

MINUTES  
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING  
August 10, 2016

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, August 10, 2016, at 7:30 p.m. Those in attendance included Burgess Chad Weddle, Commissioners Russell Winch, Debbie Zimmerman, Gary Baker and Mary Ann Brodie-Ennis, Town Manager Gloria Long Rollins, Public Works Director Bob DePaola, 18 citizens, including Mr. Roger Wilson representing Frederick County government, Mike Persley from Frederick News-Post, and Ken Kellar from Woodsboro Times. Commissioner Donald Schildt and Planning and Zoning Administrator Susan Hauver were away.

The meeting was called to order with the Pledge of Allegiance and a prayer.

1. MINUTES

*Commissioner Debbie Zimmerman made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to approve both the Town meeting minutes and the Closed Legal minutes of July 13, 2016. The motion passed by a vote of 4-0.*

Burgess Weddle read "Information that must be disclosed in the minutes of the next open meeting": Closed session held 8:00 p.m. on Wednesday, July 13, 2016 at Walkersville Town Hall meeting room. Purpose: 1) to discuss the acquisition of real property that may be needed for the new water treatment plant, 2) to discuss with staff potential litigation involving the water system operations. No formal vote takes, just discussion of the above matters.

2. INTRODUCE ORDINANCE 2016-07 DEFINE AND RESTRICT ACCUMULATIONS OF "JUNK AND DEBRIS" AND "NON-CUSTOMARY OUTDOOR STORAGE" ON STREETS AND PUBLIC AND PRIVATE PROPERTY

*Commissioner Debbie Zimmerman made a motion, seconded by Commissioner Russell Winch, to introduce Ordinance 2016-07 to amend Chapter 30 of the Town Code "Garbage, Rubbish and Refuse", to add definitions for "Junk and Debris" and "Non-customary outdoor storage" and to restrict accumulations on streets and public and private property. The motion passed by a vote of 4-0.*

Commissioner Russell Winch explained that these amendments will assist the Code Enforcement officer in his duties.

3. UPDATE ON HERITAGE FARM PARK NEW BUILDING PLANS

Commissioners reviewed Ms. Hauver's update on the status of the proposed new building at Heritage Farm Park.

Comments have been received from Frederick County agencies as follows:

- Septic system – is required by Frederick County Health Department. This may cost up to \$30,000. A perc test will be scheduled to determine the appropriate site for the septic field.
- Driveway – The drive in the park meets the width requirements of the Office of Life Safety, but was not built to the cross section standards required for a public road. Commissioner Zimmerman questions the need to upgrade the current road and there are questions as to which road or new road is being referenced in the comments. We will ask our Arro Engineers to attend the next town meeting to try to help us understand and answer questions.
- Stormwater management: plans are still being developed. Some improvements should be expected.
- Forest Resource Ordinance – Town will have to comply with FRO requirements, including submission of a forest conservation plan.
- Plan review – Town needs to resubmit the site plan and prepare site improvement plans for County agency review.

#### 4. LIGHTING UPGRADE ANALYSIS AND PROPOSAL

Town staff, Martha Bush, has been working with Capital Tristate regarding installation of LED street lights in the Town. The proposal includes retrofitting street lights on Kenneth Drive and in Winterbrook. We will evaluate the effectiveness of the lights before proceeding with a plan to retrofit LED street lights throughout the Town. The cost to retrofit the two areas is \$5,817.50 in equipment, with the estimated annual energy savings of \$1,555.85. At this rate the replacement would take 3.74 years to break even and begin to realize net savings. Commissioner Mary Ann Brodie-Ennis also suggested some grant funding may be available in the future, and we will pursue that as well.

*Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to accept the proposal to install LED street lights on Kenneth Drive and the Winterbrook subdivision. The motion passed by a vote of 4-0.*

#### 5. EDC REPORT ON FARMERS' MARKET

Ms. Clara Winch, representing the Economic Development Committee, reported that FCPS should have billed us \$744 last year for the location of the Farmers' Market at the B Building. Commissioners were unaware that there was a charge for the Farmers' Market, and thus requested an informational update on the market. Some of the questions asked and addressed were: does providing a table and chairs constitute a "restaurant" and make the town liable for following health dept. rules and regulations? (no, individual vendors are responsible for complying with health dept. requirements for their wares.) Are the market managers being paid and what do the market managers do? (they are to be paid a \$40 per week stipend, split between the two managers, a W-9 will be provided to Ms. Rollins in order to process payment to the market managers). (The managers do paperwork and manage the vendors). Who is responsible for signage for the market, as when signs stay up past Friday there is confusion among prospective customers? (Town staff will help by putting signs out prior to the market and committee members or the market managers will take the signs down after.) When will vendors begin paying a fee to set up in the market? (not until market is well established). Ms. Winch noted that the market is not showing up in any Frederick County publications or website.

#### 6. HOTEL LETTER OF SUPPORT

Commissioner Russell Winch presented background information on the MML request to support legislation to change the hotel rental tax rate for Frederick County.

*Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to support Frederick County's legislation to increase the hotel rental tax rate. Burgess Weddle will notify Michael O'Connor, Frederick Chapter MML President, of the town's support. The motion passed by a vote of 4-0.*

#### 7. MDE MEETING UPDATE ON WATER TREATMENT PLANT

Burgess Weddle reported that the meeting with MDE had gone well on the financing discussions. Mr. DePaola noted that Whitman, Requardt & Assoc, Mike Marschner and Town staff met with MDE officials for guidance on the bidding requirements for the new WTP. MDE had questions on the history of Walkersville's water rates and the recent rate increases. There is a time limit on the project, in order to qualify for the \$1.5M possible loan forgiveness.

#### 8. ACCOUNTS PAYABLE

*Commissioner Russell Winch made a motion, seconded by Commissioners Mary Ann Brodie-Ennis, to pay the bills. The motion passed on a vote of 4-0.*

#### 9. COMMISSIONERS' CONCERNS

Commissioner Russell Winch expressed his displeasure at the unpleasant repaving work done by Pleasants Paving on MD 194. He noted their use of dim flashlights and his concern of the dangerous procedures.

## 10. CITIZENS' QUESTIONS AND CONCERNS

Donald Deibler, Deerfield, notified commissioners that he is upset with their proposed Ordinance 2016-06, regarding relaxation of the rules on unlicensed vehicles in the Town. He noted there are gross things going on in Deerfield and presented photos of various properties with covered, uncovered, and inoperable vehicles. He stated the HOA can't handle the issues. Commissioner Winch explained that the new ordinance is an attempt to give the Code Enforcement officer the law he needs to address the inoperable vehicle offenders. Mr. Deibler was notified of the upcoming hearing on the ordinance and invited to speak again regarding his concerns at the hearing.

Randy Gray, newest member of the Economic Development Committee, expressed his thanks to the commissioners for appointing him to the committee. He noted there is frustration on the committee's part that there is no commissioner liaison to the committee and asked the Burgess and Commissioners to consider this his formal request for a liaison. He believes Walkersville is on the right track. Mr. Gray also pointed out Mr. Roger Wilson's presence and knowledge on State incentives and programs available, such as Community Legacy.

Alice Nemitsas, 9503 Farmingdale Ave., asked many questions about the new water plant and its relationship to Fountainrock Park. Burgess Weddle explained that the Town is exploring the option of using water from the Fountainrock spring, in order to be able to discharge back into the spring rather than discharge into the Frederick County sewer system.

Ryan Spratt, Mapleville Road, Libertytown, proposed building a mountain biking trail in the Walkersville watershed. He proposed building it alongside the service trail already in place for the Boy Scout camp. He noted that it would have no environmental impact to the property and he would regulate and maintain it biweekly. Mr. Ron Layman, our current manager of the Boy Scout use of the property, was present and against the proposal. Commissioners Gary Baker, Russell Winch, and Mary Ann Brodie-Ennis all expressed concerns regarding liability, concurrent use with the hunters and Boy Scouts, and the environment. They also noted they are not in favor of attracting a lot of people to compete with the usage of the Boy Scouts and hunters, who have been co-existing on the property a long time.

*Commissioner Russell Winch made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to deny the proposal by Ryan Spratt to build a mountain biking trail at the Walkersville watershed. The motion was passed on a vote of 4-0.*

Ms. Dory Simmons, representing Israel Life Center, behind Royal Chicken, informed the Burgess and Commissioners of her activities there. She has established an after school program for local middle school youth, implementing games, creative writing, karaoke, movies, and a girls' group. She established the program in 2014 and is a non-profit. Commissioners thanked Ms. Simmons for her passion and contributions to the community through this endeavor.

Ryan Spratt, returned to the podium with additional questions. He wanted to know who is liable now should someone get injured on the property. Commissioners explained that the Boy Scouts using the property are covered under the BSA policy that names the Town of Walkersville as an additional insured. Hunters that register and get a permit to hunt there are covered under the Town's liability policy. Any other person who enters the property, without specific permission from the Town, is a trespasser and there at their own risk. The property is posted against trespassing and apparently Mr. Spratt has been doing so according to his dialogue with the commissioners. Commissioner Baker warned Mr. Spratt that it was apparent he was planning to disregard the decision of the commissioners, but in doing so he would be trespassing.

Burgess Weddle reviewed the dates and announcements of upcoming meetings.

No further business, so the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Gloria Long Rollins

Town Manager