

**Mayor and Council of Federalsburg
Regular Monthly Meeting
Monday, May 4, 2009 @ 6:00 P.M.**

The Regular Monthly Meeting of the Mayor and Council of Federalsburg was held on Monday, May 4, 2009 in the Mayor and Council Meeting Room, 118 North Main Street. Those in attendance were Mayor Ballas and Councilmembers Fluharty, Willis, and Gasser. Also in attendance were citizenry, staff, and media.

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

MINUTES

A motion by Councilmember Willis seconded by Councilmember Fluharty and passed by a vote of four to zero approving the minutes of the previous meeting as corrected.

SWEARING IN OF NEWLY ELECTED OFFICIALS

Mayor Ballas read into record a certification taken of sworn oath by Michael W. Fluharty that stated that he was sworn in as Mayor of the Town of Federalsburg by the Clerk of the Circuit Court of Caroline County and that he did certify that he would diligently and faithfully, without favor, partiality or prejudice, perform the duties of the Mayor of the Town of Federalsburg.

Betty Ballas as out going Mayor presented to the newly elected Mayor Fluharty a gavel to use during his tenure as Mayor which was engraved "Pride in the Past – Faith in the Future".

Mayor Fluharty presented Betty Ballas with a plaque from the Mayor and Council for her services as Councilmember and Mayor from 1997 to 2009.

Richard Colburn, presented a Senate Resolution from the Senate of Maryland for her services as her tenure to the Town of Federalsburg from 1997-2009.

Councilmember Willis thanked Mayor Ballas for the support shown to him during her tenure as Mayor.

Swearing In of Newly Elected Officials

Mayor Fluharty swore into office the newly elected Councilmembers, David Armes and Stephen Bollinger for a term of four years. Their terms will expire October 2013.

Mayor Fluharty presented to Hattie Gasser a plaque from the Mayor and Council for her services as Councilmember from 2005-2009.

Richard Colburn, presented a Senate Resolution to Hattie Gasser for her services as Councilmember from 2005-2009.

Mr. Phillip Gutkin was unable to attend the meeting, however, he will be forwarded a plaque and Senate Resolution for the services he rendered as Councilmember from 2005-2009.

Nominations to fill Council Vacancy

Mayor Fluharty stated there was a Council vacancy due to his election as Mayor. Mayor Fluharty called for nominations to fill the position. He further stated that Councilmembers elect Bollinger and Armes, Councilmember Willis, Richard Colburn, Town Manager; David Thompson, Legal Council; and Shirley Greene, Clerk-Treasurer held an administrative meeting to discuss some administrative issues for nominations of the council vacancy as well as department heads. Mayor Fluharty opened the floor to accept nominations.

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of four to zero nominating Edward Windsor to complete the Council term of Michael W. Fluharty. The term will expire October 2011.

Swearing In Of Person for Council Vacancy

Mayor Fluharty swore in Ed Windsor as Councilmember to complete the term of Michael W. Fluharty, which will expire October 2011.

Appointment of President-Pro-Tempore

A motion by Councilmember Armes seconded by Councilmember Bollinger and passed by a vote of five to zero appointing Councilmember Eric Willis as President Pro-Tem for term to expire October 2011.

Mayor Appointments

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of five to zero approving the appointments as presented by Mayor Fluharty as follows:

Town Manager	Richard F. Colburn
Town Attorney	David Thompson and Brynja Booth
Building Inspector	Steve Watson
Public Works Director	Steve Dyott
Main Street Manager	George Mayer
Grants Administrator	George Mayer
Chief of Police	Donald Nagel
Code Enforcement Officer	Steve Watson
Clerk/Treasurer	Shirley A. Greene
President Pro-Tempore	Councilmember Eric Willis

GUESTS

Trice, Geary, & Meyers – Roy Geiser – FY08 Audit

Roy Geiser, with Trice, Geary, & Meyers gave a brief presentation of the Fiscal Year 2008 Audit Report. The town received an unqualified opinion, which is the best a municipality can receive. He pointed out the following four key points in the audit as follows:

1. There was an increase in capital assets by about \$4,000,000. Of that \$300,000 was for the water tower, \$3,500,000 wastewater treatment plant, and the public safety building was \$265,000.
2. Long term debt – the town picked up \$700,000 in new debt, paid down \$321,000 in debt, and paid two loans off for the Frank M. Adams Industrial Park (conventional and conditional loan). Long term decreased by \$450,000
3. The change in net assets last year (07) was about \$1,000,000, the change this year is about \$4,000,000 (08). The biggest increase this year was \$2.3 million in capital grants to fund public safety building and water

tower and all the capital assets and the conditional loan increase also helped to increase the net assets.

4. In 2007 the Town paid into the state pension plan. The Town used an actuary report from the state pension program and they booked that number during 2008. After review of the report, it was found that they had made a mistake in the actuary report which decreased the liability on the books by about \$500,000, and decreased the annual payment from \$86,000 to \$36,000.

Mr. Geiser thanked the Mayor and Council for the opportunity to speak with them and looked forward to working on the FY09 Audit Report.

OLD BUSINESS

Scott Shilling, Bay Country Communications Update

Mr. Scott Shilling stated that he was unable to visit Ohio to see the new equipment and he requested approval to attend the June meeting to give his report on his findings. He said he just received the Franchise Agreement and has not had an opportunity to review it and submit to the town.

NEW BUSINESS

Tom Wolf, Federalsburg Police Department, and Sue Vandergrif and Jim Hendricks of the C-Safe Team from the Governor's Office of Maryland presented Betty Ballas with a plaque and a bouquet of flowers for her years of dedicated service and support of the C-Safe Program.

OLD BUSINESS

Rental License Ordinance

Copies will be given to the newly elected Councilmembers and Mayor Fluharty asked them to review and if they have any suggestions or changes please contact Shirley Greene.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Bart Johnson presented Betty Ballas with a basket of flowers for her dedication and participation to the Federalsburg Historical Society.

Bart Johnson congratulated all the newly elected Councilmembers. The hobby fair was successful with a good turn out and they have already begun planning for next year's hobby fair. The next activity will be Heritage Day.

The Heritage Museum contractor and the Federalsburg Volunteer Fire Company are scheduled to meet at 12 Noon on Thursday to conduct a water test. The test will consist of spraying water on the front wall to determine where water is leaking into the building. Mr. Johnson was concerned about additional damage to the wall because of this test, and he was assured that this would not be a heavy spray of water.

Bill Remington from Davis, Bowen & Friedel stated that they have some idea what the problem is, however, they want to see the results of the water test before a determination is made. There will be representatives from the Town, the contractor, the Architect and FHS representatives were invited to attend the testing.

The paint bubbling problems are still being looked into but it is believed that the bubbling is from the mortar.

Historical Society representatives met with the Mayor and Council regarding the accounting breakdown. Mayor Fluharty stated that he did not have any questions in regarding the accountability, and he requested a copy of the spreadsheet be given to Mr. Johnson.

Federalsburg Volunteer Fire Department

Mayor Fluharty reported the following activities for the month of May:

1. There will not be a breakfast because of the Memorial Day Holiday.
2. A Chicken barbeque will be held on Saturday, May 9, 2009.
3. The skateboard park committee will host a car wash and bake sale from 9 a.m. to 1 p.m. on Saturday, May 9, 2009.
4. Monthly Youth dance will be held on Friday, May 22, 2009.

PUBLIC CONCERNS

Lions Club – David Morean

David Morean, representing the Federalsburg Lions Club, stated they would like to obtain the Mayor and Council's approval of their upcoming project for

this year. Last year the Lions Club purchased new Christmas decorations and banners. This year they would like to put new Christmas lights in all the trees in the islands on Main Street and the planter at Bank of America. They would also like to outline the pavilions at the marina with lights. The Lions Club also has a couple of other light projects that they want to do, however, they would like to surprise the town with them, and see if the surprise projects can be found throughout the town. They will also be going to the property owners on Main Street to ask permission to outline the rooftops of the buildings.

The Lions Club has begun having their chicken barbeques this year and they will be held on the fourth Friday during the months of May, June, September, and October at the corner of Veterans Drive and the Bypass.

It was the consensus of the Mayor and Council to unanimously approve that the Lions Club proceed with their project as presented. Mayor Fluharty asked Mr. Morean to work with the Public Works Department to make sure that the lights are positioned at the proper height. Mr. Morean said the owner of the company will meet with him and Wayne Cole and they will be getting new decorations for North Main Street.

Rob Wright

Rob Wright expressed concerns about the youth that are leaving the Fire Company youth dances. He said the youth leave the dance and they travel along Morris Avenue, Greenridge Road, and West Central Avenue. The youth are up and down the street cursing, fighting, and making a lot of noise. He said he felt that something has to be done.

Mayor Fluharty said this was the first time that he has heard about this problem. After much discussion, it was agreed that Chief Nagel would meet with the youth prior to the next dance and explain the concerns of the public. The fire company will reiterate to the youth that if the problems continue the fire company may discontinue the dances. This will put the responsibility back on the youth.

Rev. Buddy Dunn

The Federalsburg Ministerial will host a complimentary Business and Professional Breakfast on Wednesday, May 6, 2009 at 7 a.m. at Park Lane Church of God.

DEPARTMENTAL REPORTS

Police Department

Chief Nagel presented his monthly report for the month of April. Thanked Mayor and Council for their support. Thanked the current Mayor and Council for their trust in him for his re-appointment.

Chief Nagel is working with NIXLE. NIXLE is a network which gives agencies the ability to send trusted, time-sensitive and geographically-targeted information using their secured network terminals.

There was some concern regarding how they could do this free and whether or not they use spam. There was a question of whether or not this really is a secure network. Chief Nagel is continuing to investigate this matter and hopes to have it up and running for the police and town offices soon. In order for the public to be assessable to the information they would have to sign up.

Public Works Department

Steve Dyott presented his report as follows:

Public Works has started mowing the grass on Town properties. The Holly bushes in the triangle on the south side are dead. The trees have root rot and they should be removed within a week or so. Steve is unsure whether or not they will be replaced at this time.

Steve is working on a Road Surface Management System and he should have the preliminary draft within the next couple of weeks. This program would prioritize replacement of the streets by their condition and once in place this program will be a good tool for the Mayor and Council to use to do some long term planning for streets.

Mr. Tim Foley expressed some concern regarding the amount of chlorine in his water because some times it is very strong. Steve told Mr. Foley that he can come and collect a sample to test the chlorine levels.

Councilmember Willis questioned if Public Works is still flushing fire hydrants and Steve stated yes they do flush the hydrants.

Mr. Tim Foley also expressed concern regarding the water pressure. Steve Dyott stated that the water main that crosses under the Central Avenue bridge has a leak in it and is currently shut off. The water is looped but it is difficult to navigate the repair because the line is in a casting and it will have to be replaced and the extent of the damage is unknown at this time. Steve

is working with a couple of contractors to obtain estimates to repair the problem at the bridge.

Mayor Fluharty advised the public that anyone experiencing any problems with their water to contact the Public Works Department to have it tested.

Codes/Inspection Department

Steve Watson reported that he is currently working with the Public Works Department regarding grass cutting and will be posting properties with placards. Steve is also working with public works for properties that need to be cleaned up and that are abandoned.

Steve has received several complaints about liquor stores with a large amount of signs. The Zoning Ordinance states a maximum number of seven signs is allowed.

Steve will talk to the Planning and Zoning Commission about reducing the number of days to comply for grass complaints from 10 days to 5 days. Steve was asked to stay on top of the grass violations and check with Brynja Booth to make sure that 5 days is legally appropriate.

Main Street/Grants Department

Happy Mayer reported the following:

1. Rec-Trails has been asked to resubmit a grant request for amenities garbage cans, benches, etc. The priority is the fitness course. Happy thinks that the Town has a favorable chance to get this grant with \$14,800 being an in-kind match. It was the consensus of the Mayor and Council to proceed with the project. Councilmember Windsor questioned the liability for the Town, and it was agreed to contact LGIT to make sure the Town is properly covered.
2. The Veterans Memorial has received Flood Plain approval and it has been submitted to the Critical Area Commission for their approval. Happy has received positive responses from other State agencies.
3. Happy has applied for federal stimulus grant monies and was approved for approximately \$11,000. This is about one third of the cost of a police car and he is now looking for additional grant monies to purchase the car. This was a direct grant to the Police Department for the police car.

4. Happy requested grant monies from GOCCP for the e-ticket system and his request was approved. This system would allow the Police the ability to check license plates in the car before stepping out of the car. The computer will allow the ticket to be done on the spot. The grant will cover installation of this system in five cars. Currently one has been completed and the remaining four will be completed soon.

Planning and Zoning Department

Steve Bollinger reported the commission did not hold a meeting in the month of April. At their next meeting they will review the sign and grass issues presented by Steve Watson, Code Enforcement Officer.

ACTION ITEMS

Town Manager's Report

1. A budget workshop has been scheduled for Monday, May 11, 2009 at 4:30 p.m. in the Mayor and Council Meeting Room.
2. Mr. Colburn requested permission to contact Secretary Maindard to determine whether or not the town would be allowed to use pre-release prisoner's from Church Hill to assist the Public Works Department and Code Enforcement in the area of grass cutting, picking up trash, and cleaning up minor Clean and Lien violations. The town's current insurance holder has a rider for a cost of \$300 if the town decides to utilize the pre-release personnel. Church Hill is interested in this program because it would give the inmates some work history to obtain jobs once they are released from Prison. The Town of Fruitland currently utilizes this program and they have not had any problems.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero granting approval to allow the town manager to work with Steve Dyott, Public Works Director and Steve Watson, Code Enforcement Officer to continue to pursue working with Church Hill Pre-Release Program to assist the town with grass cutting, trash pickup and some minor Clean and Lien violations.

3. Franchise Agreement – On Monday, May 4, 2009 Mayor Fluharty, Steve Dyott, JOK Walsh, and Happy Mayer met with Darrell Wilson and Greg Denston of Chesapeake Utilities to discuss the expired franchise agreement with Federalsburg. Mr. Wilson will send a summary of the meeting and a copy will be forwarded to those that

attended and the Councilmembers. They will be attending the June 1st Mayor and Council meeting. Currently they serve the Caroline Industrial Park, Pillsbury, and the Federalsburg Industrial Park. The last agreement signed was in 1967.

4. A Supervisors meeting has been scheduled for Wednesday, May 6th at 9 a.m.

MEETINGS

Mayor Fluharty stated that he would like to streamline the meeting in the future. One of the things he asked the Councilmembers to consider is whether or not the department heads need to be in attendance at the meetings. He said he would like to further discuss this matter at the budget workshop. He said any questions for the Supervisors could be directed to the Town Manager and appropriately distributed at the staff meeting

Mayor Fluharty stated that he has adopted a motto for his term of office that he hopes the Councilmembers will share and support if they believe in this philosophy as follows:

“Serving as Mayor or as a Councilperson is not about what we do as individuals but what we do collectively to improve the quality of life in our community”.

ADJOURNMENT

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of five to zero to adjourn at 8:10 p.m.

Submitted by,

**Shirley A. Greene
Clerk/Treasurer**