

**MINUTES
TOWN MEETING
August 1, 2016
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 Manager; Sue Cipperly, Town Planner; Cole Tabler, Town Accountant; and Amy Naill, Recording Secretary.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the August 1, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session (July 25, 2016): President O'Donnell announced the need for a closed executive session on July 25, 2016 as permitted General Provisions, Section 3-305(b) (1) Closed sessions to "discuss the appointment, employment assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any personnel matter that affects one or more specific individuals."

Approval by Commissioners for a closed executive meeting
Motion: by Commissioner Ritz III to have a closed session
Seconded by Commissioner Mellor
Vote 5-0 in Favor

Motion: by Commissioner Blanchard to affirm the Mayor's recommendation to terminate employee with the condition of a severance pay increase from thirty days to sixty days, effective immediately.

Seconded by Commissioner Mellor
Vote: 5-0 in Favor

Approval of Minutes:

The minutes of the July 5, 2016 Town Meeting were approved as presented.
Motion by Commissioner Sweeney, Second by Commissioner Mellor

Police Report: Deputy Rohrer presented the police report from July (Exhibit attached). He mentioned the third rocket club event was well attended. He encouraged people to use and check out the deputy section of the new Town website.

Commissioner O'Donnell: Had a request from a resident on the North side of Annandale Road. The resident feels like he is risking his life getting his mail during the morning commute.

Deputy Rohrer: Said this area is outside of Town but it could be monitored.

Commissioner O'Donnell: He said he would confer with the Mayor on this item.

Commissioner Comments:

Commissioner Sweeney: Mentioned the Lions Club would be holding a health fair for the Town at the ambulance building on September 24th.

Commissioner Blanchard: Thanked the Mayor for continuing the tradition of the pool parties.



Mayor's Comments –

Mayor Briggs: We are working on getting the Welcome to Emmitsburg sign back at the east side of town. It probably will be in the same location but with reinforced posts.

He said he reached out to Howard County and their emergency manager, Mr. Kittleman to extend our whole-hearted thoughts and prayers concerning the Ellicott City Flood.

He mentioned Town staff will be moving the trash can now located on the South East quadrant of the square because of an abuse of an apartment located there. We will only have three can on the square.

Thanked the anonymous donor of the pool passes for their generosity.

Administrative Business –

- **Resolution 2016-02 R Community Legacy Grant**

Overview was presented by Cathy Willets. She explained that this is the second Community Legacy Grant related to the square project. We will need \$170,523.00. The Town will probably hear about the grant in November or December.

Commissioner Ritz III: For clarification, the town is not responsible for any matching funds is that correct?

Ms. Willets: Correct.

Commissioner Sweeney: Is the grant for the whole amount?

Ms. Willets: It is for the remaining amount that we don't already have money set aside for.

Commissioner O' Donnell: Mention was made of other grants that are being sought. Do we have other grant applications in at this time?

Ms. Willets: We currently have one that we have already been awarded for \$24,400.00; we are working on getting it amended so that we can use it for the construction of the square project.

Motion – To accept resolution 2016-02R as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote: 5-0 in Favor

- **Discussion of Nuisance Ordinance-Commissioner Ritz III**

Commissioner Ritz III: The Citizens Advisory Committee did meet and there was an overwhelming consensus that the nuisance ordinance was not necessary. "If someone feels that another person or persons are causing a nuisance then they may contact law enforcement anyway that's just common sense". "If the purpose of the ordinance is to combat the drug use epidemic in town rather than fining individual's maybe we should consider getting help for them through counseling or social programs etc".

If the ordinance does pass the only suggestion for rewording was instead of the Mayor or Town Manager reviewing the police reports and violators reviewing their outcome it should go to an existing committee for review. For example: appeals, ethics, advisory or create a new committee specifically for that review.

Commissioner O'Donnell: He felt there was a utility for having the noise ordinance. We are some what a college town a number of months each year and there have been issues. I think we need to wait for the items to come back to the board after the Planner looks at the language.

- **Update on online bill pay-Discussion only**

Mr. Tabler: Handed out information on online bill pay. Mr. Tabler presented various options to the Commissioners concerning the residents paying their utility bills online.

He said he checked with PNC Bank. Invoice Cloud and CUSI. We recommend using our current software vendor CUSI. Accounting is updated automatically. The fee structure is \$3.95 or 2% of the customer balance. Customers can use a bank check elimination product that is \$.25 per transaction. You can also add future features to the product. To add this web portal to our current system would be free to the Town.

Discussion was had concerning the fees charged to the resident and the town. Mr. Tabler was asked by Commissioner O'Donnell if there was anything missing from their product or any disadvantage we would encounter with the company. He said he felt CUSI did a good job in the past on training and customer service.

Mr. Tabler was asked to check about upcoming fee changes and structure concerning CUSI.

- **Potomac Edison Easement-Flat Run Bridge**

Ms. Cipperly passed out handouts.

Ms. Willets: Basically what you have in front of you is Potomac Edison's right of way agreement. They are required to move two poles from the North side to the South side.

Ms. Cippery reviewed the drawing with the Commissioners.

Ms. Cipperly: SHA is trying to get all the utility lines on the South side of the bridge you are granting an easement over Town property.

Ms. Willets: this has been reviewed by Fox and Associates and our attorney John Clapp. They are both okay with it.

Commissioner O'Donnell: Is there any risk to the Town by allowing this easement?

Ms. Cipperly: No

Motion: To accept the Potomac Edison Easement-Flat Run Bridge to go forward.

Motion by Commissioner Blanchard, second by Commissioner Sweeney

Vote 5-0 in Favor

- **Appointment to Citizens Advisory Committee- Per Commissioner Joseph Ritz III**

Commissioner Ritz: This evening I am presenting to the board the appointment of Miss Brandy Malocha. She is one of the owners of Emmitsburg Tattoo. She has expressed interest in joining the Citizens Advisory Committee.

Motion: To accept the appointment of Brandy Malocha to the Citizen's Advisory Committee.

Motion by Commissioner Blanchard, second by Commissioner Mellor

Vote 5-0 in Favor

Consent Agenda- No items

Reports:

Town Manager's Report –Presented by Cathy Willets. On West Main Street six light poles were out, staff worked hard with a contractor to get those repaired. Rainbow Lake is at the spillway level unfortunately as of today it is below spillway about four-tenths of a foot below. That's of concern because there's been no rain.

Commissioner Ritz: Asked about the Irishtown Road- two way entrance into Brookfield. He asked about the next step in getting that completed.

Mayor Briggs: The next step is for the builder to start building down Irishtown Road on the South side and he needs to level out the crest of a hill. The site distance is not clear for two way traffic. It is part of their development plan.

Commissioner O'Donnell: The park sign in Memorial Park needs attention, it is overgrown. Also the new sidewalk at the entrance of Emmet Gardens has taken a pretty bad hit. It looks like the trailer of a tractor trailer rolled over it. SHA should be notified. Also is it possible to get a replacement stop sign near the pool here in Community Park on Cedar Lane?

Ms. Willets: Yes

Town Planner's Report-Presented by Sue Cipperly. She mentioned the continued work on the Community Legacy Program. Applications were prepared for the Town's funding.

She mentioned she contacted the State Highway Maintenance office concerning the curb at Emmet Garden that Commissioner O'Donnell asked about earlier. She said she will follow up with them.

Treasurer's Report –Commissioner Blanchard reported on July 2016 cash activity. (Exhibit attached).

II. Agenda Items

Proposed Dog Park –Presentation and discussion at meeting

Commissioner Mellor asked that the Proposed Dog Park agenda item be moved to first item because of the residents waiting to make public comments.

Commissioner O'Donnell complied with her request.

Ms. Willets: We visited numerous sites looked at numerous proposals. We were looking for ease of parking and ease of access for the residents. We have an aging community which may not be able to walk extra distances. We looked at ease of maintenance for staff. We looked at safety where you can see and be seen by others in the park. Also we

looked at the proximately to the waterline. The site that met the most criteria was site one the original site proposed.

Ms. Cipperly: Gave a power point presentation. It was based on existing dog parks in the Gettysburg and Biglerville areas. The site that meets the most criteria for Emmitsburg would be right off the parking lot at the end of Cedar Avenue. It would be 150 feet long by 100 feet on the shorter side.

A lot of items were provided by donations. Community involvement is important.

Public Comments: Amy Boehman-Pollitt, 328 Mountaineers Way, Emmitsburg, MD.

Ms. Boehman-Pollitt was opposed to the dog park. Main reasons were location, safety to children, safety to pets, noise level, destruction of wildlife and smell. She would like it located away from a residential area.

Mike Breson, 342 Mountaineers Way, Emmitsburg MD. Mr. Breson echoed Ms. Boehman-Pollitts sentiments. He also thought it would be a further drain on law enforcement.

Wendy Walsh, 2009 Pembroke Court, Emmitsburg MD. Ms. Walsh is in favor of the dog park. She feels a dog park is an opportunity for dogs to socialize off leash. She thanked Ms. Cipperly for her power point presentation.

T.J. Burns, 321 Mountaineers Way, Emmitsburg MD. He is president of The Southgate Homeowners Association. He said he took a survey of the neighborhood and the majority of the residents are against the dog park.

Discussion was conducted by the Mayor and Commissioners concerning the proposed location and perhaps relocation to another area.

Commissioner O'Donnell: Asked that the conservation easement on Scott Road Farm be researched by Town Staff.

Streets, sidewalks, and public places ordinance 12.08.020 Amendment for consideration:

Ms. Cipperly: The ordinance that was in your packet appears to be the same version that was in your previous packet. I gave you a new one just now and I can just go over what was added per your discussion last time.

Commissioner O'Donnell: I'm looking at what we have in the packet and what you provided us, has anything been changed from what was in the packet to what was provided today?

Ms. Cipperly: Yes, it was available when the packet was done but somehow the wrong version got in the packet.

Commissioner O'Donnell: Was this posted online at the time?

Ms. Willets: I would guess, what's in your packet is what is online.

Commissioner O'Donnell: For due diligence and transparency, we need to come back to this as an agenda item in September.

Credit Card Terminal Fee Policy:

Mr. Tabler: Went over the advantages to having a credit card terminal at the front counter. He went over the proposed fees. The fixed fees would run around \$200.00 a year for the town. The convenience fee for the used would be 2.1% plus .25 cents. The cost to the town would be \$1,500.00 a year if fifty residents would use their credit cards, to pay for their water bills each quarter here at the office. We would charge a \$5.00 fee and that would recover 60%-70% of expense to the town.

Commissioner Mellor: Have you looked into what other town's of the same size do?

Mr. Tabler: I looked at ten different towns of the same size. Most do have a credit card option online and basically that's it.

Commissioner Mellor: I am not a fan of this at all. I would like additional time to check into it and do my own research, before I vote on this.

Ms. Willets: This was initiated by the volume of requests we get from people coming in with their credit card in hand.

The credit card terminal policy was tabled for the September 6th Town Meeting.

Approval of salary chart ordinance:

Ms. Willets: this is the ordinance that would approve the fiscal year 2017 salary chart with a 2% COLA factored in, attached to the ordinance is the current salary chart for fiscal year 2017.

Commissioner Mellor: The boards voted for the 15% increase over three years - last year, how does that increase reflect on this chart?

Ms. Willets: You would have seen the significant change in the salary chart last fiscal year.

Mr. Tabler: The adjustments based on the salary chart would be the adjustments made to the base level and each step. That's where the adjustments were made and it flows through the chart. The numbers from this year are based on what was approved last year.

There was a discussion by the Mayor and Commissioners concerning the salary chart.

Commissioner O'Donnell: Asked for a fundamental breakdown. We would like to see the base salary before the 15% change and the projection of five, five and five percent for the following three years. We are going to look for change overtime. We want to see the sequencing of the change.

Approval of the salary chart ordinance was tabled till the September 6th Town Meeting.

Set Agenda Items for September 6, 2016 Town Meeting

1. Streets, sidewalks, and public places ordinance 12.08.020 Amendment for consideration.
2. Credit card terminal fee policy
3. Ordinance 16.10 Town of Emmitsburg Salary Structure Fiscal Year 2017
4. Appointment of Election Judges
5. Discuss vendor licenses for door to door salesmen

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

V. Adjournment

With no further business, the August 1, 2016 Town Meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved: September 6, 2016