



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
Julie Scott

**TOWN MEETING AGENDA PACKET
TOWN OFFICE – 300A SOUTH SETON AVENUE
MONDAY, APRIL 4, 2022 – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Citizen's Advisory Committee Meeting: Tuesday April 19, 2022 at 7:30 p.m. (Town Office)

Town Council Meeting: Monday May 2, 2022 at 7:30 p.m. (Town Office & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: MARCH 7, 2022 and MARCH 16, 2022

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

(A). Proclamation declaring April 2022 Child Abuse Prevention month.

(B). Proclamation declaring April 16, 2022 as Arbor Day.

(C). Designation of two Open Meetings Act representatives for consideration.

I. CONSENT AGENDA:

- Appoint _____ as an alternate to the Board of Appeals with a term of April 4, 2022 through January 11, 2024.

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). To consider a real property tax rate that exceeds the constant yield tax rate. The Board will consider whether or not to reduce the real property tax rate sufficiently to fully offset tax revenues resulting from increasing assessments to make the property tax revenues equivalent to the prior year's tax revenues (the constant yield tax rate), excluding new development.

(2). Zoning map amendment public hearing and consideration for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels "C", "D" & "E" of Brookfield recorded in Plat Book No. 58, Page 40.

(3). Approval of the abandonment of a sewer easement located at the Emmitsburg East Industrial Park II property for consideration.

(4). Town of Emmitsburg participation in the Maryland Low Income Household Water Assistance Program (LIHWAP) for consideration.

(5). Approval of bid for the purchase and installation of advanced license plate readers for consideration.

(6). Approval of a change order with MIM Construction, Inc., FY21 sidewalk accessibility ramps FY 21 contract 21-SA-21, the amount of \$62,864.50 for consideration

M. SET AGENDA FOR NEXT MEETING: May 2, 2022

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:

Town of Emmitsburg is inviting you to a scheduled Zoom meeting.

Topic: Town Meeting: April 4, 2022

Time: Apr 4, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88362447866>

Meeting ID: 883 6244 7866

Passcode: 21727

One tap mobile

+13017158592,,88362447866#,,,,*21727# US (Washington DC)

+13126266799,,88362447866#,,,,*21727# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 883 6244 7866

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/88362447866>

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 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

**MEETING MINUTES
TOWN MEETING
MARCH 7, 2022
TOWN OFFICE – 300A SOUTH SETON AVENUE**

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

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 7, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session following adjournment of the March 7, 2022 town meeting for the purpose of consulting with staff, consultants, or other individuals to discuss the proposed employment of the candidate for the water and sewer trainee position as permitted by the General Provisions Article, Section 3-305(b)(1), Annotated Code of Maryland which authorizes Boards to meet in closed session to discuss employment. The Board will not be meeting in another open session after the closed session has ended.

Approval of Minutes

Motion: Commissioner Ritz motioned to accept the February 7, 2022 town meeting minutes as presented; second by Commissioner Davis. Yeas - 5; Nays - 0. The motion was adopted.

Police Report:

The deputies were not in attendance and will present this month's report at the next Town Meeting. Cathy Willets, Town Manager, presented an item that was reported to the Town by the deputies. Sometime during the weekend of March 5-6, 2022, there was extensive vandalism at the ballfields which will be costly to repair. Pictures of the damage will be posted on Facebook and anyone with information is encouraged to report it to the deputies or the Town Office.

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from January 2022 (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from January 2022 (exhibit in agenda packet). All ADA ramp installations have been completed, but there may be some temporary street closures for line painting. Oliver Homes is considering the purchase of the remaining 5 lots in the Southgate development. It was confirmed that the Town qualifies for the Community Development Block Grant and we have applied for additional funding through the Main Street Grant. The Mason Dixon Logistics Park located in the area in front of Rutter's was originally planned to be single family homes, but the developer is now considering an industrial park. The Maryland Department of Transportation (MDOT) would determine the need for rezoning, road improvements, and traffic signals in any area of development.

Commissioner Comments:

- Commissioner Ritz III: He thanked the local media and citizens for attending. He is working on reserving the bandstand for an upcoming Frederick County Public Schools band concert. He suggested looking into the Broadband Equity Access and Development (BEAD) Program for possible funding to address the lack of broadband and internet in some areas outside of town limits, such as Hampton Valley Road.
- Commissioner Davis: He thanked Maddy Shaw, Grants Administrator, for researching grants for the Parks. He is working on the addition of a children's reading trail similar to the ones in Carroll Valley and Walkersville and asked that anyone with more information about these to contact Ms. Shaw or himself.
- Commissioner Burns: He encouraged everyone to be extra cautious of pedestrians, cyclists, and increased outdoor activity with warmer Spring weather on the way soon.
- Commissioner Sweeney: He encouraged the public to attend the Community Day meeting on Monday, March 21, 2022 at 7:00 pm at the Knights of Columbus Building on West Main Street. He invited everyone to the two upcoming fundraisers that will be held at the Emmitsburg Fire Company to raise money for the Community Day fireworks and activities. He advised that the Veteran's Day banners will be displayed throughout Town this month.
- Commissioner O'Donnell: He attended the Maryland Municipal League (MML) meeting for the Frederick County group where speed cameras in communities were discussed. He voted on behalf of the Town in support of future MML branch consideration of a state program where an individual instead of an officer would be designated to certify speeding tickets. He spoke with former Frederick County Planner, Eric Soder, who offered to meet with individual Commissioners regarding town growth and school capacity. Turkey Trot t-shirts have been partially distributed and he thanked the other Commissioners for their help with this process. He mentioned increased interest in another running event on Community Day. He sends his condolences to the Olander family regarding the passing of Kenny Olander, local resident, Frederick County Sheriff's deputy, and avid cyclist. He also received positive feedback from Federal Stone and thanked Mr. Gulden for his work with them.

Mayor's Comments:

Mayor Briggs attended numerous meetings and events in February 2022 (meetings listed in agenda packet). Mayor Briggs had meetings with the Maryland Commission on African American History Culture, the Sustainable Maryland Executive Committee, and the Frederick Community Foundation where he interviewed Eric Devereux of Devereux Consulting regarding town progress and growth. He also met with the Wayside Exhibit consultants regarding the sign for St. Euphemia's School. He attended the Mount St. Mary's Alumni College of Liberal Arts Symposium and Santa Fe Classics Symposium. He hosted two podcasts, one with County Executive Jan Gardner, and the other with Conrad Weaver, who provided perspective on the people living in Ukraine. In addition, Mayor Briggs attended the Grand Opening of the new Tuscany Restaurant located in the former Stavros Pizza location where he welcomed this new business to the community. Mayor Briggs also mentioned current mail delays and advised that the Town Office will work with those who receive their water bills late.

Public Comments:

None.

Administrative Business:

- (A). **Update on 507 East Main Street being deemed a dangerous and hazardous building:** Mr. Gulden presented the item. This building has fallen into disrepair since the owner passed away a few years ago. After several failed attempts to contact the current property owner, the Town

obtained an Administrative search warrant to inspect the property. Based on the inspections conducted by structural engineers from ADTEK and mold specialists from Top to Bottom Services, the building was deemed to be safe, not in danger of collapse, and habitable after some minor repairs. The Frederick County Fire Marshall and Building Inspectors were contacted, but refrained from comment due to legal concerns. Mr. Gulden advised that the Town is working on fixing the lot and will continue trying to reach the property owner. The Board suggested to change our course of action to let the property owners know there are parties interested in purchasing this property and they agreed to revisit this item again at a later date.

Consent Agenda:

Mayor Briggs presented the proposed changes to the Board of Appeals members and the term dates for the newly appointed members was clarified. Levi Essess no longer meets the residency requirements to serve as the alternate on the Board of Appeals. The Mayor recommends Scott Frager as a regular member of the Board of Appeals. The replacement for the alternate has not yet been selected; therefore, this item was postponed until the next Town Meeting. *Motion:* Commissioner Sweeney motioned to accept the resignation of Levi Essess as an alternate to the Board of Appeals effective January 12, 2022; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted. *Motion:* Commissioner Davis motioned to appoint Scott Frager as a regular member of the Board of Appeals with a term of March 7, 2022 through February 17, 2023; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer’s Report:

Commissioner Burns presented the Treasurer’s Report for February 2022 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on February 28, 2022 where the final subdivision plat and forest conservation plan for the Emmitsburg East Industrial Park II as well as the corrected improvement plat and site plan for Village Liquors and Plaza Inn were conditionally approved. The Town anticipates Village Liquors and Plaza Inn will break ground soon, pending town permits and obtaining their tax identification number from the county.

II. Agenda Items

Agenda # 1 – Stormwater Utility Feasibility Study presentation and final recommendation: Michelle Kokolis, Program Manager with the Environmental Finance Center (EFC) at the University of Maryland gave a power point presentation on the item. Commissioner O’Donnell requested a hard copy of the power point for future reference. Ms. Kokolis explained how the EFC works with communities and provided an overview of current stormwater regulations, MS4 permits, minimum control measures (MCM), and best management practices (BMP). She presented their study results on Emmitsburg’s existing and future stormwater needs, including funding scenarios, financing strategies, and rate structures. She explained cost determinations, the tiered rate system based on Equivalent Residential Unit (ERU), and provided averages of current stormwater utility fees charged in other areas. Estimated revenue projections and allocations to meet the terms of the permit were also presented. Mr. Gulden pointed out that the findings of this study was to help the Town determine the best course of action for implementing stormwater fees and this fee would be added to the quarterly water bills as a separate line item, pending Board approval. The Board discussed the significant burden this state requirement has on smaller municipalities as well as the impact an additional utility fee would have on Town citizens. Mr. Gulden clarified that this is not a Rain tax and the stormwater fee can be adjusted at any time. During this meeting, Town staff is seeking a recommendation from the Board to consider approving at a later date the implementation of a 3-tier stormwater fee with the base rate of \$47 per ERU per year for every property in town to cover the costs of the larger projects that need to be completed as required for the MS4 permit.

The Board advised that they need the results from the upcoming water and sewer rate study before they can determine how to move forward with this fee. Mr. Gulden advised that if the Board provides a favorable review, the Town can start working on stage 2-implementation which is about a one-year process. Ms. Willets stated that the Town is proposing this stormwater fee for FY2023 with the purpose of this discussion to obtain feedback and set a proposed fee with adjustments and implementation to be revisited at a later date. *Motion:* Commissioner Sweeney motioned to accept the recommendation for the storm water utility base rate to start at the highest tier of \$47 per ERU per year with implementation to be brought back at a further date; second by Commissioner O'Donnell. Yeas – 2; Nays – 3. The motion was rejected. After this motion was rejected, the Board further discussed the cost for the larger MS4 projects and the impact of the different base rates on Town citizens given the state of the current economy and the possibility of a water and sewer utility rate increase. Ms. Willets advised that the most current increase was implemented for water rates in 2012 and sewer rates in 2015. The Board also discussed the stormwater rates of areas around Emmitsburg and the reason that some areas do not charge this fee. Mr. Gulden and Ms. Kokolis explained that all municipalities will have to pay a stormwater fee at some point to cover the expense of the MS4 permit and state requirements. The Board stressed that fixing water delivery and sewer issues within the Town is a priority. No one on the Board expressed interest in voting on the next lowest tier of \$32 per ERU per year. *Motion:* Commissioner Sweeney motioned to accept the recommendation for the storm water utility base rate to start at the lowest tier of \$20 per ERU per year with implementation to be brought back at a further date; second by Commissioner O'Donnell. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda # 2 – Approval of bid for the purchase and installation of advanced license plate readers for consideration:~~ (POSTPONED) Ms. Willets advised that this item is requested to be postponed by the Mayor and staff as it needs to be put back out to bid. This item will come back to the Board at the next Town meeting with recommendations based on the new bids. Ms. Willets explained that the Town is required to follow the Maryland Commission retention policies regarding advanced license plate readers and access to this information is limited to law enforcement; therefore, this information cannot be obtained by the public through the Town and those requests would have to be placed with the deputies. She will confirm the specific retention time frame and present this information at the next Town meeting.

Agenda # 3 - Approval of the design of the new town sign for consideration: Mr. Gulden presented the item. The Board previously approved the purchase of the sign in the amount of \$55,000. The Town recommends the design provided by Strickler who is the contractor being considered for this project, but the Town is still waiting for one more bid. The new sign will replace the existing sign currently in front of the Town Office building to display digital messages and important alerts. The location and specifications, including sign code requirements, were discussed. The Board requested that the sign include screen protectors given the recent vandalism incident. *Motion:* Commissioner Davis motioned to approve the design of the new town sign; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda # 4 - Approval of bid to pave gravel area in Memorial Park for consideration: This item was revisited from last month's meeting. The Board previously approved HMF Paving for the project; however, that contractor has withdrawn their bid. This is a grant-funded project. The new bid was reopened on January 31, 2022 and was posted on the website, Facebook, and eMarketplace. After review of the new bids, Town staff recommend Frederick County Paving in the amount of \$49,850.00. The Town has worked with this contractor in the past and were satisfied with their work. *Motion:* Commissioner Davis motioned to approve Frederick County Paving's bid for \$14,325; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for April 4, 2022 Town Meeting

Administrative Business: (A.) Proclamation declaring April 2022 Child Abuse Prevention month. (B.) Proclamation declaring April 16, 2022 as Arbor Day. (C.) Designation of two Open Meetings Act representatives for consideration. **Consent Items:** (I.) Appoint _____ as an alternate to the Board of Appeals with a term of April 4, 2022 through January 11, 2024. **Agenda Items:** (1.) Zoning map amendment public hearing and consideration for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels “C”, “D” & “E” of Brookfield recorded in Plat Book No. 58, Page 40. (2.) Approval of the abandonment of a sewer easement located at the Emmitsburg East Industrial Park II property for consideration. (3.) Town of Emmitsburg participation in the Maryland Low Income Household Water Assistance Program (LIHWAP) for consideration. (4.) Approval of bid for the purchase and installation of advanced license plate readers for consideration.

Further discussion occurred on Administrative Business item (C.) Designation of two Open Meetings Act representatives for consideration. Ms. Willets clarified the requirements regarding Open Meeting Act representatives. She recommends designating one person from the Town staff and one Board Member as the Open Meeting Act representatives at the next Town Meeting. **Motion:** Commissioner Sweeney motioned to approve the April 4, 2022 town meeting agenda as presented; second by Commissioner Burns. Yes – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the March 7, 2022 town meeting at 9:25 p.m. for a closed Executive session to discuss the proposed employment of the candidate for the water and sewer trainee position as permitted by the General Provisions Article, Section 3-305(b)(1). The reason for a closed session discussion of this topic is to discuss employment. The Board will not be meeting in another open session after the closed session has ended; second by Commissioner Ritz III. Yeas - 5; Nays - 0. The motion was adopted. The Board took a brief recess prior to the start of the closed session.

Respectfully submitted,

Julie Scott, Town Clerk
Minutes Approved On:

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
MARCH 7, 2022**

Time Closed Session Began: 9:35 p.m.

Place of Closed Session: Emmitsburg Town Office 300A South Seton Avenue Emmitsburg MD 21727.

Purpose: To consult with staff, consultants, or other individuals about the proposed employment of the candidate for the water and sewer trainee position.

Members Who Voted to Meet in Closed Session: Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns.

Persons Attending Closed Session: Mayor Donald Briggs; Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns. Staff Present: Cathy Willets, Town Manager; Julie Scott, Town Clerk; and Amy Naill, Parking and Code Enforcement.

Authority Under § 3-305 for the Closed Session: Section 3-305(b)(1), consult with staff, consultants, or other individuals to discuss employment.

Topics Actually Discussed: The response to the employment advertisement for the water and sewer trainee position, including the number of applicants who applied and interviewed for the position as well as the qualifications and results of the reference check for the selected candidate.

Actions Taken: The Board approved the hiring of Warren Harley as the water and sewer trainee at the rate of \$19.83/hour with the eligibility for increase after 90 days.

Time Closed Session Ended: 9:41 p.m.

**MEETING MINUTES
TOWN MEETING
MARCH 16, 2022
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; and Julie Scott, Town Clerk.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 16, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. The Board will meet in open session only for the purpose of voting to close its meeting to discuss a matter that the Open Meeting Act permits it to discuss in closed session. Upcoming meetings were announced.

Announcement of a Special Closed Session

President O'Donnell announced the need for a special closed executive session following adjournment of the March 16, 2022 town meeting for the purpose of consulting with staff, consultants, or other individuals to discuss a personnel matter and potential action, including possible termination as permitted by the General Provisions Article, Section 3-305(b)(1), Annotated Code of Maryland which authorizes Boards to meet in closed session to preserve the confidentiality of personnel records as provided by the Maryland Public Information Act and the privacy of the employee. The Board will not be meeting in another open session after the closed session has ended.

II. Adjournment

With no further business, Commissioner Burns motioned to adjourn the March 16, 2022 town meeting at 7:35 p.m. for a special closed executive session to consult with staff, consultants, or other individuals to discuss a personnel matter and potential action, including possible termination as permitted by the *General Provisions* Article, Section 3-305(b)(1). The reason for a closed session discussion of this topic is to preserve the confidentiality of personnel records as provided by the Maryland Public Information Act and the privacy of the employee. The Board will not be meeting in another open session after the closed session has ended; second by Commissioner Sweeney. Yeas - 5; Nays - 0. The motion was approved.

Respectfully submitted,

Julie Scott, Town Clerk
Minutes Approved On:

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
MARCH 16, 2022**

Time Closed Session Began: 7:35 p.m.

Place of Closed Session: Emmitsburg Town Office 300A South Seton Avenue Emmitsburg MD 21727.

Purpose: To consult with staff, consultants, or other individuals about a personnel matter and potential action, including possible termination.

Members Who Voted to Meet in Closed Session: Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns.

Persons Attending Closed Session: Mayor Donald Briggs; Commissioners: Timothy O'Donnell, Clifford Sweeney, Frank Davis, Joseph Ritz III and T.J. Burns. Staff Present: Cathy Willets, Town Manager and Julie Scott, Town Clerk.

Authority Under § 3-305 for the Closed Session: Section 3-305(b)(1), consult with staff, consultants, or other individuals to discuss a personnel matter.

Topics Actually Discussed: The documented disciplinary actions and reasoning for termination of employee.

Actions Taken: The Board approved the termination of said employee, effective immediately, with a payout for accrued time as stated in the Employee Handbook.

Time Closed Session Ended: 8:00 p.m.

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

C. TOWN MANAGER'S REPORT

**Town Manager's Report
February 2022
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired and replaced some street lights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff posted 15 mph speed limit sign on Brookfield Dr. & Irishtown Rd.

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 installed bike rack at ballfield #7 in Memorial Park.
- Staff installed new bat/helmet rack in ballfield dugout #7.
- Staff worked on installing new board fence in Community Park.
- Staff cut up and removed tree from walking path by the pavilion in Community Park.
- Staff updated park equipment inventory list.

Water:

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

	<u>May 2011</u>	<u>February</u>	<u>Change</u>
○ Well #1:	35'	29'	+6'
○ Well #2:	8'	9'	-1'
○ Well #3:	12'	29'	-17'
○ Well #4:	108'	OFF	N/A
○ Well #5:	10'	OFF	N/A

- Water production and consumption. We produced an average of 205,161 GPD. We consumed an average of 198,538 GPD (finish water + MSM). The amount of Backwash Water in the month of February is ... (13.71%).
 - 19.0% of this water came from wells.
 - 6.0% of this water came from Mt. St. Mary's.
 - 75.0% of this water came from Rainbow Lake.

We purchased 402,550 gallons of water from MSM this month.

Wastewater:

- We treated an average of 727,000 gpd (consumed 198,538 GPD) which means that the 73% of the wastewater treated this month was "wild water".
- We did not have any spills of untreated sewage in the month of February.
- We did exceed the plant's design capacity four times in the month of February.
 - 02/03 1,508,000 gpd 02/04 1,429,000 gpd
 - 02/05 758,000 gpd 02/25
- We received about 3.3" of precipitation this month (the average is 2/7"). We have a precipitation **SURPLUS of 4.06"** over the last six months. The average precipitation for the period from September 1 through February 28 is 20.44". We have received 24.5" for that period.

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

Meetings Attended:

- 02/01 Met with Mayor
- 02/01 Reviewed bids (concrete, paving, bleachers) with Dir. PW
- 02/04 Met with Mayor
- 02/07 Attended MRSA mandatory retirement training webinar
- 02/07 Attended Town Meeting
- 02/08 Met with Mayor
- 02/11 Conference call with Mayor and Town Attorney re: property at WWTP
- 02/15 Met with HR consultant
- 02/15 Met with staff and contractor re: ALPR rfp
- 02/16 Met with staff to review EEIP II plan
- 02/22 Conducted interviews with staff and HR for water/sewer position
- 02/22 Met with Mayor
- 02/24 Attended department head meeting
- 02/24 Attended support staff meeting
- 02/24 Attended ARPA reporting webinar
- 02/28 Met with Mayor

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in February.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff completed some use and occupancy permit inspections.
- Staff repaired some manholes for snow removal in Silo Hill, Emmit Gardens & Federal Ave.
- Staff worked with contractor on sewer back-up on Robindale Dr.

- Staff worked with Potomac Edison and Fire Dept. during windstorm that blew tree onto power line on Frailey Rd.
- Staff dug up and installed new curb box at 207 DePaul St.
- New probes installed on LG Sonic for upcoming season.
- Alum and Methanol usage at WWTP has been reduced.
- Vibration analysis performed at Creamery Road Pump Station. Pumps are running good at this time.
- MDE conducted inspection at WWTP and all went well.
- WWTP permit renewal completed.

**PARKING ENFORCEMENT REPORT
 February 2022**

Overtime Parking	72
Restricted Parking Zone	3
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	2
48 Consecutive Hours	1
Meter Money	\$ 824.13
Parking Ticket Money	\$ 660.00
Total:	\$1,484.13

D. TOWN PLANNER'S REPORT

Town Planner's Report
February 2022
Prepared by Zachary R. Gulden, MPA

1. Board of Commissioners (BOC):

- Attended the 2/7 BOC meeting and processed pre/post meeting materials.

2. Grants:

- Community Legacy grant management.
- Chesapeake Bay Trust:
 - Silo Hill SWM basin retrofit design & permitting grant management.
 - Applied for a Green Streets, Green Jobs, and Green Towns (G3) grant in the amount of \$199,000 for the Silo Hill Basin retrofit project.
- Community Development Block Grant (ADA Ramps) management:
 - Conducted 6x construction inspection.
 - Processed payment request #5.
 - Processed grant reimbursement request #5.
 - Reviewed & processed weeks 26, 27, 28, & 29 payrolls.
 - Attended a virtual progress meeting on 2/22.
 - Met with contractor, engineer, & various property owners on DePaul Street on 2/24.
 - 81 of 130 ramps are completed to date.
- Community Development Block Grant (DePaul Street Waterline):
 - Processed 24 completed income surveys.
 - Reached out to missing survey properties via phone/in-person/letters.
 - Posted 13 remaining properties with survey.
 - Finalized the income survey and submitted to state for approval.
- Main Street Communities Cooperative Fund:
 - Applied for a \$10,000 grant in order to fund applications for Community Legacy who were denied due to lack of funds.
- Conference call with Potomac Edison representative on 2/8 regarding tree planting grant for MS4.
- Conference call with Potomac Edison & StreamLink representatives on 2/14 regarding tree planting grant for MS4. They will be providing required town match grant of at least \$10,000 of \$12,000. Submitted necessary paperwork for funds.

3. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
- Met with contractor on 2/9 regarding pollution prevention plan & showed them around all Town owned properties.
- Created proposed street sweeping map for RFP.
- Created street sweeping RFP for FY23.

- SWM Utility Feasibility Study project management:
 - Attended a stormwater utility committee meeting on 2/24.
 - Attended a meeting with the contractor on 2/28.

4. Permits & Zoning:

- Processed 14x zoning permit applications:
 - 2x – concrete bleacher pads at Community & Memorial Parks.
 - 2x – freestanding signs (Rutter's).
 - 4x – permit extensions.
 - 1x – deck with patio.
 - 4x – single-family dwellings (Brookfield).
 - 1x – change of use.
- Processed 17x backflow preventer permit applications.
- Processed 1x no zoning permit required form.
- Processed 1x street closure permit application.
- Issued 1x stop work order – house demo.
- Prepared documents for court cases (Welty Avenue).
- Mailed 1x sewer cleanout letter for sewer/water department.
- Responded to incident reports.

5. Planning Commission (PC):

- Rutter's, Irishtown Road (Brookfield Lots 1-19), Federal Stone, Village Liquors & Plaza Inn, and Ripleigh's Creamery, Christ's Community Church, & Emmitsburg East Industrial Park II project management.
- Irishtown Road (Brookfield Lots 1-19):
 - Reviewed various construction reports.
 - Changed 2x property addresses along Irishtown Road / Heatherwind Drive due to error.
- Village Liquors & Plaza Inn:
 - Received, reviewed, and created staff memo for Corrected Site Plan.
 - Received, reviewed, and created staff memo for Corrected Improvement Plan.
 - Finalized and recorded deed of easement.
- Federal Stone:
 - Met with project engineer on 2/17 to discuss site & improvement plan requirements.
 - Received, processed, and started to review the site plan.
- Rutter's:
 - Worked with engineer on sewer construction specification approvals.
- Emmitsburg East Industrial Park II:
 - Finalized staff memo of final forest conservation plan.
 - Finalized staff memo of final subdivision plat for combined lots 7 & 8.
 - Prepared long term forest conservation agreement.
- Zoning map amendment – Entrance of Brookfield:
 - Worked on staff memo for PC meeting.

- Created public hearing advertisement & property posting signs.
- Met with manager, sewer/water superintendent, & public works director on 2/16 regarding plans on PC 2/28 agenda.
- Attended the 2/28 PC meeting and processed pre/post meeting materials.

6. Miscellaneous:

- Forestry stand 10 project management.
- Worked with contractor on the street tree plan.
- Prepared FY23 planning department draft budget.
- Renewed Town stockpile yard erosion & sediment control permit.
- Attended a budget meeting on 2/16.
- Worked with contractor on new Town sign project.
- Extended the Town's stockpile yard permit for another year.
- Worked with County on amendment to MD Forest Conservation Act to allow more time for municipalities to plant trees with fee in-lieu funds.
- Attended a department head meeting on 2/24.

7. New Business / Development Updates:

- **Brookfield 10-unit cul-de-sac** – Sketch plan submitted. Zoning map amendment submitted to change zoning from B-1 to R-1.
- **Christ's Community Church** – concept plan submitted to build 12,500 sq. ft. church with 98 parking spaces on Creamery Road around Quality Tire.
- **Emmit Ridge 2** - Property has sold to an investor. RJD Development & Ryan Homes working with investor to purchase. Wetlands have been found to compromise 8 proposed lots and part of proposed Irishtown Drive. Wetland mitigation will need to be approved by State of MD. 48 total lots proposed.
- **Federal Stone** - Final subdivision plat, forest conservation plan, & site plan have been submitted for combined lots 7 & 8.
- **Frailey Farm** - Property is for sale. No activity with the Town this month.
- **Mason Dixon Logistics Park (Trout Property)** – concept plan submitted to staff. Commercial / industrial park.
- **MDOT/SHA Park & Ride** – Design is 15% complete. Project is on hold due to State budget cuts resulting from COVID-19. Staff working with legislators to push project forward. No activity with the town this month.
- **Ripleigh's Creamery** – Working on obtaining FC building permit.
- **Rutter's** – active construction. Expected completion is late summer of 2022.
- **Village Liquors & Plaza Inn** – Submitted corrected site plan & improvement plats due to recent subdivision.
- **Warthen's Court 5-unit townhomes** – Sketch plan submitted. Preparing required engineered plans for Planning Commission submittal.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since last town meeting:

- Monday, March 7th @ 7:30 AM: regularly scheduled town monthly meeting.
- Thursday, March 16th @ 6:30 PM: Mount St Mary's University Frederick Campus - Mount Alumni College of Liberal Arts Symposium.
- Thursday, March 17th: ST. PATRICK'S DAY.
- Thursday, March 17th @ 8:30 AM: St. Johns College, Annapolis - Santa Fe Classics Symposium (virtual).
- Thursday, March 17th @ 1:30 PM: pod cast with Sister Martha, Seton Center.
- Tuesday, March 22nd @ 9:30 AM: Zoom meeting with Maddy Shaw, Grant Administrator, Ruth Bielbocky, and Scott Gove, Wayside Exhibit developer re: St. Euphemia School.
- Friday, March 24th @ 10:00 AM: 2nd Zoom meeting with Maddy Shaw, Grant Administrator, Ruth Bielbocky, and Scott Gove, Wayside Exhibit developer re: St. Euphemia School.
- Friday, April 1st @ 1:00 PM: podcast with Robert G. Brennan, Insurance Brokers of Maryland.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Proclamation declaring April 2022 Child Abuse Prevention month:** Presentation at meeting by Child Advocacy Center representatives.



Proclamation

NATIONAL CHILD ABUSE PREVENTION MONTH APRIL 2022

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, the effects of child abuse are felt by a whole community and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because partnerships are created among social service agencies, schools, religious organizations, local governments, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim the month of April 2022 as National Child Abuse Prevention Month in the Town of Emmitsburg and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in efforts to prevent child abuse, thereby strengthening the Emmitsburg community.

ADOPTED this 4th day of April, 2022.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioner

- (b) **Proclamation declaring April 16, 2022 as Arbor Day:** Presentation at meeting by Mayor Briggs.

Stream Link Tree Plantings at the sewer plant on Creamery Rd. on Saturday, April 16, 2022 and Saturday, April 23, 2022 from 9:00 a.m. to 11:00 a.m.

Proclamation **Arbor Day** SATURDAY, APRIL 16, 2022

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim April 16, 2022 as Arbor Day in the Town of Emmitsburg. We call upon all citizens and organizations to support efforts to protect our trees and woodlands by planting trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this 4th day of April, 2022.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioners

- (c) **Designation of two Open Meetings Act representatives for consideration:** Presentation at meeting by staff.

Training requirement for public entities subject to the Open Meetings Act

The training requirement is set forth in § 3-213 of the General Provisions Article. It applies to entities that meet the Act's definition of a "public body." It has four elements:

(1) **Each public entity subject to the Open Meetings Act must designate at least one employee, officer, or member to receive training on the requirements of the Act.** When a sole designee retires, resigns, or otherwise loses his or her position with the public body, the public body must designate a new trainee.

(2) **The designee must take the training within 90 days of the designation.** Training taken after October 1, 2013 satisfies the requirement. The training must be taken in one of three ways:

- The online class "offered by the Office of the Attorney General and the University of Maryland's Institute for Governmental Service and Research,"
- A "class on the requirements of the Open Meetings law offered by the Maryland Association of Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance," or
- Effective July 1, 2017, a "class on the requirements of the Open Meetings Law offered by the Maryland Association of Boards of Education through the Boardsmanship Academy Program."

(3) **As of October 1, 2017, a public body may not meet in a closed session that is subject to the Act unless the public body has designated a *member* to take the training.** A designated member must attend the open meeting at which the public body votes to hold the closed session, or, otherwise, the public body must complete the Compliance Checklist and attach it to the open-session minutes.

(4) **Each public body should retain its own records of compliance with the training requirement.** As of July 1, 2017, designees' names are not to be submitted to the Compliance Board unless the Compliance Board requests them. Public bodies should maintain records of the designation and of the designee's completion of a course. Particularly, the online class does not collect trainees' names, so the only record of completion of that class is the certificate that trainees may print out at the end of the class.

(5) **For the Compliance Checklist, a link to the online class, and a model closing statement with instructions on the new closed-meeting procedures, go to:**

<http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>.

Note: As of July 1, 2017, the training requirement does not apply to a public body that is "in the Judicial Branch of State government" or that is "subject to governance by rules adopted by the Court of Appeals."

(Rev. July 2017)

I. CONSENT AGENDA

1. Appoint _____ as an alternate to the Board of Appeals with a term of April 4, 2022 through January 11, 2024.

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of March 28, 2022**

\$7,917,737	Cash Balance March 1, 2022
258,463	Deposits
<u>-571,309</u>	Withdrawals
\$7,604,891	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>
\$125,931	Mr. Rehab	Emmitgardens Relining	03.09.22	43395
\$108,041	MIM Construction	ADA Ramps	03.09.22	43392
\$25,125	Strickler	Town Sign 300A S. Seton Ave	03.23.22	43455
\$19,457	MD Dept of Budget & Mgmt	Feb 22 Health Insurance	03.02.22	43374
\$17,386	GDF Suez Energy Resources	Steel Tank Annual Rental	03.09.22	43408
\$16,323	RK&K	Engineering - Rutters to Reimb	03.16.22	43432
\$15,247	Kelco Plumbing & Backhoe Services	502 East Main St - Labor	03.23.22	43445
\$13,000	Kelco Plumbing & Backhoe Services	500 East Main St - Labor	03.23.22	43445
\$12,000	Deleon & Stang	FY21 Audit Billing	03.02.22	43365
\$11,225	Baker Tree Service	Emmitgarden Park - Remove Tree	03.23.22	43436

Check dates 03.01.22 to 03.28.22

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1.

To consider a real property tax rate that exceeds the constant yield tax rate. The Board will consider whether or not to reduce the real property tax rate sufficiently to fully offset tax revenues resulting from increasing assessments to make the property tax revenues equivalent to the prior year's tax revenues (the constant yield tax rate), excluding new development: Presentation at meeting by staff.

**TOWN OF EMMITSBURG NOTICE
OF A PROPOSED
REAL PROPERTY TAX INCREASE**

The Board of Commissioners of the Town of Emmitsburg proposes to increase real property taxes.

1. For the tax year beginning July 1, 2022, the estimated real property assessable base will increase by 3.7% from \$205,155,221 to \$212,780,599.
2. If the Town of Emmitsburg maintains the current tax rate of \$.3464 per \$100 of assessment, real property tax revenues will increase by 3.7% resulting in \$26,414 of new real property tax revenues.
3. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to .3340, the constant yield tax rate.
4. The Town of Emmitsburg is considering not reducing its real property tax rate enough to fully offset increasing assessments. The Town of Emmitsburg proposes to adopt a real property tax rate of \$.3464 per \$100 of assessment. This tax rate is 3.7% higher than the constant yield tax rate and will generate \$26,414 in additional property tax revenues.

A public hearing on the proposed real property tax rate increase will be held at 7:30pm on April 4, 2022 at the Town Office located at 300A South Seton Ave. Emmitsburg, MD 21727.

A hearing is open to the public, and public testimony is encouraged.

Persons with questions regarding this hearing may call (301) 600-6300 for further information.

AGENDA ITEM# 2. Zoning map amendment public hearing and consideration for Lots C and D as shown on the Final Plat of Section 1 – Plat 1 Parcels “C”, “D” & “E” of Brookfield recorded in Plat Book No. 58, Page 40. Presentation at meeting by staff.

ORDINANCE SERIES: 2022
 ORD. NO: 22 - 01

AN ORDINANCE TO AMEND
 ORDINANCE 15-07
 OF THE CODE OF EMMITSBURG
 ENTITLED
 THE 2015 COMPREHENSIVE PLAN AND ZONING MAP

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 the 2015 Comprehensive Plan and Zoning Map of the town of Emmitsburg be amended as follows:

To amend paragraphs 1, 3 and 5 of the 2015 ordinance adopting the Comprehensive Plan and Zoning Map to delete the B-1 Neighborhood Commercial zoning designation on Lots C and D as shown on the Final Plat of Section 1 – Plat Parcels “C”, “D” & “E” for the Brookfield Subdivision recorded in Plat Book No. 58, page 40, Property tax Map/Parcel No. 0031/0683 Parcels C and D as reflected in the comprehensive plan of 2015 and as shown on the zoning map adopted in 2015, pursuant thereto, and to rezone Parcels “C” and “D” as R-1, Low Density Residential. Except to the extent modified herein, The 2015 Comprehensive Plan and Zoning Map remains as stated in Ordinance 15-07 until such time as it may be further amended or restated.

THE NEIGHBORHOOD COMMERCIAL (B-1) ZONING DESIGNATION SHALL BE STRICKEN ON LOTS C AND D OF SECTION 1 – PLAT PARCELS “C”, “D” & “E” FOR THE BROOKFIELD SUBDIVISION RECORDED IN PLAT BOOK NO. 58, PAGE 40, PROPERTY TAX MAP/PARCEL NO. 0031/0683 PARCELS C AND D, AND REDESIGNATED AS LOW DENSITY RESIDENTIAL (R-1).

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

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 4th day of April, 2022 by a vote of

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

ORDINANCE SERIES: 2022
ORD. NO: 22 - 01

ATTEST:

BOARD OF COMMISSIONERS:

Julie Scott, Town Clerk

Timothy J. O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 4th day of April, 2022.

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.

Julie Scott, Town Clerk
Date:



ZONING MAP/TEXT AMENDMENT APPLICATION
TOWN OF EMMITSBURG
300A South Seton Avenue, Emmitsburg, MD 21727
www.emmitsburgmd.gov · (301) 600-6300

SECTION A – DATA

PURPOSE OF THE PETITION: Text Amendment Map Amendment

Applicant:

Name: R.J.D. Development Corporation

Address (full): [REDACTED]

Phone: [REDACTED] Cell: [REDACTED]

E-mail: [REDACTED] Fax: _____

Owner(s) (if applicable & different from the Applicant):

Name(s): _____

Address (full): _____

Phone: _____ Cell: _____

E-mail: _____ Fax: _____

Signature

I/We the undersigned applicant(s) do hereby make application to the Town of Emmitsburg's Mayor and Board of Commissioners for considering a petition to amend the text of the zoning ordinance and/or zoning map for the above referenced property pursuant to Town Code Chapter 17.44, as amended. My/Our signatures below certify that all of the above referenced statements and information and any additional information submitted and made part of this application are true and complete to the best of my/our knowledge and belief. By signing below, I also certify that I have read and understand the application procedures, and agree to pay all fees required to review and process this application.

Signature of Applicant/Authorized Representative
R.J.D. Development Corporation
By: [Signature]
Signature of Owner Richard J. Demmitt, President

Date
1-6-22
Date

SECTION B – INSTRUCTIONS

This section is to assist applicants in petitioning the Town. The process is explained in detail in Chapter 17.44 of the Town's Code. Any information provided in this list is intended only as a guide. The applicant is advised to consult this Chapter as well as obtain the services of an attorney, engineer, or other professionals in completing this application and presenting evidence before the Mayor and Board. The applicant is not required to be represented by third parties.

1. Complete the application. Please print legibly or type the information.
2. Sign and date the application.
3. Submit the application to the Town's Zoning Administrator with original signatures of the applicant(s) and/or the owner(s). The application must contain written documentation for the proposal to amend, supplement, change, modify, or repeal the Town of Emmitsburg's Zoning Ordinance and/or Zoning Map.
4. Attach appropriate drawings, plans, and/or illustrations, which help explain your request. Fifteen (15) copies of the proposed plan, a minimum size of 18" x 24", must be submitted with the application. All materials submitted with this application or entered as Exhibits during the hearing become the property of the Town of Emmitsburg and are kept with this application.
5. The application and all additional materials submitted with the application must be originals. The Town will not accept faxed copies of any materials associated with this application.
6. If the application submitted is not complete, the Town reserves the right to immediately deny the application and return it to the applicant without the Planning Commission's and the Board of Commissioner's review and action on the application.
7. There is an application fee for a petition to rezone and/or amend the Zoning Ordinance. The application will not be accepted if the fee is not included. The applicant must pay all additional fees in full. Fees are subject to change at any time by policy, resolution, or ordinance from the Board of Commissioners. Checks shall be made payable to the Town of Emmitsburg.
8. Attach appropriate written explanation / arguments that indicate how the applicant's request meets the requirements set forth for a zoning classification change (Section D) **OR** requirements set forth for a zoning text change (Section E).
9. For additional information regarding a zoning amendment, please visit our website at www.emmitsburgmd.gov or contact the Town Planner at 301-600-6300.

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

JUSTIFICATION STATEMENT

I. Introduction

R.J.D. Development Corporation, a Maryland corporation (the “Applicant”), by and through its attorneys, McCurdy, Dean & Graditor, LLC and Bruce N. Dean, Esq., hereby submits this Application pursuant to § 17.44 of the Emmitsburg Municipal Code (the “Code”) to request rezoning of two (2) undeveloped parcels of vacant land commonly known as Parcels C and D in the Brookfield subdivision, which are located along Timbermill Run and more particularly shown on Exhibit A (the “Properties”). This Application requests that the Properties be rezoned from the Neighborhood Commercial (B-1) zoning district to the Low Density Residential (R-1) zoning district. Due to substantial changes in the location and nature of commercial development within the Town, the Properties are no longer suitable for commercial development. For the reasons set forth hereinbelow, the Applicant requests that the Properties be rezoned to the R-1 zoning classification, so that they can be developed with single family homes, consistent with the surrounding residential development within the Brookfield subdivision.

II. Site Description

The Properties contain, in the aggregate, 2.85 ± acres of unimproved land located at the southern entrance into the Brookfield subdivision. Both Parcel C and Parcel D front onto Timbermill Run. Parcel C adjoins a cemetery along its western boundary. Parcel D adjoins an existing convenience store and two undeveloped commercial parcels along its southern boundary, and adjoins “Parcel E”, an undeveloped parcel of land zoned R-1, which is a part of Brookfield and also owned by the Applicant, along its eastern boundary. The Properties are otherwise

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

surrounded to the north with the residential portion of the Brookfield subdivision, and with scattered existing residential development to the east and south.

III. Legal Background

The Applicant purchased the Properties in 2000 in conjunction with its purchase of what is now the Brookfield subdivision. At that time, the Town envisioned a small block of commercial development located on the western edge of Town. This planning vision is documented in the Town's 2009 Comprehensive Plan, which stated the following in support of its recommendation to maintain the Properties' then-current B-2 (General Business) zoning classification: "This part of W. Main is suited to both auto and pedestrian access. Nearby subdivisions could benefit from convenient retail." See Exhibit B-1, Extract from 2009 Comprehensive Plan. It is also documented on the Town's 2009 Land Use Map, which includes the Properties within the large block of "Village Center/Town Center" land at the Town's western boundary. See Exhibit B-2, Land Use Map. As a result, the development plans for Brookfield included a small commercial component, to be located on the Properties, and with the intent that they would be developed with commercial uses that would support and be compatible with the 145 lots within the Brookfield subdivision and the surrounding residences along Main Street.

Between the Town's adoption of the 2009 Comprehensive Plan and its subsequent adoption of the 2015 Comprehensive Plan and Zoning Map, the Town's planning vision for commercial development within the Town shifted eastward. The large block of Village Center/Town Center properties on the westside of Town shrunk significantly, leaving only the following properties planned for commercial development: the Properties, a few adjacent parcels that front onto West Main Street, and an approximately 8-acre tract of land west of the adjacent cemetery that fronts onto West Main Street and adjoins the Pembroke subdivision. See Exhibit C, 2015

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

Comprehensive Plan Map. At the same time, the adopted land use categories and zoning classifications for properties adjacent to U.S. Route 15 intensified from Village Center/Town Center to Town Commercial on the west. On the east side of U.S. Route 15, several large properties were reclassified from Limited Industrial and Office/Research to Employment Center and Suburban Commercial. See Exhibit D, 2015 Zoning Map.

Since the adoption of the 2015 Comprehensive Plan and Zoning Map, the planned commercial development on the east side of Town has been steadily coming to fruition. New and/or planned commercial development on the east side of the Town now includes a Rutters convenience store, Dunkin Donuts, a creamery, hotel and liquor store, insurance agency, marketing firm, and a large warehouse facility. In stark contrast, there has been no new commercial development in the vicinity of the Properties since the adoption of the 2015 Comprehensive Plan and Zoning Map. Over the course of the more than twenty (20) years that the Applicant has owned the Properties, it has attempted to actively market the Properties for commercial development without success. The owners of the two (2) small commercial parcels adjacent to the Properties have been similarly unable to solicit interest in the development of those properties for commercial uses. There is simply no market for commercial land on the far west side of Town. Indeed, the approximately eight (8) acres of commercial land adjacent to the Pembroke subdivision was rezoned subsequent to the adoption of the 2015 Zoning Map to R-1, Low Density Residential. As a result, the west side of Town now consists almost exclusively of residential development, with the exception of the existing small convenience store adjacent to the Properties.

IV. Legal Criteria for Rezoning

Pursuant to Section 17.44.030 of the Code and under Maryland law, an applicant for a zoning map amendment must either prove a substantial change in the character of the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

neighborhood where the property is located since the last comprehensive zoning map amendment or a mistake in the existing zoning classification of the property. Under well-established Maryland case law, to demonstrate a substantial change in the character of the neighborhood, an applicant must 1) define the neighborhood with reasonably defined boundaries 2) prove the changes to the neighborhood that have occurred since the most recent comprehensive rezoning; and prove that the changes that have occurred have changed the character of the neighborhood. Montgomery v. Board of County Comm'rs for Prince George's County, 256 Md. 597 (1970). In order to prove mistake, the applicant must present a strong showing that the assumptions or facts relied on by the legislative body at the time of the original or comprehensive rezoning were incorrect. People's Counsel for Baltimore County v. Williams, 45 Md. App. 617 (1980). Evidence of mistake can include a showing that the initial premises of the legislative body with respect to the property were incorrect or that the legislative body was not aware of physical characteristics of the property and therefore failed to take them into account. Quinn v. County Comm'rs of Kent County, 20 Md. App. 413 (1974). This Application satisfies both of these legal tests.

As discussed in detail above, since the adoption of the last comprehensive rezoning in 2015, the character of the neighborhood surrounding the Properties has changed substantially. See Exhibit E for a map depicting the neighborhood for purposes of this Application. The west side of Town has become almost exclusively residential in character. While many properties with frontage on Main Street continue to be zoned VZ (Village Zone), which permits both residential and commercial development, all of the properties devoted to commercial use are located east of the Properties, near the intersection of Main Street and Seton Avenue. In addition, the commercial land adjacent to the Pembroke subdivision has been subsequently rezoned to R-1, low density residential development. See Exhibit F, 2021 Zoning Map. As a result of these changes, the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

neighborhood in and around the Property has changed from a proposed mixed-use village-type development to a more purely suburban, residential neighborhood.

The above-described changes in the neighborhood in and around the Properties were the foreseeable consequences of the Town's decision, in 2015, to rezone large portions of the area in and around U.S. Route 15 to commercial zoning districts. At the time of the adoption of the 2015 comprehensive rezoning, the Properties had already sat vacant for fifteen (15) years. Time had proven incorrect, the assumption relied upon in 2009 to retain commercial zoning on these Properties – that the residential development in and around the Properties was sufficient to support retail development on these interior lots. These small, oddly-shaped Properties, internal to the Brookfield subdivision, without frontage onto or visibility from West Main Street, are ill suited to attract even the limited traffic traveling west on Main Street. Moreover, with a vibrant commercial corridor developing along U.S. Route 15, residents of the Town and the travelers along U.S. Route 15 have no incentive to detour from U.S. Route 15 for more than a mile in each direction, with access being via Main Street (and several traffic lights), to visit commercial establishments on the Properties scaled to meet the needs of local residents. The newly rezoned land along U.S. Route 15 was and is sufficient to meet the Town's commercial needs, as well as the needs of regional travelers on U.S. 15. Unlike the 2009 Comprehensive Plan, which specially considers the continued appropriateness of retaining commercial zoning on the Properties, there is no evidence that the Town ever considered how the commercial rezonings on the east side of Town would affect the Properties. The absence of such consideration constitutes legal mistake.

In summation, given the size of the Town and the proliferation of commercial development on the east side of Town, there is simply no need for additional commercial development on the west side of Town. The first three (3) phases of the Brookfield development are completely built,

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

and the final stage is under active construction. Likewise, the development of the Pembroke subdivision is also complete. The existing convenience store adjacent to the Properties and the commercial development on the east side of Town meet the needs of the residents of these subdivisions. Contrary to the statement set forth in the 2009 Comprehensive Plan, there is simply no additional need or market for “convenient retail” in this portion of Town. The substantial changes in character of the west side of Town and the failure to reconsider the need for additional commercial development on the Properties prior to approving the 2015 Comprehensive Rezoning provide sufficient legal justification for the approval of this Application. Moreover, this Application also satisfies the remaining approval criteria and Findings of Fact applicable to zoning map amendments as set forth in Section 17.44.030 of the Code.

1. **POPULATION CHANGE:** According to the 2010 Census, the population of the Town of Emmitsburg was 2,814. The Applicant is proposing to develop the Property with approximately seven (7) single family dwelling units as part of its development of the adjacent Parcel E, which as noted above is already zoned R-1. A conceptual sketch plan depicting a potential layout of the proposed seven (7) new lots on the Properties is attached as Exhibit G. The development of the Properties with seven (7) single family residences would result in a population increase of approximately 19 residents (7 dwellings x 2.7 persons/household).

2. **AVAILABILITY OF PUBLIC FACILITIES.** Pursuant to Section 17.44.030 of the Code and long-standing Maryland case law, an applicant for a rezoning must demonstrate that there will be adequate public facilities to serve the property at its requested zoning classification. *Montgomery County v. Greater Colesville Citizens Ass’n, Inc*, 70 Md. App. 374 (1987). This requires an applicant to demonstrate that the infrastructure needed to make the public facilities adequate to serve the future development is “reasonably probable of fruition in

**Application for Zoning Map Amendment
 Parcels C & D – Brookfield**

the foreseeable future.” *Id.* As outlined fully herein below, the infrastructure needed to make the public facilities (including water, sewer, schools, fire and rescue services, and police service) adequate to serve the Properties are already located in and around the Properties, and can and will be made adequate to serve future development on the Properties.

a. Schools: The Property is located within the Catoctin High School feeder district, including Emmitsburg Elementary and Thurmont Middle schools. As shown in the chart below, Frederick County Public Schools (FCPS) enrollment projections as of September, 2022 indicate excess capacity as every level.

	State Rated Capacity	September 30, 2022 Projected Enrollment	Percentage of Capacity
Emmitsburg Elementary	225	207	92%
Thurmont Middle School	945	551	58%
Catoctin High School	1066	782	73%

Utilizing the Applicant’s proposed development scenario and the rates developed in the 2019 FCPS Pupil Yield Study, the total pupil yield from the development of the Properties with seven (7) additional residences would be approximately 1 elementary student (.13 x 7) 1 middle school student (.07 x 7), and 1 high school student (.10 x 7). All of the schools identified above have adequate capacity to serve these additional students.

b. Fire and Rescue and Police Services: The Properties can be adequately served by the Vigilant Hose Fire Company and the Frederick County Sheriff’s Office.

c. Libraries: No additional library facilities are needed to serve the Properties as they can be adequately served by the Emmitsburg branch library located on North Seton Avenue.

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

e. Water and Sewer: Existing public water and sewer connections located within the right-of-way for Timbermill Run can be extended to serve the Properties. The 2015 Comprehensive Plan indicates that 173 water taps are currently available to serve new development and that a greater number of sewer taps are available as well. Thus, the Town has existing water and sewer capacity to serve the seven (7) residences proposed in connection with this rezoning Application.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS

The Properties have direct frontage on and access to Timbermill Run, which intersects Maryland Route 140 (West Main Street), a minor arterial. Brookfield is connected with a well-planned road internal road system. A planned improvement to Brookfield Drive that will allow for two-way traffic on and off of Irishtown Road is being constructed as part of the completion of Phase IV of Brookfield. Access to U.S. Route 15 is approximately one (1) mile east of the Properties.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA

As noted above, the Properties are surrounded by residential development to the north and east. The Applicant is proposing to develop the Properties with single family dwelling units similar in size and scale to the existing homes in Brookfield, and as an integrated component of its development of the adjacent Parcel E. The construction of seven (7) single family dwellings on the Properties would not be incompatible with either the adjacent cemetery or the existing convenience store located to the south and east of the Properties, as any necessary buffers between these uses will be determined in connection with a future subdivision and site development approval process. Thus, the Applicant submits that this Application proposes the use of the

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

Properties that is most compatible with the surrounding development – low density residential development.

5. THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE TOWN'S COMPREHENSIVE PLAN

The 2015 Comprehensive Plan is consistent and clear in outlining the policy considerations that should guide the Town's future zoning decisions. The Executive Summary states that zoning map amendments should be determined based upon water supply and wastewater treatment capacity, compatibility of land uses, and the benefit to the community from the proposed amendment. The remaining chapters of the Comprehensive Plan expand upon these broader policy statements, acknowledging that water and sewer capacity issues will restrict the Town's long-term growth and development potential, and directing the Town to i) weigh the relative benefits to the community of any development proposal before allocating water and sewer taps, ii) to prioritize infill development and iii) analyze potential development's impact on the Town's fiscal health. See Comprehensive Plan at pp. 1-16, 7-7, and 12-1.

This Application is consistent with and furthers all of the above-described land use and development policies. The Properties are vacant, infill properties that have been undevelopable at their current zoning for more than twenty (20) years. The Town has planned to and can easily serve the Properties with public water and sewer service through connections to existing infrastructure. The Town's water and sewer allocation formulas indicate that development of the Properties under the requested R-1 zoning, rather their current B-1 zoning classification, would result in a negligible increase in the water and sewerage allocation needed (3.5 taps per acre instead of 3.1 taps per acre). In exchange for this small additional allocation of capacity, the Town will receive revenue from seven additional households. Thus, while the Comprehensive Plan notes

**Application for Zoning Map Amendment
Parcels C & D – Brookfield**

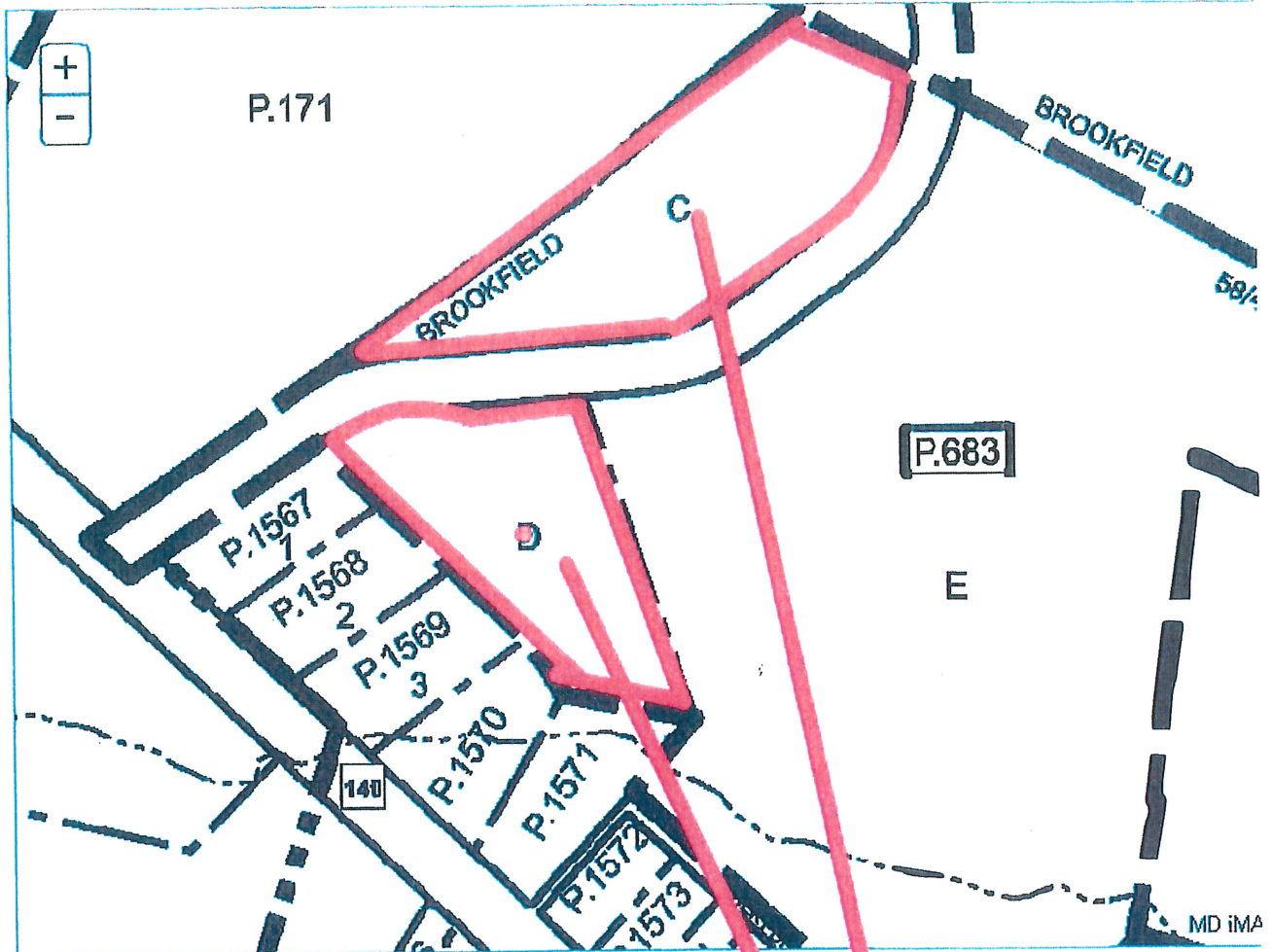
generally that non-residential development contributes a larger percentage of the Town's tax revenue than does residential development, these Properties have proven over the course of the past twenty (20) years to be simply undevelopable for nonresidential use. See Comprehensive Plan at pp. 1-16. Thus, approving this Application to rezone the Properties to the R-1 zoning classification maximizes the revenue-producing potential of the Properties at minimal cost to the Town, allows vacant, infill properties to be developed in a manner that is wholly consistent with the surrounding residential development, contributes positively to the Town's fiscal health, and thus furthers the land use objectives of the Town's Comprehensive Plan.

V. Conclusion

In conclusion, the Properties' B-1 zoning is no longer appropriate due to substantial changes in the character of the neighborhood in and around the Properties that have occurred since the 2015 comprehensive rezoning and resulted from legal mistake. The Applicant requests that the Town rezone the Properties to the R-1 zoning district so that they can be developed for low density residential uses. In accordance with Section 17.44.030 of the Code, the Applicant requests approval of this Application.

Exhibit A

District: 05 Account Number: 181801



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 101 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

Subject Properties

Exhibit B-1

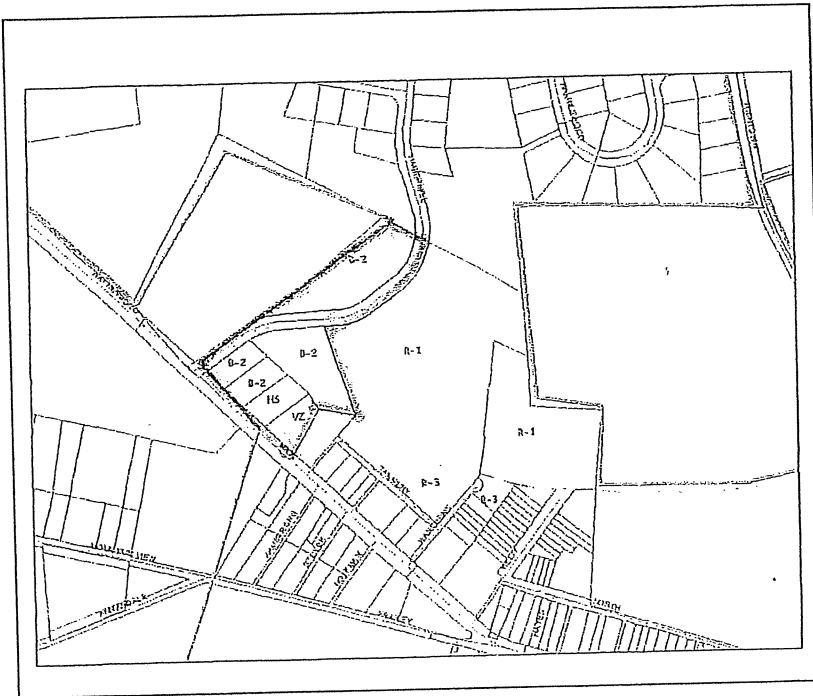
ZONING CONSIDERATIONS/RECOMMENDATIONS

1. West Main at Timbermill Drive

Existing Zoning: Mix of B-2, HS, R-1, R-3

R-1 contains stormwater pond for Brookfield
R-3 contains condominiums and small amount of vacant land
H-S Highway Services is very limited in allowed uses

Existing tap potential: 10



2009 Plan Recommendation:

B-2 Commercial as shown. Leave R-1 & R-3

Potential taps: 10

- Creates commercial opportunity without possibility of high-density residential.
- This part of W. Main is suited to both auto and pedestrian access. Nearby subdivisions could benefit from convenient retail.

Exhibit B-2

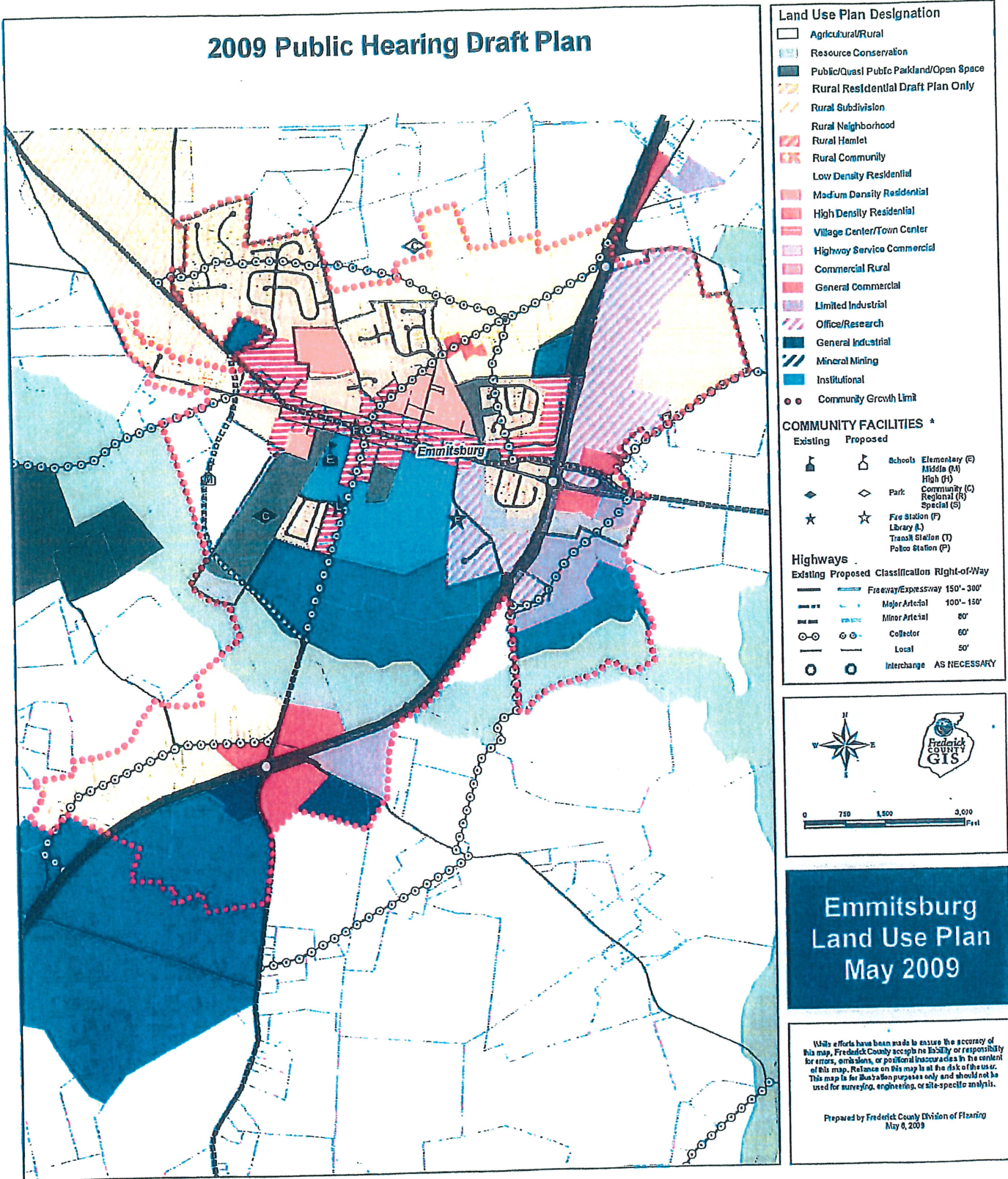
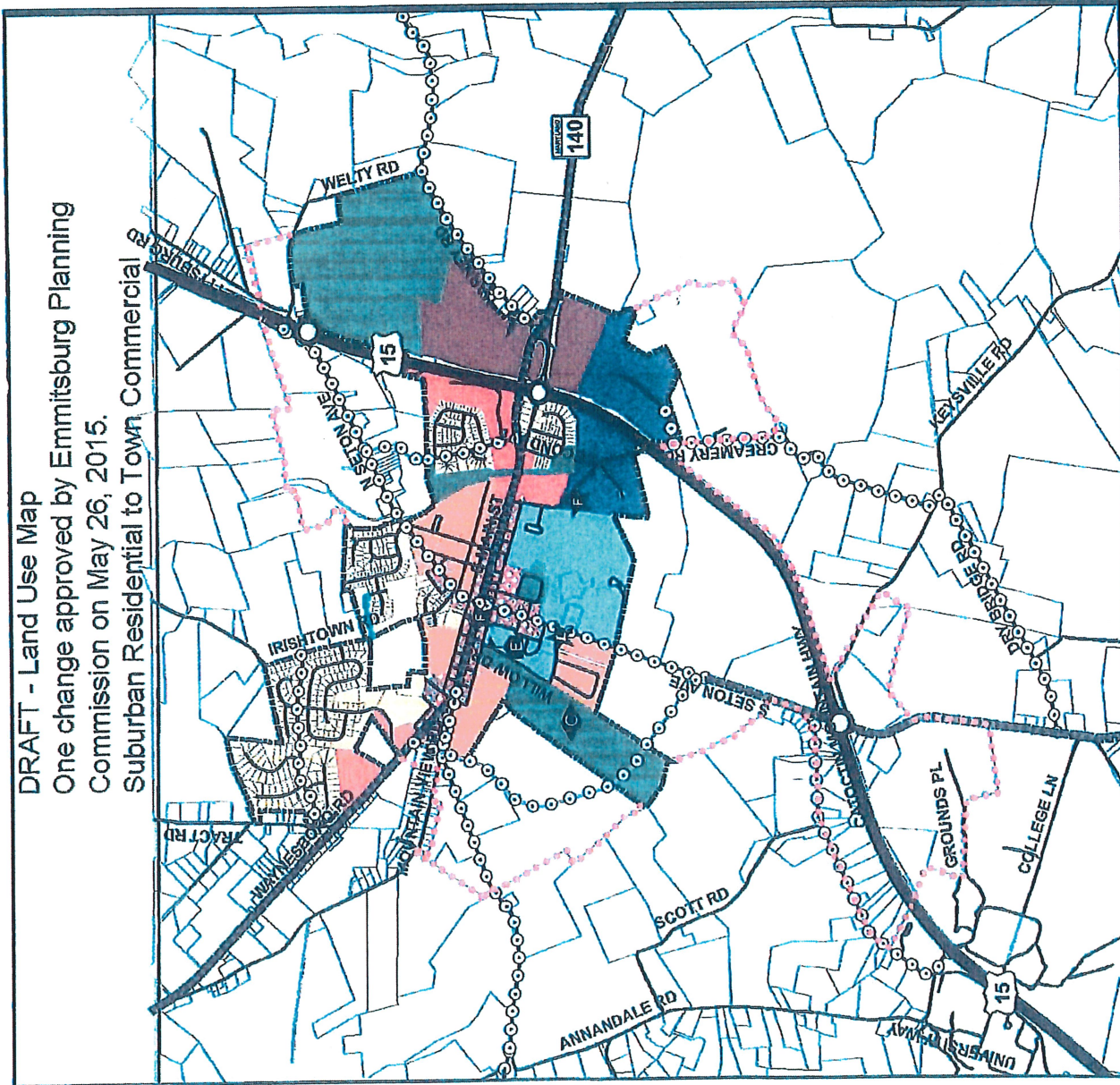


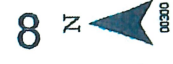
Exhibit C

DRAFT - Land Use Map
 One change approved by Emmitsburg Planning
 Commission on May 26, 2015.
 Suburban Residential to Town, Commercial &



Town of Emmitsburg Comprehensive Plan Frederick County, Maryland




- Town of Emmitsburg
- Town Growth Boundary
- Land Use Designations**
 - Suburban Residential
 - Town Residential
 - Village Core
 - Suburban Commercial
 - Town Commercial
 - Employment Center
 - Community Government Religious Core
 - Conservation/Parks
- Community Facilities**
 - Elementary School, Existing
 - Community Park, Existing
 - Fire Station, Existing
 - Library, Existing
 - Interchange, Existing
 - Interchange, Proposed
- Highway Plan**
 - Freeway / Expressway, Existing
 - Minor Arterial, Existing
 - Collector, Existing
 - Collector, Proposed
 - Local, Proposed

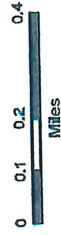


Map Printed: June 10, 2015, Frederick County GIS
 Projection: 100 1983 State Plane Maryland FIPS 1800 Feet
 While every effort has been made to ensure accuracy, the user assumes all responsibility for any errors or omissions in the content of this map. Accuracy on this map is at the risk of the user. This map is for illustrative purposes only and should not be used for surveying, engineering, or other specific analysis.

Exhibit D

Town of Emmitsburg Zoning Frederick County, Maryland

-  Town of Emmitsburg
- Zoning Districts**
-  R-1- Low Density Residential
-  R-2- Medium Density Residential
-  R-3- High Density Residential
-  VZ- Village Zone
-  B-1- Neighborhood Business
-  B-2- General Business
-  IP- Industrial Park
-  ORI- Office, Research, Industrial
-  C-R- Conservation-Recreation
-  OS- Open Space



9

Map Printed: May 12, 2015, Frederick County GIS

Projection: NAD 1983 State Plane Maryland FIPS 1000 Feet
 While every effort has been made to ensure the accuracy of this map, the user assumes all liability for errors, omissions, or post-factum inaccuracies in the content of this map. Reliance on this map is at the user's risk. This map is for illustrative purposes only and should not be used for surveying, engineering, or other specific analysis.

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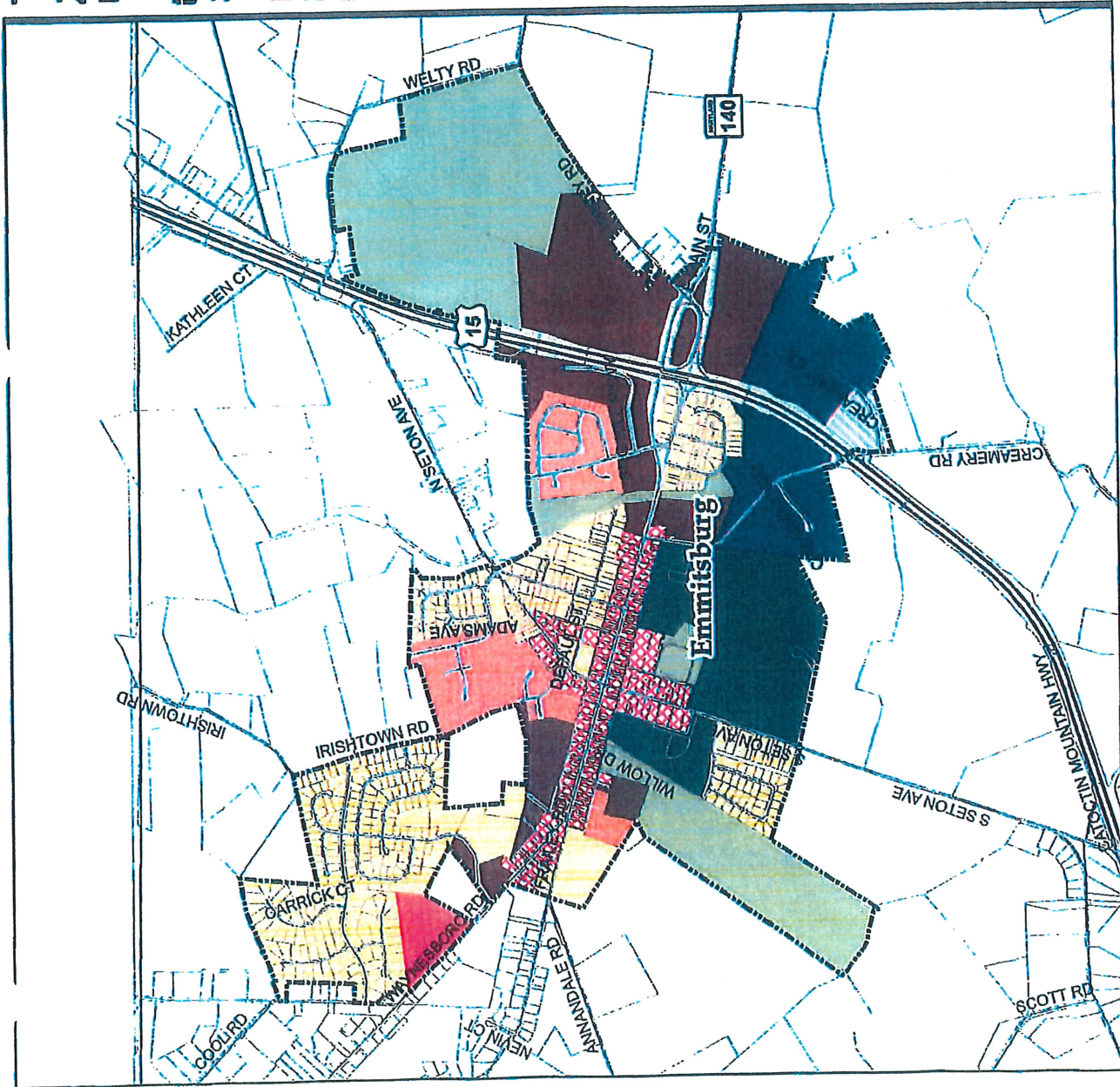


EXHIBIT E



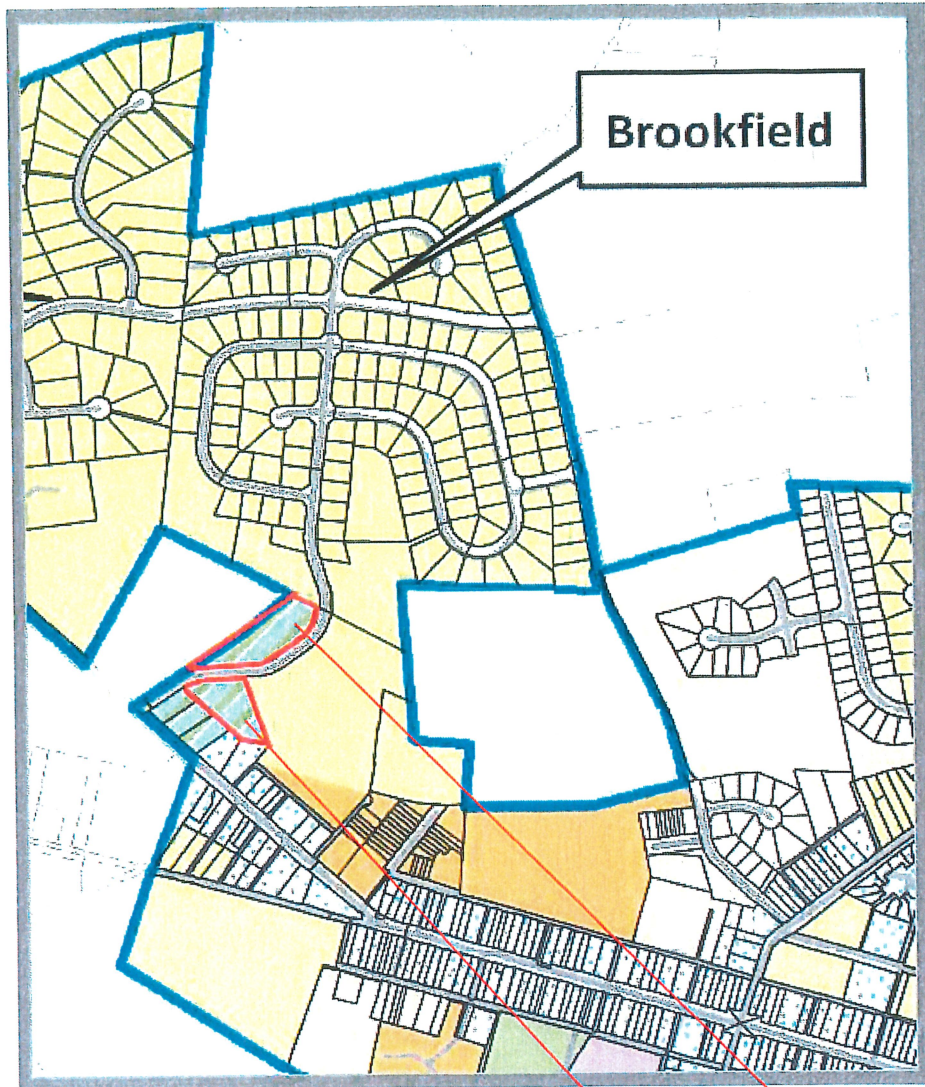
- East Side Commercial Corridor:**
- Dunkin
 - Rutters
 - Creosote Affects
 - Insurance Brokers of Maryland
 - Ripleigh's Creamery

Subject Properties

Zoning Neighborhood

Exhibit F

Town of Emmitsburg: 2021 Zoning Map



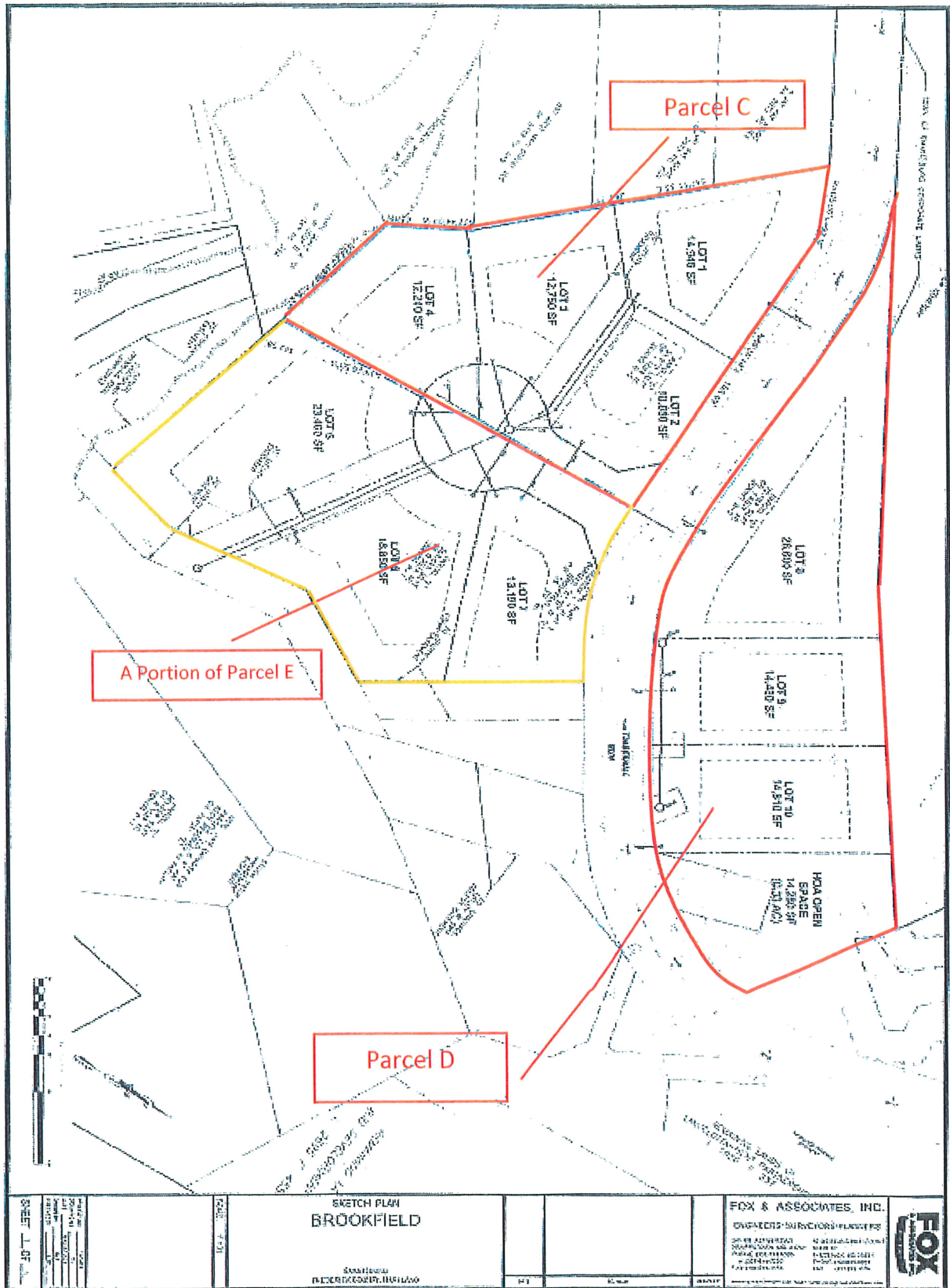
Legend

- Town of Emmitsburg
- Zoning District**
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Village Zone (VZ)
- Neighborhood Commercial (B-1)
- General Commercial (B-2)
- Conservation/Recreation (C-R)
- Industrial Park (IP)
- Office, Research, Industrial (ORI)
- Institutional (INST)

0 1,600 Feet

Subject Properties

Exhibit G





Bruce N. Dean
(240) 503-1455
bdean@mdglawfirm.com

March 15, 2022

Leslie Powell, Esq.
Attorney for Town of Emmitsburg, Maryland
Powell LLC
19 N Court Street, Suite #101
Frederick, MD 21701

RE: Zoning Map Amendment
Brookfield Parcels C & D

Dear Leslie:

On behalf of R.J.D. Development Corporation (the "Applicant"), please accept this supplemental submission in support of the application for a zoning map amendment filed on January 6, 2022 (the "Application"), which is scheduled to be considered by the Town Planning Commission on March 28, 2022.

Maryland courts have long recognized, with respect to piecemeal rezoning applications, that the legal line of demarcation between "change in the character of the neighborhood" and "legal mistake" can be sufficiently difficult to discern that the question can be reduced to "a matter of a choice of words or approach." Pressman v. City of Baltimore, 222 Md. 330, 339 (1960). Indeed, the Maryland Court of Appeals stated, in the matter of Rohde v. County Board of Appeals for Baltimore County, that it may not be necessary to resolve the question at all, where the testimony demonstrated that "either as a result lack of anticipation of trends of development" at the time of the last comprehensive rezoning or "as a result of changes in the trend which have occurred since then, whether anticipated or not," the existing zoning is in error at the time of the rezoning hearing. 234 Md. 259, 267-268. Like these cases, the Applicant's request to rezone Parcels C & D in Brookfield from B-1 to R-1 straddles the line and is supported by both legal theories.

Parcels C & D in Brookfield (the "Properties") have had a form of commercial zoning for more than two (2) decades, during which time both parcels have sat fallow, vacant and undevelopable. At the time of the adoption of the 2009 Comprehensive Plan, the Town made the specific policy decision to retain commercial zoning on the Properties, finding that "nearby subdivisions could benefit from convenient retail." See Exhibit B-1 to Justification Statement. There is simply no evidence that the Town ever reconsidered the continued appropriateness of this



Leslie Powell, Esq.
March 15, 2022
Page 2

policy decision and of commercial development on the Properties prior to adopting the 2015 Zoning Map. In the matter of Trustees of McDonogh Educational Fund and Institute v. Baltimore County, 221 Md. 550 (1960), the Court considered the adequacy of a Baltimore County comprehensive re-zoning decision to reclassify property to a commercial classification. In that case, Baltimore County analyzed existing commercial uses in the vicinity of the property, the adequacy of its existing inventory of commercially-zoned land, and population growth in and around the property at issue. Had the Town considered any of these factors when it adopted the 2015 Zoning Map, it would have concluded that commercial zoning on the Properties was no longer appropriate. The Town had a total population, in 2010, of 2,814 residents, an annual growth rate of less than three percent (3%), and a significant inventory of commercially-zoned land on the east side of Town.

The rezonings that have occurred within the zoning neighborhood and the overall development trends within in the Town since the adoption of the 2015 Zoning Map all further demonstrate the erroneousness of the Properties' B-1 commercial zoning. As shown on Exhibit A to this letter, the Town has re-zoned five (5) properties within the zoning neighborhood since the adoption of 2015 Zoning Map, in each case, downzoning the property out of classifications permitting commercial development to residential zoning classifications. The trend since adoption of the 2015 Zoning Map has been for all of the Town's commercial development to locate on the east side of town adjacent to U.S. 15. The Town's inventory of commercial land on the eastern side of Town has proven more than sufficient to support the demand for this new commercial development, and residents of the west side of Town willingly drive to the commercial establishments on the east side of Town. The assumption that the density of the residential subdivisions located within the Properties' zoning neighborhood was sufficient to support commercial development on the Properties, has, as the Court noted in Mayor and Council of Rockville v. Stone, "with the passage of time proven to be erroneous." 271 Md. 655, 662 (1974). The Town's population density is simply not high enough to support commercial development on the west side of town. The complete failure to consider population and development trends within the zoning neighborhood prior to adopting the 2015 Zoning Map constitutes legal mistake.

In Jobar v. Rodgers Forge Community Association, the Court upheld a piecemeal rezoning and considered the failure to consider similar development trends. In that matter, Baltimore County approved the upzoning of 6.14 acres of land from R-6 (individual or semi-detached homes) to R-A (which permitted residential apartments) in order to accommodate an increasing need for apartments. In upholding the rezoning, the Court sustained a finding of legal mistake, citing in part, the failure to take into account, at the time of the prior comprehensive rezoning, the need for additional apartments and the failure to properly consider the potential development of a surrounding property. In upholding a finding of change in the character of the neighborhood, the Court cited intensification of land uses within the general neighborhood and rezonings that demonstrated that the existing zoning did not sufficient provide for the development needed in that



Leslie Powell, Esq.
March 15, 2022
Page 2

area. 236 Md.106, 116-120 (1964). This case is the downzoning corollary to Jobar. In this case, the Town failed to take into account that there was simply no need for additional commercial development on the west side of Town and failed to consider the potential development of the commercial land adjacent to U.S. 15 on the east side of Town. Likewise, as in Jobar, the five rezonings that have occurred within the zoning neighborhood since the adoption of the 2015 Zoning Map have all been de-intensifications – downzonings from commercial zoning classifications to residential classifications – all of which further demonstrate that the existing commercial zoning on the east side of Town is more than sufficient to meet the Town’s commercial needs.

In conclusion, whether the Town failed to consider the continued appropriateness of the Properties for commercial use in light of its low rate of population growth and adequate inventory of commercial land, or failed to anticipate the trend for the Town’s commercial development to locate on the east side of Town, or whether the development trend within the zoning neighborhood changed its character by eliminating commercial uses and replacing them with residential uses through subsequent rezonings, the result is the same – the continued zoning of the Properties for commercial use is legally erroneous. The appropriate zoning for the Properties is R-1 (Low Density Residential). R-1 zoning is most consistent with the land uses and zoning of surrounding properties and the Town has adequate facilities to serve residential development on the Properties.

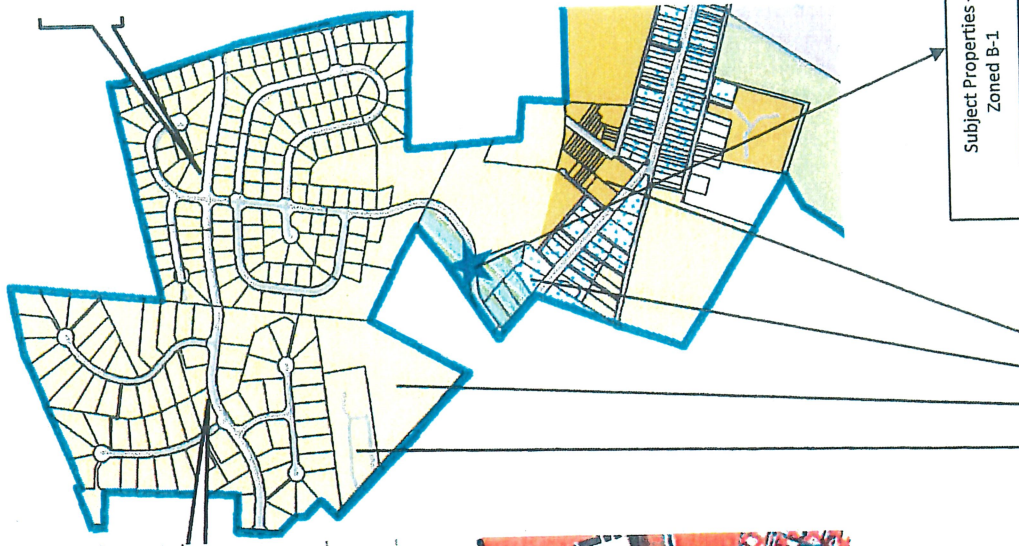
As always, thank you for your assistance with this matter, and please contact me as soon as possible if you need anything further.

Very truly yours,

McCurdy, Dean & Graditor, LLC

Bruce N. Dean

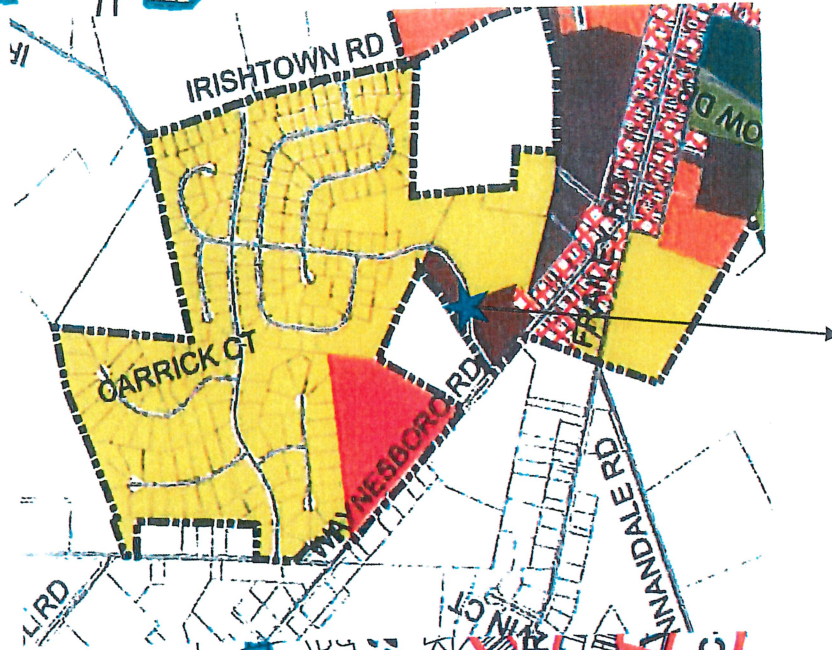
2021 Zoning Map of Neighborhood



Subject Properties –
 Zoned B-1

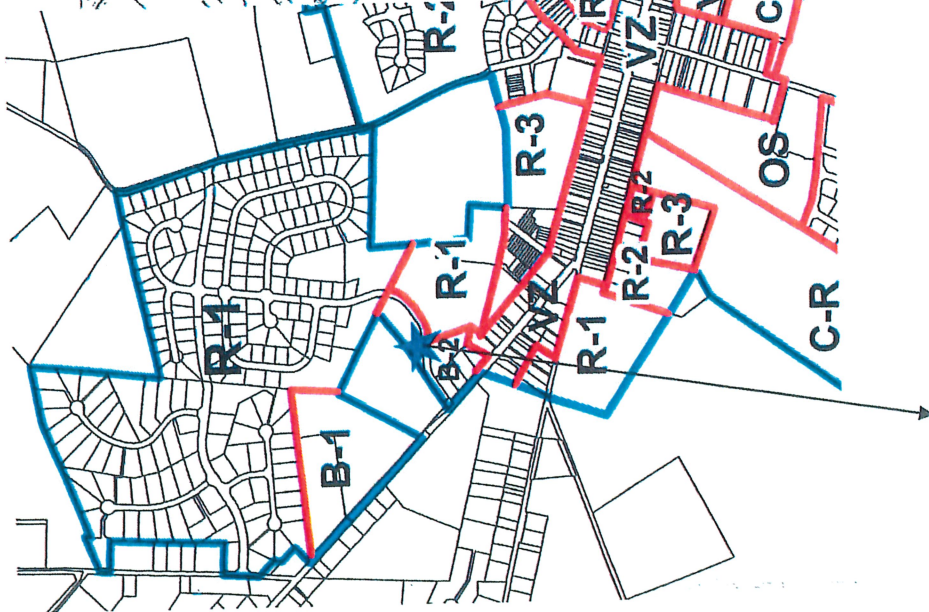
Subsequent Rezoning within the Zoning Neighborhood
 2 Pembroke Parcels rezoned from B-1 to R-1; Lot 4 Frailley's Addition (Parcel 1570) rezoned from B-1 to VZ; and 604 West Main Street & Lot 1A in Warthen's Way Condominium rezoned from VZ to R-3

2015 Zoning Map of Neighborhood



2015
 Subject Properties
 Zoned B-1
 (Color-Coding Error corrected in Subsequent Map Update)

2010 Zoning Map of Neighborhood



2010
 Subject Properties
 Zoned B-2 (General Business).

AGENDA ITEM# 4. Town of Emmitsburg participation in the Maryland Low Income Household Water Assistance Program (LIHWAP) for consideration: Presentation at meeting by staff.



LIHWAP

What is LIHWAP and how is it funded?

- The Low Income Household Water Assistance Program (LIHWAP) is a new federally funded grant program providing benefits for water and/or wastewater costs for low-income households. Funding is being distributed through the Consolidated Appropriations Act of 2021 and American Rescue Plan and was developed in response to the COVID 19 pandemic. The program is administered at the federal level by the Division of Energy Assistance within the U.S. Department of Health and Human Services' (HHS) Administration for Children and Families.
- This program is currently only funded through December of 2023. Allocations have to be designated to the utility providers by September 2023 and funds dispersed by December of 2023.



LIHWAP

What does LIHWAP look like in Maryland?

- Maryland's total allocation for LIHWAP is \$14,061,546.
 - The approach at the federal level is to implement LIHWAP as closely as possible to the model established for the Low Income Home Energy Assistance Program (LIHEAP).
- The Maryland State LIHWAP plan was approved on September 27, 2021.
 - Maryland will focus on the immediate restoration of water and/or wastewater services and the payment of arrearages to prevent disconnection of service.
 - Maryland will use categorical eligibility to expedite the processing of applications when applicable.
 - The Local Department of Social Services will administer the LIHWAP program in 24 county/jurisdictions throughout Maryland.



LIHWAP

Who is eligible and what are the eligibility requirements for LIHWAP?

- The applicant must be a Maryland resident who is responsible for a water and/or wastewater bill issued by a public water system or treatment works.
- Applicants will be required to submit proof of physical residency.
- The applicant must live at the property for which assistance is being provided.
- Applicants must submit a current water and/or wastewater bill showing accrued arrearages of at least \$100.
- The total household income (previous 30 days) may not exceed the gross income threshold which is 60% of the State Median Income.
- Only one bill account per service address per utility (water and/or wastewater) is eligible to receive this benefit..



LIHWAP

- **Income Categorical Eligibility:**
 - A household where at least one member of the household is currently receiving one of the following benefits is considered automatically eligible for the Maryland Low Income Household Water Assistance Program (LIHWAP).
 - Office of Home Energy Programs (OHEP)
 - Temporary Cash Assistance (TCA/TANF)
 - Supplemental Nutrition Assistance Program (SNAP)
 - Temporary Disability Assistance Program (TDAP)
 - Supplemental Security Income (SSI)
 - Means-tested Veterans Programs
 - Emergency Rental Assistance Program (ERAP)
 - WSSC Customer Assistance Program
 - Applicants who are income categorically eligible for LIHWAP must be actively receiving benefits at the time of the LIHWAP application and must meet all other eligibility criteria.
- Proof of benefits received must be included with the application.



LIHWAP

What is the LIHWAP benefit?

- LIHWAP is a one-time benefit grant of \$100 - \$2,000 that can be paid toward residential water and/or wastewater accounts that have accumulated arrearages.
- LIHWAP will assist in the payment of arrearages for immediate restoration of residential water and/or wastewater services and/or to prevent disconnection of service.
 - Arrearages are defined as the amount past-due greater than 30 days.
 - Arrearages must be a minimum of at least \$100.
 - Payment may include standard charges and fees included in the household water bill. (This may include standard reconnection fees)
- Benefit payment amount must satisfy the account to be in "good standing" with the utility provider.
 - This can be in combination with the customer contributing to the difference of the grant and what is due to result in "good standing".



LIHWAP

- Applications will be first-come first-served in each county.
 - Direct Service allocations have been made to each of the 24 jurisdictions
 - Benefits must be paid directly to the utility supplier.
 - Renters are eligible, if they are responsible for paying a water/wastewater bill or their water/wastewater is included in their rent. However, if the bill is in the landlords name, the landlord has to comply with providing the account information and willing to deduct the rent for the portion of the water/wastewater that is being charged. The payment to the utility supplier will be on behalf of the customer to the landlords account.
- LIHWAP is **NOT**:
 - An approved on-going federally funded program. Essentially it is a "one-and-done".
 - An auto enrollment program. Customers must apply for LIHWAP.
 - A grant benefit that will pay for water and/or wastewater repairs or replacements
 - A grant benefit that is allowable for household costs associated with private wells and septic systems. These would not be payments to owners or operators of public water systems or treatment works..
 - A grant benefit that can be applied to an account that has stolen or fraudulent water and/or wastewater services.



LIHWAP

How do you apply for LIHWAP?

- An application for LIHWAP can be submitted with or without an energy assistance application through the Office of Home Energy Programs (OHEP). Joint applications will be established for LIHEAP, Emergency Assistance for Families with Children, and eviction prevention/rental assistance programs.
- The Local Department of Social Services will be administering the program in collaboration with the Office of Home Energy Programs (OHEP) in each of the 24 Maryland counties/jurisdictions. Applicants can apply for LIHWAP at the local DSS or can apply online through the Maryland Department of Human Services (DHS) consumer portal. Other community-based organizations will also be provided guidance and materials to make referrals for the program.

AGENDA ITEM# 5. Approval of bid for the purchase and installation of advanced license plate readers for consideration: Presentation at meeting by staff.

SCOPE OF PROJECT:

1st RFP:

Purchase and installation of 3 fixed location Advanced License Plate Readers (ALPRs) to include the cameras and all its hardware as well as, storage and management software, installation, training, maintenance, support and warranty services.

2nd RFP:

Purchase and installation of 3 fixed location Advanced License Plate Readers (ALPRs) **and** 3 real time video surveillance cameras to include the cameras and all its hardware as well as, storage and management software, installation, training, maintenance, support and warranty services.

TIMELINE:

1st RFP - Published by Town	Fri. February 4, 2022
1st RFP - DEADLINE, bids due	Thurs. February 24, 2022 at 4:00 p.m.
1st RFP - Bids opened	Wed. March 2, 2022 at 8:30 a.m. – Willets, Shaw, Click
2nd RFP - Published by Town	Thurs. March 10, 2022
2nd RFP - DEADLINE, bids due	Thurs. March 31, 2022 at 3:00 p.m.
2nd RFP - Bids opened	Thurs. March 31, 2022 at 3:30 p.m. – Willets, Shaw, Click
Requested completion date.	Mon. August 15, 2022

2ND RFP ADVERTISEMENT:

- Public Notice under RFP Tab on Town’s Website – 03/10/2022
- Public Notice on Town’s Facebook – 03/10/2022
- RFP published on eMaryland Marketplace – 03/10/2022
- RFP emailed to potential bidders – 03/10/2022 (4 companies)

PROJECT FUNDING:

FY2022 Edward J. Byrne Memorial Justice Grant (BJAG): \$98,544

Total grant funds include funding for:

- Purchase & installation of 3 ALPRs
- Purchase & installation of 270-degree security camera
- Electrician to run electrical to cameras
- Computer and server
- SIM cellular data plans (as needed)

STAFF RECOMMENDATION:

To be given by town staff at the meeting.

PROPOSED LOCATIONS:



1st Request for Proposal Bid Results:

**Advanced License Plate Readers
 Purchase and installation
 Official Bid Tabulation Sheet**
 Due: 02/24/2022 by 4:00 p.m.
 Opened On: 03/02/2022 at 8:30 a.m.

Opened By (initial): Cathy Willets: CW Jimmy Click: JC Maddy Shaw: MS

Company:	Price:	Notes:
Pine Hill Electronics LLC Finksburg, MD	24/7 Power: \$44,100	
Vigilant Solutions Livermore, CA	24/7 Power: \$19,270 Battery: \$16,270	
Applied Technology Services Middle River, MD	24/7 Power: \$42,140.19 Battery Power: \$31,525	
General Sales Administration Kenil, NJ	24/7 Power: \$42,348.82 Battery Power: \$46,144.57	

2nd Request for Proposal Bid Results:

**Advanced License Plate Readers
& Security Cameras
Official Bid Tabulation Sheet
Due: 03/31/2022 by 3:00 PM
Opened On: 03/31/2022 at 3:30 PM**

Opened By (initial): Cathy Willets aw Jimmy Click: JC Maddy Shaw: MS

Company:	Price:	Notes:
Pine Hill Electronics, LLC Finksburg, MD	\$44,100	
Siemens Industry, Inc Baltimore, MD	\$39,750	Excludes server
Smart Sensor Solutions LLC ON, Canada	\$76,875	

Document: Md. PUBLIC SAFETY Code Ann. § 3-509

Md. PUBLIC SAFETY Code Ann. § 3-509

Copy Citation

Statutes current through all legislation of the 2021 Regular Session of the General Assembly.

**MD - Annotated Code of Maryland PUBLIC SAFETY TITLE 3. LAW
ENFORCEMENT SUBTITLE 5. MISCELLANEOUS PROVISIONS**

§ 3-509. Use of captured license plate data.

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) (i) "Active data" means:

1. data uploaded to individual automatic license plate reader system units before operation; and
2. data gathered during the operation of an automatic license plate reader system.

(ii) "Active data" does not include historical data.

(3) "Automatic license plate reader system" means a system of one or more mobile or fixed high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

(4)

(i) "Captured plate data" means the global positioning system coordinates, dates and times, photographs, license plate numbers, and any other data collected by or derived from an automatic license plate reader system.

(ii) "Captured plate data" includes active data and historical data.

(5) "Center" means the Maryland Coordination and Analysis Center.

(6) "Historical data" means any data collected by an automatic license plate reader system and stored in an automatic license plate reader database operated by the Maryland Coordination and Analysis Center or by a law enforcement agency.

(7) "Law enforcement agency" has the meaning stated in § 3-201(d) of this title.

(8) "Legitimate law enforcement purpose" means the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person

searches or alerts.

(b) Use of captured license plate data prohibited in general; penalties. --

(1) A law enforcement agency may not use captured plate data unless the agency has a legitimate law enforcement purpose.

(2) An employee of a law enforcement agency who violates this subsection is subject to imprisonment not exceeding 1 year and a fine not exceeding \$ 10,000 or both.

(c) Adoption of procedures for operation and use of license plate reader systems. --

(1) The Department of State Police and any law enforcement agency using an automatic license plate reader system shall adopt procedures relating to the operation and use of the system.

(2) The procedures shall include:

(i) which personnel in the Center or a law enforcement agency are authorized to query captured plate data gathered by an automatic license plate reader system;

(ii) an audit process to ensure that information obtained through the use of an automatic license plate reader system is used only for legitimate law enforcement purposes, including audits of requests made by individual law enforcement agencies or an individual law enforcement officer; and

(iii) procedures and safeguards to ensure that Center staff with access to the automatic license plate reader database are adequately screened and trained.

(d) Gathered information not subject to disclosure. -- Information gathered by an automatic license plate reader system is not subject to disclosure under the Maryland Public Information Act.

(e) Reports. -- On or before March 1 of each year beginning in 2016, the Department of State Police, in conjunction with the Center and law enforcement agencies that maintain an automatic license plate reader database, shall report to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the Legislative Policy Committee, in accordance with § 2-1257 of the State Government Article, on the following information based on data from the previous calendar year:

(1) the total number of automatic license plate reader units being operated in the State by law enforcement agencies and the number of units submitting data to the Center;

(2) the number of automatic license plate reader readings made by a law enforcement agency that maintains an automatic license plate reader database and the number of readings submitted to the Center;

(3) the number of automatic license plate reader readings being retained on the automatic license plate reader database;

(4) the number of requests made to the Center and each law enforcement agency that maintains an automatic license plate reader database for automatic license plate reader data, including specific numbers for:

(i) the number of requests that resulted in a release of information;

(ii) the number of out-of-state requests;

(iii) the number of federal requests;

(iv) the number of out-of-state requests that resulted in a release of information; and

(v) the number of federal requests that resulted in a release of information:

- (5) any data breaches or unauthorized uses of the automatic license plate reader database; and
- (6) a list of audits that were completed by the Center or a law enforcement agency.

History

2014, ch. 192; 2019, ch. 510, § 4; ch. 511, § 4.

Annotated Code of Maryland

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MCAC | MARYLAND COORDINATION AND ANALYSIS CENTER

ADMINISTRATIVE POLICY

Automated License Plate Recognition Program Standard Operating Procedure

I. PURPOSE

It is the purpose of this policy to provide personnel assigned to the Maryland Coordination and Analysis Center (MCAC) and participating agencies with guidelines and principles for the collection, analysis, dissemination, retention and destruction of information regarding the Automatic License Plate Recognition Operations Center data and facilitating compliance with all applicable laws.

II. APPLICABILITY

This policy applies to all assigned personnel within MCAC, those working under contract with the MCAC, and to those who use its services (Users).

III. POLICY

The Maryland Coordination & Analysis Center will comply with all applicable laws and regulations as they pertain to the collection, use, and dissemination of data obtained through the License Plate Reader (LPR) program. The MCAC will house and maintain the LPR Operations Center System and an LPR Program Administrator will manage access to the system.

IV. ACCOUNTABILITY

Primary responsibility for ensuring compliance with the provisions of this policy is assigned to the Executive Director, MCAC. The Executive Director will designate an LPR Program Administrator, who will be responsible for the overall management of the LPR Program.

V. AUTOMATIC LICENSE PLATE RECOGNITION/READER TECHNOLOGY

Automatic License Plate Recognition (ALPR), also known as License Plate Reader (LPR), provides automated detection of license plates. The LPR system consists of a high-speed camera, mounted either at a fixed location or on a mobile patrol vehicle, and a computer to convert data from electronic images of vehicle license plates into a readable format, and then compare the information against specified databases of license plates. The system attaches camera identification, date, time, and location information, to include GPS coordinates, to the digital image and it is maintained electronically in a central location to provide a means of ensuring the license plate number was properly converted.

The digital image can include additional information such as:

- The vehicle's make and model;
- The vehicle's driver and passengers;
- Distinguishing features (e.g., bumper stickers, damage);
- State of registration

If a given plate is listed in the database, the system is capable of providing the vehicle's location, direction of travel, and the type of infraction related to the notification.

VI. USES OF LPR DATA

Identifying the intended uses of LPR data is critical in assessing any privacy and/or civil liberties implications due to the networking within the MCAC of LPR data collected by participating law enforcement agencies.

The Maryland Coordination and Analysis Center has, as one of its core missions, the sharing of information, thereby assisting law enforcement agencies in the fulfillment of their duties. The MCAC's Operation Center, which is the statewide central repository for license plate reader data, serves specific public safety goals. Specifically, LPR data may be used for, but is not limited to, the following purposes:

- Crime analysis;
- To alert law enforcement officials that a license plate number is on a list of targeted license plate numbers (Hot List) or is related to a criminal investigation and is found in the LPR database;
- To alert law enforcement officials that a license plate number on a hot list has been recorded by a fixed versus mobile camera, possibly requiring notification to law enforcement agencies in proximity or travel route of the identified vehicle;
- To identify the movement of vehicles operated by individuals currently under an open criminal investigation;

VII. PROCEDURES

A. Mission

1. The mission of the Maryland Coordination and Analysis Center is to serve as the focal point for federal, state, local, and private sector partners in the collection, analysis, and dissemination of criminal and homeland security information within Maryland.
2. In furtherance of that mission, the primary goal of the LPR program is to collect and store vehicle license plate information in an effort to increase the detection of stolen vehicles, stolen tags, wanted and missing persons and aid criminal investigations and prosecutions of other crimes involving vehicles that impact the safety of Maryland's citizens.



3. The MCAC collects information in a manner consistent with applicable laws, regulations, and internal policies. Collected information is analyzed and distributed in order to provide tactical, operational, and /or strategic intelligence on the existence, identities, and capabilities of criminal suspects or enterprises. In accordance with these principles, LPR data will be queried and disseminated only if there is legal process requiring these actions or there is reasonable suspicion that an individual or enterprise is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity and the requestor has a legitimate need to know.

B. Data Collection, Retention, and Dissemination

1. The LPR data collected by the various agencies participating in the LPR program will be transmitted to the MCAC Operations Center via a fiber optic line or through an encrypted Virtual Private Network (VPN). The data will be maintained on the Operation Center server independent of any other law enforcement databases housed at the MCAC.
2. All LPR system data provided to the MCAC will be stored on the Operations Center server for a period not to exceed one year. After the one-year period, the data will be purged unless it has become, or it is reasonable to believe that it will become, evidence, including evidence that tends to inculcate or exculpate a suspect, in a specific criminal or other law enforcement investigation or action. Should data be determined to have evidentiary value, the following paragraph applies:
 - a. In those circumstances when data is identified as having evidentiary value, the LPR Program Administrator, or designee, will review the facts of the specific case and determine if the data should be saved. If the LPR Program Administrator determines it is reasonable to believe the data has evidentiary value, the Program Administrator will authorize the transfer of the applicable data from the LPR Program server to a form of digital storage media (CD, DVD, etc.) or other portable storage devices.
 - b. Agencies requiring data to be retained by MCAC beyond the established retention period may make a formal request to the MCAC to extend retention. Each request must specify the need for extended retention, the circumstances surrounding the request, the requesting agency's case number, and a specific point of contact within the requesting agency. The MCAC reserves the right to grant or deny agency requests based on the information provided.
3. The following methods shall be used when disseminating LPR information:
 - a. The "need to know" and "right to know", as defined in the *MCAC Privacy Protection Policy* of a potential recipient must be verified and documented prior to dissemination of LPR information.
 - b. Requests for Service (RFS) for License Plate Reader data will be processed in accordance with the *MCAC Standard Operating Procedures for Processing Requests for Information and Requests for Service Guidelines*.
 - c. The primary method of dissemination shall be via email, in an electronic format that employs a reasonable level of security to guard against alteration, or fax.



- d. If access to secure email accounts is not practical, the information may be provided to the requestor via digital storage media or paper copy, as determined by MCAC staff.
4. Reports and other investigative information received and disseminated by the MCAC shall be retained within internal electronic MCAC files. After disseminating LPR information deemed to have evidentiary value, the completed report containing the data will be entered into a searchable database for future exploitation and auditing purposes in accordance with the *MCAC Privacy Protection Policy*.

C. LPR Operations Center System

1. The LPR Operations Center system provides the database, query tool, history tracking, and reporting for the LPR program. It manages and provides a storage and search structure for the license plate information being collected in the field. The Operations Center is established as a secure intra-net site within the MCAC IT network, allowing only personnel with password-protected access to license plate data collected.
2. The Operations Center receives data from scanned license plate reads from participating agencies collected via fixed and mobile LPR systems, and organizes the data in a central database. The central database is the basis for reporting and query functions. Authorized MCAC personnel will have the ability to:
 - a. Query license plate or partial license plate information in the system and view the image and location of matches;
 - b. View maps with the location of plate reads and alarms;
 - c. View statistical reports on reads and alarms;
 - d. View reads and alarms for a specific geographic area and time frame; and
 - e. Produce a geographic map of the plates that were searched.

D. Manual Inputs

1. License plate information connected to crimes reported after the LPR automatic "Hot List" twice-daily upload (e.g., lookouts for stolen vehicles, AMBER alerts, or other wanted vehicles, not yet in NCIC) shall be accomplished through a manual input of the information in the LPR Operations Center system.
2. Prior to authorizing the manual input of license plate information, the Watch Supervisor, LPR Program Administrator, or their respective designees, shall ensure the information is related to a specific criminal investigation or to an officer safety concern.
3. The manual entry shall be documented on the "Hot List" log, located in the "LPR" folder on the MCAC IT Network "Common Drive".



4. In order to ensure the accuracy of the "Hot List" for manually inserted license plates, each shift Supervisor or designee shall verify the logs accuracy. Manual entries are required to be removed following the automatic upload of NCIC and MVA wanted plates (if applicable) or if the wanted status of the plate has changed before the automatic upload.
 - a. The LPR Operations Center System Hotlist Management tool does not automatically remove the inserted plates and therefore a separate query of the manually inserted hot list will be necessary.
5. For manual entries that pertain to ongoing investigations (which are not automatically uploaded through NCIC or MVA), the manually inserted license plate shall remain on the LPR Operations Center server until advised by the requesting investigator to remove it. The LPR Program Administrator or designee shall conduct periodic audits of the "Hot List" log.

E. Audit Logs

1. All transactions and queries of the system are logged in MEMEX and are subject to review at any time. Anyone found to misuse the system is subject to disciplinary action.
2. The primary goal of maintaining audit logs is to deter and discover any abuse or misuse of a LPR system or the Operations Center.
3. Operation Center files shall be audited and evaluated at least yearly through an independent auditor to be determined by the Director.
4. When a file has no further informational value and meets no other legal requirement for retention, it shall be destroyed.
5. In order to facilitate the periodic and random audits necessary to monitor user compliance with laws and policies, audit logs should include certain information. Specifically, queries to the Operations Center should be logged and include:
 - a. The identity of the user initiating the query;
 - b. The license plate number or other data elements use to query the LPR system
 - c. Date and time of the inquiry; and
 - d. The response to the user's query.

VIII. RESPONSIBILITIES

A. LPR Program Administrator



1. The LPR Program Administrator, as appointed by the Director, MCAC, will be responsible for the following:
 - a. Oversee and administer the LPR program, including storage and management of all LPR data systems;
 - b. Ensure stored data is purged from the LPR System Operations Center one year after it has been entered, unless determined to be of evidentiary value. (Refer to Paragraph VII.B.2 and B.2.a above);
 - c. Confirm LPR data is purged in accordance with this policy through random audits;
 - d. Act as the authorizing official for individual access to the data collected on the Operations Center server and to conduct LPR stored data queries;
 - e. Ensure appropriate training in accordance with this policy of all personnel authorized access to LPR Operations Center prior to using the system;
 - f. Ensure all training is documented;

B. Watch Section Personnel

1. The MCAC Watch Section will be responsible for the following:
 - a. At the beginning of each shift, ensure all "Hot Lists" have been updated in the Operations Center. This function is currently programmed to perform automatically (see "Hot List" definition for details);
 - b. Check the Operations Center "Car download status" at least once per shift for excessively large numbers of files aborted or waiting to be transferred;
 - c. Notify the LPR Program Administrator or MCAC Information Technology Specialists of any problems encountered;
 - d. The Watch Section Supervisor or Designee shall ensure accurate records of all LPR RFS requests entered by Watch Section personnel are documented and retained in accordance with established Center policy.
 - e. License plate information contained in Intelligence Bulletins or "Look Outs" sent to the MCAC and selected for further dissemination to MCAC clientele will be queried through the LPR Operations Center System in accordance with the guidelines established for a standard RFS. License plate information contained in those items not selected for dissemination and retained by the MCAC for further review will be queried through the LPR Operations Center System when it is located. All LPR queries conducted in this manner are subject to section E (1) of this policy and will be documented as prescribed. Any positive responses will be sent to the Bulletin originator in accordance with the dissemination procedures outlined in this policy.



C. MCAC Information Technology Section

1. The MCAC Information Technology Specialists will be responsible for system security and the maintenance of the LPR Operations Center server. In addition, the Section will:
 - a. Ensure that LPR data is backed up daily and monitored for abnormal operations.
 - b. Act as the MCAC representative with the contracted vendor for system related issues.



APPENDIX

DEFINITIONS

Case Management Systems: Case management databases, tips and leads files, records management systems, criminal history records, and other non-intelligence databases used and maintained by the MCAC are not Criminal Intelligence Files and are not required to comply with 28 CFR Part 23 (<http://www.iir.com/28cfr/FAQ.htm>). Much of the information stored in these databases tends to fall into one of two categories: uncorroborated information (such as tips) or fact-based information (such as arrest or criminal history information).

Criminal Activity: A behavior, action, or omission that is punishable by criminal law. A crime is a public, as opposed to a moral, wrong; it is an offense committed against (and thus punishable by) the state or the community at large.

Criminal Case Support: Those administrative or analytic activities that provide relevant data to law enforcement personnel regarding the investigation of specific criminal activities or trends, or specific subject(s) of criminal investigations.

ELSAG: ELSAG North America Law Enforcement Systems, the contracted provider of the LPR Operations Center System.

Hot List: The hot list is a file, which contains the license plate numbers of stolen vehicles, stolen tags, AMBER, SILVER, or BLUE alerts, lists of license plate numbers known to be associated with specific individuals such as wanted persons or missing persons (i.e. wanted for homicide, rape, robbery, child abduction, etc.), terrorist watch lists. The Motor Vehicle Administration also provides Suspended or Revoked Registrations. This hot list is scheduled to be updated twice daily and does not rely on real-time communications with State or Federal data sources. LPR hot lists are compiled to serve agency-specified needs. Manual Entry is always available, allowing additions for specific license plates. The hot list is essential to LPR systems, as it is required in order to notify law enforcement that a vehicle on the list is near an LPR camera.

License Plate Reader (LPR): The License Plate Reader Technology consists of an infrared strobe and high-speed cameras combined with computer algorithms capable of converting the images of license plates into computer readable data. LPR systems use cameras to capture images of vehicles and their license plates, from both mobile patrol vehicles or from fixed positions, converts them to text and compares them quickly to a large list of plates of interest. This system also records the location, date and time of each license plate read. The resource is available as a tool, allowing the law enforcement officer to identify the last known contact with a vehicle and to report the list of vehicles located in a specific area at a given time. When a target plate is located, the user may be notified with a message alert tone.

License Plate Reader (LPR) Program Manager/Administrator: The employee designated by the Executive Director of the Maryland Coordination and Analysis Center (MCAC), who is responsible for the oversight of the LPR Program.



License Plate Reader (LPR) Operations Center System: The system that manages the data collected from LPR systems (fixed and mobile), downloads hotlists and automatically secures the license plate data in a central server. This management is automatically run without user intervention. The Operations Center database provides an inquiry tool, tracks history, analyzes and manages license plate data. The MCAC will manage the LPR System Operations Center and assume the role as a central clearinghouse for all license plates scanned by various law enforcement agencies. The Operations Center will also manage the distribution and update of hotlist data, in addition to providing a storage and query tool for the plate information being collected in the field.

MEMEX: The Maryland Coordination and Analysis Center's internal information management system, a software tool capable of consolidating data and information, managing cases and providing an audit trail.

Need-to-Know: Requested information that is pertinent and necessary to the requestor agency in initiating, furthering, or completing an investigation.

Non-Criminal Intelligence Files: Data, frequently raw and unanalyzed, compiled by law enforcement agencies in the conduct of normal business, such as suspicious activity tips, numbers and types of calls received from the public in agency call centers, situational awareness/officer safety information, etc. These files may also include open source (i.e. news media and publically accessible internet) information. Such files do not include personally identifying information (PII) such as name, Social Security Number, birth date and address, etc. with regard to any particular individual.

Right-to-Know: Requestor has official capacity and statutory authority for the information being sought.

Requests for Information/Service (RFI/S): Defined as a request for any information or service, routinely provided by the MCAC, which is made by a law enforcement or homeland security or public safety agency such as: general, unclassified or classified information, suspect targeting information, basic or advanced research (database and information system checks), analysis of a terrorism or violent crime issue, and notification of officials of general and/or specific intelligence information or threats.



- AGENDA ITEM# 6.** Approval of a change order with MIM Construction, Inc., FY21 sidewalk accessibility ramps FY 21contract 21-SA-21, the amount of \$62,864.50 for consideration. Presentation at meeting by staff.

M. SET AGENDA FOR NEXT MEETING: MAY 2, 2022 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.