

**TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
June 6, 2023**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, June 6, 2023 at 7:00 PM with Mayor Donald Souders, Councilmembers Tracey Knight-Simane, David Dan, James Fritsch, and Roberto Gonzalez. Councilmember Jon Snyder participated via phone until 8:27 PM. Also in attendance was Town Manager Brian Brandt, Clerk/Treasurer Jenni House, Police Chief Robert Marker and Town Attorney Edward Kuczynski. The meeting was opened with the Pledge of Allegiance led by Mayor Souders.

Special Recognition: Mayor Souders and Councilmember Knight-Simane read statements remembering the victims of the shooting at Columbia Machine on June 9, 2022.

Approval of Agenda: On a motion by Councilmember Dan, second by Councilmember Knight-Simane to approve the agenda, with the change to add another executive session at the end of the meeting. **Motion carried.**

Approval of Meeting Minutes:

- Regular Meeting Minutes – May 2, 2023
- Executive Session Minutes – May 2, 2023
- Special Session Minutes – May 16, 2023
- Executive Session Minutes – May 16, 2023
- Public Hearing Minutes – May 30, 2023
- Special Session Minutes – May 30, 2023

On a motion by Councilmember Knight-Simane, second by Councilmember Dan to approve all of the minutes, except the Executive Session Minutes, with one change to the Special Session on May 30, 2023. **Motion carried.**

On a motion by Councilmember Gonzalez, second by Councilmember Dan to approve the executive minutes from May 2, 2023, as presented. **Motion carried.**

On a motion by Councilmember Knight-Simane, second by Councilmember Fritsch to approve the executive minutes from May 16, 2023, as presented. **Motion carried.**

Approval of Treasurers Reports: On a motion, by Councilmember Fritsch, second by Councilmember Dan to approve the Treasurers Report with discussion. **Motion carried.** Councilmember Dan ask why the water revenue was less than the sewer revenue, Town Account, Erin Clark explained that the rate for the sewer was higher.

COMMUNITY ORGANIZATION REPORTS:

Smithsburg Fire Co- Phil Rhorer submitted the following report: Total number of calls 41. Mutual aid given, Frederick County 3 Franklin County 3.

SEMS Report: Dale Fishack submitted the following report via email, Total calls for service was 122 calls with 25 calls out of county, with 15 calls in Franklin County and 10 in Frederick County.

MAYOR'S REPORT: Mayor, Donald Souders reported the following:

- Would like to start by thanking all those who attended, participated and coordinated the Smithsburg Day event and the volunteers of the SCAC for the Movie in the Park Night here this past weekend. It takes a lot of planning, organizing and commitment to conduct such events, and your efforts are greatly appreciated.
- Attended the Lions Club 78th Charter Celebration and had the pleasure of speaking to all the members of the Smithsburg Lions Club. Another example of a civic organization in our community doing great things for the betterment of our community.
- Held several meetings over the course of the month. Had breakfast with Ben Rodriquez of the EDC along with Chief Marker to discuss the Cinnamon Bun Fun, met with Sheriff Albert and Chief Marker to discuss policing matters here in Smithsburg. Met with SerMac Technologies to discuss upgrades to the town communications and council improvements. Met with various members of our commissions and council to discuss upcoming and ongoing events and projects. Met with several citizens to discuss issues and concerns involving the town including the FY24 budget and rates.
- Continued to work with staff and Erin Clark from SEK to discuss the water/sewer budgets and for FY24 and reconcile our current spending for FY23.
- Attended several events this past month including a luncheon held by the Washington Co. Historical Society, the Grand Opening of the new location for First United Bank and I participated again in a dunk tank for the Smithsburg Elementary School's PTA event.
- The town hosted the local chapter of MML here in Smithsburg. There was great fellowship, networking that evening as the elected members of all the municipal governments in Washington County learned about the issues and progresses this past year. The event was well attended and the food provided by Cluck'n Around BBQ and the Dixie Eatery was outstanding.
- The month continued to be busy with several meetings and calls related to projects being worked on or completed throughout town. The Town Manager will provide an update to activities and projects we are currently working to complete but much progress is being done for the betterment of our community. Thank you to all who have worked to keep our town moving forward.
- Would like to congratulate William "Danny" Rice for his 1- year anniversary with the town today.

TOWN MANAGER'S REPORT: Town Manager Brian Brandt reports the following:

- Work on preparing final Budget.
- To date we have lined and sealed (24) manholes with the \$50,000 the Council had made available to me from ARPA. We have identified the next (16) manholes, to be completed as well as (7) mainline segments in the Chips Meadows Subdivision, this will tie the manholes and main-line project together and completely seal off one of our worst I&I areas. I'm proposing to pay for these items from our FY 23' approved Sewer Funds Operations line item 671102 Sewer Maintenance, quotes will be back anytime.
- I have had Maryland Rural Water in to perform leak detection on Bradbury Ave which is our most questionable stretch of watermain, to this point , no leaks have been found, as I stated it is very difficult to locate unless it's a substantial leak. And once again this service is free of charge.
- I have met with Harry from Core & Main and have begun looking into additional software, that will give owners a means to look at their account online, send alerts for high usage, etc. this will help to free up field and office staff, and give us another tool to monitor the system.
- I have solicited quotes for Leak detection equipment, as well as a line locator. (est @25K)

- I have begun the procurement process for Fire Hydrants as well as main-line valves, blow-off valves and other components of the system we believe are leaking.
- Still waiting on final parts to install the last (5) meters including the meter that supplies water to the schools.
- As an update the Muffin Monster is performing even better than anticipated no issues with pumps since installed, wet well is clear of all debris.
- **PUR-2022-08** Veterans Park lighting initial project phase including change order #1 complete, Change Order #2 installation of (3) additional lights to cover the Gazebo parking lot, asking for direction this evening.
- **PUR-2023-01** SCADA project Boxes are built, preparing final programming phase.
- **PUR-2023-02** Town Hall Chairlift, Hardware to be shipped 6-12-2023.
- **PUR-2023-05** Roadway Projects, Veterans Park, Mountain Shadows, Waiting on start date from Huntzberry Brothers.
- **PUR-2023-06** Lions Park Pavilion, bid to be shared with council this evening.
- **PUR-2023-07** Lions Park Basketball court, Held Pre-bid meeting, bid to be shared with council this evening.
- I have begun preparing the Draft of our 2022 CCR, still waiting on packet from the City of Hagerstown, so I have contacted Maryland Rural Water for assistance.
- Attended MML dinner in Smithsburg.
- Jenni and I met With Chelsea Sites Tri-Bridge via zoom to go over upcoming years benefit packages.

APPROVAL OF DEPARTMENTAL REPORTS:

Circuit Rider/ Grant Writer
 Planning & Zoning Department
 Police Department
 Public Works Department

On a motion by Councilmember Dan, second by Councilmember Gonzalez to accept the reports as presented.
Motion carried.

APPROVAL OF COMMISSION REPORTS/ MINUTES:

Economic Development Commission (5/22/2023 Canceled)
 Parks Commission
 Planning Commission (5/09/2023 Canceled)
 Library Advisory Board

On a motion by Councilmember Gonzalez, second by Councilmember Dan to accept the reports as presented.
Motion carried.

CITIZENS COMMENTS/CONCERNS:

Chris Hyser – Candidate running for US Congress in 2024 to represent MD District 6 introduced himself. Mr. Hyser stated he was a decorated retired Maryland State Trooper. After retiring from MSP, Mr. Hyser served 7 tours in Iraq and 3 tours in Afghanistan as a security consultant. Mr. Hyser went on to obtain his Master of Divinity/ Chaplaincy and is currently volunteering within the Interfaith community and the volunteer Homelessness committee in Frederick MD.

OLD BUSINESS:

Introduce/ Adopt Emergency Ordinance 2023-04 FY24 Water and Sewer Rates: Attorney Edward Kuczynski stated in order to pass an Emergency Ordinance 4 Councilmembers would need to vote for the Ordinance. **On a motion** by Councilmember Fritsch, second by Councilmember Knight-Simane to introduce

and pass Ordinance 2023-04 FY24 Water and Sewer Rates, with any surplus going to the maintenance/ infrastructure in the Water and Sewer budgets. **Motion failed** with a 3-2 vote with Councilmember Snyder and Councilmember Dan voting against the motion. **On a motion** by Councilmember Dan to Introduce and pass Ordinance 2023-04 FY24 Water and Sewer Rates, with only the 3% increase from the City of Hagerstown, with any surplus going to Maintenance and Capital Improvement. **Motion failed** from lack of a second. On a motion by Councilmember Snyder, second by Councilmember Knight-Simane to Introduce and pass Ordinance 2023-04 FY24 Water and Sewer Rates with all surplus being handled as normal. Motion failed, with a 3-2 vote, with Councilmember Dan and Councilmember Gonzalez voting against the motion. **On a motion** by Councilmember Knight-Simane, second by Councilmember Fritsch to introduce/ pass Ordinance 2023-04 FY24 Water and Sewer Rates as presented. **Motion failed** with a 3-2 vote with Councilmember Dan and Councilmember Snyder voting against the motion. On a motion by Councilmember Snyder, second by Councilmember Knight-Simane to introduce/ pass Ordinance 2023-04 FY24 Water and Sewer Rates, adding the anticipated surplus to the Maintenance accounts in the Water and Sewer Budgets having a balanced budget. **Motion carried**, with a 4-1 vote, with Councilmember Dan voting against the motion.

Introduce/ Adopt Emergency Ordinance 2023-05 FY24 General/ Water and Sewer Fund Budgets: On a motion by Councilmember Dan, second by Councilmember Fritsch to introduce and pass Ordinance 2023-25 FY General/ Water and Sewer Fund Budget, amending the Water Fund budget by adding the anticipated surplus of \$19,370.00 to the Line Repairs line item (681203), the Sewer Fund budget by adding the anticipated surplus of \$4,146 to Sewer Maintenance and adding the Employee Compensation sheet to the ordinance. **Motion carried.**

NEW BUSINESS:

Discuss/ Consider Renewal of Agreement with MRDC: On a motion by Councilmember Fritsch, second by Councilmember Knight-Simane to approve the resolution of the Town of Smithsburg authorizing the Town to participate in the Maryland Circuit Rider/ Town Manager Program. **Motion carried.**

On a motion by Councilmember Fritsch, second by Councilmember Knight-Simane to accept the MOU concerning the contract between the Town of Smithsburg and MRDC for the Circuit Rider/ Town Manager Program for fiscal year 2024. **Motion carried.**

Discuss/ Consider RFP 2023-06 Pavilion #1 Project Lions Park: Bids were received as follows:

Henson & Son, Inc. 975 Mount Aetna Road, Hagerstown, MD 21740

Bids – Option 1: Replacing chicken wire with metal sheeting \$78,032.00

Option 2: Replacing chicken wire with vinyl sheeting \$79,982.00

SFMS, LLC. 8340-A Beachcraft Ave. Gaithersburg, MD 20879

Bids – Option 1: Replacing chicken wire with metal sheeting \$42,950.00

Option 2: Replacing chicken wire with vinyl sheeting \$61,625.00

After some discussion concerning the bids received; Council decided to move this item to the June 20, 2023 meeting, giving the Town Manager time to review and discuss the bids with the contractors.

Discuss/ Consider RFP 2023-07 Basketball Court Repair/ Replacement Lions Park: Bids were received as follows:

Henson & Son, Inc. 975 Mount Aetna Road, Hagerstown, MD 21740

Bid – Lump Sum \$28,435.00 (optional tree removal if deemed necessary \$650.00)

SFMS, LLC. 8340-A Beachcraft Ave. Gaithersburg, MD 20879

Bid – Lump Sum \$36,000.00

Huntzberry Brothers, Inc. 21536 Chewsville Road, Smithsburg, MD 21783
Bid – Lump Sum \$ 27,995.00

Metropolitan Sports Surfaces, LLC 1443 Rock Spring Rd. Suite 108, Bel Air, MD 21014
Bid – Lump Sum \$ 32,810.

On a motion by Councilmember Dan, second by Councilmember Gonzalez to accept the bid of \$27,995.00 from Huntzberry Brothers, Inc. to repair/ replace the basketball courts at Lions Park. **Motion carried.**

Discuss Consider Additional Lighting along Gazebo Parking Area (Change Order #2): Town Manager, Brian Brandt, stated that he would like to request Council to approve the addition of 3 more lights be added in Veterans Park. The lights will match the existing lights in the park. The cost of this project would be \$36,549.00, which would be taken from the \$92,000.00 Grant for grading and lighting. **On a motion** by Councilmember Fritsch, second by Councilmember Dan to move forward with change order # 2 using funds in the amount of \$36,549.00 from the \$92,000.00 Grading and Lighting Grant. **Motion carried.**

Discuss/ Consider Additional Sewer Lining Improvements (Pleasants): Town Manager, Brian Brandt, requested approval for the lining of additional manholes. The first request, task order #4, is to line 14 more manholes, with a cost of \$55,735.12 with funds coming from the Sewer Maintenance line item. **On a motion** by Councilmember Fritsch, second by Councilmember Knight-Simane to complete task order #4 with a cost of \$55,735.12, funds coming from the Sewer Maintenance line item. **Motion carried.** The second request, task order #5, is to camera lines and line 17 manholes, with a cost of \$130,000.00 coming from ARPA funds. **On a motion** by Councilmember Dan, second by Councilmember Knight-Simane to complete task order #5 with a cost of \$130,000.00, with funds coming from ARPA. **Motion carried.**

Discuss Organizational Fund Request/ ARPA Fund Request Form and Procedures: Council reviewed the APRA Fund Request Form. On a motion by Councilmember Dan, second by Councilmember Gonzalez to approve the ARPA Fund Request Form, with the total available for program \$45,000.00 and the maximum awarded is \$10,000.00. **Motion carried.** Council reviewed the Organizational Fund Request, Councilmember Dan stated the document looked like over kill and suggested to table the item until the June 20, 2023 meeting. This item will be on the agenda for June 20, 2023.

Discuss/ Change in Pool Fill Policy: Town Manager, Brian Brandt, stated that Smithsburg is the only municipality that gives discounts on pool fills. Mr. Brandt stated the savings is not worth the cost to the town, sending a Public Works employee to read the meter 2 times a day. **On a motion** by Councilmember Gonzalez, second by Councilmember Knight-Simane to discontinue the pool fill policy. **Motion carried.**

On a motion by Councilmember Fritsch, second by Councilmember Dan to close the regular session at 9:09 PM and move into executive session under:

Article 3-305 (b) of the Annotated Code of Maryland, section (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this elected body has jurisdiction; or any personnel matter that affects one or more specific individuals.

Article 3-305 (b) of the Annotated Code of Maryland, section (3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Article 3-305 (b) of the Annotated Code of Maryland, Section (7) to “consult with counsel to obtain legal advice”.

Motion carried. In attendance was Mayor Donald Souders, Councilmembers Tracey Knight-Simane, Roberto Gonzalez, James Fritsch, and David Dan. Councilmember Jon Snyder was absent. Also in attendance was Town Manager Brian Brandt, and Town Attorney Edward Kuczynski.

On a motion by Councilmember Gonzalez, second by Councilmember Knight-Simane to close the executive session at 9:53 and return to regular session.

On a motion by Councilmember Dan, second by Councilmember Gonzalez to instruct the Town attorney and staff to pursue purchasing real property in the town. **Motion carried.**

Councilmember Remarks:

Councilmember Gonzalez: No Comment

Councilmember Knight-Simane: No Comment

Councilmember Fritsch: Thank Jack Wenthe and Glenn Fishack for their time and effort with the Memorial Day Ceremony. Today is the anniversary of D Day, an important day in our history. Please pause and reflect if you would

Councilmember Dan: A couple of weeks ago was Public Works Appreciation Week, they are often overlooked so want to give them the recognition they deserve. This past month there have been a lot of activities in the town, very exciting to see, there was a Fishing Rodeo, Smithsburg Days, Movie in the park, Smithsburg hosted the MML dinner. There are a lot of people working on these things and have put a lot of time in, including Boy Scout Troup 108, Troup 14. Sunny Crest has donated flowers to the Town Square, talked to Town Manager, Brian Brandt about getting some plaques there to recognize Sunny Crest for their donations over the years. Had a call with the City of Hagerstown about invoice cloud, with Town Manager and the Clerk Treasurer. Have a call with Invoice Cloud Thursday to discuss options for the Town. The MML Conference is coming up. Bulk pick-up is this Saturday, June 10, 2023.

Next Meeting Date: Tuesday, June 20, 2023 7:00 pm, 2nd Floor, Council Chambers

Next Mayor & Council Meeting: Tuesday, July 11, 2023 7:00 pm, 2nd Floor Council Chambers

Next Mayor & Council Special Session Tuesday, July 25, 2023 7:00 pm, 2nd Floor Council Chambers

Next Commission Meetings:

- Economic Development Commission – No meeting planned.
- Smithsburg Community Activities Commission – June meeting canceled
- Parks Commission – Monday, June 12, 2023 7:00, Lions Park Pavilion
- Planning Commission – Canceled

MOTION TO ADJOURN

On a motion by Councilmember Knight-Simane, second by Councilmember Dan to adjourn the meeting at 10:02 PM.

Respectfully submitted,

Jenni House
Clerk/ Treasurer