

**MINUTES
TOWN MEETING
SEPTEMBER 3, 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. *Others Present* - Deputy Jason Ahalt.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the September 3, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. The need for a closed executive session following adjournment of the September 3, 2019 town meeting was announced as permitted by the *Annotated Code of Maryland, State Government Article: Section 3-305(b)(8) Closed Meetings* to discuss possible or pending litigation regarding the collection of a debt.

Motion: To hold a closed session on potential litigation. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: 5 – 0 in favor. Upcoming meetings were announced.

Approval of Minutes

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

Police Report:

Deputy Jason Ahalt presented the police report from August 2019 (exhibit attached). Deputy Ahalt mentioned the deputies covered National Night Out and met with Mount St. Mary's staff regarding the new school year. The crash at Seton Avenue and Lincoln Avenue was due to a driver being under the influence.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2019 (exhibit in agenda packet). Ms. Willets mentioned Rainbow Lake is still at its spillway level of 16.6 feet. All wells are online to compensate for the degrading quality of lake water. The blue-green algae is at its highest point in many years, which is a problem occurring in many natural waters this year. Town staff repaired four water leaks: two of Tract Road and one of DePaul Street and Waynesboro Pike. All water and sewer staff received their temporary DE5 licenses for the Water Plant as required by MDE. There was a major water leak in the tunnel between FEMA and Provincial House (700 gpm for 1.5 hours) that was repaired. State Highway Administration (SHA) will be attending the October 7, 2019 town meeting to give an update on the MD140 bridge project. September 6 starts the hunting season and Sunday only usage for the multi-user trails in the Town watershed. Town staff will look into the one year hunting ban on the Scott Road Farm and see if the Board wants to continue to pursue regulations.

Town Planners Report:

Ms. Willets presented the July 2019 Town Planner's Report on behalf of Mr. Zachary Gulden (exhibit in agenda packet). The Town was awarded a grant to paint a mural on the pool house through the Frederick County Art Council. Mr. Gulden, Ms. Willets and Becky Wilson (DNR) met regarding the required Forest Conservation Ordinance. Mr. Gulden created 500 new property folders and continues to work on the 140 South Seton Avenue subdivision project (among other projects).

Commissioner Comments:

- Commissioner O'Donnell: He explained some residents are requesting the pool parties and farmer's market occur on Saturday instead of Friday. He would like to revisit the appeal process for the sign ordinance at a future meeting.
- Commissioner Ritz III: He stated there was a Parks Committee meeting on August 20 and the status of the 2019 pool season was requested. Ms. Willets explained in 2018 there was 8,404 people that visited the pool for 86 days for an average of 97.72 people per day. In 2019 there was 9,911 people that visited the pool for 88 days for an average of 112.63 people per day. The attendance totals do not include season passes. He requested the town consider grant funding for two covered picnic tables near the bandstand.
- Commissioner Buckman: She explained the town is decorated in purple for National Recovery Month and asked if Town committees used to have designated budgets. Commissioner Sweeney and O'Donnell explained the structures of the committees were changed in the 1990s to allow for a clearer chain of command. If a budget was set aside for each committee, it would have been pre-1990s.
- Commissioner Blanchard: He requested drivers watch for children with the new school season. He encouraged people to vote at the October 1, 2019 town election. There are four candidates and only two commissioner seats.
- Commissioner Sweeney: He thanked town staff for their hard work at the pool during the 2019 pool season.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2019 (meetings listed in agenda packet). Mayor Briggs thanked Sheriff Jenkins and the 500 (approx.) people who joined the Town for National Night Out 2019. He met with Mount St. Mary's regarding the new school year and Ion Design Firm regarding the next four historic wayside exhibits, which will be written on the history of the Carriage House Inn, Vigilant Hose Company, Chronicle Press and Great Fire of 1863. The new Rutter's and Dunkin Donuts will begin construction in 2020. The Town received a \$5,000 grant from the Chesapeake Bay Trust for the purchase of rain barrels. The ribbon cutting for the William Cochran "Volunteers" glass etching will occur on October 4.

Public Comments:

Dennis Ebaugh, 39 Federal Avenue - Mr. Ebaugh stated his frustration with the length of the MD140 bridge project and the cross connection control program. He requested residents get a copy of the MDE mandate for the cross-connection program. He also requested a handicap ramp get added to the corner of DePaul Street and North Seton Avenue. Ms. Willets explained town staff is working on getting a grant to install handicap ramps in Town and the mandate is posted on the Town website.

Administrative Business:

- I. **Appointment of Two New Members to the Sustainable Community Board for Consideration:** Mayor Briggs recommends Sharon Hane, who is also the chief election judge for 2019. Ms. Willets explained this Board reviews and approves the Community Legacy applications before the applications are submitted to the State. The second recommendation will come in the future once the Mayor is able to finalize the second volunteer.

Motion: To accept Sharon Hane as a new member of the sustainable community Board. Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: 5 – 0 in favor.

Consent Agenda:

Motion: To appoint Bernard Franklin to the Citizen's Advisory Committee (CAC) for a two-year term from September 3, 2019 to September 3, 2021. Motion by Commissioner Ritz III, second by Commissioner O'Donnell. Vote: 5 – 0 in favor. Commissioner Buckman also stated Melissa and Brian McKenney would like to resign from the CAC.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for August 2019 (exhibit in agenda packet). The operating balance forward is \$5,700,131. The top 10 checks are listed in the agenda packet.

Planning Commission Report:

Commissioner Blanchard explained there is a tentative meeting scheduled for September 30, 2019 at 7:30 p.m.

II. Agenda Items

Agenda #1 - Approval of the Street Paving Contractors for Consideration: Ms. Willets explained the Director of Public Works, Jimmy Click, has a ten year paving plan for the Town. A request for proposal was advertised on May 6, 2019 for the paving of eight different street areas with a due date of June 28, 2019 by 4:00 p.m. Three total bids were received from ECM Corporation, C.J. Miller LLC and Frederick Co. Paving. Town staff recommends dividing the eight projects up to save time and money. The total amount for the work would be \$90,941 and there is \$174,509 in fund 2 paving. The Board requested flyers be distributed to residents about the paving as soon as the work is scheduled. The eight paving projects are numbered and listed in the agenda packet with the bid amounts submitted by each contractor.

Motion: To accept the street paving contractors as presented by town staff with ECM Corporation doing projects one, two, three, four and six; C.J. Miller LLC doing project five; and Frederick Co. Paving doing projects seven and eight for a total sum of \$90,941. Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: 5 – 0 in favor.

Agenda #2 - Approval of the Fire Wood Access Policy for Consideration: Ms. Willets explained the Fire Wood Access Policy was pursued by town staff at the request of the Board. John Clapp, Town Attorney, recommends a policy and a resolution. Ms. Willets read Resolution 19-02R and Policy P19-04 aloud. If passed, the policy would allow residents to remove downed wood on Town property within 100 feet of Hampton Valley Road. Ms. Willets showed a map with the allowed areas. Residents must obtain a free permit from the Town Office prior to removing wood. Wood can only be removed by hand, cart or wheelbarrow. If approved, town staff would like to hire a surveyor to flag the designated areas. Commissioner O'Donnell requested adding the word "motorized" before off-road equipment and "trails" as a place brush and debris must be removed from. *Jack Weller, 8117 Hampton Valley Road* - He requested the legislation get modified to allow the Emmitsburg 21727 area. The Board agreed to change it to the 21727 zip code to align with the hunting license guidelines.

Note: Mayor Briggs departed at 9:13 p.m.

Motion: To accept the firewood access policy as modified.

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

Motion: To accept resolution 19-02R as modified.

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

Agenda #3 - Approval of the North Seton Avenue Bridge Letter for Consideration: Ms. Willets explained the 1927 bridge on North Seton Avenue has various cracks and needs to be replaced. The bridge cannot handle stormwater and frequently floods during heavy rains and entraps the Northgate Development. Town staff would like to send a letter with pictures to the Maryland Department of Transportation, Maryland State Senate and the Maryland House of Delegates requesting the bridge get replaced. Ms. Willets read the proposed letter aloud and showed pictures of the bridges condition. The Board requested sidewalks get added to the bridge if a replacement is approved. The Board requested modification to the first sentence of the letter. Town would like to send the letter to the local representatives before contacting higher representatives.

Motion: To send the letter to the recipients listed for the North Seton Avenue Bridge Replacement Request as modified.

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

Set Agenda Items for October 7, 2019 Town Meeting

1. Swearing in of New Commissioners.
2. Mayor's Recommendation for Reorganization of the Board of Commissioners for Consideration.
3. Potomac Edison Right-Of-Way at the Wastewater Treatment Plant for Consideration.
4. Approval of the Community Park Disc Golf Course Design for Consideration.
5. Approval of Legal Services Bid for Consideration.
6. Approval of the MS4 Impervious Restoration 5-Year Plan for Consideration.
7. Approval of Resolution 19-03R, Maryland State Archives Record Retention Schedule, for Consideration.

Administrative Business:

8. Presentation by State Highway Administration on the MD140 Bridge Project Status.
9. Approval of Multi-User Trail Workdays for Fall 2019 for Consideration.

Motion: To accept the agenda as presented.

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

Motion: To close the September 3, 2019 town meeting at 9:51 p.m. for a closed executive session to consult with staff consultants or other individuals about pending potential litigation regarding the collection of a debt as permitted by the *General Provisions Article Section 3-305(b), Item 8*. Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the September 3, 2019 town meeting was adjourned at 9:51 p.m. A five-minute recess was taken prior to entering into a closed executive session.

Respectfully submitted,



Madeline Shaw, Town Clerk

Approved On: October 7, 2019

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
SEPTEMBER 3, 2019**

Time Closed Session Began: 10:05 p.m.

Place of Closed Session: Town Office, 300A South Seton Avenue Emmitsburg, Maryland.

Purpose: To consult with staff, consultants, or other individuals about pending or potential litigation.

Members Who Voted to Meet in Closed Session: Commissioners: Clifford Sweeney, Glenn Blanchard, Timothy O'Donnell, Elizabeth Buckman, and Joseph Ritz III.

Persons Attending Closed Session: Commissioners: Clifford Sweeney, Glenn Blanchard, Timothy O'Donnell, Elizabeth Buckman, and Joseph Ritz III. Staff Present: Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer. Others Present: Deputy Jason Ahalt.

Authority Under § 3-305 for the Closed Session: Item 8, pending or potential litigation.

Topics Actually Discussed: Pending or potential litigation in relation to the collection of a debt.

Actions Taken: Consensus among all five Board members to authorize the Mayor to pursue litigation in circuit court by filing suit. The Board also set a threshold limit for settlement. The Mayor shall bring any settlement offers below the threshold limit back to the Board for review.

Time Closed Session Ended: 10:35 p.m.