

MINUTES
TOWN MEETING
APRIL 4, 2022
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; Julie Scott, Town Clerk; Amy Naill, Code Enforcement Officer; Zachary Gulden, Town Planner; Cole Tabler, Town Accountant; and Madeline Shaw, Grants Administrator. *Others Present* - Sergeant Mark Linehan, Deputy Jason Ahalt, Deputy Cole Bartholow, Leslie Powell, Town Attorney.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the April 4, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. Cathy Willets, Town Manager, advised there will be a FY 2023 Budget Meeting at the Town Office on Monday, May 16, 2022 at 7:30 p.m.

Approval of Minutes

Motion: Commissioner Davis motioned to accept the March 7, 2022 town meeting minutes as presented; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted. *Motion:* Commissioner Davis motioned to accept the March 16, 2022 town meeting minutes as presented; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted.

Police Report:

Sergeant Linehan explained the changes in deputy assignments for Emmitsburg. Deputy Paul Graves was re-assigned to Myersville and Deputy Cole Bartholow will fill the opening in the Emmitsburg area. Deputy Jason Ahalt presented the police report from February and March 2022. (exhibit attached). Commissioner Sweeney requested one of the deputies attend the Citizen's Advisory Committee meeting on Tuesday, April 19, 2022. An update on the recent accident on Irishtown Road was provided and Deputy Ahalt confirmed it was not related to the construction in that area. Increased law enforcement was requested around West Main Street during the early hours based on concerns received from citizens regarding speeding and loud vehicles. Deputy Ahalt reassured the Town that traffic enforcement is priority and advised that a jake brake ordinance would need to be adopted for truck noise enforcement.

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from February 2022. (exhibit in agenda packet). Proper etiquette at the dog park was reviewed due to repeated issues with improper waste disposal and clogging of the water fountain. Bulk trash pick-up for Saturday, April 9, 2022 was confirmed including times and accepted items.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from February 2022. (exhibit in agenda packet). The Town was granted \$20,000 for the MS4 tree planting as opposed to the \$10,000 that was originally expected. Four single family dwelling zoning permits for Brookfield were processed and the 2 remaining lots have been sold. He clarified the stop work order for the home demolition on DePaul Street and the steps the homeowner needs to take to rectify this issue. The proposal request for the street sweeper vendor was discussed. The company for the forestry stand 10 project was issued a time extension due to COVID and this is anticipated to be completed by December 31, 2022.

Commissioner Comments:

- Commissioner Ritz III: He acknowledged the increased attendance at this meeting and thanked everyone for coming. He recently visited Tuscany's Pizza and looks forward to eating there again soon. The Frederick County Public Schools band concert in the town bandstand is no longer happening due to a liability issue with the schools. Commissioner Sweeney suggested the Lions Club could sponsor since they have a special event liability policy.

- Commissioner Davis: He has also visited Tuscany's Pizza several times. He praised the local restaurants and encouraged everyone to continue supporting our local businesses. He attended opening day for the Thurmont Little League. They have opened their teams to Emmitsburg children and have also added girls' softball. At this time, every ballfield will be utilized this year and he is happy to see them being used consistently.
- Commissioner Burns: He attended Troop 270's Blue and Gold Banquet. He congratulated all the cub and boy scouts who participated in the bridging ceremony and raising of ranks. He also participated in the hockey fundraiser for Deputy Olander. There were about 150 people in attendance and close to \$5,000 was raised for the family.
- Commissioner Sweeney: He advised that softball and little league will start on Tuesday, April 5, 2022 and the fields will be used 3-4 nights per week. There is a tournament scheduled the first two weekends in June for travelling teams when they will use all of the fields and visit local businesses. He invited everyone to the Community Day meeting at the Knights of Columbus building on Monday, April 18, 2022. He thanked the fire department for letting them use their building for the fundraiser that was held on Saturday, April 2, 2022. He requested the deputies be present in town during the tournament as well as on Community Day.
- Commissioner O'Donnell: He clarified that Community Day and Heritage Day are the same event and the names get used interchangeably. He announced that a public hearing will occur at this meeting. He commended the disc golf group for their avid use of the course and the tournament they held last weekend brought additional visitors to the Town. He sends his condolences to the Blumenfeld family regarding the passing of Shawn Blumenfeld, the cyclist who was struck and killed by a vehicle on Route 140. Information regarding his memorial service is forthcoming. He also reminded everyone to be vigilant as the weather grows warmer, since there are more people outdoors and children outside playing. He invited everyone, especially those with small children, to the free Easter Egg Hunt in Community Park on Sunday, April 10, 2022.

Mayor's Comments:

Mayor Briggs attended numerous meetings in March 2022 (meetings listed in agenda packet). Mayor Briggs commended everyone for all the additional events and activities they have planned to increase community participation and bring visitors to the Town. He announced pickle ball lines will be added to the tennis courts, expanding activity options. The St. Euphemia's Wayside Exhibit was approved by the Daughters of Charity and will be presented to the Board in May. He mentioned several of the grant-funded projects and thanked Town Staff for their work on those. He invited everyone to watch his monthly podcasts, and apologized that the one scheduled with Insurance Brokers of Maryland on Friday, April 1, 2022 was cancelled. He wished everyone a Happy Easter.

Public Comments:

Brian McKenney, St. Joseph's Lane – Mr. McKenney requested the Town address the two low lying spots where the water bridges across the paved path in Community Park since the previous attempts to rectify this issue did not work. Town Staff are aware of this issue, but since the path was constructed in a floodplain it is difficult to fix. This issue will be revisited with the Town Planner and the Director of Public Works to see if they can come up with a more permanent solution. Commissioner O'Donnell advised he will follow up with Mr. McKenney as well as with Town Staff.

Administrative Business:

- (A). **Proclamation declaring April 2022 Child Abuse Prevention month:** Mayor Briggs read the proclamation aloud. Kristen Dunn with Frederick County Department of Social Services Child Advocacy Center (CAC), introduced herself as well as Heiress, the facility dog. She explained the services the CAC provides to children and caregivers. There will be blue pinwheels "planted" in Emmitsburg during the month of April to raise awareness. *Motion:* Commissioner Ritz III motioned to accept the proclamation as presented; second by Commissioner Davis. Yeas - 5; Nays - 0. The motion was adopted.

- (B). **Proclamation declaring April 16, 2022 as Arbor Day:** President O'Donnell read the proclamation aloud and announced the upcoming Stream Link Tree Plantings. Volunteers are invited to help with these events. *Motion:* Commissioner Sweeney motioned to accept the proclamation as presented; second by Commissioner Burns. Yeas - 5; Nays - 0. The motion was adopted.
- (C). **Designation of two Open Meetings Act representatives for consideration:** Ms. Willets presented the item. She provided information regarding the designation and training requirements for public entities subject to the Open Meetings Act. She recommends the Town Clerk, Julie Scott, as the designated Town Staff representative and deferred to the Board for their recommendation of a Commissioner representative. Commissioner O'Donnell and Commissioner Sweeney volunteered to be the Board designees for the Open Meeting Act representatives. *Motion:* Commissioner Davis motioned to designate Commissioner O'Donnell, Commissioner Sweeney, and Julie Scott as the Open Meeting Act representatives for the Town; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted.

Consent Agenda:

Appoint _____ as an alternate to the Board of Appeals with a term of April 4, 2022 through January 11, 2024. Ms. Willets requested a postponement of this item. The Mayor is seeking to fill the alternate vacancy on the Board of Appeals, but there are currently no volunteers. Interested persons should contact the Town Office.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for March 2022 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on Monday, March 28, 2022. At this meeting, they approved the request in the East Industrial Park II for no sidewalks, curbs, and gutters as well as a reduction in the amount of required vehicle and bicycle parking spaces. The vote for approval of the Federal Stone site plan has been postponed. They voted in favor of recommending to the Board that RJD Development Corporation successfully demonstrated a mistake in zoning for the parcels at the entrance of Brookfield. This is related to Agenda Item #2 and the public hearing. The Commission is not scheduled to meet in April and the next meeting is tentatively scheduled for May 23, 2022.

II. Agenda Items

Agenda #1 - To consider a real property tax rate that exceeds the constant yield tax rate. The Board will consider whether or not to reduce the real property tax rate sufficiently to fully offset tax revenues resulting from increasing assessments to make the property tax revenues equivalent to the prior year's tax revenues (the constant yield tax rate), excluding new development: Ms. Willets, Town Manger and Mr. Tabler, Town Accountant presented the item. Ms. Willets explained the constant yield tax rate, how it is calculated, and how the state determines its recommendation for the rate. Town Staff recommend the rate of \$0.3464 per \$100 of assessment for FY 2023. This is 3.7% higher than the current state's recommended rate of \$0.3340. Mr. Tabler advised that the tax rate has been \$0.3464 for the past several years, except for FY 2022 where the decrease resulted in a significant loss of revenue. The proposed rate will increase revenue to offset rising operating costs. The state recommendation to lower tax rates and the increase in the amount of state required mandates that require town funding were discussed. *Motion:* Commissioner Davis motioned to motioned to maintain the constant yield tax rate of \$0.3464 per \$100 of assessment in FY 2023; seconded by Commissioner Burns. Yays - 5; Nays - 0. The motion was adopted.

Agenda #2 - Zoning map amendment public hearing and consideration for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels "C", "D" & "E" of Brookfield recorded in Plat Book No. 58, Page 40: A public hearing on this item was held. President O'Donnell provided an overview and called the public hearing to order. Leslie Powell, Town Attorney, provided additional guidance on this process. The applicant, staff, and public testifying took an oath and were sworn in. The petition to determine if lots "C" and "D" should be rezoned from neighborhood commercial to residential was presented to the Board. Mr. Gulden advised that the applicant

intends to construct 7 single family detached residential homes on that property. He provided the Planning Commission recommendations as well as explained the requirements of the rezoning petition, the change or mistake rule, and the factors that led to the mistake after the adoption of the last comprehensive plan. Ms. Powell advised that an ordinance that sets forth the findings of the Board needs to be presented at the next meeting. Bruce Dean, attorney with the law firm of McCurdy, Dean, and Graditor in Frederick, MD presented on behalf of the applicant, Richard Demmitt with RJD Development Corporation. A summation was given to provide evidence of a mistake in zoning and a change in the character of the neighborhood. The applicant, Mr. Demmitt from Clarksville, MD, provided comment on the lack of market interest in that area and the reasons he believes a mistake was made. The Board discussed the impact additional homes could have on public facilities, primarily school capacity and storm water management. Town population, infrastructure, commercial development, and viability were also considered. They determined that a few additional homes would not be detrimental, but this could change with future growth. President O'Donnell opened the hearing to public comment. Dianne Walbrecker, West Main Street, participated in the development of the original comprehensive plan. She explained the mixed-use vision and the intent for that design. She suggested looking into other opportunities to develop that area as neighborhood commercial and encouraged the Board to reevaluate the zoning in that location during the next comprehensive plan to allow time to gather more information from the citizens. Bob Laudani, Timbermill Run, commented on the length of time the property has been vacant and the lack of interest from commercial developers. He would rather see houses built in that area than businesses and is concerned about the implications of commercial traffic in that area. He asked the Board to work with the developer to allow the houses to be built to benefit the neighborhood as well as the Town. Chuck Karfonta, Catonsville, MD, is associated with RJD Development, and supports the findings that a mistake was made in zoning. He pointed out that a few different companies attempted to have a convenience store in that area but left because they were not successful. In his opinion, that part of town is not designed for commercial business. President O'Donnell opened the hearing to applicant rebuttal, but Mr. Dean had nothing to add so the hearing moved to Board discussion. The Board expressed understanding of the original goal for the comprehensive plan but questioned the timeframe needed to determine if commercial development is viable there. Commissioner Sweeney explained that the zoning in the original comprehensive plan was intended to bring businesses into that area of town. At this time, the Board is unsure if commercial is ever going to work there due to the closure of previous businesses in that location and lack of demand in that part of the Town. They discussed the shift in small community design to one-stop type of shopping. President O'Donnell opened the meeting to the fact-finding questions portion where the Board applied the evidence presented to all required questions. Commissioner Ritz III requested a brief summary be included with future agenda items that contain technical language so they are clear and understandable for the public. *Motion:* Commissioner Burns motioned to approve the applicant's request for the rezoning of parcels "C" and "D" from B1 to R1 based on the factual findings made by the Board; seconded by Commissioner Davis. Yeas - 5; Nays - 0. The motion was adopted.

Agenda #3 - Approval of the abandonment of a sewer easement located at the Emmitsburg East Industrial Park II property for consideration: Mr. Gulden presented the item. Federal stone wants to develop the property in this area and has requested that the Town abandon this sewer line easement. Town Staff confirmed that it was never used and is no longer needed. A declaration of abandonment in the land records will need to be filed. *Motion:* Commissioner Davis motioned to approve the abandonment of a sewer easement located at the Emmitsburg East Industrial Park II property; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted.

Agenda #4 - Town of Emmitsburg participation in the Maryland Low Income Household Water Assistance Program (LIHWAP) for consideration: Ms. Willets presented the item. She explained this program is to help those struggling to pay their water and sewer bill. Eligibility, participation, application, and funding were also discussed. Information will be provided on the website, Facebook and newsletters. A flyer will also be included with any past due notices. She suggested that people make sure their phone numbers are listed on their water and sewer bills so that Town Staff can reach out, if needed. The Board suggested contacting Seton Center to let them know this program is available. *Motion:* Commissioner Sweeney motioned to approve the Town of Emmitsburg's participation in the Maryland Low Income Household Water Assistance Program (LIHWAP); second by Commissioner Burns. Yeas - 5; Nays - 0. The motion was adopted.

Agenda #5 - Approval of bid for the purchase and installation of advanced license plate readers for consideration: Ms. Shaw presented the item. This is a grant-funded project to aid law enforcement in locating wanted vehicles, but are not used for speed enforcement. The locations, system equipment, and bid information were reviewed. Town Staff recommend Applied Technology Services in the amount of \$42,140.19. This company was selected due to favorable references, familiarity with local systems, and software compatibility. Sergeant Keith Johnson with the Maryland State Police Coordination and Analysis Center (MCAC) joined the meeting via the Zoom teleconferencing platform. He provided additional guidance on the state system as well as data viability. There are no additional fees for this service, data is restricted to law enforcement use, and safety measures are followed to protect the information collected. The Board discussed the proposed locations, the benefit to the community, and the option of adding a speed camera in the school zone. Town Staff will provide bids for surveillance cameras at a later date. *Motion:* Commissioner Burns motioned to approve Applied Technology Services bid in the amount of \$42,140.19 for the purchase and installation of advanced license plate readers with 24/7 power; second by Commissioner Sweeney. Yeas - 4; Nays - 1. Commissioner Ritz III voted Nay. The motion was adopted.

Agenda #6 - Approval of a change order with MIM Construction, Inc., FY21 sidewalk accessibility ramps FY 21 contract 21-SA-21, the amount of \$62,864.50 for consideration: Mr. Gulden presented the item. This is a grant-funded project that came in under budget for the construction of ADA sidewalks. He is seeking approval for the use of these excess funds to add or improve sidewalks and ramps throughout town for ADA accessibility. This would not impact future water and line work. *Motion:* Commissioner Sweeney motioned to approve the change order with MIM Construction, Inc. in the amount of \$62,864.50; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted.

Set Agenda Items for May 2, 2022 Town Meeting

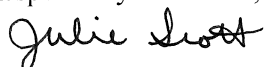
Administrative Business: NONE *Consent Items:* (I.) Proposal of Trail Volunteer Workdays. *Agenda Items:* (1.) Initial presentation of the Fiscal Year 2023 budget. (2.) Review and approval of the St. Euphemia's Wayside Exhibit for consideration. (3.) Approval of ordinance 2022-01, which will incorporate the Board's findings. Motion and vote will be presented in writing to Board for approval and execution. (4.) Approval of Policy P22-02, update to parking fees & fines, for consideration. (5.) Approval of Ordinance 2022-02, update to Title 10 – Parking, for consideration. (6.) Forward proposed Ordinance 2022-03 (zoning text amendment to Chapters 17.04, 17.20, & 17.44) to the Planning Commission and set public hearing for June 6, 2022 for consideration. Further discussion occurred regarding the agenda items for the May 2, 2022 Town Meeting. Agenda item 6 may need to be postponed as the priority for the June 6, 2022 is the FY 2023 budget. Mr. Gulden provided clarification on agenda item 4 and 6. Ms. Willets advised that depending on the status of water and sewer trainee position, there may be a need for closed session for the potential hiring of a candidate after the May 2 or May 16, 2022 meeting. *Motion:* Commissioner Ritz III motioned to approve the May 2, 2022 Town Meeting Agenda as presented; second by Commissioner Burns. Yeas - 5; Nays - 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the April 4, 2022 Town Meeting; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The meeting adjourned at 11:12 p.m.

Respectfully submitted,



Julie Scott, Town Clerk

Minutes Approved On: 05/02/2022