



# 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

**\*Note: Due to the COVID-19 virus, the meeting will be open to the public by virtual participation only via (1) cable channel 99 and (2) Zoom teleconferencing platform. To obtain information regarding access via Zoom contact Mshaw@emmitsburgmd.gov or 301-600-6300. If you would like to speak during public comment, you must sign-up by 7:30 p.m. by calling 301-600-6300 or emailing Mshaw@emmitsburgmd.gov.**

## **VIRTUAL TOWN MEETING AGENDA PACKET MONDAY, MAY 4, 2020 – 7:30 P.M.**

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

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

### **3. FUTURE MEETINGS**

*Virtual Planning Commission Meeting: Tuesday, May 5, 2020 at 7:30 p.m. (Virtual via Zoom)*

*Virtual Town Council Meeting: Monday, May 18, 2020 at 7:30 p.m. (Virtual via Zoom)*

*Park's Committee Meeting: Tuesday, May 19, 2020 POSTPONED*

*Town Council Meeting: Monday, June 1, 2020 at 7:30 p.m. (Town Office)*

### **4. MEETING ITEMS**

A. APPROVE MINUTES: MARCH 2, 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) ~~Lion's Club request for a location in the park for a storage shed.~~ POSTPONED

(B) Discussion related to traffic pattern at square.

I. CONSENT AGENDA: FOUR ITEMS

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1) Initial presentation of the fiscal year (FY) 2021 budget.

(2) Approval of the engineering firm for the Water Clarifier Project for consideration.

(3) ~~Approval of Ordinance 20-03 Small Cell Tower for consideration.~~ POSTPONED

(4) ~~Approval of Policy 20-02 Small wireless facility standards for consideration.~~ POSTPONED

(5) ~~Approval of Policy 20-03 updated Review Fees' Policy for consideration.~~ POSTPONED

(6) Approval of Ordinance 20-04 and Ordinance 20-05, Collection of Charges, for consideration.

(7) Authorization to obtain USDA Rural Development funding for the Creamery Road Pump Station project for consideration.

(8) Approval of Resolution 20-08R, Authorization the Town Manager to File an Application for Federal Assistance with the USDA Rural Development for consideration.

(9) Approval of Policy 20-04, Limited English Proficiency Plan, for consideration.

M. SET AGENDA FOR NEXT MEETING: MAY 18, 2020 & JUNE 1, 2020

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

### **6. ADJOURN**

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

**Zoom Meeting Information:**

Topic: Town Meeting: May 4, 2020

Time: May 4, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/97064167890>

Meeting ID: 970 6416 7890

Password: 21727

One tap mobile

+13017158592,,97064167890#,,1#,21727# US (Germantown)

+13126266799,,97064167890#,,1#,21727# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 970 6416 7890

Password: 21727

Find your local number: <https://us02web.zoom.us/u/kdJyQj0hhW>

The town meeting will begin at 7:30 p.m. If you would like to speak during public comment or an agenda item, you must sign-up to speak **BEFORE** 7:30 p.m. Sign-up to speak by emailing your name, address and topic you'd like to speak on to [mshaw@emmitsburgmd.gov](mailto:mshaw@emmitsburgmd.gov) or calling (301) 600-6300.

You can also watch the town meeting live on cable channel 99. A recording will be posted to YouTube the next day (@Town of Emmitsburg).

**A. APPROVE MINUTES: MARCH 2, 2020**

**MINUTES  
TOWN MEETING  
MARCH 2, 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; Amy Naill, Code Enforcement Officer; Zach Gulden, Town Planner and Terri Ray, Office Manager. *Others Present* – Deputy Ben Whitehouse.

---

**I. Call to Order**

A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the March 2, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. Mayor Briggs read a statement regarding the COVID – 2019 virus and steps the Town is taking to limit exposure.

**Approval of Minutes**

*Motion:* Commissioner O’Donnell motioned to accept the February 3, 2020 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

**Police Report:**

Deputy Whitehouse presented the police report from February 2020 (exhibit attached).

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager’s Report from January 2020 (exhibit in agenda packet). Ms. Willets mentioned staff has been working on checking and replacing all the town owned back flow preventers and fixing the waterline leak on Waynesboro Pike among other items. Well three was found to have high alkalinity and has been shut off to allow well four and five to run instead. On Saturday, May 2, 2020 the Town will host a Green Fest in Community Park to celebrate the 50th anniversary of Earth Day. Town staff submitted two grants to Maryland Department of the Environment for the replacement of two waterlines; another application through Department of Housing and Community Development is being considered for spring submission.

**Town Planners Report:**

Zachary Gulden, Town Manager, presented the Town Planner’s Report from January 2020 (exhibit in agenda packet). The new Dunkin’ will have a ground breaking ceremony in the next two months; the date is to be determined.

**Commissioner Comments:**

- Commissioner O’Donnell: He mentioned there is a trail workday and a cycling demo day coming up in March. He attended the County bicycle and pedestrian activity meeting. He thanked staff for all their hard work.
- Commissioner Ritz III: No comments.
- Commissioner Davis: He mentioned April 7th will be opening day for Emmitsburg baseball/softball.
- Commissioner Burns: He thanked town staff for their work with the discolored water situation. He attended a Blue and Gold banquet for Boy Scout Troop 270 with the Mayor.
- Commissioner Sweeney: He thanked Commissioner Davis for his work with the little leagues. One of the parents donated a new roof for the shed and concession stand in Memorial Park. The disc golf grand opening is scheduled for Heritage Day. He requested public comment on two new street lights in Town that are being demoed before staff apply for grant to replace all the street lights.

**Mayor’s Comments:**

Mayor Briggs attended numerous meetings in February 2020 (meetings listed in agenda packet). Mayor Briggs attended the Board of Education regarding Sabillasville Elementary School, the Blue and Gold Banquet for Troop 270, Mount St. Mary’s Athletic Advisor’s Committee meeting, and the Emmitsburg Business and Professionals Association breakfast among other meetings. He explained the Board and staff are wearing yellow 2020 census

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

shirts to try and encourage residents to take the census; the Town got a grant to try and increase participation. The Town wants to have at least 85% of people counted as it will help the Town get funding for infrastructure, health care, businesses, and other services.

**Public Comments:**

*Dianne Walbrecker, 535 West Main Street* – Ms. Walbrecker expressed gratitude for the information on the 2020 Census and the COVID-2019 virus.

**Administrative Business:**

- (A). **Presentation by Nicholas Lowe, Boy Scout, for Installation of a Handicap Accessible Table at the Community Park Playground:** Mr. Nicholas Lowe, Boy Scout, introduced himself and explained he would like to fundraise, purchase and install a handicap accessible picnic table near the new accessible playground in Community Park to help him achieve his Eagle Scout ranking. The Board expressed favor for the project. The Town will post Mr. Lowe's fundraiser on the Town's Facebook page. *Motion:* Commissioner Ritz III motioned to accept the project as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.
- (B). **Proclamation Making April 4, 2020 Arbor Day for Consideration:** Commissioner Burns read the proclamation aloud. *Motion:* Commissioner O'Donnell motioned to accept the Arbor Day proclamation; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.
- (C). **Proclamation Declaring April 2020 As Fair Housing Month for Consideration:** Commissioner O'Donnell read the proclamation aloud. *Motion:* Commissioner Burns motioned to declare April 2020 as Fair Housing Month in Emmitsburg; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

**Consent Agenda:**

None.

**Treasurer's Report:**

Commissioner O'Donnell presented the Treasurer's Report for February 2020 (exhibit in agenda packet). The operating balance forward is \$5,466,991. The top 10 check amounts are listed in the agenda. *Motion:* Commissioner Ritz III motioned to accept the report; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

**Planning Commission Report:**

Commissioner Ritz III explained the last Planning Commission meeting was on February 24, 2020 to review the site plan for the Insurance Brokers of Maryland at 602 East Main Street and a request to waive the commercial district buffer requirements in Section 17.20.090.C. The site plan was tabled and the waiver was approved for the fencing buffer only.

**II. Agenda Items**

Agenda #1 – Approval of Resolution 20 – 01R, Community Development Block Grant Citizen Participation Plan, for consideration: Mr. Gulden presented the resolution. The resolution is in support of a project to replace 117 curb ramps in Town to make them more handicap accessible. This resolution is required to obtain grant funding and states the Town will abide by federal rules for public notification. *Motion:* Commissioner O'Donnell motioned to accept Resolution 20-01R, a resolution approving the Maryland Community Development Block Grant program Citizen Participation Plan for the Town of Emmitsburg; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #2 – Approval of Resolution 20 – 02R, Community Development Block Grant Residential Anti – Displacement and Relocation Assistance Plan, for consideration: Mr. Gulden presented the resolution. The resolution is required to obtain grant funding and requires the Town provide housing for any residents that may be displaced because of the project. A similar resolution was passed during the Homes for America project several years ago. *Motion:* Commissioner Burns motioned to accept Resolution 20-02R, Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 – Approval of Resolution 20 – 05R, Community Development Block Grant requirement prohibiting excessive police force for non – violent civil rights demonstrations, for consideration: Mr. Gulden presented the resolution. The resolution is another requirement to obtain grant funding. If the demonstration turns violent, the police have the right to take the demonstrators to jail. *Motion:* Commissioner O’Donnell motioned to approve Resolution 20-05R, a resolution for the Town of Emmitsburg Maryland adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations and repealing all resolutions in conflict here with and providing for an effective date; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 – Amendment to the Pool Management Contract for Consideration: Ms. Willets explained the Town has a three-year pool management contract with RSV Pools; however, an addendum is needed to include the new State minimum wage requirements and modify the pool opening dates for 2020. *Motion:* Commissioner Davis motioned to approve the amendment to the pool contract; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #5 – Update to the Small Cell Tower Ordinance for Discussion: Ms. Willets explained the Maryland Municipal League had recommended Towns pursue a small cell tower ordinance to protect municipalities from small cell towers being installed without town approval. The proposed ordinance and supporting policy would set guidelines and requirements for businesses pursuing an installation. Leslie Powell, Town Attorney, drafted the ordinance and staff received recommendations from numerous municipalities. The proposed changes and standards were read aloud by Ms. Willets. The Board did not request any changes to the documents.

Agenda #6 – Fiscal Year 2019 Budget Transfers to the Capital Fund for Consideration: Ms. Willets stated the fiscal year 2019 general fund closed with \$218,336 excess funds that need to be transferred to the capital projects fund. Town staff would like to replace the town meeting room audio, complete various storm water projects, improve the security of the Town Offices, improve the lighting in the pool parking lot and band stand area, resurface the Community Park tennis courts and remove the dead trees along the walking path in Community Park among other items. *Motion:* Commissioner Burns motioned to accept the transfers from the fiscal year 2019 budget to the capital fund as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #7 – Approval of the Pool House Mural for Consideration: Mr. Gulden stated the Frederick County Arts Council has been working with staff to design a mural for the exterior of the pool house. Pictures were shown of the proposed mural. The Sustainable Communities Board has reviewed and unanimously approved the design. If approved, the project would be done by the new pool season. The project would be paid for with Community Legacy grant funding. The lifespan of the paint is unknown but Mr. Gulden will find the answer. *Motion:* Commissioner Burns motioned to approve the pool house mural; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #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: Mr. Gulden presented the agenda item. The Board needs to authorize the Mayor to sign the proposed document for the construction of a new pump station at 10201 Taneytown Pike. The developer will pay for the pump station and the Town will take over maintenance once the construction of the pump station is completed by the developer. The attorneys are working on a formalized agreement that will come to the Board at a later date. Town staff will request the transfer of all warranties into the Town’s name and the passing of Maryland Department of the Environment inspection before taking over maintenance. *Motion:* Commissioner Burns motioned for the Mayor to sign the attached Maryland Department of the Environment’s Sewerage Construction Permit Application; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed. *Tim Bieber, Rutter’s* – Mr. Bieber explained there is a surety placed on the construction and they are hoping to get the pump station constructed quickly.

Agenda #9 – New Water and Sewer Operator Employees for Consideration: Ms. Willets presented the agenda item. The proposed new hire would replace Jacob Fisher’s position. Indeed.com generated the largest amount of candidates. In all 39 candidates applied, 7 were selected for interviews and 4 were actually interviewed. Mayor Briggs and town staff recommend the hire of Ryan Keeney at a Grade 4, Step 9 pay and a start date of March 16, 2020. Mr. Keeney would be eligible for a pay increase if he obtains his water and sewer licenses within 18-months.

An additional water/sewer operator will also be hired in the late summer. *Motion:* Commissioner Ritz III motioned to accept Ryan Keeney as our new water and sewer operator; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

**Set Agenda Items for April 6, 2020 Town Meeting:**

1. Approval of engineering firm for water clarifier project for consideration.
2. Approval of Ordinance 20 – 03 small cell towers for consideration.
3. Approval of Policy 20 – 02 small wireless facility standards for consideration.
4. Approval of Policy 20 – 03 updated review fees' policy for consideration.
5. Community Development Block Grant (CBDG) public hearing for the purpose of seeking public input on:
  - i. Local community development
  - ii. Economic development
  - iii. Housing needs
  - iv. Proposed CBDG activity (replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance)
  - v. Other community needs (as needed)
6. Approval of Resolution 20-03R, Community Development Block Grant submittal authorization for consideration.
7. Approval of Ordinance 20-04 collection of charges (drop box) for consideration.

**Administrative Business:**

- A. Proclamation making April 2020 child abuse awareness month of consideration.
- B. Proclamation making May 2, 2020 Green Fest in honor of the 50th Anniversary of Earth Day for consideration.
- C. Lions Club request for a location in the park for a storage shed for consideration.
- D. Discussion related to traffic patterns at the square.

**Consent Agenda:** Reappointment of Ronald Lind, Wayne Slaughter (alternate) and Patrick Joy (alternate) to the Board of Appeals.

**Set Agenda Items for April 13, 2020 Town Meeting**

1. Initial Presentation of the FY2021 Budget

The Board gave unanimous consent for the agenda items for the April 6, 2020 and April 13, 2020 town meetings.

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

**IV. Adjournment**

With no further business, Commissioner Burns motioned to adjourn the March 2, 2020 town meeting; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The meeting adjourned at 9:31 p.m.

Respectfully submitted,

Terri Ray, Office Manager  
Minutes Approved On:

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

**C. TOWN MANAGER’S REPORT**

**Town Manager’s Report  
February 2020  
Prepared by Cathy Willets**

Streets:

- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff repaired some streetlights
- Staff replaced and repaired some street signs around town.
- Staff unclogged storm drain inlet on Irishtown Ct.
- Staff cold patched some pot holes around town.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff unclogged storm drain inlet in Community Park.
- Staff cleaned weeds out of garden plots in Community Park.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed two 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>February</u>	<u>Change</u>
○ Well #1:	35’	33’	+2
○ Well #2:	8’	8’	0
○ Well #3:	12’	OFF’	N/A
○ Well #4:	108’	116	-8
○ Well #5:	10’	12’	-2

- Water production and consumption. We produced an average of 276,034 GPD. We consumed an average of 236,929 GPD. The difference is "Backwash Water" ... (15.50%).
  - 26.9% of this water came from wells.
  - 5.1% of this water came from Mt. St. Mary's.
  - 68.0% of this water came from Rainbow Lake.

We purchased 408,400 gallons of water from MSM this month.

Wastewater:

- We received about 3” of precipitation this month (the average is 3”).
  - We have a precipitation DEFICIT of .2” over the last six months. The average precipitation for the period from September 1 through February 29 is 21.6”. We have received 21.4” for that period.

Wastewater Treatment:

- We treated an average of 668,000 gpd (consumed 236,929 GPD) which means that 65% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of February.
- We did exceed the plant’s design capacity two times in the month of February.
  - 02/07 1,734,000 gpd      02/08 786,000

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

**Meetings Attended:**

- 02/03 Attended bid opening for North Seton Ave. green street project
- 02/03 Met with Mayor and staff to review agenda
- 02/03 Attended town meeting
- 02/04 Took a climate change leadership webinar
- 02/05 Met with Mayor
- 02/05 Conference call with Kendra Harmon, USDA
- 02/06 Met with staff regarding pump station project
- 02/07 Met with Mayor
- 02/11 Met with Mayor
- 02/11 Gym reservation meeting
- 02/12 Took a climate change leadership webinar
- 02/13 Met with Mayor
- 02/13 Met with Town Clerk regarding County Building maintenance requirements
- 02/13 Met with staff and engineer regarding waterline projects
- 02/13 Met with staff regarding census 2020 grant
- 02/13 Met with town accountant
- 02/17 Met with Mayor
- 02/18 Attended department head meeting
- 02/18 Attended support staff meeting
- 02/18 Attended meeting with staff and a streetlight vendor
- 02/18 Conference call with Kendra Harmon, USDA
- 02/19 Met with staff to review FY2020 budget and begin FY2021 budget prep
- 02/19 Met with staff and representatives from DOC regarding subdivision request
- 02/20 Attended climate change leadership class
- 02/24 Met with Mayor
- 02/25 Attended bid opening for water clarifier
- 02/26 Met with Mayor
- 02/27 Met with staff to review County building maintenance requirements
- 02/27 Conducted interviews for new sewer/water operator with Mayor and HR

- 02/27 Met with Health Dept representative, DOC representative, Town Clerk and Mayor to go over closed point of distribution
- 02/28 Met with Mayor

**Noteworthy:**

- Staff installed some water meter upgrades
- Staff pumped holding tank at 8533 Hampton Valley Road rental property
- Staff did some painting inside Community Center building at the request of the County
- Staff installed new drop box to the rear of the Community Center building
- Staff assisted contractor with boring water pipe under Waynesboro Pike
- Staff assisted contractor with installation of new water service to 9371 Waynesboro Pk.
- Sewer relining project completed. Seeing good results at the WWTP.
- Seal water pump motor #1 at Pumping Station went bad.
- MDE inspection at WWTP. One reporting issue due to incorrect reporting by lab. Everything has been corrected.
- PH has been maintained in Town at 8-9.
- Well #3 shut off and #4 & #5 brought on. Well #4 has better alkalinity. Staff received test kits to keep water balanced.

**Town Manager's Report  
March 2020  
Prepared by Cathy Willets**

Streets:

- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff repaired some streetlights
- Staff replaced and repaired some street signs around town.
- Staff cold patched some pot holes around town.
- Staff put census signs up under the Welcome to Emmitsburg signs
- Staff trimmed trees along North School Lane
- New 2020 mini-dump was delivered

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff put ballfield mix on ballfields #4,5,6,7 in Memorial Park
- Staff repaired some items in the concession stand at ballfield per Health Dept.
- Staff repaired scoreboard at ballfield #7 in Memorial Park
- Staff prepped pool house for the mural painting. Installed parking blocks in front.
- Contractor worked on installing new pole lights and camera at new playground.
- Contractor installed new decking on community park walking bridge.
- Staff repaired gate at Community Park stock pile.
- Staff closed many areas of the parks per Governor Hogan's order.
- Contractor completed tree trimming project on Community Park walking trail.
- Contractor installed new street light for pool parking lot.

Water:

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

	<u>May 2011</u>	<u>March</u>	<u>Change</u>
○ Well #1:	35'	31'	+4
○ Well #2:	8'	10'	-2
○ Well #3:	12'	OFF'	N/A
○ Well #4:	108'	117	-9
○ Well #5:	10'	13'	-3

- Water production and consumption. We produced an average of 247,595 GPD. We consumed an average of 248,603 GPD. The difference is "Backwash Water" ... (11.9%).
  - 20% of this water came from wells.
  - 5.7% of this water came from Mt. St. Mary's.
  - 74.3% of this water came from Rainbow Lake.

We purchased 439,370 gallons of water from MSM this month.

Wastewater:

- We received about 3.8” of precipitation this month (the average is 4”).
  - We have a precipitation DEFICIT of .1” over the last six months. The average precipitation for the period from October 1 through March 31 is 21.3”. We have received 21.2” for that period.

Wastewater Treatment:

- We treated an average of 573,000 gpd (consumed 248,603 GPD) which means that 57% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of March.
- We did exceed the plant’s design capacity one time in the month of March
  - 03/28 1,056,000 gpd

**Trash:** Trash pickup will remain Mondays in the month of May except for May 25<sup>th</sup> (Memorial Day). Trash will be picked up on Tuesday May 26<sup>th</sup>.

**Meetings Attended:**

- 03/02 Attended Town Meeting
- 03/04 Met with Mayor
- 03/05 Attend staff FY2021 budget prep meeting
- 03/06 Budget meeting with staff
- 03/06 Met with Mayor
- 03/10 Met with Kendra Harmon USDA and Town Clerk regarding pump station application
- 03/11 Met with Mayor
- 03/12 Met with Mayor
- 03/13 Met with Mayor
- 03/16 Met with Mayor
- 03/17 Met with Office Manager re: Town website
- 03/18 Met with Mayor re: COVID-19 shut down (PSA released) \*\*
- 03/19 COVID-19 shutdown
- 03/20 Met with Mayor (PSA released)
- 03/23 Frederick County webinar related to COVID-19
- 03/23 Met with Mayor (PSA released)
- 03/30 Met with Mayor (PSA released)
- 03/26 Conference call Mayor, Commissioner Davis, MSM and DOC related to needs of residents during COVID-19 (food, essential supplies, transportation, etc.)
- **\*\*\* Met with or spoke with the Mayor every day during the COVID-19 shutdown. (03/19-present)**

**Noteworthy:**

- Staff installed some water meter upgrades
- Water usage is down due to the Waynesboro Pike water line repair and the leak discovered at the Mother Seton Elementary School. Repaired flows have been approx. 175-180 mgd.
- Flows are down to 20-25 gpm at night. This has not happened since the old plant was in operation.
- LG Sonic deployed in Rainbow Lake on 04/28/20.
- Due to COVID-19, staff stocked up on chemicals at both the WTP and WTTP. Staff has been monitoring guidance from EPA and MDE during the crisis as well.
- Hydrants were due to be flushed in April, however due to COVID-19 this will be delayed until normal staffing resumes.
- Bridge project – the water main is in the proposed bio-swale and is very shallow (14' deep). This not acceptable and contractor/SHA is investigating.
- The grinder clogged just prior to inlet valve. Culprit was a large ball of rags.
- Very encouraging flows reduction at the pump station during the last two heavy rain events. Relining was a big success. No straight up spike in the flow (normally would have gone right up to 3,300 gpm but we were down to 2,400 gpm – 900 reductions which is the equivalent of 1.296 mgd).
- Staff worked with USDA to complete the application for the pumping station. Waiting on final board approval.

**PARKING ENFORCEMENT REPORT  
FEBRUARY 2020  
& MARCH 2020**

*Note: Due to limited staffing regarding the COVID-19 virus,  
the parking enforcement reports will be published at a later town meeting.*

## **D. TOWN PLANNER'S REPORT**

### **Town Planner's Report February 2020**

**Prepared by Zachary R. Gulden, MPA**

#### **1. Board of Commissioners (BOC)**

- Attended the BOC meeting on 2/3 and processed pre/post-meeting materials.

#### **2. Grants**

- 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.
- Starting creating a Community Legacy grant application for ADA compliant curb ramps.
- Continued working on / submitted the Chesapeake Bay Trust grant application for a North Seton Avenue green street conceptual plan.
- Misc. 2020 Census grant management.
- Misc. Community Legacy grant management.
- Applied for a Community Legacy grant for the pool house mural.
- Prepared Sustainable Community Board meeting documents and attended the meeting on 2/27.
- Prepared Resolution 2020-06R – Community Legacy Grant authorization for ADA curb ramp project.
- Prepared Resolution 2020-07R – Community Legacy Grant authorization for façade improvements.

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

- Processed bids for the North Seton Avenue green street project.
- Updated MS4 yearly report per MDE comments on previous yearly report.
- Researched BMP maintenance strategies.
- Prepared for the 3/3/20 rain barrel workshop.

#### **4. Permits & Zoning**

- Processed the following zoning applications:
  - One no permit needed form.
  - One roof.
- Processed one cross connection permit, two street closure permits, one street cut permit, & one alteration of infrastructure permit.
- Misc. code enforcement.

#### **5. Planning Commission (PC)**

- Created staff memo and provided comments on the Insurance Brokers of Maryland Site Plan.
- Attended the PC meeting on 2/24 and processed pre/post-meeting materials.
- Misc. Rutter's & Dunkin' project management.

**6. Miscellaneous**

- Met with Town Manager, Town Mayor, and Town Clerk on 2/3.
- Attended a MML census webinar on 2/11.
- Attended a Census outreach meeting with Town Clerk & Office Manager on 2/12.
- Attended a Frederick County 2020 Census Working Group conference call on 2/12.
- Met with the Town Accountant, Clerk, & Manager on 2/12 regarding 140 S Seton Ave.
- Met with Town Manager, Clerk, & Office Manager on 2/13 regarding 2020 Census planning.
- Attended a department head meeting on 2/18.
- Attended a FY20 & FY21 budget meeting on 2/19.
- Met with the Daughter of Charity, Town Manager, and Town Attorney on 2/19 regarding subdivision.
- Attended the EBPA breakfast on 2/20.
- Wrote the MD 140 sidewalk extension request letter to Frederick County. Letter requested this be added to their sidewalk master plan.
- Created a sewer/water connection fee payment plan application per Resolution 20-04R.
- Completed and submitted the 2019-20 biennial forestry conservation report.
- Completed and submitted the annual forestry conservation report.
- Attended a conference call with the Frederick County Census Committee on 2/21.
- Attended a HR meeting on 2/21.

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

\*Worked remotely from 03/19/20 – 03/31/20 due to COVID-19 Pandemic restrictions\*

**1. Board of Commissioners (BOC)**

- Attended the BOC meeting on 3/2 & prepared pre/post-meeting materials.
- Prepared Policy P20-03 – update to Review Fees Policy.
- Prepared CDBG public hearing advertisements & BOC meeting material.
- Wrote MDOT a follow-up letter regarding the MD 140 sidewalk extension request.
- Attended a MD General Assembly budgetary hearing on 3/9 with the Mayor regarding grant funding for North Seton Avenue storm water infrastructure improvements.
- Started working on zoning and subdivision ordinance amendments.

**2. Grants**

- Misc. pool house mural, Census, Community Legacy, & rain barrel grant management.
- Processed grant approval letters and grant agreements for the following Community Legacy grant project:
  - 319 W Main St.
- Processed a Community Legacy reimbursement requests for the following projects:
  - 402 W Main St.
  - 119 N Seton Ave.
- Applied for \$250,000.00 through the MD General Assembly's 2020 Bond Initiative for the North Seton Avenue SWM basin retrofit project.

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

- Held a rain barrel workshop on 3/3 and processed pre/post workshop materials. 40 rain barrels have been sold to date.
- Misc. Silo Hill basin retrofit project management.
- Misc. work on the proposed annexations for tree plantings sites.
- Worked on the current year MS4 report.
- Wrote a waiver request letter for the Town's permit restoration requirement due to the national pandemic.

#### **4. Permits & Zoning**

- Processed 6 zoning applications:
  - 2x roof.
  - 1x shed.
  - 1x paver patio.
  - 1x deck.
  - 1x fence.
- 1x zoning permit exemption form.
- Processed 1 cross connection permit.
- Misc. code enforcement & responses to incident reports.

#### **5. Planning Commission (PC)**

- Misc. Rutter's, Dunkin', & Insurance Brokers of MD project management.
- Reviewed the revised Rutter's Site Plan & Forest Conservation Plan.

#### **6. Miscellaneous**

- Created an application for zoning text/map amendments.
- Met with the Office Manager & Seton Center representatives regarding the 2020 Census on 03/03.
- Attended a Green Team meeting on 3/4.
- Per request from MML, reviewed and provided comment on proposed General Assembly bill that would drastically alter and weaken local zoning authority.
- Created pump station maps for Town Manager.
- Met with Becky Wilson from DNR on 3/10 regarding biennial forestry report.

## **E. COMMISSIONER COMMENTS**

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

- February town email newsletter, Mayor RE: COVID 19 statement.
- March 2, morning, reader with children at Mother Seton School NEA National reading week.
- March 2, Town meeting. Mayor COVID 19 statement.
- March 3, evening, attended rain barrel demonstration at town.
- March 3, evening, spoke to Veterans of Foreign Wars and American Legion at American Legion.
- March 4, morning, Green team Meeting Town Office RE: Greenfest.
- March 5, afternoon, Presentation on Oral Health Crisis at Seton Center by Sister Roberta.
- March 9, 9 am Annapolis, testified before Maryland House of Delegates Appropriations Committee  
RE: request for \$250,000 for redevelopment Northgate s/d stormwater management pond.
- March 27, 3 pm, County Executive Jan Gardner Conference call with Mayors, County Health Department and County Emergency office Jack Markey.
- April 1, COVID 19 Social media presentation, Mayor Don Briggs and Commissioner Frank Davis.
- April 9, Conferencing with planner Gulden and prospective developer RE: Emmitsburg
- April 9, Conferencing with State RE: MD Food Bank and supply chain with local food banks.
- April 9, COVID 19 Social media presentation, Mayor Don Briggs and Commissioner Frank Davis.
- April 15, County Executive presentation of County 2020-2021 budget.
- April 15, COVID 19 Social media presentation, Mayor Don Briggs and Commissioner Frank Davis.
- April 22, Conference call Mayors with County Executive Gardner. Town manager Willets joined.
- April 23, COVID 19 Social media presentation, Mayor Don Briggs and Commissioner Frank Davis.
- April 29, Conference call Mayors with County Executive Gardner. Town manager Willets joined.
- April 29, COVID 19 Social media presentation, Mayor Don Briggs and Commissioner TJ Burns.
- April 30, 6 pm Frederick County MML virtual meeting.

**G. PUBLIC COMMENTS**

**H. ADMINISTRATIVE BUSINESS**

- ~~(A). Lion's Club request for a location in the park for a storage shed for consideration:  
Presentation by Commissioner Sweeney.~~

**POSTPONED  
(DATE TO BE DETERMINED)**

- (B). Discussion related to traffic pattern at square:** Presentation at town meeting.

**I. CONSENT AGENDA**

**I. Board of Appeals (3-year term)**

- i. Re-appointment of Ronald Lind.  
 Term: 02/17/2020 to 02/17/2023
- ii. Re-appointment of Wayne Slaughter as an alternate.  
 Term: 04/15/2020 to 04/15/2023

**II. Ethics Commission (No Term Limit)**

- i. Appointment of Tim Clarke.  
 Term: 05/04/2020 to N/A

**III. Community Heritage Day free pool day on Saturday, June 27, 2020.**

*Rain date is Sunday, June 28, 2020.*

**J. TREASURER REPORT**

**Town of Emmitsburg  
 CASH ACTIVITY as of March 31, 2020**

\$4,485,313	Cash Balance March 1, 2020
488,452	Deposits
<u>-849,966</u>	Withdrawals
\$4,123,799	Operating Balance Forward

**Top 10 Check Amounts:**

<b>Amount</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Check Date</b>	<b>Check No.</b>
\$100,770	Mr. Rehab Sewer System	Town Park Road Pipe Lining	03.04.20	40802
75,864	Fred Beans Ford	2019 Ford F550 Truck	03.25.20	40894
32,949	Omega Contracting	Pool House Draw #2	03.25.20	40890
19,222	MD Dept of Budget & Mgmt	Mar 20 Health Insurance	03.25.20	40887
19,214	MD Dept of Budget & Mgmt	Feb 20 Health Insurance	02.26.20	40779
15,820	Mid-Atlantic Utilities	Waynesboro Pike Water Line Repair	03.04.20	40801
15,820	Mid-Atlantic Utilities	Waynesboro Pike Water Line Repair	03.11.20	40828
15,663	GDF Suez Energy Resources	Steel Tank Annual Fee	03.18.20	40872
10,632	RSV Pools	Apr 20 Pool Management	03.11.20	40840
8,800	Valley Directional Drilling	Waynesboro Pike Water Line	03.04.20	40809

*Check dates 02.26.20 to 03.31.20*

**TREASURER REPORT'S REPORT CONTINUED:**

**Town of Emmitsburg  
 CASH ACTIVITY as of April 28, 2020**

\$4,123,799	Cash Balance April 1, 2020
151,608	Deposits
<u>-310,445</u>	Withdrawals
\$3,964,962	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check No.</u>
\$65,759	Treasurer of Frederick County	3Q FY20 Law Enforcement Agreement	04.08.20	40924
23,895	Comptroller of Maryland	3Q FY20 Bay Restoration Fee	04.08.20	40929
14,121	Omega Contracting	Pool House Draw #3	04.01.20	40910
13,863	Omega Contracting	Pool House Change Order 1, & 3-5	04.22.20	40967
11,600	Baker Tree Service	Willow Drive Tree Removal	04.08.20	40917
10,632	RSV Pools	May 20 Pool Management	04.08.20	40939
9,414	Omega Contracting	Pool House Draw #4	04.22.20	40967
7,375	Baker Tree Service	Silo Hill & Emmitsburg Garden Park Tree Removal	04.15.20	40943
6,573	Republic Services	Apr 20 Refuse Services	04.08.20	40916
6,500	Pine Hill Electronics	Street Light & Camera Project	04.15.20	40956

*Check dates 04.01.20 to 04.28.20*

**K. PLANNING COMMISSION REPORT:** Presentation at the meeting.

**L. AGENDA ITEMS:**

**AGENDA ITEM# 1. Initial presentation of the fiscal year (FY) 2021 budget:**  
Presentation at meeting by Mayor Briggs.

**AGENDA ITEM# 2. Approval of the engineering firm for the Water Clarifier Project for consideration:** Presentation at meeting by town staff.

**TIMELINE – WATER CLARIFIER ENGINEER:**

RFP published by Town	Mon. Dec. 16, 2019
Mandatory Site Visit	Tues. Jan. 7, 2020 (option 1) <u>OR</u> Wed. Jan. 8, 2020 (option 2)
DEADLINE, bids due by	Fri. Feb. 14, 2020 at 4:00 p.m.
Bids opened	Tues. Feb. 25, 2020 at 10:00 a.m.

**RFP ADVERTISEMENT:**

- Public Notice Under RFP Tab on Town’s Website: 12/16/2019 to 02/14/2020
- Notice on MML Classifieds – Wed. 12/18/2019 to Fri. 02/14/2020
- Frederick News Post Publication: Mon. 12/16/2019 & Tues. 12/17/2019
- Email sent to engineering firms (bid on past projects) – Mon. 12/16/2019

**STAFF MEETING DATES:**

Town staff met on the following dates to review the RFPs

- Tues. Feb. 25, 2020 at 10:00 a.m. (initial bid opening, staff assigned bids to review)
- March 16, 2020 at 10:00 a.m. (in depth review of all bids by staff)
- April 29, 2020 (staff recommendation received by)

**TOWN STAFF RECOMMENDATIONS:**

Town staff recommends awarding the bid to RK&K for \$243,114 for the following reasons:

1. They had an in-depth bid that addressed concerns of Town staff for keeping gravity flow to the water plant.
2. Their bid included recommendations for buildings and DAFs that are conducive to the proposed site and electric available.
3. The Town has worked with RK&K on several projects in the past and has had no bad experiences.
4. Reference checks were all positive.

**BIDS RECEIVED:**

	PER	ER	Project Management	Project Design	Bid Support	Construction Services	Total:
<b>ATC Lewisburg, PA</b>	\$ 31,000.00	\$ 10,000.00	\$ 34,000.00	\$ 47,000.00	\$ 17,000.00	\$ 155,000.00	<b>\$ 294,000.00</b>
<b>EADS Group Cumberland, MD</b>	\$ 25,000.00	\$ 9,000.00	\$ 25,000.00	\$ 107,000.00	\$ 5,000.00	\$ 110,500.00	<b>\$ 281,500.00</b>
<b>GD&amp;F Altoona, PA</b>	\$ 16,200.00	\$ 7,200.00	\$ 18,000.00	\$ 27,000.00	\$ 4,500.00	\$ 20,000.00	<b>\$ 92,900.00</b>
<b>RK&amp;K Baltimore, MD</b>	\$ 32,600.00	\$ 16,912.00	\$ 11,916.00	\$ 28,338.00	\$ 88,530.00	\$ 44,080.00	<b>\$ 243,200.00</b>

**AGENDA ITEM# 3. Approval of Ordinance 20-03 Small Cell Tower for consideration.**

**POSTPONED  
(DATE TO BE DETERMINED)**

**AGENDA ITEM# 4. Approval of Policy 20-02 Small wireless facility standards for consideration.**

**POSTPONED  
(DATE TO BE DETERMINED)**

**AGENDA ITEM# 5. Approval of Policy 20-03 updated Review Fees' Policy for consideration.**

**POSTPONED  
(DATE TO BE DETERMINED)**

**AGENDA ITEM# 6. Approval of Ordinance 20-04 and Ordinance 20-05 Regarding Collection of Charges for Consideration:** Presentation at meeting by town staff.

ORDINANCE SERIES: 2020  
ORD. NO: 20 - 04

Page 1 of 2

AN ORDINANCE TO AMEND  
TITLE 13  
OF THE CODE OF EMMITSBURG  
ENTITLED  
PUBLIC SERVICES

\*\*\*\*\*

**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 13, Section 04 and Title 10, Section 12 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 13.04 Water System

**13.04.035 - Collection of charges.**

- A. {*unchanged*}
- B. {*unchanged*}
- C. {*unchanged*}
- D. All bills may be paid at any of the following locations or in the following manner:
  - 1. In person, by cash, check or credit card, at the Emmitsburg Town Office.
  - 2. By mailing the payment to the Emmitsburg Town Office.
  - 3. By online banking, if such payment procedure is available through the customer's bank or other financial institution and is compatible with the procedures and billing systems of the town.
  - 4. Online using the online bill pay function on the town's website located at [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov).
  - 5. By placing the payment in the drop-box located in the front of the Old Town Office Building at 22 East Main Street.
  - 6. **BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE REAR OF THE TOWN OFFICE BUILDING AT 300A SOUTH SETON AVENUE.**

**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:

EMMITSBURG BOARD OF COMMISSIONERS:

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

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

**MAYOR**

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ORDINANCE SERIES: 2020  
ORD. NO: 20 - 05

Page 1 of 2

AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLES AND TRAFFIC



\*\*\*\*\*

**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 10, Section 12 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 10.12 Stopping, Standing and Parking

**10.12.130 - Violations—Penalties.**

- A. {*unchanged*}
- B. {*unchanged*}
- C. {*unchanged*}
- D. All parking citations are to be paid in full to the town at any of the following locations or in the following manners:
  1. In person, by cash, check or credit card, at the Emmitsburg town office located at 300A South Seton Avenue Emmitsburg Maryland 21727, 2nd floor.
  2. By mailing the payment to the Emmitsburg Town Office at 300A South Seton Avenue Emmitsburg Maryland 21727.
  3. By placing the payment in the drop-box located in the front of the Old Town Office Building at 22 East Main Street.
  4. By placing the payment in the red drop-box located on the northeast corner of the square.
  5. **BY PLACING THE PAYMENT IN THE BLACK DROP-BOX LOCATED IN THE REAR OF THE TOWN OFFICE BUILDING AT 300A SOUTH SETON AVENUE.**
- E. {*unchanged*}

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

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2020  
by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

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

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

**MAYOR**

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

**AGENDA ITEM# 7. Authorization to obtain USDA Rural Development funding for the Creamery Road Pump Station project for consideration:**  
Presentation at meeting by town staff.

RESOLUTION: 2020  
RESOLUTION NO. 20 – 09R

Page 1 of 1

**Town of Emmitsburg**

It is hereby resolved by the Board of Commissioners for the Town of Emmitsburg, this \_\_\_\_\_ day of April, 2020, that Public notices for the purpose of seeking financial assistance from various funding sources for the removal and replacement of the existing and Creamery Road Pump Station are hereby APPROVED.

The location of the pump station is at 17700 Creamery Road, Emmitsburg, Maryland 21727.

**NOW, THEREFORE, BE IT HEREBY** enacted this 4<sup>th</sup> day of May, 2020 by the Mayor and Board of Commissioners, that Resolution Number 2020 – 09R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

**PASSED** this 4<sup>th</sup> day of May, 2020.

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

**ATTEST:**

**BOARD OF COMMISSIONERS:**

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

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

**MAYOR**

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

this this 4<sup>th</sup> day of May, 2020.

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

**AGENDA ITEM# 8. Approval of Resolution 20-08R, Authorization the Town Manager to File an Application for Federal Assistance with the USDA Rural Development for consideration:** Presentation at meeting by town staff.

RESOLUTION: 2020  
RESOLUTION NO. 20 – 08R

Page 1 of 2

**A RESOLUTION TO FILE AN APPLICATION FOR  
FEDERAL FINANCIAL ASSISTANCE WITH THE  
U.S. DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT,  
RURAL UTILITIES SERVICE TO COMPLETE THE EMMITSBURG  
CREAMERY ROAD PUMP STATION REPLACEMENT PROJECT**

\*\*\*\*\*

**WHEREAS**, the Town of Emmitsburg is eligible to apply for funds from the U.S Department of Agriculture through the Rural Development, Rural Utilities Service; and

**WHEREAS**, the Town of Emmitsburg realizes the necessity of upgrading the Creamery Road pump station in the interest of public health and sanitation; and

**WHEREAS**, the Town of Emmitsburg has determined that improvements to their Creamery Road pump station would assist the Commissioners in continuing to maintain the sanitary sewer system for the community; and

**WHEREAS**, the Emmitsburg Town Council have held the required public hearing(s) related to the formulation of the Town of Emmitsburg's Rural Development, Rural Utilities Service Application;

**NOW, THEREFORE, BE IT RESOLVED**, that the Emmitsburg Town Council authorize the submittal of an application for federal financial assistance in the amount of \$3,627,630 this 4th day of May, 2020; and

**BE IT FURTHER RESOLVED**, that Mayor Donald N. Briggs and Town Manager Cathleen R. Willets are authorized and empowered to execute any and all documents required for the submission of the application.

**NOW, THEREFORE, BE IT HEREBY** enacted this 4<sup>th</sup> day of May, 2020 by the Mayor and Board of Commissioners, that Resolution Number 2020 – 08R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

**PASSED** this 4<sup>th</sup> day of May, 2020.

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

**ATTEST:**

**BOARD OF COMMISSIONERS:**

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

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

**MAYOR**

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

this this 4<sup>th</sup> day of May, 2020.

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

**AGENDA ITEM# 9. Approval of Policy 20-04, Limited English Proficiency Plan, for consideration:** Presentation at meeting by town staff.

POLICY SERIES: 2020  
POLICY NO: P20 – 04

Page 1 of 5

**TOWN OF EMMITSBURG  
LIMITED ENGLISH PROFICIENCY PLAN**

\*\*\*\*\*

**Limited English Proficiency Policy**

The Town follows Executive Order 13166 in identifying and engaging Limited English Proficiency (LEP) populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. A LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write, or understand English.

The Town’s policy for engaging individuals with Limited English Proficiency is to provide translation services to individuals who request them, if reasonable accommodations can be made. In addition, the Town proactively identifies communities with high concentrations of LEP persons and employs tactics and strategies to effectively engage them in the planning process. The Town trains staff to recognize individuals in community meetings and forums who may show difficulty or inability to read or write English, and to assist them accordingly.

**Executive Order 13166**

Executive Order 13166 “Improving Access to Services for Persons With Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency.” (See 65 FR 50123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments such as the MPO, private and non-profit entities, and sub recipients.

**Plan Summary**

This Limited English Proficiency Plan has been developed to help identify reasonable steps to provide language assistance for persons seeking services provided by the Town of Emmitsburg as required by Executive Order 13166. In this plan, we discuss ways to identify persons who need language assistance, language assistance measures, staff training, and updates to the plan.

When it comes to identifying and assessing the frequency and resources required to meet the needs of our residents with Limited English Proficiency, the Town of Emmitsburg employs the use of the four-factor analysis which includes:

**FOUR-FACTOR ANALYSIS**

**1. The number and proportion of LEP persons residing within the Town of Emmitsburg.**

The Town’s population estimates from the 2018 American Community Survey 5- Year Estimates (2014-2018) provided by the U.S. Census Bureau estimate total population at 3,058 and those five (5) years and older at 2,908. Of those five years and older, 7% speak a language other than English at home. Of those speaking a language other than English at home, the breakdown of languages are as follows:

<b>Language</b>	<b>Population estimate</b>	<b>Speak English less than “very well” estimate</b>
Spanish	2.3%	50.0%
Other Indo-European	2.3%	23.1%
Asian and Pacific Island	1.2%	37.0%
Other Languages	1.2%	32.0%

Given this information, the Town recognizes that relatively small portions of Town’s population are LEP speakers. Language assistance is available upon request.

**2. The frequency with which LEP persons come into contact with Town and services and programs.**

The Town of Emmitsburg has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language.

**3. The nature and importance of the program, activity, or service provided by the Town of Emmitsburg.**

The Town believes all citizens should be able to access its nondiscrimination and public involvement policy. Title VI posters in English and Spanish will be posted at all departments open to the public and our LEP policy is available on our Town website and by request.

**4. The resources available and cost of LEP services.**

To date, the utilization of translation devices has successfully provided assistance where staff has identified a need. Costs of translators and/or interpreters are built into some departmental budgets if the need for extensive language services develops.

**How the Town of Emmitsburg Identifies LEP Persons Who May Need Assistance?**

- Examine requests for language assistance from past meetings and events to anticipate the potential need for assistance at upcoming meetings.
- A staff member will be placed at the entrance to public meetings to greet and briefly engage with attendees during sign-in to informally gauge each attendee's ability to write, speak and understand English.
- Staff will be trained to identify non-verbal clues that a person may have Limited English Proficiency, such as reluctance to fill out surveys or sign-in at public meetings.
- Examine Census Bureau population numbers of those who report a primary language other than English and compare that to Census block data and map communities accordingly to determine high concentrations of LEP populations.
- Maintain a stream of communication with LEP community leaders, as well as seek to establish new relationships.

**Implementing Language Assistance Measures:**

- Based on Census Bureau data, Town will evaluate all documents, and translate those deemed most widely accessed, into any language other than English that is spoken by more than 5% of the population or by more than 152 people in total.
- The Town will continue to search out venues that have been found to be frequented by LEP individuals and make information available at these locations in the most appropriate format and language.
- The Town takes a proactive approach in identifying LEP communities and will continue to host meetings in close proximity to these communities to distribute all necessary translated materials and documents.
- The Town remains committed to providing oral and written translation services upon request. The Town works with Frederick County who maintains an active list of interpreters and translators to accommodate LEP individuals.
- All projects falling within a Town LEP areas are reviewed on a case by case basis. If the nature and importance of the program, activity, and service is deemed significant then the Town and all entities conducting business on our behalf will follow these same LEP guidelines.

**Town Staff Training:**

All Town staff will be provided with the LEP plan and will be educated on procedures and services available. All training topics are listed below:

- Understanding the Title VI LEP responsibilities.
- What language assistance services Frederick County offers.
- How to identify LEP individuals in public meetings.
- How to access an interpreter.
- Documentation of language assistance requests.
- How to handle a complaint.

**Monitoring and Updating the LEP Plan:**

This plan is dynamic and may be updated as more effective means of communication are developed. At a minimum, the Town follows the Title VI Program update schedule for the LEP plan. The Town will update its LEP Plan as new Census data becomes available.

**Dissemination of the Town's Limited English Proficiency Plan:**

The Town will post the LEP Plan on its website at [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov).

Any person, including social service, non-profit, law enforcement agencies and other community members with internet access will be able to access the plan. For those without personal internet service, all county libraries offer free internet access. A hard copy of the LEP Plan will be provided to any person or agency upon request. Persons with Limited English Proficiency may also obtain translations of this plan upon request.

Any questions or comments regarding this plan should be directed to the Town Manager.

**Requesting Translation Services:**

Any individuals who wish to request oral or written translation services can do so through the Town's website at [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov) or by contacting the Emmitsburg Town Office:

Town of Emmitsburg  
Attn: Town Manager  
300A South Seton Avenue  
Emmitsburg, MD 21727  
Phone: 301-600-6300  
Fax: 301-600-6313  
Email: [info@emmitsburgmd.gov](mailto:info@emmitsburgmd.gov)

**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

**M. SET AGENDA FOR NEXT MEETING: JUNE 1, 2020**

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

***Administrative Business:***

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

**AGENDA FOR MAY 18, 2020 VIRTUAL TOWN MEETING:**

1. Presentation and Review of the Fiscal Year 2021 Town Budget.