

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, OCTOBER 2, 2023

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

Planning Commission Meeting: October 16, 2023, at 7:00 pm (Town Office & Zoom)

Citizen's Advisory Committee Meeting: October 17, 2023 pm (Town Office)

Planning Commission Comp Plan Workshop: October 30, 2023 at 7:00 pm (Town Office & Zoom)

Board of Commissioners Meeting: November 6, 2023 at 7:00 pm (Town Office & Zoom)

MEETING ITEMS

- A. APPROVE MINUTES: September 11, 2023
 - B. POLICE REPORT
 - C. TOWN MANAGER'S REPORT
 - D. TOWN PLANNER'S REPORT
 1. GRANT ADMINISTRATIVE REPORT
 2. PARKING ENFORCEMENT REPORT
 - E. COMMISSIONER COMMENTS
 - F. MAYOR'S COMMENTS
 - G. PUBLIC COMMENTS
 - H. ADMINISTRATIVE BUSINESS (NONE)
 - I. CONSENT AGENDA (NONE)
 - J. TREASURER'S REPORT
 - K. PLANNING COMMISSION REPORT
 - L. AGENDA ITEMS (DETAILS ATTACHED)
 1. For consideration, Proclamation honoring Mayor Donald N. Briggs.
 2. Swearing in of Mayor.
 3. Swearing in of Commissioner
 4. Proclamation declaring October 2023 Breast Cancer Awareness Month.
 5. For consideration, response to request by Peter Koutsos to initiate the annexation of the Rodney McNair property.
 6. ~~Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration.~~
 - M. SET AGENDA FOR NEXT MEETING: November 6, 2023
4. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS
 5. ADJOURN

A. MINUTES

**MINUTES
TOWN MEETING
SEPTEMBER 11, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

draft

Present: *Elected Officials* - Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Grant Administrator; Sabrina King, Town Clerk; Najila Ahsan, Town Planer; Jessica Housaman Recorder. *Others Present* – Deputy Honaker; Clark Adams, Town Attorney. Absent with Board approval- Mayor Donald Briggs.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the September 11, 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 July 10, 2023 Town meeting minutes as modified; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Davis motioned to accept the August 21, 2023 Town meeting minutes as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Honaker presented the police report from August (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from June 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. She added the spillway level on September 1st the lake was 15.3 feet. Ms. Willets added that the wells have dropped some since the July report and staff are still closely monitoring it. She noted that the Town is still in the voluntary conservation of water and asked that everyone do their part.

Commissioner Comments:

- **Commissioner Amy Boehman-Pollitt:** She remembers those that were lost on September 11th and a classmate, Alan Linton. She also gave thanks to the Town's local First Responders, anyone that is in the helper categories. She also sends congratulations for the new expansion on the Seton Shrine. Commissioner Boehman-Pollitt informed residents if they have an issue to please email the Town Council or come to public comment. She also thanked Commissioner Ritz III for serving and how she appreciated his insight and comments and his careful consideration that he has made for the Town. Commissioner Boehman-Pollitt also thanked Mayor Briggs for running and his time with the Town.
- **Commissioner Davis:** He briefly spoke about September 11th and how the guys at the Fire Hall decided to take up a collection to give to the families of Fire Fighters in New York. He explained that the Town raised twenty-eight thousand dollars in a day and a half. Commissioner Davis said he had the privilege to take the donation to New York to give to the two families. He added that Friday on September 8th the Mayor, and himself attended the 67th Annual Thurmont/Emmitsburg Community Show.

- Commissioner Sweeney: He gave thanks to all the first responders from that day and everyone that helped afterwards. He gave thanks to Commissioner Ritz III for his nine years of service in serving on the board and other organizations. Commissioner Sweeney announced that Little League will be starting fall ball and to keep an eye for children at the parks.
- Commissioner O'Donnell: He thanked Commissioner Ritz III for his service and remembering those on September 11th.
- Commissioner Ritz III: He inquired about notification requirements to surrounding properties when someone obtains a permit.

Mayor's Comments:

Mayor Briggs was not in attendance.

Public Comments:

Valerie Turnquist, Emmitsburg MD – She announced that she is running for Commissioner this year. Ms. Turnquist acknowledges the anniversary of September 11th and how it's been 22 years. She said that everyone should thank all first responders because they do not get enough credit. She spoke how she has been a resident of Emmitsburg for 13 years and she briefly explained why she would like to be Commissioner. Ms. Turnquist thanked Commissioner Ritz III for his time serving on the board.

Glenn Blanchard, Emmitsburg MD- He expressed that he wanted to go over a few items and one being that there are not enough activities for teenagers to do in Town. He disagrees with this statement and explains how there are a variety of activities and people need to seek them out. Mr. Blanchard also noted that the Town has a great park where people can take advantage of the trails offered. He thanked Mayor Briggs for his leadership and his many years in service and thanked Commissioner Ritz III for his service. Mr. Blanchard also thanked the two Commissioners that were both running for Mayor.

Dale Sharrer, Emmitsburg MD- He briefly noted where he lives and how rent/cost of living expenses are very high on residents. He noted how he use to be an accountant and would like to take the heavy burden off the Town people and reevaluate the increase of cost. Mr. Sharrer said that he believes that to know what the people want is to go out and ask them. He thanked the board for their time.

Administrative Business: (NONE)

Consent Agenda: (NONE)

Treasurer's Report:

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

Planning Commission Report:

Commissioner Ritz III announced that the Planning Commission did not meet for the month of August. He stated that at the beginning of the meeting the next meeting will be September 25th.

II. Agenda Items

~~AGENDA ITEM #1 – For consideration, Proclamation honoring Mayor Donald N. Briggs. POST PONED UNTIL THE OCTOBER 2ND, 2023 TOWN MEETING.~~

AGENDA ITEM #2 -For consideration, Proclamation honoring Commissioner Ritz III. Motion: Commissioner Davis motioned to accept; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Abstain – Ritz III. The motion was adopted.

AGENDA ITEM #3 – For consideration, Proclamation declaring September 2023 National Recovery Month. Motion: Commissioner Ritz III motioned to accept; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

AGENDA ITEM #4 – For consideration, approval of stormwater deed of easement for Seton Shrine Museum entrance. Ms. Ahsan briefly explained the background history on how the Planning Commission approved this project in June of this year. She explained that this involves redeveloping the entrance and drop-off which involves pavers as a subsurface storm water management VMP. She noted that the deed grants the Town a perpetual stormwater drainage and management easement right away (exhibit in the agenda packet). *Motion:* Commissioner Davis motioned to approve the stormwater deed of easement for Seton Shrine Museum entrance; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays- 0. The motion was adopted.

AGENDA ITEM #5 – For consideration, approval of Ordinance 23-11, which would make the entire Town subject to the snow emergency plan. Ms. Willets explained that this has been brought to her attention by the Director of Public Works. She outlined the changes to the snow emergency plan that arose from Town meetings in September 2015 (exhibit in the agenda packet). Ms. Willets went over the current code which allows parking on some streets during a snow emergency plan enacted by Frederick County. Commission Davis agrees with this update for Emergency Services which will allow a firetruck to get through. He also added the less obstacles the crew work has to work around, the quicker the streets can be cleared. Commissioner Davis also suggested if there were other alternatives where people can park their vehicles during these times other than the pool parking lot. *Motion:* Commissioner Ritz III motion to approve of Ordinance 23-11 as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was accepted.

AGENDA ITEM# 6 – For consideration, establish minimum bid price for tax sale of 509 East Main Street. Ms. Willets introduced Clark Adams who is with Powell Associates. Mr. Adams briefly explained how the Town came into this position with the property of 509 East Main Street. He noted how the property has large unpaid charges due to fines that are owed to the Town with the total amount of \$22,817.09. Mr. Adams noted that the Town did try a variety of methods to resolve this issue without it coming to the tax sale. He informed the Board that the owner has since passed away, which resulted in his property transferring to his estate. Unfortunately, the estate closed without transferring the property. Mr. Clark explained the tax sale process. He noted that because this is a vacant lot the Town has the option to set a minimum bid price lower amount than the \$22,817.09. he explained Town staff calculated \$11,222.00 for the minimum amount that the Town would owe to cover expenses. Mr. Clark added that once this goes to tax sale, the auction can't accept anything less than what the Town has set. *Motion:* Commissioner Ritz III motioned to accept the established minimum bid price at \$11,222.00 plus cost of sale all other fees the Town would be entitled to by State Law; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Davis stepped out at 8:21 pm.
Commissioner Davis took his seat at 8:23pm.

AGENDA ITEM # 7 – Approval of Rules and Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. Ms. Ahsan briefly reviewed the Approval of Rules and Procedures and noted the revised changes that were updated since the last meeting on August 21st (exhibit in the agenda packet). After a lengthy discussion and deliberation, the board decided to table the Rules of Procedures for more clarity and verification. *Motion:* Commissioner Boehman-Pollitt motion to table the Rules of Procedures until the next Town meeting on October 2, 2023; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was accepted.

AGENDA ITEM # 8: Approval of bid for the downtown streetlight purchase for consideration. Ms. Shaw briefly reviewed the bid project and how the streetlights would only be going on Main Street and South Seton Avenue. She noted the bid outline, staff recommendation and reviewed finalist response answers to questions requested by the Board (exhibit in the agenda packet).

Commissioner Davis confirmed that staff recommends Catoclin Lighting Services and explained that even though the cost is higher than the other companies, the Town would be saving in shipping cost over the years.

After further discussion Commissioner Davis motion to accept the bid for Catoctin Lighting Services in total sum of \$266,140.00; second by Commissioner Sweeney. Yeas – 3; Nays – 2. Against; Commissioner Ritz III and Commissioner Boehman-Pollitt. The motion was accepted.

Set Agenda Items for October 2, 2023 Town Meeting

Agenda Items: (1.) For consideration, Proclamation honoring Mayor Donald N. Briggs. (2.) Swearing in of Mayor. (3.) Swearing in of Commissioner. (4.) Proclamation declaring October 2023 Breast Cancer Awareness Month. (5.) For consideration, response to request by Peter Koutsos to initiate the annexation of the Rodney McNair property. (6.) Approval of Rules of Procedure for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. **Administrative Business:** (NONE). **Consent Items:** (NONE).

Motion: Commissioner Sweeney motioned to accept the October 2, 2023 Town meeting agenda as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted/rejected.

III. Sign Approved Text Amendments and/or Resolutions

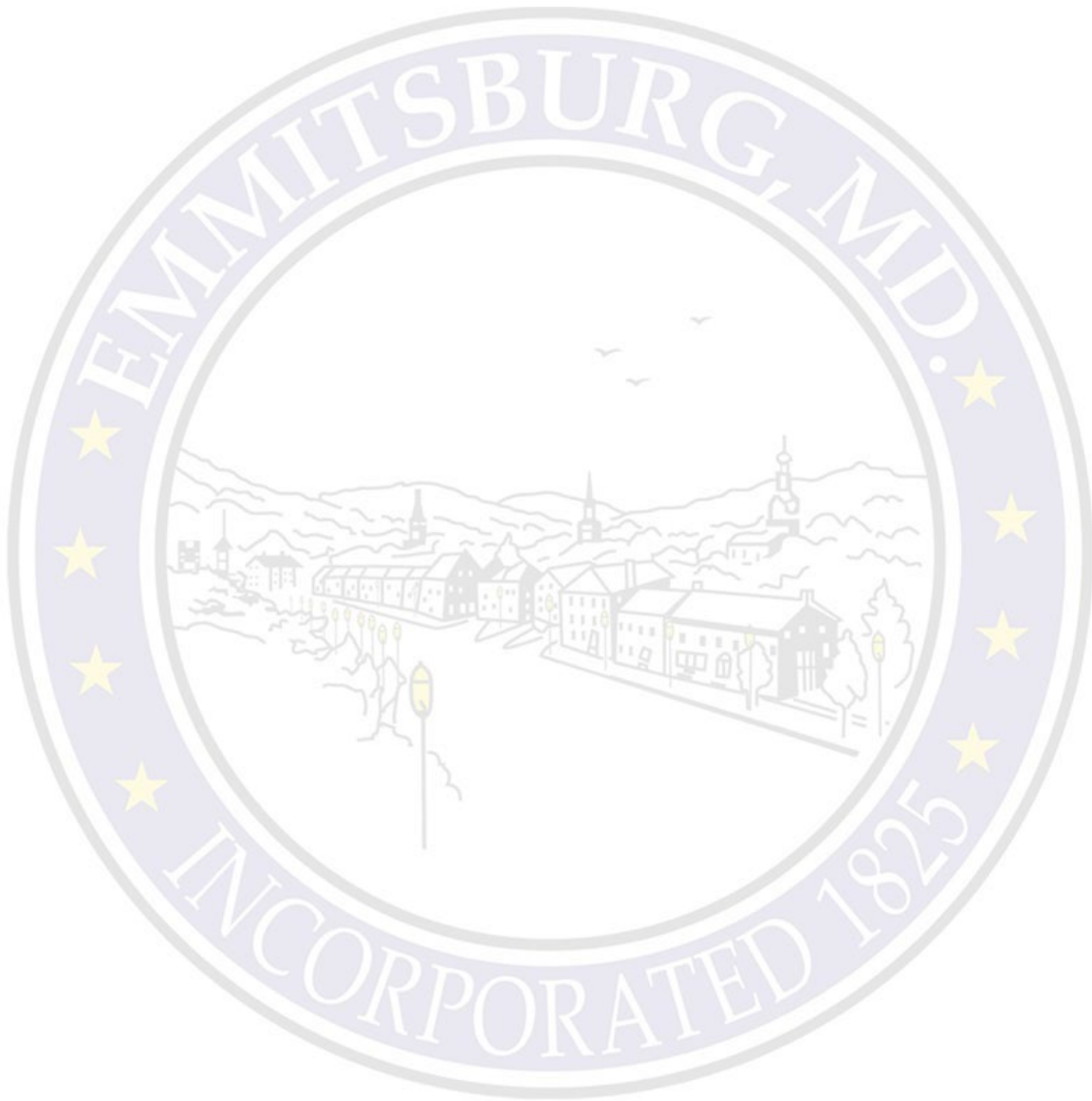
IV. Adjournment

With no further business, Commissioner Boehman-Pollitt motioned to adjourn the September 11, 2023 Town meeting at 9:37 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:

B. POLICE REPORT



C. TOWN MANAGER'S REPORT

Town Manager's Report

August 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.
- Staff watered flower beds around the square.
- Staff mowed, weed ate and weed killed East and West North Ave.
- Staff mowed Irishtown Rd from Waycross Ct. to Brookfield Dr.
- Contractor installed new section of curb around 2 East Main St. that was damaged due to motor vehicle collision.
- Contractor dug out and blacktopped in the area of 604 East Main, 20 Park Dr., part of East Lincoln Ave. walkway and two patches at WWTP.
- Contractor paved University Drive, section of Heritage Lane, and a section of Zanella Dr.
- Staff put up new streetlight back up in front of 219 South Seton Ave. and in front of 5 West Main St.
- Contractor paved Potomac Ave. and patches on West Lincoln Ave.
- Staff weed ate tree wells, curbs, sidewalks and street light poles on East and West Main St.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, weed killed in parks.
- Public Works staff assisted with National Night Out.
- Staff pulled weeds, weed killed and put mulch around park entrance signs.
- Staff put mulch around small Arbor Day trees in E. Eugene Myers Park.

Water:

- Rainbow Lake is 1.3' below the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day. The DE filters are getting three week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>August</u>	<u>Change</u>
○ Well #1:	35'	41'	-6'
○ Well #2:	8'	18'	-10'
○ Well #3:	12'	39'	-27'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 277,586 GPD. We consumed an average of 277,397 GPD (finish water + MSM). The amount of Backwash Water in the month of July is ... (13.62%).
 - 56.86% of this water came from wells.
 - 0.00% of this water came from Mt. St. Mary's.
 - 43.14% of this water came from Rainbow Lake.

We purchased 0 gallons of water from MSM this month.

**Due to PFAs at MSM, the Town halted obtaining water from MSM until further notice.

Wastewater:

- We treated an average of 292,984 GPD (consumed 277,397 GPD) which means that 5.32% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of August.
- We did not exceed the plant's design capacity at any time in the month of August.
- We received about 3.6" of precipitation this month (the average is 3.4"). We have had a precipitation **DEFICIT of 4.21"** over the last six months. The average precipitation for the period from March through August is 23.27". We received 19.06" for that period.

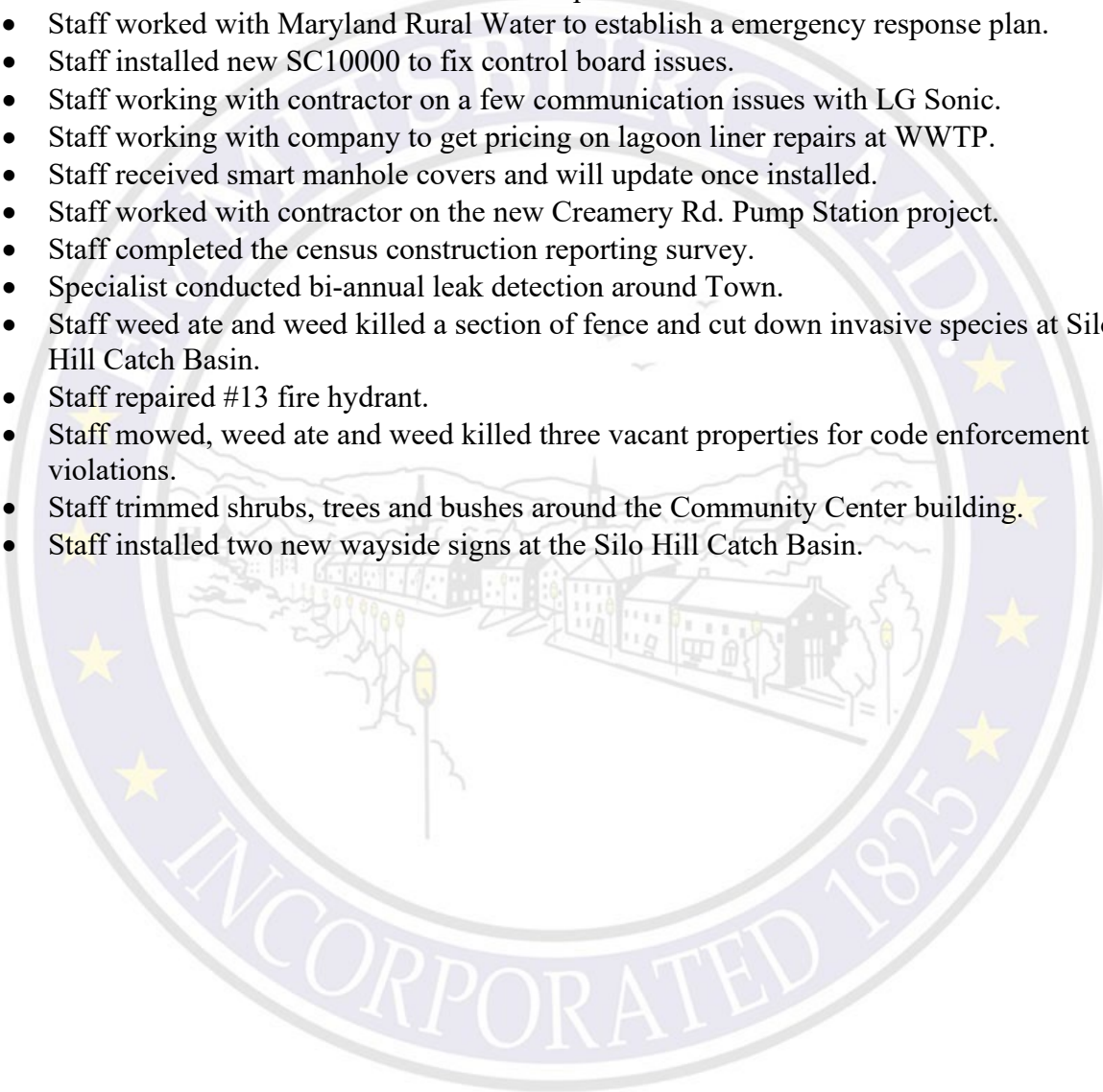
Trash: Trash pickup will remain on Mondays in the month of September.

Meetings Attended:

- 08/02 Met with the Mayor.
- 08/03 Attended bid opening for the streetlight project.
- 08/03 Attended bid opening for the project manager at Concession Stand/Bathroom.
- 08/17 Met with contractor and staff re: Silo Hill Stormwater Basin project.
- 08/21 Met with Mayor.
- 08/21 Met with staff and George Brenton at DOC regarding upcoming project.
- 08/21 Attended Town Meeting.
- 08/22 Met with interested party regarding annexation of McNair Property.
- 08/23 Attended meeting with staff and contractor regarding GIS and water/sewer.
- 08/23 Attended meeting with staff to review Federal Stone project.
- 08/24 Attended zoom call with County Executive Office.
- 08/30 Attended meeting with contractor and staff regarding Concession Stand/Bathroom project.
- 08/30 Attended staff GIS training.

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in July.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- 08/01/2023 – Phase 1 water restrictions implemented.
- Staff worked with Maryland Rural Water to establish a emergency response plan.
- Staff installed new SC10000 to fix control board issues.
- Staff working with contractor on a few communication issues with LG Sonic.
- Staff working with company to get pricing on lagoon liner repairs at WWTP.
- Staff received smart manhole covers and will update once installed.
- Staff worked with contractor on the new Creamery Rd. Pump Station project.
- Staff completed the census construction reporting survey.
- Specialist conducted bi-annual leak detection around Town.
- Staff weed ate and weed killed a section of fence and cut down invasive species at Silo Hill Catch Basin.
- Staff repaired #13 fire hydrant.
- Staff mowed, weed ate and weed killed three vacant properties for code enforcement violations.
- Staff trimmed shrubs, trees and bushes around the Community Center building.
- Staff installed two new wayside signs at the Silo Hill Catch Basin.



1. GRANT ADMINSTRATOR REPORT

As of September 26, 2023 Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS (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. Staff met with Fox & Associates 09/21 about doing project management services. More site prep needed. Anticipate installing building around April/May 2024.

#24-4, USDA CR Pump Station Replacement \$1,862,300 grant, \$1,987,000 loan, \$1,395,000 Town

- For replacement of Creamery Road Pump Station with new sewage pump station.
- Status – Continuing to submit monthly USDA reports. Conewago is working with engineer to get materials ordered for project. Anticipate site work starting in October 2023.

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

- To construct water treatment plant clarifier near the Town's existing water plant.
- Status – In design phase. Waiting on permit approval then project will go to bid for construction.

#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 stormwater management 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. Currently in design phase. Project to go to bid for construction sometime 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 – Cornhole boards were installed Sep. 20. Staff is going to install lock box onsite to keep bags in for pavilion reservations, then the final grant report will be submitted.

#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 – Board voted on a winning bidder for the purchase of the lights Sep. 11. Currently collecting three written estimates for installation/removal. Anticipate installation occurring Jan./Feb. 2024.

#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. There is extra grant money leftover the town is allocating towards the purchase of streetlights on Main Street. Need to submit final grant report.

#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 – Picnic tables ordered 07/31. Work to be completed by Oct. 1.

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

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – Picnic tables ordered 07/31. Work to be completed by Oct. 1.

#23-18, FY24 MWIFA Water Supply Assistance Grant, DePaul Street Waterline Replacement, for \$277,500

#24-3, FY24 DHCD Community Development Block Grant for \$552,500

- To replace the 1,850 LF of deteriorating waterline along DePaul Street with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jan. 2024 – Oct. 2024.

#23-19, FY24 MWIFA Water Supply Assistance Grant, N. Seton Ave. Waterline Replacement, for \$286,388

- To replace the 1,850 LF of deteriorating waterline along N. Seton Ave. with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jul. 2024 – Dec. 2025.

#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 ads. Contractor currently designing ads.

NEWLY AWARDED:

#24-5, USDA Parking Meter Replacement Project for \$31,100 (\$33,900 Town match)

- To replace 125 parking meters with 80 new dual payment (coin & card) meters on Main Street and 3 new multi-space meters for Community Pool.
- Status – Request for proposal to be advertised for the purchase/installation of the meters in Oct.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (6 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

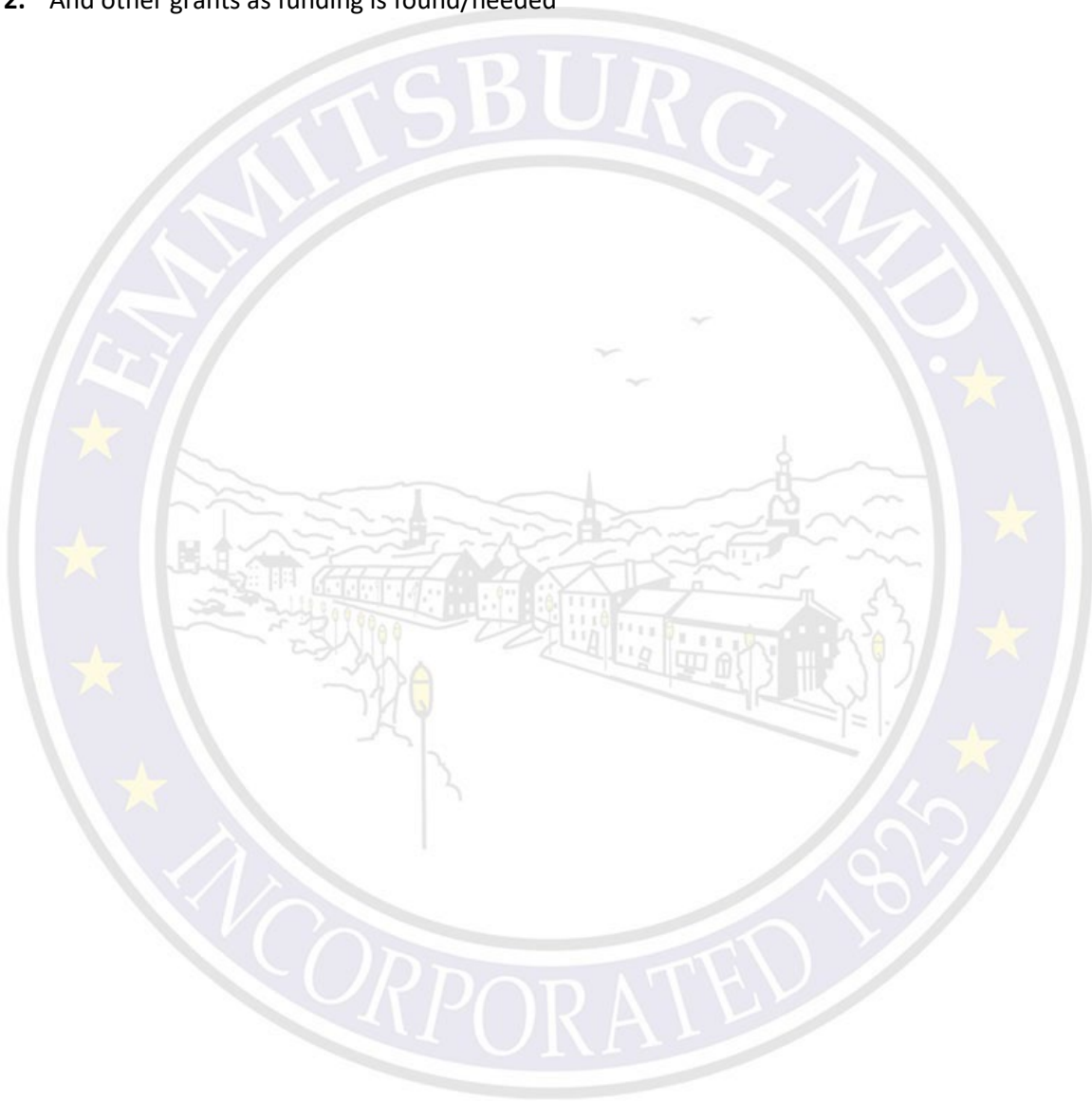
1. Rainbow Lake Trail Improvements, \$85,950 to update and redesign red trail

2. Myers Community Park Improvements, \$20,000 to construct one picnic shelter near playground
FY25 Community Parks & Playground Grant, submitted 08/23/2023

1. To purchase three public bike repair stations for each park (Community, Memorial and Rainbow Lake), \$13,000.

UPCOMING GRANTS (TO APPLY FOR)

1. Nov. 1 - Land and Water Conservation Fund Grants due for park acquisition or development
2. And other grants as funding is found/needed



2. PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

September 2023

<i>Overtime Parking</i>	23			
<i>Restricted Parking Zone</i>	2			
<i>Parked in Crosswalk</i>				
<i>Parked on Sidewalk/Curb</i>				
<i>Parked by Fire Hydrant</i>	1			
<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>	28	7	0	
<i>Meter Money</i>	\$			
<i>Meter Reservations</i>	Daily Reservations: 4 \$55		Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	1M: 2	3M: 2	6M: 0	1Y: 2
<i>Parking Permits Money</i>	\$617			
<i>Violation Cost</i>	\$255			
<i>Late Fees Assessed</i>	\$30			
<i>Payment Received</i>	\$55			
<i>Dues Forward</i>	\$220			
<i>Totals Jun:</i>	<i>Made</i> \$2346.30		<i>Due</i> \$105	
<i>Totals 2023</i>	<i>Violations Paid</i> \$3953	<i>Outstanding Bal.</i> \$1890	<i>Meter Money</i> \$11992.17	<i>Permit Revenue</i> \$

*Meter Money was pulled and counted Sept. 22.

Have replaced the most broken housing and now has a functioning meter.

Need to drill out the locks in 9 meters to access change collection area.

D. TOWN PLANNER'S REPORT



Planner's Report

2023 August

Prepared by: Najila Ahsan

Permits & Code Enforcement

1. Processed the following permit applications:

- 5 Zoning Permits
 - 902 Frailey Rd. – Chicken Coop
 - 7 Waycross Ct. – Deck
 - 4030 Park Dr. – Occupancy post fire damage
 - 33 Park Dr. -- Shed
 - 9 Irishtown Ct. – Pool
- 1 Cross Connection Permit
 - 3230 Stonehurst Ct. – Low Hazard

Development Updates

- Ongoing Developments
 - Federal Stone
 - Pending: Preconstruction meeting
 - Issued Zoning Permit on 8.23.2023
 - Silo Hill Plaza (fka. Village Liquors)
 - Pending: Preconstruction meeting
 - Seton Village
 - Application received 9.26.2023
- Development Pipeline/ Applicant Interest
 - Frailey Property Annexation
 - Use: Single family homes/ duplexes
 - Done: Meeting with potential traffic engineer
 - Distillery on Creamery Way
 - Done: Pre-application meeting
 - Pending: Site Plan and Improvement Plan applications
 - Emmit Ridge
 - Interest in developing 48 single-family homes
 - Rodney McNair Property Annexation
 - Use: Residential and Neighborhood Commercial

Stormwater Management

- Silo Hill Basin Retrofit
 - Pending: Maintenance Contract
 - Pending: Modification contract for IIJA Grant

Planning Commission

- Past Meeting: 9.25.2023
 - Discussion of Comprehensive Plan Update

Comprehensive Plan

- In Progress:
Existing conditions chapters

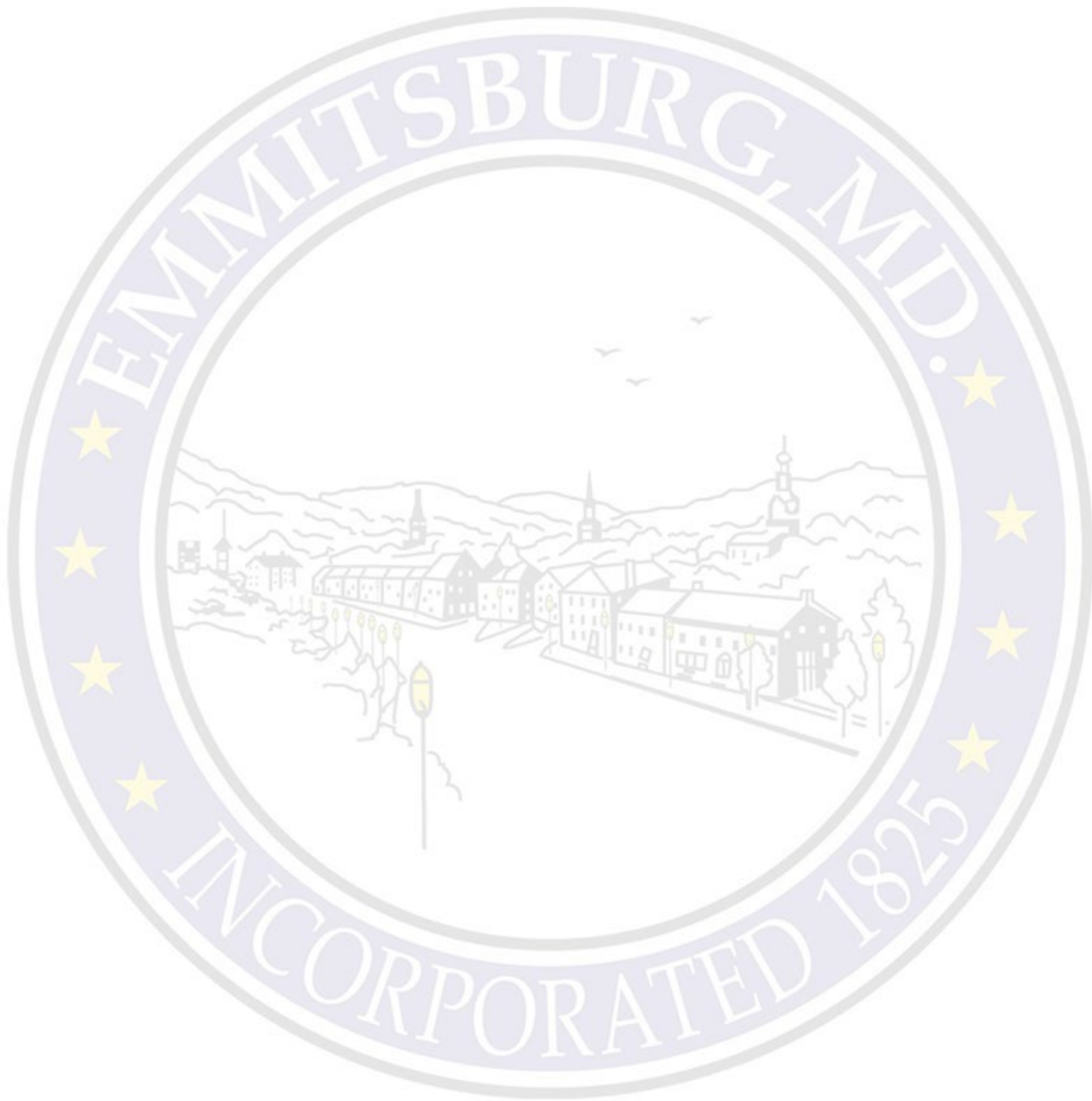
- Upcoming Events:
Public Visioning Workshops

- Part 1: 10.30.2023 & 11.13.2023 (tentative, as needed)
- Part 2: 1.29.2023
- Part 3: 2.26.2023
- Part 4: 3.25.2023

Grants

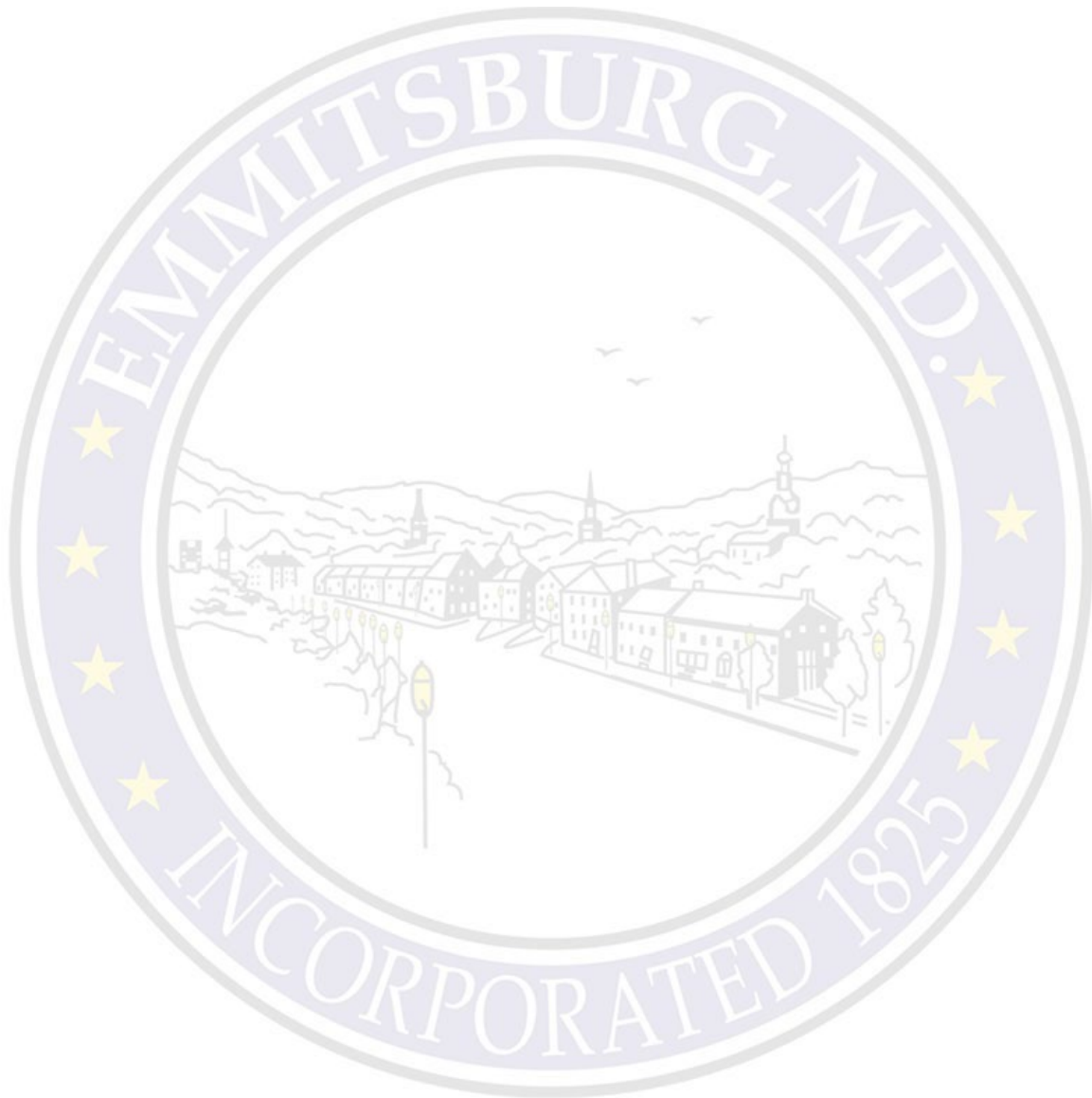
- Current Grant
 - DNR IIJA for Silo Hill Basin Maintenance
- Future Grant
 - Keep Maryland Beautiful—application to be submitted in November

E. COMMISSIONERS COMMENTS

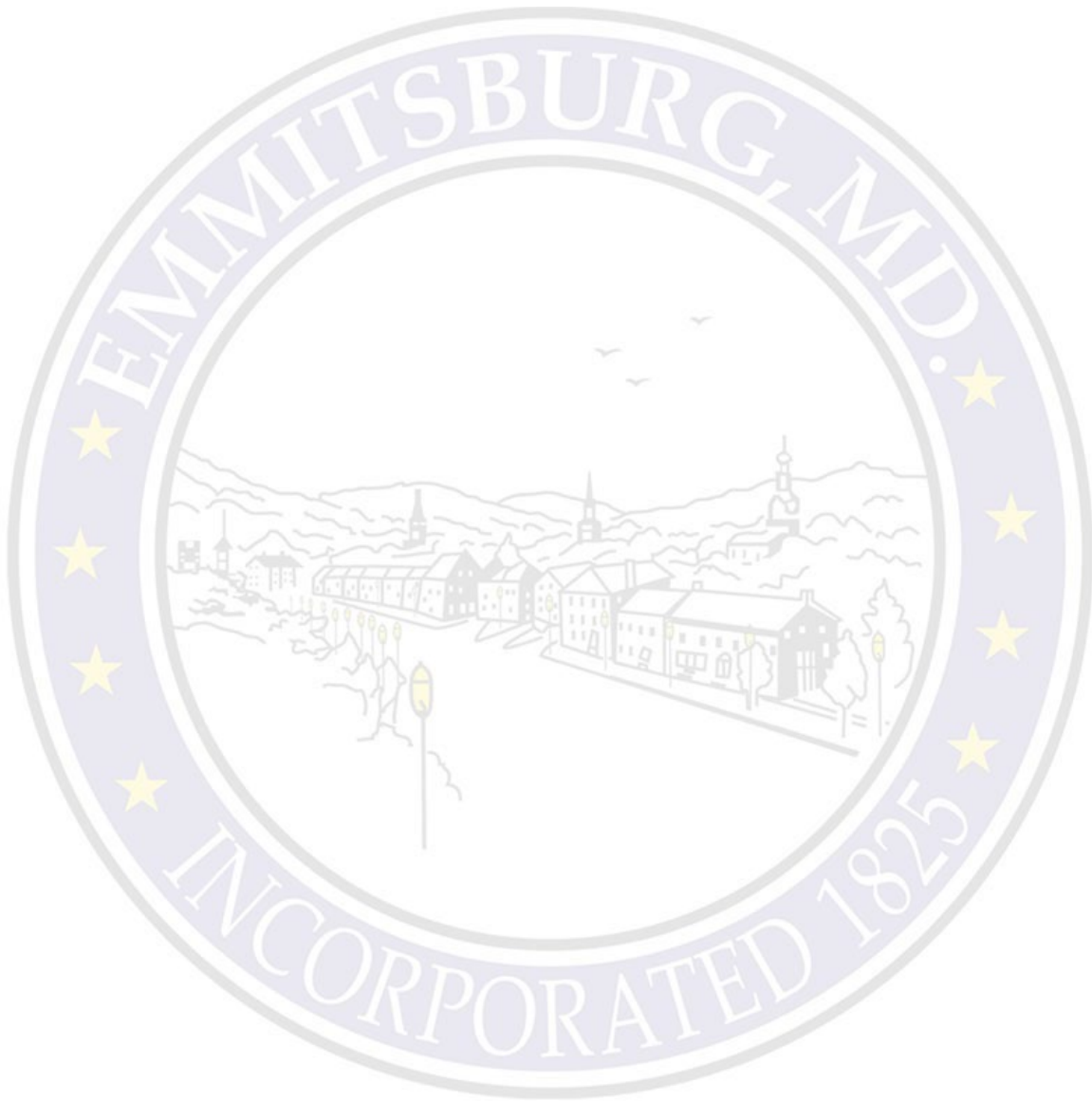


F. MAYORS COMMENTS

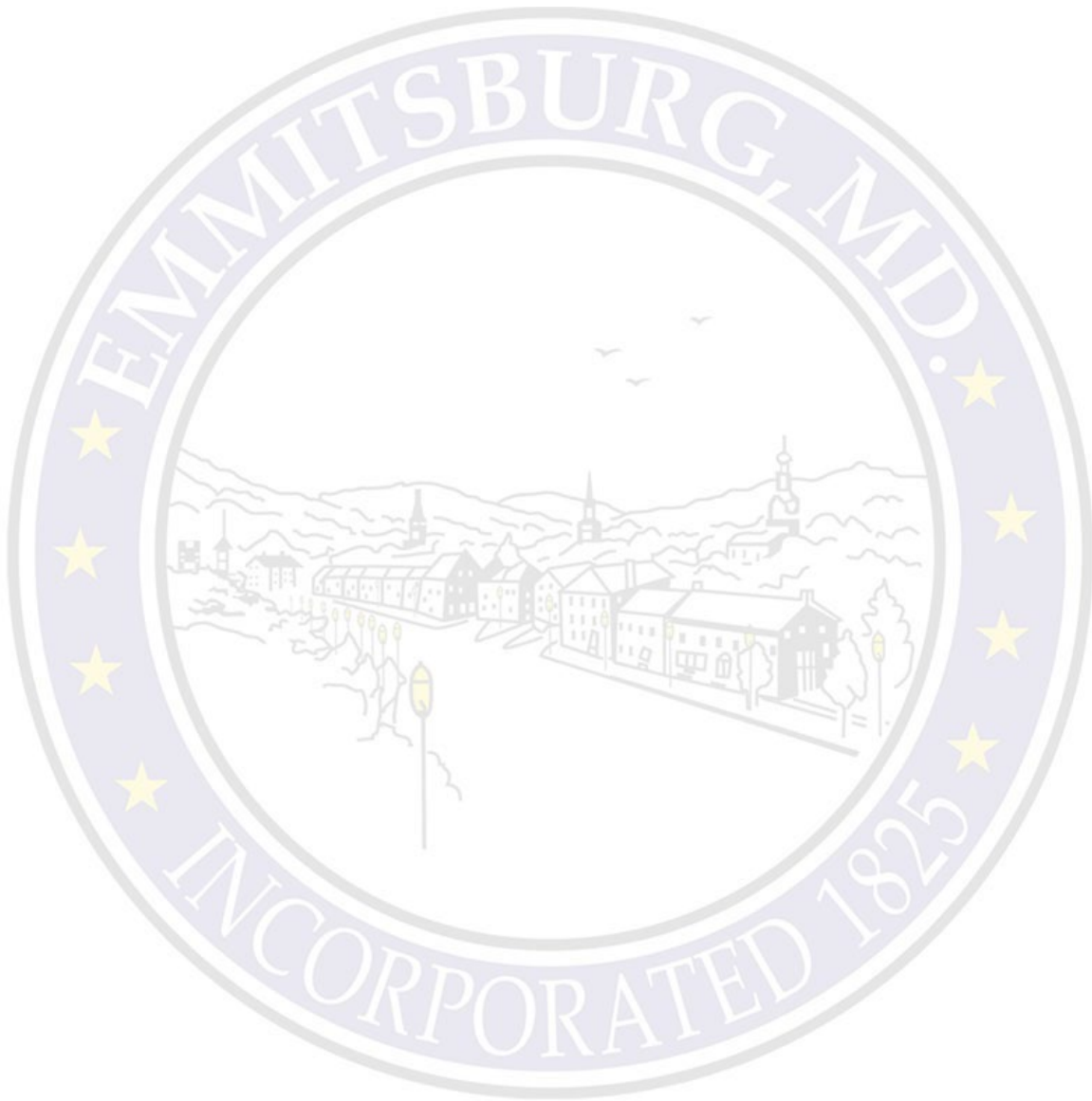
Presentation at the Town meeting.



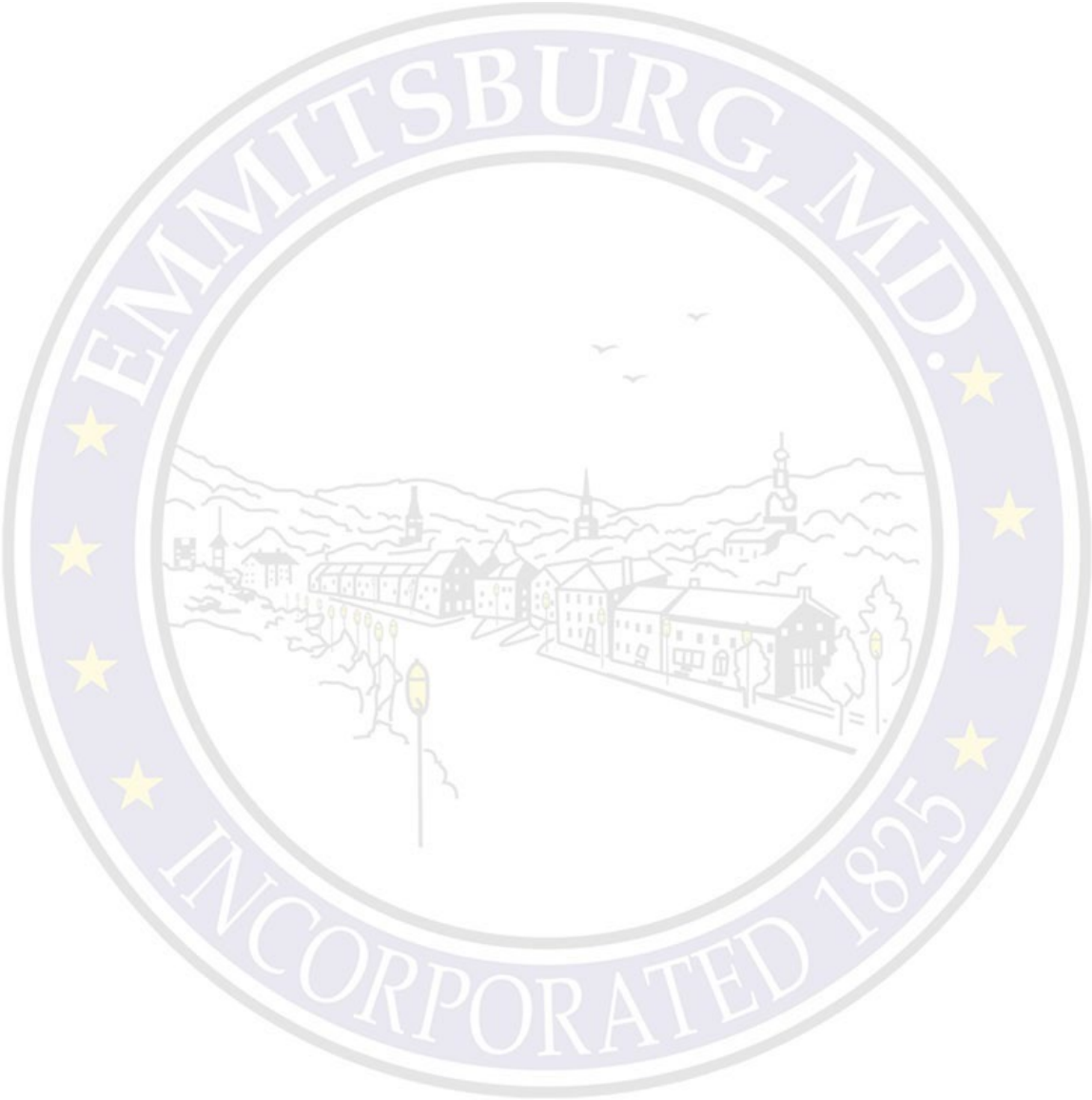
G. PUBLIC COMMENTS



H. ADMINSTRATIVE BUSINESS (NONE)



I. CONSENT AGENDA (NONE)



J. TREASURER’S REPORT

**TOWN OF EMMITSBURG
 CASH ACTIVITY AS OF September 26, 2023**

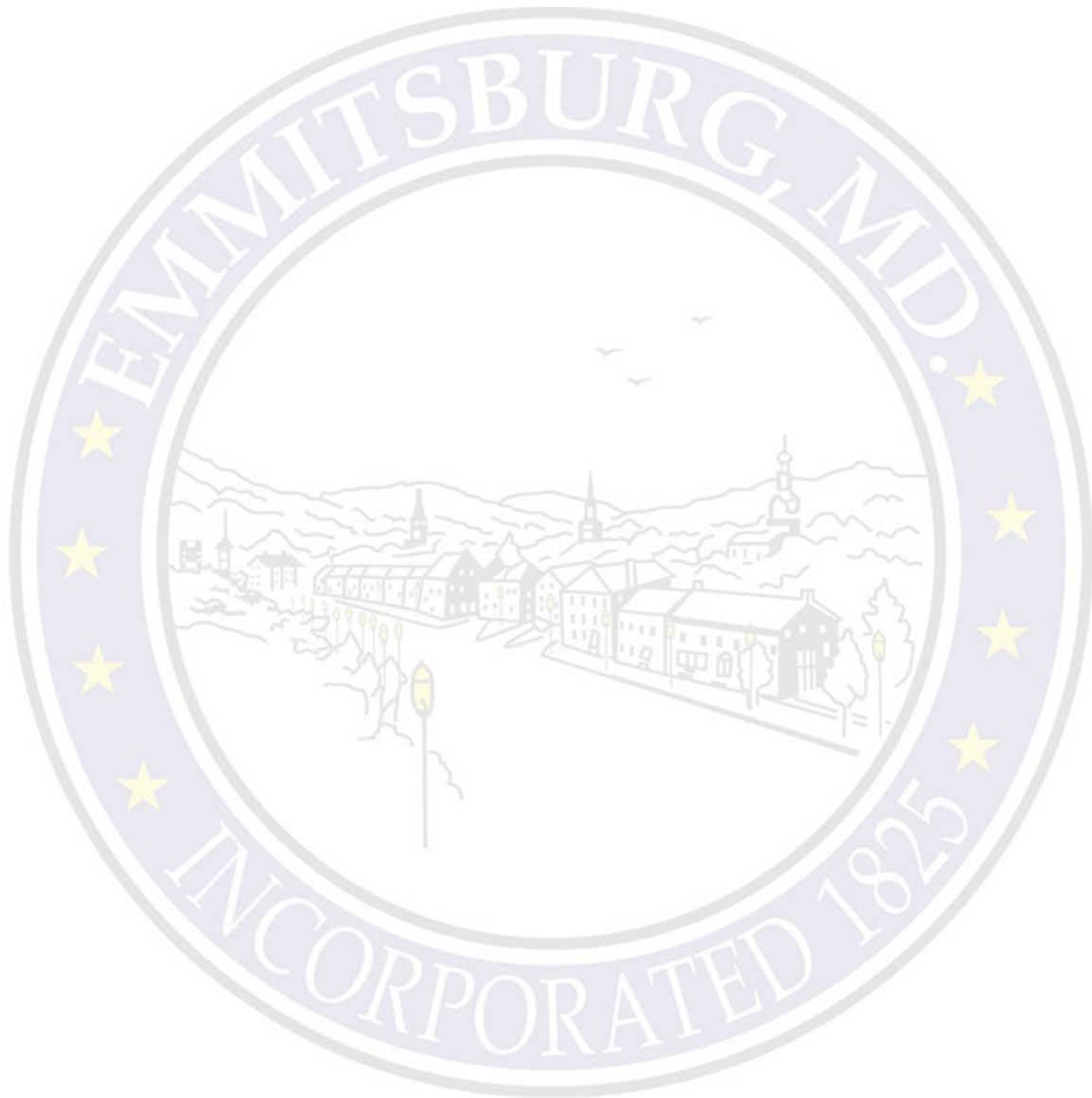
\$8,921,351 **Cash Balance September 1, 2023**

213,348	Deposits
<u>-198,917</u>	Withdrawals
\$8,935,782	Operating Balance Forward

Check Amount	Vendor Name	Description	Check Date	Check Number
\$23,794	Hadronex	Smart Covers	09.06.23	45456
\$22,472	MD Dept of Budget & Mgmt	Aug 23 Health Insurance	08.30.23	45429
\$14,535	Conewago Enterprises	Creamery Road Pump Station Chemicals	09.13.23	45464
\$13,398	Univar USA Inc	Chemicals	09.13.23	45485
\$12,470	S&W Construction	Memorial Park Pavilion Repair Work	09.13.23	45480
\$12,193	UGI Energy Services	Jul 23 Solar Field #2	08.30.23	45436
\$11,767	UGI Energy Services	Jun 23 Solar Field #1	08.30.23	45436
\$9,948	Jakubiak & Associates	Professional Fees	09.13.23	45469
\$8,929	Capital Electric	Fuel Charges	08.30.23	45417
\$7,985	Thurmont Paving	Potomac Avenue Paving	08.30.23	45435

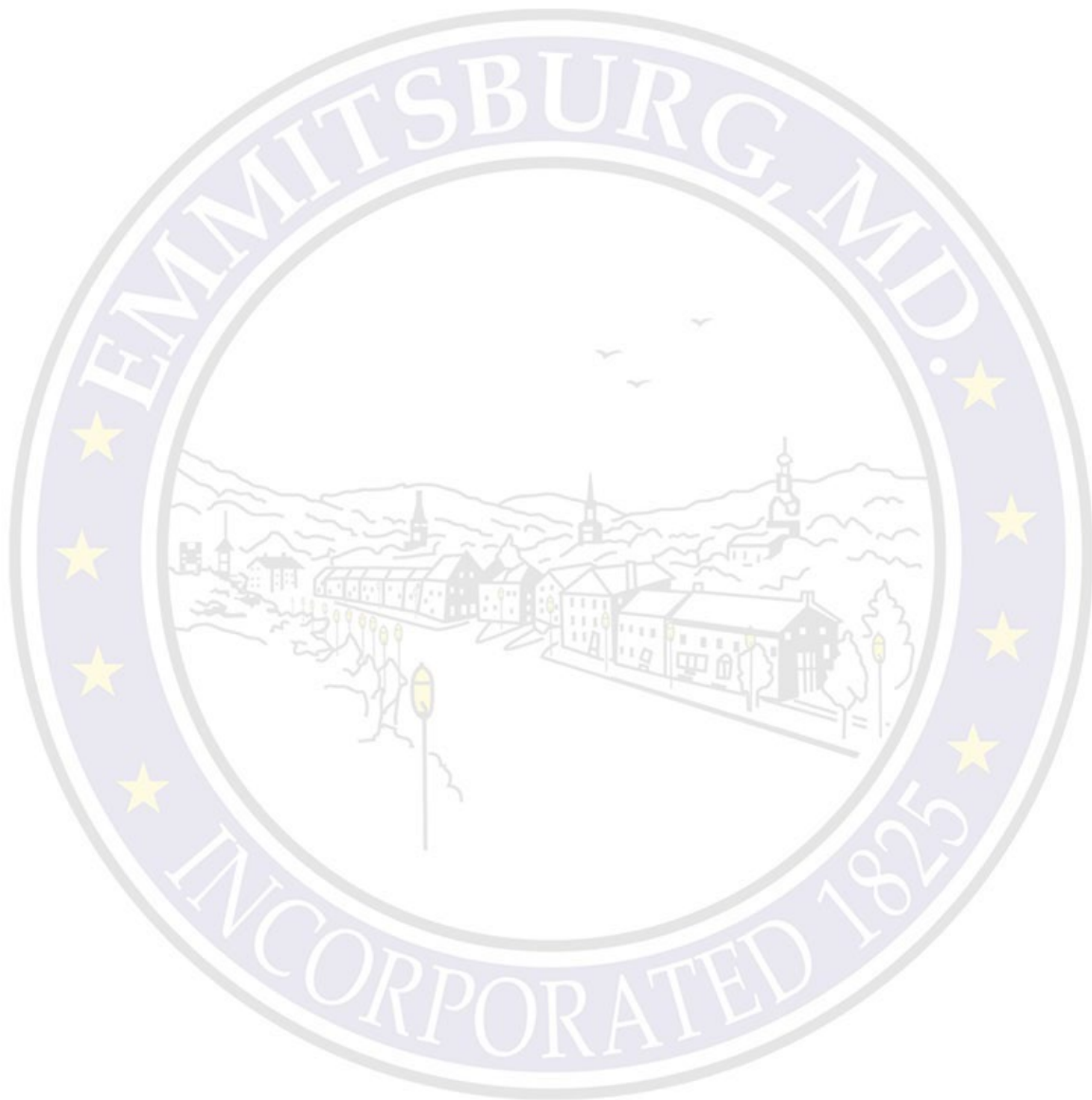
K. PLANNING COMMISSION REPORT

Presentation at the Town meeting.



L. AGENDA ITEMS

AGENDA ITEM #1: For consideration, Proclamation honoring Mayor Donald N. Briggs.





PROCLAMATION
**HONORING MAYOR DONALD N. BRIGGS
FOR HIS 12 YEARS OF SERVICE TO
THE TOWN OF EMMITSBURG**

WHEREAS, Mayor Donald N. Briggs, began his services as Mayor for the Town of Emmitsburg in 2011, serving the Town four consecutive terms; and

WHEREAS, Mayor Briggs has served the Town of Emmitsburg in many outstanding roles such as former (founding) member of the Carroll Creek Commission, former (founding) Director of Catoctin Land Trust (MET); and former member of the Frederick County Historic Commission; and

WHEREAS, he was a member and past President of the Emmitsburg Business and Professional Association (EBPA), former member of Frederick County Sustainability Commission, and former member and Chairman of the Frederick City Planning Commission; and

WHEREAS, Mayor Briggs has served the Community with many outstanding projects such as, ADA compliant sidewalks, ADA playground, numerous green initiatives (LG Sonic, EV chargers, solar panels, construction of a state of the art wastewater treatment plant, as well as welcoming many new businesses; and

WHEREAS, Mayor Briggs led the Town to receive many awards including, Sustainable Maryland, Tree City USA, MML Banner City and Maryland Green Registry Leadership Award; and

WHEREAS, the Board of Commissioners, Town staff and Emmitsburg Community have greatly benefited from the service of Mayor Briggs.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of Commissioners of the Town of Emmitsburg, Maryland do hereby express our sincere and grateful appreciation to Mayor Donald N. Briggs for his 12 years of service and do hereby extend our best wishes to him on his future endeavors. We look forward to the remarkable achievements to come and wish him continued success, happiness, and good health.

ADOPTED this ____ day of _____, 2023.

President, Timothy O'Donnell

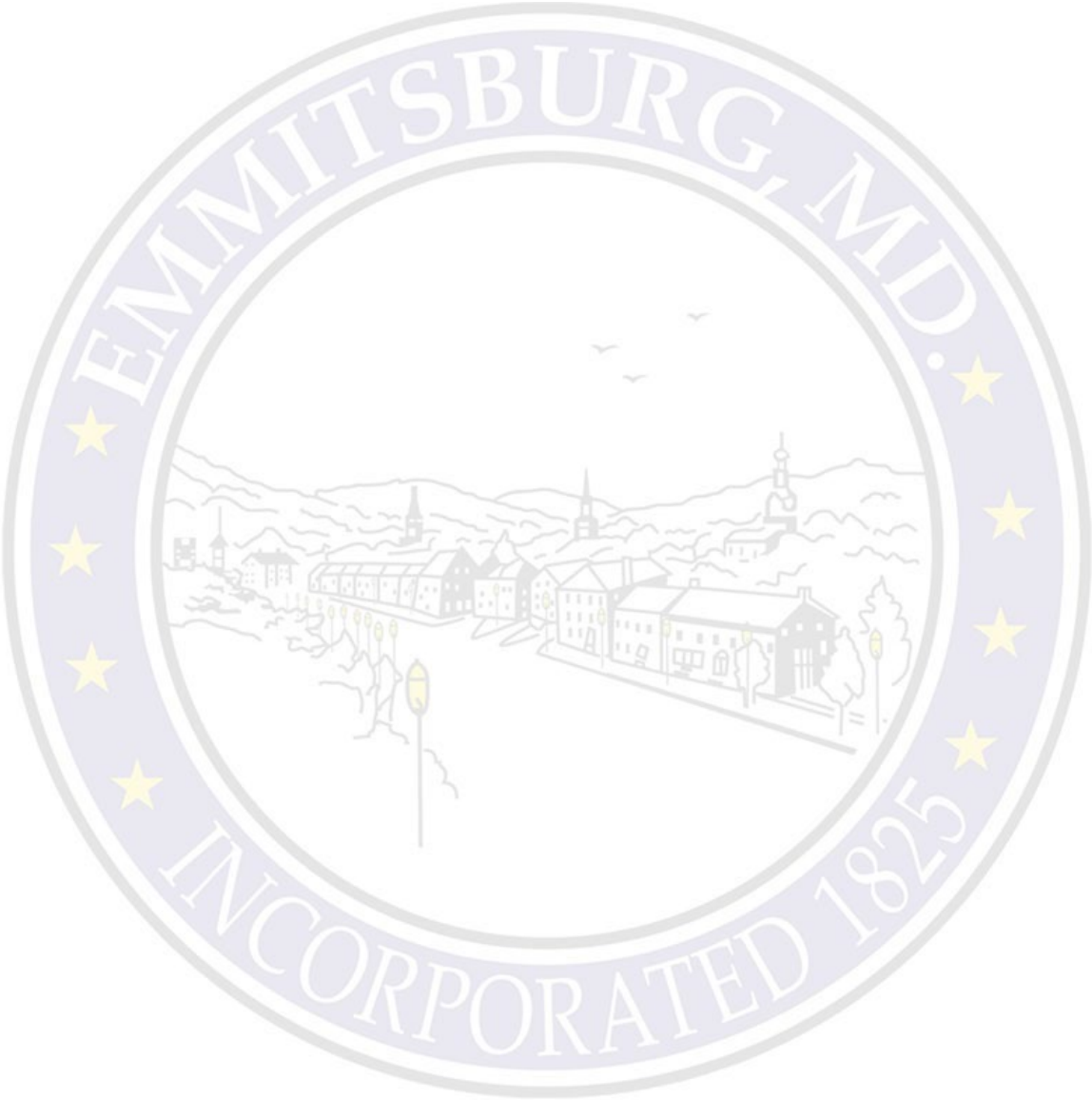
Vice President, Joseph Ritz III

Commissioner
Clifford Sweeney

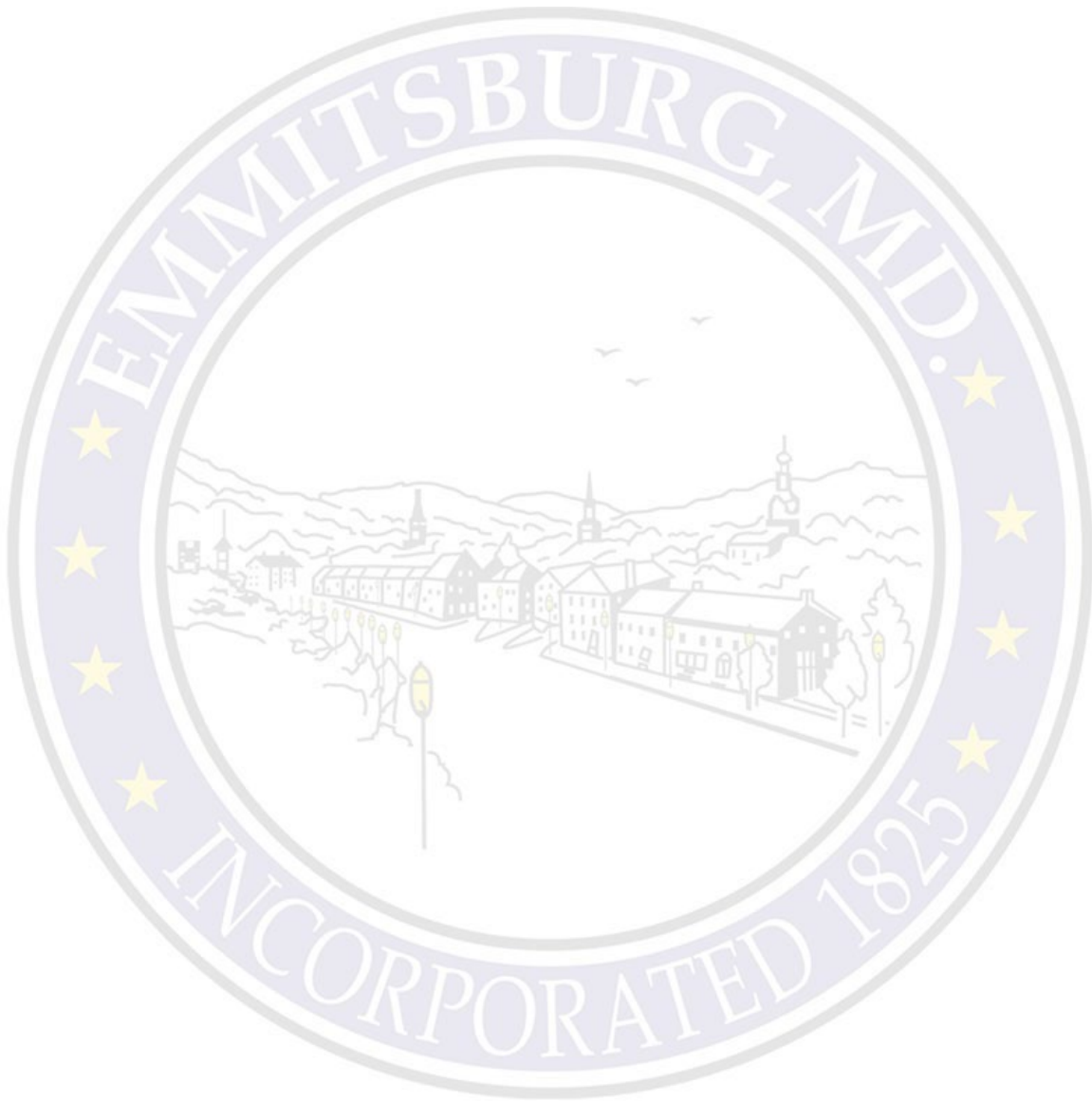
Commissioner
Frank Davis

Commissioner
Amy Boehman-Pollitt

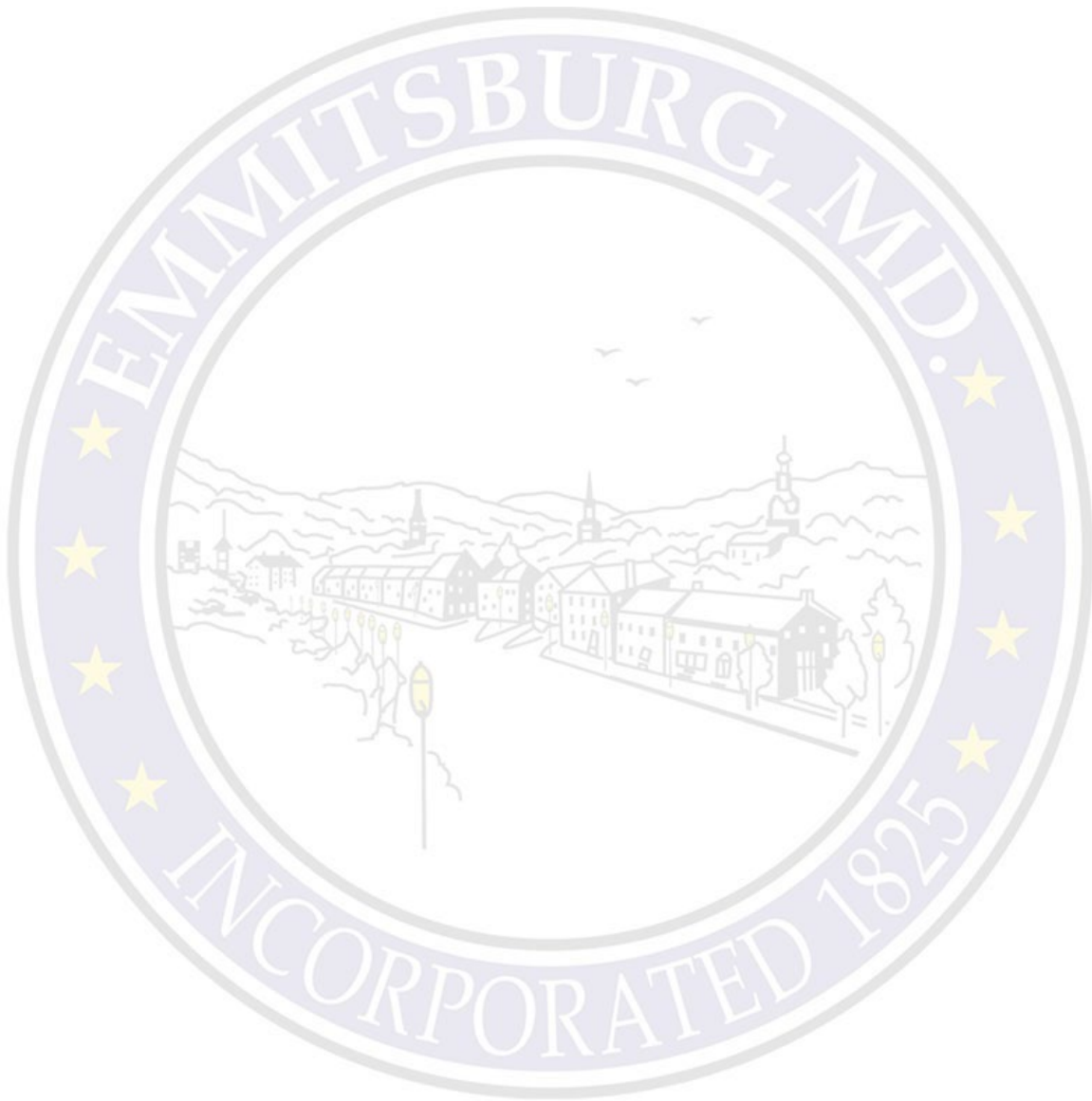
AGENDA ITEM #2: Swearing in of Mayor.



AGENDA ITEM #3: Swearing in of Commissioner.



AGENDA ITEM #4: Proclamation declaring October 2023 Breast Cancer Awareness Month.





PROCLAMATION

BREAST CANCER AWARENESS MONTH OCTOBER 2023



WHEREAS, while considerable progress has been made in the fight against breast cancer, per the American Cancer Society about 297,790 new cases of invasive breast cancer will be diagnosed in women in 2022 and

WHEREAS, this year an estimated 43,700 women will die from breast cancer in the United States; and

WHEREAS, an estimated 2,800 men will be diagnosed with invasive breast cancer in the United States and approximately a man's lifetime risk of breast cancer is about 1 in 833;

WHEREAS, 1 and 8 women will develop breast cancer in her lifetime; and

WHEREAS, there are over 4 million breast cancer survivors in the United States; and

WHEREAS, during this month, we reaffirm our commitment to support breast cancer research and to educate all citizens about its risk factors, detection and treatment; and

WHEREAS, as we display pink ribbons and wear pink clothing to raise awareness, we also support those courageously fighting breast cancer and honor the lives lost to the disease; and

WHEREAS, this October 2023, we recognize breast cancer survivors, those battling the disease, their families and friends who are a tireless source of love and encouragement, and applaud the efforts of our medical professionals and researchers working to find a cure for this deadly disease, and

WHEREAS, Breast Cancer Awareness Month is an opportunity to unite all citizens in our community to prevent breast cancer deaths through increased education and regular screening.

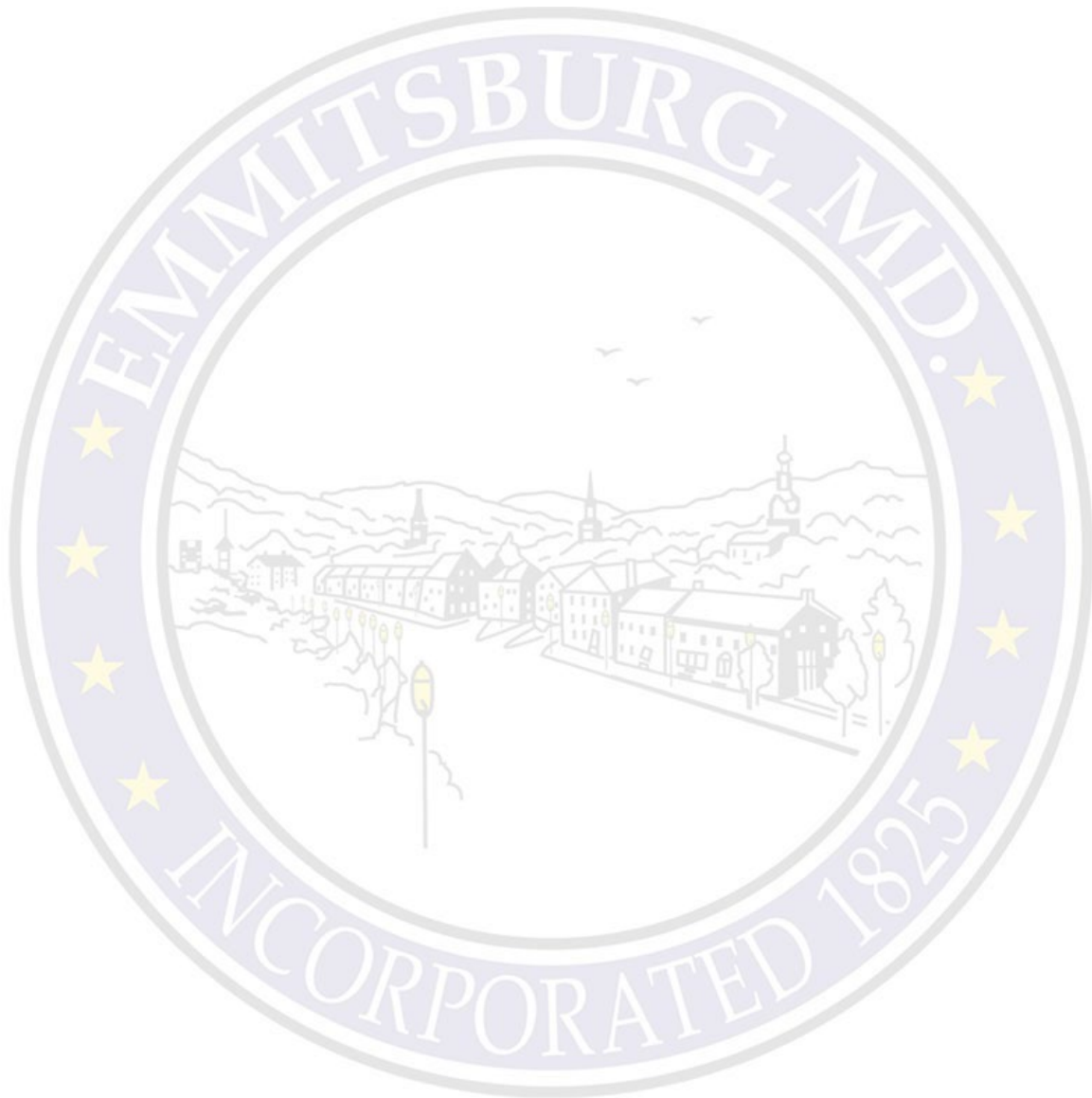
NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland do hereby proclaim the month of October 2023 as Breast Cancer Awareness Month.

ADOPTED this 2nd day of October, 2023.

Frank Davis
Mayor

Timothy J. O'Donnell, President
Board of Commissioners

AGENDA ITEM #5: For consideration, response to request by Peter Koutsos to initiate the annexation of the Rodney McNair property.



09/08/2023

Mayor Donald N. Briggs and the Emmitsburg Board of Commissioners

Mayor Briggs,

My name is Peter Koutsos and I am writing this letter on behalf of myself, as well as my son Nick and daughter Angelina, in regards to the Rodney L. McNair property (17381 N. Seton Ave.) located just northeast of town. We are writing to request that you, the Mayor and Town Board, begin the annexation process of this property.

We are currently under contract to purchase the property, which is just under 23 acres and is adjacent to the end of Silo Hill Road, and also has frontage on N. Seton Ave. The land is mostly cleared and is zoned agricultural. The property is inside the 2021 proposed growth boundary and the suggested use is medium density residential. We have included the growth boundary map and a plat of the property for convenience.

Our goal for the property is to have the zoning changed and develop a neighborhood. We are open to all suggestions from the town on home types/density. Based on our communication with the town so far, it seems we all agree that more affordable homes and/or townhomes are the best option at this time. We fully agree with this plan, but we are very open to any other suggestions or plans as well. We are also open to the idea of having some commercial space on the property, although we have not looked into that yet. Our hope is to create an opportunity for more people to become a part of the Emmitsburg community in a quality home and have easy access to all the amenities the town has to offer.

We believe that the Town Board initiating the annexation process is the best way to accomplish the goals that the Town and we have for the property. My son, daughter and I are the co-owners of the Silo Hill Center at 101 Silo Hill Road. We purchased that shopping center in 2002, and since then have become familiar with the area, and have met and worked with the wonderful people who work for the Town of Emmitsburg. However, we are not familiar with the annexation process, as we have never gone through it for Emmitsburg or any other area.

That is why we believe everyone would be served better if the Town Board initiated the annexation process. For the process to happen an efficiently and as effectively as possible, we think it makes sense to have the people with the most experience get the process started. Getting ourselves acquainted with the process, and the inevitable missteps we would make doing it for the first time would unnecessarily complicate and delay the process. We hope for the Town's input and involvement in the process, so that the property becomes something that both the Town and we are proud of. The Town Board initiating the annexation process would start the project off on the right foot with a sturdy foundation to build on.

In terms of the fees associated with the annexation process, we are fully prepared to cover everything that is required. Additionally, we are willing to pay the fees required if we were to be the ones initiating the annexation process, even if the Town Board decides to initiate it.

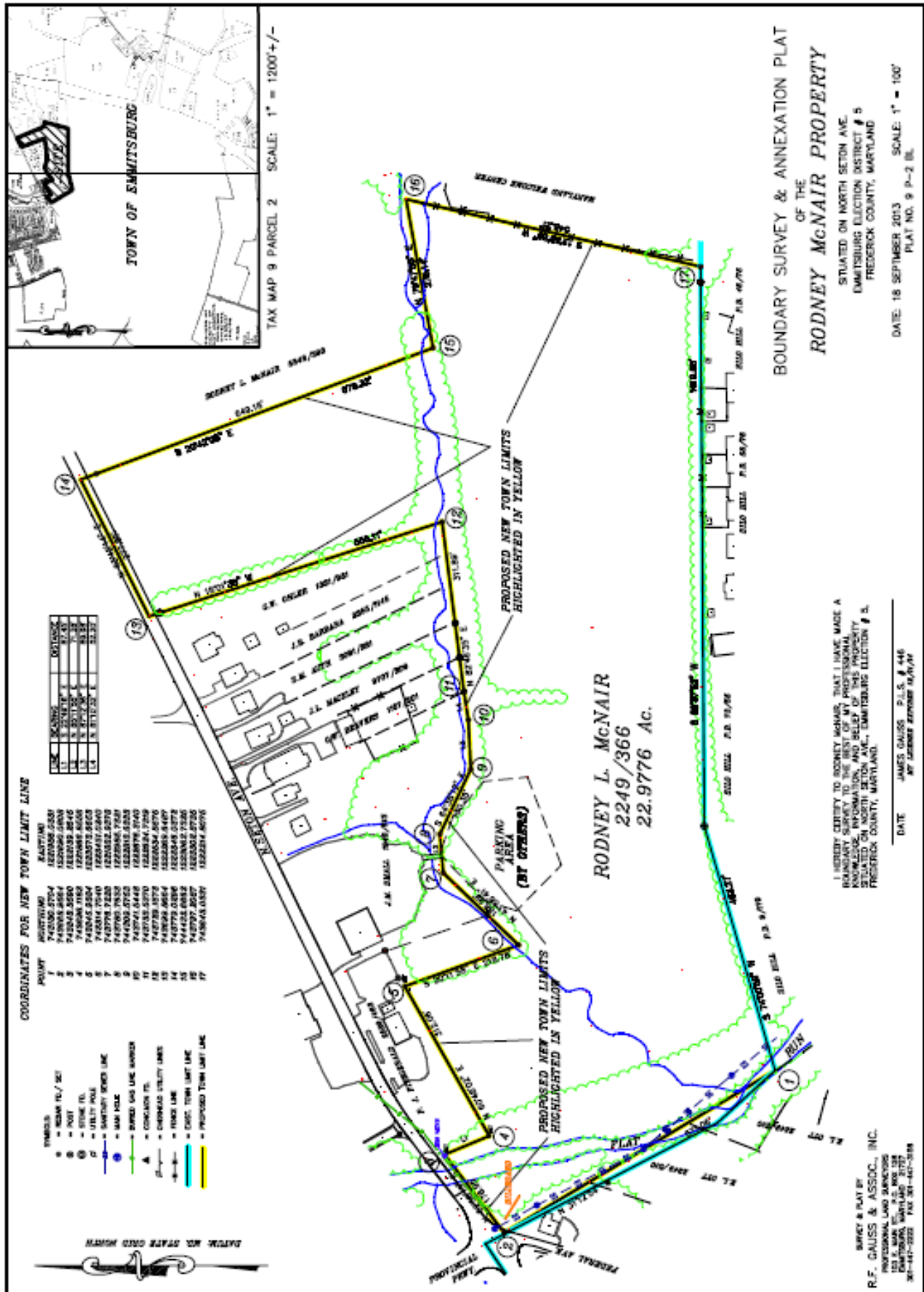
In summary, we hope to develop a property that will bring new residents into Emmitsburg, as well as one that benefits the current residents and the Town itself. We believe the best way to achieve this is for the Town Board to initiate the annexation process.

Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Koutsos', written in a cursive style.

Peter Koutsos
301 802 3030
pjkoutsos@verizon.net



PROCEDURES FOR ANNEXATION



This pamphlet is designed as a guide to explain the process of annexation for those who may be interested in having their property become part of the Town of Emmitsburg.

**Town of Emmitsburg
300A South Seton Avenue
Emmitsburg, MD 21727
301-600-6300**

BEGINNING THE PROCESS

The annexation process is governed by Maryland State law. These laws can be found in Title 4, Subtitle 4, of the Local Government Article of the Annotated Code of Maryland. While an annexation can be initiated by the Mayor and the Board of Commissioners (Board), most annexations are initiated by petition of the private landowner. This guide is geared towards petitions of private property owners.

An important preliminary step in the annexation process is to meet with the Town Planner to discuss the general parameters of the annexation. A tentative time schedule can be discussed concerning the filing of the petition and introduction of an annexation resolution to the Board, advertising requirements, and necessary hearings.

In order for a property to be considered for annexation it must meet the following criteria:

- Property must be adjacent or contiguous to existing property already within the Town
- Property must be within the municipal growth area on the Town's Comprehensive Plan
- Property may not create an enclave or island of unincorporated property.

An individual property owner may also find it advantageous to work with neighboring property owners who may also desire annexation. Because there will likely be both survey and legal fees involved in the process, a shared effort may do much to reduce individual costs. Becoming "adjacent" to the Town might also be achieved in this manner.

It should be noted that any and all costs associated with the annexation of any property into the Town must be paid by the petitioner(s).

I. PREPARING THE PETITION AND SUPPORTING INFORMATION

The next step in the annexation process is filing the petition with the Town by submitting it to the Town Planner. The petition is a small portion of a "package" of materials that needs to be assembled for both the Board and the many agencies involved in the petition review. Thirty (30) copies of the following items should be completed for filing of the petition along with the Town's Annexation Application form. In addition, one copy of the complete package should be submitted electronically to nahsan@emmitsburgmd.gov.

1. PETITION FOR ANNEXATION.

Normally an attorney prepares a Petition for Annexation making the annexation request of the Board and containing the information required by law.

It is important that the petition for annexation be signed by at least 25% of the registered voters and 25% of the owners of assessed valuation of real property in the area to be annexed.

2. METES AND BOUNDS DESCRIPTION

A complete metes and bounds description of the subject property accompanies the petition. It is usual for this description to be prepared by a certified surveyor.

3. ANNEXATION / SURVEY PLAT OF SUBJECT PROPERTY

Accompanying the metes and bounds description is a plat showing, in detail, the subject property and supplying part of the information requested in Part 4 below. It must show where the area to be annexed is contiguous to existing Town limits and the location of public facilities (water & sewer) on neighboring properties.

4. COUNTY COMPREHENSIVE PLAN GROWTH AREA MAP / SUBJECT PROPERTY

A site map showing the location of the subject property on the Frederick County Comprehensive Plan Growth Area Map should also be submitted. This map may be used to illustrate boundaries of the subject property contiguous to Town limits.

5. REQUEST FOR RELEASE OF COUNTY ZONING

In certain cases where the proposed zoning in Town would permit a land use or density for the property different than the zoning in Frederick County prior to the annexation, such development of the land may not be allowed for five (5) years unless express approval is granted by the County Council.

6. APPLICATION FOR ZONING

A request to zone the property to be annexed may be made in the annexation petition. Any Town Code separate requirements for zoning shall be met. Costs associated with publishing or posting zoning notices, mailing costs, legal review fees, and all other costs associated with the zoning request shall be the responsibility of the petitioner(s) and shall be treated the same as other annexations costs.

7. FEASIBILITY STUDY

A study shall be made at the petitioner's expense determining the fiscal impact the annexation of the subject property will have on the Town of Emmitsburg. The scope of the study will be dependent upon the size and nature of the annexation request.

For the annexation of a small parcel of land for residential use, a study prepared by the attorney may be sufficient. A larger parcel with planned multiple residences or uses, may require preparation of a study done by a land planning or engineering firm. Details

of the study should include how the annexation will affect the water, sewer, roads, police, fire, EMS, libraries, schools, and recreation.

8. RESOLUTION

A draft Town Board annexation resolution shall be submitted with the petition for annexation. This document states in resolution form many of the facts of the petition. It may also contain other conditions and agreements made between the petitioning party and the Town of Emmitsburg. Legal counsel for the Town will review the resolution.

9. COSTS & FEES

The Town's current annexation application fee is \$1,000.00 plus \$50.00 per acre or \$0.00 if initiated by the Town. All costs incurred by the Town—including but not limited to all fees charged by attorneys, engineers, and or any other consultants—in processing an annexation request, the petition, and any application for zoning shall be the obligation of the petitioner and is non-refundable. Once a petition for annexation is received by the Town, the Town will provide an estimate of anticipated annexation cost based on the information included in the application. The applicant must pay the application fee and estimated costs before the Town takes any action in relation to the annexation petition. During the annexation process, if it becomes apparent that the cost of annexation process for town has exceeded the initial estimation, the Town will notify the applicant who will be required to pay the additional costs within fifteen (15) days of the notification from the Town.

**II. PROCESSING THE PETITION
TIME FRAME / OTHER REQUIREMENTS**

1. INTRODUCTION.

When all the materials for the petition have been reviewed for completeness and legal sufficiency by the Town, the petition is presented to the Town Mayor & Board. The resolution may be introduced at the same time or when it is otherwise ready for introduction. The introduction of the resolution by the Town Mayor & Board starts in motion the process of review, public notice, and public hearing leading to Board action on the resolution and the acceptance (or rejection) of the annexation.

Neither the acceptance of the petition for annexation nor the introduction of a resolution binds the municipality in any manner. Approval or disapproval is subject of the legislative process and solely within the discretion of the Town.

2. ANNEXATION PLAN – LOCAL GVT. 4-415.

At least thirty (30) days before the public hearing, the Town Board is required to adopt an Annexation Plan for the area to be annexed. The petitioner may be asked to provide studies or other information to create and support the Annexation Plan.

The Annexation Plan must include detail on the following:

- a) Description of proposed land use pattern;
- b) Schedule for extending municipal services to the area considered for annexation;
- c) Method of financing the extension of services;
- d) Land available for public facilities which may be required for the proposed land use, including schools, water, sewage treatment, libraries, recreation, fire, EMS, and police services; and
- e) Explanation as to how the proposal is consistent with the municipal growth element of the Town's Comprehensive Plan.

3. PUBLIC HEARING.

Following petition acceptance by the Board and introduction of the resolution, the Town shall publish at least four (4) times or two (2) times if the proposed annexation is 25 acres or less in size, at not less than weekly intervals an advertisement of the proposed annexation. After a period no sooner than fifteen (15) days following the final advertisement, the Town shall hold a public hearing on the petition for annexation, and the Board may act at or following the hearing to accept or reject the resolution.

4. ANNEXATION AGREEMENT.

An Annexation Agreement or other agreement is sometimes used to address unique or individual circumstances or conditions relating to the annexation. This may be negotiated during the process. It is typically executed before enactment of the resolution.

5. ACTION ON RESOLUTION / REFERENDUM.

If the Board enacts the resolution for annexation, it cannot take effect until at least forty-five (45) days after its enactment.

During these forty-five (45) days from the enactment of the resolution by the Board, a petition for referendum may be filed with the Town which, if it meets the filing requirements, would suspend the effectiveness of the annexation resolution by Town proclamation. This petition for referendum may come from three possible sources:

- A. A minimum of twenty percent (20%) of the qualified voters of the Town;

- B. A minimum of twenty percent (20%) of the registered voters who are residents in the area to be annexed; or
- C. Two-thirds (2/3) vote of the County governing board.

If such petition for referendum is received, the Town must publish a notice of referendum two (2) times at not less than weekly intervals and hold a referendum election no sooner than fifteen (15) and no later than ninety (90) days after the notices are published. The results of the public referendum are binding on a decision to annex or not to annex.

6. REPORTING OF RESOLUTION.

Once an annexation resolution becomes final and effective, a copy with the new Town boundaries is sent to the Town Planner, the Clerk of the Circuit Court for Frederick County, and the Maryland Department of Legislative Services.

ANNEXATION MAILING LIST

Initial Petition Packet

Mayor and Board of Commissioners	6
Town Manager	1
Planner / Zoning Administrator	2
Director of Public Works	1
Sewer / Water Superintendent	1
Town Attorney	1
Leslie A. Powell Powell, LLC. 19 North Court Street, Suite 201 Frederick, Maryland 21701	
Frederick County Planning Commission	8
30 North Market Street Frederick, Maryland 21701	
Frederick County Executive & Council	8

Winchester Hall
12 East Church Street
Frederick, MD 21701

Maryland Office of Planning 1
301 West Preston Street, Suite 1101
Baltimore, Maryland 21201

Metropolitan Washington Council of Governments 1
777 North Capitol Street NE, Suite 300
Washington, DC 20002

TOTAL # OF COPIES 30

Adopted Annexation

Maryland Department of Legislative Reference (include signed annexation resolution & annexation plat)

Department of Legislative Reference
90 State Circle
Annapolis, Maryland 21404

Frederick County Clerk of the Court
100 West Patrick Street
Frederick, Maryland 21701

Courtesy Copy

Maryland Department of Transportation 1
State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

ANNEXATION CHECKLIST

1. Filing of petition to Town Planner. Date: _____

2. Mayor shall cause verification of signatures. Date: _____

Petition initiated by Town - Consent of at least 25% of registered voters and 25% of owners of assessed valuation of property.

OR

Petition initiated by owners – Petition is signed by at least 25% of registered voters and 25% of owners of assessed valuation of property.

3. Petition presented to Mayor and Town Board. Date: _____

4. Introduction of resolution to Mayor & Town Board. Date: _____

5. Provide Petition to Frederick County Executive & Council at least sixty (60) days prior to public hearing. Date: _____

6. Send out annexation package for review: **(45-day review period).**

Mayor and Board of Commissioners Date: _____

Town Manager Date: _____

Planner / Zoning Administrator Date: _____

Director of Public Works Date: _____

Sewer / Water Superintendent Date: _____

Town Attorney Date: _____

Frederick County Planning Commission Date: _____

Frederick County Executive & Council Date: _____

Maryland Office of Planning Date: _____

7. Provide Annexation Plan at least 30 days prior to the public hearing to:

1) The Town Mayor & Board Date: _____

- 2) Frederick County Executive & Council Date: _____
- 3) Regional & State Planning Agencies Date: _____
- 8. Publication of Notice of Hearing four (4) times, or two (2) times if less than 25 acres, at weekly intervals in the Frederick News Post. 1st Date: _____
2nd Date: _____
3rd Date: _____
4th Date: _____
- 9. Immediately after the first publication, provide to the County governing body, to the regional planning agency where applicable, and the Maryland Office of Planning, a copy of the first hearing notice. Date: _____
- 10. Public hearing to be held not less than 15 days after Last publication. Date: _____
- 11. Annexation Resolution is rejected, annexation fails. Date: _____
- 12. Annexation Resolution is enacted, subject to 45-day referendum period. Date: _____
- 13. Resolution becomes effective after 45 days, if no referendum. Date: _____
- 14. In the event of receipt of a petition for referendum:
 - A. Verify that the petition for referendum meets statutory criteria: Date: _____
 - i. 20% of qualified voters of the municipality;
 - ii. 20% of the registered voters in the area to be annexed; OR
 - iii. A vote of at least two-thirds of the members of the County governing board.
 - B. Issue proclamation suspending the effectiveness of the annexation resolution pending the results of the referendum. Date: _____

C. Set date for referendum not less than 15 nor more than 90 days after publication of notices of referendum. Date: _____

D. Publish notice of referendum twice at not less than weekly intervals. Date: _____

E. Conduct referendum. Date: _____

F. If annexation resolution is upheld on referendum, Date: _____ then it becomes effective on the 14th day after the referendum, and then report and register boundaries as indicated below.

15. Send annexation information within 10 days after effective date to:

Emmitsburg Town Planner Date: _____

Maryland Department of Legislative Reference Date: _____

Clerk of the Circuit Court of Frederick County Date: _____

[SAMPLE]

**A RESOLUTION
APPROVING THE ANNEXATION OF
PARCEL(S) # _____**

BE IT RESOLVED, ENACTED AND ORDAINED, this ___ day of _____ 20___, 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 annexation of Parcel(s) # _____ into the Town of Emmitsburg.

WHEREAS, the Town of Emmitsburg (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, the property to be annexed will consist of ___ parcels of land (Parcel(s) # _____) totaling _____ acres, more or less, contiguous and adjoining to the existing _____ and _____ corporate boundaries of the Town, and more particularly described herein below (the "Annexation Property"); and

WHEREAS, the Local Government Article, § 4-403 of the Maryland Code states that "[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least 25% of the assessed valuation of real property in the area to be annexed . . ."; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description contained herein; and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department of State Planning at least thirty (30) days prior to the date of public hearing to be conducted on this Resolution; and

WHEREAS, all requirements of the Laws of the State of Maryland, Frederick County, and the Charter and laws of the Town of Emmitsburg regarding initiation of this annexation by the Town's legislative body have been satisfied, and the Town has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of the Town of Emmitsburg, Maryland, shall be and are hereby amended to incorporate into the Town of Emmitsburg the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article of the Maryland Code, the Charter of the Town of Emmitsburg is hereby amended in Section 2 by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

Section 2c. _____ (year) Annexation.

(Insert metes & bounds description here)

Section 3. Application of Town Charter and Ordinance. Upon the effective date of this Resolution, the provisions of the Charter and Code of Ordinances of the Town of Emmitsburg, and any local public laws enacted or to be enacted affecting the Town of Emmitsburg, shall be effective within the Annexation Property except to the extent that any law, this Resolution or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is under the land use jurisdiction of the Frederick County Planning Commission. The Annexation Property is currently zoned _____ pursuant to the County Zoning Ordinance. Subject to the appropriate laws and administrative requirements, the Annexation Property shall be zoned to the Town's _____ zoning classification. In the event that the Town's _____ zoning classification for the Property permits a land use substantially different from the use for the land specified in the zoning classification in effect at the time of the Annexation, the Town will cooperate in all regards and make all reasonable efforts to secure approval of said requested zoning classification and the requested annexation, including seeking the grant of a waiver of zoning consistency from Frederick County, if required.

Section 5. Annexation Plan. The applicant has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit A, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department

of State Planning at least thirty (30) days prior to the date of the public hearing conducted by the Mayor and Commissioners on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of Local Government Article, Section 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Mayor and Commissioners, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least _____ times, at no less than weekly intervals, in a newspaper of general circulation in Emmitsburg, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406 of the Local Government Article of the Maryland Code.

Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the County Executive of Frederick County,
- (b) Frederick County Council,
- (c) Frederick County Planning Commission,
- (d) Metropolitan Washington Council of Governments, and
- (e) the Maryland Department of State Planning.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provision of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the Mayor, or his designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Frederick County, Maryland, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Effective Date. This Resolution shall be deemed "finally enacted" on the date on which the Mayor and Commissioners indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

NOW, THEREFORE, BE IT HEREBY enacted this ____ day of _____, 20__ by the Mayor and Board of Commissioners, that Resolution Number 20__ - __R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

Petitioner: _____

Annexation #: _____

STATEMENT OF PETITION FOR ANNEXATION RELATED FEES

TO THE TOWN OF EMMITSBURG MAYOR AND BOARD OF COMMISSIONERS:

The Petitioner is responsible for all expenses associated with the annexation and zoning process. These expenses include cost of administrative review by Town staff, postage costs, advertising costs, copying costs, legal fees of the Town Attorney, costs of preparation of Annexation Plan, costs of statutory compliance and notice, recording fees, transcription fees, engineering or consulting fees, and such other necessary costs.

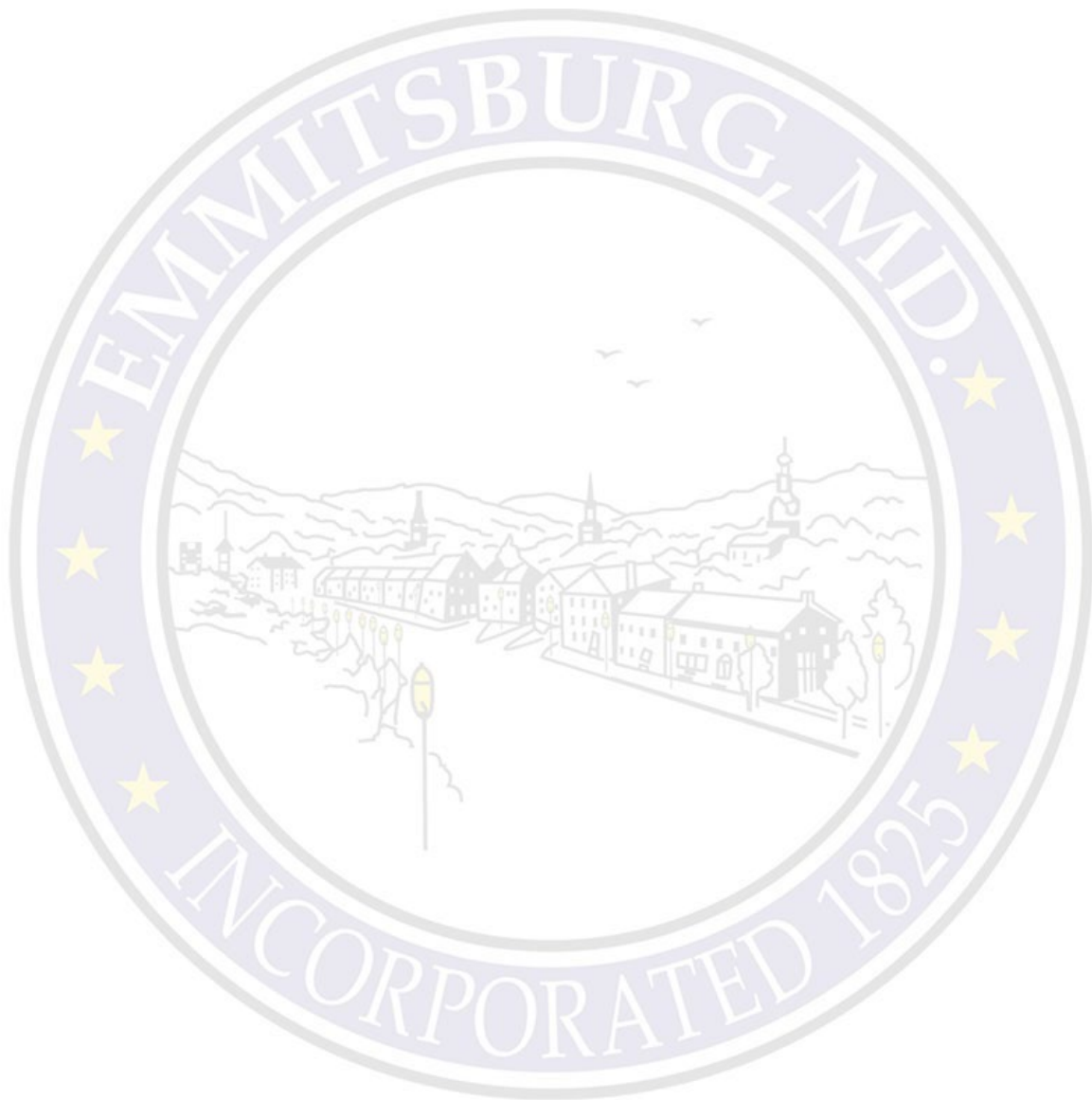
I / We hereby submit a deposit towards these costs in the amount of \$_____. The Town shall periodically invoice these costs to the Petitioner. The excess above this initial deposit which shall be promptly paid by the Petitioner. In the event of an unpaid invoice, the Town may suspend processing and approvals.

I / We hereby understand and certify that the Petitioner is responsible for the payment of costs as described above, and I / we do hereby guarantee payment to the Town of Emmitsburg within thirty (30) days from the receipt of a statement of such costs. I / We understand that these fees are non-refundable.

Signature of Petitioner

Witness

~~AGENDA ITEM #6: Approval of Rules of Procedure for Community Legacy Grant Program for Sustainable Communities Work Group for consideration.~~ **POSTPONED**



M. SET AGENDA FOR NEXT MEETING: NOVEMBER 6, 2023

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

Administrative Business:

- A.
- B.
- C.

