

**MINUTES
TOWN MEETING
November 7, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Clifford Sweeney, Joseph Ritz III, Glen Blanchard, Elizabeth Buckman, and Tim O'Donnell, President.
Staff present were: Cathy Willets; Town Manager and Amy Naill, Recording Secretary.

I. Call to Order

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

Announcement of a Closed Session (November 7, 2016): President O'Donnell announced the need for a closed executive session on (November 7, 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 Blanchard
Vote 5-0 in Favor

Commissioner O'Donnell, Blanchard, Sweeney, Ritz III and Buckman present

Motion to issue a letter to Conewago Enterprises Inc. with a cc: (carbon copy) at the bottom of the letter to the USDA.

Vote in Favor

Approval of Minutes:

The minutes of the October 3rd, 2016 Town Meeting were approved as presented.
Motion by Commissioner Ritz III, Second by Commissioner Sweeney

The Minutes of the October 24th, 2016 Town Meeting were approved as presented.
Motion by Commissioner Sweeney, Second by Commissioner Blanchard
Commissioner Ritz III abstained-he was not present for this meeting

Police Report: Deputy Whitehouse presented the police report from October (exhibit attached). He mentioned that the Halloween festivities went well with no issues. He reminded residents to lock their vehicles and to keep all valuables out of sight and close their garage doors.

He mentioned Deputy Rohrer was transferred. He introduced our new Town Deputy, Ted Mostoller. The Commissioners welcomed Deputy Mostoller to Emmitsburg.

Commissioner Comments:

Commissioner Sweeney: Thanked the Town and all the organizations for the Halloween activities. He attended the Robert Seidel III Bridge Dedication and said it was well received.

Commissioner Blanchard: He said the Seidel Memorial was well done. He thanked Councilman Delauter and Delegate Folden for getting this accomplished. He gave a special shout out to the Mayor for his comments during the dedication. He complemented Commissioner O'Donnell for making it in the MML Magazine for the Maryland Conference back in June.

Commissioner O'Donnell: Mentioned the renovation of the teen section in the Emmitsburg Community Library. He thanked the library staff.

Mayor's Comments:

Mayor Briggs mentioned the improvements to the Emmitsburg Elementary School. He also mentioned the Mount Saint Mary's Rugby Team and how well they are progressing. He said the Seidel Dedication was a phenomenal day.

Public Comments:

Jennifer Frecker, 2005 Academy Court, Emmitsburg, MD. She mentioned she moved to Emmitsburg this past July. She feels there is a need to provide more information to the citizens in some way. She thought a map of the Town showing places that would be beneficial to new residents would be nice.

Commissioner O'Donnell: He mentioned Channel 99, our Facebook page and the Town website.

Commissioner Sweeney: Mentioned Emmitsburg Events.com, Emmitsburg Cares and the community bulletin boards.

Commissioner Buckman: Mentioned that the Citizens Advisory Committee is going to put together a newcomer's packet.

Administrative Business:

- **Proclamation-Government works month:** Commissioner O'Donnell read the Municipal Government Works Month Proclamation as written.
- **Proposed dates for trail maintenance:** Commissioner O'Donnell proposed two trail workdays, Sunday November 20th and Sunday December 11th. They would run from 10 am to 1pm.

Unanimous consent from the board

Commissioner O'Donnell Mentioned the RTP Grant the Trail Conservancy received for the design and construction for additional trails. He said the hope is they will be able to move forward sooner than next year in order to get vendors to bid on the project.

Mr. O'Donnell said he spoke to Terry Maxwell the leader of the Maryland Scenic Byways/Recreational Trails Program with SHA. He said Mr. Maxwell would speak to the Trail Conservancy to see if the modification can be made. He mentioned Mr. Maxwell has visited our newest trails and said he was beyond satisfied.

Consent Agenda:

Motion: To accept Jennifer Joy as a new member and reappoint Mark Walker as a continuing member to the Citizen's Advisory Committee made by Glen Blanchard.
Second by Commissioner Sweeney

Vote 5-0 passed

Reports:

Town Manager's Report: Presented by Cathy Willets. She said that Staff concentrated on preparing for Fallen Firefighters weekend. They placed banners and cleaned the streets and performed general cleanup throughout the Town.

She mentioned the WWTP received about 3.9 inches of rain; currently we have a deficit of

2.0 inches. There were no spills of untreated sewage. We exceeded the plants design capacity on the last three days of September.

She said back in September, Rainbow Lake was 2.0 feet below the spillway. At that time we asked for water restrictions. We then had to increase our water flow from the Mount for five days. The Mount had a leak so we had to reduce that flow. We were unable to pull any water from the Mount for seven days. We are back to pulling 12,500 gallons per day. We can pull up to \$100,000 gallons for emergency use only.

The status of the water at this time in our wells has continued to drop as has the lake. The lake is now 2.3 feet below the spillway. It will be the recommendation of the staff, if we do not have any substantial rain for several days to come back and ask for water restrictions again in December. We are trying not to burden the residents during the holiday season.

She also mentioned that they are currently interviewing for the position of Town Clerk and the Mayor should be bringing forth a recommendation at the December meeting.

Commissioner Sweeney: Asked whether the street lights on South Seton have been completed.

Ms. Willets: She replied, yes

Commissioner O'Donnell: Asked about a parking tie on the square and tarring of the gaps in Pembroke Woods and Brookfield Development roadways.

Ms. Willets: She said both concerns were relayed to the Public Works staff to follow-up on.

Commissioner O'Donnell: Was concerned about the lack of signage on Irishtown Road from North Seton and the lack of enough signage on Brookfield Road. He wants to make sure that staff directs town vendors concerning safety issues when performing road construction.

Town Planner's Report: Presented by Cathy Willets. She said that Ms. Cipperly is working on the Flat Run Bridge Project, the Square Project and the Community Legacy Project. Ms. Cipperly met with the Daughter's of Charity representatives regarding the potential move of the Seton Center, this will be on the November 28th Planning Commission Agenda. She noted that installation is complete of the new welcome to Emmitsburg sign.

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

Mayor Briggs: Commended the Town manager and staff for contracting with LGIT to cut more than half off the cost of our insurance with comparable coverage.

Planning Commission Report: Commissioner Sweeney, stated the Planning Commission did not meet in October but will meet in November.

II. Agenda Items

Amendment to section 8.04 Abandoned Property for discussion and possible Consideration

At the request of the staff this item will be tabled until the December 6th, 2016 Town Meeting pending review and advice of the Town Attorney.

EOT Lagoon Proposal for final consideration:

Ms. Willets mentioned that the statement concerning who would be notified in case of a spillage was added into the contract. It reads as follows: "The EOT will immediately notify the Town of Emmitsburg if a spill should occur at the Emmitsburg WWTP or any portion of the premises hereby leased. This requirement for notification applies to the tenant, agents of the tenant and or sub-contractors of the tenant. Notification will be made by phone to 301-600-6300 if there is no answer the emergency numbers will be called until a live representative of the Town of Emmitsburg is reached and notified of the spill.

Ms. Willets: Mentioned the Town Attorney, Mr. Clapp had no issues or concerns with the wording of the statement.

Commissioner O'Donnell: Asked if beyond the statement any language has been modified.

Ms. Willets: Nothing has been changed.

Motion: Approval of the EOT storage agreement and lease for the lagoon located at the Wastewater Treatment Plan.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote 5-0 in favor

Employee Handbook modifications related to employee benefits

Ms. Willets: She mentioned the new HR consultant has been working on a vacation cap. She said the Town should not pay accruals and only pay what is on the books at the time of separation.

The Employee Handbook modifications only affect the new hires. We are trying to strike a balance between what is best for the Town financially and what is best for the employees. She went over the changes to the handbook affecting new hires only, such as 300 hour vacation cap, reduction in weeks accrued and no payout for personal leave.

She mentioned that the Town would like to implement in the future that the current employees would also be capped at 300 vacation hours which would require paying them for the extra leave that is on the books. She said she would like to bring this item back for the next budget year.

Commissioner O'Donnell: He mentioned that what he has seen modeled in business and the public sector is that they are moving away from identifying leave categories.

Ms. Willets: We may need to discuss that when we overhaul the employee handbook.

Commissioner O'Donnell: Did she look at other municipalities and see what they do?

Ms. Willets: Yes and this is like a middle point.

Commissioner Buckman: Are the employees allowed to cash out?

Ms. Willets: That has never been the practice.

Commissioner Ritz III: The 300 hour cap use it or lose it, this is only for new hires?

Ms. Willets: Yes, you don't lose it but you don't accrue any additional days until you use some of it.

Commissioner O'Donnell: Can we obligate a staff member to take vacation?

Ms. Willets: I would have to ask the HR consultant, I am not familiar with the mandate.

A two minute recess was taken at 8:48 pm in order for Commissioner Blanchard to return to the dais.

Motion: To accept the suggested changes to the employee handbook for new hires after December 1st, 2016.

Motion by Commissioner Buckman, second by Commissioner Blanchard

Vote: 5-0 in favor

Commissioner O'Donnell: He stated he would like consideration given to a category vs. a non-category for leave. Also wants mandatory leave time investigated.

Pool Renovation contract for consideration:

Ms Willets mentioned the Community Parks and Playground Grant for \$217,000.00 the Town received for renovation and rehab of the pool. She reviewed the repairs that needed to be made to the pool and went over the steps taken to bid the project.

She said we received two bids with a difference of about three thousand dollars. One bid was missing some items. She mentioned that until we know where the leak is and how bad it is we will not be able to determine what the cost will be.

She staff would like to award the contract to Make-N-Waves, Inc. She stated that any monies left from the pool rehab project would be rebid for the bathhouses.

Commissioner Buckman: Questioned the surface of the pool, if it would be made smoother so patron's toes would not bleed. Also could the pavilion's inside roof have the seams caulked because it's infested with hornets?

Ms. Willets: She said she would ask the owner of Make-N-Waves about the surface of the pool. She feels staff should be able to caulk the ceiling in the pavilion.

Commissioner Sweeney: Mentioned about putting in a sloped entrance when installing the new steps.

Ms. Willets: That would be a beach entrance; this will be similar but not as expensive.

Commissioner O'Donnell: The pools the have been built by Make-N-Waves are they municipal or residential?

Ms. Willets: They are commercial.

Motion: To accept the Make-N-Waves, Inc. proposal for the pool repair as presented.

Motion by Commissioner Sweeney, second by Commissioner Buckman

Vote 5-0 in favor

Commissioner Ritz III: Asked if this is the formal contract to be signed?

Ms. Willets: Yes and it has been reviewed by John Clapp as well.

Holiday Parking for December:

Staff recommends for the Holiday Season free metered parking from December 16th, 2016 through January 2, 2017.

Motion: To accept the holiday parking as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote 5-0 in favor

Parking meter fee usage for the month of December:

Commissioner Sweeney would like the money that is collected during the free metered parking time to be used half towards the Emmitsburg Food Bank and half toward the fireworks fund for Community Heritage Day.

Commissioner Buckman: Asked that a sign be posted on each meter to say where the money collected during this time will go.

Motion: To accept the parking meter fee usage for the month of December as presented by Commissioner Sweeney.

Motion by Commissioner Buckman, second by Commissioner Ritz

Vote 5-0 in favor

Set Agenda Items for December 6, 2016 Town Meeting

1. Amendment to Section 8.04 Abandoned Property for discussion and possible consideration
2. Dog Park Location
3. Park Pavilion deposit request

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the November 7, 2016 Town Meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved: December 6, 2016