

**MINUTES
TOWN MEETING
MARCH 4, 2024
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Frank Davis; Commissioners: Jim Hoover, Vice President; Valerie Turnquist, Treasurer, Timothy O'Donnell; and Clifford Sweeney. *Staff Present* - Cathy Willets, Town Manager; Kim Mondshour, Town Accountant; Sabrina King, Town Clerk; Jessica Housaman Recorder; Madeline Shaw, Grant Administrator via Zoom; *Others Present* – Deputy Honaker. Absent with prior approval, Commissioner Boehman-Pollitt; President.

I. Call to Order

A quorum being present, Commissioner Hoover, Vice President of the Board of Commissioners, called the March 4, 2024 Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner O'Donnell motioned to accept the February 5, 2024 and February 12, 2024 Town meeting minutes as presented; second by Commissioner Sweeney. Commissioner Turnquist had one item to discuss about the February 5, 2024 Town meeting minutes and asked to amend the last paragraph regarding the instructions of writing the set of minutes. The motion did not carry.

Commissioner O'Donnell motioned to accept the February 12, 2024 Town meeting minutes as presented; seconded by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was accepted.

Commissioner Turnquist motioned to accept the February 5, 2024 Town meeting minutes with addition of the Mayor's homework assignment to have all Commissioners take an agenda item and prepare a set of minutes for that agenda item. The motion did not carry.

Commissioner O'Donnell motioned to have staff review the February 5, 2024 Town meeting minutes to establish the timeline for the homework assignment and Commissioner Turnquist kind offer to do a sample of the minutes; seconded by Commissioner Turnquist. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was accepted. For clarification the minutes were tabled until the next Town meeting on April 1, 2024.

Police Report:

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

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from January 2024. 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 also reviewed the amount of water that was produced and consumption for the water and the amount of wastewater treated. Ms. Willets informed the Board of the new chart as requested for the well depths on pages 18 and 19. Ms. Willets also referenced noteworthy items (exhibit in the agenda packet).

Town Planners Report:

Ms. Willets presented the Town Planner's Report from March 2024. Ms. Willets highlighted that Ms. Ahsan processed (2) two zoning permits and listed ongoing projects related to Emmitsburg Distillery, and St. Joseph Church (exhibit in the agenda packet).

Grant Administrative Report:

Ms. Willets presented the Grants Administrative Report and noted grant #22-1 is complete (exhibit in the agenda packet).

Commissioner Comments:

- Commissioner O'Donnell: He noted that the Park's and Rec had a very productive meeting and added Town staff did repair the issues requested and appreciates it. Commissioner O'Donnell thanked staff for responding so quickly to the damages on Carrick Court. He attended the FCPL, which was for the Community Garden discussion, presented by Mr. Deatherage. He briefly explained the outcome of the meeting and how it was well attended. Commissioner O'Donnell asked staff about a composting facility and what is actually located on Creamery Road.

Staff explained that the Town only has a yard waste and recycling and noted the new developments that will be on Creamery Road.

- Commissioner Turnquist: No comment.
- Commissioner Sweeney: He wanted to announce that little league started practicing and the fields were all full. He asked that everyone be careful coming through due to children running across the street to the park.
- Commissioner Hoover: He is very thankful that Town staff and the Board voted for the new streetlights on Main Street and added they are better than the previous ones.
- Commissioner Boehman-Pollitt: Absent.

Mayor's Comments:

Mayor Davis reminded the Board that Town staff will begin a new schedule on March 11th with extended hours from 7AM to 5PM. He added that this is a (6) six-month trial basis and will be tracking any data on how this helps the residents. He will report back to the Council after those (6) six months. Mayor Davis announced that he was able to attend the Maryland Municipal League Mayor's conference in Annapolis. He explained that of 160 Mayors there were 106 that attended. He added that they were able to spend several hours at the state house as well as sitting on the Senate side, and noted how it was very interesting. Mayor Davis informed everyone that taxes may not increase this year but said fees would. He mentioned for every 100 jobs that are needed in Municipalities only 33 people are applying for those jobs. Mayor Davis expressed how some residents were concerned about cannabis shops opening around the Town and explained that it is difficult to do that due to the fees.

He added that during a work group with (8) eight other Mayors he found that he was the only (1) one that had (2) two separate accounts related to the enterprise fund for water and sewer. He said that he did speak with staff on exploring the option on having (1) one enterprise fund. Mayor Davis met with (3) three Mount St. Mary's alumnus who are interested in opening a "Roastery" which is making beans into coffee. He said they are hoping that they will be able to open a coffee shop in Town. Mayor Davis mentioned that he was able to connect them with the Chamber of Commerce of Frederick County Economic Development and Ms. Shaw, the Town's Grant Administrator. He asked everyone to keep the Turnquist and the Boehman-Pollitt families in their thoughts and prayers, as both families have suffered tragedies and sickness in their families.

Public Comments:

Eric Slone, Emmitsburg MD- Mr. Slone asked if the Town could extend availability for yard waste and recycling.

Administrative Business:

(A). First Item: Presentation by Gary Casteel on his proposed National Civil War Monument.

Mr. Casteel briefly gave insight on how he began sculpting and how he is based out of Gettysburg, PA. He also expressed his gratitude for the love of history and briefly noted that of all the wars that the United States has been involved in, they all have national monuments mostly in Washington DC, but one conflict that does not is the Civil War. Mr. Casteel then showed the Board his proposed monument he would like to do in the Town of

Emmitsburg Town Meeting
March 4, 2024 Minutes

Emmitsburg. He said that he would need at least (3) three acres for the site and explained that this could potentially bring in more jobs for Emmitsburg.

The Board asked Mr. Casteel the following questions, if he had a scope of work or proposal; if he was asking the Town to donate the property or would he purchase it; who would run the memorial site; and if there was any land that he was interested in?

Mr. Casteel responded that he does have a proposal and would be able to turn it into the Town. He mentioned he has funds that are flexible if he must purchase the land and/or would be okay with it being donated. Mr. Casteel would prefer the land be near the Mason Dixon line and close to route 15. He also added that the ones to run the site would be who owns the site, either the city, National Memorial Commission, an individual or whomever, but noted he has not gotten that far for it to be determined.

Commissioner Hoover recommended that Mr. Casteel get the proposal together and send it into the Town office, attention to the Mayor so he may review and consider.

Consent Agenda: NONE

Treasurer's Report:

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

Planning Commission Report:

No Report.

II. Agenda Items

Agenda #1 – FY 23 audit presentation. Michelle Mills introduced herself as the Engagement Principal with Deleon and Stang who oversees the annual audit, and Addie Blickenstaff the Audit Manager, who is responsible for the day-to-day interactions with the staff. Ms. Mills noted that the audit was completed in late December and tonight's presentation will be the audit dashboard which highlights some non-financial as well as financial highlights. Ms. Mills and Ms. Blickenstaff both took turns presenting the audit dashboard (exhibit attached). The Board did not have any questions.

Ms. Mills addressed the question per the Mayor regarding the separate Enterprise funds. She explained that while it would be appropriate for it to be combined, the Town of Emmitsburg is using the best practice. She added that you don't have to have an Enterprise fund but explained the intent of an Enterprise fund. She noted it is to be able to track and account for any related expenditures that are funded by user fees so that you have an idea as to whether you're making a profit or loss. Ms. Mills noted that it is much easier to have the funds separated. No further questions were asked.

Ms. Mills and Ms. Blickenstaff stepped down at 8:10 PM.
Ms. Willets and Ms. Mondshour took their seats at 8:11 PM.

Agenda #2 – For consideration, approval of bid for DePaul St. waterline. Commissioner Turnquist mentioned that the bid received was lower than the estimated cost. She asked staff if the Town will be using less of the grant or ARPA designated money and asked what the Town is going to do with the remaining money. Staff informed the Board there is a chart that shows the breakout of the ARPA and explained that the difference would come out of the ARPA funding. Ms. Willets noted that there are several projects in the works that would use all the ARPA funding. She also confirmed that the designation due date is December 31, 2024.

Commissioner Hoover asked if Fox Associates, the engineers, had any concerns related to the significant amount difference from 1.2 million to the amount that is proposed by W.F. Delauter & Son.

Emmitsburg Town Meeting
March 4, 2024 Minutes

Staff informed the Council that Fox Associates did review the bid from W.F. Delauter & Son and were satisfied with all the requirements and bid qualifications.

Commissioner Turnquist added she realizes the Town uses Fox Associates and RK&K engineering and asked if the Town has contracts with both to review all the Towns bids and serve as project managers on the projects.

Staff responded that Fox Associates was selected through a bidding process and does have a contract in place for this project. Ms. Willets also explained that RK&K is associated with other projects and has contracts in place with them to manage certain projects.

Commissioner Turnquist asked staff what the cost of service is for Fox Associates related to this project and where does the funding come from.

Staff did not have the answer of the cost for the engineering services but noted that the cost is included in the funding for the project and referred to page 36 for further breakdown. Ms. Willets added that this project is completely covered by grant and ARPA funding.

Staff clarified that the estimated cost for the entire project was 1.2 million dollars.

Commissioner O'Donnell did ask if there was a contingency built in if there was a change order.

Staff responded yes.

Motion: Commissioner O'Donnell motioned to accept the bid as presented with W.F. Delauter & Son Incorporated of Emmitsburg, MD in the amount of \$849,220.63; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

Agenda #3 – For consideration, approval of bid for three-year trash service contract. Commissioner Turnquist asked what the cost of the current contract was and what the increase is if any. She also asked if the trash services are billed to residents through the water bill or does it come out of the general fund as part of taxes.

Staff explained that the Town currently pays \$5.40 per unit for trash services and added that there is an increase to \$8.30 per unit, the yard waste and bulk trash stayed the same. Ms. Willets also answered that the bill is on the water, sewer, and trash bill, however trash is in the general fund, so all revenue and expenses are in the general fund for trash services.

In addition, there was little discussion related to the tipping fees which was explained that it is billed from Frederick County and the price varies and clarified that is also included in the water, sewer, and trash bill.

Motion: Commissioner O'Donnell motioned to accept the Republic Services from Frederick, MD in the sum of \$117,252.00 for a three-year contract for the trash removal for the Town of Emmitsburg; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – 1, Boehman-Pollitt. The motion was adopted.

Agenda #4 – For consideration, approval of pre-fab restroom/concession stand building E. Eugene Myers Park. Staff asked for (2) two separate motions based on the request from Fox Associates. Ms. Willets explained, based off the recommendation of the engineer's, they request to reject both bids from Warner Construction and Rockwell Construction as they based their bid from the Smith Midland Building, which was where the project was designed from. She also added that the Town can purchase the building through Sole Source (as permitted by Town Code) at \$217,124 which is about \$75,000 in savings and was also recommended by Fox Associates and referred to the recommendation letter on page 46.

Commissioner Hoover asked if this is allowed?

Emmitsburg Town Meeting
March 4, 2024 Minutes

Ms. Willets explained that the code does allow this, and staff did confirm with Leslie Powell, Town Attorney. She explained that it's because it is a sole source item, and the project was designed off this building and added that both contractors submitted the same building with an inflated price. Ms. Willets explained that Ms. Powell recommended to reject Warner Construction and Rockwell Construction bid and accept the estimate from Smith Midland for \$217,124.00. With further clarification Ms. Willets added that the Town would be purchasing the building from Smith Midland which includes the delivery, and the Town would then put another bid out for just the fieldwork. She went into further detail of the cost breakdown for each Warner and Rockwell Construction along with what it would cost the Town to do on their own.

Commissioner Turnquist continued with discussion related to the additional cost of electric and the waterline. Commissioner O'Donnell asked for clarification on what preparation has been done for the site and what needs to be done during construction.

Ms. Willets explained that the costs were included in the total amount estimated by the engineers when they applied for the grants. She added that everything is included related to the engineering, construction administration, electric, water and sewer in total is \$323,489.00. Ms. Willets also noted what has been completed versus what still needs to be done during the actual construction.

Commissioner Turnquist feels that it is premature to approve something when they don't know what the cost will be. She raised concerns about approving a building when the Town has not put an RFP out for the actual site cost. She also asked about the two grants in total \$210,000 and referred to the first grant the Town paid 25% of the total cost and asked is that the Town's match of the \$147,000. Commissioner Turnquist asked if that was approved in the FY24 budget review.

Ms. Willets explained that yes it was the Town's match, and it was approved during the FY22 or FY23 Capital project fund (2) two. With clarification this is a line item in the budget under Department 60, called Town Grant match in fund (2) two.

Commissioner Turnquist continued that \$210,000 will not cover the cost and asked where the additional money will come from. She is concerned that with her calculations the Town will be 100k short.

Ms. Willets explained that the Town is required to have the 25% match of the \$147,000. She also noted that with her calculation it would be around \$15,000.00 dollars short. Ms. Willets also reminded the Board that if the bid does come in under \$50,000.00, with three estimates, it will go the Mayor for approval per the code. She also read again the total cost and how the Town can receive additional money in the amount of \$ 35,000.00 in grant money from the state, that can be put in for this project.

Motion: Commissioner O'Donnell motioned to reject proposals from Warner Construction and Rockwell Construction related to the bathroom concession stand in the E. Eugene Myers Park; seconded by Commissioner Sweeney. Yeas – 3; Nays -1; Turnquist, Absent – 1; Boehman-Pollitt. The motion was adopted.

Motion: Commissioner O'Donnell motioned to purchase the bathroom concession stand structure from Smith Midland in the amount of \$217,124.00 and seek a re-bid for the site work to complete the project; seconded by Commissioner Sweeney. Yeas – 3; Nays – 1; Turnquist, Absent – 1; Boehman-Pollitt. The motion was adopted.

Agenda #5 – For consideration, approval of estimate for the backwash project at the WTP. After a little discussion, the Council asked if there was an engineer for this project. Staff noted that this project does not require an engineer. Control Systems 21 will provide all equipment and installation. Ms. Willets also noted that this project is fully funded through ARPA money and is a sole source project as permitted by Town Code.

Emmitsburg Town Meeting
March 4, 2024 Minutes

Motion: Commissioner Sweeney motioned to accept the recommendation by staff to approve the estimate in the amount of \$148,844.10; seconded by Commissioner O'Donnell. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

Agenda #6 – For consideration, approval of Change Order #2 for the Creamery Road Pump Station Project.
Staff briefly explained why the Town needs a Change Order for the Creamery Road Pump Station and clarified that the concrete that was found is believed to be an old wet well installed during the construction for the current/old pump station. Ms. Willets noted that this was not on any plans. It was also noted that the wet well has to be stabilized and filled with a permeable substance before it can be removed. *Motion:* Commissioner Sweeney motioned to accept approval of Change Order #2 in the amount of \$112,674.14 for the Creamery Road Pump Station Project; seconded by Commissioner O'Donnell. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

Set Agenda Items for April 1, 2024 Town Meeting

Administrative Business: (1.) For consideration, Proclamation declaring April 2024 Child Abuse Prevention Month. (2.) For consideration, Proclamation declaring April 20, 2024 Earth Day in the Town of Emmitsburg. (3.) For consideration, Proclamation declaring April Fair Housing Month. **Consent Items: (NONE)** **Agenda Items:** (1.) Approval of water treatment plant clarifier construction bid for consideration. (2.) Approval of bid for engineering services for Emmitsburg Dam inspection as required by MDE for consideration. (3.) Approval of FY2023 budget transfers for consideration. (4.) Approval of ordinance 24-01 to amend Title 10 vehicles allowing 48 hour parking on East and West Main Street for consideration. (5.) Approval of ordinance 24-02 to amend Title 10 to remove the red citation box from the square for consideration. (6.) Approval of Policy 24-01 – parking meter fees for consideration. (a.) This would increase parking meter fees to 25 cents per 30 minutes. 50 cents per hour.

Motion: Commissioner O'Donnell motioned to accept the April 1, 2024 Town meeting agenda as presented; second by Commissioner Turnquist. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

Set Agenda Items for March 18, 2024 Town Meeting Workshop

Administrative Business: (NONE) **Consent Items: (NONE)** **Agenda Items:** (1.) Discussion and review of water rates. (2.) Discussion and review of water compacity.

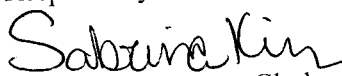
Motion: Commissioner O'Donnell motioned to accept the March 18, 2024 Town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner O'Donnell motioned to adjourn the March 4, 2024 Town meeting at 8:59 p.m.; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Absent – 1; Boehman-Pollitt. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk

Minutes Approved On: