

**BOONSBORO MAYOR AND COUNCIL**  
**REGULAR MEETING MINUTES**  
**Monday, February 10, 2020**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, February 10, 2020 in the Meeting Chambers. 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 7:00PM with the pledge and invocation offered by Mayor Long.

**REVIEW AND APPROVAL OF MEETING MINUTES and TREASURER'S REPORT**

- **Motion** by Council Member Nally, second by Assistant Mayor Byrd to approve the January 6, 2020 **Public Hearing and Regular Meeting**, the January 21, 2020 **Workshop Meeting** and the January 31, 2020 **Emergency Meeting Minutes**. **Motion carried.**
- **Motion** by Council Member Nally, second by Council Member Weaver to approve the **January 2020 Treasurer's Report**. **Motion carried.**
  - **Motion** by Council Member Kerns, second by Council Member Nally to renew the Wells Fargo CD of \$250,000 at the best current rate available. **Motion carried.**
  - **Motion** by Council Member Kerns, second by Council Member Nally to move the Wells Fargo CD of \$95,000 and the Wells Fargo CD of \$75,000 into a Money Market Account to help cover the cost of the BMUC Wastewater System Master Plan and Hydraulic Model. **Motion carried.**

**GUESTS**

- **Boy Scouts Rebecca Bergeron**, of Troop 2199, and **Will Duus**, of Troop 20, attended the Meeting for their *Citizenship in the Community* Merit Badges.

**PUBLIC COMMENTS** (*must sign in and limit comments to 3 minutes*)

- **Kathy Vesely**, 101 Redfern Place. Asked Chief Morgan where the markers are for the cross walk on Potomac Street, noting that she has not seen them for quite a while. Chief Morgan stated that he put them inside the Police Department during the winter weather and will place them back outside as soon as the weather gets nice again.
- **Eric Kitchen**, 115 Orchard Drive. Stated that there is a piece of Town owned property at the corner of his property on Orchard Drive that he has been mowing and maintaining for years. Stated that he would like to assume ownership of the parcel and have the Town turn it over to him. Town Planner Strickler presented a map showing the parcel and the Town's right-of-way for the Councils review and input. Council recommends that Mr. Kitchen consult with a lawyer to start the process and let them know what the next steps are.

**MAYOR AND COUNCIL MEMBER CORRESPONDENCE**

- **Mayor Long** shared a *Thank You* noted from the Grove Family for renaming the Town Pond in honor of Ray Grove. Mayor Long stated that the Town Pond dedication will be held on Saturday, May 2, 2020 during the Annual Fishing Derby honoring both Ray Grove and Rick Hawkins.
- **Mayor Long** shared a *Thank You* noted from the American Legion Post 10 Ladies Auxiliary for the donation to the Annual Children's' Christmas Party.
- **Mayor Long** presented a donation request from the Boonsboro Middle School for the BMS Breast Cancer Awareness Charity Basketball Game on March 30, 2020 at 6:00PM. He stated that Town Manager Miller made the recommendation to donate a Shafer Park Pavilion Rental for the raffle and silent auction during the fund-raising event. **Motion** by Council Member Nally, second by Council Member Kerns to donate a Shafer Park Pavilion Rental for the BMS Breast Cancer Awareness Charity Basketball Game the raffle and silent auction. **Motion carried.**
- Council Member Hanson stated that the Washington County Chapter of the MML January 27, 2020 Meeting, hosted by the Town, was excellent and a very well attended event.

**Police Department Report** – *Chief Morgan*. The Police Department received 42 calls for service, which included 81 motor vehicle violator contacts and 0 Parking Citation for the month of January 2020. There were 0 adult criminal arrests, 0 adult

paper service arrests, 0 adult traffic arrests, 2 juvenile arrests for vandalism in Shafer Park. Stated that Ryan Christman stated his Police Officer Comparative Compliance Training on February 3, 2020.

## **NEW BUSINESS**

**Police Department Request - Purchase of Three Pre-Owned Vehicles:** Chief Morgan presented his request to the Mayor and Council to purchase three (3) pre-owned government vehicles from Asia Motors, of Melrose Park, Illinois, for the cost of \$33,700. He stated that with approval, he plans to purchase a 2013 Chevrolet Impala with 18,011 miles, a 2014 Ford Taurus with 37,081 miles and a 2009 Dodge Charger with 20,469 miles, all of which have been checked by the Lemon Squad for any issues. He reviewed that \$55,000 was budgeted in Capital Outlay for the purchase of a new Police vehicle, that he placed an order with Criswell Chevrolet under the State Contract in mid-2019, and that order was cancelled in November 2019 without any notice or correspondence. Chief Morgan stated that the \$33,700 includes all associated fees and transport of the vehicles to the Boonsboro Police Department. **Motion** by Council Member Hollingshead, second by Council Member Hanson to approve the purchase of three (3) Police Vehicles from Asia Motors for the cost of \$33,700. **Motion carried.**

**Recommendation to Approve - Ordinance 2020-01; Illicit Discharge Detection and Elimination Ordinance (IDDE):** Town Planner Strickler stated that a Public Hearing was held before the Regular Meeting for the purpose of receiving public input, either in support of or in opposition of, Ordinance 2020-01; *Illicit Discharge Detection and Elimination Ordinance (IDDE) for MS4*. He reviewed that the Ordinance would make sump pump sewer connections illegal and will give residents a way to report illicit discharges, dumping and spills. He further stated that the Ordinance will show MDE that the Town is moving forward with the MS4 (Municipal Separate Storm Sewer System) permitting process. **Motion** by Assistant Mayor Byrd, second by Council Member Hanson to approve Ordinance 2020-01; *Illicit Discharge Detection and Elimination Ordinance (IDDE) for MS4*. **Motion carried.**

**Bond Reduction Requests - King Road Associates Sycamore Run Phase I:** Town Planner Strickler, on behalf of a recommendation from the Planning Commission, presented the King Road Associates Bond Reduction Request. He stated that it for the part of the development along the east side of Old National Pike (US Alternate 40) abutting the Boonsboro Cemetery. Town Planner Strickler presented the recommendations as follow:

- **First Recommendation:** Town Planner Strickler recommends reducing the associated surety in accordance with the PWA for Phase I of the Sycamore Run subdivision by 95% for 95% of the work completed for a retained surety of \$79,332.02. This would reduce the associated surety by \$317,328.08, from \$396,660.10 to \$79,332.02 (*5% of the original surety of \$1,586,640.39 equals \$79,332.02*). Town Planner Strickler recommends this action contingent upon the applicable As-Built approvals from Washington County for stormwater management facilities in Phase I.
- **Second Recommendation:** Now that all home construction and Young Avenue Pump Station upgrades are complete, Town Planner Strickler recommends beginning the one-year maintenance period for the Young Avenue Pump Station contingent upon the developer re-wrapping/re-insulating certain sections of pipe at the pump station, per the Wastewater Superintendent's request, and the execution of a one-year maintenance agreement with the developer.

**Motion** by Council Member Hanson, second by Council Member Weaver to approve the King Road Associates Sycamore Run Phase 1 Bond Reduction Requests, as presented, contingent upon the applicable As-Built approvals from Washington County for stormwater management facilities in Phase I. **Motion carried.**

**Recommendation to Award Project - BMUC Wastewater System Master Plan and Hydraulic Model:** Town Manager Mantello presented the Wastewater System Master Plan and Hydraulic Model Bid Results for the Mayor and Councils review and input, noting that five (5) proposals were received on December 4, 2019. He stated, on behalf of the Boonsboro Municipal Utilities Commission, that they are recommending that the Wastewater System Master Plan and Hydraulic Model be awarded to Whitman, Requardt and Associates (WRA) for the estimated cost of \$92,577 for the project and \$33,700 for surveying, based on the multiple years of experience with the Town, the excellent service with the Water System Model, as well as a very strong presentation. Council discussed that this is a *non-budgeted* project and that the Town may need to upfront the funds to cover the starting cost of the project, with the BMUC establishing a repayment plan to reimburse the Town. Town Planner Strickler stated that the Town will recapture funds from Developers to reimburse the cost of the Water System and Wastewater System Master Plan and Hydraulic Model, and that it will also assist with Long-term Capital Improvements.

**Motion** by Council Member Nally, Liaison to the BMUC, second by Council Member Kerns to award the Wastewater System Master Plan and Hydraulic Model to Whitman, Requardt and Associates (WRA) for the estimated cost of \$92,577 for the project and \$33,700 for the surveying, to approve the Town funding to start the project and to allow the Boonsboro Municipal Utilities Commission to come up with a recommendation for a repayment schedule for the project. **Motion carried.**

**Recommendation to Award Contract - Legal Services:** Town Manager Mantello presented the results from the Request for Proposals for Legal Services for the Mayor and Councils review and input, noting that the last time an RFP was put out for Legal Services was in 2015. He stated that a single bid was received from Salvatore and Morton, LLC of Hagerstown, who also currently represents the City of Hagerstown and Town of Smithsburg. He stated that their legal team is comprised of two lawyers, Jason Morton and Jennifer Keefer, with 11 years of Municipal experience and two paralegals. He further stated that their soft cost cap for assignments under 1,000 total billable hours would be \$250 per hour and assignments exceeding 1,000 total billable hours would be \$200, excluding litigation, noting that paralegal costs would be \$75 and \$65 respectfully. **Motion** by Council Member Nally, second by Council Member Hollingshead to award the Legal Services contract to Salvatore and Morton, LLC. **Motion carried.**

**Recommendation to Adopt - Washington County Holiday Schedule:** Office Manager Miller stated that after reviewing the 2020 Washington County holiday schedule and receiving approval from the Personnel Committee, she is recommending that the Town fully adopts the County's holiday schedule for Town Hall closures. She stated that the Town currently follows the County for days off due to snow and weather, and that she is making the recommendation to add Presidents Day and New Year's Eve to the Town's Holiday schedule, noting that currently the employees do not have those 2 days off. **Motion** by Assistant Mayor Byrd, second by Council Member Hanson to approve the adoption of the Washington County Holiday Schedule for Town Hall closures. **Motion carried.**

## COMMISSION REPORTS

**Public Safety Commission – M. Kerns.** Meeting held on January 17, 2020. Discussions included Trinity Lutheran Church members' request to have reserved parking signs place in front of the church for no-parking on Sunday mornings, the ongoing request for a school crossing guard at Maple Avenue, and the notification that Bill Bigelow is stepping down from his membership position on the Commission.

**Park Board – R. Weaver.** Meeting held on January 22, 2020. Discussions included the upcoming Tree Board seminar and Arbor Day – Earth Day Park Clean-up event on April 26, 2020, the approval of the 2020 Strategic Plan, an update on the Program Open Space Grants for Fiscal Year 2021, the approval for Boy Scout Troop 20 to host the "Dutch Oven Games" in Shafer Park on March 27 to March 29, and updates on the Park vandalism, Wagon Train, Independence Day Celebration, Movie Nights and Concert Series.

- **Motion** by Council Member Weaver, second by Council Member Kerns to approve Boy Scout Troop 20's hosting of the "Dutch Oven Games" in Shafer Park on March 27 to March 29. **Motion carried.**

**Utilities Commission – T. Nally.** Meeting held on January 15, 2020. Discussions included an update on the Boonsboro High School well, an update on the Keedysville Springhouse Weir Wall repairs, the water meter replacement program and the approval to purchase an additional 100 water meters, the approval to recommend to award the Wastewater System Master Plan and Hydraulic Model to Whitman, Requardt and Associates (WRA), an update on the Park Well, a presentation on the Advanced Metering Infrastructure (AMI) and the approval of the South End Pump Station plan changes.

**Planning Commission – R. Byrd.** Meeting held on January 28, 2020. Discussions included the Commission vacancy, the need to further revise the Temporary Storage Container Ordinance, the Sycamore Run SWM-2 access issue, the 2020 Sustainable Community Designation application, an update and plan changes for the South End Pump Station and Ostertag Pass development, updated on the Sycamore Rin development, and discussions on a Construction/Excessive Noise Policy or Ordinance, an AirBnB Short Term Rentals update and the Gateway Communities presentation.

**Economic Development Commission – M. Kerns.** The Networking Breakfast was held on Thursday, January 16, 2020 at 7:30am at Vesta's Restaurant, with guest speaker Brandon Green of Stony Creek Farm. The next EDC Meeting will be on February 26, 2020 in the Meeting Chambers at 9:00am.

**Environmental Commission – T. Hollingshead.** Meeting held on January 14, 2020. Presentations on Sustainable Communities Designation and Green Space Mapping by Town Planner Strickler. Discussions included the approval of the 2019 Annual Report and Subcommittee Reports.

### Town Manager Report – P. Mantello

- Stated that the Keedysville Springhouse Weir Wall Project is nearing completion.

- Stated that a minor emergency streambank restoration project needs to be addressed at the Route 34 pump station. Town Planner Strickler will present the recommendation at the March Workshop Meeting
- Stated that Water/Wastewater Superintendent Shumaker and he will be visiting the Wastewater Treatment Plant Volute Press in Front Royal, Virginia.
- Stated that the Water Loss Task Force is working slowly and methodically to try to determine water loss locations.

**Motion** by Council Member Hollingshead, second by Council Member Kerns to adjourn the Regular Meeting at 8:42PM.  
**Motion** carried.

Respectfully submitted,

Kimberly A. Miller, Office Manager