

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, OCTOBER 5, 2009 @ 6:00 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Monday October 8, 2009 at 6 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Fluharty, Councilmembers Windsor, Willis, Armes and Bollinger. Also in attendance were 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.

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 1 i & ii to discuss real estate matters prior to this meeting from 5:30 p.m. to 6:00 p.m.

Guests:

David Morean and David Whaley from the Federalsburg Lions Club and Santa Claus Committee advised that both of these organizations have joined forces to become one unit. They requested the blessing of the Mayor and Council for combining these organizations. Mr. Morean and Mr. Whaley advised that nothing will change as a result of the joined forces, except that it will include personnel to manage events and resources will be pooled together for the Christmas lighting and banners.

The Christmas Parade will be held on Monday, December 14, 2009 at 7 p.m. The committee has not decided upon a theme and a rain date will be determined at a later date and the information will be forwarded to the Mayor and Council.

Councilmember Willis said they did a great job with the lights and decorations last year.

Mr. Morean stated that the Christmas lights on north end of town will be on a smaller scale this year, which will help to eliminate the problems from last year with trucks hitting the lights.

The Mayor and Council were in support of joining these organizations.

Approval of Minutes

A motion by Councilmember Windsor seconded by Councilmember Armes and passed by a vote of five to zero approving the minutes of the previous meeting as submitted.

OLD BUSINESS

South Main Street/Maple Avenue Project

Bill Remington gave a briefing on the South Main Street/Maple Avenue project. He said that they are pushing MDE to obtain approval for this project and hope to have it wrapped up in a week or two.

Mr. Remington advised that a grant application has been submitted to The Water Shed Assistance Program to obtain monies to assist with the Railroad Avenue Stormwater Project. This is a \$35,000 grant that would pay up to 75% of the engineering costs for this project. The remaining 25% of the funding would be in-kind expenses of town staff.

Tim Foley asked if Maryland-Delaware Railroad owned part of Railroad Avenue and would they be willing to share part of the cost of the road repair.

NEW BUSINESS

Budget Amendment Ordinance No. 2009-13

Due to the recent budget cuts in Highway User Funds (\$149,933) and State Aid for Police Protection (\$20,211), totaling \$167,144 in shortfall from the Fiscal Year 2010 Budget; Ordinance No. 2009-13 amending the FY 2010 budget was presented.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero approving Ordinance No. 2009-13, which amends certain line items for the appropriate funds and estimated income in accordance with the operating budget adopted for fiscal year beginning July 1, 2009 and Ending June 30, 2010. The Ordinance shall also include the changes to correct the spelling of Councilmember Bollinger's first name, and to revisit the budget monthly to determine what additional cuts can be made so that monies from the Industrial Park Fund will not have to be used to balance the budget.

The Mayor and Council agreed to continue to review the budget for additional cuts.

Old Denton Road Landfill Proposed Fees

Due to the recent budget cuts from the State of Maryland, Caroline County Commissioners have discussed charging an annual fee for the use of the landfill sites. The site that would affect the citizens of Federalsburg is located on Old Denton Road. Currently there is no charge to use the site; however, the Commissioners are considering charging a fee of \$25.00 per year.

The Mayor and Council feel that if a fee is imposed people may not be able to pay the fee and this will result in trash being dumped along the roadways.

It was the consensus of the Mayor and Council to send a letter to the County Commissioners expressing their opposition to the proposed fees for the landfill sites, especially the site on Old Denton Road.

Committee reports

Federalsburg Historical Society

Bart Johnson announced that the Historical Society held their annual Heritage Day Event and Antique Market; and they had approximately 100 people in attendance. They also held a business luncheon/open house and had 50 to 55 attendees, sponsored by The Banning Foundation.

Mr. Johnson questioned the status of the grant acceptance letter for the MHT Grant. The Mayor and Council advised him that the Town has not received the agreement from MHT to date.

Councilmember Willis expressed his concern regarding the estimate that was submitted for the installation of the water line for the museum because the amount of the bid estimate had been read in public and he felt that it was unfair to the contractor that had given the estimate. After much discussion it was agreed to obtain another estimate for the project.

Mr. Foley asked if there is a Certificate of Occupancy for the Heritage Museum, and how the Historical Society is being allowed them to hold functions in the building; if someone gets hurt who is liable? Mr. Foley stated that he contacted First State Inspection Agency and was told there was no Certificate of Occupancy. Mr. Foley questioned how federal grant money is being spent in a building with no temporary Certificate of Occupancy.

The bid quote for sprinkler system was extended for a two week period. Councilmember Willis questioned how much money it would take to finish the building and obtain a Certificate of Occupancy. There was concern regarding the rush to install the sprinkler system and there are no provisions made yet for the heat in the building. Steve Dyott, Happy Mayer and the

Sprinkler Company should be consulted to determine if the heat system should be installed to keep this equipment from freezing.

Steve Watson, Code Enforcement Officer, has talked with Joe Glime and advised him what is needed for the Certificate of Occupancy, which would include the requirements from the Fire Marshall. Mr. Foley questioned if Steve Watson is qualified to give that information because he only certified to do residential inspections.

Mayor Fluharty advised that the Town has a lease agreement with the Historical Society and it includes provisions regarding the Historical Society's responsibilities. The engineering was done to determine what was needed to replace the roof and how to make it structurally sound. The town sought grant funds to pay for roof repairs and any repairs necessary for the building shell. The next aspect was to finish the inside and that was the responsibility of the Historical Society. The Fire Marshal determined that a sprinkler system was required. The Historical Society then outlined what they could afford to handle and came to the Town with the items that they needed assistance with from the town.

Mr. Foley questioned the liability if someone were to get hurt during a Historical Society function. Mayor Fluharty stated that the Historical Society has liability insurance on the building and the Town has insurance with LGIT.

Mayor Fluharty requested from Bart Johnson, a listing of the items that the Historical Society is currently working on and how they plan to fund those items. Steve Watson will be asked to give the requirements that are needed to obtain a Certificate of Occupancy for the building and to determine whether or not MDIA or First State needs to be consulted. Steve Dyott will be asked to obtain an additional bid for the water line extension for the Museum. This information should be forwarded to the Mayor and Council for their workshop on October 19, 2009.

Councilmember Armes made a motion seconded by Councilmember Bollinger and unanimously agreed to apply for the RDA grant monies for the Federalsburg Heritage Museum then revisit bidding for the water line extension project.

Federalsburg Volunteer Fire Department

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

- Soup Luncheon October 16 – 10 a.m. to 1 p.m.
- Teen Dance – October 23rd @ 7 p.m.
- Breakfast – October 25th

Public Concerns

Matt & Jen Barrow Water Concerns

Mr. And Mrs. Mat Barrows, who reside at 106 North Main Street, expressed their concerns about chlorine burning their eyes while showering.

Mayor Fluharty advised that they have been taking water samples from different locations in the area to determine to see if there are any differences in when the tanks go off at different times.

The Mayor, Public Works Director, and Waste Water Treatment Superintendent have met with representatives from Maryland Rural Water Association and MDE address the concerns addressed by residents about the chlorine in the water.

Richard Colburn, Town Manager was instructed to contact representatives from Maryland Rural Water and MDE to schedule a public meeting to discuss concerns about the water.

Mr. Tim Foley stated that he no longer had a smell of chlorine in his water, however, there are brown chunks floating in the water. Councilmember Willis also stated that his water is better. Mr. Foley was asked to provide a sample of his water with brown chunks so it can be tested.

Action Items

Councilmember Windsor Action Items

Councilmember Windsor said that he took a field trip to Laurel Grove Acres and he feels that their trash problem is an in-house problem. He doesn't feel that the Town has done anything wrong.

Councilmember Windsor stated that there still seems to be numerous lights on at the Wastewater Treatment Plant. Richard Colburn, Town Manager, stated that he brought this concern up at the supervisor's meeting and the lights were installed after September 11th and staff is check to see if there is are any requirements to keep all the lights on. The funding for the project came from Homeland Security Funding.

Councilmember Willis Action Items

Councilmember Willis voiced his concerns about the condition of the trail. He said that during the Hospice Walk/Run there was dead grass, weeds on the trail and especially behind the bridge off South Main Street. It was

requested that when the grass is cut on trail that it not be blow back on the trail and to make a special effort to clean up the trail area during special functions.

Mayor Fluharty Action Items

Mayor Fluharty asked the Councilmembers to review their packets prior to the meeting. Since the supervisors do not attend the meetings they were asked to contact the staff to answer any questions they may have prior to the meeting to get their answers ahead of time.

Councilmember Armes Action Items

Councilmember Armes said the town needs to change the health insurance for Mayor and Councilmembers. He stated that the Mayor and Council need to be fiscally responsible and he would recommend that the Mayor and Council find alternate means of health insurance. He said if everyone of the Mayor and Council participated in the health plan it would cost the town approximately \$60,000. He recommended that those who are currently on the plan to look into acquiring private insurance with an effective date of January 1, 2010. Mayor Fluharty stated that this policy goes back to the 1990's when it was voted on. Councilmembers Armes stated that the town should look at eliminating the health insurance for elected officials first before discussing furlough days for employees.

Councilmember Bollinger Action Items

Councilmember Bollinger stated that the Planning and Zoning monthly meeting time maybe moving from 6 p.m. to 7 p.m. This change may become effective to get additional members on the board.

Richard Colburn, Town Manager Action Items

Richard Colburn stated that the Mayor and Council Workshop is scheduled for October 19th @ 6 p.m.

Comcast

Mr. Tom Worley, of Comcast Cable expressed concerns regarding the Town's requests in the Franchise Agreement. The concerns involve the liability of the surveillance cameras and installing internet service to all municipal buildings. He advised that currently, no government agency receives the same benefits that Federalsburg has requested.

Curfew Ordinance

Richard Colburn reported that after review of the Senate Bill 552 – Curfew Law and the Town’s existing curfew ordinance; it was recommended by the Town Attorney that the Town should draft a curfew ordinance that mirrors Senate Bill 552. It is believed that since this law has been reviewed by the Attorney General, and passed by the General Assembly, that it would stand up in court.

Real Estate Matter

The property located at 115-117 North Main Street, previously owned by Cissy’s Specialties, was sold at tax sale for non-payment of the real estate taxes. Cissy’s Specialties previously obtained a Small Business Loan from the Town; which they are currently six months behind in their loan payments.

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero to authorizing the Town Clerk to pay the redemption fees to the Caroline County Treasurer’s Office to reclaim this property from the tax sale and authorized the Town Attorney to proceed with foreclosure against the property.

Ms. Francis Thomas, partner in the property asked the Mayor and Council if she paid off the loan, would the town stop the foreclosure proceedings. She was advised that it would probably take some time to begin the proceedings for foreclosure and if she and her partner could reach an agreement to pay off the loan she should contact the Town Attorney. Otherwise, the Town will proceed with foreclosure.

Adjournment

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

Submitted by,

Shirley A. Greene
Clerk/Treasurer