

**MINUTES
TOWN MEETING
DECEMBER 4, 2018
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman; Joseph Ritz III; Timothy O'Donnell, Treasurer; Glenn Blanchard, Vice President; and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* - Deputy Ted Mostoller.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the December 4, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the November 5, 2018 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Ted Mostoller presented the police report from November 2018 (exhibit attached). Deputy Mostoller mentioned the deputies assisted with the annual Turkey Trot on Thanksgiving morning. The deputies are still looking for information on the South Seton Avenue bridge graffiti mentioned in the prior town meeting. Commissioner Buckman requested the deputies get the accident statistics for the intersection of South Seton Avenue and Route 15. She would like to make the intersection safer. The deputies will reach out to the State Police for this information. Commissioner O'Donnell suggested a traffic study in the future. Simon Blackwell, Vice President and Chief Transportation Officer for Mount Saint Mary's University, stated the school recently protested SHA decisions at the Route 15/St. Anthony Road intersection. He stated a traffic study may have already been completed by SHA.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from October 2018 (exhibit attached). Ms. Willets mentioned staff assisted with winterizing the pool and mulched the parks. Regarding water, Rainbow Lake is at the spillway level. With all the rain, more well usage has been utilized to help clean the water. The Town has a precipitation surplus of 28.36 inches over the last six months. 69.1% of the wastewater treated was wild water. The plant's design capacity was exceeded three times in October. The LG Sonic algae control system was removed the last week of November. Town staff is going through the eleven pump station bids received. The pre-bid meeting for the Rainbow Dam hydraulic evaluation was November 6 and November 7. The pool management request for proposal has been advertised for summer 2019; the bids are due January 9. The Route 140 bridge project will not have the lane shifts occur until the first or second week of January 2019. The brick work at the Town Square is finishing up and the sidewalk project punch list is being completed. The Board complimented town staff on the new decorations on Main Street and the Town Square. The new Town Square should be completed by Christmas 2018. The Town Square grand opening will occur when the weather is warmer.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from October 2018 (exhibit attached). Mr. Gulden mentioned the Town currently has three applications being processed for the 2019 Community Legacy facade improvement grants. The 2018 MS-4 stormwater management report was finalized and mailed in October. A \$5,000 grant was applied for to update wayside exhibits at the Town Square and Route 15 visitor center. Another \$5,000 grant was applied for to get nine 32-gallon recycle bins for Memorial and Community Park. The sidewalk project complaints mentioned in the report were regarding siding of basement walls chipping and minor flooding in some homes, but both were a result of moisture and not the project. The 113 East Main Street bed and breakfast is not a traditional bed and breakfast; the owner is currently working with the County regarding meeting regulations. December 15 is when the Board can walk the Emmitsburg watershed for the proposed Forestry Plan.

Commissioner Comments:

- Commissioner O'Donnell: He mentioned Mother Seton School is applying for a physical education grant that will supply bicycles and possibly promote bike riding in the Town parks. There was a complaint in Silo Hill about pet waste not being picked up. The December 2018 email newsletter included a reminder about pet waste being a code violation if not picked up. Town staff is working with a cartographer on mapping the multi-user trails for the Town's Geographical Information System. He wished everyone a merry Christmas.
- Commissioner Ritz III: He complimented town staff on the new holiday decorations. He was unable to attend the tree lighting ceremony because of work obligations but is looking forward to next year.

- **Commissioner Buckman:** She is encouraging people to decorate the new Main Street trees in front of their homes and to participate in the holiday house and business decorating contest. She thanked the Carriage House Inn for donating time and resources for the tree lighting ceremony.
- **Commissioner Blanchard:** He thanked everyone for participating in the Turkey Trot. He complimented town staff on the holiday decorations and the tree lighting ceremony on December 3, which went well.
- **Commissioner Sweeney:** He thanked the Emmitsburg Business and Professionals Association (EBPA) for their work with the Turkey Trot. The tree lighting ceremony went well. He thanked staff for all their work with decorating the town and the Carriage House Inn for donating to the tree lighting ceremony.

Mayor's Comments:

Mayor Briggs requested a moment of silence for the passing of President George H. W. Bush on November 30. A moment of silence was observed. Mayor Briggs thanked town staff for their work with the tree lighting ceremony and holiday decorations. He thanked the EBPA for running the Turkey Trot. The annual Maryland Municipal League holiday dinner is scheduled for December 5. The first ever Emmitsburg holiday ornaments are for sale in the Town Office. The ornaments are glass and feature the town seal with a snow flake and "Town of Emmitsburg, 2018." The ornaments were placed in front of each commissioner seat. He agreed the Route 15 and South Seton Avenue intersection is dangerous as with the other similar intersection along Route 15. He wished everyone a happy holidays and merry Christmas.

Public Comments:

Simon Blackwell, 16300 Old Emmitsburg Road - Mr. Blackwell, Vice President and Chief Transportation Officer, explained Mount Saint Mary's (MSM) has partnered with Frederick Regional Health System (FRHS) to improve health care access for their students due to the massive expansion of their athletic programs. The organizations have been discussing building a health and wellness center on the periphery of MSM's property to provide primary care, urgent care, lab services, radiology, physical therapy and other services to students and members of the public. They are seeking input from the public and requested to be put on the January town meeting agenda. The Mount will also be holding an open house in January regarding the topic. Anyone interested in attending the meetings is encouraged to contact syblackwell@msmary.edu. The Mount is working with the Seton Center on the project. *Ron Walter* - Mr. Walter requested to speak during the trailers agenda item instead.

Administrative Business:

None.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for November 2018 (exhibit in agenda packet). The operating balance forward is \$5,497,388. The solar field bill came in after the report was prepared.

Planning Commission Report:

Commissioner Blanchard presented the Planning Commission Report from November 26, 2018. The Commission moved to conditionally approve the final subdivision plat of Section 3 – Lots 3, 4 and the remainder for Silo Hill.

II. Agenda Items

Agenda #1 - Chamber of Commerce Presentation: Rick Weldon, President and CEO of Frederick County Chamber of Commerce, introduced himself and explained his fondness for the local government. He introduced two chamber board members that are in attendance: Eric Johnson and Eric Soter. He explained the Chamber is working to make the organization County focused instead of Frederick City focused. He would like to host a business card exchange in Emmitsburg in the future. The Chamber will offer a free membership to the EBPA. Mr. Soter encouraged the Board to contact the Chamber if there are any concerns they can help address.

Agenda #2 - Holiday Parking for Consideration: Ms. Willets explained town staff recommends free holiday metered parking from Friday December 14, 2018 through Wednesday January 2, 2019. If signs are placed on the meters, no one donates. Town staff will place announcements on the Town website, Facebook, channel 99 and bulletin boards.

Motion: To accept the holiday parking from December 14 through January 2 with all proceeds being split fifty-fifty towards the Emmitsburg Food Bank and the Community Heritage Day firework fund.

Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor.

Agenda #3 - Two Well Agreements Related to the 8-Inch Mountain Water Line for Consideration: Ms. Willets explained the 8-inch mountain waterline is deteriorating and failing due to age. Estimates indicate it would cost the Town approximately \$1 million to repair the line, which only has three homes connected to it. Town staff made the determination, with Board approval, that the line should not be repaired. As a result, one of the homes was connected to nearby 10-inch waterline in October 2018. Per the Board, the two remaining homes were offered to have the Town drill them a well or to receive a buyout for the cost of installing a well. Both of the proposed agreements were written and reviewed by John Clapp, Town Attorney. The first agreement is for Mr. Grant Abrahams, who has requested being paid \$11,655 instead of having a well installed. Ms. Willets read the Abrahams well agreement aloud. The \$11,655 is the amount it would cost for the town to install a well on Mr. Abraham's property at 8744 Crystal Fountain Road. The Town received three estimates from well drilling companies. The home does not receive wastewater services from the Town. Funds would be paid out of the water fund.

Motion: To accept the Abraham's agreement as presented.

Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5 - 0 in favor.

Mr. Walter Saxon has requested the town drill a well and terminate any connections to the 8-inch waterline once the well has passed inspection and received a certificate of pot-ability. Ms. Willets read the Saxon well agreement aloud. Paragraph six explains any repairs and maintenance between \$500 and \$5,000 within the 12-month warranty period will be paid for by the Town. In addition, the Town will also address any water complaints by the owner. The town will be paying for the well, electrical work, property restoration and permitting. If the well does not work, the property will be restored and other solutions considered. Commissioner Ritz III recommend placing a price cap on the agreement, which town staff does not recommend. Larger expenses would need to be brought to the Board for approval per town code. If the 8-inch line freezes, Mr. Saxon will not have any water and the Town could be forced to install a well for Mr. Saxon. The alternative is to spend \$1 million fixing the line.

Motion: To accept the agreement for the Saxon well as presented. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 4 - 1 in favor with Commissioner Ritz III against.

Agenda #4 - Revised Ethic Procedures for Consideration: Ms. Willets explained the initial presentation of the ethics code and appeal procedures were presented to the Board at the May 7, 2018 town meeting. On August 1, 2018 town the ethics commission met to review and make recommendations on the complaint procedures, which were brought back to the Board on October 1, 2018. At the October meeting the Board made recommendations for changes to include parallel lettering between the written procedures and flow chart and adding a note that the Town can provide notary services on the compliant form. All requested changes have been made. The complaint form is available on the Town website under the documents tab. The Board had no other questions.

Motion: To accept the Ethics Commission Rules of Procedures for Complaints and Advisory Opinions as presented. Motion by Commissioner Ritz III, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

Agenda #5 - Amended Record Retention Policy for Consideration (Tentative): Town staff explained the item has been postponed because town staff is waiting to hear back from the State regarding a revised retention schedule.

Agenda #6 - Presentation on Trailers Related to B-2 Zoning for Discussion: Mr. Gulden explained the Town Code does not allow trailers in the B-2 zone (general commercial zone). Per the Board request at the November 5, 2018 town meeting, town staff worked with the town attorney regarding acceptable screens and enclosures and the possibility of allowing C-containers in the B-2 zone. Acceptable screens in this proposed ordinance include trees and landscaping. Commissioner Ritz III explained he does not want any trailers in the B-2 zone, but he also does not want Quality Tire to pay for the planting of trees. Town staff does not recommend spot zoning. Town staff recommends enforcing the same standards for all businesses in the B-2 zone. The Board discussed possible alternatives. *Ron Walter, 7324D Kelly's Stone Road Thurmont MD* (owner of Quality Tire) explained the State requires his company recycle all used tires. He needs to place them in an enclosed container for transportation. Mr. Gulden explained the ordinance requires screening if a residential area is adjoined to the commercial or industrial zone with the trailer, which Quality Tire is not adjoined to a residential zone. A fence would not suffice because the trailers are over 6-feet high, which is the max height allowed for fences. The Board needs to determine if residents should be able to see the trailers from their adjoining properties or not. Commissioner Buckman suggested adding language that each property is limited to one trailer. Town staff recommends passing the ordinance as is and making amendments in the future as necessary. Mayor Briggs recommends passing the ordinance as is too. The item will come back to the Board for consideration in January 2019 for final approval and without any amendments.

Agenda #7 - Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration: Commissioner O'Donnell explained he is seeking Board approval to direct town staff to manage the trail grant for the further improvement of the Emmitsburg multi-user trails. Option A would be to modify the orange and red trails and replace the picnic tables at Rainbow Lake. Option B would be to create a youth summer job program for trail maintenance and to modify small sections of orange and red trails to increase ease of use. Ms. Willets explained she is not comfortable assigning town staff to do the work as grant management is time consuming and the town staff is currently operating without the zoning technician position, which has placed additional burdens on the town planner and town clerk. She explained she has a list of all the upcoming projects town staff will be working on to include the construction of a new pumping station. Mayor Briggs expressed agreement with Ms. Willets and stated concern over agreeing to this grant and opening the door to maintain the entire trail system in the future when Commissioner O'Donnell does not wish to volunteer anymore. As an alternative, he suggests keeping the trails volunteer run. Commissioner O'Donnell reviewed the grant process. The grant would be for \$40,000 with an in-house match requirement of \$8,000. The grant was already awarded, so no application would be needed. State Highway Administration (SHA) is willing to work with the Town to ensure all requirements are met. Commissioner Sweeney stated concern over SHAs involvement since SHA has been struggling managing the sidewalk project, town square project and Route 140 bridge project. The Trail Conservancy completed the grant application but were not able to execute the awarded grant. The Town would need to pay \$48,000 if town staff does the work of \$56,000 if an outside organizing manages the grant, then the Town would be reimbursed for \$40,000. If volunteers work on the projects, the contribution would be counted as part of the Town's match. The grant expires three years after September 2018 in September 2021. The Town would still need to provide the \$48,000. The agenda item will need to be brought back differently since it failed as presented.

Motion: To have the Board consider having town staff manage the \$40,000 recreational trail program grant designated for the further improvement on the Emmitsburg multi-user trails. Motion by Commissioner O'Donnell. Commissioner Ritz III requested the motion get restated for clarity.

Commissioner O'Donnell repeated the motion, second by Commissioner Blanchard.

Vote: Motion fails 3 - 2 with O'Donnell and Blanchard in favor and Ritz III, Buckman and Sweeney against.

Set Agenda Items for January 7, 2018 Town Meeting

1. Ordinance on Trailers Related to B-2 Zoning for Consideration.
2. Adoption of 2013 Forestry Plan for Consideration.
3. Approval of the MHAA Wayside Exhibits for Consideration.
4. Adoption of an Amendment to Town Code Title 12, Streets, Sidewalks, and Public Spaces for Discussion and Consideration.
5. Adoption of the Streets, Sidewalks, and Public Places Fees Policy for Discussion and Consideration.
6. Adoption of an Updated Permits and Inspections Fees Policy for Discussion and Consideration.

Administrative Business:

- A. Announcement of 2018 Holiday House and Business Decorating Contest Winners.
- B. Mount Saint Mary's University and Frederick Regional Health System Presentation on a Health and Wellness Center.
- C. Scheduling of Trail Volunteer Workday.

Motion: To accept the agenda as presented.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor.

Motion: To adjourn the town meeting.

Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the December 4, 2018 Town Meeting was adjourned at 10:10 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On: January 7, 2019