

Tuesday, October 2, 2012

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, October 2, 2012, with Mayor Myers and Councilmembers Abbott, Fritsch, Jernigan, Lushbaugh and Souders present.

The meeting was opened with the Pledge of Allegiance led by Councilmember Souders.

Bernadette Wagner of Volunteer Washington County spoke to the Council about volunteerism in the County.

Mayor Myers asked to have the addition of Executive Session under New Business on tonight's agenda. On a motion by Councilmember Souders, Council unanimously approved the agenda with the amendment.

Councilmember Souders made a motion to approve the minutes of the September 4, 2012 meeting of the Mayor and Council as presented. Motion passed by a 4 – 0 vote. Councilmember Lushbaugh abstained from voting. On a motion by Councilmember Souders, Council unanimously approved the September 11th work session minutes.

Councilmember Abbott made a motion to accept the Treasurer's report as presented. Councilmembers Abbott, Fritsch and Lushbaugh voted in favor of the motion. Councilmembers Jernigan and Souders voted in opposition. Motion passed by a majority vote.

#### **MAYOR'S REPORT**

Mayor Myers reported on the following: (1) Attended Historical Society's Director's meeting. (2) Attended Washington County Chapter of Maryland Municipal League held at Keedysville. (3) Facilitated pre-bid conference for the construction of the Veterans Park Walkway Extension and attended the bid opening. (4) Participated in the Steam and Craft Show Parade. (5) Attended Smithsburg Community Activities Commission meeting.

#### **REPORTS -- DEPARTMENT HEADS**

Betsy Martin, Clerk/Treasurer/ Manager reported the following: (1) Met with John Melfa who was conducting our Injured Worker's Policy audit. (2) Completed Program Open Space application for the Veterans Park Electrical upgrades. (3) Along with AESI, completed bid package and advertised Walking Trail Extension project. (4) Reviewed all water accounts for high readings. Prepared and sent out water and sewer bills. (5) Attended mandatory pre-bid conference for the Walking Trail Extension project. (6) Sent out 46 letters notifying home owners of problems found during sewer line smoke testing. (7) Conducted bid opening for the Veterans Park Walking Trail Extension.

Chief George Knight presented the following report: (1) There were 170 calls for service during the month of September with one adult arrest. (2) The department patrolled a total of 3,054 miles this month and did 17 hours and 25 minutes of foot patrol and 4 hours of bike patrol. (3) A total of 4 premise checks were conducted during the month. (4) Corporal Witmer taught at Children's Village three days this month. (5) Chief Knight met with Councilmember Fritsch to give him a tour of the Police Department.

Jeff Long, Public Works Director, presented the following report: (1) Completed 3<sup>rd</sup> quarter meter readings and rereads. (2) Completed smoke testing of the waste water system. There were roughly 50 problem areas found, most of which are broken cleanouts that are below ground level. (3) Attended the pre-bid meeting for the Veterans Park Walking Trail Extension. (4) Met with Councilman Abbott on site at the Sara Circle Storm swale and with Councilman Souders doing a rain event. (5) Blacktop repairs were made near the intersection of Bryon Drive and Amanda Drive. (6) Removed several large trees from

Lions Park that were damaged during the storm. (7) Cleaned up brush and branches from storm damage. (8) Repaired the siding at Town Hall that was damaged or missing from storm damage. (9) Prepared for Steam and Craft Show. (10) Cleaned out and replanted the planters in the square. (11) Potomac Edison has been trimming around power lines throughout the town. Upcoming events and projects are: (1) Hydrant flushing. (2) Install stop bars at both railroad crossings in the Town. Average daily water consumption for the month was 229,763 gallons.

## **REPORTS -- COMMISSIONS, COMMITTEES**

Appeals Board – No Hearings

Smithsburg Community Activities Commission – Mayor Myers reported that the SCAC met on October 1<sup>st</sup> and continued making plans for the Christmas Activities. The Tree Lighting Ceremony will be held on November 30<sup>th</sup>, the parade on December 1<sup>st</sup> at noon and the Christmas Party at 4:30 PM on December 1<sup>st</sup>. The next meeting of the SCAC will be held on November 5<sup>th</sup>. The Commission welcomes residents to attend the meeting and assist with these activities.

Parks and Improvement Commission – In the absence of the Park Commission Chairman, Randy Dick reported the following: (1) Veterans Day Ceremony will be held on November 11<sup>th</sup> at 2 PM. (2) Cameras were ordered to be installed at Pavilion 2 in Veterans Park. (3) The next meeting will be held on October 8<sup>th</sup> at Town Hall.

Planning Commission – Jill Baker gave Council the Annual Report on Growth Related Changes in the Town of Smithsburg. The Planning Commission is required to adopt this report. She also updated Council on the new Septic Bill. Randy Dick reported that the Commission voted at their last meeting to support Case Number RZ-12-003 with comments. The next meeting will be held on October 4<sup>th</sup>.

On a motion by Councilmember Fritsch, Council unanimously voted to accept all reports as presented.

## **COMMUNITY ORGANIZATION REPORTS**

James Ulrich, Chief of Smithsburg Emergency Medical Services, thanked everyone for their thoughts and prayers following the fire at his house and the death of his brother. He reported that SEMS is currently recruiting volunteers. SEMS participated in the Steam and Craft Show and are doing standby at the home football games.

Patrick Baker, Assistant Chief of the Smithsburg Fire Dept., reported that they had 52 calls for service during the month of September with an average of 8 volunteers per call. He reported that the Department conducted “Hose Testing”. Assistant Chief Baker reported that the Department participated in the Steam and Craft Show and Parade. He expressed his appreciation to the Public Works Department for keeping up the maintenance on the fire hydrants.

## **CITIZEN COMMENTS ON AGENDA ITEMS OR MISCELLANEOUS REMARKS/CONCERNS**

Issac Stottlemeyer spoke to Council about the possibility of having “Decemberfest” in the Town on December 22<sup>nd</sup>. Council encouraged Issac to come to the next Smithsburg Community Activities Commission meeting and possibly some of his ideas could be incorporated into their activities that they have planned for this year’s Christmas celebration.

## **OLD BUSINESS**

There was no update on the WIP program.

On a motion by Councilmember Fritsch, Council unanimously approved the passage of the Ordinance Authorizing the Use of an Automated speed Enforcement System in the Town. As stated in the Public Hearing immediately preceding this meeting, the final agreement with the Company who supplies the cameras will not be signed until all concerns expressed at the Public Hearing are addressed to the satisfaction of the Mayor and Council.

Betsy Martin presented the following bids for the Veterans Park Walkway Extension Project: (1) Henson and Son - \$18,395. (2) Jeter Paving - \$20,250 and (3) Huntzberry Brothers - \$23,950. On a motion by Councilman Jernigan, Council unanimously approved the bid submitted by Henson and Son. Work on this project will be paid for out of a Program Open Space grant. Project is to be completed by November 30, 2012.

## **NEW BUSINESS**

Mayor Myers highlighted the following from the Audit report for the year ending June 30, 2012: (1) There was one amendment to the original budget during the fiscal year. \$3,000 was transferred from Highway and Streets – Snow and Ice Removal and allocated to Miscellaneous – Insurance; Group Health. (2) Actual revenues on a budgetary basis were \$1,136,018, which was \$72,141 higher than budgeted revenue of \$1,063,877 for the year. Actual Expenditures on a budgetary basis were \$1,062,139, which were less than budgeted expenditures of \$1,153,721, resulting in a favorable difference of \$91,582. Overall the Mayor stated that it was an excellent report. On a motion by Councilmember Souders, Council unanimously voted to accept the audit report as presented by McGladrey LLC.

Councilmember Lushbaugh made a motion to adopt the Smithsburg Commission/Board/Committee Policy as presented at a previous work session. Councilmembers Abbott, Fritsch and Lushbaugh voted in favor of the motion, Councilmembers Jernigan and Souders voted in opposition. Motion carried by a majority vote.

Councilmember Fritsch made a motion to introduce An Ordinance to Amend the Code of the Town of Smithsburg to Revise the Fines for Certain Civil Infractions of Said Code, Specifically Chapter 1, Section 208; Chapter 14, Section 6103; Chapter 11, Section 1104; Chapter 13, Section 2105; and Chapter 13, Section 4105. After much discussion on this Ordinance, a vote was taken. All Councilmembers voted in opposition to the motion. Motion died for a lack of a majority favorable vote. Consensus of the Council was to have Chief Knight and Randy Dick meet with the Town Attorney and again go over what they wanted to be included in this Ordinance.

Councilmember Abbott reported that he had met with Jeff Long and looked at the Byron Drive/Sara Circle Swale and that he would agree with the engineering firm that the swale needed to be redone. After much discussion, it was decided to have Randy Dick get the original drawing of the swale from Frederick Seibert Associates and bring back the information to the October 23<sup>rd</sup> Work Session.

On a motion by Councilmember Souders, Council unanimously approved having an Executive Session on Tuesday, October 9<sup>th</sup> at 6 PM for the purpose of discussing a personnel issue.

On the agenda for the October 23<sup>rd</sup> Work Session will be: (1) Capital Improvements. (2) Recycling Review for Apartment/Businesses. (3) Byron Drive/Sara Circle Swale.

## **COUNCILMEMBER REMARKS**

Councilmember Souders thanked Issac Stottlemeyer for coming in with his wonderful ideas for improving the holiday activities. He extended his thanks to all the staff for their work during the recent storm. He thanked Jeff Long for taking him around during the storm and showing him the Sara Circle Swale. He expressed his appreciation to those who attended tonight's meeting.

Councilmember Jernigan thanked all who helped with the Steam and Craft Show. He thanked the citizens for working with the Public Works Department during the Smoke Testing.

Councilmember Fritsch stated that tonight's meeting was a very productive and long meeting with a lot of positive aspects.

Councilmember Lushbaugh thanked the Fire Department and SEMS for their help during the Steam and Craft Show. He commended the Public Works Department for their hard work during the Smoke Testing.

Councilmember Abbott commended the Public Works Department for completing the smoke testing ahead of schedule. He thanked the Office Staff for sending out the letters to those residents that need to do repairs to their sewer lines/caps. He encouraged everyone to continue supporting the athletic programs. He announced that Smithsburg is the first group in Washington County that needed to have 2 PeeWee football teams.

Mayor Myers thanked Terry Myers for his assistance in removing some trees from roadways in the town during the recent storm.

The meeting was adjourned at 10:10 PM.

Respectfully submitted,

Betsy Martin,  
Clerk/Treasurer/Manager