

**MINUTES
TOWN MEETING
DECEMBER 6, 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.

I. Call to Order

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

Approval of Minutes

Commissioner Sweeney motioned to accept the November 7, 2022 town meeting minutes as modified; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Ritz motioned to accept the November 21, 2022 town meeting minutes; 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 October 2022 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted that at the time of the report, Rainbow Lake was 1.8' feet below the spillway level. As of today it is 14.5 feet or 2.1 feet below the spillway level and would like to continue with phase 1 voluntary water restrictions.

Grant Administrative Report:

Ms. Willets, Town Manager, presented Ms. Shaw's Grants Administrative Report. Highlighted the current grants that are taking place along with future projects.

Town Planners Report:

The Town Planner's Report from October 2022 (exhibit attached).

Commissioner Comments:

- Commissioner Amy Boehman-Pollitt: She attended the Tree Lighting Ceremony which she explained that she enjoyed the music and seeing the Community. She also liked the connection the Town had with Ukraine. Commissioner Boehman-Pollitt felt that it was touching and moving and thought it brought the Community together. She gave her thanks to the Town Staff and all who participated to make it happen.
- Commissioner Davis: He also attended the Tree Lighting Ceremony along with the other program at the Carriage House. He gave his thanks to the Field family for their part at the Carriage House and wished everyone a happy holiday season.
- Commissioner Sweeney: He attended the programs for the Christmas Tree Lighting and the Carriage House.
- Commissioner Ritz III: No comment.

- Commissioner O'Donnell: He wished everyone a Merry Christmas. He briefly commented that, 2022 has been a dynamic year with reopening the Community and moving forward with staffing. He went on to speak about how successful the Turkey Trot was. They had raised an excessive \$850.00 for the Seton Center; North County outreach program. Commissioner O'Donnell thanked the Mayor, the Board, Town Staff, Vigilant Hose Company, Deputies, Fire Police Volunteers and handful of other volunteers that helped make it possible. He mentioned the trails were growing in popularity this year as defined in their increase of usage.

Mayor's Comments:

Mayor Briggs hoped everyone had a blessed Thanksgiving. He attended numerous meetings (exhibit attached). On Veterans Day, November 11th at 11am the honor guard fought the weather and went to St. Josephs and American Legion. He attended a "Ukrainian Icons" lecture with Kateryna Dovgan at Mount St. Mary's. He met with Ms. Shaw for the Town wayside exhibits and went to Mother Seton School for the 4th grade presentation. He and Conrad Weaver met with Michael Zhorvin who will take the Sister City Proclamation over to Ukraine to the Mayor. He also attended the Christmas Tree Lighting Ceremony and thanked all who was a part of the program and who made it happen.

Public Comments: *Eric Sloane, Emmitsburg MD*- He spoke about the maintenance work in the Town that needs to be done before there are no funds left to take care of those issues. *Rebecca Ness, Emmitsburg MD*- She has advocated for the No Parking Signs on Irishtown Road and glad they are there. She knows there are some home owners that still abuse this and park in the bike lane. Her concern is the no parking signs that are on Brookfield Drive between Timbermill Rd and Carrick Ct. She said that strip is used for the overflow for Pembroke. She expressed that the road is not wide enough to park, so home owners would use part of Irishtown Rd to park. Since the no parking signs have been put up, she is confused on why the whole road has been eliminated for all. She does not recall that being mentioned, and now homeowners that are in Carrick Ct or Pembroke have to park in the swale. Ms. Ness also mentioned 3115 Stonehurst Ct. was recently bought in August of 2022, the Board and Mr. Clagget who is the HOA consultant, was aware that the gentlemen who bought this home was to be used as his residence. This was brought to their attention that he is not living there and he is actually renting the house out to college students. *Dennis Ebaugh, Emmitsburg MD*- He expressed his concerns about the corner at DePaul and North Seton. He knows that he has brought this issue to the Board in the past. Green Street North Seton Avenue program was going to address this, but from his understanding there's no money for that program. He got the document from Zach Gulden and said it was a concept drawing. He disagrees with the MS4 and asked what happens if the Town does not pay it? He also had concerns about speeding on Irishtown Rd. He said the speed limit is 15 mph and it looks like a racetrack. Mr. Ebaugh also mentioned when the State put the sidewalk in front of the church they took away the pipe and now the Church is in risk of flooding.

Administrative Business:

- (A). (1) Mayor Briggs and Town Staff Recommendations: For the Holiday Season, free metered parking from Friday, December 9, 2022 to Tuesday, January 3, 2023. *Motion*: Commissioner Davis motioned to accept free metered parking; second by Commissioner Ritz III. Yeas -5; Nays - 0. The motion was adopted. Recommendation for all monies collected will be donated to the Lions Club for Heritage Day Fireworks, the Friends of Emmitsburg Library and the Seton Center.
- (2) Discussion related to using Farmer's Market land for larger community garden plot. Commissioner Boehman-Pollitt gave background information from previous meetings with the

Citizens Advisory Committee. Ms. Willets mentioned to keep in mind of the parking and there is no water access. Commissioner Boehman-Pollitt asked Mr. Deatherage about moving forward, in which he did not see a problem with this. Ms. Willets suggested that the Citizens Advisory could make a plan or suggestion to the staff and it can be brought back to the Board.

(3) For consideration, Proclamation honoring Emmitsburg High School Volunteer. *Motion:* Commissioner Ritz III motioned to accept the Proclamation for Joyce Bruchey; second by Commissioner Davis. Yeas – 5; Nays – 0.

Consent Agenda:

Motion: The Board of Commissioners unanimously accepted to reappoint Diane Walbrecker to Board of Appeals with a term of December 15, 2022 to December 15, 2025; Yeas – 5; Nays – 0. The motion was adopted.

Motion: The Board of Commissioners unanimously accepted to appoint Jack Pollitt to the Parks and Recreation Committee with a term of December 6, 2022 to December 2, 2024; Yeas – 4; Nays – 0; Abstain (Boehman-Pollitt). The motion was adopted.

Motion: The Board of Commissioners unanimously accepted to appoint Valerie Turnquist an alternate to the Planning Commission with a term of December 6, 2022 to December 6, 2027; Yeas – 5; Nays – 0.

Motion: The Board of Commissioners unanimously accept to reappoint Mark Walker to the Citizen's Advisory Committee with a term of November 7, 2022 to November 7, 2024. Yeas – 5; Nays – 0. 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 announced that they did not meet in November and were going to meet in December but the applicant was not ready, the next meeting will be January 30th, 2023.

II. Agenda Items

Agenda #1 – Hold a public hearing then consideration of Ordinance 2022-12 which would increase water and sewer rates over a three-year period. *Motion:* Commissioner Ritz III motioned to close the town meeting at this moment to open the public hearing regarding Ordinance 2022-12 regarding the increase water and sewer rates over a three-year period; second by Commissioner Boehman-Pollitt.

Town Meeting closed at 8:26pm.

Public hearing open at 8:26pm.

Commissioner O'Donnell reviewed the process of how the public hearing will follow and asked those who will speak to please stand to be sworn in. Ms. Willets presented information about the water and sewer rates and how they got to where they are. A few key highlights are after two meetings the Board gave direction of the 44% rate increase for the proposed water rates. After further investigating she explained that there are not enough fees or revenue to cover the cost for maintaining and improving the system. Ms. Willets noted that there have not been any increases for the average user in over 14 years.

Rates for high end users were raised eight years ago. Ms. Willets also added that the outside consultant from NewGen Strategies, Michael Maker, began the process with the water rate study beginning in January 2022. After examining everything very carefully, they took into consideration the necessary improvements in the water infrastructure. Also after a preliminary engineer report the Town is lacking a fire flow capability. The contractor's recommendation, which is now seconded by USDA, is to put in 16-inch line and abandoned the 10-inch. Ms. Willets had noted that she has mentioned to the Board per USDA in FY 2021 they will not be able to offer the Town any funding until the water rates are increased. Due to USDA's analysis of the system, the Town cannot afford the required maintenance cost of the current system. Ms. Willets spoke of the proposed rates that was advertised for the public, and explained the chart of the rate increase for each year for the users. Mr. Tabler added that the 14% increases are due to the sewer rate being increased significantly when the WWTP was constructed. Sewer rates are only being proposed to increase 3%. Commissioner Ritz wanted to clarify that there is a 3% rate increase each year, and the Board can decide to stop when it is necessary. After no further discussion Commissioner O'Donnell explained the procedures for public comment.

Blaine Ridenour, Emmitsburg MD- He stated that he is opposed to a 40% rate increase. He isn't disagreeing that there should be an increase. He questioned if Waynesboro Pike would have to pay for a waterline like the residents do on Mountain View Road. Lastly, he asked why the Town purchases water from the Mount.

Before moving forward Commissioner O'Donnell clarified the reason why the Town purchases water from the Mount is because it is to reserve the water line in case of an emergency.

Dennis Ebaugh, Emmitsburg MD- He stated that he was confused by the numbers being presented because year one would be 44% and then following years would be 132%. He then pointed out the treasurer's report and asked why money can't be transferred.

Staff provided information, that roughly \$3.2 million is American Rescue Plan monies that are or will be designated solely for water/sewer infrastructure.

Marty Miller, Emmitsburg MD- Commissioner Ritz spoke, and told the Board that he was unable to come due to an illness, but expressed to him that he was concerned with the rates and it's a very drastic spread out over all the years. It will be a hardship on himself and others of the increase.

John Howard, Emmitsburg MD- He stated that he felt the chart is unreadable and can't understand it. He explained with a 14% increase residents will not be able to afford to live here and asked if there any programs for families that can provide assistance. He is also concerned about the businesses in Town because their bill will be higher than the residents.

Lyn Miller, Emmitsburg MD- He asked the Board for answers, if the increase is going to be 14% or is it going to be 44% and to have more clarification. He would like to know before the next meeting on what the average house hold prices are and or lines being charged. Lastly, he requested a break down to know where the money is going.

Kevin Hagan, Emmitsburg Business Alliance- He stated, on behalf of the business community, that any increase to the bottom line cuts the viability. He knows that the majority of the businesses are small or single operator businesses.

Motion: Commissioner Sweeney motioned to close the public hearing and resume the town meeting; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Public Hearing Close at 9:17 pm.

Ms. Willets referred to the Ordinance 2022-12 of the proposed water and sewer rate increases. She briefly explained the new language that was corrected amongst other changes with the new rates and code corrections. (exhibit in agenda packet) Commissioner Davis asked about late bills, because he has had multiple people call him they did drop their payment on the due date. But was still charged a late fee because it was not put in the drop box by 4pm. Ms. Willets informed the Board of how Staff processes all water bill payments and what is considered on time or late. Commissioner O'Donnell asked Mr. Hagan to speak about the concerns of the Ordinance.

Kevin Hagan, Business Alliance- He stated if the Ordinance could be re-written on page 3 related to the three-year period. He asked if it could begin in FY 2025 since businesses are still recovering from Covid.

Commissioner Sweeney stated how he has been with the Town for 23 years and apologizes for not raising any rates those years ago. He said that when it came to the Board to make a decision they did not want to burden the families. He knows in order to pay for the maintenances, up keeps and the future projects that the increase has to happen. He stated that if they do not raise them now that the Town will be worse than what they are now.

Commissioner Ritz III agrees with Commissioner Sweeney that the Town is in a bind. He stated another alternative as he is uncomfortable with the proposed rate increase. He knows that this increase will cause hardship on families. He also understands that they have to look down the road, but is not overly comfortable on what they are voting on as the whole package rate wise.

Commissioner Davis would like to see this be stretched out further and make the increase less per year. He said the Town is trying to fix a twenty-year problem in three years. He also suggested to tighten the general budget and help offset with that. He also has concerns about the Town putting money out for grants in order to receive them.

Commissioner Boehman-Pollitt asked staff about the proposed rates if they do not take effect in January how would this set the Town back?

Ms. Willets responded that the Town will not reach the 90-day fund at the end of the three years and it will continue to extend. Ms. Willets reminded the Board of how fortunate they are to receive grants and funding due to the competitiveness and hopes the Town never gets in a position where they cannot get funding. She wants the Town to be in a position where they can pay out of pocket rather than relying on grants or funding.

Commissioner Boehman-Pollitt asked about the USDA funding and if there are any specifics on what would be a considerable increase for them to assist the Town?

Ms. Willets said, USDA looked at the Town's budget two years ago from another project because the revenues and budget could not sustain the payments. She was told by USDA that they need to know that the town is making head way towards improvements.

Commissioner O'Donnell stated that other Municipalities are functioning and not functioning while providing services for their Community. The Town has a responsibility to create a safe and viable community and to protect those things. The hard reality is that this has been kicked down the road again and again, and the situation is not improving. Commissioner O'Donnell asked Staff, if there is any system that is critical, relating to the safety?

Ms. Willets explained that the contractor who did the preliminary report said that the fire flow was lacking in Town. USDA, along with the contractor who completed the Preliminary Engineering Report, recommended to abandon the fifty-year old ten-inch line and add a new 16" main line to Town. She added that there are multiple lines that are in need for replacements through Town and that are in bad condition with tuberculation. Commission O'Donnell briefly explained the hard decision that is in front of the Board.

Commissioner Boehman-Pollitt agrees there has to be an increase and something has to happen. She stated her concerns about the resources in Town for those that need it and a breakdown of the formatting of the bill for over 10,000 gallons.

Ms. Willets informed the Board that there are multiple resources that can help residents and the information can be found on the Town website along with a page dedicated on how to breakdown the water/sewer bill.

Mayor Briggs reminded the Board that Staff has gathered the information needed to present to them. The Board has to make the decision based off that information. He stated that the consultant was hired because he could go to other Towns and gather viable information needed. He explained the reason behind the new equipment and the safety hazard for employees and the environment. He stated that the Town began funding equipment and paving the in the Capital Improvements Fund at a rate of \$100,000 per year. Mayor Briggs noted that the Town does not put in as much now, but still continues to put funds in. He explained the Town has 3.2 million dollars all going to the programs for the water/sewer. Mayor Briggs informed the Board that the Town has been cutting back and has tighten the belt as much as it can. He explained that even though the property tax did increase in value the yield factor dropped. He knows that the water should have been increased in previous years but there were always problems that arise. He stated the reason why residents with vacant lots pay for trash and the minimum six thousand gallons. He explained that it is because it helps the residents in Town to keep it lower for everyone and that everyone has to contribute for the fixed cost. Mayor Briggs acknowledges that the Town has received many grants since having a Grants Administrator. He spoke about the attributes the Town holds and how important it is for the community to come together and help those that do need it. He thanked Staff on their presentation on his behalf. Mayor Briggs stated that he liked some of the ideas that were mentioned, and explained that ten percent won't help catch up. He reminded the Board to take care of the people the best they can.

Commissioner O'Donnell turned to the Board, and asked who would be on agreement for a modified rate increase. Staff suggested if the Board can give direction, since they prepared what the Board instructed to do at the last meeting. Being that it is not what is wanted. Commissioner Sweeney clarified that it was just for the water and not for the sewer, and that the sewer will stay at the 3%. Ms. Willets recommended the Board have multiple proposed rates, of 25% and 30%.

Motion to direct staff to return with water rate numbers showing 10 %, 25% and a 30% rate increase

where the 10% is the flat rate applied to all users.

Ms. Willets told the Board that this will not happen at the next town meeting on January 9th. It will give Staff enough time to have in the February 6th meeting.

Consent with the direction for Staff for a modification of the water bill rate. Yeas; 5, Nays; 0.

Mayor Briggs stepped away at 10:38 pm

Mr. Tabler left at 10:38 pm.

Mr. Clark; Town Attorney took the chair at 10:40 pm.

Motion: Commissioner Davis motioned to approve to table approval of Ordinance 2022-12 until the February 6th meeting; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was approved.

Agenda #2 – For consideration, approval of Ordinance 2022-13 which would change Board of Commissioners meeting to 7:00pm. Staff presented the following item to the Board and added that on behalf of the Mayor and herself, if holiday falls on a Monday, then the meeting will fall on the following Monday. *Motion:* Commissioner Sweeney motioned to approve the Ordinance 2022-13; second by Commissioner Davis. Yeas – 4; Nays – 1; Nay – 1 (O'Donnell). The motion was approved.

Commissioner Davis suggested to switch Agenda Item #3 and #4. Staff has no problem to move them.

Agenda #4 – For discussion and consideration, an offer from Richard Lindsay to purchase three acres from the Town of Emmitsburg located near the WWTP. Ms. Willets presented the agenda item with background information to where they are now. She also read from the agenda packet the proposed amount offered from Richard Lindsay. (attachment in agenda).

Mayor Briggs returned at 10:43 pm.

Mayor Briggs spoke and that the Town wants to sell it even though the Ms. Powell suggests to lease. He would like to sell the property to Richard Lindsay. Someone else was interested in the property but for industrial purposes which is how they came up with the figures. Mayor knows he can't give a price, but looking for the board to either sell or retain to lease.

Mr. Clark added the Town would be better served to continue to an agricultural lease at market value rather than selling.

Richard Lindsay did speak on behalf of his proposal and background history of how he has maintained the land. Thanked the Mayor for speaking on his behalf.

After a lengthy discussion on pricing and who would be responsible for the survey fees. Mr. Lindsay offered to pay the survey cost, if the Town would accept his offer. Clarification, the 3 acres would then belong to Mr. Lindsay which would be outside of Town limits.

Motion: Commissioner Ritz III motioned to accept the offer of \$18,000.00 for the three-acre parcel located between the WWTP and property at 16737 Creamery Road, and that the purchaser pay for the survey of this parcel, the Town will be responsible for all other associated cost; second by

Commissioner Davis. Yeas – 3; Nays – 1; Abstain – 1. (Nays – O'Donnell; Abstain – Boehman-Pollitt)
The motion was adopted.

Agenda #3- For consideration, approval of the three-year sewer relining bid. Ms. Willets presented the agenda item with past history from the previous three-year sewer relining. She then went over the process of how Staff chose the top four bids. She briefly explained the break-down of the bids with the pricing and experience. Staff recommends Guyer Brothers because of the ten-year warranty and explained they do not use chemicals. Guyer Brothers uses Thermoform, which is environmental friendly option.

Motion: Commissioner Davis motioned to accept the approval of the three-year sewer relining bid; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Davis stepped out at 11:29 pm.

Agenda #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 plan trees for the 2023-2028 MS-4 permitting term. Parcel located on East side of US 15.

Ms. Willets stepped out at 11:30 pm.

Mr. Clark gave the presentation, referring to page sixty-eight in the agenda packet. He gave specifics from the easement and how similar it is to another one for this exact property. He referred to page seventy-five of the packet with the maintenance agreement.

Commissioner Davis returned at 11:31 pm.

Ms. Willets returned at 11:32 pm.

Motion: Commissioner Sweeney motioned to accept the revertible forest conservation easement of Daughters of Charity; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #6- For consideration, amending the hours of the Farmer's Market. Commissioner Boehman-Pollitt explained the challenges that the residents and vendors face that cannot make the current time. After further discussion the Board agreed to extend only the time and keep the current day as Friday.
Motion: Commissioner Ritz III motioned to accept amending the hours of the Farmer's Market from 2:00 pm to 8:00 pm; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #7– For consideration, approval 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. WITHDRAWN BY APPLICANT

Set Agenda Items for January 9th 2023 Town Meeting

Agenda Items:

- (1.) For consideration, approval of Bearing Construction change order for removal of trees on dam at the Silo Hill Basin. (A) Mandatory requirement from Frederick County Soil Conservation

per MDE guidelines (2.) For consideration, approval of agreement with Barton and Loguidice for Silo Hill Basin tree removal engineering services. (3) For consideration, approval of the HACH estimate for the ChemScan upgrade at the WWTP. (A) The Board previously approved a similar upgrade at the WTP. This was included as an asset project for the WWTP in the FY 23 budget. (4) For consideration, approval of Resolution 2023-01 bond reduction request for the Irishtown Road project. (5) For approval, designation of the second tranche of the American Rescue Plan monies. (6) For consideration, approval of Ordinance 2023-03 amendment to Title 16 changes to subdivision fees. (A) This Ordinance will amend subdivision, plan review and annexation, forest conservation procedures related to fees. (7) For consideration, approval or Ordinance 2023-02 amendment to Title 17 changes to zoning fees. (A) This Ordinance will amend the collection process for zoning fees. **Administrative Business:** (1.) Appointment of Melissa Mckenney to the Citizen Advisory Committee with a term of January 9, 2023 to January 9, 2025.

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 December 6th, 2022, 2022 town meeting at 11:45 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,



Sabrina King, Town Clerk

Minutes Approved On: