

Mayor and Council of Smithsburg, MD
Regular Meeting Minutes
Tuesday, May 7, 2019

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, May 7, 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 Souders.

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

Consent Approval of Minutes: On a motion by Council Member Souders, to approve the minutes of the April 2, 2019 Mayor and Council meeting, the April 9, 2019 Budget Session and the April 23, 2019 Work Session as submitted. Motion carried by a unanimous vote of Council.

Approval of Executive Minutes: On a motion by Council Member Hetherington to approve the minutes of the April 2, 2019 Executive Session and to leave the minutes closed. Motion carried by a unanimous vote of Council. On a motion by Council Member Hetherington to approve the minutes of the April 23, 2019 Executive Session and to leave the minutes closed. 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) Placed an AD in the front office building. (2) Met with Town Manager and contractor in regards to the 2.5 acres in Veterans Park. (3) Met with the Parks Commission regarding the potential addition to the walking trail around the 2.5 acres. (4) Currently working on the drainage issue on the 2.5 acres.

TOWN MANAGER'S REPORT: Debra Smith reported the following: (1) Along with members of the M&C, attended the Parks Commission meeting in April. (2) Attended two Focus group meetings on April 22nd with both business owners and residents to discuss the pros and cons of the town with the Economic Development Feasibility Study Consultants. (3) Also attended the SWOT analysis meeting with residents and the consultants. (4) Attended the waterline replacement project construction meeting on April 23rd. The boring is completed from Main Street across MD66. Now working on Wolfsville RD. The first pay request of \$120,000 has been submitted to MDE which also triggers the loan closing process. (5) Received approval from MML for 2 grants to attend the Summer MML Conference. Council Member Weaver and myself will be attending the conference June 23-26. (6) Continued to prepare the FY20 budgets for review.

DEPARTMENTAL REPORTS

Police Chief Report: Chief Knight submitted the following report: (1) There were 153 calls for service during the month of April with 1 adult arrest and 0 juvenile arrests. (2) A total of 12 premise checks were conducted. (3) The Department patrolled a total of 3,010 miles this month and did 39 hours and 25 minutes of foot patrol. (4) The Department assisted Washington County Sheriff's Dept. 21 times, Maryland State Police 8 times, Smithsburg EMS 2 times and Frederick County Sheriff's Office 1 time. (5) There were 150 Park checks. (6) 89 speed camera violations. (7) Officers Dove, Morales and Munson attended Firearms Qualifications at the range, Chief Knight attended grand opening of Martin's and Officer Morales attend the ribbon cutting at First United Bank.

Public Works Report: Jeff Long submitted the following report: (1) Turned on water and opened pavilions for the season in both parks. (2) Painted the restrooms in Veterans Park. (3) Mulched the play areas in both parks. (4) Conducted the first vegetation spraying of the season on all town properties. (5) Conducted the first mowing of the season on all town properties. (6) The department attended a MDE approved training session on water and wastewater safety sponsored by MRWA. (7) Repaired guardrails on the bridge at E. Water St. (8) Cut up and removed fallen trees in Lions Park. (9) Installed a transducer in the above ground storage tank at the reservoir and switched controls to it. (10) Pulled and repaired pump #2 at the High School Pumping Station. (11) Moved the Nicholson memorial from Town Hall to the Police Department. (12) Semi-annual preventive maintenance was completed on all of the Towns diesel generators. (13)

Completed the first weed eating of the storm swales in Whispering Hills. (14) Water usage for the month was 6,622,800 gallons.

Zoning Administrators Report: Randy Dick, Zoning Administrator submitted the following: (1) Planning meeting was held on April 9, 2019 (2) Next Planning Commission meeting will be on May 21, 2019. (3) Assisted Public Works with Miss Utility notifications.

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

COMMISSION REPORTS

Smithsburg Community Activities Committee-Laura Hendrix reported the following: (1) Next meeting will be held on May 21st. (2) Movie Night will be on June 7th.

Parks Commission-Council Member Wenthe stated the next meeting will be May 13th. The Memorial Day Ceremony will be on May 30th at 6 PM in Veterans Park.

Planning Commission –Council Member Weaver stated the meeting moved to May 21st.

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

COMMUNITY ORGANIZATION REPORTS:

Smithsburg Fire Co-The following report was submitted by Phil Rohrer (1) There were 35 calls for service in the month of April. (2) There were 9 structure fires, 5 motor vehicle accidents, 8 medical assist, 3 Automatic Fire Alarms, 1 Inside Investigation, 3 Burn Complaints, 2 Brush/Woods Fire, 2 Public Services and 5 miscellaneous calls. (3) Wing Night was cancelled (4) Chicken BBQ will be on May 18th at Debbie's.

SEMS Report -The following report was submitted by Nelly Gorodetsky (1) 141 Calls for April 2019. Of these there were: 29 Sick Person/Diabetic Emergency/Abdominal Pain, 27 Ground level falls and traumatic injuries, 9 Chest Pain/Cardiac events, 14 Motor Vehicle Crashes, 16 Respiratory Distress, 15 Unconscious/Fainting/Syncope, 7 Overdose/Psychiatric, 3 Strokes, 7 Event Standby, 2 Seizure/Convulsions, 4 Cardiac Arrest, Child Birth on Easter Sunday, 7 Life Line Alarms (2) Of the 141 calls, there were 113 calls in Smithsburg, Leitersburg, Mount Aetna, Hagerstown and Cascade/Pen Mar, 14 calls in Franklin County and 14 calls in Frederick County. (3) Held Bingo Fundraiser on April 14th. (4) Spring Fund Drive will be in May.

CITIZENS COMMENTS/CONCERNS:

Judith Ferro, 6 Maple Ave-Thanked the town for the spring clean-up and the services they provide. The event is a time to feel connected to the community.

Terri Callamari, 25 W. Water St-Thanked the town for the spring clean-up event.

Jon Snyder, 101 Amber's Way-Thanked the town for the clean-up event. Stated the information on the town's website should be more accessible. Inquired if the town could have a drop off for yard waste. Mayor Kesselring responded that the town is looking into all options.

Steve Fierros, 103 Bachtell Circle-Stated the towns website was not easy to navigate. Expressed his concerns over child safety and the previous discussion held on basketball hoops in the swales and roadways. We should encouraging our kids to get outside and not into things they shouldn't be. Mayor Kesselring stated the town's attorney was reviewing the information on hoops and that safety is our main concern.

Jeffrey Fox, 88 Amanda Dr-Expressed concerns over the speeding and people running stop signs in Whispering Hills.

OLD BUSINESS:

Antietam Cable Franchise Agreement-Town Manager Smith stated that the franchise agreement renewal is May 4th. Stated that there is a misconception about the agreement allowing only Antietam Cable to be the towns provider and that it is non-exclusive agreement. This does not prohibit other companies from coming into town. The towns attorney has reviewed the agreement and has recommended an increase in the percentage from 3% to 5%.

Bryan Lynch from Antietam Cable addressed the recent internet outage. He stated that it was a cyber event but it did not affect customer information, only service. The cyber threat came from multiple countries simultaneously and has been turned over to federal authorities. They have never had an issue like this previous and at this time the network is safe. He stated he was proud of their team for all the work they put into resolving the issue.

Jeffrey Fox, 88 Amanda Dr-Stated he came from Montgomery County and that Antietam Cable provides good service.

Rich Freysz, 39 Byron Dr-Expressed his frustrations that people in this area do not have any other options for service.

Tom Williams from Antietam Cable stated that they are a private owned company and have been advancing their projects. He stated he understands people are upset about the recent events with the internet services.

Mayor Kesselring stated that it is not Antietam Cables fault that no one else has brought services into town.

Steve Ferros, 119 Joel Circle-Stated that the infrastructure is old and that the speed needed was not anticipated. Prior service has also been an issue and lack of customer service. He suggested the town look into a bond.

Council Member Souders stated a bond would not be an option now due to the town's budgetary issues.

Jon Snyder-101 Amber's Way-Suggested the town add a performance clause into the Antietam Cable agreement.

Town Manager Debra Smith stated her recommendation is to reduce the term from 15 to a 5 year agreement at 5% and it to continue to be non- exclusive.

Council Member Souders stated it would not be beneficial to renew for another 15 years and that we have another open forum for residents to address any concerns. **On a motion** by Council Member Souders to approve the agreement for 5 years at 5% with a caveat to work with Antietam Cable and the residents. Motion carried by a unanimous vote of Council.

NEW BUSINESS:

FY19 Road Repairs-Town Manager Debra Smith stated the eighteen road repairs needed in town came in at a cost of \$8,995 from Huntzberry Brothers and formal approval is needed. **On a motion** by Council Member Souders to approve the road repairs at \$8,995 by Huntzberry Brothers. Motion carried by a unanimous vote of Council.

Chief of Police Employment Agreement-Term Expiration/Renewal-Town Manager Debra Smith stated the Chief's agreement was up for expiration/renewal and Council needs to make a motion to renew or allow the agreement to expire. **On a motion** by Council Member Souders to not renew the agreement for Chief Knight. Second by Council Member Smith. Motion carried by a unanimous vote of Council.

Proposed May Meetings:

- Budget Work Session TBD
- Tuesday, May 28th Work Session

The meeting was adjourned at 8:00 PM

Respectfully submitted,

Justine Keadle, Clerk/Treasurer