

**MINUTES
TOWN MEETING
AUGUST 2, 2021
EMMITSBURG TOWN OFFICE**

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

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the August 2, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and Town election dates were announced.

Approval of Minutes

Motion: Commissioner Sweeney motioned to accept the July 12, 2021 town meeting minutes as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Police Report:

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

Town Managers Report:

Zachary Gulden, Town Planner, presented the Town Manager's Report from June 2021 in lieu of the town managers absence with prior notice (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the report from June 2021 (exhibit in agenda packet). There was a code violation on East Main Street that went to court after the homeowner was sent multiple letters. The Board requested notification in the future when a code violation goes to court and becomes public record.

Motion: Commissioner Ritz III motioned to move agenda item number four up to the first item of the night to allow for earlier public comment; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Commissioner Comments:

- Commissioner Ritz III: He expressed condolence to the Boyle family on the passing of Pat Boyle, a former Town commissioner and volunteer on numerous other town committees.
- Commissioner Davis: He thanked Ms. Shaw for organizing National Night Out 2021.
- Commissioner Sweeney: He thanked the attendees and volunteers of the July 17, 2021 disc golf tournament in Myers Community Park with approximately 80 people in attendance.
- Commissioner Burns: He spoke with the vice principal of Emmitsburg Elementary School and learned speed cameras can be installed within a half mile of schools.
- Commissioner O'Donnell: He was notified by the Brookefield Home Owners Association that they will be creating a periodic newsletter for their residents.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2021. He met with a potential developer to discuss the Frailey Farm property. He would like to extend the sidewalk network along Irishtown Road through the Brookfield development into Emmet Ridge II. The Town is requesting \$178,800 for the Local Parks and Playground Infrastructure grant for a new park bathroom/concession stand building, message centers, baseball bleachers and the paving of Memorial Park.

Public Comments:

Dale Shields from Emmitsburg, Maryland – Mr. Shields requested the Town honor its veterans through light pole flags along Main Street that would show pictures of Town veterans, which he estimates families could sponsor for approximately \$100 a flag. The Board gave unanimous consent for staff to support the project. Commissioner Burns suggested having the flags up Memorial Day through the Fallen Fire Fighters Weekend. Commissioner Sweeney will contact the American Legion and VFW about supporting the project.

Administrative Business:

None.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for July 2021 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Planning Commission last met on July 26, 2021. At the meeting the Emmitsburg East Industrial Park II's forest delineation plan, preliminary forest conservation plan and preliminary subdivision plat were conditionally approved. In addition, the Village Liquors & Plaza Inn forest stand delineation plan and preliminary/final forest conservation plan were conditionally approved. Ordinance 2021-12 was also approved and forwarded back to the Board of Commissioners for final approval.

II. Agenda Items

Agenda #4 - Hold public hearing and final vote on Ordinance 2021-12, which would amend Town Code Section 17.08.190: *Motion:* Commissioner Sweeney motioned to open the public hearing at 8:44 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The public hearing was declared open. Mr. Gulden presented the agenda item. The public hearing was advertised in the Frederick News Post on July 28, 2021. Ordinance 2021-12 was initially presented to the Board on July 12, 2021 and the Planning Commission unanimously recommended approval of the ordinance at the July 26, 2021 meeting. If approved, the Ordinance would allow a text amendment for the conversion of a non-residential structure to a residential usage structure. *Jeff Holtzinger, Attorney, on behalf of Brian Reaver* – Mr. Holtzinger explained 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. Commissioner O'Donnell invited public comment. There was no public comment. *Motion:* Commissioner Ritz III motioned to close the public hearing at 8:51 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to approve Ordinance 2021-12 to amend Title 17 of the Town of Emmitsburg entitled zoning as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #1 - Approval 2021 election judges for consideration: Mayor Briggs presented the item. There were five applicants for election judge. Mayor Briggs recommends using all five applications with Sharon Hane as the chief judge, Tammy May and Charlotte Mazaleski as judges and Deborah Arnold as a greeter. Dianne Walbrecker would serve as the alternate. *Motion:* Commissioner Ritz III motioned to approve the 2021 election judges as recommended by the Mayor; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #2 - Proclamation declaring August 3, 2021 National Night Out in Emmitsburg: Commissioner O'Donnell read the proclamation aloud. The Town's fifth annual National Night Out celebration will occur in Myers Community Park on August 3, 2021. *Motion:* Commissioner Burns motioned to approve the proclamation as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #3 - Approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter: Mayor Briggs requested the item be postponed until the September 7, 2021 town meeting instead to allow for Ms. Willets to present the item.

Agenda #5 - Approval of Policy P21-03 – Review Fee’s for consideration: Mr. Gulden presented the item and summarized the changes in the proposed policy. The proposed fee amendments, letters O through letter R in the policy, would apply to developers. The fees will help the town recuperate GIS consultant expenses, town attorney expenses and staff time spent assisting developers with projects. The fees were determined by looking at the average fees neighboring municipalities charge. *Motion:* Commissioner Sweeney motioned to approve Policy P21-03; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #6 - Approval of Ordinance 2021-09, comprehensive update to Title 6 – Animals, for consideration: Commissioner Ritz III stated he will be abstaining from discussion and vote because his family owns chickens in Town and he feels it may be a conflict of interest. Mr. Gulden presented the agenda item and explained Mayor Briggs requested the update to Title 6. The proposed ordinance 2021-09 closely resembles Frederick County and Frederick City’s animal code. A summary was read of the proposed changes to include increased fines for pet waste left on Town sidewalks and adding the allowed usage of backyard chickens/roosters and honey bees. Mayor Briggs stated his support for backyard chickens and honey bees. *Motion:* Commissioner Burns motioned to accept Ordinance 2021-09 as presented; second by Commissioner Sweeney. Yeas – 3; Nays – 1 (Davis); Abstain – 1 (Ritz III). The motion passed.

Agenda #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: Agenda item postponed per the request of Frederick County.

Agenda #8 - TENTATIVE – Approval of Rutter’s stream restoration deed easement with Town of Emmitsburg for consideration: Agenda item canceled.

Set Agenda Items for September 7, 2021 Town Meeting


Agenda Items: (#1.) Hold public hearing and approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter for consideration; (#2.) Creamery Court dedication discussion; (#3.) Award Storm Water Utility Feasibility Study Contract for consideration; (#4.) 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; (#5.) Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration; (#6.) Approval of Policy P21-04, Permits & Inspection’s Fee Policy, for consideration. **Administrative Business:** (A.) Proclamation declaring September 2021 as Recovery Month in Emmitsburg for consideration; (B.) Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration; (C.) Discussion related to modifying legislative document templates. **Consent Items:** (I.) Appointment of Sandy Slaughter to the Citizen’s Advisory Committee. *Motion:* Commissioner Sweeney motioned to approve the agenda items as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the August 2, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 9:44 p.m.

Respectfully submitted,


Madeline Shaw, Town Clerk

Minutes Approved On: September 7, 2021