



# 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, JANUARY 11, 2021 – 7:30 P.M.**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. FUTURE MEETINGS**

*Planning Commission Meeting: Monday, January 25, 2021 at 7:30 p.m. (via Zoom)*

*Next Virtual Town Meeting: Monday, February 1, 2021 at 7:30 p.m. (via Zoom & channel 99)*

**4. MEETING ITEMS**

A. APPROVE MINUTES: DECEMBER 8, 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). Announcement of 2020 Holiday House and Business Decorating Contest winners

(B). Donation to the Thurmont Little League for consideration.

I. CONSENT AGENDA: TWO APPOINTMENTS

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Review and approval of the FY2021 MHAA wayside exhibits for consideration.

(2). Review and approval of the preliminary engineering report and environmental report engineering contract for the DePaul Street and North Seton Avenue waterline replacement projects for consideration.

(3). Hold public hearing and adoption of proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) for consideration.

(4). Increasing multi-user trail access during non-major hunting season and allowing access of electric bicycles on the multi-user trails for discussion and consideration.

M. SET AGENDA FOR NEXT MEETING: FEBRUARY 1, 2021

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

**6. ADJOURN**

300A South Seton Avenue • Emmitsburg, Maryland 21727

Phone 301.600.6300 • Fax 301.600.6313 • [info@emmitsburgmd.gov](mailto:info@emmitsburgmd.gov) • [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)

**ZOOM MEETING ACCESS INFORMATION:**

Topic: Town Meeting: January 11, 2021

Time: Jan 11, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89084528308>

Meeting ID: 890 8452 8308

Passcode: 21727

One tap mobile

+16465588656,,89084528308#,,,,\*21727# US (New York)

+13017158592,,89084528308#,,,,\*21727# US (Washington D.C)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 890 8452 8308

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/89084528308>

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

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

**A. APPROVE MINUTES: DECEMBER 8, 2020**

**MEETING MINUTES  
DECEMBER 8, 2020  
VIRTUAL TOWN MEETING  
EMMITSBURG TOWN OFFICE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; T.J. Burns, Treasurer; Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the December 8, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

*Motion:* Commissioner Sweeney motioned to accept the November 2, 2020 town meeting minutes as presented; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The president declared the motion passed.

*Motion:* Commissioner Ritz III motioned to accept the November 18, 2020 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays - 0. The president declared the motion passed.

**Police Report:**

Deputy Ben Whitehouse presented the police report from November 2020 (exhibit attached). Deputy Whitehouse mentioned Deputy Olejniczak will be assisting coverage in Emmitsburg while Deputy Ahalt is on administrative leave. Sergeant Marc Linehan was introduced to the Board as the new sergeant in charge of the community deputy program.

**Town Managers Report:**

Ms. Willets presented the Town Manager's Report from November 2020 (exhibit in agenda packet). Water curtailment restrictions were lifted on November 13, 2020 and town staff will continue to monitor water levels.

**Town Planners Report:**

Mr. Gulden presented the Town Planner's Report from November 2020 (exhibit in agenda packet).

**Commissioner Comments:**

- Commissioner Ritz III: He commended staff on the holiday decorations along Main Street.
- Commissioner Davis: He received a letter from Thurmont Little League requesting a donation to attend a tournament in New York. He will bring more information to the Board in January.
- Commissioner Burns: He attended a Thurmont/Emmitsburg Toys for Tots drive in Thurmont.
- Commissioner Sweeney: The Lions Club and Sons of American Legion had to cancel the holiday festivities after the tree lighting ceremony but will retain supplies for next year.
- Commissioner O'Donnell: The annual Turkey Trot was a success with \$320 raised for the food bank. He was invited to Mount St. Mary's (MSM) to discuss their outdoor program and a Town partnership.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in November 2020 (meetings listed in agenda packet). The Mayor received the County Municipality Impact Award for Small Business and Entrepreneurship award on behalf of the Town for being proactive with potential new businesses. Mayor Briggs continues to host weekly COVID-19 up channel 99 and social media, November guests included Ed Hind, Student Homelessness Initiative Partnership, and Amber Madigan with Emmitsburg Elementary School. The Town Office continues to be closed to public walk-in services due to COVID-19 and HVAC construction.

**Public Comments:**

No public comment.

**Administrative Business:**

- (A). **Free holiday metered parking for consideration:** Mayor Briggs recommends free holiday metered parking from Friday, December 11, 2020 until Saturday, January 2, 2021. Any meter money during this time would be donated to Heritage Day, Friends of the Emmitsburg Library, and the Emmitsburg Food Bank. *Motion:* Commissioner Ritz III motioned to accept the free holiday metered parking as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

**Consent Agenda:**

*Motion:* Commissioner Sweeney motioned to appoint Conrad Weaver, Tricia Sheppard and Will Sheppard to the Citizens Advisory Committee with a term of July 15, 2019 until July 15, 2021; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

*Motion:* Commissioner Sweeney motioned to reappointment Jennifer Joy and Mark Walker to the Citizens Advisory Committee for a term of November 7, 2020 until November 7, 2022; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

**Treasurer's Report:**

Commissioner Burns presented the Treasurer's Report (exhibit in agenda packet). The operating balance forward is \$5,477,123. The top ten check amounts are listed in the agenda packet.

**Planning Commission Report:**

Commissioner Ritz III reported the commission last met on November 30, 2020 and conditionally approved the Irishtown Road Improvement Plan, Miss B's Daycare and unanimously approved the Irishtown Road Detour Plan.

**II. Agenda Items**

Agenda #1- Forward proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) to the Planning Commission for review and comment and set public hearing for January 11, 2021 for consideration: Mr. Gulden presented the agenda. The ordinance was pursued as directed by the Board of Commissioners at the October 5, 2020 town meeting in regards to Ordinance 2020-08 and recommendations from the Planning Commission to require developers to provide recreational space on all future residential subdivisions. A Maryland DNR park equity map study reveals the town is equitable and satisfactory on the amount of park space in Emmitsburg. Mr. Gulden reviewed the recommendations in the ordinance. The Board discussed computation of the amount of parkland developers should be required to reserve and fees to charge developers who do not wish to build a park. Staff will bring a recommendation back to the Board in the future. *Motion:* Commissioner Burns motioned to forward Ordinance 2021-01 to the Planning Commission for review and comment and to set a public hearing date for January 11, 2021; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #2 - Community Development Block Grant (CDBG) public hearing for the purpose of seeking public input on: local community development, economic development, housing needs, proposed CDBG project activity – replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance, and other community needs as-needed: Commissioner O'Donnell called the public hearing to order at 8:55 p.m. Mr. Gulden explained the hearing was advertised in English and in Spanish in the Frederick News Post on November 27, 2020. The Town contracted with Fox & Associates, Inc. to conduct a formal Town-wide inventory and detailed cost estimate of all of the non-compliant American with Disability Act (ADA) sidewalk curbs located at various intersections and street corners. Mr. Gulden displayed maps showing where the ADA sidewalk curbs would be installed. If approved, the project would start with an Environmental Review in March/April 2021 followed by a request for proposal and project construction occurring between July 2021 and April 2022. A summary of community development, economic development, housing needs and other development needs was given by Mr. Gulden. *Dianne Walbrecker* – Ms. Walbrecker gave public comment stating there is not enough affordable housing in Emmitsburg. The Board discussed affordable housing options and pursuit. *Motion:* Commissioner Sweeney motioned to close the public hearing; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed. The public hearing closed at 9:21 p.m.

Agenda #3 - Approval of Resolution 20-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration: Mr. Gulden presented the agenda item and explained submittal authorization is needed from the Board before town staff can submit an application requesting funding of the project in January 2021. The project would be fully funded through the CDBG. *Motion:* Commissioner Burns motioned to approve resolution 20-03R; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - New water sewer truck bid approval for consideration: Ms. Willets presented the agenda item. Town staff would like to replace the 2003 Ford Ranger XLT due to age. The Town received three total bids and recommends the 2021 blue Chevrolet Silverado 1500 from Wantz Chevrolet for \$28,089. *Motion:* Commissioner Ritz III motioned to approve the purchase of the Chevrolet Silverado from Wantz Chevrolet for \$28,089; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #5 - Ordinance related to the salary chart for consideration: Ms. Willets presented the agenda item and summarized the changes in ordinance 20-13. The agenda item is being pursued per the request of the Board at the November 2, 2020 town meeting and the recommendations of WRA Consulting Inc. after completing a compensation survey analysis. The biggest change is switching from a 12 grade, 10 step salary chart to a salary range system using minimums and maximums. *Motion:* Commissioner Ritz III motioned to accept Ordinance 20-13; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #6 - Consideration of closure of Irishtown Road and detour plan during road improvement construction: Mr. Demmitt, a developer, is requesting the Town approve the closure of Irishtown Road in two phases to allow the Irishtown Road Improvement Plan to be completed before the developer can build in the 19 empty lots in Brookfield. The improvements will include, but are not limited to, widening the road, installing curbs/sidewalks/gutters/street lights, and extending the Town water and sewer lines. Phase one is requesting closure of both sides of Irishtown Road and phase two includes closure of the left side of Irishtown Road with flagging operations during closure. The maximum days of closure allowed is 90 days before the closure must be brought back to the Board for approval. Detour signs will be posted during the closure. Commissioner Ritz III stated he abstained from the Planning Commission vote on the item. The Board discussed potential traffic slowing techniques on Irishtown Road. *Motion:* Commissioner Sweeney motioned to approve the closure of Irishtown Road and detour plan as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

**Set Agenda Items for January 11, 2021 Town Meeting**

1. Review and approval of the FY2021 MHAA wayside exhibits for consideration.
2. Review and approval of the preliminary engineering report and environmental report engineering contract for the DePaul Street and North Seton Avenue waterline replacement projects for consideration.
3. Hold public hearing and adoption of proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) for consideration.
4. Increasing multi-user trail access during non-major hunting season and allowing access of electric bicycles on the multi-user trails for discussion and consideration.

***Administrative Business:***

- A. Announcement of 2020 Holiday House and Business Decorating Contest winners.
- B. Donation to the Thurmont Little League for consideration.

***Consent Agenda:***

- Appointment of Stephen Starliper to the Planning Commission.
- Appointment of Dr. Levi Esses as an alternate to the Board of Appeals.

*Motion:* Commissioner Burns motioned to approve the agenda; second by Commissioner Davis. Yeas – 5; Nays - 0. The president declared the motion passed.

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

**IV. Adjournment**

With no further business, Commissioner Sweeney motioned to adjourn the December 8, 2020 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 9:53 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  
November 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 repaired and replaced some street lights around town.
- Staff put up Christmas decorations around town and in front of the Community Center building.
- Staff cold patched some pot holes around town.
- Staff put up flags on street light poles around the square for Veterans Day.

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 and trimmed in the parks.
- Staff sanitized playground equipment twice a week.
- Staff winterized restroom buildings, Little League concession stand, and the dog park.
- Staff cleared brush at Disc Golf hole #14.
- Contractor striped parking lots at ballfield #1 and #3 in Community Park.
- Staff cut-up dugout roof at ballfield #6 (storm damage).

Water:

- Rainbow Lake is 2.9' below the spillway level (16.6 feet) as of November 30, 2020.
- The roughing filters are being backwashed three times a day and the DE filters are being done once every other week.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>November</u>	<u>Change</u>
○ Well #1:	35'	42'	-7'
○ Well #2:	8'	14'	-6'
○ Well #3:	12'	34'	-22'
○ Well #4:	108'	132'	-24'
○ Well #5:	10'	34'	-24'

- All the wells were turned on in November in an effort to trim the lake quota down.
- PH and chlorine levels are good.
- Water production and consumption. We produced an average of 243,219 GPD. We consumed an average of 231,363 GPD. The difference is "Backwash Water" ... (15.4%).
  - 43.3% of this water came from wells.
  - 5.7% of this water came from Mt. St. Mary's.
  - 51.0% of this water came from Rainbow Lake.

We purchased 415,700 gallons of water from MSM this month.

Wastewater:

- We treated an average of 475,000 gpd (consumed 231,363 GPD) which means that 51.3% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of October. We did exceed the plant's design capacity twice during the month of November:
  - 1,025,000 gpd 11/11/20
  - 1,423,000 gpd 11/30/20
- We received about 4.0" of precipitation this month (the average is 3.8"). We have a precipitation **DEFICIT of 5.05"** over the last six months. The average precipitation for the period from June 1 through November 30 is 23.2". We have received 18.15" for that period.

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

**Meetings Attended:**

- 11/02 Attended virtual Town Meeting
- 11/02 Conference call with staff regarding water taps
- 11/10 Staff meeting re: first quarter budget review
- 11/10 Conference call with staff, bond counsel, attorney and bank re: interim financing for pump station
- 11/17 Conference call with HR re: salary compensation survey
- 11/17 Attended MML webinar re: COVID-19 election and economy
- 11/18 Attended webinar re: COVID-19 and telework

**Noteworthy:**

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in November.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff flushed hydrants the week of November 16, 2020.
- Staff responded to an unauthorized draw from a fire hydrant on South Seton Ave. Staff located offending vehicle (landscape company). Company fined \$500.
- Staff assisted contractor with installation of new 2" water line and connections on Creekside Drive.
- Significant rain and snow in the month of December brought the lake back to the spillway level and the wells continue to improve.
- Chem Scan PH meter was calibrated and salt bridge was replaced.
- Recycle pumps at WWTP will need to be replaced. Waiting on quotes.

**PARKING ENFORCEMENT REPORT**  
**November 2020**

Overtime Parking	32
Restricted Parking Zone	
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	\$ 901.79
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$ 365.00
<b>Total:</b>	<b>\$ 1,266.79</b>

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

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

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

- Attended the virtual BOC meeting on 11/02 and processed pre/post meeting materials.
- Reviewed 4 COVID-19 Round 2 grant applications.
- Prepared the following items for the 12/8 BOC meeting:
  - Community Development Block Grant (CDBG) public hearing;
  - Resolution 2020-03 (CDBG submittal authorization); and
  - Ordinance 2021-01 (parks/rec/open space requirements).
- Municipal parking lot research.

### **2. Grants**

- Community Legacy & Chesapeake Bay Trust grant management.
- Applied for \$1.38 million in next round State of MD bond grant funds with Senator Hough, Delegate Cox, & Delegate Pippy for the proposed water clarifier.
- Submitted a progress report for the N Seton Ave Green Street Conceptual Plan.
- Worked on the CDBG application (ADA Ramps).
- Attended the CDBG funding opportunity virtual meeting on 11/19.
- Submitted a Community Legacy reimbursement request for 319 W Main St.
- Received and processed a Community Legacy application for 205 N Seton Ave.

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

- Silo Hill SWM basin retrofit project management.

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

- Processed 8x zoning permit applications:
  - 1x roof.
  - 1x fence.
  - 4x signs (1 application).
  - 2x signs (1 application).
  - 1x shed.
  - 1x fence & deck (1 application).
  - 1x fence, demolition, & remodel (1 application).
  - 1x change of use & 2x new apartments (1 application).
- Processed 3x backflow preventer applications.
- Processed 1x no zoning permit required form.
- Created an annexation application.
- Responded to incident reports.

**5. Planning Commission (PC)**

- Rutter's, Dunkin', Insurance Brokers of MD, Miss. B's Child Care, Irishtown Improvements, Town-Wide ADA Ramps, Federal Stone, & Emmitsburg East Industrial Park II project management.
- Received the SPT Land, LLC. & Maryland State Highway Administration addition plat & started the review process.
- Received the revised Miss. B's Child Care site, landscaping, & lighting plans, reviewed, and created staff memo.
- Received the revised Irishtown Road improvement plan, reviewed, and created staff memo.
- Answered annexation & development questions regarding 17381 N Seton Ave (McNair property) and Annandale Road parcel (Frailey property).
- Attended a conference call on 11/11 regarding Irishtown Road improvement plan.
- Conducted a final inspection on the Insurance Brokers of MD.
- Attended PC meeting on 11/30 and processed pre/post meeting materials.

**6. Miscellaneous**

- Forestry Stand 6 project management.
- Met with Town Manager, Public Works Director, and Sewer/Water Superintendent on 11/3 regarding water/sewer taps.
- Attended the virtual Frederick County municipal meeting on behalf of the Mayor & Manager on 11/5.
- Created a street tree landscaping plan RFP.
- Assisted Sewer Superintendent with sewer enforcement letter regarding broken sewer lateral.
- Attended a financial department head meeting on 11/10.

**E. COMMISSIONER COMMENTS**

**F. MAYOR'S COMMENTS**

Presentation at town meeting by Mayor Briggs.

**G. PUBLIC COMMENTS**

**H. ADMINISTRATIVE BUSINESS**

- (a) **Announcement of 2020 Holiday House and Business Decorating Contest winners:**  
Announcement of winners by Mayor Briggs.

**First Place Prize: \$75.00**

**Second Place Prize: \$50.00**

**Third Place Prize: \$25.00**

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

<b>Most Traditional</b>		
1st	1315 Huntley Circle	Simmel Family
2nd	115 DePaul Street	Shorb Family
3rd	115 East Main Street	Schmersal Family
<b>Most Creative</b>		
1st	1303 Huntely Circle	Rogers Family
2nd	217 East Main Street	Wantz Family
3rd	2008 Academy Ct	Toms Family
<b>Best Business</b>		
1st	My Father's Footsteps	
2nd	Carriage House Inn	
3rd	E-Plus Copy	

- (b) **Donation to the Thurmont Little League for consideration:** Presentation at meeting by Commissioner Davis.

**I. CONSENT AGENDA**

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

Appointment of Dr. Levi Esses as an alternate to the Board of Appeals.  
Term: 01/11/2021 – 01/11/2024

**II. Planning Commission – HAS WITHDRAWN NAME**

Appointment of Stephen Starliper to the Planning Commission.

**J. TREASURER REPORT**

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

\$5,475,628	Cash Balance December 1, 2020
294,214	Deposits
<u>-358,847</u>	Withdrawals
\$5,410,995	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>
\$74,957	State Retirement & Pension System	FY21 Pension Expense	12.22.20	41801
\$18,295	MD Dept of Budget & Mgmt	Nov 20 Health Insurance	11.24.20	41699
\$11,872	Hach Company	WTP Monitoring System	12.09.20	41738
\$9,900	Bearing Construction	Silo Hill SWM Basin	12.02.20	41708
\$9,350	Frederick County Paving	Community Park Paving	12.15.20	41780
\$9,338	UGI Energy Services	Oct 20 Solar Field #1	12.15.20	41792
\$9,143	UGI Energy Services	Oct 20 Solar Field #2	12.15.20	41792
\$8,500	Iondesign	Wayside Exhibits	12.09.20	41740
\$8,121	Whiteford, Taylor & Preson	USDA Pump Station Financing Services	12.15.20	41793
\$6,513	Republic Services	Dec 20 Refuse Services	12.15.20	41790

*Check dates 11.24.20 to 12.31.20*

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

**L. AGENDA ITEMS:**

**AGENDA ITEM# 1. Review and approval of the FY2021 MHAA wayside exhibits for consideration: Presentation at meeting by**

As part of a FY2021 Maryland Heritage Areas Authority (MHAA) grant, the Town was awarded \$12,054 to create four (4) wayside exhibits on the history of the:

1. St. Josephs House (50% paid by Daughters of Charity)
2. “Volunteers” Glass Etching (50% paid by Fire Museum)
3. Emmitsburg Railroad
4. John Armstrong and the American Long Riffle

Long term goal: Create a historic walking tour in Town.

\*Draft wayside exhibits can be seen on the following pages. Larger hard copies will be provided at the town meeting and displayed in color on the projector.

# Historic St. Joseph's House

In 1810 Elizabeth Ann Seton founded the first free Catholic school for girls in America at St. Joseph's House—the white house before you. The school was an immediate success, expanding to become St. Joseph's Academy and Free School. New construction and additional curriculum led to its becoming St. Joseph's College for women from 1902 until 1973.

St. Joseph House served as Seton's home from 1810 until her death in 1821. Seton's dedication planted the seeds of Catholic education in the U.S. and resulted in the education of tens of thousands of women.

Today the house contains period items and artifacts preserved for nearly 200 years and is open for tours.



St. Joseph's Academy

St. Joseph's House

1863 Civil War photo by Alexander Gardner.  
Courtesy: Library of Congress



Saint Elizabeth Ann Seton  
(1774-1821)

Elizabeth Ann Seton, a widowed mother of five, left New York City following her conversion to Catholicism to open a small Catholic school for girls in Baltimore. Less than one year later in 1809, she was asked to establish a similar school near Emmitsburg, then very isolated and rugged. She is the first person born in America to be formally declared a saint.

Courtesy: Bureau of Church of Saint Elizabeth Ann, New York

## Cemetery and Mortuary

The Stonewalled cemetery, established by Seton in 1809, contains the remains of 4,114 sisters, 21 priests, and 13 academy students. The Gothic-style Mortuary Chapel, constructed in 1846, hold Seton's remains for 127 years. Her body now resides in the Seton Shrine Basilica.

Courtesy: Shrine of St. Elizabeth Ann



Admission to the Museum and Basilica is free. Grounds and Cemetery are open daily, dawn to dusk. Guided tours are available.

A Map and Guide is available at the Seton Shrine Visitor Center. For more information, visit [setonshrine.org](http://setonshrine.org)



## The American Civil War

Union soldiers camped on the grounds of St. Joseph's Academy during the Civil War. Following the 1863 Battle of Gettysburg, 16 sisters from this site traveled to Gettysburg where they cared for both Union and Confederate soldiers at makeshift hospitals, including St. Francis Xavier Church.

Stained Glass Window of the Holy Family Church in Emmitsburg, Maryland. Courtesy: Shrine of St. Elizabeth Ann

# Volunteers Mural

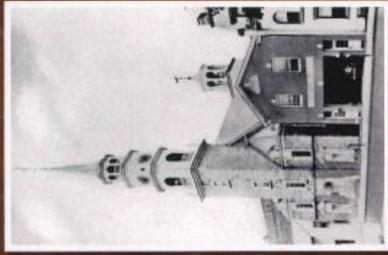
This glass mural was designed by local artist and muralist William Cochran in 1989 to commemorate the contribution of local firefighters and the former location of the Independent Hose Company in Frederick, MD. The 1,500 pound artwork depicts a team of circa 1920s firefighters leaving the station in response to a call.

Firefighters of the contemporary Independent Hose Company, and Cochran's brother, posed for a photo used by the artist that was later sketched and then carved in glass at Sand Glass Studio, Atlanta, GA. In 2018, the mural was given to the Frederick County Fire & Rescue Museum.



Pictures (left to right): Chris Cochran, Chuck Handley, Bill Horlitz, Gus Dewey Foreman, Bobby Stevens and Bob Page in a 1926 American LaFrance engine.

Sketch by Cochran rendered from photograph and used for the glass carving.



**Independent Hose Company**  
The Independent Hose Company, founded 1818, is the oldest firefighting company in continuous operation in the State of Maryland. It was located at 32 W Church Street in downtown Frederick from 1848 to 1978.

The glass mural was installed in the former garage door of this building.



**Memories Carved In Glass**  
The Independent Hose Company moved to a larger location and the building was sold. During the renovations, architect Tim Cochran suggested the commission the work be done in glass to preserve its original use. The glass building owners approved and commissioned Cochran as artist.



**Relocation**  
Relocation of the mural from Frederick to Emmitsburg required the closure of W Church Street to traffic and other special equipment could be procured to remove the glass. After two years of planning and fundraising, the mural was dedicated Friday, October 4, 2019 during the National Fallen Firefighters Memorial Weekend with over 100 firefighters and the public in attendance.

Mural is made possible by: Jeff Brown, Frederick; Richard Frederick, Frederick; Charles B. Bowerman, Frederick; County of Harford; Town of Southold, NY; Town of Emmitsburg; Other provided by: Bank of America, Capital One, Chase, Citibank, Wells Fargo, Sun Life of Canada, Guardian-Care, Delta Cruise, Emmitsburg Game, Frederick Back Works, S & W Construction, White Laboratory.



# The Emmitsburg Railroad

You are standing on the grounds of the former Emmitsburg Railroad (ERR) depot, the northern end of a 7.3-mile short line operated from Emmitsburg to Rocky Ridge, MD from 1875-1940. The ERR was vital to Emmitsburg and other nearby rural communities. It allowed farmers to ship products to larger markets and transported rural children to Emmitsburg's schools each day.

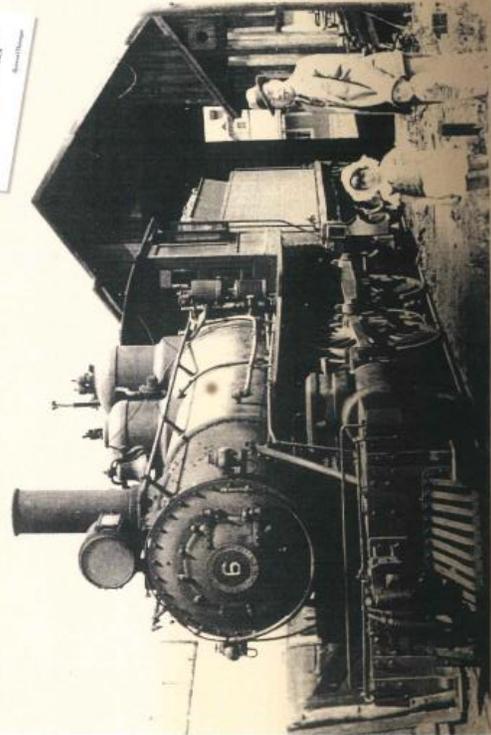
In times of debilitating snowstorms or wayward cattle on the tracks, residents appeared on the scene, doing whatever was necessary to keep the train running. In its most active years, the ERR made six, full occupancy, daily round trips from Emmitsburg to Rocky Ridge—where it connected to the larger, regional Western Maryland Railroad.

**Milk Delivery**  
The local dairy industry expanded in the 1930s with farmers shipping their milk to bustling Baltimore markets.



**Boarding Pass**  
Students of all ages used ERR for weekday and weekend transport. In the 1930s, a train pass for 30 one-way trips cost \$1.95.

**The Forney Locomotive**  
Nicknamed "The Dinky" by local students because of its smaller scale and size, the ERR employed a Forney "tank type" locomotive that had four driving wheels, followed by a truck with four wheels. The train consisted of the engine, a freight car, a parlor car, and a combination passenger and baggage car. Despite its size, the ERR locomotive is said to have carried up to six cars.



**Emmitsburg Depot**  
The area to your left was the site of the depot. It included a station house with a ticket office, a train shed, storage outbuildings, and an American Express office, that specialized in freight purchases and shipment.

**St. Joseph's College**  
This stop had a two-story red railroad depot and a porter's lodge. The Sisters of Charity were ERR majority stockholders from 1897-1939 and depended on it for student transport and delivery of coal. The St. Josephs stop is now the NETC (National Emergency Training Center).

**Rocky Ridge / Emmitsburg Junction**  
Southern end of the ERR with a changing junction and tracks toward change directions. The depot had a dedicated women's waiting room.

**You Are Here**  
Emmitsburg Depot

**The ERR had seven train stops, each with a varying degree of amenities.**

**St. Joseph's College**

**Dry Bridge**

**Motter's Station**

**Ridgeview**

**Appolds**

**Rocky Ridge / Emmitsburg Junction**

**EMMITSBURG RAILROAD**

**W.M. COOPER**

# John Armstrong and the American Long Rifle

John Armstrong, of Emmitsburg, is considered to be one of the foremost artisans of the American long rifle. He produced these elegant guns from 1793-1840 and was known to be a perfectionist in his craftsmanship. John Armstrong was born 1772, in Adams County, PA. He is believed to have first apprenticed with George Schroyer, a highly accomplished rifle maker in Hanover, PA, beginning at age 14.

German and Swiss immigrants developed the American long rifle in the early 1700s. This new rifle was considered to be the most accurate gun in the world for a period of nearly 200 years.

Armstrong's guns were distinguished with ornate silver and brass inlays, often with floral patterns and his initials.

Unlike other gunsmiths, Armstrong made his own locks—the complete metal firing mechanism of the gun—which were of a much higher quality than those that were mass produced.

Depending upon the specific rifle, the auction value of an Armstrong gun ranges from \$30,000 to \$250,000. Less than 30 Armstrong rifles are known to exist.

The making of these elegant rifles was at its height following the Revolutionary War, from 1790-1820, when there was a glut of gun making. A small group of superb gunsmiths from Pennsylvania, Maryland and Virginia distinguished the long rifle by elevating the quality of its craftsmanship.

Armstrong moved here in approximately 1793 where he established his own rifle making enterprise. Armstrong married and was the father of seven children. In 1808, he purchased the first of several lots — two of which are in front of you — presumably for the construction of his home and shop. The house was destroyed in The Great Fire of 1863.



John Armstrong, circa 1800. The painting is a reproduction of the original by the artist, George Catlin.



John Armstrong's signature on a brass plate is mounted to the rifle.



British Musket



American Long Rifle

### Distance and Accuracy

The newly evolved long rifle was accurate at distances never before imagined. Its longer barrel and use of a smaller ball wrapped in a greased cloth patch allowed for the more complete burning of the powder. This accounted for a greater shooting distance. The greased patch preserved the shape of the ball after being loaded and fired, resulting in greater shooting accuracy.

Shooting range: Up to 60 yards.

Shooting range: Over 200 yards

**AGENDA ITEM# 2. Review and approval of the preliminary engineering report and environmental report engineering contract for the DePaul Street and North Seton Avenue waterline replacement projects for consideration:**  
Presentation at meeting by town staff.

- Professional engineering services by McCrone for the completion of a Preliminary Engineering Report (PER) and Environmental Report on the Town's water system as well as minor GIS work. The PER and ER are required before the Town can pursue funding for the replacement of the DePaul Street and North Seton Avenue waterlines.
- **Contract Info:**
  - *Note:* The contract was reviewed by Leslie Powell, Attorney, and deemed sufficient.
  - Insurance coverage (6.05 & Exhibit G)
    - Employer liability
    - General liability
    - Umbrella liability
    - Automobile liability
    - Professional liability
    - Workers compensation
  - Invoice Payment: Town to pay within 30 days unless there is a disputed invoice (4.02)
  - Suspension:
    - Town may suspend the project for up to 90 days upon 7 days' written notice to engineer (6.06).
    - Engineer may, after giving seven days' written notice to Owner, suspend services under this Agreement if Owner has failed to pay Engineer for invoiced services.
  - Termination:
    - Either party may terminate the contract upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms in the contract through no fault of the terminating party. (6.06).
  - Dispute resolution:
    - Town and engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking the procedures of Exhibit H or other provisions. If parties fail to resolve a dispute through negotiation, then either or both may invoke the procedures of Exhibit H (6.09).
  - Timeline: 3 hard bound copies and 1 electronic copy of each report will be provided to the Town within 120 days of the effective date of the contract (Exhibit A).
  - Project Cost: \$25,000 (Exhibit C).

**\*Copy of the Engineers Joint Contract Documents Committee (EJCDC) E-500 contract to be provided at meeting.**

**AGENDA ITEM# 3. Hold public hearing and adoption of proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) for consideration:** Presentation at meeting by town staff.

At their meeting held on December 28, 2020, the Planning Commission recommended approval of proposed Ordinance 21-01 with the following comments:

1. The PC agrees with a recommended Town parkland goal of 10 acres for every 1,000 residents.
2. The PC recommends a single paved trail only and not a two-trail system.
3. The PC agrees with a recommended fee in-lieu of \$1,200.00 per dwelling unit.
4. The PC recommends updating §16.16.100. D. to require private parkland to meet the requirements of §16.16.100.D.3.A-I.

ORDINANCE SERIES: 2021  
ORD. NO: 21 – 01

Page 1 of 12

AN ORDINANCE TO AMEND  
TITLE 16  
OF THE CODE OF EMMITSBURG  
ENTITLED  
SUBDIVISIONS

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 16, Section 16.16.100 of the Emmitsburg Municipal Code, be amended as follows:

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

Chapter 16.16 – Design Standards.

16.16.100 – [~~Required~~] **PARK, recreation, AND OPEN SPACE REQUIREMENTS.** [~~areas to be dedicated.~~]

~~[A. In all residential developments at least ten percent (10%) of the entire tract of land to be developed must be reserved for recreational use plus a fee of two hundred dollars (\$200.00) per lot paid, or in the case of multifamily dwellings two hundred dollars (\$200.00) per dwelling unit paid. Said land shall be conveyed to the Town government of Emmitsburg. One fourth (1/4<sup>th</sup>) of the dedicated land area must be outside the one hundred (100) year floodplain.~~

~~B. Where ten percent (10%) would be less than one half (1/2) acre, a fee of four hundred dollars \$400.00 per lot, to be used toward the development of existing recreational areas, shall be assessed in lieu of the land area. The Mayor and Board of Commissioners also reserve the right to impose the four hundred dollars \$400.00 per lot assessment on those subdivisions, when in their judgement the creation of additional open space (recreational) area is neither warranted or desirable. Areas that are to be reserved shall be shown on the plat and approved by the Mayor and Board of Commissioners.~~

~~C. All open space shall have access to a street and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of eighty five percent (85%) of the open space shall be suitable for dry ground active recreational uses. The Town may require the developer to make adequate provisions for maintenance of the open space. No open space so dedicated may be used for purposes of~~

~~afforestation or reforestation without the prior approval of the Planning Commission and the Town Council.]~~

**A. PURPOSE.**

**THE PURPOSE OF THIS SECTION IS TO REGULATE THE USE AND DEVELOPMENT OF LAND TO ASSURE THAT NEW DEVELOPMENTS PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF FUTURE RESIDENTS BY PROVIDING LAND FOR PARKS, RECREATION, AND OPEN SPACE WITHIN THE TOWN OF EMMITSBURG IN AREAS BEING NEWLY DEVELOPED OR REDEVELOPED FOR RESIDENTIAL PURPOSES AND TO FAIRLY APPORTION COSTS NECESSARY TO SERVE THE RESIDENTS OF NEW AND REEVELOPED RESIDENTIAL AREAS BASED ON NEED CREATED BY THESE PROJECTS.**

**B. RULES OF CONSTRUCTION.**

**1. THE PROVISIONS OF THIS SECTION SHALL BE LIBERALLY CONSTRUED TO EFFECTIVELY CARRY OUT ITS PURPOSE IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.**

**2. FOR THE PURPOSES OF ADMINISTRATION AND ENFORCEMENT, UNLESS OTHERWISE STATED IN THIS SECTION, THE FOLLOWING RULES OF CONSTRUCTION APPLY TO THIS SECTION:**

**A. IN CASE OF ANY DIFFERENCE OF MEANING OR IMPLICATION BETWEEN THE TEXT OF THIS SECTION AND ANY CAPTION, ILLUSTRATION, SUMMARY TABLE, OR ILLUSTRATIVE TABLE, THE TEXT SHALL CONTROL.**

**B. THE WORD “SHALL” IS ALWAYS MANDATORY AND NOT DISCRETIONARY; THE WORD “MAY” IS PERMISSIVE.**

**C. WORDS USED IN THE PRESENT TENSE SHALL INCLUDE THE FUTURE; AND WORDS USED IN THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, AND THE PLURAL THE SINGULAR, UNLESS CONTEXT CLEARLY INDICATES THE CONTRARY.**

**D. THE PHASE “USED FOR” INCLUDES “ARRANGED FOR”, “DESIGNED FOR”, “MAINTAINED FOR”, OR “OCCUPIED FOR”.**

**E. THE WORD “PERSON” INCLUDES AN INDIVIDUAL, A CORPORATION, A LIMITED LIABILITY COMPANY, A PARTNERSHIP, AN INCORPORATED ASSOCIATION, OR ANY OTHER LEGAL ENTITY.**

**F. UNLESS THE CONTEXT CLEARLY INDICATES THE CONTRARY, WHERE A REGULATION INVOLVES TWO (2) OR MORE ITEMS, CONDITIONS, PROVISIONS, OR EVENTS CONNECTED BY THE CONJUNCTION “AND”, “OR”, OR “EITHER... OR”, THE CONJUNCTION SHALL BE INTERPRETED AS FOLLOWS:**

- 1. “AND” INDICATES THAT ALL THE CONNECTED TERMS, CONDITIONS, PROVISIONS, OR EVENTS SHALL APPLY.**
- 2. “OR” INDICATES THAT THE CONNECTED TERMS, CONDITIONS, PROVISIONS, OR EVENTS MAY APPLY SINGLY OR IN ANY COMBINATION.**
- 3. “EITHER...OR” INDICATES THAT THE CONNECTED ITEMS, CONDITIONS, PROVISIONS OR EVENTS SHALL APPLY SINGLY BUT NOT IN COMBINATION.**

**G. THE WORD “INCLUDES” SHALL NOT LIMIT A TERM TO THE SPECIFIC EXAMPLE BUT IS INTENDED TO EXTEND ITS MEANING TO ALL OTHER INSTANCES OR CIRCUMSTANCES OF LIKE KIND OR CHARACTER.**

**H. “ZONING ADMINISTRATOR” MEANS THE ZONING ADMINISTRATOR OR THE MUNICIPAL OFFICIAL(S) HE/SHE MAY DESIGNATE TO CARRY OUT THE ADMINISTRATION OF THE SECTION.**

**C. DEFINITIONS.**

- 1. A “CAPITAL IMPROVEMENT” INCLUDES PARKS PLANNING, LAND ACQUISITION, SITE IMPROVEMENTS, BUILDINGS, AND EQUIPMENT BUT EXCLUDES MAINTENANCE AND OPERATION.**
- 2. “DEVELOPMENT ORDER” MEANS A REGULATORY APPROVAL BY THE TOWN OF EMMITSBURG.**
- 3. A “DWELLING UNIT” OR “UNIT” MEANS A ROOM OR GROUP OF ROOMS WHICH ARE ARRANGED, DESIGNED, OR USED AS A DWELLING FOR THE**

**OCCUPANCY OF ONE (1) FAMILY CONTAINING SLEEPING, BATHROOM, AND KITCHEN FACILITIES.**

- 4. “MULTIPLE-FAMILY DWELLING” MEANS A STRUCTURE DESIGNED FOR OR OCCUPIED BY THREE (3) OR MORE FAMILIES WITH SEPARATE HOUSEKEEPING AND COOKING FACILITIES FOR EACH BUT EXCLUDING TOWNHOMES.**
- 5. “SINGLE-FAMILY ATTACHED DWELLING” INCLUDES DUPLEXES AND TOWNHOMES, EXCLUDING CONDOMINIUMS.**
- 6. A “SINGLE-FAMILY DETACHED DWELLING” IS A ONE-FAMILY DWELLING.**
- 7. “FAMILY” MEANS ONE OR MORE PEOPLE WHO OCCUPY A SINGLE DWELLING.**
- 8. “PRIVATE RECREATIONAL FACILITY” IS ANY RECREATIONAL FACILITY WHICH IS NOT OWNED BY OR DEDICATED TO AND ACCEPTED BY THE TOWN OF EMMITSBURG.**
- 9. “RECREATIONAL FACILITY IMPROVEMENTS” CONSIST OF THE ACQUISITION AND INSTALLATION OF EQUIPMENT, BUILDING CONSTRUCTION, GRADING, LANDSCAPING, AND EXTENSION OF SERVICES. THESE IMPROVEMENTS INCLUDE ONLY THOSE ACTIVITIES THAT ARE DIRECTLY ASSOCIATED WITH THE DEVELOPMENT OF THE PROPOSED RECREATIONAL FACILITIES.**
- 10. “DEVELOPER” MEANS ANY PERSON, INDIVIDUAL, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, CORPORATION, ESTATE, TRUST, OR OTHER ENTITY ACTING OR PROPOSING TO SUBDIVIDE LAND FOR THE CONSTRUCTION OF ANY OF THE RESIDENTIAL BUILDINGS.**
- 11. “PARK” MEANS ANY NEIGHBORHOOD PARK THAT HAS RECREATIONAL FACILITY IMPROVEMENTS.**
- 12. “PARKLAND” INCLUDES PARKS, OPENSOURCE, MULTI-USE TRAILS, AND PRIVATE RECREATIONAL FACILITIES.**
- 13. “OPENSOURCE” MEANS AN OPEN GREEN AREA WITHOUT RECREATIONAL FACILITIES BUT MAY INCLUDE STRUCTURES SUCH AS GAZEBOS OR PICNIC TABLES/PAVILIONS.**

**D. REQUIREMENT OF DEDICATION OF PUBLIC PARKLAND AND CRITERIA FOR APPROVAL.**

- 1. ANY DEVELOPER WHO, AFTER JANUARY 11, 2021, SEEKS TO DEVELOP LAND FOR RESIDENTIAL PURPOSES WITHIN THE TOWN OF EMMITSBURG SHALL BE REQUIRED TO PROVIDE PARKLAND OR PAY A FEE IN LIEU AS DETERMINED BY THE PLANNING COMMISSION. THE DEVELOPER MAY PROPOSE PARKS, OPEN SPACE, OR MULTI-USE TRAILS. THE DEVELOPER SHALL OFFER TO DEDICATE PUBLIC PARKLAND IN CONNECTION WITH ITS RESIDENTIAL DEVELOPMENT. IF THE OFFER IS DECLINED, PRIVATE OWNERSHIP SHALL BE REQUIRED AND REFLECTED ON ALL RECORDED PLATS.**
- 2. NO NEW SUBDIVISION PLATS OR SITE PLANS FOR RESIDENTIAL DEVELOPMENT SHALL BE APPROVED UNLESS AND UNTIL THE PROVISIONS OF THIS SECTION ARE MET.**
- 3. ACCEPTANCE OF ANY DEDICATION SHALL BE AT THE OPTION OF THE MAYOR AND BOARD OF COMMISSIONERS. THE DECISION OF THE MAYOR AND THE BOARD OF COMMISSIONERS TO ACCEPT OR REJECT DEDICATION SHALL BE CONCLUSIVE. IN DETERMINING WHETHER TO ACCEPT OR REJECT LAND OFFERED FOR DEDICATION, THE MAYOR AND BOARD OF COMMISSIONERS SHALL CONSIDER THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND THE FOLLOWING FACTORS:**
  - A. LOCATION. PARKLAND MUST BE CONTIGUOUS WITH THE SUBDIVISION LAND TO BE DEVELOPED. WHEN PARKLAND EXISTS ADJACENT TO THE TRACT TO BE SUBDIVIDED, THE DEDICATED LAND SHALL BE LOCATED TO ADJOIN AND ENLARGE THE EXISTING PARKLAND.**
  - B. ACCESS. AT LEAST ONE SIDE OF THE DEDICATED PARKLAND SHALL ABUT A PUBLIC STREET FOR THE MINIMUM REQUIRED LOT WIDTH. NO ROADWAYS SHALL TRAVERSE THE DEDICATED LAND. PARKLAND MUST BE ACCESSIBLE TO PEDESTRIANS, WITH SIDEWALKS OR MULTIUSE TRAILS,**

**NECESSARY FOOT BRIDGES OR TUNNELS OR OTHER MEANS TO BE PROVIDED BY THE DEVELOPER, INCLUDING ROADS OR EASEMENTS. THE DEDICATED PARKLAND SHALL BE ACCESSIBLE TO UTILITIES SUCH AS ELECTRIC, SEWER, AND WATER.**

- C. SLOPE. NOT MORE THAN TWENTY PERCENT (20%) OF THE OFFERED LAND SHALL BE LOCATED IN A FLOODPLAIN OR EXCEED A SLOPE IN EXCESS OF EIGHT PERCENT (8%).**
- D. SIZE. THE DEDICATED PARKLAND SHALL BE PART OF A CONTIGUOUS TRACT OF AT LEAST THREE ACRES AND NEVER LESS THAN THE MINIMUM LOT SIZE FOR THE UNDERLYING ZONING DISTRICT UNLESS THE LAND SHALL BE DEVELOPED AS A MULTI-USE TRAIL. THE LAND MAY BE ONE PARCEL OR A NUMBER OF PARCELS STRATEGICALLY LOCATED, AS SUBJECT TO APPROVAL BY THE PLANNING COMMISSION.**
- E. EQUIPMENT. EACH PARK PROPOSED FOR DEDICATION SHALL BE PROVIDED WITH MODERN RECREATIONAL EQUIPMENT AT THE EXPENSE OF THE DEVELOPER. RECREATIONAL EQUIPMENT SHALL BE SUBJECT TO APPROVAL BY THE PLANNING COMMISSION.**
- F. PARKING. ON-SITE PARKING SHALL NOT BE REQUIRED, PROVIDED THAT THE RECREATIONAL AREA IS WITHIN A ONE-HALF (1/2) MILE RADIUS OF SEVENTY-FIVE PERCENT (75%) OF THE DWELLING UNITS TO BE SERVED. OTHERWISE, ONE (1) SPACE SHALL BE REQUIRED FOR EACH FIVE (5) DWELLING UNITS TO BE SERVED BY SAID FACILITIES THAT AREA LOCATED OUTSIDE THE HALF MILE RADIUS. PARKING MAY BE INCLUDED IN THE AREA CALCULATION.**
- G. SIDEWALKS/MULTIUSE TRAILS. SIDEWALKS OR MULTI-USE TRAILS SHALL BE INSTALLED TO PROVIDE SAFE TRAVEL**

**AREAS FOR PEDESTRIANS FROM THE DWELLING UNITS SERVED BY THE PARKLAND TO THE PARKLAND.**

**H. LANDSCAPING. NO EXPOSED DIRT SURFACES ARE PERMITTED, EXCEPT FOR A SOFTBALL/BASEBALL FIELD. ALL UNUSED AREAS SHALL BE PLANTED AND MAINTAINED IN GRASS OR OTHER TYPICAL GROUND COVER. FLOWERS ARE ENCOURAGED. SHADE TREES ARE MANDATORY AND SHALL BE SUBJECT TO A SPECIFIC TREE PLANTING PLAN, VARYING WITH THE SIZE AND OTHER SITE CHARACTERISTICS.**

**I. CONDITION. UNDER NO CIRCUMSTANCES WILL UNCLAIMED OR DERELICT LAND, SUCH AS MARSHES, SWAMPS, OR WETLANDS, COMPRISING MORE THAN TWENTY PERCENT (20%) OF THE TOTAL PROPOSED RECREATIONAL SPACE, BE ACCEPTABLE. THE LAND SHALL HAVE SOILS SUITABLE FOR THE INTENDED RECREATIONAL USE.**

**4. IN THE EVENT THE MAYOR AND BOARD OF COMMISSIONERS DETERMINE NOT TO ACCEPT THE DEDICATION, THE PARKLAND SHALL BE PRIVATE PARKLAND TO BE SOLELY HELD AND MAINTAINED BY THE DEVELOPMENT'S HOMEOWNER'S ASSOCIATION IN WHICH MEMBERSHIP IS REQUIRED AND AUTOMATIC UPON CONVEYANCE OF ANY UNIT IN THE SUBDIVISION. THE PRIVATE PARKLAND SHALL MEET THE CRITERIA SET FORTH IN D.3. A-I. THE ASSOCIATION SHALL BE INCORPORATED AND THE ARTICLES SUBMITTED TO THE PLANNING COMMISSION UPON ACCEPTANCE BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION. THE PLAT SHALL BE NOTATED AS TO THE DATE OF APPROVAL AND ACCEPTANCE OF THE ARTICLES AND SHALL REFLECT THAT THE PARKLAND IS PRIVATE AND OWNED BY THE ASSOCIATION.**

**E. COMPUTATION OF THE AMOUNT OF PARKLAND REQUIRED BY §16.16.100.D.**

**1. THIS SECTION SHALL PRESCRIBES THE MINIMUM AMOUNT OF SPACE TO BE PROVIDED IN A PROPOSED DEVELOPMENT FOR USE AS PARKLAND. SUCH SPACE SHALL BE REQUIRED TO BE PROVIDED BY A DEVELOPER WHO,**

**AFTER JANUARY 11, 2021, SEEKS TO DEVELOP OR REDEVELOP RESIDENTIAL LAND WITHIN THE TOWN OF EMMITSBURG, MARYLAND. THE PLANNING COMMISSION SHALL CALCULATE THE REQUIRED SPACE UPON SUBMISSION OF A SUBDIVISION PLAT OR SITE PLAN FOR APPROVAL. PARKLAND IN EXCESS OF THE REQUIRED MINIMUM IS PERMITTED.**

**2. THE AMOUNT OF PARKLAND REQUIRED IN A PROPOSED DEVELOPMENT SHALL NEVER BE LESS THAN THE MINIMUM LOT SIZE FOR THE UNDERLYING ZONING DISTRICT UNLESS THE PARKLAND IS DEVELOPED AS A MULTI-USE TRAIL. MINIMUM REQUIRED PARKLAND IS COMPUTED AS FOLLOWS:**

**A. RESIDENTIAL OCCUPANCY PER LIVING UNITS: IN DETERMINING THE ANTICIPATED OCCUPANCY FOR THE PROPOSED DEVELOPMENT, IT SHALL BE ASSUMED THAT THE FOLLOWING DWELLING UNITS WILL ACCOMMODATE THE FOLLOWING NUMBER OF INDIVIDUALS:**

<b>LAND USE TYPE (UNIT)</b>	
<b>INDIVIDUALS PER EACH RESIDENTIAL LIVING UNIT:</b>	
<b>SINGLE-FAMILY DETACHED</b>	<b>2.67 INDIVIDUALS</b>
<b>SINGLE-FAMILY ATTACHED</b>	
<b>MULTI-FAMILY</b>	

**B. PARKLAND PER INDIVIDUAL: IN DETERMINING THE SPACE REQUIRED FOR PARKLAND IN A PROPOSED DEVELOPMENT, IT SHALL BE REQUIRED THAT 10 ACRES OF RECREATIONAL SPACE BE PROVIDED FOR EVERY 1,000 INDIVIDUALS. SINCE SOME DEVELOPMENTS WILL NOT HOUSE 1,000 INDIVIDUALS, THE SPACE REQUIREMENT IS TO BE APPLIED ON A PER**

**INDIVIDUAL BASIS. THEREFORE, .010 ACRES OF PARKLAND SHALL BE PROVIDED FOR EACH INDIVIDUAL PROPOSED TO BE HOUSED IN THE NEW DEVELOPMENT BASED ON THE ASSUMPTIONS CONTAINED IN PARAGRAPH 2.A. ABOVE.**

**C. CALCULATION OF REQUIRED PARKLAND FOR EACH DEVELOPMENT.**

**1. FOR SINGLE-FAMILY DETACHED AND SINGLE-FAMILY ATTACHED GENERALLY INTENDED FOR INDIVIDUAL OWNERSHIP AND MULTI-FAMILY DEVELOPMENTS GENERALLY INTENDED FOR RENTAL, THE FOLLOWING FORMULA SHALL BE UTILIZED:**

- **(NUMBER OF DWELLING UNITS) X (2.67 INDIVIDUALS/UNIT) X (.010 ACRES/INDIVIDUAL)**
- **EXAMPLE FOR ILLUSTRATION PURPOSES: FOR A SINGLE FAMILY ATTACHED RESIDENTIAL DEVELOPMENT SUBJECT TO THE REQUIREMENT OF THIS SECTION THAT PROPOSED 50 DWELLING UNITS, THE CALCULATION UNDER THIS PARAGRAPH WOULD BE AS FOLLOWS:**
  - **50 UNITS X 2.67 X .010 = 1.34 ACRES.**
  - **UNDER THIS ILLUSTRATION, THE DEVELOPER WOULD BE REQUIRED TO DEDICATE PARKLAND OF AT LEAST 1.34 ACRES OF PROPERTY WITHIN THE PROPOSED DEVELOPMENT.**

**3. IF A SUBDIVISION PLAT OR SITE PLAN IS REQUESTED FOR MIXED USES, THEN PARAGRAPH E.2. OF THIS SECTION SHALL APPLY ONLY TO THOSE AREAS OF THE PLAT OR SITE PLAN DEVOTED TO RESIDENTIAL USES.**

**4. IN THE CASE OF CHANGE OF USE, REDEVELOPMENT, OR EXPANSION OR MODIFICATION OF AN EXISTING USE WHICH REQUIRES THE APPROVAL OF AN AMENDED SUBDIVISION PLAT OR SITE PLAN, THE ABOVE SPACE**

**REQUIREMENTS FOR PARKLAND SHALL BE BASED UPON THE NEW UNITS BEING PROPOSED FOR DEVELOPMENT OR REDEVELOPMENT.**

- 5. IN THE PARKLAND AREAS APPROVED FOR DEDICATION TO THE TOWN OF EMMITSBURG, THE TRANSFER OF OWNERSHIP OF THE LAND SHALL OCCUR WITHIN THREE (3) YEARS OF FINAL APPROVAL AND RECORDING OF THE FINAL SUBDIVISION PLAN, OR THE FIRST PHASE, IF THE SUBDIVISION IS DEVELOPED IN PHASES, OF FINAL SITE PLAN APPROVAL. PROVISIONS SHALL BE MADE FOR INSTALLATION OF ANY REQUIRED RECREATIONAL OR OTHER FACILITIES AND PAID FOR BY THE DEVELOPER. PRIOR TO ACCEPTANCE OF THE DEDICATION, THE MAINTENANCE AND PRESERVATION OF THE PARKLAND SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.**
- F. WHERE MULTIUSE TRAILS [FOR USE BY BICYCLE OR NON-MOTORIZED VEHICLES (EXCEPTING WHEELCHAIRS AND ELECTRIC BICYCLES) OR PEDESTRIANS] ARE PROPOSED, THE DEVELOPER SHALL BE REQUIRED TO DEDICATE LAND OR TRAIL EASEMENTS AT LEAST TWENTY FEET (20') IN WIDTH. FURTHERMORE, THE DEVELOPER IS REQUIRED TO INSTALL THE TRAILS TO THE WIDTH AND SPECIFICATIONS THAT ARE REQUIRED BY THE TOWN ENGINEER. THIS LAND OR EASEMENT, IF APPROVED BY THE PLANNING COMMISSION, MAY SERVE TO SATISFY PARKLAND DEDICATION REQUIREMENTS. THE AREA OF THIS LAND SHALL BE CONSIDERED THE LENGTH OF THE TRAIL MULTIPLIED BY TWENTY FEET (20'). THIS INCLUDES LAND THAT IS WITHIN PUBLIC RIGHT-OF-WAY.**
- G. FEE IN LIEU. THE MAYOR AND BOARD OF COMMISSIONERS MAY IMPOSE A TWELVE HUNDRED DOLLARS (\$1,200.00) PER RESIDENTIAL DWELLING UNIT ASSESSMENT ON THOSE DEVELOPMENTS WHEN IN THEIR JUDGEMENT THE CREATION OF ADDITIONAL RECREATIONAL AREAS IS NEITHER WARRANTED OR DESIRABLE. THE ASSESSMENT SHALL BE DUE UPON ACCEPTANCE OF THE FINAL SUBDIVISION PLAT OR SITE PLAN AS APPLICABLE. ALL FEES COLLECTED SHALL BE DEPOSITED INTO THE CAPITAL PROJECT'S FUND AND USED FOR IMPROVING PUBLICALLY OWNED PARKS, OPEN SPACE, AND RECREATION FACILITIES.**
- H. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF §§16.16.100.D-G.**

1. ALTERATIONS OR EXPANSION OF AN EXISTING BUILDING WHERE NO ADDITIONAL RESIDENTIAL UNITS ARE CREATED AND WHERE THE USE IS NOT CHANGING;
2. THE CONSTRUCTION OF ACCESSORY BUILDINGS OR STRUCTURES THAT DO NOT SERVE AS HOUSING FOR INDIVIDUALS;
3. THE REPLACEMENT OF A DESTROYED OR PARTIALLY DESTROYED BUILDING OR STRUCTURE WITH A NEW BUILDING OR STRUCTURE OF THE SAME SIZE AND USE;
4. THE CONSTRUCTION OF ANY NON-RESIDENTIAL BUILDING OR STRUCTURE; AND
5. A SUBDIVISION PLAT OR SITE PLAN THAT PRODUCES LESS THAN FIVE (5) RESIDENTIAL DWELLING UNITS. SUBDIVISION DEVELOPMENT/SITE PLANS MAY NOT BE PIECEMEAELED TO AVOID THE REQUIREMENTS OF THIS SECTION.
6. IN THE EVENT FURTHER SUBDIVISION OR REDEVELOPMENT OCCURS AFTER BEING EXEMPTED UNDER THIS SECTION, THE REQUIEMENTS OF THIS SECTION SHALL APPLY TO ALL RESIDENTIAL DEVELOPMENT INCLUDING THAT WHICH WAS PREVIOUSLY EXEMPTED.

**\*ANY REQUEST FOR EXEMPTION SHALL BE MADE NO LATER THAN THE TIME OF APPLICATION FOR A PRELIMINARY SUBDIVISION PLAT AND/OR SITE PLAN APPROVAL. ANY CLAIM NOT SO MADE SHALL BE DEEMED TO BE WAIVED.**

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

**PASSED** this 11<sup>th</sup> day of January, 2021

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

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

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Timothy O'Donnell, President

**MAYOR**

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

this 11<sup>th</sup> day of January, 2021.

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Donald N. Briggs, Mayor

**AGENDA ITEM# 4. Increasing multi-user trail access during non-major hunting season and allowing access of electric bicycles on the multi-user trails for discussion and consideration:** Presentation at meeting by Commissioner O'Donnell.

**Goal:** To expand trail user access that would not compromise our Deer and Turkey Hunting Seasons and to allow pedal assist bicycles on the trails.

- **Increasing Access:** Dates would be determined annually, in accord with the DNR's determination of hunting seasons.
- **Pedal Assist Bicycles:** Access would be allowed for Class I, pedal assist bicycles. These bicycles have a limit of 20mph.
  - Class II pedal assist bicycles have a throttle control would not be allowed
  - Class III pedal assist bicycles tend to be road bikes and “hybrid” bikes that combine mountain and road bike features and can reach speeds of up to 28 mph. These would not be allowed either.

\*Note: This standard has been accepted and is in use at the Michaux State Park in Pennsylvania, which is managed by their DCNR

Town Staff Notes:

- Main hunting is deer and turkey in the watershed.
  - *Deer Season:* Usually early September to January 31
  - *Turkey Season:* Usually mid-April to late May
- There is little to no small game or furbearer hunting in the watershed area.
- If trails are open daily Feb – April, we will either need to change our hunting rules to inform hunters of this or make hikers and bikers wear fluorescent, etc.
- In 2021, trails could potentially be open 7 days between 1/31/21 and 4/16/21

Maryland Hunting Seasons Calendar for 2020-2021

Species, Season, & Region	August	September	2020 October	November	December	January	February	March	2021 April	May	June	July
White-tailed Deer, Antlerless, Archery <sup>1</sup>		9/11-10/21	10/25-11/27		12/14-12/18	1/3-1/7 1/11-1/30						
White-tailed Deer, Antlerless, Firearms <sup>1</sup>					11/28-12/12	1/8-1/10						
White-tailed Deer, Antlerless, Muzzleloader <sup>1</sup>			10/22-10/24			12/19-1/2						
White-tailed Deer, Antlerless Archery, Region A <sup>1,2</sup>		9/11-10/21	10/25-11/27		12/14-12/18	1/3-1/30						
White-tailed Deer, Antlerless Firearms, Region A <sup>2</sup>					12/11-12/12							
White-tailed Deer, Antlerless Muzzleloader, Region A <sup>2</sup>			10/22-10/24			12/31-1/2						
White-tailed Deer, Antlerless Archery, Region B <sup>1,3</sup>		9/11-10/21	10/25-11/27		12/14-12/18	1/3-1/7 1/11-1/30						
White-tailed Deer, Antlerless Firearms, Region B <sup>1,3</sup>					11/28-12/12	1/8-1/10						
White-tailed Deer, Antlerless Muzzleloader, Region B <sup>3</sup>			10/22-10/24 10/26-10/31			12/19-1/2						
Sika Deer, Archery <sup>1,4</sup>		9/11-10/21	10/25-11/27		12/14-12/18	1/3-1/7 1/11-1/30						
Sika Deer, Firearms <sup>1,4</sup>					11/28-12/12	1/8-1/10						
Sika Deer, Muzzleloader <sup>1,4</sup>			10/22-10/24			12/19-1/2						
Sika Deer, Antlerless, Region B Only, Muzzleloader			10/26-10/31									
Junior Deer Hunt Days <sup>1</sup>				11/14-11/15								
Primitive Deer Hunt Days <sup>2,4</sup>							2/1-2/3					
Wild Turkey, Winter Season <sup>4</sup>						1/21-1/23						
Wild Turkey, Fall Season <sup>4</sup>				10/31-1/8								
Wild Turkey, Spring Season <sup>4</sup>								4/19-5/24				
Wild Turkey, Spring Season, Junior Hunt Days <sup>4</sup>								4/17-4/18				
Canada Goose, Early Resident Season, Eastern Hunt Zone <sup>7</sup>		9/1-9/15										
Canada Goose, Early Resident Season, Western Hunt Zone <sup>8</sup>		9/1-9/25										
Canada Goose, Migratory Atlantic Population <sup>9</sup>					12/18-1/2	1/13-1/30						
Canada Goose, Late Resident Season <sup>10</sup>				11/21-11/27	12/15-3/10							
Light Geese			10/1-11/27		12/14-1/30	2/6						
Light Goose Conservation Order Season <sup>11</sup>					11/30-12/12	2/1-2/5	2/8-4/15					
Beaver				11/18-11/27	12/15-1/30							
Tad, September Season <sup>12</sup>		9/16-9/30										
Ducks			10/10-10/17	11/14-11/27	12/15-1/30							
Sea Ducks, Special Sea Duck Zone				10/31-1/8								
Waterfowl, Youth, Veteran & Military Hunt Days				11/7		2/6						
Mourning Doves		9/1-10/17	10/24-11/27		12/19-1/9							
Rats		9/1-11/20										
Woodcock			10/21-11/27		1/11-1/23							
Common Snipe			9/29-1/30									
Black Bear <sup>13</sup>			10/26-10/30									
Squirrel <sup>14</sup>		9/5-2/27										
Rabbit				11/7-2/27								
Quail, Eastern Region <sup>15</sup>				11/7-2/15								
Quail, Western Region <sup>16</sup>				11/7-1/15								
Quail, DNR Lands <sup>17</sup>				11/7-12/15								
Phasant				11/7-2/28								
Ruffed Grouse			10/3-1/31									
Crow	8/15-3/15											

Maryland Hunting Seasons Calendar for 2020-2021  
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Beaver, Trapping <sup>1*</sup>				12/15-----3/15				
Beaver, Trapping <sup>1*</sup>				12/1-----3/15				
Coyote, Hunting	Year-round							
Coyote & Long-tailed Weasel Trapping, Eastern Region <sup>20</sup>				11/14-----2/15				
Coyote & Long-tailed Weasel Trapping, Western Region <sup>21</sup>				10/31-----2/1				
Fisher				10/31-----2/1				
Fox, Hunting & Trapping, Charles & Dorchester Co.	Year-round							
Fox, Hunting & Trapping County Group 1 <sup>22</sup>				11/14-----2/15				
Fox, Hunting & Trapping County Group 2 <sup>23</sup>				10/31-----2/1				
Muskrat & Mink, County Group A <sup>24</sup>				11/16-----2/15				
Muskrat & Mink, County Group B <sup>25</sup>				1/1-----3/15				
Muskrat & Mink, County Group C <sup>26</sup>				12/15-----3/15				
Nutria & Groundhog	Year-round							
River Otter, Trapping County Group 1 <sup>27</sup>				12/15-----3/15				
River Otter, Trapping County Group 2 <sup>28</sup>				12/15-----3/15				
River Otter, Trapping County Group 3 <sup>29</sup>				12/1-----3/15				
Raccoon & Opossum, Chasing Only <sup>3</sup>	8/1-----10/14					3/16-----7/31		
Raccoon & Opossum Hunting				10/15-----3/15				
Raccoon, Skunk & Opossum Trapping, Eastern Region <sup>30</sup>				11/14-----3/15				
Raccoon, Skunk & Opossum Trapping, Western Region <sup>31</sup>				10/31-----3/15				
Skunk, Hunting				10/31-----3/15				

**M. SET AGENDA FOR NEXT MEETING: FEBRUARY 1, 2021 AT 7:30 PM**

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

*Administrative Business:*

- A.
- B.
- C.