



Town of Emmitsburg

Mayor Donald N. Briggs

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

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

TOWN MEETING AGENDA December 4, 2018 – 7:30 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Town Council Meeting: Monday January 7, 2019 at 7:30 p.m.

4. MEETING ITEMS

- A. APPROVE MINUTES: NOVEMBER 5, 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. Chamber of Commerce Presentation
 - II. Holiday Parking for Consideration
 - III. Two Well Agreements Related to the 8-Inch Mountain Water Line for Consideration.
 - IV. Revised Ethic Procedures for Consideration
 - ~~V. Amended Record Retention Policy for Consideration (Tentative)~~ POSTPONED
 - VI. Presentation on Trailers Related to B-2 Zoning for Discussion
 - VII. Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration
- M. SET AGENDA FOR NEXT MEETING: JANUARY 7, 2019

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

A. APPROVE MINUTES: NOVEMBER 5, 2018

**MINUTES
TOWN MEETING
November 5, 2018
Emmitsburg Town Office**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman, Joseph Ritz III, Timothy O'Donnell, Glenn Blanchard and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ted Mostoller.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the November 5, 2018 town meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Ritz requested the word “therefore” get removed from the fourth motion during the public hearing. Ms. Willets explained motions are recorded exactly as said. A spelling correction was requested. “Lot 2” was changed to “Lot 12” in two motions. **Motion:** To accept the October 1, 2018 town meeting minutes as amended. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor. **Motion:** To accept the October 15, 2018 town meeting minutes as presented. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Mostoller is late with prior notice. The report will be made later once the deputy arrives.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from September 2018 (exhibit in agenda). Ms. Willets mentioned staff prepared for Fallen Fire Fighters weekend by street sweeping and putting up banners. An expansion tank was added to the Community Park restrooms to increase water pressure. New toilets and fixtures will be installed during spring 2019. Regarding water, Rainbow Lake is at the spillway level of 16.6 feet. The average precipitation for the period from April 1 through September 30 is 25.15 inches, with a total of 53.85 inches of precipitation being received. 80.6% of wastewater treated was wild water. There was one sanitary sewer overflow due to the heavy rainfall on September 9 and 10 that was reported to MDE and Frederick County. The wastewater treatment plant's (WWTP) design capacity was exceeded twelve times. Regarding noteworthy items, pre-bid meetings for the pumping station were held November 3 and 4. The bids are due November 16. The forestry plan walkthrough will be held November 17 and the MML holiday dinner will be held December 5, 2018. The power surges at the WWTP are so quick and short there is not enough time for the generator to kick on. There are surge protectors. The Town is scheduled to have the sewer relining in January 2019. Commissioner O'Donnell requested town staff drive around Town and straighten crooked signs and have the traffic islands cleaned of weeds, debris and gravel in Silo Hill as you exit Jubilee and the south side of the bridge over Route-15.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from September 2018 (exhibit in agenda). Mr. Gulden attended the Board of Appeals meeting on September 17 for a variance request for a car port, which was denied. He also attended the town meeting on September 4. He prepared a memo for the public hearing regarding the zoning map amendment request for Lots 10, 11, 15, and the western half of 12 in Emmet Gardens (600/602 East Main Street). He met with the Sustainable Communities Board on September 10 and 21 to review the Community Legacy Grant applications for 30 West Main Street and 224 East Main Street. He hosted a stormwater training event for town staff on September 11 and assisted Advanced Land & Water as they mapped the existing Town stormwater pipes, outfalls, inlets, stormwater BMPs, and illicit discharge screening locations.

Commissioner Comments:

- Commissioner O'Donnell: He congratulated the Catoclin High School Varsity Field Hockey team on their season. He attended a two day NICA race event. He thanked town staff and the Mayor for their work on the Timbermill Run sidewalk extension. A resident requested trees get planted along Brookfield Road.

- Commissioner Ritz III: He congratulated the Catoctin Football team on their season. He was able to meet with Wayne Green, Main Saint Mary's Chief of Staff, regarding noisy students near his home. The problem has been resolved and the meeting went well. He encouraged anyone with problems to contact Mr. Green.
- Commissioner Buckman: She requested more shade trees at the dog park. The annual Turkey Trot is on Thanksgiving morning. Proceeds go to the Seton Center. She encouraged the public to participate in the run/walk or to volunteer.
- Commissioner Blanchard: He encouraged residents to attend the Veteran's Day celebration on November 11. The Honor Guard will not be firing blanks during the church services in Town. Town staff will post notices regarding the firing of the blanks online and on several buildings in Town.
- Commissioner Sweeney: He thanked everyone for their help with the Halloween parade. The Lions Club will be hosting a free Christmas party on December 8th, 10:00 a.m. to 1:00 p.m. at the Emmitsburg Senior Center. The event will feature crafts, Santa, hot chocolate and hot dogs.

Mayor's Comments:

Mayor Briggs attended numerous meetings in October 2018 (meetings listed in agenda packet). He attended the Catoctin High School homecoming parade, McDonalds grand opening, National Fallen Fire Fighters Memorial weekend service and Maryland Municipal League fall conference. He accepted the Town's first international award from the International Society of Arboriculture for the Town's tree planting efforts in April 2018. The Town also received a 2018 Frederick County Municipalities Impact Award for Infrastructure and Large Projects regarding the Main Street improvements and a plaque for the 2018 Sustainable Maryland Recertification. Mayor Briggs showed all the awards. The Town also received grant funds from Program Open Space and Community Legacy for the building of an American with Disabilities Act (ADA) compliant playground, which the Town has almost raised all the money for. In addition, another \$50,000 was received for the Façade Restoration Program.

Commissioner Sweeney requested consent from the Board to move the wayside exhibits to agenda item one and the trailers ordinance to agenda item number two. Commissioner O'Donnell requested the trailer ordinance get moved to agenda number one and the wayside exhibit as number two instead; the Board gave consent.

Public Comments:

None.

Administrative Business:

- I. **Proposed Trail Volunteer Days:** Commissioner O'Donnell would like consent from the Board to make November 18, 2018 and December 1, 2018 trail workdays for the multi-user trails in the Emmitsburg Watershed. The Board gave consent. Ms. Willets requested Commissioner O'Donnell send the dates to town staff for posting online. The Town also received a \$40,000 grant for the trails, which Commissioner O'Donnell would like to have as an agenda item at the next town meeting.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for October 2018 (exhibit in agenda packet). The operating balance forward is \$5,407,081. There were no questions from the Board.

Planning Commission Report:

Commissioner Blanchard presented the Planning Commission Report from October 29, 2018. At the meeting John Howard's resignation was accepted, Mark Long was elected sectary, Frank Davis was elected vice-chair, Joyce Rosensteel resigned as secretary. There was a discussion over the preliminary subdivision plat of Section 3, Lots 3 and 4 and the remainder of Silo Hill that was conditionally approved. The area in question is the area behind the Silo Hill carwash, which is in the preliminary discussion phases for the area possibly becoming a small strip mall.

II. Agenda Items

Agenda #4 - Update Ordinance Related to Trailers 15.24 for Discussion and Consideration: Mr. Gulden read the memo on ordinance 18-17 and explained C-containers (shipping storage structures) are not allowed as a storage shed in any zoning district per Title 15 of the Town Code. Ms. Willets read an email from John Picco, Frederick County Department of Permits and Inspections, stating the County's decision to now allow C-containers as an accessory

storage structure or as a load bearing building component of a structure. Mr. Gulden explained even if the proposed ordinance was adopted before the Board, there would still be one property violating the Town Code, Quality Tire, because it is located within the B-2 commercial zone, which does not allow trailers. Ms. Willet stated the Town cannot spot zone by choosing to allow Quality Tire to have trailers, but not allowing other B-2 properties. Gary Hessong, Frederick County Planning, has stated they would possibly consider allowing C-containers on a case-by-case basis. If the ordinance is approved, a building permit would still be needed from the County, which may or may not be approved. A screen, vegetation or fence, would be needed in the B-2 zone. Town staff will check with the town attorney to see if attaching a vehicle to the trailer would be an allowable exception. The Board discussed possible screens for the C-containers, which town staff recommended the Board direct town staff to contact the town attorney regarding acceptable screens and enclosures. Per the Town Code, the max height of a fence is 6-feet. The proposed ordinance states "a trailer may be used as a storage shed in an industrial zone if it is not visible from any adjoining residential area." The word "adjoining" can be changed by the Board to another term if desired.

Barbara Entwistle, Attorney, 37 West Middle St Gettysburg PA – She explained the location of Quality Tire is unclear and it could be located in the industrial zone. She stated Frederick County does not prohibit trailers so she would like the Board to pass the ordinance allowing storage containers in the industrial zone.

Jay Swope, 209 Sand Spring Lane Thurmont MD - He owns two properties in the industrial park and explained the expense of putting a building up would be costly to his business. He is requesting the Board pass the ordinance.

Ron Walter, 7324D Kelly's Stone Road Thurmont MD - He explained the State requires his company recycle all used tires. He needs to place them in an enclosed container for transportation. The Board stated support of the ordinance. Mayor Briggs stated support too.

Motion: To accept the ordinance as presented.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor. The Board would like additional information on allowing C-containers in the B-2 zone in the future. Commissioner Ritz III asked if the fees can be refunded to the businesses fined for the C-containers. Ms. Willets explained the Town only pursued fines against Bollinger Construction for the setbacks and for building a structure without a permit. Town staff did not enforce the fines for the C-containers because the item was coming before the Board. Town staff can contact the town attorney about possibly refunding any C-container fines that were paid (if any).

Police Report:

Deputy Ted Mostoller reviewed the police report for October 2018 (exhibit attached). Regarding the trucks speeding on West Main Street mentioned at the prior town meeting, the deputies have not clocked any trucks going over 30 MPH but will contact one of the main trucking companies that goes through Town regarding the concerns. There are new phone scams occurring; call the deputies if you experience one. He encouraged residents to have a plan for holiday package delivery to deter theft. Anyone with information on the South Seton Avenue bridge graffiti, the bridge near the post office, is asked to come forward.

Agenda Items Continued:

Agenda #1- Update on MHAA Wayside Exhibit Signs: Ruth Bielobocky, Ion Design Firm, and Scott Grove, Grove Public Relations LLC introduced themselves. They've been working together on similar projects for 20 years. Ms. Bielobocky explained the term "wayside exhibit" was created by the National Parks service to describe educational signs that tell the reader about an exhibit or artifact. The Town is working on three wayside exhibits that will be placed at the Town Square, Emmitt House and Doughboy Statue. Many of the signs focus on the Civil War because grant funding was received from the Civil War Heritage Area. For the *America Goes to War* sign (Doughboy Statue sign) Commissioner Blanchard stated Francis Elder was temporarily buried in the Cousevove Woods before being moved to Saint Joseph's Cemetery in Emmitsburg. For the *Town Square* sign, Commissioner O'Donnell requested "Jeb Stuart" be changed to "J.E.B.," "Calvary" be changed to "Cavalry" and "the reenactment of the Civil War battle, Pickett's Charge" get changed to "Battle of Gettysburg." He also requested shorter sentences with less runs and a review of the signs punctuation. Regarding the *America Goes to War* sign, Commissioner Ritz III stated "Lewis H. Stoner" should be "Louis H. Stoner." The Board requested the removal of "...the segregation laws and prevailing..." Also, language explaining where the term Doughboy came from, even though it's not fully known. The contractors have been working closely with Michael Hillman, local historian, who has reviewed all the signs prior to the town meeting. There were no corrections regarding the *Emmitt House* sign. The Mayor explained the three (3) signs are the beginning of a historic walking tour the Town hopes to develop in the future, which will incorporate more sites. For the *Town Square* sign, the Board discussed using the term "skirmish" instead of "encounter," which the contractors stated international visitors might not understand. The Board discussed having a QR code scanner that would link the signs to an online website via a sticker on each exhibit. Ms. Bielobocky will get an estimate for the QR sticker, but town staff would need to set-up and maintain the linked website. Corrections will

come back to the Board at a future meeting. Sign fabrication will occur after the Board gives final approval. Signs must be installed and the final report submitted by July 31, 2019.

Agenda #2- Tree Care Ordinance for Consideration: Ms. Willets explained the draft tree care ordinance is required to become Tree City USA certified. The ordinance can have additional care requirements added at a future date, which would make the town eligible for a growth award. Ms. Shaw explained getting certified will get the Town 15 points toward Sustainable Maryland recertification in the future. The Town can apply for Tree City USA certification after it completes four items: [1] pass an Arbor Day proclamation (completed April 2018), [2] create a Tree Board (the Emmitsburg Green Team will suffice per DNR, does not need to be formalized), [3] pass a tree care ordinance, and [4] have a \$2 per capita budget spent on public tree care. Ms. Willets explained John Clapp, Town Attorney, reviewed and wrote the ordinance and recommended it be placed under Health and Safety, Title 8. Ms. Willets read the ordinance aloud, which is in compliance with the State tree care laws. The ordinance is not intended to restrict property rights, but eliminate trees and branches that can be a public hazard. The recommended tree species were given to staff from DNR. Town staff explained residents are encouraged to reach out to the community for help if they feel they need assistance in fixing a code violation, but the resident needs to initiate the help.

Motion: To approve the ordinance as presented.

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

Agenda #3- Municipal Separate Storm Sewer Systems (MS-4) Update by Staff: Mr. Gulden presented the MS-4 update. He explained excess stormwater can damage wildlife, lead to flooding and deposit chemicals and fertilizers into water sources. Per the State of Maryland, the Town is required to pursue control measures as part of the Chesapeake Bay Restoration Program. Action items completed include adding a stormwater management page to the town website, distributing educational literature (newsletters, brochures, flyers), hosting a tree planting event on Willow Rill, hosting a community clean-up day, initiating a cigarette litter prevention program and selling several compost bins. In addition, the Town has also completed an illicit discharge detection and elimination plan. Future action items are creating standard operating procedures, estimated to cost \$7,500, with an inspection checklist, procedures for identifying illegal dumping and screening 20% of the total outfalls per year (among other items). The Town anticipates the cost of screening 20% of outfalls up to 100 to be \$5,500 per year. The Town must also maintain a pre/post construction site stormwater runoff control, which Frederick County implements. Town staff must take an annual training on pollution prevention, which is anticipated to cost between \$500 and \$1,000. A Pollution Prevention Plan was written by Mr. Gulden and distributed to all employees. In 2019, the Town must develop a baseline impervious assessment, which is estimated to cost about \$19,000. The Town must treat 20% of impervious surfaces. Future projects should include stream restorations, stormwater basin retrofitting and rain gardens. Projects must be completed by 2023 or the Town faces penalties of up to \$10,000 per violation per day. Town staff recommends including expenses in the fiscal year 2020 budget. There are some grants available, which town staff has been researching and applying for.

Set Agenda Items for December 4, 2018 Town Meeting

1. Chamber of Commerce Presentation.
2. Holiday Parking for Consideration.
3. Revised Ethic Procedures for Consideration.
4. Amended Record Retention Policy for Consideration (Tentative).
5. Presentation on the Trailers Related to B-2 Zoning for Discussion.
6. Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration.

The Board members all gave consent for the December 4, 2018 town meeting agenda.

Motion: To adjourn the town meeting.

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 November 5, 2018 town meeting was adjourned at 10:45 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
October 2018
Prepared by Cathy Willets**

Streets:

- Staff worked overnight assisting contractor with painting parking spaces and lines on East and West Main St.
- Staff conducted monthly street sweeping.
- Staff cleaned some streetlight globes on East and West Main St.
- Staff assisted contractor with GIS mapping of storm drains.
- Staff picked up and replaced broken streetlight on Brookfield Dr.
- Staff repaired several streetlights throughout Town.
- Staff painted a section of curb yellow near St. Joseph's church.

Parks:

- Staff put dirt down, seeded and mulched along walkway to Emmit Garden's Tot Lot.
- Staff cut down and removed trees at Silo Hill Park and put dirt down, seeded and mulched area.
- Staff mulched around playground equipment in the parks.
- Staff assisted contractor with winterizing the pool.
- Staff assisted contractor with repairs to the emergency warning siren in Silo Hill and Memorial Cemetery.
- Staff used tar pot to seal some cracks on the community park walking trail.

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 two times per week.
- Well levels (optimum level was determined to be May 2011). Well #3 and #4 are online to mix with the raw water from the lake.

	<u>May 2011</u>	<u>October</u>	<u>Change</u>
○ Well #1:	35'	27'	+8
○ Well #2:	8'	8'	0
○ Well #3:	12'	18'	-6
○ Well #4:	108'	115'	-7
○ Well #5:	10'	OFF	n/a

- Water production and consumption. We produced an average of 280,878 GPD. We consumed an average of 244,145 GPD. The difference is "Backwash Water" ... (17.1%).
 - 37.43% of this water came from wells.
 - 4.98% of this water came from Mt. St. Mary's.
 - 57.59% of this water came from Rainbow Lake.

We purchased 433,300 gallons of water from MSM this month.

Wastewater:

- We received about 4.4” of precipitation this month (the average is 3.39”).
 - We have a precipitation **SURPLUS** of 28.36" over the last six months. The average precipitation for the period from May 1 through October 31 is 24.64”. We have received 53.0” for that period.

Wastewater Treatment:

- We treated an average of 790,000 (consumed 244,145 GPD) which means that **69.1%** of the wastewater treated this month was "wild water".
- We had no spills of untreated sewerage in the month of October.
- We did exceed the plant’s design capacity three times in the month of October:
932,000 gpd 10/04 753,000 gpd 10/05 1,234,000 gpd 10/27

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

Meetings Attended:

- 10/01 Met with Mayor and staff regarding agenda
- 10/01 Attended Town Meeting
- 10/03 Met with Mayor
- 10/09 Met with Sgt. Hillman about deputy program
- 10/10 Met with staff and contractor regarding lagoon storage
- 10/10-12 Attended MML Fall Conference
- 10/15 Met with Mayor
- 10/15 Met with Town Clerk to review tree care ordinance
- 10/15 Met with staff regarding sidewalk(s)
- 10/15 Attended Town meeting
- 10/17 Attended water audit meeting with staff
- 10/18 Attended department head meeting
- 10/18 Attended support staff meeting
- 10/22 Met with Mayor
- 10/23 Met with auditor, town accountant and Mayor
- 10/23 Met with town planner and Commissioner Blanchard
- 10/23 Met with Mayor
- 10/25 Met with contractor regarding lagoon storage
- 10/25 Met with Mayor
- 10/31 Met with Mayor

Noteworthy:

- LG Sonic will be removed for the winter by early December.
- RFPs were due on November 16th for the pumping station project.
- Pre-bid meetings were held at the Rainbow Lake Dam for the hydraulic evaluation. (RFPs due December 7th) on 11/06 & 11/07.
- Staff spent a week flushing hydrants throughout Town.

**PARKING ENFORCEMENT REPORT
October 2018**

Overtime Parking	77
Restricted Parking Zone	2
Street Sweeping	4
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	2
Meter Money	\$ 841.16
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$ 730.00
Funerals	
Total:	\$1571.16

D. TOWN PLANNER'S REPORT

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

1. Board of Commissioners

- Attended the regular meeting held on 10/01.
- Wrote talking points on the 2013 Forestry Plan for the 10/15 meeting.
- Finalized the zoning map amendment for 600/602 E Main St. Created & distributed new zoning maps to the Board of Commissioners, Planning Commission, and Board of Appeals.
- Received and processed a citizen text amendment request for Town Code Section 15.24 (trailers).

2. Community Legacy (CL)

- Fielded multiple resident questions regarding façade grant.
- Worked with the Maryland Historical Trust and applicant in order to get a new door replacement project approved for 309 E. Main St.
- Continued processing a grant application for 30 W Main St. The State approved the project and work will begin shortly.
- Continued processing a grant application for 224 E Main St. The State approved the project and work will begin shortly.
- Created a press release to announce the Town receiving \$50,000 in FY2019 Community Legacy façade grant funds.

3. Municipal Separate Storm Sewer System (MS4)

- Assisted Advanced Land & Water as they mapped the existing Town stormwater pipes, outfalls, inlets, stormwater BMPs, and illicit discharge screening locations. This project is completed.
- Finalized and mailed the 2018 MS4 stormwater report. The report is available for public review on the Town's website.
- Attended an all-day training on 10/17 regarding Maryland stormwater BMP inspection & maintenance requirements. q
- Attended a Maryland Department of the Environment webinar on nutrient trading for NPDES permittees.
- Created a MS4 update presentation for BOC 11/05 meeting.

4. Permits & Zoning

- Processed and approved the following zoning applications:
 - Use & occupancy permit for a new bed & breakfast – 113 E. Main St.
 - Sign
 - Concrete pad for a hot tub
 - Deck
 - Fence
 - Roof repair
 - Commercial pole building
- Processed and approved a street cut permit.
- Processed two street closure permits.
- Completed/issued various enforcement letters.

5. Planning Commission

- Received, processed, and provided comment on a Preliminary Subdivision Plat of Section 3 – Lots 3 & 4 for Silo Hill.
- Attended the PC meeting on 10/29.
- Created a new member welcome letter & material's packet for Mark Long and Glenn Blanchard.

6. Sidewalk Project

- Coordinated no parking, street closures, and detours in order to install the new mast arms and trees.
- Fielded multiple sidewalk project complaints.

7. Miscellaneous

- Met with a property owner on 10/2 regarding interest in opening a small business.
- Applied for a \$5,000.00 grant from the Heart of the Civil War Heritage Area for historical interpretive sign redesign. The sign is located on the Town Square and State of Maryland's Mason Dixon Welcome Center on US 15. Visit Frederick has committed to provide the required \$1:\$1 match.
- Applied for a \$5,000.00 Clean Up & Green Up Maryland Grant from the Keep Maryland Beautiful Program. If awarded, the funds will be used to purchase nine 32-gallon recycle bins to be placed at Community and Memorial Parks.
- Created a Preliminary and Final Subdivision Plat review checklist.
- Researched information regarding a conservation easement for Town Manager.
- Attended a department head meeting on 10/18.
- Attended a tour of the St. Elizabeth Ann Seton Shrine on 10/11 with Town Clerk.
- Assisted Town Clerk with a Rainbow Lake Dam map.
- Created a checklist for zoning map amendment requests.
- Completed the 2018 Form HPS-20, which is required for the distribution of State Highway Administration funds.
- Attended a Green Team meeting on 10/24.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS: NONE

I. CONSENT AGENDA: NONE

J. TREASURER REPORT

**Town of Emmitsburg
CASH ACTIVITY as of November 27, 2018**

\$5,493,321	Cash Balance November 1, 2018
203,831	Deposits
<u>-199,764</u>	Withdrawals
\$5,497,388	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Num.</u>
\$19,584	MD Dept of Budget & Mgmt	Oct 18 Health Insurance	10.31.18	39019
12,112	Pine Hill Electronics	Radios and Antennas	11.07.18	39044
9,361	UGI Energy Services	Oct 18 Solar Field 1	11.20.18	39091
8,202	Mosca Design	Garland & Lights	11.07.18	39040
7,848	UGI Energy Services	Sep 18 Solar Field 1	11.07.18	39050
7,613	UGI Energy Services	Sep 18 Solar Field 2	11.07.18	39050
7,066	Republic Services	Nov 18 Refuse Services	11.14.18	39057
5,937	Deleon & Stang	FY18 Audit Final Billing	11.20.18	39081
5,886	Frederick County DUSWM	Oct 18 Tipping Fee	11.07.18	39035
4,850	Iondesign	MHAA Wayside Exhibits	11.14.18	39066

Check dates 10.31.18 to 11.27.18

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

- I. Chamber of Commerce Presentation:** Presentation at meeting by Rick Weldon, President and CEO, Frederick County Chamber of Commerce.

AGENDA ITEMS CONTINUED:

II. Holiday Parking for Consideration: Presentation at meeting by town staff.

Town staff recommendation: For the Holiday Season, free metered parking from Friday December 14, 2018 through Wednesday January 2, 2019.

AGENDA ITEMS CONTINUED:

III. Two Well Agreements Related to the 8-Inch Mountain Water Line for Consideration: Presentation at meeting by town staff.

Agreements for:

1. Grant Abrahms
2. Walter Saxon

AGENDA ITEMS CONTINUED:

IV. Revised Ethic Procedures for Consideration: 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 October 1, 2018 Town Meeting Minutes:

“Agenda #6: Review of Ethics Complaint Procedures as Proposed by the Ethics Commission: Ms. Willets explained the Board voted to have the ethics code and appeal procedures referred to the Ethics Commission at the May 7, 2018 town meeting. The Ethics Commission did not recommend any changes to the procedures, they recommended the adjudicatory hearing remain private and they agreed to provide a visual flow chart for the compliant process. A draft of the flow chart is included in the agenda packet. Ms. Willets reviewed the flow chart process. Commissioner Buckman requested parallel lettering get added to the flow chart that corresponds with the lettering in the written procedures. The item will come back to the Board with changes most likely in December 2018. Commissioner O'Donnell requested the *Ethics Violation Compliant Form* add a note that the Town can provide notary services under the instruction section. The Board requested town staff make the requested changes.”

Following Pages:

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

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

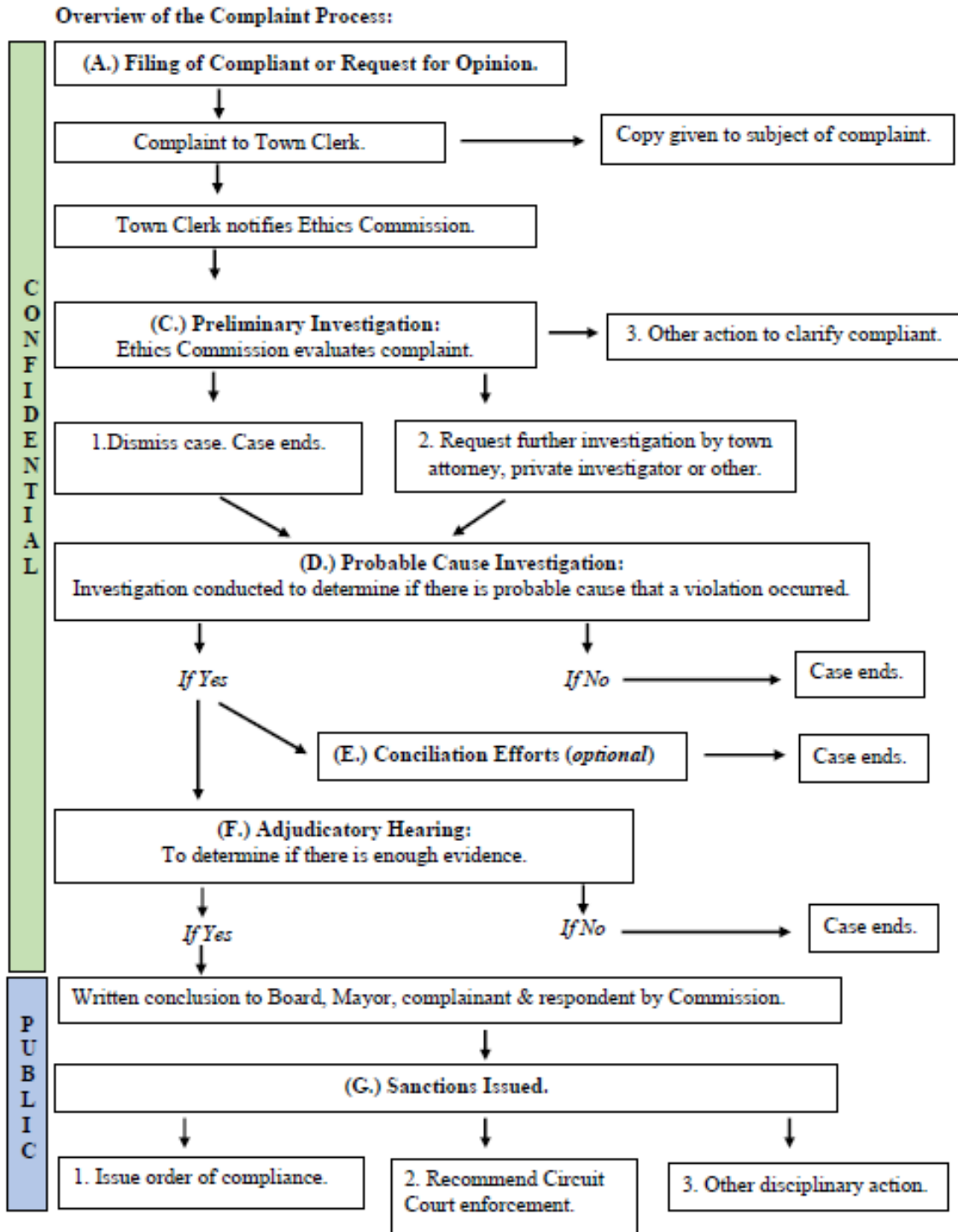
I. The procedure for Complaints and Advisory Opinions:

- 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 by the Ethics Commission of a complaint or request for advisory opinion, a copy of the complaint or request shall be promptly provided to any respondent who is the subject of the complaint or request.
- B. Confidentiality. 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. *Dismiss case* - 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. *Further investigation* - 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. *Other action* - 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. Probably Cause 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



draft

**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. Please note the Town can provide notary services. If possible, please call ahead to ensure staff availability.

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:

~~V. Amended Record Retention Policy for Consideration (Tentative): Presentation at meeting by town staff.~~

POSTPONED TO A FUTURE TOWN MEETING
PENDING BOARD AGENDA APPROVAL

AGENDA ITEMS CONTINUED:

VI. Presentation on Trailers Related to B-2 Zoning for Discussion: Presentation at meeting by town staff.

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AN ORDINANCE TO AMEND
TITLE 15
OF THE CODE OF EMMITSBURG
ENTITLED
BUILDINGS AND CONSTRUCTION

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 15, Section 15.24.020 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 15.24 Trailers

15.24.020 - Stopping or parking trailers

A – C. {unchanged}

D. (1) a trailer which is used as a temporary construction office or as a storage shed may be located on a construction site, after securing a permit to do so from the town. Any trailer used on the construction site during the construction period as a temporary office or storage shed may be parked on the site; however, it may not be parked on a public street.

(2) a trailer may be used as a storage shed in ~~[an]~~ **COMMERCIAL OR** industrial ~~[zone]~~ **ZONES** if it is not visible from any adjoining residential area **OR IF THE PROPERTY OWNER PROVIDES LANDSCAPING THAT ADHERES TO THE FOLLOWING REQUIREMENTS:**

A. LANDSCAPING WILL BE INSTALLED AND MAINTAINED TO SCREEN THE TRAILER SO AS NOT TO BE VISIBLE FROM OTHER RESIDENTIAL OR BUSINESS PROPERTIES WITHIN ANY RESIDENTIAL OR VILLAGE ZONING DISTRICTS OR FROM ROADS WITHIN ANY RESIDENTIAL OR VILLAGE ZONING DISTRICT; PROVIDED, HOWEVER, THAT THESE VISIBILITY REQUIREMENTS SHALL NOT BE APPLICABLE FOR THE FIRST TWELVE (12) MONTHS WHILE THE TREE GROWS TO MATURITY;

B. MINIMUM SCREENING: ONE SHADE/DECIDUOUS TREE PER 30 LINEAR FEET AND ONE EVERGREEN TREE PER 10 LINEAR FEET;

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- C. EVERGREEN TREES MUST HAVE A MINIMUM FIVE-FOOT HEIGHT AT THE TIME OF PLANTING;**
- D. SHADE/DECIDUOUS TREES MUST HAVE A MINIMUM TWO-INCH CALIPER AND SIX-FOOT HEIGHT AT THE TIME OF PLANTING;**
- E. ALL SCREENING MATERIALS AND LANDSCAPING SHALL NOT ENCROACH UPON THE ADJOINING PROPERTY LINE AT FULL MATURITY;**
- F. ALL PLANTINGS SHALL BE PERFORMED IN CONFORMANCE WITH GOOD NURSERY AND LANDSCAPE PRACTICES.**

E. – H. {unchanged}

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

PASSED this ____ day of _____, 2018

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, 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:

- VII. Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration:** Presentation at meeting by Commissioner O'Donnell.

M. SET AGENDA FOR NEXT MEETING: JANUARY 7, 2019 AT 7:30 P.M.

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

Administrative Business:

- A.
- B.
- C.
- D.