

**BOONSBORO MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
Monday, March 14, 2022**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, March 14, 2022 in the Meeting Chambers. The Meeting was streamed via GoToMeeting online. 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, Office Manager Kimberly Miller, Town Planner Reiley Stanley, Police Chief Kevin Morgan and Police Administrative Assistant Amy Rudy. The meeting convened at 7:00PM with the pledge offered by Mayor Long and invocation offered by Pastor Karl Muhlbach.

**GUEST** – Council Member Nally introduced Pastor Karl Muhlbach, of *Trinity Lutheran Church*, to the Mayor and Council and those attending the Meeting. Council welcomed Pastor Muhlbach to the community and thanked him for attending the Meeting.

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

- **Motion** by Council Member Kerns, second by Assistant Mayor Byrd to approve the **February 14, 2022 Regular Meeting Minutes** and the **February 28, 2022 Workshop Meeting Minutes**. **Motion carried.**
- **Motion** by Council Member Nally, second by Council Member Weaver to approve the **February 2022 Treasurer’s Report**. **Motion carried.**

**PRESENTATION**

- **Casandra Ladino, Environmental Commission Chair – *Shafer Park Community Garden***: BEC Chair Ladino stated that the Environmental Commission has had a long-time goal of establishing a Community Garden. She stated that a Community Garden requires a significant upfront cost investment and must cater to gardeners’ needs to maintain a thriving membership for long term sustainability. BEC Chair Ladino presented that *Shafer Park Community Garden* PowerPoint showing the location and design, noting that the BEC hopes to construct a Garden in the Fall of 2022 and have the inaugural growing season in the Spring of 2023. She stated that this year the BEC has two excellent opportunities to raise the funding necessary to construct a high-quality Community Garden space featuring onsite amenities and volunteer participation from several local organizations:
  - Washington County has designated use of their American Rescue Plan Act funds for a Community Investment Grant Program. The Washington County sponsored Community Investment Grant Program will provide matching fund opportunities and will be available to apply for in May 2022.
  - The annual American Association of Retired Persons (AARP) Organization’s 2022 Community Challenge grant. The AARP Community Challenge provides small grants (75% of grants are 15k or less) to fund quick-action projects that can help communities become more livable for people of all ages. This year’s grant has a focus on projects to improve public spaces and pursue innovative ideas that support people age 50 or older such as a community garden, and the application is due in April 2022.

BEC Chair Ladino stated that a Community Garden brings together a group of people to garden in the same location. The BEC will be the long-term managing body and plans to invite other community members to become subcommittee members and garden managers and will adopt an “individual plot” model of operation where each gardener is assigned their own plot to grow and harvest for themselves. She stated that gardeners will be charged a membership fee to cover the annual maintenance and cost of the Town supplied water source. She further stated that the Garden location in Shafer Park was determined based on current plans to extend Park Drive and the extension from the closest existing water main to provide an onsite water resource. BEC Chair Ladino stated that preliminary plans were discussed and developed with Town Manager Mantello and Public Works Superintendent Huntsberry. She stated that though there are many more potential costs considerations for a Community Garden, some of the basic essential infrastructure components are the following:

- **FENCING**: #1 priority to keep out deer and other pests. A 6-foot-high vinyl coated chain link fence with two gates (opposite ends) will be necessary at an estimated cost of \$24,000 to enclose the entire 0.42 acres.
- **TOOLS**: Needed for seasonal maintenance and a resource for gardeners.
- **STORAGE**: Tools and supplies must be kept in a safe and dry place.
- **WATER**: A water source must be provided onsite, otherwise the barrier to participation may be too challenging for community members.

Town Manager Mantello stated that the Boonsboro Environmental Commission is requesting approval of the Community Garden location in Shafer Park at this Meeting. **Motion** by Council Member Hollingshead, second by Council Member Weaver to approve the Shafer Park Community Garden location as presented. **Motion** carried.

- **Jean Holloway, South East Rural Community Assistance Project, Inc. (SERCAP) - Rate Analysis Report:** Ms. Holloway presented the Boonsboro Water and Sewer Rate Study PowerPoint for the Councils review and input. Ms. Holloway stated that the Rate Study started in 2019 but was stopped due to COVID-19 restrictions. She stated that the Report is a 5-year rate projection and is a starting point for considerations for future decisions. She further stated that non-revenue water is 'gallons produced at cost but with no cost recovery through rates,' and that Boonsboro's level is 30% of production or about 38,781,628 gallons. Ms. Holloway stated that at the present time, by her calculation, there is a loss of \$240,446 for Water and a loss of about \$350,000 for Sewer. She stated that new water meters can help to solve that, but everything should be examined further once new meters are installed. She further stated that the current \$15.00 minimum charge for Water only brings in about half of the Revenue needed for Fixed Costs and the current \$55.00 for Sewer recovers less than half of the Revenue needed to cover Fixed Costs, noting that 77.6% of customers use 15,000 gallons or less; 89% use 20,000 gallons or less. Ms. Holloway suggested analyzing actual costs annually before setting Water and Sewer Rate for the up-coming Fiscal Year and stated that the Rate Analysis Report recommendations are based on Fiscal Year 2021 circumstances and predictions can change with each year. Council thanked her for all of the work she put into the Report.

**Police Department Report – Chief Morgan.** The Police Department received 53 calls for service, which included 115 motor vehicle violator contacts and 0 Parking Citations for the month of February 2022. There was 1 adult criminal arrest, 0 adult paper service arrests, 0 adult traffic arrests, and 0 juvenile arrests.

- **Police 2011 Chevy Tahoe:** Chief Morgan stated that the 2011 Chevy Tahoe is in bad condition and that it would probably take upwards of \$7,000 to make it street safe. He suggested donating it to the Washington County Technical High School. **Motion** by Council Member Hanson, second by Council Member Hollingshead to donate the 2011 Chevy Tahoe to the Washington County Technical High School. **Motion** carried.

## **NEW BUSINESS**

**Maple Avenue - Portable Radar Display System:** Police Administrative Assistant Rudy reviewed the Portable Radar Display quotes as presented at the February Workshop Meeting. She reviewed the quotes from Radarsign, Kustom Signals and Traffic Logix, noting that in her opinion, the equipment from Radarsign would best suit the Town's needs. She stated that the TC400, at the cost of \$7,144 for 2 signs, is the battery powered radar speed sign from Radarsign and is lightweight, mobile and includes rechargeable batteries that can be charged and swapped out every 2 to 3 weeks as needed. She stated that the TC600, at the cost of \$7,643 for 2 signs, is the solar powered radar sign from Radarsign and is more of a permanent solution that can be programmed with "message alerts" such as SCHOOL ZONE, SLOW DOWN and TOO FAST. She explained that both devices include "Streetsmart," a traffic data collection software. Council discussed that this is a positive gap-measure before the speed limit reduction and the new intersection at Chase Six Boulevard, Maple Avenue and Campus Avenue. **Motion** by Council Member Hanson, second by Assistant Mayor Byrd to purchase the TC400 Radarsign at the cost of \$7,144. **Motion** carried.

**Constant Yield Tax Rate (CYTR) Certificate Notice:** Council Member Kerns reviewed that the Town received the 2022 Constant Yield Tax Rate (CYTR) Certificate Notice from the Maryland Department of Taxation and that the Notice can be included in the March 2022 utility bill mailing, which will be a lower cost option than advertising the Notice in the newspaper. She stated that after talking with the State, the Notice needs to be in residents' hands between March 28 and April 11, 2022 and holding the Public Hearing on April 11 is too early. Based on this information, Council will hold the Public Hearing on the Proposed Real Property Tax Increase at 6:30pm on Monday, April 18, 2022 after the Fiscal Year Budget Workshop at 6:00PM.

**Bid Results – Professional General Legal Service:** Office Manager Miller presented the results from the Request for Proposals for Legal Services for the Mayor and Councils review and input. She stated that two bids were received from Salvatore and Morton, LLC and Kuczynski & Kuczynski, PA, and that Salvatore and Morton, the Town's current Attorney, submitted the lower bid. She 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 \$60 respectfully. **Motion** by Council Member Hollingshead, second by Assistant Mayor Byrd to award the Legal Services contract to Salvatore and Morton, LLC. **Motion** carried.

**Bid Results – 2022 Mowing Services:** Office Manager Miller presented the results from the Request for Proposals for the 2022 Mowing Services for the Mayor and Councils review and input. She stated that two bids were received from Yetter's Lawn Care and Custom Landscape, and that Yetter's Lawn Care, the 2021 lawn contractors, submitted the lower bid. She further

stated that their weekly cost is \$1,200, \$250 more than 2021 cost of \$950 per week, and that the contract is for 1-year beginning on April 1, 2022, with the option to extend an additional 1-year, for a total 2-year term, at the discretion of the Mayor and Council. **Motion** by Council Member Hollingshead, second by Council Member Kerns to award the 2022 Mowing Contract to Yetter's Lawn Care. **Motion** carried.

#### **Town Reservoir Replacement Update:**

- **WRA's Condition Assessment & Monitoring Recommendations:** Town Manager Mantello presented the Boonsboro Reservoir Slope Assessment and Monitoring Recommendations from Whitman, Requardt and Associates, LLC (WRA) dated March 3, 2022 for the Mayor and Councils review and input.
  - Western Slope: A shallow but long horizontal hole at the top of the slope and two bulges on the side of the western slope.
  - Southern Slope: A 15-foot wide dip at the top of the slope west of the staircase, an active animal burrow hole west of the staircase, soil sloughing from the crest to the middle of the slope east of the staircase, and erosion of both sides of the staircase with loose granular material on the surface.
  - Eastern Slope: A couple of shallow holes extending horizontally at the top of the slope and a 9-foot vegetated scarp with bulging underneath was identified. On this side, at the bottom of the slope, two wet patches of soil were identified.

Town Manager Mantello stated that the sinkholes, sloughing and bulging on the levee of the Reservoir were determined by MDE Dam Safety and WRA to be caused by groundhogs. He stated that WRA has been working on a remediation and monitoring plan that the Town can implement while design and construction are being completed, noting Public Works Superintendent Huntsberry has begun filling the holes with mud.

- **Frederick County Dive 15 Team – Upcoming Reservoir Dive & Camera Donation Request:** Town Manager Mantello presented a donation request from Commander David Eaves of the Frederick County Dive Rescue Team Dive 15 for the Mayor and Councils review and input. He stated that Dive 15 will be conducting another underwater video assessment of the Town Reservoir on March 18, 2022 and that Commander Eaves is requesting a donation of \$775.22 to purchase a Paralenz Vaquita Dive Action Camera. Council discussed paying for the dive camera purchase from the Water Fund Equipment Expense Budget. **Motion** by Council Member Kerns, second by Council Member Nally to approve the purchase of the Paralenz Vaquita Dive Action Camera in the amount of \$775.22 for the Reservoir dive. **Motion** carried.

**MDE NPDES MS4 Annual Review:** Town Manager Mantello presented the Maryland Department of the Environment's National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Systems (MS4) Annual Progress Report for the Mayor and Councils review and input. He stated that he is happy with the Town's progress, noting that MDE attempted to not accept the 2021 Fall Tree Planting as part of the credits but after much deliberation they have agreed to accept them.

#### **COMMISSION REPORTS**

**Park Board - Council Member Weaver.** Meeting held on February 9, 2022. Discussions included the approval for a Community Garden in Shafer Park near the Boy Scout Building utilizing American Rescue Plan Capital Funds, and four other possible American Rescue Plan ideas which include a community pool, restoring and cleaning the Park stream, a pickleball court and a dog park.

**Boonsboro Municipal Utilities Commission – Council Member Nally.** Meeting held on February 16, 2022. Presentation of the SERCAP Rate Analysis Report was given by Jean Holloway. Discussions included the revised Billing Policy and EDU Allocation Corrections, the American Rescue Plan Capital Planning Task Force progress update, the WWTP Sludge Dewatering Project update, the I&I basement drain issues at 217 and 219 Della Lane, the Keedysville Booster Station Water Pressure Reduction Project update, the Boonsboro High School Irrigation Well update, the Public Works hiring of Logan Garrett, the WRA Drinking Water Reservoir Replacement Design Proposal, the BKWAB update and the Consulting Agreement with Manno and Associates.

**Planning Commission – Assistant Mayor Byrd.** Meeting held on February 22, 2022. Discussions included an update from Eric Kitchen on the American Rescue Plan Capital Planning Task Force Request Form and the submitting of the Commissions two areas of focus being the Comprehensive Plan and the Re-alignment of Chase Six Boulevard and Campus Drive, the approval to accept the Battlefield Estates Concept Plan and the Minor Subdivision of M0072 P0012 on Old National Pike.

**Economic Development Commission – Council Member Hanson.** Meeting held on February 23, 2022. Discussions included the Downtown Beautification Program and funding update, the Networking Breakfast Series March and May 2022 speakers,

advertising and promotion ideas, the new Business Ribbon Cuttings and Recognition updates, the purchase of EDC shirts, the South Mountain Jam and Food Truck Festival update, the Boonsboro Town Alliance update including the Spring Jubilee, the Appalachian Trail Community Task Force, the quarterly rack cards, the follow-up on grant opportunities, the American Rescue Plan funds and the 60<sup>th</sup> Anniversary JFK 50 Ultramarathon update. The next Networking Meeting will be held on March 17, 2022 at 7:30am at the American Legion.

**Environmental Commission** – *Council Member Hollingshead*. Meeting held on February 8, 2022. Discussions included the approval of the 2021 Annual Report, the American Rescue Plan Submission Request, the items for the April 2022 Town Newsletter, the potential Community Garden locations, the planning for the Fiscal Year 2023 Budget Projects, and Subcommittee Reports.

**Town Planner Report** – *R. Stanley*

- Stated that a Public Hearing will be held on April 11, 2022 at 6:30PM for a Zoning Map Amendment for the Morgan Property on Old National Pike to change the current Zoning from Suburban Residential (SR) to General Commercial (GC). The reason for the request by the applicant is due to a mistake in the existing Zoning Classification.
- Stated that the Town received the resubmission of the Dunkin Donuts Site Plan
- Stated that the School Board is in mitigations with the Fletcher’s Grove developers for the Chase Six Boulevard connection to Campus Avenue

**Town Manager Report** – *P. Mantello*

- Stated that the Town received an update from Roger Manno and Associates on the progress of his lobbying and that the Consulting Agreement is now in its second month
- Stated that there is a Site Meeting on March 16, 2022 regarding the transmission line for the Re-Alignment Project at Chase Six Boulevard and Campus Drive. Staff is meeting with Potomac Edison and the developers
- Stated that staff is working on the EDU Allocation Corrections. Stated that there are a lot of properties in Town that are not paying enough for EDUs. Stated that Public Works staff is currently doing water meter readings and conducting an EDU survey.

**Motion** by Council Member Hollingshead, second by Council Member Nally to adjourn the Regular Meeting at 9:12PM.  
**Motion carried.**

Respectfully submitted,  
Kimberly Miller, Office Manager