

**MINUTES  
TOWN MEETING  
APRIL 1, 2019  
EMMITSBURG TOWN OFFICE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman; Joseph Ritz III; Timothy O'Donnell, Treasurer; Glenn Blanchard, Vice President; and Clifford Sweeney, President. *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.

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**I. Call to Order**

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the April 1, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. The next Planning Commission meeting has been moved from April 29 to May 28.

**Approval of Minutes**

**Motion:** To accept the March 4, 2019 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

**Police Report:**

Deputy Ben Whitehouse presented the police report from March 2019 (exhibit attached). Deputy Whitehouse mentioned there was 160 traffic stops in March and three vehicle crashes. He encouraged residents to lock their vehicles. There have been no bike registrations yet but registration is available. Commissioner O'Donnell requested deputy assistance with the Bike Safety Rodeo and with distributing flyers for Frederick Bicycle Coalition.

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager's Report from February 2019 (exhibit in agenda packet). Ms. Willets mentioned staff patched pot holes and conducted monthly street sweeping. Rainbow Lake quota is being met or exceeded. The Town currently has a precipitation surplus of 24-inches over the past six months. 76.4% of the wastewater treated was wild water. The wastewater treatment plants design capacity was exceeded eight times in February 2019. Staff is painting the inside of the Emmitsburg Library at the County's request and is continuing to work on grant funding for the new pumping station. The LG Sonic algae control system should be installed in the next week or two. Town staff does not have the numbers yet regarding the sewer relining project, but a reduction in inflow and infiltration (I&I) is expected. The pump station did not flood in February 2019.

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the Town Planner's Report from February 2019 (exhibit in agenda packet). He created and distributed a comparison chart for the existing and proposed sign ordinance. He also fielded resident and business questions about the sign ordinance and wrote a newsletter article on the ordinance, which was sent in the March 2019 water bills. Mr. Gulden continues to process Community Legacy grant applications and payments. The annual MS-4 employee training will occur on April 9, 2019. He received, processed and provided comments on a sketch plan and traffic impact analysis for a new 8,380 square foot Rutter's convenience store that will be located in the southeast quadrant of the intersection of US 15 and MD Route 140. He worked with Ion Design on updating the Town Square and Visitor Center kiosk panels. He attended an Emmitsburg Business and Professionals Association (EBPA) meeting and spoke on the proposed sign amendment. Commissioner Sweeney requested someone look at the North Seton Avenue bridge over Flat Run because the top cap is falling off.

**Commissioner Comments:**

- Commissioner O'Donnell: Trail workdays will occur April 7, May 5 and June 22. Ski Liberty has been purchased by a new organization and a member of the community has requested the Town reach out to the new owners. NICA is hosting a camping event with approximately 60 people nearby for Community Day. The flagging of the multi-user trails is complete in preparation for the select harvesting. He requested town staff carefully consider the light pollution, landscaping and architectural design of the new Rutter's.
- Commissioner Ritz III: He mentioned there are several upcoming summer 2019 park concerts and events.
- Commissioner Buckman: She requested clearing of trees and debris from the Emmet Gardens bridge under US 15. Town staff has passed the request onto State Highway Administration.
- Commissioner Blanchard: He attended a Maryland Planning Commissioners Association training on March 29 that was recommended by staff. He is unable to attend the Arbor Day tree planting due to an Emergency Preparedness training. He also explained in 2018 the Emmitsburg Food Bank fed 55 families a month, fed 126 individuals a month, collected 1,700 items month and had 41 volunteers.
- Commissioner Sweeney: The Lions Club will be donating five trees for the 2019 Arbor Day tree planting.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in March 2019 (meetings listed in agenda packet). Mayor Briggs mentioned the Town has been researching possible grants for the food bank and has discussed possible renovations with the property owner. The Town's rental property, 140 South Seton Avenue, is going to be subdivided, which the Board will need to give approval on. The Town was certified as a Tree City USA Town for 2018. For meetings, he attended a climate change course, gave a presentation to a 4th grade class at Mother Seton School and hosted Dawn Ashbacher, Frederick County Sustainability Program Manager, at the March Green Team meeting. The four electric vehicle charging stations behind the Emmitsburg Community Center are ready for use

**Public Comments:**

*Him Hassett, 9 East Pennsylvania Ave., Walkersville, Maryland* - He is with the U.S. Census and is recruiting for the 2020 Census. Training will take place in late summer and number collectors will start in April 2020. Applicants are paid \$21 an hour and 0.58 cents a mile. Employees can set their own hours. *Frank Davis, 28 West Main Street* - Mr. Davis agrees and supports the cross-connection control ordinance, but he does not understand why a fee needs to be paid to the Town every two years. Town staff explained only commercial properties would pay for inspection, not residential. The item will be discussed more during the agenda item. *Susie Glass, 239 North Seton Avenue* - She is in attendance to see the new kiosk sign and hear about the cross-connection control ordinance.

**Administrative Business:**

- I. Proclamation of April 2019 as National Child Abuse Prevention Month:** Pat Bradshaw, Co-President of the Friends of the Child Advocacy Center (CAC), introduced herself and explained the Friends of the CAC is an all-volunteer non-profit organization that supports the Frederick County CAC. In 2018, the organization served 236 children in Frederick County with 6 residing in Emmitsburg. The pinwheels and #WearBlueDay are campaigns to bring awareness. Mayor Briggs read the proclamation aloud.  
**Motion:** To accept the proclamation related to National Child Abuse Prevention Month April 2019 as presented.  
Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 – 0 in favor.
- II. Proclamation of April 13, 2019 as Arbor Day:** Commissioner Glenn Blanchard read the Arbor Day proclamation aloud. There were no questions or comments from the Board.  
**Motion:** To accept the proclamation related to Arbor Day for Saturday April 13, 2019 as presented.  
Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion carries 5 – 0 in favor.
- III. Firewood Access Update for Consideration:** At the last town meeting Commissioner O'Donnell requested the Town look into a firewood collection program in the Town's water shed for residents in a difficult financial season who need help heating their homes. Town staff reached out to John Clapp, Town Attorney; Mike Kay, Maryland Forest Service; and Frederick City regarding recommendations. The town attorney is concerned with discrimination claims and liability concerns; however, he believes this can be overcome with a release waiver and clear guidelines regarding what is deemed low income. Mike Kay believes it would be a mistake to allow the public to cut trees before the select harvesting is finished. Frederick City has a proposed policy for firewood collection, but only downed trees within assigned boundaries and outside of hunting season can be removed. Town staff is concerned with enforcement, damage to bike trails and littering, but if the Board would like to pursue the program a policy, permitting system and liability waiver would be needed. Town staff recommends only allowing downed trees to be removed after the select harvesting is complete. The Board requested a low permitting fee, firewood to only be removed via human power (hand carrying or wheelbarrow) and for the program to be limited to the 21727 zip code.  
**Motion:** For town staff to be directed to create a firewood access policy and a firewood access permitting system for town property. Motion by Commissioner O'Donnell, second by Commissioner Buckman.  
Vote: Motion carries 5 – 0 in favor.

**Consent Agenda:**

None.

**Treasurer's Report:**

Commissioner Blanchard presented the Treasurer's Report for March 2019 (exhibit in agenda packet). The operating balance forward is \$5,575,210. The top 10 check amounts are listed. There were no questions from the Board.

**Planning Commission Report:**

None.

## II. Agenda Items

Agenda #1- Approval of the Bid to Purchase a Replacement for the 1996 Dump Truck for Consideration: Ms. Willets explained the truck will be purchased with the fiscal year 2020 budget, but the dump truck must be ordered now because it takes about six months for the order to be filled. The current truck has a rusting frame and will not pass state inspection. The vehicle would be purchased from fund 2, which has \$271,012 available. Once the new truck is received, the old truck will be put out to bid as is. The Town received two bids: MJR Equipment (\$154,460) and Truck Enterprise of Hagerstown (\$154,475). Town staff recommends MJR because of their expertise, willingness to come to the Town for repairs, Frederick County's use of MJR, the Town can get parts from Frederick County and the bid was very in-depth. The bid includes a plow and salt spreader. The Board requested the funds from selling the old truck go back into the fund 2 vehicle fund if possible.

**Motion:** To accept the bid from MJR Equipment for the purchase of a replacement dump truck.

Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion carries 5 – 0 in favor.

Agenda #2- Approval of the Bid to Renovate the Town Pool Bath House for Consideration (tentative): Ms. Willets explained the bid approval has been postponed because the Town is still waiting for the official grant award letter from Maryland Program Open Space. In addition, the bids received were higher than the Town expected, so the Town plans to put the bid back out. The proposals will come before the Board around July 2019 for work to begin in fall 2019.

Agenda #3- Approval of the Bid to Construct a Building at the Wastewater Treatment Plant to House Vehicles / Equipment for Consideration: Ms. Willets explained town staff is requesting a vehicle storage building at the wastewater treatment plant to house water and sewer vehicles and larger equipment, which would otherwise be exposed to the elements. The Town received two bids: Hanover Building Systems (\$35,870) and Newmart Builders (\$29,232). Town staff recommends Hanover Building Systems because the shed can bare a larger snow weight, stone/concrete is included with the vapor barrier, there is a 35-year fade warranty, a 50-year overall warranty, the overhead doors are insulated and Hanover Buildings is willing to obtain all permits. Staff advertised the bids through several methods, but only two companies submitted bids.

**Motion:** To accept the bid for the contract for the building at the wastewater treatment plant for Hanover Buildings.

Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5 – 0 in favor.

Agenda #4- Approval of firm(s) to complete the 2019 MS-4 projects for Consideration: Mr. Gulden explained the bid was published in the Frederick News Post on February 8 and February 9. The bids were due on March 20, 2019 and bids were opened on March 21. The Town received 10 total bids, which staff reviewed in depth to determine the top three bidders for three (3) different MS-4 required projects: a baseline impervious assessment and simple restoration plan, standard operating procedures (SOP), and annual inspections (3-year contract). Town staff recommends Greenman-Pedersen, Inc for the baseline impervious assessment (\$15,000), Advance Land & Water for the SOP manual and annual inspections (\$4,664 and \$3,242). The total cost is \$22,906. Funding will come from fund 2 in the upcoming fiscal year 2020 budget.

**Motion:** To accept the Greenman-Pedersen, Inc \$15,000 bid for the baseline impervious assessment and simple restoration plan.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 – 0 in favor.

**Motion:** To accept the bid from Advance Land & Water in the sum of \$4,664 related to the Standard Operating Procedures manual. Motion by Commissioner O'Donnell, second by Commissioner Buckman.

Vote: Motion carries 5 – 0 in favor.

**Motion:** To accept the bid from Advance Land & Water in the sum of \$3,242 related to the annual inspection with a three-year contract. Motion by Commissioner O'Donnell, second by Commissioner Buckman.

Vote: Motion carries 5 – 0 in favor.

Agenda #5- Approval of the Town Square Kiosk and Maryland Visitor Center Panel Design for Consideration:

Mr. Gulden explained the kiosk at the town square and the US 15 visitors center are outdated and need replacement. The Town received a \$5,000 grant from Visit Frederick and the EBPA donated \$300. Ion Design firm was hired to update the kiosks. Ruth Bielobocky, Ion Design Firm, introduced herself and reviewed the updated kiosk panel. Regarding the kiosk map, the Board requested two baseball symbols in Memorial Park instead of four and a playground and pavilion symbol get added to Memorial Park. The Board also requested titling the Fire Rescue Museum the same on the map as the side bar and the half-mile walking trail and pavilion in Community Park get added. There are five separate multi-user trails in the water shed.

**Motion:** To approve the kiosk as amended. Motion by Commissioner Blanchard, second by Commissioner Ritz III.

The Board discussed if the kiosk panel should return to the Board for final approval in June or July 2019. Town staff would like installation to occur in May 2019, which cannot occur if final approval is delayed. Fabrication will take up to six weeks and town staff would have the opportunity to review two different proofs before fabrication. Town staff can email a final draft to the Board without discussion. The Board discussed if a horseback riding icon should be added to the multi-user trails. Commissioners Sweeny, Blanchard and Buckman are in favor of the horse icon and Commissioners

O'Donnell and Ritz III abstained. A horse icon will be added to the kiosk map. Ms. Bielobocky read a summary of the changes back to the Board.

**Vote:** Motion carries with 3 for (Sweeney, Blanchard, Buckman) – 2 against (O'Donnell and Ritz III).

Agenda #6- Adoption of the Cross Connection Control Program for Consideration: Ms. Willets read an email from Zoe Goodson, Maryland Department of the Environment (MDE), stating the cross-connection control program is required for all community water systems in Maryland to keep water from back flowing into the public water supply. Mr. Gulden explained all properties would be required to install a backflow prevention device immediately downstream of their water meter within three years. Low hazard properties, such as residential properties, will need to obtain and renew a permit every ten years and are exempt from Town permitting fees. High hazard properties, such as commercial properties, will need to obtain and renew a permit every two years, which would cost \$25 for new installations and \$15 for re-inspection. Town staff estimates the cost of installation being about \$100 to \$150 per backflow device and \$60 to \$100 for re-inspection. The Town would be required to turn-off the water to properties that do not comply. MDE does not offer any grants. The Board discussed minimizing the cost to residents by having town staff install the backflow preventers or putting a bid out for a master plumber, which town staff and Mayor Briggs do not recommend due to liability and cost. The Board requested the ordinance be revised to allow a five-year enactment period. Mayor Briggs recommended requiring new and resold homes to have a backflow preventer installed before settlement. Mayor Briggs will bring a recommendation back regarding re-sale requirements and the ordinance can be revised at that time if needed.

**Motion:** To accept the adoption of the cross-connection control program with a five-year installation requirement for homeowners and businesses. Motion by Commissioner Buckman, second by Commissioner Blanchard.

Vote: Motion carries with 4 in favor and 1 (Ritz III) against.

Agenda #7- Adoption of the Cross Connection Control Program Fees Policy for Consideration: Ms. Willets explained the policy must be adopted with the ordinance. The Board had no comments or questions. Commissioner Ritz III stated he is voting “nay” because he believes MDE is imposing excessive regulations.

**Motion:** To accept the fees of \$25 for new installations for high hazard and for \$15 for a permit renewal for the cross-connection control program as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote:

Motion carries with 4 in favor and 1 (Ritz III) against.

Agenda #8- Agreement Related to the Proposed Community Park Nature Trail for Consideration: Ms. Willets requested the project get postponed until the MS-4 projects are determined. Ideally, the Town would like to combine the project with MS-4 requirements. *Wayne Slaughter, 66 Robindale Drive*, asked if he should find an alternate location or wait until MS-4 requirements are determined. The Board recommended he wait. The project can be revisited in August or September 2019, after the baseline impervious assessment is complete.

Agenda #9- Approval of the Pump-Station Engineering Contract with RK&K for Consideration: Ms. Willets explained the Board approved RK&K as the engineering firm for the new pump station on Creamery Road. Town staff received the formal contract from RK&K and it needs approval from the Board. Both John Clapp, Town Attorney, and the Sewer/Water Superintendent reviewed the contract. Ms. Willets summarized the terms of the contract, which John Clapp deemed sufficient. The contract requires the United States Department of Agriculture review and approve the preliminary engineering report and environmental report before the preliminary design phase begins. The total cost for services is \$189,100. The Town is requesting an additional residential project representative (RPR) on site at least one day a week for eight hours for an additional \$17,680. Ms. Willets explained the dispute at the new wastewater treatment plant was with GHD, the construction firm. She believes the contract provides sufficient coverage to prevent a similar situation from happening. More on-site engineering staff can be requested if necessary. The RPR will act as the owner's representative and ensure the engineering design is constructed to spec to ensure the Town gets a quality building.

**Motion:** To accept the bid as presented in the sum of \$189,100 payable to RK&K for services defined.

Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion carries 5 – 0 in favor.

#### **Set Agenda Items for April 15, 2019 Town Meeting**

1. Approval of a Bid to Purchase a New Town Car for Consideration.
2. Presentation and Review of the FY2020 Town Budget.

Commissioner Sweeney read the April 15, 2019 town meeting agenda aloud. The April 15, 2019 agenda was approved at the last meeting by the Board of Commissioners, so a motion was not pursued.

**Set Agenda Items for May 6, 2019 Town Meeting**

- I. Fiscal Year 2020 Budget for Discussion and Possible Consideration.

**Motion:** To accept the 2020 budget for the May 6 meeting.

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

**Motion:** To adjourn the meeting.

Motion by Commissioner O'Donnell, 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 April 15, 2019 town meeting was adjourned at 10:31 p.m.

Respectfully submitted,



Madeline Shaw, Town Clerk

Approved On: May 6, 2019