

**MINUTES
TOWN MEETING
AUGUST 6, 2018
Emmitsburg Town Office**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer. *Others Present* - Roger Wilson, Frederick City Alderman.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the August 6, 2018 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. Mr. Wilson was invited forward. He introduced himself, wished students well in the new school year and encouraged residents to check in on their neighbor. He asked if the Board had any questions for the County Executive. The Board had none.

Approval of Minutes

The Minutes of the July 9, 2018 Town Meeting were approved as presented. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carried 5-0 in favor.

Police Report:

None. Both deputies explained they would be unable to attend this town meeting at the July 9, 2018 town meeting.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from June 2018 (exhibit attached). Ms. Willets mentioned there is currently a 9.08-inch surplus of precipitation over the past six months and 75.3% of the wastewater treated was wild water due to the high levels of inflow and infiltration (I&I). There were three days in June where the pumping station pumped 10.456 million gallons per day. The second phase of the Rainbow Lake Rip Rap was completed at the end of July 2018 and in 2019 the town plans to complete the final phase. On July 13, 2018 town staff had a final walk through with SHA regarding the sidewalk project. There were two sanitary sewer overflows in July 2018 due to heavy rain, which may have impacted Flat Run Creek and Thomas Creek. Both overflows were reported to MDE and Frederick County Health Department. McDonalds will be closed for three weeks starting August 13, 2018 for renovations. Lastly, the Mayor and town staff have decided to eliminate the hunting at the Scott Road Farm due to safety concerns and trespassing issues. Town staff will reevaluate in one year. Commissioner Ritz III inquired about methods to prevent sanitary sewer overflows. Town staff recommends relining the sewer lines and replacing the Creamery Road Pumping Station, which will come before the Board in September 2018.

Town Planners Report:

Cathy Willets, Town Manager, highlighted portions of the Town Planner's Report from June 2018 on behalf of Susan Cipperly, Town Planner (exhibit attached). Ms. Willets mentioned the town planner has been mapping storm drains for the MS-4 permit, processing community legacy grant agreements for 239 West Main and 119 North Seton and hosting the Frederick County Quarterly Planners Meeting. She submitted the final report for the MHAA town square brickwork. There are a few upcoming rezoning requests.

Commissioner Comments:

- Commissioner Ritz III: He mentioned there is an upcoming concert in the works for an Irish band.
- Commissioner Buckman: She congratulated the Getting Ahead graduates.
- Commissioner Blanchard: He thanked town staff for their work on the pool. He also attended a free concert at the Seton Shrine, which he enjoyed and encouraged residents to attend in the future. He attended National Night out and thanked town staff and the deputies for their work with the event.
- Commissioner Sweeney: He thanked town staff for maintaining the parks. He explained high school students have been getting volunteer hours for the pool concession stand, which is going well.
- Commissioner O'Donnell: He attended the Back to School picnic hosted by Christ Community Church, and the Frederick County Pedestrian and Bikeway hearing with the Mayor.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2018, which are listed in the agenda packet. Mayor Briggs attended the new Seton Center ribbon cutting, the farewell party for Father Charlie Krieg and the Emmitsburg Planning Commission meeting. He also attended a Main Street Affiliate meeting, which the Town is planning to pursue. Woodsboro Bank visited the town office. Mayor Briggs served hot dogs at National Night Out.

Public Comments:

Bryant Hoffman, 17417 North Seton Avenue - He explained he is concerned with the town square work because it is preventing customers from coming to Stavros Pizza where he works. The Board explained the project is almost complete. *Joseph Baldacchino, 12508 Killian Lane Bowie MD 20715* - He explained his father was a dentist who practiced at 600/602 East Main Street, which has changed zoning classifications over the years. He is requesting the Board considering rezoning the property as a B1 zone. The Board explained the item is a future agenda item.

Administrative Business:

- I. **Discussion Related to Timeline of Work at Flat Run Bridge:** Dale Hanes, Assistant District Engineer of Construction for State Highway Administration (SHA) District 7. Mr. Hanes introduced Sherry Waselchalk, Project Engineer and Ross Clingan, Area Engineer. Mr. Hanes explained the anticipated start date of the project was July 2016, but the project did not start until October 2016 with an estimated completion date of August 2018. Due to delayed signing of documents, the completion date was changed to November 2018. Mr. Hanes explained the project is contingent upon weather because concrete cannot be poured in cold or rainy weather. A redline revision was made to the project, which modified the storm drain design and pricing of the project and pushed the completion date to April 2019. As demo work started, a geotechnical consultant was hired to investigate the support of the bridge and changes were made, which pushed the completion date to August 2019. The SHA and their contractor requested the bridge waterline get relocated while work is being complete, which further pushed the date to late fall 2019. Mr. Clingan explained phase one should be complete by fall 2018 with traffic running in two lanes on the new structure while the rest of the bridge is torn down. The temporary bridge for pedestrian traffic will stay in place until the project is complete. SHA does not believe it is the best interest to hire a new contractor because it prolongs the project and requires the involvement of attorneys from all parties.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for July 2018 (exhibit in agenda packet). The operating balance forward is \$5,249,079. The Daughters of Charity check is a security deposit that passed through the town regarding the Homes for America project and Seton Village. The Town was only an intermediary with the funds.

Planning Commission Report:

Commissioner Sweeney presented the report from July 23, 2018. He explained the Planning Commission received a request to rezone lots 10, 11, 15 and the western half of 12 at 600/602 East Main Street to a B1 zone. Upon review of the item, the Commission unanimously voted to refer the item to the Board for review at the September 4, 2018 town meeting. The town attorney will also be at the town meeting to answer any questions.

Note: In courtesy of Mr. Jack Deatherage, the Board requested agenda item number five occur first.

Note: Commissioner Sweeny left at 8:22 p.m.

II. Agenda Items

Agenda #5- Discussion Related to Scott Road Community Market Garden: Ms. Willets explained the Scott Road Farm is currently used by two different leases: the Conservation Resource Enhancement Program (CREP) and Garry Stouter. The CREP program is a habitat restoration program via a 15-year lease where 60 acres of the farm are being returned to their natural state through the planting of warm season grasses on 40 acres and wetland restoration on 15 acres. In addition, 30 acres are being leased by Garry Souter for cattle grazing via a four year lease. The property features a farmhouse and barn, which are uninhabitable. Ms. Willets explained the Board is requesting a 25-foot by 25-foot square plot (or 100' x 100' square) for interested families that would like to learn gardening and the marketing of garden produce. To support the project, the Board is requesting: running water, electricity, composting, a place to secure tools, an indoor meeting area with refrigerator, restroom facilities, two gas powered rototillers, hand tools, one walk-behind lawnmower and a 4-foot growing light. Town staff has several concerns and questions: the proposed site is within the Stouter leased property, there is no water/sewer, there is no electricity at the site, the house is uninhabitable, there is no vehicle road access, there is no designated funding and the security and protection of the property. Staff recommends pursuing a different location. The Board discussed possible locations in Community Park. Private land is not an option because of liability. Commissioner Buckman recommended the land of the existing farmers market at 302 South Seton Avenue. The Board directed town staff to investigate the liability of the garden and to research potential garden areas. The item will come back to the Board at a later date.

Motion: That town staff be directed to contact Mr. Clapp on liability issues related to a community market garden.

Motion by Commissioner Buckman, second by Commissioner Ritz III.

Vote: Motion carries 4 - 0 in favor with Commissioner Sweeney absent.

Motion: For town staff to look into the farmer's market property as a potential location for the community market garden.

Motion by Commissioner Buckman, second by Commissioner Blanchard.

Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Agenda #1- Budget Transfer Related to the After School Clubhouse for Consideration: Ms. Willets explained the Boys and Girls club did not fund a new club in Emmitsburg. The Town had allocated \$10,000 to help support the program. In lieu of this, the Town would like to pursue having the \$10,000 transferred to the After School Clubhouse program so the program can run for one more year. Funding would come from Department 10, Special Event/Program Costs (Acct 6901) and go to Department 60, Account 5001, 5101 and 6901. The funds would cover staff salaries, payroll taxes and program costs.

Motion: To affect the budget transfer as described. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Agenda #2- Electric Vehicle Parking Ordinance for Consideration: Ms. Willets explained town staff pursued the parking policy per the direction of the Board at a prior town meeting. Ms. Naill and Ms. Willets did research with John Clapp, Town Attorney, to come up with the presented ordinance. Ms. Willets read the ordinance and explained the electric vehicle charging spots would be clearly marked. Commissioner Buckman requested having a security camera on the charging stations to prohibit vandalism, which town staff will look into. Commissioner O'Donnell requested the stations get added to the solar accounts. Town staff will look into the consumption of the stations. If the energy usage is significant the town will put the charging stations on the Town's solar accounts. The Town plans to replace the town car with an electric vehicle once the four charging stations are installed.

Motion: To accept ordinance number 18-11 as presented. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Agenda #3- Policy Related to Employee Vacation Buyback for Consideration: Ms. Willets explained town staff has been discussing ways to lower the costs of large benefit payouts when an employee leaves employment after many years of service and many step increases. Employees hired prior to December 1, 2016 have no cap on the amount of accrued and unused leave they can carry from year-to-year. Amanda Haddaway, Human Resource contractor, composed the proposed policy to help encourage employees to cash out their leave before separation of employment to help minimize the cost to the Town. The buyback must be in week increments. The Mayor can sign on behalf of the town manager if needed. The Town is not obligated to fund the requests.

Motion: To accept the policy as written. Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Agenda #4- Charter Amendment Updates for Consideration: Per the request of the Mayor and town staff, this item has been postponed to a future town meeting pending Board agenda approval.

Set Agenda Items for September 4, 2018 Town Meeting

1. Approval of the 2018 Elections Judges
2. Consideration of the Recommendation of the Town's Planning Commission to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1)
3. Welcome Letter for New Residents for Discussion and Possible Consideration
4. For Consideration Sewer Relining Project on East Main Street
5. Authorization to Proceed with Solicitation of Federal Funding for New Pumping Station for Discussion and Consideration

Consent Agenda Items:

- A. Reappointment of Mark Walker to the Citizens Advisory Committee.
- B. Appointment of Brian McKenney and Melissa McKenney to the Citizens Advisory Committee.

Motion: To accept the town meeting agenda as modified. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Motion: To accept the consent agenda as proposed. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the August 6, 2018 Town Meeting was adjourned at 9:17 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved: September 4, 2018