

# 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, SEPTEMBER 11, 2023

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

*Write-In Election Deadline: Tuesday, September 19, 2023 at 12pm Noon*

*Planning Commission Meeting: Monday, September 25, 2023 at 7pm*

*Town of Emmitsburg Elections: Tuesday, September 26, 2023 at 7:00am – 8:00pm*

*Board of Commissioners Meeting: October 2, 2023 at 7:00 pm (Town Office & Zoom)*

### MEETING ITEMS

- A. APPROVE MINUTES: July 10, 2023 and August 21, 2023
- B. POLICE REPORT
- C. TOWN MANAGER'S REPORT
- D. TOWN PLANNER'S REPORT
  1. GRANT ADMINISTRATIVE REPORT
  2. PARKING ENFORCEMENT REPORT
- E. COMMISSIONER COMMENTS
- F. MAYOR'S COMMENTS
- G. PUBLIC COMMENTS
- H. ADMINISTRATIVE BUSINESS (NONE)
- I. CONSENT AGENDA (NONE)
- J. TREASURER'S REPORT
- K. PLANNING COMMISSION REPORT
- L. AGENDA ITEMS (DETAILS ATTACHED)
  1. For consideration, Proclamation honoring Mayor Donald N. Briggs.
  2. For consideration, Proclamation honoring Commissioner Joseph Ritz III.
  3. For consideration, Proclamation declaring September 2023 National Recovery Month.
  4. For consideration, approval of stormwater deed of easement for Seton Shrine Museum entrance.
  5. For consideration, approval of Ordinance 23-11, which would make the entire Town subject to the snow emergency plan.
  6. For consideration, establish minimum bid price for tax sale of 509 East Main Street.
  7. Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration.
  8. Approval of bid for the downtown streetlight purchase for consideration.

M. SET AGENDA FOR NEXT MEETING: October 2, 2023

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

**Zoom Link:**

**Hi there,**

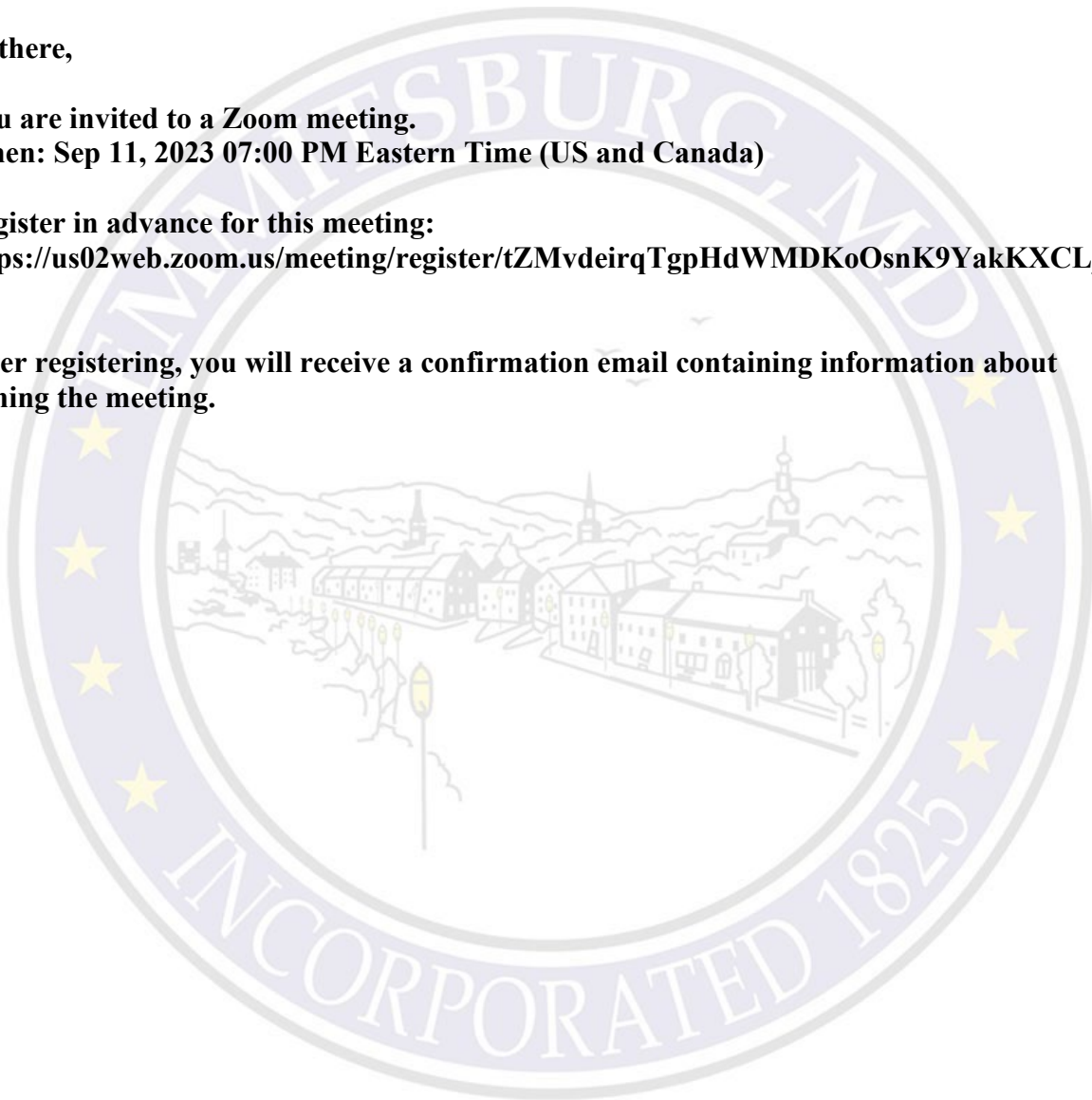
**You are invited to a Zoom meeting.**

**When: Sep 11, 2023 07:00 PM Eastern Time (US and Canada)**

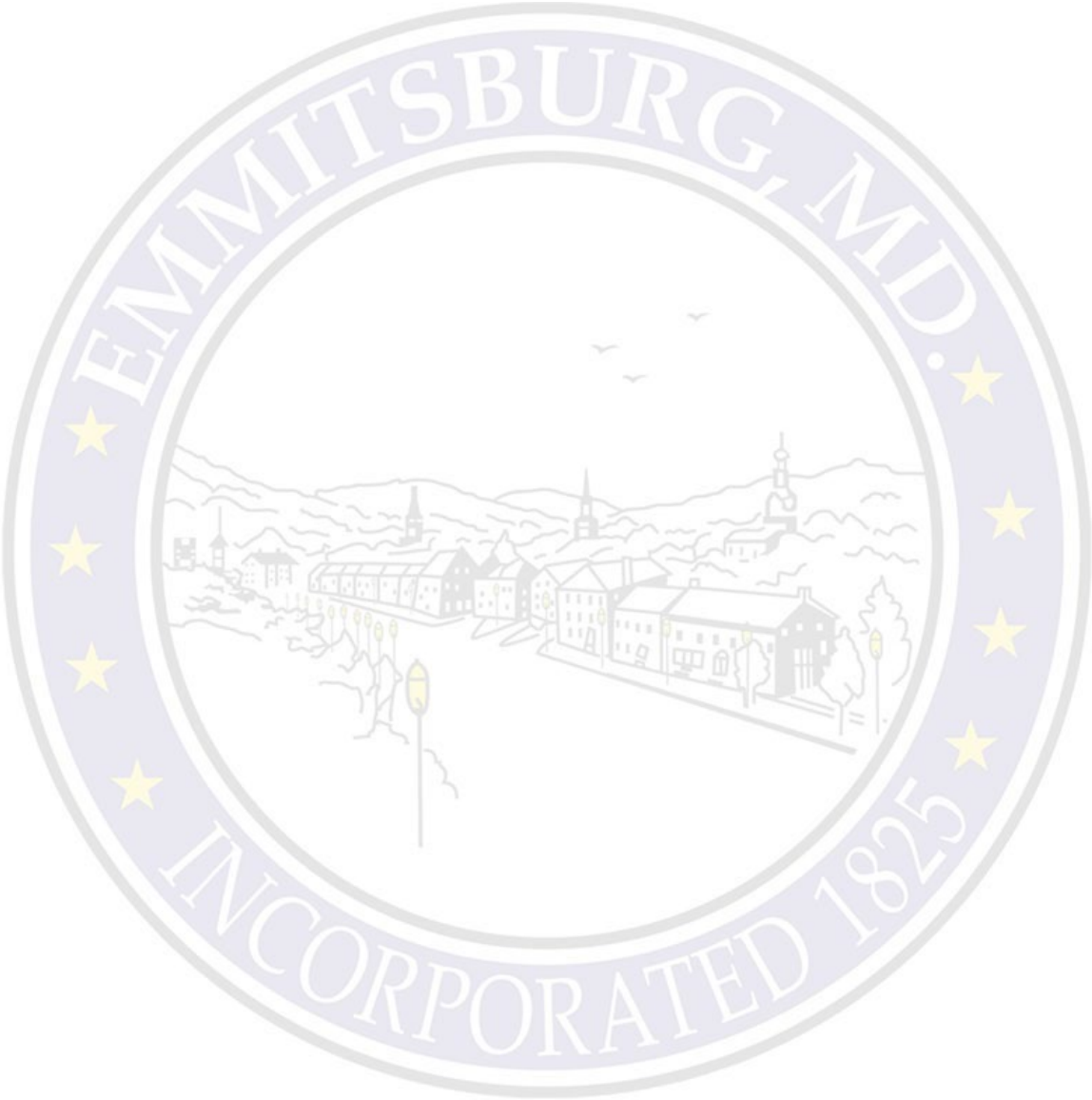
**Register in advance for this meeting:**

**[https://us02web.zoom.us/meeting/register/tZMvdeirqTgpHdWMDKoOsnK9YakKXCL\\_Lr7I](https://us02web.zoom.us/meeting/register/tZMvdeirqTgpHdWMDKoOsnK9YakKXCL_Lr7I)**

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



**A. MINUTES**



**MINUTES  
TOWN MEETING  
JULY 10, 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. With the Board's prior approval Commissioner Davis and Commissioner Boehman-Pollitt attended via Zoom.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the July 10, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

The June 10, 2023 minutes were tabled until the next meeting on July 17, 2023. Yeas – 5; Nays – 0.

**Police Report:**

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

**Town Managers Report:**

Ms. Willets, Town Manager, presented the Manager's Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report related to streets and parks. Ms. Willets highlighted the water and explained that Rainbow Lake is at the spillway level (16.6 feet). Ms. Willets highlighted in Wastewater that the Town treated an average of 323,146 GPD and consumed 257,354 GPD, which means that 20.36% of the wastewater treated this month was "wild water".

**Grant Administrative Report:**

Ms. Willets presented the Grant Administrative Report and highlighted four out of 21 active grants/project. (Exhibit in the agenda packet)

Mayor Briggs presented a check to Tom Ward on behalf of the Vigilant Hose Company and thanked him for all he does for the Town.

**Town Planners Report:**

Najila Ahsan, Town Planner presented the Planner's Report from June 2023 (exhibit in agenda packet). Ms. Ahsan noted that she has processed six zoning permits, one street closure, three cross connections and five cross connection renewal notifications (high hazard) She gave updates on development with Federal Stone, Village Liquors and Plaza, and Seton Shrine Museum Entrance at Daughters of Charity Ministries.

**Commissioner Comments:**

- Commissioner Davis: He gave his thanks to the Heritage Day Committee and how he is thankful that it only continues to grow. He also announced that he has submitted his forms to run in this year's election for Mayor.
- Commissioner Amy Boehman-Pollitt: She also thanked the Heritage Day Committee for another successful year and glad the weather held out. She also gave a shout out to the Town Staff that has been helping set up for the Farmer's Market and announced that the Town has a Farmer's Market Facebook page.

- Commissioner Sweeney: He gave his thanks to everyone who helped with Community Day. He said without the Town, Knights of Columbus, Lions Club, Fire Department, Deputies and all the other clubs that worked together, it wouldn't have been a success. Commissioner Sweeney asked if anyone wants to be involved to please join them for future meetings. He also noted that the parade was the best they had had in years. He gave his thanks to Commissioner Boehman-Pollitt for all she has done to help re-vamp the Farmer's Market and notices how busy it has been.
- Commissioner Ritz III: He also gave his thanks to all that were involved that helped with Heritage Day. Commissioner Ritz III thanked Mayor Briggs for serving twelve years and now from looking back at least 75 years, he is the longest serving Mayor of the Town of Emmitsburg and thanked him for all that he has done. He also thanked Commissioner Davis and Commissioner O'Donnell for stepping up and running for the mayor seat. Commissioner Ritz III noted that there is still time to run for election and the deadline is August 25<sup>th</sup>. He gave his thanks to Commissioner Boehman-Pollitt and Kadeem Brim for all their hard work with the Farmer's Market and thanked Mr. and Mrs. Deatherage for the Community Garden.
- Commissioner O'Donnell: He spoke about Community/Heritage Day and how it was a great event. He gave Commissioner Ritz III a sad farewell and thanked him for looking into things with a sharp eye and how he has served the Town very well. Commissioner O'Donnell thanked staff for their hard work helping with Heritage Day and their work with preparing the fields for the disc golf event that had 72 participants and lasted all day. He also announced that he will be running for Mayor in this year's election.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in June 2023 (meetings listed in agenda packet). Mayor Briggs thanked Diane Walbrecker and Commissioner Sweeney for all their hard work with Heritage Day. He thanked Ms. Miller with the Parks and Rec community for helping with the storybook trails and participating in the ribbon cutting. Mayor Briggs announced that the new Catholic High School will have up to 20 students this fall. He noted that there will be staff changes at the Mount. Mayor Briggs announced that Conrad Reaver will be arriving in Ocean City, MD on Thursday July 13<sup>th</sup> to show his film. The Mount is working diligently at the Daughter's of Charity, which is the first of three projects and hoping that this will be opened in August.

**Public Comments:**

*None.*

**Administrative Business:**

(A.) First Item: Presentation of daycare options.

Leslie Frei spoke about the lack of childcare in the Town of Emmitsburg. She briefly explained her background. Ms. Frei explained that the most important key element is finding someone that is willing to open a center for children. She said that it would be great for high schoolers to volunteer to make their required hours to receive their certificate in childcare. She gave examples of daycare in the Town of Thurmont and their success and how she hopes something similar can be done here. Ms. Frie also noted how stressful it is on families that may not have transportation for their children for before and after school programs. Amber Madigan, Emmitsburg Elementary School Principal, briefly spoke about concerns that she has regarding the boys and girls club and there was a lack of staffing for the children enrolled. She also noted that there are many children that are coming to Emmitsburg that aren't Emmitsburg residents and explained that there will be an overflow of children coming from outside of Town.

Commissioner Sweeney mentioned that Christ Community Church building will be built next year and that the building they are in now will be available and does have a playground.

Commissioner Boehman-Pollitt added about having a conversation in the future with Pastor John before they move out about availability during the week.

Mr. Frei thanked the board for letting her speak and giving her more information.

(B.) Second Item: For consideration, Proclamation honoring Cliff Sweeney for his contributions to the Lions Club and Town of Emmitsburg.

Commissioner O'Donnell presented the proclamation for Cliff Sweeney. Diane Walbrecker spoke on behalf of the Lions Club and said that she really appreciates all the work that he has done for the Lions Club. She hopes that he will continue to help and be a part of the Community.

Commissioner Sweeney stepped out at 8:07pm.

**Consent Agenda:**

(1.) Filing of the 2022 Planning Commission Report.

Ms. Ahsan gave the presentation for the filing of the 2022 planning commission report (exhibit in the agenda packet)

**Treasurer's Report:**

Ms. Willets presented the Treasurer's Report for June 2023 (exhibit in agenda packet).

Commissioner Sweeney returned at 8:09pm.

**Planning Commission Report:**

Commissioner Ritz III announced that Ms. Ahsan gave the presentation during the Town Planners Report and there was nothing further to add.

**II. Agenda Items**

Agenda #1 – Discussion of the FY 2024 budget and the allocations of salaries. Ms. Willets restated how staff was directed at the last Town meeting to look at the FY24 budget and the allocation of salaries. She explained she met with Cole, received information from MML and she reached out to Mr. Williams, the Town Manager of Walkersville since that was one that was mentioned at the last meeting. Ms. Willets also reached out to Mr. Humerick the Town Manager of Thurmont, and Ms. Martorana the Town Manager of Brunswick. She noted that Middletown did not have information as they are transitioning to a new manager. Ms. Willets gave a synopsis of the water fund and salaries, overtime wages, insurance, and benefits and how they were reduced to around 90 thousand dollars. Ms. Willets said that after speaking with the three Town Managers she said they all adopt the same budgeting practice that the Town of Emmitsburg has and the same accounting principles. She stated they have operators and designated water and sewer and allocate other staff members out including Director of Public Works, Town Manager and Finance Director etc. Ms. Willets noted they allocate all expenses related to their water plant and water fund including postage, all, or routine maintenance and all that is related to the water. She also added that she and Mr. Tabler had meetings with the Town's

auditors, Michelle Mills and Addie Blickenstaff, who are on Zoom to answer any related questions. Commissioner Boehman-Pollitt shared concerns related to where is the line drawn between what is charged to the water fund and general fund, not just salaries but anything and how different Towns approach that. She asked how the supervisors can know that their staff is correctly writing down their hours and wants to know what checks and balances are set in place for staff to know how to justify their time. Commissioner Boehman-Pollitt also has concerns with those that are not directly working with the water and sewer and how their time is allocated.

Ms. Mills, Town auditor, explained how the enterprise funds are to be operated like a commercial business and how the Town needs to make sure it is properly capturing during the cost and allocating the cost appropriately because if not, then the Town is not getting the data needed to set the user fees.

Commissioner Boehman-Pollitt wants to know where the line is drawn of why mowing is under the water and sewer and said that she is not questioning those in the water and sewer departments as she expects them to have majority of their time there. She said she has concerns of the other positions that do not directly work with the water and sewer and understands there is work behind the scenes but wants to know if there are rules that precludes billing salaries to the general fund for the water and sewer activities, and asked who makes the rules?

Ms. Mills answered Commissioner Boehman-Pollitt that the Town would not want to do that due to not capturing the cost appropriately. She said that anything that is related to the water and sewer needs to be in the water and sewer fund because that is the purpose of an enterprise fund. Ms. Mills added that the Town does show some level of subjectivity, but she cannot answer what the other Municipalities are doing because their facts are different. She also added that it would come down to what makes most sense to the Town of Emmitsburg and the type of activities the employees are doing.

Ms. Willets asked Ms. Mills to explain if the loan to the general fund to the water fund must be project specific? Ms. Mills said she believes it does not have to be project based. She added the board can vote on how they want and can vote not to treat it as a loan and that there is no payback. Ms. Mills explained that the term subsidy is an accounting terminology that doesn't happen often, it's really preferred but it's not disallowed.

Commissioner Ritz III asked if what Commissioner Boehman-Pollitt is asking, would it raise red flags if the Town were to pursue what is being suggested as, fine tune the process regarding the water fund. He also asked if the Town is charging items in access to that fund or could it be charged to the general fund and what should be billed to the water fund?

Ms. Mills said that this should be evaluated annually, and asked if the question that is not being answered is how much of the supplies is being allocated to the water and sewer fund?

Mayor Briggs spoke about how in 2010 the Wastewater Treatment Plant was built and raised the sewer rates. He noted that FEMA has dropped their usage in 2010 to 3.2 million gallons of water usage where today they are down to less than a million. Mayor Briggs also mentioned Daughters of Charity went from 1.8 million to 1.4 gallons of water. He added that they are at a different tier for the water and sewer rates, and that this was nothing related to mismanagement. He noted that COVID happened and put a hold on the water and sewer rates. Mayor Briggs recognizes how staff need to be qualified to run the water and sewer plant and they are hard to come by and do not want to lose the staff. He also added how he was recently in the office when the water and sewer bills were being mailed out and how there

were four people helping with the bills. Lastly, Mayor Briggs added that spending time in the Government field he knows that it is important to document time, but it is also time consuming of having to stop what you are doing to document their time.

Commissioner O'Donnell suggested that Commissioner Boehman-Pollitt reach out to Town Staff to have a meeting with the Supervisors to go over timesheets and what is really being allocated from the water and sewer fund.

Commissioner Boehman-Pollitt stated that this is a good starting point in the light of the new information presented and looking forward to having other meetings coming back to the water rate issue.

Commissioner Davis also mentioned what Ms. Mills stated he would like the Town to look into to help relieve the burden on the water fund legally.

Agenda #2 – Approval of Federal Stone's public works agreement and authorize to sign the agreement on behalf of Town for consideration. Ms. Ahsan briefly explained that it is a Public Works agreement for Federal Stone to make sure all improvement plans are properly executed all associated fees are paid. She noted that it does include the general description and construction of improvements, financial agreements, deeds, and expense information and noted that this is the standard agreement that has been used in the past for the Town. *Motion:* Commissioner Ritz III motioned to approve Federal Stone's public work agreement and authorize to sign the agreement on behalf of the Town for consideration; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – Approval of Silo Hills Plaza's public works agreement and authorize Mayor to sign agreement on behalf of Town for consideration. Ms. Ahsan explained that this is another public works agreement to make sure all the improvement plans for the Silo Hill Plaza project or formerly known as The Village Liquors project and that all associated fees are paid. *Motion:* Commissioner Sweeney motioned to approve of the Silo Hills Plaza's public work agreement to authorize Mayor to sign agreement on behalf of Town; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #4 – Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. Ms. Willets gave the history and the process of the conduct of public hearings. She explained this was written by the legal office of Ms. Powell, the Town Attorney. Commissioner O'Donnell added that he would like to suggest a small modification to paragraph 2.5 (exhibit in the agenda packet). He asked if it could be re-written as "Any item may be removed from the agenda upon the affirmative vote of the majority of Commissioners at commencement of a Board of Commissioners Town meeting". *Motion:* Commissioner Sweeney motioned to accept the Town of Emmitsburg Board of Commissioners rules of Procedures as modified; second by Commissioner Davis. Yeas - 5. Nays - 0. The motion was adopted.

Agenda #5 – Approval of Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. Ms. Willets explained that this is Ms. Shaw's grant application for the Housing and Community Development for parking meters. Ms. Willets noted that a public hearing is not required, and that



Emmitsburg Town Meeting  
July 10, 2023 Minutes

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Citizens just need to be given the opportunity to provide public comment if they want to. She said the public notice for this agenda item was advertised in the Frederick News Post on Thursday, June 29, 2023, as required by the grant. Ms. Willets added that the Town is planning to file a USDA Rural Development for purchase and install new parking meters. She went onto explain that the Town currently has 125 parking meters along Main Street and the meters encourage turnover to give visitors parking opportunities while they dine in or shop. Ms. Willets noted that the proposed project would replace the 125 existing parking meters with approximately 80 new dual payment meters that accepts both credit card and coin payments. She also noted that the new parking meters are needed because the Town's existing coin meters are over 20 years old, and parts can no longer be found to replace broken ones. Ms. Willets added that if the project is approved the anticipated total cost of the project is \$65,000 of which the Town is requesting \$35,750 or 55% of the total project in community facility grant funding from the USDA Rural Development and the Town would provide the required match of \$29,250.00 of which the Board approved as part of the FY24 budget. *Motion:* Commissioner Ritz III motion to accept Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an application for Federal Assistance with the USDA Rural Development; second by Commissioner Davis. Yeas -5; Nays – 0. The motion was adopted.

Agenda #6: Approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade for consideration. Ms. Ahsan explained this is the Community Legacy Grant that the Town has been receiving since 2013 and has been applied for every year. She explained that this asks for documentation to show that the application is being supported by the legislative body and that this Resolution is to approve staff to submit the application. *Motion:* Commissioner Ritz III motion to accept the approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #7: For consideration, approval of ordinance 23-08, update to Chapter 17.42 – Floodplain Management to ensure compliance with federal regulations regarding floodplain management in the Town Code.

#### **Set Agenda Items for July 17, 2023 Town Meeting**

**Agenda Items:** (1.) Hold a public hearing then consideration of ordinance 2023-08 which would amend Section 17.42 – Floodplain Management to meet FEMA standards. (a.) Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief. **Administrative Business: (NONE) Consent Items:** (1.) Proclamation making August 1, 2023, National Night Out for consideration.

The Board gave consent for the July 17, 2023, Town meeting.

#### **Set Agenda Items for August 21, 2023, Town Meeting.**

**Agenda Items:** (1.) Approval of 2023 Election Judges for consideration. (2.) Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. (a.) These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program. (3.) Approval of bid for the downtown streetlight purchase for consideration. (4.) Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone). (a.) This amendment would allow the Town to approve a Zoning Map

Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts. **Administrative Business: (NONE)**  
**Consent Items:** (1.) Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025. (2.) Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025.

The Board gave consent for the August 21, 2023, Town Meeting.

**III. Sign Approved Text Amendments and/or Resolutions**

**IV. Adjournment**

With no further business, Commissioner Ritz III motioned to adjourn the July 10<sup>th</sup> Town meeting at 9:50 p.m.; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk  
Minutes Approved On:

**MINUTES  
TOWN MEETING  
AUGUST 21, 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; Madeline Shaw, Grant Administrator; Sabrina King, Town Clerk; Najila Ahsan, Town Planner; Jessica Housaman Recorder. *Others Present* – Town Attorney, Leslie Powell; Deputy Honaker.

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**I. Call to Order**

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the August 21, 2023 town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

**Approval of Minutes**

Commissioner Ritz III motioned to accept the June 5, 2023 Town meeting minutes as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was accepted.

Commissioner Sweeney motioned to accept the July 17, 2023 Town meeting minutes as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

The Town meeting minutes for July 10, 2023 were tabled to the September 11, 2023 Town meeting.

**Police Report:**

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

**Town Managers Report:**

Ms. Willets, Town Manager, presented the Manager's Report from June 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted at the time of the report, Rainbow Lake was 16.6 feet at the spillway level. Ms. Willets added that the Town implemented phase I water restrictions and they are still in place. The Town encourages everyone to do their part and help conserve their part. She noted that the Town produced an average of 248,269 GPD and consumed an average of 254,686 GPD. The percentage of backwash in the month of June was 15.02%. Ms. Willets added for Wastewater the Town treated an average of 261,302 and consumed an average of 254,686 which means that -.72% of the Wastewater treated this month was "wild water".

**Grant Administrative Report:**

Ms. Shaw, Grant Administrative, presented the Grants Administrative Report (exhibit in the agenda packet). She briefly noted the grants for the month of August and highlighted that there are a total of 21 active grants.

**Town Planners Report:**

Najila Ahsan, Town Planner presented the Town Planner's Report from June 2023 (exhibit in agenda packet). Ms. Ahsan highlighted that she processed six zoning permits and 22 Cross Connections and updates on the development projects.

**Commissioner Comments:**

- Commissioner Amy Boehman-Pollitt: She wanted to commend staff on a successful National Night Out and loved the idea of providing back-packs and school supplies. She also thanked staff for continued efforts for the Farmer's Market and the pool parties especially because of coinciding at the same time. Commissioner Boehman-Pollitt asked people to be mindful of traffic with school buses as students return to school.
- Commissioner Davis: He thanked staff for putting in the Story Book Trails placed at the park and Ms. Shaw for getting the grant. He mentioned that he has noticed the crowd has gotten larger every week at the

Farmer's Market. Commissioner Davis thanked staff for helping with the "Party in the Park" with Mount St. Mary's College and mentioned he spoke with the businesses and that they are interested in having a business fair next year.

- Commissioner Sweeney: He thanked staff for helping with the Mount St. Mary's event. He mentioned that they have 35 students signed up for Lion's Club on Campus.
- Commissioner Ritz III: He wished a safe and successful year to all the students returning students and teacher. He also thanked former Commissioner Blanchard for running again.
- Commissioner O'Donnell: He thanked staff for the pool party set up and how it was very well attended. He attended a trail social for the library and attended the National Night Out. He gave thanks to Mr. Jack Deatherage for the Community Garden. Commissioner O'Donnell then read a prepared statement related to the concerns of the water rate increase.

Commissioner Boehman-Pollitt added that she is not against water rate increases but that she is concerned how the Town is putting the burden on the residents.

**Mayor's Comments:**

Mayor Briggs attended numerous meetings in the month of July. Mayor Briggs mentioned National Night Out. He also added that he hoped to attend the recent pool party but could not be there due to a family medical emergency. Mayor Briggs thanked Commissioner Boehman-Pollitt and Kadeem with the Farmer's Market on the terrific success it has been having. He welcomed the class of 2027 on Saturday and was thankful to be part of the event with the Community. Mayor Briggs noted that phase I of the Mount coming downtown to Emmitsburg at the nursing home wing will be complete and phase II will happen next year. He explained that in 2006 he wrote a thesis paper on Black Education Opportunities for Northern Frederick County. Mayor Briggs added that after speaking with Joy Schaefer, Frederick County Director, he expressed two concerns that he wanted to happen before he is out of the office. He is excited to announce that the Catholic School will begin this year with 20 students and will start at St. Anthony's but will be downtown first of next year. Mayor Briggs added that he then asked if she could help him get West Lincoln Ave annexed into the historical society. He noted that Elizabeth Comer from the Catocin Historic Society helped get this through Frederick County in August to make West Lincoln Ave a part of the historic tradition.

**Public Comments:**

*Glenn Blanchard, Town Resident*- Mr. Blanchard wanted to speak about the town sport and the recreational area for the Town of Emmitsburg. He expressed how grateful he is that the Town has a Community Pool and how it is well used. He thanked the Town for the new addition of the Story Book trails in the Community Park. Mr. Blanchard thanked Town staff for keeping the parks clean. He also thanked the Town for the support with the Community Garden and how he has two plots, and notices that all the plots were reserved this year. He also expressed the Town parks are real resource assets of humidity that he thinks that this is a huge selling point for the Town of Emmitsburg. He gave his thanks to Commissioner O'Donnell for his efforts with the biking trail on the mountain, and complimented Commissioner Davis on his efforts of keeping baseball coming to the Town. He gave his thanks to the board for their time. *Eric Sloane, Town Resident*- Mr. Sloane asked what the USA Mainstreet Maryland Program was, and Commissioner O'Donnell explained in further detail. *Curt Kosko, Shentel Glo Fiber*- Mr. Kosko gave a short informative presentation regarding the process of Shentel Glo Fiber works and the process it would take to move forward.

**Administrative Business: NONE**

**Consent Agenda:**

*Motion:* Commissioner Boehman-Pollitt motioned to accept to re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of September 08, 2023 to September 08, 2025; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

*Motion:* Commissioner Sweeney motioned to accept to re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of September 07, 2023 to September 07, 2025.

**Treasurer's Report:**

Commissioner Sweeney presented the Treasurer's Report for July (exhibit in agenda packet).

**Planning Commission Report:**

Commissioner Ritz III announced that Ms. Ahsan explained what needed to be said very well during her report. He noted that they are in the process of beginning the comprehensive plan and that there will be Community involvement. If there are any questions to please reach out to Ms. Ahsan.

**II. Agenda Items**

Agenda #1 -Approval of 2023 Election Judges for consideration. Ms. Willets briefly explained that required by code there are election judges needed for the Town Elections. She noted that the Town reached out to the previous Election Judges, and they agreed to be judges again this year. Ms. Willets announced the Mayor's recommendation: ~~that~~ Sharon Hane as the Chief Judge; Tammy May as a Judge; Lynn Orndorff as a Judge; and Charlotte Mazaleski as greeter/alternate Judge. *Motion:* Commissioner Ritz III motioned to accept the 2023 Election Judges; second by Commissioner Boehman-Pollitt. Yeas –5; Nays –0. The motion was adopted.

Agenda #2 -Approval of Rules and Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. These rules of procedures are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program. Ms. Willets explained that Ms. Ahsan and Ms. Shaw collectively collaborated on the agreement and noted that Ms. Ahsan will be taking over the Community Legacy Grant this year. Ms. Ahsan briefly went over the agreement and multiple sections listed (exhibit in the agenda packet). Ms. Willets added that all the properties must be in the Sustainable Community Area. Commissioner Boehman-Pollitt will reach out to Town staff with the suggestions she has for the agreement. After deliberation the board decided to table the agreement. *Motion:* Commissioner Sweeney motioned to table the Approval of Rules and Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group until the September 11<sup>th</sup> Town meeting; second by Commissioner Ritz III. Yeas-5; Nays-0. The motion was adopted.

Agenda #3- Approval of bid for the downtown streetlight purchase for consideration. Ms. Willets briefly explained that Ms. Shaw handled the bid process and has a presentation for the board. Ms. Shaw noted the timeline and how bids were processed for the streetlights. She explained there were a total of nine bids, but Town staff presented four of the lowest bidders to the board (exhibit in the agenda packet) Ms. Shaw explained the proposed project would replace 103 total streetlights (poles, fixtures, and lenses) located on Main Street and South Seton Avenue in the Town of Emmitsburg. She noted that 97 lights are located on Main Street (East and West side) and six lights are located on South Seton Avenue. Ms. Shaw noted that the existing streetlights have paint that is chipping, safety hazards and multiple complaints with how the light is projecting. Ms. Shaw noted that this is for the purchase only and not for the installation. Ms. Willets informed the board that staff recommended Catocin Lighting Services, LLC of Thurmont, MD. She explained the reasons behind Town staff's recommendations due to the lights are very similar to what the Town already has. She added staff knows their customer service is outstanding, their local with references. They also worked with Thurmont and Brunswick. After further deliberation the board decided to table the agenda item. *Motion:* Commissioner

Boehman-Pollitt motioned to table the approval of bid for the downtown streetlight purchase until the September 11<sup>th</sup> Town meeting; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda Item #4- Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD-Economic Development Flex District (Floating Zone). This amendment would allow the Town to approve a Zoning Map Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts. Commissioner O'Donnell asked if there was a motion to end the regular meeting and start a public hearing. Motion: Commissioner Sweeney motioned to close the regular meeting a start a public hearing; second by Commissioner Ritz III. Yeas-5; Nays-0. The motion was adopted.

Commissioner O'Donnell read out loud the language for the public hearing "Calling of the hearing for the meeting to consider ordinance 2023-09 which would add a new section 17.26 Economic Development Flex District (Floating Zone)." Commissioner O'Donnell turned to the staff and welcomed the Town attorney Ms. Leslie Powell. Ms. Ahsan briefly explained that the purpose of this is to allow an amendment to the current zoning map to create a new District that would function as a floating zone restricted to sites of 25 acres. She noted what the changes were and how this would benefit the Town of Emmitsburg (exhibit in the agenda packet). Ms. Powell explained how this ordinance was presented to the Planning Commission in two separate workshops and a public hearing for the Planning Commission where they made recommendations. She added that her team made other suggested modifications for the purpose of clarity and language. Ms. Powell went into further detail of the reasons behind the changes in ordinance 2023-09. Ms. Powell reiterated the process and informed the board that the applicants' counsel was there to speak. Commissioner O'Donnell asked the applicant if they would like to speak and if so, they may and to introduce themselves. Mr. Dean who is the attorney for the applicant with McCurdy Dean and Graditor in Frederick City introduced himself, Andrew Brown who is the broker for the applicant which is SPT Land LLC and Devin Trout whose father owns SPT. Mr. Dean briefly explained the process that he and his applicant has gone through to get into this position. Commissioner Boehman-Pollitt asked for clarification on the map of what properties were in the floating zone. After further discussion and clarification it was made clear on who can decide what can be developed for the agreement.

Commissioner O'Donnell closed public comment.

Commissioner Davis motioned to end the public hearing and restart the regular meeting; second by Commissioner Ritz III. Yeas-5; Nays-0. The motion was adopted.

Commissioner O'Donnell turned to the board for deliberation. *Motion:* Commissioner Sweeney motioned to accept ordinance 2023-09; second by Commissioner Davis. Yeas-5; Nays-0. The motion was adopted.

#### **Set Agenda Items for September 11, 2023 Town Meeting**

**Agenda Items:** 1. For consideration, Proclamation declaring September 2023 National Recovery Month. 2. For consideration, approval of stormwater deed of easement for Seton Shrine Museum entrance. 3. For consideration, approval of Ordinance 23-11, which would make the entire Town subject to the snow emergency plan. 4. For consideration, establish minimum bid price for tax sale of 509 East Main Street. 5. Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. 6. Approval of bid for the downtown streetlight purchase for consideration. **Administrative Business: (NONE) Consent Items: (NONE)**

*Motion:* Commissioner Sweeney motioned to accept the September 11, 2023 Town meeting agenda as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted/rejected.

Emmitsburg Town Meeting  
August 21, 2023 Minutes

Page 5 of 5

**III. Sign Approved Text Amendments and/or Resolutions**

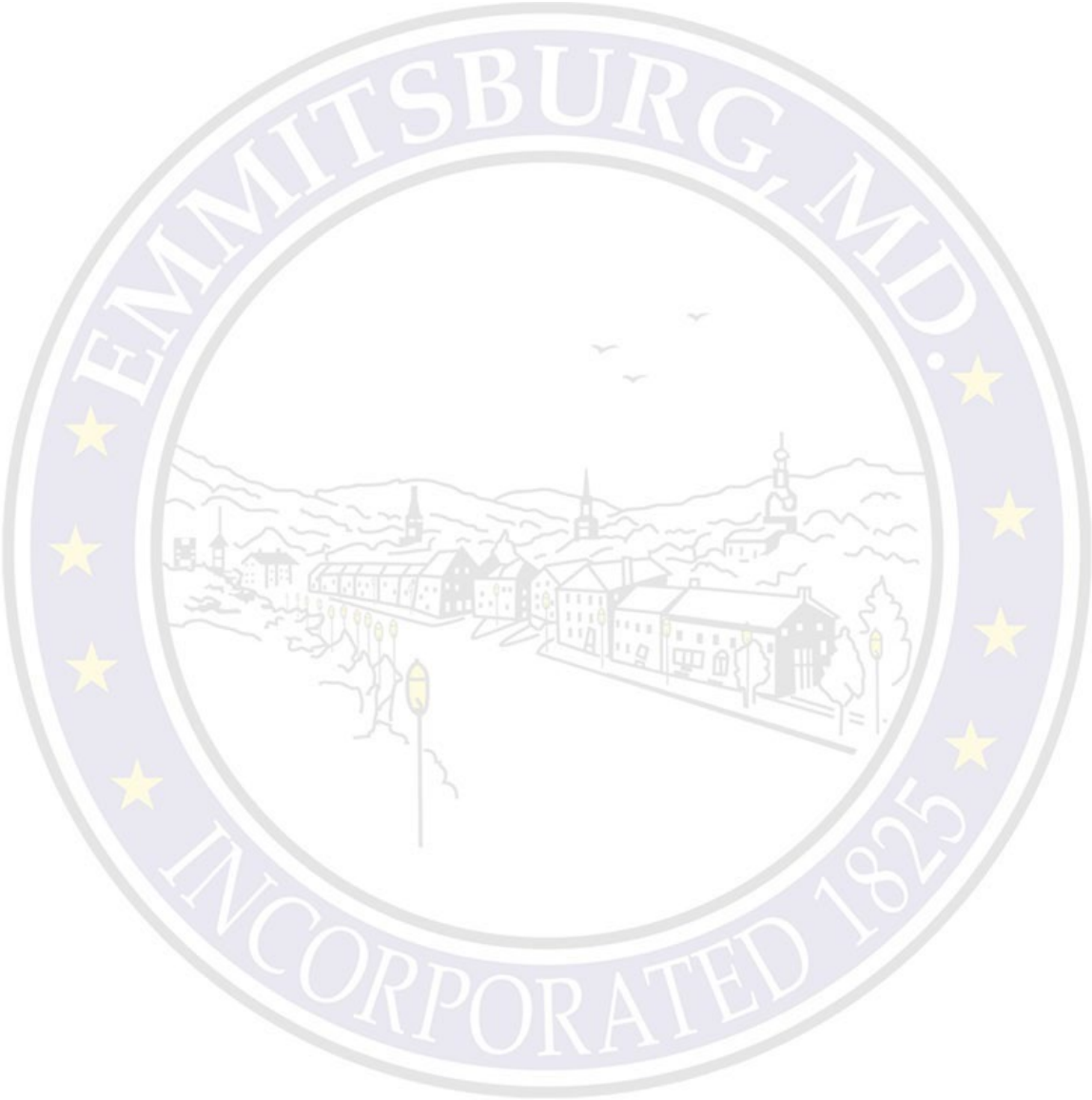
**IV. Adjournment**

Commissioner Ritz III made a motion to close the August 21, 2023 Town meeting at 9:53 p.m. for a closed executive session to discuss legal advice, the board of commissioners will not be meeting in another open session after the closed session has ended; second Commissioner Sweeney. Yeas-5; Nays-0. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk  
Minutes Approved On:

**B. POLICE REPORT**





## C. TOWN MANAGER'S REPORT

### Town Manager's Report

July 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 assisted with collecting parking meter money.
- Staff watered flower beds around the square.
- Staff sealed some cracks on Irishtown Ct.
- Staff set up speed trailer on Irishtown court and Brookfield Dr.
- Staff picked up damaged streetlight in front of 5 West Main St. as a result of a traffic collision.
- Staff took flags down off street light poles.

#### Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, weed killed in parks.
- Staff installed new capacitor, o-rings and seals at the Splash Pad.
- Staff took two loads of small rip rap stone to disc golf hole #10.

#### Water:

- Rainbow Lake is 6" (16.0') below the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day. The DE filters are getting two week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>July</u>	<u>Change</u>
○ Well #1:	35'	44'	-9'
○ Well #2:	8'	17'	-9'
○ Well #3:	12'	33'	-21'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 272,801 GPD. We consumed an average of 273,084 GPD (finish water + MSM). The amount of Backwash Water in the month of July is ... (16.2%).

- 58.08% of this water came from wells.
- 0.00% of this water came from Mt. St. Mary's.
- 41.93% of this water came from Rainbow Lake.

We purchased 0 gallons of water from MSM this month.

\*\*Due to PFAs at MSM, the Town halted obtaining water from MSM until further notice.

Wastewater:

- We treated an average of 301,869 (consumed 273,084 GPD) which means that 9.54% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of July.
- We did not exceed the plant's design capacity at any time in the month of July.
- We received about 2.6" of precipitation this month (the average is 3.65"). We have had a precipitation **DEFICIT of 5.18"** over the last six months. The average precipitation for the period from February through July is 22.57". We received 17.3" for that period.

**Trash:** Trash pickup will remain on Mondays in the month of September.

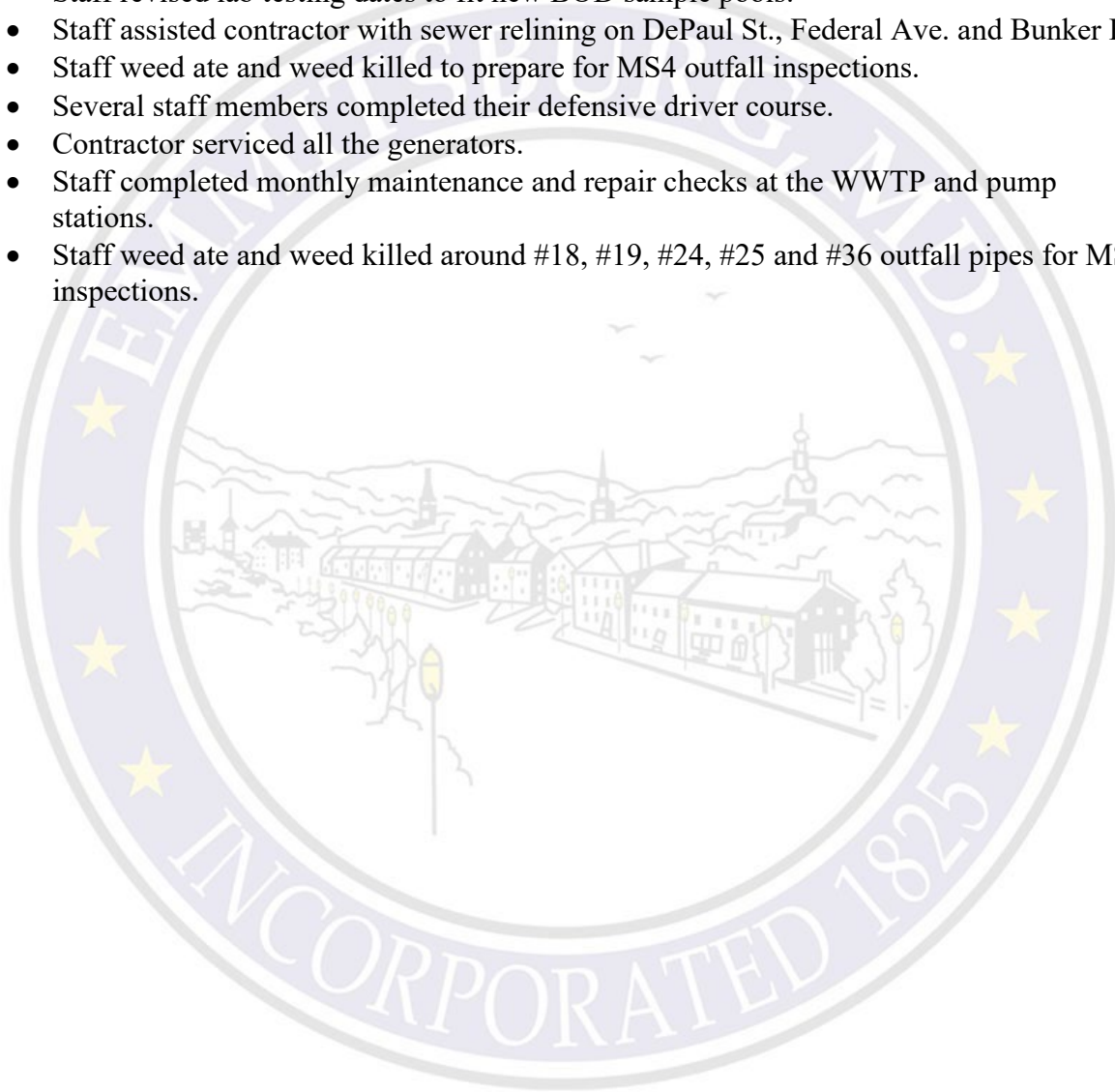
**Meetings Attended:**

- 07/10 Met with Mayor
- 07/10 Met with Town Accountant and Auditors via zoom
- 07/10 Attended Town Meeting
- 07/11 Met with Town Accountant
- 07/12 Met with deputies
- 07/13 Met with auditors in office re: upcoming FY23 audit
- 07/17 Attended Town Meeting
- 07/17 Met with Town Planner and potential developer (distillery)
- 07/17 Met with Mayor
- 07/18 Conference call with Town Clerk and Town Attorney re: sale of property
- 07/19 Attended Department Head meeting
- 07/19 Attended Support Staff meeting
- 07/24 Attended conference call with Town Attorney, Grant Administrator and USDA re: next steps for pump station
- 07/26 Met with Mayor

**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.
- 08/01/2023 – Phase 1 water restrictions implemented.
- Staff continue to work on the Water Conservation Plan.
- Staff working with contractor to have backwash pond pumped out to avoid violating TSS.

- Staff completed monthly and semi-annual reporting to the start.
- Staff completed the CCR certification and sent to the State.
- Staff working on GIS for marking water and sewer repairs.
- Staff made repairs and replacements to: soda ash pump, DE 2 dump valve and gaskets, body feed pump, etc.
- Vibration analysis complete at CRPS.
- Staff replaced dewatering sludge shoot to dumpster.
- Staff revised lab testing dates to fit new BOD sample pools.
- Staff assisted contractor with sewer relining on DePaul St., Federal Ave. and Bunker Hill.
- Staff weed ate and weed killed to prepare for MS4 outfall inspections.
- Several staff members completed their defensive driver course.
- Contractor serviced all the generators.
- Staff completed monthly maintenance and repair checks at the WWTP and pump stations.
- Staff weed ate and weed killed around #18, #19, #24, #25 and #36 outfall pipes for MS-4 inspections.



## 1. GRANT ADMINSTRATOR REPORT

**As of September 5, 2023**

### **Grants Administrator Report**

Prepared By: Madeline Shaw, Grants Administrator

#### **ACTIVE GRANTS (21 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 the backorder of two interfaces. 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 – Electrical conduit installed in May. Staff met with Fox & Associates 08/30 about getting an estimate for permits, assistance with site preparation and ordering building.

##### **#24-4, USDA CR Pump Station Replacement \$1,862,300 grant, \$1,987,000 loan, \$1,395,000 Town**

- For replacement of Creamery Road Pump Station with new sewage pump station.
- Status – Continuing to submit monthly USDA reports. Conewago is working with engineer to get materials order in compliance with Build America, Buy America requirements.

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

- Status – In design phase. Waiting on permit approval then project will go to bid for construction.

##### **#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 – Waiting on property owners to finish work, then submit for reimbursement.

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

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

- For stormwater management plan and to pave a 10 to 12 space parking lot at Rainbow Lake.
- Status – State approved Feb. 15. Engineer signed contract for design May 24. Currently in design phase. Project to go to bid for construction in December 2023.

##### **#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 by October 1.

##### **#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 – RFP advertised for the purchase of streetlights, due July 21. Board to vote on purchase of lights at Sep. 11 town meeting. Installation RFP to be advertised once a light is chosen.

##### **#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 – Speed trailers delivered, cameras installed. There is extra grant money leftover the town is allocating towards the purchase of streetlights on Main Street.

##### **#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 – Picnic tables ordered 07/31. Work to be completed by Oct. 1.

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

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – Picnic tables ordered 07/31. Work to be completed by Oct. 1.

**#23-18, FY24 MWIFA Water Supply Assistance Grant, DePaul Street Waterline Replacement, for \$277,500**

**#24-3, FY24 DHCD Community Development Block Grant for \$552,500**

- To replace the 1,850 LF of deteriorating waterline along DePaul Street with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jan. 2024 – Oct. 2024.

**#23-19, FY24 MWIFA Water Supply Assistance Grant, N. Seton Ave. Waterline Replacement, for \$286,388**

- To replace the 1,850 LF of deteriorating waterline along N. Seton Ave. with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jul. 2024 – Dec. 2025.

**#23-20, FCTC Main Street Cooperative Fund for \$10,000**

- To help purchase new Welcome to Emmitsburg signs.
- Status – waiting to finish obtaining estimates for signs to determine if additional funding needed.

**#24-1, FY24 TRIPP Advertising Grant for \$3,335**

- To advertise Emmitsburg as a tourism destination in two annual print publications (Destination Gettysburg and Visit Frederick guide).
- Status – waiting until January 2024 to run the ads.

**NEWLY AWARDED:**

None for this month.

**PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (6 TOTAL)**

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

1. To replace 10-inch mountain main into Town with 16-inch to improve water quality and fire flow. Cost of project is \$5,840,000.

**Operating Assistance Grant – Main Street Improvement grant, submitted 04/28/2023**

2. Town Square directional wayfinding signage, 4 total signs, \$10,000

**Program Open Space FY24, submitted 05/05/2023**

1. Rainbow Lake Trail Improvements, \$85,950 to update and redesign red trail
2. Myers Community Park Improvements, \$20,000 to construct one picnic shelter near playground

**USDA Community Facility grant, submitted 08/10/2023**

1. To replace 125 parking meters with 80 new dual payment meters on Main Street and 3 new multi-space meters for Community Pool, \$31,130.

**FY25 Community Parks & Playground Grant, submitted 08/23/2023**

1. To purchase three public bike repair stations for each park (Community, Memorial and Rainbow Lake), \$13,000.

**UPCOMING GRANTS (TO APPLY FOR)**

1. Nov. 1 - Land and Water Conservation Fund Grants due for park acquisition or development
2. And other grants as funding is found/needed

**2. PARKING ENFORCEMENT REPORT**

**PARKING ENFORCEMENT REPORT**

**July 2023**

<i>Overtime Parking</i>	26			
<i>Restricted Parking Zone</i>	10			
<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>				
<i>Left Side Parking</i>	2			
<i>Parked in Handicapped Space</i>				
<i>48 Consecutive Hours</i>	1			
<i>Total Tickets – Warnings - Dismissed</i>	39	16	1	
<i>Meter Money</i>	\$			
<i>Meter Reservations</i>	Daily Reservations: 0		Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	1M: 2	3M: 1	6M:2	1Y:0
<i>Parking Permits Money</i>	\$313			
<i>Violation Cost</i>	\$255			
<i>Late Fees Assessed</i>	\$75			
<i>Payment Received</i>	\$100			
<i>Dues Forward</i>	\$230			
<b><i>Totals Jun:</i></b>	<b><i>Made</i></b> <b>\$1685.82</b>		<b><i>Due</i></b> <b>\$105</b>	
<b><i>Totals 2023</i></b>	<b><i>Violations Paid</i></b> <b>\$3898</b>	<b><i>Outstanding Bal.</i></b> <b>\$1670</b>	<b><i>Meter Money</i></b> <b>\$10572.87</b>	<b><i>Permit Revenue</i></b> <b>\$2179</b>

\*Meter Money was pulled and counted Aug 31<sup>st</sup>.

Ticket was dismissed due to being a duplicate.

Some meter housings have broken locks making us unable to collect change from said meters.

Will be working with public works to get access to these meters this month.

## D. TOWN PLANNER'S REPORT



### *Planner's Report*

**2023 August**

Prepared by: Najila Ahsan

### **Permits & Code Enforcement**

1. Processed the following permit applications:

- 8 Zoning
  - 113 E Main St. – Change of Use (Tourist Home)
  - 100 Creamery Road – Fence
  - 1482 Heatherwind Dr. – Fence
  - 339 S Seton Ave – Permanent Sign
  - 339 S Seton Ave – Seton Shine Museum Entrance
  - 339 S Seton Ave – Change of Use (MSM School of Health Professions)
  - 101 Creamery Ct. – Zoning Permit for Federal Stone
  - 17750 Creamery Rd. Suite 9B -- Use & Occupancy
- 5 Cross Connection Permits
  - 336 Mountaineers Way
  - 882 W Main St.
  - 103 Silo Hill Pkwy
  - 51 DePaul St.
  - 10201 Taneytown Pike
  - Code Enforcement correspondence

2. Zoning Verification/Opinion

- 255 Silo Hill Pkwy
  - Verify Permitted Use: Goodwill Store.
- 16617 Old Emmitsburg Rd
  - Verify permitted use within Town's Growth Boundary
- 17484 Irishtown Rd
  - Verify permitted use of a shed or garage on the lot

### **Development Updates**

- Ongoing Developments
  - Federal Stone
    - Pending: Preconstruction meeting
    - Issued Zoning Permit on 8.23.2023

- Silo Hill Plaza (fka. Village Liquors)
  - Pending: Preconstruction meeting
- Seton Shrine Museum Entrance at Daughters of Charity Ministries
  - Pending: Deed of Easement
  - Issued Zoning Permit on 8.17.2023
- Tenant Fit-out for Daughters of Charity Ministries
  - Issued Zoning Permit on 8.21.2023
- MSMU School of Health Professions
  - Issued Zoning Permit on 8.21.2023

### **Stormwater Management**

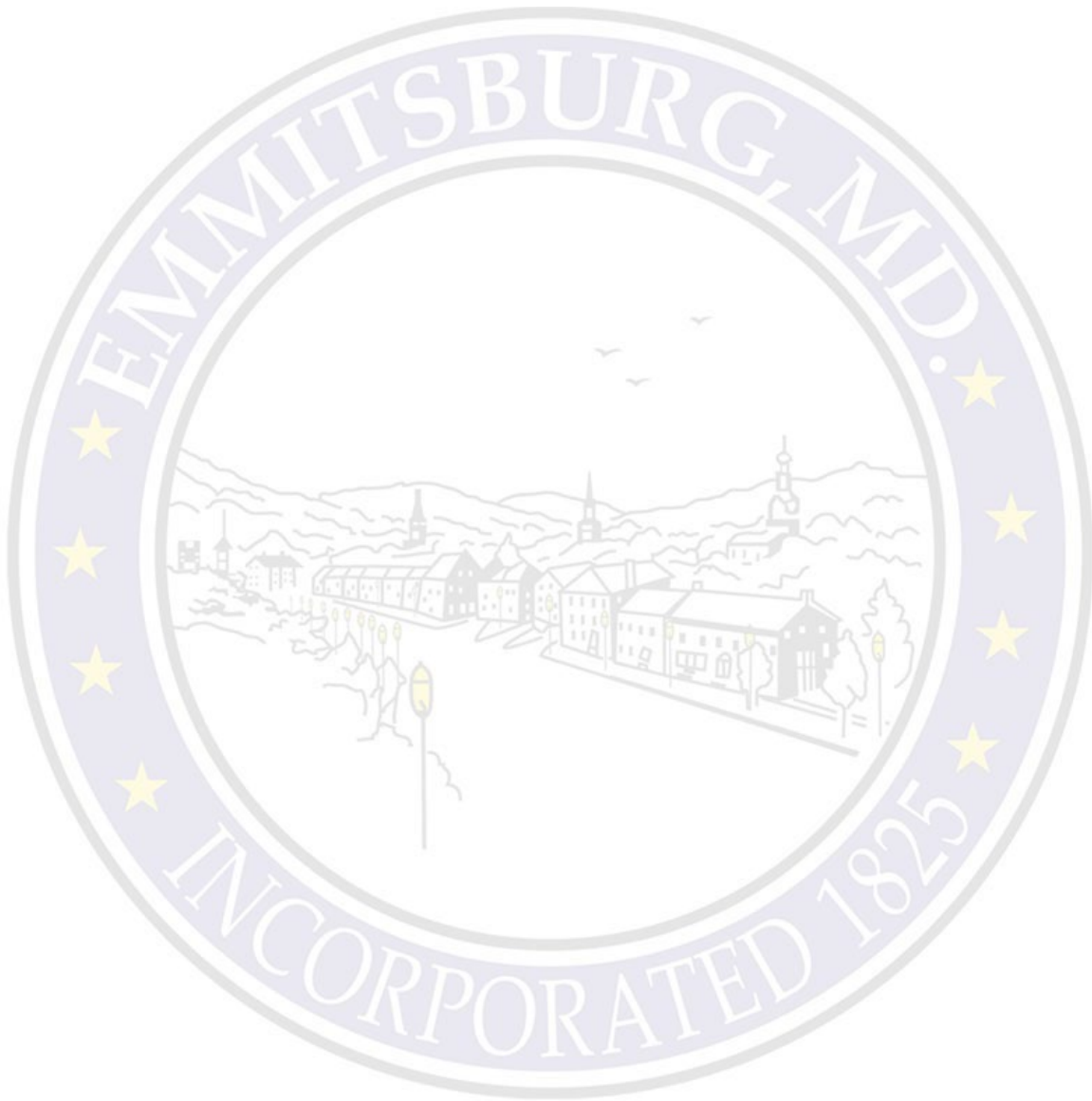
- Silo Hill Basin Retrofit
  - Wayside Signs installed
  - Pending: Maintenance Contract
- MS4 Permit Requirement: Annual Employee Training
  - GIS Training by Barton & Loguidice for Water & Sewer Leak Reports: 8.30.2023

### **Grants**

- Chesapeake Bay Trust (Green Street, Green Jobs, Green Towns Grant)
  - Silo Hill Basin Retrofit Final Report Submitted 8.31.2023
- Future Grants
  - Keep Maryland Beautiful—application to be submitted in November

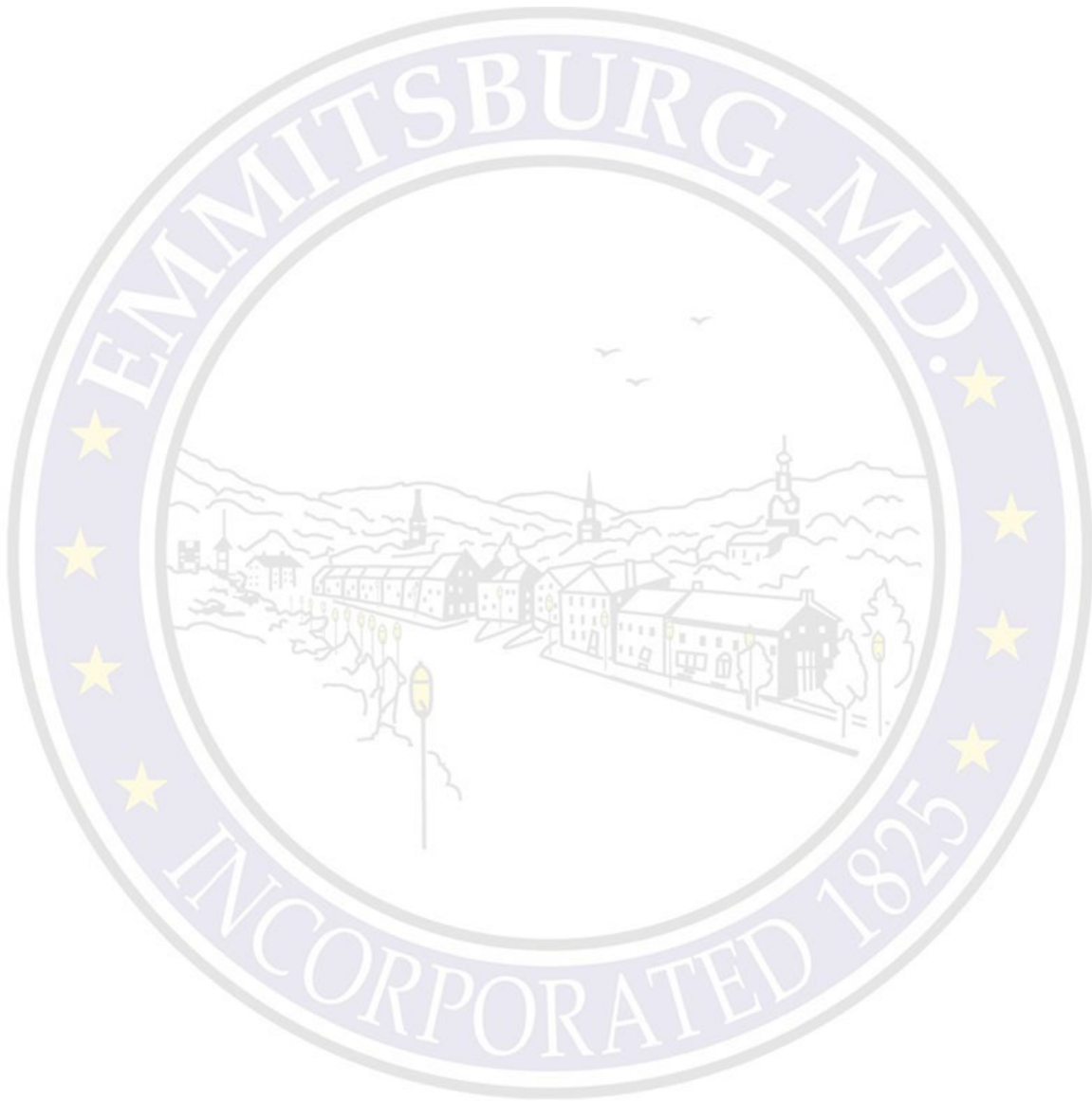


**E. COMMISSIONERS COMMENTS**

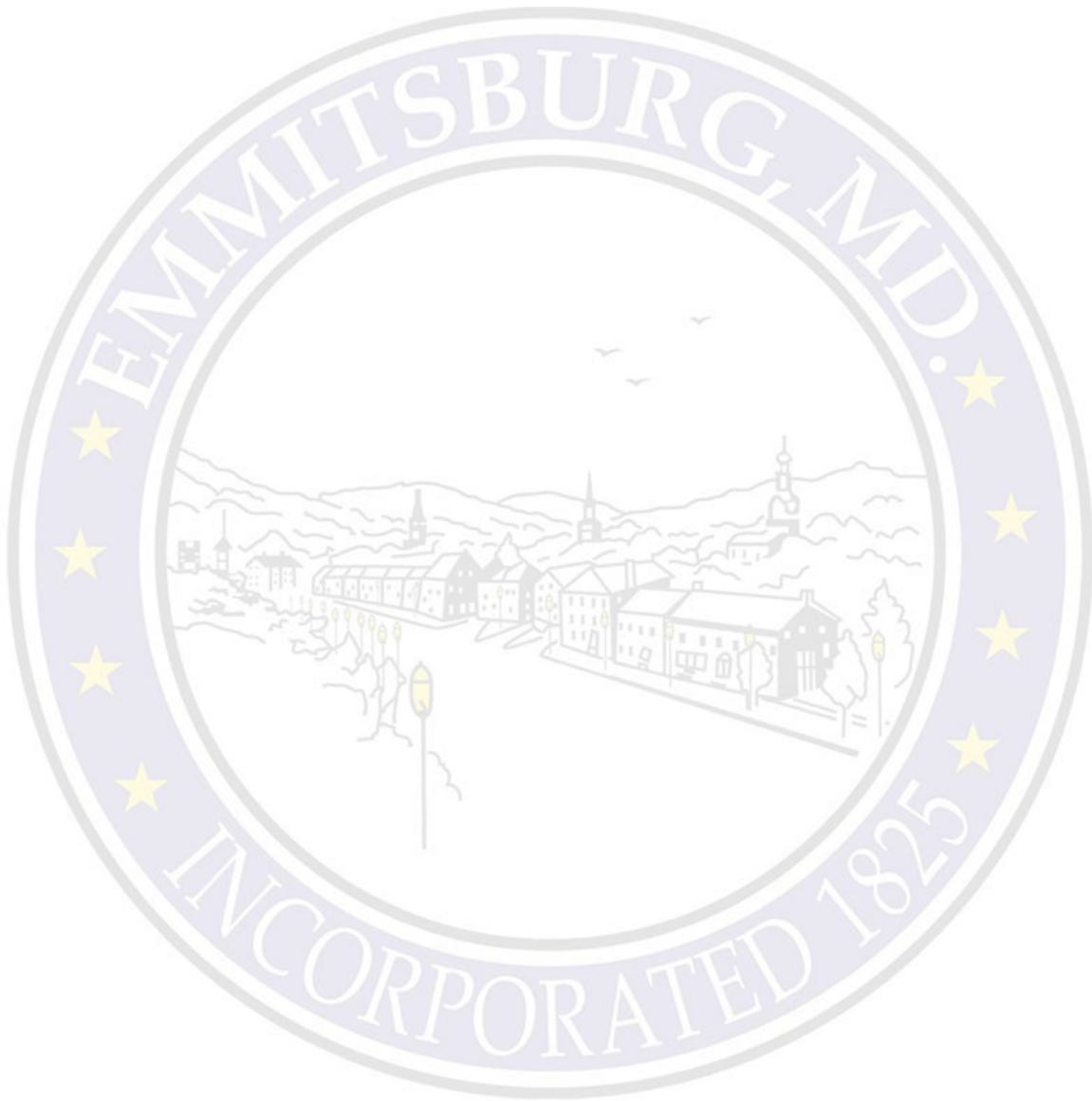


**F. MAYORS COMMENTS**

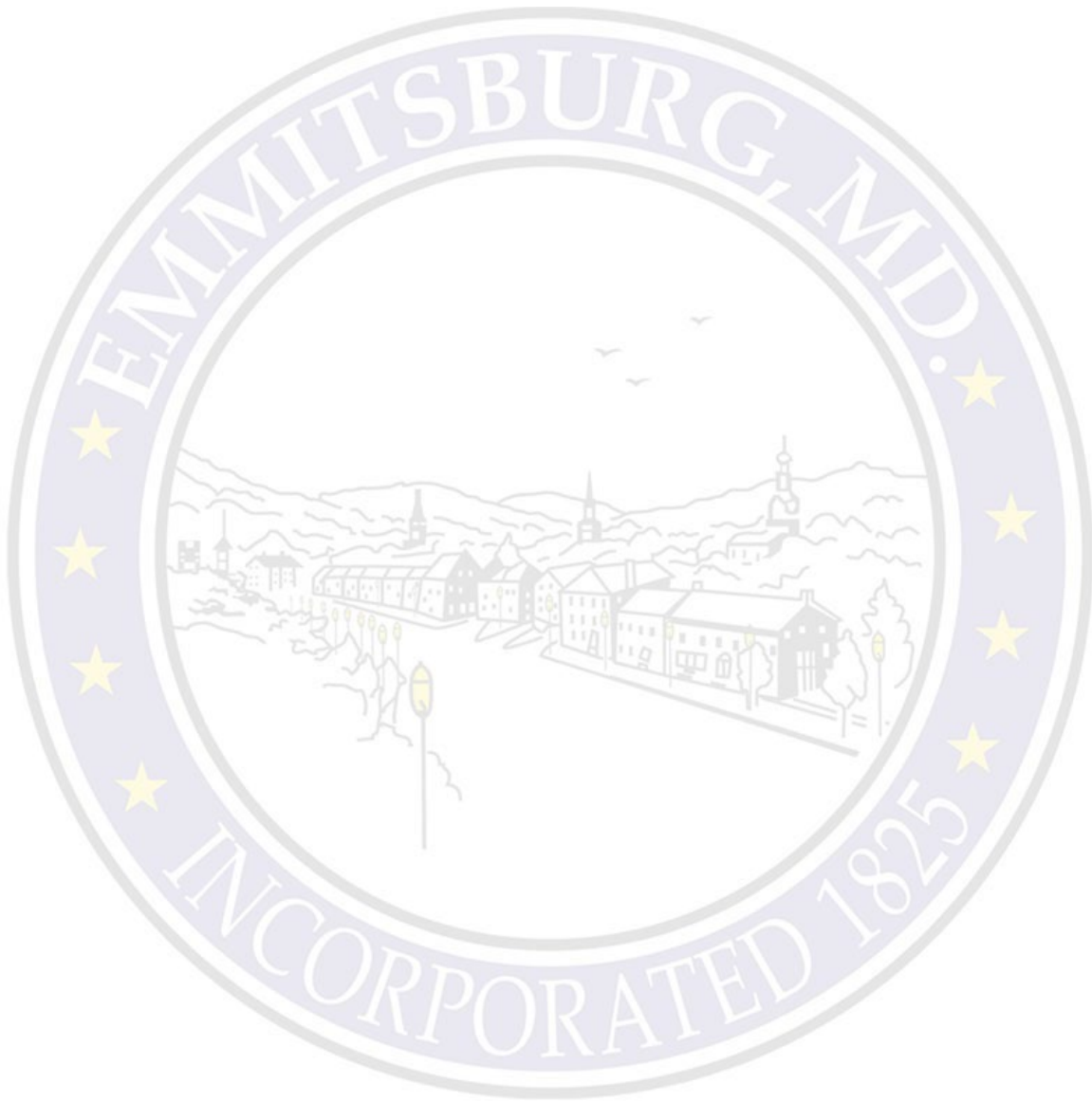
*Presentation at the Town meeting.*



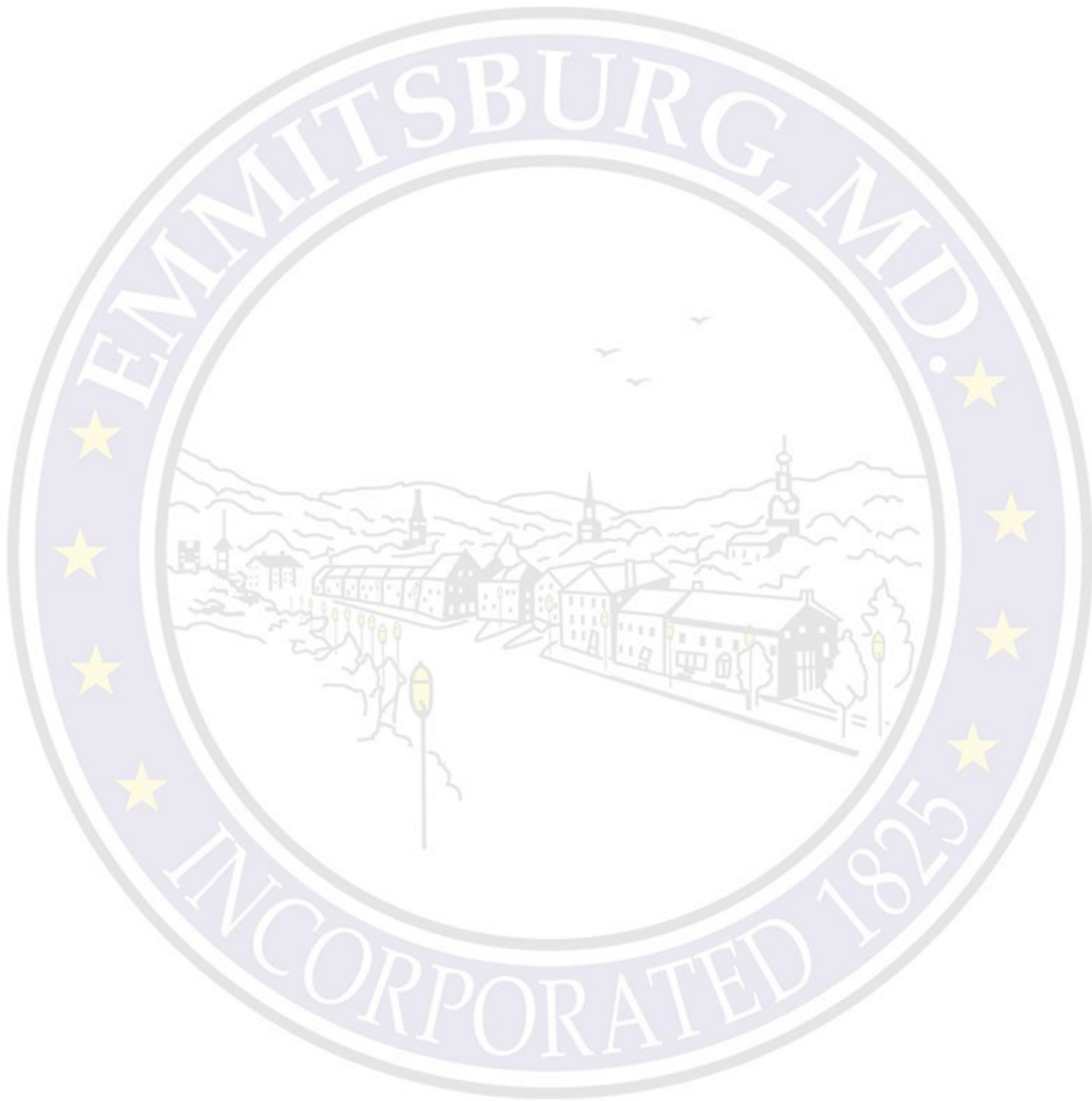
**G. PUBLIC COMMENTS**



**H. ADMINSTRATIVE BUSINESS (NONE)**



**I. CONSENT AGENDA (NONE)**



**J. TREASURER’S REPORT**

**TOWN OF EMMITSBURG  
CASH ACTIVITY AS OF August 29, 2023**

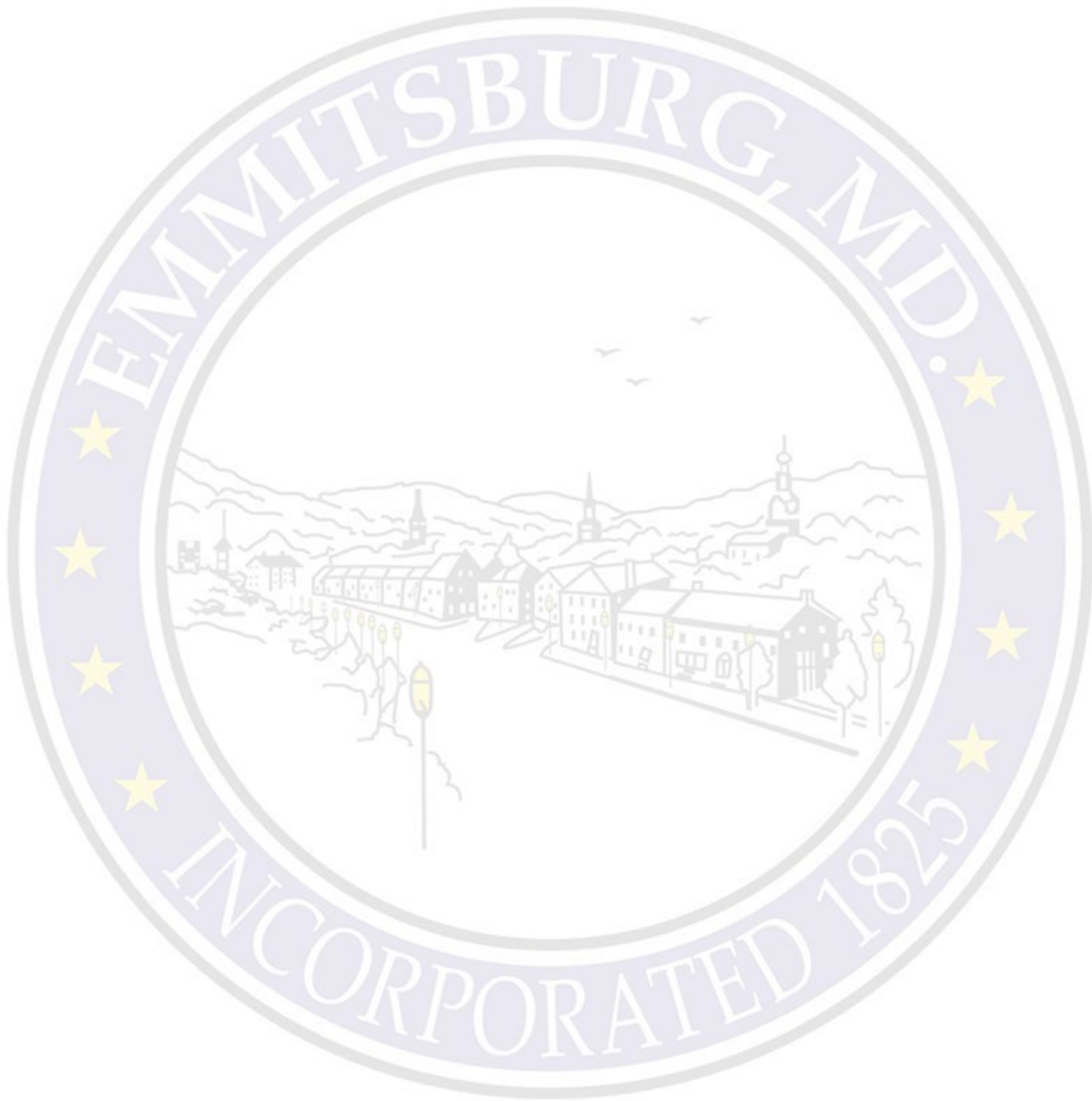
**\$8,731,467**                      **Cash Balance August 1, 2023**

<b>690,930</b>	<b>Deposits</b>
<b><u>-539,603</u></b>	<b>Withdrawals</b>
<b>\$8,882,794</b>	<b>Operating Balance Forward</b>

<b>Check Amount</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Check Date</b>	<b>Check Number</b>
\$173,436	Guyer Brothers	Sewer Relining Project. Federal. DePaul. Bunker	08.02.23	45328
\$50,611	Local Government Insurance Trust	FY24 Insurance	07.26.23	45305
\$29,630	Treasurer of Frederick County	4Q FY23 Law Enforcement	08.09.23	45355
\$23,137	BP Barco Products	Comm & Mem Park Pavilions. Grants #23-14 & 15	08.23.23	45400
\$22,472	MD Dept of Budget \$ Mgmt	Jul 23 Health Insurance	07.26.23	45307
\$14,341	Pine Hill Electronics	Portable Radios	08.16.23	45391
\$11,764	UGI Energy Services, LLC	Jun 23 Solar Field #2	08.02.23	45341
\$11,308	RSV Pools, Inc	Sep 23 Swimming Pool Mgmt	08.09.23	45370
\$11,238	UGI Energy Services, LLC	Jun 23 Solar Field #1	08.02.23	45341
\$9,900	TFJ Excavating	Park Field Drain	07.26.23	45290

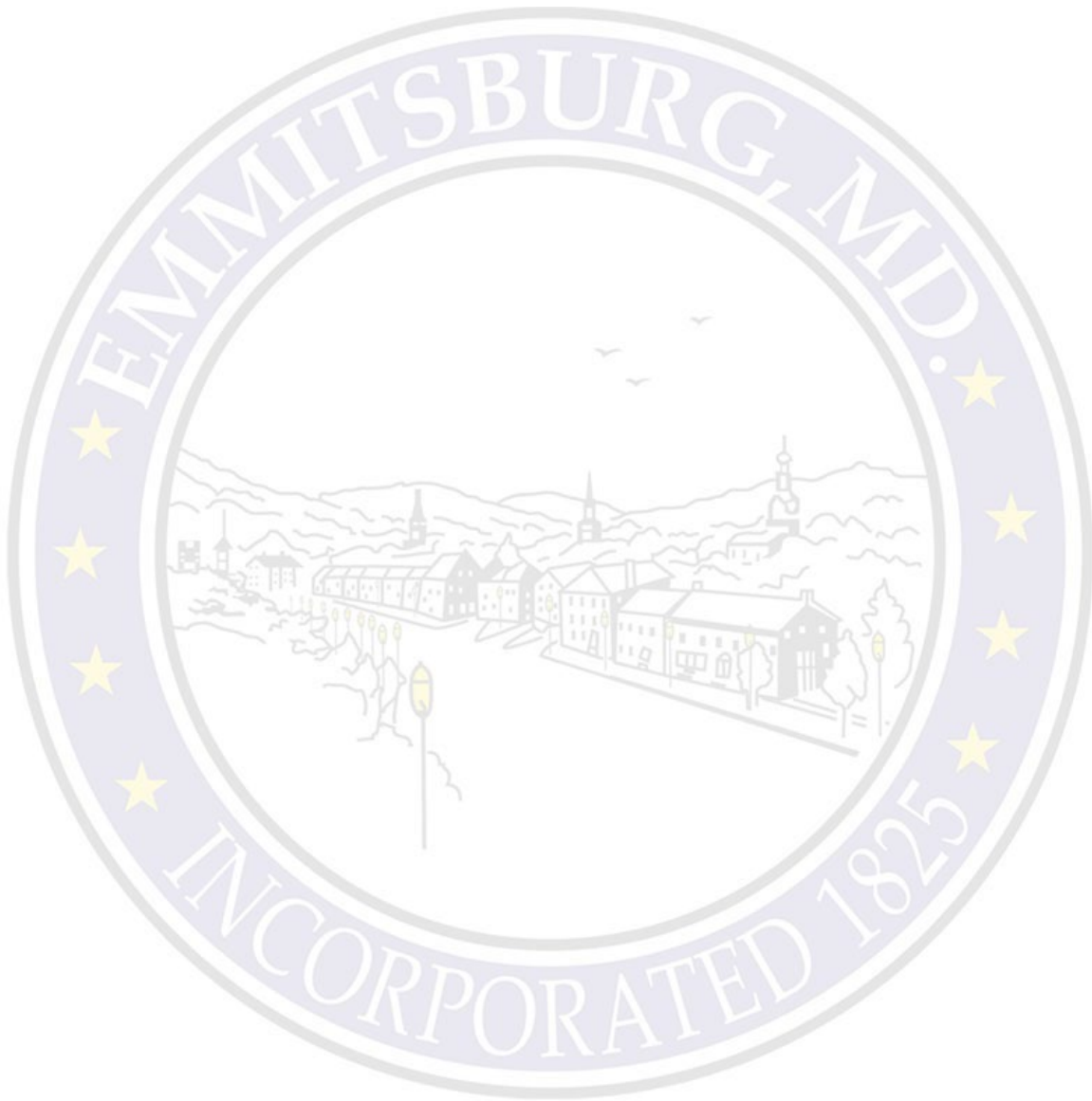
**K. PLANNING COMMISSION REPORT**

*Presentation at the Town meeting.*



**L. AGENDA ITEMS**

AGENDA ITEM #1: For consideration, Proclamation honoring Mayor Donald N. Briggs.







***PROCLAMATION***  
**HONORING MAYOR DONALD N. BRIGGS  
FOR HIS 12 YEARS OF SERVICE TO  
THE TOWN OF EMMITSBURG**

WHEREAS, Mayor Donald N. Briggs, began his services as Mayor for the Town of Emmitsburg in 2011, serving the Town four consecutive terms; and

WHEREAS, Mayor Briggs has served the Town of Emmitsburg in many outstanding roles such as former (founding) member of the Carroll Creek Commission, former (founding) Director of Catoctin Land Trust (MET); and former member of the Frederick County Historic Commission; and

WHEREAS, he was a member and past President of the Emmitsburg Business and Professional Association (EBPA), former member of Frederick County Sustainability Commission, and former member and Chairman of the Frederick City Planning Commission; and

WHEREAS, Mayor Briggs has served the Community with many outstanding projects such as, ADA compliant sidewalks, ADA playground, numerous green initiatives (LG Sonic, EV chargers, solar panels, construction of a state of the art wastewater treatment plant, as well as welcoming many new businesses; and

WHEREAS, Mayor Briggs led the Town to receive many awards including, Sustainable Maryland, Tree City USA, MML Banner City and Maryland Green Registry Leadership Award; and

WHEREAS, the Board of Commissioners, Town staff and Emmitsburg Community have greatly benefited from the service of Mayor Briggs.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of Commissioners of the Town of Emmitsburg, Maryland do hereby express our sincere and grateful appreciation to Mayor Donald N. Briggs for his 12 years of service and do hereby extend our best wishes to him on his future endeavors. We look forward to the remarkable achievements to come and wish him continued success, happiness, and good health.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President, Timothy O'Donnell

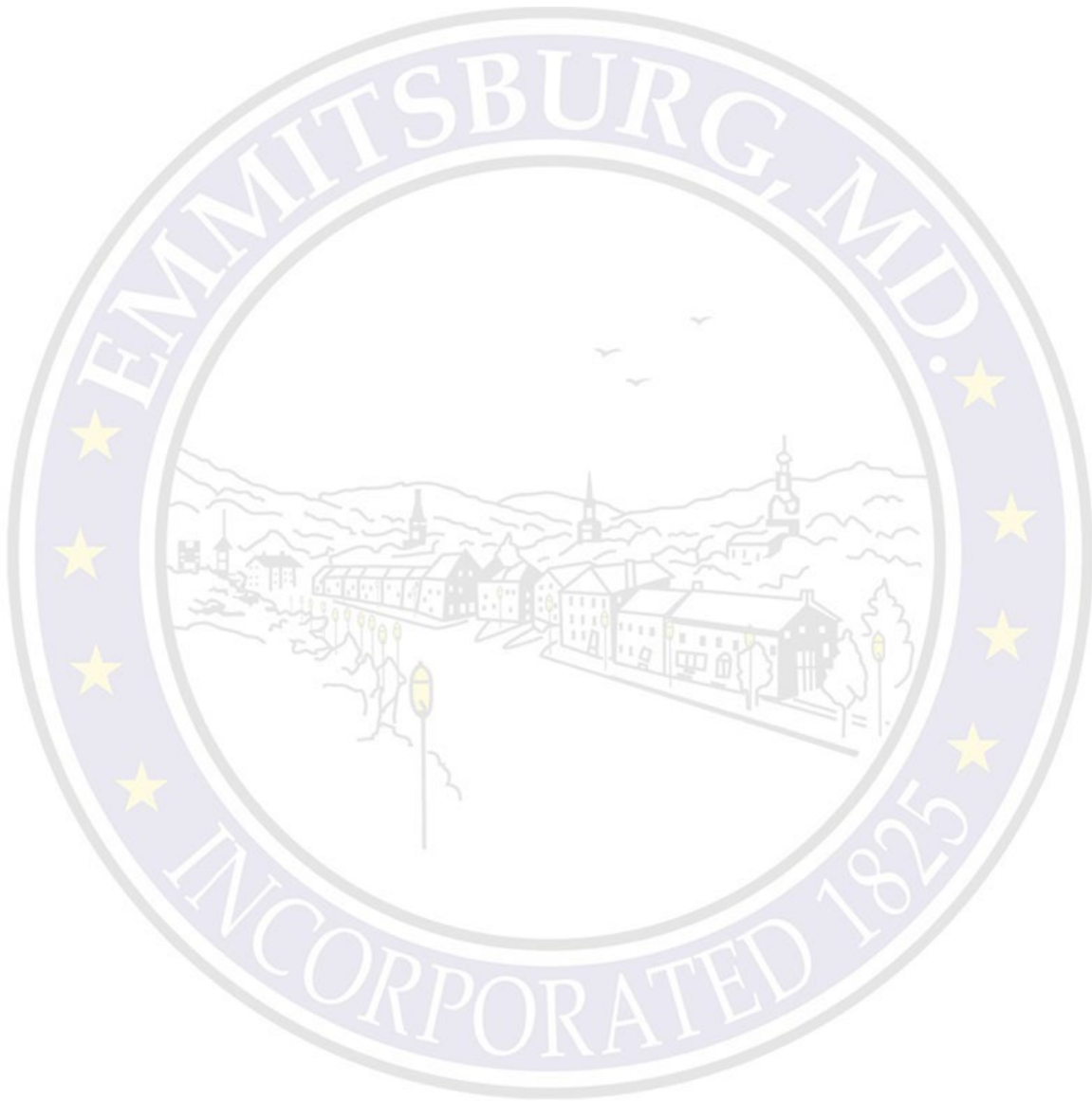
\_\_\_\_\_  
Vice President, Joseph Ritz III

\_\_\_\_\_  
Commissioner  
Clifford Sweeney

\_\_\_\_\_  
Commissioner  
Frank Davis

\_\_\_\_\_  
Commissioner  
Amy Boehman-Pollitt

AGENDA ITEM #2: For consideration, Proclamation honoring Commissioner Ritz III.





## *Let It Hereby Be Known*

*on the occasion of this  
recognition of services*

*this 11<sup>th</sup> day of September 2023 the*

### *Town of Emmitsburg*

*hereby extends sincere gratitude  
and heartfelt appreciation to*

### *Joseph Ritz III*

*for the services as a Commissioner and  
Planning Commission Liaison*

*between the years of 2014 and 2023. It is hoped that Mr. Ritz  
III will continue to be a presence and resource to the  
Emmitsburg community for many years to come.*

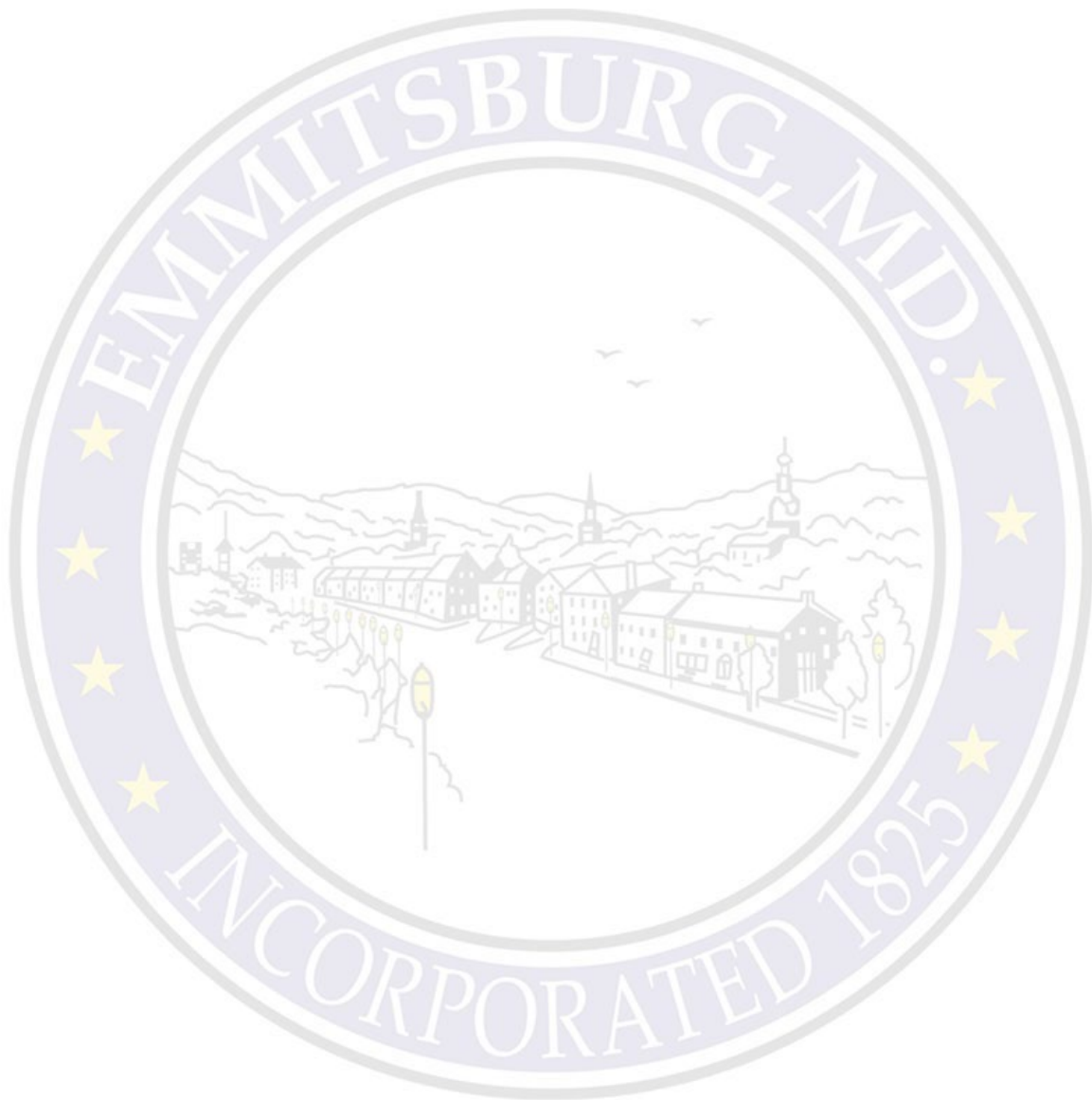
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Donald N. Briggs, Mayor  
September 11, 2023

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Timothy O'Donnell, President  
Board of Commissioners  
September 11, 2023

AGENDA ITEM #3: For consideration, Proclamation declaring September 2023  
National Recovery Month.



# *Proclamation*

## **NATIONAL RECOVERY MONTH**

### **SEPTEMBER 2023**

WHEREAS, recovery from mental and substance use disorders, including co-occurring disorders is an essential part of health and one's overall wellness; and,

WHEREAS, treatment and recovery services for mental and substance use disorders and co-occurring disorders is effective, and people can and do recover in our area and around the nation; and,

WHEREAS, addressing and overcoming mental and substance use disorders and co-occurring disorders is essential to achieving healthy lifestyles, both physical and emotionally; and,

WHEREAS, 1-in-4 teens report having abused or misused a prescription drug at least once; 4 out of 5 people who use heroin started with recreational use of prescription painkillers; and

WHEREAS, the Town of Emmitsburg offers hope and resources; supports those in active addiction, recovery, and their loved ones;

WHEREAS, we must encourage relatives and friends of people with mental and substance use disorders and co-occurring disorders to implement preventive measures, recognize signs of a problem, and encourage those in need of help seek appropriate treatment and recovery support services by:

Calling 911 for medical emergencies;  
By calling 211 to start the recovery process;  
Get Narcan training; and,  
Encourage your community to get "Purple Certified".

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim the month of September as National Recovery Month and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to "go purple" to bring awareness and understanding of mental health and substance use disorders, and to celebrate those living in recovery.

ADOPTED this 11<sup>th</sup> day of September 2023.

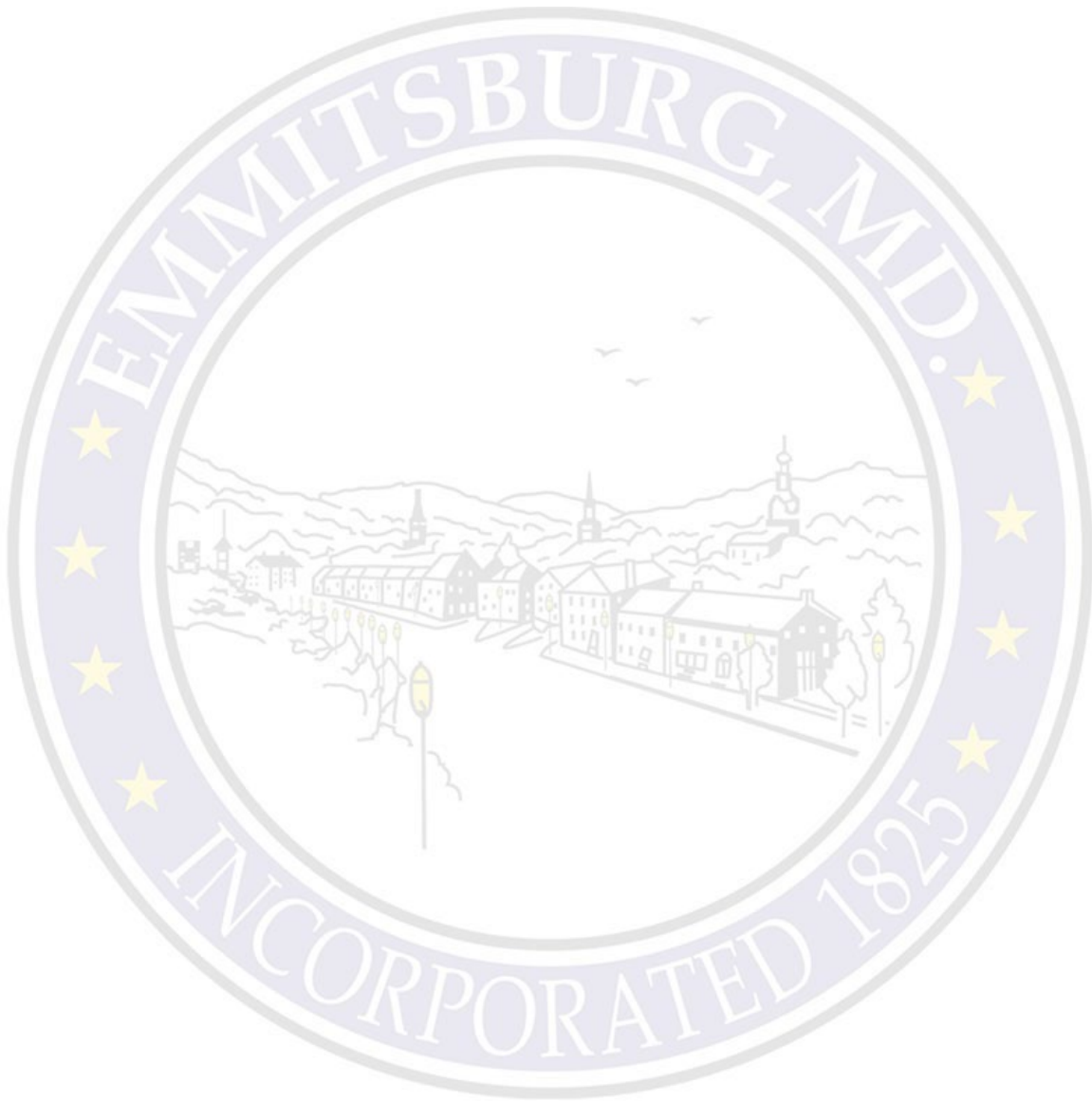
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Donald N. Briggs  
Mayor

---

Timothy J. O'Donnell, President  
Board of Commissioners

AGENDA ITEM #4: For consideration, approval of stormwater deed of easement for Seton Shrine Museum entrance.



**PROJECT: Seton Shrine Museum Entrance      PROPERTY TAX ID: 05-172195**  
**PW275500**

**DEED OF EASEMENT/MAINTENANCE COVENANTS AND AGREEMENT**

**(STORMWATER - ESD)**

This Deed of Easement/Maintenance Covenants and Agreement, made this 17 day of August 2023, by and between Daughters of Charity Ministries, Inc., a Missouri not-for-profit corporation (**Grantor**) and Mayor and Commissioners of the Town of Emmitsburg, Maryland, a body corporate and politic of the State of Maryland (**Grantee**).

WHEREAS, the Grantor is the owner of a certain tract of land located in the Town of Emmitsburg, Frederick County, Maryland, (the "Property", as defined below) over, under and across which it is necessary to provide for storm drainage systems and stormwater management facilities, including but not limited to environmental site design ("ESD") practices and techniques, ditches, pipes, inlets, culverts and ponds (hereinafter referred to collectively as the "Facilities"), for the benefit of the Property (as hereinafter defined) and adjacent and nearby properties, and

WHEREAS, it is necessary to provide for the future maintenance and inspection of the Facilities, and

WHEREAS, it is necessary to provide notice to future owners of all or a portion of the Property of the existence of the Facilities on the Property and their maintenance responsibilities for the Facilities.

WITNESSETH that for and in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Mayor and Commissioners of the Town of Emmitsburg, Maryland, a body corporate and politic of the State of Maryland, its successors and assigns, Grantee, the perpetual stormwater drainage and management easement(s) and right(s) of way in the areas shown on the approved Final SWM Plan (as defined in Chapter 1-15.2 of the Frederick County Code), and more specifically described and shown on **Exhibit A** attached and incorporated by reference herein, through under and across certain real property located in Frederick County, Maryland which was conveyed unto the Grantor by Sisters of Charity of St. Joseph's, by Deed dated June 13, 2011 and recorded among the Land Records for Frederick

County, Maryland in Liber 8396, folio 423 (the "Property").

TO HAVE AND TO HOLD the easement(s) and right(s) of way granted herein together with the rights and privileges appurtenant to their proper use and benefits forever by the Grantee, its successors and assigns.

AND THE GRANTOR, FOR ITSELF, ITS HEIRS, SUCCESSORS AND ASSIGNS, covenant and agree with the Grantee, its successors and assigns, as follows:

FIRST: That the Grantor will not make or permit any modifications to the easement(s) and right(s) of way granted herein, including but not limited to, the erection of any building or structure of any nature whatsoever, and any work that disturbs the earth, such as grading, filling, excavating, or planting, without the Grantee's prior written consent;

SECOND: That the Grantee, its agents, successors and assigns, shall at all times have a right to enter the easement(s) and right(s) of way for the purpose of inspecting and/or maintaining, repairing or operating the Facilities within the easement(s) and right(s) of way, the right of entry to be along the easement(s) and right(s) of way herein granted and along such other lines as the Grantee may deem necessary;

THIRD: The responsibility for the maintenance of the Facilities shall be set forth in the Maintenance Covenants and Agreement attached hereto as Exhibit B and incorporated herein by reference as if fully set forth herein;

FOURTH: The Grantor further covenants and agrees that the easement(s), right(s) of way, maintenance covenants and agreements contained herein shall run with the land and shall bind the Grantor and its heirs, executors, administrators, successors and assignees and shall bind all present and subsequent owners of the Property;

FIFTH: The Grantor covenants and agrees that all parties having an interest in the Property which is subject to this Deed of Easement have the authority to and have executed this document and agreed to the terms hereof; and

SIXTH: The Grantor will warrant specially the easement(s) and right(s) of way and shall execute such further assurances thereof as may be requisite; and

SEVENTH: The Grantor and its heirs, successors and assigns agree to make specific reference to this Deed of Easement in a separate notice paragraph in any contract, deed, lease or



other legal document by which any possessory or equitable interest in the Property is conveyed. The notice shall provide notice to the purchaser or grantee of any possessory or equitable interest in the Property that:

- (A) The Facilities are located on the Property;
- (B) The Facilities, which may not be readily apparent or visible, are located in the approximate areas shown on Exhibit A, a copy of which must be provided with the notice;
- (C) The Facilities may not be modified, relocated or removed unless approved in advance by the Town and Frederick County, as agent for the Town, and replaced in a manner which has no adverse impact on neighboring or adjoining properties; and
- (D) The owner of the Property shall be responsible, at its sole expense, for any required maintenance of the Facilities, including but not limited to, keeping the Facilities clean and in proper working order.

WITNESS:

GRANTOR  
DAUGHTERS OF CHARITY MINISTRIES, INC., a  
Missouri non-stock, not-for-profit corporation



By:   
Thomas Beck, Chief Financial Officer

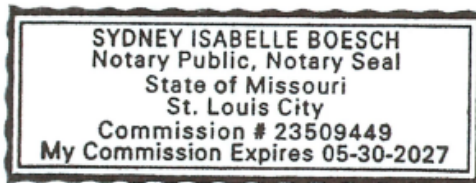
STATE OF MO, COUNTY OF ST. LOUIS CITY

I HEREBY CERTIFY that on this 8 day of AUGUST 2023, before me, the Subscriber, a Notary Public, personally appeared Thomas Beck, and he did acknowledge the foregoing instrument to be his authorized act and deed as the Chief Financial Officer of Daughters of Charity Ministries, Inc., a Missouri non-stock, not-for-profit corporation, and he did further certify under the penalties of perjury that the consideration paid or to be paid for the foregoing conveyance by the Grantee is in the sum of ZERO DOLLARS.

WITNESS my hand and Notarial Seal.

  
NOTARY PUBLIC

My commission expires:



GRANTEE

MAYOR AND COMMISSIONERS OF THE TOWN  
OF EMMITSBURG, MARYLAND, a body  
corporate and politic of the State of Maryland

Witness/Attest:

*Carlye [Signature]*  
Town Manager

By: *[Signature]*  
Donald N. Briggs, Mayor

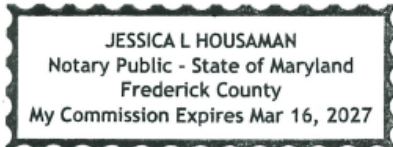
STATE OF MARYLAND, COUNTY OF FREDERICK, MARYLAND TO WIT:

I HEREBY CERTIFY that on this 17 day August 2023, before me, the  
subscriber, a Notary Public in and for the State and County aforesaid, personally appeared  
Donald N. Briggs, Mayor of the Town of Emmitsburg, Maryland, a body corporate and politic  
of the State of Maryland and acknowledged the foregoing instrument to be the act of said body  
corporate and politic. And at the same time, he made oath in due form of law that he is the Mayor  
of said body corporate and politic and is duly authorized to make this acknowledgment on its  
behalf.

Witness my hand and Notaries Seal.

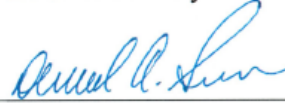
*Jessica L. Housaman*  
Notary Public

My Commission Expires \_\_\_\_\_



CERTIFICATION OF PREPARATION

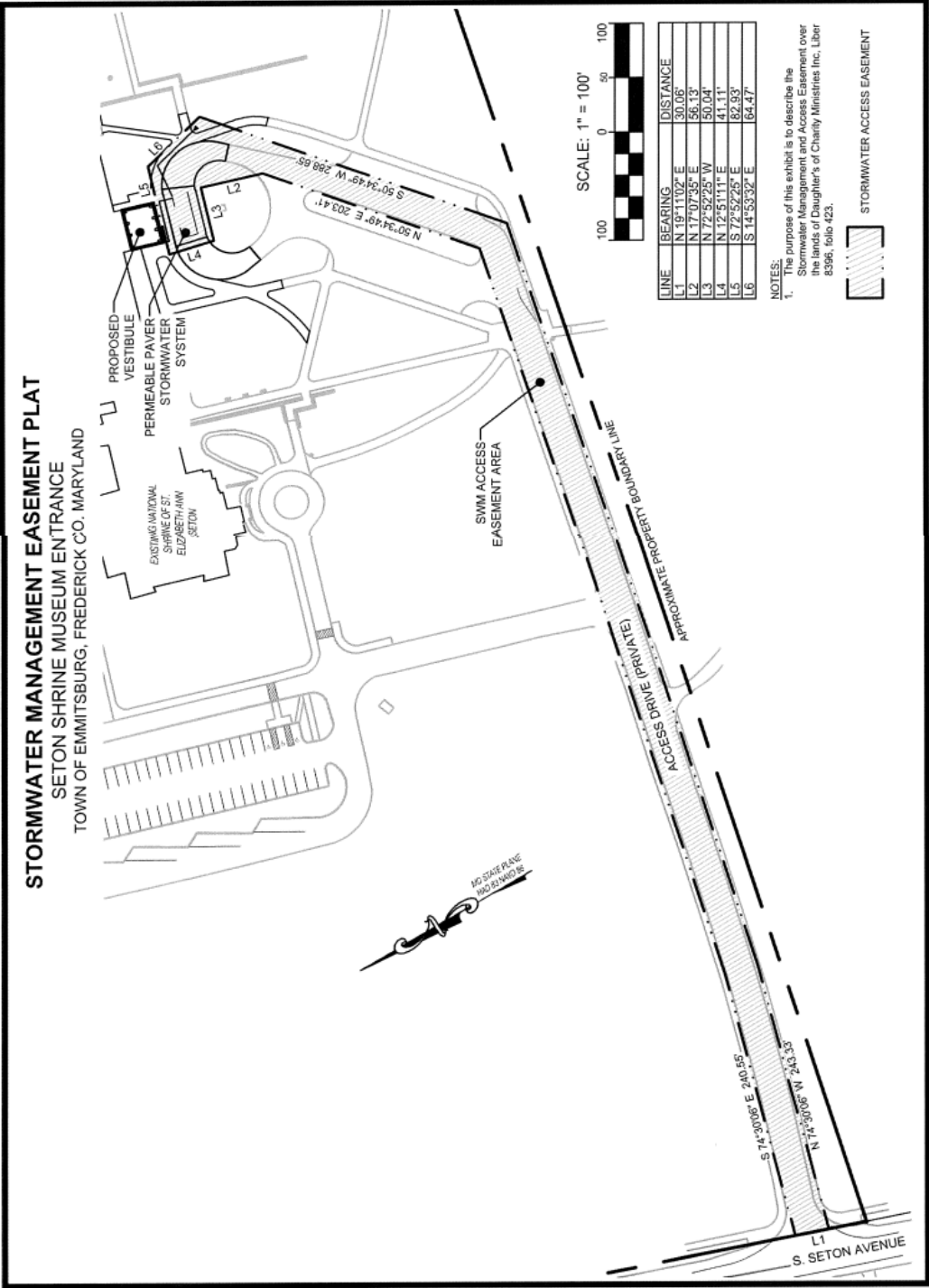
I hereby certify that this instrument has been prepared by or under the supervision of the undersigned, an Attorney admitted to practice law in the State of Maryland.



---

David A. Severn

# EXHIBIT A



PROJECT NO. 6677-1

**FSA**  
 FREDERICK, SEIBERT & ASSOCIATES, INC.  
 CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

128 SOUTH POTOMAC STREET  
 HAGERSTOWN MD 21740  
 301.731.3990

20 WEST BALTIMORE STREET  
 GREENCASTLE, PA 17226  
 717.592.1007

505 SOUTH HANOVER STREET  
 CARLISLE, PA 17013  
 717.701.8111

15 EAST MAIN STREET  
 NEW BLENHEIM, PA 17098  
 717.275.7531

DATE: 08-15-2023  
 PROJECT MANAGER: CMC  
 EMAIL: CChamp@fsa-inc.com

DATE: 08-15-2023  
 PROJECT MANAGER: CMC  
 EMAIL: CChamp@fsa-inc.com

8-12-38  
 TAX MAP

1" = 100'  
 SHEET 1 OF 1

# EXHIBIT A



CIVIL ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE

August 15, 2023

Description for stormwater access easement as shown on the attached exhibit.

Situate at 341 South Seton Avenue, Emmitsburg, Maryland 21727

Beginning at a point on the eastern right-of-way line South Seton Avenue at lands now or formerly of Daughters of Charity Ministries LLC (Book 8396, Page423); thence with lands of Daughters of Charity N 19°11'02" E 30.06 feet to a point, thence S 74°30'06" E 240.55 feet to a point, thence S 77°44'21" E 686.81 feet to a point, thence N 50°34'49" E 203.41 feet to a point, thence N 17°07'35" E 56.13 feet to a point, thence N 72°52'25" W 50.04 feet to a point, thence N 12°51'11" E 41.11 feet to a point, thence S 72°52'25" E 82.93 feet to a point, thence S 14°53'32" E 64.47 feet to a point, thence S 50°34'49" W 288.65 feet to a point, thence N 77°44'21" W 702.19 feet to a point, thence N 74°30'06" W 243.33 feet to the point of beginning.

Containing 0.95 Acres of land.

4858-1779-8008, v. 1

**fsa-inc.com**

HAGERSTOWN, MD  
128 S. Potomac Street  
Hagerstown, MD 21740  
301.791.3650

GREENCASTLE, PA  
20 W. Baltimore Street  
Greencastle, PA 17225  
717.597.1007

CARLISLE, PA  
505 S. Hanover Street  
Carlisle, Pa 17013  
717.701.8111

NEW BLOOMFIELD, PA  
15 E. Main Street  
New Bloomfield, Pa 17068  
717.275.7531

**EXHIBIT B**

**INSPECTION AND MAINTENANCE COVENANT AND AGREEMENT OF PRIVATE  
STORMWATER MANAGEMENT FACILITIES**

1. The Grantor, its successors, heirs and assigns covenants and agrees to provide for all the maintenance of the stormwater management Facilities to ensure that the Facilities are and remain in proper working condition, in accordance with the approved Final SWM Plan(s) No. PW275500 on file with Frederick County, Maryland (the “County”) and/or the Town of Emmitsburg, and all applicable standards, rules, regulations and laws. The Grantor shall perform necessary grass cutting, etc., and trash removal as part of regular maintenance.
2. Unless otherwise provided, the person(s) or entity holding legal title to the particular section of Property where any Facilities are located is responsible for maintenance of those Facilities. In the event a single Facility is located on one or more parcels under different ownerships, the owners of the parcels are responsible for their pro-rata share of any maintenance.
3. If necessary, the Grantor or its/their successors or assigns, shall levy regular or special assessments against all present or subsequent owners of the Property served by the Facilities, as more particular described in paragraph 4 hereof, to ensure that the Facility is properly maintained.
4. Upon receipt of notice from the County and/or the Town of Emmitsburg of any problems or deficiencies in the Facilities, the Grantor shall correct the problems as directed by the County and/or the Town of Emmitsburg. If the requested corrections are not made within thirty (30) days, the County and/or the Town of Emmitsburg may, at its discretion, perform all the necessary work to bring the Facility into compliance with statutory requirements, and the owner(s) of the Property upon which the Facilities are located shall be assessed for the cost of the work. If not paid within thirty (30) days, the assessment shall create a lien on the Property and upon properties that are benefited by the Facilities (the “Benefited Properties”). The Benefited Properties are identified as follows:  
Part of Tract 4 – 05-172195  
and may be included in the tax bill for property on which the Facilities are located and/or the

Benefited Properties identified above and collected as taxes by the County.

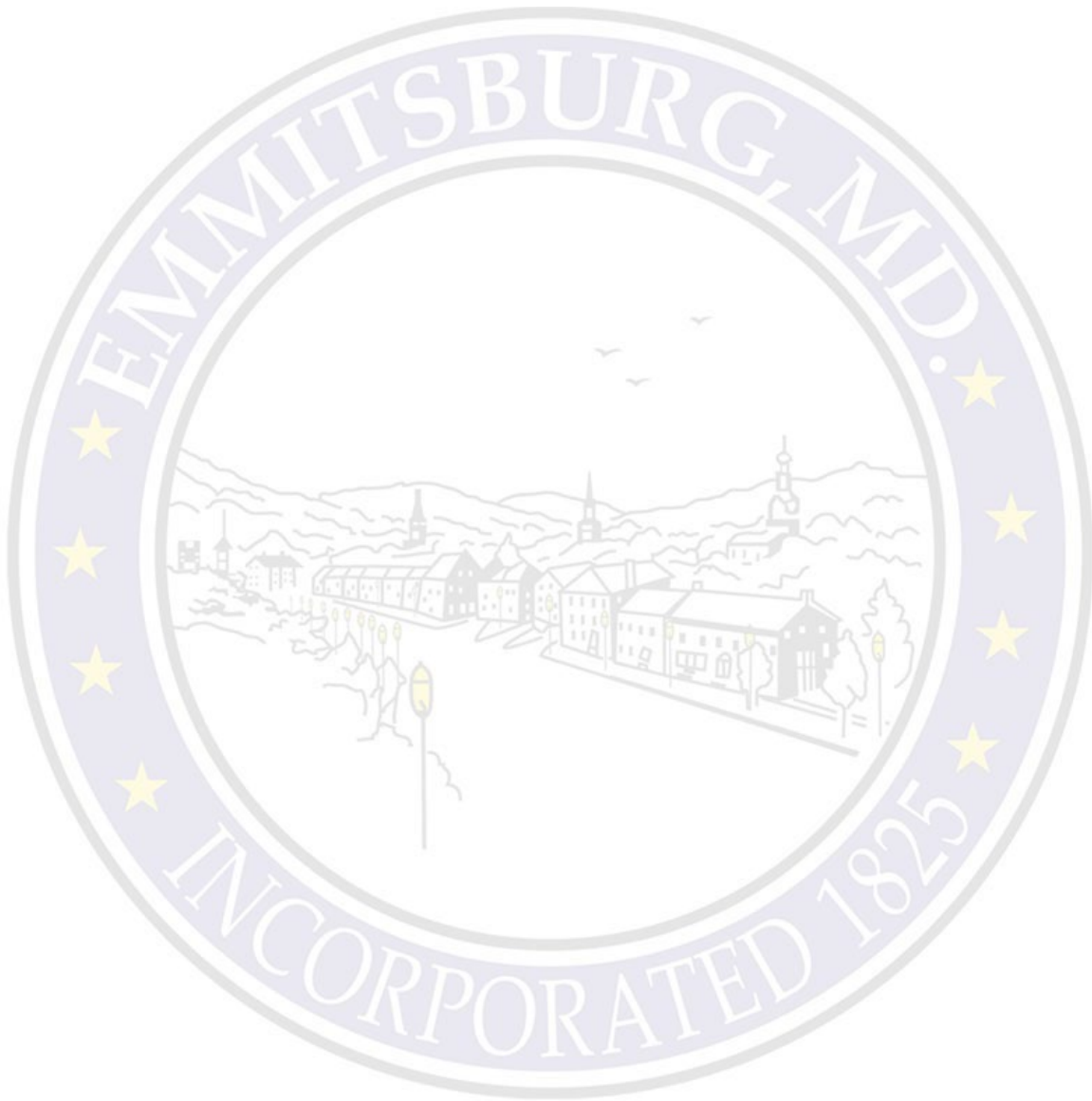
5. The Grantor shall indemnify and save Frederick County, Maryland and the Town of Emmitsburg harmless from any and all claims for damages to persons or property arising from the construction, maintenance and use of the Facilities.
6. The Agreement and covenants contained herein shall apply to and bind the Grantor and its heirs, executors, successors and assigns, and shall bind all present and subsequent owners of the Property served or benefitted by the Facilities, as described in paragraph 4. above, and on which any Facility is located, for such time as each owner is in title to the Property or the Benefitted Properties.
7. The Grantor shall promptly notify the County and/or the Town of Emmitsburg if the Grantor transfers the maintenance responsibility for the Facilities to a 3<sup>rd</sup> party who does not own the Property by providing a copy of the document of transfer signed by all parties. Such transfer shall not obviate Grantor's responsibilities under this Inspection Maintenance and Covenant and Agreement of Privat Stormwater Management Facilities and Easement.

4887-4096-8824, v. 1

5-22-22



AGENDA ITEM #5: For consideration, approval of Ordinance 23-11, which would make the entire Town subject to the snow emergency plan.



ORDINANCE SERIES: 2023  
ORD. NO: 23-11

Page 1 of 2

AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLE AND TRAFFIC

.....

**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 10; Section 10.12.120 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

10.12.120 Parking prohibited during snow emergency —~~Designated roads~~

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

“Snow Emergency” means when Frederick County proclaims that the snow emergency plan is in effect all streets within the Town of Emmitsburg’s corporate limits are subject to this snow emergency plan.

B. Parking Prohibited. The parking of vehicles on streets ~~designated (by street signs) as a snow emergency route~~ is prohibited when the snow emergency plan is in effect, and parking of vehicles shall continue to be prohibited until the accumulation has been cleared.

C. Removal of Vehicles. The town is authorized and empowered to take possession of and to remove and/or issue a citation for any parked vehicles that interfere with the clearance of snow and/or issue a citation for any parked vehicles or abandoned vehicles that obstruct traffic or interfere with the clearance of snow and/or ice along streets within the corporate limits of the town at the owner’s expense.

D. Emergency Hours. If the snow emergency plan goes into effect after six p.m., no vehicles will be towed away, and/or issued a citation until after eight a.m. of the following day.

ORDINANCE SERIES 2023  
ORDINANCE NO. 23-11

page 2 of 2

**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 pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Sabrina King, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

MAYOR

\_\_\_\_\_ APPROVED \_\_\_\_\_ VETOED

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
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.

Sabrina King, Town Clerk  
Date:

### **September 21, 2015 town meeting minutes**

#### **Review and discussion of snow emergency plan**

Recommendation to add snow emergency signs in the cul-de-sacs in Southgate, Northgate, Emmit Gardens, Silo Hill (the entire area), Brookfield, Warthens Way, Waycross Ct., and Creamery Way (the entire area). One minor change made to 10.12.120 Parking Prohibited during snow-emergency - designated roads (ordinance 2015-06). Mr. Haller said only the areas that are signed will be restricted. The cul-de-sacs are very important because if cars park there no where to put the snow. It is suggested to make the Town responsible for enforcement. Mr. Haller mentioned it would be a \$15 ticket. Commissioner Blanchard had concerns about where people can park their cars during the snow emergency plan and do they have off-street parking. Commissioner O'Donnell would like feedback and would like to get the word out. Commissioner Sweeney said it is much easier to plow with the cars out of the way and out of the circle. Commissioner Sweeney would like to put it out on web and TV to get public input. Mr. Haller suggested the Board look it over. Board consented to bring this item back at next meeting.

### **October 5, 2015 town meeting minutes**

#### **Consideration of snow emergency modification plan – proposed no parking during snow emergency plan in all cul-de-sacs listed**

Mr. Haller advised this is a reinstatement of a snow emergency plan that was in place several years ago. It is allowing staff to clean the streets better if these cul-de-sacs are kept open. Mr. Haller advised that Silo Hill would be more than just the cul-de-sacs due to requests made by residents. Commissioner O'Donnell advised the following areas would be affected: Southgate, Northgate, Emmit Gardens, Warthens Way, Creamery Way, Silo Hill, Brookfield and WayCross Ct. Commissioner Mellor inquired about Silo Hill. Mr. Haller advised it would entail all the streets in the entire development. She had a meeting with several residents in Silo Hill. She said they suggested to keep 2 University Drive to 19 Robindale drive open. Commissioner Mellor and residents would like to keep one side of Silo Hill Road open to allow for parking. She asked if this is possible and reasonable to Staff.

Commissioner Mellor made a motion to modify the request for "no parking" during snow emergency plan in all cul-de-sacs for Silo Hill for the area of 2 University Drive and 19 Robindale Drive be kept open as well as keeping one side of Silo Hill Pkwy. open. Motion seconded by Commissioner Blanchard.

#### **Vote 5-0. Modification passed**

This will be done with signage. Mr. Haller said this will be brought back at next meeting with the modification. Ordinance 15-06 put on hold.

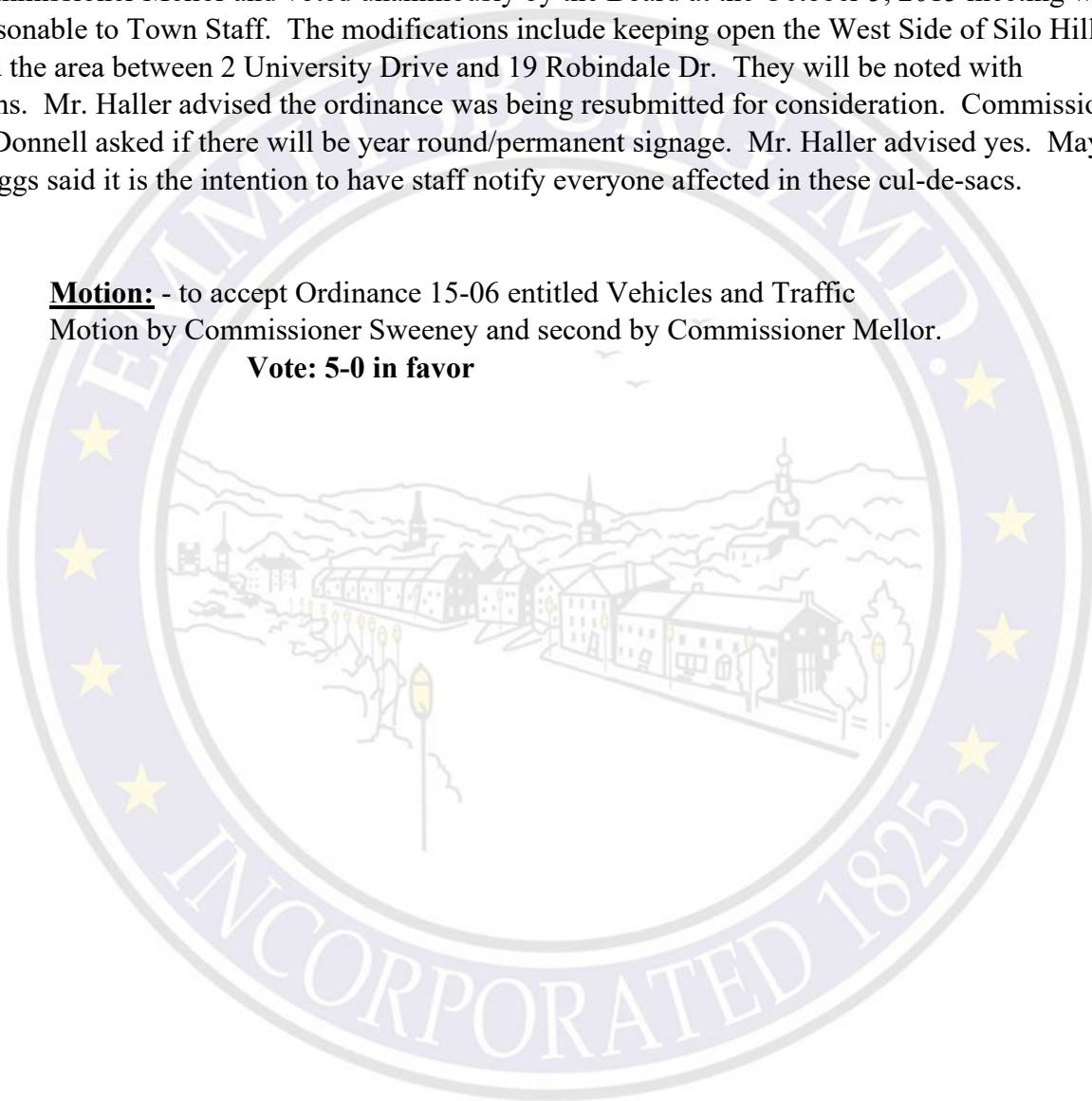
**October 19, 2015 town meeting minutes**

**Final consideration of Snow Emergency Plan for the Town of Emmitsburg – Proposed “No Parking” during snow emergency plan is all cul-de-sacs listed**

Mr. Haller noted that this is the second presentation and modification which was brought by Commissioner Mellor and voted unanimously by the Board at the October 5, 2015 meeting was reasonable to Town Staff. The modifications include keeping open the West Side of Silo Hill and the area between 2 University Drive and 19 Robindale Dr. They will be noted with signs. Mr. Haller advised the ordinance was being resubmitted for consideration. Commissioner O'Donnell asked if there will be year round/permanent signage. Mr. Haller advised yes. Mayor Briggs said it is the intention to have staff notify everyone affected in these cul-de-sacs.

**Motion:** - to accept Ordinance 15-06 entitled Vehicles and Traffic  
Motion by Commissioner Sweeney and second by Commissioner Mellor.

**Vote: 5-0 in favor**



ORDINANCE SERIES: 2015  
ORDINANCE NO. 15-06

Page 1 of 2

AN ORDINANCE TO AMEND  
TITLE 10  
OF THE CODE OF EMMITSBURG  
ENTITLED  
VEHICLE AND TRAFFIC

\*\*\*\*\*

**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 10 ; Section 10.12.120 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike out~~.

10.12.120 Parking prohibited during snow emergency – Designated roads

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

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B. Parking Prohibited. The parking of vehicles on streets designated (by street signs) as a snow emergency route is prohibited when the snow emergency plan is in effect, and parking of vehicles shall continue to be prohibited until the accumulation has been cleared.

C. Removal of Vehicles. The ~~police are~~ **TOWN IS** authorized and empowered to take possession of and to remove and/or issue a citation for any parked vehicles that interfere with the clearance of snow and/or issue a citation for any parked vehicles or abandoned vehicles that obstruct traffic or interfere with the clearance of snow and/or ice along streets within the corporate limits of the town at the owner’s expense.

D. Emergency Hours. If the snow emergency plan goes into effect after six p.m., no vehicles will be towed away, and/or issued a citation until after eight a.m. of the following day.

**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 pass the Ordinance over the veto of the Mayor.

ORDINANCE SERIES: 2015  
ORDINANCE NO. 15-06

Page 2 of 2

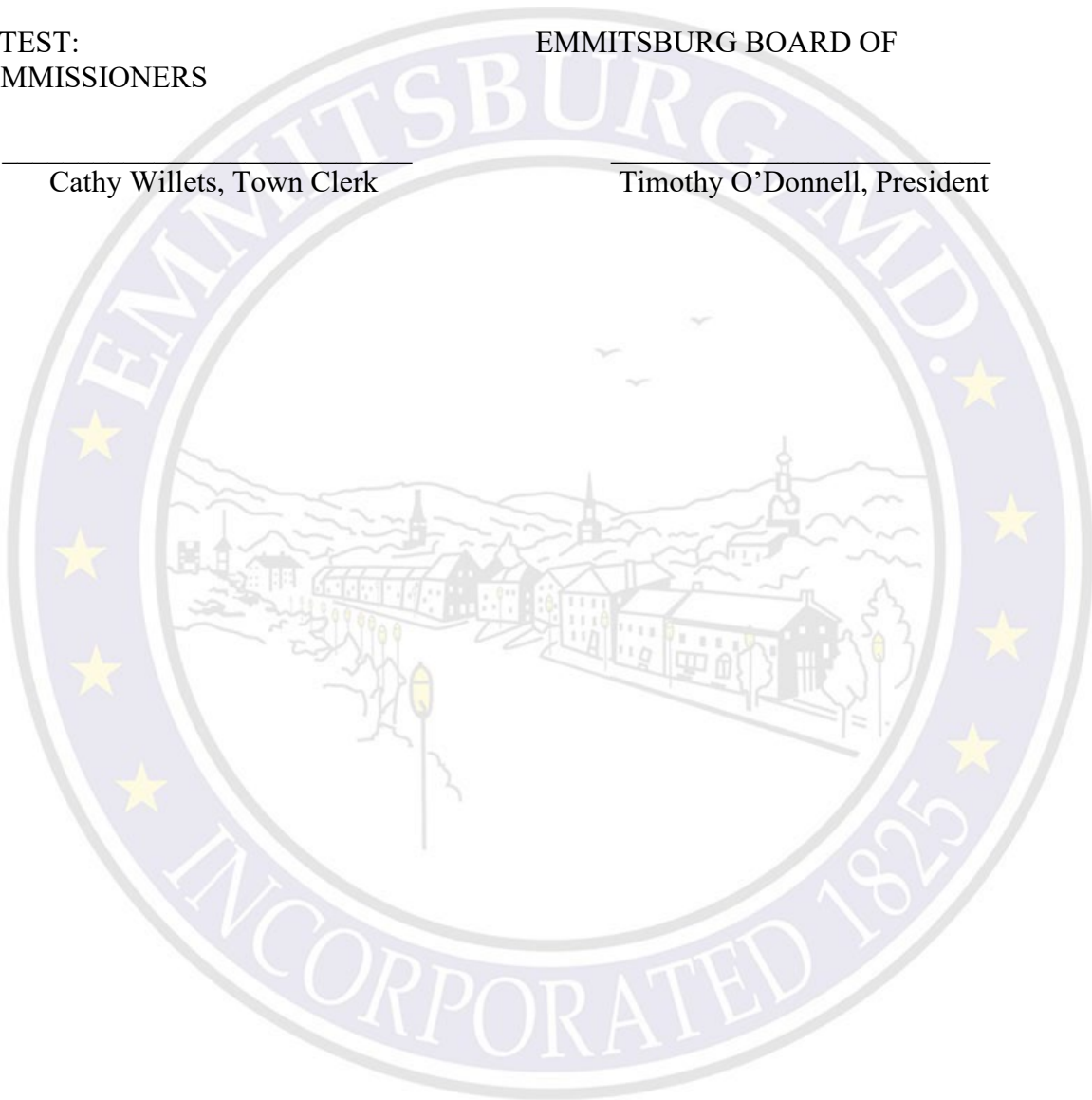
**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by a vote of \_\_\_\_\_ for,  
\_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:  
COMMISSIONERS

EMMITSBURG BOARD OF

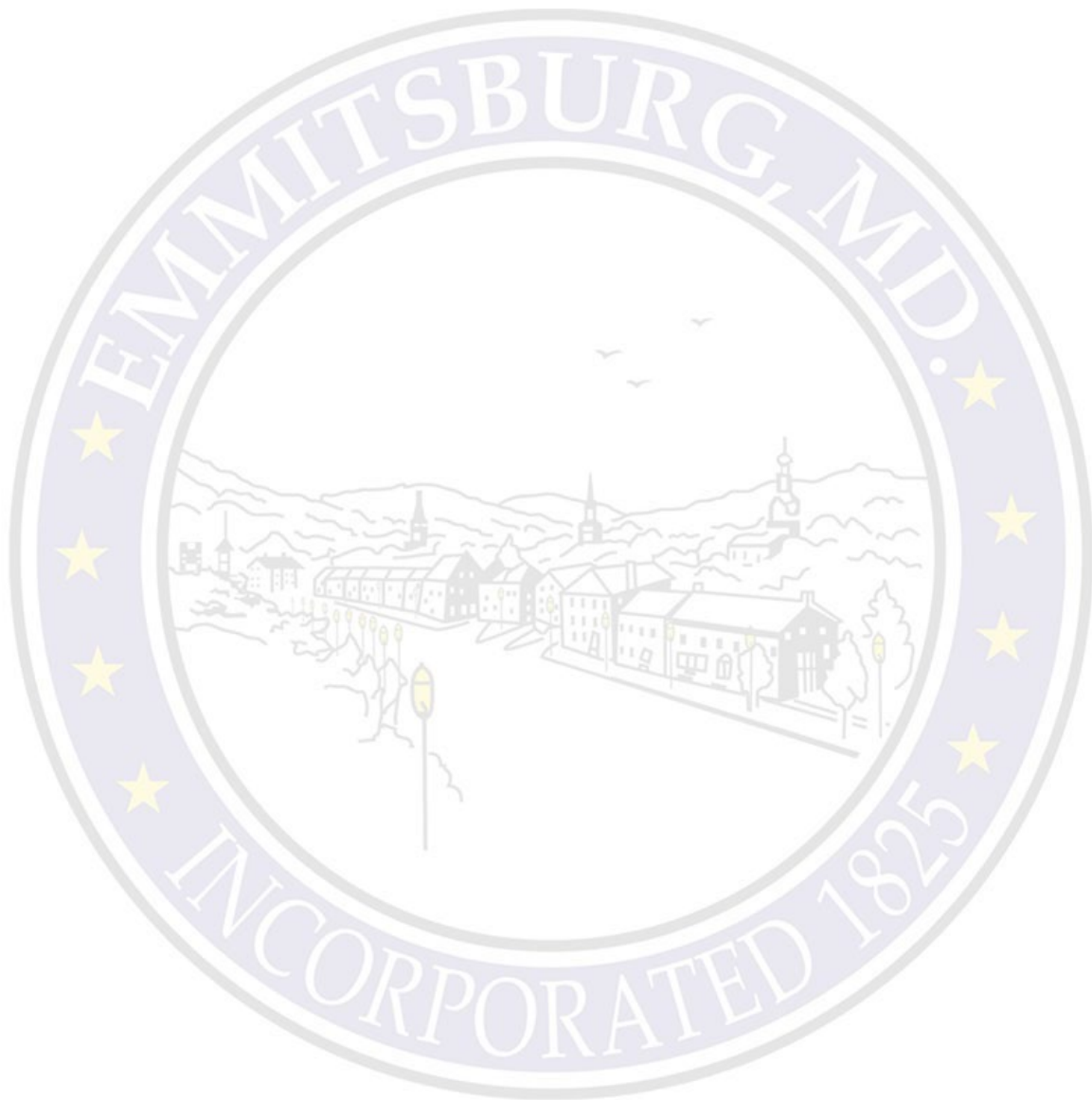
By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_ Timothy O'Donnell, President



AGENDA ITEM #6: For consideration, establish minimum bid price for tax sale of 509 East Main Street.

*Presentation at the Town meeting.*

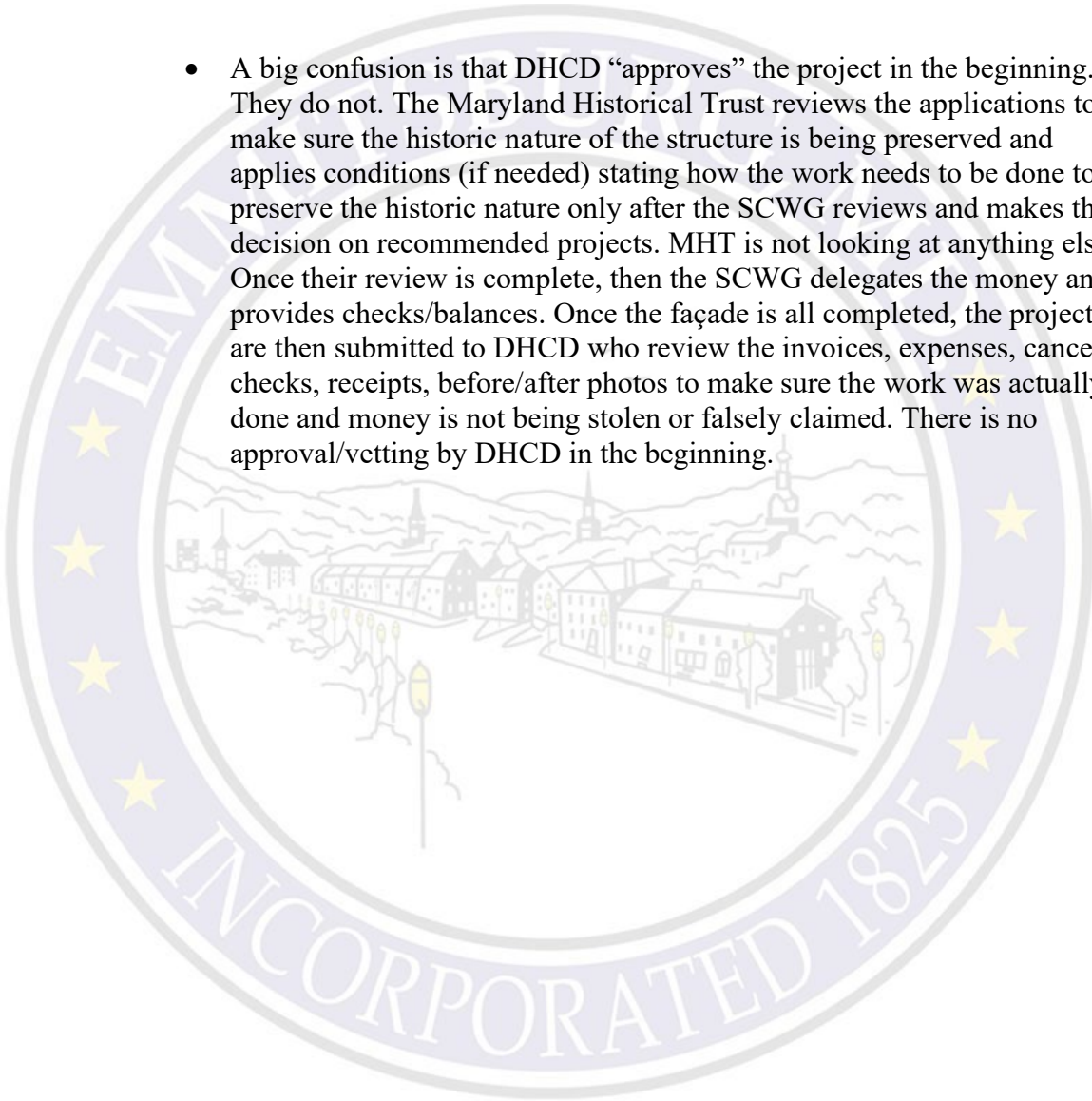




AGENDA ITEM #7: Approval of Rules and Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration.

- a. These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program.

- A big confusion is that DHCD “approves” the project in the beginning. They do not. The Maryland Historical Trust reviews the applications to make sure the historic nature of the structure is being preserved and applies conditions (if needed) stating how the work needs to be done to preserve the historic nature only after the SCWG reviews and makes their decision on recommended projects. MHT is not looking at anything else. Once their review is complete, then the SCWG delegates the money and provides checks/balances. Once the façade is all completed, the projects are then submitted to DHCD who review the invoices, expenses, canceled checks, receipts, before/after photos to make sure the work was actually done and money is not being stolen or falsely claimed. There is no approval/vetting by DHCD in the beginning.



## Emmitsburg Façade Restoration Program Community Legacy Grant Standard Operating Procedures

### Applications

1. Applications are due by December 31 each year.
2. The Town should advertise that applications are now being accepted on Facebook, the Town website, channel 99 and by placing yard signs on/near the town square.
3. All applications received by the Town Office should be date stamped with date received.
4. A folder shall be created for each application/address.
5. The grant manager should confirm each application is complete as specified in the *Community Legacy Grant Application* document and shall contain specified attachments (e.g.,-two cost estimates, drawings, or photos, etc.).
6. **APPLICANTS WILL BE REQUIRED TO MAKE A “GOOD FAITH EFFORT” TO OBTAIN TWO (2) ESTIMATES. IF OBTAINING TWO ESTIMATES IS NOT POSSIBLE, THE APPLICANTS WILL BE REQUIRED TO PROVIDE DETAILS ABOUT THE TWO COMPANIES THEY CONTACTED AND SPECIFY THAT THE SECOND ESTIMATE COULD NOT BE SECURED.**
7. **APPLICANTS WILL BE REQUIRED TO ARTICULATE HOW THEIR PROPOSALS ALIGN WITH THE GRANT’S OBJECTIVES BY STATING HOW THE PROJECTS LEAD TO THE PRESERVATION AND REHABILITATION OF PROPERTY EXTERIORS. THEY SHOULD ALSO SHOW HOW THEIR PROJECTS LEAD TO THE ENHANCEMENT OF ECONOMIC SUSTAINABILITY AND VISUAL APPEAL WITHIN THE DESIGNATED SUSTAINABLE COMMUNITY AREAS.**
8. If an application is incomplete, the grant manager shall contact the property owner and request additional information.
9. The grant manager shall confirm the property resides in the Sustainable Communities District (SCD) by searching the address here: <https://portal.dhcd.state.md.us/GIS/revitalize/index.html>. All projects must be in the SCD. Proof the property is in this district shall be printed and placed with the application folder. This will be needed later when a request for payment is submitted to Maryland Dept. of Housing and Community Development (DHCD).
10. Once applications are received and ready, the grant manager should contact the Sustainable Communities Work Group (SCWG) and schedule a public meeting to review the applications. The meeting should occur in January/February once the Town has received notice from DHCD of the amount of funding available for the fiscal year.
11. The grant manager should submit all applications to the Maryland Historical Trust (MHT) for review. To initiate the review, the grant manager should send the following information to the DHCD Project Manager in an email with the project address in the subject line.
  - a. DHCD award number
  - b. Project address

- c. Photographs (including interior if scope involves interior features)
  - d. Scope of work (e.g., narrative description, contract, estimate, etc.)
  - e. Any relevant plans or product specifications, cutsheets, etc.
12. *Note:* Maryland Historical Trust review can take up to 30 days. A response is not needed for the SCWG to meet.

### **Sustainable Communities Work Group (SCWG)**

1. The SCWG must consist of five (5) members.
2. ~~Members of the SCWG shall be appointed by the Mayor and be approved by the Board of Commissioners.~~ **ANYONE INTERESTED IN SERVING AS A MEMBER OF SCWG CAN APPLY AND SHALL BE SUBJECT TO BOARD APPROVAL.**
3. ~~There is no term limit for the SCWG.~~ **THE TERM LIMIT FOR SCWG MEMBERS WILL BE FIVE (5) YEARS.**
4. The members of the SCWG must reside in Town.
5. **THE ROLE OF SCWG IS TO SOLELY PROVIDE RECOMMENDATIONS WHICH GET FORWARDED TO THE MHT TO ENSURE THAT THE CHOSEN APPLICATIONS MEET THE ELIGIBILITY CRITERIA. FUNDING IS ONLY AWARDED ONCE THE APPLICATION IS REVIEWED AND APPROVED BY THE MHT.**
6. All SCWG meetings shall be public, and the meeting notice should be given on the Town website, channel 99 and Facebook.
7. One week before the meeting the project manager should make copies of all the applications and provide copies to the members of the SCWG members along with a meeting agenda. The agenda template is on the I Drive > Planning Department > Grants > Community Legacy > Sustainable Communities Work Group.
8. An agenda should be made for the meeting and copies should be printed for the public. Copies of the applications should *not* be made available to the public due to the personal information provided in the application. **ADDRESS, NAME/DESCRIPTION OF PROJECT, AND AMOUNT OF FUNDS AWARDED WILL BE POSTED ON THE WEBSITE ON THE PAGE DESIGNATED FOR COMMUNITY LEGACY PROGRAM**
9. A sign-in sheet for public comment should be printed for the meeting.
10. Minutes should be taken of all meetings and approved by the SCWG at the next meeting.
11. At the meetings, the SCWG should start by reading the "Legacy Program Background" (found on the I Drive > Planning Department > Grants > Community Legacy > Sustainable Communities Work Group). A summary of the number of applications received, total amount of funds requested, and available funding shall be given. The SCWG should then publicly allocate the available funding.
12. During the review of the applications, the SCWG should consider the following questions as a guideline for allocating funds:
  - a. Does the application address a structure that constitutes a major visual or structural component within the Sustainable Communities area?

- b. Does the project preserve the distinguished original qualities and character of the building? Removal of distinctive and historical architectural features may be a contributing factor for disqualification.
- c. Are deteriorated architectural features being repaired rather than replaced?
- d. If replacement is necessary, do the new materials match the materials being replaced in color, texture, design, or other visual qualities?
- e. If installing contemporary design to existing properties, do the alterations destroy significant historical, architectural, and cultural materials? Are these alternations compatible with the existing size, scale, color, material, and property of adjacent and/or surrounding buildings?
- f. prioritize new applicants. The SCWG should also prioritize projects that address safety issues. An example of such a project is a rotting porch with a compromised structural integrity and/or pest infestation that could lead to unexpected falls and accidents.

### **Availability of Funds**

1. Due to the limited amount of funds available through the Community Legacy program, the SCWG cannot provide funding to every single applicant.
2. Under the program, participants will receive a 50% match for the cost of exterior facade and other improvements, with the owner responsible for the remaining 50%. It's important to note that this 50% match is capped at \$12,500. As a result, if a project costs more than \$25,000, the applicant will only be eligible to receive up to \$12,500 in funding.
- 3.

### **Grant Agreements**

1. Once the SCWG determines funding allotment for the applications, the grant manager should draft approval/denial letters to all the applicants with the amount awarded. A grant agreement should be attached to the letter and will need to be signed and returned before any work can begin. Draft letters and the grant agreement are available on the I Drive > Planning Department > Grants > Community Legacy > \_Master Forms.
2. Notification letters and grant agreements should be mailed to the property owners.
3. The deadline for work completion is May 15<sup>th</sup> of the following year. Property owners have about a year to get the work done.
4. No work can begin until the Town has received the signed grant agreement back from the property owner with a witness signature.
5. A copy of the fully executed/signed grant agreement should be emailed to the property owner.

### **Property Owner Reimbursement**

SOP: Community Legacy- Emmitsburg

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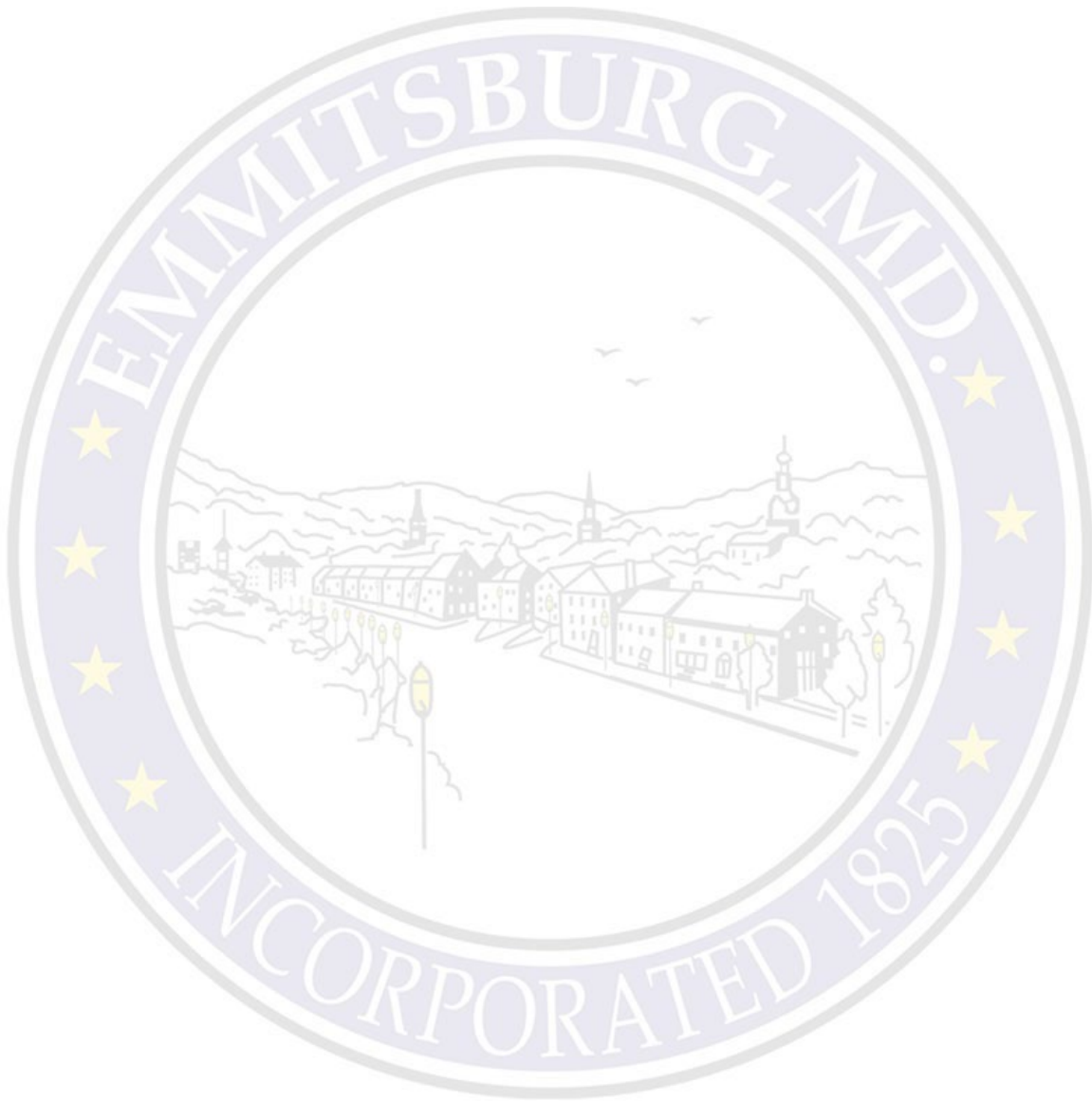
1. Following completion of the project and satisfaction of all federal and state program requirements, the applicant will provide the Town with a canceled check or debit/credit card receipt, invoices, and photos of the completed work.
2. Following the verification of these expenditures and work completed, the grant manager will submit a request to the DHCD for the grant funds.
3. The grant manager should notify the town accountant that funds are anticipated. The notification should include the amount, property address, property owner name and town assigned grant number.
4. Upon receipt of the funds from DHCD, the Town will issue a check for the agreed-upon amount to the property owner. A check request will be submitted to accounting with proof of receipt of funds from DHCD (town accountant to provide) and a copy of the property owner grant agreement showing the authorized amount.
5. All checks shall be mailed to the property owner via the address provided in the initial application.
6. Approximately 2-weeks from the check being issued to the property owner, the grant manager should request the canceled check from the accounting office and submit a copy to the DHCD project manager. A copy should also be placed in the property folder.

**Maintenance of Improvements**

1. As part of the grant closing process, the applicant will be required to provide written agreement to maintain all improvements made according to the approved plans in their completed state for five years after the façade restoration project's completion date. In the event that changes are implemented to the structure for which improvements were financed by the grant, the applicant is obligated to reimburse the Town of Emmitsburg the allocated funds. Throughout this 5-year period, any changes to the façade must receive approval from the Sustainable Communities Work Group, and the Town staff will closely monitor such activities.

Revised: August 2023

AGENDA ITEM #8: Approval of bid for the downtown streetlight purchase for consideration.



**TIMELINE – DOWNTOWN STREETLIGHT PURCHASE:**

RFP published by Town	Thurs. June 15, 2023
DEADLINE, bids due	Fri. July 21, 2023 by 4:00 p.m.
Bids opened	Thurs. August 3, 2023 at 9:15am – Opened by Willets, Shaw, Click, Fissel
Bids initially review by Board	Mon. August 21, 2023 (tabled until Sep. 11)

**PROJECT EXPLANATION:**

The proposed project would replace 103 total streetlights (poles, fixtures and lenses) located on Main Street and South Seton Avenue in the Town of Emmitsburg. 97 lights are located on Main Street (East and West side) and 6 lights are located on South Seton Avenue. The existing Old Boston style streetlights are from circa 1980 and have chipping paint, rusting bases/bolts and have been a safety hazard. In addition, the Town has received numerous complaints over the years about the light pollution emitted from the lights that glare up into residential windows as the lights are not cutoff luminaires and are non-dimmable, which means 25% of the lamp lumen output radiates over an 80-degree angle into nearby windows. The existing 40+ year old lights also have fogging globes around the bulb due to age.

Please note this bid is for the purchase only (not installation). Once a light is chosen, town staff plans to advertise a request for proposal for the installation of the lights. The Board can anticipate this coming to them in October/November.

**RFP ADVERTISEMENT:**

- Public Notice Under RFP Tab on Town’s Website: 06/15/2023 – 07/21/2023
- Notice on MML Classifieds: 06/15/2023 – 07/21/2023
- RFP Published on eMaryland Marketplace: 06/15/2023
- Public Notice on Town Facebook Page 06/15/2023
- Email sent to potential contractors: 06/15/2023

**PROJECT FUNDING:**

MEA Streetlight and Outdoor Lighting Efficiency Grant #23-8	\$27,500.00
USDA Community Facility Grant #23-10	\$75,000.00
USDA Community Facility Grant #23-11	\$50,000.00
DHCD Oper. Assistance Grant #23-17	\$10,000.00
DHCD Business District Safety Grant #23-12 (**pending)	\$23,786.00
Town required match per USDA & MEA	\$71,590.00
<b>TOTAL COST:</b>	<b>\$257,876.00</b>

**BREAKDOWN OF ESTIMATED COST:**

Purchase of streetlights	\$227,876
Installation by contractor	\$30,000
• 10-foot-high poles: 95	\$23,275 (\$245/ea., April 2022 estimate)
• 12-foot high poles: 8	\$3,000 (\$375/ea., April 2022 estimate)
• Contingency 12%	\$3,725

**STAFF RECOMMENDATION:**

Recommendation and presentation to be given at town meeting by town staff.

**BIDS RECEIVED (ALPHABETICAL ORDER):**

	<b>Contractor:</b>	<b>Amount:</b>	<b>Notes:</b>
1.	Capital Electric Baltimore, MD	Opt. 1 \$327,822.00	Different options are for different poles.
		Opt. 2 \$679,070.00	
2.	Catoctin Lighting Services, LLC Thurmont, MD	10-foot \$245,100.00	
		12-foot \$21,040.00	
		<b>Total: \$266,140.00</b>	
3.	CNR Lighting Baltimore, MD	10-foot \$285,000.00	
		12-foot \$24,480.00	
		<b>Total: \$309,480.00</b>	
4.	Daybreak LED LLC San Antonio, TX	10-foot \$174,605.25	Did not comply with submittal requirements. Envelope did not state "Do Not Open" and was opened accidentally.
		12-foot \$15,084.00	
		<b>Total: \$205,139.25</b>	
5.	Hanada Contracting LLC Tampa, FL	10-foot \$449,429.80	
		12-foot \$38,601.92	
		<b>Total: \$488,031.72</b>	
6.	MagniFlood Inc. Amityville, NY	10-foot \$132,525.00	POLES ONLY. Total cost does not match bid price. Did not comply with submittal requirements – only one copy provided instead of 4.
		12-foot \$11,480.00	
		<b>Total: \$155,485.00</b>	
7.	Rexel Dallas, TX	1.) Dorchester: \$222,339.58	Project manager out of Frederick. Dorchester is semi-cutoff, Washington is full cutoff.
		2.) Washington: \$222,339.58	
8.	Shepherd Electric Supply Baltimore, MD	1.) Dorchester: \$211,464.30	Dorchester is semi-cutoff, Washington is full cutoff.
		2.) Washington: \$211,527.03	
9.	Technology International Lake Mary, FL	10-foot \$111,150.00	POST WITH THE LIGHT FIXTURE, LENSES NOT INCLUDED. Did not comply with submittal requirements. Missing transmittal letter answering questions.
		12-foot \$11,040.00	
		<b>Total: \$122,190.00</b>	



## Finalist Response to Bid Questions

	Catoctin Lighting Services, Inc.	Daybreak LED LLC	Rexel	Shepherd Electric Supply
<b>Shipping cost for replacements</b>	\$100. The town could also send our truck to pick up product directly at the factory as a "will call."	\$150 to \$250	\$350	\$250 to \$500
<b>Turnaround time for replacements</b>	<b>8 weeks</b> Some replacement parts (i.e. globes, small parts) would be 2 weeks.	<b>3 to 4 Weeks</b> If awarded the project, we would ensure a percentage of poles and fixtures are readily available for your team. <u>Thus</u> the turnaround time can be 1 week.	<b>6 to 8 weeks</b>	<b>6 to 8 weeks</b>
<b>Confirmation of dimmer switch</b>	Included	The fixtures are power selectable at 40W, 60W, and 80W.	Each includes an AO field adjustable output for the ability to lower lumens and wattage.	Each includes an AO field adjustable output for the ability to lower lumens and wattage.
<b>Photocontrol included in streetlight?</b>	<b>Yes</b> , our bid did include a receptacle and photocell in each fixture. This could be eliminated or only have the ones that need to have a receptacle get them. This would reduce your cost per set-up.	<b>No</b>	<b>Yes</b> , a P7 receptacle in each luminaire allows the town to institute smart lighting controls in the future and a separate line with standard LED photocontrols. The bid document references photo control.	<b>Yes</b> , a P7 receptacle in each luminaire allows the town to institute smart lighting controls in the future and a separate line with standard LED photocontrols. The bid document references photo control.



**M. SET AGENDA FOR NEXT MEETING: OCTOBER 2, 2023**

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

Administrative Business:

- A.
- B.
- C.

