

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
MONDAY, DECEMBER 4, 2017**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, December 4, 2017 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building. In attendance were Mayor Howard Long, Assistant Mayor Cynthia Kauffman, Council Members Janeen Solberg, Brigitte Schmidt, Rick Byrd, Marilee Kerns and Terry Davis. Also present were Town Manager Megan Clark, Attorney William Wantz, Police Chief Charles Stanford and Administrative Assistant Kimberly Miller. The meeting convened at 7:00 PM with the pledge and the invocation offered by Mayor Long.

APPROVAL OF REGULAR MEETING AGENDA

Mayor Long requested the approval of the December 2017 Regular Meeting Agenda. **Motion** by Council Member Solberg, second by Assistant Mayor Kauffman to approve the December 2017 Regular Meeting Agenda, and motion carried.

REVIEW AND APPROVAL OF NOVEMBER 2017 MEETING MINUTES and REPORTS

- **Motion** by Assistant Mayor Kauffman, second by Council Member Byrd to approve the **November 6, 2017 Regular Meeting** and the **November 20, 2017 Workshop Meeting Minutes**. Council Member Solberg stated that she submitted an amendment to the Regular Meeting Minutes to Administrative Assistant Miller for her name to replace Council Member Schmidt's name in the Police Department discussions. **Motion** carried.
- **Motion** by Council Member Schmidt, second by Assistant Mayor Kauffman to approve the **November 2017 Treasurers Report**. **Motion** carried 5-0 with Council Member Kerns abstaining.
 - Town Manager Clark stated that the \$2,000,000 BRF Grant was received on November 30, 2017 and directly deposited into the General Fund Checking Account. She stated that the Grant funds will be transferred to the Waste Water Treatment Plant Construction Account.
- **Motion** by Council Member Schmidt, second by Council Member Davis to approve the **November 2017 Bills to be Paid Report**. **Motion** carried 5-0 with Council Member Kerns abstaining.
 - Council Member Kerns stated that the Police Department *Vehicle Maintenance* Budget line item is over budget and asked where the additional funds will be coming from. Police Chief Stanford stated that funds will be used from the Police Department *Equipment* Budget line item to balance the Budget.

GUESTS

Boy Scout Matthew Keesecker, from Troop 62, attended the Meeting as a requirement for this Communication Merit Badge.

CITIZENS COMMENTS

- **Bob Sweeney**, 14 Knode Circle. Stated that since the Attorney General refused to issue comments regarding the Referendum the Mayor stated at the last Council Meeting that individuals could submit legal opinions at this Meeting, and that he told Council Member Kerns that she could submit legal information and that he was in the wrong because she was not the person who submitted the Referendum. Stated that he, Bob Sweeney, was the person who submitted the Referendum and that he will submit an Attorney letter with legal opinions when the Agenda item is discussed. Stated that he has prepared a statement that he wants to be included in the Minutes (*the following was read and a written copy was presented to Administrative Assistant Miller to include in these Minutes*):
 - The review of all of the actions taken by the Mayor and certain Council Members also raise the following questions that must be answered for the Tax payers:
 1. Why did the Town Manager contact the Town Attorney to address how to deal with a Referendum on July 6th when the Petition wasn't submitted until August 25th?
 2. Was this an effort to find a legal position to disenfranchise the voters?
 3. Why wasn't the Budget on the August 7th Agenda when the Attorney's letter to the Mayor was dated July 2017? And referenced the Mayor's desire to discuss the Budget at the August Council Meeting?

4. Why were the Mayor and select Members of the Council knowledgeable about the intent to add the Budget to the August Agenda and other Council Members not informed?
 5. Were select Members of the Council coached on how to proceed for the August 7th Meeting?
- **Tony Nally**, 110 David Drive. Stated that after the Public Safety Commission went through all the work of having the State Highway Administration submit a Traffic Report for the Town, the Mayor and Council just voted down all of the recommendations due to a few businesses not wanting to lose their parking spaces. Stated that it is hypocritical that 1,000 residents petitioned to stop the Water and Sewer Rate Increases and nothing has been done.
 - **Rick Weaver**, 8 Knode Circle. Asked how much more tax money is the Mayor and Council willing to spend on unnecessary items. Asked if the Mayor and Council feel that they have done enough to make a difference and asked what kind of legacy they want to leave behind.
 - **Christy Weaver**, 8 Knode Circle. Stated that her father helped establish the South Mountain Little League in 1970 and that she is speaking out about the name change. Stated that all of the relatives of the founding members are upset and that no one asked their opinion on the change. Asked that the Mayor and Council do what is right for the kids and asked that they look further into the name change.
 - **Stu Mullendore**, 3 Maple Avenue. Provided a written submission for the Mayor and Council. Stated that there are two abandoned vehicles at the rear of his property that have been there for 15 years. Asked for action to be taken and was told that 'no parking' signs would need to be posted before the Police Department could take action. Stated that nothing has been done. Stated that he read Ordinance 2006-006; *Ordinance for Adoption of the International Property Maintenance Code*, and based on the International Property Maintenance Code he is requesting that the abandoned vehicles be removed.
 - **Tracy Carr**, 4 Knode Circle. Stated that she needs clarification on the Rate Increase and Debt problem that the Town has. Stated that there has been 3-years of Rate Increases, that the Town deferred the MDE loan payments and made the USDA loan payments. Asked where did all the Tax Revenue go? Stated that it was voted on the increase the Water and Sewer Rates again and asked where is that money going to go? Asked the Mayor what his plan is to make the Town financially healthy?
 - **Michael Guernieri**, 418 North Main Street. Stated that he is here to urge the Mayor and Council to vote in favor of the Agenda item to send the letter to Governor Hogan in opposition of the TransCanada fracked gas pipeline construction through Maryland.

PRESENTATIONS

Proclamation Presentation to the 225th Anniversary Committee: Mayor Long presented the 225th Anniversary Committee with a Proclamation thanking them for hosting the year-long Town Anniversary event. Committee Member Amy Gibson extended a special thank you to Chuck Schwalbe and George Messner for their dedication throughout the year.

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

- **Council Member Byrd** stated that the Public Works staff did a great job decorating Shafer Park and the Town for the Holidays, and that he personally thanked Superintendent Greg Huntsberry.
- **Mayor Long** thanked the Park Board, Town staff and all of the volunteers who helped make Olde Tyme Christmas a great success. He stated that it was a wonderful event.

Police Department Report – Chief Stanford. The Police Department received 152 calls for service, which included 126 motor vehicle violator contacts for the month of November 2017. There were 2 adult criminal arrests for warrants, 0 adult traffic arrests, 0 juvenile arrests and 0 juvenile traffic arrests. Stated that the Department collected 5.5 pounds of prescription drugs through the Drug Turn-In Program for the month of November 2017.

- **Council Member Solberg** stated that she has been hearing a lot about vandalism in Town, specifically in Crestview and Shafer Park. Chief Stanford stated that there is no additional information to go on right now regarding the vandalism. He stated that 12 street lights had the glass broken out of them in Crestview on Saturday night. He further stated that he has heard nothing regarding vandalism in Shafer Park.

UNFINISHED BUSINESS

Referendum Request: Mayor Long reviewed that the Town received a letter from the State Attorney General regarding the Referendum and that the Attorney General would not be rendering an opinion, therefore it was announced at the November Regular Meeting that the Town will be accepting letters from any petitioner or interested person who would like to submit their own legal opinions regarding the Referendum. Mr. Bob Sweeney submitted his letter to the Mayor and Council. Council Member Schmidt stated that Town Manager Clark and she have both been in contact with Jim Peck, MML Director of Research and Information Management, regarding his opinion on the Referendum. She reported that Mr. Peck has advised them that he supports the legal guidance that Attorney Wantz has provided to the Town. Mayor Long stated the opinion received would be reviewed.

NEW BUSINESS

Request to Send Letter Against Proposed TransCanada Pipeline: Mayor Long reviewed that Kathy Vesely, Chairperson of the Boonsboro Environmental Commission, presented a request, on behalf of the BEC, for the Mayor and Council to send a letter from the Town to Governor Hogan to encourage him to not sign the TransCanada agreement and stop the TransCanada fracked gas pipeline construction through Maryland, and to request that MDE conducts a thorough review of the pipelines impact on the area. Assistant Mayor Kauffman stated that she fully supports the BEC's efforts and sending the letter to Governor Hogan. **Motion** by Council Member Schmidt, second by Assistant Mayor Kauffman to approve sending the letter against the TransCanada fracked gas pipeline construction to Governor Hogan, with Council Member Kerns abstaining because of an employment conflict of interest, and motion carried 5-0.

Request for Donation; American Legion Post 10 Ladies Auxiliary Christmas Party: Town Manager Clark stated a donation requested was received from the American Legion Post 10 Ladies Auxiliary for the annual Children's Christmas Party held on December 3, 2017, which is open to all children in the community ages 12 and under. She stated that the Town's annual donation has been \$100. Mayor Long stated that the event hosted 92 children this year. **Motion** by Council Member Schmidt, second by Council Member Byrd to approve the donation of \$100 to the American Legion Post 10 Ladies Auxiliary for the Annual Children's Christmas Party, with Assistant Mayor Kauffman abstaining because she is the Treasurer of the Ladies Auxiliary, and motion carried 5-0.

Request to Bid:

- **Professional Audit Services** – Town Manager Clark stated that she is requesting approval to advertise the Request for Proposals for the Professional Audit Service for the Fiscal Year ending June 30, 2018 for the General, Water and Sewer Funds, with the option to extend for four 1-year term extensions of the contract. She stated that she plans to advertise the RFP in the Herald-Mail Newspaper, the Town and MML websites, and the Maryland E-bid site, with proposals due on January 22, 2018. **Motion** by Council Member Solberg, second by Assistant Mayor Kauffman to approve the advertising of the Professional Audit Services Request for Proposals, and motion carried.
 - Council Member Kerns requested that the Town Manager follows up with other Municipalities to see which Auditing Firms they use so that the Council can make sure we are receiving competitive bids.
- **Retirement Administration Services** – Town Manager Clark stated that she is requesting approval to advertise the Request for Proposals for the Retirement Administration Services for the Fiscal Years ending June 30, 2018, June 30, 2019 and June 30, 2020 with the option to provide for two 1-year extensions of the contract. She stated that she plans to advertise the RFP in the Herald-Mail Newspaper, the Town and MML websites, and the Maryland E-bid site, with proposals due on January 22, 2018. **Motion** by Council Member Schmidt, second by Council Member Solberg to approve the advertising of the Retirement Administration Services Request for Proposals, and motion carried.
- **Residential Trash and Recycling Collection Services** – Town Manager Clark stated that she is requesting approval to advertise the Request for Proposals for the Residential Trash and Recycling Collection Services for the time period of July 1, 2018 through June 30, 2019 with the option of awarding the contract for a 3-year period for trash and single stream curbside recycling collection services, two dumpsters for Town properties, and alternate bids to provide twice-a-year residential bulk collection and the 3-year contract extension option. She stated that she amended the RFP to include the options for 'different days of the week' pick-ups and tipping at other landfills, noting that she did maintain the 1-time a week trash pick-up and the 1-time a week recycling

pick-up in the RFP. She further stated that she plans to advertise the RFP in the Herald-Mail Newspaper, the Town and MML websites, and the Maryland E-bid site with proposals due on January 23, 2018. **Motion** by Assistant Mayor Kauffman, second by Council Member Davis to approve the advertising of the Residential Trash and Recycling Collection Services Request for Proposals, and motion carried.

- Council Member Solberg stated that she did check the Washington County Landfill invoices and the Town is receiving a discounted tipping fee charge of \$42 per ton, whereas the regular tipping fees is \$50 per ton.

American Revolution Request for Exhibit: Town Manager Clark reviewed that Sarah Meschutt, Senior Curator of The Jamestown-Yorktown Foundation, presented the request at the November Regular Meeting to borrow the Mount Aetna Revolutionary War Cannon located in Shafer Park to be used as part of the *Blast from the Past; Artillery in the War of Independence* exhibit, which will run from June 1, 2018 through January 5, 2019, at the new American Revolution Museum at Yorktown, Virginia. She reviewed that the Incoming Loan Agreement terms are from February 1, 2018 through February 5, 2019. **Motion** by Assistant Mayor Kauffman, second by Council Member Byrd to approve the loan agreement of the Mount Aetna Revolutionary War Cannon located in Shafer Park to the American Revolution Museum at Yorktown, Virginia, and motion carried.

- Council Member Kerns stated that she feels that the \$5,000 insurance valuation is rather low and recommends that the Town has the cannon appraised and covered for a higher insurance bond amount. **Motion** by Council Member Kerns, second by Assistant Mayor Kauffman to approve that the cannon be appraised and insured for the fair market value with the addition of repair costs, and motion carried.

South Mountain Little League (SMLL) Name Change: Town Manager Clark reviewed that South Mountain Little League President Ernie Harr announced at the November Workshop Meeting that the SMLL Board and Little League International Charter Committee have approved the name change of the South Mountain Little League to the South County Little League (SCLL). She stated that the newly named South County Little League is requesting that the Town approve and execute an Amendment/Addendum to the existing Land Use Agreement to reflect the name change. Mr. Harr asked to address the Council based on Ms. Weaver's earlier comments. Mr. Harr stated that it has been a very long process to combine the SMLL and the Sharpsburg Little League, and that it has taken many years to complete. He stated that there are 39 people on the combined SCLL Board and that the name change passed unanimously. He further stated that by merging the two Leagues there will be more play options, more playing fields and more teams to play against. Mr. Harr explained that all schools that feed into Boonsboro Middle and High Schools are in the SCLL Boundary, including Boonsboro Elementary, Greenbrier Elementary, Pleasant Valley Elementary and Sharpsburg Elementary, noting that by Little League rule, if a player lives in the SCLL boundary or attends any of the listed schools in the SCLL boundary, they are eligible to play at SCLL. Council discussed the changing of South Mountain Little Leagues name and concerns that the newly merged League will not discriminate against other Leagues in the area that may request to use the Little League Fields. Mr. Harr stated that SMLL has never received a request that they denied when the fields were available to play on and that field requests will still be approved depending on availability. He stated that SMLL has always combined players with Sharpsburg Little League for the Junior and Senior Leagues. Mayor Long asked for Attorney Wantz's opinion on the approval of the Amendment/Addendum to the existing SMLL Land Use Agreement. Attorney Wantz stated that with the combining of the two Little Leagues, South Mountain Little League will be the surviving entity after the merger and is simply changing its name to South County Little League. He stated that this is not a Town issue. He stated that the Council does not need to vote to amend the Agreement and that South Mountain Little League simply needs to notify the Town when the new name, South County Little League, is effective.

COMMISSION REPORTS

Public Safety Commission – R. Byrd. No meeting was held during the month of November 2017.

Park Board –M. Kerns. No formal meeting was held during the month of November 2017 other than the informal Olde Tyme Christmas event set-up meeting. Reported that Olde Tyme Christmas was a great success.

Utilities Commission – T. Davis. Meeting held on November 9, 2017. Discussions included an update on the Sewer Line Replacement Project and the Fiscal Year 2018 Budget Implementation regarding the Mayor and Councils decision to

table the discussion of the BMUC's recommendation that the \$2 million Bay Restoration Fund (BRF) Grants be used to pay off the WWTP MDE loan in full and to use the remaining funds for make scheduled payments to the Community Development Administration (CDA) Bond until funds are exhausted and the approval of the motion to request that the Mayor and Council pursue Legislative relief of the existing constraints associated with the use of the funds in both the Grant legislation and the Debt vehicles' structures, specifically the USDA Bond. New Business discussions included the Water and Sewer Reserve Funds.

- Council Member Davis suggested that reading the BMUC Meeting Minutes from 2007 until present will give people a better understanding of the current Water and Sewer situation. He stated that the previous BMUC Members deferred maintenance on the lines for years and years.

Planning Commission –J. Solberg. Meeting held on November 28 2017. Discussions included the approval to revise the Zoning Text Amendment for Temporary Storage Facilities to include emergency situation where a temporary storage container may be a necessity, the approval of the AC&T Request for Plan Change and the approval to recommend a Request for Variance at 136 Orchard Drive to the Board of Zoning Appeals.

Economic Development Commission –C. Kauffman. The next Networking Breakfast was held on November 17, 2017 at 7:30am at Vesta's Restaurant, with guest speaker Mary Helen Dennis from My Confidant, Inc. Stated that the next EDC Meeting will be held on December 20, 2018 in the Meeting Chambers at 9:00am.

Environmental Commission – B. Schmidt. Meeting held on November 14, 2017. Discussions included the appointment of Amy Jones as the BEC Secretary, the draft letter from the Town to Governor Hogan to encourage him to not sign the TransCanada agreement and stop the TransCanada fracked gas pipeline construction through Maryland, the Sustainable Maryland Certified Award and Subcommittee Reports.

Town Manager Report – M. Clark.

- Stated that that she will be submitting the Annual Program Open Space (POS) request to Washington County for their consideration, noting that the Park Board is recommending the overlaying of the existing walking paths in Shafer Park.
- Stated that she submitted request for the Final Project approval to MEA for the \$25,000 Grant Project.
- Stated that the Planning and Zoning Administration was busy during November with two Administrative Appeals, one Variance Request and several meetings with developers regarding future developments in Town.

Motion by Council Member Byrd, second by Council Member Kerns to close the Regular Meeting at 8:25pm, and motion carried.

Respectfully submitted,
Kimberly A. Miller, *Administrative Assistant*

BOONSBORO MAYOR & COUNCIL
MONDAY, DECEMBER 18, 2017
WORKSHOP MEETING

The Mayor and Council held their Workshop Meeting on Monday, December 18, 2017 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building to set the Regular Session Agenda for Tuesday, January 2, 2018. Present were Mayor Howard Long, Assistant Mayor Cynthia Kauffman, Council Members Janeen Solberg, Brigitte Schmidt, Marilee Kerns and Terry Davis. Also present were Town Manager Megan Clark, Attorney William Wantz, Police Chief Charles Stanford, Budget Task Force Chairman Ernie Harr and Administrative Assistant Kimberly Miller. Council Member Rick Byrd was absent. The meeting convened at 7:00 PM.

Referendum: Mayor Long stated a petition was received to not increase the water and sewer rates. As a result, he asked Attorney Wantz to revise since this was the first petition received. After Attorney Wantz provided his opinion, a request was made to the State's Attorney Generals Office for an opinion. After the Attorney General did not issue an opinion, other opinions were requested to consider all points of view. The Town received an opinion back from MML and from another attorney. Since there is agreement from all opinions that you cannot petition an administrative action, a referendum will not be held on May 8, 2018. Water and Sewer rates will be effective as adopted. Mayor Long stated he also was recently informed that the BMUC has stated the rates would not go into effect until January 1, 2018, and so an increase will not show on bills until the March billing.

- Bob Sweeney, 14 Knode Circle. Stated that he has not been contacted by the Town or the Town Attorney as requested in regards to the submitted legal opinion from Attorney Wilkinson. He asked why there are no recording of the August 7, 2017 Meeting and why the Meeting Minutes were reviewed by the Town Attorney. He stated that this is an Open Meeting Act violation.

Mayor Long asked if there were any further comments. Council Member Kerns stated that the Mayor reading a statement is not a discussion. She stated that Council Members were blindsided at the August 7, 2017 Meeting and that the Fiscal Year 2018 Budget and BMUC Water and Sewer Rates were intentionally omitted from the Agenda until the Meeting. Mayor Long asked if there were any additional comments. Council Member Kerns stated that it's pathetic that 1,000 people signed a petition and nothing is being done. Council Member Davis stated that he doesn't want his Water and Sewer Rates to increase either, but residents have to understand that the raising of Rates is for a service that the Town provides. Council Member Kerns stated that the General Fund has overburdened the Water and Sewer Funds. Assistant Mayor Kauffman stated that the General Fund has not put additional burden on the Water and Sewer Funds, noting that aging infrastructure repairs cost a lot. She stated that the goal has always been to have the BMUC be more self-sufficient. Council Member Schmidt stated that when information isn't shared equally, as in the case with the August 7, 2017 Agenda, it makes you feel devalued.

Zoning Text Amendment: Town Manager Clark reviewed that the Planning Commission unanimously approved the recommendation to the Mayor and Council to approve a Zoning Text Amendment to address temporary portable storage containers, and that the Council, at the October Workshop Meeting, requested that the Planning Commission revise the ZTA based on their comments to provide provisions for hardship cases. She provided the updated Ordinance 2017-03; *An Ordinance to Amend and Add Certain Provisions to the Zoning Ordinance to Allow for Storage Containers as Temporary Uses with Changes Relating to its Text* for the Councils' review and input. She stated that she is recommending the Introduction of Ordinance 2017-03 at the January 2018 Regular Meeting and the scheduling of a Public Hearing thereafter.

- Bob Sweeney, 14 Knode Circle. Asked the Council what are "other portable structures," noting that many storage containers and sheds are delivered on skids.
 - Town Manager Clark stated that the ZTA is referring to "other portable structures" as metal sea-containers or cargo containers. She stated that all residential storage sheds require a Town Permit and must be permanently secured to the ground.

Council Member Kerns stated that she feels amending the Zoning Ordinance will only create unnecessary problems and that it is just another way to charge residents more money. She asked how many complaints have been received regarding temporary portable storage containers and requested a list of the complaints that the Town has received. Mayor Long stated that Ordinance 2017-03 will be Introduced at the January 2018 Regular Meeting.

Budget Task Force Update: Ernie Harr, Chairman of the Budget Task Force, provided an update and summary to the Mayor and Council on the meeting discussions of the Task Force. He stated that the Task Force only has four more upcoming scheduled meetings and that they are working towards preparing their Report, which they plan to present at the January

Workshop Meeting. He provided the *Stakeholder Priorities for December 2017* for the Councils' review and input, noting that the Budget priorities should closely match the common goals of the Stakeholders. He stated that the Task Force will work on categorizing the Stakeholder Priorities and putting aside the items that the Council has no control over. He suggested that each of the Council Members select up to 5 items from the *Stakeholder Priorities* list and possibly hold a separate Workshop Meeting to review those goals. Mayor Long thanked Mr. Harr for the hard work of the Budget Task Force and stated that he plans to keep the Task Force as a permanent group. Members of the Council also stated that they appreciate all of the hard work and dedication of Mr. Harr and the Task Force.

Motion by Council Member Schmidt, second by Council Member Davis to close the Workshop Meeting at 7:40pm, and motion carried.

Respectfully submitted,

Kimberly A. Miller
Administrative Assistant

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, famillal status, religion, or disability. To file a complaint of discrimination you may file in person with, or write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800)795-3272 (voice) or (202)720-6382 (TDD)".