



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, JANUARY 11, 2022 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Stormwater Advisory Committee Meeting: Thursday, January 20, 2022 at 7:00 p.m. (Zoom only)

Citizen's Advisory Committee Meeting: Tuesday, January 18, 2022 at 7:30 p.m. (Town Office)

Planning Commission Meeting: Monday, January 31, 2022 at 7:00 p.m. (Town Office)

Town Council Meeting: Monday, February 7, 2022 at 7:30 p.m. (Town Office & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: DECEMBER 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 thanking Joyce Rosensteel for her service to the Town of Emmitsburg.

(B). Update on multi-user trail and RTP grant.

I. CONSENT AGENDA

(1). Accept resignation of Dr. Bernard Franklin from the Planning Commission effective December 10, 2021.

(2). Appointment of Kevin Hagan as a regular member of the Planning Commission with a term of December 10, 2021 – July 2, 2022.

(3). Appointment of Amy Boehman-Pollitt as a regular member of the Planning Commission with a term of January 18, 2022 – January 18, 2027.

(4). Appointment of Terri Ray as an alternate to the Planning Commission with a term of January 11, 2022 – June 7, 2026.

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). ~~Approval of Mayor entering into a real estate listing agreement for the purpose of selling 303 West Lincoln Avenue for consideration.~~
POSTPONED

(2). Discussion related to second water meter (irrigation) proposal.

(3). ~~Set sale price for three acres at the wastewater treatment plant.~~
POSTPONED

300A South Seton Avenue • Emmitsburg, Maryland 21727

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- (4). Approval of the sewer connection agreement with 502 East Main St. and authorize Mayor to sign on behalf of the Town for consideration.
- (5). For discussion and consideration, the continuation of Policy 20-01 ballfield reservation fees.

M. SET AGENDA FOR NEXT MEETING: FEBRUARY 7, 2022

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

ZOOM MEETING ACCESS INFORMATION:

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

Topic: Town Meeting: January 11, 2022

Time: Jan 3, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88183739273>

Meeting ID: 881 8373 9273

Passcode: 21727

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 881 8373 9273

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/88183739273>

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 Anaill@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

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

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, (arrived late with prior notice), Vice President; T.J. Burns, Treasurer, and Joseph Ritz III.

Staff Present - Cathy Willets, Town Manager; Amy Naill, Code Enforcement Officer and acting Recording Secretary. Cole Tabler, Town Accountant; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse, Michelle Mills, CPA and Addie Blickenstaff, Senior Auditor, both with Deleon and Stang. **Absent:** Commissioner Frank Davis with prior notice.

I. Call to Order

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

By unanimous consent the scheduled Monday, January 3, 2022 was moved by the Board of Commissioners to Tuesday January 11, 2022.

Approval of Minutes

Motion: Commissioner Clifford Sweeney motioned to accept the November 1, 2021 town meeting minutes as presented; with the contingency that the language related to Agenda Item # 5 will be reviewed in the January 11th Town Meeting, second by Commissioner T. J. Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from November 2021 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from October 2021 (exhibit in agenda packet).

Town Planners Report:

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

Commissioner Comments:

- Commissioner Burns: He thanked the 55 people that came out for the Turkey Trot and mentioned that over \$1000.00 was raised for the Emmitsburg Food Bank.
- Commissioner Ritz III: He thanked staff for the Christmas decorations on North Seton Avenue.
- Commissioner Sweeney: Mentioned that the Town looked nice especially North Seton Avenue due to the Christmas decorations.

- Commissioner O'Donnell: Mentioned at the January meeting he will be giving an update on the red trail. Also mentioned an upcoming closed session scheduled for either the second or third week of January.

Mayor's Comments:

Mayor Briggs attended numerous meetings in November 2021 (meetings listed in agenda packet). Mayor Briggs mentioned the birth of a daughter to Maddy and Tyler Shaw. He thanked Staff for a \$98,000 grant for a tag reader, which will benefit the Town.

Public Comments:

Kevin Hagan, 1304 Huntley Circle, Emmitsburg, MD 21721 –He mentioned in the results of the 2020 census, the Town population decreased by 1.6%, but the total housing units increased. He wanted to get the board's opinion on the plans going forward. Commissioner Burns mentioned the decrease in population is due to resident's children growing up and moving away. Commissioner O'Donnell mentioned the consolidation of the Daughters of Charity and their facility. Mariela Roca, *no address given*, stated she will try to be at the January Town Meeting. She also made the audience aware that she is running for congress in Maryland's 8th Congressional District and looks forward to meeting everyone.

Administrative Business:

- (A). **Free holiday metered parking for consideration:** Ms. Willets recommends free holiday metered parking from Friday, December 10, 2021 until Monday, January 3, 2022. Any meter money collected during this time would be donated equally between, The friends of the Emmitsburg Library, the Lion's Club and the Emmitsburg Food Bank. *Motion:* Commissioner Ritz III motioned to accept the free holiday metered parking as presented; second by Commissioner Burns. Yeas – 4; Nays -0. Absent – 1.
The motion passed.

Consent Agenda:

The Board approved the resignation of Ron Lind as of October 12, 2021. The Board approved the appointment of Levi Esses to the Board of Appeals for the term of December 7, 2021 to February 17, 2023. Commissioner O'Donnell abstained from this vote. The Board approved the appointment of Scott Frager as an alternate member of the Board of Appeals for a term of December 7, 2021 to January 11, 2024.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for November 2021 (exhibit in agenda packet). The operating balance forward is \$7,603.602.

Planning Commission Report:

No Report, no meeting was held in November.

II. Agenda Items

Agenda #1 – Audit Presentation by Michele Mills, CPA: The presentation was given by Michele Mills, CPA and Addie Blickenstaff, Senior Auditor, both with DeLeon and Stang. The fiscal year 2021 audit was completed, and there were no significant problems identified. There were two material adjustments that were identified and corrected by management. There was one deficiency identified. This was a finding concerning internal controls over vendor payments. The recommendation by the auditors was that the Town review its current "Resident" vendor policies, and make changes, so that payments can be

tracked properly. In response, Town Staff is implementing a policy to set up a separate vendor if it is known that the person /entity is to be used more than once and/or in the amount of \$600 or above (once or in total). The Office Manager will then be distributing the check.

Agenda #2 – Approval of a stormwater management and water/sewer deed of easement with Village Liquors & Plaza Inn and authorize Mayor to sign on behalf of the Town for consideration: Mr. Gulden presented the agenda item. He explained these easements are necessary for Staff and work crews to have access to these facilities located on the property. *Motion:* Commissioner Burns motioned the approval of a stormwater deed of easement with Village Liquors & Plaza Inn, and authorize the Mayor to sign on behalf of the Town as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0. Absent – 1. The motion passed. *Motion:* Commission Burns motioned the approval of the water/sewer deed of easement with Village Liquors & Plaza Inn and authorized the Mayor to sign on behalf of the Town as presented; second by Commissioner Ritz III. Yeas – 4; Nays -0. Absent 1. The motion passed.

Agenda #3 – Approval of the Town of Emmitsburg Addition Plat for 2 Creamery Road for consideration: Mr. Gulden presented the agenda item. He explained the project consists of combining the parcel that is 9.5314 acres with a parcel that is 0.4874 acres to create a new lot that consists of 10.188 acres in order for the new pump station to meet current day zoning setbacks. *Motion;* Commissioner Burns motioned the approval of the Town of Emmitsburg’s addition plat for 2 Creamery Road as presented; second by Commissioner Sweeney. Yeas – 3; Nays – 0. Absent 1. Commissioner Ritz III abstained due to voting on this agenda item previously at a Planning Commission Meeting. The motion passed.

Agenda #4 – Approval of a confirmatory/road dedication deed for the pump station project located at 2 Creamery Road and authorize Mayor to sign on behalf of the Town for consideration: The agenda item was presented by Mr. Gulden. He explained since we have created a new lot, we need to create a new deed and road dedication. *Motion:* Commissioner Sweeney motioned the approval of a confirmatory/road dedication deed for a 2 Creamery Road and authorize the Mayor to sign on behalf of the Town; second by Commissioner Burns. Yeas – 3, Nays – 0. Absent 1. Commissioner Ritz III abstained due to voting on this agenda item previously at a Planning Commission Meeting. The motion passed.

Agenda # 5 – Approval of bid to complete a water rate, sewer rate and tap fee study for consideration: Ms. Willets presented the agenda item. She mentioned that USDA advised us that they would be unable to provide us with any additional water infrastructure funding until our rates can sustain the cost of our yearly maintenance on the water system. She mentioned the project was bid out, and the Town received three bids the Staff recommends NewGen Strategies & Solutions for \$35,000.00. *Motion:* Commissioner Burns motioned the approval of NewGen Strategies and Solutions to complete a water rate, sewer rate and tap fee study for the cost of \$35,000.00; second by Commissioner Ritz III. Yeas – 4, Nays – 0. Absent – 1. The motion passed.

Agenda #6 – Set sale price for 303 West Lincoln Avenue for consideration: Discussed the appraisal amount of \$625,000. The appraisal was conducted by Michael P. Pugh. Per Ms. Willets, the intent is to set the price, but not list it in order to give the Town the ability to negotiate with the tenant. The board had some discussion concerning the uses of the property, and after the property is sold, where the money should be applied. The Mayor mentioned this is a time sensitive matter. *Motion:* Commissioner Burns motioned the that the sale price of \$625,000 be set for 303 West Lincoln Avenue; second by Commissioner Sweeney. Yeas – 4, Nays -0. Absent – 1. The motion passed.

Set Agenda Items for January 11, 2021 Town Meeting

Agenda Items: (1.) Approval of Mayor entering into a real estate listing agreement for the purpose of selling 303 West Lincoln Avenue for consideration. (2.) Discussion related to second water meter irrigation proposal.

(3.) Set sale price for three acres at Waste Water Treatment Plant. (4.) Approval of the sewer connection with 502 East Main Street and authorize Mayor to sign on behalf of the Town for consideration. (5.) For discussion and consideration Policy 20-01 Ballfield Reservation Fees. **Administrative Business:** (A.) Proclamation thanking Joyce Rosensteel for her service to the Town of Emmitsburg. (B.) Update on multi-user trail and RTP (Recreational Trail Program) grant application. **Consent Items:** (I.) Appointment of Kevin Hagan as a regular member of the Planning Commission with a term of January 18, 2022 – January 18, 2027 for consideration.

(II.) Appointment of “person” as an alternate to the Planning Commission with a term of January 18, 2022 – January 18, 2027 for consideration. (III.) Accept resignation of Dr. Bernard Franklin from the Planning Commission effective December 10, 2021 for consideration. (IV.) Appointment of “person” as a regular member of the Planning Commission with a term of December 10, 2021 – July 2, 2022 for consideration.

Motion: Commissioner Ritz III motioned to approve the agenda for the January 11, 2022 town meeting as presented; second by Commissioner Burns. Yeas – 4; 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 December 7, 2021 town meeting; second by Commissioner Burns. Yeas – 4; Nays - 0. The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Amy Naill
Recording Secretary
Minutes Approved On:

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

C. TOWN MANAGER'S REPORT

Town Manager's Report November 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 repaired and replaced some street signs.
- Staff put up Veterans Day Banners and Flags on East and West Main Street.
- Staff put up a new America Goes to Way side sign after being damaged. Sign was damaged again shortly after being replaced.
- Staff put up Christmas decorations and banners around Town and in front of Community Center.

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 winterized all restroom buildings and dog park.
- Staff mowed and trimmed in parks.
- Staff put new trash can and picnic table at the pavilion by the Community Park bandstand.
- Staff moved porta johns to the Community Park Basketball court for the Turkey Trot.
- Staff picked up trash cans and leaves at the Farmers Market.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The lake quota is being met reliably.
- The roughing filters are being backwashed two times a day down from four at the beginning of the month. The DE filters are getting back to two week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>November</u>	<u>Change</u>
○ Well #1:	35'	30'	+5'
○ Well #2:	8'	9'	-1'
○ Well #3:	12'	25'	-13'
○ Well #4:	108'	118'	-10'
○ Well #5:	10'	OFF	N/A

- Storage tanks #1 & #2 were drained and cleaned.
- General discharge permit was renewed.
- Water production and consumption. We produced an average of 245,685 GPD. We consumed an average of 231,313 GPD. The amount of Backwash Water in the month of November is ... (17.0%).
 - 45.7% of this water came from wells.
 - 5.1% of this water came from Mt. St. Mary's.
 - 49.2% of this water came from Rainbow Lake.

We purchased 431,150 gallons of water from MSM this month.

Wastewater:

- We treated an average of 704,000 gpd (consumed 231,313 GPD) which means that 67% of the wastewater treated this month was "wild water".
- We did not have any spills of untreated sewage in the month of November.
- We did not exceed the plant's design capacity any time in the month of November.
- We received about 1.0" of precipitation this month (the average is 3.61"). We have a precipitation **SURPLUS of 7.05"** over the last six months. The average precipitation for the period from June 1 through November 30 is 22.2". We have received 29.25" for that period.

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

Meetings Attended:

- 11/01 Attended Town Meeting.
- 11/01 Met with Mayor.
- 11/02 Met with staff and contractor to review the Preliminary Engineering Report.
- 11/03 Met with staff to review water usage and bill comparison.
- 11/09 Attended department head meeting.
- 11/09 Attended support staff meeting.
- 11/10 Attended zoom building meeting with staff, Mayor and County representatives.
- 11/15 Met with staff to review first quarter FY22 budget.
- 11/23 Attended zoom meeting with staff and contractor related to GIS and waterlines

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in November.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff completed some use and occupancy permit inspections.
- Staff assisted with repairing water leak at Well #2.
- Staff unped out some fire hydrants that did not drain from flushing.
- Staff provided pallet of stakes for the MS4 tree planting project at the WWTP.
- Staff repaired water leak in front of 331 North Seton Ave.
- Staff repaired water leak on West Lincoln Ave. by the pool.
- Staff assisted with marking utilities at the WWTP for Rutters.
- Staff located and checked all curb boxes in empty lots in Southgate.
- Staff working with contractor at 606 East Main St. re: sewer line project.
- Meters all calibrated at WTP and WWTP.
- The new 10" water line has been installed and tested. Tied into our system.
- Staff working with Rutters' contractor on piping installation for water and sewer.
- Staff working with Federal Stone to locate all active pipes, ROWs, and force main.

PARKING ENFORCEMENT REPORT
November 2021

Overtime Parking	65
Restricted Parking Zone	5
Street Sweeping	5
Parked in Crosswalk	
Parked on Sidewalk/Curb	1
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	
48 Consecutive Hours	6
Meter Money	\$ 941.24
Parking Permits	\$ 690.00
Meter Bag Rental	\$ 25.00
Parking Ticket Money	\$ 240.00
Total:	\$1,896.24

D. TOWN PLANNER'S REPORT

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

1. Board of Commissioners (BOC):

- Attended the 11/1 BOC meeting and processed pre/post meeting materials.
- Prepared presentations & meeting materials for the 12/6 BOC meeting items:
 - Village Liquors/Plaza Inn utility deed of easement.
 - Pump Station Addition Plat
 - Pump Station Addition Plat confirmatory/road dedication deed.
- Worked with attorney on 507 E Main St hazardous building determination. Applied for an administrative search warrant with FC District Court.
- Created a proclamation honoring Joyce Rosensteel.

2. Grants:

- Community Legacy grant management:
 - Started processing FY22 applications.
 - Processed a reimbursement request for 527 W Main St.
- Chesapeake Bay Trust grant management:
 - Silo Hill SWM basin retrofit design & permitting.
- Community Development Block Grant (ADA Ramps) management:
 - Conducted 4x construction inspections.
 - Conducted 2x employee interview per grant requirements.
 - Submitted the MDOT SHA traffic control permit application for ramp 33.
 - Attended a MDOT SHA preconstruction meeting for ramp 33 on 11/10.
 - Reviewed & processed weeks 13, 14, 15, 16, & 17 payrolls.
 - Processed payment request #4, which included field measurements of 16 ramps.
 - Processed grant reimbursement request #4.
 - Attended a virtual progress meeting on 11/15.
 - 59 of 130 ramps are completed to date.
- Community Development Block Grant (DePaul Street Waterlines):
 - Researched possibility of grant funds for waterline project.
 - Income Survey:
 - Submitted survey methodology and all documents to CDBG staff for review/approval.

- Prepared & mailed 82 income survey cover letters & survey documents.
- Clean-Up & Green Up Maryland
 - Submitted FY21 final report.

3. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
- Silo Hill SWM basin retrofit project:
 - Worked with contractor on applying for the Chesapeake & Coastal Grant.
 - Submitted construction plan to Frederick County for permitting.
- 27-acre tree planting project:
 - Attended tree planting event on 11/6.
 - Finalized DOC 16-acre tree planting easement.
- SWM Utility Feasibility Study project management:
 - Attended a virtual meeting with contractor on 11/16.
 - Attended the 11/18 Feasibility Advisory Committee meeting on 11/18.
 - Attended a virtual meeting with the contractor on 11/30.

4. Permits & Zoning:

- Processed 5x zoning permit applications:
 - 2x shed.
 - 1x roof.
 - 1x deck.
 - 1x fence.
- Processed 8x backflow preventer permit applications.
- Processed 1x no zoning permit required form.
- Processed 1x street closure (Irishtown Road – December).
- Mailed 6x high hazard backflow permit renewal reminder letters.
- Responded to incident reports.

5. Planning Commission (PC):

- New Creamery Road Pump Station, Rutter's, Irishtown Road (Brookfield Lots 1-19), Federal Stone, Village Liquors & Plaza Inn, and Ripleigh's Creamery project management.
- New Creamery Road Pump Station:
 - Worked with attorney on preparing confirmatory & road dedication deed of easements.
- Irishtown Road (Brookfield Lots 1-19):
 - Reviewed various construction reports.
- Village Liquors & Plaza Inn:
 - Worked with attorney on sewer, drainage, & utility deed of easement.
 - Received, processed, and provided staff memo for final subdivision plat.

- Rutter's:
 - Worked with engineer on sewer construction specification approvals.

6. Miscellaneous:

- Forestry stand 9 & 10 project management.
- Attended a department head meeting on 11/9.
- Attended a department head Q1 FY21 financial review meeting on 11/15.
- Worked with contractor on the street tree plan.
- Created maps & property information sheets for Mayor regarding Trout property, Emmit Ridge 2, Bollinger property & McNair property.
- Updated and re-submitted MDOT SHA HPS-20 annual road improvement report due to update.
- Met with Town Manager, Sewer/Water Superintendent, & contractor regarding water line GIS data on 11/23.

7. New Business / Development Updates:

- **Rutter's** – active construction. Expected completion is late summer of 2022.
- **Federal Stone** - Preparing required engineered plans for Planning Commission submittal. They have purchased the Emmitsburg East Industrial Park II property in its entirety.
- **Village Liquors & Plaza Inn** - Working on meeting Planning Commission improvement plat conditions & permitting from Town & County. Submitted a final subdivision plat to cut 2-acre parcel into two 1-acre parcels.
- **Ripleigh's Creamery** – Working on obtaining FC building permit.
- **Tuscany's Pizzeria** - Occupancy permit issued by County. Awaiting grand opening date from owner. No activity with the town this month.
- **Emmit Ridge 2** - Property has sold to an investor. RJD Development & Ryan Homes working with investor to purchase. Wetlands have been found to compromise 8 proposed lots and part of proposed Irishtown Drive. Wetland mitigation will need to be approved by State of MD. 48 total lots proposed.
- **Frailey Farm** - Property is for sale. No activity with the Town this month.
- **Catocin Vistas (Trout Property)** - Property is for sale. No activity with the town this month. No activity with the town this month.
- **Brookfield 10-unit cul-de-sac** – Sketch plan submitted. Zoning map amendment required. No activity with the town this month.
- **Warthen's Court 5-unit townhomes** – Sketch plan submitted. Preparing required engineered plans for Planning Commission submittal. No activity with the town this month.
- **MDOT/SHA Park & Ride** – Design is 15% complete. Project is on hold due to State budget cuts resulting from COVID-19. Staff working with legislators to push project forward. No activity with the town this month.

1.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

- 12/6 (Monday) 6 pm, Town Christmas Tree lighting in front of the Community Center.
- 12/9 (Thursday) 9:30 am podcast with Mount President Tim Trainor at the Town office.
- 12/14 (Tuesday) 12 pm Town staff office party.
- 12/15 (Wednesday) 9 am zoom meeting re: Brookfield S/D change in zoning from commercial to SFD residential request by developer. Zoom meeting with planner Zach Gulden, Leslie Powell town attorney, and Bruce Dean attorney for Richard DeMitt, Brookfield developer, Mr. Demitt.
- 12/28 (Saturday) 11 am, Lincoln on the Park, dropping off Lions Club Christmas gift cards with Libby Briggs, Connie Kapriva, and Sharon Hanes.
- 01/02/22 (Sunday) speak at Mass at St. Joseph's Church and later luncheon tribute to Denny Ebaugh, 40 years of service to church as facility manager.
- 01/11/22 (Tuesday) 7:30pm regularly scheduled town monthly meeting in person and zoom.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

1. Proclamation thanking Joyce Rosensteel for her service to the Town of Emmitsburg.
2. Update on multi-user trail and RTP grant.



Proclamation

*Let It Hereby Be Known
on the occasion of this
recognition of services
this 11th day of January 2022 the*

*Town of Emmitsburg
hereby extends sincere gratitude
and heartfelt appreciation to*

Joyce Rosensteel

*for the services provided
between the years of 2002 and 2022. It is hoped that
Ms. Rosensteel will continue to be a presence and
resource to the Emmitsburg community for many
years to come.*

Donald N. Briggs, Mayor
January 11, 2022

Timothy O'Donnell, President
Board of Commissioners
January 11, 2022

Administrative Business

Item #2 - Update on multi-user trail and RTP grant. Presentation by Commissioner O'Donnell.

I. CONSENT AGENDA

PLANNING COMMISSION:

1. Accept resignation of Dr. Bernard Franklin from the Planning Commission effective December 10, 2021.
2. Appointment of Kevin Hagan as a regular member of the Planning Commission with a term of December 10, 2021 – July 2, 2022.
3. Appointment of Amy Boehman-Pollitt as a regular member of the Planning Commission with a term of January 18, 2022 – January 18, 2027.
4. Appointment of Terri Ray as an alternate to the Planning Commission with a term of January 11, 2022 – June 7, 2026.

J. TREASURER REPORT

**TOWN OF EMMITSBURG
CASH ACTIVITY as of December 31, 2021**

\$7,681,560		Cash Balance December 1, 2021
537,742		Deposits
<u>-535,754</u>		Withdrawals
\$7,683,548		Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$89,539	State Retirement & Pension of MD	FY22 MD State Pension Expense	12.01.21	43015
\$24,965	Chesapeake Employers Insurance Co	FY22 Workmans Compensation Expense	12.15.21	43076
\$19,106	MD Dept of Budget & Mgmt	Nov 21 Health Insurance	12.01.21	43013
\$8,730	RK&K	Water Clarifier Project	12.21.21	43110
\$8,673	UGI Energy Services	Oct 21 Solar #1	12.01.21	43031
\$6,914	Republic Services	Dec 21 Residential Services	12.08.21	43035
\$6,003	School of Public Policy	Stormwater Mgmt Utility Study	12.15.21	43097
\$5,677	Frederick County DUSWM	Nov 21 Tipping Fees	12.08.21	43042
\$5,246	UGI Energy Services	Oct 21 Solar #2	12.01.21	43033
\$4,212	RK&K	Water Clarifier Project	12.21.21	43110

Ck dates 11.30.21 to 12.31.21

For more information, go to www.emmitsburgmd.gov

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM #1.

Approval of Mayor entering into a real estate listing agreement for the purpose of selling 303 West Lincoln Avenue for consideration.

POSTPONED

AGENDA ITEM #2. Discussion related to second water meter (irrigation) proposal.

A request was made to allow people to get a second water meter (sub-meter) installed for irrigation purposes.

AGENDA ITEM #3. Set sale price for three acres at the wastewater treatment plant.

POSTPONED

AGENDA ITEM #4.

Approval of the sewer connection agreement with 502 East Main St. and authorize Mayor to sign on behalf of the Town for consideration.

SEWER CONNECTION AGREEMENT

It is this ____ day of December, 2021, hereby agreed between the Town of Emmitsburg (“Town”) and Marcasa Holdings, LLC (“Marcasa”), for good and valuable consideration as set forth below, that Town will install a lateral sewer line from the Marcasa building, and a line from the Marcasa property boundary to the Town sewer system.

WHEREAS, a disconnection from the Marcasa building, located at 502 East Main Street, more fully described in the land records of Frederick County, Maryland at Liber 15036, Folio 218 (hereafter the “Marcasa Property”) to the Town system may have occurred; and

Whereas, rather than dispute who has the obligation to correct or repair any connection errors, defects, or cause of damage, the Town has agreed, at its cost and expense, to install a new sewer line from the building to the Town sewage collection system; and

Whereas, Marcasa has agreed not to seek reimbursement from the Town for paid sewer fees, if any; it is now, therefore,

AGREED AS FOLLOWS:

1. The foregoing Whereas clauses are incorporated herein by reference.
2. The Town shall install a sewer lateral line from the Marcasa building to the Town mainline located along East Main Street in the area generally depicted on Exhibit A (hereafter described as the “Work”).
3. The Work shall also include installing a new lateral line coming from the east side of the structure to the property line and shall extend the line beyond the property line to the Town Main Sewer Line located in the area as shown on the attached Exhibit A connecting to the line under East Main Street.
4. The Work will be conducted within the general area depicted in Exhibit A attached hereto.
5. The Work shall **not** include the hook up of the line within the building. The details of the Work to be performed are reflected in Exhibit B attached hereto. No other work is contemplated except as set forth herein.
6. The Town will provide advance notice of the dates and times of the Work.

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7. The work will be performed by the Town's contractor, KelCo Plumbing and Backhoe Service, LLC at the Town's expense
8. The Town will indemnify Marcasa from any damage to the property caused by the Contractor.
9. The Town will restore the Marcasa property following completion of work to the extent described in Exhibit B and any damage to the property incurred during construction. Portions of the asphalt parking area will be replaced to the same depth as the remaining area and the surface will be consistent with the existing area.
10. Marcasa acknowledges and agrees that it shall make the property reasonably accessible for the Town to conduct the repairs set forth herein.
11. Except for obligations of the Town as described herein, Marcasa hereby releases the Town from any claims relating to the sewer charges assessed by the Town against the Marcasa property and from any claims relating to the sewer connection from the Marcasa building to the property line; known or unknown, suspected or unsuspected from the beginning of time to the completion of the work described herein.
12. Except for obligations of Marcasa as described herein, the Town hereby releases Marcasa from any direct claims asserted by the Town relating to the sewer connection from the Marcasa building to the Town system; known or unknown, suspected or unsuspected from the beginning to time to the completion of the work described herein. For purposes of clarification, such release does not: (i) bar the Town from impleading Marcasa in the event a suit is brought against the Town by Third Party; (ii) create any obligation by the Town at common law or otherwise to indemnify Marcasa from any claims asserted by a third party against Marcasa; and, (iii) include Marcasa's continuing obligation to pay future sewer charges assessed by the Town or its obligation to maintain its lateral lines and systems located on its property.
13. As a condition of this Agreement, Marcasa acknowledges that it shall not seek any refunds for monies paid to the Town for water and sewer service.
14. Following completion of the work described herein, it shall be Marcasa's obligation to maintain the sewer lines located within its property boundaries. This Agreement shall not be construed as including any continuing obligation by the Town to maintain the Marcasa lateral line or sewer systems within the Marcasa Property boundaries. Nor shall this Agreement be construed as creating any indemnification obligation at common law or otherwise by the Town to Marcasa for any claims that may be asserted against Marcasa by third parties.

15. Marcasa acknowledges and agrees that this agreement is unrelated to and has no bearing on the number of taps (ERUs) available to Marcasa and that should Marcasa require additional taps or (ERUs), it shall do so at its own cost and expense.
16. The parties recognize that this is a resolution of disputed claims, and neither party acknowledges any liability to the other in connection with the Marcasa sewer system connections.
17. Any disputes relating to the parties' obligations hereunder shall be resolved in the courts of Frederick County, Maryland, and all parties hereto SHALL WAIVE ANY RIGHT TO TRIAL BY JURY.
18. Neither party has offered anything to the other that is in addition to the respective obligations set forth in this Agreement and this Agreement represents an integrated whole. No promises outside the scope of this Agreement were made to any party as an inducement to enter into this Agreement.

ATTEST:

MAYOR, TOWN OF EMMITSBURG

By: _____
Cathy Willets, Town Manager

By: _____
Donald N. Briggs, Mayor

Reviewed for Legal Sufficiency:

By:  _____
Leslie A. Powell, Town Counsel

WITNESS:

MARCASA HOLDINGS, LLC

 _____

By:  _____
Managing Member

AGENDA ITEM #5: For discussion and consideration, the continuation of Policy 20-01 ballfield reservation fees.

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Policy No. P20 - 01

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**TOWN OF EMMITSBURG
BALL FIELD RESERVATION FEES**

This Policy will replace previously adopted Policy P18-01 in relation to ball field charges only.

As of this date and pursuant to Title 12, Section 12.20.070 entitled "Ballfield fee schedule information" of the Emmitsburg Municipal Code, ball field fees shall be as follows:

Ball Field Fee(s)

A. Single Day Use

1. Non-Profit Organizations:
 - o No charge.
2. Residents (from the Emmitsburg voting district).
 - o No charge.
3. Non-Residents (*not* from the Emmitsburg voting district).
 - o No charge.

B. League Use:

1. Resident (league address based in the Emmitsburg voting district).
 - o No charge.
2. Non-Resident (league address *not* based in the Emmitsburg voting district).
 - o No charge.

C. Tournament Use:

1. Youth Tournament (ages 17 and under)
 - o No charge.
2. Adult Tournament (ages 18 and older)
 - o No charge.

Proof of federal 501(c) (3) status and liability insurance in the minimum amount of \$1,000,000 per occurrence may be required with a registration. The availability of the fields is on a first come, first serve basis, with applicants from the Emmitsburg voting district given first priority. Field reservation requests will be accepted for each season beginning on January 15th of each year. The same field cannot be reserved for seven consecutive days; one day must remain open for public use. The facility used must be returned to its original condition except for normal wear. If this is not followed, the Town may decide not to allow future use to the applicant.

The provisions as outlined in Policy P20-01 shall expire twelve (12) months from the date of passage, unless extended by the Mayor and Board of Commissioners. The following schedule of ball field fees shall take full effect if Policy P20-01 expires:

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Ball Field Fee(s)

D. Single Day Use

2. Non-Profit Organizations:
 - o \$10.00 an hour.
 - o 100% refundable if field and/or surrounding area is left in good condition.
2. Residents (from the Emmitsburg voting district).
 - o \$10.00 an hour.
 - o 50% refundable if field and/or surrounding area is left in good condition.
3. Non-Residents (*not* from the Emmitsburg voting district).
 - o \$20.00 an hour.

E. League Use:

1. Resident (league address based in the Emmitsburg voting district).
 - o \$50.00 per team, per field, per season
2. Non-Resident (league address *not* based in the Emmitsburg voting district).
 - o \$100.00 per team, per field, per season

F. Tournament Use:

1. Youth Tournament (ages 17 and under)
 - o \$50.00 per day.
2. Adult Tournament (ages 18 and older)
 - o \$75.00 per day.

Proof of federal 501(c) (3) status and liability insurance in the minimum amount of \$1,000,000 per occurrence may be required with a registration. The availability of the fields is on a first come, first serve basis, with applicants from the Emmitsburg voting district given first priority. The same field cannot be reserved for seven consecutive days; one day must remain open for public use. The facility used must be returned to its original condition except for normal wear. If this is not followed, the Town may retain all refundable fees and may decide not to allow future use to the applicant.

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BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 6th day of January, 2020.

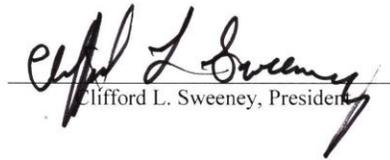
PASSED this 6th day of January, 2020.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:



Madeline Shaw, Town Clerk



Clifford L. Sweeney, President

 APPROVED VETOED

this 6th day of January, 2020.



Donald N. Briggs, Mayor

M. SET AGENDA FOR NEXT MEETING: MON. FEBRUARY 7, 2022 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.