

**MINUTES
TOWN MEETING
JANUARY 18, 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; Najila Ahsan; Town Planner; Sabrina King, Town Clerk; Reese Fryer, Recorder. *Others Present* – Deputy Jason Ahalt Absent with prior approval – Commissioner O'Donnell

I. Call to Order

A quorum being present, Commissioner Joseph Ritz III of the Board of Commissioners, called the January 18, 2023 town meeting to order at 7:02 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Davis motioned to accept the December 6, 2022 town meeting minutes; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was accepted.

Commissioner Boehman-Pollitt motioned to accept the December 12, 2022 town meeting minutes; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was accepted.

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from November 2022 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted that at the time of the report, Rainbow Lake was 2.1' feet below the spillway level which was 14.5 feet. She explained that the spillway was 16.6 feet and did not have updated numbers, however she knows it has recovered significantly. Ms. Willets also reported the Towns well levels are making progress and announced the voluntary restrictions can now be removed.

Grant Administrative Report:

Ms. Willets, Town Manager, presented Ms. Shaw's Grants Administrative Report. She highlighted the current grants that are taking place along with future projects.

Deputy Ahalt arrived at 7:12pm.

Police Report:

Deputy Ahalt presented the police report from December 2022 (exhibit attached).

Town Planners Report:

Ms. Willets, Town Manager read the Town Planner's Report from October 2022 (exhibit in agenda packet). She introduced Najila Ahsan who is the new Town Planner. Ms. Willets highlighted current projects and the upcoming meeting with the Planning Commission. She mentioned how Rutters is open and has an Amendment for a site plan to remove the Forrest Conservation Easement plan.

Commissioner Comments:

- Commissioner Amy Boehman-Pollitt: She congratulated Rutters on their soft opening and that she attended the Vigilant Hose Company Banquet. She also gave an update on the Citizens Advisory Committee meeting.

- Commissioner Davis: He welcomed new staff and expressed the citizens had only positive feedback about everyone. He mentioned that the Frailey Farm Developer is no longer interested in the property. He has heard negative and positive feedback about the development.
- Commissioner Sweeney: He agreed with Commissioner Davis, that the Town needs to grow especially for schools. He announced the first fundraiser for Heritage Day which is Valentine's Day at the Ambulance building.
- Commissioner Ritz III: He congratulated Rutters in their opening, and he is also very pleased with the new staffing.

Mayor's Comments:

Mayor Briggs spoke of the Frailey Farm Developer withdrew due to changes in the economy. He also went to Rutters and said that it is immaculate and how busy it is. He mentioned the new staff and how fantastic each one of them are. He mentioned that the Town is working on the Pump Station and received a grant and loan from USDA for this project. He also mentioned that the Town received a grant for the water clarifier and will be applying for funding with MDE for the line on the mountain. He announced this year's Earth Day in Spring. Sabrina King the Town Clerk, will be representing the Town for the preparation for 4th of July 2026, 250th anniversary for the County.

Public Comments: *Eric Sloane, Emmitsburg MD*- He mentioned that he is having problems with his water pressure in the early morning.

Commissioner Ritz III told Mr. Sloane that Staff will contact him to look into this issue.

Administrative Business: (NONE)

Consent Agenda:

Motion: The Board of Commissioners unanimously accepted to appoint Melissa Mckenney to the Citizens Advisory Committee with a term of January 18, 2023 to January 18, 2025; Yeas – 4; Nays – 0; Absent – 1 (O'Donnell) The motion was adopted.

Treasurer's Report:

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

Planning Commission Report:

Commissioner Ritz III announced that they did not meet in November and were going to meet in December but the applicant was not ready. The next meeting will be January 30th, 2023.

II. Agenda Items

Agenda #1 – For consideration, approval of Bearing Construction change order for removal of trees on dam at the Silo Hill Basin. (A) Mandatory requirement from Frederick County Soil Conservation per MDE guidelines. Ms. Willets briefly reviewed the following documents in the agenda packet and explained that this is necessary to complete the project. She also mentioned if it is approved that the job would be completed in early Spring.

Motion: Commissioner Sweeney motioned to accept the approval of the stump removal in the amount of \$47,185.00; second by Commissioner Boehman-Pollitt. Yeas – 4; Nay – 0; Absent – 1 (O'Donnell). The motion was adopted.

Agenda #2 – For consideration, approval of agreement with Barton and Loguidice for Silo Hill Basin tree removal engineering services. (A) Part of the change order request that was not in the initial scope of work. Ms. Willets presented the agenda item and highlighted that it is a dam safety measure which also needs engineering services. She explained that they over-see the guidelines put forth from Frederick County and the State of Maryland. She said that it would also be included in the grant 100%. Ms. Willets explained that this is Barton and Loguidice who manages the Stormwater program and the MS4. She highlighted on page 37 that the company cannot exceed the limit of \$19,000.00 without additional approvals. *Motion:* Commissioner Davis motioned to approve the agreement with Barton and Loguidice for Silo Hill Basin tree removal engineering services of \$19,000.00; second by Commissioner Davis. Yeas – 4; Nays – 0; Nay – 1 (O'Donnell). The motion was approved.

Agenda #3- For consideration, approval of the HACH estimate for the ChemScan upgrade at the WWTP. (A) The Board previously approved a similar upgrade at the WTP. This was included as an asset project for the WWTP in the FY23 budget. Ms. Willets presented the agenda item and explained that HACH did extend their quote and so the price is still good in the amount of \$56,937.00. She went over key highlights of the ChemScan upgrade project. She explained that the WWTP would be able to monitor their numbers at real time. *Motion:* Commissioner Boehman-Pollitt motioned to accept the approval of the HACH estimate for the ChemScan upgrade at the WWTP in the amount of \$56,937.00; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1 (O'Donnell). The motion was adopted.

Agenda #4- For consideration, approval of Resolution 2023-01 bond reduction request for the Irishtown Road project. *As-builts were received in the Town Office on 11/29/2022 satisfying item #28. Ms. Willets presented the agenda item and referred to page 54 in the agenda packet to clarify that Geolab was one of the outside engineers that was utilized for this project. She said Geolab sent a letter on December 5th to the Town, noting that per Fox Associates estimate items 1 through 27 and 29 through 41 were completed. *Motion:* Commissioner Sweeney motioned to accept the approval of Resolution 2023-01 bond reduction request for the Irishtown Road project; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – 1 (O'Donnell). The motion was adopted.

Agenda #5- For approval, designation of the second tranche of the American Rescue Plan monies. Ms. Willets referred to the agenda packet and highlighted that, the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds Disbursement. She said the Town of Emmitsburg was awarded a total of \$3,152,038.92 and on 07/26/2021 the Town received the first tranche in the amount of \$1,575,429.33. She explained that the Board of Commissioners approved a designation of the monies to the water clarifier pump station projects at the 10/04/2021 Town meeting. On 08/10/2022 the Town received the second tranche in the amount of \$1,576,608.99 and behalf of the Mayor and staff, they recommended the second tranche be used for water infrastructure project such as the 16” main water line. She also highlighted the allowable usages, which can be found in the agenda packet. *Motion:* Commissioner Boehman-Pollitt motioned to accept the approval of designation of the second tranche of the American Rescue Plan monies; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent - 1 (O'Donnell). The motion was adopted.

Agenda #6- For consideration, approval of ordinance 2023-03 amendment to Title 16 changes to subdivision fees. (A) This Ordinance will amend subdivision, plan review and annexation, forest conservation procedures related to fees. This ordinance will amend subdivision, site plan, annexation and forest conservation procedures related to review fees. Ms. Willets explained that the Town pays out of pocket for all fees and does not see reimbursement except for engineer review fees. She gave a brief example from the previous development with the Frailey Farm project and how the Town was responsible for the legal fees associated. Ms. Willets read from the agenda packet explaining how the fees would be determined if approved.

Mayor Briggs expressed that there might be another annexation in the future. He feels that this is appropriate and does not want this to impact the Town. He expressed that the residents are the ones paying the fees and would like the developers to be responsible for those.

Motion: Commissioner Sweeney motioned to accept the approval of ordinance 2023-03 amendment to Title 16 changes to subdivision fees as presented; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent - 1 (O'Donnell). The motion was adopted.

Agenda #7- For consideration, approval of ordinance 2023-02 amendment to Title 17 changes to zoning fees. (A) This ordinance will amend the collection process for zoning fees. Ms. Willets explained that this is very similar to ordinance 2023-03. She highlighted and read from the ordinance of the new language. She explained that the Town already gets reimbursed for engineering fees.

Motion: Commissioner Boehman-Pollitt motioned to accept the approval of ordinance 2023-02 amendment to Title 17 changes to zoning fees; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent - 1 (O'Donnell). The motion was adopted.

Set Agenda Items for February 6th, 2023 Town Meeting

Consent Agenda: (1.) Appoint of Shelia Pittinger, an out of Town representative, to the Citizens Advisory Committee with a term of February 6, 2023 to February 6, 2025. (2.) Appoint of Amber Phillips to the Citizens Advisory Committee with a term of February 6, 2023 to February 6, 2025.

Agenda Items: (1.) FY22 Audit Presentation by Deleon and Stang. (2.) Discussion related to increases to water and sewer rates. (3.) For consideration, approval of the Amendment to Loan and Financing agreement for the extension of credit made to the Vigilant Hose Company of Emmitsburg as the successor by merger to the Emmitsburg volunteer Ambulance Co. (4.) For consideration, approval of engineering change order, amendment number 3, RK&K for the Creamery Road Pump Station replacement project.

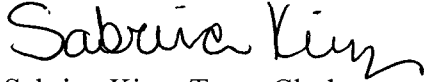
Motion: Commissioner Sweeney motioned to accept the February 6th, 2023 town meeting agenda as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0; Absent – 1 (O'Donnell). The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Davis motioned to adjourn the January 18th, 2023 town meeting at 8:29 p.m.; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0; Absent – 1 (O'Donnell). The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk

Minutes Approved On: