

**TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
SPECIAL SESSION MINUTES
July 25, 2023**

The Mayor and Council of Smithsburg, MD held a Special Session beginning at 7:01 PM on Tuesday, July 25, 2023. In attendance were Mayor Donald Souders, Councilmembers Tracey Knight-Simane, James Fritsch, Roberto Gonzalez and Jon Snyder. Councilmember David Dan was absent. Also in attendance was Town Manager Brian Brandt, Clerk/Treasurer Jenni House, Police Chief Robert Marker and Town Attorney Edward Kuczynski. The meeting was opened with the Pledge of Allegiance led by Councilmember Fritsch.

Approval of Agenda: Mayor Souders stated he would like to add 2 items to Old Business (Change order 1 & 2 for the Lions pavilion renovation), and the Easement letter from Attorney Ed Kuczynski, and an executive session for a personnel matter regarding the Farmers Market. **On a motion** by Councilmember Snyder, second by Councilmember Knight-Simane to approve the amended agenda. **Motion carried.**

Citizen's Comments:

Leigh Zahm stated he had 2 topics on to discuss. The first topic is the construction site on Sherri's Way. Mr. Zahm stated the silt fence is still down at the construction site and he understands Randy Dick, Zoning Administrator for the Town, was notified of that and contact Soil and Management or someone, but he hasn't seen a resolution of this problem. The next concern is that from the July 11, 2023 Randy Dick was going to post a permit for the second structure, and if he posted the permit Mr. Zahm is not sure where it is, the permit at the street only has the same permit. Councilmember Snyder stated the resident is responsible for posting the permit, however he wasn't sure if Randy Dick provided the permit to the resident. Town Manager, Brian Brandt is to reach out to Randy Dick tomorrow.

Mr. Zahm other concern was in regards to councilmember remarks from the July 11, 2023 Mayor and Council meeting. Mr. Zahm ask Mayor Souders if he could have intervened on the personal attack from one Councilmember to another. Mayor Souders, stated he could have, and apologized to Councilmember Fritsch. Mayor Souders stated he has already spoken to Town Manager, Brian Brandt, and Town Attorney, Edward Kuczynski and the next time, if there is a next time a personal attack occurs again it will be shut down.

Joe Clopper stated he was on his way to the Dixie Diner when he noticed there was a car parked at the square waving traffic around, and he noticed there were cones around the manhole. Mr. Clopper stated he noticed a town truck pull up, and Town Manager, Brian Brandt jumped out and helped to change the manhole cover. Mr. Clopper stated he follows a lot of government and has never seen a Town Manager get so involved like that and that's the kind of team work we need.

OLD BUSINESS:

Discuss/ Consider "Smithsburg Goes Purple" Event (September 16, 2023): Councilmember Knight-Simane stated the event is being led by town resident Crystal Allen, who lost her son to an overdose a year ago. Councilmember Knight-Simane stated Ms. Allen has 15 treatment centers, a pharmacy and the Washington County Health Department attending the event. The Health Department is bringing a trailer and doing Narcan training. The Pharmacy is going to set up a medicine take back. The event will start at 9:00 AM. Councilmember Knight-Simane also stated Ms. Allen has reached out to every food truck she can come a crossed, but because of the Muddy Mamas and the Frederick Fair she's not having any luck. There is a Facebook page regarding the event. **On a motion** by Councilmember Knight-Simane, second by Councilmember Fritsch to donate \$800.00 from Hotel/ Motel funds for the event. **Motion carried.**

Discuss/ Consider Change Order 1 & 2 for Lions Park Pavilion Upgrades: Town Manager, Brian Brandt, stated change order 1 was to remove the asphalt from the flooring and add concrete, the cost of the change order is \$28,920.97. Change order 2 is to paint the building connected to the pavilion, the cost of the change order is \$5,647.29. **On a motion** by Councilmember Gonzalez, second by Councilmember Snyder to approve both

Change orders 1 & 2 for a total of \$34,568.26, with funds coming from the CPP& P Grant -Lions Community Park Enclosed Pavilion. **Motion carried.**

Discuss/ Consider Water Line Easement Agreement: Council was provided a copy of the easement agreement. Attorney Ed Kuczynski stated that before Council takes formal action the agreement should be signed. **On a motion** by Councilmember Snyder, second by Councilmember Knight-Simane to introduce the Ordinance to adopt and approve the Easement agreement for Harshman Automotive, Inc. and Middletown Valley Bank in connection to the Water Line Loop. **Motion carried.**

NEW BUSINESS:

Discuss/ Consider SCVFC Equipment Purchase Request (Chief Yankey): Chief Yankey is requesting funds from the Town to purchase extrication tools for SCVFC. Chief Yankey brought tools similar to the ones requested for Council to see. **On a motion** by Councilmember Snyder, second by Councilmember Knight-Simane to approve the request for \$34,744.69, funds coming from the Police Special funds. **Motion carried.**

Discuss/ Consider Engineering Scope/ Services for Railroad Lane (RK&K Task #9) & E. School Lane (RKK Task #10): The Town Manager stated East School Lane is an existing project and with the work being done at the school now would be the time to start working on that, overlaying and engineering study. Railroad Lane, if the Farmers Market is going to stay in that location we could do a lot as far as paving, upgrades, adding crosswalks. **On a motion** by Councilmember Snyder, second by Councilmember Knight-Simane to move forward with task orders 9 & 10. **Motion carried.**

Discuss/ Consider Neptune AMI Customer Portal Set-Up Connectivity: Mayor Souders stated this set up would allow customers to look at their usage with the new meters that were installed. **On a motion** by Councilmember Snyder, second by Councilmember Gonzalez to pay \$57,000.00 for the equipment, customer portal annual subscription, training and set up fee for the AMI Customer Portal Connectivity. Funds will be split between the Water & Sewer funds. **Motion carried.**

Discuss/ Consider Appointments to Economic Development Commission: **On a motion** by Councilmember Knight-Simane, second by Councilmember Fritsch to appoint all 6 applicants to the Economic Development Commission. Applicants are Amber Dwyer, Ben Rodriguez, Jamie Fogle, Dennis Sickman, Dawn McKinnon and Catherine McCormick. **Motion carried.**

Approve Fall Bulk Clean Up @ SEMS Saturday, October 14, 2023 from 8AM-Noon: Mayor Souders stated he spoke to Dale Fishack, from SEMS and they are fine with the Town of Smithsburg having the Fall Bulk Clean Up on Saturday, October 14, 2023. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to have the Fall Bulk Clean Up @ SEMS on Saturday, October 14, 2023 from 8AM-Noon. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Knight-Simane to close the regular session at 7:43 PM and move into executive session under:

Article 3-305 (b) of the Annotated Code of Maryland, 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 personnel matter that affects one or more specific individuals. **Motion carried.** In attendance was Mayor Donald Souders, Councilmembers Tracey Knight-Simane, Roberto Gonzalez, James Fritsch, and Jon Snyder. Councilmember David Dan was absent. Also in attendance was Town Manager Brian Brandt, Police Chief Robert Marker and Town Attorney Edward Kuczynski. The purpose of the executive session was to discuss personal matters.

On a motion by Councilmember Snyder, second by Councilmember Fritsch to close the executive session at 8:15 PM and return to regular session. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Gonzalez to proceed with the personnel action related to the Police Department as discussed with Chief Marker, at his earliest opportunity with a requisite increase of 15% for that employee **Motion carried.**

On a motion by Councilmember Fritsch, second by Councilmember Snyder to accept the resignation of Chandler Fishack, effective immediately. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Knight-Simane to allow the Town Manager to move forward with the replacement of the Market Manager position. **Motion carried.**

MOTION TO ADJOURN

On a motion by Councilmember Fritsch, second by Councilmember Knight-Simane to close the meeting at 8:17 PM. Motion carried.

Respectfully submitted,

Jenni House
Clerk/Treasurer