

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

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www.emmitsburgmd.gov

TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, MAY 1, 2023

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

FY24 Budget Meeting: Monday, May 15, 2023 at 7:00 pm (Town Office & Zoom)

Park's Committee Meeting: Tuesday, May 16, 2023 at 7:30 pm (Town Office)

Planning Commission Meeting: Monday, May 22, 2023 at 7:00 pm (Town Office & Zoom)

MEETING ITEMS

- A. APPROVE MINUTES: April 3, 2023
- 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
 1. For consideration, FredRock Disc Golf request for a location to place a storage shed in E. Eugene Myers Community Park.
 2. For discussion, tree replacements near parking lot in E. Eugene Myers Park.
- I. CONSENT AGENDA (NONE)
- J. TREASURER'S REPORT
- K. PLANNING COMMISSION REPORT
- L. AGENDA ITEMS (DETAILS ATTACHED)
 1. For consideration, approval of bid to construct the Creamery Road Pump Station.
 2. For consideration, approval of engineering change order amendment #4 with RK&K for the Creamery Road Pump Station.
 3. For consideration, approval of engineering change order amendment #5 with RK&K for the Creamery Road Pump Station.
 4. For consideration, approval of supplemental Resolution 2023-02R to replace the terms of the Creamery Road Pump Station.
 5. Initial presentation of Fiscal Year 2024 budget.
 6. For consideration, FY22 budget transfers to the capital projects for consideration.

7. For consideration, approval of policy P23-01 adding one month and one-year options to the parking permits.

M. SET AGENDA FOR NEXT MEETING: JUNE 5, 2023

4. **SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**
5. **ADJOURN**

Zoom Link:

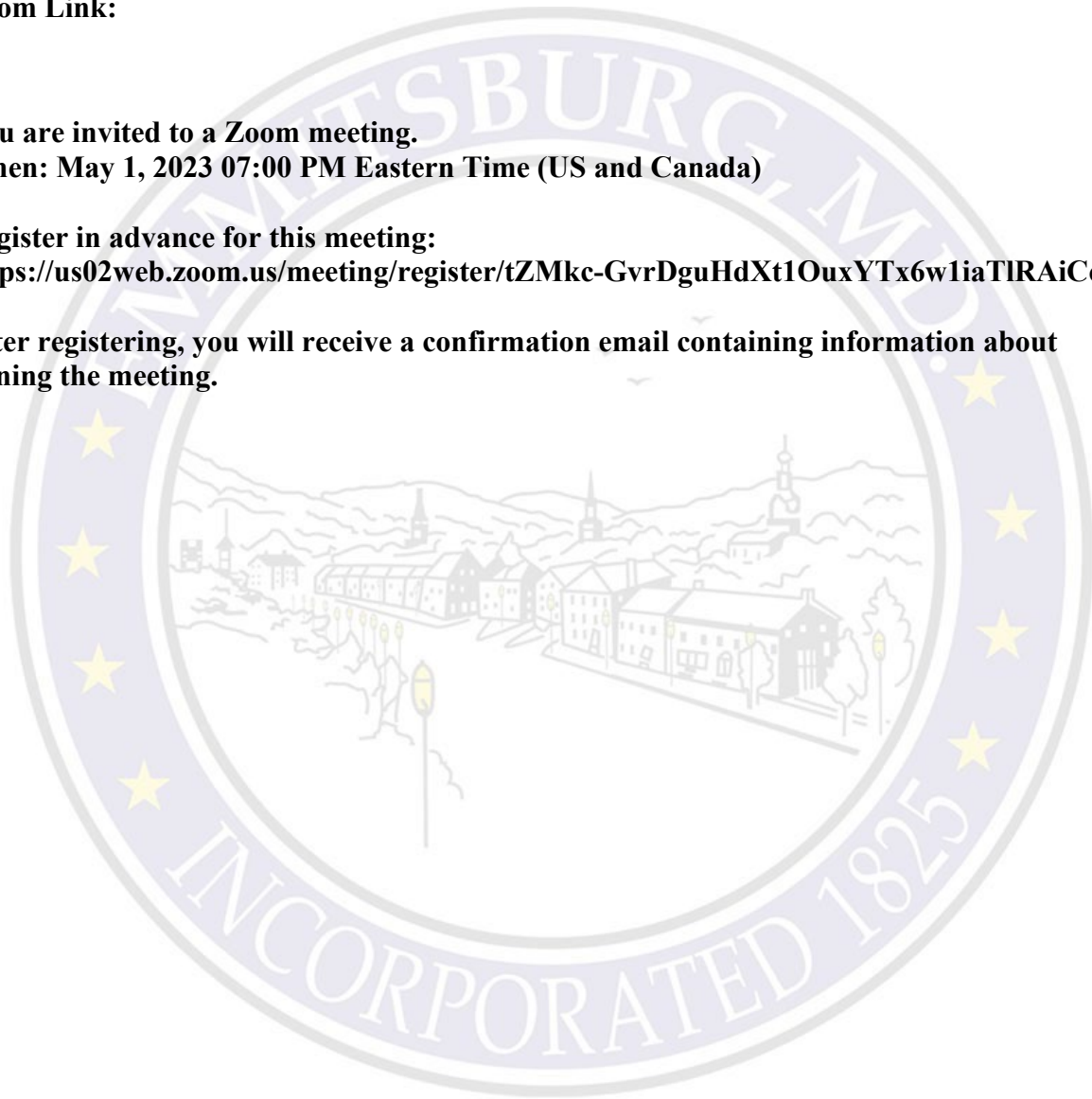
You are invited to a Zoom meeting.

When: May 1, 2023 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/join/tZMkc-GvrDguHdXt1OuxYTx6w1iaTIRAiCcf>

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



A. APPROVE MINUTES

**MINUTES
TOWN MEETING
APRIL 3, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer; Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Honaker

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the April 3, 2023 town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Sweeney motioned to accept the March 13, 2023 town meeting minutes as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Honaker presented the police report from March 2023 (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from February 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted that the time of the report, Rainbow Lake was 16.6' feet at the spillway level. The Town produced an average of 220,464GPD and consumed an average of 234,309GPD and the amount of Backwash Water in the month of February is (19.3%). Ms. Willets announced that Town staff will be conducting Hydrant Flushing the week of the 17th of April and the Town will post updates with more information.

Town Planners Report:

Najila Ahsan, Town Planner presented the Town Planner's Report from February 2023 (exhibit in agenda packet). Ms. Ahsan highlighted key points in her report and noted the Town has submitted a Progress report to the Chesapeake Bay Trust for the Silo Hill SWM basin retrofit. She has processed numerous permits and announced there have been development updates. Ms. Ahsan also mentioned Ripley's Creamery will be open April 2023 from their ice cream truck.

Commissioner Comments:

- Commissioner Amy Boehman-Pollitt: She announced that her and her family attended the Knights of Columbus Easter egg hunt. She expressed her thanks to Kadeem Brim and the CAC members for the continued progress for the Farmer's Market. She also gave her thanks to Jack Deatherage and the volunteers on working together to get the Community Garden

complete. She mentioned that April 22nd is Earth Day and there will be Community Park Clean-Up Day from 9am – 12pm and afterwards, the Town will be hosting Earth Day behind the Town Office from 12pm – 2pm where there will be food and activities for the children. Commissioner Boehman-Pollitt also mentioned that she did speak with Town Staff about the water/sewer rates and has a new understanding for the increase.

- Commissioner Ritz III: He announced that he and his son Edwin attended on March 29th the kick-off for the new Community Garden located next door behind the rear of the Farmer's Market site. He gave a huge thanks to Jack Deatherage and his wife Wanda for spear heading the project. He also gave thanks to Brian and Melissa McKenney, Tracey Lewis, Dianne Walbrecker, Rebecca Ness and her son, and Ms. Ruby who helped that night.
- Commissioner Davis: He announced that he had the opportunity to speak with Will Valentine, the State Delegate. He noted that he would like to have a Town Hall meeting in the future to discuss the lack of funding for Western Maryland and let everyone's voice be heard.
- Commissioner Sweeney: He announced that Little League will be starting in Emmitsburg and asked everyone to be careful when driving through the parks. He also mentioned that the Lions Club is gearing up for Heritage Day in June and he is thankful for how much everyone is giving to this event. He also wished everyone a Happy Easter.
- Commissioner O'Donnell: He gave thanks to Jack Deatherage for getting the Community Garden up and running and his hats off to all the volunteers. He announced that there will be a group of 120 – 200 mountain bikers coming on April 29th and 30th in Town. He briefly explained that this program is to help make safe places and mountain biking for girls. He noted that he would like to see more trails in the future in the Town, and he briefly explained each trail the Town has to offer. He also mentioned that he met with a board member from the Seton Center who would like to be more involved in Community Day and suggested having a Turkey Trot in the summer with a different course through the park.

Mayor's Comments:

Mayor Briggs attended numerous meetings in March 2023. He announced that he and his wife Libby attended the first ride for Transit on Saturday, April 1st. He briefly explained the route that it takes from downtown Frederick to Thurmont and Emmitsburg. Mayor Briggs gave his congrats for the Knights of Columbus for hosting the Easter egg hunt in Town. He also gave thanks to Jack Deatherage for helping with the Community Garden. He also pointed out the Ukraine shadowbox with the Proclamation from the Town and the Sister City Lutsk and asked to keep them in your thoughts and prayers.

Public Comments:

Dennis Ebaugh, Town Resident- He told the Board that he had printed out copies of the previous minutes from past meetings and expressed some clarifications. He gave thanks to Richard Lindsay for helping him get in contact with State Highway for the storm drain and sidewalk.
Carolyn Miller, Town Resident- She gave her thanks for helping to remove the trees down at Emmitt Gardens.

Administrative Business:

- (1.) For consideration, Proclamation declaring April 2023 Child Abuse Prevention Month.**

Before moving to the Administrative Business, Kristen Dunn came on behalf of the Frederick County Child Advocacy Center and gave her thanks to the Board on supporting their cause. She also read out loud the bookmark that was provided to the Board to bring awareness of what the Child Advocacy Center has accomplished in the past year.

Motion: Commissioner Ritz III motioned to accept the Proclamation declaring April 2023 Child Abuse Prevention Month; second by Commissioner Davis. Yeas – 5; Nays - 0. The motion was adopted.

(2.) For consideration, Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg. *Motion:* Commissioner Sweeney motioned to accept the Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Consent Agenda:

Motion: Commissioner Davis motioned to accept Glenn Blanchard’s resignation from the Planning Commission; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer’s Report:

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

Planning Commission Report:

Commissioner Ritz presented the report. He noted that the Commission last met on March 27th, and he wanted to point out that Village Liquors is seeking to amend their development changes. He also announced that Ms. Ahsan and Chris Jakubiak; Town Planner Consultant, presented work program for the Planning Commission 2023.

Najila stepped down at 7:54 pm.

Cole Tabler took his seat at 7:55 pm.

II. Agenda Items

Agenda #1 – Hold a public hearing then consideration of ordinance 2023-05 which would increase water and sewer rates over a five – year period. *Motion:* Commissioner Sweeney motioned to close the Town meeting at this moment to open the public hearing regarding ordinance 2023-05 regarding the increase water and sewer rates over a five – year period; second by Commissioner Ritz III. 5 – Yeas; 0 – Nays. The motion was adopted.

Town Meeting closed at 7:56 pm.

Public hearing open at 7:56 pm.

Commissioner O’Donnell reviewed the process of how the public hearing will follow.

Mayor Briggs asked Ms. Willets how the Town advertised for the public hearing for the water and sewer rate. Ms. Willets responded that the Town advertised in numerous social media outlets, on March 16th in the Frederick News Post, as well as the Emmitsburg News Journal,

Catoctin Banner, Town Website, Channel 99, and Email Newsletter. She briefly re-stated the history from the last five meetings related to the water/sewer rates, the 90-day reserve, the revenue requirements to maintain the water fund and how USDA will not fund projects if water or sewer funds are not self-sustaining.

Commissioner Davis asked Town Staff when the last time the Town raised fees and taxes and Ms. Willets replied that it was lowered by the previous board. Mr. Tabler added that Real Estate tax went down slightly a few years ago.

Commissioner O'Donnell made an analogy with Catoctin High School and the Town of how the structure has been holding up over all the years and how the staff takes great pride in maintaining the structure. He explained that the school is old and that the system needs to be replaced and that is how the Town's water infrastructure is. He went on to express how imperative it is that the Town upgrades the system to keep the Town moving forward.

Michael Turnquist, Town Resident- He expressed his concerns about the increased rates for residents over the six-thousand gallons since he was impacted from the last increase fourteen years ago. He also explained that this increase will affect larger families and those on fixed incomes will suffer the most hardship.

Eric Sloane, Town Resident- He stated that this was a problem before many of them were around and how this issue was pushed down the road. He explained that this is something that must be done and urged the Commissioners to vote yes.

Dennis Ebaugh, Town Resident- He expressed his concerns about the rate increase and how he does not agree with the numbers. He went on to explain the breakdown of the increase for his household and how this affects families with a fixed income.

Chuck Farkus, Town Resident- He asked if the County has been approached about this issue and if they would be able to help. He expressed his concerns about the rate increase and how it will affect other users in the future.

Carolyn Miller, Town Resident- She asked if families in poverty and fixed incomes were considered with the rates. She also asked if the County was approached about a waiver for those families.

Commissioner Ritz III wanted to speak about the six-thousand gallons minimum each quarter and how he looked further into it. He also mentioned that he wished he had asked Town Staff and the consultant to see a chart based off users, using less than six-thousand gallons. He explained that this increase will impact most families and feels that there will be an increase in receiving late water payments. Commissioner Ritz III also knows that the rates must be increased due to increased cost to maintain the water infrastructure and is unfortunate that this must happen and feels that it is awfully aggressive.

Commissioner Davis spoke about how residents were against the proposed development and how residents are against the raised fees, and he asked how will the Town continue to operate? He asked Ms. Willets for a breakdown of the cost showing what the increase rate would be and she

briefly explained each from per day to per month, per year and the overall impact after five years. Commissioner Davis expressed that he would rather vote for the five-year plan now and come back in three years to re-evaluate. He used an example of the brown water that occurred four years ago and knows the problem is still there and explained that the board has a responsibility to keep that from happening again. He noted how the cost of living has increased and will only continue to increase, and if the Town waits any longer that will cost even more. Commissioner Davis suggested that if this was his business, he would make the smart decision to do this now rather than wait.

Commissioner O'Donnell explained that the Town does not qualify for help until the Town shows an increase in revenue. He explained that this increase in fees is how the Town will be able to qualify for those funds in the future and that this is something that must be done to get help.

Commissioner Sweeney explained that this issue had been pushed back for twenty-five years because they did not want to burden the residents and noted that the rates were increased only twice in those years. He knows that this cannot be pushed back and gave an example of how the old water treatment plant broke down the same day as the new one opened. He also listed the reason why it is important to raise the rates due to inflation of the cost of upgrading the water infrastructure.

Commissioner Boehman-Pollitt spoke about how she did her own research on how the USDA operates and how help is out there. She explained that USDA can give assistance only if the Town starts trending up and at the rate the Town is now, it's considered bankrupt. She also acknowledges that Town Staff did present the 10%, 25% and 30% and did look at those numbers but that would not help. Commissioner Boehman-Pollitt also expressed that she does not want to make this decision but knows that this must be done.

Commissioner Davis added that he is shocked there are five people in the room out of 1200 homes and that he thought the office would be filled.

Motion: Commissioner Sweeney motioned to close the public hearing and resume the Town meeting; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

8:59 pm closed public hearing.

Mayor Briggs expressed how it is very tough to be here and acknowledges how he would have liked to have done this three years ago but with the pandemic that wouldn't have been the right thing to do. He admitted that it would have been irresponsible of him if he did not encourage Staff to work on the rate increase. He explained that water is necessary for everyday living. He thanked all who came out and that everyone was very polite. Mayor Briggs said that this is the Town's responsibility to serve and would not be serving the people if they did not address this. He commended the Commissioners for their vote and thanked everyone that came out.

Motion: Commissioner Davis motioned to accept ordinance 2023-05 which would increase water and sewer rates over a five – year period; second by Commissioner Sweeney. Yeas - 4; Nays - 1. The motion was adopted.

Agenda #2 – Hold a public hearing then consideration of ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration. Motion:

Commissioner Boehman-Pollitt motioned to close the town meeting at this moment to open the public hearing regarding ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration; second by Commissioner Davis. The motion was adopted. 5 – Yeas; 0 – Nays. The motion was adopted.

Town meeting close at 9:05 pm.

Public hearing open at 9:05 pm.

Ms. Ahsan presented the proposed new amendment and read out loud the new language. She gave a brief background on how this came to be voted on tonight by the board. She explained the boundary line from the photo (attached in agenda packet). Ms. Ahsan noted that the current ordinance does allow 6-foot fences on non-corner lots but the newly proposed ordinance gives more clarification.

Commissioner Ritz III wanted to commend Staff, the Board of Appeals and everyone involved for taking a reasonable approach and revising the code.

Commissioner Davis apologized to the residents that were put through this and thanked them for sticking with the Town.

Public hearing closed 9:14 pm.

Motion: Commissioner Boehman-Pollitt motioned to accept ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – For consideration, approval of Frederick County Sheriff's Office contract FY24.

Ms. Willets presented the Frederick County Sheriff's Office contract that the Town has approved since the Town has contracted with the Sheriff's Office. She explained the FY24 contractual cost and that there is a 5.1% increase from FY23 contract cost. She explained that the Sheriff stated that this is due to an increase to uniform law enforcement pay scale and associated fringe benefits.

Motion: Commissioner Sweeney motioned to accept the approval contract settlement for \$286,060.00 for the FY24 Frederick County Sheriff's Office contract; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda # 4 – FY2022 budget transfers to the capital projects fund for consideration.~~

POSTPONED UNTIL THE MAY 1ST TOWN MEETING.

~~Agenda #5 – For consideration, ordinance 2023-06 which would allow a business owner with the Town limits to be a member of the Citizens Advisory Committee.~~ **WITHDRAWN BY COMMISISONER.**

Set Agenda Items for May 1, 2023 Town Meeting

Agenda Items: (1.) For consideration, approval of bid to construct the Creamery Road Pump Station. (2.) For consideration, approval of engineering change order amendment #4 with RK&K for the Creamery Road Pump Station. (3.) For consideration, approval of engineering change order amendment #5 with RK&K for the Creamery Road Pump Station. (4.) Initial presentation of Fiscal Year 2024 budget. (5.) For consideration, FY22 budget transfers to the capital projects for consideration. (6.) For consideration, approval of policy P23-01 adding one month and one-year options to the parking permits. **Administrative Business:** (1.) For consideration, FredRock Disc Golf request for a location to place a storage shed in E. Eugene Myers Community Park. (2.) For discussion, tree replacement near parking lot in E. Eugene Myers Park. **Consent Items: (NONE)**

Motion: Commissioner Ritz III motioned to accept the May 1, 2023 Town meeting agenda as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted/rejected.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

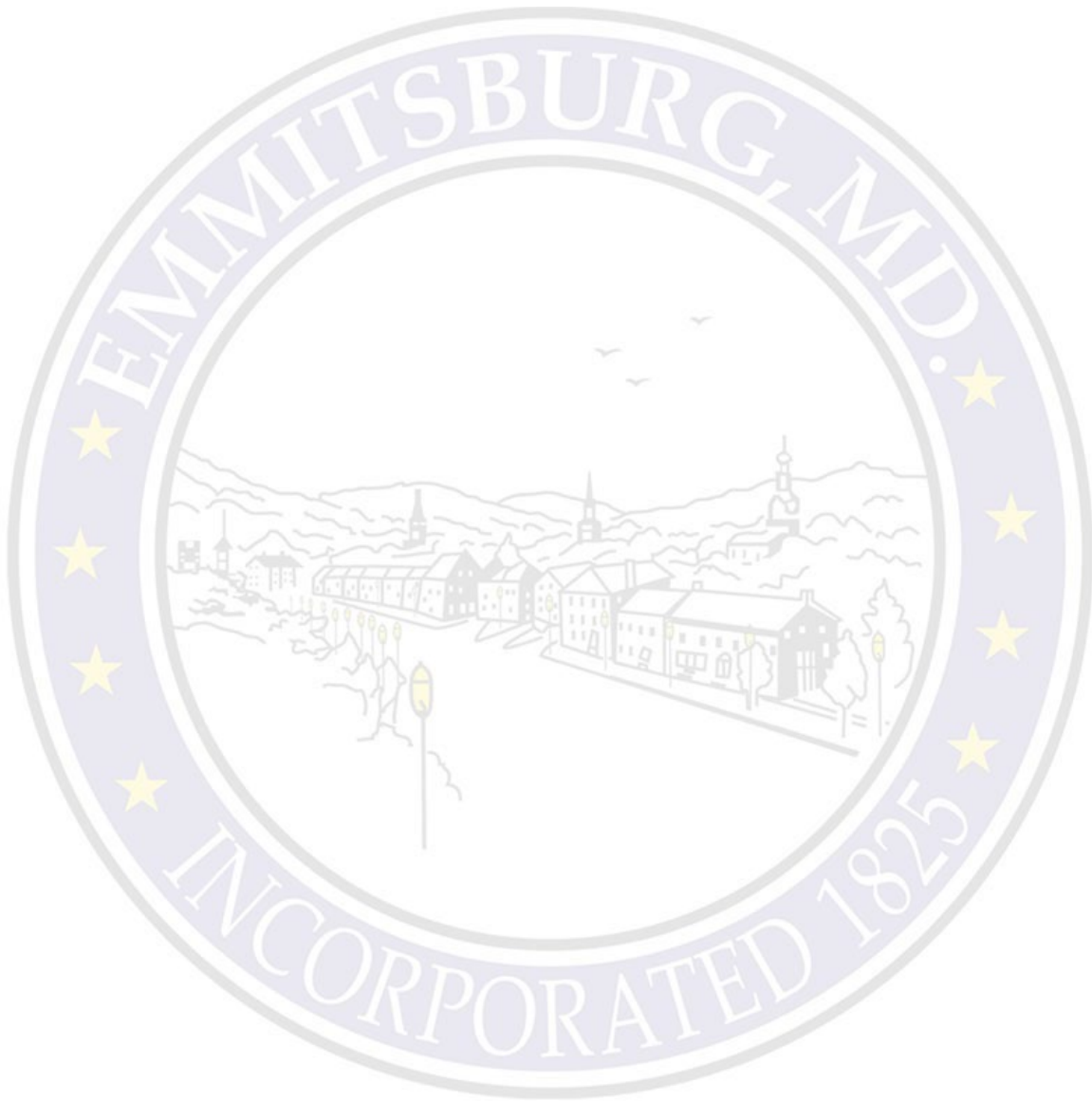
With no further business, Commissioner Sweeney motioned to adjourn the April 3, 2023 town meeting at 9:19 p.m.; second by Commissioner Ritz III Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

Sabrina, Town Clerk

Minutes Approved On:

B. POLICE REPORT



C. TOWN MANAGER'S REPORT

Town Manager's Report

March 2023

Prepared by Cathy Willets

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired streetlights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff repainted yellow curb in front of #68 fire hydrant on North Seton Ave.
- Staff assisted with collecting parking meter money.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, weed killed in parks.
- Staff cut up some tree limbs that fell by the dog park and along the walking trail.
- Staff picked up leaves along Memorial Park ballfield fences.
- Contractor prepped ballfields #1 and #3 in E. Eugene Myers Park.
- Staff prepared and cleaned all park restroom buildings. Staff also repaired some sinks and toilets.

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).

	<u>May 2011</u>	<u>March</u>	<u>Change</u>
○ Well #1:	35'	36'	-1'
○ Well #2:	8'	12'	-4'
○ Well #3:	12'	26'	-14'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 227,896 GPD. We consumed an average of 242,754 GPD (finish water + MSM). The amount of Backwash Water in the month of March is ... (12.7%).

- 36.26% of this water came from wells.

- 5.52% of this water came from Mt. St. Mary's.
- 58.22% of this water came from Rainbow Lake.

We purchased 456,700 gallons of water from MSM this month.

Wastewater:

- We treated an average of 485,430 gpd (consumed 242,754 GPD) which means that 49.99% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of March.
- We did exceed the plant's design capacity ten (10) times time in the month of March.
**Some of these flows are due to running the transfer pump.
 - 948,000gpd 03/4 841,000gpd 03/5 835,000gpd 03/9
 - 915,000gpd 03/10 869,000gpd 03/11 983,000gpd 03/12
 - 756,000gpd 03/24 893,000gpd 03/25 812,000gpd 03/26
 - 782,000gpd 03/27
- We received about 3.6" of precipitation this month (the average is 4.05"). We have a precipitation **SURPLUS of 1.9"** over the last six months. The average precipitation for the period from October through March 31 is 20.25". We have received 22.15" for that period.

Trash: Trash pickup will remain Mondays in the month of May except for Memorial Day trash will be picked up on May 30th.

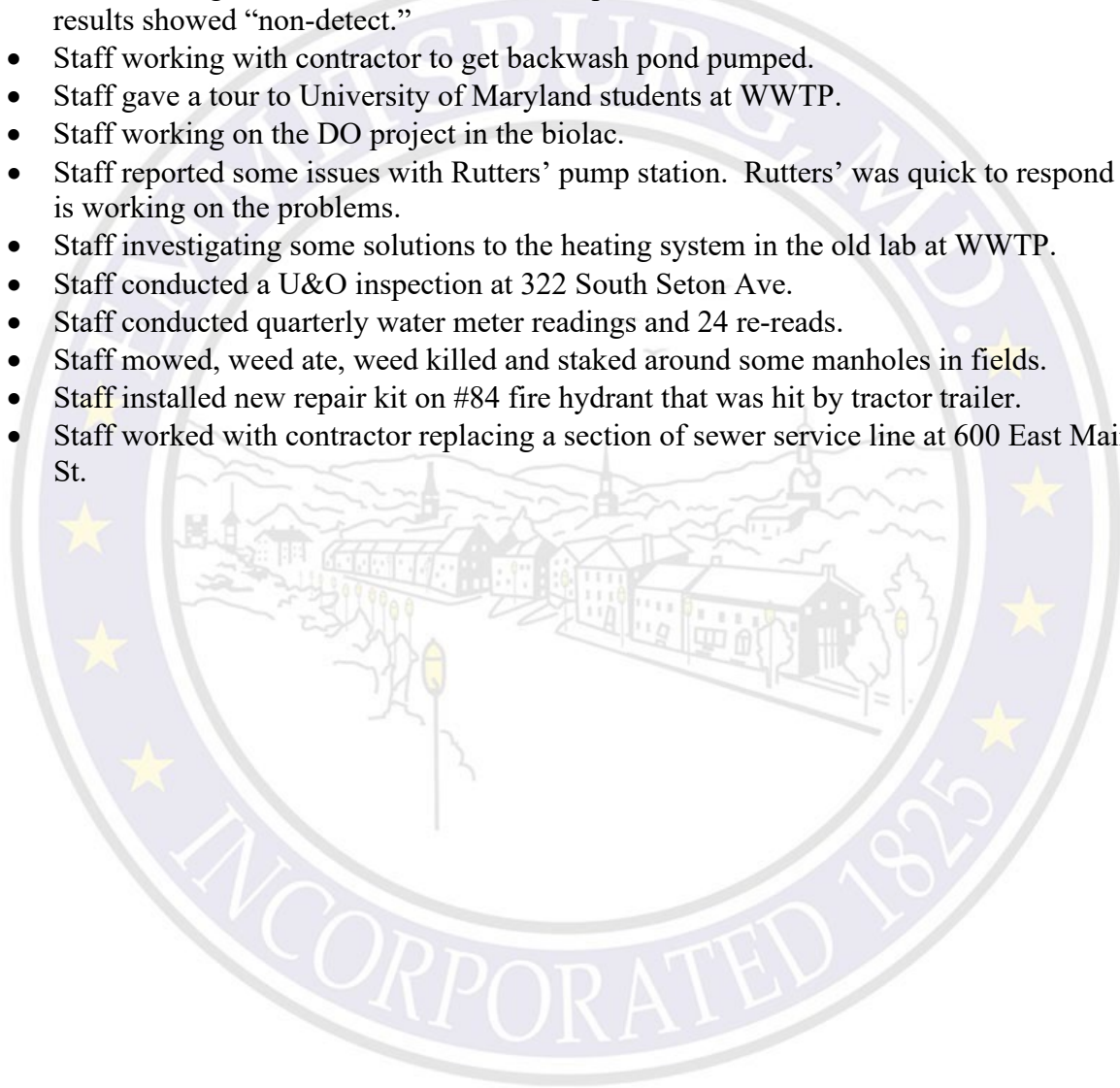
Meetings Attended:

- 03/09 Attended staff FY24 budget meeting.
- 03/10 Attended staff FY24 budget meeting.
- 03/13 Met with Mayor
- 03/13 Attended Town Meeting
- 03/14 Met with Commissioner Boehmann-Pollitt and Town Accountant re: water rates.
- 03/15 Attended staff FY24 budget meeting.
- 03/15 Met with Tom Ward and Amanda Haddaway re: employment questions
- 03/16 Met with Mayor
- 03/17 Zoom call with Town Planner and Stormwater consultant re: FY24 projects
- 03/21 Conducted employee performance evaluation reviews.
- 03/22 Met with Town Clerk re: ordinance writing.
- 03/23 Attended public bid opening for the CRPS.
- 03/23 Met with Mayor
- 03/27 Zoom call with Town Attorney, Chris Jakubiak and Town Planner re: upcoming planning commission meeting.
- 03/30 Met with Mayor

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in March.

- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff working on water conservation plan for MDE.
- Staff ran tests with new hydrant PSI data logger to ensure nothing is wrong with the pressure reducing valves.
- Frederick County will be sampling Turkey Creek (feeds Rainbow Lake).
- Backflow preventers were tested and passed at the WTP.
- Staff working on Consumer Confidence Report. State tested for PFAS in 2021 and results showed “non-detect.”
- Staff working with contractor to get backwash pond pumped.
- Staff gave a tour to University of Maryland students at WWTP.
- Staff working on the DO project in the biolac.
- Staff reported some issues with Rutters’ pump station. Rutters’ was quick to respond and is working on the problems.
- Staff investigating some solutions to the heating system in the old lab at WWTP.
- Staff conducted a U&O inspection at 322 South Seton Ave.
- Staff conducted quarterly water meter readings and 24 re-reads.
- Staff mowed, weed ate, weed killed and staked around some manholes in fields.
- Staff installed new repair kit on #84 fire hydrant that was hit by tractor trailer.
- Staff worked with contractor replacing a section of sewer service line at 600 East Main St.



PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

April 2023

<i>Overtime Parking</i>	57		
<i>Restricted Parking Zone</i>			
<i>Parked in Crosswalk</i>			
<i>Parked on Sidewalk/Curb</i>			
<i>Parked by Fire Hydrant</i>			
<i>Parked Blocking Street</i>			
<i>Parked Blocking Driveway</i>			
<i>Failure to Park between Lines</i>	6		
<i>Left Side Parking</i>			
<i>Parked in Handicapped Space</i>	1		
<i>48 Consecutive Hours</i>			
<i>Total Tickets - Warnings</i>	62	6	
<i>Meter Money</i>	\$1153.24		
<i>Meter Reservations</i>	Daily Reservations: 2 \$40	Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	3M: 2	6M: 1	1Y: 0
<i>Parking Permits Money</i>	\$275		
<i>Violation Cost</i>	\$605		
<i>Late Fees Assessed</i>	\$105		
<i>Payment Received</i>	\$225		
<i>Dues Forward</i>	\$465		
<i>Totals March:</i>	<i>Made</i> \$1753.24		<i>Due</i> \$465
<i>Totals 2023</i>	<i>Violations Paid</i> \$1655	<i>Outstanding Bal.</i> \$1500	<i>Meter Money</i> \$4460.35
			<i>Permit Revenue</i> \$1100

*All information accurate as of April 20th includes violations starting from March 27th

GRANT ADMINISTRATOR REPORT

As of April 25, 2023

Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS/PROJECTS (20 TOTAL)

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

- For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, WWTP SCADA.
- Status – Backhoe, multi-use tractor, and 4x4 truck delivered. SCADA 98% completed. Waiting on final equipment to arrive for SCADA. Once all invoices are received final report will be submitted.

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

#22-7, LPPI New Bathroom/Concession Stand for \$62,290 (no match)

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Waiting on electrical conduit and transformer to be installed in April/May. Waiting on full approval of site plan. Need to order pre-fabricated building, then hire contractor to prepare site for delivery (water/sewer/electrical/stone pad).

USDA Creamery Road Pump Station Replacement \$1,862,300 grant, \$1,987,000 loan, \$1,395,000 Town

- For replacement of Creamery Road Pump Station will new sewage pump station.
- Status – Board to approve construction company on May 1st. Applied for additional funding and was awarded an additional \$1-million grant on April 5, 2023. Total project cost now \$5,244,300. Continuing to submit monthly reports to USDA.

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

- Status – Assisting with management of this project starting April 25, 2023.

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

- For advertising Emmitsburg in Celebrate Gettysburg, Visit Frederick and Montgomery Magazine.
- Status – ads placed in Celebrate Gettysburg (March/April, May/June) and Visit Frederick (2023), and Montgomery Magazine (April/May, May/June) so far.

#23-3, DHCD Community Legacy Façade Improvements FY2023 for \$50,000

- Provide property owners in sustainable community's district with 50/50 funds to fix-up property
- Status – Sustainable Communities Work Group met on Jan. 26th and Mar. 2nd. Projects submitted to Maryland DHCD on Mar. 3rd for approval. 10 total projects, 6 have been notified of award amount and 4 are awaiting State approval before the property owner will be notified of award.

#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 – Playground and hoop installation completed Jan. 27. Half basketball court installed April 14. Waiting on lining of basketball court, then project is complete.

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

#23-13, LPPI Rainbow Lake Parking Lot for \$44,500

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake.
- Status – State approved Feb. 15. The Town requested estimates from engineering companies, which are due April 28. Planning to begin project in May with approved engineer.

#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 – State approved on Jan. 25. Cornhole boards ordered April 18. There is a 16 week lead time with production/shipping. Planning to install mid-August once they arrive.

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

- For installation of 20 single pedestal exhibits that would display exchangeable storybook pages.
- Status – State approved on Jan. 25. Equipment ordered Mar. 13 with a one-month lead time. Anticipated installation around mid to late-May.

#23-8, MEA Streetlight & Outdoor Lighting Efficiency Pilot for \$27,500 (15% of total project match)

#23-10, USDA Downtown Streetlight Replacement for \$75,000

#23-11, USDA Downtown Streetlight Replacement for \$50,000

#23-17, DHCD Operating Assistance Grant – Main Street Improvement Grant for \$10,000

- Replace 102 streetlights along Main Street / Seton Avenue with new LED dimmable cutoff lights.
- Status – waiting on town budget transfer in May to fund remainder of project. Request for proposal for purchase and removal/installation of lights to be advertised in May with Board approval in July.

#23-12, DHCD Business District and Neighborhood Safety Grant for \$85,000 (no match)

1. Purchase two portable radar speed trailers and two surveillance cameras for town square.
2. Status – Both speed trailers have been ordered and delivered this month. Surveillance cameras to be installed in April, then grant will be complete.

#23-14, LPPI Community Park Pavilion Improvements for \$30,500

- For new pavilion roof, repair rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – collecting three estimates for work, need to order tables.

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

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 11 picnic tables.
- Status – work scheduled with contractor, need to order tables.

#23-16, LPPI Baseball Field Bat/Helmet Racks for \$3,000

- To purchase bat/helmet racks for remaining three ballfield dugouts (fields #5, #4 and #2).
- Status – Bat/helmet racks ordered on March 31.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (8 TOTAL)

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

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

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

3. Install half basketball court in Memorial Park \$15,000
4. Install playground addition via Timber Stacks play equipment in Memorial Park \$105,686

MWIFA Emmitsburg Transmission Main Replacement, submitted 01/31/2023

5. To replace 10-inch mountain main into Town with 16-inch to improve water quality and fire flow.

TRIPP Advertising Grant for \$7,333.32, submitted 03/31/2023

6. Advertising of Emmitsburg as a tourism destination via three billboards in the Gettysburg area and two annual print publications (Destination Gettysburg and Visit Frederick guide).

FCTC, Main Street Cooperative Fund for \$10,000, submitted on 04/01/2023

7. New welcome to Emmitsburg signs (estimated \$5,000).
8. Remaining money to aid in parking meter purchase.

UPCOMING GRANTS (TO APPLY FOR)

1. **Operating Assistance Grant – Main Street Improvement grant, due April 28, 2023**
2. **USDA Community Facility grant, rolling deadline first-come first-served**
 - To purchase replacement coin/credit card combo parking meters
3. **Program Open Space FY24, due May 5, 2023**
4. **Community Development Block Grant, due around June 2023**
5. **Community Legacy grant, due around July 1, 2023**
6. **And other grants as funding is found/needed**

D. TOWN PLANNER'S REPORT



Memo

March 2023 Planner Report

Prepared by: Najila Ahsan

1. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
 - IIJA DNR Progress Report

2. Code Enforcement & Permits:

- Processed the following permit applications:
 - 3 Zoning
 - 1 – Patio 15' x 17' and walkway; 17492 Irishtown Rd.
 - 1 – Use n Occupancy; 101 Silo Hill Rd. #5
 - 1 – Sign permit for 2 signs; Emmitsburg East Industrial Park Lot 5
 - 1 Street Closure
 - Vigilant Hose Company event
 - May 13, 2023
 - Between Creamery Way and entrance to Mother Seton School
 - 5 Cross Connection
 - 36 Provincial Pkwy
 - 8 E. Main St.
 - 5 Irishtown Ct.
 - 4 Robindale Dr.
 - 17335 Mt. View Rd.

3. Planning Commission (PC):

- April 24, 2023
 - Conditional approval of Swomley Division Addition Plat
 - Conditional approval of Silo Hill Plaza Site Plan
 - Conditional approval of Silo Hill Plaza Improvement Plat
 - Discussion: Floating Zone

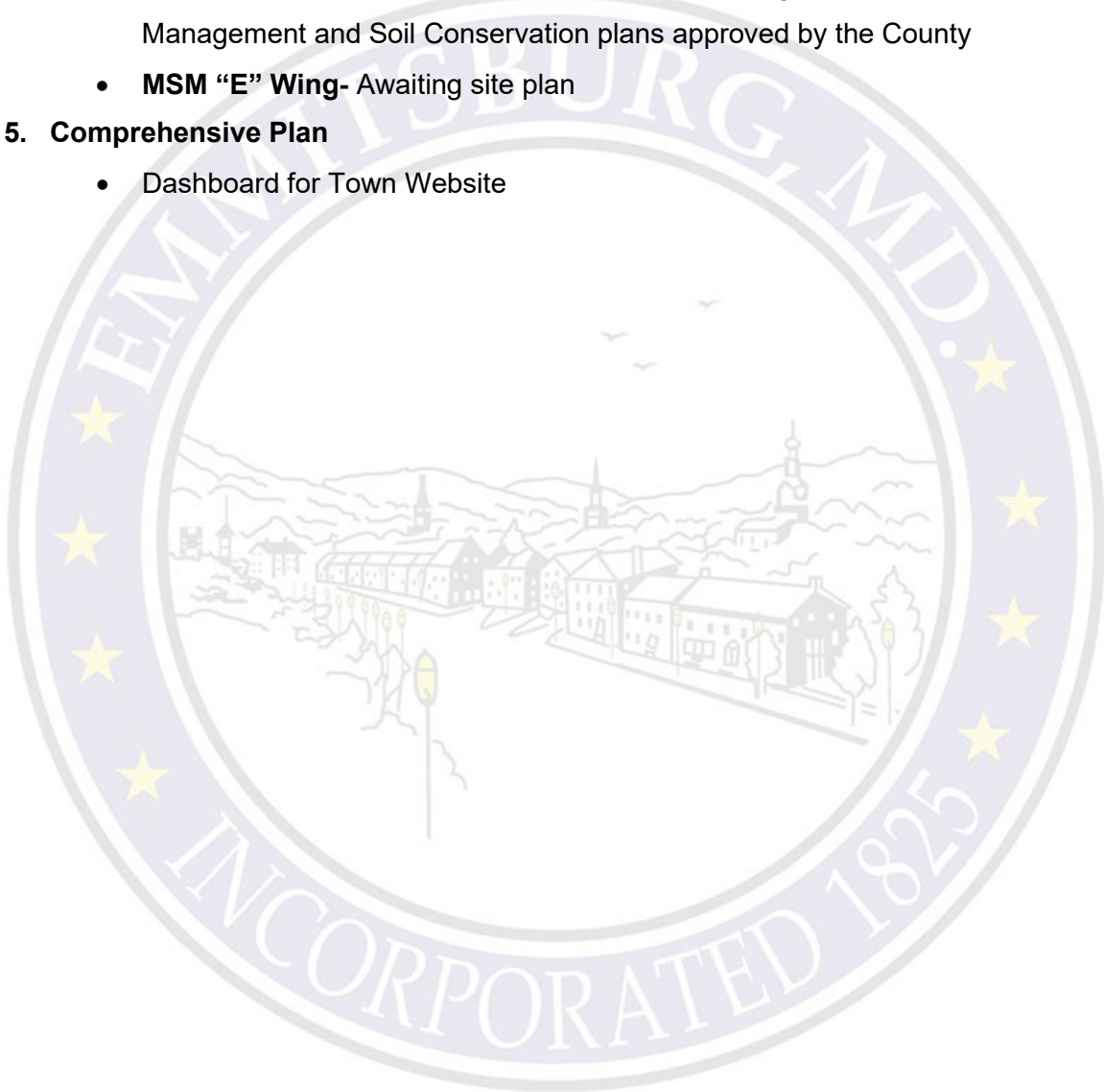
- Discussion: Comprehensive Plan

4. Development Updates:

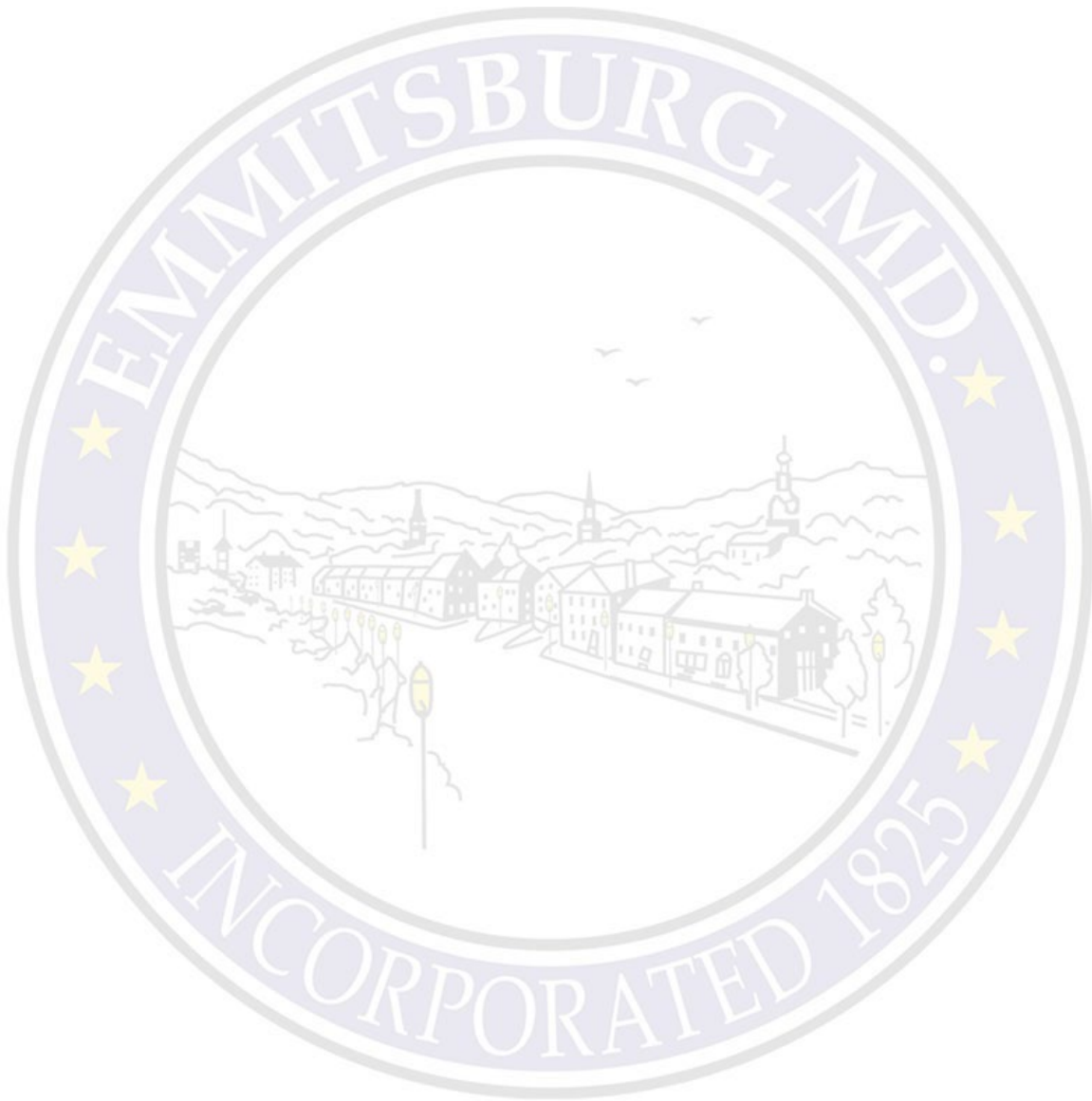
- **Federal Stone** – Awaiting the submission of updated Site Plan and Improvement Plans and reviewing Payment and Performance bonds
- **Village Liquors & Plaza Inn** – Owner has received conditional approval of the Site Plan and Improvement Plat, and is now seeking to have Stormwater Management and Soil Conservation plans approved by the County
- **MSM “E” Wing**- Awaiting site plan

5. Comprehensive Plan

- Dashboard for Town Website

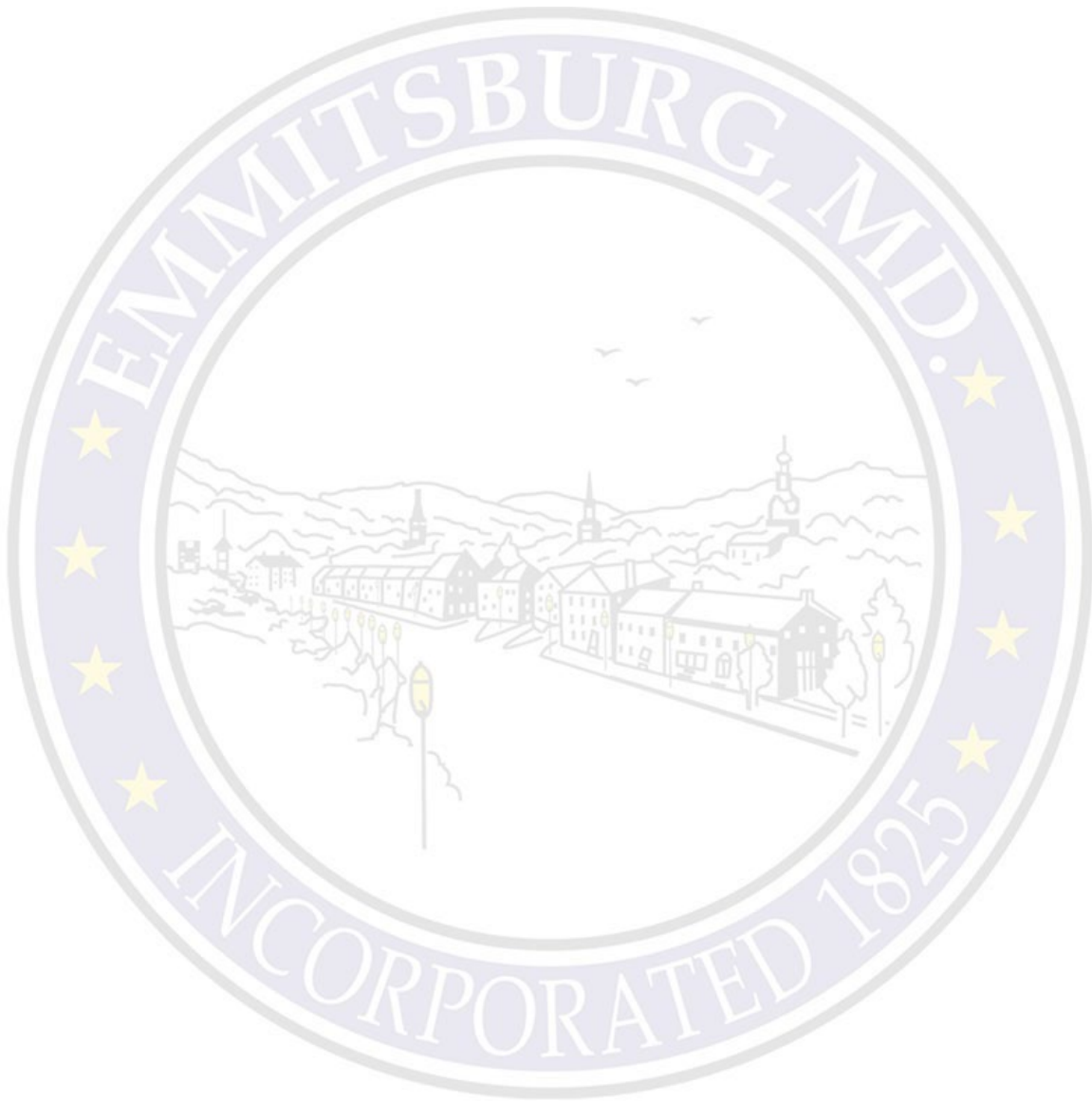


E. COMMISSIONERS COMMENTS

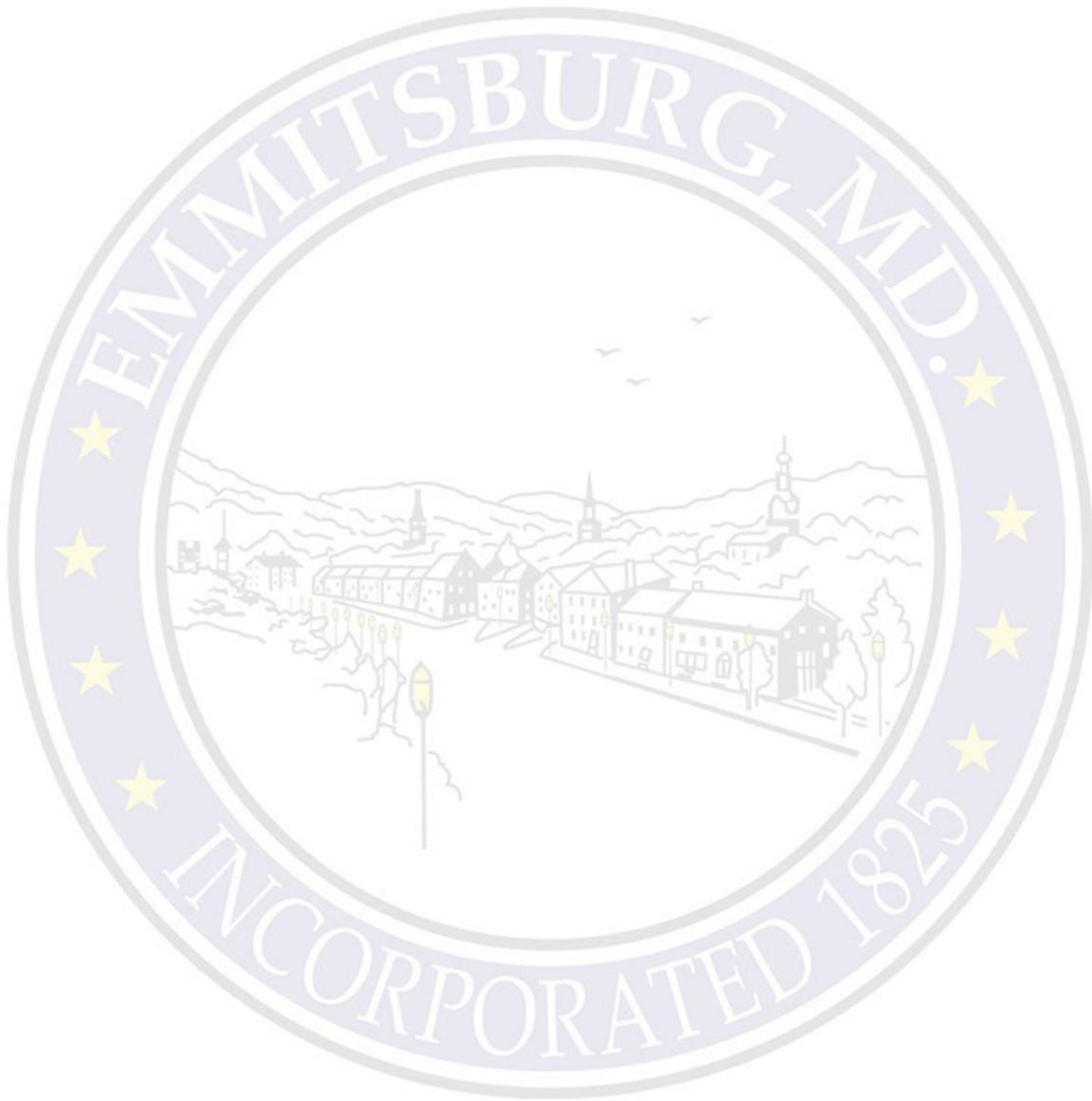


F. MAYORS COMMENTS

Presentation at the meeting.



G. PUBLIC COMMENTS



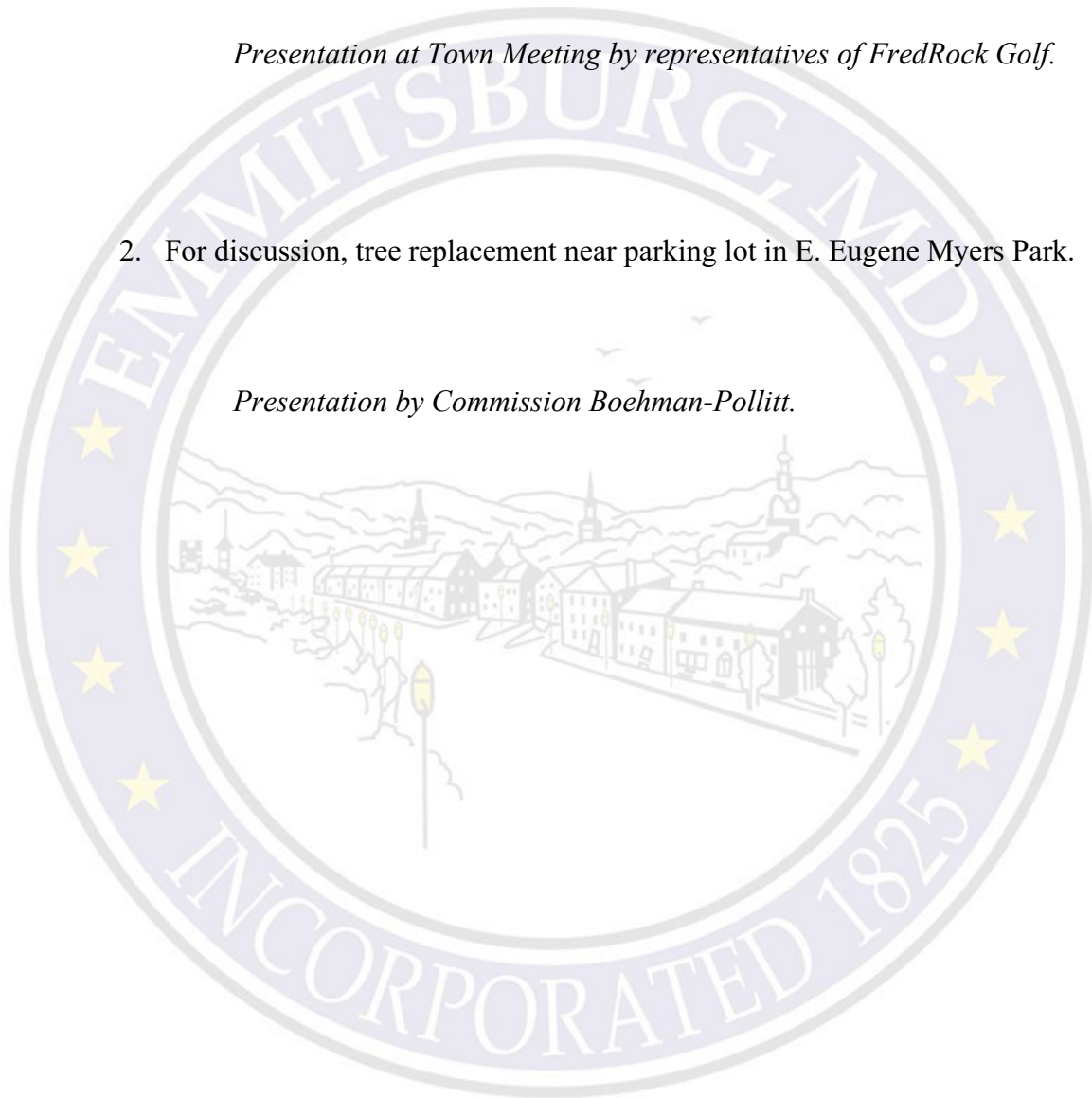
H. ADMINSTRATIVE BUSINESS

1. For consideration, FredRock Golf request for a location to place a storage shed in E. Eugene Myers Community Park.

Presentation at Town Meeting by representatives of FredRock Golf.

2. For discussion, tree replacement near parking lot in E. Eugene Myers Park.

Presentation by Commission Boehman-Pollitt.



I. CONSENT AGENDA (NONE)

J. TREASURER'S REPORT

**TOWN OF EMMITSBURG
 CASH ACTIVITY AS OF APRIL 25, 2023**

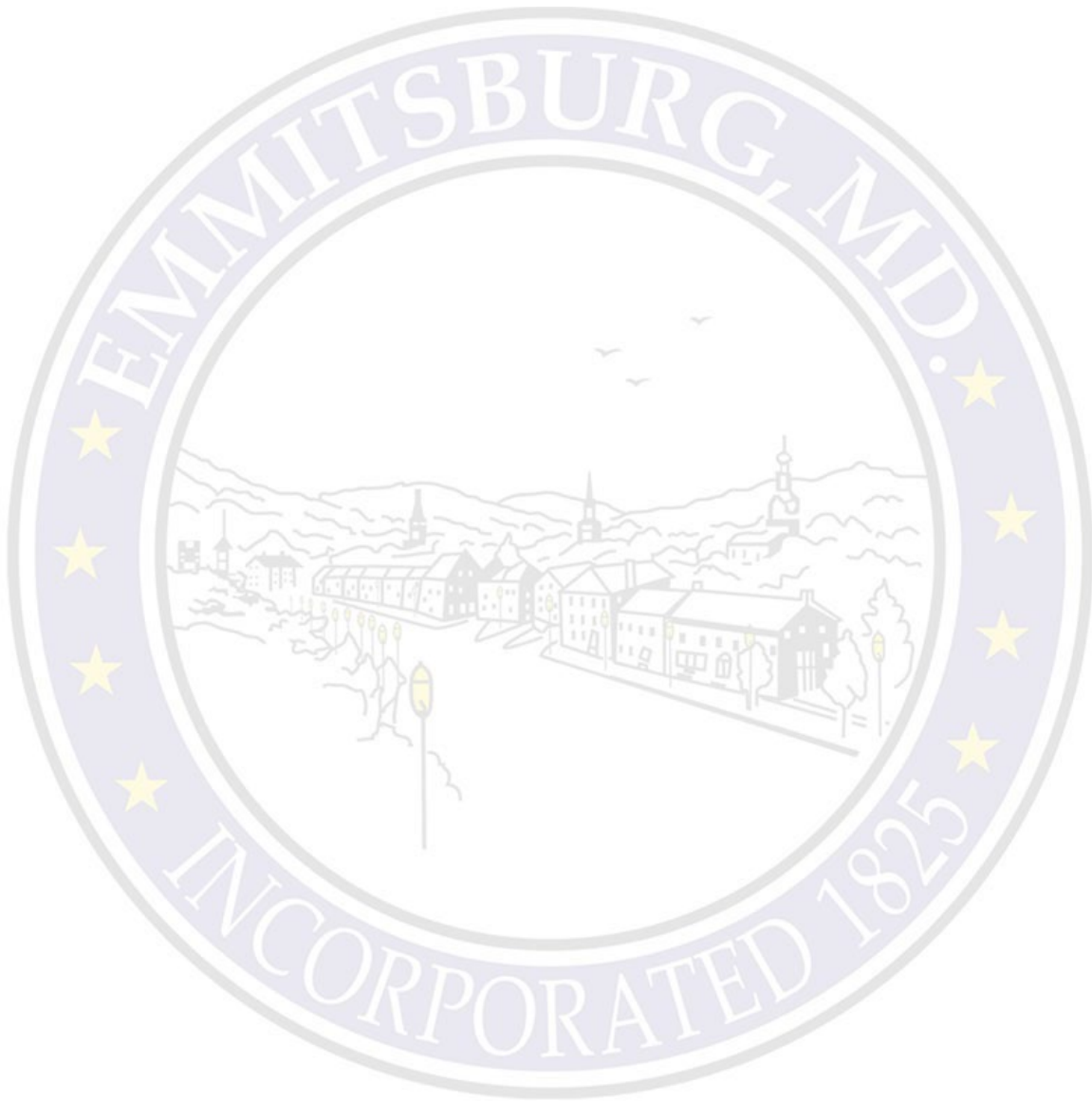
\$8,685,739 **Cash Balance April 1, 2023**

325,969	Deposits
<u>-335,312</u>	Withdrawals
\$8,676,396	Operating Balance Forward

Check Amount	Vendor Name	Description	Check Date	Check Number
\$67,868	Treasurer of Frederick County	3Q FY23 Law Enforcement Service	04.12.23	44914
\$31,533	Frederick Beans Ford	Work Truck- USDA Grant	04.12.23	44928
\$31,472	Stephenson Equipment	Truck Upfit- Grant #22-1	03.29.23	44871
\$24,331	Comptroller of Maryland	3Q FY23 Bay Restoration Fee	04.05.23	44890
\$22,472	MD Dept of Budget & Mgmt	Mar 23 Health Insurance	03.29.23	44861
\$17,362	All Traffic Solution	Business District Safety- Grant #23-12	04.19.23	44931
\$13,728	Univar Pools Inc.	Chemicals	04.12.23	44924
\$11,308	RSV Pools	May 23 Pool Management	04.05.23	44898
\$10,172	Chesapeake Employers Insurance	CY22 Workman's Comp Audit	04.19.23	44935
\$10,047	Capital Electric	Poles & Fixtures	04.05.23	44879

K. PLANNING COMMISISON REPORT

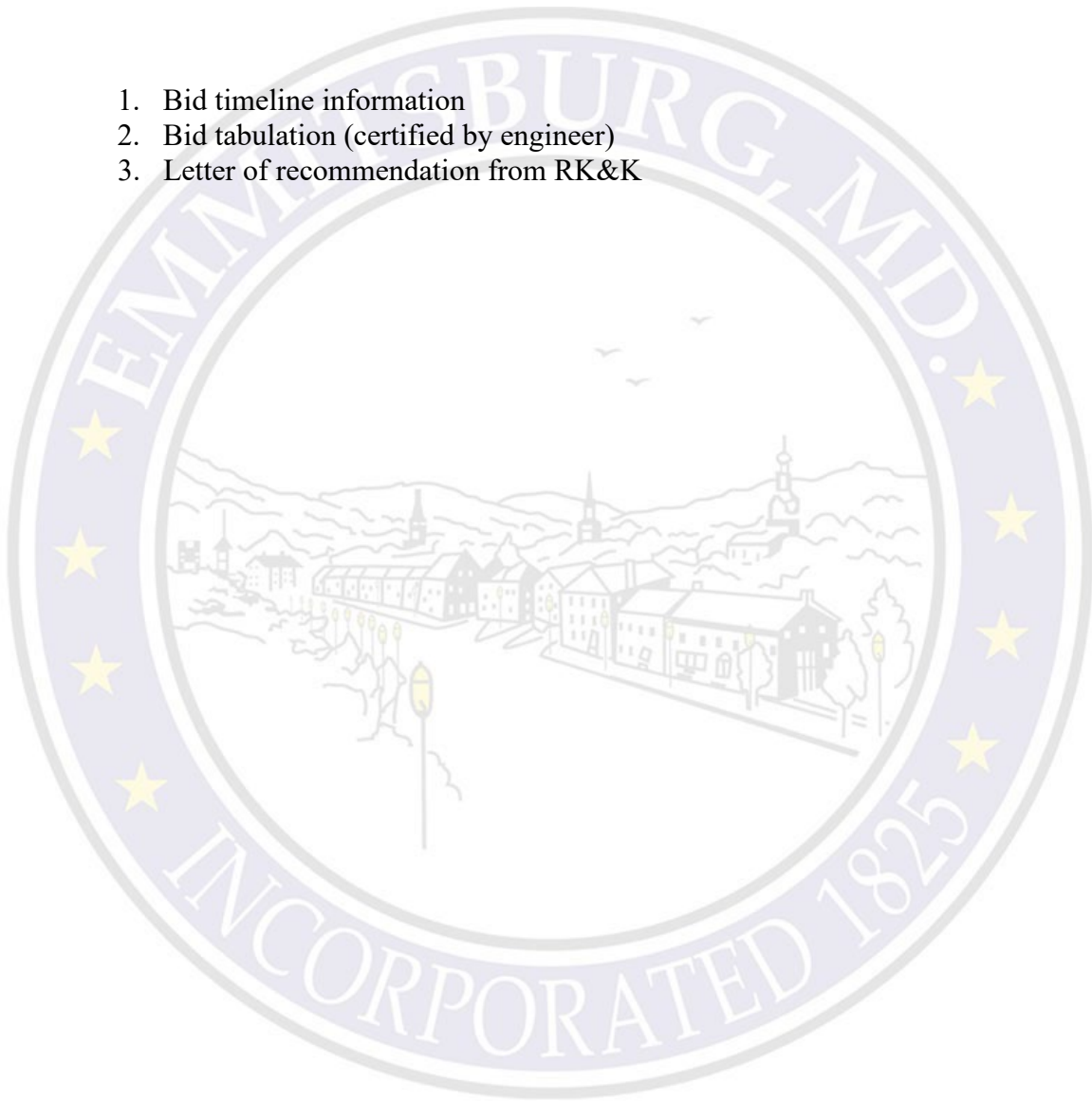
Presentation at the meeting by Town Staff.



L. AGENDA ITEMS

AGENDA ITEM #1: For consideration, approval of bid to construct the Creamery Road Pump Station.

1. Bid timeline information
2. Bid tabulation (certified by engineer)
3. Letter of recommendation from RK&K



TIMELINE – CREAMERY ROAD PUMP STATION CONSTRUCTION:

RFP published by Town	Thurs. Feb. 2, 2023
Pre-bid meeting (optional)	Thurs. Feb. 16, 2023 at 10:00 a.m.
DEADLINE, bids due	Wed. March 22, 2023 at 4:00 p.m.
Bids opened publicly	Thurs. March 23, 2023 at 11:00 a.m.

RFP ADVERTISEMENT:

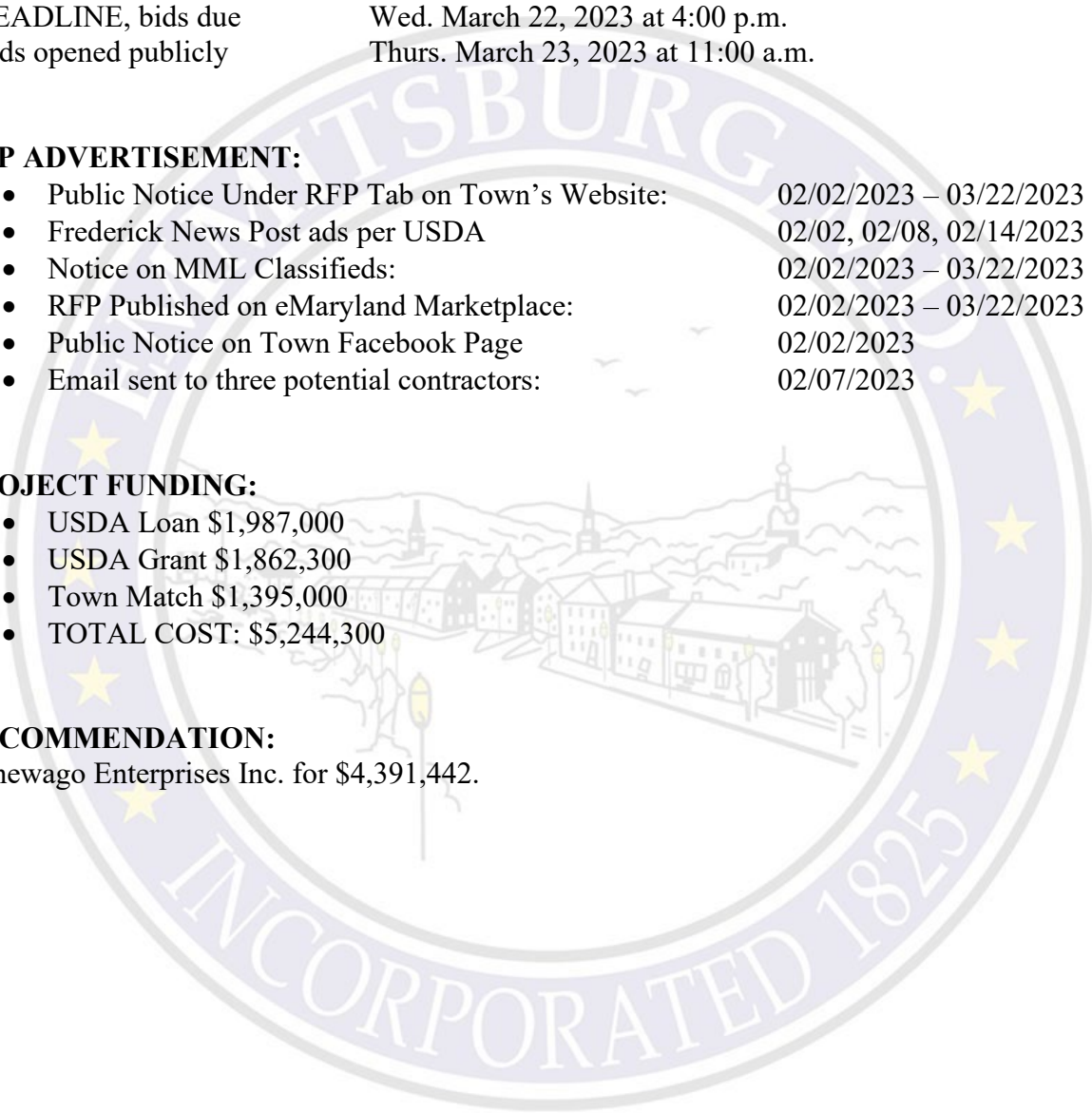
- Public Notice Under RFP Tab on Town’s Website: 02/02/2023 – 03/22/2023
- Frederick News Post ads per USDA 02/02, 02/08, 02/14/2023
- Notice on MML Classifieds: 02/02/2023 – 03/22/2023
- RFP Published on eMaryland Marketplace: 02/02/2023 – 03/22/2023
- Public Notice on Town Facebook Page 02/02/2023
- Email sent to three potential contractors: 02/07/2023

PROJECT FUNDING:

- USDA Loan \$1,987,000
- USDA Grant \$1,862,300
- Town Match \$1,395,000
- TOTAL COST: \$5,244,300

RECOMMENDATION:

Conewago Enterprises Inc. for \$4,391,442.



**Creamery Road Sewer Pump Station Replacement Project
 Official Bid Tabulation Sheet**

Due: 03/22/2023 by 4:00 P.M.

Opened On: 03/23/2023 at 11:00 A.M.

Public bid opening in-person & via zoom

Opened By (initial):

Cathy Willets: *CW* Jared Brantner: *[Signature]* Wayne Sharrer: *W/S*
 Madeline Shaw: *MS* Jeff Grow (RK&K): *JG* Jimmy Click: Not Present
 Mayor Don Briggs: *[Signature]*

Company:	Price:	Notes:
Johnston Construction Company	\$4,666,377	
Conewago Enterprises, Inc.	\$4,391,422	✓ Apparent low bidder
HRI, Inc.	\$5,725,725	
Bright Construction Group	\$4,507,757	
W.F. Delauter and Son	\$4,762,960	

**Creamery Road Sewer Pump Station Replacement
Official Bid Tabulation Sheet Continued**

Company:	Price:	Notes:
M2 Construction	\$4,940,155	
Stacy and Witbeck Inc	\$6,185,004	

Winning bidder: _____

Date approved by Board of Commissioners: _____



April 5, 2023



3501 Concord Road, Suite 130 | York, PA 17402 | P 717.600.2220 | www.rkk.com

April 5, 2023

Ms. Cathy Willets
Town Manager
300A South Seton Avenue
Emmitsburg, MD 21727

Reference: **New Creamery Road Sewage Pump Station
Contract #001**

Subject: **Recommendation to Award**

Ms. Willets:

Bids were publicly opened and read aloud for the New Creamery Road Sewage Pump Station at 11:00 AM EST on March 23, 2023. Based upon these bids, Conewago Enterprises, Inc. was the "apparent" low bidder with a lump sum bid of \$4,391,422.00, pending a detailed review. We have completed our review and offer our analysis and recommendation below.

In consideration of their references, integrity, record of past performance, and financial and technical resources, it is our opinion that Conewago Enterprises, Inc. can successfully perform under the terms and conditions of the proposed contract and is a responsible bidder. Based upon our review of the bid form and documents submitted with and made a condition of the bid, Conewago Enterprises, Inc. has met the requirements of the Instructions to Bidders and has provided a responsive bid.

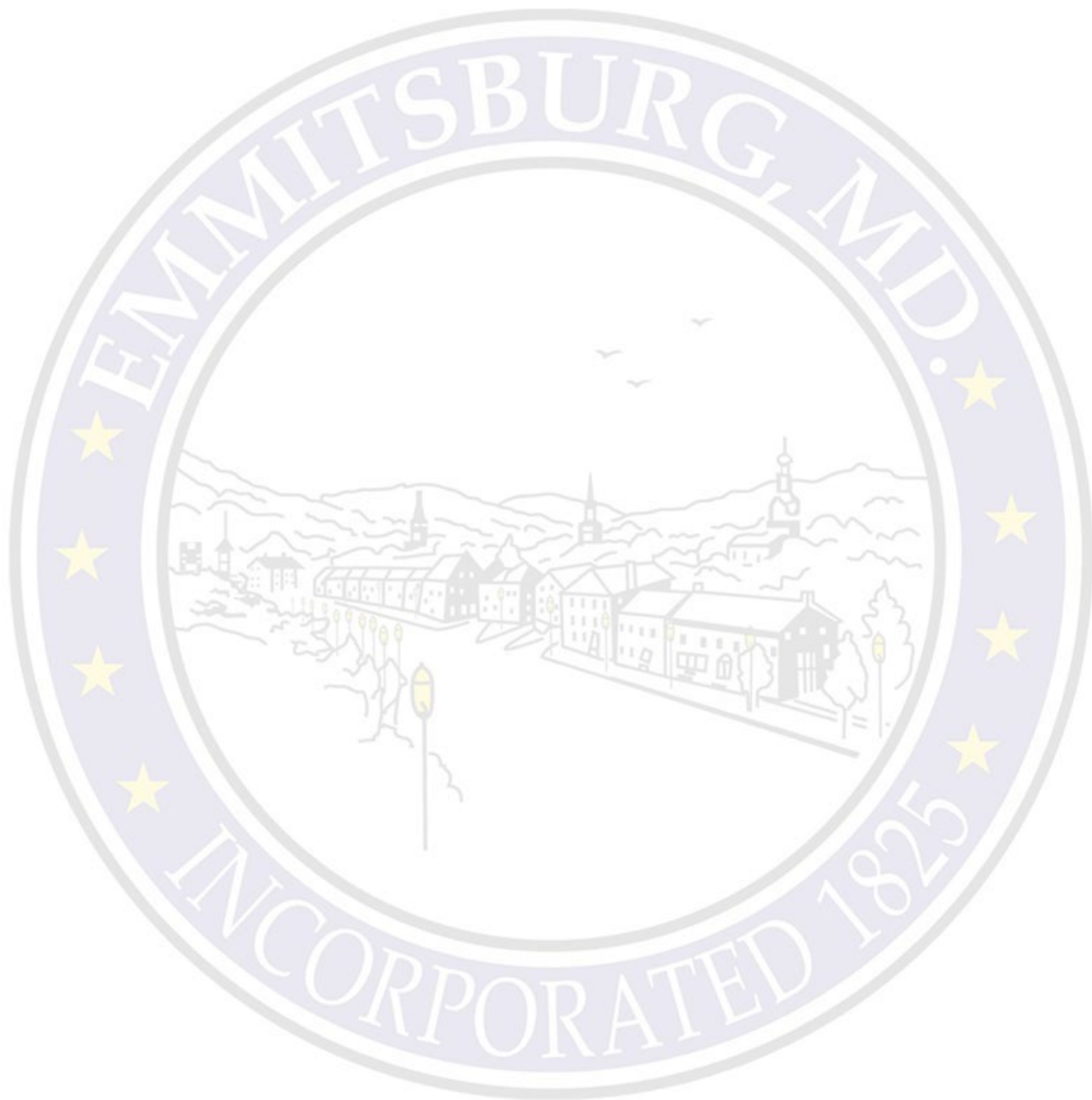
In summary, it is our recommendation to award to the "apparent" low bidder since they are a responsible bidder that submitted a responsive bid. Therefore, we recommend award to Conewago Enterprises, Inc. If you have any questions or need additional information, please do not hesitate to contact me by telephone at 717.840.3629 or jgrow@rkk.com.

Very truly yours,
RUMMEL, KLEPPER & KAHL, LLP

Jeffrey S. Grow, PE, CCM, ENV SP
Project Manager

Encl.
cc: File 19082

AGENDA ITEM #2: For consideration, approval of engineering change order amendment #4 with RK&K for the Creamery Road Pump Station.



This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [April 11, 2019].

AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 4

The Effective Date of this Amendment is: May 1, 2023

Background Data

Effective Date of Owner-Engineer Agreement: April 11, 2019

Owner: Town of Emmitsburg

Engineer: Rummel, Klepper and Kahl, LLP (RK&K)

Project: Creamery Road Pump Station Replacement

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Here describe the modifications, in as much specificity and detail as needed. Use an attachment if necessary.

Agreement Summary:

Additional \$251,660.75 needed for full time construction inspection services by Resident Project Representative. Originally only a part-time RPR (one 8-hour work day, per week for 6 months) was included for \$17,680. See RK&K cost proposal Exhibit A.

Additional \$15,398 needed to cover additional engineering construction administration and post-construction support for the new 450 day construction period (construction was initially estimated for 360 days). See RK&K cost proposal Exhibit B.

Original agreement amount:	\$ 189,100.00
Net change for prior amendments:	\$ 53,823.00
This amendment amount:	\$ 267,058.75
Adjusted Agreement amount:	\$ 509,981.75

Change in time for services (days or date, as applicable): 450 days total construction

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Town of Emmitsburg

By: _____
Print
name: Donald N. Briggs

Title: Mayor

Date Signed: _____

ENGINEER:

Rummel, Klepper and Kahl, LLP (RK&K)

By: _____
Print
name: Robert A. Linthicum

Title: Director

Date Signed: _____

ATTEST:

By: _____
Cathy Willets, Town Manager

Reviewed for Technical Sufficiency:

By: _____
Cathy Willets, Town Manager

Reviewed for Legal Sufficiency:

By: _____
Leslie A. Powell, Town Counsel

Reviewed for Financial Sufficiency:

By: _____
Sabrina King, Town Clerk



Creamery Road SPS - RPR

Fee Amendment #4
Exhibit A

RK&K Cost Proposal

Fixed Billable Rates

Resident Project Representative	2,572.00	Hours	@	\$90.00/HR	=	\$231,480.00
RPR OT (Premium Only)	206.00	Hours	@	\$45.00/HR	=	\$9,270.00
Mileage	43,650.00	Miles	@	0.655	=	\$28,590.75
				Subtotal Cost =		\$269,340.75

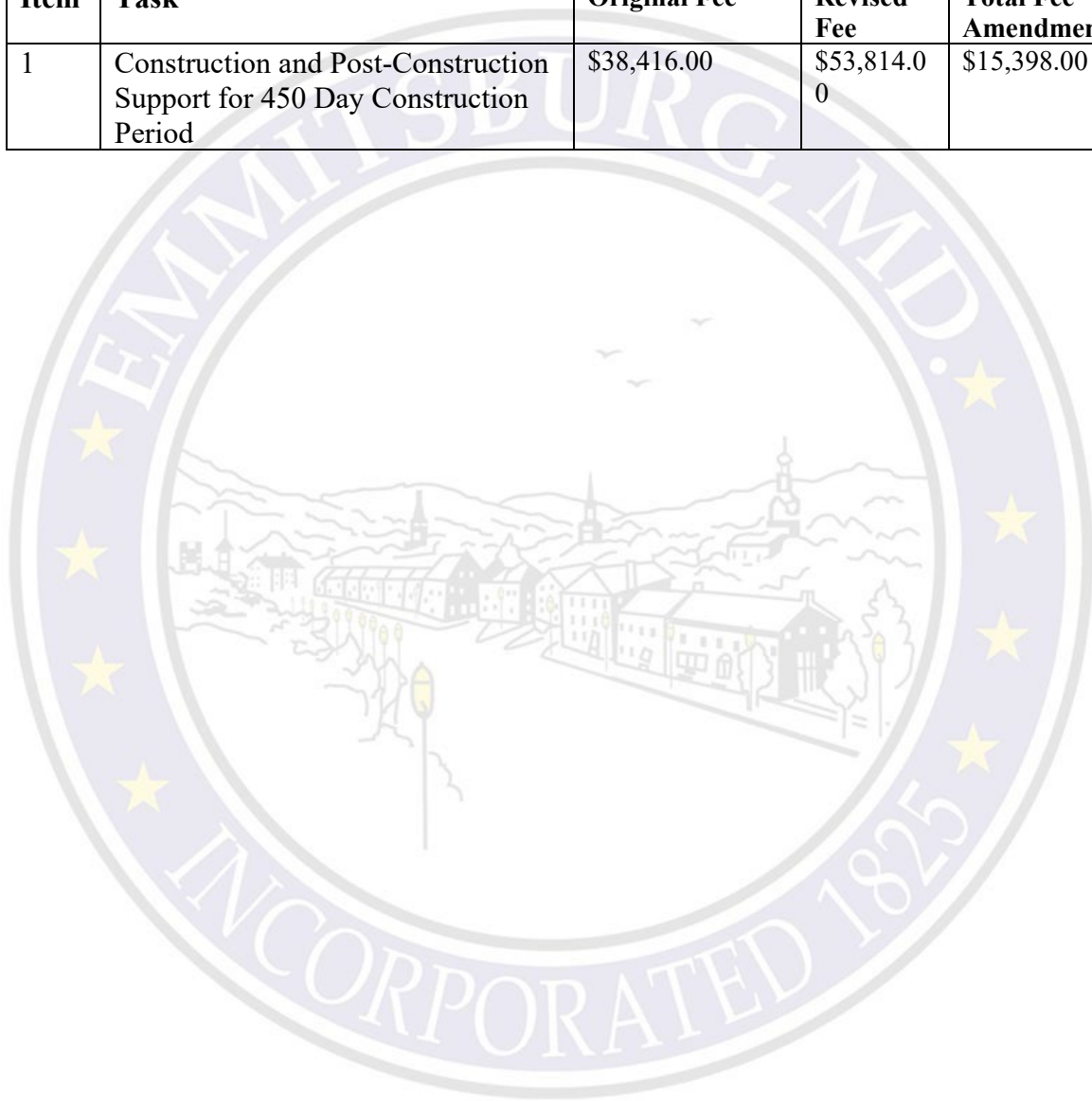
Credit Original Agreement (RPR) (One 8-hour workday per week over 6 months) = \$17,680

TOTAL COST = \$251,660.75



Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Additional Fee Amendment for 450 Day Construction Period (Original was 360 Day) at REV Rates
January 6, 2023

Item	Task	Original Fee	Revised Fee	Total Fee Amendment
1	Construction and Post-Construction Support for 450 Day Construction Period	\$38,416.00	\$53,814.00	\$15,398.00



Fee Amendment #4
Exhibit B

PROFESSIONAL ENGINEERING SERVICES

Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Original Fee for 360 Day Construction Period and Post-Construction
January 6, 2023

<u>Construction Support</u>				
Project Manager	8 hrs @	\$261.00	=	\$2,088
QA/QC Reviewer	0 hrs @	\$203.00	=	\$0
Pump Station Engineer	90 hrs @	\$156.00	=	\$14,040
Civil/Site Engineer	8 hrs @	\$147.00	=	\$1,176
Surveyor	0 hrs @	\$123.00	=	\$0
Electrical/I&C Engineer	52 hrs @	\$184.00	=	\$9,568
Structural Engineer	8 hrs @	\$173.00	=	\$1,384
Geotech Engineer	0 hrs @	\$140.00	=	\$0
Environmental Scientist	0 hrs @	\$130.00	=	\$0
CADD Designer	10 hrs @	\$101.00	=	\$1,010
Construction Manager	52 hrs @	\$135.00	=	\$7,020
Task Subtotal (360 days)	228			\$36,286

<u>Post-Construction Phase</u>				
Project Manager	1 hrs @	\$261.00	=	\$261
QA/QC Reviewer	0 hrs @	\$203.00	=	\$0
Pump Station Engineer	4 hrs @	\$156.00	=	\$624
Civil/Site Engineer	0 hrs @	\$147.00	=	\$0
Surveyor	0 hrs @	\$123.00	=	\$0
Electrical/I&C Engineer	1 hrs @	\$184.00	=	\$184
Structural Engineer	0 hrs @	\$173.00	=	\$0
Geotech Engineer	0 hrs @	\$140.00	=	\$0
Environmental Scientist	0 hrs @	\$130.00	=	\$0
CADD Designer	10.5 hrs @	\$101.00	=	\$1,061
Construction Manager	0 hrs @	\$135.00	=	\$0
Task Subtotal	16.5			\$2,130

Total Construction & Post-Construction Support \$38,416.00



PROFESSIONAL ENGINEERING SERVICES

Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Fee for 450 Day Construction Period and Post-Construction at Updated Rates
January 6, 2023

<u>Construction Support</u>	Increase Hours by 450/360 Ratio	Increase Rates		
Project Manager	10 hrs @	\$295.00	=	\$2,950
QA/QC Reviewer	0 hrs @	\$230.00	=	\$0
Pump Station Engineer	112.5 hrs @	\$177.00	=	\$19,913
Civil/Site Engineer	10 hrs @	\$167.00	=	\$1,670
Surveyor	0 hrs @	\$140.00	=	\$0
Electrical/I&C Engineer	65 hrs @	\$208.00	=	\$13,520
Structural Engineer	10 hrs @	\$196.00	=	\$1,960
Geotech Engineer	0 hrs @	\$159.00	=	\$0
Environmental Scientist	0 hrs @	\$147.00	=	\$0
CADD Designer	12.5 hrs @	\$115.00	=	\$1,438
Construction Manager	65 hrs @	\$153.00	=	\$9,945
Task Subtotal (360 days)	285			\$51,395

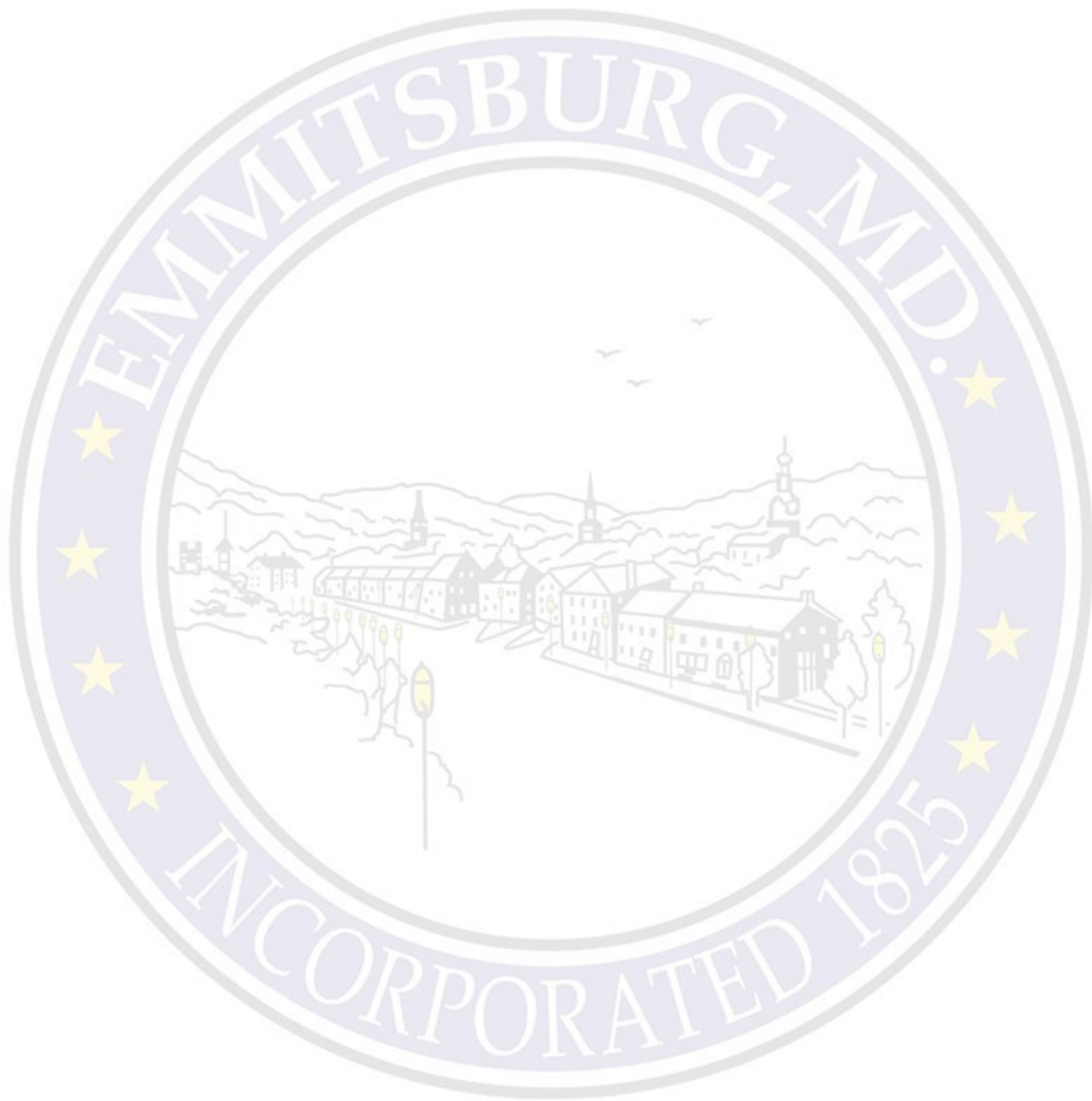
<u>Post-Construction Phase</u>	No Change to Hours	Increase Rates		
Project Manager	1 hrs @	\$295.00	=	\$295
QA/QC Reviewer	0 hrs @	\$230.00	=	\$0
Pump Station Engineer	4 hrs @	\$177.00	=	\$708
Civil/Site Engineer	0 hrs @	\$167.00	=	\$0
Surveyor	0 hrs @	\$140.00	=	\$0
Electrical/I&C Engineer	1 hrs @	\$208.00	=	\$208
Structural Engineer	0 hrs @	\$196.00	=	\$0
Geotech Engineer	0 hrs @	\$159.00	=	\$0
Environmental Scientist	0 hrs @	\$147.00	=	\$0
CADD Designer	10.5 hrs @	\$115.00	=	\$1,208
Construction Manager	0 hrs @	\$153.00	=	\$0
Task Subtotal	16.5			\$2,419

Total Construction & Post-Construction Support \$53,814.00



Fee Amendment #4
Exhibit B

AGENDA ITEM #3: For consideration, approval of engineering change order amendment #5 with RK&K for the Creamery Road Pump Station.



This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [April 11, 2019].

**AMENDMENT TO OWNER-ENGINEER
AGREEMENT Amendment No. 5**

The Effective Date of this Amendment is: May 1, 2023

Background Data

Effective Date of Owner-Engineer Agreement: April 11, 2019

Owner: Town of Emmitsburg

Engineer: Rummel, Klepper and Kahl, LLP (RK&K)

Project: Creamery Road Pump Station Replacement

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
 - Modifications to responsibilities of Owner
 - Modifications of payment to Engineer
 - Modifications to time(s) for rendering services
 - Modifications to other terms and conditions of the Agreement

Description of Modifications:

Here describe the modifications, in as much specificity and detail as needed. Use an attachment if necessary. Additional \$13,704 needed for engineer construction and post construction support for BABA (Build America, Buy America) requirements. See Exhibit A.

Agreement Summary:

Original agreement amount:	\$ 189,100.00
Net change for prior amendments:	\$ 509,981.75
This amendment amount:	\$ 13,704.00
Adjusted Agreement amount:	\$ 523,685.75

Change in time for services (days or date, as applicable): N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Town of Emmitsburg

By: _____
Print name: Donald N. Briggs

Title: Mayor

Date Signed: _____

ENGINEER:

Rummel, Klepper and Kahl, LLP (RK&K)

By: _____
Print name: Robert A. Linthicum

Title: Director

Date Signed: _____

ATTEST:

By: _____
Cathy Willets, Town Manager

Reviewed for Technical Sufficiency:

By: _____
Cathy Willets, Town Manager

Reviewed for Financial Sufficiency:

By: _____
Sabrina King, Town Clerk

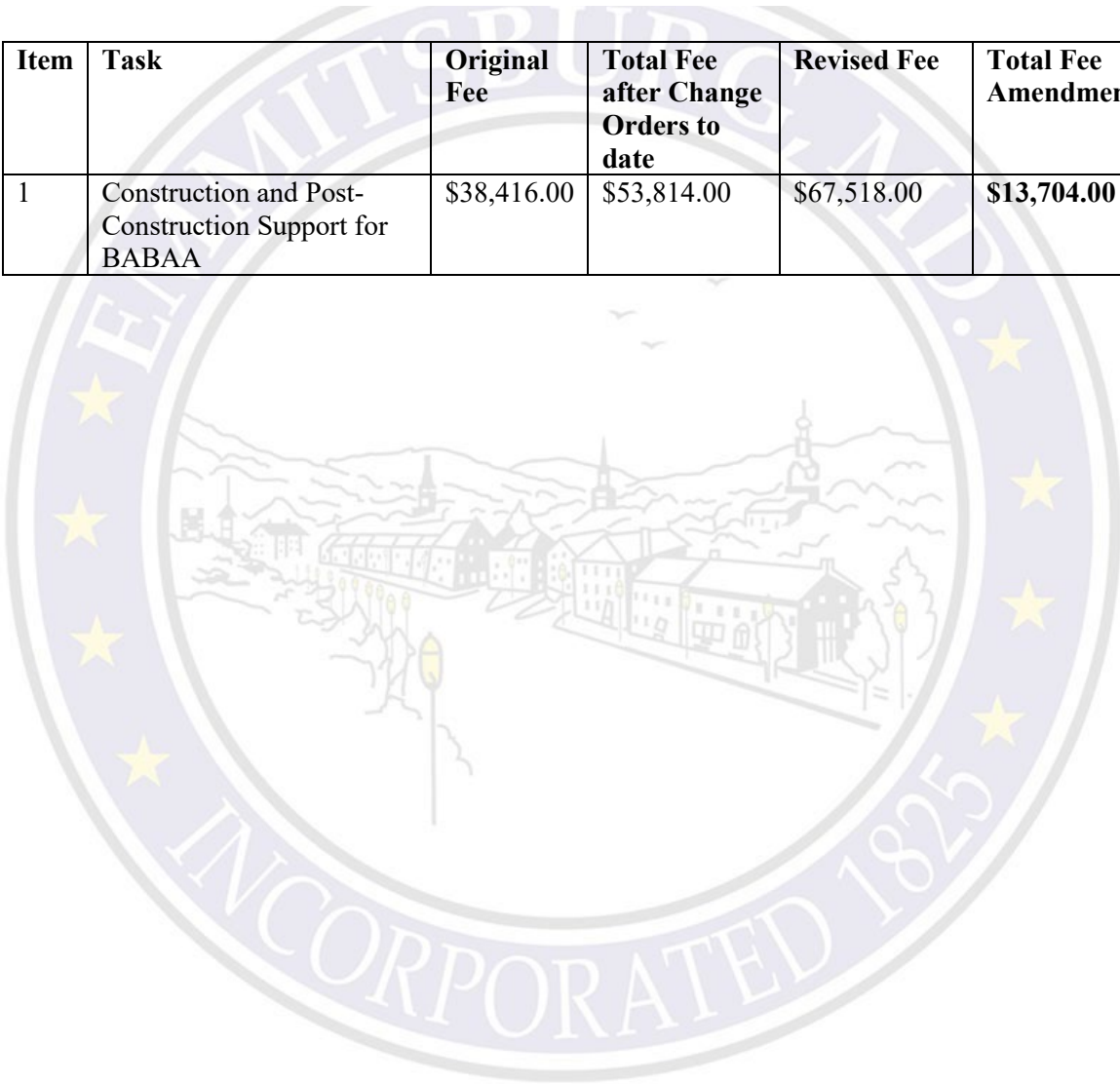
Reviewed for Legal Sufficiency:

By: _____
Leslie A. Powell, Town Counsel

**Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Additional Fee Amendment for BABAA Requirements
March 14, 2023**

**Fee Amendment #5
Exhibit A**

Item	Task	Original Fee	Total Fee after Change Orders to date	Revised Fee	Total Fee Amendment
1	Construction and Post-Construction Support for BABAA	\$38,416.00	\$53,814.00	\$67,518.00	\$13,704.00



Fee Amendment #5
Exhibit A

PROFESSIONAL ENGINEERING SERVICES

Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Fee for 450 Day Construction Period and Post-Construction
February 6, 2023

Construction Support				
Project Manager	10	hrs @	\$295.00	= \$2,950
QA/QC Reviewer	0	hrs @	\$230.00	= \$0
Pump Station Engineer	112.5	hrs @	\$177.00	= \$19,913
Civil/Site Engineer	10	hrs @	\$167.00	= \$1,670
Surveyor	0	hrs @	\$140.00	= \$0
Electrical/I&C Engineer	65	hrs @	\$208.00	= \$13,520
Structural Engineer	10	hrs @	\$196.00	= \$1,960
Geotech Engineer	0	hrs @	\$159.00	= \$0
Environmental Scientist	0	hrs @	\$147.00	= \$0
CADD Designer	12.5	hrs @	\$115.00	= \$1,438
Construction Manager	65	hrs @	\$153.00	= \$9,945
Task Subtotal (450 days)	285			\$51,395

Post-Construction Phase				
Project Manager	1	hrs @	\$295.00	= \$295
QA/QC Reviewer	0	hrs @	\$230.00	= \$0
Pump Station Engineer	4	hrs @	\$177.00	= \$708
Civil/Site Engineer	0	hrs @	\$167.00	= \$0
Surveyor	0	hrs @	\$140.00	= \$0
Electrical/I&C Engineer	1	hrs @	\$208.00	= \$208
Structural Engineer	0	hrs @	\$196.00	= \$0
Geotech Engineer	0	hrs @	\$159.00	= \$0
Environmental Scientist	0	hrs @	\$147.00	= \$0
CADD Designer	10.5	hrs @	\$115.00	= \$1,208
Construction Manager	0	hrs @	\$153.00	= \$0
Task Subtotal	16.5			\$2,419

Total Construction & Post-Construction Support \$53,814.00

PROFESSIONAL ENGINEERING SERVICES

Town of Emmitsburg, Maryland
New Creamery Road Sewage Pump Station
Fee for Additional Review Time during Construction Period and Post-Construction for BABAA
March 14, 2023

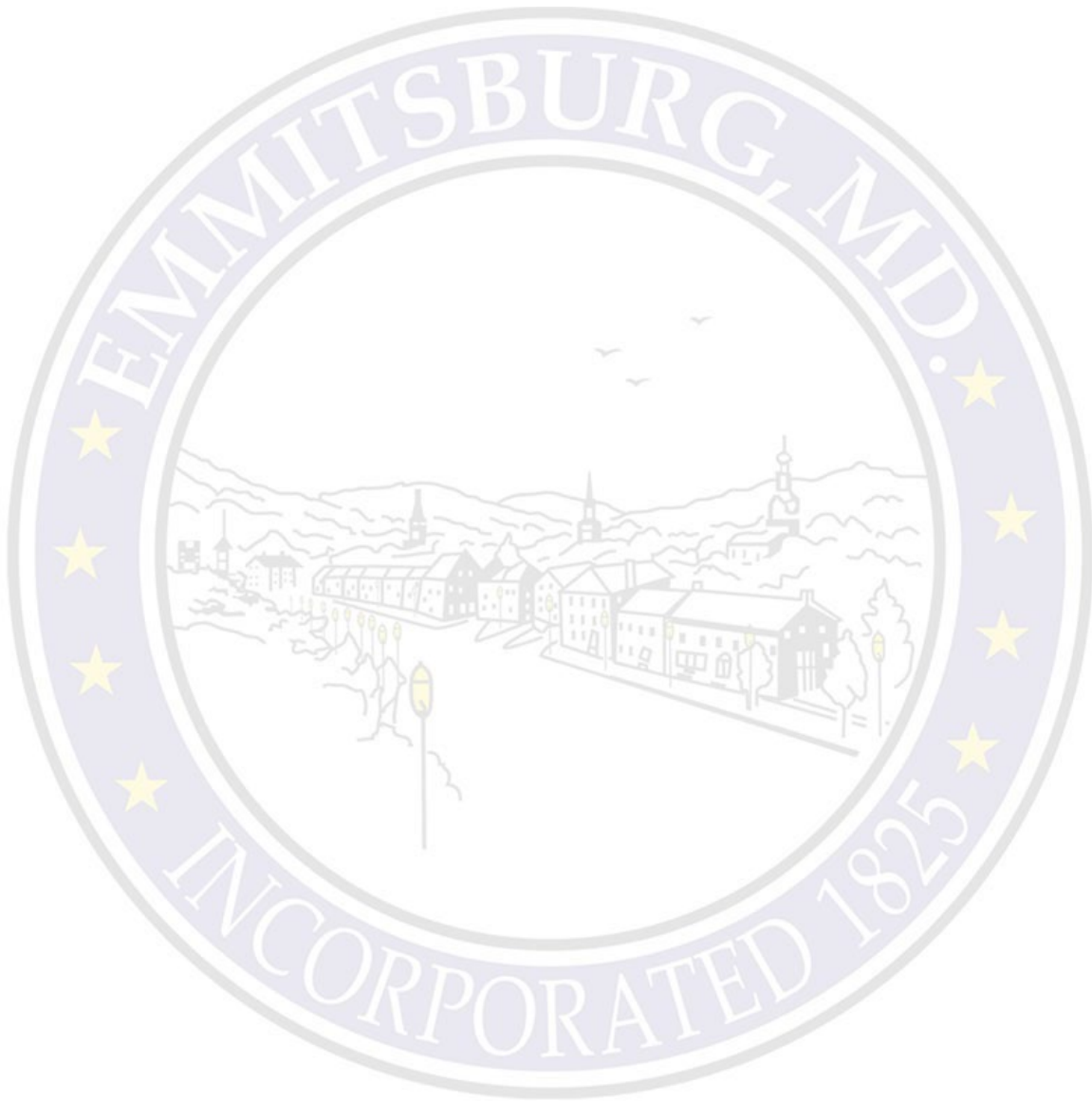
Construction Support	Hours for BABAA	Increase Rates		
Project Manager	3	hrs @	\$295.00	= \$885
QA/QC Reviewer	0	hrs @	\$230.00	= \$0
Pump Station Engineer	29	hrs @	\$177.00	= \$5,133
Civil/Site Engineer	3	hrs @	\$167.00	= \$501
Surveyor	0	hrs @	\$140.00	= \$0
Electrical/I&C Engineer	17	hrs @	\$208.00	= \$3,536
Structural Engineer	3	hrs @	\$196.00	= \$588
Geotech Engineer	0	hrs @	\$159.00	= \$0
Environmental Scientist	0	hrs @	\$147.00	= \$0
CADD Designer	4	hrs @	\$115.00	= \$460
Construction Manager	17	hrs @	\$153.00	= \$2,601
Task Subtotal (450 days)	76			\$13,704

Post-Construction Phase	Hours for BABAA	Increase Rates		
Project Manager	0	hrs @	\$295.00	= \$0
QA/QC Reviewer	0	hrs @	\$230.00	= \$0
Pump Station Engineer	0	hrs @	\$177.00	= \$0
Civil/Site Engineer	0	hrs @	\$167.00	= \$0
Surveyor	0	hrs @	\$140.00	= \$0
Electrical/I&C Engineer	0	hrs @	\$208.00	= \$0
Structural Engineer	0	hrs @	\$196.00	= \$0
Geotech Engineer	0	hrs @	\$159.00	= \$0
Environmental Scientist	0	hrs @	\$147.00	= \$0
CADD Designer	0	hrs @	\$115.00	= \$0
Construction Manager	0	hrs @	\$153.00	= \$0
Task Subtotal	0			\$0

Total Construction & Post-Construction Support \$13,704.00

Fee Amendment #5
Exhibit A

AGEND ITEM # 4: For consideration, approval of supplemental Resolution 2023-02R to replace the terms of the Creamery Road Pump Station replacement projects interim financing.



SUPPLEMENTAL RESOLUTION
CREAMERY ROAD PUMP STATION REPLACEMENT PROJECT

WHEREAS, the Board of Commissioners (the “**Board**”) for the Town of Emmitsburg (the “**Town**”) previously adopted Resolution No. 2020-12R on November 2, 2020 (the “**Prior Resolutions**”), which, among other things, authorized and approved the proposal for interim financing from CoBank N.A. (“**CoBank**”), made in connection with the removal and replacement of the exiting Creamery Road Pump Station (the “**Original CoBank Proposal**”);

WHEREAS, since the adoption of the Prior Resolutions, there have been certain changes made to the Original CoBank Proposal;

WHEREAS, the Board desires to take further action to supplement the Prior Resolutions in order to replace the terms of the Original CoBank Proposal with the terms of the CoBank proposal dated as of January 4, 2023, and attached hereto as Exhibit A (the “**New CoBank Proposal**”);

WHEREAS, the financing contemplated by the New CoBank Proposal constitutes the interim financing authorized in Ord. NO: 20-11 adopted by the Board on November 2, 2020; and

WHEREAS, except as expressly set forth herein, all terms used herein and defined in the Prior Resolutions shall have the meanings assigned thereto in the Prior Resolutions.

NOW, THEREFORE, BE IT RESOLVED: That, except as expressly set forth below, the Board hereby confirms the Prior Resolutions in all respects.

FURTHER RESOLVED: That the New CoBank Proposal is hereby approved and authorized in all respects.

FURTHER RESOLVED: That the foregoing Resolutions are intended to supplement the Prior Resolutions, which shall continue to remain in effect, unless otherwise revised herein, except that, to the extent the foregoing Resolutions are inconsistent with the Prior Resolutions, the foregoing Resolutions shall supersede the Prior Resolutions.

FURTHER RESOLVED: That any and all actions previously taken by the Mayor or Town Clerk, respectively, on behalf of the Town, in respect of the transactions and execution of documents contemplated by or relating to the foregoing Resolutions or the Prior Resolutions, are hereby ratified, approved and confirmed in all respects.

[Signatures Appear on Following Page]

RESOLUTION: 2023
RESOLUTION NO. 23 – 02R

PASSED this _____ day of May, 2023 by a vote of:

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy J. Donnell, President

APPROVED

VETOED

this _____ day of May, 2023.

Donald N. Briggs, Mayor

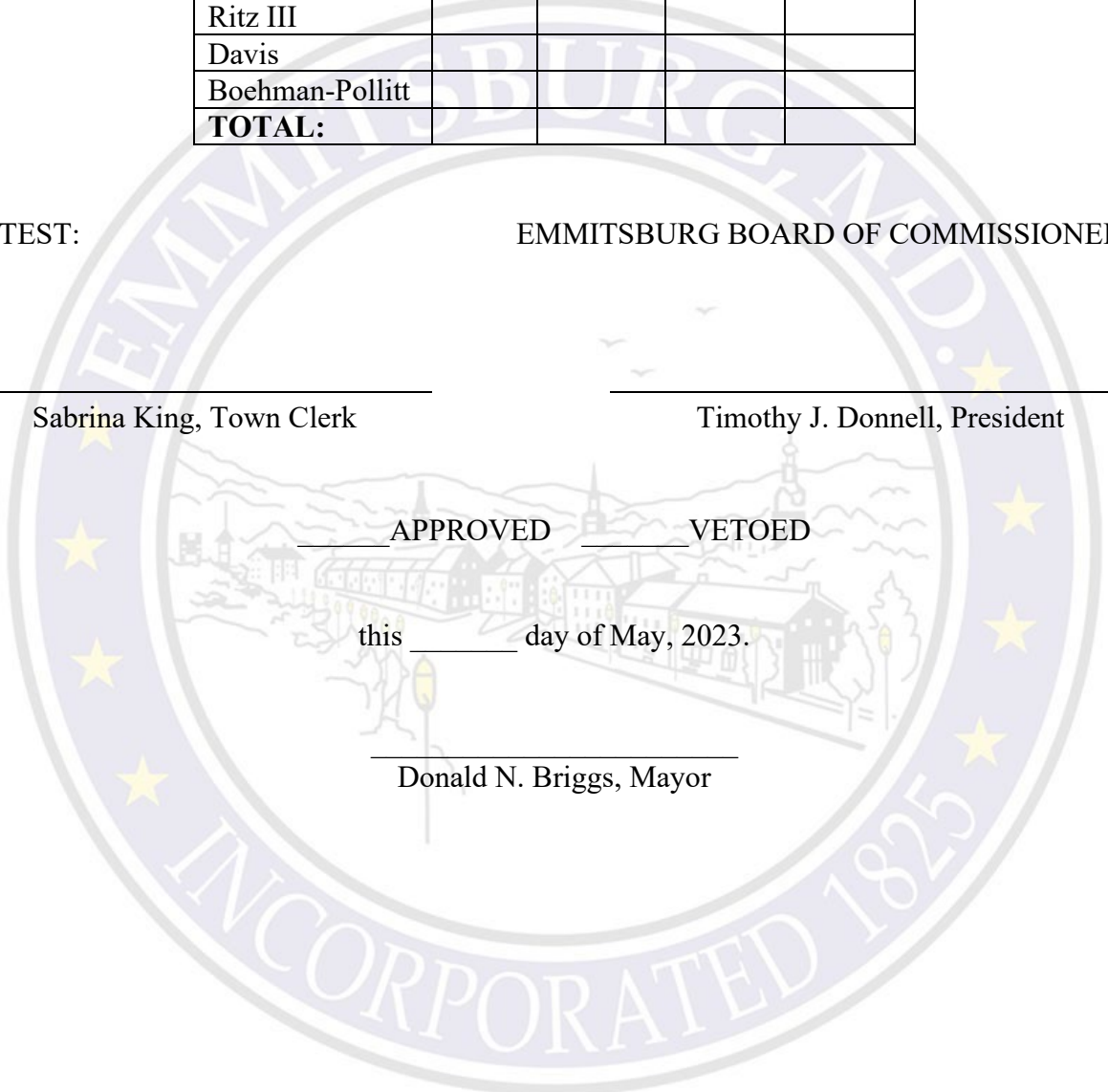


EXHIBIT A
COBANK PROPOSAL



6340 South Fiddlers Green Circle
Greenwood Village, CO 80111
800-542-8072
www.cobank.com

January 4, 2023

TO: Cathy Willets, Town Manager

Subject: CoBank Proposal for USDA Interim Financing

On behalf of CoBank, ACB, I am pleased to present for your review the following Summary of Terms and Conditions. All interest rates quoted in this proposal are provided as indications of current terms.

Borrower	Town of Emmitsburg, MD
Purpose	Interim construction financing for USDA RD project
Amount (est.)	Up to \$1,987,000.00 (RD Direct Loan Amount)
Interest Rate Options*	Tax-exempt Variable Rate: Daily Simple SOFR 5 day lookback plus 1.20% (currently 5.50%)
Term	Up to 36 months after closing with extensions approved if needed
Prepayment	No penalty for prepayment for variable rate
Fees to CoBank	\$3,500 at Closing
Payment Frequency	Monthly interest due on amount advanced during construction by ACH
Repayment	Principal due at maturity or immediately upon receipt of USDA RD direct loan funds
Structure	Multiple advance note backed by General Obligation of the Town Annual Financials due within 180 days of FYE
Legal	Borrower will pay their attorney to provide legal opinion and provide services to issue debt instrument.
Availability	Initial advance requires Interim Lender Letter from USDA RD Each monthly advance requires approval by USDA RD

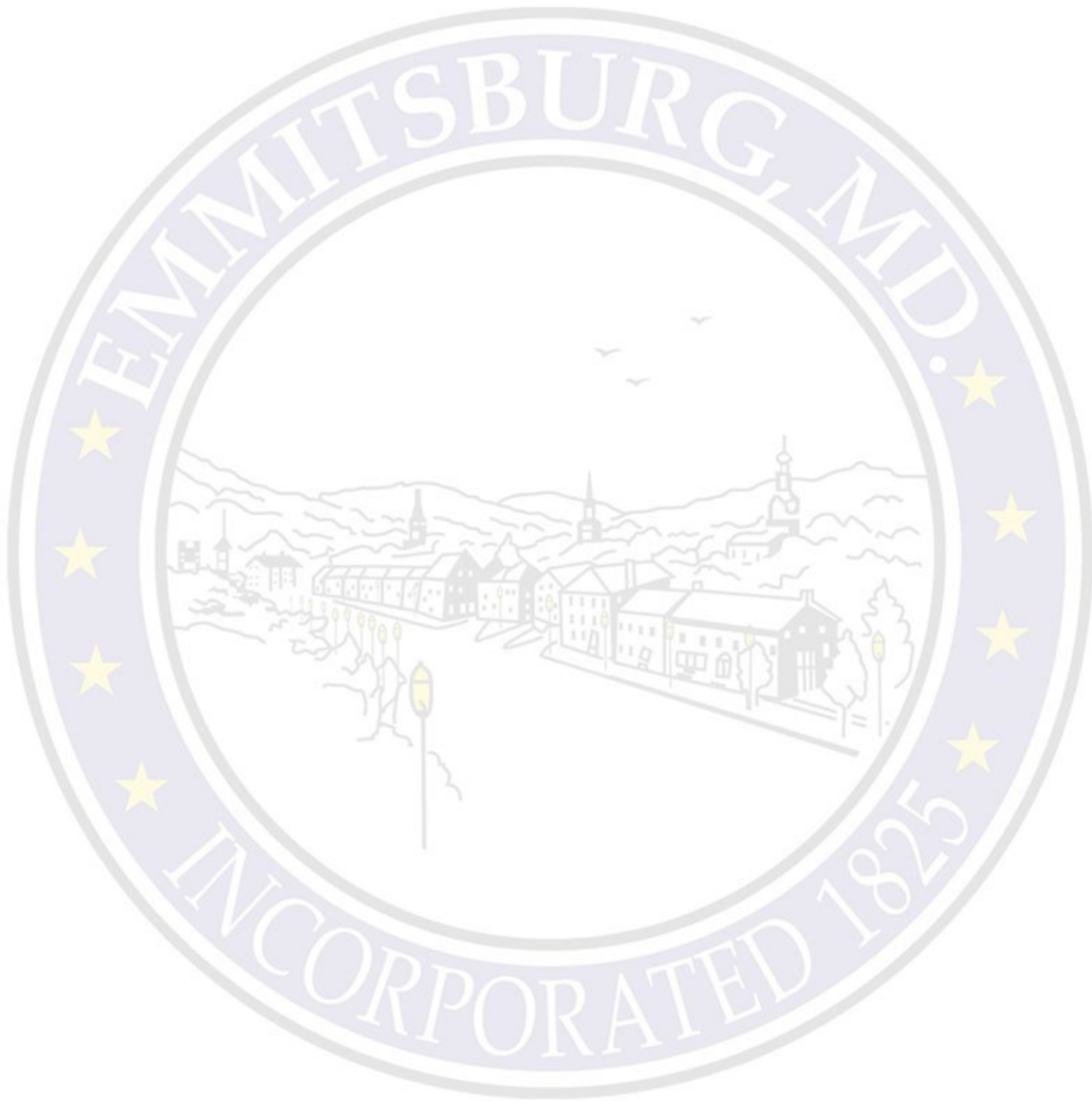
*Interest Rates quoted are subject to interest rate changes that may occur based upon market conditions.

This Non-Binding Summary of Terms and Conditions (this "Summary") is being presented to the Borrower by CoBank, ACB ("CoBank") for information and discussion purposes only. This Summary is neither a commitment nor an offer to extend credit and does not create any obligation on the part of CoBank. This Summary is intended to provide a summary of the primary terms and conditions of the proposed transaction between CoBank and the Borrower; however, this Summary does not contain all of the terms and conditions applicable to a credit facility provided by CoBank and ultimately contained in any loan documentation. CoBank's decision to extend credit to the Company is contingent upon completion to CoBank's satisfaction of all necessary due diligence, receipt of internal credit approvals, and the preparation of final documentation in form and substance satisfactory to CoBank. All figures, terms, and conditions are subject to change at any time. A commitment by CoBank will exist only if definitive loan documents are prepared and executed by CoBank and the Borrower, and not otherwise. This Summary is strictly confidential and may not be released to or discussed with any third party without the prior written consent of CoBank.

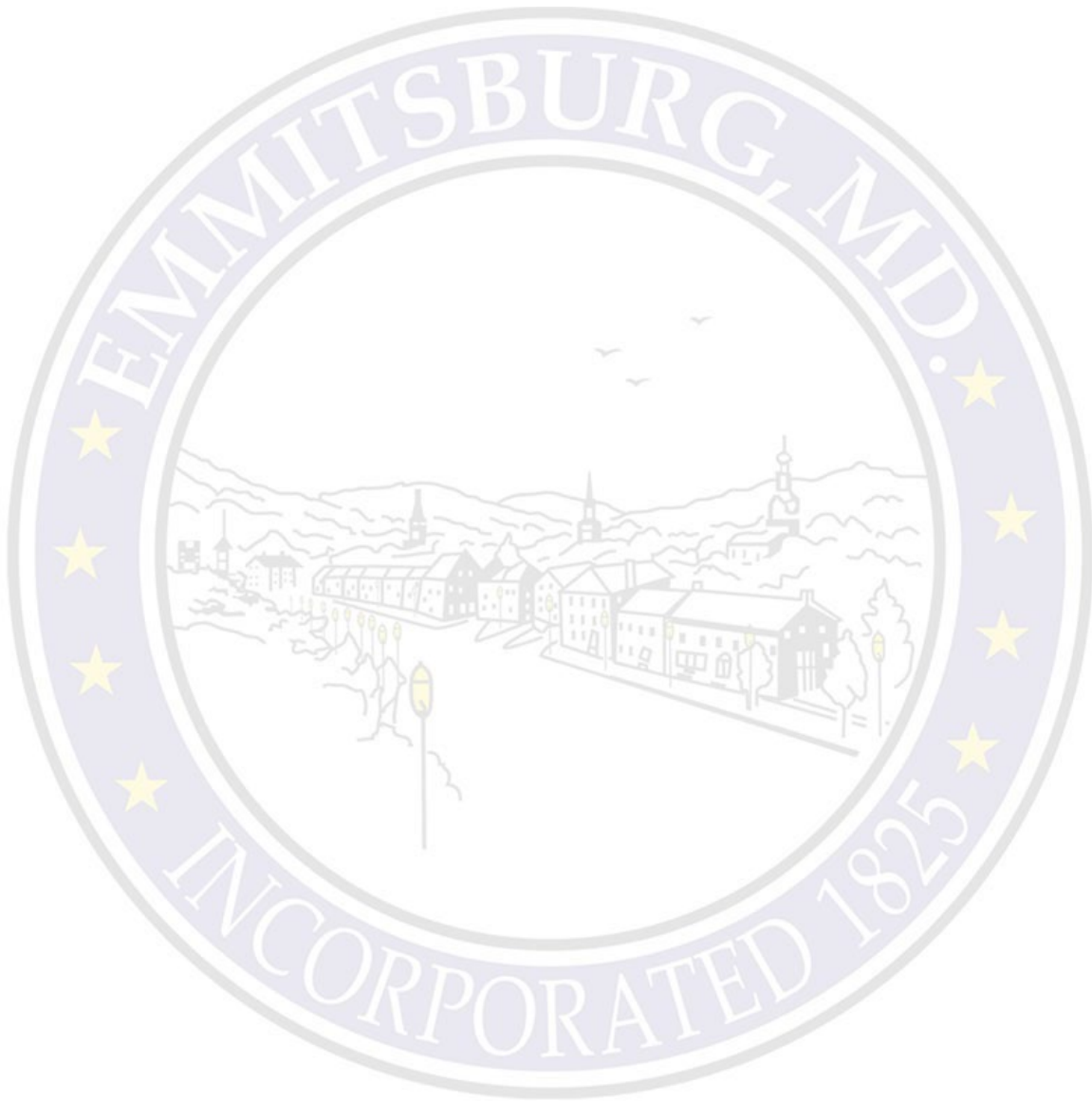
Julia McCusker, Regional Vice President
jmccusker@cobank.com
720-317-5965

AGENDA ITEM #5: Initial presentation of Fiscal Year 2024 budget.

Presentation at Town meeting by Mayor and Town Staff.



AGENDA ITEM #6: For consideration, FY22 budget transfers to the capital projects for consideration.



May 1, 2023
Town of Emmitsburg
Agenda Items

Upon completion of the FY22 audit the Town of Emmitsburg had additional revenues over expenses in the General Fund in the amount of **\$357,977**. These additional funds are now available for allocation within the General & Capital Projects Funds.

FY22 General Fund Excess Transfer to General & Capital Projects Funds

It is recommended by Town Staff that **\$357,977** be transferred to the following General & Capital Fund categories if so approved by the Board of Commissioners;

General Fund

- 10 Legislative – Legal Fees (1-5501-10-999-1).....\$25,000
- 12 Planning – Legal Fees (1-5501-12-999-1).....30,000
- 12 Planning - Contractual (1-5505-12-999-1).....42,000
- 30 Streets – Salaries (1-5001-30-999-1).....25,000

General Fund Total: \$122,000

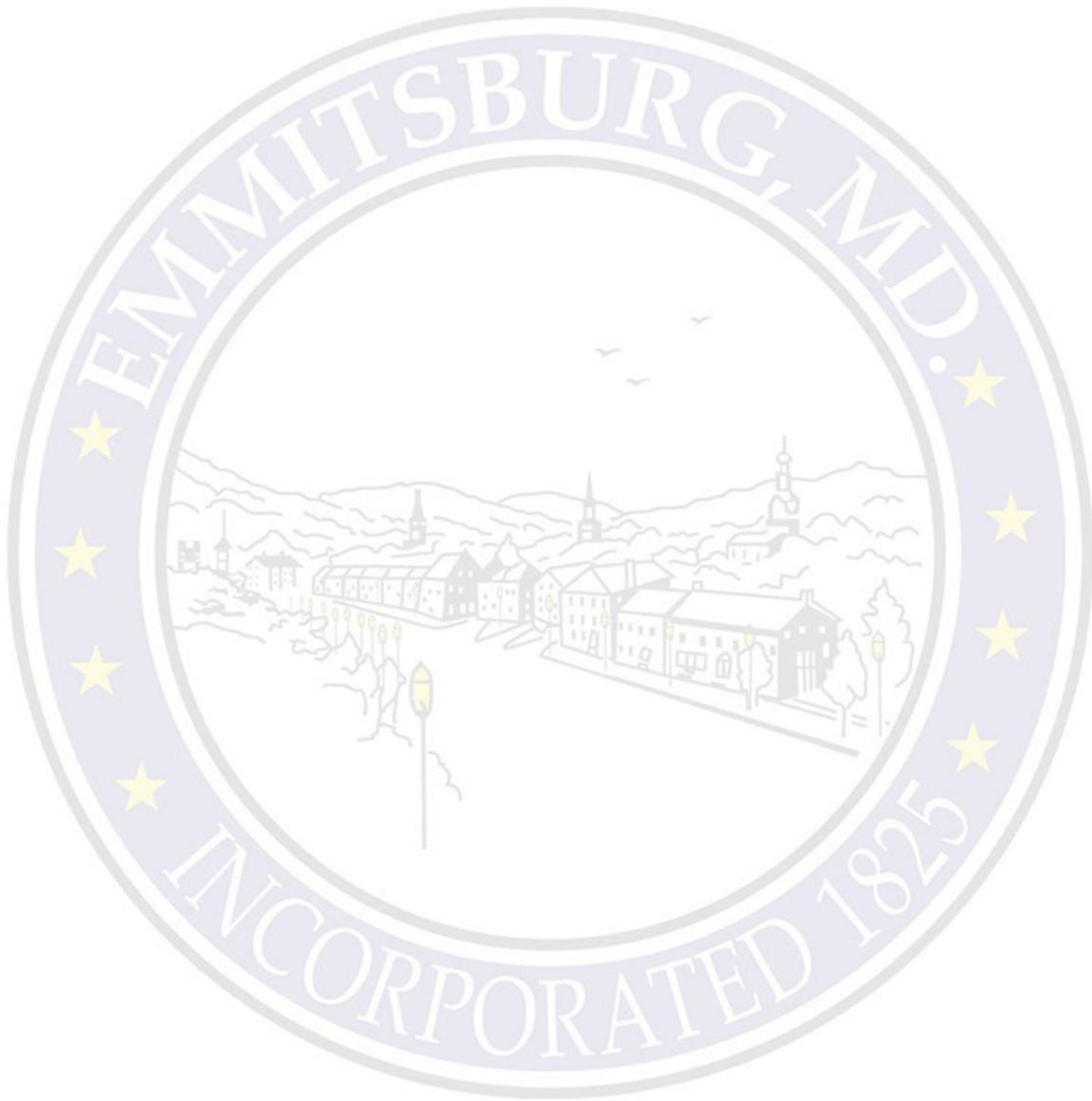
Capital Fund

- 30 Streets – 385 – Curbs, Gutters, Sidewalks, & Roads.....75,000
- 30 Streets – 617 – Streetlights.....72,000
- 60 Parks – 191 – Pool.....5,300
- 60 Parks – 500 – Rainbow Lake.....37,850
- 60 Parks – 870 – CIP Town Reserve – Grant Matches.....24,327
- 60 Parks – 999 – General.....21,500

Capital Fund Total: \$235,977

Grand Total: \$357,977

AGENDA ITEM #7: For consideration, approval of policy P23-01 adding one month and one-year options to the parking permits.



TOWN OF EMMITSBURG
 Parking Permits and Fees

 This Policy will replace previously adopted policy P18 – 03 on parking citations and meter permits.

As of this date and pursuant to Title 10, Section 10.12 entitled Stopping, Standing and Parking, and Section 10.16 entitled Parking Meters of the Emmitsburg Municipal Code, parking violations fines and parking permit fees shall be as follows:

- A. All parking violations will be still fined according to the current fee schedule as previously established in P18-03:

Violation:	Fine:	After 20 Days:
Overtime Parking	\$10.00	\$25.00
Restricted Parking Zone	\$15.00	\$30.00
Parked In Crosswalk	\$25.00	\$35.00
Parked On Sidewalk/Curb	\$25.00	\$35.00
Parked Blocking Driveway	\$25.00	\$35.00
Parked by Fire Hydrant	\$40.00	\$55.00
Parked Blocking Street	\$40.00	\$55.00
Failure To Park Between Lines	\$15.00	\$30.00
Left Side Parking	\$15.00	\$30.00
Snow Emergency Route	\$25.00	\$35.00
Parking for 48 Consecutive Hours	\$15.00	\$30.00

- B. Parking permit and Parking Bag charges will be according to the following fee schedule:

Time Frame:	Cost:
Daily Bag	\$5.00
One (1) Month Permit*	\$20.00
Three (3) Month Permit	[\$60.00] \$57.00
Six (6) Month Permit	[\$115.00] \$108.00
Twelve (12) Month Permit	[\$230.00] \$204.00

THE ONE MONTH PERMIT WILL BE OFFERED AS AUTOMATICALLY RENEWING PARKING PASS

POLICY SERIES: 2023
Policy No. P23 - 01

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 1st day of May, 2023.

PASSED this ___ day of _____, 2023 by a vote of:

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy J. O'Donnell, President

APPROVED

VETOED

this 1st day of May, 2023.

Donald N. Briggs, Mayor

M. SET AGENDA FOR NEXT MEETING: JUNE 5, 2023

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

Administrative Business:

- A.
- B.
- C.

