

**MINUTES
TOWN MEETING
EMMITSBURG TOWN OFFICE
MARCH 5, 2018**

Present: Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, and Tim O'Donnell, President. **Staff Present:** Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Nail, Code Enforcement Officer; and Cole Tabler, Town Accountant. **Others Present:** Deputy Ben Whitehouse. **Absent:** Clifford Sweeney, Vice President, with prior notice.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the March 5, 2018 Town Meeting to order at 7:31 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To approve the February 5, 2018 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 3-0 in favor. Commissioner Blanchard and Sweeney absent.

Police Report:

Deputy Whitehouse presented the police report from February 2018 (exhibit attached). Deputy Whitehouse explained there has been some petty theft involving a Jubilee vending machine. The deputies met with Mount Saint Mary's (MSM) staff to discuss MSM student problems. There was one crash report, which was not related to the State Highway Administration (SHA) construction.

Note: Commissioner Blanchard arrived at 7:35 PM.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from January 2018 (exhibit attached). Ms. Willets mentioned Rainbow Lake is at the spillway level. The Town currently has a surplus of precipitation. 39.1% of the water treated in January 2018 was wild water. The Waste Water Treatment Plant capacity was exceeded once. There was one spill of untreated sewerage due to the Pump Station back up (from someone flushing industrial paper towels and mop pieces down the drain), which caused a man hole overflow that was reported to MDE. Town staff continues to collect quotes for removing residents from the 8-inch mountain water line. The director of the Afterschool Club House, a free recreational program for elementary school students, is looking to retire soon. The direction and future of the program is still being determined, but a replacement might be hired soon depending on the future of the program.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session at the conclusion of the March 5, 2018 Town Meeting as permitted by the *Annotated Code of Maryland, General Provisions Article Section 3-305(b) Closed Meetings, Item 8*: "Pending or Potential Litigation."

Town Planners Report:

Cathy Willets, Town Manager, presented the Town Planner's Report from January 2018 on behalf of Susan Cipperly, Town Planner (exhibit attached). Ms. Cipperly submitted the quarterly report for fiscal year 2017 for the Square Revitalization Project, which the town received a \$75,000 grant to complete. Ms. Cipperly received a permit application for a model home in Brookfield. All new single-family homes are required to have sprinklers per Frederick County and Town Code. McDonalds is going to be updating their site starting with the parking lot and signs. Finally, Ms. Willets announced Ms. Cipperly will be retiring on July 26, 2018. Town staff would like a two-week overlap for training a new planner. A recommendation will be brought to the Board in June 2018.

Commissioner Comments:

- Commissioner Buckman: She requested the Potomac Edison light at the School House Apartments gets replaced and asked if the town could install a bridge or retaining wall to prevent flooding in Community Park near the walking path/playground. Staff will look into both items.
- Commissioner Ritz III: He has tentative dates for the summer concerts. He will email the dates to town staff.
- Commissioner Blanchard: He announced the March 2018 Maple Syrup Festival in Cunningham Falls State Park.
- Commissioner O'Donnell: He attended a February 11th meeting to encourage charity and training bike rides in Emmitsburg. He also attended a livable Frederick presentation at Catoclin High School, a NICA youth mountain biking program and the Highway User Revenue (HUR) hearing with the Mayor. He added tree planting along Brookfield Drive would be a beneficial future forestry project.

Mayor's Comments:

Mayor Briggs attended numerous meetings in February 2018 (meetings listed in agenda packet). Mayor Briggs attended a meeting reviewing security measures for the Afterschool Club House in lieu of the Florida school shooting. He attended the Highway User Revenue (HUR) conference in Annapolis and he hopes the funds will be restored to Emmitsburg soon. He thanked all the local organizations and volunteers such as the Food Bank, Seton Center, Pregnancy Center, Backpacks for Kids, Catoctin Feeder School, Boy Scouts and local churches for their work.

Public Comments:

Donald Sonn, Emmitsburg Tattoo Company owner, 2 West Main Street - Mr. Sonn explained there is a sharp curb along Federal Avenue that popped his tire. He inquired about who will take care of the new planters at the Town Square. He also inquired about a solution to cigarette butts at the Town Square. Ms. Willets explained SHA is experiencing design issues along Federal Avenue that should be fixed soon; the planters will be SHA's responsibility the first year then town staff's responsibility; the Town is currently applying for a grant to get cigarette litter receptacles at the square.

Administrative Business:

- ❖ **Item 1 - LG Sonic Update:** Ms. Willets explained town staff wanted to give a brief update before the system is reinstalled in March 2018. The numbers from 2016 (April 2016 to December 2016) and 2017 (April 2017 to December 2017) were compared to determine the effectiveness of the system. Town staff found backwash water usage was reduced resulting in the saving of 384,888 gallons of water (or the equivalent of 50.5 taps). Overtime was reduced 31%, chemical costs were reduced 27% and Green Clean Pro is no longer needed. Ms. Willets explained the system lost signal with the satellites for an entire month during the peak algae season, which caused some problems. The system did great with removing blue algae but struggled removing brown algae during the fall. Town staff feels the system is working, and the EPA is going to start testing for algae toxins in water so the system will continue to be beneficial. Commissioner O'Donnell requested the final budget numbers for the system, which town staff will present during the budget presentations in June 2018.
 - ❖ **Item 2 - Proposed Trail Route Flagging for Consideration:** Commissioner O'Donnell explained the Trail Conservancy did not meet the Town's agenda packet deadline for the flagging bids. As a result, Commissioner O'Donnell requested the item get tabled until the next town meeting. He requested the Board approve the 2018 trail workdays instead. Commissioner O'Donnell handed the gavel to Commissioner Blanchard.
- Motion:** To accept the days as presented: 04/22, 5/20, 06/16 and 06/24. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for February 2018 (exhibit in agenda packet). The operating balance forward is \$5,362,446. The top 10 check amounts are listed in the March 2018 agenda packet.

Planning Commission Report:

Cathy Willets presented the Planning Commission Report from February 2018 (exhibit attached). The Commission voted to have short-term transient rentals registered with the Town. The agenda item will come before the Board in April 2018 where the Board will need to vote on how to proceed with the item.

II. Agenda Items

Agenda #1 - Tentative: Audit presentation by Michele Mills: Michele Mills, Public Accountant, and Addie Blickenstaff, In-Charge Accountant, with DeLeon & Stang, introduced themselves. The audit was completed in October 2017 and there were no significant problems identified. A presentation highlighting key information such as summaries on net position, statement of activities, operating revenues, etc. was made. The firm did not identify any material weaknesses in internal controls over financial reporting. No new accounting policies were adopted and no problems with town staff/management were encountered. Town staff was very helpful during the June and October 2017 visits.

Motion: To accept the fiscal year audit 2017 results of the audit from DeLeon & Stang. Motion by Commissioner Blanchard, second by Commissioner Buckman. Vote: Motion carries 4-0 in favor, with Commissioner Sweeney absent.

Agenda #2 - 2018 Pool Management Contract for Consideration: Ms. Willets presented the pool contract for consideration. The request for proposal was publicized on December 15, 2018. The bids were due February 2, 2018. Two (2) total bids were received, one from American Pools for \$58,086.00 and one from RSV Pools Inc. for \$54,489.00. Town staff recommends RSV Pools Inc., which was used during the 2016 pool season. John Clapp, Town Attorney, reviewed the contract and made slight modifications. Town staff is on schedule for filling the pool with water by May 1, 2018. RSV Pools Inc. was chosen over American Pools due to the price, familiarity, personable manner and references. If the Lions Club would like to run the concession stand, a proposal for operations (e.g. what items to sell) should be given to town staff. There are uniform guidelines and behavior guidelines in place for the pool management company's employees. Town staff suggested doing a two or three year pool management contract in the future.

Motion: To accept the contract for RSV Pools as presented today. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Agenda #3 - Agreement between the Town and Milani Construction Related To Water Line Relocation at the Bridge Project: Ms. Willets explained town staff cautioned Milani Construction that the town's 10-inch waterline along East Main Street needed to be moved for the completion of the Route 140 Bridge Project (over Flat Run Creek). Milani Construction did not heed the town's warning and has now determined the waterline needs to be moved. The Town refuses to pay for the waterline relocation because initial concerns were ignored and the Town did not request the project. The total cost to relocate the line is \$38,000, which will be divided up based on prior right-of-ways. The Town's portion would be \$19,000, but Milani has agreed to pay this amount because initial concerns were not addressed. SHA did not agree to a three party agreement, which is why there are two separate agreements. John Clapp, Town Attorney, drafted the proposed agreement in the 03/05/2018 agenda packet. Milani Construction has already given the Town a check that will be held in escrow until the project is complete in case more funds are needed. *Calvin Haxton, Hampton Valley Road* - Mr. Haxton believes town staff is approaching the relocation of the water line in the most efficient way.

Motion: To approve the agreement between the Town and Milani Construction regarding the waterline relocation at the bridge project. Motion by Commissioner Ritz III, second by Commissioner Blanchard.
Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Ms. Willets reviewed the second agreement between SHA and the Town. The agreement specifies what portion of the water line relocation cost the Town is responsible for and what portion SHA is responsible for and other project guidelines. Town staff and the town attorney tried for a third party agreement, but SHA does not do them.

Motion: To accept the letter of agreement for the water line relocation of the Town of Emmitsburg in conjunction with the MDOT SHA's contract #FR5365180. Motion by Commissioner Buckman, second by Commissioner Blanchard.
Vote: Motion carries 4-0 in favor, Commissioner Sweeney absent.

Agenda #4 - Park Pavilion Policy Amendment for Consideration: Ms. Willets explained the ball field reservation policy was approved at the February 5, 2018 town meeting. Town staff would like to have a separate policy for ball field reservation fees and one for park pavilion fees. There are no changes in the fees. Town staff is requesting this change to eliminate the confusion of having two active policies with ball field reservation information on them.

Motion: To accept policy P18-04. Motion by Commissioner Ritz III, second by Commissioner Blanchard.
Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

Set Agenda Items for April 2, 2018 Town Meeting

1. Frederick County Harm Reduction and Syringe Service Programs.
2. Update to Parking Policy and Ordinances for Discussion.
3. Presentation by Town Staff on Short Term Transient Rentals.
4. Public Comment Timing in Meetings for Consideration.

Admin Business:

- A. Proclamation: April as National Child Abuse Prevention Month.
- B. Proclamation: Arbor Day Observance on April 28, 2018.
- C. Recommendations Related to Trail Flagging.

Commissioner Buckman requested the Board review the procedures for ethic complaints and the appeals process at a future town meeting. Mayor Briggs suggested doing a Code of Conduct policy with ethic guidelines since the two go hand-in-hand.

Motion: To accept the agenda as discussed. Motion by Commissioner Blanchard, second by Commissioner Ritz III.
Vote: Motion carries 4-0 in favor.

Closed Session Motion:

At 9:45 p.m. President O'Donnell handed the gavel to Commissioner Blanchard.

Motion: To close the March 5, 2018 town meeting at its conclusion for a closed executive session to consult with staff consultants or other individuals about pending potential litigation regarding the 8-inch mountain waterline as permitted by the *General Provisions Article Section 3-305(b), Item 8*. Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 4-0 in favor, with Commissioner Sweeney absent.

Motion: To close the meeting. Motion by Commissioner Blanchard, second by Commission Ritz III.
Vote: Motion carries 4-0 in favor with Commissioner Sweeney absent.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the March 5, 2018 Town Meeting was adjourned at 9:47 p.m. EST. Four-minute recess was taken prior to entering into a closed session.

Respectfully submitted,

Madeline Shaw
Town Clerk

Approved: April 2, 2018

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
MARCH 5, 2018**

Time Closed Session Began: 9:52 p.m. EST

Place of Closed Session: Town Office, 300A South Seton Avenue Emmitsburg, Maryland

Purpose: To consult with staff, consultants, or other individuals about pending or potential litigation.

Members Who Voted to Meet in Closed Session: Commissioners: Timothy O'Donnell, Elizabeth Buckman, Glenn Blanchard and Joseph Ritz III.

Persons Attending Closed Session: Commissioners: Timothy O'Donnell, Elizabeth Buckman, Glenn Blanchard and Joseph Ritz III; Mayor Donald Briggs; Staff Present: Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer.

Authority Under § 3-305 for the Closed Session: Item 8, pending or potential litigation.

Topics Actually Discussed: Pending or potential litigation in relation to the 8-inch mountain water line.

Actions Taken: Consensus among all four Board members to uphold Mayor Brigg's recommendation. No vote was taken only consensus among Board members.

Time Closed Session Ended: 10:20 p.m. EST