

MINUTES
TOWN MEETING
JULY 10, 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. With the Board's prior approval Commissioner Davis and Commissioner Boehman-Pollitt attended via Zoom.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the July 10, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

The June 10, 2023 minutes were tabled until the next meeting on July 17, 2023. Yeas – 5; Nays – 0.

Police Report:

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

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report related to streets and parks. Ms. Willets highlighted the water and explained that Rainbow Lake is at the spillway level (16.6 feet). Ms. Willets highlighted in Wastewater that the Town treated an average of 323,146 GPD and consumed 257,354 GPD, which means that 20.36% of the wastewater treated this month was "wild water".

Grant Administrative Report:

Ms. Willets presented the Grant Administrative Report and highlighted four out of 21 active grants/project. (Exhibit in the agenda packet)

Mayor Briggs presented a check to Tom Ward on behalf of the Vigilant Hose Company and thanked him for all he does for the Town.

Town Planners Report:

Najila Ahsan, Town Planner presented the Planner's Report from June 2023 (exhibit in agenda packet). Ms. Ahsan noted that she has processed six zoning permits, one street closure, three cross connections and five cross connection renewal notifications (high hazard) She gave updates on development with Federal Stone, Village Liquors and Plaza, and Seton Shrine Museum Entrance at Daughters of Charity Ministries.

Commissioner Comments:

- Commissioner Davis: He gave his thanks to the Heritage Day Committee and how he is thankful that it only continues to grow. He also announced that he has submitted his forms to run in this year's election for Mayor.
- Commissioner Amy Boehman-Pollitt: She also thanked the Heritage Day Committee for another successful year and glad the weather held out. She also gave a shout out to the Town Staff that has been helping set up for the Farmer's Market and announced that the Town has a Farmer's Market Facebook page.

- Commissioner Sweeney: He gave his thanks to everyone who helped with Community Day. He said without the Town, Knights of Columbus, Lions Club, Fire Department, Deputies and all the other clubs that worked together, it wouldn't have been a success. Commissioner Sweeney asked if anyone wants to be involved to please join them for future meetings. He also noted that the parade was the best they had had in years. He gave his thanks to Commissioner Boehman-Pollitt for all she has done to help re-vamp the Farmer's Market and notices how busy it has been.
- Commissioner Ritz III: He also gave his thanks to all that were involved that helped with Heritage Day. Commissioner Ritz III thanked Mayor Briggs for serving twelve years and now from looking back at least 75 years, he is the longest serving Mayor of the Town of Emmitsburg and thanked him for all that he has done. He also thanked Commissioner Davis and Commissioner O'Donnell for stepping up and running for the mayor seat. Commissioner Ritz III noted that there is still time to run for election and the deadline is August 25th. He gave his thanks to Commissioner Boehman-Pollitt and Kadeem Brim for all their hard work with the Farmer's Market and thanked Mr. and Mrs. Deatherage for the Community Garden.
- Commissioner O'Donnell: He spoke about Community/Heritage Day and how it was a great event. He gave Commissioner Ritz III a sad farewell and thanked him for looking into things with a sharp eye and how he has served the Town very well. Commissioner O'Donnell thanked staff for their hard work helping with Heritage Day and their work with preparing the fields for the disc golf event that had 72 participants and lasted all day. He also announced that he will be running for Mayor in this year's election.

Mayor's Comments:

Mayor Briggs attended numerous meetings in June 2023 (meetings listed in agenda packet). Mayor Briggs thanked Diane Walbrecker and Commissioner Sweeney for all their hard work with Heritage Day. He thanked Ms. Miller with the Parks and Rec community for helping with the storybook trails and participating in the ribbon cutting. Mayor Briggs announced that the new Catholic High School will have up to 20 students this fall. He noted that there will be staff changes at the Mount. Mayor Briggs announced that Conrad Reaver will be arriving in Ocean City, MD on Thursday July 13th to show his film. The Mount is working diligently at the Daughter's of Charity, which is the first of three projects and hoping that this will be opened in August.

Public Comments:

None.

Administrative Business:

(A.) First Item: Presentation of daycare options.

Leslie Frei spoke about the lack of childcare in the Town of Emmitsburg. She briefly explained her background. Ms. Frei explained that the most important key element is finding someone that is willing to open a center for children. She said that it would be great for high schoolers to volunteer to make their required hours to receive their certificate in childcare. She gave examples of daycare in the Town of Thurmont and their success and how she hopes something similar can be done here. Ms. Frie also noted how stressful it is on families that may not have transportation for their children for before and after school programs. Amber Madigan, Emmitsburg Elementary School Principal, briefly spoke about concerns that she has regarding the boys and girls club and there was a lack of staffing for the children enrolled. She also noted that there are many children that are coming to Emmitsburg that aren't Emmitsburg residents and explained that there will be an overflow of children coming from outside of Town.

Commissioner Sweeney mentioned that Christ Community Church building will be built next year and that the building they are in now will be available and does have a playground.

Commissioner Boehman-Pollitt added about having a conversation in the future with Pastor John before they move out about availability during the week.

Mr. Frei thanked the board for letting her speak and giving her more information.

(B.) Second Item: For consideration, Proclamation honoring Cliff Sweeney for his contributions to the Lions Club and Town of Emmitsburg.

Commissioner O'Donnell presented the proclamation for Cliff Sweeney. Diane Walbrecker spoke on behalf of the Lions Club and said that she really appreciates all the work that he has done for the Lions Club. She hopes that he will continue to help and be a part of the Community.

Commissioner Sweeney stepped out at 8:07pm.

Consent Agenda:

(1.) Filing of the 2022 Planning Commission Report.

Ms. Ahsan gave the presentation for the filing of the 2022 planning commission report (exhibit in the agenda packet)

Treasurer's Report:

Ms. Willets presented the Treasurer's Report for June 2023 (exhibit in agenda packet).

Commissioner Sweeney returned at 8:09pm.

Planning Commission Report:

Commissioner Ritz III announced that Ms. Ahsan gave the presentation during the Town Planners Report and there was nothing further to add.

II. Agenda Items

Agenda #1 – Discussion of the FY 2024 budget and the allocations of salaries. Ms. Willets restated how staff was directed at the last Town meeting to look at the FY24 budget and the allocation of salaries. She explained she met with Cole, received information from MML and she reached out to Mr. Williams, the Town Manager of Walkersville since that was one that was mentioned at the last meeting. Ms. Willets also reached out to Mr. Humerick the Town Manager of Thurmont, and Ms. Martorana the Town Manager of Brunswick. She noted that Middletown did not have information as they are transitioning to a new manager. Ms. Willets gave a synopsis of the water fund and salaries, overtime wages, insurance, and benefits and how they were reduced to around 90 thousand dollars. Ms. Willets said that after speaking with the three Town Managers she said they all adopt the same budgeting practice that the Town of Emmitsburg has and the same accounting principles. She stated they have operators and designated water and sewer and allocate other staff members out including Director of Public Works, Town Manager and Finance Director etc. Ms. Willets noted they allocate all expenses related to their water plant and water fund including postage, all, or routine maintenance and all that is related to the water. She also added that she and Mr. Tabler had meetings with the Town's

auditors, Michelle Mills and Addie Blickenstaff, who are on Zoom to answer any related questions. Commissioner Boehman-Pollitt shared concerns related to where is the line drawn between what is charged to the water fund and general fund, not just salaries but anything and how different Towns approach that. She asked how the supervisors can know that their staff is correctly writing down their hours and wants to know what checks and balances are set in place for staff to know how to justify their time. Commissioner Boehman-Pollitt also has concerns with those that are not directly working with the water and sewer and how their time is allocated.

Ms. Mills, Town auditor, explained how the enterprise funds are to be operated like a commercial business and how the Town needs to make sure it is properly capturing during the cost and allocating the cost appropriately because if not, then the Town is not getting the data needed to set the user fees.

Commissioner Boehman-Pollitt wants to know where the line is drawn of why mowing is under the water and sewer and said that she is not questioning those in the water and sewer departments as she expects them to have majority of their time there. Commissioner Boehman-Pollitt asked what constitutes a water and sewer activity? She also has concerns of the other positions that do not directly work with the water and sewer and understands there is work behind the scenes but wants to know if there are rules that precludes billing salaries to the general fund for the water and sewer activities, and asked who makes the rules?

Ms. Mills answered Commissioner Boehman-Pollitt that the Town would not want to do that due to not capturing the cost appropriately. She said that anything that is related to the water and sewer needs to be in the water and sewer fund because that is the purpose of an enterprise fund. Ms. Mills added that the Town does show some level of subjectivity, but she cannot answer what the other Municipalities are doing because their facts are different. She also added that it would come down to what makes most sense to the Town of Emmitsburg and the type of activities the employees are doing.

Ms. Willets asked Ms. Mills to explain if the loan to the general fund to the water fund must be project specific? Ms. Mills said she believes it does not have to be project based. She added the board can vote on how they want and can vote not to treat it as a loan and that there is no payback. Ms. Mills explained that the term subsidy is an accounting terminology that doesn't happen often, it's really preferred but it's not disallowed.

Commissioner Ritz III asked if what Commissioner Boehman-Pollitt is asking, would it raise red flags if the Town were to pursue what is being suggested as, fine tune the process regarding the water fund. He also asked if the Town is charging items in access to that fund or could it be charged to the general fund and what should be billed to the water fund?

Ms. Mills said that this should be evaluated annually, and asked if the question that is not being answered is how much of the supplies is being allocated to the water and sewer fund?

Mayor Briggs spoke about how in 2010 the Wastewater Treatment Plant was built and raised the sewer rates. He noted that FEMA has dropped their usage in 2010 to 3.2 million gallons of water usage where today they are down to less than a million. Mayor Briggs also mentioned Daughters of Charity went from 1.8 million to 1.4 gallons of water. He added that they are at a different tier for the water and sewer rates, and that this was nothing related to mismanagement. He noted that COVID happened and put a hold on the water and sewer rates. Mayor Briggs recognizes how staff need to be qualified to run the water and sewer plant and they are hard to come by and do not want to lose the staff. He also added

how he was recently in the office when the water and sewer bills were being mailed out and how there were four people helping with the bills. Lastly, Mayor Briggs added that spending time in the Government field he knows that it is important to document time, but it is also time consuming of having to stop what you are doing to document their time.

Commissioner O'Donnell suggested that Commissioner Boehman-Pollitt reach out to Town Staff to have a meeting with the Supervisors to go over timesheets and what is really being allocated from the water and sewer fund.

Commissioner Boehman-Pollitt stated that this is a good starting point in the light of the new information presented and looking forward to having other meetings coming back to the water rate issue.

Commissioner Davis also mentioned what Ms. Mills stated he would like the Town to look into to help relieve the burden on the water fund legally.

Agenda #2 – Approval of Federal Stone’s public works agreement and authorize to sign the agreement on behalf of Town for consideration. Ms. Ahsan briefly explained that it is a Public Works agreement for Federal Stone to make sure all improvement plans are properly executed all associated fees are paid. She noted that it does include the general description and construction of improvements, financial agreements, deeds, and expense information and noted that this is the standard agreement that has been used in the past for the Town. *Motion:* Commissioner Ritz III motioned to approve Federal Stone’s public work agreement and authorize to sign the agreement on behalf of the Town for consideration; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – Approval of Silo Hills Plaza’s public works agreement and authorize Mayor to sign agreement on behalf of Town for consideration. Ms. Ahsan explained that this is another public works agreement to make sure all the improvement plans for the Silo Hill Plaza project or formerly known as The Village Liquors project and that all associated fees are paid. *Motion:* Commissioner Sweeney motioned to approve of the Silo Hills Plaza’s public work agreement to authorize Mayor to sign agreement on behalf of Town; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #4 – Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. Ms. Willets gave the history and the process of the conduct of public hearings. She explained this was written by the legal office of Ms. Powell, the Town Attorney. Commissioner O'Donnell added that he would like to suggest a small modification to paragraph 2.5 (exhibit in the agenda packet). He asked if it could be re-written as “Any item may be removed from the agenda upon the affirmative vote of the majority of Commissioners at commencement of a Board of Commissioners Town meeting”. *Motion:* Commissioner Sweeney motioned to accept the Town of Emmitsburg Board of Commissioners rules of Procedures as modified; second by Commissioner Davis. Yeas - 5. Nays - 0. The motion was adopted.

Agenda #5 – Approval of Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. Ms. Willets explained that this is Ms. Shaw’s grant application for the Housing and Community

Development for parking meters. Ms. Willets noted that a public hearing is not required, and that Citizens just need to be given the opportunity to provide public comment if they want to. She said the public notice for this agenda item was advertised in the Frederick News Post on Thursday, June 29, 2023, as required by the grant. Ms. Willets added that the Town is planning to file a USDA Rural Development for purchase and install new parking meters. She went onto explain that the Town currently has 125 parking meters along Main Street and the meters encourage turnover to give visitors parking opportunities while they dine in or shop. Ms. Willets noted that the proposed project would replace the 125 existing parking meters with approximately 80 new dual payment meters that accepts both credit card and coin payments. She also noted that the new parking meters are needed because the Town's existing coin meters are over 20 years old, and parts can no longer be found to replace broken ones. Ms. Willets added that if the project is approved the anticipated total cost of the project is \$65,000 of which the Town is requesting \$35,750 or 55% of the total project in community facility grant funding from the USDA Rural Development and the Town would provide the required match of \$29,250.00 of which the Board approved as part of the FY24 budget. *Motion:* Commissioner Ritz III motion to accept Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an application for Federal Assistance with the USDA Rural Development; second by Commissioner Davis. Yeas -5; Nays – 0. The motion was adopted.

Agenda #6: Approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade for consideration. Ms. Ahsan explained this is the Community Legacy Grant that the Town has been receiving since 2013 and has been applied for every year. She explained that this asks for documentation to show that the application is being supported by the legislative body and that this Resolution is to approve staff to submit the application. *Motion:* Commissioner Ritz III motion to accept the approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda #7: For consideration, approval of ordinance 23-08, update to Chapter 17.42 – Floodplain Management to ensure compliance with federal regulations regarding floodplain management in the Town Code.~~

Set Agenda Items for July 17, 2023 Town Meeting

Agenda Items: (1.) Hold a public hearing then consideration of ordinance 2023-08 which would amend Section 17.42 – Floodplain Management to meet FEMA standards. (a.) Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief. **Administrative Business: (NONE) Consent Items:** (1.) Proclamation making August 1, 2023, National Night Out for consideration.

The Board gave consent for the July 17, 2023, Town meeting.

Set Agenda Items for August 21, 2023, Town Meeting.

Agenda Items: (1.) Approval of 2023 Election Judges for consideration. (2.) Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. (a.) These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program. (3.) Approval of bid for the downtown streetlight purchase for consideration. (4.) Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone). (a.) This amendment would allow the Town to approve a Zoning Map

Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts. **Administrative Business: (NONE)**
Consent Items: (1.) Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025. (2.) Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025.

The Board gave consent for the August 21, 2023, Town Meeting.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the July 10th Town meeting at 9:50 p.m.; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk

Minutes Approved On: