



Town of Emmitsburg

Mayor Donald N. Briggs

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

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

**VIRTUAL TOWN MEETING
AGENDA PACKET
MONDAY, NOVEMBER 2, 2020 – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Parks and Recreation Committee Meeting: Tuesday, November 17, 2020 at 7:30 p.m. (TBD)

Planning Commission Meeting: Monday, November 30, 2020 at 7:30 p.m. (via Zoom)

Town Tree Lighting Ceremony: Monday, December 7, 2020 at 6:00 p.m. (Community Center)

Town Council Meeting: Tuesday, December 8, 2020 at 7:30 p.m. (via Zoom & channel 99)

4. MEETING ITEMS

A. APPROVE MINUTES: OCTOBER 5, 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). Draw census 2020 winner of i-pad.

(B). Proclamation declaring November 2020 as MML Municipal Governments Works Month.

I. CONSENT AGENDA: NONE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). SHA presentation on the traffic congestion at the town square.

(2). Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration.

(3). Ordinances related to the financing of the Creamery Road Pump Station for consideration.

(4). Hold WWTP annexation public hearing and adoption of Resolution 2020-11R (Annexation of WWTP) for consideration.

(5). Salary compensation analysis for consideration.

M. SET AGENDA FOR NEXT MEETING: DECEMBER 8, 2020

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOUR

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

ZOOM MEETING ACCESS INFORMATION:

Topic: Town Meeting: November 2, 2020

Time: Nov 2, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/88544177216>

Meeting ID: 885 4417 7216

Passcode: 21727

One tap mobile

+13126266799,,88544177216#,,,,,0#,,21727# US (Chicago)

+16465588656,,88544177216#,,,,,0#,,21727# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 885 4417 7216

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/88544177216>

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 or calling (301) 600-6300.

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

A. APPROVE MINUTES: OCTOBER 5, 2020

**MEETING MINUTES
OCTOBER 5, 2020
VIRTUAL TOWN MEETING
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; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Burns, Davis and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the October 5, 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 status of COVID-19.

Approval of Minutes

Motion: Commissioner O'Donnell motioned to accept the September 8, 2020 virtual 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 September 14, 2020 virtual town meeting minutes as presented; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from September 2020 (exhibit attached). Residents were encouraged to contact the deputies if there are any questions about potential online scams.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from August 2020 (exhibit in agenda packet). Due to Rainbow Lake levels continuing to decrease and no significant upcoming rain events, town staff and Mayor Briggs recommends the passing of a phase two water curtailment. Violators would receive a warning first, then fines if the water curtailment continued to be ignored. The Board gave consent for the water curtailment with Commissioner Ritz III not in favor.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from August 2020 (exhibit in agenda packet). The Dunkin grand opening will occur on Sunday, October 18, 2020.

Commissioner Comments:

- Commissioner Ritz III: He thanked all those who voted for him at the September 29, 2020 election.
- Commissioner Burns: He would like to work with Mayor Briggs on getting funding from the County to improve Emmitsburg Elementary School.
- Commissioner O'Donnell: The multi-user trail event on October 4, 2020 was a success with about 100 attendees and 46 participants.
- Commissioner Davis: The Town's baseball fields are being used again this year and he anticipates field usage growing even more next year and possibly the Babe Ruth team returning to Emmitsburg.

- Commissioner Sweeney: The Lions Club had success running the concession stand in Memorial Park during baseball tournaments the first weekend of October and raised about \$1,000.

Mayor's Comments:

Mayor Briggs attended numerous meetings in September 2020 (meetings listed in agenda packet). Mayor Briggs hosted Dr. Timothy Trainor, Mount St. Mary's University, and Maryland Secretary of Commerce, Kelly Shultz, for the weekly COVID-19 update on channel 99 and Facebook.

Public Comments:

None.

Administrative Business:

- (A). **Draw census winner of i-pad.** Due to the census being extended, the item has been postponed.
- (B). **Proclamation congratulating W.F. Delauter and Sons for 65 years of business for consideration:** Mayor Briggs read the proclamation aloud. Kirby Delauter, owner of W.F. Delauter and Son was presented with the proclamation. A photo was taken.
- (C). **Proclamation declaring October 6, 2020 as National Night Out for consideration:** The event was originally scheduled to occur in August 2020 but was postponed to October 6, 2020 due to COVID-19. Mayor Briggs read the proclamation aloud. The event will take place from 5:00 p.m. to 7:00 p.m. in Community Park with police vehicles, fire trucks, complimentary food, games and more.
- (D). **Proclamation thanking FredRock Disc Golf for their service in constructing the Emmitsburg Disc Golf course for consideration:** Commissioner Ritz III read the proclamation aloud. The ribbon cutting ceremony will occur on October 24, 2020 at 10:00 a.m.

Consent Agenda:

Motion: Commissioner O'Donnell motioned to appointment Wayne Slaughter to the Board of Appeals for a term of September 9, 2020 to September 9, 2023; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for September 2020 (exhibit in agenda packet). The operating balance forward is \$5,318,139.

Planning Commission Report:

Commissioner Ritz III stated the next meeting is scheduled for October 26, 2020 to approve the Brookfield Improvement Plat, specifically the Irishtown Road Improvement Plan.

II. Agenda Items

Agenda #1 - Swearing in of new elected officials: Sandra Dalton, Clerk of Circuit Court for Frederick County, swore in re-elected Mayor Donald N. Briggs, then Mayor Briggs swore in re-elected Commissioner Joseph Ritz III, the winners of the September 29, 2020 town election. Pictures were taken and the elected officials signed their oath of office. Mayor Briggs and Commissioner Ritz III gave brief remarks on their new terms.

Agenda #2 - Mayor's recommendation for reorganization of the Board of Commissioners for consideration: Mayor Brigg's recommended Timothy O'Donnell as president, Clifford Sweeney as Vice President, T.J. Burns as Treasurer, Joseph Ritz III as Planning Commission liaison, Frank Davis as the Parks Commission liaison, and Clifford Sweeney as the Citizen's Advisory Committee liaison. If accepted, reorganization would begin at the November 2, 2020 town meeting. The Board gave unanimous consent for the Mayor's recommendation.

Agenda #3 - For consideration, distribution of the remaining Small Business Grant monies: Ms. Willets presented the agenda item. As the Board requested at the September 8, 2020 town meeting, staff requested the Emmitsburg Business and Professionals Organization (EBPA) give a plan of what donated town money would be spent on but the response from the EBPA was vague. As a result, Mayor Briggs recommends leaving the \$17,000 in fund two and opening another round of grant funding to Emmitsburg businesses. Commissioner Burns stated his intent to abstain due to potential conflict of interest. *Motion:* Commissioner Ritz III motioned to accept Mayor Briggs and town staff's recommendation to leave the remaining \$17,000 in fund two and to open another round of grant funding; second by Commissioner Davis. Yeas – 4; Nays – 0; Abstain – 1 (Commissioner Burns). The president declared the motion passed.

Agenda #4 - Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration: The agenda item was postponed to the November town meeting.

Agenda #5 - Hold public hearing and adoption of proposed Ordinance 2020-08 (Subdivision Amendment) for consideration: Commissioner Sweeney declared the public hearing in session. Mr. Gulden presented the agenda item and stated how the hearing was advertised. The Planning Commission reviewed the ordinance on August 31, 2020 with two comments: to see playgrounds and/or recreation areas provided by the developer on all future residential subdivisions and the fees set forth in Town Code section 16.16.100 removed and set by policy. Staff will bring a recommendation regarding recreation area guidelines and the fee policy back to the Board in December 2020. There was no public comment. *Motion:* Commissioner Burns motioned to close the public hearing portion; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the public hearing closed. *Motion:* Commissioner Ritz III motioned to accept ordinance 20 - 08 as written and excluding the two recommendations of the planning commission as the items will be addressed at a later date; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #6 - Hold public hearing and adoption of proposed Ordinance 2020-09 (Zoning Amendment) for consideration: Commissioner Sweeney declared the public hearing in session. Mr. Gulden presented the agenda item and stated how the hearing was advertised to the public. The Planning Commission reviewed the ordinance on August 31, 2020 with two comments: requiring street light fixtures, when required for safety, to be controlled by photocells for dusk to dawn (section 17.08.230), and replacing language in section 17.20.030 with neighborhood commercial (B-1) as stated in the October 5, 2020 agenda packet. Commissioner Ritz III stated he abstained from voting on these items at the August 31, 2020 Planning Commission meeting so he would not double vote on the item. There was no public comment. *Motion:* Commissioner O'Donnell motioned to close the public hearing; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the public hearing closed. *Motion:* Commissioner Ritz III motioned to accept ordinance 20-09 as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Set Agenda for October 19, 2020 Virtual Special Meeting

1. Compensation study analysis workshop for discussion.

Set Agenda Items for November 2, 2020 Virtual Town Meeting

1. SHA presentation on the traffic congestion at the town square.
2. Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration.
3. Ordinances related to the financing of the Creamery Road Pump Station for consideration.
4. Hold WWTP annexation public hearing and adoption of Resolution 2020-11R (Annexation of WWTP) for consideration.
5. Salary compensation analysis for consideration.

Administrative Business:

- A. Draw census 2020 winner of the i-pad
- B. Proclamation declaring November 2020 as MML Municipal Governments Works Month.

The Board gave unanimous consent for the November 2, 2020 town meeting agenda as presented.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the October 5, 2020 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The meeting adjourned at 9:34 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
September 2020
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff put up purple bows on street light poles, purple lights at 22 E. Main and Community Center building.
- Staff mowed, trimmed and weed killed along East & West North Ave.
- Staff weed ate and weed killed along North School Lane.
- Staff mowed weeds in curbs in Northgate, Southgate, Brookfield and Silo Hill.

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 mowed, trimmed and weed killed in parks.
- Staff sanitizing playground equipment twice a week.
- Staff assisted contractor with removing dead tree in Emmit Gardens park.
- Staff painted dugouts at ballfield #3.
- Staff installed new Community Park signs.
- Staff put up no loitering signs at Community Park bandstand.
- Staff assisted with Arbor Day event.

Water:

- Rainbow Lake is 2.8' below the spillway level (16.6 feet) as of September 28, 2020. As of October 26, 2020 the lake is 2.9' below spillway level.
- The roughing filters are being backwashed three times a day (moved to four in October) 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>September</u>	<u>Change</u>	<u>Oct. 25</u>
○ Well #1:	35'	36'	-1'	37' (-2)
○ Well #2:	8'	11'	-3'	15' (-7)
○ Well #3:	12'	OFF'	N/A	30' (-18)
○ Well #4:	108'	126'	-18'	127'(-19)
○ Well #5:	10'	15'	-5'	27' (-17)

- Well #3 was brought online October 13, 2020 to help with the larger demand on our wells with the need to reduce the amount of water being pulled from the lake.
- For as low as the lake is, the water quality is fairly good. The well levels are holding fairly well with only a slight drop in the static level.
- Water production and consumption. We produced an average of 253,963 GPD. We consumed an average of 229,026 GPD. The difference is "Backwash Water" ... (14.1%).
 - 32.1% of this water came from wells.

For more information, go to www.emmitsburgmd.gov

- 5.1% of this water came from Mt. St. Mary's.
- 62.8% of this water came from Rainbow Lake.

We purchased 412,150 gallons of water from MSM this month.

Wastewater:

- We treated an average of 361,000 gpd (consumed 229,026 GPD) which means that 37% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of September. We did not exceed the plant's design capacity at any time in the month of September.
- We received about 1.9" of precipitation this month (the average is 4.3"). We have a precipitation **DEFICIT of 5.5"** over the last six months. The average precipitation for the period from April 1 through September 30 is 24.2". We have received 18.7" for that period.

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

Meetings Attended:

- 09/03 Conference call with Mayor, staff, contractor, town attorney re: EEIP
- 09/03 Conference call with town attorney, bond counsel, staff re: financing pump station
- 09/03 Conference call with staff and electric company re: billing
- 09/08 Attended Town Meeting
- 09/09 Attended department head and support staff meetings
- 09/14 Attended closed executive session meeting
- 09/15 Attended storm water mandated staff training
- 09/17 Attended conference call with County Executive
- 09/23 Conference call with Mayor, staff, contractor, town attorney re: EEIP
- 09/24 Conference call with County Executive
- 09/30 Conference call with DCHD re: funding for clarifier
- ***** Met with or spoke with the Mayor every day during the COVID-19 shutdown. (03/19-present)**

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in September.
- Staff installed some water meter upgrades
- Staff installed signage at Rainbow Lake "Please do not walk on or throw rip rap rocks into lake. These rocks are there to stabilize the dam."
- All staff attended mandatory MS-4 training.
- Staff conducted quarterly water meter readings.
- Staff assisted with set-up for Town elections.
- Centrifuge at WWTP is running again.
- Staff received two quotes to replace a recycle pump at WWTP.
- Staff and contractor have been working on water and sewer problems at 201 North Seton Ave.

PARKING ENFORCEMENT REPORT

For more information, go to www.emmitsburgmd.gov

September 2020

Overtime Parking	72
Restricted Parking Zone	3
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	
48 Consecutive Hours	
Meter Money	\$ 918.21
Parking Permits	\$ 115.00
Meter Bag Rental	
Parking Ticket Money	\$ 455.00
Total:	\$ 1,488.21

D. TOWN PLANNER'S REPORT

Town Planner's Report September 2020

Prepared by Zachary R. Gulden, MPA

1. Board of Commissioners (BOC)

- Created 09/08 meeting materials for:
 - WWTP annexation.
 - Proposed 2020-08 ordinance.
 - Proposed 2020-09 ordinance.
- Attended the virtual BOC meeting on 09/08.
- Attended the virtual BOC meeting on 09/14.
- Continued working on a proposed amendment to Title 6 – Animals.

2. Grants

- Misc. Census, Community Legacy, & Chesapeake Bay Trust grant management.
- Submitted the Census final report & disbursement request.
- Submitted Community Legacy reimbursement request for:
 - 527 West Main Street
- Processed a Community Legacy grant application for:
 - 502 E Main St.
- Submitted the FY20 Community Legacy quarterly report.
- Processed 1x Town COVID-19 business grant applications.
- Applied for the following FY21 Community Legacy Grant:
 - \$75,000.00 façade rehabilitation.
- Started applying for the FY21 Clean Up and Green Up Keep Maryland Beautiful Grant for \$5,000.00 (park trash containers & Arbor Day tree planting).

3. Municipal Separate Storm Sewer System (MS4)

- Misc. Silo Hill basin retrofit project management.
- Continued working on the yearly MS4 report.
- Obtained quotes in order to provide maintenance to the Town owned stormwater BMPs in Community Park (required per MS4 permit). Maintenance was conducted on 09/30.
- Met with StreamLink & MD DNR on 9/14 for a tree planting grant site visit.
- Prepared for & held the yearly MS4 training for Town staff on 9/15.
- Wrote an RFP for a contractor to create a MS4 pollution prevention & good housekeeping program (required per MS4 permit).

4. Permits & Zoning

- Processed 5 zoning permit applications:
 - 1x fence.
 - 1x deck.
 - 2x roof.
 - 1x sunroom.
- Processed 8x backflow preventer applications.
- Processed 1x no zoning permit required form.
- Responded to incident reports.

5. Planning Commission (PC)

- Misc. Rutter's, Dunkin', & Insurance Brokers of MD project management.
- Received and started to review and prepare PC staff memo for the Town of Emmitsburg Sidewalk ADA Ramp Improvement Plat.
- Received and started to review and prepare PC staff memo for the Brookfield Irishtown Road Improvement Plat.
- Processed 1x forest conservation exemption – Irishtown Road Improvement Plat.

6. Miscellaneous

- Attended a conference call on 9/1 with Town Manager, Mayor, Town Attorney, Town Engineer, and others regarding the Emmitsburg East Industrial Park II.
- Created a new address (55 Second Avenue) & notified appropriate agencies.
- Attended a department head meeting on 9/9.
- Assisted Town Manager with restaurant COVID letters.
- Met with Town Manager, Town Attorney, and RK&K on 9/23 regarding Emmitsburg East Industrial Park II.
- Created an improvement plat development application.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since October 5, 2020 town meeting:

- October 5, Town Council Meeting (virtual).
- October 4, Sunday, 9:30 am Bagpipers from all over, paying tribute to Fallen firefighters outside north gate to FEMA.
- October 4, Sunday, 10 am, Visited baseball tournament at Memorial and Myers Community Park
- October 4, Sunday, 10:30 am, Multi-user trail, Commissioner O'Donnell...
- October 4, Sunday, attended 2nd Emmitsburg Council of Churches. Emmitsburg Unity event at Myers Community Park
- October 4, Sunday, attended "Annual Pilgrimage for The Sea Services" at Basilica.
- October 5, Luncheon with Dunkin (Donuts) development team, Mount, Dr. Franklin, Dr. Esses and Commissioner Davis.
- October 9, Mount St. Mary's University Seminary, Faculty in Service. Father Michael Roach, Professor Extraordinaire of Church History. TOPIC: Racism and the History of the Church. Zoom.
- October 9, Met with Ken Vaughan, Director of Security St Joseph's Ministries.
- October 13, Working Group for President Trainor's "Call to Action: University Diversity, Equity and Inclusion Task Force" zoom.
- October 16, Lunch with Dr. Franklin and Dr. Dorsey (Mount St. Mary's University) and new owners of n/w corner building on the Square.
- October 17, Saturday, 3:30 pm, With Scout Troop 727, installation Eagle Scout project picnic table near all-inclusive playground in Meyers Community Park.
- October 18, Sunday, 8 am, Ribbon cutting of Dunkin (Donuts), myself, Commissioners Davis, Burns and Sweeney.
- October 20, Working Group for President Trainor's "Call to Action: University Diversity, Equity and Inclusion Task Force" zoom.
- October 24, Saturday, 10 am ribbon cutting for Disc Golf Course in Meyers Community Park.
- October 27, Working Group for President Trainor's "Call to Action: University Diversity, Equity and Inclusion Task Force" zoom.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Draw census 2020 winner of the i-pad:** Drawing at town meeting by Mayor Briggs.

**(b) Proclamation declaring November 2020 as MML Municipal Governments
Works Month: Presentation at meeting by Mayor Briggs.**



Proclamation

MUNICIPAL GOVERNMENT WORKS MONTH NOVEMBER 2020

The Mayor and Council of the Town of Emmitsburg proclaim November 2020 to be Municipal Government Works Month.

WHEREAS, the Town was established in 1785; and

WHEREAS, Maryland is home to 156 other municipalities; and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the Town of Emmitsburg is proud to promote municipal government awareness; and

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby join the Maryland Municipal League in declaring November 2020 to be Municipal Government Works Month in Emmitsburg.

ADOPTED this 2nd day of November, 2020

Donald N. Briggs
Mayor

Timothy T. O'Donnell, President
Board of Commissioners

I. CONSENT AGENDA

NONE

J. TREASURER REPORT

**Town of Emmitsburg
CASH ACTIVITY as of October 27, 2020**

\$5,339,102	Cash Balance October 1, 2020
319,946	Deposits
<u>-232,620</u>	Withdrawals
\$5,426,428	Operating Balance Forward

Top 10 Check Amounts:

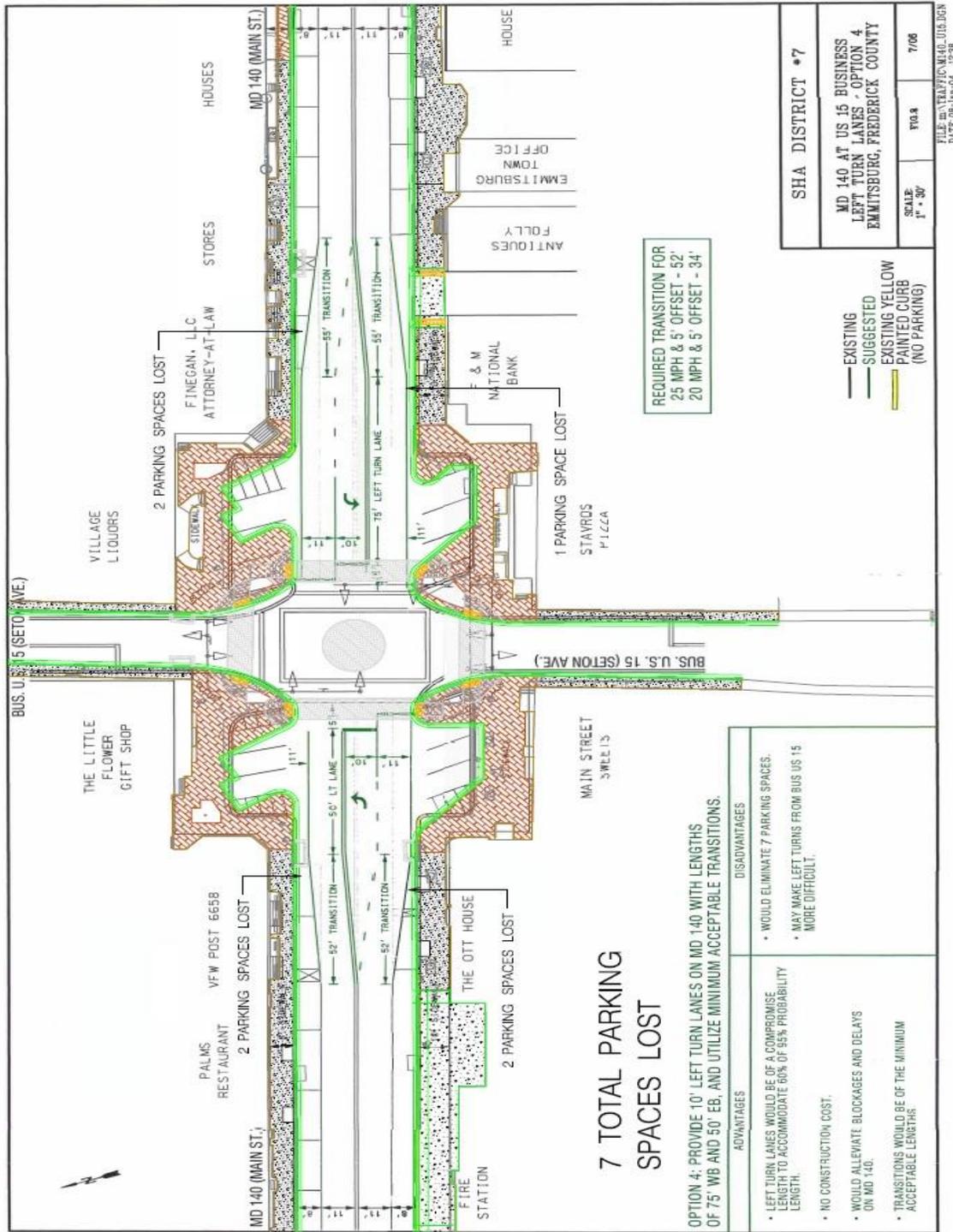
<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$68,154	Treasurer of Frederick County	1Q FY21 Law Enforcement Services	10.21.20	41555
\$24,097	Comptroller of Maryland	1Q FY21 Bay Restoration Fee	10.07.20	41505
\$18,295	MD Dept of Budget & Mgmt	Sep 20 Health Insurance	10.19.20	41545
\$12,277	UGI Energy Services	Aug 20 Solar Field #1	10.21.20	41572
\$11,607	UGI Energy Services	Aug 20 Solar Field #2	10.21.20	41572
\$7,638	RK&K	USDA Pump Station Project	10.07.20	41516
\$7,499	Magstone	Community Park Swim Basin Maintenance	10.21.20	41563
\$6,512	Republic Services	Oct 20 Refuse Services	10.14.20	41522
\$6,500	Driveways 2 Day	Driveway work related to waterline repair	10.21.20	41552
\$5,100	Display Sales	Pole Decorations	10.14.20	41525

Check dates 09.30.20 to 10.27.20

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

L. AGENDA ITEMS:

**AGENDA ITEM# 1. SHA presentation on the traffic congestion at the town square:
Presentation at meeting by town staff.**



AGENDA ITEM# 2. Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration:
Presentation at meeting by town staff.

TIMELINE – WATER CLARIFIER ENGINEER:

RFP published by Town Thurs. July 30, 2020
 Non-mandatory Site Visit Wed. August 26, 2020
 DEADLINE, bids due by Thurs. September 17, 2020 at 3:00 p.m.
 Bids opened Tues. October 6, 2020 at 10:00 a.m.

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 07/30/2020 to 09/17/2020
- Notice on MML Classifieds – Tues. 08/17/2020 to 09/17/2020
- Frederick News Post Publication: Mon. 08/03/2020 & Tues. 08/04/2020
- Email sent to engineering firms (bid on past projects) – Mon. 08/03/2020

STAFF MEETING DATES:

Town staff met on the following dates to review the RFPs

- Tues. Oct. 6, 2020 at 10:00 a.m. (initial bid opening, staff assigned 2 bids each to review)
- Wed. Oct. 21, 2020 at 10:00 a.m. (narrowed down to ELA Group (\$29,500); McCrone (\$25,000); and RK&K (\$29,649). Staff asked to thoroughly review and compare these bids.)
- Wed. Oct. 28, 2020 at 9:30 a.m. (staff unanimous recommendation - McCrone)

TOWN STAFF RECOMMENDATIONS:

Mayor and Town Staff recommend McCrone to perform the PER for the Town’s waterline system and ER for North Seton Ave./DePaul St. waterline if needed.

PER / ER Bids Received				
	Company:	Location:	Bid Amount:	Notes:
1	ATC	Lewisburg, PA	\$55,310	
2	Barton & Loguidice	Eldersburg, MD	\$14,900	
3	Century Engineering	Hunt Valley, MD	\$35,995	
4	ELA Group	State College, PA	\$29,500	Optional hydrogeological review of wells \$8,140
5	GDF	Altoona, PA	\$23,000	\$17,000 for GIS
6	McCrone	Annapolis, MD	\$25,000	
7	Pennoni	Bethlehem, PA	\$24,800	
8	RK&K	Baltimore, MD	\$29,649	
9	Wallace Montgomery	Hunt Valley, MD	\$55,000	\$5,000 to \$15,0000 GIS
10	WRA	Baltimore, MD	\$76,392.56	

1. McCrone

- a. GIS input by Earth Data, Inc.
- b. Hydrant flow testing (16) to create hydraulic model
- c. Schedule for anticipated permits and cost for 30-40-year period.
- d. Guarantee accuracy of its hydraulic models to match field run tests within 5%. Industry standard is 10%.
- e. Very thorough and easy to understand bid proposal.
- f. May not need ER (savings of \$5,000).
- g. MDE/USDA experience.
- h. Contractor designed new water treatment plant (Emmit Gardens)
- i. Two reference checks responded and both would recommend McCrone.

2. RK&K

- a. No GIS input in bid.
- b. Conduct analysis age, material and likelihood of failure with consequence of failure and risk.
- c. Risk allocation matrix to determine prioritization of water main replacements.
- d. 160 hrs. on distribution assessment.
- e. Very thorough bid proposal.
- f. MDE/USDA experience.
- g. Has worked with the Town on various projects (WWTP, Pump Station and proposed clarifier).
- h. Two reference checks responded. All favorable and would recommend.

3. ELA

- a. GIS input included based on existing database.
- b. Wanted the Town to create budget for water quality and flow testing.
- c. Optional request to conduct hydrogeological review of production wells (\$8,140).
- d. Water main renewal master plan shall be recommended based upon criteria agreed upon by Town and ELA.
- e. MDE/USDA experience.
- f. Three reference checks responded. All favorable and would recommend.

AGENDA ITEM# 3. Ordinances related to the financing of the Creamery Road Pump Station for consideration: Presentation at meeting.

	CoBank Proposal	PNC Bank Proposal
Interest Rate	Tax-exempt variable rate: Monthly LIBOR resetting weekly plus 1.25% (currently 1.40%)	Tax-exempt rate: 2.65% for the initial 3 year term
Loan Amount	Up to \$1,987,000.00	\$1,987,000.00 aggregate amount
Term	Up to 36 months (3 years) after closing with extensions approved if needed	Three (3) years with optional two (2) additional one year periods
Bank Fees	\$2,500 at closing	Origination fee of 0.20% of the principal amount of the loan due at settlement (approx. \$3,975);
Payments	Monthly interest due on amount advanced during construction by ACH	Interest only on outstanding payments
Reporting	Audit due within 180 days of FYE	Reporting due as soon as available but no later than 180 days after the close of FYE. Audited information to be prepared by an independent certified public accountant
Legal	Borrower will pay their attorney to provide legal opinion and provide services to issue debt instrument	Tax-exempt financing requires PNC Bank to obtain bond counsel. Counsel fees payable by the Town
Draws/Availability	Initial advance requires interim Lender letter from USDA RD. Each monthly advance requires approval by USDA RD	Funds will be disbursed upon Borrower's request after Lender review and USDA approval. Draws are to be requested by the Town and a project manager, both whom have the authority to do so. All draws will be in accordance with a draw schedule.

Town Staff Recommendation: CoBank

Approve in the following order: Resolution 20-12R; Ordinance 20-11 & Ordinance 20-12

Together, America Prospers

USDA Rural Development has approved a loan of \$1,987,000.00 and a grant of \$833,000.00

Program:	Water and Waste Disposal Loans and Grants
State/County:	MD/Frederick
Congressman:	Trone, David (MD 06)
Senators:	Cardin, Benjamin (MD), Van Hollen, Chris (MD)
Recipient:	Town of Emmitsburg
Recipient Contact:	Madeline Shaw
Mailing Address:	22 East Main St Emmitsburg, MD 21727
Email Address:	Mshaw@emmitsburgmd.gov
Phone Number:	301-600-6300
Project Description:	<p>This Rural Development investment will be used to build a new sanitary sewage pumping station on Creamery Road to replace the aging, existing pump station located on the same parcel of land. The existing pump station has reached the end of its useful life and is no longer able to handle the flow of the system, which is causing multiple Sanitary Sewer Overflows over the last several years which impacts the nearby Tom's Creek and Monocacy River causing risk to public health and safety. Overflows have been documented by the local health department and if not corrected, the town runs the risk of being in violation of State mandates. The new pump station will bring the overflows within an allowable limit, or eliminate the risk all together.</p>
Loan Term:	40
Interest Rate:	1.125
People Who Will Benefit:	956
Additional Funding:	Applicant Contribution: \$807,000.00, PPG Grant: \$30,000.00
Total Project Cost:	\$3,657,000.00

USDA is an equal opportunity provider, employer, and lender. Page 1 of 1

RESOLUTION: 2020
RESOLUTION NO. 2020-12R

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**INTERIM FINANCING
CREAMERY ROAD PUMP STATION REPLACEMENT PROJECT**

Pursuant to Resolution No. 20-09R, of the Town of Emmitsburg authorizing public notices for the purpose of seeking financial assistance from various funding sources for the removal and replacement of the existing Creamery Road Pump Station, and the provisions of the Local Gov't Art. Md. Code Ann. § 19-212, and the Town of Emmitsburg Charter Title 3, § § 3.12.020, 3.12.040, Article V § 19 following a public advertisement in a newspaper of general circulation seeking proposals for the purposes of providing interim financing in connection with the removal and replacement of the existing Creamery Road Pump Station, the Town received two proposals: One from PNC Bank, N.A. and one from CoBank N.A. A summary of terms is attached hereto. The required interim financing will be satisfied upon the issuance of a Bond and Grant funding from the USDA. The Town Manager recommends to the Board, after a good faith review of available sources, that the Mayor be authorized to pursue interim financing with CoBank pursuant to the terms of the Ordinances presented.

It is Hereby resolved by the Board of Commissioners for the Town of Emmitsburg, this 2nd day of November, 2020, that:

The CoBank proposal terms are more economically advantageous to the Town and contain the same or better terms than the PNC Bank Proposal and that the Mayor shall pursue interim financing with CoBank in accordance with the terms of the Ordinances presented.

NOW, THEREFORE, BE IT HEREBY, ENACTED this 2ND day of November, 2020 by the Mayor and Board of Commissioners, that Resolution Number 2020-012R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 2nd day of November, 2020

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

ATTEST:

BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

By: _____
Timothy O'Donnell, President

MAYOR
____ APPROVED ____ VETOED
This 2nd day of November, 2020

Donald N. Briggs, Mayor

ORDINANCE SERIES: 2020
ORD. NO: 20 - 10

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TOWN OF EMMITSBURG
GENERAL OBLIGATION BOND AND
GRANT ANTICIPATION NOTES

AN ORDINANCE OF THE TOWN OF EMMITSBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ISSUANCE AND SALE OF NO MORE THAN ONE MILLION NINE HUNDRED EIGHTY-SEVEN THOUSAND AND 00/100 DOLLARS (\$1,987,000) PAR AMOUNT OF GENERAL OBLIGATION BOND AND GRANT ANTICIPATION NOTES TO BE KNOWN AS “THE TOWN OF EMMITSBURG GENERAL OBLIGATION BOND AND GRANT ANTICIPATION NOTES”, TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTION 19-212 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, AND ARTICLE V, SECTIONS 19 THROUGH 22 OF THE CHARTER OF THE TOWN OF EMMITSBURG, FOR THE PURPOSE OF PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY TO PAY THE COSTS OF REPAIRING, UPGRADING OR REPLACING SANITARY SEWER PUMPING STATIONS AND OTHER PUBLIC IMPROVEMENTS FOR THE TOWN OF EMMITSBURG, AND PAYING CAPITALIZED INTEREST ON AND THE COSTS OF ISSUING THE NOTES, ALL IN ANTICIPATION OF THE FUTURE ISSUANCE OF THE ISSUER’S GENERAL OBLIGATION BONDS FOR SUCH PURPOSES; PROVIDING THAT THE NOTES SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE TOWN OF EMMITSBURG; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE NOTES AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER SUBJECT TO ASSESSMENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTES AS THEY SHALL MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE, INTEREST RATE AND OTHER PROVISIONS OF THE NOTES; PROVIDING FOR THE SALE OF THE NOTES; AND PROVIDING FOR THE DESIGNATION OF SPECIFIC PROJECTS TO BE FINANCED WITH PROCEEDS OF THE NOTES AND RELATED PURPOSES.

WHEREAS, The Town of Emmitsburg (the “Issuer”), is a municipal corporation of the State of Maryland organized and operating under a charter adopted in accordance with Article XI-E of the Constitution of Maryland, and Sections 4-201 *et seq.* of the Local Government Article of the Annotated Code of Maryland, as amended; and

WHEREAS, Section 19-212 of the Local Government Article of the Annotated Code of Maryland (the “Enabling Act”), as amended, and Article V, Section 19 through 22 of the Charter of the Town of Emmitsburg, Maryland (the “Charter”), authorizes the Issuer to issue its general obligation bond anticipation notes to be known as “The Town of Emmitsburg General Obligation Bond Anticipation Notes” (the “Notes”) in the maximum aggregate principal amount of up to One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000), for the purpose

of repairing, upgrading or replacing sanitary sewer pumping stations and other public improvements for the Issuer (individually a “Project” and, collectively, the “Projects”), capitalized interest on the Notes and the payment of the costs of issuing the Notes, all in accordance with the terms and provisions of this Ordinance; and

WHEREAS, the Issuer has received one or more written commitments from the United States of America, acting through Rural Utilities Service, United States Department of Agriculture (the “USDA”) for one or more permanent loans in the total maximum principal amount not to exceed One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000) to finance or refinance a portion of the costs of constructing the Project. The Issuer intends that this Ordinance authorize Notes sufficient to fund all costs of the Project, however, Notes shall be issued only in amounts for which the Issuer expects to refund with bonds or other payment sources; and

WHEREAS, concurrently with the adoption of this Ordinance, the Issuer has adopted an Ordinance authorizing the issuance and sale of its general obligation bonds (herein referred to as the “Bonds”) to refund the Notes to pay the costs of the Projects herein authorized, together with capitalized interest, costs of issuance and other related costs; and

WHEREAS, the Issuer is authorized to issue and sell the Notes by public sale or by private negotiated sale, as authorized by the Enabling Act; and

WHEREAS, by this Ordinance, the Issuer intends to consolidate the authorization for interim financing, by authorizing an interim financing amount not to exceed [Dollars (\$)], subject to the limits described herein, and evidencing such obligation by the issuance of its Notes. The proceeds of the Notes will finance and refinance a portion of the costs of construction of the Project.

WHEREAS, the Issuer intends by this Ordinance to provide for the issuance and sale of the Notes in anticipation of the issuance of the Bonds; and

WHEREAS, upon completion of the Project, the Issuer intends to repay the then outstanding principal amount of the Notes from a combination of the proceeds of its Bonds and funds of the Issuer.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Authorization, Terms, Form of Notes.

(a) The Issuer shall borrow upon its full faith and credit and shall issue and sell the Notes in one or more installments as its general obligation notes in the maximum aggregate principal amount of up to (and including) One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000), to be issued pursuant to the authority of the Enabling Act and the Article V, Section 19 of the Charter. The proceeds from the sale of the Notes shall be used for the purpose of providing all or a portion of the funds necessary for payment of costs of the Projects, capitalized interest on the Notes and costs of issuing the Notes, together with other related costs.

(b) The Notes shall be issued in one or more installments, on a revolving or non-revolving basis, from time to time in the maximum aggregate principal amount of up to (and including) One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000), payable to the registered owners thereof. The maximum aggregate principal amount of the Notes to be issued shall not exceed One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000). The Notes of each installment series may be issued in such amount or such lesser amounts and in such denominations as determined by the Mayor, pursuant to subsection (f) below. The interest rates and provisions for prepayment or redemption of the Notes of any installment series may differ from the interest rates and provisions for prepayment or redemption of the Notes of any other installment series.

(c) The Notes of each installment shall be dated as of their date of issue and delivery to the initial purchaser thereof; shall be numbered R -1 upwards; shall be initially registered in the name of the initial purchaser thereof or such purchaser's designee; shall bear interest from their dated date, payable in monthly, quarterly, semiannual or other periodic installments, as determined by the Mayor, pursuant to subsection (f) below, at the designated office of the Issuer.

(d) To evidence the borrowing and indebtedness authorized in Section 1(a) of this Ordinance, the Issuer, acting pursuant to the authority of the Enabling Act and the Charter, shall issue and sell from time to time, upon its full faith and credit, the Notes one or more general obligation installment bond anticipation notes in the aggregate principal amount not to exceed [] Dollars (\$) to be known as the "The Town of Emmitsburg General Obligation Bond Anticipation Notes." There shall be added to the title of the Notes a designation corresponding to the year in which the installment of Notes are issued and, as appropriate, an additional letter designation to distinguish the Notes from other indebtedness issued by the Issuer. The Notes shall be dated the delivery date and shall be issued in the form of a single fully registered note, without coupons attached. The Notes shall bear interest on the outstanding principal balance at a rate determined by the Mayor and shall be payable on such dates as may be determined by the Mayor of the Issuer. The final maturity date of the Notes shall be not later than 5 years from the date of issuance of the Notes and may be extended upon the prior written consent of the Mayor of the Issuer and the registered owner of the Notes in the event that completion of the Project is delayed. Prepayments may be made at the option of the Issuer with or without premium or penalty or as may be determined by the Mayor of the Issuer.

(e) The Notes shall be in substantially the form set forth on Exhibit A to this Ordinance, attached hereto and made a part hereof, subject to completion and modification as authorized by this Ordinance, which form of the Notes, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Mayor is hereby authorized to make such changes to the amount, terms and form of the Notes and any related documents and certificates, including insertions therein or

additions or deletions thereto, as may be necessary to conform the terms of the Notes to the terms and requirements of the purchaser and as are consistent with the other provisions of this Ordinance. Accordingly, the Mayor is specifically authorized: (i) to determine and approve the final principal amount of the Notes of any series to be issued from time to time in order to reflect the final principal amount of the Notes of any series, not to exceed the maximum principal amount of Notes authorized by this Ordinance for all series of Notes, (ii) to determine and approve the interest rate or rates of the Notes of any series pursuant to either a public or private sale of the Notes of such series, the method of calculation of interest, and the date or dates for the payment thereof, if any, all as the Mayor shall deem to be in the best interests of the Issuer, (iii) to determine and approve the maturity date or dates of the Notes of any series (but not later than the date specified in paragraph 1(d) above), the dates on which the Notes of any series are subject to mandatory or optional prepayment or redemption, and the principal amounts to be prepaid or redeemed on such dates and the redemption premium thereon, if any, (iv) to determine the number and denominations of the Notes of any series, and (v) to insert into the form of the Notes a project and series designation for the Notes, which shall include the actual year in which the Notes of any series are issued and any additional designations as may be determined by the Mayor.

(g) Concurrently with the delivery of the Notes to the purchaser, the Issuer will enter into, execute and deliver in connection with the issuance of the Notes additional documents, agreements, instruments and certificates (which are herein referred to as the “Related Note Documents”). The Related Note Documents shall be in such form and shall contain such terms and conditions as shall be approved by the Mayor and acceptable to the purchaser of the Notes and the Issuer’s bond counsel. The Issuer agrees to perform the covenants and agreements set forth in the Related Note Documents.

Section 2. Execution. The Notes shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor of the Issuer, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the Town Clerk of the Issuer. In the event any official whose signature appears on the Notes or the Related Note Documents shall cease to be an official prior to the delivery of the Notes or the Related Note Documents, or, in the event any official whose signature appears on any of the Notes or the Related Note Documents becomes an officer after the date of the issue, the Notes or Related Note Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor of the Issuer is hereby authorized, empowered and directed to complete the applicable form of the Notes and the Related Note Documents and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in his or her discretion, shall deem necessary to complete the issuance and sale of the Notes and the execution and delivery of the Related Note Documents, as will not alter the substance thereof. The Mayor is hereby also authorized to execute other and additional documents relating to the Notes, the Related Note Documents and their administration, including subsequent modifications, deletions, corrections and other changes thereto in any manner which the Mayor, in his or her discretion, shall deem appropriate. The execution of the Notes and the Related Note Documents and any other documents relating to the Notes and the Related Note Documents by the Mayor shall be conclusive evidence of his or her approval of the form and substance thereof.

Section 3. Registration of Notes. The Town Clerk shall act as registrar for the Notes and shall maintain registration books for the registration and registration of transfer of the Notes of any series at the office of the Town Clerk. No security or bond shall be required of the Town Clerk in the performance of the duties of registrar for the Notes. The Issuer may from time to time by ordinance adopted by the Council of the Issuer, either prior to or following the issuance of the Notes, designate and appoint one or more substitute or successor registrars or paying agents for the Notes.

The Notes of any series will be transferable by the Town Clerk only upon the register for the Notes maintained by the Town Clerk. Any Note presented for transfer, exchange or registration, shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the Town Clerk, duly executed by the registered owner thereof or by such owner's duly authorized attorney. Upon any transfer or exchange, the Issuer shall execute and deliver in the name of the registered owner or the transferee or transferees, as the case may be, a new registered Note of authorized denomination(s) in the outstanding and unpaid principal amount of the Note, payable or maturing on the same date or dates and bearing interest at the same rate as the surrendered Note. In each case, the Issuer may require payment by the registered owner requesting the exchange or transfer of any tax, fee or other governmental charge and of any shipping and insurance charges that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner for the exchange or transfer. The Town Clerk, as registrar, shall not be required to transfer or exchange any Note after the mailing of a notice of redemption.

The Issuer may deem and treat the person in whose name any Notes shall be registered upon the books of the Issuer as the absolute owner of such Notes, whether such Notes shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal, premium, if any, of and interest on such Notes and for all other purposes.

Section 4. Prepayment and Redemption. Principal of the Notes may be repaid and re-borrowed and the principal is subject to prepayment or redemption in whole or in part at any time prior to maturity, with or without premium or penalty, together with interest on the principal amount to be prepaid or redeemed accrued to the prepayment or redemption date, as shall be set forth in the Notes or as otherwise determined by the Mayor. If less than all of the outstanding principal of any Note or installments of principal on any Note shall be called for prepayment or redemption, the principal amount to be so prepaid or redeemed shall be applied to reduce the installments of principal payable on any Note in the amount and order as determined by the Issuer. Notice of prepayment or redemption shall be sent to the registered owners of any Notes to be prepaid or redeemed by first class mail at such owners' addresses appearing on the register for the Notes, if and as required by the purchaser(s) of the Notes.

If, on the date designated for prepayment or redemption of any Notes, notice having been duly given or waived, moneys for the prepayment or redemption of principal of the Notes plus accrued interest to the prepayment or redemption date are then held by the Issuer, the principal called for prepayment or redemption shall become due and payable at the prepayment or redemption price provided therefor, together with any accrued interest thereon, and interest on such principal called

for prepayment or redemption shall cease to accrue from and after such date. From and after any such prepayment or redemption date, the principal of the Notes called for prepayment or redemption shall cease to bear interest and the registered owners thereof shall thereafter be entitled only to receive from the Issuer payment of the principal thereof called for prepayment or redemption and any accrued interest payable on such principal to the date of prepayment or redemption.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Notes. In case any of the Notes shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered new Notes of like date and tenor and bearing the same or a different number, in exchange and substitution for each Note mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Notes being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Notes was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Notes so issued in substitution for any Notes so mutilated, destroyed, lost or stolen: (i) may be reproduced in a manner similar to the Note being replaced, and (ii) shall constitute an original contractual obligation on the part of the Issuer, whether or not the Notes in exchange for which said new Notes are issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Notes shall be equally and proportionately entitled to the benefits of the Notes with all other like Notes, in the manner and to the extent provided herein. The Issuer may require payment by the registered owner requesting a replacement Note of any tax, fee or other governmental charge, costs of preparation of the replacement Note and any shipping and insurance charges that may be required to be paid with respect thereto.

Section 6. Use of Proceeds; Records.

(a) The proceeds of the Notes shall be held, invested, administered and disbursed by the Issuer and shall be used, when and as required, to pay the costs of the Projects, capitalized interest on the Notes and costs of issuing the Notes, together with other related costs.

(b) Pending expenditure of the proceeds of the Notes as contemplated hereby, the [Town Treasurer] may invest all or part of such proceeds in such manner as authorized or permitted by law; provided, however, that no such investments shall be made which would cause the Notes to be “arbitrage bonds” as more fully set forth in Section 13 below.

(c) Upon the issuance of the Bonds in anticipation of which the Notes are expected to be issued, the Issuer is required to use the first proceeds of the Bonds or other available taxes or revenues to pay or redeem the Notes. Upon the redemption of the Notes from the first proceeds of the Bonds or otherwise, and unexpended proceeds of the Notes shall be deemed to be proceeds of the Bonds.

(d) The Town Treasurer shall create and maintain, or cause to be created and maintained, full and complete books and records of account for the receipt, investment and disbursement of the proceeds of the Notes of each series.

Section 7. Covenants. The Issuer covenants with the owners from time to time of the Notes that so long as the Notes or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the owners of the Notes the principal of the Notes and interest accruing thereon, at the dates and places and in the manner mentioned in the Notes from unlimited ad valorem taxes in the event that available monies or revenues of the Issuer are inadequate to make such payment.

(b) The Issuer covenants that so long as the Notes are outstanding and not paid, unless other monies or revenues are available for payment of principal of, premium (if any) and interest on the Notes, it will levy annually, in the manner prescribed by law, a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, ad valorem taxes in rate and amount and sufficient, to provide for the payment of the principal of and interest on the Notes as the same become due and payable. In the event that available monies or revenues or the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency. The full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Notes as the same become due.

(c) The Issuer intends to pay principal of, premium (if any) and interest on the Notes from any available monies or revenues of the Issuer. Accordingly, to the extent any such monies or revenues are used to pay principal of, premium (if any) and interest on the Notes, the Issuer shall not be obligated to levy and collect a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, to provide for the payment of the principal of, premium (if any) and interest on the Notes as the same become due and payable.

(d) The Issuer, pursuant to Section 19-212(a)(2) of the Enabling Act, covenants to issue the Bonds as soon as there is no longer a reason for deferring their issuance.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the registered owners from time to time of the Notes, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the interests of such owners while the Notes or any portion thereof remain outstanding and unpaid without the consent of the owners of the Notes.

Section 9. Purchase Price of Notes. The Notes shall be sold in accordance with the terms and provisions of this Ordinance and of Section 19-213 of the Local Government Article of the Annotated Code of Maryland, as amended.

Section 10. Sale of Notes.

(a) The Notes shall be sold either at a public sale or private negotiated sale as the Mayor of the Issuer deems to be in the best interests of the Issuer. The form of the notice of public

sale or request for bids (the “Notice of Sale”), if any, shall be prescribed by the Mayor of the Issuer. In either event, the issuance and sale of the Notes shall be subject to receipt of the approving opinion of Whiteford, Taylor & Preston L.L.P., as Bond Counsel to the Issuer.

(b) The Mayor and other officers, employees, attorneys and agents of the Issuer are authorized to (i) if a public sale of the Notes is contemplated, prescribe the form of the Notice of Sale, including any amendments or supplements thereto, and to establish requirements and procedures for the public sale and award of the Notes upon terms the Mayor determines to be in the best interests of the Issuer, (ii) take any necessary or appropriate actions in connection with any advertisement of the sale of the Notes and publication of the Notice of Sale, and (iii) take such actions and make such determinations, including the award of the Notes upon terms the Mayor determines to be in the best interests of the Issuer, either at a public competitive sale, by seeking bids from a limited number of financial institutions or prospective purchasers, or by the private negotiated sale of the Notes with one or more prospective purchasers, all as may be necessary to effectuate the sale and issuance of the Notes in accordance with the provisions of this Ordinance, the Notice of Sale (if a public sale) and applicable requirements of law. All actions heretofore taken by the officers or employees of the Issuer in connection with the offer and sale of the Notes are hereby approved, ratified and confirmed.

Section 11. Bank Qualified Status of Interest Paid on the Notes. The Issuer hereby authorizes the Notes (or any series of the Notes) to be designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”), and in connection with any such designation shall certify at the time the Notes or series of Notes are issued that (a) the Notes are not private activity bonds for purposes of Section 265(b)(3)(B)(i)(II) of the Internal Revenue Code, (b) the Issuer, including all subordinate entities of the Issuer, has not issued and will not issue more than Ten Million Dollars (\$10,000,000) (or any other amount as may then be applicable) of tax exempt obligations during any calendar year in which any series of the Notes designated as qualified tax exempt obligations may be issued, and (c) the Issuer, including all subordinate entities of the Issuer, has not and will not designate more than Ten Million Dollars (\$10,000,000) (or any other amount as may then be applicable) of obligations as qualified tax exempt obligations during the calendar year in which the Notes or series of Notes are issued.

Section 12. Authority to Take Action. The officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Notes, the Related Note Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents, certificates or instruments of writing which may be necessary or desirable to carry out the full intent and purposes of this Ordinance and the Related Note Documents. Any and all acts heretofore taken by the officers or employees of the Issuer in connection with the authorization, offer, sale and delivery of the Notes are hereby approved, ratified and confirmed.

Section 13. Covenants Relating to Tax Exempt Status of the Notes.

(a) The Mayor and Town Clerk shall be the officials of the Issuer responsible for the execution and delivery on the date of the issuance of the Notes of a certificate or certificates of the Issuer (a “Tax and Section 148 Certificate”) that complies with the requirements of Section 148 of the Internal Revenue Code (“Section 148”), and the applicable regulations thereunder (the “Arbitrage Regulations”), and such officials are hereby authorized and directed to execute and deliver a Tax and Section 148 Certificate to counsel rendering an opinion on the validity of the Notes on the date of issuance of the Notes. The Mayor and Town Clerk shall be the officials of the Issuer responsible for the issuance of the Notes within the meaning of Treasury Regulations Section 1.148-2 of the Arbitrage Regulations.

(b) The Issuer shall set forth in the Tax and Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Notes or of any monies, securities or other obligations on deposit to the credit of any account of the Issuer which may be deemed to be proceeds of the Notes pursuant to Section 148 or the Arbitrage Regulations. The Issuer covenants that the facts, estimates and circumstances set forth in the Tax and Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of the issuance of the Notes and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with the registered owner or owners of the Notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Notes that would cause the Notes to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The Issuer further covenants that it will comply with Section 148 and the Arbitrage Regulations which are applicable to the Notes on the date of issuance thereof and which may subsequently be made applicable thereto as long as the Notes remains outstanding and unpaid. The Mayor and Town Clerk are hereby authorized and directed to prepare or cause to be prepared and to execute any certification, opinion or other document, including, without limitation, a Tax and Section 148 Certificate, which may be required to assure that the Notes will not be deemed to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. All officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Notes as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Notes, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on such Notes.

(e) The Issuer further covenants with the registered owner or owners of the Notes (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Notes or a portion of the Notes to be “federally guaranteed” within the meaning of Section 149(b) of the Internal Revenue Code, and (ii) that

it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Notes or a portion of such proceeds that would cause the Notes or a portion of the Notes to be “private activity bonds” within the meaning of Section 141(a) of the Internal Revenue Code.

(f) The Mayor may make such covenants or agreements in connection with the issuance of the Notes as he shall deem advisable in order to assure the registered owner or owners of the Notes that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Notes from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Internal Revenue Code as the Mayor shall deem advisable in order to assure the registered owner or owners of the Notes that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the use and investment of proceeds of the Notes, the payment of certain earnings (if any) resulting from such investment to the United States, limitations on the times within which and the purposes for which proceeds of the Notes may be expended, the use of specified procedures for accounting for and segregating proceeds of the Notes, the operation and use of any Project being financed with the proceeds of any Notes or series of Notes, and retention of records relating to the foregoing matters and the Notes. Such covenants and agreements may be set forth in a Tax and Section 148 Certificate or other agreement.

Section 14. Designation of Projects. The Issuer may, from time to time, prior to or after the issuance of the Notes, either by amending or supplementing this Ordinance or by administrative order designate one or more specific Projects to be financed with the proceeds of any series of Notes, or to amend or modify any Project previously designated, without the consent of the holders of the Notes, provided that if any amendment or modification of a Project is to be financed from any series of Notes previously issued, the Issuer receives an opinion of bond counsel to the effect that the use of the proceeds of the Notes for any Project as proposed to be modified will not adversely affect the exclusion from federal income taxation applicable to interest paid on such Notes.

Section 15. Official Intent to Reimburse. The Issuer declares that the Issuer intends to reimburse itself from proceeds of the Notes or Bonds any expenditures for costs of the Projects made by the Issuer prior to the issuance of the Notes or the Bonds and that such declaration in the Ordinance constitutes the Issuer’s “official intent” under Treasury Regulations 1.150-2.

Section 16. Effective Date; Miscellaneous.

(a) **Effective Date.** This Ordinance shall take effect from the date of its approval by the Mayor after its adoption by the Board of Commissioners, or from the date it is passed by the Board of Commissioners over the Mayor’s veto, if applicable.

(b) **Governing Law.** The laws of the State of Maryland shall govern the construction of this Ordinance and the Notes.

(c) **Publication of Ordinance; Filing Certified Copies of Ordinance.** The Town Clerk of the Issuer shall cause (i) a copy of this Ordinance to be published in accordance with the requirements of Section 2.04.010 E. of the Municipal code of the Issuer, and (ii) a true and correct copy of this Ordinance to be recorded in the ordinance book and attested by the Town Clerk in accordance with the requirements of Section 2.04.010 A. of the Municipal Code of the Issuer. Any copy of this Ordinance duly certified by the Town Clerk or any successors in office shall constitute evidence of the contents and provisions hereof.

(d) **Severability.** The provisions of this Ordinance are severable, and if any provision, sentence, phrase, clause, section or part of this Ordinance shall be held or deemed to be illegal, invalid, inoperative, or unenforceable, the same shall not affect or impair any other provision, sentence, phrase, clause, section or part of this Ordinance. Any references in this Ordinance to any provisions of state, federal or local law are not exclusive of any other provisions of federal, state or local law applicable to any provisions hereof. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, phrase, clause, section or part had not been included herein.

(e) **No Personal Liability of Officers, Agents or Employees.** No stipulation, obligation or agreement herein contained or contained in the Notes or in any Related Note Documents executed on behalf of the Issuer shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the Issuer in his or her individual capacity, and no such officer, agent, or employee shall be personally liable on the Notes or be subject to personal liability or accountability by reason of the issuance thereof.

(f) **Amendments and Supplements.** The Board of Commissioners of the Issuer may supplement or amend this Ordinance with respect to the terms of any series of Notes issued under the authority of this Ordinance.

[Signatures on following page.]

PASSED AND ADOPTED by the Board of Commissioners of the Town of Emmitsburg on _____, 2020

ATTEST:

**BOARD OF COMMISSIONERS
TOWN OF EMMITSBURG**

Madeline Shaw
Town Clerk

Timothy O'Donnell, President
Board of Commissioners

[SEAL]

_____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:

EXHIBIT A

FORM OF NOTE

THIS NOTE HAS BEEN DESIGNATED AS “BANK QUALIFIED TAX EXEMPT” UNDER SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS NOTE ARE MADE BY CHECK, DRAFT OR ELECTRONIC FUNDS TRANSFER TO THE REGISTERED OWNER. IT CANNOT BE DETERMINED FROM THE FACE OF THIS NOTE WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS NOTE HAS BEEN PAID.

\$ _____

R - ____

**UNITED STATES OF AMERICA
STATE OF MARYLAND
Town of Emmitsburg
General Obligation [Bond] Anticipation Note
Series _____
Dated _____**

Registered Owner:

The Town of Emmitsburg, a municipal corporation organized under the laws of the State of Maryland (the “**Town**”), for value received, hereby promises to pay to the Registered Owner shown above, or registered assigns or legal representative, the Principal Sum shown above (or such lesser amount as shall be outstanding hereunder from time to time), with interest thereon from and including the most recent date to which interest has been paid or, if this note shall be delivered prior to the first interest payment date, from the date of delivery of this note, until such Principal Sum shall be paid or provided for in accordance with the Ordinance (defined herein). Interest on this note shall be payable on _____ at the rate of interest equal to _____% per annum.

The principal amount hereof shall be due and payable in full on _____, together with any accrued and unpaid interest on this note to such date.

Interest due on the unpaid principal amount hereof shall accrue on the basis of a 360-day year of twelve 30-day months, from the date hereof, and shall be paid [quarterly commencing on _____, and thereafter on the ___ day of _____, _____ and _____ and _____ in each year], as set forth on **SCHEDULE A** attached to this Note, until the principal amount hereof has been paid or provision for payment shall have been made.

Both the principal amount of and interest on this note will be paid to the registered owner in lawful money of the United States of America, at the time of payment, and will be paid by electronic funds transfer, or by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails before the payment date) to the registered owner at such address as the registered owner may designate from time to time by notice in writing delivered to the Town Clerk, Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland, 21727.

The principal of this Note is subject to prepayment or redemption in whole or in part at any time prior to maturity, together with a prepayment or redemption premium as described herein, if any, upon not less than ten (10) days prior notice from the Town mailed or delivered to the Registered Owner of this note as shown on books of the Town, together with interest on the principal amount to be prepaid or redeemed accrued to the prepayment or redemption date. If less than all of the outstanding installments of principal shall be called for prepayment or redemption, the principal amount to be so prepaid or redeemed shall be applied to reduce the installments of principal in the amount and order as determined by the Town. From and after any prepayment or redemption date, the principal of this Note called for prepayment or redemption shall cease to bear interest and the Registered Owner hereof shall thereafter be entitled only to receive from the Town payment of the principal hereof called for prepayment or redemption and any accrued interest payable on such principal to the date of prepayment or redemption.

[ADD IF NOTE IS A LINE OF CREDIT]

[This Note evidences a [straight][revolving] line of credit. Once the total principal amount has been advanced, the Town is not entitled to further loan advances. Advances under this Note may be requested orally by the Town or as provided in this section. All oral requests shall be confirmed in writing on the day of the request. All

communications, instructions, or directions by telephone or otherwise to the Registered Owner are to be directed to the Registered Owner at _____, or such other address as is communicated by the Registered Owner of this Note. Registered Owner shall have no obligation to advance sums under this Note if there is a default by the Town under the terms of this note.]

This Note constitutes the entire issue of the Town of Emmitsburg General Obligation [Bond] Anticipation Notes, Series 201____, and this Note is issued pursuant to (i) the Constitution and laws of the State of Maryland, particularly Sections 19-212 *et seq.* of the Local Government Article of the Annotated Code of Maryland, (ii) Article V, Sections 19 through 22 of the Town Charter and (iii) an Ordinance adopted by the Board of Commissioners on _____, 201__ and approved by the Mayor of the Town of Emmitsburg on _____, 2020 (the “**Ordinance**”). The terms of this Note include those stated in the Ordinance, and this Note is subject to all such terms. The registered owner of this Note is referred to the Ordinance (a copy of which is on file with the Town) for a complete statement of such terms, to which the owner hereof, by acceptance of this Note, assents.

The full faith and credit and unlimited taxing power of the Town are hereby irrevocably pledged to the prompt payment of the principal of and interest on this Note according to its terms, and the Town hereby covenants and agrees to pay the principal of and interest on this Note at the dates and in the manner prescribed herein. Under the Ordinance the Town has the right to pay principal of and interest on this Note from any available monies or revenues of the Town.

This Note is transferable only upon the books of the Town at the office of the Town Clerk by the registered owner hereof in person or by such owner’s attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer satisfactory to the Town Clerk, duly executed by the Registered Owner or such owner’s duly authorized attorney. The Town shall, within a reasonable time, issue in the name of the transferee a new registered note in an aggregate principal amount equal to the unpaid principal amount of the note surrendered and with the same maturities and interest rate. The new note shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer by the transferee.

The Town may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

No covenant or agreement contained in this Note or the Ordinance shall be deemed to be a covenant or agreement of any officer, agent, representative or employee of the Town in his or her individual capacity, and neither the officers, agents, representatives or employees of the Town, nor any officer executing this Note, shall be liable personally on this note or be subject to any personal liability or accountability by reason of the issuance or sale of this Note.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter and the Ordinance to exist, to have happened or to have been performed precedent to or in the issuance of this Note, exist, have happened and have been performed, and that the issuance of this Note, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution or statutes.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

In Witness Whereof, this note has been executed by the manual signature of the Mayor and the seal of the Town has been affixed hereto, and attested by the manual signature of the Town Clerk of the Town, all as of _____, 201__.

TOWN OF EMMITSBURG

[SEAL]

By: _____
Donald N. Briggs, Mayor

Attest:

Name: Madeline Shaw
Title: Town Clerk

**UNITED STATES OF AMERICA
STATE OF MARYLAND
TOWN OF EMMITSBURG
GENERAL OBLIGATION [BOND] ANTICIPATION NOTE
SERIES _____**

Schedule A - Principal and Interest Payments

Date	Principal	Interest

Assignment

For Value Received, the undersigned, hereby sells, assigns and transfers unto

[NAME AND ADDRESS OF TRANSFEREE.]

(TAX IDENTIFICATION OR SOCIAL SECURITY NO. _____)

within the Note and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Note on the books kept for registration thereof by the [Town Clerk] of the Town of Emmitsburg, Maryland, at the offices of the Town located Town of Emmitsburg, Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland, 21727, with full power of substitution in the premises.

Dated: _____

INSERT SIGNATURE GUARANTY BELOW

Signature of Registered Owner

Notice: The signature to this assignment must correspond with the name as it appears on the face of the within note in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed.

ORDINANCE SERIES: 2020
ORD. NO: 20 – 11

Page 1 of 18

**TOWN OF EMMITSBURG
GENERAL OBLIGATION BONDS**

AN ORDINANCE OF THE TOWN OF EMMITSBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ISSUANCE AND SALE OF UP TO (AND INCLUDING) ONE MILLION NINE HUNDRED EIGHTY-SEVEN THOUSAND AND 00/100 DOLLARS (\$1,987,000) PAR AMOUNT OF BONDS, TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 19-301, ET SEQ. OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, AND ARTICLE V, SECTIONS 19 THROUGH 22 OF THE CHARTER OF THE TOWN OF EMMITSBURG, FOR THE PURPOSE OF PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY TO PAY THE COSTS OF REPAIRING, UPGRADING OR REPLACING SANITARY SEWER PUMPING STATIONS AND OTHER PUBLIC IMPROVEMENTS FOR THE TOWN OF EMMITSBURG, AND PAYING CAPITALIZED INTEREST ON AND THE COSTS OF ISSUING THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE TOWN OF EMMITSBURG; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER SUBJECT TO ASSESSMENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE, INTEREST RATE AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR THE DESIGNATION OF SPECIFIC PROJECTS TO BE FINANCED WITH PROCEEDS OF THE BONDS AND RELATED PURPOSES.

WHEREAS, the Town of Emmitsburg (the “Issuer”), is a municipal corporation of the State of Maryland organized and operating under a charter adopted in accordance with Article XI-E of the Constitution of Maryland, and Sections 4-201 *et seq.* of the Local Government Article of the Annotated Code of Maryland, as amended; and

WHEREAS, pursuant to the authority of Article VII, Section 1 of the Charter of the Town of Emmitsburg (the “Charter”), the Issuer is authorized and empowered to construct and establish a water supply and sewerage system to serve the Town of Emmitsburg and its environs including those to which the Issuer has entered into cooperative arrangements for sharing such systems and services; to reconstruct, enlarge, alter, repair, improve or dispose of the existing water supply and sewerage systems as from time to time may become necessary; to do such things and make such rules and regulations regarding them as it deems necessary; and to assess the costs, in whole or in part, on the abutting or benefited property in any equitable manner as provided by the Commissioners; and

WHEREAS, pursuant to the authority of Sections 19-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland, as amended (the “Enabling Act”), and Article V, Sections 19 through 22 of the Charter, the Issuer has determined to issue its general obligation

bonds to be known as the “Town of Emmitsburg General Obligation Bonds” (the “Bonds”) in the principal amount of up to (and including) One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000) for the purpose of providing all or a portion of the funds necessary to pay the costs of repairing, upgrading or replacing sanitary sewer pumping stations and other public improvements for the Issuer (individually a “Project” and, collectively, the “Projects”), to pay interest on the Bonds and to pay the costs of issuing such bonds, all in accordance with the terms and provisions of this Ordinance; and

WHEREAS, the Issuer intends by this Ordinance to provide for the issuance and sale of the Bonds, which may be at a private or public sale, as determined by the Issuer to be in the best interests of the Issuer and under its authority under the Charter at the time of such sale.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Authorization, Terms, Form of Bonds.

(a) The Issuer shall borrow upon its full faith and credit and shall issue and sell the Bonds as general obligation bonds in the principal amount of up to (and including) One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000), to be issued pursuant to the authority of Sections 19-301 *et seq.* of the Enabling Act, and Article V, Sections 19 through 22 of the Charter. The proceeds from the sale of the Bonds shall be used for the purpose of providing all or a portion of the funds necessary to pay the costs of the Projects, capitalized interest on the Projects and the Bonds, and issuing the Bonds, together with other related costs.

(b) The Bonds shall be issued in one or more series, from time to time, as fully registered bonds in the principal amount of up to (and including) One Million Nine Hundred Eighty-Seven Thousand and 00/100 Dollars (\$1,987,000), payable to the registered owners thereof. The Bonds of each series may be issued in such amount or such lesser amounts and in such denominations as determined by the Mayor pursuant to subsection (e) below. The interest rates and provisions for prepayment or redemption of the Bonds of any series may differ from the interest rates and provisions for prepayment or redemption of the Bonds of any other series.

(c) The Bonds of each series shall be dated as of their date of issue and delivery to the initial purchaser thereof; shall be numbered R-1, upwards; shall be initially registered in the name of the initial purchaser thereof or such purchaser’s designee; and shall bear interest from their dated date, payable in monthly, quarterly, semiannual or other periodic installments, as determined by the Mayor pursuant to subsection (e) below, at the designated office of the Issuer.

(d) The Bonds shall be in substantially the form set forth on Exhibit A to this Ordinance, attached hereto and made a part hereof, subject to completion and modification as authorized by this Ordinance, which form of Bonds, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(e) The Mayor is hereby authorized to make such changes to the amount, terms and form of the Bonds and any related documents and certificates, including insertions therein or additions or deletions thereto, as may be necessary to conform the terms of the Bonds to the terms and requirements of the purchaser and as are consistent with the other provisions of this Ordinance. Accordingly, the Mayor is specifically authorized: (i) to determine and approve the

final principal amount of the Bonds of any series to be issued from time to time in order to reflect the final principal amount thereof (not to exceed the maximum principal amount of Bonds authorized by this Ordinance for all series of Bonds), (ii) to determine and approve the interest rate or rates of the Bonds of any series pursuant to either a public or private sale of the Bonds of such series, the method of calculation of interest, and the date or dates for the payment thereof, if any, all as the Mayor shall deem to be in the best interests of the Issuer, (iii) to determine and approve the maturity date or dates of the Bonds of any series or the principal installments payable on the Bonds of any series and the dates on which the Bonds of any series are subject to mandatory or optional prepayment or redemption, the principal amounts to be prepaid or redeemed on such dates, and the redemption premium thereon, if any, (iv) to determine the number and denominations of the Bonds of any series, and (v) to insert into the form of the Bonds a project and series designation for the Bonds, which shall include the actual year in which the Bonds of any series are issued and any additional designations as may be determined by the Mayor.

(f) Concurrently with the delivery of the Bonds of any series to the purchaser thereof, the Issuer will enter into, execute and deliver in connection with the issuance of the Bonds of such series additional documents, agreements, instruments and certificates (which are herein referred to as the “Related Bond Documents”). The Related Bond Documents shall be in such form and shall contain such terms and conditions as shall be approved by the Mayor and acceptable to the purchaser of the Bonds and the Issuer’s bond counsel. The Issuer agrees to perform the covenants and agreements set forth in the Related Bond Documents.

Section 2. Execution. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor of the Issuer, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the Town Clerk of the Issuer. In the event any official whose signature appears on the Bonds or the Related Bond Documents shall cease to be an official prior to the delivery of the Bonds or the Related Bond Documents, or, in the event any official whose signature appears on any of the Bonds or the Related Bond Documents becomes an officer after the date of the issue, the Bonds or Related Bond Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor of the Issuer is hereby authorized, empowered and directed to complete the applicable form of the Bonds and the Related Bond Documents and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in his or her discretion, shall deem necessary to complete the issuance and sale of the Bonds and the execution and delivery of the Related Bond Documents, as will not alter the substance thereof. The Mayor is hereby also authorized to execute other and additional documents relating to the Bonds, the Related Bond Documents and their administration, including subsequent modifications, deletions, corrections and other changes thereto in any manner which the Mayor, in his or her discretion, shall deem appropriate. The execution of the Bonds and the Related Bond Documents and any other documents relating to the Bonds and the Related Bond Documents by the Mayor shall be conclusive evidence of his or her approval of the form and substance thereof.

Section 3. Registration of Bonds. The Town Clerk shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds of any series at the office of the Town Clerk. No security or bond shall be required of the Town Clerk in the performance of the duties of registrar for the Bonds. The Issuer may from time to time by ordinance adopted by the Board of Commissioners, either prior to or following the issuance of the

Bonds of any series, designate and appoint one or more substitute or successor registrars or a paying agents for the Bonds of any series.

The Bonds of any series will be transferable by the Town Clerk only upon the register for the Bonds maintained by the Town Clerk. Any Bond presented for transfer, exchange or registration, shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the Town Clerk, duly executed by the registered owner thereof or by such owner's duly authorized attorney. Upon any transfer or exchange, the Issuer shall execute and deliver in the name of the registered owner or the transferee or transferees, as the case may be, a new registered Bond of authorized denomination(s) in the outstanding and unpaid principal amount of the Bond, payable or maturing on the same date or dates and bearing interest at the same rate as the surrendered Bond. In each case, the Issuer may require payment by the registered owner requesting the exchange or transfer of any tax, fee or other governmental charge and of any shipping and insurance charges that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner for the exchange or transfer. The Town Clerk, as registrar shall not be required to transfer or exchange any Bond after the mailing of a notice of redemption.

The Issuer may deem and treat the person in whose name any Bonds shall be registered upon the books of the Issuer as the absolute owner of such Bonds, whether such Bonds shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal, premium, if any, of and interest on such Bonds and for all other purposes.

Section 4. Prepayment and Redemption. Principal of the Bonds is subject to prepayment or redemption in whole or in part at any time prior to maturity, with or without premium or penalty, together with interest on the principal amount to be prepaid or redeemed accrued to the prepayment or redemption date, as shall be set forth in the form of the Bonds or as otherwise determined by the Mayor. If less than all of the outstanding principal of any Bond or installments of principal on any Bond shall be called for prepayment or redemption, the principal amount to be so prepaid or redeemed shall be applied to reduce the installments of principal payable on any Bond in the amount and order as determined by the Issuer. Notice of prepayment or redemption shall be sent to the registered owners of any Bonds to be prepaid or redeemed by first class mail at such owners' addresses appearing on the register for the Bonds, if and as required by the purchaser(s) of the Bonds.

If, on the date designated for prepayment or redemption of any Bonds, notice having been duly given or waived, moneys for the prepayment or redemption of principal of the Bonds plus accrued interest to the prepayment or redemption date are then held by the Issuer, the principal called for prepayment or redemption shall become due and payable at the prepayment or redemption price provided therefor, together with any accrued interest thereon, and interest on such principal called for prepayment or redemption shall cease to accrue from and after such date. From and after any such prepayment or redemption date, the principal of the Bonds called for prepayment or redemption shall cease to bear interest and the registered owners thereof shall thereafter be entitled only to receive from the Issuer payment of the principal thereof called for prepayment or redemption and any accrued interest payable on such principal to the date of prepayment or redemption.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any of the Bonds shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be

executed and delivered new Bonds of like date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bonds being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bonds was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bonds so issued in substitution for any Bonds so mutilated, destroyed, lost or stolen: (i) may be reproduced in a manner similar to the Bond being replaced, and (ii) shall constitute an original contractual obligation on the part of the Issuer, whether or not the Bonds in exchange for which said new Bonds are issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bonds shall be equally and proportionately entitled to the benefits of the Bonds with all other like Bonds, in the manner and to the extent provided herein. The Issuer may require payment by the registered owner requesting a replacement Bond of any tax, fee or other governmental charge, costs of preparation of the replacement Bond and any shipping and insurance charges that may be required to be paid with respect thereto.

Section 6. Use of Proceeds; Records.

(a) If the Issuer issued bond anticipation notes before the issuance of the Bonds, the Issuer is required to use the first proceeds of the Bonds or other available taxes or revenues to pay or redeem such bond anticipation notes.

(b) The proceeds of the Bonds shall be held, invested, administered and disbursed by the Issuer and shall be used, when and as required, to pay the costs of the Projects, capitalized interest on the Bonds and costs of issuing the Bonds, together with other related costs.

(c) Pending expenditure of the proceeds of the Bonds as contemplated hereby, the Town Treasurer may invest all or part of such proceeds in such manner as authorized or permitted by law; provided, however, that no such investments shall be made which would cause the Bonds to be “arbitrage bonds” as more fully set forth in Section 13 below.

(d) The Town Treasurer shall create and maintain, or cause to be created and maintained, full and complete books and records of account for the receipt, investment and disbursement of the proceeds of the Bonds of each series.

Section 7. Covenants. The Issuer covenants with the owners from time to time of the Bonds that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the owners of the Bonds the principal of the Bonds and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited *ad valorem* taxes in the event that available monies or revenues of the Issuer are inadequate to make such payment.

(b) The Issuer covenants that so long as the Bonds are outstanding and not paid, unless other monies or revenues are available for payment of principal of, premium (if any) and interest on the Bonds, it will levy annually, in the manner prescribed by law, a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, *ad valorem* taxes in rate and amount and sufficient, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable. In the event that available monies or revenues or the taxes so levied in any fiscal year shall prove inadequate

for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency. The full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer intends to pay principal of, premium (if any) and interest on the Bonds from any available monies or revenues of the Issuer. Accordingly, to the extent any such monies or revenues are used to pay principal of, premium (if any) and interest on the Bonds, the Issuer shall not be obligated to levy and collect a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, to provide for the payment of the principal of, premium (if any) and interest on the Bonds as the same become due and payable.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the registered owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the interests of such owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds.

Section 9. Purchase Price of Bonds. The Bonds shall be sold for cash at not less than 100% of the par value thereof in accordance with the terms and provisions of this Ordinance, and as authorized by Sections 19-301 et. seq. of the Enabling Act.

Section 10. Sale of Bonds.

(a) The Bonds shall be sold either at a public sale or private negotiated sale as the Mayor of the Issuer deems to be in the best interests of the Issuer and in accordance with the authority of the Issuer under the Charter. The form of the notice of public sale or request for bids (the "Notice of Sale"), if any, shall be prescribed by the Mayor of the Issuer. In either event, the issuance and sale of the Bonds shall be subject to receipt of the approving opinion of Whiteford, Taylor & Preston L.L.P. as Bond Counsel to the Issuer.

(b) The Mayor and other officers, employees, attorneys and agents of the Issuer are authorized to (i) if a public sale of the Bonds is contemplated, prescribe the form of the Notice of Sale, including any amendments or supplements thereto, and to establish requirements and procedures for the public sale and award of the Bonds upon terms the Mayor determines to be in the best interests of the Issuer, (ii) take any necessary or appropriate actions in connection with any advertisement of the sale of the Bonds and publication of the Notice of Sale, and (iii) take such actions and make such determinations, including the award of the Bonds upon terms the Mayor determines to be in the best interests of the Issuer, either at a public competitive sale, by seeking bids from a limited number of financial institutions or prospective purchasers, or by the private negotiated sale of the Bonds with one or more prospective purchasers, all as may be necessary to effectuate the sale and issuance of the Bonds in accordance with the provisions of this Ordinance, the Notice of Sale (if a public sale) and applicable requirements of law. All actions heretofore taken by the officers or employees of the Issuer in connection with the offer and sale of the Bonds are hereby approved, ratified and confirmed.

Section 11. Special Provisions Applicable to Sale of the Bonds to the United States of America.

(a) *Provisions Applicable to Sale of Bonds to the United States.* The Issuer may sell one or more series of the Bonds to the United States of America (the “Government”) under financing programs administered by the United States Department of Agriculture - Rural Development. The provisions of this Section provide for certain terms and conditions related to the sale of the Bonds to the Government and supplement the other provisions of this Ordinance. The following terms and conditions do not represent all the terms and requirements with respect to Bonds sold to the Government. The Board of Commissioners may adopt such supplemental Ordinances as necessary to confirm, modify or supplement any of the provisions of this Ordinance applicable to any Bonds to be sold to the Government.

(b) *Application for Financing Through the United States Department of Agriculture - Rural Development.* In addition to the other provisions of this Ordinance, the Mayor and [Town Clerk] are authorized to make application to and directly negotiate with the United States Department of Agriculture - Rural Development for the purchase and sale of the Bonds to the Government upon terms mutually agreeable to the Mayor and the [Town Clerk] and the Government. All actions heretofore taken by the Mayor, the [Town Clerk] and other officers or employees of the Issuer in connection with the purchase and sale of the Bonds by the Government are hereby approved, ratified and confirmed.

(c) *Payment of Bonds.* So long as the Government is the registered owner of the Bonds, payment shall be made by the Issuer to the [United States Department of Agriculture, Rural Utilities Service, 1221 College Park Drive, Suite 200, Dover, Delaware 19904], or such other place as the Government may designate. Unless the Government shall direct otherwise, principal of and interest on the Bonds shall be repaid in one hundred sixty (160) equal quarterly amortized installments, commencing quarterly after the date of delivery of the Bonds against payment by the Government therefor; and the entire unpaid principal balance and all accrued and unpaid interest thereon shall be due and payable forty (40) years following the date the Bonds are dated.

(d) *Prepayment of Bonds.*

(i) The Issuer may prepay, at any time, the entire unpaid principal amount of the Bonds or, from time to time, on any interest payment date, such lesser portion thereof as the Issuer may determine, at the principal amount thereof plus accrued interest to the date of such payment.

(ii) If less than all of the outstanding installments of principal shall be called for prepayment, such prepayment shall be in the inverse chronological order of installments of principal.

(iii) Unless notice of prepayment shall be waived in writing by the registered owner of the Bonds, a notice calling for prepayment of the installments of principal to be prepaid shall be mailed by the Issuer, postage prepaid, at least thirty (30) days prior to the prepayment date, to the registered owner of the Bonds, at its last address appearing on the registration books kept by the Issuer. Such notice shall specify the installments of principal to be prepaid, the date fixed for prepayment and the prepayment price, and shall further state that on such date the installments of principal called for prepayment will be due and become payable at the offices of the Issuer at Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland 21727, or, if the Government is the registered owner, at the [United States Department of Agriculture, Rural Utilities Service, 1221 College Park

Drive, Suite 200, Dover, Delaware 19904] (or at such other place as the Government may designate), and that from and after such date, interest thereon shall cease to accrue; provided, however, that failure to mail any such notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of any prepayment proceedings, except where the Government is the registered owner.

(iv) On the date designated for prepayment, notice having been mailed or waived, and moneys for the payment of the prepayment price plus accrued interest being held by the Issuer, the installments of principal so called for prepayment shall become due and payable at the prepayment price provided for prepayment of such installments of principal on such date, interest on such installments of principal so called for prepayment shall cease to accrue, and the registered owner of the Bonds shall have no rights in respect to the installments of principal so called for prepayment except to receive payment of the prepayment price thereof, plus accrued interest thereon to the prepayment date from such moneys held by the Issuer. If the Government is the registered owner of the Bonds, interest will cease to accrue on the principal so called for prepayment upon payment at the [United States Department of Agriculture, Rural Utilities Service, 1221 College Park Drive, Suite 200, Dover, Delaware 19904] (or at such other place as the Government shall have designated).

(e) *Investment of Bond Proceeds.* The Town Treasurer may invest all or part of such proceeds in such manner as authorized or permitted by law and, so long as the Government is the registered owner of the Bonds, by the Government.

(f) *Grant Agreement and Other Agreements.* If the Government is the purchaser of the Bonds to be issued for a Project, the Issuer shall enter into such agreements as may be required by the Government in connection with the Bonds and such Project, including, without limitation, a "Water and Waste System Grant Agreement" RUS Bulletin 1780-12, and shall abide by all covenants and agreements of the Issuer contained therein.

(g) *Covenant to Refinance the Bonds.* If at any time while the Government is the registered owner of the Bonds, it shall appear to the Government that the Issuer is able to refinance the principal amount then outstanding on the Bonds, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, as required by Section 333(c) of the Consolidated Farm and Rural Development Act of 1961 (7 U.S.C. 1983(c)), upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and will take all such action as may be required in connection with such loan.

(h) *Modifications to Project.* If the owner of the Bonds is the Government, any additions to, substitutions for, or amendments or modifications of the Project being financed with the proceeds of such Bonds shall be approved by the Government.

(i) *Terms to be Included in Form of Bonds.* Any Bonds sold to the Government in accordance with the provisions of this Section may, in addition to the terms set forth in this Section, include any of the following additional terms:

(i) Any amount advanced or expended by the Government for the collection of the Bonds or to preserve or protect any security for the Bonds, or otherwise under the terms of

any security or other instrument executed in connection with the indebtedness evidenced by the Bonds, at the option of the Government, shall become an obligation of the Issuer, and shall bear interest at the same rate as the principal of the indebtedness evidenced by the Bonds and be immediately due and payable by the Issuer to the Government without demand. The Issuer agrees to use the proceeds of the Bonds solely for purposes authorized by the Government.

(ii) The Issuer shall certify to the Government that it is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in or near its community for loans for similar purposes and periods of time, and its legal borrowing authority and powers.

(iii) So long as the Government is the holder of any series of Bonds, if at any time it shall appear to the Government that the Issuer is able to refinance the principal amount then outstanding on such series of Bonds, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, as required by Section 333(c) of the Consolidated Farm and Rural Development Act of 1961 (7 U.S.C. 1983(c)), upon request of the Government, apply for and accept such loan in sufficient amount to repay such series of Bonds to the Government and will take all action as may be required in connection with such loan.

(iv) Any Bond registered in the name of the Government or its designee shall state that (a) it is given as evidence of a loan to the Issuer made or insured by the Government pursuant to the Consolidated Farm and Rural Development Act, and (b) shall be subject to the present regulations of the Rural Utilities Source of the United States Department of Agriculture and its future regulations not inconsistent with the express provisions thereof.

Section 12. Authority to Take Action. The officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Related Bond Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents, certificates or instruments of writing which may be necessary or desirable to carry out the full intent and purposes of this Ordinance and the Related Bond Documents. Any and all acts heretofore taken by the officers or employees of the Issuer in connection with the authorization, offer, sale and delivery of the Bonds are hereby approved, ratified and confirmed.

Section 13. Covenants Relating to Tax Exempt Status of the Bonds.

(a) The Mayor and the [Town Clerk] shall be the officials of the Issuer responsible for the execution and delivery on the date of the issuance of the Bonds of a certificate or certificates of the Issuer (a "Tax and Section 148 Certificate") that complies with the requirements of Section 148 of the Internal Revenue Code ("Section 148"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed to execute and deliver a Tax and Section 148 Certificate to counsel rendering an opinion on the validity of the Bonds on the date of issuance of the Bonds. The Mayor and the [Town Clerk] shall be the officials of the Issuer responsible for the issuance of the Bonds within the meaning of Treasury Regulations Section 1.148-2 of the Arbitrage Regulations.

(b) The Issuer shall set forth in the Tax and Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds or of any monies, securities or other obligations on deposit to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations. The Issuer covenants that the facts, estimates and circumstances set forth in the Tax and Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of the issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with the registered owner or owners of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations. The Issuer further covenants that it will comply with Section 148 and the Arbitrage Regulations which are applicable to the Bonds on the date of issuance thereof and which may subsequently be made applicable thereto as long as the Bonds remains outstanding and unpaid. The Mayor and the [Town Clerk] are hereby authorized and directed to prepare or cause to be prepared and to execute any certification, opinion or other document, including, without limitation, the Tax and Section 148 Certificate, which may be required to assure that the Bonds will not be deemed to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations. All officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on such Bonds.

(e) The Issuer further covenants with the registered owner or owners of the Bonds (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Bonds or a portion of the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code, and (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds or a portion of the Bonds to be "private activity bonds" within the meaning of Section 141(a) of the Internal Revenue Code.

(f) The Mayor may make such covenants or agreements in connection with the issuance of the Bonds as he shall deem advisable in order to assure the registered owner or owners of the Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Internal Revenue Code as the Mayor shall deem advisable in order to assure the registered

owner or owners of the Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the use and investment of proceeds of the Bonds, the payment of certain earnings (if any) resulting from such investment to the United States, limitations on the times within which and the purposes for which proceeds of the Bonds may be expended, the use of specified procedures for accounting for and segregating proceeds of the Bonds, the operation and use of any Project being financed with the proceeds of any Bonds or series of Bonds, and retention of records relating to the foregoing matters and the Bonds. Such covenants and agreements may be set forth in a Tax and Section 148 Certificate or other agreement.

Section 14. Designation of Projects. The Issuer may, from time to time, prior to or after the issuance of the Bonds, either by amending or supplementing this Ordinance or by administrative order designate one or more specific Projects to be financed with the proceeds of any series of Bonds, or to amend or modify any Project previously designated, without the consent of the holders of the Bonds, provided that if any amendment or modification of a Project is to be financed from any series of Bonds previously issued, the Issuer receives an opinion of bond counsel to the effect that the use of the proceeds of the Bonds for any Project as proposed to be modified will not adversely affect the exclusion from federal income taxation applicable to interest paid on such Bonds.

Section 15. Effective Date; Miscellaneous.

(a) **Effective Date.** This Ordinance shall take effect from the dates of its approval by the Mayor after its adoption by the Board of Commissioners, or from the date it is passed by the Board of Commissioners over the Mayor's veto, if applicable.

(b) **Governing Law.** The laws of the State of Maryland shall govern the construction of this Ordinance and the Bonds.

(c) **Publication of Ordinance; Filing; Certified Copies of Ordinance.** The [Town Clerk] of the Issuer shall cause (i) a copy of this Ordinance to be published in accordance with the requirements of Section 2.04.010 E. of the Municipal Code of the Issuer, and (ii) a true and correct copy of this Ordinance to be recorded in the ordinance book and attested by the Town Clerk in accordance with the requirements of Section 2.04.010 A. of the Municipal Code of the Issuer. Any copy of this Ordinance duly certified by the Town Clerk or any successor in office shall constitute evidence of the contents and provisions hereof.

(d) **Severability.** The provisions of this Ordinance are severable, and if any provision, sentence, phrase, clause, section or part of this Ordinance shall be held or deemed to be illegal, invalid, inoperative, or unenforceable, the same shall not affect or impair any other provision, sentence, phrase, clause, section or part of this Ordinance. Any references in this Ordinance to any provisions of state, federal or local law are not exclusive of any other provisions of federal, state or local law applicable to any provisions hereof. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, phrase, clause, section or part had not been included herein.

(e) **No Personal Liability of Officers, Agents or Employees.** No stipulation, obligation or agreement herein contained or contained in the Bonds or in any Related Bond Documents executed on behalf of the Issuer shall be deemed to be a stipulation, obligation or agreement

of any officer, agent or employee of the Issuer in his or her individual capacity, and no such officer, agent, or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

(f) **Amendments and Supplements.** The Board of Commissioners of the Issuer may supplement or amend this Ordinance with respect to the terms of any series of Bonds issued under the authority of this Ordinance.

Section 16. Official Intent to Reimburse. The Issuer declares that the Issuer intends to reimburse itself from proceeds of the Notes or Bonds any expenditures for costs of the Projects made by the Issuer prior to the issuance of the Notes or the Bonds and that such declaration in the Ordinance constitutes the Issuer’s “official intent” under Treasury Regulations 1.150-2

PASSED AND ADOPTED by the Board of Commissioners of the Town of Emmitsburg on _____, 2020

ATTEST:

**BOARD OF COMMISSIONERS
TOWN OF EMMITSBURG**

Madeline Shaw
Town Clerk

Timothy O’Donnell, President
Board of Commissioners

[SEAL]

_____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:

**Exhibit A to
Ordinance _____**

Form of Bonds

[Subject to modification as authorized herein.]

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS BOND ARE MADE BY [CHECK, DRAFT OR] ELECTRONIC FUNDS TRANSFER TO THE REGISTERED OWNER. IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS BOND HAS BEEN PAID.

\$ _____

R - ____

**UNITED STATES OF AMERICA
STATE OF MARYLAND
Town of Emmitsburg
General Obligation Bonds
Series _____
Dated _____, 20__**

Registered Owner: _____

The Town of Emmitsburg, a municipal corporation of the State of Maryland (the “Issuer”), hereby acknowledges itself obligated to pay to the Registered Owner shown above, the principal amount of \$_____, plus interest on the unpaid principal amount at the rate of _____ per cent (____%) *per annum*.

[So long as the Government is the registered owner of this Bond, payment shall be made by the Issuer to the United States Department of Agriculture, 1221 College Park Drive, Suite 200, Dover, DE 19904, or such other place as the Government may designate. Unless the Government shall direct otherwise, principal of and interest on this Bond shall be repaid in _____ (____) [annual/quarterly/monthly] interest installments and _____ (____) [annual/quarterly/monthly] installments as follows:

The principal amount hereof and interest due and payable hereon shall be paid in _____ installments on the dates and in the amounts as set forth in Schedule A attached hereto.]

Interest due on the unpaid principal amount hereof shall accrue on the basis of a [360-day year of twelve 30-day months/365-day year based on actual days elapsed], from the date hereof, first payable on _____ 1, 20__, and _____ thereafter on the first day of _____ in each year until the principal amount hereof has been paid or provision for payment shall have been made.

Both the principal of and interest on this bond will be paid to the registered owner in lawful money of the United States of America, at the time of payment, and will be paid by electronic funds transfer, [or by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails before the payment date)] to the Government at the address set forth above and to any other registered owner at such address as such registered owner may designate from time to time by notice in writing delivered to the [Town Clerk], Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland, 21727.

The Issuer may prepay, at any time, the entire unpaid principal amount of this Bond or, from time to time, on any interest payment date, such lesser portion thereof as the Issuer may determine, at the principal amount thereof plus accrued interest to the date of such payment. If less than all of the outstanding installments of principal shall be called for prepayment, such prepayment shall be in the inverse chronological order of installments of principal.

Unless notice of prepayment shall be waived in writing by the registered owner of this Bond, a notice calling for prepayment of the installments of principal to be prepaid shall be mailed by the Issuer, postage prepaid, at least thirty (30) days prior to the prepayment date, to the registered owner of this Bond, at its last address appearing on the registration books kept by the Issuer. Such notice shall specify the installments of principal to be prepaid, the date fixed for prepayment and the prepayment price, and shall further state that on such date the installments of principal called for prepayment will be due and become payable at the offices of the Issuer at Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland, 21727, or, if the Government is the registered owner, at The United States Department of Agriculture, Rural Utilities Service, 1221 College Park Drive, Suite 200, Dover, Delaware 19904 (or at such other place as the Government may designate), and that from and after such date, interest thereon shall cease to accrue; provided, however, that failure to mail any such notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of any prepayment proceedings, except where the Government is the registered owner.

On the date designated for prepayment, notice having been mailed or waived, and moneys for the payment of the prepayment price plus accrued interest being held by the Issuer, the installments of principal so called for prepayment shall become due and payable at the prepayment price provided for prepayment of such installments of principal on such date, interest on such installments of principal so called for prepayment shall cease to accrue, and the registered owner of this Bond shall have no rights in respect to the installments of principal so called for prepayment except to receive payment of the prepayment price thereof, plus accrued interest thereon to the prepayment date from such moneys held by the Issuer. If the Government is the registered owner of this Bond, interest will cease to accrue on the principal so called for prepayment upon payment at the United

States Department of Agriculture, Rural Utilities Service, 1221 College Park Drive, Suite 200, Dover, Delaware 19904 (or at such other place as the Government shall have designated).

This bond constitutes one of the Town of Emmitsburg General Obligation Bonds of the series designated above, and is issued pursuant to the provisions of (a) Sections 19-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland, as amended, (b) Article V, Sections 19 through 22 of the Charter of the Town of Emmitsburg (the "Charter"), and (c) Ordinance No. ___ adopted by the Board of Commissioners on _____, 2020, and approved by the Mayor of the Town of Emmitsburg on _____, 2020 (the "Ordinance"). The terms and conditions set forth herein concerning payment, prepayment or redemption and all other rights and remedies of the registered owner of this bond are subject to the terms and conditions set forth in the Ordinance.

The full faith and credit and unlimited taxing power of the Issuer are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the Issuer hereby covenants and agrees to pay the principal of and interest on this bond at the dates and in the manner prescribed herein. Under the Ordinance the Issuer has the right to pay principal of and interest on this bond from any available monies or revenues of the Issuer.

This bond is transferable only upon the books of the Issuer at the office of the Town Clerk by the registered owner hereof in person or by such owner's attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer satisfactory to the Town Clerk, duly executed by the registered owner or such owner's duly authorized attorney. The Issuer shall, within a reasonable time, issue in the name of the transferee a new registered bond in an aggregate principal amount equal to the unpaid principal amount of the bond surrendered and with the same maturities and interest rate. The new bond shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer.

The Issuer may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Any amount advanced or expended by the Government for the collection hereof or to preserve or protect any security hereof, or otherwise under the terms of any security or other instrument executed in connection with the indebtedness evidenced hereby, at the option of the Government, shall become an obligation of the Issuer, and shall bear interest at the same rate as the principal of the indebtedness evidenced hereby and be immediately due and payable by the Issuer to the Government without demand. The Issuer agrees to use the proceeds hereof solely for purposes authorized by the Government.

The Issuer hereby certifies to the Government that it is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in or near its community for loans for similar purposes and periods of time, and its legal borrowing authority and powers.

So long as the Government is the holder of this Bond, if at any time it shall appear to the Government that the Issuer is able to refinance the principal amount then outstanding on this Bond, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, as required by Section 333(c) of the Consolidated Farm and Rural Development Act of 1961 (7 U.S.C. 1983(c)), upon request of the Government, apply for and accept such loan in sufficient amount to repay this Bond to the Government and will take all action as may be required in connection with such loan.

This Bond is given as evidence of a loan to the Issuer made or insured by the Government pursuant to the Consolidated Farm and Rural Development Act. This Bond shall be subject to the present regulations of the Rural Utilities Source of the United States Department of Agriculture and its future regulations not inconsistent with the express provisions hereof.

No covenant or agreement contained in this bond or the Ordinance shall be deemed to be a covenant or agreement of any officer, agent, representative or employee of the Issuer in his or her individual capacity, and neither the officers, agents, representatives or employees of the Issuer, nor any officer executing this bond, shall be liable personally on this Bond or be subject to any personal liability or accountability by reason of the issuance or sale of this Bond.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter and the Ordinance to exist, to have happened or to have been performed precedent to or in the issuance of this Bond, exist, have happened and have been performed, and that the issuance of this Bond, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by said Constitution or statutes.

In Witness Whereof, this Bond has been executed by the manual signature of the Mayor and the seal of the Issuer has been affixed hereto and attested by the manual signature of the Town Clerk, all as of _____, 20__.

TOWN OF EMMITSBURG

[SEAL]

By: _____
Donald N. Briggs, Mayor

Attest:

Name: Madeline Shaw
Title: Town Clerk

Assignment

For Value Received, the undersigned, hereby sells, assigns and transfers unto

[NAME AND ADDRESS OF TRANSFEREE.]

(TAX IDENTIFICATION OR SOCIAL SECURITY NO. _____)

within the Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof by the [Town Clerk] of the Town of Emmitsburg, at the offices of the Issuer located at Town of Emmitsburg, 300A South Seton Avenue, Emmitsburg, Maryland, 21727, with full power of substitution in the premises.

Dated: _____

INSERT SIGNATURE GUARANTY BELOW

[Empty rectangular box for signature guaranty]

Signature of Registered Owner

Notice: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed.

UNITED STATES OF AMERICA
STATE OF MARYLAND
Town of Emmitsburg
General Obligation Bonds, Series _____

Schedule A - Principal Payments

Date	Principal Amount	Date	Principal Amount
	\$ _____		

11506014

AGENDA ITEM# 4. Hold WWTP annexation public hearing and adoption of Resolution 2020-11R (Annexation of WWTP) for consideration:
Presentation at meeting by town staff.

RESOLUTION: 2020
RESOLUTION NO. 2020-11R

Page 1 of 5

**A RESOLUTION
APPROVING THE ANNEXATION OF
PARCELS 05-159040 AND 05-178231**

BE IT RESOLVED, ENACTED AND ORDAINED, this 2nd day of November 2020, 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, do approve the annexation of Parcels 05-159040 and 05-178231 into the Town of Emmitsburg.

WHEREAS, the Town of Emmitsburg (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, the property to be annexed will consist of two (2) parcels of land (Parcels 05-159040 and 05-178231) totaling 85.3863 acres, more or less, contiguous and adjoining to the existing southern and eastern corporate boundaries of the Town, and more particularly described herein below (the "Annexation Property") owned by the Town; and

WHEREAS, the Local Government Article, § 4-403 of the Maryland Code states that "[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least 25% of the assessed valuation of real property in the area to be annexed"; and

WHEREAS the Annexation Property is currently owned by the Town has no residential dwellings and no residential occupants upon the premises or parcels owned and maintained by the Town therefore there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Town as owner of the Annexation Property consents to the proposed annexation; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description contained herein; and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department of State Planning at least thirty (30) days prior to the date of public hearing to be conducted on this Resolution; and

WHEREAS, all requirements of the Laws of the State of Maryland, Frederick County, and the Charter and laws of the Town of Emmitsburg regarding initiation of this annexation by the Town's legislative body have been satisfied, and the Town has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of the Town of Emmitsburg, Maryland, shall be and are hereby amended to incorporate into the Town of Emmitsburg the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article of the Maryland Code, the Charter of the Town of Emmitsburg is hereby amended in Section 2 by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

Section 2c. 2020 Annexation.

Beginning for the same at the end of the 13th line of resolution #2006-08R, said point being on the outline of the land conveyed by the Horace H. Waybright and Jeffrey H. Waybright unto the Town of Emmitsburg by deed dated 25 November 1986, and recorded among the land records of Frederick County in Liber 1379 Folio 732, thence as now surveyed by R.F. Gauss & Associates, Inc., Land Surveyors, and running with said land in part the following 19 courses and distances.

- (1) North 64° 58' 57" East 15.56' to a point, thence
- (2) South 25° 01' 03" East 205.07' to a point, thence
- (3) South 21° 13' 17" East 572.21' to a point
- (4) South 29° 36' 58" East 293.34' to a point in Flat Run, thence
- (5) South 50° 53' 42" West 158.52' to a point, thence
- (6) South 11° 41' 07" East 557.57' to a point, thence
- (7) South 64° 01' 51" West 464.42' to a point in Toms Creek
- (8) North 66° 05' 26" West 160.00' to a point, thence
- (9) North 58° 05' 26" West 132.00' to a point in said creek, thence
- (10) North 88° 05' 26" West 132.00' to a point in said creek, thence
- (11) South 42° 09' 34" West 198.00' to a point in said creek, thence
- (12) South 53° 24' 34" West 141.90' to a point in said creek, thence
- (13) South 74° 54' 34" West 792.00' to a point in or near said creek, thence
- (14) South 61° 24' 34" West 179.85' to a point in or near said creek, thence
- (15) South 57° 24' 34" West 115.50' to a point in said creek, thence
- (16) South 48° 09' 34" West 198.00' to a point in or near said creek, thence
- (17) North 77° 35' 26" West 257.55' to a point in said creek, said point being on the right of way line of Creamery Road as shown on Plat Book 34 Page 36, thence with said right of way line.
- (18) North 03° 33' 48" West 1216.88' to a point on said right of way line, said point being North 70° 37' 57" East 5.79' from a rebar found at the southwest corner of Lot 1 Swomley Division, as shown in Plat Book 16 Page 24, thence leaving said right of way line and running with said Lot 1.
- (19) North 70° 37' 57" East 1160.12' to a broken concrete monument found at the southeast corner of said Lot 1, said point being at the end of the 20th line of said resolution.

Section 3. Application of Town Charter and Ordinance. Upon the effective date of this Resolution, the provisions of the Charter and Code of Ordinances of the Town of Emmitsburg, and any local public laws enacted or to be enacted affecting the Town of Emmitsburg, shall be effective within the Annexation Property except to the extent that any law, this Resolution or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is under the land use jurisdiction of the Frederick County Planning Commission. The Annexation Property is currently zoned Agricultural pursuant to the County Zoning Ordinance. Subject to the appropriate laws and administrative requirements, the Annexation Property shall be zoned to the Town's Institutional zoning classification. In the event that the Town's Institutional zoning classification for the Property permits a land use substantially different from the use for the land specified in the zoning classification in effect at the time of the Annexation, the Town will cooperate in all regards and make all reasonable efforts to secure approval of said requested zoning classification and the requested annexation, including seeking the grant of a waiver of zoning consistency from Frederick County, if required.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit A, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing conducted by the Mayor and Commissioners on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of Local Government Article, Section 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Mayor and Commissioners, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Emmitsburg, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406 of the Local Government Article of the Maryland Code.

Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the County Executive of Frederick County,
- (b) Frederick County Council,
- (c) Frederick County Planning Commission,
- (d) Metropolitan Washington Council of Governments, and
- (e) the Maryland Department of State Planning.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provision of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the Mayor, or his designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Frederick County, Maryland, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Effective Date. This Resolution shall be deemed “finally enacted” on the date on which the Mayor and Commissioners indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

NOW, THEREFORE, BE IT HEREBY enacted this 2nd day of November, 2020 by the Mayor and Board of Commissioners, that Resolution Number 2020 – 11R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 2nd day of November, 2020

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O’Donnell, President

_____APPROVED _____VETOED

this _____ day of _____, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 5. Salary compensation analysis for consideration: Presentation at meeting by Mayor Briggs and town staff.

Compensation Study Completed By:

William H. Benner Jr. MPA, CCP
President & Principal
WW Consulting, Inc.
“Leading & Coaching for Exceptional Outcomes”
HR Consulting, Leadership Development, Coaching,
Training, & Compensation & Classification

M. SET AGENDA FOR NEXT VIRTUAL MEETING: DECEMBER 8, 2020 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.