

**Mayor and Council of Federalsburg
Monday, January 3, 2022
Monthly Meeting @ 6:00 P.M.**

This Meeting is being held at the Mayor and Council Meeting Room.
Citizens who wish to participate by video shall follow directions listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/83294967566?pwd=RWE4ekNrMhM3MGZtZDRVb2kzdDFGdz09>

**Meeting ID: 832 9496 7566
Passcode: 9enFzm**

Agenda

- I. Call to Order**
- II. Welcome \ Pledge of Allegiance**
- III. Proclamation – Men for Change Mentoring Program**
- IV. Public Comment**
- V. Approval of Previous Month’s Minutes**
- VI. Revision to Town Policy of Employee Recovery of Unused Sick Leave**
- VII. ARPA \ CSLFRF Drawdown – Choptank Community Health request for \$125,000 in funding support for water and sewer expenses for the new Federalsburg Health Center**
- VIII. Qualifications of Firms to Provide Professional Engineering Services**

- IX. Request for Qualifications for Advanced Metering Infrastructure (AMI) Water Meter Replacement Update**
- X. Interim Town Manager Designation Policy Update**
- XI. Mayor and Town Council Strategic Planning Session – set date**
- XII. January 17 and February 21 Mayor and Town Council Meeting Dates – conflict with observance of Martin Luther King Day and Presidents’ Day federal holidays**
- XIII. Mayor & Council Action Items**
 - * Councilmember Windsor**
 - * Councilmember Sewell**
 - * Councilmember Phillips**
 - * Councilmember Willoughby**
 - * Mayor Abner**
- XIV. Adjournment**

NOTES:

THE MEETINGS ARE BEING RECORDED, PLEASE TURN OFF ALL CELLULAR DEVICES AND PAGERS DURING THE MEETING, PLEASE REMAIN QUIET, UNLESS ADDRESSING THE COUNCIL.

Please Note: Pursuant to the Annotated Code of Maryland, State Government Article Section 10-508(a), the Council by majority vote may retire to executive or closed session at any time during the meeting. Should the Council retire to executive or closed session; the chair will announce the reasons and a report will be issued at a future meeting disclosing the reasons for such session. Meetings are conducted in Open Session unless otherwise indicated. All or part of Mayor and Council meetings can be held in closed session under the authority of the state open meetings law by vote of the Mayor and Council.

Rules for Public Comment

The Mayor and Council invite and welcome comments at public meetings. The Mayor or presiding officer will recognize you. Please introduce yourself at the podium (spelling

Mayor and Council of Federalsburg
Regular Monthly Meeting
December 20, 2021 @ 6:00 pm

The Mayor & Council of Federalsburg held their regular monthly meeting on Monday, December 20, 2021 at 6:00 pm. Those in attendance were Mayor Abner and Councilmembers Sewell, Phillips, Willoughby, and Windsor. Lyndsey Ryan, Town Attorney, Staff and members of the public were present.

Mayor Abner called the meeting to order at 6:00 pm and welcomed all guests.

Prayer of Invocation

Pastor Keith Colona offered a Prayer of Invocation for the Mayor and Council.

Welcome of Guests and Pledge of Allegiance

Mayor Abner welcomed all guests present, then led the group in reciting the Pledge of Allegiance, and called the meeting to order at 6:02 pm.

Approval of Previous Month's Minutes

Councilmember Willoughby made a motion seconded by Councilmember Windsor and unanimously passed by a vote of five to zero to approve the minutes from the November 1st, 2021 and December 10th, 2021 meetings as presented.

Holiday Decoration Award Presentations

The winners from the 2021 Holiday Decorating Contest were awarded by the Mayor and Council as follows:

- 1st Place - Joe and Patti Holland, 208 South University Avenue
- 2nd Place - Shane Ross, 110 North Park Lane
- 3rd Place - Sheila Franks, 506 Academy Avenue

Photos were taken to post on social media.

Public Comments

None

Larry Porter - County Commissioners

Larry Porter, Caroline County Commissioner, came before the Mayor and Council because he is visiting all of the towns in the County to update them on several topics; including the proposed map for redistricting of the State, lack of Eastern Shore representation on the new Kirwin Accountability and Implementation Board, and County spending on ARPA funds. The Commissioners plan to spend more heavily on broadband infrastructure to more rural areas of the County.

Commissioner Porter stated that he has visited the Town of Greensboro, Preston and Federalsburg; and if a municipal association meeting is held that would be a great way to share this info with the other towns collectively.

ESMEC Energy Trust - Allan Gorsuch

Dr. Allan Gorsuch from the Eastern Shore Maryland Energy Consortium, came to the Mayor and Council with a proposal for the Town to join the ESMEC Energy Trust, which is a coop of government agencies with bulk purchasing power for electricity. Dr. Gorsuch will work with Town Manager DiRe to obtain all necessary information and complete the application for the Town to enter the ESMEC Energy Trust.

Broadband Fiber Extension Grant Program - Andrew Helton/Brett Davis

Mr. Andrew Helton and Mr. Bret Davis presented a more detailed proposal on broadband expansion and town coverage. Mr. Helton and Mr. Davis were asked to put together an "a la carte menu" of options available for the Mayor and Council to review and choose from, and compose a better map. The additional details will be presented at the January 3 regular Mayor & Council meeting.

Caroline County Board of Elections - Election Ballot Drop Box Request - Allison Murphy

The Town received a request from the Board of Elections, to place a ballot drop box in town for the 2022 primary and general elections. The proposed site needs to be accessible and within view of security cameras. The proposed location is in the town parking lot on the corner of Morris Avenue and Main Street, facing Morris Avenue. This will be in addition to early voting at the HAPS building in Denton, in-person voting at your local polling stations and mail-in ballots.

Councilmember Sewell made a motion seconded by Councilmember Windsor and unanimously approved by a vote of five to zero approving the request to place a ballot drop box on town property.

Interim Town Manager Designation Policy

Town Manager DiRe recommended that the Mayor and Council adopt a policy to appoint an interim Town Manager, should the position of Town Manager become vacant or the individual holding that position become unable to perform those duties for a period of time exceeding three business days. With the exception of approved vacation or leave. It is recommended that the Chief of Police be designated as interim Town Manager for a certain period of time and with compensation to be determined by the Mayor and Council as warranted by specific circumstances. If approved this policy would be effective upon adoption.

Lydney Ryan, Town Attorney will compose the wording and bring back to the Mayor and Council for approval.

Permit Technician/Code Enforcement Function Staff Line

There was discussion at the November 15th Workshop, and four possible options for this position were presented to the Mayor and Council. The Mayor and Council agreed to pursue one of the hybrid options and develop a job description for in-house staff functions, with a request for proposals for outsourced plan review and permitting contract services. Town Manager DiRe drafted a job description with information on the necessary knowledge, skills and abilities for this position. Depending on the qualifications, a salary is

proposed in the range of \$38,900 to \$42,500 annually with benefits, and use of the town code enforcement vehicle for job related duties. This would not be a take home vehicle.

Councilmember Willoughby made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero to proceed with advertising for the Permit Technician position.

Request for Qualifications for Professional Planning, Building and Inspection Services

Town Manager DiRe proposed a request to advertise for qualifications for professional planning, building and inspection services to ensure a competitive and public process as a good procurement practice. Mr. DiRe submitted a document to the Mayor and Council which outlines the submittal process, and scope of professional services required.

Councilmember Sewell made a motion seconded by Councilmember Phillips and unanimously approved by a vote of five to zero to proceed with advertising the request for qualifications for professional planning, building and inspection services.

Mayor & Council Action Items

Councilmember Windsor - Councilmember Windsor thanked the Lions Club for the awesome job they did with the Holiday Drive through Chambers Park.

Councilmember Sewell - Councilmember Sewell thanked the Public Works and Police Departments for a great job and swift cleanup of the Christmas Parade. She also thanked the Lions Club for all their hard work and efforts with holiday events and decorations. Congratulations were also extended to Councilmember Willoughby for his recent accomplishments and receiving his PhD.

Councilmember Phillips - Nothing at this time.

Councilmember Willoughby - Councilmember Willoughby echoed the other Councilmembers comments and praise regarding the Holiday Drive Through Chambers Park, Christmas Parade and other holiday events. All departments did a great job and the events were a wonderful showcase of the town.

Councilmember Willoughby also noted the overwhelming amount of comments regarding high chlorine smell/taste recently in the town water. He suggested that if something of this nature ever happens again, staff should put out a notice to the public so that they know what's going on. Town Manager DiRe explained what the problem was and how Public Works was working to correct it. Councilmember Willoughby also requested a map with the wells/pump stations marked and what areas they serve. Town Manager DiRe will obtain this information from Steve Dyott, Public Works Director.

Mayor Abner - Mayor Abner also thanked the Public Works and Police Departments for all their hard work on the Christmas Parade and getting Chambers Park ready for the holiday events. She also wished everyone a Merry Christmas and Happy New Year.

Adjournment

There being no further business, Councilmember Sewell made a motion seconded by Councilmember Willoughby and unanimously passed by a vote of five to zero to adjourn the meeting at 8:10 pm.

Respectfully submitted,

Kristy L. Marshall

Clerk-Treasurer

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: January 3, 2022
RE: Revision to Town Policy of Employee Recovery of Unused sick Leave

Section 3.3 B of the town employee manual reads as follows: "Unused sick leave benefits shall be forfeited and are not recoverable by the employee upon separation from employment by the Town, unless the employee has been employed for ten (10) years or more."

In the interest of clarifying the policy and defining the policy to be more in line with guidance from the Maryland Department of Labor staff proposes the following text revision to this section: "Unused sick leave benefits shall be forfeited and are not recoverable by the employee upon separation from employment by the Town, unless the employee has been employed for ten (10) or more years continuous prior to the date of separation. This policy applies to all employees separated from employment before December 31, 2021 and shall not apply to employees hired or rehired after January 1, 2022."

The Maryland Department of Labor has developed sample language for safe and sick leave policies. In all instances the following language is included: "Employees will not be paid for any unused sick and safe leave upon termination of employment. If an employee leaves employment and is rehired within 37 weeks of leaving, any earned and unused sick leave that the employee had at the time of separation will be reinstated."
<https://www.dllr.state.md.us/paidleave/paidleavemodel.shtml#atta>

Staff recommends approval of proposed text amendment. Pending additional discussion provide direction to staff.

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: January 3, 2022
RE: ARPA\CSLFRF drawdown – Choptank Community Health request for \$125,000 in funding support for water and sewer expenses for the new Federalsburg Health Center

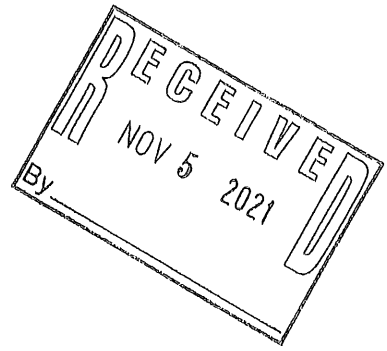
The American Rescue Plan Act (ARPA) was signed into law by the president of the United States on March 11, 2021. One of the key provisions of ARPA was support for units of local government impacted by the coronavirus pandemic of 2020 and 2021. The Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) language of ARPA cites the specifics for local units of government receiving funds from their respective states and uses for these funds. All funds must be spent or obligated by December 31, 2024. Funds cannot be used to offset a tax cut, or to pay for employee pension funds.

At the November 1, 2021 monthly meeting, Ms. Sarah Rich, Chief Executive Officer of Choptank Community Health, presented an update on the new Federalsburg Health Center facility being built adjacent to the Food Lion shopping center. This facility is proposed to be in excess of twenty-thousand square feet and expand Choptank's ability to provide medical and dental care services to their clients. The new building will require connection to the town's water and sewer infrastructure systems. During that presentation Ms. Rich requested funding support of \$125,000 in financial assistance from the federal relief funds the town received in July 2021. Choptank's request came in a formal letter dated November 3, 2021 (attached). Funding water and sewer infrastructure projects and funding support for non-profit organizations are expressly eligible uses of the CSLFRF.

Staff is proposing a drawdown in the sum of \$125,000 to support the water and sewer expenses on the new Federalsburg Health Center. These expenditures must be documented for auditing purposes and shown as either fiscal year budget amendments for the current year or included in the budgeting process for upcoming fiscal years. This expenditure and obligation totals \$125,000, or 4.77% of the town's total allocation. Added to the approved drawdown of \$209,735 for donation to the Federalsburg Volunteer Fire Company and information technology upgrades, and \$13,670 to replace property inspection revenue lost due to the pandemic and state of emergency in effect, to date the total proposed and approved drawdowns total \$394,505, or 15.04% of the town's total allocation.

Staff recommends approval of a drawdown of \$125,000 as expenditures and obligations from the ARPA\CSLFRF to the town treasury for the eligible use expenditure cited above.

CHOPTANK community health



November 3, 2021

Mr. Lawrence P. DiRe
Town Manager
Town of Federalsburg
118 North Main Street
Federalsburg, MD 21632

Dear Larry,

Thank you for coordinating our time with the Town Council on Monday evening. It is always a pleasure to have the opportunity to share with the Council what we are doing at Choptank Health to support the residents of Federalsburg and Caroline County.

As follow up to the mayor's request, please consider this a formal ask of the Mayor and Town Council for funding in the amount of \$125,000 to support sewer and water expenses for the new Federalsburg Health Center.

Since 1992, Choptank Health has been providing medical and dental care to the residents of Federalsburg. In 2019, we saw over 5,162 patients at our location on Bloomingdale Avenue. 21% of the patients were uninsured; 31% private pay, with the remaining having Medicare or Medicaid coverage. 58% were white and 33% African American, representing our support of the Haitian/Creole community in Federalsburg. We have three medical providers on staff, a Certified Nurse Practitioner, Physician's Assistant, and a Physician who in addition to family medicine, practices prenatal care and medication assisted treatment. We have a full time Haitian Creole interpreter and offer a full range of dental health care.

As we shared with the Council last fall, we will be opening the new facility in the spring of 2024. This facility will help us address the increasing demand for health care services that are challenging to provide in the current facility. The new approximately 18,000 square foot building will allow for:

- Expansion of dental exam rooms from 5 to 7-9 and medical exam rooms from 9 to 10-12;
- Space to add behavioral health services;
- Increased capacity for our dental residency program and development of a pediatric dental residency program; and
- Adequate parking for patients and staff.

Our progress to date includes:

- Purchase of land on Hayman Avenue;
- Selection of Architectural and Engineering Firm GMB;
- Receipt of a \$829k one-time capital improvement grant from the US Department of Health and Human Services; and
- Negotiations with Caroline County for ARPA funding.

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On behalf of the entire Choptank Health Team, I want to thank you, the Mayor, and the Town Council for your continued support of Choptank Health. We are excited to expand our health services to the Federalsburg community and provide the residents the access to the best quality of care, they so deserve.

Thank you for considering our request. Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Steve Rink".

Chief Executive Officer

cc: Mayor Kim Abner

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TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: January 3, 2022
RE: Qualifications of Firms to Provide Professional Engineering Services

At the August 16, 2021 town staff brought forth a recommendation to advertise a request for qualifications for professional engineering services to ensure a competitive and public process as a good procurement practice. At that time such recommendation was approved and staff followed up with a public notice citing a September 22, 2021 due date. The town received qualification packets from five qualified firms. Those packets were distributed to the mayor and town council. At the October 4, 2021 meeting staff suggested additional procedural steps to conclude this process including, but are limited to, bringing this discussion to a future work session, and scheduling in-person or video conferencing firm presentations at a future public meeting. At that time the mayor and town council reached consensus that the qualification packets from each firm would be evaluated and a number of firms would be invited to present their qualifications at a public meeting and answer questions from mayor and council members. The town received qualification packets from five qualified firms. Those packets were distributed to the mayor and town council. Following additional discussion, the mayor and town council directed staff set interviews with all five firms for a November 30, 2021 special meeting. That meeting was held and three of the five firms provided in-person presentations and answered questions from the mayor and council members. The mayor and council members then independently scored and ranked the firm submittals and presentations.

Staff is requesting approval certain firm, or firms, as qualified to provide professional engineering services, the designation of firm or firms so qualified, and direction to staff to engage in discussion to formalize an agreement as advertised. Pending additional discussion provide direction to staff.

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: January 3, 2022
RE: Request for Qualifications for Advanced Metering Infrastructure (AMI) Water
Meter System Replacement Update

At the September 20, 2021 mayor and town council meeting town staff brought forth a recommendation to advertise a request for qualifications for Advanced Metering Infrastructure (AMI) Water Meter System Replacement to ensure a competitive and public process as a good procurement practice. At that time such recommendation was approved and staff followed up with a public notice citing an October 20, 2021 due date. There was a request from one firm to extend the deadline period until November 10, 2021. That request was presented as an agenda item at the October 18, 2021 mayor and town council meeting and approved at that time. The town received qualification packets from three qualified firms. Those packets were distributed to the mayor and town council. Staff suggests additional procedural steps to conclude this process. Such steps include, but are limited to, bringing this discussion to a future work session, and scheduling in-person or video conferencing firm presentations at a future public meeting.

Pending additional discussion, staff recommends mayor and town council provide direction to staff for next procedural steps in this process.

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: January 3, 2022
RE: Interim Town Manager Designation Policy Update

Having a known and defined line of succession is important for the orderly progress of any organization. Should the position of town manager become vacant, or the individual holding that position become unable to perform those duties for a period of time exceeding three business days, except for approved vacation or leave, an interim town manager will be necessary for the continuity of duties and responsibilities. Determining the process to fill a town manager vacancy is the purview of the mayor and town council, and so is not addressed herein.

At this time staff is proposing, and recommending adopting, a policy designating a qualified person as the interim town manager position to exercise the powers and perform the duties of town manager, and for a period of time and with compensation to be determined by the mayor and town council as warranted by specific circumstances.

If approved this policy would become effective upon adoption, and staff recommends review of this policy as needed. Pending further discussion and legislative action provide direction to staff.