Town of Emmítsburg

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

WORKSHOP

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, APRIL 22, 2024

The Board of Commissioners will be holding a closed Executive Session "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals". The authority for meeting in closed session for this purpose is permitted by the General Provisions Article, Section 3-305(b)(1), Annotated Code of Maryland which authorizes us to meet in closed session to discuss employment.

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE
- **3. FUTURE MEETINGS**

Planning Commission Meeting: April 29, 2024, 7:00 pm (Town Office & Zoom) Board of Commissioners Meeting: May 6, 2024, 7:00 pm (Town Office & Zoom) Workshop FY2025 Budget: May 20, 2024, 7:00 pm (Town Office & Zoom)

MEETING ITEMS

- A. COMMISSIONER COMMENTS
- **B. MAYOR COMMENTS**
- C. AGENDA ITEMS (DETAILS ATTACHED)
 - 1. Discussion related to FY23 budget transfers.
 - 2. Discussion related to FY25 water rates.
 - 3. Discussion related to Stormwater Management.
- D. SET AGENDA FOR NEXT MEETING: May 6, 2024
- 4. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS
- 5. ADJOURN

Hi there,

You are invited to a Zoom meeting.

When: Apr 22, 2024 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZUqd-6vpz0iGdCACa-EPKhs3gaPmahfZQ5U

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

A. COMMISSIONERS COMMENTS



C. AGENDA ITEMS

AGENDA ITEM #1: Discussion related to the FY23 budget transfers.



FY 23 BUDGET TRANSFERS

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

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

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

Recommended budget transfers:

Fund 2 Dept. 15 104 (22 E. Main St.)	\$ 36,300.00			
Repairs to maintenance office and garage				
Fund 2 Dept. 60 330 (Parks – Equipment)	\$ 2,000.00			
New power washer to clean park equipment				
Fund 2 Dept. 60 194 (Ballfields)	\$ 11,900.00			
Field maintenance and prep				
Fund 2 Dept. 60 352 (Parks/Rec Equipment Upgrades)	\$ 13,462.00			
Install electronic locking doors on bathrooms, changing stations				
Fund 2 Dept. 30 385 (Paving)	\$218,750.00			
Paving Timbermill Run and Silo Hill Pkwy				
Fund 2 Dept. 12 400 (stormwater management)	\$ 67,650.00			
New MS-4 permit term requirements and Cedar Ave. storm drain	project			
Fund 2 Dept. 10 999 (general) \$ 1,3				

Printing of new business brochures Fund 2 Dept. 12 999 (general) 4,000.00 \$ Purchase large scanner for drawings and plans Fund 2 Dept. 15 104 (300A South Seton) \$ 20,000.00 New and replacement security cameras for Town office and parking lot Fund 2 Dept. 30 999 (general) \$ 31,778.00 Establish a fund for purchase and creation of new municipal parking lot Fund 2 Dept. 60 999 (general) \$ 16,500.00 Storm draining flooding project in E. Eugene Myers Park (walking trail) Fund 2 Dept. 30 340 (vehicles) \$ 2,637.00 Balance line item (currently negative) 20,000.00 FY25 Fund 1 Dept. 10 \$ Funds for new position (salary and benefits) TOTAL: \$446,287.00

AGENDA ITEM #2: Discussion related to FY25 water rates.

Presentation at the Town meeting.

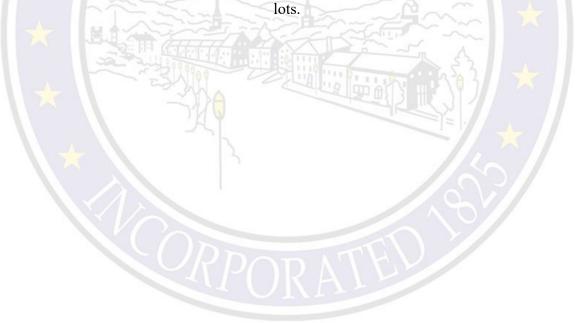


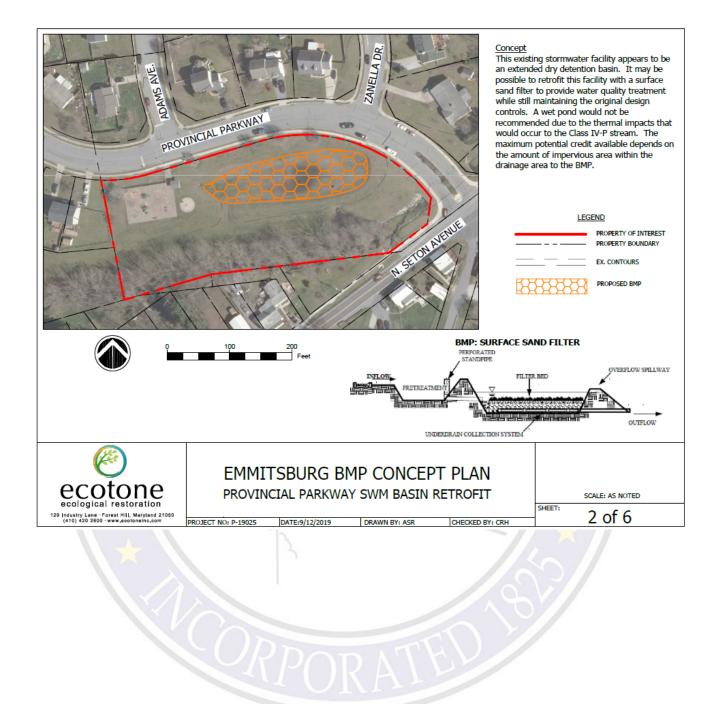
AGENDA ITEM #3: Discussion related to Stormwater Management.

In a nutshell, the NPDES MS\$ permit includes the following:

- Develop, Implement, and enforce a stormwater management program to reduce discharge of pollutants from stormwater systems as much as possible.
- Public outreach and education about the impacts of stormwater runoff and reduce pollution.
- Illicit Discharge Elimination (IDDE): this is to eliminate the illicit discharges the Town retains Barton & Loguidice for this.
- Pollution prevention/good house keeping such as catch basin clean up etc. Jimmy's guys usually do this work.
- Post construction stormwater management.

*The properties that are exempt from the SWM Utility Fee are either Town owned or are empty





Tree Planting on DoC Property			
Survey	\$	5,500	(based on Gauss contract)
Drafting Deed of Easement	\$	1,000	(based on legal fees; Leslie: 250 & Clark: 220 with a little over 2 hours each
Northgate SWM Pond Retrofit			
Preliminary assessment and conceptual design	\$	39,950	(based on B&L esimates from 2022)
Retrofitting	\$	500,000	(based on how much has been spent on construction of Silo Hill Basin (\$309K)
Silo Hill Basin			
Maintenance	\$	11,600	(rounded up); This is an yearly rate for three years
			covered by grant for three years; then need agreement with Silo Hill HOA
Educational Materials & Training			
Pamphlets and Newletters	\$	1,100.00	(printing and Mailing 1,100 newsletters)
Pollution Prevention Staff Training		\$3,100	(based on last year's invoice from B&L)
Annual IDDE Inspection			
Annual Inpsection done by B&L		\$5,000	(based on B&L
GIS			
Other Potential Projects (ecotone analysis from 2	019)	- high end c	osts according to their report
22 E Main St. Rain Garden	\$	60,000.0	
140 S Seton Ave Rain Garden	\$	60,000.0	
201 &303 W Lincoln Ave Filtration Tench, Dry Swale	\$	150,000.0	
Required Activities			
MS4 Annual Report Review	\$	1,000.0	(The Town worked on this, but B&L reviewed it and charged this much)
Dry Weather Outfall Screening	\$	3,680.0	(This is how much was charged by B&L)
Bottom-Line			
We have to have this SWM Utility Fee because it wo	buld	help fund the	maintenance of BMPs that cost hundreds of thousands \$\$ to make
We have listed this as a restoration practice that w	e int	end to do in (our NPDES permit report, so we have to stick to our word
Having this would help us apply for grants that requi	ire ir	n-kind cash fr	rom Town.

Inflow SWM Utility Fee (\$20/ year max)

\$34,851

Based on UMD Calculation in 2022; Since we have more developments now, this number is likely to be a little higher



Town of Emmitsburg Stormwater Advisory Committee Update

In 2018, Emmitsburg was issued a Municipal Separate Storm Sewer System (MS4) Permit by the Maryland Department of the Environment to manage stormwater runoff. This requires the implementation of six minimum control measures, as well as treating stormwater from 20% of the Town's impervious surfaces through best management practices (BMPs).

The permitting cycle is continuous and permanent. After this permit term (2018-2023), new permits will be issued every five years. This is an expensive unfunded mandate, and it is estimated that the impervious surface restoration requirement alone will cost the Town over \$700,000 during this permitting cycle.

Since the permit will continue indefinitely, the Town is considering ways to fund future MS4 projects. Emmitsburg has formed a Stormwater Advisory Committee and the Board of Commissioners has engaged the University of Maryland's Environmental Finance Center (EFC) to conduct a stormwater financing feasibility study.

Through a series of four public meetings, EFC met with the Advisory Committee to discuss the Town's stormwater needs, potential financing options and to help determine the most equitable way to fund the Town's stormwater program. The Committee's final recommendations were presented at the March 7 Town Meeting.

STORMATER RUMPIF RUMPICAL STREAMS LINES MADIFIE RUMPIF

Stormwater Advisory Committee Members

George Brenton – Daughters of Charity, nonprofit representative TJ Burns – Board of Commissioner's representative Frank Davis – Board of Commissioner's representative Jon Greenstone – Council of Churches, nonprofit representative Mark Long – Resident representative Shannon Moore – Frederick County representative Shital Patel – Dunkin' owner & business representative Travis Tracey – Frederick County Public Schools representative Steve Trout – Jubilee owner & business representative

What is Stormwater?

Water generated from rain and snow and ice melt events flows over land, roofs, or other impervious (hard) surfaces.

It does not soak into the ground and carries pollutants into local waterways.

Pollutants such as fertilizer, sewage, chemicals, sediment, bacteria from animal waste, and trash that come off the land and not from a specific source cause Nonpoint Source Pollution. This is managed through the MS4 permit.

Stormwater Impacts

Decreases water quality

- Decreases aesthetics
- Contaminates drinking water
- Increases nutrient and bacteria levels
- •Harmful to aquatic life
- •Harmful to humans and pets



Town Meeting Summary

The Environmental Finance Center presented a summary of the four Stormwater Advisory Committee meetings, as well as the Committee's recommendations regarding a Stormwater Utility Fee at the March 7 Town Meeting. EFC presented

information about the following:

- Stormwater Utility Fees nationwide and in Maryland;
- Different types of fee structures;
- Calculation of the Equivalent Residential Unit (ERU);
- Factors considered when developing the funding scenarios;
- The four funding scenarios presented to the Advisory Committee;
- The recommended credit system; and
- The result of the Advisory Committee's vote.

Following the presentation and a period of questions and discussion, a motion was made to approve the development of a \$47/year Stormwater Utility Fee, pending the results of the on-going Water and Sewer study. This motion was seconded but failed to pass by a vote of 3 to 2. After additional discussion, a motion was made to approve the development of a \$20/year Stormwater Utility Fee pending the results of the ongoing Water and Sewer study. This motion passed unanimously with all five Commissioners voting in favor of the motion.

The results of this vote mean that the Town is going to continue the process of developing a Stormwater Utility Fee with the following criteria:

- The fee will be billed quarterly as part of the water and sewer bill;
- A maximum fee of \$20/year/ERU will apply for Tier 1 and Tier 2 residential and non-residential parcels;
- A calculated fee that will exceed \$20/year will apply for all Tier 3 residential and non-residential parcels; and
- The development of a credit system, not to exceed 20%, for non-residential parcels

Finalization and approval of the Stormwater Utility Fee is dependent on the outcome of the on-going water and sewer study. The results of this study could potentially impact both the decision to implement a Stormwater Utility Fee and the amount of the fee.

A Residential Fee of \$20/Year/ERU

In this scenario, 20% of the Town's residential parcels (Tier 1) would pay \$10/year and 69% (Tier 2) would pay \$20/year. The remaining 11% would pay a fee determined by dividing the parcel's impervious area by 2,932 then multiplying by \$20. The average fee for a Tier 3 residential property would be \$50.71/year.

Residential	Tier	Equivalent ERU	A of Parcels	% of Parcels
Sq Ft <= 1,466	1	0.5	173	20%
Sq Ft >1,466 and <= 4,398	2	1	616	69%
Sq Ft > 4,398	з	Calculated*	96	11%

A Non-Residential Fee of \$20/Year/ERU

Under this scenario, 16% of the Town's non-residential parcels (Tier 1) would pay \$10/year and 12% (Tier 2) would pay \$20/year. The remaining 72% would pay a fee determined using the same formula described above. The average fee for a Tier 3 residential property would be \$113.91/year.

Both the residential and non-residential average Tier 3 fees were calculated excluding parcels that have over 1 acre (43,560 sq ft) of impervious area so as not to artificially inflate the average Tier 3 fee.

Commercial	Tier	Equivalent ERU	# of Parcels	% of Parcels
Sq Ft <= 1,466	1	0.5	11	16%
Sq Ft>1,466 and <= 4,398	2	1	8	12%
Sq Ft > 4,398	з	Calculated*	49	72%

Total Revenue

Establishing a Stormwater Utility Fee of \$20/year will yield approximately \$34,851 which will be deposited into a dedicated stormwater management fund. Currently, the Town is averaging approximately \$30,000 in annual stormwater management expenses. However, these expenses have been for lower-cost items such as outreach and education, street sweeping, and managing construction-site run-off. The Town has not yet implemented the impervious area restoration projects that are required through the MS4 permit. These projects are much more costly than the expenses that have been accrued to-date.

Revenue from the Stormwater Utility Fee will be used to help pay for project implementation as well as emergency repairs, provide grant match, etc. Funds collected through the Stormwater Utility Fee cannot be used to pay salary. Town Meeting Agenda April 22, 2024

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05

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

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Public Services, of the Emmitsburg Municipal Code, be amended as follows:

Chapter 13.10 - Stormwater Management Utility Fee.

Chapter 13.10.010 - General Provisions.

A. Authority.

This chapter is enacted pursuant to the Annotated Code of Maryland, Environment Article, § 4-204(d), which authorizes municipalities to adopt a system of charges to fund the implementation of stormwater management programs.

B. Purpose.

To protect the public health, safety, and welfare, the Town's stormwater management, storm drainage, and water quality programs must be financially supported. All real property in the Town benefits from these Town programs and services. Those with higher amounts of impervious surface area contribute greater amounts of stormwater or pollutants to the Town's stormwater management facilities, storm drains, and streams, and therefore should carry a proportionate burden of the cost. The Town has determined that it is in the interest of the public to enact a stormwater management utility fee that allocates program costs to all property owners based on impervious surface area measurement.

C. Definitions.

For the purposes of this chapter, the following terms have the meanings given:

- "2000 Design Standards" means the standards established in the 2000 Maryland Stormwater Design Manual and as it may be updated from time to time.
- "ERU" means an Equivalent Residential Unit which is the standard unit of measure to equate nonresidential or multi-family residential properties to the average impervious surface area of a single family residential property in the Town. One ERU equals 2,932 square feet of impervious surface area.
- "Impervious surface" means a surface that does not allow stormwater to infiltrate into the ground, for example, surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and other oiled, graveled, graded, compacted or similar surface that impedes the natural infiltration of surface water.
- 4. "Impervious surface area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.
- "Real Property" means all real property within the Town limits excluding Town owned real property.
- 6. "Structural management facilities" include facilities that include recharge storage as a portion of the full water quality treatment volume if they are subject to routine structural maintenance.
- 7. "Town Property" means any parcel that is owned by the Town.

Page 1 of 6

Page 13 of 18

Page 2 of 6

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05

Chapter 13.10.020 - Stormwater Management Fund.

A. Establishment.

The Town's Stormwater Management Fund is a dedicated enterprise fund. It will be used only to fund stormwater management, storm drainage, and water resources programs and services.

B. Revenue.

The following revenue will be deposited into the Stormwater Management Fund:

- All fees established by the Town to cover the cost of administering the provisions of the Town's Stormwater Management Ordinance, including but not limited to application and permit fees and fines and waiver fees;
- 2. All revenue collected from the imposition of the utility fee pursuant to this chapter;
- 3. All interest from deposits in the Stormwater Management Fund; and
- Any other revenue as may be determined by the Town including but not limited to grants and special appropriations.

C. Expenses.

The Town may use the Stormwater Management Fund only for the following expenses:

- 1. Regulatory review and inspection of stormwater management, sediment control, and storm drainage for development permits;
- 2. Watershed, stormwater management, floodplain, and storm drainage conveyance studies and planning;
- The study, design, purchase, construction, expansion, retrofit, repair, maintenance, landscaping, operation or inspection of stormwater management facilities, storm drainage, and other watershed improvements;
- 4. Land acquisition (including easements and rights-of-way) for stormwater management facilities or storm drainage;
- 5. Water quality programs related to State or Federal laws, including requirements for the Town's National Pollution Discharge Elimination System permits;
- 6. Water quality monitoring, inspection, and enforcement activities, including illicit discharge and illicit connection investigations;
- 7. Water quality and pollution prevention education and outreach activities;
- 8. Program administration and implementation, including reasonable operating and capital reserves to meet unanticipated or emergency requirements for stormwater management, storm drainage and water quality; and
- 9. Other stormwater management, storm drainage, and water quality programs that are reasonably required to protect public safety or meet applicable regulatory requirements.

Chapter 13.10.030 - Applicability.

Except as otherwise provided in this chapter, this chapter applies to all improved real property in the Town, including real property that is tax exempt from property tax pursuant to Title 7 of the Tax Property Article of the Annotated Code of Maryland.

Chapter 13.10.040 - Utility fees.

A. Establishment.

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05 Page 3 of 6

The Town shall charge an annual stormwater management utility fee on all Real Property based on the amount of impervious surface area on each property and the cost of implementing the Town's stormwater management, storm drainage, and water quality programs. Except as otherwise provided in this chapter, the owner of each lot is responsible for paying the stormwater management utility fee imposed for that lot. Any real property added to the State assessment role after July 1 or annexed into the Town after July 1 will be assessed a prorated year charge.

B. Fee.

The stormwater management utility fee for all Real Property will be calculated in accordance with this subsection.

- 1. One ERU is defined as 2,932 square feet of impervious surface on a recorded lot.
- 2. If the impervious area on a lot is more than 100 square feet but less than or equal to 1,466 square feet, the lot is assigned a value of 0.5 ERU.
- 3. No fee is assessed if the impervious area is less than or equal to 100 square feet.
- 4. If the impervious area on a lot is greater than 1,466 square feet and less than or equal to 4,398 square feet, the lot is assigned a value of one ERU.
- 5. A fee of \$20.00 is assessed per ERU.
- 6. If the impervious area on a lot is greater than 4,398 square feet, the stormwater management utility fee is calculated as follows:

Impervious Surface Area of the lot in sf/2,932sf x \$20.

C. Exclusion.

The Town does not assess a stormwater management utility fee on Town Properties.

D. Roads and Other Rights-of-way.

The Town will not charge a stormwater utility fee for public roads or other property located within a public right of way. The Town will charge a stormwater utility fee to owners of private rights of way, meaning those rights of way that have not been dedicated to public use.

Chapter 13.10.050 - Impervious surface area measurements.

The Town Planner shall calculate impervious surface area measurements using one of the following methods:

- 1. Geographic information systems analysis of aerial photography;
- 2. Measurement from approved as-built engineering drawings; or
- 3. At the option of a property owner and at the property owner's sole expense, a field survey signed and sealed by a Maryland professional land surveyor.

Chapter 13.10.060 - Credits.

A. Generally.

The stormwater management utility fee for lots may be reduced through the use of credits when an investment in on-site stormwater management system results in a reduced impact on the public stormwater management system. Residential lots as defined in the Emmitsburg Zoning code (for example, single family dwellings, duplexes, townhouse dwellings, multifamily dwellings, and condominiums) are not eligible for credits.

Page 4 of 6

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05

B. Amount of Credit.

An eligible structural management facility that meets or exceeds the 2000 Design Standards, including subsequent amendments thereto, and has been permitted through the Town and Frederick County, may be eligible to receive a credit of twenty percent (20%) of the stormwater management utility fee.

C. Application.

A property owner seeking credits against the stormwater management utility fee shall submit an application, including an administrative fee as established by the Town, in accordance with the fee schedule that may be adopted by the Town from time to time.

Chapter 13.10.070 - Collection.

A. Means of Collection.

The stormwater management utility fee for owners of Real Property connected to the Town's water or sewer service will be billed and collected quarterly as part of the water and sewer bill for that property. The fee will be included as a separate line item on the water and sewer bill for Real Property subject to the fee. The stormwater management utility fee for an owner of Real Property that is not connected to the Town's water or sewer service will be billed and collected on an annual basis.

B. Delinquency.

Unpaid stormwater management utility fees may be collected in any manner permissible under Maryland law, including but not limited to the methods specified in this section.

- Upon the failure of a property owner who is using the Town's water service to pay the stormwater management utility fee within thirty (30) days after it is due, the Accounting Department will issue a written notice to the property owner, stating that if the fee is not paid within fifteen (15) days, water service to the property will be discontinued and suit may be instituted to recover the amount of the fee. In addition, a charge of one percent per month will be added to any stormwater management utility fee not paid thirty (30) days after it is due.
- 2. The Department of Public Works shall discontinue water service to the Real Property until the owner pays the amount due, plus a reconnection charge as established by the Town. Once discontinued, water service will be restored only after payment in full of the stormwater management utility fee, accrued interest the reconnection fee, and any other outstanding water charges.
- 3. Any unpaid stormwater management utility fee will constitute a lien against the Real Property to be collected in the same manner as municipal taxes are collected.

Chapter 13.10.080 - Adjustments.

A. Submission of Request.

Within thirty (30) days after the date of the initial bill assessing the stormwater management utility fee to the Real Property owner, the owner may request an adjustment of the stormwater management utility fee. A request for an adjustment must be submitted to the Town Planner in writing, stating the grounds for the request.

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05

The Town Planner may adjust the utility fee if:

- 1. The impervious surface area was measured incorrectly;
- 2. There is a mathematical error in calculating the stormwater management utility fee;
- 3. A credit was not properly applied; or
- 4. The property owner invoiced for the fee was identified in error.

B. Appeals.

The written decision of the Town Planner on a request for adjustment of the stormwater management utility fee is a final decision from which an aggrieved party may appeal.

- 1. The appeal stating the bases therefor, shall be submitted in writing within thirty (30) days after the date of the Town Planner's written decision.
- 2. The appeal shall be submitted to the Board of Appeals which is granted authority to consider appeals from decisions of the Town Planner pursuant to State Law.
- The Board of Appeals shall hear the appeal within sixty (60) days at a public hearing during which the petitioner may submit additional evidence. A written decision shall be issued by the Board of Appeals no later thirty (30) days thereafter.
- A decision of the Board of Appeals may be appealed by an aggrieved party to the Circuit Court for Frederick County, Maryland within thirty (30) days of the written decision of the Board of Appeals pursuant to Title 7 of the Maryland Rules.



Page 5 of 6

ORDINANCE SERIES: 2022 ORD. NO: 22 - 05

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

PASSED this 12th day of September, 2022 by a vote of

Commissioners:	For	Against	Absent	Abstain
O'Donnell	X			
Sweeney	X			
Ritz III		X		
Burns	X			
Davis	X			
TOTAL:	4	1		

ATTEST:

Willets **₽**own Manager

BOARD OF COMMISSIONERS:

Donnell, President

MAYOR APPROVED VETOED

this 12th day of September, 2022.

Donald N. Briggs, Ma

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code. Cathy Willets, Town Manager Date: O

Page 6 of 6

D. SET AGENDA FOR NEXT MEETING: May 6, 2024

1.	
2.	
3.	
4.	
5.	
Adr	ninistrative Business:
A.	
B.	
C.	· · · · · · · · · · · · · · · · · · ·
	X