

MINUTES
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING
March 14, 2018

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, March 14, 2018, at 7:30 p.m. Those in attendance included Burgess Chad Weddle, Commissioners Gary Baker, Mary Ann Brodie-Ennis, Russell Winch, and Debbie Zimmerman, Planning and Zoning Administrator Susan Hauver, Public Works Director Bob DePaola, Town Manager Gloria Long Rollins , and 6 citizens. Commissioner Donald Schildt was absent.

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 Russell Winch, to approve the Town meeting minutes of February 28, 2018. The motion passed by a vote of 4-0.

2. PUBLIC HEARING ON ORDINANCE 2018-01 – REGULATING THE AUTHORIZATION FOR ABOVE-GROUND WORK WITHIN PUBLIC RIGHTS-OF-WAY ADDING CHAPTER 87 TO THE TOWN CODE

There were no comments from the public.

Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to adopt Ordinance 2018-01 and add Chapter 87 to the Town Code, Regulating the Authorization for Above-Ground Work Within Public Rights-of-Way. The motion passed by a vote of 4-0.

3. PUBLIC HEARING ON ORDINANCE 2018-02- WIRELESS FACILITIES SITING – REPLACING CHAPTER 86 OF THE TOWN CODE

There were no comments from the public.

Commissioner Russell Winch made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to adopt Ordinance 2018-02 and replace Chapter 86 of the Town Code, Wireless Telecommunications Siting. The motion passed by a vote of 4-0.

4. INTRODUCE CHANGES TO CHARTER AND CHAPTER 22 ELECTIONS – RESOLUTION 2018-01 AND ORDINANCE 2018-03

The resolution and ordinances were not introduced at this time. Burgess Chad Weddle reviewed a list of items in the Town Charter and Code that need to be updated to reflect current MD State laws regarding elections. Discussion ensued on the following as changed and amended since discussion the last meeting:

Resolution 2018-01

- Charter Article III – Officers
- Add to C3-2B. Each elected official may not miss more than two consecutive regular scheduled meetings unless excused by vote of the Burgess and Commissioners for health or other personal issues.
- Change C3-4 Qualifications – Change 3 years to 1 years pursuant to Court decisions in Young v. Dougherty (Frederick MD case on 3 year requirement being unconstitutional). Each commissioner shall have resided in the town for at least (1) one year immediately preceding the date to file a certificate of candidacy,....
- Change C3-18 – Change 5 years to 1 year. ...and shall have resided in the Town for at least (1) one year immediately preceding the date to file a certificate of candidacy.
- Charter Article VII – Elections

- C7-2 Board of Supervisors of Elections – Change February to June for appointing members. Add word election prior to year, since we don't have an election every year. ...on or before the first Tuesday of the month of June of an election year. Add the possibility of appointing 2 alternate supervisors.
- C7-5 Revision of Registration Records – Change February to June. Add word election prior to year, delete language regarding 1977. In every election year, on the last Tuesday of the month of June, the Board of Supervisors....
- C7-9 Elections; Terms of Office –change time from 1 p.m. to 8 p.m. to 7a.m. to 8 p.m. ...the polls open from 7:00 a.m. to 8:00 p.m.

Commissioner Gary Baker suggested adding a cumulative amount of meetings to be missed to be 3 in a one year period from October – September (election year). He noted that missing 3 meetings is 14% of the total meetings in a year. He suggested not paying monthly salary to an elected official who misses more than 3 meeting per year. Burgess Weddle summarized wording for the Resolution as “If an elected official misses more than 3 meetings in a one year period, October 1 – September 30, would not receive monthly salary”. Commissioner Baker stressed the commitment to attending the meeting. This can be introduced March 28.

Ordinance 2018-03

- Chapter 22 Elections.
§22-1 – add A person may not file a certificate for more than one elected position.
Update Certificates of Candidacy on pgs. 2202-2203 to reflect adopted changes.

Burgess Weddle discussed the authorization of write in votes. He noted that the code states the Board of Supervisors will count the votes attributed to each candidate. To be a candidate you must have filed a Certificate of Candidacy 30 days prior to the election. So technically, the write in votes for a non-candidate will not count even though the process of writing in is allowed. Further discussion on the merits of write in voting occurred for some time. Commissioner Russell Winch expressed that the democratic process should allow for write in votes. Commissioner Gary Baker expressed concern that a person could be a candidate for a position and be written in for another position and winning both would cause the dilemma of which position is accepted. He believes a person should be committed to one position or another.

5. RUTTER'S LETTER OF CREDIT, DEED OF EASEMENT/MAINTENANCE COVENANTS AND AGREEMENT (STORMWATER-ESD), STANDARD PUBLIC WORKS AGREEMENT –GRADING, SEDIMENT AND EROSION CONTROL AND STORMWATER MANAGEMENT, STANDARD WATER TAP AGREEMENT

Ms. Hauver reviewed the documents submitted for Rutter's: a public works agreement for stormwater management and sediment and erosion control, approved cost estimates, a letter of credit to guarantee the improvements and a water tap purchase agreement. Execution of these documents allows the applicant to apply for a major grading permit. The text of the documents is in accordance with the Town's standards and Ms. Hauver has two changes to recommend on the documents. She noted the applicant is present for questions.

Commissioner Debbie Zimmerman made a motion, seconded by Commissioner Russell Winch, to approve the Rutter's Letter of Credit, Deed of Easement/Maintenance Covenants and Agreement, Standard Public Works Agreement – Grading, Sediment and Erosion Control and Stormwater Management, and Standard Water Tap Agreement. The motion passed by a vote of 3-1, with Commissioner Mary Ann Brodie-Ennis in opposition.

6. DISCUSSION ON PARKING ON GLADE ROAD, PAINTING AND CROSSWALKS

Burgess Weddle noted that the yellow curb should probably be painted from Liberty Street for 40 feet. Commissioner Winch observed that we almost have a bigger problem on Polaris Drive for people entering the library from that street. He noted a lot of people walk from that side to the library and there is no striping or accessibility from the Sun Meadows side. Commissioner Baker noted there were 79 children signed up for the Childrens' Hour and that means there are not enough parking spaces. Commissioner Winch asked Susan if the Planning Commission had issued comments on access to the library from the Sun Meadow side. Burgess Weddle directed Mr. DePaola to go ahead and paint the yellow closer towards Liberty Street. Ms. Hauver noted that Frederick County Public Libraries is willing to address issues such as painting and signage as they become apparent. Commissioner Baker asked where parking is allowed on Glade Road, which side, all the way down. Ms. Hauver noted that sight distance issues will be addressed but there are not a lot of restrictions on parking on Glade Road. The Burgess and Commissioners will continue to monitor and discuss this issue before not allowing parking on the road. The parking does help to slow down traffic in the area.

7. UPDATE ON WATER LEAK – CHALLEDON DRIVE

Mr. DePaola compared last year's average usage per day to this year's, during the same February time period and found that fixing the leak has resulted in a 35,000 gallon per day reduction, so it is not the one huge leak that we were hoping to find. He will proceed to replace the flow meter, as authorized previously, at the plant and see if there is a change as a result. The meter is currently 40 years old and can no longer be calibrated.

8. ROOF REPLACEMENT FOR 25 WEST FREDERICK STREET

Quotes to replace the roof and posts on the porch of the Town-owned house next door were \$ 5,880 Troutville Home Repairs and \$20,800 Devilbiss Construction. After discussion of the scope of the work and comparing the work, it was decided to go with the low price.

Commissioner Russell Winch made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to award the porch roof and post replacement to Troutville Home Repairs in the amount of \$5,880. The motion passed by a vote of 4-0.

9. ACCOUNTS PAYABLE and FEBRUARY 2018 FINANCIAL STATEMENTS

Commissioner Russell Winch made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to pay the bills and accept the February 2018 financial statements. The motion passed on a vote of 4-0.

10. COMMISSIONERS' CONCERNS

Commissioner Mary Ann Brodie-Ennis asked Mr. DePaola if it had been solved that the new LED lights on Kenneth Drive are resulting in higher electric bills at that site. She asked if the meters have been checked or are the lights staying on all day. Mr. DePaola reported that Ms. Morales-Matias is in contact with Potomac Edison and he has nothing further to update.

Commissioner Russell Winch reported that the street light at Maple and Frederick Streets is out and it is very dark in the area. Mr. DePaola will check it out.

Mr. Winch also asked if commissioners were invited to the Frederick County Volunteer Awards Ceremony, yes they are.

Commissioner Debbie Zimmerman deferred to Burgess Weddle to discuss the error in vacancies announced for 2 Parks Committee members, as they had already been reappointed in March 2017 for a two-year term. Burgess Weddle will send letters to those applicants and let them know their interest is appreciated and that an election is coming in September should they be interested in the Burgess or Commissioner positions.

Commissioner Russell Winch made a motion, seconded by Commissioner Gary Baker, to hold a closed legal meeting to discuss the condemnation process and appraisal fees to acquire property to provide right-of-way for road improvements. The motion passed by a vote of 4-0.

Mr. DePaola reported to commissioners that the Parkside tie in to the water is completed and the sewer is done. He also noted that the Rutter's property is marked for Town water and ready to go.

11. CITIZENS' QUESTIONS AND CONCERNS

As citizens were making their way to the podium, Burgess Weddle reviewed the dates of the upcoming meetings and events, including:

- March 21 all day – Water Disconnects
- March 27, 7:30 – Planning Commission
- March 28, 7:30 – Town meeting
- March 30 – Good Friday, office closed
- April 4, 7:30 –Parks meeting
- April 10, 7:30 – Planning Commission workshop
- April 11, 7:30 – Town meeting
- April 24, 7:30 – Planning Commission
- April 25, 7:30 – Town meeting
- May 5, 6:00 – AGAR 23 Memorial Gathering Dinner
- May 6, 10:00 – AGAR 23 Memorial Dedication Ceremony
- May 19 – Walkersville Day
- August 13, 4:30 – Deadline to file Certificate of Candidacy
- September 10 – Town Election, times TBD

Mitch Brannen, 56 Maple Avenue, interjected on the discussion regarding changes to the Election requirements that rather than missing 3 meetings, it should be changed to missing 3 REGULARLY SCHEDULED meetings.

The meeting adjourned at 8:10 p.m. Next meeting will be March 28th.

Respectfully submitted,

Gloria Long Rollins
Town Manager