

MEETING MINUTES
APRIL 5, 2021
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE

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

I. Call to Order

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, and Town Planner Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the April 5, 2021 town meeting to order at 7:51 p.m. The meeting start time was delayed due to video problems. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the March 1, 2021 town meeting minutes as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from March 2021 (exhibit attached). Residents should be careful of fraud scams that request a person to purchase gift cards or pay bail for a family member.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from February 2021 (exhibit in agenda packet). Staff repaired several water leaks on Timbermill Run, Annandale Road and North Seton Avenue. Town staff is aware of the street lights out on the south side of Creamery Road and is working on their repair. The park playground equipment continues to be disinfected due to the COVID-19 virus.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from February 2021 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner Burns: He recommended the Board review the Town's water and sewer fees with the infrastructure improvement projects occurring.
- Commissioner Davis: He requested anyone with ideas on park improvement projects contact him.
- Commissioner Ritz III: He suggested the Town consider distributing town trash cans in the future.
- Commissioner Sweeney: No comments.
- Commissioner O'Donnell: He encouraged the public to volunteer for a Town or County committee. He would like pedestrian connectivity between the Town, Mount St. Mary's and the future regional park.

Mayor's Comments:

Mayor Briggs attended numerous meetings in March 2021 (meetings listed in agenda packet). Mayor Briggs hosted Shannon Moore, Frederick County Office of Sustainability, and Mark Lancaster, former chairmen of the County Sustainability Commission, on his weekly COVID-19 update. Mayor Briggs mentioned Mr. Gulden obtained a \$685,000 grant from the Community Development Block Grant for the ADA curb ramp project. The Town has also been approved for \$1-million for the water clarifier project thanks to Senator Hough. The Mayor is working on a letter to the Board of Education requesting more funding for Emmitsburg Elementary School.

Public Comments:

Liz Buckman, 116 South Seton Avenue – Ms. Buckman requested an apology from Ms. Willets for a negative comment made to the Sheriff’s Office about Ms. Buckman. She also requested Deputy Ahalt be brought back as the contractual deputy assigned to the Town. Commissioner O’Donnell stated any future personnel issues regarding staff should be directed to the Mayor. *Brittany Fritz, 216 DePaul Street* – Ms. Fritz is moving her daycare to Thurmont but encouraged the Town to continue working with businesses interested in the 502 East Main Street commercial property. Commissioner Ritz stated concern for any residents who may be actively discouraging business interest in 502 East Main Street.

Administrative Business:

- (A). **Proclamation declaring April 2021 as child abuse prevention month:** Mayor Briggs read the proclamation aloud. Robin Grove, Director of the Child Advocacy Center (CAC), introduced herself and explained the services the CAC provides to children and caregivers. There will be blue pinwheels “planted” in Emmitsburg during the month of April. *Motion:* Commissioner Burns motioned to accept the proclamation as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.
- (B). **Proclamation declaring April 22, 2021 earth day in Emmitsburg:** Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Ritz III motioned to accept the proclamation as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Consent Agenda:

None.

Treasurer’s Report:

Commissioner Burns presented the Treasurer’s Report for March 2021 (exhibit in agenda packet). The operating balance forward is \$5,491,680. The report should read “cash activity report as of March 31, 2021,” not March 1.

Planning Commission Report:

Commissioner Ritz III stated the last meeting was March 29, 2021 where the Commission recommended keeping the collector road requirement for the development of the Frailey Road farm, approval of ordinance 21-03, and forwarding a proposed amendment to chapter 3 of the 2015 Comprehensive Plan to the County and State for a 60-day review period. A public hearing will be held in the future for the Comprehensive Plan amendment.

II. Agenda Items

Agenda #1 - Approval of the North Seton Green St. Conceptual Plan for consideration: Mr. Gulden and Fox and Associates, Inc. presented the agenda item. The Town received a \$17,538 grant from the Chesapeake Bay Trust to design the North Seton Avenue Conceptual Plan. If approved, the Town will work on creating construction and bid plans to hire a contractor to begin work. The proposed work will reduce the risk of flooding, beautify the Town, generate five MS-4 credits and allow for the replacement of the North Seton Avenue and DePaul Street waterlines simultaneously. The flood management portion of the project is estimated at \$290,840. The Total cost of the project, including waterline replacement, is estimated at \$1,555,434. Joe Ceci, Engineer, and Mary Patton, Landscape Architect, explained the sustainable design to include permeable sidewalks, native plants, bio retention planters, a portion of flat run stream restoration at the North Gate entrance, pedestrian crosswalks and more. The Board requested as many parking spaces as possible. Construction is estimated to begin in 2023 or 2024. *Motion:* Commissioner Sweeney motioned to accept the North Seton Avenue Green Street Conceptual Plan as presented; second by Commissioner Burns. Yeas – 4; Nays – 1 (Ritz III). The motion passed 4 - 1.

Agenda #2 - Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration: *Motion:* Commissioner Ritz III motioned to open the public hearing at 9:35 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. Mr. Gulden explained the hearing was advertised on March 5, 2021 in the Frederick News Post. The zoning classification change is being pursued to align the wastewater treatment plant (WWTP) property at 16707 Creamery Road with the 2015 comprehensive plan which recommends making the WWTP institutionally zoned. The Frederick County Council approved the

classification change on February 2, 2021. The Planning Commission recommended the approval of the zoning classification on March 29, 2021. The last step is for the Board to approve the ordinance before the zoning classification change can be made. The Board invited public comment. There was no public comment. *Motion:* Commissioner Sweeney motioned to close the public hearing at 9:40 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to accept ordinance 21-03; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #3 - Approval of Ordinance 21-02 vendor license updates for consideration: Ms. Shaw presented the agenda item. The ordinance is being pursued to formalize the current process for vendor licensing for door-to-door sales or the temporary sale of goods and services upon Town streets. The ordinance clarifies the information applicants need to supply, gives staff up to 10 business days before responding to a request and gives the Town the ability to deny the license if the good or services for sale could pose a harm to public health and safety or the person or business has falsified information or had criminal courts cases for fraud. The fee for the license would remain the same. The licensing does not apply to established places of businesses in Town or to persons under the age of 18 involved in a fundraising event. A complete list of who is required to obtain licensing is listed under section 5.04.010 in the Town Code. *Motion:* Commissioner Ritz III motioned to accept the ordinance as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - For consideration, approval of RK&K engineering contract for water clarifier: Ms. Willets presented the agenda item. The contract is for the hire of RK&K engineering to provide planning, preliminary engineering, design, permitting, bidding support and construction support for the design and construction of a water clarifier located near the Crystal Fountain Road water treatment plant. The total cost of engineering for the project is \$243,114. The contract uses USDA required language. The town attorney has reviewed the contract and deemed it sufficient. *Motion:* Commissioner Ritz III motioned to accept the contract as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration: Mr. Gulden presented the agenda item. The ordinance ensures all town sidewalks and streets are in compliance with current standards regarding American with Disabilities Act compliance and design. There were no questions from the Board. *Motion:* Commissioner Sweeney motioned to approve ordinance 21-04 as modified; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #6 - Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration: Ms. Willets presented the agenda item. The town does not currently have a policy for staff to reference if there are any questions regarding the hunting, fishing and recreational use allowed at Rainbow Lake and the surrounding watershed. The policy was written with input from seasoned hunters and the Department of Natural Resource and includes clarification on activities permitted and not permitted, rules on pedal assist bicycles, clarification on hunting season timing, species that can be hunted, registration requirements and more. The Board requested language be added that allow emergency personal vehicles to access the trails during emergency situations and to remove the language requiring tree stands to be registered with the Town with reevaluation occurring at a later date. *Motion:* Commissioner Sweeney motioned to accept the policy as modified; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #7 - Any developer who, after January 11, 2021, seeks to develop land for residential purposes within the Town of Emmitsburg shall be required to provide parkland or pay a fee in-lieu. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: Emmit Ridge 2 along Irishtown Road. The developer is requesting to pay the fee in-lieu of parkland improvements for 49 single-family dwellings, which totals \$58,800: Mr. Gulden presented the agenda item. On January 11, 2021 the Board approved ordinance 21-01 that established open space requirements for new developments in Town or pay a fee in-lieu of with Board approval. D.R. Horton, a developer, is requesting approval to pay a few in-lieu of parkland improvements in Emmit Ridge 2. Mayor Briggs and town staff recommend approving the fee in-lieu of for approximately \$58,800 because the developer has committed to improving Irishtown Road and culvert bridge

bordering the property on Irishtown Road. In addition, the fee money can be used however the Town desires to include improving the Northgate park, which is the closest park to Emmit Ridge 2. Tom Farr, Division Vice-President with D.R. Horton, explained there are 48 lots instead of 49. The developer is requesting a fee in-lieu of because two lots would need to be contributed towards the park due to new the parkland requirements. *Dianne Walbrecker, 535 West Main Street* – Ms. Walkbrecker asked if there were any restrictions that would prevent D.R. Horton from using a rent-to-own model for the proposed development. The Town cannot prevent a developer from renting the homes out but the Planning Commission has the authority to deny the development. *Ronald Lind, 2 Irishtown Court* – Mr. Lind lives in Emmit Ridge 2 and asked about the development of a Home Owner Association (HOA) in Emmit Ridge 2 and stated his concern that if Northgate gets the fee money it will not be used to benefit the Emmit Ridge 2 residents or they will not be allowed to use the park. Town staff will research the HOA options and reach out to the Northgate HOA. *Motion:* Commissioner Davis motioned to approve the fee in-lieu of parkland for Emmit Ridge 2 along Irishtown Road; second by Commissioner Sweeney. Yeas – 2 (Sweeney, Davis); Nays – 3 (O'Donnell, Burns, Ritz III). The motion did not pass. The Board would like to table the agenda item until May 3, 2021 once more information is collected about the HOAs. *Motion:* Commissioner Burns motioned to table the motion on the public or private parkland decision for Emmit Ridge 2; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Mayor Briggs recommended moving the July 6, 2021 town meeting to July 12, 2021 due to the July 4 holiday. The Board gave unanimous consent.

Set Agenda Items for April 19, 2021 Town Meeting

1. For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump.

Set Agenda Items for May 3, 2021 Town Meeting

1. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: Emmit Ridge 2 along Irishtown Road.
2. Initial presentation of the fiscal year 2022 budget.
3. Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration.
4. Approval of bid to construct two small pavilions in E. Eugene Myers Community near the band stand for consideration.
5. Approval of Ordinance 21-07, town election updates, for consideration.
6. Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.
7. Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.
8. *Tentative:* Zoning text amendment application to amend Town Code Section 17.08.190. The Board shall either: (1) Deny the application; or (2) Forward to the Planning Commission for recommendation & set public hearing for June 7, 2021.

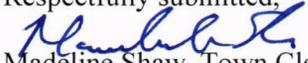
Motion: Commissioner Sweeney motioned to accept the agenda for the May 3, 2021 meeting as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the April 5, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The meeting adjourned at 11:40 p.m.

Respectfully submitted,


Madeline Shaw, Town Clerk

Minutes Approved On: May 3, 2021