

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
Monday, November 9, 2020**

The Mayor and Council of Boonsboro held their Regular Meeting on Monday, November 9, 2020 in the Meeting Chambers. The Meeting was streamed via GoToMeeting online for the public. 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 Boonsboro Municipal Utilities Commission Chairman Bob Sweeney. 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 Assistant Mayor Byrd, second by Council Member Kerns to approve the **October 12, 2020 Regular Meeting Minutes. Motion carried.**
- **Motion** by Council Member Nally, second by Council Member Hanson to approve the **October 2020 Treasurer’s Report. Motion carried.**
 - Council Member Kerns presented the recommendation update the Restricted Fund Account to reflect the June 30, 2020 Audit balances. **Motion** by Council Member Kerns, second by Council Member Nally to approve the updating of the Restricted Fund Account to reflect the June 30, 2020 Audit balances. **Motion carried.**

PRESENTATION

Fiscal Year 2020 Financial Audit: Jason Knode, CPA for *Albright, Crumbacker Moul & Itell, LLC*, presented the Fiscal Year 2020 Audit Summary for the year ending June 30, 2020 of the General, Water and Sewer Funds. Mr. Knode reviewed that the assets of the Town exceeded its liabilities at the close of the Fiscal Year by \$12,347,981 (net position) and of this amount, \$3,795,976 (unrestricted net position) may be used to meet the Town’s ongoing obligations to citizens and creditors. He reviewed the highlights from the Financial Statement Summary, stating at the close of the Fiscal Year, the General Fund had a fund balance of \$4,431,693, which is an increase of \$423,099 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 \$1,033,649 and \$(1,506,142), respectively. He reviewed the Schedule of Findings and Responses, noting that zero (0) Material Weakness in Internal Controls Over the Financial Reporting were found during the Audit. Mr. Knode stated that the Fiscal Year 2020 Audit is significantly better than the Fiscal Year 2019 Audit and commended the Town staff and Town Treasurer/Council Member Kerns on their progress. He 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 Council Member Nally, second by Council Member Kerns to approve the Fiscal Year 2020 Financial Audit as presented. **Motion carried.**

- Council Member Kerns thanked the Town staff for all of the work they did throughout Fiscal Year 2020. Town Manger Mantello thanked Council Member Kerns and thanked Office Manager Miller, Town Clerk Heather Slough and Administrative Assistant Amanda Wells for their hard work and diligence.

CERTIFICATE OF APPRECIATION

Mayor Long presented Tim Lung with a Certificate of Appreciation as a thank you for his service and dedication in sharing his wealth of knowledge in Planning and Zoning and for serving as an Interim Town Planner for the Town.

PUBLIC COMMENTS

- **Catherin Reuter, 105 Green Fern Circle.** Attended the Meeting with her neighbor to voice concerns regarding the Fletcher’s Grove development proposed neighborhood security cameras. She stated that the Fletcher’s Grove Home Owners Association’s (HOA) has told residents that the Town has approved the security cameras and asked if this was a true statement. Mayor Long stated that the Town has not approved the Fletcher’s Grove HOA’s request to use Town owned light posts and infrastructure for their proposed security cameras. Police Chief Morgan stated that the Police Department has received no calls for service in the Fletcher’s Grove development for months, that they have no crime statistics for the development, and he is not sure why there is an immediate need for security cameras. He stated that he could see cameras being installed at the main intersections to see who is coming and going from the development,

but even for that signage would need to be posted alerting people to the fact that they are under video surveillance. He further stated that there are many people who have *Ring doorbells* throughout Fletcher's Grove. Ms. Reuter stated that many residents may feel like they are being targeted if cameras are installed near their homes. Council stated that they are not in favor of installing multiple cameras in neighborhoods in Town.

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

- **Council Member Nally** stated that Trinity Lutheran Church has a new Pastor, Vicar Karl Muhlbach. He stated that Vicar Muhlbach looks forward to becoming active in the community.
- **Mayor Long** stated that the PetValu store will be closing permanently in January 2021.

Police Department Report – *Chief Morgan*. The Police Department received 71 calls for service, which included 140 motor vehicle violator contacts and 0 Parking Citations for the month of October 2020. There were 0 adult criminal arrests, 0 adult paper service arrests, 0 adult traffic arrests, and 0 juvenile arrests. Chief Morgan stated that Bryce Dickens left the Department on October 28, 2020 and that two applicants have applied for the vacant Police Officer positions. He stated that the next Police Academy training begins in March 2021.

NEW BUSINESS

Municipal Government Works Month Proclamation: Mayor Long read the Proclamation proclaiming November 2020 as Municipal Government Works Month in accordance with Maryland Municipal League. **Motion** by Assistant Mayor Byrd, second by Council Member Hollingshead to proclaim November 2020 as Municipal Government Works Month. **Motion carried.**

Renewal of Ordinance 2020-04; To Amend the Code of the Town and Adopt a New Ordinance - Civil Emergency: Mayor Long stated that due to the State of Emergency declared by Governor Hogan due to the COVID-19 pandemic, the Town enacted an Ordinance 2020-04; *To Amend the Code of the Town and Adopt a New Ordinance - Civil Emergency*. He stated that the Ordinance must be renewed every 30-days to keep it active. **Motion** by Council Member Nally, second by Assistant Mayor Byrd to approve the renewal of Ordinance 2020-04; *To Amend the Code of the Town and Adopt a New Ordinance - Civil Emergency*, with Council Member Kerns opposing and Council Member Hanson abstaining. **Motion carried 4-1-1.**

Ordinance 2020-08; Boonsboro Ethics Ordinance: Town Manager Mantello stated that a Public Hearing was held at 6:30PM for Ordinance 2020-08; *Boonsboro Ethics Ordinance* and that no public comments were received. He stated the State of Maryland Ethics Commission recently updated the State Ethics Ordinance and that those updates needed to be applied to the Town's. **Motion** by Council Member Kerns, second by Council Member Hollingshead to approve Ordinance 2020-08; *Boonsboro Ethics Ordinance*. **Motion carried.**

Resolution 2020-15; Building Code Update: Town Manager Mantello stated that every 4-years the Washington County Commissioners recommend that all Municipalities adopt the updates of the Maryland and International Building Codes, noting that the County adopted the 2018 update in March 2020. He stated, on behalf of a recommendation from the Planning Commission, that he is requesting the Introduction and Adoption of Resolution 2020-15; *Building Code Update* to enact the 2020 updates. **Motion** by Council Member Kerns, second by Assistant Mayor Byrd to approve the Introduction and Adoption of Resolution 2020-15; *Building Code Update*. **Motion carried.**

Washington County Water and Waste Water Chemicals Bid Town Manager Mantello present the bid results from the Washington County Water and Waste Water Chemical Invitation to Bid (PUR-1475) opening on October 14, 2020 for a Memorandum of Understanding for the contract period of December 1, 2020 through November 30, 2021 for Chlorine Gas, Sulfur Dioxide Gas, Sodium Fluoride Powder, Diatomaceous Earth and DelPac 2000 for the Council's review and input. He stated that the Chemical Bid results will help save the Town a significant amount of money, but that the Town does not have storage to take large deliveries to benefit from the DelPac 2000 reduced rates. He further stated that he is meeting with a contractor this week to see about expanding the storage tanks at the Waste Water Treatment Plant for DelPac 2000 storage. **Motion** by Council Member Hanson, second by Council Member Nally to accept the lowest bids on the Washington County Water and Waste Water Chemicals as presented. **Motion carried.**

RFP Results - Shafer Park Fence Removal and Floodplain Restoration Project: Town Manager Mantello reviewed that the Town received notice that we are recipients of the Fiscal Year 2021 Program Open Space (POS) Grant for the removal of the 500+ feet of old barbed wire fencing and the floodplain restoration project which includes the planting of trees in Shafer Park, noting that this is a 'matching fund' POS Grant in the amount of \$21,600. He stated that bids were received on October 19, 2020 from three contractors and that the Park Board is recommending that the Town award the Project to Tree Guys, LLC for \$19,000. Motion by Council Member Hollingshead, second by Council Member Weaver to award the Shafer Park Fence Removal and Floodplain Restoration Project Tree Guys, LLC for \$19,000. **Motion carried.**

RFP: Park Drive, McKeldin Drive and Center Street Milling and Overlay Project: Town Manager Mantello reviewed that the Town received approval from the Maryland Department of Housing and Community Development (MDHCD) regarding an extension of the Appalachian Regional Commission (ARC) Grant number MD-ARC-3's fund balance of \$32,835, originally awarded in December 2017, until December 31, 2020. He stated that the Grant funds will be used to continue the Sewer Main Replacement Project on Park Drive with Excavating Associates, the company that performed the Shafer Park Sewer Main Replacement Project which was part of the Grant. Town Manager Mantello reviewed that because of the need to dig up the street during the Project, he requested bids for the Park Drive, McKeldin Drive and Center Street Milling and Overlay Project on November 6, 2020 and that one (1) bid was received from Huntzberry Brother, Inc. in the amount of \$78,695. He stated that he is requesting to add the asphalt patching and the paving of the walkway beside the Hospice Building for the new total cost of \$95,665. Council Member Kerns reminded Council that this is not a Fiscal Year 2021 Budgeted expense and asked Town Manager Mantello if Excise Tax could be used to fund this expenditure. He stated yes. **Motion** by Council Member Hollingshead, second by Council Member Hanson award the Park Drive, McKeldin Drive and Center Street Milling and Overlay Project to Huntzberry Brothers in the amount of \$95,665. **Motion carried.**

National League of Cities – Service Line Warranty Program Status: Town Manager Mantello stated that he received a request from *Utility Service Partners, Inc* to send out another mailing for the Service Line Warranty Program for homeowners, endorsed by the Maryland Municipal League, which offers education on responsibilities and affordable protection from unanticipated exterior water and sewer service lines repairs and indoor plumbing repairs for a minimal monthly fee. He stated that this does not need a motion, that he simply wanted to let the Council know that there would be an additional mailing and provide them with an update on the Program.

Recommendation – Environmental Commission Member Re-Appointments and New Appointments: Mayor Long, on behalf of the Boonsboro Environmental Commission, stated that he is recommending the re-appointments of Amy Jones for a 3-year term, ending November 2023; Leah Grasso for a 4-year term, ending November 2024; and Laura Schnackenberg for a 4-year term, ending November 2024. **Motion** by Council Member Hollingshead, second by Assistant Mayor Byrd to reappoint Amy Jones, Leah Grasso and Laura Schnackenberg to the Boonsboro Environmental Commission. **Motion carried.**

Mayor Long, on behalf of the Boonsboro Environmental Commission, stated that he is recommending the appointments of:

- Cassandra Ladino for a 4-year term, ending November 2024. **Motion** by Council Member Hollingshead, second by Council Member Weaver to appoint Cassandra Ladino to the Boonsboro Environmental Commission. **Motion carried**
- Andy Watson to fill the unexpired term of Anthony Dowell, ending November 2021. **Motion** by Council Member Hollingshead, second by Assistant Mayor Byrd to appoint Andy Watson to the Boonsboro Environmental Commission. **Motion carried.**

Recommendation - Economic Development Commission Member New Appointments: Mayor Long, on behalf of the Boonsboro Economic Development Commission, stated that he is recommending the appointment of **Dana Healy** – Josie's on Main for a 3-year term, ending November 2023; **Paul Healy** - Dealership for Life for a 3-year term, ending November 2023; **Ron Humbel** - H&H Investments for a 3-year term, ending November 2023; and **Natoma Vargason** - Gifts Inn Boonsboro for a 3-year term, ending November 2023. **Motion** by Council Member Kerns, second by Council

Member Hanson to appoint Dana Healy, Paul Healy, Ron Humbel and Natoma Vargason to the Boonsboro Economic Development Commission. **Motion carried.** Mayor Long stated that the next EDC Meeting will be held on December 17, 2020 at 9AM in the Meeting Chambers.

COMMISSION REPORTS

Public Safety Commission: *Council Member Hanson.* Meeting held on October 15, 2020. Discussions included an update on the Washington Goes Purple event, the vacancies on the Commission, the new 'no parking' sign on Orchard Drive, Trick-or-Treating, and the concern with the fencing outside of Dan's Restaurant and Tap House on the sidewalk not being within the Americans with Disabilities Act (**ADA**) regulations.

Park Board - Council Member Kerns. Meeting held on October 28, 2020. Discussions included plans for Olde Tyme Christmas in Shafer Park, the Park Clean-Up and Arbor Day event on November 1, the Tree Seminar on November 1, and the recommendation to award the Shafer Park Fence Removal and Floodplain Restoration Project to Tree Guys due to the specifics provided in their Bid Package.

Boonsboro Municipal Utilities Commission – Council Member Nally. Meeting held on October 21, 2020. Discussions included updates on the Water Meter Replacement Project, updates from the Water Loss Task Force, updates on the Waste Water Model and WRA's the testing of the Reservoir for leaks and the finalization of the Report by November 20, 2020, updates on Phase 1 of the South End Pumping Station Upgrade, updates on the Collection System Rehabilitation Project Phase II, updates on the Alternate 40 Waterline Flushing review and fees, updates on the RFP of the Shafer Park Well Replacement, the status of the Park Lane Main Replacement and Paving Project, the approval to place the Waste Water Treatment Plant Roof Sealing RFP out for bids, updates on the Washington County Chemical Contract bids, and overview of potential Grants through Potomac Edison and the Maryland National Guard, the Water Model for District Metered Area System Design, the High's Dairy Store Tap Fees, and the approval of the Easterday's Phase II Public Works Agreement pending approval from the Planning Commission.

Planning Commission – Assistant Mayor Byrd. Did not meet in October 2020.

Economic Development Commission - Council Member Kerns. Meeting held on October 28, 2020. This was a revitalization Meeting which included the introduction of potential new Commission Members. Discussions included an update on the new public parking lot at the rear of 28 North Main Street, ideas and plans to help businesses and tourism in Town, an update about the Customer and Community Appreciation Weekend slated for November 13, 14 and 15, 2020, the status of Olde Tyme Christmas, the suggestion to honor Barber Pete Buchanan, who passed away recently, with a Proclamation and a memorial day on October 13, the anniversary of 50 years in business, and the recommendation to appoint Dana Healy – Josie's on Main, Paul Healy - Dealership for Life, Ron Humbel - H&H Investments and Natoma Vargason - Gifts Inn Boonsboro to the Commission.

Environmental Commission - Council Member Hollingshead. Meeting held on October 13, 2020. Discussions included an update on the recertification of Sustainable Maryland Certified through 2023, the new EV Charging Station in the Town Hall parking lot, the recommendation to appoint Cassandra Ladino and Andy Watson to the BEC and the Subcommittee Reports.

Town Planner's Report – R. Stanley

- Stated that 36 building permits have been received this year, with no new homes to date.
- Stated that the Board of Zoning Appeals approved the setback variance located at 102 Potomac Street. Stated that the building permit has been submitted and has been sent to Washington County for review.
- Stated that she spoke with the Maryland Planning Department about the Comprehensive Plan updated. Stated that the Town' timeline is between 2022 and 2024. Stated that she will be working with the Planning Commission for their opinion on updates.
- Stated that a developer contacted her to inquire about the vacant lot that is for sale on St. Paul Street, stating that they would like to put a 30-foot-wide small home on the lot.

Town Manager Report – P. Mantello

- Stated that the MS4 Progress Report has been submitted
- Stated that the Town was featured in the Maryland Rural Water magazine this month for the Weir Wall

- Stated that the Mayor and he will be attending the Pre-Legislative Forum on November 10, 2020
- Stated that the Crestview Pump Station Streambank Restoration Project is on schedule and that the Town is waiting to hear back from Potomac Edison
- Stated that Justin Holder has submitted multiple Information Requests to the Town regarding Boonsboro and Keedysville water line information and BMUC Minutes. Stated that the current fee is \$15 per hour of staff time.
 - Council Member Kerns suggested increasing the Information Requests Fee to \$25 per hour of staff time.
Motion by Council Member Hanson, second by Council Member Kerns to increase the Information Request Fees from \$15 to \$30 per hour of staff time effective at 12:01AM on November 10, 2020. **Motion carried.**
- Stated that he is finishing the grant application to the Appalachian Regional Commission (ARC) for the dewatering volute press at the Waste Water Treatment Plant.

Motion by Council Member Hollingshead, second by Assistant Mayor Byrd to adjourn the Regular Meeting at 9:00PM. **Motion carried.**

Respectfully submitted,

Kimberly Miller, Office Manager