

**TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
MARCH 2, 2021**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, March 2, 2021 at 7:51 PM by ZOOM with Mayor Richard Hetherington, Councilmembers Donald Souders, Tracey Knight-Simane, Cassandra Weaver and David Dan present. Also in attendance was Town Manager Debra Smith, Clerk/Treasurer Justine Keadle, Public Works Supervisor John Renard 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 5pm before the meeting by emailing them to the Town Manager at dsmith@townofsmithsburg.org.

Approval of Agenda: On a motion by Councilmember Dan, second by Councilmember Weaver to approve the agenda with the addition of the February 9, 2021 Special Session minutes to be added. Motion carried.

Approval of Minutes: On a motion by Councilmember Souders, second by Councilmember Knight-Simane to approve the minutes of the February 9, 2021 Special meeting minutes. Councilmember Dan asked for an amendment to include his request for the April 30, 2018 Executive minutes to be added to the minutes. Motion carried. **On a motion** by Councilmember Souders, second by Councilmember Dan to approve the minutes of the February 2, 2021 Mayor and Council Meeting minutes and the February 23, 2021 Work Session minutes. Councilmember Dan asked for an amendment to include his request for the email from Mr. Cross at the February 23rd Work Session. Motion carried.

Approval of Executive Minutes: On a motion by Councilmember Dan, second by Councilmember Souders to approve the minutes of the January 5, 2021 Executive Session. Motion carried.

Approval of Treasurers Reports: Report was not included in the email to Mayor and Council and will be added to the April meeting.

MAYOR'S REPORT: Mayor Hetherington reported the following: (1) Would like to get council meeting back in the council chambers. (2) Working on the annexation process. (3) Had discussions regarding the wastewater treatment plant. (4) The Mountain Shadows development went up quickly and has had a positive benefit and there is no reason Cloverly wouldn't be the same. (5) Working on the 2.5 acre project.

TOWN MANAGER'S REPORT: Town Manager reported the following: (1) Mayor resignation matters and swearing in of new mayor and coordination of Council vacancy application process. (2) Assisted in the Preparations related to the public hearings for the Annexation of Cloverly Hill, LLC. (3) Interview with Tim Lung and coordinated the hiring of to fill the position of Town Planner. (4) Coordinated the efforts to find a replacement pole light in the square that was damaged beyond repair to an accident, The \$1,600 pole will be submitted for reimbursement from the accident. (5) Arranged for transfer of sale of utility trucks sold by bid. (6) POS Presentation with the County Rec and Parks Board RE the FY22 POS grant applications – both grant applications were received positively by the board. (7) Attended the EDC Meeting to provide guidance on requested matters. (8) Met with Mark Sterling of Core and Main. Requested his assistance to create and establish town water construction specifications. (9) The SCAC would like to invite the Mayor and Council to join us for our first “Bunny Ride “ through town and help us hand out treat bags The date is March 27th at noon (Starting location TBA)

Several Snow and weather related matters during the month of February.

Storms and Cost vs budget to date:

Contractor Plowing and Salting Services: \$53,410.00

Salt Purchase: \$8,729.00

Emergency Snow Removal: \$7,290.00
Total: \$69,429.00 vs \$30,000.00 budget = (39,429.00)

Begun preliminary FY22 budget process. Commissions and departments are preparing proposed budgets for submittal and review. MML budgetary revenues are still pending.

Project Status:

Veteran Park gravel Road to Cave Hill Road:

In Design. Design to be completed by March 15th and submitted Washington County and Washington County Soil Conservation District

Review and approval will depend on the backload of reviews for each agency.

This will be submitted to MDE for NPDES permit acquisition.

Bid documents will be prepared and bidding will be done hopefully in April and construction to start as soon as possible

Lions Club Park Pavilion Rehab:

Site walk and conceptual plans – April 2021

Design Drawings – July 2021

Bidding – August 2021

Construction - November 2021

East Water Street Water Main Upgrade:

Planning Complete

Design to be complete 07/2021

Bidding – 10/2021

Construction – 04/2022

Councilmember Dan inquired about an estimated cost for fill dirt for the 2.5 acres. Town Manager stated John Renard was working on acquiring the numbers.

DEPARTMENTAL REPORTS

Police Chief Report: Chief DeGrange submitted the following report; (1) There were 49 calls for service during the month of February with 0 arrests. (2) Assisted Washington County Sheriff's Office 4 times, SEMS 1 time and FD 1 time. (3) Issued 2 traffic citations, 0 warnings, 0 SERO's, 2 Parking Tickets, 0 Ordinance Violation and 252 Speed Camera. (4) All officers currently completing online in service training.

Public Works: John Renard submitted the following;

Water/Distribution:

- Water purchased from the City of Hagerstown for the month of February was 7,158,035 gallons
- Unmetered water usage was 3,000 gallons repair on Democracy Ct (2-26-21)
1,600 gallons (CL2 tests)
4,600 gallons total

Water residuals received from the City of Hagerstown at Point of Entry (POE) ranged from 2.02 to 2.20 ppm. (February daily average 2.09 ppm)

- Processed Miss Utility tickets as requested
- Daily station checks
- Continued in gathering information to apply for Mountain Shadows Water Main funding request

- Install new meters and participate in bucket tests for 3 lots in Mountain Shadows
- Replace missing touch pads from snow storms
- Turn on water at 89 Byron
- Repair frozen meter at 22921 Cave Town Church Rd
- Service alternator at water pumping station

Sewer/Collections:

- Sewer flows to Washington County Wastewater Treatment Plant for the month of November 2020 were 5.092 million gallons and for December 2020 were 6.60 million gallons.
 - Requested and received proposals to study sewer flows in existing system from Utility Service Group and Maryland Environmental Services to give us a baseline to know how to proceed in regards to Cloverly.
 - Pulled both pumps at Chip's station (2-6-21)
 - Marked Miss Utility Tickets as requested
 - Daily station checks
 - Work with Mike Hicks to identify existing conditions at the sewer pumping stations to size pumps for proposal of upgrades.
 - Create listing of elevations and slopes of sewer path for Cloverly
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- Sewer Pump Station Run Times

Month	#1 High School	#2 Henrietta	#3 Chip's Meadows	Total run hours
February 20	22.69	29.50	75.22	127.41
March 20	23.62	20.30	68.99	112.91
April 20	36.18	18.90	61.64	116.72
May 20	19.02	22.00	67.52	108.54
June 20	13.02	13.90	49.15	76.07
July 20	12.28	13.50	56.34	82.12
August 20	13.65	14.20	44.41	72.26
September 20	18.37	32.70*	46.31	97.38
October 20	16.29	12.50	45.22	74.01
November 20	14.80	43.00*	43.07	100.87
December 20	18.17	16.60	57.91	92.68
January 21	17.31	13.50	50.69	81.50
February 21	17.26	17.10	65.24	99.60

Streets/Sidewalks:

- Kept storm drains and curb lines clear of snow for melting
- Weekly trash collection at the square
- Clear multiple snow storms (streets, town sidewalks, parking areas, town hall, and police dept.
A big thank you to Chief Degrange for his efforts to clear the Snow Emergency Route of parked cars multiple times throughout the snow events
- Haul 45 truckloads of snow from downtown to Veteran's Park (2-3-21)
Another big thanks to Chief Degrange for his help in traffic control during the removal of snow from downtown. His help allowed us to make the best use of contractor time for the money.

- Clean up from car accident at square that destroyed one of the light posts

Parks:

- Cleaned trash as needed at both parks
- Clear snow events from roads, sidewalks, walking trail, and Library

MS4

- Maintain storm drains and gutters of debris and trash

Equipment/Vehicles, Etc.:

- Had Antietam Tractor in to repair snowplow on Kubota

Routine Maintenance:

- Mail
- Raise and lower flags multiple times
- Batteries in smoke detectors
- Assemble chair for Mr. Lung.
- Pick up recycling left behind by contractor

Meetings/trainings, etc.:

- Several interactions with Mike Hicks to answer questions in relation to grant proposals
- Attend zoom meeting of Mayor and Council Work Session
- Attend SCAC zoom meeting

Breakdown of labor by hours

	Feb	Jan	Dec	Nov	Oct	Sep	Aug	July	Total
Parks	4	50	75	135	131	91	116	112	714
MS4		12	16	11	13	4	8	9	73
Water	24	116	120	55	125	119	57	51	667
Sewer	36	52	46	40	23	25	44	66	332
Roads	216	68	74	0	16	19	1	6	400
Maintenance	16	22	38	32	63	55	50	43	319
Total hours worked	296	382	369	279	456	313	320	312	2727
Ms. Utility Tickets	7	9	11	12	5	6	20	21	91

Zoning Administrators Report: (1) 14 inspections, 8 permit inquires, 5 zoning inquires, 2 fence inquires, 10 permits processed and 1 zoning complaint. (2) Attended many meeting regarding Cloverly.

Councilmember Dan inquired about water loss and the 24%. John Renard stated they do bucket tests and also estimate water used from hydrants. Town Manager Debra Smith stated no one can say there are no leaks and the majority of that number is from old meters.

Councilmember Souders inquired about the previous “leak” list from Councilmember Dan and how that list of information was obtained. John Renard stated there were no leaks. Councilmember Souders also inquired into repairs at the Chips pump station. John Renard stated that he and the engineer were working on numbers for grinder pumps.

Chief DeGrange notified everyone that the speed camera will be moving up onto the pole where it was originally to be. This is simply putting in the air where it already is.

On a motion by Councilmember Souders, second by Councilmember Knight-Simane to approve the Departmental Reports. Motion carried.

COMMISSION REPORTS

Community Activities Commission: Bonnie Renard reported; Bunny ride will occur on March 27th at noon. Mayor and Council were invited to join. Will be collecting food for Tabitha's table during the ride.

Parks Commission: Councilmember Knight-Simane stated the commission had inquired about the bike issue in the park and Council stated they would like the commission's recommendation.

Planning Commission: Councilmember Souders reported they have been working on the Cloverly annexation. Dunkin Donuts will be going in at the old Fulton Bank building and that Council may need to review the town's agreement with the county regarding EDU'S.

Library Advisory Board: Councilmember Dan reported the library is now open to the public with COVID restrictions.

EDC: Councilmember Weaver stated the commission has recommendations in their minutes for Council and the next meeting is March 10th.

Councilmember Dan inquired what priority funding areas were. Julie Pippel stated the state of Maryland has funding to be focused on property served by water/sewer. The funds could be used for things such as water/sewer upgrades and infrastructure. Councilmember Dan inquired if it could be used for municipal parking. Julie Pippel stated maybe.

On a motion by Councilmember Knight-Simane, second by Councilmember Weaver to approve all commission reports. Motion carried.

COMMUNITY ORGANIZATION REPORTS:

SEMS Report: Dale Fishack submitted the following report: Total calls for service during the month of February was 96. 4 calls in Frederick County and 7 calls in Franklin County. 66 patient encounters

Smithsburg Fire Co- The following report was submitted by Phil Rohrer (1) 26 calls for February, 213 volunteer responses, 89.24 volunteer hours on scene and 8.19 average number of responders per call. (2) Mutual aid: 2 in Franklin County and 1 in Frederick County. Also submitted end of year report to Council.

CITIZENS COMMENTS/CONCERNS:

Julie Pippel provided information regarding the bond issuance from the county. The CIP for the wastewater treatment plant has been moved to FY22 to reflect the construction date.

Dan Cross inquired about meeting minutes from the previously cancelled public hearing.

OLD BUSINESS:

Potomac Edison Electric Vehicle Charging Station Location Approval-On a motion**** by Councilmember Weaver, second by Councilmember Souders to approve the location of the police department for the charging stations.

Councilmember Dan inquired if the church was notified. Debra Smith stated no. Councilmember Souders stated it is our property but could notify them as a courtesy. Motion carried.

Approval of Resolution 2020-05/Annexation of Properties of Cloverly Hill, LLC-On a motion**** by Councilmember Souders, second by Councilmember Knight-Simane to approve Resolution 2020-05. Councilmember Dan stated that all these properties are already owned by Cloverly. Motion carried.

NEW BUSINESS:

EDC Member Application-On a motion**** by Councilmember Souders, second by Councilmember Knight-Simane to approve the EDC application for Leslie Kocovar. Motion carried.

Personnel Manual PTO Leave Verbiage Clarification- Town Manager Debra Smith presented information to correct language in the personnel manual and in the June 4, 2019 meeting minutes to further clarify language pertaining to employee PTO leave. Mayor Hetherington stated this is simply the correction of an error and no one has lost anything and nothing is changing. **On a motion** by Councilmember Souders, second by Councilmember Weaver to approve the verbiage clarification in the personnel manual. Motion carried.

Cloverly Sewer Study Proposals-Recommendation by Town Manager to approve MES in the amount not to exceed \$18,000.00 to install flow meters in 7 designated manholes to measure the existing flow for a period of three-weeks within 30 days. Mayor Hetherington stated that everyone will meet regarding the MOU so that everyone is on the same page similar to what the town did for the previous water study.

On a motion by Councilmember Souders, second by Councilmember Weaver to approve the study through MES not to exceed \$18,000.00. Councilmember Dan stated he didn't think the project was properly scoped out because only one of the three included an engineer. Mayor Hetherington stated this was addressed in the work session. Councilmember Souders stated that no alternative solution has been provided and he'd like to see how much money has been wasted in lawyer fees. Mr. Cross has worked on this for over 15 years and if you vote no the project will take longer. Motion carried.

Councilmember Remarks:

Councilmember Weaver-Thanked all the citizens for participating. Would like to see meetings back in town hall. We are moving things forward and can get things done. Schools are going back into session so be aware of the children. Encourage people to attend SCAC events and thanked staff.

Mayor Hetherington-Thanked the snow contractor for their work. Two new businesses in town Cutlass Contracting and Smithsburg Fitness. Be cautious of having 3 council members in commission meetings because of the open meetings act and that is the point of having the liaison.

Councilmember Dan-Four new businesses downtown recently. Give commissions ability to address Council directly. Said there was no problem with multiple council in commission meetings. Would like to get the interviews scheduled to fill the council vacancy.

Councilmember Knight-Simane-Thanked the citizens for participating. Attended the Parks Commission and EDC meetings. Welcomed the new gym owner.

Councilmember Souders-Thanked snow contractor and Public Works. Asked that minutes from previous council vacancy be provided to council. Great to see business come into town. Would like a form to be completed to add items to the agenda.

Discussion was held regarding having council fill out a form for work session agenda items to provide additional information on the topic. Mayor Hetherington said the form will begin to be used.

Proposed March Work Session Items:

Review of Charger Language Regarding the Mayor's Ability to Break a Tie Vote
Town Wide Speed Limit Discussion and Speed Camera
Further review of Meeting Rules and Procedures
Consideration of Water Bill Forgiveness Policy
Proposed Executive Session to consider acquisition of property

On a motion by Councilmember Souders, second by Councilmember Dan to adjourn the meeting at 9:24PM, motion carried.

Respectfully submitted,

Justine Keadle
Clerk/Treasurer