

**MINUTES
TOWN MEETING
MARCH 2, 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; Amy Naill, Code Enforcement Officer; Zach Gulden, Town Planner and Terri Ray, Office Manager. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the March 2, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. Mayor Briggs read a statement regarding the COVID – 2019 virus and steps the Town is taking to limit exposure.

Approval of Minutes

Motion: Commissioner O’Donnell motioned to accept the February 3, 2020 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Whitehouse presented the police report from February 2020 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager’s Report from January 2020 (exhibit in agenda packet). Ms. Willets mentioned staff has been working on checking and replacing all the town owned back flow preventers and fixing the waterline leak on Waynesboro Pike among other items. Well three was found to have high alkalinity and has been shut off to allow well four and five to run instead. On Saturday, May 2, 2020 the Town will host a Green Fest in Community Park to celebrate the 50th anniversary of Earth Day. Town staff submitted two grants to Maryland Department of the Environment for the replacement of two waterlines; another application through Department of Housing and Community Development is being considered for spring submission.

Town Planners Report:

Zachary Gulden, Town Manager, presented the Town Planner’s Report from January 2020 (exhibit in agenda packet). The new Dunkin’ will have a ground breaking ceremony in the next two months; the date is to be determined.

Commissioner Comments:

- Commissioner O’Donnell: He mentioned there is a trail workday and a cycling demo day coming up in March. He attended the County bicycle and pedestrian activity meeting. He thanked staff for all their hard work.
- Commissioner Ritz III: No comments.
- Commissioner Davis: He mentioned April 7th will be opening day for Emmitsburg baseball/softball.
- Commissioner Burns: He thanked town staff for their work with the discolored water situation. He attended a Blue and Gold banquet for Boy Scout Troop 270 with the Mayor.
- Commissioner Sweeney: He thanked Commissioner Davis for his work with the little leagues. One of the parents donated a new roof for the shed and concession stand in Memorial Park. The disc golf grand opening is scheduled for Heritage Day. He requested public comment on two new street lights in Town that are being demoed before staff apply for grant to replace all the street lights.

Mayor’s Comments:

Mayor Briggs attended numerous meetings in February 2020 (meetings listed in agenda packet). Mayor Briggs attended the Board of Education regarding Sabillasville Elementary School, the Blue and Gold Banquet for Troop 270, Mount St. Mary’s Athletic Advisor’s Committee meeting, and the Emmitsburg Business and Professionals Association breakfast among other meetings. He explained the Board and staff are wearing yellow 2020 census shirts to try and encourage residents to take the census; the Town got a grant to try and increase participation. The Town wants to have at least 85% of people counted as it will help the Town get funding for infrastructure, health care, businesses, and other services.

Public Comments:

Dianne Walbrecker, 535 West Main Street – Ms. Walbrecker expressed gratitude for the information on the 2020 Census and the COVID-2019 virus.

Administrative Business:

- (A). **Presentation by Nicholas Lowe, Boy Scout, for Installation of a Handicap Accessible Table at the Community Park Playground:** Mr. Nicholas Lowe, Boy Scout, introduced himself and explained he would like to fundraise, purchase and install a handicap accessible picnic table near the new accessible playground in Community Park to help him achieve his Eagle Scout ranking. The Board expressed favor for the project. The Town will post Mr. Lowe's fundraiser on the Town's Facebook page. *Motion:* Commissioner Ritz III motioned to accept the project as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.
- (B). **Proclamation Making April 4, 2020 Arbor Day for Consideration:** Commissioner Burns read the proclamation aloud. *Motion:* Commissioner O'Donnell motioned to accept the Arbor Day proclamation; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.
- (C). **Proclamation Declaring April 2020 As Fair Housing Month for Consideration:** Commissioner O'Donnell read the proclamation aloud. *Motion:* Commissioner Burns motioned to declare April 2020 as Fair Housing Month in Emmitsburg; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for February 2020 (exhibit in agenda packet). The operating balance forward is \$5,466,991. The top 10 check amounts are listed in the agenda. *Motion:* Commissioner Ritz III motioned to accept the report; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Planning Commission Report:

Commissioner Ritz III explained the last Planning Commission meeting was on February 24, 2020 to review the site plan for the Insurance Brokers of Maryland at 602 East Main Street and a request to waive the commercial district buffer requirements in Section 17.20.090.C. The site plan was tabled and the waiver was approved for the fencing buffer only.

II. Agenda Items

Agenda #1 – Approval of Resolution 20 – 01R, Community Development Block Grant Citizen Participation Plan, for consideration: Mr. Gulden presented the resolution. The resolution is in support of a project to replace 117 curb ramps in Town to make them more handicap accessible. This resolution is required to obtain grant funding and states the Town will abide by federal rules for public notification. *Motion:* Commissioner O'Donnell motioned to accept Resolution 20-01R, a resolution approving the Maryland Community Development Block Grant program Citizen Participation Plan for the Town of Emmitsburg; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #2 – Approval of Resolution 20 – 02R, Community Development Block Grant Residential Anti – Displacement and Relocation Assistance Plan, for consideration: Mr. Gulden presented the resolution. The resolution is required to obtain grant funding and requires the Town provide housing for any residents that may be displaced because of the project. A similar resolution was passed during the Homes for America project several years ago. *Motion:* Commissioner Burns motioned to accept Resolution 20-02R, Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 – Approval of Resolution 20 – 05R, Community Development Block Grant requirement prohibiting excessive police force for non – violent civil rights demonstrations, for consideration: Mr. Gulden presented the resolution. The resolution is another requirement to obtain grant funding. If the demonstration turns violent, the police have the right to take the demonstrators to jail. *Motion:* Commissioner O'Donnell motioned to approve Resolution 20-05R, a resolution for the Town of Emmitsburg Maryland adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations and repealing all resolutions in conflict here with and providing for an effective date; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 – Amendment to the Pool Management Contract for Consideration: Ms. Willets explained the Town has a three-year pool management contract with RSV Pools; however, an addendum is needed to include the new State minimum wage requirements and modify the pool opening dates for 2020. *Motion:* Commissioner Davis motioned to approve the amendment to the pool contract; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #5 – Update to the Small Cell Tower Ordinance for Discussion: Ms. Willets explained the Maryland Municipal League had recommended Towns pursue a small cell tower ordinance to protect municipalities from small cell towers being installed without town approval. The proposed ordinance and supporting policy would set guidelines and requirements for businesses pursuing an installation. Leslie Powell, Town Attorney, drafted the ordinance and staff received recommendations from numerous municipalities. The proposed changes and standards were read aloud by Ms. Willets. The Board did not request any changes to the documents.

Agenda #6 – Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration: Ms. Willets stated the fiscal year 2019 general fund closed with \$218,336 excess funds that need to be transferred to the capital projects fund. Town staff would like to replace the town meeting room audio, complete various storm water projects, improve the security of the Town Offices, improve the lighting in the pool parking lot and band stand area, resurface the Community Park tennis courts and remove the dead trees along the walking path in Community Park among other items. *Motion:* Commissioner Burns motioned to accept the transfers from the fiscal year 2019 budget to the capital fund as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #7 – Approval of the Pool House Mural for Consideration: Mr. Gulden stated the Frederick County Arts Council has been working with staff to design a mural for the exterior of the pool house. Pictures were shown of the proposed mural. The Sustainable Communities Board has reviewed and unanimously approved the design. If approved, the project would be done by the new pool season. The project would be paid for with Community Legacy grant funding. The lifespan of the paint is unknown but Mr. Gulden will find the answer. *Motion:* Commissioner Burns motioned to approve the pool house mural; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #8 – Review and authorize the Mayor to sign the attached Maryland Department of the Environment’s Sewerage Construction Permit Application for the proposed sewage pump station to be located at 10201 Taneytown Pike for consideration: Mr. Gulden presented the agenda item. The Board needs to authorize the Mayor to sign the proposed document for the construction of a new pump station at 10201 Taneytown Pike. The developer will pay for the pump station and the Town will take over maintenance once the construction of the pump station is completed by the developer. The attorneys are working on a formalized agreement that will come to the Board at a later date. Town staff will request the transfer of all warranties into the Town’s name and the passing of Maryland Department of the Environment inspection before taking over maintenance. *Motion:* Commissioner Burns motioned for the Mayor to sign the attached Maryland Department of the Environment’s Sewerage Construction Permit Application; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed. *Tim Bieber, Rutter’s* – Mr. Bieber explained there is a surety placed on the construction and they are hoping to get the pump station constructed quickly.

Agenda #9 – New Water and Sewer Operator Employees for Consideration: Ms. Willets presented the agenda item. The proposed new hire would replace Jacob Fisher’s position. Indeed.com generated the largest amount of candidates. In all 39 candidates applied, 7 were selected for interviews and 4 were actually interviewed. Mayor Briggs and town staff recommend the hire of Ryan Keeney at a Grade 4, Step 9 pay and a start date of March 16, 2020. Mr. Keeney would be eligible for a pay increase if he obtains his water and sewer licenses within 18-months. An additional water/sewer operator will also be hired in the late summer. *Motion:* Commissioner Ritz III motioned to accept Ryan Keeney as our new water and sewer operator; second by Commissioner O’Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

Set Agenda Items for April 6, 2020 Town Meeting:

1. Approval of engineering firm for water clarifier project for consideration.
2. Approval of Ordinance 20 – 03 small cell towers for consideration.
3. Approval of Policy 20 – 02 small wireless facility standards for consideration.
4. Approval of Policy 20 – 03 updated review fees’ policy for consideration.
5. Community Development Block Grant (CBDG) public hearing for the purpose of seeking public input on:
 - i. Local community development
 - ii. Economic development
 - iii. Housing needs
 - iv. Proposed CBDG activity (replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance)
 - v. Other community needs (as needed)
6. Approval of Resolution 20-03R, Community Development Block Grant submittal authorization for consideration.
7. Approval of Ordinance 20-04 collection of charges (drop box) for consideration.

Administrative Business:

- A. Proclamation making April 2020 child abuse awareness month of consideration.
- B. Proclamation making May 2, 2020 Green Fest in honor of the 50th Anniversary of Earth Day for consideration.
- C. Lions Club request for a location in the park for a storage shed for consideration.
- D. Discussion related to traffic patterns at the square.

Consent Agenda: Reappointment of Ronald Lind, Wayne Slaughter (alternate) and Patrick Joy (alternate) to the Board of Appeals.

Set Agenda Items for April 13, 2020 Town Meeting

- 1. Initial Presentation of the FY2021 Budget

The Board gave unanimous consent for the agenda items for the April 6, 2020 and April 13, 2020 town meetings.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the March 2, 2020 town meeting; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The meeting adjourned at 9:31 p.m.

Respectfully submitted,



Terri Ray, Town Manager
Minutes Approved On: May 4, 2020