



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners,
Clifford Sweeney, *President*
Glenn Blanchard, *Vice President*
Timothy O'Donnell, *Treasurer*
Joseph Ritz III
Elizabeth Buckman

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

TOWN MEETING AGENDA April 1, 2019 – 7:30 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Arbor Day Observance/Celebration: Saturday April 13, 2019 at 8:00 a.m. (Community Park)

Town Council Meeting, FY2020 Budget: Monday April 15, 2019 at 7:30 p.m. (Town Office)

****May 20, 2019 budget meeting was moved up to April 15, 2019, NO meeting on May 20**

Citizen's Advisory Committee Meeting: Tuesday April 16, 2019 at 7:30 p.m. (Town Office)

Quarterly Planning Commission Meeting: Monday April 29, 2019 at 7:30 p.m. (Town Office)

Town Council Meeting: Monday May 6, 2019 at 7:30 p.m. (Town Office)

4. MEETING ITEMS

A. APPROVE MINUTES: MARCH 4, 2019

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

I. Proclamation of April 2019 as National Child Abuse Prevention Month.

II. Proclamation of April 13, 2019 as Arbor Day.

III. Firewood Access Update for Consideration.

I. CONSENT AGENDA: NONE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT: NONE

L. AGENDA ITEMS (DETAILS ATTACHED)

I. Approval of the Bid to Purchase a Replacement for the 1996 Dump Truck for Consideration.

II. Approval of the Bid to Renovate the Town Pool Bath House for Consideration (*tentative*).

III. Approval of the Bid to Construct a Building at the Wastewater Treatment Plant to House Vehicles/Equipment for Consideration.

IV. Approval of firm(s) to complete the 2019 MS-4 projects for Consideration.

V. Approval of the Town Square Kiosk and Maryland Visitor Center Panel Design for Consideration.

VI. Adoption of the Cross Connection Control Program for Consideration.

VII. Adoption of the Cross Connection Control Program Fees Policy for Consideration.

VIII. Agreement Related to the Proposed Community Park Nature Trail for Consideration.

IX. Approval of the Pump-Station Engineering Contract with RK&K for Consideration.

M. SET AGENDA FOR NEXT MEETING: APRIL 15, 2019 & MAY 6, 2019

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

A. APPROVE MINUTES: MARCH 4, 2019

**MINUTES
TOWN MEETING
MARCH 4, 2019
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman; Joseph Ritz III; Timothy O'Donnell, Treasurer; Glenn Blanchard, Vice President; and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Terri Ray, Office Manager; Zach Gulden, Town Planner; and Dan Fissel, Water and Sewer Superintendent. *Others Present* – Deputy Channing Hillman.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the March 4, 2019 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To accept the February 4, 2019 town meeting minutes as presented. Motion by Commissioner Buckman, second by Commissioner O'Donnell. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Hillman presented the police report from February 2019 (exhibit attached). Deputy Hillman mentioned Deputy Mostoller was temporary transferred to a high school to fill in for a deputy on medical leave because of Deputy Mostoller's training experience. Deputy Jason Ahalt will be filling in until the school year ends in mid-June.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from January 2019 (exhibit in agenda packet). Ms. Willets mentioned staff installed cigarette ash receptacles at the town square as part of a Keep America Beautiful grant. Rainbow Lake is currently at its spillway level of 16.6 feet. The Town has a surplus of 22.4-inches of precipitation over the past six months. 74.5% of the wastewater treated was wild water. The wastewater treatment plants design capacity was exceeded seven times. Fore noteworthy, the majority of the sewer relining project on East Main Street has been complete, except for the small section from Harrington's parking lot the Flat Run bridge, which needs a man hole added before the liner can be pulled through the pipe. The Water Plant is operating with just lake water and wells one and two come on occasionally with reduced runs. Maryland Department of the Environment conducted a Water Treatment Plant inspection and is mandating the Town implement a back flow preventer (cross connection) ordinance, fix the roof on well five and complete a preventative maintenance schedule. The new man hole will be installed once the Town hires an engineer firm. The Flat Run Bridge lane shift has been completed. The Flat Run Bridge completion date has been moved up from December 2019 to August 2019.

Commissioner Comments:

- Commissioner O'Donnell: He requested an agenda item for a firewood collection program in the Town's water shed for resident in a difficult financial season who need help heating their homes. He met with the superintendent of the Maryland's Parks System, who mentioned a grant management assistance program for small communities may occur in the future. He believes this program may help the Town administer the \$40,000 Recreational Trails Program grant. Irishtown Road has some frozen puddles causing a slippery road surface. He attended a Livable Frederick Planning meeting in Thurmont. Several people have requested the new Rutter's design blend in with the historic feel of Emmitsburg.
- Commissioner Ritz III: He mentioned the February 19, 2019 Parks and Recreation Committee meeting was productive and anyone interested in joining the Committee can contact him.
- Commissioner Buckman: She requested the date of bulk trash pick-up, which is April 6, 2019. The next Citizen's Advisory Committee meeting in April will have a presentation of the Frederick County ALICE report (Asset Limited, Income Constrained, Employed).
- Commissioner Blanchard: He encouraged residents to express random acts of kindness with neighbors.
- Commissioner Sweeney: He thanked town staff for their snow removal efforts and the community for helping to raise about \$4,800 for fireworks at the Lions Club Valentine's Day dance.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from January 2019 (exhibit in agenda packet). Mr. Gulden continues to process community legacy grant reimbursements for facade rehabilitation projects on Main Street. He applied for a Chesapeake Bay Trust grant for the MS-4 permit and met with a stream restoration company regarding possible streams to restore. He met with Ion Design firm regarding replacing the kiosk at the town square. He prepared the 2018 Planning Commission report for filing. There were no questions from the Board.

Mayor's Comments:

Mayor Briggs attended numerous meetings in February 2019 (meetings listed in agenda packet). Mayor Briggs thanked staff for their snow removal efforts. He attended a public Mount St. Mary's University urgent care facility meeting. He met with County Executive Gardner and other Mayor's regarding the State mandated School Resource Officers in all schools. He attended a climate change course in Hagerstown. He hopes to have staff attend the class in the future to learn about mitigation and reducing waste. He met with the Mike Kay, State Forester, regarding trees in the Town's watershed. He was also a guest at Mother Seton School for Reading Across America Week.

Public Comments:

Ed Hind, 601 Magnolia Avenue, Frederick, Maryland - He explained his organization, Student Homelessness Initiative Partnership (SHIP), is holding the third annual Maryland Endurance Challenge on May 18 at Mount Saint Mary's. The event is a national 12-hour biking championship race. *Duncan Glenday, 9672 Fleetwood Court, Frederick, Maryland* - He is also with SHIP. The organization would like to partner with the Town to expand the 2020 event, which they hope to get tourism grant money for. *Bryant Hoffman, 17417 North Seton Avenue*, - He requested Stavros be able to use their "open" feather flag, which was removed due to a Code violation. *Donald Sonn, 8 Robindale Drive* - He likes the resident and business input the Town has been collecting regarding the new sign ordinance but requested resident workshops occur in the evenings instead of during the day. The workshop information will go out in the spring 2019 water bills. *Diane Walbrecker, 535 West Main Street* - Ms. Walbrecker requested the town add reflective tape to the steps at the northwest quadrant of the town square to increase visibility. She also mentioned a few street lights on West Main Street are out. *Susie Glass, 239 North Seton Avenue* - Ms. Glass explained she feels the sign ordinance should not be reviewed by the Board until after the workshop meetings with residents and businesses. Ms. Willets explained procedurally the Board of Commissioners must be informed on public outreach efforts. In addition, the Board must review the proposed ordinance before determining if the item should go before the Planning Commission, then the Planning Commission will make a recommendation and send the ordinance back to the Board for final approval. *Ed Stanfield, 6591 Colebrook Lane, Middletown, Maryland* - Mr. Stanfield is with the Emmitsburg Antique Mall. He explained many people see the billboards on Route 15 but cannot find the antique mall because there are no off-site directional signs. He would like to add off-site signage in the future and looks forward to a uniform sign code with clear requirements. *Phyllis Kelly, 22 Centennial Street, Fairfield, Pennsylvania* - Ms. Kelly explained the Emmitsburg Food Bank and Pregnancy Center are looking for a new rental location because their current building has a leaking roof, mold and other problems. Heating is expensive too. Ms. Kelly should contact the town planner for assistance. Commissioner O'Donnell suggested the use of Community Legacy funding. *Mark Long, 800 Frailey Road* - Mr. Long serves on the Executive Committee of the Frederick County Affordable Housing commission. He is willing to give a presentation to the Board if desired. He also supports the proposed botanical garden.

Administrative Business:

- I. **Introduction of Frederick County Councilman Michael Blue:** Mr. Blue is absent due to illness.

Consent Agenda:

None.

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for February 2019 (exhibit in agenda packet). The operating balance forward is \$5,648,106. The top 10 check amounts are listed. Solar field number two did not produce energy because the transformer is down; it will be fixed in mid-March.

Planning Commission Report:

None.

II. Agenda Items

Agenda #1 - Adoption of an Amendment to Create a Cross Connection Control Program for Discussion and

Consideration: Ms. Willets explained this ordinance is a Maryland Department of the Environment (MDE) mandate, which was issued after the recent inspection of the Water Treatment Plant. Mr. Gulden highlighted main points from ordinance 19-04. Backflow preventers will be required for new residential properties, commercial properties and existing residential properties during their next home renovation. The backflow preventers cost about \$60. Dan Fissel, Water Sewer Superintendent, explained a certified plumber would need to install the device, but the cost should be relatively minor. Only businesses with a cross contamination probability need to get an inspection every two years. If passed, businesses will have 90 days to implement the new requirement. The Daughters of Charity are in favor of the ordinance and would need to install some preventers too. Commissioner O'Donnell suggested adding language requiring the backflow preventer be installed when residential properties are sold/purchased. Town staff would be able to determine when a home renovation occurs via a zoning permit. The original federal regulation was issued through the Safe Water Act in 1974 and MDE was surprised the town didn't have an ordinance. *Donald Sonn, 8 Robindale Drive* – He asked what is classified as a significant residential renovation. Mr. Fissel explained any time plumbing work is done on an existing residential property is when a backflow preventer should be installed because it will only take 10-minutes and protects the public water system. Certified plumbers will know approved devices or they can call the town office. *Ed Stanfield, 6591 Colebrook Lane, Middletown, Maryland* - He stated he has a dry sprinkler system in the Emmitsburg Antique Mall. *Susie Glass, 239 North Seton Avenue* - She explained she doesn't understand the ordinance and she requested the Board not pass the ordinance yet. Ms. Willets explained the ordinance came directly from MDE and will need to be passed in the future or the Town will get fined. The Board requested language regarding what residential home renovations require backflow preventer installation. According to Mr. Gulden, only about 12-15 businesses would be required to install one. Commissioner Ritz III, Buckman and Blanchard requested the item get tabled. Town staff can add a tab on the town website regarding the backflow preventer requirements in the future.

Motion: To table the ordinance. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. No vote.

Motion Amended: To table the ordinance until Monday April 1, 2019 and bring back for consideration.

Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Agenda #2 - Adoption of the Cross Connection Control Program Fees Policy for Discussion and Consideration:

Motion: To bring back the fee policy in regards to the backflow preventer ordinance on April 1.

Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Agenda #3 - Staff Presentation on the Proposed Sign Code Amendments Section 17.38.060 to Section 17.38.080 for

Discussion: Copies of the current Code and proposed sign ordinance were distributed to the public. Ms. Willets explained the sign ordinance is recommended by town staff and the Maryland Municipal League (MML) to ensure there is no discrimination, to keep up with technological changes and to keep up with the changing law and Supreme Court rulings (e.g. Reed vs. Town of Gilbert). The proposed ordinance is based off the American Planning Association ordinance, which MML highly recommended. Ms. Willets explained town staff is open to changes from the Board and the proposed ordinance is based on MML workshops town staff attended. Commissioner Ritz III asked if anything in the town code infringes on freedom of speech. Ms. Willets does not believe so, but the ordinance needs to be updated to include new technology. John Clapp, Town Attorney, takes the stance that if something is not in the Town code, then it is allowed. The next informative presentation will occur on June 3, 2019. Anyone is welcome to make a Code violation appeal to the Board of Appeals. The new ordinance allows three more types of illuminated signs than the current code. Mr. Gulden gave a presentation regarding on-premise illuminated signs and off-premise illuminated signs and explained what illuminated signs would be allowed and prohibited under the proposed ordinance. Commissioner Sweeney mentioned Community Legacy funds could be available for new business signs. Mr. Gulden encouraged businesses to contact him with any questions. There are community outreach meetings regarding the proposed ordinance on the following dates: April 8 (Village Zone), April 15 (Inst), April 22 (R-1, R-2, R-3) and April 29 (B-1, B-2, IP and ORI). The grandfathering code is under 17.38.200. Any existing nonconforming legal signs that have a permit will be grandfathered into the new ordinance. Town staff is planning to document all signage in town for compliance and institutional knowledge so there will be no discrepancies regarding enforcement once the ordinance is passed. There was no public comment.

Agenda #4 - Community Park Botanical Garden for Discussion: Wayne Slaughter and Sandra Adams, 66 Robindale Drive, introduced themselves and requested the Board consider adding a native plant garden to Community Park along the walking trail. They explained native plants are beneficial for the environment and plantings provide volunteer opportunities for local students. The plants would be purchased through Blue Water Baltimore using

donation money. Commissioner Buckman suggested the Senior Center for volunteers and asked how vandalism will be prevented. Commissioner O'Donnell believes the garden will be vandalized but having a large public draw will help deter frequency. The planting would be in late April or May 2019 or in the fall. Ms. Willets will work on an agreement and send a draft to Mr. Slaughter and Ms. Adams. The agreement would need to be approved by the Board. Commissioner Blanchard suggested volunteers through the Master Naturalist Program. Mr. Slaughter and Ms. Adams are willing to do the work, but any help would be greatly appreciated. The agreement will come back to the Board in April 2019 for discussion and consideration.

Set Agenda Items for April 1, 2019 Town Meeting

1. Approval of the Bid to Purchase a Replacement for the 1996 Dump Truck for Consideration.
2. Approval of the Bid to Renovate the Town Pool Bath House for Consideration (tentative).
3. Approval of the Bid to Construct a Building at the Wastewater Treatment Plant to House Vehicles/Equipment for Consideration.
4. Approval of firm(s) to complete the 2019 MS-4 projects for Consideration.
5. Approval of the Town Square Kiosk and Maryland Visitor Center Panel Design for Consideration.
6. Adoption of the Cross Connection Control Program for Consideration.
7. Adoption of the Cross Connection Control Program Fees Policy for Consideration.
8. Agreement Related to the Proposed Community Park Nature Trail for Consideration.

Administrative Business:

- A. Proclamation of April 2019 as National Child Abuse Prevention Month.
- B. Proclamation of April 13, 2019 as Arbor Day.
- C. Firewood Access Update for Consideration.

Set Agenda Items for April 15, 2019 Town Meeting

1. Approval of a Bid to Purchase a New Town Car for Consideration
2. Presentation and Review of the FY2020 Town Budget

Motion: To accept the meeting agenda and administrative business as present for the April 1 and April 15 meeting. Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Motion: To close the meeting.

Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the March 4, 2019 town meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On:

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

C. TOWN MANAGER’S REPORT

**Town Manager’s Report
February 2019
Prepared by Cathy Willets**

Streets:

- Staff plowed, salted and shoveled for a couple of snow events.
- Staff repaired and replaced some streetlights due to accidents.
- Staff repainted yellow curbs along West Main St.
- Staff cold patched pot holes around Town.
- Staff repaired street sign posts around Town.
- Staff conducted monthly street sweeping

Parks:

- Staff conducted weekly park checks.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are being backwashed one time a day and the DE filters are being done one time per week.
- Well levels (optimum level was determined to be May 2011). Well #3, #4 and Well #5 were shut off to allow less gpm’s through the plant. Lake Quota is being met or exceeded.

	<u>May 2011</u>	<u>February</u>	<u>Change</u>
○ Well #1:	35’	26’	+9
○ Well #2:	8’	9’	-1
○ Well #3:	12’	OFF	n/a
○ Well #4:	108’	OFF	n/a
○ Well #5:	10’	OFF	n/a

- Water production and consumption. We produced an average of 246,490 GPD. We consumed an average of 219,130 GPD. The difference is "Backwash Water" ... (11.9%).
 - 20.4% of this water came from wells.
 - 5.5% of this water came from Mt. St. Mary's.
 - 74.1% of this water came from Rainbow Lake.

We purchased 378,200 gallons of water from MSM this month.

Wastewater:

- We received about 4.6” of precipitation this month (the average is 3.0”).
 - We have a precipitation **SURPLUS** of 24.0” over the last six months. The average precipitation for the period from September 1 through February 28 is 25.2”. We have received 49.2” for that period.

Wastewater Treatment:

- We treated an average of 841,000 gpd (consumed 198,340 GPD) which means that **76.4%** of the wastewater treated this month was "wild water".
- We had no spills of untreated sewerage in the month of February.
- We did exceed the plant’s design capacity 8 times in the month of February:

02/12	1,908,000gpd	02/13	1,228,000gpd	02/14	810,000gpd
02/15	965,000gpd	02/21	941,000gpd	02/22	842,000gpd
02/23	821,000pd	02/24	1,358,000gpd		

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

Meetings Attended:

- 02/04 Attended Town Meeting
- 02/06 Attended meeting with Mayor and Town Planner
- 02/07 Attended meeting with Mayor, Town Accountant and PNC to go over accounts
- 02/12 Met with Mayor
- 02/12 Attended staff meeting
- 02/13 Attended budget meeting with staff
- 02/13 Attended conference call with Town Clerk and USDA
- 02/14 Met with Mayor
- 02/15 Met with Mayor
- 02/18 Met with Mayor
- 02/19 Attended department head meeting
- 02/19 Attended support staff meeting
- 02/22 Attended meeting with staff, MDE and Zest LLC to go over engineering study at Rainbow Lake
- 02/22 Met with Mayor
- 02/26 Attended budget meeting with staff
- 02/27 Attended forestry meeting with Mike Kay, Mayor and Town Planner
- 02/27 Met with Sgt Hillman to go over temporary deputy assignment
- 02/27 Met with Mayor
- 02/28 Met with Mayor

Noteworthy:

- Staff upgraded some water meters.
- Staff assisted contractor with sewer relining on East Main St.
- Staff did some painting inside Community center (hallway and library).
- Staff continued to work on grant funding for new pumping station.
- LG Sonic should be installed in early April 2019.

PARKING ENFORCEMENT REPORT
February 2019

Overtime Parking	61
Restricted Parking Zone	2
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk	1
Parked Blocking Road	1
Parked by Fire Hydrant	
Parked on Highway	
Failure to Park between Lines	
Snow Emergency	32
Left Side Parking	2
Total Meter Money	\$ 957.82
Parking Permits	
Meter Bag Rental	
Parking Ticket Money	\$ 335.00
Total:	\$1,292.82

D. TOWN PLANNER'S REPORT

**Town Planner's Report
February 2019
Prepared by Zachary R. Gulden, MPA**

1. Board of Commissioners

- Attended the BOC meeting on 2/4.
- Prepared sign amendment presentation for the 03/04 BOC meeting.
- Prepared comparison charts for the existing and proposed sign amendment.
- Fielded multiple resident / business questions regarding proposed sign ordinance.
- Wrote a newsletter article on the proposed sign code amendment.
- Fielded multiple resident / business questions regarding proposed cross-connection control program.
- Created supporting documents for the proposed cross-connection control program (letters & record keeping spreadsheet).

2. Community Legacy (CL)

- Finalized the FY2017 grant for 317 W. Main St.
- Finalized the FY2017 grant for 309 E. Main St.
- Resubmitted 110 E. Main St. for FY2019 funding.

3. Municipal Separate Storm Sewer System (MS4)

- Met with the Director of Facilities from the Daughters of Charity on 2/6 regarding a future potential stream restoration project.
- Distributed and published the 2019 MS4 project RFP.
- Finalized the Provincial Parkway stormwater inlet cleaning bid documents. Work will begin when weather warms.
- Researched and scheduled the 2019 annual MS4 employee training. This will be held on April 9 from 12-2.
- Researched and gathered quotes for impervious pavers at parks.

4. Permits & Zoning

- Processed and approved the following zoning applications:
 - 2x new homes in Brookfield.
 - 2x change of use permit.
- Fielded multiple resident / business permitting questions.
- Completed/issued various code enforcement letters.

5. Planning Commission

- Received, processed, and provided comments on a sketch plan and traffic impact analysis for a new 8,380 square foot Rutter's convenience store. The proposed facility will include 7 gasoline fuel islands and 5 diesel fuel bays along with a truck scale, 28 short-term tractor-trailer parking spaces and 59 passenger vehicle parking spaces. It will be located in the SE quadrant of the intersection of US 15 & MD Route 140.

Town Planner's Report Continued:

6. Miscellaneous

- Worked with Ion Design and provided comments on the 1st draft for the Town Square & Visitor Center kiosk panel redesign project.
- Met with the Town Manager & Mayor on 2/6.
- Attended a FY2019 quarter two budget meeting on 2/13.
- Attended a department head meeting on 2/19.
- Fielded multiple bridge project questions and complaints.
- Created and submitted the 2018 PC Annual Report.
- Created and submitted the 2018 Department of Natural Resources Forestry Report.
- Provided updates for the 2020 Census – Boundary & Annexation Survey.
- Gathered easement information for future forestry plan implementation.
- Gathered information for the 2020 Planning & Zoning Department budget.
- Worked with Town Manager & Mayor on 140 S. Seton Ave. rental property.
- Attended a FY2020 budget meeting on 2/26.
- Attended an EBPA meeting to speak on the proposed sign amendment on 2/28.
- Met with Mike Kay on 2/27 regarding forestry plan implementation.
- Started organizing old files.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meeting attended in March 2019:

- March 1, Read Across America, 10:45 a.m. Mother Seton School
- March 1, Met with Town Manager
- March 4, Town Council meeting
- March 4, Met with Town Manager
- March 5, Met with Town Manager
- March 7, Met with Town Manager
- March 12, Met with Town Manager
- March 13, 10 a.m. town manager, accountant meeting with Woodsboro Bank staff
- March 13, 1:15 p.m. presentation to 4th graders at Mother Seton School
- March 13, Met with Town Manager
- March 14, Met with Town Manager
- March 16, Saturday, Ribbon Cutting 44th Annual Home Show, Frederick County Building Industry Associates, Fairgrounds
- March 18, Monday, Climate Change, Hagerstown, 8:30 am – 5 pm
- March 19, St. Johns College, Annapolis-Santa Fe, Myerburg Center. Classic series “Kafka”, sixth of ninth in series.
- March 20, 10 a.m. Green Team meeting, guest Dawn Ashbacher, County Sustainability Program Manager.
- March 20, Met with Town Manager
- March 21, Breakfast for Elaine Schmidt 90th birthday. St Joseph’s parish Hall.
- March 21, Met with Town Manager
- March 26, Lunch with Sr. Martha - SC, Bernard Franklin, PHD, VP MSM and Ian Van Anden, MSM
- March 28, Met with Town Manager
- March 29, 9 a.m. showing of 140 South Seton Avenue

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- I. Proclamation of April 2019 as National Child Abuse Prevention Month:**
Presentation at meeting by Mayor Briggs and town staff.

Proclamation

NATIONAL CHILD ABUSE PREVENTION MONTH APRIL 2019

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, the effects of child abuse are felt by a whole community and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because partnerships are created among social service agencies, schools, religious organizations, local governments, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim the month of April 2019 as National Child Abuse Prevention Month in the Town of Emmitsburg and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in efforts to prevent child abuse, thereby strengthening the Emmitsburg community.

ADOPTED this 1st day of April, 2019.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

II. Proclamation of April 13, 2019 as Arbor Day: Presentation at meeting by Mayor Briggs and town staff.

Proclamation
 **Arbor Day**
SATURDAY APRIL 13, 2019

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim April 13, 2019 as Arbor Day in the Town of Emmitsburg. We call upon all citizens and organizations to support efforts to protect our trees and woodlands by planting trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this 1st day of April, 2019.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

ADMINISTRATIVE BUSINESS CONTINUED:

III. Firewood Access Update for Consideration: Presentation by town staff.

- John Clapp, Town Attorney
 - While I do see potential liability issues for allowing people to go onto Town property to cut and remove wood, I think this can be overcome by a release and waiver signed by the person who receives a permit. It would be an "assumption of risk" issue for people wanting to take advantage of the program.
 - There is always the potential for people claiming "discrimination" if they can't participate on the same terms, but as long as there is a reasonable basis for the differentiation, I don't believe this will be a problem.
 - The proposal seems to be geared towards giving persons with limited means access to cheap fuel to be used for heating purposes. If that is the goal, it seems an admirable purpose, but I think this needs to be fleshed out.
- Mike Kay, MD Forest Service
 - I'd say that there are no more than 20 junk trees in stand 5. I think it would be a *"huge" mistake to allow anyone to cut trees before they are sold. Once the buyer has been identified, removed the trees, and finished the harvest maybe then but not before. (It actually isn't a good idea to do it after either because the firewood cutters tend to have more impacts on sedimentation than the loggers.* Most of the trees with a X on them are either tree of heaven (an invasive exotic) or they are small dead trees around the bike trails. I would like to have the buyers cut these down.
 - Perhaps there is another section of the watershed where fallen wood can be cut but you should not do any cutting in the sale area!
 - Years ago I helped a State Park sell timber. One of their personnel let some general public cut down firewood in the area. And, of course they began cutting down trees that the logger had purchased. This almost led to a lawsuit.
- Frederick City
 - Has a proposed policy for firewood collection. "Someone stole about an acre's worth of wood before we could launch the pilot project."
 - Permitting system.
 - No cutting of standing dead (only downed wood is allowed to be harvested, stay within boundaries of assigned site, collect only during summer months when no hunting conflicts).
- Staff concerns/recommendations
 - Must have a policy in place.
 - Must have a permitting system in place.
 - Must have a waiver of liability.
 - Must only be downed trees and not in any sale area.
 - May lead to water sedimentation problems.
 - May lead to illegal harvesting. Staff cannot monitor harvest.
 - May lead to bike trail damage.
 - May lead to littering.
 - May be good to wait until after the logging is complete then let them go into that specific stand.

I. CONSENT AGENDA: NONE

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of March 26, 2019**

\$5,683,968	Cash Balance March 1, 2019
32,074	Deposits
<u>-140,832</u>	Withdrawals
\$5,575,210	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$19,476	MD Dept of Budget & Mgmt	Feb 19 Health Insurance	02.27.19	39436
\$15,663	GDF Suez Energy Resources	Annual Steel Tank Fee	03.20.19	39509
\$7,730	UGI Energy Services	Feb 19 Solar Field #1	03.20.19	39511
\$6,362	Republic Services	Mar 19 Refuse Services	03.13.19	39473
\$5,642	UGI Energy Services	Jan 19 Solar Field #1	02.27.19	39441
\$3,471	Frederick County DUSWM	Feb 19 Tipping Fees	03.06.19	39452
\$3,023	Royers Computer Networks	Mar 19 IT Support	03.20.19	39508
\$2,510	Catoctin Labs	Chemicals	03.06.19	39448
\$2,100	Capital Electric	Supplies	03.06.19	39447
\$2,073	Royers Computer Networks	Email Set Up & Migration	03.13.19	39482

Check dates 02.27.19 to 03.26.19

K. PLANNING COMMISSION REPORT: NONE.

L. AGENDA ITEMS:

AGENDA ITEM I. Approval of the Bid to Purchase a Replacement for the 1996 Dump Truck for Consideration: Presentation at meeting by town staff.

- When servicing the 1996 dump truck, the inspection revealed the rear frame rails were very rusted above the rear differential. Frame rails were found to be weak due to corrosion and rust. It was determined the vehicle was not safe to haul any loads in dump bed. Staff took vehicle to another inspection station and was informed the vehicle would not pass State inspection.
- Vehicle is used for daily hauling operations, snow removal, salt spreading, water leaks, road repairs, etc.
- Fund 2 (vehicles) currently has \$271,012 in the budget.
- Once new truck is ordered, the old truck will be put out for bid and the Town will sell it as is.
- Two bids received:
 1. MJR Equipment \$154,460
 2. Truck Enterprise of Hagerstown \$154,475
- Staff recommends MJR Equipment:
 1. This is their line of work (trucks, plows, spreaders, etc.).
 2. MJR will come to Town to repair/bring parts when needed.
 3. Frederick County buys all their trucks, plows, spreaders, etc. from MJR.
 4. The Town can get parts from Frederick County also.
 5. Bid is very in-depth.

AGENDA ITEM II. Approval of the Bid to Renovate the Town Pool Bath House for Consideration (tentative): Presentation at meeting by town staff.

POSTPONED

Initial bids exceeded grant funding. Project postponed till fall pending additional bids after reposting or after additional funding opportunities determined.

Program Open Space (POS) has not officially awarded the grant funds either. The grant will be reviewed by the Maryland Board of Public Works on April 24, 2019.

AGENDA ITEM III. Approval of the Bid to Construct a Building at the Wastewater Treatment Plant to House Vehicles/Equipment for Consideration:
Presentation at meeting by town staff.

- Currently water and sewer vehicles as well as larger equipment sit out exposed to the elements causing the need for higher maintenance, repair costs and quicker turnover.
- Funded through the enterprise fund (Dept. 50) as an asset.
- New building will house vehicles, equipment, tractors, cub cadet, boat, etc. This will also free up room in storage area to allow for better workstations.
- Two bids received:
 - Hanover Building Systems \$35,870.00
 - Newmart Builders \$29,232.00
- Staff recommends Hanover Building Systems:
 - The snow load is heavier.
 - Stone and concrete included with vapor barrier.
 - 35-year fade warranty (not mentioned in Newmart bid)
 - 50-year overall warranty (Newmart 20-year warranty)
 - Overhead doors insulated (Newmart – no)
 - Obtain all permits (Newmart – Town required to obtain all permits)
 - Better building, better warranty.

**AGENDA ITEM IV. Approval of firm(s) to complete the 2019 MS-4 projects for
Consideration:** Presentation at meeting by town staff.

TIMELINE – 2019 STORMWATER MANAGEMENT BIDS:

RFP published by Town	February 5, 2019
DEADLINE, bids due by	March 20, 2019
Bids opened on	March 21, 2019

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website – 02/06/2019 to 03/19/2019
- Public Notice on Town’s Facebook and Channel 99 – 02/06/2019
- Frederick News Post Publication – 02/08/2019 and 02/09/2019
- Notice on MML Classifieds – 02/08/2019 to 03/19/2019
- RFP emailed to 7 known stormwater management consulting firms – February 5, 2019

STAFF MEETING DATES:

Town staff met on the following dates to review the RFPs

- March 21, 2019 at 1:24 PM (initial bid opening, staff assigned bids to review)
- March 26, 2019 at 2:00 PM (review of all bids in depth)

TOWN STAFF RECOMMENDATION:

- Based on comparable bid packets, staff recommends going with Greenman-Pedersen, Inc. for the baseline impervious assessment and Advanced Land & Water for the standard operating procedures manual and annual inspections. Total cost: \$22,906.00.

BIDS RECEIVED (IN ALPHABETICAL ORDER):

	Company:	Location:	Date / Time Received:	Baseline Imp. Amount:	SOP Amount:	Annual Inspection Amount:	Total:	Discounted Rate if Awarded Together:
1	A.D. Marble	Hunt Valley, MD	03/20/19, 10:53 AM	\$18,429.70	\$7,424.55	\$5,186.00	\$31,040.25	
2	Advanced Land & Water	Eldersburg, MD	03/20/19, 2:00 PM	\$13,663.00	\$4,664.00	\$3,242.00	\$21,569.00	\$19,367.00
3	ARRO Consulting, Inc.	Hagerstown, MD	03/20/19, 9:45 AM	\$20,918.80	\$20,144.10	\$3,878.10	\$44,941.00	
4	BayLand Consultants & Designers, Inc.	Hanover, MD	03/20/19, 10:35 AM	\$25,534.60	\$4,068.39	\$3,492.61	\$33,095.60	
5	Century Engineering	Hunt Valley, MD	03/20/19, 3:10 PM	\$28,118.95	\$2,618.62	\$8,958.93	\$39,696.50	
6	Charles P. Johnson & Associates, Inc.	Silver Spring, MD	03/20/19, 2:07 PM	\$34,776.00	\$10,032.00	\$25,320.00	\$70,128.00	\$56,102.40
7	Greenman-Pedersen, Inc	Columbia, MD	03/20/19, 1:35 PM	\$15,000.00	\$8,590.00	\$6,000.00	\$29,590.00	
8	RK&K	Baltimore, MD	03/20/19, 11:21 AM	\$45,030.95	No Bid	\$14,839.20	\$59,870.20	
9	Saint Anthony Consultants, LLC	Thurmont, MD	03/20/19, 1:42 PM	\$25,000.00	\$10,000.00	\$10,500.00	\$45,500.00	
10	Wallace Montgomery	Hunt Valley, MD	03/20/19, 9:45 AM	\$66,548.00	No Bid	\$26,700.00	\$93,248.00	

BASELINE IMPERVIOUS ASSESSMENT & SIMPLE RESTORATION PLAN COMPARISON CHART (Lowest Bids):

Company:	Bid Amount:	Discount if 3 Projects are Awarded:	Price Includes:	Final Product:	MDE Experience:	References:	Notes:
Advanced Land & Water Eldersburg, MD Experience: 58 years	\$13,663.00	Yes	Land use analysis; urban BMPs; rural impervious; impervious not treated; simple restoration work plan.	Baseline impervious assessment; simple restoration plan; GIS files; MDE report.	Yes	-Town of Middletown -Town of Camillus, NY -New York State Canal Corporation	-Very detailed. -Completed Town projects in past with great satisfaction. -Impressive references.
Greenman-Pedersen, Inc. Columbia, MD Experience: 53 years	\$15,000.00	No	Land use analysis; urban BMPs; rural impervious; impervious not treated; simple restoration work plan.	Baseline impervious assessment; simple restoration plan; GIS files; MDE report.	Yes	-MD SHA -Montgomery County DOT -Montgomery County DEP	-Very detailed. -Extensive MD government experience. -Impressive references. -Ranked 56/500 in Engineering News Record. -Completed a preliminary drainage analysis for the Town and found potential cost savings.
A.D. Marble Hunt Valley, MD Experience: 34 years	\$18,429.70	No	Land use analysis; urban BMPs; rural impervious; impervious not treated; simple restoration work plan.	Baseline impervious assessment; simple restoration plan	Yes	- Town of Forest Heights - PA DOT -Jacob's Creek Watershed Association	-Uncertainty due to lack of detail in proposal.

STANDARD OPERATING PROCEDURE’S (SOP) COMPARISON CHART (Lowest Bids):

Company:	Bid Amount:	Discount if 3 Projects are Awarded:	Price Includes:	Final Product:	MDE Experience:	References:	Notes:
Century Engineering Hunt Valley, MD Experience: 66 years	\$2,618.62	No	SOP manual	-SOP manual	Yes	-Howard County gov. -MD SHA -Baltimore County	-Lacks detail. -Impressive references.
BayLand Consultants & Designers, Inc. Hanover, MD Experience: 24 years	\$4,068.39	No	SOP manual	-SOP manual	Yes	-Charles County gov. -City of Rockville, MD	-Lacks detail.
Advanced Land & Water Eldersburg, MD Experience: 58 years	\$4,664.00	Yes	SOP manual	-2x hard copy of SOP manual. -PDF & GIS version of SOP. -Editable checklists	Yes	-Town of Middletown -Town of Camillus, NY -New York State Canal Corporation	-Very detailed. -Completed Town projects in past with great satisfaction. -Impressive references.

ANNUAL INSPECTIONS (3-YEAR CONTRACT) COMPARISON CHART (Lowest Bids):

Company:	Bid Amount:	Discount if 3 Projects are Awarded:	Price Includes:	Final Product:	MDE Experience:	References:	Notes:
Advanced Land & Water Eldersburg, MD Experience: 58 years	\$3,242.00	Yes	1 year – inspection of 20% of Town’s SWM infrastructure	-Completed inspection field sheets. -GIS files, including photos.	Yes	-Town of Middletown -Town of Camillus, NY -New York State Canal Corporation	-Very detailed. -Completed Town projects in past with great satisfaction. -Impressive references.
BayLand Consultants & Designers, Inc. Hanover, MD Experience: 24 years	\$3,492.61	No	1 year – inspection of 20% of Town’s SWM infrastructure	-Completed inspection field sheets.	Yes	-Charles County gov. -City of Rockville, MD	-Lacks detail.
ARRO Consulting, Inc. Hagerstown, MD Experience: 76 years	\$3,878.10	No	1 year – inspection of 20% of Town’s SWM infrastructure	-Completed inspection field sheets. -GIS files, including photos.	Yes	-Town of Indian Head, MD -Town of Myersville, MD -Town of Walkersville, MD	-Very detailed. -Impressive references.

AGENDA ITEM V. Approval of the Town Square Kiosk and Maryland Visitor Center Panel Design for Consideration: Presentation at meeting by town staff.

The Town of Emmitsburg Maryland

For more than 200 years, people have journeyed to Emmitsburg for inspiration, enlightenment, and remembrance. Located just south of the Mason-Dixon Line on one of America's Scenic Byways, the town is the site of two internationally-recognized religious shrines and the National Fallen Firefighters Memorial. Emmitsburg is also home to Mount Saint Mary's University, the second oldest Catholic university in America. Older portions of the town are listed on the National Register of Historic Places and include 18th and 19th century homes and commercial buildings that house popular restaurants and shops. Local, state and national parks offer an array of recreational experiences for people of all ages.

Rainbow Lake

Enjoy water, casual picnicking, or simply take in the view at this beautiful 3-acre lake located in a 1,300-acre forested municipal preserve, located 3.5 miles west of Emmitsburg. A Maryland Fishing License and a few Trout Fishing Permits are required to fish. emmitsburgmd.gov

Emmitsburg Multi-Use Trails

Enjoy mountain biking, trail runs or scenic casual hikes on 13 miles of professionally-designed natural surface trails located at Rainbow Lake. These loops offer varied terrain and optional challenge lanes. emmitsburgmd.gov

The Community Pool

Cool off on a hot summer day in the town's large Community Pool. Designed for people of all ages, the pool features a fun splash pad and offers a water depth ranging from 1.5-10 feet. Open from late May-Late Sep. emmitsburgmd.gov

Frederick County Fire and Rescue Museum

The Museum is dedicated to the preservation of Frederick County's firefighting heritage and exhibits a collection of artifacts that include an antique fire engine, equipment, vintage fire trucks, photos, and apparel. frederickcountymuseum.org

The Doughboy

"The Spirit of the American Doughboy," a reproduction of L.M. Vignone's popular sculpture, pays tribute to Americans who served in World War I. The memorial, erected in 1927 by town residents, honors the local men who fought in the conflict.

National Fallen Firefighters Memorial

Firefighters live in the line of duty, since 1881, as honored on this stone monument, capped with a Maltese Cross. A brick Walk of Honor spans the Memorial and the Memorial Chapel, National Fire Academy. Call to ensure open access. 301-447-1800.

National Shrine of Saint Elizabeth Ann Seton

The Shrine honors the first American-born nun whose achievements include founding the first religious community for women in the US, and St. Joseph's Academy and Fine School for young women. The campus includes a Basilica, visitor center, historic houses and cemetery. www.seton.org

Grotto of Our Lady of Lourdes

The Grotto, a miniature stone replica of the fount in Lourdes, France, is a place of pilgrimage and worship for the hundreds of thousands of people who visit each year. The site also features gardens, statuary and a visitor center. Visit it each day! augustin.org

Download our Mobile App Today! emmitsburgmd.gov

Visit Frederick County Maryland

**AGENDA ITEM VI. Adoption of the Cross Connection Control Program for
Consideration:** Presentation at meeting by town staff.

1. What is a cross-connection?

- Cross-connections are the links through which it is possible for contaminating materials to enter a potable water supply. The contaminant enters the potable water system when the pressure of the polluted source exceeds the pressure of the potable source. The action may be called backsiphonage or backflow.

2. Why are we doing this right now?

- The Maryland Department of the Environment (MDE) is now requiring all governmental organizations who have water systems to implement a Cross-Connection Control Program in order to protect the water supply from pollutants. MDE may fine the Town until we implement the program.

3. How will this affect me?

- All properties in Town will be required to install a backflow prevention device immediately downstream of the water meter within **three years** from the date of enactment of this ordinance.

4. Do I need to obtain a Town permit?

- Yes. After installation, the backflow prevention device must be tested and approved by a certified backflow device tester. The tester must then complete the second page of the application (see attached), which certifies that the device is working properly.

5. Do I need to renew my permit?

- Yes. The Town considers residential uses low hazard and commercial and industrial uses high hazard unless determined otherwise by the Water Department.
 - **Low hazard uses:** Permits for low hazard uses shall be renewed every ten years.
 - **High hazard uses:** Permits for high hazard uses shall be renewed every two years.

6. How much will this cost me?

- **New installations** - Parts and labor should cost approximately \$100.00 to \$150.00 per backflow device. Staff suggests that property owners obtain two or three quotes before installation.
- **Re-inspections** – Labor should cost approximately \$60.00 - \$100.00. Costs will increase if the device needs to be repaired or replaced.
- **Town permits**
 - Low hazard properties are exempt from Town permitting fees.
 - High hazard properties must pay \$25.00 for new installations and \$15.00 for re-inspections.

7. Is there a penalty if I do not follow the new ordinance?

- Yes. The Town is required to turn-off the water to the properties that do not follow the ordinance.

From: Zoe Goodson -MDE- [<mailto:zoe.goodson@maryland.gov>]
Sent: Wednesday, January 9, 2019 1:20 PM
To: Dan Fissel <dfissel@emmitsburgmd.gov>; cwillets@emmitsburgmd.gov
Subject: Follow up to Sanitary Survey at Emmitsburg, 010-0010

Dear Ms. Willets,

This email is in follow up to the sanitary survey I performed on December 28, 2018 at Emmitsburg. Please give my thanks to Dan Fissel for his assistance in completing the inspection. Attached is a copy of the inspection report for your records. Two issues were discussed and should be addressed.

The roof on well 5's pumphouse was leaking during the inspection and had caused the electricity in the pumphouse to short out. The roof must be repaired, and possibly some components of the electrical system.

The operators currently have water class 4 certificates; however, water class 5 DE certificates must also be obtained for all the water operators.

As we discussed, cross connection control programs are required for all community water systems in Maryland. Please see the attached guidance and sample plans and notify this office when a cross connection control program has been drafted. This link has an EPA guidance manual on cross connection control plans: [EPA's Cross Connection Control Manual](#).

There is no system for reminding operators of which preventive maintenance activities are due soon. I strongly recommend investigating options for prompting and tracking maintenance activities.

A distribution system valve maintenance/valve exercising program is recommended for all community systems.

Thank you for your efforts to provide your residents with safe drinking water. Please call me with any questions at [410-537-3476](tel:410-537-3476).

Zoë Goodson
Water Supply Program
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230
410-537-3476

On Mon, Mar 25, 2019, 4:27 PM Zach Gulden <ZGulden@emmitsburgmd.gov> wrote:

Zoe,

Do all residences need to have a cross-connection / backflow preventer? Or is it just high hazard commercial / industrial uses? I saw Middletown has it on all residences and commercial / industrial.

Zachary R. Gulden, MPA

Town Planner

Town of Emmitsburg

300A South Seton Avenue

Emmitsburg, MD 21727

Phone: 301-600-6309

Fax: 301-600-6313

www.emmitsburgmd.gov

From: Zoe Goodson -MDE- <zoe.goodson@maryland.gov>

Sent: Tuesday, March 26, 2019 12:59 PM

To: Zach Gulden <ZGulden@emmitsburgmd.gov>

Subject: Re: Follow up to Sanitary Survey at Emmitsburg, 010-0010

Zach,

Yes, it's typical to have a double check valve in the meter pit for a residence.

Zoë

ORDINANCE SERIES: 2019
ORD. NO: 19 - 04

Page 1 of 15

AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

draft

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 **CHAPTER 13.17, CROSS-CONNECTION CONTROL PROGRAM** of the Emmitsburg Municipal Code, be added and written as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**.

CHAPTER 13.17 – CROSS-CONNECTION CONTROL & BACKFLOW PREVENTION PROGRAM

- 13.17.010 - PURPOSE.**
- 13.17.020 - AUTHORITY.**
- 13.17.030 - RESPONSIBILITY.**
- 13.17.040 - DEFINITIONS.**
- 13.17.050 - ADMINISTRATION.**
- 13.17.060 - REQUIREMENTS.**
- 13.17.070 - DEGREE OF HAZARD.**
- 13.17.080 - PERMITS.**
- 13.17.090 - INSTALLATION.**
- 13.17.100 - EXISTING IN-USE BACKFLOW PREVENTION DEVICES.**
- 13.17.110 - PERIODIC TESTING.**
- 13.17.120 - RECORDS AND REPORTS.**
- 13.17.130 - FEES AND CHARGES.**
- 13.17.140 - RESIDENTIAL DUAL CHECK.**
- 13.17.150 - STRAINERS.**

13.17.010 - PURPOSE.

- A. TO PROTECT THE PUBLIC POTABLE WATER SUPPLY SERVED BY THE TOWN OF EMMITSBURG FROM THE POSSIBILITY OF CONTAMINATION OR POLLUTION BY ISOLATING, WITHIN ITS CUSTOMERS' INTERNAL DISTRIBUTION SYSTEM, SUCH CONTAMINANTS OR POLLUTANTS, WHICH COULD BACKFLOW OR BACK-SIPHON INTO THE PUBLIC WATER SYSTEM.**
- B. TO PROMOTE THE ELIMINATION OR CONTROL OF EXISTING CROSS-CONNECTIONS, ACTUAL OR POTENTIAL, BETWEEN ITS CUSTOMERS' IN-PLANT POTABLE WATER SYSTEM, AND NON-POTABLE SYSTEMS.**
- C. TO PROVIDE FOR THE MAINTENANCE OF A CONTINUING PROGRAM OF CROSS-CONNECTION CONTROL WHICH WILL EFFECTIVELY PREVENT THE CONTAMINATION OF ALL POTABLE WATER SYSTEMS BY CROSS-CONNECTION.**

13.17.020 - AUTHORITY.

- A. THE FEDERAL SAFE DRINKING WATER ACT OF 1974, 42 USC §300f ET SEQ. PROVIDES THAT A PUBLIC WATER PROVIDER HAS THE PRIMARY RESPONSIBILITY FOR PREVENTING WATER FROM UNAPPROVED SOURCES, OR ANY OTHER SUBSTANCES, FROM ENTERING THE PUBLIC POTABLE WATER SYSTEM.**
- B. TOWN OF EMMITSBURG'S ADOPTED ORDINANCE, RULES, AND REGULATIONS.**

13.17.030 - RESPONSIBILITY.

THE TOWN OF EMMITSBURG SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC POTABLE WATER DISTRIBUTION SYSTEM FROM CONTAMINATION OR POLLUTION DUE TO THE BACKFLOW OR BACK-SIPHONAGE OF CONTAMINANTS OR POLLUTANTS THROUGH THE WATER SERVICE CONNECTION. IF, IN THE JUDGEMENT OF THE TOWN OF EMMITSBURG, AN APPROVED BACKFLOW DEVICE IS REQUIRED AT THE TOWN'S WATER SERVICE CONNECTION TO ANY CUSTOMER'S PREMISES, THE TOWN OF EMMITSBURG, OR ITS DESIGNATED AGENT, SHALL GIVE NOTICE IN WRITING TO SAID CUSTOMER INSTRUCTING THE CUSTOMER TO INSTALL AN APPROVED BACKFLOW PREVENTION DEVICE AT EACH SERVICE CONNECTION TO HIS OR HER PREMISES. THE CUSTOMER SHALL, WITHIN NINETY (90) DAYS, INSTALL SUCH APPROVED DEVICE OR DEVICES AT HIS OR HER OWN EXPENSE, AND FAILURE OR REFUSAL OR INABILITY ON THE PART OF THE CUSTOMER TO INSTALL SAID DEVICE OR DEVICES WITHIN NINETY (90) DAYS SHALL CONSTITUTE A GROUND FOR DISCONTINUING WATER SERVICE TO THE PREMISES UNTIL SUCH DEVICE OR DEVICES HAVE BEEN PROPERLY INSTALLED.

13.17.040 - DEFINITIONS.

THE FOLLOWING TERMS HAVE THE MEANING INDICATED:

APPROVED: ACCEPTED BY THE TOWN OF EMMITSBURG AS MEETING AN APPLICABLE SPECIFICATION STATED OR CITED IN THIS CHAPTER, OR AS SUITABLE FOR THE PROPOSED USE.

AUXILIARY WATER SUPPLY: ANY WATER SUPPLY ON OR AVAILABLE TO THE PREMISES OTHER THAN THE PROVIDERS' APPROVED PUBLIC POTABLE WATER SUPPLY.

BACKFLOW: THE FLOW OF WATER OR OTHER LIQUIDS, MIXTURES OR SUBSTANCES, UNDER POSITIVE OR REDUCED PRESSURE IN THE DISTRIBUTION PIPES OF A POTABLE WATER SUPPLY FROM ANY SOURCE OTHER THAN ITS INTENDED SOURCE.

BACKFLOW PREVENTER: A DEVICE OR MEANS DESIGNED TO PREVENT BACKFLOW OR BACK-SIPHONAGE MOST COMMONLY CATEGORIZED AS AN AIR GAP, REDUCED PRESSURE PRINCIPLE DEVICE, DOUBLE CHECK VALVE ASSEMBLY, PRESSURE VACUUM BREAKER, ATMOSPHERE BREAKER, HOSE BIBB VACUUM BREAKER, RESIDENTIAL DUAL CHECK, DOUBLE CHECK WITH INTERMEDIATE ATMOSPHERIC VENT, AND BAROMETRIC LOOP.

- 1. AIR GAP: A PHYSICAL SEPARATION SUFFICIENT TO PREVENT BACKFLOW BETWEEN THE FREE FLOWING DISCHARGE END OF THE POTABLE WATER SYSTEM AND ANY OTHER SYSTEM. PHYSICALLY DEFINED AS A**

DISTANCE EQUAL TO TWICE THE DIAMETER OF THE SUPPLY SIDE PIPE DIAMETER BUT NEVER LESS THAN ONE INCH.

- 2. ATMOSPHERIC VACUUM BREAKER: A DEVICE, WHICH PREVENTS BACK-FLOW OR SIPHONAGE BY CREATING AN ATMOSPHERIC VENT WHEN THERE IS EITHER A NEGATIVE PRESSURE OR SUB-ATMOSPHERIC PRESSURE IN A WATER SYSTEM.**
- 3. BAROMETRIC LOOP: A FABRICATED PIPING ARRANGEMENT RISING AT LEAST THIRTY-FIVE (35) FEET AT ITS TOP MOST POINT ABOVE THE HIGHEST FIXTURE IT SUPPLIES. IT IS UTILI ZED IN WATER SUPPLY SYSTEMS TO PROTECT AGAINST BACK-FLOW OR BACK-SIPHONAGE.**
- 4. DOUBLE CHECK VALVE ASSEMBLY: AN ASSEMBLY OF TWO INDEPENDENTLY OPERATING SPRING-LOADED CHECK VALVES WITH TIGHTLY CLOSING SHUT OFF VALVES ON EACH SIDE OF THE CHECK VALVES, AND PROPERLY LOCATED TEST COCKS FOR THE TESTING OF EACH VALVE.**
- 5. DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT: A DEVICE HAVING TWO SPRING LOADED CHECK VALVES SEPARATED BY AN ATMOSPHERIC VENT CHAMBER.**
- 6. HOSE BIBB VACUUM BREAKER: A DEVICE WHICH IS PERMANENTLY ATTACHED TO A HOSE BIBB AND WHICH ACTS AS AN ATMOSPHERIC VACUUM BREAKER.**
- 7. PRESSURE VACUUM BREAKER: A DEVICE CONTAINING ONE OR TWO INDEPENDENTLY OPERATED SPRING LOADED CHECK VALVES AND AN INDEPENDENTLY OPERATED SPRING LOADED AIR INLET VALVE LOCATED ON THE DISCHARGE SIDE OF THE CHECK OR CHECKS. DEVICE INCLUDES TIGHTLY CLOSING SHUT-OFF VALVES ON EACH SIDE OF THE CHECK VALVES AND PROPERLY LOCATED TEST COCKS FOR THE TESTING OF THE CHECK VALVE(S).**
- 8. REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER: AN ASSEMBLY CONSISTING OF TWO INDEPENDENTLY OPERATING CHECK VALVES WITH AN AUTOMATICALLY OPERATING DIFFERENTIAL RELIEF VALVE LOCATED BETWEEN THE TWO CHECK VALVES, TIGHTLY CLOSING SHUT-OFF VALVES ON EACH SIDE OF THE CHECK VALVES AND PROPERTY LOCATED TEST COCKS FOR THE TESTING OF THE CHECK VALVES AND THE RELIEF VALVE.**
- 9. RESIDENTIAL DUAL CHECK: AN ASSEMBLY OF TWO SPRING LOADED, INDEPENDENTLY OPERATING CHECK VALVES WITHOUT TIGHTLY CLOSING SHUT-OFF VALVES AND TEST COCKS. GENERALLY EMPLOYED IMMEDIATELY DOWNSTREAM OF THE WATER METER TO ACT AS A CONTAINMENT DEVICE.**

BACKPRESSURE: A CONDITION IN WHICH THE OWNER'S SYSTEM PRESSURE IS GREATER THAN THE SUPPLIER'S SYSTEM PRESSURE.

BACKSIPHONAGE: THE FLOW OF WATER OR OTHER LIQUIDS, MIXTURES OR SUBSTANCES INTO THE DISTRIBUTION PIPES OF A POTABLE WATER SUPPLY SYSTEM FROM ANY SOURCE OTHER THAN ITS INTENDED SOURCE CAUSED BY THE

SUDDEN REDUCTION OF PRESSURE IN THE POTABLE WATER SUPPLY SYSTEM.

CONTAINMENT: A METHOD OF BACKFLOW PREVENTION, WHICH REQUIRES A BACKFLOW PREVENTION PREVENTER AT THE WATER SERVICE ENTRANCE.

CONTAMINANT: A SUBSTANCE THAT WILL IMPAIR THE QUALITY OF THE WATER TO A DEGREE THAT IT CREATES A SERIOUS HEALTH HAZARD TO THE PUBLIC LEADING TO POISONING, ILLNESS, OR THE SPREAD OF DISEASE.

CROSS-CONNECTION: ANY ACTUAL OR POTENTIAL CONNECTION BETWEEN THE PUBLIC WATER SUPPLY AND A SOURCE OF CONTAMINATION OR POLLUTION.

DEGREE OF HAZARD: THE DEGREE OF HAZARD IS A DETERMINATION OF WHETHER THE SUBSTANCE IN THE NON-POTABLE SYSTEM IS TOXIC (HEALTH HAZARD) OR NON-TOXIC (NON-HEALTH HAZARD).

DEPARTMENT: THE TOWN OF EMMITSBURG'S WATER DEPARTMENT.

FIXTURE ISOLATION: A METHOD OF BACKFLOW PREVENTION IN WHICH A BACKFLOW PREVENTER IS INSTALLED TO CORRECT A CROSS-CONNECTION AT AN IN-PLANT LOCATION RATHER THAN AT A WATER SERVICE ENTRANCE.

MDE: THE STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT — WATER SUPPLY PROGRAM.

NON-TOXIC SUBSTANCE: ANY SUBSTANCE THAT MAY CREATE A NON-HEALTH HAZARD, IS A NUISANCE, OR IS AESTHETICALLY OBJECTIONABLE.

OWNER: ANY PERSON, WHO HAS LEGAL TITLE TO, OR LICENSE TO OPERATE OR HABITAT IN, A PROPERTY UPON WHICH A CROSS-CONNECTION INSPECTION IS TO BE MADE OR UPON WHICH A CROSS-CONNECTION IS PRESENT.

PERSON: ANY INDIVIDUAL, PARTNERSHIP, COMPANY, PUBLIC OR PRIVATE CORPORATION, POLITICAL SUBDIVISION OR AGENCY OF THE STATE DEPARTMENT, AGENCY OR INSTRUMENTALITY OR THE UNITED STATES OR ANY OTHER LEGAL ENTITY.

PERMIT: A DOCUMENT ISSUED BY THE TOWN OF EMMITSBURG, WHICH AUTHORIZES THE USE OF A BACKFLOW PREVENTER.

POLLUTANT: A FOREIGN SUBSTANCE, THAT IF PERMITTED TO GET INTO THE PUBLIC WATER SYSTEM, WILL DEGRADE THE WATER QUALITY SO AS TO CONSTITUTE A MODERATE HAZARD OR IMPAIR THE USEFULNESS OR QUALITY OF THE WATER TO A DEGREE WHICH DOES NOT CREATE AN ACTUAL HAZARD TO THE PUBLIC HEALTH BUT WHICH DOES ADVERSELY AND UNREASONABLY AFFECT SUCH WATER FOR DOMESTIC USE.

SUPERINTENDENT: THE SUPERINTENDENT, OR HIS OR HER DESIGNATED REPRESENTATIVE, IN CHARGE OF THE TOWN OF EMMITSBURG WATER DEPARTMENT, AND WHO IS INVESTED WITH THE AUTHORITY AND RESPONSIBILITY FOR THE IMPLEMENTATION OF A CROSS-CONNECTION CONTROL PROGRAM AND FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER.

TOXIC SUBSTANCE: ANY LIQUID, SOLID OR GAS, WHICH WHEN INTRODUCED INTO THE WATER SUPPLY CREATES, OR MAY CREATE A DANGER TO THE HEALTH AND WELL BEING OF THE CONSUMER OF THE WATER.

TOWN: TOWN OF EMMITSBURG.

WATER SERVICE ENTRANCE: THE POINT IN THE OWNER'S WATER SYSTEM BEYOND THE SANITARY CONTROL OF THE TOWN, GENERALLY CONSIDERED THE OUTLET END OF THE WATER METER AND ALWAYS BEFORE ANY UNPROTECTED BRANCH.

13.17.050 - ADMINISTRATION.

- A. THE DEPARTMENT WILL OPERATE A CROSS-CONNECTION CONTROL PROGRAM, TO INCLUDE THE KEEPING OF NECESSARY RECORDS, WHICH FULFILLS THE REQUIREMENTS OF THE MDE CROSS-CONNECTION REGULATIONS.**
- B. ANY OWNER SHALL ALLOW HIS/HER PROPERTY TO BE INSPECTED FOR POSSIBLE CROSS-CONNECTIONS AND SHALL FOLLOW THE PROVISIONS OF THE TOWN'S PROGRAM AND THE MDE'S REGULATIONS IF A CROSS-CONNECTION IS PERMITTED.**
- C. IF THE TOWN REQUIRES THAT THE PUBLIC SUPPLY BE PROTECTED BY CONTAINMENT, THE OWNER SHALL BE RESPONSIBLE FOR WATER QUALITY BEYOND THE OUTLET END OF THE CONTAINMENT DEVICE AND SHOULD UTILIZE FIXTURE OUTLET PROTECTION FOR THAT PURPOSE.**

HE/SHE MAY UTILIZE PUBLIC HEALTH OFFICIALS, OR PERSONNEL FROM THE TOWN OR THEIR DESIGNATED REPRESENTATIVES, TO ASSIST HIM/HER IN THE SURVEY OF HIS/HER FACILITIES AND TO ASSIST HIM/HER IN THE SELECTION OF PROPER FIXTURE OUTLET DEVICES AND THE PROPER INSTALLATION OF THESE DEVICES.

13.17.060 - REQUIREMENTS.

A. TOWN OF EMMITSBURG.

- 1. FOR NEW INSTALLATIONS AFTER THE START OF THIS PROGRAM: THE TOWN WILL PROVIDE ON-SITE EVALUATION AND/OR INSPECTION OF PLANS IN ORDER TO DETERMINE THE TYPE OF BACKFLOW PREVENTER, IF ANY, THAT WILL BE REQUIRED, WILL ISSUE PERMITS, AND PERFORM INSPECTIONS. IN ANY CASE, A MINIMUM OF DUAL CHECK VALVE WILL BE REQUIRED IN ANY NEW CONSTRUCTION.**
- 2. FOR PREMISES EXISTING PRIOR TO THE START OF THIS PROGRAM: THE TOWN WILL PERFORM EVALUATIONS AND INSPECTIONS OF PLANS AND/OR PREMISES AND INFORM THE OWNER BY LETTER OF ANY CORRECTIVE ACTION DEEMED NECESSARY.**

3. **THE TOWN WILL NOT ALLOW ANY CROSS-CONNECTION TO REMAIN UNLESS IT IS PROTECTED BY AN APPROVED BACKFLOW PREVENTER FOR WHICH A PERMIT HAS BEEN ISSUED AND WHICH WILL BE REGULARLY TESTED TO INSURE SATISFACTORY OPERATION.**
4. **THE TOWN SHALL INFORM THE OWNER BY LETTER, OF ANY FAILURE TO COMPLY BY THE TIME OF THE FIRST RE-INSPECTION. THE TOWN WILL ALLOW AN ADDITIONAL FIFTEEN (15) DAYS FOR THE CORRECTION. IN THE EVENT THE OWNER FAILS TO COMPLY WITH THE NECESSARY CORRECTION BY THE TIME OF THE SECOND RE-INSPECTION, THE TOWN WILL INFORM THE OWNER BY LETTER, THAT THE WATER SERVICE TO THE OWNER'S PREMISES WILL BE TERMINATED WITHIN A PERIOD NOT TO EXCEED FIVE (5) DAYS. THE TOWN MAY CHARGE A FEE IF THE OWNER'S WATER SERVICE IS TURNED OFF. THIS FEE MUST BE PAID BEFORE THE WATER IS TURNED ON. IN THE EVENT THAT THE OWNER INFORMS THE TOWN OF EXTENUATING CIRCUMSTANCES AS TO WHY THE CORRECTION HAS NOT BEEN MADE, A TIME EXTENSION MAY BE GRANTED BY THE TOWN BUT IN NO CASE WILL EXCEED AN ADDITIONAL THIRTY (30) DAYS.**
5. **IF THE TOWN DETERMINES AT ANY TIME THAT A SERIOUS THREAT TO THE PUBLIC HEALTH EXISTS, THE WATER SERVICE WILL BE TERMINATED IMMEDIATELY.**
6. **THE TOWN WILL BEGIN INITIAL PREMISES INSPECTIONS TO DETERMINE THE NATURE OF EXISTING OR POTENTIAL HAZARDS. INITIAL FOCUS WILL BE ON HIGH HAZARD INDUSTRIES AND COMMERCIAL PREMISES.**

B. OWNER.

1. **THE OWNER SHALL BE RESPONSIBLE FOR THE ELIMINATION OR PROTECTION OF ALL CROSS-CONNECTIONS ON HIS/HER PREMISES.**
2. **THE OWNER, AFTER HAVING BEEN INFORMED BY A LETTER FROM THE TOWN, SHALL AT HIS/HER EXPENSE, INSTALL, MAINTAIN, AND TEST, OR HAVE TESTED, ANY AND ALL BACKFLOW PREVENTERS ON HIS/HER PREMISES.**
3. **ALL PROPERTIES WILL BE REQUIRED TO INSTALL A BACKFLOW PREVENTION DEVICE IMMEDIATELY DOWNSTREAM OF THE WATER METER AT THE OWNERS EXPENSE WITHIN THREE YEARS FROM THE DATE OF ENACTMENT OF THIS ORDINANCE.**
4. **ON NEW INSTALLATIONS: THE OWNER SHALL SUBMIT A TOWN CROSS-CONNECTION PERMIT APPLICATION WITH ASSOCIATED FEE AND AN APPROVED BACK FLOW DEVICE TEST REPORT FROM A CERTIFIED BACKFLOW DEVICE TESTER. RESIDENTIAL PROPERTIES ARE EXEMPT FROM PAYING PERMITTING FEES.**
5. **FOR PREMISES EXISTING PRIOR TO THE START OF THIS PROGRAM, AND/OR PERMIT RENEWALS: THE OWNER OF HIGH HAZARD PROPERTIES SHALL SUBMIT TO THE TOWN EVERY TWO YEARS A TOWN CROSS-CONNECTION PERMIT APPLICATION WITH ASSOCIATED FEE AND AN APPROVED BACK FLOW DEVICE TEST REPORT FROM A CERTIFIED BACKFLOW DEVICE TESTER. RESIDENTIAL PROPERTIES SHALL SUBMIT TO THE TOWN EVERY TEN YEARS A TOWN CROSS-CONNECTION PERMIT APPLICATION WITH AN APPROVED BACKFLOW DEVICE TEST REPORT FROM A CERTIFIED BACKFLOW DEVICE TESTER.**
6. **THE OWNER SHALL CORRECT ANY MALFUNCTION OF THE BACKFLOW PREVENTER, WHICH IS REVEALED BY PERIODIC TESTING.**

7. **THE OWNER SHALL INFORM THE TOWN OF ANY PROPOSED OR MODIFIED CROSS-CONNECTIONS AND ANY EXISTING CROSS-CONNECTIONS OF WHICH THE OWNER IS AWARE BUT HAS NOT BEEN FOUND BY THE TOWN.**
8. **THE OWNER SHALL NOT INSTALL A BYPASS AROUND ANY BACKFLOW PREVENTER UNLESS THERE IS A BACKFLOW PREVENTER OF THE SAME TYPE OF THE BYPASS. OWNERS WHO CANNOT SHUT DOWN OPERATION FOR TESTING THE DEVICE(S) MUST SUPPLY ADDITIONAL DEVICES NECESSARY TO ALLOW TESTING TO TAKE PLACE (SEE FIG. 33).**
9. **THE OWNER SHALL INSTALL BACKFLOW PREVENTERS IN A MANNER APPROVED BY THE TOWN (SEE FIG. 33 THROUGH 37).**
10. **THE OWNER SHALL INSTALL ONLY BACKFLOW PREVENTERS APPROVED BY THE TOWN.**
11. **IN THE EVENT THE OWNER INSTALLS PLUMBING TO PROVIDE POTABLE WATER FOR DOMESTIC PURPOSES, WHICH IS ON THE TOWN'S SIDE OF THE BACKFLOW PREVENTER, SUCH PLUMBING MUST HAVE ITS OWN BACKFLOW PREVENTER INSTALLED.**
12. **UNLESS OTHERWISE EXEMPT, THE OWNER SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL FEES FOR PERMITS, ANNUAL OR SEMIANNUAL DEVICE TESTING, RE-TESTING IN THE CASE THAT THE DEVICE FAILS TO OPERATE CORRECTLY, AND SECOND RE-INSPECTIONS FOR NON-COMPLIANCE WITH TOWN AND MDE REQUIREMENTS.**

13.17.070 - DEGREE OF HAZARD.

THE TOWN RECOGNIZES THE THREAT TO THE PUBLIC WATER SYSTEM ARISING FROM CROSS-CONNECTIONS. ALL THREATS WILL BE CLASSIFIED BY DEGREE OF HAZARD AND WILL REQUIRE THE INSTALLATION OF APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICES OR DOUBLE CHECK VALVES. THE TOWN CONSIDERS RESIDENTIAL USES LOW HAZARD AND COMMERCIAL AND/OR INDUSTRIAL USES HIGH HAZARD UNLESS DETERMINED OTHERWISE BY THE DEPARTMENT.

13.17.080 - PERMITS.

THE TOWN SHALL NOT PERMIT A CROSS-CONNECTION WITHIN THE PUBLIC WATER SUPPLY SYSTEM UNLESS IT IS CONSIDERED NECESSARY AND THAT IT CANNOT BE ELIMINATED.

- A. **CROSS-CONNECTION PERMITS THAT ARE REQUIRED FOR EACH BACKFLOW PREVENTION DEVICE SHALL BE OBTAINED FROM THE TOWN. UNLESS OTHERWISE EXEMPT, A FEE WILL BE CHARGED FOR THE INITIAL PERMIT AND A SEPARATE FEE FOR THE RENEWAL OF EACH PERMIT.**
- B. **PERMITS FOR HIGH HAZARD USES SHALL BE RENEWED EVERY TWO YEARS, AND PERMITS FOR LOW HAZARD USES SHALL BE RENEWED EVERY TEN YEARS. PERMITS ARE NON-TRANSFERABLE, AND THEY ARE SUBJECT TO REVOCATION AND BECOME IMMEDIATELY REVOKED IF THE OWNER SHOULD SO CHANGE THE TYPE OF CROSS-CONNECTION OR DEGREE OF HAZARD ASSOCIATED WITH THE SERVICE.**

- C. A PERMIT IS NOT REQUIRED WHEN FIXTURE ISOLATION IS ACHIEVED WITH THE UTILIZATION OF A NON-TESTABLE BACKFLOW PREVENTER.**

13.17.090 - INSTALLATION.

BACKFLOW PREVENTION DEVICES SHALL NOT BE INSTALLED IN BELOW GRADE VAULTS OR IN LOCATIONS WHERE THE DEVICE COULD BECOME SUBMERGED. SEE FIG. 33 THROUGH 37, WHICH ARE ATTACHED TO THE ORDINANCE CODIFIED IN THIS CHAPTER, FOR TYPICAL INSTALLATION.

13.17.100 - EXISTING IN-USE BACKFLOW PREVENTION DEVICES.

ANY EXISTING BACKFLOW PREVENTER SHALL BE ALLOWED BY THE TOWN TO CONTINUE IN SERVICE UNLESS THE DEGREE OF HAZARD IS SUCH AS TO SUPERSEDE THE EFFECTIVENESS OF THE PRESENT BACKFLOW PREVENTER, OR RESULT IN AN UNREASONABLE RISK TO THE PUBLIC HEALTH. WHERE THE DEGREE OF HAZARD HAS INCREASED, AS IN THE CASE OF A RESIDENTIAL INSTALLATION CONVERTING TO A BUSINESS ESTABLISHMENT, ANY EXISTING BACKFLOW PREVENTER MUST BE UPGRADED TO A REDUCED PRESSURE PRINCIPLE DEVICE MUST BE INSTALLED IN THE EVENT THAT NO BACKFLOW DEVICE WAS PRESENT.

13.17.110 - PERIODIC TESTING.

- A. HIGH HAZARD PROPERTIES WITH REDUCED PRESSURE PRINCIPLE BACKFLOW DEVICES SHALL BE TESTED AND INSPECTED AT LEAST ANNUALLY.**
- B. A CERTIFIED TESTER SHALL PERFORM PERIODIC TESTING. THIS TESTING WILL BE DONE AT THE OWNER'S EXPENSE.**
- C. ANY BACKFLOW PREVENTER THAT FAILS DURING A PERIODIC TEST SHALL BE REPAIRED OR REPLACED. WHEN REPAIR OR REPLACEMENT IS NECESSARY, UPON COMPLETION OF THE REPAIR OR REPLACEMENT, THE DEVICE WILL BE RE-TESTED AT OWNER'S EXPENSE TO INSURE CORRECT OPERATION. IF THE PROPERTY IS DEEMED TO BE A HIGH HAZARD PROPERTY, THE WATER SERVICE WILL NOT BE ALLOWED TO CONTINUE IF THE BACKFLOW PREVENTER FAILS THE TEST AND CANNOT BE REPAIRED IMMEDIATELY. IN OTHER SITUATIONS, A COMPLIANCE DATE OF NOT MORE THAN THIRTY (30) DAYS AFTER THE TEST DATE WILL BE ESTABLISHED. THE OWNER IS RESPONSIBLE FOR SPARE PARTS, REPAIR TOOLS, OR A REPLACEMENT DEVICE. PARALLEL INSTALLATION OF TWO DEVICES IS AN EFFECTIVE MEANS OF THE OWNER INSURING THAT UNINTERRUPTED WATER SERVICE DURING TESTING OF REPAIR OF DEVICES AND IS STRONGLY RECOMMENDED WHEN THE OWNER DESIRES SUCH CONTINUITY.**
- D. BACKFLOW PREVENTION DEVICES WILL BE TESTED MORE FREQUENTLY THAN SPECIFIED IN SECTION 13.17.110.A. ABOVE IN CASES WHERE THERE IS A HISTORY OF TEST FAILURES AND THE TOWN DETERMINES THAT DUE TO THE DEGREE OF HAZARD INVOLVED, ADDITIONAL TESTING IS WARRANTED. COST OF THE ADDITIONAL TESTS WILL BE BORNE BY THE OWNER.**

13.17.120 - RECORDS AND REPORTS.

A. RECORDS. THE TOWN WILL INITIATE AND MAINTAIN THE FOLLOWING:

- 1. MASTER FILES ON CUSTOMERS CROSS-CONNECTION TEST AND/OR INSPECTIONS.**
- 2. MASTER FILES ON CROSS-CONNECTION PERMITS.**
- 3. COPIES OF PERMITS AND PERMIT APPLICATIONS.**
- 4. COPIES OF THE LISTS AND SUMMARIES SUPPLIED TO THE MDE.**

B. REPORTS. THE TOWN WILL SUBMIT THE FOLLOWING TO THE MDE:

- 1. INITIAL LISTING OF LOW HAZARD CROSS-CONNECTIONS.**
- 2. INITIAL LISTING OF HIGH HAZARD CROSS-CONNECTIONS**
- 3. ANNUAL UPDATE LISTS OF ITEMS 1 AND 2 ABOVE.**
- 4. ANNUAL SUMMARY OF CROSS-CONNECTION INSPECTIONS.**

13.17.130 - FEES AND CHARGES.

A. THE TOWN WILL PUBLISH A LIST OF FEES OR CHARGES FOR THE FOLLOWING PERMITS:

- 1. NEW INSTALLATION PERMITS – HIGH HAZARD PROPERTIES ONLY**
- 2. PERMIT RENEWAL – HIGH HAZARD PROPERTIES ONLY**

B. FEES ARE TO BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID AT TIME OF APPLICATION.

C. TOWN OWNED PROPERTIES ARE EXEMPT FROM ALL PERMIT FEES AND CHARGES.

D. LOW HAZARD RESIDENTIAL PROPERTIES ARE EXEMPT FROM PERMITTING FEES.

13.17.140 - RESIDENTIAL DUAL CHECK.

A. EFFECTIVE THE DATE OF ENACTMENT OF THIS ORDINANCE:

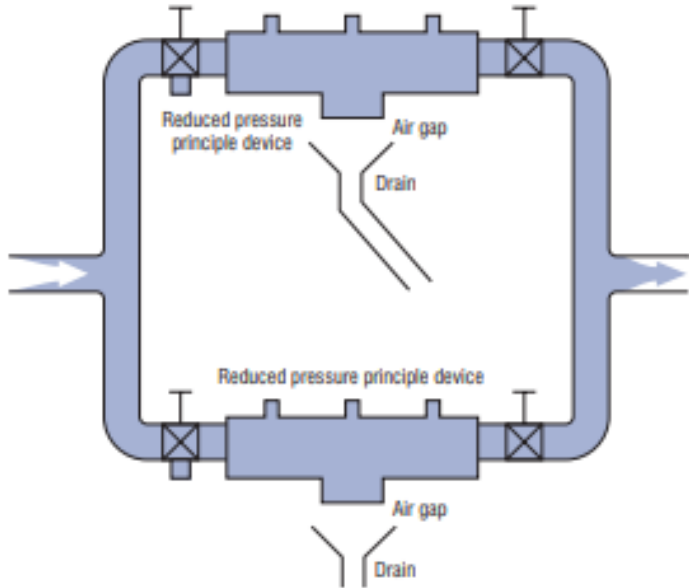
- 1. ALL NEW RESIDENTIAL BUILDINGS WILL BE REQUIRED TO INSTALL A RESIDENTIAL DUAL CHECK DEVICE IMMEDIATELY DOWNSTREAM OF THE WATER METER AT THE OWNER'S EXPENSE (SEE FIG. 37).**
- 2. ALL EXISTING RESIDENTIAL BUILDINGS WILL BE REQUIRED TO INSTALL A RESIDENTIAL DUAL CHECK DEVICE IMMEDIATELY DOWNSTREAM OF THE WATER METER AT THE OWNERS' EXPENSE WITHIN THREE YEARS FROM THE DATE OF ENACTMENT OF THIS ORDINANCE.**

B. PROVISIONS MAY HAVE TO BE MADE BY THE OWNER TO PROVIDE FOR THERMAL EXPANSION WITHIN HIS/HER CLOSED LOOP SYSTEM, I.E., THE INSTALLATION OF THERMAL EXPANSION DEVICES AND/OR PRESSURE RELIEF VALVES.

13.17.150 - STRAINERS.

THE TOWN MAY REQUIRE THAT ALL NEW RETROFIT INSTALLATIONS OF REDUCED PRESSURE PRINCIPLE DEVICES AND DOUBLE CHECK VALVE BACKFLOW PREVENTERS INCLUDE THE INSTALLATION OF STRAINERS LOCATED IMMEDIATELY UPSTREAM OF THE BACKFLOW DEVICE. THE INSTALLATION OF STRAINERS WILL PRELUDE THE FOULING OF BACKFLOW DEVICES DUE TO BOTH FORESEEN AND UNFORESEEN CIRCUMSTANCES OCCURRING TO THE WATER SUPPLY SYSTEM SUCH AS WATER MAIN REPAIRS, WATER MAIN BREAKS, FIRES, PERIODIC CLEANING AND FLUSHING OF MAINS, ETC. THESE OCCURRENCES MAY "STIR UP" DEBRIS WITHIN THE WATER MAIN THAT WILL CAUSE FOULING OF BACKFLOW DEVICES INSTALLED WITHOUT THE BENEFIT OF STRAINERS.

FIGURE 33.
 Typical bypass configuration
 reduced pressure principle
 devices



Note: Devices to be set a min. of 12" and a max. of 30" from the floor and 12" from any wall.

FIGURE 34.
 Typical installation reduced
 pressure principle device
 horizontal illustration.

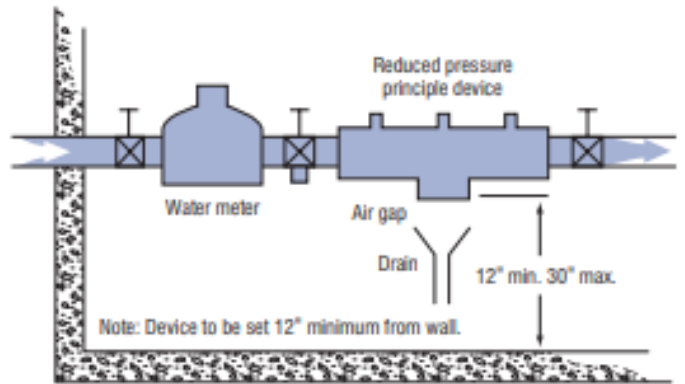
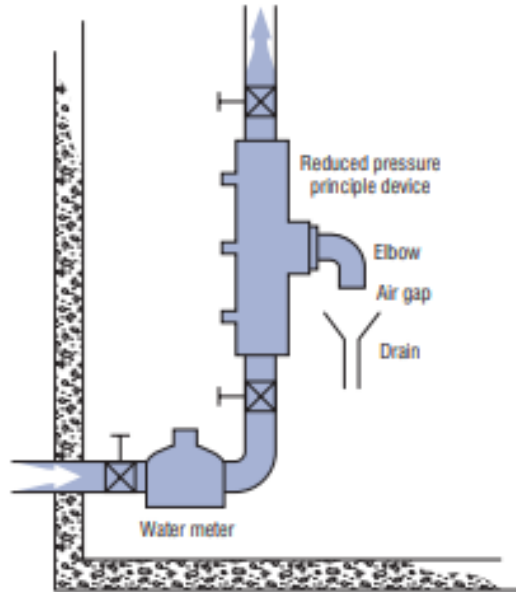


FIGURE 35.
 Typical installation reduced
 pressure principle device vertical
 illustration.



Note: (1) Refer to manufacturers installation data for vertical mount.
 (2) Unit to be set at a height to permit ready access for testing and service.
 (3) Vertical installation only to be used if horizontal installation cannot be achieved.

**Typical fire line installation double
 check valve vertical installation.**

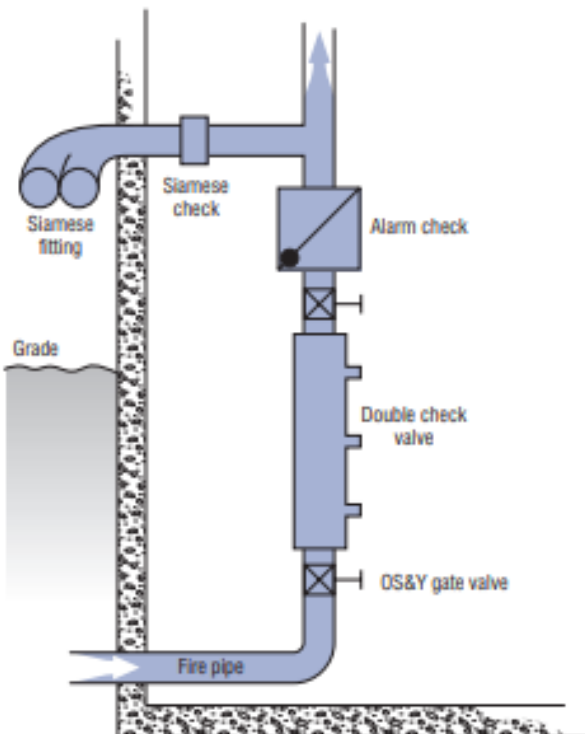


FIGURE 36.
 Typical installation double check valve horizontal and vertical installation.

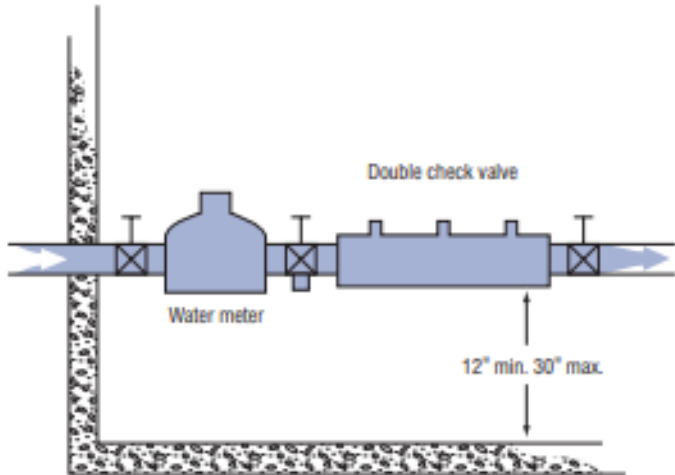
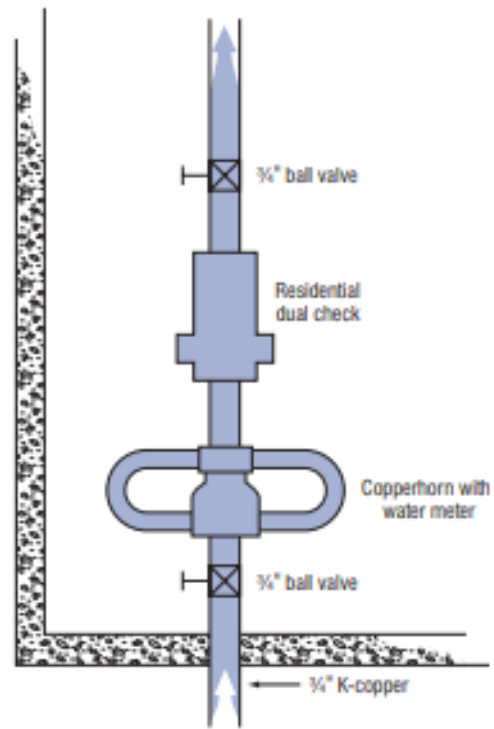
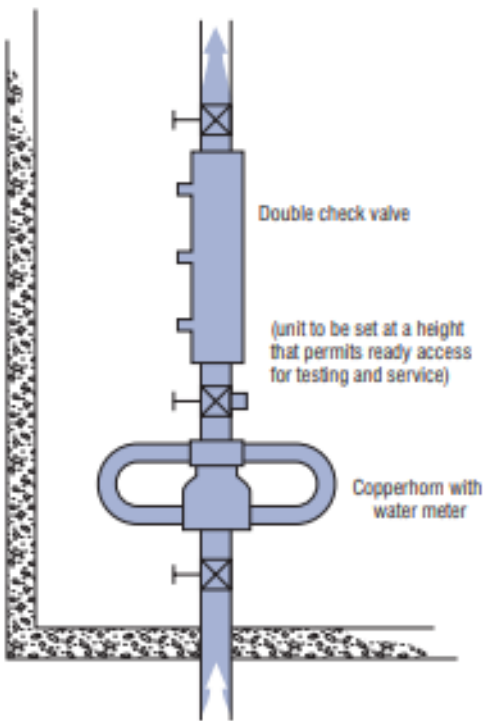
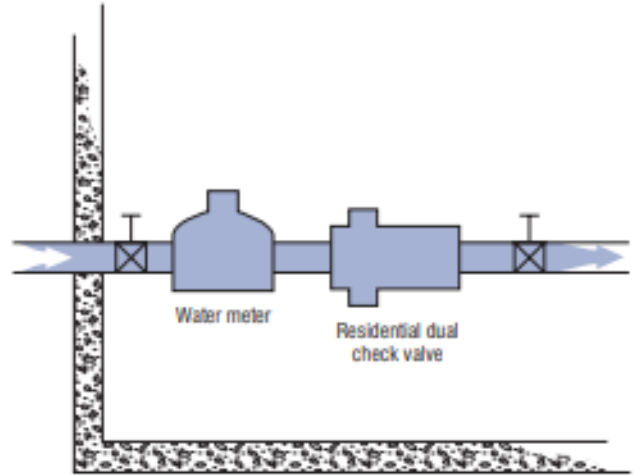


FIGURE 37.
 Typical installation residential dual check with straight set and copperhorn.



Note: Vertical installation only to be used if horizontal installation cannot be achieved.

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 1st day of April, 2019

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

MAYOR

_____APPROVED _____VETOED

this 1st day of April, 2019

Donald N. Briggs, Mayor

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

Madeline Shaw, Town Clerk
Date:

AGENDA ITEM VII. Adoption of the Cross Connection Control Program Fees Policy for Consideration: Presentation at meeting by town staff.

POLICY SERIES: 2019
Policy No. P19 - 03

Page 1 of 1

**TOWN OF EMMITSBURG
CROSS-CONNECTION CONTROL PROGRAM FEES POLICY**

AS OF THIS DATE AND PURSUANT TO CHAPTER 13.17.130 ENTITLED FEES AND CHARGES OF THE EMMITSBURG MUNICIPAL CODE, THE CROSS-CONNECTION CONTROL PROGRAM FEES SHALL BE AS FOLLOWS:

A. NEW INSTALLATION PERMIT – HIGH HAZARD PROPERTIES ONLY

1. TWENTY-FIVE DOLLARS (\$25.00).

B. PERMIT RENEWAL – HIGH HAZARD PROPERTIES ONLY

1. FIFTEEN DOLLARS (\$15.00).

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 1st day of April, 2019

PASSED this 1st day of April, 2019.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

_____ APPROVED _____ VETOED

this 1st day of April, 2019.

Donald N. Briggs, Mayor

**AGENDA ITEM VIII. Agreement Related to the Proposed Community Park Nature Trail
for Consideration:** Presentation at meeting by town staff.

POSTPONED

Postponed due to potential storm water management projects in same area that will give the Town needed credits towards MS-4 permit. Best option for the Town is to create a wetland where the garden is being proposed. This would consist of trees and specific plantings. Staff will revisit project once we receive additional information regarding the project.

**AGENDA ITEM IX. Approval of the Pump-Station Engineering Contract with RK&K for
Consideration:** Presentation at meeting by town staff.

- Professional engineering services for the planning, preliminary engineering, design and permitting, as well as bidding and construction phase support and some resident construction inspection for the replacement of the Town's Creamery Road Pump Station.
- Contractor provides insurances limits (reviewed by John Clapp all sufficient)
 - Employer liability
 - General liability
 - Umbrella liability
 - Automobile liability
 - Professional liability
 - Workers' Compensation
- Suspension:
 - By Owner: Owner may suspend the Project for up to 90 days upon seven days written notice to Engineer.
 - By Engineer: Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement if Owner has failed to pay Engineer for invoiced services and expenses
- Termination
 - For cause: by either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.
- Dispute Resolution: Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking the procedures of Exhibit H or other provisions of this Agreement, or exercising their rights at law.
- Indemnification (reviewed by John Clapp all sufficient)
 - Indemnification by Engineer
 - Indemnification by Owner
 - Environmental Indemnification
 - No defense obligation
 - Percentage Share of Negligence
 - Mutual Waiver
- Basic Services
 - Prepare the Preliminary Engineering Report and Environmental report. Submit to USDA for review. Make any necessary changes to bring into compliance with USDA regulations.
 - After USDA acceptance, prepare preliminary design phase documents.
 - Furnish three copies to Town within 120 days for review along with an opinion of probable construction cost.

- Final design phase – prepare final drawings, specifications indicating the scope, extent, and character of work to be performed and furnished by Contractor.
 - Three copies of final documents provided to Town for review and comment.
 - Bidding and Negotiating Phase
 - Assist Town with obtaining bids for construction of new pump station
 - Attend bid opening, prepare bid tabulation sheets and assist in evaluation of bids
 - Construction Phase
 - Act as owner representative
 - Assist the Town with permitting
 - Review of equipment
 - Development of Operations and Maintenance Manual
 - Attend progress meetings
 - Provide the services of a Resident Project Representative
 - Assist with selection of independent testing lab
 - Maintain at least one original printed version of construction contract drawings
 - Review all schedules
 - Visits to site and observation of construction
 - Reject work of construction contractor, if necessary
 - Field Orders and Change Orders
 - Receive and review all certificates of inspections, tests and approvals
 - Review applications for payment and accompanying supporting documentation
 - Substantial completion
 - Once notified, in the company of the Town and construction contractor, will visit the site to review the work and determine the status of completion.
 - Post construction phase
- Compensation for Services (Total \$189,100)
 - Study and Report Phase \$39,335
 - Preliminary Design Phase \$48,907
 - Final Design Phase \$58,171
 - Bidding or Negotiating Phase \$4,271
 - Construction Phase \$36,287
 - Post-Construction Phase \$2,129
- Additional Service requested by the Town
 - Resident Project Representative
 - \$17,680

**Contract reviewed by Town Attorney, John Clapp and Town staff

M. SET AGENDA FOR NEXT MEETING: APRIL 15, 2019

1. Approval of a Bid to Purchase a New Town Car for Consideration.
2. Presentation and Review of the FY2020 Town Budget.

SET AGENDA FOR NEXT MEETING: MAY 6, 2019

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

Administrative Business:

- A.
- B.
- C.