

**MINUTES
TOWN MEETING
OCTOBER 7, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials Prior to Swearing In* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer; Elizabeth Buckman; and Joseph Ritz III. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Parking and Code Enforcement Officer; and Zachery Gulden, Town Planner. *Others Present* - Deputy Ben Whitehouse; and Roger Wilson, Director of Government Affairs for Frederick County. *Elected Officials After Swearing In* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and T.J. Burns.
Absent: Commissioner Glenn Blanchard.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the October 7, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the September 3, 2019 town meeting minutes as presented. Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: 4-0 in favor with Commission Blanchard absent.

Police Report:

Deputy Ben Whitehouse presented the police report from September 2019 (exhibit attached). Deputy Whitehouse mentioned if there are any noise complaints the public should call 911 so the complaint is documented.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from August 2019 (exhibit in agenda packet). 2.5-inches of precipitation was received in August. 35.1% of the wastewater treated was wild water. For noteworthy items, town staff installed some new water meter upgrades for residents. Town staff is preparing for the manhole installation on East Main Street, which is tentatively scheduled for the last week of September. The conference call with the USDA was regarding the creamery road pump station replacement; the Town was awarded a \$30,000 grant for the preliminary engineering report and environmental report of the project. The pool house renovation project will start in fall 2019.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from August 2019 (exhibit in agenda packet). Mr. Gulden applied for an impact grant through the Community Foundation of Frederick County, took inventory of the ADA ramps in Emmitsburg for a future grant project, and continued to work on MS4 requirements among other items.

Commissioner Comments:

- Commissioner O'Donnell: He congratulated the newly elected commissioners. He was invited to represent northern Frederick County on the Pedestrian Committee for Frederick County in place of Mayor John Kinnaird. He wished Commissioner Buckman and Blanchard luck on their future endeavors.
- Commissioner Ritz III: He welcomed the new commissioners Frank Davis and T.J. Burns and thanked Commissioners Buckman and Blanchard for their years of service on the Board.
- Commissioner Buckman: She thanked everyone for their help during her three years as commissioner, which included organizing various Town events and improving communication between the residents, Town and local organizations. She explained she will continue to support the Town and serve the community.
- Commissioner Sweeney: He thanked Commissioner Buckman for her three years of service and Commissioner Blanchard for his thirteen years of service.

Mayor's Comments:

Mayor Briggs attended numerous meetings since the September 3, 2019 town meeting (meetings listed in agenda packet). Mayor Briggs wished Commissioner Buckman and Blanchard luck in their future goals and encouraged them to continue to be involved in the community. For meetings, he gave a tour of Town to Dr. Bernard Franklin, Vice President of Student Life for Mount St. Mary's. He accepted a \$25,000 check from the Catocin Area Civitan Club for the new accessible playground in Community Park. He also gave a welcome address at the 38th National Fallen Firefighters Memorial and attended the unveiling of the William Cochran "Volunteers" glass etching on October 4, 2019.

Public Comments:

Anne Howes, 17110 Bollinger School Road - Ms. Howes explained there is a dilapidated State Highway Administration trailer and dumpsters along East Main Street near the MD140 Bridge Project. She requested the area get cleaned up.

Administrative Business:

- I. Presentation by State Highway Administration (SHA) on the MD140 Bridge Project Status:** John Concannon, District Engineer, introduced himself and his engineer team composed of Ross Clingan and Elizabeth Harris. Mr. Clingan explained the MD140 bridge replacement project over Flat Run Creek is in phase two. The new bridge is complete but storm drain work, final paving, sidewalk installation, stripping and the removal of the temporary pedestrian bridge needs to occur before the project is complete. SHA is pushing the contractor to finish the project by December 2019. Commissioner O'Donnell expressed frustration over the project delay and what appeared to be lack of staffing by the contractor. The SHA phone number for public concerns is 1-800-635-5119. SHA will look into the dilapidated trailer mentioned during public comments.
- II. Approval of Multi-User Trail Workdays for Fall 2019 for Consideration:** Commissioner O'Donnell is requesting the Board approve two trail workdays on Sunday, November 10, 2019 and Sunday, December 15, 2019.
Motion: To approve the multi-user trails workdays for Sunday, November 10, 2019 and Sunday, December 15, 2019. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: 4-0 in favor with Commissioner Blanchard absent.
- III. Proclamation Thanking John Clapp, Town Attorney, for His Service to the Town of Emmitsburg for Consideration:** Mayor Briggs explained John Clapp, Town Attorney has been representing the Town for over twenty-four (24) years and will be retiring on September 30, 2019. Mayor Briggs read the proclamation aloud.
Motion: To accept the proclamation honoring John Clapp as Town Attorney as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: 4-0 in favor with Commissioner Blanchard absent.
- IV. Proclamation Declaring October as Breast Cancer Awareness Month for consideration:** Mayor Briggs read the proclamation aloud. He requested residents support October 2019 as Breast Cancer Awareness month in Emmitsburg by wearing pink clothing and displaying pink décor.
Motion: To declare October as Breast Cancer Awareness month for the Town of Emmitsburg. Motion by Commissioner Ritz III, second by Commissioner O'Donnell. Vote: 4-0 in favor with Commissioner Blanchard absent.

Consent Agenda:

Motion: To appoint Bernard Franklin to the Planning Commission for a term of October 7, 2019 until July 2, 2022. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: 4-0 in favor with Commissioner Blanchard absent. Bernard Franklin will be completing the rest of commissioner elect Frank Davis's term.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for September 2019 (exhibit in agenda packet). The operating balance forward is \$5,690,771. The top ten check amounts are listed in the agenda packet.

Planning Commission Report:

Zachary Gulden, Town Planner, explained the commission will meet on October 28, 2019 to review the Dunkin Doughnuts site plan. The last meeting occurred September 30, 2019 to review the subdivision of 140 South Seton Ave.

II. Agenda Items

Agenda #1- Swearing in of New Commissioners: Mayor Briggs swore in Allen Frank Davis Jr. and Thomas John (T.J.) Burns III, the winning Commissioners of the October 1, 2019 election. Pictures were taken and the new commissioners signed their oath of office. The new commissioners took their seats. Commissioner Buckman departed at 8:38 p.m.

Agenda #2- Mayor's Recommendation for Reorganization of the Board of Commissioners for Consideration: Mayor Briggs recommend Clifford Sweeney as President, Timothy O'Donnell as Vice President and Treasurer, Joseph Ritz III as Planning Commission liaison, Frank Davis as Parks and Recreation Committee liaison and T.J. Burns III as Citizen's Advisory Committee liaison. Commissioner Ritz III asked if a commissioner can serve as vice president and treasurer. Ms. Willets explained town staff did not find any conflicts in the Town Code for serving as both roles. Commissioner Ritz III suggested Frank Davis for the Planning Commission since he served on the Commission prior. Commissioner O'Donnell explained the same elected official cannot sign both lines of a check if that is a concern and offered the role of treasurer to Commissioner Ritz III. Commissioner Ritz III stated he felt comfortable with the Mayor's recommendations.

Motion: To accept the Mayor's recommendation for the reorganization of the Board of Commissioners as of October 7, 2019. Motion by Commissioner O'Donnell, second by Commissioner Burns III. Vote: 5-0 in favor.

Agenda #3- Potomac Edison Right-Of-Way at the Wastewater Treatment Plant for Consideration: Ms. Willets explained the Board approved the construction of a vehicle garage at the wastewater treatment plant several months ago. Before electricity can be run to the new building a right-of-way (ROW) agreement is needed between the Town and Potomac Edison for approximately 5-feet. The ROW is for the life of the property and would extend the existing ROW to the new garage. There are no fees or maintenance expenses related to the ROW. John Clapp reviewed the agreement and did not find any issues.

Motion: To accept the Potomac Edison right-of-way at the wastewater treatment plant.

Motion by Commissioner Davis, second by Commissioner Burns III. Vote: 5-0 in favor.

Agenda #4- Approval of the Community Park Disc Golf Course Design for Consideration: Ms. Willets explained Ms. Shaw has been working with FredRock Disc Golf to design a disc golf course in Community Park, which is being funded through a \$14,000 Community Parks and Playground grant from the State with no match requirement. Staff pursued disc golf because approximately 50% of Community Park is wooded and not being utilized and disc golf is a low impact and playable by people of all ages. Ms. Shaw explained the proposed course would have 36 rubber matted tee pads (18 amateur tees and 18 pro tees) and 18 baskets. The baskets and tee pad placements are easily modifiable if a change needs occur in the future. Only diseased or dead trees, invasive plant species and brush would be removed. The majority of the project would be funded via the grant but there is \$5,000 available in fund 2 that the Board approved in February 2019 for the course. Middletown, Walkersville and Woodsboro already have courses. Tracy Jones, FredRock Disc Golf, explained the course is about 2 miles in length. The natural surface trail can also be used for hiking. FredRock would manage the course and town staff would perform minimal weed eating. *Amy Boehman, 328 Mountaineers Way* – Ms. Boehman is concerned the Frisbees may fly into her back yard near hole number six. She expressed concern over the clearing of mature trees and requested the holes get spread out more. Ms. Willets explained hole number six was modified at Ms. Boehman's request to angle more away from Southgate. FredRock will be using a hedgehog to clear the brush. The course will be complete by April 2020. Any holes that are continually unplayable due to standing water will be relocated.

Motion: To accept the disc golf course as designed with the understanding it can be modified based on Board action.

Motion by Commissioner O'Donnell, second by Commissioner Davis. Vote: 4-1 in favor with Commissioner Ritz III against. Commissioner Ritz III stated he is concerned about the swampy-ness of the course.

Mayor Briggs invited Roger Wilson to the podium to speak. Roger Wilson, Director of Government Affairs for Frederick County, invited the new commissioners to reach out to the County Executive's Office with any questions or assistance.

Commissioner O'Donnell moved to take a brief recess at 9:58 p.m., second by Commissioner Burns III. Vote: 5-0 in favor.

Commissioner Ritz III moved to reconvene at 10:07 p.m., second by Commissioner O'Donnell. Vote: 5-0 in favor.

Agenda #5- Approval of the Legal Services Bid for Consideration: Ms. Willets explained John Clapp sent notice to the town that he would be retiring and his final day of service would be September 30, 2019. As a result, the Town advertised a request for proposal for legal services. The bid was initially publicized on August 15, 2019 with a due date of September 20, 2019. On September 12, 2019 town staff made the decision to extend the bid deadline to allow contractors more time to bid, if needed. The final due date was September 27, 2019. Two bids were received: Powell, LLC (\$250/hour and \$160/hour for associate work) and William J. Holtzinger (\$250/hour). Town staff and Mayor Briggs recommends Powell, LLC (Leslie Powell) as the new town attorney because the hourly rate is lower with the use of her associate Mr. Adams, she has 11 years of municipal experience and 30-years of experience with a variety of courts, she had excellent references from the Town of Thurmont whom she also represents and Ms. Powell was John Clapp's replacement recommendation.

Motion: That we accept or hire the services of Powell, LLC as the new town attorney. Motion by Commissioner Davis, second by Commissioner O'Donnell. Vote: 5-0 in favor.

Agenda #6- Approval of the MS4 Impervious Restoration 5-Year Plan for Consideration: Ms. Willets explained the town must adopt the actions by October 31, 2019 to remain in compliant with Maryland Department of the Environment mandate. Mr. Gulden explained the Municipal Separate Storm Sewer System (MS4) is for Chesapeake Bay protection and is a program mandated by the State of Maryland and federal Environmental Protection Agency. The mandate requires municipalities continue to make progress on six areas: public education/outreach, public involvement/participation, illicit discharge detection/elimination, construction site runoff control, post construction stormwater management, and pollution prevention. Restoration projects must treat 20.36 acres of impervious surfaces by 2025 for the Town. The Impervious Area Restoration Work Plan proposes tasks for a six-year time frame beginning in October 2018 and ending in December 2024. The plan proposes three main restoration projects: planting of 10 acres of trees, retrofitting the Silo Hill stormwater management pond and retrofitting the Northgate development stormwater basin. The estimated cost to complete the three projects is \$256,000 and \$376,000; however, the Town is looking for grants and working with local organizations for donations. The projects chosen are believed to get the Town the most credits towards the MS4 permit.

Motion: To approve the MS4 Impervious Restoration 5-Year Plan as presented.
Motion by Commissioner O'Donnell, second by Commissioner Burns III. Vote: 5-0 in favor.

Agenda #7- Approval of Resolution 19-03R, Maryland State Archives Record Retention Schedule, for Consideration: Ms. Willets explained the current record retention schedule is from January 1979. A new retention schedule is needed because the existing schedule does not include many current documents and the Town is near capacity for file storage. Town staff recommends three new schedules that will fully supersede the existing schedule: M406 Accounting Department, M407 Planning Department, and M408 Administrative Department. The schedules were initially reviewed and approved by the Board at the July 9, 2018 town meeting, but when submitted to the Maryland State Archives (MSA) town staff was told several changes needed to be made before MSA could approve. Ms. Shaw explained the biggest change made to the proposed schedules was re-formatting the guidelines onto the new MSA form. Only clarifying language was needed explaining what happens to the documents after the retention period is reached. MSA found no issues with the requested retention timeframes. Ms. Shaw displayed a PowerPoint summarizing the retention guidelines.

Motion: To approve the resolution approving the Maryland State Archives M406, M407, M408 for the Town of Emmitsburg. Motion by Commissioner T.J. Burns, second by Commissioner Ritz III. Vote: 5-0 in favor.

Set Agenda Items for November 4, 2019 Town Meeting

November 4, 2019 Agenda Items:

1. Bids for Ongoing Sewer Relining Projects in Town for Consideration.
2. Social Media Management Policy for Consideration.
3. Approval of the 140 South Seton Avenue Subdivision Process for consideration.
4. Approval of the Mayor Entering into a Real Estate Listing Agreement for the Purpose of Selling 140 South Seton Avenue for Consideration.
5. For consideration, the Board of Commissioners Will Determine if Town Code 17.20.090 (Commercial District Buffer) is Necessary and if the Proposed Sign Designs Are Appropriate as it Relates to 600 East Main St. Extended as Requested During the Rezoning Process on October 1, 2018.
6. Free Metered Holiday Parking for Consideration.

Administrative Business:

1. Solar Community Array Presentation by First Energy.
2. Proclamation for Municipal Government Works Month November 2019 for Consideration.
3. Discussion of the Timing/Cycle of the Traffic Lights at the intersection of Seton Avenue / Main Street.

Consent Agenda:

1. Appointment of Mark Long to the Sustainable Communities Board for Consideration.

Motion: To accept the meeting agenda as presented.
Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 5-0 in favor.

Motion: To adjourn the meeting.
Motion by Commissioner O'Donnell, second by Commissioner Davis. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the October 7, 2019 town meeting was adjourned at 11:16 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Approved On: November 4, 2019