

**MINUTES
TOWN MEETING
October 3, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Clifford Sweeney, Joseph Ritz III, Elizabeth Buckman, Glenn Blanchard, and Tim O'Donnell, President. Commissioner Mellor was absent.

Staff present was: Cathy Willets, Town Manager; Sue Cipperly, Town Planner; Cole Tabler, Town Accountant; and Amy Naill, Recording Secretary.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the October 3, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Approval of Minutes:

The minutes of the September 6, 2016 Town Meeting were approved as presented
Motion by Commissioner Ritz III, Second by Commissioner Sweeney
Commissioner Mellor was absent

Police Report: Deputy Whitehouse presented the police report from September (Exhibit attached). He commented it was a quiet month. He thanked the Town, Pastor Talcott and the Vigilant Hose Fire Company for their help with the Jim Moxley Memorial Rocket Club.

Commissioner Sweeney: Asked for the deputies' attendance during the Halloween festivities.

Deputy Whitehouse: Said they will be present.

Commissioner Comments:

Commissioner Buckman: Thanked the Town for having faith in her and commented she would put everything she has into making Emmitsburg safer and more pleasant.

Commissioner Blanchard: Thanked all the voters that came out on the day of the election. He is looking forward to working with everyone and the team approach to getting things done.

Commissioner Ritz III: Said he is honored to sit next to Commissioner Sweeney for the next year and congratulations to Commissioner's Buckman and Blanchard on their election.

Commissioner Sweeney: Mentioned that Halloween Trick or Treating will be on Monday, October 31st between 5:30 pm & 6:30pm. He said the parade starts at 7:00 pm. He asked everyone to be careful.

Commissioner O'Donnell: Welcomed Commissioner Buckman. He attended the Pembroke Woods HOA meeting. He said trash cans are being moved by the garbage company and not being replaced, and their garbage truck seems to be leaking. He asked Town staff to contact the vendor.

He asked Ms. Willets to contact the HOA President, Kendall Moore concerning the painting of the fire plugs, There was a question concerning when the streets would be resealed in

Pembrook Woods and Brookfield developments. Also a common complaint was the quality of lighting in Pembrook Woods. Residents are saying the lighting is not sufficient.

Ms. Willets: Said the lighting issue was being discussed.

Commissioner O'Donnell: Mentioned about stop signs being run all over Town and asked that the deputies be mindful.

He spoke to the elected and re-elected Commissioners and said there is a mandate for those who voted for their message. He believes in teamwork however he wants everyone to know that they can speak their mind regardless of whether they agree or disagree.

Mayor's Comments –

Mayor Briggs: He mentioned he attended the 60th annual Emmitsburg/Thurmont Community Show. He met with Joe Lebherz who is now the Community Director at Mount Saint Mary's. He attended the grand opening of the Seton Center Store. He attended the premier of "Thirsty Land" by Emmy Award winner Conrad Weaver. He mentioned that he was a remarkable and talented person.

He thanked the election judges for their long day. He congratulated the re-elected and elected Commissioners. He thanked Town Staff for digging up the lines to give service to the Fire Museum.

Public Comment: Wendy Walsh, 2009 Pembrook Court, Emmitsburg, MD. She mentioned that October is Cyber Security Month. She was glad to hear about the shredding event from the Town Manager. She mentioned "Emmitsburg Cares" and she sees something say something and would like to see that applied to the virtual environment.

Administrative Business –

- **Request for \$15,500.00 budget transfer to be made within the Capital Fund**
Ms. Willets: The transfer of \$15,500.00 is within the capital fund itself. The transfer is for the maintenance garage at 140 South Seton, the building needs a new roof before winter.

Commissioner Ritz III: Asked how the decrease of \$15,500.00, would affect the tenant of that building.

Mr. Tabler: Stated that we currently have a little over \$65,000.00 reserved for the Upcounty Building.

Motion – To accept the budget transfer of \$15,500.00, from the Building Fund
Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote: 5-0 in Favor

- **Request for \$66,787.56 to be transferred from the General Fund to the Capital Fund**
Ms. Willets mentioned the Town received a SHA Grant for fiscal year 2017. The Mayor would like it transferred to The Town Square Reserve Fund, for the upcoming Square Project.

Motion – To accept the budget transfer of \$66,787.56, from the general fund to the Town Square Reserve Fund

Motion by Commissioner Blanchard, second by Commissioner Ritz III

Vote: 5-0 in Favor

- **Updated draft budget and MOU for Square project**

Ms. Willets explained the draft copy of the Memorandum of Understanding as it relates to the Square Project. Ms. Willets went over the Town's responsibilities and expenses. She also mentioned that the draft was sent to the Town Attorney for review. She said that the board will be approving the estimated cost of \$293,403.58. She explained once this is approved, SHA will put it out to bid. She told the Commissioners that the Town will have the final amounts the end of January or the beginning of February. Any increase or decrease after that will come at the request of the Town. She asked that the Commissioners bring this back at the next meeting because SHA needs final approval in November. She asked the Commissioners to email any comments and concerns to her.

- **Design and build multi-user trail for FY2017**

Commissioner O'Donnell went over the background information concerning the trails. He said that the model was modified this year and the Trail Conservancy was asked to allow another design and build vendor to lead. He said the Trail Conservancy is amenable to that but they are not able to move forward until the springtime. He said this is a concern because the people that do the design and build are usually spoken for. He said that we intend to see a new trail built this summer but we are not moving forward at this time.

He mentioned that signs have been posted at all trail heads advising trail users that the trails are available only during Sundays because of hunting season.

- **Change in terms to loan related to 140 S. Seton Ave**

Mr. Tabler went over the terms of the loan. He said the initial loan from 2011 was for \$247,000.00 with the Woodsboro Bank. The principle at this time is \$203,410.43 and the bank is asking us to extend the loan to October 5, 2021. The rate will stay the same and the payment stays the same.

Commissioner O'Donnell: Asked what can be gained by this?

Mayor Briggs: Explained that the bank could have asked for payment in full as this was a balloon note. He said this is how commercial loans work.

Consent Agenda- No items

Reports:

Town Manager's Report –Presented by Cathy Willets. She mentioned the WWTP had no spills of untreated sewage and the plant's capacity was not exceeded on any day.

Ms. Willets reviewed the current water numbers with the Commissioners. She said due to the recent rain event the lake came up a half foot. We are still 1.4 ft below the spillway. Wells one, three and five all came up due to the rain. Well two and four are normal. Mount Saint Mary's has had some water leak issues, so only 10,000.00 gallons are being pulled from the Mount.

Staff recommends removing Phase I water restrictions because the wells and the lake water have increased. We are hoping to get additional rain and staff is monitoring the levels.

Motion: To remove the water restrictions that we have in place at this time
Motion by Commissioner Sweeney, second by Commissioner Ritz III

Vote 5-0 in Favor

Town Planner's Report – Presented by Sue Cipperly. She mentioned the Flat Run Bridge Project work will probably be started by the end of October. Utilities are being explored at this point.

She mentioned that the plans for the Square Revitalization Project are being reviewed.

She wanted to make sure that the GIS system is not lost in the shuffle. A data base is being created containing the Town's sewer and water lines.

Commissioner Sweeney: Mentioned that the Lion's Club would like to purchase some of the trees that will be planted in the sidewalk areas. He asked that the cost be forwarded to him.

Ms. Cipperly: Mentioned she spoke to a contact with the state and they are going to be supplying the Town with new information concerning tree species. She said she will keep the Commissioners posted.

Treasurer's Report –Commissioner Blanchard reported on September 2016 cash activity. (Exhibit attached).

Commissioner Sweeney: Asked about the \$37,750.00 check for the East Lincoln pathway. He asked if the money came out of the money that we had for East Lincoln.

Ms. Willets: Said it came out of the paving budget.

II. Agenda Items

Swearing in of the new Commissioners:

The Mayor conducted the swearing in of both re-elected Commissioner Glenn Blanchard and elected Commissioner Elizabeth Buckman. The Mayor congratulated both Commissioners on their successful elections. Commissioner Buckman was introduced to the Board of Commissioners by the Mayor.

Reorganization of the Board

Mayor Briggs gave his recommendations for reorganization of the Board.

Commissioner O'Donnell: President

Commissioner Sweeney: Vice President and Planning Commission Liaison

Commissioner Blanchard: Treasurer

Commissioner Ritz III: Parks and Recreation Committee
Commissioner Buckman: Citizens Advisory Committee

Mayor Briggs thanked everyone for serving in the past.

Motion: To accept the Mayors recommendations for reorganization of the Board as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote 5-0 in favor

Mayor Briggs: Reminded the Commissioners that a packet was placed on their desks concerning Chapter 2.04 in the Emmitsburg Municipal Code outlining how the Commissioners conduct themselves and manage the committees and their responsibilities as Commissioners.

Introduction of new Human Resources Consultant

Ms. Willets introduced Amanda Haddaway the managing director of HR Answerbox. Ms. Willets explained that Ms. Haddaway is to assist with the Town's ongoing HR needs.

Ms. Haddaway: Gave a short presentation stating she is reviewing performance management, performance improvement and a review of the Town's policies including the vacation policy. She said the contract is structured on an as needed basis as services are rendered.

Appointment and Approval of Town Manager

Mayor Briggs reviewed Chapter 2.08.10 Town Manager Appointment. He mentioned 17 candidates applied for the position. He recommended that Cathy Willets the current Interim Town Manager and Town Clerk was his choice for the Town Manager. He went on to say that she was the only candidate with the knowledge, skills and abilities required for the position. Therefore, he said I would like to appoint Cathy Willets as the new Town Manager.

Motion: To appoint Cathy Willets per the Mayors appointment as the new Town Manager
Motion by Commissioner Sweeney, second by Glenn Blanchard

Vote: 5-0 in favor

EOT Lagoon storage proposal:

Ms. Willets: Stated this is currently our sludge hauler. Enviro-organic Technologies has worked for the Town in the past ten years. EOT would like to store food process residuals in lagoon three which is not in operation at the WWTP. She then introduced Mr. Phillip Snader, the Vice President and co-owner of Enviro-organic Technologies.

Mr. Snader gave a presentation. He explained the storage and how it works. He said the contract with the Town is being reviewed between his attorney and the Town attorney.

Commissioner Sweeney: What are we getting back from the storage?

Mr. Snader: \$80,000.00, rental lease payment paid annually. \$40,000.00 due November 1st and \$40,000.00 due January 1st.

Commissioner Sweeney: Asked where the money would go?

Ms. Willets: We would like to keep all the money from the first year at the WWTP. Chemicals alone have tripled in cost. After the first year we may take a portion of it to place in special projects. I would like to see the majority stay at the plant.

Commissioner Ritz III: Are we just looking at one lagoon now?

Mr. Snader: Just one lagoon.

Commissioner O'Donnell: What is the source of the slurry?

Mr. Snader: The material comes from poultry processing plants.

Commissioner Buckman: What if we get a torrential rain and could the lagoon overflow? Also do you take on any of the land reclamation?

Mr. Snader: The lagoon is still regulated by MDE. Under the current permit you have a free board restriction in the permit of two feet. We have to maintain two feet of free board at all times. As far as the land reclamation that would involve the indemnification process through the insurance certificate.

Commissioner Ritz III: Section 9.4 page 8 of the contract talks about analytical data. How often is that provided?

Mr. Snader: I can provide the Town with it but the analytical data is usually provided to the farmers as part of their nutrient management program. That section in the contract needs to be changed.

Commissioner Ritz: Thanked the Town Manager for providing information from the Town Attorney. I am not used to seeing that. Also the farmhouses near to treatment plant, the Lindsay's, are they aware of this?

Ms. Willets: That's a decision the Mayor or yourselves will need to make. They live outside of town on an active farm.

Commissioner O'Donnell: We could send them a letter if this is approved advising them what is happening.

Mr. Snader: In the Spring when they mix it there is some odor for about a two and a half week period.

Commissioner O'Donnell: I would like to have some protocol in place in case there was a spill. I would like to see that addressed in the contract.

Mr. Snader: I do have another contract that addresses that. We do carry Two million dollars of pollution liability insurance.

Ms. Willets asked the Commissioners to take a look at the information given to them and if they have any questions concerning the lease or the information please pass it on to me. We need this approved by November because that is when they want to start storage.

Online bill pay function for consideration

Ms. Willets said the online bill pay function would work with the current software. We

currently have an online bill pay system that is not very user friendly.

Mr. Tabler said they looked into CUSI, our current utility software company, Invoice Cloud and PNC Bank for options. We recommend using CUSI. CUSI has a web portal that customers can log into. They can see their account history, they can pay online through the web portal and that would take the place of the current online system. It would also have a lower processing fee for the customer. There would also be an advantage to the Town, customers accounts would update automatically. Also there would be no additional charge to the Town.

Commissioner Ritz III: Asked if this could be used for permits?

Mr. Tabler: They are working to add items that are non water and sewer.

Commissioner O'Donnell: How long will it be before the additional services are available?

Mr. Tabler: They did not give specifics.

Ms. Willets: Our current system only takes water and sewer and the majority of the bills are water and sewer. I think this is a good start.

Commissioner Buckman: Have we looked into what other towns our size is doing with their bill pay option?

Mr. Tabler: Other towns do use the Invoice Cloud. Invoice Cloud does not have a system that directly ties into our current billing system.

Commissioner O'Donnell: Is there a price value to go from zero?

Mr. Tabler: You are talking about overhauling the entire water and sewer billing system. I would not recommend that at all.

Ms. Willets: Some municipalities don't even have online bill pay. We felt this was the best option to go with because it is so user friendly. There is no cost to the Town and user fees are less.

Motion: To accept the online bill pay function
Motion by Commissioner Blanchard, second by Commissioner Sweeney

Vote 5-0 in favor

Public hearing and consideration of Ordinance No. 16-13 Revision To Zoning Definitions for Accessory Uses and Ordinance No.16-08 Amending Uses Permitted in the Institutional Zoning District

Ms. Cipperly explained that the ordinance was amended because it was found that the zoning section that addresses the institutional zone, which includes structures like schools, the Mother Seton Shrine and the Community Center did not include a list of accessory uses. One of the entities requested a small building and this was not addressed in the ordinance. Ms. Cipperly conferred with the Town Attorney and he suggested adding accessory buildings, structures and uses.

We also updated the definitions of accessory buildings. This would apply to any zone in the Town.

Motion: To accept ordinance 16-08 and 16-13 as presented
Motion by Commissioner Ritz III, second by Commissioner Blanchard

Vote 5-0 in favor

There was a discussion concerning the date of the next Town Council Meeting. The Commissioners set the date for the next meeting at October 24th at 7:30 pm. They declined to set the agenda for November 7th meeting.

Set Agenda Items for October 24, 2016 Town Meeting

1. Audit Workshop
2. EOT Lagoon Storage Proposal for consideration
3. Discussion related to the budget and draft MOU for the square project

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

V. Adjournment

With no further business, the October 3, 2016 Town Meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved: November 7, 2016