

**MINUTES  
TOWN MEETING  
NOVEMBER 1, 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; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Jason Ahalt and Delegate Jesse Pippy.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the November 1, 2021 town meeting to order at 7:30 p.m. Commissioner Davis, Commissioner Burns and Mayor Briggs joined the meeting via the Zoom teleconferencing platform. Pledge of Allegiance was recited. Upcoming meetings were announced. There will be a modified agenda schedule. Agenda items two is postponed, agenda item six is cancelled and setting the sale price of agenda items eight and nine will not be occurring at this meeting.

**Approval of Minutes**

*Motion:* Commissioner Ritz III motioned to accept the October 4, 2021 town meeting minutes as modified; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

**Police Report:**

Deputy Jason Ahalt presented the police report from October 2021 (exhibit attached). The deputies are having an ongoing issue with a few of the Mount St. Mary's college student houses having loud parties. The problem has been escalated higher in the Frederick County Sheriff's Office.

**Town Managers Report:**

Cathy Willets, Town Manager, presented the report from September 2021 (exhibit in agenda packet). The CRPS acronym under noteworthy items stands for Creamery Road Pump Station. Five trash bags full of rags, flushable wipes and disinfectant wipes were found clogged in the sewage pump station.

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the report from September 2021 (exhibit in agenda packet). Commissioner Burns joined the meeting in-person at 7:57 p.m.

**Commissioner Comments:**

- Commissioner Ritz III: He requested a follow-up on the proposed veteran streetlight banners along Main Street and if the Mayor had reached out to Sabrina Paxton-Daily regarding her bee hives.
- Commissioner Sweeney: He thanked the organizations that helped plan the Town's Halloween celebration.
- Commissioner Burns: He requested staff reach out to the State regarding removing debris and trees clogging Flat Run off North Seton Avenue.
- Commissioner Davis: He thanked staff for the business and development update during the Planners Report.
- Commissioner O'Donnell: He spoke with an individual from USA Cycling regarding having Emmitsburg be part of the next event in the area.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in October 2021 (meetings listed in agenda packet). Mayor Briggs attend the Sustainable Maryland Award ceremony with Ms. Shaw and was pleased to be told by the Sustainable Maryland director that the Town wrote the best application the organization has seen in 10-years. Mayor Briggs also gave the welcoming address at the groundbreaking ceremony for Mount St. Mary's University Frederick Health Medical facility and the welcoming address at the Emmitsburg Ecumenical Council Community Unity event among other meetings. There will be a tree lighting ceremony on December 6, 2021.

**Public Comments:**

None.

**Administrative Business:**

- (A). **Proclamation for Municipal Governments Works Month November 2021 for Consideration:** Ms. Willets read the proclamation aloud. The proclamation is pursued annually to highlight the positive work of the local government. *Motion:* Commissioner Burns motioned to approve the proclamation as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.
- (B). **Discussion of agenda presentation format:** Commissioner Ritz III presented the item. He is requesting town staff add a short explanation to each agenda item when posting on the website so the public can better understand the agenda items. Town staff will add an explanation on the Town website.

**Consent Agenda:**

*Motion:* Commissioner Ritz III motioned to re-appointment Bernard Franklin to the Citizen’s Advisory Committee for a term of September 3, 2021 to September 3, 2023; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

**Treasurer’s Report:**

Commissioner Burns presented the Treasurer’s Report for October 2021 (exhibit in agenda packet). The operating balance forward is \$7,501,190. The Sheriff’s Office payment is for 4<sup>th</sup> quarter FY2021 not 2022.

**Planning Commission Report:**

Commissioner Ritz III presented the report. The Commission last met on October 25, 2021 where the Creamery Road Pump Station improvement plat and addition plat were conditionally approved.

**II. Agenda Items**

Agenda #1 - Discussion related to MS-4 permit requirements: Mr. Gulden presented the agenda item. The Town will be spending approximately \$690,000 in restoration costs, excluding staff management time, for the current State mandated Municipal Separate Storm Sewer System (MS-4) permit year to treat 20.452 acres of impervious surface. Town staff has been working to obtain grants; however, \$221,000 is still needed for the current permit. The next permit term is 2023 to 2028. Mark Harmon, Arro Consulting, introduced himself and explained the federal legislation that resulted in the current MS-4 mandates have been around since the Clean Water Act of 1972 and are aimed at reducing and eliminating stormwater pollution. Mr. Harmon has been working in the MS-4 field with multiple municipalities and he does not believe the costs will be reduced and the mandates lessened. The Board expressed concern over smaller municipalities having to comply with the strict and costly requirements of the program without having the funding of larger urban areas. Delegate Jesse Pippy introduced himself and recommended having Maryland Department of the Environment Secretary Ben Grumbles and Congressman Raskin together on a call with the Town to discuss the MS-4 burdens. He also suggested having a representative from the Town attend the delegation meeting on December 4 in Annapolis and expressed a willingness to help the Town obtain grants and funding as needed to fund the Town’s MS-4 requirements.

Agenda #2 - Approval of an order declaring 507 East Main Street as a hazardous and dangerous building for consideration: Agenda item tentatively postponed to the January 2022 town meeting.

Agenda #3 - Approval of new employee hire for position of water/sewer operator trainee for consideration: Ms. Willets presented the agenda item. The proposed position was budgeted in the FY2022 budget. If approved by the Board, the proposed position would add another water/sewer employee to town staff. In total 47 candidates applied, five were chosen for interviews (one canceled and one was a no show) and three total interviews were held. Staff and Mayor Briggs are recommending Soren Crowell from Fairfield as a water/sewer trainee. Mr. Crowell is available to start immediately at a Grade 3 making \$39,500. Once Mr. Crowell obtains his necessary licenses, he will be moved to the position of water/sewer operator with higher

pay. *Motion*: Commissioner Sweeney motioned to accept Soren Crowell as a water/sewer operator trainee; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #4 - Approval of the sewer connection agreement with 500 East Main Street and authorize Mayor to sign on behalf of the Town for consideration: Ms. Willets presented the item. The property at 500 East Main Street is owned by Eric Sloane. The Town will be installing a lateral sewer line from the Sloane residents to the Town's main line. The work will be performed by KelCo Plumbing and Backhoe Services and is estimated to cost \$13,000. The agreement date will be modified to November 2021 instead of October 2021. *Motion*: Commissioner Burns motioned to approve the sewer connection agreement with 500 East Main Street as modified and authorize the Mayor to sign on behalf of the Town; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of the sewer connection agreement with 502 East Main Street and authorize Mayor to sign on behalf of the Town for consideration: Ms. Willets presented the item. The Town has provided a draft agreement to the property owner of 502 East Main Street for review; however, staff has not received an executed copy from the property owner and is therefore postponing the agenda item as an update cannot be provided at this time. It is the intention of the Town to provide certain improvements within the property boundaries of land owners along this portion of the main line. Typically, the Town does not do interior lateral lines as those are the obligations of the property owners. It was determined that in this case, it was appropriate to make this offer to the property owners as main lines are being relocated. This agenda item will tentatively be brought back to the Board at the December town meeting.

Agenda #6 - Approval of a temporary construction deed of easement with Emmitsburg East Industrial Park, LLC. and authorize Mayor to sign on behalf of the Town for consideration: Agenda item canceled per Emmitsburg East Industrial Park LLC as there is no longer a need for the deed of easement.

Agenda #7 - Approval of a 25-year revertible forest conservation deed of easement with the Daughters of Charity and authorize Mayor to sign on behalf of the Town for consideration: Mr. Gulden presented the agenda item. The Daughters of Charity will be providing the Town with 16 acres to plant trees on in partnership with StreamLink as part of the Town's MS-4 requirements. The revertible easement allows any planted trees to remain for at least 25-years and will allow the Daughters of Charity the ability to develop the acreage area, if needed, after the 25-years. *Motion*: Commissioner Sweeney motioned to approve the 25-year revertible forest conservation deed of easement with the Daughters of Charity as presented and authorize the Mayor to sign; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #8 - Find that 303 West Lincoln Avenue is no longer needed for a public purpose and set the sale price for consideration: Ms. Willets presented the agenda item. The agenda item is being modified in that the sale price does not need to be set at this town meeting. 303 West Lincoln Avenue is currently owned by the Town and is rented by Christ Community Church. The pastor of the church has approached the Town about buying the property. Before the Town can work on selling the property, the Board needs to deem the property as no longer needed for public purpose. At this time, there is no known public purpose for the property. *Motion*: Commissioner Ritz III motioned to declare 303 West Lincoln Avenue as no longer needed for public purpose; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #9 - Find that 3 acres at the 16715 Creamery Road, waste water treatment plant property, is no longer needed for a public purpose and set the sale price for consideration: Ms. Willets presented the agenda item. The 3 acres at 16715 is owned by the Town but not used for anything and is only mowed by town staff. Richard Lindsay, the adjacent property owner, has approached the Town about buying the property. Ms. Willets believes there was a usage agreement for this land between Mr. Lindsay and staff but none has been found to date. The Board will need to declare the property as no longer needed for public purpose to sell the 3 acres. The 3 acres are part of the Town's corporate boundaries but Mr. Lindsay's current property is not. *Richard Lindsay, Creamery Road* – Mr. Lindsay explained he was approached by

the town manager in 1986 about utilizing the property for agriculture purposes. He is now interested in purchasing the property for his farm and has been using the property for 36 years as agriculture even though the property is listed as industrial. The sale price will be set at a future town meeting. *Motion:* Commissioner Sweeney motioned to declare the 3 acres at 16715 Creamery Road as no longer needed for public purpose; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

### **Set Agenda Items for December 7, 2021 Town Meeting**

**Agenda Items:** (1.) Audit presentation by Michelle Mills, CPA with Deleon and Stang. (2.) Approval of a stormwater management deed of easement with Village Liquors & Plaza Inn and authorize Mayor to sign on behalf of the Town for consideration. (3.) Approval of the Town of Emmitsburg Addition Plat for 2 Creamery Road for consideration. (4.) Approval of a confirmatory/road dedication deed for the pump station project located at 2 Creamery Road and authorize Mayor to sign on behalf of the Town for consideration. (5.) Approval of bid to complete a water rate, sewer rate and tap fee study for consideration. (6.) Set sale price for 303 West Lincoln Avenue for consideration. (7.) Approval of Mayor entering into a real estate listing agreement for the purpose of selling 303 West Lincoln Avenue for consideration. (8.) TENTATIVE - Approval of the sewer connection agreement with 502 East Main Street and authorize Mayor to sign on behalf of the Town for consideration. (9.) TENTATIVE - Approval of a stormwater management deed of easement for the pump station project located at 2 Creamery Road and authorize Mayor to sign on behalf of the Town for consideration.

**Administrative Business:** (A.) Free holiday metered parking for consideration. **Consent Items:** (I.) Accept resignation of Ronald Lind from the Board of Appeals effective October 12, 2021 for consideration. (II.) Appointment of Levi Esses as a regular member of the Board of Appeals with a term of December 7, 2021 – February 17, 2023 for consideration. (III.) Appointment of an alternate to the Board of Appeals with a term of December 7, 2021 – January 11, 2024 for consideration. *Motion:* Commissioner Ritz III motioned to approve the agenda for the December 7, 2021 town meeting as presented; second by Commissioner Burns. 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 November 1, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays - 0. The meeting adjourned at 9:57 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: December 7, 2021



# Frederick County Sheriff's Office

## Patrol Team 1 1/2 Monthly Report

### October 2021



### Staffing

Number of Personnel on Team: 2

Check Leave Used During Month of Report (List # of Days):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Holiday/Annual: <u>4</u> | <input type="checkbox"/> Sick: _____          | <input type="checkbox"/> Training: _____ |
| <input type="checkbox"/> Military: _____          | <input type="checkbox"/> Workers Comp.: _____ | <input type="checkbox"/> Other: _____    |

Check ALL Staffing Changes and Provide a Brief Description:

- Promotion: \_\_\_\_\_
- Transfer: \_\_\_\_\_
- Suspension: \_\_\_\_\_
- Deputy on Field Training: \_\_\_\_\_
- Deputy out on Workers Comp: \_\_\_\_\_
- Deputy Return From Suspension/Workers Comp: \_\_\_\_\_
- Other: \_\_\_\_\_

### Training/Special Assignments

List ALL Training/Special Assignments Attended During Month of Report:

Names of Deputies	Brief Description of Training/Assignment
Ahalt	Police-One on-line trainings
Whitehouse	Police-One on-line trainings
Ahalt	Town meeting
Whitheouse	Trick-or-Treating / Parade
Ahalt	Range- Fall Qual
Whitehouse	Range- Fall Qual



Month/Year: October 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: 391	Total Arrests: 6	Directed Patrols Completed: 134
Traffic Stops: 80	WIN Cards Completed: 6	

#### List Calls Worth Highlighting:

Case Number	Brief Explanation
21-106410	Armed Robbery- Convenience Plus. Suspect identified, interviewed, search warrant served. Not enough to charge suspect. Case still open.

#### Provide Any Pertinent Information That Was Not Captured Elsewhere:

- Death investigation (Natural causes)
- Arrest for domestic assault (1st and 2nd degree)
- Opiod overdose (not cooperative)
- Whitehouse 4 court days
- Several walks, talks and school checks
- Mount Students