



# Town of Emmitsburg

Mayor Donald N. Briggs

**Board of Commissioners,**  
Timothy O'Donnell, *President*  
Clifford Sweeney, *Vice President*  
T.J. Burns, *Treasurer*  
Joseph Ritz III  
Frank Davis

**Town Manager**  
Cathy Willets

**Town Clerk**  
Madeline Shaw

## VIRTUAL TOWN MEETING AGENDA PACKET MONDAY, APRIL 5, 2021 – 7:30 P.M.

### 1. CALL TO ORDER

### 2. PLEDGE OF ALLEGIANCE

### 3. FUTURE MEETINGS

*Citizen's Advisory Committee Meeting: Tuesday, April 20, 2021 at 7:30 p.m. (22 East Main St.)*

*Town Council Meeting: Monday, April 19, 2021 at 7:30 p.m. (via channel 99 & Zoom)*

*Planning Commission Meeting: Monday, April 26, 2021 at 7:30 p.m. (via Zoom)*

*Town Council Meeting: Monday, May 3, 2021 at 7:30 p.m. (via channel 99 & Zoom)*

### 4. MEETING ITEMS

A. APPROVE MINUTES: MARCH 1, 2021

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

(A). Proclamation declaring April 2021 as child abuse prevention month.

(B). Proclamation declaring April 22, 2021 earth day in Emmitsburg.

I. CONSENT AGENDA: NONE

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Approval of the North Seton Green St. Conceptual Plan for consideration.

(2). Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration.

(3). Approval of Ordinance 21-02 vendor license updates for consideration.

(4). For consideration, approval of RK&K engineering contract for water clarifier.

(5). Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration.

(6). Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration.

(7). Any developer who, after January 11, 2021, seeks to develop land for residential purposes within the Town of Emmitsburg shall be required to provide parkland or pay a fee in-lieu. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: Emmit Ridge 2 along Irishtown Road. The developer is requesting to pay the fee in-lieu of parkland improvements for 49 single-family dwellings, which totals \$58,800.

M. SET AGENDA FOR NEXT MEETING: APRIL 19, 2021 & MAY 3, 2021

### 5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

### 6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

Phone 301.600.6300 • Fax 301.600.6313 • [info@emmitsburgmd.gov](mailto:info@emmitsburgmd.gov) • [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)

**ZOOM MEETING ACCESS INFORMATION:**

Topic: Town Meeting: April 5, 2021

Time: Apr 5, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82727406210>

Meeting ID: 827 2740 6210

Passcode: 21727

One tap mobile

+13017158592,,82727406210#,,,,\*21727# US (Washington DC)

+13126266799,,82727406210#,,,,\*21727# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 827 2740 6210

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/82727406210>

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

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

**A. APPROVE MINUTES: MARCH 1, 2021**

**MEETING MINUTES  
MARCH 1, 2021  
VIRTUAL TOWN MEETING  
EMMITSBURG TOWN OFFICE**

**Present:** *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Amy Naill, Code Enforcement Officer; Cole Tabler, Town Accountant; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

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**I. Call to Order**

Commissioners O'Donnell, Sweeney, Burns, Ritz III, Davis, and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 1, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. The February 1, 2021 and February 15, 2021 town meetings were canceled due to inclement weather.

**Approval of Minutes**

*Motion:* Commissioner Burns motioned to accept the January 11, 2021 town meeting minutes as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed.

**Police Report:**

Deputy Ben Whitehouse presented the police reports from January and February 2021 (exhibits attached).

**Town Managers Report:**

Cathy Willets, Town Manager, presented the Town Manager's Report from December 2020 and January 2021 (exhibits in agenda packet). For the January 2021 report, the contractor relined sewer lines from Frailey Road thru West North Alley to West Lincoln Avenue. Staff has seen a reduction of sanitary sewer overflows since several sewer lines have been relined.

**Town Planners Report:**

Zachary Gulden, Town Planner, presented the Town Planner's Report from December 2020 and January 2021 (exhibits in agenda packet).

**Commissioner Comments:**

- Commissioner Davis: He requested the Mayor host a staff member from Frederick County Parks and Rec on his weekly YouTube recording to discuss the new County park being constructed outside of Emmitsburg.
- Commissioner Burns: He expressed his support for the new County park and would like to see the Town reach out to representatives to get additional funding for Emmitsburg Elementary School.
- Commissioner Ritz III: He encouraged everyone to be friendly and reach out to their neighbors.
- Commissioner Sweeney: He thanked town staff for their work with snow removal over the winter.
- Commissioner O'Donnell: He would like to have the town connected with sidewalks to the new County park and to Mount St. Mary's university. He would like to rehab the red multi-user trail that was damaged during logging operations and begin plans to construct a new multi-user trail.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in February 2021 (meetings listed in agenda packet). Mayor Briggs attended a conference call with the County Executive and Mayors on COVID-19 and a disc golf tournament at the that benefited the Emmitsburg Food Bank. He also hosted President Trainor from Mount Saint Mary's University on his weekly COVID-19 update on YouTube among other meetings.

**Public Comments:**

*Bruce Dean, 31 West Patrick Street, Suite 130 Frederick MD 21701* – Mr. Dean is an attorney representing Dan Reaver and his Emmitsburg East Industrial Park property at 100 Creamery Court. He is requesting an April agenda item on the sewer services provided to the industrial park property. *Dan Reaver, 100 Creamery Court* – Mr. Reaver is the managing member of the Emmitsburg East Industrial Park and supports Mr. Dean's comments.

**Administrative Business:**

- (A). **Proclamation honoring Keith Suerdieck for his service on various committees:** Mayor Briggs presented Keith Suerdieck with a proclamation thanking Mr. Suerdieck for his 10 years of service on various town committees. Each commissioner took turns thanking Mr. Suerdieck for his service and wishing him luck on retirement.
- (B). **Filing of the 2020 Annual and 5-Year Mid-Cycle Planning Commission Reports:** Mr. Gulden presented the item. The Planning Commission Report states the actions of the Planning Commission for the prior year. The 5-Year Mid-Cycle Report is required by the State. The reports have been approved by the Planning Commission but the Board needs to acknowledge receipt before the reports can be filed. The Board gave unanimous consent for the filing of the 2020 reports.
- (C). **Update on infrastructure projects:** Ms. Willets presented the item. The three main infrastructure projects the Town is currently working on are the construction of a new water clarifier for the Water Treatment Plant on Crystal Fountain Road, the replacement of the Creamery Road Pump Station and the waterline replacement of North Seton Avenue and DePaul Street. The clarifier project's goal is to improve raw water quality flowing to the plant and reduce damage to the plants equipment. The estimated project cost is \$1.4 million of which Senator Hough has secured \$1 million in governor capital budget funding (available June 1, 2021) and the Town will cover the remaining \$400,000. RK&K is the project engineer and project completion is anticipated in July 2022. The goal of the Creamery Road pump station replacement project is to reduce sanitary sewer overflows by replacing the existing 1964 pump station. The estimated project cost is \$3.6 million of which the USDA is providing a \$833,000 grant, a \$1.9 million loan and the Town's required contributions are \$807,000. The project is currently in the design phase with RK&K engineering and construction is anticipated to begin by the end of 2021. The North Seton Avenue and DePaul Street waterline replacement project's goal is to replace aging lines and increase flow. Currently McCrone engineering is working on the Preliminary Engineering Report and Environmental Report for about \$25,000. MDE denied prior funding requests but the Town is hoping to resubmit for the replacement project as a whole and obtain USDA funding too; however, the USDA has informed the Town funding cannot be provided until water rates are raised to support the infrastructure improvements. Town staff is working on a bid to hire a contractor to complete a water, sewer and tap fee study and give rate recommendations.
- (D). **Approval of the town to use Zoom only for town meetings if the need arises:** Ms. Willets presented the item. Town staff is requesting the ability to use Zoom only (a teleconferencing platform) for town meetings when the need arises such as during inclement weather and emergency situations. The Town plans to continue using both channel 99 and Zoom unless specified otherwise. The Mayor would like to keep town meetings virtual until June 2021. The Board gave unanimous consent for the admin item.

**Consent Agenda:**

The Board gave unanimous consent for the appoint of Glenn Blanchard to the Planning Commission for a term of March 1, 2021 to March 1, 2026. The Board gave unanimous consent for the appoint Deborah Hobbs to the Ethics Commission; there is no term limits for Ethic Commission members. The Board gave unanimous consent for the re-appoint of Carolyn Miller and Martin Miller to the Parks and Recreation Committee for a term of March 15, 2021 to March 15, 2023.

**Treasurer's Report:**

Commissioner Burns presented the Treasurer's Report for February 2021 (exhibit in agenda packet). The operating balance forward is \$5,529,370. *Motion:* Commissioner Ritz III motioned to accept the report as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

**Planning Commission Report:**

Commissioner Ritz III presented the report. The last meeting was January 25, 2021 where the 2020 Annual Report and 5-Year Mid-Cycle Planning Commission Report were approved and the Commission was reorganized to Mark Long as Chairperson, Joyce Rosensteel as Vice Chairperson and Glenn Blanchard as Secretary.

**II. Agenda Items**

Agenda #1 - Audit presentation by Michele Mills: Michele Mills, Public Accountant, and Addie Blickenstaff, Senior Auditors, with DeLeon and Stang presented the agenda item. The fiscal year 2020 audit is complete and there were no significant problems identified. No new accounting policies were adopted, no transactions were entered into by the Town which lacked authoritative consensus, no problems were encountered with town staff/management, and no material weakness in internal controls were identified. A presentation highlighting key information such as summaries on net position, statement of activities, operating revenues, etc. was made by the auditors. There were no questions from the Board.

Agenda #2 - FY20 budget transfers to the Capital Fund for consideration: Ms. Willets stated the fiscal year 2020 general fund closed with \$180,174 excess funds that need to be transferred. Mayor Briggs and town staff recommend transferring \$174,357 to the capital projects fund for the following projects (to name a few): upgrade the town meeting room cameras, storm water impact fee study, future town vehicles, pool chairs/tables/umbrellas, tennis court resurfacing, installing new swings in Memorial Park and dead ash tree removal in Community Park. The remaining \$5,817 would be transferred to the general fund, public safety (dept. 22) for COVID-19 related expenses. *Motion:* Commissioner Burns motioned to accept the fiscal year 2020 budget transfers as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 - FY21 budget overview: Mr. Tabler presented the status update on the fiscal year (FY) 2021 budget from July 2020 to December 2020. For the general fund, approximately 71% of budgeted revenues have been booked. General fund expenses are on budget of approximately 50% remaining for the fiscal year. The General fund department expenses, actual versus budget, are in the anticipated mid-year range. For the water fund, lower water usage by some of the Town's larger accounts due to COVID-19 has resulted in decreased revenue. For water fund expenses, 58% of the remaining fiscal year's budget is available. For the sewer fund, there is a decrease in revenue due to decreased usage by some of the Town's larger accounts. For sewer fund expenses, 60% of the remaining fiscal year's budget is available.

Agenda #4 - Approval of bid to construct two small picnic pavilions in E. Eugene Myers Community Park for consideration: Ms. Willets presented the agenda item. The proposed project will install two small picnic pavilions, one ADA compliant, in the southern part of Community Park. The bid was published on January 13, 2021 with a due date of February 11, 2021. \$30,750 of the project will be funded via a FY21 Program Open Space grant and \$10,250 will be funded via the Town. Five bids were received. Town staff recommends Green Sites, LLC for \$40,507 to include the optional connecting sidewalks. The project will be completed by May 15, 2021. *Motion:* Commissioner Burns motioned to approve Green Sites LLC for \$40,507 for the construction of two small picnic pavilions in Community Park; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #5 - Approval of bid to renovate the E. Eugene Myers Community Park band stand for consideration: Ms. Willets presented the agenda item. The project is funded by a Program Open Space grant and would renovate the existing band stand by demoing the existing walls, enclosing the back of the band stand, updating the electrical, painting and adding culture stone to the back wall. The bid was first published in November 23, 2020 with a due date of January 5, 2021 but not enough bids were received, so the project was re-bid on January 27, 2021 with a due date of February 22, 2021. Three bids were received. Town staff recommends M.I. Tech Construction for \$22,270 to include an optional LED light. *Motion:* Commissioner Sweeney motioned to approve M.I. Tech Construction for the renovation of the band stand for \$22,270 to include the optional LED light; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #6 - Forward Ordinance 21-03 (zoning classification change WWTP parcels) to the Planning Commission for recommendation and set public hearing and final vote for April 5, 2021 for consideration: Mr. Gulden presented the agenda item. Maryland law requires the Town obtain Frederick County Council approval before changing the zoning classification of the newly annexed wastewater treatment plant (WWTP) from agriculture to institutional if the zoning classification change is attempted within five years of the property being annexed. The Frederick County Council approved the classification change and the next step is to forward to the Planning Commission for review before the Board has a final vote and public hearing at the April 5, 2021 town meeting. *Motion:* Commissioner Burns motioned to forward Ordinance 21-03 as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #7 - For consideration, amendment #1 proposal for storm water management plan at the new creamery road pump station request for compensation for additional services outside the scope of the original contract: Mr. Gulden presented the agenda item. Town staff is seeking an amendment to the existing RK&K engineering contract for the pump station replacement project to include a storm water management plan for \$32,945. Town staff had attempted to obtain a waiver from Frederick County for the plan; however, the waiver was denied due to the flood zones proximity to the construction site. A storm water management plan is now required for the project per Frederick County. *Motion:* Commissioner Sweeney motioned to accept the amendment as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

**Set Agenda Items for April 5, 2021 Virtual Town Meeting at 7:30 p.m.**

1. Approval of the North Seton Avenue Green Street Conceptual Plan for consideration.
2. Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration.
3. Approval of Ordinance 21-02 vendor license updates for consideration.
4. For consideration, approval of RK&K engineering contract for water clarifier.
5. Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration.
6. Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration.

***Administrative Business:***

- A. Proclamation declaring April 2021 as child abuse prevention month.

**Set Agenda Items for April 19, 2021 Virtual Town Meeting at 7:30 p.m.**

1. Initial presentation of FY2022 budget.
2. For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump.

*Motion:* Commissioner Ritz III motioned to accept the April 5, 2021 agenda as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

*Motion:* Commissioner Sweeney motioned to accept the April 19, 2021 agenda as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, Commissioner Sweeney motioned to adjourn the March 1, 2021 town meeting; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The meeting adjourned at 9:51 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk  
Minutes Approved On:

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



### C. TOWN MANAGER'S REPORT

**Town Manager's Report  
February 2021  
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff and contractors came in for several snow events.
- Staff repaired and replaced some street lights around town.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff sanitized playground equipment twice a week.
- Contractor installed new section of fence at ballfield #6 in Memorial Park due to wind damage.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed two times a day (started the month at four) and the DE filters are being done two times per week.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>February</u>	<u>Change</u>
○ Well #1:	35'	32'	+3
○ Well #2:	8'	8'	0
○ Well #3:	12'	27'	-15
○ Well #4:	108'	OFF	N/A
○ Well #5:	10'	OFF	N/A

- Water production and consumption. We produced an average of 213,667 GPD. We consumed an average of 199,374 GPD. The difference is "Backwash Water" ... (12.5%).
  - 38.3% of this water came from wells.
  - 5.7% of this water came from Mt. St. Mary's.
  - 56.0% of this water came from Rainbow Lake.

We purchased 400,200 gallons of water from MSM this month.

Wastewater:

- We treated an average of 777,000 gpd (consumed 199,374 GPD) which means that 74% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of February. We did exceed the plant's design capacity nine times in the month of February.
  - 02/15 901,000 gpd                      02/16 1,474,000 gpd                      02/17 820,000 gpd
  - 02/23 782,000 gpd                      02/24 1,221,000 gpd                      02/25 1,134,000 gpd
  - 02/26 894,000 gpd                      02/27 1,019,000 gpd                      02/28 2,214,000 gpd
- We received about 3.6" of precipitation this month (the average is 2.7"). We have a precipitation **SURPLUS of 1.24"** over the last six months. The average precipitation for the period from September 1 through February 28 is 21.26". We have received 22.5" for that period.

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

**Meetings Attended:**

- 02/04 Conference call with County Executive re: COVID-19
- 02/08 Met with staff regarding North Seton Ave. waterline
- 02/11 Conference call with staff & RK&K re: stormwater mgmt. for new pump station
- 02/16 Conference call with staff, RK&K and County staff re: stormwater mgmt. for new pump station
- 02/17 Met with staff re: FY21 budget review plus initial FY22 budget prep meeting
- 02/18 Attended webinar COVID-19 vaccinations and the workplace
- 02/23 Conference call with staff & USDA re: pump station and waterlines
- 02/24 Attended virtual Planning Commission Training

**Noteworthy:**

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in January.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff responded to damaged fire hydrant due to tractor trailer collision.
- Staff repaired water leak on Timbermill Run @ West Main St.
- Staff repaired water leak on Annandale Rd.
- Staff repaired small leak in 300 block of North Seton Ave.
- 2" blow off on Mt. St. Mary's line was found to be leaking.
- Estimated 314,600 gallons due to leak.
- Well #3 ran the entire month of February. It was lowering the PH drastically.
- Staff replaced three blow off valves that the bolts were rusting off.
- Recycle pump has been repaired. (WWTP)
- Staff installed the new chem-scan pump (WWTP)

**PARKING ENFORCEMENT REPORT**  
**February 2021**

Overtime Parking	45
Restricted Parking Zone	5
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	1
Failure to Park between Lines	
Left Side Parking	2
48 Consecutive Hours	
Snow Emergency Tickets	64
Meter Money	\$ 901.61
Parking Permits	\$ 115.00
Meter Bag Rental	\$ 15.00
Parking Ticket Money	\$ 820.00
<b>Total:</b>	<b>\$ 1,851.61</b>

## **D. TOWN PLANNER'S REPORT**

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

### **1. Board of Commissioners (BOC)**

- Attended the Frederick County Council meeting on 2/2 regarding the WWTP zoning change request.
- Worked on proposed Ordinance 21-03 – WWTP zoning change.
- Worked on proposed Ordinance 21-04 – updates to Chapters 12.08 & 12.10.
- Worked on proposed Ordinance 21-05 – Sidewalks & misc. updates to Title 16.
- Worked on proposed Ordinance 21-06 – Sidewalks & misc. updates to Title 17.
- Researched parking code updates.

### **2. Grants**

- Community Legacy grant management:
  - FY20 façade & restoration.
  - FY21 façade & restoration.
    - Processed FY21 Community Legacy façade applications.
    - Prepared for and met with the Sustainable Work Group on 2/24 in order to review FY21 Community Legacy façade applications. Sent approved applications to the Maryland Historical Trust for review and approval.
- Chesapeake Bay Trust grant management:
  - North Seton Avenue green street conceptual plan; and
  - Rain barrel program.
- Assisted with required documentation for the state water clarifier grant.

### **3. Municipal Separate Storm Sewer System (MS4)**

- Silo Hill SWM basin retrofit & tree planting project management.

### **4. Permits & Zoning**

- Processed 7x zoning permit applications:
  - 7x new homes (Brookfield).
- Processed 4x backflow preventer applications.
- Worked with Frederick County & Lion's Club on approval of the Community Park shed building permit.
- Responded to incident reports.

**5. Planning Commission (PC)**

- Rutter's, Insurance Brokers of MD, Miss. B's Child Care, Irishtown Road Improvements, Town-Wide ADA Ramps, Federal Stone, & Emmitsburg East Industrial Park II project management.
- Reviewed the following corrected plans for Mayor & PC Chair signatures:
  - Town-wide ADA sidewalk curb ramps.
- Answered questions from potential developers of Emmit Ridge 2, Frailey Farm, & McNair property.
- Worked with the Creamery Road pump station engineer for improvement plat requirements.
- Attended a conference call on 2/4 with Town Mayor, Town Manager, Town Attorney, and Fox & Associates regarding Irishtown Road improvement plat.
- Created the staff memo for Ordinance 21-04.
- Attended a conference call on 2/11 with RK&K, Town Manager, & Town Clerk regarding new pump station project.
- Attended a conference call on 2/16 with RK&K, Town Manager, Town Clerk, & Frederick County regarding new pump station project.
- Attended a virtual Planning Commission training course on 2/24.
- Completed and submitted the 2020 Forest Conservation Act Report.
- Started processing 2015 Comprehensive Plan amendment – Chapter 3, Growth Areas & Zoning.

**6. Miscellaneous**

- Forestry stand 6, 7, & 11 project management.
- Reviewed and provided updates for Maryland Department of Planning's "Generalized Zoning Project" for the Town's zoning data.
- Attended a financial department head meeting on 2/17.
- Applied for the annual E&S permit for the Town's stockpile yard.

**E. COMMISSIONER COMMENTS:** Comments given at town meeting.

**F. MAYOR'S COMMENTS**

Meetings attended since the March 1, 2021 town meeting:

- **March 1 (Mon.)** - Town Council Meeting (virtual).
- **March 3 (Wed.)** - 3:00 pm, Teleconference with builder, D.R. Horton, Town Planner Gulden, and Town Manager Willets
- **March 4 (Thurs.)** - 11:00 pm, COVID-19 update with Shannon Moore, Manager, Sustainability and Environmental Resources, Office of the County Executive, Frederick County.
- **March 9 (Tues.)** - 12:00 pm, with Commissioner Davis toured Brunswick Regional Park.
- **March 10 (Wed.)** - 4:30 pm, Parking enforcement officer Nail and I in town electric vehicle and Commissioner Davis driving a fire engine part of welcoming parade for returning NEC champion Mount men's basketball team win.
- **March 11 (Thurs.)** – 9:00 am, Conference call with County Executive Gardner and mayors and burgesses RE: COVID-19.
- **March 11 (Thurs.)** – 11:00 am, COVID-19 update with Mark Lancaster, former Chairman of the Board of the Frederick County Sustainability Commission.
- **March 11 (Thurs.)** – 2:00 pm, Zoom meeting with Maryland Energy Steering Committee.
- **March 12 (Fri.)** - 10:00 am, conference call with Town Planner Gulden and broker RE: potential developer of Frailey property.
- **March 18 (Thurs.)** - Good Soils Farm, Keyesville Road, attended St. Joseph's Feast Day Blessing.
- **March 26 (Fri.)** - 1:00 pm, attended virtual webinar *Gray to Green*.
- **March 26 (Fri.)** - 4:30 pm, attended virtual Sustainable MD Executive Committee meeting.
- **March 31 (Wed.)** – 2:00 pm, virtual Sustainable Maryland New Action Webinar *Bicycle – Friendly Communities*.

**G. PUBLIC COMMENTS**

**H. ADMINISTRATIVE BUSINESS**

- (a) **Proclamation declaring April 2021 as child abuse prevention month:** Presentation at meeting by Robin Grove, Director of the Child Advocacy Center.



***Proclamation***  
**NATIONAL CHILD ABUSE PREVENTION MONTH**  
**APRIL 2021**

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 2021 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 5th day of April, 2021.

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Donald N. Briggs  
Mayor

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Timothy J. O'Donnell, President  
Board of Commissioners



**(b) Proclamation declaring April 22, 2021 as Earth Day in Emmitsburg:** Presentation at meeting by Mayor Briggs.



## *Proclamation* EARTH DAY: APRIL 22, 2021

WHEREAS, April 22, 2021 is the 51<sup>st</sup> annual Earth Day, which began in 1970 to foster public awareness of the need to protect the environment and conserve resources; and

WHEREAS, all species play a unique role in the complex web of life and contribute to the ecosystem services on which all life on Earth depends, and

WHEREAS, by 2050, between 60-70% of all people will live in cities and species provide important services to city dwellers such as generating oxygen and purifying the air; controlling other animals considered pests or that spread disease; pollinating plants and crops; providing recreation opportunities and well-being, etc.; and

WHEREAS, all people, regardless of race, gender, income, or geography, depend on the health of the earth as we only have one; and

WHEREAS, it is understood that sustainability will only be achieved by meeting the needs of the present without compromising the needs of future generations; and

WHEREAS, it is more important than ever to cooperate locally and internationally to defend the environmental progress that has been heretofore gained; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments, and sustainability efforts.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim Thursday, April 22, 2021 as Earth Day in Emmitsburg and do hereby call upon all citizens, neighbors, community agencies and businesses to join the Town and Emmitsburg in celebrating the Earth and promoting the protection of our valuable planet and ecosystems.

ADOPTED this 5th day of April, 2021.

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Donald N. Briggs  
Mayor

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Timothy J. O'Donnell, President  
Board of Commissioners

**I. CONSENT AGENDA**

NONE

**J. TREASURER REPORT**

**Town of Emmitsburg  
 CASH ACTIVITY as of March 1, 2021**

\$5,658,934	Cash Balance March 1, 2021
119,988	Deposits
<u>-287,242</u>	Withdrawals
\$5,491,680	Operating Balance Forward

**Top 10 Check Amounts:**

<b>Amount</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Check Date</b>	<b>Check Number</b>
\$108,386	Mr. Rehab	Sewer Relining	02.24.21	42010
\$20,000	Harrington & Sons	Turf Tiger Mower	03.24.21	42122
\$19,106	MD Dept of Budget & Mgmt	Feb 21 Health Insurance	03.03.21	42031
\$16,192	Advantage Landscape & Construction	Sidewalk & Curb Replacement - 201 W. Lincoln	03.24.21	42109
\$15,664	GDF Suez Energy Resources	Annual Steel Tank	03.17.21	42104
\$10,750	Kershner Environmental Technologies	LG Sonic Algae Control Calibration	03.24.21	42124
\$10,555	RSV Pools, Inc.	Apr 21 Pool Mgmt Services	03.17.21	42101
\$8,241	RK&K	Pump Station Replacement	03.17.21	42100
\$7,232	UGI Energy Services, LLC	Jan 21 Solar Field #1	03.10.21	42067
\$7,030	UGI Energy Services, LLC	Jan 21 Solar Field #2	03.10.21	42067

*Check dates 02.24.21 to 03.31.21*

**K. PLANNING COMMISSION REPORT:** Presentation at the meeting.

**L. AGENDA ITEMS:**

**AGENDA ITEM# 1. Approval of the North Seton Green St. Conceptual Plan for consideration:** Presentation at meeting by Fox & Associates, Inc. & town staff.

**AGENDA ITEM# 2. Hold public hearing and approval of Ordinance 21-03 (zoning classification change for WWTP parcels) for consideration:**  
Presentation at meeting by town staff.

ORDINANCE SERIES: 2021  
ORD. NO: 21 - 03

Page 1 of 2

**TOWN OF EMMITSBURG  
ZONING CLASSIFICATION OF ANNEXED PROPERTY  
PARCELS 05-159040 AND 05-178231**

\*\*\*\*\*  
AN ORDINANCE OF THE TOWN OF EMMITSBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ZONING CLASSIFICATION OF PARCELS 05-159040 AND 05-178231.

**WHEREAS**, the Town of Emmitsburg (the "Town") annexed the real property known as Parcels 05-159040 and 05-178231 (the "Property") into the Town by Resolution 2020-11R dated November 2, 2020 (the "Annexation Resolution"); and

**WHEREAS**, the Annexation Resolution went into effect on December 17, 2020, the time for a referendum of the Annexation Resolution having expired with no petitions filed; and

**WHEREAS**, the Town is authorized by the Town Code and Section 4-416 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to place annexed land into a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county with planning and zoning jurisdiction over the land prior to its annexation provided the county expressly approves the zoning classification change; and

**WHEREAS**, the Property was under the planning and zoning jurisdiction of Frederick County, Maryland and zoned Agricultural prior to its annexation into the Town; and

**WHEREAS**, the Town has determined that it is desirable to place the Property into the Institutional zoning classification; and

**WHEREAS**, the Annexation Resolution provides that the Property shall be zoned to the Institutional zoning classification; and

**WHEREAS**, on February 2, 2021, the County Council for Frederick County, Maryland, unanimously approved the placement of the Property into the Institutional zoning classification; and

**WHEREAS**, Board of Commissioners of the Town has referred the matter to the Town Planning Commission for recommendation and report and the Planning Commission has approved the placement of the Property into the Institutional zoning classification; and

**WHEREAS**, the Town has held a public hearing on this matter, having given at least ten days' notice of the time and place of the hearing in a newspaper published in or having general circulation in the Town.

**NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commission of the Town of Emmitsburg, Maryland, that Parcels 05-159040 and 05-178231 are placed into the Institutional zoning classification.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which they 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 veto of the Mayor.

**PASSED** this 5<sup>th</sup> day of April, 2021

by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

**MAYOR**

\_\_\_\_\_ APPROVED \_\_\_\_\_ VETOED

this 5<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
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# 3. Approval of Ordinance 21-02 vendor license updates for consideration:** Presentation at meeting by town staff.

ORDINANCE SERIES: 2021  
ORD. NO: 21 - 02

Page 1 of 5

AN ORDINANCE TO AMEND  
TITLE 5  
OF THE CODE OF EMMITSBURG  
ENTITLED  
BUSINESS LICENSES AND REGULATIONS

\*\*\*\*\*

**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 5, Businesses Licenses and Regulation, 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~~.

Chapter 5.04 – Businesses Licenses Generally

**Sections:**

5.04.010 - Licenses required.

It is unlawful for any person, partnership, corporation, solicitor, canvasser, magazine subscription salesman, vendor or deliverer ~~of~~ **OF** coal, fuel oil, gasoline, kerosene, bottled gas and other inflammable products, photographers, electric appliance salesmen, sellers of bottled, potable liquids and sellers of foods to sell, vend, or offer for sale at retail upon the streets of the town, or go from house to house for the purpose of selling, vending, or offering for sale any merchandise of any kind at retail within the corporate limits of Emmitsburg without first having obtained a license, as hereinafter provided, for such purpose. ~~Each licensee shall be required to give the following information which shall be noted on the license issued: name, address, merchandise for sale, name and address of employer. Licensees shall carry licenses upon their persons at all times while conducting such business and shall exhibit the same upon demand to any officer of the town.~~

5.04.020 – ~~[Charge for licenses]~~ **LICENSE APPLICATION**

~~Licenses good for a calendar year shall be issued at a charge of forty dollars (\$40.00), and licenses good for a period less than a calendar year shall be issued for a charge of five dollars (\$5.00) per day. Application for licenses shall be made to and licenses shall be issued by the town clerk or town manager.~~

**APPLICANTS FOR A LICENSE UNDER SECTION 5.04.010 SHALL COMPLETE A SWORN WRITTEN APPLICATION FURNISHED BY THE TOWN AND PROVIDE THE FOLLOWING INFORMATION:**

- 1. THE APPLICANT'S NAME, PERMANENT PHYSICAL ADDRESS AND LOCAL MAILING ADDRESS, IF ANY, AND TELEPHONE NUMBER.**

2. **IF THE APPLICANT DOES NOT HAVE A PERMANENT PLACE OF BUSINESS IN THE STATE OF MARYLAND, A COPY OF A CERTIFICATE FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION EVIDENCING THE FACT THAT THE APPLICANT IS QUALIFIED TO DO BUSINESS IN THE STATE OF MARYLAND AND THE NAME AND ADDRESS OF ITS AGENT FOR THE SERVICE OF PROCESS IN THIS STATE IF THE APPLICANT IS A CORPORATION, LIMITED PARTNERSHIP OR SUCH OTHER LEGAL ENTITY.**
3. **A PHYSICAL DESCRIPTION AND GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD FOR EACH APPLICANT AND FOR ANY PERSON WHO WILL BE CONDUCTING, MANAGING, SUPERVISING, AND/OR ADMINISTRATING THE BUSINESS FOR OR ON BEHALF OF THE APPLICANT.**
4. **IF THE APPLICANT PROPOSES TO SELL OR OFFER FOR SALE GOODS, COMMODITIES OR SERVICES FROM A FIXED LOCATION OTHER THAN A PERMANENT STRUCTURE, SUCH AS A VEHICLE, TRAILER, CAR, TENT, ETC., THE PLACE OR PLACES WITHIN THE TOWN WHERE IT IS PROPOSED TO CARRY ON THE APPLICANT'S BUSINESS, THE HOURS AND DAYS DURING WHICH THE APPLICANT PROPOSES TO CONDUCT BUSINESS FROM THAT LOCATION, AND THE LENGTHY OF TIME DURING WHICH IT IS PROPOSED THAT THE BUSINESS SHALL BE CONDUCTED FROM THAT LOCATION.**
5. **IF THE APPLICANT PROPOSES TO SELL OR OFFER FOR SALE GOODS, COMMODITIES OR SERVICES FROM HOUSE TO HOUSE, OR PLACE TO PLACE, THE HOURS AND DAYS DURING WHICH THE APPLICANT PROPOSES TO CONDUCT THE BUSINESS.**
6. **A BRIEF DESCRIPTION OF THE NATURE OF THE BUSINESS TO BE CONDUCTED AND THE GOODS, COMMODITIES OR SERVICES TO BE SOLD OR OFFERED FOR SALE.**
7. **THE APPLICANT'S MARYLAND STATE RETAIL SALES TAX NUMBER AND TAX PAYER IDENTIFICATION NUMBER.**
8. **PROOF THAT THE APPLICANT IS QUALIFIED TO DO BUSINESS AND HAS OBTAINED ALL NECESSARY PERMITS AND LICENSES REQUIRED BY THE STATE OF MARYLAND AND THE COUNTY REQUISITE FOR THE OPERATION OF SAID BUSINESS.**
9. **A STATEMENT AS TO WHETHER OR NOT THE APPLICANT OR ANY PERSON WHO WILL BE CONDUCTING, MANAGING, SUPERVISING OR ADMINISTERING THE BUSINESS HAS BEEN CONVICTED OF ANY CRIME OR VIOLATION OF ANY MUNICIPAL ORDINANCE OR HAS HAD A CIVIL JUDGMENT BASED ON FRAUD, MISREPRESENTATION, OR DECEIT ENTERED AGAINST THEM, AND IF SO, THE NATURE AND DATE OF THE OFFENSE, THE DATE OF THE DISPOSITION, THE JURISDICTION IN WHICH THE OFFENSE WAS ADJUDICATED, AND THE PENALTY IMPOSED.**

5.04.030 – [~~Licenses — Applicant investigation.~~] **CHARGE FOR LICENSES.**



~~[Before issuing licenses and accepting the charges therefore, the town clerk or town manager to whom application is made, shall investigate the applicant, his product and equipment, so as to ensure the safety and protection of the residents of the town and to be sure that all federal, state and local safety, health, and tax laws and regulations are being followed by such applicant.]~~

**LICENSES GOOD FOR A CALENDAR YEAR SHALL BE ISSUED AT A CHARGE OF FORTY DOLLARS (\$40.00), AND LICENSES GOOD FOR A PERIOD LESS THAN A CALENDAR YEAR SHALL BE ISSUED FOR A CHARGE OF FIVE DOLLARS (\$5.00) PER DAY. APPLICATION FOR LICENSES SHALL BE MADE TO AND LICENSES SHALL BE ISSUED BY THE TOWN CLERK OR TOWN MANAGER.**

5.04.040 – ~~[Exemptions:]~~ **LICENSES—APPLICANT INVESTIGATION.**

~~[None of the licenses provided for in Sections 5.04.010 and 5.04.020, shall be required of any person with an established place of business within the town and subject to usual inspection, regulation and taxation, or employees of such person, or any persons exempted therefrom by any public general law of Maryland, or by the Constitution of Maryland, or of the United States.]~~

**BEFORE ISSUING LICENSES REQUIRED BY SECTION 5.04.010 AND ACCEPTING THE CHARGES FROM THE APPLICANT, THE TOWN CLERK OR TOWN MANAGER TO WHOM APPLICATION IS MADE, SHALL INVESTIGATE THE APPLICANT SO AS TO ENSURE THE HEALTH, SAFETY, WELFARE AND PROTECTION OF THE RESIDENTS OF THE TOWN. THE INVESTIGATION AND DECISION TO GRANT OR DENY THE LICENSE SHALL BE COMPLETED WITHIN TEN (10) BUSINESS DAYS FROM THE DATE THE APPLICATION IS MADE.**

5.04.050 – ~~[Garbage collectors:]~~ **LICENSES—DENIAL OR REVOCATION OF LICENSE.**

~~[All persons collecting garbage as a business or occupation in the town shall obtain a license therefor from the town clerk or an elected town official before engaging in such business or occupation. Fee and requirements for such licenses shall be the same as provided in Sections 5.04.010, 5.04.020 and 5.04.040.]~~

**THE TOWN CLERK OR TOWN MANAGER SHALL APPROVE THE APPLICATION UNLESS:**

- 1. THE APPLICANT'S PRACTICES OR PRODUCTS DO NOT CONFORM WITH APPLICABLE FEDERAL, STATE, OR LOCAL STATUTES OR REGULATIONS;**
- 2. THE APPLICANT HAS WITHHELD OR FALSIFIED ANY MATERIAL INFORMATION REQUIRED TO BE SUBMITTED IN ORDER TO OBTAIN A LICENSE, OR HAS HAD A LICENSE PREVIOUSLY REVOKED BY THE TOWN OR ANY OTHER JURISDICTION;**
- 3. THE APPLICANT HAS HAD A CIVIL JUDGMENT OR CRIMINAL CONVICTION ENTERED AGAINST IT BASED UPON FRAUD, DECEIT OR MISREPRESENTATION WITHIN THE PRIOR TEN (10) YEARS;**
- 4. THE ISSUANCE OF THE LICENSE WOULD OTHERWISE BE CONTRARY TO PUBLIC HEALTH, SAFETY, OR WELFARE.**

**THE TOWN CLERK OR MANAGER MAY REVOKE OR REFUSE TO RENEW ANY LICENSE UPON A FINDING THAT THE LICENSEE HAS USED ITS LICENSE TO ENGAGE IN FRAUD OR MISREPRESENTATION OR HAS COMMITTED ANY OTHER UNLAWFUL ACT.**

**5.04.060 – ~~[Master electricians.]~~ DISPLAY**

~~[A. Master electricians shall be licensed in accordance with the provisions of the Electrical Code (Chapter 1-7, Article IV) of the Frederick County Code, as amended.]~~

~~[B. Nothing contained in this section shall require a presently licensed master electrician to reapply or requalify for licensing.]~~

**LICENSEES SHALL CARRY THE LICENSE ISSUED BY THE TOWN UPON THEIR PERSON AT ALL TIMES WHILE CONDUCTING SUCH BUSINESS AND SHALL EXHIBIT THE SAME UPON DEMAND TO ANY OFFICER OF THE TOWN.**

**5.04.070 - EXEMPTIONS.**

**THE LICENSE PROVIDED FOR IN SECTIONS 5.04.010 SHALL NOT BE REQUIRED OF ANY PERSON WITH AN ESTABLISHED PLACE OF BUSINESS WITHIN THE TOWN SUBJECT TO USUAL INSPECTION, REGULATION AND TAXATION OR EMPLOYEES OF SUCH PERSON, ANY INDIVIDUAL UNDER THE AGE OF EIGHTEEN ENGAGED IN A FUNDRAISING EVENT SPONSORED BY A SCHOOL OR NON-PROFIT ORGANIZATION, OR ANY PERSONS EXEMPTED BY ANY PUBLIC GENERAL LAW OF MARYLAND, OR BY THE CONSTITUTION OF MARYLAND, OR OF THE UNITED STATES.**

**5.04.080 - GARBAGE COLLECTORS.**

**ALL PERSONS COLLECTING GARBAGE AS A BUSINESS OR OCCUPATION IN THE TOWN SHALL OBTAIN A LICENSE FROM THE TOWN CLERK OR AN ELECTED TOWN OFFICIAL BEFORE ENGAGING IN SUCH BUSINESS OR OCCUPATION. FEE AND REQUIREMENTS FOR SUCH LICENSES SHALL BE THE SAME AS PROVIDED IN SECTIONS 5.04.010, 5.04.020, 5.04.030, 5.04.040 AND 5.04.050.**

**5.04.090 - MASTER ELECTRICIANS.**

**MASTER ELECTRICIANS SHALL BE LICENSED IN ACCORDANCE WITH THE PROVISIONS OF THE ELECTRICAL CODE (CHAPTER 1-7, ARTICLE IV) OF THE FREDERICK COUNTY CODE, AS AMENDED. NOTHING CONTAINED IN THIS SECTION SHALL REQUIRE A PRESENTLY LICENSED MASTER ELECTRICIAN TO REAPPLY OR REQUALIFY FOR LICENSING.**

**5.04.100 – SEVERABILITY**

**THE PROVISIONS OF THE ORDINANCE CODIFIED IN THIS CHAPTER, AND ANY AMENDMENTS THERETO, ARE SEVERABLE, AND IF ANY PROVISION OR SECTION SHALL BE HELD TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH UNCONSTITUTIONALITY OR INVALIDITY SHALL NOT AFFECT THE REMAINING SECTIONS OR PROVISIONS OF THIS CHAPTER.**

**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 5th day of April, 2021

by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

**MAYOR**

\_\_\_\_\_APPROVED \_\_\_\_\_VETOED

This 5<sup>th</sup> day of April, 2021

\_\_\_\_\_  
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# 4. For consideration, approval of RK&K engineering contract for water clarifier: Presentation at meeting by town staff.**

Professional engineering services by Rummel, Klepper & Kahl, LLP (RK&K) for the completion of a professional engineering services for the planning, preliminary engineering, design and permitting, as well as bidding and construction phase support for the design and construction of a new water treatment plant clarifier facility to reduce algae in the raw water supply.

• **Contract Info:**

- *Note:* The contract was reviewed by Leslie Powell, Attorney, and deemed sufficient.
- Insurance coverage (6.05 & Exhibit G): Employer liability, general liability, umbrella liability, automobile liability, professional liability, and worker's compensation.
- Invoice Payment: Town to pay within 30 days unless there is a disputed invoice (4.02)
- Suspension:
  - Town may suspend the project for up to 90 days upon 7 days' written notice to engineer (6.06).
  - 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.
- Termination:
  - Either party may terminate the contract upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms in the contract through no fault of the terminating party. (6.06).
- Dispute resolution:
  - Town 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. If parties fail to resolve a dispute through negotiation, then either or both may invoke the procedures of Exhibit H (6.09).
- Timeline: (Exhibit A).
  - Furnish an electronic copy and [Three (3)] review copies of the Report and any other Study and Report Phase deliverables to Owner within [ 60 ] days of the Effective Date and review it with Owner.
  - Furnish an electronic and three (3) review copies of the Preliminary Design Phase documents, opinion of probable Construction Cost, and any other Preliminary Design Phase deliverables to Owner within 60 days of authorization to proceed with this phase, and review them with Owner.
  - Furnish for review by Owner, its legal counsel, and other advisors, three (3) copies of the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables, within 60 days of authorization to proceed with the Final Design Phase, and review them with Owner.
- Project Cost: \$243,114 (Exhibit C).

▪ Study and Report Phase	\$53,131
▪ Preliminary Design Phase	\$48,281
▪ Final Design Phase	\$88,561
▪ Bidding or Negotiation Phase	\$6,031
▪ Construction Phase	\$45,110
▪ Post-Construction Phase	\$2,000

**\*Copy of the Engineers Joint Contract Documents Committee (EJCDC) E-500 contract to be provided at meeting.**

**AGENDA ITEM# 5. Approval of Ordinance 21-04, update to Town Code Chapters 12.08 and 12.10 for consideration:** Presentation at meeting by town staff.

ORDINANCE SERIES: 2021  
ORD. NO: 21 – 03

Page 1 of 4

AN ORDINANCE TO AMEND  
TITLE 12  
OF THE CODE OF EMMITSBURG  
ENTITLED  
STREETS, SIDEWALKS AND PUBLIC PLACES

\*\*\*\*\*

**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 12, Sections 12.08.010, 12.08.020, 12.08.030, 12.08.040, 12.08.050, 12.08.060, 12.10.010, & 12.10.060 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}~~.

Chapter 12.08 – Sidewalk, **CURB, AND GUTTER** construction and repair.

12.08.010 – Construction of by property owners.

Whenever the grade of any sidewalk has been established, it shall be the duty of the owner of any land bounding thereon to lay [a] sidewalk, **CURB, AND GUTTER** ~~[not more than fifteen (15) feet, nor less than four feet wide, in]~~ **AT** the discretion of the ~~[board of commissioners]~~ **MAYOR**, to be constructed of concrete, brick, or some other approved material equally as good, along any such property, to conform to the grade established by the Town, within **SIXTY (60)** days after receiving notice in writing from the mayor. **THE SIDEWALK SHALL CONFORM TO STATE AND FEDERAL REQUIREMENTS UNDER THE AMERICANS WITH DISABILITIES ACT (“ADA”) IN EFFECT AT THE TIME OF INSTALLATION, INCLUDING BUT NOT LIMITED TO WIDTH AND CURB RAMP REQUIREMENTS. THE TOWN ENGINEER SHALL APPROVE THE CONSTRUCTION MATERIALS AND INSTALLATION METHOD IN ADVANCE OF ANY CONSTRUCTION.**

12.08.020 - Sidewalks—Repair and maintenance by property owners and occupiers.

It shall be the duty of all owners and occupiers of land to keep the sidewalks and footways bounding thereon in good and proper repair and at all times free of nuisances, litter, trash and debris, including, but not limited to, newspapers, smoking debris, trash and other types of litter. Upon observing an accumulation of debris, trash or other litter in violation of this section, the Town may send a written warning to the owner and/or occupier of the property adjoining the sidewalk in violation and inform that person of the requirements of this section and giving such person ten days to correct the violation. If the violation is not corrected within that time period, the violation shall constitute a municipal infraction punishable by a fine of twenty-five dollars (\$25.00). A subsequent violation(s) at the same location within a ten-day period shall be punishable by a fifty dollars (\$50.00) fine.

Whenever, in the opinion of the Town staff and with the approval of the Town manager, any sidewalk, or portion thereof, is out of repair and should be repaired or ~~[re-laid]~~ **REPLACED**, the Mayor

shall notify the owner by notice in writing to repair, or relay the same within [~~twenty (20)~~] **THIRTY (30)** days from the date of such notice. Standards for sidewalks are found in Sections 12.08.010, 12.08.050, and 12.08.060[~~-~~], **PROVIDED, HOWEVER, UNLESS THE ENTIRE SIDEWALK NEEDS TO BE REPLACED IN ITS ENTIRETY, THE REPAIR SHALL CONFORM TO THE EXISTING DIMENSIONS OF THE SIDEWALK.**

12.08.030 - When Town to do work required by Sections 12.08.010 and 12.08.020.

In the event the owner shall fail to grade and pave the sidewalk as provided in Section 12.08.010 within the time provided in the notice, or shall fail to relay or repair any such sidewalk, or portion thereof, as provided in Section 12.08.020 after notice, then the Mayor shall cause any such work to be done at the expense of the owner. In the event the owner shall fail to pay the cost thereof within thirty (30) days after receiving a statement thereof from the Mayor, then the Town shall institute a suit against the owner, in the [~~Circuit~~] Courts [~~for~~] **OF** Frederick County, **MARYLAND** or [~~before the District Court for Frederick County according to the amount involved,~~] **SUCH OTHER COURT HAVING JURISDICTION** for the recovery of the same.

12.08.040 - Proceedings against unknown [~~or nonresident~~] owners.

In case of a violation of Section 12.08.010 or 12.08.020 and the owner is unknown or cannot be found [~~or resides outside the town limits so that personal service of such notice cannot be made as provided in this chapter,~~] then such notice shall be [~~published in some newspaper of general circulation in the town for two successive weeks,~~] **POSTED AT THE PROPERTY**, notifying the owner to have the work done on or before the expiration of thirty (30) days from the date of the last publication of such notice, and in the event such work is not done within the time aforesaid, the Mayor shall proceed to have it done in the same manner as he **OR SHE** is authorized to proceed when the owner fails or neglects to do the same upon notice given, and the costs and expenses thereof shall be recovered from such [~~nonresident~~] unknown or absent owner either by suit or process of attachment.

12.08.050 – [~~Grades, etc.,~~] **SPECIFICATIONS** to be obtained [~~from Mayor~~] prior to work.

It is unlawful for any owner or occupier of any land bounding on any street to grade or pave any sidewalk bounding thereon until he **OR SHE** shall have made application to the **TOWN** [~~Mayor~~] and obtained [~~from him~~] the proper [~~grade, location, and width of~~] **SPECIFICATIONS FOR** any such sidewalk.

12.08.060 - Slope of sidewalks.

**ALL NEW SIDEWALKS AND RECONSTRUCTED PORTIONS OF EXISTING SIDEWALKS MUST MEET ADA CRITERIA.** The **CROSS** slope or rise of the sidewalk from the curb to the lot line shall not be more than [~~one-half~~] **TWO PERCENT (1:50)** nor less than [~~one-fourth of an inch to the foot~~] **ONE PERCENT (1:100)**. [~~and shall be in conformity to the grade of the street~~] **FOR SIDEWALKS ALONG A ROADWAY, THE RUNNING SLOPE OF THE SIDEWALK MAY FOLLOW THE PROFILE GRADE OF THE ROADWAY.** It is unlawful to lay sidewalks to any other slope or grade, unless otherwise fixed and determined by the **Town OR APPLICABLE LAW.**

Chapter 12.10 - Obstruction and Use of Sidewalks.

12.10.010 - Obstruction of sidewalks prohibited.

Except as otherwise provided in this chapter or other provisions of the Code, it is unlawful for any person to obstruct any of the sidewalks of the Town by placing thereon any boxes, barrels, goods, wares, tables, chairs, merchandise or any other thing or object. A clear, unobstructed ~~[width of at least four feet]~~ **PATH OF TRAVEL OF AT LEAST THE MINIMUM REQUIREMENT UNDER THE ADA** shall be maintained on the sidewalk at all times between such things or objects and other stationary structures, such as, but not limited to, parking meters, lights, telephones, poles, mailboxes, newspaper boxes, signs, walls, railings, steps, fire hydrants, trees, tree wells, or shrubs. **THE MINIMUM PATH OF TRAVEL APPLIES TO PERMITTED USES DESCRIBED IN SECTIONS 12.10.020 AND 12.10.030.** A clear, unobstructed height of seven feet shall be maintained between the sidewalk surface and any overhead structure, such as, but not limited to, displays, tree branches, overhead signs, and awnings.

The utilization of any sidewalk and/or right-of-way pursuant to this chapter shall be subject to a permit, and shall be limited to areas immediately adjacent and contiguous to the property of the applicant. Furthermore, any utilization of sidewalk and/or right-of-way pursuant to this chapter shall in no way limit and/or encumber any other property and/or the access thereto.

12.10.060 - Enforcement and penalties.

A. A violation of any provision of this chapter shall constitute a municipal infraction. The penalty for such violation shall be a fine in the amount of fifty dollars (\$50.00) for the first offense. The penalty for a second or subsequent violation of this chapter within **ANY** twelve (12) month period shall be a fine of one hundred dollars (\$100.00) for each of the second or subsequent violations. Each day that a violation continues shall constitute a separate offense.

B. In addition to any fine for a violation of this chapter, if any person ~~[neglects or refuses]~~ **FAILS** to comply ~~[within a reasonable time]~~ with a notice from the Town to remove an obstruction or abate an infraction of this chapter, then the Town may remove the obstruction or otherwise abate the infractions, and the person ~~[refusing or neglecting to comply with the notice]~~ shall be liable to the Town for the amount of the expense of removing the obstruction or abating the infraction.

**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 5<sup>th</sup> day of April, 2021

by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

**MAYOR**

\_\_\_\_\_ APPROVED    \_\_\_\_\_ VETOED

this 5<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
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# 6. Approval of policy 21-01, hunting and recreational use at Rainbow Lake/Emmitsburg Watershed for consideration:** Presentation at meeting by town staff.

POLICY SERIES: 2021  
POLICY NO: P21-01

Page 1 of 3

**TOWN OF EMMITSBURG  
HUNTING AND RECREATIONAL USAGE  
AT RAINBOW LAKE WATERSHED**

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**Purpose:**

This policy sets forth guidelines for the hunting and recreational usage of the Town of Emmitsburg's watershed property. The intended purpose behind the policy to set rules and regulations that govern the usage of the Town's property for hunting, fishing and trail usage.

**Rules and Regulations**

In addition to the rules and regulations set forth by this policy, any user of the watershed must adhere to all regulations set forth by the Maryland Department of Natural Resources (DNR).

- Watershed use is limited to daylight hours. Watershed use from dusk to dawn shall be considered as trespassing.
- Parking in front of the cabled road/path is prohibited. Violators will be towed at their expense.
- Refuse must be properly disposed of in the provided receptacles.
- Smoking, alcoholic beverages, controlled dangerous substances and gambling are prohibited.
- Obstructing any drive, path, or walk is prohibited.
- Camping and fires are prohibited.
- Pets brought upon watershed property must be on a leash and entirely within the control of the handler(s) at all times. Pet owners must pick up and dispose of any/all waste generated by their pets.
- A town issued permit to hunt and/or fish must be on your person while on watershed property.
- Boating, swimming, ice fishing and ice skating are prohibited in Rainbow Lake.
- Injury, defacement, disturbance of any building, sign or public property is prohibited. Removal or destruction of any tree, plant or mineral is prohibited. All users of the watershed agree to assume responsibility for any and all property damages caused by the user to the Town property.
- No obscene or indecent acts or intentional annoyance or instigating/encouraging violence or loud/disturbing noises from any person or device will be permitted.
- All-terrain vehicles except class one pedal assist bicycles are prohibited in the watershed. A class one pedal assist bicycle is defined as a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.

### **Hunting Rules and Regulations**

- You must carry your Town issued permit with you at all times.
- No hunting on Sundays.
- Hunting access is limited to deer and turkey. Hunting of any other wildlife species is prohibited.
- Hunting is only be permitted from the first day of deer season until the end of deer season. Hunting will then only be permitted from the first day of spring wild turkey season until the end of spring wild turkey season. This is typically early September until early February for deer (this includes fall and winter wild turkey seasons) and then mid-April until late May for spring turkey season. The dates/days will be based on DNR's approved schedule, which comes out annually.
- No hunting within 150 feet of the established safety zones, as shown on the Town's watershed map located on the back of the permit.
- Only residents of Emmitsburg with a 21727 (verified by Maryland State ID) address can hunt on the watershed.
- Use of hunting dogs to chase/hunt deer or turkey is prohibited.
- Trapping is prohibited.
- Portable tree stands and climbing devices that do not use nails, wires, spikes, bolts or screws for attachments are permitted.
- Permanent tree stands are prohibited. It is not permissible to use nails, wires, spikes, bolts, screws or screw in steps with tree stands or any other method that could have a negative impact on the tree.
- All tree stands must be registered with the town on the hunting permit. Tree stands are only allowed to be put up two weeks prior to the start of deer season and must be removed no later than two weeks after spring turkey season has ended.
- The owner's name and DNR ID must be on the stand and legible from the ground by unaided vision.
- Town staff shall confiscate any tree stand in violation and the violator may have his/her permit revoked.

### **Fishing Rules and Regulations**

- You must carry your Town issued permit with you at all times.
- A Town permit to fish is required for anyone over the age of 16. Minors under the age of 16 must be accompanied by a person at least 18 years of age who holds a valid Town permit.
- A valid Maryland fishing license is required to fish at Rainbow Lake.
- Fishing permits must be renewed annually and expire on the date of your Maryland fishing license expires.
- Fishing is permitted only at Rainbow Lake. All other reservoirs or ponds in the Town's watershed property are off limits.
- Please refrain from walking, standing or throwing the rip rap rocks located around the lake basin.

**Non-hunting/fishing users**

- During approved hunting days (deer and turkey season), non-hunting users may access the property on Sundays only. Outside of these timeframes, the Town of Emmitsburg watershed is open seven days a week for:
  - Hiking
  - Mountain biking
  - Horseback riding
  - Nature photography
  - Bird watching
  - Athletic activities
  - Picnicking
- Hiking and mountain biking are allowed on designated trails only. Trails must not be used if they are wet or muddy to protect the watershed from erosion.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this policy shall take effect this 5th day of April 2021.

PASSED this 5<sup>th</sup> day of April 2021.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

\_\_\_\_\_APPROVED \_\_\_\_\_VETOED

this 5th day of April 2021.

\_\_\_\_\_  
Donald N. Briggs, Mayor

- AGENDA ITEM# 7.** Any developer who, after January 11, 2021, seeks to develop land for residential purposes within the Town of Emmitsburg shall be required to provide parkland or pay a fee in-lieu. The Board shall determine if public or private parkland is to be provided or the developer pay a fee in-lieu for the following property: **Emmit Ridge 2 along Irishtown Road. The developer is requesting to pay the fee in-lieu of parkland improvements for 49 single-family dwellings, which totals \$58,800:** Presentation at meeting by town staff and D.R. Horton.

**M. SET AGENDA FOR NEXT VIRTUAL MEETING: APRIL 19, 2021 AT 7:30 PM**

1. For discussion, the location of pump station for Emmitsburg East Industrial Park on the Town of Emmitsburg WWTP property and discussion of additional requirements of such pump.

**SET AGENDA FOR NEXT VIRTUAL MEETING: MAY 3, 2021 AT 7:30 PM**

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

***Administrative Business:***

- A.
- B.
- C.