

**MINUTES
TOWN MEETING
October 24, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Clifford Sweeney, Elizabeth Buckman, and Tim O'Donnell, President. Commissioner Blanchard arrived three minutes late. Commissioner Ritz III was absent with prior notice. 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 October 24, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Public Comment: Richard Lindsay, 16737 Creamery Road, Emmitsburg. Mr. Lindsay lives beside the WWTP lagoon storage area. He thanked the Commissioners and Ms. Willets for keeping him apprised of the project. He is concerned that the contract is a three to five year contract initially. He would like the Town to consider a pilot like contract for a year to see how things proceed. He feels the Town could then evaluate EOT's performance and then make a decision.

II. Agenda Items

Audit Workshop:

Michelle R. Mills CPA, from the office of Draper and McGinley P.A. presented a PowerPoint presentation on the budget. She mentioned the Town audit was completed last week. She wanted the Commissioners to have a general understanding of the audit.

The Commissioners were given a draft copy of the audit. Ms. Mills commended the Town Staff for being fully prepared and very responsive to the auditors needs.

Ms. Mills went over the differences in fund level and government wide reporting procedures. She mentioned the operating revenues concerning the Water Fund had an operating loss of \$67,722.00 for fiscal year 2016. She also stated that the operating revenues and expenses concerning the Sewer Fund decreased by \$99,721.00 for fiscal year 2016. She said this was due to putting the WWTP online and also the depreciation expense went up considerably. She said the interest expense in the prior year was able to be capitalized during the construction phase of the project. However, once the project was completed it became an operating expense. She said there was also an increase of the cost of the operating supplies due to a larger plant.

Commissioner O'Donnell: Asked if Draper and McGinley had liability coverage to protect the Town?

Ms. Mills: Yes

Commissioner O'Donnell: Questioned whether there was any value to adding additional types of funds, other than the two the Town uses.

Ms. Mills: The Blue Book which is a governmental guide often recommends that you have a minimum use of fund accounts. She said for a Town the size of Emmitsburg, we have the appropriate amount of fund accounts.

Commissioner O'Donnell: Asked what an example of a total deferred inflow would be?

Ms. Mills: A deferred inflow is something that you would receive in advance that would benefit a future period. That could be grant that you receive in advance, before you had to spend it.

Commissioner O'Donnell: Questioned the loss of \$67,000.00 in the Water Fund.

Ms. Mills: There was a significant decrease in consumption.

EOT Lagoon Proposal discussion and consideration:

Ms. Willets went over the proposal again from Enviro-Organic technologies. She mentioned that EOT made every change that the Town attorney had requested. They also made adjustments to their insurance coverage. The Town has requested a CPI increase to keep up with inflation. The company has been receptive to all the changes that the Town has requested.

EOT had asked for a seven year contract with a three year extension. Staff thought five years was reasonable with a four year option/one year extension. She mentioned the Town attorney has reviewed the contract and everything appears to be in order.

Ms. Willets emphasized that the money from the contract needs to be kept at the sewer plant, if the contract is approved.

Commissioner O'Donnell: Asked that in the event of onsite spillage that the Town should be notified. He asked that it be noted in the contract.

Ms. Willets: She stated she did not see it in the contract but it can be added. She said EOT did add information into the contract on the pollution insurance which is for two million dollars.

Commissioner O'Donnell: Handed the gavel over to Commissioner Sweeney.

Motion: To have EOT notify the Town Office or Staff immediately in the event of spillage by EOT or their agents or contractors by contacting the Town Office at 301-600-6300, until they reach a live Town representative.

Motion by Commissioner O'Donnell, second by Commissioner Blanchard

Vote 4-0 in favor
Commissioner Ritz III absent

Motion: To restrict all funds from EOT's first year payment for the cost of the operation of the WWTP and Solar Field.

Motion by Commissioner Sweeney, second by Commissioner Buckman

Vote 4-0 in favor

Commissioner Ritz III absent

Mr. Snader stated that he will put together an email and send it to Ms. Willets for review. If all the verbiage is acceptable, he said he will send it to his attorney to have the contract amended with the spillage clause.

The Commissioners decided to wait to hear back from EOT before voting on the contract.

Discussion and possible consideration of the MOU for the Square Project

Ms. Willets went over the draft Memorandum of Understanding for the Square Project. The Commissioners were provided with the draft proposal between the Town of Emmitsburg and The Maryland State Highway Administration at the last meeting. She mentioned the Town attorney had reviewed the contract and did not have any concerns or comments.

The meeting was recessed for five minutes at 8:26 PM for copies to be made of the MOU.

The meeting was reconvened at 8:33 PM.

Ms. Willets reminded the Commissioners that if there are design issues before ground is broken the Town has the ability to submit changes to SHA for review.

Commissioner Sweeney: Asked how they are going to address the sidewalk heights in places such as Grannies Attic on East Main Street.

Ms. Willets: Said she would check into it with Ms. Cipperly.

Commissioner Sweeney: Mentioned that New Market, MD is also going through a square revitalization and they are having some problems concerning the brick sidewalks. He suggested perhaps installing stamped cement that resembles brick. He would like Town staff to be cautious in this regard.

Ms. Willets told the Commissioners that the "betterments" in the contract are what the Town has requested SHA to do in addition and outside of the scope of the project. She mentioned the estimate for the "betterments" is \$293,403.58 which is the Town's responsibility. Ms. Willets brought up that an inspector could be hired by the Town for the betterments. The "betterments" include the waterline, clock and brick. She stated that our public works personnel and Ms. Cipperly will be very active in these matters.

She reminded the Commissioners that if they want to contract an inspector that it would have to be put into the budget.

Commissioner O'Donnell: Do we have estimation as to the cost of an inspector.

Ms. Willets: I will look into it.

Commissioner Sweeney: Asked if we were putting in a fountain?

Ms. Willets: No

Ms. Willets: Recapped where the Town's portion of the money is coming from for the square project. She stated that the waterline cost is coming out of the Enterprise Fund for water and sewer. The remainder of the \$223,683.00 is on the high end with the added 14.4% and the 8.2%. We did receive two SHA funding grants in fiscal 2014 and 2017 in the amounts of \$56,000.00 and \$67,000.00. We also have an MHAA grant for \$24,000.00. The Town itself has set aside about \$31,595.00 for an approximate total of \$178,278.00. We have applied for a \$170,000.00 grant from Community Legacy. We also have the option of budget transfers if needed. We do have the money to pay for the project.

Commissioner Buckman: Asked if additional grants could be applied for?

Ms. Willets: Said that Ms. Cipperly has done very well searching for grants. If the Community Legacy Grant comes through with half of the requested grant, we are okay.

Commissioner Blanchard: Asked for the timeframe of the square project to begin.

Ms. Willets: Spring of 2017.

Motion: To accept the MOU for the SHA Project for the Town of Emmitsburg.
Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote: 4-0 in favor
Commissioner Ritz III absent

Ms. Willets mentioned there may be a need for a closed session following the November 7th Town Meeting to discuss the WWTP.

Set Agenda Items for November 7, 2016 Town Meeting

1. Amendment to Section 8.04 Abandoned Property for discussion and possible consideration
2. EOT Lagoon proposal for final consideration
3. Employee handbook modifications related to employee benefits
4. Pool Renovation Contract presentation for consideration
5. Holiday parking for December
6. Parking meter fee usage for the Month of December

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

V. Adjournment

With no further business, the October 24, 2016 Town Meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved: November 7, 2016