

**Mayor and Council of Smithsburg, MD**  
**Regular Meeting Minutes**  
**Thursday, April 2, 2019**

The regular meeting of the Smithsburg Mayor and Council was held on Thursday, April 2, 2019 at 7:00 PM with Mayor Jack Kesselring and Council Members Nathaniel Smith, Dennis Wenthe, Donald Souders, Cassandra Weaver and Richard Hetherington present. Also in attendance was Clerk/Treasurer Justine Keadle and Town Manager Debra Smith. The meeting was opened with the Pledge of Allegiance led by Council Member Weaver.

**Agenda Approval: On a motion** by Council Member Weaver, Council unanimously approved the agenda.

**Consent Approval of Minutes: On a motion** by Council Member Wenthe, to approve the minutes of the March 5, 2019 Mayor and Council meeting and the March 26, 2019 Work Session as submitted. Motion carried by a unanimous vote of Council.

**Approval of Executive Minutes: On a motion** by Council Member Souders to approve the minutes of the March 26, 2019 Executive Session and to leave the minutes open. Motion carried by a unanimous vote of Council.

**Approval of Treasurers Report: On a motion** by Council Member Souders to approve the Treasurer's report as presented. Motion passed by a unanimous vote of Council.

**MAYOR'S REPORT:** (1) Met with SEMS, Council Member Souders and Weaver in regards to their budget status and plans to move forward. They will be having a BINGO fundraiser on April 14<sup>th</sup>. (2) Met with Jeff Cline in regards to EMS in the County and for Smithsburg. Would like to see funding come from Hotel/Motel to help with expenses. (3) Had an interview with WDVm regarding EMS. (4) Worked with contractor on transmission line project. (5) Meeting with parks commission next week.

**TOWN MANAGER'S REPORT:** Debra Smith reported the following: (1) Held Bid Opening meetings for Audit Services, Accounting Services and Trash and Recycling Services. Bids were reviewed at the work session with the Mayor and Council with a recommendation to award during tonight's regular session. (2) Met with Tri-Bridge Partners to further discuss the FY20 health plan and rates. Further information and review pending. (3) Prepared and submitted the spring quarterly newsletter with the billing. (4) Submitted the E. School Lane project to ARC for FY20 grant funding consideration. (5) FY20 budget preparation for review with the M&C on proposed dates of Tuesday, April 9<sup>th</sup> and 16<sup>th</sup>. (6) Water Transmission Line Replacement Construction Meeting held on Wednesday, March 27<sup>th</sup>. Construction officially commenced during the month of March with the first payment application being submitted in the amount of \$119,912.40. This has been submitted to MDE along with the Cash Draw Request that is required to perform the loan closing on the project.

ARRO Engineering originally proposed to #57 stone to be utilized as the bedding under the new waterline, then modifying this with a change order to use Clay Dikes. This matter was discussed in the March 27<sup>th</sup> construction meeting with Mid-Atlantic Utilities requesting and recommending that the clay dikes not be used and #6 stone be used instead. I recommended that the Washington County standards be followed and after verification, Washington County standards specify the CR#6 be utilized for bedding and backfill. It is being requested that the M&C provide formal approval to utilize the CR#6 to remain consistent with County standards in lieu of the Engineer proposed Clay Dikes. Motion by Council Member Smith and second by Council Member Wenthe. Motion carried by a unanimous vote of Council.

As part of the Economic Development Feasibility Study the Town of Smithsburg, together with consultants from BAE Urban Economics and Arason and Associates will be hosting two focus group meetings on April 22, 2019 and a Strengths, Weaknesses, Opportunities Threats (SWOT) Open House on April 25, 2019, all at the Town Office.

**Focus Group for Smithsburg Business and Property Owners**

**Date/Time: Monday, April 22, 2019 4:00 pm – 5:30 pm**

BAE and Arason and Associates will present a summary of the recently prepared Existing Conditions Assessment of Smithsburg to a group of business and property owners. The consultants will help lead the discussion to gain an understanding first hand from business and property owners on business conditions in Smithsburg.

#### **Focus Group for Residents**

**Date/Time: Monday, April 22, 2019 6:00 pm – 7:30 pm**

BAE and Arason and Associates will present a summary of the recently prepared Existing Conditions Assessment of Smithsburg to a group of town residents. The consultants will help lead the discussion to gain an understanding of first-hand about how they feel about Smithsburg and its Town Center from a resident's perspective.

#### **Community SWOT Open House**

**Date/Time: Thursday, April 25, 2019 6:00 pm – 7:30 pm**

The Community SWOT Open House will be an opportunity for all businesses and residents to identify the Town Of Smithsburg's Strengths, Weakness, Opportunities and Threats. Consultants from BAE Urban Economics and Arason and Associates planners will post sets of the Smithsburg's Strengths, Weaknesses, Opportunities and Threats derived from the quantitative and qualitative existing conditions analysis, feedback from business and resident focus groups and attendees will have the opportunity to "vote" on the identified SWOTs.

Council Member Souders stated that we need to send out the Feasibility Study meetings on Facebook and the town's website and that Council needs to reach out to business owners as well.

#### **DEPARTMENTAL REPORTS**

**Police Chief Report:** Chief Knight submitted the following report: (1) There were 111 calls for service during the month of March with 0 adult arrests and 0 juvenile arrests. (2) A total of 16 premise checks were conducted. (3) The Department patrolled a total of 2,594 miles this month and did 25 hours and 5 minutes of foot patrol. (4) The Department assisted Washington County Sheriff's Dept. 15 times, Maryland State Police 7 times, Smithsburg EMS 2 times and Frederick County Sheriff's Office 1 time. (5) There were 75 Park checks. (6) 68 speed camera violations. (7) Officers Dove administered CPR while off duty.

**Public Works Report:** Jeff Long submitted the following report: (1) Completed 1<sup>st</sup> quarter water meter readings and re-reads. (2) Disconnected a total of 17 water services that were in arrears. (3) Repaired pump #1 at the Chips Meadow W.W.P.S. (4) Attended the progress meeting for the transmission line replacement project. (5) Inspected all of the town owned fire extinguishers in the buildings and vehicles. (6) Prepared both parks for April 1<sup>st</sup> opening. (7) Cleaned up from the snow event on 3/3/19. (8) Sent in quarterly test results for haloacetic acids and trihalomethanes to M.D.E. All results were good. (9) Fredericktown labs submitted monthly bacteriological testing results to M.D.E. All results were good. (10) Serviced all mowing equipment for the season. (11) Met with the mowing contractor on changes and state date. (12) Replaced the front tires and exhaust on the 2008 F-350. (13) Water usage for the month was 8,070,910 gallons.

**Zoning Administrators Report:** Randy Dick, Zoning Administrator submitted the following: (1) Planning meeting was held on March 12, 2019 (2) Next Planning Commission meeting will be on April 9, 2019. (3) Zoning Appeals Board hearing was heard March 7<sup>th</sup>. (4) Assisted Public Works with Miss Utility notifications.

**On a Motion** by Council Member Wenthe to approve all departmental reports. Motion carried by a unanimous vote of Council.

#### **COMMISSION REPORTS**

**Smithsburg Community Activities Committee-**Bonnie Renard reported the following: (1) Next meeting will be held on April 16<sup>th</sup>. (2) Currently planning Easter and movie night events.

**Parks Commission-**Council Member Wenthe stated the next meeting will be April 8<sup>th</sup>. The Memorial Day Ceremony will be on May 30<sup>th</sup>.

**Planning Commission** –No additional report.

**On a Motion** by Council Member Smith to approve all commission reports. Motion carried by a unanimous vote of Council.

## **COMMUNITY ORGANIZATION REPORTS:**

**SEMS Report** -The following report was submitted by Ward Fleger (1) 133 Calls for March 2019. Of these there were: 32 Sick Person/Diabetic Emergency/Abdominal Pain, 17 Ground level falls and traumatic injuries, 17 Chest Pain/Cardiac events, 15 Motor Vehicle Crashes, 12 Respiratory Distress, 9 Unconscious/Fainting/Syncope, 9 Overdose/Psychiatric, 5 Strokes, 6 Event Standby, 4 Seizure/Convulsions, 4 Cardiac Arrest, 3 Life Line Alarms (2) Of the 133 calls, there were 101 calls in Smithsburg, Leitersburg, Mount Aetna, Hagerstown and Cascade/Pen Mar, 17 calls in Franklin County and 15 calls in Frederick County. (3) Conducted extrication training with Company 7 on March 16<sup>th</sup>.

Ward Fleger stated they will not be closing their doors. Thanked the Board of County Commissioners for helping them out. BINGO fundraiser will be on April 16<sup>th</sup> at the Fire Hall. There will be another fundraiser in May hosted by the Dixie Diner. Mailers will also be going out soon.

**Smithsburg Fire Co**-The following report was submitted by Phil Rohrer (1) There were 37 calls for service in the month of March. (2) There were 10 structure fires, 8 motor vehicle accidents, 8 medical assist, 1 water rescue and 10 miscellaneous calls. (3) There will be a wing feed on April 27<sup>th</sup> and a Chicken BBQ fundraiser in May.

**CITIZENS COMMENTS/CONCERNS:** None

## **CONSENT AGENDA: (items reviewed in detail at the previous work session)**

Annual Spring Clean-up Event – *Sat. May 4<sup>th</sup> from 7AM –noon behind SEMS*

MML Summer Conference –*Council Member Weaver & Town Manager Smith funded by MML grant June 23-26.*

**On a motion** by Council Member Souders, to approve the consent agenda items as presented. Motion carried by a unanimous vote of Council.

Town Manger Debra Smith stated the Town applied for grant to pay for the cost of herself and Council Member Weaver to attend the MML Conference. MML provides guidance and training for elected and appointed officials.

## **OLD BUSINESS:**

**Town Hall Tower State Grant Agreement Update**-Town Manager Debra Smith stated the she worked with the town attorney to draft a hold harmless agreement between the town and the Historical Society due to the original grant verbiage on the State grant agreement not being able to be changed. This would release the town from being responsible in case of any default of the Historical Society under the terms of the grant. **On a motion** by Council Member Weaver to approve the moving forward with signing the agreement prepared by the town attorney and the capital projects grant agreement. Motion carried by a unanimous vote of Council.

## **NEW BUSINESS:**

**Resolution 2019-02; Adoption of Updated Washington County Hazard Mitigation Plan**-**On a motion** by Council Member Weaver, to approve the adoption of the updated Washington County Hazard Mitigation Plan. Motion carried by a unanimous vote of Council.

**Approval of Letter to W.C. Planning Commission for Sewer Category Map Change**- a sewer map amendment is needed for the development of the Cloverly property because there is currently no sewer on the property. Recommendation is being made to request that the County Planning Commission amend the service area boundaries to match those of the growth area boundary and revise the designation to S1. **On a motion** by Council

Member Smith to approve the request for a letter to be sent to the W.C. Planning Commission on behalf of the Towns Planning Commission for a sewer category map change. Motion carried by a unanimous vote of Council.

**Recommendation to Award Audit Services Contract-**Five audit bids were received by the town. The lowest bid in the amount of \$14,000.00 was submitted by Albright Crumbaker and Moul per year for a period of five years. **On a motion** by Council Member Souders to award the audit services contract to Albright Crumbaker and Moul. Motion carried by a unanimous vote of Council.

**Recommendation to Award Accounting Services Contract-**Two bids were received by the town. The lowest bid in the amount of \$1,200 a month was from Smith Elliott and Kearns for a period of one year. **On a motion** by Council Member Souders to award the accounting services contract to Smith Elliott and Kearns. Motion carried by a majority vote of Council with Council Member Weaver abstaining.

**Recommendation to Award Sanitation Services Contract-**The town received three bids for sanitation services for FY20. The lowest bid from Republic Services was \$10.35 per unit for trash/recycling and \$1.25 a unit for yard waste. There is no fee difference for single family residential, multi-family residential or mixed use/small commercial units and the days of collection will remain the same. The town would begin paying the tipping fees separately directly to the county at a rate of \$55 a ton for trash, \$30 a ton for recycling and \$63 a ton for yard waste (pending any increases implemented by the County in FY20). Spring Clean-up would be a \$125 hauling fee per roll-off plus disposal and \$160 per hour for Fall curbside collection. Total bid of \$215,970.40 (*does not reflect tipping fees*). The bid also includes additional 3 yr. costs for trash and recycling at \$10.66/unit/month for FY2021, \$10.98/unit/month for FY2022 and \$11.31/unit/month for FY2023. The only change in service at this time is plastic bags are no longer to be placed in recycling. **On a motion** by Council Member Souders to award the sanitation contract to Republic Services as presented for the years FY2020 through FY2023. Motion carried by a unanimous vote of Council. Council Member Souders stated he would encourage residents to recycle more as the tipping fees are lower than the trash fees. Also recommended that the Council reconsider the yard waste program and look into alternate methods based upon the cost for this service compared to the low percentage of users.

**Request to Extend Snow Removal Contract Period-**Town Manager Smith stated the current snow contract with contractor Brian Semler expires July 30, 2019 and under Section X. Contract Period. The contractor may request an additional 3 year period on the contract with the consent of the Mayor and Council. Mr. Semler has formally requested that his contract be extended through July 30, 2022 without any rate increases. **On a motion** by Council Member Souders to extend the current snow removal services an additional three years at no additional cost. Motion carried by a unanimous vote of Council.

**Discussion of Portable Basketball Hoop Enforcement-**Town Manager reviewed the discussion from the previous work session regarding basketball hoops and other items placed in the town's right-a-way. Council Member Souders stated that the current Ordinance states that nothing is to be placed in the swales or the town's right-a-ways and that residents can be cited. Council Member Weaver stated this applies to all areas in town and the swales are included. Mayor Kesselring stated that Chief Knight is to enforce anything in these areas. Council Member Hetherington stated that we are not against kids playing and exercising but that safety has to be considered as priority and things have to be enforced across the board. We expect this to be enforced across the board and to not only include hoops and in all areas of the town. Council Member Souders stated we are all here to adhere to the policies and ordinances set forth and we are united with the Police Department to enforce this and safety concerns. We opened the floor up and not one person showed up tonight. Council Member Weaver stated that this is for any items in the easements; hoops, cars, nets, campers, motorhomes, decorative items, anything in the easement areas. Mayor Kesselring stated that yes, that includes anything and we will have to enforce the ordinance as written.

**Request for Bell Tower Dedication Ceremony-**Town Manager Debra Smith stated the Historical Society would like to hold their bell tower dedication ceremony in conjunction with Smithsburg Days. It will be held on June 15 at 11AM. There will be minimal road closures around town hall for the event. **On a motion** by Council Member Souders to approve the dedication ceremony. Motion carried by a unanimous vote of Council.

Council Member Souders inquired about an upcoming discussion to be held regarding the Antietam Cable Franchise contract that is up for renewal. Item will be added to the April Work Session for final approval at the May 7<sup>th</sup> Mayor and Council Meeting.

**Proposed April Meetings:**

- Tuesday, April 9<sup>th</sup>, Budget Work Session
- Tuesday, April 16<sup>th</sup>, Budget Work Session
- Tuesday, April 23<sup>rd</sup> Work Session

**COUNCIL MEMBER REMARKS:**

**Council Member Weaver**-Thanked the Fire Department for attending the meeting. Encourage people to participate in community organizations. Thanked SEMS for holding their recent meeting. Volunteers are important and thanked them for the work they do.

**Council Member Hetherington**-Attended the Fire Department Bonanza. Thanked everyone for coming out.

**Council Member Wenthe**-Reminded everyone the Memorial Day Ceremony will be on May 30<sup>th</sup>.

**Council Member Smith**-Thanked everyone for coming out.

**Council Member Souders**-The girl's basketball team came in as runner ups.

**Mayor Kesselring**-Ashley Bailey received player of the year.

**On a motion** by Council Member Souders 2<sup>nd</sup> by Council Member Weaver to move into executive session *under Article 3-305(b) of the Annotated Code of MD, Section (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this elected body has jurisdiction; or any other personnel matter that affects one or more specific individuals*  
Motion carried by a unanimous vote of Council.

The meeting was adjourned at 7:57 PM

Respectfully submitted,

Justine Keadle, Clerk/Treasurer