

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
December 5, 2023**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, December 5, 2023 at 7:03 PM with Mayor Donald Souders, Councilmembers Tracey Knight-Simane, David Dan, and James Fritsch, Roberto Gonzalez, and Jon Snyder. 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:** On a motion by Councilmember Dan, second by Councilmember Gonzalez to approve the agenda as presented. **Motion carried.**

**Approval of Meeting Minutes:**

- Regular Meeting Minutes – November 7, 2023
- Special Session Minutes – November 21, 2023

**On a motion** by Councilmember Fritsch, second by Councilmember Gonzalez to approve the minutes from both meetings as presented, with the exception of changing the Special Session minutes to state exactly what Councilmember Snyder stated in the motion for the Charter amendment. **Motion carried.**

**Approval of Treasurers Reports:** On a motion, by Councilmember Fritsch, second by Councilmember Dan to approve the Treasurers Report as presented. Councilmember Dan ask if the restricted fund balances were up to date, the response was they are up to date. **Motion carried.**

**COMMUNITY ORGANIZATION REPORTS:**

**SEMS Report:** Dale Fishack submitted the following report: Total calls for service were 134 calls with 17 calls out of county, with 10 calls in Franklin County and 7 in Frederick County.

**Smithsburg Fire Co-** No report submitted.

**MAYOR'S REPORT:** Mayor, Donald Souders reported the following:

- I would like to take this opportunity to wish all our residents, staff, volunteers and councilmember a Healthy and Happy Holidays. Christmas is a time of joyous celebration and a time to reflect of all the good this year has provided us. Without the hard work of our staff, volunteers and elected body, the town of Smithsburg wouldn't be experiencing all these improvements.
- Participated in the Pre-Legislative from at HCC with our State Delegation along with Town Manager Brandt. (Presentation included on tonight's agenda)
- Attended the Veterans Day Ceremony. Would like to thank Jack Wenthe and Glenn Fishack for their organization of the event. I would also like to thank Rob Rowe for his assistance in setting up our sound system. And I would like to Thank those who contributed to this event.
- Attended the November meeting for the local Washington County Chapter of MML.

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

- Made request for assistance in funding our Sewer Lift Station replacement Project during the Pre-Legislative session at HCC with Mayor Souders.
- Met with Huntzberry Brothers and Line-A-Lot at the Basketball/ Pickleball Court at Lions Park to go over the specifics of lining in the near future.

- Assisted Rob Rowe setting up the Sound System for the Veterans Day celebration.
- Meeting with Jeremy GDC IT Solutions, and Clerk Treasurer Jenni House
- Meeting with Daniel Cross to discuss Water Boost Lift Station for Cloverly, I am currently reviewing plans with RK&K.
- Attended (Public) Planning Meeting, and put it out on Facebook Live.
- Meeting with Dave Haller about the Status of the Water Street Grant.
- Meeting with Councilmember Dan and Clerk Treasurer Jenni House to go over E360.
- Attended MML meeting at Clear Spring American Legion
- Continued to locate and forward information to SEK for HR audit.
- Our crew repaired a water leak at the intersection of Bradbury and Bikle, over Thanksgiving.

#### **APPROVAL OF DEPARTMENTAL REPORTS:**

Circuit Rider/ Grant Writer

Planning & Zoning Department

Police Department

Public Works Department

Chief Robert Marker asks if any volunteers that wanted to participate in Shop with a Cop arrive at the Fire Department between 5:00 PM – 5:30 PM on December 11, 2023. Dinner will be provided by the Dixie Diner at 5:30 PM.

Chief Robert Marker reported to Council that Officer Jerry Morales will be leaving, his last day will be Thursday, December 7, 2023. Officer Morales will be the Deputy Chief for the Town of Thurmont.

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

#### **APPROVAL OF COMMISSION REPORTS/ MINUTES:**

Economic Development Commission – August 24, 2023

Parks Commission – August 31, 2023

Planning Commission – Canceled – August 15, 2023

SCAC – August 22, 2023

Library Advisory Board

**On a motion** by Councilmember Gonzalez, second by Councilmember Fritsch to approve the commission reports, except for the Economic Development Commission, as presented. The Economic Development Commission will be tabled until the January meeting. **Motion carried.**

#### **CITIZENS COMMENTS/CONCERNS:**

No Comments

#### **OLD BUSINESS:**

**Discuss/ Consider Rezoning Request Clear Ridge Development:** Town Attorney Edward Kuczynski stated a Public Hearing was held on October 17, 2023, by Mayor and Council, and then on November 14, 2023, by the Planning Commission. The Planning Commission recommended approving the change from Suburban Residential to Town Residential per the request from Clear Ridge Development, for the Gardenhour Property. Attorney Kuczynski stated if Council agreed with the Planning Commission, they would need to pass the Ordinance this evening. **On a motion** by Councilmember Fritsch, second by Councilmember Dan to approve Ordinance 2023-06, Resolution and Ordinance Amending the Zoning Map and Zoning Ordinance of the Town of Smithsburg, the petitioner is Clear Ridge Development Inc., the property is on Eagles Nest Rd. and

Pennsylvania Ave., Smithsburg, MD., changing the zoning from Suburban Residential to Town Residential. Councilmember Dan stated he attended every meeting where this topic was discussed and feels Clear Ridge Development presented a compelling case why there was a mistake or change, and heard a lot of appeal from the public, who raised good questions and they will be addressed at a different time. The only question today was rather or not there was a mistake with the original zoning, and there is enough evident to make him believe a mistake was made. **Motion carried.**

**Discuss/ Consider Sidewalk Repairs at Town Hall:** Town Manager, Brian Brandt provided 3 quotes to have the sidewalk in front of Town Hall repaired. **On a motion** by Councilmember Snyder, second by Council Gonzalez to accept the bid from Brian J. Semler for \$9,845.00 to repair the sidewalk in front of Town Hall, with \$1,900.00 coming from the Façade Grant and \$7,945.00 coming from Town Hall Improvements. **Motion carried.**

## **NEW BUSINESS:**

**Discuss/ Consider Moving Forward with an RFP for the Replacement of 20+ service connection couplers on Bradbury Ave.:** Town Manager, Brian Brandt stated that when the couplers were put in to establish the service... they used stainless steel bans, however they did not use stainless steel vaults, the breaks are actually the vaults wearing out and breaking. Would like to do an RFP to replace the last 20+. Would like to get in a larger company to do a couple shut downs, or, if the project is done around spring time, run a temporary water line above ground. Councilmember Dan ask about the lines on Bikle RD, Town Manager Brandt, stated he was going to do a couple of test digs on Bikle RD, and if they are the same, they will also be replacement. **On a motion** by Councilmember Snyder, second by Councilmember Dan to approve Town Manager, Brian Brandt completing an RFP to move forward with replacing the 20+ service connection couplers on Bradbury Ave. **Motion carried.**

**Review FY25 State Funding Request for Pump Station Replacements:** Town Manager, Brian Brandt stated he provided Council with the presentation that he presented at the Pre-Legislative session at HCC. No action is necessary at this time. Councilmember Dan ask what the reception was like or have we received any feedback, Town Manager, Brandt stated the reception that has been received has been great.

## **Councilmember Remarks:**

**Councilmember Dan:** Thanked officer Jerry Morales for his service, he will be missed and wish him the best in his new position. Thanked SCAC for all of the events they put on this month, they always do a fantastic job putting on the Tree Lighting Event and the Christmas Party and all of the other events they put on every year. Greenwill Consulting, 6 months ago said Council would revisit rather or not they were going to keep Greenwill Consulting. Would like to have the Town Managers recommendation. Councilmember Dan brought up the quorum question, after some discussion, Mayor Souders stated this item was going to be on the January agenda. Final thing, greatly appreciate our town employees and very happy they were able to get a good bonus this year because Proclamations don't put food on the table or buy kids gifts.

**Councilmember Snyder:** Thanked the SCAC, his children were very appreciative with the events that were recently had in the Town. Attended the tree lighting and the Christmas party. Everyone seemed to be having a blast. Merry Christmas to everybody.

**Councilmember Knight-Simane:** Thanked Officer Morales for his time and his family's time. Appreciate all that he does working the night shift. Wish him well in Thurmont.

**Councilmember Gonzalez:** Thanked Officer Morales for his service and wish him the best. Happy Holidays to all of the employees and residents of the Town.

**Councilmember Fritsch:** Thanked Officer Morales, and he is going to be missed, best of luck in the future. Well Brian Munson back. Merry Christmas to employees, their families and the Town of Smithsburg.

Next Mayor & Council Special Session: No Additional Meetings in December

Next Regular Mayor & Council Meeting: Tuesday, January 2, 2024 7:00 PM, 2<sup>nd</sup> Floor Council Chambers

**Next Commission Meetings:**

- Economic Development Commission: Thursday, December 28, 2023, 7:00 PM, - Virtual Only
- Smithsburg Community Activities Commission: No Meeting for December
- Parks Commission: Monday, December 11, 2023, 7:00 PM, 1<sup>st</sup> Floor Conference Room
- Planning Commission: Tuesday, December 12, 2023 7:00 PM, 1<sup>st</sup> Floor Planning Room

**MOTION TO ADJOURN**

**On a motion** by Councilmember Fritsch, second by Councilmember Snyder to adjourn the meeting at 7:48 PM,  
**motion carried**

Respectfully submitted,

Jenni House  
Clerk/ Treasurer