



# 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** **June 4, 2018– 7:30 p.m.**

### **1. CALL TO ORDER**

### **2. PLEDGE OF ALLEGIANCE**

### **3. FUTURE MEETINGS**

*Town Square Grand Opening Ceremony: Saturday June 30, 2018 at 9:00 a.m.*

*Town Council Meeting: Monday July 2, 2018 at 7:30 p.m.*

### **4. MEETING ITEMS**

#### **A. APPROVE MINUTES: MAY 7, 2018 & MAY 21, 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. New Town Planner Employee for Consideration.

II. Amended Contract Name Change for the Lagoon Storage for Consideration.

III. Ordinance to Adopt Fiscal Year (FY) 2019 Budget.

#### **I. CONSENT AGENDA: NONE**

#### **J. TREASURER REPORT**

#### **K. PLANNING COMMISSION REPORT**

#### **L. AGENDA ITEMS (DETAILS ATTACHED)**

I. Resolution Related to Employee Benefit Payout.

II. Fiscal Year (FY) 2019 Salary Chart Adoption for Consideration.

III. Electric Vehicle Institute and Frederick County Agreement for Consideration  
Relating to Electric Vehicle Chargers.

IV. Sliding Scale for Pool Membership for Discussion.

V. Parking Ordinances and Policy for Consideration.

VI. Town Volunteer Program for Community Cleanup for Consideration.

#### **M. SET AGENDA FOR NEXT MEETING: JULY 2, 2018**

### **5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

### **6. ADJOURN**

**A. APPROVE MINUTES: MAY 7, 2018**

**MINUTES  
TOWN MEETING  
May 7, 2018  
Emmitsburg Town Office**

**Present:** *Elected Officials:* 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; Amy Naill, Code Enforcement Officer; and Cole Tabler, Town Accountant. *Others Present:* Deputy Ben Whitehouse.

**Absent:** Commissioner Elizabeth Buckman.

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**I. Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 7, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

**Motion:** To approve the April 2, 2018 town meeting minutes as presented. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor, Commissioner Buckman absent.

**Police Report:**

Deputy Ben Whitehouse presented the police report from April 2018 (exhibit attached). Deputy Whitehouse mentioned there were seven collisions, but none were a result of the State Highway Administration (SHA) construction projects. The Board thanked the deputies for their presence at various community events.

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager's Report from March 2018 (exhibit attached). Ms. Willets mentioned there is currently a surplus of precipitation, there were no spills of untreated sewerage, and the wastewater treatment plant (WWTP) exceeded its design capacity three times during March 2018 due to rain events. For noteworthy items, a new salt shed was installed at the WWTP. Staff repaired four leaks caused by the flow tests at the new Seton Center. Improved water quality and lower demand has significantly improved operations at the water plant. Beginning on May 24, 2018, the trails will be open 7 days a week until September 6, 2018 because hunting season will be over.

**Town Planners Report:**

Cathy Willets, Town Manager, presented the Town Planner's Report from March 2018 on behalf of Susan Cipperly, Town Planner (exhibit attached). Ms. Willets mentioned Ms. Cipperly was instrumental in the completion of the dog park, which opened May 5, 2018. The Planning Commission will need to have a meeting to re-approve the Emmitsburg Industrial Park II, Brookfield/Irishtown Road approval and potential commercial development of homes the next six months.

**Commissioner Comments:**

- **Commissioner Ritz III:** Thanked everyone for planting trees at the Arbor Day celebration on April 28, 2018. Thanked everyone for coming to the Dog Park grand opening. On May 23 the Vigilant Hose Company will host a free emergency training event.
- **Commissioner Sweeney:** Looks forward to his Arbor Day tree lasting a long time. He is appreciative of the new dog park location and design. He reminded everyone the Pool Grand Opening is June 2 and the Town Square Grand Opening June 30, 2018.
- **Commissioner Blanchard:** He attended the Open Meetings Act training on April 12, 2018. He reminded everyone the Emmitsburg Food Bank needs donation, especially produce and other fresh items.

- Commissioner O'Donnell: Thanked town staff for their hard work. The recent trail work day had a good turn out. The next trail day in May 20, 2018. He requested drivers watch for cyclists, especially during the upcoming Maryland Endurance Challenge at Mount St. Mary's.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in April 2018 (meetings listed in agenda packet). He expressed gratitude towards town staff for the labor and administrative time towards the tree planting, dog park grand opening, pool grand opening and town square grand opening. He is hoping to get a William Cochran Glass Etching out front of the Frederick County Fire Rescue Museum. He is trying to get the Boys and Girls club in Emmitsburg and an electric vehicle charging station, which will come before the Board soon for approval.

**Public Comments:**

*Wayne Slaughter, 66 Robindale Drive* - Mr. Slaughter would like to set up a volunteer group that would do trash clean-up on a monthly or quarterly basis around Town. He is requesting the Town provide basic public safety, the removal of the filled trash bags and advertisement. He would like it to begin Saturday July 14, 2018. He would also like the Board to consider converting the walking trail into a botanical garden in Community Park. *Joseph Buhrman, 17353 Mountain View Road* - He does not wish to speak anymore because his concern was addressed. *Karen Yoho, 4003 Bill Moxley Road Mount Airy* - She is running for the Frederick County Board of Education.

**Administrative Business:**

- I. Approval of the FY 2019 contract between Town of Emmitsburg and Frederick County Sheriff's Office: Ms. Willets explained this contract is a 3.5% increase (or \$8,712.00 increase) to \$276,403. The increase is due to salary increase and the rising cost of vehicle fuel. If the Board approves, the Mayor will sign then the County Executive will get the contract to sign. Everything else regarding service provided will remain the same.

**Motion:** To accept the Frederick County FY 2019 contract for sheriff deputies for Emmitsburg.

Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor, Commissioner Buckman absent.

**Consent Agenda:**

None

**Treasurer's Report:**

Commissioner Blanchard presented the Treasurer's Report for April 2018 (exhibit in agenda packet). The operating balance forward is \$5,209,079. There were no questions from the Board.

**Planning Commission Report:**

Commissioner Sweeney explained there was no meeting in April 2018.

**II. Agenda Items**

Agenda #1- Frederick County Harm Reduction and Syringe Service Programs: Commissioner O'Donnell explained this agenda item was postponed to July 2018 again due to requests from the Frederick County Health Department.

Agenda #2 - Setting of the Tax Rate for Fiscal Year (FY) 2019: Ms. Willets explained this item should not have been its own agenda item because the tax rate is approved with the fiscal year (FY) 2019 budget. The tax rate is recommended to remain the same at \$0.36 per \$100 assessed value.

Agenda #3 - Initial Budget Presentation for Fiscal Year (FY) 2019: Mayor Briggs presented the initial budget. He explained each of the Board members received a copy of the proposed budget tonight. He summarized the tax rate will remain the same, the County tax rate will increase by 6% and the general fund revenue will increase \$88,080 (or 5% over FY 2018). Salaries are anticipated to increase 2.63% over FY 2019 and it is recommended staff get a 2% Cost of Living Adjustment (COLA). There was no COLA in the FY2018 budget. The capital funds transfer will be \$232,819, which is higher than the FY 2018 amount of \$218,341. The Board must approve the new budget by the end of June 2018. Commissioner O'Donnell clarified that any Board members looking for an explanation of funds

should email town staff, and any Board members seeking a change need to wait until the May 21, 2018 town meeting to discuss the requested change.

Agenda #4 - Budget Transfer to Fund 2 in Relation to the Painting of 140 South Seton Avenue for Consideration:

Ms. Willets explained town staff received three bids for the painting. The town was required to have these items completed due to State of Maryland law regarding rental properties and lead paint. The total cost of the project was \$21,058.63 which included the painting contractor, cleaning company, new carpet, lead tester, hotel/food for the tenants and a storage unit. \$12,012 is still needed to cover the cost of the project. Staff recommends transferring \$12,012 from fund 2 LED Upgrade (which currently has \$25,479 in the account) to cover the costs of this project. Commissioner Sweeney made a motion to transfer \$21,058.63, which is the total project amount. Ms. Willets interrupted and said only \$12,012 is needed for the transfer. Commissioner Sweeney modified his motion.

**Motion:** To transfer \$12,012 to take care of the 140 South Seton painting.

Motion by Commissioner Sweeney, second by Commissioner Ritz III as amended.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Agenda #5 - Presentation on the Ethics Code and Appeal Procedures by Town Staff: Ms. Willets explained if anyone has questions they can ask the town manager or town clerk. Ms. Willets reviewed the State of Maryland Law and the Ethics Commission was established by the Town Code, Section 2.32. Topics covered under the Emmitsburg Town Code includes conflict of interest, employment limitations, prestige of office, solicitation/acceptance of gifts, financial disclosures, lobbying and code enforcement. In 2006 Harry T. DeMoll, Attorney, developed formal ethic compliant procedures for the Town. The procedures were brought to the Board February 6, 2006 by David Haller, Town Manager, and Mr. DeMoll. As a result of the town meeting, the Board requested the Town Manager find the best approach for developing an ethics procedures ordinance by contacting MML (per 02/06/2006 minutes). Ms. Willets explained this was never done and it is unknown if the procedures were ever formally adopted. She then proceeded to review the procedures drafted in 2006. The process would start with a formal complaint that is delivered sealed to the Ethics Commission Chair. Once the Ethics Commission receives the complaint, they can investigate it to see if there is probable cause for the complaint. If the Commissioner finds probable cause, they can request a adjudicatory hearing. Ms. Willets reviewed a sample flow chart outlining the complaint process from Middlebury, Connecticut. Town staff recommends developing a similar flow chart and a formal ordinance by having the Ethics Commission review the procedures then make recommendations to the Board. The Board requested town staff have the ethics commission review the procedures and make recommendations on the procedures and if the adjudicatory hearing should be public or private. There was discussion regarding the necessity of keeping ethic hearings confidential. Mayor Briggs recommended the Board use caution with the demands put on the Ethics Commission since the commission is filled by volunteers.

**Motion:** Per the town staff recommendation, to refer the presented procedures to the Ethics Commission for developing a procedure. Motion by Commissioner Ritz III, second by Commissioner Blanchard.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Agenda #6 - Code of Conduct Policy for Consideration: Commissioner O'Donnell explained this item has been postponed per the request of Mayor Briggs and town staff. A future date to review this item is to be determined.

Agenda #7 - Public Comment Timing in Meetings for Consideration: Ms. Willets explained this agenda item was requested by Commissioner Buckman. She explained a few other municipalities have early public comment but some do not. She reviewed several sample agendas from Gettysburg, City of Brunswick and Boonsboro that have public comment earlier in the agenda. The Board discussed the location of public comment currently and the importance of making sure residents are heard. Commissioner Sweeney and O'Donnell explained they are satisfied with the current public comment timing, which allows for public comment near the beginning and with each agenda item. Ms. Willets explained her understanding of Commissioner Buckman's desire was to move the public comment up even more. The Board decided to postpone the item because Commissioner Buckman was absent.

**Motion:** To table the timing issue for the public comment until a later meeting.

Motion by Commissioner Sweeney, second by Commissioner Ritz III.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

**Set Agenda Items for May 21, 2018 Town Meeting**

1. Fiscal Year 2019 Three Year Trash Services Contract for Consideration
2. Fiscal Year 2019 Budget for Discussion and Possible Consideration

**Motion:** To accept the May 21, 2018 agenda as presented. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

**Set Agenda Items for June 4, 2018 Town Meeting**

- I. Fiscal Year (FY) 2019 Budget for Consideration
- II. Fiscal Year (FY) 2019 Salary Chart Adoption for Consideration
- III. Electric Vehicle Institute and Frederick County Agreement for Consideration Relating to Electric Vehicle Chargers
- IV. Parking Ordinances and Policy for Consideration

***Admin Business:***

- A. New Town Planner Employee for Consideration
- B. Amended Contract Name Change for the Lagoon Storage for Consideration

**Motion:** To accept the agenda for the June 4, 2018 meeting as present. Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

**Motion:** To accept the administrative business items A and B as presented. Motion by Commissioner Sweeney, second by Commissioner Ritz III. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Commissioner Ritz III will contact Mr. Slaughter (from public comment) about his proposed town projects. He will make a recommendation for a future agenda at the May 21, 2018 town meeting.

**Motion:** To close the town meeting. Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, the May 5, 2018 Town Meeting was adjourned at 9:18 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk  
Approved:

**APPROVE MINUTES CONTINUED: MAY 21, 2018**

**MINUTES  
TOWN MEETING  
May 21, 2018  
Emmitsburg Town Office**

**Present:** *Elected Officials:* Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Staff Present:* Cathy Willets, Town Manager; Terri Ray, Office Manager; Amy Naill, Code Enforcement Officer; and Cole Tabler, Town Accountant.

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**II. Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 21, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Commissioner Comments:**

- Commissioner Buckman: She stated the Mother Seton Carnival is occurring this week and encouraged residents to attend. She requested town staff spray and weed near the pool to help prevent bee/wasp stings.
- Commissioner Ritz III: He inquired why the proposal from Kirby Delauter regarding the sidewalk extension along Creamery Road near the Ambulance Company building was declined by the Mayor. Commissioner O'Donnell recommended making the item an official item to allow for further discussion later in the meeting.
- Commissioner Sweeney: He stated the lions club is selling raffle tickets at the Mother Seton Carnival.
- Commissioner Blanchard: He encouraged more residents to get involved in the community gardens.
- Commissioner O'Donnell: He stated he has seen numerous people using the new dog park. He met with Christine Adamow, the entrepreneur leadership program director from Mount Saint Mary's (MSM). She has several projects she would like to see occur in town that could help promote town and school growth.

**Mayor's Comments:**

Mayor Briggs attended the Vigilant Hose Company Spring Fling in May 2018. He congratulated MSM and Catocin High School on their upcoming graduations. He also thanked MSM and Dr. Powell for the donation of the historic clock at the new town square.

**Public Comments:**

None.

**Consent Agenda:**

None.

**Administrative Business:**

- I. Discussion Relating to the Proposed Creamery Road Sidewalk Extension Near Mother Seton School and the Vigilant Hose Company Activities Building: Commissioner O'Donnell requested the modification of the May 21, 2018 town meeting agenda to add an administrative business item for the Creamery Road sidewalk extension that was mentioned briefly by Commissioner Ritz III in his commissioner comments. The Board showed unanimity.

**Motion:** To add an administrative business item before the agenda items on the agenda.

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

Commissioner O'Donnell clarified the administrative business item at hand is regarding the discussion of the Creamery Road sidewalk extension linking the sidewalk in front of the Mother Seton School to the Vigilant Hose Company activities building area. Ms. Willets summarized Mayor Briggs had expressed a desire to build a sidewalk extension along Creamery Road to the Vigilant Hose Company activities building; however, the Town did not have the budget for it. The Mayor had suggested piggy backing the sidewalk work with the County to save money, which

resulted in the Mayor reaching out to the County. Kirby Delauter offered to do a portion of the originally proposed sidewalk, but the Town would have to cover the remaining costs. Town staff and the Mayor discussed the offer and determined it would be best to have the project completed all at once and have the County budget cover it and time was of the essence because the County was voting on their budget, thus Mr. Delauter's offer was declined. Commissioner Ritz III requested the Board discuss similar items in the future at a town meeting before responding.

## II. Agenda Items

Agenda #1- Fiscal Year 2019 Three Year Trash Services Contract for Consideration: Ms. Willets explained town staff put the request for proposal (RFP) out on April 6, 2018 and the bids were due April 30, 2018 at 4:00 p.m. The RFP was advertised on the town website and in the Frederick News Post. Four total bids were received. Town staff recommends continuing services with Republic Services for three (3) years because they have the best prices and town staff is familiar (and likes) their customer service. The Board requested town staff research the cost to add a third day for bulk trash pick-up. Town staff will request pricing for a third day.

**Motion:** To Republic Services contract as presented.

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

Agenda #2- Fiscal Year 2019 Budget for Discussion and Possible Consideration: Presentation by Cole Tabler, Town Accountant, and Cathy Willets, Town Manager. Mr. Tabler and Ms. Willets explained they will do their best to answer questions. A PowerPoint will be used to summarize main components of the fiscal year (FY) 2019 budget.

- **Revenue:** Mr. Tabler explained the general fund revenue will increase by approximately 5% from \$1,743,959 to \$1,832,039. The tax rate is recommended to stay the same, which was reviewed at the May 7, 2018 town meeting. Town staff had submitted a Project Open Space (POS) grant for rehabbing the pool bathhouse and an ADA compliant playground in Community Park. Town staff only included six months of rent for 140 South Seton Avenue because town staff is considering requesting the Board sell the property due to the future lead testing expenses. Overall, Mr. Tabler explained the town tries to be conservative with numbers and he mentioned real estate tax revenue is increasing slightly.
- **Expenses:** Mr. Tabler reviewed the expenses of the departments in ascending order.
  - **Department 10 (Legislative & Executive):** Mr. Tabler explained overall this department has an increase. Ms. Willets explained the most noticeable difference occurs under special events/program costs (6901) due to the town pursuing a Boys and Girls club program since the After School Club House director is retiring. This line item also covers a community shred day as a green project in Town. The educational conferences and workshop materials (5401) was increased so all six elected officials could go to the MML summer conference if they desired. In addition, Ms. Willets would like to send the town clerk to a grants training workshop.
  - **Department 12 (Planning & Zoning):** Mr. Tabler explained overall this department has increased and the most noticeable difference occurs under contractual (5505), which Ms. Willets explained is needed because the Town will need to hire a contractor to make recommendations on how to reduce impervious surfaces in Town for the MS-4 Permit. In addition, there will be a one-month overlap with the current town planner (Ms. Cipperly) and the new town planner before Ms. Cipperly's retirement at the end of July.
  - **Department 13 (Financial):** Mr. Tabler explained overall this department decreased by \$46. The accounting auditing fees (5502) decreased because the town overestimated on auditing fees for FY2018. Educational conferences and workshop materials (5401) decreased because the average was taken from the past several fiscal years and the average amount was less.
  - **Department 15 (Buildings):** Mr. Tabler explained overall this department has increased. Ms. Willets explained the increase is town staffs attempt to be proactive with preventative maintenance for town buildings. The Emmitsburg Community Center is in need of the most funding to ensure the town fulfills lease responsibilities. Electric (5522) has increased due to allocation.
  - **Department 20 (Public Safety Police):** Mr. Tabler explained overall this department has increased, which is mainly the result of the increase in the contract for law enforcement services.
  - **Department 21 (Public Safety Fire & Rescue):** Mr. Tabler explained this department is a donation to the Vigilant Hose Company and is remaining the same. Commissioner O'Donnell explained the cost of

- running a fire department would be significantly greater than donating to our local volunteer fire department.
- **Department 22 (Other Public Safety):** Mr. Tabler explained this department is the same as the previous FY and is for the emergency warning siren in Town.
  - **Department 30 (Public Works Streets):** Mr. Tabler explained that overall this department budget increased. Town staff would like to keep contractual (5505) the same for snow removal, human resources, information technology contractor, etc. Other expenses (6100) increased to help provide the necessary safety tools for staff and storm drain repairs for the MS-4 Permit. Communications (5304) increased \$4,500 for town staff to have radios installed in their vehicles. Commissioner Sweeney requested the Town consider metering the parking spaces at the newly paved pool parking lot during non-pool hours for extra municipal parking.
  - **Department 31 (Refuse):** Mr. Tabler explained this department slightly increased, which is mostly a result of the trash services the Town pays for. The overtime wages for this department pay for town staff to collect yard waste on Saturdays twice a month.
  - **Department 60 (Parks):** Mr. Tabler explained that overall this department budget increased and the bulk on the increase is the town pool opening for summer 2018 and summer 2019. Commissioner Sweeney requested more cameras around town, which will be included under the proposed fund 2 transfers. Repairs and maintenance (6200) has an increase for such items as the ball field maintenance, pool house, new dog park and ash tree treatments (among other items).
  - **Department 70 (Debt Service):** Mr. Tabler explained loan items are listed under this department. In FY2019 the town anticipates paying off one of the loans.
- **FY 2019 Capital Projects Fund Transfers:** Mr. Tabler mentioned this fund is the excess FY 2018 revenue that can be applied to upcoming capital projects. For FY 2019 there is \$232,819 available for transfer. For capital projects, Town staff recommends the following interfund transfers for FY 2019:
- \$10,000 to Department 12: Geographic Information System (GIS) for sewer/water mapping.
  - \$9,819 to Department 15: For Christ Community Church (aka UpCounty) for maintenance.
  - \$5,000 to Department 15: For maintenance of 22 East Main Street and interior work.
  - \$10,000 to Department 15: For 300A South Seton Avenue to upgrade the camera system and repair the generator.
  - \$7,500 to Department 30: For equipment to upgrade the camera system around town to help prevent vandalism and damage to town property. The camera system is split between departments 30/60.
  - \$55,000 to Department 30: For vehicles to replace the town car and prepare for upcoming items.
  - \$2,500 to Department 30: Square maintenance (beautification) once the square is complete.
  - \$72,000 to Department 30: For curbs, gutters, sidewalks and roads.
  - \$18,500 to Department 60: For pool house upgrades as part of matching funds for a grant.
  - \$7,500 to Department 60: For ballfields to re-shingle the dugout roofs.
  - \$28,500 to Department 60: For park/rec equipment upgrades to rehab the bandstand and other items.
  - \$1,500 to Department 60: For trails maintenance and promotions.
  - \$9,000 to Department 60: For the MHAA historic wayside signs grant match.
- **Department 40 (Water):** The Town anticipates an increase in revenue due to the sale of homes in the new Brookfield development. Contractual (5505) will continue to provide a contractor for leak detection and the LG Sonic algae control system. Chemicals (6150) is remaining the same from FY2018. Ms. Willets explained water rates have not increased in a significant amount of time, which is resulting in the revenue not keeping up with the expenses. Town staff proposes \$4,400 to add the home on the failing 8-inch mountain line to the 10-inch line on Hampton Valley road, \$15,000 to tie the mountain water line to the 8-inch MSM line, \$6,800 for the tract road water line, \$774,000 for the North Seton waterline, \$398,500 for the Waynesboro Pike Waterline, and \$7,000 for turbidimeters.
  - **Department 50 (Sewer):** Mr. Tabler mentioned the sewer expenses have increased from FY2018. For infrastructure projects, town staff proposes \$36,400 for sewer line repair between Irishtown Road and Creekside Drive, \$63,000 for sewer line repair between the Post Office and Mother Seton School, \$14,000 for new garage doors at the WWTP, \$80,575 for the sewer relining along East Main Street, \$20,750 for a new building to keep the sewer equipment in, \$13,425 for repairs to the old WWTP garage roof, \$37,000 for a generator for the lab at the WWTP.

- **Other Budget Items:** Mr. Tabler reviewed other expenses. He explained the health insurance decreased slightly in FY2018. Ms. Willets explained all employees did well on their performance evaluations and all employees are eligible for their step increase.
  - **Electric:** The total anticipated budget for FY2019 is \$172,950, which is a slight increase from FY2018. The increase is mostly from the sewer plant, which Mr. Tabler has been trying to allocate correctly with the solar fields. Town staff is still seeing a reduction in electrical costs at the pumping station due to the PowerStar system, which was installed in 2015.
  - **Insurance:** Insurance is slightly increasing from \$25,045 to \$31,700 in FY2019.

Ms. Willets summarized the large projects that were completed in FY2018 due to grants and prior Board budget approval. Some of these projects include the dog park, Community Pool, town square, Community Park board fence, rip rap (phase 1), the WWTP salt shed, MS-4 Permit and GIS mapping. Town staff have applied for several grants this year, which include the Willow Rill tree planting, the EAB ash tree treatment, the LED lights for town buildings, the cigarette litter prevention grant and the pool parking lot paving. There are several other grants pending for the pool bathhouse, ADA playground, historical wayside exhibits and more. Town staff recommends the Board approve an employee benefits payout resolution to prepare for several long-term employees that will be retiring soon. Ms. Willets explained this item will come before the Board in the June town meeting. Commissioner Ritz III expressed a desire to consider donating funds to Emmitsburg Little League to help bring little league back to Emmitsburg. There was discussion over ways to revitalize the Emmitsburg Little League during FY2019. Ms. Willets recommended the Board pursue a fund transfer when an exact amount is known for a little league donation. The Board agreed. Commissioner Ritz III requested more funding for special events and programs (department 60, 6901). Commissioner O'Donnell offered to transfer \$500 from trail maintenance and promotion (900, fund 2) to department 60, special events and programs (6901). The Board agreed. Commissioner Ritz III requested an additional \$300 in department 60, 6901. The Board requested to move an additional \$300 from UpCounty (107, fund 2) to department 60, special events and programs (6901) to make the total amount available for park events \$2,000.

**Motion:** To accept the FY2019 budget along with the modifications.

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

#### **Set Agenda Items for the June 4, 2018 Town Meeting**

1. Fiscal Year (FY) 2019 Salary Chart Adoption for Consideration.
2. Resolution Related to Employee Benefit Payout.
3. Electric Vehicle Institute and Frederick County Agreement for Consideration Relating to Electric Vehicle Chargers.
4. Sliding Scale for Pool Membership for Discussion.
5. Parking Ordinances and Policy for Consideration.
6. Town Volunteer Program for Community Cleanup for Consideration.

#### **Administrative Business:**

- A. New Town Planner Employee for Consideration.
- B. Amended Lease Agreement to Denali Water for Consideration.

**Motion:** To close the meeting.

Motion by Commissioner Buckman, 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 May 21, 2018 Town Meeting was adjourned at 10:54 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  
April 2018  
Prepared by Cathy Willets**

Streets:

- Staff repaired and replaced street lights.
- Staff repaired and straightened parking meters.
- Staff repaired and straightened street signs.
- Staff conducted monthly street sweeping on East and West Main Street.

Sidewalk and Bridge Project:

- Staff assisted with the 10” water line relocation at Flat Run Bridge project during the overnight hours on 04/29/18 & 04/30/18.

Parks:

- Staff repaired leaks in the restroom in Community Park.
- Staff cleaned and stocked both restrooms in Memorial and Community Park.
- Staff and contractor installed waterline for the dog park, put down top soil, seeded and mulched.
- Staff removed a tree in the area of the new Emmitt Gardens playground.
- Staff assisted with the Arbor Day celebration.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are being backwashed one time a day and the DE filters are being done one time 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 #3 and #4 are shut off.

	<u>May 2011</u>	<u>April 2018</u>	<u>Change</u>
○ Well #1:	35’	25’	+10
○ Well #2:	8’	6’	+2
○ Well #3:	12	OFF	N/A
○ Well #4:	108’	OFF	n/a
○ Well #5:	10’	10’	0

- Water production and consumption: We produced an average of 233,191 GPD. We consumed an average of 224,812 GPD. The difference is "Backwash Water" ... (10.1%).
  - 17.0% of this water came from wells.
  - 5.7% of this water came from Mt. St. Mary's.
  - 77/3% of this water came from Rainbow Lake.

We purchased 423,210 gallons of water from MSM this month.

Wastewater:

- We received about 1.90” of precipitation this month (the average is 2.72”).
  - We have a precipitation **SURPLUS** of 4.86" over the last six months. The average precipitation for the period from November 1 through April 30 is 16.94". We have received 21.8" for that period.

Wastewater Treatment:

- We treated an average of 697,000 GPD (consumed 224,812 GPD) which means that **67.7%** of the wastewater treated this month was "wild water".
- We had no spills of untreated sewerage in the month of April.
- We did exceeded the plant's design capacity five times in the month of April:  
823,000gpd 04/03                      1,058,000gpd 04/15                      1,771,000gpd 04/16  
787,000gpd 04/17                      873,000gpd 04/25

**Trash:** Trash pickup will remain Mondays in the month of June.

**Meetings Attended:**

- 04/02 Attended Town Meeting
- 04/02 Attended budget prep meeting with staff
- 04/02 Met with Mayor
- 04/03 Met with staff to review budget PowerPoint presentation
- 04/04 Conducted staff evaluation reviews
- 04/05 Met with staff and engineer to go over waterline relocation project at 140 bridge
- 04/04 Attended mountain water line meeting with staff and three affected residents
- 04/10 Met with accountant to review budget
- 04/10 Met with Mayor to review budget
- 04/11 Met with Mayor
- 04/13 Met with W&S staff to review budget
- 04/13 Met with Mayor
- 04/16 Met with staff and representatives of Boys and Girls Club, Frederick County and Senior Center
- 04/17 Met with staff for review of waterline relocation project at bridge
- 04/18 Met with Mayor to review budget
- 04/23 Met with Mayor
- 04/24 Attended department head/budget review meeting with staff
- 04/24 Met with staff for final review of waterline relocation project at bridge
- 04/26 Attended meeting with Mayor and staff regarding electric vehicle chargers
- 04/26 Attended support staff meeting
- 04/26 Met with Mayor
- 04/30 Met with Mayor

Noteworthy:

- Small leak repaired on the Tract Road waterline.
- LG Sonic algae control was launched.
- Rte. 140 Flat Run bridge water lines were installed. Work continuing.
- Pump #2 at the pumping station is still not operational. Due to amount of rain received, we are unable to have contractor pump it.
- Two employees set to take WWTP Class 5A class and test in June.

**PARKING ENFORCEMENT REPORT**  
**April 2018**

Overtime Parking	71
Restricted Parking Zone	1
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	\$691.15
Parking Permits	\$230.00
Meter Bag Rental	
Parking Ticket Money	\$1,165.00
Funerals	
<b>Total:</b>	<b>\$2,086.15</b>

## D. TOWN PLANNER'S REPORT

**Town Planner's Report**  
**April 2018**  
**Prepared by Susan H. Cipperly, AICP**

1. **GIS** – Prepared various maps to support grant applications and other town projects. Will be working with ALWI to map storm drains and SWM facilities needed for the MS-4 (stormwater) permit. Field work on water/sewer mapping will continue when town DPW staff can assist.
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. Attended several meetings and on-site discussions regarding design elements.
3. **Community Legacy:** Communicated with DHCD contact regarding Community Legacy Façade projects, reimbursement requests. Preparing to close out FY2016 once reimbursement cycle has been completed.

Assisted Town Clerk with CL applications for Pool House and HC playground grants.  
Began working on FY2019 Façade and Restoration CL Grant.

4. **Permits and Zoning** -- highlights
  - Provided zoning info in response to inquiries.
  - Potomac Edison street closure permits in various locations for maintenance/upgrades.
  - Researched land records in response to specific permit or zoning questions.
  - Sign permit for new Seton Center.
5. **Dog Park** – Coordinated receipt of equipment, signage, processed invoices, etc. Worked with DPW on some aspects.
6. **Traffic Study** –Worked with SHA to develop a scope of work for traffic impact study for a potential commercial project on east side of US15.

### Meetings:

- Town Meeting April 2. Presented power point regarding short-term transient rentals.
- Frederick County Permits meeting regarding process/upgrades to “Hansen” system. New system likely to be in place Spring 2019, and will be much more user-friendly and have new functions.
- Office meetings – Dept. Head, budget.
- SHA Sidewalk meetings (status and on-site).

**Upcoming activity as of May 29, 2018 – (In addition to continuing above projects.)**

**Final Report for MHAA Grant for the Square** – as invoices are processed by SHA.

**Board of Appeals:** Arrange BOA meeting to undertake reorganization, since there have been new members appointed. May wait until new Planner is on board.

**Organize:** Planning and Zoning files and computer files in contemplation of upcoming retirement.

**Projects upcoming that will involve staff review and the Planning Commission:**

- Re-Approval of Emmitsburg East Industrial Park II (approval has lapsed) May 29.
- Brookfield/Irishtown Road approval renewal for that section
- Potential commercial development submitted in next 6 months or so.  
(site plans followed by building permits)

## E. COMMISSIONER COMMENTS

## F. MAYOR'S COMMENTS

May 4, met with town manager  
May 5, Dog Park Ribbon Cutting - Grand Opening  
May 7, met with town manager  
May 7, town meeting  
May 9, met with town manager  
May 14, met with town manager  
May 14 met Mount Chief of staff Wayne Green at Clock downtown  
May 15, County Council budget meeting, Winchester Hall  
May 16, Visited manpower Job Fair at Seton Center  
May 16: Lunch with S., Martha, Seton Center  
May 16, Toured new Seton Center with Sister Martha  
May 16, Frederick County – Carroll County – Frederick County joint MML meeting in Mt. Airy.  
May 17, Met with town manager  
May 21, Met with town manager  
May 21, Town meeting  
May 22, Met with town manager  
May 23, Met with town manager  
May 23, Vigilant Hose Co. E.M.S. Open House presenting check from the Town to VHC, 6:30 – 9pm  
May 23, Visited Mother Seton School Carnival  
May 25, Emmitsburg Elementary School play date  
May 25 Meeting with Pool mgt. w/ Amy  
May 26, Saturday, attended Dr. Carroll funeral at St. Joseph's Church, 11 am  
May 26, Saturday, visited opening of the pool for Memorial Day weekend  
May 27, Visited Open House for Richmond-America model home In Brookfield subdivision  
May 28, Attended Memorial Day Service at St. Joseph's Church  
May 28, Memorial Day Ceremony - Visited six area cemeteries, Doughboy and American Legion Hall with  
Amvets - Legion Color Guard and Rifle Team for Taps and 21 Gun Salute tributes.  
May 29, National Firefighters Heritage Center Directors teleconference, 4 pm  
May 30, Mayors - County Executive meeting, 5:30 pm  
May 31, Catoclin High School Graduation at Mt. St. Mary's 10 am  
June 2, Official Opening Day for Community pool, guest County Executive Jan Gardner  
June 5, Town meeting

Saturday, June 2 at noon: Grand Opening of Community Pool  
Saturday, June 30 at 9 AM: Dedication of Town Square, Community Heritage Day

**G. PUBLIC COMMENTS**

**H. ADMINISTRATIVE BUSINESS**

- I. New Town Planner Employee for Consideration:** Presentation by town staff at meeting.

**II. Amended Contract Name Change for the Lagoon Storage for Consideration:**  
Presentation by town staff at meeting.



3308 Bernice Avenue  
Russellville, AR 72802  
PO Box 3036 • Russellville, AR 72811  
Phone: 479-498-0500

April 30, 2018

Cathy Willets  
Town Manager  
Town of Emmitsburg  
300A South Seton Ave.  
Emmitsburg, MD 21727

Re: Lagoon Storage Agreement & Lease

Dear Mrs. Willets,

On June 5, 2017, Denali Water Solutions, LLC ("Denali") completed an asset purchase agreement with Enviro-Organic Technologies, Inc ("EOT") that included all major assets and contracts. Denali effectively began managing the Emmitsburg Lagoon Storage Agreement & Lease at that point. Over the past 11 months I have been working with Phil Sander in effort to make sure the management of the agreement and lagoon property continued as expected.

I would like to request that the Storage Agreement & Lease dated November 7, 2016 be assigned to Denali and name Denali Water Solutions, LLC as the tenant. Denali can comply with the terms and conditions of the current Storage Agreement & Lease. Enclosed with this request is a current certificate of insurance naming the Town of Emmitsburg as a certificate holder and additionally insured.

As outlined on page 12 (pp12.2) of the current agreement, it is the responsibility of the tenant to inform the landlord by May 1 if the tenant wishes to terminate the agreement. In speaking with Mr. Snader, Enviro-Organic Technologies, Inc. will be sending a termination letter but please note that this should be notice that EOT is also in agreement with the assignment of the storage agreement to Denali.

Please feel free to contact me with any questions at 443-685-4212 or [mike.oliver@denaliwater.com](mailto:mike.oliver@denaliwater.com)

Respectfully,

A handwritten signature in black ink, appearing to read "M. Oliver", is written over a light blue horizontal line.

Michael Oliver  
General Manager – Mid Atlantic  
Denali Water Solutions, LLC

**III. Ordinance to Adopt Fiscal Year (FY) 2019 Budget:** Presentation by Mayor Briggs and town staff at the meeting.

ORDINANCE SERIES: 2018  
ORD. NO.: 18 – 07

Page 1 of 1

AN ORDINANCE TO ADOPT  
THE BUDGET  
FOR THE TOWN OF EMMITSBURG  
FOR THE FISCAL YEAR  
JULY 1, 2018 THROUGH JUNE 30, 2019

\*\*\*\*\*

**BE IT 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 by Article V in the Charter of the Town of Emmitsburg, that the “Budget” attached hereto and incorporated by reference herein, be and hereby is, adopted by and for the Town of Emmitsburg for the fiscal year 2018-2019.

**BE IT FURTHER 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:

**I. CONSENT AGENDA: NONE**

**J. TREASURER REPORT**

**Town of Emmitsburg  
 CASH ACTIVITY as of May 29, 2018**

\$5,223,159	Cash Balance May 1, 2018
177,622	Deposits
<u>-213,255</u>	Withdrawals
\$5,187,526	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>
\$21,315	MD Dept of Budget & Mgmt	Apr 18 Health Insurance	04.25.18	38275
13,000	Kershner Environmental Technology	Algae Control System	05.09.18	38328
11,354	UGI Energy Services	Mar 18 Solar Field 1	05.02.18	38309
9,082	RSV Pools, Inc	May 18 Pool Management	04.25.18	38285
6,675	Republic Services	Apr 18 Residential Services	05.09.18	38337
6,130	Frederick County DUSWM	Apr 18 Tipping Fee	05.09.18	38322
6,000	Vigilant Hose Co	FY18 Donation	05.16.18	38378
5,456	Alam B Roofing & Home Improvement	Replace Dugout Roof	05.23.18	38382
5,456	Alam B Roofing & Home Improvement	Replace Dugout Roof	05.16.18	38348
5,280	UTZ Handyman and Remodeling	140 South Seton Painting - Lead Testing	04.25.18	38287

*Check dates 04.25.18 to 05.29.18*

**K. PLANNING COMMISSION REPORT:** Presentation at the meeting.

**L. AGENDA ITEMS:**

- I. Resolution Related to Employee Benefit Payout:** Presentation at meeting by town staff.

RESOLUTION: 2018  
RESOLUTION NO. 18 - 01R

Page 22 of 64

**A RESOLUTION TO RECLASSIFY ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) OF “UNASSIGNED FUND BALANCE” IN THE GENERAL FUND OF THE TOWN OF EMMITSBURG TO “COMMITTED FUND BALANCE” FOR THE PURPOSE OF PAYING EMPLOYEE BENEFITS, SUCH AS VACATION, SICK AND PERSONAL LEAVE WHEN SUCH EMPLOYEES RETIRE OR OTHERWISE LEAVE THE EMPLOY OF THE TOWN OF EMMITSBURG.**

\*\*\*\*\*

**WHEREAS**, In accordance with Statement No. 54 of the Governmental Accounting Standards Board (GASB), governmental fund balances, including those of the Town of Emmitsburg, are required to be reported according to various classifications, including “unassigned fund balance” and “committed fund balance”; and

**WHEREAS**, at the end of FY 2017, there was in excess of \$1.4 million of unassigned fund balance in the Town of Emmitsburg General Fund; and

**WHEREAS**, the Mayor and Board of Commissioners wish to reclassify One Hundred Fifty Thousand Dollars (\$150,000.00) of the “unassigned fund balance” to the “committed fund balance” and to provide that those funds shall be used solely for the purpose of paying employee benefits, such as vacation, sick and personal leave, when such employees retire or otherwise leave the employ of the Town of Emmitsburg.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Mayor and Board of Commissioners of the Town of Emmitsburg that on the \_\_\_\_ day of \_\_\_\_\_, 2018, that One Hundred Fifty Thousand Dollars (\$150,000.00) of “unassigned fund balance” in the Town’s General Fund as of the end of FY2017 shall be, and hereby is, reclassified as “committed fund balance” for the hereinafter stated purposes. It is the intent of the Mayor and Board of Commissioners, on behalf of the Town of Emmitsburg, that the reclassified fund balance shall be used solely for the purpose of paying employee benefits, such as vacation, sick and personal leave, when such employees retire or otherwise leave the employ of the Town of Emmitsburg.

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

**RESOLVED AND ADOPTED** 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

**AGENDA ITEMS CONTINUED:**

- II. **Fiscal Year (FY) 2019 Salary Chart Adoption for Consideration:** Presentation at meeting by town staff.

ORDINANCE SERIES: 2018  
ORDINANCE NO. 18-08

Page 24 of 64

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

draft

\*\*\*\*\*

BE IT RESOLVED, ENACTED AND ORDAINED BY THE Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland that Chapters 2.50.030 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 [~~strikeout~~]

CHAPTER 2.50.30 SALARY STRUCTURE

Town Of Emmitsburg Salary Structure—Fiscal Year ~~2018~~ **2019**  
for July 1, ~~2017~~ **2018** with **2%** COLA factor approved

*See following pages*

FY 2019 SALARY CHART (Part 1 of 4)

Position	Grade		3.50%			3.00%
			Base	Step 1	Step 2	Step 2
<b>Labors (unskilled)</b>	<b>1</b>	Annual Salary	\$25,014.21	\$25,889.71	\$26,666.40	
		Biweekly Salary	\$962.09	\$995.76	\$1,025.63	
		Hourly Rate	\$12.03	\$12.45	\$12.82	
	<b>2</b>	Annual Salary	\$26,397.22	\$27,321.13	\$28,140.76	
		Biweekly Salary	\$1,015.28	\$1,050.81	\$1,082.34	
		Hourly Rate	\$12.69	\$13.14	\$13.53	
<b>Water &amp; Sewer Trainee</b>	<b>3</b>	Annual Salary	\$27,584.80	\$28,550.27	\$29,406.77	
		Biweekly Salary	\$1,060.95	\$1,098.09	\$1,131.03	
		Hourly Rate	\$13.26	\$13.73	\$14.14	
<b>Public Works Employee, Water/ Sewer Operator &amp; Receptionist</b>	<b>4</b>	Annual Salary	\$30,065.16	\$31,117.44	\$32,050.97	
		Biweekly Salary	\$1,156.35	\$1,196.82	\$1,232.73	
		Hourly Rate	\$14.45	\$14.96	\$15.41	
<b>Office Manager</b>	<b>5</b>	Annual Salary	\$33,966.11	\$35,154.93	\$36,209.57	
		Biweekly Salary	\$1,306.39	\$1,352.11	\$1,392.68	
		Hourly Rate	\$16.33	\$16.90	\$17.41	
<b>Maintenance, Parking Enforcement Accounting Tech &amp; Water/ Sewer Skilled Laborer</b>	<b>6</b>	Annual Salary	\$38,934.39	\$40,297.09	\$41,506.01	
		Biweekly Salary	\$1,497.48	\$1,549.89	\$1,596.38	
		Hourly Rate	\$18.72	\$19.37	\$19.95	
<b>Public Works Supervisor</b>	<b>7</b>	Annual Salary	\$39,836.34	\$41,230.62	\$42,467.54	
		Biweekly Salary	\$1,532.17	\$1,585.79	\$1,633.37	
		Hourly Rate	\$19.15	\$19.82	\$20.42	
<b>Town Clerk</b>	<b>8</b>	Annual Salary	\$42,842.87	\$44,342.37	\$45,672.64	
		Biweekly Salary	\$1,647.80	\$1,705.48	\$1,756.64	
		Hourly Rate	\$20.60	\$21.32	\$21.96	
	<b>9</b>	Annual Salary	\$45,849.39	\$47,454.12	\$48,877.74	
		Biweekly Salary	\$1,763.44	\$1,825.16	\$1,879.91	
		Hourly Rate	\$22.04	\$22.81	\$23.50	
	<b>10</b>	Annual Salary	\$48,620.31	\$50,322.02	\$51,831.68	
		Biweekly Salary	\$1,870.01	\$1,935.46	\$1,993.53	
		Hourly Rate	\$23.38	\$24.19	\$24.92	
<b>Planner, Accountant Water &amp; Sewer Superintendent Public Works Superintendent</b>	<b>11</b>	Annual Salary	\$53,433.70	\$55,303.88	\$56,963.00	
		Biweekly Salary	\$2,055.14	\$2,127.07	\$2,190.88	
		Hourly Rate	\$25.69	\$26.59	\$27.39	
<b>Town Manager</b>	<b>12</b>	Annual Salary	\$83,063.18	\$85,970.39	\$88,549.50	
		Biweekly Salary	\$3,194.74	\$3,306.55	\$3,405.75	
		Hourly Rate	\$39.93	\$41.33	\$42.57	

FY 2019 SALARY CHART CONTINUED (Part 2 of 4)

Position	Grade		3.00%	2.00%	2.00%
			Step 3	Step 4	Step 5
<b>Labors (unskilled)</b>	<b>1</b>	Annual Salary	\$27,466.40	\$28,015.72	\$28,576.04
		Biweekly Salary	\$1,056.40	\$1,077.53	\$1,099.08
		Hourly Rate	\$13.20	\$13.47	\$13.74
	<b>2</b>	Annual Salary	\$28,984.98	\$29,564.68	\$30,155.98
		Biweekly Salary	\$1,114.81	\$1,137.10	\$1,159.85
		Hourly Rate	\$13.94	\$14.21	\$14.50
<b>Water &amp; Sewer Trainee</b>	<b>3</b>	Annual Salary	\$30,288.98	\$30,894.76	\$31,512.65
		Biweekly Salary	\$1,164.96	\$1,188.26	\$1,212.03
		Hourly Rate	\$14.56	\$14.85	\$15.15
<b>Public Works Employee, Water/ Sewer Operator &amp; Receptionist</b>	<b>4</b>	Annual Salary	\$33,012.50	\$33,672.75	\$34,346.20
		Biweekly Salary	\$1,269.71	\$1,295.11	\$1,321.01
		Hourly Rate	\$15.87	\$16.19	\$16.51
<b>Office Manager</b>	<b>5</b>	Annual Salary	\$37,295.86	\$38,041.78	\$38,802.61
		Biweekly Salary	\$1,434.46	\$1,463.15	\$1,492.41
		Hourly Rate	\$17.93	\$18.29	\$18.66
<b>Maintenance, Parking Enforcement Accounting Tech &amp; Water/ Sewer Skilled Laborer</b>	<b>6</b>	Annual Salary	\$42,751.19	\$43,606.21	\$44,478.33
		Biweekly Salary	\$1,644.28	\$1,677.16	\$1,710.71
		Hourly Rate	\$20.55	\$20.96	\$21.38
<b>Public Works Supervisor</b>	<b>7</b>	Annual Salary	\$43,741.56	\$44,616.39	\$45,508.72
		Biweekly Salary	\$1,682.37	\$1,716.02	\$1,750.34
		Hourly Rate	\$21.03	\$21.45	\$21.88
<b>Town Clerk</b>	<b>8</b>	Annual Salary	\$47,042.82	\$47,983.67	\$48,943.35
		Biweekly Salary	\$1,809.34	\$1,845.53	\$1,882.44
		Hourly Rate	\$22.62	\$23.07	\$23.53
	<b>9</b>	Annual Salary	\$50,344.07	\$51,350.95	\$52,377.97
		Biweekly Salary	\$1,936.31	\$1,975.04	\$2,014.54
		Hourly Rate	\$24.20	\$24.69	\$25.18
	<b>10</b>	Annual Salary	\$53,386.63	\$54,454.36	\$55,543.45
		Biweekly Salary	\$2,053.33	\$2,094.40	\$2,136.29
		Hourly Rate	\$25.67	\$26.18	\$26.70
<b>Planner, Accountant Water &amp; Sewer Superintendent Public Works Superintendent</b>	<b>11</b>	Annual Salary	\$58,671.89	\$59,845.32	\$61,042.23
		Biweekly Salary	\$2,256.61	\$2,301.74	\$2,347.78
		Hourly Rate	\$28.21	\$28.77	\$29.35
<b>Town Manager</b>	<b>12</b>	Annual Salary	\$91,205.99	\$93,030.11	\$94,890.71
		Biweekly Salary	\$3,507.92	\$3,578.08	\$3,649.64
		Hourly Rate	\$43.85	\$44.73	\$45.62

FY 2019 SALARY CHART CONTINUED (Part 3 of 4)

Position	Grade		1.50%	1.50%	1.50%
			Step 6	Step 7	Step 8
<b>Labors (unskilled)</b>	<b>1</b>	Annual Salary	\$29,004.68	\$29,439.75	\$29,881.35
		Biweekly Salary	\$1,115.56	\$1,132.30	\$1,149.28
		Hourly Rate	\$13.94	\$14.15	\$14.37
	<b>2</b>	Annual Salary	\$30,608.31	\$31,067.44	\$31,533.45
		Biweekly Salary	\$1,177.24	\$1,194.90	\$1,212.83
		Hourly Rate	\$14.72	\$14.94	\$15.16
<b>Water &amp; Sewer Trainee</b>	<b>3</b>	Annual Salary	\$31,985.34	\$32,465.12	\$32,952.10
		Biweekly Salary	\$1,230.21	\$1,248.66	\$1,267.39
		Hourly Rate	\$15.38	\$15.61	\$15.84
<b>Public Works Employee, Water/ Sewer Operator &amp; Receptionist</b>	<b>4</b>	Annual Salary	\$34,861.39	\$35,384.31	\$35,915.08
		Biweekly Salary	\$1,340.82	\$1,360.94	\$1,381.35
		Hourly Rate	\$16.76	\$17.01	\$17.27
<b>Office Manager</b>	<b>5</b>	Annual Salary	\$39,384.65	\$39,975.42	\$40,575.05
		Biweekly Salary	\$1,514.79	\$1,537.52	\$1,560.58
		Hourly Rate	\$18.93	\$19.22	\$19.51
<b>Maintenance, Parking Enforcement Accounting Tech &amp; Water/ Sewer Skilled Laborer</b>	<b>6</b>	Annual Salary	\$45,145.51	\$45,822.69	\$46,510.03
		Biweekly Salary	\$1,736.37	\$1,762.41	\$1,788.85
		Hourly Rate	\$21.70	\$22.03	\$22.36
<b>Public Works Supervisor</b>	<b>7</b>	Annual Salary	\$46,191.35	\$46,884.22	\$47,587.48
		Biweekly Salary	\$1,776.59	\$1,803.24	\$1,830.29
		Hourly Rate	\$22.21	\$22.54	\$22.88
<b>Town Clerk</b>	<b>8</b>	Annual Salary	\$49,677.50	\$50,422.66	\$51,179.00
		Biweekly Salary	\$1,910.67	\$1,939.33	\$1,968.42
		Hourly Rate	\$23.88	\$24.24	\$24.61
	<b>9</b>	Annual Salary	\$53,163.64	\$53,961.10	\$54,770.51
		Biweekly Salary	\$2,044.76	\$2,075.43	\$2,106.56
		Hourly Rate	\$25.56	\$25.94	\$26.33
	<b>10</b>	Annual Salary	\$56,376.60	\$57,222.25	\$58,080.59
		Biweekly Salary	\$2,168.33	\$2,200.86	\$2,233.87
		Hourly Rate	\$27.10	\$27.51	\$27.92
<b>Planner, Accountant Water &amp; Sewer Superintendent Public Works Superintendent</b>	<b>11</b>	Annual Salary	\$61,957.86	\$62,887.23	\$63,830.54
		Biweekly Salary	\$2,382.99	\$2,418.74	\$2,455.02
		Hourly Rate	\$29.79	\$30.23	\$30.69
<b>Town Manager</b>	<b>12</b>	Annual Salary	\$96,314.07	\$97,758.78	\$99,225.16
		Biweekly Salary	\$3,704.39	\$3,759.95	\$3,816.35
		Hourly Rate	\$46.30	\$47.00	\$47.70

FY 2019 SALARY CHART CONTINUED (Part 4 of 4)

Position	Grade		1.50%	1.50%	1.50%	1.50%
			Step 9	Step 10	Step11	Step 12
<b>Labors (unskilled)</b>	<b>1</b>	Annual Salary	\$30,329.57	\$30,784.51	\$31,246.28	\$31,714.97
		Biweekly Salary	\$1,166.52	\$1,184.02	\$1,201.78	\$1,219.81
		Hourly Rate	\$14.58	\$14.80	\$15.02	\$15.25
	<b>2</b>	Annual Salary	\$32,006.45	\$32,486.55	\$32,973.85	\$33,468.46
		Biweekly Salary	\$1,231.02	\$1,249.48	\$1,268.22	\$1,287.25
		Hourly Rate	\$15.39	\$15.62	\$15.85	\$16.09
<b>Water &amp; Sewer Trainee</b>	<b>3</b>	Annual Salary	\$33,446.38	\$33,948.08	\$34,457.30	\$34,974.16
		Biweekly Salary	\$1,286.40	\$1,305.70	\$1,325.28	\$1,345.16
		Hourly Rate	\$16.08	\$16.32	\$16.57	\$16.81
<b>Public Works Employee, Water/ Sewer Operator &amp; Receptionist</b>	<b>4</b>	Annual Salary	\$36,453.81	\$37,000.61	\$37,555.62	\$38,118.96
		Biweekly Salary	\$1,402.07	\$1,423.10	\$1,444.45	\$1,466.11
		Hourly Rate	\$17.53	\$17.79	\$18.06	\$18.33
<b>Office Manager</b>	<b>5</b>	Annual Salary	\$41,183.68	\$41,801.44	\$42,428.46	\$43,064.88
		Biweekly Salary	\$1,583.99	\$1,607.75	\$1,631.86	\$1,656.34
		Hourly Rate	\$19.80	\$20.10	\$20.40	\$20.70
<b>Maintenance, Parking Enforcement Accounting Tech &amp; Water/ Sewer Skilled Laborer</b>	<b>6</b>	Annual Salary	\$47,207.68	\$47,915.80	\$48,634.53	\$49,364.05
		Biweekly Salary	\$1,815.68	\$1,842.92	\$1,870.56	\$1,898.62
		Hourly Rate	\$22.70	\$23.04	\$23.38	\$23.73
<b>Public Works Supervisor</b>	<b>7</b>	Annual Salary	\$48,301.30	\$49,025.82	\$49,761.20	\$50,507.62
		Biweekly Salary	\$1,857.74	\$1,885.61	\$1,913.89	\$1,942.60
		Hourly Rate	\$23.22	\$23.57	\$23.92	\$24.28
<b>Town Clerk</b>	<b>8</b>	Annual Salary	\$51,946.68	\$52,725.88	\$53,516.77	\$54,319.52
		Biweekly Salary	\$1,997.95	\$2,027.92	\$2,058.34	\$2,089.21
		Hourly Rate	\$24.97	\$25.35	\$25.73	\$26.12
	<b>9</b>	Annual Salary	\$55,592.07	\$56,425.95	\$57,272.34	\$58,131.43
		Biweekly Salary	\$2,138.16	\$2,170.23	\$2,202.78	\$2,235.82
		Hourly Rate	\$26.73	\$27.13	\$27.53	\$27.95
	<b>10</b>	Annual Salary	\$58,951.79	\$59,836.07	\$60,733.61	\$61,644.62
		Biweekly Salary	\$2,267.38	\$2,301.39	\$2,335.91	\$2,370.95
		Hourly Rate	\$28.34	\$28.77	\$29.20	\$29.64
<b>Planner, Accountant Water &amp; Sewer Superintendent Public Works Superintendent</b>	<b>11</b>	Annual Salary	\$64,788.00	\$65,759.82	\$66,746.21	\$67,747.41
		Biweekly Salary	\$2,491.85	\$2,529.22	\$2,567.16	\$2,605.67
		Hourly Rate	\$31.15	\$31.62	\$32.09	\$32.57
<b>Town Manager</b>	<b>12</b>	Annual Salary	\$100,713.54	\$102,224.24	\$103,757.61	\$105,313.97
		Biweekly Salary	\$3,873.60	\$3,931.70	\$3,990.68	\$4,050.54
		Hourly Rate	\$48.42	\$49.15	\$49.88	\$50.63

Biweekly salary is calculated by dividing the annual salary by twenty-six (26) pays.

Annual salary is the hourly rate multiplied by two thousand eighty (2,080) hours.

Part-time employee's annual and biweekly salary will be different than chart shows.

**BE IT FURTHER 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.

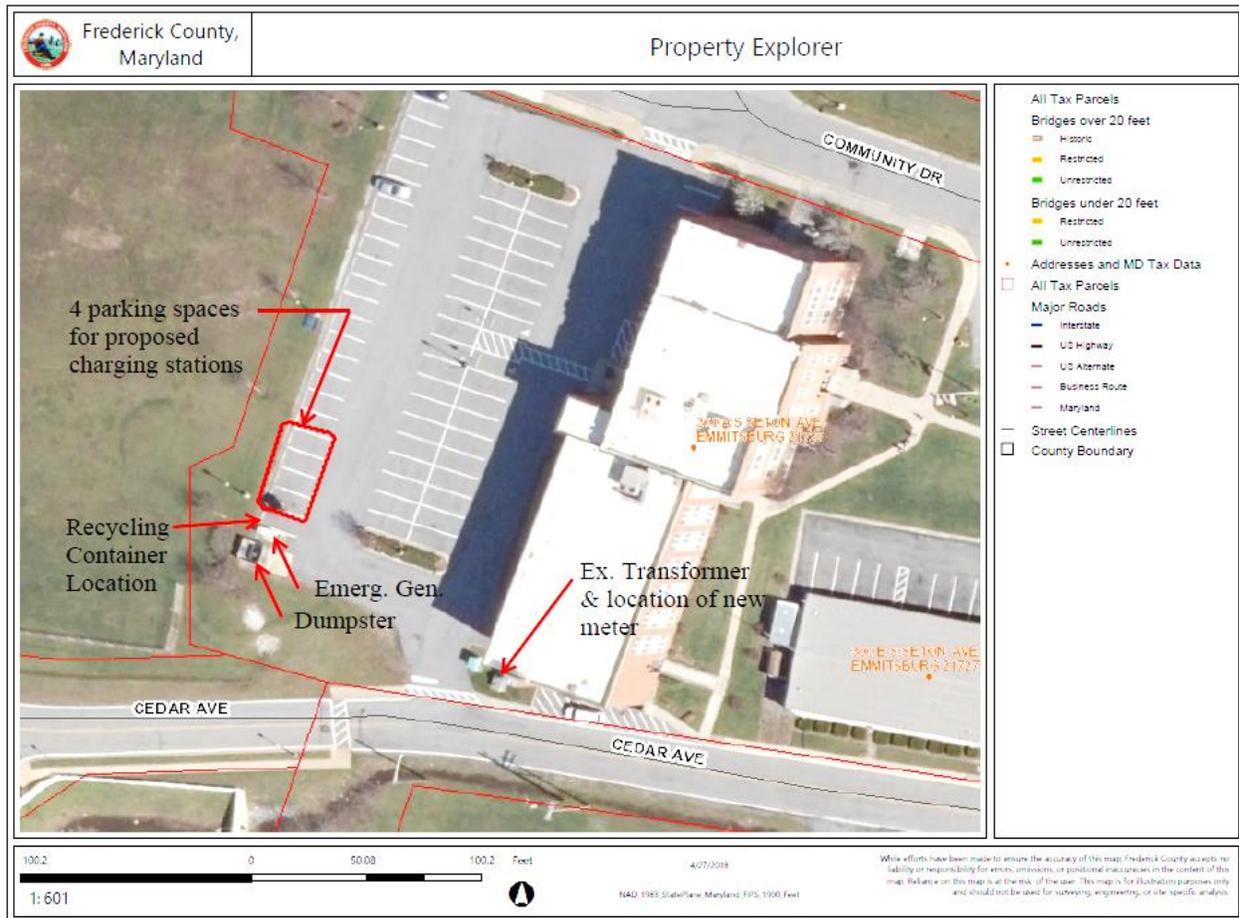
Madeline Shaw, Town Clerk  
Date:

**AGENDA ITEMS CONTINUED:**

**III. Electric Vehicle Institute and Frederick County Agreement for Consideration  
Relating to Electric Vehicle Chargers: Presentation at meeting by**

**Summary of Agenda Item:**

- **What:** Four (4) electric vehicle (EV) charging stations. One (1) station per parking spot.
- **Where:** Emmitsburg Community Center, 300A South Seton Avenue in the back parking lot (\*see site plan below).
- **Cost:** The installation, cost of charging stations, conduit, etc. will be covered via a grant with the Electric Vehicle Institute and a new single-phase commercial on-property service via Potomac Edison. The Town's expense will be the monthly electricity consumption, which the Town plans to recuperate through a payment system on the charging stations.
- **Documents Needing Approval:**
  1. Frederick County Lease Addendum
  2. Electric Vehicle Institute (EVI) Grant Agreement



# Electric Vehicle Institute

## EVI Level 2 AC Charging Station



Technical Specifications		Electrical Panel Requirements	
Network	WiFi, Credit Cards, Loyalty	Single Charge Port Station	One 40A circuit breaker
Input Power	208/240 VAC	Dual Charge Port Station	Two separate 40A circuit breakers
Input Breaker	40A per side (2 separate panel breakers required)		
Output Current	30A per side		
Output Charging Power	9.9kW per side		
Output Voltage	208/240 VAC		
Connector	SAE J1772, 15' and 15' available		
Operating Temperature	-10C to 45C		
Safety Compliance	UL2594, UL2251-1, UL2291-1 - Pending		
			<ul style="list-style-type: none"> <li>• Dual Port – SAE J1772</li> <li>• Pedestal Installation</li> <li>• 7" outdoor color display with touch screen</li> <li>• Payment System (supports all major credit cards)</li> <li>• Loyalty System (customer engagement program)</li> <li>• Microphone</li> <li>• Speakers</li> <li>• Camera</li> <li>• Product dimensions: 18" [w] x 56.25" [h] x 10" [d]</li> </ul>

Electric Vehicle Institute, 1120 North Charles Street, Fourth Floor Suite 401, Baltimore, Maryland, 21201  
 Telephone: (410)-685-1109, Fax: (410)-685-0036

## FREDERICK COUNTY LEASE ADDENDUM

**THIS LEASE ADDENDUM** is entered into this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between **Frederick County, Maryland**, (hereinafter, “the County”) and the **Town of Emmitsburg** (hereinafter, “the Town”), both of which are bodies politic of the State of Maryland.

### Recitals

**WHEREAS**, the Town entered into a Lease Agreement dated March 7, 2002 with the Board of County Commissioners of Frederick County, Maryland (“the BOCC”) by which the Town, among other things, leased from the BOCC the third floor of the Emmitsburg Community Center for use by the Town for its administrative offices; and

**WHEREAS**, the Town and the BOCC entered into a Lease Modification Agreement dated January 28, 2012 by which the parties extended the lease term to expire on February 1, 2039; and

**WHEREAS**, by virtue of the adoption of a Charter form of government approved in 2014, the County is the successor to the BOCC and is the current landlord under the Lease Agreement dated March 7, 2002 and the Lease Modification Agreement (hereinafter, collectively, “the Lease”); and

**WHEREAS**, the Town desires to enter into an agreement with an entity known as Electric Vehicle Institute (“EVI”) which agreement will provide for the installation, maintenance and operation by EVI of one or more electric vehicle charging stations to be installed in the parking area of the County-owned Emmitsburg Community Center; and

**WHEREAS**, the County is willing to permit the installation of the electric vehicle charging station(s) on its property on the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants of each of the parties hereto, they do hereby agree to this Addendum to the Lease.

1. The County authorizes the Town to install or have installed in the parking area of the Emmitsburg Community Center one or more electric vehicle charging stations to be installed in accordance with an agreement by and between the Town and EVI. The precise location of the charging station(s) shall be approved by the County prior to installation, which approval shall not be unreasonably withheld. The charging station(s) shall be located so as not to create any negative effects or impacts on the use by the County and/or other patrons of the Community Center for the purposes for which the parking area is normally and typically used. No additional rent shall be charged to the Town.

2. The County shall not be responsible and shall incur no liability for the costs and expenses, either direct, indirect, consequential or otherwise, of designing, permitting, installing, maintaining, operating, replacing, or removing the charging station(s) and any of its infrastructure, including but not limited to wiring, conduits, breakers, meters and supporting structures. The County shall not incur any additional utility expenses and shall not be responsible for the payment of any electrical or other utility charges incurred in connection with the operation of the charging station(s). Any electrical or other utility charges incurred in the operation of the charging station(s) shall be the sole responsibility of the Town, and the Town shall indemnify, defend and hold County harmless against any liability therefor and against any liability for property damage or personal injury incurred by any other person arising from or related to the operation of the charging station(s).
3. The Town shall take such measures as are reasonably required to have a separate electrical meter installed for the purpose of separately metering the electrical use in the operation of the charging station(s). The County agrees to cooperate with the Town and any applicable utility company to permit and allow the installation of such separate meter and any required auxiliary equipment.
4. All of the terms of the original Lease dated March 7, 2002 and the Lease Modification Agreement dated January 28, 2012 (collectively, "the Lease") remain in force and effect; provided, however, that in the event of any inconsistency between the Lease and this Addendum, this Addendum shall control.

**IN WITNESS WHEREOF**, the parties hereto enter into this Lease Addendum and set their hands and seals by their respective authorized representatives.

**ATTEST:**

\_\_\_\_\_

**FREDERICK COUNTY, MARYLAND**

By: \_\_\_\_\_  
Jan H. Gardner, County Executive

**ATTEST:**

\_\_\_\_\_

**TOWN OF EMMITSBURG**

By: \_\_\_\_\_  
Donald N. Briggs, Mayor

## **ELECTRIC VEHICLE INSTITUTE (EVI) GRANT AGREEMENT**

### **ELECTRIC VEHICLE CHARGING STATION GRANT AGREEMENT**

**THIS GRANT AGREEMENT** (the “Agreement”), is entered into this day of \_\_\_\_, 2018, by and between

**ELECTRIC VEHICLE INSTITUTE**  
1120 North Charles Street, Fourth Floor  
Baltimore, MD 21201  
Hereinafter “Grantor”  
And

**TOWN OF EMMITSBURG**  
300A South Seton Avenue  
Emmitsburg, MD 21727  
Hereinafter “Grantee”

*Draft*

#### **PREMISES**

The Town of Emmitsburg (GRANTEE) has initiated efforts to promote electric vehicle adoption and use by its staff and members. The Electric Vehicle Institute (EVI) is a Maryland-based electric vehicle supply equipment company that provides electric vehicle (EV) charging station development and installation, EV battery maintenance and reclamation, fleet development and management, customized architecture layout for EV facilities, and EV implementation and maintenance plans. As such a company, and based in Maryland, EVI wishes to promote EVs and provide support of GRANTEE’s EV infrastructure and initiatives through providing material, technical, and labor support to develop a network of EV chargers. EVI has received private grant funds, which it wishes to use to support GRANTEE’s EV infrastructure through the installation of EVI electric vehicle charging stations (the “Project”).

**NOW, THEREFORE**, for and in consideration of these premises and the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

I. **Purpose of Grant**

The purpose of this Grant Agreement is to establish a framework for EVI to provide electric vehicle charging infrastructure and service through the deployment of EVI Level 2 and Level 3 electric vehicle charging stations on a no-cost, turnkey basis to GRANTEE, which will include technical and labor support as well as five (5) years of maintenance and repair of the stations.

II. **Payments and Source of Funding**

The installation of the Project shall be funded solely by EVI and GRANTEE shall not be billed anything by EVI. The Project shall include a five-year repair and maintenance plan of the stations.

III. The Grant

The Grant is for the turnkey installation with five (5) years of maintenance of \_\_\_\_\_ (\_\_\_) EVI Level 2 and \_\_\_\_\_ (\_\_\_) EVI Level 3 Electric Vehicle Chargers located in the parking areas selected and approved by GRANTEE (“Premises”). The Premises shall include:

- Community Center, 300A South Seton Avenue, Emmitsburg, MD 21727
- \_\_\_\_\_
- \_\_\_\_\_

Prior to installation at each location, finalized technical documentation and service manual will be delivered to GRANTEE.

IV. Term

The term of this Agreement shall commence upon execution by all parties and last for a period of five (5) years; provided, however, that the obligations of EVI for maintenance and repair and technical and labor support referred to in Section I above shall continue for five (5) years after the date(s) on which each individual charging station is installed and becomes operational.

V. Termination

If through any cause, EVI fails to fulfill in a timely and proper manner its obligation under this Agreement, or if EVI violates any of the terms and conditions of this Agreement, GRANTEE shall thereupon have the right to terminate this Agreement, after giving written notice to EVI, of its intent to terminate the Agreement and specifying the grounds of termination.

EVI shall have sixty (60) days from receipt of notice of termination to cure the said default. If the default is cured within the stated time, the Agreement shall continue, as if no default had occurred. But, if EVI has not cured the default within the said sixty (60) days, the Agreement may terminate without further notice.

GRANTEE shall have the right to terminate this Agreement, without cause and further obligation, upon thirty (30) days written notice to EVI.

VI. Representations and Warranties

EVI is a corporation duly organized, validly existing, and in good standing under the laws of Maryland, with full power and authority to conduct its business as it is now being conducted, to own or to use the properties and assets that it purports to own or use, and to perform all of its obligations under this Agreement.

VII. Indemnification

Notwithstanding any other provisions in the agreement, EVI shall indemnify, defend, and hold harmless GRANTEE, its elected/appointed officials, departments, employees, agents and volunteers (collectively, “the Indemnified Parties”) from any and all claims, demands, suits and actions, including reasonable attorney’s fees and court costs connected therewith, brought against the Indemnified Parties (“Claims”) arising as a result of any direct or indirect, willful, or negligent act or omission of EVI, its employees, agents, and volunteers in the performance of the Project, except for Claims arising out of the direct or indirect, willful, or negligent act or omission of the Indemnified Parties.

VIII. Notice

All notices required or permitted hereunder to be given by either party to the other shall be in writing and shall be sent via United States certified mail, return receipt requested, or hand delivered to the parties at the addresses below:

To GRANTEE:           Attn: Cathy Willets, Town Manager  
                              TOWN OF EMMITSBURG  
                              300A South Seton Avenue  
                              Emmitsburg, MD 21727

To EVI:                    Attn: Matthew Wade, CEO  
                              ELECTRIC VEHICLE INSTITUTE  
                              1120 North Charles Street, Fourth Floor  
                              Baltimore, MD 21201

IX. General Provisions

(a) The design/deployment of the Project shall be at location(s) chosen at the sole discretion of the GRANTEE.

(b) The electricity and power source shall be the responsibility of the GRANTEE. The EVI Level 2 and Level 3 electric vehicle charging stations and the associated electrical connection to the power source shall be covered by a five (5) year repair and maintenance program providing all necessary maintenance by EVI.

(c) EVI will manage and monitor the use of the electric vehicle charging stations for a five (5) year period. After which time, EVI shall provide a final Project report to GRANTEE and cease all monitoring, unless given written permission by GRANTEE. Such written permission may include the payment of fees.

(d) The individuals executing this Agreement on behalf of the parties hereto, certify that to the best of that person's knowledge and belief, he or she is authorized to sign this Agreement on behalf of the his/her respective party and to commit his/her party to the obligations set forth herein.

X. Maryland Law Prevails

The law of Maryland shall govern the interpretation and enforcement of this Agreement.

XI. Agreement Binding on Successors and Assigns

This Agreement shall bind the respective successors and assigns of the parties.

XII. Amendments to the Grant

No amendment to this Agreement is binding unless it is in writing and signed by both parties.

XIII. Merger

This Agreement and any terms and conditions expressly incorporated by reference herein embody the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter other than those contained herein or incorporated herein by reference.

XIV. Severability

If any provision of this Agreement is deemed unlawful or unenforceable, all remaining provisions of this Agreement shall continue in full force and effect.

XV. Party Representatives

The following individuals shall have the authority to act under this Agreement for their respective parties, subject to all necessary approvals:

Matthew Wade, CEO  
Electric Vehicle Institute

Cathy Willets, Town Manager  
Town of Emmitsburg

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Or any other person as may be designated in writing)

IN WITNESS WHEREOF, the parties hereby evidence their Agreement to the above terms and conditions by having caused this Agreement to be executed, sealed and delivered the day and year first above written.

ATTEST/WITNESS:

ELECTRIC VEHICLE INSTITUTE

By: \_\_\_\_\_

By: \_\_\_\_\_  
Matthew Wade, CEO

ATTEST/WITNESS:

ATTEST/WITNESS: TOWN OF EMMITSBURG

By: \_\_\_\_\_

By: \_\_\_\_\_  
Donald N. Briggs, Mayor

Approved for Form and Legal Sufficiency  
this \_\_\_\_ day of \_\_\_\_\_, 2018  
By: \_\_\_\_\_  
\_\_\_\_\_

**AGENDA ITEMS CONTINUED:**

- IV. Sliding Scale for Pool Membership for Discussion:** Presentation at meeting by Commissioner Buckman.

**AGENDA ITEMS CONTINUED:**

- V. **Parking Ordinances and Policy for Consideration:** Presentation at meeting by town staff.

**TOWN STAFF RESEARCH  
CONCERNING RESERVED METER SPACES FOR AN EXTENDED PERIODS OF TIME**

**Research Summary:**

- 55 municipalities in Maryland were contacted
- Staff talked to Parking Police Officers, Town Managers, Code Enforcement Officers and Parking Enforcement Officers:
  - 35 municipalities do not have any kind of parking reservation policy.
  - 19 municipalities have a parking reservation policy of three days maximum.
  - 1 municipality (Salisbury, MD) allows reservations over three days.

**Comments:**

- Bel Air: Cathy Pierce, Administration Assistant Planning and Zoning: “Not fair to other merchants”.
- Brunswick: Kerry Myers, Administration Assistant: “Downtown area is really tight”.
- Chevy Chase Village: Jerry Lesesne, Director of Public Works: “Control public right away for rent?” “That will open up a can of worms”.
- Middletown: Andrew J. Bowen, Town Administrator “We do not reserve spaces for specific businesses in public parking areas.”
- Salisbury: Julie Glanz, City Administrator: “They have to pay the meter day rate and they can reserve the spaces for an extended period of time.”

**Obstacles Town Staff Foresees:**

- How would it be enforced? How would staff know if the vehicle was patronizing the establishment or just parking in the spot? Staff would be unable to ticket if the parking spot was already paid for.
- It is public parking? Should it be open to all the public?
- What happens if all businesses want dedicated spots?

POLICY SERIES 2003

PAGE 1 OF 1

POLICY NO. P03-03

**TOWN OF EMMITSBURG  
PARKING CITATION & METER PERMIT POLICY**

\*\*\*\*\*

As of this date and pursuant to Chapter 10.12 Stopping, Standing and Parking and 10.16 Parking Meters of the Emmitsburg Municipal Code.

All parking violations will be fined according to the following fee schedule:

	<u>Fine</u>	<u>After 20 days</u>
Overtime Parking	\$ 5.00	\$20.00
Restricted Parking Zone	\$15.00	\$30.00
Parked In Crosswalk	\$25.00	\$35.00
Parked On Sidewalk	\$25.00	\$35.00
Parked Blocking Driveway	\$25.00	\$35.00
Parked by Fire Hydrant	\$40.00	\$55.00
Parked Blocking Highway	\$40.00	\$55.00
Failure To Park Between Lines	\$15.00	\$30.00

Parking Permits will be according the following schedule:

Daily Bag Rental	\$ 2.00/day
Six (6) Month Permit	\$75.00
Three (3) Month Permit	\$50.00

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this Policy shall take effect on the 6<sup>th</sup> day of October, 2003.

PASSED this 6<sup>th</sup> day of October, 2003.

ATTEST:

  
Donna Thompson, Town Clerk

  
Patrick Boyle  
President of the Board of Commissioners

APPROVED this 20<sup>th</sup> day of October, 2003.

  
James E. Hoover, Mayor

VETOED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
James E. Hoover, Mayor

POLICY SERIES: 2018  
 POLICY NO.: P18 – 03

Page 1 of 2

**TOWN OF EMMITSBURG**  
**PARKING VIOLATION FINES AND PARKING PERMIT FEES**

\*\*\*\*\*  
 This Policy will replace previously adopted policy P03-03 on parking citations and meter permits.

As of this date and pursuant to Title 10, Section 10.12 entitled Stopping, Standing and Parking, and Section 10.16 entitled Parking Meters of the Emmitsburg Municipal Code, parking violations fines and parking permit fees shall be as follows:

**A. All parking violations will be fined according to the following fee schedule:**

<b>Violation:</b>	<b>Fine:</b>	<b>After 20 Days:</b>
Overtime Parking	\$ 10.00	\$25.00
Restricted Parking Zone	\$15.00	\$30.00
Parked In Crosswalk	\$25.00	\$35.00
<b>Parked On Sidewalk/CURB</b>	\$25.00	\$35.00
Parked Blocking Driveway	\$25.00	\$35.00
Parked by Fire Hydrant	\$40.00	\$55.00
Parked Blocking <del>[Highway]</del> <b>STREET</b>	\$40.00	\$55.00
Failure To Park Between Lines	\$15.00	\$30.00
<b>Left Side Parking</b>	<b>\$15.00</b>	<b>\$30.00</b>
Snow Emergency Route	<b>\$25.00</b>	<b>\$35.00</b>
Parking for 48 Consecutive Hours	<b>\$15.00</b>	<b>\$30.00</b>

**B. Parking permit AND PARKING SIGN charges will be according to the following fee schedule:**

Daily <del>[Bag]</del> <b>SIGN</b> Rental	<del>[\$2.00]</del> \$ <b>5.00/day</b>
Six (6) Month Permit	<del>[\$75.00]</del> \$ <b>115.00</b>
Three (3) Month Permit	<del>[\$50.00]</del> \$ <b>60.00</b>

POLICY SERIES: 2018  
POLICY NO.: P18 – 03

Page 2 of 2

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this policy shall take effect on the 1<sup>st</sup> day of August, 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

POLICY SERIES 2002  
POLICY NO. P02-002

PAGE 1 OF 2

**TOWN OF EMMITSBURG  
PARKING METER  
BAG RENTALS**

\*\*\*\*\*

**PARKING METER BAG RENTALS**

Policy: Adopted by the Town Council on August 29, 1985 (Revised January 7, 1991, October 3, 1994 and October 8, 2002).

1. Only **THREE (3)** parking meter bags shall be issued for social type events (i.e. weddings, receptions, anniversaries, etc). Limit: one day rental
2. A maximum of **THREE (3)** parking bags shall be issued for business type activities (i.e., moving vans/trucks, repair and/or construction vehicles, etc.)
3. No tickets will be issued to cars at meters with valid parking bags over said meters during the time the meters are in effect.
4. Bag(s) shall be secured over the meter by Town Code Enforcer or Public Works employee.
5. **\$2.00** for use of the meter bag for each day used.
6. If for any reason more parking bags or additional days are requested than allowed for by this policy, the request for additional bags and/or time shall be made at the Town Office.

\_\_\_\_\_  
Renter

\_\_\_\_\_  
Date Bag Requested

\_\_\_\_\_  
Town Office Representative

\_\_\_\_\_  
Amount Paid for Bag(s)

\_\_\_\_\_  
Number of bag(s) Requested

POLICY SERIES: 2018  
POLICY NO.: P18 – 05

Page 1 of 2

**TOWN OF EMMITSBURG  
PARKING METER RESERVATION POLICY**

\*\*\*\*\*

This Policy will replace previously adopted parking meter bag policy P02-02.

“Parking Meter Reserved” signs are a convenience available for use by companies and individuals while engaged in a business activity involving repair, maintenance, construction, utility work or business relocation. “Parking Meter Reserved” signs are also a convenience available to individuals engaged in social type events such as weddings, receptions, anniversaries, etc.

As of this date, “Parking Meter Reserved” signs shall follow the below guidelines:

1. A maximum of **THREE (3)** “Parking Meter Reserved” signs shall be issued for business type activities such as repair, maintenance, construction, utility work, business or individual homeowner relocation.
2. Only **THREE (3)** “Parking Meter Reserved” signs shall be issued for social type events such as weddings, receptions, anniversaries etc. **These are limited to a one (1) day rental.**
3. All “Parking Meter Reserved” sign rentals require a minimum of twenty-four (24) hour notice or they will be denied.
4. The rental of the “Parking Meter Reserved” signs is temporary and may only be used at the location specified on the application.
5. There will be no removal of “Parking Meter Reserved” signs or installations of “Parking Meter Reserved” signs on Saturdays, Sundays or Holidays. “Parking Meter Reserved” signs are to be secured over the meter by the Town’s Parking Enforcement Officer or a Public Works Employee; the signs will be removed by the Town’s Parking Enforcement Officer or a Public Works Employee.
6. Each reserved parking meter is \$5.00 per day, Monday through Sunday.
7. No parking tickets will be issued to vehicles at meters with valid “Parking Meter Reserved” signs over the meters.
8. Any exceptions for additional days and/or times than allowed for by this policy should be made at the Emmitsburg Town Office and will be approved or denied on a case-by-case basis.
9. The Emmitsburg Town Office may revoke any “Parking Meter Reserved” signs if used for any purpose other than that which is authorized or for any violation of the terms and conditions of this policy.

POLICY SERIES: 2018  
POLICY NO.: P18 – 05

Page 2 of 2

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this policy shall take  
effect on the 1<sup>st</sup> day of August, 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

ORDINANCE SERIES: 2018  
ORD. NO.: 18 – 03

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AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLES AND TRAFFIC

\*\*\*\*\*

**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 10, Sections 10.04.010 and 10.04.020 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 10.04 - General Provisions

Sections:

10.04.010 - Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except as hereinafter specifically provided:

~~["Authorized emergency vehicles" means vehicles of the fire department, police vehicles, ambulances and other emergency vehicles as are designated by the chief of police.]~~

**“BUS” MEANS:**

- A. A MOTOR VEHICLE THAT IS DESIGNED TO CARRY MORE THAN TEN PASSENGERS AND IS USED TO CARRY PEOPLE; AND**
- B. ANY OTHER MOTOR VEHICLE THAT IS DESIGNED AND USED TO CARRY PEOPLE FOR COMPENSATION, EXCEPT FOR A TAXICAB.**

"Commercial motor vehicles" means all motor vehicles, including semi-trailers and trailers, designated or used for carrying freight or merchandise in the furtherance of any commercial enterprise.

"Crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface of that portion of a street ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

**“EMERGENCY VEHICLE” MEANS ANY OF THE FOLLOWING VEHICLES THAT ARE DESIGNATED BY THE ADMINISTRATION AS ENTITLED TO THE EXEMPTIONS AND PRIVILEGES SET FORTH IN THE MARYLAND VEHICLE LAW FOR EMERGENCY VEHICLES:**

- A. VEHICLES OF FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES;**
- B. VEHICLES OF VOLUNTEER FIRE COMPANIES, RESCUE SQUADS, FIRE DEPARTMENTS, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, AND THE MARYLAND FIRE AND RESCUE INSTITUTE;**
- C. STATE VEHICLES USED IN RESPONSE TO OIL OR HAZARDOUS MATERIALS SPILLS;**

**D. STATE VEHICLES DESIGNATED FOR EMERGENCY USE BY THE COMMISSIONER OF CORRECTION;**

**E. AMBULANCES; AND**

**F. SPECIAL VEHICLES FUNDED OR PROVIDED BY FEDERAL, STATE, OR LOCAL GOVERNMENT AND USED FOR EMERGENCY OR RESCUE PURPOSES IN THIS STATE.**

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

~~["Motor vehicle" means every vehicle which is self-propelled except vehicles operated exclusively upon rails.]~~

**"MOTOR VEHICLE" MEANS A VEHICLE THAT:**

**A. IS SELF-PROPELLED OR PROPELLED BY ELECTRIC POWER OBTAINED FROM OVERHEAD ELECTRICAL WIRES; AND**

**B. IS NOT OPERATED ON RAILS.**

**"MOTOR VEHICLE" INCLUDES A LOW SPEED VEHICLE.**

**"MOTOR VEHICLE" DOES NOT INCLUDE:**

- 1. A MOPED;**
- 2. A MOTOR SCOOTER; OR**
- 3. AN ELECTRIC BICYCLE.**

~~["Motorcycle" means every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground but excluding a tractor.]~~

**"MOTORCYCLE" MEANS A MOTOR VEHICLE THAT:**

- A. 1. HAS MOTIVE POWER;**
- 2. HAS A SEAT OR SADDLE FOR THE USE OF THE RIDER;**
- 3. IS DESIGNED TO TRAVEL:**
  - i. ON NOT MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND; AND**
  - ii. AT SPEEDS EXCEEDING 35 MILES PER HOUR; AND**
- 4. IS OF A TYPE REQUIRED TO COMPLY WITH ALL MOTOR VEHICLE SAFETY STANDARDS APPLICABLE TO MOTORCYCLES UNDER FEDERAL LAW; OR**
- B. IS AN AUTOCYCLE.**

**DETACHABLE SIDECAR IS AN ACCESSORY TO AND NOT A PART OF A MOTORCYCLE.**

"Owner" includes any person owning a vehicle or having the exclusive use thereof under contract of purchase, lease, hiring or rental thereof, or otherwise.

"Operator" means every person who is in actual control of a vehicle upon a street.

**"PASSENGER CAR" MEANS A MOTOR VEHICLE, EXCEPT A MULTIPURPOSE PASSENGER VEHICLE OR MOTORCYCLE, DESIGNED FOR CARRYING 10 PERSONS OR LESS.**

**"PLUG-IN ELECTRIC DRIVE VEHICLE" MEANS A MOTOR VEHICLE THAT:**

- A. IS MADE BY A MANUFACTURER;**
- B. IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;**
- C. IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS VEHICLE WEIGHT;**

**D. HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR; AND  
E. IS PROPELLED TO A SIGNIFICANT EXTENT BY AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:**

- 1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND**
- 2. IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY.**

**“PLUG-IN ELECTRIC DRIVE VEHICLE” INCLUDES A QUALIFYING VEHICLE THAT HAS BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS.**

"Policeman" or "police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of any of the provisions of this chapter.

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

"Right-of-way" means the privilege of the immediate use of the highway.

"Roadway" means that portion of a street improved, designated or ordinarily used for vehicular travel.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines, of a roadway, and the adjacent property intended for the use of pedestrians.

"Street" includes all avenues, roads, highways, public thoroughfares, lanes, alleys and public ways within the town.

"Through street" means every street or portion thereof at the entrances to which vehicular traffic from intersecting streets is required to stop and yield the right-of-way before entering or crossing the same and when stop signs are erected as provided in this title.

"Traffic" means pedestrians, ~~ridden or herded animals,~~ vehicles, and other conveyances either singly or together while using any street for purposes of travel.

**“TRUCK” MEANS A MOTOR VEHICLE, EXCEPT A MULTIPURPOSE PASSENGER VEHICLE, THAT IS DESIGNED, USED, OR MAINTAINED PRIMARILY TO CARRY PROPERTY.**

~~["Vehicles" means every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.]~~

**“VEHICLE” MEANS ANY DEVICE IN, ON, OR BY WHICH ANY INDIVIDUAL OR PROPERTY IS OR MIGHT BE TRANSPORTED OR TOWED ON A HIGHWAY. “VEHICLE” INCLUDES A LOW SPEED VEHICLE AND AN OFF-HIGHWAY RECREATIONAL VEHICLE. “VEHICLE” DOES NOT INCLUDE AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**

10.04.020 - Applicability of chapter to persons riding bicycles ~~[or animals or driving animal drawn vehicles].~~

Every person riding a bicycle ~~[or an animal or driving any animal drawing a vehicle]~~ upon a roadway shall be subject to the provisions of this chapter pertaining to rules of the road and obedience to traffic-control devices and signals as may be applicable to the driver of a motor vehicle ~~[except such as by their nature can have no application].~~

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the 1<sup>st</sup> day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after 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:

ORDINANCE SERIES: 2018  
ORD. NO.: 18 – 04

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AN ORDINANCE TO AMEND TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED VEHICLES AND TRAFFIC

\*\*\*\*\*

**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 10, Sections 10.12.010, 10.12.020, 10.12.030, 10.12.040, 10.12.060, 10.12.090, 10.12.110 and 10.12.130 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 10.12 – Stopping, Standing, and Parking

Sections:

10.12.010 - Parking near fire hydrants, intersections, etc.

**NO PERSON SHALL STAND OR PARK A VEHICLE ON ANY PUBLIC STREET OR PUBLIC RIGHT-OF WAY IN TOWN UNDER THE FOLLOWING CONDITIONS:**

~~[No vehicles shall be allowed to park or stand within fifteen (15) feet of any fire hydrant, on or within twenty (20) feet of any street intersection, on that portion of any street where bus stops or taxi stops have been granted to any person, or during business hours on that portion of any street where special parking privileges have been granted or reserved by the town for the use of its officers and employees.]~~

- 1. ON SIDEWALK OR STRADDLING A CURB**
- 2. DRIVEWAY ENTRANCES – IN FRONT OF A PRIVATE DRIVEWAY WHICH PROVIDES ACCESS TO A PUBLIC STREET.**
- 3. PRIVATE OR PUBLIC DRIVEWAYS – A PERSON MAY NOT STOP, STAND OR PARK A VEHICLE PARTIALLY IN A PRIVATE OR PUBLIC DRIVEWAY, AND PARTIALLY INTO THE ROADWAY. VEHICLES MUST NOT EXTEND BEYOND THE PROPERTY LINE OF THE DRIVEWAY INTO THE ROADWAY.**
- 4. FIRE HYDRANT – WITHIN FIFTEEN (15) FEET OF A FIRE HYDRANT.**
- 5. CROSSWALK – WITHIN TWENTY (20) FEET OF A CROSSWALK AT AN INTERSECTION.**
- 6. STOP SIGN – WITHIN TWENTY-FIVE (25) FEET OF A STOP SIGN.**
- 7. INTERSECTION – WITHIN TWENTY (20) FEET OF AN INTERSECTION.**
- 8. SIGNS PROHIBITING PARKING – AT ANY PLACE WHERE STANDING OR PARKING IS PROHIBITED BY AN OFFICIAL SIGN.**

9. **HANDICAPPED SPACE – IN A SPACE MARKED AS RESTRICTED FOR THE USE OF HANDICAPPED INDIVIDUALS UNLESS DISPLAYING A HANDICAPPED LICENSE PLATE OR PLACARD.**
10. **FIRE LANE – AT ANY FIRE LANE MARKED BY A POSTED SIGN OR BY YELLOW OR RED CURBING.**
11. **BRIDGE- ON ANY BRIDGE OR ELEVATED STRUCTURE.**
12. **DOUBLE PARKING – A PERSON MAY NOT STAND OR PARK A VEHICLE ON THE ROADWAY SIDE OF ANY OTHER VEHICLE THAT IS STOPPED OR PARKED AT THE EDGE OF A CURB OR ROADWAY.**
13. **OTHER THAN WITHIN THE LINES OR MARKINGS ON THE STREET OR ON A TOWN PARKING LOT FOR THE PURPOSE OF THE DESIGNATION OF A PARKING SPACE.**
14. **PARKING ON THE STREET FOR A PERIOD OF FORTY-EIGHT (48) CONSECUTIVE HOURS WITHOUT BEING MOVED A FULL VEHICLE LENGTH.**
15. **IN ANY DESIGNATED PARKING SPACE WITH AN ADJACENT PARKING METER IF THE TIME DESIGNATION ON THAT METER SHOWS THE TIME HAS EXPIRED.**
16. **IN VIOLATION OF A VALID SIGN THAT LIMITS OR RESTRICTS PARKING BASED ON A DESIGNATED LENGTH OF TIME, TIME OF DAY AND OR/DAY(S) OF THE WEEK.**
17. **LEFT SIDE PARKING – PARKING OTHER THAN THE RIGHT SIDE OF A VEHICLE/PASSENGER SIDE TO THE CURB.**
18. **PARKING DURING A SNOW EMERGENCY IN VIOLATION OF SECTION 10.12.120.**

[2]

[10.12.020—Restraining of vehicles.]

[Any vehicle which has three or more outstanding parking tickets issued to it by the police department and that are delinquent in payment may be rendered immobile by the police department. A wheel lock restraining device will be placed on a front wheel of the vehicle in violation by a member of the police department. The wheel lock device will be removed by a police officer only when (1) fines are paid for all outstanding parking tickets issued to that vehicle; and (2) a fee of twenty dollars (\$20.00) to removal of the restraining device is also paid].

**10.12.020 – INOPERABLE UNATTENDED VEHICLES.**

**ANY MOTOR VEHICLE THAT IS INOPERABLE AND IS LEFT UNATTENDED ON A PUBLIC STREET OR PUBLIC PROPERTY FOR MORE THAN FORTY-EIGHT (48) CONSECUTIVE HOURS, AND IS NOT DISPLAYING CURRENTLY VALID REGISTRATION PLATES OR IS DISPLAYING REGISTRATION PLATES OF ANOTHER VEHICLE, IS DISABLED OR INOPERABLE, IS DISMANTLED OR PARTIALLY DISMANTLED, IS SUBSTANTIALLY DAMAGED OR IN DISREPAIR SHALL BE DEEMED TO BE AN ABANDONED VEHICLE AND MAY BE TAKEN INTO CUSTODY BY THE TOWN OF EMMITSBURG AFTER PROVIDING THE OWNER WITH ADEQUATE NOTIFICATION SUCH AS POSTING PROMINENT NOTIFICATION ON THE VEHICLE AND IF**

**POSSIBLE A CERTIFIED LETTER TO THE LAST OWNER ON RECORD WITH THE MOTOR VEHICLE ADMINISTRATION (IF THE OWNER CAN BE LOCATED) WITH RETURN RECEIPT REQUESTED.**

[10.12.030—Special parking.]

- A. [~~The town may grant special parking permits to all doctors of medicine, surgeons, persons conducting hotels and such other persons in connection with the operation of their business as the board of commissioners shall think proper. All persons desiring special parking permits shall make application to the board of commissioners, in writing, describing the location of the premises and the purpose for which the special parking privilege is desired.~~]
- B. [~~Each application shall be accompanied by a check in the sum of ten dollars (\$10.00), to provide for a space sufficient for one vehicle, payable to the town as a fee for such privilege for a period of one year from the date of issuance of the special parking permit.~~]
- C. [~~Whenever any such special privilege is granted by the board of commissioners, a permit shall be issued to the applicant, signed by the mayor, designating the name of the person to whom the permit is granted, the number of the permit, the date of the issuance thereof, the date when the permit will expire, the amount paid thereon, the purpose for which it is granted and the location of the premises where the special permit is allowed. A copy of such permit shall be retained in the office of the mayor as a matter of record.~~]
- D. [~~The curb along the premises where the special parking privilege is granted shall be appropriately marked by the town indicating the length of the space of the special parking privilege along the property, and a metal tag shall be affixed to the premises where the permit is issued, showing the number of the special parking permit.~~]
- E. [~~Permits issued to doctors of medicine, surgeons and others shall authorize the use of the space indicated in the permit at all times during the business hours of the person to whom the permit is granted, except when the town may desire to clear the streets of vehicles.~~]
- F. [~~It is unlawful for any person to occupy any space where a special parking permit has been granted, other than the person to whom the permit is issued, or his patients or patrons, during such business hours. It is unlawful for any person to paint any special parking signs on the curb or highway, or erect or place any such signs along the sidewalks, except with the consent of the board of commissioners. It is unlawful for any person to injure or remove any metal special parking permit attached to any building without the consent of the town or to paint over or deface any marked special parking space.~~]

**10.12.030 – REPAIR WORK PERFORMED ON VEHICLES**

**IT IS UNLAWFUL TO PERFORM ANY REPAIR OR WORK OF ANY NATURE ON ANY VEHICLE, EXCEPT THAT OF AN EMERGENCY OR MINOR NATURE (SUCH AS THE CHANGING OF A FLAT TIRE OR THE REPLACING OF A BATTERY), WHILE SAID VEHICLE IS PARKED OR LOCATED ON ANY STREET, AVENUE, WAY, ALLEY, TOWN PARKING LOT OR ANY PART OF A PUBLIC RIGHT-OF-WAY FOR MORE THAN FORTY-EIGHT (48) CONSECUTIVE HOURS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF EMMITSBURG.**

**A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION PUNISHABLE BY A CITATION OF THIRTY DOLLARS (\$30.00) AND SHALL BE ENFORCEABLE PURSUANT TO THE APPLICABLE PROVISIONS OF TITLE 1. IN ADDITION THERETO, THE TOWN MAY PURSUE ANY OTHER REMEDY AVAILABLE TO IT, AT LAW OR IN EQUITY, INCLUDING INJUNCTIVE RELIEF, TO ENFORCE THIS SECTION OR CORRECT VIOLATIONS OF THIS SECTION.**

10.12.040 - No-parking areas.

The town may establish restricted areas on such portions of the streets of the town as it shall think proper, within which no parking of motor vehicles [~~and animal drawn vehicles or animals shall be allowed~~]. Every such area shall be designated by painting the curb bordering thereon yellow. No vehicles, [~~animal drawn vehicles or animals~~] shall be allowed to stand or park in any such restricted area for a longer time than actually necessary to take on or discharge passengers. No other signals or standards designating areas where parking is not allowed shall be erected without the express authority of the board of commissioners.

**10.12.041 – TEMPORARY NO PARKING SIGNS**

**WHENEVER NECESSARY FOR THE SAFETY OR CONTROL OF VEHICULAR OR PEDESTRIAN TRAFFIC OR FOR THE REGULATION OF THE USE OF PUBLIC PARKING AREAS, THE TOWN MANAGER OR HIS/HER DESIGNEE MAY DIRECT THE ERECTION OF TEMPORARY NO PARKING SIGNS DESIGNED TO CONTROL, REGULATE, WARN TRAFFIC, GUIDE TRAFFIC OR LIMIT PARKING ON PUBLIC STREETS, HIGHWAYS OR OTHER PUBLIC AREAS IN TOWN.**

**WHENEVER OFFICIAL TEMPORARY NO PARKING SIGNS ARE PLACED IN PUBLIC PARKING AREAS, SUCH SIGNS SHALL BE PRESUMED TO HAVE BEEN PLACED BY THE OFFICIAL ACT OR IN THE DIRECTION OF A LAWFUL AUTHORITY.**

**THE TEMPORARY SIGNS SHALL BE PROMPTLY REMOVED ONCE THE SITUATION, OCCURRENCE OR CIRCUMSTANCE WHICH GAVE RISE TO THE NECESSITY OF POSTING THE SIGNS HAS SUFFICIENTLY ENDED.**

**ANY PERSON WHO SHALL DEFACE, INJURE OR REMOVE ANY TEMPORARY NO PARKING SIGNS LEGALLY POSTED AS PROVIDED IN THIS SECTION WITHOUT AUTHORIZATION FROM THE TOWN MANAGER OR HIS/HER DESIGNEE SHALL BE PUNISHED BY A FINE NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00) PER DAY PER OCCURRENCE.**

10.12.050 - Angular parking.

*{Unchanged}*

10.12.060 - Parallel parking.

- A. All motor [~~and animal driven~~] vehicles when standing on any of the streets of the town shall be parked with their right [~~sides~~] **SIDE/PASSENGER** to the curb, lengthwise with and parallel to the side of the street in which they may be, and the wheels of any such vehicle next to the sidewalk shall not project in the street for a distance of more than twelve (12) inches from the curb.
- B. It is unlawful to stand any such vehicle across any street in the town, or in any other position except lengthwise with and parallel to the side of the street in which it may be; provided, that any such vehicle, during the time of loading or unloading, in the daytime may stand in a position convenient therefor.
- C. This section shall not apply to vehicles parked on certain portions of designated streets at an angle with the curb, nor shall it apply to parking on one-way streets.

10.12.070 - Obstructing thoroughfares.

*{Unchanged}*

10.12.080 - Double parking.

*{Unchanged}*

10.12.090 - Two-hour parking.

It is unlawful for any person, except persons to whom ~~[special parking privileges]~~ **PARKING PERMITS AND PARKING SIGNS** have been granted ~~[or reserved,]~~ to place, stand or park any motor vehicle or other conveyance for more than two hours at any time on any of the following streets:

- A. East Main Street, except where meters are installed;
- B. West Main Street, except where meters are installed;
- ~~[C. Federal Street or Broad Alley.]~~

10.12.100 - Parking lots.

*{Unchanged}*

10.12.110 - Parking on public streets.

It is unlawful to park any vehicle of any description upon the streets of the town for a period of time of ~~[twenty four (24)]~~ forty eight (48) consecutive hours.

10.12.120 - Parking prohibited during snow emergency—designated roads.

*{Unchanged}*

10.12.130 - Violations—Penalties.

- A. Violation of any of the sections enumerated in subsection (B) of this section shall be a municipal infraction.
- B. Fines, pursuant to a parking citation policy to be established and from time to time updated by the ~~[mayor and board of town commissioners]~~ **MAYOR AND BOARD OF COMMISSIONERS** shall be assessed against the operators and/or owners of automobiles who violate certain provisions of Chapter 10.12.
  - 1. ~~[Parking within fifteen (15) feet of a fire hydrant; every twenty four (24) hours in violation of the section counts as a separate offense and may be fined accordingly;]~~
  - 2. ~~[Parking in restricted zone; every twenty four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 3. ~~[Failure to park between lines; every twenty four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 4. ~~[Parking in crosswalk; every twenty four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~
  - 5. ~~[Parking on sidewalk; every twenty four (24) hours in violation of this section counts as a separate and may be fined accordingly;]~~
  - 6. ~~[Parked blocking driveway; every twenty four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;]~~

7. [~~Parking so as to obstruct street or highway; every twenty four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;~~]
8. [~~Overtime parking; every two hours in violation of this section counts as a separate offense and may be fined accordingly;~~]
9. [~~Parking on any street for a period of twenty four (24) consecutive hours; every twenty four (24) hours in violation of this section counts as a separate offense and may be fine accordingly.]~~]
1. **PARKING ON A SIDEWALK OR PARKED STRADDLING A CURB EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
2. **PARKED BLOCKING DRIVEWAY ENTRANCES EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
3. **PARKED BLOCKING PUBLIC OR PRIVATE DRIVEWAY ENTRANCES EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
4. **PARKING WITHIN FIFTEEN (15) FEET OF A FIRE HYDRANT; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
5. **PARKING WITHIN TWENTY (20) FEET OF A CROSSWALK AT AN INTERSECTION; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
6. **PARKING WITHIN TWENTY-FIVE (25) FEET OF A STOP SIGN; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
7. **PARKING WITHIN TWENTY (20) FEET OF AN INTERSECTION; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNTS AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
8. **PARKED AT SIGNS PROHIBITING PARKING; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
9. **PARKING IN A HANDICAPPED SPACE; EVERY TWO (2) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
10. **PARKED IN A FIRE LANE; EVERY TWENTY-FOUR (24) HOURS IN VIOLATION OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
11. **PARKED ON ANY BRIDGE OR ELEVATED STRUCTURE; EVRY (24) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
12. **DOUBLE PARKING; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
13. **PARKING OTHER THAN WITHIN THE LINES OR MARKINGS ON THE STREET OR IN A TOWN PARKING LOT; EVERY TWENTY-FOUR (24) HOURS COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**

14. **PARKING ON THE STREET FOR A PERIOD OF FORTY-EIGHT (48) CONSECUTIVE HOURS; EVERY FORTY-EIGHT (48) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
  15. **PARKING AT A PARKING METER IF THE TIME DESIGNATION HAS SHOWN THE METER HAS EXPIRED; EVERY TWO (2) HOURS OF THIS SECTION COUNT AS A SEPARATE OFFENSE AND MAY BE FINED ACCORDINGLY;**
  16. **PARKING IN VIOLATION OF A VALID SIGN THAT LIMITS OR RESTRICTS PARKING BASED ON A DESIGNATED TIME, TIME OF DAY AND/OR DAYS OF THE WEEK; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY;**
  17. **LEFT SIDE PARKING; PARKING A VEHICLE OTHER THAN THE RIGHT SIDE/PASSENGER SIDE TO THE CURB; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY;**
  18. **PARKING DURING A SNOW EMERGENCY IN VIOLATION OF 10.12.120; EVERY TWENTY-FOUR (24) HOURS OF THIS SECTION AND MAY BE FINED ACCORDINGLY.**
- C. A police officer, or ~~[municipal code enforcer]~~ **PARKING ENFORCEMENT OFFICER**, upon observing a vehicle parked in violation of any of the sections of Chapter 10.12 enumerated in subsection (B) of this section, shall attach to such vehicle a citation informing the owner or operator of the violation, setting forth the amount of the fine and instructing the owner or operator of the vehicle to pay the fine at the town hall within twenty (20) days from the issuance of the citation or to notify the town clerk within fifteen (15) days from the issuance of the citation of his or her intent to stand trial for the infraction.
- ~~[D.—Amounts of fines according to the parking citation policy.]~~
- D. **ALL PARKING CITATIONS ARE TO BE PAID IN FULL TO THE TOWN AT ANY OF THE FOLLOWING LOCATIONS OR IN THE FOLLOWING MANNERS:**
1. **IN PERSON, BY CASH, CHECK OR CREDIT CARD, AT THE EMMITSBURG TOWN OFFICE LOCATED AT 300A SOUTH SETON AVENUE EMMITSBURG MARYLAND 21727, 2ND FLOOR.**
  2. **BY MAILING THE PAYMENT TO THE EMMITSBURG TOWN OFFICE AT 300A SOUTH SETON AVENUE EMMITSBURG MD 21727.**
  3. **BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE FRONT OF THE OLD TOWN OFFICE BUILDING AT 22 EAST MAIN STREET.**
  4. **BY PLACING THE PAYMENT IN THE RED DROP-BOX LOCATED ON THE NORTHEAST CORNER OF THE SQUARE.**
- E. **IF THE CITATION FINE IS NOT PAID WITHIN THE ALLOTTED TIME FRAME OR THE VIOLATION IS NOT ADJUDICATED IN COURT, THE REGISTRATION TAGS OF THE VEHICLE CITED MAY BE ENTERED INTO THE MARYLAND MOTOR VEHICLE REGISTRATION FLAGGING PROGRAM.**
- ~~[1.—Parking during a snow emergency in violation of Section 10.12.120.]~~

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the 1st day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after 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:

ORDINANCE SERIES: 2018  
ORD. NO.: 18 – 05

Page 1 of 3

AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLES AND TRAFFIC

\*\*\*\*\*

**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 10, Sections 10.16.080, 10.16.110, 10.16.130, 10.16.140 and 10.16.150 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 10.16 – Parking Meters

**Sections:**

10.16.010 - Authority of mayor.

*{Unchanged}*

10.16.020 - Installation and function of meters.

*{Unchanged}*

10.16.030 - Designation of parking spaces—Parking within lines required.

*{Unchanged}*

10.16.040 - Parallel and diagonal zones.

*{Unchanged}*

10.16.050 - Operation of meters.

*{Unchanged}*

10.16.060 - Overtime parking.

*{Unchanged}*

10.16.070 - Parking adjacent to meter displaying expired time signal.

*{Unchanged}*

10.16.080 - Tampering, etc., with meters prohibited.

It is unlawful for any person to deface, injure, tamper with, open or ~~[wilfully]~~ **WILLFULLY** break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.

10.16.090 - Use of slugs, etc.

*{Unchanged}*

10.16.100 - Use of zones by commercial vehicles.

*{Unchanged}*

10.16.110 - Duty of A police **OFFICER AND/OR PARKING ENFORCEMENT OFFICER** in case of overtime parking.

- A. It shall be the duty of A police ~~[officers]~~ **OFFICER AND/OR PARKING ENFORCEMENT OFFICER** of the town, acting in accordance with instructions issued by the mayor, to report:
1. The number of each parking meter that the vehicle occupying the parking space adjacent to is or has been parking in violation of any of the provisions of this chapter;
  2. The state license number of such vehicle;
  3. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- B. Each such police officer **AND/OR PARKING ENFORCEMENT OFFICER** shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter, and instructing such owner or operator to report at police headquarters in the town, in regard to such violation.

10.16.120 - Use of coins deposited.

*{Unchanged}*

10.16.130 - Hours spaces may be used.

The parking meter spaces established by this chapter may be used by those desiring to occupy the same with vehicles between the hours of nine a.m. to six p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, with Sundays, ~~[community day]~~ **COMMUNITY HERITAGE DAY** and holidays excluded, by the payment of the fee herein provided for.

10.16.140 - Designation of zones.

Parking meter zones are established on the following streets: ~~[Center Square,]~~ East and West Main Street (both sides) ~~[between Broad Alley or Federal Avenue and on the east to Welty's Store on the west].~~

10.16.150 - Violations—Penalties.

- A. Violation of any of the sections enumerated in subsection (B) of this section shall be a municipal infraction.
- B. The following fines shall be assessed against the operators and/or owners of automobiles who violate certain provisions of this chapter as follows:

- 1. Failure to park between lines in violation of Section 10.16.030: [~~ten~~] **FIFTEEN** dollars [~~(\$10.00)~~] **(\$15.00)**; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  - 2. Overtime parking in violation of Section 10.16.090: **TEN DOLLARS (\$10.00)**; according to the parking citation policy **P18 - 03**; every two hours in violation of this section counts as a separate offense and may be fined accordingly.
- C. In the event that any fines set forth in subsection (B) of this section shall not be paid within twenty (20) days from the date a citation is issued, the amount of the fine shall be increased to the following amount:
- 1. Failure to park between lines in violation of Section 10.16.030: **THIRTY DOLLARS (\$30.00)**; according to the parking citation policy **P18 - 03**;
  - 2. Overtime parking in violation of Section 10.16.030: **TWENTY-FIVE DOLLARS (\$25.00)**; according to the parking citation policy **P18 - 03**.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the 1st day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after 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:

ORDINANCE SERIES: 2018  
ORD. NO.: 18 – 06

Page 1 of 3

AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLES AND TRAFFIC

\*\*\*\*\*

**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 10, Sections 10.20.010, 10.20.050 and 10.20.070 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 10.20 – Impounding of Vehicles

Sections:

10.20.010 - Authorization.

When any vehicle is found parked or moving at any time on any street in the town against which there are three or more unsatisfied or unpaid summonses, citations for parking violations, or any other legal processes, and when at least thirty (30) days have elapsed since the issuance of the third unsatisfied summons, citation for parking violations or any other legal process, the ~~Emmitsburg department of~~ police **OFFICER**, or ~~any person, official, or~~ **PARKING** enforcement officer assigned to enforce this chapter, is authorized and empowered to remove or cause to be removed said vehicle, either by towing, conveying, or in any other manner, and impound same in a place designated by the mayor or ~~chief of police~~ **TOWN MANAGER**, or as may be set forth in other provisions of this chapter.

10.20.020 - Responsibility of owner.

*{Unchanged}*

10.20.030 - Notice.

*{Unchanged}*

10.20.040 - Release of impounded vehicles prior to hearing or trial.

*{Unchanged}*

10.20.050 - Hearing rights.

- A. Time. The owner shall have a right to contest the impoundment of the vehicle by requesting a hearing. The request for hearing shall be granted within forty-eight (48) hours, excluding Sunday and holidays, from the time the owner files the application for hearing before the hearing officer.

B. Hearing Officer.

1. The hearing shall be held before a hearing officer consisting of the following: mayor, one of the commissioners, police department representative or ~~[town clerk]~~ **TOWN MANAGER**.
2. Procedure.
  - a. The hearing shall be held in an informal manner. The findings of the hearing officer shall be in writing. A copy of same shall be furnished to the owner as prescribed by the department of police procedure.
  - b. If it is determined by the hearing officer that the vehicle should not have been impounded, the owner shall not be required to pay the towing, storage and preservation charges provided for under this chapter to secure the release of said vehicle. If the charges were paid prior to the hearing, a refund shall be made to the owner who paid said charges in order to have the vehicle released.
  - c. The decision of the hearing officer shall not have any effect or be considered a determination of the outstanding unsatisfied summonses, citations or any other legal processes against the vehicle impounded.
  - d. The owner is and shall be entitled to a hearing in the district court on said charges.

10.20.060 - Refund of charges upon not guilty verdict.

*{Unchanged}*

10.20.070 - Sale of unclaimed vehicles.

- A. Whenever any vehicle **IS** impounded, ~~[pursuant]~~ **PURSUANT** to the provisions of this chapter, shall remain unclaimed by the owner, or other person legally entitled to possession thereof for a period of thirty (30) days from the date of a notice to the owner was mailed as set forth herein, the town shall sell such vehicle at public auction in accordance with the provisions of Title 25 of the Transportation Article of the Annotated Code of Maryland.
- B. The proceeds of the sale shall be applied in the following order:
  1. Payment of expenses of giving notice and advertising and holding the same, including reasonable attorney's fees;
  2. All storage, towing and preservation charges;
  3. All fines and administrative charges outstanding against the owner of the vehicle impounded under this chapter;
  4. The balance, if not claimed within ninety (90) days from the date of the sale by the owner or secured party, to the treasury of the town.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the 1st day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after 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:

**AGENDA ITEMS CONTINUED:**

- VI. Town Volunteer Program for Community Cleanup for Consideration:** Presentation at meeting by Commissioner Joseph Ritz III and Wayne Slaughter.

**M. SET AGENDA FOR NEXT MEETING: JULY 2, 2018**

- 1.
- 2.
- 3.
- 4.
- 5.

***Administrative Business:***

- A.
- B.
- C.