

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
MONDAY, JANUARY 7, 2019**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, January 7, 2019 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building. In attendance were Mayor Howard Long, Assistant Mayor Rick Byrd, Council Members Marilee Kerns, Ray Hanson, Terri Hollingshead, Tony Nally and Ricky Weaver. Also present were Town Manager Paul Mantello, Town Planner Ethan Strickler, Office Manager Kimberly Miller and Police Chief Kevin Morgan. The meeting convened at 7:00 PM with the pledge and invocation offered by Mayor Long.

REVIEW AND APPROVAL OF DECEMBER 2018 MEETING MINUTES and REPORTS

- **Motion** by Council Member Kerns, second by Council Member Weaver to approve the **December 3, 2018 Regular Meeting**. **Motion** carried.
- **Motion** by Council Member Nally, second by Council Member Hanson to approve the **December 2018 Treasurer's Report**. **Motion** carried. Council Member Kerns provided the following Report:
 - Council Member Kerns stated that she is investigated what can be done with the remaining funds of \$ from the BRF Grant and found no restriction on those funds. She stated that those reserves should be moved into an interest-bearing account as soon as possible, pending the BMUC's recommendation.
 - Council Member Kerns has a CD that matures in the amount \$94,465.96. She asked the Council if they wanted to move those funds into another CD, noting that BB&T Bank has an 11-month CD at 1.75% and a 6-month CD 1.4% and Wells Fargo 3-months at 2.3%, 6-months at 2.4%, 12-months at 2.5% and 2-years at 2.75%. She stated that Middletown Valley Bank had not gotten back to her, but that the funds are currently earning 1.13% in the MVB checking account. **Motion** by Council Member Nally, second by Council Member Hollingshead to invest \$95,000 in the 6-month CD at 2.4% with Wells Fargo unless Middletown Valley Bank has a better rate. **Motion** carried.
 - Council Member Kerns stated that the Town received a letter of transmittal to tender shares of non-plan book entry common stock with Principal Financial Group, with no background as to how those shares were obtained. She stated that they are offering the tendered amount of \$40 per share, totaling the amount of approximately \$8,000. **Motion** by Council Member Kerns, second by Council Member Nally to cash out the Town's stock with Principal Financial Group. **Motion** carried.
- **Motion** by Council Member Weaver, second by Council Member Hollingshead to approve the **December 2018 Bills to be Paid Report**. **Motion** fails with all Council Members voting nay. Council Member Kerns made the recommendation to hold the National Road Heritage Foundation check until the Council reviews the Fiscal Year 2018 Budget to see if funds are available. Mayor Long reminded the Council that the National Road Heritage Foundation donation is funded through the Washington County Hotel/Motel Tax. **Motion** by Council Member Kerns, second by Council Member Nally to approve the **December 2018 Bills to be Paid Report** National Road Heritage Foundation check National Road Heritage Foundation check. **Motion** carried.

PUBLIC COMMENTS

- **Steven Conway, Boy Scout Troop 20.** Attending Meeting for his Merit Badge.
- **Bertrand Davis, 907 Brookridge Drive.** Stated that his wife Krista Davis was the Town Manager for 90-days. Stated that Mayor Kauffman stated before the last election that the Council needs to leave their personal agendas and vendettas at home. Stated that this Council has done a really poor job of that and it became prevalent at the November Meeting when Terry Davis had a nomination for the BMUC Chairman, which was voted down by this Council. Stated that Terry Davis has a huge amount of qualifications, served on the BMUC for many years and is on the BKRWA Board, and is more suited to be on the BMUC than the person that the Council did appoint, a person who complains a lot to the Mayor, shows a lot of disrespect and missed the application deadline to apply for the BMUC position. Asked that the Council leave their personal agendas and vendettas to the side going forward and do the best for the Town. Stated that his wife served as the Town Manager for 90-days and left the position due to lack of respect from this Council. Stated that it's not a secret that Council Member Kerns helped the new Council Members get elected, noting that Council Member Kerns came to his house prior to the election and handed him a campaign flier supporting that. Stated that the Council works for the Town, not Council Member Kerns, that she is not the boss. Stated that he and the other 3,000 residents of this town are who the Council works for, noting that when making decisions and proposals that they do what is in the best interest of the Town.
- **Tyler Hornbecker, Edward Jones Investments.** Stated that Edward Jones Investments will soon be opening an office on North Main Street in The Columbia Bank building. Stated that he looks forward to working with the Town.

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

State of the Town Address as presented by *Mayor Howard Long*.

While challenging at times, the Town of Boonsboro has continually maintained its efforts to focus on the following five goals:

1. Maintaining its existing infrastructure and implementing the Capital Improvement Plan to achieve strong public benefit;
2. Promoting economic development to encourage investment in the Boonsboro community;
3. Providing quality policing and public safety;
4. Expanding and maintaining parks and recreational opportunities to promote wellbeing; and
5. Consideration of the environment to assure a sustainable community.

2018 saw numerous good staff members leave the Town. We had two Town Managers leave the Town, one having been with the Town for 10 years and had several accomplishments. The other lasted on a few months. We lost our Town Engineer who was working on improvements to our sewer lines. Prior to his leaving, our I&I at the Waste Water Treatment Plant dropped 33%. He also designed the Park Sewer Main Replacement. We also lost our BMUC Chairman who had worked hard to turn the Commission around. Our Chief of Police also decided to retire from his position. On a positive note, this past year we hired a young aggressive man to take over our Planning Commission and he has jumped right in there and has done a great job. In the last part of the year, we hired another young aggressive man as our Town Manager who will do well as our Town Manager. We have also promoted in our Police Department our Sergeant to Chief of Police and hired an Administrative Assistant to the Police Department. Throughout 2018, actions of the many volunteers, Board and Commission Members, staff and Town Council have made 2018 another successful year for the Town.

A few of these actions include:

- Recertification of Sustainable Maryland Certified
- Park Sewer Main Replacement Project awarded to Excavating Associates (This Project is now complete and should help keep stormwater out of our Waste Water Treatment Plant)
- In April, hired Town Planner Ethan Strickler
- Held Municipal Election on May 8. Elected Assistant Mayor Rick Byrd and new Council Members Terri Hollingshead, Tony Nally and Rick Weaver
- Appointed Ray Hanson in July to fill vacant seat of Rick Byrd, since he was elected to Assistant Mayor
- The BMUC Awarded the Water System Master Plan and Hydraulic Modeling Project to Whitman, Requardt and Associates
- Council approved the Public Safety Commissions SHA Traffic Study recommendation to upgrade the traffic turn lane at the Square. This has been completed and for the most part is working.
- Council approved the Public Safety Commissions SHA Traffic Study recommendation to remove the first parking space at the intersection of Shafer Park Drive and North Main Street at the Trolley Station and National Road Museum and to change the two remaining parking spaces to handicapped parking. This has not been completed but should be done in 2019.
- The Police Department has a young gentleman, Caleb Wade, in the Police Academy, and Dave Rizer has been hired as a part-time officer, along with Amy Rudy as the Police Department Administrative Assistant.
- Paul Mantello was hired as the Town Manager in November
- Several new businesses have opened in the Town limits and around the area of the Town
- More security cameras have been installed which has helped control crime and helps when a crime is committed.

These and the many other actions throughout the year could not have been completed without the dedication of the staff and volunteers that the Town continually relies upon. In 2018, the Town moved its banking from BB&T to Middletown Valley Bank for a better investment rate and to cut down on annual fees. As stated in last years report, we had applied for a \$2 million-dollar grant with MDE and it was going to be awarded to the Town., The Town has received the grant and has paid off the MDE loan on the Waste Water Treatment Plant. Moving forward into 2019, the Town will continue to make improvement to infrastructure, economic development, growth, public safety, parks and recreation and environmental considerations. Thank you to all the volunteers, Board and Commission Members, staff and Council for continually helping to make Boonsboro the best small town in the Tri-State area.

Police Department Report – Interim Chief Morgan.

The Police Department received 28 calls for service, which included 39 motor vehicle violator contacts for the month of December 2018. There were 3 adult criminal arrests, 0 adult traffic arrest, 1 juvenile arrest and 0 juvenile traffic arrests. The Department collected 0 pounds from the Drug Turn-In Program.

- Chief Morgan stated that Drug Turn-In box is still at the Police Department and that the Washington County Health Department will be taking care of the collections.
- Chief Morgan the two 2006 Ford Escapes were auctioned by J. G. Cochran Auctions for the amount totaling \$1,950. Stated that he still has plans to sell or auction the four Barretta handguns.

NEW BUSINESS

Proclamation - Boonsboro School Choice Week: Mayor Long read the Boonsboro School Choice Week proclamation, declaring that the Town will recognize January 20 to 26, 2019 as the week to raise awareness of the need for quality education, in conjunction with National School Choice Week. **Motion** by Assistant Mayor Byrd, second by Council Member Nally to approve January 20 to 26, 2019 as Boonsboro School Choice Week. **Motion** carried.

Donation Policy Revision – Amendment to Policy Manual: Town Manger Mantello present the request to amend the Town Policy Manual's Donation Policy for the Councils review and input. He stated that proposed revisions include that organizations requesting funds totaling \$1,000 or more need to apply by completing an application form, providing proof of current 501(c) tax status, and requesting a hearing at least 90 days before the Town's Fiscal Year begins, noting that organizations may also be required to provide current audited financial statements, upon request by the Council. He further stated that proposed revisions include that organizations requesting less than \$1,000.00 and more than \$100.00 must submit a letter of request to the Town Manager citing the amount and purpose of the request 30 days before the Town's Fiscal Year begins, and organizations requesting a contribution of \$100 or less must submit a letter to the Town Manager citing the amount and purpose of the request. **Motion** by Council Member Kerns, second by Assistant Mayor Byrd to approve the amendment to the Policy Manual, section MC05: Contributions to Non-Profit Organizations. **Motion** carried.

Request for Proposals – Civil Engineering Services: Town Manger Mantello stated that with Engineer Brian Hopkins resignation from ARRO Consulting and the 1-year service contract soon coming to an end with ARRO, he is recommending that the Town place a Request for Proposal for Civil Engineering Services out for bids. He presented the recommendation for the Councils review and input, noting that the Town has a need for a Civil Engineering Service on an as-needed basis. Council stated that the Utilities Commission should also have input on this RFP and that it should be reviewed with them at the Meeting on January 10, 2019. **Motion** by Council Member Nally, second by Council Member Kerns to approve the advertising of the Request for Proposals for Civil Engineering Services, contingent upon the BMUC's approval. **Motion** carried.

MDE Grant Application Update: Town Manger Mantello provided an update on the MDE Grant application for the Councils review and input. He explained that this is a recurring Grant and after speaking with Town Planner Strickler and Superintendent Shumaker, they plan on moving forward with the Loan/Grants applications for Drinking Water and for Water Quality Improvement Projects and Wastewater Improvement Projects, which are due on January 31. He stated that the Water priority Projects are the Shafer Park Well re-drilling and new pump installation and the possibilities of bringing the Crestview and Fletcher's Grove wells online. He further stated that the Wastewater priority Projects are the upgrading of the Waste Water Treatment Plant hardware and software through Aqua Aerobics, the Volute Press and I&I. Town Manger Mantello stated that he will provide updates as they become available. Council Member Kerns suggested bringing in a 'grant writer' to assist with Grant application submissions.

Discussion; Installation of French Drains to Mitigate Sump-Pump Drainage Running Across St. Paul and High Streets (Spot-installation at 104, 106 and 108 St. Paul and 16 and 28 High): Town Manger Mantello stated that Assistant Mayor Byrd brought a concern to the Council at the December Regular Meeting regarding issues with stormwater run-off on St. Paul Street coming from sump-pumps, running across the road and turning into ice, noting that this is also occurring on High Street. He stated that he is recommending the installation of French drains at 104, 106 and 108 St. Paul Street and 16 and 28 High Street to alleviate the issue, and that Superintendent Huntsberry said it should cost no more than \$500 and take 1-day to complete. Town Planner Strickler stated that the right-away on St Paul Street is wide enough to accommodate the French drains, but he is not sure about High Street, due to the proximity of the houses to the road. Council Member Kerns suggested installing the French drains on St. Paul Street first and see how they work for a month or so, then addressing the issues on High Street. **Motion** by Assistant Mayor Byrd, second by Council Member Weaver to approve the installation of French drains on St. Paul Street, and if they work, on High Street as well. **Motion** carried.

Take-Home Vehicle Policy Change – Amendment to Personnel Manual: Town Manger Mantello present the amendment to the Town Employee Personnel Manual's *Personal Use of Town Equipment* and to update the Manual to include a *Take-Home Equipment Policy* and *Rotation On-Call Program Policy* for the Councils review and input. He explained that after the last truck

repair, it was discussed that the Town should review the current take-home vehicle policy and see if anything could be amended. He stated that he did some research and determined that if you do not have a 'take-home policy' then you would need to adopt a 'rotation on-call program' for vehicle take-home use, noting that one employee from each department would be on-call each week and receive a shift-differential of approximately \$2 per hour for being on-call. He further stated given this scenario, he would recommend that both Superintendents be permitted to still take home their vehicles due to both being essential personnel and their need to quickly respond at any given time. Town Manger Mantello stated that after doing the math and thoroughly reviewing the current vehicle situation for 2016, 2017 and 2018, personnel are only using their vehicle to drive home and back, totaling approximately 77 hours per day, or 1,600 miles per month and 20,000 miles per year. He stated that if you assume the cost of \$12 to \$14 per gallon for fuel it totals around \$330 per month, or only 20% of the Town's month fuel cost. He further stated that he contacted LGIT and there are no stipulations or additional fees in our insurance policy for allowing our employee to take home their vehicles. Town Manger Mantello stated to do the rotation on-call program it would cost the Town approximately \$256 per week per department, or approximately \$2,448 per month. He stated that he met with the Town employees and they were all pretty upset about the potential of having their vehicles taken away, noting that his understanding is that it was offered to them as a *benefit* and part of their job that was when they were hired. He further stated that based on those findings it would be in the financial best interest of the Town to continue to allow the personnel to take home their vehicles and suggested maybe making the policy slightly more stick. Council Member Hanson asked if there were any restriction as to how far away an employee can take their vehicle home. Town Manager Mantello stated no, but currently the furthest drive is 22 miles round trip. Council Member Hanson asked if there are currently any restrictions or policies for employees who take home vehicles, such as no drinking or anything like that, in case they are called in for an emergency. Mayor Long stated that no, there is currently nothing in writing like that. Mayor and Council suggested tabling the Agenda item for now until the Town Manger can further review the take-home vehicle policy, establish an on-call policy and draft an RFP for a preventative maintenance program on all vehicles. **Motion** by Council Member Kerns, second by Council Member Hollingshead to table the Take-Home Vehicle Policy Change – *Amendment to Personnel Manual*. **Motion** carried.

Recommendation to Replace Step System with Merit-Based Pay-for-Performance System – Amendment to Personnel

Manual: Town Manger Mantello present the recommendation to amend the Town Employee Personnel Manual to replace the *Step System Pay Scale* with a *Merit-Based Pay-for-Performance System* for the Councils review and input. He explained that he is recommending that immediate supervisors start doing annual performance reviews on employees work anniversaries and then assigning a merit-based pay increases based on their year performance. He further stated that the Town currently gives an across the board 3% pay increase to all employees regardless of their performance on July 1 of each Fiscal Year, noting that by switching to a merit-based system pay increase could be broken down to 4%, 3%, 2%, 1% and no raise with a 60-day probation depending on the employees performance that year. Council discussed the advantages of changing the pay increase system but felt that additional fine-tuning needs to be completed before formal approval. **Motion** by Council Member Nally, second by Council Member Hanson to table the Recommendation to Replace Step System with Merit-Based Pay-for-Performance System – *Amendment to Personnel Manual* until it can be further reviewed by the Town Manager. **Motion** carried.

Resignation of Water Clerk: Town Manger Mantello stated that Water Billing Clerk Cindy Harris submitted her letter of resignation and that her last day will be January 16, 2019. He asked the Council how they wanted to proceed with filling the vacancy. Council suggested discussing the options with the Boonsboro Municipal Utilities Commission at their meeting on January 10 and then bringing their input to the Council at the January Workshop Meeting.

Mayor Long stated that the Workshop Meeting was originally scheduled for Monday, January 28 but that the Washington County Chapter of the Maryland Municipal League is holding their meeting that evening. He stated that the Workshop Meeting would be moving to Tuesday, January 22, 2019.

COMMISSION REPORTS

Public Safety Commission – T. Hollingshead. Meeting held on December 20, 2018. The NARCAN Training Session was held at 6:00pm before the PSC Meeting and was very well attended.

Park Board – R. Weaver. No formal Meeting held in December 2018.

Utilities Commission – T. Nally. Meeting held on December 13, 2018. Discussions included the need to appoint a Chair and the request to allow the Chair to be a voting Member of the Commission. According to the Charter, the Chair does not have a

vote, noting that this came about when Kevin Chambers was the BMUC Chair and a Town Council Member. Council Member Kerns suggested that we request a Charter review by the Maryland Municipal League and possibly establish a Charter Review Committee because there are a lot of items that need reviewed and amendment in the Town Charter.

Planning Commission – R. Byrd. Meeting held on December 18, 2018. Discussions included the Easterday Re-Zoning Request (BNRZ18-01, the Fletcher’s Grove Request to Amend the Concept Plan (BNCP18-02), an update on the High’s Convenience Store Site Plan Application for the Preserve at Fox Gap, an update on the “*Idea of Stormwater Benefit Charge for New Development*” Stormwater Conference on December 10 and the retiring of Commission Member David Ambrose who has served on the Commission for over 25 years.

Economic Development Commission – M. Kerns. Meeting held on December 19, 2018. Discussions included ideas to encourage residents to shop local, the Spring/Summer rack cards, the approval to advertise in the Hagerstown-Washington County CVB 2019 Visitor’s Guide, the plans to start holding Second Saturday events, the approval of the final draft of the Resident Information Guide, an update on the Holiday In Boonsboro Pop-Up Shops, the review of the year-to-date Budget and a the concern that the Main Street planters have not be taken care of since late Summer. The next Networking Breakfast will be held on January 17, 2018 at 7:30am at Vesta’s Restaurant, with guest speaker Becky Musser from Fahrney-Keedy.

Environmental Commission – R. Hanson. No formal Meeting held in December 2018.

Town Planner Report – E. Strickler. Stated that the Easterday Development formal recommendation will be presented at the February Regular Meeting. Stated that he is requesting that a Public Hearing be scheduled at 6:30pm before the February Regular Meeting for the requested Map Amendment. Stated that High’s Convenience Store has submitted their Site Plan.

Town Manager Report – P. Mantello

- Stated that the Town received the contract for the fireworks display for the Annual Independence Day event scheduled for July 3, 2019 from Fantastic Fireworks, Inc. for the total cost of \$5,100 to be split evenly between Fiscal Year 2018 and 2019. **Motion** by Assistant Mayor Byrd, second by Council Member Hanson to approve the July 3, 2019 fireworks contract with Fantastic Fireworks, Inc. for \$5,100. **Motion** carried.
- Stated that the Police Department’s two 2006 Ford Escapes were auctioned by J. G. Cochran Auctions for the amount totaling \$1,950
- Stated that the repairs to the Water/Wastewater 2008 Ford F350 truck were completed by Spoonire Auto Service and that they replaced the engine with a re-manufactured one
- Stated that he, Town Clerk Campbell and Council Member Kens met with Al Martin and will be meeting with him again next week to work on the Town’s accounting system and financials
- Stated that he plans to implement a new records management system at Town Hall
- Stated that that he and Superintendent Shumaker will be holding Water/Wastewater Operator interviews later this week
- Stated that it was discovered that the Keedysville Regional Water Board Account is currently registered under the Town’s Federal Tax Identification number, noting that the account was created to keep the Boonsboro and Keedysville funds separate. Stated that Keedysville will need to obtain their own Federal Tax Identification number.

Assistant Mayor Byrd stated that Boonsboro High School’s Coach Dwight Scott passed away on December 19, 2018 and a Memorial Service will be held on January 19, 2019 for him. He stated that he is recommending that the Town present a Proclamation at the Memorial Service and consider honoring him by placing a plaque in Shafer Park at the football fields.

Motion by Assistant Mayor Byrd, second by Council Member Hanson to close the Regular Meeting at 9:24pm and move into **Executive Session** as provided under General Provisions Article §3-305 (b)(1), subsection (i) to discuss the appointment, employments, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. **Motion** carried.

Respectfully submitted,
Kimberly A. Miller
Office Manager

BOONSBORO MAYOR & COUNCIL
TUESDAY, JANUARY 22, 2019
WORKSHOP MEETING

The Mayor and Council held their Workshop Meeting on Tuesday, January 22, 2019 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building to set the Regular Session Agenda for Monday, February 4, 2019. Present were Mayor Howard Long, Assistant Mayor Rick Byrd, Council Members Marilee Kerns, Ray Hanson, Terri Hollingshead, Tony Nally and Rick Weaver. Also present were Town Manager Paul Mantello, Town Planner Ethan Strickler, Office Manager Kimberly Miller, Police Chief Kevin Morgan and Town Attorney William Wantz. The meeting convened at 7:00PM.

PUBLIC COMMENTS

- **Bob Sweeney, 14 Knode Circle.** Asked, in reference to the Smart Growth Overlay pertaining to the Annexation Agreements, if it was in fact a mistake in Agreements, as posted with the Agenda attachments. Stated that unintended consequences of 500-foot properties could result due to this from other Annexation Agreements.

Police Department Update: Chief Stanford stated that he is hoping to recommend the hiring of Robert McKenzie as a new full-time Police Officer at the February Regular Meeting. He stated that Mr. McKenzie is in the process of going through all of the pre-employment evaluations. He also stated that Police Administrative Assistant Amy Rudy is doing very well in her new position.

Presentation and Discussion on the Easterday Land Development LLC Annexation Agreement and Amendments: Town Planner Strickler presented a PowerPoint presentation to give an overview of the original Easterday Land Development LLC Annexation Agreement and Amendments (two amendments in total). Strickler reiterated that this was a separate issue from the Zoning Map Amendment request, and that he had given this same presentation to the Planning Commission for informational purposes.

He explained that the original annexation agreement gave the Town its rights with respect to controlling density of development on the property, particularly for any future residential development. The Commercial Development, per the original annexation agreement, only has to comply with the Town's existing ordinances, procedures, codes, etc. for the Town. Strickler stated that High's Convenience Store has submitted a site plan for development on one of the Commercial Parcels, which will take place after the traffic circle and other State Highway improvements are complete. With respect to the agreement and future residential development, Strickler went over several conditions present in the agreement, including that any developer of the property must get the Mayor & Council's permission, by resolution, before that developer could submit any development plan for residential development of the property. He stated that the property owner does have the right to de-annex the property if he/she so chooses. He also stated that the density of the development of the property, more than anything, is limited by the capacity the Town has in its water & wastewater systems. Strickler also noted conditions for extra traffic studies, developer contributions for Town road projects, reimbursements for Town Engineering expenses, public education mitigation and studies, and the Town's ability to place moratoriums or suspend building permit approvals for the property. Many of the conditions in the agreement are addressed before and during development review. The original annexation agreement gave the developer the right to use 40 EDUs for Commercial Development of the property at the then prevailing rates (at the time of purchase) as established by the BMUC (water and sewer taps). Strickler noted that no rates for water and sewer taps were locked in as a part of the original annexation agreement. No tap allocations (by the BMUC) would happen for the property until site plan approval from the Planning Commission. Strickler noted that the original Annexation Agreement is meant to run with the lands of the original petitioner, meaning that the agreement would still be in place even if the property would be sold (the agreement runs with the land).

Town Planner Strickler next gave a presentation concerning the two amendments to annexation agreement the property owner went into with the Town in 2009 (which established pre-paid sewer taps). Strickler stated that a Default in the first agreement had occurred because the payment was not completed for the 20 taps reserved in the agreement. The first agreement provided for 20 residential sewer taps to be pre-purchased, and that fulfilling this purchase would allow the developer to purchase another 113 sewer taps. Because a Default occurred those extra taps are no longer available for the developer to purchase (per the agreement). Strickler noted that the price per sewer tap in the agreement was set at \$11,00 per tap in the amendments, and that the taps, purchased or not purchased, expired after ten years from the date of the

agreements (early 2009 to early 2019). Strickler stated that, because the Default on the agreements was not cured within 30 days, the Town does not have to provide utility capacity to the developer, per the agreement.

Councilwoman Kerns asked the Town Attorney if this was an appropriate topic for an open meeting, because it concerned agreements that were potentially in Default, and he stated it was appropriate. Mr. Wantz stated it was appropriate to reference the annexation agreement and amendments if the Mayor & Council were to re-zone the property. Strickler stated that the Planning Commission referenced the agreements in their recommendation. He stated his opinion, that the original annexation agreement is very effective in controlling the development of the property and that the amendments, as written, could lock in tap rates. He stated that the Town would benefit from keeping the original annexation agreement intact. Kerns asked if the Mayor & Council was addressing this issue with the zoning map amendment. Assistant Mayor Byrd clarified that this presentation was informational and meant to get the Council up-to-date on the agreements, and that it is a separate issue from the zoning map amendment request. Legal Counsel for the applicant, Ed Kuczynski, noted that the applicant was open to meeting with Town Staff and the Town Council to go over the agreements and amendments in an effort to move forward. He also stated that, per the original annexation agreement, any development of the property would be tightly controlled by the Town.

Strickler stated that it would be a good idea to get a group together from the Town to try to move forward with the agreements, for the benefit of the Town and property owners. Kerns stated that the Town should seek legal advice as well. The practical effect of the amendments was of chief concern with respect to coming to an agreement. Mayor Long suggested a subcommittee to form to have a meeting. Strickler asked Tony Nally and Rick Byrd if they could be on a sub-committee to address the agreements that included them, Paul (Town Manager), and the developer's representatives. Tony Nally stated that the Default was a frustrating position to be in, from the Town's perspective. Kerns stated that the developer and the Town are stuck between a rock and a hard place. Ed Kuczynski said that now was the right time to address the agreements and amendments. The consensus of the group was to get a meeting together to facilitate moving forward.

BNRZ18-01(rev) – Zoning Map Amendment Request, Preserve at Fox Gap, LLC: Town Planner Strickler presented his staff report for the Zoning Map Amendment Request at the Easterday Property. He stated the current Zoning of the Property is MR, TR, and GC. The applicant is requesting to re-zone the center of their property (approximately 32 acres) to TC(-R) and GC. The result would be 23 acres of TC(-R) and 6.57 acres of additional GC. The minimum lot size for single family detached dwellings in TC(-R) is 5,000 square feet. Strickler explained the changes in minimum lot sizes that would result from the map amendment. He stated the change or mistake rule guides whether a municipality can approve a zoning map amendment request, and that the applicant made an argument of a mistake. To summarize, Strickler stated that the request is for higher density residential and additional commercial zoning in the center of the property. Council member Hanson asked what types of housing could be built in Town Center Residential, while Council member Kerns asked where around Town, we have Town Center Residential zoning. Strickler stated TC is mostly confined to the center of town and King Road Associates (Sycamore Run). The Comprehensive Plan states the property is for medium density residential (2-8 units per acre). He also noted the floodplain steep slopes on the property, and how these areas will limit the potential development of certain areas of the property. Strickler stated the applicant is arguing that the mistake is based on the fact that a smart neighborhood overlay was never created for the property, even despite the fact that it was mentioned in the comprehensive plan, and that the map amendment is based upon smart neighborhood principles such as higher density in the most developable areas of the property, avoiding environmentally sensitive areas. The Planner noted that the argument was weak and tangential, but that it was a valid argument, nonetheless. The commercial portion of the map amendment request would match the commercial zoning to the applicant's commercial lot lines. The Planning Commission had significant concerns, the preeminent concern being to not increase the overall density of the property. The Planning Commission took the applicant's argument for smart neighborhood development and recommended re-zoning other portions of the property for lower density residential development. Strickler stated the full Planning Commission recommendation as approval of the zoning map amendment request based upon a mistake in the original zoning classification, with the additional recommendation to look to amend the zoning map on other portions of the property to a lower density residential zoning district in order to not create more density overall. He noted the Planning Commission's recommendation was driven by smart neighborhood principles as well. Strickler reiterated that the Planning Commission does not, yet, have a formal proposal for the Mayor & Council's review.

Discussion that followed included the Town's ability to re-zone other portions of the property, the annexation agreements and amendments, and other topics. Mr. Wantz stated that the Planning Commission has the ability to either submit a proposal to re-zone other portions of the property or to control density using the tools within the annexation agreement. Further discussion centered around talking about setting a precedent for other properties with the Smart Neighborhood Overlay. Mr.

Wantz stated that the Town is not required to grant the zoning map amendment, even if a change or mistake is proven. Therefore, granting this zoning map amendment request would not set a precedent for the other properties in town that have the Smart Neighborhood Overlay. Strickler stated that his approval recommendation supported this previous statement by Mr. Wantz, which was that the applicant made a valid argument and the change was acceptable in the current place in time. Council member Hanson reiterated that the mistake allows us to make the change but does not require us to do so. Council member Kerns asked if the property owner was willing to entertain lower density elsewhere on the property. Strickler stated that the Planning Commission intends to have that conversation with the developer and will submit a request to the Mayor & Council afterwards. Council member Kerns, Attorney Wantz, and Ed Rude (developer's representative) continued to have conversations concerning the future potential density and development of the property. **(NEW BUSINESS)**

2019 Mowing Contract: Town Manager Mantello provided the proposed 2019 Mowing Contract for the Councils review and input. He stated that based on the 2018 Mowing Contract, the Town has the option to renew the contract for an additional 1-year term or place the contract out for bids. Council discussed the options and decided it would be best to obtain new bids for 2019 and requested that Town Manager Mantello talk with Superintendent Huntsberry to determine what mowing locations could be eliminated due to the Town having assistance once again from the Washington County inmate crew. **(NEW BUSINESS)**

Fiscal Year 2020 Budget Schedule: - Town Manager Mantello stated that Council Member Kerns sent out a preliminary Fiscal Year 2020 Budget Schedule for the Council review and consideration. He stated that staff has been working with Al Martin, the City of Hagerstown former Finance Director, for Budget and financial assistance. He further stated that Budget Workshop Meetings will need to be scheduled over the next few months and the date will need to be set for the Public Hearing in June 2019.

Employment Vacancy: Town Manager Mantello stated that with the resignation of Water-Sewer Clerk Cindy Harris it has become evident in the past week that the position needs to be advertised to fill the vacancy. He provided the Council with an updated job description for the position for their review and input. Council discussed adding additional clerical duties to the job description to help alleviate some of the shared office work. Consensus is for Town Manager Mantello to further update the Water-Sewer Clerk job description with additional clerical duties and to submit the employment advertisement to the Herald-Mail Newspaper and Maryland Municipal League, as well as post the listing on the Town website and social media pages. **(NEW BUSINESS)**

Recommendation to Amend Personnel Manual: Town Manger Mantello present the recommendation to amend the Town Employee Personnel Manual section **Compensation and Evaluation** by adding the *Merit Increase and Annual Performance Evaluation* sub-category for the Councils review and input. He explained that he is recommending that immediate supervisors start conducting annual performance reviews on employees work anniversaries, rather than June 30 of the Fiscal Year, and then assigning a merit-based pay increases based on that employee's year performance. He further stated that depending on current economic conditions, and the parameters of the Town's current approved Fiscal Year Budget, merit increases will generally be paid on a sliding scale with high performers receiving a higher percent merit increase and average performers receiving a lower percent increase. Town Manger Mantello stated that merit increases would be tied to an employee's annual performance appraisal rating and a pay increase is not guaranteed, noting that a schedule of percentage increases would be provided to employees immediately following the approval of a new budget and effective the new Fiscal Year. He stated, pending approval by the Mayor and Council, merit increases would be awarded using the following metric:

- Employees who meet, or exceed, performance standards will receive merit increases proportionate to their appraisal rating.
- Employees demonstrating inconsistent, and occasionally sub-par, work performance will receive a base merit increase and a performance improvement plan.
- Employees whose performance is unsatisfactory, and routinely sub-par, will not receive a merit increase. They will be immediately placed on a sixty (60) day probationary period and assigned a performance improvement plan. After sixty days, failure to comply with the improvement plan, and adjust work performance to par with Town standards, will result in further disciplinary action up to and including termination.

Council agreed that the proposed amendment was an improvement and recommended changing the employee probationary period from 60-days to 90-days. Town Manger Mantello also present the recommendation to replace the *Step System Pay Scale* with an *Employee Pay Grade*, roughly based on the Federal Employee pay system. He explained that he is not recommending changes in any of the position pay parameters but is proposing a more concise employee pay format that can be shared with employees and the public when advertising employment vacancies, with Pay Grades ranging from Grade 1 (Parks Groundskeeper and Clerical Worker) through Grade 7 (Town Manager). He further explained that he is recommending

that the proposed Employee Pay Grades go into effect with the new Fiscal Year on July 1, 2019. **(NEW BUSINESS)**

Recommendation to Hire Water/Wastewater Operator I: Town Manger Mantello stated that he and Superintendent Shumaker held interviews last week for the Water/Wastewater Operator I position. He stated that based on overall qualifications they are recommending that the Town hire Brian Eichelberger for the position, noting that he currently works as a Wastewater Operator II for Frederick County and is looking for a job closer to home. He further stated that they are recommending salary for Mr. Eichelberger at the starting the Operator 1 Step 8 level of \$19.09 per hour. Consensus is to mover forward with offering Mr. Eichelberger the Water/Wastewater Operator I position. **(NEW BUSINESS)**

Mayor Long stated that he and a few other Council Members attending the Memorial Service at BoonsBoro High School on Saturday, January 19 for Coach Dwight Scott. He stated that it was the largest Memorial Service that he has ever attended and that it was very moving.

Council Member Kerns stated that she heard back from Tyler Hornbecker of Edward Jones Investments. She stated that currently Edward Jones Investments do not work with Municipalities and that she will move forward with investing the \$95,000 in the 6-month CD at 2.4% with Wells Fargo.

Mayor Long stated that Town Manager Mantello's 60-day evaluation will be held in Executive Session after the February Regular Meeting.

Town Manger Mantello stated that he and Town Planner Strickler met a Grant Writer, Jennifer Carbaugh, this afternoon, noting that she has done work for Williamsport and helped them receive a lot of Grant funds. He stated that she has agreed to write the two Maryland Department of the Environment Grant applications for the Drinking Water Grant and for the Water Quality Improvement Projects and Wastewater Improvement Projects Grant, which are due on January 31. He further stated that her fee is \$500 per Grant but that he feels this is an excellent opportunity for the Town. **(NEW BUSINESS)**

Motion by Assistant Mayor Byrd, second by Council Member Hollingshead to close the Workshop Meeting at 9:40PM. Motion carried.

Respectfully submitted,
Kimberly A. Miller, Office Manager