



# 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** **January 7, 2019 – 7:30 p.m.**

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

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

### **3. FUTURE MEETINGS**

*Citizen's Advisory Committee Meeting: Tuesday January 15, 2019 at 7:30 p.m.*

*Quarterly Planning Commission Meeting: Monday January 28, 2019 at 7:30 p.m.*

*Town Council Meeting: Monday February 4, 2019 at 7:30 p.m.*

### **4. MEETING ITEMS**

A. APPROVE MINUTES: DECEMBER 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 (DETAILS ATTACHED)

I. Announcement of 2018 Holiday House and Business Decorating Contest Winners.

II. Mount Saint Mary's University and Frederick Regional Health System  
Presentation on a Health and Wellness Center.

III. Scheduling of Trail Volunteer Workday.

I. CONSENT AGENDA: NONE

J. TREASURER REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

I. Ordinance on Trailers Related to B-2 Zoning for Consideration.

II. Adoption of 2013 Forestry Plan for Consideration.

III. Approval of the MHAA Wayside Exhibits for Consideration.

IV. Adoption of an Amendment to Town Code Title 12, Streets, Sidewalks, and  
Public Spaces for Discussion and Consideration.

V. Adoption of the Streets, Sidewalks, and Public Places Fees Policy for Discussion  
and Consideration.

VI. Adoption of an Updated Permits and Inspections Fees Policy for Discussion and  
Consideration.

M. SET AGENDA FOR NEXT MEETING: FEBRUARY 4, 2019

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

### **6. ADJOURN**

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**A. APPROVE MINUTES: DECEMBER 4, 2018**

**MINUTES  
TOWN MEETING  
DECEMBER 4, 2018  
EMMITSBURG TOWN OFFICE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman; Joseph Ritz III; Timothy O'Donnell, Treasurer; Glenn Blanchard, Vice President; 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.

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**I. Call to Order**

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the December 4, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

**Motion:** To accept the November 5, 2018 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

**Police Report:**

Deputy Ted Mostoller presented the police report from November 2018 (exhibit attached). Deputy Mostoller mentioned the deputies assisted with the annual Turkey Trot on Thanksgiving morning. The deputies are still looking for information on the South Seton Avenue bridge graffiti mentioned in the prior town meeting. Commissioner Buckman requested the deputies get the accident statistics for the intersection of South Seton Avenue and Route 15. She would like to make the intersection safer. The deputies will reach out to the State Police for this information. Commissioner O'Donnell suggested a traffic study in the future. Simon Blackwell, Vice President and Chief Transportation Officer for Mount Saint Mary's University, stated the school recently protested SHA decisions at the Route 15/St. Anthony Road intersection. He stated a traffic study may have already been completed by SHA.

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager's Report from October 2018 (exhibit attached). Ms. Willets mentioned staff assisted with winterizing the pool and mulched the parks. Regarding water, Rainbow Lake is at the spillway level. With all the rain, more well usage has been utilized to help clean the water. The Town has a precipitation surplus of 28.36 inches over the last six months. 69.1% of the wastewater treated was wild water. The plant's design capacity was exceeded three times in October. The LG Sonic algae control system was removed the last week of November. Town staff is going through the eleven pump station bids received. The pre-bid meeting for the Rainbow Dam hydraulic evaluation was November 6 and November 7. The pool management request for proposal has been advertised for summer 2019; the bids are due January 9. The Route 140 bridge project will not have the lane shifts occur until the first or second week of January 2019. The brick work at the Town Square is finishing up and the sidewalk project punch list is being completed. The Board complimented town staff on the new decorations on Main Street and the Town Square. The new Town Square should be completed by Christmas 2018. The Town Square grand opening will occur when the weather is warmer.

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the Town Planner's Report from October 2018 (exhibit attached). Mr. Gulden mentioned the Town currently has three applications being processed for the 2019 Community Legacy facade improvement grants. The 2018 MS-4 stormwater management report was finalized and mailed in October. A \$5,000 grant was applied for to update wayside exhibits at the Town Square and Route 15 visitor center. Another \$5,000 grant was applied for to get nine 32-gallon recycle bins for Memorial and Community Park. The sidewalk project complaints mentioned in the report were regarding siding of basement walls chipping and minor flooding in some homes, but both were a result of moisture and not the project. The 113 East Main Street bed and breakfast is not a traditional bed and breakfast; the owner is currently working with the County regarding meeting regulations. December 15 is when the Board can walk the Emmitsburg watershed for the proposed Forestry Plan.

**Commissioner Comments:**

- Commissioner O'Donnell: He mentioned Mother Seton School is applying for a physical education grant that will supply bicycles and possibly promote bike riding in the Town parks. There was a complaint in Silo Hill about pet waste not being picked up. The December 2018 email newsletter included a reminder about pet waste being a code violation if not picked up. Town staff is working with a cartographer on mapping the multi-user trails for the Town's Geographical Information System. He wished everyone a merry Christmas.
- Commissioner Ritz III: He complimented town staff on the new holiday decorations. He was unable to attend the tree lighting ceremony because of work obligations but is looking forward to next year.
- Commissioner Buckman: She is encouraging people to decorate the new Main Street trees in front of their homes and to participate in the holiday house and business decorating contest. She thanked the Carriage House Inn for donating time and resources for the tree lighting ceremony.
- Commissioner Blanchard: He thanked everyone for participating in the Turkey Trot. He complimented town staff on the holiday decorations and the tree lighting ceremony on December 3, which went well.
- Commissioner Sweeney: He thanked the Emmitsburg Business and Professionals Association (EBPA) for their work with the Turkey Trot. The tree lighting ceremony went well. He thanked staff for all their work with decorating the town and the Carriage House Inn for donating to the tree lighting ceremony.

**Mayor's Comments:**

Mayor Briggs requested a moment of silence for the passing of President George H. W. Bush on November 30. A moment of silence was observed. Mayor Briggs thanked town staff for their work with the tree lighting ceremony and holiday decorations. He thanked the EBPA for running the Turkey Trot. The annual Maryland Municipal League holiday dinner is scheduled for December 5. The first ever Emmitsburg holiday ornaments are for sale in the Town Office. The ornaments are glass and feature the town seal with a snow flake and "Town of Emmitsburg, 2018." The ornaments were placed in front of each commissioner seat. He agreed the Route 15 and South Seton Avenue intersection is dangerous as with the other similar intersection along Route 15. He wished everyone a happy holidays and merry Christmas.

**Public Comments:**

*Simon Blackwell, 16300 Old Emmitsburg Road* - Mr. Blackwell, Vice President and Chief Transportation Officer, explained Mount Saint Mary's (MSM) has partnered with Frederick Regional Health System (FRHS) to improve health care access for their students due to the massive expansion of their athletic programs. The organizations have been discussing building a health and wellness center on the periphery of MSM's property to provide primary care, urgent care, lab services, radiology, physical therapy and other services to students and members of the public. They are seeking input from the public and requested to be put on the January town meeting agenda. The Mount will also be holding an open house in January regarding the topic. Anyone interested in attending the meetings is encouraged to contact syblackwell@msmary.edu. The Mount is working with the Seton Center on the project. *Ron Walter* - Mr. Walter requested to speak during the trailers agenda item instead.

**Administrative Business:**

None.

**Consent Agenda:**

None.

**Treasurer's Report:**

Commissioner O'Donnell presented the Treasurer's Report for November 2018 (exhibit in agenda packet). The operating balance forward is \$5,497,388. The solar field bill came in after the report was prepared.

**Planning Commission Report:**

Commissioner Blanchard presented the Planning Commission Report from November 26, 2018. The Commission moved to conditionally approve the final subdivision plat of Section 3 – Lots 3, 4 and the remainder for Silo Hill.

**II. Agenda Items**

Agenda #1 - Chamber of Commerce Presentation: Rick Weldon, President and CEO of Frederick County Chamber of Commerce, introduced himself and explained his fondness for the local government. He introduced two chamber board members that are in attendance: Eric Johnson and Eric Soter. He explained the Chamber is working to make

*For more information, go to [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)*

the organization County focused instead of Frederick City focused. He would like to host a business card exchange in Emmitsburg in the future. The Chamber will offer a free membership to the EBPA. Mr. Soter encouraged the Board to contact the Chamber if there are any concerns they can help address.

Agenda #2 - Holiday Parking for Consideration: Ms. Willets explained town staff recommends free holiday metered parking from Friday December 14, 2018 through Wednesday January 2, 2019. If signs are placed on the meters, no one donates. Town staff will place announcements on the Town website, Facebook, channel 99 and bulletin boards.

**Motion:** To accept the holiday parking from December 14 through January 2 with all proceeds being split fifty-fifty towards the Emmitsburg Food Bank and the Community Heritage Day firework fund.

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

Agenda #3 - Two Well Agreements Related to the 8-Inch Mountain Water Line for Consideration: Ms. Willets explained the 8-inch mountain waterline is deteriorating and failing due to age. Estimates indicate it would cost the Town approximately \$1 million to repair the line, which only has three homes connected to it. Town staff made the determination, with Board approval, that the line should not be repaired. As a result, one of the homes was connected to nearby 10-inch waterline in October 2018. Per the Board, the two remaining homes were offered to have the Town drill them a well or to receive a buyout for the cost of installing a well. Both of the proposed agreements were written and reviewed by John Clapp, Town Attorney. The first agreement is for Mr. Grant Abrahams, who has requested being paid \$11,655 instead of having a well installed. Ms. Willets read the Abrahams well agreement aloud. The \$11,655 is the amount it would cost for the town to install a well on Mr. Abraham's property at 8744 Crystal Fountain Road. The Town received three estimates from well drilling companies. The home does not receive wastewater services from the Town. Funds would be paid out of the water fund.

**Motion:** To accept the Abraham's agreement as presented.

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

Mr. Walter Saxon has requested the town drill a well and terminate any connections to the 8-inch waterline once the well has passed inspection and received a certificate of pot-ability. Ms. Willets read the Saxon well agreement aloud. Paragraph six explains any repairs and maintenance between \$500 and \$5,000 within the 12-month warranty period will be paid for by the Town. In addition, the Town will also address any water complaints by the owner. The town will be paying for the well, electrical work, property restoration and permitting. If the well does not work, the property will be restored and other solutions considered. Commissioner Ritz III recommend placing a price cap on the agreement, which town staff does not recommend. Larger expenses would need to be brought to the Board for approval per town code. If the 8-inch line freezes, Mr. Saxon will not have any water and the Town could be forced to install a well for Mr. Saxon. The alternative is to spend \$1 million fixing the line.

**Motion:** To accept the agreement for the Saxon well as presented. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 4 - 1 in favor with Commissioner Ritz III against.

Agenda #4 - Revised Ethic Procedures for Consideration: Ms. Willets explained the initial presentation of the ethics code and appeal procedures were presented to the Board at the May 7, 2018 town meeting. On August 1, 2018 town the ethics commission met to review and make recommendations on the complaint procedures, which were brought back to the Board on October 1, 2018. At the October meeting the Board made recommendations for changes to include parallel lettering between the written procedures and flow chart and adding a note that the Town can provide notary services on the compliant form. All requested changes have been made. The complaint form is available on the Town website under the documents tab. The Board had no other questions.

**Motion:** To accept the Ethics Commission Rules of Procedures for Complaints and Advisory Opinions as presented.

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

Agenda #5 - Amended Record Retention Policy for Consideration (Tentative): Town staff explained the item has been postponed because town staff is waiting to hear back from the State regarding a revised retention schedule.

Agenda #6 - Presentation on Trailers Related to B-2 Zoning for Discussion: Mr. Gulden explained the Town Code does not allow trailers in the B-2 zone (general commercial zone). Per the Board request at the November 5, 2018 town meeting, town staff worked with the town attorney regarding acceptable screens and enclosures and the possibility of allowing C-containers in the B-2 zone. Acceptable screens in this proposed ordinance include trees and landscaping. Commissioner Ritz III explained he does not want any trailers in the B-2 zone, but he also does not want Quality Tire to pay for the planting of trees. Town staff does not recommend spot zoning. Town staff

recommends enforcing the same standards for all businesses in the B-2 zone. The Board discussed possible alternatives. *Ron Walter, 7324D Kelly's Stone Road Thurmont MD* (owner of Quality Tire) explained the State requires his company recycle all used tires. He needs to place them in an enclosed container for transportation. Mr. Gulden explained the ordinance requires screening if a residential area is adjoined to the commercial or industrial zone with the trailer, which Quality Tire is not adjoined to a residential zone. A fence would not suffice because the trailers are over 6-feet high, which is the max height allowed for fences. The Board needs to determine if residents should be able to see the trailers from their adjoining properties or not. Commissioner Buckman suggested adding language that each property is limited to one trailer. Town staff recommends passing the ordinance as is and making amendments in the future as necessary. Mayor Briggs recommends passing the ordinance as is too. The item will come back to the Board for consideration in January 2019 for final approval and without any amendments.

Agenda #7 - Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration: Commissioner O'Donnell explained he is seeking Board approval to direct town staff to manage the trail grant for the further improvement of the Emmitsburg multi-user trails. Option A would be to modify the orange and red trails and replace the picnic tables at Rainbow Lake. Option B would be to create a youth summer job program for trail maintenance and to modify small sections of orange and red trails to increase ease of use. Ms. Willets explained she is not comfortable assigning town staff to do the work as grant management is time consuming and the town staff is currently operating without the zoning technician position, which has placed additional burdens on the town planner and town clerk. She explained she has a list of all the upcoming projects town staff will be working on to include the construction of a new pumping station. Mayor Briggs expressed agreement with Ms. Willets and stated concern over agreeing to this grant and opening the door to maintain the entire trail system in the future when Commissioner O'Donnell does not wish to volunteer anymore. As an alternative, he suggests keeping the trails volunteer run. Commissioner O'Donnell reviewed the grant process. The grant would be for \$40,000 with an in-house match requirement of \$8,000. The grant was already awarded, so no application would be needed. State Highway Administration (SHA) is willing to work with the Town to ensure all requirements are met. Commissioner Sweeney stated concern over SHAs involvement since SHA has been struggling managing the sidewalk project, town square project and Route 140 bridge project. The Trail Conservancy completed the grant application but were not able to execute the awarded grant. The Town would need to pay \$48,000 if town staff does the work of \$56,000 if an outside organizing manages the grant, then the Town would be reimbursed for \$40,000. If volunteers work on the projects, the contribution would be counted as part of the Town's match. The grant expires three years after September 2018 in September 2021. The Town would still need to provide the \$48,000. The agenda item will need to be brought back differently since it failed as presented.

**Motion:** To have the Board consider having town staff manage the \$40,000 recreational trail program grant designated for the further improvement on the Emmitsburg multi-user trails. Motion by Commissioner O'Donnell.

Commissioner Ritz III requested the motion get restated for clarity.

Commissioner O'Donnell repeated the motion, second by Commissioner Blanchard.

Vote: Motion fails 3 - 2 with O'Donnell and Blanchard in favor and Ritz III, Buckman and Sweeney against.

#### Set Agenda Items for January 7, 2018 Town Meeting

1. Ordinance on Trailers Related to B-2 Zoning for Consideration.
2. Adoption of 2013 Forestry Plan for Consideration.
3. Approval of the MHAA Wayside Exhibits for Consideration.
4. Adoption of an Amendment to Town Code Title 12, Streets, Sidewalks, and Public Spaces for Discussion and Consideration.
5. Adoption of the Streets, Sidewalks, and Public Places Fees Policy for Discussion and Consideration.
6. Adoption of an Updated Permits and Inspections Fees Policy for Discussion and Consideration.

#### **Administrative Business:**

- A. Announcement of 2018 Holiday House and Business Decorating Contest Winners.
- B. Mount Saint Mary's University and Frederick Regional Health System Presentation on a Health and Wellness Center.
- C. Scheduling of Trail Volunteer Workday.

**Motion:** To accept the agenda as presented.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor.

**Motion:** To adjourn the town meeting.

Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

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

**IV. Adjournment**

With no further business, the December 4, 2018 Town Meeting was adjourned at 10:10 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk  
Approved On:

draft

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

### C. TOWN MANAGER'S REPORT

**Town Manager's Report  
November 2018  
Prepared by Cathy Willets**

Streets:

- Staff and contractor finished installing mobile radios in the Town trucks.
- Staff and contractor worked on installing new camera system.
- Staff conducted monthly street sweeping.
- Staff put up Veterans Day banners on East & West Main St. as well as South Seton Ave.
- Staff put Christmas decorations up around Town and in front of the Community Center.
- Staff picked up and replaced a broken streetlight on Brookfield Dr.
- Staff plowed and shoveled for snow event.

Parks:

- Staff winterized park restroom buildings.
- Staff winterized water fountains and service line to the Community Park dog park.
- Staff cut down three old trees and planted new ones near the all-purpose field in Community Park. Staff dug out stumps, hauled wood away, seeded and mulched.
- Staff assisted with turkey trot. They cleaned and stocked the bathrooms; and put tables, cones and trash cans in bathroom for the event.

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 #4 was shut off and well #5 was turned on to allow less gpm's through the plant. Lake quota is being met or exceeded.

	<u>May 2011</u>	<u>November</u>	<u>Change</u>
○ Well #1:	35'	23'	+12
○ Well #2:	8'	6'	+2
○ Well #3:	12'	12'	0
○ Well #4:	108'	OFF	n/a
○ Well #5:	10'	8'	+2

- Water production and consumption. We produced an average of 270,530 GPD. We consumed an average of 228,879 GPD. The difference is "Backwash Water" ... (16.5%).
  - 33.08% of this water came from wells.
  - 5.22% of this water came from Mt. St. Mary's.
  - 61.7% of this water came from Rainbow Lake.

We purchased 423,950 gallons of water from MSM this month.

Wastewater:

- We received about 8.6” of precipitation this month (the average is 3.63”).
  - We have a precipitation **SURPLUS** of 30.52” over the last six months. The average precipitation for the period from June 1 through November 30 is 23.93”. We have received 54.45” for that period.

Wastewater Treatment:

- We treated an average of 1,192,000 (consumed 228,879 GPD) which means that **80.80%** of the wastewater treated this month was "wild water".
- We had no spills of untreated sewerage in the month of November.
- We did exceed the plant’s design capacity 17 times in the month of November:

823,000gpd 11/02	1,027,000gpd 11/03	2,387,000gpd 11/05
2,057,000gpd 11/06	922,000gpd 11/07	1,230,000gpd 11/09
872,000gpd 11/10	981,000gpd 11/12	1,420,000gpd 11/13
1,140,000gpd 11/15	1,786,000gpd 11/16	1,520,000gpd 11/17
842,000gpd 11/19	2,023,000gpd 11/24	1,069,000gpd 11/25
958,000gpd 11/26		

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

**Meetings Attended:**

- 11/1 Attended LGIT’s annual training in Annapolis
- 11/5 Attended Town Meeting
- 11/5 Met with Mayor
- 11/5 Met with staff regarding bridge project
- 11/6 Met with Mayor
- 11/8 Met with Mayor
- 11/13 Met with staff regarding upcoming projects
- 11/13 Met with Mayor
- 11/14 Attended department head meeting
- 11/14 Attended support staff meeting
- 11/15 Met with Mayor
- 11/26 Met with planner and Mayor regarding future projects
- 11/27 Met with staff for initial review of pumping station bids
- 11/27 Met with clerk to go over record retention policy
- 11/27 Met with Mayor
- 11/30 Met with staff for initial review of IT bids

**Noteworthy:**

- Staff repaired a water leak on Waynesboro Pike & Ramblewood Ct.
- The WWTP is struggling with the total nitrogen limit and we are over the 4.0 mg/limit for monthly average due to the cold weather and excessive flows from pumping station.
- The transfer pump at the WWTP was run for most of the month to keep room in the EQ lagoons.
- Staff came in for a snow event to plow, shovel and salt.
- The lane shift at the bridge project will occur in January 2019.
- The square revitalization project is wrapping up. SHA is making final repairs off punch list. Invoices still outstanding. SHA advised the monies owed to the Town will be paid by SHA and Romano collectively.

**PARKING ENFORCEMENT REPORT**  
**November 2018**

Overtime Parking	74
Restricted Parking Zone	2
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk	
Parked Blocking Road	1
Parked by Fire Hydrant	
Parked on Highway	
Failure to Park between Lines	
Snow Emergency	17
Left Side Parking	2
Meter Money	\$ 878.14
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$ 780.00
<b>Total:</b>	<b>\$1,658.14</b>

## D. TOWN PLANNER'S REPORT

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

### 1. Board of Commissioners

- Created a street closure ordinance with other amendments to Town Code Title 12 for Board consideration.
- Created a street, sidewalks, and public places fee policy for Board consideration.
- Updated the permits and inspections fee policy for Board consideration. This has not been updated since 2004.
- Prepared amendments to Town Code Title 16, Subdivisions. This is needed in order to update the review fee policy.
- Updated the review fee policy for Board consideration. This has not been updated since 1999.
- Attended the BOC meeting on 11/5.
- Prepared a second amendment to Chapter 15.24 (trailers) per Board request.
- \*\*\*Started preparing updates to the Sign Code. \*\*\*

### 2. Community Legacy (CL)

- Fielded multiple resident questions regarding façade grant.
- Met with the owner of 20 E Main Street and assisted with the façade grant application.

### 3. Municipal Separate Storm Sewer System (MS4)

- Attended an all-day 14<sup>th</sup> Annual Maryland Association of Floodplain and Stormwater Manager's Conference on 11/8.

### 4. Permits & Zoning

- Processed and approved the following zoning applications:
  - Roof replacement x2
  - Shed
  - Trailer
  - Six paved parking spaces required for use & occupancy permit.
- Completed/issued various enforcement letters.

### 5. Planning Commission

- Worked with the Frederick County Health Department and provided information needed for future subdivision/improvement plan approval.
- Received, processed, and provided comment on a Final Subdivision Plat of Section 3 – Lots 3, 4 and Remainder North for Silo Hill.
- Attended the PC meeting on 11/26.

### 6. Sidewalk / Bridge Projects

- Met with SHA, contractor, and homeowner at 423 W Main St regarding complaint.
- Attended a bridge update meeting on 11/1.

**7. Miscellaneous**

- Obtained quotes in order to repair the Town Clock.
- Processed FEMA Preliminary Flood Insurance Study and Flood Insurance Map changes for the Town. I mailed letters to six property owners potentially affected by the changes.
- Fielded multiple resident questions regarding FEMA maps.
- Worked with Frederick County Building/Permitting Department in order to correct a fire hazard complaint from UGI Utility.
- Attended a GIS presentation by the County on 11/14.
- Met with the Mayor, Town Manager, and two business owners on 11/26 to discuss establishing a location in the Town.
- Wrote a thank you letter to Kimberly Valentine for a park bench with landscaping donation to Community Park.
- Created a RFP request for excavation/cleaning of a storm drain and storm water pipe located behind 29 Provincial Parkway.
- Attended a department head and quarterly financial meeting on 11/28.
- Attended the FEMA Preliminary Flood Insurance Study and Flood Insurance Map Community Outreach Event in Frederick on 11/27.
- Created a survey to solicit feedback for future art projects in and around Town.

## **E. COMMISSIONER COMMENTS**

## **F. MAYOR'S COMMENTS**

December 4, Mother Seton School third graders, Mayor and staff decorated town tree.

December 4, Met with town manager.

December 4, Town staff Christmas lunch.

December 5, Met with town manager.

December 12, Maryland Mayors Assoc. Executive Committee meeting. Teleconference.

December 12, Met with town manager.

December 4, Emmitsburg Elem. School, Mayor and staff decorated town tree.

December 15, Met with town manager.

December 19, Met with town manager.

December 19, Mayor and town planner met with County planners and multi user trail group from Gettysburg.

December 19, Met with town manager.

December 20, Mayor, town planner and town manager, conference call with County Fire and Health Department staff RE: apt property.

December 20, Met with Ken Vaughan, Security Officer, Daughters of Charity.

December 21, Mayor and Mrs. Delivered gifts to elderly with Lions Club.

December 30, Mayor and Commissioner O'Donnell met Mayor Kinnaird of Thurmont. RE: Joint Towns' effort for bike routing through northern Frederick County.

**G. PUBLIC COMMENTS**

**H. ADMINISTRATIVE BUSINESS**

- I. Announcement of 2018 Holiday House and Business Decorating Contest Winners:**  
Presentation at meeting by Mayor Donald N. Briggs.

<b>Most Traditional:</b>		
<b>First Place:</b>	Cassie Kwarta	23 Federal Avenue
<b>Second Place:</b>	Frank Schmersal	115 East Main Street
<b>Honorable Mention:</b>	Philip Thom	429 Ramblewood Drive
<b>Most Decorative:</b>		
<b>First Place:</b>	Daniel Romeril	1414 Ramblewood Drive
<b>Second Place:</b>	Edward Wantz	217 East Main Street
<b>Honorable Mention:</b>	William Machen	1 Adams Avenue
<b>Best Business:</b>		
<b>First Place:</b>	Ott House	
<b>Second Place:</b>	Carriage House	
<b>Honorable Mention:</b>	Emmitsburg Family Barber and PNC Bank (tie)	

**\*\*\*\* Thank you to the Emmitsburg Business and Professionals Association (EBPA) for donating the prize money for the contest.**

- II. Mount Saint Mary's University and Frederick Regional Health System Presentation on a Health and Wellness Center:** Presentation by Simon Blackwell, Vice President and Chief Transportation Officer for Mount Saint Mary's University, and Don Schilling, Vice President Ambulatory Services for Frederick Regional Health System.

- III. Scheduling of Trail Volunteer Workday:** Presentation at meeting by Commissioner O'Donnell.

**I. CONSENT AGENDA**

NONE

**J. TREASURER REPORT**

**Town of Emmitsburg  
 CASH ACTIVITY as of December 26, 2018**

\$5,461,403	Cash Balance December 1, 2018
57,639	Deposits
<u>-132,147</u>	Withdrawals
\$5,386,895	Operating Balance Forward

**Top 10 Check Amounts:**

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check No.</u>
\$59,312	State Retirement & Pension System	FY19 Pension Contribution	11.28.18	39119
\$19,567	MD Dept of Budget & Mgmt	Nov 18 Health Insurance	11.28.18	39116
\$17,837	Chesapeake Employers Insurance	FY19 Workman's Compensation	12.12.18	39183
\$11,655	Grant Abrahams Jr.	Abrahams Water Agreement	12.12.18	39176
\$7,848	UGI Energy Services	Sep 18 Solar Field #1	11.28.18	39126
\$7,613	UGI Energy Services	Sep 18 Solar Field #2	11.28.18	39126
\$6,513	Republic Services	Dec 18 Refuse Services	12.12.18	39179
\$5,814	UGI Energy Services	Nov 18 Solar Field #1	12.12.18	39200
\$4,765	Frederick County DUSWM	Nov 18 Tipping Fees	12.12.18	39188
\$3,617	Groff Tractor & Equipment	Model 580L2 - Service & Parts	12.05.18	39133

*Check dates 11.28.18 to 12.25.18*

**K. PLANNING COMMISSION REPORT:** Presentation at the meeting by Commissioner Blanchard.

**L. AGENDA ITEMS:**

**I. Ordinance on Trailers Related to B-2 Zoning for Consideration:** Presentation at meeting by town staff.

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ORD. NO: 19 - 01

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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~~ **THE GENERAL COMMERCIAL (B-2) OR Industrial PARK (IP) ~~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;**
- C. EVERGREEN TREES MUST HAVE A MINIMUM FIVE-FOOT HEIGHT AT THE TIME OF PLANTING;**

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ORD. NO: 19 - 01

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- 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 \_\_\_\_\_, 2019

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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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:**

- II. Adoption of 2013 Forestry Plan for Consideration:** Presentation at meeting by town staff.

**AGENDA ITEMS CONTINUED:**

- III. Approval of the MHAA Wayside Exhibits for Consideration:** Presentation at meeting by Ruth Bielobocky, Ion Design Firm, and Scott Grove, Grove Public Relations LLC.

**DRAFT: TOWN SQUARE WAYSIDE EXHIBIT**

**Town Square**  
Town Square northwest, circa 1900.  
Credit: Donath Inc.

Emmitsburg's Town Square has been the center of commercial and social activity ever since. William Emmitt laid out the town in 1785 on a grid of lots divided by a four-way intersection. Originally the site of the town water pump, the Town Square was distinguished with a beautiful Victorian-style fountain in 1884. It operated here for more than forty years.

Until the construction of U.S. Route 15, Seton Avenue was located on the primary route connecting Washington, D.C. to Harrisburg, Pa. This resulted in a tremendous amount of traffic travelling through town, supporting Main Street businesses and contributing to the local economy.

Both Union and Confederate soldiers traveled roads intersecting the Town Square throughout the Civil War. Activity increased before and after the battle of Gettysburg, July 1-3, 1863. On the morning of July 4th Confederate General J.E. Stuart arrived in town with the 3rd Virginia Cavalry and met Federal troops. A brief skirmish took place near the Town Square. This resulted in the capture of 700 Union soldiers and their captain.

US Marine Corps East Coast Expeditionary Force marched through Emmitsburg in line 4325-40 participate in a re-enactment of Pickett's Charge, in commemoration of the anniversary of the Battle of Gettysburg.

Gettysburg, 1863  
Civil War veterans (left) and Union soldiers (right) march through Town Square to Gettysburg in 1863.

Major Collection: Library of Congress

**DRAFT: DOUGHBOY STATUE WAYSIDE EXHIBIT**

draft

# America Goes To War

America entered WWI on April 6, 1917, the last of 32 countries to join the conflict that began July 28, 1914. Unequaled in size and casualties, the war took place in much of Europe as well as in parts of Asia, Africa and South America.

WWI introduced the military use of the modern submarine, airplane, and tanks, as well as deadly new weapons including the machine gun. While estimates vary widely, approximately 16-20 million soldiers and civilians were killed during the conflict before the signing of a peace agreement on November 11, 1918, ending what was to be "the war to end all wars."

## The Doughboy



US troops first arrived in Europe in June of 1917. Known as "doughboys," 2 million US soldiers served abroad during the war. The 32nd Engineer (Top) are seen repairing a road over a trench in the Argonne Forest, France, with machine gunners from the 94th Infantry Division (lower) in 1918.



The call for young men to enlist was heard around the nation. Emmitsburg's first six recruits were pictured on the front page of the June 8, 1917 edition of *The Weekly Chronicle*.  
First row (left to right): Joseph Webb Reisk, George Wagman, Louis H. Storer  
Second Row: Benjamin M. Topper, Francis X. Elder, Joseph Owen Adelberger



**Dearest Mama,**  
As I am about to enter the big fight for Democracy it is my desire now, whilst I have the opportunity to pencil you a few lines briefly and bid you, Papa and all, a sincere farewell.... If the worst happens to me, take the news courageously be brave, as I am going to try to be....  
Farewell,  
Privt. Francis X. Elder

Francis X. Elder, the first man from Emmitsburg to enlist in the war, wrote this letter to his mother in October 1918 before fighting in the Battle of the Argonne Forest. Elder never returned. He was killed in the Argonne Forest on October 14, 1918 and is buried at St. Joseph's Catholic Church Cemetery in Emmitsburg.

## Behind the American lines in Argonne Forest, France

The Battle of the Argonne Forest was one of WWI's largest and bloodiest conflicts, fought from September 26, 1918 through November 11, 1918.



In 1937, Emmitsburg erected "The Spirit of the American Doughboy," a reproduction of E.M. Viqueener's popular sculpture, that was also displayed in Emmitsburg, approximately 190 other US towns. Because of racial discrimination during that era, the names of African American soldiers and Caucasian soldiers were listed separately on the dedication plaque.





**IV. Adoption of an Amendment to Town Code Title 12, Streets, Sidewalks, and Public Spaces for Discussion and Consideration:** Presentation at meeting by town staff.

ORDINANCE SERIES: 2019  
ORD. NO. 19 - 02

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

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 12, Section 12.10.040, 12.12.010, and 12.22 of the Emmitsburg Municipal Code, be amended as follows:

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

Chapter 12.10 Obstruction and use of sidewalks

12.10.040 - Permit required.

An annual permit issued by the town shall be required for sidewalk retail displays, or to operate a sidewalk cafe, and the permit shall be valid for one year. Application for such permit shall be accompanied by ~~such required fees as may be established from time to time by resolution of the mayor and board of commissioners.~~ **ANY REQUIRED FEE, AS ESTABLISHED BY ORDINANCE, RESOLUTION, OR POLICY OF THE MAYOR AND BOARD OF COMMISSIONERS.** The permit shall be issued upon the payment of the required fees and upon a determination that the sidewalk cafe will be in compliance with the requirements of this section.

Chapter 12.12 Excavations

12.12.010 - Openings in streets.

- A. It is unlawful for any person to tear up any street paving for any purpose whatsoever, or to disturb the surface by digging holes or trenches in any street, sidewalk, park or public place within the town without first making application to the ~~mayor~~ **TOWN MANAGER** and obtaining a written permit to do so, which permit the ~~mayor~~ **TOWN MANAGER OR TOWN MANAGER'S DESIGNEE** is authorized to grant under such regulations as may be adopted by the mayor and board of commissioners. **THE APPLICATION MUST BE ACCOMPANIED BY ANY REQUIRED FEE, AS ESTABLISHED BY ORDINANCE, RESOLUTION, OR POLICY OF THE MAYOR AND BOARD OF COMMISSIONERS.**
- B. Upon granting such permit, it shall be the duty of the applicant to perform the work for which the permit is issued without any unnecessary delay.
- C. As soon as such work is completed, the street shall, without delay and within the time specified in the permit, be restored to as good a condition as it was prior to the opening thereof. The opening shall be repaved with the same kind and quality of material within which the balance of the street is paved, and such portions of the streets restored to their true and proper grade. The ditch shall be flooded if so directed by the ~~mayor~~ **TOWN MANAGER**, and rammed from the bottom to the top. The work of refilling and repaving shall be done ~~in a good and workmanlike manner and~~ in a way satisfactory to the ~~mayor~~ **TOWN MANAGER.**

- D. [~~In the event of refusal or neglect to comply with the aforesaid provisions, the offender shall be guilty of a misdemeanor and the repairs shall be made by the town, charged to the offender and collected as hereinafter provided.~~] **WHENEVER THE PAVING OF A STREET, AFTER HAVING BEEN TORN UP, HAS SUNK BELOW THE PROPER GRADE OF THE STREET, IT SHALL BE THE DUTY OF THE PERSON DIGGING THE HOLES OR TRENCHES TO AGAIN REPAVE OR REBUILD AT HIS OR HER OWN EXPENSE, AS OFTEN AS MAY BE NECESSARY, IN ORDER TO COMPLETELY RESTORE THE TRUE GRADE OF THE STREET.**
- E. [~~Whenever the paving of a street, after having been torn up, has sunk below the proper grade of the street, it shall be the duty of the person digging the holes or trenches to again repave or rebuild at his own expense, as often as may be necessary, in order to completely restore the true grade of the street.~~]
- E. In the event of refusal or neglect upon receiving twenty (20) days' notice from the ~~mayor~~ **TOWN MANAGER TO COMPLY WITH THE AFORESAID PROVISIONS, THE REPAIRS SHALL BE MADE BY THE TOWN, CHARGED TO THE OFFENDER AND COLLECTED AS PERMITTED BY LAW.** [~~to comply herewith, the offender shall be guilty of a misdemeanor. The mayor shall make, or cause to be made, the necessary repairs, the cost thereof to be collected from the person digging the hole or trench by suit at law or by attachment, in case of nonresidence.~~]

## **CHAPTER 12.22 TEMPORARY CLOSURE OF STREETS, INCLUDING LANES AND SIDEWALKS**

### **12.22.010 DEFINITIONS.**

**IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT REQUIRES OTHERWISE:**

**"TOWN MANAGER" MEANS THE TOWN MANAGER OR THE TOWN MANAGER'S DESIGNEE.**

**"STREET" MEANS ANY ROAD, HIGHWAY, AVENUE, ALLEY, LANE, OR OTHER PUBLIC WAY WITHIN AND UNDER THE JURISDICTION OF THE TOWN. "STREET" INCLUDES A LANE, PARKING LANE, SIDEWALK, OR OTHER DISCRETE PORTION OF A STREET.**

### **12.22.020 PERMITS.**

#### **1. PERMITS MAY BE ISSUED UNDER THIS CHAPTER:**

- A. TO ALLOW A PROPERTY OWNER TO TEMPORARILY CLOSE A STREET FOR THE PURPOSE OF RECONSTRUCTING OR REPAIRING THEIR DWELLING, A SIDEWALK, CURB, OR OTHER STRUCTURE OR INSTALLING OR REPAIRING UTILITIES;**

**B. TO ALLOW A PERSON OR GROUP TO CONDUCT A PARADE, RACE, WALKATHON, OR LARGE PRIVATE EVENT;**

**C. FOR ANY OTHER LAWFUL PURPOSE.**

**12.22.030 APPLICATION**

**ANY PERSON SEEKING A PERMIT TO TEMPORARILY CLOSE A STREET SHALL FILE A COMPLETED APPLICATION WITH THE TOWN, ON A FORM PROVIDED BY THE TOWN, AT LEAST FIVE (5) DAYS PRIOR TO THE REQUESTED CLOSING DATE. AN APPLICATION MUST BE ACCOMPANIED BY A PARKING AND TRAFFIC PLAN AND ANY OTHER INFORMATION REQUIRED BY THE TOWN AS NECESSARY TO ALLOW THE TOWN MANAGER TO ACT ON THE APPLICATION IN AN INFORMED MANNER. THE APPLICATION MUST BE SIGNED BY THE APPLICANT OR THE APPLICANT'S DULY AUTHORIZED REPRESENTATIVE OR AGENT. THE APPLICATION MUST BE ACCOMPANIED BY ANY REQUIRED FEE, AS ESTABLISHED BY ORDINANCE, RESOLUTION, OR POLICY OF THE MAYOR AND BOARD OF COMMISSIONERS.**

**12.22.040 APPROVAL CRITERIA.**

**THE TOWN MANAGER WILL REVIEW THE LOCATION OF THE CLOSING AND CONSIDER THE SAFE MOVEMENT OF TRAFFIC. THE TOWN MANAGER WILL ISSUE A PERMIT ONLY UPON A DETERMINATION THAT THE CLOSING WILL NOT JEOPARDIZE SAFETY OR CREATE DETRIMENTAL TRAFFIC OPERATIONS.**

**12.22.050 ISSUANCE OF PERMITS.**

**UPON CONSIDERATION OF THE CRITERIA SET FORTH IN SECTION 12.22.040, THE TOWN MANAGER SHALL APPROVE THE PERMIT APPLICATION, APPROVE IT WITH CONDITIONS, APPROVE IT WITH MODIFICATIONS, OR DENY THE APPLICATION. CONDITIONS OF PERMIT APPROVAL MAY INCLUDE, BUT ARE NOT LIMITED TO, REQUIREMENTS FOR THE PLACEMENT OF BARRICADES BY THE PERMIT HOLDER, NO PARKING SIGNS, AND OTHER EQUIPMENT REQUIRED FOR THE SAFE CLOSING OF THE STREET.**

**12.22.060 REVOCATION.**

**THE TOWN MANAGER MAY SUSPEND OR REVOKE ANY PERMIT ISSUED UNDER THIS CHAPTER UPON FINDING ANY VIOLATION OF THIS CHAPTER, THE TERMS OR CONDITIONS IMPOSED IN THE PERMIT, OR FOR ANY OTHER ACTION DEEMED DETRIMENTAL TO PUBLIC HEALTH AND SAFETY.**

**12.22.070 ACCESS.**

**THE PERMIT HOLDER SHALL ENSURE THAT EMERGENCY VEHICLES CAN ACCESS THE CLOSED STREET AT ALL TIMES DURING THE CLOSURE.**

**12.22.080 STREET CLEANING.**

**THE PERMIT HOLDER SHALL CLEAR ALL DEBRIS AND OTHER TRASH FROM THE STREET BEFORE IT IS REOPENED. IF THE PERMIT HOLDER FAILS TO CLEAR ALL DEBRIS AND OTHER TRASH FROM THE STREET AND THE TOWN MANAGER CONCLUDES THAT THERE IS A DANGER TO THE PASSAGE OF VEHICULAR TRAFFIC OR POTENTIAL CONTAMINATION OF THE STORMWATER MANAGEMENT SYSTEM, THEN THE TOWN WILL CAUSE THE STREET TO BE CLEANED AT THE EXPENSE OF THE PERMIT HOLDER.**

**12.22.090 CLOSURE BY TOWN.**

**THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE MAY DIRECT ANY STREET OR PORTION OF A STREET NOT TO BE USED TEMPORARILY, AND MAY ORDER BARRIERS TO BE PLACED TO INDICATE THAT THE STREET IS TEMPORARILY CLOSED TO TRAVEL.**

**12.22.100 VIOLATIONS AND PENALTIES.**

- A. A PERSON MAY NOT CLOSE, OR ATTEMPT TO CLOSE, A STREET WITHOUT FIRST OBTAINING A PERMIT IN ACCORDANCE WITH THIS CHAPTER. THE TOWN MANAGER, OR THE TOWN MANAGER'S DESIGNEE, MAY ISSUE A STOP WORK ORDER TO ANY PERSON FAILING TO OBTAIN THE REQUIRED PERMIT OR FAILING TO COMPLY WITH ANY CONDITION OF A PERMIT OR OF THIS CHAPTER.**
- B. A PERSON MAY NOT REMOVE OR TAMPER WITH ANY BARRIERS CLOSING A STREET UNDER THIS CHAPTER WITHOUT THE PERMISSION OF THE TOWN MANAGER OR TOWN MANAGER'S DESIGNEE.**
- C. FAILURE TO COMPLY WITH THIS CHAPTER OR ANY ORDER OR REQUIREMENT IMPOSED UNDER THIS CHAPTER IS PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00). EACH DAY A VIOLATION CONTINUES IS A SEPARATE MUNICIPAL INFRACTION.**

**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 \_\_\_\_\_, 2019  
by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Clifford Sweeney, President

**MAYOR**

\_\_\_\_\_APPROVED \_\_\_\_\_VETOED

this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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:**

- V. Adoption of the Streets, Sidewalks, and Public Places Fees Policy for Discussion and Consideration:** Presentation at meeting by town staff.

POLICY SERIES: 2019  
Policy No. P19 – 01

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**TOWN OF EMMITSBURG  
STREETS, SIDEWALKS, AND PUBLIC PLACES FEES POLICY**

\*\*\*\*\*

**AS OF THIS DATE AND PURSUANT TO CHAPTERS 12.10.040 ENTITLED “PERMIT REQUIRED,” 12.12.010 ENTITLED “OPENING IN STREETS,” AND 12.22.030 ENTITLED “APPLICATION” OF THE EMMITSBURG MUNICIPAL CODE, STREETS, SIDEWALKS, AND PUBLIC PLACES FEES SHALL BE AS FOLLOWS:**

**A. SIDEWALK COMMERCIAL PERMIT**

- 1. FIFTY DOLLARS (\$50.00).**

**B. STREET CUT PERMIT**

- 1. ONE HUNDRED DOLLARS (\$100.00) PLUS A \$2,000.00 BOND.**

**C. TEMPORARY CLOSURE OF STREETS, INCLUDING LANES AND SIDEWALKS**

- 1. STREET CLOSURE PERMIT: TWENTY-FIVE (25.00).**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this policy shall take effect this 7<sup>th</sup> day of January, 2019.

PASSED this 7<sup>th</sup> day of January, 2019.

*ATTEST:*

*EMMITSBURG BOARD OF COMMISSIONERS:*

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Clifford Sweeney, President

\_\_\_\_\_ APPROVED \_\_\_\_\_ VETOED

this 7<sup>th</sup> day of January, 2019.

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

**AGENDA ITEMS CONTINUED:**

**VI. Adoption of an Updated Permits and Inspections Fees Policy for Discussion and Consideration:** Presentation at meeting by town staff.

POLICY SERIES: 2019  
Policy No. P19 – 02

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**TOWN OF EMMITSBURG  
PERMITS & INSPECTION'S FEE POLICY**

\*\*\*\*\*  
This Policy will replace previously adopted policy P03-01/04.

As of this date and pursuant to Chapter 17.48.090 entitled "Zoning Certificate Fee Schedule" of the Emmitsburg Municipal Code, zoning certificate fees shall be as follows:

**A. New Buildings (any building that has never been issued an occupancy permit)**

1. Single-family dwelling: two hundred dollars (\$200.00) in addition to any impact fees as established and required by ordinance.
2. Multiple family dwelling: **TWO HUNDRED DOLLARS (\$200.00) PER RESIDENTIAL UNIT** ~~{four hundred dollars (\$400.00) plus two hundred dollars (\$200.00) for each additional unit}~~
3. ~~{Business and industrial~~ **NON-RESIDENTIAL** buildings: **THE FEE IS DETERMINED BY THE TOTAL VALUATION OF THE PROEJCT PLUS ANY IMPACT FEES AS ESTABLISHED AND REQUIRED BY ORDINANCE:** ~~{four hundred dollars (\$400.00) plus Three Dollars (3.00)/per Thousand Dollars on (1<sup>st</sup>) First (\$200,000) Two Hundred Thousand Dollars, Then (\$2.00)/per Thousand Dollars from (\$200,000) Two Hundred Thousand to (\$1,000,000) One Million Dollars and then One Dollar (\$1.00)/per Thousand Dollars on all over (\$1,000,000) One Million Dollars on the Total value of the project. — i.e. a \$2,000,000 building would be:~~

~~\$400.00 base  
 600.00 first \$200,000  
 1,600 from \$200,000 to \$1,000,000  
 1,000 from \$1,000,000 to \$2,000,000  
 \$3,600.00 Total Building Fee}~~

<b>NON-RESIDENTIAL BUILDINGS</b>
<b>\$200,000 OR LESS = \$1,000</b>
<b>\$200,001 - \$1,000,000 = \$2,600</b>
<b>\$1,000,001 AND OVER = \$3,600</b>

**B. Repairs, Remodeling, Additions, Fences, Pools, Accessory Buildings, Extensions, and Alterations.**

1. **THE FEE IS DETERMINED BY THE TOTAL VALUATION OF THE PROEJCT:** ~~{Under one thousand dollars (\$1,000.00): thirty five dollars (\$35.00).}~~

[~~2. Over one thousand dollars (\$1,000.00): thirty five dollars (\$35.00) plus two dollars (\$2.00) per thousand dollars (\$1,000.00) of valuation of project.~~]

RESIDENTIAL	COMMERCIAL
\$5,000 OR LESS = \$40	\$50,000 OR LESS = \$95
\$5,001 - \$15,000 = \$45	\$50,001 - \$75,000 = \$100
\$15,001 - \$30,000 = \$50	\$75,001 - \$100,000 = \$105
\$30,001 - \$50,000 = \$55	\$100,001 - \$150,000 = \$110
\$50,001 - \$75,000 = \$60	\$150,004 - \$175,000 = \$120
\$75,001 AND OVER = \$65	\$175,001 AND OVER = \$125

A. Change of Use & USE AND OCCUPANCY: [~~Thirty Five (\$35.00)~~] **FIFTY DOLLARS (\$50.00).**

B. Sign Permit: [~~All - Thirty Five (\$35.00)~~] **FIFTY DOLLARS (\$50.00) PER SIGN.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this policy shall take effect this 7<sup>th</sup> day of January, 2019.

PASSED this 7<sup>th</sup> day of January, 2019.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Clifford Sweeney, President

\_\_\_\_\_ APPROVED \_\_\_\_\_ VETOED

this 7<sup>th</sup> day of January, 2019.

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

**M. SET AGENDA FOR NEXT MEETING: FEBRUARY 4, 2019**

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

*Administrative Business:*

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