

**MINUTES
TOWN MEETING
AUGUST 5, 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; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* - John Clapp, Town Attorney and Deputy Jason Ahalt.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the August 5, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and election deadlines were announced.

Approval of Minutes

Motion: To accept the July 1, 2019 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion passed 5 - 0 in favor.

Police Report:

Deputy Jason Ahalt presented the police report from July 2019 (exhibit attached). Deputy Ahalt mentioned traffic stops were down slightly due to Deputy Whitehouse being off. The deputies are planning to meet with Mount St. Mary's University staff regarding students living in Town. The deputies requested residents call 9-1-1 if they see something suspicious.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from June 2019 (exhibit in agenda packet). Ms. Willets mentioned the Town wells are at their optimal level and 4-inches of precipitation was received in June. The Town currently has a 6.58-inch surplus of precipitation and 44.4% of wastewater treated was wild water. Town staff finished the replacement of all lights in Town owned buildings with LED lights via a Maryland Smart Energy Community grant. Soil borings were completed for the new Creamery Road Pump Station. The Town is still waiting for notification from the USDA regarding the \$30,000 Predevelopment and Planning Grant for the pump station. The MD140 bridge project should be completed December 2019. The draft layout of the Community Park disc golf course should come to the Board in October 2019, once town staff receives the proposal from FredRock Disc Golf.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from June 2019 (exhibit in agenda packet). Mr. Gulden processed bid documents for the forestry stand 5 select harvesting bid and the cross-connection approved contractor as well as submitting the FY2020 Community Legacy grant for \$75,000. Mr. Gulden started work on the 2018-2019 annual MS4 progress report. He noted the Town does not currently have rules for chicken coops as the ordinance has a sunset provision and expired on January 1, 2015. He recommended the Board review the chicken ordinance (Section 6.04.020.B) if interested, which the Board requested be brought to a town meeting at a future date.

Commissioner Comments:

- Commissioner O'Donnell: He congratulated Commissioner Ritz on the turnout at the park concert on August 2. He thanked staff for their work in the Town parks, and he is concerned with the MD140 bridge project postponement.
- Commissioner Ritz III: Saturday August 10 is the Back to School Event in Community Park. He thanked Quasi Flannel for putting on a great performance on August 2. There will be two more concerts this year.
- Commissioner Buckman: She thanked Libby Briggs for weeding the planter boxes at the Town Square and requested town staff notify the businesses (if possible) if they are going to go out and take pictures for code enforcement. Town staff will do their best as time permits.
- Commissioner Blanchard: He thanked Ms. Naill and RSV Pools for their work at the town pool and requested the SHA trim the trees back along MD 140 near the Route 15 bridge to improve sightline.
- Commissioner Sweeney: He stated the pool has been heavily used this summer and the Lions Club is expecting to make a \$1,200 profit from the concession stand, which will be used for Community Heritage Day.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2019 (meetings listed in agenda packet). He attended an Envision Frederick luncheon with Congressman Jamie Raskin and Frederick County Sub-District 3 B Delegate Ken Kerr. He also gave a presentation on "Making Sustainability a Reality in Your Community" at the Smart Growth Maryland and Preservation Maryland annual conference. Mayor Briggs explained the Town is taking steps to document Emmitsburg's history and art through the Poet Laureate, William Cochran glass etching and more.

Public Comments:

Tammy May, 101 DePaul Street - Ms. May stated she received a letter from the Town requesting she repair the sidewalk in front of her home, which she does not believe she should be financially responsible for because the sidewalk damage is from a tree the Town removed many years ago. Ms. Willets explained Ms. May's deadline was extended to allow the issue to be discussed with the Director of Public Works, who is currently out of office. Ms. May provided pictures of the tree.

Amy Boehman, 328 Mountaineers Way - Ms. Boehman thanked town staff for looking into her concerns regarding the disc golf course layout near her home and her tree planning request. She is willing to help with any of the projects as needed.

Administrative Business:

- I. Proclamation Nominating a Poet Laureate for the Town for Consideration:** Mayor Briggs read the proclamation aloud. Mayor Briggs invited Mr. Smith to the front of the room. The Board and Mayor took a picture with Mr. Smith.

Motion: To appoint Mr. Francis Smith as Poet Laureate of Emmitsburg effective August 5, 2019.

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

- II. Proclamation Making August 6, 2019 National Night Out in Emmitsburg for Consideration:** Ms. Willets explained Ms. Shaw and Ms. Naill have been working on this event for months. National Night Out (NNO) is an event with the goal of building positive relationships between the police and community. The Town has had a NNO since 2017, but this year Frederick County Sheriff's Office has decided to host their county-wide event in Emmitsburg. The event is free and takes place from 6:00 p.m. to 8:30 p.m. in Community Park. The event will feature hot dogs, ice cream, pony rides, a petting zoo, k-9 demonstrations, police vehicles, fire trucks, vendors, music and more. Mayor Briggs read the proclamation aloud.

Motion: To accept the proclamation for National Night Out on Tuesday, August 6th in Community Park.

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

- III. Adoption of Proclamation Designating September as Recovery Month in Emmitsburg for Consideration:**

Jonathan Switzer, co-founder of the Frederick County Goes Purple Movement, explained the movement was started to bring awareness to the substance abuse epidemic. The movement is requesting the whole Town go purple for the month of September by using purple light bulbs, asking residents and employees to wear purple on Fridays, putting up support posters and more. The Board requested the Town sell purple bulbs in the Town Office and town staff to wear purple on Fridays. Mayor Briggs read the proclamation aloud.

Motion: To accept the proclamation as presented as related to National Recovery Month September 2019.

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

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for July 2019 (exhibit in agenda packet). The operating balance forward is \$5,421,357. The top ten checks are listed in the agenda packet. There were no questions from the Board.

Planning Commission Report:

None. Commissioner Blanchard explained the July 29, 2019 meeting was canceled.

II. Agenda Items

Agenda #1 - Approval of 2019 Election Judges for Consideration: Mayor Briggs explained five people applied for election judge and two of the applicants have no experience. He recommends Sharon Hane (Chief Judge), Charlotte Mazaleski and Tammy May as Election Judges with Tracey Lewis as the Alternate. The Board thanked the judges for their service.

Motion: To accept the Mayor's recommendation for the 2019 election judges as follows: Chief Judge, Sharon Hane; Judge, Charlotte Mazaleski; Judge, Tammy May; and Alternate Judge, Tracey Lewis.

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

Agenda #2 - Approval of Bid to Renovate the Pool House for Consideration: Ms. Willets explained the attendance at the Community Park Pool has increased significantly since the pool was fully renovated in 2017; however, the 1975 pool house is still in need of renovation. The Town first advertised the bid in April 2018 to determine funding for a grant application (not awarded). The bid was advertised a second time in February 2019 but only two bids were received, so the Town modified the scope of work and re-bid the project a third time in May 2019, which resulted in seven bids being received. The project would be funded through a \$71,066 Program Open Space grant of which \$23,689 (25%) town match is required

for a total project amount of \$94,755. Town staff recommends Omega Contracting for \$66,329 because Omega was the lowest bidder, their three reference checks were outstanding, pool houses are a specialty of Omega and the Better Business Bureau check showed an A+ rating for Omega. Ms. Willets summarized the work to be completed. The Board expressed their support.

Motion: To accept the Omega bid for the renovation of the pool house for \$66,329.

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

Agenda #3 - Award Stand 5 Forestry Bid for Consideration: Commissioner Ritz III requested the agenda item get tabled since the Board did not receive the bid information until the day of the town meeting.

Motion: To table the award Stand 5 Forestry Board for Consideration to next month's town meeting. Motion by Commissioner Ritz III, second by Commissioner Buckman. No vote taken. Motion withdrawn.

Ms. Willets requested the Board allow town staff to make their presentation and if the Board decides to table the agenda item after the presentation, then the Board will have all the information for the agenda item in the future. The Board requested town staff proceed with the presentation. Ms. Willets explained the initial request for proposal (RFP) was advertised in May 2019 but not awarded because only one bid was received. The bid was re-advertised in June 2019, which resulted in two bids being received. Per Department of Natural Resource (DNR) recommendation, the second bids were deemed insufficient as the Stand 5 timber was valued at \$46,000 and the bids were \$30,185 and \$35,750. The Town set a minimum bid amount to \$46,000 and requested the two bidders submit their best and final offer in lieu of the minimum. Town staff recommends Tipton's Inc. bid for \$46,000 because the bid includes a \$10,000 bond (as requested in the Town's RFP), the bid agrees to pay for the timber in one lump sum (as requested in the Town's RFP), and the timber will be cut within one year (recommended by DNR). There was discussion on how the bond works if damage is caused. Commissioner Ritz III is concerned there may be animosity since the Fitzgerald's own property near the project site.

Motion: To accept the bid from Tipton's Inc. for the bid amount of \$46,000. Motion by Commissioner Blanchard, second by Commissioner Buckman. Vote: Motion passed 4-1 in favor with Commissioner Ritz III against.

Note: At 9:31 p.m. the Board moved to take a five-minute recess to prepare for the public hearing.

Motion: To have a five-minute recess. Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion passed 5-0 in favor.

Motion: To resume the meeting. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

PUBLIC HEARING: PROPOSED ORDINANCE 19-03 (CHAPTER 17.38) SIGN CODE

Motion: To start the public hearing. Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

Agenda #4 - Hold Public Hearing and Final Vote on Proposed Ordinance 19-03 (Chapter 17.38) Sign Code for Consideration: Commissioner Sweeney requested anyone wishing to speak during the public hearing stand and swear under penalty and perjury that anything said during the hearing would be the truth. The attendees wishing to speak stood and swore. Mr. Gulden explained the public hearing was advertised on channel 99, Facebook and the town website. The proposed sign code is being pursued to include newer sign technology. Town staff reviewed sections of the proposed code at the February 4, 2019, March 4, 2019 and June 3, 2019 town meetings. Town staff also hosted several public outreach meetings on April 8, April 15, April 22 and April 29 to explain the proposed sign ordinance for each zone and request public feedback. The Emmitsburg Business and Professional Associations (EBPA) gave their endorsement of the new ordinance on June 3, 2019. The Planning Commission presentation and recommendation was held on June 20, 2019. Mr. Gulden reviewed the recommended changes from the Planning Commission. The Board requested public comment.

Public Comments:

Ken Kacmarski, 2291 E. Green Street, Westminster - Mr. Kacmarski is with Exxon and he would like the proposed ordinance to allow permanent signage fixtures that would allow advertisements to be inserted/removed throughout the year. Ms. Willets explained if the proposed sign ordinance was passed, Exxon's current signage would be in compliance with the new code. Mr. Gulden read the sections of the proposed ordinance detailing the signs Exxon would be permitted to have. There was no other public comment. Mr. Gulden fielded questions from the Board and specified illuminated signs allowed in the Village Zone. Mr. Gulden also clarified the difference between neon signs and illuminated signs. Commissioner Sweeney announced the public comment section closed.

Motion: To accept the sign ordinance as presented. Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion passed 3-2 in favor with Commissioner Ritz III and Buckman against. Commissioner Ritz III explained he voted nay because he feels the ordinance is not community friendly, will create animosity and is too strict. Commissioner Buckman agreed. Ms. Willets explained the EBPA gave their feedback and support on the new sign ordinance and the new ordinance is less stringent than the one prior. Commissioner Sweeney explained more people should have been in attendance besides Mr. Kacmarski if they did not agree with the sign ordinance.

Motion: To end the public hearing. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion passed 5-0 in favor.

AUGUST 5, 2019 TOWN MEETING CONTINUED:

Set Agenda Items for September 3, 2019 Town Meeting

1. Approval of the Street Paving Contractors for Consideration.
2. Approval of the Fire Wood Access Policy for Consideration.
3. Approval of the North Seton Avenue Bridge Letter for Consideration.

Administrative Business:

- A. Appointment of Two New Members to the Sustainable Community Board for Consideration.
- B. Appointment Bernard Franklin to the Citizen's Advisory Committee

Motion: To accept the agenda as presented.
Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

Motion: To close the town meeting.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion passed 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the August 5, 2019 town meeting was adjourned at 10:33 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk
Approved On: September 3, 2019