



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 **September 3, 2019 – 7:30 p.m.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Board of Appeals Meeting: Monday, September 9, 2019 at 7:30 p.m. (Town Office)

Green Team Meeting: Wednesday, September 11, 2019 at 10:00 a.m. (Town Office)

Write-In Elections Deadline: Tuesday, September 24, 2019 by noon.

***Tentative** Planning Commission Meeting: Monday, September 30, 2019 at 7:30 p.m. (Town Office)*

Town Election Day: Tuesday, October 1, 2019, 7:00 a.m. to 8:00 p.m. (22 East Main St.)

Town Council Meeting: Monday, October 7, 2019 at 7:30 p.m. (Town Office)

4. MEETING ITEMS

A. APPROVE MINUTES: AUGUST 5, 2019

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. Appointment of Two New Members to the Sustainable Community Board for Consideration.

I. CONSENT AGENDA: ONE APPOINTMENT

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

I. Approval of the Street Paving Contractors for Consideration.

II. Approval of the Fire Wood Access Policy for Consideration.

III. Approval of the North Seton Avenue Bridge Letter for Consideration.

M. SET AGENDA FOR NEXT MEETING: OCTOBER 7, 2019

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

A. APPROVE MINUTES: AUGUST 5, 2019

**MINUTES
TOWN MEETING
AUGUST 5, 2019
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 Nail, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* - John Clapp, Town Attorney and Deputy Jason Ahalt.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the August 5, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and election deadlines were announced.

Approval of Minutes

Motion: To accept the July 1, 2019 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion passed 5 - 0 in favor.

Police Report:

Deputy Jason Ahalt presented the police report from July 2019 (exhibit attached). Deputy Ahalt mentioned traffic stops were down slightly due to Deputy Whitehouse being off. The deputies are planning to meet with Mount St. Mary's University staff regarding students living in Town. The deputies requested residents call 9-1-1 if they see something suspicious.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from June 2019 (exhibit in agenda packet). Ms. Willets mentioned the Town wells are at their optimal level and 4-inches of precipitation was received in June. The Town currently has a 6.58-inch surplus of precipitation and 44.4% of wastewater treated was wild water. Town staff finished the replacement of all lights in Town owned buildings with LED lights via a Maryland Smart Energy Community grant. Soil borings were completed for the new Creamery Road Pump Station. The Town is still waiting for notification from the USDA regarding the \$30,000 Predevelopment and Planning Grant for the pump station. The MD140 bridge project should be completed December 2019. The draft layout of the Community Park disc golf course should come to the Board in October 2019, once town staff receives the proposal from FredRock Disc Golf.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from June 2019 (exhibit in agenda packet). Mr. Gulden processed bid documents for the forestry stand 5 select harvesting bid and the cross-connection approved contractor as well as submitting the FY2020 Community Legacy grant for \$75,000. Mr. Gulden started work on the 2018-2019 annual MS4 progress report. He noted the Town does not currently have rules for chicken coops as the ordinance has a sunset provision and expired on January 1, 2015. He recommended the Board review the chicken ordinance (Section 6.04.020.B) if interested, which the Board requested be brought to a town meeting at a future date.

Commissioner Comments:

- Commissioner O'Donnell: He congratulated Commissioner Ritz on the turnout at the park concert on August 2. He thanked staff for their work in the Town parks, and he is concerned with the MD140 bridge project postponement.
- Commissioner Ritz III: Saturday August 10 is the Back to School Event in Community Park. He thanked Quasi Flannel for putting on a great performance on August 2. There will be two more concerts this year.
- Commissioner Buckman: She thanked Libby Briggs for weeding the planter boxes at the Town Square and requested town staff notify the businesses (if possible) if they are going to go out and take pictures for code enforcement. Town staff will do their best as time permits.

- Commissioner Blanchard: He thanked Ms. Naill and RSV Pools for their work at the town pool and requested the SHA trim the trees back along MD 140 near the Route 15 bridge to improve sightline.
- Commissioner Sweeney: He stated the pool has been heavily used this summer and the Lions Club is expecting to make a \$1,200 profit from the concession stand, which will be used for Community Heritage Day.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2019 (meetings listed in agenda packet). He attended an Envision Frederick luncheon with Congressman Jamie Raskin and Frederick County Sub-District 3 B Delegate Ken Kerr. He also gave a presentation on "Making Sustainability a Reality in Your Community" at the Smart Growth Maryland and Preservation Maryland annual conference. Mayor Briggs explained the Town is taking steps to document Emmitsburg's history and art through the Poet Laureate, William Cochran glass etching and more.

Public Comments:

Tammy May, 101 DePaul Street - Ms. May stated she received a letter from the Town requesting she repair the sidewalk in front of her home, which she does not believe she should be financially responsible for because the sidewalk damage is from a tree the Town removed many years ago. Ms. Willets explained Ms. May's deadline was extended to allow the issue to be discussed with the Director of Public Works, who is currently out of office. Ms. May provided pictures of the tree. *Amy Boehman, 328 Mountaineers Way* - Ms. Boehman thanked town staff for looking into her concerns regarding the disc golf course layout near her home and her tree planning request. She is willing to help with any of the projects as needed.

Administrative Business:

- I. Proclamation Nominating a Poet Laureate for the Town for Consideration:** Mayor Briggs read the proclamation aloud. Mayor Briggs invited Mr. Smith to the front of the room. The Board and Mayor took a picture with Mr. Smith.

Motion: To appoint Mr. Francis Smith as Poet Laureate of Emmitsburg effective August 5, 2019.
Motion by Commissioner Ritz III, second by Commissioner O'Donnell. Vote: Motion passed 5-0 in favor.

- II. Proclamation Making August 6, 2019 National Night Out in Emmitsburg for Consideration:** Ms. Willets explained Ms. Shaw and Ms. Naill have been working on this event for months. National Night Out (NNO) is an event with the goal of building positive relationships between the police and community. The Town has had a NNO since 2017, but this year Frederick County Sheriff's Office has decided to host their county-wide event in Emmitsburg. The event is free and takes place from 6:00 p.m. to 8:30 p.m. in Community Park. The event will feature hot dogs, ice cream, pony rides, a petting zoo, k-9 demonstrations, police vehicles, fire trucks, vendors, music and more. Mayor Briggs read the proclamation aloud.

Motion: To accept the proclamation for National Night Out on Tuesday, August 6th in Community Park.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion passed 5-0 in favor.

- III. Adoption of Proclamation Designating September as Recovery Month in Emmitsburg for**

Consideration: Jonathan Switzer, co-founder of the Frederick County Goes Purple Movement, explained the movement was started to bring awareness to the substance abuse epidemic. The movement is requesting the whole Town go purple for the month of September by using purple light bulbs, asking residents and employees to wear purple on Fridays, putting up support posters and more. The Board requested the Town sell purple bulbs in the Town Office and town staff to wear purple on Fridays. Mayor Briggs read the proclamation aloud.

Motion: To accept the proclamation as presented as related to National Recovery Month September 2019.
Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion passed 5-0 in favor.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for July 2019 (exhibit in agenda packet). The operating balance forward is \$5,421,357. The top ten checks are listed in the agenda packet. There were no questions from the Board.

Planning Commission Report:

None. Commissioner Blanchard explained the July 29, 2019 meeting was canceled.

II. Agenda Items

Agenda #1 - Approval of 2019 Election Judges for Consideration: Mayor Briggs explained five people applied for election judge and two of the applicants have no experience. He recommends Sharon Hane (Chief Judge), Charlotte Mazaleski and Tammy May as Election Judges with Tracey Lewis as the Alternate. The Board thanked the judges for their service.

Motion: To accept the Mayor's recommendation for the 2019 election judges as follows: Chief Judge, Sharon Hane; Judge, Charlotte Mazaleski; Judge, Tammy May; and Alternate Judge, Tracey Lewis.

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

Agenda #2 - Approval of Bid to Renovate the Pool House for Consideration: Ms. Willets explained the attendance at the Community Park Pool has increased significantly since the pool was fully renovated in 2017; however, the 1975 pool house is still in need of renovation. The Town first advertised the bid in April 2018 to determine funding for a grant application (not awarded). The bid was advertised a second time in February 2019 but only two bids were received, so the Town modified the scope of work and re-bid the project a third time in May 2019, which resulted in seven bids being received. The project would be funded through a \$71,066 Program Open Space grant of which \$23,689 (25%) town match is required for a total project amount of \$94,755. Town staff recommends Omega Contracting for \$66,329 because Omega was the lowest bidder, their three reference checks were outstanding, pool houses are a specialty of Omega and the Better Business Bureau check showed an A+ rating for Omega. Ms. Willets summarized the work to be completed. The Board expressed their support.

Motion: To accept the Omega bid for the renovation of the pool house for \$66,329.

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

Agenda #3 - Award Stand 5 Forestry Bid for Consideration: Commissioner Ritz III requested the agenda item get tabled since the Board did not receive the bid information until the day of the town meeting.

Motion: To table the award Stand 5 Forestry Board for Consideration to next month's town meeting. Motion by Commissioner Ritz III, second by Commissioner Buckman. No vote taken. Motion withdrawn.

Ms. Willets requested the Board allow town staff to make their presentation and if the Board decides to table the agenda item after the presentation, then the Board will have all the information for the agenda item in the future. The Board requested town staff proceed with the presentation. Ms. Willets explained the initial request for proposal (RFP) was advertised in May 2019 but not awarded because only one bid was received. The bid was re-advertised in June 2019, which resulted in two bids being received. Per Department of Natural Resource (DNR) recommendation, the second bids were deemed insufficient as the Stand 5 timber was valued at \$46,000 and the bids were \$30,185 and \$35,750. The Town set a minimum bid amount to \$46,000 and requested the two bidders submit their best and final offer in lieu of the minimum. Town staff recommends Tipton's Inc. bid for \$46,000 because the bid includes a \$10,000 bond (as requested in the Town's RFP), the bid agrees to pay for the timber in one lump sum (as requested in the Town's RFP), and the timber will be cut within one year (recommended by DNR). There was discussion on how the bond works if damage is caused. Commissioner Ritz III is concerned there may be animosity since the Fitzgerald's own property near the project site.

Motion: To accept the bid from Tipton's Inc. for the bid amount of \$46,000. Motion by Commissioner Blanchard, second by Commissioner Buckman. Vote: Motion passed 4-1 in favor with Commissioner Ritz III against.

Note: At 9:31 p.m. the Board moved to take a five-minute recess to prepare for the public hearing.

Motion: To have a five-minute recess. Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion passed 5-0 in favor.

Motion: To resume the meeting. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

PUBLIC HEARING: PROPOSED ORDINANCE 19-03 (CHAPTER 17.38) SIGN CODE

Motion: To start the public hearing. Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

Agenda #4 - Hold Public Hearing and Final Vote on Proposed Ordinance 19-03 (Chapter 17.38) Sign Code for Consideration: Commissioner Sweeney requested anyone wishing to speak during the public hearing stand and swear under penalty and perjury that anything said during the hearing would be the truth. The attendees wishing to speak stood and swore. Mr. Gulden explained the public hearing was advertised on channel 99, Facebook and the town website. The proposed sign code is being pursued to include newer sign technology. Town staff reviewed sections of the proposed code at the February 4, 2019, March 4, 2019 and June 3, 2019 town meetings. Town staff also hosted several public outreach meetings on April 8, April 15, April 22 and April 29 to explain the proposed sign ordinance for each zone and request public feedback. The Emmitsburg Business and Professional Associations (EBPA) gave their endorsement of the new ordinance on June 3, 2019. The Planning Commission presentation and recommendation was held on June 20, 2019. Mr. Gulden reviewed the recommended changes from the Planning Commission. The Board requested public comment.

Public Comments:

Ken Kacmarski, 2291 E. Green Street, Westminster - Mr. Kacmarski is with Exxon and he would like the proposed ordinance to allow permanent signage fixtures that would allow advertisements to be inserted/removed throughout the year. Ms. Willets explained if the proposed sign ordinance was passed, Exxon's current signage would be in compliance with the new code. Mr. Gulden read the sections of the proposed ordinance detailing the signs Exxon would be permitted to have. There was no other public comment. Mr. Gulden fielded questions from the Board and specified illuminated signs allowed in the Village Zone. Mr. Gulden also clarified the difference between neon signs and illuminated signs. Commissioner Sweeney announced the public comment section closed.

Motion: To accept the sign ordinance as presented. Motion by Commissioner O'Donnell, second by Commissioner Blanchard. Vote: Motion passed 3-2 in favor with Commissioner Ritz III and Buckman against. Commissioner Ritz III explained he voted nay because he feels the ordinance is not community friendly, will create animosity and is too strict. Commissioner Buckman agreed. Ms. Willets explained the EBPA gave their feedback and support on the new sign ordinance and the new ordinance is less stringent than the one prior. Commissioner Sweeney explained more people should have been in attendance besides Mr. Kacmarski if they did not agree with the sign ordinance.

Motion: To end the public hearing. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion passed 5-0 in favor.

AUGUST 5, 2019 TOWN MEETING CONTINUED:

Set Agenda Items for September 3, 2019 Town Meeting

1. Approval of the Street Paving Contractors for Consideration.
2. Approval of the Fire Wood Access Policy for Consideration.
3. Approval of the North Seton Avenue Bridge Letter for Consideration.

Administrative Business:

- A. Appointment of Two New Members to the Sustainable Community Board for Consideration.
- B. Appointment Bernard Franklin to the Citizen's Advisory Committee

Motion: To accept the agenda as presented.
Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion passed 5-0 in favor.

Motion: To close the town meeting.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion passed 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the August 5, 2019 town meeting was adjourned at 10:33 p.m.

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
July 2019
Prepared by Cathy Willets**

Streets:

- Staff conducted monthly street sweeping.
- Staff repaired and replaced some streetlights.
- Staff pulled weeds and weed killed Silo Hill median strip.
- Staff pulled weeds and weed killed along streets in Town.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms, etc.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff mowed, trimmed and weed killed throughout the parks including Silo Hill and Dog Park.
- Staff repaired a leak in Community Pool splash pad.
- Contractor finished the Community Park memorial storm drain project.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are being backwashed four times a day and the DE filters are being done one time per week.
- Well levels (optimum level was determined to be May 2011): During the month of July the lake water degraded severely and all wells were brought on.
- The blue green algae is at its highest point in many years. This is a problem that many are experiencing this year.
- Lake Quota is being met.

	<u>May 2011</u>	<u>July</u>	<u>Change</u>
○ Well #1:	35’	34’	+1
○ Well #2:	8’	9’	-1
○ Well #3:	12’	21’	-9
○ Well #4:	108’	128’	-20
○ Well #5:	10’	13’	-3

- Water production and consumption. We produced an average of 288,624 GPD. We consumed an average of 255,942 GPD. The difference is "Backwash Water" ... (17.50%).
 - 43.4% of this water came from wells.
 - 4.9% of this water came from Mt. St. Mary's.
 - 51.7% of this water came from Rainbow Lake.

We purchased 438,550 gallons of water from MSM this month.

Wastewater:

- We received about 7.25” of precipitation this month (the average is 3.6”).
 - We have a precipitation DEFICIT of 9.9” over the last six months. The average precipitation for the period from February 1 through July 31 is 23.3”. We have received 33.2” for that period.

Wastewater Treatment:

- We treated an average of 1,089,000 gpd (consumed 255,942 GPD) which means that 76.5% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of July.
- We did exceed the plant's design capacity six times in the month of July.
 - 07/07 1,542,000gpd 07/08 2,484,000gpd 07/09 760,000gpd
 - 07/11 1,076,000gpd 07/22 1,801,000gpd 07/23 1,272,000gpd

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

Meetings Attended:

- 07/01 Met with Mayor
- 07/01 Attended Town Meeting
- 07/02 Met with staff and Mr. Saxon regarding status of well
- 07/02 Met with Mayor
- 07/08 Met with Mayor
- 07/09 Met with Mayor
- 07/10 Met with staff to open bids for street paving, 1996 dump truck and pool house rehab
- 07/11 Met with Mayor
- 07/16 Met with Town Planner and Becky Wilson, DNR, regarding forest conservation efforts
- 07/17 Met with Mayor to go over subdivision plan for 140 S. Seton Ave.
- 07/18 Met with Mayor
- 07/22 Met with Mayor
- 07/22 Met with staff regarding National Night Out
- 07/23 Attended department head meeting
- 07/23 Attended support staff meeting
- 07/24 Met with Mayor
- 07/25 Met with surveyor regarding 140 S. Seton Ave.
- 07/25 Met with staff for bid opening for Forestry Stand 5
- 07/30 Met with Mayor
- 07/30 Met with staff to review the bathhouse renovation bids
- 07/30 Conference call with human resources
- 07/31 Conference call with human resources
- 07/31 Met with Mayor

Noteworthy:

- Staff repaired four water leaks (Tract Rd. x 2, DePaul St., and Waynesboro Pike)
- All water & sewer staff received their temporary DE5 licenses for the WTP as required by MDE.
- The line in the tunnel between FEMA and Provincial House came apart. It was a major leak (700 gpm for 1 ½ hours) until it was shut off and repaired by FEMA.

**PARKING ENFORCEMENT REPORT
JULY 2019**

Overtime Parking	69
Restricted Parking Zone	7
Street Sweeping	9
Parked in Crosswalk	
Parked on Sidewalk	1
Parked Blocking Road	
Parked by Fire Hydrant	
48 Consecutive Hours	1
Failure to Park between Lines	1
Left Side Parking	1
Total Meter Money	\$ 1,217.23
Parking Permits	\$ 115.00
Meter Bag Rental	
Parking Ticket Money	\$ 415.00
Total:	\$1,747.23

D. TOWN PLANNER'S REPORT

Town Planner's Report

July 2019

Prepared by Zachary R. Gulden, MPA

1. Grants

- Completed the Frederick County Art Council's nomination for public art project application in order to receive grant funding / technical assistance in the future.
- Reprocessed a Community Legacy grant request for 307 S Seton Ave.
- Researched the Community Foundation of Frederick County impact grant.

2. Municipal Separate Storm Sewer System (MS4)

- Assisted GPI with researching information for the baseline impervious assessment project.
- Attended a MS4 Phase II General Permit webinar on 7/18.
- Continued working on the MS4 permit yearly report.

3. Permits & Zoning

- Processed the following zoning applications:
 - 3x decks.
 - 2x fences.
 - 1x shed.
 - 1x pergola.
 - 1x change of use.
 - 3x signs.
 - 1x driveway expansion.
- 11x cross-connection permits.
- Completed/issued various code enforcement letters.
- Investigated various complaints.
- Created a new zoning permit form.

4. Miscellaneous

- Continued working on the 140 S Seton Ave subdivision project.
- Updated the cross-connection property fact sheets.
- Mailed cross-connection requirement letters to all high-hazard properties.
- Created map of Community Park for Town Clerk.
- Met with Becky Wilson & Town Manager, DNR, regarding required Forest Conservation Ordinance updates.
- Started creating a map of areas within the Town boundary for future tree plantings per new Forest Conservation State law.
- Processed a request with First Energy for the installation of streetlights from Dollar General to Jubilee.
- Met with Mayor, Town Manager, Water Superintendent, & Public Works Director on 7/17 regarding 140 S Seton Ave Subdivision.
- Created 500 new property folders.

Town Planner's Report Continued...

- Attended the EBPA meeting on 7/18.
- Assisted the Town Clerk with the records retention schedule for the Planning & Zoning Department.
- Attended a department head meeting on 7/23.
- Attended the Frederick Arts Council meeting on 7/25 (we were awarded a mural grant for the Town's community pool building).
- Met with Chris Gauss & Town Manager regarding 140 S Seton on 7/25.
- Met with DNR & Town Manager regarding Stand 5 logging on 7/25.
- Researched easement information for proposed Rutter's property.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

August 1, Meeting with town manager.

August 5, Meeting with town manager.

August 5, Town meeting.

August 7, Meeting with town manager.

August 8, Meeting with town manager.

August 12, Meeting at Mount St. Mary's University with President Timothy Trainor and Wayne Green, Chief of Staff.

August 13, In Frederick: Meeting with Roger Wilson, Frederick County Director Governmental Affairs and Public Policy.

August 14, Fall Welcoming, President Trainor at Mount St. Mary's University.

August 14 Meeting with town manager.

August 15, Meeting with town manager.

August 16, Meeting with town manager.

August 23, Town office: FY2020 Wayside exhibits meeting. Town Clerk, Maddy Shaw and myself met with Ion Design Firm and Grove Public Relations (sign designers of FY2019 MHAA wayside exhibits).

August 26, Meeting with town manager.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- I. Appointment of Two New Members to the Sustainable Community Board for Consideration:** Presentation at meeting by Mayor Briggs.

Mayor Briggs recommends the following:

1. Sharon Hane.
2. To be determined.

I. CONSENT AGENDA

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

Appointment of Bernard Franklin to the Citizen's Advisory Committee.
 Term: 09/03/2019 to 09/03/2021

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of August 27, 2019**

\$5,486,315	Cash Balance August 1, 2019
540,508	Deposits
<u>-326,692</u>	Withdrawals
\$5,700,131	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>
\$58,280	Treasurer of Frederick County	4Q FY19 Law Enforcement Services	08.14.19	40057
\$19,475	MD Dept of Budget & Mgmt	Jul 19 Health Insurance	08.07.19	40026
\$17,725	Richmond American Homes	Zoning Permit Reimbursement	08.07.19	40039
\$14,095	UGI Energy Services	Jul 19 Solar Field #1	08.14.19	40071
\$13,576	WF Delauter Son	Community Park Stormwater Drain	08.07.19	40046
\$13,353	UGI Energy Services	Jul 19 Solar Field #2	08.14.19	40067
\$9,811	Geiger Pump & Equipment	Lamp - Ballast - UV Bulbs	08.07.19	40019
\$9,766	RSV Pools	Aug 19 Pool Management Services	08.07.19	40041
\$7,969	Alexanders Plumbing & Pumps	Replace Well #3 Pump	07.31.19	39982
\$6,664	Republic Services	Aug 19 Refuse Services	08.14.19	40047

Check dates 07.30.19 to 08.27.19

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

Next meeting (*tentative*): Monday, September 30, 2019 at 7:30 p.m.

L. AGENDA ITEMS:

AGENDA ITEM I. Approval of the Street Paving Contractors for Consideration:
Presentation at meeting by town staff.

TIMELINE – STREET PAVING BID:

RFP available on the Town’s website	Monday, May 6, 2019
Deadline: Bids due by 4:00 p.m.	Friday, June 28, 2019
Bid opening meeting	Wednesday, July 10, 2019
Follow-up meeting to review staff recommendations	Friday, July 12, 2019

PROJECT FUNDING:

Amount Needed: \$90,941.00
Amount in Fund 2 Paving Budget: \$174,509

REQUEST FOR PROPOSAL ADVERTISING:

- *Public Notice On Town Website:* Mon. May 6, 2019 to Fri. June 28, 2019
- *Public Notice on Town’s Facebook:* Posted Thurs. May 9, 2019
- *Notice on MML Classifieds:* Mon. May 6, 2019 to Fri. June 28, 2019
- *Frederick News Post Publication:* Wed. May 8, 2019 & Thurs, May 9, 2019

TOWN STAFF RECOMMENDATION:

Town staff recommends awarding the following street sections to the following contractors...

Company:	Project (From Chart, Next Page):	Amount:
ECM Corporation:	#1, #2, #3, #4 and #6	\$45,085.00
C.J. Miller LLC:	#5	\$37,956.00
Frederick Co. Paving:	#7 and #8	\$7,900.00
	TOTAL:	\$90,941.00

American Asphalt Paving Co. LLC: No bid award.

STREET PAVING BIDS RECEIVED:

PROJECT:	C.J. Miller LLC	American Asphalt Paving Co. LLC	ECM Corporation	Frederick Co. Paving
1. Chesapeake Avenue (East Main St. to East Lincoln Ave.)	\$11,829 + \$1,000 (\$12,829)	\$12,500	\$9,912	\$10,300
2. Chesapeake Avenue (Potomac St. to Potomac Ave.)	\$13,191	\$12,165	\$7,768	\$6,150
3. Wagerman Lane	\$6,381	\$4,560	\$3,800	\$4,250
4. Bunker Hill Drive	\$28,075	\$19,955	\$12,945	\$16,200
5. Creamery Way	\$37,956	\$42,775	\$74,452	\$39,500
6. Saint Joseph's Lane (Seton Place to North Seton Ave.)	\$16,142	\$17,380	\$10,660	\$13,850
7. West Lincoln Ave. at the Jamison Ave. intersection	No Bid	\$5,685	\$4,500	\$3,750
8. West Lincoln Ave. at the Patterson Ave. intersection	No Bid	\$8,170	\$6,634	\$4,150
Total Cost:	\$114,574	\$123,190	\$130,671	\$98,150

AGENDA ITEM II. Approval of the Fire Wood Access Policy for Consideration:
Presentation at meeting by town staff.

RESOLUTION: 2019
RESOLUTION NO. 19-02R

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A RESOLUTION TO ADOPT POLICIES AND PROCEDURE FOR THE ISSUANCE OF PERMITS TO RESIDENTS OF THE TOWN OF EMMITSBURG TO ENTER AND USE PORTIONS OF TOWN PROPERTY IN ITS WATERSHED TO REMOVE CERTAIN TREES AND PLANT MATERIAL.

WHEREAS, the Town of Emmitsburg Municipal Forest and Watershed, also known as “the Watershed”, is a 987-acre forest that protects the Town’s water supply; and

WHEREAS. The Town desires to protect the Watershed and better manage the fuel loads therein; and

WHEREAS, in order to serve that purpose, the Town desires to offer to residents of the Town of Emmitsburg the opportunity to enter the Watershed and use a limited area of the Watershed bordering Hampton Valley Road for the purpose of cutting and removal of downed trees and plant material when needed for the health and well-being of the Watershed; and

WHEREAS, in order to implement this program, the Town intends to adopt a set of policies and procedures to govern the entry and use of the Watershed by residents of the Town for this purpose.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Emmitsburg that the “TOWN OF EMMITSBURG - PERSONAL USE FIREWOOD POLICY AND PROCEDURE” which attached to this Resolution and incorporated by reference herein, be and hereby is adopted.

RESOLUTION: 2019
RESOLUTION NO. 19-02R

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

PASSED and ADOPTED this 3rd day of September, 2019.

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

_____ APPROVED _____ VETOED

this _____ day of September, 2019.

Donald N. Briggs, Mayor

TOWN OF EMMITSBURG
PERSONAL USE FIREWOOD POLICY AND PROCEDURE

Policy & Procedure

- Permits to enter the Town Watershed and to cut and remove downed trees and plant material are available and may be obtained at the Town Office. Only one permit per household will be issued; however, two identical permits will be issued so that one can be displayed on the permittee's vehicle and one will be carried on the permittee's person. Applicants must present proof that the applicant is a resident of the Town of Emmitsburg. Permits are not transferrable and must be renewed each calendar year.
- There is no cost for the permit.
- The permit must be displayed on the windshield of the permittee's vehicle and carried on the permittee's person at all times while cutting firewood.
- The wood shall only be cut and gathered from June 1 to August 31, gathered for personal use, and shall not be sold or used for commercial purposes.
- A permittee may only remove downed wood on Town property within 100 feet of Hampton Valley Road. The Town will provide a map of the designated area. Live or standing dead trees may not be cut, girdled, or damaged in any way.
- Any tree with an orange mark shall be left intact and may not be removed from the site.
- All brush and other debris, which the permittee causes to be deposited, placed or left on roadways, ditch lines, and streams shall be removed by the permittee and moved back at least 50 feet from the ditch line of all public roadways. All litter of the permittee must be removed from the site.
- Off-road equipment or vehicles may not be used to remove firewood. All firewood may only be removed by hand, cart, or wheelbarrow.
- By applying for and accepting a permit, the permittee and any one acting under that permit acknowledges that they enter and use the Watershed to cut and remove firewood at their own risk. The permittee and any one acting under that permit releases the Town of Emmitsburg, its officers, officials, employees and agents from any liability, claims or causes of action for personal injury, death or property damage related to or arising from the use of the Watershed under the permit, and they waive any such claims that they may have against the Town, its officers, officials, employees and agents. Permittee agrees to indemnify and hold the Town, its officers, officials, employees and agents harmless against any liability for property damage, personal injury or death related to or arising from the use of the Watershed under the permit. Permittees must exercise caution and act in a safe and reasonable manner at all times. All participants are strongly encouraged to learn chainsaw safety skills and wear proper protective clothing and equipment (chainsaw chaps, leather boots, leather gloves, hardhat, hearing and eye protection) while operating a chainsaw.

POLICY SERIES: 2019
Policy No. P19 - 04

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Failure to obey or follow any of the policies and procedures stated herein may result in revocation of the permit and any privileges thereunder, and the Town reserves the right to ban the permittee or any person acting under the permit from the entry to and use of the Watershed for any purpose. Permit holders are responsible for any and all damage to private or public property, personal injury or death that results from their intentional conduct or negligence.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 3rd day of September 2019

PASSED this 3rd day of September, 2019.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

_____ APPROVED _____ VETOED

this 3rd day of September 2019.

Donald N. Briggs, Mayor

AGENDA ITEM III. Approval of the North Seton Avenue Bridge Letter for Consideration:
Presentation at meeting by Mayor Briggs and town staff.

Letters to be mailed to the following:

- Gregory Slater, Maryland Department of Transportation
- Michael J. Hough, Maryland State Senate
- Daniel L. Cox, Maryland House of Delegates
- Barrie S. Ciliberti, Maryland House of Delegates
- Jesse T. Pippy, Maryland House of Delegates

Draft letter on following page

September 3, 2019

<Address>

Re: North Seton Avenue Bridge Replacement Request – Emmitsburg, MD

Dear _____:

The Town of Emmitsburg is committed to advancing the image, economy, and quality of life of our community that consists of approximately 3,150 residents. We have recently undertaken significant municipal infrastructure projects, which includes the Town square, Main Street, and Seton Avenue revitalization project, increasing sidewalk connections, new state of the art wastewater treatment plant, a two-megawatt solar field, and various other projects that promote accessibility, environmental sustainability, and safety.

The purpose of this letter is to seek assistance in requesting the replacement of the Maryland State Highway Administration (SHA) owned bridge number 1000100, which is located on the North Seton Avenue / US Business 15. According to SHA staff, this bridge was built in 1927, has never had any significant repairs, and is in “fair” condition. We have noticed that the 92-year-old bridge has gradually fallen into disrepair in the last several years. Most importantly, the bridge can no longer handle the flow of storm water from the local streams. The bridge frequently floods during periods of heavy rains, which entraps the residents of the Northgate Development. The Mayor has previously met with local SHA representatives to express safety concerns of the bridge.

In addition to increasing the safety of Town residents and visitors, the replacement of this bridge could also lead to economic development. The bridge is located on the Town’s northern boundary. Improving accessibility to the northern part of the county could spark development, which would greatly contribute to the economies of Emmitsburg, Frederick County, and the State of Maryland.

If you have any questions regarding this matter, please feel free to contact Zach Gulden, Town Planner, via email at zgulden@emmitsburgmd.gov or by phone at 301-600-6309.

Sincerely,

Clifford Sweeney
Board of Commissioner’s President

Donald N. Briggs
Mayor

M. SET AGENDA FOR NEXT MEETING: OCTOBER 7, 2019 at 7:30 PM

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

Administrative Business:

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