Town of Emmitsburg

Mayor Donald N. Briggs

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

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

TOWN MEETING AGENDA
November 5, 2018 – 7:30 p.m.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **FUTURE MEETINGS**

   Parks and Recreation Committee Meeting: Tuesday November 20, 2018 at 7:30 p.m.
   Annual Thanksgiving Turkey Trot: Thursday November 22, 2018 at 8:00 a.m., Community Park
   Annual Town Tree Lighting Ceremony: Monday December 3, 2018 at 6:00 p.m.
   Town Council Meeting: ***Tuesday*** *December 4, 2018 at 7:30 p.m.*

4. **MEETING ITEMS**
   A. APPROVE MINUTES: OCTOBER 1, 2018 & OCTOBER 15, 2018
   B. POLICE REPORT
   C. TOWN MANAGER'S REPORT
   D. TOWN PLANNER'S REPORT
   E. COMMISSIONER COMMENTS
   F. MAYOR'S COMMENTS
   G. PUBLIC COMMENTS
   H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)
      I. Proposed Trail Volunteer Days
   I. CONSENT AGENDA: NONE
   J. TREASURER REPORT
   K. PLANNING COMMISSION REPORT
   L. AGENDA ITEMS (DETAILS ATTACHED)
      I. Update on MHAA Wayside Exhibit Signs
      II. Tree Care Ordinance for Consideration
      III. Municipal Separate Storm Sewer Systems (MS-4) Update by Staff
      IV. Update Ordinance Related to Trailers 15.24 for Discussion and Consideration
   M. SET AGENDA FOR NEXT MEETING: TUESDAY DECEMBER 4, 2018

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

6. **ADJOURN**

A. APPROVE MINUTES: OCTOBER 1, 2018 & OCTOBER 15, 2018

draft

MINUTES
TOWN MEETING
October 1, 2018
Emmitsburg Town Office

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner. *Others Present* – Deputy Whitehouse, John Clapp, Town Attorney.

I. Call to Order
Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the October 1,2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

*Note: Commissioner Buckman arrived at 7:32 p.m.

Approval of Minutes
Motion: To accept the September 4, 2018 town meeting minutes as presented. Motion by Commissioner Ritz III, second by Commissioner Sweeney. Vote: Motion carries 5-0 in favor.

Police Report:
Deputy Whitehouse presented the police report from September 2018 (exhibit attached). Deputy Whitehouse mentioned the drug drop box in the town office was emptied. The deputies are continuing to do a school safety check at Mother Seton School and Emmitsburg Elementary School twice a day. Commissioner O'Donnell asked if any of the accidents were related to the State Highway Administration (SHA) construction. They were not. There were no other questions from the Board.

Town Managers Report:
Cathy Willets, Town Manager, presented the Town Manager's Report from August 2018 (exhibit attached). Ms. Willets mentioned stage two of the SHA's Flat Run Bridge project is still on schedule to be complete by mid-November weather permitting. The trees along Main Street are schedule to go in around mid-October. Regarding wastewater, Rainbow Lake is at the spillway level. The Town received 6.9-inches of rain during August and 75.6% of wastewater treated was wild water. There was a sanitary sewer overflow due to the heavy rainfall that was reported to Maryland Department of the Environment (MDE) and Frederick County Health Department. For noteworthy, Town staff worked on preparations for hurricane Florence in September. MDE notified the Town that a hydrologic and hydrolysis analysis will be required by May 2019. Town staff will bring an engineering firm recommendation to the Board at a later date. Commission Buckman inquired if the state of emergency declared by the governor could provide funding for the pump station work. Town staff plans to use State funds if possible. The sewer relining bid was signed by the Mayor and Town staff advertised the RFP for engineering firms for the Creamery Road Pump Station; the MDE State grant cannot be applied for until the Town gets the proposals from the engineer firms.

Town Planners Report:
Zachary Gulden, Town Planner, presented the Town Planner's Report from August 2018 (exhibit attached). He mentioned the town has been getting numerous applications for the Community Legacy grant the Town offers to residents and businesses through DHCD. The program has been very successful. He also processed a demolition permit for the old Seton Center on South Seton Avenue among other permits.

Commissioner Comments:

Commissioner Ritz III: He thanked everyone for coming to the park concert on September 21 with the Morning Star band. Regarding the last town meeting and the new resident welcome packet, he believes Ms. Buckman was unnecessarily portrayed as a fool. He hopes going forward all agenda items will be given the same care and consideration to make sure they are ready for voting before they go in the agenda packet.

- Commissioner Buckman: She is partnering with Wayne Slaughter to complete the 2018 waddle-waddle race on Thanksgiving day; proceeds will benefit the Seton Center. She congratulated the reelected officials.
- Commissioner Blanchard: He congratulated the new elected officials and thanked the election judges.

- Commissioner Sweeney: He thanked everyone for coming out and voting on election day.
- Commissioner O'Donnell: He was able to attend the MML event on the September 11th regarding municipal ethics. He thanked everyone for coming out and voting and showing support.

Mayor's Comments:
Mayor Briggs attended numerous meetings in September 2018 (meetings listed in agenda packet). Mayor Briggs mentioned he was out part of the month visiting family in Colorado. He thanked the election judges for volunteering their time during the elections. He attended a unity event at the Trinity Methodist Church. He congratulated the winning commissioners Timothy O'Donnell and Clifford Sweeney. He was a guest on Roger Wilsons *All Around Town* show. He also attended a one-year anniversary celebration for First Emmitsburg Baptist Church.

Public Comments:
Jay Swope, 209 Sandy Spring Lane Thurmont MD - Mr. Swope would like a future agenda item modifying the building code to allow trailers on properties. *Karen Bothwell, 113 East Main Street* - She would like to use her property at 113 East Main Street as a lodging facility under the name of Danielson Inn. *Frank Davis, 28 West Main Street* - He requested the Board consider rezoning Emmit Garden differently to give the residents an opportunity to use their property for different purposes since the zoning requirements were changed after the development was built. Di*ane Walbrecker, 535 West Main Street* - Ms. Walbrecker is requesting the town include a blurb regarding flood insurance in the Town's newsletter since most people don't recognize flood insurance is not included in their regular home owner's insurance. The National Flood Insurance program is sold through any insurance agent, but its backed by the federal government. The public can search for providers through the federal governments websites. *Barbara Entmuttle, Attorney* - Ms. Entmuttle explained her client, William Kuhn Jr., received a code violation letter regarding storage trailers not being allowed on any zoning lot. She would like a text amendment to occur at the next town meeting regarding a modification to the building code allowing trailers on industrially zoned property.

Administrative Business:
None.

Consent Agenda:
None.

Treasurer's Report:
Commissioner Blanchard presented the Treasurer's Report for September 2018 (exhibit in agenda packet). The operating balance forward is $5,563,191. There were no questions from the Board.

***Motion*:** Motion to accept the treasurers report as presented.
Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 5-0 in favor.

Planning Commission Report:
Commissioner Sweeney explained the minutes from the Planning Commission meeting have not been completed yet. Mr. Gulden explained Fort Detrick has asked to be a part of the County's waste plan and according to Maryland Law all municipalities have 30-days to comment on the change. The Commission did recommend approval of the amendments. There were no questions from the Board.

Note: Commissioner O'Donnell called a two-minute recess to allow for the windows to be open due to building heating/cooling problems. The Board returned from adjournment at 8:11 p.m.

Commissioner O'Donnell gave notice of a public hearing occurring on Monday October 1, 2018 at 7:30 p.m. in the Town Office at 300A South Seton Avenue Emmitsburg Maryland. The purpose of the hearing is to inform and take public comment in regard to a zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, recorded in Plat Book No.3, folio 52 from Low Density Residential (R1) to Neighborhood Commercial (B1).

II. Agenda Items
Agenda #1- Swearing in of New Commissioners: Mayor Briggs swore in Timothy J. O'Donnell and Clifford L. Sweeney, the winning Commissioners of the September 25, 2018 town meeting. Pictures were taken and the new commissioners signed their oath of office with the Mayor.

Agenda #2- Mayor's Recommendation for Reorganization of the Board of Commissioners: Mayor Briggs explains each year the Mayor makes a recommendation for the structure of the Board. He distributed paper copies of his 2018 recommendation. He recommends Clifford Sweeney for President, Glenn Blanchard for Vice President and Planning Commission Liaison, Timothy O'Donnell for Treasurer, Joseph Ritz III for Parks and Recreation Liaison and Elizabeth Buckman for Citizens Advisory Committee Liaison. Commissioner Buckman requested more variety and for Commissioner Ritz III to be considered for Treasurer or Vice President. Commissioner Ritz III thanked Commissioner Buckman for her consideration, but stated he was okay with the Mayor's recommendation. Commissioner Buckman and Commissioner Ritz III discussed swapping committees, but decided not to. Commissioner Ritz III thanked Commissioner O'Donnell for his five years of serving as president.
***Motion*:** To accept the Mayor's recommendation for the Board of Commissioners at the October 1, 2018 town meeting.
Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.
The Board rearranged their seats according to the new structure and adjusted their name plates accordingly.

Agenda #3- Charter Amendments for Consideration to Clarify Archaic Language: Postponed per the request of the Mayor and town staff to allow additional edits.

***Motion*:** Motion to recess the town meeting.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Public Hearing:
Agenda #4: Public hearing on the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1): Commissioner Sweeney asked anyone wishing to speak during the public hearing to stand and raise their right hand and swear under penalty and perjury that the testimony they are about to give is true to the best of their knowledge. Mr. Gulden clarified the purpose of the hearing is to inform and take public comment in regards to a zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, recorded in Plat Book No.3, folio 52 from Low Density Residential (R1) to Neighborhood Commercial (B1). Public notice was posted on the property September 5, 2018 and in the Frederick News Post on September 6 and 13 of 2018. He then read the background, staff comments, planning commission recommendation, finding of fact and recommended motions as stated in the October 1, 2018 town meeting agenda packet. Mr. Gulden, Town Planner, showed a map of the lots. Commissioner question and comments were taken. Commissioner O'Donnell asked if a monument sign, sign which is supported by uprights columns and not attached to the building, would be allowed on the lots. Mr. Gulden explained 50 square feet. Commissioner O'Donnell is concerned a large illuminating sign will look out of place in a residential neighborhood. The Board requested an updated sign ordinance in the near future. Commissioner Sweeney opened the floor to public comment.

Public Hearing Comment:
- *Joseph Baldacchino, 12508 Killian Lane Bowie MD 20715* - Mr. Baldacchino explained the property being discussed was his father's dentist office. When the property was initially rezoned his family was not aware. He believes there was a mistake at the last zoning of the property by the 2015 Comprehensive Plan and Comprehensive Rezoning because the property was rezoned without considering the prior property use (as a dental office). They are hoping to use the property for a hospice house if the rezoning is approved. Town staff explained per 17.44.040 of the Town Code, the Board can impose additional restrictions, conditions or limitations for the property if desired, which may help address sign concerns.
- *Allen Rilley, 16722 Annandale Road* - Mr. Riley explained he does geriatric medicine and is looking for a property to use for his business. He is currently working with the State of Maryland to set up a hospice. If approved, he would practice at 602 and have a hospice in the other section or live in it. He has no plans for large signs. Commissioner O'Donnell requested if the hospice care would be used for assisted suicide. No it would not be.
- *Sara Miller, 12 First Avenue* - Ms. Miller is concerned about the 6-foot fence that would be required for the property if rezoned. The proposed fence would be built about 5-feet from the side of her home. There is also a 10-foot easement near her property for the power company. He son was not able to come, but his lot also backs up to the proposed rezoning property and he is concerned about the required fence too. She is okay with the business, but not the fence. Mr. Gulden showed where the fence would go on a projected map.

Mr. Gulden read the permitted uses by right for the B1 zone. Town staff is concerned that if the fence requirement is waived a future business, such as a convenience store or liquor store, would create more activity without any means to limit noise and light. Commissioner O'Donnell stated not having a fence could hinder nearby property values in

the future if a different business goes in on the Lots and there is no fence. The fence has to be solid wood to be a sound and light barrier to nearby properties. Commissioner Sweeney requested any other public comment to come forward. There was no more public comment.

***Motion*:** To close the public hearing.
Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

Commissioner O'Donnell asked if the determination should be made during the hearing or after. John Clapp, Town Attorney, explained the procedures the Board needs to take regarding closing the record if there are no other speakers. Once the record is closed, the Board would discuss the facts then make a decision if a mistake was made during the 2015 Comprehensive Plan because of the lack of facts. The Board can also decide a mistake was made, but decide not to rezone the property. Mr. Clapp stated the Board can make additional provisions for the property regarding signage and fence requirements too. The hearing needs to be reopened.

***Motion*:** To reopen the hearing.
Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

The Board discussed fence requirements for the property. Section 17.20.090 requires the 6-foot commercial district buffer fence. Mr. Clapp explained provisions are made on a case-by-case basis and that making a provision now does not require the Board to make provisions in the future. Town staff is concerned if one change is made additional provisions will be requested in the future because of current alteration before the Board.

Agenda #5: Consideration to Rezone Lots 10, 11, 15 and the Western Half of Lot 12, as Shown on the Revised Plan of Emmit Gardens, from Low Density Residential (R1) to Neighborhood Commercial (B1):

***Motion*:** To accept that there was a mistake made in the original Comprehensive Plan from 2015.
Motion by Commissioner Buckman. No second was made because Mr. Clapp said the motion needs to include the findings of fact. Commissioner Buckman withdrew her motion.

Motion: To acknowledge the Board of Commissioners made a mistake in 2015 upon approval of the Town's Comprehensive Plan in that due to a previous dentist office being located at Lots 10, 11, 15 and the western half of lot 12 in Emmit Gardens. Therefore, the Board of Commissioners at that time should have acknowledged that the location was a commercial rather than residential and the Comprehensive Plan should have been amended as such. Motion by Commissioner Ritz III, second by Commissioner Buckman. Commissioner Sweeney added the Board was not aware the Lots were a dental office during the approval of the 2015 Comprehensive Plan and the owners of the property weren't of right mind when the changes were being made so a mistake was made. Vote: Motion carries 4-1 in favor with Blanchard, Sweeney, Buckman and Ritz III in favor. Commissioner O'Donnell is opposition.

Motion: To approve the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 2, as shown on the Revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 from R1 Low Density Residential to B1 Neighborhood Commercial. Motion was withdrawn to determine stipulations regarding fence and sign requirements for the Lots. Mr. Clapp clarified the Board can reserve the power to approve or disapprove of structures on the property.

Motion: To approve the zoning map amendment request to rezone Lots 10, 11, 15 and the Western Half of Lot 2, as shown on the Revised Plat of Emmit Gardens, recorded in Plat Book No.3, folio 52 from R1 Low Density Residential to B1 Neighborhood Commercial, and with the Commission we reserve the authority as the Board to approve or disapprove future conditions such as signage and fencing. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Commissioner O'Donnell asked town staff if there was a timeline regarding fencing and signage for the property. Ms. Willets explained once town staff received the property owners request, town staff and the town attorney would bring the item back to the Board for approval. There was no other discussion.
Vote: Motion carries 5-0 in favor.

Motion: To close the record for public input.
Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Motion: Motion to reopen our regularly scheduled meeting.
Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

Agenda #6: Review of Ethics Complaint Procedures as Proposed by the Ethics Commission: Ms. Willets explained the Board voted to have the ethics code and appeal procedures referred to the Ethics Commission at the May 7, 2018 town meeting. The Ethics Commission did not recommend any changes to the procedures, they recommended the adjuratory hearing remain private and they agreed to provide a visual flow chart for the compliant process. A draft of the flow chart is included in the agenda packet. Ms. Willets reviewed the flow chart process. Commissioner Buckman requested parallel lettering get added to the flow chart that corresponds with the lettering in the written procedures. The item will come back to the Board with changes most likely in December 2018. Commissioner O'Donnell requested the *Ethics Violation Compliant Form* add a note that the Town can provide notary services under the instruction section. The Board requested town staff make the requested changes.

***Motion*:** To direct staff to the changes discussed.

Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5-0 in favor.

Agenda #7: For Discussion and Possible Consideration, Request By Indian Lookout for Sole Hunting Use of Scott Road Farm: The Board requested Mr. Wantz introduce himself and explain his request. *Kayne A. Wantz, 16617 Annandale Road* - Mr. Wantz read the letter he wrote to Mayor Briggs, Ms. Willets and Commissioner O'Donnell on August 29, 2018. The letter expressed disdain at the past treatment of the property, clarified the mission of the Indian Lookout Conservation Club and requested five of the Club members have access to hunting/fishing on the property in exchange for cleaning up trash and reporting any unauthorized hunters and fishers. There are about 60 members in the club, which has existed since 1947. Town staff is concerned with the request because hunting on town property has been restricted to Emmitsburg residents only and the club has a few people that are not town residents. A few people that have claimed to be part of the Club have also caused problems in the past on the property. In addition, it will be difficult to enforce the no hunting zone while allowing a few individuals to still hunt on the property. Ms. Willets reminded the Board that they gave consent at the August 6, 2018 town meeting to not allow hunting for one year on the property. There was discussion about the initial policy that set hunting guidelines to 21727 residents only. The Policy number is unknown. Mr. Wantz explained sole use is not being requested despite the agenda title. The Board would like to wait one year until the current decision passes. Town staff recommends waiting until June or July 2019 to make modifications. Mr. Wantz thanked the Board for their time.

Set Agenda Items for October 15, 2018 Town Meeting

1. Approval of the Water/Sewer Lead Operator
2. Proclamation for Municipal Governments Works Month November 2018 for Consideration
3. Discussion of Forestry Plan Submitted by the State Regarding Select Harvest of Timber

Consent Agenda: Appointment of Wayne Slaughter to the Citizens Advisory Committee
Consent Agenda: Appointment of Mark Long to the Planning Commission

Administrative Business:

A. Appointment of Zachary Gulden as the Town Zoning Administrator

Motion: To accept the agenda as proposed.
Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.

Set Agenda Items for November 5, 2018 Town Meeting

1. Update on MHAA Wayside Exhibit Signs
2. Tree Care Ordinance for Consideration
3. Municipal Separate Storm Sewer Systems (MS-4) Update by Staff
4. Update Ordinance Related to Trailers 15.24

Administrative Business:

B. Proposed Trail Volunteer Days

Motion: To accept the agenda as proposed.
Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Vote: Motion carries 5-0 in favor.

Motion: To close the meeting.
Motion by Commissioner Blanchard, second by Commissioner Ritz III. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the October 1, 2018 Town Meeting was adjourned at 10:44 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On:

draft

MINUTES
TOWN MEETING
October 15, 2018
Emmitsburg Town Office

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Joseph Ritz III, Timothy O'Donnell, Glenn Blanchard and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk and Amy Naill, Code Enforcement Officer.
Absent: Commissioner Elizabeth Buckman without prior notice.

II.Call to Order
Commissioner Clifford Sweeney, President of the Board of Commissioners, called the October 15, 2018 town meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Commissioner Comments:
- Commissioner O'Donnell: He received an email expressing concerns about speeding on Main Street. In November he will be attending a meeting with the International Mountain Bikers Association Board of Directors regarding economic development tied the multiuser trails in Emmitsburg.
- Commissioner Ritz III: He had a problem near his home regarding Mount Saint Mary's (MSM) students. He contacted MSM regarding concerns and will keep everyone updated.
- Commissioner Blanchard: He received a letter from a resident regarding trucks speeding on West Main Street. He requested SHA consider a speed camera or other device to slow down trucks.
- Commissioner Sweeney: For the record, he explained Commissioner Buckman is absent without notice. The Board is unsure if her attendance is expected later. He attended the McDonalds grand opening.

Mayor's Comments:
Mayor Briggs explained he'd like to get a new photo of the Board at the November 5, 2018 town meeting and the Town won an international tree planting award, which he plans to present at the next town meeting.

Public Comments:
Megan LeRoux, 519 Pearl Street Frederick Maryland - She is running for the Clerk's Office of Frederick County. She reviewed her credentials to include 14 years of experience and a bachelor's degree in legal studies. The Board thanked Ms. LeRoux for visiting the Emmitsburg area. *Jake Tucker, 519 Pearl Street Frederick Maryland* – He likes how the Town is passing a proclamation for Municipal Government Works Month and he asked if the forest plan is private or public land. The Board explained its public land.

Administrative Business:

I. Appointment of Zachary Gulden as the Town Zoning Administrator: Ms. Willets explained the Town Code mentions a zoning administrator position, which is traditionally filled by the town planner. The person would be a secretary for the Board of Appeals and administer zoning regulations. There is no change in job deputies or pay increase.

***Motion*:** To accept Zachary Gulden as the Town Zoning Administrator. Motion by Commissioner Blanchard, second by Commissioner O'Donnell. Commissioner O'Donnell stated he seconded the motion for the sake of discussion. Commissioner O'Donnell expressed concern over Mr. Gulden holding a part time position as town manager at a small Pennsylvania township and being appointed zoning administrator. The township is just over the state line. Ms. Willets stated there would be no conflicts of interest. Commissioner O'Donnell is concerned there might be a conflict if a new business is looking at both communities. The prior town manager held the title, but when he retired the position was never filled. Vote: 2 in favor (Commissioners Blanchard and Sweeney), 2 against (Commissioner Ritz and O'Donnell). Mayor Briggs cast his vote in favor to break the tie.

Consent Agenda:

1. Wayne Slaughter to the Citizen's Advisory Committee. Term: 10/15/2018 to 10/15/2020. Each Board member stated verbal consent. Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.
2. Jennifer Joy to the Citizen's Advisory Committee. Term: 11/07/2018 to 11/07/2020. Each Board member stated verbal consent. Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.
3. Mark Long to the Planning Commission. Term: 10/15/2018 to 08/05/2022. Each Board member stated verbal consent. Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.

II. Agenda Items

Agenda #1- Approval of the Water/Sewer Lead Operator: Ms. Willets explained the Mayor is recommending Jared J. Brantner for the position lead water/sewer operator with a start date of October 22, 2018. The job was posted on the Town website, Town Facebook, Indeed, Frederick County Workforce Services, the American Public Works Association and the American Water Works Association. In total 23 candidates applied, 5 met basic qualifications and 3 were interviewed. Mr. Brantner currently holds his 5A wastewater license. His salary would start at Grade 9, Step 2 with an hourly rate of $23.50 per hour. Mr. Brantner lives nearby for emergency situations.

***Motion*:** To accept Jared J. Brantner as the lead water/sewer operator for the Town of Emmitsburg with a start date of October 22, 2018. Motion by Commissioner O'Donnell, second by Commissioner Ritz III.
Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.

Agenda #2- Proclamation for Municipal Governments Works Month November 2018 for Consideration: Commissioner Sweeney read the proclamation aloud. There were no questions or comments from the Board.

***Motion*:** To accept the proclamation as read. Motion by Commissioner Ritz III, second by Commissioner O'Donnell.
Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.

Agenda #3 - Discussion of Forestry Plan Submitted by the State Regarding Select Harvest of Timber: Mike Kay, Forest Service and Department of Natural Resources (DNR), introduced himself to the Board and distributed copies of the *Forest Stewardship Plan* to the Board. He explained DNR completed a tree inventory off Hampton Valley Road in the Emmitsburg watershed and the data was used to create recommendations for the forestry plan. The Town has records going back to 1949 for the management of the watershed. The 2013 plan concluded insufficient tree regeneration in some areas due to deer and invasive plants, dying oaks due to gypsy moths, roads/trails blocked with downed trees and ash trees declining from the emerald ash borer. Due to the issues, DNR recommends the select harvest in various stands (or grouping of trees). If approved, DNR is willing to assist staff with the preparation of a request for proposal, marking trees and estimating the market value of the timber. The contractor would take one year to cut the timber and Mr. Kay will ensure contractor compliance with the contract. Only declining trees would be harvested. Commissioner O'Donnell is concerned with the equipment that would be driving across the multi-user trails. He would like the Town to commit to repairing any damage to the trails since many volunteer hours and donations have gone into building them. Mr. Kay recommended avoiding trail areas, which could prevent areas from being commercially viable. Frederick County had a similar situation where they requested trail areas be avoided. Not every tree would be harvested in each stand. The potential revenue generation is $223,000. The cutting of trees helps terminate invasive species and gives native seeds a chance to germinate. Deer enclosures have been effective in preventing deer damage on State forest land. Mr. Kay offered to walk the land with any interested elected officials or town staff. The item should return to the Board at the January 2019 town meeting.

Set Agenda Items for November 5, 2018 Town Meeting

1. Update on MHAA Wayside Exhibit Signs
2. Tree Care Ordinance for Consideration
3. Municipal Separate Storm Sewer Systems (MS-4) Update by Staff
4. Update Ordinance Related to Trailers 15.24 for Discussion and Consideration

Administrative Business:

C. Proposed Trail Volunteer Days

Commissioner O'Donnell would like to meet with the town accountant regarding his new position as treasurer. He also requested the Town publicize more library events. Commissioner Sweeney reminded everyone of the trick or treat event on Halloween. Commissioner Blanchard mentioned the Veterans Day celebration on November 11.

Motion: To close the town meeting. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 4-0 in favor with Commissioner Buckman absent.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the October 15, 2018 Town Meeting was adjourned at 8:56 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On:

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

C. TOWN MANAGER'S REPORT

Town Manager's Report
September 2018
Prepared by Cathy Willets

Streets:

- Staff assisted contractor with the GIS mapping of storm drains.
- Staff prepared for Fallen Fighters weekend: cleaned streets, put up banners, and cleaned some streetlight globes.
- Staff mowed weeds on curbs in Southgate and Brookfield.
- Staff repaired concrete storm drain slab in Northgate.

Parks:

- Staff assisted contractor with installation of new expansion tank in Community Park restroom building.
- Staff mowed, trimmed and weed killed in all parks.

Water:

- Rainbow Lake is at the spillway level of 16.6 feet.
- The roughing filters are being backwashed two times a day and the DE filters are being done one time per week.
- Well levels (optimum level was determined to be May 2011). All wells were turned on at the end of September due to large amount of rain in an effort to reduce the turbidity coming into the plant.

	May 2011	September	Change
Well #1:	35'	23'	+12
Well #2:	8'	5'	+3
Well #3:	12'	13'	-1
Well #4:	108'	105'	+3
Well #5:	10'	7'	+3

- Water production and consumption. We produced an average of 279,669 GPD. We consumed an average of 241,401 GPD. The difference is "Backwash Water" ... (18.1%).
  - 41.94% of this water came from wells.
  - 4.96% of this water came from Mt. St. Mary's.
  - 53.10% of this water came from Rainbow Lake.

We purchased 416,400 gallons of water from MSM this month.

Wastewater:

- We received about 13.50" of precipitation this month (the average is 4.25").
  - We have a precipitation **SURPLUS** of 28.7" over the last six months. The average precipitation for the period from April 1 through September 30 is 25.15". We have received 53.85" for that period.

Wastewater Treatment:

- We treated an average of 1,242,000 (consumed 241,401 GPD) which means that **80.6**% of the wastewater treated this month was "wild water".
- We had one spill of untreated sewerage in the month of September due to heavy down pours (reported to MDE and FCHD):
  - 68,500 gallons 09/09-10
- We did exceed the plant's design capacity twelve times in the month of September:

1,913,000 gpd 09/08	4,444,000 gpd 09/09	3,006,000gpd 09/10
1,406,000 gpd 09/11	871,000 gpd 09/12	1,795,000gpd 09/17
1,138,000 gpd 09/18	2,210,000 gpd 09/24	2,600,000gpd 09/25
1,565,000 gpd 09/26	2,489,000 gpd 09/27	1,703,000gpd 09/28

Trash: Trash pickup will remain Mondays in the month of November.

Meetings Attended:

- 09/04 Attended Town Meeting
- 09/04 Met with staff regarding sewer lines and pumping station
- 09/04 Met with Mayor
- 09/05 Met with Town Clerk about the Sustainable Growth Award
- 09/06 Met with HR and Mayor to go over candidates for sewer/water position
- 09/06 Met with Mayor
- 09/10 Conference call with Town Planner and Town attorney to review ongoing issues
- 09/11 Attended interoffice training on MS-4 and storm water management
- 09/12 Met with public works staff to review preparations for possible hurricane
- 09/14 Met with water and sewer staff to go over operations
- 09/18 Met with Mayor
- 09/19 Met with Mayor and Town Planner to review Main St. Affiliate program
- 09/20 Met with Mayor
- 09/21 Met with Mayor
- 09/25 Conducted interviews with Mayor and HR for water/sewer position
- 09/26 Attended meeting with staff and County regarding building maintenance issues
- 09/27 Attended department head meeting
- 09/27 Attended support staff meeting
- 09/28 Met with SHA and Town Planner to go over status of remaining square project

Noteworthy:

- Staff performed quarterly water meter readings.
- During rain event 09/10 the pumping station flooded again.
- WWTP centrifuge clogged up due to a power surge and improperly went offline again.
- Pre-bid meetings for the pumping station RFP were 11/03 and 11/04.
- Starting to heat up both plants due to colder weather.

PARKING ENFORCEMENT REPORT
September 2018

Overtime Parking	65
Restricted Parking Zone	4
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk	
Parked Blocking Road	
Parked by Fire Hydrant	1
Parked on Highway	
Failure to Park between Lines	
Other Violation	
Left Side Parking	1
Meter Money	$748.17
Parking Permits	$520.00
Meter Bag Rental	
Parking Ticket Money	$190.00
Funerals	
Total:	**$1,458.17**

D. TOWN PLANNER'S REPORT

Town Planner's Report
September 2018
Prepared by Zachary R. Gulden, MPA

1. **Board of Appeals (BOA)**
   - Attended the BOA meeting on 9/17.

2. **Board of Commissioners**
   - Attended the BOC meeting on 09/04.
   - Prepared a staff memo for the public hearing regarding the zoning map amendment request for Lots 10, 11, 15, and the western half of 12 in Emmit Gardens (600/602 East Main Street).

3. **Community Legacy (CL)**
   - Received and processed a restoration grant application for 30 W Main St.
   - Processed a reimbursement request for the Town's sidewalk project for $7,394.72. If approved, $34,413.73 of the grant will remain.
   - Processed the quarterly report for the FY2017 façade grant.
   - Processed the quarterly report for the FY2017 square/sidewalk revitalization grant.
   - Met with the Sustainable Communities Board on 9/10 to review a grant application for 30 W Main St.
   - Received and processed a restoration grant application for 224 E Main St.
   - Met with the Sustainable Communities' Board on 9/21 to review a grant application for 224 E Main St.

4. **Municipal Separate Storm Sewer System (MS4)**
   - Assisted Advanced Land & Water as they map the existing Town stormwater pipes, outfalls, inlets, stormwater BMPs, and illicit discharge screening locations.
   - Created and attended the annual MS4 training on 9/11. Fifteen staff members attended the event.
   - Met with Steve F. at various Town owned buildings on 9/12 to gather information for the final stormwater report.
   - Continued to work on the final MS4 stormwater report.

5. **Permits & Zoning**
   - Processed and approved the following zoning applications:
     - Drive extension
     - Fence
   - Conditionally approved a use & occupancy permit.
   - Processed an alley closure permit.
   - Completed/issued various enforcement letters & citations.

6. Planning Commission

- Received and processed a request from the Frederick County Division of Utilities and Solid Waste Management to have the PC review and comment on proposed amendments to the Frederick County Solid Waste Management Plan.
- Attended the Planning Commission meeting on 09/18.

7. Miscellaneous

- Met with Jimmy & Kim Valentine regarding park bench donation.
- Attended training on 9/11 regarding the Maryland Open Meetings Act.
- Attended a planner/Main Street meeting in New Market, MD on 9/13.
- Attended a grant training in Boonsboro, MD on 9/18.
- Had a meeting with the Mayor on 9/20.
- Wrote an article for the Town Newsletter.
- Applied for a Dog Park grant from Purina.
- Wrote an RFP to design two new panels in the Town Square visitor kiosk. If awarded, panels will be funded with a grant & match from Visit Frederick.
- Attended a department head meeting on 9/27.
- Attended a meeting with Town Manager & SHA representative regarding sidewalk and bridge projects on 9/28.
- Fielded a sidewalk complaint for 423 W Main St.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

October 1**,** Town meeting.
October 4, 5 pm, Maryland Mayor's Association Executive Committee Teleconference.
October 5, Lunch meeting with Community Foundation of Frederick County Fund, Elizabeth Y. Day, President and CEO and Laura McCullough, Director of Philanthropic Services
October 5, Met with town manager.
October 5, 5:45 pm Catoctin High School Homecoming Parade judge with Thurmont Mayor Kinnaird.
October 6, Saturday, Grand re-opening of McDonald's. Ribbon cutting.
October 6, Motorola Solutions – Fallen Firefighters Directors dinner Carriage House.
October 7, Fallen Firefighters Memorial weekend service welcome address.
October 8, National Fire Heritage Center Board meeting – Vigilant hose Ambulance Building.
October 9, League of Conservation Voters Education Fund Awards dinner, Annapolis, MD
October 10-11, Maryland Municipal League (MML) Fall meeting, Annapolis, MD.
October 15, Second Town meeting
October 17, Acceptance of International Society of Arboriculture Gold Leaf Award, luncheon, Frederick, MD.
October 19, Mt. St. Mary's University (MSMU) College of Liberal Arts Committee
October 19, Met with town manager
October 19, Investiture of new Girl Scouts, Thurmont
October 19, Mount Rugby Club Alum dinner, Ski Liberty
October 20, Mount Rugby Alum Game
October 23, Town auditor conference with town manager and accountant.
October 25, Met Mike Kay, State Forestry at Rainbow Lake
October 27, 8 am Starter ESP Dance Studio 5k at MSMU
October 31, Town Halloween Festival

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

I. Proposed Trail Volunteer Days: Presentation by Commissioner O'Donnell at the town meeting.

I. CONSENT AGENDA

NONE

J. TREASURER REPORT

Town of Emmitsburg
CASH ACTIVITY as of October 30, 2018

$5,479,892	Cash Balance October 1, 2018
420,330	Deposits
-493,141	Withdrawals
$5,407,081	Operating Balance Forward

Top 10 Check Amounts:

Amount	Vendor Name	Description	Check Date	Check Number
$186,724	Daughters of Charity	Performance Bond Release	10.24.18	38988
68,670	Treasurer of Frederick County	1Q FY19 Law Enforcement	10.10.18	38933
48,686	State Highway Administration	MD 140 Betterment Work	10.17.18	38978
23,827	Comptroller of Maryland	1Q FY19 Bay Restoration Fee	10.10.18	38936
20,415	MD Dept of Budget & Mgmt	Sep 18 Health Insurance	09.26.18	38886
12,262	UGI Energy Services	Aug 18 Solar Field #1	09.26.18	38902
11,954	UGI Energy Services	Aug 18 Solar Field #2	09.26.18	38902
7,000	Ion Design	MHAA Wayside Exhibits	10.17.18	38962
6,749	Deleon & Stang	FY18 Partial Audit Services	10.24.18	38989
6,513	Republic Services	Oct 18 Refuse Services	10.10.18	38946

Check dates 09.26.18 to 10.30.18

K. PLANNING COMMISSION REPORT: Presentation at the meeting Commissioner Glenn Blanchard.

L. AGENDA ITEMS:

I. Update on MHAA Wayside Exhibit Signs: Presentation at meeting by Ruth Bielobocky, Ion Design Firm, and Scott Grove, Grove Public Relations LLC.

As part of a Maryland Heritage Areas Authority (MHAA) grant, the Town was awarded $9,000 to create three (3) wayside exhibits:

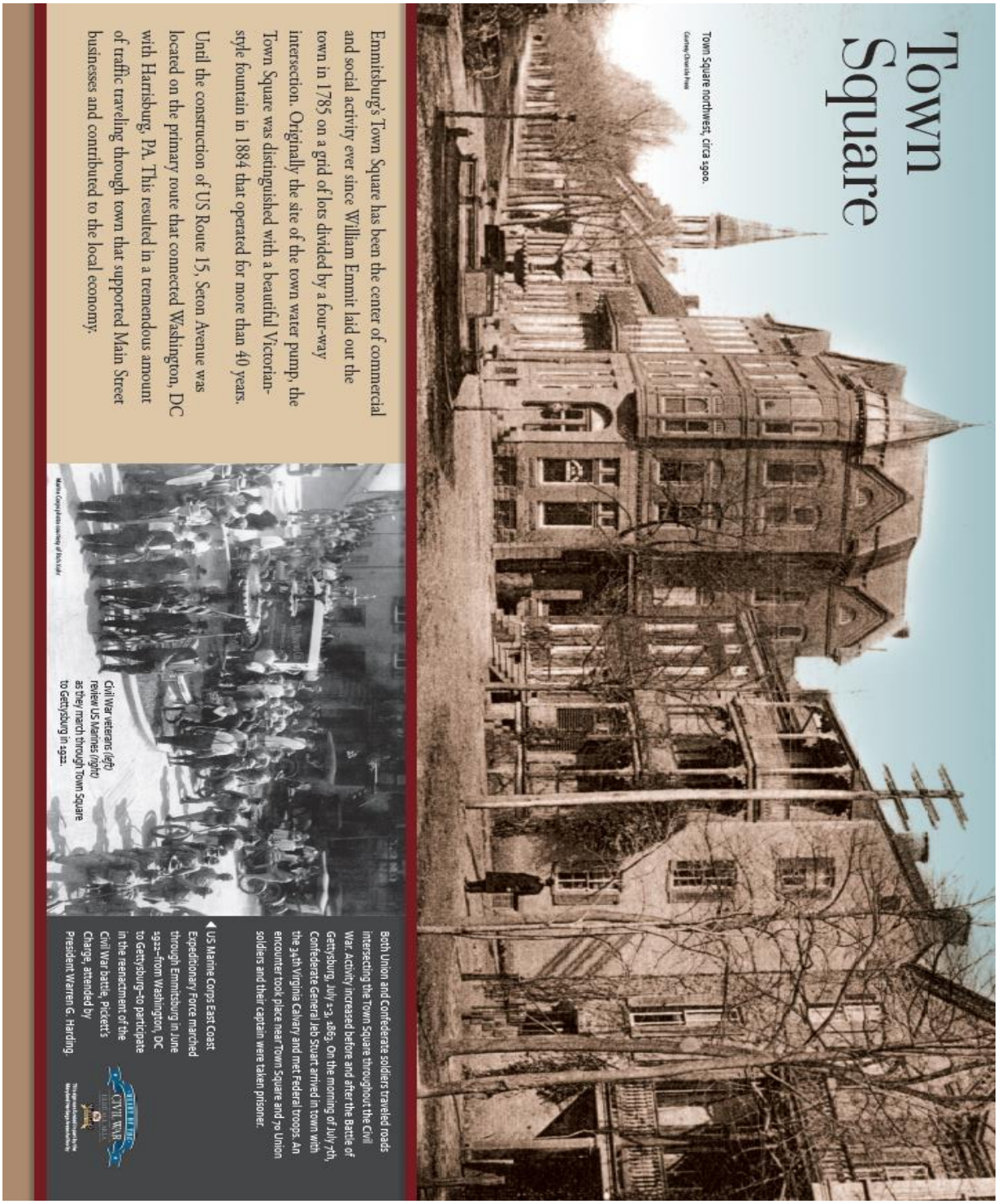
1. Town Square
2. Emmit House
3. Doughboy Statue

Long term goal: Create a historic walking tour for Town.

*Draft wayside exhibits can be seen on the following pages. Larger hard copies will also be provided at the town meeting by the contractor.

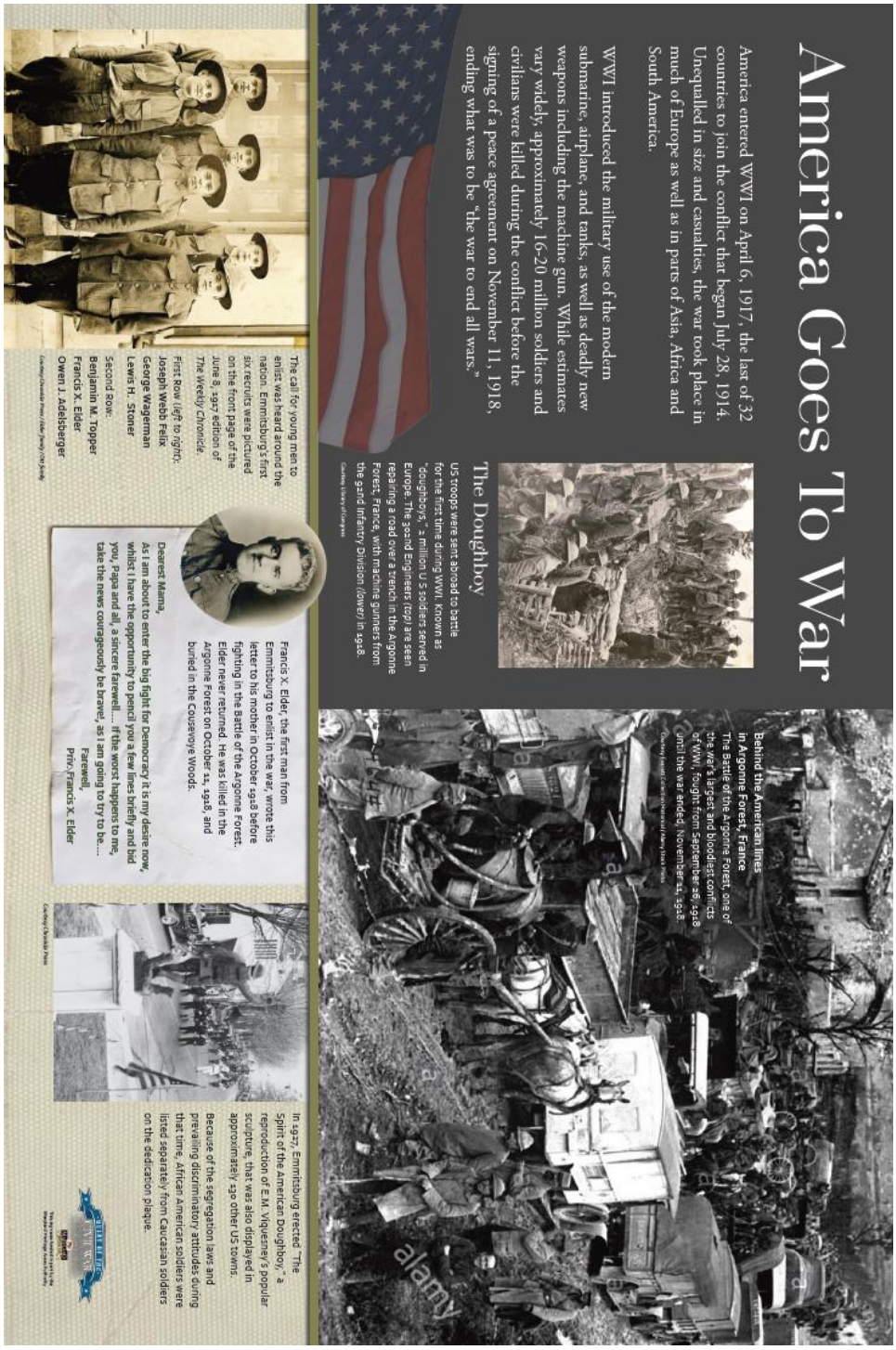
draft

DRAFT: TOWN SQUARE WAYSIDE EXHIBIT



DRAFT: DOUGHBOY STATUE WAYSIDE EXHIBIT

draft



America Goes To War

America entered WWI on April 6, 1917, the last of 32 countries to join the conflict that began July 28, 1914. Unequalled in size and casualties, the war took place in much of Europe as well as in parts of Asia, Africa and South America.

WWI introduced the military use of the modern submarine, airplane and tanks, as well as deadly new weapons including the machine gun. While estimates vary widely, approximately 16-20 million soldiers and civilians were killed during the conflict before the signing of a peace agreement on November 11, 1918, ending what was to be "the war to end all wars."

Behind the American lines in Argonne Forest, France

The Battle of the Argonne Forest, one of the war's largest and bloodiest conflicts of WWI, fought from September 26, 1918 until the war ended, November 11, 1918.

Courtesy Kansas City Museum/Library of Congress

The Doughboy

US troops were sent abroad to battle for the first time during WWI. Known as "doughboys," 2 million U.S. soldiers served in Europe. The 30th Engineers (top) are seen repairing a road over a trench in the Argonne Forest, France, with machine gunners from the 30th Infantry Division (lower) in 1918.

Courtesy Library of Congress

The call for young men to enlist was heard around the nation. Emmitsburg's first six recruits were pictured on the front page of the June 8, 1917 edition of *The Weekly Chronicle*.

First Row (*left to right*):
Joseph Webb Felix
George Wageman
Lewis H. Stoner

Second Row:
Benjamin M. Topper
Francis X. Elder
Owen J. Adelsberger

Courtesy Chronicle Press / Elder Family Old Bible

Francis X. Elder, the first man from Emmitsburg to enlist in the war, wrote this letter to his mother in October 1918 before fighting in the Battle of the Argonne Forest. Elder never returned. He was killed in the Argonne Forest on October 14, 1918, and buried in the Cousevoye Woods.

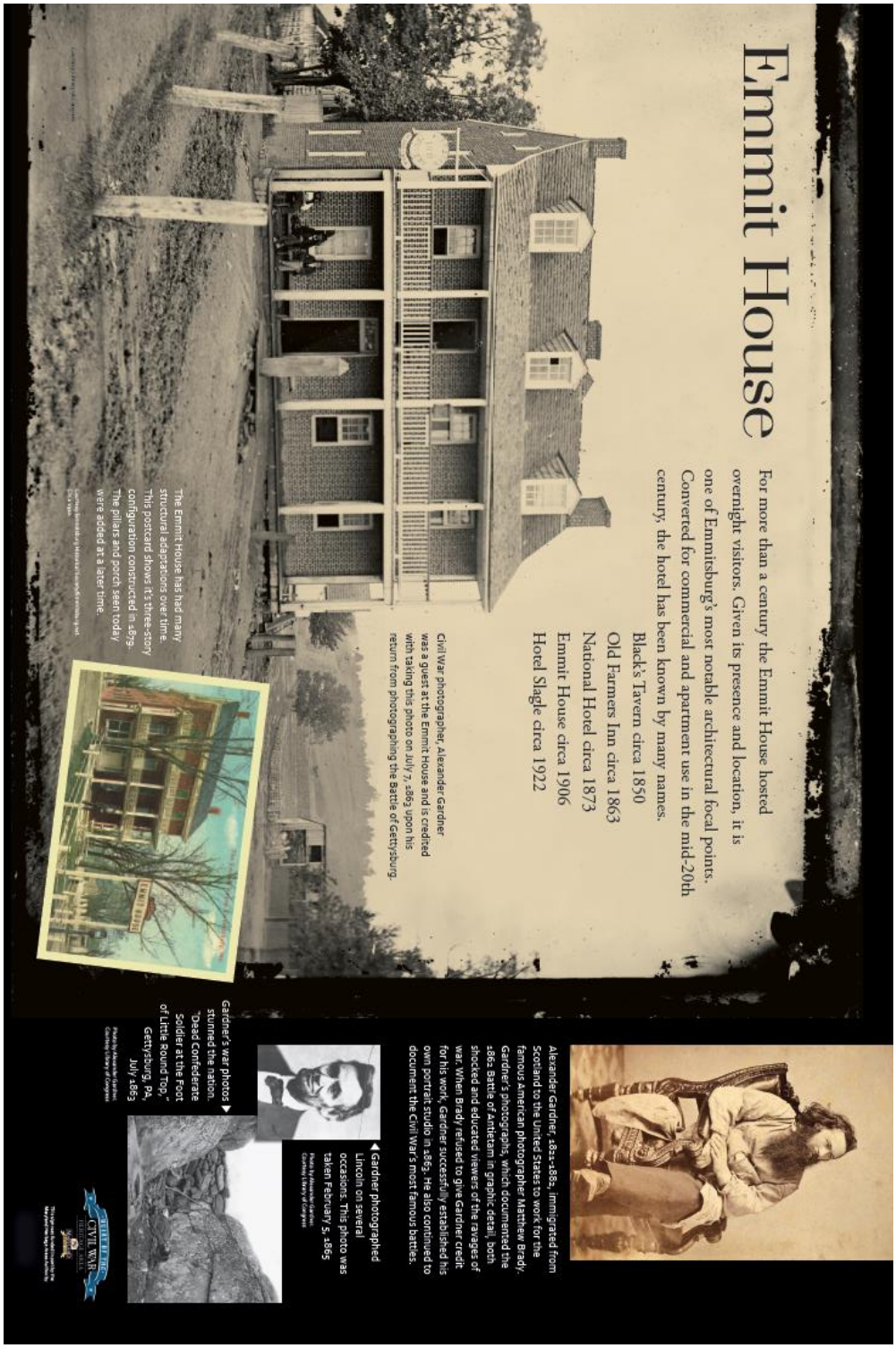
Dearest Mama,
As I am about to enter the big fight for Democracy it is my desire now, whilst I have the opportunity to pencil you a few lines briefly and bid you, Papa and all, a sincere farewell.... if the worst happens to me, take the news courageously be brave, as I am going to try to be...
Farewell,
Priv. Francis X. Elder

Courtesy Chronicle Press

In 1927, Emmitsburg erected "The Spirit of the American Doughboy," a reproduction of E.M. Viquesney's popular sculpture, that was also displayed in approximately 130 other US towns.

Because of the segregation laws and prevailing discriminatory attitudes during that time, African American soldiers were listed separately from Caucasian soldiers on the dedication plaque.

DRAFT: EMMIT HOUSE WAYSIDE EXHIBIT



AGENDA ITEMS CONTINUED:

II. Tree Care Ordinance for Consideration: Presentation at meeting by town staff.

ORDINANCE SERIES: 2018 Page 1 of 6
ORD. NO.: 18 – 16

draft

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 of the Emmitsburg Municipal Code, be amended by adding thereto the following as Chapter 8.20:

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

Title 8 – Health and Saf**ety**

Chapter 8.20. - FOREST AND TREE CONSERVATION

8.20.010 - DEFINITIONS.

IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

"LARGE TREE" MEANS TREES GROWING OVER 50-FEET IN HEIGHT.

"MEDIUM TREE" MEANS TREES GROWING BETWEEN 31-FEET AND 50-FEET IN HEIGHT.

"PARK TREES" MEANS ALL TREES, SHRUBS, BUSHES AND ALL OTHER WOODY VEGETATION IN PUBLIC PARKS HAVING INDIVIDUAL NAMES, AND ALL AREAS OWNED BY THE TOWN, OR TO WHICH THE PUBLIC HAS FREE ACCESS AS A PARK.

"SMALL TREE" MEANS TREES REACHING 30-FEET OR UNDER IN HEIGHT.

"STREET TREES" MEANS ALL TREES, SHRUBS, BUSHES, AND ALL OTHER WOODY VEGETATION ON LAND LYING BETWEEN PROPERTY LINES ON EITHER SIDE OF ALL STREETS, AVENUES OR WAYS WITH THE TOWN.

"TREE" MEANS A LARGE, WOODY PLANT HAVING ONE OR SEVERAL SELF-SUPPORTING STEMS OR TRUNKS AND NUMEROUS BRANCHES THAT REACH A HEIGHT OF AT LEAST TWENTY (20) FEET AT MATURITY.

8.20.030 - STREET TREES

A. THE PURPOSE OF THIS SECTION IS TO ESTABLISH CRITERIA APPLICABLE TO THE PLANTING, CARE, MAINTENANCE AND REMOVAL OF STREET TREES IN THE TOWN OF EMMITSBURG. THESE CRITERIA ARE IN ADDITION TO THE REQUIREMENTS FOR ROADSIDE TREES AS SET FORTH IN NATURAL RESOURCES ARTICLE, SECTIONS 5-401 THROUGH 5-411, ANNOTATED CODE OF MARYLAND AND THE REGULATIONS PROMULGATED THEREUNDER (THE "MARYLAND ROADSIDE TREE LAW"). THESE ADDITIONAL CRITERIA ARE AUTHORIZED BY NATURAL RESOURCES ARTICLE, SECTION 5-403(D). TO THE EXTENT THAT ANY OF THESE CRITERIA CONFLICT WITH THE MARYLAND ROADSIDE TREE LAW, THE CRITERIA OF THE STATE LAW SHALL GOVERN. NO STREET TREE MAY BE PLANTED WITHOUT FIRST OBTAINING THE PERMIT REQUIRED BY THE MARYLAND ROADSIDE TREE LAW UNLESS OTHERWISE EXEMPTED BY THAT LAW.

B. **THE FOLLOWING LIST CONSTITUTES THE OFFICIAL STREET TREE SPECIES FOR EMMITSBURG. NO SPECIES OTHER THAN THOSE INCLUDED IN THIS LIST MAY BE PLANTED AS STREET TREES WITHOUT THE WRITTEN PERMISSION OF THE TOWN MANAGER AND/OR HIS/HER DESIGNEE. ADDITIONAL SPECIES WILL BE CONSIDERED ON A CASE BY CASE BASIS.**

SMALL TREES	MEDIUM TREES	LARGE TREES
APRICOT CRABAPPLE HAWTHORNE (SP.) REDBUD SOAPBERRY JAPANESE LILAC TREE FLOWERING PEACH SERVICEBERRY DOGWOOD EASTERN REDBUD HONEYLOCUST ORNAMENTAL CHERRY	HACKBERRY HONEYLOCUST (THORNLESS) LINDEN OR BASSWOOD (SP.) (FRUITLESS, MALE) PECAN RIVER BIRCH OSAGE ORANGE (MALE, THORNLESS) PERSIMMON SASSAFRAS	SUGAR MAPLE BUR OAK SYCAMORE LONDON SYCAMORE (COTTONLESS, MALE) RED MAPLE WHITE OAK SWAMP WHITE OAK AMERICAN BEECH ENGLISH OAK RED OAK GINKGO (MALE)

UNLESS AUTHORIZED BY THE TOWN, AND UNLESS UNDERTAKEN IN COMPLIANCE WITH STATE LAW, NO PERSON OTHER THAN A DULY AUTHORIZED REPRESENTATIVE OF THE TOWN MAY PLANT, REMOVE, TRIM, PRUNE, MAINTAIN OR REMOVE ANY STREET TREE OR OTHER PLANTS OR SHRUBS LOCATED IN ANY PUBLIC RIGHT OF WAY. THE TOWN MAY UNDERTAKE SUCH ACTIONS AS NECESSARY TO INSURE PUBLIC SAFETY OR TO PRESERVE OR ENHANCE THE SYMMETRY AND BEAUTY OF THE STREET TREES, SHRUBS OR PLANTS, WHICH SHALL BE PERFORMED IN ACCORDANCE WITH THE MARYLAND ROADSIDE TREE LAW.

8.20.040 – GENERAL TREE CARE, MAINTENANCE, PRUNING AND REMOVAL

A. EVERY OWNER OF ANY TREE OVERHANGING ANY STREET OR RIGHT-OF-WAY WITHIN THE TOWN SHALL PRUNE THE BRANCHES SO THAT SUCH BRANCHES SHALL NOT OBSTRUCT THE LIGHT FROM ANY STREET LAMP OR OBSTRUCT THE VIEW OF ANY STREET INTERSECTION AND SO THAT THERE SHALL BE A CLEAR SPACE OF EIGHT (8) FEET ABOVE THE SURFACE OF THE STREET OR SIDEWALK. SAID OWNERS SHALL REMOVE ALL DEAD, DISEASED OR DANGEROUS TREES OR BROKEN OR DECAYED LIMBS WHICH CONSTITUTE A MENACE TO THE SAFETY OF THE PUBLIC. EVERY OWNER OF ANY TREE SHALL MAINTAIN SUCH TREE SO THAT IT DOES NOT CREATE A HAZARD OR CAUSE INJURY TO SEWER LINES, ELECTRIC POWER AND OTHER UTILITY LINES, GAS LINES, WATERLINES OR OTHER PUBLIC IMPROVEMENTS.

B. ANY OWNER OF ANY TREE WHICH IS IN VIOLATION OF SUB-SECTION A MAY BE NOTIFIED BY THE TOWN OF SUCH VIOLATION AND INSTRUCTED TO CORRECT THE VIOLATION WITHIN A PERIOD OF TIME AS DETERMINED BY THE TOWN MANAGER AND/OR HIS/HER DESIGNEE, WHICH PERIOD OF TIME SHALL NOT BE LESS THAN 20 DAYS. IN THE EVENT THAT THE OWNER FAILS TO CORRECT THE VIOLATION WITHIN THE 20 DAY PERIOD, THE TOWN MAY UNDERTAKE TO TRIM, PRUNE, OR REMOVE ONLY SO MUCH OF THE TREE OR PART THEREOF THAT IS NECESSARY TO REMOVE THE VIOLATION. IN THAT EVENT, THE OWNER SHALL BE LIABLE TO THE TOWN FOR THE COST AND EXPENSE OF DOING SO.

8.20.40 - PUBLIC LANDS

A. NO PERSON, FIRM OR ENTITY SHALL PLANT, TRIM, PRUNE, MAINTAIN OR REMOVE ANY TREE, SHRUB OR OTHER PLANT LOCATED ON ANY STREET OR ROAD RIGHT OF WAY, OR ON ANY PARK, OR ON ANY PUBLIC PROPERTY.

B. ALL STUMPS OF STREET AND PARK TREES SHALL BE REMOVED BELOW THE SURFACE OF THE GROUND SO THAT THE TOP OF THE STUMP SHALL NOT PROJECT ABOVE THE SURFACE OF THE GROUND.

8.20.050 - PRIVATE PROPERTY

A. NO PROPERTY OWNER MAY MAINTAIN ON PRIVATE PROPERTY ANY TREE OR PART THEREOF WHICH:

1. **INTERFERES WITH THE PROPER SPREAD OF LIGHT ALONG THE STREET FROM A STREETLIGHT OR INTERFERES WITH THE VISIBILITY OF THE STREET TO THE PUBLIC TRAVELING ON THE PUBLIC STREETS OR OF ANY TRAFFIC CONTROL DEVICE OR SIGN;**

2. **WHICH HARBORS INSECTS OR DISEASE WHICH, AS DETERMINED BY A CERTIFIED TREE ARBORIST, CONSTITUTES A POTENTIAL THREAT TO OTHER TREES WITHIN THE TOWN; OR**

3. **IS IN SUCH A WEAK OR UNSAFE CONDITION THAT IT POSES AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY.**

B. IN THE EVENT THAT A VIOLATION OF SUB-SECTION A. IS DETERMINED TO EXIST, THE TOWN SHALL HAVE THE RIGHT ENTER ONTO THE PROPERTY TO CORRECT THE VIOLATION.

1. **PRIOR TO ENTERING THE PROPERTY, THE TOWN OR ITS AGENTS SHALL NOTIFY THE PROPERTY OWNER IN WRITING OF SUCH VIOLATION GIVING THE DATE, NATURE AND LOCATION OF THE VIOLATION. THE NOTICE SHALL INSTRUCT THE OWNER TO CORRECT THE VIOLATION AT THEIR OWN EXPENSE WITHIN SIXTY (60) DAYS AFTER THE DATE OF SERVICE OF NOTICE AND OF THE RIGHT TO REQUEST A HEARING BEFORE THE BOARD OF COMMISSIONERS.**

2. **UPON RECEIVING NOTICE OF THE VIOLATION, THE OWNER MAY REQUEST A HEARING BEFORE THE BOARD OF COMMISSIONERS BY MAKING SUCH REQUEST, IN WRITING, TO THE TOWN MANAGER WITHIN FIFTEEN (15) DAYS OF RECEIVING THE NOTICE.**

3. **IF A REQUEST FOR A HEARING IS MADE, THE BOARD OF COMMISSIONERS SHALL SCHEDULE A HEARING ON THE VIOLATION TO BE HELD WITHIN THIRTY (30) DAYS OF THE RECEIPT OF THE REQUEST.**

4. **AT THAT HEARING, THE OWNER WILL BE GIVEN AN OPPORTUNITY TO HEAR THE FACTS OF THE ALLEGED VIOLATION AND TO PRESENT TESTIMONY AND WITNESSES IN SUPPORT OF THE OWNER'S POSITION.**

5. **IN THE EVENT THAT THE BOARD OF COMMISSIONERS FINDS THAT THE VIOLATION EXISTS, THEN THE OWNER SHALL CORRECT THE VIOLATION WITHIN TWENTY (20) DAYS OF THE BOARD'S DECISION.**

C. IF THE OWNER FAILS TO REQUEST A HEARING AND FAILS TO CORRECT THE VIOLATION WITHIN THE SIXTY (60) DAY PERIOD, OR IF, AFTER A HEARING, THE BOARD OF COMMISSIONERS FOUND THAT A VIOLATION EXISTS AND THE OWNER FAILS TO CORRECT THE VIOLATION WITHIN THE TIME PERIOD SET BY THE BOARD, THEN THE TOWN MAY CORRECT THE VIOLATION AT THE EXPENSE OF THE OWNER. THE WORK DONE BY THE TOWN SHALL BE THE MINIMUM AMOUNT NECESSARY TO CORRECT THE VIOLATION AND SHALL BE UNDERTAKEN BY A PROFESSIONAL TREE TRIMMING CONTRACTOR. IN THE EVENT THAT THE OWNER FAILS TO PAY THE COST THEREOF WITHIN THIRTY (30) DAYS AFTER RECEIVING A STATEMENT THEREOF FROM THE TOWN, THEN THE TOWN MAY INSTITUTE A SUIT AGAINST THE OWNER IN THE DISTRICT COURT OF MARYLAND FOR FREDERICK COUNTY OR THE CIRCUIT COURT FOR FREDERICK COUNTY, DEPENDING UPON THE AMOUNT INVOLVED, FOR THE RECOVERY OF THE SAME.

8.20.060 - NO LIABILITY

NOTHING CONTAINED IN THIS CHAPTER SHALL IMPOSE ANY LIABILITY UPON THE TOWN OF EMMITSBURG, ITS OFFICERS OR EMPLOYEES, NOR RELIEVE THE OWNER OF ANY PRIVATE PROPERTY FROM THE DUTY TO KEEP ANY TREE, SHRUB, OR PLANT UPON ANY TREE ON HIS PROPERTY OR UNDER HIS CONTROL IN SUCH CONDITION AS TO PREVENT IT FROM CONSTITUTING A HAZARD OR AN IMPEDIMENT TO TRAVEL OR VISION UPON ANY STREET, PARK, ALLEY OR PUBLIC STREET OR PUBLIC WAY.

8.20.070 - INTERFERENCE WITH TOWN PROHIBITED

IT SHALL BE UNLAWFUL FOR ANY PERSON TO PREVENT, DELAY OR INTERFERE WITH THE TOWN, ITS EMPLOYEES, OFFICIALS OR ANY OF ITS AGENTS WHILE ENGAGING IN AND ABOUT THE PLANTING, CULTIVATING, MULCHING, PRUNING, SPRAYING OR REMOVING, AS AUTHORIZED BY THIS CHAPTER, OF ANY STREET TREES, PARK TREES OR TREES ON PRIVATE GROUNDS.

8.20.080 – ENFORCEMENT

ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE OF FIFTY DOLLARS ($50.00) FOR EACH OFFENSE, UNLESS OTHERWISE GOVERNED BY STATE LAW, IN WHICH CASE THE MAXIMUM PENALTY SHALL APPLY. EACH DAY THE VIOLATION CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE. IN ADDITION, ANY VIOLATION OF THIS CHAPTER MAY ALSO BE ENFORCED AS A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF FIFTY DOLLARS ($50.00) FOR EACH DAY THE VIOLATION CONTINUES. NOTHING CONTAINED HEREIN PRECLUDES THE TOWN FROM ENFORCING THIS CHAPTER THROUGH ANY OTHER LEGAL OR EQUITABLE REMEDY AVAILABLE TO IT.

ORDINANCE SERIES: 2018
ORD. NO.: 18 – 16

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

PASSED this ___ day of _____, 2018

by a vote of _____for, _____against, _____ absent, and _____ abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS:

_____ _____

Madeline Shaw, Town Clerk Timothy O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2018.

_____

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.

Madeline Shaw, Town Clerk
Date:

AGENDA ITEMS CONTINUED:

III. Municipal Separate Storm Sewer Systems (MS-4) Update by Staff:
Presentation at meeting by town staff.

The Town of Emmitsburg is covered under the United States Environmental Protection Agency's National Pollutant Discharge Elimination System Phase II General Discharge Permit No. 13-SF-5501 from November 1, 2018 until October 30, 2023. Staff will highlight the Town's requirements, which include public education & outreach, public involvement & participation, illicit discharge detection & elimination, construction site stormwater runoff control, post construction stormwater management, pollution prevention & good housekeeping, and the Chesapeake Bay restoration plan. A summary of projected costs during the permitting period will also be provided for budgeting purposes.

AGENDA ITEMS CONTINUED:

IV. Update Ordinance Related to Trailers 15.24: Presentation at meeting by town staff.

Susan Cipperly

From: Picco, John <JPicco@FrederickCountyMD.gov>
Sent: Tuesday, June 06, 2017 7:52 AM
To: Bonomo, Ashlye; Cipperly, Sue
Subject: RE: 1 Creamery Way violation and permit

Follow Up Flag: Follow up
Flag Status: Flagged

Ashley and Sue:

C-Containers are shipping storage structures that meet a different regulation (NAVY) and not necessary our adopted building and fire codes. They are also a transportation device (part of a semi-truck bed) when transported to local stores or customers. The engineering behind these devices are not covered or included within the Building/Fire Code to even apply the codes.

So, with all that said, we (Frederick County P&I) have taken the position not to allow such units to be used as accessary storage structures or even as part of a load bearing building component of a structure.

I trust the above is clear but if you should need further clarification, please do not hesitate to call me.

John Picco, CBO

Division of Planning and Permitting
Department of Permits and Inspections
30 N. Market Street
Frederick, MD. 21701
(o) 301-600-1083
jpicco@FrederickCountyMD.gov

Tue 10/30/2018 9:21 AM

Bird, Mark <MBird2@FrederickCountyMD.gov>

FW: C-Containers

To Zachary Gulden

Cc Hessong, Gary

You forwarded this message on 10/30/2018 9:26 AM.

Zach, I am forwarding this e mail from Gary (below) that would be an avenue that would consider. We will look at the containers on a case by case basis assessing the documentation provided. If you have any further questions please contact us. Mark

From: Hessong, Gary
Sent: Monday, October 22, 2018 1:12 PM
To: Bird, Mark <MBird2@FrederickCountyMD.gov>
Subject: RE: C-Containers

Mark,

I think John's determination is reasonable, however it would appear to address only those units that are expected to be used *'without modification'*. I believe if we received an application with appropriate documentation, then it could possibly be allowed however, it would also depend on the use and they would all be considered on a case by case basis. The building codes do not provide for them nor do they prohibit them, so if the goal is to allow them or prohibit them then I would suggest it would be more of a zoning determination and not a building code determination.

Hope this helps.

Thanks

Gary Hessong

Division of Planning & Permitting
30 North Market Street
Frederick, Maryland 21701
GHessong@FrederickCountyMD.gov
301-600-2028

ORDINANCE SERIES: 2018
ORD. NO.: 18 – 17

draft

AN ORDINANCE TO AMEND
TITLE 15
OF THE CODE OF EMMITSBURG ENTITLED
BUILDINGS AND CONSTRUCTION

****

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 15, Section 15.24.020 of the Emmitsburg Municipal Code, be amended as follows:

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

Chapter 15.24 Trailers

15.24.020 - Stopping or parking trailers

{unchanged}

C. A trailer used to deliver equipment to a construction site or work site for use on the site may be parked on the site or the adjacent public street, but may not be parked on a public street overnight.

D. **(1)** A trailer which is used as a temporary construction office **OR AS A STORAGE SHED** may be located on a **CONSTRUCTION** site, after securing a permit to do so from the town. [~~A storage~~] **ANY** trailer [~~for use~~] **USED** on the construction site during the construction period **AS A TEMPORARY OFFICE OR STORAGE SHED** may be parked on the site; however, it may not be parked on a public street.

(2) A TRAILER MAY BE USED AS A STORAGE SHED IN AN INDUSTRIAL ZONE IF IT IS NOT VISIBLE FROM ANY ADJOINING RESIDENTIAL AREA.

E. A trailer may not be used as a storage shed in any zoning district, except as provided in paragraph D.

{unchanged}

ORDINANCE SERIES: 2018
ORD. NO.: 18 – 17

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

PASSED this ___ day of _____, 2018

by a vote of _____for, _____against, _____ absent, and _____ abstain.

ATTEST:

_____
Madeline Shaw, Town Clerk

EMMITSBURG BOARD OF COMMISSIONERS:

_____
Clifford Sweeney, President

MAYOR

_____APPROVED _____VETOED

this _____ day of _____, 2018.

_____
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.

Madeline Shaw, Town Clerk
Date:

M. SET AGENDA FOR NEXT MEETING: TUESDAY DECEMBER 4, 2018

1.

2.

3.

4.

5.

Administrative Business:

A.

B.

C.

D.