

**MINUTES
TOWN MEETING
FEBRUARY 12, 2024
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Frank Davis; Commissioners: Amy Boehman-Pollitt, President; Jim Hoover, Vice President; Valerie Turnquist, Treasurer, Timothy O'Donnell; and Clifford Sweeney. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Jessica Housaman Recorder. *Others Present* – Clark Adams, Town Attorney.

I. Call to Order

A quorum being present, Commissioner Boehman-Pollitt, President of the Board of Commissioners, called the February 12, 2024, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Commissioner Comments:

- Commissioner O'Donnell: None
- Commissioner Sweeney: None
- Commissioner Turnquist: None
- Commissioner Boehman-Pollitt: She let staff know that a resident had raised concern about the lighting at the second entrance at Rutters and asked if there was a way to inquire about this.
- Commissioner Hoover: None

Mayor's Comments: Mayor Davis announced a time change in office hours beginning March 11th and it will be a six (6) month trial. He also announced that we received BIDS for the DePaul Street Waterline project. Mayor Davis noted there was a low bidder and added there could be left over ARPA money for future projects. He will have more details at the March 4th Town meeting. Mayor Davis explained that he received an email from the County last week about the backflow preventers cross connections, and how Frederick County wants to issue their own permits. He added that he did contact Mason Carter who is on the County Council who represents this area also Devin Pier with Frederick County, and noted he does have a meeting set up at the end of February to discuss this further.

Public Comments: (NONE)

Administrative Business: (NONE)

Consent Agenda: (1.) For consideration, approval of Leslie Frei to the Sustainable Communities Workgroup with a term of 02/12/2024 – 02/12/2029. *Motion:* Commissioner Sweeney motioned to accept Leslie Frei to the Sustainable Communities Workgroup with a term of 02/12/2024 – 02/12/2029; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer's Report: (NONE)

Planning Commission Report: (NONE)

II. Agenda Items

Agenda #1 – For consideration, approval of the updated Rules of Procedure for Board of Commissioner meetings to include provisions for closed meetings, workshops, etc. Clark Adams, Town Attorney, addressed the questions that were asked at the last Town meeting on February 5, 2024. He referred to Section 3.1 and stated there are no rules either way if a Commissioner must leave the room during a public meeting and is purely at the Board's discretion. Mr. Adams addressed the next question referring to the closed meeting items and explained he did add two exhibits, the script for the president to read with the closing statement and the statement that follows with the minutes as a template. Mr. Adams suggested an idea related to Section 3.11 and asked to modify it. He suggested Robert's Rules be used as a tiebreaker when Commissioners cannot come into an agreement then Robert's Rules is the tie breaker. Mr. Adam's read his proposed modified language for

Section 3.11, “If a question of procedure arises which these rules do not address, and a majority of Commissioners cannot agree as to how the Board should proceed the most up to date version of Robert’s Rules of Order shall control.

There was discussion amongst the Board on who agreed and disagreed. Over-all the Board agreed that the modified language will be a good guide for the Board to follow if they do not know how to proceed during a particular agenda item. It was suggested to reach out to MML and ask if this could be a workshop for the summer conference to see their framework of Robert’s Rules.

There were concerns regarding Section 3.6 and the Board agreed collectively that the Commissioner may stay in the room but sit with the public depending on the circumstances.

There was discussion related to Section 5.3 and the Board agreed collectively that a quorum should be included during a workshop.

There was discussion related to Section 5.4 and the Board agreed collectively that there should be minutes during a workshop.

Section 5.6 was briefly mentioned as it is like Section 3.6.

There was discussion related to 5.7 and the Board agreed collectively that “Shall may” be included in the language for public comment.

There were questions related to Section 2.5, 4.3, and 4.9. Mr. Adams addressed the questions and noted he had an amendment to Section 4.9. Mr. Adams went on to explain the Board should adopt in 4.9 at the beginning of the second sentence, “During a quasi-judicial hearing, any person may,”. The Board agreed collectively to add the additional language to Section 4.9 in the second sentence.

There was discussion related to Section 4.11 related to the public hearing and asked if the Board is required to leave the record open once the public hearing is closed. Mr. Adams explained that the voting does typically happen the same night as the hearing.

Mr. Adams asked the Board if they agreed to adding the additional language for Section 3.11 and all agreed.

Mr. Adams read, to adopt the revised Board of Commissioners Rules of Procedure as presented with the amendments that Section 3.6 be amended to remove the requirement that a Commissioner leave the room if a conflict of interest exists, that Section 4.9 be amended to add the following language to the second sentence during a quasi-judicial hearing, that Section 5.3 be struck in its entirety and that all remaining sections of section 5 be renumbered accordingly that Section 5.4 be amended to delete the sentence the Board need not prepare minutes for a workshop, that Section 5.6 be amended to remove the requirement that a Commissioner exit the meeting room in the event of conflict of disqualification exists, Section 5.7 that the word shall, shall be changed to need, and Section 3.11 be struck in its entirety and replaced with the following provision, if a question of procedure arises which these rules do not address and a majority of Commissioners cannot agree as to how the Board should proceed the most up to date version of Robert’s Rules of Order shall control

Motion: To adopt the revised Rules of Procedures for the Board of Commissioner meetings to include Provisions for closed meetings, workshops etc., as presented with the following amendments as presented; second by Commissioner O’Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #2 – For consideration, setting priorities for the Town. The Mayor briefly spoke about the importance of having set tasks of projects that everyone has input. He would like the Commissioners to have a chance to give their input.

Mayor Davis stepped out at 8:02 PM.

Mayor Davis returned at 8:04 PM.

Before beginning agenda #2, Commissioner Boehman-Pollitt suggested that since the Board was approached together to set priorities, she suggested that each Board member give their short description as staff writes them out altogether. She then explained after, the Board can decide as a group what would be priority for wants and needs.

The Board then one by one briefly went through their list of priorities and staff added other potential projects (exhibit attached). After discussion, staff will be sending a copy of the list to the Board to review. After further discussion, the Board decided to have a workshop meeting on March 18, 2024 as tentative and if that does not work it will be March 11th.

Set Agenda Items for March 4, 2024 Town Meeting

Staff noted the agenda items that were presented at the last Town meeting on February 05, 2024 did not change other than wanting to withdraw agenda item #6. Which read, for consideration, approval of change order for the pump station.

Commissioner Boehman-Pollitt read, “The Mayor and the Board of Commissioners intend to meet in closed session to discuss the appointment of an applicant for the position of Parking Code Enforcement Officer. This is the final agenda item, and the Board of Commissioners will not be meeting in another open session after the closed session has ended. Pursuant to Maryland Code Annotated, General Provisions Article 3-305(d), prior to closing a meeting, the Commissioners must conduct a recorded vote to close the meeting and make a written statement of the reason for closing the meeting, including a citation of the authority for closing the meeting under Maryland Code Annotated General Provisions Article 3-305(b) and a listing of the topics to be discussed.

I will now read the proposed closing statement which has been prepared by staff.

The topic to be discussed during the closed meeting will be the appointment of an applicant to the position of Parking/Code Enforcement Officer.

The authority for meeting in closed session for this purpose is Maryland Code Annotated General Provisions Article, § 3-305(b)(1), which authorizes the Board of Commissioners to meet in closed session to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

Additional authority to close the meeting exists under Maryland Code Annotated General Provisions Article, § 3-305(b)(13) which authorizes the Board of Commissioners to meet in closed session to “comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.”

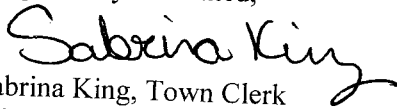
The reason for closing the session is that public discussion of applicants’ names and job information could discourage people from apply for Town jobs. Further discussion involving the applicant’s application materials, including letters of reference, is protected from disclosure pursuant to the Maryland Public Information Act, Md. Code Ann. Gen. Prov. Art. §§ 4-310 and 4-311.

Do I hear a motion to adopt the closing statement as read and to enter into a closed meeting?

Motion: Commissioner Hoover motion to adopt the closing statement as read and to enter a closed meeting; seconded by Commissioner Turnquist. Yeas – 5; Nays – 0. The motion was adopted.

The meeting ended at 8:38 pm

Respectfully submitted,



Sabrina King, Town Clerk
Minutes Approved On:

Priorities list from the February 12, 2024 Town meeting.

Infrastructure
Waterline from the reservoir
Sewer relined on flatrun
Pump Station
Management and Completion of DePaul St Waterline, North Seton Ave/Green St Project
Emmit Ridge Development (Phase 1 Entrance)
Water Rates
Water Capacity
Tap Fee structure
Review and update charter and code
Legacy Grant Businesses and Low income residents
Dark skies committee
MS teams
Website updates
Start budget review earlier in the year
Vacant building (new business and incentives)
Main St MD Town alert sys and how alerting residents
Request to change citizens's advisory name
Making use of glass pane
Stormwater management utility fee
Future developments and annexations
Water and sewer contracts
Beef up water and sewer report
Expand treasurers report
Looking at duties for each employee
Staffing crossing guard
Amend ordinance to allow non residents on committees
Affordable housing
Child care
Senior housing
Community policing
Review comp plan (comment by June 24)
Town meets obligations
North seton revision (flooding issue)
Parking near square (main street retail)
County to replace elementary school
Expansion of trails (scott road farm: adaptive trail)
Business development (types of retail: residents at workshops)
Green turn arrow at square
Cross walk at town office
Minutes and agendas
South sent /cedar ave flooding
Farmers market
MDE requirements: leadline service 10/24 due
Emmitsburg Dam inspection MDE with catwalk