

**MINUTES
TOWN MEETING
DECEMBER 3, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and TJ Burns. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner.
Others Present - Deputy Ben Whitehouse.

I. Call to Order

A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the December 3, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes:

Motion: Commissioner O'Donnell motioned to accept the November 4, 2019 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays - 0. The president declared the motion passed.

Motion: Commissioner Ritz III motioned to accept the November 18, 2019 town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays - 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from November 2019 (exhibit attached). The off-campus Mount student parties were reported to the University. The Board thanked the deputies for attending the Turkey Trot on November 28.

Town Managers Report:

Cathy Willets, Town Manager, read the Town Manager's Report from October 2019 (exhibit in agenda packet). Ms. Willets mentioned the playground equipment removed from Community Park will be rehabbed and re-installed at Memorial Park in spring 2021. The State Highway's MD140 bridge project contractors will work Saturdays until the project is done.

Town Planners Report:

Zachary Gulden, Town Planner, read the Town Planner's Report from October 2019 (exhibit in agenda packet). Mr. Gulden noted the Town was awarded \$55,000 in Community Legacy grant funds for FY2020. The Board requested town staff draft a letter requesting State Highway Administration add sidewalks along MD140 over Rte. 15 connecting the new Rutter's to the rest of Town.

Commissioner Comments:

- Commissioner O'Donnell: He had several phone calls with individuals regarding brown water complaints but explained all individuals he spoke with agreed town staff were professional and proactive in addressing concerns.
- Commissioner Ritz III: He thanked town staff for decorating the Town for Veteran's Day and for the holidays.
- Commissioner Davis: He encouraged the public to call elected officials with any Town concerns.
- Commissioner Burns: He thanked the public for attending the tree lighting ceremony Monday. He encouraged the public to contact any of the Town's elected officials with brown water concerns.
- Commissioner Sweeney: He explained the Lions Club will be hosting a free Christmas event on December 14.

Mayor's Comments:

Mayor Briggs mentioned the Town Office is selling the second annual holiday ornaments for \$10 each. This year's ornaments are pewter and come in a decorative gift box. There are glass bulbs from 2018 available for \$7 each too. Mayor Briggs is working to improve quality of life in Town by raising funds and having staff apply for grants. Mayor Briggs read a letter from prior Town Attorney, John Clapp, thanking the Board for the proclamation and the honored bestowed on him.

Public Comments:

Jack Weller, 8117 Hampton Valley Road - Mr. Weller asked about the timeline of the stand five logging and the payment the Town will receive for the trees. He also asked how much the Town pays per gallon for water from Mount St. Mary's.

Administrative Business:

- I. Amendments to Maryland State Archives Record Retention Schedule's M407 and M408, Originally Adopted as Exhibit B and Exhibit C with Resolution 19-03R, for Consideration:** Ms. Willets explained the Board unanimously approved the adoption of record retention schedules M407 and M408 as exhibits attached to Resolution 19-03R at the October 7, 2019 town meeting; however, the State has requested additional modifications. The resolution does not need to be changed but the Board needs to give approval for the modifications of the exhibits.

Motion: Commissioner Ritz III made a motion to approve the one modification to Exhibit B, Schedule M407, and the three modifications to Exhibit C, Schedule M408, for Resolution 19-03R as presented; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The president declared the amendments adopted.

Consent Agenda:

The Board gave unanimous consent for the appointment of Glenn Blanchard, Sandy Umbel, Steve Starliper, Amanda Ryder and Shannon Cool to the Parks and Recreation Committee for a 2-year term ending in December 2021. Commissioner Davis stated Cynthia Canadas, David Maze, Matt Myers and Jen Myers have resigned from the Parks Committee. The Board gave unanimous consent for the re-appointment of Dianne Walbrecker to the Board of Appeals for a term ending December 2022.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for November 2019 (exhibit in agenda packet). The operating balance forward is \$5,362,256. The top ten check amounts are listed in the agenda packet.

Planning Commission Report:

The last meeting was held on November 25, 2019 to review the Improvement Plan for Rutter's. The plan was tabled at the meeting and will come back to the Commission on December 17, 2019. Mr. Gulden showed a map of the proposed sidewalk locations for the new Rutter's.

II. Agenda Items

Agenda #1 - Review of the FY2020 MHAA Wayside Exhibits for Consideration: Ms. Willets explained the proposed exhibits are part of a future historic walking tour in Town and are partially grant funded. Scott Grove, Grove Public Relations, introduced himself as the contractor who designed the fiscal year 2019 wayside exhibits at the Town Square, Emmet House and Doughboy Statue. The next four exhibits will be on the Great Fire of 1863, Vigilant Hose Company, Chronicle Press building, and Carriage House Inn building. Images of the exhibits were presented on the screen along with a map showing final exhibit locations. The Board requested edits to all the exhibits. The exhibits will be brought back to the Board for final review and approval at the January 2020 town meeting.

Agenda #2 - Staff presentation of proposed ordinance 19-07, which amends Town Code Chapter 16.48 - Forest Conservation. Forward amendment to the Planning Commission for review and recommendation for consideration: Mr. Gulden explained the Board is voting to send the proposed ordinance to the Planning Commission first before it will come back to the Board for a public hearing and final vote. The ordinance is being pursued because the State of Maryland is mandating changes. *Motion:* Commissioner O'Donnell motioned to send ordinance series 2019, ordinance number 19-07 to the Planning Commission; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The president declared the motion passed.

Agenda #3 - Staff presentation of proposed ordinance 19-08, which amends Town Code Section 17.20.090 – Buffer Zone Requirements in the B1 Zone. Forward amendment to the Planning Commission for review and recommendation for consideration: Mr. Gulden explained the Board directed town staff to draft an ordinance modifying the commercial buffer zone requirements of the B1 zone at the November 4, 2019 town meeting. The Board must vote to send the proposed ordinance to the Planning Commission first before it will come back to the Board for a public hearing and final vote. *Motion:* Commissioner Burns motioned to send ordinance series 2019, ordinance number 19-08 to the Planning Commission; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The president declared the motion passed.

Agenda #4 - 90-Day Moratorium on Small Cell Towers for Consideration: Commissioner Sweeney announced the item as postponed.

Agenda #5 - Access and Fee Structure for the Emmitsburg Baseball/Softball Fields for Consideration: Commissioner Davis, Parks and Recreation Committee liaison, explained the proposed changes are a result of discussion with the Parks and Recreation Committee, interested teams and public input. The committee's goal is to bring baseball and softball back to Emmitsburg. The recommendation before the Board is to keep field one open for public usage and give primary usage of field three in the following order: Thurmont Babe Ruth, Mount St. Mary's Club Baseball and Mid-Maryland Travel Baseball.

Field four would be used by Catoctin Recreation Softball and fields five, six and seven would have primary usage given to Thurmont Little League. No usage fees would be charged to the teams. *Eric Crouse, Thurmont Babe Ruth, and Justin Gisriel, Thurmont Little League* – stated their support of the proposed field usage. The current Town policy does not allow the fields to be booked seven days in a row to allow the public pick-up access. Ms. Willets requested the leagues submit game and practice schedules to the Town prior to each season. Commissioner O'Donnell suggested having a refundable security deposit for each league and a requirement for the leagues to clean up litter after each event. The Board directed staff to revise policy 2018-01, draft an ordinance, and to waive all fee structures for non-profits with a one-year sunset clause.

Agenda #6 – Approval of Ordinance 19-10, which approves the sale of 140 South Seton Avenue, for consideration: Mayor Briggs explained J&B Real Estate, Inc. has been actively marketing the sale of the residential dwelling at 140 South Seton Avenue since the Board approved the listing agreement at the November 4, 2019 town meeting. The property would be sold for \$165,000 to Amanda Rhodes. Mayor Briggs requested the Board approve the sale for \$165,000 with the ability for the Mayor to negotiate for 5% or \$8,000 net profit. The Board did not approve the Mayor's request to negotiate net profit. *Motion:* Commissioner Burns motioned to approve ordinance series 2019, ordinance 19-10, which is the sale of 140 South Seton Avenue at \$165,000; second by Commissioner Davis. Yeas – 5; Nays - 0. The president declared the motion passed.

The Board gave unanimous consent for adding the modification of the pool house renovation contract with Omega Contracting & Consulting, LLC for consideration to the December 16, 2019 town meeting agenda.

Set Agenda Items for January 6, 2020 Town Meeting

1. Audit Presentation by Michele Mills.
2. Final Review and Approval of the FY2020 MHAA Wayside Exhibits for Consideration.
3. Review Planning Commission recommendations, hold a public hearing, and approval of proposed Ordinance 19-07, which would amend Title 16, Chapter 16.48 – Forest Conservation and Ordinance 19-08, which would amend Title 17, Section 17.20.090 – Commercial District Buffer for consideration.
4. Approval of Logging Stand 6 for Consideration.

Administrative Business:

- A. Invitation of Catoctin High School Football Team Regarding State Class 1A Finals

The Board gave unanimous consent accepting the town meeting agenda for December 16, 2019 and January 6, 2020.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner O'Donnell motioned to adjourn the December 3, 2019 town meeting; second by Commissioner Burns. Yeas – 5; Nays - 0. The meeting adjourned at 9:51 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Minutes Approved On: January 6, 2020