

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
MONDAY, AUGUST 6, 2018**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, August 6, 2018 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 Krista Davis, Town Planner Ethan Strickler, Police Chief Charles Stanford, Boonsboro Municipal Chairman Paul Loeber and Administrative Assistant Kimberly Miller. The meeting convened at 7:00 PM with the pledge and moment of silence offered by Mayor Long.

REVIEW AND APPROVAL OF JULY 2018 MEETING MINUTES and REPORTS

- **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to approve the **July 2, 2018 Regular Meeting**, the **July 30, 2018 Public Hearing** and the **July 30, 2018 Workshop Meeting Minutes**. **Motion carried.**
- **Motion** by Assistant Mayor Byrd, second by Council Member Nally to approve the **July 2018 Treasurer's Report**. **Motion carried.**
 - Council Member Kerns stated that she met with Town Clerk Sarah Campbell and that they are working towards providing a better format for the Treasurer's Reports.
- **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to approve the **July 2018 Bills to be Paid Report**. **Motion carried.**
 - Council Member Kerns asked why the invoice for Yetter's Mowing includes a charge for mowing in the Sycamore Run Development. Town Planner Strickler stated that he had asked Public Works Superintendent Huntsberry to obtain a quote for the stormwater mowing, but that there must have been some miscommunication. Council Member Kerns voided the check and a new one will be issued with the Sycamore Run Development charge for \$160 removed.
 - Council Member Kerns asked if Town staff has looked into submitting the Community Center basement flooding repairs into LGIT for reimbursement. Town Manager Davis said she will look into submitting the claim.

PUBLIC COMMENTS

- **Rich Hawkins**, 101 Maple Avenue. Stated that he has concerns with the Plan Changes for the Fletcher's Grove development. Stated that there has been talk about putting a construction access road off of Knode Circle and that residents have not been formally notified of this change, that this is something that the residents never agreed upon. Stated that he was a former Council Member and that the Town agreed upon Senior Housing in Fletcher's Grove and not additional single family homes, noting that many people would benefit from Senior Housing. Town Planner Strickler stated that the requested Plan Change has not been voted on yet, and that no Concept Plan has been submitted to build on the ground adjacent to Knode Circle. Mr. Hawkins stated that he is adamantly opposed to any construction on that property.
 - **Bob Sweeney**, 14 Knode Circle. Stated that there has been extreme flooding in that area and provided cellphone photos to Town Planner Strickler. They stated that they believe it is from Fletcher's Grove not having any sort of stormwater management near Knode Circle. Town Planner Strickler will look into the issue.
- **Elizabeth Paul**, Clinton Avenue, Halfway. Introduced herself and stated that she is running for Washington County Commissioner. Stated that she is a Boonsboro High School Class of 1980 graduate

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

- **Council Member Nally** stated that he received a phone call from Lisha Bickle regarding the South County Food Bank and Micah's Backpack, currently located at Trinity Evangelical Lutheran Church on South Main Street. He stated that the Food Bank is looking for a new location in Boonsboro and asked if the Town knew of a property or could assist them in finding one. Mayor Long suggested talking to the Park Board to see if the Town has any property available in the area.
- **Council Member Nally** commended the Public Works staff on the condition of the Yard Debris Site. He said it looks excellent and that they are doing a good job.
- **Council Member Kerns** stated that the resident near 17 Chestnut Avenue stated that the Public Works staff told them they would come back out and check to make sure the sewer line is holding up after the line break in July. Asked that someone check out the line for the residents.
- **Council Member Kerns** stated that residents have not been notified when Antietam Cable will be digging up their yards to install their cable lines and that there has been no notification as promised and requested. Town Planner stated that there was no signed contract for 'door hanger' notifications by Antietam Cable and that there should be a signed agreement.

- **Council Member Kerns** stated that the resident at 16 Chestnut Avenue is requesting that the Public Works staff come back out and finish the blacktop patch on her drive-way. She stated that the residents is asking that it be flattened out better.

Police Department Report – Chief Stanford. The Police Department received 84 calls for service, which included 69 motor vehicle violator contacts for the month of July 2018. There were 1 adult criminal arrest, 1 adult traffic arrest, 0 juvenile arrests and 0 juvenile traffic arrests. Stated that the Department collected 4.4 pounds of prescription drugs through the Drug Turn-In Program for the month of July 2018.

- Chief Stanford stated that he submitted his letter for retirement and August 14, 2018 will be his last day of employment. Chief Stanford read his retirement letter.

Request to Advertise for Chief of Police and Police Officer Positions: Mayor Long stated that Police Officer Anthony LoRusso is also resigning and his last day is September 4, 2018. He stated that he is recommending that Sergeant Kevin Morgan be appointed the Acting Chief of Police. He stated that he received a resume for former Boonsboro Police Officer Marty Pittsnogle for the Chief position and that he is hoping the Sergeant Morgan also applies. Council Member Hanson stated that he is for advertising the positions and that he thinks this is an excellent opportunity for the Public Safety Commission to reevaluate the goals and staffing of the Police Department, and to give their recommendations.

- **Motion** by Council Member Hanson, second by Assistant Mayor Byrd to advertise the Chief of Police position. **Motion** carried.
- **Motion** by Council Member Hanson, second by Assistant Mayor Byrd to advertise the Police Officer position. **Motion** carried.
- **Motion** by Council Member Hanson, second by Council Member Kerns to recommend that the Public Safety Commission evaluate the future needs of the Police Department. **Motion** carried.
- **Motion** by Council Member Nally, second by Council Member Hanson to appoint Sergeant Kevin Morgan as the Acting Chief of Police. **Motion** carried.

OLD BUSINESS

Public Parking: Council Member Hollingshead stated that she asked Town Manager Davis and Town Planner Strickler to reach out to Michelle Vining, owner of Warrior’s Karate at 23 South Main Street, about the Town using her parking lot as a public parking area again. Mayor Long stated that he is meeting with Ms. Vining next Monday to discuss the parking lot and that he has also reached out to Hospice about using their rear parking lot.

Public Hearing – Recommendation from Council for the SHA Traffic Study: Assistant Mayor Byrd stated that a Public Hearing held on July 30, 2018 to receive public input on the recommendations from the State Highway Administration’s (SHA) Traffic Study from 2017. He stated that the Public Hearing was for the proposed changes to Main Street to remove four (4) parking spaces along the westbound side of South Main Street at the Town Square for the installation of a 100 foot left turn lane for the Main Street left turn movement with an exclusive left turn phase; and to remove three (3) parking spaces on the south side of the east leg of the intersection of Shafer Park Drive and North Main Street at the Trolley Station and National Road Museum; and to place a left turn lane at the eastbound approach of Main Street and the necessary removal of parking to accommodate this change. He further stated that he did not get a full vote from the Economic Development Commission on the proposed changes to Main Street, but that the Planning Commission vote to move forward with the recommendations. Mayor Long and Assistant Mayor Byrd both voiced their suggestion 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 (2) remaining parking space to ‘handicapped parking’ only. Council Members Weaver and Nally suggested using the Community Center parking lot at Shafer Park as a loading and unloading area for coaches carrying tourists who are visiting the Museum. Assistant Mayor Byrd stated that the Council needs to consider the public’s needs and make changes in a smart way. Assistant Mayor Byrd made the motion to move forward with the 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 (2) remaining parking space to ‘handicapped parking,’ and motion died for lack of a second motion.

- **Motion** by Council Member Hollingshead, second by Council Member Kerns to remove four (4) parking spaces along the westbound side of South Main Street at the Town Square, beside Dan’s Taphouse, for the installation of a dedicated left turn lane with a left turn phase traffic signal. **Motion** carried. Council discussed traffic concerns and the possibility of time delayed dedicated arrows.
- **Motion** by Council Member Hollingshead, second by Council Member Nally 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 (2) remaining parking space to ‘handicapped parking.’ **Motion** carried.

Council Member Hollingshead stated that she does not think that the Town is ready to move forward with the recommendation for the east bound approach of North Main Street and Maple Avenue intersection turn lane and the removal of the on-street parking spaces. Council Member Nally stated that he agrees with Council Member Hollingshead, and stated that he recommending that the SHA makes the line on the street a 'dashed white line' and not a 'solid white line' and reemphasize that people can go around stopped vehicle. Council Member Nally stated that he for the upgrades to the crosswalks at the North Main Street and Maple Avenue intersection and the retiming of the traffic light. Council Member Kerns asked if we need to negotiate the changes with SHA. Council Member Nally stated that no we do not, that that Town just needs to decide on what they want at the intersection and let the SHA know.

- **Motion** by Council Member Nally, second by Council Member Kerns to notify SHA of the request to add a left turning traffic light phase at the North Main Street and Maple Avenue intersection and to move forward with the updating of the crosswalks, updating of the sidewalks, adding a 'crosswalk button' to the traffic light, and to require SHA to add a 'dashed white line' at the eastbound approach of the intersection. **Motion** carried.

Water System Master Plan and Hydraulic Study Project: Town Manager Davis and BMUC Chairman Loeber reviewed that they presented a Power Point presentation on the background, methodology and scoresheet of the source selection for the RFP for the Engineering Services for the Water System Master Plan and Hydraulic Study Project at the July Workshop Meeting. BMUC Chairman Loeber stated that they contacted the City of Brunswick for information about their Water Study and they reported that they were very pleased with the results, even though the Study did not locate any water leaks. He stated that Whitman, Requardt and Associates (WRA) stated that the Water Study will not find leaks in the Boonsboro. He further stated that a Leak Survey was done a few years ago and did not find anything huge. BMUC Chairman Loeber stated that the City of Brunswick has leak detection equipment and is willing to let the Town borrow it. He stated that there was 35% less water loss reported this billing quarter due to replacing many of the water meters in Town. Town Manager Davis stated that MDE gave positive feedback regarding the Water Study and said that the BMUC is moving in the right direction by requesting the Study. BMUC Chairman Loeber stated that WRA (*Whitman, Requardt and Associates*), at the request of MDE, performed a study of the Boonsboro – Keedysville Water System in 2013, so they are familiar with the water lines and can use that data to assist them with well capacity and identifying where the water deficits are. He stated that the Town will have to apply to increase its water permitting with MDE and that the permitting process can take 18 months. Council Member Kerns asked why the Town isn't focusing on the 32% water loss. BMUC Chairman Loeber stated that a new RFP could be created for a Water Loss Study but that those studies cost between \$75,000 and \$100,000. He stated that we are currently at around the 50% point with the water meter replacement program throughout Town and that it is helping with the water loss issues. Town Manager Davis stated that MDE will not give the Town anymore funding if the Water Study is not done. Council Member Kerns stated that it is her understanding that the Town has two wells located in Crestview and on Tiger Way that are not is use. BMUC Chairman Loeber stated that this is true, but that it would cost a lot of money to get those wells online and to pump the water from them. Mayor Long stated that we've been kicking around this Study for over a month and that it has been proven that the Town does not have enough pressure to pump water where it needs to go. He stated that WRA is a very professional company and will help the Town locate water and tell us how to get it to where we need it. Council Member Nally stated that he feels like the BMUC is holding the Council hostage and that the Study should have been done years ago. Mayor Long stated that the previous BMUC Chairmen have ignored the request to do something about the water issues, noting that this Study will incur no additional debt for the Town because the cost will come out of the Water Fund User Fees Account. Assistant Mayor Byrd stated that 2 to 3 years ago the economy was not that great and the Study was not necessary. He stated that he completely agrees that the Study needs to be done and that water loss need to be the focus. He further stated that the Study needs to be done for the current residents and for future development, noting that the developers should be asked to help pay towards the Study. Council Member Hanson asked what the total cost of the Water Study is. BMUC Chairman Loeber stated that the total cost is \$54,571. Council Member Hanson stated that BMUC Chairman Loeber is very frustrated and that the Town does not need any more convincing that we need this Study. BMUC Chairman Loeber stated that the current Water System is restricting water flow to the fire hydrants and he has concerns for the safety of the Town residents. He stated that Water Loss Systems Inc. could be contacted to do a loss study, but that the study would need to be placed out for bids. Council Member Kerns asked if there have been any talks about connection fees and has the BMUC analyzed the current hook-up fees. She stated that she would like to see that researched and have the BMUC come back with recommendations. **Motion** by Assistant Mayor Byrd, second by Council Member Nally to approve the Engineering Services for the Water System Master Plan and Hydraulic Study Project and award the Project to Whitman, Requardt and Associates. **Motion** Carried.

BMUC Comments: BMUC Chairman Paul Loeber submitted his letter of resignation from the Boonsboro Municipal Utilities Commission. He read letter to the Mayor and Council before exiting the Meeting.

Request to Hire Police Officer: Chief Stanford stated that he is recommending the hiring of Caleb Wade to fill the vacant Police Officers position. He stated that Mr. Wade is currently working at the Washington County Detention Center and will be enrolling in the Carrol County Police Academy with the start date of September 10, 2018. He stated that he recommending the Mr. Wade's employment start date of August 15, 2018. Mayor Long and Assistant Mayor Byrd both stated that Mr. Wade will be an excellent additional to the Police Department. **Motion** by Assistant Mayor Byrd, second by Council Member Hollingshead to hire Caleb Wade as a Police Officer with the start date of August 15, 2018 and to enroll him in the Carrol County Police Academy with the start date of September 10, 2018. **Motion** carried.

Readdress Security Camera and Software Upgrade Funding: Chief Stanford stated that he is requesting that the Town moves forward with Council Member Kerns recommendation to allocate half of the funds for the security camera upgrades from the Fiscal Year 2018 Contingency Fund and half of the funds from the Fiscal Year 2019 Police Equipment line items. He reviewed that the proposal from Crime Intervention Alarm (CIA) is for 2 upgraded new platform HD recorders at the Police Department and Town Hall, new system software, new unlimited remote software, 1 HD pan-tilt zoom camera with night vision and 2 HD license plate cameras for the overall cost of \$10,150. **Motion** by Council Member Kerns, second by Assistant Mayor Byrd to move forward with the security camera upgrades by using \$5,000 from the Fiscal Year 2018 Contingency Fund and \$5,150 from the Fiscal Year 2019 Police Equipment line items for the total cost of \$10,150. **Motion** carried.

Bonding Amount for Town Manager: Town Manager Davis stated that she contacted Town Attorney Wantz and other local towns regarding setting the bonding amount for the Town Manager. She stated that the City of Hagerstown bonds their City Administrator for \$200,000. She further stated that Attorney Wantz recommends setting the bonding amount for the Town Manager at \$5,000. Town Manager Davis stated that the Council should also set an amount for the individuals who sign the Town and BMUC checks. **Motion** by Council Member Kerns, second by Council Member Weaver to table the Agenda item until further research can be done of the communities around Boonsboro and Town staff can asked the Town Auditors for their input. **Motion** carried.

NEW BUSINESS

Purchase of Salt for Town Roads: Town Manager Davis reviewed that she presented three (3) quotes to purchase street salt for the upcoming winter season at the July Workshop Meeting. She stated that she obtained a quote from the State, as requested, and that their price is \$3,000 higher than the other quotes. She further stated that she is recommending that the Town goes with Mid-Atlantic Salt for the cost of \$70 per ton and that Public Works Superintendent Greg Huntsberry is recommending the purchase of 150 tons. **Motion** by Council Member Nally, second by Council Member Hanson to purchase 150 tons of street salt for the cost of \$70 per ton from Mid-Atlantic Salt. **Motion** carried.

Fletcher's Grove Amendment to Annexation Agreement: Town Planner Strickler reviewed that the Town received a Request to Amend the Annexation Agreement from 2006 to eliminate the requirement for Senior Housing (Paragraph 3) and to defer the deadline for bonding the construction of Chase Six Boulevard (Paragraph 6) to a later Phase of the property's development for Fletcher's Grove from the Attorney for James Draper, the Managing Member of Dean 8486, LLC and Ringley, LLC, which he presented at the July Workshop Meeting on behalf of the Planning Commission. Town Planner Strickler reviewed that the proposed Amendment would delete "Paragraph 3. Senior Housing." and replace the paragraph with "Paragraph 3. Intentionally deleted by this Amendment." He reviewed that this would eliminate the requirement to provide senior level housing in the form of single story duplexes as part of the first Site Plan that was submitted to the Town for development of the property. He further reviewed that this Amendment would also delete "Paragraph 6. Chase Six Boulevard." and replace the paragraph with the following: "Paragraph 6. Chase Six Boulevard. The owners shall be responsible to construct Chase Six Boulevard (to include a completed intersection at Maryland Route 66). The owners will bond the estimated cost of such construction upon issuance of the 26th building permit for the 53-lot Phase 3 of the Fletcher's Grove subdivision (known as "Dean North") being that portion of the property located on the north side of Chase Six Boulevard. The owners will complete the construction of Chase Six Boulevard (to include a completed intersection at Maryland Route 66) prior to the issuance of the first (1st) building permit for that later phase of the Fletcher's Grove subdivision known as "Dean South." He stated that this would defer the requirement to bond the estimated cost of the construction of Chase Six Boulevard from the recordation of the first final subdivision plat for the property to the issuance of the 26th building permit for "Dean North." Town Planner Strickler stated that the Planning Commission is recommending *the approval* of the proposed change to "Paragraph 3. Senior Housing." of the Annexation Agreement, which would remove the developer's requirement to provide for senior level housing, and that the Planning Commission is recommending *the denial* of the proposed change to "Paragraph 6. Chase Six Boulevard." which would defer the deadline for bonding the construction of Chase Six Boulevard and consider adding language to the Amended Annexation Agreement that sets a date and conditions for the completion of the construction of

Chase Six Boulevard. James Draper, the Managing Member of Dean 8486, LLC and Ringley, LLC, stated that the 13 acres of the 'Dean North' property is a small piece of property. Town Planner Strickler stated that changing the Agreement would actually remove all of the senior housing from all of the properties. He stated that a Concept Plan would need to be submitted for 'Dean North' and that it would need to go through a Site Plan review and BZA Hearing, as well as be approved by the Planning Commission. Council Member Hollingshead stated that she is concerned with the removal of the senior housing and how adding additional single family housing will affect the schools. Mayor Long stated that he wants to see Chase Six Boulevard completed. Council Member Kerns suggested scheduling a Public Hearing to notify adjacent property owners of the proposed changes so that they have the opportunity to voice their concerns. Council Member Weaver stated that there is a need for senior housing in Boonsboro. **Motion** by Council Member Kerns, second by Council Member Nally to table the Fletcher's Grove Amendment to Annexation Agreement until a Public Hearing is scheduled to obtain public comments. **Motion** carried.

Bond Reduction Request; King Road, Sycamore Run Phase 1: Town Planner Strickler reviewed the Bond Reduction Request for the King Road - Sycamore Run Phase 1 to reduce the \$501,026.90 bond for the Public Improvements/Construction in Phase 1 of Sycamore Run by 75% to \$396,660.10 which he presented at the July Workshop Meeting on behalf of the Planning Commission. He stated that the original Surety Bond was in the amount of \$1,586,640.39, that Phase 1 stretches from the model home at South Main Street to Monument Drive and that the developer is moving along well with the punch list. Council Member Nally stated that he would like to see a time-frame for the completion of Phase 1. Town Planner Strickler stated that Phase 1 will be down to 95% completion by the Fall. **Motion** by Council Member Kerns, second by Council Member Weaver to approve the Bond Reduction Request for the King Road - Sycamore Run Phase 1 to reduce the \$501,026.90 bond for the Public Improvements/Construction in Phase 1 of Sycamore Run by 75% to \$396,660.10. **Motion** carried.

Bond Reduction Request; King Road, Sycamore Run Phase 2: Town Planner Strickler reviewed the Bond Reduction Request for the King Road - Sycamore Run Phase 2, on behalf of the Planning Commission to reduce the \$995,205.59 bond for Public Improvements/Construction in Phase 1 of Sycamore Run by 75% to \$248,801.40 which he presented at the July Workshop Meeting on behalf of the Planning Commission. He stated that the stormwater areas and the roundabouts, as well as additional landscaping issues, will be addressed. **Motion** by Council Member Nally, second by Council Member Hollingshead to approve the Bond Reduction Request for the King Road - Sycamore Run Phase 2, on behalf of the Planning Commission to reduce the \$995,205.59 bond for Public Improvements/Construction in Phase 1 of Sycamore Run by 75% to \$248,801.40. **Motion** carried.

Barbara Swanhart Agreement with Town of Boonsboro and King Road Associates: Town Planner Strickler reviewed the request for the Sycamore Run Landscape Plan Change 2 (BNSP18-01) to remove a 100 foot proposed retaining wall near Monument Drive and to add a temporary grading easement and stormwater management on Young Avenue which he presented at the July Workshop Meeting on behalf of the Planning Commission. He stated that the Plan Change will directly affect the adjacent property owner, Barbara Swanhart and that she is in agreement with the request. **Motion** by Council Member Hollingshead, second by Council Member Nally to approve the Sycamore Run Landscape Plan Change 2 (BNSP18-01) to add a temporary grading easement and stormwater management on Young Avenue. **Motion** carried.

COMMISSION REPORTS

Public Safety Commission – T. Hollingshead. Meeting held on July 19, 2018. Members of the EDC and Planning Commission attended the Meeting to discuss the impact of the SHA Traffic Study recommendations on Main Street. Discussions included the SHA Traffic Study, the approval to appoint Jennifer Paugh to the PSC, the possibility of adding an additional Member to the PSC, and preparations for National Night Out on August 7, 2018.

- Mayor Long made the recommendation to appoint Jennifer Paugh to the Public Safety Commission for a 2-year term. **Motion** by Council Member Hollingshead, second by Assistant Mayor Byrd to appoint Jennifer Paugh to the Public Safety Commission. **Motion** carried.

Park Board – R. Weaver. No formal Meeting held during July 2018. Stated that signs are needed for Outdoor Movie Night in Shafer Park.

Utilities Commission – T. Nally. Meeting held on July 12, 2018. Discussions included the King Road Development Rights and Responsibilities Agreement (DRRA) and Water Allocations with three (3) members of the Planning Commission, the status of the approval of the proposed Water System Hydraulic Study, the status and the reason for a IDIQ MTA Contract Vehicle for Engineering Services, the BMUC vacancy applications and interviews, the update on the Sewer Line back-up on Chestnut Avenue, the approval to purchase one hundred (100) water meters using the Water Fund User Fees, the approval to waive the user fee costs for water for the Cub Scout Pack 20 fund raising event in Shafer Park, the approval to evaluate the BMUC

policies for waiving fees for water use during fund raising events, and the approval to recommend the appointment of Eldon 'Jake' Jones to the BMUC for a 4-year term.

- Mayor Long made the recommendation to appoint Eldon 'Jake' Jones to the BMUC for a 4-year term. **Motion** by Council Member Nally, second by Council Member Hollingshead to appoint Eldon 'Jake' Jones to the BMUC for a 4-year term. **Motion** carried.

Planning Commission – *R. Byrd*. Meeting held on July 24, 2018. Discussions included the recommendation to reappoint Riccardo Aiello and Steve Jamison to the Planning Commission for 4-year terms (terms expired in March 2018), the Fletcher's Grove Informational Concept Plan for BNCP18-02 for Dean North, the resubmission of the Site Plan application for Tri-County Pumps, the decision to deny the King Road Development Rights and Responsibilities Agreement (DRRA), the recommendation to approve the SHA Traffic Study changes to remove four (4) parking spaces along the westbound side of South Main Street at the Town Square and for the installation of a dedicated left turn lane, and Planning and Zoning updates from Town Planner Strickler.

- Mayor Long made the recommendation to reappoint Riccardo Aiello to the Planning Commission for a consecutive 4-year term. **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to reappoint Riccardo Aiello to the Planning Commission for a consecutive 4-year term. **Motion** carried.
- Mayor Long made the recommendation to reappoint Steve Jamison to the Planning Commission for a consecutive 4-year term. **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to reappoint Steve Jamison to the Planning Commission for a consecutive 4-year term. **Motion** carried.

Economic Development Commission – *M. Kerns*. The Networking Breakfast was held on July 20, 2018 at 7:30am at Vesta's Restaurant, with guest speaker Levi Sellers of South Mountain Micro Farm. Stated that the next EDC Meeting will be on August 22, 2018 in the Meeting Chambers at 9:00am.

Environmental Commission – *R. Hanson*. Meeting held on July 10, 2018. Discussions included the BEC contributing to the Town Newsletter, the Community Solar Webinar, the plans to meet with Town Planner Strickler during the August BEC Meeting, plans to work towards educating the public on plastic straws and Subcommittee Reports. Stated that the Community Solar presentation for August 14, 2018 has been cancelled.

Assistant Mayor Byrd stated that he and his family visited the Town's Mount Aetna Revolutionary War Cannon from Shafer Park Jamestown Settlement - American Revolution Museum in Yorktown, Virginia. He stated that the exhibit is very nice. He further stated that the Museum is requesting to extend the length of the cannon loan agreement until March 2019. **Motion** by Council Member Nally, second by Council Member Hollingshead to extend the length of the Mount Aetna Revolutionary War Cannon loan agreement until March 2019 to the Jamestown-Yorktown Foundation. **Motion** carried. Council requested that a plaque be placed in Shafer Park saying where the cannon is displayed at. Administrative Assistant Miller stated that she will take care of ordering a plaque.

Town Manager Report – *K. Davis*.

- Stated that Public Works Superintendent Huntsberry reported that the Chestnut Avenue sewer line repair is completed.
- Stated that the Sewer Line Project started today, noting that the excavating company was behind schedule due to the excessive rain we have had.
- Stated that the insurance claims have been submitted to LGIT for the sewer back-ups at 39 Park Drive and 17 Chestnut Avenue.
- Stated that the Town has received a FY2019 Bay Restoration Fund Grant for \$30,000 from MDE for the WWTP DNR due to high water quality.
- Stated that the Ethics Commission held their first meeting on June 25, 2018 and that Ray Grove has been appointed the Chairman. Stated that they are reviewing the Mayor and Council's Financial Statements.
- Stated that Council Member Kerns suggested developing an Investment Policy, and that she will be looking at other Town's policies.
- Stated that the Antietam Cable Franchise Agreement has been reviewed by Town Attorney Wantz and forwarded to Antietam Cable for their review. Stated that she learned that when there is an increase in the franchise percentage that the residents then also have an increase in their cable fees.
- Stated that she has completed the Salary Study, but that she still has not heard back from the Town of Williamsport. Stated that the Study includes salaries, all insurance plans, pension plans, taxes, population and operating Budgets.

- Stated that MML offers an Online Compensation Survey System that is a salary and benefit database. She stated that the Town is currently not participating in the database and that it costs \$80 per year to be part of it, noting that the amount will be discounted to \$40 this year. Stated that she will find out what Towns participate.

Town Manager Davis stated that she is officially submitting her letter of resignation and that her last day with the Town will be on Friday, August 17, 2018. Stated that the position is overly demanding and that it is not the right fit for her.

Mayor Long stated that based on Town Manager Davis's resignation, he is making the recommendation to advertise the Town Manager position along with the Chief of Police and Police Officer vacancies. **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to advertise the Town Manager position. **Motion** carried.

Mayor Long stated that based on Town Manager Davis's resignation, he is making the recommendation to appoint Administrative Assistant Kim Miller as the Interim Town Manager. **Motion** by Council Member Hollingshead, second by Assistant Mayor Byrd to appoint Administrative Assistant Kim Miller as the Interim Town Manager. **Motion** carried.

Mayor Long stated that the Personnel Committee will meet on Friday, August 10, 2018 at 1:00pm to conduct Town Manager Davis and Chief Stanford's exit interviews. Council Member Hanson stated that he would like to attend the Meeting.

Motion by Council Member Nally, second by Council Member Kerns to close the Workshop Meeting at 10:06 PM. **Motion** carried.

Respectfully submitted,

Kimberly A. Miller
Administrative Assistant

BOONSBORO MAYOR AND COUNCIL

AUGUST 27, 2018

PUBLIC HEARING

6:35 PM

FLETCHER'S GROVE AMENDMENT TO ANNEXATION AGREEMENT REQUEST

The Boonsboro Mayor and Council held a Public Hearing as duly advertised on Monday, August 27 2018 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, Tony Nally and Rick Weaver. Also present were Interim Town Manager Kimberly Miller and Town Planner Ethan Strickler.

Mayor Long opened the Public Hearing at 6:30 PM for the purpose of receiving public input, either in support of or in opposition to the Fletcher's Grove Amendment to Annexation Agreement Request.

Town Planner Strickler stated that the Town received a Request to Amend the Annexation Agreement from 2006 to eliminate the requirement for Senior Housing (Paragraph 3) and to defer the deadline for bonding the construction of Chase Six Boulevard (Paragraph 6) to a later Phase of the property's development for Fletcher's Grove from the Attorney for Jim Draper, the Managing Member of Dean 8486, LLC and Ringley, LLC. Town Planner Strickler stated that the proposed Amendment would delete "Paragraph 3. Senior Housing." and replace the paragraph with "Paragraph 3. Intentionally deleted by this Amendment." He stated that this would eliminate the requirement to provide senior level housing in the form of single story duplexes as part of the first Site Plan submitted to the Town for development of the property. He further stated that this Amendment would also amend "Paragraph 6. Chase Six Boulevard," and replace the paragraph with the following: "Paragraph 6. Chase Six Boulevard. The owners shall be responsible to construct Chase Six Boulevard (to include a completed intersection at Maryland Route 66). The owners will bond the estimated cost of such construction upon issuance of the 26th building permit for the 53-lot Phase 3 of the Fletcher's Grove subdivision (known as "Dean North") being that portion of the property located on the north side of Chase Six Boulevard. The owners will complete the construction of Chase Six Boulevard (to include a completed intersection at Maryland Route 66) prior to the issuance of the first (1st) building permit for that later phase of the Fletcher's Grove subdivision known as "Dean South." He stated that this would defer the requirement to bond the estimated cost of the construction of Chase Six Boulevard from the recordation of the first final subdivision plat for the property to the issuance of the 26th building permit for "Dean North", which is the first submitted Concept Plan for the development and was reviewed by the Planning Commission in June of 2018. Town Planner Strickler stated that the Planning Commission, at their June meeting, recommended to the Mayor & Council to *consider the approval* of the proposed change to "Paragraph 3. Senior Housing." of the Annexation Agreement, which would remove the developer's requirement to provide for senior level housing as a part of the first Site Plan submitted to the Town, and that the Planning Commission, also at their June meeting, recommended to the Mayor & Council to *deny* the proposed change to "Paragraph 6. Chase Six Boulevard." which would defer the deadline for bonding the construction of Chase Six Boulevard and consider adding language to the Amended Annexation Agreement that sets a date and conditions for the completion of the construction of Chase Six Boulevard.

The floor was opened for public comment:

- **Ena Bovell Martin**, 15 Holder Court, President of Fletcher's Grove HOA. Stated that a letter and petition was submitted on behalf of the residents of Fletcher's Grove in opposition of the Amendment of the Annexation Agreement. Stated that she is very disappointed with the developers and the promises that were made that were never honored. Stated that traffic coming in and out of the development will bottlenecks if Chase Six Boulevard is not completed through to Route 66. Stated that they have been waiting for 13+ years for a promised development sign.
 - Council Member Kerns asked if Chase Six Boulevard is completed, would they be opposed to single family homes. Ms. Bovell Martin stated that they are apprehensive to any changes.
- **Joe Swope**, 27 Chestnut Avenue. Stated that he is opposed to the Amendment. Stated that he is opposed to the removal of the Senior Housing. Stated that the community needs Senior Housing as many of the Town residents are coming into their senior years. Stated that he is opposed to delaying the construction of Chase Six Boulevard, noting that it has been 12 years since the road was promised. Stated that Boonsboro has an ever increasing issue with traffic.
- **Eric Kitchen**, 115 Orchard Drive. Stated that there is an approved Plan for the development of 48 Senior Housing units on Orchard Drive. Stated that the developer submitted a Plan change for 70 3-story townhomes, which was later withdrawn. Stated that Senior Housing creates less density and less traffic than single family dwellings. Stated that

developers make changes for their Plans to help themselves, not the citizens of Boonsboro. Stated that changes to Fletcher's Grove will set a precedence for Orchard Drive.

- **Richard Hawkins**, 101 Maple Avenue. Stated that he has lived in his home for 47 years. Stated that in 2006 he was a member of the Town Council and that they negotiated two things with the developers of Fletcher's Grove; connecting Chase Six Boulevard to Route 66 and building Senior Housing. Stated that he is adamantly opposed to the changes of the Agreement. Stated that he is also concerned with the environmental issues that the stormwater ponds are creating. Stated that the Boonsboro Schools are already overcrowded and in disrepair. Stated that single family homes will add a lot more students.
- **Bob Sweeney**, 14 Knode Circle. Stated that this is a very unpopular topic. Stated that Washington County has been rezoning areas and forcing Senior Housing developments. Stated that many people from South County are moving to South Pointe in Hagerstown. Stated that Chase Six Boulevard needs to be built out before new construction of houses to alleviate traffic.

The following written comments were received opposing the Amendment Request:

- **Eric Kitchen**, 115 Orchard Drive.
- **Richard and Christine Hawkins**, 101 Maple Avenue.
- **Glenn and Jeannette DeShazo**, 103 Maple Avenue.
- **Brian and Wendi Smith**, 107 Maple Avenue.
- **Ena Bovell Martin**, President of Fletcher's Grove HOA, 15 Holder Court.
 - Petition from Fletcher's Grove residents with 24 signatures

Council Member Hanson asked for a definition of Senior Housing. Town Planner Strickler stated that Senior Housing is age restricted housing for ages 55 and older. Town Planner Strickler also stated that, for the purposes of this topic, Senior Housing is defined in the annexation agreement as, "...senior level housing in the form of single story duplexes (for example, as exists in the SouthPoint subdivision development in the City of Hagerstown)...".

Jim Draper, the Managing Member of Dean 8486, LLC and Ringley, LLC, stated that he started buying parts of Boonsboro in 1988. He stated that it took 5-years to obtain a SHA Entrance Permit from Alternate Route 40 to construct Chase Six Boulevard. He further stated that he has submitted the request to SHA to construct a construction entrance to Chase Six Boulevard from Route 66. Mr. Draper stated that the commercial sites on Chase Six Boulevard are not selling because the road is not completed. He stated that as soon as the SHA Entrance Permit is received, he will begin the road construction.

Hearing no further comments, Mayor Long asked for a motion to close the Public Hearing. **Motion** by Assistant Mayor Byrd, second by Council Member Weaver to close the Public Hearing at 7:20PM. Motion carried.

Respectfully submitted,

Kimberly A. Miller
Interim Town Manager

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BOONSBORO MAYOR & COUNCIL
MONDAY, AUGUST 27, 2018
WORKSHOP MEETING

The Mayor and Council held their Workshop Meeting on Monday, August 27, 2018 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building to set the Regular Session Agenda for Tuesday, September 4, 2018. Present were Mayor Howard Long, Assistant Mayor Rick Byrd, Council Members Marilee Kerns, Ray Hanson, Tony Nally and Rick Weaver. Also present were Interim Town Manager Kimberly Miller, Town Planner Ethan Strickler and Interim Police Chief Kevin Morgan. The meeting convened at 7:33PM. Council Member Terri Hollingshead was absent.

South County Food Pantry – Micah's Backpack: Lisha Bikle, representing the South County Food Pantry and Micah's Backpack, addressed the Mayor and Council regarding The Pantry outgrowing its current location at Trinity Evangelical Lutheran Church and its need to expand. Ms. Bikle stated that the current location is located on the second floor of the Church, that it is difficult for the volunteers to carry cases of food up two flights of stairs and that the need for food assistance in the area is so great that they simply need more space. She stated that Micah's Backpack alone provided 116 community children last year with backpacks on Friday afternoon with enough food for two nutritious breakfasts, lunches and dinners for the weekends, and they believe that this number will increase this school year. She further stated that The Pantry is looking for either a building or a piece of ground to build a 60x50 building, noting that they could fund-raise for the money to pay for the building but probably could not raise enough to purchase the ground. Council discussed the request and could not come up with a Town owned piece of ground that is currently available to place a building on. Council suggested placing the request on the Town website, Facebook page and in the Fall 2018 Town Newsletter.

Annual Remembrance Parade: Mayor Long stated that the Council received an invitation to participate in the First Hose Company of Boonsboro's Annual Remembrance Parade on Tuesday, September 11 at 6:30pm. He stated that line-up is at 5:30pm at the School Complex.

Boonsboro High School Homecoming Parade: Mayor Long stated that the Council received an invitation to participate in Boonsboro High School Homecoming Parade on Friday, September 28 at 5:00pm. He stated that line-up is at 4:30pm at the School Complex.

Recommendation to Hire Part-time Office Personnel: Assistant Mayor Byrd stated that the Personnel Committee met with former Town Manager Krista Davis for her exit interview and with Interim Town Manager Kim Miller to discuss the work load of the Town Hall office, what is lacking, what could be improved and more efficient ways to run the daily operations. He stated that the original suggestion had been to hire an Assistant Town Manager, but that the Personnel Committee feels that because Interim Town Manager Miller is already handling many additional responsibilities which exceed her current job description in her position as Administrative Assistant, that it would be wise to change her job title to Office Manager and create a new part-time office position, thus saving money for the Town on salaries, taxes and insurance. He further stated that concerns that were raised by both Davis and Miller about the efficiency of the Town office are the issues with daily interruptions such as answering the telephone, managing the front window and other small tasks which are taking away from productivity. Assistant Mayor Byrd stated that the Personnel Committee is recommending that the Town hire a part-time office person to handle the 'small stuff,' which will free up the current office staff and increase productivity. Council Member Kerns stated that she feels that the Town should wait until a new Town Manager is hired before making any office staff hiring decisions, and asked where the extra money will come from for a part-time employee's salary. Council Member Nally suggested contacting a 'temp service' rather than hiring someone. Assistant Mayor Byrd stated that he does not like the idea of using Manpower Temporary Service and that they are only looking to hire some to work less than 30 hours per week.

Town Hall Office Staffing during September: Assistant Mayor Byrd stated that the Personnel Committee's original recommendation for the Town Hall staffing from September 5 to 27, 2018, while Interim Town Manager Miller is on vacation, was to bring back former Town Manager Davis, but that they have since reconsidered their recommendation. He stated that it is the Personnel Committee and Mayor Long's feelings that the Town Hall staff will be fine during those 3 weeks, noting that Mayor Long plans to be in the Town Hall office on Mondays, Wednesdays and Fridays. Mayor Long stated that he contacted Bruce Zimmerman, who served as Interim Town Manager in March and April of this year, and he was not available to return during this time. He stated that he has full confidence that the Town Hall staff will be fine while Interim Town Manager Miller is on vacation.

Recommendation to Hire Part-time Grounds Keeper - Yard Debris Employee: Assistant Mayor Byrd stated that he talked to Public Works Superintendent Greg Huntsberry and that he feels that it would be very beneficial to hire a part-time Yard Debris – Grounds Keeper employee. He stated that the Personnel Committee is recommending hiring a part-time employees to man the Yard Debris site on Saturday mornings and the open and close the Shafer Park restrooms in the evenings and on the weekends. He further stated that they feel that this will help reduce the amount of overtime hours that he Public Works staff is currently accumulating. Council Member Kerns and Council Member Nally suggested that the Public Works schedules could be altered to give the employee Friday afternoon off when they are responsible for working the Yard Debris Site Saturday morning. Council Member Kerns asked where the extra money will come from for a part-time employee's salary, noting that there is no overtime budgeted in the Fiscal Year Budget as it is.

Recommendation to Hire Part-time Police Officer: Interim Police Chief Morgan stated that he is requesting approval to hire a part-time Police Officer. He stated that he provided the resume and application for the potential employee, David Rizer. He stated that Officer Rizer is currently employed as a full-time teacher/instructor at the Washington County Technical High School for the Criminal Justice Program and is employed part-time as a Police Officer with the Town of Smithsburg until September 18, 2018. He further stated that Officer Rizer needs to be actively employed as a Police Officer to maintain his Certification and is willing to work evenings, as needed, anywhere from 1-hour to 40-hours per week. Council discussed the options of hiring two part-time Officers. Interim Police Chief Morgan stated that he plans to give the State Police and Washington County Police the door code for the Police Department building so that when they are in Town they have a place to stop and use at their disposal. Council Member Hanson stated that he is concerned with the lack of coverage by the Washington County Sheriff's Department in South County. Consensus is to move forward with the hiring of David Rizer as a part-time Police Officer.

Town Employee Payroll and Direct Deposit: Interim Town Manager Miller provided a status update on the Councils request to establish a Town Employee Payroll Checking Account. She stated that the checking account was set up at BB&T Bank last week and that she has contacted the Town's current accounting software company, Sage 50, to set up Direct Deposit. She further stated that the cost will be \$1.10 per employee per pay period for Direct Deposit, totaling approximately \$44 per month. Interim Town Manager Miller stated that she will be working towards enacting the Direct Deposit Payroll by early October.

Citizens Comments

- **Kathy Vesely, Boonsboro Farmer's Market.** Ms. Vesely stated that the Famer's Market has been working to come up with ideas to draw in more customers. She stated that last Tuesday was "Bring Your Dog to the Market Day" and that it was very successful. She further stated that this Tuesday is "Back to School Day" and that they plan on holding a "Senior Day," as well. Ms. Vesely stated that they plan on holding a "Meet the Mayor and Council Day" on September 18 and invited everyone to attend.

Annual Town Financial Audit: Interim Town Manager Miller stated that the Annual Town Financial Audit, for Fiscal Year 2018 ending June 30, 2018, began August 22, 2018. She stated that the new Auditing firm, *Albright, Crumbacker, Moul & Itell*, made the recommendation to submit a 60-day Audit extension request to the State of Maryland to change the submission due date from October 31, 2018 to December 31, 2018 due to this being the first year that they are performing the Town's Audit and also due to Town office staffing changes. She further stated that staff is working with the Auditor and everything is proceeding as expected.

MS4 NPDES Permit: General Discharge Permit No. 13-IM-5500, General NPDES No. MDR055500: Town Planner Strickler presented the preliminary discussion material and presentation for the Maryland Department of the Environment's National Pollutant Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer Systems (MS4) Permit. He stated that the MS4 general Permit becomes effective on October 31, 2018 and that Town must file their "Notice of Intent" by that date, noting that we then have 1-year to come up with our Plan and 5-years to comply with the Plan. He further stated that the MS4 Permit is part of Chesapeake Bay related legislation, pertains to the implementation and retrofitting of the Town's stormwater management system, and deals with the rainfall and runoff washing sediment and pollutants into the streams which feed into the Bay. Town Planner Strickler reviewed his presentation which included control measures, requirements, mapping pervious and non-pervious areas. He stated that he will keep the Mayor and Council up to date on the Permit process.

Council Member Kerns asked when the Council will be reviewing the Town Manger resumes and scheduling interviews, noting that all resumes and applications for Town Manager, Chief of Police and Police Officer are due by the end of the day on Tuesday, August 28, 2018. She stated that she is requesting that the Town Manager resumes be scanned and emailed to the

Council for their review so that they can discuss the candidates before the September Regular Meeting. Interim Town Manager Miller will scan the resumes by the end of the day on Wednesday. Council decided that they will meet at 5:30PM on Tuesday, September 4, 2018 to review the Town Manager resumes together. Council Member Hanson recused himself due to the fact that his wife, Susan Hanson, applied for the Town Manager position. Mayor Long stated that he will be reviewing the Chief of Police resumes and Council Member Hanson volunteered to assist with the review on Wednesday, August 29 at 9:00AM. Mayor Long stated that Interim Police Chief Morgan will review the Police Officer resumes and application.

Motion by Council Member Kerns, second by Council Member Weaver to close the Workshop Meeting at 9:36PM and move into **Executive Session** *as permitted under General Provisions Article §3-305 (b)(8), (8) to consult with staff, consultants, or other individuals about pending or potential litigation.* Motion carried.

Respectfully submitted,
Kimberly A. Miller, Interim Town Manager