

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, MAY 3, 2010 @ 6:00 P.M.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, May 3, 2010 at 6 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Fluharty and Councilmembers Windsor, Willis, Armes and Bollinger. Also in attendance were staff, guest, citizens and local media.

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

Introduction of K-9 Unit

Officer Jerry Stivers introduced "Archie" the newest K-9 police officer. Officer Stivers has had "Archie" out in the community and he had done very well.

PUBLIC HEARING

Ordinance No. 2010-01

Mayor Fluharty called to order the Public Hearing for Ordinance No. 2010-01, which is an ordinance that would authorize the execution of a franchise agreement between the Town and Bay Country Communications, Inc. for the construction, operation and maintenance of a cable system within the Town of Federalsburg.

One correction to the actual document was made on Page 9 - Section 10.1, which should read – *"as well as high speed internet service"*.

Bay Country anticipates a three year build out and they expect to install fiber optic lines into the community.

Ordinance No. 2010-03 – Establishment of a Parks & Recreation Committee

Mayor Fluharty called to order the Public Hearing for Ordinance No. 2010-03, which is an ordinance that would establish a Parks & Recreation Committee and to repeal and re-enact Chapter 132 of the Federalsburg Town Code entitled Parks and Recreation Areas.

The committee would be an overview committee that makes recommendations to the Mayor and Council for the park areas in the Town of Federalsburg. The committee would be comprised of a seven member board.

Mayor Fluharty asked if there were any public comments or questions and there were none.

There being no further questions or comments the public hearing closed at 6:10 p.m.

COMCAST FRANCHISE AGREEMENT

Due to the fact that an agreement can not be made at this time with Comcast in regard to the Franchise Agreement, the existing agreement will remain in effect until a new agreement can be made. Councilmember Willis asked for time to look at the revised agreement before making any comment. Brynja Booth, Town Attorney asked and was given approval by the Mayor and Council to talk to Mr. Tom Worley, Comcast Cablevision so that the negotiation process can continue. Councilmember Willis questioned whether the franchise agreements had to be the same between Bay County and Comcast. He was advised that there was no reason why the town could not have two separate agreements. Mr. Worley stated that he didn't want either cable company to have an unfair advantage over the other.

MATT PETER, LGIT ATTORNEY ON BEHALF OF TOWN

Mr. Matt Peter, Local Government Insurance Trust Attorney, advised that the town was sued by Barbara Davis regarding some work done by RC&D and some damage done to the property. A settlement agreement has been reached and terms must be agreed upon by the Mayor and Council. A copy of the agreement was presented to the Mayor and Council. Mrs. Davis will receive monies to recoup the attorney fees that have been expended due to this lawsuit. The monies will be jointly split by the town's insurance company and RC&D. The restoration project will begin this fall during mid September 2010. The project will take one to two weeks to complete.

A motion by Councilmember Willis seconded by Councilmember Windsor and passed by a vote of five to zero approving the terms of the agreement and authorizing Mayor Fluharty to execute the document as presented by Mr. Peter.

Mr. Peter reiterated that there would be no financial impact on the town's budget from this lawsuit.

GUESTS

Charles Brohawn – Boy Scout Troop 137

Mr. Charles Brohawn, Assistant Scout Master with Federalsburg Boy Scout Troop 137 advised that they would be moving forward with their plans to construct two picnic tables for the small pavilion behind Union United Methodist Church on Main

Street. The picnic tables would be available for public use, but it would specifically benefit the Boy Scout Troop during the spring, summer and fall when they could hold their meetings outside. Mr. Brohawn on behalf of the Boy Scout Troup requested a monetary contribution from the town to help pay for the cost of the picnic tables. The troop also plans to try and obtain a donation of \$100 from Lowes toward the purchase of the supplies.

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero giving their approval to the Boy Scouts to proceed with the building of the picnic tables to be located behind Union Church. They also agreed to give a decision in regard to monetary donation request at their May 10th Mayor and Council Workshop.

Mr. Brohawn was also asked to get a more definite cost on the cost for the materials for the picnic table by the May 10th workshop.

EAGLE SCOUT PROJECT

Mr. Daniel Sauers, lifetime scout in Federalsburg Troop 137 looking for eagle scout projects. He would like to create a map to find the approximate location of each fire hydrant in town. The map would show a more accurate location and create 3 to 5 foot flags of orange material to attach to the fire hydrants that could be found easily. They have talked to Steve Dyott, Public Works Director and a representative of the Federalsburg Volunteer Fire Department because they would need to know more specific details about the project. The Mayor and Council gave their support for this project, however, they asked that he keep the Public Works Director informed once he gets further along with the project. Part of his responsibility is to plan fundraisers to help fund this project.

William Beall

Mr. William "Bill" Beall read a prepared statement that expressed his concerns in regard to the condition of the town. A copy of the statement will be shared with the Mayor and Council and staff.

APPROVAL OF MINUTES

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero approving the minutes of the previous meeting as presented.

ANNOUCEMENT OF CLOSED SESSION

Mayor Fluharty stated that as allowed under the Authority: 2004 Md. Code, State Government 10-508 (a) (1) the Mayor and Council held a closed session on Monday, May 3rd in the Town Manager's Office from 5:00 p.m. to 5:58 p.m. to

discuss a personnel matter and legal litigation with the municipal attorney. Those in attendance were the Mayor and Councilmembers, Town Attorney, LGIT Attorney, and town manager.

OLD BUSINESS

A. Discussion of Stormwater Management Pond/Quality Stone

Mr. Bob Rauch has reviewed the concerns regarding drainage of the stormwater management pond constructed by Quality Stone Veneer on Vesper Avenue. Mr. Rauch submitted his recommendations to the Mayor and Council via letter.

Councilmembers received a copy of Mr. Rauch's comments and copies were also issued to Tim and Celeste Foley and Connie Blanchfield, adjoining property owners.

Mr. Rauch noted that he thought the problem is a result of how the properties were developed and how the yards have been maintained. He suggested that the town meet with the property owners to discuss options to solve the problem. Mayor Fluharty asked for comments from the Council.

Councilmember Willis said that he agreed that there has been an unusual amount of rain and snow this past year, however, he did not see how building up the property was not the cause of the problem. The drawings show the fall toward the ditch. Mr. Foley also stated that he does not agree with the findings of Mr. Rauch. He did say that they would see what happens with future rains.

Mr. Foley questioned how the entire process could have taken place with the stormwater management pond at Quality Stone without notification to the town. Mr. Foley was advised that the County handles the stormwater management issues for the town; since at the time the town did not have the staff to administer this program. Mr. Rauch has recommended that the town look into taking over the stormwater process.

Connie Blanchfield, stated that they have owned the property for 17 years, and she questioned why the back yard has just started to flood. She said she feels something has changed but is uncertain where the problem lies. She stated that she is knowledgeable about stormwater management ponds and she need answers and she doesn't know where to get those answers. She said she doesn't want a flooded back yard.

Bob Rauch and Richard will schedule a meeting with the property owners to try to resolve this problem.

B. Ordinance No. 2010-01 Franchise Agreement with Bay Country Communications

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The Mayor announced that a public hearing was held to hear public comments/questions regarding Ordinance No. 2010-01, which authorizes the execution of a Franchise Agreement between the Town of Federalsburg and Bay Country Communications for the construction, operation and maintenance of a Cable System within the Town of Federalsburg.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero approving Ordinance No. 2010-01 with the amended language changes.

C. Ordinance No. 2010-03 Establishment of Parks & Recreation Committee

The Mayor and Council held a public hearing which introduced Ordinance No. 2010-03, which establishes a Parks and Recreation Committee and repeals and re-enacts Chapter 132 of the Federalsburg Town Code entitled Parks and Recreation Areas.

A motion by Councilmember Armes seconded by Councilmember Bollinger and passed by a vote of five to zero approving Ordinance No. 2010-03.

D. Reliance Avenue Town Sign

The total cost to make and install the remaining portion of the Town Sign on Reliance Avenue is \$1,885 and \$170 to install the sign in the masonry. The total amount of funding for this project is \$2,271.97, which would mean that the sign is within budget. The sign would be completed by Morton Sign Company.

A motion by Councilmember Windsor seconded by Councilmember Willis and passed by a vote of five to zero approving the completion of the sign as presented by Morton sign Company.

NEW BUSINESS

A. COG Membership Discussion

Mayor Fluharty gave brief history of how COG was established. The COG is made up of members from the Caroline County Commissioners and the Caroline County Association of Municipalities. It was discussed that the business that takes place at the COG Meeting could continue to be handled at the Association of Municipalities Meetings. Mayor Fluharty advised the Councilmembers that the COG has officially agreed to dissolve and according to their bylaws that in order for a town to withdraw from the COG they would have to formally withdraw their membership in writing. Mayor Fluharty asked the Council whether or not they would like to withdraw the town's membership

from COG. The Mayor and Council have received correspondence for the Town's of Marydel and Hillsboro withdrawing their membership.

A motion by Councilmember Willis seconded by Councilmember Windsor and passed by a vote of five to zero to submit a letter for the Mayor and Council of Federalsburg resigning from COG.

B. Chesapeake Utilities Franchise Agreement

The Mayor and Council introduced Ordinance No. 2010-04, which authorizes the Mayor to execute a Franchise Agreement between the Town of Federalsburg and Chesapeake Utilities Corporation for the manufacturing, acquiring, distributing, and selling natural, mixed or manufactured gas for light, heat and power and other related purposes. A public hearing in regard to this ordinance was scheduled for Monday, June 7, 2010 at 6 p.m.

COMMITTEE REPORTS

Federalsburg Historical Society

No report

Federalsburg Volunteer Fire Department

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

- Chicken Barbeque – May 8, 2010 – 10 a.m., - until
- Teen Dance – Friday, May 28, 2010
- Breakfast – Sunday, May 23, 2010 – 7 a.m. to 10 a.m.

June 5th the FVFC will be the hosting the Soap Box Derby. A practice run will be held on Saturday, May 22, 2010 on West Central Avenue.

Federalsburg Lions Club

No report

PUBLIC CONCERNS

Business Professional Breakfast

Pastor Dunn invited and reminded the Mayor and Council, staff and business persons of the Business and Professional Leaders Breakfast on Wednesday, May 12, 2010 from 7 a.m. to 8 a.m. at Park Lane Church of God. The Keynote speaker will be Mr. Ron Loeffler, Owner and Manager of Danny's Auto Body, LLC.

This breakfast is sponsored by the Federalsburg Ministerial Association to show the appreciation to the town and business people in the community for all that they do.

Connie Blanchfield

Mrs. Blanchfield questioned whether or not there was anything that could be done in regard to Food Lion driveway. She stated the holes are getting larger and it is hazardous. Mayor Fluharty advised her that the management company was trying to keep it filled. However, it is uncertain what agreement there is between the management company and the property owner of the street. The property has gone to foreclosure and at this point the town is unsure how far they can proceed. The town will continue to work with the management company.

Flag Triangle and Town Hall

Richard was advised to look into getting flags for the front of the town hall. The budget will also be checked to see if the flag pole for the triangle was removed.

ACTION ITEMS

Councilmember Windsor

Councilmember Windsor advised that he received a complaint from a gentleman who received a grass cutting notice from the town and was threatened with a \$200 fine. The complainant wanted to know how the town could send out letters about tall grass when the town's grass was also tall. At the time the complainant received the letter his grass was in violation and has since been cut. Councilmember Windsor advised that he noticed that grass needed to be cut along the trail on the other side of the river.

Councilmember Windsor stated last November he turned in a written complaint about a tree on a property that was leaning and the property owner was concerned it would fall on their property. The tree has since fallen and Councilmember Windsor cut the tree and hauled it away.

Councilmember Windsor advised that the complaint about loose garbage in garbage cans on Academy was not a valid complaint.

Councilmember Willis

Councilmember Willis complimented public works for the patches that they have done on the streets. He said that the patches on Park Lane from the Library to Central Avenue where gravel has been placed, comes out every time a car travels over it and he requested that hot mix be used to fill the holes. The public works

director has advised that they will be filling the holes throughout the town with hot mix. Councilmember Willis questioned whether there was something else that could be used instead of gravel while they are waiting to hot mix the pot holes.

Councilmember Willis requested more police presence throughout town. He said that someone has been removing pieces of fencing around M & M Refrigeration in the Caroline Industrial Park and perhaps additional police presence would help. Councilmember Willis also questioned whether or not some of the police cars could be parked around town to help deter crime. It was the consensus of the Mayor and Council not to leave the cars around town.

Councilmember Armes

Councilmember Armes voiced his concerns about the unsightly condition at the Food Lion Shopping Center. He questioned what the town could do to make them clean up the property. Mayor Fluharty stated that he thought they had someone come in twice a week to clean up. Richard Colburn was advised to contact the representative of the shopping center about clean up and if not completed then to forward to the code enforcement officer.

Councilmember Armes voiced his concerns about emergency vehicles speeding through town for emergency calls. He stated his concern for children on the street that may be hit while responding to a call.

Councilmember Armes questioned whether or not town flags could be purchased and sold. The Clerk will get the cost for the flags.

Councilmember Armes stated that he has the same feelings about the town that Mr. Beall read in his prepared statement in regard to the condition of the town. He said the town needs to be vigilant in keeping the town clean. He said that there was a plastic cover of the Citgo sign on Main Street that should be addressed.

Councilmember Bollinger

Councilmember Bollinger requested more active patrol on the East side of the river. Councilmember Armes questioned the need for three police officers at one location at the same time. This will be discussed at the next supervisors meeting.

TOWN MANAGER TIME

Richard Colburn advised that the concern with the speeding emergency vehicles has been addressed by Chief Nagel. Richard Colburn will issue a policy that mirrors the safety policy of the State Police to the police department.

Richard Colburn advised that Chief Nagel has requested a change in leave time for not only his police officers but other staff as well when they are unable to take their vacations due to understaffing that would create a problem for other staff. Chief Nagel has requested that unused leave time be allowed to be converted to sick leave. The Mayor and Council approved this policy for police only.

Richard Colburn also advised the Mayor and Council that they still need to select a name for the connector road in the Frank M. Adams and Federalsburg Industrial Park. He also reviewed the following dates:

Wednesday, May 5th – Mayor’s Prayer Breakfast

Thursday, May 6th – National Day of Prayer

Monday, May 10th – Budget Review Workshop

Mayor Fluharty

AT&T Water Tower Lease

A motion by Councilmember Windsor seconded by Councilmember Armes and passed by a vote of four to one to amend the lease agreement between the town and New Cingular Wireless PSC, LLC which amends the current term to a 60 month term and would reduce the annual payment from \$13,480 to \$10, 800. The vote was as follows: Mayor Fluharty (Yea); Councilmembers Armes, Willis, and Windsor (Yea) and Councilmember Bollinger (Nay).

Code Enforcement Spreadsheet

Mayor Fluharty advised the Mayor and Council that Cary Malkus submits via email copies of the violation letters that have been sent out. If they have any questions they can direct them to Mr. Malkus. Mr. Malkus is being very proactive in his violations.

ADJOURNMENT

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

Submitted by,

**Shirley A. Greene
Clerk/Treasurer**