

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
WORK SESSION MINUTES  
November 23, 2021**

The Mayor and Council of Smithsburg, MD held a Work Session beginning at 7:00 PM on Tuesday, November 23, 2021. In attendance were Mayor Donald Souders, Councilmembers David Dan, Tracey Knight-Simane, Cassandra Weaver and James Fritsch. Also in attendance was Town Manager Chad Rooney, Clerk/Treasurer Jenni House, Public Works Supervisor John Renard and Police Chief Robert Marker. The meeting was opened with the Pledge of Allegiance led by Councilmember Weaver.

Mayor Souders recognized Paul Gyurisin for his service and stated that thoughts and prayers are with the Gyurisin family.

**Eagle Scout Project Presentation** – Jesse Miller – 81 Byron Drive. Jesse is an Eagle Scout with Troup 14 and for his Eagle Scout project he would like to Tranquility Labyrinth to Veterans Park. The path will be 25 to 28 feet in diameter and Jesse would like to have a small bench in the middle. Jesse stated he is hoping to have the project completed by July 2022 at the latest. The project cost will total around \$2,000.00. There will be between 15 – 25 people working on the project. A Tranquility Labyrinth is a path that winds around to the center and back out, the point of the path is to relax the mind. Councilmember Fritsch ask who was going to be responsible for the grass that was going to be there and Jesse responded that the stones that will be there will be flat and the person mowing the grass can go over the rocks. Councilmember Knight Simane ask if Jess spoke to a landscaper to make sure everything is done correctly. Jesse responded that he has not yet, however does plan to. Councilmember Weaver ask if the Public Works department sees the proposed project before it goes to council, the response was that this project did go to Public Works before coming to council. There was a consensus to move this item to the December Mayor and Council Meeting.

John Renard reminded the mayor about a spring volunteer day. Mayor Souders stated that in speaking with staff it would be nice if we had a volunteer day where staff along with Parks Commission could come up with a list of projects that the boy scouts and volunteers from the school could do.

**Sustainable Communities – Kathryn Gratton** – Ms. Gratton stated that in the little bit of time she has officially been working with the town the FY23 SAP Grant has been submitted. She has also submitted for a \$5,000.00 Beautification Grant which we will find out if we received in March. Councilmember Knight Simane ask what the grant would be used for, the square? Town Manager Chad Rooney stated that the town is mainly looking to use the grant for the parks. Ms. Gratton stated that she spoke to MDE and the grant for MS4 in Whispering Hills currently falls below the fundable line. Ms. Gratton then stated the town should be receiving a letter regarding the Water Street/ Main Street upgrade. Mayor Souders stated that a letter was received for a loan. The grant for the water meter project fell before the fundable line. Ms. Gratton stated that in talking to her boss to make these projects more attractive when applying is doing an update water/ sewer rate study. Councilmember Dan ask how long the study is good for and Ms. Gratton replied 3 to 5 years. Ms. Gratton stated she is working to get initial grant funding, because of the income level for the PERs, pre engineering reports for water and sewer. Mayor Souders ask Ms. Gratton to explain that, and she replied, that is where you do a RP to identify a firm that will pretty much tell you all of the problem areas as well as identify potential problem areas and plot everything out. The cost of the study for water and sewer will be about \$30,000.00 each, however once the town applies for USDA funding the town can ask for forgiveness. Councilmember Dan ask how long the studies take and Ms. Gratton stated that if everyone is working as they should and weather is cooperating roughly 6 months.

**Sustainable Community** – the town would need to apply for a grant. Councilmember Fritsch ask if this was for Main St and Ms. Gratton stated that the town needs to become a sustainable community before being able to qualify for the Main Street program. Ms. Gratton stated that in speaking to the state the whole town would not be a Sustainable Community. The town would need to submit a map to show the boundaries that would be

included in the Sustainable Community. The application could be submitted in January or early February. Ms. Gratton stated that you need to identify the key areas environment, economy transportation, housing, community health quality of life, and local planning and staffing capacity. Ms. Gratton stated that the commissions could help with this. Councilmember Dan stated that he would guess this is going to take longer than a month. Councilmember Weaver stated that she kind of had a vision of all groups getting together on a Saturday.

**Parks Commission – Potential Grants** – Jeanette Dan stated that the Parks Commission had 2 grant opportunities. The first one is for a Pollinator Garden, which they currently have 12 volunteers, including Troup 14 and a master gardener. The grant application for this project is due in December and the garden would be planted in May. Councilmember Dan ask what was needed from Mayor and Council and Mrs. Dan replied that the commission would need approval and signatures to apply for the grant. There was a consensus to move this item to the December Mayor and Council Meeting.

The second grant would be from Project Open Space. This grant application would be due January 4, 2022. The grant would be for resurfacing the basketball courts at both parks and getting new backboards. The cost to resurface the courts would be \$8,500.00 each for a total of \$17,000.00. The cost for the backboards would be between \$2,000.00 and \$3,000.00 and there are a total of 12 backboards. Councilmember Weaver stated that with the pandemic more people were out using the basketball courts and other things. Mayor Souders ask with the grant request would the town be responsible for making repairs to the courts before they are resurfaced. Mrs. Dan stated the person who submitted the quote was on the Parks Commission so she would ask.

**Request from Maple Grove Estates** – Town Manager, Chad Rooney, stated that Maple Grove Estates would like to be removed from the town trash service. Originally the request was to have a dumpster placed on site. Mr. Grove was ask to submit a site plan to the Planning commission, which he did, however the Planning Commission requested something more formal. Mr. Grove then changed the request to have the residents still set the trash out to be removed by him, or someone he chooses. Councilmember Dan stated that this has been going on for 8 months and that the request should be granted. Councilmember Dan stated that the town does not have an ordinance to require anyone in town to use the towns' trash services. There was a consensus to move this item to the December Mayor and Council Meeting.

**Utility Bill Policy Recommendation** – Town Manager, Chad Rooney suggested that any waiver of fees be sent to the town manager and then discussed with the mayor. It was also suggested that instead of a percentage there is a flat late fee assessed (the example of \$60.00 was given) to the accounts. Councilmember Knight Simane ask why the 1<sup>st</sup> late fee for everyone isn't waived. Councilmember Weaver ask if there was a way to make a note to show the fee was waived, the clerk treasurer responded that a note could be made to show the fee was waived. Councilmember Dan stated this policy has been changed and staff needs to be given the tools they need to provide customer service to the residents. Mayor Souders ask residents if any information has changed to please let town hall know. Mayor Souders also stated that the town is working with a bank to have bill pay payments sent directly to the towns account and not to have a paper check sent. The mayor also stated that as far as late notices the town will be posting the door at the same time the letters are sent to the property owners. Councilmember Dan stated that the policy isn't law and the policy is deviated from the code. Mayor Souders stated that the town manager could rework the language and come back to the December Workshop. Councilmember Fritsch stated that he thinks the fee of \$60.00 is too high and would suggest \$30.00 - \$35.00. Councilmember Fritsch ask if everyone was okay with the disconnection fee, if anybody has a problem let the town manager know so council doesn't have to keep kicking it around. Mayor Souders wanted to clarify that the town manager would have the authority to waive the late fee, not the disconnection fee. Mayor Souders then brought up for discussion regarding a resident, Mr. Snyder, wanting to add something to the meter to monitor flow. The mayor stated that he requested time to do some research, the mayor then stated that he called the resident back and told him that the item would be placed on the first available workshop for council to discuss. Councilmember Weaver stated that this has been an ongoing issue and she would like to see the town move forward with a move time sensitive and electron approach. Councilmember Dan stated that the town allows people to have meters in their homes, the only difference is this one would go in the meter pit.

Public Works Supervisor, John Renard stated he had concerns. Mayor Souders stated that he didn't say no, he wanted to come back to the body. Councilmember Weaver ask why can't we move forward to more modern technology. Councilmember Weaver stated that if moving forward with allowing Mr. Snyder to put the meter in the vault that the town gets something in writing that the town meter will be used for meter reads.

**Recommendation of Legal Counsel** – The Town Manager, Chad Rooney stated that he and Councilmember Fritsch met with 2 attorney from Offit Kurman Attorneys At Law. Mr. Haller put them in contact with these attorneys since the town did not receive any RFPs back. Late at a Legislative Agenda Session, was introduced to Ed Kuczynski, by Mr. William Wivell. The town manager stated that he would trust either of the firms to represent the town very well. Mayor Souders stated that he would recommend to go with Attorney Mr. Kaczynski. Councilmember Dan stated he would just ask that mayor and council go into closed session to interview the attorney. Councilmember Weaver ask if there was a reason that this couldn't be done in open session. Mayor Souders stated that he would schedule for the attorney to come to the December 7, 2021 meeting.

**Presentation of Bids: Veteran's Park Grading Project** – Town Manager, Chad Rooney, stated that the ad for the bids was run on October 22, 2021, with a pre-bid meeting on October 29, 2021, which nobody showed for. The town received 2 bids on November 12, 2021, which bids were due by 4:00PM and opened at 4:15PM. The first bid was from Congressional Construction in the amount of \$51,812.00 and followed the outline in the bid package. The second bid was from Brian Semler and he modified the bid to take 120 days instead of the 30 days that was outlined in the bid package. The cost would be \$38,730.00. Both bids included the use of dirt from Clean Earth. Councilmember Weaver ask if there was a concern that the bid package outlined 30 days to complete the project and one of the bids was modified to 120 days. Wayne Grossnickle, Congressional Construction was ask if we would take responsibility for using the dirt from Clean Earth if something was to happen, and he responded that he would not. Councilmember Dan stated that he was against using Clean Earth for the Park project. Councilmember Dan ask if it would make sense to have conversations about using the 2.5 acres for something different.

**Washington County Board of Elections Request/ Consideration** – Town Manager, Chad Rooney, stated the Washington County Election Board would like to put a ballot box in front of town hall. They would provide a camera to monitor the box and would check the box frequently to make sure there wasn't any water/ sewer payments in their box and we would do the same. This item was moved to the December 7, 2021 Mayor and Council Meeting

**Fiscal Year 2022 Budget Update Ordinance** – Chief Marker stated that he would like to request \$6,000.00, from the Speed Camera Fund for an evidence tracking system. The chief stated that he would also like to request \$106,000.00 for 2 new police cruisers. Chief Marker stated that Sergeant Munson's car was just in the shop for the throttle body and now is having transmission issues. The cruisers would be hybrid vehicles, would love to have all electric by at this time that is not cost effective. Councilmember Dan ask if we knew the value of the 2 vehicles being replaced. Chief Marker responded that the unmarked car would be used for the Town Manager or Code Enforcement. The other cruiser would be stripped and sold. Councilmember Fritsch ask to move these items to the Mayor and Council Meeting on December 7, 2021.

Mayor Souders stated that before the town manager continues with the budget he would recommend using \$725,000.00 from ARPA funds to start the meter replacement. Town Manager, Chad Rooney stated that he would like to provide the updated numbers, the meters would cost \$558,465.00, the hardware and software would cost \$19,700.00 and a 10% contingency of \$56,817.00 for a grand total of \$635,982.00. Councilmember Dan ask if it would make sense to wait until the water/ sewer study was completed. The mayor stated that we are looking at 18 months to get the meters in. Councilmember Dan then stated lets go with it.

Town Manager, Chad Rooney, went over his updated budget information, which included taking partial salaries for the office staff and Public Works Department from the Water and Sewer Funds. The police salary line item

will be decreased by \$41,000.00, this is removing the salary of the Administrative Assistant. A new line item will be created for their salary. There is also funds that will be used to purchase a new F150 for the Public Works Department, an official quote has not been received for this vehicle. There will also be new line items added to the budget. Councilmember Dan questioned the \$75,000.00 that was budgeted for the GIS software, he ask if this was for the hardware/ software or for mapping things out. The town manager responded that it was for all of that. Councilmember Dan stated that it seems to be a bit much and the Town Manager stated he wouldn't disagree with that. The town manager stated that grant funding was also not worked into the budget.

**Citizen Comments:**

Bonnie Renard – 39 S. C & P Lane – Mrs. Renard stated that she was extremely frustrated with the Facebook post. She stated the citizens come out to vote and put the 4 in their seats. Each of them bring assets. The division has to stop. Mrs. Renard stated that if you can't say something to someone's face don't say it at all. Mrs. Renard thanked each of them for their service.

**MOTION TO ADJOURN**

**On a motion** by Councilmember Fritsch, second by Councilmember Weaver to adjourn the meeting at 10:45 PM, **motion carried.**

Respectfully submitted,

Jenni House  
Clerk/Treasurer