

**MEETING MINUTES
TOWN MEETING
MARCH 7, 2022
TOWN OFFICE – 300A SOUTH SETON AVENUE**

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; Julie Scott, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 7, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session following adjournment of the March 7, 2022 town meeting for the purpose of consulting with staff, consultants, or other individuals to discuss the proposed employment of the candidate for the water and sewer trainee position as permitted by the General Provisions Article, Section 3-305(b)(1), Annotated Code of Maryland which authorizes Boards to meet in closed session to discuss employment. The Board will not be meeting in another open session after the closed session has ended.

Approval of Minutes

Motion: Commissioner Ritz motioned to accept the February 7, 2022 town meeting minutes as presented; second by Commissioner Davis. Yeas - 5; Nays - 0. The motion was adopted.

Police Report:

The deputies were not in attendance and will present this month's report at the next Town Meeting. Cathy Willets, Town Manager, presented an item that was reported to the Town by the deputies. Sometime during the weekend of March 5-6, 2022, there was extensive vandalism at the ballfields which will be costly to repair. Pictures of the damage will be posted on Facebook and anyone with information is encouraged to report it to the deputies or the Town Office.

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from January 2022 (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from January 2022 (exhibit in agenda packet). All ADA ramp installations have been completed, but there may be some temporary street closures for line painting. Oliver Homes is considering the purchase of the remaining 5 lots in the Southgate development. It was confirmed that the Town qualifies for the Community Development Block Grant and we have applied for additional funding through the Main Street Grant. The Mason Dixon Logistics Park located in the area in front of Rutter's was originally planned to be single family homes, but the developer is now considering an industrial park. The Maryland Department of Transportation (MDOT) would determine the need for rezoning, road improvements, and traffic signals in any area of development.

Commissioner Comments:

- Commissioner Ritz III: He thanked the local media and citizens for attending. He is working on reserving the bandstand for an upcoming Frederick County Public Schools band concert. He suggested looking into the Broadband Equity Access and Development (BEAD) Program for possible funding to address the lack of broadband and internet in some areas outside of town limits, such as Hampton Valley Road.

- Commissioner Davis: He thanked Maddy Shaw, Grants Administrator, for researching grants for the Parks. He is working on the addition of a children's reading trail similar to the ones in Carroll Valley and Walkersville and asked that anyone with more information about these to contact Ms. Shaw or himself.
- Commissioner Burns: He encouraged everyone to be extra cautious of pedestrians, cyclists, and increased outdoor activity with warmer Spring weather on the way soon.
- Commissioner Sweeney: He encouraged the public to attend the Community Day meeting on Monday, March 21, 2022 at 7:00 pm at the Knights of Columbus Building on West Main Street. He invited everyone to the two upcoming fundraisers that will be held at the Emmitsburg Fire Company to raise money for the Community Day fireworks and activities. He advised that the Veteran's Day banners will be displayed throughout Town this month.
- Commissioner O'Donnell: He attended the Maryland Municipal League (MML) meeting for the Frederick County group where speed cameras in communities were discussed. He voted on behalf of the Town in support of future MML branch consideration of a state program where an individual instead of an officer would be designated to certify speeding tickets. He spoke with former Frederick County Planner, Eric Soder, who offered to meet with individual Commissioners regarding town growth and school capacity. Turkey Trot t-shirts have been partially distributed and he thanked the other Commissioners for their help with this process. He mentioned increased interest in another running event on Community Day. He sends his condolences to the Olander family regarding the passing of Kenny Olander, local resident, Frederick County Sheriff's deputy, and avid cyclist. He also received positive feedback from Federal Stone and thanked Mr. Gulden for his work with them.

Mayor's Comments:

Mayor Briggs attended numerous meetings and events in February 2022 (meetings listed in agenda packet). Mayor Briggs had meetings with the Maryland Commission on African American History Culture, the Sustainable Maryland Executive Committee, and the Frederick Community Foundation where he interviewed Eric Devereux of Devereux Consulting regarding town progress and growth. He also met with the Wayside Exhibit consultants regarding the sign for St. Euphemia's School. He attended the Mount St. Mary's Alumni College of Liberal Arts Symposium and Santa Fe Classics Symposium. He hosted two podcasts, one with County Executive Jan Gardner, and the other with Conrad Weaver, who provided perspective on the people living in Ukraine. In addition, Mayor Briggs attended the Grand Opening of the new Tuscany Restaurant located in the former Stavros Pizza location where he welcomed this new business to the community. Mayor Briggs also mentioned current mail delays and advised that the Town Office will work with those who receive their water bills late.

Public Comments:

None.

Administrative Business:

- (A). **Update on 507 East Main Street being deemed a dangerous and hazardous building:** Mr. Gulden presented the item. This building has fallen into disrepair since the owner passed away a few years ago. After several failed attempts to contact the current property owner, the Town obtained an Administrative search warrant to inspect the property. Based on the inspections conducted by structural engineers from ADTEK and mold specialists from Top to Bottom Services, the building was deemed to be safe, not in danger of collapse, and habitable after some minor repairs. The Frederick County Fire Marshall and Building Inspectors were contacted, but refrained from comment due to legal concerns. Mr. Gulden advised that the Town is working on fixing the lot and will continue trying to reach the property owner. The Board suggested to change our course of action to let the property owners know there are parties interested in purchasing this property and they agreed to revisit this item again at a later date.

Consent Agenda:

Mayor Briggs presented the proposed changes to the Board of Appeals members and the term dates for the newly appointed members was clarified. Levi Essess no longer meets the residency requirements to serve as the alternate on the Board of Appeals. The Mayor recommends Scott Frager as a regular member of the Board of Appeals. The replacement for the alternate has not yet been selected; therefore, this item was postponed until the next Town Meeting. *Motion:* Commissioner Sweeney motioned to accept the resignation of Levi Essess as an alternate to the Board of Appeals effective January 12, 2022; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted. *Motion:* Commissioner Davis motioned to appoint Scott Frager as a regular member of the Board of Appeals with a term of March 7, 2022 through February 17, 2023; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer’s Report:

Commissioner Burns presented the Treasurer’s Report for February 2022 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on February 28, 2022 where the final subdivision plat and forest conservation plan for the Emmitsburg East Industrial Park II as well as the corrected improvement plat and site plan for Village Liquors and Plaza Inn were conditionally approved. The Town anticipates Village Liquors and Plaza Inn will break ground soon, pending town permits and obtaining their tax identification number from the county.

II. Agenda Items

Agenda # 1 – Stormwater Utility Feasibility Study presentation and final recommendation: Michelle Kokolis, Program Manager with the Environmental Finance Center (EFC) at the University of Maryland gave a power point presentation on the item. Commissioner O’Donnell requested a hard copy of the power point for future reference. Ms. Kokolis explained how the EFC works with communities and provided an overview of current stormwater regulations, MS4 permits, minimum control measures (MCM), and best management practices (BMP). She presented their study results on Emmitsburg’s existing and future stormwater needs, including funding scenarios, financing strategies, and rate structures. She explained cost determinations, the tiered rate system based on Equivalent Residential Unit (ERU), and provided averages of current stormwater utility fees charged in other areas. Estimated revenue projections and allocations to meet the terms of the permit were also presented. Mr. Gulden pointed out that the findings of this study was to help the Town determine the best course of action for implementing stormwater fees and this fee would be added to the quarterly water bills as a separate line item, pending Board approval. The Board discussed the significant burden this state requirement has on smaller municipalities as well as the impact an additional utility fee would have on Town citizens. Mr. Gulden clarified that this is not a Rain tax and the stormwater fee can be adjusted at any time. During this meeting, Town staff is seeking a recommendation from the Board to consider approving at a later date the implementation of a 3-tier stormwater fee with the base rate of \$47 per ERU per year for every property in town to cover the costs of the larger projects that need to be completed as required for the MS4 permit. The Board advised that they need the results from the upcoming water and sewer rate study before they can determine how to move forward with this fee. Mr. Gulden advised that if the Board provides a favorable review, the Town can start working on stage 2-implementation which is about a one-year process. Ms. Willets stated that the Town is proposing this stormwater fee for FY2023 with the purpose of this discussion to obtain feedback and set a proposed fee with adjustments and implementation to be revisited at a later date. *Motion:* Commissioner Sweeney motioned to accept the recommendation for the storm water utility base rate to start at the highest tier of \$47 per ERU per year with implementation to be brought back at a further date; second by Commissioner O’Donnell. Yeas – 2; Nays – 3. The motion was rejected. After this motion was rejected, the Board further discussed the cost for the larger MS4 projects and the impact of the different base rates on Town citizens given the state of the current economy and the possibility of a water and sewer utility rate increase. Ms. Willets advised that the most current increase was implemented for water rates in 2012 and sewer rates in 2015. The Board also discussed the stormwater rates of areas around Emmitsburg and the reason that some areas do not charge this fee. Mr. Gulden and Ms. Kokolis explained that all municipalities will have to pay a

stormwater fee at some point to cover the expense of the MS4 permit and state requirements. The Board stressed that fixing water delivery and sewer issues within the Town is a priority. No one on the Board expressed interest in voting on the next lowest tier of \$32 per ERU per year. *Motion:* Commissioner Sweeney motioned to accept the recommendation for the storm water utility base rate to start at the lowest tier of \$20 per ERU per year with implementation to be brought back at a further date; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda # 2 – Approval of bid for the purchase and installation of advanced license plate readers for consideration:~~ (POSTPONED) Ms. Willets advised that this item is requested to be postponed by the Mayor and staff as it needs to be put back out to bid. This item will come back to the Board at the next Town meeting with recommendations based on the new bids. Ms. Willets explained that the Town is required to follow the Maryland Commission retention policies regarding advanced license plate readers and access to this information is limited to law enforcement; therefore, this information cannot be obtained by the public through the Town and those requests would have to be placed with the deputies. She will confirm the specific retention time frame and present this information at the next Town meeting.

Agenda # 3 - Approval of the design of the new town sign for consideration: Mr. Gulden presented the item. The Board previously approved the purchase of the sign in the amount of \$55,000. The Town recommends the design provided by Strickler who is the contractor being considered for this project, but the Town is still waiting for one more bid. The new sign will replace the existing sign currently in front of the Town Office building to display digital messages and important alerts. The location and specifications, including sign code requirements, were discussed. The Board requested that the sign include screen protectors given the recent vandalism incident. *Motion:* Commissioner Davis motioned to approve the design of the new town sign; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda # 4 - Approval of bid to pave gravel area in Memorial Park for consideration: This item was revisited from last month's meeting. The Board previously approved HMF Paving for the project; however, that contractor has withdrawn their bid. This is a grant-funded project. The new bid was re-opened on January 31, 2022 and was posted on the website, Facebook, and eMarketplace. After review of the new bids, Town staff recommend Frederick County Paving in the amount of \$49,850.00. The Town has worked with this contractor in the past and were satisfied with their work. *Motion:* Commissioner Davis motioned to approve Frederick County Paving's bid for \$14,325; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for April 4, 2022 Town Meeting

Administrative Business: (A.) Proclamation declaring April 2022 Child Abuse Prevention month. (B.) Proclamation declaring April 16, 2022 as Arbor Day. (C.) Designation of two Open Meetings Act representatives for consideration. **Consent Items:** (I.) Appoint _____ as an alternate to the Board of Appeals with a term of April 4, 2022 through January 11, 2024. **Agenda Items:** (1.) Zoning map amendment public hearing and consideration for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels “C”, “D” & “E” of Brookfield recorded in Plat Book No. 58, Page 40. (2.) Approval of the abandonment of a sewer easement located at the Emmitsburg East Industrial Park II property for consideration. (3.) Town of Emmitsburg participation in the Maryland Low Income Household Water Assistance Program (LIHWAP) for consideration. (4.) Approval of bid for the purchase and installation of advanced license plate readers for consideration.

Further discussion occurred on Administrative Business item (C.) Designation of two Open Meetings Act representatives for consideration. Ms. Willets clarified the requirements regarding Open Meeting Act representatives. She recommends designating one person from the Town staff and one Board Member as the Open Meeting Act representatives at the next Town Meeting. **Motion:** Commissioner Sweeney motioned to approve the April 4, 2022 town meeting agenda as presented; second by Commissioner Burns. Yes – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the March 7, 2022 town meeting at 9:25 p.m. for a closed Executive session to discuss the proposed employment of the candidate for the water and sewer trainee position as permitted by the General Provisions Article, Section 3-305(b)(1). The reason for a closed session discussion of this topic is to discuss employment. The Board will not be meeting in another open session after the closed session has ended; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted. The Board took a brief recess prior to the start of the closed session.

Respectfully submitted,



Julie Scott, Town Clerk
Minutes Approved On: April 4, 2022

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
MARCH 7, 2022**

Time Closed Session Began: 9:35 p.m.

Place of Closed Session: Emmitsburg Town Office 300A South Seton Avenue Emmitsburg MD 21727.

Purpose: To consult with staff, consultants, or other individuals about the proposed employment of the candidate for the water and sewer trainee position.

Members Who Voted to Meet in Closed Session: Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns.

Persons Attending Closed Session: Mayor Donald Briggs; Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns. Staff Present: Cathy Willets, Town Manager; Julie Scott, Town Clerk; and Amy Naill, Parking and Code Enforcement.

Authority Under § 3-305 for the Closed Session: Section 3-305(b)(1), consult with staff, consultants, or other individuals to discuss employment.

Topics Actually Discussed: The response to the employment advertisement for the water and sewer trainee position, including the number of applicants who applied and interviewed for the position as well as the qualifications and results of the reference check for the selected candidate.

Actions Taken: The Board approved the hiring of Warren Harley as the water and sewer trainee at the rate of \$19.83/hour with the eligibility for increase after 90 days.

Time Closed Session Ended: 9:41 p.m.