

**MINUTES
TOWN MEETING
January 20, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

Absent:

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the January 20, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Approval of Minutes

The Minutes of the January 20, 2016 Town Meeting were approved as presented/corrected. Motion by Commissioner Sweeney and Second by Commissioner Ritz III. Pass 5 to 0.

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Ritz III advised the Citizen Advisory Committee met on 01/19/16 and discussed several items such as: bringing a Main Street Program to Emmitsburg like the ones in Thurmont and Taneytown, bypasses as outlined in Comp Plan, and Community Watch. He also said they discussed the idea of having Mount students do a study to bring new businesses into Town coupled with the square revitalization. Commissioner Sweeney announced there will be a Community Heritage Day wing feed fundraiser on February 13, 2016. Tickets are available for \$20 and food will be served 3-7pm with entertainment from 7-11pm. Commissioner Blanchard attended the Vigilant Hose Annual Banquet and had an opportunity to speak with County Executive Jan Gardner. He noted that she has been very visible in the Northern County. Commissioner O'Donnell thanked staff for their prompt response on the water line break.

Mayor's Comments

Mayor Briggs also attended the Vigilant Hose Banquet. He also noted County Executive Jan Gardner's visibility. County Commissioner Kirby Delauter was also in attendance. The Mayor attended the Mayor/Burgess meeting sponsored by the County Executive at Winchester Hall. He also met with the Mount financial officer and Vice President to discuss town affairs and relationship. Mayor Briggs thanked Commissioner Ritz III for the Main Street program but commented how expensive it is. The Mayor discussed an alternative such as his sustainable community program. He mentioned the sidewalks should be done by 2017 and he has been looking at commercial spaces for businesses to grow such as the Ireland building on East Main St. Mayor Briggs relayed that Stavros should be making an opening announcement in the middle of February. He does realize that parking is an issue in Town and staff is looking into several possibilities. Commissioner O'Donnell requested appropriate user-friendly signage to direct people to our retail and different sites.

Administrative Business

*Re-appoint Keith Suerdiek to the Planning Commission
Motion by Commissioner Sweeney, Second by Commissioner Mellor
Vote 5 to 0 passed*

Commissioner O'Donnell mentioned that a representative from Bicycle Escape contacted him about sponsoring a cycling event at Rainbow Lake. He stated they will bring about 90 bikes and helmets for people to come out and ride the trails. Commissioner Mellor suggested utilizing message boards the day of the event. There was consensus from the Board as well as the Mayor and Mr. Haller to proceed with the event. Commissioner O'Donnell said he was approached by Mrs. Ott who said she received multiple water bills for other people

during this last water bill mailing. She also had a question about the water rates and the fact she does not use the minimum amount of water but still has to pay the minimum. Mayor Briggs stated that he did already speak with her about both issues. Commissioner Ritz III asked about looking into lowering the minimum water usage. Commissioner O'Donnell requested a presentation or discussion on how the rates were set and how the bills are calculated. Commissioner O'Donnell also requested permission to approach town staff with trail maps, services and businesses. Mr. Haller said it was ok.

Consent Agenda - none

Reports:

Town Manager Report - Mr. Haller reported on the public works department monthly activities to include a water production and consumption analysis. Mr. Haller reported the wells are now an average of 7.3 feet below their May 2011 levels. He also noted we have a precipitation surplus of 14.3" over the last six months. Mr. Haller detailed that there were no spills of untreated sewerage in December, however we exceeded the plant's design capacity on nine days. He noted that staff has winterized all the restrooms in the parks as well as all the ballfields. Commissioner O'Donnell asked about the recent water line break. Mr. Haller advised the drastic change in temperature caused the break. He said the fix is a long term one (at least 10 years). Mr. Haller thanked the Board's support over the years and because of that support our system is solid. Commissioner O'Donnell stated that he will bring the Pembroke Woods list back at a future meeting when the HOA president could attend. Commissioner Ritz III asked about Brookfield and Mr. Haller advised the development is in the rotation. In reviewing the zoning report, Commissioner O'Donnell questioned the new pool company/contract process. Mr. Haller said we are working with the new company. All are hoping for good service and opening on time. Detailed report Exhibit A.

Town Planners Report – Mr. Haller reported on Ms. Cipperly's activities. Ms. Cipperly has been working on the two proposed ordinances regarding setbacks in residential zones as well as several text amendments to address changing the OS zoning title to Institutional.

Police Report - Deputy Whitehouse presented the police report for November and December 2015. He addressed the two fires and fatalities in Town. He addressed concerns about parking on sidewalks. He stressed that it is illegal to stop and/or park on sidewalks. It is a \$60 fine but no points. Commissioner O'Donnell thanked Dfc. Whitehouse for his efforts during the fire at Paul's Pit Stop. Commissioner Mellor thanked him for his quick response to speeding complaints in Silo Hill. Detailed report at Exhibit B.

II. Agenda Items

For consideration and possible final approval – Nuisance Ordinance

The people signed up for public comment on this agenda item were invited to speak first. T.J. Burns spoke first and relayed he felt the ordinance was too broad and open to interpretation for example what is something that negatively impacts the well-being of other or disturbs the quality of life? He felt that the fire alarm that goes off could be considered a nuisance. Mr. Burns also felt that someone who had it out for another person could make false complaints that would lead to a violation. The deputy and Commissioner O'Donnell assured him that law enforcement as well as staff would see through it. Ms. Glass said she felt the ordinance had not changed since the first one and it still left commercial entities subject to the ordinance. She too felt the ordinance was open to interpretation and after this Mayor and/or Town Manager left other persons would be responsible for determining violations. Mr. Craig simply stated he felt it was too broad and needed to be narrowed. Mr. Haller advised that the Town Attorney wrote the ordinance and it does not apply to

commercial. A reference was made to page 2 of 4 of the ordinance "The provisions of this Chapter shall apply only to property used primarily for residential purposes....."
Commissioner Ritz III said the purpose of the ordinance is commendable but he questions when a complaint is received "what negatively disturbs the quality of life?" He would like to present it to the Citizens Advisory Committee for suggestions on wording. Commissioner Ritz III stated they do not meet again till April but could call a special meeting.
Commissioner Mellor volunteered to work with him on the wording. Commissioner Blanchard stated there definitely needs to be something in place but need to tighten it up. Commissioner O'Donnell stated he would like to hear from the people who complained on the other side of the issue; those who were affected by the "nuisances." The Mayor stated he encourages the comments and just wished staff had received them sooner. He said he has been talking to Mount staff and there is a desire for MSM to grow and increase enrollment. The Mayor stated with increased enrollment will come students moving downtown. He wants to make it a safe and desirable place for them to live.
At this time, comments were taken from each of the Commissioners as to the status of the ordinance. Commissioner Sweeney – tighten it up. Commissioner Mellor – manage issues with the Mount, Outreach programs, not comfortable voting to put someone out of their house; Commissioner Ritz III – ordinance very general, re-visit, re-word with better clarification; Commissioner Blanchard – tighten it up, a tool the Town should have; and Commissioner O'Donnell – leaning towards a nuisance ordinance but it needs tightened up; it's too broad and open to interpretation; want to have students in Town; need a safety net; Outreach programs have value; bring back a better product.
A suggestion was made to have a Board or committee of several people review the complaint(s) and then vote. Mayor Briggs was supportive of taking the ordinance to the Citizens Advisory Committee. **NO VOTE.**

Meetings Policy related to number of monthly Town Council meeting

Commissioner O'Donnell conducted a quick review of the policy that was developed per the Commissioners and Mayor comments at the January 4, 2016 town meeting.

Motion: - To adopt Policy 16-01 as written.

Motion by Commissioner Ritz III second by Commissioner Mellor

Vote: 5-0 in favor

Set Agenda Items for February 1, 2016 Town Meeting

1. Audit Report related to Town finances
2. Presentation related to the possibility of an additional plaque at Doughboy site
3. Public Hearing for Ordinances 16-01 & 16-02 and 16-03 through 16-06 related to modifying OS to Institutional
4. Public Discussion of Pembroke Woods town staff maintenance report

Consent Agenda – consideration of Ms. Wendy Walsh for appointment to the Citizens Advisory Committee

III Public Comments

1. Harold Craig, 103 W. Main St. Emmitsburg, MD 21727; Crosswalk at School Lane and Main St.
Mr. Craig asked the Board to consider putting a crosswalk at Main St. and School Lane. He feels it would be safer for pedestrians in that area with a controlled crosswalk. Mr. Haller agrees, but it is not included in the SHA plan. Mr. Haller stated staff will send Mr. Craig's letter to SHA.
2. T.J. Burns, 321 Mountaineers Way Emmitsburg, MD 21727; nuisance ordinance
3. Susie Glass, 239 N. Seton Ave. Emmitsburg, MD 21727; nuisance
Mrs. Glass thanked the Mayor and others for the smoke detectors.

She offered help for Community/Heritage Day.

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the January 20, 2016 Town Meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Cathy Willets
Town clerk
Approved: February 1, 2016