



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
MONDAY, OCTOBER 4, 2021 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Board of Appeals Meeting: Monday, October 18, 2021 at 7:00 p.m. (Town Office)

Citizen's Advisory Committee Meeting: Tuesday, October 19, 2021 at 7:30 p.m. (Town Office)

Planning Commission Meeting: Monday, October 25, 2021 at 7:00 p.m. (Town Office & Zoom)

Town Council Meeting: Monday, November 1, 2021 at 7:30 p.m. (Town Office & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: SEPTEMBER 7, 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 October 2, 2021 as Arbor Day for consideration.

I. CONSENT AGENDA: STORMWATER UTILITY STAKEHOLDER ADVISORY COMMITTEE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Swearing in of new elected officials.

(2). Mayor's recommendation for reorganization of the Board of Commissioners for consideration.

(3). Community Development Block Grant public hearing to provide information on the progress of the Town-Wide ADA Sidewalk Curb Ramp Project.

(4). Designation of American rescue plan funds for consideration.

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

(6). Approval of the Rutter's forest conservation deed of easement and authorize Mayor to sign on behalf of the Town for consideration.

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

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

ZOOM MEETING ACCESS INFORMATION:

Topic: Town Meeting: October 4, 2021

Time: Oct 4, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89326550060>

Meeting ID: 893 2655 0060

Passcode: 21727

One tap mobile

+13017158592,,89326550060#,,,,*21727# US (Washington DC)

+13126266799,,89326550060#,,,,*21727# US (Chicago)

Dial by your location

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+1 312 626 6799 US (Chicago)

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+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 893 2655 0060

Passcode: 21727

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

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

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

A. APPROVE MINUTES: SEPTEMBER 7, 2021

**MINUTES
TOWN MEETING
SEPTEMBER 7, 2021
TOWN OFFICE – 300A SOUTH SETON AVENUE**

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

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the September 7, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. A moment of silence was held for the 20th anniversary of September 11. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Sweeney motioned to accept the August 2, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Police Report:

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

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from July 2021 (exhibit in agenda packet). Due to the flooding from tropical storm Ida the town had several sanitary sewer overflows and road closures during September 1, 2021. Commissioner O'Donnell suggested the Board discuss sewer backflow preventers and insurance options for home owners at a future meeting in the event of another large storm event.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from July 2021 (exhibit in agenda packet). The Town will be planting 27 acres of trees at the Waste Water Treatment Plant with StreamLink as part of the Town's MS-4 requirements. The first tree planting event will occur on October 9, 2021. There is a typo in the report as 4 sign permits were processed, not 34 sign permits.

The Board gave unanimous consent to move agenda item four up to the second agenda item presented.

Commissioner Comments:

- Commissioner Ritz III: He encouraged the public to vote at the town elections on September 28, 2021.
- Commissioner Davis: He requested the Board invite the 2021 Catoclin High School Baseball State Champions to the town office in January. He requested the ability to host a committee to review the 2019 sign code (ordinance 19-03) with local businesses to receive business feedback.
- Commissioner Sweeney: He thanked the first responders who assisted during the September 1 flooding.
- Commissioner Burns: He thanked town staff for their work during the tropical storm on September 1.
- Commissioner O'Donnell: The red trail multi-user trail is being repaired for an upcoming mountain biking event in October. He mentioned the Emmitsburg Library should be coming to the Board at a future meeting to request funding for a display case and placard to commemorate Emmitsburg High School that was located in the Emmitsburg Community Center during the early 1900s.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2021 (meetings listed in agenda packet). Mayor Briggs requested support to hire a part time water and sewer operator for the Town. He will be attending the Rutters ground breaking ceremony on September 13, 2021. He encouraged residents to vote during the town elections.

Public Comments:

Kevin Hagan, Huntley Circle Emmitsburg – Mr. Hagan is a resident of the Brookfield development and he expressed concern over Mr. Demits involvement in the Home Owners Association (HOA) and HOA dues usage. *Wendy Hagan, Huntley Circle Emmitsburg* – Ms. Hagan expressed concern over proposed residential development near Brookfield as she would like to see more commercial development and local job creation.

Administrative Business:

- (A). **Proclamation declaring September 2021 as Recovery Month in Emmitsburg for consideration:** Commissioner O'Donnell read the proclamation aloud. Residents are encouraged to decorate their home in purple in support of the proclamation. *Motion:* Commissioner Ritz III motioned to approve the proclamation; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.
- (B). **Proclamation making Juneteenth an annual holiday in Emmitsburg for consideration:** Commissioner Burns read the proclamation aloud. *Motion:* Commissioner Sweeney motioned to approve the proclamation; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.
- (C). **Discussion related to modifying legislative document templates:** The proposed modification will record how commissioners voted on each piece of legislation to aid in historical reference when reviewing passed legislative documents. The Board gave unanimous consent for the chart format to be added to all legislative documents going forward.
- (D). **Modification of 2021 election judges for consideration:** Mayor Briggs presented the item. Due to unexpected leave Sharon Hane can no longer act as Chief Judge and Dianne Walbrecker can no longer be an alternate judge. As a result, the Mayor recommends Lynn Ordorff as a chief judge. The greeter will be used as an alternate judge if needed. *Motion:* Commissioner Davis motioned to approve the election judge modification as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Consent Agenda:

The Board gave unanimous consent for the appointment of Sandy Slaughter to the Citizen's Advisory Committee for a term of September 7, 2021 to September 7, 2023.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for August 2021 (exhibit in agenda packet). The operating balance forward is \$7,691,923. The Board gave unanimous consent to accept the treasurer's report.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on August 30, 2021 where the site plan for Ripleigh's Creamery was conditionally approved and the site plan approval for Village Liquors and Plaza Inn was tabled until the applicant presents their improvement plan in October.

II. Agenda Items

Agenda #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: *Motion:* Commissioner Sweeney motioned to open the public hearing at 8:50 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The public hearing was declared open. Ms. Willets and Mr. Clark Adams presented the agenda item. The public hearing was advertised in the Frederick News Post on August 17, 2021. If approved, Resolution 21-05R will repeal the charter in its entirety and adopt a new charter due to the amount of edits needed. A summary

of all changes was given to include spelling corrections, removing town boundaries so a charter amendment is not needed whenever there is an annexation, reducing commissioner and Mayor residency requirements to uphold the United States constitution, making language more gender neutral, providing guidance on overdue taxes, clarifying the Town's authority to issue and sell bonds and more. The Board discussed what the new residency requirement should be for the mayor and commissioners and decided upon 30-days. There was no public comment. *Motion:* Commissioner Sweeney motioned to close the public hearing at 9:24 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Davis motioned to repeal the existing Town of Emmitsburg charter in its entirety and replace it with Resolution 21-05R; second by Commissioner Burns. Yeas – 4; Nays – 1 (Ritz III). The motion passed.

Agenda #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: Mr. Gulden introduced the item. Linda Williamson, Project Manager with Frederick County Office of Sustainability, explained Mr. Waybright is the property owner of 15015 Taneytown Pike and he has offered to have the County plant 5.27-acres of trees on his property as part of the County's Creek Re-Leaf program. Due to Flat Run Creek, the best access to the planting site would be via the Town's adjoining property at 16715 Creamery Road. The County is requesting an access easement for the purpose of planting and maintaining the trees on Mr. Waybright's property. *Motion:* Commissioner Sweeney motioned to approve the access easement as presented and authorize the Mayor to sign on behalf of the Town; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #2 - Creamery Court dedication discussion: Mr. Gulden presented the agenda item. At the May 5, 2008 town meeting the Board approved the deed of dedication for Creamery Court; however, the document was never recorded with Frederick County. The presented deed in the agenda packet will officially turn Creamery Court over to Town ownership. The purpose of the agenda item is to advise the Board of the error. No action is needed by the Board because the dedication was previously approved.

Agenda #3 - Award Storm Water Utility Feasibility Study Contract for consideration: Mr. Gulden presented the agenda item. The storm water utility feasibility study request for proposal was published by the Town on July 1, 2021 with a due date of August 2, 2021. Four bids were received. Town staff recommends the approval of Wood Environmental and Infrastructure Solutions, Inc. for \$50,045 due to experience, favorable references and the project being within budget. The project should be finished in February 2022. *Motion:* Commissioner Sweeney motioned to accept the bid for Wood Environmental and Infrastructure Solutions, Inc. for \$50,045; second by Commissioner Burns. Yeas – 2 (Sweeney, Burns); Nays – 3 (O'Donnell, Davis, Ritz III). The motion failed. The Board discussed the desire to approve the University of Maryland Environmental Science Center bid instead due to the lower cost and displeasure with the high costs of the State's MS-4 requirements. *Motion:* Commissioner Sweeney motioned to approve the bid for University of Maryland Environmental Science Center bid for \$33,578; second by Commissioner Ritz III. Yeas – 4; Nays – 1 (Davis). The motion passed.

Agenda #5 - Approval of public works equipment purchases for the USDA Community Facility Disaster Grant for consideration: Ms. Willets presented the agenda item. The USDA awarded the Town \$157,000 with a required 45% town match of \$128,500 for the purchase of four pieces of public works equipment. The first equipment would be a SCADA computer software program and computer equipment at the Creamery Road Wastewater Treatment Plant. Due to the SCADA specificity, town staff does not recommend putting the equipment out to bid and instead recommends approving GHD's estimate for \$80,800. *Motion:* Commissioner Davis motioned to approve the SCADA public works equipment for \$80,800; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. The second item is the purchase of a backhoe loader, which was put out to bid on August 10, 2021 with a due date of August 30, 2021. Four total bids were received and town staff recommends GT Mid Atlantic due to town staff being most familiar with Case equipment and the quality of the equipment. *Motion:* Commissioner Davis motioned to approve the bid for GT Mid Atlantic for \$107,220; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed. The multi-use tractor does not need

to be approved by the Board due to the amount being under \$50,000. The last piece of equipment, the work truck, will come to the Board for approval at the October 4, 2021 town meeting instead.

Agenda #6 - Approval of Policy P21-04, Permits & Inspection's Fee Policy, for consideration: Mr. Gulden presented the agenda item. Policy P21-04 fee modification adds language regarding impact fees and the newly passed aviary permit fees and backyard chicken fees. *Motion:* Commissioner Sweeney motioned to approve Policy P21-04 as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Set Agenda Items for October 4, 2021 Town Meeting

Agenda Items: (#1.) Swearing in of new elected officials; (#2.) Mayor's recommendation for reorganization of the Board of Commissioners for consideration; (#3.) Community Development Block Grant public hearing to provide information on the progress of the Town-Wide ADA Sidewalk Curb Ramp Project; (#4.) Designation of American rescue plan funds for consideration; (#5.) Approval of public works equipment purchase for the USDA Facility Disaster Grant for consideration; (#6.) Approval of the Rutter's forest conservation deed of easement and authorize Mayor to sign on behalf of the Town for consideration. **Administrative Business:** (A.) Proclamation declaring October 2, 2021 as Arbor Day for consideration. **Consent Items:** (I.) Appointment of members to the temporary Stormwater Utility Stakeholder Advisory Committee for consideration. *Motion:* Commissioner Ritz III motioned to approve the October 4, 2021 agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the September 7, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 10:16 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
August 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 put together and installed some wayside exhibit signs.
- Staff trimmed, weed ate and weed killed sidewalks, curbs and tree wells on East & West Main St.
- Staff mowed weeds in curbs in all developments.
- Staff put Farmers Market banners on street light poles on East & West side of Square.
- Staff trimmed some trees on West Lincoln Ave. from sharp turn to Frailey Rd.
- Staff responded after hours to a tree limb that fell on Creamery Rd.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff sanitized playground equipment twice a week. Will begin sanitizing bathrooms at same time.
- Staff mowed, trimmed and weed killed in parks.
- Staff mowed, trimmed, weed killed disc golf course in E. Eugene Myers Park.
- Staff installed new soffit on the bandstand.
- Contractor installed new vinyl fence around garden plots.
- Staff repaired some toilets and benches at the pool.
- Staff put rain barrel and hose at garden plot.
- Staff installed equipment at the dog park.
- Staff trimmed trees in E. Eugene Myers Community Park.
- Staff put together and installed new trash cans, grills and picnic tables in the parks.
- Staff put together and installed 4 new picnic tables at the pool.
- Staff installed new section of fence along Community Park Dr. damaged from accident.

Water:

- Rainbow Lake is .2 above the spillway level (16.6 feet). The lake was dropping the majority of the month to a low of 15.5' until 08/23 it went back to 16' and finally went to 16.8' and very muddy due to a rain event on 08/27. We received 8.2" of rain at the WTP in August.
- The lower lake level made it very difficult for the LG Sonic. This also hindered the amount of water we were able to get from the Lake.
- The roughing filters were being backwashed initially four to six times a day at the beginning of the month and back to two times by the end. This is a result of the high turbidity from the Lake. The DE filters began with once every other week, but by end of month reached two to four times a day.
- Well levels (optimum level was determined to be May 2011). Staff had to increase the well usage due to the quality of the lake water. All five wells ran in the month of August.

	<u>May 2011</u>	<u>August</u>	<u>Change</u>
○ Well #1:	35'	63'	-28'
○ Well #2:	8'	20'	-12'
○ Well #3:	12'	42'	-30'
○ Well #4:	108'	124'	-16'
○ Well #5:	10'	26'	-26'

- Water production and consumption. We produced an average of 285,345 GPD. We consumed an average of 242,649 GPD. The amount of Backwash Water in the month of August is ... (24.0%).
 - 78.0% of this water came from wells.
 - 4.9% of this water came from Mt. St. Mary's.
 - 17.1% of this water came from Rainbow Lake.

We purchased 433,150 gallons of water from MSM this month.

Wastewater:

- We treated an average of 501,000 gpd (consumed 242,649 GPD) which means that 51.6% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of August. We did exceed the plant's design capacity three times in the month of August.
 - 08/18 764,000 gpd 08/20 844,000 gpd 08/27 766,000 gpd
- We received about 3.9" of precipitation this month (the average is 3.4"). We have a precipitation **DEFICIT of 2.82"** over the last six months. The average precipitation for the period from March 1 through August 30 is 23.27 ". We have received 20.45" for that period. (This does not include rain totals from Tropical Storm IDA).

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

Meetings Attended:

- 08/03 Met with staff to open storm water utility fee bids.
- 08/03 Met with Mayor
- 08/04 Met with Mayor
- 08/05 Attended American Rescue Plan Act webinar.
- 08/09 Met with Mayor
- 08/10 Met with deputies and staff re: license plate reader and camera grant
- 08/12 Gym reservation meeting (Terri)
- 08/16 Met with Mayor, Staff and County representatives re: new lease for building
- 08/16 Met with Commissioner O'Donnell re: trails
- 08/17 Met with staff to review Village Liquor plan
- 08/30 Met with staff re: preparations for Hurricane Ida
- 08/31 Attended Frederick County Hazard Mitigation Planning team meeting with staff and County representatives.

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.
- Staff trimmed, weed ate, weed killed around the Community Center Building.
- Staff repaired water leak in front of 9351 & 9377 Waynesboro Pike.
- Staff conducted quarterly water meter readings.
- Staff assisted with sewer back-up at Sunoco station. It was severely clogged with grease and rags.
- Pump #2 at pump station will not pump to capacity and is being investigated.
- Staff pumped down the wet well at the Pump Station and found a massive amount of rags including “flushable wipes” and “Clorox type cleaning rags” in several tight balls. These are extremely dangerous to the system and are causing costly repairs to the pumps.

**PARKING ENFORCEMENT REPORT
AUGUST 2021**

Overtime Parking	49
Restricted Parking Zone	13
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	\$ 948.31
Parking Permits	\$ 345.00
Meter Bag Rental	
Parking Ticket Money	\$ 235.00
Total:	\$ 1,528.31

D. TOWN PLANNER'S REPORT

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

1. Board of Appeals (BOA):

- Updated September 2019 minutes per BOA request.
- Processed July 2021 BOA decision.

2. Board of Commissioners (BOC):

- Attended the 8/2 BOC meeting and processed pre/post meeting materials.
- Prepared presentations for 9/7 BOC meeting items:
 - Creamery Court dedication.
 - Storm water utility feasibility study contract.
 - Access easement on the WWTP property for the Frederick County Creek Re-Leaf program.
 - Policy P21-04

3. Grants:

- Community Legacy grant management.
- Chesapeake Bay Trust grant management:
 - Silo Hill SWM basin retrofit design & permitting.
 - Submitted record of attendance grant requirement document.
- Community Development Block Grant management:
 - Conducted 5x construction inspections.
 - Reviewed & processed weeks 1, 2, 3, & 4 payrolls.
 - Processed payment request #1, which included field measurement confirmations.
 - Processed grant reimbursement request #1.
 - Attended a progress meeting on 8/23.
 - Conducted 4x employee payroll interviews as required per grant.
 - 5 of 130 ramps are completed to date.
- Clean Up & Green Up grant:
 - Worked on the FY21 final report.

4. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
- Silo Hill SWM Basin retrofit:
 - Assisted contractor in applying for the Chesapeake & Coastal Grant.
- Tree planting project:
 - Worked with surveyor on forest conservation easement plat for Daughters of Charity property.
 - Worked with attorney on forest conservation deed of easement for Daughters of Charity property.
 - Worked with StreamLink on press release.
- Worked on current year MS4 permit.
- SWM Utility Feasibility Study:
 - Bid opening 8/3 & processed bids.
 - Reviewed all bids, checked references, & recommended firm.
- Worked with contractor on Community Park SWM basin outfall stabilization project.

5. Permits & Zoning:

- Processed 13x zoning permit applications:
 - 3x decks.
 - 2x roofs.
 - 1x steps.
 - 1x new non-residential structure (Rutter's).
 - 1x paver patio.
 - 3x signs (Carriage House).
 - 2x fences.
- Processed 17x backflow preventer permit applications.
- Processed 1x street closure permit application – Irishtown Road.
- Mailed 10x high hazard backflow permit renewal reminder letters.
- Responded to incident reports.
- Completed the MDOT SHA utility permit application for sewer work for 502 E Main St.
- Created apiary & back yard chicken permit applications and permit templates.
- Updated 10 development permit applications due to new fee schedule.

6. Planning Commission (PC):

- New Creamery Road Pump Station, Rutter's, Irishtown Road (Brookfield Lots 1-19), Federal Stone, Emmitsburg East Industrial Park II, Village Liquors & Plaza Inn, and Ripleigh's Creamery project management.
- New Creamery Road Pump Station:
 - Received, started reviewing, and started to prepare a staff memo for the improvement plat.
 - Received and processed APFO & Forest Conservation exemption requests.
- Irishtown Road (Brookfield Lots 1-19):
 - Finalized Purtell deed of easement with mortgage company & attorney.
 - Worked with contractor on gaining MDOT SHA comments on the detour plan.
 - Reviewed road closure plan & coordinated with Frederick County & MDOT SHA.
- 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.
 - Received and started to review updated Site Plan.
 - Received and started to review Improvement Plat.
- Rutter's:
 - Processed / reviewed the utility deed of easement.
 - Planned ground breaking ceremony for September 13 at 10am.
 - Attended a pre-construction meeting on 8/23.
- Ripleigh's Creamery:
 - Received, reviewed, and prepared staff memo for:
 - Site Plan.
 - Traffic Impact Analysis.
- Emmitsburg East Industrial Park II:
 - Reviewed the corrected preliminary plat, preliminary forest conservation plan, & forest delineation plan for corrections in order to finalize for PC Chair & Mayor signatures.

- Met with manager, sewer/water superintendent, & public works director on 8/17 regarding Ripleigh's Creamery & Village Liquors / Plaza Inn plans.
- Attended 8/30 PC meeting and processed pre/post meeting materials.

7. Miscellaneous:

- Forestry stand 10 project management.
 - Completed the Frederick County minor logging permit application.
- Filled out the Frederick County Hazard Mitigation Plan update capability assessment questionnaire.
- Met with Manager, Public Works Director, Sewer/Water Superintendent, & County representative on 8/31 on the Frederick County Hazard Mitigation Plan update.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings Attended Since Last Town Meeting:

- September 7th, Tuesday, 7:30 pm, town meeting (virtual and in person).
- September 11th, Saturday, 8 am, attended 9/11 tribute at FEMA, FEMA staff and Connecticut Fire Officers commemorating 20th anniversary of 09/11.
- September 13th, Monday, 10 am, Commissioners Burns and Sweeney and I attended groundbreaking for Rutter's on s/s of Rte. 140 - e/s of US 15.
- October 2nd, Saturday 9 am, Arbor Day tree planting along Willow Rill.
- October 2nd, Saturday 6:30 pm, 40th Annual National Fallen Firefighters Memorial Weekend, Welcoming address, Candlelight Service.
- October 3rd, Sunday 10 am, 40th Annual National Fallen Firefighters Memorial Weekend, Memorial Service.
- October 4th, Monday, 7:30 pm, town meeting (virtual and in person).

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Proclamation declaring October 2, 2021 as Arbor Day for consideration:**
Proclamation read at meeting. Proclamation required for Tree City USA 2021 certification.

Proclamation
 **Arbor Day**
SATURDAY, OCTOBER 2, 2021

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim October 2, 2021 as Arbor Day in the Town of Emmitsburg. We call upon all citizens and organizations to support efforts to protect our trees and woodlands by planting trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this 4th day of October, 2021.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioners

I. CONSENT AGENDA

I. Stormwater Utility Stakeholder Advisory Committee

1. Frank Davis – Board of Commissioner’s representative
2. TJ Burns – Board of Commissioner’s representative
3. Steve Trout – Jubilee owner & business’ representative
4. Shital Patel – Dunkin’ owner & business’ representative
5. George Brenton – Largest parcel / non-profit representative (Daughters of Charity)
6. To Be Determined At Town Meeting - Church / non-profit representative
7. Shannon Moore - Frederick County representative
8. Travis Tracey - Frederick County Public Schools representative
9. Mark Long – resident representative
10. Rachel Esses – resident representative

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of September 27, 2021**

\$7,528,140	Cash Balance September 1, 2021
211,631	Deposits
<u>-222,609</u>	Withdrawals
\$7,517,162	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$18,778	Playground Specialist	Swings - Equipment	09.15.21	42719
\$11,798	UGI Energy Services	Aug 21 - Solar Field #1	09.22.21	42750
\$10,347	Playground Specialist	Swings - Equipment	09.15.21	42718
\$10,118	UGI Energy Services	Aug 21 - Solar Field #2	09.22.21	42750
\$8,411	Univar USA	Chemicals	09.22.21	42751
\$6,915	Republic Services	Sep 21 Refuse Services	09.15.21	42721
\$6,552	MD Dept of the Environment	Sanitary Fee	09.08.21	42687
\$5,563	Frederick County DUSWM	Tipping Fees	09.08.21	42683
\$4,703	Powell LLC	Legal Services	09.08.21	42697
\$3,103	George Coyne Chemical	Chemicals	09.15.21	42707

Check dates 08.31.21 to 09.27.21

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1. Swearing in of new elected officials: Presentation at meeting by Mayor Briggs.

Election Results
September 28, 2021
Town of Emmitsburg
Two Commissioner Seats Up for Election
Listed in Alphabetical Order

Votes for Commissioner:

174 Clifford Lee Sweeney

98 Liz Buckman

63 Rosario Benvengi

182 Tim O'Donnell

269 Total Ballots Cast

Certified by the Following 2021 Election Judges:

<u>Geralyn Orndorff</u> Print Name	<u>[Signature]</u> Signature
<u>Charlotte MAZALESKI</u> Print Name	<u>[Signature]</u> Signature
<u>Tammy May</u> Print Name	<u>[Signature]</u> Signature



The seal of Emmitsburg, MD, featuring a circular design with the text "EMMITSBURG, MD" at the top and "Est. 1785" at the bottom. The center of the seal depicts a historical scene with a building and a horse-drawn carriage.

AGENDA ITEM# 2. Mayor's recommendation for reorganization of the Board of Commissioners for consideration: Presentation at meeting by Mayor Briggs.

AGENDA ITEM# 3. Community Development Block Grant public hearing to provide information on the progress of the Town-Wide ADA Sidewalk Curb Ramp Project: Presentation at meeting by staff.

AGENDA ITEM# 4. Designation of American rescue plan funds for consideration:
Presentation at meeting by staff.

American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds
disbursement

- Town of Emmitsburg awarded a total \$3,150,859.86
- On 07/26/21 the Town received the first tranche in the amount of \$1,575,429.93.
- The Town will receive the second tranche (\$1,575,429.93) in no less than 12 months
- Allowable usages:
 - Support public health expenditures and address negative economic impacts
 - Replace lost public sector revenue
 - Provide premium pay for essential workers
 - Invest in water, sewer and broadband infrastructure

The Mayor and staff recommend the first tranche (\$1,575,429.93) be used for the completion of the water clarifier and new pump station. The monies will be used to cover short falls in both projects.

Pump Station estimated cost = @\$3,657,000

- Funding from USDA
 - Loan \$1,987,000
 - Grant \$ 833,000
 - PER/ER Grant: \$ 30,000
 - Town responsibility: \$ 807,000

Water Clarifier estimated cost = @ \$2,360,000. Increased from the original estimate of \$1.5 million due to findings during the preliminary engineering and environmental report.

- Funding from State of Maryland \$1,000,000
- Shortfall = \$1,360,000

AGENDA ITEM# 5. Approval of public works equipment purchase for the USDA Facility Disaster Grant for consideration: Presentation at town meeting by 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) – approved at 09/07/2021 town meeting
2. Backhoe Loader (*put out to bid) – approved at 09/07/2021 town meeting
3. Multi-user Tractor (*estimates collected) – approved by management 09/07/2021
4. Work Truck (*put out to bid 09/13/2021) – needs approval tonight

GRANT FUNDING:

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

TIMELINE – 4X4 WORK TRUCK WITH 8-FOOT UTILITY BED:

RFP published by Town Mon. September 13, 2021
DEADLINE, bids due Fri. October 1, 2021 at noon

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 09/13/2021 – 10/01/2021
- Notice on MML Classifieds: 09/13/2021 – 10/01/2021
- RFP Published on eMaryland Marketplace: 09/14/2021
- Email sent to potential contractors: 09/14/2021

STAFF RECOMMENDATION:

Recommendation to be given at town meeting by town staff.

AGENDA ITEM# 6. Approval of the Rutter’s forest conservation deed of easement and authorize Mayor to sign on behalf of the Town for consideration: Presentation at meeting by staff.

Parcel ID No.: 05-158680
NO TITLE EXAMINATION

AFFORESTATION/FOREST CONSERVATION
DEED OF EASEMENT / MAINTENANCE
COVENANTS AND AGREEMENT

This Afforestation/Forest Conservation Deed of Easement / Maintenance Covenants and Agreement, (“Easement Agreement”) made this ____ of _____, 2021, by and between the M & G Realty, Inc. (hereinafter collectively, the “Grantor”), and the Town of Emmitsburg, Maryland, a body corporate and politic of the State of Maryland (“Town”).

WHEREAS, the Grantor is the owner of a certain tract of land located in Frederick County, Maryland (defined below as the “Property”), and has agreed to provide certain easements over and across the Property for the planting (the "Afforestation Easement") and maintenance of trees (the “Forest Conservation Easement”), (collectively the "Easements") and

WHEREAS, on May 28, 2019 the Town approved the Final Forest Conservation Plan for the Property; and

WHEREAS, on June 9, 2020, the parties entered into a Forest Conservation Long Term Protective Agreement Perpetual Restrictions for Reforested/Afforested Areas; and

WHEREAS, the parties have agreed to enter into this Easement Agreement to provide for the future protection, maintenance, and inspection of the Easements, and

NOW THEREFORE, WITNESSETH THAT, for and in consideration of the sum of \$1.00, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Town, its successors and assigns, the Afforestation Easement and Forest Conservation Easement containing a total of 2.05 acres, more or less, identified being more particularly described in Exhibit A-1 and A-2 and

shown on the drawings entitled attached hereto as Exhibit B-1 and B-2, and incorporated herein by reference.

The herein described easement being in, though, over, and across that real property which was conveyed unto M & G Realty, Inc. from SPT Land, LLC by Deed dated May 25, 2021, and recorded among the Land Records for Frederick County, Maryland, in Liber 15020, Folio 116 (the "Property").

To have and to hold the Afforestation Easement and Forest Conservation Easement, together with the rights and privileges appurtenant to their proper use and benefits by the Town, their successors and assigns, in accordance with the terms set forth herein, as follows:

FIRST: That the Town, its successors, agents and assigns, shall at all times have a right of ingress to and egress from the Easements for the purpose of inspection and maintenance. The right of access shall be in, though, over and across the land of the Grantor; provided, however, that the Town shall use existing roadways and driveways where possible and shall minimize damage to growing crops, planted or cultivated fields, streams, lawns, pastures, and structures;

SECOND: The responsibilities for restrictions on the activities within the Easements are set forth in the Forest Conservation Long Term Protective Agreement Perpetual Restrictions for Reforested/Afforested Areas attached hereto as "Exhibit C" and incorporated by reference as if fully set forth herein;

THIRD: The term of the Easements is perpetual.

FOURTH: The Grantor further covenants and agrees that the easements, rights of way, maintenance covenants and agreements contained herein shall run with the land and shall

bind the Grantor and its heirs, executors, administrators, successors and assignees and shall bind all present and subsequent owners of the Property;

FIFTH: The Grantor covenants and agrees that all parties having an interest in the Property which is subject to this Easement Agreement have executed this document and agreed to the terms hereof;

SIXTH: The Grantor agrees that no other easements may be imposed or placed in, on, or through the Easements without the prior written consent of the Town; and

SEVENTH: The Grantor will warrant specially the Easements and shall execute such further assurances thereof as may be requisite.

WITNESS/ATTEST:

GRANTOR: M&G Realty, Inc.

_____(SEAL)
By:
Title: President

GRANTEE: Town of Emmitsburg

By: _____(SEAL)
Donald N. Briggs, Mayor

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF YORK, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared _____, the _____ of M&G Realty, Inc., a business corporation of the Commonwealth of Pennsylvania, and acknowledged the foregoing Deed of Easement to be the act of said company and made oath that he/she is duly authorized to make this acknowledgement on behalf of M&G Realty, Inc.

WITNESS my hand and Notarial Seal:

My Commission Expires: _____ Notary Public _____

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this this ____ day of _____, 2021, 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 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 he is duly authorized to make this acknowledgement on its behalf.

WITNESS my hand and Notarial Seal:

My Commission Expires: _____ Notary Public

CERTIFICATION

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.

Leslie A. Powell

AFTER RECORDING, PLEASE RETURN TO:

Town of Emmitsburg
300A South Seton Avenue
Emmitsburg, Maryland 21727

EXHIBIT A-1



ENGINEERS
SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS

82 Worman's Mill Ct, Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009
Email: foxfrederick@foxassociatesinc.com

September 03, 2021

Forest Afforestation Easement
Across the Lands of M&G Realty, Inc.
Deed Book 158020 at Page 116
Location: Emmitsburg, Election District No. 5
Frederick County, Maryland

Forest Afforestation Easement

Beginning at a point along the western limits of Forest Conservation Easement #2, as shown on a plat entitled 'Forest Conservation Easement Plat Across the Lands of SPT Land, LLC' recorded in Plat Book 105 at Page 131 among the Land Records of Frederick County, Maryland, said point being 21.22' from the end of the N18°05'17"E 80.00' line as shown on above referenced plat thence in reverse with said western limits of said Forest Conservation Easement #2 the following six (6) courses and distances;

- | | | | | | | | |
|----|---|-----|-----|-----|---|---------|---|
| 1) | S | 18° | 05' | 17" | W | 58.78' | to a point; thence |
| 2) | S | 44° | 40' | 56" | W | 50.00' | to a point; thence |
| 3) | S | 80° | 37' | 12" | W | 50.00' | to a point; thence |
| 4) | N | 76° | 34' | 21" | W | 170.00' | to a point; thence |
| 5) | N | 69° | 06' | 11" | W | 95.00' | to a point; thence |
| 6) | S | 53° | 01' | 13" | W | 35.03' | to a point; thence departing from said Forest Conservation Easement #2 and running in a westerly direction the following course and distance |
| 7) | N | 53° | 31' | 29" | W | 61.56' | to a point; said point being on the westerly limits of the overall property and also being on the eastern right-of-way line of U.S. Route 15, thence with said overall property line and right-of-way the following two (2) courses and distances |
| 8) | N | 03° | 08' | 40" | E | 78.39' | to a point; thence |
| 9) | N | 11° | 07' | 19" | E | 33.94' | to a point; thence departing said overall property line and right-of-way and running in an easterly direction the following four (4) courses and distances |

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Forest Afforestation Easement

Page 2 of 2

- 10) S 70° 23' 53" E 221.96' to a point; thence
- 11) S 75° 04' 31" E 100.03' to a point; thence
- 12) S 79° 02' 22" E 54.15' to a point; thence
- 13) N 81° 30' 17" E 65.28' to place of beginning

The easement area contained by the foregoing amounts to 42,047 square feet or 0.9653 acres more or less.

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.

James A. Zanelli 9/3/21
Date
James A. Zanelli
Professional Land Surveyor
Maryland Registration No. 21503
(Expiration/Renewal Date: July 13, 2023)
For Fox & Associates, Inc. Corp. #123



EXHIBIT A-2



ENGINEERS
SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS

82 Worman's Mill Ct, Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009
Email: foxfrederick@foxassociatesinc.com

August 30, 2021

Forest Conservation Easements
Recorded in Plat Book 105 at Page 131
Across the Lands of M&G Realty, Inc.
Deed Book 158020 at Page 116
Location: Emmitsburg, Election District No. 5
Frederick County, Maryland

Forest Conservation Easement #1

Beginning at a point at the northeast corner of Forest Conservation Easement #1, as shown on a plat entitled 'Forest Conservation Easement Plat Across the Lands of SPT Land, LLC' recorded in Plat Book 105 at Page 131 among the Land Records of Frederick County, Maryland, said point being S57°17'41"W 169.33' from the end of the S69°24'45"E 10.24' line which is located at an angle point along the northern property line of the overall property as shown on the above referenced plat, thence the following four (4) courses and distances now delineating Forest Conservation Easement Area #1;

- 1) S 24° 21' 56" W 139.16' to a point; thence
- 2) N 65° 38' 04" W 52.09' to a point; thence
- 3) N 21° 13' 22" E 139.37' to a point; thence
- 4) S 65° 38' 04" E 59.73' to place of beginning.

The easement area contained by the foregoing amounts to 7,780 square feet or 0.1786 acres more or less.

Forest Conservation Easement #2

Beginning at a point along the southern overall boundary line, as shown on a plat entitled 'Forest Conservation Easement Plat Across the Lands of SPT Land, LLC' recorded in Plat Book 105 at Page 131 among the Land Records of Frederick County, Maryland, said point being N64°43'32"W 462.89' from the southeast corner of the overall property, thence continuing with said southern boundary line in a westerly direction the following two (2) courses and distances;

- 1) N 64° 43' 32" W 323.33' to a point; thence
- 2) N 87° 19' 30" W 80.12' to a point; thence leaving said southern boundary and proceeding in a northerly direction now delineating Forest Conservation Easement Area #2 the following nine (9) courses and distances;
- 3) N 53° 01' 13" E 40.00' to a point; thence
- 4) S 69° 06' 11" E 95.00' to a point; thence
- 5) S 76° 34' 21" E 170.00' to a point; thence

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Forest Conservation Easements

Page 2 of 3

6)	N	80°	37'	12"	E	50.00'	to a point; thence
7)	N	44°	40'	56"	E	50.00'	to a point; thence
8)	N	18°	05'	17"	E	80.00'	to a point; thence
9)	N	22°	48'	22"	E	65.00'	to a point; thence
10)	S	65°	38'	04"	E	68.37'	to a point; thence
11)	S	24°	21'	35"	E	267.78'	to place of beginning.

The easement area contained by the foregoing amounts to 27,263 square feet or 0.6259 acres more or less.

Forest Conservation Easement #3

Beginning at a point at the southeast corner of Forest Conservation Easement #3, as shown on a plat entitled 'Forest Conservation Easement Plat Across the Lands of SPT Land, LLC' recorded in Plat Book 105 at Page 131 among the Land Records of Frederick County, Maryland, said point being N39°41'37"W 94.59' from the end of the S24°21'59"W 752.42'' line which is located at the southeast corner of the overall property as shown on the above referenced plat, thence the following seven (7) courses and distances now delineating Forest Conservation Easement Area #3;

1)	N	65°	37'	44"	W	190.00'	to a point; thence
2)	N	24°	22'	16"	E	24.28'	to a point; thence
3)	N	57°	29'	21"	E	43.35'	to a point; thence
4)	N	82°	37'	52"	E	67.07'	to a point; thence
5)	S	24°	20'	23"	E	70.00'	to a point; thence
6)	S	46°	28'	30"	E	60.00'	to a point; thence
7)	S	24°	22'	16"	W	30.00'	to place of beginning.

The easement area contained by the foregoing amounts to 11,554 square feet or 0.2652 acres more or less.

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Forest Conservation Easements

Page 3 of 3

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.

 8/30/21

James A. Zanelli Date
Professional Land Surveyor
Maryland Registration No. 21503
(Expiration/Renewal Date: July 13, 2023)
For Fox & Associates, Inc. Corp. #123



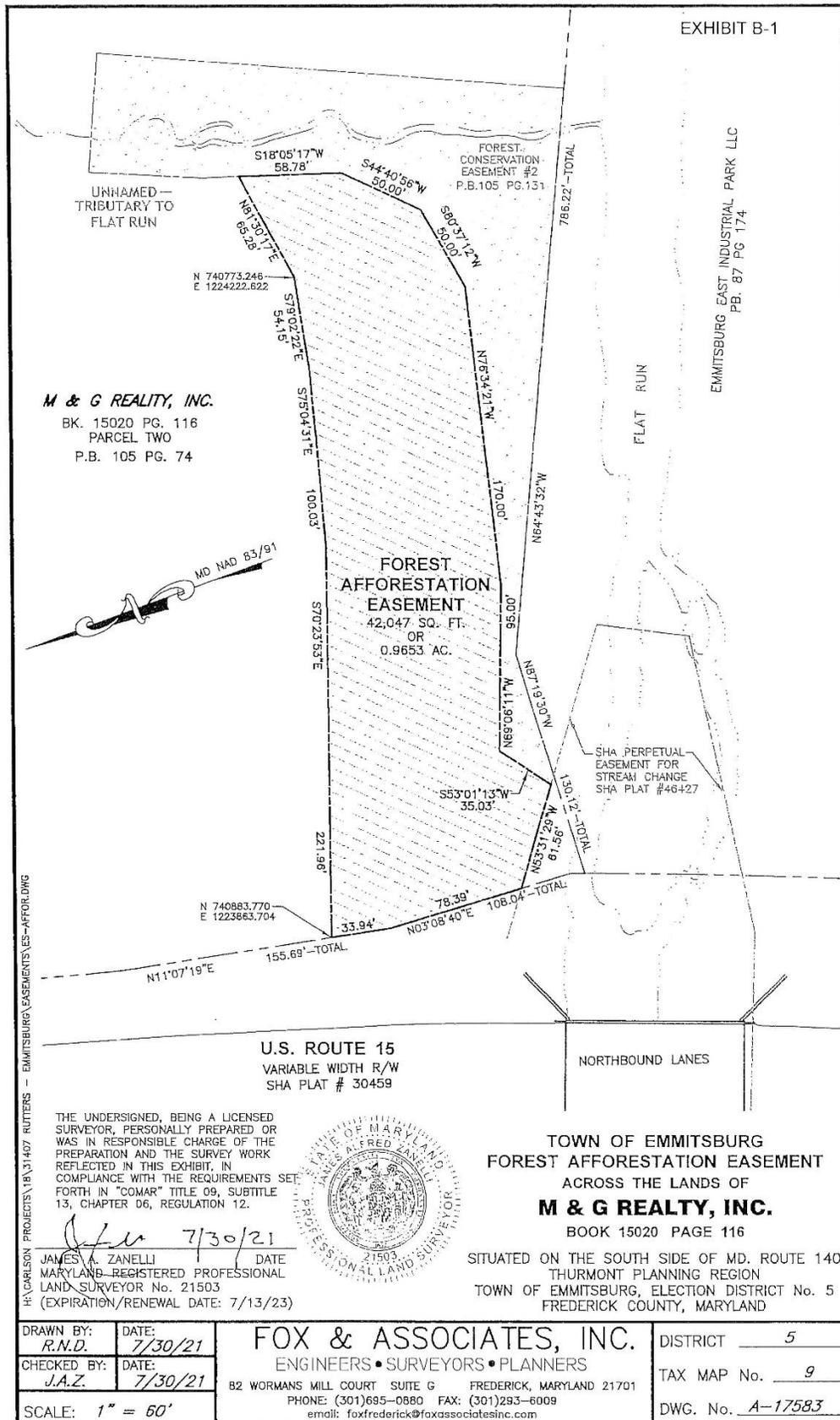


EXHIBIT C

**FOREST CONSERVATION
LONG TERM PROTECTIVE AGREEMENT¹
PERPETUAL RESTRICTIONS FOR REFORESTED/AFFORESTED AREAS**

This Forest Conservation Long Term Protective Agreement Perpetual Restrictions for Reforested/Afforested Areas, hereinafter referred to as "Agreement" is entered into this 9th day of June, year 2020 by and between M & G Realty, Inc., hereinafter "Owner", and the Town of Emmitsburg, a municipal corporation of the State of Maryland, hereinafter "Town", and is entered into and made pursuant to Town Code Section 16.48.090.B5 ("Town Code").

This Agreement constitutes the long term protective agreement specified by the Town Code, for 2.05 acres of reforestation/afforestation and forest retention areas, known as "Easement Areas", at the _____ project as referenced in the Final Forest Conservation Plan, file number 2019-02, approved on May 28, 2019, hereinafter referred to as the "Plan", and the attached exhibit(s).

Pursuant to Town Code, Code of Maryland Regulations (COMAR) 08.19.05.02 and Section 5-1607 of the Natural Resources Article of the Annotated Code of Maryland, the Owner shall have placed restrictions upon all areas to be afforested or reforested under the Plan, such restrictions to run with the land and be in perpetuity. Such restrictions shall prohibit:

A. Commercial or recreational activities and cutting of trees on the Easement Area(s), except for:

- passive recreational activities defined as observance of nature, aerobic exercise and sitting, that do not result in the destruction of or harm the viability of the trees in the Easement Area;
- wildlife management with the approval of the Owner and Town; and
- forest management and tree maintenance practices pursuant to a forest stewardship plan prepared by a licensed, registered forester, with the approval of the Owner and Town.

B. No materials may be dumped, placed or stored in the Easement Area(s), including, but not limited to, ashes, sawdust, bark, trash, garbage, rubbish, dredge spoil, chemicals, pesticides, fertilizers, abandoned vehicles, appliances, or machinery.

¹**The Town is responsible for long-term maintenance of forested areas in dedicated park or other dedicated areas to the Town for public use.*

- C. No excavation of materials is permitted in the Easement Area.
- D. No building, facility, means of access or other structure shall be constructed in the Easement Area after the date of this Agreement.
- E. The Easement Area may not be divided or subdivided.

Such use restrictions have been placed on the property with deed restrictions or covenants to run with the land and have been approved by the Town. All future property owners, including but not limited to any homeowners' association, shall receive title to all such areas subject to such restrictions.

This Agreement shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors and other successors in interest.

M & G Realty, Inc. (*Owner/Agent*) will provide and post permanent signage (at 50% of protective signage numbers) for the Forest Conservation Areas specified on the Plan.

Owner shall maintain access to all such areas of the afforestation or reforestation areas by way of covenants placed on the property, deed restrictions and/or easements. The Town shall be provided with a reasonable access to the areas of afforestation or reforestation for the purpose of inspection, or for purposes of maintenance should the Owner default.

All retained and planted forest shall be protected by restrictions contained on the record plat for the subdivision as approved by the Town, and Liber/Folio for this Agreement shall be noted on the plat. In the case of site plans, this Agreement will be recorded in the land records of Frederick County and the Liber/Folio shall be noted on the Final Site Plan.

Upon any breach of any of the terms of this Agreement, the Town shall have the right to enforce this Agreement in accordance with any or all of the remedies provided in the Town Code, and/or the Annotated Code of Maryland Natural Resources Article, Section 5-1612, and COMAR 08.19.06.03.

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

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

Administrative Business:

- A.
- B.
- C.