

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
Monday, November 4, 2019**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, November 4, 2019 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 Hollingshead, second by Assistant Mayor Byrd to approve the **October 7, 2019 Regular Meeting**, the **October 28, 2019 Public Hearing** and **October 28, 2019 Workshop Meeting** and. **Motion** carried.
- **Motion** by Council Member Nally, second by Council Member Hollingshead to approve the **October 2019 Treasurer's Report**. **Motion** carried.

PRESENTATION

Fiscal Year 2019 Financial Audit: Jason Knode, CPA for *Albright, Crumbacker Moul & Itell, LLC*, presented the Fiscal Year 2019 Audit Summary for the year ending June 30, 2019 of the General, Water and Sewer Funds. Mr. Knode reviewed the highlights from the Financial Statement Summary, stating at the close of the Fiscal Year, the General Fund had a fund balance of \$4,008,864, which is an increase of \$494,155 from the prior year, and that the unrestricted net position (deficit) of the Water Fund and Sewer Fund at the end of the Fiscal Year was \$951,670 and \$(1,428,417), respectively. He reviewed the Schedule of Findings and Responses, noting that two (2) Material Weakness in Internal Controls Over the Financial Reporting were found during the Audit:

- Finding 2019-01 Reconciliations and Subledgers
- Finding 2019-02 Closing Process

He further stated that the Mayor and Council have acknowledged the deficiency and will work with Town staff to assure understanding and compliance of the internal control of the accounting process. Mr. Knode stated that the Fiscal Year 2019 Audit is significantly better than the Fiscal Year 2018 Audit and commended the Mayor and Council and Town staff on their progress. He stated that the Town's contracting with Weyrich, Cronin and Sorra, the outside Accounting Firm, and the hiring of a skilled Town Clerk has helped greatly. Mr. Knode stated that the Uniform Financial Statements and Independent Auditor Report (UFR) will be submitted to the State and required agencies after the Mayor and Councils formal approval and signatures from Mayor Long and Town Treasurer Council Member Kerns. **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to approve the Fiscal Year 2019 Financial Audit as presented. **Motion** carried.

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

- Council Member Weaver stated that he attended the ground-breaking ceremony on Sharpsburg Pike for the center to train emergency services, fire and law enforcement personnel.
- Council Member Hanson stated that he was invited to have a Veteran's Day luncheon with David Trone, United States Representative, Maryland 6th District.
- Mayor Long reminded that Council that the Volute Dewatering Press demonstration will be this Friday, November 8 at 8am at the Waste Water Treatment Plant.

Police Department Report – *Chief Morgan*. The Police Department received 56 calls for service, which included 76 motor vehicle violator contacts and 0 Parking Citation for the month of October 2019. There was 1 adult criminal arrest, 4 adult paper service arrests, 1 adult traffic arrest, 0 juvenile criminal and traffic arrests.

- Stated that three interviews were held last week for the vacant Police Officer position.
 - Chief Morgan presented the recommendation to hire Ryan Christman as a new full-time Police Officer. He stated that Mr. Christman has worked with the Loudon County Sheriff's Department and will need Maryland certifications. **Motion** by Council Member Hanson, second by Council Member Hollingshead to hire Ryan Christman as the new full-time Police Officer pending his successfully completion of all Police pre-employment evaluations. **Motion** carried.

- Chief Morgan presented the recommendation to hire John Whitmer as a new part-time Police Office. He stated that Mr. Whitmer has worked with the Washington County Sheriff's Department and the Town of Smithsburg. **Motion** by Council Member Hanson, second by Council Member Hollingshead to hire John Whitmer as the new full-time Police Officer pending his successfully completion of all Police pre-employment evaluations. **Motion** carried.
- Asked what the status is for Police Officers living out-of-state and taking their patrol cars home, specifically Officer McKenzie. Town Manager Mantello stated that LGIT coverage extends out-of-state and that Police Officers are covered to drive their patrol cars to-&-from work. **Motion** by Council Member Hanson, second by Council Member Hollingshead to permit Police Officers to take their vehicles home when living out of state and to create a Personnel Policy for such. **Motion** carried.

NEW BUSINESS

Municipal Government Works Month Proclamation: Mayor Long read the Proclamation proclaiming November 2019 as Municipal Government Works Month in accordance with Maryland Municipal League. **Motion** by Council Member Nally, second by Council Member Weaver to proclaim November 2019 as Municipal Government Works Month. **Motion** carried.

SHA Parking Changes on South Main Street: Town Planner Strickler stated that a Public Hearing was held on November 28, 2019 at 6:30PM for the purpose of receiving public input, either in support of or in opposition to the proposed changes on South Main Street and Old National Pike. He stated that no comments were received during the Public Hearing and reviewed the fair summary of the proposed South Main Street and Old National Pike as described below:

- **134 South Main Street at Mt. Nebo Church:** Stated that a petition with 61 signatures was received to add painted parking spaces in front of Mt. Nebo Church. Stated that he is recommending the striping and blue painted curb for three (3) ADA street parking spaces on the eastbound side of South Main Street in front of 134 South Main Street. **Motion** by Council Member Kerns, second by Council Member Weaver to add painted parking spaces in front of Mt. Nebo Church, striping and blue painted curb for three (3) ADA street parking spaces on the eastbound side of South Main Street in front of 134 South Main Street. **Motion** carried.
- **Mountainside Gardens entrance between 309 S Main Street and 6741 Old National Pike:** Stated that he is recommending Option 2 to add striping for nine (9) parking spaces and yellow painted curb for the curb radii into private property entrances on the westbound side of South Main Street between 309 South Main Street and 6741 Old National Pike. **Motion** by Council Member Kerns, second by Assistant Mayor Byrd to add striping for nine (9) parking spaces and yellow painted curb for the curb radii into private property entrances on the westbound side of South Main Street between 309 South Main Street and 6741 Old National Pike. **Motion** carried.

Introduction of Ordinance 2019-04; An Ordinance to Amend and Add Certain Provisions to the Zoning Ordinance to Allow for Storage Containers as Temporary Uses with Changes Relating to its Text: Town Planner Strickler presented the Introduction of Ordinance 2019-04; *An Ordinance to Amend and Add Certain Provisions to the Zoning Ordinance to Allow for Storage Containers as Temporary Uses with Changes Relating to its Text* for the Councils review and input. He reviewed that the Ordinance was discussed at the October Mayor and Council Workshop Meeting and approved by the Planning Commission, and that it includes details to clarify temporary storage container usage, permitting fees, 60-day allotted time periods and hardship exemptions. He further stated that the Ordinance addresses 'future' containers and not currently places containers, as they have been grandfathered in. Town Planner Strickler stated, if approved, a Public Hearing will be held at 6:00pm before the December 9, 2019 Mayor and Council Meeting. **Motion** by Assistant Mayor Byrd, second by Council Member Nally to approve Introduction of Ordinance 2019-04; *An Ordinance to Amend and Add Certain Provisions to the Zoning Ordinance to Allow for Storage Containers as Temporary Uses with Changes Relating to its Text* and the scheduling of the Public Hearing on Monday, December 9, 2019 at 6:00pm. **Motion** carried.

MS4 Stormwater Regulations Memorandum of Understanding: Town Planner Strickler presented the MS4 Stormwater Regulations Memorandum of Understanding (MOU) for the Councils review and input, noting that the agreement is between the Town and Washington County over the shared responsibilities of implementing the National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) General Permit requirements. He stated that all of the Municipalities will be submitting similar MOU's with slight alteration to Washington County. **Motion** by Assistant Mayor Byrd, second by Council Member Kerns to approve the Memorandum of Understanding for the MS4 Permit Stormwater Regulations between the Board of County Commissioners of Washington County and the Town. **Motion** carried.

Resolution 2019-08; Washington County Stormwater Management Ordinance Re-Adoption: Town Planner Strickler presented Resolution 2019-08; *Stormwater Management Ordinance Update*, noting that the previous Resolution was enacted

on February 26, 2013 as Resolution 2010-03; *Stormwater Management Ordinance Update - Revision 1*, for the Councils review and input. He stated that he is recommending the Resolution update to coincide with Washington County and the MOU for the MS4 Permit Stormwater Regulations between the Board of County Commissioners of Washington County and the Town. **Motion** by Assistant Mayor Byrd, second by Council Member Hanson to approve Resolution 2019-08; Washington County *Stormwater Management Ordinance Update*. **Motion** carried.

Ordinance 2019-05; Illicit Discharge Detection and Elimination: Town Planner Strickler presented the Introduction of Ordinance 2019-05; *Illicit Discharge Detection and Elimination Ordinance (IDDE) for MS4* for the Councils review and input. He reviewed that the Ordinance goes along with the MS4 (Municipal Separate Storm Sewer System) MOU with Washington County, section MCM #3. He further stated that the Ordinance will establish methods for controlling the introduction of requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and will show the Maryland Department of the Environment that the Town is progressing with the MS4 permit. Town Planner Strickler stated, if approved, a Public Hearing will be held at 6:30pm before the December 9, 2019 Mayor and Council Meeting. **Motion** by Assistant Mayor Byrd, second by Council Member Weaver to approve Introduction of Ordinance 2019-05; *Illicit Discharge Detection and Elimination Ordinance (IDDE) for MS4* and the scheduling of the Public Hearing on Monday, December 9, 2019 at 6:30pm. **Motion** carried.

RFP Results; 2019-2020 Snow Plowing and Sidewalk Clearing: Town Manager Mantello presented the Request for Proposals results for the 2019-2020 Snow Plowing and Sidewalk Clearing bid for the Councils review and input. He stated, after consulting with Public Works Superintendent Greg Huntsberry, that they are recommending accepting both bids from Botanica Enterprise, Inc. and Custom Landscape Management. **Motion** by Council Member Hollingshead, second by Council Member Weaver to award the 2019-2020 Snow Plowing and Sidewalk Clearing to both Botanica Enterprise, Inc. and Custom Landscape Management. **Motion** carried.

Boonsboro Municipal Utilities Commission Recommendation: Mayor Long stated, on behalf of the Boonsboro Municipal Utilities Commission, that he is recommending the appointment of Ken Eshbaugh to fill the vacancy with the term ending November 2023. Motion by Council Member Nally, second by Council Member Weaver to appoint Ken Eshbaugh to the BMUC for a 4-year term ending November 2023. Motion carried.

COMMISSION REPORTS

Public Safety Commission – R. Hanson. No Meeting was held in October 2019.

Park Board – R. Weaver. Meeting held on October 23, 2019. Discussions included finalizing the Olde Tyme Christmas plans, the plans to purchase a new Christmas tree for Shafer Park to replace the old tree, the presentation from Leif Heaney for the proposed installation of a Disc Golf Course in the Park and the plans to hold the next Park Board Meeting on November 20 in the Community Center.

Utilities Commission – T. Nally. Meeting held on October 16, 2019. Discussions included the drilling of the well and holding tank for watering the Boonsboro High School athletic fields is in progress, noting that this could potentially free up 12 taps, the Volute Press demonstration is scheduled for November 11 at 8:00am, the BMUC Strategic Plan draft, the WWTP electronic controls and filter timeline, the Capacity Allocation Policy and Accounting, the SERCAP Rate Study and Example Reports, the interviewing and approval to recommend the appointment of Ken Eshbaugh to fill the vacancy on the BMUC, the approval to send out an Request for Proposals for the Wastewater Model and the Appalachian Regional Commission (ARC) Grant application for Inflow and Infiltrations (I&I) Phase II.

Planning Commission – R. Byrd. No Meeting was held in October 2019.

Economic Development Commission – M. Kerns. Meeting held on October 23, 2019. Discussions included the approval to advertise in the 2020 Washington County Convention and Visitors Bureau Visitors Guide (\$1,683) and the Hagerstown-Antietam Battlefield KOA Guest Service Guide (\$440), an update on the success of Boone Fest, the need to find a coordinator for the 202 5K BooneWalk & Run, the need for signage directing people to our Town Hall parking lot, the 220 census and a presentation by Audrey Vargason about Gateway Communities. The Networking Breakfast will be held on Thursday, November 21, 2019 at 7:30am at Vesta's Restaurant, with guest speaker Bernadette Wagner of Prime Time 4 Women. The next EDC Meeting will be on December 18, 2019 in the Meeting Chambers at 9:00am.

Environmental Commission – *T. Hollingshead*. Meeting held on October 8, 2019. Discussions included the BEC Strategic Plan, the crosswalk issues at Potomac Street and King Road, the approval to send BEC Chairperson Kathy Vesely to the Sustainable Maryland Certified Workshop on November 12 and the Subcommittee Reports.

Town Manager Report – *P. Mantello*

- Stated that the Town's Agenda items have been sent for the Washington County Delegation Pre-Legislative Forum on November 6, 2019.
- Stated that Triad Engineering have been given permission to start the engineering plans for the Keedysville weir repair.

Motion by Council Member Hollingshead, second by Council Member Weaver to close the Regular Meeting at 8:38pm.

Motion carried.

Respectfully submitted,

Kimberly A. Miller, Office Manager

BOONSBORO MAYOR & COUNCIL
MONDAY, NOVEMBER 18, 2019
WORKSHOP MEETING

The Mayor and Council held their Workshop Meeting on Monday, November 18, 2019 in the Meeting Chambers to set the Regular Session Agenda for Monday, December 9, 2019. Present were Mayor Howard Long, Assistant Mayor Rick Byrd, Council Members Marilee Kerns, Ray Hanson, Terri Hollingshead, Tony Nally and Rick Weaver. Also present were Town Manager Paul Mantello, Office Manager Kimberly Miller, Town Planner Ethan Strickler and Police Chief Kevin Morgan. The meeting convened at 7:05PM.

Police Department Update: Chief Morgan provided an update on the two Police Officer new hires. He stated that Ryan Christman will enroll in the Prince Georges County Police Academy, at the cost of \$700, to fulfill his comparative compliance training requirement and that his hire date will be February 3, 2020. He further stated that he does not have a hire date for Jon Witmer, but that it should be around the beginning of the new year.

Town Planner Report: Town Planner Stricker stated that a pre-bid meeting for the Shafer Park Path Connector Project was held at Community Center this afternoon and that five contractors attended. He stated that the Town will be accepting bids for pervious pavement and asphalt and that the Project is slated to begin in July 2020. Town Planner Stricker stated that Town Manager Mantello and he will be submitting the Appalachian Regional Commission (ACR) Grant for I&I by the end of the week.

Antietam Cable Television Franchise Agreement and Irrevocable Consent to Amendment of Franchise: Town Manager Mantello presented the Antietam Cable Television Franchise Agreement and Irrevocable Amendment for the Councils review and input. He stated that the Irrevocable Consent to Amendment of Franchise ensures that the Town will not loose the 5% franchise fee commission or the in-kind services of internet due to the guidance issued to Antietam Cable Television by the Federal Communications Commission (FCC) based on their Third Report and Order dated August 1, 2019 issued in MB Docket No. 05-311. Council discussed that a Public Hearing will need to be scheduled for the Antietam Cable Television Franchise Agreement Ordinance and suggested doing so in January 2020.

Request for Proposals - Legal Services: Town Manager Mantello presented the Request for Proposals for Legal Services for the Councils review and input, noting that the last time an RFP was put out for Legal Services was in 2015. He stated that the Town's current Attorney has spent 18.2 hours on the Antietam Cable Television Franchise Agreement alone and has charged the Town \$5,278 for that task. He further stated that he feels that its time to reevaluate the Legal Service Contract and possibly place a 'soft cap' per tasks instead of an hourly rate for all items. Council suggested contacting other Municipalities to see how their Legal Service contracts are written. **(NEW BUSINESS)**

Annual Tub Grinding Quotes: Town Manager Mantello presented the annual Yard Debris Site tub grinding proposal from Custom Landscape Management for the cost of \$9,000, which is a \$500 increase from last year, and from Maryland Environmental Services for the cost of \$4,253.25. Council discussed the cost difference and requested that Public Works Superintendent Greg Huntsberry attend the December 9, 2019 Regular Meeting to voice his opinion on who to contract with. **(NEW BUSINESS)**

CD Interest Income: Town Manager Mantello provided the CD Interest Income as requested by Council Member Nally at the October Regular Mayor and Council Meeting to show the interest earned by investing in CDs. He stated that a full CD Interest Income Report will be provided with the November Treasurer's Report at the December 9, 2019 Regular Meeting.

Request for Donation – Boonsboro Middle and High School Warrior Bands: Office Manager stated that the Town received a Request for Donation from the Boonsboro High and Middle School Band Boosters. She stated that they are asking that the Town maintain their previous donation amount of \$100. **(NEW BUSINESS)**

2020 Meeting and Event Calendar – Draft: Office Manager Miller provided the Council with the 2020 Town Event and Meeting Calendar. She stated that there will be a few minor adjustments from the draft calendar for the dates of the Planning Commission and BMUC Meetings. She further stated that she will provide the Council with the final draft next month.

2020 Independence Day Celebration Fireworks Proposal: Office Manager Miller stated that after the not-so-favorable 2019 fireworks display at the annual Independence Day Celebration in Shafer Park, she contacted Mary Jane Blickenstaff from the Boonsboro Rescue Company to obtain contact information for the companies that they contract with for the annual Rescue Company Carnival's fireworks display. She stated that she received three bids for the July 3, 2020 (Rain date July 5, 2020) fireworks display:

- **Fantastic Fireworks (the company that the Town has been using that we are no longer satisfied with): \$5,100**
 - **Zambelli Fireworks International (Highly recommended by the Boonsboro Rescue Company): \$5,500 – Cannot do July 3, 2020 as they are already booked for that day.**
 - **Epic Pyrotechnics (Highly recommended by the Boonsboro Rescue Company): \$5,500 available July 3, 2020.**
- Office Manager Miller stated that Epic Pyrotechnics requires a 10% down payment with the signing of the contract and 40% payment 30 days prior to shooting date, with the remaining balance due after the display. (NEW BUSINESS)

Town Managers Update:

- **WWTP Software and Hardware Upgrade** was completed today. Stated that Aqua Aerobics will stay on site for a few days to make sure everything is running smoothly.
- **Keedysville Springhouse Weir Wall** sandbag repairs are holding well, and water levels are staying within normal range. Stated that the BMUC will further discuss funding options at their meeting on Wednesday evening.

Motion by Council Member Nally, second by Council Member Hollingshead to close the Workshop Meeting at 7:42PM and move into **Executive Session**; *as provided under General Provisions Article §3-305 (b)(1), subsection (i) to discuss the appointment, employments, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.* **Motion carried.**

Respectfully submitted,
Kimberly A. Miller, Office Manager