

**MINUTES
TOWN MEETING
SEPTEMBER 7, 2021
TOWN OFFICE – 300A SOUTH SETON AVENUE**

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; Amy Naill, Code Enforcement Officer. *Others Present* – Deputy Jason Ahalt; Clark Adams, Legal Associate with Powell, LLC.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the September 7, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. A moment of silence was held for the 20th anniversary of September 11. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Sweeney motioned to accept the August 2, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Police Report:

Deputy Ahalt presented the police report from August 2021 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2021 (exhibit in agenda packet). Due to the flooding from tropical storm Ida the town had several sanitary sewer overflows and road closures during September 1, 2021. Commissioner O'Donnell suggested the Board discuss sewer backflow preventers and insurance options for home owners at a future meeting in the event of another large storm event.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from July 2021 (exhibit in agenda packet). The Town will be planting 27 acres of trees at the Waste Water Treatment Plant with StreamLink as part of the Town's MS-4 requirements. The first tree planting event will occur on October 9, 2021. There is a typo in the report as 4 sign permits were processed, not 34 sign permits.

The Board gave unanimous consent to move agenda item four up to the second agenda item presented.

Commissioner Comments:

- Commissioner Ritz III: He encouraged the public to vote at the town elections on September 28, 2021.
- Commissioner Davis: He requested the Board invite the 2021 Catoctin High School Baseball State Champions to the town office in January. He requested the ability to host a committee to review the 2019 sign code (ordinance 19-03) with local businesses to receive business feedback.
- Commissioner Sweeney: He thanked the first responders who assisted during the September 1 flooding.
- Commissioner Burns: He thanked town staff for their work during the tropical storm on September 1.
- Commissioner O'Donnell: The red trail multi-user trail is being repaired for an upcoming mountain biking event in October. He mentioned the Emmitsburg Library should be coming to the Board at a future meeting to request funding for a display case and placard to commemorate Emmitsburg High School that was located in the Emmitsburg Community Center during the early 1900s.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2021 (meetings listed in agenda packet). Mayor Briggs requested support to hire a part time water and sewer operator for the Town. He will be attending the Rutters ground breaking ceremony on September 13, 2021. He encouraged residents to vote during the town elections.

Public Comments:

Kevin Hagan, Huntley Circle Emmitsburg – Mr. Hagan is a resident of the Brookfield development and he expressed concern over Mr. Demits involvement in the Home Owners Association (HOA) and HOA dues usage. *Wendy Hagan, Huntley Circle Emmitsburg* – Ms. Hagan expressed concern over proposed residential development near Brookfield as she would like to see more commercial development and local job creation.

Administrative Business:

- (A). **Proclamation declaring September 2021 as Recovery Month in Emmitsburg for consideration:** Commissioner O'Donnell read the proclamation aloud. Residents are encouraged to decorate their home in purple in support of the proclamation. *Motion:* Commissioner Ritz III motioned to approve the proclamation; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.
- (B). **Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration:** Commissioner Burns read the proclamation aloud. *Motion:* Commissioner Sweeney motioned to approve the proclamation; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.
- (C). **Discussion related to modifying legislative document templates:** The proposed modification will record how commissioners voted on each piece of legislation to aid in historical reference when reviewing passed legislative documents. The Board gave unanimous consent for the chart format to be added to all legislative documents going forward.
- (D). **Modification of 2021 election judges for consideration:** Mayor Briggs presented the item. Due to unexpected leave Sharon Hane can no longer act as Chief Judge and Dianne Walbrecker can no longer be an alternate judge. As a result, the Mayor recommends Lynn Ordorff as a chief judge. The greeter will be used as an alternate judge if needed. *Motion:* Commissioner Davis motioned to approve the election judge modification as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Consent Agenda:

The Board gave unanimous consent for the appointment of Sandy Slaughter to the Citizen's Advisory Committee for a term of September 7, 2021 to September 7, 2023.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for August 2021 (exhibit in agenda packet). The operating balance forward is \$7,691,923. The Board gave unanimous consent to accept the treasurer's report.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on August 30, 2021 where the site plan for Ripleigh's Creamery was conditionally approved and the site plan approval for Village Liquors and Plaza Inn was tabled until the applicant presents their improvement plan in September.

II. Agenda Items

Agenda #1 - Hold public hearing and approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter for consideration: *Motion:* Commissioner Sweeney motioned to open the public hearing at 8:50 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The public hearing was declared open. Ms. Willets and Mr. Clark Adams presented the agenda item. The public hearing was advertised in the Frederick News Post on August 17, 2021. If approved, Resolution 21-05R will repeal the charter in its entirety and adopt a new charter due to the amount of edits needed. A summary of all changes was given to include spelling corrections, removing town boundaries so a charter amendment is not needed whenever there is an annexation, reducing commissioner and Mayor residency requirements to uphold the United States constitution, making language more gender neutral, providing guidance on overdue taxes, clarifying the Town's authority to issue and sell bonds and more. The Board discussed what the new residency requirement should be for the mayor and commissioners and decided upon 30-days. There was no public comment. *Motion:* Commissioner Sweeney motioned to close the public hearing at 9:24 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Davis motioned to repeal

the existing Town of Emmitsburg charter in its entirety and replace it with Resolution 21-05R; second by Commissioner Burns. Yeas – 4; Nays – 1 (Ritz III). The motion passed.

Agenda #4 - 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: Mr. Gulden introduced the item. Linda Williamson, Project Manager with Frederick County Office of Sustainability, explained Mr. Waybright is the property owner of 15015 Taneytown Pike and he has offered to have the County plant 5.27-acres of trees on his property as part of the County's Creek Re-Leaf program. Due to Flat Run Creek, the best access to the planting site would be via the Town's adjoining property at 16715 Creamery Road. The County is requesting an access easement for the purpose of planting and maintaining the trees on Mr. Waybright's property. *Motion:* Commissioner Sweeney motioned to approve the access easement as presented and authorize the Mayor to sign on behalf of the Town; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #2 - Creamery Court dedication discussion: Mr. Gulden presented the agenda item. At the May 5, 2008 town meeting the Board approved the deed of dedication for Creamery Court; however, the document was never recorded with Frederick County. The presented deed in the agenda packet will officially turn Creamery Court over to Town ownership. The purpose of the agenda item is to advise the Board of the error. No action is needed by the Board because the dedication was previously approved.

Agenda #3 - Award Storm Water Utility Feasibility Study Contract for consideration: Mr. Gulden presented the agenda item. The storm water utility feasibility study request for proposal was published by the Town on July 1, 2021 with a due date of August 2, 2021. Four bids were received. Town staff recommends the approval of Wood Environmental and Infrastructure Solutions, Inc. for \$50,045 due to experience, favorable references and the project being within budget. The project should be finished in February 2022. *Motion:* Commissioner Sweeney motioned to accept the bid for Wood Environmental and Infrastructure Solutions, Inc. for \$50,045; second by Commissioner Burns. Yeas – 2 (Sweeney, Burns); Nays – 3 (O'Donnell, Davis, Ritz III). The motion failed. The Board discussed the desire to approve the University of Maryland Environmental Science Center bid instead due to the lower cost and displeasure with the high costs of the State's MS-4 requirements. *Motion:* Commissioner Sweeney motioned to approve the bid for University of Maryland Environmental Science Center bid for \$33,578; second by Commissioner Ritz III. Yeas – 4; Nays – 1 (Davis). The motion passed.

Agenda #5 - Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration: Ms. Willets presented the agenda item. The USDA awarded the Town \$157,000 with a required 45% town match of \$128,500 for the purchase of four pieces of public works equipment. The first equipment would be a SCADA computer software program and computer equipment at the Creamery Road Wastewater Treatment Plant. Due to the SCADA specificity, town staff does not recommend putting the equipment out to bid and instead recommends approving GHD's estimate for \$80,800. *Motion:* Commissioner Davis motioned to approve the SCADA public works equipment for \$80,800; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The second item is the purchase of a backhoe loader, which was put out to bid on August 10, 2021 with a due date of August 30, 2021. Four total bids were received and town staff recommends GT Mid Atlantic due to town staff being most familiar with Case equipment and the quality of the equipment. *Motion:* Commissioner Davis motioned to approve the bid for GT Mid Atlantic for \$107,220; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed. The multi-use tractor does not need to be approved by the Board due to the amount being under \$50,000. The last piece of equipment, the work truck, will come to the Board for approval at the October 4, 2021 town meeting instead.

Agenda #6 - Approval of Policy P21-04, Permits & Inspection's Fee Policy, for consideration: Mr. Gulden presented the agenda item. Policy P21-04 fee modification adds language regarding impact fees and the newly passed aviary permit fees and backyard chicken fees. *Motion:* Commissioner Sweeney motioned to approve Policy P21-04 as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Set Agenda Items for October 4, 2021 Town Meeting

Agenda Items: (#1.) Swearing in of new elected officials; (#2.) Mayor's recommendation for reorganization of the Board of Commissioners for consideration; (#3.) Community Development Block Grant public hearing to provide information on the progress of the Town-Wide ADA Sidewalk Curb Ramp Project; (#4.) Designation of American rescue plan funds for consideration; (#5.) Approval of public works equipment purchase for the USDA Facility Disaster Grant for consideration; (#6.) Approval of the Rutter's forest conservation deed of easement and authorize Mayor to sign on behalf of the Town for consideration. **Administrative Business:** (A.) Proclamation declaring October 2, 2021 as Arbor Day for consideration. **Consent Items:** (I.) Appointment of members to the temporary Stormwater Utility Stakeholder Advisory Committee for consideration. **Motion:** Commissioner Ritz III motioned to approve the October 4, 2021 agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the September 7, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 10:16 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk
Minutes Approved On:

Month/Year: **August 2021**

Patrol Team **11** Monthly Report

Fleet Issues

Fleet Issues During Month: Yes No (If Yes, Complete Below)

Vehicle Issues/Changes (Check ALL That Apply and Provide Brief Description):

- Accident: _____
- Deadline: _____
- New Vehicle: _____
- Substantial Maintenance: _____
- Other: _____

Productivity

Enter Total Number For Each Category Below:

Calls For Service Handled: 263	Total Arrests: 1	Directed Patrols Completed: 17
Traffic Stops: 78	WIN Cards Completed: 6	

List Calls Worth Highlighting:

Case Number	Brief Explanation
21-83769	Death investigation at Emmitsburg Veterinary Hospital

Provide Any Pertinent Information That Was Not Captured Elsewhere:

- No parking on yellow curbs. Safety/slight distance issue.
- Thanks to Commissioner O'Donnell for coming out during the storm and handing out coffee/water to Town staff and myself. Greatly appreciated.
- Ahalt came in on his day off to help the town during the storm.