

**MINUTES
TOWN MEETING
OCTOBER 3, 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; Frank Davis; and newly elected Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Amy Naill, Code Enforcement; Cole Tabler, Town Accountant, and Sabrina King, Recording Secretary and Town Clerk. *Others Present* – Deputy Jason Ahalt.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the October 3, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the September 12, 2022 town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Police Report:

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

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from August 2022 (exhibit in agenda packet). Ms. Willets highlighted key points in her report. The contractor repaired section of streetlights on East Main St from Federal Ave. to Creamery Rd. Commissioner O'Donnell asked about the door hangers for water shut offs if they are successful, which Ms. Willets replied that they are and the Town only had two properties on the shut off list.

Grant Administrative Report:

Ms. Willets, Town Manager, presented Ms. Shaw's Grants Administrator Report. Key highlights are: USDA New Public Works Equipment is almost complete just waiting on the last piece of equipment which should arrive by November 10, 2022. For the Advanced License Plate Reader, the equipment has been installed and only waiting on the network connections.

Town Planners Report:

Ms. Willets, Town Manager, presented the Town Planners Report from August 2022 (exhibit in agenda packet). She presented key highlights from the Board of Appeals. Staff received a variance application for 277 DePaul Street. For the planning commission Mr. Gulden has worked on Christ Community Church, 500 East Main Street Right-of-Way, Village Liquors, Emmitsburg East Industrial II projects. He began working with MD Department of Planning on the next steps to start the 2025 comprehensive plan update.

Commissioner Comments:

- Commissioner Ritz III: Would like to congratulate Commissioner Davis on his re-election and Commissioner-elect Amy Boehman-Pollitt for her. He attended the first meeting of the newly formed Emmitsburg Business Alliance. He attended the 100th year anniversary of the Emmitsburg Community.
- Commissioner Davis: Also attended the Anniversary celebration and he wanted to give a big thank you to Dan Fissel who retired and will be missed. He gave his thoughts and prayers to the Boyle family. Mr. Boyle was a long-time resident and business man.
- Commissioner Sweeney: Reminder that Halloween and the parade is approaching, on Monday, October 31st. Trick or Treating will be from 5:30 pm to 6:45 pm.
- Commissioner O'Donnell: Also attended the High School Anniversary 100th Anniversary. Reminder that Turkey Trot is on Thanksgiving. He has not found a sponsor in the community and welcomes any to step forward.

- **Commissioner Burns:** Start off by saying congratulations to Commissioner Davis and Commissioner Elect Boehman-Pollitt. Also a thank you to his fellow Commissioners, Mayor, Town Staff, and all the residents in Emmitsburg who has supported him over the years.

TJ Burns steps out after the Commissioners Comments at 7:56 p.m.

Mayor's Comments:

Mayor Briggs attended numerous meetings in September 2022 (meetings listed in agenda packet) The Mayor welcomed Commissioner Elect Amy Boehman-Pollitt and congratulated Commissioner Davis on his re-election. The Mayor had his podcast with Ron Siarnicki the Executive Director of the National Fallen Firefighters Foundation. The Mayor had another podcast with guest Reverend Timothy S. May, the Frederick County Volunteer Firefighters' Chaplain. He attended the MML dinner-meetings where the Town received a \$100,000 LPPI FY2022 Grant. He gave his thanks to Dan Fissel and his years of serving with the town.

Public Comments: *Dr. Samuel Christian, Julian Murray and Gregory McCullers, National Association of Black Veterans of Western, MD-* All voiced an opinion on the Dough Boy statue by asking that the Colored Soldiers be combined with the rest of the soldiers that served during that time. In conclusion all speakers agreed that all soldiers be unified as one and not separated. There will be a future meeting to discuss in more detail. *Eric Sloane, Emmitsburg MD-* Mr. Sloane expressed his concerns of how he has had many code complaints and asked that if someone calls in about his property that they would have a form with that persons contact information so they know who is complaining. He also voiced concerned of the speeding outside of his house across from the Dollar General. *Ray Buchheister, Emmitsburg, Welty Ave-* He gave his congratulations to the newly elect Commissioner Boehman-Pollitt and Commissioner Davis on being re-elected. He asked about a follow up on the painted lines on Welty Avenue because was under the impression that this was going to be done before this meeting. Ms. Willets answered, waiting for the contractor to confirm and reassuring that there will be a letter posted on each resident's door of the time and day of when line painting will begin. *Edward Wantz, Emmitsburg MD-* He asked if small gain hunting can be included in with deer season and end altogether on January 31st which still leaves time in February for the trails. Commissioner O'Donnell suggested we make this an agenda item for November.

Administrative Business:

For consideration, Proclamation declaring October 3rd, breast cancer awareness month.

Motion: Commissioner Sweeney motioned to accept the Proclamation as presented; seconded by Commissioner Ritz. Yeas - 4; Nays - 0 Absent - 1 Commissioner Burns.

Consent Agenda:

None

Treasurer's Report:

Cathy Willets, Town Manager, presented the Treasurer's Report for September 2022 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. Planning Commissioners did meet on September 26th, it was a busy night. They were presented a Zoning Text Amendment to allow private public shooting ranges in the industrial zone, after some lengthy discussion the applicant withdrew his application in order to include more in detail, noise abatement, hours of operation, safety etc. The Planning Commission conditionally approved the Final Forest Conservation Plan and Final Subdivision for lots 5 and 6 and remainder for the Emmitsburg East Industrial Park II. The Planning Commission was requested by the Board of Appeals to consider a potential zoning text amendment regarding fences on how it relates specifically to corner lots.

II. Agenda Items

Agenda #1 – Swearing in new elected commissioners. Mayor Briggs sworn in Commissioner Frank Davis. Next the Mayor, sworn in Commissioner Amy Boehman-Pollitt as her family stood beside.

Commissioner Boehman-Pollitt took her seat with the Board at 8:41 p.m.

Agenda #2 – For consideration Mayors recommendation for reorganization of the Board of Commissioners. Presented by Mayor Donald Briggs, Timothy O'Donnell as President; Joseph Ritz III as Vice President; Clifford Sweeney as Treasurer; Joseph Ritz III as Planning Commission; Frank Davis as Park Commission; and Amy Boehman-Pollitt as Citizens Advisory Committee. Motion: Commissioner Davis motioned to accept the Mayors recommendation as presented; seconded by Commissioner Amy Boehman-Pollitt. Yeas – 5; Nays – 0

Agenda #3 – ~~Hold a public hearing then consideration of Ordinance 2022-10, which would allow Private and public Shooting ranges in the Industrial Park zoning district.~~ WITHDRAWN BY APPLICANT

Agenda #4 – Discussion of possible water and sewer rate and connection fee increase options as a result of a recent study. Ms. Willets, Town Manger presented the following along with Mr. Maker (NewGen Strategies & Solutions). Ms. Willets wanted to point out that this meeting is to give an idea of where we are and where we need to go. Water fund has been at a loss for many. There are two proposed options, of a onetime rate increase of approximately 150% and then continue to increase 3%. Ms. Willets recommended to change the Town code to automatically increase 3% each year so that way can continue to maintain and not fall behind like they did. The second option would be to spread it out over the next three fiscal years, knowing that the water fund will still remain in the negative and will not see the 90 days of surplus until fiscal year 2025. Voting on the rates in December so they would go in effect on January 1st and reflected in the March water bill. Mr. Tabler expressed that the water fund is to the point where the cash balance moving forward is in the position ~~we will have~~ to have to borrow cash from the general or sewer fund. The goal is to keep the funds separate and self-sustaining. Ms. Willets added that it is not recommended to not borrow from the sewer as it would lead to a “Black Mark” on your audit and any money borrowed has to be paid back. Mr. Tabler also added the water fund from year to year has consistent revenue from utility charges from water rates. One thing that is inconsistent are the tap fees that are collected on new buildings. Commissioner Ritz had questions in regards to the minimum usage of the gallons. Mr. Maker answered the 6,000 gallons as it is the fixed rate charged that goes towards the revenue. Mr. Maker stated many municipalities have increased their minimum fixed rate charge and usage. Commissioner O'Donnell also wanted clarification on current projects or future projects. Ms. Willets responded that on the books there is a five-year plan which the Board gets each budget year. Commissioner O'Donnell stated that the Board will revisit this at the November meeting.

Cole Tabler left at 9:25 p.m.

Agenda #5 For consideration, approval of a planning consultant contract.

Ms. Willets explained, that at the direction of the Board from the July meeting, the Mayor, and herself met with Mr. Jakubiak who has previously done work with the town. He comes highly recommended by the town attorney. He currently works with the Town of Thurmont. The agreement is for Mr. Jakubiak to be on call where he will provide town planning and zoning services. The consultant would report to the Town Manger. It would be a nine-month agreement and can be extended and renewed for another year if the money is in the budget. The compensation is billed by the hour at \$205.00 dollars per hour for approximately 16 hours a month. For the total of nine months it would be twenty-nine thousand five hundred and twenty dollars. Commissioner Davis and Commissioner O'Donnell support the idea of having a planning consultant. The Board had a

consensus to wait for the audit to be complete to identify the funds from the 2022 budget being available for the planning consultant. Motion: Commissioner Davis motioned to accept the contract as presented; seconded by Commissioner Sweeney. Yeas – 5; Nays - 0

Agenda #6 – For consideration, approval of lease for 303 West Lincoln Ave. Ms. Willets advised Pastor John was present if there were any questions and read the terms of the lease. This is a lease addendum to the current lease and would take effect in retroactive on October 1st, 2022. It shall expire on its own terms on the 30th day of September 2024. During the first year of the terms the rent will be \$2500.00 which will be a \$300.00 rent increase. During the second year rent increase to \$3000.00. Ms. Willets mentioned both Pastor John and the Mayor came up with these agreements. Commissioner Davis suggested that they keep the rent the \$2,500.00 for the next two years, Commissioner O'Donnell asked, looking at the rental agreement to be \$2,500.00 monthly for the two years. Motion: To accept the contract as modified; Commissioner Davis motioned to accept the contract as modified; seconded by Commissioner Ritz. Yeas – 5; Nays - 0

Set Agenda Items for October 3, 2022 Town Meeting

Agenda Items:

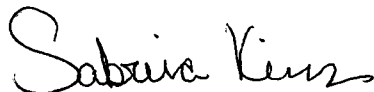
(1.) For discussion, increases to water/sewer rates. (2.) Hold a public hearing then consideration, of Ordinance of 2022-10 which would allow private shooting ranges in the industrial zone. (3.) For consideration, approval of Ordinance 2022-11 which would allow the use of firearms at private shooting ranges in Town of Emmitsburg. (4.) For consideration, policy P 22-01 hunting and recreational usage at Rainbow Lake and Watershed. (5.) For consideration, approval of Resolution 2022-05R which adopts the Frederick County Hazard Mitigation Plan. (6.) Rutters forest conservation easement removal request discussion and consideration. (7.) Discussion and consideration of amending town code to allow for fences greater than four feet tall in front of yards. (9.) Welty Ave parking update. **Administrative Business:** (1.) Proclamation for Municipal Government Works Month November 2022 for consideration. (2.) Update on trail use, damage and repairs. **Consent Items:** (1.) Accept resignation of Dan Garnitz from the Board of Appeals. (2.) Appoint Dan Garnitz as a regular member of the Planning Commission with a term of November 8, 2022- January 18, 2027 for consideration. (3.) Appoint Jack Pollitt as an alternate member of the Board of Appeals term expires October 1, 2025 for consideration. *Motion:* Commissioner Davis motioned to accept the November 7th, 2022 town meeting agenda as presented; second by Commissioner Ritz. Yeas – 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 October 3rd, 2022 town meeting at 10:15 p.m.; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Recording Secretary

Minutes Approved On: 11/21/2022