

TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
SPECIAL SESSION MINUTES
April 16, 2024

The Mayor and Council of Smithsburg, MD held a Special Session beginning at 7:00 PM on Tuesday, April 16, 2024. In attendance were Mayor Donald Souders, Councilmembers James Fritsch, Roberto Gonzalez, David Dan and 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 Fritsch.

Approval of Agenda: Mayor Souders stated he would like to add the resignation from Councilmember Knight-Simane to the end of New Business. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to approve the agenda with the change mentioned by Mayor Souders. **Motion carried.**

Citizen's Comments:

Bill Proctor came before Council to request the use of alcohol in Lions Park, large pavilion for September 28, 2024. Mr. Proctor stated it would be BYOB and there would be no alcohol sales. **On a motion** by Councilmember Gonzalez, second by Councilmember Fritsch to approve the request of BYOB, non-sale of alcohol in the Lions Park, September 28, 2024 for the event. **Motion carried.**

Ken Berry came before Council requesting a certificate of insurance where he would be listed as additional insured for the use of his lot on W. Water St. The lot will be used during the EDC event for the band and street performers. Mr. Berry to send an email to the Clerk/ Treasurer to provide the information for the additional insured clause.

Al Annunziata came before Council to introduce himself and talk about the EDC event on Saturday, April 20, 2024. Mr. Annunziata stated that nobody outside of Water Street knew anything about the event. Mr. Annunziata ask if the Council would write something up and he could have it advertised on Rock Radio, Mayor Souders stated the EDC Commission has money in their budget to advertise.

OLD BUSINESS:

Discuss/ Consider Traffic Control Plan/ Barriers at Veterans Park: The Parks Commission will have a meeting on Monday, April 22 to discuss this matter.

Discuss/ Consider Mt. Shadow Water Loop Project (Re-Bid): Town Manager, Brian Brandt stated D. L. Martin agreed to hold the pricing they submitted with their original bid submission and will begin work the middle of June.

NEW BUSINESS:

Discuss/ Consider Flume Smart Water Meter Systems for Homes: Ralph Kaiser from Flume described how the Flume system worked. Mr. Kaiser stated the Flume is designed to read the meters magnetic field and communicate the data to the bridge, which would be in the residents home. Mr. Kaiser stated the leak detection on the Flume is very effective, about 66% of the customers find a leak within the first month. The app will determine if the water is indoor or outdoor usage and if indoor usage can be broken down by fixture. Councilmember Dan ask who supports the devices and Mr. Kaiser stated Flume has a multi lingual Customer Service Center that will trouble shoot the devices. Mayor Souders ask Mr. Kaiser if there was anyway the Town could contact Flume, if the resident contacted Town Hall. Mr. Kaiser stated the Town would have access to a portal and could see the data from the flume. Councilmember Dan ask if there was a way to do some sort of pilot program, roll it out to a certain number of residents to see if it works well, Mr. Kaiser stated that could be done.

Councilmember Dan ask if the resident paid for the unit would the Town still be able to access the data, and the response was yes, as long as the terms and conditions are signed off on. Councilmember Snyder stated he likes the idea of providing the flume to residents that want it, just need to figure out a way to capture who wants it. Councilmember Dan ask Mr. Kaiser to work on some numbers for residents paying and the split for the Town and residents to share the cost.

Discuss/ Consider Comcast Franchise Agreement w/ Town of Smithsburg: Chris Comer, Director of Public Affairs stated Comcast is new to the area, but not new to Maryland. Mr. Comer stated they will need to get permits from other providers to use the other providers poles, and it will take a while to build out the town. A copy of the Franchise Agreement was provided to Mayor Souders and Mayor Souders provided the agreement to Attorney Edward Kuczynski. The town currently has a Franchise Agreement with Antietam Cable and Mr. Kuczynski wants to make sure the agreements mirror each other. Mr. Comer requested to be able to obtain the underground permits while Mr. Kuczynski works on the agreement. **On a motion** by Councilmember Gonzalez, second by Councilmember Dan to allow Comcast to apply for the underground permits while the attorney works on the agreements. **Motion carried.**

Discuss/ Approve PACT and PRAR Grant Application (Police): Chief Robert Marker ask that the Town keeps the employees of the Boonsboro Policy Department and Chief Morgan's family in your prayers. Chief Marker provided the grant information to Council in the meeting packet. Chief explained the benefits of the grants. **On a motion** by Councilmember Snyder, second by Councilmember Dan to approve Chief Marker applying for the grants. **Motion carried.**

Discuss/ Consider Legislative Consulting Contract: Councilmember Dan stated he would like to move on from Greenwill Consulting. On a motion by Councilmember Dan, second by Councilmember Fritsch to end the agreement with Greenwill Consulting. **Motion carried.**

Consider/ Accept Resignation of Councilmember (VP) Tracey Knight-Simane: **On a motion** by Councilmember Fritsch, second by Councilmember Gonzalez to accept the resignation of Councilmember Knight-Simane. **Motion Carried.**

Mayor Souders stated that the Council would need a new Vice President and ask for nominations. Councilmember Fritsch nominated Councilmember Snyder; Councilmember Snyder accepted the nomination. Councilmember Gonzalez nominated Councilmember Dan; Councilmember Dan accepted the nomination. Mayor Souders asks for those in favor of Councilmember Snyder; Councilmember Fritsch and Councilmember Snyder were both in favor. Councilmember Gonzalez was opposed and Councilmember Dan abstained. Mayor Souders asks for those in favor of Councilmember Dan; Councilmember Gonzalez and Councilmember Dan both were in favor; Councilmember Snyder and Councilmember Fritsch both were opposed. Since there was not a majority vote, the Vice President vacancy will remain open.

On a motion by Councilmember Fritsch, second by Councilmember Dan to close the regular session at 8:50 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 were Mayor Donald Souders, Councilmembers James Fritsch, David Dan, Roberto Gonzalez and 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.

On a motion by Councilmember Snyder, second by Councilmember Fritsch to close the executive session at 9:00 PM and return to open session. **Motion carried.**

On a motion by Councilmember Fritsch, second by Councilmember Roberto to have the town attorney send a letter to the designated agency. **Motion carried.**

MOTION TO ADJOURN

On a motion by Councilmember Snyder, second by Councilmember Fritsch to adjourn the meeting at 9:01 PM. **Motion carried.**

Respectfully submitted,

Jenni House
Clerk/Treasurer