

**MINUTES
TOWN MEETING
September 4, 2018
Emmitsburg Town Office**

Present: *Elected Officials* - 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 Daniel Fissel, Sewer and Water Superintendent. *Others Present* – Deputy Mostoller.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the September 4, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Commissioner O'Donnell announced Commissioner Sweeney is running late and Commissioner Buckman is expected soon. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the August 6, 2018 town meeting minutes as presented. Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion carries 3-0 in favor with Commissioner Sweeney and Buckman absent.

Police Report:

Deputy Mostoller presented the police report from July and August 2018 due to the deputy's absence at the August town meeting (exhibit attached). In July 2018 the report numbers were slightly lower due to the deputies' absence. In August 2018 the majority of 911 calls were from the Daughters of Charity property because the residents have to dial nine to leave the building. The Sherriff's Office has agreed to host National Night Out 2019 in Emmitsburg, which will provide additional recourses for the event. Commissioner Blanchard asked about the biker hit by a car. The biker was injured with a broken leg at the intersection of Old Frederick Road and Motters Station Road. There have also been some fraudulent phone calls where a fraudster has been using commissioner phone numbers to get information from residents. The Deputies will investigate the fraudulent calls.

**Note:* Commissioner Sweeney arrived at 7:34 p.m.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2018 (exhibit attached). Ms. Willets mentioned the Emmit Garden Playground was installed at the beginning of July. Rainbow Lake is currently at spillway level. The Town currently has a 17.26-inch surplus of precipitation from 13.35 inches of rain that occurred in July 2018. The plants design capacity was exceeded eight times, largely due to the rain. There were also two spills of untreated sewage that were reported to MDE and the FCHD. Water leaks were repaired at 9363 and 9371 Waynesboro Pike and one leak at the square. Over the course of six days the pump station pumped 13,165,000 gallons and the wastewater treatment plant was maxed out and all available equalization space used. The lead sewer/water operator has resigned and a recommendation will be brought to the Board at the next town meeting.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from July 2018 (exhibit attached). Mr. Gulden explained the Board of Appeals evaluated and processed a variance application for 55 Second Avenue (lot 24) regarding the construction of a new single family dwelling on the lot. Mr. Gulden also processed several community legacy reimbursement requests and permits. Regarding MS-4, Mr. Gulden met with representatives from Advanced Land and Water to discuss future MS-4 storm drain and outlet mapping projects.

**Note:* Commissioner Buckman arrived at 7:57 p.m.

Commissioner Comments:

- Commissioner Ritz III: He explained the Parks Committee will be hosting a free Celtic concert at Community Park on September 8, 2018.
- Commissioner Buckman: No comments.
- Commissioner Sweeney: No comments.
- Commissioner Blanchard: He requested staff advertise the number of attendees from the 2018 pool season. He stated the Emmitsburg Food Bank feeds about 100 families in the area and has an upcoming food drop. This weekend is the Thurmont and Emmitsburg Community Show.

- Commissioner O'Donnell: He explained Indian Lookout Conservation Club is requesting hunting access get reintroduced to the Scott Road Farm property. A Town business is requesting the Board reconsider the allowance of temporary storage units to the building code.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2018 (meetings listed in agenda packet). Mayor Briggs mentioned he met with the Dan Reaver, President of Emmitsburg Glass, Allen Knott, Chief Financial Officer of Emmitsburg Glass and Chip Jewell, Frederick County Fire and Rescue, regarding the glass etching Cochran Art. The Town hopes to have the art installed soon. The Town was awarded a grant for three interpretative wayside exhibits at the town square, Emmet House and Doughboy Statue. The Green Team had a meeting at the Seton Center, which is a sustainable building. He had a conference call regarding trying to get the Boys and Girls Club in Emmitsburg. Commissioner Ritz III inquired about the language on the wayside exhibits. Mayor Briggs explained the meeting held was to give historical information to the designers. A future meeting will finalize the text and photos used. The signs will be part of a historic walking tour the Town hopes to develop. The Board requested to see the signs before they are finalized.

Public Comments:

None. The individual signed up is speaking on the rezoning of 600 East Main Street (agenda item #2).

Administrative Business:

None.

Consent Agenda:

1. Mark Walker to the Citizen's Advisory Committee. Term: 10/20/2018 to 10/20/2020. **Motion:** To accept the reappointment by Commissioner Ritz, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.
2. Brian McKenney to the Citizen's Advisory Committee. Term: 09/04/2018 to 09/04/2020. **Motion:** To accept the appointment by Commissioner Sweeney, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.
3. Melissa McKenney to the Citizen's Advisory Committee. Term: 09/04/2018 to 09/04/2020. **Motion:** To accept the appointment by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for August 2018 (exhibit in agenda packet). The operating balance forward is \$5,581,552. There were no questions from the Board.

Planning Commission Report:

None.

II. Agenda Items

Agenda Item #1: Approval of the 2018 Elections Judges: Mayor Briggs explained there were five applicants and the town only needs four judges. He recommends the Board approve the first four judges that applied. Charlotte Mazaleski, Barbara Weedon and Sharon Hane have been the Town's election judges in prior years. Tammy May has County experience. The Board thanked the election judges for volunteering their time to serve the Town.

Motion: To approve Charlotte Mazaleski for the town election judge for 2018.

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

Motion: To accept Barbara Weedon as an election judge.

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

Motion: To accept Tammy May as an alternate judge.

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

Motion: To accept Sharon Hane as an election judge for the 2018 election.

Motion by Commissioner Ritz III, second by Commissioner Sweeney. Vote: Motion carries 5-0 in favor.

Agenda Item #2: Consideration of the Recommendation of the Town's Planning Commission to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmet Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1): Mr. Gulden, Town Planner, showed a map of the lots. Mr. Gulden explained a piecemeal map amendment is being requested on lots 10, 11, 15 and the western half of lots 12 recorded in Plat Books number 3, folio 52 (600/602 East Main Street Extension). The petitioner, Mr. Baldacchino, is alleging that there was a mistake at the last zoning of the property by the 2015 Comprehensive Plan and Comprehensive Rezoning because the property was rezoned without considering the prior property use (as a dental office). Commissioner O'Donnell stated his agreement that there was an error made on behalf of the Board of Commissioners prior since the Board did not know

the property was a business prior. Commissioner Sweeney agreed the hearing process should continue. The Board moved to request a public hearing.

Motion: To set a public hearing date for October 1, 2018 at 7:30 p.m. and advertisement for the Zoning Map amendment request to rezone lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No. 3, folio 52 from R-1 Low-Density Residential to B-1 Neighborhood Commercial.

Motion by Commissioner Ritz III. Vote postponed to allow family to comment on property.
Joseph Baldacchino, 12508 Killian Lane Bowie MD 20715, stated he felt comfortable with the Board's decision.

Motion Continued: Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: 5-0 in favor. Mr. Gulden will remind Mr. Baldacchino of the hearing date via email and post signs for public notice in Town.

Agenda Item #3: Welcome Letter for New Residents for Discussion and Possible Consideration: Ms. Buckman explained the Citizen's Advisory Committee created the draft welcome flyer for new residents looking for basic community information such as where to find a doctor's office, veterinary office, etc. Commissioner Buckman explained not all businesses are included on the flyer due to space and the flyers intent to provide basic information to new residents only. It is not intended to replace the new Emmitsburg Business and Professionals Association (EBPA) brochure. The Town would send the flyers to new residents. Commissioner O'Donnell expressed concern over promoting certain businesses over others and the liability it exposes the Town if businesses are left out. Ms. Willets explained town staff has found the local utilities information useful when new residents call into the town office. Commissioner Buckman suggested scrapping the whole project. Commissioner O'Donnell recommended Commissioner Buckman reach out to the Maryland Municipal League to get an opinion on the flyer and liability.

Agenda Item #4: For Consideration Sewer Relining Project on East Main Street: Ms. Willets explained the Town has a significant issue with inflow and infiltration (I&I), which is groundwater entering the sanitary sewer system through cracks and holes in the system. She recommends the Board pursue continuous future funding to prevent I&I. Daniel Fissel, Sewer and Water Superintendent, explained excess I&I creates unnecessary hardship on the wastewater treatment system. Excess I&I costs the Town \$2.00 per 1,000 gallons. The Town is spending over \$40,000 a month treating I&I in staff time, equipment wear and chemicals. The Town has lost 47,000 gallons in sanitary sewer overflows (SSOs) since the beginning of 2018. Mr. Fissel explained when Lincoln Avenue was relined 57 unused service connections were closed off. Pictures were reviewed in a PowerPoint that showed the current condition of the East Main Street line to include multiple cracks, holes and visible infiltration. Mr. Fissel estimates the lines were put in about 1930. The sewer relining process is completed between two man holes by flushing the line and using air pressure or steam to slide relining material into the pipe then expand the material and let it cure for 2-3 hours. Service lines will be cut out of the liner and a video footage will be taken for the Town's record. The Town collected three bids for the project. Town staff recommends Mr. Rehab, Inc. for \$80,575, which would be funded from the business fund as an asset addition with a depreciation of 50 years. Commissioner Sweeney believes this project will help save money in the long term. If approved, future relining projects would also be pursued by town staff. Mayor Briggs is supportive of the project. The street would not need to be torn up unless a major problem was found.

Motion: To accept the Mr. Rehab's relining bid.

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

Agenda Item #5: Authorization to Proceed with Solicitation of Federal Funding: Ms. Willets explained the pumping station was built in 1964 and rehabbed in 1985. According to Duff and Phelps Report Services, the depreciation lifespan is 50 years; the current station is 54 years old. Pictures were reviewed of the existing pump station (PS). Mr. Fissel pointed out several significant problems to include rust, inoperable valves and overflows. Town staffs biggest concern is the overflows that happen at the PS when there is a large rain event due to the PS inability to keep up with the heavy flows. Town staff is concerned the station could fail soon due to the age of the structure. Commissioner Buckman inquired if a larger station could be built so heavier flows could be handled. Mr. Fissel explained the current PS capacity is based on the wastewater treatment plant capacity. A larger PS would overwhelm the wastewater treatment plant. Instead, Town staff recommends reducing overflows by building a new PS and taking steps to reduce I&I. Town staff requested the Board approve the Town's pursuit of United States Department of Agriculture (USDA) funding for a new PS so the Town can apply for funding. If the Board approves, the Town would publish and intent to apply in the newspaper and publish a bid for an engineering firm to submit bids regarding an environmental report and preliminary engineering report. The Board requested town staff present a ten or fifteen-year plan regarding sewer relining.

Motion: For staff to proceed with solicitation of federal funding for a new pumping station for the Town.

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

Set Agenda Items for October 1, 2018 Town Meeting

1. Swearing in of New Commissioners.
2. Mayor's Recommendation for Reorganization of the Board of Commissioners
3. Charter Amendments for Consideration to Clarify Archaic Language
4. Public hearing on the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1).
5. Consideration to Rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1)
6. Review of Ethics Complaint Procedures as Proposed by the Ethics Commission
7. For Discussion and Possible Consideration, Request By Indian Lookout for Sole Hunting Use of Scott Road Farm

Motion: To accept the agenda for the October 1, 2018 meeting as presented.

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

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the September 4, 2018 Town Meeting was adjourned at 9:48 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On: October 1, 2018