

**Mayor and Council of Smithsburg, MD**  
**Work Session Minutes**  
**Tuesday, August 28, 2018**

The Mayor and Council of Smithsburg, MD held a Work Session meeting at 7:00 PM on Tuesday, August 28, 2018 in the Town Hall Council Chambers. In attendance were Mayor Kesselring, Council Members Richard Hetherington, Donald Souders, Cassandra Weaver, Jack Wenthe and Niel Smith. Also in attendance was Town Manager Debra Smith, Clerk/Treasurer Justine Keadle and Zoning Administrator Randy Dick. The meeting was opened with the Pledge of Allegiance led by Council Member Smith.

Town Manager Debra Smith opened the meeting with the following information:

The Town of Smithsburg and the County Commissioners along with County Staff members have had various discussions regarding the proposed upgrades to the Smithsburg WwTP.

The Town has serious concerns with the County's proposed modification to the full upgrade of the plants capacity from 330,000 to 660,000 GPD as budgeted in the County's CIP for years and said to still be in the CIP for 2020 and 2021 to now implementing an intermediate upgrade involving a modification to the Bio-Mag system that includes aeration that "may" increase the plants current capacity from 330,000 up to 450,000 GPD.

As a matter of notation: the Average Daily Flow at the Smithsburg WwTP for August 1-20 was 396,000 gallons per day - substantially higher than the rated capacity of 330,000 gpd. While we know this was due to heavy rains, it also shows how easily plant capacity can be exceeded given that the plant is utilized at a high rate.

County briefing reports stipulate that the town's previous growth records and need for sewer capacity dictates in part the reasoning for performing the intermediate upgrade in lieu of "needing" a full upgrade.

This leaves many questions and concerns from the Town of Smithsburg to the County which include;

1. The County reports continue to state that the towns capacity needs are predicated only on the development of Cloverly which will need approximately 250 EDU's. While the annexation and development of Cloverly will assume a great portion of the capacity, other potential development is pending.
  - a) Mountain Shadows has 52 lots
  - b) Ridenour Family, LLC has approached the town with the request for service for 150 acres.

One of the first things prospective developers look at is availability of utilities. If we cannot provide the capacity, we will not have growth. PERIOD!

2. The Smithsburg interim upgrade may provide capacity for the immediate annexation project, but it will not accommodate long term or unexpected growth in the town, or failing septics in the County as well as having to account for I&I as previous noted.
3. The proposed intermediate upgrade to the BioMag system will take 18 months for design and permitting which will place it at the timeline of the delayed full upgrade project.
4. Once the NPDES discharge permit is opened for an interim modification, new or changing State policies may preclude further upgrades.

Given the guarantees in the full upgrade compared to the fiscal impact of the intermediate upgrade, the costs and the risks do not provide the assurances that the Town needs in order to accommodate the planned and future growth.

Mayor Kesselring stated he along with Town Manager Smith and Councilman Souders met with Dan Divito and Mark Bradshaw to discuss the option of the Bio Mag system. The County Commissioners have said there is no delay in the project however, if that was the case engineering would be in the design phase at this time.

Council Member Souders thanked everyone for attending. He stated the sewer plant upgrade is not all about one particular development. We are confused as we have reason to believe there is a delay even though the County Commissioners have said there is not. He asked if the Bio Mag is in lieu of the 15 million dollar project. Rob Slocum stated the Bio Mag would save 14 million dollars.

Council Member Hetherington stated growth in the town of Smithsburg is essential. A meeting held prior to this meeting with staff presented concerns where revenue is needed.

Council Member Weaver thanked everyone for attending. She stated her first meeting with the County Commissioners where the upgrade to the sewer plant was discussed before the recent annexation occurred and the Bio Mag was never mentioned. Why are these changes being made now and not back in September when the discussion began.

Council Member Smith stated growth is good for not only Smithsburg but for the county and we need to have clear path moving forward.

Council Member Wenhe stated he echoed the other council members statements and is ready to hear the County Commissioners responses.

**COMMENTS:**

Zachary Kieffer, 222 E. Oakridge Drive Hagerstown, MD 21740, Attorney for Ridenour Family, LLC.-Stated his client has 11 acres zoned residential in town and 105 acres zoned residential just outside of town that is in the proposed annexation plan. Preliminary planning for development is dealing with water/sewer utilities and the availability of EDU's. The Ridenour's are concerned they will miss out and will delay the development. They request the Commissioners stick with the time frame set forth with no delay.

Jason Divelbiss, 11125 Bemisderfer Road Greencastle, PA 17225, Attorney for Cloverly Hill LLC-Stated increasing frustration in trying to annex land for over a decade. The waste water treatment plant has been in CIP for many years and now Cloverly is once again being thrown a curve ball with a proposed delay or interim upgrade of the WwTP. If the intermediate plan can be achieved in the same or shorter time frame, Cloverly Hill LLC is okay with the intermediate plan. Emailed report received from Mr. Daniel Cross will be entered into record.

Gregory White-11 Grove Creek Circle, Smithsburg, MD 21783-The planning commission is on target with what is in the comprehensive plan and the planned growth which includes the upgrade and the issue of the sewer plant needs to be resolved.

Terry Baker, President of Washington County Commissioners-Thanked Town Manager Smith for organizing the meeting. Stated he has not heard any discussion of a delay in the project (although the staff report dated 7/17/2018 recommends delaying the construction). He voted against the recent annexation but now that the annexation has taken place he will support the decision and move things forward.

Wayne Keefer, County Commissioner-Thanked Town Manager for the invitation. Stated the number one issue in all municipalities is water/sewer. There is an opportunity here for Smithsburg to grow and if we can save 14 million dollars I'm interested.

Jeff Cline, County Commissioner-Stated I applaud you for making decisions that not only affect your town but also other communities and supports the BioMag interim upgrade and the full upgrade to take place simultaneously.

John Barr, County Commissioner-Stated growth is inevitable and necessary. We need to work together and make sure the infrastructure is in place.

Council member Hetherington stated is biggest concern is the timeline and do not want to push back the project.

Town Manager, Debra Smith stated that we are hearing many “ifs” and no guarantees that the interim upgrade will provide the required EDU’s for the needed growth, but the 8/28/2018 W.C. Staff report indicates that the full upgrade will provide 1,485 new EDU’s. At a minimum, we would like to hear that the projects will be concurrent. This upgrade is not just about Cloverly, LLC, we have property owners/developers waiting for the assurance of sewer availability or they will invest elsewhere.

John Barr stated he agreed that the projects should occur simultaneously and the outside areas of Smithsburg are also a growth opportunity for the county.

Mayor Kesselring stated the town has done its due diligence with I & I.

Rob Slocum stated he has no intention of shutting down potential growth. The Bio Mag system will serve the town for twenty years to come. The project will continue to move forward and we will have more information at the next meeting on September 18th. The staff report dated 8/28/2018 will become part of the record containing fiscal impact on the two options for upgrading the treatment plant. Option 1 would cost 1 million dollars and have a total EDU of 476-700 and Option 2 would cost 15 million dollars and have total EDU of 1,646.

Council member Souders inquired about the update to the Weinbrenner Plant near Ft. Richie that occurred three years ago. Julie Pippel stated that the upgrade to that plant was mandatory and not based on potential growth in that area.

Sidney Ridenour (owner of Ridenour Family, LLC) stated that he remembered years ago the County said they would rebuild the plant to take care of Holiday Acres failing septic systems and the town and it would be completed in 2018.

Eddie Brown-Cloverly Lane, Smithsburg, MD- Stated if we do both projects it would technically save a million dollars.

Dan Divito and Mark Bradshaw presented information on the Bio Mag system. Dan Divito stated the Bio Mag system is proven technology. The goal is to meet the towns needs and we believe we can do that with the Bio Mag system. Mark Bradshaw stated they are still going through engineering proposals.

Council Member Hetherington asked when are we going to know when this system will work. Dan Divito’s response was once we receive the report from the engineers they will have a better idea.

Rob Slocum stated we can implement the Bio Mag to serve the town quicker and still save money.

Council Member Hetherington inquired what if the Bio Mag doesn’t work will you then move on to the second option. Terry Baker stated the money will still be in CIP for the next four years.

Council Member Weaver stated as we move forward we have all indicated we need growth and look forward to having the new report.

Council Member Souders stated a good portion of this project cost will come back to the county from hook up fees.

Bonnie Renard inquired if they have seen the Bio Mag system be successful in other areas. Dan Divito stated the Weinbrenner plant has been using it for four years and there is already one in Smithsburg that has been in place since 2013.

Mayor Kesselring thanked everyone for attending and said he was looking forward to the September meeting.

Meeting adjourned at 9:24 PM

Respectfully submitted,

Justine Keadle, Clerk/Treasurer