



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 October 1, 2018 – 7:30 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Citizen's Advisory Committee Meeting: Tuesday October 16, 2018 at 7:30 p.m.

Quarterly Planning Commission Meeting: Monday October 29, 2018 at 7:30 p.m.

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

4. MEETING ITEMS

A. APPROVE MINUTES: SEPTEMBER 4, 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: NONE

I. CONSENT AGENDA: NONE

J. TREASURER REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

I. Swearing in of New Commissioners.

II. Mayor's Recommendation for Reorganization of the Board of Commissioners

~~III. Charter Amendments for Consideration to Clarify Archaic Language~~ POSTPONED

IV. Public hearing on the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1).

V. Consideration to Rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1)

VI. Review of Ethics Complaint Procedures as Proposed by the Ethics Commission

VII. For Discussion and Possible Consideration, Request By Indian Lookout for Sole Hunting Use of Scott Road Farm

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

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTION

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

A. APPROVE MINUTES: SEPTEMBER 4, 2018

**MINUTES
TOWN MEETING
September 4, 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 Daniel Fissel, Sewer and Water Superintendent. *Others Present* – Deputy Mostoller.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the September 4, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Commissioner O'Donnell announced Commissioner Sweeney is running late and Commissioner Buckman is expected soon. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the August 6, 2018 town meeting minutes as presented. Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion carries 3-0 in favor with Commissioner Sweeney and Buckman absent.

Police Report:

Deputy Mostoller presented the police report from July and August 2018 due to the deputy's absence at the August town meeting (exhibit attached). In July 2018 the report numbers were slightly lower due to the deputies' absence. In August 2018 the majority of 911 calls were from the Daughters of Charity property because the residents have to dial nine to leave the building. The Sherriff's Office has agreed to host National Night Out 2019 in Emmitsburg, which will provide additional recourses for the event. Commissioner Blanchard asked about the biker hit by a car. The biker was injured with a broken leg at the intersection of Old Frederick Road and Motters Station Road. There have also been some fraudulent phone calls where a fraudster has been using commissioner phone numbers to get information from residents. The Deputies will investigate the fraudulent calls.

**Note:* Commissioner Sweeney arrived at 7:34 p.m.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2018 (exhibit attached). Ms. Willets mentioned the Emmit Garden Playground was installed at the beginning of July. Rainbow Lake is currently at spillway level. The Town currently has a 17.26-inch surplus of precipitation from 13.35 inches of rain that occurred in July 2018. The plants design capacity was exceeded eight times, largely due to the rain. There were also two spills of untreated sewage that were reported to MDE and the FCHD. Water leaks were repaired at 9363 and 9371 Waynesboro Pike and one leak at the square. Over the course of six days the pump station pumped 13,165,000 gallons and the wastewater treatment plant was maxed out and all available equalization space used. The lead sewer/water operator has resigned and a recommendation will be brought to the Board at the next town meeting.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from July 2018 (exhibit attached). Mr. Gulden explained the Board of Appeals evaluated and processed a variance application for 55 Second Avenue (lot 24) regarding the construction of a new single family dwelling on the lot. Mr. Gulden also processed several community legacy reimbursement requests and permits. Regarding MS-4, Mr. Gulden met with representatives from Advanced Land and Water to discuss future MS-4 storm drain and outlet mapping projects.

**Note:* Commissioner Buckman arrived at 7:57 p.m.

Commissioner Comments:

- Commissioner Ritz III: He explained the Parks Committee will be hosting a free Celtic concert at Community Park on September 8, 2018.
- Commissioner Buckman: No comments.
- Commissioner Sweeney: No comments.
- Commissioner Blanchard: He requested staff advertise the number of attendees from the 2018 pool season. He stated the Emmitsburg Food Bank feeds about 100 families in the area and has an upcoming food drop. This weekend is the Thurmont and Emmitsburg Community Show.
- Commissioner O'Donnell: He explained Indian Lookout Conservation Club is requesting hunting access get reintroduced to the Scott Road Farm property. A Town business is requesting the Board reconsider the allowance of temporary storage units to the building code.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2018 (meetings listed in agenda packet). Mayor Briggs mentioned he met with the Dan Reaver, President of Emmitsburg Glass, Allen Knott, Chief Financial Officer of Emmitsburg Glass and Chip Jewell, Frederick County Fire and Rescue, regarding the glass etching Cochran Art. The Town hopes to have the art installed soon. The Town was awarded a grant for three interpretative wayside exhibits at the town square, Emmet House and Doughboy Statue. The Green Team had a meeting at the Seton Center, which is a sustainable building. He had a conference call regarding trying to get the Boys and Girls Club in Emmitsburg. Commissioner Ritz III inquired about the language on the wayside exhibits. Mayor Briggs explained the meeting held was to give historical information to the designers. A future meeting will finalize the text and photos used. The signs will be part of a historic walking tour the Town hopes to develop. The Board requested to see the signs before they are finalized.

Public Comments:

None. The individual signed up is speaking on the rezoning of 600 East Main Street (agenda item #2).

Administrative Business:

None.

Consent Agenda:

1. Mark Walker to the Citizen's Advisory Committee. Term: 10/20/2018 to 10/20/2020. **Motion:** To accept the reappointment by Commissioner Ritz, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.
2. Brian McKenney to the Citizen's Advisory Committee. Term: 09/04/2018 to 09/04/2020. **Motion:** To accept the appointment by Commissioner Sweeney, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.
3. Melissa McKenney to the Citizen's Advisory Committee. Term: 09/04/2018 to 09/04/2020. **Motion:** To accept the appointment by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for August 2018 (exhibit in agenda packet). The operating balance forward is \$5,581,552. There were no questions from the Board.

Planning Commission Report:

None.

II. Agenda Items

Agenda Item #1: Approval of the 2018 Elections Judges: Mayor Briggs explained there were five applicants and the town only needs four judges. He recommends the Board approve the first four judges that applied. Charlotte Mazaleski, Barbara Weedon and Sharon Hane have been the Town's election judges in prior years. Tammy May has County experience. The Board thanked the election judges for volunteering their time to serve the Town.

Motion: To approve Charlotte Mazaleski for the town election judge for 2018.

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

Motion: To accept Barbara Weedon as an election judge.

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

Motion: To accept Tammy May as an alternate judge.

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

Motion: To accept Sharon Hane as an election judge for the 2018 election.

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

Agenda Item #2: Consideration of the Recommendation of the Town's Planning Commission to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1): Mr. Gulden, Town Planner, showed a map of the lots. Mr. Gulden explained a piecemeal map amendment is being requested on lots 10, 11, 15 and the western half of lots 12 recorded in Plat Books number 3, folio 52 (600/602 East Main Street Extension). The petitioner, Mr. Baldacchino, is alleging that there was a mistake at the last zoning of the property by the 2015 Comprehensive Plan and Comprehensive Rezoning because the property was rezoned without considering the prior property use (as a dental office). Commissioner O'Donnell stated his agreement that there was an error made on behalf of the Board of Commissioners prior since the Board did not know the property was a business prior. Commissioner Sweeney agreed the hearing process should continue. The Board moved to request a public hearing.

Motion: To set a public hearing date for October 1, 2018 at 7:30 p.m. and advertisement for the Zoning Map amendment request to rezone lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No. 3, folio 52 from R-1 Low-Density Residential to B-1 Neighborhood Commercial.

Motion by Commissioner Ritz III. Vote postponed to allow family to comment on property.

Joseph Baldacchino, 12508 Killian Lane Bowie MD 20715, stated he felt comfortable with the Board's decision.

Motion Continued: Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: 5-0 in favor. Mr. Gulden will remind Mr. Baldacchino of the hearing date via email and post signs for public notice in Town.

Agenda Item #3: Welcome Letter for New Residents for Discussion and Possible Consideration: Ms. Buckman explained the Citizen's Advisory Committee created the draft welcome flyer for new residents looking for basic community information such as where to find a doctor's office, veterinary office, etc. Commissioner Buckman explained not all businesses are included on the flyer due to space and the flyers intent to provide basic information to new residents only. It is not intended to replace the new Emmitsburg Business and Professionals Association (EBPA) brochure. The Town would send the flyers to new residents. Commissioner O'Donnell expressed concern over promoting certain businesses over others and the liability it exposes the Town if businesses are left out. Ms. Willets explained town staff has found the local utilities information useful when new residents call into the town office. Commissioner Buckman suggested scrapping the whole project. Commissioner O'Donnell recommended Commissioner Buckman reach out to the Maryland Municipal League to get an opinion on the flyer and liability.

Agenda Item #4: For Consideration Sewer Relining Project on East Main Street: Ms. Willets explained the Town has a significant issue with inflow and infiltration (I&I), which is groundwater entering the sanitary sewer system through cracks and holes in the system. She recommends the Board pursue continuous future funding to prevent I&I. Daniel Fissel, Sewer and Water Superintendent, explained excess I&I creates unnecessary hardship on the wastewater treatment system. Excess I&I costs the Town \$2.00 per 1,000 gallons. The Town is spending over \$40,000 a month treating I&I in staff time, equipment wear and chemicals. The Town has lost 47,000 gallons in sanitary sewer overflows (SSOs) since the beginning of 2018. Mr. Fissel explained when Lincoln Avenue was relined 57 unused service connections were closed off. Pictures were reviewed in a PowerPoint that showed the current condition of the East Main Street line to include multiple cracks, holes and visible infiltration. Mr. Fissel estimates the lines were put in about 1930. The sewer relining process is completed between two man holes by flushing the line and using air pressure or steam to slide relining material into the pipe then expand the material and let it cure for 2-3 hours. Service lines will be cut out of the liner and a video footage will be taken for the Town's record. The Town collected three bids for the project. Town staff recommends Mr. Rehab, Inc. for \$80,575, which would be funded from the business fund as an asset addition with a depreciation of 50 years. Commissioner Sweeney believes this project will help save money in the long term. If approved, future relining projects would also be pursued by town staff. Mayor Briggs is supportive of the project. The street would not need to be torn up unless a major problem was found.

Motion: To accept the Mr. Rehab's relining bid.

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

Agenda Item #5: Authorization to Proceed with Solicitation of Federal Funding: Ms. Willets explained the pumping station was built in 1964 and rehabbed in 1985. According to Duff and Phelps Report Services, the depreciation lifespan is 50 years; the current station is 54 years old. Pictures were reviewed of the existing pump station (PS). Mr. Fissel pointed out several significant problems to include rust, inoperable valves and overflows. Town staffs biggest concern is the overflows that happen at the PS when there is a large rain event due to the PS inability to keep up with the heavy flows. Town staff is concerned the station could fail soon due to the age of the structure. Commissioner Buckman inquired if a larger station could be built so heavier flows could be handled. Mr. Fissel explained the current PS capacity is based on the wastewater treatment plant capacity. A larger PS would overwhelm the wastewater treatment plant. Instead, Town staff recommends reducing overflows by building a new PS and taking steps to reduce I&I. Town staff requested the Board approve the Town's pursuit of United States Department of Agriculture (USDA) funding for a new PS so the Town can apply for funding. If the Board approves, the Town would publish and intent to apply in the newspaper and publish a bid for an engineering firm to submit bids regarding an environmental report and preliminary engineering report. The Board requested town staff present a ten or fifteen-year plan regarding sewer relining.

Motion: For staff to proceed with solicitation of federal funding for a new pumping station for the Town.

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

Set Agenda Items for October 1, 2018 Town Meeting

1. Swearing in of New Commissioners.
2. Mayor's Recommendation for Reorganization of the Board of Commissioners
3. Charter Amendments for Consideration to Clarify Archaic Language
4. Public hearing on the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1).
5. Consideration to Rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1)
6. Review of Ethics Complaint Procedures as Proposed by the Ethics Commission
7. For Discussion and Possible Consideration, Request By Indian Lookout for Sole Hunting Use of Scott Road Farm

Motion: To accept the agenda for the October 1, 2018 meeting as presented.

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

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the September 4, 2018 Town Meeting was adjourned at 9:48 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk

Approved On:

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

C. TOWN MANAGER’S REPORT

**Town Manager’s Report
 August 2018
 Prepared by Cathy Willets**

Streets:

- Staff repaired and replaced street lights on Main Street and in Silo Hill.
- Contractor blacktopped sections of median strip along East Lincoln walkway.
- Staff repaired parking meters.
- Staff performed monthly maintenance checks on town owned storm drain inlets.
- Staff conducted monthly street sweeping.

Parks:

- Staff installed new water fountain at the pool.
- Contractor installed blacktop walkway to Emmit Gardens’ playground.
- Contractor repaired emergency warning siren at Silo Hill Park.
- Staff conducted monthly maintenance checks of playground equipment, buildings, fences, roads, ballfields, etc.
- Staff mowed, trimmed and weed killed in all parks.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are being backwashed two times 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 #4 and #5 are shut off. Well #3 was used solely for dilution of the raw water coming in.

	<u>May 2011</u>	<u>August 2018</u>	<u>Change</u>
○ Well #1:	35’	33’	+2
○ Well #2:	8’	6’	+2
○ Well #3:	12’	19’	-7
○ Well #4:	108’	OFF	n/a
○ Well #5:	10’	OFF	n/a

- Water production and consumption. We produced an average of 272,757 GPD. We consumed an average of 241,360 GPD. The difference is "Backwash Water" ... (12.9%).
 - 33.00% of this water came from wells.
 - 5.11% of this water came from Mt. St. Mary's.
 - 61.89% of this water came from Rainbow Lake.

We purchased 431,800 gallons of water from MSM this month.

Wastewater:

- We received about 6.90" of precipitation this month (the average is 3.39").
 - We have a precipitation **SURPLUS** of 17.29" over the last six months. The average precipitation for the period from March 1 through August 31 is 24.96". We have received 42.25 for that period.

Wastewater Treatment:

- We treated an average of 991,000 (consumed 241,360 GPD) which means that **75.6%** of the wastewater treated this month was "wild water".
- We had one spill of untreated sewerage in the month of August due to heavy down pours (reported to MDE and FCHD):
 - 20,000 gallons 08/21/18
- We did exceed the plant's design capacity five times in the month of August:

948,000 gpd 08/02	1,376,000 gpd 08/03	1,085,000gpd 08/04
2,742,000 gpd 08/21	1,337,000 gpd 08/22	

Trash: Trash pickup will remain Mondays in the month of October.

Meetings Attended:

- 08/01 Met with the Mayor
- 08/03 Met with staff regarding permitting process
- 08/06 Attended Town Meeting
- 08/08 Attended water audit meeting with staff
- 08/08 Met with staff to review sewer re-lining and pumping station projects
- 08/08 Met with Mayor
- 08/13 Met with public works and W&S superintendent to review operations
- 08/14 Attended department head meeting
- 08/15 Attended support staff meeting
- 08/16 Met with Mayor
- 08/16 Met with staff to review sewer projects
- 08/28 Attended walk through meeting on wayside exhibits with contractor, Mayor and Town Clerk
- 08/28 Met with accounting staff to review operations
- 08/28 Met with staff to review PowerPoint presentation for Town Meeting
- 08/29 Met with Town Clerk to review sustainable growth award process
- 08/30 Met with mayor
- 08/30 Conference call with Mayor, Town Planner, and contractor regarding sidewalk in Brookfield
- 08/30 Conference call with Mayor, Town Clerk and Boys & Girls club to review status

Noteworthy:

- In August, 30.719 million gallons processed through the WWTP.
- In September, staff worked on preparations for Hurricane Florence.

PARKING ENFORCEMENT REPORT
August 2018

Overtime Parking	82
Restricted Parking Zone	17
Parked in Crosswalk	
Parked on Sidewalk	
Parked Blocking Road	
Parked by Fire Hydrant	1
Parked on Highway	
Failure to Park between Lines	1
Other Violation	
Left Side Parking	1
Street Sweeping	3
Meter Money	\$731.14
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$290.00
Funerals	
Total:	\$1,021.14

D. TOWN PLANNER'S REPORT

**Town Planner's Report
August 2018
Prepared by Zachary R. Gulden, MPA**

1. Board of Appeals

- Finished processing a variance application for 55 Second Avenue – Lot 24.
- Attended the Board of Appeals' meeting on 8/27.
- Received and processed a variance application for 604 E Main St.
- Fielded resident questions regarding both variance requests.

2. Board of Commissioners

- Prepared a staff memo for the zoning map amendment request for Lots 10, 11, 15, and the western half of 12 in Emmitt Gardens (600/602 East Main Street).

3. Community Legacy (CL)

- Finalized grant reimbursement for 25 W. Main St.
- Processed resident reimbursement requests for 119 N Seton Ave. & 16-20 W Main St.
- MHT approved the project for 3 W. Main St. Work will commence shortly.
- Received and processed a Community Legacy grant application for 309 E Main St.

4. GIS

- Training session on 8/15 with Frederick County.

5. Municipal Separate Storm Sewer System (MS4)

- Completed the State of Maryland's Erosion & Sediment Control course and received certification.
- Completed the Notice of Intent for the next General Discharge Permit No 13-SF-5501. This permit will be effective from October 31, 2018 to October 30, 2023.
- Started drafting the final report for the General Discharge Permit No. 13-IM-5500. This permit expires on October 30, 2018.
- Investigated various stormwater complaints.

6. Permits & Zoning

- Processed and approved the following zoning applications:
 - Fence x3
 - Shed
 - Paver Patio
 - Driveway Repair x2
 - Roof Repair
 - Permit Extension – Porch
- Processed an infrastructure permit for the demolition of the old Seton Center.
- Assisted Code Enforcement Officer with various enforcement letters.
- Attended Hansen permit training at Frederick County with Code Enforcement Officer on 8/16
- Processed and submitted the Frederick County building permit application for the Town's proposed fire fighter memorial project.

7. Sidewalk Project

- Received and investigated the following sidewalk complaints:
 - 121 N. Seton Ave (American Legion)
 - 301 E. Main Street (Masonic Temple)
 - 47 Depaul Street (St. Joseph's Catholic Church)
- Attended a meeting on 8/9 with SHA, the contractor, and Town staff regarding status of project.

8. Miscellaneous

- Created checklists for map amendment, board of appeals (variance requests), and lot additions.
- Received complaints regarding the Town Clock face – condensation. Discussed solution with clock maker – forwarded to Town Manager and public works.
- Researched and provided maps to Town Manager on the Farmer's Market plot.
- Provided map data for Town Clerk grant application.
- Attended the EBPA breakfast on 8/16.
- Met with Mayor on 8/20 regarding Town projects.
- Met with Mayor and Fire Museum representatives on 8/21 regarding fire fighter memorial project.
- Community Development Block Grant training on 8/23.
- Green Team meeting on 8/29
- Met with Mayor & Town Manager on 8/30.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

September 2018 Meetings:

September 4, Town meeting, Tuesday after Labor Day.

September 4, Met with town manager.

September 5, Attended and spoke at Frederick County Office of Economic Development Municipal Impact award dinner. Emmitsburg received an award for success of downtown grants and property facade improvements project.

September 6, Met with town manager.

September 6 to September 17 on vacation

September 19, Met with town manager.

September 19, Swore in town election judges Sharon Hane, Barbara Weedon, Charlotte Mazaleski and Tammy May.

September 20, Met with town manager.

September 23, Attended and spoke at Mount – Town celebration at Vigilant Hose Company.

September 23, Spoke at Community Unity Celebration, Trinity Methodist Church.

September 24, Interviews with job applicants for open WWTP position.

September 25, Town Commissioner elections. Congratulations to incumbent Commissioners O'Donnell and Sweeney,

September 6, Met with town manager.

September 25, Guest on All Around Town show with Roger Wilson, Frederick County

September 30, Spoke at the first anniversary of Emmitsburg Baptist Church.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS: NONE

I. CONSENT AGENDA: NONE

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of September 25, 2018**

\$5,543,173	Cash Balance September 1, 2018
184,834	Deposits
<u>-164,816</u>	Withdrawals
\$5,563,191	Operating Balance Forward

Top 10 Check Amounts:

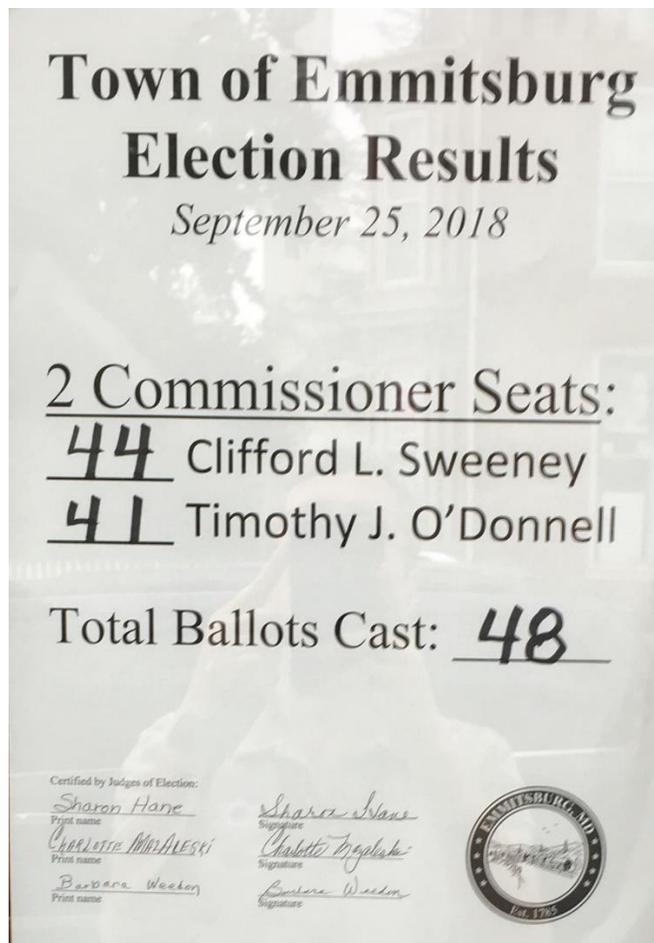
<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$67,727	Treasurer of Frederick County	1Q FY18 Law Enforcement	08.29.18	38774
22,033	MD Dept of Budget & Mgmt	Aug 18 Health Insurance	09.05.18	38802
12,300	Frederick County Paving	Paving - Dog Park, Lincoln Ave, & Emmit Gardens	09.05.18	38798
11,900	Core & Main	Antennas	08.29.18	38770
8,365	Capital Tristate	Pole Fixture	08.29.18	38767
6,513	Republic Services	Sep 18 Refuse Services	09.12.18	38818
5,020	Core & Main	Antennas	08.29.18	38770
4,892	Frederick County DUSWM	Aug 18 Tipping Fees	09.12.18	38828
3,588	Fluid Pinpointing Services	Water Line Leak Detection	09.05.18	38797
3,299	Curtis Engine & Equipment	Generator Parts & Repair	09.19.18	38858

Check dates 08.25.18 to 09.25.18

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

I. Swearing in of New Commissioners: Presentation at meeting by Mayor Briggs.



AGENDA ITEMS CONTINUED:

- II. Mayor's Recommendation for Reorganization of the Board of Commissioners:** Presentation at meeting by Mayor Briggs.

AGENDA ITEMS CONTINUED:

- ~~III. Charter Amendments for Consideration to Clarify Archaic Language.~~**

POSTPONED

**PER THE REQUEST OF MAYOR & TOWN STAFF
DUE TO ADDITIONAL REVISIONS NEEDED**

AGENDA ITEMS CONTINUED:

- IV. Public hearing on the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1):** Presentation at meeting by town staff.



Memo

DATE: September 5, 2018

TO: Town of Emmitsburg Board of Commissioners & Mayor

FROM: Zachary R. Gulden, MPA
Town Planner

RE: Property Address: 600/602 East Main Street, Ext.
Applicant: Mr. Joseph Baldacchino
Property Owner: The Sarah E. Baldacchino Trust
File Name: 600/602 East Main Street, Ext.
Property Tax ID: 05157854
Zoning District: R-1 Low-Density Residential

Location

Lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 (600/602 East Main Street, Ext).

Background

A petition to amend the Town of Emmitsburg's Zoning Map by rezoning a particular property (piecemeal map amendment) may be submitted at any time. In accordance with Maryland State Law, in order for a piecemeal rezoning to be granted, petitions for zoning map amendments, when not part of a comprehensive rezoning undertaken by the governing body, must be judged by the **"change or mistake rule."**

- **Change in Character of the Neighborhood:** It must be shown that there has been a change in the character of the neighborhood, since the last Comprehensive Zoning Plan, where the request for rezoning is located. As part of this premise, an applicant is to provide an accurate and acceptable definition of the neighborhood where the change is alleged to have occurred, the specific events that have caused the change, and describe the character of the neighborhood before and after the change.
- **Mistake in Original Zoning:** A mistake in the current zoning can be shown to have occurred when there has been a failure to take into account projects or trends probable of fruition. Decisions based on erroneous information, facts that later prove to be incorrect, events that occurred since the current zoning, or ignoring facts in evidence can all contribute to a legitimate mistake having occurred.

The petitioner, Mr. Baldacchino, is alleging that there was a mistake in the last zoning of the property (by virtue of the adoption of the last Comprehensive Plan and Comprehensive Rezoning in 2015). They do not seem to be claiming that there has been a substantial change in the neighborhood.

A petitioner seeking a piece-meal rezoning has a heavy burden. The “mistake” has to be that in adopting the last Comprehensive Plan, the Board relied upon erroneous or incomplete factual information in reaching the decision to zone the property. When the underlying factual basis is not erroneous or incomplete, then the “mistake” is not that the decision based on those facts was in error. In that case, it is simply a matter of bad judgment, not “mistake” within the meaning of rezoning law. In other words, there is no “mistake” if the Board simply made a “wrong” decision (bad judgment) if the underlying factual basis for that decision was complete and error-free.

Whether the petitioner can convince the Board that they had erroneous or incomplete information before them when they adopted the Comprehensive Plan will be the central issue in this current case.

Staff Comments

1. The applicant based their request on the argument that the Board of Commissioners would have re-zoned this property to B-1 during the Comprehensive Rezoning if they were made aware of its history as a dental office (the “mistake”). They also argued that neither the parents nor the relatives realized that there was a Comprehensive Plan process being undertaken, in combination with a Comprehensive Rezoning. Mr. Baldacchino said that if they would have known, they would have requested that their property be included in the B-1 zoning district. The Comprehensive Plan and Rezoning processes were advertised in the Frederick News Post, and on the Town website, with a public hearing held by the Planning Commission on July 20, 2015, and by the Town Board on October 5, 2015. Yellow yard signs were installed on the involved properties specifically for the proposed change from Residential R-1 to Neighborhood Commercial B-1, and announcing the public hearing. Information was also on the town website. There is no requirement to notify individual landowners regarding a Comprehensive Rezoning.
2. During conversations and e-mail exchanges with the current owners during 2018, the previous Town Planner informed the current owners of the zoning status of the property. Since it was built in 1960, R-1 (Single-family residential) zoning was adopted for the neighborhood in 1976, and its use for dentistry ceased in 1985, it had pre-existing, nonconforming status until the dentistry use ceased for more than six months. They were not aware of the situation with regard to zoning and thought the building could be used again as a medical/dental office. The tax assessment records show the property as residential.
3. Code Sections regarding nonconforming uses:
 - *17.08.070 - Conformance of nonconforming uses. Any lawful use of land or structure existing at the time of adoption of the ordinance codified in this title, or subsequent amendment of this title, may be continued with the following limitations.*
 - *17.08.100 - Discontinued nonconforming use not to re-establish after six months. No nonconforming use shall be established or re-established after having been discontinued for six months.*
 - *17.08.110 - Nonconforming uses not to be substituted. A nonconforming use may not be substituted for any other nonconforming use."*
4. The applicant stated that they would like to be part of the B-1 zoning district designated in 2015 as a result of the rezoning process. One major way in which the B-1 Zoned area is different from 600-602 E Main St., Ext. is that all of the B-1 lots have access directly to East Main Street, rather than being within a residential neighborhood. When MD140 was re-routed, E. Main Ext. became a truncated street, with a guard rail separating it from the lots now in B-1. Emmet Gardens became a relatively separate residential neighborhood. The criteria considered during the rezoning process for these properties are attached.
5. It is important to note all of the uses permitted in the B-1 neighborhood business district, which include:
 - Lodging, bed and breakfast, rooming house.
 - Small scale retail business and services providers. Drive-through service is not allowed.

- Food service, such as, but not limited to, restaurants, coffee shops, and similar uses, either as a principal use or as one use within a mixed-use structure, such as a convenience store. Drive-through service is not allowed.
- Business and professional office. Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, consultant, utility company offices, and the like. Animal hospitals and clinics with no open kennels.
- Children’s nursery, prekindergarten, and other private schools.
- Accessory uses or buildings
- Business and advertising signs, public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located. A monument sign is allowed.
- Residential use in existence as of January 1, 2015 may continue as residential use.

Planning Commission Report and Recommendation

The Planning Commission (PC) received a request from the Town Board of Commissioners (BOC) to review and comment on a petition to amend the Town Zoning Map by rezoning 600/602 East Main Street, Ext. (Lots 10, 11, 15, and the western half of 12 in the Emmit Gardens’ subdivision) from R-1 to B-1, as required in Section 17.44.030 of the Town Code. In response, three of the four members and the BOC liaison of the PC met with the Town Planners, the Town Attorney, and the petitioner during a regularly scheduled meeting on July 23, 2018.

During the meeting, the Town Planners presented an overview of the petition, the request from the BOC, and the response options available to the PC. The Town Attorney supplemented the Town Planner’s presentation with detailed explanation of the issues to be considered by the PC. The petitioner presented his reasoning for submitting the request. Each of the above-mentioned parties answered numerous questions from the PC and from each other.

Since the petition dealt with a “piecemeal map amendment,” the ensuing discussion centered on the “mistake rule,” in accordance with Maryland State Law, in the existing zoning of the property. After considerable discussion, and clarifications from the Town Attorney, the matter was concluded that a previous decision made in the 2015 Comprehensive Plan that was based on incomplete or unknown data, through no fault of any person or policy, could be considered a “mistake.” Other issues presented but with less discussion, included 1. The 1976 zoning decision for the subject property; 2. The identities of the properties immediately adjacent to the subject lot; 3. The functions of the four nearby lots rezoned to B-1 in 2015; 4. The town’s knowledge of the subject property’s historic functions; 5. The review process if petition is accepted; 6. The vision of a potential buyer of the subject property; and 7. The functions allowed in a B-1 zoning district.

At the conclusion of the discussions, the PC was reminded of the options available for an appropriate response to the BOC. In accordance with Robert’s Rules of Order, a motion was made and seconded to recommend acceptance of the petition and to proceed with the zoning map amendment review process in accordance with the Town’s ordinance. During debate of the motion, the Town Attorney reminded the PC that the recommendation should include its findings of facts of the elements stated in the relevant chapter of the Town Code. An amendment to add the findings of fact described in the petitioner’s Justification Statement with the current motion on the floor was then made and seconded. After a brief discussion, the proposed amendment was voted on and adopted by a unanimous count. Attention was returned to the motion on the floor, as amended. With no additional debate, it was voted on and adopted by a unanimous count.

Conclusion

Given the differences in the locations and surroundings of the rezoned parcels and the subject parcel, it is not clear that the Board of Commissioners “would have rezoned 600/602 to B-1 as part of the same area rezoned to B-1 on the other side of First Avenue” if only they had been informed about the history of the property. Public input from the residential neighborhood would also have been weighed during public hearings.

Finding of Fact

If recommending approval – The Board of Commissioners **must** make findings of fact in each specific case, including but not limited to, the following matters:

1. Population change
2. Availability of public facilities
3. Present and future transportation patterns
4. Compatibility with existing and proposed development for the area
5. The recommendation of the planning commission
6. Relationship of such proposed amendment to the town’s plan

The Board may accept the finding of fact recommended by the Planning Commission, which includes:

1. **Population Change** – Rezoning to B-1 Neighborhood for an existing residential structure will not result in a change in the Town’s population. The current population of the Town is approximately 2,814.
2. **Availability of Public Facilities** –
 - a) **Schools** – There will be no impact on schools as there is no additional residential component proposed for 600/602.
 - b) **Fire and rescue and police services** – Protective services can be provided by the Vigilant Hose Fire Company and Ambulance Company 26. The Frederick County Sheriff provides police services in the Town. No additional residential density is anticipated so there should be minimal impact from the rezoning on these protective services.
 - c) **Libraries** – There will be no or minimal impact on public libraries as a result of the rezoning because there is no additional residential component proposed.
 - d) **Parks and recreation facilities** – There will be no or minimal impact on public parks and recreation facilities because there is no additional residential component proposed.
 - e) **Water and sewer** – 600/602 is currently served by public water from the Emmitsburg Water System and public sewer from the Emmitsburg Waste Water system that has been significantly upgraded since 2015 as part of the Emmitsburg Waste Water Treatment Plant and other infrastructure improvements. There is no significant difference in the number of water and sewer taps required for B-1 zoning versus R-1 zoning of 600-602 and it already has existing connections and will likely re-use existing structures.
 - f) **Other public facilities** – Gettysburg hospital is the closest major medical facility. The Emmitsburg Community Center, Senior Center, and Child Care facilities provide excellent support services for the community and would not be negatively impacted by the rezoning. If rezoned and used for hospice care, or a similar use, 600/602 would be another important community service

asset. The Daughter of Charity Facilities provide significant health and financial support services to the Emmitsburg community.

3. **Present and future transportation patterns-** East Main Street (Route 140) is a State principal arterial roadway and First Avenue is a local roadway. The rezoning of 600/602 is not expected to generate significant additional traffic to the area. The State Highway Administration will be adding sidewalks along both sides of Route 140 thereby enhancing pedestrian access to 600/602. The road system is adequate to serve 600/602 if rezoned. Adequate access to 600/602 already exists from East Main Street Ext. from the prior dental office use.
4. **Compatibility with existing and proposed development for the area** – As previously stated, the immediate area and rezoning neighborhood of 600/602 is characterized by General Commercial and Neighborhood Commercial zoning and land uses. 600/602 is directly across from the largest commercial retail area in the Town. 600/602 is located on a corner lot bordered by East Main Street Ext. and First Avenue and is well distanced from residential neighbors. The adjacent property to the west across First Avenue (514 East Main Street), was rezoned B-1 as part of the 2015 Comprehensive Plan. There is a wide driveway separating the building at 600/602 from its closest residential neighbor to the east. There is an undeveloped lot (part of 600/602) to the south behind the former dental office/residence that separates it from other neighbors bordering on First Avenue. The B-1 rezoning of 600/602 will allot for its compatible use with the existing development of the area and character of the neighborhood. A professional office use under B-1 zoning provides an excellent transition between the low density residential character of Emmit Gardens and the general retail commercial character of the commercial/retail center across East Main Street, Ext. Both areas are planned to remain as now developed under the 2015 Comprehensive Plan. The requirements of the Commercial district buffer ordinance adopted in 2015 (Code Section 17-20.090) will further insure land use compatibility with adjoining land uses.
5. **The recommendation of the planning commission** – The Planning Commission unanimously recommended approval to rezone Lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 from R-1 Low-Density Residential to B-1 Neighborhood Commercial at their meeting held on July 23, 2018.
6. **The relationship of the proposed amendment to the Town’s comprehensive plan** – the major guiding tenets of the 2015 Comprehensive Plan for growth of the Town until 2030 include encouraging infill growth and pursuing economic opportunities. The B-1 rezoning of 600/602 will constitute an infill of desirable economic growth in an existing structure on public utilities that will provide valuable services and expanded tax base. This type of development is entirely consistent with the 2015 Comprehensive Plan.

Recommended Motions – multiple options

Move to **approve** the Zoning Map amendment request to rezone Lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 from R-1 Low-Density Residential to B-1 Neighborhood Commercial. This motion includes the finding of fact recommended by the Town’s Planning Commission and the agreement that there was a mistake made during the approval of the existing zoning classification.

Move to **deny** the Zoning Map amendment request to rezone Lots 10, 11, 15, and the western half of 12 as shown on the revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 from R-1 Low-Density Residential to B-1 Neighborhood Commercial.

Thank you.

cc: Cathy Willets, Town Manager
File

AGENDA ITEMS CONTINUED:

- V. Consideration to Rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1):** Presentation at meeting by town staff.

AGENDA ITEMS CONTINUED:

VI. Review of Ethics Complaint Procedures as Proposed by the Ethics

Commission: Presentation at meeting by town staff.

Timeline:

- May 7, 2018: Initial presentation of ethics code and appeal procedures to Board.
- August 1, 2018: Ethics Commission met to review complaint procedures.

Exert from May 7, 2018 Town Meeting Minutes:

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 Commission finds probable cause, they can request an 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.

Ethic Commission Recommendations:

1. How should the current draft procedures be modified (if any)?
No changes, except to add (modified) flow chart.
2. Should the adjudicatory hearing in the procedures be public or private?
Private.
3. Can the commission create a flow chart visually showing the complaint process?
Yes, see modified flow chart attached.

Following Pages:

- Draft *Ethics Commission Rules of Procedures For Complaints and Advisory Opinions*
- Draft *Complaint Process Flow Chart*
- Ethics Violation Compliant Form

**TOWN OF EMMITSBURG
ETHICS COMMISSION RULES OF PROCEDURE
FOR COMPLAINTS AND ADVISORY OPINIONS**

I. The procedure for Complaints and Advisory Opinions:

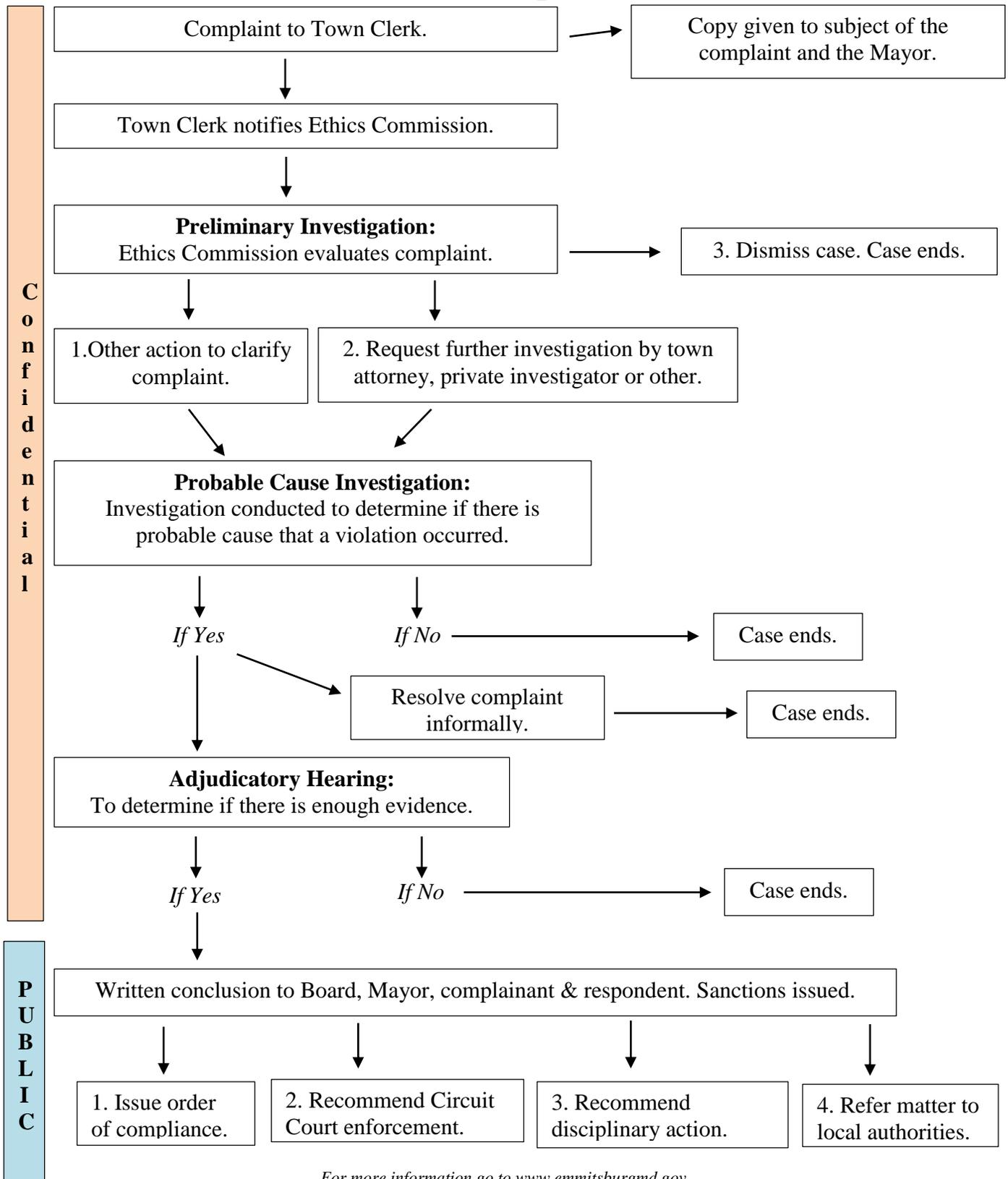
- A. Filing of Complaint or Request for Opinion. All complaints of ethics violations and all requests for advisory opinions shall be addressed to the Ethics Commission and shall be in writing, dated and signed by any persons making the complaint or requesting the opinion. A complaint of a violation shall identify the act or acts which constitute the alleged violation, the section of the code alleged to have been violated, the name of the person who is alleged to have committed the violation and any other information which substantiates the alleged violation. A request for an advisory opinion shall set forth the factual situation which gives rise to the inquiry and shall identify the question presented. Upon receipt of a complaint or request for advisory opinion by the Town Office, the complaint must be immediately sealed in an envelope, preferably by the complainant, and delivered to the Town Clerk. A copy of the complaint or request shall be promptly provided to the Mayor and any respondent who is the subject of the complaint or request with the complainant's name redacted for confidentiality. The Town Clerk will then notify the Ethics Commission that a complaint or request for advisory opinion has been received and provide the original complaint or request for advisory opinion with supporting documents to the Chairperson of the Ethics Commission.
- B. Confidentiality. Aside from the initial complaint or request for advisory opinion received by the Town Clerk, any correspondence which is delivered to the Town Office and which is addressed to or designated for the Ethics Commission or any of its members shall be deemed and handled confidentially and shall be delivered unopened to the Chairperson of the Ethics Commission. The members of the Ethics Commission shall treat as confidential all complaints and requests for advisory opinions made to the Commission, and they shall not disclose to anyone other than other members of the Ethics Commission or the respondent any information pertaining to the complaint or the request for opinion, including the fact that a complaint or request has been made, unless agreed to, in writing, by the respondent.
- C. Preliminary Investigation. Upon receipt of a complaint of a violation or a request for an advisory opinion, the Ethics Commission may:
1. make a determination, based on the information submitted, that the complaint or request does not merit further proceedings and dismiss the matter, in which case, the Ethics Commission shall advise the person making the complaint or the request, in writing, of its decision and the reason for the decision;
 2. make an initial determination that the complaint may be meritorious and request that the matter be investigated further by the Town attorney, a private investigator or other appropriate person.
 3. take any other action required to further augment or clarify the information pertaining to the complaint or request and which may be required to make a determination in the matter.

- D. Investigation. The person or persons charged with undertaking the investigation of the complaint may conduct the investigation by reviewing documents or other material and interviewing witnesses, including the person submitting the complaint and the person who is the subject of the complaint. The respondent may submit to the Commission any information deemed relevant to the complaint, including proposed action which may be taken to cure the alleged violation. The respondent may be present when the Ethics Commission meets to review that information. At the conclusion of the investigation, the investigator shall report to the Ethics Commission, and the Commission, by majority vote, shall make a determination as to whether there is probable cause that a violation has occurred.
- E. Conciliation Efforts. If the Commission finds that there is probable cause that a violation has occurred, the Commission may, but shall not be required to, attempt to resolve any complaint informally through conciliation efforts between the complainant and the respondent. In the event that such efforts are unsuccessful, then the Ethics Commission may schedule the matter for an adjudicatory hearing.
- F. Adjudicatory Hearing. If the Ethics Commission finds probable cause that a violation occurred, it may conduct an adjudicatory hearing. If the Ethics Commission finds probable cause that a violation occurred, and the respondent requests an adjudicatory hearing, it shall conduct an adjudicatory hearing. An adjudicatory hearing shall not be required in response to or to address a request for an advisory opinion or if the Ethics Commission finds that there is no probable cause that a violation occurred or if the complaint was dismissed in the course of the investigation.
1. If the Commission conducts an adjudicatory hearing:
 - a) The Commission shall provide a copy of the written complaint to the respondent which shall include the identity of the complainant and shall provide the respondent with a copy of those portions of approved minutes of the Ethics Commission relating to the complaint;
 - b) The Commission may issue summonses and subpoenas to compel attendance at a hearing, may require any person to produce records or other documents at a hearing, and may administer oaths or affirmations to witnesses.
 2. A hearing is closed to the public. The parties to the hearing are the respondent and the Town. The prosecuting attorney may be the Town's attorney, special counsel, or the investigator. Each party may be represented by counsel.
 3. Each party may present testimonial and documentary evidence, may cross-examine witnesses, and may present opening statements and closing arguments. The rules of evidence used in judicial proceedings are not applicable in the hearing. The Commission may admit and give appropriate weight to evidence, including hearsay, if that evidence possesses probative value commonly accepted by reasonable and prudent persons. The Commission may apply additional rules of procedure to govern the adjudicatory hearing. The burden of proof shall be upon the Town to show that the alleged violation occurred, and the standard of proof shall be by the standard of clear and convincing evidence.

4. At the conclusion of the presentation of evidence and argument, the Commission may take the matter under advisement or may issue its decision immediately. The decision of the Commission shall be in writing and shall include findings of fact and conclusions of law based on the evidentiary record made at a hearing. The Ethics Commission shall provide a copy of its final written decision to the complainant, to the respondent, and to the Mayor and Board of Commissioners. The written decision shall be a public document.
 5. If the Commission finds that there has been no violation as alleged or that the violation has not been shown by clear and convincing evidence to have occurred, the Commission shall dismiss the complaint.
- G. Sanctions. Upon a finding or determination that there has been a violation as alleged in the complaint, then the Ethics Commission may:
1. issue an order of compliance directing the respondent to cease and desist from the violation;
 2. recommend to the Mayor and Board of Commissioners that it seek enforcement of the cease and desist order in the Circuit Court for Frederick County through injunctive or other appropriate relief, which the Mayor and Board of Commissioners are hereby authorized to do;
 3. recommend to the Mayor and Board of Commissioners, or other appropriate authority, appropriate disciplinary action of the respondent including suspension of salary, censure, or removal from employment; and/or refer the matter to the appropriate law enforcement authorities.

draft

Overview of the Complaint Process:



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**ETHICS COMMISSION
ETHICS VIOLATION
COMPLAINT FORM**



TOWN OF EMMITSBURG
300A South Seton Avenue
Emmitsburg, Maryland 21727
P. 301-600-6300
F. 301-600-6313
info@emmitsburgmd.gov

ETHICS VIOLATION COMPLAINT FORM

1. Are you: Filing a Complaint **OR** Requesting an Advisory Opinion
2. Print Your Name: _____
Address: _____
Home Phone: _____ Cell Phone: _____
Email Address: _____
3. Identify the individual(s) you are complaining about or requesting an advisory opinion on:
Name: _____ Position/Title: _____
Address: _____
Home Phone: _____ Cell Phone: _____
Email Address: _____
4. Explain in detail why you believe that the individual named above may have violated the Ethics Code or the nature of your request for a review by the Ethics Commission.

5. Attach or make reference to any documents, materials, minutes, resolutions or other evidence which support your allegations or request.

I swear or affirm, under penalty of perjury, that the facts set forth herein are true and correct to the best of my knowledge and belief.

Signature of Person Making Notification

Date

Notary Public Signature

Commission Expires: _____

Seal:

INSTRUCTIONS:

1. Complete all sections of the complaint form. **Incomplete forms will not be processed.**
2. The Commission will not investigate complaints made anonymously.
3. Give the specific name and address (if known) of the person about whom you are complaining. If you are complaining about more than one person, use a separate complaint form for each person. You may photocopy or reproduce this form if you need more forms.
4. Provide a detailed account of the activity that is alleged to be in violation of the Ethics Code. The Commission's jurisdiction extends solely to alleged violations of the Code of Ethics in the Town of Emmitsburg. Please ensure that all allegations relate to specific individuals. If you are not sure that the Commission has jurisdiction over the conduct or individual in question, refer to the Town of Emmitsburg's Ethics Code or contact the Town.
5. Enclose records, documents, minutes, etc, that support your allegations.
6. Sign the form and have a notary sign, date, and note the date their commission expires.

IMPORTANT:

Any person filing a complaint with the Town Ethics Commission should be aware of the provisions of the Emmitsburg Ethics Code.

FOR ADMINISTRATION USE ONLY:	
Received By Town Clerk:	_____
	<i>Date</i>
	<i>Signature</i>
Comments:	_____
FOR ETHICS COMMISSION USE ONLY:	
Received By Ethics Commission:	_____
	<i>Date</i>
	<i>Chairperson's Signature</i>
<input type="checkbox"/> Valid	<input type="checkbox"/> Not Valid
Action Taken:	_____

AGENDA ITEMS CONTINUED:

VII. For Discussion and Possible Consideration, Request By Indian Lookout for Sole Hunting Use of Scott Road Farm: Presentation at meeting by town staff.

Recommendation: After careful consideration between the Mayor and town staff, town staff does not recommend the approval of the Indian Lookout Conservation Club request for sole hunting and fishing use at Scott Road Farm.

This recommendation was made based on these concerns:

- Safety concerns regarding property use by unauthorized personnel.
- Fishing has never been permitted at Scott Road Farm.
- Hunting on Town property is for residents only. One member of the Indian Lookout Conservation Club is a Thurmont resident and has been the subject of recent complaints on the same property.
- Department of Natural Resources and local officials will have an easier time enforcing hunting and fishing regulations if no one is permitted to hunt on the property (how will they know who is with the organization?).
- Could give the appearance of favoritism as Emmitsburg residents with hunting permission from Town are currently not allowed to hunt at Scott Road Farm.
- At the August 6, 2018 town meeting, the Board gave consent to not allow hunting at Scott Road Farm for at least one year. This will be reevaluated in one year.

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

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

Administrative Business:

- A.
- B.
- C.