



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners
Timothy O'Donnell, *President*
Clifford Sweeney, *Vice President*
Glenn Blanchard, *Treasurer*
Joseph Ritz III
Elizabeth Buckman

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

TOWN MEETING AGENDA September 5, 2017 – 7:30 p.m.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. FUTURE MEETINGS AND UPCOMING ELECTION DATES**
 - Citizen's Advisory Committee Meeting: September 19th @ 7:30 p.m.*
 - Planning Commission Meeting: September 25th @ 7:30 p.m.*
 - Write-In Election Deadline: September 19th @ 12:00 p.m.*
 - Election Day: September 26th 7:00 a.m. to 8:00 p.m. at 22 East Main Street*
 - Town Council Meeting: October 2nd @ 7:30 p.m.*
- 4. MEETING ITEMS**
 - A. APPROVE MINUTES: AUGUST 7, 2017**
 - B. POLICE REPORT**
 - C. TOWN MANAGER'S REPORT**
 - D. TOWN PLANNER'S REPORT**
 - E. COMMISSIONER COMMENTS**
 - F. MAYOR COMMENTS**
 - G. PUBLIC COMMENTS**
 - H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)**
 - I.** Vigilant Hose Company Request for May 2018 Road Closure
 - II.** Proclamation: September National Substance Abuse Prevention Month
 - III.** Approval of 2017 Chevrolet Silverado
 - I. CONSENT AGENDA: 6 APPOINTMENTS & 2 RESIGNATIONS**
 - J. TREASURER REPORT**
 - K. PLANNING COMMISSION REPORT**
 - L. AGENDA ITEMS (DETAILS ATTACHED)**
 - I.** Ordinances to Amend Title 13 Public Services for Consideration
 - II.** Consideration and Public Hearing Regarding Text Amendments Related to Place of Worship As a Use in Various Sections of the Zoning Ordinance.
 - III.** Updates to the Employee Handbook for Consideration
 - IV.** Town Storm Water Management As Related to Update on MS-4 Permit
 - M. SET AGENDA FOR NEXT MEETING: OCTOBER 2, 2017**
- 5. SIGN APPROVED TEXT AMMENDMENTS AND/OR RESOLUTIONS**
- 6. ADJOURN**

A. APPROVE MINUTES: AUGUST 7, 2017

**MINUTES
TOWN MEETING
August 7, 2017
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Town Staff:* Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; and Amy Naill, Code Enforcement Officer. *Other:* Deputy Ben Whitehouse and Maryland Delegate Kathy Afzali.

Absent: None.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the August 7, 2017 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Future meetings and upcoming election dates were reviewed.

II. Meeting Items

Approval of Minutes

The Minutes of the July 10, 2017 Town Meeting were approved as presented. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: 5-0 in Favor.

Police Report:

Deputy Whitehouse presented the Police Report from July 2017 (exhibit attached). Deputy Whitehouse mentioned there was 50 traffic stops with 64 violations, six collisions of which two needed to be recorded, one shed burglary, and one theft that occurred at the Flat Run Bridge project. The two destruction of properties occurred on vehicles. The noise complaints were all firework related. He also added there were fourteen 9-1-1 calls. For special events, the deputies were present at Emmitsburg Summer Concert Series and the Block Party in Community Park. The deputies assisted the Narcotics Task Force with a search warrant on DePaul Street. There was a small vehicle chase in Town that is still being investigated. The drug box in the Town Office was emptied. Deputy Whitehouse concluded by stating there were six emergency evaluations for suicide threats. Commissioner Buckman asked if the fourteen 9-1-1 calls were for suspicious activities. Deputy Whitehouse explained they were not, but if they were, they would be recorded under the suspicious activities/suspicious persons section of the Police Report. Commissioner O'Donnell asked if any of the accidents were related to construction. They were not. Commissioner O'Donnell asked about the vehicle chase. Deputy Whitehouse clarified the event started off as a disturbance in the Jubilee parking lot and the driver took off when he turned his police lights on. He explained he was called off the chase, which is why the chase was brief. Commissioner Ritz III thanked the deputies for their presence at the recent town events.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from June 2017 (exhibit attached). Ms. Willets mentioned staff repaired/rewired two street light poles (one related to the State Highway Administration (SHA) project, one unrelated), put a new LED light on the Doughboy Statue flag pole, put flags on every other streetlight pole from Federal Avenue to Jamison Street, put farmers market banners on the streetlight poles. Staff has been marking utility lines daily for the SHA sidewalk project and the 10' water line at the SHA Flat Run Bridge project. Four invoices have been submitted to sidewalk project contractors for 2 damaged street lights and 2 damaged water lines. There will be another invoice submitted for the contractor hitting a street light conduit and pulling out the wires. New commercial locks were installed on the restrooms at Memorial Park. A contractor removed trees, shrubs, seeded and mulched in Community Park between ball fields #1 and #3. The contractor also removed two trees and grinded the stumps in Memorial Park. The old wood fence with a wire is being removed in Community Park and replaced with a wood fence. A local Boy Scout troop has volunteered to paint about 50 fire hydrants in Town in September. Rainbow Lake is at spillway level, and the wells are an average of 6.25 feet below their May 2011 levels. Staff shut down well #4 and started utilizing well #5. The leak detector specialist has finished searching for leaks in Town. Two significant leaks were determined on DePaul Street and South Seton Avenue. A

new receptor has been installed on the LG Sonic Algae Control System that is on Rainbow Lake, and the system is now transmitting the data and modifying output to prevent more algae. There is still a glitch with reading the temperature, which the company is working to fix. She added 2.2 inches of precipitation were received in June, but there is now a deficit of 2.52 inches. There were no spills of untreated sewerage and the Waste Water Treatment Plant (WWTP) did not exceed its capacity during the month of June. Ms. Willets also mentioned Dan Fissel, Sewer/Water Superintendent, now has his waste water five license. The Rip Rap is about 1/3 completed, and another 1/3 will be completed later in the year. The Board had no questions for the Town Manager.

Note: Agenda was re-arranged in consideration of the Town's guest speaker Delegate Kathy Afzali.

Administrative Business:

- **Guest Speaker: Maryland State Delegate Kathy Afzali:** Delegate Afzali handed out copies of the fiscal year (FY) 2018 Frederick County funding per the State of Maryland, introduced herself, and thanked the Town for letting her attend Community Heritage Day in June 2017. She highlighted several areas of the Frederick County funding for FY 2018, which she mentioned is used throughout various parts of the County. She expressed sympathy on the Highway User Revenue Tax concern, but stated the revenue is replacing the lost funding from when a previous Governor allotted highway funding to other non-highway areas. She explained a new bill was recently passed that does not allow a Governor to remove highway funds without two-thirds approval from the legislator. Delegate Afzali mentioned there is matching bond funding in Frederick County for nonprofit groups to use on various community projects. Delegate Afzali gave the Board and audience members her cell phone number (301-524-7417) to contact about any community needs. Commissioner Buckman inquired about getting funding to renovate Emmitsburg Elementary School. Delegate Afzali explained the County determines the school funding priorities. Commissioner O'Donnell presented a "grocery list" that included four items: pedestrian linkage from Emmitsburg to Mount St. Mary's (MSM), adding more transit linkage options between the Town and Frederick, bringing more science, technology, engineering and mathematics (S.T.E.M) businesses to Emmitsburg, and increasing nonprofit funding. Delegate Afzali asked if any progress has been made on these items as they were presented to her in prior years, and what dilemmas existed. The Mayor explained there was not enough funding for the pedestrian linkage and the best pedestrian route had not been determined yet. Delegate Afzali encouraged the Board to create a vision, then to reach out to various funding options such as Department of Natural Resources (DNR), Project Open Space, and delegates. She encouraged the Town to start initiating the pedestrian trail first, then to pull other volunteers and organizations on board. She explained it's easier for a local government body to get moving instead of waiting on the State. Commissioner Buckman expressed concern over the title one funding being taken from Emmitsburg Elementary School and allotted to a school in downtown Frederick instead. Delegate Afzali encouraged Commissioner Buckman to call her and discuss the school funding concerns, but she mentioned again that she cannot control the County. Commissioner O'Donnell gave Delegate Afzali the "grocery list" of items.

Town Planners Report:

Cathy Willets, Town Manager, presented the Town Planner's Report from June 2017 on behalf of the Town Planner, Susan Cipperly (exhibit attached). Ms. Willets mentioned Ms. Cipperly attended the recent Planning Commission Meeting, and she is working with the SHA on the flat run bridge project, sidewalk project, and square project by attending progress meetings, ensuring public notifications are made, and coordinating no-parking zones. The Sustainable Communities renewal application, which is a 5 year program, was submitted on July 19, 2017. Ms. Cipperly has been working with the Town Clerk, Madeline Shaw, on becoming certified as a Tree City USA Town, which would require planting some trees. Ms. Willets concluded by stating the Town Planner has also been working on the Seton Center plans and appropriate zoning/permitting. Commissioner Ritz III inquired about the needed Maryland Department of the Environment (MDE) permit application for the Emmet Gardens playground. Ms. Willets explained the Town is waiting to hear back from the State. In reference to prior Town Meeting inquires, Ms. Willets also informed Commissioner Ritz III that the pine trees near the proposed playground site in Emmet Gardens are not on Town property and therefore cannot be removed. She added that the power company does trim them periodically. Commissioner Ritz III requested to work with Town staff on sending a friendly letter to the owner of the trees to possibly have the trees removed.

Commissioner Comments:

- **Commissioner Buckman:** She expressed appreciation for all the work done in getting Town event information out to residents, and she expressed a desire to get more information out to people who do not have internet access. Commissioner O'Donnell asked which events will be included in the new quarterly water bill newsletters. Ms. Willets explained only Town sponsored events and important public information. Commissioner Sweeney added Emmitsburgevents.com can be used to advertise non-Town sponsored events.
- **Commissioner Ritz III:** He thanked the families that attended the recent summer concert series and Carolyn Miller and Martin Miller for organizing the whole event. He also thanked Christ Community Church for organizing many local events such as the Back to School event at the beginning of August.
- **Commissioner Sweeney:** He thanked all the citizens and businesses for donating to the Community Heritage Day fireworks. He stated a down payment was put on the 2018 Community Heritage Day fireworks already.
- **Commissioner Blanchard:** He recently attended the Town's first National Night Out event on August 1st. He thanked the deputies and Vigilant Hose Fire Company for attending the event, and he also thanked Town staff for their hard work in putting the event together.
- **Commissioner O'Donnell:** He congratulated the Thurmont Little League, which has five Emmitsburg players on the team, in making it to nationals. He asked Ms. Willets about noise ordinances in Town and what ordinance the Town follows. Ms. Willets clarified the Town only has a disturbing the peace ordinance in the Town Code, so the deputies follow the noise ordinance guidelines of Frederick County. She added there is no delineation between noise and nuisance right now. Commissioner O'Donnell mentioned a Town resident had recently inquired about the subject. He thanked the volunteers that came out to the trail day on Saturday August 5th. He thanked Pastor John and Christ Community Church for the Back to School event.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2017. Mayor Briggs mentioned he attended the Summer Concert Series, Block Party, July 24th Planning Commission Meeting, the Back to School event (put on by Christ Community Church) on August 5th, and National Night Out on August 1st. He also met with the Boy's and Girl's Club Director, and the Chairman of the Frederick County Solid Waste Steering Committee (John Daniels). He was interviewed by the Roger Wilson show, and had meetings with Mount St. Mary's University (Joseph Lebherz) on Town updates, Matan Inc. on industrial development in Town, and the Thurmont Mayor Kinnaird on adding more transit stops to Town. Mayor Briggs added on November 6th Timothy Trainor, the new President of Mount St. Mary's University, will be attending the Town Meeting. He explained the Health Department finally approved the Community Pool permit, which should be completed in May 2018. Mayor Briggs also stated the Town is applying for the Community Parks and Playground (CP&P) Grant to build a multi-use soccer field behind the Town office. Commissioner Ritz III asked if the multi-use soccer field will be open for public reservations. Ms. Willets explained the location of the field is on the property of Emmitsburg Elementary School, but the Town has an agreement with the Frederick County School Board to use the field outside of school hours. The Town would have a reservation form that is similar to the ball field reservation form. Sports such as soccer, field hockey, lacrosse, rugby, etc. can be played on the field. The field will be natural turf. Delegate Afzali mentioned there is DNR money that is available for park upgrades that is not currently being used. She explained the applications are long, but she was recently told there is money available. Commissioner O'Donnell asked if there was any other un-tapped funding. Delegate Afzali stated she would need more specific details. Commissioner Buckman inquired about funding for a possible Boys and Girls club, which would require about \$140,000 to get the program started. Delegate Afzali encouraged Commissioner Buckman to call her to brainstorm solutions.

Public Comments:

None

Consent Agenda:

The Board discussed Patrick Boyle's plans to step down from the Planning Commission at the end of 2017. Commissioner Sweeney suggested making Wayne Slaughter an alternate on the Planning Commission because Mr. Slaughter expressed interest. The Board would like Wayne Slaughter on the consent agenda at the next Town meeting. The Board agreed to reappoint Mr. Boyle and Mr. Howard with the same motion.

Motion: Motion to reappointment Patrick Boyle and John Howard to the Planning Commission for their respective terms. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: 5-0 in Favor.

Treasurer's Report:

Commissioner Blanchard presented the Treasure's Report for July 2017 (exhibit attached). He mentioned the operating balance going forward is \$4,944,907. Commissioner Ritz III asked if the note in the agenda packet under the Cash Activity Report ("due to software malfunction, the report will be presented at the meeting") is related to the online water bill payment system being unavailable. Ms. Willets stated yes and explained the Town's server crashed because of its age and all the data had to be configured to the new server. She added the new server is almost completely configured.

Planning Commission Report:

Commissioner Sweeney presented the Planning Commission Report from July 2017 (exhibit attached). Commissioner Sweeney mentioned the Planning Commission voted to approve the B2 Zoning Text amendment that was discussed in a prior Town Meeting. There will be a public hearing on the matter before the item is brought to the Board for a final vote. The Board had no questions for Commissioner Sweeney.

II. Agenda Items

Agenda #1- National League of Cities (NLC) Service Line Warranty for Consideration: Ashley Shiwarski with Utility Service Partners, Inc. presented the National League of Cities (NLC) Service Line Warranty for consideration. Commissioner O'Donnell mentioned he completed some research on the organization. He contacted Santa Fe, San Diego and Dale City. The main concern he uncovered was only one local plumber being used for service calls. He added his research on the Better Business Bureau revealed miscommunication between the home owner/insurer and dissatisfaction with the contractor. His main concerns are the Town would be advocating for one insurance organization, and stewardship in relation to the revenue stream fee. In conclusion he stated the service looks valuable, but he is not sure if the Town should endorse the organization as the Town would be drawn into any problems as an endorser. Commissioner Buckman asked if there are any other insurance organizations similar to the NLC. Commissioner O'Donnell is not aware. Commissioner Buckman asked if there were any other Maryland municipalities that use the program. Ms. Willets stated she reached out to Thurmont and Taneytown Maryland. She explained both places were in the beginning stages of the program, and Jim Humerick, Chief Administrative Officer for Thurmont, had the same concerns of endorsing only one company and if there would be any confusion over who is responsible for the program since it's promoted on Town letter head; however, the Town worked through the problems and many residents seem to like the program. Commissioner O'Donnell asked if a resident did not like their plumber and went outside of the NLC network if they would get reimbursed. Ms. Shiwarski explained no, but NLC tries to get 2-3 plumbers locally and the organization already has some licensed plumbers in Thurmont. NLC encourages the Town to provide a list of local plumbers, but any plumbers must meet the qualifications of passing a drug test, passing a background check, having proper insurance, no open Better Business Bureau complaints, proper licensing, and they must agree to call any residents within one hour and be at their home within 24 hours when a complaint is filed. Ms. Shiwarski informed the Board that these requirements often deter local businesses from participating. Commissioner O'Donnell expressed dissatisfaction for the Town having to provide a list of local contractors as it puts more burden on Town staff. Ms. Shiwarski explained the Town providing a list is optional.

Commissioner Ritz III asked if the Town could be provided a list of already approved plumbers for Thurmont and Taneytown. Ms. Shiwarski will get the Board a list. Commissioner Ritz III asked if there was another fee involved where the Town gets money upfront. Ms. Shiwarski stated there is no compensation aside from the monthly compensation. Commissioner Ritz III asked who Maryland Municipal League (MML) is paying to have access to the NLC mailing lists. Ms. Shiwarski clarified NLC pays MML \$10,000. Commissioner Ritz III asked if Home Serve United Kingdom (NLC's parent company) was affiliated with Home Serve U.S.A. He mentioned he read an article in the Washington Post dated September 10, 2016 that stated Home Serve paid money to the Maryland Consumer Protection Agency because residents were tricked into signing up for a Home Serve plan they might not have needed. The article also stated there was a larger class action lawsuit in New Jersey for a similar situation. Ms. Shiwarski confirmed the parent company is Home Serve U.S.A., and she clarified that Home Serve and NLC were the main competitors in the field and Home Serve purchased NLC in July 2016. She stated Home Serve mainly worked with larger utility companies, where as NLC works with municipalities. She added NLC

would only market through the Town with Town approval. Also, the Home Serve litigations occurred from the organization mailing to the residents without a partnership. As of July 2016, the company stopped sending mailings without a partnership. Commissioner Ritz III asked about Policy 2017-03, which the Board will be discussing later, and what part of the sewer line residents are currently responsible for. Ms. Willets explained the new policy would replace Policy 2012-01 because there is unclear guidelines on what residents are responsible for and what the Town is responsible for. Commissioner Ritz III noted the coincidence of voting on the NLC warranty program and discussing the Title 13 ordinances, which Ms. Willets stated was only coincidence because Town staff has been working on the ordinances for months. Commissioner Ritz III concluded by stating his apprehension for the program because of the resident frustration over the most recent lagoon storage contract.

Commissioner Sweeney estimated 70% or more of the Town would benefit from the contract because most of the Town cannot afford lateral sewer repairs. He concluded by stating he supports the program. Commissioner O'Donnell responded by restating his concern of endorsing one single organization and mentioning a worry of residents paying money to the organization and it not existing someday, which would leave the resident with no options. Commissioner Sweeney reminded the Board that the program is completely voluntary for individuals and a person can cancel at any time. Ms. Shiwarski added the warranty is month-to-month. There was discussion over where the excess revenue should go. Commissioner O'Donnell expressed a desire for the Town to have a grant fund that residents can use to fix plumbing problems. Ms. Willets cautioned the Board on putting the money aside to fund resident repairs because it would be difficult to determine who should get the funding and putting too much extra work on Town staff. She suggested soliciting public comment. There was discussion about putting the warranty on the September 26, 2017 ballot as a referendum. The Board expressed a desire to add the warranty as a referendum. Mayor Briggs shared his experience with having problems with his sewer line in the past. He encouraged the Board to support the warranty because it would ease the burden on the elderly population. Commissioner O'Donnell summarized his findings on the Better Business Bureau website again: unclear communication, dissatisfaction with the plumber, and dissatisfaction with the service. He encouraged the Board to read the same comments he did by googling "USP" and "service line warranty." Commissioner Ritz III asked if NLC can guarantee replacement of terracotta piping. Ms. Shiwarski clarified that most of the piping the organization works with is terracotta. She added NLC acts on the recommendations of the contractor, and there is no incident limit so customers can call as many times they need and still be eligible for the \$8,500 towards each repair. Commissioner Buckman inquired about how the program works with rental properties with multiple dwelling units in a building. Ms. Shiwarski stated a property owner can purchase the program as long as there is a single service line, and landlords seem to favor the program because it gives them a peace of mind and helps cover service line costs. The Board discussed getting public feedback. Commissioner O'Donnell asked if residents can still enroll if the Town does not partner with the program. Ms. Shiwarski added residents cannot.

Commissioner O'Donnell asked the Board if they wanted a referendum or Board vote, which the Board discussed. The Board determined to hold a separate public meeting in October 2017 without a referendum to inform the public of the service line warranty and see if anyone is interested. There was discussion over how to inform the public of the meeting. Commissioner Sweeney requested Ms. Shiwarski give a presentation and bring literature to handout. Ms. Willets confirmed October worked for Town staff.

Agenda #2- Appointment of Election Judges: Mayor Donald Briggs recommended Sharon Hane, Charlotte Mazaleski, Barbara Weedon and Julie Holmes as the Election Judges from the 2017 Election. Mayor Briggs mentioned Sharon Hane, Charlotte Mazaleski, and Barbara Weedon are experienced Election Judges that have been the Town's election judges in the past. He mentioned Julie Holmes is a new judge that lives on DePaul Street and would serve as the alternate judge.

Motion: - Motion to approve Sharon Hane, Charlotte Mazaleski, Barbara Weedon, and Julie Holmes as Election Judges for the 2017 Elections.

Motion by Commissioner Buckman, second by Commissioner Ritz III.

Vote: 5-0 in Favor.

Agenda #3- Ordinances to Amend Title 13 Public Services for Discussion: Cathy Willets, Town Manager, mentioned she holds monthly department head meetings with Town staff, and these meetings brought the needed changes to her attention. One of the main concerns of staff is procedure guidelines are not written. Ms. Willets

expressed her desire to record these guidelines so residents and Town staff could be protected. She explained the items addressed are based on the main problems Town staff encounter. She then reviewed the proposed ordinances.

- *Proposed Ordinance 17-05:* Ms. Willets explained this ordinance would amend Title 13, Section 13.04.060 of the Emmitsburg Municipal Code. She explained the Town currently replaces and provides water meters at the Town's expense, but often times property owners are neglectful of their water meters by letting the meters freeze and then the Town has to pay for the replacement. She summarized the new ordinance would require property owners to be accountable for neglect and pay for replacement of neglected meters. Ms. Willets also mentioned the Town attorney reviewed all the proposed ordinances and recommendations. Commissioner Ritz III asked if the new wording means the owner would have to pay for a similar sized meter replacement or spend more money on an upgrade. Ms. Willets clarified the owner would be expected to pay for a similar replacement. Commissioner Buckman asked what constitutes neglect. Ms. Willets explained water meters are usually located in the basement, and neglect occurs when an owner doesn't heat their basement or stacks boxes near the meter that causes damage. She noted most of the neglect occurs from freezing when a resident doesn't heat their basement. Commissioner O'Donnell asked the Board if the language should be modified in any way. There was no recommendation to modify the language. Commissioner O'Donnell stated the Board will vote on the ordinances next meeting because the agenda item was labeled as "Public Services for Discussion" not "Public Services for Consideration."
- *Proposed Ordinance 17-07:* Ms. Willets explained this water ordinance was written by John Clapp, Town Attorney. She mentioned all the changes under this ordinance align with the Maryland Code, Environmental Article, *Section 9-724 (c)* which creates mandated procedures on how municipalities can bill on their water and sewer lines. She stated section C was removed because Mr. Clapp created a new section that relates to the collection of charges. This ordinance also establishes property owners, or property management companies (at the request of the property owner), as being the only people that can have a bill mailed to them because there is only legal recourse on property owners. Commissioner Ritz III asked if this means a larger property manager would receive all the bills for their tenants. Ms. Willets replied the ordinance would only allow property owners and property management companies (at the request of the property owner) to receive the bills. She added tenants have never received the bills because the property owner is legally responsible for the bill, and the Town billing system can only generate one bill for each service address. There was an informative discussion over outstanding bills going to Frederick County and becoming liens on the property, which is the current procedure. Commissioner Buckman asked what was changed. Ms. Willets replied nothing was, except this new ordinance would allow a property owner to come in annually and designate a property management company to receive the bill. Commissioner Ritz III expressed concern over a recent property owner that spoke at a Town meeting and asked if tenants could be sent the water/sewer bills. Commissioner O'Donnell explained this ordinance clarifies that property owners concerns. Commissioner Buckman questioned why utility companies can send bills to tenants, but the Town can't. Ms. Willets responded the utility companies are multi-million dollar companies and their rules/regulations are different. The Town is required to follow the regulations of the State, and every municipality that Ms. Willets has observed follows the same procedures because of liability. She explained the problems that could arise if the bills were mailed to the tenant instead of the property owner. Ms. Willets concluded by explaining part C sets the same water bill due date so residents know when bills are due, and part D clarifies how residents can pay their bill.
- *Proposed Ordinance 17-06:* Ms. Willets explained this sewer ordinance was written by John Clapp, Town Attorney. She mentioned all the changes under this ordinance align with the Maryland Environmental Article. She mentioned this ordinance sets a consistent due date for sewer bills and establishes slightly different guidelines for delinquent sewer bills because shutting off someone's sewer would cause significant problems. The Board had no questions or concerns.
- *Proposed Policy P17-03:* Ms. Willets explained this policy replaces P12-01 by formally documenting what portion of the service lines near a home owner's property are the Town's responsibility and the owner's responsibility. Under this new policy, the Town would be responsible from the curb box to the main water line, and the property owner would be responsible from the curb box to the building. She added staff has always followed these guidelines; this document just formalizes the guidelines. Frequently, curb boxes are damaged from being run over or hit by a lawn mower. This policy also requires any neglect or misuse (such as with lawn mowers) would be replaced by the property owner. Ms. Willets explained the average cost is between \$30-\$40 to replace the top piece and the curb box stem. For the sewer lines, she mentioned the

Town would be responsible from the property line to the main sewer line, and the property owner would be responsible from the property line to the building. Town staff recommended the property line is the best boundary marker because a home owner should not be responsible for digging up the street or any area outside of their property. Commissioner Ritz III asked about the responsibility of the newer developments mentioned in P12-01. Ms. Willets clarified their responsibility doesn't change, and the new boundaries ease the burdens on the rest of the Town. Commissioner Ritz III asked for further clarification of P12-01. Ms. Willets confirmed previously the home owner was responsible from the house to the sewer cleanout, and that P12-01 did not specifically mention sewer cleanout because the language was not clear, but this new policy would establish clear language. Ms. Willets concluded by stating if these items are passed, they will be summarized in the next water bill newsletter.

Set Agenda Items for September 5, 2017 Town Meeting

1. Ordinances to Amend Title 13 Public Services for Consideration.
2. Consideration and Public Hearing Regarding Text Amendments Related to Place of Worship As a Use in Various Sections of the Zoning Ordinance.
3. Updates to the Employee Handbook for Consideration.
4. Town Storm Water Management As Related to Update on MS4 Permit.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment:

Motion to close the meeting by Commissioner Ritz III, second by Commissioner Buckman. Vote: 5-0 in Favor. With no further business, the August 7, 2017 Town Meeting was adjourned at 10:13 p.m.

Respectfully submitted,

Madeline Shaw
Town Clerk

Approved:

draft

B. POLICE REPORT: Presentation by deputies at the meeting.

C. TOWN MANAGER'S REPORT

**Town Manager's Report
July 2017
Prepared by Cathy Willets, Town Manager**

Streets:

- Staff took flags off of street light poles on East & West Main St.
- Staff mowed weeds from curbs in all developments.
- Contractor blacktopped water leak patch at 51 DePaul St.
- Staff rewired & put new street light pole(#33) & fixture up in front of 2 Reeney Circle.

Sidewalk and Bridge Project:

- Contractor knocked over street light(#53) by 220 West Main Street and hit water service line to 224 West Main Street. Contractor dug out service line. Staff repaired broken line. Staff picked up damaged street light pole & fixture.
- Staff remarked 10" water line several times for the bridge project.
- Staff checked curb boxes daily for sidewalk project; made sure all were straight and accessible with curb box.
- Staff dug up & straightened curb box at 214 West Main Street.
- Contractor made two connections to put new 8" water line back in service. Staff monitored job, shut valves off, opened valves, and flushed line. (overnight weekend)
- Staff made repairs temporary water line on North Seton Ave. after someone hit the upper line connection and broke the nipple out of the plastic line.
- Staff repaired temporary water line on North Seton Ave a second time after someone hit the upper line connection and broke the nipple out of the plastic line.
- Staff located and repaired some curb boxes at the sidewalk project
- Contractor installed/hooked up new water service to 1 East Main St. & 2 West Main St.

Parks:

- Staff trimmed and weed killed in parks.
- Staff replaced bleacher boards on ball fields #5 & #7 in Memorial Park.
- Staff filled in pot holes on Community & Memorial Park Roads.
- Staff mulched area where trees were taken out in Memorial Park.
- Staff pulled weeds, weed killed, and mulched at the Community Park playground equipment.
- Contractor completed grading work for the Community Park dog park project.
- Staff mulched around playground equipment in Memorial Park.
- Staff removed old post and cable & installed new board fence up along Community Park Rd.
- Contractor installed new section of fence on ball field #3 in Community Park. Staff installed new fence in front of 1st dug out to 3rd base dug out & new section of backstop.

Water:

- Rainbow Lake is at the spillway level (normal is 16.6 feet).
- The roughing filters are being backwashed four times a day and the DE filters are being done once per week.
- Our wells are now on average 8.0' below their May 2011 levels.
- Water production and consumption. We produced an average of 312,926 GPD. We consumed an average of 297,897 GPD. The difference is "Backwash Water" ... (11.20%).

We purchased 437,840 gallons of water from MSM this month.

- 45.8% of this water came from wells.
- 4.3% of this water came from Mt. St. Mary's.
- 49.8% of this water came from Rainbow Lake.

Wastewater:

- We received about 7.95" of precipitation this month (the average is 3.66").
 - We have a precipitation **SURPLUS** of 1.96" over the last six months. The average precipitation for the period from February 1 through July 31 is 24.29". We have received 26.25" for that period.
- Wastewater Treatment:
 - We treated an average of 563,000 GPD (consumed 297,897 GPD) which means that 42.2% of the wastewater treated this month was "wild water".
 - We had no spills of untreated sewerage in the month of July.
 - We did exceed the plant's design capacity three times in the month of July

07/23/17	812,000 GPD	07/28/17	1,663,000 GPD
07/29/17	878,000 GPD		

Trash: Trash pickup will remain Mondays for the remainder of the month of September

Meetings Attended:

- 07/05 Met with Mayor
- 07/06 Met with staff, SHA and contractor regarding sidewalk/square project (landscaping)
- 07/06 Met with Mayor
- 07/10 Met with Mayor to review agenda
- 07/10 Attended Town Meeting
- 07/12 Met with HR to go over employee handbook
- 07/12 Met with staff to prepare for MDE grant for pumping station
- 07/12 Attended support staff meeting
- 07/13 Met with Mayor
- 07/13 Attended sidewalk/square progress meeting
- 07/13 Met with SHA regarding contractor concerns (streetlights/waterlines)
- 07/18 Attended MS-4 permit meeting with Town Planner in Walkersville
- 07/18 Conference call with Mayor and John Clapp about sidewalk/square project (delays/safety)
- 07/20 Met with staff to go over draft policy and ordinances related to water and sewer responsibilities
- 07/20 Met with staff to go over responsibilities related to the Community Center building
- 07/24 Met with Mayor and Town Planner to go over sidewalk/square/bridge projects
- 07/26 Met with Town Planner to go over SHA request for waterline information related to the bridge
- 07/27 Met with Town Accountant to discuss new payroll vendors
- 07/28 Met with Mayor
- 07/28 Conference call with Town Attorney to discuss water/sewer policy and ordinances; SHA bridge waterline concerns
- 07/31 Met with Mayor

PARKING ENFORCEMENT REPORT
July 2017

Overtime Parking	63
Restricted Parking Zone	2
Parked in Crosswalk	
Parked on Sidewalk	
Parked Blocking Road	
Parked by Fire Hydrant	
Parked on Highway	
Failure to Park between Lines	
Other Violation	
Left Side Parking	1
Meter Money	\$854.71 (sidewalk project)
Parking Permits	\$230.00
Meter Bag Rental	\$24.00
Parking Ticket Money	\$295.00
Funerals	
Total:	\$1,403.71

D. TOWN PLANNER'S REPORT

**Town Planner's Report
July 2017
Prepared by Susan H. Cipperly, AICP**

1. **Attended Town Meeting** - July 10, 2017.
2. **Planning Commission:** Attended July 24 meeting. Presented draft of potential text amendment to include "place of worship" uses in B-2 General Commercial zone, plus other potential changes to the zoning ordinance. Planning Commission approved to send to Town Board.
3. **Flat Run Bridge:** Coordinated with State Highway Administration (SHA) re meetings, questions. Met with contractors, town staff, SHA for progress meetings. Provided info for Ch. 99, website, etc. , as needed.
4. **Sidewalk Project:** Met with town staff, SHA, and contractors in Emmitsburg as needed. Assisted with follow up for right-of-entry letters sent by SHA and town. Fielded questions/complaints from residents along the work route and forwarded them to SHA project manager. Took photographs for website and posterity.
5. **MS-4 Permit meeting:** Attended meeting in Walkersville July 18 with C.Willets, MDE staff, Walkersville staff, regarding additional information needed in Municipal Separate Storm Sewer System (**MS4**) permit report for 2016-2017.
6. **Community Legacy:** Submitted July Quarterly Report for FY2016-Project 220, Facade & Restoration program,
7. **Sustainable Communities program:** Worked on renewal application, which includes forms, GIS data, financial info, and before/after of projects accomplished during the past five years. Submitted July 19, 2017.
8. Worked with Amy Naill on reminders for submittal of Grease Interceptor reports due July 10. [All received as of August 11, 2017.]
9. Enforcement -- letters regarding several and various activity without permits. Notification and interaction with Frederick County permit office on several issues.
10. Permits:
Seton Center for 226 Lincoln Ave., new building. Zoning, building, and stormwater permits review started. Site plan signed by Pat Boyle, PC Chairman. Performance agreement and deed of easement for stormwater elements.
Provided info and issued permits for sheds, signage, fences, swimming pool, decks, etc.
11. Emmit Gardens playground research with MDE and FEMA for floodplain permit. Also discussed procedures with Frederick County.

12. Prepared and advertized RFP for dog park fencing, due Aug. 17.
13. Met with staff from Forestry, DNR and Maddy Shaw prior to their survey of ash trees on town properties, and discussed other tree-related topics on July 26.
14. Provided input /maps for grant applications submitted by Town Clerk.

Upcoming projects/activity as of August 23, 2017 - Planning and Zoning:

GIS Water/sewer mapping with ALWI consultants per contract, followed by input of data.

MS-4 (Municipal Separate Storm Sewer System) permit report for 2016 and 2017 completed before December 2017. Next phase of MS-4 involves development of projects that will give the town credits toward reducing the impacts of impervious surfaces relative to stormwater runoff, pollution, groundwater recharge. This is a major project.

Community Legacy:

- Application for FY2018 grant money for Facade/restoration and other potential project areas - November due date.
- Quarterly reports for FY2016 and FY2017 Facade program and Square program.
- Processing for newly approved facade projects and new applications.

Emmit Gardens playground MDE and FEMA applications.

Planning Commission: Review and develop comments for record plat affecting lot on Park Drive, Emmit Gardens -- September 25 PC agenda.

Board of Appeals: Contact new alternate regarding training requirements and arrange BOA meeting to undertake reorganization, since there have been new members appointed.

Enforcement: There are several enforcement issues that have been backlogged due to other activity taking precedence. Need to follow up with property owners and Frederick County regarding violations.

Ordinance amendments and revisions: There are topics that have arisen that indicate a need to update sections of the ordinance to reflect newer practices and uses, and to assure that the ordinance meets current legal standards relative to items such as sign regulation, short-term rentals, etc.

E. COMMISSIONER COMMENTS

F. MAYOR COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- I. Vigilant Hose Company Request for May 2018 Road Closure:** Presentation by Frank Davis, Vigilant Hose Company and town staff.

Samuel Delaurence, State Highway Administration (SHA), recommends the following...

- Placing a message board on north bound US 15 stating Creamery Road is closed, use MD 140.
- He believes “Creamery Way is far enough from US 15 and the Mother Seton School is far enough away from MD 140 that it wouldn’t impact operations on either State route, so you would not need a permit from SHA for the closure itself.”
- “If signs or message boards will be placed along either US 15 or MD 140 for detour guidance, we would need the Town to complete a Special Event Permit just for documentation purposes.”

- II. **Proclamation: September National Substance Abuse Prevention Month:**
Presentation by Town staff.

Proclamation

NATIONAL SUBSTANCE ABUSE PREVENTION MONTH SEPTEMBER 2017

WHEREAS, substance use and mental health problems affect all communities nationwide. According to the 2015 National Survey on Drug Use and Health, an estimated 27.1 million Americans are current illicit drug users.¹ Nearly 20.3 percent or 7.7 million young people report drinking alcohol in the past month, and one in five Americans ages 12 or older smoke cigarettes.² Additionally, in 2015, 12.5 million Americans misused pain relievers, and for more than half of them, the last pain reliever they misused came from a friend or relative.³

WHEREAS, with commitment and support, these and other behavioral health issues can be prevented. The focus of National Substance Abuse Prevention Month this September is to prevent substance use and promote mental health. This year's National Substance Abuse Prevention Month's theme, "Making Each Day Count," recognizes the power each person has to influence the health and well-being of others by making prevention choices every day—whether it's by supporting someone who's going through a difficult time, by participating in activities that strengthen the community, or by instilling healthy habits in children from an early age. Taking part in prevention-related activities and conversations help raise awareness of behavioral health issues and changes lives.

WHEREAS, that's a message we need to spread far and wide. An estimated 12.3 million people in America are classified with substance dependence or use of illicit drugs or alcohol, and about 44 million adults have a mental illness.^{4,5} The impact of substance use and mental illness is apparent in our local community. We have the power to change these numbers, and more importantly, change lives.

WHEREAS, through National Substance Abuse Prevention Month, people become more aware and are able to recognize the signs of mental health problems and substance use. Equally important, community members of all walks of life learn what they can do to make each day count by helping to prevent these problems. Whether it's by being a shoulder for someone to lean on, leading someone to get help for a behavioral health issue before it worsens, or setting an example by staying substance-free, we all have a role to play in keeping the people around us—and ourselves—healthy and safe.

WHEREAS, we, and others across the United States, need to recognize the seriousness of behavioral health issues in our communities, the power of prevention, and the tireless efforts of those working to make a difference. The small, daily actions done by individuals, combined with the actions of families, communities, and coalitions, come together to make up the larger, bold movement of prevention. For the above reasons, I am asking the residents of the Town of Emmitsburg to join me in observing National Substance Abuse Prevention Month this September 2017.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim September 2017 as National Substance Abuse Prevention Month and do, therefore, call upon our community to observe this month with compelling programs and events that support this year's theme, "Making Each Day Count."

ADOPTED this _____ day of _____, 2017.

Donald N. Briggs
Mayor

Timothy O'Donnell, President
Board of Commissioners

III. Approval of 2017 Chevrolet Silverado: Presentation by Town staff.

- i. Vehicle being replaced: 2003 GMC Sonoma with 110,000 miles
- ii. New vehicle: 2017 Chevrolet Silverado 2500HD 4WD Reg Cab 133.6" Work Truck with Plow Package.
- iii. Dealers and prices:
 1. Criswell Chevrolet of Thurmont: \$48,633.00
 2. Wantz Chevrolet Inc.: \$46,996.82
- iv. Staff recommendation: Wantz Chevrolet Inc.

I. CONSENT AGENDA

I. 2 Resignations

Resignation of Dwight Baumgardner from the Parks and Recreation Committee.
 Resignation of Brandy Malocha from the Citizen’s Advisory Committee

II. 6 Reappointments: Parks and Recreation Committee (2-year term)

Reappointment of the following to the Parks and Recreation Committee...

- i. David Maze
- ii. Shannon Cool
- iii. Cynthia Canadas
- iv. Matt Myers
- v. Jen Myers
- vi. TJ Burns

Term: 09/21/2017 to 09/21/2019

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of August 28, 2017**

**TOWN OF EMMITSBURG
 CASH ACTIVITY as of August 28, 2017**

\$5,051,996	Cash Balance August 1, 2017
587,677	Deposits
<u>-266,680</u>	Withdrawals
\$5,372,993	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$42,149	Columbia Bank	Lincoln Ave General Obligation Bond	08.02.17	37285
13,816	UGI Energy Services	Jun 17 Solar Field 1	08.02.17	37303
12,957	UGI Energy Services	Jun 17 Solar Field 2	08.02.17	37303
12,936	UGI Energy Services	Jul 17 Solar Field 1	08.23.17	37403
12,711	UGI Energy Services	Jul 17 Solar Field 2	08.23.17	37403
9,550	TFJ Excavating	Lake Bank Rip Rap	08.09.17	37341
6,026	Republic Services	Aug 17 Refuse Services	08.09.17	37310
5,337	UNIVAR USA	Aluminum Sulfate	08.02.17	37304
4,724	Deleon & Stang, CPA's	FY17 Auditing Services	08.02.17	37287
4,184	Frederick County DUSWM	Jul 17 Tipping Fees	08.09.17	37319

Ck dates 08.01.17 to 08.28.17

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

I. Ordinances to Amend Title 13 Public Services for Consideration: Presentation at meeting by Town staff.

Ordinance and Policies for Review:

- i. **17-05:** Responsibility for Installation, Cost and Maintenance of Water Meters.
- ii. **17-06:** Sewer Rates
- iii. **17-07:** Water Rates and Collection of Charges
- iv. **P17-03:** Water and Sewer Main and System Maintenance Policy

ORDINANCE SERIES: 2017
ORD. NO. 17-05

AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Section 13.04.060 of the Emmitsburg Municipal Code, be amended as follows: The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL LETTERS** and deleted words in ~~[brackets and strike-out]~~.

Chapter 13.04 Water System

13.04.060 Responsibility for Installation, Cost and Maintenance of Water Meters.

- A. Installation of the Initial Water Meter. All sizes of water meters shall be specified by the town and provided by owner and installed at the owner's expense. Following inspection and approval by the town, the property owner will ensure that the meter remains in proper working order.
- B. All meters two inches or larger shall be compound or fire service.
- C. Replacement of Water Meters. All replacement meters shall be provided by and installed at the town's expense, at the town's discretion or when said meter fails. After installation of the aforementioned meter, the property owner will ensure that the meter remains in proper working order. **THE PROPERTY OWNER SHALL TAKE ALL NECESSARY STEPS TO ENSURE METERS DO NOT FREEZE. IF THE METER FAILS DUE TO NEGLECT OR OTHER NEGLIGENT OR INTENTIONAL FAULT ON THE PART OF THE PROPERTY OWNER OR OCCUPANT OR THEIR GUESTS OR INVITEES, THE METER SHALL BE INSTALLED BY THE TOWN AT THE OWNER'S EXPENSE.**
- D. Violation of this section.
 - 1. It is the responsibility of the property owner to notify the town of a defective meter and schedule an inspection with the town within ten calendar days.
 - 2. Upon neglect or refusal to do so, it shall be the duty of the maintenance superintendent to shut off the water from such premises and any person who shall turn on such water before the necessary repairs have been made shall be deemed guilty of a misdemeanor and shall be subject to the standard disconnect and reconnect charges.
- E. Access of Meters. All meters of any size shall be accessible to the town's agents at all times. The denial of such access shall result in immediate disconnection of the water service without notice and will be subject to the standard disconnect and reconnect charges.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-06

AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

Draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Section 13.08.110 of the Emmitsburg Municipal Code, be amended as follows. New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 13.08 Sewer System

13.08.110 Sewer Rates.

- A. *{Unchanged}*
- B. *{Unchanged}*
- C. Collection of Charges.

~~{}~~ **ALL** sewer charges ~~[are payable by]~~ **SHALL BE CHARGED TO AND COLLECTED FROM** the owner of the property served. **CHARGES ARE PAYABLE** in full upon ~~[mailing]~~ **RECEIPT** of the quarterly bill. These bills are mailed by the first of January, April, July and October. **THE BILLS ARE DUE ON THE 5TH OF THE FOLLOWING MONTH, RESPECTIVELY, FEBRUARY, MAY, AUGUST AND NOVEMBER. IF THE 5TH FALLS ON A HOLIDAY OR WEEKEND, THE BILLS ARE DUE ON THE NEXT BUSINESS DAY.** If any bill remains unpaid after ~~{thirty (30)}~~ **FORTY-FIVE (45)** days from the date the bill is sent, the town ~~{clerk}~~ shall give the owner of the property served written notice of such delinquency ~~{by mail}~~ **AND THE TOWN MAY DISCONTINUE WATER SERVICE TO THE PROPERTY AT ANY TIME THEREAFTER. THE NOTICE SHALL BE MAILED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR POSTED ON THE PROPERTY SERVED.** ~~[The same collection and service disconnection procedures established for water charges will apply.]~~ **IF WATER SERVICE HAS BEEN DISCONNECTED FOR FAILURE TO PAY THE SEWER CHARGES, THEN PRIOR TO RECONNECTING THE WATER SERVICE, THE ENTIRE SEWER BILL DUE AND OWING AND A RECONNECTION CHARGE OF ONE HUNDRED DOLLARS (\$100.00) MUST BE PAID IN FULL. A SEWER BILL REMAINING UNPAID AFTER 60 DAYS FROM THE DATE THE BILL WAS ORIGINALLY MAILED MAY BE COLLECTED FROM THE OWNER OF THE PROPERTY IN THE SAME MANNER AND AT THE SAME INTEREST RATE AS TAXES ARE COLLECTED IN FREDERICK COUNTY, AND, ~~{}~~** The sewer and service charges shall then be a first lien on the property served. **NOTHING CONTAINED IN THIS SECTION SHALL PRECLUDE THE TOWN FROM THE USE OF ANY OTHER PROCEDURE AVAILABLE TO COLLECT UNPAID SEWER CHARGES.**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this __ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED
this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-07

AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

draft

SECTION I: **BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Section 13.04.030 of the Emmitsburg Municipal Code, be amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 13.04 – Water System

13.04.030 - Water rates.

A. *{Unchanged}*

B. *{Unchanged}*

~~{C. — Collection of Charges. All water charges shall be charged to and collected from the owner of the property served. Charges are payable in full upon receipt of the quarterly bill. These bills are mailed by the first of January, April, July and October. If any bill remains unpaid after thirty (30) days from the date the bill is sent, a late charge will be assessed, and the town clerk shall give the owner of the property served written notice by mail. The notice shall be mailed to the owner's last known address or a copy shall be left on the owner's property. The notice shall notify the owner of the property served that the bill is in arrears and that water service will be discontinued. If the amount due remains unpaid after the expiration of ten days from the giving of such notice, the town clerk shall forthwith discontinue water service to the property. The services will remain disconnected until the delinquent amount and a reconnection charge is paid in full. If any person shall turn the service on again without proper authority from the mayor and board of commissioners after the same has been disconnected, he/she shall be guilty of a misdemeanor. The fee for the service disconnection and reconnection is one hundred dollars (\$100.00) in advance. If any bill remains unpaid after thirty (30) days from the date the notice is sent, the bill and reconnection charge shall be collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in Frederick County. Such charges and bills shall be a first lien on the property. }~~

~~{D.}~~ **C.** Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage, whereas the bill is more than twenty-five (25) percent higher in that quarter for the last three years, which is due to a broken pipe, leak or other malfunction in the plumbing system on the property, then the town may allow for a first and only occurrence during a three-year period beginning with said request, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the property owner must submit a written request to the town manager for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon the average of the water usage for the property for the same quarter during the three previous years.

SECTION II: **BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Chapter 13.04 of the Emmitsburg Municipal Code, be amended by adding thereto the following as Section 13.04.035:

Chapter 13.04 Water System

13.04.035 COLLECTION OF CHARGES

- A. THE BILLING AND COLLECTION PROCEDURES IN THIS SECTION ARE POLICY PROCEDURES ONLY AND CONSTITUTE GUIDELINES WHICH DO NOT CREATE ANY REQUIREMENTS OR STANDARDS WHICH, UPON NON-COMPLIANCE, WILL GIVE RISE TO ANY CLAIM, CAUSE OF ACTION OR BASIS FOR NON-PAYMENT FOR SERVICES RENDERED. THE FAILURE OF THE TOWN TO COMPLY STRICTLY WITH ANY OF THESE POLICY PROCEDURES AND GUIDELINES IS NOT A WAIVER OR RELINQUISHMENT OF ANY OF THE RIGHTS OF THE TOWN TO SEEK PAYMENT FOR WATER SERVICES RENDERED NOR DOES SUCH FAILURE CREATE ANY DEFENSE TO THE OBLIGATION OF THE USER TO PAY FOR WATER SERVICES RENDERED.**
- B. ALL CHARGES FOR WATER SERVICE ARE THE OBLIGATION OF AND SHALL BE CHARGED TO AND COLLECTED FROM THE OWNER OF THE PROPERTY SERVED. ALL WATER SERVICE ACCOUNTS WILL BE ESTABLISHED IN THE NAME OF THE PROPERTY OWNER WHERE SERVICE IS RENDERED. BILLS WILL BE MAILED IN THE NAME OF THE PROPERTY OWNER TO THE PROPERTY ADDRESS. UPON WRITTEN REQUEST MADE ANNUALLY BY THE PROPERTY OWNER, THE TOWN WILL MAIL BILLS, LATE NOTICES, DISCONNECTION NOTICES AND ANY OTHER NOTICES AND COMMUNICATIONS TO THE PROPERTY OWNER TO SUCH OTHER ADDRESS AS HAS BEEN DESIGNATED BY THE PROPERTY OWNER OR TO THE PROPERTY OWNER IN THE CARE OF A DESIGNATED PROPERTY MANAGEMENT COMPANY AT THAT COMPANY'S ADDRESS. NO ACCOUNTS WILL BE ESTABLISHED AND NO BILLS WILL BE MAILED IN THE NAME OF TENANTS.**
- C. CHARGES FOR WATER SERVICE ARE PAYABLE IN FULL UPON RECEIPT OF THE QUARTERLY BILL. BILLS FOR WATER SERVICE CHARGES WILL BE MAILED BY THE FIRST OF JANUARY, APRIL, JULY AND OCTOBER. THE FINAL DUE DATE FOR THE PAYMENT OF BILLS IS THE 5TH DAY OF THE FOLLOWING MONTH, RESPECTIVELY, FEBRUARY, MAY, AUGUST AND NOVEMBER. IF THE 5TH DAY OF THE MONTH IS A HOLIDAY OR WEEKEND, THE FINAL DUE DATE SHALL BE EXTENDED TO THE NEXT BUSINESS DAY. ANY BILL REMAINING UNPAID AFTER ITS DUE DATE SHALL ACCRUE A LATE CHARGE OF 5% OF THE AMOUNT UNPAID, AND THE TOWN SHALL NOTIFY THE OWNER OF THE PROPERTY SERVED THAT THE BILL IS IN ARREARS AND THAT WATER SERVICE WILL BE DISCONTINUED IF PAYMENT IS NOT RECEIVED. THE NOTICE SHALL BE MAILED TO THE OWNER'S LAST KNOWN ADDRESS OR A COPY SHALL BE LEFT ON THE OWNER'S PROPERTY. IF THE AMOUNT DUE REMAINS UNPAID AFTER THE EXPIRATION OF TEN DAYS FROM THE GIVING OF SUCH NOTICE, THE TOWN SHALL FORTHWITH DISCONTINUE WATER SERVICE TO THE PROPERTY. THE SERVICES WILL REMAIN DISCONNECTED UNTIL THE DELINQUENT AMOUNT AND A RECONNECTION CHARGE IS PAID IN FULL. THE CHARGE FOR THE SERVICE DISCONNECTION AND RECONNECTION IS ONE HUNDRED DOLLARS (\$100.00). ANY BILL AND, IF APPLICABLE, RECONNECTION CHARGE REMAINING UNPAID AFTER THIRTY (30) DAYS FROM THE DATE THE LATE NOTICE IS SENT IS COLLECTIBLE FROM THE PROPERTY OWNER IN THE SAME MANNER AND SUBJECT TO THE SAME INTEREST AS TAXES ARE COLLECTIBLE IN FREDERICK COUNTY. SUCH CHARGES AND BILLS SHALL BE A FIRST LIEN ON THE PROPERTY. ANY PERSON WHO, WITHOUT PROPER AUTHORITY FROM THE MAYOR AND BOARD OF**

COMMISSIONERS, RECONNECTS WATER SERVICE TO THE PROPERTY AT WHICH SERVICE HAS BEEN DISCONNECTED PURSUANT TO THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

D. ALL BILLS MAY BE PAID AT ANY OF THE FOLLOWING LOCATIONS OR IN THE FOLLOWING MANNER:

- 1. IN PERSON, BY CASH, CHECK OR CREDIT CARD, AT THE EMMITSBURG TOWN OFFICE.**
- 2. BY MAILING THE PAYMENT TO THE EMMITSBURG TOWN OFFICE.**
- 3. BY ONLINE BANKING, IF SUCH PAYMENT PROCEDURE IS AVAILABLE THROUGH THE CUSTOMER'S BANK OR OTHER FINANCIAL INSTITUTION AND IS COMPATIBLE WITH THE PROCEDURES AND BILLING SYSTEMS OF THE TOWN.**
- 4. ONLINE USING THE ONLINE BILL PAY FUNCTION ON THE TOWN'S WEBSITE LOCATED AT WWW.EMMITSBURGMD.GOV.**
- 5. BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE FRONT OF THE OLD TOWN OFFICE BUILDING AT 22 EAST MAIN STREET.**

SECTION III: BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this __ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2017.

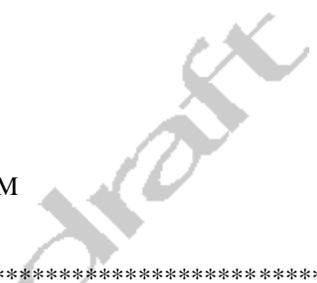
Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

POLICY SERIES: 2017
Policy No. P17-03

**TOWN OF EMMITSBURG
WATER AND SEWER MAIN AND SYSTEM
MAINTENANCE POLICY**



This policy will replace Policy P12-01. It is, has been, and will remain the policy of the Town of Emmitsburg to maintain its water and sewer mains and systems as herein noted and described.

In all areas, the town will maintain, repair and/or construct the main and/or trunk lines. This in no way includes water and/or sewer house (or service) connections.

Water Lines:

The Town will be responsible for maintenance, repair and/or replacements of said water lines from the curb box, where reasonably determined, to the main line. The property owner will be responsible for maintenance, repair and/or replacement of said water lines from the curb box to the structure.

When a curb box has been damaged by a property owner, occupant or their guests or invitees through neglect or misuse as determined by Town staff, it will be the property owner's responsibility to repair and/or replace. After the repair and/or replacement has been made, Town staff will inspect the repair and/or replacement for proper completion.

Sewer Lines:

The Town will be responsible for maintenance, repair and/or replacements of said sewer lines from the property lines, where reasonably determined, to the main line. The property owner will be responsible for maintenance, repair and/or replacement of said sewer lines from the property line to the structure.

When a sewer clean out has been damaged by a property owner, occupant or their guests or invitees through neglect or misuse as determined by Town staff, it will be the property owner's responsibility to repair and/or replace. After the repair and/or replacement has been made, Town staff will inspect the repair and/or replacement for proper completion.

Repairs and replacement does not include a clog. All clogs occurring from the property line to the building will require the homeowner to contact a plumber. If a clog is determined to be caused by the homeowner's misuse or neglect, the homeowner will be fully responsible for the repair. After the repair as been made, Town staff will inspect.

This policy is hereby adopted and shall take effect on ____ day of _____, 2017.

PASSED this _____ day of _____, 2017.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

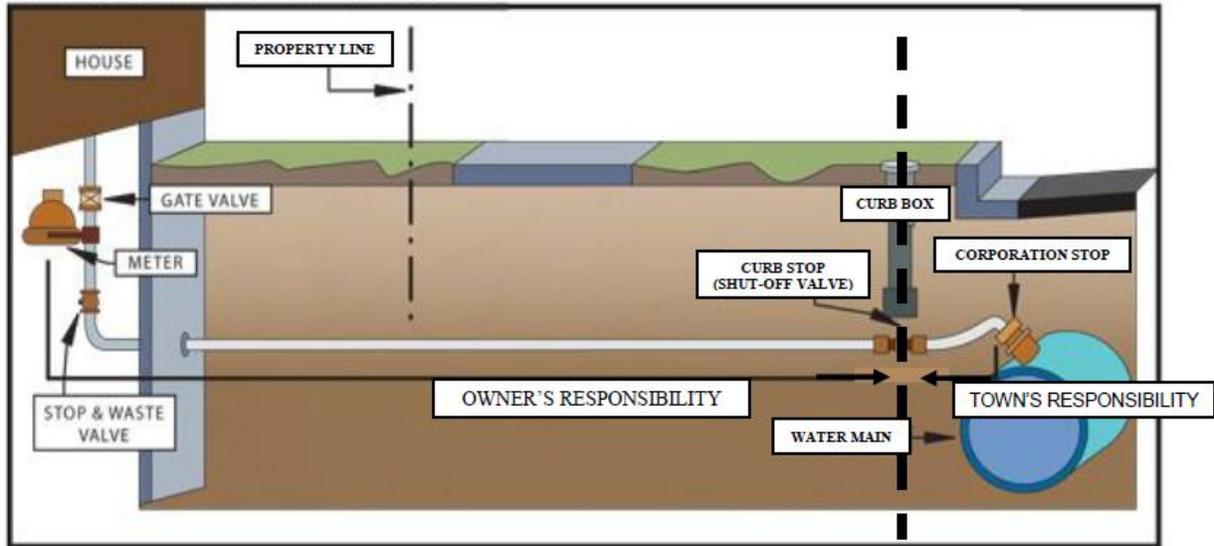
Timothy O'Donnell, President

_____ APPROVED _____ VETOED

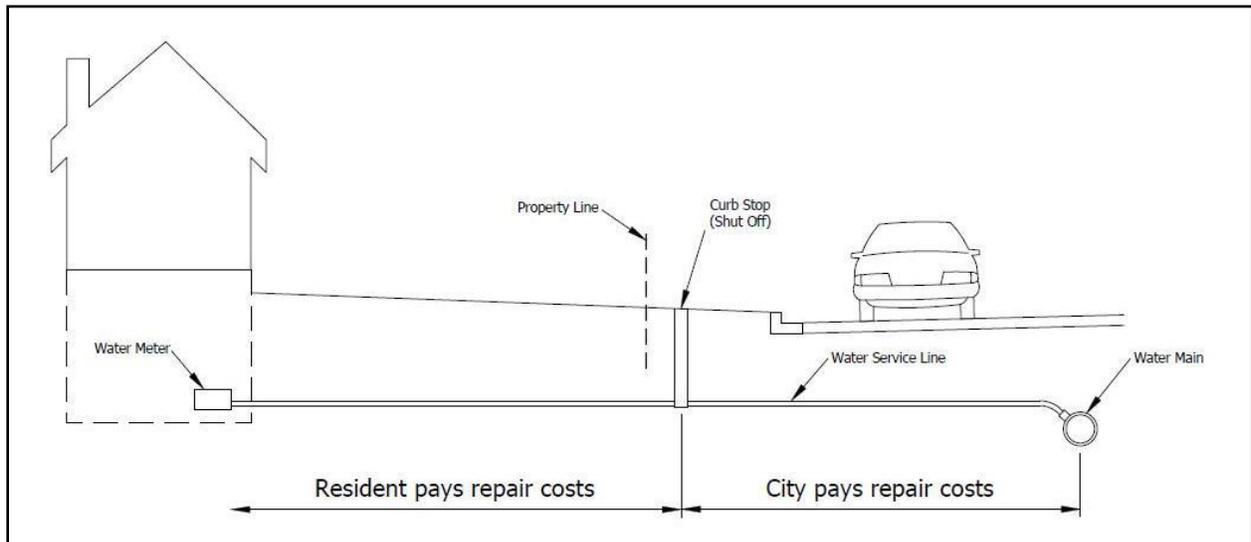
This _____ day of _____, 2017

Donald N. Briggs, Mayor

Proposed Water Service Line Responsibility



Proposed Sewer Service Line Responsibility



AGENDA ITEMS CONTINUED:

- II. Consideration and Public Hearing Regarding Text Amendments Related to Place of Worship As a Use in Various Sections of the Zoning Ordinance:** Presentation at meeting by Town staff.

Ordinances for Review:

- i. 17.04.020
- ii. 17.12.060
- iii. 17.20.030
- iv. 17.32 Residential zones
- v. 17.32.040 R-2 & 17.32.050 (*Note: no signatures needed*)
- vi. 17.36.020
- vii. 17.40.070

SUMMARY OF CHANGES

- ❖ **Notes regarding the recommended changes to the Emmitsburg Code re "place of worship".**
 - 17.04.020 - Definitions. Inserted definition for Place of Worship.
 - 17.12.060 - Limitations, guides and standards for special exception uses. Changed Church to "Places of Worship."
 - 17.20.030 - B-2 General Business district - Inserted Place of worship in paragraph Q, with other uses that are similar in terms of land use.
- ❖ **17.32 Residential zoning districts**
 - 17.32.020 - Uses permitted in the R-S district (residential suburban). Include place of worship because the intent was to provide for larger lots in this zone. (No R-S zone currently designated on zoning map).
 - 17.32.030, 040, 050 - Deleted Churches schools, libraries, museums and community centers from ¶ B. Inserted "Private community center within a residential subdivision, intended to serve that residential community." as ¶H.
 - 17.32.070 - Wording changes in lot area chart.
- ❖ **17.36 Village Zone**
 - 17.36.020 - Uses permitted in the village zone (VZ). Deleted Churches from ¶ B., inserted ¶ N. Place of Worship, theatre, and auditorium.
- ❖ **17.40 Exceptions and Modifications**
 - 17.40.070 - Public and semi-public buildings may exceed height limitations. Exchanged wording: Places of Worship instead of churches, temples.

ORDINANCE SERIES: 2017
ORD. NO. 17-08

**AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING**

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.04.020 of the Emmitsburg Municipal Code, be amended as follows: New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 17.04 General Provisions

17.04.020 - Definitions

A. *{Unchanged}*

B. Definitions.

{Unchanged}

"Nursing home" means and includes rest homes, convalescent homes and homes for the aged and means a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries; not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital, but who do require care in excess of room and board and who need medical, nursing convalescent or chronic care.

"PLACE OF WORSHIP" MEANS A STRUCTURE OR PLACE IN WHICH WORSHIP, CEREMONIES, RITUALS, AND EDUCATION PERTAINING TO A PARTICULAR SYSTEM OF BELIEFS ARE HELD.

"Plan" means the policies, statements, goals and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the area's future developer. For the purposes of this definition, the word plan includes general plan, master plan, comprehensive plan, community plan, and the like as adopted in accordance with Section 3.00 of Article 66B of the Annotated Code of Maryland.

{Unchanged}

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-09

AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.12.060 of the Emmitsburg Municipal Code, be amended as follows: New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 17.12 Board of Appeals

17.12.060 - Limitations, guides and standards for special exception uses.

A. *{Unchanged}*

B. In deciding such matters, the Board shall give consideration, among other things to the following:

1. Decisions of the circuit court of the county and the Court of Appeals of the state;
2. The orderly growth of the neighborhood and community;
3. The most appropriate use of land and structure;
4. Facilities for sewers, water, trash collection and disposal and the ability of the town to supply such services;
5. Availability of fire-fighting equipment;
6. The effect of such use upon the peaceful enjoyment of people in their homes;
7. The number of people residing, working or studying in the immediate areas;
8. The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, ~~{churches}~~ **PLACES OF WORSHIP**, theaters, hospitals and the like;
9. Traffic conditions, including facilities for pedestrians, such as sidewalks and safety zones and parking facilities available and the access of cars on highways;
10. The preservation of cultural and historic landmarks;
11. The conservation of property values;
12. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the uses of surrounding properties;
13. The contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods;
14. Accordance of contemplated action with an adopted town plan.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-10

**AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING**

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.20.030 of the Emmitsburg Municipal Code, be amended as follows: New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~brackets and strike out~~.

Chapter 17.20 Commercial Districts

17.20.030 - Uses permitted in the B-2 general business district.

Any use permitted in the B-1 neighborhood business district and signs which shall be permitted only in accordance with the specifications of this section, as well as the following uses:

- A. Financial institutions, such as bank, savings and loan office; credit union;
- B. Retail business;
- C. Repair services, including, but not limited to electronics, appliances, and small engines;
- D. Automobile service garage or service station;
- E. Automobile sales;
- F. Restaurant, and café, including entertainment activities;
- G. Funeral home;
- H. Accessory uses or buildings;
- I. Car wash;
Water recycling system is required. At least eighty (80) percent of the water must be reclaimed.
- J. Fire, rescue, and emergency service department or company;
- K. Greenhouse or nursery, commercial;
- L. Assembly or light manufacture with no storage, emissions, or noise outside the structure;
- M. Hospital~~s~~ or clinic~~s~~;
- N. Tavern, night club;
- O. Hotel, motel and associated accessory uses, such as, but not limited to, conference facilities and exercise facilities;
- P. Conference center;
- Q. **PLACE OF WORSHIP**, ~~[F]~~ Theater or auditorium;
- R. Recreational facility;

- S. Business and advertising signs, public building signs or bulletin boards providing that they meet the requirements of chapter 15.16.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-11

AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.32 of the Emmitsburg Municipal Code, be amended as follows: New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~brackets and strike out~~.

Chapter 17.32 - R-1, R-2, R-3, R-S RESIDENTIAL DISTRICTS

17.32.020 - Uses permitted in the R-S district (residential suburban).

Uses permitted in the R-S district are as follows:

- A. Single-family dwellings and home occupations in a single-family dwelling;
- B. ~~Churches,~~ School, libraries, museums, parks, playgrounds and community centers;
- C. Accessory buildings and uses;
- D. Home occupation.
- E. **PLACE OF WORSHIP**

17.32.030 - Uses permitted in the R-1 district (low density).

Uses permitted in the R-1 district are as follows:

- A. Single-family dwellings and home occupations in a single-family dwelling;
- B. ~~Churches schools, libraries, museums,~~ **Parks AND** playgrounds; ~~and community centers~~
- C. Accessory buildings and uses;
- D. Planned unit developments;
- E. Antique shops, country inns and bed and breakfast facilities in historical structures subject to the following conditions:
 - 1. Such use is located within an existing structure which is listed on the Maryland Inventory of Historic Places or on the National Register of Historical Places,
 - 2. The structure is located on a lot with a minimum of two (2) acres,
 - 3. Parking is provided at a ratio of one parking space for each two hundred (200) square feet of floor area devoted to customer service,
 - 4. One freestanding sign shall be permitted not to exceed ten (10) square feet. One sign attached to the building shall be permitted not to exceed eight (8) square feet,
 - 5. Site plan approval by the planning commission is required;
- F. Home occupation.
- G. Family day care home licensed by the state.
- H. **PRIVATE COMMUNITY CENTER WITHIN A RESIDENTIAL SUBDIVISION DEVELOPMENT, INTENDED TO SERVE THAT RESIDENTIAL COMMUNITY.**

17.32.070 - Required lot area, lot width and yards in residential districts.

Required lot area, lot width and yards in residential districts are as follows, with yard measurements taken from closest point of structure to the corresponding lot line:

	Minimum Lot Area Per Dwelling Unit (Sq. Feet)	Minimum Lot Width Per Principal Structure (Feet)	Front (1) Yard Depth (Feet)	Each Side Yard Width (Feet) (2)(3)(6)(7)	Rear Yard Depth (Feet) (6)(7)
R-S DISTRICT Single-family dwelling	20,000(4)	100	35	12	30
R-1 DISTRICT Single-family dwelling	12,000	85	35	12	30
R-2 DISTRICT Single-family dwelling	8,000	70	35	10	30
Duplex dwelling	6,000	60	35	10	30
Town house	(See Section 17.32.080)				
R-3 DISTRICT Single-family dwelling	8,000	70	30	10	30
Duplex dwelling	6,000	60	35	10	30
Multi-family dwelling	6,000(5)	—	35	16	30
Town house	(See Section 17.32.080)				
Schools	—	—	40	100	100
{Churches} PLACE OF WORSHIP	—	—	40	100	100
Other permitted uses having structures	8,000	75	35	12	25
Residential Accessory Structures	—	—	{Same as Principal Structure} NOT ALLOWED IN FRONT YARD	6	6

- (1) Corner lots shall provide two front yards, and two side yards.
- (2) See Section 17.32.120
- (3) Exceptions to yard requirements are allowed for certain uses (chapter 17.40).
- (4) In the R-S residential district, developments of more than ten lots may have no more than forty (40) percent of the total number of lots from fifteen thousand (15,000) to twenty thousand (20,000) square feet in area.
- (5) Does not include street right-of-way or floodplain.
- (6) See Section 17.32.110 for detached garage or car canopy where lot width is thirty (30) feet or less as of September 1, 2011.
- (7) See Section 17.36.030 for residential detached garage or car canopy in village zone where lot width is thirty (30) feet or less as of May 1, 2012.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

For Discussion...

17.32.040 - Uses permitted in the R-2 district (medium density).

Uses permitted in the R-2 district are as follows:

- A. Any use permitted in the R-1 district;
- B. Duplex dwelling;
- C. Town Houses. Each town house having its own lot and each lot having only one family on it; or, town houses in condominium form of ownership;
- D. Home occupation.

17.32.050 - Uses permitted in the R-3 district (high density).

Uses permitted in the R-3 district are as follows:

- A. Any use permitted in the R-2 district;
- B. Multifamily dwellings such as duplexes, town houses, and apartments;
- C. Home occupation.

ORDINANCE SERIES: 2017
ORD. NO. 17-12

AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.36.020 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 17.36 – Village Zone

17.36.020 - Uses permitted in the village zone (VZ).

Uses permitted in the village zone are as follows:

- A. Town houses, duplexes, multifamily and single-family dwellings;
- B. ~~{Churches,}~~ [s]Schools, libraries, museums, parks, playgrounds and community centers;
- C. Nursery schools or child day care centers provided the play area is fully fenced and one parking space per employee is provided, and one hundred (100) square feet of open space per child is provided;
- D. Boarding & lodging and bed & breakfast inns; if one additional paved off-street parking spaces per bedroom is provided;
- E. Medical centers, rest homes and nursing homes; provided off-street parking is provided for each attendant or worker and for each three patients to be cared for therein;
- F. Clubs, lodges, hospitals, sanitariums, institutions and fire departments;
- G. Neighborhood Retail Outlets. Furniture, clothing, dry goods, shoe and variety service, and sales and service for small and large appliances;
- H. Food, Drug and Beverages. Grocery, fruit or vegetable stores, meat markets, delicatessens, drug stores, bakery in conjunction with retail sales, restaurants, tea rooms, and cocktail lounges; retail wine and spirit shops;
- I. Specialty Shops. Gift shops, jewelry stores, magazine, book, and stationery outlets; except no store that sells pornographic or other obscene materials shall be permitted; florist shops, camera and photography shops, and studios, sporting goods, antique shops, taxidermists, bicycle sales and service;
- J. Service and Recreation. Laundromats, dry cleaning and laundry pickup stations, barber and beauty shops, dressmaking and millinery shops, shoe repair and tailor shops, mortuaries, indoor storage, commercial recreation, repair shops for small appliances and small articles, newspaper printing, and publishing facilities, print shops, print brokers, furnace, heating, computer, plumbing and tire shops, volunteer fire departments, and ambulance service, public service buildings and offices, and meeting places for nonprofit organizations, sales and service of small and medium size outdoor power equipment, not to exceed 25 hp and 2500 lb in weight;

- K. Business and Professional Office. Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, and utility company offices;
- L. Home occupation.
- M. Family day care home licensed by the state.
- N. **PLACE OF WORSHIP, THEATRE, AUDITORIUM.**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

ORDINANCE SERIES: 2017
ORD. NO. 17-13

**AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING**

draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Section 17.40.070 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike out]~~.

Chapter 17.40 – Exceptions and Modifications

17.40.070 - Public and semi-public buildings may exceed height limitations.

Public buildings, ~~[churches, temples]~~ **PLACES OF WORSHIP**, hospitals, institutions, may exceed the height limits to a total height of seventy (70) feet; providing, all yards required in the particular district are increased one foot for each two (2) feet in excess of the height limitation.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2017
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2017.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

AGENDA ITEMS CONTINUED:

III. Updates to the Employee Handbook for Consideration: Presentation at meeting by Amanda Haddaway, Managing Director of HR Answerbox.

Town of Emmitsburg Employee Handbook Change Document

1. Updated formatting throughout. There were several instances with extra spaces that were unnecessary.
2. Revised acknowledgement form to include at-will employment provision.
3. Added revision date to cover and footer.
4. Added “this is not a contract for employment” to footer to affirm at-will employment status.
5. Changed references from HR to the Town Manager throughout.
6. Rewrote welcome message and changed author to Town Manager.
7. Removed “Our Responsibilities” section because it didn’t have any meaning to employees.
8. Added Town Manager to parties who can conduct an investigation related to a harassment claim.
9. Added more specific language around and separate policies for:
 - a. Disability
 - b. Reasonable accommodation due to pregnancy
 - c. Age
 - d. Gender
 - e. Gender Identity
 - f. Genetic Information
 - g. Retaliation
10. Added “Credit reports will only be requested for employees who are in positions of trust and have access to currency and/or financial information of the Town” to the Background Check policy.
11. Added “Driving record checks will be conducted annually for current employees who drive or have access to drive Town-owned vehicles” to the Background Check policy.
12. Removed “Advance notice of the need to take family or medical leave” from Employee Information section. You are not required to provide FMLA due to the number of employees.
13. Changed “Performance Assessments” to “Performance Evaluations;” added form to this section at request of Town Manager. Added February for timing of assessments.
14. Changed “recrimination” to “retaliation” in Open Door policy.
15. Changed “gravity” to “seriousness” in the Disciplinary Process policy.

16. Changed “customer” to “resident” in the Disciplinary Process policy.
17. Added “Employment is at-will” to the Disciplinary Process policy.
18. Added “job abandonment” to Employee Separation policy.
19. Changed “rehire” to “eligible for rehire” under temporary layoff section of Employment Separation policy.
20. Added “Additional information on the payout of accrued, but unused leave is included in the Payroll Administration section of this handbook” to the Employment Separation policy.
21. Changed language in Standard Work Hours policy to reflect overtime calculation on work week versus work day.
22. Updated comp time policy per Town Manager’s request.
23. Payment upon Separation policy was updated, per Town Manager’s request.
24. Updated Expense Reimbursement policy to clarify mileage minus commute miles, per Town Clerk’s request.
25. Vacation, sick and personal leave policies were updated, per Town Manager’s request.
26. Removed “, and this benefit applies to all categories of employees” from Unemployment Insurance section. This would not be applicable to federally/grant-funded employees and part-time employees have certain exclusions.
27. Added Educational Assistance policy, per Town Manager’s request.
28. Added “during work time” to Conflicting outside Activities policy to avoid conflict with NLRA Section 7 rights.
29. Added “This includes e-cigarettes, vapes and any other smoking devices” to Smoking policy.
30. Added Acceptance of Gifts policy.
31. Added Work Product Ownership policy.
32. Added Unpaid Parental Leave policy to be in compliance with Maryland law.
33. Revised attendance policy’s call-in instructions, per Town Clerk’s request.
34. Revised disciplinary policy to include more specific language on documentation, per Town Manager and Town Clerk’s request.
35. Updated bereavement policy, per Town Manager and Town Clerk’s request. Now includes family definition of “spouse, child, mother, father, brother, sister (step and in-law relationships included) or any person who at the time of death resided in your household as a member of your family (related by blood or marriage).”

AGENDA ITEMS CONTINUED:

- IV. Town Storm Water Management As Related to Update on MS4 Permit:** Presentation by staff regarding the Municipal Separate Storm Sewer System (*MS-4*) permits required by Maryland Dept. of the Environment.



Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
lieutenant Governor

Ben Grumbles
Secretary

August 8, 2017

Mayor Donald Briggs
Town of Emmitsburg
300A South Seton Avenue
Emmitsburg, MD 21727

Dear Mayor Briggs:

The Town of Emmitsburg is covered under the National Pollutant Discharge Elimination System (NPDES) General Permit No. 03-IM-5500 for Discharges from Small Municipal Separate Storm Sewer Systems (MS4). While this permit term ended on April 14, 2008, expired NPDES permits are administratively continued until new permits are issued. Therefore, all program requirements remain in effect and annual report submittals shall continue in order to demonstrate progress toward compliance with the general permit.

...

Please reference Attachment 1, which outlines the specific information that shall be submitted to MDE by December 31, 2017 to demonstrate compliance with the general permit.

...

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer M. Smith", followed by a horizontal line extending to the right.

Jennifer M. Smith

Program Manager
Sediment, Storm water, and Dam Safety Program

Attachment 1

Town of Emmitsburg
MDE Annual Report Review

The Town of Emmitsburg shall submit additional information as outlined below in the next annual report due December 31, 2017. Some of the items outlined below may require a long term planning effort. In these cases, MDE will require a work plan describing specific practices to be implemented and a schedule for completing each activity. Future annual reports should provide a summary of progress made toward achieving the noted program improvements and commitments outlined in the updated work plan. These ongoing efforts are required to demonstrate compliance with the general permit.

1. Provide examples of storm water education brochures distributed in water bills and through the Town office.
2. Provide more specific information on the Emmitsburg's Comprehensive Plan. Specific examples of accomplishments related to water quality and other environmental issues need to be included.
3. Provide a status of plans related to additional public outreach and participation efforts. This should include the status of "Green Team" efforts and include specific accomplishments and future plans. Annual reports should quantify the success of these efforts by reporting the number of participants, and specific accomplishments during community events.
4. Provide a recent map of the Town's storm drain system. Provide the status of efforts related to improved storm drain mapping including the use of geographic information system (GIS) technology.
5. Provide the status of implementing an ordinance that authorizes the Town to enter private property and eliminate any suspected illicit discharge. The Town shall have the legal means to enforce the ordinance that may include penalties or fines related to illegal discharges into the Town's storm drain system. MDE offered examples of other municipal ordinances for this purpose at the meeting.
6. MDE explained the importance of developing standard operating procedures (SOPs) for the Town's illicit discharge program. The U.S. Environmental Protection Agency has underscored the need for improved procedures among all municipalities covered under Maryland's MS4 general permits during recent audits of municipal programs. Therefore, the next annual report shall provide the status of development of written SOPs.

MDE provided the Town with an example checklist specific to illicit discharge screening to assist with development of these procedures. The outfall screening checklist developed by the Town should include field inspection criteria for identifying any suspected illicit discharge into the storm drain system. The frequency of outfall inspections and priority screening locations should be identified in the SOPs. In addition, the Town should develop a process describing how potential illicit discharges are to be identified and eliminated.

7. Provide a summary of illicit discharge inspections for the reporting year. The Town may partner with another entity to perform illicit discharge inspections. However, reporting of this information is the responsibility of the Town. Failure to report the results of illicit discharge inspections will place the Town at risk of compliance with the terms and conditions of the general permit.
8. Provide a summary of maintenance activities or corrective actions taken to address illicit connections and other concerns such as erosion, debris buildup, sediment accumulation, and blockage problems.
9. The Town should utilize MDE's Responsible Personnel Certification (RPC, or formerly the 'green card class') training for any staff or contractor involved in this program. The Certification is a free on-line training course and can be accessed at MDE's webpage at: <http://mderpc.mde.state.md.us/Account/login.aspx>. The next annual report shall include the status of the number of Town staff receiving this training.
10. Provide a summary of collaboration and communication with Frederick County related to the County's inspections of construction projects and post construction storm water best management practices.
11. Provide a summary of maintenance activities at the storm water pond owned by the Town.
12. MDE offered example training programs related to pollution prevention and good housekeeping. The Town should use these examples to develop training materials and programs related to pollution prevention activities such as spill control and prevention, hazardous material storage and handling, pollution prevention measures at fueling stations, deicer storage, street sweeping, and inlet cleaning. The Town should report on the development of these training programs, dates and number of staff attending pollution prevention training programs.
13. Verify that a pollution prevention plan is maintained and up to date for all Town owned facilities.

M. SET AGENDA FOR NEXT MEETING: OCTOBER 2, 2017

- 1.
- 2.
- 3.
- 4.