

**MINUTES
TOWN MEETING
JANUARY 7, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - 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 Nail, Code Enforcement Officer; and Zachary Gulden, Town Planner.
Others Present - Deputy Ben Whitehouse.

Absent: Mayor Donald N. Briggs.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the January 7, 2019 town meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced. Mayor Briggs is absent with notice due to an illness and Deputy Whitehouse is delayed due to a service call.

Approval of Minutes

Motion: To accept the December 4, 2018 town meeting minutes as presented. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from November 2018 (exhibit attached). Ms. Willets explained town staff winterized the parks and installed Christmas decorations. Rainbow Lake is at the spillway level of 16.6 feet. Regarding wastewater, 8.6 inches of precipitation were received in November 2018. The Town currently has a surplus of 30.52 inches over the last six months from June 1, 2018 to November 30, 2018. There were no spills of untreated sewerage and the design capacity of the wastewater treatment plant was exceeded 17 times. The four new electric vehicle charging stations behind the Emmitsburg Community Center were installed in November and will be ready for use in the next month or two. The lane shift at the SHA Route 140 bridge project will occur mid to late January 2019. The square revitalization project is almost complete. The Town is still waiting on payment from Romano Construction for the damage to Town street lights and water lines. If payment is not received by the end of January 2019, another formal letter requesting payment will be sent. Commissioner Buckman inquired about the water purchased from Mount Saint Mary's University (MSM) and if water bill rates have increased. The water is purchased from MSM to keep the line active in the event of a drought. The water rates have not increased in over a decade and the sewer rates were last increased in 2012 and 2014. Newly installed water meters have increased the accuracy of water meter readings. Every resident is charged a minimum because the State mandates the Town provide a minimum of 6,000 gallons of water per resident, whether the water is used or not. If a resident feels their water bill is high, town staff recommends they call a plumber or check for a leak, which town staff have noticed is a common reason for higher than normal water bills.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from November 2018 (exhibit attached). Mr. Gulden started preparing updates to the sign ordinance. The Community Legacy Facade grant deadline has passed and the town received over nine applications totaling \$58,000 from residents. The Planning Commission will be meeting to review the requests and make a determination. There were no questions from the Board.

Commissioner Comments:

- Commissioner O'Donnell: He met with the town manager and Mayor regarding town financials, the state forester regarding the 2013 Forestry Plan, and with Mayor Briggs and Thurmont Mayor Kinnaird regarding a northern Frederick County outdoor recreation comprehensive plan. He also met with Frederick Bicycle Coalition regarding future town events.
- Commissioner Ritz III: He requested administrative business occur before public comment in respect of the multiple people in attendance for the decorating contest. The Board gave consent. He had no other comments.
- Commissioner Blanchard: He attended the Vigilant Hose Company banquet on behalf of the Town. He requested Frederick County Councilmen Michael Blue attend the next town meeting as the new representative for district 5 in northern Frederick County. He also met with the state forester on the 2013 Forestry Plan.
- Commissioner Buckman: No comments.
- Commissioner Sweeney: No comments.

Administrative Business:

- I. Announcement of 2018 Holiday House and Business Decorating Contest Winners:** Commissioner Sweeney presented the winners for the first ever holiday house and business decorating contest in Emmitsburg. The categories were most traditional, most decorative and best business. The winners are listed in the agenda packet. Commissioner Sweeney called each winner forward and presented them with their check. Commissioner Sweeney thanked the Emmitsburg Business and Professionals Association (EBPA) for donating the prize money and everyone for participating in the contest.

Public Comments:

Marie Williams, 437 West Lincoln Avenue - Ms. Williams explained she has been experiencing problems with MSM college students making noise late at night, leaving trash out and being disrespectful. *April Kesseling, 439 West Lincoln Avenue* – Ms. Kesseling and her daughter Ashley are experiencing the same problems. The students live at 511 West Main Street. Ms. Williams and Ms. Kesseling have contacted the Mount about the issues, but did not get a response. Ms. Williams requested a noise ordinance for the Town. Ms. Willets explained the noise ordinance brought before the Board was never passed, but Frederick County has a peace ordinance. The Board recommended residents always call the police when there is an issue so the problems are documented. The Board introduced Wayne Green, VP of Chief of Staff (in attendance) to Ms. Williams and Ms. Kesseling in addition to Deputy Whitehouse. *Diane Walbrecker, 535 West Main Street* - Ms. Walbrecker is experiencing similar problems with college students leaving trash outside. She loved the new holiday decorations in town and thanked the town for pursuing electric vehicle charging stations. *Edward and Marnie O'Donnell, 16219 Old Frederick Road* – Mr. and Mrs. O'Donnell requested the ability to speak and ask questions after the wellness center presentation.

Administrative Business Continued:

- II. Mount Saint Mary's University and Frederick Regional Health System Presentation on a Health and Wellness Center:** Simon Blackwell, Vice President and Chief Transportation Officer for Mount Saint Mary's University (MSM), and Don Schilling, Vice President Ambulatory Services for Frederick Regional Health System (FRHS) introduced themselves. Mr. Schilling explained MSM and FRHS have been discussing the possibility of building a health and wellness center on the periphery of MSM's property due to the massive expansion of the university's division one athletic program and health care need for athletes. The proposed center would most likely have primary care, urgent care, lab services, radiology, physical therapy, pediatrics, geriatric and OB/GYN services. The construction is expected to be begin around fall 2019. No location has been finalized yet. *Edward and Marnie O'Donnell, 16219 Old Frederick Road* - Mrs. O'Donnell asked how the public can be updated on the happenings of the project and if the project will follow catholic policies. Mr. Blackwell explained a larger Q&A event will be planned at the university later in January 2019 and catholic policies would be followed. There was discussion about pedestrian access. Town staff explained a pedestrian trail connecting Emmitsburg to the Mount was considered in the past, but was not possible because two property owners would not give approval for a right-of-way. Funding is available through the County if the right-of-ways are ever obtained. The facility would most likely open mid to late 2020. *Joanna Caldwell, 208 East Main Street* – Ms. Caldwell requested the facility be located near FEMA or in Emmitsburg town limits. She would like the facility to follow catholic policies too.

Police Report:

Deputy Whitehouse presented the police report from December 2018 (exhibit attached). Deputy Whitehouse explained the numbers listed are totals for the 2018 year. 9-1-1 service calls should lower in the future because a change was made to the phones at the Daughters of Charity senior housing facility. The senior residents had to dial 9-1 then a phone number, but now residents will dial 3-1 instead. The deputies are encouraging residents to register their bikes to help deter bike theft in Town, which the deputies will work with town staff on. There were two heroin overdoses in December 2018 with a total of four in 2018. There were no overdose fatalities.

Administrative Business Continued:

- III. Scheduling of Trail Volunteer Workday:** Commissioner O'Donnell has requested this item get postponed to another town meeting.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for December 2018 (exhibit in agenda packet). The operating balance forward is \$5,386,895. Commissioner O'Donnell formally requested a meeting with town staff and the Mayor regarding some discrepancies found regarding checks.

Planning Commission Report:

Commissioner Blanchard explained the Commission did not meet in December 2018, but the Commission will be meeting on January 28, 2019 to discuss the filing of the annual Planning Commission report for 2018.

Mayor's Comments:

Ms. Willets highlighted a few of the Mayor's meetings due to his absence. Mayor Briggs attended the decoration of the town Christmas tree by Mother Seton School and Emmitsburg Elementary School and the Maryland Mayor's Association executive committee meeting via conference call. Mayor Briggs also had a conference call with the Frederick County Fire Department and Health Department regarding an apartment property. He also delivered gifts to the elderly with the Lions Club and he met with Mayor Kinnaird and Commissioner O'Donnell regarding a comprehensive plan for biking trails in northern Frederick County.

II. Agenda Items

Agenda #1 - Ordinance on Trailers Related to B-2 Zoning for Consideration: Ms. Willets explained this ordinance was reviewed at the last town meeting. *Rob Walter, 1765 Creamery Road* – Mr. Walter wanted to clarify that Quality Tire is not adjoined to any residential properties. The Board agreed no residential property was adjoined to his property. Town staff clarified a trailer can have wheels or no wheels. The Board had no other questions.

Motion: To accept ordinance 19-01 about trailers in the B-2 zone.

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

Agenda #2 - Adoption of 2013 Forestry Plan for Consideration: Mr. Gulden explained he, Mike Kay, Department of Natural Resources, and the Board of Commissioners met on December 15, 2018 at Rainbow Lake to walk the stands. If the plan is approved, Mr. Kay is recommending immediate select harvesting of stand five due to Oak decline and bug damage. Mr. Kay will mark the trees for select harvest by contractors, which the town expects to receive about \$60,000 in revenue from (about \$1,000/acre). In the future, Mr. Kay is recommending select harvest of stand six (45 acres), seven (49 acres), eight (49 acres), eleven (33 acres) and fifteen (36 acres) for a total profit of \$223,000. This would be select harvest only, which is the cutting down of dead and dying trees to help improve the health of the forest. Regarding protection of the multi-user trails, Mr. Kay recommends having the contractor place a bond on the trails, which could be used by the Town to fund any repairs. Commissioner O'Donnell requested the bond require professional services for any repair work. He will be flagging the trails to help improve visibility for the contractors. Town staff would like to see the revenue used for the hydrologic and hydraulic analysis and subsequent work on Rainbow Dam that could follow. According to the Town auditors, the revenue is not mandated to go towards a particular fund. *Joanna Caldwell, 208 East Main Street* – Ms. Caldwell requested the planting of different fruit trees and nut trees to replace the trees that are being cut down. The plan was distributed as a handout at the October 15, 2018 town meeting for public review.

Motion: To adopt the 2013 Forestry Plan for consideration.

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

Agenda #3 - Approval of the MHAA Wayside Exhibits for Consideration: Scott Grove, Grove Public Relations LLC, introduced himself and explained the three wayside exhibits were initially reviewed by the Board at the November 5, 2018 town meeting. The panels before the Board tonight are the final revised drafts. Commissioner Ritz III asked if Commissioner Blanchard's wording for the America Goes to War exhibit would be more suitable than the "because of racial discrimination during that era..." that is currently on the sign. The Board is satisfied with the wording as presented. Commissioner O'Donnell asked if another word beside "Caucasian" should be used on the same sign. The Board does not wish to modify the wording. The Board requested a map and/or picture get posted online showing the future locations of the exhibits. *Diane Walbrecker, 535 West Main Street* – Ms. Walbrecker requested town staff contact her about the locations since one is located near her home. The signs will be installed in spring 2019. The Town plans to add more signs in the future for the creation of a historic walking tour.

Motion: To approve the MHAA wayside exhibits.

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

Agenda #4 - Adoption of an Amendment to Town Code Title 12, Streets, Sidewalks, and Public Spaces for Discussion and Consideration: Ms. Willets explained these ordinances (ordinance 1-02) would add clarification to the town code and prevent any unapproved street closures. Mr. Gulden read the changes to the ordinance aloud. The Board had no questions regarding the proposed ordinance.

Motion: To adopt the amendment to Town Code Title 12 as presented.

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

Agenda #5 - Adoption of the Streets, Sidewalks, and Public Places Fees Policy for Discussion and Consideration: Mr. Gulden explained since ordinance 19-02 was approved, the Board must determine what the fees should be for the permits. Ms. Willets explained town staff contacted other municipalities to determine what fees to charge. Town staff recommends the use of bonds in addition to the fees. There were no questions from the Board.

Motion: To accept number P19-01 with the added bond.

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

Agenda #6 - Adoption of an Updated Permits and Inspections Fees Policy for Discussion and Consideration: Mr. Gulden explained none of the fees are being increased, but town staff wanted to make a document with all the fees for clarification. A tier was used in the modifications to make it easier for residents to understand the charges. Town staff researched fees by contacting Taneytown, Thurmont, Frederick City, Middletown and Brunswick.

Motion: To accept policy number P19-02 as presented.

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

Set Agenda Items for February 4, 2019 Town Meeting

1. Audit Presentation
2. Approval of the Engineering Firm to Complete the Hydrologic and Hydraulic Analysis for Rainbow Lake Dam for Consideration.
3. Approval of the Engineering Firm for the New Creamery Road Pumping Station for Consideration.
4. Approval of the Pool Management Company for the 2019 – 2021 Pool Management Season for Consideration.
5. Fiscal Year 2018 Budget Transfers to the Capital Fund for Consideration.
6. Presentation on Amended Sign Ordinance Due to Recent Legislative Changes

Administrative Business:

- A. 2018 Annual Planning Commission Report
- B. Scheduling of Trail Volunteer Workdays
- C. Introduction of County Councilmen Michael Blue

Commissioner Ritz III requested review of the botanical garden plan Mr. Wayne Slaughter asked to pursue in the town parks at a prior town meeting. Town staff would like to meet with Wayne Slaughter prior to Board review of a proposed botanical garden plan. Commissioner Ritz III will have Mr. Slaughter contact town staff.

Motion: To accept the agenda items as presented related to the administrative business and meeting agenda.
Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.

Motion: To close the town meeting.

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

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the January 7, 2019 Town Meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On: February 4, 2019