

**MINUTES
TOWN MEETING
May 2, 2016
Emmitsburg Town Office**

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

Staffs present were Cathy Willets, Town Clerk; Amy Naill, Recording Secretary; Jerry Muir, Zoning Technician; and Dave Haller, Town Manager.

Absent: Mayor Donald Briggs

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 2, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session (May 2, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the May 2, 2016, meeting as permitted *General Provisions* Article, Section 3-305(b)(1), Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals."

Approval by Commissioners for a closed executive meeting
Motion by Commissioner Blanchard, Second Commissioner Mellor

Vote 5-0 in favor

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present

Motion – To accept the recommendation of the Mayor to terminate a Town employee.

Vote in favor

Announcement of a Closed Session (April 4, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the April 4, 2016, meeting as permitted by the *General Provisions* Article, Section 3-305(b)(1), Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;" *General Provisions* Article, Section 3-305(b)(7), Annotated Code of Maryland which is "to consult with counsel to obtain legal advice;" and *General Provisions* Article, Section 3-305(b)(8), Annotated Code of Maryland which is to "consult with staff, consultants, or other individuals about pending or potential litigation."

Approval by Commissioners for a closed executive meeting
Motion by Commissioner Blanchard, Second Commissioner Mellor

Vote 5 to 0 in favor

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present. Dave Haller informed the Board that the Mayor had settled the pool litigation for \$20,000 as directed by the Board during the March 7, 2016 closed executive session.

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present. Mr. Haller advised that the insurance company for the driver who struck the doughboy offered the Town a \$15,000

settlement for the damages. Mr. Haller advised that the \$15,000 was the policy limit for property damage.

Motion - to accept the \$15,000 settlement offer from insurance company related to the repairs to the Doughboy statue.

Vote in favor.

Announcement of a Closed Session (March 7, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the March 7 2016, meeting as permitted by the *General Provisions* Article, Section 3-305(b)(1) Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;" *General Provisions* Article, Section 3-305(b)(7), Annotated Code of Maryland which is "to consult with counsel to obtain legal advice;" and *General Provisions* Article, Section 3-305(b)(8), Annotated Code of Maryland which is to "consult with staff, consultants, or other individuals about pending or potential litigation."

Item # 1: The Commissioners were briefed by Town staff and the Town Attorney, John Clapp, about pool litigation surrounding the 2015 pool contract. Mr. Clapp advised the Town was being sued by the pool company. Mr. Clapp advised the Board that there were problems with the pool vendor Labor Day weekend as well as their failure to the winterize the pool.

Motion – to authorize the Mayor to settle the mediation as he sees fit and in the best interest of the Town.

Vote in Favor

Item #2: Discussion surrounding the termination of an employee in June 2015. Consensus of the Board that in regards to all staff modifications the Board be notified in a timely manner.

Item #3: Mayor Briggs announced his proposal for reorganization of Town staff as part of the budget cycle. Dave Haller announced that he will be retiring as of June 30, 2016. Mayor Briggs stated his desire was to appoint Cathy Willets, Town Clerk, as interim Town Manager through the first of the year (2017). Mayor Briggs also advised he would like to have Mr. Haller return as a consultant some time after his retirement.

Motion – to end the full time employment for Dave Haller on June 30, 2016. Contract discussions for Mr. Haller as a consultant to begin at a later date.

Vote in favor

Motion – to move Cathy Willets to interim position as Town Manager while simultaneously acting as Town Clerk starting July 1, 2016 to December 31, 2016. To advertise for Town Manager in July 2016.

Vote in favor

Approval of Minutes

The Minutes of the April 4, 2016 Town Meeting were approved as presented.

Motion by Commissioner Sweeney, Second by Commissioner Ritz III

Vote 5-0 in favor

Police Report – Deputy Rohrer presented the police report from April (Exhibit).

Commissioner Comments:

Commissioner Ritz III: Presented a First Mortgage Bond for the Emmitsburg Railroad Company to the Town. Gave out copies of a deed from 1929 concerning the plot of land where the Doughboy Statue is located.

Commissioner Blanchard: Mentioned the rededication ceremony of the Doughboy Statue scheduled for Saturday, May 28th at 11:00 am.

Commissioner Sweeney: Mentioned proposed dedication of MD 140 Bridge over US Route 15 to US Army 1st LT Robert Seidel III, who was killed in Baghdad in 2006.

A sign will be dedicated in memory of Marine CPL. William "Kyle" Ferrell to be erected by SHA under the Catoctin Furnace Historic Trail Bridge of RT. 15. This is scheduled for June 11th, 2016 at 11:30 AM.

Commissioner O'Donnell: He mentioned a Town resident being concerned about the sidewalks being ADA compliant. SHA will contact the resident. He commended Commissioner Mellor concerning paving in the Town parks. He congratulated Mount Saint Mary's Rugby team for being National Champions. He also mentioned his appreciation for the work the trail volunteers accomplished.

Commissioner Ritz III: Would like to verify the Town owns the Doughboy Statue.

Commissioner O'Donnell: Would like the cost to investigate who owes the Doughboy Statue brought to the Board for funding.

Public Comments: Mike Breson, 342 Mountaineers Way, Emmitsburg MD. He had concerns about the proposed location of the dog park. He said the area is constantly wet except for two months out of the year. He was also concerned about the proximity to his house. Mr. Breson had a copy of the proposed map and location.

Mr. Haller was not sure if that was an up to date copy of the proposed dog park.

Mr. Muir: Said this was the correct location but not the correct size of the project.

Commissioner O'Donnell: This is an upcoming agenda item but has not been voted on yet, nothing is final.

Cynthia Fraga, 332 Mountaineers Way, Emmitsburg, MD. She shared with the Commissioners that she felt the proposed dog park was too close to the Southgate Subdivision. She thanked the Commissioners for the bike and walking path. She has concerns that it is a one way path. Everyone has to run in the same direction. She would like rules posted, especially at the blind spot where the bridge is located. She said this is an accident waiting to happen. She would also like to see a soccer field in Town, such as the field behind the Community Center.

Administrative Business –

- Commissioner O'Donnell: Followed up on the status of The Community Garden plot mushroom compost and mulch for the paths between the garden beds.

Mr. Haller: This will be completed.

Consent Agenda – No Items

Reports:

Treasurer's Report – Commissioner Blanchard reported on April 2016 cash activity. Exhibit attached.

Planning Commission Report –Commissioner Sweeney presented The Annual Report for the Calendar year 2015 to the Board of Commissioners.

Commissioner Ritz III: Mentioned the misspelling of a name on the cover sheet of the report. Ronald Lund should read Ronald Lind. Planner, Sue Cipperly will correct the error.

Consensus from board with modification.

II. Agenda Items

Update on Dog Park:

Jerry Muir presented the dog park proposal including the site plan and cost estimate. He mentioned that the site is in a very low spot and the cost for the project has increased. The Town has received \$13,000.00 in POS funding. At this point, the Town has not advertised for Requests for Proposals. We are in the initial stages of this project.

Commissioner Mellor: Asked how much the topography survey cost. Mr. Muir said around \$1,000.00 this included the drainage and design for pipe.

Commissioner Ritz III: Questioned the need for a dog park. He was concerned about whom would be responsible for cleaning up the waste generated.

Commissioner O'Donnell: Understands the need for a dog park however this location may not be the optimal location.

Consensus from the board to investigate additional locations for consideration by the board.

Ordinance No. 16-08 Amendment to Sect 17.28.050 Accessory Uses in Institutional Zone

Planner Sue Cipperly gave ordinance amendment overview. Planning Commission added letter "E. Other accessory uses determined by the zoning administrator to be compatible with the Institutional Zoning District".

Dave Haller: Asked if the ordinance had been given to the Town attorney. He felt that letter "E" would be problem and should be reviewed by the Town attorney as it is too flexible.

Consensus from the Board that this should be forwarded to the Town attorney with special attention to letter "E".

Initial Presentation on Town Budget

Cole Tabler handed out copies of the Town budget. Mr. Haller asked everyone to take it home and make note of any questions.

Commissioner Blanchard: Asked Mr. Haller if it has to be passed by the end of June. He answered, yes.

Commissioner O'Donnell: Reminded the Board that this is a discretionary item and that no decisions have been made and this is for their specific review.

Citizen Advisory Committee recommendations related to nuisance ordinance

The Citizens Advisory Committee met on April 19th, 2016 without a quorum. Members present did not feel there was a need for the nuisance ordinance. Individuals at the meeting had concerns that the document was too vague. Commissioner Ritz III said the individuals present concurred with what the Board of Commissioners had previously discussed.

Commissioner O'Donnell: Asked Commissioner Ritz III if he felt the next meeting could establish a quorum.

Commissioner Ritz III: Asked if there had to be a physical meeting or if this could be accomplished electronically?

Commissioner O'Donnell: He thought there should be a physical meeting.

Dave Haller: Suggested that attendance should be taken and minutes of the meeting would be helpful.

Commissioner Sweeney: Thought perhaps the amount of members for the quorum should be decreased.

Contract related to demolition of Scott Road Farm Barn and installation of a roof

Mr. Jerry Muir gave the contract presentation and put together an RFP to demolish the barn and build a sloping roof over the cattle shed.

Commissioner O'Donnell: Adjourned the meeting to speak to Dave Haller privately.

Commissioner O'Donnell: May 2nd, 2016 meeting was reconvened.

Mr. Muir: Went on to explain what the cost estimate involved.

Commissioner O'Donnell: Asked if the \$36,000.00 was budgeted.

Dave Haller: It will be, in the upcoming budget.

Commissioner Ritz III: Asked if any grant money were investigated?

Dave Haller: Said he did not have any knowledge of grants available for this type of project.

Motion: - Approve Phase I and Phase II of the barn demolition on the Scott Road Farm for a total cost of \$36,255.00.

Motion by Commissioner Blanchard, second by Commissioner Sweeney

Vote: 4-1 in Favor

Commissioner Ritz III against

Set Agenda Items for May 16, 2016 Town Meeting

1. Review and Discussion of the 2017 Town of Emmitsburg Budget

IV SIGN APPROVED TEXT AMENDMENT AND/OR RESOLUTIONS

IV Adjournment

With no further business, the May 2, 2016 Town Meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Cathy Willets, Town Clerk

Approved: June 6, 2016