

MINUTES
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING
November 13, 2019

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, November 13, 2019, at 7:30 p.m. after a 6:45 p.m. tour of the under-construction new water plant. Those in attendance included Burgess Chad Weddle, Commissioners Michel Bailey, Mary Ann Brodie-Ennis, Tom Gilbert, Michael McNiesh, and John Zimmerman, Planning and Zoning Administrator Susan Hauver, Public Works Director Bob DePaola, Town Manager Gloria Long Rollins, and 17 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 October 23, 2019. The motion passed by a vote of 5-0.

2. PUBLIC HEARING ON ORDINANCE 2019-06 REGARDING PROPERTY OWNER RESPONSIBILITY FOR SIDEWALK MAINTENANCE, REPAIR, AND REPLACEMENT

Robert Smith, 28 Maple Avenue, reported that his sidewalk was messed up when the Town replaced water lines on Maple Avenue. He noted that then Public Works Superintendent Sam Eyer had it fixed almost out to the curb. He then reported that in 1993 there was a big snow and the Town piled snow in front of his house on the sidewalk. The bucket on a plow chipped his curb and it has been deteriorating ever since. In order to give citizens more time to pay for the repair of the sidewalks, if repaired/replaced by the Town:

Commissioner Michael McNiesh made a motion, seconded by Commissioner Tom Gilbert, to amend 6 a. from "over the course of a year", to "over the course of 2 years". The motion passed by a vote of 5-0.

Paul Kostascki, 71 Main Street, noted that Main Street has no sidewalks, but for the one in front of his house, down to the railroad tracks. He said his sidewalk does not function as a sidewalk as there are no adjoining sidewalks. He has requested in the past to tear out the sidewalk and this is not allowed. Commissioner McNiesh explained that this issue will be addressed in the future. Mr. Kostascki asked if asphalt is a suitable replacement for the sidewalk that needs to be replaced.

Ron Layman, 24 West Frederick Street, asked who's responsible when the sidewalk is damaged during snow removal; according to Town Code, the homeowner is responsible. He noted that many houses on Main Street go right out to the curb and it would be very difficult to install a sidewalk.

Commissioner Bailey asked Ms. Hauver if the word "cement" should be added to 5. Ms. Hauver recommended that a "Guide to Repairing Sidewalks" be devised to instruct citizens on the specifications of the different sidewalk situations throughout the Town. The Design Manual includes sidewalk specifications on the building of sidewalks.

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to amend 5. of the Ordinance to strike "or for property located in old town shall be restored to the length, width, and depth of the next abutting sidewalk" and place a period after the word "manual". The motion passed by a vote of 4-1, with Commissioner John Zimmerman in opposition.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Tom Gilbert, to amend §69-17A. by striking "respective curb, gutter and" making it to read "shall maintain their sidewalk bordering...". The motion passed by a vote of 5-0.

Donald Schildt, 1 Glade Road, opined that the Burgess & Commissioners need to tour old town; that there are over 200 properties with no sidewalks. There are farms and alleys, Gladetowne, and Deerfield, with areas with no sidewalks. It will be a tremendous cost to the owners. He also noted there are 3 properties in town where the fence has been approved right on the curb. He told the commissioners to do their research, that work and detail are needed.

Helen Garst, 71 Main Street, asked for clarification on what to do with her sidewalk. She stated that no one should be walking on the sidewalk in front of her house because there is no adjoining sidewalks. She asked for a stay on performing repairs/replacement of the sidewalk. Commissioner Michael Bailey explained that this ordinance is just step one of the process. We will identify all the bad sidewalks in town by identifying high traffic areas and where kids use the sidewalk to walk to school. Then we will establish enforcement priorities and noted that Ms. Garst will not be a high enforcement priority.

Public hearing closed.

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to adopt Ordinance 2019-06 as amended by 3 motions to amend. The motion passed by a vote of 4-1, with Commissioner John Zimmerman in opposition.

3. REQUEST FROM FCPSTO WAIVE LETTER OF CREDIT REQUIREMENT FOR ROCK CREEK SCHOOL

Mr. Brian Staiger, Senior Project Manager, Capital Programs Department, Frederick County Public Schools, requested that the commissioners waive the requirement for the financial guaranty for the Rock Creek School construction. Commissioner Tom Gilbert asked pointed questions about the purpose of a letter of credit and the precedence set by not requiring one. After it was determined that FCPS has not been required to provide LOCs for any of their other projects, the commissioners made the following motion:

Commissioner Michael Bailey made a motion, seconded by Commissioner John Zimmerman, to waive the Letter of Credit requirement for the Rock Creek School. The motion passed by a vote of 3-2, with Commissioners Michael McNiesh and Mary Ann Brodie-Ennis in opposition.

4. EZ COMMUNICATOR UPDATE

Commissioner Michael McNiesh reported on the demo viewed by commissioners and staff, of the Find Out First technology used by Frederick County Public Schools. He reported no success in obtaining information on the Everbridge system that Frederick County uses, and of which the Town is a participant. Commissioner McNiesh recommends utilizing this new technology, and naming it the Walkersville Wire. Discussion ensued regarding the uses of the technology, i.e. all meeting reminders, agendas, announcements, water main breaks. It's customizable and able to notify all of the Town's social media at the same time. The cost for the first year, with the text messaging option, is \$ 6,000. Commissioner Mary Ann Brodie-Ennis noted that we will re-evaluate the effectiveness of the technology after the first year. Commissioners are targeting a 12/1 or 1/1 start date and will promote the product to citizens through the HOAs and social media.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to adopt the Find Out First technology with text messaging, call it the Walkersville Wire, amending the budget to include the first year at \$ 6,000. The motion passed by a vote of 4-1, with Commissioner John Zimmerman in opposition.

5. SHOPPING CENTER SIGN – TEXT AMENDMENT

Ms. Hauver notified Commissioners that a public hearing will be held on the text amendment at the December meeting.

6. UPDATE ON HFP BUILDING PROGRESS

Ms. Rollins and Ms. Hauver reported on a recent meeting with the Frederick County Health Department, along with John Delaplaine and Shawn Burnett. There are several issues with the site plan that need to be corrected/accomplished before the site plan is approved by the health department. Also, there is work that needs to be completed/amended before building permits can be issued by Frederick County. A proposal has been received from CMW Group to work on the building plans in order for permits to be issued. The cost to correct the ARRO work is \$6,000 for the architectural work and prices will be forthcoming for work to correct the site plan.

Commissioner Tom Gilbert made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to approve the proposal from CMW Group in the amount of \$ 6,000 to complete the architectural work on the plans, making them viable to be permitted. The motion passed by a vote of 5-0.

7. ACCOUNTS PAYABLE AND OCTOBER 2019 FINANCIAL STATEMENTS

Commissioner Michael McNiesh made a motion, seconded by Commissioner Tom Gilbert, to pay the attached bills and approve the October 2019 financial statements. The motion passed by a vote of 5-0.

8. COMMISSIONERS' CONCERNS

Commissioner Tom Gilbert brought up the concern of flooding on Maryland Avenue, a complaint that he has heard from 2-3 citizens. He would like to determine if the Town is at fault, and to take corrective action prior to the development of the Rock Creek School site. Planning and Zoning Administrator Susan Hauver was directed to ask the Town engineers for a cost estimate and assess the storm drain system at Maryland Avenue.

Commissioner Gilbert congratulated Mr. Donald Schildt on a successful Veterans' Day service.

Commissioner John Zimmerman reported that there is no development going on to the property across from his farm. Maryland State Highway is working on an Israel's Creek refurbishment.

Commissioner Mary Ann Brodie-Ennis reviewed the two options considered by the Parks Committee for new playground installation. The Parks Committee recommends purchase of the playground set proposed by Miracle at a cost of around \$ 163K.

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to award the bid for purchase and installation of new playground equipment for Community Park to Miracle in the amount of up to \$164,000. The motion passed by a vote of 5-0.

Commissioner Brodie-Ennis announced 2 positions will be open on the Parks Committee in January 2020 and 1 position will be open in February 2020. All open positions will be advertised so that potential members can apply by sending in a letter of interest.

Commissioner Brodie-Ennis announced that the Town will be exploring replacement of streetlights with LED streetlights up to the budgeted amount of \$7,000. Town staff will be applying for grants from Potomac Edison.

Commissioner Mary Ann Brodie-Ennis reminded everyone of the Town Tree Lighting that will take place on December 4th at 7:30 p.m. at Creamery Park. The Friends of the Walkersville Library will have a program from 6:00 -7:30. The Tree Lighting will feature church choirs, WHS band, hot chocolate and cookies, and fire barrels.

Commissioner Brodie-Ennis reported that the Christkindlmarket will be held December 7, at 12:00 noon – 6:00 p.m.

Commissioner Brodie-Ennis reported that the Toy Shoppe will be held at the Town Hall, 2nd floor, during the first week in December.

Commissioners Brodie-Ennis, McNiesh, and Bailey all expressed thanks to Donald Schildt for the successful Veterans' Day ceremony.

Commissioner Michael Bailey reported the following:

- He will be meeting with the WBPA President to work on business development in the Town, crafting policy and law to promote business.
- Farmers' Market will be held Tuesday or Wednesday nights.
- He met with Mill Run HOA members regarding the "No Trespassing" signs that were placed in the neighborhood. Commissioner Tom Gilbert will accompany him to clarify the problems with the signs.

- Commissioner Bailey would like the Parks Committee to budget for the purchase of banners with the photos of Veterans to be displayed on Frederick Street.
- Mill Run has registered a complaint of extensive power outages in the neighborhood, at least twice per week. Commissioner Bailey will write a letter to the MD Public Services Commission to complain.

Mr. DePaola reported that the cost of a chain link fence with barbed wire topper to protect the mulch pile from illegal dumpers is \$ 30,000.

9. PUBLIC COMMENTS

Mr. Ron Schatenburg, 9507 Dublin Road, came to request being allowed to hunt using his black powder gun during rifle season. *Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to allow muzzle loader (black powder) hunting during rifle season at the watershed. The motion passed by a vote of 5-0.*

Mr. Donald Schildt, 1 Glade Road, thanked the Town for helping to sponsor the Veterans' program. He reported that John Grimes has posted a video of the event that is very nice. The bus trip to the war memorials in Washington, DC has been scheduled for June 10, 2020 for veterans. He asked that the Town place the memorial brick order form on the Town's website. He noted that thank you notes were done by the committee and requested that checks be issued to the Walkersville High School Band in the amount of \$150 and to the Walkersville Children's Center in the amount of \$ 50.

Larry Hammer, 8802 Biggs Ford Road, had his water bill reduced to the Industrial rate, but it is still \$2,400+. He asked that the amount of time to pay this be extended to one year. *Commissioner Tom Gilbert made a motion, seconded by Commissioner Michael McNiesh, to allow Mr. Hammer a year to pay his water bill. The motion passed by a vote of 5-0.*

Burgess Weddle asked Commissioners to consider donating the \$6,000 water tap fee for the CTC house from the General Fund to the Water Fund. *Commissioner Tom Gilbert made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to donate \$6,000 to the Water Fund from the General Fund for the water tap for the new CTC house project on Fulton Avenue. The motion passed by a vote of 5-0.*

Commissioner Michael Bailey made a motion, seconded by Commissioner Michael McNiesh, to hold a closed personnel/ethics/security issues. The motion passed by a vote of 5-0.

Burgess Weddle read the following announcements:

- Thurs., Nov.28-29 – Thanksgiving Holiday – Office Closed
- Weds., Dec. 4, 7:30 – Town Holiday Tree Lighting – Creamery Park
- Tues., Dec. 10, 7:30 – Planning Meeting
- Weds., Dec. 11, 7:30 – Town Meeting
- Sun., Dec. 15, 1:30 – Santa Parade by WVFC
- Weds., Dec. 25 – Merry Christmas – OFFICE CLOSED
- Weds., Jan. 1 – Happy New Year – OFFICE CLOSED
- Tues., Jan. 7, 7:30 – Board of Appeals (if needed)
- Weds., Jan. 8, 7:30 – Town Meeting
- Tues., Jan. 14, 7:30 – Planning Workshop
- Weds., Jan. 22, 7:30 – Town Meeting
- Tues., Jan. 28, 7:30 – Planning Meeting

The next Town meeting will be Wednesday, December 11, 2019 at 7:30 p.m.
Meeting adjourned at 9:03 p.m.

Respectfully submitted,
Gloria Long Rollins
Town Manager