

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
Monday, March 11, 2024**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, March 11, 2024 in the Town Annex Meeting Chambers. The Meeting was streamed via GoToMeeting. In attendance were Mayor Howard Long, Assistant Mayor Tony Nally, Council Members Ray Hanson, Marilee Kerns, Eric Kitchen, Terri Hollingshead, and Ricky Weaver. Also present were Town Manager Jared Schumacher, Town Planner Drew Bowen, Office Manager Kimberly Miller, Police Chief Kevin Morgan, Water and Sewer Superintendent Pete Shumaker and Public Works Superintendent Greg Huntsberry. 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 Kerns, second by Assistant Mayor Nally to approve the **February 12, 2024 Public Hearing and Regular Meeting** and **February 26, 2024 Workshop Meeting** as amended. **Motion carried.**
- **Motion** by Council Member Kerns, second by Council Member Kitchen to approve the **February 2024 Treasurer’s Report. Motion carried.**
 - **Assistant Mayor Nally** stated that additional funding is needed for the Wastewater Treatment Plant Dewatering Press Project. He stated that he is requesting that the General Fund loan the Sewer Fund \$500,000, for a total loan of \$1,000,000 for this Project. **Motion** by Assistant Mayor Nally, second by Council Member Kerns to approve a loan of \$500,000 from the General Fund to the Sewer Fund. **Motion carried.** Council Member Kitchen stated that he wants to see this breakdown as part of the Fiscal Year 2025 Budget.

GUEST

National Pike Festival Request for Hotel-Motel Tax Funds: Chad Walker, of the National Pike Festival and James Shaull Wagon Train Foundation, stated that they are submitting requests from the Towns in Washington County for the 2024 Wagon Train as they have in the past. He stated that they have three requests for the Mayor and Council:

- Stated that the Foundation is requesting the permission to use Shafer Park on Sunday, May 19, 2024 as the end point of their journey. **Motion** by Council Member Weaver, second by Assistant Mayor Nally to approve the use of Shafer Park for the Annual Wagon Train Event on May 19, 2024. **Motion carried.**
- Requested that the Boonsboro Police Department meet the Wagon Train this year at the intersection at AC&T to provide escort to Shafer Park and to assure that vehicles do not enter the procession.
- Stated that the Foundation is requesting that the Town donates \$500 from the Washington County Hotel Motel Tax to help offset the cost of their rental van for participants to travel in from the dropping points to the starting points. **Motion** by Assistant Mayor Nally, second by Council Member Kern to approve donating \$500 to the James Shaull Wagon Train Foundation. **Motion carried.**
- Stated that the Foundation is working towards bringing the Wagon Trail the whole way down Main Street for 2025. Stated that various routing options are being considered with one being to loop through the circle at the south end of Town before coming in through the main entrance of Shafer Park.

PUBLIC COMMENT

- **Alvin Gross, 44 High Street.** Raised concerns regarding vehicles parking at the corner of St. Paul Street and High Street. Stated that you can not see to safely turn when vehicles are parked there. Requested that the Town paint the curb red. Public Works will take care of this as soon as they can.

FACILITIES REPORTS

PUBLIC WORKS SUPERINTENDENT’S REPORT – Greg Huntsberry

- Stated that the Leak Detection Survey has started and that they will be looking at the entire system this week. Stated that the Survey has already determined that a leading cause of water loss is the Fire Hydrants not being turned off properly by the Fire Department and/or local contracts using them during construction
- Stated that they will be repairing a leaking valve on Wednesday and will be shutting off water on Schoolhouse Court
- Stated that there were only 3 disconnections for Boonsboro and 1 disconnection for Keedysville on Water Shut Off Day last week for non-payment. Stated that the main reason for the numbers being so low is thanks to Administrative Assistant Yvette May for taking the time to call all of the residents with overdue water and sewer bills

- Stated that there is a terrible termite infestation going on at the Shafer Park restrooms near the Police Department

WATER AND SEWER SUPERINTENDENT'S REPORT – Pete Shumaker

- Stated that additional tests need to be completed on the Shafer Park Well Project per MDE – 2 dry tests and 2 wet tests. Stated that it will probably take several months to complete.
- Stated that the Waste Water Treatment Plant Buffer System has stopped working and it needs replaced. Stated that it is 13 years old and is leaking. Stated that staff were at the Plant all weekend and that it flooded out the Filter Room. Stated that the estimate to replace the system is \$10,000.
- Stated that the Dewatering Press Project is almost complete, electric has been installed and the startup date is the first week of April 2024.

TOWN PLANNER'S REPORT – Drew Bowen

- Stated that Comprehensive Plan presentations have been made to the Planning Commission, Utilities Commission, Economic Development Commission, Park Board, and the Boonsboro Lions Club. Stated that he is reviewing Population Growth and Projections with the Planning Commission
- Stated that he met with the King Road Associates to discuss their future plans for the property. Stated that he will discuss this with the Planning Commission to get their input
- Stated that cable lines and internet lines have been installed for the new Post Office
- Stated that the full Construction Plans have been submitted to SHA for review and approval for the Chase Six – Campus Avenue Realignment Project. Stated that the Town is reviewing the Final Plats for the land swap at 202 Maple Avenue and that he is meeting with Mr. Scott McIlwee to work out the specifics
- Stated that the Reservoir Project Design has been submitted to MDE for approval. Stated Water and Sewer Amendments have been filed with Washington County. Stated that meetings are set up with adjacent property owners regarding the Project.
- Stated that he has been working with the Auction House (Vanish Brewery) owner Richard DiPietro and property owner Ken Clements, and that WRA is working on developing a regional sanitary sewer pumps station for servicing their needs and future needs of the surrounding properties. Stated that the Draft Engineering Plans have been received and was under review
- Stated that the Mt. Laurel Road Subdivision is located outside of the Town boundaries for water service, and we do not currently have an Out-of-Town Policy. Stated that he is working with the Utilities Commission to develop a recommendation for the Mayor and Council

TOWN MANAGER'S REPORT – Jared Schumacher

- Stated that the DGS application for the Federal Grant for the Reservoir Replacement Project was not completed, noting that some minor changes were made to it, and it will be submitted on March 12, 2024. Stated that he is requesting the full amount of \$9 million, with the high end of the Project being \$11 million.
- Stated that he is meeting with MDE about the Shafer Park Well requirements. Stated that they are requiring a lot of testing and it will probably take a few months to complete everything due to MDE's processes.
- Stated that the Park Board approved the EDC's Main Street Beautification Project at the Shafer Park entrance. Stated that the Town still needs to create a "Plant Maintenance" plan and a MOU with State Highway. Stated that the Public Works staff cannot be responsible for weeding and maintaining the EDC's flower beds.

POLICE DEPARTMENT REPORT – Chief Kevin Morgan. The Police Department received 75 calls for service, which included 246 motor vehicle violator contacts and Parking Citations for the month of February 2024. There was 1 adult criminal arrest, 1 adult paper service arrest, 1 adult traffic arrest and 0 juvenile arrests.

- Stated that the Police Department will be giving the Town one of the decommissioned Chevrolet Impalas
- Stated that they have been dealing with some Personnel Issues at the Police Department:
 - Stated that Officer Daveler called out sick on Thursday and Friday of last week and then had two additional scheduled days off work Saturday and Sunday. Stated that based on the updated Sick Leave Policy, he requested that Officer Daveler obtain a Doctor's excuse when returning to work. Stated that she did not.
 - ***Abuse of Sick Leave:*** Sick leave is intended to be used for legitimate illnesses and for health-related reasons such as Doctor and Dentist appointments, exams, and emergency care. Sick leave is not to be used for Vacation, personal business, leave of absence or weather-related Liberal Leave. An employee's Supervisor and Human Resources are jointly responsible for monitoring Sick Leave usage, notifying an employee of problematic Sick Leave use, and taking appropriate disciplinary action in cases of

substantiated Sick Leave Abuse such as, but not limited to, requiring a written excuse for all Sick Leave usage from a licensed healthcare provider upon return to work.

Examples of Sick Leave Abuse include, but are not limited to, the following:

- *Any pattern of unsubstantiated Sick Leave use, such as the use of six (6) or more days in a six (6) month period in increments of one (1) or two (2) days at a time without sustaining a major illness during that time period.*
 - *Habitual Sick Leave absences on Mondays, Fridays, and the days immediately before and after Holidays or scheduled days off work.*
 - *Use of Sick Leave in excess of any Sick Leave accrued, whether substantiated or unsubstantiated, during the first calendar year of new employment.*
 - *Use of Sick Leave along with other types of Leave (Vacation Leave and Comp Time) or scheduled days off work.*
 - *Use of Sick Leave to avoid undesirable scheduling of work.*
- Stated that Office Daveler resigned today, March 11, 2024 without providing a 2-week notice.
 - **RESIGNATION:** *Employees are required to give two (2) weeks notice of their intent to resign or retire. An employee who does not give the required notice may lose reimbursement of Vacation Leave at the discretion of the Mayor and Council. Final compensation and final pay check will not be paid to an employee until all Town property, including keys, tools and uniforms are returned.*

Motion by Assistant Mayor Nally, second by Council Member Hollingshead to not pay Officer Daveler the 16 hours of Sick Leave for March 7 and 8, 2024 due to her not providing the requested Doctor's excuse and to withhold her Vacation Leave payout of 19.88 hours and Compensation Time per the Personnel Manual 2-week Resignation requirement. **Motion carried.**

- Council Member Kitchen asked if the Police Department received any reports over the weekend of a bus load of immigrants being dropped off in Shafer Park. Chief Morgan stated that no they did not, noting that we would have seen them in the community or near AC&T.

MAYOR AND COUNCIL CORRESPONDENCE

- **Mayor Long** stated that he has been appointed to the 250th Anniversary of Washington County Event Board and that they are planning a celebration on July 4, 2026. Stated that they will be creating silver coins for each Municipality and shared Boonsboro's design with the Council
- **Council Member Kerns** stated that she would like to send a thank you from the Town to LifeVac for the donation of the LifeVac Kits that Officer Moretti obtained.

NEW BUSINESS

Review of Bids – 2024 Mowing Services: Office Manager Miller presented the results from the Request for Proposals for the 2024 Mowing Services for the Mayor and Councils review and input. She stated that seven bids were received from Botanica Enterprises Inc, C&D Property Management, Clean Cuts Lawn Care LLC, Murray's Lawn and Property Care, Ruppert Landscape, Thomas Lawn and Landscaping LLC and Yetter's Lawn Care. She further stated that Public Work Superintendent Huntsberry is recommending that the Town contracts with Yetter's Lawn Care, the second lowest bid, based on their dependability. Office Manager Miller stated that Yetter's 2024 Mowing Season cost is \$32,620, \$980 less than 2023 cost of \$33,600 for the Season, and that the contract is for 1-year beginning on April 1, 2024. **Motion** by Council Member Hollingshead, second by Council Member Kerns to award the 2024 Mowing Contract to Yetter's Lawn Care. **Motion** carried.

Fiscal Year 2025 Real Estate and Personal Property Tax Rates: Office Manager Miller presented the proposed 2025 Town of Boonsboro Real Estate and Personal Property Tax Rates for the Mayor and Councils review and input as follows:

1. For the tax year beginning July 1, 2024, the estimated Real Property assessable base will increase by 4.2% from \$370,338,576 to \$386,022,010.
2. If the Town of Boonsboro maintains the current tax rate of \$0.3591 per \$100 of assessment, Real Property Tax Revenues will increase by 4.2% resulting in \$56,319 of new Real Property Tax Revenues.
3. In order to fully offset the effect of increasing assessments, the Real Property Tax Rate should be reduced to \$0.3445, the Constant Yield Tax Rate.
4. The Town of Boonsboro is considering not reducing its Real Property Tax Rate enough to fully offset increasing assessments. The Town proposes to adopt a Real Property Tax Rate of \$0.3591 per \$100 of assessment. This tax rate is 4.2% higher than the Constant Yield Tax Rate and will generate \$56,319 in additional Property Tax Revenues.

Mayor Long stated that the Town is proposing the Fiscal Year 2025 Real Estate and Personal Property Tax Rates as follows:

- **Real Property Tax Rate:** The Tax Rate on all Real Property located within the limits of the Town of Boonsboro is hereby set at \$0.3591 per \$100.00 of assessed property value. The assessed property values shall be those used for Real Estate Tax purposes as determined by the Washington County office of the State Department of Assessments and Taxation.
- **Personal Property Tax Rate:** The Tax Rate applicable to Personal Property located within the limits of the Town of Boonsboro is hereby set at \$0.875 per \$100.00 of assessed Personal Property. The assessed property values shall be those used for Personal Property Tax purposes as determined by the State Department of Assessments and Taxation.

Motion by Council Member Kerns, second by Assistant Mayor Nally to accept the current Tax Rate of \$0.3591 and to approve the Fiscal Year 2025 Real Estate and Personal Property Tax Rates as presented. **Motion carried.**

Resolution 2024-03 and Maryland Rural Development Corporation Circuit Rider Program: Town Manager Schumacher, on behalf of the Maryland Rural Development Corporation, presented Resolution 2024-03; *Authorizing the Town to Participate in the Maryland Circuit Rider Program* for the Councils review and input. He stated that this is the same Resolution that the Town signed last year. **Motion** by Assistant Mayor Nally, second by Council Member Kerns to approve Resolution 2024-03; *Authorizing the Town to Participate in the Maryland Circuit Rider Program as presented.* **Motion carried.**

Zoning Fee Schedule Amendments – Scheduling of Public Hearing: Town Planner Bowen introduced the proposed Zoning Administrative Fee Schedule for the Councils review and input, noting that he previously presented this at the February Workshop Meeting and that the goal is to create a ‘reasonable’ Fee Schedule that is easy for everyone to understand. He stated that he is requesting a Public Hearing before the April 8, 2024 Regular Meeting. Council Member Kerns stated that she does not see anything for “Driveways.” Town Planner Bowen stated that there are no Entrance Permit fees but that residents cannot just make a driveway on a property. He added that the Fee Schedule will be reviewed every Budget cycle. **Motion** by Assistant Mayor Nally, second by Council Member Kerns to schedule a Public Hearing for the Zoning Administrative Fee Amendments at 6:30PM on April 8, 2024. **Motion carried**

GIS Budget (Geographic Information System): Town Planner Bowen provided the Mayor and Council with cost breakdown information regarding the GIS Start Up Budget, which was approved with the Fiscal Year 2024 Budget. He stated that he will be moving forward with the purchases and services following this Budget. **Motion** by Council Member Kerns, second by Council Member Hollingshead to proceed with the GIS Start Up Budget. **Motion carried.**

Preliminary Budget for Gravity Sewer System North Main Street: Town Planner Bowen request to table this item until a later Meeting. **Motion** by Council Member Kerns, second by Council Member Hollingshead to table the Preliminary Budget for Gravity Sewer System North Main Street. **Motion carried.**

COMMISSION REPORTS

Park Board - Council Member Weaver. Meeting held on March 6, 2024. Discussions included the Arbor Day Celebration on Sunday, April 21, 2024, the Maryland Urban and Community Forestry Committee (MUCFC) 2024 Grant to purchase replacement trees for trees that have died, an update on the Disk Golf Course and the approval to sponsor a hole for \$300, updates on the Fishing Derby, the Green Fest Swap and Recycling Event and the Wagon Train Event, the Fiscal Year 2025 Park Board Budget and Capital Improvements. The Economic Development Commission’s Downtown Beautification Project was approved with the contingency to replace the butterfly bush, which is an invasive plant, with purple coneflowers and to include a plan for maintenance and season long watering to ensure the survival of the plants. Park Board Member Isaac Whitmore resigned.

- **Reappointment of Park Board Members:** Mayor Long, on behalf of the Park Board, stated that he is recommending the reappointment of Laura Schnackenberg, Sandra Shifler and Chris Hawkins, contingent upon her accepting the reappoint, for 4-year terms on the Park Board. **Motion** by Assistant Mayor Nally, second by Council Member Kerns to reappoint Laura Schnackenberg, Sandra Shifler and Chris Hawkins, contingent upon her accepting the reappoint, to the Park Board. **Motion carried.**
- **Town Manager Schumacher** stated that the Town will be receiving a Grant for a Pickleball Court in the amount of \$70,000. He stated that it will be placed where the basketball court is near Pavilion 4 and the Boy Scout building.

Boonsboro Municipal Utilities Commission – Assistant Mayor Nally. Meeting held on February 21, 2024. Discussions included updates on the Waste Water Treatment Plant Sludge Dewatering Facility, the Shafer Park Well, the Reservoir Project status update, Connection Fee Resolution and Subdivision Process update, potential new connections update, Leak Detection Bid Review, the approval to purchase additional water meters, the discussion of creating a Policy for connection to the Water

and/or Sewer System Outside the Town's Corporate Boundaries, an Example Review of Fixture Unit Count Water and Sewer Certification for Fletchers Grove – Dean South, a discussion of the Gravity Sanitary Sewer System for North Main Street GC Area, the discussion of a Waterline Looping between Knode Drive and Dean South, the WRA proposal for the Lead Service Line Inventory and System Reports.

Planning Commission – *Council Member Kitchen*. Meeting held on February 27, 2024. Discussions included the Comprehensive Plan Update including a meeting with the Boonsboro Lions Club and the Population Information, the final draft of the Subdivision Procedures, approval of the Proposed Zoning Fees to recommend to the Mayor and Council, the draft Final Plats for Subdivision Parcels for the Land Swap for the Chase Six – Campus Avenue Realignment Project and the Dean South Improvement Plans, the Fletcher's Grove LP Concept Plan, the recommendation to reappoint Steve Jamison to the Commission, and Staff Reports. **Planning Commission will now meet at 6:00PM.**

- **Reappointment of Planning Commission Member:** Mayor Long, on behalf of the Planning Commission, stated that he is recommending the reappointment of Steve Jamison for 5-year term on the Planning Commission. **Motion** by Council Member Kitchen, second by Assistant Mayor Nally to reappoint Steve Jamison to the Planning Commission. **Motion carried.**

Economic Development Commission – *Council Member Hanson*. Meeting held on February 28, 2024. Discussions included Grant opportunities, the Downtown Beautification Program, the Networking Breakfast Series, the upcoming Business Ribbon Cuttings, the Spring Quarterly Rack Cards, the Main Street Maryland application, the Comprehensive Plan update, and Committee Reports.

- Stated that the EDC has requested permission from the State Highway Administration to close part of Main Street and reroute traffic on April 27 for the Spring Jubilee.

Environmental Commission – *Council Member Hollingshead*. Meeting held on February 13, 2024. Discussions included postponing the BEC Annual Report for 2023 until the March 2024 Meeting, articles for the Spring Town Newsletter, the ribbon cutting and opening of the Community Garden and Subcommittee Reports.

Council Member Kerns asked about the creation of Welcome Packets for new residents and people visiting Town. Town Manager Schumacher stated that he had Welcome Pack folders made and they are currently being stored in the National Road Museum.

Council Member Kitchen stated that there have been a lot of Budget requests coming in from staff and Commissions and he has concerns because there has only been one meeting to work for the Fiscal Year 2025 Budget. He stated that there are a lot more requests than there are funds.

Police Chief Morgan stated that the Police Department will not be purchasing an additional vehicle this year and that there is \$40,000 that can be reallocated in Fiscal Year 2024.

Motion by Assistant Mayor Nally, second by Council Member Hollingshead to adjourn the Regular Meeting at 8:55PM and move into **Executive Session** as provided under **General Provisions Article §3-305 (b)(8), (8) to consult with staff, consultants, or other individuals about pending or potential litigation.** **Motion carried.**

Motion by Council Member Kerns, second by Council Member Kitchen to adjourn the Executive Session at 9:25PM. **Motion carried.**

Motion by Council Member Hollingshead, second by Council Member Hanson to adjourn the Regular Meeting at 9:26PM. **Motion carried.**

Respectfully submitted,

Kimberly A. Miller, Office Manager