

MEETING MINUTES
JUNE 7, 2021
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Nail, Code Enforcement Officer; Zachary Gulden, Town Planner; and Cole Tabler, Town Accountant. **Absent:** Commissioner Clifford Sweeney with prior notice.

I. Call to Order

Commissioners Burns and Davis and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Joseph Ritz III called the June 7, 2021 town meeting to order at 7:30 p.m. Commissioner Sweeney is absent and Commissioner O'Donnell will be late. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the May 3, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 3; Nays – 0; Absent – 2. The motion passed.

Motion: Commissioner Burns motioned to accept the May 17, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 3; Nays – 0; Absent – 2. The motion passed.

Police Report:

The May 2021 police report will be presented at the June 21, 2021 town meeting instead.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from April 2021 (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from April 2021 (exhibit in agenda packet). There are three new businesses coming to Town; two will be in the Silo Hill Shopping Center and one will be at the old Stavros location on South Seton Avenue. The new Rutters should break ground in the next two months.

Commissioner Comments:

- Commissioner Davis: The baseball tournaments are in full swing and he invited the public to attend one.
- Commissioner Burns: He thanked Commissioner Davis for helping to bring baseball back to Emmitsburg. He was also happy to see numerous members of the public enjoying the Community Pool recently.
- Commissioner Ritz III: He is thankful to see a new pizza establishment will be filling the vacant Stavros location at the town square. He requested a rain barrel for the Community Gardens.

Mayor's Comments:

Mayor Briggs attended numerous meetings since mid-May 2021 (meetings listed in agenda packet). Mayor Briggs attended the Catoctin High School graduation ceremony, Boy Scout Troop 727 Eagle Scout Award ceremony, and the Mother Seton 8th grade graduation. The pool is open for the 2021 pool season at full capacity.

Public Comments:

None.

Administrative Business:

- (A). **Proclamation honoring Richard Boyd, manager of Jubilee Foods, for his service to the community:** Commissioner Ritz III read the proclamation aloud. The proclamation was presented to Richard Boyd and a photo was taken with Mr. Boyd, Mayor Briggs and Commissioner Ritz III. Commissioner O'Donnell arrived in the town meeting room at 8:00 p.m.

- (B). **Approval of free pool day on Community Heritage day 2021 for consideration:** Each year the Town has a free pool day to celebrate Community Heritage Day, which will be June 26, 2021. *Motion:* Commissioner Davis motioned to approve the free pool day for Heritage Day 2021; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.
- (C). **Approval of face-masks to not be worn inside the bathhouse at the community pool for the 2021 pool season for consideration:** Commissioner Burns stated the pool company has requested to be able to continue wearing their masks at the pool while working. If the pool employees object to the public not being required to wear the masks indoors at the bathhouse, he requested the town work with the pool company to protect the younger teens and employees that will be working. *Motion:* Commissioner Burns motioned to approve face masks to not be worn in the bathhouse during the 2021 pool season; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.
- (D). **Discussion related to opening the town office for town meetings:** Mayor Briggs explained County Executive Jan Gardner is continuing to keep all county buildings closed, except for public libraries, due to the COVID-19 virus and the town office resides in a County owned building. He would like to reduce liability risk for the town and protect town staff by continuing to keep the office closed to the public and evaluate next steps on a week-by-week basis. The Board requested an update on opening the town office to the public at the next town meeting on June 21, 2021.

Consent Agenda:

The Board gave unanimous consent for the re-appointment of Wendy Walsh, Wayne Slaughter, Tricia Sheppard, Will Sheppard, and Conrad Weaver to the Citizen's Advisory Committee. The Board gave unanimous consent for the appointment of Kevin Hagan as an alternate to the Planning Commission for a term ending July 15, 2026.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for May 2021 (exhibit in agenda packet). The operating balance forward is \$5,740,899 and the top 10 checks amounts are listed in the agenda packet.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on May 24, 2021 where Ordinance 21-05 and Ordinance 21-06 were approved and forwarded back to the Board of Commissioners for a public hearing on June 21, 2021 and the Emmitsburg East Industrial Park II forest delineation plan, preliminary forest conservation plan and preliminary subdivision plan were tabled at the request of the developer and town staff.

II. Agenda Items

Agenda #1 - Review and approval of the fiscal year (FY) 2022 town budget for consideration: Mr. Tabler and Ms. Willets presented the agenda item. A full presentation of the FY2022 budget was presented to the Board on May 17, 2021. The proposed modifications to the budget before the Board include decreasing the constant yield tax rate from 0.36 to 0.3464 per \$100 to comply with State mandates. In addition, the Frederick County Sheriff's Office contract for the two town deputies was \$23,022 higher than anticipated for FY2022; the fund two transfer is lower than initially budgeted to cover the contract expense in the general fund. *Motion:* Commissioner Burns motioned to approve the FY2022 budget with modifications as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #2 - Award ADA sidewalk curb ramp project contract for consideration: Town staff requested the agenda item be postponed due to only one bid being received and the grant requiring more than one bid.

Agenda #3 - Approval of the Irishtown Road Transfer Memorandum of Understanding with Frederick County and authorize the Mayor to sign the agreement on behalf of the Town for consideration: Mr. Gulden presented the agenda item. In June 1987 the Town sent a letter to the County requesting they take over ownership of Irishtown Road in the area displayed in exhibit B of the Memorandum of Understanding (MOU). In October 1989 Frederick County agreed to the road transfer, shown in exhibit A, until the road was improved to Town standards. Irishtown Road now has pending improvements via the Brookfield lots 1-19 improvement plan and possibly the Emmit

Ridge II plan. Town staff is requesting the Board approve the new MOU to allow the Irishtown Road improvements to be made. If approved, construction would begin in early July 2021. Alert notifications will be sent to the public if street closures are needed. *Motion:* Commissioner Burns motioned to approve the Irishtown Road transfer memorandum of understanding and authorize the Mayor to sign the agreement on behalf of the Town; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #4 - Approval of the Brookfield Lots 1-19 Irishtown Road project's right-of-way, temporary grading easement, and public works agreements, and authorize the Mayor to sign the agreements on behalf of the Town for consideration: Mr. Gulden presented the agenda item. A separate motion is needed for the four documents being presented. The first easement is a temporary grading easement needed between Megan E. Purtell and the Town. This easement will allow the developer to properly grade and improve Irishtown Road lots 1-19. The developer will pay \$10,000 to the property owner for the required 25-foot right-of-way easement that will provide town staff road access for maintenance. *Motion:* Commissioner Ritz III motioned to approve the deed of easement between Megan E. Purtell and the Town of Emmitsburg on Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The second easement is between RJD Development Corporation and the Town for the developer of Brookfield to complete the necessary road improvements on Irishtown Road. A temporary revertible grading easement is required along Brookfield lots 1 and 2. The easement will dissolve once the road work is completed. *Motion:* Commissioner Ritz III motioned to accept the temporary revertible grading easement between RJD Development Corporation and the Town of Emmitsburg on Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The third easement is between RJD Development Corporation and the Town. The town code requires street trees be planted along all new roads and the easement gives the developer access to plant the trees via a permanent landscape easement. The easement is necessary so homeowners do not place accessory structures or fences where the developer will be planting trees. The developer will maintain the trees for two years before the homeowners will maintain them. The Board approved the permanent landscape easement as presented. Yeas – 4; Nays – 0; Absent – 1. Commissioner O'Donnell declared the easement approved. The fourth document is a public works agreement between RJD Development Corporation and the Town that outlines the developer's requirements including, but not limited to, the installation of curbs, gutters, sidewalks, street lights, and installing water and sewer lines during construction. All proposed work has been approved by the Planning Commission and Frederick County. The agreement would assign warranties to the Town once the required updates are completed. *Motion:* Commissioner Ritz III motioned to accept the public works and improvement agreement between RJD Development Corporation and the Town related to lots 1 – 19 along Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #5 - Approval of bid to construct two small pavilions in E. Eugene Myers Community near the band stand for consideration: Ms. Willets presented the agenda item. The project has been modified to the construction of one 8-foot by 8-foot picnic pavilion near the band stand in Community Park due to the in ground electrical conduit that exists near the second concrete slab. The Town has excess Program Open Space funding that would cover the project expenses. The bid was advertised on April 21, 2021 with a due date of May 24, 2021. In total, three companies bid on the project and town staff recommends Green Sites LLC. *Motion:* Commissioner Burns motioned to approve the Green Sites LLC bid for one 8-foot by 8-foot pavilion in the amount of \$12,750; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #6 - Approval of Resolution 2021-03R Authorizing Mayor Briggs and the Town Manager to File an Application for Federal Assistance with the USDA Rural Development for consideration: Commissioner O'Donnell requested public comment on the agenda item regarding economic impacts, environmental impacts, service area, alternatives to the project, or any other issues identified. There was no public comment. Ms. Willets presented the agenda item. The United States Department of Agriculture (USDA) Rural Development contacted the Town about extra grant monies available for public works equipment or water and sewer equipment through the USDA Community Facility Disaster Grant. The Town would like to submit an application to purchase public works equipment to include a new backhoe, multi-use tractor, work truck and new SCADA system with computers. The equipment will be used to maintain the Town's roads and water/sewer lines. The SCADA system

and computers would be installed at the Creamery Road wastewater treatment plant to prevent security vulnerability. The total project amount is \$285,500 of which the USDA will 55% or \$157,000 and the Town would pay 45% or \$128,500. The resolution is required for the application to authorize the Mayor and town manager to sign the application documents. The project was advertised in the Frederick News Post on May 19, 2021. Once approved, bids would be collected and presented to the Board at the September 2021 meeting and the anticipated completion date for purchasing the equipment would be June 1, 2022. *Motion:* Commissioner Davis motioned to approve the resolution as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Set Agenda Items for Virtual June 21, 2021 Town Meeting

1. Impact fee and park & rec fee in-lieu study presentation.
2. Public hearing and approval of Ordinance 21-05 for consideration.
3. Public hearing and approval of Ordinance 21-06 for consideration.
4. Approval of Policy P21-02 – Park, Recreation, and Open Space Fee In-Lieu for consideration.
5. ~~Approval of Ordinance 21-08, update to Chapter 3.08 Impact Fees, for consideration.~~ POSTPONED
6. Approval of Resolution 21-02R, Community Legacy façade improvement grant submittal authorization, for consideration.

Administrative Business:

- A. Approval of the FY 2022 Frederick County Sheriff's Office contract for consideration.
- B. Discussion of the Status of the North Gate Park.
- C. Discussion related to opening the town office for town meetings for consideration.

Set Agenda Items for Virtual June 21, 2021 Town Meeting

1. Approval of ordinance 2021-11, purchases, contracts and bid procedures, for consideration.
2. Award ADA sidewalk curb ramp project contract for consideration.
3. Approval of Rutter's easement agreement and authorize the Mayor to sign on behalf of the Town for consideration.
4. Award forestry stand 10 logging bid for consideration.
5. Hold public hearing and approval of Resolution 2021-01R, amendment to Chapter 3 of the 2015 Comprehensive Plan, for consideration.
6. Zoning text amendment application, proposed Ordinance 2021-12, which would 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 August 2, 2021.
7. *TENTATIVE* – Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration.
8. *TENTATIVE* – Approval of Ordinance 21-08, update to Chapter 3.08 – Impact Fees, for consideration.

Administrative Business:

- A. Youth group use of the Emmitsburg trails.

Motion: Commissioner Burns motioned to accept the June 21, 2021; second by Commissioner Ritz III. Yeas – 5; Nays – 0; Absent -1. The motion passed. *Motion:* Commissioner Burns motioned to accept the July 12, 2021 agenda; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent -1. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the June 7, 2021 town meeting; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The meeting adjourned at 9:11 p.m.

Respectfully submitted,


Madeline Shaw, Town Clerk

Minutes Approved On: June 21, 2021