

# **TOWN OF EMMITSBURG**

300A South Seton Avenue  
Emmitsburg, Maryland 21727  
301-600-6300 fax: 301-600-6313

**Mayor**  
Donald N. Briggs  
**Town Manager**  
David Haller  
**Town Clerk**  
Cathy Willets

**Board of Commissioners**  
Timothy O'Donnell, President  
Clifford Sweeney  
Glenn Blanchard  
Jennifer Mellor  
Joseph Ritz III

## **TOWN MEETING AGENDA OCTOBER 5, 2015**

### **I) CALL MEETING TO ORDER (7:30PM)**

#### **A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **B. NEXT MEETINGS:**

Town Meeting, **October 19** @ 7:30 pm

Citizens Advisory Committee Meeting, **October 20** @ 7:30 pm

Planning Commission Meeting, **October 26** @ 7:30 pm

Parks Committee Meeting, **November 17** @ 7:30 pm

#### **C. APPROVE MINUTES FROM: SEPTEMBER 21, 2015 Town Meeting**

#### **D. COMMISSIONER COMMENTS**

#### **E. MAYOR COMMENTS**

#### **F. PUBLIC COMMENTS**

#### **G. ADMINISTRATIVE BUSINESS (see attached)**

#### **H. CONSENT AGENDA**

#### **I. REPORTS**

Treasurer's

Planning Commission

**II) AGENDA ITEMS:**

1. Swearing in of two Commissioners
2. Senator Michael Hough
3. Vote related to the noise and nuisance ordinance
4. Consideration of Snow emergency modification plan

**III) SET AGENDA ITEMS FOR OCTOBER 19, 2015 TOWN MEETING**

**IV) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

**ITEM C**

**MEETING MINUTES:**

*September 21, 2015 Town Meeting*

**MINUTES  
TOWN MEETING  
09/21/15  
Emmitsburg Town Office**

**Present:** Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

**Absent:**

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**I. Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the 09/21/15 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

**Approval of Minutes**

The Minutes of the 09/08/15 Town Meeting were approved as presented/corrected. Motion to accept the minutes as presented by Commissioner Sweeney and second by Commissioner Mellor. Passed 5-0.

**Police Report** - Deputy Rohrer presented report from July and August. He stressed the need for people to call in suspicious activity as well as locking their car doors. The drug box is at the town office for people to drop off unused and/or expired medications. Be aware of frauds whether in person mail or telephone. He asked people to watch the children's walking since school is back. Deputy Rohrer introduced new deputy to the Town - Deputy Ben Whitehouse. Detailed report Exhibit B.

**Reports:**

**Town Manager Report** - Mr. Haller reported on the public works department monthly activities to include a water production and consumption analysis. Mr. Haller highlighted that Rainbow Lake is now 3 inches below the spillway level. There is a precipitation surplus of 8.7" over the past month. We exceeded the plant's design capacity on 08/20/15. Staff had to power wash graffiti off the newly remodeled bathroom in Memorial Park. Staff weed killed the weeds and poison ivy along the walking trail in Community Park. Detailed report at Exhibit A.

**Town Planner's Report** - Mr. Haller presented Ms. Cipperly's planner's report for the month of August. The 2015 Comprehensive Plan was approved by the Planning Commission and sent to the Board. There has been one non-formal public hearing. There will be a month or two of formal public hearings which will be advertised. It should be wrapped up by Thanksgiving. Mr. Haller mentioned that 514 E. Main St. has been recommended for re-zoning. There is a buyer interested in moving commercial office building into that area. This was part of the Comp Plan Update.

**Commissioner Comments**

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Ritz attended the Thurmont Emmitsburg Community Day and he carried the flag representing the Town of Emmitsburg. Commissioner Ritz commended Amy Naill on her job and she takes her job very seriously. Thanked her for all the hard work she does. Commissioner Blanchard encouraged the need for donations (cereals, toiletries - male female, and about anything) for the Food Bank. This is a very slow time. Commissioner O'Donnell and Blanchard attended the anniversary of the canonization of St. Elizabeth Ann Seton. He

commended Commissioner Mellor and her family for their assistance during the Tour de Frederick at the rest stop at MSM. They helped the riders as they came through the area.

**Mayor's Comments** - attended mass for the archbishop. The election judges were sworn in. Attended the Mount the Athletic Advisory Committee. Met with bidders for the repair of the doughboy. He also attended the Emmitsburg Thurmont Community Show. Green Team submitted for Sustainable Certification through the State. The Community Legacy Grant money \$50,000 grants we get to extend to property owners. We have commitments from 2013, 2014 & 2015 - at least \$300,000 worth of work completed in downtown. In 2016, the Town has applied for \$75,000. The program is doing very well.

**Public Comments** - none

**Administrative Business** - Commissioner O'Donnell mentioned Sister Linda O'Rourke from Daughters of Charity will be sending over brochures from Seton Center reminding the services offered for low income families. He also received a letter received from Secretary of Planning. The Maryland Dept. of Planning (planning services division) will be serving as the regional planner for Frederick County and municipalities.

Proclamation National Fallen Firefighters Month - Commissioner O'Donnell read the Proclamation proclaiming October 2015 as commemorating National Fallen Firefighters. Exhibit C. The proclamation was adopted.

Consent Agenda – The following members were recommended to be added to the Parks and Rec Committee: Dwight Baumgardner, David Maze, Shannon Cool, Cynthia Canadas, Matt Myers, Jen Myers and TJ Burns. Motion to accept these individuals to be appointed to Parks Committee made by Commissioner Mellor and second by Commissioner Sweeney. Vote 5-0 passed. Commissioner Ritz III did not have any members to appoint to the Citizen's Advisory Committee. He advised he has five active members out of ten.

## II. Agenda Items

### **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. Mr. Haller suggested the Board look it over. Board consented to bring this item back at next meeting.

### **Noise and disruptive ordinance – review and discussion**

Mr. Haller mentioned this is something that has been batted around for several years. We receive numerous complaints about noise and disruptive behavior. There have been a lot of problems on West Main, Silo Hill and Emmit Gardens. The problems have been repetitive for many years. Mayor Briggs noted that we are receiving a lot of support from the Mount.

for more information visit [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)

A proposed ordinance (2015-05) in Chapter 8.20 - Nuisances, Property is designed to help combat the noise and disruptive complaints. Mr. Haller encouraged the Board to review the ordinance and bring back at next meeting. Commissioner O'Donnell questioned the enforcement. Mr. Haller told the Board that this ordinance was drafted by Town attorney and is enforceable. The MSM staff is working closely with the Town. Board consented to bring this item back at next meeting and it will be considered for vote

**Employment change – proposed hiring**

Hiring of a replacement full time receptionist position. Mr. Haller mentioned staff advertised and interviewed for the position. Ms. Terri Ray, worked here previously as a temp. The rate of pay will be \$14.81/hr. Her first day will be September 28, 2015. She will be on a 90 day introductory period. Mayor Briggs and Town Staff interviewed Ms. Ray.

**Motion:** - To support of employment change for the position of receptionist of Ms. Terri Ray.

Motion by Commissioner Blanchard second by Commissioner Ritz III.

**Vote: 5-0 in favor**

**Set Agenda Items for 10/05/15 Town Meeting**

1. Swearing in of two Commissioners
2. Senator Michael Hough
3. Vote related to the noise and nuisance ordinance
4. Consideration of Snow emergency modification plan

Mayor's recommendation for the re-organization of the Board (administrative business)

**IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

**IV Adjournment**

With no further business, the 09/21/15 Town Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Cathy Willets  
Town Clerk

Approved:

## ITEM G

### **ADMINISTRATIVE BUSINESS:**

*Mayor's recommendation for the re-organization of the Board*

## ITEM H

### **CONSENT AGENDA:**

*No items.*

## ITEM I

### REPORTS:

*Treasurer's Report - see attached*

*Planning Commission Report – to be given at the meeting*

**TOWN OF EMMITSBURG  
 CASH ACTIVITY as of September 30, 2015**

\$3,549,671	Cash Balance September 1, 2015
105,995	Deposits
<u>-160,269</u>	Withdrawals
\$3,495,397	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$13,311	UGI	Aug 15 Electric Charges	09.23.15	35046
11,148	RK&K	Aug 15 ENR Upgrade	09.23.15	35042
9,372	GHD Inc	ENR Upgrade Report 12	09.23.15	35033
6,313	Republic Services	Sep 15 Residential Trash Service	09.09.15	34976
5,733	Life Aquatic H2O	5th Pool Contract Services	09.24.15	35049
5,733	Life Aquatic H2O	6th Pool Contract Services	09.10.15	34689
4,781	Frederick Co DUSWM	Aug 15 Landfill Charge	09.09.15	34982
4,671	Capital Tristate	2 Poles/ 2 Fixtures	09.23.15	35031
4,669	Potomac Edison	Aug 15 Creamery Road Electric	09.02.15	34964
4,342	Resident	Community Legacy 307 West Main Street	09.16.15	35020

*Ck dates 9/2/15 to 9/29/15*

## **AGENDA ITEMS**

### **ITEM 1**

Swearing in of two Commissioners by the Mayor at the meeting

## **AGENDA ITEMS**

### **ITEM 2**

Senator Michael Hough – presentation at meeting

## **AGENDA ITEMS**

### **ITEM 3**

Vote related to the noise and nuisance ordinance

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

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**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 8 ; Section Health and Safety 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~~.

**TITLE 8 - HEALTH AND SAFETY**

**Chapter 8.20 - Nuisances, Property**

**Section 8.20.010 Definitions.**

In this Chapter "Nuisance" means:

A. A property to which police or other law enforcement agencies have responded to complaints or calls for service 3 or more times within any 12 month period and that:

1. Tends to negatively impact the well-being of other persons; and
2. Is injurious to public health, safety, or welfare, or obstructs the reasonable use of property;

B. A property where the tenant, owner, or other occupant has been convicted of violations of [§ 10-201](#) or [§ 10-202 of the Criminal Law Article](#), Annotated Code of Maryland for conduct occurring on, in, or in relation to the property;

C. A property where the tenant, owner, or other occupant has been convicted of violations of any criminal law occurring on, in, or in relation to the property and is related to the activities of a criminal gang as defined in [§ 9-801 of the Criminal Law Article](#), Annotated Code of Maryland.

**Section 8.20.020 Notice of Nuisance**

A. After police or other law enforcement agencies have responded to complaints or calls for service to a property 3 or more times within any 12 month period, the Mayor or Town Manager shall notify the owner and the tenant and/or occupant of the property of the dates, times and nature of the service calls, and inform them that an additional service call

within the 12 month period shall constitute a nuisance after which legal action may be taken as permitted by this Chapter.

B. Upon the existence or occurrence of a nuisance on a property, the Mayor or Town Manager shall notify the tenant, occupant and/or owner of the property that a nuisance exists or occurred and that legal action may be taken if the nuisance is not abated. The notice shall specify the nature of the alleged nuisance, the date and time of day the nuisance was first discovered, the address or other location of the property where the nuisance exists or occurred, and, if the nuisance is based upon repeated complaints or calls for service to the property, the dates and nature of each service call.

C. The notice shall inform the tenant, occupant and/or owner that the nuisance is to be abated within thirty (30) days of the receipt of the notice. If the public health, safety and/or welfare require an abatement of the nuisance in a shorter period of time, the notice may require such shorter period of time as may be required to protect public health, safety and/or welfare. The Mayor may authorize an extension of time to abate the nuisance where the tenant, occupant and/or owner are proceeding in good faith to abate the nuisance but, because of the nature of the nuisance, additional time is needed to complete the abatement.

D. The notice shall be delivered to the tenant, occupant and/or owner in accordance with Rule 2-121 of the Maryland Rules of Procedure, and a copy shall be posted in a conspicuous location on the property.

**Section 8.20.030** Action to Abate Nuisance

When a nuisance which has not been abated within the time period required or, when the nuisance is based upon the number of complaints or service calls, upon the happening of another complaint or service call, the Town Attorney may bring an action to abate the nuisance under this Chapter and under Section [4-401 of the Courts and Judicial Proceedings Article](#), Annotated Code of Maryland. The Town Attorney may also seek injunctive and other equitable relief in the District Court of Maryland for Frederick County for abatement of a nuisance upon showing that the notice requirements under Section 8.20.020 have been satisfied and that the nuisance has not been abated.

**Section 8.20.040** Remedies as against Landlords and Tenants - Orders to vacate property

A. Notwithstanding any other provision of law, and in addition to or as a component of any remedy ordered under Section 8.20.030, the court, after a hearing, may order a tenant who knew or should have known of the existence of the nuisance to vacate the property within 72 hours. If the owner and tenant are both parties to the action, the court, after a hearing, may grant a judgment of restitution or the possession of rental property to the owner, and the court shall immediately issue its warrant to the sheriff or constable commanding execution of the warrant within 5 days after issuance of the warrant.

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B. In addition to or as a part of any injunction, restraining order, or other relief ordered, the court may order the owner of the property to submit for court approval a plan of correction to ensure, to the extent reasonably possible, that the property will not again

be used for a nuisance if the owner is a party to the action and the owner knew or should have known of the existence of the nuisance.

**Section 8.20.050** Legal rights or remedies otherwise available

A. This section may not be construed to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

B. Provisions of Title 8, Real Property Article, Annotated Code of Maryland applicable to actions between a landlord and a tenant are not applicable to actions brought against a landlord or a tenant under this section.

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

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk Timothy O'Donnell, President

MAYOR

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
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.

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

## AGENDA ITEMS

### ITEM 4

Consideration of Snow emergency modification plan –

Proposed “NO PARKING” during Snow Emergency Plan in all cul-de-sacs listed:

1. Southgate – two cul-de-sacs
2. Northgate – five cul-de-sacs
3. Emmit Gardens – one cul-de-sac
4. Silo Hill – entire area
5. Brookfield – four cul-de-sacs
6. Warthens Way – one cul-de-sac
7. Waycross Ct. – one cul-de-sac
8. Creamery Way – entire area

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

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**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 of 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 ~~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.

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

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

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

\_\_\_\_\_   
Timothy O’Donnell, President

Town Meeting  
Agenda  
October 5, 2015

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MAYOR  
\_\_\_\_\_APPROVED \_\_\_\_\_VETOED  
this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
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.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cathy Willets, Town Clerk

### **10.12.130 - Violations—Penalties.**

- A. Violation of any of the sections enumerated in subsection (B) of this section shall be a municipal infraction.
- B. Fines, pursuant to a parking citation policy to be established and from time to time updated by the mayor and board of town commissioners, shall be assessed against the operators and/or owners of automobiles who violate certain provisions of [Chapter 10.12](#).
1. Parking within fifteen (15) feet of a fire hydrant; every twenty-four (24) hours in violation of the section counts as a separate offense and may be fined accordingly;
  2. Parking in restricted zone; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  3. Failure to park between lines; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  4. Parking in crosswalk; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  5. Parking on sidewalk; every twenty-four (24) hours in violation of this section counts as a separate and may be fined accordingly;
  6. Parked blocking driveway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  7. Parking so as to obstruct street or highway; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fined accordingly;
  8. Overtime parking; every two hours in violation of this section counts as a separate offense and may be fined accordingly;
  9. Parking on any street for a period of twenty-four (24) consecutive hours; every twenty-four (24) hours in violation of this section counts as a separate offense and may be fine accordingly.
- C. A police officer, or municipal code enforcer, upon observing a vehicle parked in violation of any of the sections of [Chapter 10.12](#) enumerated in subsection (B) of this section, shall attach to such vehicle a citation informing the owner or operator of the violation, setting forth the amount of the fine and instructing the owner or operator of the vehicle to pay the fine at the town hall within twenty (20) days from the issuance of the citation or to notify the town clerk within fifteen (15) days from the issuance of the citation of his or her intent to stand trial for the infraction.
- D. Amounts of fines according to the parking citation policy:
1. Parking during a **snow emergency** in violation of [Section 10.12.120](#).

**IV) SET AGENDA ITEMS FOR OCTOBER 19, 2015  
TOWN MEETING**

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**V) SIGN APPROVED TEXT AMENDMENTS AND/OR  
RESOLUTIONS**