



# Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners  
Timothy O'Donnell, *President*  
Clifford Sweeney, *Vice President*  
Glenn Blanchard, *Treasurer*  
Joseph Ritz III  
Elizabeth Buckman

Town Manager  
Cathy Willets

Town Clerk  
Cathy Willets

## TOWN MEETING AGENDA November 7, 2016

### **I) CALL MEETING TO ORDER (7:30PM)**

#### **A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **B. NEXT MEETINGS:**

*Town Meeting Tuesday, December 6 @ 7:30pm*

*Parks Committee November 15 @ 7:30pm*

*Planning Committee November 28 @ 7:30pm*

#### **C. APPROVE MINUTES FROM: October 3, 2016 and October 24, 2016**

#### **D. POLICE REPORT**

#### **E. TOWN MANAGER'S REPORT**

#### **F. TOWN PLANNER'S REPORT**

#### **G. COMMISSIONER COMMENTS**

#### **H. MAYOR COMMENTS**

#### **I. PUBLIC COMMENTS**

#### **J. ADMINISTRATIVE BUSINESS (see attached)**

#### **K. CONSENT AGENDA (see attached)**

**L. REPORTS**

1. Treasurer's
2. Planning Commission Report

**II) AGENDA ITEMS:**

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

**III) SET AGENDA ITEMS FOR December 6, 2016 TOWN MEETING**

**IV) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

**ITEM C**

**MEETING MINUTES:**

1. October 3, 2016
2. October 24, 2016

**MINUTES  
TOWN MEETING  
October 3, 2016  
Emmitsburg Town Office**

**Present:** Mayor Donald Briggs; Commissioners: Clifford Sweeney, Joseph Ritz III, Elizabeth Buckman, Glenn Blanchard, and Tim O'Donnell, President. Commissioner Mellor was absent.  
Staff present was: Cathy Willets, Town Manager; Sue Cipperly, Town Planner; Cole Tabler, Town Accountant; and Amy Naill, Recording Secretary.

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**I. Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the October 3, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

**Approval of Minutes:**

The minutes of the September 6, 2016 Town Meeting were approved as presented  
Motion by Commissioner Ritz III, Second by Commissioner Sweeney  
Commissioner Mellor was absent

**Police Report:** Deputy Whitehouse presented the police report from September (Exhibit attached). He commented it was a quiet month. He thanked the Town, Pastor Talcott and the Vigilant Hose Fire Company for their help with the Jim Moxley Memorial Rocket Club.

Commissioner Sweeney: Asked for the deputies' attendance during the Halloween festivities.

Deputy Whitehouse: Said they will be present.

**Commissioner Comments:**

Commissioner Buckman: Thanked the Town for having faith in her and commented she would put everything she has into making Emmitsburg safer and more pleasant.

Commissioner Blanchard: Thanked all the voters that came out on the day of the election. He is looking forward to working with everyone and the team approach to getting things done.

Commissioner Ritz III: Said he is honored to sit next to Commissioner Sweeney for the next year and congratulations to Commissioner's Buckman and Blanchard on their election.

Commissioner Sweeney: Mentioned that Halloween Trick or Treating will be on Monday, October 31<sup>st</sup> between 5:30 pm & 6:30pm. He said the parade starts at 7:00 pm. He asked everyone to be careful.

Commissioner O'Donnell: Welcomed Commissioner Buckman. He attended the Pembroke Woods HOA meeting. He said trash cans are being moved by the garbage company and not being replaced, and their garbage truck seems to be leaking. He asked Town staff to contact the vendor.

He asked Ms. Willets to contact the HOA President, Kendall Moore concerning the painting of the fire plugs, There was a question concerning when the streets would be resealed in Pembroke Woods and Brookfield developments. Also a common complaint was the quality of lighting in Pembroke Woods. Residents are saying the lighting is not sufficient.

Ms. Willets: Said the lighting issue was being discussed.

Commissioner O'Donnell: Mentioned about stop signs being run all over Town and asked that the deputies be mindful.

He spoke to the elected and re-elected Commissioners and said there is a mandate for those who voted for their message. He believes in teamwork however he wants everyone to know that they can speak their mind regardless of whether they agree or disagree.

#### **Mayor's Comments –**

Mayor Briggs: He mentioned he attended the 60<sup>th</sup> annual Emmitsburg/Thurmont Community Show. He met with Joe Leberz who is now the Community Director at Mount Saint Mary's. He attended the grand opening of the Seton Center Store. He attended the premier of "Thirsty Land" by Emmy Award winner Conrad Weaver. He mentioned that he was a remarkable and talented person.

He thanked the election judges for their long day. He congratulated the re-elected and elected Commissioners. He thanked Town Staff for digging up the lines to give service to the Fire Museum.

**Public Comment:** Wendy Walsh, 2009 Pembroke Court, Emmitsburg, MD. She mentioned that October is Cyber Security Month. She was glad to hear about the shredding event from the Town Manager. She mentioned "Emmitsburg Cares" and the see something say something and would like to see that applied to the virtual environment.

#### **Administrative Business –**

- **Request for \$15,500.00 budget transfer to be made within the Capital Fund**  
Ms. Willets: The transfer of \$15,500.00 is within the capital fund itself. The transfer is for the maintenance garage at 140 South Seton, the building needs a new roof before winter.

Commissioner Ritz III: Asked how the decrease of \$15,500.00, would affect the tenant of that building.

Mr. Tabler: Stated that we currently have a little over \$65,000.00 reserved for the Upcounty Building.

**Motion** – To accept the budget transfer of \$15,500.00, from the Building Fund  
Motion by Commissioner Sweeney, second by Commissioner Blanchard

**Vote: 5-0 in Favor**

- **Request for \$66,787.56 to be transferred from the General Fund to the Capital Fund**

Ms. Willets mentioned the Town received a SHA Grant for fiscal year 2017. The Mayor would like it transferred to The Town Square Reserve Fund, for the upcoming Square Project.

**Motion** – To accept the budget transfer of \$66,787.56, from the general fund to the Town Square Reserve Fund

Motion by Commissioner Blanchard, second by Commissioner Ritz III

**Vote: 5-0 in Favor**

- **Updated draft budget and MOU for Square project**

Ms. Willets explained the draft copy of the Memorandum of Understanding as it relates to the Square Project. Ms. Willets went over the Town's responsibilities and expenses. She also mentioned that the draft was sent to the Town Attorney for review. She said that the board will be approving the estimated cost of \$293,403.58. She explained once this is approved, SHA will put it out to bid. She told the Commissioners that the Town will have the final amounts the end of January or the beginning of February. Any increase or decrease after that will come at the request of the Town. She asked that the Commissioners bring this back at the next meeting because SHA needs final approval in November. She asked the Commissioners to email any comments and concerns to her.

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

Commissioner O'Donnell went over the background information concerning the trails. He said that the model was modified this year and the Trail Conservancy was asked to allow another design and build vendor to lead. He said the Trail Conservancy is amenable to that but they are not able to move forward until the springtime. He said this is a concern because the people that do the design and build are usually spoken for. He said that we intend to see a new trail built this summer but we are not moving forward at this time.

He mentioned that signs have been posted at all trail heads advising trail users that the trails are available only during Sundays because of hunting season.

- **Change in terms to loan related to 140 S. Seton Ave**

Mr. Tabler went over the terms of the loan. He said the initial loan from 2011 was for \$247,000.00 with the Woodsboro Bank. The principle at this time is \$203,410.43 and the bank is asking us to extend the loan to October 5, 2021. The rate will stay the same and the payment stays the same.

Commissioner O'Donnell: Asked what can be gained by this?

Mayor Briggs: Explained that the bank could have asked for payment in full as this was a balloon note. He said this is how commercial loans work.

**Consent Agenda-** No items

**Reports:**

**Town Manager's Report** –Presented by Cathy Willets. She mentioned the WWTP had no spills of untreated sewage and the plant's capacity was not exceeded on any day.

Ms. Willets reviewed the current water numbers with the Commissioners. She said due to the recent rain event the lake came up a half foot. We are still 1.4 ft below the spillway. Wells one, three and five all came up due to the rain. Well two and four are normal. Mount Saint Mary's has had some water leak issues, so only 10,000.00 gallons are being pulled from the Mount.

Staff recommends removing Phase I water restrictions because the wells and the lake water have increased. We are hoping to get additional rain and staff is monitoring the levels.

**Motion:** To remove the water restrictions that we have in place at this time  
Motion by Commissioner Sweeney, second by Commissioner Ritz III

**Vote 5-0 in Favor**

**Town Planner's Report** – Presented by Sue Cipperly. She mentioned the Flat Run Bridge Project work will probably be started by the end of October. Utilities are being explored at this point.

She mentioned that the plans for the Square Revitalization Project are being reviewed.

She wanted to make sure that the GIS system is not lost in the shuffle. A data base is being created containing the Town's sewer and water lines.

Commissioner Sweeney: Mentioned that the Lion's Club would like to purchase some of the trees that will be planted in the sidewalk areas. He asked that the cost be forwarded to him.

Ms. Cipperly: Mentioned she spoke to a contact with the state and they are going to be supplying the Town with new information concerning tree species. She said she will keep the Commissioners posted.

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

Commissioner Sweeney: Asked about the \$37,750.00 check for the East Lincoln pathway. He asked if the money came out of the money that we had for East Lincoln.

Ms. Willets: Said it came out of the paving budget.

## **II. Agenda Items**

### **Swearing in of the new Commissioners:**

The Mayor conducted the swearing in of both re-elected Commissioner Glenn Blanchard and elected Commissioner Elizabeth Buckman. The Mayor congratulated both Commissioners on their successful elections. Commissioner Buckman was introduced to the Board of Commissioners by the Mayor.

### **Reorganization of the Board**

Mayor Briggs gave his recommendations for reorganization of the Board.

Commissioner O'Donnell: President  
Commissioner Sweeney: Vice President and Planning Commission Liaison  
Commissioner Blanchard: Treasurer  
Commissioner Ritz III: Parks and Recreation Committee  
Commissioner Buckman: Citizens Advisory Committee

Mayor Briggs thanked everyone for serving in the past.

**Motion:** To accept the Mayors recommendations for reorganization of the Board as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

**Vote 5-0 in favor**

Mayor Briggs: Reminded the Commissioners that a packet was placed on their desks concerning Chapter 2.04 in the Emmitsburg Municipal Code outlining how the Commissioners conduct themselves and manage the committees and their responsibilities as Commissioners.

### **Introduction of new Human Resources Consultant**

Ms. Willets introduced Amanda Haddaway the managing director of HR Answerbox. Ms. Willets explained that Ms. Haddaway is to assist with the Town's ongoing HR needs.

Ms. Haddaway: Gave a short presentation stating she is reviewing performance management, performance improvement and a review of the Town's policies including the vacation policy. She said the contract is structured on an as needed basis as services are rendered.

### **Appointment and Approval of Town Manager**

Mayor Briggs reviewed Chapter 2.08.10 Town Manager Appointment. He mentioned 17 candidates applied for the position. He recommended that Cathy Willets the current Interim Town Manager and Town Clerk was his choice for the Town Manager. He went on to say that she was the only candidate with the knowledge, skills and abilities required for the position. Therefore, he said I would like to appoint Cathy Willets as the new Town Manager.

**Motion:** To appoint Cathy Willets per the Mayors appointment as the new Town Manager  
Motion by Commissioner Sweeney, second by Glenn Blanchard

**Vote: 5-0 in favor**

**EOT Lagoon storage proposal:**

Ms. Willets: Stated this is currently our sludge hauler. Enviro-organic Technologies has worked for the Town in the past ten years. EOT would like to store food process residuals in lagoon three which is not in operation at the WWTP. She then introduced Mr. Phillip Snader, the Vice President and co-owner of Enviro-organic Technologies.

Mr. Snader gave a presentation. He explained the storage and how it works. He said the contract with the Town is being reviewed between his attorney and the Town attorney.

Commissioner Sweeney: What are we getting back from the storage?

Mr. Snader: \$80,000.00, rental lease payment paid annually. \$40,000.00 due November 1<sup>st</sup> and \$40,000.00 due January 1<sup>st</sup>.

Commissioner Sweeney: Asked where the money would go?

Ms. Willets: We would like to keep all the money from the first year at the WWTP. Chemicals alone have tripled in cost. After the first year we may take a portion of it to place in special projects. I would like to see the majority stay at the plant.

Commissioner Ritz III: Are we just looking at one lagoon now?

Mr. Snader: Just one lagoon.

Commissioner O'Donnell: What is the source of the slurry?

Mr. Snader: The material comes from poultry processing plants.

Commissioner Buckman: What if we get a torrential rain and could the lagoon overflow? Also do you take on any of the land reclamation?

Mr. Snader: The lagoon is still regulated by MDE. Under the current permit you have a free board restriction in the permit of two feet. We have to maintain two feet of free board at all times. As far as the land reclamation that would involve the indemnification process through the insurance certificate.

Commissioner Ritz III: Section 9.4 page 8 of the contract talks about analytical data. How often is that provided?

Mr. Snader: I can provide the Town with it but the analytical data is usually provided to the farmers as part of their nutrient management program. That section in the contract needs to be changed.

Commissioner Ritz: Thanked the Town Manager for providing information from the Town Attorney. I am not used to seeing that. Also the farmhouses near to treatment plant, the Lindsay's, are they aware of this?

Ms. Willets: That's a decision the Mayor or yourselves will need to make. They live outside of town on an active farm.

Commissioner O'Donnell: We could send them a letter if this is approved advising them what is happening.

Mr. Snader: In the Spring when they mix it there is some odor for about a two and a half week period.

Commissioner O'Donnell: I would like to have some protocol in place in case there was a spill. I would like to see that addressed in the contract.

Mr. Snader: I do have another contract that addresses that. We do carry Two million dollars of pollution liability insurance.

Ms. Willets asked the Commissioners to take a look at the information given to them and if they have any questions concerning the lease or the information please pass it on to me. We need this approved by November because that is when they want to start storage.

**Online bill pay function for consideration**

Ms. Willets said the online bill pay function would work with the current software. We currently have an online bill pay system that is not very user friendly.

Mr. Tabler said they looked into CUSI, our current utility software company, Invoice Cloud and PNC Bank for options. We recommend using CUSI. CUSI has a web portal that customers can log into. They can see their account history, they can pay online through the web portal and that would take the place of the current online system. It would also have a lower processing fee for the customer. There would also be an advantage to the Town, customers accounts would update automatically. Also there would be no additional charge to the Town.

Commissioner Ritz III: Asked if this could be used for permits?

Mr. Tabler: They are working to add items that are non water and sewer.

Commissioner O'Donnell: How long will it be before the additional services are available?

Mr. Tabler: They did not give specifics.

Ms. Willets: Our current system only takes water and sewer and the majority of the bills are water and sewer. I think this is a good start.

Commissioner Buckman: Have we looked into what other towns our size is doing with their bill pay option?

Mr. Tabler: Other towns do use the Invoice Cloud. Invoice Cloud does not have a system that directly ties into our current billing system.

Commissioner O'Donnell: Is there a price value to go from zero?

Mr. Tabler: You are talking about overhauling the entire water and sewer billing system. I would not recommend that at all.

Ms. Willets: Some municipalities don't even have online bill pay. We felt this was the best option to go with because it is so user friendly. There is no cost to the Town and user fees are less.

**Motion:** To accept the online bill pay function  
Motion by Commissioner Blanchard, second by Commissioner Sweeney

**Vote 5-0 in favor**

**Public hearing and consideration of Ordinance No. 16-13 Revision To Zoning Definitions for Accessory Uses and Ordinance No.16-08 Amending Uses Permitted in the Institutional Zoning District**

Ms. Cipperly explained that the ordinance was amended because it was found that the zoning section that addresses the institutional zone, which includes structures like schools, the Mother Seton Shrine and the Community Center did not include a list of accessory uses. One of the entities requested a small building and this was not addressed in the ordinance. Ms. Cipperly conferred with the Town Attorney and he suggested adding accessory buildings, structures and uses.

We also updated the definitions of accessory buildings. This would apply to any zone in the Town.

**Motion:** To accept ordinance 16-08 and 16-13 as presented  
Motion by Commissioner Ritz III, second by Commissioner Blanchard

**Vote 5-0 in favor**

There was a discussion concerning the date of the next Town Council Meeting. The Commissioners set the date for the next meeting at October 24<sup>th</sup> at 7:30 pm. They declined to set the agenda for November 7<sup>th</sup> meeting.

**Set Agenda Items for October 24, 2016 Town Meeting**

1. Audit Workshop
2. EOT Lagoon Storage Proposal for consideration
3. Discussion related to the budget and draft MOU for the square project

**IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

**V. Adjournment**

With no further business, the October 3, 2016 Town Meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved:

draft

**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.

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**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 7<sup>th</sup> 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:

**ITEM E**

**TOWN MANAGER'S REPORT:**

**Town Manager's Report**  
**SEPTEMBER 2016**  
**Prepared by Cathy Willets**

**Streets:**

- Mowed, trimmed, and weeded along East Lincoln Walkway, Creamery Road, DePaul St., Welty Ave., West Lincoln and around the Pool sidewalk.
- Trimmed tree wells on East & West Main St.
- Installed green reflector posts, parking blocks and millings along East Lincoln Walkway.
- Contractor painted crosswalks at Federal & East Lincoln, Chesapeake Ave, and end of East Lincoln Walkway.
- Contractor painted some yellow, white lines, handicap ramps and stop bars on Chesapeake & East Lincoln, Silo Hill Rd., and Silo Hill Parkway.
- Fallen Firefighter Banners put on street light poles.
- Staff performed street cleaning and general clean-up to prepare for Fallen Firefighters weekend.
- Replaced some bulbs and globes on street lights on East & West Main Street.

**Water:**

- Rainbow Lake is now 2.0 feet below the spillway level (normal is 16.6 feet). It came up to 15.2' after the rain event but had dropped quickly again.
- The roughing filters are being backwashed four times a day and the DE filters are being done two times per week.
- Green Clean Pro was applied to the lake for the algae.
- Our wells are now on average 52.5' below their May 2011 levels.
- ***Our wells dropped dramatically in four days. Phase I water restriction was put into place. The wells are slowly recovering or holding the level now.***
- Water production and consumption. We produced an average of 321,600 GPD. We consumed an average of 266,609 GPD.

The difference is "Backwash Water" ... (22.7%). We purchased 551,690 gallons of water from MSM this month.

- 53.2% of this water came from wells.
- 5.4% of this water came from Mt. St. Mary's.
- 41.4% of this water came from Rainbow Lake.

\*\*The town increased its flow from MSM on five days. Until the MSM had a leak and asked us to shut down. The town did not pull any water from MSM on seven days. We are back to pulling approx. 12,500 gallons per day.

**Wastewater:**

- We received about 3.9" of precipitation this month (the average is 4.25").
  - We have a precipitation **DEFICIT** of 2.0" over the last six months. The average precipitation for the period from April 1 through September 30 is 25.2". We have received 23.2" for that period.
- Wastewater Treatment:
  - We treated an average of 335,033 GPD (consumed 266,609 GPD) which means that 20% of the wastewater treated this month was "wild water".
  - We had no spills of untreated sewerage in the month of September.
  - We did exceed the plant's design capacity on three days in the month of September.

09/28/16 743,000 GPD 09/29/16 1,083,000 GPD 09/30/16 1,082,000 GPD

\*\*Staff working on maintenance schedule. On-going pump and UV deck issues.  
Staff working with contractors to have them repaired.

**Trash:** Trash pickup will remain Mondays for the remainder of the month of October.

**Parks:**

- Staff mowed, trimmed, and weed killed in both parks.
- Staff cut down dead trees in Community Park and in League Park.
- Staff trimmed trees in Community Park.
- Staff cleaned up Community Park stock pile area.
- Staff replaced baby swing at Silo Hill Park.

Meetings I attended:

- 09/01 Met with Public Works staff at Fire Museum about new sprinkler system.
- 09/06 Met with Mayor and Town Planner to review agenda and Flat Run Bridge.
- 09/06 Attended Town Meeting.
- 09/07 Met with HR consultant on various projects.
- 09/07 Met with Dir. of Public Works and Water/Sewer Superintendant to go over maintenance.
- 09/08 Staff met with EOT and Dept of Agriculture about the proposed lagoon storage lease.
- 09/08 Staff met with contractor at Scott Road Farm.
- 09/12 Staff met to prepare a RFP for the pool renovations grant.
- 09/13 Staff met with Public Works Dept. and Town Manager from Thurmont to discuss ongoing mutual aid.

- 09/14 Met with Frederick County Building Maintenance to go over responsibilities for Emmitsburg Community Center.
- 09/14 Met with Water/Sewer Superintendant to discuss water levels/recommend Phase 1 water restriction.
- 09/14 Met with John Clapp, Mayor Briggs, Dan Fissel, Conewago, RK&K and GHD (via conference call) to discuss pipe repair at the WWTP.
- 09/15 Attended swearing in for election judges.
- 09/16 Attended site visit meeting with Conewago, GHD and RK&K at WWTP for pipe repair.
- 09/19 Conference call with SHA about square project.
- 09/19 Met with Mayor to discuss WWTP pipe issue, agenda and square project.
- 09/20 Met with Senior Water/Sewer staff to discuss water levels and WWTP.
- 09/22 Attended with staff the pre-bid meeting at the pool.
- 09/22 Conference call with UGI about solar costs.
- 09/26 Met with Town Planner about the square and bridge project
- 09/27 Met with the Mayor about the WWTP pipe, water levels and MSM water .

## **PARKING ENFORCEMENT REPORT**

**Date: September 2016**

**Overtime Parking: 118**

**Restricted Parking Zone: 5**

**Parked in Crosswalk:**

**Parked on Sidewalk:**

**Parked Blocking Road:**

**Parked by Fire Hydrant:**

**Parked on Highway:**

**Failure to Park between Lines:**

**Other Violation:**

**Left Side Parking: 2**

**Meter Money: \$1,211.17**

**Parking Permits: \$230.00**

**Meter Bag Rental: \$8.00**

**Parking Ticket Money: \$340.00**

**Funerals: 1**

**Total: \$ 1,789.17**

## ITEM F

### TOWN PLANNER'S REPORT:

#### Planner's Report

September 2016

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Susan H. Cipperly, Town Planner

1. Attended Town Meeting 9/6/16.  
Attended project/issues meetings with Mayor Briggs and Cathy Willets.
2. State Highway Administration projects and issues:
  - Flat Run Bridge
    - Coordinated town comments on plans, including Fox Associates review.
    - Prepared letter for Mayor Briggs to SHA relative to town infrastructure at bridge.
  - Square revitalization project
    - Coordinated with SHA re: square elements, electrical plans, landscape plans, etc.
    - Spoke with property owners re: sidewalk plans for W. Main - transmitted concerns to SHA.
3. Community Legacy grants -
  - Provided copies of support resolutions for 2 town applications - Square and building facade/restoration.
  - Processed local project reimbursement requests with DHCD.
  - Prepared and submitted quarterly reports for FY2015 and FY2016.
4. MD Heritage Areas Grant - Continued coordination with Richard Hughes of MD Heritage Areas Authority regarding change of use for existing MHAA grant, to pay for brick paving.
5. Code Enforcement - Primary issues were mowing and abandoned vehicles (no plate/reg.expired). Also sent reminders about grease trap reports that were due in July 2016.
6. Permits - processed permits and/or provided information regarding fences, solar install, sheds, signs, roof replacement, etc.
7. Met with Daughters of Charity representatives regarding potential move of Seton Center to in-town location.
8. Ordinance revisions for accessory structures amendment after consult with town attorney.
9. Coordinated replacement of Welcome to Emmitsburg sign. (in progress)
10. Attended joint Frederick County planners and Main Street programs meeting in Mt. Airy on 9/8/16.
11. Attended MD Scenic Byways Workshop 9/21/16.

**ITEM J**

**ADMINISTRATIVE BUSINESS:**

- 1. Proclamation – Government works month*
- 2. Proposed dates for trail maintenance-Presentation by Commissioner O'Donnell*

# *Proclamation*

The Mayor and Council of the Town of Emmitsburg proclaim November to be Municipal Government Works Month.

WHEREAS, the Town was established in 1785; and

WHEREAS, Maryland is home to 156 other municipalities; and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the Town of Emmitsburg is proud to promote municipal government awareness; and

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the town of Emmitsburg, Maryland, hereby join the Maryland Municipal League in declaring November to be Municipal Government Works Month in Emmitsburg.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Donald N. Briggs, Mayor

\_\_\_\_\_  
Timothy O'Donnell, President  
Board of Commissioners

## **ADMINISTRATIVE BUSINESS**

### **Item 2**

*Proposed dates for trail maintenance-Presentation by  
Commissioner O'Donnell*

**ITEM K**

**CONSENT AGENDA:**

- 1. Recommend appointment of Jennifer Joy to Citizen's Advisory Committee*
- 2. Recommend re-appointment of Mark Walker to Citizen's Advisory Committee*

**ITEM L**

**REPORTS:**

1. *Treasurer's Report*
2. *Planning Commission Report*

## Treasurer's Report

### ITEM 1

**TOWN OF EMMITSBURG**  
**CASH ACTIVITY as of October 31, 2016**

\$4,531,402	Cash Balance October 1, 2016
496,950	Deposits
<u>-278,101</u>	Withdrawals
\$4,750,251	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$68,027	Treasurer of Frederick Co	1Q FY17 Law Enforcement Services	10.19.16	36400
23,764	Comptroller of Maryland	3Q CY16 Bay Restoration Fee	10.12.16	36382
18,925	MD Dept of Bud & Mgmt	Oct 16 Health Insurance	10.26.16	36437
17,466	MD Dept of Bud & Mgmt	Sep 16 Health Insurance	09.29.16	36336
11,159	Local Govt Ins Trust	FY17 Property Insurance	10.12.16	36381
11,083	UGI Energy Services	Sep 16 Solar Activity - Field 1	10.19.16	36409
10,457	UGI Energy Services	Sep 16 Solar Activity - Field 2	10.19.16	36409
9,547	Alexander's Plumbing & Pumps	New motor control box - Well 1	10.05.16	36351
6,026	Republic Services	Oct 16 Refuse Services	10.12.16	36373
5,299	Univar USA, Inc.	Chemicals	10.05.16	36371

*Ck dates 09.27.16 to 10.31.16*

## **Planning Commision Report**

### **Item 2**

**AGENDA ITEMS:**

**ITEM 1**

*Amendment to Section 8.04 Abandoned Property for discussion and possible consideration*

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

**AGENDA ITEMS:**

**ITEM 2**

*EOT Lagoon proposal for final consideration*

## **AGENDA ITEMS**

### **ITEM 3**

*Employee Handbook modifications related to employee benefits*

## Suggested edits to Town Employee Handbook

### 3.4. PAYMENT UPON SEPARATION OF EMPLOYMENT

The Town does not pay severance pay. *For hires prior to December 1, 2016*, when you leave employment with the Town, you will be paid for actual time worked and any accrued but unused paid leave for which you are eligible to receive payment. Accrued but unused personal and sick leave are paid out at half-time earned at the time employment terminates. Failure to provide at least two weeks' notice of resignation will result in loss of payment for accrued, unused paid leave. *For hires on or after December 1, 2016, accrued and unused vacation and sick leave will be paid out at half-time earned at the time employment terminates. Personal leave will not be paid out upon termination of employment. Failure to provide at least two weeks' notice of resignation will result in loss of payment for accrued, unused paid leave.*

### 4.1. VACATION LEAVE

Town provides paid vacation leave for eligible employees for rest and relaxation. An employee must meet the following criteria to qualify for paid vacation time:

1) Be a regular full-time or part-time employee, and 2) have completed one year of satisfactory and continuous employment with the Town, and 3) have accrued the vacation before taking it and receiving pay for it.

#### Regular Full-time Employees

Upon meeting the eligibility stated above, vacation is earned as follows as a lump sum applied at each anniversary date:

##### *For hires prior to December 1, 2016:*

First anniversary	Five (5) days vacation leave
Second anniversary	Ten (10) days vacation leave
Third anniversary	Ten (10) days vacation leave
Fourth anniversary	Fifteen (15) days vacation leave
Fifth anniversary	Fifteen (15) days vacation leave
Sixth thru Ninth anniversary	Twenty (20) days vacation leave
Tenth anniversary and thereafter	Twenty-five (25) days vacation leave

##### *For hires on or after December 1, 2016:*

<i>First anniversary</i>	<i>Five (5) days vacation leave</i>
<i>Second anniversary</i>	<i>Ten (10) days vacation leave</i>
<i>Third anniversary</i>	<i>Ten (10) days vacation leave</i>
<i>Fourth anniversary</i>	<i>Fifteen (15) days vacation leave</i>
<i>Fifth anniversary</i>	<i>Fifteen (15) days vacation leave</i>
<i>Sixth anniversary and thereafter</i>	<i>Twenty (20) days vacation leave</i>

*Accrued and unused vacation time may be carried over from year to year, to a maximum balance of 300 hours. Employees who have earned 300 hours will not be eligible to earn additional vacation time until some of their balance is used.*

### **Regular Part-time Employees**

Regular Part-time employees accrue vacation time based on the average number of hours worked per week in the previous year.

*Accrued and unused vacation time may be carried over from year to year, to a maximum balance of 300 hours. Employees who have earned 300 hours will not be eligible to earn additional vacation time until some of their balance is used.*

Seasonal and temporary employees are not eligible to earn paid vacation leave.

Management will make every effort to grant vacation requests. The Town reserves the right to limit the number of time off requests approved during the same time period, or during a peak business period when a reduced staff would cause an undue business or customer service hardship. The Town will approve vacation requests based on the employee's eligibility and the Town's staffing needs, and if all else is equal, the earliest request received for the same time period.

If a Town paid holiday occurs during a scheduled vacation, and the employee would have regularly worked that day, that day will be paid as a holiday and will not be counted against accrued vacation time.

All vacation requests must be submitted in advance and in writing to the employee's supervisor for approval. Requests should be submitted as far in advance as possible. Approval for vacation is at your supervisor's discretion and approval by the Town Manager to ensure against interruption of business operation.

An employee who does not report for work three (3) consecutive workdays after his or her scheduled return to work without proper notification to the Town will be considered to have voluntarily resigned without notice and will forfeit the right to receive payment for accrued but unused vacation leave.

### **4.2. SICK LEAVE**

The Town provides paid sick leave for necessary time off due to the employee's own illness or to care for a sick child or spouse. Sick leave is to be used for illness reasons only and it may not be used for vacation, personal or other non-illness related leave. Sick leave taken prior to eligibility for paid sick leave shall not be paid.

Regular full-time and part-time employees are eligible for seven (7) days of paid sick leave following satisfactory completion of 90 days continuous employment, and then annually thereafter based on the employee's anniversary date. Sick days for regular part-time employees are paid based on the average hours worked in a workweek.

Seasonal and temporary employees are not eligible for paid sick leave.

All employees are required to notify their supervisor as soon as possible and prior to the scheduled start of work if unable to report due to illness reasons. At the discretion of your supervisor, an employee may be required to provide a doctor's verification of illness or to provide a doctor's release to prove his or her fitness to return to work. Any employee absent from work due to illness for three (3) or more consecutive workdays is required to provide a doctor's confirmation of illness

and return to work authorization. Employees are required to keep their supervisor informed regularly (at least every two days) of the status of your illness and expected return to work date. In the event of an illness or injury covered by workers' compensation, this sick leave policy will not apply, as the state statute will apply.

Generally, upon termination of employment, accrued but unused sick leave will be paid out in half-time hours, if the termination is not for cause or if the employee provided at least two weeks' notice of resignation.

#### **4.3. PERSONAL LEAVE**

Upon satisfactory completion of 90 days continuous employment, all regular full time and regular part-time employees are eligible to earn paid personal leave. Upon reaching eligibility, seven (7) days of personal leave are added to the eligible employee's leave bank in a lump sum, and thereafter on each employment anniversary date. Sick *Personal* days for regular part-time employees are paid based on the average hours worked in a workweek. Temporary and seasonal employees are not eligible for paid personal leave.

Accrued personal days may be used for illness reasons, vacation time, or other personal reasons. Leave requests must be submitted in advance through your supervisor and receive approval for personal leave taken for vacation time or personal reasons.

Accrued and unused personal leave may be carried over from year to year, to a maximum balance of personal leave time of 160 *120* hours. ~~Generally, upon resignation or termination of employment in good standing an employee will be eligible to receive pay out of accrued, unused personal leave at half time pay.~~

## **AGENDA ITEMS**

### **ITEM 4**

*Pool renovation contract for consideration - presentation at meeting  
for consideration*

## **AGENDA ITEMS**

### **ITEM 5**

*Holiday Parking for December – Meter parking*

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

## **AGENDA ITEMS**

### **ITEM 6**

*Parking meter fee usage for the month of December – Presentation  
by Commissioner Sweeney*

**IV) SET AGENDA ITEMS FOR: December 6, 2016 TOWN MEETING**

1.

2.

3.

4.

**V) SIGN APPROVED TEXT AMENDMENTS AND/OR  
RESOLUTIONS**