



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

TOWN MEETING AGENDA PACKET
TOWN OFFICE – 300A SOUTH SETON AVENUE
TUESDAY, SEPTEMBER 7, 2021 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Planning Commission Meeting: Monday, September 27, 2021 at 7:00 p.m. (Town Office & Zoom)

Town Council Meeting: Monday, October 4, 2021 at 7:30 p.m. (Town Office & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: AUGUST 2, 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 declaring September 2021 as Recovery Month in Emmitsburg for consideration.

(B). Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration.

(C). Discussion related to modifying legislative document templates.

(D). Modification of 2021 election judges for consideration.

I. CONSENT AGENDA: 1 APPOINTMENT

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Hold public hearing and approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter for consideration.

(2). Creamery Court dedication discussion.

(3). Award Storm Water Utility Feasibility Study Contract for consideration.

(4). Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration.

(5). Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration.

(6). Approval of Policy P21-04, Permits & Inspection's Fee Policy, for consideration.

M. SET AGENDA FOR NEXT MEETING: OCTOBER 4, 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:

Topic: September 7, 2021 Town Meeting
Time: Sep 7, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/84161559511>

Meeting ID: 841 6155 9511
Passcode: 21727
One tap mobile
+13017158592,,84161559511#,,,,*21727# US (Washington DC)
+16465588656,,84161559511#,,,,*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)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 841 6155 9511
Passcode: 21727
Find your local number: <https://us02web.zoom.us/u/keseJu4euH>

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: AUGUST 2, 2021

**MINUTES
TOWN MEETING
AUGUST 2, 2021
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* - Madeline Shaw, Town Clerk; Zachary Gulden, Town Planner; and Amy Naill, Code Enforcement Officer. *Others Present* – Deputy Jason Ahalt.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the August 2, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and Town election dates were announced.

Approval of Minutes

Motion: Commissioner Sweeney motioned to accept the July 12, 2021 town meeting minutes as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Police Report:

Deputy Jason Ahalt presented the police report from July 2021 (exhibit attached).

Town Managers Report:

Zachary Gulden, Town Planner, presented the Town Manager's Report from June 2021 in lieu of the town managers absence with prior notice (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the report from June 2021 (exhibit in agenda packet). There was a code violation on East Main Street that went to court after the homeowner was sent multiple letters. The Board requested notification in the future when a code violation goes to court and becomes public record.

Motion: Commissioner Ritz III motioned to move agenda item number four up to the first item of the night to allow for earlier public comment; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Commissioner Comments:

- Commissioner Ritz III: He expressed condolence to the Boyle family on the passing of Pat Boyle, a former Town commissioner and volunteer on numerous other town committees.
- Commissioner Davis: He thanked Ms. Shaw for organizing National Night Out 2021.
- Commissioner Sweeney: He thanked the attendees and volunteers of the July 17, 2021 disc golf tournament in Myers Community Park with approximately 80 people in attendance.
- Commissioner Burns: He spoke with the vice principal of Emmitsburg Elementary School and learned speed cameras can be installed within a half mile of schools.
- Commissioner O'Donnell: He was notified by the Brookefield Home Owners Association that they will be creating a periodic newsletter for their residents.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2021. He met with a potential developer to discuss the Frailey Farm property. He would like to extend the sidewalk network along Irishtown Road through the Brookfield development into Emmit Ridge II. The Town is requesting \$178,800 for the Local Parks and Playground Infrastructure grant for a new park bathroom/concession stand building, message centers, baseball bleachers and the paving of Memorial Park.

Public Comments:

Dale Shields from Emmitsburg, Maryland – Mr. Shields requested the Town honor its veterans through light pole flags along Main Street that would show pictures of Town veterans, which he estimates families could sponsor for approximately \$100 a flag. The Board gave unanimous consent for staff to support the project. Commissioner Burns suggested having the flags up Memorial Day through the Fallen Fire Fighters Weekend. Commissioner Sweeney will contact the American Legion and VFW about supporting the project.

Administrative Business:

None.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for July 2021 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Planning Commission last met on July 26, 2021. At the meeting the Emmitsburg East Industrial Park II's forest delineation plan, preliminary forest conservation plan and preliminary subdivision plat were conditionally approved. In addition, the Village Liquors & Plaza Inn forest stand delineation plan and preliminary/final forest conservation plan were conditionally approved. Ordinance 2021-12 was also approved and forwarded back to the Board of Commissioners for final approval.

II. Agenda Items

Agenda #4 - Hold public hearing and final vote on Ordinance 2021-12, which would amend Town Code Section 17.08.190: *Motion:* Commissioner Sweeney motioned to open the public hearing at 8:44 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The public hearing was declared open. Mr. Gulden presented the agenda item. The public hearing was advertised in the Frederick News Post on July 28, 2021. Ordinance 2021-12 was initially presented to the Board on July 12, 2021 and the Planning Commission unanimously recommended approval of the ordinance at the July 26, 2021 meeting. If approved, the Ordinance would allow a text amendment for the conversion of a non-residential structure to a residential usage structure. *Jeff Holtzinger, Attorney, on behalf of Brian Reaver* – Mr. Holtzinger explained the zoning code does not allow for a zoning variance; this text amendment would allow for a zoning variance to occur to allow a former restaurant to be divided into two apartments. Commissioner O'Donnell invited public comment. There was no public comment. *Motion:* Commissioner Ritz III motioned to close the public hearing at 8:51 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to approve Ordinance 2021-12 to amend Title 17 of the Town of Emmitsburg entitled zoning as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #1 - Approval 2021 election judges for consideration: Mayor Briggs presented the item. There were five applicants for election judge. Mayor Briggs recommends using all five applications with Sharon Hane as the chief judge, Tammy May and Charlotte Mazaleski as judges and Deborah Arnold as a greeter. Dianne

Walbrecker would serve as the alternate. *Motion:* Commissioner Ritz III motioned to approve the 2021 election judges as recommended by the Mayor; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #2 - Proclamation declaring August 3, 2021 National Night Out in Emmitsburg: Commissioner O'Donnell read the proclamation aloud. The Town's fifth annual National Night Out celebration will occur in Myers Community Park on August 3, 2021. *Motion:* Commissioner Burns motioned to approve the proclamation as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Agenda #3 - Approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter: Mayor Briggs requested the item be postponed until the September 7, 2021 town meeting instead to allow for Ms. Willets to present the item.

Agenda #5 - Approval of Policy P21-03 – Review Fee's for consideration: Mr. Gulden presented the item and summarized the changes in the proposed policy. The proposed fee amendments, letters O through letter R in the policy, would apply to developers. The fees will help the town recuperate GIS consultant expenses, town attorney expenses and staff time spent assisting developers with projects. The fees were determined by looking at the average fees neighboring municipalities charge. *Motion:* Commissioner Sweeney motioned to approve Policy P21-03; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Agenda #6 - Approval of Ordinance 2021-09, comprehensive update to Title 6 – Animals, for consideration: Commissioner Ritz III stated he will be abstaining from discussion and vote because his family owns chickens in Town and he feels it may be a conflict of interest. Mr. Gulden presented the agenda item and explained Mayor Briggs requested the update to Title 6. The proposed ordinance 2021-09 closely resembles Frederick County and Frederick City's animal code. A summary was read of the proposed changes to include increased fines for pet waste left on Town sidewalks and adding the allowed usage of backyard chickens/roosters and honey bees. Mayor Briggs stated his support for backyard chickens and honey bees. *Motion:* Commissioner Burns motioned to accept Ordinance 2021-09 as presented; second by Commissioner Sweeney. Yeas – 3; Nays – 1 (Davis); Abstain – 1 (Ritz III). The motion passed.

Agenda #7 - Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration: Agenda item postponed per the request of Frederick County.

Agenda #8 - TENTATIVE – Approval of Rutter's stream restoration deed easement with Town of Emmitsburg for consideration: Agenda item canceled.

Set Agenda Items for September 7, 2021 Town Meeting

Agenda Items: (#1.) Hold public hearing and approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter for consideration; (#2.) Creamery Court dedication discussion; (#3.) Award Storm Water Utility Feasibility Study Contract for consideration; (#4.) Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration; (#5.) Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration; (#6.) Approval of Policy P21-04, Permits & Inspection's Fee Policy, for consideration. **Administrative Business:** (A.) Proclamation declaring September 2021 as Recovery Month in Emmitsburg for consideration; (B.) Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration; (C.) Discussion related to modifying legislative document templates. **Consent Items:** (I.) Appointment of Sandy Slaughter to the Citizen's Advisory Committee. *Motion:* Commissioner Sweeney motioned to approve the agenda items as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the August 2, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 9:44 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
July 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 conducted monthly storm drain inlet cleaning.
- Staff weed ate and weed killed East Lincoln Ave. walkway and around Creamery Rd. guardrail.
- Staff cold patched pot hole on Warthen's Ct. @ Warthen's Way.
- Staff trimmed some trees on West Lincoln Ave. (sharp turn to Frailey Rd.).
- Staff cleaned up broken glass from a collision in front of 107, 111, and 115 West Main St.

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. Will begin sanitizing bathrooms at same time.
- Staff mowed, trimmed and weed killed in parks.
- Staff installed four new trash cans in E. Eugene Myers park.
- Staff installed new equipment at dog park.
- Staff mowed, trimmed and weed killed at disc golf course.
- Staff installed Kathleen Warthen Memorial bench by ADA playground.
- Staff put together four new picnic tables at the pool.
- Staff picked up damaged posts and boards from a collision along Community Park Drive.

Water:

- Rainbow Lake is .8' below the spillway level (16.6 feet). (It remains .7' below spillway as of 8/24/21)
- The roughing filters were being backwashed two times a day at the beginning of the month and reach four times by the end. The DE filters began with done once every other week, but by end of month reached two times a day.
- Well levels (optimum level was determined to be May 2011). Wells #1 & 2 usage has been increasing and Well #3 was brought on at the end of the month.

	<u>May 2011</u>	<u>July</u>	<u>Change</u>
○ Well #1:	35'	40'	-5'
○ Well #2:	8'	15'	-7'
○ Well #3:	12'	27'	-15'
○ Well #4:	108'	130'	-22'
○ Well #5:	10'	OFF	N/A

**as of 08/24/21 Well #1 dropped to 62', Well #2 dropped to 19', Well #3 dropped to 40', Well #4 gained to 124', and Well #5 was turned on.

- Water production and consumption. We produced an average of 249,457 GPD. We consumed an average of 235,457 GPD. The difference is "Backwash Water" ... (12.3%).
 - 27.6% of this water came from wells.
 - 5.0% of this water came from Mt. St. Mary's.
 - 67.4% of this water came from Rainbow Lake.

We purchased 434,000 gallons of water from MSM this month.

Wastewater:

- We treated an average of 418,000 gpd (consumed 235,457 GPD) which means that 43.7% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of July. We did not exceed the plant's design capacity any time in the month of June.
- We received about 5.05" of precipitation this month (the average is 3.65"). We have a precipitation **DEFICIT of 1.22"** over the last six months. The average precipitation for the period from February 1 through July 31 is 22.57". We have received 21.35" for that period.

Trash: Trash pickup will remain Mondays in the month of September (except for Labor Day).

Meetings Attended:

- 07/12 Attended Town Meeting
- 07/12 Meeting with Mayor
- 07/13 Phone call with Creamery owner
- 07/13 Zoom call with Town Planner and contractor re: preconstruction ADA ramps
- 07/13 Meeting with staff and contractor re: PER/ER for waterline work
- 07/14 Phone call with Commissioner Ritz III
- 07/15 Meeting with Mayor
- 07/15 Phone call with HR consultant
- 07/15 Webinar re: HR employee recordkeeping
- 07/19 Meeting with Mayor
- 07/29 Conference call with Town Attorney, Mayor and Staff re: sewer work on East Main St.

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in July.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff completed some use and occupancy permit inspections in Brookfield.
- Chlorine has been operating smoothly with the new set point control.
- Lake water is equivalent to pea soup. Very difficult to get lake water and handle at the WTP.
- Demand is slowly creeping down.
- Staff continue to meet with contractor on waterline project.
- Power blips all month are causing a lot of problems with the electronics at the WWTP.
- A new polymer was tested and worked equally well. This polymer is cheaper.
- Contractor completed the pump out of the lagoon.

**PARKING ENFORCEMENT REPORT
JULY 2021**

Overtime Parking	53
Restricted Parking Zone	12
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	
48 Consecutive Hours	
Meter Money	\$ 927.05
Parking Permits	
Meter Bag Rental	\$ 30.00
Parking Ticket Money	\$ 405.00
Total:	\$ 1,362.05

D. TOWN PLANNER'S REPORT

Town Planner's Report

July 2021

Prepared by Zachary R. Gulden, MPA

1. Board of Appeals (BOA):

- Attended BOA meeting on 7/19 and processed pre/post meeting materials.

2. Board of Commissioners (BOC):

- Attended the 7/12 BOC meeting and processed pre/post meeting materials.
- Prepared presentations for 7/12 BOC meeting items:
 - ADA sidewalk curb ramp project.
 - Rutter's & EEIP II deeds of easements.
 - Stand 10 logging.
 - Resolution 2021-01R.
 - Ordinance 2021-12.
- Attended a conference call on 7/12 with the Frederick County Beekeeping Association representative regarding apiary section in proposed ordinance 21-09.
- Updated comprehensive plan based on Chapter 3 amendment.
- Prepared the following documents / presentations for 8/2 BOC meeting:
 - Policy P21-03
 - Ordinance 2021-09.
 - Frederick County Creek Re-Leaf Deed of Easement.
 - Public hearing for Ordinance 2021-12.
- Prepared Ordinance 2021-13 – Updates to Title 16, Subdivisions.

3. Grants:

- Community Legacy grant management:
 - FY20 façade & restoration:
 - Completed & submitted quarterly report.
 - FY21 façade & restoration:
 - Completed & submitted quarterly report.
- Chesapeake Bay Trust grant management:
 - Rain barrel program.
 - Completed & submitted final grant report.
 - Silo Hill SWM basin retrofit design & permitting.
- Community Development Block Grant management:
 - Attended a pre-construction conference on 7/13.
 - Attended a County grading pre-construction conference on 7/13.
 - Reviewed / finalized contractor payment & performance bonds.
 - Reviewed / finalized contract with MIM Construction, Inc.
 - Prepared and submitted quarterly report.
 - Prepared Notice to Proceed letter.
 - Created expense tracking sheet.
 - Finalized & mailed construction notice letters.
 - Issued Notice to Proceed.

4. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit project management.
- Tree planting project management.
- Worked on current year permit.
- SWM Utility Feasibility Study:
 - Issued Addendum #1.
 - Attended pre-bid meeting on 7/14.
 - Issued pre-bid meeting minutes & Addendum #2.
- Mailed 3x outfall deficiency correction letters.
- Oversaw contractor work on outfall at Community Park SWM basin.
- Attended a community outreach meeting on 7/28 regarding the Silo Hill SWM basin project.

5. Permits & Zoning:

- Processed 14x zoning permit applications:
 - 1x new home (Southgate).
 - 1x new commercial structure (Rutter's Store #84)
 - 1x roadway & utility work (Irishtown Road Brookfield Lots 1-19).
 - 6x new roof.
 - 34x signs.
 - 1x pavilion (Community Park).
- Processed 35x backflow preventer permits.
- Processed 2x alteration of infrastructure permits.
- Processed 1x grease trap permit.
- Processed 2x street closure permits.
- Processed 1x street cut permits.
- Processed 1x no zoning permit required form.
- Mailed 9x high hazard backflow renewal reminder letters.
- Responded to incident reports.
- Prepared for and attended court trial on 7/15 regarding code violation.
- Updated the backflow preventer permit application.

6. Planning Commission (PC):

- Rutter's, Irishtown Road (Brookfield Lots 1-19), Federal Stone, Emmitsburg East Industrial Park II, Village Liquors & Plaza Inn, & Ripleigh's Creamery project management.
- Irishtown Road (Brookfield Lots 1-19):
 - Reviewed developer provided items (bonds, finalized plan, zoning permit, alteration of infrastructure permit, fee checks, & underground utility plan) and gave green light to start construction.
- Village Liquors & Plaza Inn:
 - Received, reviewed, and prepared staff memo for:
 - Site Plan.
 - Traffic Impact Analysis.
 - Received and reviewed corrected forest plans for final approval.

- Emmitsburg East Industrial Park II:
 - Received, reviewed, and prepared staff memo for:
 - Forest Delineation Plan.
 - Preliminary Forest Conservation Plan.
 - Preliminary Subdivision Plat.
 - Processed / reviewed the utility deed of easement.
 - Processed / reviewed Creamery Court deed of dedication.
- Rutter's:
 - Processed / reviewed the utility deed of easement.
- Prepared staff memo for proposed Ordinance 2021-12.
- Attended a meeting with Town Mayor & Ripleigh's Creamery owners on 7/13.
- Attended the PC meeting on 7/26 & processed pre/post meeting materials.
- Attended a conference call with Town Mayor and Dan Ryan Builders regarding potential development at Frailey Farm.

7. Miscellaneous:

- Forestry stand 10 project management:
 - Processed and reviewed bids.
 - Prepared timber sale agreement & finalized contract.
- Attended a conference call on 7/27 with water/sewer superintendent and contractor regarding GIS updates.
- Attended a conference call on 7/29 with mayor, manager, water/sewer superintendent, and attorney regarding 500 & 502 E Main St sewer.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

August Events and Activities:

- July 28th, 7 pm zoom meeting with, Planner Gulden, myself, consultants and members of Silo Hill HOA, RE: SWMP.
- July 29th, Meeting with Town Attorney Powell, Planner Gulden, Town Manager Willets, Dan RE: Sewer connections to Sloan residence and Ripleigh's Creamery. E. Main St, Re: sewer connections.
- August 2nd, Monday, 7:30 pm regularly scheduled monthly town meeting (virtual and in person)
- August 3rd, Tuesday, 4:30 pm met owner of Ripleigh's Creamery. E. Main St, re: sewer connection.
- August 5th, Thursday, 11:45am Dan Fritz and I met with Mr. Sloane, E. Main St. Re: sewer connection.
- August 10th, Tuesday, 1 pm, Sustainable Maryland Executive Committee meeting.
- August 16th, Monday, 1 pm, Meeting with County representatives re: town lease at the Community Center.
- August 23rd, Zoom call with *Envision Frederick* board members.
- August 24th, Tuesday, 10 am, swearing - in of election judges.
- August 26th, Thursday, 6 pm, with Commissioner O'Donnell Frederick Chapter MML meeting in Myersville.
- August 28th, Saturday, 9 am, Speaker at *Envision Frederick*, monthly meeting held in Meyers Community Park Emmitsburg.
- September 7th, Tuesday, 7:30 pm regularly scheduled monthly town meeting (virtual and in person).

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

A.) Proclamation declaring September 2021 as Recovery Month in Emmitsburg for consideration: Presentation by Mayor Briggs.

Proclamation
**NATIONAL RECOVERY MONTH
SEPTEMBER 2021**

WHEREAS, National Recovery Month is a national observance held every September to unify the community and reduce substance-related deaths and overdoses; and

WHEREAS, mental and substance use disorders affect all communities; and

WHEREAS, nearly half of all overdose deaths involved a prescription painkiller; prescription painkillers are killing more people than car accidents and homicides combined; and

WHEREAS, 1-in-4 teens report having abused or misused a prescription drug at least once; 4 out of 5 people who use heroin started with recreational use of prescription painkillers; and

WHEREAS, the Town of Emmitsburg offers hope and resources; supports those in active addiction, recovery, and their loved ones;

WHEREAS, the Town of Emmitsburg invests in the future of its youth through prevention education; and

WHEREAS, the Town of Emmitsburg joins Frederick County in going purple; standing together and conquering addiction.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim the month of September as National Recovery Month and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to “go purple” to bring awareness and understanding of mental health and substance use disorders, and to celebrate those living in recovery.

ADOPTED this 7th day of September 2021.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioners

B.) Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration: Presentation at meeting by Mayor Briggs and staff.

Proclamation

JUNETEENTH DAY ANNUAL ON JUNE 19TH

WHEREAS, Juneteenth, or Juneteenth Independence Day, commemorates the traditional observance of the end of slavery in the United States and is observed annual on June 19; and

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, setting in motion the end of slavery in the United States; and

WHEREAS, the Civil War ended with the surrender of General Lee at Appomattox Court House on April 9, 1865; and

WHEREAS, this news reached Texas when Union General Gordon Granger arrived in Galveston Bay with Union troops. It was on June 19, 1865, that he announced, “The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free.”

WHEREAS, Juneteenth commemorates African American freedom and celebrates the successes gained through education and greater opportunity; and

WHEREAS, on a larger scape, celebration of Juneteenth reminds each of us of the precious promises of freedom, equality, and opportunity which are at the core of the American Dream; and

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim June 19th as Juneteenth Day annually in the Town of Emmitsburg, Maryland.

ADOPTED this 7th day of September, 2021.

Donald N. Briggs
Mayor

Timothy J. O’Donnell, President
Board of Commissioners

C.) Discussion related to modifying legislative document templates: Presentation at meeting.

AN ORDINANCE TO AMEND
TITLE #
OF THE CODE OF EMMITSBURG
ENTITLED XXXXXX

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 #, XXXX, 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}~~.

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 (Commissioners: _____)

_____ against (Commissioners: _____)

_____ absent (Commissioners: _____)

_____ abstain (Commissioners: _____)

OR

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Burns				
Davis				
TOTAL:				

ATTEST:

BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2021.

Donald N. Briggs, Mayor

D.) Modification of 2021 election judges for consideration: Presentation at meeting by staff.

I. CONSENT AGENDA

- I. Appointment of Sandy Slaughter to the Citizen’s Advisory Committee.
Term: September 7, 2021 to September 7, 2023

J. TREASURER REPORT

**TOWN OF EMMITSBURG
CASH ACTIVITY as of August 30, 2021**

\$7,401,744	Cash Balance August 1, 2021
589,838	Deposits
<u>-299,659</u>	Withdrawals
\$7,691,923	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$67,554	MIM Construction	ADA Ramp Project	08.25.21	42652
\$44,804	Fulton Bank	Lincoln Avenue Water Bond	07.28.21	42547
\$38,121	Local Govt Insurance Trust	FY22 Town Insurance	08.04.21	42577
\$19,106	MD Dept of Budget & Mgmt	Aug 21 Health Insurance	08.25.21	42645
\$19,106	MD Dept of Budget & Mgmt	Jul 21 Health Insurance	07.28.21	42549
\$13,457	UGI Energy Services	Jul 21 Solar #1	08.25.21	42655
\$13,185	UGI Energy Services	Mar 21 Solar #1	08.11.21	42612
\$13,057	UGI Energy Services	Jun 21 Solar #1	08.04.21	42587
\$12,649	UGI Energy Services	Mar 21 Solar #2	08.11.21	42612
\$11,715	UGI Energy Services	Jun 21 Solar #2	08.04.21	42587

Ck dates 07.28.21 to 08.30.21

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

- AGENDA ITEM# 1. Hold public hearing and approval of Resolution 21-05R to repeal the charter of the Town of Emmitsburg in its entirety and adopt a new charter for consideration:** Presentation at meeting by town staff and town attorney.

Charter Amendment Procedures Per Town Attorney:

1. Advertise public notice in paper at least 21 days before the town meeting.
2. Hold town meeting with public hearing. The Board can vote on the resolution at the same town meeting.
3. If resolution is approved, the Town must publish a fair summary of the proposed amendment in a paper of general circulation **at least four times at weekly intervals within a 40-day period.**
4. The Town must post an exact copy of the resolution at the Town office during that same **40-day period.**
5. During the **40-day period** during which the notice is posted and advertisements are being run, Town voters have the ability to petition for a referendum on the proposed amendment. The petition needs the signature of 20% of qualified Town voters to force a referendum.
6. If no referendum petition is brought within the 40-day period, the Charter amendment becomes effective on the **50th day from the date the Board adopted the resolution.**
7. Once the amendment becomes effective, the Town needs to send a copy to the State of Maryland's Department of Legislative Services.
8. The Town also has to keep a compilation of all Charter amendments for each year available at the Town office for inspection, and send the State Legislative Services a copy of each annual compilation before March each year for the prior year.

FAIR SUMMARY ADVERTISEMENT (DRAFT)

The Board of Commissioners of the Town of Emmitsburg has adopted a resolution to repeal the Charter of the Town of Emmitsburg in its entirety and adopt a new Charter in order to amend several provisions of the Charter. The purpose of these amendments is to: 1) make stylistic and grammatical changes; 2) correct misspellings and inconsistencies; 3) provide a more accurate description of the Town boundaries; 4) clarify the Town police limits; 5) reduce the length of the residency qualification of Commissioners and the Mayor; 6) clarify the specific enumerated powers of the Board of Commissioners; 7) correct inconsistencies in penalties for violations of Town ordinances; 8) amend provisions relating to the Mayor's veto power; 9) clarify the Town's tax year, budget year, and accounting year; 10) provide a date for when taxes are due and in arrears and allow the Town to assess interest and penalties by ordinance; 11) provide for the sale of tax delinquent property; 12) provide that the ownership of all fees collected by Town officers and employees acting in their official capacity belong to the Town; 13) provide for the audit of the Town's financial books; 14) clarify and amend the Town's authority to borrow money and issue and sell bonds; 15) increase the Town's short-term borrowing limit; and 16) provide that any ordinance in effect that conflicts with the Charter is repealed to the extent of the conflict.

A copy of the resolution and new Charter shall be posted at the office of the Town of Emmitsburg located at 300A South Seton Avenue, Emmitsburg, Maryland 21727 through October 17, 2021. The resolution and Charter shall take effect on October 27, 2021 unless a timely petition for referendum is presented to the Board on or before October 17, 2021.

REDLINED CHARTER

Charter - Redlined Version

Page 1 of 21

EMMITSBURG ARTICLE I Incorporation and General Government

Section 1. -Incorporation.

The citizens of the Town of Emmitsburg in Frederick County, Maryland, are hereby constituted a body corporate by the name of the Town of Emmitsburg and by that name shall have perpetual succession, sue and be sued, have and use a common seal which may be altered at pleasure, and have all powers and privileges incident to or that may attach to a municipal corporation, including those powers and general provisions as set forth in Section 5-101 *et seq.* of the Local Government Article [23-A] of the Annotated Code of Maryland.

Section 2. - Boundaries.

~~Beginning at an iron pipe (1) south 65° 39' 37" east 403 feet to a pipe, thence (2) south 64° 39' 37" east 383.62 feet to a pipe, thence (3) by lands of Harry Swomley south 65° 46' 11" east 540.38 feet to an iron pipe, thence (4) by lands of Mrs. Regis Sanders, north 21° 43' 49" east 913.62 feet to a point on the southern boundary of State Route #97, thence (5) by the southern boundary of Route #97 north 76° 19' 20" west 506.14 feet to a point, thence (6) by lands of Emmit Gardens, south 24° 26' 11" west 6.42 feet to a point, thence (7) with Route #97 in a westerly direction along the northern boundary of Emmit Gardens 450 feet, more or less, to a point where the north boundary of Lot #27 (fronting on Meadow Lark Drive) intersects with a southerly extension of the west side of the Harney Road, thence (8) by a straight line north 46° east across Route #97 to the southwestern corner of the 13.692 acre tract of the "Three D, Inc.," thence with the west side of the Harney Road and the eastern boundary of the "Three D, Inc." tract, (9) north 46° east 551.87 feet to a point, thence (10) leaving said road north 44° west 248.90 feet, thence with a curve to the left having a radius of 1023.02 feet and an arc distance of 583.64 feet and a chord distance and bearing (11) north 60° 20' 39" west 575.76 feet to a point, thence (12) north 76° 41' 16" west 420 feet to a point on the west right of way line of U.S. Route #15, thence with U.S. Route #15, (13) north 13° 18' 44" east 780.28 feet, more or less, to a point, thence (14) north 02° east 51.00 feet to a point, thence (15) north 07° 35' 35" east 50.25 feet to a point, thence (16) north 11° 35' 27" east 100.04 feet to a point, thence (17) north 16° 10' 27" east 100.12 feet to a point, thence (18) north 18° 43' 01" east 109.44 feet to a point, thence (19) south 67° 16' 19" west 777.59 feet to a point, thence (20) south 89° 38' 28" west 1015.75 feet to a fence post, thence (21) south 75° 10' 25" west 453.28 feet to a point in the old corporate boundary, said point being in the bed of "Flat Run" and running thence up the bed of Flat Run (22) north 43° 51' 29" west 141.37 feet to a point, thence (23) north 28° 46' 25" west 413.51 feet to a concrete monument near the northeast corner of Lot~~

~~The limits of the Town shall be as they existed immediately prior to the effective date of this Charter, subject to all rights, reservations, limitations and conditions as may be set forth in all prior resolutions of annexation and in this Charter, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be maintained on file with the Town Clerk.~~

~~No. 178 as indicated on the Plat of Emmitsburg, thence (24) north 31° 14' 56" west 59.10 feet to a point on the north wall of a small bridge over "Little Run," thence (25) south 55° 10' 13" west 140.09 feet to a concrete monument in the bed of "Little Run," thence (26)~~

up the bed of the "Little Run" to a point at the end of 104.67 feet on the easterly line of Lot #4 of Frailey's Addition to the Town of Emmitsburg, Maryland and continuing with said line (27) north 27° 04' 20" east 45.00 feet to an iron pipe, thence (28) north 32° 12' 48" west 63.07 feet to an iron pipe, thence (29) north 47° 11' 55" west 321.35 feet to an iron pipe, thence (30) south 55° 57' 05" west 215.21 feet to a point in the center of the Emmitsburg—Waynesboro Road, thence with said centerline (32) south 47° 11' 55" east 299.75 feet to a point, thence continuing with the 1966 boundary of said municipal corporation, (formerly line 24), (33) south 17° 50' 40" west 958.91 feet to a concrete monument, thence (34) south 57° 10' east 1839.00 feet to a concrete monument on the east side of a lane between the properties of George Sanders and D. R. Stansbury, thence binding on the east side of the said lane (35) south 32° 09' 05" west 1441.00 feet to a stone, said stone being a property marker of the Sisters of Charity, thence binding on the property of the Sisters of Charity the following courses and distances, (36) south 71° 07' 38" east 1138.52 feet to a monument on the east side of U.S. Route #15, thence (37) south 77° 48' 42" east 1463.43 feet to a point, thence (38) north 80° 33' 53" east 857.57 feet to a granite monument, thence (39) north 06° 22' 45" east 475.61 feet to a point, thence (40) north 89° 03' east 644.54 feet to a concrete monument marked #28 near the south line of the property of the Emmitsburg Development Company, thence (41) by straight line in a northeast direction 483.00 feet, more or less, to the point of beginning.

Section 3. - Police Limits.

All municipal police officers shall, have the power and authority to enforce the laws of the State of Maryland and the Town of Emmitsburg within the municipality and beyond its corporate limits to the extent provided by Maryland law. Municipal police officers shall further have the powers and authority to enforce all ordinances relating to disorderly conduct and nuisances within the municipality and beyond those corporate limits for one-half (½) mile, as well as on any municipally-owned property located outside of the aforementioned area, have the powers and authority to keep and enforce the laws of the State of Maryland and the Town of Emmitsburg. Except where there is the responsibility of all municipal police officers to enforce all ordinances and laws of the town and state equally within the limits for one half (½) mile, or for so much of this distance as does not conflict with the powers of another municipal corporation/municipality.

All ordinances heretofore passed or that may hereinafter be passed by the Mayor and Commissioners of the Town of Emmitsburg to preserve the peace, order and quiet, health and welfare of the town, or relating to planning and zoning, shall apply to said police limits and to all persons therein. The judges for the District Court of Frederick County shall have the power to apprehend and try any and all persons violating any of the provisions of said ordinances within the police limits of the town, and to enforce the fine, penalties, and punishment therein prescribed.

~~(Res. No. 1 95, 2 7 96.)~~

Section 4. - Laws Applied to Annexed Areas.

The Town of Emmitsburg shall exercise all governmental powers in any area now or hereafter lawfully annexed to and made a part of such Town ~~and in any annexed police limits resulting from any lawful annexation.~~

ARTICLE II Board of Commissioners

Section 1. - Legislative Powers; Election Generally; Term.

All legislative powers of the Town of Emmitsburg shall be vested in a Board of Commissioners, consisting of five Commissioners who shall be elected as hereinafter provided. The fifth commissioner established by Charter Amendment Resolution No. 2006-01R shall be elected at the general election in 2006 or at a special election to be held. The terms of the Commissioners elected to office in the years 2001, 2002, and 2003 shall be for three years or until their respective successors are elected and qualified, and each such Commissioner's term shall expire on the first Monday in May of the third year following each Commissioner's election. The terms of the Commissioners elected to office in the years 2004, 2005, and 2006 shall be for three years and five months or until their respective successors are elected and qualified, and each such Commissioner's term shall expire on the first Monday in October of the third year following each such Commissioner's election. Thereafter, each Commissioner shall hold office for a term of three years or until his or her successor is elected and qualified, and the regular terms of Commissioners shall expire on the first Monday in October of the third year following each Commissioner's election. (Res. No. 2003-004R, 1-14-04; Res. No. 2006-01R, 3-9-06).

Section 2. - Qualifications.

Commissioners shall have resided in Emmitsburg, for at least one ~~year~~ month (30 days) immediately preceding their election and shall be qualified voters. Each Commissioner shall reside in the ~~town~~ Town during his or her term of office, and his removal of his residence from the ~~town~~ Town during his ~~or her~~ term shall immediately vacate his office. The Board shall be the judges of the election and the qualification of its members.

Section 3. - Salaries.

The Commissioners shall receive such compensation as shall be fixed by ordinance, ~~by~~ but no ~~Commissioners~~ Commissioner shall have his compensation or salary increased or diminished during his term.

Section 4. - Meetings.

The Board of Commissioners shall meet regularly once each month at a time and on a date as specified by ordinance. Special meetings may be called by the Mayor or by two Commissioners as often as necessary for the transaction of business. Meetings of the Board shall be opened to the public except as permitted by the laws of the State of Maryland, including, but

not limited to, the ~~annotated~~Annotated Code of Maryland ~~State Government~~General Provisions Article—Section ~~10-5013-101~~ et seq. (as amended) "Open Meetings Act", and the rules of the Board shall provide ~~(that residents of the town shall have)~~ a reasonable opportunity for public comments to be heard at the regular monthly meeting and all public hearings in regard to any ~~town~~matters. (Res. No. 2003-06R, 9-26-03.)

Section 5. - Quorum: Passage of Ordinances, Generally; Rules and Order of Business.

A majority of the Board of Commissioners shall constitute a quorum for the transaction of business and no ordinance shall be approved or other action taken without a majority favorable vote. The Board shall determine its own rules and order of business and it shall keep a journal of its proceedings. The Mayor is not a member of the Board of Commissioners and shall not vote on the passage of any resolution, ordinance, order or other action including any action to sustain or override a veto. (Res. No. 2006-01R, 3-9-06.)

Section 6. - Attendance of Absent Members; Expulsion of Members.

The Board of Commissioners may compel the attendance of absent members in such manner and under such penalties as may be provided by ordinance. The Board by a vote of three of its members may expel a member from a meeting for disorderly conduct or violation of its rules; provided the Mayor also approves of such action. (Res. No. 2006-01R, 3-9-06.)

Section 7. - Witnesses.

The Board of Commissioners shall have the power to provide by ordinance for summoning before the board or any of its committees any persons it deems necessary. Such persons may be compelled to testify on matters relating to the business of the ~~city~~Town or its officials and employees.

Section 8. - Vacancies.

In case of the death, refusal to act, disqualification, resignation, or removal of the Mayor or any of the Commissioners out of the limits of the ~~corporation~~Town, the Commissioners, ~~or a majority of them~~, for the time being, shall elect a Mayor or Commissioner to fill the vacancy for the period of time until the next election for a Mayor and/or Commissioners to be held by the Town. At the time of the next general election, a person shall be elected Mayor or Commissioner and shall serve the remainder of the term of the vacating Mayor or Commissioner, ~~and~~ until a successor shall be elected and qualified, ~~and during~~. During the temporary absence from ~~town~~Town of the Mayor, ~~or his illness~~, and until the Mayor is again able to act, the President of the Board of Commissioners shall be the acting Mayor, with all rights, powers and duties of the said Mayor, excepting the powers of appointment and removal. (Res. No. 1-80, 5-29-80; Res. No. 2-80, 10-22-80.)

Section 9. - Authority Over Offices, Departments and Agencies.

The Board of Commissioners by ordinance may create, change, and abolish offices, departments, agencies, or commissions established or not specifically established by this Charter. The Board of Commissioners by ordinance may assign and delegate additional functions or duties to offices, departments, agencies, or commissions established by this Charter or otherwise, but may not discontinue or assign or delegate to any office, department, agency, or commission any function or duty specifically assigned by this Charter to a particular office, department, agency, or commission. In the creation, assignment, and delegation of duties, the Board of Commissioners shall at all times reserve for itself the final decision on all policy and legislative matters and shall reserve for itself supervisory power over all offices, departments, agencies, or commissions established either by the Charter or by the Commissioners pursuant to this Charter.

Section 10. - Authority to Fix Salaries.

The Board of Commissioners shall fix salaries for all employees and officers of the ~~town.~~
Town.

Section 11. - Ordinances: Method of Passage. Generally. Veto.

When any ordinance is introduced for passage by the Board of Commissioners, it shall be read and may be passed at that time. Legislative procedures shall be set out by ordinance. All ordinances passed by the Board shall be approved by the Mayor or passed over his veto in accordance with the provisions of Article III as hereinafter set forth. (Res. No. 2-80. 10-22-80.)

Section 12. - Powers of the Board of Commissioners Enumerated.

a. General Powers.

_____The Board of Commissioners shall have power to pass all ordinances, not contrary to the Constitution and laws of Maryland or this Charter, as it may deem necessary for the good government of the ~~town~~Town; for protection and preservation of the ~~town's~~Town's property, rights, and privileges; for preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and for the protection of the health, education, safety, happiness, and welfare of the residents of Emmitsburg and visitors thereto and sojourners therein.

b. Specific Powers.

_____The Board of Commissioners shall have in addition to the above-mentioned general powers, and any other powers which may be conferred in this Article, or otherwise by operation of law, power to pass ordinances not contrary to the laws and constitution of this State for the specific purposes mentioned as follows:

1. __To provide for the codification of all ordinances which have been or may hereafter be passed.

2. To manage and control all property of the ~~Corporation~~Town and to authorize the purchase or the sale of property in the name of the ~~Corporation~~Town within or without the boundaries of the Town.

3. To provide for the form and manner of making contracts.
4. To lay taxes upon all real and personal property in ~~such town~~the Town, and regulate the collection and enforcement of the same.
5. To borrow money as authorized by Article V.
6. To provide for the adjustment of claims against the ~~Corporation~~Town and the payment of the same.
7. To preserve the peace and order of ~~town~~the Town, and punish the resistance, hindrance and obstruction of public officers in the discharge of their duties; and to prevent vice, suppress gambling, houses of ill fame, and disorderly houses.
8. To protect the ~~town~~Town from fire and unsafe buildings and to regulate the cleaning of chimneys.
9. To regulate the manufacturing and keeping of explosives and inflammable materials or conveyance thereof through the streets of the ~~town~~Town.
10. To tax and regulate the use and construction of electrical plants and wires on which electricity is conducted within the ~~town~~Town.
11. To tax and regulate the use and construction of telegraph, telephone, cable television and any other lines used for similar purposes in the ~~town~~Town.
12. To protect public lamps or other public lights ~~therein~~in the Town.
13. To regulate and contribute to the support of the fire companies in the ~~town~~Town.
14. To provide for the laying out, grading, discontinuing, altering, paving, opening, improving, lighting, making and repairing streets, curbs, squares, walks, drains, sewers, gutters and to keep open and safe for public use and travel all streets, squares, alleys or any other parts thereof, and to require sidewalks to be kept free from ice, snow, or other obstructions.
15. To regulate all shows, processions, assemblages, or parades in the streets or public places.
16. To regulate the speed and travel in general of all animals, bicycles, ~~other vehicles or modes of transport~~ and automobiles, and to designate over what streets and thoroughfares the same may be driven.
17. To prohibit the running at large of animals in the streets or public places, and for the impounding of the same, and to prevent the cruelty to animals. To tax dogs and regulate the time and manner, when public safety requires it, of ~~animals~~ animals running at large.
18. To license and regulate public conveyances or forms of transportation, such as, but not limited to, taxis or bus services and the charges for the use thereof.
19. To regulate and prohibit the excavation and opening of streets, public walks, and public grounds for public or private purposes, whether temporary or permanent, and the regulation of any work or thing therein.
20. To regulate and provide for sewage disposal and to levy and collect charges for the use of the Emmitsburg sewage system.
21. To regulate laying and use of gas pipes, water pipes, electric light conduits, railroad tracks, and drains for public or private purposes in the streets of the ~~town~~Town; and to levy and collect charges on the laying and use thereof.
22. To provide for sprinkling of the streets or parts thereof and establishing of public foundations of any kind, or hydrants, and providing of the same with water.
23. To regulate and provide for a water plant and the use thereof and all facilities used in connection therewith; and to regulate the use of water furnished by the ~~town~~Town; and to levy and collect charges for the use of water and water facilities furnished by the ~~town~~Town.

24. To provide for the health of the ~~town~~Town and prevention of the introduction of contagious diseases within the Town's corporate limits.

25. To prevent and similarly abate nuisances of any kind, at the expense of persons maintaining them.

26. To establish quarantine regulations and regulate the burial and disinterment of the dead.

27. To provide for the licensing and regulating or restraining of theatricals, sports, exhibitions, public amusements and performances within the ~~town's~~Town's corporate limits.

28. To license, tax, and regulate the peddling of merchandise on the streets, as well as branch stores and other concerns established for temporary purposes only.

29. To establish, equip, regulate, and fund a police department; and to appoint ~~town~~Town officers thereto in order to establish and maintain the peace and order of the ~~town~~Town, and to insure the compliance with all ~~town~~Town ordinances and actions passed or taken pursuant to this Charter.

30. To provide for and regulate the registration of voters in the ~~town~~Town for ~~town~~Town elections, and the holding of ~~town~~Town elections.

31. To operate, maintain, supervise, plan and further regulate all public recreation and park services.

32. To plan and zone the ~~town~~Town with the general purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of the ~~town~~Town. Among other things, this zoning and planning authority may be used to promote the health, safety, morals, order, convenience, prosperity, and general welfare of the ~~town~~Town within its police limits; to provide good civic design and arrangement; to promote wise and efficient expenditure of public funds; to make adequate provisions for traffic; to prevent the over-crowding of land and prevent undue concentration of population; and to provide adequate light and air.

33. To fill all vacancies in any ~~town~~Town office not otherwise provided for.

34. And to do any and all things necessary to ~~make effectual~~effect the powers herein, (Res. No. ~~and~~2-95, 2-7-96.)

35. ~~To perform such other acts as are authorized by law in any way conferred upon~~Section 5-201 *et seq.* of the ~~town~~-Local Government Article of the Annotated Code of Maryland.

Section 13. - Enforcement.

For the purpose of carrying out the powers enumerated above, for the preservation of the cleanliness, health, peace and good order of the community; for the protection of the lives and property of the citizens; and to suppress, abate and discontinue, or cause to be suppressed, abated, or discontinued all nuisances within the corporate and sanitary limits of the City, the Board of Commissioners may pass all ordinances from time to time necessary. To ~~insure~~ensure the observance of these ordinances, in addition to the usual action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties thereto affixed, the Board of Commissioners may affix thereto penalties of a fine not exceeding ~~one hundred dollars~~\$1,000.00 or imprisonment ~~for~~not exceeding ninety days or both, except as otherwise provided in this Charter, or in State law. (Res. No. 1-74, 9-9-74.)

Section 14. - Jail Commitments.

Any judge of a court having jurisdiction in this County, being the District Court for Frederick County, when imposing any fine, penalty or forfeiture, for the violation of any ordinance of the Town of Emmitsburg, shall order the person convicted to be committed to the public jail if he shall fail or refuse to pay the fine, penalty, or forfeiture and costs, there to remain until the same are paid or until discharged according to law; and the Sheriff of said County shall receive and safe keep in the public jail all persons who shall be committed thereto for a breach of any of the laws or ordinances of the Town of Emmitsburg, according to the tenor of the commitment, and in the same manner and under the same regulations as persons committed for violations of the laws of this State.

Section 15. - Structure of the Board of Commissioners.

a. Each year the Board of Commissioners shall elect from among its membership, at a meeting at which all Commissioners are present, a Treasurer and a President of the Board of Commissioners.

b. The President of the Board of Commissioners shall preside over all meetings of the Board, and shall be acting Mayor when the circumstances are such that the Mayor is absent cannot function in his capacity.

c. The Town Treasurer shall counter-sign all checks and receive such other powers as the Board of Commissioners shall from time to time designate and delegate to him.

ARTICLE III
Mayor

Section 1. - Election and Term.

The Mayor shall be elected as hereinafter provided. The term of the Mayor elected to office in 2002 shall be for three years and shall expire on the evening of the first Monday in May of 2005. The term of the Mayor elected in 2005 shall be for three years and five months and shall expire on the first Monday in October of 2008. Thereafter, the Mayor shall hold office for a term of three years, or until his or her successor is elected and shall qualify. The Mayor's term shall expire on the evening of the first Monday in October of each third year after the regular election. (Res No. 2, 12-30-80; Res No. 86-2, 4-22-86; Res. No. 98-17, 1-21-99; Res. No. 2003-005R, 1-14-04.)

Section 2. - Qualifications and Salary.

The Mayor must be a legal resident of Emmitsburg, Maryland, for at least two-yearsthree months immediately preceding his election and shall be a qualified voter. He shall receive such salary as specified by ordinance, but it may not be raised or diminished during his term of office. The Mayor shall reside in the townTown during his term of office and. Upon his removal of his residence from the townTown during his term, he shall immediately vacate his office. If this should happen, the President of the Board of Commissioners shall be acting Mayor, as set forth in Article II, Section 15. (Res. No. 2, 12-30-80.)

Section 3. - Powers and Duties.

a. *Generally.* The Mayor shall see that the ordinances of the ~~town~~Town are faithfully executed and shall be the Chief Executive Officer. The Mayor shall be responsible for the administration of the ~~town's~~Town's affairs to the Board of Commissioners and to the voters of the ~~town~~Town. He may call upon any officer or employee of the ~~town~~Town, entrusted with receipt and expenditure of public monies, for a statement of his account, as often as he may think necessary. When required by the Commissioners, the Mayor shall report in writing the general state of the ~~town~~Town, and at any time may recommend any matters as he may think will promote its interest.

b. *Approval or Veto of Legislation.* The Mayor shall approve or disapprove every ~~order, resolution, or~~ ordinance passed by the Board of Commissioners. Every ~~order, resolution, or~~ ordinance passed by the Commissioners shall be submitted by them to him immediately after its passage at a public meeting and within ten calendar days after the date of the meeting at which the action was passed he shall act thereon. If he shall approve or fail to act on it within the ten calendar day deadline, it shall become operative and effective, which fact shall be endorsed by the Town Clerk. If the Mayor shall veto any ~~order, resolution, or~~ ordinance he shall notify the Town Clerk of that fact and transmit his reasons for such action in writing to the Commissioners at their next regular meeting; and such ~~order, resolution, or~~ ordinance shall not become operative or effective unless passed over his veto within thirty (30) calendar days of the date on which the ~~mayor~~Mayor exercised the veto by an affirmative vote of at least four (4) members of the Board of Commissioners. The ~~mayor~~Mayor may withdraw his veto at any time during the period of thirty calendar days after vetoing an action of the Board of Commissioners, in which case the action shall be deemed to have been approved by the Mayor ~~- effective as of the date of the withdrawal.~~ (Res. No. 2, 12-30-80; Res. No. 2006-02R, 3-9-06.)

c. *Appointment and Discharge of Officers and Employees.* The Mayor, with the advice and consent of the Board of Commissioners, shall appoint all employees of all offices, departments, commissions, and agencies of ~~town~~Town government as established by this Charter or by ordinance of the Board of Commissioners, unless otherwise provided in this Charter or unless otherwise provided in the ~~town~~Town ordinance establishing the office, department, commission, or agency. If at any time the Mayor shall think that any person appointed to office by him or her shall be incompetent or unfaithful to the duties of his or her office, he or she shall file a written statement of charges against such person with the Commissioners, a copy of which shall also be sent to the persons charged, and if after fully hearing, a majority of the Board of Commissioners shall find the officer or employee unfaithful or incompetent, then the Mayor may dismiss such persons. The vacant position may then be filled by the Mayor with advice and consent of the Commissioners. All employees and officers shall serve at the pleasure of the Mayor, but may be discharged only as previously set forth herein. (Res. No. 2, 12-30-80.)

d. *Miscellaneous Powers and Duties.* The Mayor shall have such other duties and powers as are given to him by the laws of the State of Maryland, other Articles of this Charter and by ordinances passed pursuant to this Charter by the Board of Commissioners, such as, but not limited to, the financial supervision of the ~~town~~Town and preparation of the budget. (Res. No. 2, 12-30-

80.)

ARTICLE IV **Registrations, Nominations, and Elections**

Section 1. - Eligibility to Vote.

Every ~~person~~ ~~person~~ who is eligible to vote in state and county elections and who has resided in Emmitsburg for at least thirty days next preceding any ~~town~~ ~~Town~~ election and is registered in accordance with the provisions of this Charter shall be a qualified voter in this ~~town~~ ~~Town~~.

Section 2. - Elections Generally.

All elections shall be held by ballot or voting machine, and in such manner as shall from time to time be directed by ordinance. The Mayor, with the consent and approval of the Board of Commissioners, shall appoint judges of elections in accordance with procedures which may be established by ordinance. Such judges shall conduct the elections and shall keep the ~~polls~~ ~~polls~~ open from 7:00 a.m. to 8:00 p.m. Registration with the Board of Supervisors of ~~elections~~ ~~Elections~~, Frederick County, Maryland, by a voter who resides in the Town of Emmitsburg, shall be deemed registered for the Town of Emmitsburg. An individual who wishes to vote shall register with the Board of Supervisors of elections of Frederick County in accordance with the regulations established for registration from time to time by the Board of Supervisors of ~~elections~~ ~~Elections~~ of Frederick County. (Res. No. 4-95, 2-7-96; Res. No. 97-07; 8-14-97; Res. No. 2003-02R, 9-24-03.)

Section 3. - Nominations.

No nomination for office is required and any person desiring to run for office shall file a certificate of candidacy with the Town Clerk in accordance with the procedures which may be established by ordinance. (Res. No. 4-95, 2-7-96; Res. No. 2003-02R, 9-24-03.)

ARTICLE V **Finance**

Section 1. - Financial Supervision.

The Mayor shall have complete supervision over the financial administration of the ~~town~~ ~~Town~~ government. The Mayor may delegate, under his supervision, any of the financial powers and duties granted him by this Charter. He shall receive any assistance he requests with regard to financial matters from any ~~town~~ ~~Town~~ officer or employee.

Section 2. - Expenditures to be Authorized by the Board of Commissioners.

No public money may be expended without having been appropriated by the Board of Commissioners.

Section 3. - Fiscal Year.

The ~~town~~Town shall operate on an annual budget with the fiscal year beginning on the first day of July and ending on the last day of June of the following calendar year. Such fiscal year shall also constitute the tax year, the budget year and the accounting year.

~~Such fiscal year shall also constitute the tax year, the budget year and the accounting year.~~

Section 4. - Budget—Estimates used for Preparation.

At the first meeting in May of each year the Mayor shall present to the Board of Commissioners a complete budget for the upcoming fiscal year and the explanatory budget message required by Section 5 hereof. The annual budget to be submitted by the Mayor shall include a statement of anticipated capital improvement projects for the upcoming fiscal year. The Mayor, with the assistance of such ~~town~~Town officers and employees as he requests, shall obtain from the head of each office, department and agency the following: (a) estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditures; (b) such other supporting data as he may request; and (c) an estimate of all capital projects pending or which such office, department or agency head believes should be undertaken within the budget year and within the next five succeeding years.

In preparing the budget, the Mayor shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department or agency concerned, and may revise the estimates as he deems advisable. (Res. No. 2006-13R, 10-10-06.)

Section 5. - Budget Message.

The budget message submitted by the Mayor to the Board of Commissioners shall explain the budget, shall contain an outline of the proposed financial policies of the ~~town~~Town for the budget year, and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. It shall include a statement of pending capital projects of a capital program for the next five fiscal years. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the Mayor shall believe useful to the Board of Commissioners.

Section 6. - Budget—Contents Generally.

The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (a) A general summary.
- (b) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (c) All proposed expenditures.

The total of the anticipated revenues shall equal the total of the proposed expenditures.

Section 7. - Budget—Classification of Revenues.

Anticipated revenues shall be classified as "surplus," "miscellaneous revenue" and "amount to be raised by property tax." Miscellaneous revenues shall be subclassified by sources.

Section 8. - Budget—Items to Appear Opposite Anticipated Revenues.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually received during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually received to the time of preparing the budget plus receipts for the remainder of the fiscal year estimated as accurately as may be.

Section 9. - Budget—Status of Public Utilities to Appear in Separate Section.

The anticipated revenues and proposed expenditures and anticipated surplus ~~or~~ for shortfall of revenues from water and sewer operations and any other public utilities owned or operated by the Town shall be stated in a separate statement of the budget.

Section 10. - Budget—Enumeration of Proposed Expenditures.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, or, in the absence of such provision, by regulations established by ordinance. Separate provisions shall be included in the budget for at least the following items:

- a. Interest, amortization and redemption charges on the public debt for which the faith and credit of the ~~town~~ Town is pledged.
- b. Other statutory expenditures.
- c. The payment of all judgments.
- d. An amount equal to the deficit for operations of water and sewer and other public utilities during the last completed fiscal year, separately stated for each utility which appears in a separate section of the budget.
- e. Administration, operation and maintenance of each office, department or agency of the ~~town~~ Town itemized by character an object of expenditures.
- f. Contingent expense in an amount of not more than three percent of the total proposed expenditures.
- g. Expenditures proposed for capital projects.

Section 11. - Budget—Items to Appear Opposite Proposed Expenditures.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually expended to the time of

preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

Section 12. - Budget—Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of revenue and kinds of expenditures, in such form as to present to the tax payers a simple and clear picture of the detailed estimates of the budget.

Section 13. - Budget—Public Record.

The budget and budget message and all supporting schedules shall be a public record in the office of the Town Clerk, open to public inspection by anyone.

Section 14. - Budget—Change of Items by the Board of Commissioners.

The Commissioners may insert new items or may increase or decrease the items of the budget and where they shall increase the total proposed expenditures, they shall also increase the total anticipated revenue to balance the same.

Section 15. - Budget—Adoption.

The budget shall be prepared and adopted in the form of an ordinance. The budget for the new fiscal year shall be finally adopted not later than the 27th day of June, and if not adopted by the Commissioners on or prior to such day, the budget, as submitted by the Mayor, shall be deemed to have been finally adopted by the Commissioners.

Section 16. - Issuance and Signing of Checks.

All checks issued in payment of municipal ~~obligates~~ obligations shall be issued and signed by the Town Treasurer and shall be countersigned by the Mayor.

Section 17. - Taxing Power.

The Town of Emmitsburg shall have the power to levy annually on the assessable property in said Town and collect such taxes as in its judgment may be necessary to pay all the debts, obligations and expenses of the Town government which have been or may hereafter be lawfully incurred. As part of its taxing power, the Town of Emmitsburg shall have the power to levy and to collect a general assessment on all property in the Town to pay for the construction and/or maintenance of water mains, sewer mains, public ways, sidewalks, curbs, gutters, and storm water sewers. This general assessment need not be on the basis of assessed valuation of the property, but may be on any equitable basis determined by the Board of Commissioners.

Section 18. - Taxable Property and Assessments.

All real and tangible personal property within the limits of the Town or which may have a situs there by the reasons of the residence of the owner therein, shall be subject to taxation for municipal purpose and the assessment for such purpose shall be the same as that for State and County taxes. Agricultural property within the Town may be exempt from the ~~town~~Town taxes or taxed at a lower rate than other property in the ~~town~~Town. Industrial property may also be exempted or taxed at a lower rate than other property in the ~~town~~.

Town.

Section 19. ~~Authority to Borrow Money~~When Taxes Are Overdue.

The taxes provided for in Section 17 of this Charter shall be due and ~~Issue~~payable as provided in the Tax — Property Article of the Annotated Code of Maryland and ~~Sell Bonds~~ shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties as authorized by State law. Any interest or penalty rates to be imposed by the Town shall be established by ordinance. This is in addition to the interest and penalties imposed by State law. All taxes not paid and in arrears one year after the date on which they are due and payable shall be collected as provided in Section 20 of this Charter.

~~The Town of Emmitsburg shall have the power to borrow on the faith and credit of the town from time to time as may be deemed necessary for its general corporate purposes. The town may issue and sell bonds for such indebtedness in accordance with the provisions of Section 20 of this Article or with State law.~~

Section 20. Sale of Tax—Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 19 above shall be turned over by the Town to the County official responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by ~~Section 20. Regulations Concerning the Issuance and Sale of Bonds.~~

~~Except as otherwise specified under the provisions of this Charter, the total amount of bonds issued under the authority of this Charter, when added to bonds outstanding, shall not exceed a forty percent of the total assessed value of all taxable property in the town. The Board of Commissioners may regulate the issuing or sale of bonds in any manner not contrary to this Article.~~

this County official in the manner prescribed by State law.

Section 21. ~~Short Term Borrowing~~Fees.

The town shall have the power to borrow on a short term basis sums not to exceed in the aggregate Twenty Thousands Dollars and to issue notes or other evidences of indebtedness for such borrowing. All fees received by an officer or employee of the Town in his or her official capacity shall belong to the Town and be accounted for by the Town.

~~Such borrowing shall be done as provided by ordinance.~~

Section 22. ~~Audit. — Bonds and Notes Exempt from Taxes.~~

All bonds, notes or other evidences of indebtedness issued by accounts of the Town of Emmitsburg shall be exempt from all State, County and Town taxes in Maryland.

law.

Section 23. - Collection of Taxes.

a. The tax year shall be from July 1 ~~through~~ June 30, as set forth in Section 3 of this same Article. All taxes provided for in this Charter and ordinances as may be passed thereunder shall be due on the first day of July and shall be overdue and in arrears on the first day of the succeeding October, and bear interest at the rate of one percent for each month or fraction of a month thereafter until paid. The ~~town~~Town may establish discounts for prompt payment of taxes. Tax sales of properties for which taxes have not been paid shall be held in accordance with Tax Property Article, Sections 14-808 to 14-854 and any subsequent amendments thereto, of the Annotated Code of Maryland.

b. Where improvements are added to any property resulting in an increase of assessment between July 1 and December 31 of any year, the ~~town~~Town tax for the last half of the fiscal year, being one-half of the total annual levy, shall be due on the first day of January, and shall be overdue and in arrears on the first day of the succeeding April, and shall bear interest at the rate of one percent for each month or fraction of a month thereafter until paid. The same provisions as to discounts and tax sales as were applicable in subsection a., shall also apply herein.

~~e. — All checks~~

~~*Amended 12-4-95 See Resolution # 4-95~~

Section 24. - Authority to Borrow Money and Issue and Sell Bonds.

The Town of Emmitsburg shall have the power to borrow on the faith and credit of the Town from time to time as may be deemed necessary for its general corporate purposes. The Town may issue and sell bonds for such indebtedness in accordance with the provisions of Section 25 of this Article or with State law.

(a) General Obligation Bonds. The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the Town to pay any and all general obligation bonds, notes, or other evidence of indebtedness issued by it under this authority shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of taxes ~~shall be paid to or~~ such bonds, notes or other evidence of indebtedness and interests thereon, without limitation of amount. Except as otherwise provided herein, the faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidence of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the general obligation bonds, notes, or other evidence of indebtedness, or in the ordinance authorizing their issuance. The Town shall have the power and authority to sell any

bonds, notes, or other evidence of indebtedness at, above or below the face par value thereof, by public sale or private negotiated sale without advertisement or publication of notice of sale of solicitation of competitive bids, as the Board of Commissioners may, by ordinance, determine, notwithstanding any contrary limitations or restrictions, including, without limitation, any limitations or restrictions contained in Ann. Code of Md. Title 19, Subtitle 3 of the Local Government Article, and, more particularly, in Ann. Code of Md., Local Government Article § 19-304(a), (b), and (e).

(b) *Revenue Bonds.* The Town shall have the power to issue revenue bonds for one or more revenue producing projects that serve a proper public purpose. Prior to the issuance of revenue bonds, the Board of Commissioners shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended, the manner in which the revenue bonds will be sold, which may be by public sale or private negotiated sale, and such other terms as the Board of Commissioners may deem necessary or appropriate. Revenue bonds shall be made payable to the Town of Emmitsburg. The agent for, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

(c) *Tax Anticipation Borrowing.* During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property taxes levied for that fiscal year, and to issue tax anticipation notes or other evidence of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than 6 months after they are issued. No tax anticipation notes or other evidence of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidence of indebtedness shall be authorized by ordinance before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes in concert with County and State law.

Section 25. - Regulations Concerning the Issuance and Sale of Bonds.

Except as otherwise specified under the provisions of this Charter, the total amount of bonds issued under the authority of this Charter, when added to bonds outstanding, shall not exceed forty percent of the total assessed value of all taxable property in the Town. The Board of Commissioners may regulate the issuing or sale of bonds in any manner not contrary to this Article.

Section 26. Previous Issues.

All bonds, notes, or other evidence of indebtedness validly issued by the Town prior to adoption of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

Section 27. - Short Term Borrowing.

The Town shall have the power to borrow on a short-term basis and to issue notes or other evidence of indebtedness for such borrowing. Such borrowing shall be done as provided by ordinance. The amount of short-term borrowing when added to bonds outstanding shall not exceed fifty percent of the total assessed value of all taxable property in the Town.

Section 28. - Bonds and Notes Exempt from Taxes. ~~such taxes for~~

All bonds, notes or other evidence of indebtedness issued and sold by the Town of Emmitsburg shall be ~~the~~ exempt from all State, County and Town ~~Treasurer. The taxes shall be received according to the manner and the procedure as he shall designate in Maryland, as provided by State law.~~ (Res. No. ~~5-95, 2-7-96.~~)

ARTICLE VI Public Ways

Section 1. - Powers of the Town Generally.

The Town of Emmitsburg shall have charge of all the public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland, the Town of Emmitsburg may do whatever it deems necessary to establish, change from time to time, operate, and maintain in good condition the public ways of the Town.

Section 2. Power of Town to Levy Special Assessments.

The Town of Emmitsburg may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct costs thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidence of indebtedness issue in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the projects. (Res. 1-84, 9-25-84.)

Section 3. Procedure.

(a) *Provided.* – The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

(b) *Assessment of Cost.* – The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Board of Commissioners.

(c) *Amount.* – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessments be levied which causes the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates.* – When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy of charges; public hearing; notice* – All special assessment charges shall be levied by the Board of Commissioners by ordinance. Before levying any special assessment charges, the Board of Commissioners shall hold a public hearing. The Town Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Board of Commissioners and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Town Clerk shall present ~~at the hearing~~ a certificate of publication and mailing of copies of the notice ~~at the hearing~~, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of the hearing shall be set at least ten and not more than thirty days after the Town Clerk shall have completed publication and service of notice as provided in this section. Following the hearing, the Board of Commissioners, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to Appeal* – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Frederick County within ten days after the levying of any assessment by the Board of Commissioners.

~~(g)~~ *Payments; interest.* – Special assessments may be made payable in annual or more frequent installments over such periods of time, not to exceed ten years, and in such manner as the Board of Commissioners may determine. The Board of Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Board of Commissioners.¹

~~(g)~~
(h) *When due; lien on property; collection.* – All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

(i) *Town Clerk* – All special assessments shall be billed and collected by the Town Clerk. (Res. 1-84, 9-25-84.)

ARTICLE VII Water, Sewers and Miscellaneous Public Works

Section 1. - Powers of the Town Generally.

The Town of Emmitsburg shall have the power to construct, operate, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of water systems or waterworks, sewerage systems and treatment plants, storm water sewers and ponds, refuse and/or garbage collection and disposal systems, airports, public markets, electric light plants, and electrical distribution systems, fire plugs and other public works and to have surveys, plans, specifications and estimates made for the same and to do such things and make such rules and regulations regarding them as it deems necessary; and to assess the costs, in whole or in part, on the abutting or benefited property in any equitable manner as provided by the Commissioners.

ARTICLE VIII Miscellaneous Provisions

Section 1. - Prior Rights and Obligations not Affected by the Charter.

All rights, Title and interest held by the Town of Emmitsburg or any other person or corporation at the time this Charter is adopted, in or to any lien acquired under any prior Charter of the ~~town~~ Town, is hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty ~~whatever~~ existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for cause of actions now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 2. - Effect of the Charter on Existing Laws.

All laws in effect at the time this Charter is adopted relating to or applicable to the Town of Emmitsburg which are not inconsistent with this Charter shall remain in effect until changed or repealed by the General Assembly of Maryland.

Section 3. - Effect of the Charter on Existing Ordinances, Resolutions, Etc.

All ordinances, resolutions, rules and regulations in effect in the Town of Emmitsburg at the time this Charter is adopted and which are not in conflict with the provisions of this Charter,

shall remain in effect until amended, altered, or repealed according to the provisions of this Charter.

A.

B. All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

Section 4. - General Penalty.

a. To ensure the ~~observe~~observance of the Charter and the ordinances of the Town, the Board of Commissioners shall have the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and shall have the power to affix thereto penalties of a fine not exceeding ~~\$500~~\$1,000.00 or imprisonment for not exceeding 90 days, or both such fine and imprisonment. Any persons subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within 10 days to the Circuit Court for Frederick County. The Board of Commissioners may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

b. (1) The Board of Commissioners may provide that violations of any municipal ordinances shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed ~~\$100~~\$1,000.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the ~~town~~Town within 20 days of receipt of a citation. ~~Repeat offenders may be assessed a fine not to exceed \$200.00 for each repeat offense, and each~~Each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the ~~town~~Town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial ~~may shall~~ result in ~~an additional the fine or~~being doubled to an amount not exceeding \$1,000.00 and adjudication by the ~~court~~District Court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. No. 3-95, 2-7-96.)

Section 5. - Inconsistent Laws.

All acts and parts of acts, general or local, inconsistent with the provisions of this Charter, be and the same hereby are repealed to the extent of such inconsistency. Nothing contained herein shall affect or restrict any control which the State Board of Health is empowered by law to exercise in any part of this State.

Section 6. - Charter Powers not Exclusive.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the ~~town~~Town shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the ~~town~~Town shall have all powers, rights and privileges now or hereafter granted by the Constitution and laws of the State of Maryland.

Section 7. - Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section shall held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

RESOLUTION: 2021
RESOLUTION NO. 21-05R

Page 1 of 3

**A RESOLUTION TO REPEAL THE CHARTER OF THE
TOWN OF EMMITSBURG IN ITS ENTIRETY AND
ADOPT A NEW CHARTER**

This Resolution of the Board of Commissioners of the Town of Emmitsburg, Maryland, is adopted pursuant to the authority granted to them by Article XI-E of the Maryland Constitution and Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland to repeal the Charter of the Town of Emmitsburg and enact a new one in its place.

WHEREAS, the Town of Emmitsburg (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to amend its municipal charter; and

WHEREAS, the Board of Commissioners has concluded that it is in the best interest of the Town to amend the Town Charter to: 1) make stylistic and grammatical changes; 2) correct misspellings and inconsistencies; 3) provide a more accurate description of the Town boundaries; 4) clarify the Town police limits; 5) reduce the length of the residency qualification of Commissioners and the Mayor; 6) clarify the specific enumerated powers of the Board of Commissioners; 7) correct inconsistencies in penalties for violations of Town ordinances; 8) amend provisions relating to the Mayor's veto power; 9) clarify the Town's tax year, budget year, and accounting year; 10) provide a date for when taxes are due and in arrears and allow the Town to assess interest and penalties by ordinance; 11) provide for the sale of tax delinquent property; 12) provide that the ownership of all fees collected by Town officers and employees acting in their official capacity belong to the Town; 13) provide for the audit of the Town's financial books; 14) clarify and amend the Town's authority to borrow money and issue and sell bonds; 15) increase the Town's short-term borrowing limit; and 16) provide that any ordinance in effect that conflicts with the Charter is repealed to the extent of the conflict.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG that the Charter of the Town of Emmitsburg as it now exists, is hereby repealed and a new Charter for the Town of Emmitsburg, attached hereto and incorporated herein by reference, is hereby adopted to stand in the place of the Charter so repealed.

AND BE IT FURTHER RESOLVED THAT all ordinances and resolutions enacted by the Board of Commissioners of the Town of Emmitsburg prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for such ordinance or resolution is not granted to the Town of Emmitsburg by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution.

AND BE IT FURTHER RESOLVED THAT this Resolution repealing the Charter of the Town of Emmitsburg and adopting a new Charter for the Town shall not alter ownership, title, or control of any property in which the Town has an interest prior to the effective date of the Charter adopted by this Resolution; nor shall the adoption of this Resolution affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the Town of Emmitsburg prior to the effective date of the Charter and all such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the Town; nor shall the adoption of this Resolution affect the term of office or incumbency of any Board member, or any appointed or elected member of any department, office, board, commission, committee, agency, or other unit of the Town of Emmitsburg, and the continuity of every department, office, commission, committee, agency, or other unit of the Town is retained, it being the intent of the Board of Commissioners that the affairs of the Town be continued without interruption and without substantial changes in the form or manner of government under the Charter adopted by this Resolution.

AND BE IT FURTHER RESOLVED THAT if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

AND BE IT FURTHER RESOLVED THAT this Resolution shall take effect fifty (50) days from and after the date of its final passage and that its provisions shall be implemented on the 27th day of October, 2021, unless a proper petition for referendum filed pursuant to Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland prior to that date.

AND IT IS FURTHER RESOLVED THAT The Town Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting of a complete and exact copy of this resolution at the Town of Emmitsburg's town office located at 300A South Seton Avenue, Emmitsburg, Maryland 21727 for a least forty (40) days following adoption and publication of a fair summary of this Resolution in a newspaper of general circulation in the Town of Emmitsburg not less than four (4) times, at weekly intervals, within a period of at least forty (40) days immediately after the resolution is adopted.

AND IT IS FURTHER RESOLVED THAT the sending of information concerning the charter amendment provided herein to the Maryland Department of Legislative Services pursuant to the requirements of Section 4-304 of the Maryland Code.

NOW, THEREFORE, BE IT HEREBY enacted this 7th day of September, 2021 by the Mayor and Board of Commissioners, that Resolution Number 2021-05R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 7th day of September, 2021

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O'Donnell, President

_____APPROVED _____VETOED

this 7th day of September, 2021.

Donald N. Briggs, Mayor

AGENDA ITEM# 2. Creamery Court dedication discussion: Presentation at meeting.

- The Mayor and Board of Commissioners previously approved the deed of dedication for Creamery Court at their meeting on May 5, 2008; however, this document was never recorded at Frederick County. The attached deed will officially turn Creamery Court over to the Town's ownership.
- May 5, 2008 meeting minutes:
 - DEDICATION OF CREAMERY COURT
 - Mr. Haller presented the metes and bounds description plus plat stating that the documents have been reviewed by the attorney and the road has been inspected and informed the Council that the developer of the remainder of the road will guarantee the condition of this road. Commissioner Staiger clarified with Mr. Haller that no liability comes with the acceptance.
 - MOTION: to accept the dedication of Creamery Court from Emmitsburg East Industrial Park. Motion by Commissioner Sweeney, second by Commissioner Rosensteel. VOTE: 5-0 in favor.
- Per the Town attorney, this is a discussion item only, since the Board of Commissioners has previously approved the dedication.

DEED

THIS DEED, made this _____ day of _____, 2021, by EMMITSBURG EAST INDUSTRIAL PARK, LLC, a Maryland limited liability company.

WITNESSETH: That for and in consideration of ZERO DOLLARS (\$00.00), the said EMMITSBURG EAST INDUSTRIAL PARK, LLC, a Maryland limited liability company, does hereby grant and convey, in fee simple, unto THE TOWN OF EMMITSBURG, a Municipal Corporation of the State of Maryland, all that lot or parcel of land situate, lying and being in the Town of Emmitsburg, Frederick County, State of Maryland, and being more particularly described on EXHIBIT A and EXHIBIT B attached hereto and made a part hereof.

TOGETHER WITH all and singular the rights, ways, roads, waters, privileges and appurtenances thereon belonging or in anywise appertaining; SUBJECT, HOWEVER, to all applicable easements, rights of way, covenants, conditions and restrictions of record.

TO HAVE AND TO HOLD the above described real estate unto the said TOWN OF EMMITSBURG, a Municipal Corporation of the State of Maryland, its successors and assigns, in fee simple, forever.

AND the Grantor herein covenants that it will warrant specially the property herein conveyed, and that it will execute such further assurances of the same as may be requisite.

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION.

Witness the hands and seals on the day and year first above written.

WITNESS:

EMMITSBURG EAST INDUSTRIAL PARK,
LLC, a Maryland limited liability company



By:  (SEAL)
Sheridan E. Reaver, Jr.
Manager

THE TOWN OF EMMITSBURG, a Municipal
Corporation

By: _____ (SEAL)
Print Name: _____
Mayor

STATE OF MARYLAND, COUNTY OF FREDERICK TO WIT:

I HEREBY CERTIFY that on this 10th day of JUNE, 2021, before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared Sheridan E. Reaver, Jr., Manager of Emmitsburg East Industrial Park, LLC, a Maryland limited liability company, and acknowledged the foregoing Deed to be the act and deed of said Emmitsburg East Industrial Park, LLC.

Witness my hand and Notarial Seal.


Notary Public



My commission expires: 11-22-23

STATE OF _____, COUNTY OF _____ TO WIT:

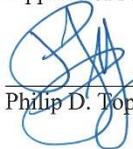
I HEREBY CERTIFY that on this _____ day of _____, 2021, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, Mayor of the Town of Emmitsburg, and acknowledged the foregoing instrument to be the act and deed of said Town of Emmitsburg, a Municipal Corporation, for the purposes contained therein, and at the same time, he made oath in due form of law that he/she is the Mayor of the Town of Emmitsburg, and is duly authorized to make this acknowledgement on its behalf.

Witness my hand and Notarial Seal.

Notary Public

My commission expires:

This instrument has been prepared under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Philip D. Topper, Jr.

DESCRIPTION OF ROAD DEDICATION

EXHIBIT "A"

FOX & ASSOCIATES, INC.

ENGINEERS•SURVEYORS•PLANNERS
82 Worman's Mill Court
Suite G
Frederick, MD 21701

Lands of Emmitsburg East Industrial Park, LLC, Part of Liber 5499 at Folio 71
Town of Emmitsburg, Frederick County, Maryland
Tax Map 9 - Parcel 16 – Tax ID 05-173574
Location: Southeast of the intersection US Route 15 and Creamery Road
Prepared By William M. Orsinger
MD Professional Land Surveyor No. 21324 March 11, 2008

BEING a strip or parcel of land lying and situate in the Emmitsburg Election District No. 5 of Frederick County, Maryland, hereinafter described in, through, over and across part of the property conveyed by Horace H. Waybright and Jeffery H. Waybright unto Emmitsburg East Industrial Park, LLC by deed dated August 10, 2005, and recorded among the Land Records of Frederick County, Maryland in Liber 5499 at Folio 71, said property also being part of FARM LOT 1, as shown on a plat entitled "FARM LOT PLAT, FARM LOT 1, H.H. & J.H. WAYBRIGHT PROPERTY" as recorded at Plat Book 51 at Page 125, among said Land Records, and being more particularly described in the datum of the said plat as follows:

BEGINNING at a point situated at the east corner of Lot 2A as shown on a record plat entitled "LOTS 2A & 2B, WAYBRIGHT COMMERCIAL/INDUSTRIAL SUBDIVISION" and recorded among the said Land Records in Plat Book 47 at Page 23, said point also being at the end of the S 50° 00' 00" E 499.45' line of said plat, thence with the outline of the 60' STREET RESERVATION as shown on said plat the following eleven (11) courses and distances

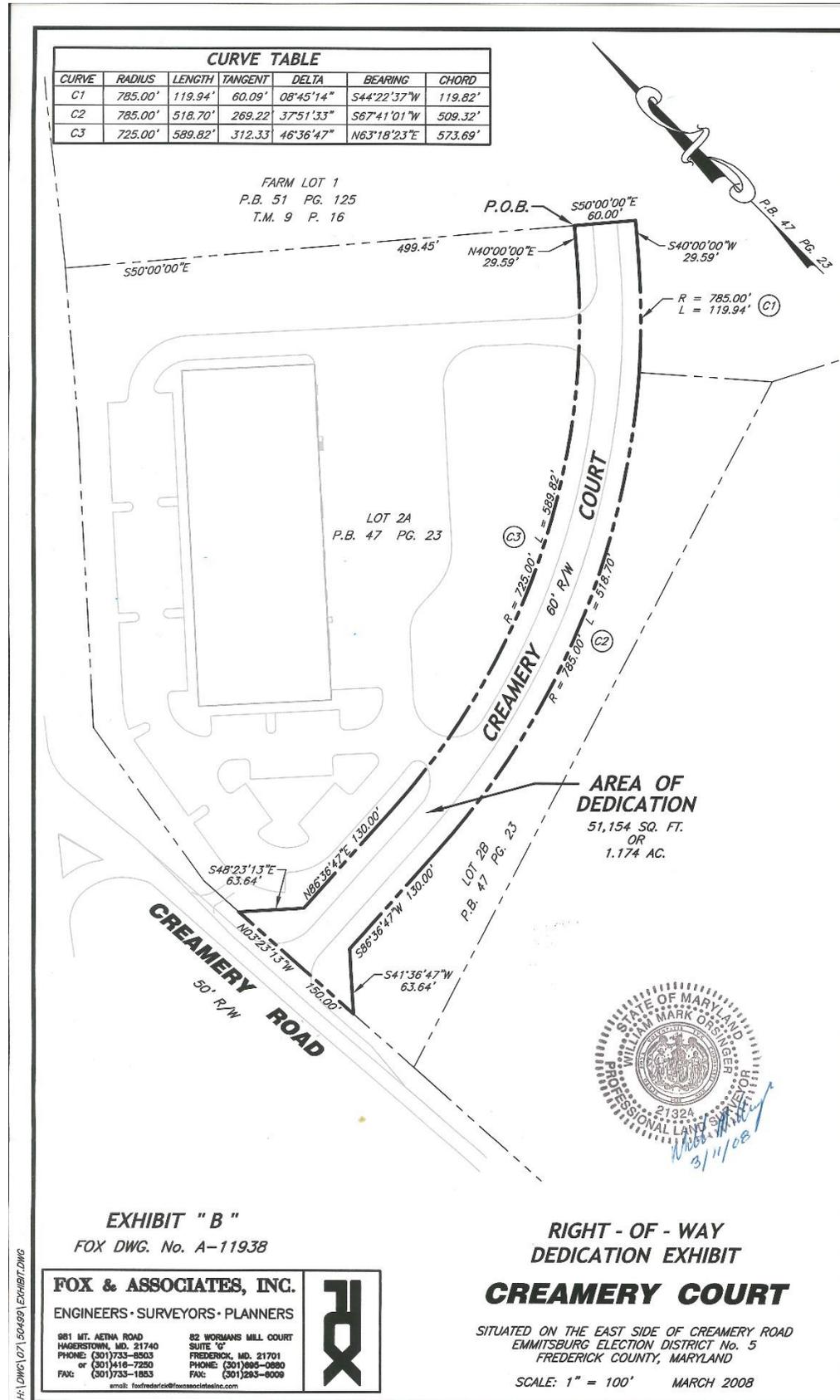
- 1) S 50° 00' 00" E 60.00' to a point, thence
- 2) S 40° 00' 00" W 29.59' to a point, thence
- 3) 119.94' along the arc of a curve to the right, having a radius of 785.00' and a chord bearing and length of S 44° 22' 38" West 119.82' to a point, thence
- 4) 518.70' along the arc of a curve to the right, having a radius of 785.00' and a chord bearing and length of S 67° 41' 01" West 509.32' to a point, thence
- 5) S 86° 36' 47" W 130.00' to a point, thence
- 6) S 41° 36' 47" W 63.64' to a point, thence
- 7) N 03° 23' 13" W 150.00' to a point, thence
- 8) S 48° 23' 13" E 63.64' to a point, thence
- 9) N 86° 36' 47" E 130.00' to a point, thence
- 10) 589.82' along the arc of a curve to the left, having a radius of 725.00' and a chord bearing and length of N 63° 18' 24" East 573.69' to a point, thence
- 11) N 40° 00' 00" E 29.59' to the point of beginning, containing 1,174 acres of land, more or less.

SUBJECT TO: Any easements, rights of way, covenants, conditions or restrictions that would be disclosed by a current title examination.

This description was prepared by Fox & Associates, Inc., Job No. 07-50499, DWG No. A-11938, and is in the datum and coordinate system of Plat Book 51 at Page 125 as recorded in said land records.

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation 12.





AGENDA ITEM# 3. Award Storm Water Utility Feasibility Study Contract for consideration: Presentation at meeting by town staff.

Phase I – Storm Water Utility Feasibility Study

TIMELINE:

- RFP published by Town..... July 1, 2021
- Issued Addendum #1.....July 8, 2021
- Pre-bid conference via Zoom..... July 14, 2021 @ 10:00 AM
- Issued Addendum #2.....July 14, 2021
- Issued Addendum #3.....July 15, 2021
- DEADLINE, bids due by.....August 2, 2021 @ 10:00 AM
- Bids opened on..... August 3, 2021

RFP ADVERTISEMENT:

- Public notice under RFP tab on Town’s website – 07/01/2021 to 08/02/2021
- Public notice on Town’s Facebook and Channel 99 – 07/01/2021
- Frederick News Post publication – 07/01/2021 & 07/08/2021
- Notice on MML Classifieds – 07/01/2021 to 08/02/2021

TOWN STAFF RECOMMENDATION:

- Based on comparable bid packets, staff recommends going with Wood Environmental & Infrastructure Solutions, Inc. for \$50,045 for the following reasons:
 - They received the highest scores from the review team of the Mayor, Manager, & Planner.
 - They have conducted over 200 storm water utility feasibility studies throughout the United States & Canada.
 - Very favorable references from Hagerstown, MD Rockville, MD, Falls Church, VA, and York County, PA. No negative comments were received.
 - They have an in-house public relations staff with significant public education & outreach experience.
 - They have significant storm water management & GIS experience.
 - The project manager / public outreach team leader has over 29 years of experience and the senior project manager has over 35 years of experience.
 - They are within the Town’s budget of \$50,000 for this project.

PROPOSALS RECEIVED (ALPHABETICAL ORDER):

Company:	Bid Amount:
Herbert, Rowland, & Grubic, Inc. Harrisburg, PA	\$44,600 + Optional services: <ul style="list-style-type: none"> • \$6,670 – refinement of GIS SWM mapping • \$15,400 – facilitation of stakeholder advisory committee • \$4,000 – prepare public information materials • \$1,800 – additional public meetings TOTAL – \$72,470
Soltesz Lanham, MD	\$81,000
University of Maryland Environmental Science Center College Park, MD	\$33,578
Wood Environmental & Infrastructure Solutions, Inc. Chantilly, VA	\$50,045

AGENDA ITEM# 4. Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration: Presentation at meeting by town staff.

**ACCESS EASEMENT BETWEEN FREDERICK COUNTY, MARYLAND
AND THE TOWN OF EMMITSBURG, MARYLAND**

This ACCESS EASEMENT (“Easement”), is entered into and effective as of the _____ day of _____, 202_, by and between FREDERICK COUNTY, MARYLAND, a body politic and corporate (the “County”) and the TOWN OF EMMITSBURG, MARYLAND (the “Town”).

RECITALS

The Town is the owner of property located at 16715 Creamery Road, Emmitsburg, MD 21727-8704, being the same real estate granted to the Town by, and described in, a Deed dated November 25, 1986 by Horace H. Waybright and Jeffrey H. Waybright, grantors, and recorded among the land records of Frederick County, Maryland in Liber 01379, folio 00732 (the “Town Property”).

The County intends to enter into a Creek Re-Leaf Easement with Jeffrey H. Waybright, owner of the adjoining property located at 15015 Taneytown Pike, Emmitsburg, MD 21727 (the “Waybright Property”) for the purpose of planting and maintaining trees on the Waybright Property (the “Project”).

The Town has agreed to grant to the County a permanent easement to access the Waybright Property through, across, and over the Town Property, on the area shown on Exhibit A hereto identified as “Access to 10515 Taneytown Pike Property from Creamery Row”, in accordance with the terms and conditions of this Access Easement.

NOW, THEREFORE, in consideration of the mutual promises herein stated, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Upon execution of this Easement by the County and the Town, the County and its agents and employees shall have the right to enter into, upon, and across the Town Property for the purpose of tree planting and maintenance on the Waybright Property in accordance with the Creek Re-Leaf Easement (the “Project”). This right of entry includes the right of access by vehicles, and to transport equipment and supplies across the Town Property as needed for the Project over and on the area identified on Exhibit A as “Access to 10515 Taneytown Pike Property from Creamery Row”. Vehicles that may access the Town Property include, but are not limited to:
 - a) Pickup trucks, vans and other typical commuter and work vehicles;
 - b) Box trucks;
 - c) Off road vehicles (side by sides, mules, etc.);
 - d) Trailers; or
 - e) Small mowing tractors (8 ft. wide bush hogging decks).

2. This Easement includes authorization for access by the County, its employees, contractors, or assigns in connection with the Project. However, access is limited to the Town's normal business hours, Monday through Friday 8am-4:00 pm, excluding Town recognized holidays.
3. The County agrees not to cause unreasonable interference with the Town's use of the Town Property.
4. Any area of the Town Property damaged or disturbed by the County, its employees, contractors, or assigns will be remediated, stabilized, and returned to equal or better than original condition, to the extent practicable, at no cost to the Town.
5. The parties hereby agree that this Easement creates a permanent, non-exclusive easement across the Town Property. This Easement may not be amended, altered, or modified except in writing executed by both parties hereto.

WITNESS:

TOWN OF EMMITSBURG, MARYLAND

By: _____
Donald N. Briggs, Mayor

FREDERICK COUNTY, MARYLAND

By: _____
Jan H. Gardner, County Executive

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 202_, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Donald N. Briggs, Mayor of the Town of Emmitsburg, Maryland, a body municipality of the State of Maryland, and acknowledged the foregoing instrument to be the act of said municipality and that he/she is duly authorized to make this acknowledgment on its behalf.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

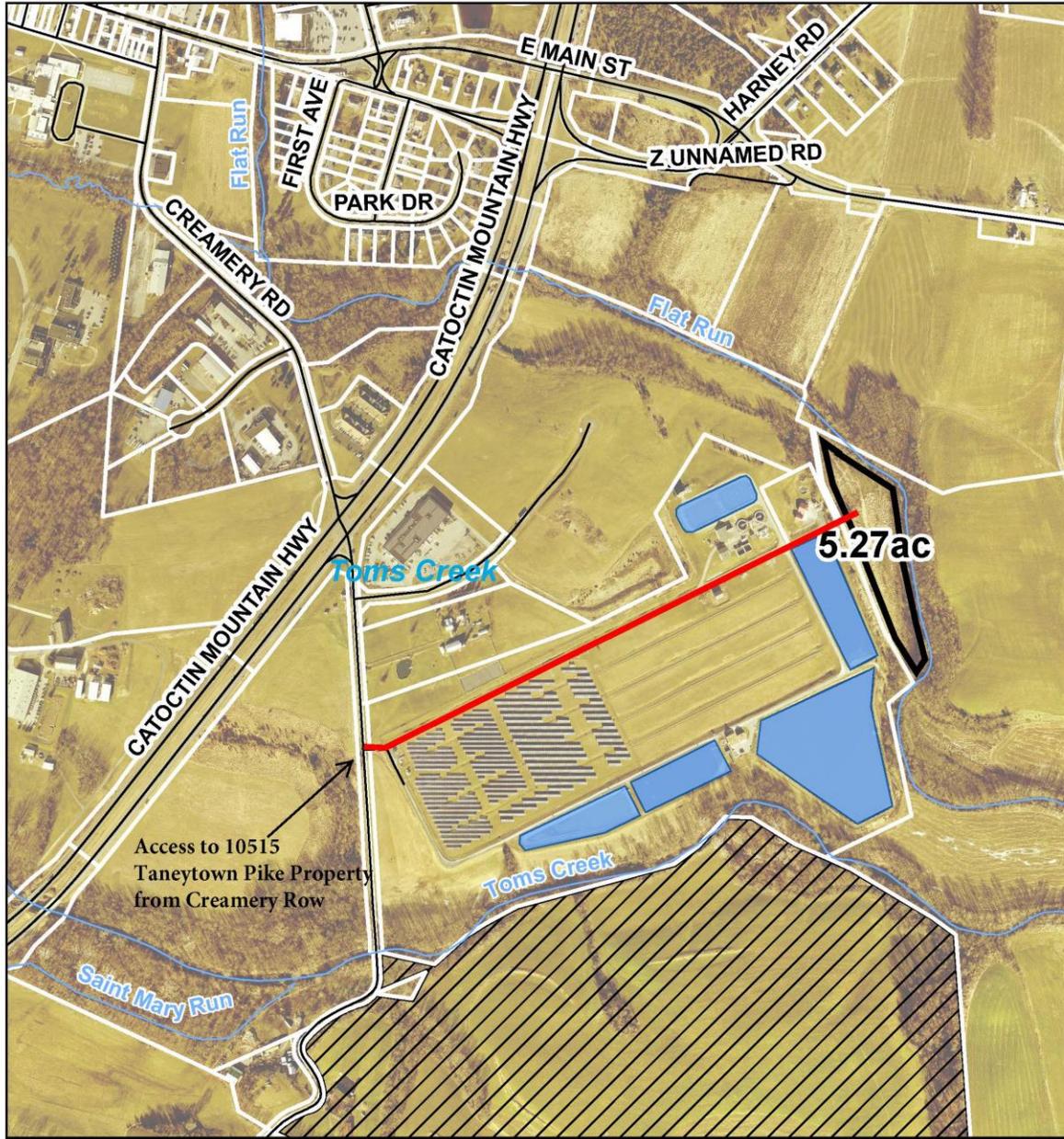
I HEREBY CERTIFY that on this ____ day of _____, 202_, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Jan H. Gardner, County Executive of Frederick County, Maryland, a body politic and corporate of the State of Maryland, and acknowledged the foregoing instrument to be the act of said body public and corporate and that she is duly authorized to make this acknowledgment on its behalf.

Notary Public

My Commission Expires: _____

This instrument has been prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Kathy L. Mitchell



Creek ReLeaf Access

10515 Taneytown Pike, Emmitsburg, MD, 21727

-  Creek ReLeaf Site Option
-  Forest Resource Easement
-  SWM Easement
-  Ag Easement

 Watershed

Town of Emmitsburg
Exhibit A

0 0.05 0.1 0.2 Miles



Frederick County, Maryland
Frederick County GIS
June 22, 2021

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. ##MAPID##

AGENDA ITEM# 5. Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration: Presentation at meeting by town staff.

USDA Community Facility Disaster Grant will be used to purchase the following public works equipment for town staff:

1. SCADA system and computers (WWTP)
2. Backhoe Loader (*put out to bid)
3. Multi-user Tractor (*estimates collected)
4. Work Truck (*in progress)

GRANT FUNDING:

USDA Federal Funds:	\$157,000
Town Funds:	\$128,500
Total Project:	\$285,500



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

MEMO TO FILE

TO: Mayor and Board of Commissioners

FROM: Cathy Willets, Town Manager 

DATE: September 7, 2021

SUBJ: SCADA Computer and software upgrade for WWTP

As required by Town Code, the Town Manager needs to submit a written statement to the Board of Commissioner stating that there is only one appropriate source for the required supplies.

Please accept this memo as my official statement. GHD has provided an estimate to upgrade the SCADA computers and associated software at the Town's WWTP. The original system was purchased with a five-year warranty which has expired. Much of the original system is out dated and not supported by Microsoft anymore. GHD is the engineer who designed the new WWTP and the Town has maintained a good relationship with the software branch of GHD. They have been very attentive and quick to respond with assistance when needed over the years. They are very familiar with the inner workings of our system and the specific needs of our WWTP. If this were put out to bid, there are very limited companies that would be able to provide estimates. Another contractor would need to start from scratch and re-design the graphics, tie everything into our system, and test everything adding to the overall cost of the upgrade.

For these reasons, I recommend the Town accept the proposal from GHD for SCADA computer software and upgrade at the WWTP in the amount of \$80,800. The Town received a public works grant from USDA that will used for this proposal.

300A South Seton Avenue • Emmitsburg, Maryland 21727
Phone 301.600.6300 • Fax 301.600.6313 • info@emmitsburgmd.gov • www.emmitsburgmd.gov

RFP TIMELINE – BACKHOE LOADER BID:

RFP published by Town	Tues. August 10, 2021
RFP published on eMaryland Marketplace	Tues. August 10, 2021
Email sent to potential contractors	Wed. August 11, 2021
DEADLINE, bids due	Mon. August 30, 2021 at 2:30 p.m.

STAFF RECOMMENDATION:

Recommendation to be given at town meeting by town staff.

Bids Received (Alphabetical Order)			
	Company:	Location:	Bid Amount:
1.	KES Enterprise	Greenbelt, MD	\$125,081.68
2.	GT Mid Atlantic	Frederick, MD	\$107,220.00
3.	Messicks	Abbotstown, PA	\$ 96,800.00
4.	Valley Supply	Hagerstown, MD	\$ 92,194.00

AGENDA ITEM# 6. Approval of Policy P21-04, Permits & Inspection’s Fee Policy, for consideration: Presentation at meeting by town staff.

POLICY SERIES: 2021
Policy No. P21 – 04

Page 1 of 2

**TOWN OF EMMITSBURG
PERMITS & INSPECTION’S FEE POLICY**

This Policy will replace previously adopted policy P19 - 02.

As of this date and pursuant to §6.16.060 entitled “Permits”, §6.20.030 entitled “Standards of Practice”, and §17.48.090 entitled “Zoning Certificate Fee Schedule” of the Emmitsburg Municipal Code, permit fees shall be as follows:

A. New Buildings (any building that has never been issued an occupancy permit)

1. Single-family dwelling: Two hundred dollars (\$200.00) in addition to any impact fees as established and required by ordinance.
2. Multiple family dwelling: Two hundred dollars (\$200.00) per residential unit **IN ADDITION TO ANY IMPACT FEES AS ESTABLISHED AND REQUIRED BY ORDINANCE.**
3. Non-residential buildings: The fee is determined by the total valuation of the project plus any impact fees as established and required by ordinance:

Non-Residential Buildings
\$200,000 or less = \$1,000
\$200,001 - \$1,000,000 = \$2,600
\$1,000,001 and over = \$3,600

B. Repairs, Remodeling, Additions, Fences, Pools, Accessory Buildings, Extensions, and Alterations.

1. The fee is determined by the total valuation of the project:

Residential	Non-Residential
\$5,000 or less = \$40	\$50,000 or less = \$95
\$5,001 - \$15,000 = \$45	\$50,001 - \$75,000 = \$100
\$15,001 - \$30,000 = \$50	\$75,001 - \$100,000 = \$105
\$30,001 - \$50,000 = \$55	\$100,001 - \$150,000 = \$110
\$50,001 - \$75,000 = \$60	\$150,001 - \$175,000 = \$120
\$75,001 and over = \$65	\$175,001 and over = \$125

C. Change of use [~~& use and occupancy~~]: Fifty dollars (\$50.00).

D. Sign permit: Fifty dollars (\$50.00) per sign.

E. **APIARY PERMIT: \$50.00**

F. **BACK YARD CHICKEN PERMIT: \$50.00**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 7th day of September, 2021.

PASSED this 7th day of September, 2021.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

_____ APPROVED _____ VETOED

this 7th day of September, 2021.

Donald N. Briggs, Mayor

M. SET AGENDA FOR NEXT MEETING: OCTOBER 4, 2021 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.