

**Mayor and Council of Federalsburg
Regular Monthly Meeting
Monday, October 5, 2015 @ 6:00 P.M.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, October 5, 2015 at 6:00 p.m. in the Mayor and Council Meeting Room, 118 North Main Street, Federalsburg, MD. Those in attendance were Councilmembers Windsor, Abner, Planner and Morean. Also in attendance were staff, citizens, and media. Mayor Beall was excused because he was out of town.

The meeting was called to order by Councilmember Pro-Tempore Kenneth Abner, who welcomed everyone and led the group in the Pledge of Allegiance.

Councilmember Abner reported that Mayor Beall was out of town in the Carolina's and would not be back until tomorrow.

Minutes

A motion by Councilmember Windsor seconded by Councilmember Morean and passed by a vote of four to zero approving the minutes of the previous month.

Changing of the Gavel

Councilmember Abner then turned the gavel over to Mayor Elect Planner. He wished Mayor Elect Planner the best in his coming two years of service.

Mayor Oath of Office

Mayor Planner presented his "Oath of Office" for the record that states as required by law he was sworn in as Mayor of Federalsburg by F. Dale Mlner, Clerk of Court for Caroline County for a term of two years from October 5, 2015 to October 2, 2017.

Presentation to Councilmember Abner

Mayor Planner gave Councilmember Abner a Plaque for his dedicated service for the past four years as Councilmember. Mayor Planner thanked Councilmember Abner for his service. Mayor Planner said that Councilmember Abner had worked hard for the town during his four year tenure.

Swearing In of Elected Councilmembers

Mayor Planner swore in the newly elected Councilmembers Stephen Bollinger and Edward H. Windsor as Councilmembers to serve a four year term as Councilmember from October 5, 2015 to October 7, 2019.

Appointment of Councilmember

Mayor Planner stated the Mayor and Council recommended the appointment of David Scott Phillips to serve out the term of Councilmember vacated by Mayor Planner who was elected as Mayor on September 22, 2015.

A motion by Councilmember Windsor seconded by Councilmember Morean and passed by a vote of four to zero to appoint David Scott Phillips to serve out the term vacated by Councilmember Planner from October 5, 2015 to October 2, 2017.

Swearing In of Councilmember

Mayor Planner swore in David Scott Phillips to serve out the term of Councilmember that was vacated by Charles Planner who was elected as Mayor. Councilmember Phillips term will be from October 5, 2015 to October 2, 2017.

Election of President Pro-Tempore

Mayor Planner recommended Councilmember David Morean to serve as President Pro-Tempore from October 5, 2015 to October 2, 2017.

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero appointing David Morean as President Pro-Tempore of the Council from October 5, 2015 to October 2, 2017.

Approval of Town Appointed Positions

Mayor Planner recommended the following appointments:

Town Attorney – Brynja Booth
Clerk-Treasurer – Shirley A. Greene
Chief of Police – Donald Nagel
Public Works Director – Steve Dyott
Code Enforcement Officer – Jeff Beever
Grants Administrator – George Mayer
Main Street Administrator – George Mayer, Jr.

A motion by Councilmember David Morean seconded by Councilmember Stephen Bollinger and passed by a vote of five to zero approving the employee appointments as recommended by Mayor Planner (listed above).

Historical Moment – Federalsburg Historical Society

None

OLD BUSINESS

• Lease Agreement – Restaurant 115-117 North Main Street

Brynja Booth, Town Attorney, as requested by the Mayor and Council presented a draft lease agreement between the Mayor and Council and Mr. Bruce W. DeHoff for the property owned by the town located at 115-117 North Main Street. At the September 2015 regular monthly meeting of the Mayor and Council the town attorney was authorized to draft a lease between the town and Mr. DeHoff for the lease/purchase of the building. Mrs. Booth presented the lease agreement to the Mayor and Council for approval. Mr. DeHoff has already agreed to the terms of the lease. Mr. DeHoff also asked for the town to fund an amount not to exceed \$1400.00 that would be reimbursable for materials associated with repairs as provided for in the lease agreement. The Mayor and Council agreed to the terms of the lease provided the funding can come from the Small Business Revolving Loan Fund. Happy Mayer checked with USDA and the funding can come from them.

The town agreed to forgo the first month's rent and that rent payments would not commence until November 2015. Rent for the first six months (commencing on November 15th) would be \$575.00 and after six months would increase to \$650.00 until the end of the term of the lease.

In addition, the Town would give Mr. DeHoff a right of first refusal which would allow him to match any bona fide offer made on the property.

A motion by Councilmember Morean seconded by Councilmember Bollinger and approved by a vote of five to zero to approve the lease and First Right of Refusal Agreement as presented by Brynja Booth, Town Attorney, which also authorized the Mayor to execute the agreement and First Right of Refusal Agreement and also authorizing the expense of \$1400.00 as outlined in the agreement provided the monies can be used from the Small Business Revolving Loan Fund.

NEW BUSINESS

• Introduction of Ordinance No. 2015-03 - Sale of Town Property

Brynja Booth, Town Attorney, submitted to the Mayor and Council Ordinance No. 2015-03 which is:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF FEDERALSBURG AUTHORIZING THE MAYOR TO EXECUTE AN OPTION AGREEMENT FOR THE SALE OF PROPERTY DESCRIBED AS LOTS 5 AND 5A AS DEPICTED ON A PLAT ENTITLED "MINOR SUBDIVISION LOT 5 FEDERALSBURG INDUSTRIAL PARK –

PHASE 2", WHICH IS RECORDED AMONG THE PLAT RECORDS OF CAROLINE COUNTY, MARYLAND AT PLAT BOOK FDM 8, FOLIO 97.

Mrs. Booth also presented a copy of the **OPTION TO PURCHASE REAL PROPERTY AGREEMENT**. This agreement would be between the Town of Federalsburg and Maryland Natural Treatment Solutions, LLC. The purchase price of the lots would \$385,000. The agreement would be executed pending the public hearing.

A motion by Councilmember Morean seconded by Councilmember Bollinger and passed by a vote of five to zero introducing Ordinance No. 2015-03 and instructing the town attorney to advertise for said public hearing to be held at the November 2, 2015 Mayor and Council Regular Monthly Meeting at 6:00 p.m.

A motion by Councilmember Morean seconded by Councilmember Bollinger and passed by a vote of five to zero to accept the option to purchase real property agreement and granting Mayor Planner authority to execute said agreement on behalf of the Mayor and Council.

Mrs. Amy Znanlec questioned whether or not the property would be sold or leased and she was advised that the property would be sold to Maryland Natural Treatment solutions. These are last two remaining lots in the Frank M. Adams Industrial Park.

COMMITTEE REPORTS

- **Federalsburg Historical Society**

Mrs. Donna Glime gave the following update for the Federalsburg Historical Society for the month of October 2015:

None

- **Federalsburg Volunteer Fire Department**

Councilmember David Morean gave the following update for the Federalsburg Volunteer Fire Department:

None

- **Federalsburg Lion's Club**

Councilmember David Morean gave the following update for the Federalsburg's Lion Club:

- o Hump Day Luncheon – October 28, 2015 – See any Lions Club member to place an order. Lunch can be picked up at Christ Church, South Main Street. The Luncheon will consist of Hot Roast Beef with all the fixings for \$8.00.

PUBLIC CONCERNS

Amy Znaniec

Roads and Sidewalks – Mrs. Znaniec asked what the town was going to do about the roads and sidewalks in the Town of Federalsburg? Mayor Planner said that the town cannot afford to borrow funding to make repairs to additional roads since a loan was just taken out for over \$1,000,000 to do a lot of streets of town. The Mayor and Council will now re-prioritize the roads and streets and prepare for grant funding when it becomes available. Mrs. Znaniec said that she resides on Maple Avenue in the 300 block and there are a lot of potholes on both ends of the street. There is an especially large pot hole at the end of the 300 block of Maple by the yellow house that needs to be repaired. She said a car can't turn onto Maple Avenue without the car hitting the hole. Steve Dyott, Public Works Director, will be notified of the need to make the repairs to the potholes especially the one at the corner of Maple Avenue and Park Lane.

Councilmember Scott Phillips questioned Happy Mayer about looking into Safe Routes to School for grant funding to assist with some of the sidewalks in town. Happy Mayer said that he is already looking into this. He said it took him two years to get the safe routes sidewalk fund for the sidewalk from Railroad Avenue to the Elementary School. He has applied for sidewalks around Brooklyn Avenue across from the lake. There are no sidewalks currently there and children have to walk out into the street which is a safety hazard. The funding for the sidewalk on Railroad Avenue was \$45,000 and the funding for the Brooklyn Avenue sidewalk was \$27,000.00, which is the last of the 100% grant funding. Mr. Mayor will continue to prioritize the sidewalks and apply for funding accordingly.

Mrs. Znaniec questioned how the Mayor and Council would notify the public of events in the community. Mayor Planner advised her that right now it would be the town sign located at the corner of Morris and North Main Street. Bud Lewis recommended the town include the dates on the calendar on the town's website. The Mayor and Council will in the future look at options for the notification to the public of community events.

Kenneth Abner stated that the minutes on the website have not been uploaded since April. The website would be a nice avenue to use to notify the public but it needs to be kept updated.

Wendy Garner

Wendy Garner questioned if there was anything being done about the house located at the corner of Academy and Buena Vista Avenue. She was advised that the code enforcement officer is working on this property and has been to court several times.

Bart Johnson

Bart Johnson questioned whether or not the town owns the sidewalks within the corporate limits of Federalsburg. Brynja Booth, Town Attorney advised him that generally speaking sidewalks are owned and held by the town as part of a public way of the town. It is not a matter of whether it is in the public way. She said it has been researched in the past and the sidewalks are owned by the town. Mr. Johnson questioned who was responsible for snow removal on the sidewalks if owned by the town. Mrs. Booth advised Mr. Johnson that the town has a right to have the property owners clear the sidewalk of snow.

Mr. Johnson congratulated the newly elected Mayor and Councilmembers. He said that the issue that came up at the "Meet the Candidates" night was about accountability. He said that he hopes that the elected officials follow through with that accountability. He said there have not been any employee evaluations but twice in twenty years. He said that he hopes the Mayor and Council hire a town manager that would be responsible for such items as evaluations and raises and hold those accountable.

MAYOR AND COUNCIL ACTION ITEMS

• **Councilmember Windsor**

Councilmember Windsor requested the Clerk-Treasurer to advise the Public Works Director to relocate the "Farmer's Market" sign that is located in front of the "Welcome to Federalsburg" sign located at the corner of Reliance Avenue.

• **Councilmember Bollinger**

None

• **Councilmember Morean**

1. Councilmember Morean requested a revised copy of the employee contact list.
2. Councilmember Morean said that he wanted to know the status of the "*Revised Draft Employee Manual*". He said that he did not remember receiving a copy of the revised draft. The Clerk-Treasurer will email a copy of the "*Revised Draft Employee Manual*" for review by the Mayor and Council and will schedule a workshop to review.

• **David Scott Phillips**

None

- Mayor Planner

None

- Donald Nagel, Chief of Police

Chief Nagel advised that the East Central Avenue Bridge Road closing will take approximately three days with a maximum of five days.

ADJOURNMENT

A motion by Councilmember Bollinger seconded by Councilmember Phillips and passed by a vote of five to zero to adjourn the regular monthly meeting at 6:42 p.m.

Submitted by,

Shirley A. Greene

Shirley A. Greene
Clerk-Treasurer