

**MINUTES
TOWN MEETING
FEBRUARY 4, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman; Joseph Ritz III; Timothy O'Donnell; Glenn Blanchard, Vice President; and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; Zachary Gulden, Town Planner; Cole Tabler, Town Accountant; and Dan Fissel, Water Sewer Superintendent. **Absent:** Deputy Ted Whitehouse.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the February 4, 2019 town meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the January 7, 2019 town meeting minutes as amended. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Whitehouse was absent with prior notice due to a family emergency. Ms. Willets distributed copies of the police report in lieu of the deputy's absence. The Board was encouraged to contact the deputy with any questions.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from December 2018 (in agenda packet). Ms. Willets mentioned town staff installed the free library box in front of 22 East Main Street. Rainbow Lake is at spillway level of 16.6 feet. The water line from Mount Saint Mary's University to Town was shut off on February 1 due to a major water leak at the Mount. 75.5% of the wastewater treated was wild water. The wastewater treatment plant's design capacity was exceeded 10 times in December 2018. The LG Sonic algae control system was removed from Rainbow Lake for the winter season. The muffin monster (sewage grinder) at the pumping station keeps clogging and appears to have burnt up due to flushable wipes being flushed down the sewer system. Ms. Willets requested residents not flush wipes, even if deemed flushable, as the wipes do not biodegrade. The cost to repair the muffin monster would be \$30,000. Sewer relining began on East Main Street on January 30, 2019. The holiday meter parking the Board approved resulted \$299.59 being donated to Community Heritage Day fireworks and \$299.59 to the Emmitsburg Food Bank. Fiscal year 2020 budget meetings will occur April 15, May 6 and June 3. Commissioner O'Donnell requested town staff contact Dollar General and Jubilee and see if they can put a notice up about flushable wipes not being biodegradable. The Flat Run Bridge lane shift will occur February 5, 2019.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from December 2018 (in agenda packet). Mr. Gulden processed two reimbursement requests for Community Legacy at 300 East Main Street and 30 West Main Street. The Town was awarded another \$50,000 from Community Legacy for FY2019. Mr. Gulden revised the permit applications and wrote an article for the town newsletter on State/Federal incentives for starting a new business. He continues to work on MS-4 projects too. The ADA playground funding is being finalized and the town is close to having the total amount needed for the project. Commissioner O'Donnell requested town staff address light pollution, appropriate signage and aesthetics of the future Rutter's gas station. Commissioner Blanchard asked about switching from coin parking meters to electronic meters. Ms. Willets explain electronic meters are thousands of dollars and several would be needed; it would be difficult for the Town to recover costs of the meters.

Roger Wilson, Frederick County Alderman, was invited to speak. He explained his attendance was to get updated on town projects and mention Frederick County is currently accepting capital budget requests from municipalities. Commissioner O'Donnell stated his intent to work with the new part-time County bicycle and pedestrian coordinator regarding a \$40,000 Recreational Trails Program (RTP) grant the Town received.

Commissioner Comments:

- Commissioner O'Donnell: No comments.
- Commissioner Ritz III: No comments.
- Commissioner Buckman: She explained there is a free library box at 22 East Main Street, the Emmitsburg Post Office, and a resident's porch on West Main Street. Residents can take a book or leave a book for free.
- Commissioner Blanchard: The Emmitsburg Food Bank is serving about 55 families per month. He explained the food bank can serve federal employees that were furloughed during the government shutdown too.
- Commissioner Sweeney: He thanked town staff for their hard work. He explained town staff recently helped a woman collect her papers that she dropped down a storm drain on a Saturday morning.

Mayor's Comments:

Mayor Briggs attended numerous meetings in January 2019 (meetings listed in agenda packet). Mayor Briggs met with basilica town staff on adding additional wayside exhibits in town for a future historic walking tour. He was grand marshal at National Catholic Schools week. Hiliari Varnadore, US Green Building Council, came and spoke at the Green Team meeting on January 30. The 140 South Seton Avenue rental property is being listed as a commercial property by a real estate broker. There have been a few property interests but nothing has been finalized. The meeting with David Lenhoff was a personal meeting and should not have been on the Mayor's report.

Public Comments:

None. The public comments are in regards to the sign ordinance (agenda item #6).

Administrative Business:

- I. **Introduction of Frederick County Councilman Michael Blue:** Mr. Blue is unable to attend and sends his deepest condolences. Town staff is waiting for confirmation for his attendance at the next town meeting.
- II. **2018 Annual Planning Commission Report:** Commissioner Blanchard read the 2018 report aloud.
Motion: To submit the 2018 Annual Planning Commission Report as presented to be filed. Motion by Commissioner Ritz III, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.
- III. **Scheduling of Trail Volunteer Workdays:** Commissioner O'Donnell requested approval for the following 2019 trail work days: Sunday April 7, Sunday May 5, Saturday June 22. The work will help get the trails ready for Community Heritage Day and the summer season. The Board gave unanimous consent.

Consent Agenda:

The appointment of Tara Viers to the Citizen's Advisory Committee was withdrawn by Commissioner Buckman.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for January 2019 (exhibit in agenda packet). The operating balance forward is \$5,523,666. The top 10 check amounts are listed. The numbers regarding savings from the LG Sonic algae control system will be presented during the budget presentation.

Planning Commission Report:

Commissioner Blanchard presented the Planning Commission Report from January 28, 2019. He explained the meeting was a short meeting that resulted in the filing of the 2018 Annual Planning Commission Report.

II. Agenda Items

Agenda #1 - Audit Presentation: Michele Mills, Public Accountant, and Addie Blickenstaff, In-Charge Accountant, with DeLeon & Stang, introduced themselves. The audit was completed in October 2018 and there were no significant problems identified. No new accounting policies were adopted, no problems were encountered with town staff/management, and no material journal entries were identified in the course of audit testing. A presentation highlighting key information such as summaries on net position, statement of activities, operating revenues, etc. was made by the auditors. There were no questions from the Board.

Agenda #2 - Approval of the Engineering Firm to Complete the Hydrologic and Hydraulic Analysis for Rainbow Lake Dam for Consideration: Ms. Willets explained Maryland Department of the Environment is requiring the town complete a hydrologic and hydraulic (H&H) analysis and dam breach analysis for Rainbow Lake Dam. The analysis will be used to revise the Rainbow Lake Dam emergency action plan, which is due May 1, 2019. The request for proposal (RFP) was published on October 22, 2018 with a due date of December 7, 2018. There were 10 engineering firms that submitted bids, which town staff narrowed down to the top five, then the top three. Town staff recommends Zest LLC, the lowest bidder. Commissioner Buckman expressed concern over the firm only having six years of experience. Zest LLC had favorable recommendations from MDE and is a smaller engineering firm. Once the analysis is complete, MDE will review and determine if any work needs to be completed on the dam.
Motion: To accept the bid from Zest LLC to complete the hydrologic and hydraulic analysis for Rainbow Lake Dam.
Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

Agenda #3 - Approval of the Engineering Firm for the New Creamery Road Pumping Station for Consideration: Ms. Willets explained the Creamery Road pump station engineer RFP was initially advertised in March 2018, but was not awarded due to the town needing to determine funding for the project. Conversations with the USDA Rural Development office helped determine different funding options. The RFP was re-advertised as a new RFP with

USDA guidelines on September 14, 2018 with a due date of November 16, 2018. Town staff had four meetings to review the bids in depth and determine a recommendation for the Board. Town staff recommends RK&K because the firm has the most experience with USDA and MDE, the town is familiar with the firm's work, the firm is knowledgeable about the requested Gorman Rupp pumps and the bid was very detailed regarding the town's needs. RK&K was also the only firm to state the price was guaranteed to not exceed \$189,100. Commissioner O'Donnell asked if RK&K had a role in the issues at the new wastewater treatment plant. Staff explained GHD was the engineering firm and RK&K was the construction management company, but RK&K helped solve the issues created by GHD. If approved, town staff will apply for a USDA grant to cover the preliminary engineering report and environmental report, which need to occur first. The design phase and construction bid phase will occur later.

Motion: To accept the RK&K bid for the pumping station design.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor.

Agenda #4 - Approval of the Pool Management Company for the 2019 – 2021 Pool Management Season for Consideration: Ms. Willets presented the pool management contract for consideration. The proposed contract is for three years, but the Board can choose to approve a one-year contract if desired. The bid was advertised on November 16, 2018 and due on January 9, 2019. The town received two bids: RSVP Pools (Gaithersburg, MD) and USA Management (corporate office Roswell, GA). Town staff recommends continuing services with RSV Pools because the proposal was complete with no hidden fees, the town is familiar with their staff and they appear to be more in tune with the town's needs. Commissioner Ritz III stated hesitation to approve a three-year contract, which town staff pursued to lock-in rates. Ms. Nail is satisfied with RSV Pools. Commissioner Buckman expressed concern with the lifeguards not having much supervision in 2018, which town staff can address with the company.

Motion: To accept the bid for the RSV Pool company as recommended by town staff for three years.

Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 3 – 2 in favor with Commissioners Blanchard, O'Donnell, Sweeney in favor and Commissioners Ritz III and Buckman against.

Agenda #5 - Fiscal Year 2018 Budget Transfers to the Capital Fund for Consideration: Ms. Willets explained fiscal year (FY) 2018 closed with excess funds, which need to be transferred into the capital project funds categories per audit requirements. The total transfer amount is \$152,758.00, which includes the following transfers...

- \$2,634 (dept. 30, 612) to balance a negative line item.
- \$1,467 (dept. 15, 102) to balance a negative line item.
- \$56,462 (dept. 12, 400) for storm water management for mandated MS-4 projects.
- \$8,300 (dept. 10, 999) for ShoreScan, a searchable cloud based record retention system.
- \$33,845 (dept. 60, 352) for a future ADA playground (\$28,845) and disc golf course (\$5,000), both projects the Town anticipates funding mainly through grant funds. Commissioner O'Donnell expressed concern over the disc golf course funding and if the course would be used.
- \$18,000 (dept. 60, 500) for the H&H analysis and dam breach analysis for Rainbow Lake Dam.
- \$7,200 (dept. 60, 191) for the Town's 25% match for the pool bath house rehab grant.
- \$1,350 (dept. 30, 184) to purchase five parking meter houses and two meter adapters.
- \$23,500 (dept. 30, 330) for two salt dogs and one ATV for snow removal on town streets and sidewalks.

The Board would like to review the design of the disc golf course before construction in the spring/summer.

Motion: To accept the 2018 budget transfer to the capital fund in the amount of \$152,758.

Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Agenda #6 - Presentation on Amended Sign Ordinance Due to Recent Legislative Changes: Ms. Willets explained this presentation would review sections 17.38.010 through 17.38.050 of the proposed ordinance due to the length of the ordinance. The rest of the ordinance will be reviewed at the March and April town meetings. Mr. Gulden thanked the businesses in attendance and the EBPA for notifying Emmitsburg businesses. The revisions are being pursued due to the recent State and Federal Supreme Court cases (such as Reed v. Town of Gilbert). Existing signs in town would be grandfathered in if the signs are currently in compliance with town code. The ordinance has been reviewed by John Clapp, Town Attorney. Mr. Gulden reviewed prohibited signs and signs exempt from permit requirements under the proposed ordinance. He explained town staff is open to any recommendations from the Board. Town staff recommends the Board consider what signs they want in the Town's historic district and if they want to set a limit on allowed signs such as neon signs. *Brandy Malocha, 8 Robindale Drive* - Ms. Malocha owns Emmitsburg Tattoo and explained two of their temporary signs were approved in 2017, but the business recently received a letter stating they were violating town code. The signs were removed, but the business is requesting permission to put the signs back up. Town staff requested a copy of the sign permit, which was approved under the prior town planner. *Donald Sonn, 8 Robindale Drive* - Mr. Sonn owns Emmitsburg Tattoo. The business will submit a new permit for the removed signage as requested by town staff. Mr. Sonn requested town staff create a document

that clearly shows the new and existing parts of the town code in the proposed ordinance. *Suzie Glass, 239 North Seton Avenue* - Ms. Glass owns the Ott House and asked if the businesses signs would be grandfathered in. Mr. Gulden explained if the signs were approved prior and are legal they would be grandfathered in. She explained many businesses are not aware of the upcoming changes and she requested the proposed changes be advertised more. She explained businesses need to catch drivers eye with their signage. *Shelia Petinger, 5 East Main Street* - Ms. Petinger owns the Total Look. She thanked town staff for sending monthly email newsletters so she can know what is happening in town. She explained she depends on her signage so people know where her business is located. There were no other comments.

Set Agenda Items for March 4, 2019 Town Meeting

1. Adoption of an Amendment to Create a Cross Connection Control Program for Discussion and Consideration.
2. Adoption of the Cross Connection Control Program Fees Policy for Discussion and Consideration.
3. Staff Presentation on the Proposed Sign Code Amendments Section 17.38.060 to Section 17.38.080 for Discussion.
4. Community Park Botanical Garden for Discussion.

Administrative Business:

- A. Introduction of Frederick County Councilman Michael Blue (*tentative*).

Motion: To close the town meeting.

Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the February 4, 2019 Town Meeting was adjourned at 10:47 p.m. EST.

Respectfully submitted,



Madeline Shaw, Town Clerk
Approved On: March 4, 2019