

MEETING MINUTES
MARCH 1, 2021
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Amy Naill, Code Enforcement Officer; Cole Tabler, Town Accountant; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 1, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. The February 1, 2021 and February 15, 2021 town meetings were canceled due to inclement weather.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the January 11, 2021 town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police reports from January and February 2021 (exhibits attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from December 2020 and January 2021 (exhibits in agenda packet). For the January 2021 report, the contractor relined sewer lines from Frailey Road thru West North Alley to West Lincoln Avenue. Staff has seen a reduction of sanitary sewer overflows since several sewer lines have been relined.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from December 2020 and January 2021 (exhibits in agenda packet).

Commissioner Comments:

- Commissioner Davis: He requested the Mayor host a staff member from Frederick County Parks and Rec on his weekly YouTube recording to discuss the new County park being constructed outside of Emmitsburg.
- Commissioner Burns: He expressed his support for the new County park and would like to see the Town reach out to representatives to get additional funding for Emmitsburg Elementary School.
- Commissioner Ritz III: He encouraged everyone to follow the friendly neighbor example of Terry Shern.
- Commissioner Sweeney: He thanked town staff for their work with snow removal over the winter.
- Commissioner O'Donnell: He would like to have the town connected with sidewalks to the new County park and to Mount St. Mary's university. He would like to rehab the red multi-user trail that was damaged during logging operations and begin plans to construct a new multi-user trail.

Mayor's Comments:

Mayor Briggs attended numerous meetings in February 2021 (meetings listed in agenda packet). Mayor Briggs attended a conference call with the County Executive and Mayors on COVID-19 and a disc golf tournament at the that benefited the Emmitsburg Food Bank. He also hosted President Trainor from Mount Saint Mary's University on his weekly COVID-19 update on YouTube among other meetings.

Public Comments:

Bruce Dean, 31 West Patrick Street, Suite 130 Frederick MD 21701 – Mr. Dean is an attorney representing Dan Reaver and his Emmitsburg East Industrial Park property at 100 Creamery Court. He is requesting an April agenda item on the sewer services provided to the industrial park property. *Dan Reaver, 100 Creamery Court* – Mr. Reaver is the managing member of the Emmitsburg East Industrial Park and supports Mr. Dean's comments.

Administrative Business:

- (A). **Proclamation honoring Keith Suerdieck for his service on various committees:** Mayor Briggs presented Keith Suerdieck with a proclamation thanking Mr. Suerdieck for his 10 years of service on various town committees. Each commissioner took turns thanking Mr. Suerdieck for his service and wishing him luck on retirement.
- (B). **Filing of the 2020 Annual and 5-Year Mid-Cycle Planning Commission Reports:** Mr. Gulden presented the item. The Planning Commission Report states the actions of the Planning Commission for the prior year. The 5-Year Mid-Cycle Report is required by the State. The reports have been approved by the Planning Commission but the Board needs to acknowledge receipt before the reports can be filed. The Board gave unanimous consent for the filing of the 2020 reports.
- (C). **Update on infrastructure projects:** Ms. Willets presented the item. The three main infrastructure projects the Town is currently working on are the construction of a new water clarifier for the Water Treatment Plant on Crystal Fountain Road, the replacement of the Creamery Road Pump Station and the waterline replacement of North Seton Avenue and DePaul Street. The clarifier project's goal is to improve raw water quality flowing to the plant and reduce damage to the plants equipment. The estimated project cost is \$1.4 million of which Senator Hough has secured \$1 million in governor capital budget funding (available June 1, 2021) and the Town will cover the remaining \$400,000. RK&K is the project engineer and project completion is anticipated in July 2022. The goal of the Creamery Road pump station replacement project is to reduce sanitary sewer overflows by replacing the existing 1964 pump station. The estimated project cost is \$3.6 million of which the USDA is providing a \$833,000 grant, a \$1.9 million loan and the Town's required contributions are \$807,000. The project is currently in the design phase with RK&K engineering and construction is anticipated to begin by the end of 2021. The North Seton Avenue and DePaul Street waterline replacement project's goal is to replace aging lines and increase flow. Currently McCrone engineering is working on the Preliminary Engineering Report and Environmental Report for about \$25,000. MDE denied prior funding requests but the Town is hoping to resubmit for the replacement project as a whole and obtain USDA funding too; however, the USDA has informed the Town funding cannot be provided until water rates are raised to support the infrastructure improvements. Town staff is working on a bid to hire a contractor to complete a water, sewer and tap fee study and give rate recommendations.
- (D). **Approval of the town to use Zoom only for town meetings if the need arises:** Ms. Willets presented the item. Town staff is requesting the ability to use Zoom only (a teleconferencing platform) for town meetings when the need arises such as during inclement weather and emergency situations. The Town plans to continue using both channel 99 and Zoom unless specified otherwise. The Mayor would like to keep town meetings virtual until June 2021. The Board gave unanimous consent for the admin item.

Consent Agenda:

The Board gave unanimous consent for the appoint of Glenn Blanchard to the Planning Commission for a term of March 1, 2021 to March 1, 2026. The Board gave unanimous consent for the appoint Deborah Hobbs to the Ethics Commission; there is no term limits for Ethic Commission members. The Board gave unanimous consent for the re-appoint of Carolyn Miller and Martin Miller to the Parks and Recreation Committee for a term of March 15, 2021 to March 15, 2023.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for February 2021 (exhibit in agenda packet). The operating balance forward is \$5,529,370. *Motion:* Commissioner Ritz III motioned to accept the report as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Planning Commission Report:

Commissioner Ritz III presented the report. The last meeting was January 25, 2021 where the 2020 Annual Report and 5-Year Mid-Cycle Planning Commission Report were approved and the Commission was reorganized to Mark Long as Chairperson, Joyce Rosensteel as Vice Chairperson and Glenn Blanchard as Secretary.

II. Agenda Items

Agenda #1 - Audit presentation by Michele Mills: Michele Mills, Public Accountant, and Addie Blickenstaff, Senior Auditors, with DeLeon and Stang presented the agenda item. The fiscal year 2020 audit is complete and there were no significant problems identified. No new accounting policies were adopted, no transactions were entered into by the Town which lacked authoritative consensus, no problems were encountered with town staff/management, and no material weakness in internal controls were identified. 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 - FY20 budget transfers to the Capital Fund for consideration: Ms. Willets stated the fiscal year 2020 general fund closed with \$180,174 excess funds that need to be transferred. Mayor Briggs and town staff recommend transferring \$174,357 to the capital projects fund for the following projects (to name a few): upgrade the town meeting room cameras, storm water impact fee study, future town vehicles, pool chairs/tables/umbrellas, tennis court resurfacing, installing new swings in Memorial Park and dead ash tree removal in Community Park. The remaining \$5,817 would be transferred to the general fund, public safety (dept. 22) for COVID-19 related expenses. *Motion:* Commissioner Burns motioned to accept the fiscal year 2020 budget transfers as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 - FY21 budget overview: Mr. Tabler presented the status update on the fiscal year (FY) 2021 budget from July 2020 to December 2020. For the general fund, approximately 71% of budgeted revenues have been booked. General fund expenses are on budget of approximately 50% remaining for the fiscal year. The General fund department expenses, actual versus budget, are in the anticipated mid-year range. For the water fund, lower water usage by some of the Town's larger accounts due to COVID-19 has resulted in decreased revenue. For water fund expenses, 58% of the remaining fiscal year's budget is available. For the sewer fund, there is a decrease in revenue due to decreased usage by some of the Town's larger accounts. For water fund expenses, 60% of the remaining fiscal year's budget is available.

Agenda #4 - Approval of bid to construct two small picnic pavilions in E. Eugene Myers Community Park for consideration: Ms. Willets presented the agenda item. The proposed project will install two small picnic pavilions, one ADA compliant, in the southern part of Community Park. The bid was published on January 13, 2021 with a due date of February 11, 2021. \$30,750 of the project will be funded via a FY21 Program Open Space grant and \$10,250 will be funded via the Town. Five bids were received. Town staff recommends Green Sites, LLC for \$40,507 to include the optional connecting sidewalks. The project will be completed by May 15, 2021. *Motion:* Commissioner Burns motioned to approve Green Sites LLC for \$40,507 for the construction of two small picnic pavilions in Community Park; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of bid to renovate the E. Eugene Myers Community Park band stand for consideration: Ms. Willets presented the agenda item. The project is funded by a Program Open Space grant and would renovate the existing band stand by demoing the existing walls, enclosing the back of the band stand, updating the electrical, painting and adding culture stone to the back wall. The bid was first published in November 23, 2020 with a due date of January 5, 2021 but not enough bids were received, so the project was re-bid on January 27, 2021 with a due date of February 22, 2021. Three bids were received. Town staff recommends M.I. Tech Construction for \$22,270 to include an optional LED light. *Motion:* Commissioner Sweeney motioned to approve M.I. Tech Construction for the renovation of the band stand for \$22,270 to include the optional LED light; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #6 - Forward Ordinance 21-03 (zoning classification change WWTP parcels) to the Planning Commission for recommendation and set public hearing and final vote for April 5, 2021 for consideration: Mr. Gulden presented the agenda item. Maryland law requires the Town obtain Frederick County Council approval before changing the zoning classification of the newly annexed wastewater treatment plant (WWTP) from agriculture to institutional if the zoning classification change is attempted within five years of the property being annexed. The Frederick County Council approved the classification change and the next step is to forward to the

Planning Commission for review before the Board has a final vote and public hearing at the April 5, 2021 town meeting. *Motion:* Commissioner Burns motioned to forward Ordinance 21-03 as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #7 - For consideration, amendment #1 proposal for storm water management plan at the new creamery road pump station request for compensation for additional services outside the scope of the original contract: Mr. Gulden presented the agenda item. Town staff is seeking an amendment to the existing RK&K engineering contract for the pump station replacement project to include a storm water management plan for \$32,945. Town staff had attempted to obtain a waiver from Frederick County for the plan; however, the waiver was denied due to the flood zones proximity to the construction site. A storm water management plan is now required for the project per Frederick County. *Motion:* Commissioner Sweeney motioned to accept the amendment as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Set Agenda Items for April 5, 2021 Virtual Town Meeting at 7:30 p.m.

1. Approval of the North Seton Avenue Green Street Conceptual Plan for consideration.
2. Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration.
3. Approval of Ordinance 21-02 vendor license updates for consideration.
4. For consideration, approval of RK&K engineering contract for water clarifier.
5. Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration.
6. Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration.

Administrative Business:

- A. Proclamation declaring April 2021 as child abuse prevention month.

Set Agenda Items for April 19, 2021 Virtual Town Meeting at 7:30 p.m.

1. Initial presentation of FY2022 budget.
2. For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump.

Motion: Commissioner Ritz III motioned to accept the April 5, 2021 agenda as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Motion: Commissioner Sweeney motioned to accept the April 19, 2021 agenda as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the March 1, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The meeting adjourned at 9:51 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: April 5, 2021