

**MINUTES
TOWN MEETING
MARCH 4, 2019
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; Terri Ray, Office Manager; Zach Gulden, Town Planner; and Dan Fissel, Water and Sewer Superintendent. *Others Present* – Deputy Channing Hillman.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the March 4, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the February 4, 2019 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Hillman presented the police report from February 2019 (exhibit attached). Deputy Hillman mentioned Deputy Mostoller was temporary transferred to a high school to fill in for a deputy on medical leave because of Deputy Mostoller's training experience. Deputy Jason Ahalt will be filling in until the school year ends in mid-June.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from January 2019 (exhibit in agenda packet). Ms. Willets mentioned staff installed cigarette ash receptacles at the town square as part of a Keep America Beautiful grant. Rainbow Lake is currently at its spillway level of 16.6 feet. The Town has a surplus of 22.4-inches of precipitation over the past six months. 74.5% of the wastewater treated was wild water. The wastewater treatment plants design capacity was exceeded seven times. Fore noteworthy, the majority of the sewer relining project on East Main Street has been complete, except for the small section from Harrington's parking lot the Flat Run bridge, which needs a man hole added before the liner can be pulled through the pipe. The Water Plant is operating with just lake water and wells one and two come on occasionally with reduced runs. Maryland Department of the Environment conducted a Water Treatment Plant inspection and is mandating the Town implement a back flow preventer (cross connection) ordinance, fix the roof on well five and complete a preventative maintenance schedule. The new man hole will be installed once the Town hires an engineer firm. The Flat Run Bridge lane shift has been completed. The Flat Run Bridge completion date has been moved up from December 2019 to August 2019.

Commissioner Comments:

- Commissioner O'Donnell: He requested an agenda item for a firewood collection program in the Town's water shed for resident in a difficult financial season who need help heating their homes. He met with the superintendent of the Maryland's Parks System, who mentioned a grant management assistance program for small communities may occur in the future. He believes this program may help the Town administer the \$40,000 Recreational Trails Program grant. Irishtown Road has some frozen puddles causing a slippery road surface. He attended a Livable Frederick Planning meeting in Thurmont. Several people have requested the new Rutter's design blend in with the historic feel of Emmitsburg.
- Commissioner Ritz III: He mentioned the February 19, 2019 Parks and Recreation Committee meeting was productive and anyone interested in joining the Committee can contact him.
- Commissioner Buckman: She requested the date of bulk trash pick-up, which is April 6, 2019. The next Citizen's Advisory Committee meeting in April will have a presentation of the Frederick County ALICE report (Asset Limited, Income Constrained, Employed).
- Commissioner Blanchard: He encouraged residents to express random acts of kindness with neighbors.
- Commissioner Sweeney: He thanked town staff for their snow removal efforts and the community for helping to raise about \$4,800 for fireworks at the Lions Club Valentine's Day dance.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from January 2019 (exhibit in agenda packet). Mr. Gulden continues to process community legacy grant reimbursements for facade rehabilitation projects on Main Street. He applied for a Chesapeake Bay Trust grant for the MS-4 permit and met with a stream restoration company regarding possible streams to restore. He met with Ion Design firm regarding replacing the kiosk at the town square. He prepared the 2018 Planning Commission report for filing. There were no questions from the Board.

Mayor's Comments:

Mayor Briggs attended numerous meetings in February 2019 (meetings listed in agenda packet). Mayor Briggs thanked staff for their snow removal efforts. He attended a public Mount St. Mary's University urgent care facility meeting. He met with County Executive Gardner and other Mayor's regarding the State mandated School Resource Officers in all schools. He attended a climate change course in Hagerstown. He hopes to have staff attend the class in the future to learn about mitigation and reducing waste. He met with the Mike Kay, State Forester, regarding trees in the Town's watershed. He was also a guest at Mother Seton School for Reading Across America Week.

Public Comments:

Ed Hind, 601 Magnolia Avenue, Frederick, Maryland - He explained his organization, Student Homelessness Initiative Partnership (SHIP), is holding the third annual Maryland Endurance Challenge on May 18 at Mount Saint Mary's. The event is a national 12-hour biking championship race. *Duncan Glenday, 9672 Fleetwood Court, Frederick, Maryland* - He is also with SHIP. The organization would like to partner with the Town to expand the 2020 event, which they hope to get tourism grant money for. *Bryant Hoffman, 17417 North Seton Avenue,* - He requested Stavros be able to use their "open" feather flag, which was removed due to a Code violation. *Donald Sonn, 8 Robindale Drive* - He likes the resident and business input the Town has been collecting regarding the new sign ordinance but requested resident workshops occur in the evenings instead of during the day. The workshop information will go out in the spring 2019 water bills. *Diane Walbrecker, 535 West Main Street* - Ms. Walbrecker requested the town add reflective tape to the steps at the northwest quadrant of the town square to increase visibility. She also mentioned a few street lights on West Main Street are out. *Susie Glass, 239 North Seton Avenue* - Ms. Glass explained she feels the sign ordinance should not be reviewed by the Board until after the workshop meetings with residents and businesses. Ms. Willets explained procedurally the Board of Commissioners must be informed on public outreach efforts. In addition, the Board must review the proposed ordinance before determining if the item should go before the Planning Commission, then the Planning Commission will make a recommendation and send the ordinance back to the Board for final approval. *Ed Stanfield, 6591 Colebrook Lane, Middletown, Maryland* - Mr. Stanfield is with the Emmitsburg Antique Mall. He explained many people see the billboards on Route 15 but cannot find the antique mall because there are no off-site directional signs. He would like to add off-site signage in the future and looks forward to a uniform sign code with clear requirements. *Phyllis Kelly, 22 Centennial Street, Fairfield, Pennsylvania* - Ms. Kelly explained the Emmitsburg Food Bank and Pregnancy Center are looking for a new rental location because their current building has a leaking roof, mold and other problems. Heating is expensive too. Ms. Kelly should contact the town planner for assistance. Commissioner O'Donnell suggested the use of Community Legacy funding. *Mark Long, 800 Frailey Road* - Mr. Long serves on the Executive Committee of the Frederick County Affordable Housing commission. He is willing to give a presentation to the Board if desired. He also supports the proposed botanical garden.

Administrative Business:

- I. **Introduction of Frederick County Councilman Michael Blue:** Mr. Blue is absent due to illness.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for February 2019 (exhibit in agenda packet). The operating balance forward is \$5,648,106. The top 10 check amounts are listed. Solar field number two did not produce energy because the transformer is down; it will be fixed in mid-March.

Planning Commission Report:

None.

II. Agenda Items

Agenda #1 - Adoption of an Amendment to Create a Cross Connection Control Program for Discussion and Consideration: Ms. Willets explained this ordinance is a Maryland Department of the Environment (MDE) mandate, which was issued after the recent inspection of the Water Treatment Plant. Mr. Gulden highlighted main points from ordinance 19-04. Backflow preventers will be required for new residential properties, commercial properties and existing residential properties during their next home renovation. The backflow preventers cost about \$60. Dan Fissel, Water Sewer Superintendent, explained a certified plumber would need to install the device, but the cost should be relatively minor. Only businesses with a cross contamination probability need to get an inspection every two years. If passed, businesses will have 90 days to implement the new requirement. The Daughters of Charity are

in favor of the ordinance and would need to install some preventers too. Commissioner O'Donnell suggested adding language requiring the backflow preventer be installed when residential properties are sold/purchased. Town staff would be able to determine when a home renovation occurs via a zoning permit. The original federal regulation was issued through the Safe Water Act in 1974 and MDE was surprised the town didn't have an ordinance. *Donald Sonn, 8 Robindale Drive* – He asked what is classified as a significant residential renovation. Mr. Fissel explained any time plumbing work is done on an existing residential property is when a backflow preventer should be installed because it will only take 10-minutes and protects the public water system. Certified plumbers will know approved devices or they can call the town office. *Ed Stanfield, 6591 Colebrook Lane, Middletown, Maryland* - He stated he has a dry sprinkler system in the Emmitsburg Antique Mall. *Susie Glass, 239 North Seton Avenue* - She explained she doesn't understand the ordinance and she requested the Board not pass the ordinance yet. Ms. Willets explained the ordinance came directly from MDE and will need to be passed in the future or the Town will get fined. The Board requested language regarding what residential home renovations require backflow preventer installation. According to Mr. Gulden, only about 12-15 businesses would be required to install one. Commissioner Ritz III, Buckman and Blanchard requested the item get tabled. Town staff can add a tab on the town website regarding the backflow preventer requirements in the future.

Motion: To table the ordinance. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. No vote.

Motion Amended: To table the ordinance until Monday April 1, 2019 and bring back for consideration.

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

Agenda #2 - Adoption of the Cross Connection Control Program Fees Policy for Discussion and Consideration:

Motion: To bring back the fee policy in regards to the backflow preventer ordinance on April 1.

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

Agenda #3 - Staff Presentation on the Proposed Sign Code Amendments Section 17.38.060 to Section 17.38.080 for Discussion:

Copies of the current Code and proposed sign ordinance were distributed to the public. Ms. Willets explained the sign ordinance is recommended by town staff and the Maryland Municipal League (MML) to ensure there is no discrimination, to keep up with technological changes and to keep up with the changing law and Supreme Court rulings (e.g. Reed vs. Town of Gilbert). The proposed ordinance is based off the American Planning Association ordinance, which MML highly recommended. Ms. Willets explained town staff is open to changes from the Board and the proposed ordinance is based on MML workshops town staff attended. Commissioner Ritz III asked if anything in the town code infringes on freedom of speech. Ms. Willets does not believe so, but the ordinance needs to be updated to include new technology. John Clapp, Town Attorney, takes the stance that if something is not in the Town code, then it is allowed. The next informative presentation will occur on June 3, 2019. Anyone is welcome to make a Code violation appeal to the Board of Appeals. The new ordinance allows three more types of illuminated signs than the current code. Mr. Gulden gave a presentation regarding on-premise illuminated signs and off-premise illuminated signs and explained what illuminated signs would be allowed and prohibited under the proposed ordinance. Commissioner Sweeney mentioned Community Legacy funds could be available for new business signs. Mr. Gulden encouraged businesses to contact him with any questions. There are community outreach meetings regarding the proposed ordinance on the following dates: April 8 (Village Zone), April 15 (Inst), April 22 (R-1, R-2, R-3) and April 29 (B-1, B-2, IP and ORI). The grandfathering code is under 17.38.200. Any existing nonconforming legal signs that have a permit will be grandfathered into the new ordinance. Town staff is planning to document all signage in town for compliance and institutional knowledge so there will be no discrepancies regarding enforcement once the ordinance is passed. There was no public comment.

Agenda #4 - Community Park Botanical Garden for Discussion:

Wayne Slaughter and Sandra Adams, 66 Robindale Drive, introduced themselves and requested the Board consider adding a native plant garden to Community Park along the walking trail. They explained native plants are beneficial for the environment and plantings provide volunteer opportunities for local students. The plants would be purchased through Blue Water Baltimore using donation money. Commissioner Buckman suggested the Senior Center for volunteers and asked how vandalism will be prevented. Commissioner O'Donnell believes the garden will be vandalized but having a large public draw will help deter frequency. The planting would be in late April or May 2019 or in the fall. Ms. Willets will work on an agreement and send a draft to Mr. Slaughter and Ms. Adams. The agreement would need to be approved by the Board. Commissioner Blanchard suggested volunteers through the Master Naturalist Program. Mr. Slaughter and Ms. Adams are willing to do the work, but any help would be greatly appreciated. The agreement will come back to the Board in April 2019 for discussion and consideration.

Set Agenda Items for April 1, 2019 Town Meeting

1. Approval of the Bid to Purchase a Replacement for the 1996 Dump Truck for Consideration.
2. Approval of the Bid to Renovate the Town Pool Bath House for Consideration (tentative).
3. Approval of the Bid to Construct a Building at the Wastewater Treatment Plant to House Vehicles/Equipment for Consideration.
4. Approval of firm(s) to complete the 2019 MS-4 projects for Consideration.
5. Approval of the Town Square Kiosk and Maryland Visitor Center Panel Design for Consideration.
6. Adoption of the Cross Connection Control Program for Consideration.
7. Adoption of the Cross Connection Control Program Fees Policy for Consideration.
8. Agreement Related to the Proposed Community Park Nature Trail for Consideration.

Administrative Business:

- A. Proclamation of April 2019 as National Child Abuse Prevention Month.
- B. Proclamation of April 13, 2019 as Arbor Day.
- C. Firewood Access Update for Consideration.

Set Agenda Items for April 15, 2019 Town Meeting

1. Approval of a Bid to Purchase a New Town Car for Consideration
2. Presentation and Review of the FY2020 Town Budget

Motion: To accept the meeting agenda and administrative business as present for the April 1 and April 15 meeting.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Motion: To close the 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 March 4, 2019 town meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On: April 1, 2019