

Mayor and Council of Federalsburg
Regular Monthly Meeting
August 3, 2020 @ 6:00 pm

The Mayor & Council of Federalsburg held their regular monthly meeting on Monday, August 3, 2020 at 6:00 pm. Those in attendance were Mayor Abner and Councilmembers Phillips, Morean, Windsor and Sewell. Also in attendance were Lyndsey Ryan, Town Attorney, staff, citizens and media. This meeting was held via Zoom for the public, due to the nationwide coronavirus. The Mayor and Council, Lyndsey Ryan, Town Attorney and town staff attended in person.

Public Hearing

Ordinance No. 2020-03 - An Ordinance of the Town of Federalsburg to regulate the parking of Trailers and Oversized Vehicles on Streets within the Town of Federalsburg. Ordinance 2020-03 prohibits the parking of trailers and oversized vehicles on any street within the Town of Federalsburg for a period of 24 hours or more. In addition, it permits the parking of a shipping container on Town streets for a period of 1 week provided that the individual parking the shipping container obtains a temporary permit and the purpose for the container is ancillary to a project with a valid building permit or is the result of moving. The Ordinance establishes a \$100 penalty for violating the Ordinance and a \$200 penalty for a second offense.

Councilmember Sewell made a motion seconded by Councilmember Phillips and unanimously passed by vote of five to zero to open the Public Hearing at 6:01 pm. There were no comments or questions regarding Ordinance No. 2020-03. Therefore, Councilmember Morean made a motion, seconded by Councilmember Windsor and unanimously approved by vote of five to zero to close the Public Hearing at 6:02 pm.

Ordinance No. 2020-04 - An Ordinance of the Town of Federalsburg to amend Section 223-1 of the Federalsburg Town Code to prohibit parking at all times on certain town streets to preserve peace and order, secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the Town. Ordinance No. 2020-04 prohibits parking at all times on both sides of the 100 block of Maple Avenue except for on Sundays or church functions, on the south side of the 200 block of Maple Avenue, on the east side of Holt Street on the north end approximately 40 feet from the stop sign, and on the east side of Park Avenue on the north end approximately 40 feet from the stop sign.

Councilmember Phillips made a motion seconded by Councilmember Morean and unanimously passed by vote of five to zero to open the Public Hearing at 6:03 pm. There were no comments or questions regarding Ordinance No. 2020-04. Therefore, Councilmember Sewell made a motion, seconded by Councilmember Morean and unanimously approved by vote of five to zero to close the Public Hearing at 6:04 pm.

Ordinance No. 2020-05 - Comcast Cable Franchise Agreement - A Public Hearing was held to hear public comment regarding an Ordinance of the Mayor and Council of Federalsburg authorizing the Mayor to execute a franchise agreement between the Town and Comcast of Delmarva, Inc for the construction, operation and maintenance of a cable system within the Town of Federalsburg.

Councilmember Sewell made a motion seconded by Councilmember Phillips and unanimously passed by vote of five to zero to open the Public Hearing at 6:04 pm. There were no comments or questions regarding Ordinance No. 2020-05. Therefore, Councilmember Windsor made a motion, seconded by Councilmember Morean and unanimously approved by vote of five to zero to close the Public Hearing at 6:04 pm.

Call to Order

Mayor Abner called the regular monthly meeting to order at 6:04 pm and welcomed all guests present for the video/call meeting; and led the group in reciting the Pledge of Allegiance.

Approval of Minutes

Councilmember Sewell made a motion seconded by Councilmember Windsor and unanimously approved by a vote of five to zero to approve the minutes as presented.

Ordinance No. 2020-03 - An Ordinance of the Town of Federalsburg to regulate the parking of Trailers and Oversized Vehicles on Streets within the Town of Federalsburg. There was no discussion or questions. Councilmember Windsor made a motion seconded by Councilmember Morean and unanimously approved by a vote of five to zero to adopt as presented.

Ordinance No. 2020-04 - An Ordinance of the Town of Federalsburg to amend Section 223-1 of the Federalsburg Town Code to prohibit parking at all times on certain town streets to preserve peace and order, secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the Town. There was no discussion or questions. Councilmember Windsor made a motion seconded by Councilmember Morean and unanimously approved by a vote of five to zero to approve as presented.

Comcast Cable Franchise Discussion - An Ordinance of the Mayor and Council of Federalsburg authorizing the Mayor to execute a franchise agreement between the Town of Federalsburg and Comcast of Delmarva, Inc for the construction, operation and maintenance of a cable system within the Town of Federalsburg. Councilmember Sewell made a motion seconded by Councilmember Windsor and unanimously approved by a vote of five to zero to introduce the Franchise Agreement and schedule a Public Hearing for approval of Ordinance No. 2020-05 at the September 8th regular monthly meeting.

Eddie James - Request for Bond Waiver - Mr. Larry DiRe, Town Manager stated that Mr. Eddie James, owner of Koski Enterprises, would like to request a waiver for the demolition bond required to demolish the former Video Joe's building. Mr. DiRe stated that the bond is normally required, but there are no sidewalks or Town infrastructure located within 75 feet. Councilmember Morean made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero to approve Mr. James' request for a waiver of the demolition bond.

Request to Move Money Market Account from PNC Bank to Provident State Bank - The Mayor & Council previously agreed to move the money market account from PNC to Provident once all of the Town's PNC loans were paid off. They are now paid off and staff would like to move those accounts. It is required that this approval be reflected in the minutes as an Audit and Bank requirement. Councilmember Morean made a motion seconded by Councilmember Windsor and unanimously approved by a vote of five to zero to close the PNC account and move the funds to Provident State Bank.

St. Michaels Winery - Request for Loan Modification - Lyndsey Ryan - Kristy received an email from Matt Cimino, requesting to remove Mark Emon from the St. Michaels Distillery loans with the Town. Mr. Emon has determined that distilling will not be part of his current or medium term business plan due to the pandemic and further constraints for selling spirits in the Town of St. Michaels. Mr. Cimino will be taking over the distillery as the sole member of the current LLC. Ms. Ryan stated that due to some concerns regarding the personal guarantee, she would like to contact Mr. Cimino to discuss this matter further and would get back with the Mayor and Council. The Mayor and Council agreed to table further discussion on this matter and allow Ms. Ryan to contact Mr. Cimino to obtain more information.

Cares Act - Municipal Subrecipient Agreement - Mr. Larry DiRe, Town Manager stated that Caroline County has received allocated funds for expenditures under the Federal Cares Act due to COVID-19. Approval of this agreement will allow the Town to recoup funding to cover expenses incurred by the Town from March through December 2020, that were necessary due to COVID but not included in the FY Budget (i.e., cleaning Town Hall, Police Department, Police vehicles, etc.)

Councilmember Sewell made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero to approve and execute the Federal Cares Act Agreement with Caroline County.

USDA Grant for Police Vehicles - Resolution Request - Chief McDermott applied for grant funding from USDA for two police vehicles. This Resolution authorizes the Mayor and/or Chief McDermott to sign all documents relating to this grant. Chief McDermott stated that the Town would be limited in this round of funding for one vehicle, and he hoped to apply for additional vehicles in the Fall or Spring. The Town's share for this grant is 25% and currently funds for one vehicle were included in the FY21 Operating Budget.

Councilmember Windsor made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero to authorize the Mayor and/or Chief McDermott to sign all documents relating to the USDA Police Vehicle Grant.

Discussion - CM/I RFP - Solar Project Award of Bid - The Town awarded the construction management and inspection services for the Solar Project to Rauch Engineering after the services were bid and proposals were received. Consistent with the award, Rauch Engineering submitted a contract for those services for the Town to review. Further discussion on this project was tabled at this time.

Discussion - Solar Project - Delmarva Power Interconnection Application/Agreement - Lyndsey Ryan - Ms. Ryan stated that she received an Interconnection Agreement between the Town and Delmarva Power. The Interconnection Agreement is required as part of the Solar Project for the solar facility to connect to and supply the grid with power. Ms. Ryan advised that the project engineer estimated the cost of the connection to be \$11,000, however, that number had not been confirmed. However, she advised that because the Agreement is a necessary component of the project it should be covered by the grant funds the Town received from MDE. Councilmember Morean made a motion to approve and submit the application for Interconnection to Delmarva Power, seconded by Councilmember Windsor and unanimously approved by a vote of five to zero.

Discussion - Solid Waste Collection Services RFP - Mr. Larry DiRe stated that the RFP for the Town's Garbage Collection Services is complete and he would like to request authorization to advertise and accept bids for collection beginning January 2, 2021. Lyndsey Ryan, Town Attorney stated that she wanted to include some minor changes, Mr. DiRe will send to her for updates. Councilmember Sewell made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero authorizing Mr. DiRe to advertise the Town's Garbage Collection Services for bid.

Third Amendment to Purchase and Sales Agreement - Frank Adams Industrial Park Sale of Land - Lyndsey Ryan - Ms. Ryan advised that Delmarva Power and the Purchaser were in the process of drafting a Utility Easement Agreement and Quitclaim Deed to cure the title defects on Lot 2. However, she advised that the time to cure the title defects in the Purchase Agreement expired on July 24th. Therefore, the Purchaser is requesting that the Town enter into a Third Amendment to the Agreement to extend the time for curing the title objections to August 24th. Councilmember Phillips made a motion to authorize the Mayor to execute the Third Amendment to Agreement of Purchase and Sale, which was seconded by Councilmember Morean and unanimously approved by a vote of five to zero.

Discussion - Budget Amendment - Pending Sale of Land - Larry DiRe - Mr. DiRe requested the Mayor and Council amend the FY20-21 Budget to include proceeds from the sale of land in the FMA Industrial Park to Solo Cup in the amount of approximately \$98,000. Mr. DiRe requested permission to appropriate these funds for the roof replacement/interior repairs at Town Hall in the amount of \$65,000 (1109200) and the remainder of these funds \$33,000 for IT/Computer Equipment Upgrades

(1109600). He also requested an adjustment to the Critical Area Revenue line item # 1033091 to reduce it from \$5,000 to \$1,000 per notification from Ms. Irene Lamb, of CAC.

Discussion - Grants - Lyndsey Ryan - Ms. Ryan advised the Mayor and Council that she received advertisements for Town grant projects from the Town engineer. Specifically, she received advertisements for the Marina Bulkhead Repairs, the Abandoned Boat & Debris Cleanup, and the Chambers Lake Dam Repairs. Ms. Ryan asked the Mayor and Council whether they wanted the Town Engineer to oversee the grants or if they wanted Town Staff to oversee them. The Mayor and Council unanimously decided to permit the Town Engineer to continue overseeing those grants. Ms. Ryan advised that she needed to review the grant applications and awards to confirm that all regulatory steps are followed so that the Town receives the grant funds.

September Mayor & Council Meeting Date - The normally scheduled September Mayor and Council meeting is scheduled for Monday, September 7th, which falls on Labor Day. The Mayor and Council agreed to change the meeting date to Tuesday, September 8th at 6 pm.

Mayor and Council Action Items

Councilmember Windsor - Councilmember Windsor thanked Larry DiRe for keeping the Mayor and Council informed on the various matters happening in Town.

Councilmember Sewell - Councilmember Sewell also thanked Larry DiRe.

Councilmember Morean - Councilmember Morean stated that the Federalsburg Fire Company will hold their next Chicken BBQ on Saturday, August 8th at 10:30 am; and the Lions Club will hold a sandwich sale (Beef, Pork or Turkey) on August 14th at the FVFC.

Councilmember Phillips - Councilmember Phillips stated he would like to hold a closed session after the meeting to discuss a real estate matter.

Mayor Abner - Mayor Abner also thanked Larry DiRe for his extra work and assistance in keeping the Mayor and Council in the loop.

Councilmember Phillips made a motion seconded by Councilmember Morean and unanimously approved by a vote of five to zero to adjourn into closed session at 6:48 pm to discuss a real estate matter.

The meeting reconvened at 7:10 pm.

Adjournment

There being no further business, Councilmember Morean made a motion seconded by Councilmember Windsor and unanimously passed by a vote of five to zero to adjourn the meeting at 7:11 pm.

Respectfully submitted,

Kristy L. Marshall

Clerk-Treasurer