



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners,
Clifford Sweeney, *President*
Timothy O'Donnell, *V.P. & Treasurer*
Joseph Ritz III
Frank Davis
T.J. Burns

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

TOWN MEETING AGENDA

March 2, 2020 – 7:30 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Rain Barrel Workshop: Tuesday, March 3, 2020 at 6:00 p.m. (Town Office)

Arbor Day Tree Planting Event: Saturday, April 4, 2020 at 9:00 a.m. (Community Park)

Town Council Meeting: Monday, April 6, 2020 at 7:30 p.m. (Town Office)

4. MEETING ITEMS

A. APPROVE MINUTES: FEBRUARY 3, 2020

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)

(A). Presentation by Nicholas Lowe, Boy Scout, For Installation of a Handicap Accessible Table at the Community Park Playground.

(B). Proclamation Making April 4, 2020 Arbor Day for Consideration.

(C). Proclamation Declaring April 2020 As Fair Housing Month for Consideration.

I. CONSENT AGENDA: NONE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Approval of Resolution 20-01R, Community Development Block Grant Citizen Participation Plan, for consideration.

(2). Approval of Resolution 20-02R, Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan, for consideration.

(3). Approval of Resolution 20-05R, Community Development Block Grant requirement prohibiting excessive police force for non-violent civil rights demonstrations, for consideration.

(4). Amendment to the Pool Management Contract for Consideration.

(5). Update to the Small Cell Tower Ordinance for Discussion.

(6). Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration.

(7). Approval of the Pool House Mural for Consideration.

(8). Review and authorize the Mayor to sign the attached Maryland Department of the Environment's Sewerage Construction Permit Application for the proposed sewage pump station to be located at 10201 Taneytown Pike for consideration.

(9). New Water and Sewer Operator Employees for Consideration.

M. SET AGENDA FOR NEXT MEETING: APRIL 6, 2020

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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A. APPROVE MINUTES: FEBRUARY 3, 2020

**MINUTES
TOWN MEETING
FEBRUARY 3, 2020
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and TJ Burns. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; Zachary Gulden, Town Planner; and Cole Tabler, Town Accountant. *Others Present* - Deputy Jason Ahalt.

I. Call to Order

A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the February 3, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the January 6, 2020 town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Motion: Commissioner Burns motioned to accept the January 22, 2020 town meeting minutes as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ahalt presented the police report from December 2019 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from December 2019 (exhibit in agenda packet). For noteworthy, Ms. Willets mentioned the Town was awarded a \$8,500 grant from Maryland Municipal League to assist with the promotion of the 2020 census and the 8-inch water main coming down the mountain has been turned off.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from December 2019 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner O'Donnell: He attended a meeting where the linkage of Gettysburg to Emmitsburg via a pedestrian trail was discussed. He also received several compliments from the public on town staff's thoroughness.
- Commissioner Ritz III: He thanked Commissioner Davis for his work with Emmitsburg baseball.
- Commissioner Davis: He stated baseball/softball registration is open and encouraged people to sign-up. The Catoctin Youth Association wants to host some youth activities in Emmitsburg in the future.
- Commissioner Burns: He is recruiting members for the Citizen's Advisory Committee. The Committee is working to improve relationships with Mount St. Mary's University and complete various service activities around Town.
- Commissioner Sweeney: The Emmitsburg Lions Club and Heritage Day Committee would like to run the concession stand in Memorial Park and at the Community Pool to raise firework funds for Community Day.

Mayor's Comments:

Mayor Briggs attended numerous meetings in January 2020 (meetings listed in agenda packet). Mayor Briggs attended the Vigilant Hose Company banquet on behalf of the Town and presented a \$6,000 donation. He also met with the Boy Scouts regarding a spring project, toured the Carroll Valley Township regarding office security and

met with the Middletown town manager on discolored water. He requested the ability to present Roger Wilson with the proclamation; the Board consented.

Administrative Business:

- I. Proclamation Thanking Roger Wilson for His Service:** Mayor Briggs invited Roger Wilson to the front of the room and read the proclamation aloud. Photos were taken. Roger Wilson, former Director of Government Affairs and Public Policy for the County Executive, and Mayor Briggs then presented a certificate of congratulations to Matthias Buchheister and Thomas Lowe for receiving their Eagle Scout designation, which only 4% of Boy Scouts receive.

Public Comments:

Dianne Walbrecker, 535 West Main Street – Ms. Walbrecker works with the Emergency Management Institute in Emmitsburg and would like to see the town planner attend a local government disaster recovery class in March. Commissioner Davis requested all staff attend a class on disaster recovery in the future. *Charles Fluke, 3000 Stonehurst Drive* – He would like information on the Town’s formal plan for rectifying discolored water issues.

Administrative Business Continued:

- II. Filing of the 2019 Planning Commission Report:** Mr. Gulden explained the Board needs to give consent to file the 2019 Planning Commission report. The Board unanimously consented to filling the report.
- III. Water Quality Update:** Ms. Willets explained numerous long and short-term tasks are being completed to permanently rectify the discolored water and are listed in the agenda packet. For short term, water samples have been taken and tested by Maryland Department of the Environment and Frederick County. Results indicate water is within safe consumable limits but there are higher secondary levels of iron and manganese. Other short term plans include increasing pH levels, adding ortho-phosphate to the water, the addition of an automatic chemical feeder, repair of a pressure reducing valve and ongoing testing. For long term, town staff recommends the replacement of parts of North Seton Avenue (\$1.1 million), Waynesboro Pike (\$750,000), DePaul Street (\$1.1 million), and Frailey Road water lines due to tuberculation. USDA and MDE funding is available for projects in the State priority funding area only. \$391,700 is available in the water budget for work. *Charles Fluke, 3000 Stonehurst Drive* – Mr. Fluke asked clarifying questions regarding timeline of work.

Treasurer’s Report:

Commissioner O’Donnell presented the Treasurer’s Report for January 2020 (exhibit in agenda packet). The operating balance forward is \$5,552,591. The top 10 check amounts are listed in the agenda packet.

Consent Agenda:

Commissioner O’Donnell requested the Board approve the multi-user trail workdays for March 15, April 19, and May 17 from 9:00 a.m. to 1:00 p.m. There will also be a new bike demo day by Pivot Cycles on March 22. The Board gave consent.

Planning Commission Report:

Commissioner Ritz III explained the last meeting was January 27. At the meeting the commission approved the 2019 Planning Commission Report and held the annual re-organization of the Commission: Keith Suerdieck will be President, Mark Long will be Vice President and Bernard Franklin will be Secretary. The next meeting is February 24, 2020.

II. Agenda Items

Agenda #1 - Audit Presentation by Michele Mills: Cole Tabler, Town Accountant, introduced Michele Mills, Public Accountant, and Addie Blickenstaff, In-Charge Accountant, with DeLeon and Stang. The fiscal year 2019 audit was completed in September 2019 and there were no significant problems identified. No new accounting policies were adopted, no problems were encountered with town staff/management, and only one journal entry was identified in the course of audit testing. A presentation highlighting key information such as summaries on net position, statement of activities, operating revenues, etc. was made by the auditors. The Town is operating at a loss in the water and sewer enterprise funds. The Board discussed funds transfer guidelines and questions with the Ms. Mills and Ms. Blickenstaff.

Agenda #5 - Approval of Contract to Conduct Silo Hill Storm Water Management Basin Restoration for

Consideration: Mr. Gulden reviewed the Municipal Separate Storm Sewer Systems (MS4) activities for the Town. The North Gate storm water basin will not need to be retrofitted during the current MS4 permit as a 30-acre tree planting with StreamLink will occur instead. Town staff would like to annex the wastewater treatment plant and the Daughters of Charity property in the future to allow for MS4 credit for tree plantings too. The Town advertised the bid on December 3, 2019 and the bids were due on January 22, 2020. Nine organizations submitted bids. Town staff recommends Barton and Loguidice, Bearing Construction Company, and NativeScapes for approximately \$200,000 to \$250,000. The project completion is scheduled for October 30, 2022. *Leslie Frie, 1006 Flat Run Court - Ms. Frie* asked clarifying questions regarding timeline and Memorandum of Understanding between the Town and homeowner's association. Town staff will review the basin plans with the homeowners prior to construction. *Motion:* Commissioner Burns motioned to approve the contract by Barton and Loguidice, Bearing and Construction Company, and NativeScapes for a maximum of \$250,000 for the Silo Hill Storm Water Basin Retrofit MS4 project; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #2 - Final Review and Approval of the FY2020 MHAA Wayside Exhibits for Consideration: Ms. Willets explained the four wayside exhibits are part of a long-term historic walking tour in Town funded partially by a grant. At the January 2020 town meeting the Board requested additional edits to the Chronicle Press exhibit and the edits have now been applied. Commissioner O'Donnell and Ritz III requested more edits to one sentence but stated they do not need the applied edits brought back at the next town meeting. *Motion:* Commissioner Davis motioned to approve the wayside exhibits as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 - Presentation on Rural Public Transit for Discussion: Agenda item postponed.

Agenda #4 - Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration: Agenda item postponed.

Agenda #6 - Updates to the 2017 Employee Handbook, Vehicle Safety and Usage Section, for Consideration: Ms. Willets explained the proposed changes are part of the recommendations of the Town's insurance company, Local Government Insurance Trust, which will give the Town insurance savings for scoring 90% or higher on an annual loss control survey. The proposed additions, except for the defensive driving courses, are procedures town staff already follow but they need to be formally documented in the employee handbook. If approved, the changes will allow the Town to score 100% on the survey. *Motion:* Commissioner O'Donnell motioned to approve the Town of Emmitsburg employee handbook vehicle safety changes; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #7 - Waynesboro Waterline Update for Consideration: Ms. Willets explained town staff would like to replace a portion of the 2-inch waterline at Waynesboro Pike, which is believed to be partly contributing to the discolored water because of its tuberculation. The total cost of the project would be \$24,300 and would be completed by Valley Direction Boring and Mid-Atlantic paving. *Motion:* Commissioner Davis motioned to approve the water line upgrade for Waynesboro Pike; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

Mayor Briggs stated Jacob Fisher, Sewer and Water Operator, has announced his resignation. Mayor Briggs suggested the Board reconsider staff pay for water and sewer employees as the Town is having difficulty being competitive in the job market. Commissioner Davis suggested doing a study to see how all town staff salaries compare with other municipalities.

Set Agenda Items for March 3, 2020 Town Meeting

1. Approval of Resolution 20-01R, Community Development Block Grant Citizen Participation Plan, for consideration.
2. Approval of Resolution 20-02R, Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan, for consideration.
3. Approval of Resolution 20-05R, Community Development Block Grant requirement prohibiting excessive police force for non-violent civil rights demonstrations, for consideration.
4. Amendment to the Pool Management Contract for Consideration.

5. Update to the Small Cell Tower Ordinance for Discussion.
6. Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration.
7. Approval of the Pool House Mural for Consideration.

Administrative Business:

- A. Presentation by Nicholas Lowe, Boy Scout, For Installation of a Handicap Accessible Table at the Community Park Playground.
- B. Proclamation Making April 4, 2020 Arbor Day for Consideration
- C. Proclamation Declaring April 2020 As Fair Housing Month for Consideration.

Ms. Willets mentioned town staff would like to present the budget at a second meeting in April 2020 and the May 4, 2020 meeting will be solely on the budget. She reminded the Board the FY2021 budget must be approved by June 30, 2020.

Motion: Commissioner Ritz III motioned to accept the agenda for the March 2 meeting as presented; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the February 3, 2020 town meeting; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

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

C. TOWN MANAGER'S REPORT

Town Manager's Report January 2020 Prepared by Cathy Willets

Streets:

- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff repaired and replaced some street lights.
- Staff took down Christmas decorations
- Staff and contractor repaired streetlights in Silo Hill
- Staff replaced some signs around Town
- Staff came in twice for snow/ice events
- Contractor removed seven trees on Town property (8703 Crystal Fountain Rd) - hazardous.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day and the DE filters are being done once per week.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>January</u>	<u>Change</u>
○ Well #1:	35'	38'	-3
○ Well #2:	8'	12'	-4
○ Well #3:	12'	29'	-17
○ Well #4:	108'	OFF	N/A
○ Well #5:	10'	OFF	N/A

- Water production and consumption. We produced an average of 267,404 GPD. We consumed an average of 233,974 GPD. The difference is "Backwash Water" ... (13.50%).
 - 30.4% of this water came from wells.
 - 5.4% of this water came from Mt. St. Mary's.
 - 64.2% of this water came from Rainbow Lake.

We purchased 447,450 gallons of water from MSM this month.

Wastewater:

- We received about 3.8” of precipitation this month (the average is 3.7”).
 - We have a precipitation DEFICIT of 1.0” over the last six months. The average precipitation for the period from August 1 through January 30 is 21.9”. We have received 20.9” for that period.

Wastewater Treatment:

- We treated an average of 714,000 gpd (consumed 233,974 GPD) which means that 67% of the wastewater treated this month was "wild water".
- We had one spill of untreated sewage in the month of January.
 - 01/25 5,000 gallons lost
- We did exceed the plant’s design capacity five times in the month of January.
 - 01/11 974,000 gpd 01/12 1,146,000gpd 01/24 1,008,000gpd
 - 01/25 2,161,000gpd 01/26 909,000gpd

Trash: Trash pickup will remain on Mondays in the month of March.

Meetings Attended:

- 01/03 Staff meeting to review plan for discolored water
- 01/03 Met with Mayor
- 01/06 Met with Mayor and staff to review agenda
- 01/06 Met with staff to review “problem areas” in waterlines
- 01/06 Attended Town Meeting
- 01/07 Met with Mayor
- 01/07 Staff meetings with Office Manager and Town Clerk
- 01/07 Met with Mayor
- 01/07 Phone call with County regarding discolored water
- 01/07 Met with public works director and water/sewer superintendent to review leaks and water lines.
- 01/07-08 Pre-bid onsite meeting for new water clarifier
- 01/08 Met with Mayor
- 01/09 Met with Mayor
- 01/09 Conference call with Town Attorney
- 01/09 Met with Town Clerk and Eagle Scout candidate regarding project for Community Park
- 01/10 Met with Mayor
- 01/13 Met with Mayor and George Brenton, DOC, to review water and sewer maintenance
- 01/13 Met with Mayor and Al Flumen, FEMA, to review water and sewer maintenance
- 01/15 Met with Mayor
- 01/15 Met with staff and County representatives to go over discolored water concerns
- 01/16 Met with Mayor
- 01/17 Met with Ms. Naill to review amendment to pool contract

- 01/21 Attended department head meeting
- 01/21 Attended support staff meeting
- 01/22 Attended special town meeting
- 01/22 Met with Mayor
- 01/22 Met with staff to review MDE funding request for clarifier
- 01/24 Met with County representatives for enhancements to front office for security purposes
- 01/24 Met with staff, Mayor and Middletown Town Manager to review water infrastructure related to discolored water complaints
- 01/24 Met with staff to open bids for Silo Hill storm water basin
- 01/27 Met with Mayor
- 01/27 Met with staff to review MDE funding request for clarifier
- 01/28 Call with Senator Hough
- 01/28 Met with Mayor and Town Planner regarding SWM and DOC annexation
- 01/29 Met with staff to prepare MDE funding request for waterline replacement
- 01/29 Met with Mayor
- 01/29 Call with Charlie Day, DCHD, regarding loan for waterline replacement
- 01/30 Conference call with County representatives regarding discolored water findings plus short term and long term plans
- 01/30 Met with Mayor

Noteworthy:

- Staff attended CPR training.
- Staff worked with Milani – they dug up and repaired sewer service at 401 East Main St.
- Staff dug up and repaired water leak on North Seton Ave.
- Staff worked yard waste dumpster on Jan. 4th and 18th.
- Staff made minor repairs to roof and siding at 140 South Seton Ave.
- CCR fire protection did yearly maintenance on Town's fire extinguishers.
- Staff listened to curb boxes for water leaks in empty lots in Brookfield, Southgate and Creamery Rd.
- Pump Station: rebuilt pump, seal water pump motor and new breaker installed.
- Prep work for the sewer relining project was completed.
- All Town owned back flow preventers have been checked and replaced (if needed).
- Staff completed the short lift assets for the WWTP for the pump station grant.
- Waynesboro Pk waterline repair: boring scheduled for 02/20/2020.
- Pressure reducing valves at Frailey Road and Timbermill Run were repaired.
- Sump pump on Frailey Rd. has been repaired.
- Well 3 was found to be aggressive with high alkalinity. Well 3 was turned off and staff brought on Well #4 & #5 which had better alkalinity.
- MDE not in support of adding orthophosphate to the water. Extra phosphate has to be removed at WWTP and once started it can't be stopped.
- MDE wants to control with PH increase which seems to be working.
- Small leak repaired on North Seton Ave. (5-10 gpm)

PARKING ENFORCEMENT REPORT
January 2020

Overtime Parking	72
Restricted Parking Zone	6
Street Sweeping	5
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked Blocking Driveway	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	3
Total Meter Money	\$ 1011.08
Parking Permits	\$ 175.00
Meter Bag Rental	
Parking Ticket Money	\$ 310.00
Total:	\$1,496.08

D. TOWN PLANNER'S REPORT

Town Planner's Report January 2020 Prepared by Zachary R. Gulden, MPA

1. Board of Commissioners (BOC)

- Wrote MDOT letter regarding proposed Park & Ride and MD 140 sidewalk extension requests.
- Attended the BOC meeting on 1/6 and processed pre/post meeting materials.

2. Grants

- Met with the Sustainable Community Board on 1/8 to review 2020 Community Legacy grant applications and processed pre/post meeting materials.
- Processed grant approval letters and grant agreements for the following Community Legacy grant projects:
 - 119 N Seton Ave
 - 402 W Main St
 - 510 W Main St
 - 527 W Main St
- Continued working with the Frederick County Arts Council regarding the pool house mural project.
- Continued working on the Community Development Block Grant for ADA compliant curb ramps.
- Continued working on the Chesapeake Bay Trust grant application for a North Seton Avenue green street conceptual plan.
- Misc. Census grant management.
- Created maps for water line replacement grant.

3. Municipal Separate Storm Sewer System (MS4)

- Processed bids for the Silo Hill SWM basin restoration project.
- Continued working with StreamLink & Daughters of Charity for tree planting project.
- Attended the Chesapeake Tree Canopy Summit on 1/14 & 1/15.

4. Permits & Zoning

- Processed the following zoning applications:
 - 1x deck.
 - 1x roof.
 - 2x signs.
 - Dunkin'
- Processed 6 cross connection permits.
- Processed 1 grease trap permit.
- Processed 1 alteration of infrastructure permit.
- Processed 1 street closure permit.
- Misc. code enforcement.

5. Planning Commission (PC)

- Attended the PC meeting on 1/27 and processed pre/post meeting materials.
- Received and started processing the Insurance Brokers of Maryland Site Plan.

6. Miscellaneous

- Worked with DNR on Stand #6 logging project.
- Assisted the Public Works Department to obtain the County Fire Prevention Code Capacity Certificate for 303 W Lincoln Ave.
- Updated sidewalk connectivity map for Office Manager.
- Met with Town Manager, Sewer/Water Superintendent, and Public Works Director on 1/6.
- Met with Town Manager and Commissioner Burns on 1/6.
- Attended the ½-day CPR Town staff training on 1/9.
- Attended the Green Team meeting on 1/8.
- Met with Town Mayor on 1/8.
- Misc. Earth Day event preparation tasks.
- Created brown water complaint map for Town Manager.
- Attended department head meeting on 1/21.
- Census – completed the 2020 initial boundary validation form.
- Started working on the 2019 Forest Conservation Act annual report.
- Renewed the Town’s grading permit for the stockpile yard.
- Met with the Mayor and potential developers regarding the Frailey Property on 1/24.
- Updated the water/sewer tap fee fixture chart per recent code change.
- Misc. work on 140 S Seton Ave to prepare for sale.
- Prepared FY21 Planning Department budget.
- Worked with Senator Hough’s office regarding small business tax credit.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since last town meeting:

February 3, Meeting with Town Manager.

February 3, Town Meeting.

February 5, Meeting with Town Manager.

February 7, Meeting with Town Manager.

February 11, Meeting with Town Manager.

February 12, Wednesday evening, Board of Education meeting, spoke on behalf of keeping the Sabillasville Elementary School open.

February 13, Met with Amy Nail met and volunteer gardener for the square.

February 13, Meeting with Town Manager.

February 16, Sunday: Blue and Gold Banquet, Thurmont, Cub Scout Pack 270.

February 17, Meeting with Town Manager.

February 19, Mount St. Mary's University Athletic Advisory Committee.

February 20, EBPA breakfast.

February 24, Meeting with Town Manager.

February 27, MML Frederick County Chapter dinner.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Presentation by Nicholas Lowe, Boy Scout, For Installation of a Handicap Accessible Table at the Community Park Playground:** Presentation at meeting by Nicholas Lowe.



Thank You and Congratulations

Congratulations on your selection as an Eagle Scout service project beneficiary, and thank you for the opportunity you are making available to an Eagle Scout candidate. Support from community organizations is important to Scouting—just as important as Scouting's contributions are to the community. Scouts provide important services, and benefiting organizations such as yours provides a vehicle for personal growth.

The Eagle Scout Rank and the Service Project

Service to others is an important part of the Scout Oath: "... to help other people at all times." Each year tens of thousands of Scouts strive to achieve the coveted Eagle Scout rank by applying character, citizenship, and Scouting values in their daily lives. One of the rank requirements is to *plan, develop, and give leadership to others in a service project helpful to any religious institution, school, or community*. Through this requirement, Scouts practice what they have learned and gain valuable project management and leadership experience.

Typical Projects

There are thousands of possible Eagle Scout projects. Some involve building things, and others do not. There have been all kinds: making birdhouses for an arboretum, conducting bicycle safety rodeos, constructing park picnic tables or benches, upgrading hiking trails, planting trees, conducting well-planned blood drives, and on and on. Other than the general limitations noted below, there are no specific requirements for project scope or for how many hours are worked, and there is no requirement that a project have lasting value. What is most important is the *impact or benefit* the project will provide to your organization. In choosing a project, remember it must be something a group with perhaps limited skills can accomplish under the leadership of your Eagle Scout candidate. In order to fulfill the requirement, the *Scout* must be the one to lead the project. Therefore, it is important that you work with the Scout and not with the Scout's parents or leaders.

Project Restrictions and Limitations

- Fundraising is permitted only for facilitating a project. Efforts that primarily collect money, even for worthy charities, are not permitted.
- Routine labor, like a service Scouts may provide as part of their daily lives such as mowing or weeding a church lawn, is not normally appropriate. However, if project scale and impact are sufficient to require planning and leadership, then it may be considered.
- Projects are not to be of a commercial nature or for a business, though some aspects of a business operation provided as a service, such as a community park, may qualify.
- The Scout is not responsible for any maintenance of a project once it is completed.

Approving the Project Proposal and Project Scheduling

Once a potential project is identified, you must approve your Scout's proposal. Regular communications with the Scout can make this quick and easy, but be sure you have both discussed and considered all aspects of the project to ensure your Scout has a clear understanding of your expectations and limitations. Keep in mind the proposal is merely an overview—not a comprehensive project plan.

Some projects may take only a few weeks or months to plan and carry out, while others may take longer. Scouts working toward the Eagle rank are typically busy, so scheduling flexibility may be important. The proposal must also have several approvals, besides yours, before project planning occurs and work begins. Therefore, if a proposed project must be completed by a certain rapidly approaching date, it may be a good idea to consider something different. Remember, too, that all work must be completed before the Scout's 18th birthday.

Approving Project Plans

After the proposal is approved by the BSA local council, your Scout must develop a plan for implementing the project. Before work begins, you should ask to see the plan. It may come in any format you desire or are willing to accept. It could even be a detailed verbal description. That said, the BSA includes a "Project Plan" form in your Scout's *Eagle Scout Service Project Workbook*, and we recommend that you ask your Scout to use it. If in your plan review you have any concerns the project may run into trouble or not produce the results you want, do not hesitate to require improvements *before* work begins.

Permits, Permissions, and Authorizations

- If the project requires building permits, etc., your Scout needs to know about them for planning purposes. However, your organization must be responsible for all permitting. This is not a duty for the Scout.
- Your organization must sign any contracts.
- If digging is involved, it is your responsibility to locate, mark, and protect underground utilities as necessary.
- If you need approval from a committee, your organization's management, or a parent organization, etc., be sure to allow additional time and let the Scout know if their help is needed.

Funding the Project

Eagle service projects often require fundraising. Donations of any money, materials, or services must be pre-approved by the BSA unless provided by your organization; by the Scout, the Scout's parents, or relatives; or by the Scout's unit or its chartered organization. The Scout must make it clear to donors or fundraising event participants that the money is being raised on the project beneficiary's behalf, and that the beneficiary will retain any leftover funds. If receipts are needed, your organization must provide them. If your organization is not allowed to retain leftover funds, you should designate a charity to receive them or turn them over to your Scout's unit.

Supervision

To meet the requirement to "give leadership to others," your Scout must be given every opportunity to succeed independently without direct supervision. The Scout's troop must provide adults to assist or keep an eye on things, and your organization should also have someone available. The Scout, however, *must* provide the leadership necessary for project completion without adult interference.

Safety

Through the proposal and planning process, the Scout will identify potential hazards and risks and outline strategies to prevent and handle injuries or emergencies. Scouts as minors, however, *cannot be held responsible for safety*. Adults must accept this responsibility. Property owners, for example, are responsible for issues and hazards related to their property or employees and any other individuals or circumstances they would normally be responsible for controlling. If during project execution you have any concerns about health and safety, please share them with the Scout and the unit leaders so action may be taken. If necessary, you may stop work on the project until concerns are resolved.

Project Execution and Approval

After the project has been carried out, your Scout will ask for your approval on their project report. The report will be used in the final review of the Scout's qualifications for the Eagle Scout rank. If the Scout has met your reasonable expectations, you should approve the project; if not, you should ask for corrections. This is not the time, however, to request changes or additions beyond what was originally agreed.

The Eagle Scout service project is an accomplishment a Scout will always remember. Your reward will be a helpful project and, more important, the knowledge you have contributed to a young Scout's growth.

Navigating the Eagle Scout Service Project is also available for download at: <http://www.scouting.org/advancement>.

Project Description and Benefit

Briefly describe your project.

I want to install a handicap accessible picnic bench and table. I will remove the grass under the table and replace with an all weather surface.



Tell how your project will be helpful to the beneficiary. Why is it needed?

When the Town of Emmitsburg remodeled the playground there weren't any benches or tables for anyone to sit on and eat at. Now residents will be able to sit and eat at the park.

When do you plan to begin carrying out your project? May of 2020

When do you think your project will be completed? 1-2 days

Giving Leadership

Approximately how many people will be needed to help on your project? 10

Where will you recruit them (unit members, friends, neighbors, family, others)? Explain:

My Troop and School

What do you think will be most difficult about leading them?

Lead older people.

Materials

Materials are things that become part of the finished project, such as lumber, nails, and paint.

What types of materials, if any, will you need? You do not need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required. For example, for lumber, include basic dimensions such as 2 x 4 or 4 x 4.

Picnic Table and bench. Rebar for securing table, quick setting concrete, rubber chips

Supplies

Supplies are things you use up, such as food and refreshments, gasoline, masking tape, tarps, safety supplies, and garbage bags.

What kinds of supplies, if any, will you need? You do not need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required.

Food, Refreshments, garbage bags.

Tools

Include tools, and also equipment, that will be borrowed, rented, or purchased.

What tools or equipment, if any, will you need? You do not need a detailed list, but you must show you have a reasonable idea of what is required.

Shovels, Post Hole Digger ,Edger

Other Needs

Items that don't fit the above categories; for example, parking or postage, or services such as printing or pouring concrete, etc.

What other needs do you think you might encounter?

I have no other needs.

Permits and Permissions

Note that property owners should obtain and pay for permits.

Will permissions or permits (such as building permits) be required for your project? Who will obtain them? How long will it take?

I will obtain permission from the Town of Emmitsburg to begin the project.

Preliminary Cost Estimate

You do not need exact costs yet. Reviewers will just want to see if you can reasonably expect to raise enough money to cover an initial estimate of expenses. Include the value of donated material, supplies, tools, and other items. It is not necessary to include the value of tools or other items that will be loaned at no cost. Note that if your project requires a fundraising application, you do not need to submit it with your proposal.

Enter estimated expenses below: <i>(Include sales tax if applicable)</i>		Fundraising: Explain how you will raise the money to pay for the total costs. If you intend to seek donations of actual materials, supplies, etc., then explain how you plan to do that, too. If I need to raise money I will set up a go fund me account. I will also collect donations at events at my Church. I will also ask family and friends to support my project.
Materials:	\$415.00	
Supplies:	\$100.00	
Tools:	\$20.00	
Other:	\$150.00	
Total costs:	\$685.00	

Project Phases

Think of your project in terms of phases, and list what they might be. The first may be to prepare your project plan. Other phases might include fundraising, preparation, execution, and reporting. You may have as many phases as you want, but it is not necessary to become overly complicated; brief, one line descriptions are sufficient.

1.	Have project approved
2.	Begin planning dates for Eagle project
3.	Find volunteers to help with project
4.	Purchase supplies
5.	Begin Eagle project
6.	Finish Eagle project
7.	Make a final report about the project
8.	Present project to Eagle Board of Review

Logistics

How will you handle transportation of materials, supplies, tools, and helpers?

I will have the table delivered to St. Josephs for assembly. I will ask parents of Scouts who have pick up trucks to deliver the picnic table and other materials to the site.

Safety Issues

The Guide to Safe Scouting is an important resource in considering safety issues.

Describe the hazards and safety concerns you and your helpers should be aware of.

During table assembly, everyone must be careful. The most risk will be in the clearing of the grass and the securing of the table.

Project Planning

You do not have to list every step, but it must be enough to show you have a reasonable idea of how to prepare your plan.

List some action steps you will take to prepare your project plan. For example "Complete a more detailed set of drawings."

1. Map the site to verify how many supplies I need.
2. Lay out on the site where everything will go.
3. Choose a date with as many people available to help as possible.
4. Purchase the supplies.
5. Make sure all needed paperwork is finished.

Candidate's Promise* Sign below before you seek the other approvals for your proposal.

On my honor as a Scout, I have read this entire workbook, including the "Message to Scouts and Parents or Guardians" on page 5. I promise to be the leader of this project, and to do my best to carry it out for the maximum benefit to the religious institution, school, or community I have chosen as beneficiary.

Signed _____ Date _____

* Remember: Do not begin any work on your project, or raise any money, or obtain any materials, until your project proposal has been approved.

Unit Leader Approval*	Unit Committee Approval*
I have reviewed this proposal and discussed it with the candidate. I believe it provides impact worthy of an Eagle Scout service project, and will involve planning, development, and leadership. I am comfortable the Scout understands what to do, and how to lead the effort. I will see that the project is monitored, and that adults or others present will not overshadow him.	This Eagle Scout candidate is a Life Scout, and registered in our unit. I have reviewed this proposal, I am comfortable the project is feasible, and I will do everything I can to see that our unit measures up to the level of support we have agreed to provide (if any). I certify that I have been authorized by our unit committee to provide its approval for this proposal.
Signed _____ Date _____	Signed _____ Date _____
Name (Printed) Douglas Lowe	Name (Printed) Chris Anadale

Beneficiary Approval*	Council or District Approval
This service project will provide significant benefit, and we will do all we can to see it through. We realize funding on our part is not required, but we have informed the Scout of the financial support (if any) that we have agreed to. We understand any fund raising the Scout conducts will be in our name and that funds left over will come to us if we are allowed to accept them. We will provide receipts to donors as required. Our Eagle candidate has provided us a copy of "Navigating the Eagle Scout Service Project, Information for Project Beneficiaries." <input type="checkbox"/> Yes <input type="checkbox"/> No	I have read topics 9.0.2.0 through 9.0.2.15, regarding the Eagle Scout service project, in the <i>Guide to Advancement</i> , No. 33088. I agree on my honor to apply the procedures as written, and in compliance with the policy on "Unauthorized Changes to Advancement." Accordingly, I approve this proposal. I will encourage the candidate to prepare a project plan and share it with the designated project coach.
Signed _____ Date _____	Signed _____ Date _____
Name (Printed) Mayor Biggs	Name (Printed) Norm Feldser

While it makes sense to obtain approvals in the order they appear, there shall be no required sequence for the order of obtaining those approvals marked with an asterisk (). Council or district approval, however, must come after the others.



The Park Catalog
220 Congress Park Drive, Suite 215
Delray Beach FL 33445
5616207878
sales@theparkcatalog.com



8-Ft. Frame for ADA Picnic Table

[Be the first to review this product](#)

(<https://www.theparkcatalog.com/review/product/list/id/1910340/#review-form>)

Availability: In stock

\$370.00

Buy 3 for **\$362.60** each and **save 2%**
Buy 6 for **\$355.20** each and **save 4%**
Buy 11 for **\$347.80** each and **save 6%**

(b) **Proclamation Making April 4, 2020 Arbor Day for Consideration:** Presentation at meeting by Mayor Briggs and town staff.

Proclamation
 **Arbor Day**
SATURDAY, APRIL 4, 2020

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim April 4, 2020 as Arbor Day in the Town of Emmitsburg. We call upon all citizens and organizations to support efforts to protect our trees and woodlands by planting trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this 2nd day of March, 2020.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

- (c) **Proclamation Declaring April 2020 As Fair Housing Month for Consideration:**
Presentation at meeting by town staff.



Proclamation

FAIR HOUSING MONTH APRIL 2020

The Mayor and Council of the Town of Emmitsburg proclaim April 2020 to be Fair Housing Month.

WHEREAS, April 11, 2020 marks the 52nd anniversary of the passage of the Fair Housing Act, which enunciates a national policy of fair housing for all who live in the United States, and

WHEREAS, The Fair Housing Act prohibits discrimination based on race, color, religion, sex, handicap, familial status and national origin, and

WHEREAS, the State of Maryland additionally prohibits discrimination based on marital status, sexual orientation, and gender identity; and

WHEREAS, throughout Maryland, this spirit of cooperation is being provided through the efforts of our state, federal and local governments and with the support of countless community and nonprofit organizations; and

WHEREAS, economic stability, community health, and human relations in all communities are improved by diversity and integration; and

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do proclaim the month of April 2020 to be Fair Housing Month in Emmitsburg to establish an inclusive community committed to fair housing and to promote appropriate activities by private and public entities intended to provide or advocate for equal housing opportunities for all residents and prospective residents of Emmitsburg.

ADOPTED this 2nd day of March, 2020

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

I. CONSENT AGENDA

NONE

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of February 25, 2020**

\$5,425,804	Cash Balance February 1, 2020
253,970	Deposits
<u>-212,783</u>	Withdrawals
\$5,466,991	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>
\$154,460	Five Star	2020 International Truck	01.29.20	40684
\$19,214	Md Dept of Budget & Mgmt	Jan 20 Health Insurance	01.29.20	40690
\$10,796	Gladhill Pest Control	140 South Seton Ave Water Proofing	02.05.20	40703
\$10,091	Lot International	Water Computer Program	02.05.20	40708
\$9,024	Ion Design	Wayside Exhibits	02.05.20	40705
\$8,880	Alexander Well	Well - 8804 Crystal Fountain Road	02.05.20	40715
\$6,513	Republic Services	Feb 20 Refuse Services	02.12.20	40744
\$5,641	Fulton Bank	Lincoln Ave Water Line GO Bond	01.29.20	40685
\$4,072	Frederick County DUSWM	Jan 20 Tipping Fees	02.12.20	40734
\$3,987	WF Delauter Son, Inc	Irishtown Road Sewer Pipe Repair	02.05.20	40722

Check dates 01.29.20 to 02.25.20

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1. Approval of Resolution 20-01R, Community Development Block Grant Citizen Participation Plan, for consideration: Presentation at meeting by town staff.

RESOLUTION: 2020
RESOLUTION NO. 20 – 01R

Page 1 of 4

**A RESOLUTION APPROVING THE
MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN FOR THE TOWN OF EMMITSBURG**

The Town of Emmitsburg has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Maryland Community Development Block Grant Funds:

- Furnish citizens with information related to the availability of CDBG funding including the amount the State makes available under each state fiscal year, the eligible CDBG activities, and the eligible uses of CDBG funds;
- Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;
- Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;
- Provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizen's views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. Public hearings to cover community and economic development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;

- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to the State. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the State;
- Provide citizens with the Town of Emmitsburg Residential Anti-Displacement and Relocation Assistance Plan if proposed applications to be submitted will likely to result in displacement of persons or businesses from their homes or businesses;
- Provide citizens the address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

CDBG funded activities may serve beneficiaries outside the jurisdiction of the unit of general local government that receives the grant, provided the unit of general local government determines that the activity is meeting its needs in accordance with section 106(d)(2)(D) of the Act.

PROVISION OF INFORMATION, PUBLIC HEARINGS AND COMMENTS

The Town of Emmitsburg will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of 8:00am-4:30pm at the following location: 300A South Seton Avenue, Emmitsburg, MD 21727.

Where possible, the Town of Emmitsburg will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

Information will be furnished to citizens through public notice in the Frederick News Post, a newspaper of general circulation. The Town of Emmitsburg may also provide additional information to its citizens about the CDBG Program through articles in local newspapers, newsletters or community bulletins, flyers distributed door to door or at presentations made at community meetings.

The Town of Emmitsburg will hold at least one public hearing to receive input by citizens on the housing and community and economic development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held in conjunction with a regularly scheduled meeting of the elected public officials prior to submission of an application for CDBG funds.

If the MD CDBG Program funds the activity, a second hearing on program performance must be held at some point during the grant period after the activity has been initiated.

The MD CDBG Program requires that notice of a public hearing be published in a newspaper of general local circulation no less than five (5) days in advance of the hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations

accessible to the disabled. Documentary evidence that the required notices are published and public hearings are held in accordance with the plan will be maintained. Copies of the actual notices and/or affidavits shall be a part of the files, in addition to minutes of the hearings. Written minutes of the hearing and an attendance roster will be maintained by the Town of Emmitsburg at the following location: 300A South Seton Avenue, Emmitsburg, MD 21727.

If necessary, the Town of Emmitsburg will make arrangements for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to Zach Gulden, Town Planner by mail at 300A South Seton Avenue, Emmitsburg, MD 21727; by email at zgulden@emmitsburgmd.gov; or by phone at 301-600-6309. At least 7 days' advance notice is requested.

The Town of Emmitsburg will provide citizens an opportunity to comment on the proposed activities in an application to the State. Written comments may be sent to:

- Town of Emmitsburg
Attn: Zach Gulden, Town Planner
300A South Seton Avenue
Emmitsburg, MD 21727

TECHNICAL ASSISTANCE

When requested to provide technical assistance to group's representative of persons of low and moderate income, the Town of Emmitsburg will assist if possible. Files shall document meetings between the group and the local government. If staff capacity to assist does not exist, the Town of Emmitsburg may offer a referral to the State or to a consultant who can provide the necessary expertise.

COMPLAINTS AND GRIEVANCES

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

- Town of Emmitsburg
Attn: Zach Gulden, Town Planner
300A South Seton Avenue
Emmitsburg, MD 21727
- 301-600-6309

The Town of Emmitsburg shall make reasonable effort to provide a response in writing to written complaints or grievances within 15 working days.

AMENDMENTS TO APPLICATIONS OR GRANTS

The Town of Emmitsburg will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location or beneficiaries. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

BE IT FUTHER RESOLVED that this Resolution & Citizen Participation Plan is hereby adopted and shall be effective on the date that the Mayor approves the Resolution after approval by the Board of Commissioners or the date on which the Board of Commissioners pass the Resolution over the veto of the Mayor.

PASSED and ADOPTED this 2nd day of March, 2020. It is effective for a 5-year period until March 2, 2025

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 2nd day of March, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 2. Approval of Resolution 20-02R, Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan, for consideration: Presentation at meeting by town staff.

RESOLUTION: 2020
RESOLUTION NO. 20 – 02R

Page 1 of 4

**A RESOLUTION APPROVING THE
MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FOR THE TOWN OF EMMITSBURG**

The Town of Emmitsburg will take every preventable action to minimize the involuntary displacement of persons or businesses when using federal funds received from the Maryland Community Development Block Grant funds as a source of funding in our projects. In the event that displacement occurs, the Town of Emmitsburg, hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“URA”), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 (“HCD Act of 1974”), as amended, as described in 24 CFR Part 42.

RELOCATION

The Town of Emmitsburg will provide relocation assistance as required under the URA to all persons or businesses displaced as a direct result of assisted activities. They shall be provided relocation benefits, which, at a minimum, include:

- Relocation assistance planning and advisory services;
- Moving expenses;
- Referral to comparable replacement unit; and
- Replacement housing payments for 42 months.

Low and moderate income households displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low and moderate income dwellings to another use are entitled to additional benefits under the requirements of 24 CFR 42.350. These additional benefits include:

- Security deposits and credit checks,
- Referral to comparable replacement unit; and
- Replacement housing payments for 60 months.

Additionally, legal, low and moderate-income tenants are also eligible for:

- Referral to at least one suitable, decent, safe and sanitary replacement dwelling unit. The Town of Emmitsburg shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and

- Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the “Total Tenant Payment.” All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion, which results in temporary relocation, The Town of Emmitsburg agrees to assist either the temporarily displaced residential or business tenant or owner occupant during the time they are displaced. Those receiving temporary relocations shall receive at a minimum:

- Interim living costs;
- Relocation assistance planning and advisory services;
- Reasonable moving expenses; and
- Rental Assistance (if moving to more expensive unit).

ONE FOR ONE REPLACEMENT HOUSING

In the event that low and moderate income dwelling units are demolished or converted to a use other than as low/moderate income housing, the Town of Emmitsburg will replace all units that were occupied or were vacant but deemed occupiable as required under Section 104(d) of the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Town of Emmitsburg will make public and submit to the Maryland CDBG Office the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low/moderate income dwelling units as a direct result of the assisted activity;
- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;
- E. The source of funding and a time schedule for the provision of replacement dwelling units; and
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling for at least ten (10) years from the date of initial occupancy.

GENERAL POLICIES

1. The Town of Emmitsburg will take every preventable action to minimize the involuntary displacements of persons or businesses during the implementation of our CDBG funded projects. Examples of actions that may be taken include:
 - Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun.
 - Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
 - Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.
2. The Town of Emmitsburg may enter into a written agreement with a sub recipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.
3. The Town of Emmitsburg understand the cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source including the jurisdiction's general fund.
4. The Town of Emmitsburg will refer owners and/or tenants to the State CDBG Program if there is a disagreement with the determination that these requirements do not apply to an acquisition or a displacement.
5. The Town of Emmitsburg will prepare a specific Relocation Plan in the event that funding is requested for a project where it is known that displacement will occur.

BE IT FUTHER RESOLVED that this Resolution & Residential Anti-Displacement and Relocation Assistance Plan is hereby adopted and shall be effective on the date that the Mayor approves the Resolution after approval by the Board of Commissioners or the date on which the Board of Commissioners pass the Resolution over the veto of the Mayor.

PASSED and ADOPTED this 2nd day of March, 2020. It is effective for a 5-year period until March 2, 2025.

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 2nd day of March, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 3. Approval of Resolution 20-05R, Community Development Block Grant requirement prohibiting excessive police force for non-violent civil rights demonstrations, for consideration: Presentation at meeting by town staff.

RESOLUTION: 2020
RESOLUTION NO. 20 – 05R

Page 1 of 2

A RESOLUTION OF THE TOWN OF EMMITSBURG, MARYLAND, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG, MARYLAND AS FOLLOWS:

WHEREAS, 42 United States Code 5304(a)(1)(1), enacted as Section 104 of the Housing and Community Development Act of 1974, requires recipients of federal funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;

WHEREAS, 42 United States Code 5304(a)(1)(2), enacted as Section 104 of the Housing and Community Development Act of 1974, requires recipients of federal funds to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction;

THEREFORE AND HENCEFORTH, it is the policy of the Town of Emmitsburg to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the Town’s power and authority to do so.

All other resolutions and policies or sections of resolutions and policies in the Town in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

If any section, paragraph, sentence, or clause hereof or any provision of this Resolution is declared to be invalid or unconstitutional, the remaining provisions of this Resolution shall be unaffected thereby and shall remain in full force and effect.

PASSED and ADOPTED this 2nd day of March, 2020

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 2nd day of March, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 4. Amendment to the Pool Management Contract for Consideration:
Presentation at meeting by town staff.

Minimum Wage Addendum Information for RSV Pools, Inc. for 2020 Contract

2020 Pool Season is 89 days due to change in school calendar.

The season will run consecutively from Saturday, June 13th through Sunday, August 30, 2020.

Weekends only & Holiday's: Saturday, May 23, Sunday, May 24, Monday, May 25, (Memorial Day), Saturday, May 30, Sunday, May 31, Saturday, June 6, Sunday, June 7, September 5, Sunday, September 6, and Monday September 7, (Labor Day).

*Pool will be closed: Monday, August 31 through Friday, September 4, 2020 due to school calendar.

There will be a .90 minimum wage increase from \$10.10 to \$11.00 after 1/1/20.

Our contract calls for four lifeguards and one gate guard.

4 guards at 7 hours per day 12 pm -7 pm daily = 28 hours
1 guard at 8 hours per day 11:30am – 7:30 pm daily = 8 hours
36 hours per day

36 hours x .90 per hour min wage increase x 89 day pool season = \$2,883.60 increase in wages.

The addendum asks for an increase from the contacted amount of \$63,654.00 to 63,792.00 a difference or increase of \$138.00 for the season.

AGENDA ITEM# 5. Update to the Small Cell Tower Ordinance for Discussion:
Presentation at meeting by town staff.

Documents attached:

- 1. Ordinance 19-03 (Small Cell Tower Ordinance)**
- 2. Policy P20-02**

ORDINANCE SERIES: 2020
ORD. NO: 20 - 3

Page 1 of 24

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 15.32 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 15.32 Telecommunications Facilities

Chapter 15.32 – TELECOMMUNICATIONS FACILITIES

15.32.010 - Purpose and legislative intent.

The Telecommunications Act of 1996 affirmed the ~~{town}~~**TOWN** of Emmitsburg's authority concerning the placement, construction and modification of wireless telecommunications facilities. The ~~{town}~~**TOWN** finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the ~~{town}~~**TOWN** and its inhabitants. The ~~{town}~~**TOWN** also recognizes that facilitating the development of wireless service technology can be an economic development asset to the ~~{town}~~**TOWN** and of significant benefit to the ~~{town}~~**TOWN** and its residents. In order to insure that the placement, construction or modification of wireless telecommunications facilities is consistent with the ~~{town's}~~**TOWN'S** land use policies, the ~~{town}~~**TOWN** is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this chapter is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the ~~{town}~~**TOWN** of Emmitsburg.

15.32.020 - Title.

The ordinance codified in this chapter shall be known and cited as the wireless telecommunications facilities siting ordinance for the ~~{town}~~**TOWN** of Emmitsburg.

15.32.030 - Severability.

- A. If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid

for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

- B. Any special use permit issued under this chapter shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the ~~{town}~~**TOWN**.

15.32.040 - Definitions.

For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

"Accessory facility" or "structure" means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment storage sheds or cabinets.

"Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the ~~{town's}~~**TOWN'S** siting, building and permitting authority.

"Applicant" means any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.

"Application" means all necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.

"Co-location" means the use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

"Commercial impracticability" or "commercially impracticable" means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable."

"Completed application" means an application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

"FAA" means the Federal Aviation Administration, or its duly designated and authorized successor agency.

"FCC" means the Federal Communications Commission or its duly designated and authorized successor agency.

"Height" means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

"NIER" means non-ionizing electromagnetic radiation.

"Person" means any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

"Personal wireless facility." See definition for "wireless telecommunications facilities."

"Personal wireless services" or "PWS" or "personal telecommunications service" or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.

~~Telecommunication site. See definition for wireless telecommunications facilities.~~ **"SMALL WIRELESS FACILITIES" MEANS A WIRELESS FACILITY THAT IS MOUNTED ON A STRUCTURE FIFTY FEET OR LESS IN HEIGHT OR ON A STRUCTURES NO MORE THAN TEN PERCENT TALLER THAN ADJACENT STRUCTURES WITH AN ANTENNA NO MORE THAN THREE CUBIC FEET AND TOTAL WIRELESS EQUIPMENT NO MORE THAN TWENTY-EIGHT CUBIC FEET.**

"Special use permit" means the official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the {town}TOWN.

"State" means the state of Maryland.

"Stealth" or "stealth technology" means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

"Telecommunications" means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

"Telecommunications structure" means a structure used in the provision of services described in the definition of "wireless telecommunications facilities."

"Temporary" means temporary in relation to all aspects and components of this ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

"TOWN" means the ~~{town}~~TOWN of Emmitsburg.

"Wireless telecommunications facilities ~~{means and includes a "telecommunications tower" and "tower" and "telecommunications site" and "personal wireless facility"}~~" means a structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limit, **"SMALL WIRELESS FACILITIES", "PERSONAL WIRELESS FACILITY" "TELECOMMUNICATIONS TOWER" AND** towers of all types and kinds and structures that employ camouflage technology, including, but not limited to, structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the ~~{town}~~TOWN'S siting, building and permitting authority, excluding those used exclusively for the ~~{town}~~TOWN'S fire, police or exclusively for private, noncommercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this chapter.

15.32.050 - Overall policy and desired goals for special use permits for wireless telecommunications facilities.

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the ~~{town}~~TOWN'S health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this chapter, the ~~{town}~~TOWN hereby adopts an overall policy with respect to a special use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:

1. Implementing an application process for person(s) seeking a special use permit for wireless telecommunications facilities;
2. Establishing a policy for examining an application for and issuing a special use permit for wireless telecommunications facilities that is both fair and consistent;
3. Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers;
4. Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including, but not limited to, the

use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

15.32.060 - Special use permit application and other requirements.

- A. All applicants for a special use permit for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this section. The {town}TOWN manager is the officially designated agency or body of the community to whom applications for a special use permit for wireless telecommunications facilities must be made and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, re-certifying or not re-certifying, or revoking special use permits for wireless telecommunications facilities. The {town}TOWN may at its discretion delegate or designate other official agencies of the {town}TOWN to accept, review, analyze, evaluate and make recommendations to the {town}TOWN with respect to the granting or not granting, re-certifying or not re-certifying or revoking special use permits for wireless telecommunications facilities.
- B. An application for a special use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the {town}TOWN, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- C. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the {town}TOWN manager.
- D. The applicant shall include a statement in writing:
 - 1. That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the {town}TOWN in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable {town}TOWN, state and federal laws, rules, and regulations;
 - 2. That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the state.
- E. No wireless telecommunications facilities shall be installed or constructed until the application is reviewed and approved by the {town}TOWN, and the special use permit has been issued.
- F. All applications for the construction or installation of new wireless telecommunications facilities shall contain the information hereinafter set forth. The application shall be signed by

an authorized individual on behalf of the applicant. Where a certification is called for, such certification shall bear the signature and seal of a professional engineer licensed in the state. The application shall include the following information:

1. Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily and essentially within the ~~{town}~~TOWN. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
2. The name, address and phone number of the person preparing the report;
3. The name, address, and phone number of the property owner, operator, and applicant, and to include the legal form of the applicant;
4. The postal address and tax map parcel number of the property;
5. The zoning district or designation in which the property is situated;
6. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
7. The location of nearest residential structure;
8. The location, size and height of all structures on the property which is the subject of the application;
9. The location, size and height of all proposed and existing antennae and all appurtenant structures;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The number, type and design of the tower(s) ~~{and}~~, antenna(s) **AND SMALL WIRELESS FACILITIES** and small wireless facilities proposed and the basis for the calculations of the tower's capacity to accommodate multiple users;
12. The make, model and manufacturer of the tower and antenna(s);
13. A description of the proposed tower ~~{and}~~, antenna(s) **OR SMALL WIRELESS FACILITIES** and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
14. The frequency, modulation and class of service of radio or other transmitting equipment;
15. The actual intended transmission and the maximum effective radiated power of the antenna(s);
16. Direction of maximum lobes and associated radiation of the antenna(s);
17. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
18. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices;

19. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;
 20. Certification that a topographic and geomorphological study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site;
 21. The provisions required by Section 15.32.250 of this chapter.
- G. In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the ~~{town}~~TOWN. Copies of written requests and responses for shared use shall be provided to the ~~{town}~~TOWN in the application, along with any letters of rejection stating the reason for rejection.
- H. The applicant shall certify that the telecommunications facility, foundation and attachments are designated and will be constructed to meet all local, ~~{town}~~TOWN, state and federal structural requirements for loads, including wind and ice loads.
- I. The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- J. An applicant may be required to submit an environmental assessment analysis and a visual addendum. Based on the results of the analysis, including the visual addendum, the ~~{town}~~TOWN may require submission of a more detailed visual analysis. The scope of the required environmental and visual assessment will be reviewed at the pre-application meeting.
- K. ~~{The}~~ **IN THE CASE OF A NEW TOWER**, the applicant shall furnish a visual impact assessment which shall include:
1. A "zone of visibility map" which shall be provided in order to determine locations from which the tower may be seen.
 2. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the ~~{town}~~TOWN as may be appropriate, including, but not limited to, state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.
 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- L. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.

- M. Any and all representations made by the applicant to the {~~town~~}TOWN on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the {~~town~~}TOWN.
- N. All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the {~~town~~}TOWN, including specifically, but not limited to, the national electrical safety code and the national electrical code where appropriate.
- O. All wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to be the least visually and physically intrusive means that is not commercially or technologically impracticable, and thereby have the least adverse visual effect on the environment of the neighborhood and the {~~town~~}TOWN and its character, on existing vegetation, and on the residences in the general area of the wireless telecommunications facility.
- P. Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may **BE** required by the {~~town~~}TOWN.
- Q. At a telecommunications site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- R. A person who holds a special use permit for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the {~~town~~}TOWN, county, state, or United States, including, but not limited to, the most recent editions of the National Electrical Safety Code and the national electrical code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- S. A holder of a special use permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the {~~town~~}TOWN or other governmental entity or agency having jurisdiction over the applicant.
- T. With respect to this application process, the board may conduct an environmental review of the proposed project in combination with its review of the application under this law.
- U. The applicant shall examine the feasibility of designing a proposed tower to accommodate future demand for at least five additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least five additional

antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

1. The foreseeable number of FCC licenses available for the area;
 2. The kind of wireless telecommunications facilities site and structure proposed;
 3. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
 4. Available space on existing and approved towers.
- V. The owner of the proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
1. Respond within sixty (60) days to a request for information from a potential shared-use applicant;
 2. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 3. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit for the tower.
- W. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the ~~{town}~~TOWN'S consultants to prepare for and attend the pre-application meeting will be borne by the applicant.
- X. The holder of a special use permit shall notify the ~~{town}~~TOWN of any intended modification of a wireless telecommunication facility and shall apply to the ~~{town}~~TOWN to modify, relocate or rebuild a wireless telecommunications facility.
- Y. In order to better inform the public, in the case of a new telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant seven and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the ~~{town}~~TOWN. The applicant shall inform the ~~{town}~~TOWN, in writing, of the dates and times of the test, at least

fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between seven a.m. and four p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

- Z. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

15.32.070 - Location of wireless telecommunications facility.

- A. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.
 - 1. On ~~{town}~~TOWN-owned property or facilities;
 - 2. On existing structures without increasing the height of the tower or structure;
 - 3. On non-residential properties;
 - 4. On other properties in the ~~{town}~~TOWN.
- B. If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- C. An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as the preference of the ~~{town}~~TOWN. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the ~~{town}~~TOWN why co-location is commercially ~~or otherwise~~ impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.
- D. Notwithstanding the above, the ~~{town}~~TOWN may approve any site located within an area in the above list of priorities, provided that the ~~{town}~~TOWN finds that the proposed site is in the best interest of the health, safety and welfare of the ~~{town}~~TOWN and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

- F. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the ~~{town}~~**TOWN** may disapprove an application for any of the following reasons.
1. Conflict with safety and safety-related codes and requirements;
 2. Conflict with the historic nature or character of a neighborhood or historical district;
 3. The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 4. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the ~~{town}~~**TOWN**, or employees of the service provider or other service providers;
 5. Conflicts with the provisions of this chapter.

15.32.080 - Shared use of wireless telecommunications facilities and other structures.

- A. Locating on existing towers or other structures without increasing the height, as opposed to the construction of a new tower, shall always be preferred by the ~~{town}~~**TOWN**. The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within four miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an exiting tower or other suitable structure can not be used.
- B. An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.
- C. Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the ~~{town}~~**TOWN**, to the extent practicable, unless good cause is shown.

15.32.090 - Height of telecommunications tower(s).

- A. The applicant shall submit documentation justifying the total height of any tower, **SMALL WIRELESS** facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the ~~{town}~~**TOWN**, to the extent practicable, unless good cause is shown.
- B. If the need for a new tower can be proven, the maximum permitted height of a new tower shall be twenty feet (20) above the neighboring tree height or the height of any nearby obstruction that would effectively block the signal in that direction.
- C. No wireless facility constructed after the effective date of the ordinance codified in this chapter, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal,

{town}TOWN, state, and/or any federal statute, law, local law, {town}TOWN ordinance, code, rule or regulation.

- D. SMALL WIRELESS FACILITIES MUST BE LOCATED AT A MINIMUM HEIGHT OF 15 FEET ABOVE GRADE.**
- E. ALL SMALL WIRELESS FACILITIES MUST ADHERE TO THE STANDARDS SET FORTH IN POLICY 2020-02 SMALL WIRELESS FACILITY STANDARDS.**

15.32.100 - Appearance and visibility of wireless telecommunications facilities.

- A. Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- B. Towers shall be galvanized and painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this chapter.
- C. If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- D. ALL WIRELESS TELECOMMUNICATION FACILITIES SHALL UTILIZE STEALTH OR CAMOUFLAGE SITING TECHNIQUES THAT ARE ACCEPTABLE TO THE TOWN, UNLESS SUCH CAN BE SHOWN TO BE COMMERCIALY IMPRACTICABLE.**
- E. ALL ANTENNAS AND SMALL WIRELESS FACILITIES SHALL BE FLUSH-MOUNTED OR AS CLOSE TO FLUSH-MOUNTED ON THE SUPPORT STRUCTURE AS IS FUNCTIONALLY POSSIBLE UNLESS IT CAN BE DEMONSTRATED BY CLEAR AND CONVINCING TECHNICAL EVIDENCE THAT SUCH HAS THE EFFECT OF PROHIBITING THE PROVISION OF SERVICE TO THE INTENDED SERVICE AREA, ALONE OR IN COMBINATION WITH ANOTHER SITE(S) OR UNLESS THE APPLICANT CAN PROVE THAT IT IS COMMERCIALY IMPRACTICABLE.**
- F. IF ATTACHED TO A BUILDING, ALL ANTENNAS AND SMALL WIRELESS FACILITIES SHALL BE MOUNTED ON THE FASCIA OR THE BUILDING AND CAMOUFLAGED SO AS TO MATCH THE COLOR AND, IF POSSIBLE, THE TEXTURE OF THE BUILDING, OR IN A MANNER SO AS TO MAKE THE ANTENNAS AS VISUALLY INNOCUOUS AND UNDETECTABLE AS IS REASONABLY POSSIBLE GIVEN THE FACTS AND CIRCUMSTANCES INVOLVED.**
- G. ALL VISIBLE SMALL WIRELESS FACILITIES PLACED ON A STRUCTURE MUST BE PAINTED WITH NON-REFLECTIVE PAINT OF THE SAME COLOR AS THE STRUCTURE ON WHICH IT IS SITED SO THAT THE INSTALLATION CLOSELY MATCHES THE EXISTING PAINT.**
- H. SMALL WIRELESS FACILITIES MUST BE PLACED AS MUCH AS POSSIBLE IN LINE WITH OTHER UTILITY FEATURES AND IN A LOCATION THAT DOES**

NOT CREATE ANY OBSTRUCTION, IMPEDIMENT, OR HINDERANCE TO THE USUAL TRAVEL OR PUBLIC SAFETY ON A RIGHT-OF-WAY.

I. ALL SMALL WIRELESS FACILITIES MUST ADHERE TO THE STANDARDS SET FORTH IN POLICY 2020-02 SMALL WIRELESS FACILITY STANDARDS.

15.32.110 - Security of wireless telecommunications facilities.

All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access, specifically:

1. All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
2. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

15.32.120 - Signage.

Wireless telecommunications facilities shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.

15.32.130 - Lot size and setbacks.

All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: a distance equal to the height of the proposed wireless telecommunications facility structure plus ten percent of the height of the facility or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

15.32.140 - Retention of expert assistance and reimbursement by applicant.

- A. The ~~{town}~~TOWN may hire any consultant and/or expert necessary to assist the ~~{town}~~TOWN in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for re-certification.
- B. An applicant shall deposit with the ~~{town}~~TOWN funds sufficient to reimburse the ~~{town}~~TOWN for all reasonable costs of consultant and expert evaluation and consultation

to the {town}TOWN in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be eight thousand five hundred dollars (\$8,500.00). The placement of the eight thousand five hundred dollars (\$8,500.00) with the {town}TOWN shall precede the pre-application meeting. The {town}TOWN will maintain a separate escrow account for all such funds. The {town}TOWN'S consultants/experts shall invoice the {town}TOWN for its services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than two thousand five hundred dollars (\$2,500.00), the applicant shall immediately, upon notification by the {town}TOWN, replenish said escrow account so that it has a balance of at least five thousand dollars (\$5,000.00). Such additional escrow funds shall be deposited with the {town}TOWN before any further action or consideration is taken on the application. In the event that the amount held in escrow by the {town}TOWN is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

- C. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

15.32.150 - Exceptions from a special use permit for wireless telecommunications facilities.

- A. No person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of wireless telecommunications facilities as of the effective date of this ordinance without having first obtained a special use permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no special use permit shall be required for those noncommercial exceptions noted in the definition of wireless telecommunications facilities.
- B. All wireless telecommunications facilities existing on or before the effective date of the ordinance codified in this chapter shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility must comply with this chapter.

15.32.160 - Public hearing and notification requirements.

- A. Prior to the approval of any application for a special use permit for wireless telecommunications facilities, a public hearing shall be held by the {town}TOWN, notice of which shall be published in the official newspaper of the {town}TOWN no less than ten calendar days prior to the scheduled date of the public hearing. In order that the {town}TOWN may notify nearby landowners, the application shall contain the names and address of all landowners whose property is located within fifteen hundred (1,500) feet of any property line of the lot or parcel on which the new wireless telecommunications facilities are proposed to be located.

- B. There shall be no public hearing required for an application to co-locate on an existing tower or other structure, as long as there is no proposed increase in the height of the tower or structure, including attachments thereto.
- C. The {town}TOWN shall schedule the public hearing referred to in subsection (A) of this section once it finds the application is complete. The {town}TOWN, at any stage prior to issuing a special use permit, may require such additional information as it deems necessary.

15.32.170 - Action on an application for a special use permit for wireless telecommunications facilities.

- A. The {town}TOWN will undertake a review of an application pursuant to this law in a timely fashion and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution. **IN THE CASE OF AN APPLICATION FOR SMALL WIRELESS FACILITIES, THE TOWN SHALL REVIEW AN APPLICATION FOR COLLOCATION OF A SMALL WIRELESS FACILITY ON AN EXISTING STRUCTURE WITHIN SIXTY (60) DAYS AND REVIEW AN APPLICATION FOR PLACEMENT OF A SMALL WIRELESS FACILITY ON A NEW STRUCTURE WITHIN NINETY (90) DAYS.**
- B. The {town}TOWN may refer any application or part thereof to any advisory or other committee for a nonbinding recommendation.
- C. After the public hearing and after formally considering the application, the {town}TOWN may approve, approve with conditions, or deny a special use permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the applicant.
- D. If the {town}TOWN approves the special use permit for a wireless telecommunications facility, then the applicant shall be notified of such approval in writing within ten calendar days of the {town's}TOWN'S action, and the special use permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent certificates of compliance, once a special use permit has been granted hereunder, no additional permits or approvals from the {town}TOWN, such as site plan or zoning approvals, shall be required by the {town}TOWN for the wireless telecommunications facilities covered by the special use permit.
- E. If the {town}TOWN denies the special use permit for wireless telecommunications facilities, then the applicant shall be notified of such denial in writing within ten calendar days of the {town's} TOWN'S action.
- F. Any party or person aggrieved by the decision of the {town}TOWN may appeal that decision to the circuit court of Frederick County in accordance with Title 7 of the Maryland Rules of Procedure.

15.32.180 - Re-certification of a special use permit for wireless telecommunications facilities.

A. Between twelve (12) months and six months prior to the five year anniversary date after the ~~{effect}~~—**EFFECTIVE** date of the special use permit and all subsequent five year anniversaries of the effective date of the original special use permit for wireless telecommunications facilities, the holder of a special use permit for such wireless telecommunication facilities shall submit a signed written request to the TOWNTOWN for re-certification. In the written request for re-certification, the holder of such special use permit shall note the following:

1. The name of the holder of the special use permit for the wireless telecommunications facilities;
2. If applicable, the number or title of the special use permit;
3. The date of the original granting of the special use permit;
4. Whether the wireless telecommunications facilities have been moved, relocated, rebuilt, or otherwise visibly modified since the issuance of the special use permit and if so, in what manner;
5. If the wireless telecommunications facilities have been moved, relocated, rebuilt, or otherwise visibly modified, then whether the ~~{town}~~TOWN approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
6. That the wireless telecommunications facilities are in compliance with the special use permit and compliance with all applicable codes, laws, rules and regulations;
7. Re-certification that the tower and attachments both are designed and constructed and continue to meet all local, ~~{town}~~TOWN, state and federal structural requirements for loads, including wind and ice loads such re-certification shall be by a professional engineer licensed in the state, the cost of which shall be borne by the applicant.
- 8. IF THE WIRELESS TELECOMMUNICATIONS FACILITY IS LOCATED ON PRIVATE PROPERTY, A COPY OF THE LEASE OR CONSENT OF THE PROPERTY OWNER.**

B. If, after such review, the ~~{town}~~TOWN determines that the permitted wireless telecommunications facilities are in compliance with the special use permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the ~~{town}~~TOWN shall issue a re-certification of the special use permit for the wireless telecommunications facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable statutes, laws, ordinances, codes, rules or regulations. If, after such review it is determined that the permitted wireless telecommunications facilities are not in compliance with the special use permit and all applicable statutes, laws, ordinances, codes, rules and regulations, then the ~~{town}~~TOWN may refuse to issue a re-certification special use permit for the wireless telecommunications facilities, and in such event, such wireless telecommunications facilities shall not be used after the date that the applicant receives written notice of the decision by the ~~{town}~~TOWN until such time as the facility is brought into compliance. Any decision requiring the cessation of use of the facility or

imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the facility.

- C. If the applicant has submitted all of the information requested and required by this ordinance, and if the review is not completed, as noted in subsection (B) of this section, prior to the five-year anniversary date of the special use permit, or subsequent five year anniversaries, then the applicant for the permitted wireless telecommunications facilities shall receive an extension of the special use permit for up to six months, in order for the completion of the review.
- D. If the holder of a special use permit for wireless telecommunications facilities does not submit a request for re-certification of such special use permit within the time frame noted in subsection (A) of this section, then such special use permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, or subsequent five year anniversaries, unless the holder of the special use permit adequately demonstrates that extenuating circumstances prevented timely re-certification request. If the holder agrees that there were legitimately extenuating circumstances, then the holder of the special use permit may submit a late re-certification request or application for a new special use permit.
- E. Any party or person aggrieved by the decision of the ~~{town}~~TOWN may appeal that decision to the circuit court of Frederick County in accordance with Title 7 of the Maryland Rules of Procedure.

15.32.190 - Extent and parameters of special use permit for wireless telecommunications facilities.

The extent and parameters of a special use permit for wireless telecommunications facilities shall be as follows:

- 1. Such special use permit shall be non-exclusive;
- 2. Such special use permit shall not be assigned, transferred or conveyed without the consent of the ~~{town}~~TOWN, which consent will not be unreasonably withheld;
- 3. Such special use permit may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the special use permit, or for a material violation of this chapter after prior written notice to the holder of the special use permit.

15.32.200 - Application fee.

- A. At the time that a person submits an application for a special use permit for a new tower, such person shall pay a non-refundable application fee of five thousand dollars (\$5,000.00) to the ~~{town}~~TOWN. If the application is for a special use permit for co-locating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the non-refundable fee shall be two thousand dollars (\$2,000.00). This fee is in addition to, and not included in, the eight thousand five hundred dollar (\$8,500.00) payment referred to in Section 15.32.140.

- B. No application fee is required in order to re-certify a special use permit for wireless telecommunications facilities, unless there has been a visible modification of the wireless telecommunications facility since the date of the issuance of the existing special use permit for which the conditions of the special use permit have not previously been modified. In the case of any modification, the fees provided in subsection (A) shall apply.

15.32.210 - Performance security.

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the {town}TOWN a bond, or other form of security acceptable to the {town}TOWN as to type of security and the form and manner if executed, in an amount of at least seventy-five thousand dollars (\$75,000.00) and with such sureties as are deemed sufficient by the {town}TOWN to assure the faithful performance of the terms and conditions of this chapter and conditions of any special use permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit.

15.32.220 - Reservation of authority to inspect wireless telecommunications facilities.

In order to verify that the holder of a special use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licenses of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the TOWNTOWN may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, tower's antennas and buildings or other structures constructed or located on the permitted site.

15.32.230 - Annual NIER certification.

The holder of the special use permit shall, annually, certify to the {town}TOWN that NIER levels at the site are within the threshold levels adopted by the FCC.

15.32.240 - Liability insurance.

- A. A holder of a special use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit in amounts as set forth below:
1. Commercial general liability covering personal injuries, death and property damage: one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate;

2. Automobile coverage one million dollars (\$1,000,000.00) per occurrence/two million dollars (\$2,000,000) aggregate;
 3. Workers compensation and disability: statutory amounts.
- B. The commercial general liability insurance policy shall specifically include the {~~town~~}TOWN and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a best rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the {~~town~~}TOWN with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the {~~town~~}TOWN at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F. Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than fifteen (15) days after the grant of the special use permit, the holder of the special use permit shall deliver to the {~~town~~}TOWN a copy of each of the policies or certificates representing the insurance in the required amounts.

15.32.250 - Indemnification.

- A. Any application for wireless telecommunication facilities that is proposed for {~~town~~}TOWN property, pursuant to this chapter, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the {~~town~~}TOWN, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the {~~town~~}TOWN, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorney's fees, consultant's fees, and expert witness fees are included in those costs that are recoverable by the {~~town~~}TOWN.
- B. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the {~~town~~}TOWN itself applies for and secures a special use permit for wireless telecommunications facilities.

15.32.260 - Fines.

- A. In the event of a violation of this chapter or any special use permit issued pursuant to this chapter, the {town}TOWN may impose and collect, and the holder of the special use permit for wireless telecommunications facilities shall pay to the {town}TOWN, fines or penalties as set forth below.
- B. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350.00) per day per occurrence or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six months, or both, and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- C. Notwithstanding anything in this chapter, the holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the special use permit to termination and revocation of the special use permit. The {town}TOWN may also seek injunctive relief to prevent the continued violation of this chapter, without limiting other remedies available to the {town}TOWN.

15.32.270 - Default and/or revocation.

- A. If wireless telecommunications facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter or of the special use permit, then the {town}TOWN shall notify the holder of the special use permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the {town}TOWN may, at its sole discretion, order the violation remedied within twenty-four (24) hours.
- B. If within the period set forth in (A) above the wireless telecommunications facilities are not brought into compliance with the provisions of this chapter, or of the special use permit, or substantial steps are not taken in order to bring the affected wireless telecommunications facilities into compliance, then the {town}TOWN may revoke such special use permit for wireless telecommunications facilities, and shall notify the holder of the special use permit within forty-eight (48) hours of such action.

15.32.280 - Removal of wireless telecommunications facilities.

- A. Under the following circumstances, the ~~{town}~~TOWN may determine that the health, safety, and welfare interests of the ~~{town}~~TOWN warrant and require the removal of wireless telecommunications facilities.
1. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred eighty (180) days in any three hundred sixty-five (365) day period, except for periods caused by force majeure or acts of god, in which case, repair or removal shall commence within ninety (90) days;
 2. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
 3. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization.
- B. If the ~~{town}~~TOWN makes such a determination as noted in subsection (A) of this section, then the ~~{town}~~TOWN shall notify the holder of the special use permit for the wireless telecommunications facilities within forty-eight (48) hours that said wireless telecommunications facilities are to be removed, the ~~{town}~~TOWN may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.
- C. The holder of the special use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the ~~{town}~~TOWN. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the ~~{town}~~TOWN.
- D. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within ninety (90) days after the permit holder has received notice, then the ~~{town}~~TOWN may order officials or representatives of the ~~{town}~~TOWN to remove the wireless telecommunications facilities at the sole expense of the **FACILITIES** owner or special use permit holder.
- E. If, the ~~{town}~~TOWN removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within ten days, then the ~~{town}~~TOWN may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
- F. Notwithstanding anything in this section to the contrary, the ~~{town}~~TOWN may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the

special use permit, subject to the approval of the ~~{town}~~TOWN, and an agreement to such plan shall be executed by the holder of the special use permit and the ~~{town}~~TOWN. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the ~~{town}~~TOWN may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.

15.32.290 - Relief or waiver or exemption.

Any applicant or permittee desiring relief, waiver or exemption from any aspect or requirement of this chapter may request such at the pre-application meeting, provided that the relief or exemption is contained in the original application for either a special use permit, or in the case of an existing or previously granted special use permit, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant ~~{effect}~~ EFFECT on the health, safety and welfare of the TOWNTOWN, its residents and other service providers.

15.32.300 - Periodic regulatory review by the ~~{town}~~TOWN.

- A. The ~~{town}~~TOWN may at any time conduct a review and examination of this entire chapter.
- B. If after such a periodic review and examination of this chapter, the ~~{town}~~TOWN determines that one or more provisions of this chapter should be amended, repealed, revised, clarified, or deleted, then the ~~{town}~~TOWN may take whatever measures are necessary in accordance with applicable ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the ~~{town}~~TOWN, the ~~{town}~~TOWN may repeal this entire chapter at any time.
- C. Notwithstanding the provisions of subsections (A) and (B) of this section, the ~~{town}~~TOWN may at any time, and in any manner (to the extent permitted by federal, state, or local law), amend, add, repeal, and/or delete one or more provisions of this chapter.

15.32.310 - Adherence to state and/or federal rules and regulations.

- A. To the extent that the holder of a special use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a special use permit for wireless telecommunications facilities, then the holder of such a special use permit shall conform the permitted wireless telecommunications facilities

to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

15.32.320 - Conflict with other laws.

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the ~~{town}~~TOWN, state or federal government, this chapter shall apply.

15.32.330 - Effective date.

This chapter shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

15.32.340 - Authority.

This chapter is enacted pursuant to the applicable authority granted by the federal and state governments.

ORDINANCE SERIES: 2020
ORD. NO: 20 - 3

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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 _____, 2020
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:
COMMISSIONERS:

EMMITSBURG BOARD OF

Madeline K. Shaw, Town Clerk

Clifford L. Sweeney, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2020.

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:

POLICY SERIES: 2020
Policy No. P20 - 02

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**TOWN OF EMMITSBURG
SMALL WIRELESS FACILITY STANDARDS**

As of this date and pursuant to Title 15, Section 15.32.050 entitled “Telecommunications Facilities” of the Emmitsburg Municipal Code, small wireless facility standards and permitting shall be as follows:

HEIGHT STANDARDS:

1. Small wireless facilities may not be mounted on structures greater than 50-feet in height including the antenna.
2. Small wireless facilities may not be mounted on structures more than 10 percent taller than other adjacent structures.
3. Small wireless facilities may not be mounted on existing structures which cause the structure to extend to a height of more than 50-feet or more than 10 percent above its preexisting height as a result of the collation of new antenna facilities.

ANTENNA AND OTHER SMALL WIRELESS EQUIPMENT SIZE STANDARDS:

4. Each antenna associated with a small wireless facility can be no greater than 3 cubic feet in volume.
5. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, can be no more than 28 cubic feet in volume.

INSTALLATION, PLACEMENT, AND DESIGN STANDARDS:

6. Small wireless facilities must not project over the roadway, pedestrian path or sidewalk, unless otherwise approved by the Director of Public Works.
7. New poles or other structures that support small wireless facilities must maintain a minimum three (3) foot horizontal clearance from existing sidewalks and roadways and a minimum five (5) foot horizontal clearance from the outside edge of driveway aprons and handicapped ramps, unless a lesser clearance is approved by the Director of Public Works.
8. Small wireless facility antenna must be located a minimum of 15-feet above grade, unless otherwise approved by the Director of Public Works.
9. Any exterior attachments to structures (other than cabling or base stations), must be a minimum of eight (8) feet above grade, unless otherwise approved by the Director of Public Works.
10. Replacement poles and fixtures must be the same height as the pole and fixtures being replaced, unless approved by the Director of Public Works. Any replacement pole, including all required guying, may not intrude on any sidewalk or passageway more than the existing pole.

11. All small wireless equipment installed underground, at ground level, or on a pole must be placed in an enclosure.
12. All small wireless equipment must be consistent with industry standards.
13. Antennas must include shielding or otherwise be placed in an enclosure, except as approved by the Director. If attached to the top of the pole, the facility must be designed to appear like a continuous vertical extension of the pole. Antennas must not extend more than 36 inches in length, extending vertically from the base of the antenna, either at the top of the pole or structure, or on the related equipment housing, except that up to six (6) inches in additional height may be permitted for connectors.
14. All wires/cables must be located inside the structure, unless Applicant proves to the Town's satisfaction that this is not practical, in which case the wire/cable must be installed in a conduit attached flush to the structure and painted with non-reflective paint of the same color as the structure on which it is installed or otherwise concealed to the extent possible. Whenever possible, the Applicant must utilize existing ducts, conduits, or other facilities for the installation of connecting fiber.
15. All visible small wireless equipment placed on a structure, including antennas, must be painted with non-reflective paint of the same color as the structure on which it is sited so that the installation closely matches the existing paint. The Applicant must work with the structure manufacturer or owner regarding the specifics for the color match, and work with the equipment manufacturer regarding paint specifications as well as the method for cleaning the equipment and applying the paint. Antennas and shrouds must be painted to have the least visual impact possible; colors must be approved by the Town as part of the permit. Paints must be lead and chromate free. Resistance to ultra violet light, road salt compounds, industrial chemical fumes, solvents for removal of graffiti off painted surfaces, flame or high temperatures, and corrosion.
16. No writing, symbol, logo or other graphic representation which is visible from the nearby street or sidewalk is allowed to appear on any exterior surface of the small wireless facility unless allowed by agreement with the Town, required by law or regulation, or as a Town-approved concealment element. Notwithstanding the previous sentence, Applicant must tag all attachments to structures to allow for ready identification of the small wireless facility owner and type of attachment.
17. No visible lighting is allowed on any small wireless facilities, except as required by law or as allowed by the Town.
18. Any new pole installed to support a small wireless facility must be consistent and compatible with surrounding poles and structures.
19. Installation of small wireless facilities must not impact existing Town street trees.
20. Installation of small wireless facilities must not impact line of sight for vehicle or pedestrian movements.
21. Installation of small wireless facilities must not create any Americans with Disabilities Act violations.

22. Small wireless facilities must not interfere with the function of the pole or structure to which the equipment is attached or interfere with other public facilities, including but not limited to:
 - a. Signs
 - b. Traffic signals
 - c. Street lighting
 - d. Bike racks
 - e. Benches
 - f. Fire hydrants
 - g. Water meters
 - h. Sewer cleanouts
 - i. Stormwater facilities
 - j. Other utilities
23. In an area of the Town where utilities are underground, all small wireless equipment must also be placed in an underground vault.
24. Small wireless facilities must be placed, as much as possible, in line with other utility features and in a location that minimizes any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way.
25. The Applicant must incorporate ambient noise suppression measures, place small wireless equipment in locations less likely to impact adjacent residences or businesses, or both, and must comply with all applicable noise regulations.
26. The Town strongly encourages the collocation of small wireless facilities on existing structures. To minimize visual clutter, distractions to vehicular traffic, and the hazard of poles adjacent to roadways, free standing poles for small cell facilities must be spaced a minimum of 250 feet from other free standing small cell facility poles on each side of a street. An exemption may be granted by the Director of Public Works if the Applicant can demonstrate that this restriction has the effect of prohibiting the provision of wireless services.
27. Small wireless equipment installed at ground level must incorporate concealment elements into the proposed design. Concealment may include, but is not limited to, incorporating small wireless equipment into the base of the pole, landscaping and strategic placement in less obtrusive locations.
28. Small wireless equipment installed at ground level must be painted to have the least visual impact possible; colors must be approved by the Town as part of the permit. Paints must be lead and chromate free. Resistance to ultra violet light, road salt compounds, industrial chemical fumes, solvents for removal of graffiti off painted surfaces, flame or high temperatures, and corrosion.

SMALL WIRELESS FACILITY CONDITIONS:

1. Applicant must be a member of "Miss Utility" and comply with state law regarding marking utilities.
2. Small wireless facilities located in public right-of-way must not cause a safety hazard to the public.
3. A small wireless facility must be removed from the public right-of-way within 90 days of the final Right-of-Way Access/Attachment payment to the Town for the small wireless
4. If a Town project requires small wireless facilities to be removed or relocated, the Applicant must remove or relocate all equipment within 30 days' notice by the Town at the Applicant's sole cost.
5. Applicant must obtain a permit from the Town for any maintenance of small wireless facilities following initial installation.
6. Applicants for small wireless facilities may request a right-of-way agreement for multiple installations with the Town.

SUBMITTAL REQUIREMENTS:

Applicant is required to submit the following information with the permit application:

1. Documentation certified by a Maryland Professional Engineer that the pole or other structure to which the small wireless equipment is proposed to be attached is structurally adequate to support the small wireless equipment.
2. Applicant must provide certified analysis showing that the proposed Facility satisfies the Federal Communication Commission ("FCC")'s Radio- Frequency (RF) exposure guidelines applicable on an individual basis, and on a cumulative basis (considering all frequencies, and all emitting sources as may be required by FCC regulations).
3. Applicant must provide a completed utility permit application and checklist.
4. Written authorization from the structure owner that demonstrates that the Applicant has the authority to install a small wireless facility on the structure.
5. Prior to permit issuance, the permittee shall post a performance security in a form acceptable to the Town and Town Attorney. The security shall be a bond, irrevocable letter of credit, or certificate of guarantee issued by a surety company or financial institution authorized to do business in the State of Maryland. The applicant shall determine the cost of work using average cost data from recent bids for comparable work received by government agencies. The applicant shall provide the cost estimates to the Town, which shall be reviewed by and may be modified by the Town Engineer. If the Town's Engineer determines the cost estimate to be higher, the Town's price shall prevail.
6. All other information otherwise required by the Town Code and for an application for Alteration of Infrastructure Permit.
7. Permit fees are to be established from time to time by policy, resolution, or ordinance by the Town and shall be paid at the time of application.

POLICY SERIES: 2020
Policy No. P20 - 02

Page 5 of 5

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this ____ day of _____, 2020.

PASSED this _____ day of _____, 2020.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

_____ APPROVED _____ VETOED

This _____ day of _____, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 6. Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration: Presentation at meeting by town staff.

Upon completion of the FY19 audit the Town of Emmitsburg had additional revenues over expenses in the General Fund in the amount of **\$218,336**. These additional funds are now available for allocation within the Capital Projects Fund.

FY19 General Fund Excess Transfer to Capital Projects Fund

It is recommended by Town Staff that **\$218,336** be transferred to the following Capital Fund categories if so approved by the Board of Commissioners;

- 10 Legislative – 999 – General.....\$13,377
- 12 Planning – 400 - Storm Water Mgmt.....\$87,769
- 12 Planning – 999 – General.....\$6,500
- 15 Building – 102 – 300 A. South Seton.....\$5,000
- 15 Building – 104 – 22 E. Main St. Office.....\$16,200
- 15 Building – 108 – 140 S. Seton Property.....\$9,700
- 22 Other Public Safety – 999 – General.....\$30,800
- 30 Streets – 612 – Signs \$16,287
- 30 Streets – 615 – Storm Drain Inlets..... \$(12,769)
- 30 Streets – 385 – Curbs, Gutters, Sidewalks, & Roads.....\$11,474
- 60 Parks – 352 – Park/ Rec Equipment Upgrade.....\$26,148
- 60 Parks – 875 – CIP Town Reserved Funds Grant Matches.....\$(3,750)
- 60 Parks – 999 – General.....\$11,600

Total..... \$218,336

AGENDA ITEM# 7. Approval of the Pool House Mural for Consideration: Presentation at meeting by town staff.



10602 Winfield Loop
Manassas, VA 20109
timkneppart@aol.com
703-369-5134

Page 1 of 4
2/2/2020

Submitted to:

Louise Kennelly
Executive Director
Frederick Arts Council
11 West Patrick Street, Suite 201
Frederick, MD 21701
202-534-8898 (cell)
301-862-4190 (office)
www.frederickartscouncil.org

The following is an informal estimate based on our discussion to date for the proposed exterior mural for the Emmitsburg Pool, herein referred to as client. Work will be performed by Tim Knepp and Sandra Payne herein referred to as Artists. Once details are considered and agreed upon, a formal estimate will be given.

Work to be performed:

Proposed mural images have been provided for the exterior wall surface on all four sides of the Emmitsburg Pool facility by Artists. Images depict detail and style of mural in a painterly realistic application. The condition of existing painted wall substrate is said to be by client, primed, painted, and suitable for Artists to begin the application of painted mural without prep work. At client's discretion, signage, vending machines, and any other exterior wall hardware will be removed by client before the Artists begin work in order to paint behind such items. Before Artists work begins, Artists reserve the opportunity to inspect exterior wall surface to determine wall surface integrity and establish a suitable substrate to begin mural application. Artists will perform and paint mural with suitable durable exterior water based acrylic latex paint. Artists will assume material costs used by Artists to perform mural application. MSDS Sheets will be provided to client on each product used to perform mural. Application methods will consist of airless sprayer, roller, and brush. Surfaces not to be painted will be protected.

Approximate time for Artists to perform mural is up to 40 days with weather permitting. Temperature must be above 50° Fahrenheit for proper paint application. Artist work will begin approximately in the month of April 2020 and be completed by mid-May 2020.

Estimated material costs provided by Artists: \$800.00
Misc.: \$200.00
Travel: \$500.00
Liability insurance for Artists is provided by Artists.

Estimate for Mural includes labor, material, and travel costs only: \$7,200.00

A payment schedule of a 50% deposit before work begins and remaining balance due on completion day is required, payable to Timothy Knepp.

Note to client for further considerations

Sandy and I are willing to perform the mural application at the estimated amount, but would like the client to be aware that we would normally estimate the work to be at a \$35,000.00 – 40,000.00 amount. We have charged this amount previously to other clients for the same amount of work. Sandy and I love to perform this level of work and believe this mural will be a wonderful addition to the Emmitsburg community. We are happy to provide and share our talents whenever we can. Both Sandy and I are at a distance from Emmitsburg and reasonable accommodations would be needed. The client has suggested that a portion of the accommodations could be provided by client or another party. Even if the city council could make arrangements with donating accommodations at a local B&B or other facility. This would greatly be appreciated. Also, if the client could make arrangements, provide documentation or forms to establish a "donation" from us to the city of Emmitsburg for an additional compensation we can claim. This would also be greatly appreciated. Looking forward to the work and meeting everyone involved.

Thanks,

Tim Knepp and Sandra Payne

IMAGES PROVIDED FOR THE EMMITSBURG POOL MURAL PROJECT, TO:
Louise Kennelly
Executive Director
Frederick Arts Council

IMAGES BY AND PROPERTY OF:
TIM KNEPP, ARTISAN
10602 WINFIELD LOOP, MANASSAS, VA 20109
timkneppartisan@gmail.com

PARKING LOT



RIGHT SIDE



LEFT SIDE, CONCESSION



POOL SIDE





For more information, go to www.emmitsburgmd.gov



AGENDA ITEM# 8. Review and authorize the Mayor to sign the attached Maryland Department of the Environment's Sewerage Construction Permit Application for the proposed sewage pump station to be located at 10201 Taneytown Pike for consideration: Presentation at meeting by town staff.

- By approval of this document, the Town acknowledges that the proposed sewer pump station (to be located on the Rutter's property) will be turned over to the Town's ownership, operation, and maintenance after Mayor and Board approval of a public works agreement and completion of construction.
- The sewer pump station will be built and paid for solely by the developer. The pump's capacity is designed to serve up to 500 single-family homes, 50 acres of commercial development, including retail, restaurants, and one convenience store.
- The public works agreement will be brought to the Mayor and Board for approval at a later date.
- Joe Ceci, Rutter's engineer, will be present to answer any questions.



MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Permit Coordinator Tel. No. 410-537-3767

WATER AND/OR SEWERAGE CONSTRUCTION PERMIT APPLICATION

GENERAL INFORMATION

Project Name: Rutter's Store 084
Project Location: 10201 Taneytown Pike Emmitsburg, MD 21727 Intersection of US 15 & MD 140

County Frederick
(Identify the intersection of the nearest streets and/or major highways)

Project Owner's Name: SPT Land LLC Phone: 240-421-4543
Address: 12010 Old National Pike, New Market, MD Zip: 21774
(An invoice for the application fee will be mailed to this address)

Permittee's Name (legal permit holder): M&G Realty, Inc.
Address: 2295 Susquehanna Trail, Suite C, York, PA Zip: 17404
(Permits will be mailed to this address)

Design Engineer/Contact Person: Joseph Ceci, P.E. Phone: 301-695-0880 x223
This project is consistent with the Frederick County Water and Sewerage Comprehensive Plan:

Service Category W- 3 /S- 3 : Map/Page No. 9

FINANCIAL MANAGEMENT PLAN

Are water and/or sewerage facilities to be turned over to a public entity upon completion of construction?

Yes: Name of Public Entity: Town of Emmitsburg

Signature of Official: _____ Title: _____

No: A Financial Management Plan (FMP) is required.
The FMP Form will be forwarded to the project owner along with an acknowledgement letter upon receipt of the application package.

New and extended/expanded sewerage system will also be required to submit a Financial Statement (FS), which will include a balance sheet and income statements for the past three years or since the business inception if it is less than three years. In addition, an agreement shall be developed and executed between the Department and the owner of the proposed sewerage system which provides that the owner deposit into an escrow account funds to cover the repair or replacement of the highest-cost treatment plant unit. (The Department may accept a binding financial arrangement, such as a letter of credit or other type of legal document, instead of the escrow account.) In addition, the agreement may require that a separate account be established which provides sufficient funds for the initial operation and maintenance of the system. This latter requirement shall remain in effect until operating costs are fully supported by revenue. Finally, the agreement shall provide that the owner establish a fund sufficient for replacement of the system 20 years after initial construction. The Department shall provide an informational copy of the executed agreement to the local county or town government.

BASIC DESIGN DATA

Residential Dwelling Units Population Equivalent:

Commercial/Industrial Buildings Population Equivalent:

The design must comply with COMAR 26.08.04.04C(2), Special Requirements for Shellfish Harvesting Waters – Treatment, and MDE's Design Guidelines for Wastewater Pumping Stations for the Protection of Shellfish Waters and Swimming Waters – Effective 6/1/96 (Mark 'Yes' or 'N/A' in the bracket)

Please continue to complete the information on the next page

(2)

Projected Water Consumption: gpd based on gpcd.
Water Treatment Plant will supply water.
Projected Wastewater Flow: 165,920 gpd based on gpcd.
Emmitsburg Wastewater Treatment Plant will receive wastewater.

APPLICATION FEE ASSESSMENT

Items	Fee Assessed
feet of water mains (diameter > 15")	\$ _____
0.17 mgd of water pumping station	\$ _____
mgd of water treatment plant	\$ _____
feet of gravity sewers (diameter > 15")	\$ _____
2.120 feet of force main	\$ _____
mgd of wastewater pumping station	\$ _____
mgd of wastewater treatment plant	\$ _____
One-year Permit Extension (Permit No. _____)	\$ _____
Design Revisions (Permit No. _____)	\$ _____
Other (specify): _____	\$ _____
Total Fee	\$ _____

GOVERNMENT WAIVER OF PERMIT APPLICATION FEE

If this project is more than 50% funded by a Local, State or Federal governmental entity at the time of construction, the permit application fee is waived.

The request for the permit application fee waiver is made by:

_____	_____
Signature of Authorized Government Official	Date
_____	_____
Name (please print)	Title

CERTIFICATION OF PERMIT APPLICATION

To the best of my knowledge, I certify that the above information is true and accurate, and the related water and/or sewerage facilities have adequate capacity for this project.

	
Signature of Owner/Agent	Date

INSTRUCTION FOR PERMIT APPLICATION PACKAGE SUBMISSION

- The permit application package, including plans and/or specification and application form, shall be mailed to the following address:

Maryland Department of the Environment
1800 Washington Boulevard

AGENDA ITEM# 9. New Water and Sewer Operator Employees for Consideration:
Presentation at meeting by Mayor Briggs and town staff.

M. SET AGENDA FOR NEXT MEETING: APRIL 6, 2020

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

Administrative Business:

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