

**MINUTES  
TOWN MEETING  
JANUARY 6, 2020  
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 TJ Burns. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; Zachary Gulden, Town Planner; and Cole Tabler, Town Accountant. *Others Present* - Deputy Ben White.

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**I. Call to Order**

A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the January 6, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Administrative Business:**

- (a) **Invitation of Catoctin High School Football Team Regarding State Class 1A Finals:** Mayor Briggs invited the nineteen football players and four coaches in attendance to the front of the town meeting room and congratulated them for winning the 2019 State Championship. A congratulatory proclamation was read aloud by Mayor Briggs.

**Police Report:**

Deputy Whitehouse presented the police report from December 2019 (exhibit attached). The Board had no questions.

**Administrative Business Continued:**

- (b) **Announcement of 2019 Holiday House and Business Decorating Contest Winners:** Mayor Briggs invited the Simmel Family from Huntley Circle and My Father's Footsteps to the front to receive their awards. Mayor Briggs read the winners for most traditional, most decorative and best businesses. First place winners will receive a \$75.00 check and second place winners will receive a \$50.00 check. The prize money was donated from the Emmitsburg Business and Professionals Association. A list of the winners is in the agenda packet.

**Approval of Minutes**

*Motion:* Commissioner O'Donnell motioned to accept the December 3, 2019 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

*Motion:* Commissioner O'Donnell motioned to accept the December 16, 2019 town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager's Report from November 2019 (exhibit in agenda packet). Ms. Willets mentioned the new record retention schedules have been approved by the State. Staff addressed some brown water complaints and low pressure complaints by performing various water tests, flushing hydrants and planning for the installation of a blow off valve. The last house was taken off the 8-inch mountain water line and the line is now ready to be shutdown.

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the Town Planner's Report from November 2019 (exhibit in agenda packet). The Board did not have any questions for Mr. Gulden.

**Commissioner Comments:**

- Commissioner O'Donnell: He attended a meeting on the Maryland Endurance Challenge.
- Commissioner Ritz III: He thanked the public in attendance for coming to voice their concerns.
- Commissioner Davis: He attended a congratulatory social for the CHS football team prior to the town meeting.
- Commissioner Burns: He read a statement regarding the timeline of events and procedures taken by town staff to correct brown water. He encouraged anyone with concerns to contact the Town Office or attend a town meeting.
- Commissioner Sweeney: No comments.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in December 2019 (meetings listed in agenda packet). Mayor Briggs highlighted attending an Eagle Scout award ceremony for troop 727 and the 136<sup>th</sup> annual Vigilant Hose Company banquet. He also explained town staff has been awarded about \$369,000 in grants this year and will be applying for thousands more.

**Public Comments:**

*James Dodson, 1408 Humblewood Drive* - Mr. Dodson is experiencing brown water. *Allison Calhoun, 1330 Wheatley Drive* - Ms. Calhoun is experiencing brown water. The Board requested a copy of her private water testing results. *Charles Fluke, 3000 Stonehurst Drive* - Mr. Fluke is experiencing brown water.

*Motion:* Commissioner O'Donnell made a motion to take a recess at 8:30 p.m. to reset the sound system; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed. Meeting reconvened at 8:38 p.m.

*Amanda Snedegar, 126 East Main Street* - Ms. Snedegar is experiencing brown water. *Dr. Alejandro Cañadas, 332 Mountaineers Way* - Mr. Cañadas is concerned with the brown water and would like more information on safe consumable limits regarding water testing. *Barrett Turner, 527 West Main Street* - Mr. Turner is experiencing brown water. *Dianne Walbrecker, 535 West Main Street* - Ms. Walbrecker is not experiencing brown water and lives next door to Mr. Turner. *Erin Olesek, 1405 Ramblewood Drive* - Ms. Olesek is experiencing brown water. *Kevin Ball, 318 Mountaineers Way* - Mr. Ball is experiencing brown water and would like to be reimbursed for his water filters.

*Motion:* Commissioner O'Donnell made a motion to take a five-minute recess at 9:32 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed. Meeting reconvened at 9:43 p.m.

**Consent Agenda:**

None

**Treasurer's Report:**

Commissioner O'Donnell presented the Treasurer's Report for December 2019 (exhibit in agenda packet). The operating balance forward is \$5,389,629. The top ten checks are listed in the agenda packet. There were no questions from the Board.

**Planning Commission Report:**

Commissioner Ritz III explained the last Planning Commission meeting occurred on December 17, 2019 where proposed ordinances 19-07 and 19-08 were approved and the Rutter's Improvement Plan was conditionally approved. The Rutter's will break ground in spring 2020.

**II. Agenda Items**

Agenda #1 - Audit Presentation by Michele Mills: Agenda item was postponed until February 2020.

Agenda #2 - Final Review and Approval of the FY2020 MHAA Wayside Exhibits for Consideration: Ms. Willets explained the four wayside exhibits on the history of the Great Fire of 1863, Vigilant Hose Company, Chronicle Press and the Carriage House Inn were initially reviewed by the Board at the December 2019 town meeting. The requested changes from the December meeting have been applied and now final approval is needed for the exhibits to be fabricated. Commissioner Ritz III requested additional edits to the Chronicle Press exhibit and will email a summary of the edits to town staff. Commissioner O'Donnell requested future wayside exhibits include local presidential history if possible. *Motion:* Commissioner O'Donnell motioned to table the agenda item until the February meeting; second by Commissioner Burns. Yeas – 5; Nays - 0. The president declared the motion passed. Ms. Willets added town staff has a grant timeline to adhere to.

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**PUBLIC HEARING: PROPOSED ORDINANCE 19-07 (SECTION 16.48) FOREST CONSERVATION & PROPOSED ORDINANCE 19-08 (SECTION 17.20.090) COMMERCIAL DISTRICT BUFFER**

Agenda #3 - Review Planning Commission Recommendations, Hold a Public Hearing, and Approval of Proposed Ordinance 19-07, which would amend Title 16, Chapter 16.48 – Forest Conservation and Ordinance 19-08, which would amend Title 17, Section 17.20.090 – Commercial District Buffer for Consideration: Commissioner Sweeney declared the public hearing open at 10:02 p.m. Mr. Gulden explained the Town is required to update the Town's Forest Conservation chapter each time the Maryland General Assembly amends the State Forest Conservation Act. The proposed changes would bring the Town in compliance with the current version of the Act. The Planning Commission approved the Ordinance 19-07 with no comment on December 17, 2019. Proposed ordinance 19-08 would allow the Planning Commission to waive the commercial district buffer requirements during the site plan process if the Planning Commission determines that the proposed use of the commercial property would not cause detriment to the neighboring residential properties. The buffer requirements were initially approved as ordinance 15-02 in order to limit potential noise and light pollution from businesses in the commercial zoning districts (Neighborhood Commercial B-1 & General Commercial B-2) onto neighboring residential districts. This exemption would only apply to the B-1 Zone. The Planning Commission approved the Ordinance 19-08 with no comment on December 17, 2019. The Board invited the public to the front for public comment. No public comment received.

Commissioner Sweeney declared the public comment section closed at 10:07 p.m. *Motion:* Commissioner O'Donnell motioned to close the public hearing; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed. *Motion:* Commissioner O'Donnell motioned to approve ordinance 19-07 as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed. *Motion:* Commissioner O'Donnell motioned to approve ordinance 19-08 as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - Approval of Logging Stand 6 for Consideration: Mr. Gulden explained stand five logging is nearing completion contingent upon weather. Town staff would like to meet with Commissioner O'Donnell onsite to review any damage caused to the multi-user trails. Commissioner O'Donnell used a map to show the areas of damage that occurred to the trails to date; a professional contractor may need to be hired to make repairs. Mr. Gulden explained stand six is 45 acres and the estimated value is approximately \$45,000. If approved, harvest would begin in July 2020 contingent upon permitting and the Board's approval of a contractor. *Jack Weller, 8117 Hampton Valley Road* - Mr. Weller asked about the timeline of logging and expressed concern over potential erosion. *Motion:* Commissioner Burns motioned to approve the logging of stand six; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #5 - Approval of Ordinance 20-01, Creation of a Sewer and Water Connection Fee Payment Plan, for Consideration: Ms. Willets explained the proposed ordinance gives the Board the authority to implement a payment plan for new sewer and water connections as requested by the Board. *Motion:* Commissioner Burns motioned to approve ordinance 20-01; second by Commissioner Davis. Yeas – 4; Nays – 1 by Commissioner Ritz III. The president declared the motion passed.

Agenda #6 - Approval of Resolution 20-04R, Establishing the Terms and Conditions for the Sewer and Water Connection Fee Payment Plan, for Consideration: Ms. Willets explained the proposed resolution supports ordinance 20-01 by establishing a payment plan. *Motion:* Commissioner Burns motioned to accept resolution 20-04R; second by Commissioner Davis. Yeas – 5; Nays – 1 by Commissioner Ritz III. The president declared the motion passed.

Agenda #7 - Authorize the Mayor and Town Staff to Seek an Amendment from the General Assembly and Governor to Authorize Implementation of the Small Business Tax Credit for Consideration: Mr. Gulden explain the proposed tax credit is a six-year tax credit for new or expanding businesses. The tax credit is a tier system that decreases over six years and begins with a 40% tax credit, then decreases to 30%, 20%, then 0% in year seven. *Motion:* Commissioner O'Donnell motioned to accept the proposed small business tax credit requiring the mayor and staff to seek an amendment from the general assembly and governor to authorize implementation of the small business tax credit; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #8 - Amendment to P18-01 Ball Field Reservation Fees for Consideration: Ms. Willets explained the policy would amend P18-01 and would remove ball field usage fees with a one-year sunset clause as requested by the Board. The Board will need to revisit the policy in 2021. The Board thanked Commissioner Davis for his work in revitalizing baseball and softball in Emmitsburg. *Motion:* Commissioner O'Donnell motioned to accept the amendment to P18-01 ball field reservation fees; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #9 - Ordinance to Amend Title 13.04.170 Water Systems Prohibited Acts Generally for Consideration: Ms. Willets explained the proposed ordinance would fine any person or organization accessing a fire hydrant for non-emergency related reasons. The proposed ordinance can help prevent future brown water and unauthorized hydrant usage. The Board requested town staff research how other municipalities locate where unauthorized hydrant usage is occurring. *Motion:* Commissioner Burns motioned to accept the ordinance to amend title 13.04.170 water systems prohibited acts generally; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #10 - Amendment of Contract Approving the Sale of 140 South Seton Avenue for Consideration: Mayor Briggs requested the Board approve the net profit for 140 South Seton Avenue residential dwelling which is expected around \$138,000 or \$140,000. He also explained the property needs additional repairs and drainage installed in the basement for \$11,500. The expected settlement date is in February 2020. *Motion:* Commissioner O'Donnell motioned to amend the sales contract authority of the Mayor related to 140 South Seton Avenue to allow the sum of \$11,500 for repairs; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

**Set Town Meeting Agenda for February 3, 2020 Town Meeting:**

1. Audit Presentation by Michele Mills.
2. Final Review and Approval of the FY2020 MHAA Wayside Exhibits for Consideration.
3. Presentation on Rural Public Transit for Discussion.
4. Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration.
5. Approval of Contract to Conduct Silo Hill Storm Water Management Basin Restoration for Consideration.
6. Updates to the 2017 Employee Handbook, Vehicle Safety and Usage Section, for Consideration.

**Administrative Business:**

- A. Filing of the 2019 Planning Commission Report
- B. Water Quality Update

The Board will host a special meeting regarding the Town's water quality on January 22, 2020. *Motion:* Commissioner Burns motioned to accept the agenda as presented; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, Commissioner Burns motioned to adjourn the January 6, 2020 town meeting; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The meeting adjourned at 11:09 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk  
Minutes Approved On: February 3, 2020