

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, DECEMBER 1, 2008 @ 6:00 P.M.**

The Regular Monthly Meeting of the Mayor and Council of Federalsburg was held on Monday, December 1, 2008 at 6 p.m. Those in attendance were Mayor Ballas, Councilmembers Gasser, Willis, and Fluharty. Also in attendance were local citizenry, guests, staff, and media. Councilmember Gutkin was unable to attend because he was out of town.

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

CLOSED SESSION ANNOUNCEMENT

Mayor Ballas advised that as allowed under the State Government Article, Section 10-508(a) 1 a closed session was held prior to the regular meeting from 5:15 p.m. to 6:00 p.m. to discuss a personnel issue.

GUESTS

**Sue Simmons – Public Landing Fees
Caroline County Department of Parks and Recreation**

Sue Simmons thanked the Mayor and Council for the opportunity to share information with the Town about the County Commissioners intent to start imposing fees for public boat ramps. Sue Simmons presented the Mayor and Council with a draft of the proposed fees. Their staff is currently working with Funk and Bolton, Attorneys to develop the most effective legal tools to further define the legislative implementation of the Commissioner's authority to implement the fees for boat ramp usage for the 2009 Boating Season.

There is interest in the municipalities that have existing boat ramps in their town to see if they would be willing to participate in the program. Ms. Simmons presented the Mayor and Council with a summary that she provided to the County Commissioners. She said that the Town of Denton has expressed an interest in participating in the program but their biggest reservation is Martinak State Park. She said the town's decision to participate is optional. The implantation of this program anticipated start date is 2009.

There was a concern about the enforcement of this program. The proposals include a part-time enforcement officer. Councilmember Fluharty questioned

if the town would consider going with this program, when the town would have to get on board. Before he makes any decisions he would want the staff to review it to determine if this is something the town would need, and it would be January or February before the town could act on this program.

Sue said they would be going to press for the brochures in early February and they would want to get the rules and regulations to the town within the next two weeks so the details can be worked out at a workshop by the Parks & Recreation Department in January. This would allow the town time to review and make a decision at the February meeting.

Samuel Bullen – Request Waiver from Water/Sewer Policy

Mr. Samuel Bullen, owner of property located at 405 University Avenue, requested that the Mayor and Council reconsider their decision to charge water and sewer tap fees for two additional units in his building. He said when he purchased the property it was his understanding from the previous owners that these fees had been taken care of. He said if the Mayor and Council force him to pay the additional tap fees, it would create a burden on him financially and that he would have to pass it on to his tenants.

The Mayor and Council accepted Mr. Bullen's written request to review their initial decision and agreed to table this matter for further review and discussion with the Public Works Director.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero approving the minutes of the November meeting.

COMMITTEE REPORTS

Federalsburg Historical Society

Wendy Garner reported that the December issue of the Federalsburg Historical Society newsletter would feature "Christmas in Federalsburg". The Federalsburg Museum Building will be open after the Christmas parade and Santa will be present to visit with the children. Christmas ornaments for 2008 commemorating the Water Tower will be available for sale. This ornament is a replica of the old water tower before it was demolished. The cost for the ornament is \$19.99. Membership renewals are also due for 2009.

Federalburg Volunteer Fire Department

The following activities will be held during the month of December as follows:

1. Soup Sale – December 12th at 1 p.m.
2. Breakfast with Santa on December 21st
3. Live Christmas Trees will be sold at the fire house. There will be fresh cut firs ranging from 6 feet to 8 feet.

Lions Club Update

David Morean reported that the new Christmas lights are on. He requested and was granted permission to mount a Christmas decoration on the Bloomingdale Extended Welcome to Federalburg sign. Happy Mayer reported that the sign is a little shaky and requested that he be careful with the placement. Mr. Morean reported that 2008 decorations are completed and they have begun preparations for next year.

On behalf of the Council and the Santa Claus committee, Mayor Ballas thanked David Morean and his committee for all the work they have put into the banners and the new Christmas decorations.

Mr. Morean said the Federalburg Lion's Club is still accepting donations for the decorations and banners. They have reached their goal for this project and collected about \$25,000. They had numerous sponsors for the decorations and will put up a plaque.

Mayor Ballas advised that the caroling and lighting of the water tower would not take place this year.

Wendy Garner questioned the cost to purchase a banner, should she want one placed in front of her home. The cost for the banners is \$85.00 for the banner and \$95.00 for the brackets. The banners are seasonal and there will be a different banner for each season. Mr. Morean said the VFW paid for the American Flag banners, which are the summer banners.

Wendy Garner thanked David Morean and the Lions Club for their hard work installing the banners and Christmas decorations.

PUBLIC CONCERNS

NONE

DEPARTMENTAL REPORTS

Police Department

Chief Nagel presented the Police report with monthly statistics. He reported the Christmas parade would be held on December 8th at 7 p.m.

Resolution Number 2008-15

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero approving Resolution Number 2008-15, which gives Chief Nagel authority to sign three agreements between the Town and the Department of Public Safety and Correctional Services of the State of Maryland related to the use of Data Services.

Chief Nagel advised that due to the confidentiality of the audits that are associated with this program, the Chief or Head of the law enforcement agency is the only person authorized to review this information. The agreements would stay in effect unless there was a change in personnel.

Public Works Department

Steve Dyott stated that during the November 3rd regular monthly meeting there were concerns regarding garbage cans being left on the curb longer than the 24 hour period after pickup. He said Public Works has been collecting the garbage cans that have been left out, and keeping a record of the addresses. Steve stated that a warning is issued for 1st offense and \$50.00 citation for the second offense. Councilmembers Fluharty and Willis said they were unaware of this procedure. Councilmember Fluharty stated there should be some clarification as to the 24 hour period. The garbage can must be moved from curbside between 7 p.m. on the day of garbage collection and no later than 7 p.m. on the day after garbage collection. The property owners that have had their garbage cans picked up have been given a warning.

Codes/Inspections Department

Steve Watson, Code/Inspections Officer reported the following:

The property at 207 South Main Street has been sold and the town will be receiving payment for abatement of the Clean & Lien violations on this property. The new owners have begun cleaning up the property. There was some question regarding whether or not the new owners also purchased the adjoining lot, however, that was unknown.

Main Street/Grants Department

Happy Mayer reported the following:

1. Happy Mayer presented a picture of the Veterans Memorial from Ocean Pines. Ocean Pines has given permission for the town to use any or all of their project designs. The town would not use as many walls or flag poles as Ocean Pines did in their plan. The stars and circles would probably coordinate with the committee's plan. The committee will meet and decide what parts and pieces they could use for set up.
2. The town has been awarded \$30,000 for a boardwalk and dock in the center of town behind the Main Street stores on the southeast side of town. The town was not funded for the amenities for the exercise trail along the hike and bike trail. Mr. Mayer said he would apply again next year.
3. The second annual home decorating contest judging in Federalsburg and within a two mile radius of Federalsburg, will be held on December 19th. The prize awards will be made on December 22nd. Two local businesses, Nationwide Insurance and Marshyhope Realty, sponsor this contest. The cash prize awards are \$100 for first place, \$75 for second place and \$50 for third place. The winner outside of town limits would receive \$100.

Planning and Zoning Update

There was no report.

ACTION ITEMS

Joshua GLiptis of Davis, Bowen and Friedel, introduced himself and advised that his firm has worked with the town on various projects over the past few years. Mr. Gliptis offered continued support and assistance from his firm for any future needs of the Mayor and Council and the Town of Federalsburg.

David Armes

Mr. David Armes, property owner at 302 West Central Avenue, said that he noticed that No Parking/Snow Emergency Route signs are located on both sides of West Central Avenue. He questioned what the policy is for snow emergencies on West Central Avenue. Mr. Armes stated that one of the snow emergency signs on West Central Avenue located near University Avenue, has a No Parking sign attached to the same pole. Mr. Armes stated that in previous years only one side of the street was designated for snow emergencies/no parking. He asked the Mayor and Council to reconsider the no parking designation on both sides because he thought it was unfair to those that don't have adequate off-street parking. Mr. Armes was advised that this designation was made as a safety precaution for fire trucks and snow plows. The Mayor and Council did not agree to make any changes to the existing policy.

Water and Sewer Adjustment Request

1. Steve Parks, owner of 113 Maple Avenue, has requested that his quarterly water, sewer, garbage and flush fees be waived while his new home is being constructed. At this time, the old house has been demolished and the new foundation is the only thing on the property.

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero allowing the water service at Steve Parks' property to be temporarily turned off during construction of his new home. Mr. Parks will be required to pay all quarterly debt service fees, and his account would be changed to reflect the vacant sewer rate if there is no water usage. If there is water usage, Mr. Parks would be required to pay all normal debt service fees and for any usage.

Academy of Excellence

Councilmember Willis stated that he attended the December 20th LGIT meeting where he was able to take two core classes toward his Academy of Excellence Certificate.

CHARTER AMENDMENTS

The Mayor and Council gave formal approval to allow the attorney draft legislation to amend the charter to include recall, referendum, and change the date of the municipal election. The consensus was four to zero.

ELENA TELMANOSKI – 212 Vesper Avenue

Mrs. Elena Telmoski, who resides at 212 Vesper Avenue, requested the town to allow her to make payments on her water bill. At the November meeting, Mrs. Telmoski requested an adjustment to her bill due to a leak in an outside spigot. The Mayor and Council denied that request and she currently has a bill in excess of \$500.00 for 195,000 gallons of water. She felt that if she had a leak of that size she would have seen a large water puddle somewhere on her property and she has not. She said that she has not had any leaks in the house and all the hoses have shut off valves. There was question as to whether or not the meter had been pulled and sent away for testing. Steve Dyott said the meter has not been pulled; however, the town could pull the meter and have it tested. If the meter is okay then it would be the property owner's responsibility to pay the cost for testing. Steve Dyott said he wanted the Mayor and Council to keep in mind that that water usage was over a three month period and there may not be any puddles. Steve Dyott offered to check the meter the following day and if the meter is still spinning with everything off then there is a leak. Mike Tipton will do a touch read of the meter the following day. Mrs. Telmanoski has paid \$200 on her bill to date. If the meter is found to be defective then an adjustment will be considered for this account.

RICHARD COLBURN

Richard Colburn, Town Manager reported the following:

1. A supervisors meeting has been scheduled for Thursday, December 4, 2008 at 1 p.m.
2. The new Subway opened on November 19th, however, the official grand opening ceremony is scheduled for December 8th at 11:30 a.m. and the Mayor and Council were invited to attend.
3. The town offices will be closed for the Christmas and New Years Holiday on December 24th at 12 noon, all day on the 25th and 26th, and all day on January 1st. Garbage collection will operate on the normal schedule.
4. It has been determined that the Easton Airport is the preferred site for the relocation of the Easton Memorial Hospital. They are also looking into opening an Ambulatory Care Center in Federalsburg and Mr. Colburn asked the Mayor and Council to be thinking of possible locations.

5. The town has \$600,000 from the Chesapeake Bay Restoration Fund, which is 1/3 of the money to do the Maple Avenue and South Main Street I/I Project. This is a three phase project and the town needs approximately \$700,000 in additional funds to complete the project. The town is in a position that if funds are available for infrastructure programs under the new administration the town is on the list to receive funding.

Adjournment

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero to adjourn at 7:42 p.m.

Submitted by,

Shirley A. Greene
Clerk