

**MINUTES**  
**TOWN MEETING**  
**JUNE 5, 2023**  
**TOWN OFFICE – 300A SOUTH SETON AVENUE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Bartholow; Deputy Thomas; Timothy O’Donnell, President, absent with prior approval.

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**I. Call to Order**

A quorum being present, Commissioner Joseph Ritz III, Vice President of the Board of Commissioners, called the June 5, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

Commissioner Sweeney motioned to accept the May 1, 2023 and May 15, 2023 Town meeting minutes as presented; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was accepted.

**Police Report:**

Deputy Bartholow presented the police report from May (exhibit attached). Deputy Bartholow introduced Deputy Thomas who is temporary replacing Deputy Honaker who is on FMLA.

**Town Managers Report:**

Ms. Willets, Town Manager, presented the Manager’s Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted at the time of the report, Rainbow Lake was 16.6 feet at the spillway level. She noted that the Town produced an average of 259,555 GPD and consumed an average of 272,150 GPD. The percentage of backwash in the month of April was (14.03%). Ms. Willets added for Wastewater the Town treated an average of 432,733 GPD and consumed an average of 272,150 GPD which means that (37.11%) of the Wastewater treated this month was “wild water”. Ms. Willets noted that Town staff completed hydrant flushing in the month of April without any complaints of discolored water. Staff assisted with contractors to repair a large leak on the Mount St. Mary’s main waterline on Annandale Road where there was an estimated loss of 945,000.

**Grant Administrative Report:**

Ms. Shaw, Grant Administrative, presented the Grants Administrative Report (exhibit in the agenda packet). She briefly noted the grants for the month of May and highlighted the Community Development Block Grant (CDBG) that will be presented later.

**Town Planners Report:**

Najila Ahsan, Town Planner presented the Planner’s Report from April 2023 (exhibit in agenda packet). Ms. Ahsan highlighted that she processed seven zoning permits, one yard back yard chicken permit, and eleven Cross Connection permits. She noted that there are development updates with Federal Stone, Village Liquors and Plaza Inn, and MSM “E” Wing.

**Commissioner Comments:**

- Commissioner Amy Boehman-Pollitt: She announced that summer activities are beginning. She thanked local volunteers/organizations who helped make recent community events possible such as the Mother Seton School Carnival, Friends of the Library Book Sale, and the bake sale benefiting the IRC and Emmitsburg Food Bank.
- Commissioner Davis: He thanked Town staff, since receiving positive feedback for the tree trimming and the new flower bed design at the Town square. He thanked Mr. Deatherage for helping with the Community Garden and mentioned how it looks great. He also noted that the baseball fields will be busy for the next few weeks with tournaments.
- Commissioner Sweeney: He also mentioned that there was a baseball tournament this past weekend and will be again for the next few weeks. He asked to watch for children crossing the roads as the parks will be very busy. He announced that he will be stepping down as the President from the Lions Club. He noted that the concession stand will be opening at the Town pool next weekend.
- Commissioner Ritz III: He congratulated all local graduates and hopes all their dreams come true and congratulated Catoctin sports team on their accomplishments. Commissioner Ritz III announced that he will not be running for Commissioner this year and that his seat will be available but hopes that someone will step up to the challenge.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in May 2023. Mayor Briggs thanked Commissioner Ritz III for his service. He asked the County Commissioner Mason Carter to speak on his behalf. Frederick County Commissioner Carter expressed how he came to the meeting tonight to see how the Town functions and see where he can help if needed. He also told the Board that he is just a call away if anyone needs anything. Mayor Briggs thanked Commissioner Sweeney for everything he has done for the Community with the Lions Club. He also announced all upcoming events, Farmer's Market and how the pool is doing great and mentioned Heritage Day.

**Public Comments:**

*Valerie Turnquist, Emmitsburg MD* – She announced the resources that she found online and asked that the Town staff to post these findings on the Town Website. Ms. Willets explained that the Town does have resources on the Website and there is a Bay Restoration form that residents can complete. She also noted that residents can call in and speak with Reese for additional information related to their water/sewer trash bill.

*Eric Sloane, Emmitsburg MD* – He has concerns about the water supply for the Town and wants to know if there is a back up plan in case there is a water shortage. He also voiced concerns regarding the compacity of the sewer plant and if the Town is thinking of the future. Mayor Briggs asked Ms. Willets what the compacity of the plant was and Ms. Willets noted that it is at 60% to 70%. She also said that it is built for the future and designed to hold a larger compacity.

**Administrative Business: NONE**

**Consent Agenda:**

*Motion:* Commissioner Davis motioned to approve all Consent Agenda items listed below.  
Approval of free pool day on Community Heritage Day 2023.

Appointment of Patricia Galloway as an alternative to the Planning Commission with a term of 06/05/2023 to 03/01/2023.

Reappoint Tricia Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025.

Reappoint Will Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025;

second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was approved.

### **Treasurer’s Report:**

Commissioner Sweeney presented the Treasurer’s Report for April 2023 (exhibit in agenda packet).

### **Planning Commission Report:**

Commissioner Ritz III presented the report. The Commission last met on May 22<sup>nd</sup> and noted they reviewed the comprehensive plan and suggested that if anyone is interested to please come to the meeting.

## **II. Agenda Items**

Agenda #1 – For consideration, approval of engineering improvement plan and design bid for North Seton Ave. waterline and Green Street project. Ms. Shaw presented the agenda item (exhibit in agenda packet). Ms. Shaw briefly explained the timeline of the North Seton Avenue Waterline Replacement and Green Street Upgrade Engineering. She noted the project funding, which was a total estimated cost of \$1,145,552.

*Motion:* Commissioner Sweeney motioned to approve the approval of Fox and Associates, Inc. for the engineering improvement plan and design bid for North Seton Ave. Waterline and Green Street project for a price of \$251,056.00; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was adopted.

Agenda #2 – Community Development Block Grant (CDBG) public hearing for the purpose of seeking public input on: local community development, economic development, housing needs, proposed (CDBG) project activity - DePaul Street waterline replacement, and other community needs as-needed. Commissioner Ritz III called the public hearing to order at 7:42 p.m. Ms. Shaw explained the hearing was advertised in English and Spanish in the Frederick News Post on May 23, 2023. A map showing the location of the DePaul Street Waterline Replacement project was displayed. The proposed project would replace approximately 1,850 linear feet of the DePaul Street Waterline, which is severely tuberculated and causing discolored water, emergency waterline repairs and reduced pressure. The total cost of the project is \$1,120,000 of which the Town is requesting \$552,500 in Community Development Block Grant (CDBG) funds. The remainder of the project would be funded via a state loan and grant. If approved, the project would start with an Environmental Review in August/September 2023 followed by a request for proposal and project construction occurring between January 2024 and September 2024. Currently Fox and Associates Inc. is working on the design. A summary of community development, economic development, housing needs and other community needs was given by Ms. Shaw.

Public Comment (NONE)

Motion: Commissioner Sweeney motioned to close the public hearing at 7:50 p.m.; seconded by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was approved.

Agenda #3 – Approval of Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration. Ms. Shaw presented Resolution 23-03R and explained that this is required for the application and noted the amount of \$552,500.00. *Motion:* Commissioner Boehman-Pollitt motioned to approve the Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

Agenda #4 – Review of Stormwater Utility Fee and moratorium for consideration. Ms. Willets presented the agenda item (exhibit in the agenda packet). She explained briefly that this Resolution is a one-year moratorium and on the implementation of the stormwater utility fee. The fee will now take effect on July 1, 2024 and be reflected on the September 2024 billing cycle. Ms. Willets noted this can be brought back as an agenda item next year in March or April being this will be looked into during the FY25 budget.

*Motion:* Commissioner Sweeney motioned to approve the Resolution 23-04R the Stormwater Utility fee moratorium; second by Commissioner Boehman-Pollitt. Yeas - 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Agenda #5 – Presentation and review of FY24 Town of Emmitsburg budget for consideration. Mr. Tabler noted that with the vote that occurred with the one-year moratorium he handed the board a supplement of numbers that are updated in their FY24 budget binder. He briefly explained how he has received great questions from a few of the Commissioners that reached out.

Commissioner Boehman-Pollitt asked questions regarding what the revenues would be for FY2024 compared to this year with the water rate increase, how much is being charged directly to the water fund of those not directly working inside the water plant, and raised concerns on where employees use their time for timesheets.

Mr. Tabler referred to the FY24 budget binder and showed the estimated revenue for FY2024. Ms. Willets explained that the entire office staff, excluding the Town Planner and Parking Enforcement Officer, of those staff members who perform duties related to water, will allocate a certain percentage of their time to the water fund. Mr. Tabler added that he knows employees are diligent regarding where they are allocating their time properly. He referred to himself as being the Town Accountant, that his time has a percentage that is allocated to the water and sewer fund which has been historically done and is a general accounting principle.

Commissioner Boehman-Pollitt raised concerns of how the Town allocates employees time that are not directly working at the water and sewer plant. She said Walkersville does not charge salary in the water and sewer fund to those that are not directly working with water. Commissioner Boehman-Pollitt said that at Walkersville, the other employees are being drawn from the general fund. Commissioner Boehman-Pollitt does not agree that the postage stamps, water bills, and mowing at the water and sewer plant should not be coming out of the water fund. Commissioner Boehman-Pollitt noted that other Municipalities are having the same issue with low funding in the water fund, then suggested the Town needs to look into in a different way of how to budget. She went onto explain that she knows

that the Town can't put the general fund into water and asked if the Town can put salary into the general fund and noted that after her research there is nothing that says it can't be done.

Ms. Willets noted that if staff did not properly allocate employees' time to the water and sewer fund, that the Town would not show a self-sustaining water or sewer department. She explained it would show an inaccurate representation of the money spent in the water fund.

Mayor Briggs explained that this not a new policy and that this has been a continuity for over twenty years. He also mentioned that it is important for the people to know that the Town has continuity and know what the Town is doing.

Commissioner Sweeney used an analogy to the board, if you take money from that pot where will you get the money from when that money goes dry and explained that is why the Town allocates money. Commissioner Sweeney also mentioned how the Town was broke and the Town had to borrow money from the bank to pay the employees and that is how the Town came to allocate money to other funds. He also noted that when Madeline Shaw applies for grants, the Town must show where that is coming from.

Commissioner Davis agrees that the Town should look into this further if other Municipalities are doing this and it works. He had concerns because he knows there are other Towns struggling that do the same as the Town of Emmitsburg. Commissioner Davis suggested maybe the Town needs to tighten the budget, and asked to make sure that it is legal to take from the general.

Commissioner Davis asked the board and staff if this was approved tonight, would there be a way in the future to transfer the funds to the general for salaries?

Commissioner Boehman-Pollitt would like the Town staff to tighten up on the timesheets. She would like to know what percentages of the employees put their time. Commissioner Boehman-Pollitt questioned how an employee can track their time accurately in the two-week time.

Ms. Willets added that she has taught all the employees to write down what they do during the day in a journal or their calendar. She explained that way when it's time for time-sheets it is easier.

Ms. Willets and Mr. Tabler both agreed that the board can approve modifying the budget and that they can have the information needed for the July meeting.

Mayor Briggs spoke briefly and explained how the Town used to take money from the general fund and that is how the Town lost money. He said that employees should allocate their time where they are working and that is how the Town makes money.

*Motion:* Commissioner Sweeney motioned to accept the FY24 Budget; second by Commissioner Davis. Yeas 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Agenda #6 – For consideration, approval of Ordinance 23-07, update to Chapter 2.50.30 salary structure for FY24. Ms. Willets presented the following agenda item (exhibit in agenda packet). Ms. Willets presented the agenda item and noted the change in the ordinance.

Motion: Commissioner Davis motioned to accept the ordinance 23-07, update to Chapter 2.5.30 salary structure for FY24; seconded by Commissioner Sweeney. Yeas - 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

### **Set Agenda Items for July 10, 2023 Town Meeting**

**Agenda Items:** (1.) Discussion related to FY 2024 and the allocation of salaries. (2.) Approval of Federal Stone's public works agreement and authorize Mayor to sign the agreement of behalf of the Town for consideration. (3.) Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist Commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. (4.) Approval of Resolution 2023-05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. **Administrative Business:** (1.) Presentation of daycare options. **Consent Items:** (1.) Filing of the 2022 Planning Commission Report. **Motion:** Commissioner Davis motioned to accept the July 10<sup>th</sup> Town meeting agenda as presented; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

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

#### **IV. Adjournment**

With no further business, Commissioner Sweeney motioned to adjourn the June 5, 2023 Town meeting at 9:29 p.m.; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk  
Minutes Approved On: