

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 5, 2021**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, January 5, 2021 at 7:00 PM by ZOOM with Mayor Jack Kesselring, Councilmembers Donald Souders, Richard Hetherington, Tracey Knight-Simane and David Dan present. Councilmember Cassandra Weaver was absent. Also in attendance was Town Manager Debra Smith, Clerk/Treasurer Justine Keadle and Chief Bruce DeGrange.

*Due to the COVID-19 Pandemic, the meeting was streamed through Zoom for public viewing. In person attendance was not be permitted at the meeting per the social distancing requirements established by the Governor. Any citizens wishing to submit comments regarding the Meeting may do so up to 1 hour before the meeting by emailing them to the Town Manager at dsmith@townofsmithsburg.org.*

**Approval of Agenda: On a motion** by Councilmember Hetherington, second by Councilmember Souders to approve the agenda. Motion carried.

**Approval of Minutes: On a motion** by Councilmember Dan, second by Councilmember Knight-Simane to approve the minutes of the December 1, 2020 Mayor and Council Meeting as presented. Motion carried.

**Approval of Treasurers Reports: On a motion** by Councilmember Souders, second by Councilmember Hetherington to approve the Treasurer's reports as presented. Motion carried.

**MAYOR'S REPORT:** Mayor Kesselring reported the following: (1) Attended SCAC and Planning Commission meetings. (2) Attended the tree lighting. (3) Met with Randy Dick regarding Cloverly LLC. (4) Met with Trackside Kitchen. (5) Met with Harry Dodson about water meters. (6) Worked with Rick Barber from Martin's regarding the house lighting event and Tabitha's Table. Martin's donated 1200 pounds of food to Tabitha's Table.

**MAYOR'S STATE OF THE TOWN:** Attached as part of these minutes.

Councilmember Dan inquired if the town could purchase the dirt and complete the project. Councilmember Souders stated that the Mayor had kept his word by not spending any unapproved funds on the project. Mayor Kesselring will look into the cost of dirt transportation per Councilmember Knight-Simane's request from the Beaver Creek location and the cost of any remaining dirt and transportation to complete the project by request of Council.

**TOWN MANAGER'S REPORT:** Town Manager reported the following: (1) A meeting was held between myself, Greg White, Randy Dick, Mike Hicks, John Renard and Mayor Kesselring attended via phone conference to discuss the need for a sewer study for the proposed development of Cloverly per the 2017 MOU between the Town and Cloverly Hill, LLC. Unlike the MOU terms requiring the Town's existing public water supply and distribution system be evaluated at Cloverly Hill's sole cost and expense by a registered professional, the adequacy of the existing sewage disposal system to accommodate the flow projected to be generated by the new development shall be determined by the Planning Commission/town as to whether the new development will have a detrimental impact on the existing system. In the event the analysis determines that the existing sewage disposal system is inadequate to serve the new development, then (i) the New Development shall not be approved by the Planning Commission; or (ii) Cloverly Hill shall be responsible for the reasonable costs and expenses of correcting the deficiencies in a manner necessary to make the system adequate to serve the New Development. It was determined and agreed that two-(2) factors need to be determined before the Planning Commission should recommend that the existing sewage disposal system is adequate to accommodate the projected new development;

- A. Calculate the existing flows in the seven-(7) manholes directly affiliated with the proposed path of flow from the development to the WwTP.

B. Determine the type and condition of the sewer pipe in the same location.

Action taken: Mark Bradshaw at Washington County was contacted to assist in obtaining the requested sewer flows, but the County does not have a flow meter. Reached out to the City of Hagerstown. No response to date. Contacted Dukes Root Control, Inc. to contract the required measure of sewer flows in seven-(7) attributing manholes. A quote to perform the study will be provided on or about January 4, 2021.

1. Several conversations with Dan Cross regarding various Cloverly matters; i.e. sewer study, annexation and mixed use development.
  - Public Hearing for the Cloverly Annexation will be scheduled prior to the regular meeting of the Mayor and Council on February 2, 2021.
  - Joint meeting with the Planning Commission/Public Hearing on Mixed Use Zoning Application proposed to be held on Tuesday, February 9, 2021.
2. Held a meeting with Engineer Mike Hicks and John Renard to review in detail town CIP projects. From that meeting, CIP projects were ranked as ready to proceed and are being proposed to the Mayor and Council for submission to MDE's Office of Budget and Infrastructure Program for funding consideration. This will be reviewed in detail under New Business.
3. Employee staffing Room: the previous Council Chamber's has been turned into a staffing room with the placement of a conference table and project files for sharing purposes. Current project documents will be placed on display for everyone's review. Closed out projects will also be kept in file cabinets for accessibility.
4. W.C. CARES Act Submission: In September 2020, \$94,084.28 in Police payroll expenses were submitted to the County for the period requested from April – September 2020 for consideration of the County's CARES Act funding. \$23,921.62 was received on December 28, 2020.
5. Prepared and submitted two FY22 Program Open Space Acquisition and Development Projects.
  - Priority #1. Veteran's Park FY2021 denied project application has been revised to remove the large expense of the asphalt phase. A request will be submitted in the future to overlay the entire access road in one complete phase. The FY22 project request is to grade the access road to the Gazebo and include the ADA parking area which now incorporates all lighting. Total project cost of \$92,843.00/grant request \$83,559.00.
  - Priority #2. While the lighting is installed in the first portion of the access road to the Gazebo, a cost was obtained to complete the lighting along the already approved access road to Cave Hill Road. This would complete all phases of this project except the overlay. Total lighting cost for this phase \$44,820.00/grant request \$40,338.00.
6. Prepared bid documents to sell two-(2) of the town's utility trucks. Ads ran in the Herald Mail and the Frederick News Post and on the town's website and Facebook pages.

The Town of Smithsburg, MD is accepting individual sealed bids for two Utility trucks being sold **"AS IS"**.  
Truck #1) 2007 F-150. 102,000 miles, V-8 Gasoline Engine, Extended Cab w/Liftgate.

Truck #2) 2008 F-350 Super Duty. 136,000 mile, V-8 Diesel Engine; Power Stroke Turbo, "Lancer"  
Enclosed Utility Bed, Standard Cab

Bids must be received at Town Hall by 4:30 PM Wednesday, January 20, 2021 by either mail or received in the drop box in front of Town Hall at the Smithsburg Town Hall located at:

21 W. Water Street, PO Box 237, Smithsburg, MD 21783

\*Post-marked, emailed or unsealed bids will not be accepted.

\*Bid must specify which truck the bid is for or it will be disqualified.

The trucks can be seen during business hours by contacting Town Hall at 301.824.7234. Photos can be seen at [www.townofsmithsburg.org/requestforbids](http://www.townofsmithsburg.org/requestforbids)

The Mayor and Council will review the bids at the January 26, 2021 work session and shall have the Right to Refuse Any and All Bids.

7. Prepared the town's quarterly newsletter that went out with the January 2021 utility billing and is also on the website.
8. Senator Corderman was scheduled to introduce himself to the M&C at the January meeting He has since decided to postpone until after the legislative session in late April or May.

Councilmember Hetherington inquired if we could obtain the distribution of funds list for the CARES ACT to compare what the town received.

#### **DEPARTMENTAL REPORTS**

**Police Chief Report:** Chief DeGrange submitted the following report; (1) There were 77 calls for service during the month of December with 0 arrests. (2) Assisted Washington County Sheriff's Office 7 times, Maryland State Police 4 times, SEMS 1 time and Fire Co 1 time. (3) Issued 7 traffic citations, 3 warnings, 0 SERO's, 2 Parking Ticket and 465 Speed Camera. (4) All officers currently completing online inservice training.

Councilmember Dan stated he was contacted by a resident in regards to people parking in front of his residence. Chief DeGrange stated he was also contacted and he contacted the apartment owner to ask him to have his tenant's park at their building when they can. Because there is no curb to park on at the apartment building they are able to park along the curb across the street.

#### **Public Works Report:**

##### **Water/Distribution:**

- Water purchased from the City of Hagerstown for the month December 2020 was 8,010,500 gallons
- Unmetered water usage was : 1,625 gallons ( CL2 tests)
- Water residuals received from the City of Hagerstown at Point of Entry (POE) ranged from 1.47 to 2.20 ppm. (November daily average 1.77 ppm )
- Water shut-off at 1 property for frozen pipes
- Turn water back on for frozen pipe
- Processed Miss Utility tickets as requested
- Daily station checks
- Assisted in gathering information to apply for water meter replacement funding request and Mountain Shadows Water Main funding request
- Quarterly water meter readings, high/low re-reads, and many leak checks
- Notify and work with homeowners who have leaks to resolve
- Notify Blue Mountain Estates of an active leak of about 2500 gallons per day
- Replace a water meter at 100 Bachtell Circle because of a restricted flow reducing pressure

##### **Sewer/Collections:**

- Sewer flows to Washington County Wastewater Treatment Plant for the month of September 2020 were 5.12 million gallons and for October 2020 were 5.14 million gallons.
- Deal with a significant sewer back-up in our system at the Dollar General Shopping Plaza □ Worked with home owner for sewer back-up in their lateral at 102 Bachtell Circle.

- Solicit local agencies for equipment to study sewer flows in existing system with no success. Have provided base line information to Duke's Sewer Services so they can give us a proposal to study existing sewer flows to give us a baseline to know how to proceed in regards to Cloverly.
- Marked Miss Utility Tickets as requested
- Daily station checks
- Pulled Pump #1 at Chip's Station to remove clog
- Sewer Pump Station Run Times

Month	#1 High School	#2 Henrietta	#3 Chip's Meadows	Total run hours
January 2020				
February	22.69	29.50	75.22	127.41
March	23.62	20.30	68.99	112.91
April	36.18	18.90	61.64	116.72
May	19.02	22.00	67.52	108.54
June	13.02	13.90	49.15	76.07
July	12.28	13.50	56.34	82.12
August	13.65	14.20	44.41	72.26
September	18.37	32.70*	46.31	97.38
October	16.29	12.50	45.22	74.01
November	14.80	43.00*	43.07	100.87
December	18.17	16.60	57.91	92.68

#### **Streets/Sidewalks:**

- Contractor has been notified to proceed with proposed sidewalk along Geiser at North Main Street as soon as schedule and weather allow.
- Have assessed other town owned sidewalk needs and surveyed all properties that do not already have sidewalks (see attached)
- Kept storm drains and curb lines clear
- Weekly trash collection at the square
- With help from volunteers of the SCAC, decorated the square for Christmas
- Clear significant snow event/ dig out hydrants, storm drains and parking spaces

#### **Parks:**

- Cleaned trash as needed at both parks
- Christmas decorations at Veteran's Park
- Received sand mix arranged by SLS at Lion's Park ball field

#### **MS4**

- Maintain storm drains and gutters of debris and trash
- Assisted with efforts to apply for funding for MS4 Projects

#### **Equipment/Vehicles, Etc.:**

- Oil Change and service of 2017 F-350
- Had Antietam Tractor in to repair snowplow on Kubota

#### **Routine Maintenance:**

- Mail
- install lateral file cabinets in Manager's office
- set up 2 utility shelving units for SCAC in front 2<sup>nd</sup> floor room

#### **Meetings/trainings, etc.:**

- Met with home owner of 102 Bachtell Circle regarding Sewer Back-up
- Met with SCAC members for Christmas decorations at the square and virtual tree lighting at Veteran's Park.

#### **Breakdown of labor by hours**

	Dec	Nov	Oct	Sept	Aug	July	June	May	April	March	Total
Parks	75	135	131	91	116	112	122	93	63	75	938
MS4	16	11	13	4	8	9	2	43	24	19	133
Water	120	55	125	119	57	51	71	55	69	113	715
Sewer	46	40	23	25	44	66	33	46	66	83	426
Roads	74	0	16	19	1	6	10	19	1	9	82
Maintenance	38	32	63	55	50	43	48	41	51	122	505
Total hours worked	369	279	456	313	320	312	319	306	284	452	3041
Ms. Utility Tickets	11	12	5	6	20	21	36	36	24	17	177

Councilmember Dan inquired about attachments to John Renards report. Debra Smith stated she would send them out tomorrow.

Councilmember Souders inquired about the meter at Blue Mountain Estates. Town Manager Debra Smith stated they are billed the same as all meters and that all buildings are on one meter.

**Zoning Administrators Report:** (1) Next Planning meeting will be on January 12, 2021 (2) 15 inspections, 6 permit inquires, 2 zoning inquires, 2 fence inquires, 10 permits processed and 1 zoning complaint.

**On a motion** by Councilmember Souders, second by Councilmember Dan to approve the Departmental Reports. Motion carried.

#### **COMMISSION REPORTS**

**Community Activities Commission:** None

**Parks Commission:** None

**Planning Commission:** Councilmember Souders stated they have been working on Cloverly LLC.

**Library Advisory Board:** None

**EDC:** None

Councilmember Souders inquired if the information on a current Eagle Scout Project from the Parks Commission was sent to the Town Manager. Town Manager Smith stated it would be placed on the January Work Session agenda for M&C review.

**On a motion** by Councilmember Souders, second by Councilmember Hetherington to approve all commission reports. Motion carried.

**COMMUNITY ORGANIZATION REPORTS:** None received.

**OLD BUSINESS:** None

#### **NEW BUSINESS:**

**Recommendation to Appoint SCAC Member** – the SCAC is recommending to the mayor and council the appointment of Jessica Castle-Humphrey to the SCAC for a three-(3) year term. **On a motion** by Councilmember Souders, second by Councilmember Dan to approve the appointment as recommended. Motion carried.

**CIP Project Review and Proposed Applications for MDE Funding:** Town Manager Smith prepared and submitted to the Mayor and Council, three-(3) CIP Projects ranked for priority and Project Readiness for the Capital Project Funding

from MDE's Office of Budget and Infrastructure Program Federal FY21 Loan and State FY23 Grant from Water Quality Financing Administration (WQFA) Announced 12/1/2020 with project applications due 1/31/2021 after reviewing the towns CIP with the Public Works Department and the Town engineer. MDE funding is available in the following programmatic categories;

- Water Quality State Revolving Loan Fund – Low interest rate loan and loan principal forgiveness (if eligible) for publicly-owned treatment works projects and publicly or privately-owned non-treatment works projects.

WQRLF assistance is available for:

- Point Source Pollution Prevention (Public Entities/Local Governments Only):
- Wastewater Treatment Plant Improvements/Expansion including State Grant Match for Biological Nutrient Removal (BNR) Facilities
- Sewerage Collection/Conveyance Systems including New/Replacement Sewers
- Correction of Excess Sewerage Infiltration/Inflow (I/I) and/or Combined Sewer Overflow
- Sludge Handling Facilities at Wastewater Treatment Plants
- Landfill Leachate Pretreatment Facilities
- Back Wash Facilities at Drinking Water Treatment Plants

Nonpoint Source Pollution Prevention Public and Private Entities

- **Stormwater Best Management Practices related to MS4 permits or other requirements**
- Wellhead Protection (Drinking Water Source)
- Landfill Closure
- Stream Corridor Restoration/Protection
- Hazardous Waste Clean-up (Brownfields)
- Shoreline Erosion Control
- Agricultural Nutrient Management Plans and Water Soil Conservation Plan

**\* Applicants with stormwater projects to meet MS4 permits are encouraged to submit multiple BMP projects that will start construction within 12 – 18 months of notification of funding in a single application as a “program” of projects.**

- Drinking Water State Revolving Fund – Low interest rate loan and loan principal forgiveness (if eligible) for public or privately-owned drinking water projects.

**Drinking Water Projects consist of the following;**

- Upgrade of Existing Drinking Water Treatment Facilities to Maintain Compliance with the Safe Drinking Water Act
- Water Storage Facilities (Finished/Treated Water)
- Water Transmission/Distribution Line Replacement
- Consolidation of Water Systems to achieve Operational, Managerial and Financial Capacity
- Planning, Design and/or Construction phases of above listed eligible Drinking Water Projects

- Bay Restoration Fund Wastewater Program - Grant fund eligibility

- ENR upgrade at major or minor wastewater treatment plants
- Improvements to existing wastewater conveyance systems
- Sewer extension to connect homes on septic systems to a BNR/ENR wastewater treatment plant
- Nitrogen reducing BAT upgrade at shared community septic systems
- Stormwater (MS4) projects by local governments with a system of charges
- Climate resiliency and flood control

- Water Supply Financial Assistance - Grant funds not to exceed \$1.5 million for drinking projects at publicly-owned facilities, based on system size, compliance, and affordability.

The Water Supply Program funds are used to fund: upgrade water treatment facilities; well development; water storage tanks; water distribution facilities up to private property lines; consolidation of smaller water systems.

**Funding Criteria:** The Water Supply Assistance program funds up to 87.5% of the total eligible project cost, but may not exceed \$1.5 million per project. There is a 12.5% local match requirement, which may be funded through the Drinking Water Revolving Loan Fund (DWRLF) Program. Applicants are encouraged to solicit funding through other State and federal agencies: U.S. Department of Agriculture's Rural Development Program (RD) or the Maryland Department of Housing and Community Development's Small Cities Community Development Block Grant Program (CDBG). Grants are based on median household income of the community.

Only applicants that have insufficient or limited financial capability are eligible. Costs for planning, engineering, and project administration are eligible for loans only. Applicants may be offered a combination of State grant and Drinking Water Revolving Loan to finance the project.

### **Water Projects:**

#### **E. Water Street Water Line Upgrade at Mountain Shadows**

Summary: The Cloverly Hill, LLC water study completed by McCrone Engineers on May 5, 2020 states that the available fire flow throughout the existing system is significantly degraded due to tuberculation of the towns original distribution pipes. McCrone believes there is some type of physical blockage that is further reducing pressure to the areas east of the E. Water St./Pennsylvania Ave intersection. Low water pressure to the end of E. Water Street has been a concern for the town and now believed to be caused by a 6” water main from Boswell Blvd to Pennsylvania Ave connecting to an 8” water main attributing to low flows and pressures.

Proposed Action: Installation of 1,945 linear ft of new 8” water main from S. Main Street to Boswell Blvd (*via Moose Lane to Kimler Lane to Mountain Shadows across the town’s deeded right of way to the cul-de-sac at Boswell Blvd) joining the existing 8” main).*

While this option may appear to be more complex than simply replacing the 6” main along E. Water Street, that option would also entail the crossing of 9 sewer laterals, re-tapping 17 existing water services, and replacing 2 fire hydrants. Upgrading from S. Main to Boswell would improve water pressure and water quality issues while leaving the existing 6” main and East Water Street untouched. In addition, this proposal would create a “looped” system providing the back feed water in the event of a water main break.

#### **Estimated Cost: \$368,500.00**

Construction - \$335,000.00

10% Contingency - \$33,500.00

Engineering - (*to be paid by the town*)

Recommendation: The majority of information needed on this project has been gained through the Cloverly Hill, LLC Water Study with a construction cost provided by Mid-Atlantic Utilities, Inc. placing it in a ready to proceed for application to the Drinking Water Supply Assistance Program by the January 31, 2021 deadline. While the application is recommended to be submitted to the Drinking Water Assistance Program for grant funding, it is extremely likely that the town will be requested to accept project funding from the Drinking Water State Revolving Fund – Low interest rate loan with possible loan principal forgiveness.

#### **Project Priority Ranking: #1**

- Councilmember Dan stated the medium household income affects the rates and that the town needs to get this done whether it is a grant or a loan.
- Councilmember Souders stated that at this time we are just submitting the application and will review again if it is not approved for the grant.

### **Water Meter Replacement Program**

Summary: The purpose of the Water Meter Replacement Program is to install a mobile network radio frequency automatic meter reading (AMR) system and replace the majority of both the commercial and residential water meters within the town. Of the towns 1,223 water customers, we currently have 149 radio-read meters installed in the system, primarily in Chips Meadows and the newly constructed Mountain Shadows. The remaining 1,074 water meters are manually read. The majority of the towns existing water meters, including the radio-read meters (excluding the new Mtn Shadows installations) are over 15 years old and have reached the end of their expected life. Upgrading the system to an automatic meter reading (AMR) system will allow for meters to be read via radio receivers in moving vehicles thereby speeding up the reading process and allowing Public Works staff to focus their efforts on other departmental tasks. Some of the benefits of the new AMR technology include improved efficiency of meter reading and water billing, save staff

time and fuel, prevent reading and recording errors, minimize the need for personnel to go on the property, ability to detect if a leak is occurring in your plumbing system.

**Proposed Action:** Replacement of approximately 1,200 water meters to upgrade the town's water system to a fully automatic meter reading (AMR) system. This proposal will include all replacement meters, meter reading hand held equipment, incidental materials for installation (meter vaults, etc.) if required and contractor installation labor.

**Estimated Cost: \$607,277.00**

Equipment - \$407,230.00

Installation/Labor - \$144,840.00

10% Contingency - \$55,207.00

**Recommendation:** The information obtained by the towns meter systems specialist and staff places this project in a ready to proceed for application to the Drinking Water Supply Assistance Program by the January 31, 2021 deadline. While the application is recommended to be submitted to the Drinking Water Assistance Program for grant funding, it is extremely likely that the town will be requested to accept project funding from the Drinking Water State Revolving Fund – Low interest rate loan with possible loan principal forgiveness.

**Project Priority Ranking: #2**

- Councilmember Dan inquired if the homeowners would be able to read the meters. Town Manager Smith stated no because (AMI) smart meters require a SCADA system as well as FCC licensing and is a system that is not cost prohibitive for a small water system. The AMR water meters in the application are to upgrade all meters to radio reads which is required if the town could at some point upgrade to an AMI system. Mayor Kesselring stated the cost would be much higher. Councilmember Souders stated that the new meters would cause an increase in bills due to the accuracy of the new meters. Discussion was held regarding recent post on social media and high water bills. Town Manager Smith stated it is based on usage. Councilmember Dan stated the new meters would have leak detection and if the homeowner could see it they could address the issue sooner better than later.

**MS4 Project(s): Whispering Hills (Geiser) storm water detention pond restoration**

**Summary:** MS4 permit compliance is largely focused on developing and implementing a group of best management practices (BMPs) that are designed to reduce the discharge of pollutants from the Town to Maryland's Chesapeake Bay. Under the terms of the towns permit, 16.22 acres has been determined as the amount of area for impervious area restoration compliance by 2025.

A summary of impervious area restoration activity options have been proposed in the 2019 permit with a combination of BMP's utilized to meet the restoration.

- Conversion of existing swales to meet M-8 environmental construction design standard requirements for grass channels/wet swales. This is to treat approximately 3-4 acres of impervious area. The swale design is proposed to be completed in year 2020 with construction starting in phases. One phase per year for 3 years to complete
- Design for the Conversion of the existing Whispering Hills detention pond to a water quality wet pond. This BMP would treat the remaining 12-13 acres. Design will commence in 2020-2021 with implementation and construction being projected for 2024-2025.

**Proposed Action:** The following three-(3) projects have been identified as BMP's within the Whispering Hills storm water detention pond that will meet the towns impervious area restoration permit requirement.

Swales upgrades. – regrade swales and bring to Channel credit standards.

This would treat approximately 1.5 acres of impervious area.

Construction estimate \$20,000

Design and bidding estimate \$5,500



Tree Planting in the Whispering Hills Pond. – 100 trees per acre

Area to be planted = 3 acres

Project cost: \$200 per tree/\$20,000 per acre = Total Project of \$60,000

When the pandemic is over you could use residents/scouts to plant the trees. This would meet the MCM #2 Public Involvement and Participation segment of the permit.

Regenerative step pool storm conveyance.

3 swales each 350 feet. With plunge pools every 150 feet.

Would treat approximately 10 acres

Construction cost estimate - \$16,500 (the swale would be \$15/ft. The plunge pools would be \$500 ea)

Design costs \$9,000

**Estimated Cost: \$120,065.00**

Construction/Materials - \$96,500.00

Design - \$14,500.00

10% Contingency - \$9,650.00

**Recommendation:** Submit the storm water BMP projects for consideration to reduce the town's financial burden in meeting the project and funding requirements under the towns MS4 permit by submitting an application to the Water Quality State Revolving Loan Fund by the January 31, 2021 deadline.

**Project Priority Ranking:** #3

**On a motion** by Councilmember Hetherington, second by Councilmember Souders to submit all applications as presented. Motion carried.

**CITIZENS COMMENTS/CONCERNS:**

Matt Lynch inquired about the condition of the softball field in Veterans Park. He is trying to bring softball back to this area. Mayor Kesselring offered to meet with Mr. Lynch regarding the field. Councilmember Dan recommended that the Parks Commission should also be in attendance.

Mayor Kesselring stated there was a comment submitted regarding monthly billing. Town Manager Smith stated we do not bill monthly put payments could be submitted monthly, weekly or how it suited the resident as long as the bill was paid in full by the due date.

**Councilmember Remarks:**

**Councilmember Dan-**Thanked everyone that joined us tonight. Taking steps in the right direction with CIP projects and seeing them come about. It's a step in the right direction. 2021 will be a good year.

**Councilmember Hetherington-**Happy to say goodbye to 2020. Thanked Mayor for the state of the town. It highlights all the hard work. Thanked everyone for their participation.

**Councilmember Knight-Simane-**Attended Parks Commission meeting. Thanked citizens for their comments and attendance. Looking forward to the projects. Looking forward to 2021.

**Councilmember Souders-**Happy Birthday Tracey. Welcomed new SCAC member. State of the town is strong. Thanked staff and council. Glad that businesses were able to keep their doors open during the pandemic. Glad to see surplus wasn't used to balance the budget and we need to keep that up. 2021 will be a strong year for the town.

**Mayor Kesselring-**I've been in office for three years in May and couldn't have done it without council and staff.

Councilmember Hetherington stated he was following the chatter on Facebook regarding the towns water rates and stated that the town is not adjusting water and sewer rates to create a surplus. That we are not trying to profit and the funds are used to take of infrastructure. Public Works has done a great job to save the town money.

**Proposed January Work Session Items:**

Final review of Meeting Rules and Procedures

Potomac Edison Electric Vehicle Charging Station Program (location)

Cloverly Annexation Comments from the Planning Commission (PH at Feb. 2<sup>nd</sup> meeting)

Cloverly Mixed Use Zoning (schedule special PH in Feb.)

Eagle Scout Project

Discussion on Open Meetings Act

Councilmember Souders stated he would like to see Charter review be done soon regarding the election and budget.

**CONVENE IN CLOSED SESSION**

**On a motion** by Councilmember Hetherington, second by Councilmember Souders at 8:18 PM to close the regular Session and move into executive session for the purpose of Article 3-305(b) of the Annotated Code of MD, *Section (7) to consult with counsel to obtain legal advice on a legal matter.* Motion carried. The following individuals were present: Mayor Jack Kesselring, Council Members David Dan, Tracey Knight-Simane, Donald Souders and Richard Hetherington. Also in attendance was Town Manager Debra Smith and Town Attorney Jennifer Keefer. The Mayor and Council met in closed session to obtain legal guidance regarding the receipt of a PIA request dated December 5, 2020 to release the closed session minutes of April 2, 2019 and April 23, 2019.

**RECONVENE IN OPEN SESSION**

**On a motion** by Councilmember Hetherington, second by Councilmember Souders to reconvene in open session at 9:10 PM, motion carried unanimously.

**MOTION TO ADJOURN**

**On a motion** by Councilmember Souders, second by Councilmember Dan to adjourn the meeting at 9:13 PM, motion carried unanimously.

Respectfully submitted,

Justine Keadle  
Clerk/Treasurer

Debra Smith  
Town Manager