

**MINUTES
TOWN MEETING
October 19, 2015
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

Absent:

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the October 19, 2015 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session following adjournment of this meeting as permitted by the *Annotated Code of Maryland, State Government Article: Section 10-508 (a) Closed Meetings, Item 14* to discuss a contract and less than complete bid proposal for repair of doughboy. See attached announcement. Motion by Commissioner O'Donnell, second by Commissioner Mellor, carried 5-0 in favor.

Approval of Minutes

The Minutes of the October 19, 2015 Town Meeting were approved as presented/corrected. Motion by Commissioner Ritz and Second by Commissioner Mellor. Passed 5-0.

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Blanchard encouraged people to utilize the yard waste recycling when they clear their gardens. Food donations have been very helpful. The boy scouts food drive will be starting soon. This is the largest food drop the food bank gets during the winter months. He also encouraged people to be cautious with the time change and students will be walking, sometimes, in the dark. Paul Slotwinski is the Eagle Scout candidate for the blazing of the trails. The project is underway – contribution of 39 volunteer hours.

Mayor's Comments – SHA square meeting went very well. SHA will be looking to advertise in the fall of 2016 for the work on the project. He attended the multi-purpose trail kick-off meeting in Baltimore where the Town will be partnering with the County and the Mount. There is expected to be 80% federal funding. He also attended a SHA meeting on the signage. Attended the Green Team meeting – it was announced that Emmitsburg won the Sustainable Maryland Certified Award. We are the second after Frederick City to receive this in the County. The sidewalk – through Town past jubilee to hook around to safely walk. Get all sidewalks on North and South Seton – the bridge, square, sidewalks, on the way to get \$30 million worth of projects down during our Administration. Staff attended a panel hearing at FCC – the Town will be going for Rural Community Award.

Administrative Business – nothing addressed during meeting.

Consent Agenda – none.

Reports:

Town Manager Report – Mr. Haller reported on the public works department monthly activities to include a water production and consumption analysis. He advised that Rainbow Lake is at the spillway level. There is a precipitation surplus of 10.7 inches over the last six months. He highlighted there were no spills of untreated sewerage in the month of September. The plant did exceed capacity on two days 09/29 1,503,000 GPD and 09/30 854,000 GPD. Mr. Haller advised that it was officially time to close the community garden plots. Detailed report at Exhibit A.

Town Planner Report – Mr. Haller reported on the town planner's report for the month of September. He advised Ms. Cipperly finalized Comp Plan drafts as well as prepared and submitted quarterly reports for the Community Legacy Program FY2014 and FY2015.

Police Report - Deputy Whitehouse presented the police report for the month of September. He stated that the disorderly and disturbance complaints have gone up especially in the area of the Emmit House. He said they are working with MSM on the college parties. Deputy Whitehouse mentioned there was an ongoing investigation into the burglary at Subway. He urged people to have patience because he has observed numerous violations on Lincoln Ave. especially afterschool when students are walking. Majority of the violations are speed and stop sign violations. People have been utilizing the do not enter /one way street by the bank. The prescription drug box is still available. If anyone observes suspicious activity, please report. Also, please lock all vehicles and garages. Detailed report at Exhibit B.

II. Agenda Items

Presentation related to Doughboy repairs for discussion and potential consideration
Commissioner O'Donnell announced there will be no consideration or vote on this item as Town Staff has only received one incomplete single bid. Commissioner O'Donnell went through a brief timeline: the accident occurred, the State presented requirements to Staff to have the statue reviewed by a conservator, a report came to the Town with recommendations for repairs, the recommendations went out for bid, and a bid has come back but it is incomplete. Commissioner O'Donnell also mentioned this has been presented more than a few times at Town meetings. He addressed the main concern about the length of process. He stressed that most of this has been out of the Town's hands while staff had to rely on outside individuals. Mr. Haller advised the timeline presented by Commissioner O'Donnell was very accurate. He advised it is very hard to find people to bid. Staff will follow-up with collecting a portion of the money from people involved in the accident. Mr. Haller advised with the Board's direction we will get it repairs. There is a closed session immediately following this meeting to discuss the incomplete bid as well as funding authorization of the repairs. All final decisions will be taken in an open meeting. Commissioner O'Donnell recognized several people in attendance that signed up to speak on this matter. Public Comment was allowed at this time:

1. Martin Williams, 2040 Bullfrog Road, Fairfield PA, VFW representative. Mr. Williams, Commander VFW, told the Board he was disturbed to hear the plaque was going to be changed. He said the veterans are against the plaque being changed. It is part of history (1927) and "don't mess with history." He also mentioned the he and the veterans do not want the statue moved. Mr. Williams also said "it is not true Emmitsburg is racist if don't fix the plaque."
2. Tom Hoke, 10319 Harney Road Emmitsburg. He told the Board he was born and raised in Emmitsburg. There is no one left living who donated the money for the doughboy. It is part of history. He does not want to see the plaque replaced or the statue moved.
3. Sharon Williams, 2040 Bullfrog Road, Fairfield PA, President Lady Auxiliary VFW as

well as veteran army reserves. She supports the veterans and the veterans on the plaque including the colored soldiers who were persecuted but still fought for the US. She said the way the plaque was made was justified and you can't change history. It is time to lead and educate. She told the Board she felt the statue laying down was disrespectful to our veterans. She encouraged the Board to make a stand; it is not racism, and leave history in the books.

4. Pat Boyle, 339 East Main St Emmitsburg. He told the Board he was born and raised in Emmitsburg. He said he heard someone say it was racism if the plaque is not changed. He said there is no racism in this town. He feels that if the plaque is changed it is not paid for by the Town but those who want it changed. He encouraged the Board to put the monument back the way it was.

Commissioner Ritz read an email from Michael Hillman, President, Emmitsburg area of the Maryland Historical Trust Society. The Society is opposed to any change to the plaque and/or statue. It is the position that the list of names remain unchanged. Mr. Haller stated the only reason the monument wasn't moved was the State wouldn't let us move it unless we had a qualified mover or it might cause more damage and the Town may lose chance for any funding. He told everyone the statue has been moved, secured and covered. Commissioner O'Donnell announced the statue will not be moved and will be put back in its original place after the repairs are made.

Final consideration of Snow Emergency Plan for the Town of Emmitsburg – Proposed "No Parking" during snow emergency plan is all cul-de-sacs listed

Mr. Haller noted that this is the second presentation and modification which was brought by Commissioner Mellor and voted unanimously by the Board at the October 5, 2015 meeting was reasonable to Town Staff. The modifications include keeping open the West Side of Silo Hill and the area between 2 University Drive and 19 Robindale Dr. They will be noted with signs. Mr. Haller advised the ordinance was being resubmitted for consideration. Commissioner O'Donnell asked if there will be year round/permanent signage. Mr. Haller advised yes. Mayor Briggs said it is the intention to have staff notify everyone affected in these cul-de-sacs.

Motion: - to accept Ordinance 15-06 entitled Vehicles and Traffic
Motion by Commissioner Sweeney and second by Commissioner Mellor.

Vote: 5-0 in favor

Discussion and consideration of noise and nuisance ordinance

Mr. Haller said that he has been personally involved with the development of this ordinance for six years. This time of year the Town has seen an increase in activity and we have had meeting with the Mount and police. The main concern is the security and safety of all. Mr. Haller deferred to Mayor Briggs who advised the Town needs some enforcement against noise and nuisance complaints. He advised we looked at something last year which was a little tougher. This ordinance will help identify some of the problem people and go after noise violations. One of the concerns is the students on West Main Street who party, walk back and forth across the street. This becomes a safety issue and the students can be in real danger. Mayor Briggs said he was been working with the Mount and Barry Titler, Director of Security. This ordinance has been read and reviewed by the Town Attorney and the Town's main concern is safety. Mayor Briggs said he and staff receive numerous complaints from other citizens who live around these houses. He sent a draft of this ordinance to a couple of people in town who own property. He wants something with noise to compliment what is happening with the Mount – right now they have an honor violation at the Mount. He hopes this ordinance will give back to the landlord there is an economic benefit if you run a nice property and if not you will be fined. Commissioner O'Donnell

asked for clarification on notification process. Mr. Haller advised the Board the notification will be in writing. Mr. Haller said this can be included in the ordinance. Commissioners gave unanimous consent to add "in writing" as the means of notification.

At this time, Commissioner O'Donnell opened the floor to public comment:

1. T.J. Burns, 321 Mountaineers Way Emmitsburg. Mr. Burns said he is a graduate of MSM. He and many athletes agree with the safety concern. He feels the ordinance is poorly written and questioned several things in the ordinance. He inquired as to what is the justification for the call? A neighbor is mad. What is the definition of a violation? What constitutes documentation? A police report? Is there going to be any clarification to the validity of what is going on? Who reviews? The Mayor and/or Commissioners? He has reached out to Congressman and lawyers who all feel it is poorly written because there is no clarification. He stressed the need for families/people to buy the houses and rent to good kids and teach them respect. He feels the way it is written is no one will want to buy a house to rent.
2. Susan Glass, 239 N. Seton, owner Ott House. She told the Board she felt the ordinance was poorly defined and written to interpretation. She owns the building and rents to herself. She told the Board she couldn't live this way and asked what do you consider a problem? How do you define nuisance? It is not easy to be a landlord and can be very difficult to get them out? She told the Board she understands what they are trying to do. If you define this with MSM students in mind, you could be opening yourself up to a discrimination suit. She is worried because by the nature of the Ott House she will receive more than three complaints in a year. She asked that businesses be exempt from this ordinance.

Mr. Haller advised that this ordinance was never intended to include businesses. Mr. Haller said the threshold would be the police are called and write a report. MSM University and students were never written into the ordinance. He also stated that the target is the property itself not an individual - residential only. Commissioner O'Donnell questioned if this ordinance was based off anything, MML boiler plate, or has it been tested? Commissioner Mellor said she would like to continue to build a relationship with the Mount. Mr. Haller and Mayor Briggs both stated that they recommend bringing back for more discussion and clarification in the areas of reporting, residential and notification. Mr. Haller said all comments were great and will try to re-word. There was unanimous consent from the Board to table Ordinance 15-05.

Set Agenda Items for October 19, 2015 Town Meeting

1. Comprehensive Plan modification for consideration
2. Proclamation – November is Maryland Municipal League works month

III Public Comments

Wendy Walsh, 2009 Pembroke Ct. Emmitsburg. Ms. Walsh informed the Board that she and her husband had read the Comp Plan draft they were provided at the last town meeting. She questioned the information about Irishtown Road. Mr. Haller advised it has been approved but not completed as of yet. She asked about the Town's initiative on trash and recycling since they weren't mentioned in the Plan. Ms. Walsh was hoping to see more recycling. Mr. Haller advised her recycling was provided by the County and the Town has no control over that; however we do provide recycling at the WWTP two Saturdays a month.

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the October 19, 2015 Town Meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Cathy Willets
Town Clerk
Approved: November 2, 2015