

MINUTES
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING
February 27, 2019

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, February 27, 2019, at 7:30 p.m. Those in attendance included Burgess Chad Weddle, Commissioners Michael Bailey, Michael McNiesh, Mary Ann Brodie-Ennis, Tom Gilbert, and John Zimmerman, Planning and Zoning Administrator Susan Hauver, Public Works Director Bob DePaola, Town Manager Gloria Long Rollins. Also in attendance were 7 citizens.

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

1. MINUTES

Commissioner Mary Ann Brodie-Ennis made a motion, seconded by Commissioner Michael McNiesh, to approve the Town meeting minutes of February 13, 2019. The motion passed by a vote of 5-0.

2. INTRODUCTION OF RESOLUTION 2019-01 – CHANGE THE TOWN CHARTER REGARDING MEETING OF THE COMMISSIONERS

Commissioner Michael McNiesh read the changes made to the proposed Resolution 2019-01, to change the Town Charter to allow absent commissioners to participate, but not vote or be counted present at the meeting. The Resolution reads as follows:

Town of Walkersville Resolution 2019-01

A Resolution to change the Town Charter Regarding Meetings of Commissioners as follows:

Be it Resolved this 27th day of February, 2019 by the Burgess and Commissioners of Walkersville, Maryland, that

C3-2 C 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, **and** if an elected official misses more than three regular meetings within a calendar year of October 1 to September 30th, **and the absence is not excused**, then that elected official would not receive compensation for the month(s) when the fourth or more **unexcused** absence occurs.

Charter Article III Officers (NEW)

C3-7 add letter A. before present wording to read

A. The Commissioners shall meet regularly at such times ... to any town question.

Add New Section B. to read

B. Meeting attendance shall be allowed by method of telephone or video conference call format in the event that the Burgess or a Commissioner is unavailable to attend the meeting in person.

1. The Burgess or Commissioner physically absent may join in discussion but is prohibited from casting a vote and will not be counted as present in regards to Charter 3-10, determining a quorum, and C3-2C.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Tom Gilbert, to introduce Resolution 2019-01 to change the Town Charter regarding meetings of the Commissioners and to hold a public hearing at the next Town Meeting, March 13, 2019. The motion was withdrawn.

Discussion ensued regarding the insertion of C3-2C into the new section B. of C3-7.

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to amend the motion to introduce Resolution 2019-01, and add C3-2C to B.1. No vote was taken on the motion.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to introduce Resolution 2019-01 with the amendment, "and C3-2C" added to the end of Section B.1., and hold a public hearing on March 13, 2019. The motion passed by a vote of 4-1, with Commissioner John Zimmerman in opposition.

3. REVIEW OF CONSTANT YIELD TAX RATE – EXEMPTION FROM ADVERTISING

Ms. Rollins reviewed the Maryland State Department of Assessments & Taxation Constant Yield Tax Rate Certificate. The Town's current tax rate of .16 per \$100 of assessed value is exempt from advertising as the constant yield tax rate is .1581. Burgess Weddle explained the constant yield rules to the new commissioners, pointing out that if the Town receives more tax revenue than the previous year, it is required to advertise a tax increase. Most times the tax rate stays the same but increases in assessment value of real property accounts for an increase. Commissioners decided to review this closer to budget time and decide if a tax rate increase is in order.

4. REQUEST FOR REDUCTION IN LETTER OF CREDIT – RUTTERS

Ms. Hauver received a request from Rutters to release funds held as a guarantee for public improvements constructed as part of the project. The letter of credit covers the cost estimate for grading, water improvements, street construction including intersection improvements, and miscellaneous items. Staff is recommending funds regarding grading be held, as we have not received approval from Frederick County. Funds for water improvements, street signs, the grease trap and fencing have been approved for release by Public Works Director Bob DePaola. Street Construction funds will be held as the top coat of asphalt has yet to be applied due to temperature and weather issues. Staff recommends the following reductions:

- Grading - \$0
- Water System - \$13,643
- Street construction - \$19,700
- Miscellaneous - \$4,240

Total reduction recommended for approval = \$37,583

The Town will hold the \$53,197 contingency for the 1 year warranty period.

After there were no comments or motions made, Mr. Tim Beaver, representing Rutters, asked why the requested amounts were not released given that the work was done, inspected, and approved.

Commissioner John Zimmerman made a motion, seconded by Commissioner Tom Gilbert, to release the letter of credit in the amount of \$37,583 based on staff's recommendation. The motion passed by a vote of 5-0.

5. REQUEST FOR REDUCTION IN LETTER OF CREDIT – PARKSIDE

Ms. Hauver reviewed a request from Tom Poss of Verdant Development, for release of funds held as a guarantee for public improvements constructed in the Parkside development. The letter of credit covers the cost estimate for public improvements including roads, water system, and storm drains. Staff has reviewed the request and recommends release of Street construction funds in the amount of \$26,641.35. Public Works Director Bob DePaola is not satisfied with the storm drain placed across Biggs Ford Road, so the Town will continue to hold those funds. Staff recommends the following reductions:

- Water System – previously released
- Street construction - \$25,641.35
- Storm drains - \$0

Total reduction recommended for approval = \$26,641.35

The Town will hold the \$322,440.50 contingency for the 1 year warranty period.

Commissioner Mary Ann Brodie-Ennis made a motion, seconded by Commissioner Michael Bailey, to reduce the Parkside letter of credit in the amount of \$26,641.35 per staff recommendation. The motion passed by a vote of 5-0.

6. REQUEST FOR REDUCTION IN LETTER OF CREDIT – LONGLEY GREEN

Ms. Hauver reviewed the request received from Tom Poss of Verdant Development, requesting release of some funds held as a guarantee for public improvements constructed in the Longley Green development. The letter of credit covers the cost estimate for public improvements including roads, water system, and storm drains as well as stormwater management and sediment and erosion control. Mr. DePaola has approved release of funds for storm drains and water improvements. We have not received approval from Frederick County for release of stormwater management or sediment and erosion control, so staff recommends those funds continue to be held. Staff recommends the following reductions:

- Public improvements - \$116,102.30

The Town will hold the \$238,248.22 contingency for the 1 year warranty period.

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to reduce the letter of credit for Longley Green in the amount of \$116,102.30 per staff recommendation. The motion passed by a vote of 5-0.

7. DISCUSS WATER TREATMENT PLANT SEWER CAPACITY FEE INCREASE

Ms. Rollins reviewed the letter from Frederick County which outlines options for Lease-to-Purchase of capacity fees for the new water treatment plant and its discharge of wastewater into the Frederick County sewer system. Examples include a five-year term, 20 quarterly payments, with interest at 4.38%, and results in a quarterly lease-to-purchase payment of \$110,946. The second lease option assumes a 10-year term, 40 quarterly payments, with interest at 5.38%, which includes basis points and yields a quarterly payment of \$64,427.71. Ms. Rollins suggested that commissioners consider approval of loaning the Water Fund the capacity fee of \$1,983,068 from the General Fund savings. Discussion ensued regarding the terms and interest rate charged by the General Fund to the Water Fund. Ms. Rollins will contact the Town attorney and auditing firm regarding process for implementing the loan.

8. APPROVE CONCEPT FOR INSTALLATION OF RAIN GARDEN AT 25 W. FREDERICK STREET RENTAL PROPERTY

Ms. Rollins reviewed sketches of the rain garden designed to be installed next door to Town Hall. The rain garden will be a model for citizens to view how rain gardens work and are set up. It will also be part of our community outreach and education for our MS4 permit. The Burgess and Commissioners unanimously agreed to the concept of installing the rain garden. Staff will update the Burgess & Commissioners as plans are confirmed and implementation begins.

9. ACCOUNTS PAYABLE AND JANUARY 2019 FINANCIAL STATEMENTS

Commissioner Tom Gilbert made a motion, seconded by Commissioner Michael Bailey, to pay the attached bills. The motion passed by a vote of 5-0.

Commissioner Tom Gilbert reviewed the statements and received satisfactory answers to his questions on the financial statement presentation.

Commissioner Michael Bailey made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to approve the January 2019 financial statements as presented. The motion passed by a vote of 5-0.

10. COMMISSIONERS' CONCERNS

Commissioner Mary Ann Brodie-Ennis reported that she attended the GladeTowne Board of Directors meeting and had questions from them as follows:

- Confirmed that the Maryland State Police Resident troopers patrol each neighborhood on every shift. She noted that they commented that this was not seen.
- Commissioner Brodie-Ennis reported a complaint on Glade Blvd. across from the Manor House, at the last section of townhouses, there is a lack of lighting issue. Mr. DePaola will look into whose responsibility it will be to add additional lighting, Potomac Edison or the Town.
- Commissioner Brodie-Ennis asked for the reasons why we do not install speed bumps on request of the citizens:
 - o We would have to install speed bumps on every street every 5 feet to satisfy the requests.
 - o Speed bumps would impede the efficiency of emergency vehicles trying to help people.

- Speed bumps damage our snow plows.
- Commissioner Brodie-Ennis asked if any commissioners were interested in putting ipads in the budget for commissioners. The answers were Commissioners Zimmerman and Gilbert prefer their meeting information in paper form; Commissioners Bailey and McNiesh already have their own ipads.

Commissioner Michael McNiesh obtained information on the recent accident at the intersection of Crum Road and Rt. 194. He noted that the Spring 2018 study on the intersection indicates no traffic light is warranted at the intersection. He noted that Commissioner Bailey has more information on the subject, and asked if the Town was willing to make the intersection right turn in and right turn out only.

Commissioner McNiesh reported that the Douglasses on Braeburn Drive were happy with the Town's help in removing downed tree debris from their property.

Commissioner McNiesh reported that the left turn yield signs, as requested by a citizen for signage at Rutter's, is no longer used by the State of Maryland.

Commissioner McNiesh reported that he is investigating the cost of a system that allows citizens to call in during meetings. He will provide further information on this in the future.

Commissioner Michael Bailey reported on the information he obtained from State Highway Administration in regards to the accident at the intersection of Crum Road and Rt. 194. He obtained traffic studies on the intersection from 2016 and 2019 with number of accidents and deaths included. He questioned the plans for the dualization of Rt. 194 and the possibility of a traffic circle installation at the intersection.

Commissioner Bailey reported that he will be tapping the appropriate trees at Community Park, tomorrow, Thursday, February 28th at 5:30 p.m., and demonstrations for boiling down to syrup will be forthcoming.

Commissioner Michael Bailey publicly thanked Rutter's for their recent donations to various organizations in Town, including the Walkersville Fire Company, the Walkersville Rescue Company, Glade Valley Athletic Association, and the Glade Valley Food Bank.

Commissioner Bailey reported on HB654, which is currently in the MD House of Delegates, and his opposition to it. The bill would allow small cell wireless facilities to be governed by laws outside of the Town's, i.e. the Town would have no say in where and how they are located. He will be sending a letter opposing the bill and suggested all commissioners sign it. *Commissioner Michael Bailey made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to send letters opposing HB654 to members Davis, Bromwell, and 3 other members, using the template provided by Maryland Municipal League, and having all commissioners sign. The motion passed by a vote of 5-0.*

Commissioner John Zimmerman thanked Rutter's for their donations to local organizations.

Commissioner Tom Gilbert thanked Burgess Weddle for the opportunity to cover the Burgess duties while he was away.

Commissioner Gilbert obtained reports for the last 5 years from the State Highway Administration, in regards to the recent accident at the intersection of Crum Road and Rt. 194, as follows: 2014=5, 2015=5, 2016=4, 2017=6, 2018=2, and 2019 to date=1.

Commissioner Gilbert asked what happened to the pedestrian crosswalk sign on Glade Road in front of the library. After it was hit many times, apparently a private snowplow took it down for the final time. Citizen Mitchell Brannen noted that patrons of the library often drove into it due to its position in the crosswalk. Commissioners decided to explore other options for the protection of pedestrians in the crosswalk, since speed limit signs and pedestrian signs have no noticeable effect on traffic.

Ms. Rollins reported on the activities scheduled for June 8, 2019:

- Bulk Trash will be collected Saturday, June 8. Citizens are encouraged to place their bulk trash items at the curb anytime after Wednesday, June 5th trash collection. Recyclers can then collect items of interest before the bulk trash is taken to the landfill.
- All-Shred shred truck will be operating from 9:00 a.m. – 12 noon in the Town Hall parking lot. Citizens are welcome to bring old documents for shredding.
- Volunteer Beautiful Walkersville trash collecting – 9:00 a.m. – 12 noon- volunteers for picking up litter will be assigned areas throughout the Town. The litter will be weighed and counted towards our trash

kept out of our stormwater system, as needed for our MS4 permit. The month of May will be the sign-up/commitment month for claiming an area to de-litter. Volunteers will be treated to a pizza lunch at Creamery Park around noon.

- Drug Take Back Day – Citizens will be able to discard expired/unused medications in a safe manner, under the custody of our Maryland State Police Resident troopers. Location and time for the Drug Take Back will be announced when confirmed.

Mr. DePaola reported that the Glade Village water line replacement is out to bid, with notice to proceed to be April 1, 2019.

Mr. DePaola asked if he could purchase “To the Bay” discs to be placed on our stormwater inlets. He plans to purchase 500 discs at a cost of \$1,725. Commissioners approved the purchase unanimously.

Discussion ensued regarding the issue of basketball hoops obstructing the Towns streets and sidewalks. Town Code supports non-payment for replacement of basketball hoops damaged during snow plowing operations.

11. CITIZENS’ QUESTIONS AND CONCERNS

Ron Layman, 24 W. Frederick Street, reported that the Boy Scouts had recently held a Klondike Camp, and are planning a Camporee the first weekend in April. He also reported that he is working on a selective cutting of trees. He’s contacted a forester for an updated tree plan. He noted that there are ash, sycamore, poplar, pine, and oak trees in various degrees of deterioration. There is no sign of ash borer activity at the watershed.

Burgess Weddle reviewed the upcoming announcements:

- Tues., March 5, 7:30 – Board of Appeals (if needed)
- Wed., March 6, 7:30 – Parks Committee
- Sat., March 9, 11:00-4:00 – Tour of Walkersville for Commissioners
- Tues., March 12, 7:30 – Planning Workshop
- Wed., March 13, 7:30 – Town Meeting
- Tues., March 26, 7:30 – Planning Meeting
- Wed., March 27, 7:30 – Town Meeting
- Sat., May 18 – Walkersville Day
- Sat., June 8 – Bulk Trash, All-Shred, Litter Pick Up, Drug Take Back Day

Commissioner Mary Ann Brodie-Ennis made a motion, seconded by Commissioner Michael Bailey, to hold a closed legal meeting to discuss the acquisition of real property. The motion passed by a vote of 5-0.

The next meeting is Wednesday, March 13th, 2019 at 7:30 p.m.

Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Gloria Long Rollins
Town Manager