

**TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
April 2, 2024**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, April 2, 2024 at 7:01 PM with Mayor Donald Souders, David Dan, James Fritsch, Roberto Gonzalez and Councilmember Jon Snyder. Councilmember Tracey Knight-Simane 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 Dan.

Approval of Agenda: On a motion by Councilmember Snyder, second by Councilmember Dan to approve the agenda as submitted. **Motion carried.**

Approval of Meeting Minutes:

- Regular Meeting Minutes – March 5, 2024
- Special Session Minutes – March 19, 2024
- Executive Session Minutes – March 5, 2024
- Executive Session Minutes – March 19, 2024

On a motion by Councilmember Snyder, second by Councilmember Fritsch to approve the minutes from all open meetings as presented. **Motion carried.**

On a motion by Councilmember Gonzalez, second by Councilmember Snyder to approve the executive session minutes from March 5, 2024 as presented. **Motion carried** with a 3-1 vote, with Councilmember Dan voting against the motion.

On a motion by Councilmember Snyder, second by Councilmember Fritsch to approve the executive session minutes from March 19, 2024 as presented. **Motion carried.**

Approval of Treasurers Reports: On a motion, by Councilmember Snyder, second by Councilmember Fritsch to approve the Treasurers Report as presented. **Motion carried.**

COMMUNITY ORGANIZATION REPORTS:

SEMS Report: Dale Fishack submitted the following report for February 2024: Total calls for service were 108 calls with 21 calls out of county, with 12 calls in Franklin County and 9 in Frederick County.

Dale Fishack submitted the following report for March 2024: Total calls for service were 132 calls with 18 calls out of county, with 12 calls in Franklin County and 6 calls in Frederick County.

Smithsburg Fire Co- Phil Rohrer submitted the following report for March 2024: Total number of calls 42. Mutual aid given, Frederick County 4, Franklin County 3.

Dale Fishack stated the Carnival was going to be the last week of June and they were going to have fireworks on June 25, 2024 with a rain date of June 26, 2024. The cost of the fireworks is \$6,000.00 and Mr. Fishack submitted the paperwork requesting the funds come from Hotel/ Motel Funds. On a motion by Councilmember Dan, second by Councilmember Snyder to approve the request for \$6,000.00 coming from Hotel/ Motel Funds to the Fire Department for fireworks.

MAYOR'S REPORT: Mayor, Donald Souders presented the following report:

- Attended the Winter MML Mayor Association Conference in Annapolis.
- Participated in meetings with Greenwill Consulting to discuss our FY25 infrastructure funding request with the State of Maryland.
- Participated with the Smithsburg Elementary School's "Reading Night".
- Visited Smithsburg Elementary School to discuss the town's "If I Were Mayor" essay contest. Students were encouraged to write a brief essay about what they would like to see done within our community to improve our town. One essay will be chosen and the student who wrote this essay will serve as our "Mayor for the Day" on Tuesday May 7, 2024. The students were interested in learning about all aspects of our town government, events and our community. Thank you to Mrs. Wynkoop for setting this up and thank you to all the teachers for supporting this great community contest.
- Participated along with Town Manager Brian Brandt and representatives with RK&K about our grant writing and planning needs moving forward.
- Continuing to meet and discuss with staff and representatives from SEK about the FY25 budget.
- Please remember there is a joint Board of County Commissioners and Town Council meeting on Tuesday, April 23, 2024. Meeting to begin at 7:00 pm with a special presentation to begin at 6:00 pm 2nd floor Council Chambers, light refreshments will be provided.
- Also, for May, please mark your calendars that our regular Mayor and Council meeting is scheduled for Tuesday, May 7, 2024. We will still meet on the third Tuesday in May for a Special Session (May 21, 2024) and will have the required Organizational Meeting on Tuesday, May 28, 2024, time to be determined.

TOWN MANAGER'S REPORT: Town Manager Brian Brandt reports the following:

- Meetings with multiple contractors to install fencing and obtain quotes at Veterans Park.
- Meeting with Jeannette Dan and Chief Marker about traffic control options at Veterans Park.
- Quarterly meeting with Erin from SEK to discuss current budget.
- Meeting with Terry from SEK to discuss employee retirement plan options for employees.
- Smith testing complete in Chips Meadows, Johnson Terrace, and Pioneer Drive subdivisions, resulted in the location of approximately 15 cleanouts in need of repair.
- Attended POS Grant Request meeting with Jeannette Dan and Melissa Hargraves at HCC.
- Began proactive leak detection program.
- Water Line repair 35 E. Fire Company Lane.
- Attended EDC meet and greet for Business Leaders.
- Met with Harry Dodson and Neptune reps. To look at an overview of the AMI system.
- Attended Preliminary "If I were Mayor" kickoff with Mayor Souders at Smithsburg Elementary School.
- Attended meeting with members of our Planning Commission and representatives of Washington County Engineering, to discuss potential ownership Storm Water Management ponds in the new Cloverly Subdivision.
- Myself and Mayor Souders held a meeting with RK&K about potential take over of all Grant related duties, we have also been contacted by multiple Consultant Grant Writers.
- Attended MML Dinner at Western Enterprises Fire Company.
- Meeting with Chief Marker and Bearing advisors to discuss law enforcement EAP program.
- Attended settlement on the Town's new Whispering Hills Property.

APPROVAL OF DEPARTMENTAL REPORTS:

Circuit Rider/ Grant Writer

Planning & Zoning Department

Police Department

Chief Robert Marker stated the Town does not have an EAP program currently, he is looking at a PACT grant that covers funding for EAP program, hoping to apply for that. Have a couple of questions about the grant before bringing to Mayor and Council for consideration. Calling the Governors office on crime prevention

policy sometime in the next week or so. The Chief stated he hoped Mayor and Council had a chance to review the Body Armor for Law Enforcement Grant. The Chief has the grant already written in word form, if gets approval will just cut and paste and upload to the Grant Management System. There are 2 sets of body armor that will need to be replaced in FY25, and a new set of body armor purchased if we get a new hire. **On a motion** by Councilmember Snyder, second by Councilmember Dan to allow the Chief to move forward with the Body Armor Grant as presented. **Motion carried.**

Mayor Souders asks if there were any questions for the Town Manager regarding the Public Works report. Councilmember Dan stated the sewer flows were very high, Town Manager, Brian Brandt stated some broken clean outs were found, and he believes there are some sump pumps that are running into the system. Councilmember Snyder ask how we would identify sump pumps in the system. Mr. Brandt stated he would offer for Public Works to come out and look.

On a motion by Councilmember Dan, second by Councilmember Gonzalez to approve the departmental reports as presented. **Motion carried.**

APPROVAL OF COMMISSION REPORTS/ MINUTES:

Economic Development Commission
Parks Commission
Planning Commission
SCAC
Library Advisory Board

On a motion by Councilmember Gonzalez, second by Councilmember Snyder to approve the commission reports, as presented. **Motion carried.**

Mayor Souders moved Citizen Remarks to be heard after the discussion about the FY25 utility rates.

OLD BUSINESS:

No Old Business

NEW BUSINESS:

Discuss/ Consider FY25 Utility Rate Increase with Representatives from the City of Hagerstown: Nancy Hausrath and Scott Nicewarner from the City of Hagerstown came to the meeting to discuss the increase in the water rates from the City of Hagerstown. Mr. Nicewarner extended an offer to Council to tour the R C Wilson Water Treatment Plant. Mr. Nicewarner stated he is looking into having an open house for the general public to come out and see the plant this summer. There is a video on the Cities website for those that would be interested. Ms. Hausrath handed out a packet to Mayor and Council and went on to discuss the information in the packet. The packet discussed operational cost, infrastructure cost, and other information to show why the 14% increase in water would be needed. Councilmember Gonzalez ask how long the City of Hagerstown knew the improvements, that are leading to the increase, were going to be needed. Ms. Hausrath stated she didn't have an answer to Councilmember Gonzalez's question, however wanted to comment on the infrastructure that leads to Smithsburg. The water is produced at Williamsport and is pumped out and pushed through the distribution system all the way to Smithsburg. It comes through the base zone out Jefferson Blvd to pump station 6 to Smithsburg, so the infrastructure that impacts Smithsburg covers a lot of real estate for Hagerstown. The City has been talking about the Wilson transmission mains for a number of years, also the hydraulics for the Wilson Plant for a number of years, had to do a major chemical upgrade to comply with disinfectant product rule, so that jumped ahead of the transmission mains. The city has been working on Edgemont project since 2006. Councilmember Gonzalez ask how the Edgemont project would benefit Smithsburg, Ms. Hausrath stated that if they move forward with the improvements with the Edgemont project and consistently run the plant, they

can supply the zone that supplies Smithsburg and perhaps part of zone 5 via the Brickner Plant, right now everything is coming from Williamsport. Councilmember Dan stated a 14% increase over 3 years is a 48% increase, that's going to be difficult to pass on to our customers, so we have to come up with ways, if not to bring rates down, at least keep them from going up. Sharpsburg is working on putting in wells to supplement water coming in from the Potomac, according to their projection it's going to save them a considerable amount of money to the point they will be able to give rebates to some of their customers. If Smithsburg would want to do that would the city be willing to work with the Town. Ms. Hausrath stated the bigger question was would MDE be willing to work with the town. Councilmember Snyder ask if the town got the necessary approval would that be something to city would be willing to consider. Councilmember Kristin Aleshire, from the City of Hagerstown stated he has an opportunity to run a small water system in Myersville. Myersville has their own water and sewer system. He has looked at the town's numbers, and part of the difficulty in reduction is already having a plant available. Even if you drill a well you are going to add the cost of operating that system over night. You would have to hire staff or farm it out to an entity to run that system. There would be no savings in drilling wells versus buying the water from the City of Hagerstown at selling it at a cost. Councilmember Snyder stated the same consideration exist for every customer of the City of Hagerstown distribution system. The only thing different about Smithsburg is they are serving a thousand customers out of the 12-inch main on Jefferson Blvd, that represents significantly less overhead.

Citizen Comments: Smithsburg resident, Sharon Nalley ask about man-made lake in the flood plain to supply water. Mayor Souders stated that would be in the same realm of having to follow MDE and he doubts MDE would approve a man-made lake. Ms. Nalley then ask about Federal or State Funding for the Edgemont Facility running; As far as Edgemont the Army Corp of Engineers or the Maryland Department of National Resource would like to see the land returned to the previous way it way.

Smithsburg Resident, Candace Winters stated her concern was the water bill and the amount her family has to pay. Last quarter they had a bill of \$1,080.00, and they are the average family. When her kids are older what are they going to have to pay for water. Ms. Winters just received her bill and it was almost \$800.00. Ms. Winters stated she received a data log and she thinks they need a new meter. Mayor Souders stated all meters were replaced with ARPR funds. Town Manager, Brian Brandt ask for Ms. Winters address and stated he would have the meter looked at.

David Dennis, works for a premier ground and just wanted to introduce himself and his company.

Dan Cross, Developer for Cloverly. Mr. Cross stated he was under an MOU with the town to complete a water study. The meeting was held at Town Hall in 2020 and Nancy Hausrath was in attendance. Under the 2006 agreement with the City of Hagerstown, any changes made to the Town's system needs to be approved by the city. The Town knew a water boost system would be needed by Cloverly; however, he is not sure the city knew about that. Mr. Cross had McCrone send the information to Ms. Hausrath replied that Mr. Cross is not her customer, he is the Town of Smithsburg's customer, she won't communicate with Mr. Cross directly. Ms. Hausrath communicated with Mr. Cross until they study water boost pump 6, half way to Hagerstown they won't respond to whether or no a water boost pump station will be permitted at Cloverly. Councilmember Gonzalez stated that per the contract no response in 60 days is a go ahead.

Mayor Souders ask what direction Council would like the Town Manager to go in to finish his water/ sewer budgets. Councilmember Gonzalez stated he would not want to raise water rates until water loss is fixed. Councilmember Snyder stated he would like to get hands around how much water loss has been taken care of and see what cost reduction is because of that. Get a best guess project for what we can anticipate over the next Fiscal year. Councilmember Snyder feels he needs that information before he can commit one way or another.

Discuss/ Consider RK&K Grant Writing, Planning Services (Task Order #10): Council was provided information related to the services. Town Manager, Brian Brandt stated RK&K was very receptive to everything that was being ask and have no problem provided a monthly update, and a quarterly in person

update. Councilmember Dan stated before making a commitment he would like to see other options. Mayor Souders stated the contract would run until the end of the fiscal. **On a motion** by Councilmember Gonzalez, second by Councilmember Fritsch to approve the contract for task order #10 through the end of the fiscal, with funds coming from the Contractual Services line item. **Motion carried.**

Discuss/ Consider FY25 Employee Salary Increase: Town Manager, Brian Brandt provided Council with the spreadsheet showing an increase of 6% for the FY25 budget year. Councilmember Snyder stated he would like to discuss this in more detail, and ask if it would be more appropriate to do in executive session. Mayor Souders stated this matter could be discussed in an executive session. This matter was tabled until the April 16, 2024 Special Session and will be discussed in an executive session.

Councilmember Remarks:

Councilmember Dan: Tim Lung is retiring or leaving the Town; want to wish him good luck on his future endeavors.

Councilmember Fritsch: Attended the EDC meet and greet; there was a lot of enthusiasm there. Next week the temperatures are supposed to be in the 70's; be aware there are a lot of kids outside. Be extra careful before pulling out.

Councilmember Gonzalez: No Comment.

Councilmember Snyder: It was good to see the involvement from people in the town about their concerns with water and sewer bills. Would like to encourage people to become more involved in these discussions. Has caught some discussions while scrolling through Facebook, it is tempting to engage in those forums. Rarely do the people empowered to help spend the same amount of time in those circles as they do if you would just contact Town Hall. Our Town Manager is very willing to be involved to help find solutions, it just takes asking. If you have ideas, we are very open to hearing them, even if it's not a viable solution, it initiates a conversation that we may not have thought of. To the extent that you have time, please get involved, ask questions and submit your ideas.

- Next Mayor & Council Special Session: Tuesday, April 16, 2024, 2nd Floor Council Chambers
- Special/ Joint Session with BOCC and Mayor and Council: Tuesday, April 16, 2024, 2nd Floor Council Chambers
- Next Regular Mayor & Council Meeting: Tuesday, May 7, 2024 7:00 PM, 2nd Floor Council Chambers

Next Commission Meetings:

- Economic Development Commission: Thursday, April 25, 2024, 7:00 PM, 1st Floor Conference Room
- Smithsburg Community Activities Commission: Tuesday, April 16, 2024, 2nd Floor behind Council Chambers.
- Parks Commission: Monday, April 22, 2024, 7:00 PM, 1st Floor Conference Room
- Planning Commission: Tuesday, April 9, 2024, 7:00 PM, 1st Floor Planning Room

MOTION TO ADJOURN

On a motion by Councilmember Snyder, second by Councilmember Fritsch to adjourn the meeting at 9:06 PM, **motion carried**

Respectfully submitted,

Jenni House
Clerk/ Treasurer