



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 MEETING AGENDA PACKET
TOWN OFFICE – 300A SOUTH SETON AVENUE
MONDAY, SEPTEMBER 12TH – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Write-In Election Deadline: Tuesday, September 20th at 12pm

Planning Commission: Monday, September 26th at 7:00 pm (Town Office & Zoom)

Board of Appeals: Tuesday, September 27th at 7:00 pm (Town Office & Zoom)

Town of Emmitsburg Election: Tuesday, September 27th 7:00am – 8:00pm

Town Council Meeting: Monday, October 3rd at 7:30 pm (Town Office & Zoom)

4. MEETING ITEMS

A. APPROVE MINUTES: AUGUST 1, 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 (None)

I. CONSENT AGENDA

1) Accept resignation of Terri Ray as an alternate on the Planning Commission for consideration.

2) Appoint Brian McKenney as an alternate to the Board of Appeals for consideration. Term September 12, 2022 – September 12, 2025.

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

1) Proclamation celebrating the 100-year founding anniversary of Emmitsburg High School for consideration.

2) Proclamation declaring Lutsk, Ukraine a Sister City to the Town of Emmitsburg for consideration.

3) Approval of Ordinance 22-09, update to Town Code 8.12.040 –Removal of grass & weeds for consideration

i. If approved this would allow the Town to abate violations of this chapter at the expense of the property owner. Such expense would be

300A South Seton Avenue • Emmitsburg, Maryland 21727

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chargeable as a lien against the property and collectible in accordance with Town Code Title 1.

- 4) Approval of Silo Hill basin retrofit project change order request in the amount of \$42,555.00 for consideration.
- 5) Review, consider and approve Ordinance 22-05 authorizing the implementation of a stormwater management utility fee based on the recommendations and study results of the Environmental Finance Center of the University of Maryland.
 - i. The purpose of this ordinance is to authorize the charge of an annual fee (\$20.00 ERU) based on the amount of impervious surface on publically and privately owned property in Town.
- 6) Approval of Resolution 2022-04R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration.
 - i. The Town intends to file for grant funding for the streetlight replacement project.

M. SET AGENDA FOR NEXT MEETING: OCTOBER 3, 2022

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

ZOOM INFORMATION

Topic: September Council Meeting

Time: Sep 12, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86943826084>

Meeting ID: 869 4382 6084

Passcode: 21727

One tap mobile

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+16469313860,,86943826084# US

Dial by your location

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Meeting ID: 869 4382 6084

Find your local number: <https://us02web.zoom.us/j/86943826084>

A. APPROVE MINUTES

**MINUTES
TOWN MEETING
AUGUST 1, 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; Zachary Gulden, Town Planner; Madeline Shaw, Recording Secretary and Grants Administrator; and Amy Naill, Code Enforcement Officer. *Others Present* - Deputy Cole Bartholow.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the August 1, 2022 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced. The Planning Commission will not be holding a meeting on August 29, 2022 as there is no need for a meeting. The Parks Committee will hold a Memorial Park walk through meeting on August 20, 2022 at 9:00 a.m. to discuss potential park improvements.

Approval of Minutes

Motion: Commissioner Davis motioned to accept the July 11, 2022 town meeting minutes as presented; second by Commissioner Burns. Yeas – 4; Nays – 0; Abstain – 1 (Sweeney). The motion was adopted.

Police Report:

Deputy Bartholow presented the police report from July 2022 (exhibit attached). The report is entitled "June 2022" but is actually for July 2022.

Town Managers Report:

Cathy Willets, Town Manager, presented the Manager's Report from June 2022 (exhibit in agenda packet). The Maryland Department of the Environment waterline replacement applications for North Seton Avenue and DePaul Street ranked eighth and ninth out of 43 applications. Staff requested the Board reach out to State delegates to request grant funding in the Governor's Capital Budget for the projects.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Planner's Report from June 2022 (exhibit in agenda packet). The town attorney has recommended the Board hold a public workshop with the Frailey Farm developer in October.

Commissioner Comments:

- Commissioner Ritz III: He thanked the media, public and Senator Corderman for attending the meeting.
- Commissioner Davis: He is sending his thoughts to the town deputy that is out on medical leave.
- Commissioner Sweeney: He thanked all those that participated in Community Heritage Day.
- Commissioner Burns: He thanked staff for purchasing the community pool lounge chairs and umbrellas.
- Commissioner O'Donnell: He explained there is an upcoming youth mountain biking event at the multi-user trails on August 6 with 60 plus children registered to attend.

Mayor's Comments:

Mayor Briggs attended numerous meetings in July 2022 (meetings listed in agenda packet). Mayor Briggs had a zoom meeting with Ihor Polishchuk, Mayor of Lutsk, Ukraine regarding becoming a sister city with the town.

Public Comments:

Paul Corderman, Hagerstown – State Senator Corderman is the representative of the Maryland State Senate District two. He wanted to introduce himself and encourage the Board to reach out with any questions. *Eric Sloane, Emmitsburg* – Mr. Sloane is concerned with the bicyclist in Town not following traffic rules. He would also like to keep Emmitsburg green and continue to plant trees. *Dianne Walbrecker, Emmitsburg* – Ms. Walbrecker would like to see disaster recovery elements included in the comprehensive plan for the Town. *Austin Steo, Emmitsburg* – Mr. Steo requested the Town build a sustainably designed trail connecting the green and yellow multi-user trails. He also requested improved safety via signage so trail users do not get lost.

Administrative Business:

None.

Consent Agenda:

Motion: Commissioner Davis motioned to re-appointment Mark Long to the Planning Commission for a term of August 5, 2022 to August 5, 2027; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted. *Motion:* Commissioner Burns motioned to appoint Dan Garnitz as an Alternate to the Board of Appeals with a term of August 1, 2022 to August 1, 2027; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for July 2022. The exhibit is listed in the agenda packet.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on July 25, 2022 where the Commission conditionally approved Christ Community Church's addition plat, forest stand delineation plan, preliminary and final forest conservation plan. The applicant will plant additional trees instead of seeking the fee in lieu of. The Commission also tabled the site plan for Christ Community Church. In addition, the Commission conditionally approved the Brookfield parcel C, D, and E's forest stand delineation plan, preliminary forest conservation plan, preliminary subdivision plat, and approved the same parcels adequate public facilities ordinance application.

II. Agenda Items

Agenda #1 - Approval of 2022 Election Judges for consideration: Ms. Willets presented the item. Mayor Briggs recommends using four election judges for the September 27, 2022 election. The four applicants have been election judges in the past and would include Sharon Hane as the chief judge, Lynn Orndorff and Tammy May as judges and Charlotte Mazaleski as a greeter and alternate judge. *Motion:* Commissioner Ritz III motioned to approve the 2022 election judges as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #2 - Proclamation making August 2, 2022 National Night Out for consideration: Mayor Briggs read details about the event aloud. The Town's sixth annual National Night Out celebration will occur in E. Eugene Myers Community Park on August 2, 2022 from 6:00 p.m. to 8:00 p.m. The event promotes police-community comradery. Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Sweeney motioned to accept the proclamation as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 - Proclamation declaring September 2022 National Recovery Month for consideration: Anna Staveley, Crossed Bridges, is helping to promote Frederick County Goes Purple for National Recovery Awareness Month. A PowerPoint was presented highlighting the outreach that will occur in September to bring awareness to substance-related deaths and overdoses. The outreach will include purple ribbons on the town streetlights, purple pinwheels at the town square, hosting a prayer walk, and creating a memorial garden among

other outreach. Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Burns motioned to accept the proclamation as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #4 - Decline to accept dedication of four open space lots at Brookfield conditioned upon approval of the Brookfield HOA for consideration: Agenda item postponed at the request of the Brookfield Home Owners Association. The Board gave unanimous consent for presenting agenda item six next in respect for Sister Anne Higgins time.

Agenda #6 - Proclamation declaring Sister Anne M. Higgins Town of Emmitsburg Poet Laureate for consideration: Mayor Briggs read the proclamation aloud. The proclamation appoints Sister Anne Higgins to a two-year poet laureate position that was first established in August 2019. Sister Anne's appointment would be until August 2024. Mayor Briggs invited Sister Anne to the podium to read a poem. Sister Anne introduced herself and read a poem aloud called "Cherry Tomatoes." *Motion:* Commissioner Ritz III motioned to accept the proclamation as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #5 – Update on MS-4 permit: Mr. Gulden presented the agenda item. The last Municipal Separate Storm Sewer System (MS-4) update was given by town staff at the October 7, 2019 town meeting. The MS-4 permit is for Chesapeake Bay protection and is a program mandated by the State of Maryland and federal Environmental Protection Agency. The mandate requires municipalities continue to make progress on six areas by treating 20% of impervious area through: public education/outreach, public involvement/participation, illicit discharge detection/elimination, preconstruction site runoff control, post construction stormwater management, and pollution prevention. Non-compliance can result in imprisonment and fines up to \$1-million. For the Town, restoration projects must treat 20.45 acres of impervious surfaces by January 1, 2025. Current permit expenditures from October 31, 2018 to July 12, 2022 is \$191,826.92, which does not include staff time, attorney fees, donated tree plantings, value of donated easements, etc. The new permit period will start October 31, 2024. Future projects the Town is considering is bi-monthly street sweeping, planting 30 to 40 acres of trees, North Seton Avenue Green Street upgrade, Northgate basin retrofit and catch basin cleaning. The Town is currently on target to meet permit requirements. The Board discussed future project ideas.

Agenda #7 - Discussion related to a Proclamation declaring Lutsk, Ukraine a sister city to the Town of Emmitsburg: Mayor Briggs presented the agenda item. In lieu of the invasion of Russia into the Ukraine, the Mayor is requesting the Board approve the pursuit of the Town becoming a sister city with Lutsk, Ukraine. Mayor Briggs had letters from Conrad Weaver, Emmitsburg resident; President Timothy Trainor, Mount St. Mary's University; and Sister Martha Beaudoin, Daughters of Charity read aloud. The letters expressed support for the proclamation. If the Board gives consent for the pursuit of the proclamation, there would also be a memorandum of understanding between Emmitsburg and Lutsk presented at a later town meeting. There are no financial obligations with the designation. Ms. Willets explained a zoom call was held in July with Mayor Ihor Polishchuk of Lutsk, Ukraine. Mayor Polishchuk is interested in sharing ideas and resources especially regarding the National Emergency Training Center and Mount St. Mary's University. The Board gave consent for the pursuit of the proclamation.

Agenda #8 – Review and approval of Ordinance 22-08, update to election candidate name posting, for consideration: Ms. Willets presented the agenda item. The Town Code does not specify how election candidates should be listed, whether by first or last name, on the bulletin boards and town website. Town staff would like to clarify how candidates are listed. Commissioner Ritz III requested language be added for the official ballot to also have names listed in alphabetical order by last name. *Motion:* Commissioner Ritz III motioned to approve Ordinance 22-08 as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion was adopted.

Set Agenda Items for September 12, 2022 Town Meeting

Agenda Items: (1.) Proclamation celebrating the 100-year founding anniversary of Emmitsburg High School for consideration. (2.) Proclamation declaring Lutsk, Ukraine a Sister City to the Town of Emmitsburg for consideration. (3.) Approval of Ordinance 22-09, update to Town Code §8.12.040. – Removal of grass & weeds, for consideration. (4.) Approval of a Silo Hill basin retrofit project change order request in the amount of \$42,555.00 for consideration. (5.) Review, consider and approve Ordinance 2022-05 authorizing the imposition of a stormwater management utility fee based on the recommendations and study results of the Environmental Finance Center of the University of Maryland. **Administrative Business:** None. **Consent Items:** None. **Motion:** Commissioner Burns motioned to accept the September 12, 2022 town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the August 1, 2022 town meeting at 9:25 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion was adopted.

Respectfully submitted,

Madeline Shaw, Recording Secretary
Minutes Approved On:

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

C. TOWN MANAGER'S REPORT

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

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired street lights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff put mulch in tree wells and flower beds on East/West Main St.
- Staff weed ate and weed killed around the guardrails at the end of Welty Ave, DePaul St. and Creamery Rd.
- Staff worked with contractor on the streetlights that are not functioning properly on south side of East Main St. from Federal Ave. to Creamery Rd.
- Staff trimmed shrubs, trees and curbs on South Jamison Ave.
- Staff trimmed tree limbs along the Community Park walking trail behind ballfield #3.
- Contractor dug out sections of sidewalk in front of 100 & 205 West Main St. for curb stop replacement project. They also dug in front of 304 West Main St. for streetlight project.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff mowed, trimmed and weed killed in parks.
- Staff replaced a section of board fence by the ADA playground in E. Eugene Myers Park.
- Staff pulled weeds, weed killed and put mulch around park entrance signs.
- Contractor mowed the disc golf course.
- Staff took down two trees in Emmit Gardens park.
- Staff put down dirt, seeded and mulch along edge of new blacktop road in E. Eugene Myers park.
- Contractor striped Memorial Park parking lot.

Water:

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

- 07/20 Attended department head meeting.
- 07/21 Attended zoom call with Mayor, Conrad Weaver and Ukrainian Mayor and his staff.

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in July.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff completed some use and occupancy permit inspections.
- Flow turned up on Well #3 to keep up with lake quality.
- New controller ordered for the LG Sonic communications.
- Installed new recycle pump which stopped discharging for 1.5 weeks.
- Ran 69,000 gallons through the centrifuge.
- Staff installed new message sign board up at Rainbow Lake.
- Staff worked at the Community Center building – dug out shrubs, weed killed, mulched, trimmed trees/shrubs around building, etc.
- Staff pulled pump out of digester pit at WWTP.
- Staff pumped out and installed new sump pump and receptacle in the South Seton Ave. water meter vault.

September 2022 Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS (11 TOTAL)

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

- For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, WWTP SCADA.
- Status - Backhoe and multi-use tractor delivered. SCADA completed. Waiting on work truck and invoices before submitting final grant report.

#22-5, GOCCP Edward J. Byrne Memorial Justice Assistance Grant (BJAG) for \$98,544 (no match)

- For purchase/installation of 3 license plate readers & 3 surveillance cameras.
- Status - State approved grant amendment. ALPR installation scheduled for September 15 – 19. Surveillance camera install to occur in October.

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

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Engineer currently working on SWM plan and topographic work.

#22-7, LPPI New Bathroom/Concession Stand for \$40,000 (no match)

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Engineer currently working on SWM plan and topographic work.

#22-9, LPPI Memorial Park Paving for \$58,000 (no match)

- For paving and lining of Memorial Park.
- Status – Need to submit final grant report. Waiting on checks to contractors to clear the bank to include in final report.

#22-10, LPPI Message Centers for \$7,500 (no match)

- For purchase of 5 bulletin boards – 3 Community Park, 1 Memorial Park, 1 Rainbow Lake.
- Status – final report submitted 08/09/2022, waiting on payment from State to complete.

#22-11, LPPI Baseball/Softball Bleacher Replacement \$73,300 (no match)

- For purchase/installation and concrete pads for 7 bleachers and 8 slabs.
- Status – final report submitted 08/09/2022, waiting on payment from State to complete.

USDA Creamery Road Pump Station Replacement \$863,000 grant, \$1,987,000 loan

- For replacement of Creamery Road Pump Station will new station.
- Status – waiting on USDA to approve final design, currently submitting monthly reports to USDA.

#23-1, TRIPP Historic Walking Tour and Visit Emmitsburg Website for \$9,750 (\$9,750 match)

- For creation of a tri-fold brochure with walking tour map and creation of VisitEmmitsburg website that would include things to do in area and walking tour.

- Status – had meeting with contractor/Mayor on 09/08 to review final text for brochure and website. Working on gathering final photos before going to fabrication.

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

- For advertising the Town as a destination in Celebrate Gettysburg and Montgomery Magazine.
- Status – waiting to run ads in spring/summer 2023.

#23-4, CP&P Silo Hill Playground Improvements for \$146,263 (no match)

- To replace old swing set and playground tower and install half basketball court.
- Status – State fully approved grant. Purchase order sent to contractor for work 08/25. Installation to occur in January/February 2023 at latest. Half basketball court to be installed prior.

NEWLY AWARDED GRANTS (5 TOTAL)

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

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake.
- Status - waiting on Maryland Board of Public Works review/approval. No meeting date known at this time. Was told State is holding FY23 POS applications to approve all at once.

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

- For installing two pairs of permanent concrete cornhole boards in Community Park.
- Status - waiting on Maryland Board of Public Works review/approval. No meeting date known at this time. Was told State is holding FY23 POS applications to approve all at once.

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

- For installation of 30 single pedestal exhibits that would display exchangeable storybook pages.
- Status - waiting on Maryland Board of Public Works review/approval. No meeting date known at this time. Was told State is holding FY23 POS applications to approve all at once.

#23-8, MEA Streetlight & Outdoor Lighting Efficiency Pilot for \$27,500 (\$35,113.50 match)

- For replacement of street lights on Main Street/South Seton with dimmable cutoff lights.
- Status – waiting to find additional funding to fund entire project est. at \$234,090.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (11 TOTAL)

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

- North Seton Avenue waterline replacement \$1,145,552
- DePaul Street waterline replacement \$1,110,000

DHCD Operating Assistance Grant – Main Street Improvement Grant for \$10,000 submitted 06/30/22

- Downtown improvements via funding of streetlight replacement on Main Street/Seton.

DNR Local Parks and Playgrounds Infrastructure Grant FY2023 – 4 Totaling \$100,000 submitted 07/06/22

- Rainbow Lake Parking Lot to cover remainder of funds needed for project \$44,500
- Community Park Pavilion Improvements to rehab pavilion and replace tables \$30,500

- Memorial Park Pavilion Improvements to rehab pavilions and replace tables \$22,000
- Baseball Bat/Helmet Racks to purchase racks for remaining 3 ballfields \$3,000

DHCD Community Legacy - Emmitsburg Streetlight Improvements for \$161,476.50 submitted 07/12/22

- Downtown improvements via funding of streetlight replacement on Main Street/Seton Ave.

USDA Community Facility Grant – Streetlight Replacements for \$75,000 submitted 08/17/22

- Downtown improvements via funding of streetlight replacement on Main Street/Seton.

DNR Community Parks and Playgrounds FY2024 – 2 Totaling \$120,686 submitted 08/24/22

- Half basketball court in Memorial Park \$15,000
- Playground addition via Timber Stacks play equipment in Memorial Park \$105,686

UPCOMING GRANTS (TO APPLY FOR)

- 1. GOCCP Edward J. Byrne Memorial Justice Assistance Grant, amount TBD deadline TBD**
 - Purchase/installation of 3 more ALPRs to catch traffic going in both directions
- 2. Maryland Tourism Office, Outdoor Legacy - Building the last mile grant, rolling monthly deadline**
 - Funds to rebuild the red trail damaged by logging
- 3. And other grants as funding is found**

**PARKING ENFORCEMENT REPORT
JULY 2022**

Overtime Parking	49
Restricted Parking Zone	13
Parked in Crosswalk	
Parked on Sidewalk/Curb	5
Parked by Fire Hydrant	
Parked Blocking Street	
Parked Blocking Driveway	
Failure to Park between Lines	1
Left Side Parking	5
Parked in Handicapped Space	
48 Consecutive Hours	4
Parking Warnings	5
Meter Money	\$1,213.22
Parking Bags	
Parking Permits	
Parking Ticket Money	\$ 1,020.00
Total:	\$ 2,310.22

D. TOWN PLANNER'S REPORT

Town Planner's Report – July 2022

Prepared by Zach Gulden, MPA

1. Board of Appeals (BOA):

- Received and processed a variance application for 4000 Carrick Court.
- Reviewed application and prepared staff memo.
- Prepared new alternate member's information packet.

2. Board of Commissioners (BOC):

- Attended the 7/11 BOC meeting and processed pre/post meeting materials.
- Worked with MDE in order to update Floodplain Management Ordinance per FEMA requirements of new floodplain maps. Created Ordinance 23-01 as a result of new requirements.
- Prepared Ordinance 22-08, which would update removal of grass & weed's section.
- Prepared MS4 permit update presentation.
- Wrote a letter from Mayor to MDOT SHA requesting a feasibility study to extend sidewalks from the intersection of Silo Hill Road / E Main St to the proposed park & ride.

3. Grants:

- Chesapeake Bay Trust:
 - Silo Hill SWM basin retrofit design & permitting grant management.
- Community Development Block Grant (ADA Ramps) management:
 - Reviewed & processed week 48 payroll (final).
 - Processed reimbursement request #11 (final).
 - Completed and submitted the grant's final report.
- Met with a MDOT SHA representative on 7/29 to discuss grant opportunity to finalize sidewalk connection from Cedar Avenue to edge of town boundary (326 S Seton Ave).

4. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
 - Silo Hill SWM basin retrofit:
 - Oversaw tree/brush removal contractor on 6/26.
 - Met with engineer on 6/27 to discuss change order requirements.
 - Tree planting:
 - Spoke with George Brenton on 7/12 regarding future tree planting projects partnering with the Daughters of Charity.
- Finalized the pollution prevention plan project.

- Continued working on the current year MS4 permit report.

5. Code Enforcement & Permits:

- Processed 8x zoning permit applications:
 - 1x – pool.
 - 2x – patio.
 - 1x – fence.
 - 1x – garage.
 - 2x – signs.
 - 1x – home occupation.
- Processed 7x backflow preventer permit applications.
- Prepared documentation for August court cases for E Main St property.
- Processed & filed 44 citations with FC Court regarding E Main St property.
- Processed & filed 30 citations with FC Court regarding Frailey Rd property.
- Processed & filed 2 municipal liens against Welty Ave property.
- Processed and filed 14 municipal liens against E Main St property.
- Issued 1x stop work order (business operating without permit – complaint received).
- Responded to incident reports.

6. Planning Commission (PC):

- Christ's Community Church, Brookfield Parcel's "C", "D", & "E", Rutter's, and Irishtown Road (Brookfield Lots 1-19) project management.
- 500 East Main Street Right-of-Way (ROW) Plat:
 - Recorded plat.
- Christ's Community Church
 - Reviewed and created staff memos for the APFO, addition plat, forest stand delineation plan, preliminary forest conservation plan, final forest conservation plan, and site plan.
- Brookfield Parcel's "C", "D", & "E":
 - Reviewed and created staff memos for the APFO, forest stand delineation plan, preliminary forest conservation plan, and preliminary subdivision plan.
- Met with staff on 7/13 to discuss Christ's Community Church & Brookfield plans.
- Attended the 7/25 PC meeting and processed pre/post meeting materials.

7. Miscellaneous:

- Met with manager, mayor, & attorney on 7/5 regarding potential Frailey property annexation.
- Attended a FEMA floodplain meeting at Frederick County on 7/6.
- Attended a department head meeting on 7/20.

- Stand 10 forestry management.
 - Processed paperwork (insurance, bond, payment, & permit).
 - Tipton's started harvesting.
 - 2x trail crossings marked by MD DCNR.

8. New Business / Development Updates:

- **Emmit Ridge 2** – Property is for sale.
- **Federal Stone** – Forest & site plans approved. Next step is to submit an improvement plat with the Town. Unknown date. Construction is being pushed back due to high construction costs (inflation).
- **Frailey Farm** - Property is under contract. Proposed developer to schedule a public workshop with Mayor/BOC to discuss project.
- **Mason Dixon Logistics Park (Trout Property)** – concept plan submitted to staff. Commercial / industrial park. Potential zoning text and/or map amendment applications in the near future.
- **MDOT/SHA Park & Ride** – MDOT/SHA has informed the Town that they have restarted design on July 1, 2022. They expect that 30% of the project will be completed by the end of 2022 (“Preliminary Investigation Phase”).
- **Ripleigh's Creamery** – Working on obtaining FC building permit.
- **Rutter's** – active construction. Expected completion is now October/November.
- **Village Liquors & Plaza Inn** – Property owner has informed the Town that they are now phasing the project – Phase 1) 1st story convenience area; and Phase 2) 2nd & 3rd story hotel. They are currently waiting on FC improvement plan approval.
- **Warthen's Court 5-unit townhomes** – Sketch plan submitted. Unknown date of submittal.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Late July and August activities for September 12th Town meeting agenda - Mayor Briggs

- Wednesday, July 27th, wayside exhibits, meeting with M. Shaw, and exhibit developers, zoom.
- Tuesday, August 2nd, 1 PM: Meeting with twenty seniors from the community to give updates and address their concerns!
- Monday, 2nd, 6 PM: I attended National Night Out, a special tip of the hat to our deputies and first responders held in Myers Park and served food along with Commissioners O'Donnell, Sweeney, Ritz, and Davis. Pony rides, pet a pet zoo, lots of vendors, and free food.
- Wednesday, 3rd, Noon: Lunch with Woodsboro Bank president Steve Heine, Tom Ramsey, Chief Retail Banking Officer, and Dynamic Automotive (Formerly, His Place) owners Jose Bueso and Dwayne Myers.
- Tuesday, 9th, 11 AM: Tour of Fallen Fighters Memorial and Fire Academy with Congressman Trone and Tonya Hoover, Deputy U.S. Fire Administrator, and Tyler Myles. I had invited the congressman to tour the Homeland Security facility and he took me up on it.
- Tuesday, 9th, 1-2:30 PM: Sustainable Maryland Executive Committee, zoom meeting. Always interesting talking with people from across the state.
- Wednesday, 10th, 10 AM: Ribbon cutting for St. Euphemia School wayside exhibit, DePaul Street. Lots of people turned out for this exhibit. Very special tribute that is close to my heart. the ribbon cutting ceremony for Frederick Health facility at the Mount was held on Tuesday the 16th at 9 AM.
- Tuesday the 16th at 9 AM. Ribbon cutting for Frederick Health Urgent Care facility at the Mount. Lab work, attending physician, physical therapy is now available to all here in northern Frederick County. A first!
- Wednesday 17th, 10 AM: President Trainor's Welcome Back State of the Mount address to the faculty and administrators. I was not able to attend, scheduling conflict.
- Friday, 19th, 10 AM: Phone call with Ronald Jon Siarnicki, National Fallen Firefighters Foundation's Executive Director.
- Friday, 19th, 1 PM: Lunch with Kim Johnson, Executive Director of Development, Mount St. Mary's University and Tonya Hoover, Deputy U.S. Fire Administrator at the U.S. Fire Administration (USFA).
- Saturday, 20th, 1 PM: Bollinger Construction Inc. 30th year of business. 1 Creamery Road. Home spun company makes it big.
- Saturday 20th, 6 PM: Welcoming event in Myers Park for incoming Mount freshmen. First time event.
- Monday 22nd, 10 AM: Meeting with Maddy Shaw Town Grant Admin. and Wayside exhibit developers.

- Tuesday 23rd, 10:30 AM: Things are moving along on Sister Cityhood with second zoom meeting, myself, Conrad Weaver, Michael Zhovnir, Lutsk, Ukraine Mayor Igor Polishchuk and President Anatly Tsios of Lesya University, to introduce President Trainor of our very own Mount St. Mary's University.
- Sunday, 28th, 10:30 AM: Mass and reception ending Vincentians Community of priests 170 years of service at St. Joseph's Parish. Farewell to good servants to our community. Welcoming Father Alberto Barattero, IVE and associate pastor Father Andres Ayala, IVE.
- Monday 29th, Noon: Lunch with Father Michael Roach, Mount St Mary's University Seminary.
- Wednesday, 31st, 11 AM: Meeting with planning consultant Chris Jakubiak.
- Wednesday, 31st, 3:30 PM: Dedication of John Donovan Room, Knott Academic Center, Mount St. Mary's University.
- Monday, September 12th, 7:30 PM, regularly scheduled town monthly meeting, in person and zoom.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

NONE

I. CONSENT AGENDA

1. Accept resignation of Terri Ray as an alternate on the Planning Commission for consideration.
2. Appoint Brian McKenney as an alternate to the Board of Appeals for consideration. Term September 12, 2022 – September 12, 2025

J. TREASURER REPORT

Top 10 Check Amounts:

**TOWN OF EMMITSBURG
CASH ACTIVITY as of August 30, 2022**

\$7,272,466	Cash Balance August 1, 2022
2,366,470	Deposits
<u>-465,998</u>	Withdrawals
\$9,172,938	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>
\$46,422	Fulton Bank	Lincoln Avenue GO Bond	07.27.22
\$44,190	Local Government Insurance Trust	FY23 Insurance	08.03.22
\$34,090	Applied Technology Services	License Monitor System	07.20.22
\$23,935	RK&K	Water Clarifier Project	08.10.22
\$20,813	MD Dept of Budget & Mgmt	Aug 22 Health Insurance	08.24.22
\$18,612	MD Dept of Budget & Mgmt	Jul 22 Health Insurance	07.27.22
\$13,591	UGI Energy Services	Jun 22 Solar Field #1	08.03.22
\$12,560	UGI Energy Services	Jun 22 Solar Field #2	08.03.22
\$12,408	UGI Energy Services	Jul 22 Solar Field #1	08.24.22
\$12,148	Alam B. Roofing	UpCounty Building Roofing	08.10.22

Ck dates 07.20.22 to 08.30.22

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1: Proclamation celebrating the 100-year founding anniversary of Emmitsburg High School for consideration.



Proclamation

Celebrating the Centennial of the Emmitsburg High School Building

WHEREAS, the Friends of the Emmitsburg Library are hosting a centennial celebration of the construction of the old Emmitsburg High School building on Saturday, September 17, 2022 at 10:00 a.m. at the Emmitsburg Public Library; and

WHEREAS, Emmitsburg High School was once a local school that served first grade through eleventh grade students from 1898 through 1968 and twelfth grade students from 1950 through 1968; and

WHEREAS, the building located at 300 South Seton Avenue, Emmitsburg, Maryland was constructed in 1922 and served as the high school's location for 46-years; and

WHEREAS, the three story building housed elementary classes on the first floor and high school classes on the second floor and in the basement; and

WHEREAS, the construction of a new wing, on the left side of the building, took place between 1950 and 1952 and housed the school's cafeteria, gymnasium, and locker rooms; and

WHEREAS, the Emmitsburg High School students were known as the Emmitsburg Liners because of the town's close proximity to the Mason-Dixon Line and the alumni "Liners" still meet annually for an alumni banquet; and

WHEREAS, 1968 marked the last graduating class at Emmitsburg High School before the school combined with the Thurmont High School Mountaineers at the new Catoctin High School; and

WHEREAS, today the building is known as the Emmitsburg Community Center and houses the Town Hall, Emmitsburg Public Library, Emmitsburg Senior Center, and more.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do proclaim Saturday, September 17, 2022 as the centennial celebration of the old Emmitsburg High School building and do hereby honor the Emmitsburg High School's alumni on the 100th anniversary of the buildings construction.

ADOPTED this 12th day of September 2022.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President

AGENDA ITEM #2: Proclamation declaring Lutsk, Ukraine a Sister City to the Town of Emmitsburg for consideration.

draft



Proclamation

Declaring Lutsk, Ukraine a Sister City of the Town of Emmitsburg

WHEREAS, Ukraine proclaimed independence from the Union of Soviet Socialist Republics on August 24, 1991, adopted its constitution in 1996, and has been a fully independent country; and

WHEREAS, on February 24, 2022, Russian military forces conducted an unprovoked invasion of Ukraine, resulting in the destruction of cities and towns; and

WHEREAS, Lutsk is a city in northwestern Ukraine with a population of more than 213,000; and

WHEREAS, friendship among people of different countries and cultures is a great force in creating peace, tranquility, harmony and understanding; and

WHEREAS, America and Emmitsburg in particular support the political, economic, and cultural independence of all of Ukraine; and

WHEREAS, Lutsk is of a significant cultural and historic importance to Ukraine, to Europe, and to the world; and

WHEREAS, local Emmitsburg organizations such as the Seton Center's DePaul International is already working in Ukraine providing life-saving food, shelters and medication, as well as transporting supplies; and

WHEREAS, Mount St, Mary's University has expressed interest in partnering with Lutsk institutions of higher education such as Lesya Ukraine Volyn National University, Lutsk National Technology University and Lutsk University Institute of Human Development; and

WHEREAS, the Sister City relationship between Lutsk and the Town of Emmitsburg will establish a more culturally integrated society and foster the opportunity for both communities to share ideas.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do proclaim its desire and intention to join with the City of Lutsk, Ukraine in formalizing a Sister City relationship and invite all residents to join us in expressing

support to Lutsk as well as the people of Ukraine, as they bravely defend their country, freedom and lives.

ADOPTED this 12th day of September 2022.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Co

AGENDA ITEM #3: Approval of Ordinance 22-09, update to Town Code 8.12.040 –Removal of grass & weeds for consideration

If approved this would allow the Town to abate violations of this chapter at the expense of the property owner. Such expense would be chargeable as a lien against the property and collectible in accordance with Town Code Title 1.

ORDINANCE SERIES: 2022
ORD. NO.: 22-09

PAGE 1 OF 3

AN ORDINANCE TO AMEND
TITLE 8
OF THE CODE OF EMMITSBURG
ENTITLED
HEALTH AND SAFETY

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 8, Health and Safety, of the Emmitsburg Municipal Code, be amended as follows:

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

Chapter 8.12 – Garbage and weeds.

§8.12.040 – Removal of ~~[grass and weeds]~~ **VEGETATION**.

~~[All grass and weeds growing in the town shall be controlled to the herein defined standards.~~

~~Allowed height in stream corridors. Within fifteen (15) feet of the location where the bed of a watercourse, such as a stream or rill, meets the bank, vegetation should be maintained at a minimum height of six inches, with a maximum height of eighteen (18) inches allowed. Where location of the bank is not readily determined, the town code enforcement officer will delineate the location. Measurement will be linear and in a horizontal plane.~~

~~Maximum height outside of stream corridors. In undeveloped areas the maximum height allowed will be eighteen (18) inches. In all improved areas, which includes all zoning districts, the maximum height allowed will be eight inches. In the event that the owner, occupant or person in possession of any premises shall fail to trim or cut down and remove any grass or weeds which are taller than herein defined within five days from the receipt of a notice to do so, the owner of said property shall be guilty of a misdemeanor. In the event that any person shall fail or refuse to comply with such notice, it shall be lawful for the town to impose a fine to said property owner of up to seventy five dollars (\$75.00) per day.~~

~~Pesticide application is not considered an acceptable method to control grass height.~~

~~Properties devoid of any permanent structures in improved areas may be designated "meadow areas" by the town manager. Meadow areas are considered to be "land that is covered or mostly covered with grass."~~

ORDINANCE SERIES: 2022
ORD. NO.: 22-09

PAGE 2 OF 3

~~Meadow areas shall be cut twice per year to a height not in excess of twelve (12) inches. One cutting shall take place in late spring and a final cutting shall take place at the end of the growing season.]~~

A. DEFINITION. AS USED IN THIS SECTION:

“WEEDS AND GRASS” MEANS ALL GRASSES, POISON OAK, POISON IVY, OR ANY OTHER NON-CULTIVATED VEGETATION WHICH ATTAINS A NOXIOUS OR DANGEROUS CONDITION UPON OVERGROWTH OR ACCUMULATION SO AS TO CONSTITUTE A CONDITION DETRIMENTAL TO PUBLIC HEALTH OR SAFETY. A GENERALIZED OVERGROWTH OF GRASSES, POISON OAK, POISON IVY, OR OTHER NON-CULTIVATED VEGETATION EXCEEDING A HEIGHT OF EIGHT (8) INCHES OR THE INTRUSION OF WEEDS AND GRASS INTO A PUBLIC RIGHT OF WAY OR ADJOINING PROPERTY IS PRESUMPTIVELY A NUISANCE AND DANGEROUS CONDITION. PLANTINGS FOR THE PURPOSES OF SOIL STABILIZATION ARE NOT INCLUDED WITHIN THE EIGHT INCH PROHIBITION.

“BUSHES, SHRUBS, TREES, AND HEDGES” INCLUDES CULTIVATED VEGETATION AND LANDSCAPE MATERIALS. THE OVERGROWTH OF BUSHES, HEDGES, SHRUBS, AND TREES THAT EXTEND INTO THE VERTICAL PLANE OF ANY PUBLIC WAY OR ADJOINING PREMISES PRESUMPTIVELY CONSTITUTE A NUISANCE AND DANGEROUS CONDITION.

B. NUISANCES AND DANGEROUS CONDITIONS AS DEFINED IN THIS SECTION ARE PROHIBITED.

C. NOTICE TO ABATE. IF ANY PERSON SHALL FAIL TO ABATE ANY NUISANCE OR CONDITION MADE UNLAWFUL BY THIS SECTION, AFTER HAVING RECEIVED THE TOWN’S NOTICE TO ABATE, WITHIN FIVE (5) DAYS OF THE DATE OF THE NOTICE OR WITHIN SOME OTHER REASONABLE TIME AS MAY BE SPECIFIED IN SUCH NOTICE, THE CONDITION MAY BE ABATED BY THE TOWN AT THE EXPENSE OF THE PROPERTY OWNER, SUCH EXPENSE TO BE CHARGEABLE AS A LIEN AGAINST THE PROPERTY AND COLLECTIBLE IN ACCORDANCE WITH TOWN CODE TITLE 1. PESTICIDE APPLICATION IS NOT CONSIDERED AN ACCEPTABLE METHOD OF CONTROLLING GRASS HEIGHT.

D. MUNICIPAL INFRACTION. A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF ONE HUNDRED

ORDINANCE SERIES: 2022
ORD. NO.: 22-09

PAGE 3 OF 3

DOLLARS (\$100.00), AND SHALL BE ENFORCEABLE PURSUANT TO THE APPLICABLE PROVISIONS OF TITLE 1.

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

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

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

ATTEST:

BOARD OF COMMISSIONERS:

Cathy Willets, Town Manager

Timothy J. O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 12th day of September, 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.

Cathy Willets, Town Manager
Date:

AGENDA ITEM #4: Approval of Silo Hill basin retrofit project change order request in the amount of \$42,555.00 for consideration.



PCO #001

Bearing Construction Inc
805 Shine Smith Rd
Sudlersville, Maryland 21668
Phone: (410)-556-6100

Project: 20128 - EMMITSBURG STORM WATER DB
Silo Hill Rd
Emmitsburg, 21727

Prime Contract Potential Change Order #001: CE #001 - Additional Construction and Professional Services

TO:	Town of Emmitsburg, Maryland 300A South Seton Ave. Emmitsburg, Maryland 21727	FROM:	Bearing Construction Inc 805 Shine Smith Rd Sudlersville, Maryland 21668
PCO NUMBER/REVISION:	001 / 0	CONTRACT:	20128 - Emmitsburg Silo Hill Basin Retrofit Project Prime Contract
REQUEST RECEIVED FROM:		CREATED BY:	Jay Douthit (Bearing Construction Inc)
STATUS:	Pending - In Review	CREATED DATE:	7/25/2022
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$42,555.00

POTENTIAL CHANGE ORDER TITLE: CE #001 - Additional Construction and Professional Services

CHANGE REASON: Design Development

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*
CE #001 - Additional Construction and Professional Services
Basis for Change Order

Bearing Construction, Inc. (Bearing) has prepared this change order for the Town of Emmitsburg (Town's) consideration associated with unanticipated construction needs and associated professional services for the Silo Hill Stormwater Basin Retrofit. The project has evolved in such a way such that additional services were necessary for successful completion, arising from agency review comments not available to us at the time of our June 16, 2020 General Contractor Agreement.

The need for this change order was discussed during our May 19 and May 20, 2022 videoconferences with our engineering subconsultant, Barton and Loguidice (B&L). At that time and arising from clarified agency approval requirements, the Town expressed willingness to allocate funding to the Bearing/B&L team to address unforeseeable and out-of-scope services. B&L, in the interest of progressing the project to achieve construction schedules and permitting timeframe requirements, has in good faith forged ahead with these services. At the direction of the Town, we prepared this change order to secure funding for these tasks.

Additional B&L Services Not Previously Planned or Budgeted

The planned Silo Hill Stormwater Basin retrofit design, permitting, and certification support are included in our existing agreement with the Town. The existing Agreement was predicated on then-understood agency requirements and site conditions, which came to change during the execution of the work. Already B&L has completed multiple project tasks that were outside their original scope of services. These are summarized as follows:

1. Project Redesign –As part of our work, B&L developed an initial basin retrofit, following the Town's stated preferences, which would treat the impervious area. In October 2020, the geotechnical report completed by Hillis Carnes revealed that the local geology underlying the project site consists of shallow clays and bedrock. The report rendered the initial concept infeasible, and B&L was required to redesign the basin retrofit within the constraints identified.

2. Public Meetings – B&L has attended two public meetings in support of the Silo Hill Basin Retrofit. The purpose of the initial meeting held July 21, 2020, was to educate the public on the original proposed basin retrofit project. B&L attended a second public meeting on July 28, 2021 to update the community members on the project redesign after discovery that the initial plan was infeasible.

3. Additional Grant Applications – B&L initially budgeted for and agreed to the completion of a single grant application for funding for the project design. The initial Grant funds were awarded through the Chesapeake Bay Trust (CBT) Fund in the amount of \$34,000. After initial award, B&L has assisted the Town with three work revision summaries for the awarded funds. One revision was submitted in May 2021 for a change in scope for the project redesign and two deadline extensions were submitted in December 2021 and March 2022 due to unforeseen complications in the permitting process.



PCO #001

Two additional grant applications were needed to be completed to secure funds for the construction phase of the work. In December 2021, B&L prepared an application for grant funding under the Maryland Department of Natural Resources Chesapeake and Coastal Grants Gateway (C&C Gateway Grant), however this application was not selected. In February 2022, B&L prepared an application for grant funding under the Green Streets, Green Jobs, Green Towns Grant Program (G3) administered by CBT, through which \$121,400 were awarded for implementation/construction phase tasks.

4. Plan Submission to Frederick and Catoctin Soil Conservation District – As a condition of permit approval by Frederick County Government, B&L was required to submit the project plan to the Frederick & Catoctin Soil Conservation District (SCD) for review and approval. The SCD provided a list of comments requiring response. Comment responses have resulted in the need to revise drawings, collect additional supporting materials, and complete a visual inspection of the basin. These efforts included a response memorandum and photograph log of site features.

5. Tree Maintenance Professional Support – In the course of observing select features of the existing BMP per SCD comments, B&L identified substantial brush and woody vegetation on the downslope side of the embankment. SCD came to agree that the Town could take care of the vegetation as a matter of routine maintenance. The Town requested that B&L help guide them through the process and be present for observational purposes on the date of vegetation removal.

While it is impossible to know if approving agencies may require still more additional services, the above tasks summarize required but unbudgeted B&L tasks as the date of this change order.

Additional Bearing Construction Services Not Previously Planned or Budgeted

Bearing's work scope remains largely unchanged following comments received by approving agencies. That being said, relatively minor adjustments to the construction plan are necessary following comments received by SCD. Specifically, SCD now requires a 1'x1' concrete pad at the barrel and an aluminum corrugated metal pipe (CMP) riser, which was previously planned as PVC.

Supplemental Fees and Costs

Between the engineering/design and construction scope changes, \$42,555 will be needed to cover the out-of-scope items described in the preceding sections. Task specific fees are broken down in the table, below:

Additional Construction Services	
1'x1' Concrete Collar and ALCMP Riser	\$3,420
Additional Professional Services	
Task 1. Project Redesign Due to Geotechnical Constraints	\$12,813
Task 2. Public Meetings (prep and attend)	\$3,288
Task 3. Grant Applications (2 additional)	\$6,808
Task 4A. SCD Plan Submittal (2 additional rounds)	\$984
Task 4B. SCD Plan Revisions (2 additional rounds)	\$11,518
Task 5. Tree Maintenance Professional Support	\$3,724
Total:	\$42,555

Summary

Please rest assured that at every juncture, both Bearing and B&L offered the agencies guidance to both hasten the time and lessen the cost associated with these unexpected additional requirements.

ATTACHMENTS:

#	Budget Code	Description	Amount
1	02-06.M Outlet Structure.Materials	Concrete Collar and ALCMP Riser	\$3,420.00
2	01-05.S Design.Subcontractor	Project Redesign Due to Geotechnical Constraints	\$12,813.00
3	01-05.S Design.Subcontractor	Public Meetings (Prep & Attend)	\$3,288.00
4	01-01.S Grant Funding Assistance.Subcontractor	Grant Applications (2 Additional)	\$6,808.00
5	01-04.S Permitting.Subcontractor	SCD Plan Submittal (2 additional rounds)	\$984.00
6	01-04.S Permitting.Subcontractor	SCD Plan Revisions (2 additional rounds)	\$11,518.00
7	01-05.S Design.Subcontractor	Tree Maintenance Professional Support	\$3,724.00
Grand Total:			\$42,555.00

AGENDA ITEM #5: Review, consider and approve Ordinance 22-05 authorizing the implementation of a stormwater management utility fee based on the recommendations and study results of the Environmental Finance Center of the University of Maryland.

The purpose of this ordinance is to authorize the charge of an annual fee (\$20.00 ERU) based on the amount of impervious surface on publically and privately owned property in Town.

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 1 OF 6

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

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

Chapter 13.10 – Stormwater Management Utility Fee.

Chapter 13.10.010 - General Provisions.

A. Authority.

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

B. Purpose.

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

C. Definitions.

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

1. "2000 Design Standards" means the standards established in the 2000 Maryland Stormwater Design Manual and as It may be updated from time to time.
2. “ERU” means an Equivalent Residential Unit which is the standard unit of measure to equate non-residential or multi-family residential properties to the average impervious surface area of a single family residential property in the Town. One ERU equals 2,932 square feet of impervious surface area.
3. "Impervious surface" means a surface that does not allow stormwater to infiltrate into the ground, for example, surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and other oiled, graveled, graded, compacted or similar surface that impedes the natural infiltration of surface water.
4. "Impervious surface area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 2 OF 6

5. Real Property” means all real property within the Town limits excluding Town owned real property.
6. "Structural management facilities" include facilities that include recharge storage as a portion of the full water quality treatment volume if they are subject to routine structural maintenance.
7. “Town Property” means any parcel that is owned by the Town.

Chapter 13.10.020 - Stormwater Management Fund.

A. Establishment.

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

B. Revenue.

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

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

C. Expenses.

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

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

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 3 OF 6

9. Other stormwater management, storm drainage, and water quality programs that are reasonably required to protect public safety or meet applicable regulatory requirements.

Chapter 13.10.030 - Applicability.

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

Chapter 13.10.040 - Utility fees.

A. Establishment.

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

B. Fee.

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

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

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

C. Exclusion.

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

D. Roads and Other Rights-of-way.

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

Chapter 13.10.050 - Impervious surface area measurements.

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 4 OF 6

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

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

Chapter 13.10.060 - Credits.

A. Generally.

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

B. Amount of Credit.

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

C. Application.

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

Chapter 13.10.070 - Collection.

A. Means of Collection.

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

B. Delinquency.

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

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 5 OF 6

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

Chapter 13.10.080 - Adjustments.

A. Submission of Request.

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

The Town Planner may adjust the utility fee if:

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

B. Appeals.

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

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

ORDINANCE SERIES: 2022
ORD. NO.: 22-05

PAGE 6 OF 6

- 4. A decision of the Board of Appeals may be appealed by an aggrieved party to the Circuit Court for Frederick County, Maryland within thirty (30) days of the written decision of the Board of Appeals pursuant to Title 7 of the Maryland Rules.

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

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

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

ATTEST:

BOARD OF COMMISSIONERS:

Cathy Willets, Town Manager

Timothy J. O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 12th day of September, 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.

Cathy Willets, Town Manager
Date:

AGENDA ITEM #6: Approval of Resolution 2022-04R Authorizing Mayor Briggs and the Town Manager to File an Application for Federal Assistance with the USDA Rural Development for Consideration.

The Town intends to file for grant funding for the streetlight replacement project.

RESOLUTION: 2022
RESOLUTION NO. 22-04R

PAGE 1 OF 2

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

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

WHEREAS, the Town of Emmitsburg has determined that purchasing and installing street lights with an estimated total dollar value of \$234,089 would assist the Commissioners in continuing to maintain the Town’s roads and improve public safety; and

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

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

WHEREAS, the amount that the Town of Emmitsburg could receive if the USDA approves the entire equipment acquisition is fifty-five percent (55%) of the cost of the acquisition up to an amount estimated at \$128,700;

WHEREAS, if the entire equipment acquisition is approved, the Town of Emmitsburg would be required to contribute the remaining forty-five percent (45%) of the cost estimated at \$105,389.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners for the Town of Emmitsburg authorize the submittal of an application for federal financial assistance in the amount of \$234,089 for the purchase and installation of street lights; and

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

RESOLUTION: 2022
RESOLUTION NO. 22-04R

PAGE 2 OF 2

NOW, THEREFORE, BE IT HEREBY enacted this 12th day of September, 2022 by the Mayor and Board of Commissioners, that Resolution Number 2022 – 04R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

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

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

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Cathy Willets, Town Manager

Timothy J. Donnell, President

_____ APPROVED _____ VETOED

this 11th day of July, 2022.

Donald N. Briggs, Mayor

M. SET AGENDA FOR NEXT MEETING: OCTOBER 3, 2022 AT 7:30 PM

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

Administrative Business:

- A.
- B.
- C.