

**Mayor and Council of Federalsburg
Regular Monthly Meeting
June 7, 2010 @ 6:00 P.M.**

The regular monthly meeting of the Mayor and Council was held on Monday, June 7, 2010 at 6 p.m. in the Mayor and Council meeting room. Those in attendance were Mayor Fluharty, Councilmembers Armes, Bollinger, Windsor and Willis. Also in attendance was Richard Colburn, Town Manager, local citizenry, staff, and media.

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

Public Hearing @ 6:00 p.m.

A public hearing was called to order by Mayor Fluharty. The purpose of the public hearing was to hear discussion on the proposed Franchise Agreement with Chesapeake Utilities. The public hearing has been duly advertised in the Times-Record on May 19, 2010. The Franchise Agreement would in effect for twenty-five years (25), which would expire in 2035.

Mayor Fluharty gave a brief overview of the Ordinance and the Agreement with Chesapeake Utilities, which is an ordinance which would authorize the Mayor to execute a Franchise Agreement between the town and Chesapeake Utilities for the manufacturing, acquiring, distributing, and selling natural, mixed or manufactured gas for light, heat and power and other related purposes.

There being no comments or questions from the public the public hearing was closed at 6:05 p.m.

Approval of Minutes

A motion by Councilmember Windsor seconded by Councilmember Bollinger and passed by a vote of five to zero approving the minutes of the previous meeting as corrected. The corrections are as follows:

Page 1 - Add Councilmember Armes to the attendance record.

Page 4 - Section A 4th paragraph remove "in years past".

Budget Ordinance Adoption – 2010-05

Mayor Fluharty stated that during the month of May, the Mayor and Council held numerous meetings to balance the budget for FY2011. The town maintained the real estate property tax rate at \$.64 and there were items cut from all departments. The Personal Property Tax Rate remained the same at \$1.60 The rate of service and

administrative fees on semi-annual billings assessed by the Caroline County Treasurer's Office will be 44% Service Fee and 10% Administrative Fee.

There were no questions or comments from the public in regard to this ordinance.

A motion by Councilmember Windsor seconded by Councilmember Bollinger and passed by a vote of five to zero approving Ordinance No. 2010-05, which is an ordinance to appropriate funds and estimate income in accordance with the budget adopted for fiscal year beginning July 1, 2010 and ending June 30, 2011.

New Business

Wastewater Treatment Plant Closeout Discussion

Jason Loar with Davis, Bowen and Friedel was present to recommend and request approval to closeout the WWTP Upgrade Project. The project is under budget with a few items remaining to be completed. However, in order to close out the project, Mayor and Council approval is needed. Closing out the project would allow the engineer to proceed with the paperwork to complete the project.

Councilmember Armes questioned the second overflow at the plant. He asked why no alarm sounded and if the installation of an alarm was an oversight in light of the two overflows that happened during the construction of the project. Mr. Loar said a motor malfunctioned, with a valve closed, causing an overflow. An alarm would alert public works staff of the problem in time for them to open the valve. Mr. Loar said an alarm should have been installed at the motor initially, but was overlooked. The plant has three valves and now they all have alarms.

Councilmember Willis questioned whether or not a new motor has been installed and was advised by Mr. Loar that it has been. Councilmember Willis questioned whether or not the town would be fined for the overflow and was advised that since the project has not been closed out, it is still considered under construction phase, therefore, no there should be no fines.

Once the town signs off on the final acceptance of the project the contractor would provide the town with a one-year warranty covering full construction cost. If the contractor does not correct any problems with the one year warranty the town would have the option to cash out the bond to have the problems corrected.

After further discussion, Councilmember Armes stated that he did not feel comfortable signing off on the project so soon after the recent overflow. Councilmember Willis agreed with Councilmember Armes.

Mr. Loar questioned what would make the Mayor and Council comfortable in closing out the project. Councilmember Armes said he would need, "time" to see that the system would operate with no problems to be comfortable with closing out the project.

Councilmember Bollinger asked about the possibility of having back-up motors installed. Mr. Loar said he would look into it and have information available by the end of the week. Mr. Loar said he would also review a worst case scenario with the public works department.

The Mayor and Council agreed to meet again with Steve Dyott, Mike Tipton and Jason Loar at the June 21st Workshop to review the concerns and address the resolutions to their concerns at the June Workshop.

Mr. Loar stated that the contractor can not be paid for the work until the Mayor and Council sign off on the completion of the project.

Parks and Recreation Committee Nominations

The Mayor and Council passed an ordinance to create a parks and recreation committee, which shall consist of seven members appointed by the Mayor and Council for a three year term. The member recommendations for this committee are as follows:

Keith Christopher – South Caroline Little League
Chris Parks – Men’s Softball
John Phillips, Jr. - Skate Park Representative
June or Jim Truitt, Triangle Committee
Jay Covey, South Caroline Little League
Bruce Hancock, Pop Warner Football
Bud Lewis

Introduction of Ordinance No. 2010-07 – Municipal Infraction

Mayor Fluharty introduced Ordinance No. 2010-07, which is an ordinance that would repeal Sections 1-8 through 1-10 of the Town Code relating to municipal infractions and to adopt a revised Section 1-8 of the Town Code to ensure consistencies with the municipal infraction provisions of any town ordinance that has been or may be adopted from time to time.

A public hearing will be scheduled for Tuesday, July 6th at 6:00 p.m. to hear public comment in regard to this ordinance.

Councilmember Willis questioned why the town is changing this because the fines are the same. He thought there was a change in the wording; however, the fines seem to remain the same.

Brynja Booth, Town Attorney will attend June 21st workshop to answer the concerns of Councilmember Willis. The ordinance will be advertised with a public hearing scheduled as noted above.

Committee Reports

Federalsburg Historical Society

Mr. Bart Johnson reported that the Hobby Fair was held in April and there were approximately 200 people in attendance in conjunction with the Hobby Fair and the FES Child Safety Fair. They sold out of hotdogs, which was an indication of a good day. The Historical Society newsletters have been sent out. Mr. Joe Glime attended the Harriett Tubman day, and he has been asked to serve on the James Mitcher Advisory Board. Mr. Glime also hopes to obtain signage and promote tourism by being on this board.

Mr. Johnson asked if there was any update for the waterline for USDA. It was reported by town staff that the project has gone through another stage, which moves the project closer to funding.

The Town Attorney is working with representatives from Davis, Bowen & Friedel and CMSI regarding the concerns with the museum and to date no answers have been received. Mr. Glime questioned who would be responsible for the glass breakage at the museum and he was informed that it would be the responsibility of the Historical Society to have repaired.

Federalsburg Volunteer Fire Company

Mayor Fluharty reported the following:

Chicken Barbeque – Saturday, June 12, 2010 – 10 am – until sold out

Teen Dance – Friday, June 18, 2010 – 7 to 10

Breakfast – Sunday, June 27, 2010 7 to 10

Soap Box Derby Winners - Emily Phillips, Super Stock Winner & Dylan Nepert Stock Race Division

Federalsburg Lions Club

David Morean reported that the Federalsburg Lions Club held their annual Christmas in June Dinner with approximately 80 attendees and they raised money toward the purchase of Christmas decorations. They purchased additional banners and lights last year, and outlined the downtown buildings; and will do the historical building this year. They also have a Seasons Greeting LED light for the marina which will help keep electric costs down.

Mr. Morean has talked with Delmarva Power in reference to the Christmas Lights and streets in town, will they will have to do separate connections for each pole. The LED's will be flat rated.

The next fundraising event will be held on June 25th at the intersection of Veterans Drive and the by-pass – Pit Beef and Pulled Pork Sandwiches. They would like to know when the date of construction is scheduled to begin for the Veterans Memorial in case they need to make other arrangements; the gazebo was moved today. The State has given approval for parking in that area as well.

Mr. Morean reported that Mr. Harvey Williamson has been a member of the Federalsburg Lion's Club for 70 years. The Lions Club is selling cookbooks for \$15.00. Anyone interested in purchasing one may contact any Lion's club member, The Hub, Cantner's Drug Store, Creative Hair Salon, or Horizon Photography Studio.

The Mayor questioned whether or not the Water Tower would be lit in the future? The electric to the top of the tower would cost between \$5,000 and \$7,000, which does not include the lights. They have talked with an electrician about this process and it would take approximately two years to fund and complete this project.

Public Concerns

None

Action Items

Councilmember Windsor

Councilmember Windsor expressed concern about the natural gas line that runs parallel to the Railroad Bridge, and he requested that someone inspect the line because the outside pipe is rusted.

Councilmember Willis

Councilmember Willis thanked the police for their presence around town on foot and on the T-3's. He thanked public works for the improvements that they have been making, and he thanked everyone for their assistance with the FY11 Budget.

The Mayor and Council recommended purchasing 24 of the 3 x 5 town flags that could sold; as well as used by the Town in various locations.

Bart Johnson said that the Historical Society could advertise in their newsletter that the flags would be for sale.

Mayor Fluharty

Mayor Fluharty asked if the fire hydrant at the corner of Morris and Vernon Avenue was completed. If it is complete it needs to be regraded and seeded. Richard Colburn will discuss this at the next supervisor's meeting.

Flag Pole for Triangle

A motion by Councilmember Willis seconded by Councilmember Bollinger to replace the three-flag (state, town, and US Flag) pole at the triangle at a maximum cost of \$3,000, and the funds would come from the Street Sanitation Line Item No. 1124210 – Street Salary.

Public Works will be instructed to check the water line in the triangle and cover up the trench work.

Town Manager Report

Dates to Remember:

Monday, June 21 – Mayor and Council Workshop

July 19th Mayor and Council Workshop (will be confirmed at July 6th Mayor and Council Meeting.

MML Conference will be held in Ocean City from June 27th to June 30th.

Tuesday, July 6th - Mayor and Council Regular Monthly Meeting

Mr. Colburn encouraged everyone to purchase a ticket for the Frank M. Adams Roast and Toast, and share in his retirement party with friends and family.

Adjournment

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by vote of five to zero to adjourn at 7:20 p.m.

Submitted by,

Shirley A. Greene
Clerk/Treasurer