

MINUTES
JULY 12, 2021
TOWN MEETING
EMMITSBURG TOWN OFFICE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, Vice President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner.
Others Present – Deputy Jason Ahalt. **Absent:** Commissioner O'Donnell with prior notice.

I. Call to Order

Commissioners Burns, Davis, and Town Manager Ms. Willets joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Clifford Sweeney, Vice President of the Board of Commissioners, called the July 12, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. Mayor Briggs announced the Town Office is open to the public starting July 12, 2021 and face masks are required when inside the Emmitsburg Community Center.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the June 21, 2021 town meeting minutes as presented; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Police Report:

Deputy Jason Ahalt presented the police report from June 2021 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from May 2021 (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from May 2021 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner Ritz III: He thanked the County Executive for allowing the town office to open to the public and town staff for decorating Emmitsburg for 4th of July.
- Commissioner Burns: He congratulated the new businesses in Town on their grand openings. He thanked the Vigilant Hose Company volunteers and suggested getting more sun shades for the pool.
- Commissioner Sweeney: He thanked everyone for helping to make a successful Heritage Day event.
- Commissioner Davis: He complimented the Vigilant Hose Company volunteers on their hard work.

Mayor's Comments:

Mayor Briggs attended numerous meetings in June 2021 (meetings listed in agenda packet). Mayor Briggs attended the MML Summer Conference in Ocean City and the ribbon cutting ceremony for the four new wayside exhibits as part of the future historic walking tour. He has also been welcoming new families to Town.

Public Comments:

None.

Administrative Business:

- (A). **Youth group use of the Emmitsburg trails:** Ms. Willets presented the item. On July 24, 2021 a youth organization will be having a trail ride event on the multi-user trails in the Emmitsburg watershed. Commissioner O'Donnell is absent but is requesting the Board approve parking in the grass near Rainbow Lake for the event. The Board gave unanimous consent.
- (B). **Update on the American Rescue Plan monies:** Ms. Willets presented the item. The American Rescue Plan will deliver funds to state and local governments to respond to the COVID-19 virus and provide jobs. The money may be used for public health expenditures, to replace lost public sector revenue, to provide pay for essential workers, and invest in water/sewer/broadband infrastructure. The

federal government has further guidelines regarding allowed uses. Since the Town has a population under 50,000 people funding will be passed to the Town from the state. The town is estimating receiving approximately \$2.3 million; however, this has not been finalized. The Town will receive part of the pay in July 2021 and the remaining one year later. Town staff has already submitted a funding request in June 2021 and is actively working with a representative. All costs must be incurred by December 31, 2024 and all funds exhausted by 2026.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for June 2021 (exhibit in agenda packet). The operating balance forward is \$5,563,066. The top 10 check amounts are listed in the agenda packet.

Planning Commission Report:

Commission Ritz III presented the report. The last Planning Commission meeting was held June 28, 2021 where Resolution 2021-01R amending Chapter 3 of the 2015 Comprehensive Plan was approved and forwarded to the Board of Commissioners for final approval. In addition, the Planning Commission members voted and changed the time of the commission meetings from 7:30 p.m. to 7:00 p.m. going forward.

II. Agenda Items

Agenda #6 - Zoning text amendment application, proposed Ordinance 2021-12, which would amend Town Code Section 17.08.190. The Board shall either: (1) Deny the application; or (2) Forward to the Planning Commission for recommendation & set public hearing for August 2, 2021: Mr. Gulden presented the agenda item. The text amendment was requested by Brian Reaver and Susan Reaver. The text amendment would allow for the conversion of a non-residential structure to a residential usage structure. Jeff Holtzinger, the Reaver's attorney, informed the Board of his client's request. The zoning code does not allow for a zoning variance; this text amendment would allow for a zoning variance to occur to allow a former restaurant to be divided into two apartments. *Motion:* Commissioner Ritz III motioned to forward Ordinance 2021-12 which would amend Town Code Section 17.08.190 to the Planning Commission and set a public hearing for August 2, 2021; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #1 - Approval of ordinance 2021-11, purchases, contracts and bid procedures, for consideration: Ms. Willets presented the item. Ordinance 2021-11 is being pursued as the current bid procedures in the town code are vague and the requirement to advertise projects in the newspaper have resulted in thousands of dollars spent a year in advertising. A summary of the proposed changes was given to include raising the thresholds for formal bidding to \$50,000, removing the requirement to advertise in the newspaper, and adding a requirement to use eMaryland Marketplace for projects over \$50,000. In addition, language was added to provide clearer guidelines on what a request for proposal packet must include, timeline for submitting bids and when the bids must be submitted to the Board for approval. The Board discussed the timeline of bid opening and bid approval. The ordinance was modified to allow a longer time frame for bid submission (at least 14 days) and shorter timeline for bid opening (within 30 days). *Motion:* Commissioner Burns motioned to accept ordinance 2021-11 as modified; second by Commissioner Ritz III. Yeas – 3; Nays – 1 (Ritz III); Absent – 1. The motion passed.

Agenda #2 - Award ADA sidewalk curb ramp project contract for consideration: Mr. Gulden presented the item. The bid was initially advertised on April 21, 2021 with a due date of May 19, 2021; however, only one bid was received and the Community Development Block Grant that will be funding the project requires more than one bid. A second bid was re-advertised on June 1, 2021 with a due date of June 30, 2021. Two total bids were received and town staff recommends approving MIM Construction, Inc. for \$623,028.50. The project is anticipated to start August 1st. *Motion:* Commissioner Burns motioned to accept the bid from MIM Construction, Inc. for \$623,028.50; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #3 - Approval of Rutter's and Emmitsburg East Industrial Park II deeds of easements and authorize the Mayor to sign the agreements on behalf of the Town for consideration: Mr. Gulden presented the agenda item. The deed of easement will allow town staff to enter onto the Rutter's property to maintain the water and sewer lines. *Motion:* Commissioner Davis motioned to accept the Rutter's easement as presented; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The deed of easement for Emmitsburg East Industrial Park II will allow for Rutter's sewer lines to be run through the property to the Town's wastewater treatment plant on Creamery Road. *Motion:* Commissioner Ritz III motioned to accept the Emmitsburg East Industrial Park II deed of easement; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #4 - Award forestry stand 10 logging bid for consideration: Mr. Gulden presented the agenda item. The bid was advertised on June 1, 2021 with a due date of July 1, 2021. The Town received two bids. Town staff recommends approving Tipton's Inc. for stand 10 logging with 90% of the funds being dedicated to the water fund and 10% to multi-user trail maintenance to repair any damage that may be caused to the trails during logging. There is also a \$5,000 bond requirement for the project. *Motion:* Commissioner Burns motioned to accept the Tipton's, Inc. bid for \$75,110; second by Commissioner Davis. Yeas – 3; Nays – 1 (Ritz III); Absent – 1. The motion passed. A five-minute recess was taken at 9:40 p.m.

Agenda #5 - Hold public hearing and approval of Resolution 2021-01R, amendment to Chapter 3 of the 2015 Comprehensive Plan, for consideration: The town meeting reconvened at 9:45 p.m. *Motion:* Commissioner Ritz III motioned to open the public hearing; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The public hearing was declared open at 9:45 p.m. Mr. Gulden presented the agenda item. The public hearing was advertised in the Frederick News Post on July 1, 2021 and posted on the Town website and Facebook pages since March 2021. Town staff is requesting the Board approve Resolution 2021-01R and Exhibit A "Growth Areas and Zoning," which is hereinto attached to the Resolution. The proposed amendments would add the following properties to the Town growth areas and change the zoning classification: property A (17443 Irishtown Rd.), property B (17439 Irishtown Rd.), property C (parcel 05-172233, no address currently assigned), property D (17381 N. Seton Ave.), property E (17319 N. Seton Ave.), property F (17307 N. Seton Ave.) and property G (17308 N. Seton Ave.). The Planning Commission met to review the resolution on March 29, 2021 and forwarded the resolution to Frederick County and the State planning agencies for review. Exhibit B includes the comments received from the State planning agencies received on May 27, 2021. The Planning Commission held a public hearing on June 28, 2021 where it was recommended to pass the resolution. The Planning Commission voted unanimously to keep the Frailey Farm collector road in the Plan, which is a recommendation to add a bypass road from West Main Street, through Community Park to South Seton Avenue. The Board members stated support of the annexation but the need for more information regarding the collector road before the project is pursued. Public comment was invited. *Amy Boehman, South Gate Development* – Ms. Boehman lives in the South Gate Development and stated concern for the bypass road location due to potential noise, proximity to the Town's park and the need for traffic studies first. Public comment closed at 10:10 p.m. *Motion:* Commissioner Ritz III motioned to closed the public hearing at 10:13 p.m.; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. *Motion:* Commissioner Ritz III motioned to approve Resolution 2021-01R amendment to Chapter 3 of the 2015 Comprehensive Plan; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #7 - Renaming of ballfield #7 in Memorial Park for consideration: Commissioner Davis presented the item. Research revealed ballfield seven was named Richard McCullough Memorial Park in the 1960s. As a result, another way to honor Coach Phelan will be brought to the Board at a later date.

Agenda #8 - TENTATIVE – Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration: Agenda item postponed.

Agenda #9 - Approval of Resolution 21-6R, State of Maryland Capital Grants Project Water Clarifier grant submittal authorization, for consideration: Ms. Willets presented the agenda item. Senator Hough obtained a one-million-dollar capital projects grant through the State to fund the construction of a new water clarifier for the existing water treatment plant on Crystal Fountain Road. The Resolution is needed to show the Town's support for the project and to authorize the Mayor and town manager to sign the application and grant agreement. *Motion:* Commissioner Ritz III motioned to approve Resolution 2021-06R as modified; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Set Agenda Items for August 2, 2021 Town Meeting

(#1.) Approval 2021 election judges for consideration; (#2.) Proclamation declaring August 3, 2021 National Night Out in Emmitsburg; (#3.) Approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter. (#4.) Hold public hearing and final vote on Ordinance 2021-12, which would amend Town Code Section 17.08.190. (#5.) Approval of Policy P21-03 – Review Fee's for consideration. (#6.) Approval of Ordinance 2021-09, comprehensive update to Title 6 – Animals, for consideration. (#7.) Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration. (#8.) TENTATIVE – Approval of Rutter's stream restoration deed easement with Town of Emmitsburg for consideration. The Board gave unanimous consent for the August 2, 2021 town meeting agenda.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the July 12, 2021 town meeting; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The meeting adjourned at 10:27 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: August 2, 2021