

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
May 3, 2022**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, May 3, 2022, at 7:02 PM with Acting Mayor Donald Souders, Councilmembers James Fritsch, Tracey Knight-Simane, and David Dan present. Councilmember Cassandra Weaver arrived at 7:15 PM. Also in attendance was Town Manager Chad Rooney, Clerk/Treasurer Jenni House, Police Chief Robert Marker, Public Works Supervisor John Renard and Town Attorney Ed Kuczynski. The meeting was opened with the Pledge of Allegiance led by Lilly Hultz, winner of the If I Were Mayor Essay Contest.

Acting Mayor Souders read a Proclamation for Lilly Hultz, and then Miss Hultz read her essay.

**Special Guest Speaker:** Seth Wilson is running for the House of Delegates, District 2A. Mr. Wilson stated the Court of Appeals decided it should remain a 2 member District, we live in a district that runs down to Sharpsburg and over to Emmitsburg. There are 4 candidates. Mr. Wilson is running on principles of accountability, integrity and security. Mr. Wilson is a long time resident of Washington County. Mr. Wilson graduated from Smithsburg High School, has a degree in physics and economics from Vanderbilt University, and a MBA and Masters in Cyber Security from Hood College. Mr. Wilson worked 20+ years as an Information Technology Professional in Frederick County and is a Volunteer Fire Fighter, and an EMT. Mr. Wilson stated he would like to hear from the Town on what concerns they have with State Government. Mr. Wilson's website is [www.sethwilson.us](http://www.sethwilson.us), please feel free to reach out with any questions.

**Approval of Agenda:** On a motion by Councilmember Dan, second by Councilmember Weaver to approve the agenda as presented. **Motion carried.**

**Approval of Meeting Minutes:** On a motion by Councilmember Fritsch, second by Councilmember Dan to approve the Regular Meeting Minutes from April 5, 2022 and the Special Meeting Minutes from April 14, 2022 as presented. **Motion carried,** with Councilmember Fritsch abstaining.

**On a motion** by Councilmember Knight-Simane, second by Councilmember Dan to approve the Work Session Minutes from April 26, 2022, as presented. **Motion carried.**

**Approval of Treasurers Reports:** On a motion, by Councilmember Dan, second by Councilmember Knight-Simane to approve the Treasurers Report as presented. **Motion carried.**

**COMMUNITY ORGANIZATION REPORTS:**

**SEMS Report:** Dale Fishack submitted the following report: Total calls for service during the month of April was 105 calls with 19 calls out of county, with 9 calls in Franklin County and 10 in Frederick County.

Councilmember Weaver ask if SEMS had intentions of requesting ARPA Funds, Mr. Fishack responded that they will be applying for ARPA funds.

**Smithsburg Fire Co-** The following report was supplied to the Mayor and Council: Total number of calls 31, total number of volunteer hours 245. Mutual aid given, Frederick County 4, Franklin County 4. Councilmember Dan stated the Fire Department is going to be purchasing an ATM Machine and maybe the town can work with them on rolling it out during Town Events.

**MAYOR'S REPORT:** Acting Mayor Souders reported the following:

- Along with Town Manager, Chad Rooney met with the City of Hagerstown personnel from the water department to discuss the current agreement the Town has with them. The report hasn't been updated in over 10 years, so the City is going to work with the Town to get the agreement updated. The City will be here at some point to answer questions from Council. Talked about personnel for the Public Works Department.
- Participated in the Under the Sea and Arts Festival. They raised over \$6,000.00 from that event. Acting Mayor Souders spend a lot of time in the water, it was fun.
- Along with Town Manager, Chad Rooney attended the Tri-County Council Dinner in Cumberland, MD. Thanks the Delegation and Representatives for the money they earmarking in their budget for the Town of Smithsburg.
- Participated in the SCAC Bunny Ride.
- Jeff Davis invited Acting Mayor Souders to throw the Opening Day first pitch for Smithsburg Little Sluggers.
- Attended the Maryland Mayors Reception hosted by Governor Larry Hogan. Thanked him and his staff for remembering Smithsburg when they did their budget.
- Town Election, May 10, 2022, will be at the Smithsburg Volunteer Fire Hall, from 7am to 8pm.
- Bulk trash pick-up behind SEMS this Saturday, May 7, 2022 from 8am to 12:00pm.

Councilmember Dan ask Acting Mayor Souders, if he talked about pre-purchasing EDU's with the City of Hagerstown, Acting Mayor Souders stated he did not but that is something that can be looked at when the City of Hagerstown comes to Smithsburg for the discussion with Council.

**TOWN MANAGER'S REPORT:** Town Manager, Chad Rooney reported the following:

- Bulk Trash from 8am to 12pm, there is a list on the Towns website with a list of things not being accepted.
- Street sweeping is scheduled for May 11, 2022 and May 12, 2022, and prefer residents use off street parking if it's available. Attempt to post a schedule on the Towns website.
- Along with Chief Marker, completed a walkthrough of Town Hall and the parks to assess the cameras and security systems.
- Interviewed and hired Hayden Harsh as the Farmers Market Manager.
- Attended a meeting with LGIT.
- Along with Vice President Souders and his wife attended the Tri-County Council Dinner in Cumberland, MD.
- Met with Nancy Hausrath, from the City of Hagerstown, to discuss the Towns agreement to purchase water.
- Held the pre bid meeting for bid 2022-06, Playground Mulch. The bid was presented at the April Mayor and Council Work Session.
- Attended the Washington County Traffic Advisory Committee, to present information and request for consideration of the intersection of Route 66 and Route 64.
- Met with Kathryn Gratton regarding an update on the Towns current grant initiatives.
- Met with Lawn Enforcement to discuss expectations regarding their contract to provide mowing and landscape services
- Celebrated Administrative Professionals Day with Jenni House, Sue Parks and Charlotte Zies, the Administrative Staff. Chief Marker and the Town Manager took the ladies to lunch and a Thank You for their ongoing hard work for the Town and the Police Department.
- Met with SEK to discuss various topics regarding town funds, procedures and APRA submission.
- This evening met with Lilly Hultz, Smithsburg Mayor for a day, and toured Town Hall with her and her family. Congratulations to Lilly.

**CONSENT AGENDA (Departmental and Commission Reports)**

Police Department

Public Works Department

Planning & Zoning Department

Smithsburg Community Activities Commission

Parks Commission  
Planning Commission  
Library Advisory Board  
Economic Development Commission

Chief Marker stated the end of October or the beginning of November he was contacted by a concerned citizen regarding a drug distribution operation here in Smithsburg. Then on one of his walking travels he was stopped by another concerned citizen. The Chief went to task identifying the individuals in the apartment at 1 E. Water Street who were involved in the operation. Chief Marker then met with the Washington County Narcotics Task Force and on April 25, 2022 in the morning hours, a search warrant was executed and recovered a substantial amount of controlled dangerous substance and arrested the individual responsible. Chief Marker stated numerous individuals were trespassed from the facility, a vehicle was towed and follow up work is being done. Thanked the concerned citizens, Agent Hook from the Hagerstown Police Department, the members of the Washington County Sheriff Office and the DEA who all make up the Washington County Narcotics Task Force.

Acting Mayor Souders thanked Public Works Supervisor, John Renard for taking care of an issue at Lions Club Park on Saturday. Councilmember Knight-Simane thanked Mr. Renard for checking her water meter.

Councilmember Dan ask if there have been any discussion with 5G coming thru town. Acting Mayor Souders stated that no one has reached out to the town.

Councilmember Knight-Simane stated the Parks Commission would like to have a Feasibility Study for increasing the size of the field on the upper section of Veteran's Park for football. She also stated the commission is recommending a tree be planted for Carlo Belella in Memorial Garden. Councilmember Knight-Simane ask if the application has been updated, Town Manager, Chad Rooney responded yes, that the Commission Chairperson Marge Gyurisin contacted him. Councilmember Knight-Simane ask if the swings have been ordered and the Town Manager responded they had. Councilmember Knight-Simane ask if there was a way to put what improvements a permit was be required. Acting Mayor Souders stated they could talk to Randy Dick about this.

Councilmember Dan stated the Library Board has not met since last month., Councilmember Dan also mentioned the SCAC movie night is coming up on June 3, 2022 and National Night Out will be August 2, 2022.

**On a motion** by Councilmember Dan, second by Councilmember Fritsch to approve the consent agendas as presented.

**On a motion** by Councilmember Dan, second by Councilmember Fritsch to accept the consent agenda reports as presented. **Motion carried.**

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

Billy Sue Boyer – 68 S. Main St. – Ms. Boyer stated she was in the Council Chambers for a Historical Society Meeting and it was the first time she had been in the room before the pandemic and she was astounded the room is so beautiful. At the Historical Society meeting Councilmember Dan told her Public Works did the room, she just wanted to let them know how beautiful it was.

Michael Falzone – 129 Colton Court – Mr. Falzone stated as you know he is leaving Smithsburg, and it has been made public a few times by Councilmember Dan. Before he leaves he would like to bring up a couple of issues he has seen with the town since he has been here. The last year he has been really involved in the town and there has been some concerning things the way Councilmembers conduct themselves. Mr. Falzone, stated when Councilmember Dan ran for election he ran on transparency, but when Mr. Falzone called him to tell him they were leaving Smithsburg, he ask him to keep it quiet, but Mr. Falzone wanted Councilmember Dan to

know he was the last to know. Mr. Falzone stated Councilmember Dan ran on voting out vindictive Mayor and Councilmembers yet you are the guiltiest one of them all. Councilmember Dan called for a Point of Order, Councilmember Dan stated this has happened multiple times, but we have a set of meeting rules, if Council is going to allow certain individuals to violate them he will make a motion to suspend rule 6.3 that prohibits personal and slanderous remarks against Councilmembers. Council agrees to suspend the rule. Mr. Falzone stated as soon as he wasn't a means to Councilmember Dan, Councilmember Dan attacked him and his family about a retaining wall, and the permit is in Town Hall. Mr. Falzone stated at this point he feels Councilmember Dan is grasping at the election and attacking anyone he can, publicly. Mr. Falzone stated that is unbecoming as an elected official. Mr. Falzone stated Councilmember Fritsch's daughter made a post of Facebook and Councilmember Dan made a criticizing comment, Mr. Falzone stated if you're going to criticize one Councilmember why don't you criticize all Councilmembers. Mr. Falzone stated there are other members on Council that during their time here they have brought nothing to the town. Mr. Falzone stated he has not seen one thing from Councilmember Knight-Simane to bring the town forward. Mr. Falzone stated he was concerned that Councilmember Knight-Simane would speak about an employee of the town to a candidate in the upcoming election and other citizens of the town. Mr. Falzone inquired about how much the Town is paying the current Counsel for the town. The attorney explained his billing for the town, and then discussed how he handles payment for emails received from the Town. Mr. Falzone stated he was concerned about the future of the Town. Councilmember Dan stated he and Councilmember Knight-Simane supported Mr. Falzone when he applied for the Council position and Councilmember Fritsch and Councilmember Weaver, did not. Councilmember Dan stated Mr. Falzone stated he attacked him about a retaining wall, he is referring to the nuisance and abatement ordinance that was passed in 2019, it stated with a basketball hoop ban. The Town wanted to address basketball hoops that were in town swales, town easements or town property, so they amended the nuisance and abatement code to make any permanent or temp object in a town right of way or easement a nuisance. Councilmember Dan stated he was giving an example of the absurdity of the ordinance because a bunch of things are considered a nuisance that shouldn't be. Councilmember Dan said it wasn't an attack and apologized if Mr. Falzone felt that way. Councilmember Knight-Simane ask Mr. Falzone if he was here for the rest of the meeting and Mr. Falzone stated he would be and available to talk after the meeting.

Andrew Krieger – 22326 Republican Ave. – Mr. Krieger stated he has come before Council to speak about repurposing the barn at 26 E. Water St. Mr. Krieger stated he wants to turn the barn into a seasonal rental. Mr. Krieger ask the Town to defray some of the cost of the water/ sewer hookup fees. Mr. Krieger would like the town to waive the water hookup fee because he will be hooking up to the existing system and is repurposing a historical property in town. Acting Mayor Souders thanked Mr. Krieger for coming in and told him they would like to keep the line of communication open.

#### **OLD BUSINESS:**

No Old Business

#### **NEW BUSINESS:**

**Resolution 2022-03: MRDC Circuit Rider/ Town Manager Program (FY2022): On a motion** by Councilmember Dan, second by Councilmember Weaver to approve Resolution 2022-03. **Motion carried.**

**Resolution 2022-04: MRDC Circuit Rider/ Town Manager Program (FY2023): On a motion** by Councilmember Dan, second by Councilmember Weaver to approve Resolution 2022-04. **Motion carried.**

**Resolution 2022-05: Sustainable Communities Application (Update): On a motion** by Councilmember Weaver, second by Councilmember Fritsch to approve Resolution 2022-05 as updated. **Motion carried.**

**Police Accountability Board Letter: On a motion** by Councilmember Dan, second by Councilmember Weaver to approve the letter and submit it to the County. **Motion carried.**

**Fiscal Year Budget – General Fund, Water Fund, and Sewer Fund:** Town Manager, Chad Rooney reviewed the proposed budget for FY23. Acting Mayor Souders stated the Introduction for the FY23 budget will be next Thursday, May 12, 2022, and if anyone has any questions to contact the Town Manager. Councilmember Dan proposed an 8% salary increase for each Town Employee.

**Fiscal Year Water & Sewer Rates:** There will be no rate increase for water or sewer for FY23. Sewer tapping fees will be discussed at the Public Hearing on Thursday, May 12, 2022

**Request for Sidewalk at 1A Grove Creek Circle – Agreement:** On a motion by Councilmember Knight-Simane, second by Councilmember Fritsch to approve the agreement to have Brian Semler put the sidewalk in for \$1,920.00, and Mr. & Mrs. Kesselring repaying the Town with in the year. **Motion carried.**

**Low Income Household Water Assistance Program (LIHWAP):** On a motion by Councilmember Weaver, second by Councilmember Dan to accept the Low Income Household Water Assistance Program. **Motion carried.**

**Bid 2022-06- Playground Mulch:** On a motion by Councilmember Weaver, second by Councilmember Knight-Simane to approve the bid from Tim Boyle- Playground Specialist Inc. 29 Apples Church Rd. Thurmont, MD 21788; for a lump sum total of \$25,067.70. Motion carried.

**FOR INFORMATION ONLY:**

Acting Mayor Souders ask council if everyone received the letter from Senator Corderman.

**Councilmember Remarks:**

**Councilmember Fritsch** – Election is coming up. Hope everyone takes their privilege of where we live and votes. Wished everyone running good luck.

**Councilmember Knight-Simane** – Exercise your right to vote. It will change things for the next 4 years.

**Councilmember Dan** – Thanks Lilly Hultz for serving as Mayor, she was a fantastic Mayor during her short term. Thanked Acting Mayor Souders for participating in the Mayor for a Day Essay contest. Thanked Acting Mayor Souders for giving Council a lot of flexibility and opportunity for giving input on the budget. Adding necessary staff, a Code Enforcement Officer, a Public Works Director, and an additional Public Works Employee. Councilmember Dan thanked the Legislative Delegation, stating the Town reached out to them and they listened. Bulk Clean Up is this Saturday, before COVID Public Works used to go out and assist people with stuff from time to time. Hopefully we can do that when we get back to being fully staffed. Also, need to get back to fall pick up.

**Councilmember Weaver** – Councilmember Weaver thanked the citizens for trusting in her for representing their interest. Councilmember Weaver stated she has never taken this lightly and has been honored to do so. Councilmember Weaver stated she wasn't sure if her future would allow her to be in service to the Town or its citizens again, but she does hope to volunteer on a Commission or serve in some capacity. She loves Smithsburg and takes great pride in it. To all past and present staff your patience, knowledge, flexibility and diligence are invaluable, you work tirelessly behind the scenes and are truly the heart of this town body. Previously Mayor and Councilmembers and Current Mayor and Councilmembers for their service, it has been a privilege to serve alongside each one of you. All Commission members who have served without any compensation, extends gratitude to EDC for all that they have done in a short amount of time and sorry the Pandemic sidelined her ability to be on the field with them. Councilmember Weaver stated she enjoyed watching them from the sidelines. Community Organizations, especially SEMS and the Volunteer Fire Department you keep us safe, support our wellbeing and are always there in a time of need. Our partners, Town Attorney it's been a privilege sitting beside you, County Officials, State Officials, Brian Semler, for those of

you not aware Mr. Semler has a lot of knowledge of what's going on under the Town, the accounting firm and many others who support our town operations. As we approve the election, I do wish those chosen by the citizens all the best and much success. Hopefully she hasn't missed anyone but if so she does humbly apologize. Finally to her family, she ask them to watch, to her husband who has supported me in this journey and quit often questioned her sanity at times for doing so. To her heart and soul, Connor and Molly, thank you for sharing "Mother" with the town that we take so much pride in. It's not good bye, but until we meet again, at a park, an SCAC event, sporting event, on the streets or maybe in the audience of these chambers. She says farewell and may God Bless this Town.

Next Special Session Meeting is May 12, 2022

Election is May 10, 2022

Next Work Session is May 24, 2022

Next Mayor & Council Meeting is June 7, 2022

**Next Commission Meetings:**

- Economic Development Commission – May 9, 2022 @ 7:00pm; 1<sup>st</sup> Floor Conference Room
- Smithsburg Community Activities Commission – May 17, 2022 @ 7:00; 2<sup>nd</sup> Floor Council Chambers
- Parks Commission – May 9, 2022 @ 7PM; Lions Park
- Planning Commission – May10, 2022 @ 7PM; 2<sup>nd</sup> Floor Council Chambers
- Election Board – TBD

**MOTION TO ADJOURN**

**On a motion** by Councilmember Weaver, second by Councilmember Dan to adjourn the meeting at 9:35 PM, **motion carried.**

Respectfully submitted,

Jenni House  
Clerk/ Treasurer