

**MINUTES
TOWN MEETING
NOVEMBER 4, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and T.J. Burns. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Parking and Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* - Deputy Jason Ahalt.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the November 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 October 7, 2019 town meeting minutes as presented. Motion by Commissioner O'Donnell, second by Commissioner Davis. Vote: 5 – 0 in favor.

Police Report:

Deputy Jason Ahalt presented the police report from October 2019 (exhibit attached). The Board had no questions.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from September 2019 (exhibit in agenda packet). Ms. Willets mentioned a sanitary sewer overflow of approximately 4,500 gallons occurred on October 31, 2019 along North Seton Avenue, Federal Avenue and North Gate due to heavy rains. The overflows were reported to the County and State. Town staff is working on a new American with Disabilities Act (ADA) compliant website that will hopefully be unveiled in either January or February 2020. The new manhole along East Main Street has been installed and the project is now complete.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from September 2019 (exhibit in agenda packet). Mr. Gulden processed 13 permits, 9 cross-connection permits, continued working on the MDE stream crossing permit and Frederick County logging permit for stand 5 in the town watershed. The logging company should notify the Town of a start date soon. He also submitted the required Forest Conservation General Plan per new State legislation.

Commissioner Comments:

- Commissioner O'Donnell: He explained the Friends of the Emmitsburg Library is having a fundraiser Saturday and there will be a multi-user trail workday on Sunday. He attended the accessible playground ribbon cutting ceremony, Pembroke Woods homeowners association meeting and the Emmitsburg baseball/softball meeting.
- Commissioner Ritz III: He received complaints regarding the hydrant flushing and residents not having enough notice for the brown water that resulted; town staff will try and give more notice in the future.
- Commissioner Davis: He held a Emmitsburg baseball/softball meeting on October 24 in which 20 people came. He plans to request an agenda item on Emmitsburg baseball/softball at the December 2019 town meeting. The next public meeting regarding Emmitsburg baseball/softball will occur on December 6 in the town office.
- Commissioner Burns: He thanked town staff for planning the accessible playground ribbon cutting ceremony and expressed his gratitude for the support his family received during the loss of a family member.
- Commissioner Sweeney: He requested a security camera for the new accessible playground site and additional lighting. He thanked everyone that participated and helped provide the Halloween festivities despite the rain.

Mayor's Comments:

Mayor Briggs attended numerous meetings in October 2019 (meetings listed in agenda packet). Mayor Briggs mentioned he met with the wayside exhibit contractors and hopes to bring the drafts of the next four wayside exhibits to the Board for approval at the December town meeting. He also attended the Frederick County MML chapter meeting, Mount St. Mary's 5K for breast cancer and made a presentation to Maryland DOT regarding the possible North Seton Avenue bridge replacement.

Public Comments:

None.

Administrative Business:

- I. Introduction of New Town Attorney:** Leslie Powell, Town Attorney, introduced herself and her associate Clark Adams. She gave a brief summary of the Open Meetings Act and urged the Board to be careful when engaging in discussions with a quorum outside of an open public meeting. A summary memo on the Act was distributed.

- II. Solar Community Array Presentation by First Energy:** Item postponed; date to be determined.
- III. Proclamation for Municipal Government Works Month November 2019 for Consideration:** Mayor Briggs read the proclamation aloud. There were no questions from the Board. **Motion:** To accept the proclamation as presented. Motion by Commissioner O'Donnell, second by Commissioner Burns. Vote: 5 – 0 in favor.
- IV. Discussion of the Timing/Cycle of the Traffic Lights at the intersection of Seton Avenue / Main Street:** Item postponed; date to be determined.

Consent Agenda:

Motion: To accept the appointment of Mark Long to the Sustainable Communities Board. Motion by Commissioner Davis, second by Commissioner Ritz III. Vote: 5 – 0 in favor.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for October 2019 (exhibit in agenda packet). The operating balance forward is \$5,639,428. The Board requested a future agenda item on the solar fields for the new Board members.

Planning Commission Report:

Commissioner Ritz III explained the meeting on October 28, 2019 conditionally approved the Dunkin Donuts site plan with a grand opening planned for spring 2020. The next meeting is tentatively scheduled for November 25, 2019.

II. Agenda Items

Agenda #1- Bids for Ongoing Sewer Relining Projects in Town for Consideration: Ms. Willets explained town staff has been relining the sewer lines to reduce inflow and infiltration (I&I) and wild water. The proposed bids would lock-in prices for three years. Town staff recommends Mr. Rehab, Inc. for \$35.35 per linear foot for an 8-inch pipe and \$37.80 per linear foot for a 10-inch pipe. For FY2020 town staff would like to reline 1,375 feet of 8-inch pipe and 1,475 feet of 10-inch pipe in the areas of Creekside Drive and behind the Post Office for a total cost of \$107,418.75. Future projects would be brought to the Board.

Motion: To accept the bid from Mr. Rehab for the fiscal year 2020 through fiscal year 2022 setting the fee for the 8-inch pipe at \$35.35 and setting the fee for the 10-inch pipe at \$37.80 with the fiscal year 2020 project costing \$107,418.75. Motion by Commissioner O'Donnell, second by Commissioner Burns. Vote: 5 – 0 in favor.

Agenda #2- Social Media Management Policy for Consideration: Ms. Willets explained both herself and the town clerk have attended trainings on the importance of having a social media management policy that sets guidelines for what the Town's social media sites can/cannot be used for to protect the Town. Ms. Willets read over the guidelines and explained Exhibit A would be posted on all Town social media accounts prohibiting comments with hate speech, pornographic content, pure commercial speech, illegal activity, etc. and gives the Town the authority to remove comments in violation of this. The policy also states the social media pages are not monitored 24/7 and comments are subject to the Public Information Act among other items. The town attorney reviewed the policy and did not find any issues.

Motion: To accept the policy for social media management. Motion by Commissioner Burns, second by Commissioner Davis. No vote taken. Commissioner O'Donnell requested modification to the policy by reordering the numbers in Exhibit A and removing the word "please" for the number regarding calling 911 for emergencies. Motion withdrawn.

Motion: To accept policy number P19-05 the Social Media Guidelines and Commenting Policy as modified. Motion by Commissioner Ritz III, second by Commissioner Davis. Vote: 5 – 0 in favor.

Agenda #3- Approval of the 140 South Seton Avenue Subdivision Process for consideration: Mr. Gulden explained the Town would like to subdivide 140 South Seton Avenue, a 0.479-acre lot, into two lots composed of a single-family dwelling with a small garage (lot one, 0.2274 acres) and a large garage (lot two, 0.2516 acres) the Town would continue to own and use. Both the Board of Appeals and Planning Commission unanimously approved the change in September 2019. Now Board approval is needed since the property is town owned. The Board had no questions.

Motion: To approve the subdivision process of 140 South Seton Avenue. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: 5 – 0 in favor.

Agenda #4- Approval of the Mayor Entering into a Real Estate Listing Agreement for the Purpose of Selling 140 South Seton Avenue for Consideration: Ms. Willets explained the Town would like to sell the single-family dwelling with a small garage with the use of Cindy Grimes, J&B Real Estate, Inc, for \$160,000. The proposed listing agreement is in the agenda packet. Town staff is requesting the Board give the Mayor authority to negotiate, then bring the final offer to the Board for approval.

Motion: To accept the listing and give the Mayor the authority to negotiate for the 140 South Seton Avenue listing. Motion by Commissioner Davis, second by Commissioner O'Donnell. Vote: 5 – 0 in favor.

Agenda #5- For consideration, the Board of Commissioners Will Determine if Town Code 17.20.090 (Commercial District Buffer) is Necessary and if the Proposed Sign Designs Are Appropriate as it Relates to 600 East Main St. Extended as Requested During the Rezoning Process on October 1, 2018: Mr. Gulden explained the Board approved the rezoning of the property at the October 1, 2018 town meeting with the right to approve or disapprove future signage, fencing and landscaping conditions. Per Section 17.20.090 of the Town Code, a six-foot tall solid fence and landscaping are required to screen parking areas to adjoining residential properties. *Robert Phelan, 600 East Main Street* - Mr. Phelan explained he purchased the property to grow his insurance agency from the Bollinger Construction Building on Creamery Road to the property at 600 East Main Street. He is willing to provide a fence or landscaping if required by the Code. *Sara Miller, 12 First Avenue* - Ms. Miller explained she is against the solid fence and landscaping requirement because her property backs up to 600 East Main; she wants to property to remain as is. The Board discussed solutions and revisiting the code regarding commercial buffer requirements. The Board decided to table the determination of the type of fencing and landscaping desired for the property. **Motion:** To table the agenda item. Motion by Commissioner Burns, second by Commissioner Ritz III. Vote: 5 – 0 in favor.

Commissioner Sweeney called a 5-minute recess at 9:40 p.m.

Agenda #6- Free Metered Holiday Parking for Consideration: Town staff recommends free metered parking from December 13, 2019 to January 2, 2020. Any meter payments during this time would be donated to the following: 50% to the Emmitsburg Food Bank, 25% to the Friends of the Emmitsburg Library, 25% to the Lions Club for Heritage Day fireworks. **Motion:** To approve the holiday metered parking as presented. Motion by Commissioner Davis, second by Commissioner Burns. Vote: 5 – 0 in favor.

Agenda #7- Presentation by Potential Hotel Developer (for Informational Purposes Only): Pradeep Saini, Broker and Realtor, introduced himself. He explained he purchased three acres on the east side of Town. He would like to build a small shopping strip of about 7,000 square feet and a hotel; however, Mr. Saini is concerned with the amount of tap fees he would have to pay for the construction of a hotel. He believes the hotel with a 58% occupancy rate would have a positive impact on the Town's economic growth and requested the Board consider waiving the tap fees for the hotel. Commissioner Sweeney explained the Town is running low on available taps and a new water treatment plant is needed soon to allow for continued Town growth. The Board discussed next steps, new business incentives and how to encourage growth in a fiscally responsible way. The Board would like to hold a workshop to determine next steps, general business incentives, and tap fees. Mr. Saini explained his hotel development is time sensitive as the hotel he would like to build may be built by another with a 10-mile no compete radius. The Board will host a workshop on Monday, November 18, 2019 to discuss general business incentives, tap fees and taxes for future economic growth in Town.

Set Agenda Items for December 3, 2019 Town Meeting

1. Review of the FY2020 MHAA Wayside Exhibits for Consideration.
2. Staff Presentation of the Town Code 16.48 Forest Conservation Amendment for Consideration.
3. Amendment to Town Code 17.20.090 Buffer Zone Requirements in the B1 Zone for Consideration.
4. 90-Day Moratorium on Small Cell Towers for Consideration.
5. Access and Fee Structure for the Emmitsburg Baseball/Softball Fields for Consideration.

Consent Agenda: Appointment of Glenn Blanchard, Sandy Umbel and Steve Starliper to the Parks and Recreation Committee.

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

Motion: To hold a workshop on November 18, 2019. Motion by Commissioner Davis, second by Commissioner Burns.
Vote: 5-0 in favor.

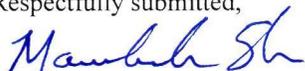
Motion: To close the town meeting. Motion by Commissioner Burns, second by Commissioner Ritz III. Vote: 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the November 4, 2019 town meeting was adjourned at 11:07 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: December 3, 2019