

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

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TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, MAY 6, 2024

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Parks Committee Meeting: May 21, 2024 7:30 pm (Town Office)

*Board of Commissioners Meeting: FY 2024 Budget: May 20, 2024, 7:00 pm
(Town Office & Zoom)*

Board of Commissioners Meeting: June 3, 2024, 7:00 pm (Town Office & Zoom)

MEETING ITEMS

A. APPROVE MINUTES: April 1, 2024 and April 22, 2024.

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

1. GRANT ADMINISTRATOR'S REPORT

2. PARKING ENFORCEMENT REPORT

E. COMMISSIONER COMMENTS

F. MAYOR COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (NONE)

I. CONSENT AGENDA (NONE)

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

1. For consideration, approval of FY2025 Frederick County Sheriff's Office contract for law enforcement services.

2. For consideration, approval of estimate to purchase prefabricated bathroom/concession stand in E. Eugene Myers Park.

3. For consideration, approval of FY2023 budget transfers.

4. Initial presentation of the FY2025 budget.

5. Approval of ordinance 24-03 to amend Title 2, Chapter 2.32 Code of Ethics for consideration.

M. SET AGENDA FOR NEXT MEETING: May 20, 2024

4. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

5. ADJOURN

Hi there,

You are invited to a Zoom meeting.

When: May 6, 2024 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/join/tZwod-GvrjsjGNIt8ckO4lefwRPBBLoG9v6d>

After registering, you will receive a confirmation email containing information about joining the meeting.



A. MINUTES

**MINUTES
TOWN MEETING
APRIL 1, 2024
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Frank Davis; Commissioners: Amy Boehman-Pollitt, President; Jim Hoover, Vice President; Valerie Turnquist, Treasurer; Timothy O'Donnell; and Clifford Sweeney. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Jessica Housaman Recorder; and Madeline Shaw, Grant Administrator via Zoom; *Others Present* – Deputy Honaker.

Call to Order

A quorum being present, Commissioner Boehman-Pollitt, President of the Board of Commissioners, called the April 1, 2024 Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Hoover motioned to accept the February 5, 2024 Town meeting minutes with clarification to agenda item #2; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Sweeney motioned to accept the March 4, 2024 Town meeting minutes with clarification to agenda item #2; second by Commissioner Hoover. Yeas – 4; Nays – 0. Abstain – 1, Boehman-Pollitt. The motion was accepted.

Commissioner O'Donnell motioned to accept the March 18, 2024 Town meeting minutes as presented; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Honaker presented the police report from April.

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from February 2024. Ms. Willets highlighted key points in her report and noted at the time of the report Rainbow Lake was 16.6 feet at the spillway level. She also reviewed the amount of water that was produced and consumption for the water and the amount of wastewater treated. Ms. Willets referred to page 21 for average well depths for 2023 and page 22 of the current well depths. She also included (3) three noteworthy items; staff cleaned spillways of debris at Rainbow Lake, staff gave a tour of both plants to University of Maryland students and staff made repairs to the flooded road at Well #5 (exhibit in the agenda packet).

Commissioner Sweeney noted that the new Veterans banners will be done soon and thanked staff for getting permission.

Town Planners Report:

Ms. Willets presented the Town Planner's Report from March 2024. Ms. Willets highlighted that Ms. Ahsan processed (5) five zoning permits and listed ongoing development updates with, Seton Village, Emmitsburg Distillery, Christ Community Church, and St. Joseph Church. Ms. Willets briefly noted the outcome of the Board of Appeals meeting related to 17750 Creamery Road and noted future meetings, grants, and previous in-person Public Visioning Workshops (exhibit in the agenda packet).

Commissioner Hoover had asked a question related to page 29 of the Town Planners report about the

Stormwater Management preliminary research of the Northgate Stormwater Pond.

Ms. Willets explained that it is part of the new MS4 permit term and it began at the end of October and goes through 2028.

Grant Administrative Report:

(Exhibit in the agenda packet).

Commissioner Turnquist asked if the FY24 Community Legacy Grant be included in the report.

Ms. Willets explained the Legacy Grant falls under the Town Planners report and noted on page 30 was a list of grants Ms. Ahsan is currently working on and had the Legacy Grant listed.

Commissioner Turnquist asked if Ms. Ahsan could include similar information as the grant report to show the grant award amount and Town match.

Commissioner Boehman-Pollitt reiterated that it would be a great overview of keeping things consistent and easier to acknowledge. Commissioner Boehman-Pollitt asked if upcoming grants could be added to the list on the grant report, if the Town knows if there is a match.

Commissioner Comments:

Commissioner O'Donnell: He announced that they had a successful trail day and made necessary repairs. He spoke with FredRock disc golf during today's tournament and explained even with the weather there were 95 attendees. Commissioner O'Donnell also announced a future tournament with Maryland Senior Olympics in July and will confirm the date. He met with Mark Ginsburg and discussed potential internships with Towson that could provide students with training on water and sewer. He also met with Ms. Shaw to discuss a pending grant. Commissioner O'Donnell met with the president of MML and Mayor Davis discuss lobbying points that could benefit the community or other communities like the Towns.

Commissioner Turnquist: No comment.

Commissioner Sweeney: He announced that Little League will begin April 23rd until Memorial Day and noted the two large tournaments in the beginning of June. He asked to be careful when driving through the parks as children will be crossing.

Commissioner Boehman-Pollitt addressed concerns about traffic on Community Park Drive during the tournament and asked if the road could be closed?

Commissioner Hoover: He announced that himself and Mayor Davis attended the previous Comprehensive Plan Workshop and explained that Ms. Ahsan did an excellent job interacting with the audience. He believes that the Town should receive great feedback with the comp plan.

Commissioner Boehman-Pollitt: She also noted how many people came out for the disc golf tournament even with the rain. Commissioner Boehman-Pollitt is excited to see there will be an event for Earth Day this year, and announced at the end of April there will be a community yard sale. She explained that if you are not a in Town resident, the Town office has offered the back field to use to set up. Commissioner Boehman-Pollitt also asked the Board if anyone has anything related to the Civil War Monument to please send to her for Mr. Casteel.

Mayor's Comments:

Mayor Davis announced the Town is launching a phone app that will be called MyEmmitsburg. He explained this will have real time notifications that residents can sign up to stay up to date with any of the latest news. Mayor Davis also informed everyone that staff is working on a water main break on Creamery Road but will keep everyone updated when he knows more.

Public Comments:

Eric Slone, Emmitsburg MD – He briefly spoke about having affordable housing and coordinating with Frederick County to put in a mental health facility in Town.

Administrative Business:

First Item: For consideration, Proclamation declaring April 2024 Child Abuse Prevention Month.

Kristen Dunn introduced herself as the program manager for Child Protective Services and introduced Megan McGown who is a forensic interviewer in Frederick County. Ms. Dunn thanked the Town for continued support for Child Abuse Awareness month and went onto briefly explain what the Child Advocacy Center does for children in Frederick County. *Motion:* Commissioner Hoover motioned to accept; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Second Item: For consideration, Proclamation declaring April 20, 2024 Earth Day in the Town of Emmitsburg.

Motion: Commissioner Sweeney motioned to accept; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Sweeney asked if the Town needed any trees donated this year for Earth Day and explained the Lions Club has in the past. Sabrina King, Town Clerk, explained since completing a survey for Arbor Day, the foundation donated (5) five trees that should be delivered in time for Earth Day.

Third Item: For consideration, Proclamation declaring April Fair Housing Month.

Motion: Commissioner Hoover motioned to accept; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Consent Agenda: NONE

Treasurer's Report:

Commissioner Turnquist presented the Treasurer's Report for March 2024 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Turnquist noted that Ms. Willets covered everything that was discussed during the Town Planners Report.

II. Agenda Items

Agenda #1 – Approval of water treatment plant clarifier construction bid for consideration. Ms. Willets briefly noted the timeline and the total estimated cost of \$3,057,477.00 for the project. She referred to the bid tabulation of the (4) four bidders and noted at the time of the bid opening the apparent low bidder was Conewago at \$2,329,561.00. She also referred to page 46 of the letter of recommendation from engineer, RK&K.

Commissioner Turnquist asked staff about the breakdown of how the project will be funded.

Ms. Willets explained that the Town has one million dollars state bond that Senator Hough got for the Town and the remainder will be paid by ARPA in the amount of approximately \$2,570,470.00.

Motion: Commissioner Hoover motioned to accept Conewago for the bid for the water clarifier project for \$2,329,561.00; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #2 – Approval of bid for engineering for Emmitsburg Dam inspection as required by MDE for consideration. Ms. Willets briefly noted the timeline, the bid tabulation of the (5) five bidders, and she referred to page 55 of the breakdown of each engineer's proposal. Ms. Willets noted while reviewing the bids, staff as well as Mayor Davis were extremely impressed with CPJ estimate as they are providing an in-depth inspection. She also noted that staff reached out to the other bidders and asked if they could provide the same in-depth inspection as CPJ and unfortunately, they were unable to. Ms. Willets added that this project would be

funded by ARPA and noted CPJ estimated at \$72,426.00.

Commissioner Hoover asked if it was a flat rate of \$72,426.00 from CPJ for just the in-depth inspection or was it additional services as he referred to the bid tabulation of the apparent lowest bidder Hills-Carnes at \$1,380.00.

Ms. Willets explained that Hills-Carnes estimate was an estimate prepared for each annual visit which was for the \$1,380.00. They did not address the bulletin items required by MDE and noted it was only for a visual inspection.

Commissioner Hoover acknowledged that Hills-Carnes was only a visual, as CPJ is going to do inspections and take care of the issues required by MDE.

Mayor Davis explained that they felt that it was imperative to have a full inspection with valves and concrete. He added that it would avoid any catastrophic failure because not only would it affect our water supply, but it would affect all the residents downstream. Mayor Davis also referred to the Town Managers report of how staff cleaned debris from the spillway and added that by doing that, it caused flooding on Annadale Road.

Commissioner Turnquist wanted to clarify that they would only be doing the inspection and not removing the woody vegetation. She asked if they are only to do an evaluation and submit the report?

Ms. Willets replied that is correct and per MDE it is required within (3) three months to remove the woody vegetation but noted that is what staff has done already. She also added that the engineer will inspect everything to ensure it is done properly and everything that needs to be cleared is cleared. Ms. Willets also noted that CPJ has addressed all the required bulletin items per MDE and more as she referred to page 56.

Motion: Commissioner Hoover motioned to accept CPJ bid for \$72,426.00 for engineering services for Emmitsburg Dam inspection as required by MDE; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – Approval of FY2023 budget transfers for consideration. **POSTPONED**

Agenda #4 – Approval of ordinance 24-01 to amend Title 10 vehicles allowing 48-hour parking on East and West Main Street for consideration. Commissioner Boehman-Pollitt referred to the ordinance in the agenda packet of the updated language.

Commissioner Hoover confirmed that the only thing that is changing is removing items from the code related to (2) two-hour parking and the rest of the language within the code that covers 48-hour parking.

Motion: Commissioner O'Donnell motioned to approve ordinance 24-01 to amend Title 10 vehicles allowing 48-hour parking on East and West Main Street; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #5 – Approval of ordinance 24-02 to amend Title 10 to remove the red citation box from the square for consideration. Commissioner Boehman-Pollitt referred to page 62 of ordinance 24-02 of the different ways residents can submit a payment and noted the removal of the language of the red citation box.

Motion: Commissioner Sweeney motioned to approve 24-02 to amend Title 10 to remove the red citation box from the square; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #6 – Approval of Policy 24-01 – parking meter fees for consideration. (a.) This would increase parking

meter fees to 25 cents per 30 minutes. 50 cents per hour. Commissioner Boehman-Pollitt referred to page 66 of the rate increase. She asked Ms. Willets about a third-party vendor with extra fees and asked if this was regarding the smart app and do they pass on fees?

Ms. Willets explained if the resident uses their credit card in the parking meter there will not be a fee, but if they chose to use the mobile app from the third-party, they would.

Commissioner Turnquist wanted to clarify that the Town chose ITS for the parking meters to avoid extra fees to the resident. She wanted to confirm that part of the agreement with going with that company was if the Town used their system there would not be any credit card fees.

Ms. Willets noted that is correct and explained that if a resident used the parking meter and swiped their credit card there would not be any fees, but if the resident chose to use the park mobile app which is separate from the meter there would.

Commissioner Turnquist turned to the Mayor and reiterated that when he spoke with the local businesses and residents that no one was opposed to raising the rates.

Mayor Davis responded that no one was opposed and most of them were shocked at how low the rates were.

Commissioner Boehman-Pollitt also noted that when speaking with residents they understood the increase especially by knowing what flexibility that comes with the app and smart meters. She also added that the businesses were for this because the customers would not have to continue to leave to feed the meter.

Motion: Commissioner Hoover motioned to accept Policy 24-01 – parking meter fees for consideration; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #7 – Approval of estimate for Rainbow Lake Pump Station House Bridge for replacement for consideration. Ms. Willets referred to page 67 and cited Code 3.12.040 Expenditures over fifty thousand dollars and noted that this was a sole source purchase as permitted by the code. Ms. Willets presented photos of the bridge at Rainbow Lake to show how deteriorated it has become, and the safety hazards it has on staff members. Ms. Willets explained that the staff is proposing PlasTech and listed their scope of work proposal on page 68.

Commissioner Hoover added that he also just completed a job with PlasTech but in a different field, and noted they did excellent work and great to work with.

Motion: Commissioner Hoover motioned to accept PlasTech for the Rainbow Lake Pump House Bridge replacement for total bid of \$160,959.00; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #8 – For consideration, approval of bid for DePaul St. Waterline. Commissioner Boehman-Pollitt stated that this was brought to the Board previously but needs to be looked at again. Ms. Willets informed the Board that the bid was awarded at the last Town meeting but since then the contractor has withdrawn their bid. She noted that she has spoken with the Town's engineer who went back and reviewed the other bid packets and through the review process they recommend Huntzberry Brothers in the amount of \$1,107,771.00. Ms. Willets explained how Ms. Shaw has already confirmed with MDE and DHCD that the project can still move forward with the new proposed contractor. Ms. Willets also informed the Board that there are ARPA funds to cover the cost difference between the new bid.

Commissioner Boehman-Pollitt asked if this would allow for any extra grant money?

Ms. Willets responded that yes, the Town is using the full amount funded \$552,500 another grant for \$277,500 and the remainder is roughly around \$412,000 ARPA funding.

Commissioner Hoover wanted to know why Fox Associates did not recommend Bright Construction.

Ms. Willets explained that the engineer has had no experience with Bright Construction or the next lowest bidder. She added that they were unable to verify their work and while conducting reference checks, Huntzberry Brothers was much more favorable. She noted that while speaking with the Mayor and engineer, being the location of this project on DePaul Street at North Seton Avenue it would be best to go with someone familiar.

Mayor Davis added that he knows that this job will affect the Town's residents related to the water and road closures and wants to ensure that the one doing the job will meet those requirements and have the job done accurately and affectively.

Motion: Commissioner O'Donnell motioned to accept the bid put forward by Huntzberry Brothers Incorporated in the sum of \$1,107,771.00; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for May 6, 2024 Town Meeting

Administrative Business: (NONE) *Consent Items:* (NONE) *Agenda Items:* (1.) For consideration, approval of FY2025 Frederick County Sheriff's Office contract for law enforcement services. (2.) For consideration, approval of estimate to purchase prefabricated bathroom/concession stand in E. Eugene Myers Park. (3.) For consideration, approval of FY2023 budget transfers. (4.) Initial presentation of the FY2025 budget.

Set Agenda Items for May 20, 2024 Town Meeting

Administrative Business: (NONE) *Consent Items:* (NONE) *Agenda Items:* (1.) Presentation and review of FY25 Town of Emmitsburg budget. (2.) For consideration, approval of ordinance 24-04, update to Chapter 2.50.030 salary structure for FY25. (3.) For consideration, approval or ordinance 24-05, adoption of FY25 Town of Emmitsburg budget.

Set Agenda Items for April 22, 2024 Workshop

Administrative Business: (NONE) *Consent Items:* (NONE) *Agenda Items:* (1.) Discussion of FY23 budget transfers. (2.) Discussion of the FY25 water rates.

Motion: Commissioner O'Donnell motioned to accept the May 6, 2024 Town meeting agenda as presented; May 20, 2024 Town meeting agenda as presented; and April 22, 2024 Workshop with a closed session following as presented; second by Commissioner Hoover. Yeas – 5; Nays – 0. The motion was adopted.

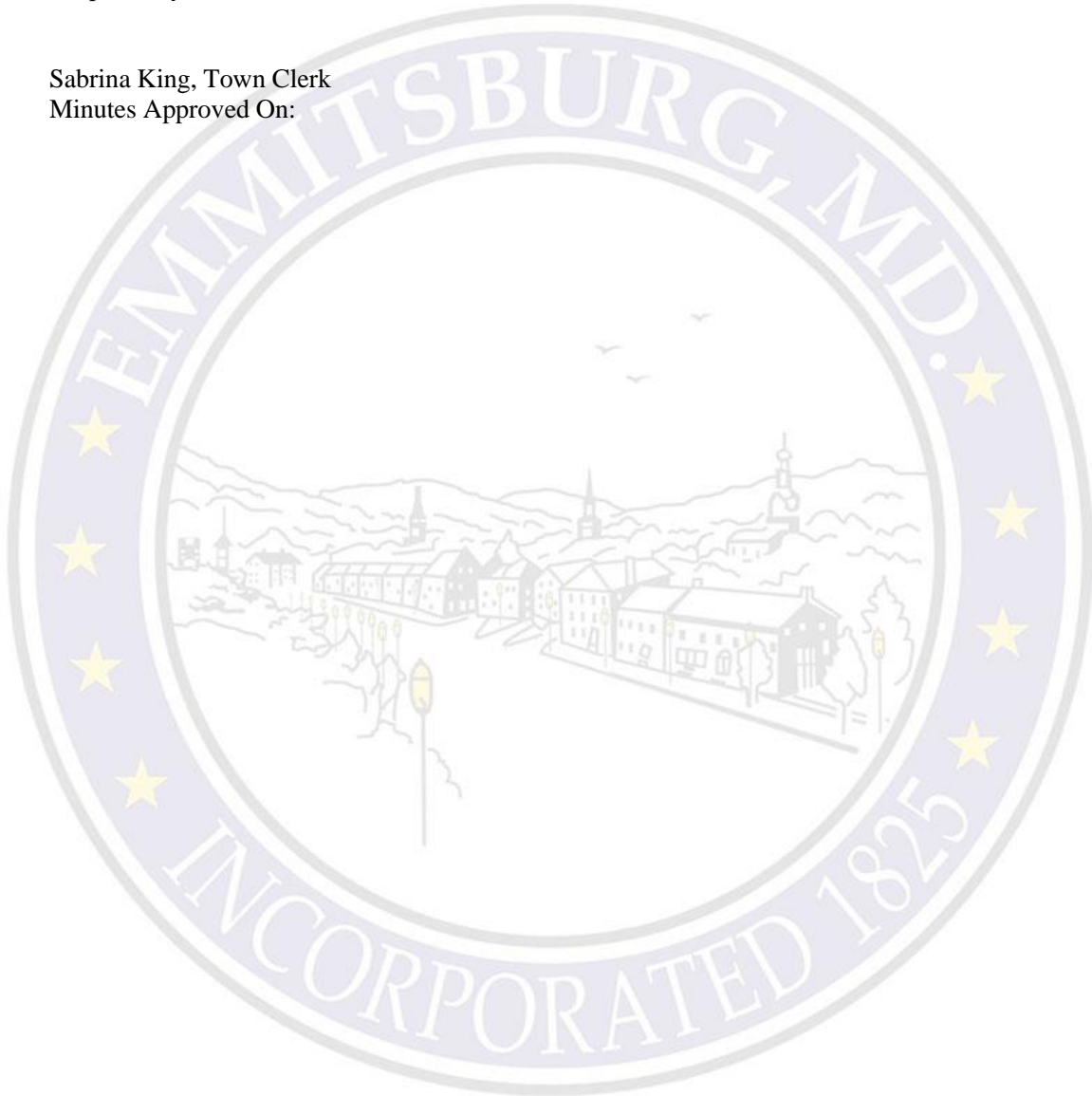
III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the April 1, 2024 Town meeting at 8:25p.m.; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:



**MINUTES
TOWN MEETING
WORKSHOP
APRIL 22, 2024
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Frank Davis; Commissioners: Amy Boehman-Pollitt, President; Jim Hoover, Vice President; Valerie Turnquist, Treasurer; Timothy O'Donnell; and Clifford Sweeney. *Staff Present* - Cathy Willets, Town Manager; Jessica Housaman Recorder. *Others Present* – Leslie Powell, Town Attorney.

Call to Order

A quorum being present, Commissioner Boehman-Pollitt, President of the Board of Commissioners, called the April 22, 2024 Town meeting/workshop to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Commissioner Boehman-Pollitt announced directly following the open meeting tonight there will be a closed executive session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction, and any other Personnel matter that affects one or more specific individuals. The authority for meeting in the closed session is permitted by the general Provisions Article Section 3-35 B(1) Annotated Code of Maryland which authorizes us to meet in closed session to discuss employment.

Commissioner Comments:

Commissioner O'Donnell: He mentioned that he attended the Spring Fling event sponsored by the Town and the Frederick County Library.

Commissioner Turnquist: She stated she observed some concrete damage on the bridge on South Seton Ave. Staff mentioned that SHA investigated last year but will send a follow-up email.

Commissioner Sweeney: None.

Commissioner Hoover: None.

Commissioner Boehman-Pollitt: She mentioned that she was unable to attend the Spring Fling events but did notice a lot of activity. She also mentioned that SHA may be conducting a traffic study around Rte. 140 and Tract Road to look at the speed limit in that area. Finally, she noted that there was increased vehicular traffic due to baseball and softball starting back up.

Mayor's Comments:

Mayor Davis mentioned he and the other Mayors have a meeting on April 25, 2024 with the County Executive to discuss quite a few items. He noted one issue will be about the homelessness issue in light of the new Supreme Court decision.

II. Agenda Items

Agenda #1 – Discussion related to FY23 Budget Transfers

Commissioner Hoover inquired about the budget transfers being moved to the general fund balance instead of Fund 2 Capital Improvements. Ms. Willets explained that historically the funds have been transferred to capital improvements or Fund 1 of the current budget year.

Commissioner O'Donnell inquired about the proposed new position and the budget transfer. Mayor Davis explained that the new position could be created and filled this fiscal year. The new position would assist him with the enormous number of projects including the Main Street program. He is working with our HR consultant on a job description and job title.

There was a brief discussion on the paving budget transfers regarding Timbermill Run and Silo Hill. Ms. Willets mentioned there will be three other smaller paving projects included in the FY25 draft budget.

Commissioner Boehman-Pollitt mentioned that some of the budget transfers line up with the priority list the Commissioners worked on and some did not. She inquired about the process staff determine what is included in the budget transfer request. Ms. Willets explained that she, the Mayor, and department heads look to see what is needed in the general fund and all departments associated with Fund 2 Capital Improvement Projects. Some of the transfer requests are considered priorities but on a smaller scale some did not “make it” on the Commissioners’ priority list, such as the \$20,000 transfer for emergency maintenance/repairs at 22 East Main St.

Ms. Willets explained the request for funding for the electronic door locks on the park bathrooms would eliminate the approximate \$8,000 yearly budget for port-a-pots. Mayor Davis explained this will allow the bathrooms to be open more frequently.

Commissioner Boehman-Pollitt inquired as to what the budget transfer for “new MS4 permit term requirements” entails. Ms. Willets briefly explained the requirements of the unfunded MS4 permit mandate and that the transfer helps build the fund to pay for the larger projects as required. For this line item, \$17,600 is for the Cedar Ave. storm drain project and \$50,000 is for the MS4 permit term.

Commissioners asked questions related to MS4 and the credits. Ms. Willets mentioned according to the work plan the next large project would be the Northgate Stormwater Basin restoration project as well as the North Seton Ave. Green Street project. The Town will also need to complete additional projects such as street sweeping, storm drain inlet cleaning, IDDE inspections, etc.

Commissioner Boehman-Pollitt asked about the storm drain project in E. Eugene Myers Park walking trail and the cameras for the Town Office. Mayor Davis noted the storm drain project was along the walking trail that abuts the Frailey Farm. Ms. Willets advised that the camera project is to replace cameras that are broken and/or out of date as well as to add some new cameras to the lobby and parking lot.

Commissioner Turnquist asked about the plan for a parking lot and the transfer of funds. Ms. Willets mentioned this item was added as a result of the Commissioners’ priority list as well as Mayor Davis priority. Staff had initially looked at the cost of purchasing and constructing a parking lot. Staff’s initial estimate to purchase the land is about \$150,000 with construction costing another \$150,000 or so. Mayor

Davis mentioned there may be Main Street funding, but the Town should have some money ready to contribute.

Agenda #2 – Discussion related to FY25 water rates

Commissioner Hoover stated that, in his opinion, the 36% increase over a five consecutive year period is astronomical and it is going to become more difficult for people to afford. He mentioned that years one and two seem reasonably manageable but come year five the increase for 6,000 gallons goes from \$35 to \$163. He went to mention that he would like to find middle ground for the residents and the Town. Commissioner Hoover requested that the ordinance be modified so the Board can vote on the water rate increase annually instead of having a set rate for five years.

Mayor Davis agreed with Commissioner Hoover and stated that he would like to see the second year of rate increase stay in place because the Town does not even have a full year under its belt when it comes to revenue and expenses to see what impact the rate increase has made. He mentioned changing the rates after this upcoming year and not proceeding with a five-year rate increase.

There was a brief discussion on the water/sewer rate study and the options that the consultant offered to the Town. The rates ranged anywhere from a 120% increase in one year to three years at 44%. Ms. Powell mentioned that she felt the water/sewer rate study was very thorough. She also mentioned Emmitsburg is not alone in this process as Walkersville just imposed a \$100 yearly assessment and will be raising their rates.

Commissioner Boehman-Pollitt mentioned that she received complaints from residents and businesses regarding the water rate increase and how it was impacting their ability to live and work here. She was concerned that we are pricing some people out of Emmitsburg. Mayor Davis stated that his recommendation is to do one more year at 36% increase and then stop. He would like to see a small escalator each year after that. He also stated he would like to see the Commissioners send the complaints to him so he can look at the bills individually.

Commissioner O'Donnell mentioned that there seems to be an alignment amongst the Board to not doing a full five-year increase at 36%. He stated that there is no resource in the past 10 years that has gotten less expensive than water. He feels the Board needs to fine tune the increase. He agrees with Commissioner Hoover with looking at the rates on a year-to-year basis.

Commissioner Boehman-Pollitt inquired if there was a way to look at the rate increase now and see what kind of impact it had on the water fund. Mayor Davis and Ms. Willets both stated that, with only approximately six months of expenses and revenues, it would be difficult to get an accurate picture since many expenses are front and back loaded as well as usage increases in the spring and summer. Both felt after a full year of revenue and expenses, the Board would have a better picture of where the water fund stands.

Commissioner Turnquist mentioned that she has a large family, and they average between 28,000 and 30,000 gallons per quarter and her bill went up 51%. She stated that the largest group impacted by the water rates are the 20,000 – 30,000 gallon users (329 users) and that they saw the biggest increase. Ms. Willets mentioned that there are 580 customers that use between 0-10,000 gallons per quarter and their bills increased between \$12.60 and \$14.75.

After the continued discussion, the Board elected to leave the rates the same and review the revenues and expenses after one full year of the 36% increase. Commissioner Hoover then requested to discuss tap

fees. He wanted to look at the tap fees to make sure they are covering the actual cost of the operations and maintenance of the water and sewer fund.

Agenda #3 – Discussion related to Stormwater Management

Ms. Willets reviewed the requirements of the MS4 permit and reiterated that this is an unfunded Federal and State mandate that was imposed on municipalities. At this time, the EPA is actively enforcing and fining municipalities in Pennsylvania that are not in compliance. Ms. Willets stated that this permit term runs from October 2023 to October 2028 and the Town is required to “treat” 10.71 acres. The Town can achieve this through different initiatives such as tree plantings, street sweeping, basin restoration projects, stream restoration projects, etc. Ms. Willets noted that the staff has been successful over the years in obtaining grants to cover the larger restoration projects such as Silo Hill. Mayor Davis noted that Carroll County’s municipalities partner with the County on their MS4 requirements. He said he plans on discussing this with the County Executive.

Ms. Powell addressed the legal aspect of the stormwater restoration projects that are the property of developments such as Silo Hill and Northgate. She informed the Board that there is an easement that gives the Town the right to go onto the property. Ms. Willets mentioned that the Silo Hill SW basin project was fully funded by grants to include a three-year maintenance agreement. After the three years, the Town would need to turn the maintenance over to the residents and/or execute an agreement with the HOA. For Northgate, there have been initial discussions with the HOA related to the basin restoration project.

Commissioner Boehman-Pollitt asked if the stormwater utility fee was going to be used to cover the maintenance costs of the Silo Hill stormwater basin after three years? Ms. Willets noted that the SWM utility fee must be used only for Town stormwater specific projects such as street sweeping, storm drain inlet cleaning, annual IDDE inspections, training, and best practices. Ms. Willets mentioned that in the code, it is to be used for the management of stormwater. Commissioner Hoover clarified that the SWM utility was for Town projects not specific homeowner’s basin. Ms. Powell confirmed that.

Commissioner Turnquist asked about the calculations of ERU for the purpose of the SWM utility fee. Ms. Powell stated that there is a calculation of the overall lot size. The calculations were done by the University of Maryland who the Town contracted with for the development of the SWM utility fee and ordinance. She also asked about the SWM utility fee fund and whether money can be moved from general fund to the SWM fund. Ms. Powell and Ms. Willets said they will both look into and get back with the Board.

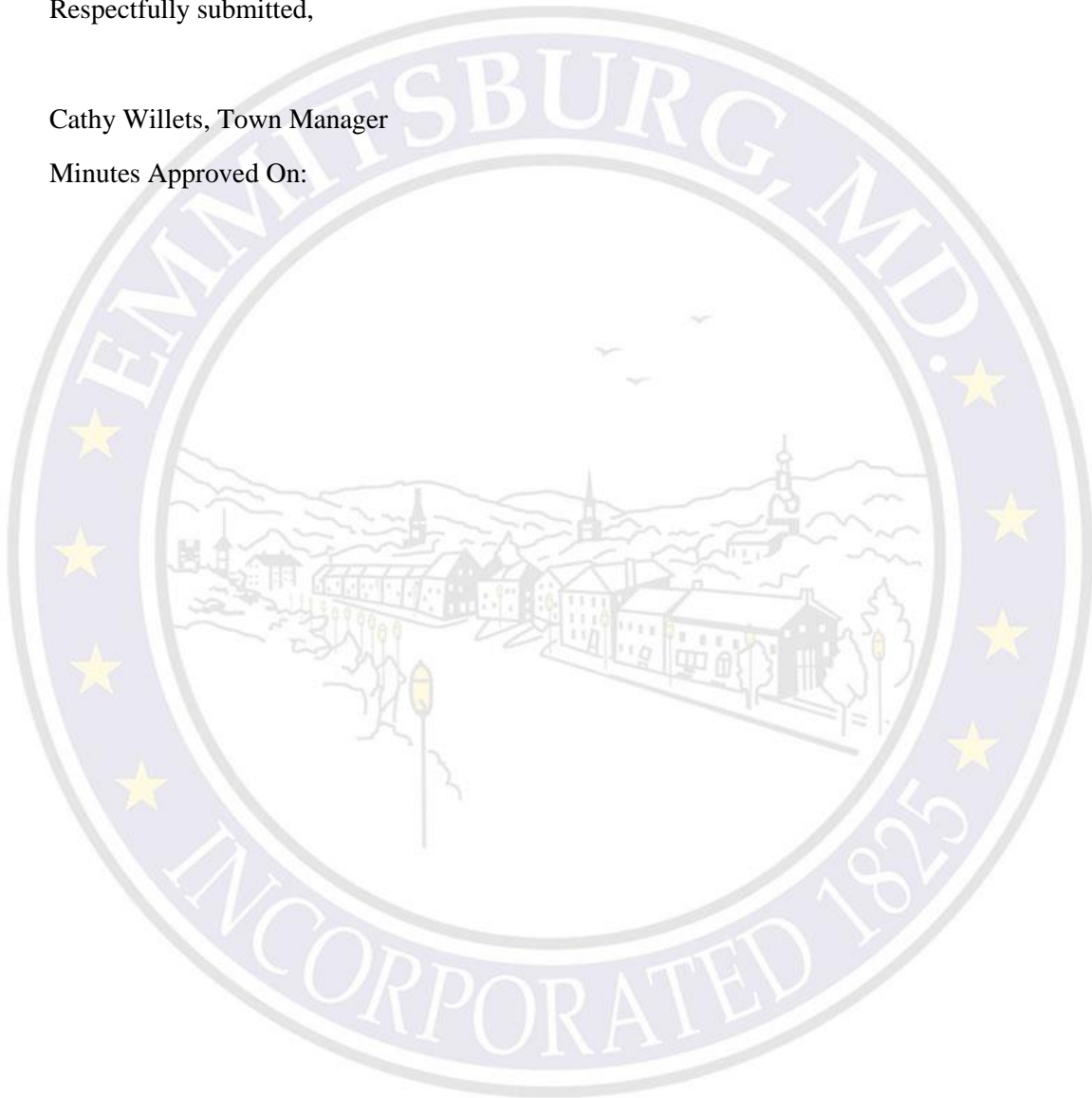
III. Adjournment

With no further business, Commissioner Hoover motioned to adjourn the April 22, 2024 town meeting at 8:58 p.m.; second by Commissioner O'Donnell. Yeas – 5; Nays - 0. The motion was adopted/rejected.

Respectfully submitted,

Cathy Willets, Town Manager

Minutes Approved On:



B. POLICE REPORT

Presentation at Town Meeting.



C. TOWN MANAGER'S REPORT

Town Manager's Report

March 2024

Prepared by Cathy Willets

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired streetlights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff worked with contractor on Main Street Lighting Project removing old lights and installing new poles and fixtures. **PROJECT IS COMPLETE.**
- Staff put back up some Veteran's banners and snowflake brackets.
- Staff placed rubber rings around some manholes and valve boxes.
- Staff conducted street sign maintenance and inventory.
- Staff repainted some yellow curbs on West Main ST.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, and weed killed in parks.
- Staff prepared all park restroom buildings and concession stand for spring and summer season.
- Contractor put the sunshades back up at the all-inclusive playground.
- Contractor repaired climber/ladder at the Memorial Park playground.
- Contractor prepped E. Eugene Myers Park ballfields.
- Staff repaired some exercise stations along the walking trail in E. Eugene Myers Park.
- Staff repaired some playground equipment.

Wastewater:

- We treated an average of 852,774GPD (consumed 253,585 GPD) which means that 70.26% of the wastewater treated this month was "wild water".
 - **due to heavy rain all month and pumping lagoons down to prepare for storms
- We had no spills of untreated sewage in the month of March.
- We did exceed the plant capacity 23 days this month.
- We received about 5.9" of precipitation this month (the average is 4.05"). We have had a precipitation **SURPLUS OF 5.85"** over the last six months. The average precipitation for the period from October 1st through March 31st is 20.25". We received 26.1" for that period.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed one time a day. The DE filters are getting one week runs.
- Well levels (optimum level was determined to be May 2011). *these depths are taken at the end of the month.

	May 2011	March*	Change
○ Well #1:	35'	36'	-1'
○ Well #2:	8'	14'	-6'
○ Well #3:	12'	34'	-22'
○ Well #4:	108'	106'	+2'
○ Well #5:	10'	14'	-4'

MONTHLY AVERAGE WELL DEPTHS					
2023	WELL # 1	WELL # 2	WELL # 3	WELL # 4	WELL # 5
	250FT DEEP	161FT DEEP	212FT DEEP	600FT DEEP	401FT DEEP
JAN	45	11	25	OFF	OFF
FEB	36	12	25	OFF	OFF
MAR	36	12	25	OFF	OFF
APR	36	11	28	OFF	OFF
MAY	34	9	24	OFF	OFF
JUN	34	11	24	OFF	OFF
JUL	40	14	33	OFF	OFF
AUG	44	18	36	OFF	OFF
SEPT	60	21	41	126	34
OCT	79	28	45	128	41
NOV	47	24	46	135	46
DEC	49	13	35	126	27

MONTHLY AVERAGE WELL DEPTHS					
2024	WELL # 1	WELL # 2	WELL # 3	WELL # 4	WELL # 5
	250FT DEEP	161FT DEEP	212FT DEEP	600FT DEEP	401FT DEEP
JAN	44	16	30	119	17
FEB	33	16	27	114	16
MAR	35	15	26	106	14
APR					
MAY					
JUN					
JUL					
AUG					
SEPT					
OCT					
NOV					
DEC					

- Water production and consumption. We produced an average of 254,256 GPD. We consumed an average of 253,585 GPD (finish water). The amount of Backwash Water in the month of March is ... (9.42%).
 - 75.18% of this water came from wells.
 - 0.00% of this water came from Mt. St. Mary's.
 - 24.82% of this water came from Rainbow Lake.

Trash: Trash pickup will remain on Mondays during the month of May except for Memorial Day. Trash will be picked up Tuesday, May 28th..

Meetings Attended:

- 03/01 Meeting with Town Planner and DNR re: forest conservation requirements.
- 03/04 Meeting with staff, RK&K and Distillery re: improvement plans (water & sewer).
- 03/04 Attended Town Meeting.
- 03/05 Meeting with staff re: Emmitsburg Dam Engineering services bid opening.

- 03/06 Meeting with staff and developer representatives re: Emmit Ridge II.
- 03/06 Attended zoom meeting with Mayor and staff re: mobile app.
- 03/07 Attended meeting with staff and Mayor re: FY24 2nd quarter budget review and preliminary prep meeting for FY25 budget.
- 03/07 Attended meeting with staff re: Rainbow Lake parking lot project.
- 03/11 Met with water and sewer supervisors re: FY25 budget.
- 03/12 Attended department head meeting.
- 03/12 Attended support staff meeting.
- 03/13 Attended Pump Station progress meeting.
- 03/13 Met with Town Clerk re: FY25 budget.
- 03/13 Met with Dir. of Public Works re: FY25 budget.
- 03/18 Attended town meeting.
- 03/19 Met with Town Planner re: FY25 budget.
- 03/20 Attended webinar with PNC and staff.
- 03/21 Attended meeting with staff, RK&K and Distillery re: improvement plans (water & sewer).
- 03/21 Attended meeting with Mayor and Town Attorney re: code enforcement issues.
- 03/25-29 Conducted annual performance evaluation review with staff.
- 03/26 Attended meeting with Town Planner and George Brenton (DOC) re: upcoming projects and tree planting event.
- 03/26 Attended meeting with staff to review Emmit Ridge II plans.

Noteworthy:

- Staff worked the yard waste dumpster twice in March.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Water/Sewer superintendent met with vendor re: possible water meter upgrades and options.
- Staff found and painted valve caps from water plant to Annandale Rd. and added them to GIS.
- Staff marked water and sewer on North Seton Ave. for the waterline project.
- Staff completed all backflow tests.
- Staff needed to run lagoon transfer pump due to heavy rain.
- Staff flushed the lines between manhole 29 and 29A on DePaul St. to clean it out.
- Staff worked with contractor to move a water tap from the old 8" Main/MSM line to the 10" main line.
- Staff air lanced all roughing filters.
- Staff cut up tree branches that fell at old WTP and cut down pine tree that fell against fence.
- Staff worked with contractor on several water leaks.
- Staff conducted an inventory of all fire hydrants in Town.
- Staff worked contractor to replace damaged sidewalk on Wheatley Dr.

1. GRANT ADMINSTRATOR REPORT

As of May 1, 2024

Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

COMPLETED GRANTS

None.

GRANTS ACTIVELY MANAGING (18 TOTAL)

<u>Grant No.:</u>	<u>Grant Agency:</u>	<u>Date Applied For:</u>	<u>Date Awarded:</u>	<u>Grant Amount:</u>	<u>Match:</u>
22-1	USDA-RD	05/24/2021	05/27/2021	\$157,000	\$140,400
<p><u>Description:</u> For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, sewer SCADA. <u>Status:</u> Backhoe, multi-use tractor, 4x4 truck delivered and SCADA installed. Project completed in March 2024 just need to submit final report now.</p>					
22-6	FY22 DNR POS	05/06/2021	01/05/2022	\$147,980	25% total cost
22-7	FY22 DNR LPPI	07/16/2021	12/21/2022	\$62,290	None
<p><u>Description:</u> For construction of a new bathroom/concession stand building in Community Park. <u>Status:</u> Working with Fox & Associates engineering to order pre-fabricated building and prepare site. Pre-fab building approval to come before Board 05/01/2024. Site prep RFP advertised 04/30/2024 and to come before Board at the 06/03/2024 town meeting.</p>					
22-16	MD DGS	2021	09/15/2021	\$1,000,000	None
<p><u>Description:</u> Design and construction of water treatment clarifier. <u>Status:</u> Board approved Conewago at the 04/01/2024 town meeting for construction. Currently waiting on attorney to finalize contract, then Maryland Dept. of General Services to approve the contract before starting construction.</p>					
23-3	FY 23 DHCD CL	07/13/2022	01/03/2023	\$50,000	None
<p><u>Description:</u> Community Legacy 50/50 façade improvement program for sustainable community area. <u>Status:</u> Property owners have until May 2024 to complete work. Reimbursements submitted as received.</p>					
23-5	FY23 DNR POS	11/29/2022	02/15/2023	\$70,000	\$37,850
23-13	FY23 DNR LPPI	11/22/2022	02/15/2023	\$44,500	None
<p><u>Description:</u> For 10 to 12 space Rainbow Lake parking lot SWM plan, design and construction. <u>Status:</u> Project went to bid for construction 04/30/2024. Project to come to Board for construction bid approval at the 06/03/2024 town meeting.</p>					
23-10	USDA-RD	08/17/2022	10/07/2022	\$75,000	\$71,500

23-11	USDA-RD	08/17/2022	10/07/2022	\$50,000	None
<p><u>Description:</u> Purchase and installation of 97 streetlights along Main Street/S. Seton Avenue with new LED dimmable cutoff lights. <u>Status:</u> Board voted on winning bidder 09/11/23. Installation finished 03/26/24. Need to submit final report.</p>					
23-12	DHCD CSW	10/21/2022	01/03/2023	\$85,000	None
<p><u>Description:</u> Purchase two portable radar speed trailers and two surveillance cameras for town square. Leftover grant money (\$23,786) to go towards the downtown streetlight project. <u>Status:</u> Speed trailers delivered, and cameras installed. Streetlight installation finished 03/26/24. Need to submit final report.</p>					

Grant No.:	Grant Agency:	Date Applied For:	Date Awarded:	Grant Amount:	Match:
23-18	FY24 MWIFA	01/31/2022	06/06/2023	\$277,500	None
24-3	FY24 DHCD CDBG	06/07/2023	07/21/2023	\$552,500	None
<p><u>Description:</u> Design and construction of replacement DePaul Street waterline. <u>Status:</u> Construction bid approved 04/01/2024. Anticipated construction time frame May 2024 – Feb. 2025. Currently waiting on MDE approval of Huntzberry Brothers Inc. bid before starting construction.</p>					
23-19	FY24 MWIFA	01/31/2022	06/06/2023	\$286,388	None
<p><u>Description:</u> Design and construction of replacement North Seton Ave. waterline and Green Street upgrade. <u>Status:</u> Project currently in design phase. Construction estimated to occur Jul. 2024 – Dec. 2025. Additional monies needed for project, so looking for grant money during the interim.</p>					
23-20	FY23 FCTC	04/01/2023	04/19/2023	\$10,000	None
<p><u>Description:</u> Main Street cooperative fund. Purchase and installation of new Welcome signs. <u>Status:</u> Requested updated estimate from contractor in April 2024. Additional monies needed in budget transfer before signs can be designed, ordered and installed.</p>					
24-1	FY24 TRIPP	03/31/2023	05/31/2023	\$3,335	\$1,665
<p><u>Description:</u> To advertise Emmitsburg as a tourism destination in two annual print publications (2024 Destination Gettysburg and 2024 Visit Frederick guide). <u>Status:</u> Ads have been placed and will be run in annual publication starting in January 2024. Final report due June 2024 once analytics collected from online print publications for a 6-month period.</p>					
24-4	USDA-RD	03/23/2023	04/05/2023	\$1,862,300	\$1,395,000
<p><u>Description:</u> Design and construction of a new Creamery Road Pump Station. <u>Status:</u> Currently in construction. Anticipate construction to be finished by November 26, 2024.</p>					
24-5	USDA-RD	08/10/2023	09/14/2023	\$31,100	\$33,900
<p><u>Description:</u> Purchase/installation of new parking meters along Main Street. <u>Status:</u> Board voted on winning bidder at 01/08/2024 meeting. Contract signed 02/23/2024. Meters arrived 04/19/2024 and installation is currently being scheduled. Will announce dates as soon as they are known.</p>					
24-6	FY24 DHCD OAG	04/28/2023	11/15/2023	\$10,000	None

Description: Purchase/installation of four directional wayfinding signs for downtown.
Status: Requested updated estimate from contractor in April 2024. Signs will be ordered once design is finalized and estimate approved by management.

NEWLY AWARDED:

None.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (7 TOTAL)

<u>Grant Agency:</u>	<u>Date Applied For:</u>	<u>Date Awarded:</u>	<u>Grant Requested:</u>	<u>Match:</u>
FFY23/SFY25 MWIFA	01/31/2023	--	\$5,840,000	Unknown
<u>Proposed project:</u> Emmitsburg Transmission Main Replacement. To replace 10-inch mountain main with 16-inch to improve water quality and fire flow.				
FY24 POS	08/28/2023	--	\$85,950	\$9,550
<u>Proposed project:</u> Rainbow Lake Trail Improvements. Redesign and fix red trail damage from logging and add signage at trail transition points. Maryland Public Works Board to vote on 06/05/2024.				
FY24 POS	08/28/2023	--	\$20,000	\$2,222
<u>Proposed project:</u> Myers Community Park Improvements: Construct picnic shelter near ADA playground. Maryland Public Works Board to vote on 06/05/2024.				
FY25 CP&P	08/23/2023	--	\$13,000	None
<u>Proposed project:</u> Emmitsburg Park Improvements: To purchase bike repair stations for each park (Community, Memorial and Rainbow Lake).				
FY25 GOCP SAPP	12/13/2023	--	State determines	None
<u>Proposed project:</u> State aid for police protection. To provide financial aid for our contracted deputies, State to determine amount based on formula.				
FY25 TRIPP	03/29/2024	--	\$4,769	\$3,179.33
<u>Proposed project:</u> To advertise Emmitsburg as a tourism destination in two annual print publications (2025 Destination Gettysburg and 2025 Visit Frederick guide).				
FY24 DHCD CSW	04/19/2024	--	\$51,000	None
<u>Proposed project:</u> To run electrical services to the farmers market site via 20 GFCI outdoor receptacles and to build a 16'x20' pavilion with picnic tables for the farmers market site.				

UPCOMING GRANTS (TO APPLY FOR)

1. FY2025 DNR Program Open Space Grant – due May 3, 2024. Planning to submit for a new scoreboard for Memorial Park baseball (anticipate \$8,450, match is \$850) and additional bathroom/concession stand money (anticipate \$40,000, match is 25% of entire project cost and is already in budget).
2. FY2025 DHCD Main Street Improvement Grant – due May 17, 2024. Grant is for \$10,000 and there is no match. Requesting money for new welcome signs coming into Town.

3. FY2025 DHCD Community Development Block Grant – due June 11, 2024. Planning to request \$800,000 to help cover the cost of the North Seton Avenue Waterline Replacement (currently estimated at \$2.4 million. No match requirement but Town would need to fund project shortfall.
4. FY2025 DHCD Community Legacy Grant – due date has not been announced yet. Typically end of June. Planning to request money to help cover the cost of the North Seton Avenue Waterline Replacement and correlated street improvements such as street trees, new parking, new sidewalks, and new streetlights. Amount and match currently unknown.
5. Other grants as funding is found/needed.



2. PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

April 2024

<i>Overtime Parking</i>	29			
<i>Restricted Parking Zone</i>				
<i>Parked in Crosswalk</i>				
<i>Parked on Sidewalk/Curb</i>				
<i>Parked by Fire Hydrant</i>				
<i>Parked Blocking Street</i>				
<i>Parked Blocking Driveway</i>				
<i>Failure to Park between Lines</i>				
<i>Left Side Parking</i>				
<i>Parked in Handicapped Space</i>				
<i>48 Consecutive Hours</i>	1			
<i>Total Tickets – Warnings - Dismissed</i>	8	22	0	
<i>Meter Money</i>	\$1,279.00			
<i>Meter Reservations</i>	Daily Reservations: 0		Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	1M:	3M:	6M:	1Y:
<i>Parking Permits Money</i>	\$0			
<i>Violation Cost</i>	\$			
<i>Late Fees Assessed</i>	\$			
<i>Payment Received</i>	\$292.00			
<i>Dues Forward</i>	\$30.00			
<i>Totals April:</i>	<i>Made</i> \$1,5171.00		<i>Due</i> \$30.00	

**Meter money was pulled and counted on April 15, 2024.

D. TOWN PLANNER'S REPORT



Planner's Report

April 2024

Prepared by: Najila Ahsan

Permits & Code Enforcement

- Processed the following permit applications:

25 W Main St.	Street Closure
1419 Ramblewood Dr.	Fence 4'
214 DePaul St.	Fence 42"
52 Robindale Dr.	Fence 4'

Development Updates

- Ongoing Developments
 - Federal Stone
 - Under construction
 - Seton Village:
 - Forest Delineation | Forest Conservation | Subdivision Plat
 - The applicant intends to convert two condominium units into two recorded lots
 - Approved by Planning Commission unanimously.
 - Awaiting Signatures
 - Emmitsburg Distillery
 - Updated Improvement Plan submitted and reviewed.
 - Town Staff and Engineer will meet with the developer again to discuss comments
 - Christ Community Church
 - Site Plan approved.
 - Improvement Plan is pending.
 - MSMU E Wing Improvements
 - Updated Plans, including lighting plans, have been received and reviewed
 - Awaiting Signatures
 - Rainbow Lake Parking Lot
 - Reviewed by Frederick County

- Emmit Ridge
 - Sketch Plat reviewed by Town
 - Ongoing: discussion regarding setback requirements
- Development Pipeline/ Applicant Interest
 - Frailey Property Annexation
 - A potential developer interested in developing the portion within the Town boundary before annexing and developing the rest of the property.
 - Rodney McNair Property Annexation

Stormwater Management

- Northgate Stormwater Pond
 - Preliminary research to estimate costs.
- Review of SWM Utility fee
- Coordination of tree planting on Daughters of Charity Ministries property
 - In progress: land survey to establish easements.

Planning Commission

- Past Meeting
 - 04.29.24
 - Comprehensive Plan
 - Land Use Element: Growth Boundary
- Future Meeting
 - 05.28.24

Grants

Grant No.	Grant Agency	Date Applied	Date Awarded	Grant Amount	Match
24-2	DHCD	06.29.23	12.12.23	\$50,000	\$10,000
<p>Description: Provide a 50% match to property owners undertaking façade improvement projects in the Sustainable Communities Area.</p> <p>Status: The Sustainable Communities Workgroup finalized their recommendations on 4.8.24. These are to be reviewed by the Maryland Historical Trust.</p>					
23-21	DNR	11.13.23	11.15.23	\$218,877	None
<p>Description: Construction and maintenance of the Silo Hill Basin Retrofit</p>					

Status: Reimbursement of \$163,450 for Invoice #1 received 4.15.2024. Awaiting invoice from EOS Outdoor Services for maintenance.

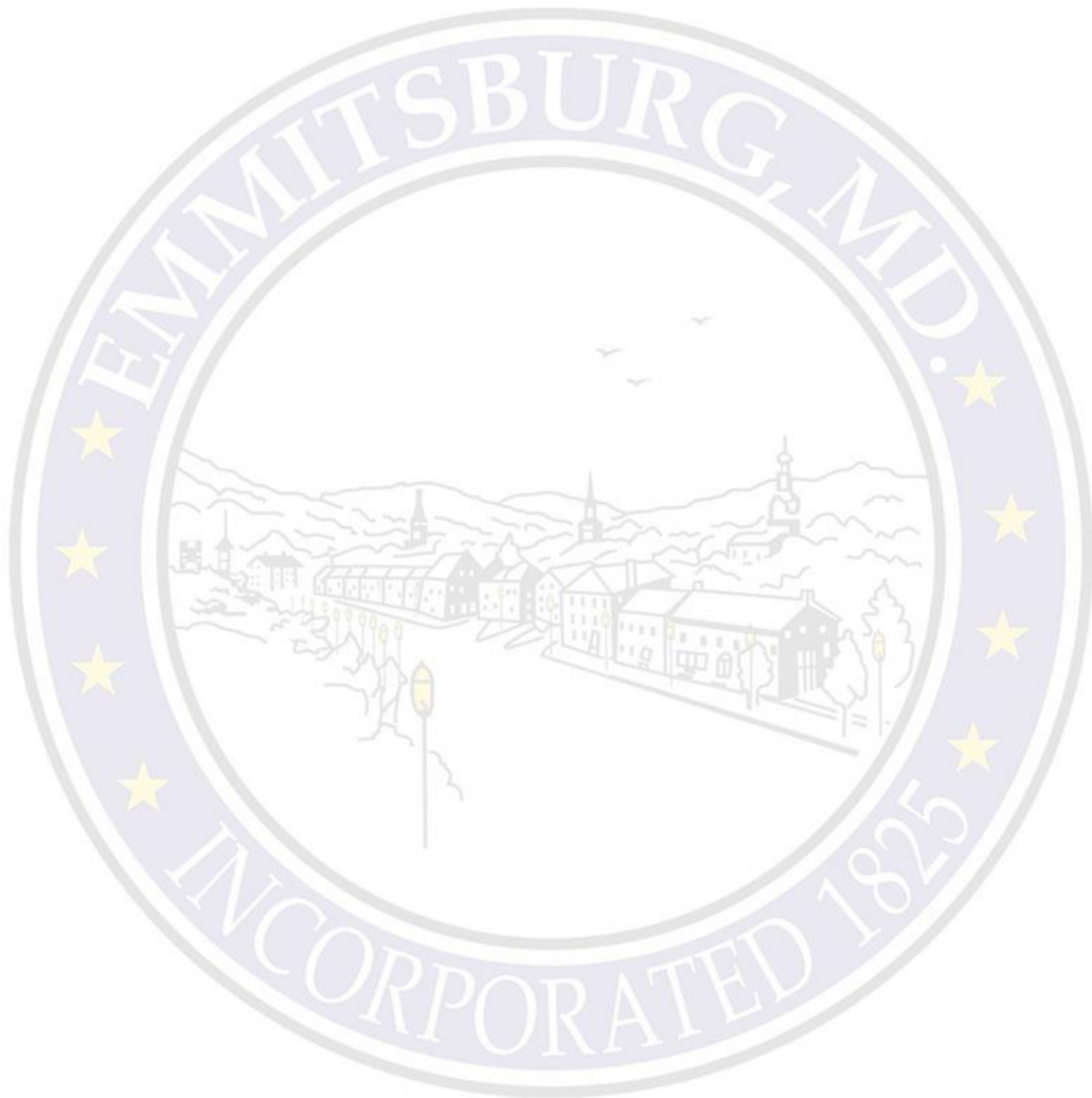
Comprehensive Plan

- In Progress:
 - Various sections
 - Maps & charts creation
 - Incorporation of public input
 - Incorporation of Planning Commission comments
 - Incorporation of surveys
 - 3 webforms pertaining to
 - Economy – 8 responses
 - Community – 4 responses
 - Environment – 4 responses
 - 1 webform for general comments
- Past Events:
 - In-person Public Visioning Workshop – 1.29.24
 - ★ Focus on economic development
 - Staff presentation, activities, and discussion
 - In-person Public Visioning Workshop – 3.25.24
 - ★ Focus on community development and environmental sustainability
 - Staff presentation, activities, and discussion

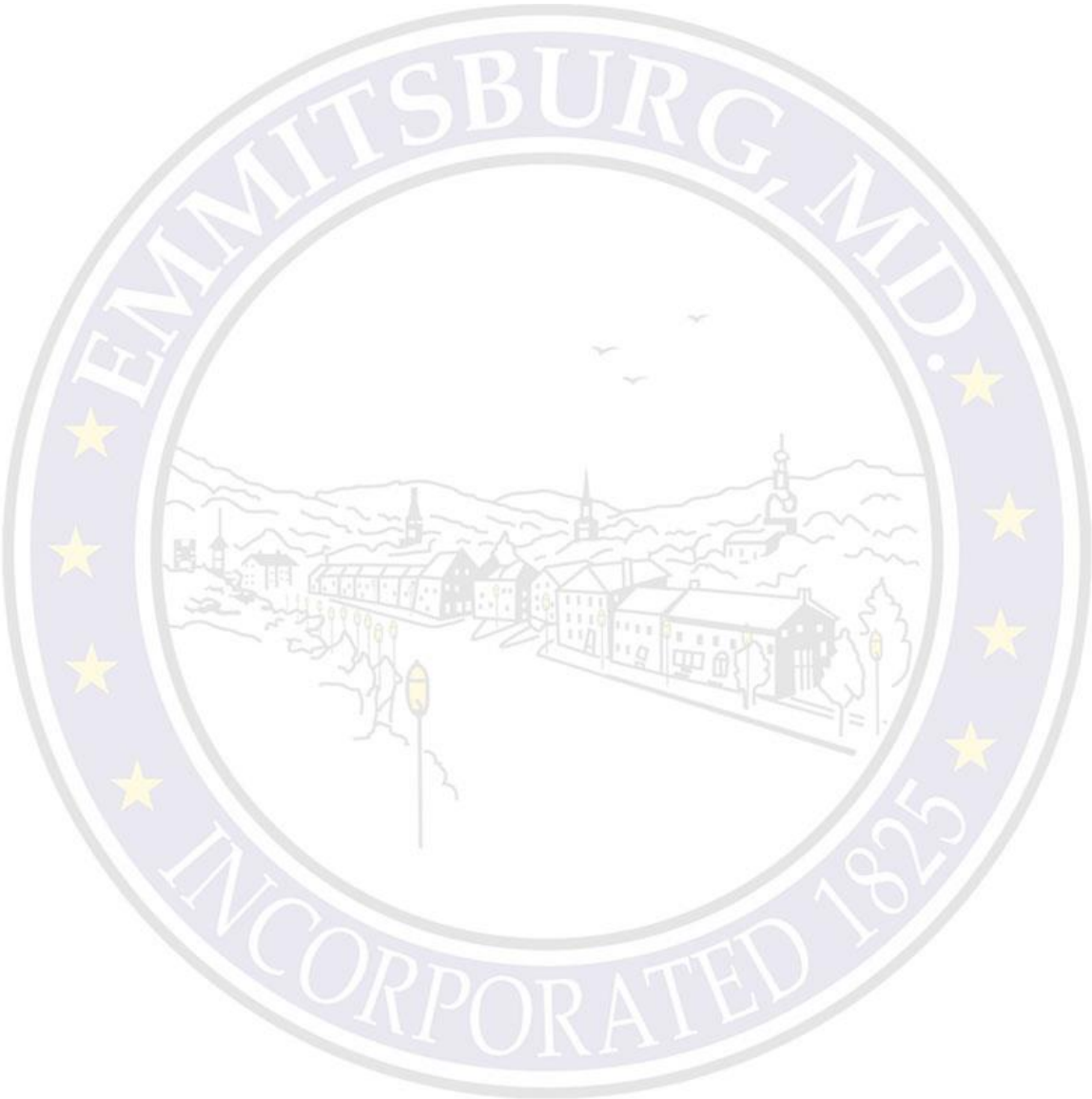
Meetings Attended

4.8.24	Sustainable Communities Workgroup
4.11.24	Lead Line Inventory
4.29.24	Library Branch Administrator
4.29.24	Maintenance Crew for Silo Hill Basin
4.30.24	Developer of Emmet Ridge II

E. COMMISSIONERS COMMENTS



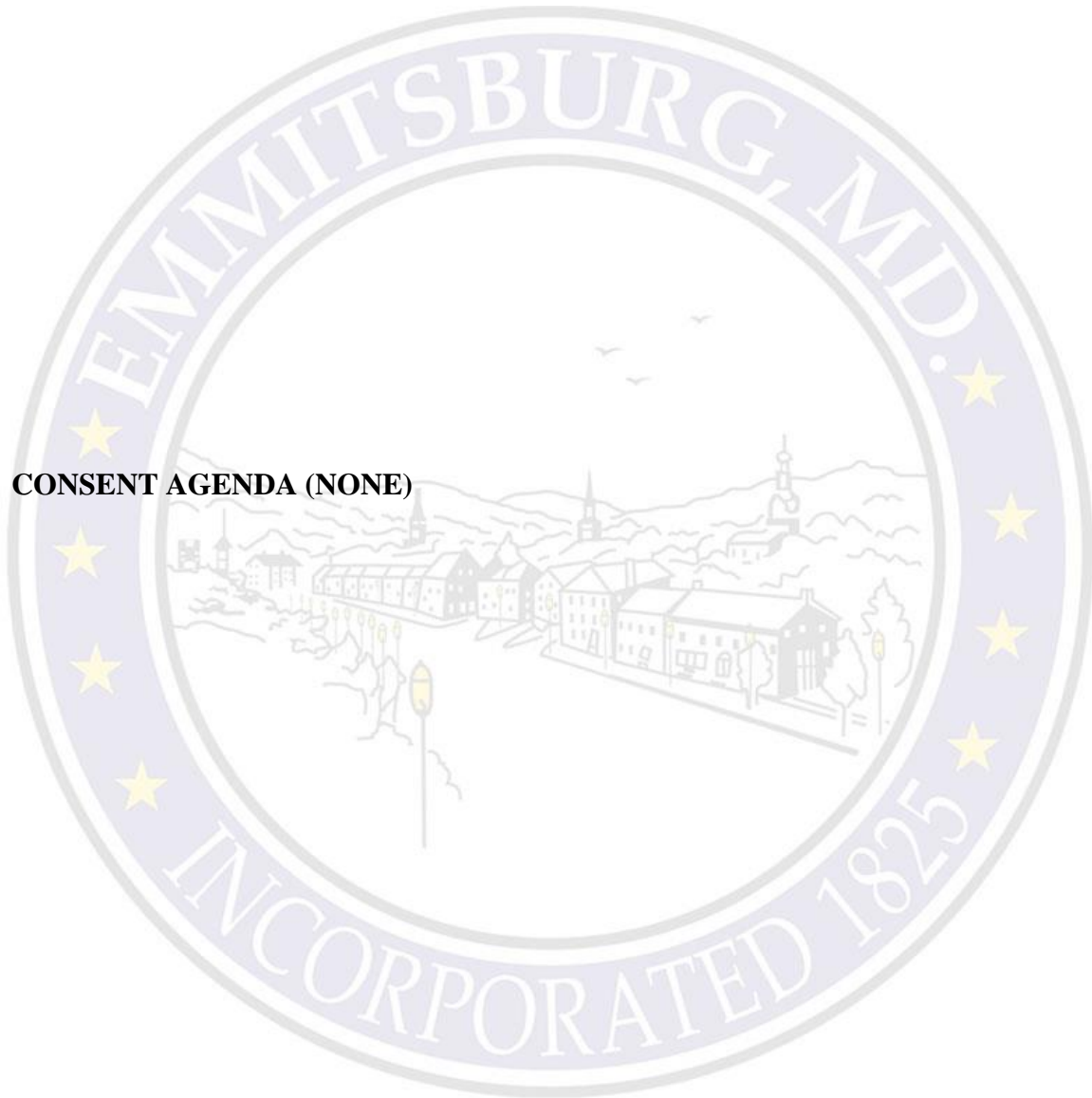
F. MAYOR’S COMMENTS



G. PUBLIC COMMENTS

H. ADMINSTRATIVE BUSINESS (NONE)

I. CONSENT AGENDA (NONE)



J. TREASURER'S REPORT

**TOWN OF EMMITSBURG
 CASH ACTIVITY as of April 26, 2024**

\$10,323,885	Cash Balance April 1, 2024
640,024	Deposits
<u>-491,849</u>	Withdrawals
\$10,472,060	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$83,742	Conewago Enterprises, Inc	Cap #8 - Creamery Road Pump Station	04.17.24	46275
\$74,782	Treasurer of Frederick County	Law Enforcement - Q3 FY24	04.10.24	46245
\$25,950	Washington Air Compressor Rental Co	New Air Compressor	04.10.24	46267
\$23,002	Comptroller of Maryland	3Q FY24 Bay Restoration Fee	04.10.24	46269
\$20,365	RK&K	Design of Clarifier for WTP	04.03.24	46229
\$14,643	MD Dept of Budget & Management	Health Insurance - Mar 2024	03.27.24	46196
\$13,202	RSV Pools Inc	Swimming Pool Mgmt - Apr 2024	04.10.24	46264
\$12,915	Kelco Plumbing & Backhoe Service	Install Backflow Preventer	04.17.24	46283
\$12,702	RK&K	Engineering Svcs for New Creamery Rd Pump Station	04.17.24	46289
\$10,331	UGI Energy Services, LLC	Solar Field 2 - Feb 2024	04.03.24	46232

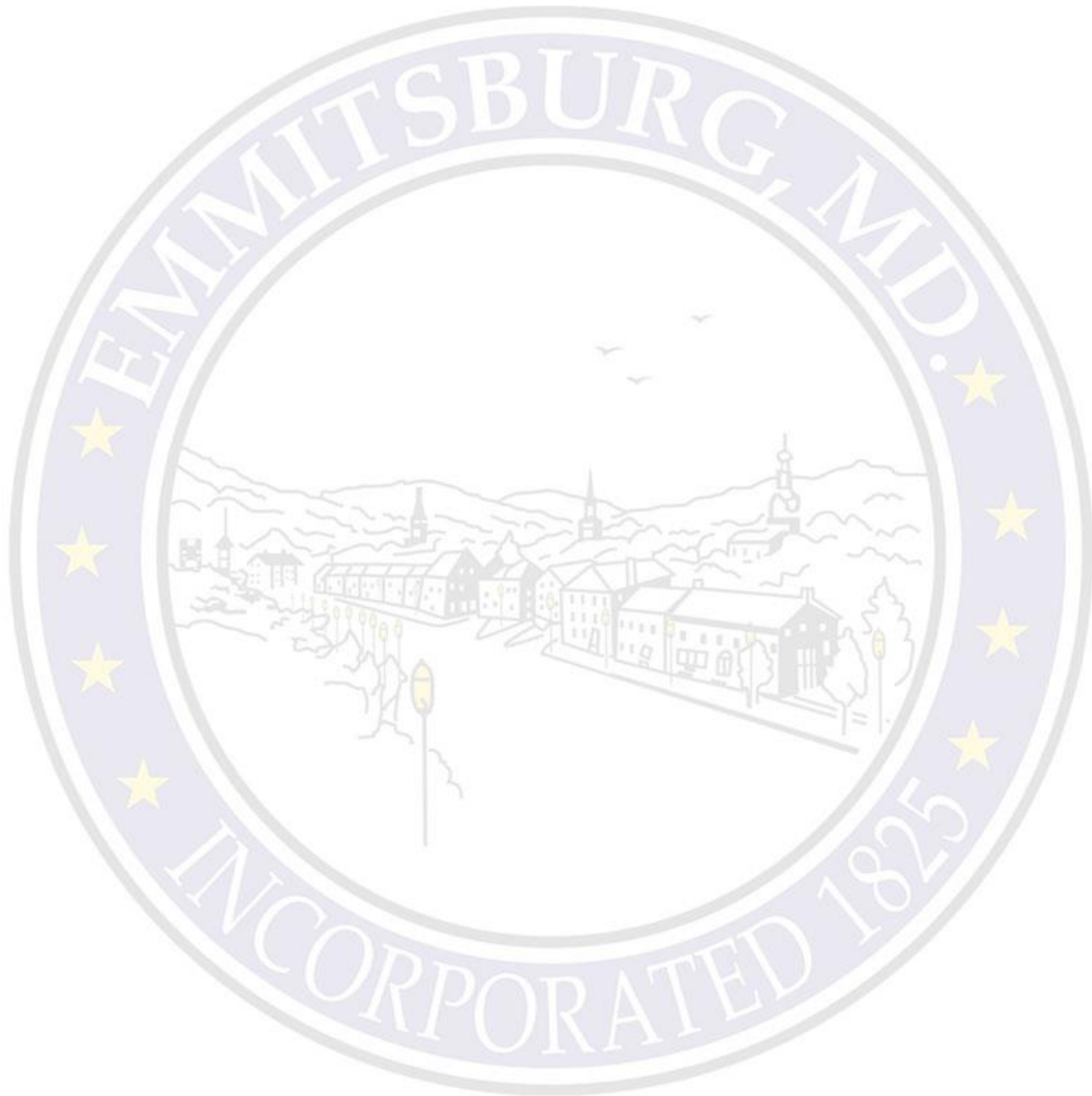
Ck dates 03.26.24 to 04.26.24

Fund Breakdown as of 04/26/24

	FY22	FY23	FY24
1 - General Fund	1,591,017	1,553,580	2,007,499
2 - Capital Projects	866,279	629,273	537,603
4 - Water	6,828	10,864	341,119
4 - ARPA	1,575,430	3,147,719	2,813,871
5 - Sewer	5,072,486	5,134,314	4,617,694
Total	9,112,039	10,475,750	10,317,786

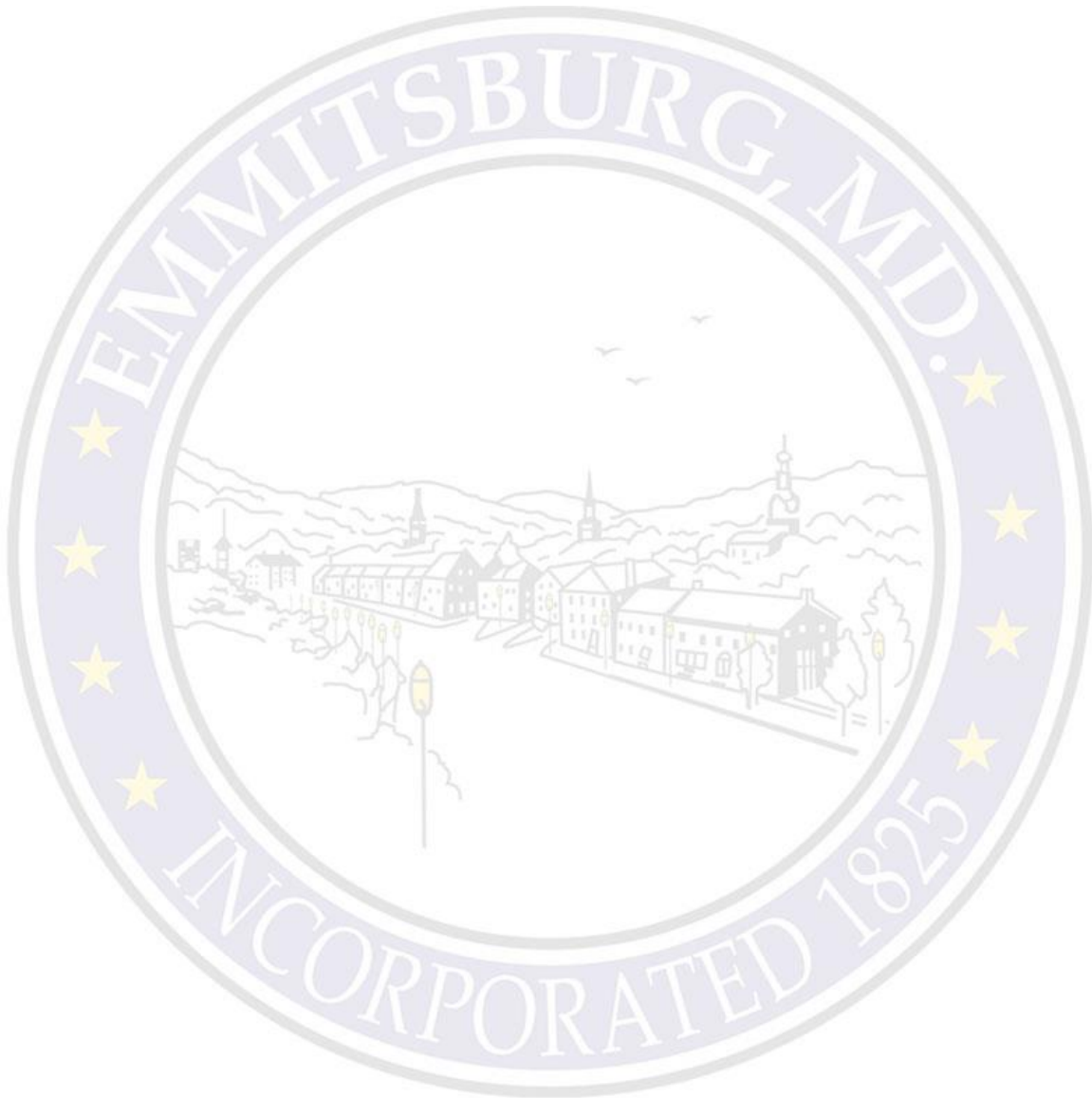
K. PLANNING COMMISSION REPORT

Presentation at the Town meeting.



L. AGENDA ITEMS

AGENDA ITEM #1: For consideration, approval of FY2025 Frederick County Sheriff's Office contract for law enforcement services.



FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS
FREDERICK COUNTY LAW
ENFORCEMENT CENTER**
110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS
100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

**DETENTION CENTER/
CENTRAL BOOKING**
7300 Marcie's Choice Lane
Frederick, Md. 21704
301-600-2550 (D.C.)
301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER
7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

April 25, 2024


Mr. Frank A. Davis, Mayor
Town of Emmitsburg
300A S. Seton Avenue
Emmitsburg, Maryland 21727

Dear Mayor Davis:

Enclosed please find the FY 2025 Contract for Law Enforcement Services between the Frederick County Sheriff's Office and the Town of Emmitsburg. The contractual cost for FY2025 is \$349,806, which is 18.22% higher than the previous contract cost. This increase is due to several factors to include an expected 6% increase to the Uniformed Law Enforcement Pay Scale, associated fringe benefit costs, an increase in the vehicle maintenance rates and an increase in fuel costs.

Please sign the contract, have them witnessed, and return it to me. Once the remaining signatures are obtained, a signed copy will be returned to you. Should you have any questions, please feel free to call Renee Williar at 301-600-1833.

Sincerely,


Charles A. Jenkins
Sheriff of Frederick County

/Enclosure

FREDERICK COUNTY SHERIFF'S OFFICE

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ENFORCEMENT CENTER**
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WORK RELEASE CENTER
7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

**CONTRACT FOR
LAW ENFORCEMENT SERVICES**

WHEREAS the Mayor and Commissioners of Emmitsburg, an incorporated municipality of Frederick County, desire to enter into an agreement with the Sheriff of Frederick County and Frederick County, Maryland, a body politic and corporate, for the provision of law enforcement services by the Frederick County Sheriff's Office for the Town of Emmitsburg.

NOW THEREFORE THIS AGREEMENT, made this ____ day of _____, 2024, by and between Sheriff Charles A. Jenkins, Sheriff of Frederick County, hereafter referred to as the "Sheriff", Frederick County, Maryland, a body politic and corporate, hereafter referred to as the "County", and The Mayor and Town Commissioners of Emmitsburg, an incorporated municipality located within Frederick County, in the State of Maryland, hereafter referred to as the "Municipality" agree as follows:

The Sheriff, pursuant to the rules and regulations pertaining to the provision of contract services by the Frederick County Sheriff's Office, a copy of which is attached in this agreement as Exhibit "A", and in consideration of the promises of the Municipality, does hereby detail regular assignment to the said Municipality two (2) uniformed Frederick County Sheriff's Deputies.

The said two (2) uniformed deputies shall commence services as of July 1, 2024. The Sheriff pursuant to his authority as chief law enforcement officer for Frederick County does hereby

assign two (2) deputies to the Town of Emmitsburg, Frederick County, in addition to the regular complement of deputies assigned law enforcement responsibilities throughout the geographic area of Frederick County.

This agreement shall cover the period from July 1, 2024, through June 30, 2025. This agreement shall be automatically renewed from year to year unless the Municipality shall give written notice to the Sheriff, at least six (6) months prior to the expiration of any renewal term of its intention not to renew said agreement at the conclusion of the then current term.

In return for the assignment of said Sheriff's Deputies, the Municipality hereby promises and agrees to pay an amount equal to one hundred percent (100%) of the reasonable and proper costs of the assigned Deputies as determined by the Sheriff of Frederick County. The costs shall be set forth as Exhibit "B" and shall be attached hereto and incorporated herein. For each successive year this agreement may remain in force, the annual certification of costs determined by the Sheriff shall be attached hereto as the then current Exhibit "B" and shall become a part hereof.

The Sheriff retains the right to adjust operating costs to reflect those actually incurred during the course of a particular fiscal year in which the agreement is in effect, but any increase in costs will not exceed 10% of the total budget contained in Exhibit "B". The Municipality shall be notified by the Sheriff of any price escalation or de-escalation in writing as soon as possible, but in any event, no later than thirty (30) days from the time the Sheriff becomes aware of the cost fluctuation. The Sheriff may, from time to time, amend Exhibit "B" of this agreement, provided the above notification has been made and that any increase in cost will not exceed 10% of the total budget contained in Exhibit "B".

At least sixty (60) days prior to the end of the term of this agreement or any renewal hereof, the Sheriff shall estimate the reasonable and proper costs of the contracted services for the following term and shall so advise the Municipality.

In the event an increase greater than 10% is required, and the parties are unable to reach an agreement on how to fund the additional costs, either party may terminate this contract upon 30

days notice to the other party.

Payment for the current term of this agreement (one hundred percent [100%] of the reasonable and proper costs as determined by the Sheriff in accordance with Exhibit "B") shall be made by the Municipality to Frederick County on a quarterly basis when billed to the Municipality by Frederick County. In the event that any payment due under the terms of this agreement remains unpaid for a period of thirty (30) days beyond the date when such payment is due, the Sheriff and Frederick County reserve the right to terminate this agreement, in addition to pursuing any other available remedies to obtain the amount due under this agreement.

The Municipality agrees that the operation of the contracted law enforcement services will be governed by the Sheriff's Office Rules and Regulations for the Provision of Contracted Services, a copy of which is attached hereto as Exhibit "A". The Sheriff may, from time to time, amend said regulations. Prior to amending said regulations, the Sheriff shall send a copy of the proposed amendment(s) to the Municipality at least thirty (30) days prior to their effective date, to allow the Municipality an opportunity to review and comment upon the proposed amendments to the regulation(s).

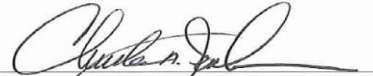
Frederick County shall provide law enforcement liability insurance to cover the provision of law enforcement services under this agreement.

This writing contains the full and final agreement between the parties and may only be amended in writing signed by the parties and attached hereto as an amendment.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals this _____ day of _____ 2024.



Witness



Charles A. Jenkins, Sheriff
Frederick County, Maryland

ATTEST:

John Peterson
Chief Administrative Officer

Jessica Fitzwater, County Executive
Frederick County, Maryland

MAYOR AND COMMISSIONERS OF
EMMITSBURG:

Cathy Willetts
Town Manager

Frank A. Davis, Mayor
Emmitsburg, Maryland

Approved as to form this _____ day of _____ 2024:

County Attorney
Frederick County, Maryland

EXHIBIT "A"

FREDERICK COUNTY SHERIFF'S OFFICE
RULES AND REGULATIONS
FOR
THE PROVISION OF CONTRACT SERVICES

1. Sheriff's Deputies involved in the provision of contract services will remain under the direct control of the Frederick County Sheriff's Office. They will be supervised by the Commander of the Patrol Operations or their designate. All organizational orders, regulations, and directives apply with full force to these Deputies.

2. In keeping with contemporary management principles whereby no person should have more than one immediate supervisor, Deputies providing contract services shall receive orders by normal communication channels through the Sheriff's Office Patrol Operations Commander or their designate. The principal executive of the contracting jurisdiction or their designate shall deal with the Patrol Operations Commander or their designate on all matters concerning the duties or performance of the Deputies assigned to their community on a contract basis.

3. Matters concerning working hours shall be arranged by the Patrol Operations Commander or their designate based on the needs of the contractee, considering input from the Municipal representative and the assigned Deputy.

4. Deputies providing contract services shall be in uniform at all times during regular working hours unless a specific need arises, and special permission is given by the Patrol Operations Commander or their designate to work in civilian attire. The uniform of the day shall be governed by the normal Sheriff's Office policy.

5. The Deputies assigned to a municipality to provide contract services shall not leave their agreed upon patrol area without the permission of the Patrol Operations Commander or their designate.

6. The Sheriff's Office will not remove Deputies providing contracted services from their assigned Municipality for use on searches for missing persons, manhunts, etc., except in emergency cases. If the Sheriff, Chief Deputy, Law Enforcement Bureau Chief, Operations Division Commander, or Patrol Operations Commander deem this action as necessary, the Deputies providing contract services shall be relieved to return to their assigned Municipality as soon as reasonably possible.

7. From time to time there will be conferences, meetings, training sessions, and/or other occasions wherein the contracted Deputy's presence will be required. Such events will be kept to a minimum. The contracting Municipality will be notified of such absences prior to any scheduled absence. The Sheriff's Office is not obligated to provide special coverage beyond the normal coverage afforded Frederick County during such absences.

8. If the terms of the contract specify that law enforcement services are to be limited to a patrol area, shift or certain duties, the Patrol Operations Commander or their designate and contracted Deputies will be guided by those terms. If the Patrol Operations Commander or their designate has good and sufficient reasons to alter or rearrange any work conditions specified in the contract, he will obtain concurrence from the Chief Executive of the Municipality concerned.

9. Deputies who are assigned to a Municipality on a contract basis shall not direct traffic at church or school crossings without the specific approval of the Patrol Operations Commander or their designate. They will not collect money from parking meters or otherwise attend them.

10. The Sheriff's Office is not required to provide special fill-in coverage for contracted deputies during regular leave, vacation, and short periods of sick leave (one to five days). The normal coverage afforded Frederick County will be provided by the Sheriff's Office during such absences.

11. The names of Deputies assigned to Municipalities for the provision of contract services will be listed

EXHIBIT "A"

among Sheriff's Office members assigned to Patrol Operations with the name of the jurisdiction to which they are assigned to provide contract law enforcement services.

12. Contracted Deputies will normally be expected to work a forty-hour week consisting of one shift per working day. After hours, and when on days off, calls for service will be handled by the Sheriff's Office.

13. Any other law enforcement officers working within the jurisdiction contracting with the Sheriff's Office for law enforcement services will work in cooperation with the Deputies providing contract services. If these conditions exist, the contracted deputy will be advised of all law enforcement activities in his/her assigned area.

14. A Deputy assigned to provide contract services shall be required to maintain a telephone at their place of residence or possess an activated cell phone and make the phone number known to the Sheriff's Office. This will be done at the expense of the employee. Employee's current address will also be known to the Sheriff's Office. The deputy will maintain contact with the Sheriff's Office Patrol Operations supervisor while on duty. He/she will be available for recall to duty in cases of emergency on the same basis as other members of the Sheriff's Office.

15. Selection of Deputies to be assigned to Municipalities for the provision of contract services shall be by the Law Enforcement Bureau Chief with recommendations from the Operations Division Commander and Patrol Operations Commander and approval of the Sheriff.

16. Deputies providing contract services shall enforce local ordinances of the contracting jurisdiction as well as State motor vehicle and criminal law.

17. Supplies, equipment, and maintenance will be obtained from the Sheriff's Office through the Operations Division. Car, Radio, and other equipment repairs will be made in accordance with existing Sheriff's Office policies and procedures. A spare vehicle shall be furnished when necessary. No contracted Deputy will make arrangements for any services outside the Sheriff's Office policies and procedures without approval of the Patrol Operations Commander or their designate.

18. Deputies involved in the provision of contract services for the Sheriff's Office shall retain all the rights and privileges of Sheriff's Office personnel.

19. Community Deputies assigned to the town of Emmitsburg shall be provided office space in the Community Center. Deputies shall not spend an undue amount of time in the office performing administrative duties.

20. Records of the activities of the Community Deputies will be maintained by the Sheriff's Office. This data will include such information as details of calls for service (type, time of day, location, response time, etc.), assistance provided, and number and types of arrests. The data will be stored in the main agency database; and will be entered so that information specific to the Community Deputies can be extracted.

Exhibit "B"

FREDERICK COUNTY SHERIFF'S OFFICE
Costs for Contract Services - FY 2025
Town of Emmitsburg

	<u>DFC Bartholow</u>	<u>DFC K Honaker</u>
Salary & Benefits:		
Salary	\$88,716	\$92,131
Overtime	\$1,575	\$1,575
Benefits:		
FICA	\$6,907	\$7,169
Worker's Compensation	\$1,725	\$1,790
Health Insurance	\$9,233	\$25,435
Retirement	\$27,679	\$28,745
Life Insurance	\$308	\$320
Unemployment	\$51	\$51
Dental	\$60	\$60
Retirement Health Plan	\$3,732	\$3,732
Motor Vehicle Operations & Maintenance:		
Vehicle depreciation, insurance, repairs & fuel costs	\$23,206	\$23,206
Equipment & Supplies:		
Uniforms & Equipment	\$750	\$750
Cleaning Allowance	\$450	\$450
TOTAL	\$164,392	\$185,414
TOTAL ALL DEPUTIES	\$349,806	

AGENDA ITEM #2: For consideration, approval of estimate to purchase pre-fabricated bathroom/concession stand in E. Eugene Myers Park.

PROJECT EXPLANATION:

This project is for the installation of a one-story restroom/concession stand combo building with water/sewer/electricity near the southern portion of E. Eugene Myers Community Park (near disc golf course and ball field). The proposed restroom would have a men and women’s restroom side with two toilets on each side and a concession stand on the other side of the building. Total building size is 23’4” x 19’-4” x 9’ high). Building is precast and building delivery is included in the cost.

The Board approved the December 20, 2023 Smith-Midland estimate for \$217,124 at the March 4, 2024 town meeting. The signed estimate was submitted to Smith-Midland and the Town was informed the estimate was no longer valid. A new estimate was sent March 11, 2024 for \$239,531 and is attached. Smith-Midland has guaranteed the estimate is good until May 31, 2024.

TIMELINE:

The lead time is 4 weeks for submittals and once the Town’s request is approved, the lead time to have the restroom on site and finished is 10-12 weeks.

PROJECT COST:

Engineering Fox & Assoc. Contract	\$	11,100.00
Construction Admin - Fox & Assoc. Contract	\$	14,700.00
Electric trenching - Dixie Electric	\$	17,400.00
ESTIMATE - Waterline 600ft as of 05/31/2021	\$	10,965.00
ESTIMATE - Sewer line as of 05/03/21	\$	2,200.00
ESTIMATE - Prefabricated building with delivery	\$	239,531.00
ESTIMATE - Site prep for building	\$	50,000.00
TOTAL:	\$	345,896.00

PROJECT FUNDING:

FY22 LPPI Grant #22-7	\$	40,000.00
FY22 POS Grant #22-6	\$	147,980.00
FY22 LPPI Grant Leftover Bleacher & MP Paving Grant	\$	22,290.00
FY23 POS Grant Leftover StoryTrail	\$	3,234.90
FY23 LPPI Grant Leftover CP & MP Pavilion	\$	11,223.07
Town Match 25% Total Project Amount	\$	86,474.00
FY25 POS Grant – Applications due 05/03/2024	\$	40,000.00
TOTAL:	\$	351,201.97

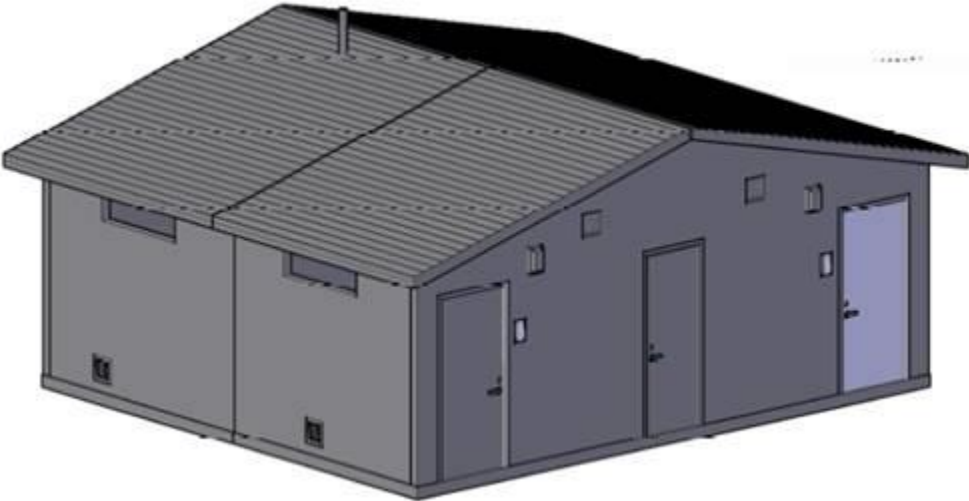


Figure 1: Image of proposed building





Restroom Proposal

Town of Emmitsburg
Attn: Madeline Shaw

March 11, 2024
 (price is good for 30 days)

Re: Easi-Set Precast Concrete Restroom Buildings Delivered to Emmitsburg, MD.

We propose to supply material on the above referenced project as follows:

QTY	DESCRIPTION	PRICE
(1)	2 Toilet/2 Room Restroom w/ concession (23'-4" x 19'-4" x 9' high I.D.) Precast Building	@ \$ 239,531.00
(Adder)	Baby Changing Stations in both Rooms	@ \$ 1,570.00
(Adder)	Exterior ADA wall mounted drinking fountain	@ \$ 6,265.00
(Adder)	Composite Mop Sink	@ \$ 1,350.00
(Optional Item #1)	(2) Marine grade skylights (1 per restroom)	@ \$ 5,100.00
(Optional Item #2)	Timed electric door locking system on restroom doors	@ \$ 3,290.00
(Optional Item #3)	Insulating outer walls and ceiling (R13 walls, R26 roof)	@ \$ 33,360.00

Price Includes: Simulated Easi-Brick exterior finish on walls stained one color; anti-graffiti coating; cast-in cove base on interior restroom walls; delivery; (4) 48" x 12" pebble texture Lexan windows; (2) ADA/Braille signs; (4) vents with mechanical louvers; (4) exterior LED lights; (2) ADA 3068 restroom doors; (1) 3068 mechanical chase door as specified; (1) 3068 hollow metal steel doors for concession room; Interior concrete partition walls to create restrooms, mechanical chase, and concession room; (2) exterior GFCI receptacle (NEMA 3R); (1) exterior frost proof hose bib with box; and offloading based upon customer having a level, smooth compacted stone base.

Mechanical Chase- 6 gallon mini water heater; vent openings to circulate air in restroom (temperature regulator); (1) Unit Heater; (1) vent pipe with rain cover; (1) floor drain; (1) 120/240V 200A main circuit breaker; (2) 4' LED light fixtures; (2) GFCI receptacles; (1) cold water hose bib; (1) 1 1/2" pressure reducing valve; and electrical work to the rest of the building.

Men's Side - (1) ADA approved stainless steel toilet stall with automatic flush valves and ADA grab bars and HDPE stall partition wall and door; (1) stainless steel urinal with automatic flush valves and HDPE stall partition walls; (1) stainless steel sink with running hot and cold water and automatic sensor; (1) auto soap dispenser; (1) three roll jumbo toilet paper holder; (3) 4' LED light fixtures; (1) 18" x 36" stainless steel mirror; (1) 10" 115V exhaust fan with occupancy sensor; (1) coat hook; (1) wall hydrant concealed; (1) floor drain; (1) hand dryer; Floor will be coated with an epoxy coating to create a non-slip surface. Walls will be painted white.

Women's Side - (1) ADA approved stainless steel stall with automatic flush valves and ADA grab bars and HDPE stall partition walls and doors; (1) stainless steel toilet stall with automatic flush valves and partition walls; (1) stainless steel sink with running hot and cold water and automatic sensor; (1) auto soap dispenser; (2) three roll jumbo toilet paper holder; (3) 4' LED light fixtures ; (1) 18" x 36" stainless steel mirror; (1) 10" 115V exhaust fan with occupancy sensor; (2) coat hooks; (1) wall hydrant concealed; (1) hand

dryer; (1) floor drains; Floor will be coated with an epoxy coating to create a non-slip surface. Walls will be painted white.

Concession Side (8'-0" x 24'-0") – (1) 6'w x 4't coiling door for concession with stainless steel counter top;

(1) floor drain; (1) 10" 115V exhaust fan with switch; (4) duplex LED light fixtures; (8) dedicated receptacles; 50 G Water Heater; (1) 3-Compartment SS Sink; (1) hand wash sink; (1) service sink; (1) wall hydrant concealed; and (1) Unit Heater.

Price Excludes: Site preparation of any kind; building permits; final field connections; sloped floors; interior insulation; wage scale; inspections; crane plan and anything that is not included is specifically excluded.



***40 PSI minimum water pressure required.**

Price is based on customer having level compacted stone base per manufacturer's recommendations. Contractor must provide level unobstructed area large enough for crane and tractor-trailer to park adjacent to pad. Crane must be able to place outriggers within 3'-0" of edge of pad and truck and crane must be able to get side-by-side under their own power. No overhead lines may be within 75' radius of center of pad. Firm roadbed with turns that allow 65' lowbed tractor and trailer must be provided directly to site. No building shall be placed closer than 2'-0" to an existing structure.

A fee of \$450.00/hour will be charged for waiting time of SMC if site is not ready upon our arrival.

TERMS. Net - 30 Days: SMITH-MIDLAND Corporation will render monthly statements to the purchaser for work performed and material fabricated which is either delivered to job site or stored at the SMITH-MIDLAND Corporation plant. Full payment of those statements will be due within thirty days of its date, after which the Purchaser will pay a late charge of 1.5% of the overdue amount for each month or part thereof until the statement is paid. Purchaser agrees to pay reasonable attorney's fees in the event the account is placed for collection. **Ten percent mobilization is due with order.** No retention shall be withheld from payment to SMITH-MIDLAND Corporation. No claims for extras will be accepted unless SMITH-MIDLAND Corporation is given immediate notice, in writing, and given an opportunity to investigate.

Date accepted by Purchaser: _____	Name of
Company: _____	Signed _____ by
Officer:	
Printed _____	Name: _____

Sincerely,

Cody Williams

Cody
Williams,

AGENDA ITEM #3: For consideration, approval of FY2023 budget transfers.

FY 23 BUDGET TRANSFERS

As a result of the excess general fund monies in FY23, the Town has a surplus of \$446,287 to transfer to Fund 2 Capital Improvement Projects.

Excess revenue generated in FY 23 totaled \$243,104.00 with interest generating @ \$110,000 additional revenue and real estate taxes/local income taxes generating @ \$88,000 additional revenue.

Expenses in FY23 were @\$203,182 less than anticipated.

Recommended budget transfers:

Fund 2 Dept. 15 104 (22 E. Main St.)	\$ 36,300.00
<i>Repairs to maintenance office and garage</i>	
Fund 2 Dept. 60 330 (Parks – Equipment)	\$ 2,000.00
<i>New power washer to clean park equipment</i>	
Fund 2 Dept. 60 194 (Ballfields)	\$ 11,900.00
<i>Field maintenance and prep</i>	
Fund 2 Dept. 60 352 (Parks/Rec Equipment Upgrades)	\$ 13,462.00
<i>Install electronic locking doors on bathrooms, changing stations</i>	
Fund 2 Dept. 30 385 (Paving)	\$218,750.00
<i>Paving Timbermill Run and Silo Hill Road</i>	
Fund 2 Dept. 12 400 (stormwater management)	\$ 67,650.00
<i>New MS-4 permit term requirements and Cedar Ave. storm drain project</i>	
Fund 2 Dept. 10 999 (general)	\$ 1,310.00
<i>Printing of new business brochures</i>	
Fund 2 Dept. 12 999 (general)	\$ 4,000.00
<i>Purchase large scanner for drawings and plans</i>	
Fund 2 Dept. 15 102 (300A South Seton)	\$ 20,000.00
<i>New and replacement security cameras for Town office and parking lot</i>	

Fund 2 Dept. 30 999 (general) \$ 31,778.00

Establish a fund for purchase and creation of new municipal parking lot

Fund 2 Dept. 60 999 (general) \$ 16,500.00

Storm draining flooding project in E. Eugene Myers Park (walking trail)

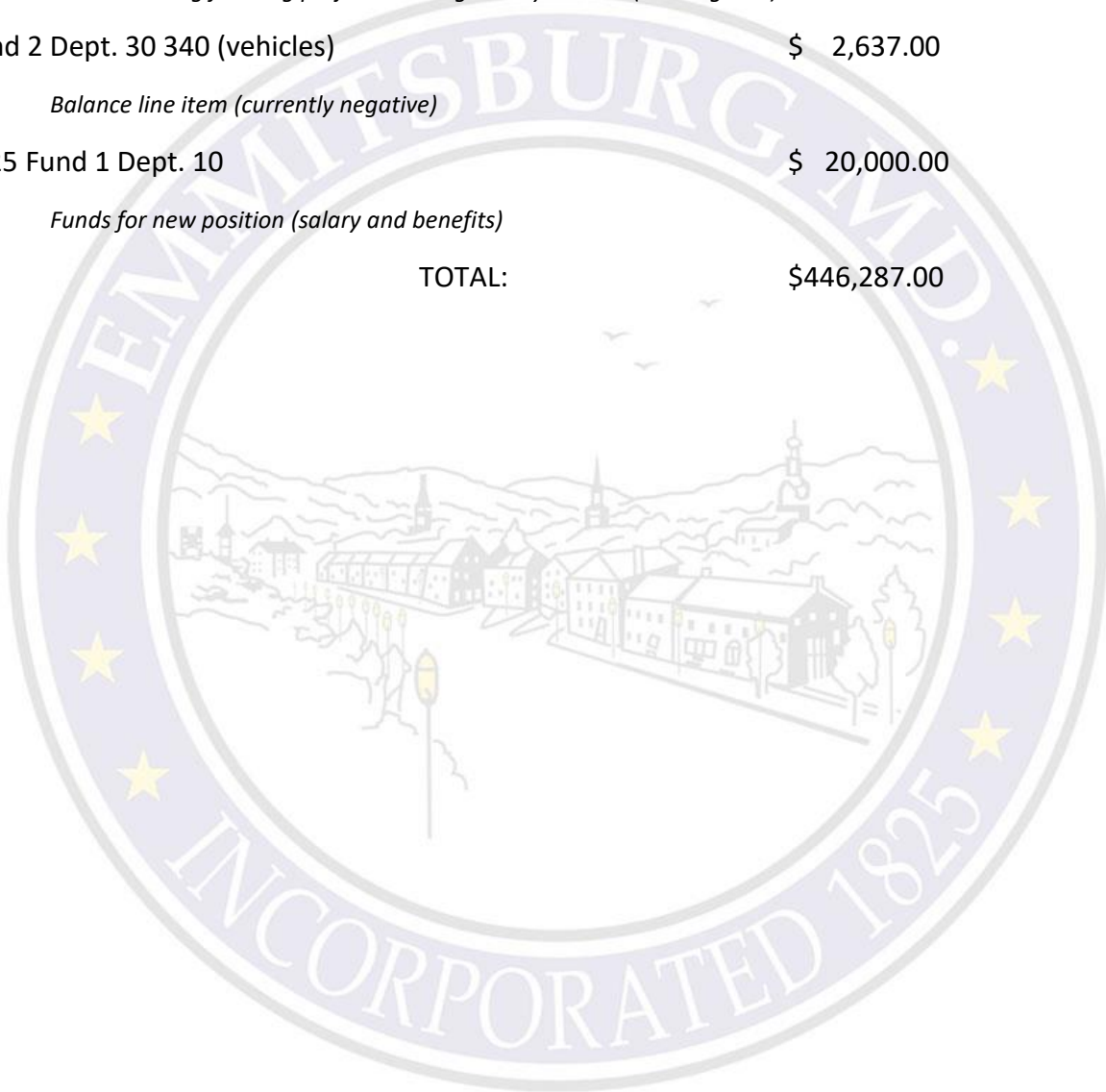
Fund 2 Dept. 30 340 (vehicles) \$ 2,637.00

Balance line item (currently negative)

FY25 Fund 1 Dept. 10 \$ 20,000.00

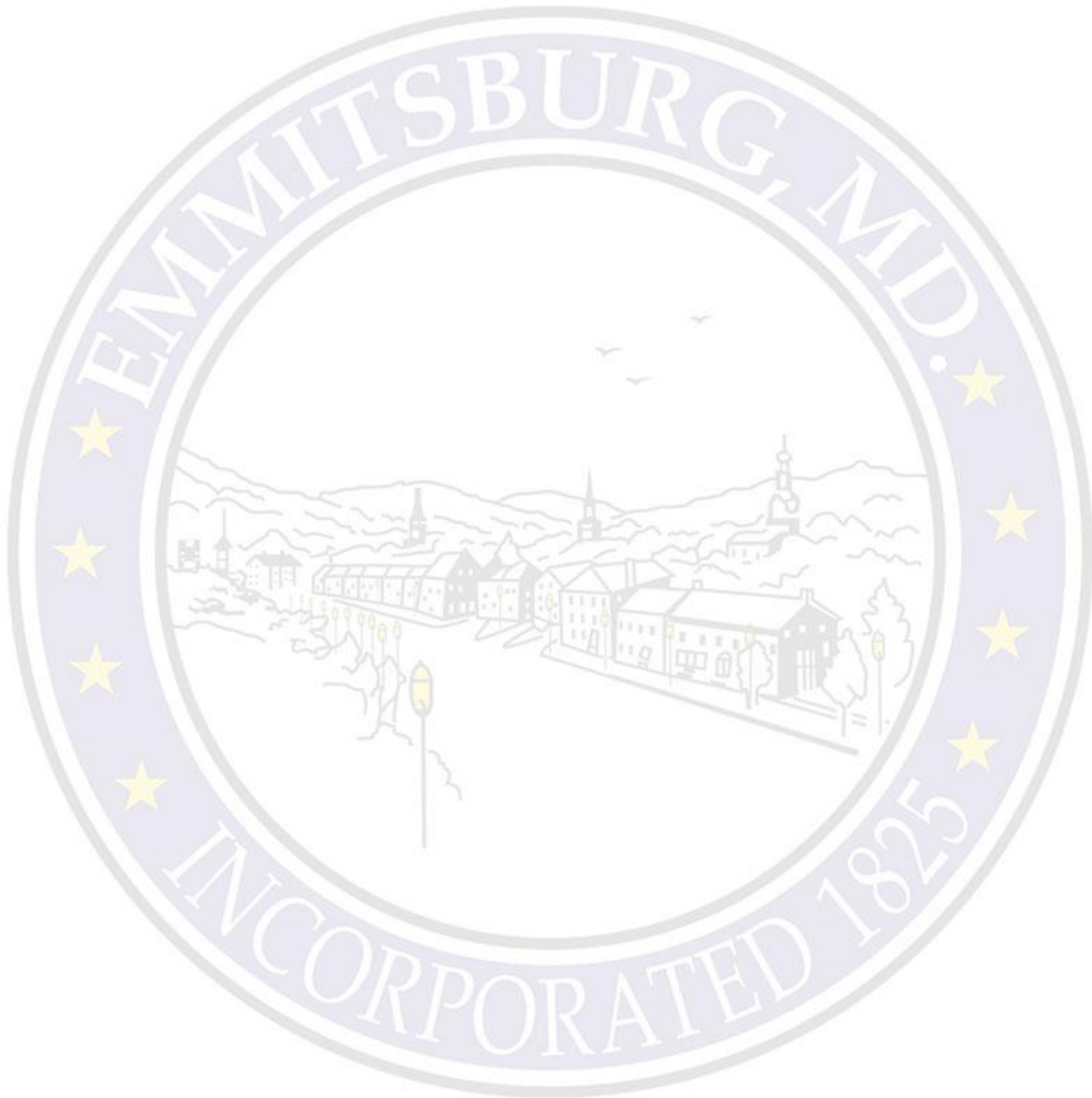
Funds for new position (salary and benefits)

TOTAL: \$446,287.00



AGENDA ITEM #4: Initial presentation of the FY2025 budget.

Presentation at the Town meeting.



AGENDA ITEM # 5: Approval of ordinance 24-03 to amend Title 2, Chapter 2.32 Code of Ethics for consideration.

1. Red line version of ordinance sent to Commissioners.
2. Copies available at Town Meeting and posted online.

Email from Clark Adams:

A couple months ago the Town received a notice that its ethics ordinance needed to be updated to conform with state law. I made the necessary changes, and the State Ethics Commission has approved the revised ordinance. We now need the board to approve and adopt.

I'm attaching a clean version, redline version, and the State Ethics Commission approval letter. Note, any changes to the ordinance must be approved by the State Ethics Commission, so if the Board is going to do anything other than adopt the revised ordinance as is, it would need to be resubmitted.

Let me know if you have any questions.

Clark

Clark Adams

cadams@powell-llc.com

Powell, LLC

19 N. Court Street, Suite 201
Frederick, Maryland 21701
(301) 668-7575
(301) 668-7755 (fax)

EXECUTIVE DEPARTMENT
STATE OF MARYLAND



WES MOORE
GOVERNOR

COMMISSION MEMBERS:
CRAIG D. ROSWELL, *Chair*
BONNIE A. KIRKLAND
MARIELA OLIVARES
JAMES N. ROBEY, JR.
GENEAU M. THAMES

STATE ETHICS COMMISSION

45 CALVERT STREET, 3rd FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

JENNIFER K. ALLGAIR
Executive Director
WILLIAM J. COLQUHOUN
General Counsel
KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel
PANSY S. WATSON
Assistant Counsel

April 4, 2024

Sent via email to: cadams@powell-llc.com

Clark Adams, City Attorney
Town of Emmitsburg
19 N. Court Street, Suite 201
Frederick, MD 21701

Re: Town of Emmitsburg Proposed Ethics Ordinance

Dear Mr. Adams:

At its April 4, 2024 meeting, the State Ethics Commission reviewed proposed changes to the Town of Emmitsburg Ethics Ordinance, which you forwarded to the Commission for approval on February 8, 2024 in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2023)). As you are aware, legislation (HB 363 and 1058) enacted during the 2021 General Assembly session mandated some changes to county and municipal ethics laws and county boards of education ethics regulations and policies. The State Ethics Commission revised its local government regulations in COMAR 19A.04 in January 2022 to reflect the changes in the Public Ethics Law and to incorporate changes made by HB 363 and 1058.

The State Ethics Commission approved the changes to the ethics ordinance for your jurisdiction as being at least equivalent to State law for local employees for conflict of interest provisions. The Commission approved other changes to the Town of Emmitsburg Ethics Ordinance as being at least equivalent to State law for financial disclosure provisions for local elected officials and candidates for local elected office. The State Ethics Commission also determined that the Town of Emmitsburg Ethics Ordinance is similar to the provisions of the Maryland Public Ethics Law for conflict of interest and financial disclosure provisions applicable to local elected officials, local employees and local appointed officials. The lobbying provisions of the Town of Emmitsburg Ethics Ordinance are also substantially similar to the provisions of the Maryland Public Ethics Law.

The State Ethics Commission's review was in accord with the Commission's review authority pursuant to Subtitle 8 of the Maryland Public Ethics Law and consisted of a comparison of the proposed revisions to the review criteria of COMAR 19A.04. The review was also in accord with the Commission's understanding of the requirements stated in the Court of Appeals decision in *Seipp v. Baltimore City Board of Elections*, 377 Md. 362, 833 A. 2d 551 (2003), as discussed in Opinion No. 06-01 of the Commission's Advisory Opinions.

Conduct Standards ♦ Disclosure ♦ Lobbyist Regulation ♦ Local Government Requirements ♦ Advice ♦ Enforcement
<https://ethics.maryland.gov> TTY Users: 1-800-735-2258



The Town of Emmitsburg must submit all future changes to its ethics ordinance for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04. In addition, certification is an annual requirement. Certification is due each year by October 1st. Your next certification is due October 1, 2024. Please contact our office if you have any questions regarding this or any other matter. Thank you for your work on this project.

Sincerely,



Pansy S. Watson
Assistant Counsel



ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 1 OF 11

AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
CODE OF ETHICS

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 2, Code of Ethics, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike out]~~.

2.32.005 Short title.

(Ord. Np. 11-22, 10-17-11)

{Unchanged}

2.32.010 Applicability.

(Ord. No. 11-22, 10-17-11)

{Unchanged}

2.32.020 Ethics Commission.

- A. There is an Emmitsburg ethics commission that consist of three members nominated by the mayor or commissioners ~~[and appointed by]~~ **WITH THE APPROVAL OF THE** of the board of commissioners.

{B -F Unchanged}

2.32.030 Conflicts of interest.

{A. Unchanged}

- B. All town elected officials, officials appointed to town board and commissions ~~[subject to this chapter]~~, and employees are subject to this section.

{C, 1-4 Unchanged}

(5) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS CHAPTER AS AN EMPLOYEE OR OFFICAL, OTHER THAN AN ELECTED OFFICAL OR AN APPOINTED OFFICIAL, MAY NOT PARTICIATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESNETED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 2 OF 11

{D-E Unchanged}

F. Contingent Compensation. Except in a judicial or ~~quasi-judicial~~ **QUASI-JUDICIAL** proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the town.

G. Use of Prestige of Office.

(1.) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another **OR TO INFLUENCE THE AWARD OF A CONTRACT TO A SPECIFIC PERSON.**

(2.) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

{H. 1-3; I-IV Unchanged}

(V) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

{H 4-6 Unchanged}

I. Disclosure of Confidential Information. Other than in the discharge of official duties, an **OFFICIAL OR EMPLOYEE OF FORMER** official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position **OR FORMER PUBLIC POSITION** and that is not available to the public for the economic benefit of the official or employee or that of another person.

{J Unchanged}

K. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE.

(Ord. No. 11-22, 10-17-11; Ord. No. 18-01, 2-5-18)

2.32.040 Financial disclosure – Local elected officials, candidates to be local elected officials, town manager and town clerk.

A. ~~{1-}~~ This section applies to all local elected officials, candidates to be local elected officials, the town manager and the town clerk.

B. IN THIS SECTION:

1. THE TERM "QUASI-GOVERNMENTAL ENTITY" MEANS AN ENTITY THAT IS CREATED BY STATE STATUTE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 3 OF 11

2. THE TERM, "INTEREST" SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN THE MARYLAND STATE ETHICS LAW, GENERAL PROVISIONS ARTICLE, SECTION 5-101(T), ANNOTATED CODE OF MARYLAND, AS AMENDED.

C. Except as provided in subsection ~~{B}~~ E of this section, a local elected official, a candidate to be a local elected official, the town manager and the town clerk shall file the financial disclosure statement required under this section:

~~{1}~~ (1) On a form provided by the commission;

~~{2}~~ (2) Under oath or affirmation; and

~~{3}~~ (3) With commission.

~~{3-}~~ D. Deadlines for Filing Statements.

~~{1}~~ (1) An incumbent local elected official, the town manager and the town clerk shall file a financial disclosure statement annually no later than April 30 of each year for the proceeding calendar year.

~~{2}~~ (2) An individual who is appointed or hired to fill a vacancy in an office or position for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment or hire.

~~{3}~~ (3) (I) An individual who, other than by reason of death, leaves an office or position for which a statement is required shall file a statement within sixty (60) days after leaving the office or position.

~~{B}~~ (B) The statement shall cover:

~~1a.~~ 1a. The calendar year immediately preceding the year in which the individual left the office or position, unless a statement covering that year has already been filed by the individual; and

~~2b.~~ 2b. The portion of the current calendar year during which the individual held the office or position.

BE. Candidates to be Local Elected Officials.

{1-3 Unchanged}

(4) If a candidate fails to file a statement required by this section **WITHIN EIGHT (8) DAYS** after written notice is provided by the town manager ~~{at least twenty (20) days before the last day for the withdrawal of candidacy}~~, the candidate is deemed to have withdrawn the candidacy.

{5-6 Unchanged}

CF. Public Record.

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 4 OF 11

- (1) Except as provided in sub section ~~SECTION~~ **SECTIONS (3) AND (4)** of this section, financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the commission.
- (2) The commission or office designated by the commission may not provide public access to a portion of a financial disclosure statement that:

- (I) Is filed after January 1, 2019; and
- (II) Includes an individual's home address that the individual has identified as the individual's home address.

~~(4)~~(4) THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:

- (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;**
- (II) A GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE; OR**
- (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.**

~~(5)~~(5) If an individual examines or copies a financial disclosure statement, the commission or the office designated by the commission shall record:

- (I) The name and home address of the individual reviewing or copying the statement; and
- (II) The name of the person whose financial disclosure statement was examined or copied.

~~(56)~~(56) Upon request by the official or employee whose financial disclosure statement was examined or copied, the commission or the office designated by the commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

DG. Retention Requirements. The commission or the office designated by the commission shall retain financial disclosure statements for four years from the date of receipt.

EH. AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL DISCLOSE ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.

I. Contents of Statements.

- (1.) Interest in Real Property.

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 5 OF 11

- (I) A statement filed under this section shall include a schedule of all interests in real property wherever located.
- (II) For each interest in real property, the schedule shall include:
 - (Aa) The nature of the property and the location by the street address, mailing address, or legal description of the property;
 - (Bb) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (Cc) The date when, the manner in which, and the identity of the person from whom the interest was required;
 - (Dd) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (Ee) If any interest was transferred, in whole or in part, at any time during the reporting period a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (Ff) The identity of any other person with an interest in the property.

(2) Interest in Corporations and Partnerships.

- (I) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the town.
- (II) For each interest reports under this paragraph, the schedule shall include:
 - (Aa) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - (Bb) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - (Cc) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (Dd) With respect to any interest acquired during the reporting period:

ORDINANCE SERIES: 2024

PAGE 6 OF 11

ORDINANCE SERIES: 2024

PAGE 6 OF 11

ORD. NO: 24-03

(III) An individual may satisfy the requirement to report the amount of the interest held under item ~~(D)2~~**(B)** of this paragraph by reporting, instead of a dollar amount:

(Aa) For an equity interest in a corporation, the number of shares held and, unless the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(Bb) With respect to any interest acquired during the reporting period:

(3) Interest in Business Entities Doing Business with the Town.

(I) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the town, other than interests reported under paragraph (2) of this subsection.

(II) For each interest reported under this paragraph, the schedule shall include:

(Aa) The name and address of the principal office of the business entity;

(Bb) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(Cc) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(Dd) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts

(I) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the town **OR FROM AN ASSOCIATION, OR ANY**

ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(II) For each gift reported, the schedule shall include:

(Aa) A description of the nature and value of the gift; and

(Bb) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or Interest in Entities Doing Business with the Town.

(I) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the town.

(II) For each position reported under this paragraph, the schedule shall include:

(Aa) The name and address of the principal office of the business entity;

(Bb) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(Cc) The name of each town agency with which the entity is involved.

(6) Indebtedness to Entities Doing Business with the Town.

(I) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the town owed at any time during the reporting period:

(Aa) By the individual; or

(Bb) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(II) For each liability reported under this paragraph, the schedule shall include:

(Aa) The identity of the person to whom the liability was owed and the date the liability was incurred;

(Bb) The amount of the liability owed as of the end of the reporting period;

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 8 OF 11

(Cc) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(Dd) The security given, if any, for the liability.

{7- Unchanged}

(8) Sources of Earned Income

(I) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period. For a statement filed on or after January 1, 2019, and if the individual's spouse is a registered lobbyist pursuant to Section 2.32.060, the statement shall also list the name and address of the entity that has engaged the spouse for lobbying purposes.

(II) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

~~(III)~~ **FOR A STATEMENT FILLED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY THE TOWN, THE INDIVIDUAL SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

(9) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY.

(I) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATION WITH:

(A) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 9 OF 11

(B) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT OF THE STATE; OR

(C) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OF GOVERNMENT IN THE STATE.

(II) FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULE SHALL INCLUDE:

(A) A DESCRIPTION OF THE RELATIONSHIP;

(B) THE SUBJECT MATTER OF THE RELATIONSHIP; AND

(C) THE CONSIDERATION.

(10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

FJ. For the purposes of subsections E. (1), (2), and (3) of this section, the following interests are considered to be the interests of the individual making the statement.

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held ~~by a business entity in which the individual held a 30% or greater interest,~~ at any time during the reporting period **BY:**

(I) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A 10% INTEREST;

(II) A BUSINESS ENTITY DESCRIBED IN SECTION J(2)(I) ABOVE IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST.

(III) A BUSINESS ENTITY DESCRIBED IN SECTION J(2)(II) ABOVE IN WHICH THE BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND

(IV) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY, THROUGH AN INTEREST IN ONE OR A COMBINATION OF OTHER BUSINESS ENTITIES, HOLDS A 10% OR GREATER INTEREST.

{3; I-II Unchanged}

G.K. (1.) The commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 10 OF 11

(2.) The town ethics commission may take appropriate enforcement action to ensure compliance with this section.

~~[H. In this section, "interest" shall have the same meaning as that term is defined in the Maryland State Ethics Law, General Provisions Article, Section 5-101(T), Annotated Code of Maryland as amended].~~

(Ord. No. 11-22, 10-17-11; Ord. No. 18-01, 2-5-18)

2.32.050 Financial disclosure-Employees and appointed officials.

{A-D Unchanged}

E. The commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in subsection 2.32.040C040.F. and DG of this chapter.

(Ord. No. 11-22, 10-17-11)

2.32.060 Lobbying.

{A-E Unchanged}

(Ord. No. 11-22, 10-17-11)

2.32.070 Exemptions and modifications.

{A-B Unchanged}

2.32.080 Enforcement.

{A-H Unchanged}

(Ord. No. 11-22, 10-17-11; Ord. No. 18-01, 2-5-18)

ORDINANCE SERIES: 2024
ORD. NO: 24-03

PAGE 11 OF 11

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

PASSED this ___ day of _____, 2024 by a vote of

Commissioners:	For	Against	Absent	Abstain
Boehman-Pollitt				
Hoover				
Sweeney				
O'Donnell				
Turnquist				
TOTAL:				

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Amy Boehman-Pollitt, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2024.

Allen F. Davis Jr., Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Sabrina King, Town Clerk

M. SET AGENDA FOR NEXT MEETING: May 20, 2024

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

Administrative Business:

- A.
- B.
- C.

