

**MINUTES
TOWN MEETING
FEBRUARY 5, 2024
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Frank Davis; Commissioners: Amy Boehman-Pollitt, President; Jim Hoover, Vice President; Valerie Turnquist, Treasurer, Timothy O'Donnell; and Clifford Sweeney. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Najila Ahsan, Town Planer; Jessica Housaman Recorder. *Others Present* – Deputy Honaker; Clark Adams, Town Attorney.

I. Call to Order

A quorum being present, Commissioner Boehman-Pollitt, President of the Board of Commissioners, called the February 5, 2024, 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 December 5, 2023 Town meeting minutes as presented; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Hoover motioned to accept the December 12, 2023 Town meeting minutes as modified; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Turnquist motioned to table the January 8, 2024 and January 22, 2024 Town meeting minutes. No second.

Commissioner Hoover motioned to accept the January 8, 2024 Town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 3; Nays – 2. (Boehman-Pollitt; Turnquist) The motion was accepted.

Commissioner Hoover motioned to accept the January 22, 2024 Town meeting minutes as presented; second by Commissioner O'Donnell. Yeas – 3; Nays – 2. (Boehman-Pollitt; Turnquist) The motion was accepted.

After a lengthy discussion it was decided that Commissioner Turnquist will write a set of minutes for February 05, 2024 on behalf of the Board of Commissioners. She will compare with staff at the next Town meeting on March 4, 2024.

Police Report:

Deputy Honaker presented the police report from January 2024 (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager, presented the Town Managers Report in December 2023. Ms. Willets highlighted key points in her report and noted at the time of the report that Rainbow Lake was 16.6 feet at the spillway level. She also reviewed the amount of water that was produced and consumption for the water and the amount of wastewater treated. Ms. Willets included (2) two noteworthy items; the LG Sonic was pulled from Rainbow Lake on December 21, 2023 and Conewago completed the pump station bypass (exhibit in the agenda packet).

Town Planners Report:

Najila Ahsan, Town Planner, presented the Town Planners Report from January 2024. Ms. Ahsan highlighted that she processed (1) one zoning permit and listed ongoing projects related to Federal Stone, Emmitsburg Distillery, Christ Community Church and MSMU E Wing Improvements. Ms. Ahsan briefly noted future meetings, grants and upcoming in-person Public Visioning Workshops (exhibit in agenda packet).

Ms. Ahsan stepped out at 7:45PM.

Ms. Ahsan returned at 7:48PM.

Commissioner Comments:

- Commissioner O'Donnell: He attended the County Executives budget listening session and noted those attending were County Commissioner Kemp, County Commissioner President Young and County Commissioner Mason Carter. Commissioner O'Donnell added that those representing the Town were himself and Mayor Davis. He announced the upcoming meeting for the Parks Committee meeting on February 13th at 7:30 PM. Commissioner O'Donnell was pleased to hear about the park inventory and hopes to present and share that information to the Parks Committee in the future. Lastly, he added that he was invited to Washington DC to REI to speak about the Emmitsburg trails to a group in the District of Columbia.
- Commissioner Turnquist: No comment.
- Commissioner Sweeney: No comment.
- Commissioner Hoover: He asked if staff could contact Allegany Power because there is a streetlight out on West Main Street.
- Commissioner Boehman-Pollitt: She announced that the Town has several committees that have openings and asked residents if they are interested to please contact the Town. She gave a shout out to Jess Housaman, front office coordinator for the number of postings on all social media outlets for the Town meetings and workshops. Commissioner Boehman-Pollitt said she was contacted by a resident of Southgate about the flooding at South Seton and Ave.

Mayor's Comments:

Mayor Davis thanked Kadeem Brim, Parking Code Enforcement Officer for his time here with the Town and announced that he is moving on to better things. He added that Kadeem had a hard position regaining the respect of the citizens and that he did an outstanding job. He announced that there will be more activity in Town for the next couple of months with the installation of the streetlights and parking meters. Mayor Davis noted the Town has multiple bid openings with future projects. Mayor Davis explained that the Town received another unfunded mandate from Maryland Department of Environment for the inspection of the spillway at Rainbow Lake which includes the Town hiring an engineer to do the inspection and fill those shortfalls for the DAM. Mayor Davis noted that he was able to meet with the County Executive and two of her senior staff and briefly spoke about Stormwater Management. Lastly, Mayor Davis mentioned how staff has put in a lot of hard work for the comprehensive plan and urged the community to get involved as this pertains to the future of the Town.

Public Comments:

Eric Sloane, Emmitsburg MD – He mentioned how the Town received new streetlights and parking meters and asked if the Town has put any thought into selling them. Mr. Sloane also asked about the future of the Town and if there would be a possibility of having an open meeting on a Saturday for people to speak their (4) four minutes.

Jack Weller, Emmitsburg MD – He commented on how Valero went out of business and is saddened by this. He also asked why Annandale Road was closed tonight.

Commissioner O'Donnell speculated that it was related to construction work that is being done on the road related to the recent flooding.

Mayor Davis also informed Mr. Weller that the Town did contact County Highway last week after the second flooding and mentioned the County brought concrete barricades. He was told they did that to prevent any future water rescues as people were still going past the wooden barriers. Mayor Davis added the County needs to bring in heavy equipment to remove those barricades and that is what is causing the delay with re-opening the road. Mayor Davis also mentioned how he spoke with the lead person with the roads department and was informed that they do know how to fix the problem, but Maryland Department of Environment will not give them permission. Mayor Davis said that it is a state issue and will be reaching out to the County Delegates and the State Senator to see what can be done.

Mr. Weller continued to comment on how Taneytown is having problems with their government. He said he hopes this doesn't happen in Emmitsburg and commented that it shouldn't take 30 minutes to approve minutes. Lastly, Mr. Weller asked if there was any logging for this year.

Staff answered no.

Don Sonn, Fairfield PA – Mr. Sonn asked if the Board could change the code to allow outside residents to be part of various committees.

Administrative Business:

- (A). First Item: Discussion related to advertising Town events and meetings. Commissioner Boehman-Pollitt noted that she was the one that requested this to be for discussion but no longer feels that it is needed. She acknowledges that the meetings and workshops are being posted on all social media outlets and thanked Jessica Housaman for doing that. Commissioner Boehman-Pollitt asked if there was a way the Town could create an event page on Facebook for meetings and workshops.

Consent Agenda:

1. For consideration, appointment of Dale Sharrer as a full member of the Planning Commission effective February 20, 2024. *Motion:* Commissioner Hoover motioned to approve Dale Sharrer as a full member of the Planning Commission effective February 20, 2024; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer's Report:

Commissioner Turnquist presented the Treasurer's Report for January 2024 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Turnquist presented the report. The Commission last met on February 28, 2024 and informed the Board they have elected new officers. She announced Kevin Hagan was elected as the chair, Patricia Galloway was elected as the new Vice Chair and Dan Garnitz will continue as the Secretary. Commissioner Turnquist also noted that the Planning Commission wants their own Rules of Procedure updated. She inquired if the updates would have to be approved by the Board.

Staff responded no. Commissioner O'Donnell added it is because they are an independent body.

II. Agenda Items

Agenda #1 – For consideration, move the home department of the following positions: (A) Office Coordinator from Dept. 40 (water) to Dept. 13 (financial). (B) Town Clerk from Dept. 50 (sewer) to Dept. 10 (legislative). (C) Town Manager from Dept. 50 (sewer) to Dept. 10 (legislative). Staff explained the breakdown of the chart that was provided for each position and the estimated amount that would be moved to the new department (exhibit in the agenda packet). Staff noted that the reason the Board must approve this change is because it affects more than (5) five percent of that department's budget. Commissioner Hoover reiterated that this was part of discussion at the last Town meeting and agreed that the three positions benefit packages and taxes should be moved to the appropriate departments. Staff informed the Board that this money will be taken out of the general fund and is going to roughly be \$97,000 less in the general fund come next fiscal year. *Motion:* Commissioner Hoover motioned to approve moving the three employees, as noted in the agenda, to include benefits, health insurance and taxes to move to their new home department; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #2 – For consideration, approval of the pump station dedication agreement with Rutters. Staff explained that this is the dedication agreement between the Town and Rutters. It was summarized that Rutters constructed a pump station at their location and was responsible for all the construction and maintenance up until this agreement was approved. Staff read noteworthy items from the dedication agreement (exhibit in the agenda

packet).

Commissioner Turnquist asked questions regarding the agreement. She asked if all new construction is done this way and then transferred back to the Town. She also referred to page (2) two of the dedication agreement, section (4) four “The Town shall be Entitled to collect all fees of any nature for the operation of the Facilities”, and if the Town receives any of those fees. Commissioner Turnquist asked if the language she referred to needs to be modified.

Staff informed the Board that this is the way the Town does all new construction, and the Town has not received any fees because there is nothing to be collected. Clark Adams, Town Attorney, answered Commissioner Turnquist regarding the modified language and informed the Board that there does not have to be a modification and this language means the facility is now incorporated within the larger system that the Town operates and bills for. *Motion*: Commissioner O’Donnell motioned to approve of the pump station dedication agreement with Rutters; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – For consideration, approval of three-year contract with EOS for maintenance of Silo Hill Stormwater Basin as required by MS-4 permit. Staff presented the EOS contract and explained the purpose of this is to ensure the maintenance of Silo Hill Basin is in place. Staff referred to the grant, IJJA DNR Grant from the Town Planners report that is dated November 15, 2023 is modified to a previous MOU to add extra funds towards maintenance of the Silo Hill Water Basin. The total being awarded through this grant is \$218,877.00 and includes up to \$38,580.00 for maintenance and will cover the Town for the next (3) three years. Staff added that this contract was drafted by EOS and was reviewed thoroughly by the Town Attorneys and noted for each year for the next (3) three-years will be taken out \$11,578 and asked that this be approved tonight as this a requirement for MS4.

Commissioner Hoover understands that the grant will cover up to the (3) three-years and acknowledged that the Town will re-apply for the grant but asked if the Town does not get awarded what fund would this money come from.

Staff explained the Storm Water Utility Fee will go into effect in July of this year and will be included in the water, sewer and trash bill and explained it has been on pause since last year. Staff added that this fee will be enough to fund one year’s worth of the Stormwater utility fee. With more clarification staff explained, the fee is collected from the amount of impervious surface that each property has, and it’s built into their water and sewer bill once it goes into effect. In conclusion, the money collected would have to be used towards Stormwater management practice. *Motion*: Commissioner Sweeney motioned to approve the three-year contract with EOS for maintenance of Silo Hill Stormwater Basin as required by MS-4 permit; seconded by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #4: For consideration, approval of the updated Rules of Procedure for Board of Commissioner meeting to include provisions for closed session and workshops. Mr. Adams briefly noted the Board should have a redlined version of the Rules and Procedure and a clean version behind it (exhibit in the agenda packet). He explained the main intent of the revision was to account for the addition of workshops and request to include information on the closed session under the open meetings act. Mr. Adams explained that he tried to make this document step by step and easy as possible to have meetings run smoothly. He noted that of those changes made were to Sections, 2.5, 3.4, 3, 3.7, 3.10, 4, 5, and Section 6.

Commissioner O’Donnell referred to a procedural question and asked if a script could be provided in the procedures moving from a Board of Commissioners meeting open session to a closed session and a script to end the closed session.

Commissioner Boehman-Pollitt asked if the Board must meet for another open meeting to announce the results of that closed session.

Mr. Adams responded that he could include the script for the Board. The Board does not have to meet in an open session. He added, the results of a closed session end up in the minutes. He reiterated that the minutes are just topics discussed, who was there and what actions taken.

Commissioner Hoover did not agree with the language related to, Section 3.6 where a Board member must leave the room if it is a public meeting, Section 5.3 that there should be a quorum for a workshop, Section 5.4 that minutes should be taken for a workshop, Section 5.7 it should be read “Shall may” and Section 3.11. Commissioner Hoover asked that the Board have the same book of Roberts Rules to follow.

Another question was asked, with the updated language in Section 3.10. Do they conflict with the Roberts Rules of Procedure. Mr. Clark answered they do not.

Motion: Commissioner O’Donnell motioned to table the agenda item #4 with the addition of giving direction to the Town attorney to further investigate and return to the Board with information related to abstention, recusals and scripted language related to closed sessions; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #5 – Discussion to allow 24-hour parking as it relates to Town Code 10.12.090. Commissioner Turnquist referred to when the Town was looking into replacing parking meters on Main Street and explained that she came across Code 10.12.090 and read the code in detail. She asked, since the parking meters were approved could the Board amend the ordinance related to parking. Commissioner Turnquist suggested they do not limit the parking on Main Street and if it can be aligned with the other streets in Town. Commissioner Turnquist added that the Board could strike out 10.12.090 since there are other codes related to parking limits.

Commissioner Sweeney raised concerns about the West end of Town rather than the East end because of the church and concerned that they will not have anywhere to park for services. He feels that having more than (2) two-hour parking could cause problems for churches.

Commissioner Hoover agreed that removing the (2) two-hour parking would not affect the Town residents. Commissioner Turnquist added that this was looked into in 2018, when there used to be (2) two-hour parking on two other streets. She feels that it would be equivalent to making all streets in Town the same. *Motion:* Commissioner Hoover motioned to direct staff to prepare an ordinance to change the (2) two-hour parking on West Main Street to be consistent with the rest of the Town for (48) hours; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The motion was adopted.

Set Agenda Items for February 12, 2024, Special Meeting

Agenda Items: (1.) For consideration, approval of the updated Rules of Procedure for Board of Commissioner meetings to include provisions for closed meetings, workshops, etc. (2.) For consideration, setting priorities for the Town. *Administrative Business:* (NONE) *Consent Items:* (NONE).

Motion: Commissioner O’Donnell motioned to accept the February 12, 2024, as presented, Town meeting agenda as presented; second by Commissioner Hoover Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for March 4, 2024, Town Meeting

Agenda Items: (1.) FY 23 audit presentation. (2.) For consideration, approval of bid for DePaul St. waterline. (3.) For consideration, approval of bid for three-year trash service contract. (4.) For consideration, approval of pre-fab restroom/concession stand building E. Eugene Myers Park. (5.) For consideration, approval of estimate for the backwash project at the WTP. (6.) For consideration, approval of the change order for the pump station project. **Administrative Business:** Presentation by Gary Castile on his proposed National Civil War Monument. **Consent Items:** (NONE).

Motion: Commissioner Hoover motioned to accept the March 4, 2024, Town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Motion: Commissioner O'Donnell motioned to amend the February 12, 2024, agenda to add a closed session pursuant to Maryland Code Annotated General Provisions 3-305(b)(1); second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Hoover motioned to adjourn the February 5, 2024, Town meeting at 9:03 p.m.; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk
Minutes Approved On: