

**Mayor and Council Regular Monthly Meeting
Tuesday, March 17, 2009 @ 6 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Tuesday, March 17, 2009 at 6 p.m. in the Mayor and Council Meeting Room, 118 North Main Street, Federalsburg, MD. Those in attendance were Mayor Ballas and Councilmembers Fluharty, Willis, and Gasser. Also in attendance were local citizenry, staff, and media.

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

Agenda Item No. III – Guests

Mr. John Phillips – Skate Board Park Update

Mr. Phillips presented the Mayor and Council with the revised budget and project schedule for the Skateboard Park Project as follows:

Proposed Budget

Project Costs

Fencing, Surface & Signage (Phase #1)	\$ 8,000
Equipment & Installation (Phase #2)	<u>\$57,500</u>
 Total Project Costs =	 \$65,500

Funding Sources

Grants	\$30,000	(46%)
Town	\$15,000	(23%)
Private (Business, Individual And Civic	<u>\$20,500</u>	(31%)
 Total Funding Sources =	 \$65,500	

Proposed Schedule

1. Organizational Meetings – Nov 2008 – Jan 2009
2. Skateboard Park Design & Firm up Budget – Jan—Feb 2009
3. Grant Awards – Spring 2009 (Tony Hawk Foundation & Trinity Foundation & Choptank Electric Trust)
4. Private Fundraising Efforts – late Winter/Spring 2009
5. Fencing & Surface Work – April-May 2009
6. Town Contribution – July 2009

7. Construction – Summer 2009

Mr. Phillips presented a design plan of the skateboard park based on the size of existing tennis court. There was discussion about the rules and regulations for the park; Steve Dyott was asked to contact LGIT for rules and regulations for skate parks. Steve will share any information with the Committee and they will come back to the Mayor and Council at their next meeting.

A motion by Councilmember Willis seconded by Councilmember Fluharty and passed by a vote of four to zero granting approval to the skateboard committee to work with the Code Enforcement Office and begin the process of construction on Phase I of the Skateboard Park.

Mrs. June Truitt – West Central Triangle Update

Mrs. June Truitt requested permission to contact a Master Gardner regarding some concerns the committee has with the holly trees in the triangle that are turning black. Mrs. Truitt asked for permission to send samples to the University of Maryland to be tested for free. She also requested permission to rake and do a general cleanup of the triangle. The Mayor and Council granted permission for the committee to do the cleanup and reiterated that all requests for work in the triangle should go through Steve Dyott, Public Works Director.

Mrs. Truitt also requested the flag pole be reinstalled and the committee needs water service. Mayor Ballas stated that there is water in the triangle; however, it is turned off at this time. Steve Dyott was asked to obtain a cost estimate for a "T" flag pole.

Mrs. Truitt stated that the electric service is also in need of upgrade and Mr. Rob Wright spoke to William Lyden of Lywood Electric about updating this service. Mr. Wright stated that with the Town's permission, Mr. Lyden has offered to install new electric service and move it closer to the corner of West Central Avenue and Buena Vista Avenue. This will include proper amperage and outlets/plugs to handle lighting and speakers used for the Soap Box Derby. Mr. Lyden also stated that the existing pole does not meet current code, and he would install new service at no cost to the Town will all the amperage that would ever be needed. Mr. Wright also suggested moving the water line closer to West Central Avenue to water plants and allow the Soap Box Derby patrons to use it if necessary. Steve suggested installing a locked box over the existing water service to allow the committee to use the water as needed but would deter vandalism.

A motion was made by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of four to zero to allow the Triangle Committee to work with Steve Dyott and proceed with having Lywood Electric update the electric service after obtaining the proper permits, and for Public Works to move the water line.

Agenda Item No. IV. – Approval of Previous Month Minutes

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero approving the minutes of the previous meeting as corrected. The corrections were grammatical and spelling.

Agenda Item No. V. – Announcement of Closed Session

Mayor Ballas announced that the Mayor and Council held a closed session prior to the regular meeting from 5:30 p.m. to 5:59 p.m. as allowed under the Authority of the 2004 MD Code, State Government 10:508(a)(1) to discuss a personnel matter.

Mayor Ballas advised that the March Monthly meeting was canceled because of the snow storm and rescheduled for Tuesday, March 17th. The meeting was scheduled on a Tuesday night because Councilmember Gasser was taking night classes on Monday's.

Agenda Item No. VI – Old Business

Resolution No. 2009-03 – Recall Process

Mayor Ballas gave a summary of Resolution No. 2009-03, which amends the Federalsburg Town Charter by adding Section C3-9 to establish a recall process for elected officials.

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by a vote of four of zero approving Resolution No. 2009-03 to establish a recall process for elected officials.

Codification Ordinance No. – 2009-05

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of four to zero approving Ordinance No. 2009-05, which adopts the codification and revision of the ordinances and certain resolutions of the Mayor and Council; providing for the maintenance of said code; establishing a penalty for altering or tampering with the code; and making certain changes in previously adopted ordinances.

There was some discussion and concern about the State's Attorney not prosecuting some of the current ordinances such as the loitering and curfew ordinances. During the budget process, unfunded mandates such as the curfew and loitering ordinances will be reviewed to see if the Mayor and Council want to begin the process of issuing tickets and going to court.

Agenda Item No. VII – Committee Reports

Federalsburg Historical Society

Bart Johnson, President, of the Federalsburg Historical Society stated that they are sponsoring a fund drive. The bathroom renovation project in the museum is nearing completion. Mr. Johnson requested a meeting with the Historical Society and the Mayor and Council to discuss future plans for the museum and what to do with the remaining grant funds. The Mayor and Council agreed and scheduled a meeting on Monday, March 23rd at 5:30 p.m., which is a half hour prior to the budget workshop.

The Federalsburg Hobby Fair has been scheduled for April 25, 2009 at the Federalsburg Elementary School from 10 a.m. to 2 p.m. There will be no charge to visit or to participate.

Mr. Joe Glime distributed information about the Federalsburg Historical Society Heritage Hike scheduled for Saturday, April 4, 2009 beginning at 10 a.m. This hike will be in partnership with Federalsburg Marshyhope Pathways.

Federalsburg Volunteer Fire Department

Councilmember Fluharty reported the following:

1. The Fire Company has a new sign that will allow them to announce their activities and functions.
2. A Teen Dance has been scheduled for Friday, March 20, 2009.
3. The monthly breakfast will be held on Sunday, March 22, 2009.
4. The Chicken Barbeque sales will begin again soon.

Agenda Item No. VIII – Public Concerns

Norman Nichols

Mr. Nichols introduced himself as a resident of Federalsburg and complimented the Mayor and Council and other representatives in regard to focusing on community youth by constructing a skateboard park.

Mr. Nichols also stated that he wanted area residents to know how their tax dollars are being spent. Caroline County recently spent approximately \$100,000 to litigate and support a fraudulent matter which resulted in the termination of a teacher in Caroline County. Circuit Court and Court of Appeals records are available for public review.

MARION FELTON – Holland Drive Residents

Mrs. Marion Felton, on behalf of the residents of Holland Drive wanted to make the Mayor and Council aware that they are still having problems with standing water in the ditches, under their homes, and with mold; which is a result of standing water under their homes. Mrs. Felton stated that many residents in the subdivision have developed health problems because of the mold; and some residents that have moved or sold their homes.

Several of the residents are having their property tested and have even contacted a contractor to determine what can be done to eliminate the standing water under their homes and to remove the mold. Residents have also contacted outside agencies to assist them with these problems. Mrs. Felton requested telephone numbers for the Critical Area Commission, because they believe their property is located in the critical area and wetlands area.

The Holland Drive residents agreed that they understand that the Mayor and Council can not assist them financially; however, the Mayor and Council gave permission for Steve Watson, Code Enforcement Officer to assist the residents with obtaining the appropriate contacts to help resolve their problems.

The residents also asked the Mayor and Council about the ditch that is located behind the homes in the subdivision. The residents were advised that the property on both sides of the ditch is jointly owned by property owners.

Agenda Item No. IX – Department Reports

Police Department

Chief Nagel presented the February monthly statistical report. The changes have been included on the report: showing adult and juvenile arrests separately, serious crimes being broken down, call times and crimes committed at rental properties, and more traffic locations have been added.

The Police contacted residents in violation of the Snow Removal Ordinance, which requires sidewalks to be cleared within 24 hours after snowfall stops. There were a total of 17 written warnings issued, and 19 additional attempts were made to contact residents but the Police got no response. This process took approximately 6 hours and 35 minutes. Chief Nagel thanked the Public Works Department who worked all night and did a good job on the streets.

Chief Nagel stated that the monies allocated in the FY09 Police budget, for overtime has been spent. He requested guidance on how to cover this cost for the remainder of FY09. Chief Nagel was advised to compose an estimate of the overtime that will be needed to finish the FY09 budget year and bring it to the budget workshop. Several possible options were discussed, however, further discussion was tabled until the budget workshop on March 23rd.

Chief Nagel stated that most residents were good about moving cars off the Snow Emergency Route. Chief Nagel and Steve Dyott will review the Snow Emergency Policy and Route for updates. There was also discussion regarding changing garbage collection day if it snows on that day.

Public Works Department

Steve Dyott reported the garbage truck broke down today and garbage collection did not get finished, so it will continue tomorrow. One of the Public Works employees retired last month and Steve requested permission to hire a replacement for this position. He has four applications in hand at this time and planned to review those for a replacement.

The water leak on Bloomingdale Avenue is the responsibility of the property owner. It is scheduled for repair this week and if its not completed Steve will call the owner again.

Steve questioned who to contact regarding the Christmas banners, because he has received two complaints regarding the Seasons Greetings banners still being up. Mayor Ballas advised that the spring banners have been ordered and they were hoping to be in soon so they could be put up at the time the Christmas banners are taken down. Councilmember Fluharty suggested that the Town meet with the committee to discuss maintenance options for the banners. Steve Dyott was advised to send a letter to the

Lions Club advising them that the Town would be responsible for putting up and taking down the banners, and adjusting the brackets to the proper height requirement.

Laurel Grove Apartments have again requested to opt out of the Town's garbage collection. Federal Manor, Tanyard Branch, and Interfaith Townhomes chose not to participate in Town pickup when it began several years ago. Steve stated that the quarterly garbage fee was calculated including the Laurel Grove Apartment units and if they are allowed to opt out the fee would have to be recalculated. Federalsburg Gardens has also previously requested to opt out and been denied. Steve Dyott contacted the Town Attorney for a legal opinion and she said the policy that the Town has been using coordinates with the ordinance. The Mayor and Council authorized Steve Dyott to send a letter to Laurel Grove Apartments declining their request. There was concern expressed regarding the Town eliminating garbage collection services and the discussion was tabled for the budget workshop.

Councilmember Willis questioned who is responsible for power lines that are damaged and laying on the street or sidewalk. Councilmember Fluharty stated he has received calls recently about a line down on Morris Avenue. Steve Dyott was advised to obtain the regulations and height requirements for utility wires, and he will notify businesses in Town of these requirements.

Steve Dyott introduced Ken Abner, Atlantic Energy, who was present to request the Mayor and Council authorize a representative for the Town to sign documentation to contract with Atlantic Energy for electric services. Councilmember Fluharty made a motion seconded by Councilmember Willis and unanimously approved by a vote of four to zero to allow Mayor Ballas to sign the agreement for a three year contract at a fixed rate of 9.5. The estimated cost savings is estimated at approximately 10%.

Codes/Inspection Department

Steve Watson reported that he has contacted Wells Fargo, who has taken possession of 219 South Main Street and advised them of the squatters at this location and the property maintenance violations. Steve will have a contractor cleanup the property and place a lien against the property under the Clean & Lien Ordinance. Mr. Watson is also looking at using prisoners through the work release program to abate clean and lien violations.

Councilmember Gasser thanked code enforcement for getting the yard and front porch cleaned up on Park Lane.

Councilmember Fluharty stated that he was approached by Mr. Steve Parks with concerns regarding the issuance of his Certificate of Occupancy for his new home. Councilmember Fluharty asked Mr. Watson to explain why the CO had not been issued to date. Councilmember Fluharty stated that Mr. Parks had advised him he could not obtain insurance for the house without a Certificate of Occupancy. Mr. Watson stated that he informed Mr. Parks prior to the construction of his new home that before a Certificate of Occupancy would be issued, Mr. Parks would need to clean up his property. Once the property has been cleaned up a Certificate of Occupancy would be issued.

Councilmember Gasser stated that the holly tree on the corner of Greenridge and University Avenues still presents a traffic hazard. Mr. Watson said the tree has been cut back some and that he would look into it further. Mr. Watson wants to ensure that a code violation still exists in case he has to go to court.

Main Street/Grants Department

1. **VETERANS MEMORIAL** – Mr. Mayer advised that Maryland Department of Environment Floodplain Division has requested a survey be completed prior to them giving an approval for the project. He said that Critical Area is waiting to hear from floodplain before they make a decision and Maryland Historical Trust has no problem with the project. He said the cost of the survey would \$1,800.00.

A motion by Councilmember Gasser seconded Councilmember Fluharty and passed by a vote of four to zero granting approval to allow the completion of a survey for the Veteran Memorial Location in the amount of \$1,800.00 to be taken from the Parks and Recreation Account Number 1181390.

2. Mayer was advised to notify Conifer that the town is not interested in a rental project/proposal for the Riverwalk Terrace property, currently owned by C.S. Tarbutton. Mr. Mayor was advised that the Mayor and Council are not interested in doing a 10 year tax abatement for this project.
3. 3rd Annual Mayor's Prayer Breakfast at 7 a.m. at the Federalsburg Senior Center. The guest speaker will be Mr. Will Howard, from Easton Maryland. Tickets will be \$7.00 per person. An invitation will be sent out to businesses, civic organizations and churches. An announcement will also be placed on the town sign.

Planning and Zoning Department

Mr. Howard Bradley reported that the commission held a regular meeting and a workshop last month. There was discussion and review of a preliminary site plan for a five building shopping complex. There was also lengthy discussion regarding non-conforming lots within the Town.

Councilmember Fluharty expressed concern and encouraged the Commission to ensure that future projects do not encounter problems with the layout of the property regarding ingress/egress.

Agenda Item No. X – Action Items

Water and Sewer Adjustment Request

1. A property owner has requested an additional adjustment because the home on this property was vacant and he does not feel that the previous adjustment to the bill for this property was sufficient.

The Mayor and Council agreed no further adjustments

2. A business owner found and immediately called a plumber to repair a water leak, and is now requesting an adjustment.

The Mayor and Council approved staff's recommendation to adjust this account.

3. The meter that was pulled and sent away for testing for a resident who experienced a high reading has been returned. The meter was found to be faulty.

The Mayor and Council agreed with the recommendation of staff to adjust this account. A credit to the account will be issued to the property owner.

Announcement of Candidacy

Councilmember Fluharty announced his candidacy for Mayor in the upcoming election to be held on Monday, April 27, 2009.

Agenda Item No. XI – Adjournment

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of five to zero to adjourn at 9:30 p.m.

Submitted by,

Shirley A. Greene
Clerk