



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, FEBRUARY 7, 2022 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Parks and Recreation Committee Meeting: Tuesday, February 15, 2022 at 7:30 p.m. (Town Office)

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

Planning Commission Meeting: Monday, March 28, 2022 at 7:00 p.m. (Town Office)

4. MEETING ITEMS

A. APPROVE MINUTES: JANUARY 11, 2022

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS: NONE

I. CONSENT AGENDA:

- Filing of the 2021 Planning Commission Report.

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Forward zoning map amendment application for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels "C", "D" & "E" of Brookfield recorded in Plat Book No. 58, Page 40 to the Planning Commission and set public hearing and final vote for April 4th, 2022 for consideration.

(2). Approval of bid to pour eight concrete slabs for ballfield bleachers for consideration.

(3). Approval of bid to construct and install eight bleachers for ballfields for consideration.

(4). Approval of bid to pave gravel area in Memorial Park for consideration.

(5). FY2021 budget transfers to the capital projects fund for consideration.

(6). Approval of new employee hire for position of Town Clerk for consideration.

(7). Approval of new employee hire for position of Office Coordinator for consideration.

(8). Approval of employee for new position part-time Grant Administrator for consideration.

(9). Approval of pool management company for the 2022-2024 pool seasons for consideration.

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

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

ZOOM MEETING ACCESS INFORMATION:

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

Topic: Town Meeting: February 7, 2022

Time: Feb 7, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87055879981>

Meeting ID: 870 5587 9981

Passcode: 21727

One tap mobile

+13017158592,,87055879981#,,,,*21727# US (Washington DC)

+16465588656,,87055879981#,,,,*21727# US (New York)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 870 5587 9981

Passcode: 21727

Find your local number: <https://us02web.zoom.us/u/keldYB9YrL>

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 Anail@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
JANUARY 11, 2022
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; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Jason Ahalt and Deputy Ben Whitehouse.

I. Call to Order

Town Clerk Ms. Shaw joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the January 11, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the December 7, 2021 town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Police Report:

Deputy Ahalt presented the police report from December 2022 (exhibit attached). Deputy Ben Whitehouse has taken another position with the Sheriff's Office and will no longer be an Emmitsburg community deputy. Mayor Briggs presented a certificate of appreciation to Deputy Whitehouse for his six years of service.

Town Managers Report:

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

Town Planners Report:

Zach Gulden, Town Planner, the Planner's Report from November 2021 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner Burns: He mentioned State funding has recently become available via the Drinking Water State Revolving Fund that can be used for the waterline replacement projects and other Town projects.
- Commissioner Davis: He complimented staff on the holiday decorations.
- Commissioner Ritz III: He hoped everyone had a nice holiday and thanked Michael Hillman with Emmitsburg News Journal for attending the meeting.
- Commissioner Sweeney: The Lions Club will be holding a meeting soon to determine additional fundraising methods to pay for the annual Heritage Day fireworks. In March 2022 the banner's honoring community veterans will go up on the street light poles and anyone interested in honoring a veteran can contact the Lions Club.
- Commissioner O'Donnell: St. Joseph's staff are requesting a sidewalk ramp for DePaul Street. The Emmitsburg Library is celebrating the 150th anniversary of the construction of the Emmitsburg Community Center in September and is requesting funding from the Town for a museum exhibit on the building and its history.

Mayor's Comments:

Mayor Briggs attended numerous meetings in December 2021 (meetings listed in agenda packet). Mayor Briggs hosted the Town's annual Christmas tree lighting ceremony. He will be re-starting his social media "Mayors Talks" and his most recent guest was President Trainor from Mount St. Mary's University. He also met with Sunshine Management Company on the School House Apartments regarding the DePaul Street waterline replacement project among other meetings.

Public Comments:

None.

Administrative Business:

- (A). **Proclamation thanking Joyce Rosensteel for her service to the Town of Emmitsburg:** Mayor Briggs read the proclamation aloud thanking Ms. Rosensteel for her 20 total years of service on the planning commission, Board of Commissioners and other committees.
- (B). **Update on multi-user trail and RTP grant:** Commissioner O'Donnell presented the business. A State Recreational Trails Program (RTP) grant was applied for by MORE to obtain funds to repair the red and orange trails, purchase trail signage, add a youth loop at the Scott Road Farm and enhance parking at Rainbow Lake; however, the grant was denied. The denial letter stated concern over the possibility of future damage occurring during forestry work and the need for connectivity and public parking if a youth trail is added at the Scott Road Farm. Commissioner O'Donnell expressed his desire to add more trails in the future and summarized the benefits of trails.

Consent Agenda:

The Board gave unanimous consent for the resignation of Dr. Bernard Franklin from the Planning Commission effective December 10, 2021 and the appointment of Kevin Hagan as a regular member of the Planning Commission with a term of December 10, 2021 – July 2, 2022. Commissioners O'Donnell, Sweeney, Davis and Burns gave consent for the appointment of Amy Boehman-Pollitt as a regular member of the Planning Commission with a term of January 18, 2022 – January 18, 2027; Commissioner Ritz III abstained due to recommending Ms. Boehman-Pollitt for the position. The Board gave unanimous consent for the appointment of Terri Ray as an alternate to the Planning Commission with a term of January 11, 2022 – June 7, 2026.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for December 2021 (exhibit in agenda packet). The operating balance forward is \$7,683,548.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on December 9, 2021 where the final subdivision plat for Village Liquors and Plaza Inn was conditionally approved.

II. Agenda Items

Agenda #1 - Approval of Mayor entering into a real estate listing agreement for the purpose of selling 303 West Lincoln Avenue for consideration: Agenda item postponed.

Agenda #2 - Discussion related to second water meter (irrigation) proposal: Ms. Willets presented the item. There has been a request by a resident for a sub or second water meter to allow for tracking of irrigation system water usage. Thurmont is a neighboring municipality that allows second water meters and treats the meter as a new connection. Town staff is not supportive of the second water meter for irrigation systems due to concerns with possible increased usage of water, increased demand on town accounting staff for the billing of the meter and the reduction of available taps for new developments. The Board discussed

available taps and the impact a second water meter would have on taps available. *Jason Vaughan, Ramblewood Drive* – Mr. Vaughan explained he currently has an irrigation system that he can control separately and that has a timer to comply with town yard watering guidelines. Mr. Vaughan is requesting a sub meter so he does not need to pay sewage on the water that seeps back into the ground from the irrigation system. The Board discussed the impact of irrigation systems on town stormwater management requirements. The Board directed town staff to research the item further including cisterns and bring a recommendation back to the Board at a later date.

Agenda #3 - Set sale price for three acres at the wastewater treatment plant: Agenda item postponed.

Agenda #4 - Approval of the sewer connection agreement with 502 East Main Street and authorize Mayor to sign on behalf of the Town for consideration: Ms. Willets presented the item. The agreement was prepared by the town attorney. The agreement is between the Town and Marcasa Holdings, LLC for connection of 502 East Main Street to the Town's sewer system. The 500 East Main Street sewer connection was approved at the end of 2021 and this agreement is part of the same project as the sewer connections on both properties will occur at the same time. If the Board approves, the Town will proceed to schedule the work with KelCo Plumbing as soon as possible. *Motion:* Commissioner Davis motioned to approve the agreement as presented and authorize the Mayor to sign; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - For discussion and consideration, the continuation of Policy 20-01 ballfield reservation fees: Ms. Willets presented the agenda item. The Board approved Policy 20-01 at the January 6, 2020 town meeting which removed the 2018 ballfield usage fees with a sunset provision for January 6, 2021. The Board extended the policy another 12 months in 2021. Since the policy has expired the Board needs to determine next steps for fees. Brunswick provides electrical, water, trash, mowing and free field usage in exchange for the teams providing ballfield mix, field painting and field maintenance. The Town spends about \$10,00 to \$18,000 for field maintenance each year. Town staff recommends continuing free field usage but requiring the leagues to fund ballfield mix, field painting and field maintenance. *Kevin Hagan, Huntley Circle* – Mr. Hagan requested the Parks and Recreation Committee review the policy and supports small to no fees for leagues. Commissioner Davis requested a breakdown of Town ballfield expenses and expressed concern over the leagues paying for maintenance and the costs being passed onto the players and their families. The Board discussed neighboring municipalities and if the sports teams are required to complete field maintenance. The current field usage agreement that expires in January 31, 2023 says the Town will provide dirt and mow and the leagues will maintain the infield. The Board requested staff provide a maintenance recommendation to the Parks and Recreation Committee for their formal review by their November 15, 2022 meeting and that the committee discuss the proposed recommendations with the leagues. *Motion:* Commissioner Ritz III motioned to continue Policy P20-01 with no fees for ballfield usage until December 31, 2022; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

Set Agenda Items for February 7, 2022 Town Meeting

Agenda Items: (1.) Forward zoning map amendment application for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels “C,” “D,” and “E” of Brookfield recorded in Plat Book No. 38, Page 40 to the Planning Commission and set public hearing and final vote for March 7, 2022; (2.) Approval of bid to pour eight concrete slabs for ballfield bleachers for consideration; (3) Approval of bid to construct and install eight bleachers for ballfields for consideration; (4) Approval of bid to pave gravel area in Memorial Park for consideration; (5) FY2021 budget transfers to the capital projects fund for consideration; (6) Approval of new employee hire for position of Town Clerk for consideration; (7) Approval of pool management company for the 2022-2024 pool seasons for consideration. **Administrative Business:** None. **Consent Items:** Filing of the 2021 Planning Commission Report. *Motion:* Commissioner Burns motioned to approve the agenda as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the January 11, 2022 town meeting; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The meeting adjourned at 9:46 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
December 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 repaired some snowflakes on East and West Main St.
- Staff painted speed bumps on Timbermill Run and Huntley Circle.
- Contractor blacktopped sections on East Lincoln Ave, West. Lincoln Ave. by the pool, and in front of 331 North Seton Ave.
- Staff cleaned parking spaces on East Main due to glass from an accident.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Contractor removed sun shades for all-accessible playground.
- Staff cut up and burned some trees that blew over from windstorm.
- Staff picked up leaves along fences in Memorial Park.
- Staff dug out in front of some pipe crossings along Community Park walking trail. Staff also put in some gabion stones.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day. The DE filters are getting back to weekly runs.
- General discharge permit received (tanks, hydrant flushing, etc.)
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>December</u>	<u>Change</u>
○ Well #1:	35'	30'	+5'
○ Well #2:	8'	9'	-1'
○ Well #3:	12'	23'	-11'
○ Well #4:	108'	OFF	N/A
○ Well #5:	10'	OFF	N/A

- Water production and consumption. We produced an average of 253,402 GPD. We consumed an average of 230,250 GPD. The amount of Backwash Water in the month of December is ... (18.7%).
 - 29.0% of this water came from wells.
 - 5.4% of this water came from Mt. St. Mary's.
 - 65.6% of this water came from Rainbow Lake.

We purchased 444,250 gallons of water from MSM this month.

Wastewater:

- We treated an average of 354,000 gpd (consumed 230,250 GPD) which means that 35% of the wastewater treated this month was "wild water".
- We did not have any spills of untreated sewage in the month of December.
- We did not exceed the plant's design capacity any time in the month of December.
- We received about 1.4" of precipitation this month (the average is 3.3"). We have a precipitation **SURPLUS of 4.98"** over the last six months. The average precipitation for the period from July 1 through December 31 is 21.61 ". We have received 26.59" for that period.

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

Meetings Attended:

- 12/01 Met with staff to open the water/sewer rate and connection fee study.
- 12/02 Attended Frederick County Hazard Meeting (zoom) with staff.
- 12/06 Met with Mayor
- 12/07 Attended Town Meeting.
- 12/14 Met with Mayor
- 12/14 Attended ARPA webinar.
- 12/16 Met with Mayor
- 12/20 Zoom call with staff, Rutters and engineers re: inspections.
- 12/21 Met with Mayor

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in December.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff completed some use and occupancy permit inspections.
- Staff conducted quarterly water meter readings.
- Staff continues to mark utilities for ADA ramps, Rutters, Federal Stone, gas company, Comcast and Irishtown Road projects.
- Staff assisted with tree lighting event.
- Staff worked with contractor on making the 8" and 10" water line connections from Town line to new water lines on Irishtown Road.
- Staff conducted water meter re-reads for about 20 residences.
- Staff loaded pallets of stakes for MS-4 tree plantings.
- Staff installed new fuel tank at 142 South Seton Maintenance garage.
- Staff collecting data to complete final State reports for 2021.
- Staff marked all the lines again for Rutters at WWTP. Work has begun to install the water line and sewer force main. Contractor tied into the water line (bored pipe under Flat Run).
- Staff marked the lines again for Federal Stone Property and worked with surveyor to locate lines and easements.
- Mr. Rehab was on site to clean, camera and measure the lines in Emmit Gardens for preliminary survey. There were some roots, cracked pipes and a section that was overall pretty severe.
- LG Sonic was taken out of the lake for the winter.

PARKING ENFORCEMENT REPORT
December 2021

Overtime Parking	37
Restricted Parking Zone	
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	8
Meter Money	\$ 617.17
<i>Town Portion Dec 1st – Dec 9th</i>	\$ 163.33
<i>Donation Portion Dec 10th – Jan 3rd</i>	\$ 453.84
<i>Emmitsburg Food Bank 1/3</i>	\$ 151.28
<i>Lions Club Firework Display 1/3</i>	\$ 151.28
<i>Emmitsburg Library Youth Program 1/3</i>	\$ 151.28
Parking Ticket Money	\$ 875.00
Total:	\$1,492.17

D. TOWN PLANNER'S REPORT

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

1. Board of Commissioners (BOC):

- Attended the 12/7 BOC meeting and processed pre/post meeting materials.
- Attended a bid opening meeting on 12/1 regarding water/sewer rate study.
- Reviewed bids from water/sewer rate study & provided comments to Town Manager.
- Met with structural engineer on 12/13 at 507 E Main St regarding dangerous/hazardous building determination.
- Met with mold specialist on 12/14 at 507 E Main St regarding dangerous/hazardous building determination.

2. Grants:

- Community Legacy grant management:
 - Continued processing FY22 applications.
 - Submitted FY21 quarterly report.
 - Prepared meeting materials for 2022 Sustainable Community Board meeting.
- Chesapeake Bay Trust grant management:
 - Silo Hill SWM basin retrofit design & permitting.
 - Submitted a reward revision request to request a time extension.
- Community Development Block Grant (ADA Ramps) management:
 - Conducted 1x construction inspection.
 - Reviewed & processed weeks 18, 19, & 20 payrolls.
 - Resubmitted Ramp #33 MDOT SHA permit application based on review comments.
 - Attended a virtual progress meeting on 12/20.
 - 59 of 130 ramps are completed to date.
- Community Development Block Grant (DePaul Street Waterline):
 - Processed 44 completed income surveys.
 - Reached out to missing survey properties via phone/in-person.

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 and submitted \$199,000.00 Chesapeake & Coastal Grant application.
- SWM Utility Feasibility Study project management:
 - Worked with contractor on creating an educational flyer.
 - Attended the Feasibility Advisory Committee meeting on 12/16.
 - Attended a virtual meeting with contractor on 12/17.
 - Gathered and provided various information to contractor.

4. Permits & Zoning:

- Processed 13x zoning permit applications:
 - 6x single-family dwellings (Brookfield – Irishtown Road)
 - 1x vertical platform lift (VFW)
 - 1x pool
 - 2x fence
 - 1x roof
 - 1x steps & landing.
 - 1x change of use – home occupation family daycare.
- Processed 4x backflow preventer permit applications.
- Processed 1x no zoning permit required form.
- Processed 2x street closure permit applications.
- Processed 1x street cut permit application.
- Mailed 6x high hazard backflow permit renewal reminder letters.
- Modified floodplain variance application.
- Attended a court hearing on 12/29 with code enforcement officer regarding property on Welty Avenue – high weeds/grass & filth/rubbish.
- 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, Christ’s Community Church project management.
- New Creamery Road Pump Station:
 - Recorded the addition plat at FC Court.
 - Finalized deeds of easements.
- Irishtown Road (Brookfield Lots 1-19):
 - Reviewed various construction reports.
 - Processed street closure permit (12/25-1/14).
- Rutter’s:
 - Worked with engineer on sewer construction specification approvals.
 - Attended a conference call with manager, RK&K, and Rutter’s team on 12/20 regarding construction inspections.
- Christ’s Community Church:
 - Reviewed concept plan & provided preliminary comments to developer’s engineer.
 - Spoke with developer’s traffic engineer on proposed traffic study.
- Completed the 2021 annual PC report.

6. Miscellaneous:

- Forestry stand 9 & 10 project management.
- Worked with contractor on the street tree plan.
- Attended a meeting with Mayor and potential commercial developer on 12/2.
- Attended a virtual Frederick County Hazard Mitigation Plan meeting on 12/2.
- Prepared Board of Appeals Scott Frager new member packet.

- Provided information to County contractor on Frederick County Hazard Mitigation plan update.
- Attended a conference call on 12/10 regarding the National Flood Insurance Program & floodplain maps update.
- Attended a conference call with Mayor on 12/15 regarding Brookfield entrance lots rezoning request.

7. New Business / Development Updates:

- **Brookfield 10-unit cul-de-sac** – Sketch plan submitted. Zoning map amendment required, which is expected to be submitted for February’s BOC meeting.
- **Catoctin Vistas (Trout Property)** - Property is for sale. No activity with the town this month.
- **Christ’s Community Church** – concept plan submitted to build 12,500 sq. ft. church with 98 parking spaces on Creamery Road around Quality Tire.
- **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.
- **Federal Stone** - Preparing required engineered plans for Planning Commission submittal. They have purchased the Emmitsburg East Industrial Park II property in its entirety. Final subdivision plat & forest conservation plan expected to be submitted for February PC meeting.
- **Frailay Farm** - Property is for sale. 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.
- **Ripleigh’s Creamery** – Working on obtaining FC building permit.
- **Rutter’s** – active construction. Expected completion is late summer of 2022.
- **Tuscany’s Pizzeria** - Occupancy permit issued by County. Awaiting grand opening date from owner. No activity with the town this month.
- **Village Liquors & Plaza Inn** - Working on meeting Planning Commission final subdivision plat & improvement plat conditions & permitting from Town & County.
- **Warthen’s Court 5-unit townhomes** – Sketch plan submitted. Preparing required engineered plans for Planning Commission submittal. No activity with the town this month.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meeting attended since last town meeting:

- Tuesday, 11th, 7:30 PM, regularly scheduled town meeting 7:30 pm, in person and zoom.
- Tuesday 18th, 10:30 AM – 3:30 PM, interviews for Town Clerk position, with Amanda Haddaway – HR rep and Town Manager Cathy Willets.
- Wednesday 19th, 6:30 PM, Mount St Mary's University Frederick campus. Mount Alumni College of Liberal Arts, symposium.
- Thursday, 20th, 8 AM, St. Johns College, Annapolis - Santa Fe Classics symposium - virtual.
- Thursday, 20th, 9 AM, County Executive - Mayor and Burgesses call.
- Thursday, 20th, 10:30 AM, Fredrick New Post (FNP) Interview on wayside exhibits.
- Thursday, 20th, Noon, Terri Ray going away party.
- Thursday, 20th, 3:30 PM, Mount President Trainor "Spring State of the Mount," Virtual.
- Thursday, 20th, 5 PM, FNP photograph at Square Wayside Exhibit.
- Friday 20th, 2 PM, Zoom, Teri Weathers. Deputy Chief of Staff, U.S. Senator Chris Van Hollen - Competitive Infrastructure Funding Opportunities for Local Government with Town Planner Gulden.
- Monday 24th, 10 AM ribbon cutting opening two-way traffic on Brookfield Drive onto reconstruction of Irishtown Road.
- Thursday, 27th, noon, Dutch's Daughter, Frederick County Builders Association, luncheon for mayors.
- Monday, 31st, 10:30 AM – 3:30 PM, interviews for Town office manager position, with Amanda Haddaway – HR rep and Town Manager Cathy Willets.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

NONE

I. CONSENT AGENDA

I. Filing of the 2021 Planning Commission Report



Town of Emmitsburg

Mayor Donald N. Briggs

Planning Commission

Mark Long, *Chair*
Kevin Hagan, *Vice-Chair*
Amy Boehman-Pollitt, *Secretary*
Glenn Blanchard
Joseph Ritz III
Terri Ray, *Alternate*

Town Manager

Cathy Willets

Town Planner

Zach Gulden, MPA

February 8, 2021

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

Re: Annual Report Calendar Year 2021

Dear Mr. Dahlstrom:

The Planning Commission (PC) approved the following Annual Report for the Reporting Year 2021 as required under §1-207(b) of the Land Use Article on January 31, 2022. In addition, this report was filed with the local legislative body on February 7, 2022. The Town Planner, Zach Gulden, is the Town's point of contact if there are any technical questions about the Annual Report.

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

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

Residential – Calendar Year 2021	PFA	Non - PFA	Total
# New Residential Permits Issued	32	0	32

2. Is your jurisdiction scheduled to complete and submit to Planning a 5-Year Mid-Cycle comprehensive plan implementation review report this year, as required under §1-207(c)(6) of the Land Use Article? If yes, please submit the 5-Year Report as an attachment.
 - No. The Town completed this requirement in 2020.
3. Were there any growth related changes, including Land Use Changes, Annexations, Zoning Ordinance Changes, Rezoning, New Schools, Changes in Water or Sewer Service Area, etc., pursuant to §1-207(c)(1) of the Land Use Article? If yes, please list or map.

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

- A. The PC recommended approval of proposed Ordinance 21-03. This amendment changed the zoning classification of the Waste Water Treatment Plant (WWTP) parcels from Agricultural to Institutional as recommended in the Comprehensive Plan.
 - B. The corrected Irishtown Road improvement plat was approved. This project consisted of road improvements along Irishtown Road in order to build the final 19 single-family dwellings in the Brookfield residential development.
 - C. The Emmitsburg East Industrial Park II (EEIP II) forest delineation, preliminary forest conservation, and preliminary subdivision plans were approved. The applicant changed the following to the previously approved preliminary subdivision plan: 1) decreased the size of Lot 3 from 3.0 acres to 2.9 acres; 2) decreased the size of Lot 4 from 3.0 acres to 2.9 acres; 3) increased the size of Lot 5 from 5.5 acres to 8.6 acres; 4) increased the size of Lot 6 from 5.3 acres to 12.4 acres 5) decreased the size of Lot 7 from 4.0 acres to 3.7 acres; and 6) increased the size of Lot 8 from 3.6 acres to 4.4 acres.
 - D. Forest stand delineation, preliminary/final forest conservation, site, and improvement plans were approved for Village Liquors & Plaza Inn. The project consisted of creating a 6,300 sq. ft. liquor store on the first floor and 20-unit hotel on the second and third floors. 43 parking spaces were included.
 - E. The Marcasa Holdings, LLC. Property (Ripleigh's Creamery) site plan was approved. The project consisted of the renovation of a 3,546 sq. ft. existing building into a bakery and creamery. Renovation items included a wraparound porch, retail space, seating, and production area.
 - F. The New Creamery Road Pump Station addition and improvement plans were approved. The project consisted of the replacement of the Town's existing sewage pumping station.
 - G. A final subdivision plat for Section Three, Lot 5 & Residue Lot 4 for Silo Hill was approved. The project consisted of subdividing Lot 4 (2 acres) into 2 lots – new Lot 5 (1.007 acres) and remaining lands of Lot 4 (0.993 acres).
4. Did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction? If yes, please list.
- a) The PC reviewed and recommended approval of Ordinance 21-05 – subdivisions. The amendment included various updates such as adding expiration dates on approved preliminary subdivision plats, unrecorded final plats, and improvement plats; moved all sidewalk construction requirements to Chapter 12-08 – Sidewalk Construction & Repair; allowed the Planning Commission to waive sidewalk requirements in Industrial Park (I-P) subdivisions; required new cul-de-sacs include a 20' x 10' easement to stockpile snow for winter road maintenance; moved the

park fee in-lieu amount from ordinance to resolution; and it required pre-cast concrete storm drainage structures be built per State Highway Administration standards.

- b) The PC reviewed and recommended approval of Ordinance 21-06 – zoning. The amendment updated the definitions of “Hotel” & “Motel” and also Section 17.48.050 – site plan requirements.
 - c) The PC reviewed and recommended approval of proposed ordinance 21-12 – zoning text amendment application. The amendment was to Town Code §17.08.190 – Conversion of garages, sheds, outbuildings, or other accessory structures. It allowed the opportunity to apply for variances from the Board of Appeals in order to convert garages, sheds, outbuildings, and other nonresidential structures into residential dwelling unit(s).
 - d) The PC forwarded a proposed amendment of Chapter 3 of the 2015 Comprehensive Plan to Frederick County Planning Department and Maryland Department of Planning for mandatory 60-day review. They then held a public hearing and recommended approval of the amendment on June 28, 2021. The main purpose of the amendment was to update the 2015 Emmitsburg Growth Boundary Map. The amendment also included error corrections and updates throughout Chapter 3.
5. Are there any issues that Planning can assist you with in 2022? If yes, please list.
- No
6. Have all members of the Planning Commission/Board and Board of Appeals completed an educational training course as required under §1-206(a)(2) of the Land Use Article?
- Yes

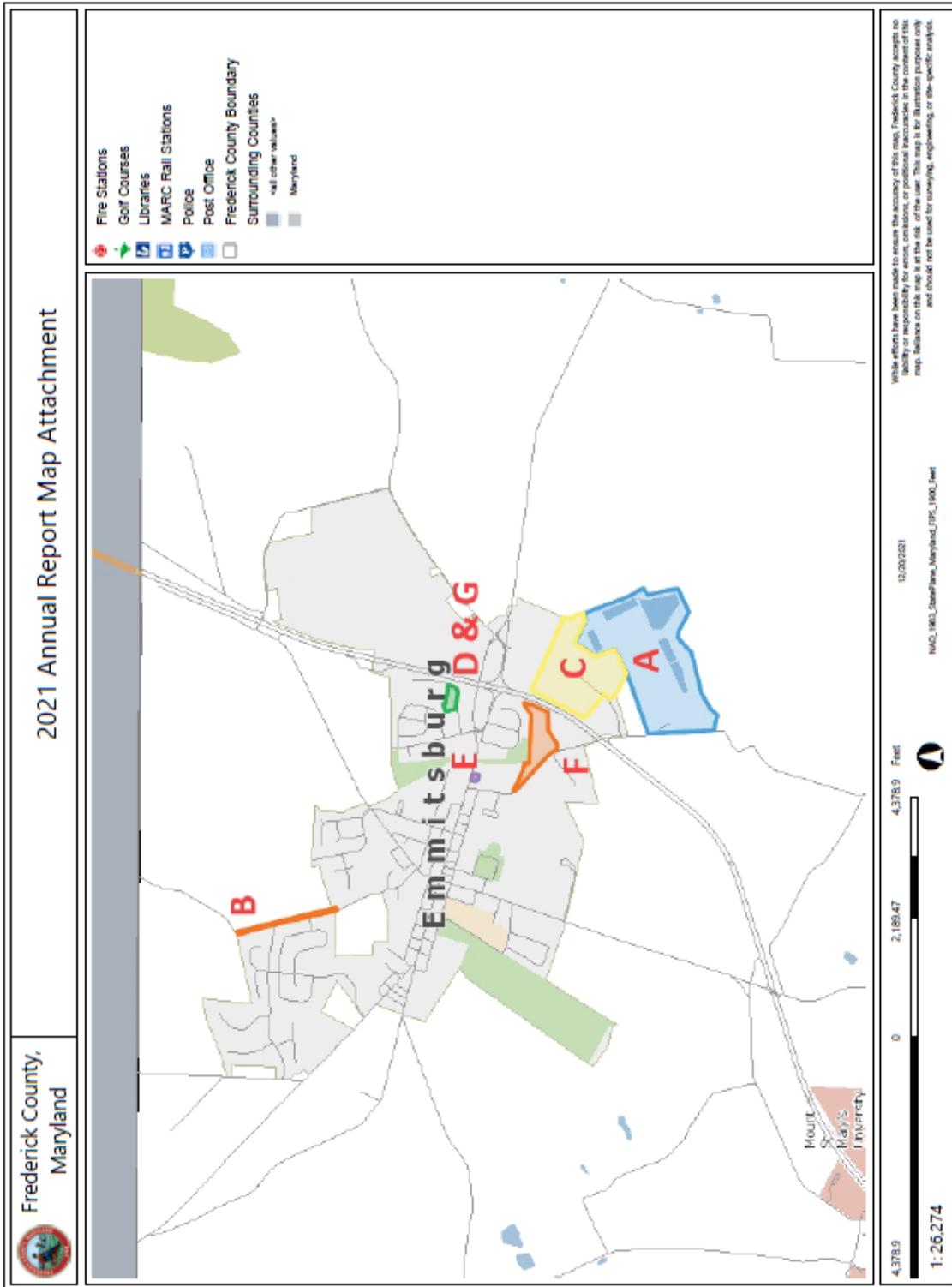
Sincerely,



Planning Commission Chair

1/31/2022

Date



J. TREASURER REPORT

**Town of Emmitsburg
CASH ACTIVITY as of January 31, 2022**

\$7,629,254	Cash Balance January 1, 2022
636,447	Deposits
<u>-701,546</u>	Withdrawals
\$7,564,155	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>
\$74,550	Treasurer of Frederick County	2Q FY22 Law Enforcement Services	01.12.22	43159
\$41,404	W.F. Delauter Son, Inc.	Paving - Brookfield Drive	01.26.22	43247
\$23,830	Comptroller of MD	2Q FY22 Bay Restoration Fee	01.12.22	43165
\$22,100	GHD Inc.	Scada Upgrade - USDA Grant #22-1	01.12.22	43161
\$20,194	MD Dept of Budget & Mgmt	Dec 21 Health Insurance	01.05.22	43118
\$19,596	MD Dept of Budget & Mgmt	Jan 22 Health Insurance	01.26.22	43225
\$9,059	UGI Energy Services	Nov 21 Solar Field #1	01.05.22	43131
\$8,597	Teledyne ISCO, Inc.	Composite Sampler	01.19.22	43202
\$7,934	UGI Energy Services	Nov 21 Solar Field #2	01.05.22	43131
\$7,496	Republic Services	Jan 22 Refuse Services	01.26.22	43230

Check dates 01.01.22 to 01.31.22

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

- AGENDA ITEM# 1. Forward zoning map amendment application for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels “C”, “D” & “E” of Brookfield recorded in Plat Book No. 58, Page 40 to the Planning Commission and set public hearing and final vote for April 4th, 2022 for consideration: Presentation at meeting by staff.**

Documents In Agenda Packet:

1. Application
2. Application justification statement.
3. Application exhibits.



ZONING MAP/TEXT AMENDMENT APPLICATION
TOWN OF EMMITSBURG
300A South Seton Avenue, Emmitsburg, MD 21727
www.emmitsburgmd.gov · (301) 600-6300

SECTION A – DATA

PURPOSE OF THE PETITION: Text Amendment Map Amendment

Applicant:

Name: R.J.D. Development Corporation

Address (full): [REDACTED]

Phone: [REDACTED] Cell: [REDACTED]

E-mail: [REDACTED] Fax: _____

Owner(s) (if applicable & different from the Applicant):

Name(s): _____

Address (full): _____

Phone: _____ Cell: _____

E-mail: _____ Fax: _____

Signature

I/We the undersigned applicant(s) do hereby make application to the Town of Emmitsburg's Mayor and Board of Commissioners for considering a petition to amend the text of the zoning ordinance and/or zoning map for the above referenced property pursuant to Town Code Chapter 17.44, as amended. My/Our signatures below certify that all of the above referenced statements and information and any additional information submitted and made part of this application are true and complete to the best of my/our knowledge and belief. By signing below, I also certify that I have read and understand the application procedures, and agree to pay all fees required to review and process this application.

Signature of Applicant/Authorized Representative
R.J.D. Development Corporation

Date

By: [Signature]
Signature of Owner Richard J. Demmitt, President

1-6-22
Date

SECTION B – INSTRUCTIONS

This section is to assist applicants in petitioning the Town. The process is explained in detail in Chapter 17.44 of the Town's Code. Any information provided in this list is intended only as a guide. The applicant is advised to consult this Chapter as well as obtain the services of an attorney, engineer, or other professionals in completing this application and presenting evidence before the Mayor and Board. The applicant is not required to be represented by third parties.

1. Complete the application. Please print legibly or type the information.
2. Sign and date the application.
3. Submit the application to the Town's Zoning Administrator with original signatures of the applicant(s) and/or the owner(s). The application must contain written documentation for the proposal to amend, supplement, change, modify, or repeal the Town of Emmitsburg's Zoning Ordinance and/or Zoning Map.
4. Attach appropriate drawings, plans, and/or illustrations, which help explain your request. Fifteen (15) copies of the proposed plan, a minimum size of 18" x 24", must be submitted with the application. All materials submitted with this application or entered as Exhibits during the hearing become the property of the Town of Emmitsburg and are kept with this application.
5. The application and all additional materials submitted with the application must be originals. The Town will not accept faxed copies of any materials associated with this application.
6. If the application submitted is not complete, the Town reserves the right to immediately deny the application and return it to the applicant without the Planning Commission's and the Board of Commissioner's review and action on the application.
7. There is an application fee for a petition to rezone and/or amend the Zoning Ordinance. The application will not be accepted if the fee is not included. The applicant must pay all additional fees in full. Fees are subject to change at any time by policy, resolution, or ordinance from the Board of Commissioners. Checks shall be made payable to the Town of Emmitsburg.
8. Attach appropriate written explanation / arguments that indicate how the applicant's request meets the requirements set forth for a zoning classification change (Section D) **OR** requirements set forth for a zoning text change (Section E).
9. For additional information regarding a zoning amendment, please visit our website at www.emmitsburgmd.gov or contact the Town Planner at 301-600-6300.

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

JUSTIFICATION STATEMENT

I. Introduction

R.J.D. Development Corporation, a Maryland corporation (the “Applicant”), by and through its attorneys, McCurdy, Dean & Graditor, LLC and Bruce N. Dean, Esq., hereby submits this Application pursuant to § 17.44 of the Emmitsburg Municipal Code (the “Code”) to request rezoning of two (2) undeveloped parcels of vacant land commonly known as Parcels C and D in the Brookfield subdivision, which are located along Timbermill Run and more particularly shown on Exhibit A (the “Properties”). This Application requests that the Properties be rezoned from the Neighborhood Commercial (B-1) zoning district to the Low Density Residential (R-1) zoning district. Due to substantial changes in the location and nature of commercial development within the Town, the Properties are no longer suitable for commercial development. For the reasons set forth hereinbelow, the Applicant requests that the Properties be rezoned to the R-1 zoning classification, so that they can be developed with single family homes, consistent with the surrounding residential development within the Brookfield subdivision.

II. Site Description

The Properties contain, in the aggregate, 2.85 ± acres of unimproved land located at the southern entrance into the Brookfield subdivision. Both Parcel C and Parcel D front onto Timbermill Run. Parcel C adjoins a cemetery along its western boundary. Parcel D adjoins an existing convenience store and two undeveloped commercial parcels along its southern boundary, and adjoins “Parcel E”, an undeveloped parcel of land zoned R-1, which is a part of Brookfield and also owned by the Applicant, along its eastern boundary. The Properties are otherwise

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

surrounded to the north with the residential portion of the Brookfield subdivision, and with scattered existing residential development to the east and south.

III. Legal Background

The Applicant purchased the Properties in 2000 in conjunction with its purchase of what is now the Brookfield subdivision. At that time, the Town envisioned a small block of commercial development located on the western edge of Town. This planning vision is documented in the Town's 2009 Comprehensive Plan, which stated the following in support of its recommendation to maintain the Properties' then-current B-2 (General Business) zoning classification: "This part of W. Main is suited to both auto and pedestrian access. Nearby subdivisions could benefit from convenient retail." See Exhibit B-1, Extract from 2009 Comprehensive Plan. It is also documented on the Town's 2009 Land Use Map, which includes the Properties within the large block of "Village Center/Town Center" land at the Town's western boundary. See Exhibit B-2, Land Use Map. As a result, the development plans for Brookfield included a small commercial component, to be located on the Properties, and with the intent that they would be developed with commercial uses that would support and be compatible with the 145 lots within the Brookfield subdivision and the surrounding residences along Main Street.

Between the Town's adoption of the 2009 Comprehensive Plan and its subsequent adoption of the 2015 Comprehensive Plan and Zoning Map, the Town's planning vision for commercial development within the Town shifted eastward. The large block of Village Center/Town Center properties on the westside of Town shrunk significantly, leaving only the following properties planned for commercial development: the Properties, a few adjacent parcels that front onto West Main Street, and an approximately 8-acre tract of land west of the adjacent cemetery that fronts onto West Main Street and adjoins the Pembroke subdivision. See Exhibit C, 2015

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

Comprehensive Plan Map. At the same time, the adopted land use categories and zoning classifications for properties adjacent to U.S. Route 15 intensified from Village Center/Town Center to Town Commercial on the west. On the east side of U.S. Route 15, several large properties were reclassified from Limited Industrial and Office/Research to Employment Center and Suburban Commercial. See Exhibit D, 2015 Zoning Map.

Since the adoption of the 2015 Comprehensive Plan and Zoning Map, the planned commercial development on the east side of Town has been steadily coming to fruition. New and/or planned commercial development on the east side of the Town now includes a Rutters convenience store, Dunkin Donuts, a creamery, hotel and liquor store, insurance agency, marketing firm, and a large warehouse facility. In stark contrast, there has been no new commercial development in the vicinity of the Properties since the adoption of the 2015 Comprehensive Plan and Zoning Map. Over the course of the more than twenty (20) years that the Applicant has owned the Properties, it has attempted to actively market the Properties for commercial development without success. The owners of the two (2) small commercial parcels adjacent to the Properties have been similarly unable to solicit interest in the development of those properties for commercial uses. There is simply no market for commercial land on the far west side of Town. Indeed, the approximately eight (8) acres of commercial land adjacent to the Pembroke subdivision was rezoned subsequent to the adoption of the 2015 Zoning Map to R-1, Low Density Residential. As a result, the west side of Town now consists almost exclusively of residential development, with the exception of the existing small convenience store adjacent to the Properties.

IV. Legal Criteria for Rezoning

Pursuant to Section 17.44.030 of the Code and under Maryland law, an applicant for a zoning map amendment must either prove a substantial change in the character of the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

neighborhood where the property is located since the last comprehensive zoning map amendment or a mistake in the existing zoning classification of the property. Under well-established Maryland case law, to demonstrate a substantial change in the character of the neighborhood, an applicant must 1) define the neighborhood with reasonably defined boundaries 2) prove the changes to the neighborhood that have occurred since the most recent comprehensive rezoning; and prove that the changes that have occurred have changed the character of the neighborhood. Montgomery v. Board of County Comm'rs for Prince George's County, 256 Md. 597 (1970). In order to prove mistake, the applicant must present a strong showing that the assumptions or facts relied on by the legislative body at the time of the original or comprehensive rezoning were incorrect. People's Counsel for Baltimore County v. Williams, 45 Md. App. 617 (1980). Evidence of mistake can include a showing that the initial premises of the legislative body with respect to the property were incorrect or that the legislative body was not aware of physical characteristics of the property and therefore failed to take them into account. Quinn v. County Comm'rs of Kent County, 20 Md. App. 413 (1974). This Application satisfies both of these legal tests.

As discussed in detail above, since the adoption of the last comprehensive rezoning in 2015, the character of the neighborhood surrounding the Properties has changed substantially. See Exhibit E for a map depicting the neighborhood for purposes of this Application. The west side of Town has become almost exclusively residential in character. While many properties with frontage on Main Street continue to be zoned VZ (Village Zone), which permits both residential and commercial development, all of the properties devoted to commercial use are located east of the Properties, near the intersection of Main Street and Seton Avenue. In addition, the commercial land adjacent to the Pembroke subdivision has been subsequently rezoned to R-1, low density residential development. See Exhibit F, 2021 Zoning Map. As a result of these changes, the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

neighborhood in and around the Property has changed from a proposed mixed-use village-type development to a more purely suburban, residential neighborhood.

The above-described changes in the neighborhood in and around the Properties were the foreseeable consequences of the Town's decision, in 2015, to rezone large portions of the area in and around U.S. Route 15 to commercial zoning districts. At the time of the adoption of the 2015 comprehensive rezoning, the Properties had already sat vacant for fifteen (15) years. Time had proven incorrect, the assumption relied upon in 2009 to retain commercial zoning on these Properties – that the residential development in and around the Properties was sufficient to support retail development on these interior lots. These small, oddly-shaped Properties, internal to the Brookfield subdivision, without frontage onto or visibility from West Main Street, are ill suited to attract even the limited traffic traveling west on Main Street. Moreover, with a vibrant commercial corridor developing along U.S. Route 15, residents of the Town and the travelers along U.S. Route 15 have no incentive to detour from U.S. Route 15 for more than a mile in each direction, with access being via Main Street (and several traffic lights), to visit commercial establishments on the Properties scaled to meet the needs of local residents. The newly rezoned land along U.S. Route 15 was and is sufficient to meet the Town's commercial needs, as well as the needs of regional travelers on U.S. 15. Unlike the 2009 Comprehensive Plan, which specially considers the continued appropriateness of retaining commercial zoning on the Properties, there is no evidence that the Town ever considered how the commercial rezonings on the east side of Town would affect the Properties. The absence of such consideration constitutes legal mistake.

In summation, given the size of the Town and the proliferation of commercial development on the east side of Town, there is simply no need for additional commercial development on the west side of Town. The first three (3) phases of the Brookfield development are completely built,

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

and the final stage is under active construction. Likewise, the development of the Pembroke subdivision is also complete. The existing convenience store adjacent to the Properties and the commercial development on the east side of Town meet the needs of the residents of these subdivisions. Contrary to the statement set forth in the 2009 Comprehensive Plan, there is simply no additional need or market for “convenient retail” in this portion of Town. The substantial changes in character of the west side of Town and the failure to reconsider the need for additional commercial development on the Properties prior to approving the 2015 Comprehensive Rezoning provide sufficient legal justification for the approval of this Application. Moreover, this Application also satisfies the remaining approval criteria and Findings of Fact applicable to zoning map amendments as set forth in Section 17.44.030 of the Code.

1. POPULATION CHANGE: According to the 2010 Census, the population of the Town of Emmitsburg was 2,814. The Applicant is proposing to develop the Property with approximately seven (7) single family dwelling units as part of its development of the adjacent Parcel E, which as noted above is already zoned R-1. A conceptual sketch plan depicting a potential layout of the proposed seven (7) new lots on the Properties is attached as Exhibit G. The development of the Properties with seven (7) single family residences would result in a population increase of approximately 19 residents (7 dwellings x 2.7 persons/household).

2. AVAILABILITY OF PUBLIC FACILITIES. Pursuant to Section 17.44.030 of the Code and long-standing Maryland case law, an applicant for a rezoning must demonstrate that there will be adequate public facilities to serve the property at its requested zoning classification. *Montgomery County v. Greater Colesville Citizens Ass’n, Inc*, 70 Md. App. 374 (1987). This requires an applicant to demonstrate that the infrastructure needed to make the public facilities adequate to serve the future development is “reasonably probable of fruition in

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

the foreseeable future.” *Id.* As outlined fully herein below, the infrastructure needed to make the public facilities (including water, sewer, schools, fire and rescue services, and police service) adequate to serve the Properties are already located in and around the Properties, and can and will be made adequate to serve future development on the Properties.

a. Schools: The Property is located within the Catoctin High School feeder district, including Emmitsburg Elementary and Thurmont Middle schools. As shown in the chart below, Frederick County Public Schools (FCPS) enrollment projections as of September, 2022 indicate excess capacity at every level.

	State Rated Capacity	September 30, 2022 Projected Enrollment	Percentage of Capacity
Emmitsburg Elementary	225	207	92%
Thurmont Middle School	945	551	58%
Catoctin High School	1066	782	73%

Utilizing the Applicant’s proposed development scenario and the rates developed in the 2019 FCPS Pupil Yield Study, the total pupil yield from the development of the Properties with seven (7) additional residences would be approximately 1 elementary student (.13 x 7) 1 middle school student (.07 x 7), and 1 high school student (.10 x 7). All of the schools identified above have adequate capacity to serve these additional students.

b. Fire and Rescue and Police Services: The Properties can be adequately served by the Vigilant Hose Fire Company and the Frederick County Sheriff’s Office.

c. Libraries: No additional library facilities are needed to serve the Properties as they can be adequately served by the Emmitsburg branch library located on North Seton Avenue.

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

e. Water and Sewer: Existing public water and sewer connections located within the right-of-way for Timbermill Run can be extended to serve the Properties. The 2015 Comprehensive Plan indicates that 173 water taps are currently available to serve new development and that a greater number of sewer taps are available as well. Thus, the Town has existing water and sewer capacity to serve the seven (7) residences proposed in connection with this rezoning Application.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS

The Properties have direct frontage on and access to Timbermill Run, which intersects Maryland Route 140 (West Main Street), a minor arterial. Brookfield is connected with a well-planned road internal road system. A planned improvement to Brookfield Drive that will allow for two-way traffic on and off of Irishtown Road is being constructed as part of the completion of Phase IV of Brookfield. Access to U.S. Route 15 is approximately one (1) mile east of the Properties.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA

As noted above, the Properties are surrounded by residential development to the north and east. The Applicant is proposing to develop the Properties with single family dwelling units similar in size and scale to the existing homes in Brookfield, and as an integrated component of its development of the adjacent Parcel E. The construction of seven (7) single family dwellings on the Properties would not be incompatible with either the adjacent cemetery or the existing convenience store located to the south and east of the Properties, as any necessary buffers between these uses will be determined in connection with a future subdivision and site development approval process. Thus, the Applicant submits that this Application proposes the use of the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

Properties that is most compatible with the surrounding development – low density residential development.

5. THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE TOWN'S COMPREHENSIVE PLAN

The 2015 Comprehensive Plan is consistent and clear in outlining the policy considerations that should guide the Town's future zoning decisions. The Executive Summary states that zoning map amendments should be determined based upon water supply and wastewater treatment capacity, compatibility of land uses, and the benefit to the community from the proposed amendment. The remaining chapters of the Comprehensive Plan expand upon these broader policy statements, acknowledging that water and sewer capacity issues will restrict the Town's long-term growth and development potential, and directing the Town to i) weigh the relative benefits to the community of any development proposal before allocating water and sewer taps, ii) to prioritize infill development and iii) analyze potential development's impact on the Town's fiscal health. See Comprehensive Plan at pp. 1-16, 7-7, and 12-1.

This Application is consistent with and furthers all of the above-described land use and development policies. The Properties are vacant, infill properties that have been undevelopable at their current zoning for more than twenty (20) years. The Town has planned to and can easily serve the Properties with public water and sewer service through connections to existing infrastructure. The Town's water and sewer allocation formulas indicate that development of the Properties under the requested R-1 zoning, rather their current B-1 zoning classification, would result in a negligible increase in the water and sewerage allocation needed (3.5 taps per acre instead of 3.1 taps per acre). In exchange for this small additional allocation of capacity, the Town will receive revenue from seven additional households. Thus, while the Comprehensive Plan notes

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

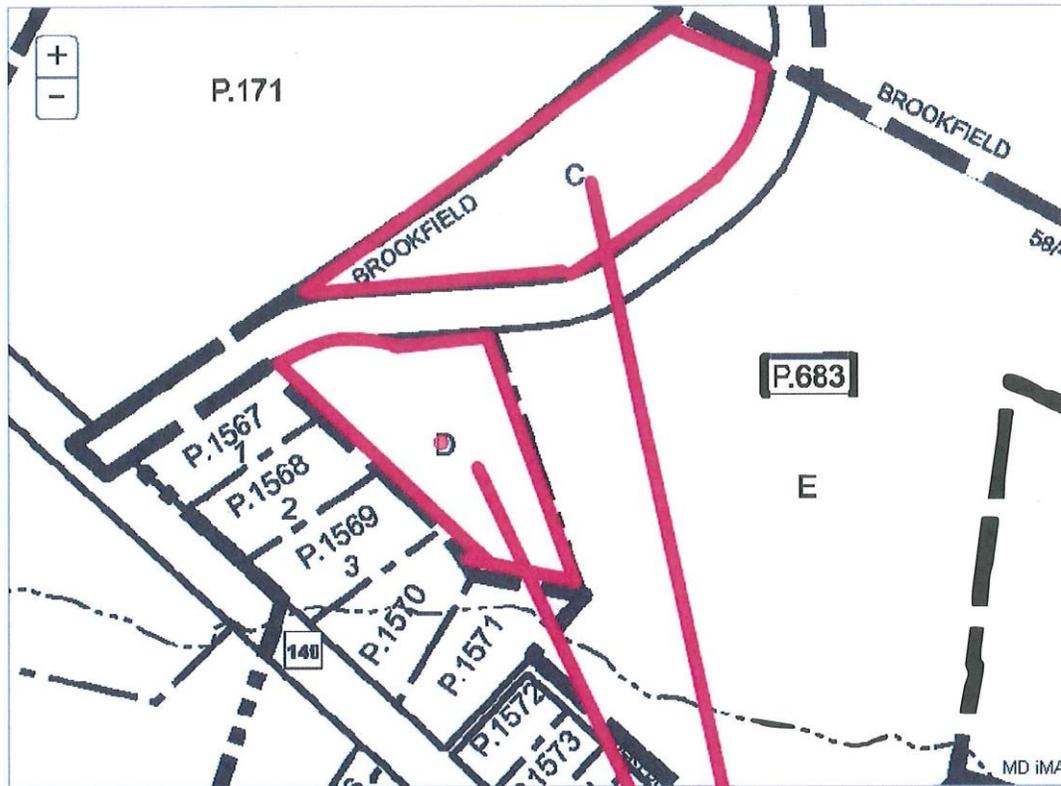
generally that non-residential development contributes a larger percentage of the Town's tax revenue than does residential development, these Properties have proven over the course of the past twenty (20) years to be simply undevelopable for nonresidential use. See Comprehensive Plan at pp. 1-16. Thus, approving this Application to rezone the Properties to the R-1 zoning classification maximizes the revenue-producing potential of the Properties at minimal cost to the Town, allows vacant, infill properties to be developed in a manner that is wholly consistent with the surrounding residential development, contributes positively to the Town's fiscal health, and thus furthers the land use objectives of the Town's Comprehensive Plan.

V. Conclusion

In conclusion, the Properties' B-1 zoning is no longer appropriate due to substantial changes in the character of the neighborhood in and around the Properties that have occurred since the 2015 comprehensive rezoning and resulted from legal mistake. The Applicant requests that the Town rezone the Properties to the R-1 zoning district so that they can be developed for low density residential uses. In accordance with Section 17.44.030 of the Code, the Applicant requests approval of this Application.

Exhibit A

District: 05 Account Number: 181801



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 11 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

Subject Properties

Exhibit B-1

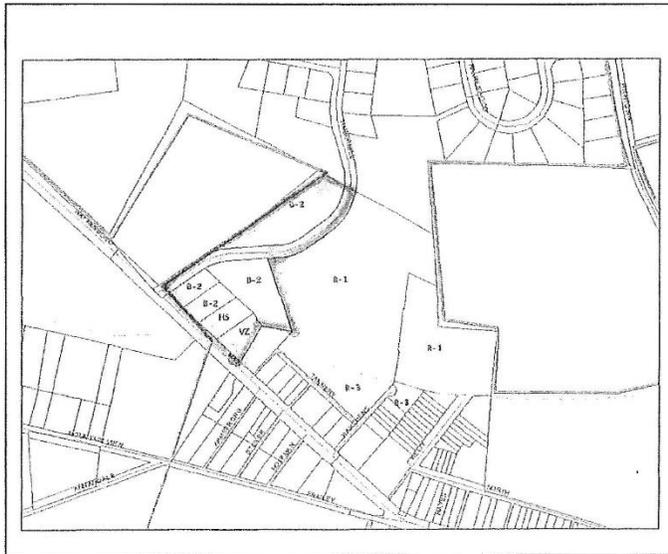
ZONING CONSIDERATIONS/RECOMMENDATIONS

1. West Main at Timbermill Drive

Existing Zoning: Mix of B-2, HS, R-1, R-3

- R-1 contains stormwater pond for Brookfield
- R-3 contains condominiums and small amount of vacant land
- H-S Highway Services is very limited in allowed uses

Existing tap potential: 10



2009 Plan Recommendation:

B-2 Commercial as shown. Leave R-1 & R-3

Potential taps: 10

- Creates commercial opportunity without possibility of high-density residential.
- This part of W. Main is suited to both auto and pedestrian access. Nearby subdivisions could benefit from convenient retail.

Exhibit B-2

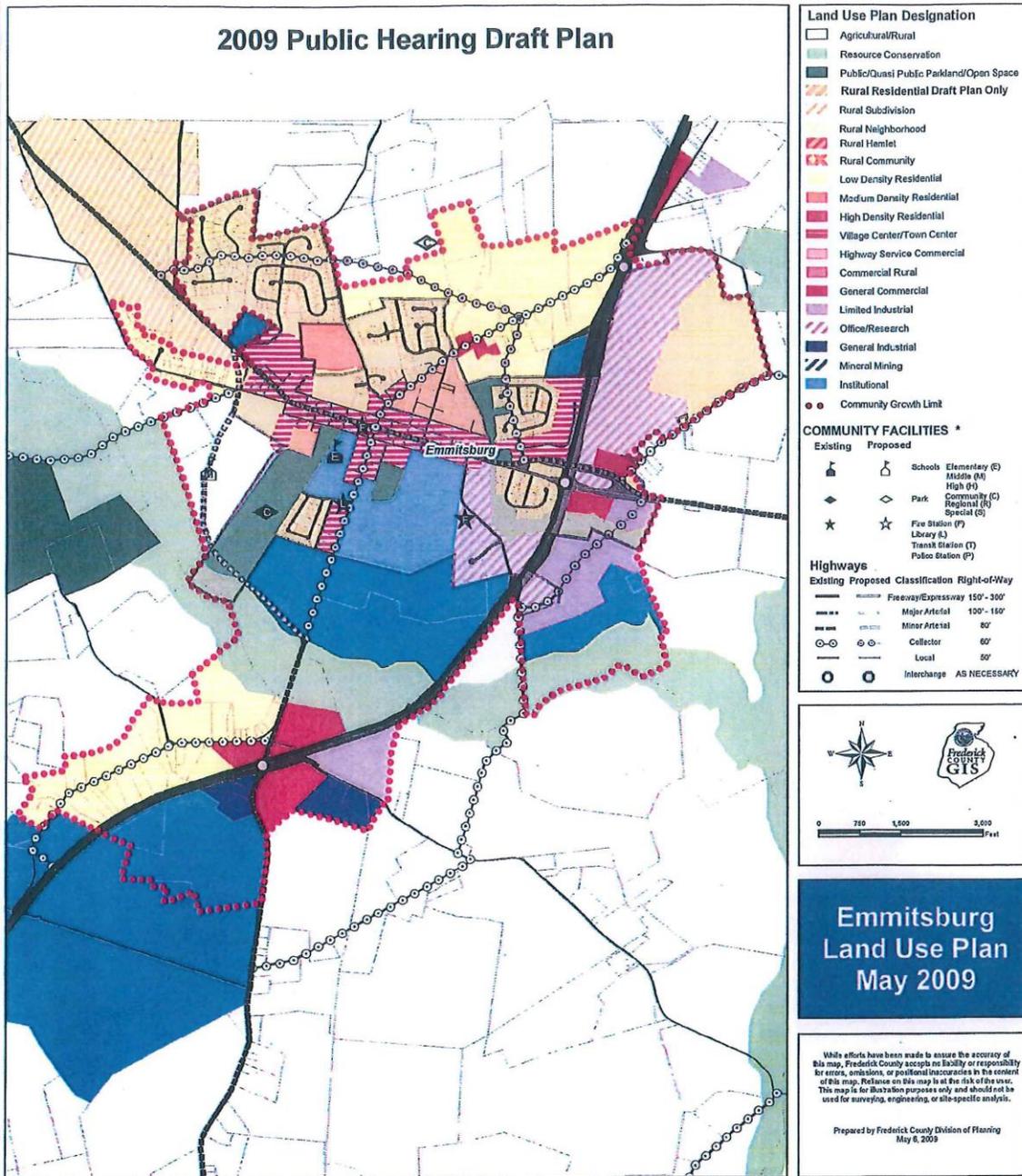
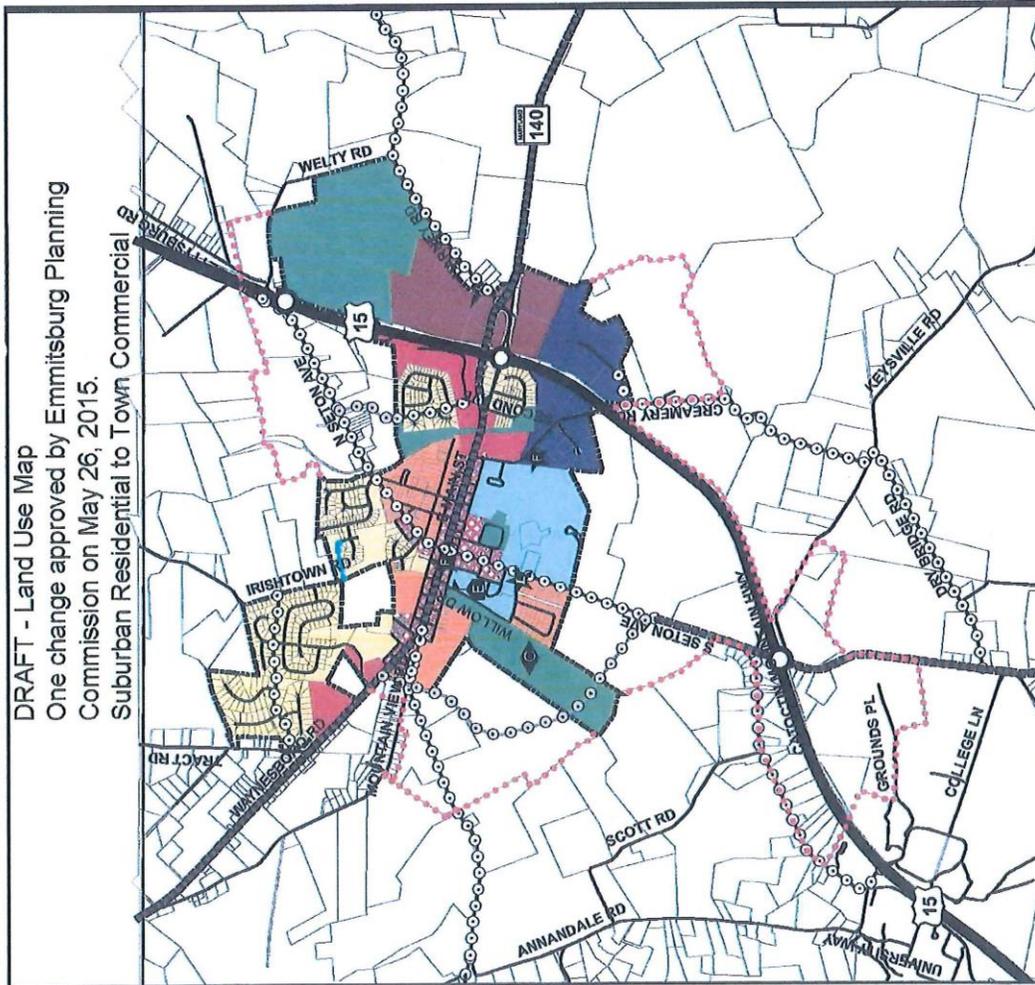


Exhibit C

DRAFT - Land Use Map
One change approved by Emmitsburg Planning
Commission on May 26, 2015.
Suburban Residential to Town Commercial



**Town of Emmitsburg
Comprehensive Plan
Frederick County, Maryland**

- Town of Emmitsburg
- Town Growth Boundary
- Land Use Designations**
 - Suburban Residential
 - Town Residential
 - Village Core
 - Suburban Commercial
 - Town Commercial
 - Employment Center
 - Community Government Religious Core
 - Conservation/Parks
- Community Facilities**
 - Elementary School, Existing
 - Community Park, Existing
 - Fire Station, Existing
 - Library, Existing
 - Interchange, Existing
 - Interchange, Proposed
- Highway Plan**
 - Freeway / Expressway, Existing
 - Minor Arterial, Existing
 - Collector, Existing
 - Collector, Proposed
 - Local, Proposed



Map Printed: June 10, 2015, Frederick County GIS
Projection: NAD 1983 State Plane Maryland FIPS 1500 Feet
This data has been made to ensure the accuracy of this map. Please, do not accept
responsibility for any errors or omissions that may occur. This map is for informational
purpose only and should not be used for surveying, engineering, or other specific analysis.

Exhibit D

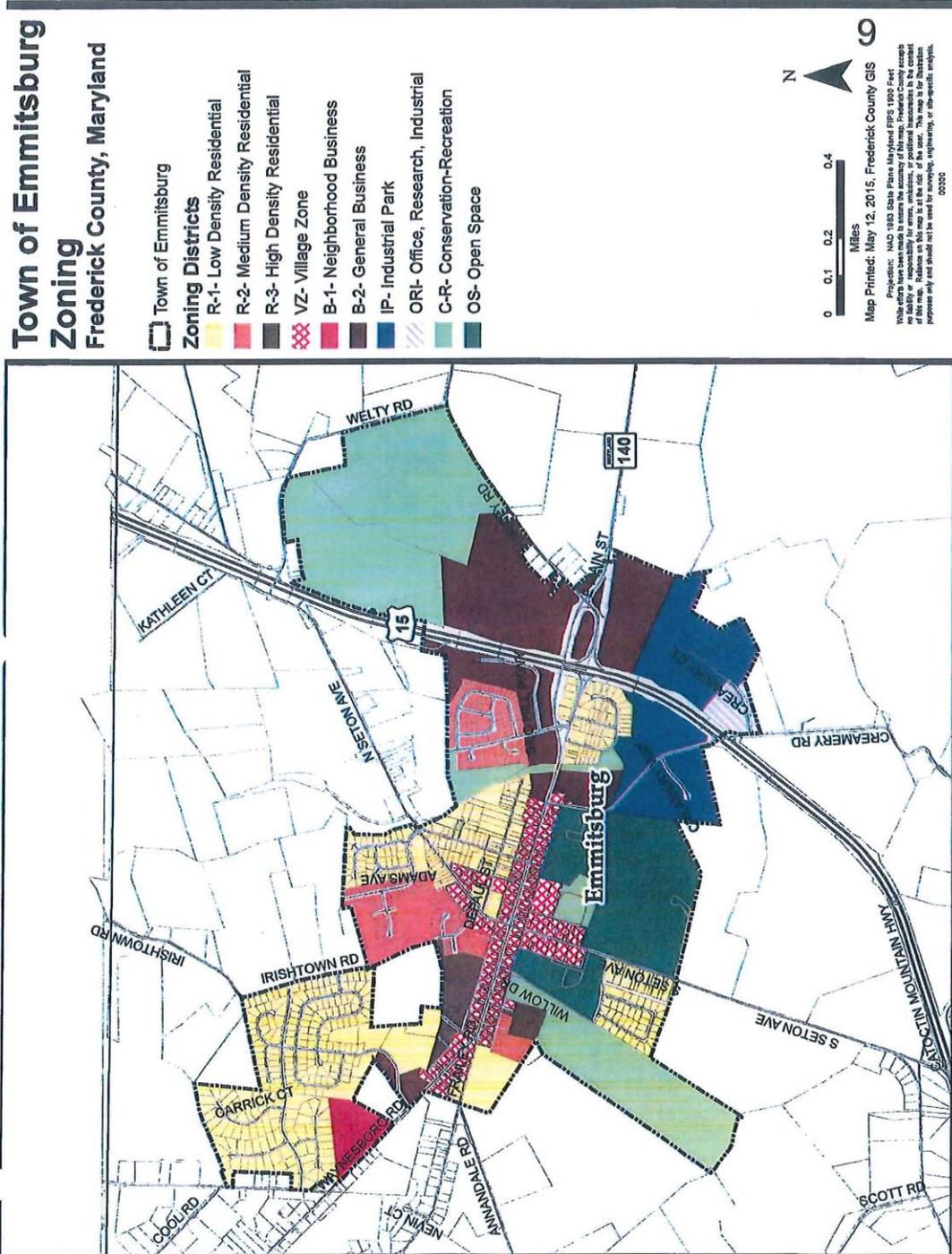


EXHIBIT E



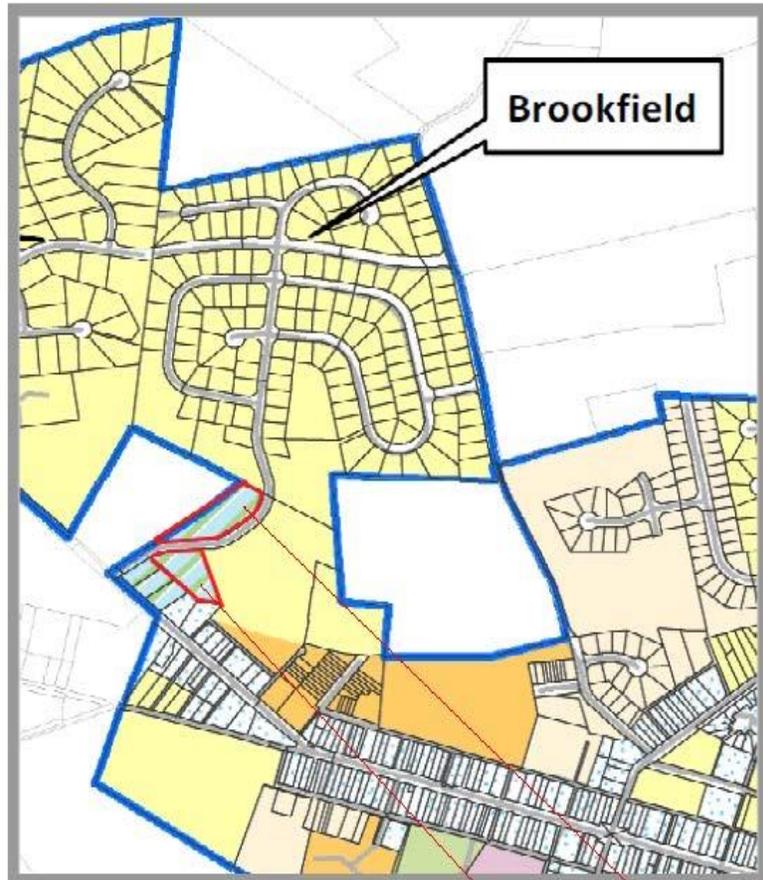
- East Side Commercial Corridor:**
- Dunkin
 - Rutter's
 - Creosote Affects
 - Insurance Brokers of Maryland
 - Ripleigh's Creamery

Subject Properties

Zoning Neighborhood

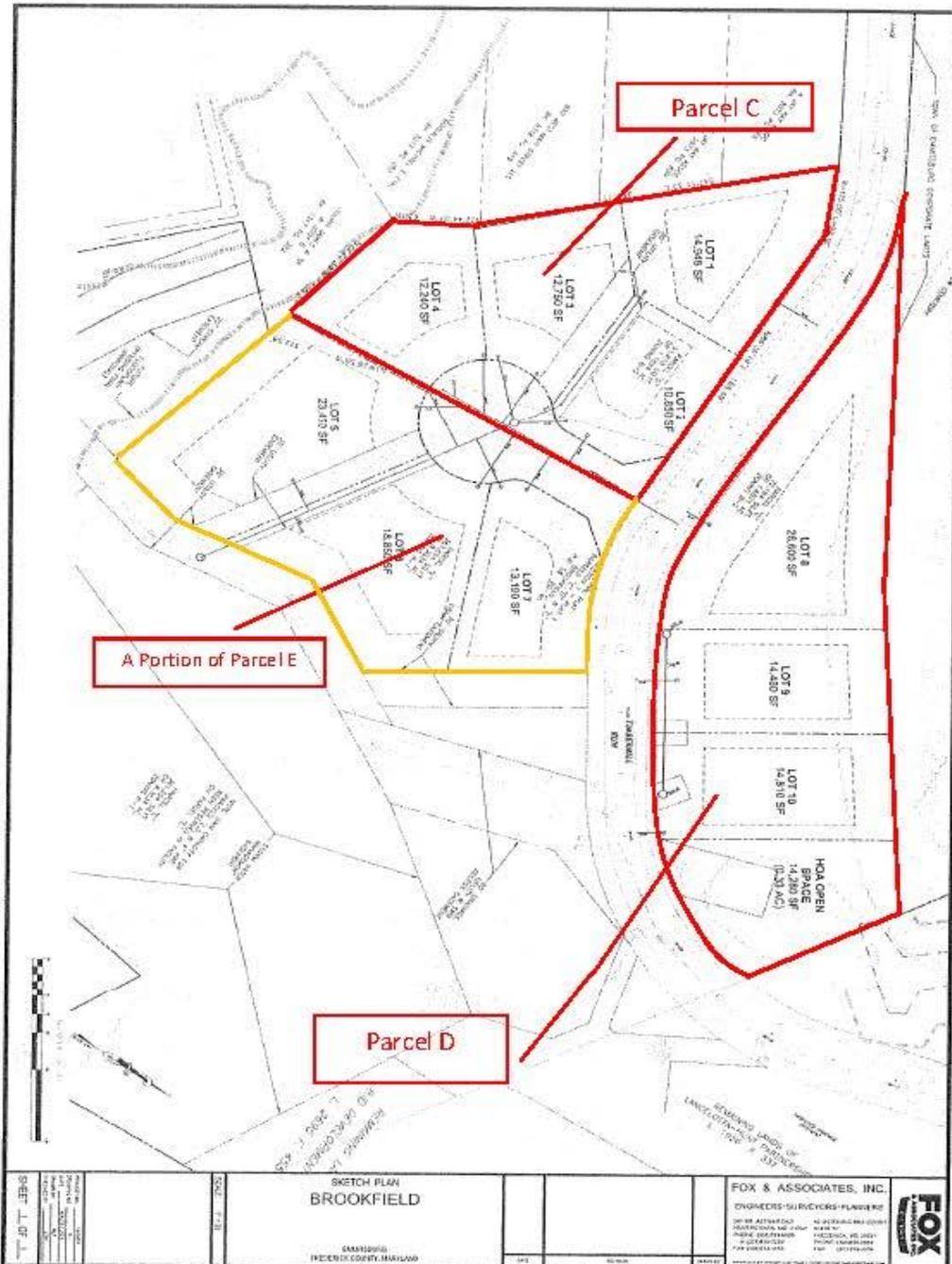
Exhibit F

Town of Emmitsburg: 2021 Zoning Map



Subject Properties

Exhibit G



AGENDA ITEM# 2. Approval of bid to pour eight concrete slabs for ballfield bleachers for consideration: Presentation at meeting by staff.

LOCATIONS:

Eugene Myers Community Park:

- 3 total 10' x 16' concrete pads (1 at ball field #1 and 2 at ball field #2)

Memorial Park:

- Four 10' x 16' concrete pads (2 at ball field #5 and 2 at ball field #6)
- One 10' x 22' concrete pad (1 at ball field #7 for existing 21-foot bleacher)

TIMELINE:

RFP published by Town	Tues. January 4, 2022
DEADLINE, bids due	Tues. January 25, 2022 at 4:00 p.m.
Bids opened	Mon. January 31, 2022 at 3:00 p.m. – Willets, Nail, Shaw

RFP ADVERTISEMENT:

- Public Notice under RFP Tab on Town's Website – 01/04/2022
- Public Notice on Town's Facebook – 01/04/2022
- RFP published on eMaryland Marketplace – 01/04/2022
- RFP emailed to potential bidders - 01/04/2022

PROJECT FUNDING:

FY2022 Local Parks & Playgrounds Infrastructure (LPPI): \$73,300 Total For...

- Concrete Estimate: \$17,400
- Bleachers Estimate: \$55,900

Town Match: None

STAFF RECOMMENDATION:

Town staff recommends Frederick County Paving for \$14,325.

CONCRETE BIDS RECEIVED (IN PRICE ORDER):

**Concrete Slabs
Official Bid Tabulation Sheet
Due: 01/25/2022 by 4:00 PM
Opened On: 01/31/2022 at 3:15 PM**

Opened By (*initial*): Cathy Willets: cm Amy Nail: an Maddy Shaw: MS

	Company	Location	Price
1.	Frederick County Paving	Thurmont, MD	\$14,325.00
2.	S & W Construction, LLC	Fairfield, PA	\$18,760.00
3.	Earn Contractors, Inc.	Gaithersburg, MD	\$21,440.00
4.	HMF Paving Contractors, Inc.	Frederick, MD	\$23,300.00
5.	Colossal Contractors	Burtonsville, MD	\$23,900.00
6.	Professional Improvement LLC	Spencerville, MD	\$23,915.00
7.	Huntzberry Brothers	Smithsburg, MD	\$24,120.00
8.	Advantage Landscape & Const	Hagerstown, MD	\$24,428.50
9.	WF Delauter & Son. Inc.	Emmitsburg, MD	\$24,622.00
10.	Bussard's Mini Excavation, LLC	Frederick, MD	\$25,460.00
11.	Bell & Sons, Inc.	Hyattsville, MD	\$27,100.00
12.	ECM Corporation	Fort Washington, MD	\$28,140.00
13.	Image Asphalt Maintenance, INC	Pasadena, MD	\$28,320.00
14.	Total Contracting, INC	Lanham, MD	\$28,480.00
15.	SST Enterprise, LLC	Hagerstown, MD	\$29,529.00
16.	M & D Home Improvements	Rocky Ridge, MD	\$31,400.00
17.	M.I. Tech Construction	Frederick, MD	\$31,500.00
18.	All Star Bleachers/HSC	Freeport, PA	\$33,000.00
19.	Manguiri Contracting	Frederick, MD	\$34,000.00
20.	United Constructors Group	Abingdon, MD	\$39,132.00
21.	Wright Consulting Co.	Baltimore, MD	\$40,250.00
22.	Stratified, Inc.	Washington, DC	\$42,400.00
23.	Bright Construction Group	Fairfax, VA	\$49,049.00
24.	Superior Facilities Management	Bethesda, MD	\$49,200.00
25.	The Heiress Group	Gaithersburg, MD	\$75,000.00

AGENDA ITEM# 4. Approval of bid to construct and install eight bleachers for ballfields for consideration: Presentation at meeting by staff.

LOCATIONS:

The bleachers will be installed at the following locations:

- Eugene Myers Community Park (201 West Lincoln Avenue Emmitsburg, Maryland)
 - One 15-foot bleacher at ball field #1
 - Two 15-foot bleachers at ball field #2
- Memorial Park (11 Chesapeake Avenue Emmitsburg, Maryland)
 - Two 15-foot bleachers at ball field #5
 - Two 15-foot bleachers at ball field #6

TIMELINE:

RFP published by Town	Tues. January 4, 2022
DEADLINE, bids due	Tues. January 25, 2022 at 4:00 p.m.
Bids opened	Mon. January 31, 2022 at 3:00 p.m. – Willets, Nail, Shaw

RFP ADVERTISEMENT:

- Public Notice under RFP Tab on Town’s Website – 01/04/2022
- Public Notice on Town’s Facebook – 01/04/2022
- RFP published on eMaryland Marketplace – 01/04/2022
- RFP emailed to potential bidders - 01/04/2022

PROJECT FUNDING:

FY2022 Local Parks & Playgrounds Infrastructure (LPPi): \$73,300 Total For...

- Concrete Estimate: \$17,400
- Bleachers Estimate: \$55,900

Town Match: None

STAFF RECOMMENDATION:

Town staff recommends Green Sites Inc. for \$42,600.

BIDS RECEIVED (IN PRICE ORDER):

**Bleacher Purchase and Installation
Official Bid Tabulation Sheet
Due: 01/25/2022 by 4:00 PM
Opened On: 01/31/2022 at 3:00 PM**

Opened By (*initial*): Cathy Willets: CW Amy Nail: AN Maddy Shaw: MS

	Company	Location	Price
1.	Bleachers International	Denver, CO	\$39,882.00
2.	Green Sites LLC	Elkridge, MD	\$42,600.00
3.	National Equipment & Facility Solutions	North Versailles, PA	\$45,270.00
4.	Bliss Products and Services	Lithia Springs, GA	\$48,899.54
5.	TJ Distributors	Forest Hill, MD	\$49,955.00
6.	Colossal Contractors	Burtonsville, MD	\$51,290.01
7.	Earn Contractors Inc.	Gaithersburg, MD	\$54,996.00
8.	Cunningham Recreation	Charlotte, NC	\$55,869.88
9.	Winning Teams by Nissel LLC	Flemington, NJ	\$57,155.00
10.	All Star Bleachers	Freeport, PA	\$61,250.00
11.	MI Tech	Frederick, MD	\$75,200.00

AGENDA ITEM# 5. Approval of bid to pave gravel area in Memorial Park for consideration: Presentation at meeting by staff.

All gravel areas should be paved with 3-inch thick surface asphalt. The total square footage of paving is approximately 29,500 square feet.

TIMELINE:

RFP published by Town	Tues. January 4, 2022
DEADLINE, bids due	Tues. January 25, 2022 at 4:00 p.m.
Bids opened	Mon. January 31, 2022 at 3:00 p.m. – Willets, Nail, Shaw

RFP ADVERTISEMENT:

- Public Notice under RFP Tab on Town’s Website – 01/04/2022
- Public Notice on Town’s Facebook – 01/04/2022
- RFP published on eMaryland Marketplace – 01/04/2022
- RFP emailed to potential bidders - 01/04/2022

PROJECT FUNDING:

FY2022 Local Parks & Playgrounds Infrastructure (LPPI): \$58,000
Town Match: None

STAFF RECOMMENDATION:

Town staff recommends HMF Paving Contractors for \$28,980.

BIDS RECEIVED (PRICE ORDER):

**Memorial Park Paving
Official Bid Tabulation Sheet
Due: 01/25/2022 by 4:00 PM
Opened On: 01/31/2022 at 3:00 PM**

Opened By (*initial*): Cathy Willets: CW Amy Naill: AN Maddy Shaw: MS

	Company	Location	Price
1.	HMF Paving Contractors, Inc.	Frederick, MD	\$ 28,980.00
2.	Frederick County Paving	Thurmont, MD	\$ 49,850.00
3.	M.T. Laney Co.	Eldersburg, MD	\$ 49,900.00
4.	Wastler & Sons Inc.	Middletown, MD	\$ 50,575.00
5.	American Asphalt Paving Co	Baltimore, MD	\$ 57,535.00
6.	Thurmont Paving, LLC	Thurmont, MD	\$ 59,930.00
7.	Huntzberry Brothers	Smithsburg, MD	\$ 63,550.00
8.	ECM Corporation	Fort Washington, MD	\$ 65,125.00
9.	Teamcam Services	Linthicum Heights, MD	\$ 65,785.00
10.	Image Asphalt Maintenance, Inc.	Pasadena, MD	\$ 68,525.00
11.	Pleasant Construction, Inc.	Frederick, MD	\$ 69,911.43
12.	Highway & Safety Services, Inc.	Gaithersburg, MD	\$ 72,500.00
13.	Talon Veteran Services	Richmond, VA	\$ 74,115.00
14.	Superior Facilities Management	Bethesda, MD	\$ 82,800.00
15.	Ross Contracting, Inc.	Mount Airy, MD	\$ 82,950.00
16.	M.I. Tech Construction	Frederick, MD	\$ 85,900.00
17.	Colossal Contractors, Inc.	Burtonsville, MD	\$ 89,900.00
18.	CJ Miller LLC	Hampstead, MD	\$ 91,500.00
19.	Earn Contractors, Inc	Gaithersburg, MD	\$ 92,900.00
20.	Driveways Today	Thurmont, MD	\$ 103,250.00
21.	J McDonald Contracting, LLC	Pasadena, MD	\$ 120,000.00

AGENDA ITEM# 6. FY2021 budget transfers to the capital projects fund for consideration: Presentation at meeting by staff.

Upon completion of the FY21 audit the Town of Emmitsburg had additional revenues over expenses in the General Fund in the amount of **\$371,917**. These additional funds are now available for allocation within the General & Capital Projects Funds.

FY21 General Fund Excess Transfer to General & Capital Projects Funds

It is recommended by Town Staff that **\$371,917** be transferred to the following General & Capital Fund categories if so approved by the Board of Commissioners;

General Fund

- 10 Legislative - Memberships (1-5307-10-999-1).....\$400
- 12 Planning – Legal Fees (1-5501-12-999-1).....\$6,000
- Various Depts – Workman’s Compensation (5103).....\$5,000*
- Various Depts – Pension (5204).....\$10,000*

(Please see attached schedule allocation)*

Capital Fund

- 12 Planning – 400 - Storm Water Mgmt.....\$97,144
- 12 Planning – 999 – General.....\$30,000
- 15 Building – 102 – 300 A. South Seton.....\$55,000
- 30 Streets – 330 – Equipment.....\$25,000
- 30 Streets – 385 – Curbs, Gutters, Sidewalks, & Roads.....\$8,373
- 30 Streets – 999 – General.....\$28,500
- 60 Parks – 870 – Town Match Reserve.....\$85,324
- 60 Parks – 875 – CIP Town Reserved Funds Grant Matches.....(\$3,824)
- 60 Parks – 999 – General.....\$25,000

Total..... \$371,917

AGENDA ITEM# 7. Approval of new employee hire for position of Town Clerk for consideration: Presentation at meeting by Mayor Briggs and staff.

AGENDA ITEM# 8. Approval of new employee hire for position of Office Coordinator for consideration: Presentation at meeting by Mayor Briggs and staff.

AGENDA ITEM# 9. Approval of employee for new position part-time Grant Administrator for consideration. Presentation at meeting by Mayor Briggs and staff.

Grants 2017 to Present

Grant Number:	Name:	Amount:	Status:
18-1	MUCFC Tree Planting	\$ 1,380.00	Approved
18-2	St. Joseph's Lane Pedestrian Walkway	\$ 1,500.00	DENIED
18-3	MSEC Emmitsburg LED Light Replacements	\$ 10,130.00	Approved
18-5	KAB Cigarette Litter Prevention Program (CLPP)	\$ 2,500.00	Approved
18-6	MHAA Emmitsburg Main Street Wayside Exhibits	\$ 9,000.00	Approved
18-7	DNR Emerald Ash Borer (EAB) Tree Treatment Program	\$ 428.50	Approved
18-8	Bay Restoration Fund for Enhanced O&M	\$ 30,000.00	Approved
18-10	State Aid for Police Protection FY	\$ 17,025.00	Approved
18-11	CP&P Emmitsburg Community Pool Parking Lot Paving	\$ 35,932.00	Approved
19-1	POS Pool House Rehab	\$ 71,066.00	Approved
19-2	POS Community Park Accessible Playground	\$ 120,000.00	Approved
19-3	CP&P Emmitsburg Multi-Use Field	\$ 71,805.00	DENIED
19-5	DHCD Emmitsburg ADA Accessible Playground	\$ 75,000.00	Approved
19-7	FC Creamery Road Sidewalk Project	\$ 20,000.00	Approved
	State Aid for Police Protection (SAPP)	\$ 16,990.00	Approved
19-8	MUCFC Willow Rill Tree Planting, Phase 2	\$ 1,308.00	DENIED
20-1	CP&P Emmitsburg Bandstand Restoration	\$ 50,000.00	DENIED
20-2	CP&P Emmitsburg Disc Golf	\$ 14,000.00	Approved
20-3	CP&P Emmitsburg Accessible Playground	\$ 50,000.00	DENIED
20-5	MHAA Wayside Exhibits FY2020	\$ 12,032.00	Approved
20-6	AARP Pool Tables and Chairs	\$ 10,615.00	DENIED
20-7	AARP Pool House Renovation	\$ 15,000.00	DENIED
20-8	Bay Restoration Fund	\$ 30,000.00	Approved
20-9	POS Memorial Park Bleacher Replacement	\$ 5,250.00	Approved
20-10	POS Community Garden Improvements	\$ 2,550.00	Approved
20-11	POS Community Park Paving	\$ 45,750.00	Approved
20-14	POS Community Park Band Shell Improvements	\$ 11,250.00	Approved
20-15	DNR Emerald Ash Borer Tree Treatments	\$ 428.50	Approved
20-16	CP&P Memorial Park Paving	\$ 52,500.00	DENIED
20-20	USDA Pre-Development Planning Grant	\$ 30,000.00	Approved
20-21	Catoctin Area Civitian Club	\$ 25,000.00	Approved
20-26	Maryland Urban Community Forest Committee	\$ 170.00	Approved
20-27	State Aid for Police Protection	\$ 16,990.00	Approved
	USDA Pump Station Replacement	\$ 833,000.00	Approved
21-1	MHAA Wayside Exhibits Phase 3 (FY2021)	\$ 12,054.00	Approved
21-6	POS Community Park Mini-Picnic Pavilions	\$ 30,750.00	Approved
21-8	POS - Excess Funds Ballfield #7 Dugout Rehabilitation	\$ 2,243.00	Approved
21-9	POS - Excess Funds Small Picnic Pavilion Near Band Stand	\$ 10,245.00	Approved
21-10	POS - Excess Funds Community Park Disc Golf Course Drain	\$ 5,138.00	Approved
	State Aid for Police Protection FY21	\$ 16,785.00	Approved
22-1	USDA New Public Works Equipment	\$ 157,000.00	Approved
22-4	HCWHA St. Euphemia's School Interpretive Panel	\$ 3,547.00	Approved
22-5	BJAG Emmitsburg License Plate Readers	\$ 98,544.00	Approved
22-6	POS Emmitsburg Restroom and Concession Stand	\$ 147,980.00	Approved
22-7	LPPI Emmitsburg Restroom and Concession Stand	\$ 40,000.00	Approved
22-8	DHCD CL Emmitsburg Restroom and Concession Stand	\$ 89,020.00	DENIED
22-9	LPPI Memorial Park Paving	\$ 58,000.00	Approved
22-10	LPPI Message Centers	\$ 7,500.00	Approved
22-11	LPPI Bleacher Replacement Memorial and Community Park	\$ 73,300.00	Approved
22-12	State Aid for Police Protection FY22	\$ 17,076.00	Approved
Total Applied For		\$ 2,457,782.00	
TOTAL APPROVED		\$ 2,116,034.00	
SUCCESS RATE		82%	

AGENDA ITEM# 10. Approval of pool management company for the 2022-2024 pool seasons for consideration: Presentation at meeting by staff.

TIMELINE:

RFP Published 11/16/2021
Deadline, bids due by 01/10/2022

RFP ADVERTISEMENT:

- Public Notice under RFP Tab on Town’s Website – 11/16/2021 to 01/10/2022.
- Public Notice on Town’s Facebook and Channel 99 – 11/16/2021.
- Frederick News Post Publication –11/16/2021.
- Notice on MML Classifieds – 11/16/2021 to 01/10/2022.
- RFP mailed to 12 known pool management firms 11/16/2021
- RFP published on eMaryland Marketplace – 11/16/2021

BID RECEIVED:

Company:	Location:	Bid Amount:
RSV Pools, Inc.	Gaithersburg, MD	2022 - \$65,952.00
		2023 - \$67,848.00
		2024 - \$70,980.00

STAFF MEETING DATE:

- January 11, 2022 – Staff opened & reviewed bids.

RECOMMENDED MOTION:

Motion to approve RSV Pools, Inc. pool management bid in the amount of \$65,952.00 for 2022, \$67,848.00 for 2023, and \$70,980.00 for 2024.

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

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

Administrative Business:

- A.
- B.
- C.

Consent Items: