



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, MARCH, 1, 2021 – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Planning Commission Meeting: Monday, March 29, 2021 at 7:30 p.m. (via Zoom)

Next Virtual Town Meeting: Monday, April 5, 2021 at 7:30 p.m. (via channel 99 & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: JANUARY 11, 2021

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). Proclamation honoring Keith Suerdieck for his service on various committees.

(B). Filing of the 2020 Annual and 5-Year Mid-Cycle Planning Commission Reports.

(C). Update on infrastructure projects.

(D). Approval of the town to use Zoom only for town meetings if the need arises.

I. CONSENT AGENDA: 4 APPOINTMENTS

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Audit presentation by Michele Mills.

(2). FY20 budget transfers to the Capital Fund for consideration.

(3). FY21 budget overview.

(4). Approval of bid to construct two small picnic pavilions in E. Eugene Myers Community Park for consideration.

(5). Approval of bid to renovate the E. Eugene Myers Community Park band stand for consideration.

(6). Forward Ordinance 21-03 (zoning classification change WWTP parcels) to the Planning Commission for recommendation and set public hearing and final vote for April 5, 2021 for consideration.

(7). For consideration, amendment #1 proposal for storm water management plan at the new creamery road pump station request for compensation for additional services outside the scope of the original contract.

M. SET AGENDA FOR NEXT MEETING: APRIL 5, 2021

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: March 1, 2021

Time: Mar 1, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/88692623117>

Meeting ID: 886 9262 3117

Passcode: 21727

One tap mobile

+13017158592,,88692623117#,,,,*21727# US (Washington DC)

+16465588656,,88692623117#,,,,*21727# US (New York)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 886 9262 3117

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/88692623117>

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 calling (301) 600-6300 and leaving a voicemail with your name, phone number, and the topic you'd like to speak on. You will need to join the meeting via zoom.

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: JANUARY 11, 2021

**MEETING MINUTES
JANUARY 11, 2021
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; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, Town Manager Cathy Willets and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the January 11, 2021 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 the COVID-19 virus and vaccination distribution.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the December 8, 2020 town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from December 2020 (exhibit attached). There was 197 total 9-1-1 calls for 2020 in the Emmitsburg area. The Frederick County Sheriff's Office has new uniforms composed on a forest green shirt and khaki pants.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from November 2020 (exhibit in agenda packet). The Town continues to have a deficit of precipitation. Town staff responded to an unauthorized draw from a fire hydrant on South Seton Avenue; staff located the offending vehicle, a landscape company, and fined them \$500. The fine was sent to court and the fine was doubled to \$1,000 and was paid on January 11.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from November 2020 (exhibit in agenda packet). Mr. Gulden applied for a \$1.38 million bond grant with the State for the proposed water clarifier project.

Commissioner Comments:

- Commissioner Ritz III: He encouraged everyone to be mindful of no parking areas during snow events.
- Commissioner Burns: He encouraged everyone to continue wearing their masks and get vaccinated.
- Commissioner Davis: He encouraged the public to get the vaccine and requested the Town consider hiring a third deputy to cover more night shifts in the future.
- Commissioner Sweeney: He encouraged the public to get the vaccine to stop the virus.
- Commissioner O'Donnell: He encouraged the Board and town staff to continue to put their best efforts forth and protect the democracy of the Town.

Mayor's Comments:

Mayor Briggs encouraged everyone to follow COVID-19 precautions and stated the Emmitsburg Community Center continues to be closed to the public due to the virus. He thanked the new Dunkin, Insurance Brokers of Maryland and the soon to open daycare for choosing Emmitsburg as their place of business. The Town was approved grant funding for the renovation of the E. Myers Community Park band stand, community gardens and the replacement of ballfield seven's baseball bleachers. OnlyInYourState.com voted Emmitsburg as one of the top ten most beautiful, charming small Towns in Maryland.

Public Comments:

None.

Administrative Business:

- (A). **Announcement of 2020 Holiday House and Business Decorating Contest winners:** Mayor Briggs read the winners for most traditional, most decorative and best business. First place winners will receive \$75.00, second place winners will receive \$50.00 and third place will receive \$25.00. The prize money was donated by the Emmitsburg Business and Professionals Association. A list of the winners is in the agenda packet. Pictures were shown of the first place winners in each category.
- (B). **Donation to the Thurmont Little League for consideration:** Commissioner Davis presented the business. Thurmont Little League, a team composed of Emmitsburg and Thurmont players, is going to Cooperstown Dreams Park Baseball Tournament in Cooperstown, New York in August 2021. The team is requesting a donation from the Town to help cover the costs of the \$20,000 trip. The Board discussed donation amounts. Commissioner Sweeney, on behalf of the Sons of the American Legion, offered to match the Town's donation. *Motion:* Commissioner Davis motioned to support the Thurmont Little League with a \$1,000 donation for their Cooperstown Tournament; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Consent Agenda:

Motion: Commissioner Davis motioned to appoint Dr. Levi Esses as an alternate to the Board of Appeals for a term of January 11, 2021 to January 11, 2024; second by Commissioner Burns. Yeas – 4; Nays – 0; Abstained – 1 (O'Donnell). The president declared the motion passed. The appointment of Stephen Starliper to the Planning Commission has been canceled due to Mr. Starliper withdrawing his name.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for December 2020 (exhibit in agenda packet). The operating balance forward is \$5,410,995.

Planning Commission Report:

Mr. Gulden stated the last meeting was on December 28, 2020. The Commission reviewed and approved Ordinance 21-01 and the SPT Land LLC and Maryland State Highway Administration addition plat.

II. Agenda Items

Agenda #1 - Review and approval of the FY2021 MHAA wayside exhibits for consideration: Ms. Shaw explained phase three of the wayside exhibits is the addition of another four historic wayside signs on the St. Josephs House, "Volunteers" glass etching, Emmitsburg Railroad and the American Long Riffle. Three of the exhibits will be located on South Seton Avenue and one will be located on East Main Street. The Town received \$12,054 in grant funds from the Maryland Heritage Area Authority and also partnered with the Seton Shrine and Fire Museum for funding. Images of the exhibits were presented on the screen

along with a map showing exhibit locations. Ruth Bielobocky, Ion Design, and Scott Grove, Grove Public Relations, were present virtually to answer questions and go over the content of each sign. The Board requested one edit to the St. Josephs House exhibit only. *Motion*: Commissioner Burns motioned to accept the exhibits as modified; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #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: Ms. Willets presented the agenda item. The Board approved McCrone for the project at the November 2, 2020 town meeting in the amount of \$25,000 for the completion of a Preliminary Engineering Report and Environmental Report that will evaluate the towns water system as a whole. The reports must be completed before construction and replacement of the waterlines can be begin. The Engineering Joint Contract Document Committee (EJCDC) E-500 is the contract required by the USDA for the preliminary work. The general terms of the contract were reviewed to include insurance coverage, suspension, termination, invoicing and dispute resolution. McCrone has 150 days to complete the project. The contract has been reviewed by the town attorney. *Motion*: Commissioner Davis motioned to approve the preliminary engineering report and environmental report engineering contract for the DePaul Street and North Seton Avenue waterline replacement projects; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 - Hold public hearing and adoption of proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) for consideration: Commissioner O'Donnell called the public hearing to order at 8:49 p.m. Mr. Gulden explained the hearing was advertised on December 15, 2020 in the Frederick News Post. The ordinance was forwarded to the Planning Commission at the December 8, 2020 town meeting. The Planning Commission reviewed the ordinance at the December 28, 2020 meeting and recommended approval of the ordinance with: a parkland goal of 10 acres for every 1,000 residents, a single paved trail only instead of a two-trail system, a fee of \$1,200 per dwelling unit, and updating Town Code section 16.16.100.D to meet the requirements in section 16.16.100.D.3.A-I. Only one public comment was received by town staff via email from Bob Mellor, 3 University Drive, who stated he supported the proposed trail system. There was no public comment made at the town meeting. Commissioner O'Donnell declared the public hearing closed at 9:01 p.m. *Motion*: Commissioner Ritz III motioned to accept ordinance 2021-01; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #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: Commissioner O'Donnell presented the agenda item. There have been several requests to increase public access to the multi-user trails in the watershed during various hunting seasons and to allow class one pedal assist bicycles to use the trails. If pursued, the open trail days would be determined per year in accordance with the hunting seasons. The Board discussed how to inform hunters and trail users of changes. Town staff recommended passing a policy with guidelines regarding rules for Rainbow Lake and the watershed; a policy could be brought to the Board in March 2021. *Motion*: Commissioner Ritz III motioned to direct staff to make a policy regarding the allowed activities in the Town watershed; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Set Agenda Items for February 1, 2021 Town Meeting

1. Fiscal year 2021 budget overview.
2. Approval of ordinance 21-02 vendor license updates, for consideration.
3. Approval of the North Seton Avenue Green Street Conceptual Plan for consideration.

Administrative Business:

- A. Proclamation honoring Keith Suerdieck for his service on various committees.
- B. Filing of the 2020 Annual and 5-Year Mid-Cycle Planning Commission Reports.

Consent Agenda:

- Appointment of Glenn Blanchard to the Planning Commission.
- Appointment of Deborah Hobbs to the Ethics Commission.

Motion: Commissioner Ritz III motioned to accept the February agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the January 11, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The meeting adjourned at 9:28 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

**NOTE: The February 1, 2021 and February 15, 2021 town meetings were canceled due to inclement weather.*

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

C. TOWN MANAGER’S REPORT

**Town Manager’s Report
December 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.
- Contractor blacktopped water leak patch on West Main St.
- Staff installed two bollards and painted curb by 130 DePaul St. & Federal Ave.
- Staff installed new Welcome to Emmitsburg Sign on South Seton Ave.
- Staff installed 15 mph sign on Timbermill Run and Brookfield Dr.
- Staff put up snow flags on fire hydrants.
- Staff and contractor responded to snow storm.
- Staff cleaned and salted sidewalks and Community Park walking trail after snow storm.
- Staff removed snow from parking spaces on East and West Main St.
- Staff cold patched and sealed blacktop patch on Timbermill Run.

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 sanitized playground equipment twice a week.
- Staff put up some new disc golf signs.
- Staff painted speed bump on road to ballfield #3 in Community Park.
- Staff installed new gate at the road to the Community Park stock pile.
- Contractor installed new dugout roof at ballfield #6 in Memorial Park (storm damage).

Water:

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

	<u>May 2011</u>	<u>December</u>	<u>Change</u>
○ Well #1:	35’	36’	-1
○ Well #2:	8’	11’’	-3
○ Well #3:	12’	11	+1
○ Well #4:	108’	OFF	N/A
○ Well #5:	10’	OFF	N/A

- PH and chlorine levels are good. Soda ash increased slightly due to well usage increase.
- Water production and consumption. We produced an average of 234,786 GPD. We consumed an average of 220,454 GPD. The difference is "Backwash Water" ... (15.2%).
 - 41.6% of this water came from wells.
 - 5.5% of this water came from Mt. St. Mary's.
 - 52.9% of this water came from Rainbow Lake.

We purchased 444,300 gallons of water from MSM this month.

Wastewater:

- We treated an average of 726,000 gpd (consumed 220,454 GPD) which means that 69.6 % of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of December. We did exceed the plant's design capacity four times during the month of December:
 - 915,000 gpd 12/22/20 3,751,000 gpd 12/24/20
 - 1,726,000 gpd 12/25/20 860,000 gpd 12/26/20
- We received about 6.7" of precipitation this month (the average is 3.8"). We have a precipitation **SURPLUS of 0.7"** over the last six months. The average precipitation for the period from July 1 through December 31 is 22.1". We have received 22.8" for that period.

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

Meetings Attended:

- 12/02 Opened pollution prevention bids with Zach
- 12/02 Conference call with Mayor re: potential development
- 12/08 Attended Town Meeting
- 12/10 Conference call with County Executive's Office
- 12/21 Met with staff to review engineering plans for pump station.

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 repaired two water leaks: 6" main between 814 & 882 East Main St. and 6" main in front of 283 DePaul St. Total of 162,000 gallons lost.
- Staff conducted quarterly water meter readings and re-reads.
- LG Sonic was pulled from the lake and probes were sent off for calibration.

PARKING ENFORCEMENT REPORT
December 2020

Overtime Parking	18
Restricted Parking Zone	2
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	1
Meter Money	\$ 567.60
<i>Town Portion Dec 1st – Dec 10th</i>	\$ 172.00
<i>Donation Portion Dec 11th – Jan 2nd</i>	\$ 395.60
<i>Emmitsburg Food Bank 50%</i>	\$ 197.80
<i>Lions Club Fireworks Display 25%</i>	\$ 98.90
<i>Emmitsburg Library Youth Program 25%</i>	\$ 98.90
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$ 60.00
Total:	\$ 627.60

**Town Manager's Report
January 2021
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 picked up damaged streetlight on Irishtown Rd.
- Staff and contractors in for snow storm. Plowing, snow removal, salting, and sidewalks.

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 sanitizing playground equipment twice a week.
- Staff pushed down tree off community park walking trail.
- Contractor started work on replacing sidewalk on West Lincoln in area of pool. Work delayed due to weather.
- Staff worked on items at the disc golf course.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed four 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>January</u>	<u>Change</u>
○ Well #1:	35'	32'	+3
○ Well #2:	8'	9'	-1
○ Well #3:	12'	31'	-19
○ Well #4:	108'	OFF	N/A
○ Well #5:	10'	OFF	N/A

- Water production and consumption. We produced an average of 231,997 GPD. We consumed an average of 217,590 GPD. The difference is "Backwash Water" ... (14.9%).
 - 4.39% of this water came from wells.
 - 5.6% of this water came from Mt. St. Mary's.
 - 50.5% of this water came from Rainbow Lake.

We purchased 446,000 gallons of water from MSM this month.

Wastewater:

- We treated an average of 572,000 gpd (consumed 217,590 GPD) which means that 62% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of January. We did exceed the plant's design capacity three times during the month of January:
 - 1,253,000 gpd 01/01/21 978,000 gpd 01/02/21 820,000 gpd 01/03/21
- We received about 2.0" of precipitation this month (the average is 3.8"). We have a precipitation **SURPLUS of 1.76"** over the last six months. The average precipitation for the period from August 1 through January 30 is 21.14". We have received 22.9" for that period.

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

Meetings Attended:

- 01/11 Attended Town Meeting
- 01/12 Conference call re: Irishtown Road
- 01/14 Met with Mayor and deputies regarding coverage and inauguration
- 01/21 Met with staff re: hunting and recreational policy
- 01/21 Conference call with County Executive re: COVID-19 vaccine rollout
- 01/26 Conference call re: East Emmitsburg Industrial Park II
- 01/26 Conference call with RK&K re: pump station project

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in January.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Contractor did yearly maintenance on Town's fire extinguishers.
- Contractor repaired fire hydrant on Rte. 140 @ Silo Hill Rd.
- Contractor dug up and installed new fire hydrant on East Main St. @ Creamery Road.
- Staff put up snow flags on some fire hydrants.
- Staff assisted fire on Carrick Ct. water currently shut off.
- Staff and contractor repaired water leak by 9377 Waynesboro Pike.
- Staff cleaned gutters out at 303 W. Lincoln Ave.
- Staff checked for water leak on Annandale Rd. and found blow off on MSM's water line was leaking.
- The lagoon transfer pup was run for about a week to lower them from December 2020's rainfall (6.7").
- Treatment at WWTP was good this month and all the parameters were met.
- Recycle pump at WWTP failed again. Once weather warms enough to install the concrete pad in the pit, the new pump will be installed.
- Contractor relined the sewer lines from Frailey Rd. thru W. North Alley to W. Lincoln..
- Roughing filter #2 at WTP needs repaired due to it dumping media out during the backwash cycle.

PARKING ENFORCEMENT REPORT
January 2021

Overtime Parking	62
Restricted Parking Zone	1
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	1
48 Consecutive Hours	1
Meter Money	\$ 882.74
Parking Permits	\$ 115.00
Meter Bag Rental	
Parking Ticket Money	\$ 395.00
Total:	\$ 1,392.74

D. TOWN PLANNER'S REPORT

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

1. Board of Commissioners (BOC)

- Attended the virtual BOC meeting on 12/08 and processed pre/post meeting materials.
- Prepared 01/11 BOC meeting packet info on Ordinance 21-01.
- Created proclamation thanking Keith Suerdieck for 10 years of service on the PC.

2. Grants

- Community Legacy & Chesapeake Bay Trust grant management.
- Worked on the CDBG application (ADA Ramps).
- Assisted Stream Link Education in applying for a \$321,791.09 Maryland Department of Natural Resources grant in order to plant 27 acres of trees (8,100 native trees) to fulfill MS4 permit requirements.
- Created a press release announcing the Town has been awarded a \$34,000.00 grant from the Chesapeake Bay Trust for the Silo Hill SWM basin project.
- Processed Community Legacy reimbursement requests for:
 - 510 W Main St.
 - 502 E Main St.
- Processed a quarterly report for the FY20 Community Legacy grant.

3. Municipal Separate Storm Sewer System (MS4)

- Silo Hill SWM basin retrofit & tree planting project management.
- Met with Town Manager on 12/1 in order to open bids for the MS4 Pollution Prevention Plan RFP.

4. Permits & Zoning

- Processed 4x zoning permit applications:
 - 2x use & occupancy (Dunkin' & Insurance Brokers of MD).
 - 1x fence.
 - 1x garage.
- Processed 2x backflow preventer applications.
- Applied for a Frederick County building permit for the Community Park shed.
- 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.
- Conducted a final inspection of Dunkin' on 12/2.
- Continued reviewing the SPT Land, LLC. & Maryland State Highway Administration addition plat & created PC staff memo.
- Created PC staff memo for proposed Ordinance 2021-01.
- Continued working on the PC 2020 annual & 5-year mid-cycle reports.
- Met with Federal Stone on 12/8.
- Reviewed the following corrected plans for Mayor & PC Chair signatures:
 - Insurance Brokers of MD site plan.
 - Rutter's site plan.
 - Rutter's improvement plat.
 - Rutter's forest delineation & conservation plans
- Attended a conference call on 12/16 regarding Irishtown Road improvements.
- Attended PC meeting on 12/28 and processed pre/post meeting materials.

6. Miscellaneous

- Forestry Stand 6 project management.
- Finalized street tree plan RFP and sent out for bid.

Town Planner's Report
January 2021
Prepared by Zachary R. Gulden, MPA

1. Board of Commissioners (BOC)

- Attended the virtual BOC meeting on 01/11 and processed pre/post meeting materials.
- Worked on Town Code Chapter 12.08 code amendment.
- Attended the virtual Frederick County delegation meeting with Mayor on 1/29 regarding the proposed small business tax credit legislation.

2. Grants

- Community Legacy & Chesapeake Bay Trust grant management.
- Worked on and submitted the CDBG application (ADA ramps).
- Worked with contractor on the North Seton Avenue green street concept plan.
- Reviewed 1 COVID-19 micro-grant application.

3. Municipal Separate Storm Sewer System (MS4)

- Silo Hill SWM basin retrofit & tree planting project management.

4. Permits & Zoning

- Processed 9x zoning permit applications:
 - 4x signs (1 application)
 - 1x home occupation.
 - 1x addition.
 - 1x fence.
 - 4x new homes (Brookfield).
 - 1x roof.
- Processed 2x backflow preventer applications.
- Worked with Frederick County & Lion's Club on approval of the Community Park shed building permit.
- Responded to incident reports.

5. Planning Commission (PC)

- Rutter's, Insurance Brokers of MD, Miss. B's Child Care, Irishtown Improvements, Town-Wide ADA Ramps, Federal Stone, & Emmitsburg East Industrial Park II project management.
- Continued working on and finalized the PC 2020 annual & 5-year mid-cycle reports.
- Reviewed the following corrected plans for Mayor & PC Chair signatures:
 - SPT Land, LLC. & MD SHA addition plat.
 - Irishtown Road improvement plat.
 - Rutter's electrical plan.
- Attended the PC meeting on 01/25 and processed pre/post meeting materials.
- Prepared orientation information for the new PC member (Glenn Blanchard).
- Answered questioned from potential developers of Emmit Ridge 2 & Frailey Farm.
- Worked with the Creamery Road pump station engineer for improvement plat requirements.
- Attended a conference call with Federal Stone, Emmitsburg East Industrial Park II, Town Attorney, & Town Manager on 1/26.

6. Miscellaneous

- Forestry stand 6 project management.
- Started working on the forestry stands 7 & 11 project with MD DNR.
- Provided park data to Frederick County in order to update the County's Land Preservation, Parks, and Recreation Plan.
- Prepared new member orientation information for the new Sustainable Community Board member (Bernard Franklin).
- Prepared new member orientation information for the new Board of Appeals member (Dr. Levi Essess).
- Created website page info for the Town's Forest Conservation program (required per MD law).
- Created request for proposals to sell old town car (2002 Ford Escort).

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since January 11, 2021:

January:

- Mon. January 11th – 7:30 p.m. Town Council Meeting (virtual).
- Mon. January 11th - 10 a.m. meeting with Town Clerk Shaw and field staff, Steve Fissel. Setting locations for two new sheltered picnic pavilions in Myers Community Park (FY21 POS grant).
- Tues. January 12th - 3:30 p.m., Mount St. Mary's University, President Trainor virtual Mount Town Hall.
- Thurs. January 21ST - 9 a.m., Conference call with County Executive Gardner and mayors and burgesses.
- Fri. January 29th - Zoom meeting with Frederick County Delegation. Through Senator Hough. Emmitsburg Small Business Tax Credit.

February:

- Mon. February 1st - Town Council Meeting (virtual) snow, postponed to Monday the 15th. Canceled due to weather.
- Wed. February 3rd - 11:30 pm, COVID-19 update with Mount St. Mary's University, President Trainor virtual Mount Town Hall.
- Thurs. February 4th - 9 am, Conference call with County Executive Gardner and mayors and burgesses COVID 19 re: Restaurant open hours and vaccine inoculations.
- Thurs. February 4th - 10:30 am, Meeting with National Fire Heritage Center eps Wayne Powell and Frank Schmersal, Commissioner Davis re: location for museum.
- Thurs. February 4th - 3pm, Zoom: with Town Attorney Powell, Town planner Gulden, Town Manager Willets, and Fox Engineers re: Irishtown Road Town ROW.
- Thurs. February 18th - 1 pm Zoom with Mount bowling team committee re: Bowling alley location.
- Sun. February 21st - 9 am 1st Annual Emmitsburg Iceberg Disc Golf Tournament. 38 players all proceeds to Food Bank.
- Thurs. February 25th - 11 am COVID 19 update with guest Mark Landcaster, Former Chairman of the Frederick County Sustainability Commission.
- Thurs. February 25th - 6 pm, Zoom, Frederick County MML Chapter meeting.
- Fri. February 27th - 10 am Coronavirus update with guest County Executive Jan Gardiner.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Proclamation honoring Keith Suerdieck for his service on various committees:**
Presentation by Mayor Briggs.

Let It Hereby Be Known
on the occasion of this
recognition of services
this 1st day of March 2021 the
Town of Emmitsburg
hereby extends sincere gratitude
and heartfelt appreciation to
Keith Alan Suerdieck
for the services provided
between the years of 2011 and 2021. It is hoped that Mr.
Suerdieck will continue to be a presence and resource to the
Emmitsburg community for many years to come.



Donald N. Briggs, Mayor
March 1, 2021

Timothy O'Donnell, President
Board of Commissioners
March 1, 2021

(b) Filing of the 2020 Annual and 5-Year Mid-Cycle Planning Commission Reports:
Presentation by town staff.



Town of Emmitsburg
Mayor Donald N. Briggs

Planning Commission
Mark Long, *Chair*
Joyce Rosensteel, *Vice-Chair*
Gleam Blanchard, *Secretary*
Bernard Franklin
Joseph Ritz III
Town Manager
Cathy Willets
Town Planner
Zachary Guldan, MPA

February 2, 2021

Office of the Secretary
Maryland Department of Planning
Attn: David Dahlstrom, AICP
301 W. Preston St.
Baltimore, Maryland 21201-2305

Re: Annual Report Calendar Year 2020

Dear Mr. Dahlstrom:

The Town of Emmitsburg's Planning Commission approved the following Annual Report for the Reporting Year 2020 as required under §1-207(b) of the Land Use Article on January 25, 2021. In addition, this report was filed with the local legislative body on February 1, 2021. The Town Planner, Zach Gulden, is the Town's point of contact if there are any technical questions regarding the Annual Report.

1. Number of new Residential Permits Issued inside and outside of the Priority Funding Area (PFA), §1-208(c)(1)(i) and (c)(3)(ii):

**Table 1: New Residential Permits Issued
Inside and Outside the Priority Funding Area (PFA)**

<u>Residential – Calendar Year 2020</u>	PFA	Non - PFA	Total
# New Residential Permits Issued	1	0	1

2. Is your jurisdiction scheduled to complete and submit to Planning a 5-Year Mid-Cycle comprehensive plan implementation review report this year, as required under §1-207(c)(6) of the Land Use Article? If yes, please submit the 5-Year Report as an attachment.

Y N

3. Were there any growth related changes, including Land Use Changes, Annexations, Zoning Ordinance Changes, Rezoning, New Schools, Changes in Water or Sewer Service Area, etc., pursuant to §1-207(c)(1) of the Land Use Article? If yes, please list or map.

Y N

*Please see the attached map, which corresponds with A through F on the following list:

300A South Seton Avenue • Emmitsburg, Maryland 21727
Phone 301.600.6500 • Fax 301.600.6515 • info@emmitsburgmd.gov • www.emmitsburgmd.gov

- A. A site plan was approved for the Insurance Brokers of Maryland, which is located at 600 East Main Street (Tax Map 0300, Parcel 1883, and Tax Map ID 05-157854). The proposed project consisted of the renovation of a 2,250 sq. ft. former residence and dentist office into an insurance broker and sales office. Interior work included new fixtures and finishes, wood framing, drywall, tile, trim, paint, millwork, minor structural alterations, plumbing, mechanical, and electrical. Exterior work included new front addition (vestibule / entrance), new windows and window openings, new wood deck, and new concrete stair to basement. Site work included 18 new parking spaces and sidewalks / ramps. The site plan was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
- B. A sketch plat was presented to Town staff for review and comment on Federal Stone Industries, which would be located on Lot 8 of the Emmitsburg East Industrial Park II preliminary plat of Creamery Court (Tax Map 0009, Parcel 0016, and Tax Map ID 05-173574). The proposed project consisted of constructing a 58,900 sq. ft. warehouse, two story 5,200 sq. ft. office building, 76 parking spaces, 4 loading spaces, stormwater management facility, and the remainder of Creamery Court. Manufacturing of swimming pool coping and distributing pool products are proposed on the property. The proposed use of the subject property was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
- C. A sketch plat was presented to Town staff for review and comment for the Emmitsburg East Industrial Park II preliminary plat, which is located on Creamery Court (Tax Map 0009, Parcel 0016, and Tax Map ID 05-173574). The Town's Planning Commission approved the Emmitsburg East Industrial Park II preliminary plat for a three-year period on May 29, 2018. The applicant proposed the following changes: 1) decrease the size of Lot 6 from 5.3 acres to 5.0 acres 2) decrease the size of Lot 7 from 4.0 acres to 3.4 acres; 3) increase the size of Lot 8 from 3.6 acres to 4.4 acres; and 4) move the proposed sewer line, which is currently proposed to be located between Lots 7 and 8, to be between Lots 6 and 7. The proposed use of the subject property was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
- D. A site plan was approved for the Brittany Fritz Property (Miss. B's Family Child Care), which is located at 502 East Main Street (Tax Map 0300, Parcel 1889, & Tax Map ID 05-165768). The proposed project consisted of the renovation of a 3,546 sq. ft. existing building into a daycare center. The new facility will house a maximum of six fulltime employees and 70 children. Interior work included complete demolition and renovation to include four classrooms, gym, art room, staff break room, front office, cafeteria, child bathrooms, and one adult bathroom. Exterior work included roof and gutter rehabilitation or replacement, railing, lattice, pressure washing, and paint entire building exterior. Site work included 11 new parking spaces, one loading space, parking and loading space line painting, trash enclosure, landscaping, and fencing. The proposed use of the subject property was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.

- E. An addition plat was approved for SPT Land, LLC. & Maryland State Highway Administration Addition, which is located at 10201 Taneytown Pike (Tax Map 0009, Parcel 0008, and Tax Map ID 05-158680) and the neighboring non-addressed parcel (Tax Map 0009, Parcel 0045, and Tax Map ID 05-161894). The proposed project consisted of subdividing Tax Map 9 Parcel 148 (currently 2.0296 acres owned by SPT Land, LLC.) located along Taneytown Pike into Parcel A (1.4972 acres) and Parcel B (0.5324 acres). Parcel A was added to Tax Map 9 Parcel 8 (currently 13.7977 acres owned by SPT Land, LLC.) in order to create a new 15.2949-acre lot. Parcel B was added to Tax Map 9 Parcel 45 (currently 11.3 acres owned by Maryland State Highway Administration) in order to create a new 11.8324-acre lot. Tax Map 9 Parcel 148 was eliminated. The proposed use of the subject property was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
 - F. The Town of Emmitsburg (Town) approved the annexation of 16707 Creamery Road and 16715 Creamery Road. Both areas that were annexed are owned by the Town, and they are the locations of the Town's previous and current waste water treatment plant (WWTP). 16707 Creamery Road (Tax Map ID 05-159040) consists of 1.8918 acres, and it was the location of the Town's previous WWTP. 16715 Creamery Road (Tax Map ID 05-178231) consists of 83.4918 acres, and it is the location of the Town's solar field and current WWTP. The proposed use of the subject property was consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
 - G. An improvement plat was approved for the Town of Emmitsburg Sidewalk ADA Ramp's project. Title II of the American with Disabilities Act (ADA) requires local governments make their facilities, streets, and sidewalks accessible to people with disabilities, so they may travel throughout the municipality in a safe and convenient manner. Currently, the Town of Emmitsburg (Town) is out of compliance with these regulations. Curbs and associated sidewalks in 117 areas throughout the Town are old, cracking, too steep, and not ADA compliant, which create unsafe conditions for all citizens and visitors, but especially the elderly, disabled, wheelchair bound, and sight and hearing impaired. The project consisted of improving these sidewalk curb ramps in order to become ADA compliant. The proposed project is consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.
 - H. A comprehensive amendment to Title 17, Zoning, was approved on October 5, 2020. The amendment cleaned-up numerous errors, created new landscaping, buffer yards, and screening requirements for new development, added general lighting and unenclosed storage requirements, and other misc. updates. The proposed amendment was consistent with the Town of Emmitsburg Comprehensive Plan.
4. Did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction? If yes, please list.

Y N

A. A comprehensive amendment to Title 16, Subdivisions, was approved on October 5, 2020. The last comprehensive update to Town Code Title 16 was in 1999. Chapter 16.48 was not included in the proposed amendment, because it was updated in 2019 (Ordinance 19-07). The proposed amendment cleaned-up numerous errors, updated sketch plat, preliminary plat, and final plat submittal requirements, created new landscaping, buffer yards, and screening requirements for new development, and other misc. updates. The proposed amendment was consistent with the Town of Emmitsburg Comprehensive Plan.

B. The Planning Commission reviewed and provided comment on a proposed amendment to Title 16, Subdivisions on December 28, 2020. The proposed amendment would require all new residential developments, proposing 5 or more dwelling units, dedicate public or private parkland dedication, or pay a fee in-lieu of the parkland dedication. Acceptance of any dedication shall be at the option of the Mayor and Board of Commissioners. 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. The amendment was not passed by the Mayor and Board of Commissioners as of December 31, 2020, and but it is expected to be passed in January 2021. The amendment was consistent with the Town of Emmitsburg Comprehensive Plan.

5. Are there any issues that Planning can assist you with in 2021? If yes, please list.

Y N

6. Have all members of the Planning Commission/Board and Board of Appeals completed an educational training course as required under §1-206(a)(2) of the Land Use Article?

Y N

Sincerely,



Mark Long
Planning Commission Chair

02/02/2021

Date

5-Year Report Attachment

Plan Implementation and Development Process

(5-Year Mid-Cycle Report/5-Year Report)

Town of Emmitsburg

Years 2015-2020

Include a summary of the following, pursuant to [§1-207\(c\)\(6\)](#):

(i). Development trends contained in the previous (4) annual reports filed during the period covered by the narrative;

- Residential - The Town has seen a small amount of new residential dwelling permits issued since 2015:
 - 2015 - 0
 - 2016 - 0
 - 2017 - 0
 - 2018 - 6
 - 2019 - 3
 - 2020 - 1

We expect new residential development to increase. To-date, 41 approved lots in Brookfield and 7 lots in Southgate remain available for new homes. Developers have expressed interest in finishing the Emmit Ridge 2 residential development, which could create over 50 new dwelling units. Other residential developers have expressed interest in annexing property on North Seton Avenue and Frailey Road into town to create new residential developments.

- Commercial - The Town has seen a steady amount of commercial development, such as:
 - A new Dollar General store was built in 2015.
 - The Seton Center thrift store and community outreach office was built in 2017.
 - A 1,860 square foot Dunkin' fast food restaurant with drive-thru operations opened in October 2020.
 - An insurance broker has renovated a 2,250 square foot former residence and dentist office into their new headquarters in 2020.
 - An 8,380 square foot Rutter's gas station and convenience store is expected to start construction in the Spring of 2021.
 - A daycare operator is currently renovating a 3,546 sq. ft. former vacant commercial structure. The facility will house up to 6 fulltime employees and 70 children.
 - A sketch plat has been submitted within the past year of a business constructing a 58,900 sq. ft. warehouse and two story 5,200 sq. ft. office building.
 - There has been interest from Goodwill to construct a 14,000-15,000 sq. ft. store.

We expect commercial development will continue to increase.

Revised 01072020

5-Year Report Attachment

(ii). The status of comprehensive plan implementation tools, such as comprehensive rezoning, to carry out the provisions of the comprehensive plan;

The Town has taken many steps in order to meet the goals stated in the 2015 Comprehensive Plan:

Sustainability & Quality of Life

1. Goal - "Continue improvement of recreational facilities."
 - a. The Town constructed an American's with Disabilities Act compliant playground in Community Park in 2019. Grant money and donations funded the project.
 - b. The Town constructed the Emmit Gardens mini-playground in 2018. Grant funds were received to help complete the project.
 - c. The Town installed a dog park in Community Park in 2018. Grant funds and donations were received to help complete the project.
 - d. The Town's pool house's interior was renovated in 2020. It now includes a handicap toilet stall, shower, and dressing in each bathroom. Other improvements included 6 new toilets, 2 urinals, 6 sinks, 6 changing stalls, and 6 showers. Grant funds were received to help complete the project.
 - e. The Town's pool parking lot was paved and striped in 2018 in order to make it handicapped accessible.
 - f. The Town added an 18-hole disc golf course with 36 tee pads, including an amateur and pro tee pad for each hole, in Community park in 2020. Grant funds were received to help complete the project.
 - g. The Town partnered with the Frederick Arts Council in 2020 in order to paint a mural on the pool house. Grant funds were received to help complete the project.
 - h. The Town has received \$10,000 (\$5,000 in FY19 & \$5,000 in FY20) in grant funds from Keep Maryland Beautiful in order to purchase new recycling bins for our parks.
 - i. Community Park parking lots were paved in 2020. Handicapped spots are now included. Grant funds were received to help complete the project.
2. Goal - "Install tree plantings in parks to help satisfy Chesapeake Bay storm water program once program requirements have been identified."
 - a. The Town has partnered with the local non-profits StreamLink Education & Daughters of Charity in order to fulfill this goal/requirement. We have recently assisted StreamLink Education in applying for a \$321,791.09 Maryland Department of Natural Resources grant in order to plant 27 acres of trees to fulfill MS4 permit requirements. The trees will be planted at the Town's waste water treatment plant and neighboring property owned by the Daughters of Charity.
 - b. The Town conducts yearly Arbor Day tree plantings:

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5-Year Report Attachment

- o Arbor Day April 28, 2018: The Town of Emmitsburg held the first ever Arbor Celebration and tree planting. The event was held in Community Park along Willow Rill (between tennis courts/community gardens), a creek that runs through the park and is in desperate need of restoration. The section of the creek that runs through Community Park has little to no wild life and no brush or trees to help control flow during heavy rains. The Town planted 12 total trees (5 Red Maples, 5 River Birch, and 2 White Oaks).
- o Arbor Day April 13, 2019: 8 trees planted along Willow Rill (Emmitsburg Elementary School Property) on the south side of the rill. Stream buffer signs were also installed in the area. 2 river birch, 3 scarlet oaks, 3 red maples.
- o Arbor Day September 26, 2020: 15 trees planted in the back of Community Park along the walking path. 4 river birch, 6 sycamores, 3 red maples, 2 swamp white oaks.

Growth Areas & Zoning

1. Goal - "Future zoning and development decision-making must be consistent with the adopted land use plan for Emmitsburg."
 - a. The Town approved the annexation of 16707 & 16715 Creamery Road in 2020, which are the locations of the Town's waste water treatment plant and solar panel system. The annexation of these two parcels has been a Town goal since the 2009 Comprehensive Plan.
 - b. A zoning map amendment was approved for 600 East Main Street in 2018. The property's zoning changed from Low-Density Residential (R-1) to Neighborhood Commercial (B-1). The property was previously a dental office and residential dwelling, and it was converted to an insurance broker's office. This action was consistent with the Town's Comprehensive Plan.

Community Design

1. Goal - "Revitalization efforts."
 - a. Since 2015, over \$700,000 of Community Legacy grant funds, Maryland Historical Trust grant funds, resident's / business' funds, and Town funds have been invested in improving the Town's façades within the State's Sustainable Community Area.
 - b. Town staff continues to apply and receive grant funds in order to revitalize our parks. See page 2, goal #1, under the Sustainability & Quality of Life.
 - c. The Town is currently in the process of replacing the Creamery Road Pump Station. Construction should begin in the Summer of 2021 and be completed in early 2022.
 - d. The Town is currently in the process of seeking funding in order to add a clarifier to the Town's water plant. It will be a small building / filtration system that will help clean the raw lake water before it gets to the water plant.

Revised 01072020

5-Year Report Attachment

- e. LED light replacement project: The Town replaced all lights/fixtures at Town owned properties including the water plant, waste water treatment plant, pump station, 22 East Main Street, pool house, UpCounty building. The project was completed in 2019. End result was 73 new LED ballasts, 650 4-foot LED light bulbs and 12 8-foot LED light bulbs in the buildings combined.
- f. Wayside exhibits: The Town has a long-term goal of creating a historical walking tour throughout Town. So far, 7 exhibits have been installed and 4 more will be installed in May 2021. The tour takes people on East/West Main Street and South Seton Avenue.

Transportation & Circulation

- 1. Goal - "Continue efforts to provide safe pedestrian opportunities along existing streets, working with MD State Highway Administration when state roads are involved"
 - a. The Town partnered with MDOT/SHA in 2016 to replace 4,700 feet of old curbs and sidewalk along Main Street and Seton Avenue. The project also included renovation of the historic town square. The project was completed in early 2020.
 - b. MDOT/SHA completed a new multi-million-dollar bridge over Flat Run on East Main Street in late 2020.
 - c. Sidewalk connections: To date, nine sidewalk connections have been made totaling 3,460 feet. Connections have been made at the following locations: 1. N. Seton to Northgate connector 2. Path from W. Lincoln into Community Park 3. Connector to exercise trail - Community Park 4. Potomac Street: S. Seton to Chesapeake Ave. 5. S. Seton to Chesapeake Ave. (purchased easement on E. Lincoln) 6. E. Lincoln: Chesapeake to Creamery Rd. 7. W. Lincoln: School Ln. to Willow Dr. 8. Emmit Gardens to E. Main. 9. Creamery Road from Mother Seton Elementary School to the fire department's activity building.
 - d. The Town is currently seeking state and federal grant funds in order to improve the curbs and associated sidewalks in 117 areas throughout the Town that are old, cracking, too steep, and not Americans with Disabilities Act (ADA) compliant, which create unsafe conditions for all citizens and visitors, but especially the elderly, disabled, wheelchair bound, and sight and hearing impaired. The engineered plan has been created and approved by the Town's Planning Commission and Frederick County.

Economic and Community Development

- 1. Goal - "The Town should encourage development of local employment providers."
 - a. In order to assist in economic development, the Town created a sewer and water connection fee payment plan for qualifying non-residential properties in 2020.
 - b. In order to assist with economic development, we are currently working with the Maryland State Legislature in order to pass the "Town of Emmitsburg Small Business Tax Credit". If approved, it will allow us to offer a five-year tax credit for

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5-Year Report Attachment

businesses who obtain at least 2,500 square feet of new or expanded premises and employ at least five full-time jobs during a 24-month period.

- c. The Town passed a new sign code in 2019, which was endorsed by the Emmitsburg Business Professional Association (EBPA).

Environmental Protection

1. Goal - "Undertake study and ways to improve the amount of tree canopy within the Town."
 - a. In order to increase tree canopy and provide appropriate buffering between residential and non-residential districts, the Town passed a code amendment in 2020 that requires landscaping, buffer yards, and screening requirements in 2020 for all new residential subdivisions of 5 or more units and all nonresidential developments with greater than 10 parking spaces.
 - b. We are now utilizing the Town of Emmitsburg's Forest Conservation Fund. Developers pay a fee in-lieu of forest conservation requirements into the Town's fund instead of the Frederick County fund. Money was previously being used to plant trees around Frederick County. Now the funds go towards planting street trees in Emmitsburg.
 - c. The Town has been a certified Tree City USA municipality since 2018. We allocate at least \$2.00 per capita on our forestry program each year.
- (iii). **Identification of any significant changes to existing programs, zoning ordinances, regulations, financing programs, or State requirements that will be necessary to achieve the visions and goals of the comprehensive plan during the remaining planning timeframe;**
 - In order to assist with economic development within the Town limits, we are currently working with the Maryland State Legislature in order to pass the "Town of Emmitsburg Small Business Tax Credit". If approved, it will allow us to offer a five-year tax credit for businesses who obtain at least 2,500 square feet of new or expanded premises and employ at least five full-time jobs during a 24-month period.
- (iv). **Identification of any State or federal laws, regulations, or requirements that have impeded local implementation of the comprehensive plan and recommendations to remove any impediments;**
 - Chapter 9, Environmental Protection, Goal #2: Determine ways to improve the amount of tree canopy within the Town and strive for 40% tree canopy.
 - o In order to help meet this goal, the Town created a Forest Conservation Fund in 2019. Instead of developers buying forest conservation mitigation credits from the County, the Town now requires tree planting work take place within the Town boundary or pay a fee in-lieu into the Town's Forest Conservation Fund. The Town's fund is currently less than \$10,000.

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5-Year Report Attachment

- A recent amendment to the State's Forest Conservation law (more specifically, Natural Resources, Title 5 – Forests and Parks, Subtitle 16 – Forest Conservation, §§-1610. Forest Conservation Fund; local forest conservation fund) now requires jurisdictions accomplish the required reforestation or afforestation for which the money was deposited within 2 years or 3 growing seasons after receipt of the money. No time frame was previously required. It is difficult for a small town to accomplish forest conservation projects within 2 years. Development is few and far between; therefore, it may take many years before money is deposited into the Town's Forest Conservation Fund. We need more years to accumulate money in order to accomplish large projects.

(v). Future land use challenges and issues; and

- Water taps.
 - It is estimated that the Town only has approximately 150 – 254 water taps remaining. This will become a challenge for the Town, because it will limit future development.

(vi). A summary of any potential updates to the comprehensive plan.

- Chapter 3, Growth Areas & Zoning, 2015 Emmitsburg Growth Area Map.
 - The Town will soon seek a Comprehensive Plan amendment in order to add the 70.71-acre tract, which borders the western border of the Town's Waste Water Treatment Plant parcel, to the Growth Area Map. The Town will then start the annexation process for the parcel. The property owner is providing the Town a tree planting easement in order for the Town to help meet its restoration requirement of our federal and state mandated Municipal Separate Storm Sewer System (MS4) permit.

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(c) **Update on infrastructure projects:** Presentation at town meeting by staff.

Current infrastructure projects that update will be provided on:

- Creamery Road Pump Station Replacement
- North Seton Avenue & DePaul Street Waterline Replacement
- New Water Clarifier for the Crystal Fountain Road Water Plant

- (d) Approval of the town to use Zoom only for town meetings if the need arises:**
Presentation by town staff and Mayor Briggs.

Recommendation: Town staff recommends the use of the Zoom teleconferencing platform only during town meetings on an as needed (e.g. inclement weather, emergency situations, etc.).

I. CONSENT AGENDA

I. Planning Commission Appointment

Appointment of Glenn Blanchard to the Planning Commission.
Term: 01/19/2021 to 01/19/2026

II. Ethics Commission Appointment

Appointment of Deborah Hobbs to the Ethics Commission.
Term: N/A. There is no term requirement for ethic commission.

III. Parks Committee Re-Appointment

Re-appointment of Carolyn Miller and Martin Miller.
Term: 03/15/2021 to 03/15/2023

N. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of February 23, 2021**

\$5,526,649	Cash Balance February 1, 2021
846,615	Deposits
<u>-843,894</u>	Withdrawals
\$5,529,370	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>
\$19,106	MD Dept of Bud & Mgmt	Jan 21 Health Insurance	01.27.21	41928
\$10,090	Maryland Biochemical Co.	Pump Station Wet Well	01.27.21	41927
\$8,533	Resident	Fritz - Community Legacy - 502 E Main St	01.27.21	41933
\$6,745	Univar USA	Alum	02.10.21	41979
\$6,362	Republic Services	Jan 21 Refuse Services	02.10.21	41977
\$6,362	Republic Services	Feb 21 Refuse Services	01.27.21	41916
\$6,188	Powell LLC	Jan 21 Legal Fees	02.03.21	41955
\$6,065	RK&K	East Industrial Park Consulting	02.03.21	41956
\$6,009	UGI Energy Services	Dec 20 Solar Field #1	02.03.21	41960
\$5,820	UGI Energy Services	Dec 20 Solar Field #2	02.03.21	41960

Check dates 01.27.21 to 02.23.21

O. PLANNING COMMISSION REPORT: Presentation at the meeting.

P. AGENDA ITEMS:

AGENDA ITEM# 1. Audit presentation by Michele Mills: Presentation at meeting by Michele Mills, Certified Public Accountant with DeLeon & Stang CPAs and Advisors.

AGENDA ITEM# 2. FY20 budget transfers to the Capital Fund for consideration:
Presentation at meeting by town staff.

Upon completion of the FY20 Audit the Town of Emmitsburg had additional revenues over expenses in the General Fund in the amount of **\$180,174**. These additional funds are now available for allocation within the FY21 General & Capital Projects Fund.

FY20 General Fund Excess Transfer to Capital Projects Fund

It is recommended by the Mayor and Town Staff that **\$174,357** be transferred to the following Capital Fund (Fund 2) categories.

Dept. 10 999	Legislative General.....	\$ 5,500.00
Dept. 12 400	Planning Stormwater Management.....	\$50,000.00
Dept. 12 999	Planning General.....	\$25,000.00
Dept. 30 340	Streets Vehicles.....	\$ 5,000.00
Dept. 30 184	Streets Parking Enforcement.....	\$ 2,000.00
Dept. 60 191	Parks and Recreation Pool.....	\$11,000.00
Dept. 60 194	Parks and Recreation Ballfields.....	\$ 2,000.00
Dept. 60 330	Parks and Recreation Equipment.....	\$ 8,600.00
Dept. 60 352	Parks and Recreation Park/Rec Equip Upgrades....	\$34,000.00
Dept. 60 360	Parks and Recreation Dog Park.....	\$ 1,000.00
Dept. 60 500	Parks and Recreation Rainbow Lake.....	\$ 1,512.00
Dept. 60 870	Parks and Recreation Town Match Reserve.....	\$ 5,000.00
Dept. 60 999	Parks and Recreation General.....	\$23,745.00

It is recommended by the Mayor and Town Staff that **\$5,817** be transferred to the General Fund category:

Dept. 22 6100 999	Public Safety General (COVID-19) related expenses.....	\$5,817.00
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AGENDA ITEM# 3. FY21 budget overview: Presentation at meeting by town staff.

Town of Emmitsburg
Agenda Item

FY21 Mid-Year Financial Status Update

Town Staff would like to provide a brief summary of the status of the financials versus budget for FY21. Looking at the General Fund, through December 2020, **71%** of budgeted revenues have been booked for FY21. FY21 General Fund revenue budget is **\$1,870,067**, of which **\$1,319,253** has been posted. The main source of this revenue is the Real Estate Tax revenue, **\$711,786**, recognized in July of this fiscal year. Other areas, supporting these numbers, are the Local Income Taxes of **\$130,670** and County Tax Equity of **\$217,503** which are on pace to reach FY21 projections. General Fund expenses through mid-year are **\$929,033** on a budget of **\$935,033** or at **50%** remaining for the year. It can be reported that each of the General Fund Departments expenses, actual versus budget, are in the range we would expect at mid-year.

In the Water Fund, FY21 Water Fund revenue budget is **\$568,050**. At mid-year, the budgeted amount is **\$284,025** of which **\$244,195** has been posted. This lower amount can be attributed to lower utility charges than expected. Water usage has been down overall and can be traced to some of the larger accounts in Town that have greatly reduced their usage. FY21 Water Fund expense budget is **\$637,489**. At mid-year, the budgeted amount is **\$318,744** of which **\$268,256** has been posted making **58%** of the remaining fiscal year's expense budget available.

In the Sewer Fund, FY21 Sewer Fund revenue budget is **\$1,079,400**. At mid-year, the budgeted amount is **\$539,700** of which **\$480,089** has been posted. Again, this lower amount can be attributed to lower utility charges than expected based on use. FY21 Sewer Fund expense budget is **\$812,521**. At mid-year, the budgeted amount is **\$406,261** of which **\$321,925** has been posted making **60%** of the remaining fiscal year's expense budget available.

Town Staff meets on a quarterly basis to review and discuss the prior quarters activity and year to date balances within each of the departments. This tool is used to monitor and manage yearly balances within those departments.

AGENDA ITEM# 4. Approval of bid to construct two small picnic pavilions in E. Eugene Myers Community Park for consideration: Presentation at meeting by town staff.

Construction of one 16’x20’ and one 12’x12’ small picnic pavilions. One will be ADA compliant. Project to be completed by May 15, 2021.

TIMELINE – SMALL PICNIC PAVILIONS:

RFP published by Town Weds. January 13, 2021
 DEADLINE, bids due Thurs. February 11, 2021 by 2:30 p.m.
 Bids opened Thurs. February 11, 2021 at 2:45 p.m.
 Requested Project Completion Sat. May 15, 2021

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 01/13/2021 – 02/11/2021
- Notice on MML Classifieds – 01/13/2021 – 02/11/2021
- Frederick News Post Publication: Wed. 01/13/2021 & Thurs. 01/14/2021
- Email sent to general contractors (bid on past projects) – Wed. 01/13/2021

PROJECT FUNDING:

FY2021 Program Open Space Grant: \$30,750
 Required Town Match (minimum): \$10,250
 Total Cost: \$41,000

TOWN STAFF RECOMMENDATIONS:

Town staff recommends Green Sites, LLC for the two small picnic pavilions project for \$40,507.

Bids Received (Alphabetical Order)				
	Company:	Location:	Bid Amount:	Notes:
1.	Advantage Landscape & Construction, Inc.	Hagerstown, MD	\$29,071.50 (Wood) \$ 40,471.50 (Steel)	1-year warranty on workmanship.
2.	Cunningham Recreation	Charlotte, NC	\$61,541 (Wood) \$57,570 (Steel)	
3.	GRC General Contractors	Zullinger, PA	\$31,207 (Wood) \$46,498 (Steel)	2 year warranty
4.	Green Sites, LLC	Elkridge, MD	\$38,779 (Steel)	\$40,507 total with connecting sidewalks. 25-year warranty on steel.
5.	Playground Specialist	Thurmont, MD	\$48,540 (Steel)	10 year warranty, 30 year on roof.

AGENDA ITEM# 5. Approval of bid to renovate the E. Eugene Myers Community Park band stand for consideration: Presentation at meeting by town staff.

Renovation of the existing band stand. Work to include replacing roofing boards, demo of walls, enclosing back half, electrical work, painting and adding cultured stone to back wall and columns. Project to be completed by May 1, 2021.

TIMELINE – SMALL PICNIC PAVILIONS:

1 st RFP Advertised	Mon. November 23, 2020
1 st RFP Due Date	Tues. January 5, 2021 (not enough bids, 2 received)
2 nd RFP re-published by Town	Weds. January 27, 2021
DEADLINE, bids due	Mon. February 22, 2021 by 2:30 p.m.
Bids opened	Tues. February 23, 2021 at 10:30 a.m.
Requested Project Completion	Sat. May 1, 2021

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 01/27/2021 thru 02/22/2021
- Notice on MML Classifieds – 01/27/2021 thru 02/22/2021
- Frederick News Post Publication: Wed. 01/27/2021 & Thurs. 01/28/2021
- Email sent to general contractors (bid on past projects) – Tue. 01/26/2021

PROJECT FUNDING:

FY2021 Program Open Space Grant: \$11,250
 Required Town Match (minimum): \$6,000
 Total Cost: \$24,000

TOWN STAFF RECOMMENDATIONS:

Town staff recommends M.I. Tech Construction for \$22,270.

Bids Received (Alphabetical Order)				
	Company:	Location:	Bid Amount:	Notes:
1.	Cunningham Recreation	Charlotte, NC	\$92,320	Complete demo and construction of pre-fabricated structure.
2.	GRC General Contractors	Zullinger, PA	\$21,489	
3.	M.I. Tech Construction	Frederick, MD	\$21,460	\$810 optional new LED light (\$22,270 w/ light)

AGENDA ITEM# 6. Forward Ordinance 21-03 (zoning classification change WWTP parcels) to the Planning Commission for recommendation and set public hearing and final vote for April 5, 2021 for consideration:
Presentation at meeting by town staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 03

Page 1 of 2

**TOWN OF EMMITSBURG
ZONING CLASSIFICATION OF ANNEXED PROPERTY
PARCELS 05-159040 AND 05-178231**

AN ORDINANCE OF THE TOWN OF EMMITSBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ZONING CLASSIFICATION OF PARCELS 05-159040 AND 05-178231.

WHEREAS, the Town of Emmitsburg (the "Town") annexed the real property known as Parcels 05-159040 and 05-178231 (the "Property") into the Town by Resolution 2020-11R dated November 2, 2020 (the "Annexation Resolution"); and

WHEREAS, the Annexation Resolution went into effect on December 17, 2020, the time for a referendum of the Annexation Resolution having expired with no petitions filed; and

WHEREAS, the Town is authorized by the Town Code and Section 4-416 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to place annexed land into a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county with planning and zoning jurisdiction over the land prior to its annexation provided the county expressly approves the zoning classification change; and

WHEREAS, the Property was under the planning and zoning jurisdiction of Frederick County, Maryland and zoned Agricultural prior to its annexation into the Town; and

WHEREAS, the Town has determined that it is desirable to place the Property into the Institutional zoning classification; and

WHEREAS, the Annexation Resolution provides that the Property shall be zoned to the Institutional zoning classification; and

WHEREAS, on February 2, 2021, the County Council for Frederick County, Maryland, unanimously approved the placement of the Property into the Institutional zoning classification; and

WHEREAS, Board of Commissioners of the Town has referred the matter to the Town Planning Commission for recommendation and report and the Planning Commission has approved the placement of the Property into the Institutional zoning classification; and

WHEREAS, the Town has held a public hearing on this matter, having given at least ten days' notice of the time and place of the hearing in a newspaper published in or having general circulation in the Town.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commission of the Town of Emmitsburg, Maryland, that Parcels 05-159040 and 05-178231 are placed into the Institutional zoning classification.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which they 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 veto of the Mayor.

PASSED this 5th day of April, 2021

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 5th day of April, 2021.

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:

AGENDA ITEM# 7. For consideration, amendment #1 proposal for storm water management plan at the new creamery road pump station request for compensation for additional services outside the scope of the original contract: Presentation at meeting by town staff.

**Attached – original RK&K Engineering contract for project (EJCDC-500)*

- The Town sought a Frederick County storm water management (SWM) plan waiver for the Creamery Road pump station project, because it is a Capital Improvement Project (CIP). The waiver was denied, because existing hydrology is being significantly changed and SWM structures and proposed land disturbance is more than 5,000 square feet. Staff was told that waivers are only permitted for CIP renovations or repairs and not new facilities.
- We are now required to obtain three SWM plan approvals. 1) Concept Plan, 2) Site development plan, 3) and Final Plan in accordance with Frederick County Code Article IV, Section 1-15.2-5.1.

Frederick County Code, Storm Water Requirements:

§ 1-15.2-5.1. STORMWATER MANAGEMENT PLANS.

(A) Prior to any subdivision or development activity, the developer shall submit SWM plans for review and approval. Plan review shall be a three-step process, including:

- (1) A SWM concept plan;
- (2) A SWM development plan; and
- (3) A final SWM plan, including a final erosion and sediment control plan.



700 East Pratt Street, Suite 500 | Baltimore, MD 21202 | P 410.728.2900 | T 800.787.3755 | www.rkk.com

February 22, 2021

Ms. Cathy Willets
Town Manager
300A South Seton Avenue
Emmitsburg, MD 21727

Reference: New Creamery Road Sewage Pump Station

Subject: Fee Amendment #1 REV

Dear Ms. Willets:

RK&K respectfully submits this engineering fee amendment request for additional stormwater management (SWM) permitting and design phase fees due to additions anticipated to be requested by Frederick County based upon conversations with their staff regarding Environmental Site Design (ESD) requirements. Based upon those conversations, additional survey is not anticipated.

Scope of Services

Specifically, RK&K will incur additional design manhours related to the following items:

1. RK&K will coordinate with the Town of Emmitsburg and Frederick County to revise the plans and submit a SWM Concept Plan to Frederick County. Fencing within the 100-year floodplain will not be part of the design in order to avoid 100-year floodplain impacts and additional State of Maryland permitting.
2. RK&K will travel to the site and perform stake-outs for borings and collect boring information. Cost of mileage for travel and expense for subconsultant to perform borings is included in this fee amendment.
3. RK&K will perform final testing and prepare final boring logs. Cost for laboratory testing is included in this fee amendment.
4. RK&K will prepare a Geotechnical Memorandum for submission with the SWM Plan.
5. RK&K will prepare and submit the SWM Site Development Plan to Frederick County, considering ESD being required by Frederick County. RK&K will update the plans for the SWM ESD requirements.
6. RK&K will prepare and submit the SWM Final Submittal to Frederick County addressing Frederick County comments on the ESD.

Engineers | Construction Managers | Planners | Scientists

Ms. Cathy Willets
February 22, 2021
Page 2



Submissions are based upon electronic submissions through the Frederick County portal and costs for plan delivery are not included. It is our understanding that the Town is exempt from all permit fees with the exception of Erosion and Sedimentation (E&S) permit fees. The E&S fees are not included in this change order. The Town will be responsible for permit fees. In the event that additional survey is required, an additional fee will be required for survey subconsultant.

Fee Derivation

Please find attached a man-hour derivation representing the additional scope of services described above. Our total ~~not-to-exceed~~ fee amendment for this additional work is **\$32,945.00**.

If you need additional information, please do not hesitate to contact me at 717.840.3629 or jgrow@rkk.com.

Very truly yours,
RUMMEL, KLEPPER & KAHL, LLP

A handwritten signature in black ink, appearing to read 'Jeffrey S. Grow'.

Jeffrey S. Grow, PE
Project Manager

Accepted by:

Ms. Cathy Willets
Town of Emmitsburg

Date

Encl.

cc: Robert A. Linthicum, PE
File: 19082

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Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Additional Fee Amendment for Stormwater Management (SWM) Permitting & Design Phase Services
February 22, 2021

Item	Task	Project Manager	QA/QC Reviewer	Civil/Site Engineer	Pump Station Engineer	Geotech Engineer	Environmental Scientist	CADD Designer	Total Hours	Total Cost
1	SWM Concept Plan & Coordination with Driller/Geotech	1	2	24	2	4	4	24	61	\$ 8,209.00
2	Borings Stakeout and Drill Rig Inspection (2 days Field Work)		1			22			23	\$ 3,283.00
3	Laboratory Testing and Final Boring Logs	1	2			4			7	\$ 1,227.00
4	Geotechnical Memorandum - Summary of Results	1	2			4			7	\$ 1,227.00
5	SWM Site Development Plan w/ ESD	1	2	28	1	1	4	28	65	\$ 8,670.00
6	SWM Final Submittal w/ ESD	1	1	20	1	1	4	20	48	\$ 6,411.00
	Total Additional Man-Hours	5	10	72	4	36	12	72	211	
	Hourly Rate	\$ 261.00	\$ 203.00	\$ 156.00	\$ 147.00	\$ 140.00	\$ 130.00	\$ 101.00		
	Total Labor	\$ 1,305.00	\$ 2,030.00	\$ 11,232.00	\$ 588.00	\$ 5,040.00	\$ 1,560.00	\$ 7,272.00		\$29,027.00
	Mileage (300 miles at \$0.56/mi)									\$ 168.00
	Drilling									\$ 3,000.00
	Laboratory Testing									\$ 750.00
	Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$32,945.00



Q. SET AGENDA FOR NEXT MEETING: APRIL 5, 2021 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.