

MINUTES
TOWN MEETING
APRIL 1, 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; and Madeline Shaw, Grant Administrator via Zoom; *Others Present* – Deputy Honaker.

I. Call to Order

A quorum being present, Commissioner Boehman-Pollitt, President of the Board of Commissioners, called the April 1, 2024 Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Hoover motioned to accept the February 5, 2024 Town meeting minutes with clarification to agenda item #2; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Sweeney motioned to accept the March 4, 2024 Town meeting minutes with clarification to agenda item #2; second by Commissioner Hoover. Yeas – 4; Nays – 0. Abstain – 1, Boehman-Pollitt. The motion was accepted.

Commissioner O'Donnell motioned to accept the March 18, 2024 Town meeting minutes as presented; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Honaker presented the police report from April.

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from February 2024. Ms. Willets highlighted key points in her report and noted at the time of the report Rainbow Lake was 16.6 feet at the spillway level. She also reviewed the amount of water that was produced and consumption for the water and the amount of wastewater treated. Ms. Willets referred to page 21 for average well depths for 2023 and page 22 of the current well depths. She also included (3) three noteworthy items; staff cleaned spillways of debris at Rainbow Lake, staff gave a tour of both plants to University of Maryland students and staff made repairs to the flooded road at Well #5 (exhibit in the agenda packet).

Commissioner Sweeney noted that the new Veterans banners will be done soon and thanked staff for getting permission.

Town Planners Report:

Ms. Willets presented the Town Planner's Report from March 2024. Ms. Willets highlighted that Ms. Ahsan processed (5) five zoning permits and listed ongoing development updates with, Seton Village, Emmitsburg Distillery, Christ Community Church, and St. Joseph Church. Ms. Willets briefly noted the outcome of the Board of Appeals meeting related to 17750 Creamery Road and noted future meetings, grants, and previous in-person Public Visioning Workshops (exhibit in the agenda packet).

Commissioner Hoover had asked a question related to page 29 of the Town Planners report about the Stormwater Management preliminary research of the Northgate Stormwater Pond.

Ms. Willets explained that it is part of the new MS4 permit term and it began at the end of October and goes through 2028.

Grant Administrative Report:
(Exhibit in the agenda packet).

Commissioner Turnquist asked if the FY24 Community Legacy Grant be included in the report.

Ms. Willets explained the Legacy Grant falls under the Town Planners report and noted on page 30 was a list of grants Ms. Ahsan is currently working on and had the Legacy Grant listed.

Commissioner Turnquist asked if Ms. Ahsan could include similar information as the grant report to show the grant award amount and Town match.

Commissioner Boehman-Pollitt reiterated that it would be a great overview of keeping things consistent and easier to acknowledge. Commissioner Boehman-Pollitt asked if upcoming grants could be added to the list on the grant report, if the Town knows if there is a match.

Commissioner Comments:

- Commissioner O'Donnell: He announced that they had a successful trail day and made necessary repairs. He spoke with FredRock disc golf during today's tournament and explained even with the weather there were 95 attendees. Commissioner O'Donnell also announced a future tournament with Maryland Senior Olympics in July and will confirm the date. He met with Mark Ginsburg and discussed potential internships with Towson that could provide students with training on water and sewer. He also met with Ms. Shaw to discuss a pending grant. Commissioner O'Donnell met with the president of MML and Mayor Davis discuss lobbying points that could benefit the community or other communities like the Towns.
- Commissioner Turnquist: No comment.
- Commissioner Sweeney: He announced that Little League will begin April 23rd until Memorial Day and noted the two large tournaments in the beginning of June. He asked to be careful when driving through the parks as children will be crossing.

Commissioner Boehman-Pollitt addressed concerns about traffic on Community Park Drive during the tournament and asked if the road could be closed?

- Commissioner Hoover: He announced that himself and Mayor Davis attended the previous Comprehensive Plan Workshop and explained that Ms. Ahsan did an excellent job interacting with the audience. He believes that the Town should receive great feedback with the comp plan.
- Commissioner Boehman-Pollitt: She also noted how many people came out for the disc golf tournament even with the rain. Commissioner Boehman-Pollitt is excited to see there will be an event for Earth Day this year, and announced at the end of April there will be a community yard sale. She explained that if you are not a in Town resident, the Town office has offered the back field to use to set up. Commissioner Boehman-Pollitt also asked the Board if anyone has anything related to the Civil War Monument to please send to her for Mr. Casteel.

Mayor's Comments:

Mayor Davis announced the Town is launching a phone app that will be called MyEmmitsburg. He explained this will have real time notifications that residents can sign up to stay up to date with any of the latest news. Mayor Davis also informed everyone that staff is working on a water main break on Creamery Road but will keep everyone updated when he knows more.

Public Comments:

Eric Slone, Emmitsburg MD – He briefly spoke about having affordable housing and coordinating with Frederick County to put in a mental health facility in Town.

Administrative Business:

(A). First Item: For consideration, Proclamation declaring April 2024 Child Abuse Prevention Month.

Kristen Dunn introduced herself as the program manager for Child Protective Services and introduced Megan McGown who is a forensic interviewer in Frederick County. Ms. Dunn thanked the Town for continued support for Child Abuse Awareness month and went onto briefly explain what the Child Advocacy Center does for children in Frederick County. *Motion:* Commissioner Hoover motioned to accept; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

(B). Second Item: For consideration, Proclamation declaring April 20, 2024 Earth Day in the Town of Emmitsburg. *Motion:* Commissioner Sweeney motioned to accept; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Sweeney asked if the Town needed any trees donated this year for Earth Day and explained the Lions Club has in the past. Sabrina King, Town Clerk, explained since completing a survey for Arbor Day, the foundation donated (5) five trees that should be delivered in time for Earth Day.

(C). Third Item: For consideration, Proclamation declaring April Fair Housing Month.

Motion: Commissioner Hoover motioned to accept; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Consent Agenda: NONE

Treasurer's Report:

Commissioner Turnquist presented the Treasurer's Report for March 2024 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Turnquist noted that Ms. Willets covered everything that was discussed during the Town Planners Report.

II. Agenda Items

Agenda #1 – Approval of water treatment plant clarifier construction bid for consideration. Ms. Willets briefly noted the timeline and the total estimated cost of \$3,057,477.00 for the project. She referred to the bid tabulation of the (4) four bidders and noted at the time of the bid opening the apparent low bidder was Conewago at \$2,329,561.00. She also referred to page 46 of the letter of recommendation from engineer, RK&K.

Commissioner Turnquist asked staff about the breakdown of how the project will be funded.

Ms. Willets explained that the Town has one million dollars state bond that Senator Hough got for the Town and the remainder will be paid by ARPA in the amount of approximately \$2,570,470.00.

Motion: Commissioner Hoover motioned to accept Conewago for the bid for the water clarifier project for \$2,329,561.00; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #2 – Approval of bid for engineering for Emmitsburg Dam inspection as required by MDE for consideration. Ms. Willets briefly noted the timeline, the bid tabulation of the (5) five bidders, and she referred to page 55 of the breakdown of each engineer's proposal. Ms. Willets noted while reviewing the bids, staff as well as Mayor Davis were extremely impressed with CPJ estimate as they are providing an in-depth inspection. She also noted that staff reached out to the other bidders and asked if they could provide the same in-depth inspection as CPJ and unfortunately, they were unable to. Ms. Willets added that this project would be funded by ARPA and noted CPJ estimated at \$72,426.00.

Commissioner Hoover asked if it was a flat rate of \$72,426.00 from CPJ for just the in-depth inspection or was it additional services as he referred to the bid tabulation of the apparent lowest bidder Hills-Carnes at \$1,380.00.

Ms. Willets explained that Hills-Carnes estimate was an estimate prepared for each annual visit which was for the \$1,380.00. They did not address the bulletin items required by MDE and noted it was only for a visual inspection.

Commissioner Hoover acknowledged that Hills-Carnes was only a visual, as CPJ is going to do inspections and take care of the issues required by MDE.

Mayor Davis explained that they felt that it was imperative to have a full inspection with valves and concrete. He added that it would avoid any catastrophic failure because not only would it affect our water supply, but it would affect all the residents downstream. Mayor Davis also referred to the Town Managers report of how staff cleaned debris from the spillway and added that by doing that, it caused flooding on Annadale Road.

Commissioner Turnquist wanted to clarify that they would only be doing the inspection and not removing the woody vegetation. She asked if they are only to do an evaluation and submit the report?

Ms. Willets replied that is correct and per MDE it is required within (3) three months to remove the woody vegetation but noted that is what staff has done already. She also added that the engineer will inspect everything to ensure it is done properly and everything that needs to be cleared is cleared. Ms. Willets also noted that CPJ has addressed all the required bulletin items per MDE and more as she referred to page 56.

Motion: Commissioner Hoover motioned to accept CPJ bid for \$72,426.00 for engineering services for Emmitsburg Dam inspection as required by MDE; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – Approval of FY2023 budget transfers for consideration. **POSTPONED**

Agenda #4 – Approval of ordinance 24-01 to amend Title 10 vehicles allowing 48-hour parking on East and West Main Street for consideration. Commissioner Boehman-Pollitt referred to the ordinance in the agenda packet of the updated language.

Commissioner Hoover confirmed that the only thing that is changing is removing items from the code related to (2) two-hour parking and the rest of the language within the code that covers 48-hour parking.

Motion: Commissioner O'Donnell motioned to approve ordinance 24-01 to amend Title 10 vehicles allowing 48-hour parking on East and West Main Street; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #5 – Approval of ordinance 24-02 to amend Title 10 to remove the red citation box from the square for consideration. Commissioner Boehman-Pollitt referred to page 62 of ordinance 24-02 of the different ways residents can submit a payment and noted the removal of the language of the red citation box.

Motion: Commissioner Sweeney motioned to approve 24-02 to amend Title 10 to remove the red citation box from the square; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #6 – Approval of Policy 24-01 – parking meter fees for consideration. (a.) This would increase parking meter fees to 25 cents per 30 minutes. 50 cents per hour. Commissioner Boehman-Pollitt referred to page 66 of the rate increase. She asked Ms. Willets about a third-party vendor with extra fees and asked if this was regarding the smart app and do they pass on fees?

Ms. Willets explained if the resident uses their credit card in the parking meter there will not be a fee, but if they chose to use the mobile app from the third-party, they would.

Commissioner Turnquist wanted to clarify that the Town chose ITS for the parking meters to avoid extra fees to the resident. She wanted to confirm that part of the agreement with going with that company was if the Town used their system there would not be any credit card fees.

Ms. Willets noted that is correct and explained that if a resident used the parking meter and swiped their credit card there would not be any fees, but if the resident chose to use the park mobile app which is separate from the meter there would.

Commissioner Turnquist turned to the Mayor and reiterated that when he spoke with the local businesses and residents that no one was opposed to raising the rates.

Mayor Davis responded that no one was opposed and most of them were shocked at how low the rates were.

Commissioner Boehman-Pollitt also noted that when speaking with residents they understood the increase especially by knowing what flexibility that comes with the app and smart meters. She also added that the businesses were for this because the customers would not have to continue to leave to feed the meter.

Motion: Commissioner Hoover motioned to accept Policy 24-01 – parking meter fees for consideration; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #7 – Approval of estimate for Rainbow Lake Pump Station House Bridge for replacement for consideration. Ms. Willets referred to page 67 and cited Code 3.12.040 Expenditures over fifty thousand dollars and noted that this was a sole source purchase as permitted by the code. Ms. Willets presented photos of the bridge at Rainbow Lake to show how deteriorated it has become, and the safety hazards it has on staff members. Ms. Willets explained that the staff is proposing PlasTech and listed their scope of work proposal on page 68.

Commissioner Hoover added that he also just completed a job with PlasTech but in a different field, and noted they did excellent work and great to work with.

Motion: Commissioner Hoover motioned to accept PlasTech for the Rainbow Lake Pump House Bridge replacement for total bid of \$160,959.00; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #8 – For consideration, approval of bid for DePaul St. Waterline. Commissioner Boehman-Pollitt stated that this was brought to the Board previously but needs to be looked at again. Ms. Willets informed the Board that the bid was awarded at the last Town meeting but since then the contractor has withdrawn their bid. She noted that she has spoken with the Town's engineer who went back and reviewed the other bid packets and through the review process they recommend Huntzberry Brothers in the amount of \$1,107,771.00. Ms. Willets explained how Ms. Shaw has already confirmed with MDE and DHCD that the project can still move forward with the new proposed contractor. Ms. Willets also informed the Board that there are ARPA funds to cover the cost difference between the new bid.

Commissioner Boehman-Pollitt asked if this would allow for any extra grant money?

Ms. Willets responded that yes, the Town is using the full amount funded \$552,500 another grant for \$277,500 and the remainder is roughly around \$412,000 ARPA funding.

Commissioner Hoover wanted to know why Fox Associates did not recommend Bright Construction.

Ms. Willets explained that the engineer has had no experience with Bright Construction or the next lowest bidder. She added that they were unable to verify their work and while conducting reference checks, Huntzberry Brothers was much more favorable. She noted that while speaking with the Mayor and engineer, being the location of this project on DePaul Street at North Seton Avenue it would be best to go with someone familiar.

Mayor Davis added that he knows that this job will affect the Town's residents related to the water and road closures and wants to ensure that the one doing the job will meet those requirements and have the job done accurately and affectively.

Motion: Commissioner O'Donnell motioned to accept the bid put forward by Huntzberry Brothers Incorporated in the sum of \$1,107,771.00; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for May 6, 2024 Town Meeting

Administrative Business: (NONE) **Consent Items:** (NONE) **Agenda Items:** (1.) For consideration, approval of FY2025 Frederick County Sheriff's Office contract for law enforcement services. (2.) For consideration, approval of estimate to purchase prefabricated bathroom/concession stand in E. Eugene Myers Park. (3.) For consideration, approval of FY2023 budget transfers. (4.) Initial presentation of the FY2025 budget.

Set Agenda Items for May 20, 2024 Town Meeting

Administrative Business: (NONE) **Consent Items:** (NONE) **Agenda Items:** (1.) Presentation and review of FY25 Town of Emmitsburg budget. (2.) For consideration, approval of ordinance 24-04, update to Chapter 2.50.030 salary structure for FY25. (3.) For consideration, approval or ordinance 24-05, adoption of FY25 Town of Emmitsburg budget.

Set Agenda Items for April 22, 2024 Workshop

Administrative Business: (NONE) **Consent Items:** (NONE) **Agenda Items:** (1.) Discussion of FY23 budget transfers. (2.) Discussion of the FY25 water rates.

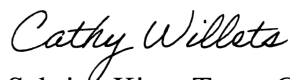
Motion: Commissioner O'Donnell motioned to accept the May 6, 2024 Town meeting agenda as presented; May 20, 2024 Town meeting agenda as presented; and April 22, 2024 Workshop with a closed session following as presented; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the April 1, 2024 Town meeting at 8:25p.m.; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk Signed by Cathy Willets, Town Manager
Minutes Approved On: 05/06/2024