

MINUTES
TOWN MEETING
September 5, 2017
Emmitsburg Town Office

Present: Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Staff Present:* Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Susan Cipperly, Town Planner. *Others Present:* Deputy Ted Mostoller.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the September 5, 2017 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were reviewed.

Approval of Minutes

The Minutes of the August 7, 2017 Town Meeting were approved as modified. Motion by Commissioner Buckman, second by Commissioner Ritz III. Passed 3-0 in Favor. Commissioner Blanchard and Sweeney absent.

Note: Commissioner Sweeney arrived at 7:36 p.m. Commissioner Blanchard at 7:38 p.m.

Police Report:

Deputy Ted Mostoller presented the police report from August 2017 (exhibit attached). Deputy Mostoller mentioned four of the seven disorderly conducts were Mount St. Mary's (MSM) students. The deputies also assisted fireboard twice and other police departments twice. One of the traffic arrests was a juvenile. Deputy Mostoller stated the Town's first National Night Out was held August 1st. Since another school year is starting, Deputy Mostoller reminded residents to look for children crossing the streets, obey speed limit signs, and to be respectful of school buses. He also encouraged residents to lock their vehicles, keep valuables out of sight, and close garage doors at night. Commissioner Ritz III asked if there was any follow-up from MSM security regarding the students disorderly conduct. Deputy Mostoller explained MSM is very cooperative. The students' names were given to the school, and the school has authority to take administrative action because the school has an off-campus housing code of conduct policy for students. Commissioner O'Donnell asked if any of the collisions were related to the construction traffic. Deputy Mostoller responded they were not, and he encouraged residents to be patient with the construction traffic.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2017 (exhibit attached). Ms. Willets mentioned staff put a new street light on Reeney Circle, and the contractor knocked over another street light and hit another service line, which are repaired now. She added staff continues to re-mark the 10" water line for the Flat Run Bridge Project, which is currently a point of tension as the contractor is requesting to move the 10" line even though the town specifically stated the town would not be responsible for moving the water line before the project started. If the Town has to move the water line, it could cost the Town \$19,000. Commissioner Ritz III asked if there would be a delay in project completion. Ms. Willets clarified there could be, but it would be a result of the contractors hiring for work. In regards to parks, Ms. Willets explained the dog park fence request for proposal (RFP) has been collected. The cable fence in Community Park has been replaced with a board fence for safety reasons. Ms. Willets added Rainbow Lake is at spillway level and the wells are eight feet below their optimal level in 2011. The Town's annual leak detection specialist found a significant leak that was losing about 3 million gallons of water a quarter and a few minor leaks. 7.95 inches of precipitation were received in July resulting in a surplus of 1.96 inches over the last six months. Approximately 42.2% of water treated in July was wild water. There were no spills of untreated sewerage. The waste water treatment plant exceeded its capacity once during July 2017. The LG Sonic Algae Control system is being adjusted for new blue algae that is blooming. Ms. Willets explained the lack of signal for a month prevented the system from reaching its optimal level this year.

Town Planners Report:

Susan Cipperly, Town Planner, presented the Town Planner's Report from July 2017 (exhibit attached). Ms. Cipperly mentioned the State Highway Administration (SHA) sidewalk project has been taking up much of her time. She takes residents' complaints and forwards them onto SHA, and sometimes the complaints result in a re-design that involves her. The Sustainable Communities program needs to be recertified every 5 years; the application has been submitted and is being reviewed by DHCD. She also explained the Emmit Gardens Playground application is underway. Ms. Cipperly mentioned she has included which projects she will be working on between now and the October 2nd Town Meeting so they Board could be aware. One of the future projects is composing the Geographical Information System (GIS) database with the knowledge of public works staff. Also, the fiscal year 2018 Community Legacy funding application is due in November. She stated there are several enforcement violations that need to be reviewed, and she would also like to update several ordinances to reflect newer policies. Commissioner Ritz III

asked for information on the Emmit Gardens playground. Ms. Willets explained Ms. Cipperly has been "jumping through hoops" and trying to determine how to complete the application for FEMA; the goal is to have the playground built early spring and the FEMA application completed by the end of September 2017. Commissioner Ritz III inquired about having the pine trees near the proposed playground site in Emmit Gardens removed. Town staff will look into specifics on tree removal once the FEMA application is submitted.

Commissioner Comments:

- Commissioner Buckman: She explained she has witnessed a number of accidents at the intersection of Lincoln Avenue/South Seton, and she asked if a right-turn only lane could be installed on Lincoln Avenue for entering onto South Seton. The Board discussed the possibility and mentioned the matter had been discussed in years prior. The Board requested the Citizens Advisory Committee (CAC) research the matter and bring a recommendation to the Board. Commissioner Buckman added the CAC has recommendations to move public comment first in the Town agenda to encourage more public comment. The CAC also recommends making the wording politer in code enforcement letters and putting charitable organizations contact information on the letter for anyone who needs assistance. There was discussion over the legal basis of the letters and putting non-town organizations on a town letter. Town staff suggested providing a copy of the code enforcement letters to the CAC for outreach, but suggested residents may not want others knowing their personal information. Ms. Cipperly added its very rare residents call stating they can't afford to comply. Commissioner Buckman will discuss with the CAC.
- Commissioner Ritz III: Reminded residents to vote in the election on Tuesday September 26th 2017.
- Commissioner Sweeney: None.
- Commissioner Blanchard: He encouraged residents to spread the word about the September Food Bank food-drop.
- Commissioner O'Donnell: He reminded residents that hunting season is starting, so the multi-user trails will be open on Sundays only. Also, a promotional video set is being completed on the trails and town. He thanked Commissioner Ritz III for his service on the Board of Commissioners and wished him luck in the upcoming election. He concluded by encouraging residents to vote on September 26th.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2017. He started by wishing Madeline Shaw and Tyler Shaw a happy wedding anniversary. He thanked Pastor John Talcott for hosting the Narcotics Anonymous meeting every Monday at Christ Community Church. Mayor Briggs explained he met with Joe Lebherz over a few concerns the Town has been having regarding students living off campus. He also met with Roger Wilson regarding adding an afternoon TransIt bus ride to the northern part of Frederick County. Mayor Briggs also met with Frank Davis in regards to the fire hall and impact the SHA projects might have on it, and Bob Brennan, Vice President of Mount St. Mary's, on having safety regulations for off campus housing (e.g. mold testing, radon testing, etc.). He has been working with Commissioner Buckman on getting a Boys and Girls Club in the northern part of Frederick County, but \$95,000 funding is needed. He congratulated Thurmont Little League, which features five Emmitsburg players, on making it so far in playoffs. He also informed the Town that the National Fallen Fire Fighters event will occur October 7th – 9th.

Public Comments:

Jennifer Joy, 4035 Carrick Court- Ms. Joy introduced herself as a commissioner candidate for the September 2017 elections. She explained she has lived in Emmitsburg, Maryland for 14 years, and she has a background in public affairs. She reviewed her work experience and her volunteer work in the Town. If elected, she would like to continue building the Town, getting residents involved, opening lines of communication, and providing local community activities among other items.

Administrative Business:

- Vigilant Hose Company Request for May 2018 Road Closure: Frank Davis, President of the Vigilant Hose Company presented the request for a May 2018 road closure. Mr. Davis explained the Vigilant Hose Fire Company has decided to hold the annual spring fling on May 19, 2018 within the town limits (instead of at MSM) in hopes of attracting more people. He explained the event can draw as many as 2,000 people, so for safety reasons Vigilant Hose would like to close Creamery Road from the entrance of Quality Tire to Creamery Way between 10:00 a.m. and 6:00 p.m. Ms. Willets added town staff does not see a problem with the request, and town staff did check with SHA, who recommended completing a special event permit and putting a sign board on Route 15 so the public knows to use an alternate route. Safety wise, Town staff

recommends putting the sign board on Route 15 because it would keep people from taking the highway exit then having to turn around. Commissioner Ritz III asked about the Mother Seton Carnival, which would set-up the day after the spring fling. No Board members stated any other concerns.

Motion: To allow for the closing of Creamery Road as described by the Vigilant Hose Company on May 19, 2018.
Motion by Commissioner Sweeney, second by Commissioner Ritz III. Vote: 5-0 in Favor.

Note: Agenda rearranged in courtesy of Amanda Haddaway, Human Resource (HR) Contractor for the Town.

Agenda Items

Agenda #3- Updates to the Employee Handbook for Consideration: Amanda Haddaway, HR Answer Box, explained the town's employee handbook was revised to be in compliance with Human Resource Law and to improve best practice policies. Ms. Willets added there was a few items added, legal changes, and format changes. Commissioner O'Donnell asked Ms. Willets if town staff was comfortable with the changes. Ms. Willets confirmed she was. Ms. Haddaway reviewed the change document that specifies the revisions in the September 5, 2017 agenda packet. Ms. Haddaway explained the footer of the document was changed to specify the employment was at-will and the document is not a contract for employment. She also changed any references to human resource to the Town Manager because initial concerns would be directed to the Town Manager as there is no full-time HR staff member. Ms. Haddaway reviewed the other changes stating the legal protection and law compliance the changes supported. She concluded by mentioning the handbook was in pretty good shape and the changes were pretty minor compared to other handbooks she has reviewed. The Board had no further discussion.

Motion: To accept the modifications to the Emmitsburg Town Employee Handbook as presented.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: 5-0 in Favor.

Administrative Business Continued:

- Proclamation: September National Substance Abuse Prevention Month: Mayor Briggs requested Commissioner O'Donnell read the proclamation making September 2017 National Substance Abuse Prevention Month. Commissioner O'Donnell read the proclamation.

Motion: To endorse this proclamation.

Motion by Commissioner Blanchard, second by Commissioner Sweeney. Vote: 5-0 in Favor.

- Approval of 2017 Chevrolet Silverado: Ms. Willets informed the Board that the truck needing replacement is a 2003 GMC Sonoma with 110,000 miles. She explained town staff contacted four dealerships to get pricing, but only two uniform bids were received back as the other two organizations would not provide detailed bids. She specified the new truck would be a 2017 Chevrolet Silverado 2500HD 4WD Regular Cab 133.6" work truck with a plow package. The two pricings were \$48,633.00 from Criswell Chevrolet of Thurmont, and \$46,996.82 from Wantz Chevrolet. She explained staff recommends purchasing the truck from Wantz Chevrolet Inc. because the price is the best and the Town receives favorable customer service from the company. Commissioner Ritz III asked about the budget. Ms. Willets responded the vehicle would be a cash item that is depreciated over 10 years, and there was no specific line item in the budget for it because the enterprise fund is used to purchase the truck. There was no more Board discussion.

Motion: To replace the 2003 GMC Sonoma with the 2017 Chevrolet Silverado from Wantz Chevrolet.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: 5-0 in Favor.

Consent Agenda:

Ms. Willets stated Dwight Baumgardner, with the Parks and Recreation Committee, and Brandy Malocha, with the Citizen's Advisory Committee, are resigning from their respective positions. In regards to re-appointments, Commissioner Ritz III informed the Board that the six individuals on the Parks and Recreation Committee were appointed two years ago and therefore need to be reappointed as their term has expired. The six individuals are David Maze, Shannon Cool, Cynthia Canadas, Matt Myers, Jen Myers, and TJ Burns. The term is two years, 09/21/2017 to 09/21/2019. The Board accepted the resignation of the two individuals.

Motion: To re-appointment the six individuals to serve on the Parks and Recreation Committee.
Motion by Commissioner Blanchard, second by Commissioner Sweeney. Vote: 5-0 in Favor.

Treasurer's Report:

Commissioner Blanchard presented the Treasure's Report for August 2017 (exhibit attached). Commissioner Blanchard mentioned the operating balance going forward is \$5,372,993.

Planning Commission Report:

None as there was no meeting.

II. Agenda Items Continued

Agenda #1- Ordinances to Amend Title 13 Public Services for Consideration: Ms. Willets summarized the proposed ordinances that she reviewed in detail in the August 7, 2017 Town Meeting. The Board determined to vote on the ordinances after Ms. Willets summary. Ms. Willets reminded the Board the changes are intended to provide consistency, protect residents/town staff, and create clear guidelines. She also mentioned the ordinances were all reviewed by the Town Attorney, John Clapp. Policy 2017-03 creates consistency across the Town on what portion of the service lines are the responsibility of the property owner and the Town. Commissioner O'Donnell asked for clarification on P17-03 in regards to clogs. Ms. Willets clarified clogs on the town's responsibility side will be fixed by the Town unless the clog is determined to be a result of the property owner's neglect or misuse such as flushing diapers down the toilet, dumping grease down the sink, etc. Commissioner Ritz III asked if historically the problems with water meters is freezing, which Ms. Willets confirmed.

Motion: To accept Ordinance 17-05 as modified.
Motion by Commissioner Buckman, second by Commissioner Sweeney. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-06 as modified.
Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-07 as modified.
Motion by Commissioner Sweeney, second by Commissioner Buckman. Vote: 5-0 in Favor.

Motion: To accept Policy P17-03 as presented.
Motion by Commissioner Buckman, second by Commissioner Sweeney. Vote: 5-0 in Favor.

Commissioner Ritz III asked for clarification on the next steps with the approved policy and ordinances. Ms. Willets explained the changes will be highlighted in the next water bill that is mailed at the end of September 2017.

Agenda #2- Consideration and Public Hearing Regarding Text Amendments Related to Place of Worship as a Use in Various Sections of the Zoning Ordinance: Susan Cipperly, Town Planner, reviewed the proposed amendments and history of how the amendments came into question. She reviewed the federal laws, focusing on the Religious Land Use and Institutionalized Persons Act of 2000, which protects religious institutions from discrimination in the zoning codes where theaters/meeting halls for large secular assemblies of people are allowed. Ms. Cipperly reviewed two zoning maps showing where places of worship are currently allowed and the current B2 commercial zone. She then reviewed the summary of changes that are being considered in the proposed ordinances, which are specified on page 30 of the September 5, 2017 Town Meeting Agenda. Some of the changes include changing the definition of place of worship, replacing "church" with "place of worship," modifying uses permitted in the residential zones and village zone.

Note: 5-minute recess was called by Commissioner O'Donnell at 9:33 p.m.

Commissioner O'Donnell mentioned procedurally the meeting needs to be temporarily closed to be moved to the public hearing phase. He explained he did not want to get to far into the content, which is why he called a brief recess.

Motion: To temporarily close the Town Meeting.
Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: 5-0 in Favor.

Public Hearing:

Ms. Cipperly continued explaining the modification of the ordinances and reviewing a summary of each proposed ordinance and the changes featured within. Commissioner O'Donnell invited public input. Pastor John Talcott, Christ Community Church, mentioned he initiated the modification because he believes churches should not be discriminated against in the zoning code. Commissioner Buckman asked why the language was changed from church to place of worship. Town staff clarified there cannot be any religious discrimination in the Town Municipal Code per federal law. Commissioner Ritz III inquired why place of worship is not mentioned in the R-1, R-2, or R-3 districts anymore. Ms. Cipperly explained the Planning Commission recommended the language be omitted because allowing places of worship, theaters, and auditoriums in the residential areas could cause traffic problems among other problems where residents live. There was discussion over spot zoning and procedures in regards to spot zoning. There was discussion over growing the Town's city-center. Commissioner Buckman encouraged the Town to be growth minded. Ms. Cipperly reminded the Board that walk-ability is more prominent for a place of worship in Town rather than in a residential district. Commissioner Buckman inquired if the zoning changes align with the Town's future plans. Ms. Cipperly clarified it does and recommended the Board re-look at the Comprehensive Plan.

Motion: To accept Ordinance 17-08 with modifications as presented.

Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-09 as modified.

Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-10 as modified.

Motion by Commissioner Sweeney, second by Commissioner Buckman. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-11 as amended.

Motion by Commissioner Blanchard, second by Commissioner Sweeney. Vote: 3-2 in Favor.
Commissioner O'Donnell, Sweeney, and Blanchard in Favor. Commissioner Buckman and Ritz III against.

Motion: To accept Ordinance 17-12 as modified.

Motion by Commissioner Sweeney, second by Commissioner Buckman. Vote: 5-0 in Favor.

Motion: To accept Ordinance 17-13 as modified.

Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: 5-0 in Favor.

Agenda #4- Town Storm Water Management As Related to Update on MS-4 Permit: Cathy Willets, Town Manager, introduced the Town's storm water management as related to the update on the MS-4 permit. She explained Maryland Department of the Environment (MDE) is requiring compliance. Susan Cipperly, Town Planner, further explained the permit is called Municipal Separate Storm Sewer Systems (or MS-4), and it creates guidelines for municipalities that connect to the Chesapeake Bay. The permit is a point system, and points can be earned by completing actions such as teaching the public about storm water, planting trees, street sweeping, managing construction storm water run-off, etc. She explained the Town of Bowie has recently received a hefty fee for not being in compliance with the MS-4 permit. MDE has also mandated that all municipalities need to reduce the amount of impervious surfaces by using gravel surfaces or completing a stream restoration. Ms. Cipperly explained some of the actions align with the Green Team, and town staff will be required to receive training. Commissioner O'Donnell asked if there was a hard deadline. Ms. Willets explained there is not at the moment, but progress needs to be made by December 2017. The Town is not responsible for SHA streets. The Board requested an update in November 2017.

Set Agenda Items for October 2, 2017 Town Meeting

1. Swearing in of Mayor and Commissioner.
2. Updates on community related projects such as the SHA sidewalk, Flat Run Bridge, square project, dog park, etc.
3. New Route 140 Bridge at Flat Run dedication requested in the name of Terry L. Myers.

The Board discussed the desire to be more specific with agenda items in hopes of getting more public members to attend meetings and understand what is going to be reviewed at the next town meeting. There was unanimous consent for the October 2nd Town Meeting agenda. The Board will hold a public hearing for the National League of Cities service line warranty program on October 16th 2017.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the September 5, 2017 Town Meeting was adjourned at 10:32 p.m. EST. Motion to close the meeting by Commissioner Sweeney, second by Commissioner Ritz III. Vote: 5-0 in Favor.

Respectfully submitted,

Madeline Shaw
Town Clerk

Approved: October 2, 2017