

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

Office: 301-600-6300 • Fax: 301-600-6313

www.emmitsburgmd.gov

TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, JULY 10, 2023

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **FUTURE MEETINGS**

Citizen's Advisory Committee Meeting: Tuesday, July 18, 2023 at 7:30 p.m. (Town Office)

Planning Commission Meeting: Monday, July 31, 2023 at 7:00 p.m. (Town Office & Zoom)

Board of Commissioners Meeting: Monday, August 21, 2023 at 7:00 p.m. (Town Office & Zoom)

Parks Community Meeting: Tuesday, August 22, 2023 at 7:30 p.m. (Town Office)

MEETING ITEMS

- A. APPROVE MINUTES: June 5, 2023
- B. POLICE REPORT
- C. TOWN MANAGER'S REPORT
- D. TOWN PLANNER'S REPORT
- E. COMMISSIONER COMMENTS
- F. MAYOR'S COMMENTS
- G. PUBLIC COMMENTS
- H. ADMINSTRATIVE BUSINESS
 1. Presentation of daycare options.
 2. For consideration, Proclamation honoring Cliff Sweeney for his contributions to the Lions Club and the Town of Emmitsburg.
- I. CONSENT AGENDA
 1. Filing of the 2022 Planning Commission Report.
- J. TREASUERER'S REPORT
- K. PLANNING COMMISSION REPORT
- L. AGENDA ITEMS (DETAILS ATTACHED)
 1. Discussion of the FY 2024 budget and the allocations of salaries.
 2. Approval of Federal Stone's public works agreement and authorize to sign the agreement on behalf of Town for consideration.
 3. Approval of Silo Hill Plaza's public works agreement and authorize Mayor to sign agreement on behalf of for consideration.
 4. Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg

Charter, these rules of procedures are adopted as a guide to assist Commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings.

5. Approval of Resolution 202305R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration.
6. Approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade for consideration.
- ~~7. For consideration, approval or ordinance 23-08, update to Chapter 17.42 Floodplain Management to ensure compliance with federal regulations regarding floodplain management in the Town Code.~~

M. SET AGENDA FOR NEXT MEETING: August 21, 2023

4. **SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**
5. **ADJOURN**

Zoom Link:

Hi there, ★

You are invited to a Zoom meeting.

When: Jul 10, 2023 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZUscumrrz4vGdzf9FUS txEgZ3C6B_h5Cvmp

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

**APPROVE MINUTES
MINUTES
TOWN MEETING
JUNE 5, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

draft

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Bartholow; Deputy Thomas; Timothy O'Donnell, President, absent with prior approval.

I. Call to Order

A quorum being present, Commissioner Joseph Ritz III, Vice President of the Board of Commissioners, called the June 5, 2023 Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Sweeney motioned to accept the May 1, 2023 and May 15, 2023 Town meeting minutes as presented; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was accepted.

Police Report:

Deputy Bartholow presented the police report from May (exhibit attached). Deputy Bartholow introduced Deputy Thomas who is temporary replacing Deputy Honaker who is on FMLA.

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted at the time of the report, Rainbow Lake was 16.6 feet at the spillway level. She noted that the Town produced an average of 259,555 GPD and consumed an average of 272,150 GPD. The percentage of backwash in the month of April was (14.03%). Ms. Willets added for Wastewater the Town treated an average of 432,733 GPD and consumed an average of 272,150 GPD which means that (37.11%) of the Wastewater treated this month was "wild water". Ms. Willets noted that Town staff completed hydrant flushing in the month of April without any complaints of discolored water. Staff assisted with contractors to repair a large leak on the Mount St. Mary's main waterline on Annandale Road where there was an estimated loss of 945,000.

Grant Administrative Report:

Ms. Shaw, Grant Administrative, presented the Grants Administrative Report (exhibit in the agenda packet). She briefly noted the grants as for the month of May and highlighted the Community Development Block Grant (CDBG) that will be presented later.

Town Planners Report:

Najila Ahsan, Town Planner presented the Planner's Report from April 2023 (exhibit in agenda packet). Ms. Ahsan highlighted that she processed seven zoning permits, one yard back yard

chicken permit, and eleven Cross Connection permits. She noted that there are development updates with Federal Stone, Village Liquors and Plaza Inn, and MSM “E” Wing.

Commissioner Comments:

Commissioner Amy Boehman-Pollitt: She announced that summer activities are beginning.

Commissioner Davis: He thanked Town staff, since receiving positive feedback for the tree trimming and the new flower bed design at the Town square. He thanked Mr. Deatherage for helping with the Community Garden and mentioned how it looks great. He also noted that the baseball fields will be busy for the next few weeks with tournaments.

Commissioner Sweeney: He also mentioned that there was a baseball tournament this past weekend and will be again for the next few weeks. He asked to watch for children crossing the roads as the parks will be very busy. He announced that he will be stepping down as the President from the Lions Club. He noted that the concession stand will be opening at the Town pool next weekend.

Mayor’s Comments:

Mayor Briggs attended numerous meetings in May 2023. Mayor Briggs thanked Commissioner Ritz III for his service. He asked the County Commissioner Mason Carter to speak on his behalf. Frederick County Commissioner Carter expressed how he came to the meeting tonight to see how the Town functions and see where he can help if needed. He also told the Board that he is just a call away if anyone needs anything. Mayor Briggs thanked Commissioner Sweeney for everything he has done for the Community with the Lions Club. He also announced all upcoming events, Farmer’s Market and how the pool is doing great and mentioned Heritage Day.

Public Comments:

Valerie Turnquist, Emmitsburg MD – She announced the resources that she found online and asked that the Town staff to post these findings on the Town Website. Ms. Willets explained that the Town does have resources on the Website and there is a Bay Restoration form that residents can complete. She also noted that residents can call in and speak with Reese for additional information related to their water/sewer trash bill.

Eric Sloane, Emmitsburg MD – He has concerns about the water supply for the Town and wants to know if there is a back up plan in case there is a water shortage. He also voiced concerns regarding the compacity of the sewer plant and if the Town is thinking of the future. Mayor Briggs asked Ms. Willets what the compacity of the plant was and Ms. Willets noted that it is at 60% to 70%. She also said that it is built for the future and designed to hold a larger compacity.

Administrative Business: NONE

Consent Agenda:

Motion: Commissioner Davis motioned to approve all Consent Agenda items listed below.
Approval of free pool day on Community Heritage Day 2023.

Appointment of Patricia Galloway as an alternative to the Planning Commission with a term of 06/05/2023 to 03/01/2023.

Reappoint Tricia Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025.

Reappoint Will Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025;

second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was approved.

Treasurer’s Report:

Commissioner Sweeney presented the Treasurer’s Report for April 2023 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on May 22nd and noted they reviewed the comprehensive plan and suggested that if anyone is interested to please come to the meeting.

II. Agenda Items

Agenda #1 – For consideration, approval of engineering improvement plan and design bid for North Seton Ave. waterline and Green Street project. Ms. Shaw presented the agenda item (exhibit in agenda packet). Ms. Shaw briefly explained the timeline of the North Seton Avenue Waterline Replacement and Green Street Upgrade Engineering. She noted the project funding, which was a total estimated cost of \$1,145,552.

Motion: Commissioner Sweeney motioned to approve the approval of Fox and Associates, Inc. for the engineering improvement plan and design bid for North Seton Ave. Waterline and Green Street project for a price of \$251,056.00; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was adopted.

Agenda #2 – Community Development Block Grant (CDBG) public hearing for the purpose of seeking public input on: local community development, economic development, housing needs, proposed (CDBG) project activity - DePaul Street waterline replacement, and other community needs as-needed. Commissioner Ritz III called the public hearing to order at 7:42 p.m. Ms. Shaw explained the hearing was advertised in English and Spanish in the Frederick News Post on May 23, 2023. A map showing the location of the DePaul Street Waterline Replacement project was displayed. The proposed project would replace approximately 1,850 linear feet of the DePaul Street Waterline, which is severely tuberculated and causing discolored water, emergency waterline repairs and reduced pressure. The total cost of the project is \$1,120,000 of which the Town is requesting \$552,500 in Community Development Block Grant (CDBG) funds. The remainder of the project would be funded via a state loan and grant. If approved, the project would start with an Environmental Review in August/September 2023 followed by a request for proposal and project construction occurring between January 2024 and September 2024. Currently Fox and Associates Inc. is working on the design. A summary of community

development, economic development, housing needs and other community needs was given by Ms. Shaw.

Public Comment (NONE)

Motion: Commissioner Sweeney motioned to close the public hearing at 7:50 p.m.; seconded by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was approved.

Agenda #3 – Approval of Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration. Ms. Shaw presented Resolution 23-03R and explained that this is required for the application and noted the amount of \$552,500.00. *Motion:* Commissioner Boehman-Pollitt motioned to approve the Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was adopted.

Agenda #4 – Review of Stormwater Utility Fee and moratorium for consideration. Ms. Willets presented the agenda item (exhibit in the agenda packet). She explained briefly that this Resolution is a one-year moratorium and on the implementation of the stormwater utility fee. The fee will now take effect on July 1, 2024 and be reflected on the September 2024 billing cycle. Ms. Willets noted this can be brought back as an agenda item next year in March or April being this will be looked into during the FY25 budget.

Motion: Commissioner Sweeney motioned to approve the Resolution 23-04R the Stormwater Utility fee moratorium; second by Commissioner Boehman-Pollitt. Yeas - 4; Nays - 0; Absent – O’Donnell. The motion was adopted.

Agenda #5 – Presentation and review of FY24 Town of Emmitsburg budget for consideration. Mr. Tabler noted that with the vote that occurred with the one-year moratorium he handed the board a supplement of numbers that are updated in their FY24 budget binder. He briefly explained how he has received great questions from a few of the Commissioners that reached out.

Commissioner Boehman-Pollitt asked questions regarding what the revenues would be for FY2024 compared to this year with the water rate increase, how much is being charged directly to the water fund of those not directly working inside the water plant, and raised concerns on where employees use their time for timesheets.

Mr. Tabler referred to the FY24 budget binder and showed the estimated revenue for FY2024. Ms. Willets explained that the entire office staff, excluding the Town Planner and Parking Enforcement Officer, of those staff members who perform duties related to water, will allocate a certain percentage of their time to the water fund. Mr. Tabler added that he knows employees are diligent regarding where they are allocating their time properly. He referred to himself as being the Town Accountant, that his time has a percentage that is allocated to the water and sewer fund which has been historically done and is a general accounting principle.

Commissioner Boehman-Pollitt raised concerns of how the Town allocates employees time that are not directly working at the water and sewer plant. She said Walkersville does not charge salary in the water and sewer fund to those that are not directly working with water. Commissioner Boehman-Pollitt said that at Walkersville, the other employees are being drawn from the general fund. Commissioner Boehman-Pollitt does not agree that the postage stamps, water bills, and mowing at the water and sewer plant should not be coming out of the water fund.

Ms. Willets noted that if staff did not properly allocate employees' time to the water and sewer fund, that the Town would not show a self-sustaining water or sewer department. She explained it would show an inaccurate representation of the money spent in the water fund.

Mayor Briggs explained that this not a new policy and that this has been a continuity for over twenty years. He also mentioned that it is important for the people to know that the Town has continuity and know what the Town is doing.

Commissioner Sweeney used an analogy to the board, if you take money from that pot where will you get the money from when that money goes dry and explained that is why the Town allocates money. Commissioner Sweeney also mentioned how the Town was broke and the Town had to borrow money from the bank to pay the employees and that is how the Town came to allocate money to other funds. He also noted that when Madeline Shaw applies for grants, the Town must show where that is coming from.

Commissioner Davis agrees that the Town should look into this further if other Municipalities are doing this and it works. He had concerns because he knows there are other Towns struggling that do the same as the Town of Emmitsburg. Commissioner Davis suggested maybe the Town needs to tighten the budget, and asked to make sure that it is legal to take from the general.

Commissioner Davis asked the board and staff if this was approved tonight, would there be a way in the future to transfer the funds to the general for salaries?

Ms. Willets and Mr. Tabler both agreed that the board can approve modifying the budget and that they can have the information needed for the July meeting.

Mayor Briggs spoke briefly and explained how the Town used to take money from the general fund and that is how the Town lost money. He said that employees should allocate their time where they are working and that is how the Town makes money.

Motion: Commissioner Sweeney motioned to accept the FY24 Budget; second by Commissioner Davis. Yeas 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Agenda #6 – For consideration, approval of Ordinance 23-07, update to Chapter 2.50.30 salary structure for FY24. Ms. Willets presented the following agenda item (exhibit in agenda packet). Ms. Willets presented the agenda item and noted the change in the ordinance.

Motion: Commissioner Davis motioned to accept the ordinance 23-07, update to Chapter 2.5.30 salary structure for FY24; seconded by Commissioner Sweeney. Yeas - 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Set Agenda Items for July 10, 2023 Town Meeting

Agenda Items: (1.) Discussion related to FY 2024 and the allocation of salaries. (2.) Approval of Federal Stone's public works agreement and authorize Mayor to sign the agreement of behalf of the Town for consideration. (3.) Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist Commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. (4.) Approval of Resolution 2023-05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. *Administrative Business:* (1.) Presentation of daycare options. *Consent Items:* (1.) Filing of the 2022 Planning Commission Report.
Motion: Commissioner Davis motioned to accept the July 10th Town meeting agenda as presented; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

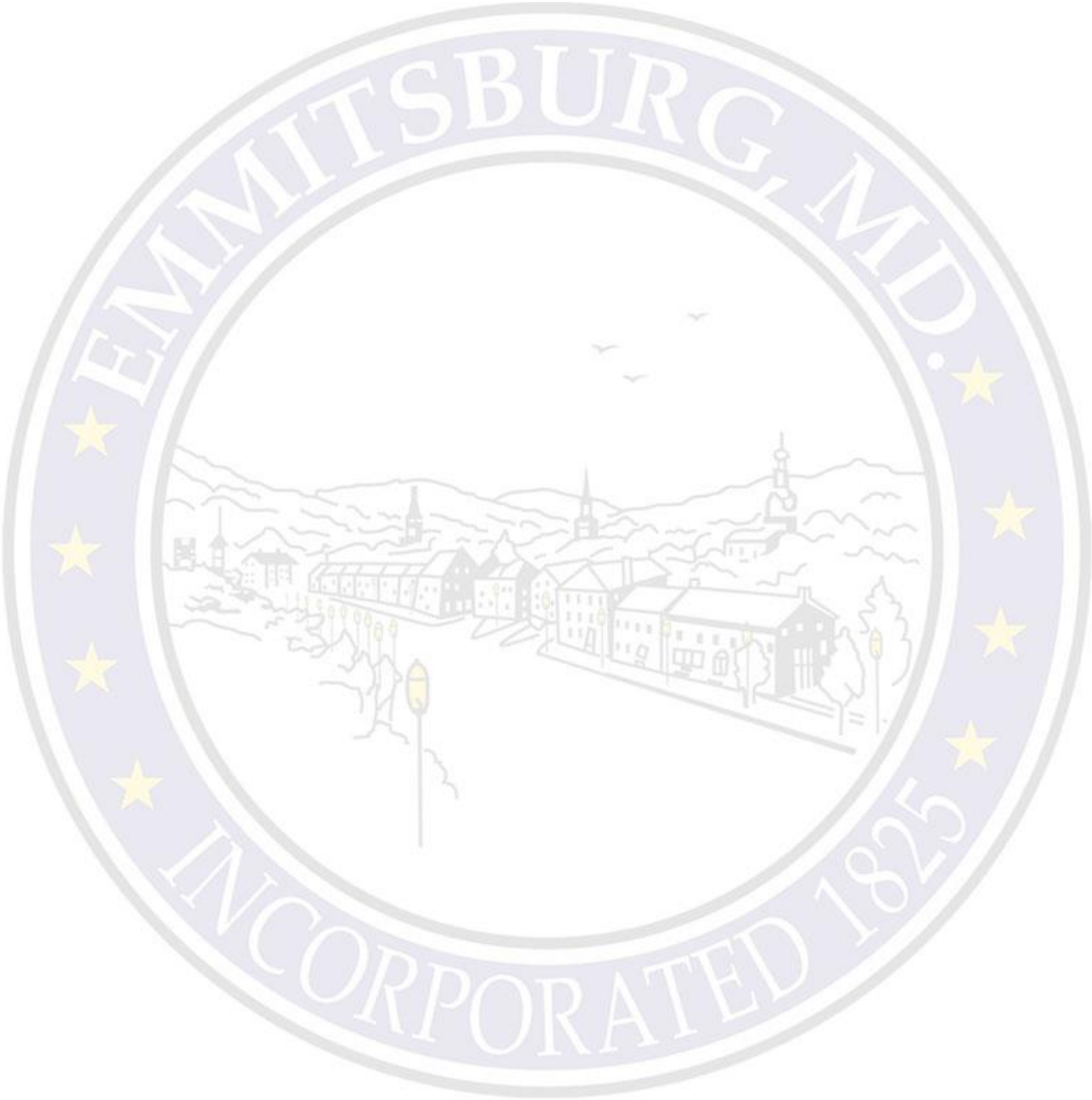
IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the June 5, 2023 Town meeting at 9:29 p.m.; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:

A. POLICE REPORT



B. TOWN MANAGER'S REPORT

Town Manager's Report

May 2023

Prepared by Cathy Willets

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired streetlights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff assisted with collecting parking meter money.
- Contractor repainted white and yellow lines on some streets around Town.
- Contractor dug out old plants from flowers beds around the square, installed mulch and planted new flowers.
- Staff weed ate tree wells on East and West Main St.
- Staff weed killed sidewalks and curbs on East & West Main St. and South Seton Ave.
- Staff weed ate and weed killed around guardrails on Creamery Rd., end of DePaul St. and end of Welty Ave.
- Staff put Flags on street light poles on East & West Main St. and South Seton Ave.
- Contractor trimmed trees on East & West Main St.
- Staff responded to vehicle accident on East Main St. Removed streetlight so the patient could be removed from vehicle. Staff cleaned up the area. (Damage to flower bed, curb and wayside exhibit)

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, weed killed in parks.
- Staff removed the old chair lift at pool and installed new one.
- Staff repaired netting on concession stand at ballfield #7 in Memorial Park.
- Staff weed ate, pulled weeds, and weed killed playground equipment in Silo Hill, Emmit Gardens and Memorial Parks.
- Staff installed a new board fence along the Southgate side of ballfield #3 parking lot.
- Staff weed ate/weed killed mile a minute weed by mile maker. 3 along the Community Park walking trail.
- Staff put new boards and sand in the horseshoe pits by the Community Park pavilion.
- Contractor ran new conduit for concession stand in Community Park.
- Contractor removed and trimmed some trees in Memorial Park.
- Staff put mulch around Emmit Gardens playground equipment.
- Staff repaired hose bib at ballfield #3 concession stand in Memorial Park.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day. The DE filters are getting two week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>May</u>	<u>Change</u>
○ Well #1:	35'	32'	3'
○ Well #2:	8'	9'	-1'
○ Well #3:	12'	24'	-12'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 242,944 GPD. We consumed an average of 257,354 GPD (finish water + MSM). The amount of Backwash Water in the month of May is ... (15.5%).
 - 39.03% of this water came from wells.
 - 5.32% of this water came from Mt. St. Mary's.
 - 55.65% of this water came from Rainbow Lake.

We purchased 476,950 gallons of water from MSM this month.

Wastewater:

- We treated an average of 323,146 gpd (consumed 257,354 GPD) which means that 20.36% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of May.
- We did exceed the plant's design capacity three (3) times time in the month of May.
 - 1,089,000gpd 05/01 791,000gpd 05/02 818,000gpd 05/13
- We received about 0.7" of precipitation this month (the average is 4.34"). We have a precipitation **DEFICIT of 1.37"** over the last six months. The average precipitation for the period from December through May is 21.51". We have received 20.14" for that period.

Trash: Trash pickup will remain on Mondays in the month of July.

Meetings Attended:

- 05/01 Met with the Mayor
- 05/01 Attended the Town Meeting
- 05/02 Attended meeting with staff re: FY24 budget presentation
- 05/11 Met with Mayor
- 05/12 Met with Mayor
- 05/15 Met with Mayor
- 05/15 Reviewed DePaul St. waterline bids with staff
- 05/15 Attended the Town Meeting
- 05/18 Attended Department Head Meeting

- 05/18 Met with Mayor
- 05/30 Conference Call with staff, Town Attorney, and Planning Consultant re: floating zone
- 05/30 Attended Support Staff Meeting

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in May.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- LG Sonic is in the lake and communicating well with the Netherlands. MDE is scheduling a visit as they are doing a study on algae blooms.
- Staff replaced rougher valve at WTP, changed PAC pump setting so using less PAC, and replaced faulty recirculating pump relay.
- Staff received approval from the State for our consumer confidence report.
- Staff continue to work on the lead and copper service line inventory as required by MDE.
- Warren scheduled to take weeklong course for his required water license.
- Experiencing problems at WWTP with the centrifuge grinder. Getting quotes for a rebuild.
- Staff got the phosphax analyzer from HACH hooked up and working.
- Staff working on Denite D.O. project. Had to clean two denite filters and replace an airlift.
- Staff unclogged sewer lines from MH#18 to MH#22 on West Lincoln Ave.
- Staff installed new bulletin board at 22 East Main St.
- Staff worked with contractor to install new service line at 101-103 West Main St.
- Staff tore down and removed old shed at 8533 Hampton Valley Rd.
- Staff hung 34 water shut off fliers and only had three water shut off's for non-payment.

PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

June 2023

<i>Overtime Parking</i>	11			
<i>Restricted Parking Zone</i>	1			
<i>Parked in Crosswalk</i>				
<i>Parked on Sidewalk/Curb</i>				
<i>Parked by Fire Hydrant</i>				
<i>Parked Blocking Street</i>				
<i>Parked Blocking Driveway</i>				
<i>Failure to Park between Lines</i>	1			
<i>Left Side Parking</i>				
<i>Parked in Handicapped Space</i>				
<i>48 Consecutive Hours</i>	1			
<i>Total Tickets – Warnings - Dismissed</i>	13	3	1	
<i>Meter Money</i>	\$1564.10			
<i>Meter Reservations</i>	Daily Reservations: 0		Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	1M: 1	3M: 6	6M: 1	1Y: 0
<i>Parking Permits Money</i>	\$470			
<i>Violation Cost</i>	\$105			
<i>Late Fees Assessed</i>	\$15			
<i>Payment Received</i>	\$0			
<i>Dues Forward</i>	\$110			
<i>Totals Jun:</i>	<i>Made</i> \$2034.10		<i>Due</i> \$110	
<i>Totals 2023</i>	<i>Violations Paid</i> \$2645	<i>Outstanding Bal.</i> \$1580	<i>Meter Money</i> \$7520.65	<i>Permit Revenue</i> \$1754

*All information accurate as of Jun 30th includes violations starting May 31st Meter Money was pulled and counted Jun 29th to Jun 30th.

GRANT ADMINISTRATOR REPORT

As of June 30, 2023

Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS/PROJECTS (21 TOTAL)

#22-1, USDA New Public Works Equipment for \$168,900 (match of \$128,500)

- For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, WWTP SCADA.
- Status – Backhoe, multi-use tractor, and 4x4 truck delivered. SCADA 98% completed. Waiting on the backorder of two interfaces. Once all invoices are received final report will be submitted.

#22-6, POS New Bathroom/Concession Stand for \$147,980 (\$89,000 match)

#22-7, LPPI New Bathroom/Concession Stand for \$62,290 (no match)

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Electrical conduit installed in May. RFP for owners project manager due July 21. Town staff are planning to bring bid to Board for approval at the August town meeting. Need to order pre-fabricated building after project manager hired.

USDA Creamery Road Pump Station Replacement \$1,862,300 grant, \$1,987,000 loan, \$1,395,000 Town

- For replacement of Creamery Road Pump Station will new sewage pump station.
- Status – Continuing to submit monthly USDA reports. Scheduled to start construction end of August.

Maryland Dept. of General Services, Water Treatment Plant Clarifier \$1,000,000 bond

- Status – Assisting with management of this project starting April 25, 2023.

#23-2, TRIPP Emmitsburg Advertising for \$2,963 (\$1,481 match)

- For advertising Emmitsburg in Celebrate Gettysburg, Visit Frederick and Montgomery Magazine.
- Status – ads have all been placed and project is complete. I will submit final grant report in July.

#23-3, DHCD Community Legacy Façade Improvements FY2023 for \$50,000

- Provide property owners in sustainable community's district with 50/50 funds to fix-up property
- Status – Waiting on property owners to finish work, then submit for reimbursement.

#23-5, POS Rainbow Lake Parking Lot for \$70,000 (\$37,500 match)

#23-13, LPPI Rainbow Lake Parking Lot for \$44,500

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake.
- Status – State approved Feb. 15. Engineer signed contract for design May 24. Project to go to bid for construction in December 2023.

#23-6, POS Community Park Cornhole for \$6,000 (\$2,00 match)

- For installing two pairs of permanent concrete cornhole boards in Community Park.
- Status – State approved on Jan. 25. Cornhole boards ordered April 18. There is a 16 week lead time with production/shipping. Planning to install mid-August once they arrive.

#23-7, POS Outdoor Storybook Trail for \$8,250 (\$2,750 match)

- For installation of 20 single pedestal exhibits that would display exchangeable storybook pages.
- Status – State approved on Jan. 25. Equipment ordered Mar. 13. Panels installed end of June. Ribbon cutting scheduled for July 6th.

#23-8, MEA Streetlight & Outdoor Lighting Efficiency Pilot for \$27,500 (15% of total project match)

#23-10, USDA Downtown Streetlight Replacement for \$75,000

#23-11, USDA Downtown Streetlight Replacement for \$50,000

#23-17, DHCD Operating Assistance Grant – Main Street Improvement Grant for \$10,000

- Replace 102 streetlights along Main Street / Seton Avenue with new LED dimmable cutoff lights.
- Status – RFP advertised for the purchase of streetlights, due July 14. Town staff are planning to bring bid to Board for approval at the August town meeting. Installation RFP to be advertised the end of July and brought to the Board in September.

#23-12, DHCD Business District and Neighborhood Safety Grant for \$85,000 (no match)

1. Purchase two portable radar speed trailers and two surveillance cameras for town square.
2. Status – Speed trailers delivered, cameras installed. Public Works staff need training on trailer usage then project is complete.

#23-14, LPPI Community Park Pavilion Improvements for \$30,500

- For new pavilion roof, repair rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – currently collecting three estimates for work, need to order tables.

#23-15, LPPI Memorial Park Pavilion Improvements for \$22,000

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 11 picnic tables.
- Status – work scheduled with contractor, need to order tables.

#23-16, LPPI Baseball Field Bat/Helmet Racks for \$3,000

- To purchase bat/helmet racks for remaining three ballfield dugouts (fields #5, #4 and #2).
- Status – Bat/helmet racks ordered on March 31. Arrived in May and now need installed by DPW.

#23-20, FCTC Main Street Cooperative Fund for \$10,000

- To help purchase new Welcome to Emmitsburg signs.
- Status – waiting to finish obtaining estimates for signs to determine if additional funding needed.

#24-1, FY24 TRIPP Advertising Grant for \$3,335

- To advertise Emmitsburg as a tourism destination in two annual print publications (Destination Gettysburg and Visit Frederick guide).
- Status – waiting until January 2024 to run the ad.

NEWLY AWARDED:

MWIFA Drinking Water Revolving Loan and/or Water Supply Grant for \$2,255,552 submitted 01/31/22

1. North Seton Avenue waterline replacement \$1,145,552 (\$859,164 loan and \$286,388 grant).
2. DePaul Street waterline replacement \$1,110,000 (\$832,500 loan and \$277,500 grant).

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (8 TOTAL)

MWIFA Emmitsburg Transmission Main Replacement, submitted 01/31/2023

1. To replace 10-inch mountain main into Town with 16-inch to improve water quality and fire flow. Cost of project is \$5,840,000.

Operating Assistance Grant – Main Street Improvement grant, submitted 04/28/2023

2. Town Square directional wayfinding signage, 4 total signs, \$10,000

Program Open Space FY24, submitted 05/05/2023

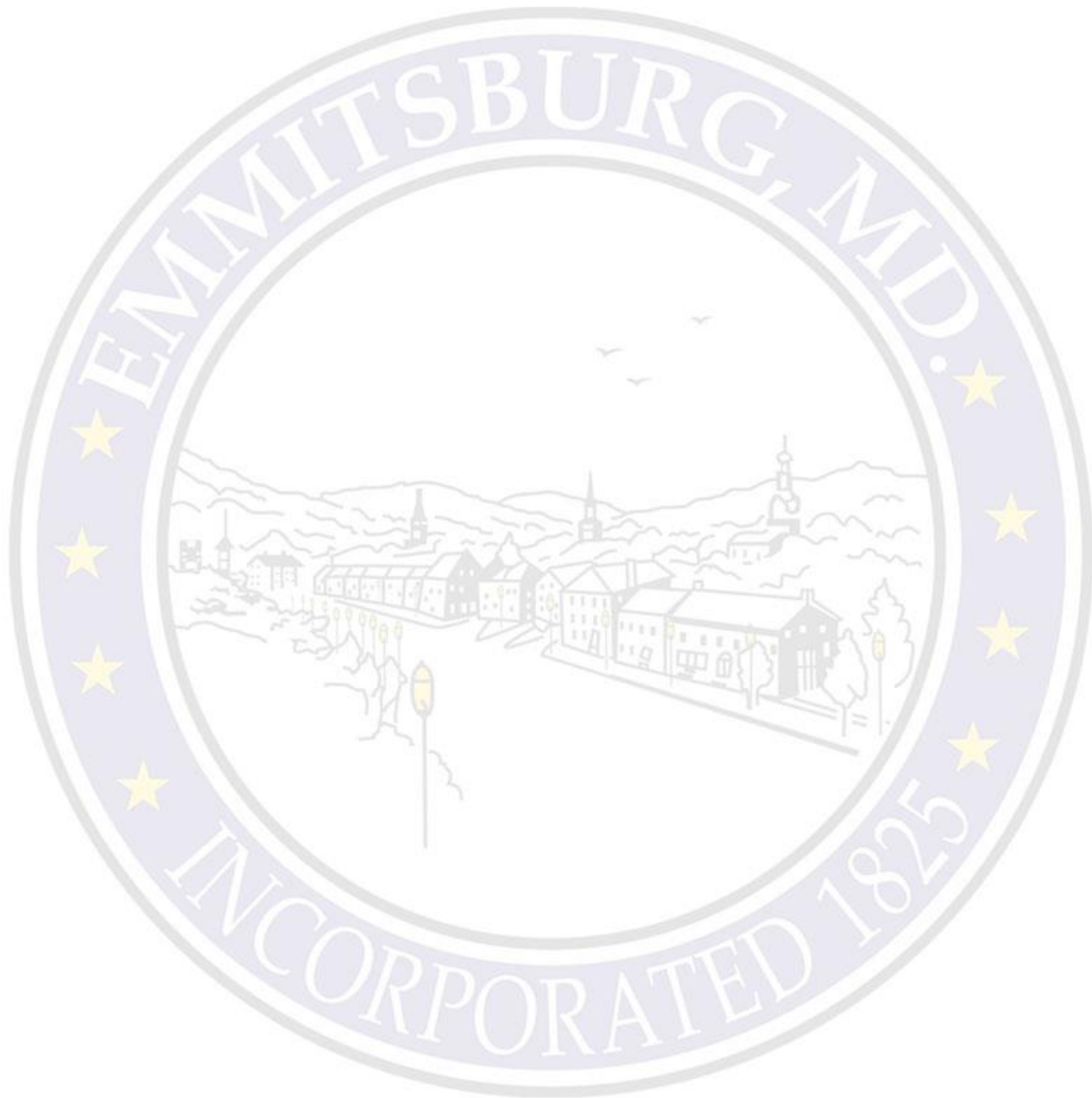
1. Rainbow Lake Trail Improvements, \$85,950 to update and redesign red trail
2. Myers Community Park Improvements, \$38,700 to construct two picnic shelters near playground
3. Memorial Park Improvements, \$111,600 to add ½ basketball court and more playground equip.

DHCD Community Development Block Grant, submitted 06/07/2023

1. To fund the construction of the DePaul Street Waterline Replacement project, requested \$552,500.

UPCOMING GRANTS (TO APPLY FOR)

1. **USDA Community Facility grant, rolling deadline first-come first-served**
 - To purchase replacement coin/credit card combo parking meters
2. **And other grants as funding is found/needed**



C. TOWN PLANNER'S REPORT



Memo

June 2023 Planner Report

Prepared by: Najila Ahsan

Code Enforcement & Permits

- Processed the following permit applications:
 - 6 Zoning
 - Garage; 5 Waycross Ct.
 - 4' Fence; 5 Waycross Ct.
 - Patio; 5 Waycross Ct.
 - 4' Fence; 17480 Irishtown Rd.
 - Use & Occupancy; Chesterton Academy; 47 DePaul St.
 - Flyer/Signs; 1012 Flat Run Ct.
 - 1 Street Closure
 - UGI
 - July 10- 14, 2023: "North Alley" between N Seton Ave and Federal Ave
 - 3 Cross Connection
 - High hazard
 - a. 121-123 W. Main St.
 - Low hazard
 - a. 455 Timbermill Run
 - b. 343 E Main St.
 - Cross Connection Renewal Notification (High Hazard)
 - 18- Daughters of Charity; 333 S Seton Ave.
 - 01- Emmitsburg Car Was; 107 S. Seton Ave
 - 01- Emmitsburg Osteopathic Primary Care; 121-123 W Main St.
 - 02- Mother Seton School; 100 Creamery Rd.
 - 02- Seton Center Outreach; 225 E. Lincoln Ave.

Planning Commission (PC)

- June 27, 2023
 - Discussion:
 - 2022 Planning Commission Annual Report
 - Site Plan: Seton Shrine Museum Entrance
 - Text Amendment: Economic Development Flex District (Floating Zone)
- Next Meeting: July 31, 2023

Development Updates

- Federal Stone
 - Public Works Agreement
 - Pending: Payment and Performance bonds
- Village Liquors & Plaza Inn
 - Public Works Agreement
 - Pending: Payment and Performance bonds
- Seton Shrine Museum Entrance at Daughters of Charity Ministries
 - Site Plan conditionally approved on June 27, 2023

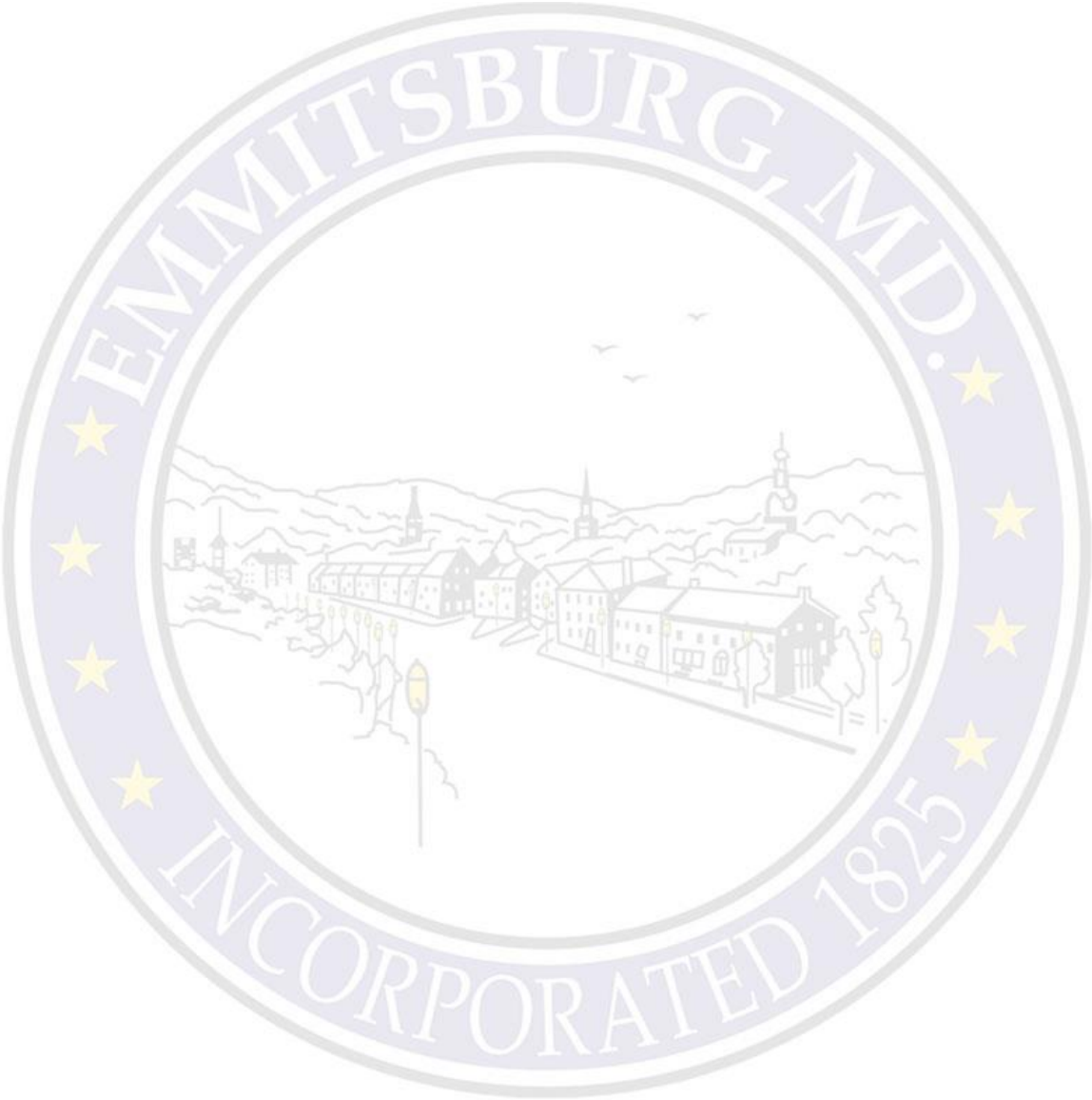
Text Amendment

- “Economic Development Flex District (EDFD), Floating Zone”
 - Staff Meeting: June 12, 2023
 - Meeting with Applicant: June 13, 2023
 - Pending: Finalize text to incorporate Planning Commission recommendations
 - Pending: Public Hearing
- Floodplain Ordinance
 - Pending: Planning Commission Approval
 - Pending: Board of Commissioners Approval

Grants

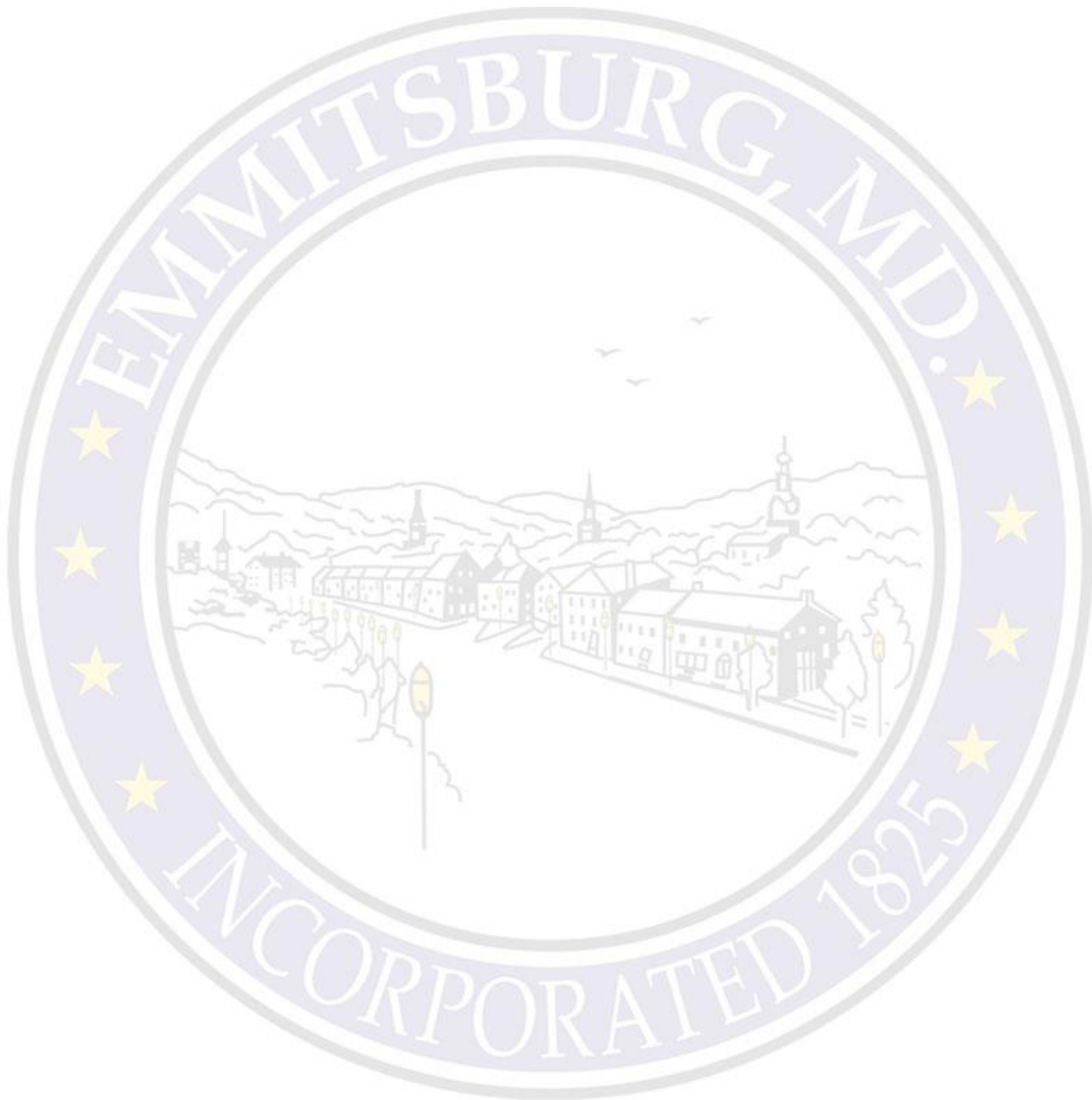
- Community Legacy Grant Application Submission: June 29, 2023
- IIJA - Silo Hill Basin Retrofit - Progress Report: to be submitted July 15, 2023

D. COMMISSIONERS COMMENTS

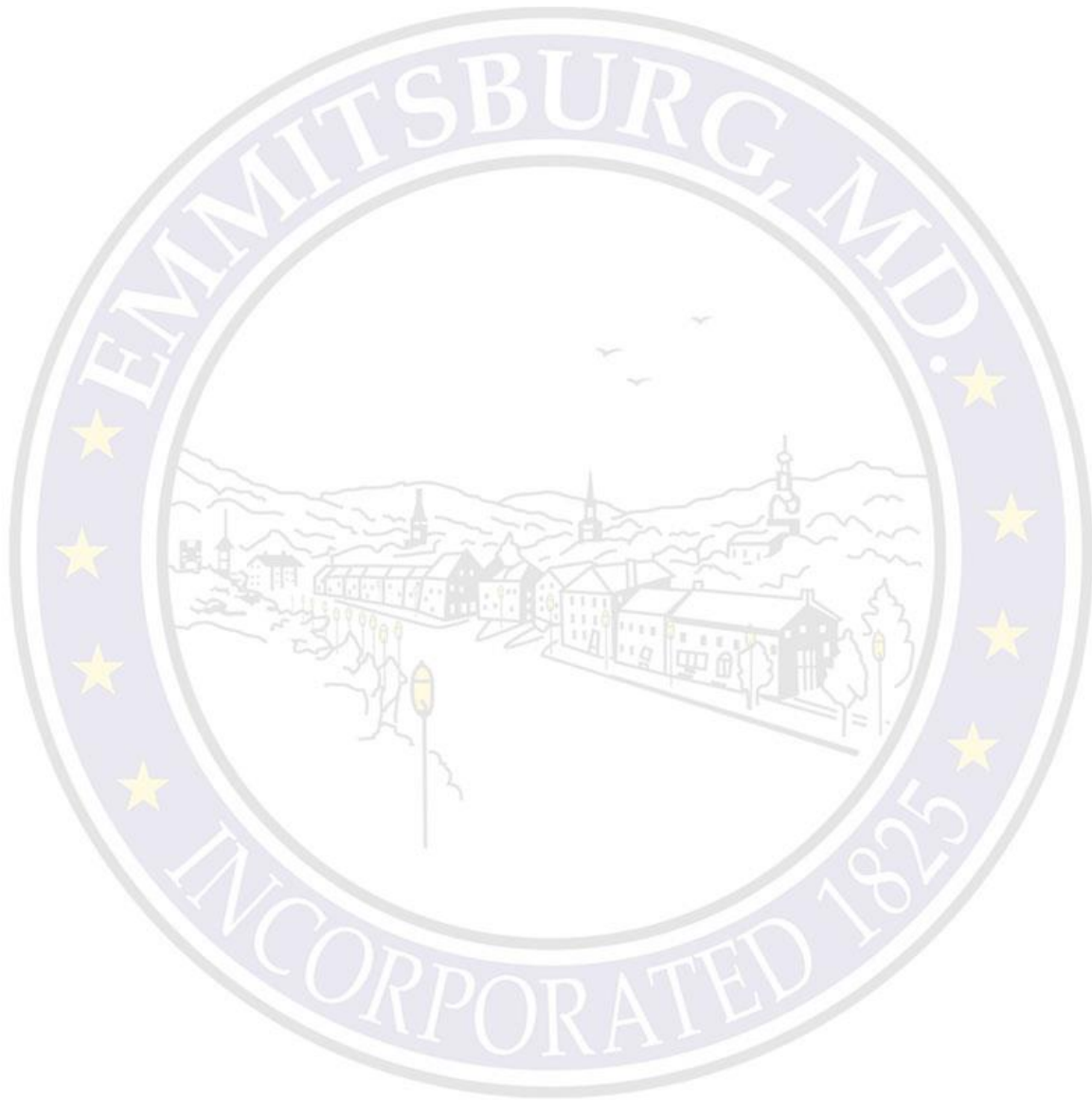


E. MAYORS COMMENTS

Presentation at the meeting.

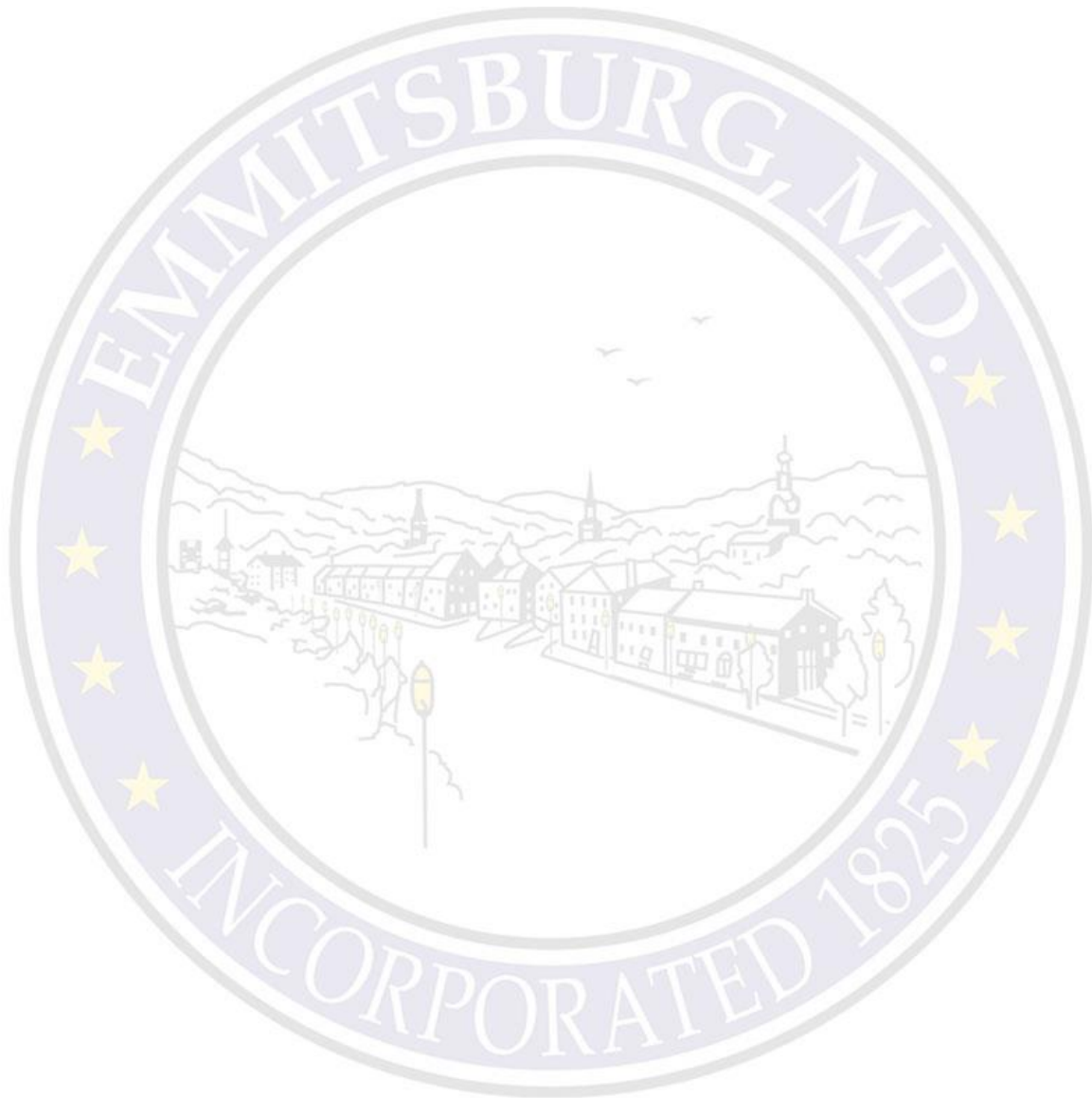


F. PUBLIC COMMENTS



G. ADMINSTRATIVE BUSINESS (NONE)

1. Presentation of daycare options.
2. For consideration, Proclamation honoring Cliff Sweeney for his contributions to the Lions Club and Town of Emmitsburg.





Proclamation
Let It Hereby Be Known

*on the occasion of this
recognition of services
this 10th day of July 2023 the*

Town of Emmitsburg

*hereby extends sincere gratitude
and heartfelt appreciation to*

Clifford Sweeney

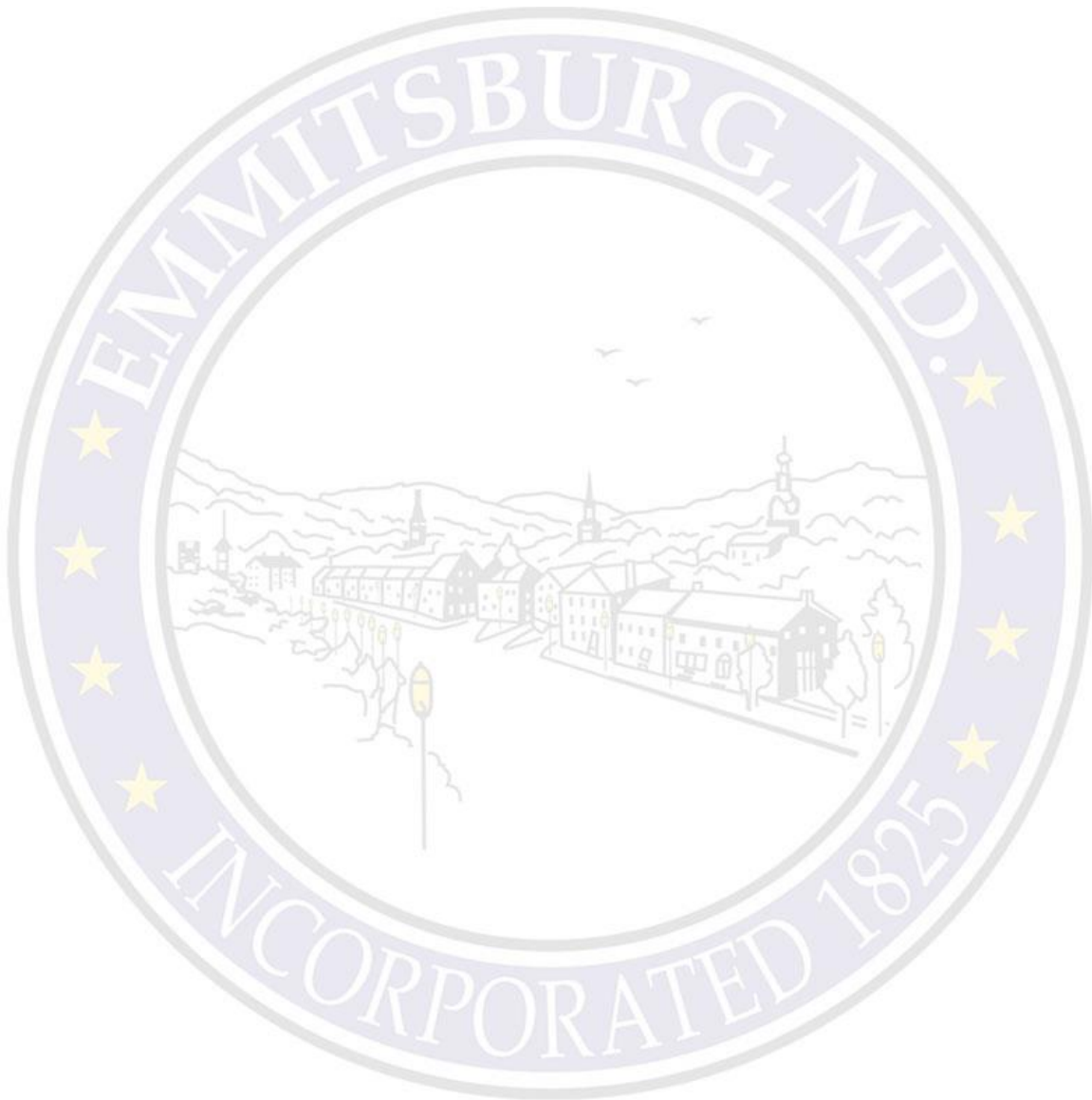
*for the services provided to the Lions Club as a member since
2008, and President from 2010 to 2023. It is hoped that Mr.
Sweeney will continue to be a presence and resource to the
Emmitsburg community for many years to come.*

Donald N. Briggs, Mayor
July 10, 2023

Timothy O'Donnell, President
Board of Commissioners
July 10, 2023

H. CONSENT AGENDA

1. Filing of the 2022 Planning Commission Report.



Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727
Office: 301-600-6300 • Fax: 301-600-6313
www.emmitsburgmd.gov

May 31, 2023

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

Re: Annual Report Calendar Year 2022

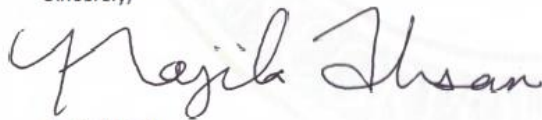
Dear Mr. Dahlstrom:

The Town of Emmitsburg Planning Commission approved the following annual report for the reporting year 2022 as required under [§1-207\(b\)](#) and [§1-208\(c\)\(1\)\(i\) and \(c\)\(3\)\(ii\)](#) of the Land Use Article on June 21, 2023. In addition, this report has been filed with the local legislative body on July 10, 2023.

All Planning Commission members have completed an educational training course as required.

The Town Planner, Najila Ahsan, is the Town's point of contact if there are any technical questions about the Annual Report.

Sincerely,



Najila Ahsan
Town Planner
nahsan@emmitsburgmd.gov
301-600-6309

Mayor Donald N. Briggs

Town Manager Cathy Willets

Town Clerk Sabrina King

Board of Commissioners Timothy O'Donnell, President • Joseph Ritz, III, Vice President • Clifford Sweeney • Frank Davis • Amy Boehman-Pollitt

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727
Office: 301-600-6300 • Fax: 301-600-6313
www.emmitsburgmd.gov

Annual Planning Commission Report Town of Emmitsburg

1. Number of new Residential Permits Issued inside and outside of the Priority Funding Area (PFA):

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

Residential – Calendar Year 2022	PFA	Non - PFA	Total
# New Residential Permits Issued	21	0	21

2. Is your jurisdiction scheduled to complete and submit to Planning a 5-Year Mid-Cycle comprehensive plan implementation review report this year? If yes, please submit the 5-Year Report as an attachment.
Y N

Completed in 2020.

Note: To find out if your jurisdiction is scheduled to submit this report, please consult the Transition Schedule section located at: <https://planning.maryland.gov/pages/OurWork/compPlans/ten-year.aspx>

3. Were there any growth-related changes, including land use changes, zoning ordinance changes, rezonings, new schools, changes in water or sewer service, or municipal annexations that changed municipal and unincorporated boundaries? If yes, please list the annexation resolution(s), describe or attach a map of the changes, and provide a description of consistency of internal, state or adjoining local jurisdiction plans.
Y N

Ord. No: 22-01: Amend paragraphs, 1, 3, and 5 of the 2015 ordinance adopting the Comprehensive Plan and Zoning Map to delete the B-1 Neighborhood Commercial zoning designation on Lots C and D as shown in the Final Plat of Section 1—Plat Parcels "C," "D" & "E" for the Brookfield Subdivision record in Plat Book No. 58, page 40, Property tax Map/Parcel No. 0031/0683 Parcels C and D as reflected in the Comprehensive Plan of 2015 and as shown on the zoning map adopted in 2015, and to rezone Parcels "C" and "D" as R-1, Low Density Residential.

4. Did your jurisdiction identify and/or implement any recommendations for improving the planning and development process within the jurisdiction? If yes, please describe. Y N
5. Are there any issues that MDP can assist you with in 2023? If yes, please describe. Y N
6. Have all members of the Planning (Commission/Board) and Board of Appeals completed an educational training course? Y N


Planning Commission Chair

6/27/2023
Date

Mayor Donald N. Briggs

Town Manager Cathy Willets

Town Clerk Sabrina King

Board of Commissioners Timothy O'Donnell, President • Joseph Ritz, III, Vice President • Clifford Sweeney • Frank Davis • Amy Boehman-Pollitt

I. TREASURER'S REPORT

**TOWN OF EMMITSBURG
 CASH ACTIVITY AS OF June 27, 2023**

\$8,731,340 **Cash Balance June 1, 2023**

46,574	Deposits
<u>-297,121</u>	Withdrawals
\$8,480,793	Operating Balance Forward

Check Amount	Vendor Name	Description	Check Date	Check Number
\$26,470	Hach Company	Chemscan Upgrade	06.07.23	45115
\$24,600	TFJ Excavating	Install Pipe at Water Plant	06.21.23	45180
\$22,472	MD Dept. of Budget & Mgmt	May 23 Health Insurance	05.31.23	45092
\$17,400	Dixie Electric	Concession Stand Project Grant #23-12	06.21.23	45169
\$15,894	Pine Hill Electronics	Business District Cameras Grant #23-12	05.31.23	45095
\$13,128	UGI Energy Services	Apr 23 Solar Field #1	06.07.23	45128
\$12,772	UGI Energy Services	Apr 23 Solar Field #2	06.07.23	45128
\$12,486	Patricia Galloway	Comm. Legacy. Galloway. 317 West Main St.	06.07.23	45120
\$11,308	RSV Pools	Jul 23 Swimming Pool Mgmt	06.07.23	45125
\$9,900	TFJ Exavating	Field Drain for Park	06.14.23	45157

J. PLANNING COMMISSION REPORT

Presentation at the Town meeting.

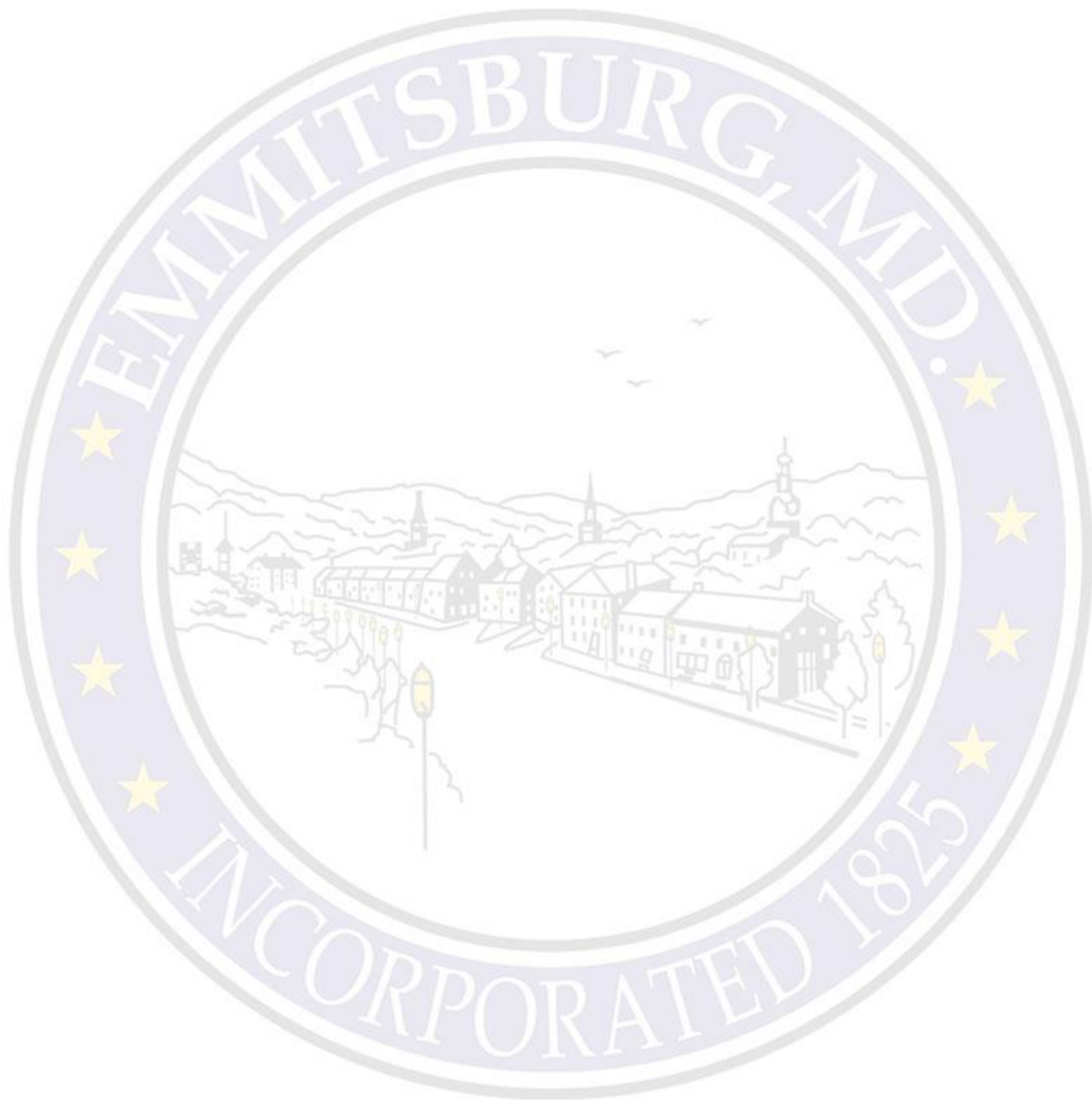
K. AGENDA ITEMS

AGENDA ITEM #1: Discussion of the FY 2024 budget and the allocation of salaries.

Presentation at the Town meeting.



AGENDA ITEM #2: Approval of Federal Stone's public works agreement and authorize to sign the agreement on behalf of Town for consideration.



Public Works and Improvements Agreement

WHEREAS, FS Creamery LLC (hereinafter “the APPLICANT”) represents that it is the legal owner or authorized representative of Owner of a certain real property within the municipality of the Town of Emmitsburg (“Town”), a body politic and corporate located in Frederick County, Maryland. The development is known or proposed to be known as Federal Stone Industries (hereinafter “DEVELOPMENT”) more specifically described in the Land Records of Frederick County as Lots 7 & 8 of Emmitsburg Industrial Park II.

WHEREAS, APPLICANT desires to develop the Property; and

WHEREAS, pursuant to the Town of Emmitsburg’s Code of Ordinances and policies, the APPLICANT is required to obtain certain approvals and authorizations from the various departments and agencies of the Town before any essential permits may be issued; and

WHEREAS, the Town is willing to grant the required approvals and/or authorizations required for the DEVELOPMENT, provided the APPLICANT first promises to perform certain obligations in accordance with the law, regulations, and policies of the Town, Frederick County, State of Maryland, and Federal laws as applicable and complies with such other conditions as are more fully set forth below.

NOW THEREFORE, in consideration of the foregoing and for such good and valuable consideration, the adequacy of and receipt of which is hereby acknowledged, and parties covenant and agree as follows:

1. TYPE OF DEVELOPMENT:

Facility for storing raw materials and manufacturing products associated with pool coping.

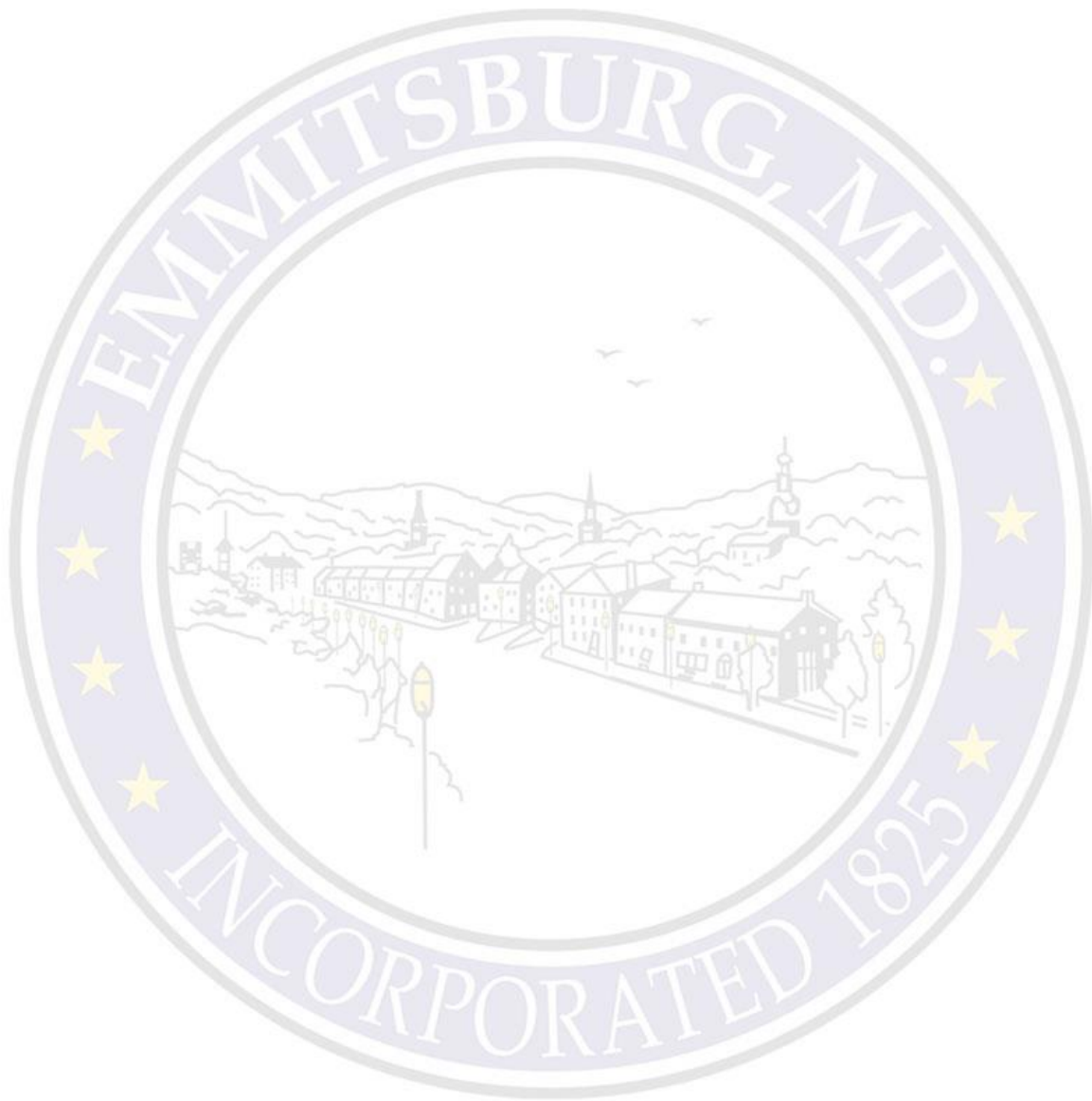
2. APPROVED PLANS

The following documents and comments contained therein are incorporated by reference and made part of this Agreement as is fully set forth:

A. Approved Site Plan- Federal Stone Industries, dated May 22, 2023, consisting of 8 separate sheets

B. Approved Improvement Plan- Federal Stone Industries May 22, 2023, consisting of 28 separate sheets

C. Approved Improvement Plan- Creamery Ct. Extension May 22, 2023, consisting of 15 separate sheets



3. GENERAL DESCRIPTION OF IMPROVEMENTS TO BE CONSTRUCTED. All construction must meet the requirements of Town, County, State, and Federal law and as set forth on approved improvement plans.

- A. Install concrete and asphalt pavement on lots 7 and 8 along existing Creamery Court
- B. Install roadway on lot 7 and 8 along existing Creamery Court
- C. Extend Creamery Court to provide access to lots 5 and 6
- D. Install storm drainage and stormwater management system
- E. Install streetlights and street trees
- F. Install Water and sewer lines and associated connections
- G. Install fire hydrant and associated road marker
- H. Install Erosion and Sediment Control measures as required.

4. CONSTRUCTION OF IMPROVEMENTS

- A. Upon receiving a Notice to Proceed, APPLICANT agrees to construct the improvements referenced in paragraph 3 above, said construction to be carried out in accordance with applicable laws and regulations of the Town, Frederick County, and the State of Maryland.
- B. The APPLICANT and the PROPERTY OWNER hereby grant the Town (including its agents, contractors, officials, and employees) an irrevocable right to enter onto the real property which is the subject of this Agreement for purposes of inspection, and for any other purpose contemplated by this Agreement.
- C. All workmanship shall be warranted for a period of twelve months from the date of substantial completion and all equipment and material warranties shall be assigned to the Town.
- D. Landscape Maintenance Agreement

The APPLICANT shall guarantee landscape plantings as shown in the Plans referenced in paragraph 2. Plant material shall be adequately maintained and any that is considered dead shall be replaced.

E. Deeds/Easements

All deeds and easements to the Town required for the improvements shall be prepared by the Applicant or Town Attorney at Applicant's sole cost and expense.

The Town has no obligations with respect to privately owned property, including Stormwater Management systems within the Development.

F. This Agreement does not extend the validity of the improvement plans beyond three years from the date of the approval. This Agreement shall terminate and be of no force or effect upon expiration of the improvement plans.

6. FINANCIAL ARRANGEMENTS

A. Fees and Charges

The APPLICANT agrees to pay by cash or check all required fees and charges related to THE DEVELOPMENT including but not limited to review fees, inspection fees, permit fees, in accordance with the policies and regulations in effect at the time of the invoice for those charges is presented to the APPLICANT.

The APPLICANT shall pay inspection fees to the Town within thirty days of presentation of invoice.

B. Stop Work Orders

The parties understand that the Town may, at its discretion, issue a stop-work order should any costs or expenses not be paid within 45 days. The APPLICANT at its sole expense shall have the right to audit the Town's records of expenses the Town incurs in reviews and inspections.

C. Town Map Update Fee

The APPLICANT shall pay a fee in the amount of One Thousand Two Hundred Dollars (\$1,200.00) before permission to start construction is granted by the Town to cover the Town's cost of updating and publishing the Town's official maps to reflect and incorporate the DEVELOPMENT and the new improvements to be constructed therewith.

D. Engineering Plans, Drawings, and Plats

The APPLICANT shall be responsible for the cost of engineering review of construction drawings, easement plats, and right-of-way plats, which shall be presented to Town for its review, revision, and final approval.

E. Easements

Easements of the Town for improvements must be recorded among the Land Records of Frederick County, Maryland at the APPLICANT's expense prior to the construction of improvements.

F. Performance Security

Prior to execution of any construction contracts, the APPLICANT shall provide either irrevocable letter(s) of credit for performance or labor and materialmen's payment sureties to the Town, as appropriate. Any required performance surety shall be in the amount of one hundred fifteen percent (115%) of the estimated cost of improvements set forth in the engineering cost estimates. Any required payment surety shall be in the amount of one hundred fifteen percent (115%) of the estimated cost of improvements set forth in the engineering cost estimate.

G. Recovery of Costs of Complete Improvements

Nothing contained in this Agreement shall be construed in any manner to require the Town to undertake, fund, or complete required improvements for the benefit of the APPLICANT. However, in the event the Town proceeds to complete the improvements, the APPLICANT shall reimburse the Town for all costs of completion over and above the amount of any available security recovered by the Town, including without limitation Town administrative costs, attorney fees, and interest at the rate of eight percent (8%). The APPLICANT further hereby authorizes the Town to recover its costs by placing a lien on any properties of record owned by the APPLICANT.

H. Recovery of Costs to Prepare Public Works Agreement

The APPLICANT shall pay all of the Town costs of preparing this Public Works Agreement, including but not limited to the cost of legal review (\$250), consulting, and engineering fees incurred in preparing this Public Works Agreement for the APPLICANT. The APPLICANT shall pay such cost to the Town before permission to start construction is granted by the Town.

7. IRREVOCABLE LIMITED POWER-OF-ATTORNEY

The Town reserved the right at any time to request in writing the delivery of any or all of the INSTRUMENTS contemplated by the Agreement. In order to assure the required INSTRUMENTS are delivered to the Town, APPLICANT and PROPERTY OWNER (if different from APPLICANT) hereby irrevocably nominate and appoint the Town Zoning Administrator of Emmitsburg as the lawful attorney-in fact for that person or entity with the limited power of executing and delivering to the Town any and all of the INSTRUMENTS

contemplated by this Agreement and securing the necessary signatures of all parties of interest so as to be able to deliver said INSTRUMENTS to the Town.

This limited power of attorney being a power-of-attorney coupled with an interest, is intended to be irrevocable, but shall terminate upon delivery and acceptance of all INSTRUMENTS contemplated by the Agreement. In the event the Town requests the APPLICANT to deliver any required INSTRUMENTS. If such INSTRUMENTS are not delivered within (30) calendar days of the date of the Town's written request, the ZONING ADMINISTRATOR may proceed to cause to be prepared and executed the appropriate INSTRUMENTS in the capacity as attorney-in-fact for the APPLICANT, at the APPLICANT's SOLE EXPENSE.

APPLICANT'S LEGAL
REPRESENTATIVE: _____

WITNESS: _____

WITNESS: _____

8. OWNERSHIP OF PUBLIC IMPROVEMENTS/ INDEMNIFICATION OF TOWN

In the event the APPLICANT seeks to construct public improvements within any Town-owned easement or Property, based upon plans and construction drawings approved by the Town, the Town hereby authorizes and approves a right of entry to the APPLICANT and its agents to perform said improvements thereon.

9. RIGHT TO RECORD AGREEMENT

The parties hereto agree that, at the Town's option, the Town may record this Agreement among the land records of Frederick County in which event this Agreement and the term, obligations, covenants, and conditions contained herein shall run with the land and shall be binding upon and inure to the benefits of the parties' respective successors, personal representatives, heirs, and assigns.

10. BINDING ON HEIRS AND ASSIGNS

The agreement shall be binding upon the parties hereto, their successors, agents, representatives, heirs and assigns as applicable.

11. REMEDIES

If the APPLICANT or PROPERTY OWNER violates this Agreement in any manner, the Town may pursue all available remedies whether legal or equitable, provided by applicable law.

- A. No remedy herein conferred upon or reserved to the Town is intended to be exclusive of any other remedies provided for in this Agreement or by law and each such remedy shall be cumulative and in addition to every other remedy given under this Agreement, or now or hereafter existing law or in equity or by statute. Every right, power, and remedy given to the Town may be exercised from time to time as often as may be deemed expedient by the Town. If a lawsuit is required to be instituted due to the default of any party, the APPLICANT and PROPERTY OWNER consent to be subject to the Town may be exercised from time to time as often as may be deemed expedient by the Town. If a lawsuit is required to be instated due to the default of any party, the APPLICANT and PROPERTY OWNER consent to be subject to the jurisdiction of the appropriate court of law located within Frederick County, Maryland.

- B. APPLICANT (if different than PROPERTY OWNER) and PROPERTY OWNER SHALL jointly and severally liable for any breach of this Agreement.

- C. In the event it is necessary to bring suit hereunder, the prevailing party shall be awarded its legal fees, expert fees, and costs, including those incurred in connection with enforcing any judgement.

12. NO ASSIGNMENT

This Agreement cannot be assigned to a separate person or entity without the written approval of the Town. As a condition of its approval, the Town may require the execution of a new Public Works Agreement.

13. APPLICABLE LAW

This Agreement shall be given effect and shall be governed by and constructed in all respects in accordance with the laws of the State of Maryland.

14. WAIVER OF JURY TRIAL

The parties hereto agreement to waive any trial by jury.

15. EXECUTION OF AGREEMENT

This agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which, when so executed and delivered shall be deemed to be an original and all of which taken together shall constitute but one and the same instrument.

WHEREFORE, the Parties hereto caused this Agreement to be executed by their duly authorized representatives.

For the APPLICANT/PROPERTY Owner:

FS CREAMERY LLC

Brandon Rethemeyer, Vice President
Date: _____

Witness/Attest

STATE OF MARYLAND:

FREDERICK COUNTY: ss:

I hereby certify that on this ____ day of _____, 2023, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, and he did acknowledge that he executed the foregoing and hereunto annexed Agreement on behalf of FS Creamery LLC as vice president as his free act and deed for the purposes therein contained; and he did further acknowledge and make oath in due form of law that the matters and things contained therein are true and correct and that this Agreement was a mutual and voluntary act by FS Creamery LLC.

IN WITNESS WHEREOF, I have affixed my hand and official seal this ____ day of _____, 2023

Notary Public

Reviewed for Legal Sufficiency:

By: _____
Leslie A. Powell, Town Counsel

Reviewed for Technical Sufficiency:

By: _____
Cathy Willets, Town Manager

Reviewed for Financial Sufficiency:

By: _____
Sabrina King, Town Clerk

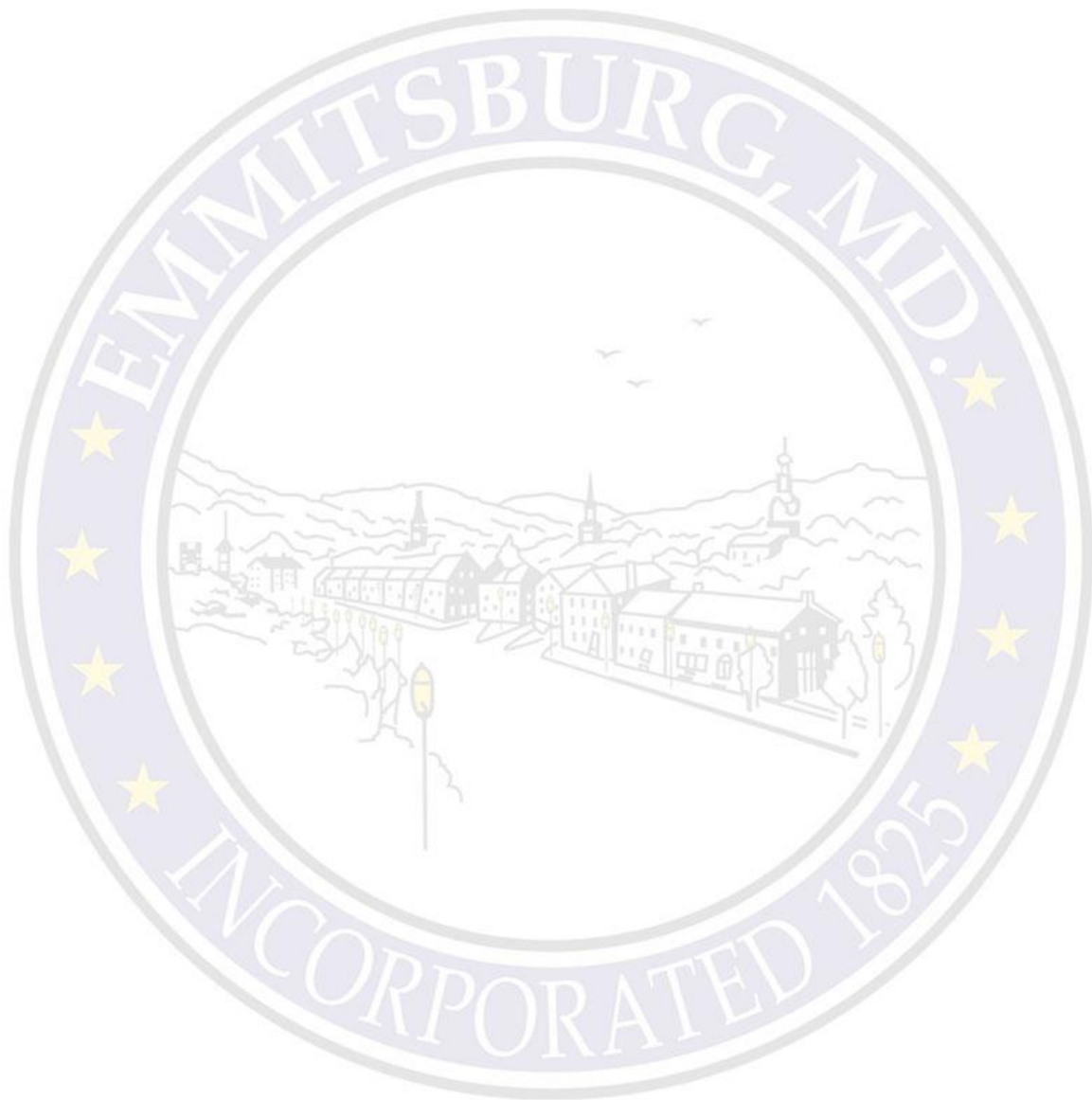
MAYOR, TOWN OF EMMITSBURG

By: _____
Donald N. Briggs, Mayor

ATTEST:

By: _____
Cathy Willets, Town Manager

AGENDA ITEM #3: Approval of Silo Hill Plaza's public works agreement and authorize Mayor sign agreement on behalf of Town for consideration.



Public Works and Improvements Agreement

WHEREAS, Pradeep & Gopi Saini (hereinafter “the APPLICANTS”) represents that they are the legal owner or authorized representative of Owner of a certain real property within the municipality of the Town of Emmitsburg (“Town”), a body politic and corporate located in Frederick County, Maryland. The development is known or proposed to be known as Silo Hill Plaza (hereinafter “DEVELOPMENT”) more specifically described in the Land Records of Frederick County as Lot 5 of Section Three for Silo Hill, located on Silo Hill Parkway.

WHEREAS, APPLICANTS desire to develop the Property; and

WHEREAS, pursuant to Town of Emmitsburg’s Code of Ordinances and policies, the APPLICANTS is required to obtain certain approvals and authorizations from the various departments and agencies of the Town before any essential permits may be issued; and

WHEREAS, the Town is willing to grant the required approvals and/or authorizations required for the DEVELOPMENT, provided the APPLICANTS first promise to perform certain obligations in accordance with the law, regulations, and policies of the Town, Frederick County, State of Maryland, and Federal laws as applicable and complies with such other conditions as are more fully set forth below.

NOW THEREFORE, in consideration of the foregoing and for such good and valuable consideration, the adequacy of and receipt of which is hereby acknowledged, and parties covenant and agree as follows:

1. TYPE OF DEVELOPMENT:

A 11,3018 Square-Foot retail building with parking and stormwater facilities.

2. APPROVED PLANS

The following documents and comments contained therein are incorporated by reference and made part of this Agreement as is fully set forth:

A. Approved Site Plan- Silo Hill Plaza, dated May 23, 2023, consisting of 8 separate sheets

B. Approved Improvement Plan- Silo Hill Plaza May 23, 2023, consisting of 10 separate sheets

C. Approved Addition Plat- Parcel A Addition to Lot 5 of Section Three for Silo Hill dated March 27, 2023, consisting of 15 separate sheets

3. GENERAL DESCRIPTION OF IMPROVEMENTS TO BE CONSTRUCTED. All construction must meet the requirements of Town, County, State, and Federal law and as set forth on approved improvement plans.

- A. Install concrete curb, sidewalk, and parking spaces
- B. Extend 6" Water Line and 2" Water Service Lateral
- C. Extend 6" Sewer Line
- D. Install Signs
- E. Install streetlights
- F. Install Stormwater Management with Retention Structures

4. CONSTRUCTION OF IMPROVEMENTS

A. Upon receiving a Notice to Proceed, APPLICANTS agree to construct the improvements referenced in paragraph 3 above, said construction to be carried out in accordance with applicable laws and regulations of the Town, Frederick County, and the State of Maryland.

B. The APPLICANTS and the PROPERTY OWNER hereby grant the Town (including its agents, contractors, officials, and employees) and irrevocable right to enter onto the real property which is the subject of this Agreement for purposes of inspection, and for any other purpose contemplated by this Agreement.

C. All workmanship shall be warranted for a period of twelve months from the date of substantial completion and all equipment and material warranties shall be assigned to the Town.

D. Landscape Maintenance Agreement

The APPLICANTS shall guarantee landscape plantings as shown in the Plans referenced in paragraph 2. Plant material shall be adequately maintained and any that is considered dead shall be replaced.

E. Deeds/Easements

All deeds and easements to the Town required for the improvements shall be prepared by the APPLICANTS or Town Attorney at APPLICANTS' sole cost and expense.

The Town has no obligations with respect to privately owned property, including Stormwater Management systems within the Development.

F. This Agreement does not extend the validity of the improvement plans beyond three years from the date of the approval. This agreement shall terminate and be of no force or effect upon expiration of the improvement plans.

6. FINANCIAL ARRANGEMENTS

A. Fees and Charges

The APPLICANTS agree to pay by cash or check all required fees and charges related to THE DEVELOPMENT including but not limited to review fees, inspection fees, permit fees, in accordance with the policies and regulations in effect at the time of the invoice for those charges is presented to the APPLICANTS.

The APPLICANTS shall pay inspection fees to the Town within thirty days of presentation of invoice.

B. The parties understand that the Town may, at its discretion, issue a stop-work order should any fees and charges or other expenses not be paid within 45 days. The APPLICANTS, at their sole expense, shall have the right to audit the Town's records of expenses the Town incurs in reviews and inspections

C. Town Map Update Fee

The APPLICANTS shall pay a fee in the amount of One Thousand Two Hundred Dollars (\$1,200.00) before permission to start construction is granted by the Town to cover the Town's cost of updating and publishing the Town's official maps to reflect and incorporate the DEVELOPMENT and the new improvements to be constructed therewith.

D. Engineering Plans, Drawings, and Plats

The APPLICANTS shall be responsible for the cost of engineering review of construction drawings, easement plats, and right-of-way plats, which shall be presented to Town for its review, revision, and final approval.

E. Easements

Easements of the Town for improvements must be recorded among the Land Records of Frederick County, Maryland at the APPLICANTS' expense prior to the construction of improvements.

F. Performance Security

Prior to execution of any construction contracts, the APPLICANTS shall provide irrevocable letters of credit or performance, labor, and materialmen's payment sureties to the Town. The performance surety shall be in the amount of one hundred fifteen percent (115%) of the estimated cost of improvements set forth in the engineering cost estimates. The payment surety shall be in the amount of one hundred fifteen percent (115%) of the estimated cost of improvements set forth in the engineering cost estimate.

G. Recovery of Costs of Complete Improvements

Nothing contained in this Agreement shall be construed in any manner to require the Town to undertake, fund, or complete required improvements for the benefit of the APPLICANTS. However, in the event the Town proceeds to complete the improvements, the APPLICANTS shall reimburse the Town for all costs of completion over and above the amount of any available security recovered by the Town, including without limitation Town administrative costs, attorney fees, and pre-judgement interest at the rate of eight percent (8%). The APPLICANTS further authorize the Town to recover its costs by placing a lien on any property of record owned by the APPLICANTS.

H. Recovery of Costs to Prepare Public Works Agreement

The APPLICANTS shall pay all of the Town costs of preparing this Public Works Agreement, including but not limited to the cost of legal (\$250), and consulting, and engineering fees incurred in preparing this Public Works Agreement for the APPLICANTS. The APPLICANTS shall pay such cost to the Town before permission to start construction is granted by the Town.

7. IRREVOCABLE LIMITED POWER-OF-ATTORNEY

The Town reserved the right at any time to request in writing the delivery of any or all of the INSTRUMENTS contemplated by the Agreement. In order to assure the required INSTRUMENTS are delivered to the Town, APPLICANTS and PROPERTY OWNER (if different from APPLICANTS) hereby irrevocably nominate and appoint the Town Zoning Administrator of Emmitsburg as the lawful attorney-in fact for that person or entity with the limited power of executing and delivering to the Town any and all of INSTRUMENTS contemplated by this Agreement and securing the necessary signatures of all parties of interest so as to be able to deliver said INSTRUMENTS to the Town.

This limited power of attorney being a power-of-attorney coupled with an interest, is intended to be irrevocable, but shall terminate upon delivery and acceptance of all INSTRUMENTS contemplated by the Agreement, in the event the Town requests the APPLICANTS to deliver any required INSTRUMENTS. If such INSTRUMENTS are not delivered within (30) calendar days of the date of the Town's written request, the ZONING ADMINISTRATOR may proceed to cause to be prepared and executed the appropriate INSTRUMENTS in the capacity as attorney-in-fact for the APPLICANTS, at the APPLICANTS' SOLE EXPENSE. (Notary appears at end of agreement.)

APPLICANT: _____

APPLICANT: _____

WITNESS: _____

WITNESS: _____

8. OWNERSHIP OF PUBLIC IMPROVEMENTS/ INDEMNIFICATION OF TOWN

In the event the APPLICANTS' work requires them to construct public improvements within any Town-owned easement or Property, based upon plans and construction drawings approved by the Town, the Town hereby authorizes and approves a right of entry to the APPLICANTS and its agents to perform said improvements thereon.

9. RIGHT TO RECORD AGREEMENT

The parties hereto agree that, at the Town's option, the Town may record this Agreement among the land records of Frederick County in which event this Agreement and the term, obligations, covenants, and conditions contained herein shall run with the land and shall be binding upon and inure to the benefits of the parties' respective successors, personal representatives, heirs, and assigns.

10. BINDING ON HEIRS AND ASSIGNS

The agreement shall be binding upon the parties hereto, their successors, agents, representatives, heirs and assigns as applicable.

11. REMEDIES

If the APPLICANTS or PROPERTY OWNER violates this Agreement in any manner, the Town may pursue all available remedies whether legal or equitable, provided by applicable law.

- A. No remedy herein conferred upon or reserved to the Town is intended to be exclusive of any other remedies provided for in this Agreement or by law and each such remedy shall be cumulative and in addition to every other remedy given under this Agreement, or now or hereafter existing law or in equity or by statute. Every right, power, and remedy given to the Town may be exercised from time to time as often as may be deemed expedient by the Town. If a lawsuit is required to be instituted due to the default of any party, the APPLICANTS and PROPERTY OWNER consent to be subject to the Town may be exercised from time to time as often as may be deemed expedient by the Town. If a lawsuit is required to be instated due to the default of any party, the APPLICANTS and PROPERTY OWNER consent to be subject to the jurisdiction of the appropriate court of law located within Frederick County, Maryland.

- B. APPLICANTS (if different than PROPERTY OWNER) and PROPERTY OWNER SHALL jointly and severally liable for any breach of this Agreement.

- C. In the event it is necessary to bring suit hereunder, the prevailing party shall be awarded its legal fees, expert fees, and costs, including those incurred in connection with enforcing any judgement

12. NO ASSIGNMENT

This Agreement cannot be assigned to a separate person or entity without the written approval of the Town. As a condition of its approval, the Town may require the execution of a new Public Works Agreement.

13. APPLICABLE LAW

This Agreement shall be given effect and shall be governed by and constructed in all respects in accordance with the laws of the State of Maryland.

14. WAIVER OF JURY TRIAL

The parties hereto agreement to waive any trial by jury.

15. EXECUTION OF AGREEMENT

This agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which, when so executed and delivered shall be deemed to be an original and all of which taken together shall constitute but one and the same instrument.

WHEREFORE, the Parties hereto caused this Agreement to be executed by their duly authorized representatives.

For the APPLICANTS/PROPERTY Owner:

For the APPLICANTS/PROPERTY Owner:

Pradeep Saini, Owner

Date: _____

Gopi Saini, Owner

Date: _____

Witness/Attest

STATE OF MARYLAND:

FREDERICK COUNTY: ss:

I hereby certify that on this ____ day of _____, 2023, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Pradeep Saini, and Gopi Saini, and they did acknowledge that they executed the foregoing and hereunto annexed Agreement as their free act and deed for the purposes therein contained; and they did further acknowledge and make oath in due form of law that the matters and things contained therein are true and correct and that this Agreement was a mutual and voluntary act by each of the parties.

IN WITNESS WHEREOF, I have affixed my hand and official seal this ____ day of _____, 2023

Notary Public

Reviewed for Legal Sufficiency:

Reviewed for Technical Sufficiency:

By: _____
Leslie A. Powell, Town Counsel

By: _____
Cathy Willets, Town Manager

Reviewed for Financial Sufficiency:

By: _____
Sabrina King, Town Clerk

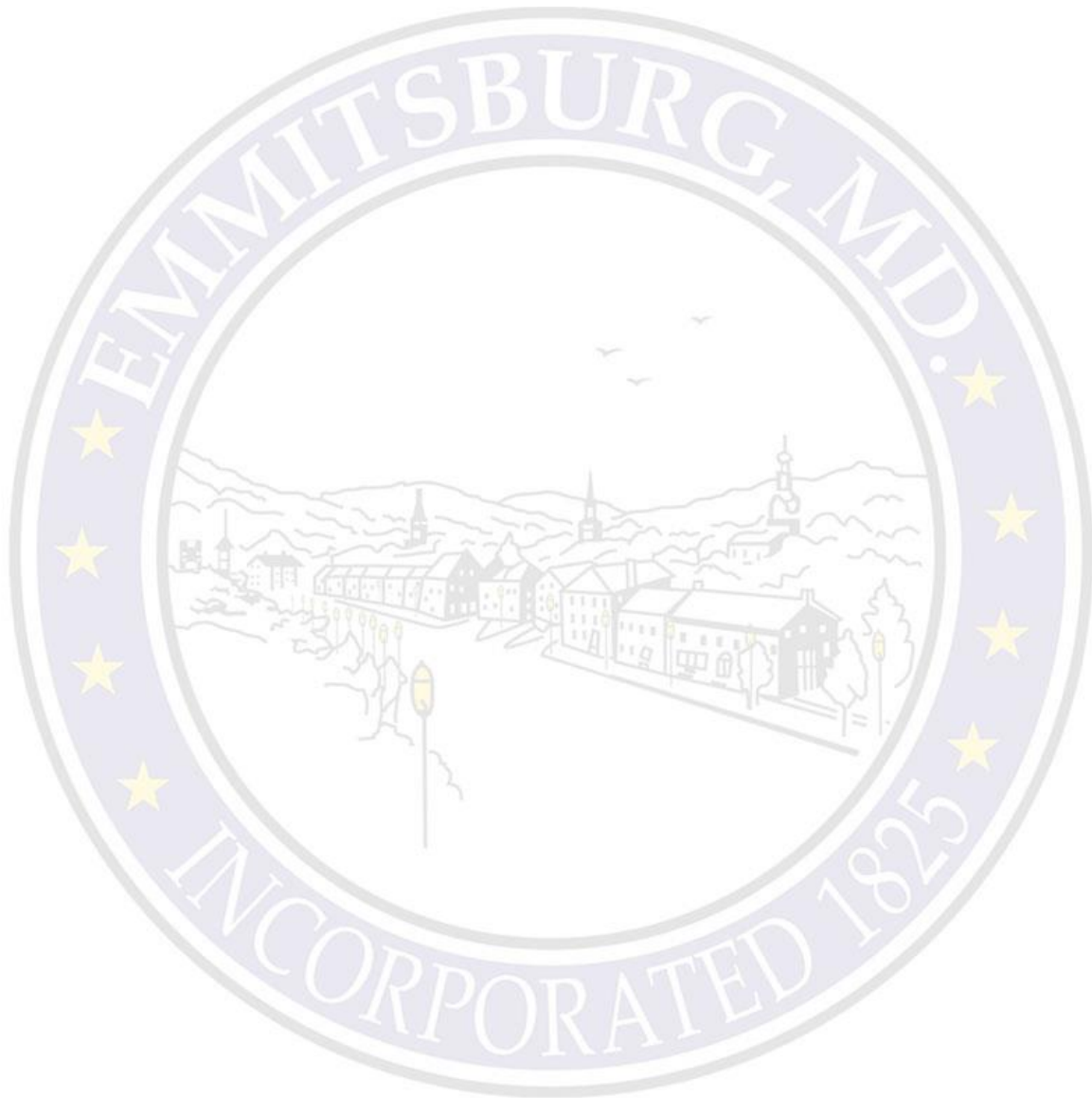
MAYOR, TOWN OF EMMITSBURG

ATTEST:

By: _____
Donald N. Briggs, Mayor

By: _____
Cathy Willets, Town Manager

AGENDA ITEM #4: Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist Commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings.



Town of Emmitsburg

Board of Commissioners Rules of Procedure

Section 1: Purpose and Authority

Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedure are adopted as a guide to assist the Emmitsburg Board of Commissioners (the "Commissioners") in the orderly and efficient conduct of all matters that come before the Commissioners.

Section 2: Agenda Items

- 2.1. A written agenda for each Commissioner meeting containing known items of business and topics to be discussed at the meeting shall be made available to the public as soon as practicable after the agenda has been determined, but no later than twenty-four (24) hours prior to the meeting.
- 2.2. An item shall be placed on the agenda at the request of the Mayor or two or more Commissioners. Requests to add items to the agenda for future meetings shall be made at the end of each meeting except as otherwise provided by this Section.
- 2.3. If an item of business or topic requiring discussion arises after a meeting agenda has been set and it would be in the best interest of the Town for the Commissioners to act upon or discuss the item at its next meeting, the item may be placed on the agenda by the Town Manager upon receiving a request in writing from the Mayor or two or more Commissioners, provided the request is made with enough time to allow for the publication of a revised agenda more than twenty-four (24) hours prior to the meeting.
- 2.4. If the Town is unable to publish a complete agenda more than twenty-four (24) hours prior to a meeting because the meeting or agenda item was scheduled in response to an emergency, natural disaster, or any other unanticipated situation, the Town shall make available on request a complete agenda of the meeting within a reasonable time after the meeting occurs.
- 2.5. Any item may be removed from the agenda upon the affirmative vote of at least four Commissioners at the commencement of a Commissioner meeting.
- 2.6. Items which do not require discussion and are expected to receive the approval of the Commissioners may be placed on the Consent Agenda. Items may only be added to the Consent Agenda for a future meeting at the end of an open meeting of the Commissioners. All items on a meeting's Consent Agenda shall be decided by a single motion and vote. If any Commissioner believes that an item on the

Consent Agenda requires discussion the item may be removed from the Consent Agenda at their request and the matter shall be considered separately at the meeting.

- 2.7. The agenda shall not include the subject matter regarding the portion of any meeting closed in accordance with Maryland Open Meetings Act.

Section 3: Meetings

- 3.1. The Commissioners shall hold at least one regular meeting per month at a place and time designated by resolution.
- 3.2. The Commissioners may hold special meetings in addition to the regular meeting as necessary for the transaction of business. A special meeting shall be called upon the request of the Mayor or two Commissioners. Notice of a special meeting shall be sent to the Mayor and Commissioners at least seventy-two (72) hours before the special meeting. However, if the special meeting is called to address an emergency, natural disaster, or any other unanticipated situation requiring immediate discussion or action, notice shall be sent to the Mayor and Commissioners at least twelve (12) hours before the meeting, if practicable.
- 3.3. A quorum for each meeting is three Commissioners. A Commissioner who disqualifies himself or herself or is ineligible to vote on a particular matter is not included for purposes of determining a quorum. No decision may be made in the absence of a quorum.
- 3.4. All meetings of the Commissioners shall be subject to the Maryland Open Meetings Act. The Commissioners shall keep a true and accurate record of all proceedings at all meetings and hearings. All meetings shall be recorded and the recording may be accepted as the official record until the minutes are prepared and approved by the Commissioners.
- 3.5. The order of business for a regular meeting will be as follows:
 - (a) Call to order;
 - (b) Pledge of Allegiance
 - (c) Notice of Future Meetings and Events
 - (d) Town Manager and Planner Reports
 - (e) Commissioner and Mayor Comments
 - (f) Public Comments
 - (g) Administrative Business
 - (h) Consent Agenda
 - (i) Treasurer's Report
 - (j) Planning Commission Report
 - (k) Agenda Items
 - (l) Setting of Agenda for Next Meeting

- 3.6 A Commissioner who disqualifies himself or herself or is ineligible to vote on a particular agenda item shall not participate in the discussion of that agenda item.
- 3.7 At the first meeting of the Commissioners following the Town's annual election, the Commissioners shall elect one Commissioner to serve as President of the Board of Commissioners and one Commissioner to serve as Vice President. The President and Vice President shall each serve a one-year term until their successor is elected.
- 3.8 The President shall preside over all meetings of the Commissioners. The Vice President shall preside over meetings in the absence of the President, or for any portion of a meeting in which the President is presenting a motion.
- 3.9 The Commissioners shall provide time for the members of the public to address the Commissioners on relevant matters. Public comment shall only be received at the time set forth on the agenda, and the President may set a time limit on public comment. A person who wishes to make public comment shall wait to be recognized by the President and shall state their name, home address, and the persons or organization they represent, if any.
- 3.10 Except as otherwise provided in these rules, Robert's Rules of Order Revised shall control the procedure of the Commissioner's meetings.

Section 4: Public Hearings

- 4.1 The procedures in this Section 4 shall apply to all public hearings before the Commissioners required by Maryland law or the Town Code.
- 4.2 The President of the Board of Commissioners shall preside over all public hearings. The President shall commence the public hearing by reading the agenda item and asking the Town Manager if the public hearing has been properly advertised.
- 4.3 The President may set time limits on receiving testimony, including limits on the time for individual speakers, and limits on the total time permitted for oral testimony. The President may increase or decrease any time limits and sequence of evidence presentation, however in most cases the following time limits and sequencing will apply to the extent applicable:
 - (a) Staff Presentation 15 minutes
 - (b) Applicant Testimony 10 minutes
 - (c) Government Official Testimony 5 minutes
 - (d) Representatives of Organizations Testimony 5 minutes
 - (e) Adjacent and confronting property owners 5 minutes
 - (f) Other Public Testimony 5 minutes

(g) Applicant Rebuttal

5 minutes

4.4. The President has the discretion to limit the presentation of unduly repetitive and duplicative testimony.

4.5. All testimony before the Commissioners must be sworn. The presiding officer may administer the following oath en masse at the outset of the hearing to all prospective speakers, or individually to each speaker before they give testimony:

“Do you solemnly swear or affirm under the penalties of perjury that the response given and the statements made by you in these proceedings will be the whole truth and nothing but the truth? Is so, state ‘I do’.”

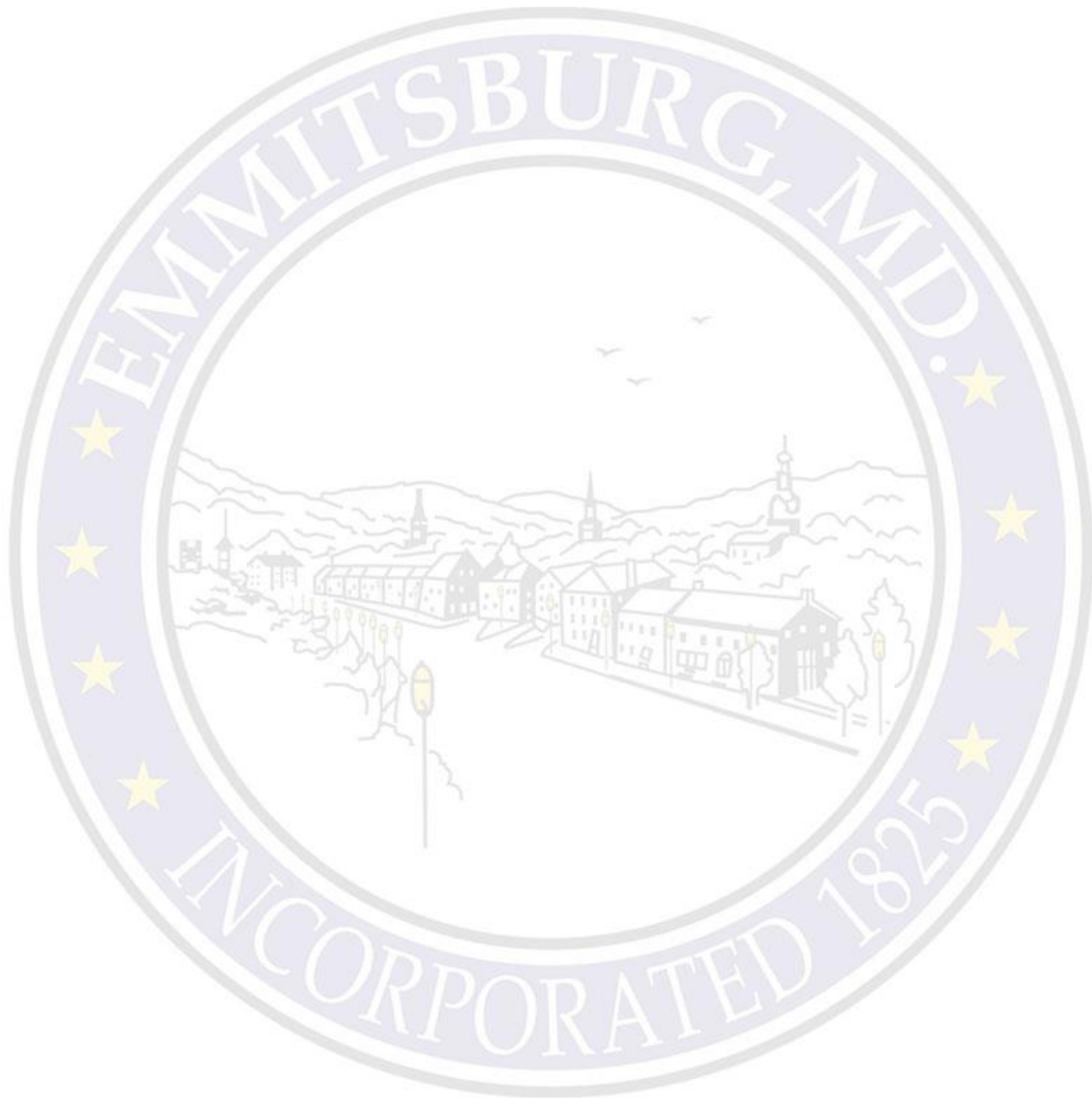
4.6. No formal rules of evidence apply. The Commissioners may consider any relevant evidence that assists in reaching a decision. However, the President may exclude evidence which is irrelevant, immaterial, inappropriate, scandalous, or unduly duplicative.

4.7. The Commissioners may ask questions of any speaker at any time during the hearing. Any person may request to cross-examine another speaker at the end of the speaker’s testimony by making a request to the President prior to the speaker’s testimony. Cross-examination shall be limited to questions pertaining to the speaker’s testimony and must not be argumentative or repetitive.

4.8. Any exhibit presented at the public hearing must be assigned an exhibit number and marked and identified for the record. The exhibit or an accurate representation of the exhibit must be given to the Town for inclusion in the administrative record.

4.9. Once all testimony has been received, the public hearing is closed and the record shall remain open only for the length of time designated by the Commissioners to receive additional public comment, if any. If the Commissioners do allow the record to remain open to receive additional public comment, the applicant shall be awarded an additional five minutes of rebuttal time during the next public meeting before the Commissioners vote on the issue.

AGENDA ITEM #5: Approval of Resolution 2023-05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration.



RESOLUTION: 2023
RESOLUTION NO. 23-05R

**A RESOLUTION TO FILE AN APPLICATION FOR
FEDERAL FINANCIAL ASSISTANCE WITH THE
U.S. DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT
FOR THE MAIN STREET PARKING METER REPLACEMENT PROJECT**

WHEREAS, the Town of Emmitsburg is eligible to apply for funds from the U.S Department of Agriculture (“USDA”) through the Community Facility Grant Program; and

WHEREAS, the Town of Emmitsburg has determined that purchasing and installing parking meters with an estimated total dollar value of \$_____ [*amount to be determined at town meeting*] would assist the Commissioners in continuing to maintain the Town’s roads and improve public safety; and

WHEREAS, the application point of contact shall be Madeline Shaw, Grants Administrator; and

WHEREAS, the Commissioners for the Town of Emmitsburg have held any required public hearing(s) related to the formulation of the Town of Emmitsburg’s Rural Development, Rural Utilities Service Application;

WHEREAS, the amount that the Town of Emmitsburg could receive if the USDA approves the entire equipment acquisition is fifty-five percent (55%) of the cost of the acquisition up to an amount estimated at \$_____ [*amount to be determined at town meeting*];

WHEREAS, if the entire equipment acquisition is approved, the Town of Emmitsburg would be required to contribute the remaining forty-five percent (45%) of the cost estimated at \$_____ [*amount to be determined at town meeting*].

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners for the Town of Emmitsburg authorize the submittal of an application for federal financial assistance in the amount of \$_____ [*amount to be determined at town meeting*] for the purchase and installation of parking meters; and

BE IT FURTHER RESOLVED, that Mayor Donald N. Briggs and Town Manager Cathleen R. Willets are authorized and empowered to execute any and all documents required for the submission of the application.

RESOLUTION: 2023
RESOLUTION NO. 23-05R

draft

NOW, THEREFORE, BE IT HEREBY enacted this 10th day of July, 2023 by the Mayor and Board of Commissioners, that Resolution Number 2023 – 05R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 10th day of July, 2023 by a vote of:

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

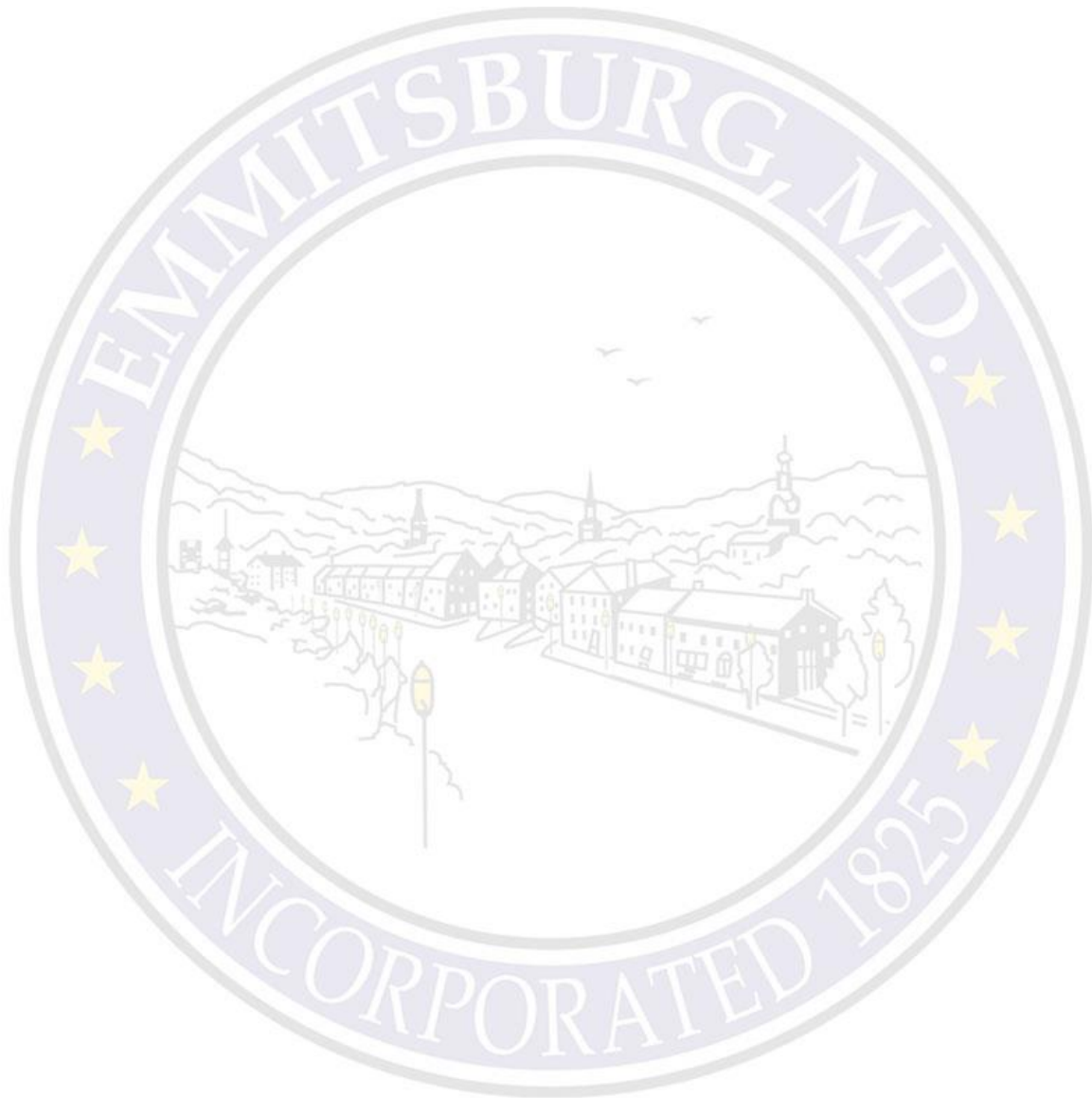
Timothy J. O'Donnell, President

_____ APPROVED _____ VETOED

this _____ day of _____, 2023.

Donald N. Briggs, Mayor

AGENDA ITEM #6: Approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade for consideration.



draft

**A RESOLUTION
APPROVING THE APPLICATION
AND RECEIPT OF FINANCING
FOR COMMUNITY LEGACY:
FAÇADE AND RESTORATION PROGRAM**

BE IT RESOLVED, ENACTED AND ORDAINED, this 10th day of July, 2023 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, do, approve the application and receipt of financing for a Community Legacy Project (the “Project”) further described in the Community Legacy Application (the “Application”), to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and Board of Commissioners recognize that there is a significant need for reinvestment and revitalization of the communities in Frederick County/Town of Emmitsburg; and

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the “Project Financing”) in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the Mayor and Board of Commissioners and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Board of Commissioners hereby endorses the Project in the Sustainable Community Area; and **HEREBY** approves the request for financial assistance in the form of a grant in the amount of \$75,000.00 for the Façade and Restoration program;

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, Donald N. Briggs, Mayor, and Cathy Willets, Town Manager, are hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

RESOLUTION: 2023
RESOLUTION NO. 23 – 06R

draft

NOW, THEREFORE, BE IT HEREBY enacted this 10th day of July, 2023 by the Mayor and Board of Commissioners, that Resolution Number 2023 – 06R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 10th day of July, 2023 by a vote of:

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Ritz III				
Sweeney				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy O'Donnell, President

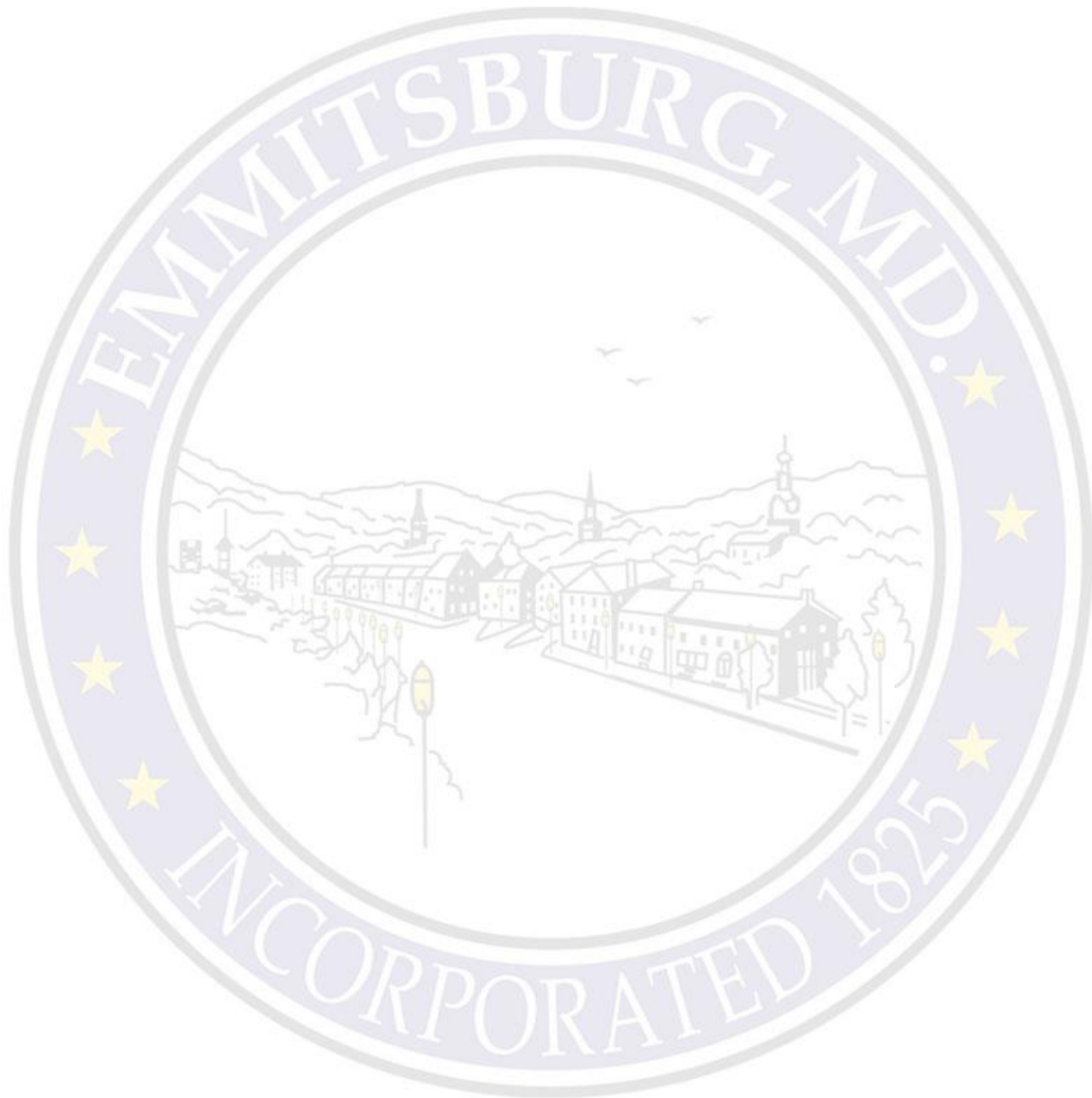
MAYOR

_____ APPROVED _____ VETOED

this this 10th day of July, 2023.

Donald N. Briggs, Mayor

AGENDA ITEM #7: For consideration, approval of ordinance 23-08, update to Chapter 17.42 — Floodplain Management to ensure compliance with federal regulations regarding floodplain management in the Town Code.



L. SET AGENDA FOR NEXT MEETING: August 21, 2023

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

Administrative Business:

- A.
- B.
- C.

