



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, MAY 3, 2021 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Parks and Recreation Committee Meeting: Tuesday, May 18, 2021 at 7:30 p.m. (22 East Main St.)
Town Council Meeting, FY22 Budget: Monday, May 17, 2021 at 7:30 p.m. (via channel 99 & Zoom)
Planning Commission Meeting: Monday, May 24, 2021 at 7:30 p.m. (via Zoom)
Town Council Meeting: Monday, June 7, 2021 at 7:30 p.m. (via channel 99 & Zoom)
Town Council Meeting: Monday, June 21, 2021 at 7:30 p.m. (via channel 99 & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: APRIL 5, 2021 & APRIL 19, 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: NONE

I. CONSENT AGENDA: NONE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Approval of developer to pay a fee in-lieu instead of constructing parkland for Emmit Ridge 2 for consideration.

(2). Initial presentation of the fiscal year 2022 budget.

(3). Approval of the Rutter's public works agreement and authorize Mayor to sign the agreement on behalf of Town for consideration.

(4). Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration.

(5). Approval of Ordinance 21-07, town election updates, for consideration.

(6). Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.

(7). Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.

M. SET AGENDA FOR NEXT MEETING: MAY 17, 2021 & JUNE 7, 2021 & JUNE 21, 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 • www.emmitsburgmd.gov

ZOOM MEETING ACCESS INFORMATION:

Town of Emmitsburg is inviting you to a scheduled Zoom meeting.

Topic: Town Meeting: May 3, 2021

Time: May 3, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/85236764849>

Meeting ID: 852 3676 4849

Passcode: 21727

One tap mobile

+13126266799,,85236764849#,,, *21727# US (Chicago)

+16465588656,,85236764849#,,, *21727# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 852 3676 4849

Passcode: 21727

Find your local number: <https://us02web.zoom.us/u/keplW6lxGC>

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 7:25 p.m. Sign-up to speak by emailing your name, address and topic you'd like to speak on to mshaw@emmitsburgmd.gov or calling (301) 600-6300.

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

A. APPROVE MINUTES: APRIL 5, 2021 & APRIL 19, 2021

**MEETING MINUTES
APRIL 5, 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; Zachary Gulden, Town Planner; and Amy Naill, Code Enforcement Officer. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, and Town Planner 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 April 5, 2021 town meeting to order at 7:51 p.m. The meeting start time was delayed due to video problems. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the March 1, 2021 town meeting minutes as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from March 2021 (exhibit attached). Residents should be careful of fraud scams that request a person to purchase gift cards or pay bail for a family member.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from February 2021 (exhibit in agenda packet). Staff repaired several waters leaks on Timbermill Run, Annandale Road and North Seton Avenue. Town staff is aware of the street lights out on the south side of Creamery Road and is working on their repair. The park playground equipment continues to be disinfected due to the COVID-19 virus.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from February 2021 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner Burns: He recommended the Board review the Town's water and sewer fees with the infrastructure improvement projects occurring.
- Commissioner Davis: He requested anyone with ideas on park improvement projects contact him.
- Commissioner Ritz III: He suggested the Town consider distributing town trash cans in the future.
- Commissioner Sweeney: No comments.
- Commissioner O'Donnell: He encouraged the public to volunteer for a Town or County committee. He would like pedestrian connectivity between the Town, Mount St. Mary's and the future regional park.

Mayor's Comments:

Mayor Briggs attended numerous meetings in March 2021 (meetings listed in agenda packet). Mayor Briggs hosted Shannon Moore, Frederick County Office of Sustainability, and Mark Lancaster, former chairmen of the County Sustainability Commission, on his weekly COVID-19 update. Mayor Briggs mentioned Mr. Gulden obtained a \$685,000 grant from the Community Development Block Grant for the ADA curb ramp project. The Town has also been approved for \$1-million for the water clarifier project thanks to Senator Hough. The Mayor is working on a letter to the Board of Education requesting more funding for Emmitsburg Elementary School.

Public Comments:

Liz Buckman, 116 South Seton Avenue – Ms. Buckman requested an apology from Ms. Willets for a negative comment made to the Sheriff's Office about Ms. Buckman. She also requested Deputy Ahalt be brought back as the contractual deputy assigned to the Town. Commissioner O'Donnell stated any future personnel issues regarding staff should be directed to the Mayor. *Brittany Fritz, 216 DePaul Street* – Ms. Fritz is moving her daycare to Thurmont but encouraged the Town to continue working with businesses interested in the 502 East Main Street commercial property.

Administrative Business:

- (A). **Proclamation declaring April 2021 as child abuse prevention month:** Mayor Briggs read the proclamation aloud. Robin Grove, Director of the Child Advocacy Center (CAC), introduced herself and explained the services the CAC provides to children and caregivers. There will be blue pinwheels "planted" in Emmitsburg during the month of April. *Motion:* Commissioner Burns motioned to accept the proclamation as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.
- (B). **Proclamation declaring April 22, 2021 earth day in Emmitsburg:** Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Ritz III motioned to accept the proclamation as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for March 2021 (exhibit in agenda packet). The operating balance forward is \$5,491,680. The report should read "cash activity report as of March 31, 2021," not March 1.

Planning Commission Report:

Commissioner Ritz III stated the last meeting was March 29, 2021 where the Commission recommended keeping the collector road requirement for the development of the Frailey Road farm, approval of ordinance 21-03, and forwarding a proposed amendment to chapter 3 of the 2015 Comprehensive Plan to the County and State for a 60-day review period. A public hearing will be held in the future for the Comprehensive Plan amendment.

II. Agenda Items

Agenda #1 - Approval of the North Seton Green St. Conceptual Plan for consideration: Mr. Gulden and Fox and Associates, Inc. presented the agenda item. The Town received a \$17,538 grant from the Chesapeake Bay Trust to design the North Seton Avenue Conceptual Plan. If approved, the Town will work on creating construction and bid plans to hire a contractor to begin work. The proposed work will reduce the risk of flooding, beautify the Town, generate five MS-4 credits and allow for the replacement of the North Seton Avenue and DePaul Street waterlines simultaneously. The flood management portion

of the project is estimated at \$290,840. The Total cost of the project, including waterline replacement, is estimated at \$1,555,434. Joe Ceci, Engineer, and Mary Patton, Landscape Architect, explained the sustainable design to include permeable sidewalks, native plants, bio retention planters, a portion of flat run stream restoration at the North Gate entrance, pedestrian crosswalks and more. The Board requested as many parking spaces as possible. Construction is estimated to begin in 2023 or 2024.

Motion: Commissioner Sweeney motioned to accept the North Seton Avenue Green Street Conceptual Plan as presented; second by Commissioner Burns. Yeas – 4; Nays – 1 (Ritz III). The motion passed 4 - 1.

Agenda #2 - Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration: *Motion:* Commissioner Ritz III motioned to open the public hearing at 9:35 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. Mr. Gulden explained the hearing was advertised on March 5, 2021 in the Frederick News Post. The zoning classification change is being pursued to align the wastewater treatment plant (WWTP) property at 16707 Creamery Road with the 2015 comprehensive plan which recommends making the WWTP institutionally zoned. The Frederick County Council approved the classification change on February 2, 2021. The Planning Commission recommended the approval of the zoning classification on March 29, 2021. The last step is for the Board to approve the ordinance before the zoning classification change can be made. The Board invited public comment. There was no public comment. *Motion:* Commissioner Sweeney motioned to close the public hearing at 9:40 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to accept ordinance 21-03; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #3 - Approval of Ordinance 21-02 vendor license updates for consideration: Ms. Shaw presented the agenda item. The ordinance is being pursued to formalize the current process for vendor licensing for door-to-door sales or the temporary sale of goods and services upon Town streets. The ordinance clarifies the information applicants need to supply, gives staff up to 10 business days before responding to a request and gives the Town the ability to deny the license if the good or services for sale could pose a harm to public health and safety or the person or business has falsified information or had criminal courts cases for fraud. The fee for the license would remain the same. The licensing does not apply to established places of businesses in Town or to persons under the age of 18 involved in a fundraising event. A complete list of who is required to obtain licensing is listed under section 5.04.010 in the Town Code. *Motion:* Commissioner Ritz III motioned to accept the ordinance as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - For consideration, approval of RK&K engineering contract for water clarifier: Ms. Willets presented the agenda item. The contract is for the hire of RK&K engineering to provide planning, preliminary engineering, design, permitting, bidding support and construction support for the design and construction of a water clarifier located near the Crystal Fountain Road water treatment plant. The total cost of engineering for the project is \$243,114. The contract uses USDA required language. The town attorney has reviewed the contract and deemed it sufficient. *Motion:* Commissioner Ritz III motioned to accept the contract as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration: Mr. Gulden presented the agenda item. The ordinance ensures all town sidewalks and streets are in compliance with current standards regarding American with Disabilities Act compliance and design. There were no questions from the Board. *Motion:* Commissioner Sweeney motioned to approve ordinance 21-04 as modified; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #6 - Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration: Ms. Willets presented the agenda item. The town does not currently have a policy for staff to reference if there are any questions regarding the hunting, fishing and recreational use allowed at Rainbow Lake and the surrounding watershed. The policy was written with input from seasoned hunters and the Department of Natural Resource and includes clarification on activities permitted and not permitted, rules on pedal assist bicycles, clarification on hunting season timing, species that can be hunted, registration requirements and more. The Board requested language be added that allow emergency personal vehicles to access the trails during emergency situations and to remove the language requiring tree stands to be registered with the Town with reevaluation occurring at a later date. *Motion:* Commissioner Sweeney motioned to accept the policy as modified; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #7 - 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. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: Emmit Ridge 2 along Irishtown Road. The developer is requesting to pay the fee in-lieu of parkland improvements for 49 single-family dwellings, which totals \$58,800: Mr. Gulden presented the agenda item. On January 11, 2021 the Board approved ordinance 21-01 that established open space requirements for new developments in Town or pay a fee in-lieu of with Board approval. D.R. Horton, a developer, is requesting approval to pay a few in-lieu of parkland improvements in Emmit Ridge 2. Mayor Briggs and town staff recommend approving the fee in-lieu of for approximately \$58,800 because the developer has committed to improving Irishtown Road and culvert bridge bordering the property on Irishtown Road. In addition, the fee money can be used however the Town desires to include improving the Northgate park, which is the closest park to Emmit Ridge 2. Tom Farr, Division Vice-President with D.R. Horton, explained there are 48 lots instead of 49. The developer is requesting a fee in-lieu of because two lots would need to be contributed towards the park due to new the parkland requirements. *Dianne Walbrecker, 535 West Main Street* – Ms. Walkbrecker asked if there were any restrictions that would prevent D.R. Horton from using a rent-to-own model for the proposed development. The Town cannot prevent a developer from renting the homes out but the Planning Commission has the authority to deny the development. *Ronald Lind, 2 Irishtown Court* – Mr. Lind lives in Emmit Ridge 2 and asked about the development of a Home Owner Association (HOA) in Emmit Ridge 2 and stated his concern that if Northgate gets the fee money it will not be used to benefit the Emmit Ridge 2 residents or they will not be allowed to use the park. Town staff will research the HOA options and reach out to the Northgate HOA. *Motion:* Commissioner Davis motioned to approve the fee in-lieu of parkland for Emmit Ridge 2 along Irishtown Road; second by Commissioner Sweeney. Yeas – 2 (Sweeney, Davis); Nays – 3 (O'Donnell, Burns, Ritz III). The motion did not pass. The Board would like to table the agenda item until May 3, 2021 once more information is collected about the HOAs. *Motion:* Commissioner Burns motioned to table the motion on the public or private parkland decision for Emmit Ridge 2; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Mayor Briggs recommended moving the July 6, 2021 town meeting to July 12, 2021 due to the July 4 holiday. The Board gave unanimous consent.

Set Agenda Items for April 19, 2021 Town Meeting

1. For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump.

Set Agenda Items for May 3, 2021 Town Meeting

1. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: Emmit Ridge 2 along Irishtown Road.
2. Initial presentation of the fiscal year 2022 budget.
3. Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration.
4. Approval of bid to construct two small pavilions in E. Eugene Myers Community near the band stand for consideration.
5. Approval of Ordinance 21-07, town election updates, for consideration.
6. Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.
7. Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.
8. *Tentative:* Zoning text amendment application to amend Town Code Section 17.08.190. The Board shall either: (1) Deny the application; or (2) Forward to the Planning Commission for recommendation & set public hearing for June 7, 2021.

Motion: Commissioner Sweeney motioned to accept the agenda for the May 3, 2021 meeting as presented; second by Commissioner Burns. 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 April 5, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

**MEETING MINUTES
APRIL 19, 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* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Zachary Gulden, Town Planner; and Amy Nail, Code Enforcement Officer. *Others Present* - Leslie Powell, Town Attorney.

II. Call to Order

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, and Town Manager Willets joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the April 19, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Public Comments:

Rebecca Corbell, Seton Shrine – Ms. Corbell explained on the week of May 23, 2021 members from the community will be putting inspirational message cards under every door as part of the Shrine's Look Up Program.

Administrative Business:

None.

II. Agenda Items

Agenda #1 - For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump: Ms. Powell presented the agenda item. Mr. Bruce Dean, Attorney representing the Emmitsburg II East Industrial Park, has requested the meeting seeking approval on three items in connection to the development of the property: (1) the Town agree to the developer constructing a pump station on the Town's wastewater treatment plant (WWTP) property on Creamery Road, (2) the Town supply the electricity to the pump station, (3) the Town take over the operation and maintenance of the pump station upon construction completion. Mr. Dean and Mr. Dan Reaver gave a background on the project stating it was their understanding the WWTP on Creamery Road was being constructed to allow gravity flow sewage from the industrial park property based on a Preliminary Plat Approval in 2008 that expired in 2015 and was renewed in 2018. The new WWTP was designed and constructed between 2012 and 2015 and when completed did not allow for gravity flow from the industrial park property, which is why the pump station is now required. Ms. Powell explained no improvement plans were submitted for the lots and the preliminary plat approval expired and thus the Town was not aware of the desired development and the WWTP was not designed as such. If other concessions or arrangements are requested in the future by the developer, they will be brought to the Board. *Motion:* Commissioner Davis motioned to approve the three items; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Set Agenda Items for May 3, 2021 Town Meeting

2. Approval of developer to pay a fee in-lieu instead of constructing parkland for Emmit Ridge 2 for consideration.
3. Initial presentation of the fiscal year 2022 budget.
4. Approval of the Rutter's public works agreement and authorize Mayor to sign the agreement on behalf of Town for consideration.
5. Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration.
6. Approval of Ordinance 21-07, town election updates, for consideration.
7. Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.
8. Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 7, 2021 for consideration.

Motion: Commissioner Burns motioned to accept the modified agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed. There will be a meeting on May 17, 2021 for the FY2022 budget presentation.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the April 19, 2021 town meeting; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The meeting adjourned at 8:12 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
March 2021
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired and replaced some street lights.
- Staff took down Christmas decorations.
- Staff cold patched some pot holes.
- Contractor completed the new sidewalk on W. Lincoln Ave.
- Staff sealed cracks on Ramblewood Ct.
- Contractor blacktopped five water leak patches.
- Staff conducted monthly storm drain inlet cleaning.

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.
- Contractor installed combination locks on all storage room dugout doors in Memorial Park.
- Staff cleaned and opened all park restroom buildings and concession stands for the season.
- Staff removed old wooden bleachers at ballfield #7 in Memorial Park (new bleachers purchased from a (FY20 POS grant).
- Staff dug out and installed new community garden plots (FY20 POS grant).

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). Wells #1&2 have low usage this month as the demand has been reduced from the leak repairs last month.

	<u>May 2011</u>	<u>March</u>	<u>Change</u>
○ Well #1:	35’	32’	+3
○ Well #2:	8’	8’	0
○ Well #3:	12’	OFF	N/A
○ Well #4:	108’	129	-18’
○ Well #5:	10’	OFF	N/A

- Water production and consumption. We produced an average of 209,561 GPD. We consumed an average of 195,162 GPD. The difference is "Backwash Water" ... (8.8%).
 - 17.6% of this water came from wells.
 - 6.4% of this water came from Mt. St. Mary's.
 - 76.0% of this water came from Rainbow Lake.

We purchased 446,350 gallons of water from MSM this month.

Wastewater:

- We treated an average of 677,000 gpd (consumed 195,162 GPD) which means that 71.1% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of March. We did exceed the plant's design capacity two times in the month of March.
 - 03/01 1,259,000 gpd 03/18 962,000 gpd
- We received about 2.6" of precipitation this month (the average is 4.05"). We have a precipitation **SURPLUS of 4.15"** over the last six months. The average precipitation for the period from October 1 through March 31 is 20.25". We have received 24.4" for that period.

Trash: Trash pickup will remain Mondays in the month of May except for Memorial Day. Trash will be collected on Tuesday, June 1st instead.

Meetings Attended:

- 03/01 Conference call with Town Attorney
- 03/01 Attended Town Meeting
- 03/02 Conference call with RK&K regarding clarifier project
- 03/02 Met with staff re: community garden plot project
- 03/03 Attended virtual Planning Commission training.
- 03/03 Conference call re: Emmit Ridge II
- 03/04 Met with staff re: FY2022 budget planning
- 03/08 Met with staff re: FY2022 budget planning
- 03/08 Met with staff re: water and sewer rate study RFP
- 03/16 Conference call with USDA, contractor and staff re: waterline projects
- 03/17 Met with staff re: FY2022 budget presentation
- 03/17 Conference call re: Waybright easement request
- 03/18 Met with Sgt. Linehan
- 03/18 Conference call re: water/sewer rate study
- 03/18 Met with staff re: hunting/fishing/recreational policy
- 03/23 Attended webinar with LGIT re: COVID and the workplace
- 03/24 Conference call re: McNair property
- 03/25 Conference call with County Executive re: COVID, vaccines, etc.
- 03/25 Attended site visit for grant prep re: bathroom/concession stand Community Park
- 03/30 Conference call re: CDBG ADA sidewalk grant
- 03/31 Met with Dan Fissel and Frederick News Post reps for site visits at current and upcoming infrastructure projects

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in March.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff dug up and repaired some water curb boxes.
- Staff repaired water leak on North Seton Ave.
- Staff did quarterly water meter readings.
- SC1000 installed at water plant – maintains a steady PH level leaving the plant. Dramatic reduction of the soda ash usage so far (stops the guessing).
- Lagoons at WWTP were lowered due to the amount of rainfall in February.

PARKING ENFORCEMENT REPORT
March 2021

Overtime Parking	48
Restricted Parking Zone	4
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	
Meter Money	\$ 905.48
Parking Permits	\$ 175.00
Meter Bag Rental	
Parking Ticket Money	\$ 440.00
Total:	\$ 1,520.48

D. TOWN PLANNER'S REPORT

Town Planner's Report March 2021

Prepared by Zachary R. Gulden, MPA

1. Board of Commissioners (BOC)

- Attended the 3/1 BOC meeting and processed pre/post meeting materials.
- Updated proposed Ordinance 21-05.
- Created Policy 21-02 – Park, Recreation, and Open Space Fee In-Lieu.
- Created Policy 21-03 – Review Fee's Policy.
- Created Resolution 2021-01R – Comprehensive Plan amendment to Chapter 3.

2. Grants

- Community Legacy grant management:
 - FY20 façade & restoration.
 - Submitted a reimbursement request for 137 South Seton Avenue.
 - Submitted a quarterly report.
 - FY21 façade & restoration.
 - Worked with the Maryland Historical Trust & property owners on gaining approval of FY21 projects.
 - Processed approvals by mailing award letters & grant contracts.
- Chesapeake Bay Trust grant management:
 - North Seton Avenue green street conceptual plan; and
 - Rain barrel program.
- Community Development Block Grant management:
 - Attended a conference call with Town Manager on 3/26 regarding CDBG award (\$685,893.00.)
 - Created and mailed environmental assessment letters.
 - Created the notice to public of intent to request release of funds advertisement & letters.
- Process 1x COVID-19 micro-grant.
- Created a press release on a \$3,000 grant award from Keep Maryland Beautiful.

3. Municipal Separate Storm Sewer System (MS4)

- Silo Hill SWM basin retrofit & tree planting project management.
- Updated Illicit Discharge Detection & Elimination Plan (SOP) due to new development – Insurance Brokers of MD.
- Reviewed 2020/2021 MDE MS4 permit progress report.

4. Permits & Zoning

- Processed 8x zoning permit applications:
 - 2x new homes (Brookfield).
 - 2x fences.
 - 1x roof.
 - 1 application – 2x park pavilions (Town Project).
 - 1 application – 13 signs (Rutter's).
 - 1x patio.
- Processed 6x backflow preventer applications.
- Assisted Town Clerk with permitting on mini-picnic pavilion & bandstand project.

- Responded to incident reports.

5. Planning Commission (PC)

- Rutter's, Insurance Brokers of MD, Miss. B's Child Care, Irishtown Road Improvements, Town-Wide ADA Ramps, Federal Stone, & Emmitsburg East Industrial Park II project management.
- Answered questions from potential developers of Emmit Ridge 2, Frailey Farm, & McNair property.
- Answered questions from potential developers of 502 East Main Street.
- Attended a virtual Planning Commission training course on 3/3.
- Continued processing 2015 Comprehensive Plan amendment – Chapter 3, Growth Areas & Zoning.
- Prepared 3/29 meeting materials.
- Attended a conference call on 3/3 with Town Mayor & Manager and potential developer of Emmit Ridge II & McNair property.
- Attended a conference call on 3/12 with Town Mayor and potential developer of the Frailey property.
- Reviewed the Miss. B's Childcare site, landscaping, & lighting plan for corrections in order to finalize PC Chair & Mayor signatures.
- Reviewed Rutter's forest conservation, water, and sewer easement plats for recording.
- Met with Mayor, Manager, Water/Sewer Superintendent, & Public Works Director on 3/24 to discuss potential developments.
- Attended the 3/29 virtual PC meeting and process pre/post meeting materials.

6. Miscellaneous

- Forestry stand 6, 7, & 10 project management.
- Attended a conference call on 3/2 with Town Manager, Water/Sewer Superintendent, & RK&K regarding water clarifier project.
- Prepared the FY22 Planning Department budget.
- Attended a budget meeting on 3/4.
- Met with Town Manager & Code Enforcement Officer on 3/4 to open and review street tree landscaping plan & 2002 Ford Escort bids.
- Processed 2002 Ford Escort bids & acceptance/rejection letters.
- Processed street tree landscaping plan bids.
- Completed 2021 performance evaluation form for Code Enforcement Officer.
- Updated PC & BOA membership with Maryland Department of Planning.
- Attended conference call on 3/17 with Manager, Public Works Director, Water/Sewer Superintendent, & Frederick County regarding ROW access for tree plantings on Waybright property near WWTP.
- Attended a conference call on 3/23, 3/26, & 3/31 with contractor regarding GIS for water/sewer project.
- Attended a kick-off project conference call on 3/23 with TischlerBise regarding park fee-in lieu & impact fee study.

E. COMMISSIONER COMMENTS

To be given at town meeting.

F. MAYOR'S COMMENTS

Meetings attended since April 1, 2021:

- April 1st, (Thurs.), meeting with town planner Gulden, Frailey property broker.
- April 5th, (Mon.), 7:30 pm regularly scheduled virtual town meeting.
- April 15th, (Thurs.), with town manager Willets, town planner Gulden, and town attorney Powell and engineer re: Emmitsburg East.
- April 19th, (Mon.), 7:30 pm second town meeting-Emmitsburg East. (virtual).
- April 21st, (Wed.), 10:00 am Green Team meeting (virtual).
- April 21st, (Wed.), 2:00 pm, Sustainable MD- Smart Energy Communities Program webinar.
- April 22nd, (Thurs.), 6:00 pm, Frederick County MML chapter meeting
- April 27th, (Tues.), 4:30 pm, meeting with town planner Gulden and Frailey Family and broker property discussion (virtual).
- April 28th, (Wed.), Sustainable MD - Electric Vehicle/Charging Stations webinar
- April 29th, (Thurs.) 9:15 am visit with 4th graders at Mother Seton School for Banner Town Mayor presentation with Terri Ray.
- April 29th, (Thurs.) 1-3 pm Dept of Commerce committee - MD Statewide Comparative Energy Siting, MML committee rep (virtual).
- May 3rd, (Mon.), 7:30 pm regularly scheduled monthly town meeting (virtual).

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

NONE

I. CONSENT AGENDA

NONE

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of April 29, 2021**

\$5,492,578	Cash Balance April 29, 2021
362,422	Deposits
<u>-305,394</u>	Withdrawals
\$5,549,606	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check No.</u>
\$68,969	Treasurer of Frederick County	3Q FY21 Law Enforcement Services	04.07.21	42151
\$24,005	Comptroller of Maryland	3Q FY21 Bay Restoration Fee	04.07.21	42166
\$19,106	MD Dept of Budget & Mgmt	Mar 21 Health Insurance	04.21.21	42205
\$12,477	RK&K	Pump Station Replacement	04.07.21	42172
\$8,933	Pine Hill Electronics	Memorial Park Camera	04.21.21	42207
\$6,811	Republic Services	Apr 21 Refuse Services	04.07.21	42171
\$6,551	Powell LLC	Legal Services	04.14.21	42190
\$6,474	Barbara Downin	Overpayment of Water Bill	04.14.21	42193
\$5,765	Frederick County DUSWM	Mar 21 Tipping Fees	04.07.21	42149
\$5,712	UGI Energy Services	Feb 21 Solar Field #1	04.07.21	42175

Check dates 04.01.21 to 04.29.21

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1. Approval of developer to pay a fee in-lieu instead of constructing parkland for Emmit Ridge 2 for consideration: Presentation at meeting by town staff.

“Request to Reconsider action taken at April 5th meeting on the developer request to pay the fee in-lieu parkland improvements for 49 single-family dwellings.”

AGENDA ITEM# 2. Initial presentation of the fiscal year 2022 budget: Presentation at meeting by Mayor Briggs and town staff.

AGENDA ITEM# 3. Approval of the Rutter's public works agreement and authorize Mayor to sign the agreement on behalf of Town for consideration: Presentation at meeting by staff.

The sewer public works agreement (PWA) outlines the developer's (M & G Realty, Inc. & SPT Land, LLC.) responsibilities before the Town will accept dedication of the sewage pump station and associated sewer infrastructure. The PWA has been reviewed by the Town Attorney for legal sufficiency.

PUBLIC WORKS AGREEMENT

SEWER FACILITIES

It is hereby agreed this _____ day of _____, 2021, by and between THE TOWN OF EMMITSBURG, MARYLAND, a body politic and corporate, hereinafter referred to as the "TOWN," and SPT LAND, LLC (a Maryland Limited Liability Company), and M & G Realty, Inc. (a Foreign Corporation registered to do business in Maryland), hereinafter collectively referred to as the "DEVELOPER," as follows:

1. M&G Realty, Inc. is the contract purchaser of approximately 13.79 acres +/-, of property located on the south side of Route 140, and SPT Land, LLC is the legal owner of certain lands in Frederick County, State of Maryland, described as: 10201 Taneytown Pike, Emmitsburg, Maryland 21727 at the intersection of U.S. Route 15 and Maryland Route 140 consisting of 200.812 acres +/- of which the M&G Realty, Inc. property is a part (the "Property"), more specifically described at Liber 9995, Folio 443 in the Land Records for Frederick County, Maryland.

2. That easements to the Town for all areas where public sewer, transport and treatment facilities (hereinafter referred to as "Systems"), and any deeds to the Town for sewer facilities for treatment plants, pumping stations and the like or other sites needed for the Systems must be recorded among the Land Records of Frederick County, Maryland at the expense of the Developer prior to the construction of Systems.

3. The Developer has applied to the Town for the construction of the necessary Systems as generally described in Exhibit A attached hereto, to be located on Parcel Two of the Property and to serve the Property, specifically, the "Rutter's Project" and the remainder of the property located on the North side of Route 140 owned by SPT Land, LLC. The Developer shall construct the Systems to serve the property at the sole expense of the Developer. Following completion of the Systems and testing, subject to the approval by the Town, the Developer shall convey the System and all equipment, manufacturer's or other warranties, to the Town and it shall thereafter own

and operate the Systems. The Developer agrees to convey or sign any future agreements needed to fulfill the terms of this Agreement.

4. The design of the Systems has been undertaken by the Developer, and once approved by the Town, all construction of the Systems shall be in accordance with the standard specifications and details of the Town.

5. The Developer agrees that all fees, costs and expenses incurred by the Town in connection with review, approval and design of engineering, construction, inspection, and any other costs incurred in relation to this project shall be borne by the Developer, payable as follows:

- a. M&G Realty, Inc. shall arrange for a letter of credit or other financial arrangement approved by the Town to assure the completion of the project and the payment of all costs by the Developer in the amount of 115 % of the total cost of the Systems. Any such financial assurances of completion must be with a financial institution with an office in the State of Maryland and the assurance shall not expire sooner than one (1) year after the acceptance by the Town of the Systems. The arrangement with the financial institution shall provide that the Town shall be authorized to withdraw part or all of the funds to pay the contractor. If cash payment in advance is given, these funds will be put in an interest-bearing escrow account, with the interest paid to the Developer by the Town within a reasonable time after interest is credited to the account by the financial institution. The Town will withdraw the gross amount of the periodic payment estimates from the escrow account, pay the contractor, and notify the Developer of this transaction. Any unused portion of the construction advance will be refunded to the Developer after the construction has been completed and the Systems accepted by the Town. If the cost of the construction exceeds the advance, the Developer shall pay the additional monies necessary as billed by the Town and prior to acceptance or operation of the Systems by the Town.

- b. The Developer will pay a design review fee for the review of the design plans for the Systems, in advance, in accordance with the fee schedule attached hereto as Exhibit B and made a part of this contract.
 - c. The Developer will pay inspection fees prior to the execution of the contract in accordance with the fee schedule of the Town attached hereto as Exhibit C and made part of this contract.
 6. A construction permit shall be issued by the Town before construction begins.
 7. It is understood and agreed that the Developer may wish to install Systems in excess of those required to serve the Rutter's project to be located on Parcel Two of the Property. The Developer shall pay the cost of the Systems (oversizing) in excess of that needed to construct the Systems necessary to serve the Developer's Rutter's project.
 8. The Developer shall pay the prevailing connection fees for water and/or sewer service for each equivalent unit, as calculated by the Town, to be connected to any system prior to the approval of plumbing or building permits.
 9. If the Developer complies with the above applicable conditions, the Town shall approve the Developer's Contract with the Developer's contractor. If for any reason the contract is not made, all unspent and uncommitted funds of the Developer remaining in the hands of the Town will be returned to the Developer.
 10. In the construction of the Systems:
 - a. The Town shall have the sole right to approve change orders relating to the construction of the Systems. A copy of such change orders shall be transmitted by the Developer to the Town. However, approval of change orders requested by the Developer will not unreasonably be withheld by the Town.
 - b. The Town shall not be liable to the Developer for any delay or default or for any other reason in the construction of the Systems regardless of the cause of delay or default.
 11. The Developer shall not have the right to assign this Agreement without written approval of the Town.

12. Every notice, approval, consent or other communication authorized or required by this Agreement shall be effective if the same is in writing and sent, postage prepaid, by United States priority mail, directed to the other party at their addresses hereinafter mentioned, or such other address as either of the parties may designate by notice given from time to time in accordance with this paragraph. Notices necessary and provided in this Agreement shall be mailed to:

For the Town:

The Town of Emmitsburg, Maryland
Attention: Town Manager
300A S. Seton Avenue
Emmitsburg, Maryland 21727

With a copy to:

Leslie A. Powell, Esq.
Powell, LLC
19 North Court Street, Suite 201
Frederick, Maryland 21701

For the Developer:

SPT Land, LLC
c/o Steven P. Trout, Resident Agent
12051 Old National Pike
New Market, Maryland 21774

With a copy to:

Clay Martz, esquire
Walter C. Martz, LLC
117 West Patrick Street, Suite 300
Frederick, Maryland 21701

And

M & G Realty, Inc.
2295 Susquehanna Trail, Suite C
York, Pennsylvania 17404
Attn.: Christopher Reed

13. This Agreement may be executed in several counterparts, each of which shall be original, but all of which shall constitute one and the same instrument.

14. This Agreement sets forth all of the promises, agreements, conditions and understandings between the Town and the Developer relative to the subject matter hereof, and there are no promises, agreements, conditions, or understandings, either written or oral, expressed or implied, between them or other than as herein set forth. Except as herein otherwise specifically provided, no subsequent alterations, amendments, changes or additions to this Agreement shall be binding upon the Town or Developer unless reduced to writing and signed by each party.

IN WITNESS THEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officials and their proper corporate seals to be hereto affixed, on the date and year first above written.

WITNESS/ATTEST:

EMMITSBURG, MARYLAND, a
body corporate and politic

_____ By: _____ (SEAL)
The Honorable Donald Briggs, Mayor

WITNESS/ATTEST:

M & G REALTY, INC.

_____ By: _____ (SEAL)
Name and Title

WITNESS/ATTEST:

SPT LAND, LLC

_____ By: _____ (SEAL)
Name and Title

AGENDA ITEM# 4. Approval of bid for 3-year (FY2022 to FY2024) trash collection services contract for consideration: Presentation at meeting by

Curbside trash collection services for the Town from FY2022 to FY2024 (07/01/2021 – 06/30/2023).

TIMELINE – TRASH SERVICES RFP:

Thursday, March 11, 2021	RFP available on the Town of Emmitsburg’s website.
Thursday, April 8, 2021	DEADLINE: Bids due by 2:30 p.m.
Monday, May 3, 2021	<i>Tentative:</i> Bid review/approval by the Board of Commissioners
Wednesday, May 5, 2021	Announcement of winning bidder made.

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 03/11/2021 – 04/08/2021
- Notice on MML Classifieds – 03/11/2021 – 04/08/2021
- Frederick News Post Publication: 03/11/2021 & 03/12/2021
- Email sent to contractors (bid on 2018 trash bid, 4 total companies) – 03/11/2021

TOWN STAFF RECOMMENDATIONS:

Town staff recommends Republic Services, LLC for the trash services.

Bids Received (Alphabetical Order)				
	Company:	Location:	Bid Amount:	Notes:
1.	Republic Services LLC	Frederick, MD	\$5.74/unit/month \$145/dumpster collection \$0.55/unit/occurrence	<ul style="list-style-type: none"> • 2 bulk trash \$1.10/unit/occurrence • 3 bulk trash \$1.65/unit/occurrence

Leslie Powell, Town Attorney, email 04/13/2021 at 9:58 a.m.

Hi Madeline,
 If you had only one responsive bid and it looks reasonable to you, I say yes [you can accept the bid].
 Best,
 Leslie Powell

AGENDA ITEM# 5. Approval of Ordinance 21-07, town election updates, for consideration:
Presentation at meeting by staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 07

Page 1 of 8

AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
ADMINISTRATION AND PERSONNEL

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 2, Administration and Personnel, 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 2.28 – **MUNICIPAL ELECTIONS**

2.28.010 - Elections—Registration.

- A. Registration with the Frederick County board of elections, by a voter who has been a resident of the [t]Town of Emmitsburg for thirty (30) days or more prior to the election in which he/she seeks to vote shall be deemed registered to vote in the Town of Emmitsburg. An individual who wishes to vote shall register with the Frederick County board of elections in accordance with the regulations established for registration from time to time by the Frederick County board of elections.
- B. Elections will be held on the Tuesday preceding the first Monday in October **FROM 7:00 AM to 8:00 PM.**
- C. Upon the close of county voter registration, the town clerk shall obtain from the Frederick County Board of Elections a certified list of registered voters who reside in the [t]Town of Emmitsburg. Only persons who reside in the [t]Town of Emmitsburg and whose name appears on the certified list of registered voters may vote in a [t]Town election.
- D. An individual whose name does not appear on the certified list of registered voters, but who claims to be entitled to vote, shall be issued and be permitted to vote with a provisional ballot. Thereafter, the election judges shall determine whether the omission of that individual's name from the certified list was the result of an inadvertent mistake made in the registration process. That individual's vote shall be counted only if it is determined by the election judges that such an inadvertent mistake was made in the registration process and that, absent that mistake, the individual would have been authorized to vote. Otherwise, the vote will not be counted. Any person aggrieved by this determination may request judicial review of that determination pursuant to Title 7, Chapter 200 of the Maryland Rules of Procedure.

2.28.020 - Elections—Judges of elections.

- A. The town clerk shall advertise for three election judges and one alternate election judge not less than ~~[sixty (60)]~~ **NINETY (90)** calendar days prior to a [€]Town election. Such advertisement shall be in a newspaper of general circulation in the [€]Town and in an announcement posted on the [€]Town bulletin board(s). ~~[At the]~~ **NO LATER THAN** the first meeting of the mayor and board of commissioners in September, the mayor, with the consent and approval of the commissioners, shall appoint three persons who are registered and qualified voters in Emmitsburg, Maryland, to act as judges of elections, and one person who is a registered and qualified voter in Emmitsburg, Maryland, to act as an alternate election judge. The town clerk shall notify, in writing, the persons appointed as election judges and alternate election judge of their appointment. The town clerk shall post the names of the three appointed election judges and the one appointed alternate election judge on the [€]Town bulletin board(s) prior to an election. Election judges shall serve only for the election for which they were appointed. Election judges shall be appointed for each election. During the time of acting as a judge, these persons must not hold or be a candidate for any other Emmitsburg public office. Any vacancy in the list of judges occurring between their appointment and the election shall be filled by the mayor.
- B. The judges of elections shall conduct and supervise the election for which they have been appointed and shall receive such compensation as set by the mayor and commissioners.
- C. The appointed alternate shall undertake the duties of an election judge only when an election judge is absent or unable to perform the duties as an election judge. **THE APPOINTED ALTERNATE SHALL ONLY RECEIVE COMPENSATION PURSUANT TO PARAGRAPH (B) IF THEY UNDERTAKE THE DUTIES OF AN ELECTION JUDGE.**

2.28.030 - Elections—Filing of candidates.

All candidates (excluding write-in candidates) for mayor and commissioners shall file written application for candidacy with the town clerk no later than **CLOSE OF BUSINESS OF THE LAST BUSINESS DAY** thirty (30) calendar days prior to the date of the election. A write-in candidate must file a certificate of candidacy with the town clerk. Said write-in certificate shall not be filed after twelve noon on the seventh day preceding the day of the election for which it is filed. Upon receipt of any certificates (regardless of the type of candidacy) by the town clerk, the name of the candidates thereof will be posted on the [€]Town bulletin board **AND TOWN WEBSITE IN ALPHABETICAL ORDER** the way in which it appears on the certificate as soon as possible after it is filed. All certificates shall be kept on file in the [€]Town office for a period of three months after the election. Each candidate filing shall receive a receipt for his/her application signed by the town clerk. ~~[All]~~ Candidates must meet qualifications as set forth in the Charter.

2.28.040 - Elections—Write-in ballots.

For all elections, there shall be one blank space on each ballot for every position to be filled by that election reserved for a write-in candidate. The voter who desires to cast his/her vote for a write-in candidate must print on his/her ballot the name of that write-in candidate who has filed a certificate of candidacy with the [t]Town in the proper place provided. Such votes shall then be counted the same as if the name of such person had been printed upon the ballot and marked by the voter. A voter may only write in one candidate for each vacancy.

2.28.050 - Elections—Public notice and facilities.

- A. The town clerk shall give public notice of the day, time and place of all elections. Such notice shall be given in a newspaper of general circulation in the [t]Town of Emmitsburg and in an announcement posted on the [t]Town bulletin board(s) not less than forty-five (45) days prior to any election.
- B. The town clerk shall arrange facilities to conduct any election, and facilities shall be located as near to the voting population as practicable. Whenever possible, it shall be the duty of the town clerk to use public buildings for polling places.

2.28.060 - Electioneering boundary.

At each polling place, the election judges shall post a sign or signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs. The line shall be as near as practicable to one hundred (100) feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and exit and the effect of placement on public safety and the flow of pedestrian and vehicular traffic. The signs shall contain the words "No electioneering beyond this point." At no time may any person canvass, electioneer, campaign or post any campaign material in the polling place or within the boundary line established by the posted signs.

2.28.070 - Absentee ballots.

- A. The mayor and board of commissioners shall arrange for voting by absentee ballot for any qualified voter who is unable to cast a ballot during regularly scheduled hours on election day **DUE TO (1) VACATION AND/OR BUSINESS TRAVEL OUTSIDE THE TOWN; (2) A PHYSICAL CONDITION, ILLNESS, INJURY, DISABILITY, OR OTHER MEDICAL CONDITION OR HEALTH RELATED CIRCUMSTANCE THAT CREATES A RISK OF SUBSTANTIAL HARM; (3) MILITARY SERVICE; (4) ATTENDANCE OF SCHOOL OUTSIDE OF**

FREDERICK COUNTY; OR (5) EMPLOYMENT AND/OR COMMUTE DURING POLLING HOURS.

- B. ANY QUALIFIED VOTER WHO WISHES TO VOTE BY ABSENTEE BALLOT MUST FILL OUT AND SUBMIT AN ABSENTEE BALLOT APPLICATION TO THE TOWN OFFICE NO LATER THAN CLOSE OF BUSINESS FOURTEEN (14) DAYS PRIOR TO THE ELECTION. THE APPLICATION SHALL BE MADE UNDER PENALTY OF PERJURY AND SET FORTH: (1) THE NAME AND RESIDENCE, INCLUDING STREET AND NUMBER OF THE APPLICANT; (2) AN AFFIRMATION THAT THE APPLICANT IS A QUALIFIED VOTER AT THE RESIDENCE GIVEN; (3) THE APPLICANT'S VOTING RESIDENCE IN THE PRECEDING ELECTION; (4) AN AFFIRMATION THAT THE APPLICANT EXPECTS IN GOOD FAITH TO BE ABSENT OR UNABLE TO VOTE IN PERSON ON THE DAY OF THE ELECTION.**
- C. UPON RECEIPT OF AN ABSENTEE BALLOT APPLICATION, THE TOWN CLERK SHALL DETERMINE UPON SUCH INQUIRY AS THEY DEEM NECESSARY WHETHER THE APPLICANT IS A VOTER LEGALLY QUALIFIED TO VOTE AT SUCH ELECTION. IF THE TOWN CLERK FINDS THE APPLICANT IS NOT SO QUALIFIED, THEY SHALL REJECT THE APPLICATION.**
- D. IF THE TOWN CLERK FINDS THE APPLICANT IS A QUALIFIED VOTER IN THE ELECTION, THEY SHALL DELIVER TO THE APPLICANT AN ABSENTEE BALLOT, THE THREE KINDS OF ENVELOPES HEREAFTER DESCRIBED AND INSTRUCTIONS. [~~Such~~] THE ballots shall be printed [~~and sequentially prenumbered~~] and THE WORDS "ABSENTEE BALLOT" SHALL BE PRINTED AT THE TOP OF EACH BALLOT. ONE ENVELOPE KNOWN AS THE "BALLOT ENVELOPE" shall be provided to the APPLICANT [~~voter with an envelope~~] bearing the words "Absentee ballot—Election date _____, BALLOT NUMBER _____." ONE ENVELOPE SHALL BE KNOWN AS THE RETURN ENVELOPE AND SHALL BE SUFFICIENTLY LARGE ENOUGH TO ALLOW THE BALLOT ENVELOPE TO BE ENCLOSED WITHIN. PRINTED ON THE RETURN ENVELOPE SHALL BE THE RETURN ADDRESS FOR THE TOWN OFFICE AS WELL AS THE WORDS "RETURN ENVELOPE FOR THE ELECTION OF _____" THE BLANK SPACE BEING FILLED WITH THE DATE OF THE ELECTION. THE THIRD ENVELOPE SHALL BE A COVERING ENVELOPE IN WHICH THE BALLOT, BALLOT ENVELOPE, RETURN ENVELOPE, AND INSTRUCTIONS SHALL BE SENT TO THE APPLICANT. PRINTED ON THE COVER ENVELOPE SHALL BE THE RETURN ADDRESS FOR THE TOWN OFFICE AND THE WORDS "OFFICIAL ABSENTEE BALLOT, TOWN OF EMMITSBURG". [~~capable of holding the ballot and being sealed by the voter.~~]**
- E. An absentee ballot may not be photocopied or duplicated in any way. THE BALLOT AND ENVELOPES SHALL BE DELIVERED TO THE APPLICANT AS SOON**

AS PRACTICABLE AT THE TOWN OFFICE OR THE APPLICANT'S RESIDENCE. POSTAGE FOR TRANSMITTING BALLOT MATERIAL TO THE VOTERS SHALL BE PAID BY THE TOWN, AND POSTAGE FOR THE RETURN OF A BALLOT SHALL BE PAID BY THE APPLICANT [~~Ballots shall be tallied prior to distribution~~]

- F. THE TOWN CLERK SHALL KEEP A LOG OF ALL ABSENTEE BALLOTS DISTRIBUTED TO INCLUDE THE VOTER'S NAME, BALLOT NUMBER FROM THE BALLOT ENVELOPE, AND THE ADDRESS WHERE IT WAS DELIVERED.**
- G. The ballot shall be placed in an envelope which shall be sealed by the voter after voting and before returning the ballot. IN ORDER FOR THE ABSENTEE BALLOT TO BE COUNTED, THE BALLOT MUST BE RECEIVED BY THE TOWN OFFICE EITHER BY MAIL, DROP BOX, OR IN-PERSON BY CLOSE OF BUSINESS THE DAY BEFORE THE ELECTION.** Upon the return and receipt of the ballot, the sealed envelope containing the absentee ballot shall be date-stamped and remain sealed until all regular ballots have been counted.
- H. ON ELECTION DAY, THE TOWN CLERK SHALL DELIVER A LIST OF ALL PERSONS FOR WHICH AN ABSENTEE BALLOT HAVE BEEN RECEIVED TO THE POLLING PLACE. SUCH PERSONS SHALL NOT BE PERMITTED TO A VOTE AT THE POLLING PLACE ON THE DAY OF THE ELECTION. THE TOWN CLERK SHALL ALSO PROVIDE THE ELECTION JUDGES A LIST OF BALLOT NUMBERS OF THE ABSENTEE BALLOTS ALLOWED TO BE COUNTED IN THE ELECTION.** Once the regular ballots have been counted, the absentee ballots shall be opened and counted by the election judges.

2.28.080 - Vote count

- A. Immediately following the closing of the polls, the judges of the election shall canvass the ballot boxes, voting machines or other voting system, and count any paper ballots, regular and absentee, to determine the vote cast for each candidate or any question(s) on the ballot.
- B. The judges of the election shall declare which persons have been elected or which ballot questions have been approved or rejected, and shall certify the results of the election to the public in public view on the exterior of the polling place in a manner and method to be determined by the judges of election.
- C. If the election for the offices of either mayor or commissioner results in a tie vote, a special runoff election shall be held on the fourteenth calendar day after the election. Only those registered voters eligible to vote in the regular election shall be permitted to vote in the runoff election.

2.28.090 - Regulation and control by ~~[commission]~~ **BOARD OF COMMISSIONERS**.

The ~~[commission]~~ **BOARD OF COMMISSIONERS** has the power to provide by ordinance, in every respect not covered by the provisions of this chapter, for the conduct of registration, nomination, and [t]Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The ~~[commission]~~ **BOARD OF COMMISSIONERS** further has the power to create and appoint an election board and to specify the functions and duties of an election board. The election board's functions may include enforcing the [t]Town's elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the ~~[commission]~~ **BOARD OF COMMISSIONERS** pertaining to election matters shall remain in force and effect until repealed or amended by the ~~[commission]~~ **BOARD OF COMMISSIONERS**, but only as such provisions are not inconsistent with the provisions of this chapter.

2.28.110 - Required disclosures.

Candidates for public office shall disclose all contributions, gifts, services, in-kind contributions or other tangible or intangible items of value which are received by them or by some other person or entity on their behalf and which are provided for the purpose of assisting in the campaign of such candidate. Such disclosure shall include an identification of each ~~such~~ item received, the value of each ~~such~~ item, and the source of each such item. Candidates for public office shall also disclose the nature and amount of all expenses incurred by him/her in the conduct of his/her campaign for public office. All disclosures required by this section shall be submitted in writing to the town clerk and shall be signed by the candidate under oath. The information required by this section shall be submitted thirty (30) calendar days prior to the election for which the disclosure is being made, and a final disclosure of such information shall be submitted no later than fifteen (15) calendar days after the election for which the disclosure is being made. All disclosure statements shall be immediately made available for review by the public. Failure to comply with any of the requirements of this section shall be considered and enforced as a municipal infraction punishable by a fine of **FIVE HUNDRED DOLLARS (\$500.00)** ~~not more than one thousand dollars (\$1,000.00)~~.

2.28.120 - Penalties.

The offenses and penalties established by Title 16, Election Law Article of the Annotated Code of Maryland (as such code may from time to time be hereafter amended), shall be applicable in and to the [t]Town of Emmitsburg **CONSISTENT WITH ANY LIMITATIONS IMPOSED ON MUNICIPALITIES BY STATE LAW**. In addition, any such offense may be considered and enforced as a municipal infraction punishable by a fine of **FIVE HUNDRED DOLLARS (\$500.00)** ~~not more than one thousand dollars (\$1,000.00)~~.

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 3rd day of May, 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 3rd day of May, 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.

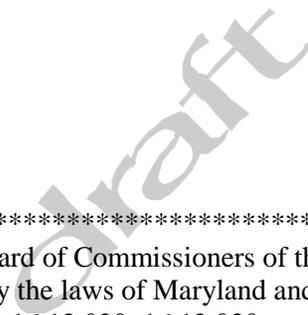
Madeline Shaw, Town Clerk
Date:

AGENDA ITEM# 6. Forward Ordinance 21-05, update to Title 16 – Subdivisions, to the Planning Commission for recommendation and set public hearing and final vote for June 21, 2021 for consideration: Presentation at meeting by staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 05

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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, Subdivisions, Sections 16.12.020, 16.12.030, 16.12.040, 16.16.030, 16.16.060, 16.16.100, & 16.20.020 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 16.12 – Procedures Generally.

§16.12.020 – Submission of Preliminary Plat of Subdivision for Approval.

{A-C unchanged}

D. Preliminary plats, once approved, shall remain valid for a period of three **(3)** years. The preliminary plat approval shall become void at the end of three **(3)** years. ~~[unless an extension of the approval is requested by the applicant and granted by the planning commission. Extensions will be granted for one year increments.]~~

§16.12.030 – Improvement Plats.

{A & B unchanged}

C. IMPROVEMENT PLAT EXPIRATION.

- 1. ALL IMPROVEMENT PLAT APPROVALS SHALL AUTOMATICALLY EXPIRE THREE (3) YEARS AFTER THE DATE ON WHICH THE PLANNING COMMISSION APPROVES THE IMPROVEMENT PLAT, UNLESS CONSTRUCTION HAS BEGUN AS DEFINED BY “START OF CONSTRUCTION” AS SET FORTH IN PARAGRAPH 3 OF THIS SUBSECTION.**
- 2. IN THE EVENT AN IMPROVEMENT PLAT APPROVAL WAS OBTAINED FROM THE PLANNING COMMISSION PRIOR TO THE ENACTMENT OF THIS ORDINANCE, SUCH IMPROVEMENT PLAT SHALL EXPIRE THREE (3) YEARS AFTER THE DATE ON WHICH THIS ORDINANCE WAS ENACTED, UNLESS**

SUBSTANTIAL CONSTRUCTION OF SITE IMPROVEMENTS PURSUANT TO A VALIDLY ISSUED PERMIT HAS BEGUN AS DEFINED BY “START OF CONSTRUCTION” SET FORTH IN PARAGRAPH 3 OF THIS SUBSECTION.

- 3. FOR PURPOSES OF THIS SECTION, THE TERM “START OF CONSTRUCTION” SHALL MEAN THE PLACEMENT OF SLAB OR FOOTINGS, PILES, COLUMNS, OR ANY WORK BEYOND THE STAGE OF EXCAVATION.**

§16.12.040 – Approval of Final Plat.

{A-F unchanged}

G. UNRECORDED FINAL PLATS, ONCE APPROVED, SHALL REMAIN VALID FOR A PERIOD OF THREE (3) YEARS AFTER WHICH THEY SHALL BE VOID IF RECORDATION HAS NOT OCCURRED WITHIN THE THREE (3) YEAR PERIOD FROM THE DATE OF APPROVAL.

Chapter 16.16 – Design Standards.

§16.16.030 – Street Design Standards.

A. GENERAL.

- The arrangement, character, extent, width, grade, and location of all streets shall conform to a plan for the [~~most safe~~] **SAFEST** advantageous development of adjoining areas and the entire neighborhood.
- {unchanged}*
- 3. SIDEWALK. THE DESIGN MUST MEET THE MINIMUM STANDARDS THAT ARE SET FORTH IN CHAPTER 12.08, WHICH ARE INCORPORATED HEREIN.**

{B-F unchanged}

G. Alleys.

{1-5 unchanged}

- Sidewalk. [~~Minimum width of five feet (5') along the entire front footage of the property.~~] **SIDEWALKS SHALL MEET THE REQUIREMENTS SET FORTH IN CHAPTER 12.08, UNLESS EXCEPTED UNDER SECTION 16.16.030.W.**

{H-P unchanged}

Q. Curbs, Gutters and Sidewalks. These shall be provided in all residential subdivisions where the average lot width is two hundred (200) feet or less, and in front of all nonresidential lots except where options listed in subsections (U) and/or (V) of this section are employed[-] **OR EXCEPTED UNDER SECTION 16.16.030.W.** The face of the curb shall be located on the line of the outside edge of the required pavement. The construction of these facilities shall be in conformity with the specifications and standards adopted or may hereafter be adopted by the **Town.**

{R & S unchanged}

T. Street Standards for New Town House and Multifamily Developments.

1. Rights-of-way (ROW), pavement, curb, sidewalks.

	Public Street	Private Street*
**Row	40 feet	None
Pavement	24 feet	24 feet
Curb (6")	Yes	Yes
Sidewalk (adjacent to curb)	[5 feet] SEE CHAPTER 12.08	[5 feet] SEE CHAPTER 12.08

* Private streets refer to those streets serving rental projects exclusively or serving as parking bays. It is not a town policy to maintain such streets.

** An easement or right-of-way may be required in addition for the placement of public utilities.

2. *{unchanged}*

{U-V unchanged}

W. Exceptions – **SIDEWALK**, Curb and Gutter Alternative. In Industrial **PARK (I-P)** subdivisions, the Planning Commission may allow for open section roads, provided the proposed development complies with all other requirements stated in subsection (P) of this section.

§16.16.060 – Easements.

{A – C unchanged}

D. THE CLOSED END OF ALL PROPOSED CUL-DE-SACS MUST INCLUDE A TWENTY-FOOT BY TEN-FOOT (20’ x 10’) EASEMENT TO STOCKPILE SNOW FOR WINTER ROAD MAINTENANCE.

§16.16.100 – Park, Recreation, and Open Space Requirements.

{A-F unchanged}

G. Fee in lieu. The Mayor and Board of Commissioners may impose a **FEE** [~~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 FEE IN LIEU AMOUNT SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN.** 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 unchanged}

Chapter 16.20 – Improvements.

§16.20.020 – Minimum Requirements.

A. General.

1. All new streets shall ~~have~~ **INCLUDE SIDEWALKS**, curb, and gutter.

a) *{unchanged}*

b) ~~[All inlet shall be Maryland State Highway Administration type WR single grate, except in sump areas. In sump areas a Maryland State Highway Administration standard WR inlet shall be used at the low point of the sump.]~~ **ALL PRE-CAST CONCRETE STORM DRAINAGE STRUCTURES, MANHOLE FRAMES AND COVERS, AND INLET GRATES TO BE INSTALLED IN CONJUNCTION WITH STORM DRAIN SYSTEMS WITHIN PUBLIC STREET RIGHTS-OF-WAY INTENDED TO BE DEDICATED AND ACCEPTED INTO THE TOWN'S PUBLIC STREET SYSTEM SHALL COMPLY WITH THE MARYLAND STATE HIGHWAY ADMINISTRATION BOOK OF STANDARDS FOR HIGHWAY AND INCIDENTAL STRUCTURES. THE TOWN SHALL HAVE THE RIGHT TO OBTAIN INDEPENDENT VERIFICATION OF ANY, AND/OR ALL OF THE MATERIALS UTILIZED IN THE PRE-CAST MANUFACTURING PROCESS TO ENSURE THAT THEY COMPLY WITH CURRENT SHA SPECIFICATIONS.**

c) **SIDEWALKS SHALL MEET THE REQUIREMENTS SET FORTH IN CHAPTER 12.08, UNLESS EXCEPTED UNDER SECTION 16.16.030.W.**

{2 -5 unchanged}

{B-O unchanged}

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

PASSED this ___ day of _____, 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 _____ day of _____, 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. Forward Ordinance 21-06, update to Title 17 – Zoning, to the Planning Commission for recommendation and set public hearing and final vote for June 21, 2021 for consideration: Presentation at meeting by staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 06

Page 1 of 2

AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

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 17, Zoning, Sections 17.04.020 & 17.48.050 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 17.04 – General Provisions.

§17.04.020 – Definitions.

A. *{unchanged}*

B. Definitions.

{“Agriculture” through “Hospital” unchanged}

"Hotel" means any building containing ten **(10)** or more **FULLY FURNISHED (INCLUDING LINENS) guest rooms, SUITES, OR A COMINATION THEREOF (“UNITS”)**, where for compensation, lodging, meals or both, [~~are provided for ten or more guests,~~] excluding a fraternity or sorority house, school or college dormitory, **OR** tourist home. [~~,-motel or apartment hotel as defined in this chapter.~~] **EACH UNIT OR SUITE SHALL PROVIDE ITS OWN TOILET, WASHROOM, AND OFF-STREET PARKING FACILITIES. UNITS MAY INCLUDE KITCHEN FACILITIES.**

{“Institutional” through “Mobile home park or mobile home subdivision” unchanged}

"Motel" means any **BUILDING CONTAINING LESS THAN TEN (10) FULLY FURNISHED GUEST ROOMS (INCLUDING LINENS) WHERE FOR COMPENSATION, TEMPORARY LODGING IS PROVIDED FOR GUESTS, EXCLUDING A FRATERNITY OR SORORITY HOUSE, SCHOOL OR COLLEGE DORMITORY, OR TORIST HOME.** [~~group of dwelling units combined or separate, used for the purpose of housing transient guests,~~] Each unit [~~of which is provided with~~] **SHALL PROVIDE** its own toilet, washroom, and off-street parking facilities.

{“Nonconforming use” through “Zoning map” unchanged}

Chapter 17.48 – Enforcement and Penalties.

§17.48.050 – Site plan requirements.

A. {unchanged}

B. {1-7 unchanged}

8. Sidewalks, **UNLESS EXCEPTED UNDER SECTION 16.16.030.W.;**

{9-13 unchanged}

C. {unchanged}

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

PASSED this ___ day of _____, 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 _____ day of _____, 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:

M. SET AGENDA FOR NEXT VIRTUAL MEETING: MAY 17, 2021 AT 7:30 PM

- 1.
- 2.

Administrative Business:

- A.

SET AGENDA FOR NEXT VIRTUAL MEETING: JUNE 7, 2021 AT 7:30 PM

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

Administrative Business:

- A.
- B.

SET AGENDA FOR NEXT VIRTUAL MEETING: JUNE 21, 2021 AT 7:30 PM

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

Administrative Business:

- A.
- B.