. Fluharty stated that he spoke to Mr. Tallie who had the following two questions:

1. What will be the process to come to a decision and move forward?
2. Recommendations from the Mayor and Council as to what should be on the agenda for the next meeting.

After some discussion, the following was recommended or agreed upon to include on the agenda:

1. The Mayor and Council all agreed that they would not serve on the Hometown Veterans Memorial Committee.
2. The following items were recommended for the agenda:
 - Discuss components of the memorial
 - Form a committee
 - Process will be: (1) Recommendations from the meeting will come back to the Mayor and Council; (2) the Mayor and Council will schedule a public hearing to discuss the location and (3) after the committee is selected and the concept formed the committee will bring their recommendations back to the Mayor and Council for review.
3. The concept should include tree plantings.

Closed Session

A motion by Councilmember Fluharty seconded by Councilmember Gasser and passed by a vote of five to zero to go into a closed session immediately following the regular monthly meeting to discuss a personnel matter.

Hospice/Walk-Run

The Annual Hospice Walk/Run is scheduled for Saturday, September 20, 2008 at the Federalsburg Marina. After the walk/run the Federalsburg C-Safe with the assistance of Officer Wolf and former police officer Ben Harvey will conduct a bike/trike rodeo for the kids.

Town Manager Report

Richard Colburn, Town Manager, reported that the former police station has been sold and the property owner is currently looking at purchasing the two houses located behind the property near Marshyhope Creek. The property owner is talking about putting a Subway franchise in the building. The owner has invited the Mayor and Council to visit their Ridgely, Maryland site because that is the same type of set up that will be placed in Federalsburg.

A new employee has been hired in the Public Works Department.

Richard Colburn advised the Mayor and Council that he would be on vacation from October 6th thru October 15th. This means that he will not be at the October Mayor and Council meeting, which the Mayor and Council approved at an earlier date.

Former Police Station Entrance

Mr. Joe Glime asked if the alleyway along side the former police station located at 204 South Main Street was sold or maintained by the town. The Mayor and Council advised that they were unsure whether or not it was part of property and would check the deed.

ADJOURNMENT

A motion by Councilmember Gasser seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn at 8:35 p.m.

Submitted by,

Shirley A. Greene
Clerk