



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 February 5, 2018 – 7:30 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Parks and Recreation Committee Meeting: February 20, 2018 at 7:30 p.m.

Planning Commissioner Meeting: February 26, 2018 at 7:30 p.m.

Town Council Meeting: March 5, 2018 at 7:30 p.m.

4. MEETING ITEMS

A. APPROVE MINUTES: JANUARY 22, 2018

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

I. Filing of the Planning Commission Report.

II. Letter of Appreciation for Patrick Boyle.

III. Trail Update and Request.

I. CONSENT AGENDA: 1 APPOINTMENT

J. TREASURER REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

I. Update on Transportation Initiatives by Kendall Tiffany, Transportation Director with Frederick County.

II. Audit presentation by Michele Mills.

III. Ethics Ordinance Updates Per the Maryland State Ethics Commission for Consideration.

IV. Policy and Ordinance Changes for Consideration Regarding the Use of Baseball Fields.

V. Requests to Use Baseball Fields in 2018 for Consideration.

M. SET AGENDA FOR NEXT MEETING: MARCH 5, 2018

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

Phone 301.600.6300 • Fax 301.600.6313 • info@emmitsburgmd.gov • www.emmitsburgmd.gov

A. APPROVE MINUTES: JANUARY 22, 2018

**MINUTES
TOWN MEETING
January 22, 2018
Emmitsburg Town Office**

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

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the January 22, 2018 Town Meeting to order at 7:30 p.m. EST. He explained this meeting is replacing the January 8, 2018 meeting that was canceled due to bad weather. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

The Minutes of the December 5, 2017 Town Meeting were approved as presented. Motion by Commissioner Buckman, second by Commissioner Sweeney. Vote: Motion carries 5-0 in favor.

Police Report:

Deputy Ben Whitehouse presented the police report from December 2017 (exhibit attached). The deputies performed 18 different walking patrols throughout the month. The Christmas tree lighting ceremony was attended as a special assignment. The deputies focused on patrolling the neighborhoods to deter holiday package theft. He reminded residents to not park on the new sidewalks, which is a ticket-able offense.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from November 2017 (exhibit attached). Ms. Willets explained the town will perform monthly street sweeping now per the MS-4 permit requirements. Town staff continues to make repairs to damage caused by the SHA contractors. The new dog park fence was installed. Rainbow Lake is currently at its spillway level. There were no spills of untreated sewerage and the wastewater treatment plant did not exceed its design capacity in the month of November. Under noteworthy items, Ms. Willets explained the water plant needs a new computer system, which will be about \$12,000. MDE had a surprise inspection at the wastewater treatment plant; everything is good with operations. There is an 8-inch mountain water line, which was installed in the 1930s, with about 200-feet of the pipe exposed to the elements. The line is in bad condition and on January 8, 2018 the line had a major break due to extended subzero temperatures. Town staff spent numerous hours un-thawing the line. Ms. Willets showed pictures of the lines condition. She explained the Town would like to drill wells for the only four homes attached to the line and take them off the 8-inch water line to deter future problems. The town estimates about \$50,000 per well connection. To replace the whole 8-inch line will cost about \$1 million dollars. Another noteworthy mention is the Creamery Road Pump Station pumps are failing from a power surge and a large rainstorm the weekend of January 13, 2018. Town staff are working on fixing the station but are not sure how much longer the pump station will last without major repairs/renovations.

Town Planners Report:

Cathy Willets, Town Manager, presented the Town Planner's Report from November 2017 (exhibit attached). Ms. Willets highlighted that Susan Cipperly, Town Planner, submitted the MS-4 permit in December and town staff is waiting to hear back on the permit.

Commissioner Comments:

- **Commissioner Buckman:** She asked if Lincoln Avenue will have one-way or two-way traffic in the future. Ms. Willets explained the traffic study has resulted in a plan to keep the roads the same. In addition, there is a yoga program in the Emmitsburg Library on Tuesday and Thursday mornings; all are welcome.
- **Commissioner Ritz III:** He explained there is lots of interest in the 2018 summer concert series. Ms. Willets requested dollar amounts in the beginning of March for the upcoming fiscal year budget.
- **Commissioner Sweeney:** He asked about the LG Sonic Algae Control System and new pool status. Town staff plans to bring an LG Sonic update back to the Board in spring 2018; the new pool work is on schedule.

- Commissioner Blanchard: Encouraged residents to consider elderly and neighbors during bad weather. There are also small subsidies from the Seton Center to help pay oil bills for families in need. Mount Saint Mary's and Emmitsburg Library have winter events for those looking for winter activities.
- Commissioner O'Donnell: He is pushing for pedestrian connectivity between Thurmont, Emmitsburg, and Gettysburg (and other nearby areas) with the H&F Trolley Trail Committee. He also attended two Community Heritage Day planning events. He encouraged residents to look into Livable Frederick programs.

Mayor's Comments:

Mayor Briggs attended numerous meetings in December 2017 (full list in agenda packet). He attended the Emmitsburg Tree Lighting Ceremony. He met with the Secretary of Commerce for the State of Maryland, Dr. Timothy Trainor at Mount St. Mary's and Sister Martha. He presented a thank you certificate to E&E Trees Inc, which donated the town's Christmas tree again. He met with John Fieseler, Executive Director of Tourism for Frederick County, on adding some interpretative signage to the Town. He also attended the County Executive and Burgess meeting where the expansion of 270 was discussed with other future roadwork in Frederick County.

Public Comments:

None.

Administrative Business:

- Catoctin-Ettes, Inc. Community Heritage Day 6K Race for Consideration: Ms. Willets explained the Catoctin-Ettes spoke at the November 6, 2017 town meeting and expressed their desire to have a 6K fundraiser race in town. At the November meeting, Commissioner Sweeney had suggested hosting the race the morning of Community Heritage Day. After conferring with their organization, the Catoctin-Ettes would like to officially request approval to have a 6K race on June 30, 2018 (Community Heritage Day). Commissioner O'Donnell requested town staff help the organization with planning (as needed).

Motion: To allow the run to occur on June 30th, Community Heritage Day, 2018.

Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion carries 5-0 in favor.

Consent Agenda:

Reappointment of Conrad weaver to the Citizen's Advisory Committee, 2-year term, 11/04/2017 to 11/04/2019.

Motion: To accept Conrad Weaver's reappointment to the Citizen's Advisory Committee.

Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 5-0 in favor.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for December 2017 (exhibit in agenda packet). The operating balance forward is \$5,174,258. The top ten check amounts are listed. Commissioner O'Donnell requested a motion to accept the report. Motion to accept report made by Commissioner Buckman. Motion withdrawn due to lack of necessity.

Planning Commission Report:

No report. The next Planning Commission meeting is January 29, 2018.

II. Agenda Items

Agenda #1- Audit Presentation by Michele Mills: Audit presentation was postponed to the February 5, 2018 town meeting due to the rescheduling of the January 8, 2018 town meeting (to January 22, 2018) due to bad weather.

Agenda #2- Budget Transfer from General Fund to Capital Projects Fund for consideration: Cathy Willets presented the transfer request. Ms. Willets explained fiscal year 2017 closed with excess funds, which need to be transferred into the capital project funds categories per audit requirements. After numerous discussions with town staff, these were the projects town staff felt needed the most attention. The total transfer amount is \$133,571.00, which includes...

- \$66,300 towards the Community Park Pool and its grounds. The Board gave unanimous consent.
- \$17,245 for the dog park. The Board requested modifications to the dog park transfer to include no leash stations (for now) and four benches instead of seven. The Board requested continued fundraising efforts.
- \$15,000 for the general streets fund. The Board gave unanimous consent.
- \$14,000 for curbs/gutters/sidewalks/roads. The Board gave unanimous consent for the funds transfer, but requested the St. Joseph's Lane pedestrian walkway become a future agenda item.
- \$10,000 for the general planning fund. The Board gave unanimous consent.

- \$6,526 for building maintenance at 140 South Seton Avenue. The Board gave unanimous consent.
- \$4,500 for building maintenance at 22 East Main Street. The Board gave unanimous consent.

Motion: To accept the budget transfer for \$133,571 as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Agenda #2- Emergency Operations Plan for Consideration: Cathy Willets presented the Emergency Operations Plan (EOP) for the Town of Emmitsburg. Ms. Willets explained Frederick County has a municipal readiness program, which requires an EOP, hazard identification/risk analysis, and emergency training for participating municipalities. The last formally approved EOP by the Board was in 2010. The Town is required to have the plan formally adopted every 4 years and modified every year. This EOP was a template provided by Frederick County, which the town staff modified. The first responders for an Emmitsburg emergency would be the Vigilant Hose Company. If needed, a command post would be set-up locally or the duration of the disaster. Residents can be expected to provide their own needs for three days, after the town will need to step in. The command center location would most likely occur in the town office (1st) or at the Vigilant Hose Company (2nd). A local State of Emergency can be activated by the Mayor for up to seven days; after seven days, the Board of Commissioners must approve emergency actions. Ms. Willets reviewed a detailed list of the roles of the Mayor, Board of Commissioners, Town Manager, Director of Public Works, Sewer/Water Superintendent, Town Planner, and Town Attorney (all which are included in the EOP packet). The line of succession for the Mayor would be the President of the Board of Commissioners followed by the Vice President. The line of succession for the Town Manager would be the Director of Public Works followed by the Sewer//Water Superintendent. Ms. Willets navigated the Board through the pages of the EOP and explained Maryland law does not authorize local officials to issue a mandatory evacuation; only a recommendation can be made. Commissioner O'Donnell requested two copies of the EOP once it is adopted for all Board members to have the plan in more than on location. Commissioner O'Donnell inquired about guidelines for emergency meetings (e.g. can Board members call in? Where can the meeting be held? If Board members are incapacitated, can a quorum be modified to meet the emergency need?). Town staff will look into any needed ordinance changes for emergency situations. The EOP is a stand along document and not a part of the Town Code. Commissioner Ritz III requested town staff look into updating the town charter as well.

Motion: To accept the Emergency Operations Plan as presented.

Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Set Agenda Items for February 5, 2018 Town Meeting

1. Update on Transportation Initiatives (by Kendall Tiffany, Transportation Director with Frederick County).
 2. Audit presentation by Michele Mills
 3. Ethics Ordinances Updates Per the Maryland State Ethics Commission for Consideration.
 4. Policy and Ordinance Changes for Consideration Regarding the Use of Baseball Fields
 5. Requests to Use Baseball Fields in 2018 for Consideration
- Admin Business: Filing of the Planning Commission Report
Admin Business: Presentation of Letter of Appreciation for Pat Boyle.

Commissioner O'Donnell requested a future agenda item to review permitting policies for room rentals and bed and breakfasts in private homes, which the Planning Commission is currently reviewing. Commissioner Sweeney will update the Board in the next town meeting during his Planning Commission Report

Motion: To accept the agenda items for the February 5, 2018 town meeting as presented.

Motion by Commission Ritz III, second by Commissioner Sweeney. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the January 22, 2018 Town Meeting was adjourned at 9:50 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk

Approved:

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

C. TOWN MANAGER'S REPORT

**Town Manager's Report
December 2017
Prepared by Cathy Willets**

Streets:

- Staff replaced a couple of streetlights on East and West Main St.
- Staff assisted GIS analyst with mapping town utilities.
- Staff remarked numbers on street light poles on East and West Main St.
- Staff salted streets for a couple of snow events.
- Staff repaired street signs around Town.

Sidewalk and Bridge Project:

- Staff worked with contractor on sidewalk project repairing street light wiring.
- Staff, along with Town contractor, dug up and lowered a sewer service line for sidewalk project.
- Staff marked water services on East and West Main St.
- Staff assisted with digging out and installing street light junction boxes.

Parks:

- Staff worked on new board fence in Community Park.
- Staff dragged and salted ballfields in Community and Memorial Park.
- Staff hauled loads of dirt from pool project to the Community park stockpile.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are backwashed four times a day and the DE filters are done 2-3 times per week.
- Well levels (optimum level was determined to be May 2011). Well #1 and #2 usage is down as we are starting to get our lake number. Well #4 shut off.

	<u>May 2011</u>	<u>December 2017</u>	<u>Change</u>
○ Well #1:	35'	37'	-2
○ Well #2:	8'	12'	-4
○ Well #3:	12	50'	-38
○ Well #4:	108'	OFF	n/a
○ Well #5:	10'	24'	-14

- Water production and consumption. We produced an average of 271,193 GPD. We consumed an average of 243,172 GPD. The difference is "Backwash Water" ... (15.2%).
 - 33.7% of this water came from wells.
 - 5.0% of this water came from Mt. St. Mary's.
 - 61.3% of this water came from Rainbow Lake.

We purchased 443,250 gallons of water from MSM this month.

Town Manager's Report Continued...

Wastewater:

- We received about 1.5" of precipitation this month (the average is 3.35").
 - We have a precipitation **SURPLUS** of 3.19" over the last six months. The average precipitation for the period from July 1 through December 31 is 21.66". We have received 24.85" for that period.

Wastewater Treatment:

- We treated an average of 287,000 GPD (consumed 243,172 GPD) which means that 15.3% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewerage in the month of December.
- We did not exceed the plant's design capacity at any time in the month of November.

Trash: Trash pickup will remain Mondays for the remainder of the month of February.

Meetings Attended:

- 12/05 Completed responsible personnel for erosion and sediment control online training for MS-4 permit
- 12/05 Attended Town meeting
- 12/06 Attended MML legislative dinner in Frederick MD
- 12/11 Met with Mayor and Jim Rada to discuss green and sustainability efforts
- 12/13 Met with Mayor and HR consultant
- 12/14 Attended Department Head meeting
- 12/14 Attended Support staff meeting
- 12/14 Attended SHA sidewalk progress meeting
- 12/15 Met with Sandy Umbel regarding status of baseball
- 12/20 Conference call with John Clapp to discuss bridge project and MOU
- 12/21 Met with Mayor
- 12/25-12/31 Time off

Noteworthy:

- LG Sonic was pulled out of the lake and is currently being stored at 140 S. Seton and the sensors were being shipped back to LG for calibration.
- The storage tank at the Water Treatment Plant was inspected. There is a little sediment on the bottom, but not bad.
- The cold snap caused problems at the WWTP. For example, it is causing nitrogen removal to become more difficult requiring more methanol.

PARKING ENFORCEMENT REPORT
December 2017

Overtime Parking	39 (free holiday parking 12/15/17 - 01/02/18)
Restricted Parking Zone	2
Parked in Crosswalk	
Parked on Sidewalk	
Parked Blocking Road	
Parked by Fire Hydrant	1
Parked on Highway	
Failure to Park between Lines	
Other Violation	
Left Side Parking	2
Meter Money	\$757.00 (\$311.14 to the Town) (\$445.85 donated to Community Heritage Day)
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$335.00
Funerals	
Total:	\$1,092.00

D. TOWN PLANNER'S REPORT

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

1. **GIS** – Continued working with ALWI staff person and town DPW staff – field work to establish GPS locations for w/s infrastructure. Also: prepared maps of 1) town-owned buildings to include with grant application for installation of LED fixtures and bulbs within the buildings 2) Parade route maps for Heritage Day and Halloween for Town Clerk to include with permit requests 3) Maps needed for MS-4 report – re storm drains and outfalls responsibility of town.
2. **Sidewalk Project:** Fielded resident complaints and concerns, and passed them along to SHA. Provided info to parking enforcement and office manager regarding daily need to be designated No Parking. Provided wording for website, facebook and Ch. 99. Sent e-mails to business community as needed.
3. **Community Legacy:** Communicated with DHCD contact regarding MHT reviews. Received letter regarding conditional approval for 300 W. Main. Applicant communicated directly with MHT re requirements. Processed grant agreements for 2 other approved applications.
4. **Sustainable Communities program:** Designation renewal of 5-years for the Town of Emmitsburg was approved by the Smart Growth Coordinating Committee. The designation will now expire on June 20, 2022.
5. **Dog Park** – Fence work completed and approved by staff.
6. **Brookfield Development** – Provided info to Richmond American Homes regarding Brookfield utilities, provided water/sewer confirmation letter at builder's request. [Note: Received permit application for model home on Jan. 10, 2018. Also assigned addresses for remaining lots.]
7. **Permits:**
 - Property owner withdrew application for Tourist Home and Change of Use, for a property on Main Street. Did not agree that it was a commercial use, and found both the Town zoning determination and the Frederick County permit requirements unreasonable.
 - Need to follow up on permit enforcement situations in progress, together with Frederick County permits office.
8. **Business.** Provided procedural information regarding potential commercial construction in Silo Hill area.
9. **MS-4 permit.** Completed and submitted 2016-2017 report due at end of December, including preliminary mapping of town-owned storm drains and outlets.
10. **Emmit Gardens tree:** Wrote letter to Potomac Edison regarding one dead White Pine tree located between the utility lines and Flat Run, on town land, to see whether PE would remove it. No response as yet.

Town Planner's Report Continued...

Upcoming projects/activity as of January 2018 - Planning and Zoning:

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

MS-4 (Municipal Separate Storm Sewer System) 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. Will need GIS consultant assistance re mapping of existing Stormwater inlets and outflows on Town roads, and incorporating existing Stormwater Management ponds mapping into GIS system.

Emmit Gardens playground town permit.

Board of Appeals: Contact new alternate regarding training requirements and arrange BOA meeting to undertake reorganization in January, 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. Continue working on short-term rental solution research and revisit with Planning Commission.

Community Legacy: Process agreements with CL projects approved by MHT, and any requests for reimbursement resulting after completion of work. Prepare and submit quarterly reports for FY2016 & 2017 funds for façade/restoration program, and FY2017 for Square rehabilitation grant.

Organize: Planning and Zoning files and computer files.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings Attended:

January 3, met with town manager
January 3, town manager and I met with Executive director of Boys and Girls Club (Lisa McDonald)
January 4, attended St. Elizabeth Ann Seton Memorial Mass and reception at Basilica.
January 6, attended and spoke at 134th Annual Vigilant Hose Company Banquet
January 8, Town Council meeting cancelled weather.
January 9, met with John Fieseler, Executive Director, Tourism Council of Frederick County, Inc.
January 10, met with John Daniels, Chairman of the Frederick County Solid Waste Steering Committee, and Phil Wescoff.
January 11, County Executive – Mayor - Burgess meeting
January 12, met with field use applicant
January 12, met with town manager and town clerk RE: baseball field use by an applicant
January 13, Lions Club Banquet
January 15, lunch with Director of Security Daughters of Charity
January 18, meeting in Frederick with William Leahy, Executive Director of MD Environmental Trust (MET)
January 22, Rescheduled Town Council meeting
January 23, USGBC telex
January 23, Lunch with FEMA Facilities Manager Director, Al Flumen
January 24, Green Team Meeting
January 29, Meeting at square with staff and SHA staff
January 29, met with town manager
January 30, carryover from December conversation with Thurmont Little League. Spoke with J Johnson and received letter to be presented to town commissioners 2/5/18.
January 31, met with town manager
February 1, MML Mayors Conference Annapolis

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

I. Filing of the Planning Commission Report: Presentation by Commissioner Cliff Sweeney.

	<p>TOWN OF EMMITSBURG PLANNING COMMISSION 300A SOUTH SETON AVENUE EMMITSBURG, MD 21727</p>	<p>Keith Suerdieck, Chairperson John Howard, Vice-Chair Joyce Rosensteel, Secretary Frank Davis Clifford Sweeney (Board Liaison)</p>
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Office of the Secretary
 Maryland Department of Planning
 Attn: David Dahlstrom, AICP
 301 W. Preston St.
 Baltimore, Maryland 21201-2305

Re: Annual Report Calendar Year 2017

Dear Mr. Dahlstrom:

The Town of Emmitsburg Planning Commission approved the Annual Report for the Reporting Year 2017 as required under the Land Use Article on January 29, 2018. In addition, this report was filed with the local legislative body on February 5, 2018. An updated list of town officials, Planning Board members, and Board of Appeals members and alternates is attached, as well.

The following Annual Report was approved:

- Number of new Residential Permits Issued:

**Table 1: New Residential Permits Issued
 Inside and Outside the Priority Funding Area (PFA)**

<u>Residential – Calendar Year 2017</u>	<u>PFA</u>	<u>Non - PFA</u>	<u>Total</u>
# New Residential Permits Issued	0	na	0

- Is your jurisdiction scheduled to submit a 5-Year Report as required under [§1-207\(c\)\(6\) of the Land Use Article](#)?
 If yes, include the 5-Year Report as an attachment. Y N x
- Where there any growth related changes which includes Land Use Changes, Zoning Ordinance Changes, New Schools, Changes in Water or Sewer Service Area, etc? If yes, list. Y N x
- Did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction? If yes, list. Y N x
- Have all members of the Planning Commission/Board and Board of Appeals have completed an educational training course as required under [§1-206\(a\)\(2\) of the Land Use Article](#)? Y x* N
 *Two recently-appointed alternates to Board of Appeals need to complete course.

To date in 2018, one permit for a single-family model home has been issued. The 47 remaining approved building lots in the Brookfield subdivision were purchased this year by Richmond American Homes, Inc., and this permit involves one of them. It is hoped that a significant number of houses will be built in the next few years.

In the Commercial/Institutional category, the Planning Commission reviewed and approved a site plan for the Seton Center. The new construction located on East Lincoln Avenue will provide services to local residents, a meeting space, and a family thrift store.

Zoning Ordinance review and recommendations to the Board of Commissioners were made relative to making the ordinance compliant with the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Efforts are ongoing to create recommendations to address short-term, transient rentals, such as those being marketed on Airbnb, HomeAway, etc.

An updated list of Town Officials, Planning Commission and Board of Appeals members, and pertinent staff, is attached.

Sincerely,



Keith Suerdieck
Chairperson

JAN 31, 2018 Date



**TOWN OF EMMITSBURG
FREDERICK COUNTY, MARYLAND**

**PLANNING COMMISSION
2017 ANNUAL REPORT**

2017 PLANNING COMMISSION

PATRICK BOYLE, *CHAIR*
KEITH SUERDIECK, *VICE-CHAIR*
JOHN HOWARD, *SECRETARY*
JOYCE ROSENSTEEL
CLIFFORD SWEENEY, *TOWN BOARD LIAISON*

2018 PLANNING COMMISSION

KEITH SUERDIECK, *CHAIR*
JOHN HOWARD, *VICE-CHAIR*
JOYCE ROSENSTEEL, *SECRETARY*
FRANK DAVIS
CLIFFORD SWEENEY, *TOWN BOARD LIAISON*

2017 EMMITSBURG TOWN BOARD

TIM O'DONNELL, *PRESIDENT*
CLIFFORD SWEENEY, *VICE-PRESIDENT*
GLENN BLANCHARD, *TREASURER*
JOSEPH RITZ III
ELIZABETH BUCKMAN

MAYOR

DONALD N. BRIGGS

TOWN MANAGER

CATHY WILLETS

TOWN PLANNER

SUSAN H. CIPPERLY, *AICP*

2017 BOARD OF APPEALS

RICHARD KAPRIVA
RONALD LIND
DIANNE WALBRECKER

ALTERNATE: WAYNE SLAUGHTER
PATRICK JOY

ADMINISTRATIVE BUSINESS CONTINUED:

II. Letter of Appreciation for Patrick Boyle: Presentation by Mayor Briggs and the Board of Commissioners.

February 5, 2018

The Town of Emmitsburg extends its sincere gratitude and appreciation to Patrick B. Boyle for the many years of service to the Town. This service began in 1976 when Mr. Boyle served on the first Planning & Zoning Board ever put in place for the town. He then became the Zoning Administrator and also served for twenty years on the Parks and Recreation Committee. In 1988 he was elected to the Board of Commissioners and served as President of the Board for many years until he stepped down in 2004.

In the Spring of 2006, Mr. Boyle was appointed to serve as an alternate on the Board of Appeals, until early 2007 when he stepped down to serve on the Planning Commission. He served on the Planning Commission until January 1, 2018 – with many years as Chairman.

In addition to his service to the town government, Mr. Boyle has been an active member of the Emmitsburg community during his lifelong residence in the town. It is hoped that he will continue to be a presence and resource for many years to come.

On Behalf of the Town, the Mayor, and the Board of Commissioners, the Town of Emmitsburg would like to congratulate Patrick B. Boyle and thank him for a lifetime of service.

ADMINISTRATIVE BUSINESS CONTINUED:

- III. Trail Update and Request:** Presentation by Commissioner Tim O'Donnell.

I. CONSENT AGENDA

I. Citizen’s Advisory Committee (2-year term)

Appointment of Wendy Walsh to the Citizen’s Advisory Committee.
 Term: 02/02/2018 to 02/02/2020

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of January 30, 2018**

\$5,142,695	Cash Balance January 1, 2018
518,307	Deposits
<u>-188,267</u>	Withdrawals
\$5,472,735	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$67,786	Treasurer of Frederick County	2Q FY18 Law Enforcement Services	01.17.18	37895
23,599	Comptroller of Maryland	2Q FY18 Bay Restoration Fee	01.03.18	37863
20,560	MD Dept of Budget & Management	Dec 17 Health Insurance	01.03.18	37862
6,173	UGI Energy Services	Dec 17 Solar Field #2	01.24.18	37931
6,170	Communications Electronics	CY18 Emergency Alarm System	01.17.18	37893
6,167	The Columbia Bank	Semi Annual Lincoln Avenue GO Bond	01.24.18	37913
6,026	Republic Services	Jan 17 Refuse Services	01.17.18	37889
3,623	Frederick County DUSWM	Dec 17 Tipping Fees	01.10.18	37881
3,139	Mount Saint Mary's University	2Q FY18 Water Fees	01.03.18	37865
3,005	Catoctin Labs	Chemicals	01.24.18	37912

Ck dates 12.27.17 to 01.30.18

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

- I. Update on Transportation Initiatives by Kendall Tiffany, Transportation Director with Frederick County:** Presentation at meeting by Kendall Tiffany, Transportation Director with Frederick County.

AGENDA ITEMS CONTINUED:

- II. Audit presentation by Michele Mills:** Presentation at meeting by Michele Mills, Certified Public Accountant, with DeLeon & Stang, CPAs and Advisors.

AGENDA ITEMS CONTINUED:

III. Ethics Ordinance Updates Per the Maryland State Ethics Commission for Consideration: Presentation at meeting by town staff.

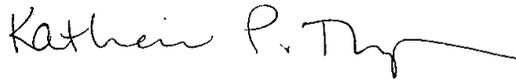
EXECUTIVE DEPARTMENT STATE OF MARYLAND	RECEIVED NOV 06 2017 BY: 		LARRY HOGAN GOVERNOR
COMMISSION MEMBERS: JANET E. McHUGH, <i>Chair</i> JAMES R. BENJAMIN, JR. KIM L. COBLE JACOB YOSEF MILIMAN CRAIG D. ROSWELL	STATE ETHICS COMMISSION 45 CALVERT STREET, 3 RD FLOOR ANNAPOLIS, MARYLAND 21401 410-260-7770 Toll Free 1-877-669-6085 FAX: 410-260-7746	MICHAEL W. LORD <i>Executive Director</i> JENNIFER K. ALLGAIR <i>General Counsel</i> WILLIAM J. COLQUHOUN <i>Staff Counsel</i> KATHERINE P. THOMPSON <i>Assistant General Counsel</i>	
October 25, 2017			
<p>Cathy Willets Town Manager Town of Emmitsburg 300 A South Seton Ave. Emmitsburg, MD 21727</p>			
Re: Local Government Ethics Update			
Dear Mr. Willets:			
<p>As you are aware, there were significant changes mandated to county and municipal ethics laws and county boards of education ethics regulations by legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session. The law became effective October 1, 2010. Counties and municipalities required to adopt a local ethics law must include conflict of interest and financial disclosure provisions for local elected officials that are at least equivalent to the State’s provisions; financial disclosure provisions for candidates for local elected office that are at least equivalent to State provisions; conflict of interest and financial disclosure provisions for local employees and appointed officials that are similar to State provisions; and local lobbying provisions that are substantially similar to State provisions. The State Ethics Commission previously approved the Town of Emmitsburg’s local Ethics Law as being in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2016)).</p>			
<p>We are writing to notify the Town of Emmitsburg that the requirements under the State Ethics Law are changing. House Bill 879, enacted during the 2017 Legislative session, made multiple modifications to the State Ethics Law, some of which will change the requirements for local government ethics laws. Those changes include additional disclosures for State elected officials that local governments must incorporate into their Ethics Ordinances for their elected officials. However, a number of changes relax certain of the financial disclosure requirements, particularly for debt and stock holding disclosures, and make home addresses confidential from public disclosure. We have included an attachment describing the changes that need to be included in the new drafts of Ethics Law, highlighting the additional provisions that must be included in a law to be compliant with State law, and the changes that relax some requirements and may be adopted if desired by the Town. In addition, we have also included our new model laws with the</p>			

changes highlighted on our website. Most of the changes take effect October 1, 2017 and our regulations implementing these changes are in the approval process.

Commission staff is available to provide guidance and assistance to the Town of Emmitsburg as you work through updating your law to incorporate the new changes. Please do not hesitate to contact us should you have any questions regarding the new local government ethics law requirements. As a reminder, any and all future changes to the ethics ordinance must be submitted to the Commission for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04.

Finally, Section §5-807(b) of the Public Ethics Law requires each local jurisdiction to file the Local Government Ethics Law Annual Certification by October 1 of each year. Our office has not received the Town of Emmitsburg's certification for 2017. Given the timing of these legislative changes, we do not anticipate 2017 certifications will include any of the changes discussed above, however all local governments are still required to certify for the 2017 year. A copy of the certification form is enclosed. Please complete the attached form and return to our office, along with a copy of your jurisdiction's current enacted ethics law. Please contact our office if you have any questions regarding this matter.

Sincerely,



Katherine P. Thompson
Assistant General Counsel

Enclosures

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04.:

1. 5-504(d)(2). Precludes Governor, Lieutenant Governor, AG, Comptroller, Treasurer or a Member of the General Assembly from lobbying (legislative matters) for one calendar year after leaving office. *Needs to be added to the conflict of interest section covering local elected officials.*
2. 5-606(a)(3). Effective January 1, 2019, Commission may not provide public access to the portion of a financial disclosure statement that includes an individual's home address as identified by the individual (i.e. the Commission must redact the information before making it publicly available). Applies to all statements, whether posted on the Internet or viewable only in the Office. *Home addresses should be redacted from public disclosure. Local employees and elected officials don't have to worry about the public being able to see their home address on their filings submitted after January 1, 2019.*

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04. for those local governments with **lobbying provisions**:

1. 5-501(a-1). Adds new subsection prohibiting former lobbyists who become a public official or State employee (i.e. take job with the State) from participating in a case, contract or other specific matter for 1 calendar year after terminating their registrations if they previously assisted or represented another party in the matter (a "reverse" post-employment restriction for lobbyists). Does not apply to uncompensated or minimally compensated (less than 25% of grade 16) board/commission members or elected officials. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Needs to be added the conflict of interest provisions to cover employees compensated over a certain amount.*
2. 5-607(i). Adds another category to Schedule H – for a statement filed on or after January 1, 2019, if the filer's spouse is a regulated lobbyist, must disclose the entity that has engaged the spouse to lobby. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires spouses of lobbyists to disclose the entities that engage the lobbyist spouse on their annual disclosure filings.*

Changes that **may** be adopted if the local government chooses:

1. 5-101(t). Removes "exchange-traded funds" from the definition of "interest". An ETF is a diversified collection of assets (like a mutual fund) that trades on an exchange (like a stock). *Now, as is the case with mutual funds, financial disclosure filers will no longer have to disclose interests they hold in ETFs.*
2. 5-506. Adds three specific circumstances that constitute violation of the prestige of office provision (influencing the award of a State or local contract to a specific person; initiating a solicitation for a person to retain the compensated services of a particular lobbyist or firm; using public resources or title to solicit a political contribution regulated in accordance with the Election Law Article). In the last situation, employees and public officials may not use title or public resources, State officials may not use public

resources. *The State Ethics Commission has already interpreted these kinds of actions to be in violation of the prestige of office provision. Local governments are able to include these specific circumstances in their law if they would like or any other for clarifying purposes.*

3. 5-607(g). Changes the Schedule F disclosure (indebtedness to entities doing business with the State) to indebtedness to entities doing business with or regulated by the individual's governmental unit. *Instead of disclosing all indebtedness to entities doing business with the local government, only debts with entities doing business with the specific governmental unit must be disclosed by filers.*
4. 5-606(a)(2). Effective January 1, 2019, Ethics Commission must provide Internet access, through an online registration program, to financial disclosure statements submitted by State officials, candidates for office as State officials, and Secretaries of a principal department of the Executive Branch. *Local governments can now decide to put the local disclosure forms online for public viewing.*
5. 5-704. Codifies disclosure requirements for lobbyists who serve on State boards and commissions. Also codifies a requirement for such a lobbyist who is disqualified from participating in a specific matter to file a statement of recusal with the board or commission. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires lobbyists who serve on local boards to submit disclosure forms that mirror the forms for local elected officials.*

ORDINANCE SERIES: 2018
ORD. NO.: 18-01

AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
ADMINISTRATION AND PERSONNEL

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 2, Chapter 12.32, Sections 2.32.020, 2.32.030 and 2.32.040 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~~.

Title 2 – Administration and Personnel

Chapter 12.32 Code of Ethics

2.32.020 - Ethics commission.

A. – C. *{Unchanged}*

D. The commission shall certify to the state ethics commission on or before October 1 of each year that the town is in compliance with the requirements of ~~[state government article, title 15]~~ **GENERAL PROVISIONS ARTICLE, TITLE 5**, subtitle 8, *Annotated Code of Maryland*, for elected local officials.

E. The commission shall determine if changes to this chapter are required to be in compliance with the requirements of ~~[state government article, title 15]~~, **GENERAL PROVISIONS ARTICLE, TITLE 5**, subtitle 8, *Annotated Code of Maryland*, and shall forward any recommended changes and amendments to the board of commissioners for enactment.

F. *{Unchanged}*

2.32.030 Conflicts of Interest.

A. – D. *{Unchanged}*

E. Postemployment Limitations and Restrictions.

(1) A former official or employee may not assist or represent any party other than the town for compensation in a case, contract, or other specific matter involving the town if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) For a period of one **CALENDAR** year after a mayor or commissioner leaves office, that former mayor or commissioner may not assist or represent another party for compensation in a matter that is the subject of legislative action. **THE LIMITATION UNDER THIS SUB-PARAGRAPH (2) ON REPRESENTATION BY A FORMER MAYOR OR MEMBER OF THE TOWN BOARD OF COMMISSIONERS DOES NOT APPLY TO REPRESENTATION OF A MUNICIPAL CORPORATION, COUNTY, OR STATE GOVERNMENTAL ENTITY.**

(3) **A PERSON WHO WAS FORMERLY REGISTERED AS A LOBBYIST PURSUANT TO SECTION 2.32.060 AND WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS**

CHAPTER AS A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC OFFICIAL OR EMPLOYEE FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER LOBBYIST IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

F. – J. {*Unchanged*}

2.32.040 - Financial disclosure—Local elected officials, candidates to be local elected officials, town manager and town clerk.

A. – B. {*Unchanged*}

C. Public Record.

(1) The commission or office designated by the commission shall maintain all financial disclosure statements filed under this section.

(2) **EXCEPT AS PROVIDED IN SUB-SECTION (3) OF THIS SECTION**, financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the commission.

(3) **THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A FINANCIAL DISCLOSURE STATEMENT THAT:**

(I) IS FILED AFTER JANUARY 1, 2019; AND

(II) INCLUDES AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL'S HOME ADDRESS.

~~[(3)]~~ (4) If an individual examines or copies a financial disclosure statement, the commission or the office designated by the commission shall record:

(I) The name and home address of the individual reviewing or copying the statement; and

(II) The name of the person whose financial disclosure statement was examined or copied.

~~[(4)]~~ (5) Upon request by the official or employee whose financial disclosure statement was examined or copied, the commission or the office designated by the commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

D. {*Unchanged*}

E. (1) - (7) {*Unchanged*}

(8) Sources of Earned Income.

(I) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period. **FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, AND IF THE INDIVIDUAL'S SPOUSE IS A REGISTERED LOBBYIST PURSUANT TO SECTION 2.32.060, THE STATEMENT SHALL**

ALSO LIST THE NAME AND ADDRESS OF THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

- (II) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) {Unchanged}

F. – G. {Unchanged}

H. IN THIS SECTION, “INTEREST” SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN THE MARYLAND STATE ETHICS LAW, GENERAL PROVISIONS ARTICLE, SECTION 5-101(T), ANNOTATED CODE OF MARYLAND, AS AMENDED.

2.32.080 - Enforcement.

A. – G. {Unchanged}

H. WHENEVER IT IS ALLEGED THAT A MEMBER OF THE ETHICS COMMISSION HAS VIOLATED THE CONFLICT OF INTEREST PROVISIONS OF SECTION 2.32.030 OR HAS VIOLATED THE LOBBYING PROVISIONS OF SECTION 2.32.060, OR HAS FAILED TO FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED BY SECTION 2.32.050, THEN THE BOARD OF COMMISSIONERS MAY TAKE ANY ACTION WITH REGARD TO SUCH VIOLATION OR FAILURE THAT THE ETHICS COMMISSION COULD TAKE UNDER THIS CHAPTER, INCLUDING THE GRANTING OF EXEMPTIONS OR MODIFICATIONS PERMITTED BY SECTION 2.32.070.

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 _____, 2018

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 _____, 2018.

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:



TOWN OF EMMITSBURG

300A South Seton Avenue Emmitsburg, Maryland 21727; Phone: 301-600-6300; info@emmitsburgmd.gov

[YEAR] FINANCIAL DISCLOSURE FORM

Financial Disclosure Form for: _____

The information requested in this form is required pursuant to Chapter 2.32.040 - "Code of Ethics, Financial Disclosure" of the Code of the Town of Emmitsburg and is to be disclosed annually, *no later than* April 30. Outgoing Officials must file 60 days after leaving office. Pursuant to the Code, the requested information must be provided by the following:

- Elected officials of the town;
- Elected official candidates;
- Town Manager;
- Town Clerk; and
- Town Accountant

The information requested in this form shall apply to circumstances as they existed during the preceding calendar year, i.e., 2016 ("the reporting period").

For the purposes of Section I, II, and III (below) an "interest" which you hold includes the following:

- 1) an interest held by a member of your immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by you.
- 2) an interest held by a business entity in which you held a 30% or greater interest at any time during the reporting period.
- 3) an interest held by a trust or an estate in which, at any time during the reporting period:
 - (i) you held a reversionary interest or was a beneficiary; or
 - (ii) if a revocable trust, you are a settlor.

I. List any interest you hold in real property wherever located.

Property 1:

Nature: Commercial Residential Other _____

Property Street Address or mailing address or legal description:

Nature and Extent of your Interest in Property:

Name of any other person with an interest in the Property:

Description of any Encumbrances or Conditions on the Property:

Acquisition: Date:

Grantor:

Manner in which acquired:

Fair Market Value at time of acquisition (if acquired other than by purchase):

Type and amount of consideration paid (if acquired by purchase):

Was any interest in this property, either in whole or in part, transferred during this reporting period?

If yes: Portion of interest transferred (%):

Description:

Nature and Amount of consideration received:

Transferee(s):

Property 2:

Nature: Commercial Residential Other _____

Property Street Address or mailing address or legal description:

Nature and Extent of your Interest in Property:

Name of any other person with an interest in the Property:

Description of any Encumbrances or Conditions on the Property:

Acquisition: Date:

Grantor:

Manner in which acquired:

Fair Market Value at time of acquisition (If acquired other than by purchase):

Type and amount of Consideration paid (if acquired by purchase):

Was any interest in this property, either in whole or in part, transferred during this reporting period?

If yes: Portion of interest transferred (%):

Description:

Nature and Amount of consideration received:

Transferee(s):

List additional properties on a separate sheet. Indicate here the number of attached sheets: _____

II. Interest in corporations or partnerships.

This section relates to all interests in any corporation, partnership, limited liability partnership or limited liability corporation regardless of whether the corporation or partnership does business with the town.

Name of entity:

Principal Office Address:

Nature and amount of interest held:

Encumbrances and conditions on entity:

Was any interest transferred, either in whole or in part, during this reporting period?

If yes: When?

Description of interest transferred:

Identity of Transferee:

Nature and amount of consideration:

If other than by purchase, Fair Market Value at time:

Shares held, or % of equity interest held

Was any interest acquired, either in whole or in part, during this reporting period?

If yes: When:

Description of interest acquired:

Identity of Transferor:

Manner in which acquired:

Nature and amount of consideration (if acquired by purchase):

Fair Market Value of interest acquired (if acquired other than by purchase):

For an interest held in a corporation, instead of reporting a dollar amount, you may report the number of shares held in the corporation, or if the corporation is not publicly traded, the percentage of equity interest held.

For an interest held in a partnership, instead of reporting a dollar amount, you may report the percentage of equity interest held.

III. Business entities doing business with the town.

This section requires you to disclose information relating to any interest you may have in business entities doing business with the town (other than those reported in the preceding section).

Name of business:

Principal Office Address:

Nature and amount of Interest held:

Encumbrances and conditions on interest:

Was any interest transferred during this reporting period?

If yes: When:

Description of Interest transferred:

Identity of transferee:

Nature and amount of consideration received:

Was any interest acquired during this reporting period?

If yes: When:

Manner in which acquired:

Identity of Transferor:

Nature and amount of consideration (if by purchase):

Fair Market Value of interest when acquired (if other than by purchase):

IV. Gifts

State whether you received, directly or indirectly, any gifts in excess of \$20 in value (or series totaling \$100 or more in value) during the preceding calendar year from or on behalf of, directly or indirectly, any person who does business with or who is regulated by the Town of Emmitsburg. If so, identify the donor of the gift, the nature of the gift, and its approximate retail value at the time of receipt. (A "gift" includes the transfer of anything or service of value for which the recipient has not furnished identifiable and adequate consideration)

Yes No

If yes: Nature and retail value of gift:

Name of donor:

V. Employment or interest in entities doing business with the town.

Have you or has any member of your immediate family, during the reporting period, been a salaried employee of, or held a position as an officer or director or other similar position, with any entity which does business or did business during the reporting period with the Town of Emmitsburg?

If so, state:

Title and nature of position held with business:

Position held by self or by family member: (provide name of family member and relationship to you):

Beginning date of holding position:

Name of Business:

Principal Office Address:

Nature of business relationship with town:

VI. Indebtedness to entities doing business with the town.

State whether you were, during the reporting period, indebted to any entity or person doing business with the Town. Include any indebtedness owed by a member of your immediate family if you were involved in the transaction giving rise to the indebtedness. "Indebtedness" does not include retail credit accounts.

If so, state:

Whether the debt was incurred by yourself or by a family member:

Identity of family member, if applicable, and relationship to you:

Identity of Creditor:

Date liability incurred:

Liability amount as of end of reporting year:

Terms for repayment of the liability:

The amount the debt either increased or decreased during reporting period:

Security pledged or given for the indebtedness:

VII. Employment by Town

State whether you or any members of your immediate family were employed by the Town of Emmitsburg at any time during the reporting period? If so, identify each such family member and the nature of the employment:

VIII. Employment Income.

Did you, or did any member of your immediate family**, receive earned income during the reporting period from either employment or from a business entity in which you or a member of your immediate family were a sole or partial owner? If so, state:

Name and address of each place of employment or of each business entity:

Identity of the person earning the income:

Note: You are not required to disclose a minor child's employment or business ownership if the Town agency that employs you does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

The following is applicable only for statements which are filed on or after January 1, 2019:

If your spouse is required to file a lobbying registration statement pursuant to section 2.32.060 of the Town Code** (see below), provide the name and address of the entity that has engaged your spouse for lobbying purposes below:

**A person is required to file a lobbying registration statement if the person:

- (1) Personally appears before a town official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
- (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100.00) on food, entertainment, or other gifts for officials or employees of town.

IX. Additional disclosure interests.

You may provide any other additional interests or information that you wish to disclose:

I, _____, do declare and affirm under the penalties of perjury that the statements made in this Financial Disclosure Statement are true and correct to the best of my knowledge, information and belief.

Signature

Date

This record was signed before me on _____ by _____.

Notary Signature

Date

{ SEAL }

AGENDA ITEMS CONTINUED:

IV. Policy and Ordinance Changes for Consideration Regarding the Use of Baseball Fields: Presentation at meeting by town staff.

ORDINANCE SERIES: 2018
ORD. NO.: 18-02

AN ORDINANCE TO AMEND
TITLE 12
OF THE CODE OF EMMITSBURG
ENTITLED
STREETS, SIDEWALKS, AND PUBLIC PLACES

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 12, Section 12.20.030, 12.20.040, 12.20.050, 12.20.070, and 12.20.095 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 12.20 - PARK AND RECREATION FACILITIES

12.20.030 - Qualifying conditions.

A. All applications for facilities should be submitted to the Town of Emmitsburg's ~~{parks and recreation department}~~ **TOWN OFFICE** (hereafter known as the "department") ~~{two weeks}~~ **ONE WEEK** prior to the activity start date.

B - D. {Unchanged}

12.20.040 - General information.

A - G. {Unchanged}

H. The department will be responsible for the normal maintenance of the ballfields **UNLESS OTHERWISE SPECIFIED IN AN AGREEMENT**. Normal maintenance includes:

1. Mowing the field;
2. Weed-eating;
3. Dragging the field with a spiked drag (as needed);
4. Re-seeding (as needed);
5. Routine repair of fences, dugouts and field placement of infield mix.

I. Ballfield applicants will be responsible for the following **UNLESS OTHERWISE SPECIFIED IN AN AGREEMENT**:

1. Lining fields for game;
2. Placement of bases;
3. Dragging field after game;
4. Removing trash;
5. Repairing any damage;
6. Filling in batter's boxes and pitcher's mound.

J. {Unchanged}.

K. {Unchanged}

L. Any requests for minor repairs to a ballfield, concession stand, pavilion, etc., should be made to the department's contact person **IN A TIMELY MANNER**, Monday through Friday [~~by one p.m.~~]
BETWEEN THE HOURS OF EIGHT A.M. AND FOUR THIRTY P.M.

M. {Unchanged}

12.20.050 - Availability of facilities.

A. Fields scheduled by the department will open March 15th, weather permitting. [~~Athletic fields are not available for competitive athletic programs until April 1st, weather permitting.~~]

B. {Unchanged}

C. {Unchanged}

D. The availability of [~~the other~~] **ALL** facilities in Emmitsburg's parks is on a first come, first serve basis, with applicants from the Emmitsburg voting district given first priority.

E. **THE SAME FIELD CANNOT BE RESERVED FOR SEVEN CONSECUTIVE DAYS; ONE DAY MUST REMAIN OPEN FOR PUBLIC USE.**

12.20.070 - Ballfield fee schedule information.

A. A ballfield fee schedule is per Policy [~~00-03~~] **18 - 01**.

B. {Unchanged}

C. {Unchanged}

12.20.095 - Emmitsburg swimming pool facilities.

A. The primary contact person for the Emmitsburg swimming pool facilities is the town manager **OR HIS/HER DESIGNEE**. In the absence of the town manager, the [~~commissioner of parks and recreation~~] **TOWN CLERK** is the secondary contact person.

B. Direct contact with pool management and staff is made solely through the town manager **OR HIS/HER DESIGNEE**, and in his/her absence, through the secondary contact person.

C. {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 _____, 2018
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 _____, 2018.

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: 2018
POLICY NO.: P18 - 01

**TOWN OF EMMITSBURG
BALL FIELD RESERVATION FEES**

This Policy will replace previously adopted policy P17-01 in relation to ball field charges.

As of this date and pursuant to Title 12, Section 12.20.070 entitled "Ballfield fee schedule information" of the Emmitsburg Municipal Code, ball field and pavilion fees shall be as follows:

Ball Field Fee(s)

A. Single Day Use

1. Non-Profit Organizations:
 - o \$10.00 an hour.
 - o 100% refundable if field and/or surrounding area is left in good condition.
2. Residents (from the Emmitsburg voting district).
 - o \$10.00 an hour.
 - o 50% refundable if field and/or surrounding area is left in good condition.
3. Non-Residents (*not* from the Emmitsburg voting district).
 - o \$20.00 an hour.

B. League Use:

1. Resident (league address based in the Emmitsburg voting district).
 - o \$50.00 per team, per field, per season
2. Non-Resident (league address *not* based in the Emmitsburg voting district).
 - o \$100.00 per team, per field, per season

C. Tournament Use:

1. Youth Tournament (ages 17 and under)
 - o \$50.00 per day.
2. Adult Tournament (ages 18 and older)
 - o \$75.00 per day.

Proof of federal 501(c) (3) status and liability insurance in the minimum amount of \$1,000,000 per occurrence may be required with a registration. The availability of the fields is on a first come, first serve basis, with applicants from the Emmitsburg voting district given first priority. The same field cannot be reserved for seven consecutive days; one day must remain open for public use. The facility used must be returned to its original condition except for normal wear. If this is not followed, the Town may retain all refundable fees and may decide not to allow future use to the applicant.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect on _____ day of _____, 2018.
PASSED this _____ day of _____, 2018.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

_____ APPROVED _____ VETOED

This _____ day of _____, 2018

Donald N. Briggs, Mayor

AGENDA ITEMS CONTINUED:

- V. **Requests to Use Baseball Fields in 2018 for Consideration:** Presentation at meeting by town staff.

Letter from Emmitsburg Baseball and Softball:

**Emmitsburg Baseball and Softball
P.O. Box 1205
Emmitsburg, MD 21727**

Over the years, there has been much discussion about Emmitsburg Baseball and Softball merging with Thurmont Little League. Through the devoted efforts of a few, Emmitsburg Baseball and Softball has managed to (somehow) survive the dwindling number of players and volunteers.

But, the time has now come to merge the two. This will allow the Emmitsburg children to continue playing with their friends and classmates on their age appropriate teams. Discussion has taken place between Emmitsburg Baseball and Softball Inc and Thurmont Little League and a merger has been agreed upon. Because Thurmont Little League is its own entity, any softball players will be referred to Catocin Softball. This merger will take place immediately. There will NOT be a Spring 2018 league in Emmitsburg. Children will be encouraged to contact the Thurmont officers in order to play.

If you have any questions please contact Tina Winfrey at 410-984-8598 or Sandy Umbel at 240-285-6695.

Thanks for your support over the past years.

Emmitsburg Baseball and Softball

Letter from Thurmont Little League:

Dear Emmitsburg Town Council,

I am currently the President of TLL and have been in talks with Sandy Umbel about the possible merger of Emmitsburg Baseball and TLL. Because of this merger, TLL will be gaining in size and would like to work with the town by using the fields for several years to come. Our plan is to not only use the fields for practices, but also for games. We have also been in talks with the Challenger Division about holding a tournament with TLL. If we are able to secure the fields, I plan on working with them to hold their tournament at the Emmitsburg Complex. I am not sure of the exact specifics at this moment, but it will be a rather large event that will draw many players from across the state to compete. TLL is looking to use the 3 baseball fields Monday through Friday in the evenings for practices and games. As well as those same fields on Saturdays for the same reasons. Sundays will not be a necessity expect on certain occasions. I can get certain dates where we may need Sundays, but it will be so infrequent that I don't want to request those days when other kids can have the opportunity to utilize the fields. I have also talked to Mayor Briggs in regards to changing the name of Thurmont Little League to another name that incorporates both towns. At this time, as stated to him in a phone call, that is not an option. We can re-evaluate this in a couple years, but now this would not pass with my board of directors.

I look forward to working with Emmitsburg, reviving baseball within your great town.

Jeremy Johnson



TLL President

Email from Mid-Maryland United:

RE: Field use request- Mid Maryland United

Sent via email Fri. 01/12/2018 at 3:10 PM

FROM: Ed Lowry

TO: Cathy Willets, Mayor Briggs, Madeline Shaw

Hello Mayor Briggs, Cathy, and Madeline,

Thank you again for taking the time out of your schedules today to speak with me. I greatly appreciate it. As a follow up from our meeting, I would like to request permission to utilize the town ball fields. In particular, Mid Maryland United would like to utilize the following:

1. 60/90 ball field on Willow Drive at the Community Park.
2. 50/70 ball field (currently all dirt) on Willow Drive at the Community Park.
3. Use, or, part time use of the Little League ball field on Memorial Drive.

Per our conversation, we would be willing to maintain the ballfields under whatever conditions the Town feels is in the best interest. Additionally, we will work with the Town of Emmitsburg to make capital improvements at these locations that further improve the future use of the ball fields that meet the Town's need. We will also work with the Town of Emmitsburg to provide baseball clinics to the youth of the Town (no cost from Mid Maryland United).

I welcome the opportunity to secure the obligations required of our organization to utilize these ball fields. We look forward to working with the Town and the community. Please let me know whatever information I can provide additionally.

Thank you again for your time today.

Ed Lowry



• Founded in 2014 as a 501 (c)

• Program mission is baseball and academic development

• 90+ players from all over the region -- (7) Teams

• We compete on at the regional and National level

• We operate an indoor baseball facility -- Cascade, Maryland

• We are well funded and resourced

• Sponsored by Stinger Bat Company

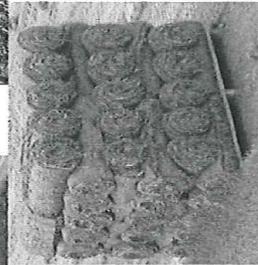
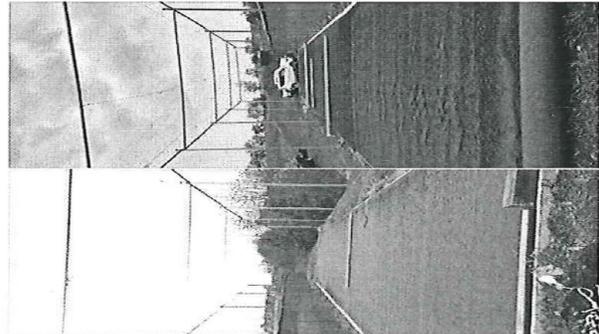
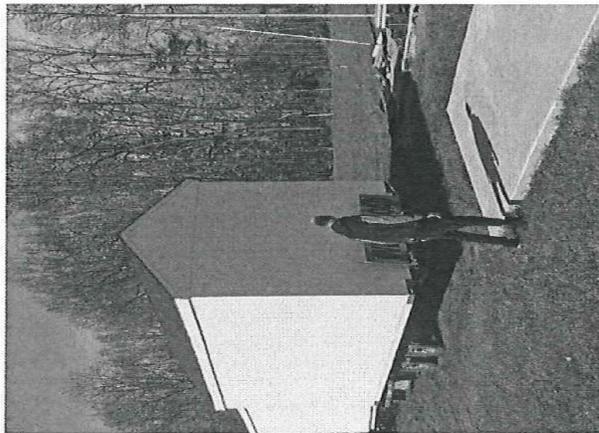
• MMU features some of the most talented coaches in the Mid Atlantic region

• We give back to our communities -- over \$15,000 over the past 12 months

• Ed Lowry, MMU board officer and resident of Emmitsburg -- previous Park & Recs & Citizen's Advisory Commission Member

About Mid Maryland United
(MMU)

MMU Projects over the past 6 months...



What MMU “can”
provide Emmitsburg

- Pay a reasonable use fee for the ball fields
- Provide maintenance on the fields
- Reduce operational and budgetary costs to the Town
- Raise funds for Town Parks & Recreational programs
- Provide community service to the Town of Emmitsburg
- Provide baseball clinics/instruction to Town youth
- Work to restore community based Emmitsburg Baseball

Emmitsburg Community Service

- Emmitsburg Food Bank
- Senior Center
- Dedicate time and resource to Town programs
- Generate revenue to Town programs of choice
- Donate % of our fundraising proceeds to charity of the Town's choice
(ie: Dog Park Project)

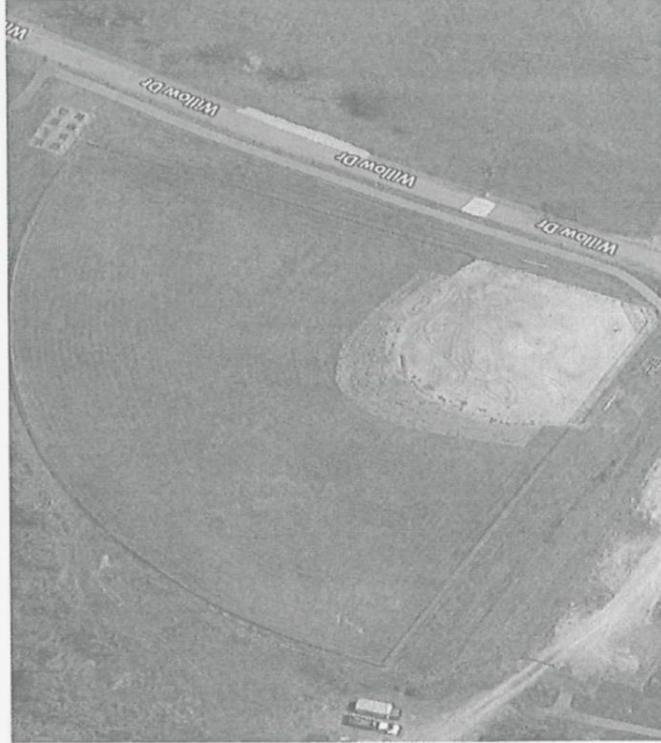
HOW CAN WE HELP?

Plan for Willow Drive Field

- Maintain all elements of the ballfield
- Add clay at home plate and bases
- Add a proper pitching mound that suits the dimensions of that ballfield
- Cut grass weekly (or as needed)
- Add ball dirt (upwards to \$2,000)
- Sod cut uneven parts of the field
- Add sod where needed
- Advertise local Emmitsburg businesses on site
- Paint and maintain fencing (if needed)

PRIMARY USE: 12 Year Old Team (T. Castellow)

Frequency: 5 days weekly

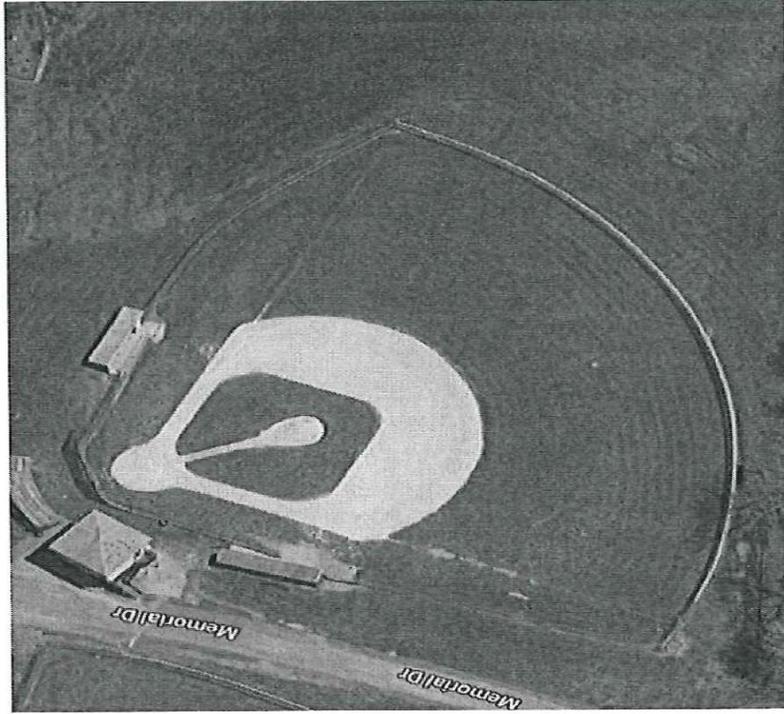


Plan for Memorial Drive Field

- Maintain all elements of the ballfield
- Cut grass (as needed)
- Add ball dirt (as needed)
- Sod cut uneven parts of the field
- Add sod where needed
- Utilize and maintain the clubhouse
- Keep field in playing condition

PRIMARY USE: 10 Year Old Team (R. Ferrell)

Frequency: 5 days weekly



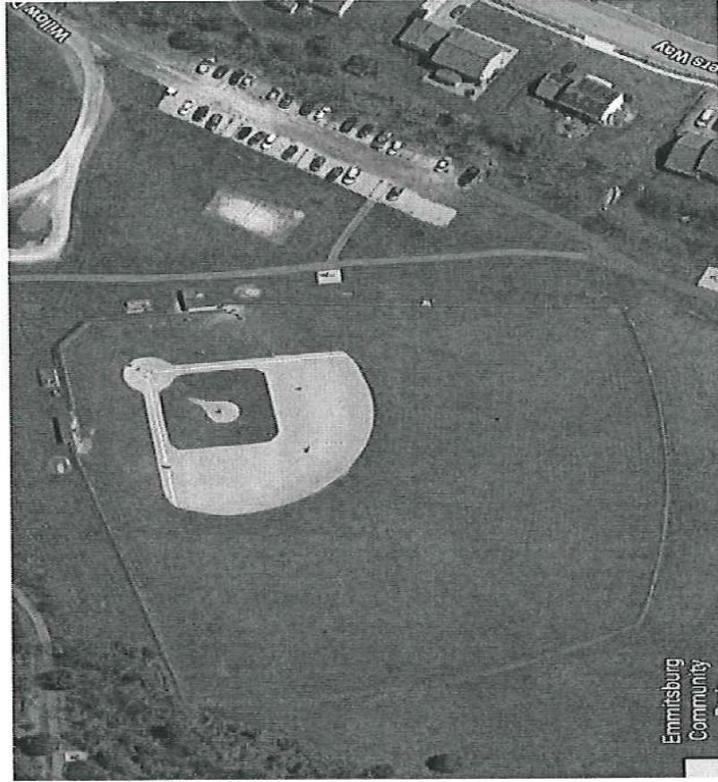
Request for use of Larger Ball Field (60-90)

Emmitsburg Community Park

- Only requesting time “when available” – work Emmitsburg 15 – 19 program on schedule – if they field a program
- Maintain all elements of the ballfield when utilized
- Contribute to cutting grass
- Contribute to maintenance expenses if shared
- Keep field in a playable condition

PRIMARY USE: 13U Year Old Team (E. Lowry)

Frequency: 3 days weekly



MMU goals for requesting field use

- Give the MMU youth a “home base” to play ball
- Improve the Emmitsburg Town ball parks from MMU use
- Contribute to reducing Town operating costs
- Keep the town resources in good standing and usable
- Promote active baseball in Emmitsburg
- Promote MMU in the “community” setting
- Promote the Town of Emmitsburg and it’s “good will”



M. SET AGENDA FOR NEXT MEETING: MARCH 5, 2018

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