



Town of Emmitsburg

Mayor Donald N. Briggs

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

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

**VIRTUAL TOWN MEETING
AGENDA PACKET
TUESDAY, DECEMBER 8, 2020 – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Planning Commission Meeting: Monday, December 28, 2020 at 7:30 p.m. (via Zoom)

Next Virtual Town Meeting: Monday, January 11, 2020 at 7:30 p.m. (via Zoom & channel 99)

4. MEETING ITEMS

A. APPROVE MINUTES: NOVEMBER 2, 2020 & NOVEMBER 18, 2020

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

(A). Free holiday metered parking for consideration.

I. CONSENT AGENDA: 6 APPOINTMENTS

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Forward proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) to the Planning Commission for review and comment and set public hearing for January 4, 2021 for consideration.

(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 – replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance, and other community needs as-needed.

(3). Approval of Resolution 20-03R, Community Development Block Grant submittal authorization, for consideration.

(4). New water sewer truck bid approval for consideration.

(5). Ordinance related to the salary chart for consideration.

(6). Consideration of closure of Irishtown Road and detour plan during road improvement construction.

M. SET AGENDA FOR NEXT MEETING: JANUARY 11, 2020

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

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

ZOOM MEETING ACCESS INFORMATION:

Topic: Town Meeting: December 8, 2020

Time: Dec 8, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82359787254>

Meeting ID: 823 5978 7254

Passcode: 21727

One tap mobile

+13017158592,,82359787254#,,,,,0#,,21727# US (Washington D.C)

+13126266799,,82359787254#,,,,,0#,,21727# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 823 5978 7254

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/82359787254>

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

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

A. APPROVE MINUTES: NOVEMBER 2, 2020 & NOVEMBER 18, 2020

**MEETING MINUTES
NOVEMBER 2, 2020
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; TJ Burns, Treasurer; Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; and Zachary Gulden, Town Planner. *Others Present* - Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Burns, Ritz III, Davis and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the November 2, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the October 5, 2020 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Ben Whitehouse presented the police report from October 2020 (exhibit attached).

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from September 2020 (exhibit in agenda packet). The Town is still experiencing a precipitation deficit and staff recommends the continuation of the phase two water curtailment.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from September 2020 (exhibit in agenda packet).

Commissioner Comments:

- Commissioner Davis: The Parks and Recreation meeting on November 17 will be held at 22 East Main Street. He plans to meet with the baseball leagues to finalize the plans for the 2021 season.
- Commissioner Burns: He thanked town staff for their work on the disc golf course and grand opening.
- Commissioner Ritz III: He reminded the public to get out and vote for the general election.
- Commissioner Sweeney: He thanked the organizations that assisted with Halloween events in Town. The Lions Club made \$3,500 at the Memorial Park concession stand over the baseball season.
- Commissioner O'Donnell: He is working on planning a socially distant turkey trot for Thanksgiving.

Mayor's Comments:

Mayor Briggs read a statement regarding the status of COVID-19 and cases increasing in Frederick County. Mayor Briggs attended numerous meetings in October 2020 (meetings listed in agenda packet). He thanked the Boy Scouts for installing a handicap accessible picnic table at the all-inclusive playground. He attended the ribbon cutting for Dunkin Donuts and the disc golf course among other

events. Mayor Briggs will continue to host guests for his weekly COVID-19 update that is posted on YouTube and Facebook.

Public Comments:

Pauline Jascur, 1390 Wheatley Drive – Ms. Jascur enjoys biking in Community Park but is concerned about the placement of hole three and five on the disc golf course as the holes throw across the walking path. Commissioner O'Donnell encouraged the public to be safe and aware of their surroundings while sharing the park. The Town will be purchasing signage and posting reminders online asking disc golf players to watch for pedestrians.

Administrative Business:

- (A). **Draw census 2020 winner of i-pad:** To encourage 2020 census participation, the Town obtained grant funding from MML. Part of the funding was used to purchase an i-pad that would be given to a resident who completed the census and submitted proof to the Town. Mayor Briggs drew the name from a bowl. Rhonda Roelkey of Huntely Circle was the winner.
- (B). **Proclamation declaring November 2020 as MML Municipal Governments Works Month:** Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Sweeney motioned to accept the proclamation for Municipal Governments Works month; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for October 2020 (exhibit in agenda packet). The operating balance forward is \$5,426,428.

Planning Commission Report:

The Planning Commission last met on October 26, 2020 where the Irishtown Improvement Plat and Town-wide American with Disabilities Act (ADA) curb ramps improvement project was reviewed.

II. Agenda Items

Agenda #1 - SHA presentation on the traffic congestion at the town square: Teri Soos and Sam DeLaurence, Maryland State Highway Administration (SHA), introduced themselves. A 2013 traffic study was completed on the Town Square which led to the current traffic lane layout and traffic light timing. If the Board would like to improve traffic flow, SHA recommends the addition of 10-foot left turn lanes on MD 140 at the square as there would be minimal construction costs; however, seven parking spaces would be lost with the new turn lanes and left turns from North Seton Avenue onto MD 140 would be more difficult for larger vehicles. Town staff recommends a public hearing before a decision is made by the Board.

Agenda #2 - Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration: Ms. Willets presented the agenda item. The Town must complete a preliminary engineering report and environmental report on the water system to obtain funding from the USDA for the North Seton Avenue and DePaul Street waterline replacement projects. The bid was advertised on July 30, 2020 with a due date of September 17, 2020. The Town received 10 total bids. Town staff recommends McCrone for \$25,000. *Motion:* Commissioner Davis motioned to accept town staff's recommendation for McCrone for \$25,000; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #3 - Ordinances related to the financing of the Creamery Road Pump Station for consideration: Ms. Willets and Kimberly Min, Bond Council, presented the agenda item. Interim financing is required by the USDA for the Creamery Road Pump Station replacement project before loan funds in the amount of \$1,987,000 can be released at the close out of the project. Town staff solicited for interim financing bids and two bids were received from CoBank and PNC Bank. The town manager recommends authorizing the Mayor to pursue interim financing with CoBank. Resolution 2020-12R, Ordinance 2020-11 and Ordinance 2020-12 need to be approved to pursue funding. The ordinance numbers listed in the agenda packet are incorrect and should read 20-11 then 20-12. *Motion:* Commissioner Sweeney motioned to approve Resolution 2020-12R; second by Commissioner Burns. Yeas – 5; Nays - 0. The president declared the motion passed. Ms. Min reviewed the terms of the ordinances and financing. The Town anticipates beginning pump station construction by summer 2021. *Motion:* Commissioner Ritz III motioned to approve Ordinance 20-11 general obligation bond and grant anticipation notes; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The president declared the motion passed. *Motion:* Commissioner Sweeney motioned to approve Ordinance 20-12 general obligation bonds; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - Hold WWTP annexation public hearing and adoption of Resolution 2020-11R (Annexation of WWTP) for consideration: Commissioner O'Donnell declared the public hearing in session. Mr. Gulden presented the agenda item and stated how the hearing was advertised. The annexation is being pursued to help the Town obtain MS-4 credit for tree plantings at the waste water treatment plant located at 16707 Creamery Road. If approved, there is a 45-day period before the annexation would take effect on December 17, 2020. There was no public comment. *Motion:* Commissioner Ritz III motioned to close the public hearing; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed. *Motion:* Commissioner Ritz III motioned to approve 2020-11R; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #5 - Salary compensation analysis for consideration: Ms. Willets presented the agenda item. Based on the 2020 compensation survey analysis completed by WRA Consulting, Inc., the positions of town manager, director of public works, water/sewer superintendent, town planner, town clerk, town accountant, lead water/sewer operator, two water/sewer operators and two public works employees are significantly below the complete market pay rates for the position and need pay increases. Mayor Briggs recommends at least a 50% pay increase effective January 1, 2021 with the remaining 50% occurring July 1, 2021. The change would need to take effect via an ordinance with new low, mid and max ranges. In addition to the salary changes, the position of office manager would be renamed to administrative coordinator and the position of public works employees would be renamed to maintenance technicians. *Motion:* Commissioner Davis motioned to accept the new pay raise with the first 50% being implemented January 1, 2021 and the second 50% being implemented July 1, 2021; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

Set Agenda Items for December 8, 2020 Virtual Town Meeting

1. Forward proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) to the Planning Commission for review and comment and set public hearing for January 4, 2021 for consideration.
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 – replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance, and other community needs as-needed.
3. Approval of Resolution 20-03R, Community Development Block Grant submittal authorization, for consideration.
4. New water sewer truck bid approval for consideration.
5. Ordinance related to the salary chart for consideration.

Administrative Business:

- A. Free holiday metered parking for consideration.

Consent Agenda:

- Appointment of [to be determined] as an Alternate to the Board of Appeals for consideration.
- Re-appointment of Jennifer Joy, Tricia Sheppard, Will Sheppard, Conrad Weaver and Mark Walker to the Citizen's Advisory Committee.

Motion: Commissioner Burns motioned to accept the agenda for the December 8, 2020 town meeting; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the November 2, 2020 town meeting; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

**MEETING MINUTES
NOVEMBER 18, 2020
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, Vice President; TJ Burns, Treasure; Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Zachary Gulden, Town Planner; and Amy Naill, Parking and Code Enforcement Officer. *Others Present* – Leslie Powell, Town Attorney. **Absent:** Timothy O'Donnell, President.

I. Call to Order

Commissioners Ritz III, Davis, Burns and town staff Cathy Willets and Zachary Gulden and Town Attorney Leslie Powell joined the meeting via the zoom teleconferencing platform. A quorum being present, Commissioner Clifford Sweeney, Vice President of the Board of Commissioners, called the November 18, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. President Sweeney announced the need for a closed executive session as permitted by the General Provisions Article, Section 3-305(b)(7), Annotated Code of Maryland to obtain legal advice after public comment. Upcoming meetings were announced. The Board discussed if the December 7, 2020 Christmas tree lighting ceremony should be canceled due to the COVID-19 virus. The Board gave unanimous consent to proceed with the event and encourage attendees to adhere to COVID guidelines.

A. Public Comments

None.

B. Agenda Items

Agenda #1 – Closed executive session to obtain legal advice regarding the Town's continuing obligations with respect to the construction of, operation of and additions to, the East Emmitsburg Industrial Park waste water facilities.

Agenda #2 – Closed executive session to obtain legal advice regarding certain sanitary sewer overflows during rain events and communications with the Maryland Department of the Environment regarding same.

Motion: Commissioner Ritz III motioned to close the November 18, 2020 town meeting at 7:47 p.m. for a closed Executive Session to consult with counsel to obtain legal advice regarding the Town's continuing obligations with respect to the construction of, operation of and additions to, the East Emmitsburg Industrial Park waste water facilities; and to obtain legal advice regarding certain sanitary sewer overflows during rain events and communications with the Maryland Department of the Environment regarding same as permitted by the General Provisions Article, Section 3-305(b) Item 7; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The president declared the motion passed.

The Board entered into a closed session at 7:47 p.m. via the zoom teleconferencing platform. The Board reconvened in an open session at 8:37 p.m.

C. Set Next Town Meeting Agenda for December 8, 2020

The December 8, 2020 town meeting agenda has one modification, the addition of a sixth agenda item: consideration of closure of Irishtown Road and detour plan during road improvement construction.

II. Adjournment

With no further business, Commissioner Burns motioned to adjourn the November 18, 2020 town meeting; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The meeting adjourned at 8:40 p.m.

Respectfully submitted,
Madeline Shaw, Town Clerk
Approved On:

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
NOVEMBER 18, 2020**

Time Closed Session Began: 7:48 p.m.

Place of Closed Session: Due to COVID-19, virtual via Zoom teleconferencing platform.

Purpose: To consult with counsel to obtain legal advice.

Members Who Voted to Meet in Closed Session: Commissioners: Clifford Sweeney, Joseph Ritz III, T.J. Burns and Frank Davis.

Persons Attending Closed Session: Commissioners: Clifford Sweeney, Joseph Ritz III, Frank Davis and T.J. Burns. Staff Present: Cathy Willets, Town Manager; Zachary Gulden, Town Planner; Madeline Shaw, Town Clerk; and Amy Naill, Parking and Code Enforcement. Others Present: Leslie Powell, Town Attorney.

Authority Under § 3-305 for the Closed Session: Item seven (7), consult with council to obtain legal advice.

Topics Actually Discussed: Legal advice given by town attorney regarding the Town's continuing obligations with respect to the construction of, operation of, and additions to the East Emmitsburg Industrial Park and Town's waste water treatment plant. And legal advice given regarding certain sanitary sewer overflows during rain events and communications with the Maryland Department of the Environment regarding same.

Actions Taken: For agenda item one, the Board requested another closed session once a response letter is received from the Emmitsburg East Industrial Park owner. For agenda item two, the Board authorized the town attorney and Mayor Briggs the ability to settle with Maryland Department of the Environment if needed.

Time Closed Session Ended: 8:37 p.m.

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

C. TOWN MANAGER’S REPORT

**Town Manager’s Report
October 2020
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff repaired parking meters in front of 112 West Main St.
- Staff trimmed tree wells on East and West Main St.
- Staff removed purple bows, census banners and farmers market banners from around Town.
- Staff responded to accident on South Seton Ave. that damaged the “Welcome to Emmitsburg” sign.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff mowed, trimmed and weed killed in parks.
- Staff sanitizing playground equipment twice a week.
- Staff worked on the board fence in Community Park.
- Contractor repaired women’s toilet in the Community Park restroom building.
- Staff winterized bathrooms at pool.
- Contractor completed winterization of the pool and splash pad.
- Staff repaired two swings in Memorial Park.
- Staff assisted with the Disc Golf course.
- Contractor blacktopped parking lots at Ballfield #1 & #3 in Community Park.

Water:

- Rainbow Lake is 2.8’ below the spillway level (16.6 feet) as of November 02, 2020.
- The roughing filters are being backwashed three times a day and the DE filters are being done once every other week.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>October</u>	<u>Change</u>
○ Well #1:	35’	43’	-8’
○ Well #2:	8’	13’	-5’
○ Well #3:	12’	31’	-19
○ Well #4:	108’	124’	-16’
○ Well #5:	10’	25’	-15’

- Well #1&2 are being used a little more as we continue to trim the lake quota down.
- PH and chlorine levels are good.
- Water production and consumption. We produced an average of 247,268 GPD. We consumed an average of 226,087 GPD. The difference is "Backwash Water" ... (17.4%).

- 47.0% of this water came from wells.
- 5.3% of this water came from Mt. St. Mary's.
- 47.7% of this water came from Rainbow Lake.

We purchased 428,450 gallons of water from MSM this month.

Wastewater:

- We treated an average of 413,000 gpd (consumed 226,087 GPD) which means that 45.3% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of October. We did exceed the plant's design capacity twice during the month of October:
 - 945,000 gpd 10/12/20 1,196,000 gpd 10/29/20
- We received about 4.3" of precipitation this month (the average is 3.5"). We have a precipitation **DEFICIT of 7.86"** over the last six months. The average precipitation for the period from May 1 through October 31 is 23.9". We have received 16.05" for that period.

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

Meetings Attended:

- 10/1 Attended conference call with SHA and staff re: traffic congestion at square.
- 10/5 Attended town meeting.
- 10/8-10/9 Attended virtual Fall MML conference.
- 10/19 Attended meeting with staff to review Irishtown Road improvement plan.
- 10/20 Attended meeting with County and staff to review schedule for HVAC improvements to building.
- 10/21 Attended waterline bid review meeting.
- 10/22 Attended meeting with staff to review interim financing bids for pump station
- 10/26-19 Town auditors in office to conduct FY20 audit
- 10/28 Attended final waterline bid review meeting

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in October.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff repaired water leak on Creekside Dr.
- Staff installed some water meter upgrades.
- Staff trimmed shrubs, weed ate and pulled weeds from islands in the Town Office parking lot.
- Staff replaced curb box at 17237 Mountain View Road.
- Staff painted sign at Rainbow Lake.
- Staff assisted contractor with unclogging sewer line at 101 Silo Hill Rd.
- Water restrictions were lifted as of November 13th. Staff will continue to monitor levels through the rest of the year. May need to re-evaluate after January 1, 2021.
- Hydrant flushing the week of November 16th went very well.

**PARKING ENFORCEMENT REPORT
OCTOBER 2020**

Overtime Parking	62
Restricted Parking Zone	6
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	1
48 Consecutive Hours	
Meter Money	\$ 899.23
Parking Permits	\$ 460.00
Meter Bag Rental	
Parking Ticket Money	\$ 230.00
Total:	\$ 1,589.23

D. TOWN PLANNER'S REPORT

**Town Planner's Report
October 2020
Prepared by Zachary R. Gulden, MPA**

1. Board of Commissioners (BOC)

- Created 10/05 meeting materials for:
 - Proposed 2020-08 ordinance.
 - Proposed 2020-09 ordinance.
- Attended the virtual BOC meeting on 10/05.
- Assisted with the Phase 2 water curtailment issuance:
 - Newspaper advertisement;
 - Notified businesses; and
 - Reached out to the large volume users.
- Prepared WWTP annexation public hearing materials for 11/2 meeting.
- Updated the COVID-19 Town grant application, submittal letter, & checklist for Round 2.
- Reviewed 8 COVID-19 Round 2 grant applications.
- Researched & drafted proposed ordinance 2021-01 – park, recreation, and open space requirements for new residential subdivisions.
- Attended a conference call on 10/21 with representatives from the Maryland Department of Planning to discuss proposed ordinance 2021-01.
- Attended a conference call on 10/26 with Frederick County's Planning Department to discuss proposed ordinance 2021-01.
- Continued drafting proposed Ordinance 2020-10 - comprehensive animal code update.

2. Grants

- Misc. Community Legacy & Chesapeake Bay Trust grant management.
- Applied for the following FY21 Community Legacy Grant:
 - \$208,700.00 – Town wide ADA curb ramps.
- Applied for the FY21 Clean Up and Green Up Keep Maryland Beautiful Grant for \$5,000.00 (park trash containers & Arbor Day tree planting).

3. Municipal Separate Storm Sewer System (MS4)

- Misc. Silo Hill SWM basin retrofit project management.
- Continued working on and submitted the yearly MS4 report.
- Attended a conference call with George Brenton, Daughters of Charity, on 10/06 regarding annexation for tree planting purposes.
- Worked with StreamLink in order to apply for a tree planting grant.

4. Permits & Zoning

- Processed 5 zoning permit applications:
 - 1x driveway extension.
 - 2x roof replacement.
 - 1x porch.
 - 1x fence.
- Processed 1x backflow preventer application.
- Processed 1x forest conservation ordinance exemption.
- Processed 1x no zoning permit required form.
- Responded to incident reports.

5. Planning Commission (PC)

- Misc. Rutter's, Dunkin', Insurance Brokers of MD, Miss. B's Child Care, Irishtown Improvements, Town-Wide ADA Ramps, & Emmitsburg East Industrial Park II project management.
- Reviewed and prepared PC staff memo for the Town of Emmitsburg Sidewalk ADA Ramp Improvement Plat.
- Reviewed and prepared PC staff memo for the Irishtown Road Improvement Plat.
- Met with Public Works Director, Verizon representative, & First Energy representative on 10/5 regarding ADA ramp & Irishtown Road Improvement Plats.
- Assisted Town Attorney in drafting the PC Rules of Procedure.
- Conducted a final inspection for the Dunkin' on 10/13.
- Planned the Dunkin' opening ribbon cutting ceremony for 10/18.
- Received & started processing the Brittany Fritz Property (Miss. B's Child Care) site plan.
- Met with Public Works Director, Sewer/Water Superintendent, & Town Manager on 10/19 to discuss Irishtown Road & ADA Ramp Improvement Plats.
- Attended the virtual PC meeting on 10/26 and processed pre/post meeting materials.

6. Miscellaneous

- Attended a conference call on 10/1 with Town Manager & MDOT/SHA representatives regarding the Town square traffic.
- Assisted Town Attorney in drafting the Board of Appeals Rules of Procedure.
- Completed and submitted the MDOT/SHA HPS-20_2020 Report (road improvements & road deletions/additions).
- Assisted forestry contractor obtain Frederick County permit for Stand 6 logging.
- Attended the Frederick County municipal planning virtual meeting on 10/30.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since the November 2, 2020 Town Meeting:

November 2nd, Town regularly scheduled meeting - virtual.

November 11th, Veterans Day observances, joined American Legion – VFW honor Guard, Mayor Briggs and Commissioners.

November 12th, Thursday, meeting with Tonya L. Hoover, U.S. Deputy Fire Administrator, U.S. Fire Administration.

November 13th, Friday, Zoom meeting with Commissioner Davis, Dr. Franklin, Dr. Simmons, William Davies – Finance, and Robert Brennan - Development.

November 16th, Monday, Weekly COVID-19 update on channel 99 & social media, Mayor Don Briggs and MS. Amber Madigan, Principal, Emmitsburg Elementary School.

November 16th, Monday receive County Municipalities Impact Award for the Small Business and Entrepreneurship from Jodie Bollinger, Director of Business Retention & Expansion. Category, "...for providing interested businesses owners, a list of local, state, and federal incentives and showing business owners list of open properties."

November 18th, Wednesday evening, closed session. Mayor, staff, and Commissioner.

December 2nd Tuesday, Weekly COVID-19 update on channel 99 & social media, Mayor Don Briggs and Ed Hinde, Executive Director, Student Homelessness Initiative Partnership (SHIP) of Frederick County.

December 2nd, Wednesday, Weekly COVID-19 update on channel 99 & social media, Mayor Don Briggs and Ed Hind, Exec Director, Student Homelessness Initiative Partnership (SHIP).

December 7th, Monday, 6 pm, Town Christmas tree lighting. 6 pm, Mayor, staff, and commissioners.

December 7th, Monday, 6:30 pm, 32nd Night of Spirit of Christmas at Carriage House Inn.

December 8th, Tuesday, 7:30 pm, town regularly scheduled meeting- virtual.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) Free holiday metered parking for consideration:** Presentation by Mayor Briggs at the town meeting.

Mayor Briggs & Town Staff Recommendation: For the Holiday Season, free metered parking from Friday, December 11, 2020 to Saturday, January 2, 2021.

I. CONSENT AGENDA

I. Board of Appeals (3-year term)

Appointment of Stephen Starliper as an Alternate to the Board of Appeals for consideration.

Term: December 7, 2020 - December 7, 2023.

II. Citizens Advisory Committee (2-year term)

- Re-appointment of Conrad Weaver, Tricia Sheppard and Will Sheppard to the Citizen’s Advisory Committee.

Term: 07/15/2019 to 07/15/2021

- Re-appointment of Jennifer Joy and Mark Walker to the Citizen’s Advisory Committee.

Term: 11/07/2020 to 11/07/2022

J. TREASURER REPORT

**Town of Emmitsburg
CASH ACTIVITY as of November 23, 2020**

\$5,361,641	Cash Balance November 1, 2020
366,877	Deposits
<u>-251,395</u>	Withdrawals
\$5,477,123	Operating Balance Forward

Top 10 Check Amounts:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$61,000	Frederick County Paving	Paving Community Park	11.10.20	41638
26,172	State Highway Administration	Water Line Relocation	11.04.20	41626
18,569	MD Dept of Budget & Mgmt	Oct 20 Health Insurance	11.04.20	41616
11,183	UGI Energy Services	Sep 20 Solar Field #1	11.10.20	41656
10,947	UGI Energy Services	Sep 20 Solar Field #2	11.10.20	41656
9,192	Fox & Associates	ADA Sidewalk	10.28.20	41588
8,000	Deleon & Stang	FY20 Audit Services	11.10.20	41632
7,066	Republic Services	Nov 20 Refuse Services	11.10.20	41653
5,149	Frederick County DUSWM	Oct 20 Tipping Fees	11.10.20	41634
4,795	RK&K	Creamery Road Pumping Station	10.28.20	41605

Check dates 10.28.20 to 11.23.20

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1. Forward proposed Ordinance 2021-01 (Subdivision Amendment – Parks/Rec/Open Space Requirements) to the Planning Commission for review and comment and set public hearing for January 4, 2021 for consideration: Presentation at meeting by town staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 01

Page 1 of 12

AN ORDINANCE TO AMEND
TITLE 16
OF THE CODE OF EMMITSBURG
ENTITLED
SUBDIVISIONS

Draft

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 16, Section 16.16.100 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 16.16 – Design Standards.

16.16.100 – ~~[Required]~~ **PARK**, recreation, **AND OPEN SPACE REQUIREMENTS**. ~~[areas to be dedicated.]~~

~~[A. In all residential developments at least ten percent (10%) of the entire tract of land to be developed must be reserved for recreational use plus a fee of two hundred dollars (\$200.00) per lot paid, or in the case of multifamily dwellings two hundred dollars (\$200.00) per dwelling unit paid. Said land shall be conveyed to the Town government of Emmitsburg. One fourth (1/4th) of the dedicated land area must be outside the one hundred (100) year floodplain.~~

~~B. Where ten percent (10%) would be less than one half (1/2) acre, a fee of four hundred dollars \$400.00 per lot, to be used toward the development of existing recreational areas, shall be assessed in lieu of the land area. The Mayor and Board of Commissioners also reserve the right to impose the four hundred dollars \$400.00 per lot assessment on those subdivisions, when in their judgement the creation of additional open space (recreational) area is neither warranted or desirable. Areas that are to be reserved shall be shown on the plat and approved by the Mayor and Board of Commissioners.~~

~~C. All open space shall have access to a street and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of eighty five percent (85%) of the open space shall be suitable for dry ground active recreational uses. The Town may require the developer to make~~

~~adequate provisions for maintenance of the open space. No open space so dedicated may be used for purposes of afforestation or reforestation without the prior approval of the Planning Commission and the Town Council.]~~

A. PURPOSE.

THE PURPOSE OF THIS SECTION IS TO REGULATE THE USE AND DEVELOPMENT OF LAND TO ASSURE THAT NEW DEVELOPMENTS PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF FUTURE RESIDENTS BY PROVIDING LAND FOR PARKS, RECREATION, AND OPEN SPACE WITHIN THE TOWN OF EMMITSBURG IN AREAS BEING NEWLY DEVELOPED OR REDEVELOPED FOR RESIDENTIAL PURPOSES AND TO FAIRLY APPORTION COSTS NECESSARY TO SERVE THE RESIDENTS OF NEW AND REEVELOPED RESIDENTIAL AREAS BASED ON NEED CREATED BY THESE PROJECTS.

B. RULES OF CONSTRUCTION.

- 1. THE PROVISIONS OF THIS SECTION SHALL BE LIBERALLY CONSTRUED TO EFFECTIVELY CARRY OUT ITS PURPOSE IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.**
- 2. FOR THE PURPOSES OF ADMINISTRATION AND ENFORCEMENT, UNLESS OTHERWISE STATED IN THIS SECTION, THE FOLLOWING RULES OF CONSTRUCTION APPLY TO THIS SECTION:**
 - A. IN CASE OF ANY DIFFERENCE OF MEANING OR IMPLICATION BETWEEN THE TEXT OF THIS SECTION AND ANY CAPTION, ILLUSTRATION, SUMMARY TABLE, OR ILLUSTRATIVE TABLE, THE TEXT SHALL CONTROL.**
 - B. THE WORD “SHALL” IS ALWAYS MANDATORY AND NOT DISCRETIONARY; THE WORD “MAY” IS PERMISSIVE.**
 - C. WORDS USED IN THE PRESENT TENSE SHALL INCLUDE THE FUTURE; AND WORDS USED IN THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, AND THE PLURAL THE SINGULAR, UNLESS CONTEXT CLEARLY INDICATES THE CONTRARY.**

- D. THE PHASE “USED FOR” INCLUDES “ARRANGED FOR”, “DESIGNED FOR”, “MAINTAINED FOR”, OR “OCCUPIED FOR”.**
- E. THE WORD “PERSON” INCLUDES AN INDIVIDUAL, A CORPORATION, A LIMITED LIABILITY COMPANY, A PARTNERSHIP, AN INCORPORATED ASSOCIATION, OR ANY OTHER LEGAL ENTITY.**
- F. UNLESS THE CONTEXT CLEARLY INDICATES THE CONTRARY, WHERE A REGULATION INVOLVES TWO (2) OR MORE ITEMS, CONDITIONS, PROVISIONS, OR EVENTS CONNECTED BY THE CONJUNCTION “AND”, “OR”, OR “EITHER... OR”, THE CONJUNCTION SHALL BE INTERPRETED AS FOLLOWS:**
 - 1. “AND” INDICATES THAT ALL THE CONNECTED TERMS, CONDITIONS, PROVISIONS, OR EVENTS SHALL APPLY.**
 - 2. “OR” INDICATES THAT THE CONNECTED TERMS, CONDITIONS, PROVISIONS, OR EVENTS MAY APPLY SINGLY OR IN ANY COMBINATION.**
 - 3. “EITHER...OR” INDICATES THAT THE CONNECTED ITEMS, CONDITIONS, PROVISIONS OR EVENTS SHALL APPLY SINGLY BUT NOT IN COMBINATION.**
- G. THE WORD “INCLUDES” SHALL NOT LIMIT A TERM TO THE SPECIFIC EXAMPLE BUT IS INTENDED TO EXTEND ITS MEANING TO ALL OTHER INSTANCES OR CIRCUMSTANCES OF LIKE KIND OR CHARACTER.**
- H. “ZONING ADMINISTRATOR” MEANS THE ZONING ADMINISTRATOR OR THE MUNICIPAL OFFICIAL(S) HE/SHE MAY DESIGNATE TO CARRY OUT THE ADMINISTRATION OF THE SECTION.**

C. DEFINITIONS.

1. A “CAPITAL IMPROVEMENT” INCLUDES PARKS PLANNING, LAND ACQUISITION, SITE IMPROVEMENTS, BUILDINGS, AND EQUIPMENT BUT EXCLUDES MAINTENANCE AND OPERATION.
2. “DEVELOPMENT ORDER” MEANS A REGULATORY APPROVAL BY THE TOWN OF EMMITSBURG.
3. A “DWELLING UNIT” OR “UNIT” MEANS A ROOM OR GROUP OF ROOMS WHICH ARE ARRANGED, DESIGNED, OR USED AS A DWELLING FOR THE OCCUPANCY OF ONE (1) FAMILY CONTAINING SLEEPING, BATHROOM, AND KITCHEN FACILITIES.
4. “MULTIPLE-FAMILY DWELLING” MEANS A STRUCTURE DESIGNED FOR OR OCCUPIED BY THREE (3) OR MORE FAMILIES WITH SEPARATE HOUSEKEEPING AND COOKING FACILITIES FOR EACH BUT EXCLUDING TOWNHOMES.
5. “SINGLE-FAMILY ATTACHED DWELLING” INCLUDES DUPLEXES AND TOWNHOMES, EXCLUDING CONDOMINIUMS.
6. A “SINGLE-FAMILY DETACHED DWELLING” IS A ONE-FAMILY DWELLING.
7. “FAMILY” MEANS ONE OR MORE PEOPLE WHO OCCUPY A SINGLE DWELLING.
8. “PRIVATE RECREATIONAL FACILITY” IS ANY RECREATIONAL FACILITY WHICH IS NOT OWNED BY OR DEDICATED TO AND ACCEPTED BY THE TOWN OF EMMITSBURG.
9. “RECREATIONAL FACILITY IMPROVEMENTS” CONSIST OF THE ACQUISITION AND INSTALLATION OF EQUIPMENT, BUILDING CONSTRUCTION, GRADING, LANDSCAPING, AND EXTENSION OF SERVICES. THESE IMPROVEMENTS INCLUDE ONLY THOSE ACTIVITIES THAT ARE DIRECTLY ASSOCIATED WITH THE DEVELOPMENT OF THE PROPOSED RECREATIONAL FACILITIES.
10. “DEVELOPER” MEANS ANY PERSON, INDIVIDUAL, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, CORPORATION, ESTATE,

TRUST, OR OTHER ENTITY ACTING OR PROPOSING TO SUBDIVIDE LAND FOR THE CONSTRUCTION OF ANY OF THE RESIDENTIAL BUILDINGS.

- 11. "PARK" MEANS ANY NEIGHBORHOOD PARK THAT HAS RECREATIONAL FACILITY IMPROVEMENTS.**
- 12. "PARKLAND" INCLUDES PARKS, OPENSOURCE, MULTI-USE TRAILS, AND PRIVATE RECREATIONAL FACILITIES.**
- 13. "OPENSOURCE" MEANS AN OPEN GREEN AREA WITHOUT RECREATIONAL FACILITIES BUT MAY INCLUDE STRUCTURES SUCH AS GAZEBOS OR PICNIC TABLES/PAVILIONS.**

D. REQUIREMENT OF DEDICATION OF PUBLIC PARKLAND.

- 1. ANY DEVELOPER WHO, AFTER _____, 2021, SEEKS TO DEVELOP LAND FOR RESIDENTIAL PURPOSES WITHIN THE TOWN OF EMMITSBURG SHALL BE REQUIRED TO PROVIDE PARKLAND OR PAY A FEE IN LIEU AS DETERMINED BY THE PLANNING COMMISSION. THE DEVELOPER MAY PROPOSE PARKS, OPEN SPACE OR MULTI-USE TRAILS. THE DEVELOPER SHALL OFFER TO DEDICATE PUBLIC PARKLAND IN CONNECTION WITH ITS RESIDENTIAL DEVELOPMENT. IF THE OFFER IS DECLINED, PRIVATE OWNERSHIP SHALL BE REQUIRED AND REFLECTED ON ALL RECORDED PLATS.**
- 2. NO NEW SUBDIVISION PLATS OR SITE PLANS FOR RESIDENTIAL DEVELOPMENT SHALL BE APPROVED UNLESS AND UNTIL THE PROVISIONS OF THIS SECTION ARE MET.**
- 3. ACCEPTANCE OF ANY DEDICATION SHALL BE AT THE OPTION OF THE MAYOR AND BOARD OF COMMISSIONERS. THE DECISION OF THE MAYOR AND THE BOARD OF COMMISSIONERS TO ACCEPT OR REJECT DEDICATION SHALL BE CONCLUSIVE. IN DETERMINING WHETHER TO ACCEPT OR REJECT LAND OFFERED FOR DEDICATION, THE MAYOR AND BOARD OF COMMISSIONERS SHALL CONSIDER THE**

**RECOMMENDATIONS OF THE PLANNING COMMISSION AND THE
FOLLOWING FACTORS:**

- A. LOCATION. PARKLAND MUST BE CONTIGUOUS WITH THE SUBDIVISION LAND TO BE DEVELOPED. WHEN PARKLAND EXISTS ADJACENT TO THE TRACT TO BE SUBDIVIDED, THE DEDICATED LAND SHALL BE LOCATED TO ADJOIN AND ENLARGE THE EXISTING PARKLAND.**
- B. ACCESS. AT LEAST ONE SIDE OF THE DEDICATED PARKLAND SHALL ABUT A PUBLIC STREET FOR THE MINIMUM REQUIRED LOT WIDTH. NO ROADWAYS SHALL TRAVERSE THE DEDICATED LAND. PARKLAND MUST BE ACCESSIBLE TO PEDESTRIANS, WITH SIDEWALKS OR MULTIUSE TRAILS, NECESSARY FOOT BRIDGES OR TUNNELS OR OTHER MEANS TO BE PROVIDED BY THE DEVELOPER, INCLUDING ROADS OR EASEMENTS. THE DEDICATED PARKLAND SHALL BE ACCESSIBLE TO UTILITIES SUCH AS ELECTRIC, SEWER, AND WATER.**
- C. SLOPE. NOT MORE THAN TWENTY PERCENT (20%) OF THE OFFERED LAND SHALL BE LOCATED IN A FLOODPLAIN OR EXCEED A SLOPE IN EXCESS OF EIGHT PERCENT (8%).**
- D. SIZE. THE DEDICATED PARKLAND SHALL BE PART OF A CONTIGUOUS TRACT OF AT LEAST THREE ACRES AND NEVER LESS THAN THE MINIMUM LOT SIZE FOR THE UNDERLYING ZONING DISTRICT UNLESS THE LAND SHALL BE DEVELOPED AS A MULTI-USE TRAIL. THE LAND MAY BE ONE PARCEL OR A NUMBER OF PARCELS STRATEGICALLY LOCATED, AS SUBJECT TO APPROVAL BY THE PLANNING COMMISSION.**
- E. EQUIPMENT. EACH PARK PROPOSED FOR DEDICATION SHALL BE PROVIDED WITH MODERN RECREATIONAL**

EQUIPMENT AT THE EXPENSE OF THE DEVELOPER.

RECREATIONAL EQUIPMENT SHALL BE SUBJECT TO APPROVAL BY THE PLANNING COMMISSION.

F. PARKING. ON-SITE PARKING SHALL NOT BE REQUIRED, PROVIDED THAT THE RECREATIONAL AREA IS WITHIN A ONE-HALF (1/2) MILE RADIUS OF SEVENTY-FIVE PERCENT (75%) OF THE DWELLING UNITS TO BE SERVED.

OTHERWISE, ONE (1) SPACE SHALL BE REQUIRED FOR EACH FIVE (5) DWELLING UNITS TO BE SERVED BY SAID FACILITIES THAT AREA LOCATED OUTSIDE THE HALF MILE RADIUS. PARKING MAY BE INCLUDED IN THE AREA CALCULATION.

G. SIDEWALKS/MULTIUSE TRAILS. SIDEWALKS OR MULTI-USE TRAILS SHALL BE INSTALLED TO PROVIDE SAFE TRAVEL AREAS FOR PEDESTRIANS FROM THE DWELLING UNITS SERVED BY THE PARKLAND TO THE PARKLAND.

H. LANDSCAPING. NO EXPOSED DIRT SURFACES ARE PERMITTED, EXCEPT FOR A SOFTBALL/BASEBALL FIELD. ALL UNUSED AREAS SHALL BE PLANTED AND MAINTAINED IN GRASS OR OTHER TYPICAL GROUND COVER. FLOWERS ARE ENCOURAGED. SHADE TREES ARE MANDATORY AND SHALL BE SUBJECT TO A SPECIFIC TREE PLANTING PLAN, VARYING WITH THE SIZE AND OTHER SITE CHARACTERISTICS.

I. CONDITION. UNDER NO CIRCUMSTANCES WILL UNCLAIMED OR DERELICT LAND, SUCH AS MARSHES, SWAMPS, OR WETLANDS, COMPRISING MORE THAN TWENTY PERCENT (20%) OF THE TOTAL PROPOSED RECREATIONAL SPACE, BE ACCEPTABLE. THE LAND

**SHALL HAVE SOILS SUITABLE FOR THE INTENDED
RECREATIONAL USE.**

- 4. IN THE EVENT THE MAYOR AND BOARD OF COMMISSIONERS DETERMINES NOT TO ACCEPT THE DEDICATION, THE PARKLAND SHALL BE PRIVATE PARKLAND TO BE SOLELY HELD AND MAINTAINED BY THE DEVELOPMENT'S HOMEOWNER'S ASSOCIATION IN WHICH MEMBERSHIP IS REQUIRED AND AUTOMATIC UPON CONVEYANCE OF ANY UNIT IN THE SUBDIVISION. THE ASSOCIATION SHALL BE INCORPORATED AND THE ARTICLES SUBMITTED TO THE PLANNING COMMISSION UPON ACCEPTANCE BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION. THE PLAT SHALL BE NOTATED AS TO THE DATE OF APPROVAL AND ACCEPTANCE OF THE ARTICLES AND SHALL REFLECT THAT THE PARKLAND IS PRIVATE AND OWNED BY THE ASSOCIATION.**
- E. COMPUTATION OF THE AMOUNT OF PARKLAND REQUIRED BY §16.16.100.D.**
 - 1. THIS SECTION SHALL PRESCRIBES THE MINIMUM AMOUNT OF SPACE TO BE PROVIDED IN A PROPOSED DEVELOPMENT FOR USE AS PARKLAND. SUCH SPACE SHALL BE REQUIRED TO BE PROVIDED BY A DEVELOPER WHO, AFTER _____, 2021, SEEKS TO DEVELOP OR REDEVELOP RESIDENTIAL LAND WITHIN THE TOWN OF EMMITSBURG, MARYLAND. THE PLANNING COMMISSION SHALL CALCULATE THE REQUIRED SPACE UPON SUBMISSION OF A SUBDIVISION PLAT OR SITE PLAN FOR APPROVAL. PARKLAND IN EXCESS OF THE REQUIRED MINIMUM IS PERMITTED.**
 - 2. THE AMOUNT OF PARKLAND REQUIRED IN A PROPOSED DEVELOPMENT SHALL NEVER BE LESS THAN THE MINIMUM LOT SIZE FOR THE UNDERLYING ZONING DISTRICT UNLESS THE PARKLAND IS DEVELOPED AS A MULTI-USE TRAIL. MINIMUM REQUIRED PARKLAND IS COMPUTED AS FOLLOWS:**

A. RESIDENTIAL OCCUPANCY PER LIVING UNITS: IN DETERMINING THE ANTICIPATED OCCUPANCY FOR THE PROPOSED DEVELOPMENT, IT SHALL BE ASSUMED THAT THE FOLLOWING DWELLING UNITS WILL ACCOMMODATE THE FOLLOWING NUMBER OF INDIVIDUALS:

LAND USE TYPE (UNIT)	
INDIVIDUALS PER EACH RESIDENTIAL LIVING UNIT:	
SINGLE-FAMILY DETACHED	2.67 INDIVIDUALS
SINGLE-FAMILY ATTACHED	
MULTI-FAMILY	

B. PARKLAND PER INDIVIDUAL: IN DETERMINING THE SPACE REQUIRED FOR PARKLAND IN A PROPOSED DEVELOPMENT, IT SHALL BE REQUIRED THAT 25 ACRES OF RECREATIONAL SPACE BE PROVIDED FOR EVERY 1,000 INDIVIDUALS. SINCE SOME DEVELOPMENTS WILL NOT HOUSE 1,000 INDIVIDUALS, THE SPACE REQUIREMENT IS TO BE APPLIED ON A PER INDIVIDUAL BASIS. THEREFORE, .025 ACRES OF PARKLAND SHALL BE PROVIDED FOR EACH INDIVIDUAL PROPOSED TO BE HOUSED IN THE NEW DEVELOPMENT BASED ON THE ASSUMPTIONS CONTAINED IN PARAGRAPH 2.A. ABOVE.

C. CALCULATION OF REQUIRED PARKLAND FOR EACH DEVELOPMENT.

- 1. FOR SINGLE-FAMILY DETACHED AND SINGLE-FAMILY ATTACHED GENERALLY INTENDED FOR INDIVIDUAL OWNERSHIP AND MULTI-FAMILY DEVELOPMENTS GENERALLY INTENDED FOR**

RENTAL, THE FOLLOWING FORMULA SHALL BE UTILIZED:

- **(NUMBER OF DWELLING UNITS) X (2.67 INDIVIDUALS/UNIT) X (.025 ACRES/INDIVIDUAL)**
- **EXAMPLE FOR ILLUSTRATION PURPOSES: FOR A SINGLE FAMILY ATTACHED RESIDENTIAL DEVELOPMENT SUBJECT TO THE REQUIREMENT OF THIS SECTION THAT PROPOSED 50 DWELLING UNITS, THE CALCULATION UNDER THIS PARAGRAPH WOULD BE AS FOLLOWS:**
 - **50 UNITS X 2.67 X .025 = 3.3 ACRES.**
 - **UNDER THIS ILLUSTRATION, THE DEVELOPER WOULD BE REQUIRED TO DEDICATE PARKLAND OF AT LEAST 3.3 ACRES OF PROPERTY WITHIN THE PROPOSED DEVELOPMENT.**

3. **IF A SUBDIVISION PLAT OR SITE PLAN IS REQUESTED FOR MIXED USES, THEN PARAGRAPH E.2. OF THIS SECTION SHALL APPLY ONLY TO THOSE AREAS OF THE PLAT OR SITE PLAN DEVOTED TO RESIDENTIAL USES.**
4. **IN THE CASE OF CHANGE OF USE, REDEVELOPMENT, OR EXPANSION OR MODIFICATION OF AN EXISTING USE WHICH REQUIRES THE APPROVAL OF AN AMENDED SUBDIVISION PLAT OR SITE PLAN, THE ABOVE SPACE REQUIREMENTS FOR PARKLAND SHALL BE BASED UPON THE NEW UNITS BEING PROPOSED FOR DEVELOPMENT OR REDEVELOPMENT.**
5. **IN THE PARKLAND AREAS APPROVED FOR DEDICATION TO THE TOWN OF EMMITSBURG, THE TRANSFER OF OWNERSHIP OF THE LAND SHALL OCCUR WITHIN THREE (3) YEARS OF FINAL APPROVAL AND**

RECORDING OF THE FINAL SUBDIVISION PLAN, OR THE FIRST PHASE, IF THE SUBDIVISION IS DEVELOPED IN PHASES, OF FINAL SITE PLAN APPROVAL. PROVISIONS SHALL BE MADE FOR INSTALLATION OF ANY REQUIRED RECREATIONAL OR OTHER FACILITIES AND PAID FOR BY THE DEVELOPER. PRIOR TO ACCEPTANCE OF THE DEDICATION, THE MAINTENANCE AND PRESERVATION OF THE PARKLAND SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.

- F. WHERE MULTIUSE TRAILS (FOR USE BY BICYCLE OR NON-MOTORIZED VEHICLES (EXCEPTING WHEELCHAIRS) OR PEDESTRIANS) ARE PROPOSED, THE DEVELOPER SHALL BE REQUIRED TO DEDICATE LAND OR TRAIL EASEMENTS AT LEAST TWENTY FEET (20') IN WIDTH. FURTHERMORE, THE DEVELOPER IS REQUIRED TO INSTALL THE TRAILS TO THE WIDTH AND SPECIFICATIONS THAT ARE REQUIRED BY THE TOWN ENGINEER. THIS LAND OR EASEMENT, IF APPROVED BY THE PLANNING COMMISSION, MAY SERVE TO SATISFY PARKLAND DEDICATION REQUIREMENTS. THE AREA OF THIS LAND SHALL BE CONSIDERED THE LENGTH OF THE TRAIL MULTIPLIED BY TWENTY FEET (20'). THIS INCLUDES LAND THAT IS WITHIN PUBLIC RIGHT-OF-WAY.**
- G. FEE IN LIEU. THE PLANNING COMMISSION MAY IMPOSE A FOUR HUNDRED DOLLARS (\$400.00) PER RESIDENTIAL DWELLING UNIT ASSESSMENT ON THOSE DEVELOPMENTS WHEN IN THEIR JUDGEMENT THE CREATION OF ADDITIONAL RECREATIONAL AREAS IS NEITHER WARRANTED OR DESIRABLE. THE ASSESSMENT SHALL BE DUE UPON ACCEPTANCE OF THE FINAL SUBDIVISION PLAT OR SITE PLAN AS APPLICABLE.**
- H. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF §§16.16.100.D-G.**
- 1. ALTERATIONS OR EXPANSION OF AN EXISTING BUILDING WHERE NO ADDITIONAL RESIDENTIAL UNITS ARE CREATED AND WHERE THE USE IS NOT CHANGING;**
 - 2. THE CONSTRUCTION OF ACCESSORY BUILDINGS OR STRUCTURES THAT DO NOT SERVE AS HOUSING FOR INDIVIDUALS;**

3. **THE REPLACEMENT OF A DESTROYED OR PARTIALLY DESTROYED BUILDING OR STRUCTURE WITH A NEW BUILDING OR STRUCTURE OF THE SAME SIZE AND USE;**
4. **THE CONSTRUCTION OF ANY NON-RESIDENTIAL BUILDING OR STRUCTURE; AND**
5. **A SUBDIVISION PLAT OR SITE PLAN THAT PRODUCES LESS THAN FIVE (5) RESIDENTIAL DWELLING UNITS. SUBDIVISION DEVELOPMENT/SITE PLANS MAY NOT BE PIECEMEAELED TO AVOID THE REQUIREMENTS OF THIS SECTION.**
6. **IN THE EVENT FURTHER SUBDIVISION OR REDEVELOPMENT OCCURS AFTER BEING EXEMPTED UNDER THIS SECTION, THE REQUIEMENTS OF THIS SECTION SHALL APPLY TO ALL RESIDENTIAL DEVELOPMENT INCLUDING THAT WHICH WAS PREVIOUSLY EXEMPTED.**

***ANY REQUEST FOR EXEMPTION SHALL BE MADE NO LATER THAN THE TIME OF APPLICATION FOR A PRELIMINARY SUBDIVISION PLAT AND/OR SITE PLAN APPROVAL. ANY CLAIM NOT SO MADE SHALL BE DEEMED TO BE WAIVED.**

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 ___ day of _____, 2021
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2021.

Donald N. Briggs, Mayor

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

Madeline Shaw, Town Clerk
Date:

- AGENDA ITEM# 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 – replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance, and other community needs as-needed: Presentation at meeting by town staff.**

AGENDA ITEM# 3. Approval of Resolution 20-03R, Community Development Block Grant submittal authorization, for consideration: Presentation at meeting by town staff.

RESOLUTION: 2020
RESOLUTION NO. 20 – 03R

Page 1 of 2

**A RESOLUTION AUTHORIZING THE
SUBMITTAL OF AN APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS FOR THE TOWN OF EMMITSBURG**



WHEREAS, State of Maryland through the Department of Housing and Community Development has solicited applications from eligible jurisdictions to apply for funding under the Maryland Community Development Block Grant Program; and

WHEREAS, the Town of Emmitsburg is eligible to apply for funds from the Maryland Community Development Block Grant program through the Maryland Department of Housing and Community Development; and

WHEREAS, the Mayor and Board of Commissioners have held the required public hearing related to the formulation of the Town of Emmitsburg’s Block Grant Application; and

WHEREAS, the Mayor and Board of Commissioner’s understand and acknowledge that they would be responsible for completion of grant activities and any corrective actions including the repayment of funds if necessary;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Commissioners hereby adopt this Resolution and authorize the submittal of an application for Community Development Block Grant funds in the amount up to \$697,693.50 this 8th day of December, 2020 for the following project:

- Replace 117 curb ramps at various locations throughout the Town of Emmitsburg for ADA compliance.

This Resolution shall be effective on the date that the Mayor approves the Resolution after approval by the Board of Commissioners or the date on which the Board of Commissioners pass the Resolution over the veto of the Mayor.

PASSED and ADOPTED this 8th day of December, 2020. It is effective for a 5-year period until December 8, 2025.

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Amy Naill, Parking/Code Enforcement

Timothy O'Donnell, President

_____ APPROVED _____ VETOED

this 8th day of December, 2020.

Donald N. Briggs, Mayor

AGENDA ITEM# 4. New water sewer truck bid approval for consideration:
Presentation at meeting by town staff.

Water and Sewer Department: Replacing a 2003 Ford Ranger XLT with 98,559 miles

Three bids received:

Company:	Model:	Price:
Wantz Chevrolet	2021 Blue Chevrolet Silverado 1500 4WD V8	\$28,089.00 (w/ Fleet Discount)
Criswell Chevrolet	2020 White Chevrolet Silverado 1500 4WD V6	\$34,280.62
Frederick Motor Co.	2020 Blue Ford F-150 4WD V6	\$36,544.00

Recommendation: Town staff recommends the 2021 Blue Chevrolet Silverado 1500 from Wantz Chevrolet - \$28,089

AGENDA ITEM# 5. Ordinance related to the salary chart for consideration:
Presentation at meeting by town staff.

ORDINANCE SERIES: 2020
ORDINANCE NO. 20 - 13

Page 1 of 3

AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
ADMINISTRATION AND PERSONNEL

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 2, Administration and Personnel, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

2.50.020 - Employee salary chart.

- A. The Town of Emmitsburg does adopt the twelve (12) grade, [~~twelve (12) step~~] salary chart **WITH SALARY RANGES**. The salary chart will be adjusted July 1 of each year. It will be adjusted to offset the effects of inflation and/or the cost of living increase. From time to time, inflation adjustments will be set by the town council. Every employee will have a performance evaluation assessment by the town manager each year (between January and April). That performance evaluation will assess a number of performance standards and has a maximum score of forty-five (45). Employees receiving a score of twenty-seven (27) and above will receive [~~a step~~] **AN** increase as of July 1 of each year-, **IF BUDGET FUNDS ARE AVAILABLE**. Employees scoring twenty-six (26) or below will not receive a [~~chart step~~] **COMPENSATION** increase.
- ~~B. [When hiring new employees, the town manager only has the authority to offer a starting salary up to step four, but a starting salary up to step twelve (12) can be offered with the approval of the town council.]~~
- B. Employees permanently assigned new duties and/or responsibilities may be promoted at any time during the year if recommended by the town manager and approved by the mayor.
- C. Except for temporary employees, employee pay will be based upon the town of Emmitsburg salary chart.
- D. The salary of a temporary employee shall be determined on a case-by-case basis and approved by the mayor.
- E. New employees who are in their three-month introductory period on July 1 are not eligible for the annual July 1 step increase.
- F. Employees who are placed on probation (due to poor job performance) during the salary year are not eligible for July 1 step increases.
- G. Only the town manager, **THE TOWN ACCOUNTANT**, and the town planner will be compensated via "comp time" for overtime hours worked. All "comp-time" hours must be first approved by the town manager and the mayor.

CHAPTER 2.50.30 SALARY STRUCTURE

Town of Emmitsburg Salary Structure - Fiscal Year 2021
for July 1, 2020 with 2% COLA factor approved

Town of Emmitsburg, MD				
Proposed Alternative Salary Range (Minimums, Midpoints, Maximums)				
Prepared by WW Consulting, Inc.				
Revised August 28, 2020				
GRADE LEVEL	PROPOSED PERCENTAGE DIFFERENTIAL	PROPOSED SALARY RANGE	PROPOSED SALARY RANGE	PROPOSED SALARY RANGE
	MINIMUM/MAXIMUM	MINIMUM	MIDPOINT	MAXIMUM
12	50 percent	\$81,600	\$102,000	\$122,400
11	50 percent	\$70,960	\$88,700	\$106,440
10	50 percent	\$61,760	\$77,200	\$92,640
9	40 percent	\$53,667	\$64,400	\$75,134
8	40 percent	\$48,833	\$58,600	\$68,366
7	40 percent	\$44,417	\$53,300	\$62,184
6	40 percent	\$40,417	\$48,500	\$56,584
5	30 percent	\$38,348	\$44,100	\$49,852
4	30 percent	\$34,870	\$40,100	\$45,331
3	30 percent	\$31,739	\$36,500	\$41,261
2	30 percent	\$30,261	\$34,800	\$39,339
1	30 percent	\$28,870	\$33,200	\$37,531

- Executive/Managerial/Professional (Grades 10-12)
- Professional/Para-Professional/Skilled Trades (Grades 6-9)
- Skilled & Semi-Skilled Trades (Grades 1-5)

Biweekly salary is calculated by dividing the annual salary by twenty-six (26) pays.

Annual salary is the hourly rate multiplied by two thousand eighty (2,080) hours.

Part-time employee's annual and biweekly salary will be different than chart shows.

BE IT FURTHER 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 _____ day of _____, 2020.
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O'Donnell, President

MAYOR

_____APPROVED _____VETOED

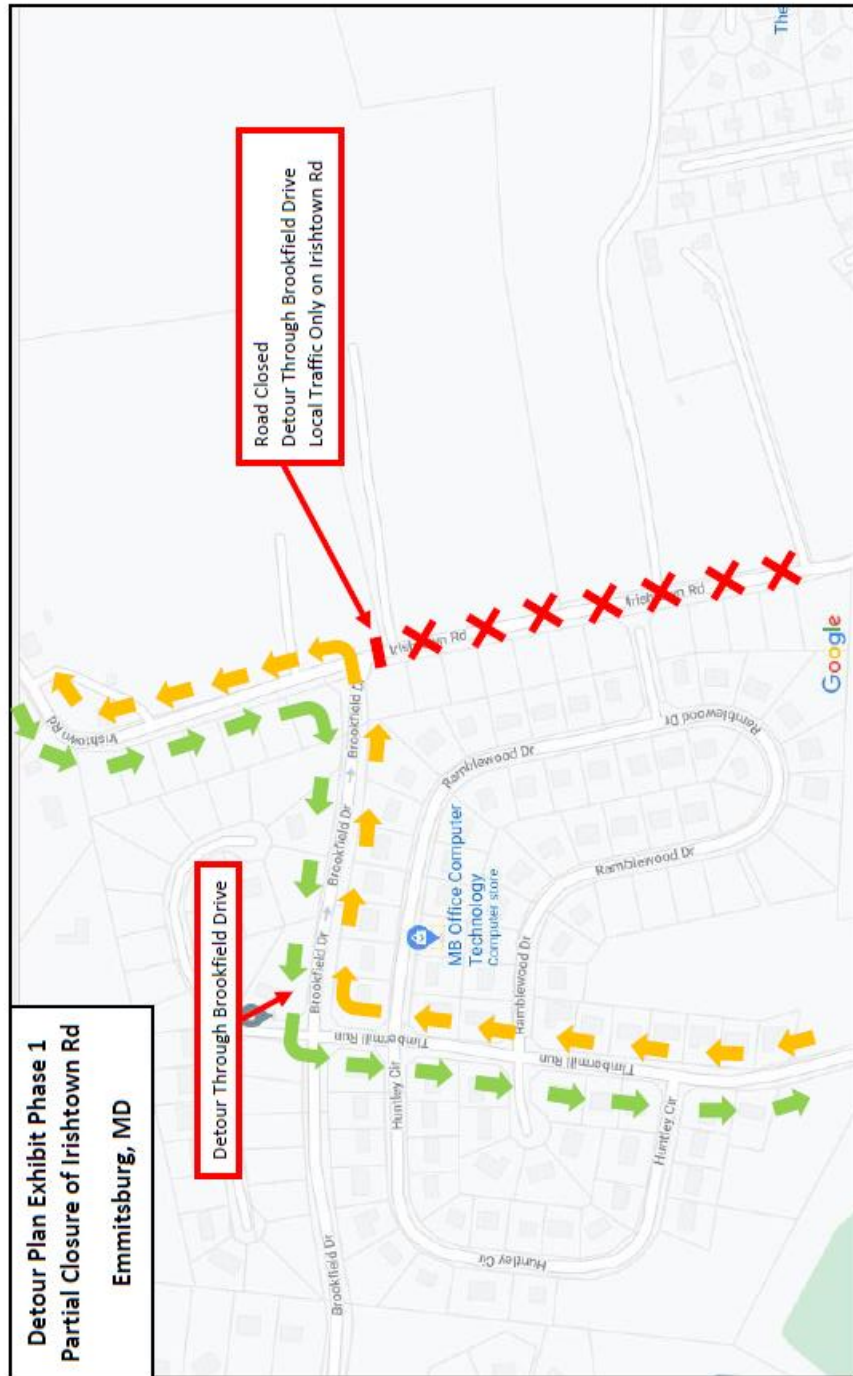
this _____ day of _____, 2020.

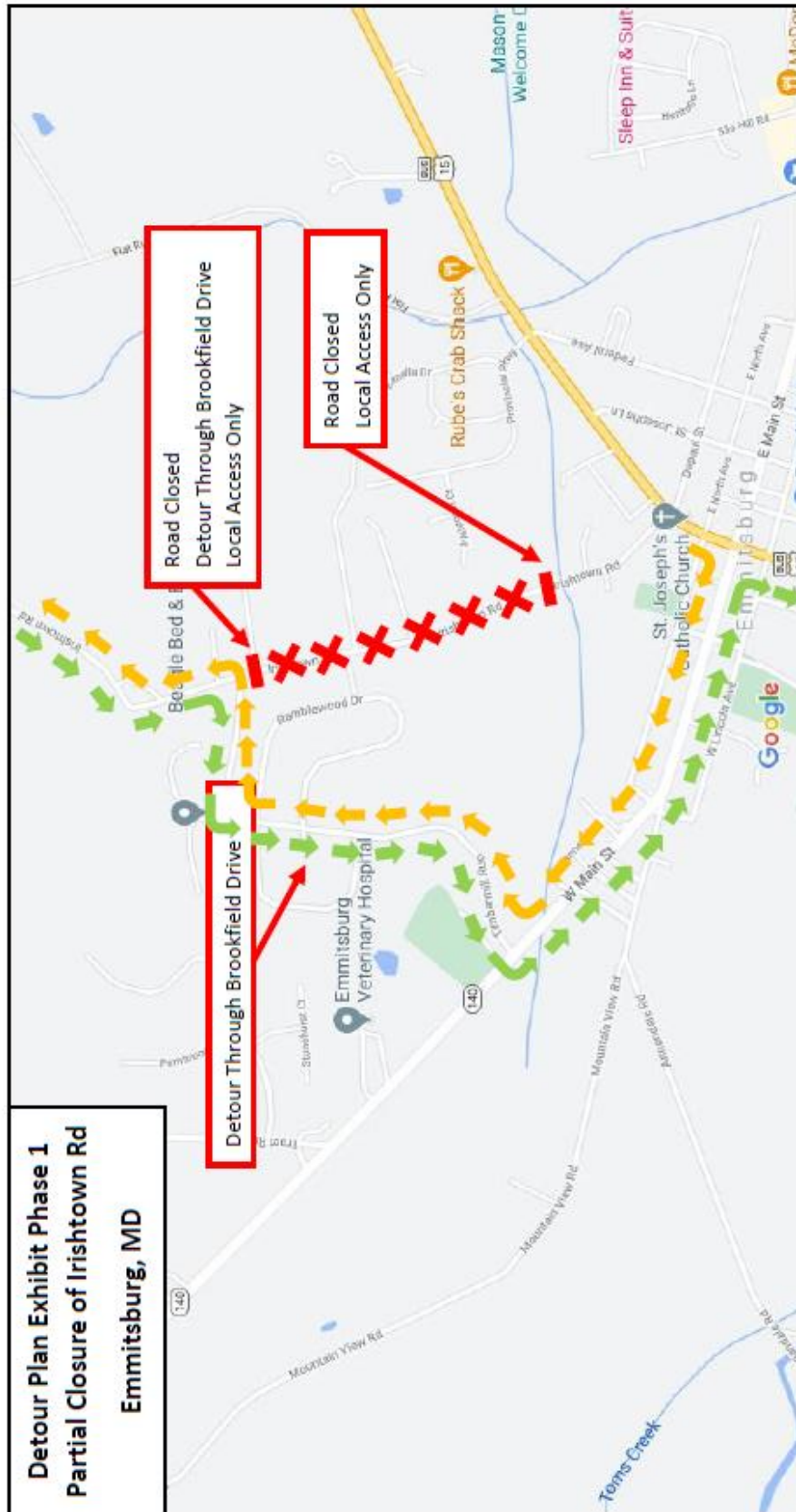
Donald N. Briggs, Mayor

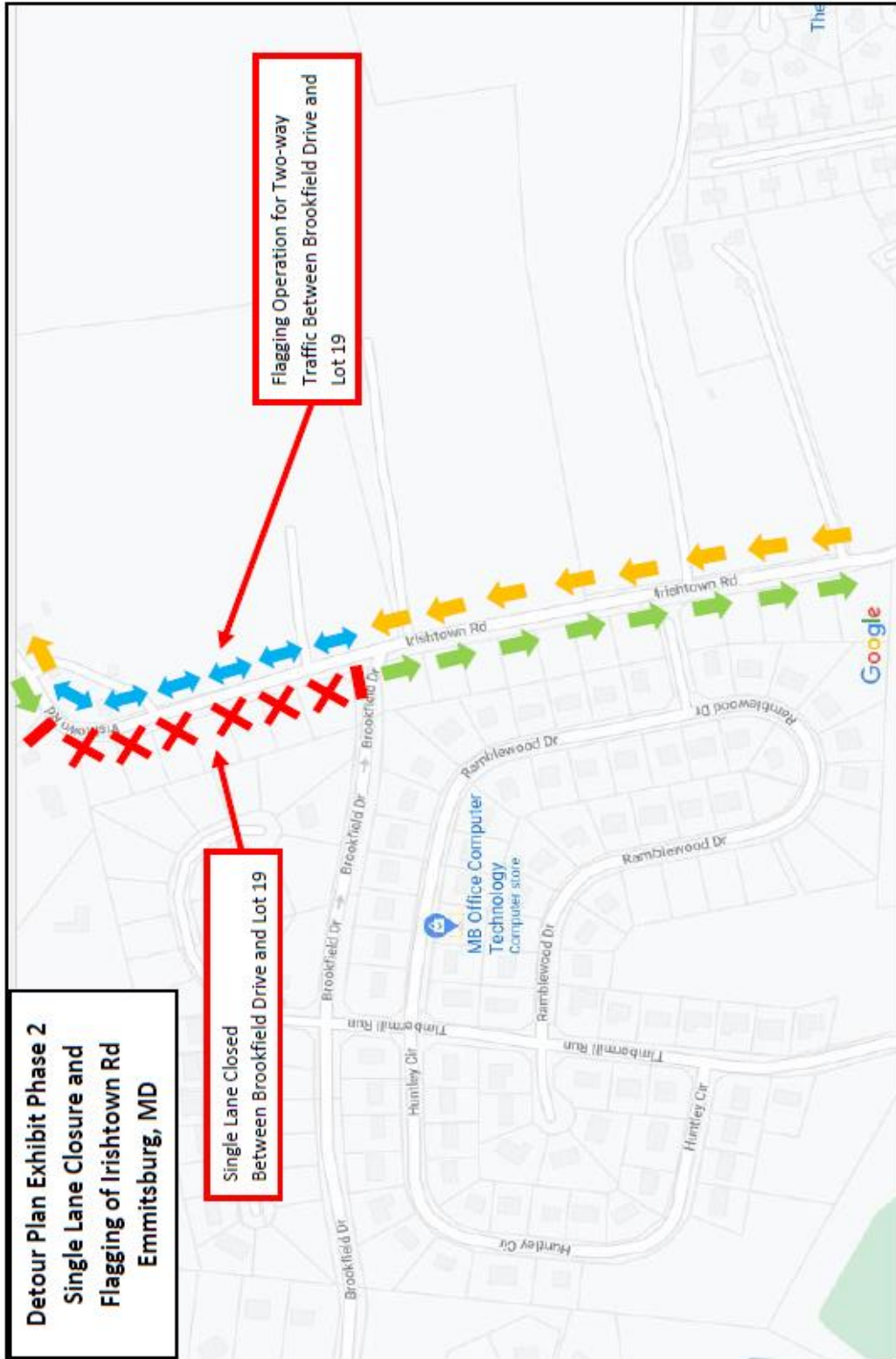
I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

AGENDA ITEM# 6. Consideration of closure of Irishtown Road and detour plan during road improvement construction: Presentation at meeting by town staff.







M. SET AGENDA FOR NEXT VIRTUAL MEETING: JANUARY 11, 2020 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.