

**MINUTES
TOWN MEETING
SEPTEMBER 6, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Joseph Ritz III, Jennifer Mellor, Glenn Blanchard, and Tim O'Donnell, President. Commissioner Sweeney arrived three minutes late. 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 September 6, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session (September 6, 2016): President O'Donnell announced the need for a closed executive session on (September 6, 2016) as permitted General Provisions, Section 3-305(b)(1), item 8, Closed sessions to consult with staff consultants or other individuals about pending or potential litigation matters.

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

Commissioner O'Donnell mentioned upcoming meetings: October 3rd Town Meeting, September 26th Planning Commission Meeting.

Approval of Minutes:

The minutes of the August 1, 2016 Town Meeting were approved as presented/corrected. Changes: Commissioner Ritz III brought up that Mike Bryson's name was miss-spelled as "Breson". This was corrected to read Bryson.

Commissioner O'Donnell asked the board if they would like to see a modification concerning the minutes. The board was in agreement to accept the minutes with the spelling correction.

Motion by Commissioner Blanchard, Second by Commissioner Mellor

Police Report: Deputy Whitehouse presented the police report from August (Exhibit attached). He mentioned the thefts and destruction calls stemmed from the night of August the 8th or 9th in Brookfield. He said there is still no suspect at this time. He asked if anyone has any information to contact the deputies.

He mentioned to the Commissioners that if there is anything not covered in the police report the they would like to see covered they are always open to suggestions.

Commissioner Comments:

Commissioner Ritz III: Mentioned he may be attending the Emmitsburg/Thurmont Community Show this year. He commended the Town Staff saying that the parks are looking good.

Commissioner Blanchard: Thanked the Mayor for continuing the tradition of the pool parties through the summer. Reminded everyone there is an election this month and he is running for office and would appreciate the support.

Commissioner O'Donnell: Commended Commissioner Mellor for her service to the Town of Emmitsburg, for being audacious enough to step forward when the Town had a need. He thanked her for serving on the committees and serving as a Commissioner. He told her she did a fine job and they are grateful.

Mayor's Comments –

Mayor Briggs: He commended Commissioner Mellor for her expertise in recreation. He thanked her for serving and wished her the best.

He mentioned the East Lincoln walkway was finished and being utilized.

He introduced a Boy Scout- Caleb Koblenz from Troop 18 from Blue Ridge Summit. Mr. Koblenz is working on his Community In Service badge.

The Mayor will be at the Emmitsburg/Thurmont Community Show. He will also attend the Fallen Firefighters Ceremony at the NETC.

He commended the staff for grooming the Town for the upcoming events.

He introduced Mr. Gary Casteel. He was pleased to be commissioned to restore the Doughboy Statue. He mentioned that Emmitsburg is an outstanding community that has a lot to offer.

Commissioner O'Donnell stepped off the dais for a few minutes and gave the gavel to Commissioner Sweeney.

Mayor Briggs asked to have the two Commissioner candidates introduced.

Ms. Jennifer Joy: She would like to concentrate her interest in Emmitsburg. She enjoys being active in the organizations and the family feeling Emmitsburg has. She would like that to continue.

Ms. Elizabeth Buckman: She feels that Emmitsburg is by far the best place to raise children. She mentioned the organizations and all the resources Emmitsburg has and would like to see them unify.

Commissioner O'Donnell: He asked Commissioner Blanchard if he would like to speak.

Commissioner Blanchard: He declined.

Administrative Business –

• **Sheriffs Office Contract FY2017**

Ms. Willets furnished draft copies to all the Commissioners. She stated it is the standard contract they have been issuing to the Town every year. The contract amount has increased. The sheriff explained it is due to the market adjustment law enforcement pay scale as approved by Frederick County. The contract has increased by \$28,583.00 for the fiscal year. The contract is for \$260,603.00, the Town budgeted \$247,950.00, a difference of around \$12,000.00.

It is her understanding that because of the increase to all the municipalities the deputies' overtime will be charged back to the sheriff's office.

She also mentioned that the Town does get \$16,000.00 or \$17,000.00 back from the governor's office for crime prevention and control.

Commissioner O'Donnell: Brought up that the Emmitsburg Cares citizens would like three deputies on duty. He did mention that this would involve increasing taxes and they were in agreement with that.

He also asked Ms. Willets if we have some say with the patrol leader who sets the hours for the officers.

Ms. Willets: That would be the supervisor of the unit.

Commissioner O'Donnell: My feeling is there is a need for deputies in Town at later hours. On weeknights for example we could use additional coverage. Does anyone have any concerns about that or other thoughts?

Commissioner Ritz III: I agree but I don't want to delay the process. I want next year at budget time to have discussion about budgeting extra monies for a third deputy.

Ms. Willets: You may want to start the process sooner than later as far as staffing with sheriff's office is concerned. I am sure they would be receptive.

Commissioner Ritz III: We just bring our questions to you?

Ms. Willets: That is possible; I work closely with the supervisor of the unit. We can certainly work on the schedule.

Commissioner O'Donnell: He reminded the community to call if there is a concern. He said calls drive our policing. He told the community to call the 911 center and let them sort it out.

Commissioner Sweeney: Mentioned if we go to the third deputy it would probably cost \$290,000. We did have three in the past. He was also concerned how much the taxes would be increased and when the last time they were raised in the municipality.

Ms. Willets: The last time you did anything with taxes you lowered them. That was in the last five years. I would have to look into when they were raised the last time.

Commissioner Mellor: My understanding is a lot of deputies do moonlighting for lack of a better word. Could we have some sort of a part-time contractual plan with the deputies that will not require us to cover their benefits?

Ms. Willets: I don't know how the contract would work but that is something the sheriff's office has done in the past. If you have specific dates and times that you would like additional coverage we could write that into a separate contract.

Motion – To accept the Sheriff's Office Contract FY 2017 as proposed
Motion by Commissioner Sweeney, second by Commissioner Mellor
Vote: 5-0 in Favor

- **Design and build multi-user trail for FY2017**

Commissioner O'Donnell: The information I am looking for from our vendor has not come forward so

I am going to table this until the October meeting.

- **Citizen Advisory Committee-potential new members and removal of members due to membership violation**

Commissioner Ritz III: I have no new members to present this evening and the individuals in question due to membership violations I've decided not to discuss this evening. I am not sure with the pending election how the boards restructure might come about therefore I would like to wait until next month.

- **Contract for Mr. Dave Haller for Consultant services to the Town of Emmitsburg**

Ms. Willets: The Commissioners were provided with copies of the contract. Ms. Willets reviewed the contract with the Commissioners. She said he would provide consulting and advisory services to the Town and he would be used on an as needed basis on projects and requests from myself and the Mayor. He cannot represent anyone who would have a conflict with the Town. Payment for the services is \$2,000.00 a month.

Commissioner Sweeney: If we do not need his services, he would not get paid the two thousand a month?

Ms. Willets: No, he is paid the two thousand regardless.

Commissioner Mellor: Page two under term and termination. Mr. Haller shall not be required to devote more than 150 hours to the service required for this agreement. That means that he can give us 150 hours a year and that's it?

Ms. Willets: Yes, that was the amount of hours that were negotiated between his attorney and the Town attorney.

Commissioner O'Donnell: Is that something you would like us to revisit with the Town attorney to provide a counter offer?

Commissioner Mellor: I don't know have you done the math?

Commissioner O'Donnell: I understand what you are saying is profound. I think they are basing it on a consultant rate versus the civil service position rate.

Commissioner Ritz III: We collectively as a board agreed to this arrangement, I guess that was in May or June. What are the penalties tonight if we decide not to approve this contract?

Commissioner O'Donnell: There should not be any.

Commissioner Ritz III: That said I have two questions for the acting Town Manager and Mayor. Are you able to do your job duties without consulting with Mr. Dave Haller?

Mayor Briggs: Ms. Willets is an interim Town Manager through the first of the year. We are conducting interviews at this time. It was felt with the new WWTP, the historical knowledge that he has is important. We discussed the amount he would be paid each month.

Commissioner Ritz III: No we didn't discuss the hours at all it was the dollar amount. Do you foresee the use of consulting with Mr. Haller in order to perform your duties as Mayor?

Mayor Briggs: I can see we can use it in about three days.

Commissioner O'Donnell: Can you provide a context?

Mayor Briggs: We have something coming up at the WWTP that is a significant benefit for us.

Commissioner Ritz III: Commended Ms. Willets as Town Manager and said that she has done a fine job so far. He said he felt it was time to move on and he was not for this contract and we are in fine hands.

Commissioner Mellor: Are we able to contact our colleagues at MML if we have questions?

Ms. Willets: Most of them are quick to answer and you can develop a network.

Commissioner Sweeney: Complimented Ms. Willets on her job as Town Manager. He felt the \$24,000.00 could offset the cost of the new sheriff's contract. He asked her if she felt capable if something came up.

Ms. Willets: I do.

Commissioner Sweeney: I'm not in favor of the contract.

Commissioner O'Donnell: My only concern, I see in the contract is the hour's piece. That's an excessive rate. I do think there would be value in having access to his knowledge.

Call to a vote: All in favor of the contract for Mr. Dave Haller for consultant services to the Town of Emmitsburg as presented.

Vote 5-0 Against

Consent Agenda- No items

Reports:

Town Manager's Report –Presented by Cathy Willets. The sidewalk was constructed on East Lincoln Avenue.

Rainbow Lake is .9 ft. below the spillway level. Normal is 16.6 ft, no need to worry yet but we will keep n eye on it and once it hits 14.5 ft then we might look at doing water restrictions. We need to hope for some rain soon. Wells are down an average of 8.5 ft below their level of in May of 2011. No spills of sewage in the month of July. We exceeded the plant's capacity on one day.

Two security lights were placed in the parks.

Ms. Willets had meeting with the Mayor and the New HR Consultant. She will be introduced at the next Town meeting.

Town Planner's Report – Presented by Sue Cipperly. She mentioned the two grant applications that were submitted in July to the Department of Housing and Community Development in order to continue another year of our Community Legacy and Façade Program. We applied to the same agency to try to get some revitalization money for the square. She stated the resolution in support of that grant was for \$170,523.00 to help us out in our portion of the cost for the square project.

She also has been working with Fox Associates with the Flat Run bridge design.

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

Commissioner O'Donnell: Questioned the check amount of \$11,914.00 for a new LED section light, is that at one of the pumping stations?

Ms. Willets: I believe that is the two light poles that were placed in Community Park and Memorial Park. We did submit the request for reimbursement for the grant we received. We should recover about 80% of it.

Planning Commission Report- Presented by Sue Cipperly. The last meeting of August 8th, we discussed for the second time the ordinance concerning the accessory structures in the institutional zone and we would like to propose that be an agenda item for the October meeting.

II. Agenda Items

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

Commissioner O'Donnell: Asked if this ordinance was what was advertised?

Ms. Willets: Correct

Ms. Cipperly: The concern is about the amount of litter, trash and debris, on sidewalks mainly on Main Street. We are trying to assign some responsibility for clean up. We added litter, trash, debris, newspapers, smoking debris, and other types of litter.

It allows us to send a written warning to the owner or occupier of the property adjoining the sidewalk and failure to correct the violation could result in fines.

Public Comments: Eric Sloan. 500 East Main Street. With the increased traffic, I have beer cans, cigarette butts and everything else that ends up against my curb due to the Dollar General. He mentioned also the Mother Seton Carnival and the litter that is left behind at the side of his house.

Commissioner O'Donnell: He mentioned contacting Tim Wivell the Superintendent of grounds at Mother Seton. He offered to get in contact with him if Mr. Sloan did not want to. He thinks this ordinance might address the Dollar General Issue of parking lot trash.

Commissioner Mellor: Asked about the purchase of a street sweeper and sweeping Saturday morning early.

Ms. Willets: Said they do sweep some of the streets.

Commissioner Ritz III: Asked Mr. Sloan if he was opposed to this ordinance or in favor?

Mr. Sloan: There are people who have no control of what ends up in their front yard.

Mayor Briggs: You have to have something in place. It's the owners responsibility of that property not to export trash around Town.

Motion: To accept the Streets, sidewalks and public places ordinance 12.08.020.
Motion by Commissioner Sweeney, Second by Commissioner Blanchard

Vote 5-0 in Favor

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. We made an estimate as far as the use of a credit card machine and the \$5.00 convenience fee we are proposing. With a high estimate it would cover two-thirds of the cost of the machine for a year.

Commissioner O'Donnell: The majority of the people I have spoken to feel that the value of the service outweighs the cost.

Commissioner Mellor: I am still not happy with this.

Ms. Willets: This \$5.00 fee is cheaper than using the online service that we currently have.

Commissioner Mellor: How much does it cost to pay your bill online?

Ms. Willets: Six dollars.

Commissioner Ritz III: Going forward it's just for paying utilities.

Ms. Willets: The one up front you can pay anything.

Motion: To accept the Credit Card Fee Policy P16-03
Motion by Commissioner Sweeney, Second by Commissioner Blanchard

Vote 3-2 in Favor
Commissioners Mellor and Ritz against

Ordinance 16-10 Town of Emmitsburg Salary Structure FY2017

Ms. Willets: We have provided a section of the minutes of March 16, 2015 where the salary chart was discussed. We have also attached the FY 15, 16 and 17 budgets as related to the salaries to show the increase to the budget. There are also copies of the salary chart.

Mr. Tabler: Mr. Tabler explained the calculations that were shown on the handouts given to the Commissioners.

Commissioner Sweeney: I am concerned that our original motion or agreement with the board was to give 15% over three years. Did everyone get this 5% and you are saying yes they have.

Mr. Tabler: In 2016 the overall difference was 5% roughly for each of the positions. In 2017 the people listed got the 5% each of the years.

Commissioner Sweeney: How about the COLA?

Mr. Tabler: That's part of the 5%.

Commissioner Sweeney: When we voted on it I don't think the COLA was part of the 5%.

Mr. Tabler: The 2016 chart that was affected by the vote back then only affected the chart. The steps for each of the positions actually lowered. The chart itself in 2016 changes, it's still a 5% increase for each of the listed positions.

Commissioner Mellor: If you look at the Town Planner's salary the very first one looks like she got an increase of \$900.00 and that's way less than 5%. Some of your higher salaries employees made huge increases from FY 15 to 16.

Ms. Willets: If you remember the study that the HR consultants did at that time there were certain positions that were at least 25% out of whack for lack of a better word. Those positions probably ended up with a bigger increase. Her salary ended up being competitive with other towns our size.

Commissioner Mellor: Basically what has happened is that the salaries all together have increased 5% so that increase has been spread out over all the different positions based on what the HR found out in the salary survey.

Commissioner O'Donnell: So the professional staff market rate was in question for their salary rate some were above market rate and many were below market rate for their skill set.

Commissioner Mellor: Who provided the guidance for placing people on the chart?

Ms. Willets: The HR consultant made recommendations. Mr. Haller then set the grade and the step to meet what she was recommending.

Commissioner Ritz III: I remember when we voted on this I voted in the affirmative due to the fact that the lower end salaries would get a considerable increase. That's how I remember the presentation that night.

Ms. Willets: If there are changes you want to make for next year, I'm sure we can work on it.

Commissioner Mellor: If we vote no for this structure can this be redone so steps are not given. Is it too late to go back and take the steps away?

Ms. Willets: That would be a question for your HR consultant. You approved the salaries in this budget. It wasn't broken out so you didn't see where everyone was.

Commissioner Mellor: I would certainly like to see some of the people who got the huge increases last year not get increases and the people that only got \$900.00 get an increase.

Ms. Willets: It is certainly possible to give an individual person a raise. If you feel there's a position that is out of line. I think as far as changing the entire salary chart now budget wise and financially wise might make things a little difficult on our end.

Commissioner O'Donnell: The board's concerns relate to the equanimity of the scale, and for lack of a better word it's fairness. To make sure it's done in a fair manner.

Motion: To accept the FY 2017 budget proposal for the Town of Emmitsburg Salary Structure Chart Ordinance 16-10 and require that the Human Resources Consultant be on hand prior to the consideration of the FY 2018 salary scale as related to the budget.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

VOTE 3-2 Favor
Commissioners Mellor and Ritz against

Appointment of Election Judges:

Ms. Willets: Named the election judges: Sharon Hane – Chair Judge, Charlotte Mazaleski, Barbara Weedon and the alternate was Joan Tracy. The chair judge would receive \$150.00 and the judges would receive \$130.00 for the day. The alternate is not paid. The increase in pay is because the Town would like to bring the fees in line with the rest of Frederick County. The Town will provide lunch and dinner. It is a twelve hour day.

Motion: I make a motion to appoint the election judges as presented – Sharon Hane – Chair Judge, Charlotte Mazaleski, Barbara Weedon and Joan Tracey-Alternate with the proposed pay of \$150.00 for chair judge and \$130.00 for Judges.

Motion by Commissioner Sweeney, second by Commissioner Mellor

VOTE 5-0 Favor

Commissioner Ritz III: Hopefully the election judges know that if you only select one candidate it is still a valid ballot. But there are two seats open if someone comes in and only likes candidate B, they do not need to vote for A or C. The current ballot should read vote for no more than two.

Discuss vendors licenses for door to door salesman-Ordinance 16-14:

Ms. Willets: We already have an ordinance for vendor's licenses. If you are coming into town and you're selling something door to door you need to come into the Town office to get a vendors license. It gives us a chance to verify you are who say you are. It gives the residents some piece of mind. They are charged \$5.00 a day for the vendor's license.

The concern was brought up about the vendors that go door to door and are not selling anything. Perhaps they are promoting a product or doing a survey. We would offer them a vendor's license but at no cost because they are not selling anything. A resident should ask them if they have a vendor's license. That is something for the deputies to check also.

Commissioner Ritz: Brought up the question concerning getting a vendor's license for running for Commissioner. He wondered whether he would have to get a vendor's license in order to canvas an area during the election.

It was decided that additional research would be done on this ordinance.

Commissioner O'Donnell: We will table this until the October 3rd meeting.

Set Agenda Items for October 3, 2016 Town Meeting

1. Swearing in of new Commissioners
2. Reorganization of the Board
3. Introduction of New Human Resources Consultant
4. EOT Lagoon Storage Proposal
5. Online bill pay function for consideration
6. Public Hearing and Consideration of Ordinance No.16-13 Revisions to zoning definitions for accessory uses and Ordinance No. 16-08 Amending uses permitted in the Institutional zoning district.

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

V Adjournment

With no further business, the September 6, 2016 Town Meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved: October 3, 2016