

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

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Reese Fryer, Recorder. *Others Present* – Deputy Jason Ahalt; Clark Adams, Town Attorney Associate; Chris Jakubiak, Planning Consultant.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the November 21<sup>st</sup>, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

Commissioner Ritz motioned to table the October 3, 2022 town meeting minutes to November 21, 2022; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was accepted.

**Police Report:**

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

**Town Managers Report:**

Ms. Willets, Town Manager, presented the Manager's Report from September 2022 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted that as of 11/07/2022 the lake is 2.0' feet below spillway therefore Mayor implemented Phase 1 voluntary water restrictions.

**Grant Administrative Report:**

Ms. Willets, Town Manager, presented Ms. Shaw's Grants Administrative Report.

**Town Planners Report:**

Ms. Willets, Town Manager, presented the Planner's Report from September 2022 (exhibit in agenda packet).

**Commissioner Comments:**

- Commissioner Davis: He expressed his excitement in hopes of Rutter's will be opened before Thanksgiving.
- Commissioner Sweeney: Thanked everyone for helping with Halloween.
- Commissioner Ritz III: Thanked all organizations that helped for Halloween, and reminding everyone to vote for upcoming Elections.
- Commissioner O'Donnell: He wanted to give a reminder about the Turkey Trot on Thanksgiving Day.
- Commissioner Amy Boehman-Pollitt: Thanked all organizations that donated to the Breast Cancer Foundation.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in October 2022 (meetings listed in agenda packet). Mayor Briggs mentioned the Christmas Tree Lighting Ceremony on December 6<sup>th</sup> at 6:15pm with activities prior.

Commissioner O'Donnell announced Agenda Item #2 would be moved up before Agenda Item #1 and asked those who came to speak on the Shooting Range to wait to speak when the Agenda Item was announced. Those who wanted to speak about other concerns can during the public comment.

**Public Comments:**

*Eric Sloane, Emmitsburg MD*, - Mr. Sloane wanted to discuss the option of Street Sweeping and if the Town can purchase one. Concerned about College student's behavior around the Jubilee building.

*Mike Hillman, Emmitsburg MD*- Mr. Hillman gave the Town maps of Emmitsburg that he had in his possession.

**Administrative Business:**

- (A). First Item: Proclamation for Municipal Government Works Month November 2022 for consideration was read by Commissioner O'Donnell. *Motion:* Commissioner Davis motioned to accept the Proclamation; second by Commissioner Sweeney. Yeas -5; Nays -0. The motion was adopted.

**Consent Agenda:**

*Motion:* The Board of Commissioners unanimously accepted the resignation of Dan Garnitz from the Board of Appeals; Yeas - 5; Nays - 0. The motion was adopted. *Motion:* The Board of Commissioners unanimously accepted to appoint Dan Garnitz as a regular member of the Planning Commission with a term of November 7, 2022 - January 18, 2027 for consideration; Yeas - 5; Nays - 0. The motion was adopted. *Motion:* The Board of Commissioners unanimously accepted the to appoint Jack Pollitt as an alternative member of the Board of Appeals term expires October 1, 2025 for consideration; Yeas - 4; Nays - 0. Commissioner Boehman-Pollitt Abstain. The motion was adopted.

**Treasurer's Report:**

Commissioner Sweeney presented the Treasurer's Report for October 2022 (exhibit in agenda packet).

**Planning Commission Report:**

Commissioner Ritz III presented the report. The Commission last met on October 25, 2022 and reviewed items that were Christ's Community Church, Brookfield Parcel's "C", "D", "E", Rutter's, Village Liquors, Emmitsburg East Industrial Park II, and Irishtown Road (Brookfield Lots (1-19). Reviewed and prepared staff memo for zoning text amendment application - shooting ranges.

**II. Agenda Items**

Agenda #1 - For discussion, increase to water/sewer rates: The agenda item is being pursued because water rates have not been increased for all users for over 14 years and sewer rates have not increased in eight years and there are not enough funds to cover operation and maintenance expenses on both systems. Ms. Willets introduced Mr. Maker with New Gen Strategies who completed the water/sewer rate and connection fee study attended through via Zoom. Mr. Maker gave a brief presentation (exhibit in agenda packet) of the different water/sewer rate increases. The Board gave direction to staff to

pursue the three-year increase as opposed to increases all at once. The item will be brought back for a public hearing at the December 6, 2022 town meeting.

Cole Tabler left the stand at 9:36 pm, as Mr. Clark; Town Attorney, took the stand.

Agenda #2 – Hold a public hearing then consideration, of Ordinance of 2022-10 which would allow private shooting ranges in the industrial zone. Ms. Willets went through a detailed presentation (exhibit in packet) of the history and timeline of the proposed zoning text amendment as well as information from the NRA and Department of Energy. Mr. Delauter told the Board that he would limit only pistols for noise control and offered to have the Frederick County Sheriff's Office evaluate the safety. The Board asked for the public comment:

*Mary Claire Best, Emmitsburg MD-* Ms. Best is concerned of the noise it brings to the shopping center, and the school, Mother Seton. Kids are outside for recess and will hear gun shots as this could be traumatic for them. The safety concerns being the proposed shooting range is not far from residential/businesses and accidents can happen. *Gene Ling, Emmitsburg MD-* Mr. Ling is concerned of the traffic on driving on US 15 will be distracted of the sound of gun fire and cause accidents. *Tim Bieber, Rutter's-* Mr. Bieber expressed that the shooting range is not compatible with his establishment and the site is too close to his property line. The safety of the customers is a main concern being able to hear gun fire would be bad for business. *Pauline Jascur, Emmitsburg MD-* Ms. Jascur gave an example of how other shooting ranges had holes in the wall. Worried for the safety of the residents. *Richard Lindsey, Emmitsburg MD-* Mr. Lindsey lives on Creamery Road and has horses on the property and is concerned his horses will be spooked from the constant gunfire. Expressed that some customers could be Veterans suffering from PTSD. *Ed Egan,* - Spoke of how the proposed shooting range could have an effect on other rural developments. For a shooting range you are only able to shoot North or South, which would be in the direction of the Mother Seton School and Mr. Lindsey's residential. *Dr. Portier, Emmitsburg MD-* Dr. Portier gave her support to the rest of the people that spoke before her. Also added the emotional damage that brings to the people and how she sees this daily in her practice.

The applicant and his attorney addressed the concerns of the residents. They stated the Frederick County Sheriff's Office would ensure that safety measures were in place.

Commissioner O'Donnell closed the public hearing at 9:02 pm.

*Motion:* Commissioner Ritz motioned to accept Ordinance 2022-10 as written. There was no second. Commissioner O'Donnell asked a motion to deny Ordinance 2022-10 as written. *Motion:* Commissioner Boehman-Pollitt motioned to deny the Ordinance of 2022-10 as written; second by Commissioner Sweeney. Yeas – 4; Nays – 0; Abstained – 1 (Davis) The motion was approved.

Agenda #3 – For consideration, approval of Ordinance 2022-11 which would allow the use of firearms at private shooting ranges in Town of Emmitsburg:

Mr. Clark; Town attorney stepped down at 9:16 pm.

*Motion:* Commissioner Boehman-Pollitt motioned to deny the Ordinance 2022-11; second by Commissioner Sweeney. Yeas – 0; Nays – 4; Abstained – 1 (Davis). The motion was approved.

Agenda #4 – For consideration, Policy P 22-01 hunting and recreational usage at Rainbow Lake and Watershed. The agenda item is being perused to extend small game with deer and turkey hunting season with deer hunting season. Ms. Willets read the updated Policy P 22-01, there were no questions. *Motion:* Commissioner Sweeney motioned to accept Policy P 22-01; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #5– For consideration, approval of Resolution 2022-05R which adopts the Frederick County Hazard Mitigation Plan. The Town of Emmitsburg acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan. Dennis Dudley with Frederick County reviewed the County’s Hazard Mitigation Plan and the need for the Town to ensure funding if needed. Ms. Willets read the Resolution, there were no questions. *Motion:* Commissioner Davis motioned to accept Resolution 2022-05R; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #6– Rutters forest conservation easement removal request discussion and consideration. If the Board agrees to revoke the easement, in whole or in part, the Forest Conservation Plan goes back to the planning commission for its decision regarding Forest conservation requirements and determination. The agenda item is being reviewed due to visibility concerns raised by Rutters. Ms. Willets read the request. Mr. Bieber, Rutters expressed the problems he faces with the sign being hidden from the tall trees. He stated that traffic coming from South 15 would not be able to the Rutters sign. *Motion:* Commissioner Sweeney motioned to accept Rutters forest conservation easement removal request; second by Commissioner Ritz III. Yeas – 4; Nays – 1 (Boehman-Pollitt). The motion was approved to be sent to the Planning Commission.

Agenda #7– Discussion and consideration of amending town code to allow for fences greater than four feet tall in front of yards. If the Board desires to amend the code, the staff shall be directed to prepare a text amendment for review and recommendation by the planning commission which will then be returned to the Board for final consideration and adoption. Ms. Willets read the Town code and told what was needed from the Board and explained that staff needed direction. The Board proposed to change the Ordinance to “for corner lots” (double frontage, greater than 4-6 feet) Robert Turnquist and his wife Valerie Turnquist, spoke about problems they have faced in the past with this. The Board of Appeals met on August 22,2022 and granted an extension. *Motion:* Commissioner Davis motioned to direct staff to prepare a proposed amendment to allow fences greater than four feet tall in corner lots to be sent to the Planning Commission for recommendation; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

### **Set Agenda Items for November 21<sup>st</sup>, 2022 Town Meeting**

#### ***Agenda Items:***

- (1.) Hold public hearing then consideration of Ordinance 2022-12 which would increase water and sewer rates over a three- year period.
- (2.) For consideration, approval of Ordinance 2022-13 which would change Board of Commissioner meeting to 7:00pm.
- (3.) For consideration, approval of the three- year sewer relining bid.
- (4.) For discussion and consideration, an offer from Richard Lindsay to purchase three acres from the Town of Emmitsburg located near the WWTP.
- (5.) For consideration, approval of revertible forest conservation easement with

Daughters of Charity. (A.) The Daughters of Charity is providing the Town a 9.2013-acre revertible forest conservation easement to the Town in order to plant trees for the 2023-2028 MS-4 permitting term. Parcel located on East side of US 15. (6.) For consideration, amending the hours of the Farmer's Market. (7.) For consideration, approval of the Amendment to Loan and Financing agreement for the extension of credit made to the Vigilant Hose Company of Emmitsburg as the successor by merger to the Emmitsburg Volunteer Ambulance Co.

**Administrative Business:** (1.) Free Holiday metered parking for consideration. (2.) Discussion related to using Farmer's Market land for larger community garden plot. (3.) For consideration, Proclamation honoring Emmitsburg High School Volunteer. Consent Items: (1.) Reappoint Dianne Walbrecker to Board of Appeals with a term of December 15, 2022 – December 15, 2025. (2.) Appoint Jack Pollitt to the Parks and Recreation Committee with a term of December 6, 2022 – December 2, 2024. (3.) Appoint Valeria Turnquist an alternate to the Planning Commission with a term of December 6, 2022 – December 6, 2027. (4.) Reappoint Mark Walker to the Citizen's Advisory Committee with a term of November 7, 2022 – November 7, 2024.

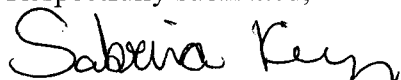
*Motion:* Commissioner Ritz III motioned to accept the December 6, 2022 town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

### **III. Sign Approved Text Amendments and/or Resolutions**

### **IV. Adjournment**

With no further business, Commissioner Sweeney motioned to adjourn the November 7<sup>th</sup>, 2022 town meeting at 10:48 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk

Minutes Approved On: