

**TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
August 13, 2024**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, August 13, 2024 at 7:00 PM with Mayor Donald Souders, Councilmembers Roberto Gonzalez, James Fritsch and Michael Schwartz. Councilmember Jon Snyder arrived at 7:05 PM. Councilmember Dan was absent. Also in attendance was Town Manager Brian Brandt, Clerk/Treasurer Jenni House, and Town Attorney Edward Kuczynski. The meeting was opened with the Pledge of Allegiance led by Mayor Souders.

Approval of Agenda: Mayor Souders requested the addition of *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*". be added to the agenda for the executive session. **On a motion** by Councilmember Gonzalez, second by Councilmember Fritsch to approve the agenda with the addition requested by Mayor Souders. **Motion carried.**

Approval of Meeting Minutes:

- Regular Meeting Minutes – July 2, 2024
- Special Session Minutes – July 16, 2024

On a motion by Councilmember Fritsch, second by Councilmember Gonzalez to approve the all meeting minutes. **Motion carried.**

Approval of Treasurers Reports: Clerk Treasurer, Jenni House, explained why the Highway User funds had a negative balance on the treasurers report. **On a motion** by Councilmember Schwartz, second by Councilmember Fritsch to approve the treasurers report as explained by the Clerk Treasurer. **Motion carried.**

COMMUNITY ORGANIZATION REPORTS:

SEMS Report: Dale Fishack submitted the following report for July 2024: Total calls for service were 136 calls with 21 calls out of county, with 9 calls in Franklin County and 12 in Frederick County.

Smithsburg Fire Co: No report was submitted.

MAYOR'S REPORT: Mayor; Donald Souders presented the following report:

- Would Like to thank the Leithersburg Ruritan Club for allowing me to speak and provide them with an update on all the many projects being completed in Smithsburg.
- Attended our 15th annual National Night Out. Thank you to the Police Department, Chief Marker, our Volunteer Fire Company and our Emergency Services for their attendance and participation as well as the may volunteers who worked to continue this great tradition in our community.
- Participated in a Community kickball game along with Councilmember Schwartz and VP Gonzalez. There were nearly 30 kids that played against us and coaches with the Smithsburg Little Sluggers. Would also like to thank Fryzaholic for their donation of food and water. This was a great event and may of the players and parents hope we can do anther in the spring. I would also like to thank Commissioners Harvey and Cline for participating as well as members of the SCVFC.
- I participated in the MML Planning Committee's initial meeting for prep and planning for the upcoming Fall Conference this November in Cambridge, MD.
- I attended a meeting with Town Manager Brandt and EDC Coordinator Louis to discuss events, activities and planning for a variety of EDC events and promotions.
- Attended the July 23, 2024 BOCC meeting with Town Manager Brandt and Ms. Dodge of RK&K when the county commission awarded Smithsburg nearly \$137,000.00 for our upgrades and improvement to our aging pump stations.

- Participated in the virtual meeting of the County Coalition. This meeting was productive in learning their process for priorities and how “Washington County Day” will work in Annapolis this January. I believe the focus for our priorities will continue to be the upgrades to our pumping stations and trying to secure funds for the completion of the Water Street Project.
- Attended the Tri-County Council meeting in Oakland, Maryland with Town Manager Brandt. They are beginning the process of looking for projects to fund in FY26.
- Attended the Smithsburg Lion’s Club annual summer picnic at South Mountain Rod and Gun Club. This was another great evening of fellowship and discussing important issues within our community.

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

- Meeting with NFC and Jeannette Dan about potential adult fitness area(s) and Grants at our Parks
- Multiple meetings with RK&K for our MS4 program.
- Multiple meetings with RK&K for our Grant program.
- Multiple meetings with RK7K and DHM for our Mountain Shadows Water Main Loop project.
- Meetings with Laura Stover SEK to begin finalizing the Employee Handbook.
- Meetings with Avista about SCADA system.
- Multiple meetings with Jeanette Dan about Parks related issues.
- Multiple meetings with Jim Kercheval from GHC.
- Multiple meetings with members of Planning Commission and Dan Cross about Cloverly.
- Walk thru and acceptance of softball field at Veterans Park.
- Took Councilmember Schwartz on town of the Town Water & Sewer facilities.
- Attended MML meeting at Springfield Farm in Williamsport.
- Multiple face to face and phone meetings with town residents handling complaints, concerns and general conversations and questions about billing, future projects for the town, etc.

APPROVAL OF DEPARTMENTAL REPORTS:

Planning & Zoning Department
Police Department
Public Works

On a motion by Councilmember Fritsch, second by Councilmember Schwartz to approve the departmental reports as presented. **Motion carried.**

APPROVAL OF COMMISSION REPORTS/ MINUTES:

Economic Development Commission
Parks Commission
Planning Commission
SCAC
Library Advisory Board

On a motion by Councilmember Fritsch, second by Councilmember Gonzalez to approve the commission reports as submitted. **Motion carried.**

Citizen Comments:

No Citizen Comments

OLD BUSINESS:

Consider Approval of Ordinance 2024-06 Cable Franchise Agreement with Antietam Cable: **On a motion** by Councilmember Snyder, second by Councilmember Schwart to approve Ordinance 2024-06 Cable Franchise Agreement with Antietam Cable. **Motion carried** with Councilmember Fritsch abstaining.

Consider Approval of Ordinance 2024-05 Cable Franchise Agreement with Comcast: **On a motion** by Councilmember Snyder, second by Councilmember Gonzalez to approve Ordinance 2024-05 Cable Franchise Agreement with Comcast. **Motion carried** with Councilmember Fritsch abstaining.

Discuss/ Consider Mayor and Council Meeting Rules and Procedure Updates: On a motion by Councilmember Snyder, second by Councilmember Fritsch to approve the Mayor and Council Meeting Rules and Procedure as distributed. **Motion carried.**

Discuss Changes to the Town's Employee Handbook (Update Only): Laura Stover, from Smith Elliott and Kerns stated she took what was existing in the town handbook and made it compliant. Town Manager, Brian Brandt wanted to make sure Council was okay with the change in the employee hours. Public Works, the Clerk Treasurer and the Main Street Coordinator will work from 7:00 AM to 3:30 PM, except the weeks with water disconnects someone from Public Works will work 8:00 AM to 4:30 PM. **On a motion** by Councilmember Snyder, second by Councilmember Gonzalez to accept the change in hours, at the convenience of the Town Manager. **Motion carried.**

NEW BUSINESS:

Discuss/ Consider Police Department Speed Camera Fund Purchase Request: Chief Robert Marker requested \$5,791.67 from the Speed Camera for Power DMS, a power policy and management platform, for the Police Department. The platform will require a yearly subscription fee of \$4,550.00 which will be budgeted going forward. The service allows you to update and disseminate policies throughout your agency. Allows Inservice training not done in person to be track, officers will receive emails on what Inservice training is needed. **On a motion** by Councilmember Snyder, second by Councilmember Gonzalez to take \$5,791.67 from Speed Camera funds for the initial payment and to budget \$4,550.00 going forward. **Motion carried.**

Discuss/ Consider Appointment of Eric Moser to Planning Appeals Board: On a motion by Councilmember Fritsch, second by Councilmember Gonzalez to appoint Eric Moser to the Planning Appeals Board. **Motion carried.**

Discuss/ Consider Parks Commission approval to pursue CP&P Grant for Lions Park: Councilmember Gonzalez stated the Parks Commission has been doing a good job pursuing grants for the parks, therefore they should be allowed to continue to pursue the CP&P Grant. Town Manager, Brian Brandt stated the Public Works Department looked into removing the old equipment and it would be too much to do, therefore he requested funds up to \$5,000.00 from the Grant Reimbursement fund to have the Playground Specialist remove the old equipment. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to approve the Parks Commission pursuing the CP&P Grant for Lions Park. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Gonzalez to approve the request from the town manager to have Playground Specialist remove the old equipment for a cost not to exceed \$5,000.00, and funds coming from the Grant Reimbursement fund. **Motion carried.**

Discuss/ Consider Amendments to Town Code Section 284 "Peddling and Soliciting": Chief Marker stated that when Officer Dove was hired as the Code Enforcement Officer, she was task with contacting other Municipalities for their Ordinance on Peddling and Soliciting. The best practices from each municipality were then compiled into a document and forwarded to the Town Attorney to update the Ordinance. After some discussion it was decided to put the document out to the public for 30 days for comment. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to table this item until the September 17, 2024 Special Session. **Motion carried.**

Discuss Addendum to Access Easement Agreement: Town Attorney, Edward Kuczynski stated an Ordinance was passed for the Access Easement Agreement with Grove Trust, however the Ordinance did not contain language the Railroad was looking for. The Railroad would like for the Town to sign a document that they will abandon the railroad crossing on the new road is constructed. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to introduce Ordinance 2024-07 Addendum to Access Easement Agreement. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Fritsch to close the regular session at 8:24 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" and section (3) "to consider the acquisition of real property for a public purpose and matters directly related thereto". **Motion carried.**

In attendance were Mayor Donald Souders, Councilmembers James Fritsch, Roberto Gonzalez and Jon Snyder. Councilmember David Dan was absent. Also in attendance was Town Manager Brian Brandt, Clerk/ Treasurer Jenni House, Police Chief Robert Marker and Town Attorney Edward Kuczynski. Chief Robert Marker was only present for the discuss of section (1).

On a motion by Councilmember Snyder, second by Councilmember Gonzalez to close the executive session at 8:44 PM and return to open session. **Motion carried.**

On a motion by Councilmember Snyder, second by Councilmember Gonzalez to accept the resignation of Assistance Clerk Treasurer, Charlotte Zies and waive all benefit liability. **Motion carried.**

Councilmember Remarks:

Councilmember Schwartz: Thanked Mayor and Council for quick information under fire. Congratulated Town Manager, Brian Brandt on the arrival of his new grandson.

Councilmember Fritsch: Thanked Charlotte Zies for her service and wished her the best.

Councilmember Gonzalez: Thanked Charlotte Zies for her service and wished her the best.

Councilmember Snyder: Thanked Charlotte Zies for her service and stated she will continue to be in his families' prayers. Stated National Night Out was another good event. Good things continue to happen for a reason.

- Next Regular Mayor & Council Meeting: Tuesday, September 3, 2024, 7:00 PM, Council Chambers
- Next Mayor & Council Special Session: Tuesday, September 17, 2024 7:00 PM, Council Chambers

Next Commission Meetings:

- Economic Development Commission: Thursday, August 22, 2024, 7:00 PM, Council Chambers
- Smithsburg Community Activities Commission: Tuesday, August 20, 2024, 7:00 PM, SCAC Meeting Room.
- Parks Commission: Monday, September 9, 2024, 7:00 PM, Council Chambers
- Planning Commission: Tuesday, August 20, 2024, 6:30 PM, Planning Room

MOTION TO ADJOURN

On a motion by Councilmember Snyder, second by Councilmember Fritsch to adjourn the meeting at 8:48 PM. **Motion carried.**

Respectfully submitted,

Jenni House
Clerk/ Treasurer