

**MINUTES
TOWN MEETING
JULY 11, 2022
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Recording Secretary and Grants Administrator; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Cole Bartholow and Sergeant Marc Linehan.

Absent: Clifford Sweeney with prior notice.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the July 11, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Commissioner 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 to discuss: (1) a personnel matter relating to an employee performance evaluation; (2) a personnel matter relating to the hiring of a new employee; and (3) a personnel matter relating to the promotion of three current employees. The authority for meeting in closed session for this purpose is permitted by the *General Provisions* Article, Section 3-305(b)(1), Annotated Code of Maryland which authorizes us to meet in closed session. The reason for closing the session is to preserve the confidentiality of personnel records as provided by the Maryland Public Information Act and the privacy of the employee. The Board of Commissioners will not be meeting in another open session after the closed session has ended. *Motion:* Commissioner Burns motioned to close the July 11, 2022 town meeting at the conclusion of the regularly scheduled town meeting for a closed executive session; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to approve the June 6, 2022 town meeting minutes as presented; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

Police Report:

Deputy Bartholow presented the police report from June 2022 (exhibit attached). Sergeant Linehan explained the increasing crime rates described at the June town meeting parallels crime during the April to May 2021 time period.

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from May 2022 (exhibit in agenda packet). A grants administrator report was included in the agenda packet this month and will be included going forward.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from May 2022 (exhibit in agenda packet). Commissioner Davis requested a change to the Code to allow the new electronic town office sign to run at night.

Commissioner Comments:

- Commissioner Ritz III: He thanked everyone that helped and participated in Community Heritage Day.
- Commissioner Davis: None.
- Commissioner Burns: He attended the ground breaking for the new Daughters of Charity archives in June and is looking forward to the tourism draw the new addition will have.
- Commissioner O'Donnell: He thanked staff for their work with Community Heritage Day. He received a number of complaints regarding parking enforcement in Town that will be discussed during the parking agenda item. The United States of America Cycling event in June was a success.

Mayor's Comments:

Mayor Briggs attended several meetings in June 2022 (meetings listed in agenda packet). Mayor Briggs explained the list of meetings is shorter than usual due to being out of Town for a portion of the month.

Public Comments:

Mason Carter, Walkersville, Maryland – Mr. Carter is a republican candidate for the Frederick County Council. He gave a brief summary on why he is running. *Colt Black, Sabillasville, Maryland* – Mr. Black is a republican candidate for congress district 6. He gave a brief history on himself. *Daryl Buffman, Frederick, Maryland* – Mr. Buffman is a democratic candidate for county executive. He gave a brief history on himself.

Administrative Business:

- (A). **Presentation by Mount St. Mary's staff regarding a MSM Freshman Event in E. Eugene Myers Park on August 20, 2022:** Wendy Brubaker, Director of Orientation and New Student Services, with Mount St. Mary's (MSM) University, introduced herself. MSM will be having an event to welcome freshman on August 20, 2022 in E. Eugene Myers Community Park from 5:00 to 8:00 p.m. The students will be bussed in from the campus and the event will feature vendors, information booths, games, food, pool access and more. The Board gave unanimous consent for the event.

Consent Agenda:

Commissioner Davis motioned to appoint Kevin Hagan as a regular member of the Planning Commission with a term of July 11, 2022 to July 11, 2027; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted. The alternate appointment for the Board of Appeals is postponed because a volunteer is needed.

Treasurer's Report:

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

Planning Commission Report:

Commissioner Ritz III presented the report. The June 27, 2022 meeting was canceled due to the withdrawal of the application as it relates to agenda item one. The next meeting will be held July 25, 2022.

II. Agenda Items

Agenda #1 - Public hearing and consideration of proposed Ordinance 22-07, zoning text amendment application: The agenda item is canceled due to the withdrawal of the amendment request by the applicant.

Agenda #2 - Review and approval of the St. Joseph College and Emmitsburg High School Wayside Exhibits for consideration: Ms. Shaw, Grants Administrator, presented the item. The two proposed exhibits are part of a historic walking tour in Town. To date, 12 wayside exhibit signs have been design and installed. The St. Joseph College and Emmitsburg High School exhibits will be exhibits 13 and 14. If approved, the exhibits would be installed in September 2022. The Emmitsburg High School exhibit was reviewed for accuracy by Joyce Bruchey, former student, teacher and Emmitsburg Alumni Association historian. The St. Joseph College exhibit was reviewed for accuracy by Scott Keefer, Archivist, with the Daughters of Charity. There was a grammatical edit on the Emmitsburg High exhibit. *Motion:* Commissioner Ritz III motioned to approve the wayside exhibits as modified; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

Agenda #3 - Approval of Resolution 2022-03R, bond reduction request for the Irishtown Road project, for consideration: Mr. Gulden presented the agenda item. The resolution will authorize a bond reduction for the Irishtown Road project, Brookfield lots 1 through 19, from \$815,584.89 to \$125,343.10 due to public improvement items being completed and fully inspected. The Mayor gave consent for the resolution. *Motion:* Commissioner Burns motioned to approve Resolution 2022-03R as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

Agenda #4 - Approval of Policy P22-02, update to parking fees and fines for consideration: Mr. Gulden presented the agenda item. A five-year parking plan for July 2022 through June 2027 was initially presented at the May 2, 2022 town meeting. Mr. Gulden reviewed the edits made to the parking plan since the May meeting. If approved, the plan would include parking updates such as updating the parking Town Code, purchasing new

digital meters to replace the existing mechanical meters on Main Street, constructing a new municipal parking lot, allowing electronic payments for tickets/fines/permits, and adding digital meters to the pool parking lot. New parking meters are needed because the parts to repair the old meters are no longer available. The Board and staff discussed expanding parking meters on Main Street and North Seton Avenue and locations for the municipal parking lot. Mr. Gulden presented the Policy P22-02 to include modifications to the policy since the May town meeting and the percentage of tickets distributed for each violation. The proposed Policy P22-02 would increase the parking violation fees and gradually increase the bag meter permit fees and parking meter fees between 2022 and 2027 with the goal of funding the parking upgrades outlined in the five-year parking plan. The Board discussed the business owner's reaction to the proposed amendments, annual enforcement parking revenue from the past five years, and adding a grace period that would allow parking ticket forgiveness if the person contacted the Town Office within a certain time frame after a ticket has been issued in exchange for a reduction in the ticket amount or ticket forgiveness. Ms. Willets invited the Board to shadow the parking enforcement officer during her daily enforcement duties. The Board discussed tabling the policy until new digital parking meters are installed. The Board gave unanimous consent, with Commissioner Sweeney absent, for the tabling of Policy P22-02. Town staff requested the Board email staff with any recommendations for changes to the parking code.

Agenda #5 - Approval of Ordinance 2022-02, update to Title 10 – Parking for consideration: Mr. Gulden presented the agenda item. Ordinance 22-02 would modernize the Town's vehicle and traffic code in order to allow parking meter fees, meter bag fees, and parking fines to be paid by credit card via a third party vendor online and would change the parking meter hours of operation from 9:00 a.m. to 6:00 p.m. Monday through Saturday to 8:00 a.m. to 8:00 p.m. Monday through Saturday and parking boots would be allowed to be utilized among other changes. The parking meter hours of operation change is recommended by staff to encourage vehicle turnover to allow more patrons for the businesses. The Board discussed parking meter hours of operation and how the new proposed times compare to nearby cities and Towns. The Board discussed changing the allowable length of parking time during meter operation from 2-hours to 3-hours in the future. The Board requested the parking meter hours of operations remain 9:00 a.m. to 6:00 p.m. until the new digital parking meters are installed. *Motion:* Commissioner Burns motioned to approve Ordinance 2022-02 with the modification of keeping the parking meter hours of operation as 9:00 a.m. to 6:00 p.m. instead of 8:00 a.m. to 8:00 p.m.; second by Commissioner Ritz III. Yeas – 2 (O'Donnell, Burns); Nays – 2 (Davis, Ritz II); Absent – 1. The motion was rejected. Commissioner Davis stated he voted no to support the local businesses that were not in favor of the changes.

Agenda #6 - Approval of Ordinance 2022-04, collection of municipal charges for consideration: Mr. Gulden presented the agenda item. If approved, this ordinance would allow any valid charges, taxes, or assessments issued by or on behalf of the Town, in addition to real estate taxes, to be charged as liens upon the real property of the debtor within the municipality. The liens would be collected in the same manner as municipal taxes are collected. The ordinance would give the Town another tool to collect unpaid charges, taxes or assessments. The amendment will have a retroactive impact and was recommended by the town attorney. *Motion:* Commissioner Davis motioned to approve Ordinance 22-04 as presented; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

Agenda #7 - Approval of deed of easement for the Emmitsburg East Industrial Park II for consideration: Mr. Gulden presented the item. The agenda item is for the Federal Stone project. The Planning Commission has approved the plans and the Board is required to approve the easements which include landscape, snow storage, utility lines, storm water management, forest conservation, sewer abandonment, stream buffer easements, and the long term forest conservation agreement. The Town is not required to maintain any of these easements. All proposed documents were prepared by the town attorney. *Motion:* Commissioner Burns motioned to approve the deed of easements for the Emmitsburg East Industrial Park II; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

Set Agenda Items for August 1, 2022 Town Meeting

Agenda Items: (1.) Approval of 2022 Election Judges for consideration. (2.) Proclamation making August 2, 2022 National Night Out for consideration. (3.) Proclamation declaring September 2022 National Recovery Month. (4.) Decline to accept dedication of four open space lots at Brookfield conditioned upon approval of the Brookfield HOA for consideration. (5.) Update on MS-4 permit. (6.) Proclamation declaring Sister Anne M. Higgins Town of Emmitsburg Poet Laureate. (7.) Proclamation declaring Lutsk, Ukraine a sister city to the Town of Emmitsburg. (8.) Review and approval of Ordinance 22-08, update to election candidate name posting, for consideration. **Administrative Business:** None. **Consent Items:** (I.) Re-appointment of Mark Long to Planning Commission for consideration with a term of August 5, 2022 – August 5, 2027 for consideration. (II.) Appointment of ___ as an Alternate to the Board of Appeals with a term of August 1, 2022 – August 1, 2027 for consideration. **Motion:** Commissioner Davis motioned to approve the August 1, 2022 town meeting as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the July 11, 2022 town meeting at 10:00 p.m.; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion was adopted. The Board took a brief recess prior to the start of the closed session. The Board of Commissioners will not be meeting in another open session after the closed session has ended.


Madeline Shaw, Recording Secretary
Minutes Approved On: August 1, 2022

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
JULY 11, 2022**

Time Closed Session Began: 10:16 p.m.

Place of Closed Session: Emmitsburg Town Office 300A South Seton Avenue Emmitsburg, Maryland 21727.

Purpose: To consult with staff, consultants, or other individuals to discuss: (1) a personnel matter relating to an employee performance evaluation; (2) a personnel matter relating to the hiring of a new employee; and (3) a personnel matter relating to the promotion of three current employees.

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

Persons Attending Closed Session: Commissioners: Timothy O'Donnell, Frank Davis, Joseph Ritz III and T.J. Burns. Staff Present: Cathy Willets, Town Manager and Madeline Shaw, Recording Secretary and Grants Administrator.

Authority Under § 3-305 for the Closed Session: Section 3-305(b)(1).

Topics Actually Discussed: (1) a personnel matter relating to an employee performance evaluation; (2) a personnel matter relating to the hiring of a new employee; and (3) a personnel matter relating to the promotion of three current employees.

Actions Taken: The Board directed town staff to hire the new employee, promote the three current employees and amend employee responsibilities for the performance evaluation item.

Time Closed Session Ended: 11:26 p.m.