



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners
Timothy O'Donnell, *President*
Clifford Sweeney, *Vice President*
Glenn Blanchard, *Treasurer*
Joseph Ritz III
Elizabeth Buckman

Town Manager
Cathy Willets

Town Clerk
Cathy Willets

TOWN MEETING AGENDA December 6, 2016

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

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Council Meeting January 3rd @ 7:30pm

Citizen's Advisory Committee Meeting January 17th @ 7:30pm

Quarterly Planning Commission Meeting January 30th @ 7:30pm

C. APPROVE MINUTES FROM: November 7, 2016

D. POLICE REPORT

E. TOWN MANAGER'S REPORT

F. TOWN PLANNER'S REPORT

G. COMMISSIONER COMMENTS

H. MAYOR COMMENTS

I. PUBLIC COMMENTS

J. ADMINISTRATIVE BUSINESS (see attached)

K. CONSENT AGENDA

L. REPORTS:

1. Treasurer's Report
2. Planning Commission Report

II) AGENDA ITEMS:

1. Amendment to Section 8.04 Abandoned Property for discussion and possible consideration
2. Dog Park Location
3. Park Pavilion deposit request

III) SET AGENDA ITEMS FOR January 2, 2016 TOWN MEETING

IV) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

MEETING MINUTES:

November 7, 2016

**MINUTES
TOWN MEETING
November 7, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners: Clifford Sweeney, Joseph Ritz III, Glen Blanchard, Elizabeth Buckman, and Tim O'Donnell, President.
Staffs present were: Cathy Willets; Town Manager and Amy Naill, Recording Secretary.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the November 7, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session (November 7, 2016): President O'Donnell announced the need for a closed executive session on (November 7, 2016) as permitted General Provisions, Section 3-305(b)(1), item 8, Closed sessions to consult with staff consultants or other individuals about pending or potential litigation matters.

Approval by Commissioners for a closed executive meeting

Motion: By Commissioner Ritz III to have a closed session
Seconded by Commissioner Blanchard

Vote 5-0 in Favor

Commissioner O'Donnell, Blanchard, Sweeney, Ritz III and Buckman present

Motion to issue a letter to Conewago Enterprises Inc. with a cc: (carbon copy) at the bottom of the letter to the USDA.

Vote in Favor

Approval of Minutes:

The minutes of the October 3rd, 2016 Town Meeting were approved as presented.

Motion by Commissioner Ritz III, Second by Commissioner Sweeney

The Minutes of the October 24th, 2016 Town Meeting were approved as presented.

Motion by Commissioner Sweeney, Second by Commissioner Blanchard

Commissioner Ritz III abstained-he was not present for this meeting

Police Report: Deputy Whitehouse presented the police report from October (exhibit attached). He mentioned that the Halloween festivities went well with no issues. He reminded residents to lock their vehicles and to keep all valuables out of sight and close their garage doors.

He mentioned Deputy Rohrer was transferred. He introduced our new Town Deputy, Ted Mostoller. The Commissioners welcomed Deputy Mostoller to Emmitsburg.

Commissioner Comments:

Commissioner Sweeney: Thanked the Town and all the organizations for the Halloween activities. He attended the Robert Seidel III Bridge Dedication and said it was well received.

Commissioner Blanchard: He said the Seidel Memorial was well done. He thanked Councilman Delauter and Delegate Folden for getting this accomplished. He gave a special shout out to the Mayor for his comments during the dedication. He complemented Commissioner O'Donnell for making it in the MML Magazine for the Maryland Conference back in June.

Commissioner O'Donnell: Mentioned the renovation of the teen section in the Emmitsburg Community Library. He thanked the library staff.

Mayor's Comments:

Mayor Briggs mentioned the improvements to the Emmitsburg Elementary School. He also mentioned the Mount Saint Mary's Rugby Team and how well they are progressing. He said the Seidel Dedication was a phenomenal day.

Public Comments:

Jennifer Frecker, 2005 Academy Court, Emmitsburg, MD. She mentioned she moved to Emmitsburg this past July. She feels there is a need to provide more information to the citizens in some way. She thought a map of the Town showing places that would be beneficial to new residents would be nice.

Commissioner O'Donnell: He mentioned Channel 99, our Facebook page and the Town website.

Commissioner Sweeney: Mentioned Emmitsburg Events.com, Emmitsburg Cares and the community bulletin boards.

Commissioner Buckman: Mentioned that the Citizens Advisory Committee is going to put together a newcomer's packet.

Administrative Business:

- **Proclamation-Government works month:** Commissioner O'Donnell read the Municipal Government Works Month Proclamation as written.
- **Proposed dates for trail maintenance:** Commissioner O'Donnell proposed two trail workdays, Sunday November 20th and Sunday December 11th. They would run from 10 am to 1pm.

Unanimous consent from the board

Commissioner O'Donnell Mentioned the RTP Grant the Trail Conservancy received for the design and construction for additional trails. He said the hope is they will be able to move forward sooner than next year in order to get vendors to bid on the project.

Mr. O'Donnell said he spoke to Terry Maxwell the leader of the Maryland Scenic Byways/Recreational Trails Program with SHA. He said Mr. Maxwell would speak to the Trail Conservancy to see if the modification can be made. He mentioned Mr. Maxwell has visited our newest trails and said he was beyond satisfied.

Consent Agenda:

Motion: To accept Jennifer Joy as a new member and reappoint Mark Walker as a continuing member to the Citizen's Advisory Committee made by Glen Blanchard.
Second by Commissioner Sweeney

Vote 5-0 passed

Reports:

Town Manager's Report: Presented by Cathy Willets. She said that Staff concentrated on preparing for Fallen Firefighters weekend. They placed banners and cleaned the streets and performed general cleanup throughout the Town.

She mentioned the WWTP received about 3.9 inches of rain; currently we have a deficit of 2.0 inches. There were no spills of untreated sewage. We exceeded the plants design capacity on the last three days of September.

She said back in September, Rainbow Lake was 2.0 feet below the spillway. At that time we asked for water restrictions. We then had to increase our water flow from the Mount for five days. The Mount had a leak so we had to reduce that flow. We were unable to pull any water from the Mount for seven days. We are back to pulling 12,500 gallons per day. We can pull up to \$100,000 gallons for emergency use only.

The status of the water at this time in our wells has continued to drop as has the lake. The lake is now 2.3 feet below the spillway. It will be the recommendation of the staff, if we do not have any substantial rain for several days to come back and ask for water restrictions again in December. We are trying not to burden the residents during the holiday season.

She also mentioned that they are currently interviewing for the position of Town Clerk and the Mayor should be bringing forth a recommendation at the December meeting.

Commissioner Sweeney: Asked whether the street lights on South Seton have been completed.

Ms. Willets: She replied, yes

Commissioner O'Donnell: Asked about a parking tie on the square and tarring of the gaps in Pembroke Woods and Brookfield Development roadways.

Ms. Willets: She said both concerns were relayed to the Public Works staff to follow-up on.

Commissioner O'Donnell: Was concerned about the lack of signage on Irishtown Road from North Seton and the lack of enough signage on Brookfield Road. He wants to make sure that staff directs town vendors concerning safety issues when performing road construction.

Town Planner's Report: Presented by Cathy Willets. She said that Ms. Cipperly is working on the Flat Run Bridge Project, the Square Project and the Community Legacy Project. Ms. Cipperly met with the Daughter's of Charity representatives regarding the potential move of the Seton Center; this will be on the November 28th Planning Commission Agenda. She noted that installation is complete of the new welcome to Emmitsburg sign.

Treasurer's Report: Commissioner Blanchard reported on October 2016 cash activity. (Exhibit attached).

Mayor Briggs: Commended the Town manager and staff for contracting with LGIT to cut more than half off the cost of our insurance with comparable coverage.

Planning Commission Report: Commissioner Sweeney, stated the Planning Commission did not meet in October but will meet in November.

II. Agenda Items

Amendment to section 8.04 Abandoned Property for discussion and possible Consideration

At the request of the staff this item will be tabled until the December 6th, 2016 Town Meeting pending review and advice of the Town Attorney.

EOT Lagoon Proposal for final consideration:

Ms. Willets mentioned that the statement concerning who would be notified in case of a spillage was added into the contract. It reads as follows: "The EOT will immediately notify the Town of Emmitsburg if a spill should occur at the Emmitsburg WWTP or any portion of the premises hereby leased. This requirement for notification applies to the tenant, agents of the tenant and or sub-contractors of the tenant. Notification will be made by phone to 301-600-6300 if there is no answer the emergency numbers will be called until a live representative of the Town of Emmitsburg is reached and notified of the spill.

Ms. Willets: Mentioned the Town Attorney, Mr. Clapp had no issues or concerns with the wording of the statement.

Commissioner O'Donnell: Asked if beyond the statement any language has been modified.

Ms. Willets: Nothing has been changed.

Motion: Approval of the EOT storage agreement and lease for the lagoon located at the Wastewater Treatment Plan.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote 5-0 in favor

Employee Handbook modifications related to employee benefits

Ms. Willets: She mentioned the new HR consultant has been working on a vacation cap. She said the Town should not pay accruals and only pay what is on the books at the time of separation.

The Employee Handbook modifications only affect the new hires. We are trying to strike a balance between what is best for the Town financially and what is best for the employees. She went over the changes to the handbook affecting new hires only, such as 300 hour vacation cap, reduction in weeks accrued and no payout for personal leave.

She mentioned that the Town would like to implement in the future that the current employees would also be capped at 300 vacation hours which would require paying them for the extra leave that is on the books. She said she would like to bring this item back for the next budget year.

Commissioner O'Donnell: He mentioned that what he has seen modeled in business and the public sector is that they are moving away from identifying leave categories.

Ms. Willets: We may need to discuss that when we overhaul the employee handbook.

Commissioner O'Donnell: Did she look at other municipalities and see what they do?

Ms. Willets: Yes and this is like a middle point.

Commissioner Buckman: Are the employees allowed to cash out?

Ms. Willets: That has never been the practice.

Commissioner Ritz III: The 300 hour cap use it or lose it, this is only for new hires?

Ms. Willets: Yes, you don't lose it but you don't accrue any additional days until you use some of it.

Commissioner O'Donnell: Can we obligate a staff member to take vacation?

Ms. Willets: I would have to ask the HR consultant, I am not familiar with the mandate.

A two minute recess was taken at 8:48 pm in order for Commissioner Blanchard to return to the dais.

Motion: To accept the suggested changes to the employee handbook for new hires after December 1st, 2016.

Motion by Commissioner Buckman, second by Commissioner Blanchard

Vote: 5-0 in favor

Commissioner O'Donnell: He stated he would like consideration given to a category vs. a non-category for leave. Also wants mandatory leave time investigated.

Pool Renovation contract for consideration:

Ms Willets mentioned the Community Parks and Playground Grant for \$217,000.00 the Town received for renovation and rehab of the pool. She reviewed the repairs that needed to be made to the pool and went over the steps taken to bid the project.

She said we received two bids with a difference of about three thousand dollars. One bid was missing some items. She mentioned that until we know where the leak is and how bad it is we will not be able to determine what the cost will be.

The staff would like to award the contract to Make-N-Waves, Inc. She stated that any monies left from the pool rehab project would be rebid for the bathhouses.

Commissioner Buckman: Questioned the surface of the pool, if it would be made smoother so patron's toes would not bleed. Also could the pavilion's inside roof have the seams caulked because it's infested with hornets?

Ms. Willets: She said she would ask the owner of Make-N-Waves about the surface of the pool. She feels staff should be able to caulk the ceiling in the pavilion.

Commissioner Sweeney: Mentioned about putting in a sloped entrance when installing the new steps.

Ms. Willets: That would be a beach entrance; this will be similar but not as expensive.

Commissioner O'Donnell: The pools the have been built by Make-N-Waves are they municipal or residential?

Ms. Willets: They are commercial.

Motion: To accept the Make-N-Waves, Inc. proposal for the pool repair as presented.
Motion by Commissioner Sweeney, second by Commissioner Buckman

Vote 5-0 in favor

Commissioner Ritz III: Asked if this is the formal contract to be signed?

Ms. Willets: Yes and it has been reviewed by John Clapp as well.

Holiday Parking for December:

Staff recommends for the Holiday Season free metered parking from December 16th, 2016 through January 2, 2017.

Motion: To accept the holiday parking as presented.

Motion by Commissioner Sweeney, second by Commissioner Blanchard

Vote 5-0 in favor

Parking meter fee usage for the month of December:

Commissioner Sweeney would like the money that is collected during the free metered parking time to be used half towards the Emmitsburg Food Bank and half toward the fireworks fund for Community Heritage Day.

Commissioner Buckman: Asked that a sign be posted on each meter to say where the money collected during this time will go.

Motion: To accept the parking meter fee usage for the month of December as presented by Commissioner Sweeney.

Motion by Commissioner Buckman, second by Commissioner Ritz

Vote 5-0 in favor

Set Agenda Items for December 6, 2016 Town Meeting

1. Amendment to Section 8.04 Abandoned Property for discussion and possible consideration
2. Dog Park Location
3. Park Pavilion deposit request

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the November 7, 2016 Town Meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Amy Naill, Recording Secretary

Approved:

ITEM E

TOWN MANAGER'S REPORT:

Town Manager's Report
OCTOBER 2016
Prepared by Cathy Willets

Streets:

- Staff cleaned streets for Firefighter Memorial Weekend.
- State highway crew raised street light bases on South Seton Ave.
- Staff mowed weeds in curbs in Silo Hill, Northgate, Southgate, Irishtown Rd, Waycross Ct.
- Contractor repainted some lines & stop bars on Chesapeake Ave, South School Lane, & West Lincoln Ave.
- Contractor repainted yellow & white lines on Frailey Rd.
- Contractor repainted yellow lines, white lines, & a crosswalk on Cedar Ave.
- Contractor repainted 2 stop bars on Mountaineers Way.

Water:

- Rainbow Lake is now 2.3 feet below the spillway level (normal is 16.6 feet). **The water quality is terrible.**
- The roughing filters are being backwashed four times a day and the DE filters are being done two times per week.
- Our wells are now on average 49.25' below their May 2011 levels.
- ***Our wells came up 3.75 feet but only because more water being pulled from lake and a slight change in operation.***
- Water production and consumption. We produced an average of 314,769 GPD. We consumed an average of 262,055 GPD.

The difference is "Backwash Water" ... (16.8%). We purchased 327,810 gallons of water from MSM this month. **On 11/22/2106 staff increased our flow from MSM to approx. 40 gallons per minute or approx. 58,000 gallons per day.**

- 53.8% of this water came from wells.
- 3.3% of this water came from Mt. St. Mary's.
- 53.3% of this water came from Rainbow Lake.

Wastewater:

- We received about 0.7" of precipitation this month (the average is 4.25").
 - We have a precipitation **DEFICIT** of 2.44" over the last six months. The average precipitation for the period from May 1 through October 31 is 24.64". We have received 22.2" for that period.
- Wastewater Treatment:
 - We treated an average of 349,322 GPD (consumed 272,630 GPD) which means that 22% of the wastewater treated this month was "wild water".
 - We had no spills of untreated sewerage in the month of October.

- We did exceed the plant's design capacity on two days in the month of October.

10/01/16 831,000 GPD 10/20/2016 832,000 GPD

Trash: Trash pickup will remain Mondays for the remainder of the month of December.

Parks:

- Staff mowed & trimmed in parks.
- Staff replaced a couple of bleachers boards at the tee ball field (#6) in Memorial Park.
- Staff painted walls inside of Community Park restroom building.
- Staff replaced board on picnic table in memorial park pavilion.
- Staff painted floors inside of Community Park restroom building.
- Staff pulled weeds & put mulch in Memorial Park playground equipment.
- Staff winterized #5, #6, & #7 ball fields in Memorial Park and drug grass off & salted.

Meetings I attended:

- 10/03 Met with Mayor and Town Planner to review agenda and Square Project.
- 10/03 Met with Dan Fissel about the EOT lease and agreement at the WWTP.
- 10/03 Met with Sergeant Benner about adding another deputy or contracting for additional services.
- 10/03 Attended Town Meeting.
- 10/04 Attended on-site progress meeting for the Flat Run Bridge Project with Town Planner, Dir. of Public Works, Supr. Water/Sewer, SHA and contractors.
- 10/04 Met with Mayor about the Scott Road Farm Barn, HR, and EOT agreement.
- 10/06 Met with the auditors - audit began.
- 10/06 Met with Dir. of Public Works and Supt. Water/Sewer about water use, streets, equipment, etc.
- 10/06 Conference call with Town Planner and MHAA about Community Legacy.
- 10/11 Staff meeting to review water usage and billing.
- 10/12-14 Attended MML Fall Conference.
- 10/17 Met with Mr. & Mrs. Lindsay about EOT lease and agreement.
- 10/17 Met with Auditors.
- 10/18 Met with Supt. Water/Sewer and all related staff.
- 10/19 Met with all staff heads to go over the quarterly budget review.
- 10/19 Attended meeting with Town Planner at the County to go over the status of the Old Emmitsburg Road path.
- 10/20 Met with Town Planner about MOU on Square Project.
- 10/20 Assisted Town Accountant with retirement audit.
- 10/20 Met with Mayor about EOT lease and agreement.
- 10/24 Met with Mayor to review the agenda and the WWTP pipe issue.
- 10/24 Attended Town Meeting.
- 10/26 Met with MSM and Supt. Water/Sewer about agreement and water use.
- 10/26 Conference call with Town Attorney to go over WWTP pipe issue and Scott Road Farm.
- 10/26 Conference call with Town Planner and SHA to review Square Project.

PARKING ENFORCEMENT REPORT

Date: October 2016

Overtime Parking: 105

Restricted Parking Zone: 3

Parked in Crosswalk:

Parked on Sidewalk: 1

Parked Blocking Road:

Parked by Fire Hydrant:

Parked on Highway:

Failure to Park between Lines:

Other Violation:

Left Side Parking: 2

Meter Money: \$1,112.08

Parking Permits:

Meter Bag Rental:

Parking Ticket Money: \$580.00

Funerals: 1

Total: \$ 1,692.08

ITEM F

TOWN PLANNER'S REPORT:

Planner's Report for October 2016

Susan H. Cipperly, Town Planner

1. Attended Town Meeting 10/3/16.
Attended project/issues meetings with Mayor Briggs and Cathy Willets.
Attended quarterly budget meeting with staff and Mayor.
2. State Highway Administration projects and issues:

Flat Run Bridge
 - Coordinated Town comments on plans, including Fox Associates review.
 - Attended utility coordination walk-through with SHA and all utility providers. Town staff included C. Willets, D. Fissel, J. Click, S. Cipperly
Square revitalization project
 - Coordinated with SHA and Town departments, re: square elements, electrical plans, landscape plans, etc.
3. Community Legacy grants -
 - Processed local project reimbursement requests with DHCD.
 - Kept track of progress for existing projects.
 - Provided information to potential grantees.
 - Awaiting announcement from DHCD, re: FY2017 grant application.
4. MD Heritage Areas Grant - Continued coordination with Richard Hughes of MD Heritage Areas Authority regarding change of use for existing MHAA grant, to pay for brick paving.
5. Code Enforcement - Primary issue observed by staff and reported by citizens was abandoned vehicles (no plate/reg.expired). Ordinance amendment proposed to help deal with repeat offenders. Also sent reminders about grease trap reports that were due in July 2016. Toured town with A. Naill to survey compliance, re: rear addresses numbers. Complaints, re: cars, stray cats, piles of advertising newspapers on sidewalks.
6. Permits - processed permits and/or provided information regarding fences, solar install, sheds, signs, roof replacement, gazebo, etc. Answered questions, re: expansion of existing structure on W. Main St.
7. Provided letter to new owner of vacant property in Emmet Gardens regarding process needed to build on it.

8. Conferred with Daughters of Charity representatives regarding potential move of Seton Center to in-town location. Reviewed initial sketch plan and conferred with DPW re-water/sewer connections.
9. Revised zoning permit application form.
10. Conferred with Nancy McCormick, Taneytown Economic Development, re: the Taneytown Street revitalization project, need for inspector, etc.
11. C. Willets and S. Cipperly met with Joe Lebherz of MSM, and County Highway staff regarding potential trail from MSM to town.

ITEM J

ADMINISTRATIVE BUSINESS:

- 1. FY17 Capital Fund Budget Transfers*
- 2. Appointment to the Ethics Commission*

ADMINISTRATIVE BUSINESS:

ITEM 1

FY17 Capital Fund Budget Transfers

Request for \$10,000 budget transfer to be made within the Capital Fund

- Increase by \$2,500 to department 30 (Public Works Streets) & activity 612 (Signs)
- Increase by \$7,000 to department 30 (Public Works Streets) & activity 999 (General)
- Increase by \$500 to department 15 (Buildings) & activity 333 (Solar Field Project)
- Decrease by \$10,000 to department 30 (Public Works Streets) & activity 374 (LED Upgrade)

It is recommended by Town Staff that this Capital Fund Budget Transfer be utilized to account for the \$2,500 associated for replacement of the Town Entry Sign & the non-positive activity balances in this current FY17 if so approved by the Commissioners.

ADMINISTRATIVE BUSINESS:

ITEM 2

Appointment to the Ethics Commission

1. *Charlotte Mazaleski*
2. *Barbara Weedon*

ITEM L

REPORTS:

1. *Treasurer's Report*
2. *Planning Commission Report*

Treasurer's Report:

ITEM 1

**TOWN OF EMMITSBURG
 CASH ACTIVITY as of November 28, 2016**

\$4,711,391	Cash Balance November 1, 2016
205,096	Deposits
<u>-201,959</u>	Withdrawals
\$4,714,528	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$10,730	UGI Energy Services, LLC	Oct 16 Solar Field #1 Expenses	11.16.16	36502
9,221	Mr. Striper	Striping Road Work	11.09.16	36467
7,500	Alam B Roofing and Home Improvements, LLC	Roof Repair - 140 Seton Ave	11.09.16	36457
6,938	Republic Services	Nov 16 Residential Refuse Services	11.16.16	36481
6,495	Catoctin Labs, Inc.	Chemicals	11.16.16	36482
6,164	Wherley Trailer, Inc.	Repair on Sewer Truck	11.09.16	36478
5,448	Frederick County DUSWM	Oct 16 Tipping Fee	11.09.16	36461
4,466	Curtis Engine & Equipment, Inc.	New Genset Service	11.16.16	36485
3,780	South Mountain Mechanical Contractors, Inc.	HVAC Preventive Maintenance	11.02.16	36449
3,096	Enviro-Organic Technologies, Inc.	Landfill Charges	11.02.16	36442

Ck dates 11.01.16 to 11.28.16

Planning Commission Report:

ITEM 2

To be presented at meeting

AGENDA ITEMS:

ITEM 1

Amendment to Section 8.04 Abandoned Property for discussion and possible consideration

ORDINANCE SERIES: 2016
ORD. NO. 16-15

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

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 8, Section 8.04 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~~.

Chapter 8.04 - ABANDONED PROPERTY

8.04.010 - Definitions.

The following definitions apply in the interpretation and enforcement of this chapter:

~~"Abandoned motor vehicle" means any motor vehicle which is not housed or stored in a completely enclosed building. A "vehicle" means any device in, on, or by which any individual or property is or might be transported or towed on any road and includes, but is not limited to cars, trucks, campers, boats and trailers. In addition, vehicles will be deemed abandoned if~~

"ABANDONED VEHICLE" IS A VEHICLE WHICH IS STORED OR KEPT ON PRIVATE PROPERTY AND WHICH IS VISIBLE FROM ANY ADJACENT OR ADJOINING PROPERTY OR PUBLIC PLACE AND TO WHICH any of the following conditions apply:

1. Is unregistered or unlicensed;
2. Displays tags assigned to another vehicle;
3. Is unused for any period of time so as to cause it to be a breeding ground for rodents, insects or any other vermin;
4. The vehicle is rusted, wrecked, dismantled or in a deteriorated condition so as not to be lawfully permitted on public roads;
5. The vehicle is declared a nuisance and danger to health, safety and welfare **BY THE TOWN MANAGER.**

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ORD. NO. 16-15

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"Abandoned movable property" means any household appliances or any parts of such appliances or of other machinery or any scrap metal; construction items which are not being used in any current construction, which ~~remain in one place~~ **IS STORED OR KEPT** on any Private property for a period in excess of five days **AND WHICH IS VISIBLE FROM ANY ADJACENT OR ADJOINING PROPERTY OR PUBLIC PLACE.**

"ABANDONED PROPERTY" MEANS "ABANDONED MOTOR VEHICLE" OR "ABANDONED MOVABLE PROPERTY".

8.04.020 - Notice/Removal.

NO PERSON MAY KEEP OR STORE ~~When an abandoned motor vehicle or abandoned movable property is found within the town.~~ **ANY PERSON KEEPING OR STORING ABANDONED PROPERTY** ~~the owner of the property~~ shall be notified that he or she **MUST** ~~is required to~~ remove such **ABANDONED** property within seven days of receiving such notice. **THE PERSON RESPONSIBLE FOR SUCH ABANDONED PROPERTY MAY NOT MOVE OR RELOCATE THE ABANDONED PROPERTY TO ANY OTHER SITE OR LOCATION FOR STORAGE IF SUCH REMOVAL, RELOCATION AND STORAGE WOULD CONSTITUTE A VIOLATION OF THIS CHAPTER, AND ANY SUCH RELOCATION SHALL BE DEEMED A CONTINUATION OF THE ORIGINAL VIOLATION SUBJECT TO THE CONTINUING DAILY FINES AS PROVIDED FOR IN SECTION 8.04.030(A).**

8.04.030 - Violation—Penalty.

A. ~~In the event that an owner of real property~~ **IF THE OWNER OR OCCUPANT OF THE PROPERTY ON WHICH ABANDONED PROPERTY IS STORED OR KEPT OR SUCH OTHER PERSON WHO IS RESPONSIBLE FOR THE ABANDONED PROPERTY** does not remove ~~THE an abandoned motor vehicle or abandoned movable property~~ within seven days from the date of receiving the notice set forth in [Section 8.04.020](#), **SUCH PERSON IS** ~~the owner of the property will be~~ in violation of this chapter. **IT SHALL ALSO BE A VIOLATION OF THIS CHAPTER IF THE OWNER OR OCCUPANT OF THE PROPERTY ON WHICH ABANDONED PROPERTY IS STORED OR KEPT OR IF ANOTHER PERSON WHO IS RESPONSIBLE FOR THE ABANDONED PROPERTY RELOCATES THE ABANDONED PROPERTY TO ANOTHER SITE OR LOCATION SUCH THAT THE RELOCATED ABANDONED PROPERTY REMAINS IN VIOLATION OF THIS CHAPTER.** A violation of this chapter shall be a municipal infraction, the penalty for which shall be seventy-five dollars (\$75.00). Each day such violation shall occur shall be another violation of this chapter.

B. In the event **THE OWNER OR OCCUPANT OF THE PROPERTY ON WHICH ABANDONED PROPERTY IS STORED OR KEPT OR SUCH OTHER PERSON WHO IS RESPONSIBLE FOR THE ABANDONED PROPERTY** ~~the owner of the vehicle or property~~ shall fail or refuse to comply with such notice, it shall be lawful for the town to remove the same and charge the cost to the owner of the **ABANDONED PROPERTY. IF THE OWNER**

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OF THE ABANDONED PROPERTY CANNOT BE LOCATED, IDENTIFIED OR DETERMINED, THEN THE COST OF REMOVAL MAY BE CHARGED TO THE OWNER OF THE PROPERTY ON WHICH THE ABANDONED PROPERTY WAS STORED OR KEPT.

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 ___6th___ day of ___December, 2016 by a vote of ___ for, ___ against, ___absent, and ___ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Amy Naill, Recording Secretary

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2016.

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 2

Dog Park Location

Proposed Dog Park Site #3

Design for this site would include an area of at least 150 length by 50 feet wide, divided into 2 areas to serve dogs up to 35 pounds on one side and 35+ on the other. An entry chamber would be included on each side to help prevent escapes while accessing the site. Each side would have amenities such as drinking fountain, waste station, benches, and a sand area.

A Project Open Space grant of \$13,000 was received for this project. Donations can be solicited for both construction and amenities. Visits to other area dog parks revealed donation plaques on most of the equipment within the site.

Example

Emmitsburg Dog Park Proposed Budget*		
Fencing; four gates	600 LF @ \$20	\$12,000
120 CY Stone dust	150 tons @ \$8	\$ 1,200
3 benches	275.00 ea.	\$ 825
5 trees	100.00 ea.	\$ 500
Rule signage		\$ 400
Estimated Construction		\$14,925
Contingency	15%	\$ 2,250
Total Estimated Cost		\$17,175
2 dog fountains (optional)	900.00 ea.	\$ 1,800
(This does not include installing the water line)		
Potential Project Cost Estimate		\$ 18,975

*This estimate was prepared for a different site, but gives an idea of what elements cost. Additional items not listed would be 2 dog waste stations and 2 6-foot-wide gates for maintenance access. Dimensions of the Proposed Site 3 would be similar, but configuration would be different, so linear feet of fence may vary.



Donation Agreement Form

I (print your name) _____

pledge a total of \$ _____ to the Dog Park Campaign, as confirmed by my signature below. GARA will apply your donation to the Dog Park project. Please choose your gift level here:

- \$ _____ Top Dog (\$2,500 ↑)
- \$ _____ Diamond Paw (\$1,000-\$2,499)
- \$ _____ Platinum Paw (\$500-\$999)
- \$ _____ Gold Paw (\$250-\$499)
- \$ _____ Silver Paw (\$100-\$249)
- \$ _____ Bronze Paw (\$50-\$99)
- \$ _____ Furry Paw (\$10-\$49)

NOTE: Your pledge benefits are valid for the life of the Dog Park. Some naming opportunities are available; we will work with you to choose an option. GARA is a tax-exempt entity; your donation is tax-deductable.

Please make your check out to **GARA**

Signature: _____
 (___ I wish to remain anonymous)

Address: _____

City _____ ST _____ Zip _____

E-mail: _____

Phone: _____

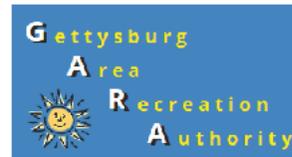
Bring your tax-deductable donation to the Rec Park for proper credit and a receipt.

Levels of Giving

- Level 7: Top Dog (\$2,500 ↑)**
 - ↳ Company Banner
- Level 6: Diamond Paw (\$1,000-\$2,499)**
 - ↳ Bench with name plate
- Level 5: Platinum Paw (\$500-\$999)**
 - ↳ Tree with dedication plaque
- Level 4: Gold Paw (\$250-\$499)**
 - ↳ Name on three-foot section of fence
- Level 3: Silver Paw (\$100-\$249)**
 - ↳ Brick Paver at the entrance way
- Level 2: Bronze Paw (\$50-\$99)**
 - ↳ Picture with your dog on the web site
- Level 1: Furry Paw (\$10-\$49)**
 - ↳ Membership dog tag
 - ↳ Name on GARA web site



www.GARA-RECPARK.info
 545 Long Lane • Gettysburg, PA 17325 • 717.334.2028



Dog Park Campaign

You mean we're getting a Dog Park?



AGENDA ITEMS:

ITEM 3

Park Pavilion deposit request

Park Pavilion

During year 2015, Memorial Park and Community Park were rented approximately 68 times. We currently charge a \$125.00 deposit to rent the pavilion and bathroom. If everything is in order, the entire amount is refunded to the renter.

Below are similar park pavilions and the fees other municipalities charge residents and non-residents:

Parks Range from 50-100 seating capacity

PARK LOCATION	RESIDENT	NON-RESIDENT	DEPOSIT
Carroll Valley Hertz Pavilion	\$50.00	\$75.00	\$ -
Middletown Memorial Park	\$40.00	\$50.00	\$ -
Middletown County Park #3	\$110.00	\$165.00	\$ -
Boonsboro Park	\$40.00	\$50.00	\$ -
Walkersville Heritage Park	\$75.00	\$ -	\$50.00
Walkersville Other Parks	\$40.00	\$ -	\$50.00
Thurmont Park	\$50.00	\$ -	
Hampstead Municipal	\$75.00	\$75.00	\$ -
Taneytown	\$75.00	\$75.00	\$ -
New Market	\$50.00	\$50.00	\$ -
Kemptown #4	\$80.00	\$120.00	\$ -
Libertytown #1	\$80.00	\$120.00	\$ -
Catoctin Creek #1	\$110.00	\$165.00	\$ -

Average Fee \$67.31 \$72.69

As you can see only Walkersville refunds any of the fees charged. For Heritage Park they charge \$125 and retain a security deposit \$50.00. For their other parks, they charge \$90 and retain a security deposit of \$50.00

Staff would like the Board to consider implementing a total fee of \$75.00 for resident and non-resident with a non-refundable deposit of \$25.00 for Town residents and \$35.00 for non-residents.

The non-refundable deposit would go towards maintenance of the pavilions as well as the purchasing of bathroom supplies such as toilet paper, paper towels, trash bags, etc.

ORDINANCE SERIES: 2016
ORD. NO. 16-16

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AN ORDINANCE TO AMEND
TITLE 12
OF THE CODE OF EMMITSBURG
ENTITLED
Streets, Sidewalks and Public Places

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 12, Section 12.20 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~~.

Chapter 12.20 - PARK AND RECREATION FACILITIES

12.20.070 - Ballfield fee schedule information.

- A. A ballfield fee schedule is per Policy ~~00-03~~ **16-04**.
- B. During the application process, all fees must be paid in full. Make checks payable to:
Town of Emmitsburg
~~P.O. Box 990~~
300A South Seton Ave.
Emmitsburg, MD 21727
- C. Failure to pay fees results in not being allowed to use the field in the future.

12.20.070 - Pavilion fee schedule information.

- A. A pavilion fee schedule is per Policy ~~00-03~~ **16-04**.
- B. During the application process, all fees must be paid in full. Make checks payable to:
Town of Emmitsburg
~~P.O. Box 990~~
300A South Seton Ave.
Emmitsburg, MD 21727

ORDINANCE SERIES: 2016
ORD. NO. 16-16

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C. Failure to pay fees results in not being allowed to use the field in the future.

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 ___6th___ day of ___December, 2016 by a vote of ___ for, ___ against, ___absent, and ___ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Amy Naill, Recording Secretary

Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2016.

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

POLICY SERIES: 2016
Policy No. P16-04

TOWN OF EMMITSBURG
Park Pavilion Reservation Deposit

As of this date and pursuant to Title 12 "Streets, Sidewalks and Public Places" of the Emmitsburg Municipal Code, ballfield and pavilion fees shall be as follows:
Memorial and Community Park

- A. Ballfields - \$25.00 clean-up deposit per day per field (refunded if in good condition and cleaned up)
- B. Community and Memorial Park Pavilions
 - \$75.00 total fee charged for either pavilion
 - ❖ \$25.00 non-refundable deposit for Town of Emmitsburg residents
 - ❖ \$35.00 non-refundable deposit for non-residents

This Policy will replace previously adopted policy P00-05.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this policy shall take effect on _____ day of _____, 2016.

PASSED THIS _____ DAY OF _____, 2016.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

Amy Naill, Recording Secretary

Tim O'Donnell
President

_____ APPROVED _____ VETOED

this _____ day of _____, 2016

Donald N. Briggs, Mayor

IV) SET AGENDA ITEMS FOR: December 6, 2016 TOWN MEETING

1.

2.

3.

4.

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