

**MAYOR AND COUNCIL OF FEDERALSBURG  
REGULAR MONTHLY MEETING  
TUESDAY, SEPTEMBER 8, 2009 @ 6:00 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Tuesday, September 8, 2009 at 6 p.m. in the Mayor and Council Meeting Room. The meeting was held on Tuesday because the offices were closed Monday in observance of Labor Day. Those in attendance were Mayor Fluharty, Councilmembers Windsor, Willis, Armes and Bollinger, town staff, guests, citizens, and local media.

The meeting was called to order by Mayor Fluharty who led the group in reciting the Pledge of Allegiance. Mayor Fluharty asked for a moment of silence for former Mayor John Tilghman who recently passed away.

**Announcement of Closed Session**

Mayor Fluharty announced that as allowed under the Open Meetings Act, Maryland Code Annotated, State Government Article, §10-508(a), 2004 Repl. Vol. Section 1i & ii the Mayor and Council held a closed session from 5 p.m. to 5:55 p.m. to discuss a personnel matter.

**Guests:**

**1. Update Federalsburg Historical Museum and Committee Report**

During the August 17<sup>th</sup> workshop, the Mayor and Council discussed various options for installation of a 6" water line to the Heritage Museum. Steve Dyott was instructed to obtain cost estimates for this installation from West Central Avenue and from Morris Avenue. There were concerns regarding opening up West Central Avenue because it is still fairly new roadway, and there were concerns with connecting from Morris Avenue because of numerous conduits between the Town Hall, the Public Safety Building and the alleyway.

Steve Dyott reported that he obtained the following estimates for installation of the water line for the Heritage Museum: (1) connecting from West Central Avenue and extending to the south end of the museum would cost approximately \$28,900 and (2) connecting from Morris Avenue and extending to the south end of the museum would cost approximately - \$27,500.

Steve Dyott was asked to obtain two additional bids for this installation, and since these costs have been made public, advertised bids may need to be requested.

It was reported that the lowest bid for the sprinkler system is \$1,410 higher than the grant received to install this system. The bid is being reviewed to determine if monitoring fees for the alarm system were based on the \$1,200 budgeted amount. The time frame for acceptance of the lowest bid has been extended to October 1<sup>st</sup> to allow for research and discussion at the budget workshop.

Mr. Bart Johnson questioned the \$20,000 grant from USDA and the Mayor and Council gave Happy Mayer permission to proceed with applying for this grant.

Mr. Joe Glime reported that the Historical Society will host their annual Heritage Day on Saturday, September 26<sup>th</sup> from 10 a.m. to 5 p.m. There will also be a Model T tour through Federalsburg on Friday, September 11<sup>th</sup>.

## **2. Veterans Memorial Committee Report**

Mr. Ruiz gave clarification regarding the placement and specifics of the black tablets at the Memorial Site. Mr. Ruiz gave a brief explanation of the layout of the memorial diagram. There was discussion regarding the maintenance of memorial once it is completed.

There were some questions regarding the footers for the memorial walls; whether the names would be listed on the walls by branch of service or categorized historically by the War; the cost of the walls; and the distance of the walkway.

Councilmember Bollinger made a motion seconded by Councilmember Willis and unanimously by vote of five to zero to approve the preliminary drawing of the Veteran's Memorial as presented to also include three footers that should be set the same as the other two facing the corners.

## **3. Skateboard Park Project Committee Report – John Phillips**

John Phillips gave a report on the progress of the Skateboard Park. He advised the Mayor and Council that the Committee has acquired \$64,594.14 through donations, fundraisers, grants, business and civic organizations. The surface work has been completed and Mr. Phillips thanked the Public Works Department for their assistance. The Committee has ordered \$55,000 worth of equipment and they hope to have the grand opening soon.

Mr. Phillips thanked the town for all their efforts in this project and expressed the committees and communities excitement with the progress and for the future of the skateboard park.

Mr. Phillips stated that once the equipment arrives, the Committee will have a Community Volunteer Day to put the equipment together and install it. The Company will send 1 or 2 professional installers to instruct and assist the community volunteers. Councilmember Windsor agreed to volunteer his assistance with the construction/installation. Mr. Phillips stated that they will need a minimum of 5 to 6 volunteers for this two day project.

Wendy Garner recognized the youth who were instrumental in designing the park and assisting with the project. Mr. Phillips thanked the Mayor and Council for their support and direction with this project. The Mayor and Council commended Mr. Phillips and the committee for their efforts.

#### **4. People for Better Housing – Laurel Grove Apartment Complex – Kate Weaver**

Ms. Kate Weaver, Fifth Management and Consulting Firm introduced herself as the representative for the new management company for Laurel Grove Apartment Complex. She requested that the trash collection service by the Town be discontinued.

The Complex has an unsightly appearance because of overflowing trash and debris, and maintenance personnel have a difficult time keeping up. Ms. Weaver stated that the cans are too small and are not dumped often enough to keep up with the abundance of trash from the complex.

Ms. Weaver stated that her firm would like to discontinue collection services with the Town and hire a contractor to bring in several large dumpsters; and the town could continue to bill the complex for their share of the overhead burden of capital costs. Ms. Weaver stated that their cost would be greater, but the benefits for the residents and the appearance of the property would be far greater.

Steve Dyott presented a memo to the Mayor and Council outlining the cost to the town with this proposal. If allowed to opt out of collection services, the only fee that would be decreased would be the tipping fees. All the other fees would remain.

Ms. Weaver stated that their budget would increase by about \$14,000.00; however, they need trash collection two times per week.

Steve Dyott was asked what the additional cost would be if the Town picked up twice a week, and he advised that it would be approximately \$20,000.00.

Mayor Fluharty expressed concern that firm figures should be obtained before any decisions are made, especially with the upcoming budget cuts. It was also agreed that if an arrangement is made, the same terms should be available to anyone, not single out any resident, business or complex.

The Mayor and Council agreed to obtain more details and further investigate this matter for discussion at the budget workshop on September 21<sup>st</sup>.

Mayor Fluharty questioned if Laurel Grove currently has a recycling plan in place. There was some concern that not all residents have transportation to get to the recycling bins in town.

Mr. Jessie Camper, President of People For Better Housing, stated that this has been a long and aggravated process for all parties. Mr. Camper also questioned the legal ramifications if the Mayor and Council rule against the complex and they are forced to pay additional fees. The Mayor and Council could not answer what the legal ramifications would be without legal council. The Town began collecting their own garbage because it was more cost effective for all citizens than hiring a private contractor.

Steve Dyott stated that the Town Attorney advised that the Town's Ordinance clearly states they cannot opt out of this service. Mr. Camper said if the ordinance is legally binding, then the city is legally bound to do something to fix this problem which has been going on for at least seven years.

The Mayor and Council agreed to table this matter until the workshop on September 21<sup>st</sup> at 6 p.m.

### **Approval of Minutes**

A motion by Councilmember Bollinger seconded by Councilmember Armes and unanimously passed by a vote of five to zero approving the minutes of the August 3, 2009 meeting.

### **Steve Dyott – Public Works Department**

Steve Dyott has received a request from the resident at 124 Bloomingdale Avenue for a "Children Playing Sign". The resident has two children and

would like to have this sign installed. It was the consensus of the Mayor and Council to deny the request at this time.

Mike needs to purchase a laptop computer for the new system at the WWTP. This item was included in the Capital Outlay portion of his budget under water and sewer. The cost will be approximately \$1,800.00. Councilmember Bollinger requested the specifications on the hardware; and Steve Dyott will find out and report back to Councilmember Bollinger at the workshop. The purchase of the computer will be tabled until such time that the specification of the hardware can be reviewed.

The water main that crosses the East Central Avenue Bridge has been repaired. Steve Dyott with assistance from the Public Works Department temporarily repaired it himself by replacing a coupling.

The hole on University Avenue was filled in on Thursday and it was hot mixed; a French drain and concrete plug will be installed. The water at this intersection has been a huge mystery, but appears to be some type of spring that is coming up through the street.

### **Traffic Hazard at Yard Sale University and Bloomingdale Avenues**

Councilmember Willis stated that something needs to be done about the parking for the yard sale that is being held on the corner of University and Bloomingdale Avenue because it is creating a traffic hazard. The Mayor and Council agreed to install signs and paint the curb yellow along this property and talk to Chief Nagel about this matter.

### **Crosswalk at Federalsburg Elementary School**

Councilmember Willis questioned if there is a crosswalk designated at the intersection of University and Academy Avenues. He also stated that cars are parking in the drop off zone beside Federalsburg Elementary School, and questioned why the police are not issuing tickets. The Mayor and Council agreed to authorize Chief Nagel to issue tickets to vehicles parked in the drop off zone and advise the school that this would be strictly enforced.

### **Stop Bars at Bank of America**

Mr. Tim Foley questioned when the stop bars at the Bank of America would be updated, and Steve Dyott advised that Public Works will install the new bars as soon as weather permits.

## **Status of Garbage Truck Camera**

Councilmember Bollinger questioned the status of camera for the garbage truck, and Steve Dyott advised that he is waiting for a credit application so the camera can be ordered.

## **Tim Foley – Water Concerns**

Mr. Foley again expressed his concerns about chlorine in his water. He originally expressed these concerns at the August 3<sup>rd</sup> meeting. Steve Dyott stated that Mr. Foley's water was tested on the date of the meeting and the week of August 24<sup>th</sup>, and both readings were less than one. It was discussed that chlorine levels may fluxuate now that the line has been fixed on the East Central Avenue Bridge; however, even with that the levels are still within the legal limits. There was discussion of placing an injection system to assist with the problem. Steve Dyott stated the cost for this system would cost approximately \$50,000 to \$100,000. They would have to construct a small building and make the connection into the main.

Councilmember Willis stated that his children had a lemonade stand and the ice cubes had a chemical taste to them. He stated at his residence there are times when the water is good and times when he feels like he is drinking chemicals all the time. Councilmember Armes said that a person on Charlotte Avenue informed him that the chlorine was so high in their water that they could not drink their tea.

After some discussion, Steve Dyott advised that he is working on correcting the problem but it may take some time. Steve Dyott stated that Maryland Rural Water Association has been contacted to assist with eliminating the problem with the chlorine.

## **OLD BUSINESS**

### **1. Comcast Cable Franchise Agreement**

The Comcast Cable Franchise Renewal Agreement was revised by legal counsel and the recommendations from the Town were put into the agreement. The Mayor and Council reviewed the agreement and agreed to the changes, which included the addition of surveillance cameras for the Police Department.

A motion by Councilmember Bollinger seconded by Councilmember Willis and unanimously passed by a vote of five to zero, to forward the Cable Franchise Agreement to Comcast Cable for their approval and signatures.

## **2. South Main Street/Maple Avenue Project – Bid Award**

There were eleven bid packets that were sent out and there were five contractors that bid on the project. The bids ranged from a low of \$1,154,100.50 to a high of \$1,920,766.90. The lowest responsible bidder was David A. Bramble, Inc. in the amount of \$1,154,100.50. All required documentation was submitted by the contractor and all information has been forwarded to MDE for approval. The Engineer of Davis, Bowen, and Friedel recommended the Mayor and Council award the bid to the lower bidder pending approval from MDE.

A motion by Councilmember Windsor seconded by Councilmember Armes and passed by a vote of five to zero to award the bid for the South Main Street/Maple Avenue Stormwater Project to David Bramble pending approval from MDE.

There was some discussion that the town may need a bridge loan with this project. Robert Rauch, of Robert Rauch and Associates, Project Consultant, stated that he will talk to the contractor to determine whether or not the contractor would agree to wait for the monies from MDE, if funds were past the 30 day pay period.

Happy Mayer asked the Mayor and Council to consider doing a pre-inspection assessment of four of the buildings prior to construction for the South Main Street/Maple Avenue Storm water Project due to a concern raised at a meeting on July 22<sup>nd</sup> by Joe Glime about potential damage to the building in the alley. The pre-inspection assessment would look at the existing conditions of the structures, especially around the foundation and document the findings; this information would be given to the contractor. If there is a problem later it would identify two things: (1) if there were any concerns issued later it would address the concern - did the contractor do any damage to the building that they could be liable for and (2) if there is a claim that there was any damage to the building that wasn't there, it gives the town something to "hang your hat on". It is not a mandatory item but it does offer a certain amount of protection. The cost for the pre-inspection assessment would be \$5,450.00, which could be added to the contract.

After further discussion, it was the consensus of the Mayor and Council that a pre-inspection assessment should be done; however, it should be at the cost of the contractor. The engineer was instructed to contact the contractor to determine whether or not he would cover the cost and then contact MDE to determine it is something that they could covered under the contract.

Bill Remington asked if the Mayor and Council wanted to hold a ground breaking with town, state, and elected officials. The Mayor and Council gave Mr. Remington approval to proceed with the ground breaking ceremonies.

## **NEW BUSINESS**

### **Signage**

The Mayor and Council authorized Public Works to change the Gilford Avenue signs from green to blue. Blue signs are recognized as private accessways and green are public accessways.

### **Committee reports**

#### **Federalburg Volunteer Fire Department**

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

September 12<sup>th</sup> – Chicken Barbeque

September 18<sup>th</sup> – Teen Dance

September 27<sup>th</sup> - Breakfast

### **Public Concerns**

None

### **Action Items**

#### **Code Enforcement Concerns**

Councilmember Willis stated that he had talked to Steve Watson, Code Enforcement Officer, regarding a hole on the property located at 115 Greenridge Road. It is private property and the Mayor and Council instructed Richard Colburn to advise Steve Watson to send a letter to the property owner to make the necessary repairs because it presents a safety and liability hazard.

Councilmember Windsor advised that the vacant house located at 219 South Main Street has been broken into and someone has sprayed the windows and painted graffiti on the inside of the house. He stated the building needs to be secured. Steve Watson code enforcement officer, will be notified to proceed with getting the building secured for safety reasons.

Mayor Fluharty advised that there has been a complaint about the condition of the alley between the museum and the property at 109 West Central Avenue. The Code Enforcement Officer will be advised to contact the owner to have the area between the Heritage Museum and the garage at 109 West Central Avenue cleaned up.

## **PUBLIC WORKS**

Councilmember Willis stated that there were extra trash items (a couch and a chair) that sat out for two weeks before they were removed. There should be better communication between departments in letting each other know when they see a problem so that department can handle the matter promptly.

There is a tree overhanging the sidewalk and the street at the top of the hill on Morris Avenue. The code enforcement officer will be instructed to contact the owner to take care of the problem.

Councilmember Willis questioned whether or not the town had written any municipal infractions in the last three years? Richard Colburn, Town Manager, will check with the supervisor's at the next supervisors meeting to obtain an answer to that question.

Councilmember Willis stated that he has talked to Milton Nagel about the fall ball and football league. Mr. Nagel has advised him that they are looking at constructing a concession stand that would service the Pop Warner Football and the softball leagues.

Mayor Fluharty questioned whether or not the Council would be willing to appoint a Park Committee that would oversee the duties and responsibilities of the parks. The information from the Town of Easton, who currently has such a committee in place, will be distributed to the Councilmembers for their review and discussion at the September Workshop. The committee would be comprised from several organizations from the different organizations such as Skateboard Park Commission, football, softball, baseball, fall ball, etc.

## **Baseball Field – Chambers Park**

Councilmember Armes and Willis stated that the Pop Warner Football are still practicing on the girl's softball field and baseball fields. Richard Colburn was instructed to contact Mr. Bruce Hancock by telephone and send a letter to Bruce Hancock inviting him to attend the Mayor and Council Workshop on

September 21<sup>st</sup> at 6 p.m. If they do attend then advise them that they stand the risk of being suspended from using the football field.

### **Community Building**

Councilmember Armes questioned whether or not the Community Building in Chambers Park is used exclusively for the church. He asked if someone from the public wanted to rent the building would they be allowed to. There was discussion about the condition of the log cabin. Currently, the log cabin is being used for storage. At this time the Community Youth Center that is using the Community building has equipment that would have to be moved each time the building was rented. Mayor Fluharty stated that if the Council wanted to begin renting to the public again, he would talk to Pastor Buddy Dunn and advise him that the Mayor and Council feel that the building should be rented out to the public. However, they would still be allowed to use the building on Tuesday's and Thursday's. The Mayor and Council questioned what the prior cost was to rent the building. The Clerk will get the previous charge for renting the community building and advise the Mayor and Council in the next weekly report.

### **FERAL CAT COLONY**

Mayor Fluharty advised that there is a feral cat colony near the Maryland Plastics parking lot off of Liberty Road. People are feeding the cats, which makes the cats continue to return to the area. There is also a neighbor that has several cats and it is not known how many are feral and how many belong to the neighbor. It was agreed to contact the humane society and advise them of the problem. There was a question of whether or not the town had a leash law for cats. The town operates under the county's dog ordinance and it was unsure whether or not cats were included.

### **Town Manager Report:**

Richard Colburn reported that the agenda items for the September 21<sup>st</sup> meeting were as follows:

Meet with Pop Warner Officials  
Discussion of Budget cuts due to State revenue cuts to the town  
People for Better Housing – request for waiver of trash pickup  
Historical Society Museum Grant Funding  
Wastewater Treatment Plant - Approval for purchase of a computer  
Curfew introduce legislation – discussion of how to proceed  
Chesapeake Utilities Franchise Agreement Review

Richard Colburn asked the Mayor and Council if they wanted him to attend the Fall MML Conference to be held on October 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup> at Rocky Gap, Maryland. The Mayor and Council advised that due to the recent budget cuts that have to be made the town would forgo sending anyone to the fall conference this year.

Richard Colburn advised that the town's curfew law and Senate Bill 552 from 2001 have been forwarded to Brynja Booth, Town Attorney, and Jonathan Newell, Caroline County State's Attorney for their review and recommendations. The Mayor and Council were asked to look at the existing ordinance and the Senate Bill. This topic will be discussed again at the October 5<sup>th</sup> Regular Monthly Meeting.

Councilmember Willis was congratulated for completing the Academy of Excellence. He will graduate on Sunday, September 13<sup>th</sup>.

### **Closed Session**

A motion by Councilmember Willis seconded by Councilmember Bollinger and unanimously passed by a vote of five to zero, to go into a closed session as allowed under the Open Meetings Act, Maryland Code Annotated, State Government Article, §10-508(a), 2004 Repl. Vol. Section 1i & ii to discuss a real estate matter immediately after the regular meeting.

### **Adjournment**

A motion by Councilmember Willis seconded by Councilmember Armes and unanimously passed by a vote of five to zero to adjourn at 9:15 p.m.

Submitted by,

Shirley A. Greene  
Clerk/Treasurer