

**MINUTES  
TOWN MEETING  
OCTOBER 4, 2021  
TOWN OFFICE – 300A SOUTH SETON AVENUE**

**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* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Zachary Gulden, Town Planner; and Amy Naill, Code Enforcement Officer. *Others Present* – Deputy Jason Ahalt.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the October 4, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Announcement of a Closed Session**

President O'Donnell announced the need for a closed executive session at the end of the town meeting for the purpose of consulting with staff, consultants, or other individuals about potential litigation relating to sanitary sewer backups during rain events as permitted by the General Provisions Article, Section 3-305(b)(8), Annotated Code of Maryland which authorizes Boards to meet in closed session to consult with counsel to obtain legal advice. The Board will not be meeting in another open session after the closed session has ended.

**Approval of Minutes**

*Motion:* Commissioner Burns motioned to accept the September 7, 2021 town meeting minutes as modified; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

**Police Report:**

Deputy Ahalt presented the police report from September 2021 (exhibit attached). The Board discussed possible solutions to deter future issues with some of the Mount Saint Mary's University students acting disorderly.

**Town Managers Report:**

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

**Town Planners Report:**

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

**Commissioner Comments:**

- Commissioner Ritz III: He thanked those that attended the Arbor Day tree planting on October 2, which he also attended. He requested staff notify the Board of any potential business interest in the future.
- Commissioner Davis: He thanked those that helped with National Fallen Fire Fighters Weekend and the youth baseball tournaments during October 1, 2021 to October 3, 2021.
- Commissioner Burns: He encouraged the Board to start pushing to improve infrastructure in Town to help draw potential new businesses.
- Commissioner Sweeney: The Citizen's Advisory Committee is going to start working on a plan that makes recommendations for Town improvements to aid economic growth in Emmitsburg.
- Commissioner O'Donnell: He thanked everyone who ran for commissioner at the recent elections and he thanked the residents that voted for him. He looks forward to continuing to serve the public.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in September 2021 (meetings listed in agenda packet) to include the 20<sup>th</sup> anniversary of September 11<sup>th</sup> tribute at FEMA, ground breaking ceremony of Rutter's, Arbor Day tree planting, and the National Fallen Fire Fighters Memorial candlelight service and memorial service.

**Public Comments:**

*Eric Sloane, East Main Street* – Mr. Sloane is requesting an increase in police patrols and lighting near East Main Street to reduce issues with juveniles. *Kevin Hagan, Huntley Circle* – Mr. Hagan requested the Board members give specifics on their goals for infrastructure and business growth to include where the Board would like to see new businesses in Town and what types of businesses. *Sabrina Paxton-Daily, Zanella Drive* – Ms. Paxton-Daily currently owns honey bees and feels the new regulations and permitting requirements passed via ordinance 21-09 are strenuous and difficult to adhere with. *Laura Maring, East Main Street* – Ms. Maring is with Ripleigh's Creamery and is concerned with the dilapidated building at 507 East Main Street. She would like to know what can be done to declare the abandon building a hazard. Town staff proposed making the topic an agenda item at the November town meeting.

**Administrative Business:**

- (A). **Proclamation declaring October 2, 2021 as Arbor Day for consideration:** Mayor Briggs read the proclamation aloud. The annual Arbor Day tree planting occurred on October 2, 2021. Seven trees were planted along Willow Rill at the Emmitsburg Elementary School property. The Board gave unanimous consent for the approval of the proclamation.

**Consent Agenda:**

Mayor Briggs presented the consent agenda. The Stormwater Utility Stakeholder Advisory Committee will give recommendations on how to offset expenses for the Town's State mandated MS-4 program. The members chosen are from a variety of organizational backgrounds. Proposed members for the committee include Commissioner Frank Davis and T.J. Burns, Steve Trout, Shital Patel, George Brenton, John Greenstone, Shannon Moore, Travis Tracey, Mark Long and Rachel Esses. *Motion:* Commissioner Sweeney motioned to approve the committee as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

**Treasurer's Report:**

Commissioner Burns presented the Treasurer's Report for September 2021 (exhibit in agenda packet). The playground specialist checks were for an upgrade to the Memorial Park playground.

**Planning Commission Report:**

Commissioner Ritz III presented the report. The Commission last met on September 27, 2021 where the site plan and improvement plat for the Village Liquors and Plaza Inn was conditionally approved. The Creamery Road Pump Station Improvement Plan was postponed until the October 25, 2021 commission meeting.

**II. Agenda Items**

Agenda #1 - Swearing in of new elected officials: Mayor Briggs swore in re-elected Commissioners Timothy O'Donnell and Commissioner Clifford Sweeney, the winners of the September 28, 2021 town election. Pictures were taken and the elected officials signed their oath of office with Mayor Briggs.

Agenda #2 - Mayor's recommendation for reorganization of the Board of Commissioners for consideration: Mayor Brigg's recommended keeping the Board positions the same with Timothy O'Donnell as president, Clifford Sweeney as Vice President, T.J. Burns as Treasurer, Joseph Ritz III as Planning Commission liaison, Frank Davis as the Parks Commission liaison, and Clifford Sweeney as the Citizen's Advisory Committee liaison. *Motion:* Commissioner Sweeney motioned to accept the reorganization as presented by Mayor Briggs; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #3 - Community Development Block Grant public hearing to provide information on the progress of the Town-Wide ADA Sidewalk Curb Ramp Project: *Motion:* Commissioner Sweeney motioned to close the regular town meeting and to open the public hearing at 9:19 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 September 20, 2021 in English and Spanish. The Town is required to host two public hearings, one before grant submission (held December 8, 2020) and one during the

implementation of the grant. The Town was awarded \$685,893 to renovate 130 sidewalk curb ramps in Town to make them ADA compliant with a Town in-kind contribution of \$10,000 and \$1,800 donation from numerous Home Owners Association (HOA). To date, 35 of the ramps have been completed by MIM Construction, Inc. No issues have occurred, no complaints have been received and the project is within budget and ahead of schedule. Adjacent property owners and HOAs have been notified of the work. The contractor is required to complete work by April 17, 2022; however, the current anticipated date of completion is November 2021. Mr. Gulden invited anyone with complaints and grievances to contact him via phone or email. Public comment was invited. There was no public comment. *Motion:* Commissioner Sweeney motioned to close the public hearing at 9:22 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed and the hearing was declared closed. *Motion:* Commissioner Burns motioned to close the hearing and re-open the town meeting at 9:23 p.m.; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #4 - Designation of American rescue plan funds for consideration: Ms. Willets presented the agenda item. The American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds will give municipalities money from the federal government to support public health expenditures, replace lost revenue, provide premium pay for essential workers and invest in water, sewer and broadband infrastructure. The Town will be getting \$3,150,859.86 in two disbursements. The first payment was received on July 26, 2021 in the amount of \$1,575,429.93 and the second payment of \$1,575,429.93 will be received around July 2022. Mayor and staff recommend using the first payment for the water clarifier project and Creamery Road pump station replacement project. *Motion:* Commissioner Davis motioned to accept the two applications for infrastructure funding as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of public works equipment purchase for the USDA Facility Disaster Grant for consideration: Ms. Willets presented the agenda item. The USDA awarded the Town \$157,000 with a required 45% town match of \$128,500 for the purchase of four pieces of public works equipment: backhoe loader, multi-use tractor, SCADA computer system and 4x4 work truck. To date all items have been approved except for the 4x4 work truck that needed to be put out to bid due to the cost. The bid packet was published on September 13, 2021 with a due date of October 1, 2021. The Town received two bids; however, one company (Hagerstown Ford) withdrew their bid because information was missing from the bid. Town staff recommends approving MJR Equipment of Harrisburg for \$63,004.79. The vehicle is a new truck with a plow package and 8-foot utility bed. *Motion:* Commissioner Davis motioned to accept the 4x4 work truck bid from MJR Equipment as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #6 - Approval of the Rutter's forest conservation deed of easement and authorize Mayor to sign on behalf of the Town for consideration: Mr. Gulden presented the agenda item. The forest conservation easement and afforestation easement is for the planting of new trees and maintenance of existing trees. The easement will give the Town and State authority to enter onto the property of M&G Realty, Inc. (Rutters) to inspect the trees. *Motion:* Commissioner Ritz III motioned to accept the Rutter's forest conservation deed of easement and authorize the Mayor to sign on behalf of the Town; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

#### **Set Agenda Items for November 1, 2021 Town Meeting**

**Agenda Items:** (1.) Approval of an order declaring 507 East Main Street as a hazardous and dangerous building for consideration. (2.) Approval of new employee hire for position of water/sewer operator trainee for consideration. (3.) Approval of the sewer connection agreement with 500 East Main Street and authorize Mayor to sign on behalf of the Town for consideration. (4.) Approval of the sewer connection agreement with 502 East Main Street and authorize Mayor to sign on behalf of the Town for consideration. (5.) Approval of a temporary construction deed of easement with Emmitsburg East Industrial Park, LLC. and authorize Mayor to sign on behalf of the Town for consideration. (6.) Approval of a 25-year revertible forest conservation deed of easement with the Daughters of Charity and authorize Mayor to sign on behalf of the Town for consideration. (7.) Find that 303 West Lincoln Avenue is no longer needed for a public purpose and set the sale price for consideration. (8.) Find that 3 acres at the 16715 Creamery Road, waste water treatment plant property, is no longer needed for

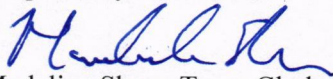
a public purpose and set the sale price for consideration. **Administrative Business:** (A.) Proclamation for Municipal Governments Works Month November 2021 for Consideration. (B.) Discussion of agenda presentation format. **Consent Items:** (I.) Re-appointment of Bernard Franklin to the Citizen's Advisory Committee. **Motion:** Commissioner Ritz III motioned to approve the November 1, 2021 town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, Commissioner O'Donnell motioned to close the October 4, 2021 town meeting at 10:00 p.m. for a closed Executive Session to consult with staff, consultants, or other individuals about potential litigation relating to sanitary sewer backups during rain events as permitted by the General Provisions Article, Section 3-305(b)(8). The reason for a closed session discussion of this topic is that public discussion of the potential litigation would prejudice the Town's ability to defend against and resolve the litigation. The Board of Commissioners will not be meeting in another open session after the closed session has ended; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed. The Board took a brief recess prior to the start of the closed session.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: November 1, 2021

**CLOSED EXECUTIVE SESSION SUMMARY  
EMMITSBURG TOWN OFFICE  
OCTOBER 4, 2021**

**Time Closed Session Began:** 10:06 p.m.

**Place of Closed Session:** Emmitsburg Town Office 300A South Seton Avenue Emmitsburg MD 21727. The town attorney joined the meeting via zoom teleconferencing platform.

**Purpose:** To consult with staff, consultants, or other individuals about potential litigation.

**Members Who Voted to Meet in Closed Session:** Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns.

**Persons Attending Closed Session:** Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns. Staff Present: Cathy Willets, Town Manager; Zachary Gulden, Town Planner; Madeline Shaw, Town Clerk; Amy Naill, Parking and Code Enforcement. Others Present: Leslie Powell, Town Attorney.

**Authority Under § 3-305 for the Closed Session:** Section 3-305(b)(8), consult with staff, consultants, or other individuals about potential litigation.

**Topics Actually Discussed:** Legal advice given by town attorney regarding sanitary sewer backups during rain events.

**Actions Taken:** The Board directed town staff to send letters to the property owners of the sewer backups seeking to rectify the issue and deter future backups.

**Time Closed Session Ended:** 11:05 p.m.



Month/Year: September 2021

## Patrol Team 11 Monthly Report

### Fleet Issues

Fleet Issues During Month:  Yes  No (If Yes, Complete Below)

#### Vehicle Issues/Changes (Check ALL That Apply and Provide Brief Description):

- Accident: \_\_\_\_\_
- Deadline: \_\_\_\_\_
- New Vehicle: \_\_\_\_\_
- Substantial Maintenance: \_\_\_\_\_
- Other: \_\_\_\_\_

### Productivity

#### Enter Total Number For Each Category Below:

Calls For Service Handled: 205	Total Arrests: 1	Directed Patrols Completed: 54
Traffic Stops: 45	WIN Cards Completed: 29	

#### List Calls Worth Highlighting:

Case Number	Brief Explanation

#### Provide Any Pertinent Information That Was Not Captured Elsewhere:

- Damage to town sign (Waypoint sign near 601 W Main St)
- Destruction of property 320 W Main St (Mount student), Mount contacted, possible charges forthcoming
- Several school safety checks