

MINUTES
TOWN MEETING
APRIL 3, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer; Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Honaker

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the April 3, 2023 town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Sweeney motioned to accept the March 13, 2023 town meeting minutes as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Honaker presented the police report from March 2023 (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from February 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted that the time of the report, Rainbow Lake was 16.6' feet at the spillway level. The Town produced an average of 220,464GPD and consumed an average of 234,309GPD and the amount of Backwash Water in the month of February is (19.3%). Ms. Willets announced that Town staff will be conducting Hydrant Flushing the week of the 17th of April and the Town will post updates with more information.

Town Planners Report:

Najila Ahsan, Town Planner presented the Town Planner's Report from February 2023 (exhibit in agenda packet). Ms. Ahsan highlighted key points in her report and noted the Town has submitted a Progress report to the Chesapeake Bay Trust for the Silo Hill SWM basin retrofit. She has processed numerous permits and announced there have been development updates. Ms. Ahsan also mentioned Ripley's Creamery will be open April 2023 from their ice cream truck.

Commissioner Comments:

- Commissioner Amy Boehman-Pollitt: She announced that her and her family attended the Knights of Columbus Easter egg hunt. She expressed her thanks to Kadeem Brim and the CAC members for the continued progress for the Farmer's Market. She also gave her thanks to Jack Deatherage and the volunteers on working together to get the Community Garden complete. She mentioned that April 22nd is Earth Day and there will be Community Park Clean-Up Day from 9am – 12pm and afterwards, the Town will be hosting Earth Day behind the Town Office from 12pm – 2pm where there will be food and activities for the children. Commissioner Boehman-Pollitt also mentioned that she did speak with Town Staff about the water/sewer rates and has a new understanding for the increase.
- Commissioner Ritz III: He announced that he and his son Edwin attended on March 29th the kick-off for the new Community Garden located next door behind the rear of the Farmer's Market site. He gave a huge thanks to Jack Deatherage and his wife Wanda for spear heading the project. He

also gave thanks to Brian and Melissa McKenney, Tracey Lewis, Dianne Walbrecker, Rebecca Ness and her son, and Ms. Ruby who helped that night.

- Commissioner Davis: He announced that he had the opportunity to speak with Will Valentine, the State Delegate. He noted that he would like to have a Town Hall meeting in the future to discuss the lack of funding for Western Maryland and let everyone's voice be heard.
- Commissioner Sweeney: He announced that Little League will be starting in Emmitsburg and asked everyone to be careful when driving through the parks. He also mentioned that the Lions Club is gearing up for Heritage Day in June and he is thankful for how much everyone is giving to this event. He also wished everyone a Happy Easter.
- Commissioner O'Donnell: He gave thanks to Jack Deatherage for getting the Community Garden up and running and his hats off to all the volunteers. He announced that there will be a group of 120 – 200 mountain bikers coming on April 29th and 30th in Town. He briefly explained that this program is to help make safe places and mountain biking for girls. He noted that he would like to see more trails in the future in the Town, and he briefly explained each trail the Town has to offer. He also mentioned that he met with a board member from the Seton Center who would like to be more involved in Community Day and suggested having a Turkey Trot in the summer with a different course through the park.

Mayor's Comments:

Mayor Briggs attended numerous meetings in March 2023. He announced that he and his wife Libby attended the first ride for Transit on Saturday, April 1st. He briefly explained the route that it takes from downtown Frederick to Thurmont and Emmitsburg. Mayor Briggs gave his congrats for the Knights of Columbus for hosting the Easter egg hunt in Town. He also gave thanks to Jack Deatherage for helping with the Community Garden. He also pointed out the Ukraine shadowbox with the Proclamation from the Town and the Sister City Lutsk and asked to keep them in your thoughts and prayers.

Public Comments:

Dennis Ebaugh, Town Resident- He told the Board that he had printed out copies of the previous minutes from past meetings and expressed some clarifications. He gave thanks to Richard Lindsay for helping him get in contact with State Highway for the storm drain and sidewalk. *Carolyn Miller, Town Resident*- She gave her thanks for helping to remove the trees down at Emmitt Gardens.

Administrative Business:

(1.) For consideration, Proclamation declaring April 2023 Child Abuse Prevention Month.

Before moving to the Administrative Business, Kristen Dunn came on behalf of the Frederick County Child Advocacy Center and gave her thanks to the Board on supporting their cause. She also read out loud the bookmark that was provided to the Board to bring awareness of what the Child Advocacy Center has accomplished in the past year.

Motion: Commissioner Ritz III motioned to accept the Proclamation declaring April 2023 Child Abuse Prevention Month; second by Commissioner Davis. Yeas – 5; Nays - 0. The motion was adopted.

- (2.) For consideration, Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg.** *Motion:* Commissioner Sweeney motioned to accept the Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Consent Agenda:

Motion: Commissioner Davis motioned to accept Glenn Blanchard's resignation from the Planning Commission; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer's Report:

Commissioner Sweeney presented the Treasurer's Report for March 2023 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz presented the report. He noted that the Commission last met on March 27th, and he wanted to point out that Village Liquors is seeking to amend their development changes. He also announced that Ms. Ahsan and Chris Jakubiak; Town Planner Consultant, presented work program for the Planning Commission 2023.

Najila stepped down at 7:54 pm.

Cole Tabler took his seat at 7:55 pm.

II. Agenda Items

Agenda #1 – Hold a public hearing then consideration of ordinance 2023-05 which would increase water and sewer rates over a five – year period. *Motion:* Commissioner Sweeney motioned to close the Town meeting at this moment to open the public hearing regarding ordinance 2023-05 regarding the increase water and sewer rates over a five – year period; second by Commissioner Ritz III. 5 – Yeas; 0 – Nays. The motion was adopted.

Town Meeting closed at 7:56 pm.

Public hearing open at 7:56 pm.

Commissioner O'Donnell reviewed the process of how the public hearing will follow.

Mayor Briggs asked Ms. Willets how the Town advertised for the public hearing for the water and sewer rate. Ms. Willets responded that the Town advertised in numerous social media outlets, on March 16th in the Frederick News Post, as well as the Emmitsburg News Journal, Catoctin Banner, Town Website, Channel 99, and Email Newsletter. She briefly re-stated the history from the last five meetings related to the water/sewer rates, the 90-day reserve, the revenue requirements to maintain the water fund and how USDA will not fund projects if water or sewer funds are not self-sustaining.

Commissioner Davis asked Town Staff when the last time the Town raised fees and taxes and Ms. Willets replied that it was lowered by the previous board. Mr. Tabler added that Real Estate tax went down slightly a few years ago.

Commissioner O'Donnell made an analogy with Catoctin High School and the Town of how the structure has been holding up over all the years and how the staff takes great pride in maintaining the

structure has been holding up over all the years and how the staff takes great pride in maintaining the structure. He explained that the school is old and that the system needs to be replaced and that is how the Town's water infrastructure is. He went on to express how imperative it is that the Town upgrade the system to keep the Town moving forward.

Michael Turnquist, Town Resident- He expressed his concerns about the increased rates for residents over the six-thousand gallons since he was impacted from the last increase fourteen years ago. He also explained that this increase will affect larger families and those on fixed incomes will suffer the most hardship.

Eric Sloane, Town Resident- He stated that this was a problem before many of them were around and how this issue was pushed down the road. He explained that this is something that must be done and urged the Commissioners to vote yes.

Dennis Ebaugh, Town Resident- He expressed his concerns about the rate increase and how he does not agree with the numbers. He went on to explain the breakdown of the increase for his household and how this affects families with a fixed income.

Chuck Farkus, Town Resident- He asked if the County has been approached about this issue and if they would be able to help. He expressed his concerns about the rate increase and how it will affect other users in the future.

Carolyn Miller, Town Resident- She asked if families in poverty and fixed incomes were considered with the rates. She also asked if the County was approached about a waiver for those families.

Commissioner Ritz III wanted to speak about the six-thousand gallons minimum each quarter and how he looked further into it. He also mentioned that he wished he had asked Town Staff and the consultant to see a chart based off users, using less than six-thousand gallons. He explained that this increase will impact most families and feels that there will be an increase in receiving late water payments. Commissioner Ritz III also knows that the rates must be increased due to increased cost to maintain the water infrastructure and is unfortunate that this must happen and feels that it is awfully aggressive.

Commissioner Davis spoke about how residents were against the proposed development and how residents are against the raised fees, and he asked how will the Town continue to operate? He asked Ms. Willets for a breakdown of the cost showing what the increase rate would be and she briefly explained each from per day to per month, per year and the overall impact after five years. Commissioner Davis expressed that he would rather vote for the five-year plan now and come back in three years to re-evaluate. He used an example of the brown water that occurred four years ago and knows the problem is still there and explained that the board has a responsibility to keep that from happening again. He noted how the cost of living has increased and will only continue to increase, and if the Town waits any longer that will cost even more. Commissioner Davis suggested that if this was his business, he would make the smart decision to do this now rather than wait.

Commissioner O'Donnell explained that the Town does not qualify for help until the Town shows an increase in revenue. He explained that this increase in fees is how the Town will be able to qualify for those funds in the future and that this is something that must be done to get help.

Commissioner Sweeney explained that this issue had been pushed back for twenty-five years because they did not want to burden the residents and noted that the rates were increased only twice in those years. He knows that this cannot be pushed back and gave an example of how the old water treatment plant broke down the same day as the new one opened. He also listed the reason why it is important to raise the rates due to inflation of the cost of upgrading the water infrastructure.

Commissioner Boehman-Pollitt spoke about how she did her own research on how the USDA operates and how help is out there. She explained that USDA can give assistance only if the Town starts trending up and at the rate the Town is now, it's considered bankrupt. She also acknowledges that Town Staff did present the 10%, 25% and 30% and did look at those numbers but that would not help. Commissioner Boehman-Pollitt also expressed that she does not want to make this decision but knows that this must be done.

Commissioner Davis added that he is shocked there are five people in the room out of 1200 homes and that he thought the office would be filled.

Motion: Commissioner Sweeney motioned to close the public hearing and resume the Town meeting; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

8:59 pm closed public hearing.

Mayor Briggs expressed how it is very tough to be here and acknowledges how he would have liked to have done this three years ago but with the pandemic that wouldn't have been the right thing to do. He admitted that it would have been irresponsible of him if he did not encourage Staff to work on the rate increase. He explained that water is necessary for everyday living. He thanked all who came out and that everyone was very polite. Mayor Briggs said that this is the Town's responsibility to serve and would not be serving the people if they did not address this. He commended the Commissioners for their vote and thanked everyone that came out.

Motion: Commissioner Davis motioned to accept ordinance 2023-05 which would increase water and sewer rates over a five – year period; second by Commissioner Sweeney. Yeas - 4; Nays - 1. The motion was adopted.

Agenda #2 – Hold a public hearing then consideration of ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration. *Motion:*

Commissioner Boehman-Pollitt motioned to close the town meeting at this moment to open the public hearing regarding ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration; second by Commissioner Davis. The motion was adopted. 5 – Yeas; 0 – Nays. The motion was adopted.

Town meeting close at 9:05 pm.
Public hearing open at 9:05 pm.

Ms. Ahsan presented the proposed new amendment and read out loud the new language. She gave a brief background on how this came to be voted on tonight by the board. She explained the boundary line from the photo (attached in agenda packet). Ms. Ahsan noted that the current ordinance does allow 6-foot fences on non-corner lots but the newly proposed ordinance gives more clarification.

Commissioner Ritz III wanted to commend Staff, the Board of Appeals and everyone involved for taking a reasonable approach and revising the code.

Commissioner Davis apologized to the residents that were put through this and thanked them for sticking with the Town.

Public hearing closed 9:14 pm.

Motion: Commissioner Boehman-Pollitt motioned to accept ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – For consideration, approval of Frederick County Sheriff’s Office contract FY24. Ms. Willets presented the Frederick County Sheriff’s Office contract that the Town has approved since the Town has contracted with the Sheriff’s Office. She explained the FY24 contractual cost and that there is a 5.1% increase from FY23 contract cost. She explained that the Sheriff stated that this is due to an increase to uniform law enforcement pay scale and associated fringe benefits.

Motion: Commissioner Sweeney motioned to accept the approval contract settlement for \$286,060.00 for the FY24 Frederick County Sheriff’s Office contract; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda # 4 – FY2022 budget transfers to the capital projects fund for consideration.~~ **POSTPONED UNTIL THE MAY 1ST TOWN MEETING.**

~~Agenda #5 – For consideration, ordinance 2023-06 which would allow a business owner with the Town limits to be a member of the Citizens Advisory Committee.~~ **WITHDRAWN BY COMMISISONER.**

Set Agenda Items for May 1, 2023 Town Meeting

Agenda Items: (1.) For consideration, approval of bid to construct the Creamery Road Pump Station. (2.) For consideration, approval of engineering change order amendment #4 with RK&K for the Creamery Road Pump Station. (3.) For consideration, approval of engineering change order amendment #5 with RK&K for the Creamery Road Pump Station. (4.) Initial presentation of Fiscal Year 2024 budget. (5.) For consideration, FY22 budget transfers to the capital projects for consideration. (6.) For consideration, approval of policy P23-01 adding one month and one-year options to the parking permits. **Administrative Business:** (1.) For consideration, FredRock Disc Golf request for a location to place a storage shed in E. Eugene Myers Community Park. (2.) For discussion, tree replacement near parking lot in E. Eugene Myers Park. **Consent Items: (NONE)**

Motion: Commissioner Ritz III motioned to accept the May 1, 2023 Town meeting agenda as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted/rejected.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the April 3, 2023 town meeting at 9:19 p.m.; second by Commissioner Ritz III Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sabrina".

Sabrina, Town Clerk
Minutes Approved On: