



THURMONT TOWN MEETING
FEBRUARY 27, 2018 AT 7:00 P.M.
THURMONT MUNICIPAL OFFICE
MEETING ROOM

AGENDA TOPICS

1. PLEDGE OF ALLEGIANCE
2. APPROVAL OF 2/20/18 TOWN MEETING MINUTES
3. INTRODUCTION OF ORDINANCE 2018-02- INFRASTRUCTURE BOND – NORTH CHURCH STREET WATER/SEWER REPLACEMENT
4. PROPOSAL – COMMUNITY PARK SUMMER YOUTH PROGRAM
5. BID APPROVAL – MOWING CONTRACT
6. DISCUSSION ITEM – PLANNING & ZONING COMMISSION RULES OF PROCEDURE
7. COMMISSIONERS' COMMENTS
 - a. Commissioner Buehrer
 - b. Commissioner Hooper
 - c. Commissioner Hamrick
 - d. Commissioner Burns
 - e. Mayor Kinnaird
 - f. Jim Humerick
8. PUBLIC COMMENTS

UPCOMING MEETINGS/EVENTS:

Minutes from February 27, 2018 Town Meeting

A Town Meeting of the Thurmont Board of Commissioners was held Tuesday, February 27, 2018 at 7 p.m. The following were present: Mayor Kinnaird, Commissioner Buehrer, Hamrick, and Burns; CAO, Jim Humerick; Sr. Administrative Assistant, Becky Long; CFO, Linda Joyce; Samantha Hogan (FNP), Richard Lee, Elliot Jones, and James Wilkins. Commissioner Hooper was absent this evening.

Mayor Kinnaird welcomed everyone to the meeting.

Commissioner Hamrick led the Pledge of Allegiance.

Approval of 2/20/18 Town Meeting Minutes

Motion – Commissioner Hamrick said “I make the motion to approve the 2/20/18 Town Meeting Minutes as they were presented”. Commissioner Burns second. Vote – 4-0-0, motion carried.

Introduction of Ordinance 2018-02 – Infrastructure Bond – North Church Street Water/Sewer Replacement

Ms. Joyce briefly went over Ordinance 2018-02 – Infrastructure Bond – North Church Street Water/Sewer Replacement (see attached). “Essentially what this is is the bonds that we have already applied for through the Community Development Administration (CDA), Department of Development, Housing, and Community Administration. This is for water and sewer line improvements, specifically along the N. Church Street project.” She went on to give a little background on the Local Government Infrastructure Program. “This is just an introduction to the Bond... the explanation, in detail, I gave to you” (see attached). The lines would be replaced from Woodside Avenue up to Rt. 15. Mayor Kinnaird pointed out that the lines from Emmitsburg Rd. north to Rt. 15 installed in 1967 and this is going to address some of the issues that waterline has today. Mr. Humerick noted that when they were doing the sidewalk work out there they had a lot of water main issues then, so they knew what kind of condition it was in at that point. Commissioner Burns asked if the State was planning on repaving that any time soon, so that we don’t have to... Mr. Humerick stated that the State is planning to do it after we finish our project.

Ms. Joyce said “next week is the Public Hearing and we will have Charles Day, the program manager for Local Government Infrastructure Program, here to answer any additional questions”. This bond will be for the project in FY2019. There were questions and discussions during this introduction.

Proposal – Community Park Summer Youth Program

Mr. Humerick stated that since he started working here he has wanted to do some programs for children during the summertime in one of our parks. “I recruited Deb Spalding with her past history and professional history has been as a Recreation Coordinator, so she knows a lot about recreation programs. Our thought is for the first year to do something as simplistic as we can to see if the community likes it or not, but we really don’t know what that is. So, going back to Commissioner Burns’ project with the Railroad Bridge and how well the Survey Monkey was received by the community. Our thought was to go ahead and do a survey to the community to see if they were interested in something like this, what kind of programs they’d be interested in, what fees they may be willing to pay, questions like that. What I wanted to do tonight was to come to you gentlemen first of all to get your permission

for us to move forward on this proposal and then the next step would be to get the survey out, bring those results back to you hopefully within another month, and say this is our plan to move forward. There will be some costs associated from our side, my hope is that the fees that we generate will offset those costs, at least the operational cost. My plan was to also hire a person for those few weeks in the summertime to take the lead and be the coordinator of this project. We may have to absorb that salary into our operating budget and we certainly could discuss that, but my hope would be that that would be the only cost that we would have to put upfront, everything would be absorbed by user fees other than that... We're going to use the survey to get more information about it, but our thought would be a 2 week program, M – F, maybe 9 – 3, 9 – 4, operating out of Community Park, doing some programs in the Park, maybe doing a few daytrips to the zoo, to Cunningham Falls... we're really still in the preliminary stages of that plan. But, I think this would be really a nice program for the community, I think that people will be interested in it. We're just not sure of the interest as far as the length of time that they would want to bring their children there, what the age of the children would be, and what fees they would be willing to pay for it. So, I think tonight all I'm looking from you gentlemen is your permission for me to move forward and Deb to move forward and get the survey out, find out what the community would be interested in, and then to come back to you in a few weeks and then maybe make some final decisions from there."

Mayor Kinnaird pointed out that there is a summer camp program being held down at the Elementary School that is being run by the Union Rescue Mission in Frederick and they are anticipating 50 kids this year. "I think it's a 5 week program, M – T, and they plan a Thursday daytrip, and they're recruiting children for that through the elementary schools. And they actually take advantage of the Free Lunch Program at the East End Park."

After comments and suggestions from the Board they gave Mr. Humerick the go ahead to organize the survey and move forward with it.

Bid Approval – Mowing Contract

This item was stricken from the agenda tonight.

Discussion Item – Planning & Zoning Commission Rules of Procedure

Commissioner Hamrick stated that two months ago Planning and Zoning started reviewing the Rules of Procedure and basically carved it all out and blessed it as a committee and then it went to Chris Jakubiak, our Town Planner, who sent it to Leslie Powell, our Town Attorney, and she came back with some revisions. "Last week's meeting was basically to review what Leslie had incorporated and there's a sticking point that the Committee came across and that's under Section 4, that's adding some verbiage as far as getting the applicants and any witnesses to be sworn in, either in mass or individually" (see attached). "To put it in a nutshell the Commission thought that by adding a swearing in oath that may run some possible witnesses or some people that would like to come before the Board, it may sway them to do otherwise. I know that Mr. Wilkins, who serves on the Committee, made the suggestion of possibly putting some verbiage on the sign-in sheet that would, that you sign it that basically you testify that you will present your facts to the best of you knowledge." The Mayor said "I don't think that would be sufficient". The Commissioner went on to say that Chris sent Leslie the concerns and she sent back her reply... the changes to the document are in red. "What she has written here has been mandated by the Court of Appeals, so regardless of what our opinions may be I think we are held to the courts".

Commissioner Hamrick said "may I also put into record, I did have a discussion with Commissioner Hooper, he could not be here tonight, and he just wanted to voice his concerns. He echoed the concerns of the Commission as far as the..." (it might prohibit people from coming).

After some discussion among the Board Mayor Kinnaird asked Mr. Humerick to get clarification from the attorney regarding Section 4.6, Cross-Examination, to make sure that that's a sufficient way to do it, to allow the question be posed to the Planning & Zoning Commission and then they in turn solicit an answer from the proper party. Commissioner Burns would also like to hear what she has to say about if somebody wanted to sign an affidavit here, if that is a legal recourse.

Commissioner Comments

Commissioner Buehrer:

- This will be my last meeting to report on Main Street Economic Development. March 10th Matinee at the Main Street Center is "Mad, Mad, Mad, Mad World".
- Thurmont Business Showcase is going to be Saturday, April 28th from 11 a.m. – 2 p.m., the theme this year is "Something for Everyone" and it's going to be at the new Ambulance Co. facility on Stafford Drive.
- We're also going to have the first Thurmont Restaurant Week "A Taste of Thurmont" and it's going to begin on Friday, April 13th – April 22nd.
- Farmers Market begins June 2nd.
- The Town of Thurmont is also pleased to announce the availability of grant funding from the Maryland Department of Housing and Community Development for external façade improvements to qualified commercial properties within the designated Main Street area.
- Front page of the Frederick News Post is all about Frederick Seniors Property Tax Credit and only 29% of seniors in the community have participate in this. Commissioner Kirby Delauter, who's from our district here, and Jerry Donald are trying to enhance the tax credit.
- I want to compliment our Ambulance Company, they had a tough week last week, and also our Police Department. We had two fatalities, we had two drug overdoses one survived and one didn't, and then we had a young man who passed away in his residence. Our prayers to the Clingerman family for their loss.

Commissioner Hamrick:

- Teen Open Mic Night was held this past Saturday and it was another huge success, a packed house at Commodore Recording Studio. Again, you young folks out there singing, we're trying to start up a chorus here in Thurmont, so if you're interested show up down at the Main Street Center about 4 p.m. each Sunday.
- Please welcome Rhonda Brown, proprietor of Images of U Hair Studio, to Thurmont. The soft opening will be sometime this week with the ribbon cutting coming soon. They are located in the Thurmont Plaza beside of CVS and are a full service hair salon that will take walk-ins for both male and female.
- The Gateway Brass Ensemble are working on selections for the May 11th Art and Wine Stroll and fro a 4th of July Concert.

Commissioner Burns:

- Reminder – On Thursday at 7 p.m. at the old Sheriff boy's youth ranch at 7902 Fingerboard Rd. Frederick, MD. The youth ranch has turned into a recovery area for people that suffer from opioid addiction. So I'm encouraging everybody to go out there, it's a collective group, they're trying to get everybody in the County to go there and hear from the Sheriff if you haven't already. Hear from resources that are out there for you.
- To Commissioner Buehrer's comment earlier about some deaths that we had, we also had a couple of Police Officers save someone's life at Rocky's. So, I am encouraging everybody, because it impacted my extended family just in the last two weeks, to learn CPR.
- Opioid addiction is alive and well, unfortunately we're not any different than any other municipality, but please get yourself engaged because sooner or later it's going to touch you and you're going to know somebody that's affected by this, it's just a matter of time. You see the numbers and they're still going up. Commissioner Hamrick said "I think the paper just reported 50,000 or 52,000 annually in the Country." Commissioner Buehrer stated "the expectation, this is from all of the county coroners across the state, I was in a meeting last Saturday, they're expecting 1.5 million by the year 2020 if it continues on the scale that it's going in the United States". Commission Burns went on to say "I'll throw my real hot potato political thing in the fire as a politician. What happened to the kids down at that school in Florida is absolutely tragic and what's more tragic is that we can't see past each other to find common ground on "BOTH" sides of the aisle to find a solution to this. The Republicans need to give and the Democrats need to give and the Independents need to give and the unaffiliated need to give. It's not one thing, everybody wants to make it one thing, it's not, but to your point 50,000 people are going to die in this Country of opioid addiction and you don't hear a peep... a lot about it at the National or the State level and we tragically lose 17 kids down in Florida and all of a sudden they want to have a half a million people rally in Washington DC over a 1 topic issue. It's not and neither is the opioid crises."

Jim Humerick:

- Our sewer rehab projects are continuing and are moving along very positively. The project at Rouzer Ct., all of that sewer work has been completed, we're just waiting to get the asphalt plants back open so we can get the asphalt and we need to do the sidewalk out there too. Right now we're working on Mantel Ct. and that has been a really problematic project out there, because we've got so much ground water out there. We've had to go so deep to get to good stable soil to provide a base for those sewer lines and the storm water lines out there, but they're moving along they've really done a good job at working thru that, the contractor has and we're progressing with that. We've also started over here at the Apples Church project and the next project will be up along E. Main Street, so we're hoping in about another month if we have good weather we'll have all these projects completed.
- We have the Green Team folks coming in in a few weeks to do a presentation to you guys. They are planning something in April that I think is going to be a really huge event here in Thurmont and that's they're 1st Annual Green Fest. Several municipalities in the area do these, Boonsboro has a really large event over there, Middletown has one. It's where people and vendors and presenters come together and talk about sustainability, conservation efforts, all the things that

the Green Team works towards. Cindy Poole and her team has been working really hard on getting this first event planned. There's going to be electronics recycling, crafts, animals, there's going to be all kinds of things there for every age and demographic that's in and around our community. The date for the Green Fest is going to be Saturday, April 21st from 10 a.m. – 2 p.m. at the Thurmont Regional Library. The Green Team is one of those committee's that is kind of always in the background that just keep plugging along and doing their thing and they're doing a great job. I just want to make sure that we recognize them and recognize the event they have coming up in April.

Mayor Kinnaird:

- Last Friday evening I had the pleasure of attending the 37th Annual Frederick County Academic Tournament. The evening was entertaining, educational, and very humbling. The event was held at the auditorium of the newly constructed Frederick High School and I congratulate Frederick County and the Frederick County Board of Education for a truly amazing educational facility. I was proud to see the team from Catoclin High School take the stage and hold their own in this extremely competitive situation. The Catoclin High School team deserves our congratulations for an outstanding effort. The amount of practice and dedication each of these students has invested in this effort was evident in their quick responses to a wide range of questions. This is the County program, but they actually go to the State It's Academic and they've fielded a team there for years. All of the teams displayed a high level of knowledge and sportsmanship, which I think was really critical, they each congratulated each team as they walked off the stage. The team from Walkersville High School took 1st place after a really nail biting final round. I want to thank Catoclin High School for inviting me to a very enjoyable evening and I would recommend if you ever get a chance to go to one of those that you should avail yourself of that.

Public Comments

Jim Wilkins, 1 Ironmaster Ct., expressed his sadness for those in Town who suffered the loss of a loved one this week. He also commented on the proposal for the summer youth program and rain water collection possibilities. "I do sit on that Zoning Commission and I really appreciate the attorney giving you sound legal advice that protects the Town, protects us." He then proceeded to give his thoughts on the Planning & Zoning Rules of Procedure Section 4, the swearing in.

Commissioner Hamrick said "as my last official act as liaison on the Planning & Zoning I did thank each of the five members, because it's a very time consuming, taxing job and you guys are not paid for it... it's strictly volunteer, it's out of love for your Town and your service to your fellow residents". The Mayor said "I think in all honesty the Planning & Zoning Commission is second to what we do here, but it's critical for our community".


Commissioner Buehrer said "I did mention about our Police Dept., but I want to be a little bit more specific. Of the two overdoses, which I mentioned one was fatal and one was successful in bringing the person back. Thru communication, a good job by our Police Dept., they sought out where the drugs were purchased from. They then went there and made an arrest".

Mayor Kinnaird wanted to say that Catoclin High School is a great school made that's made up of students from the communities of Emmitsburg and Thurmont. One more thing, "there was an accident on Tippin Dr. on Saturday. It involved a truck that was hot dogging and lost control and ran up a driveway and I think that the fact that it totaled two cars in a driveway... I just encourage you to please drive with some common sense in town. We see these accidents happen and they're all avoidable, just drive slowly, carefully, especially on a wet pavement, take your time, and unfortunately accidents happen. And I would never say that you could get rid of all accidents, but certainly a little bit of common sense applied to the way you're driving in town would resolve a lot of the accidents we do have".

Motion – Mayor Kinnaird asked for a motion to adjourn. Commissioner Hamrick said "so moved". Commissioner Buehrer second. Vote – 4-0-0, motion carried.

Without further discussion the meeting adjourned at 8:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robin Clem", with a long horizontal flourish extending to the right.

Robin Clem
Recording Secretary

TOWN MEETING
TUESDAY, FEBRUARY 27, 2018

PLEASE SIGN IN

	NAME	ADDRESS
1	RICHARD LEE	13 VERMONT
2	Elliot Jones	42 Catocin
3	JAMES WILKINS	#1 TROOP CAR
4	Samantha	FNP
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

ORDINANCE NO. 2018-02

**THE TOWN OF THURMONT
INFRASTRUCTURE BONDS, 2018, SERIES A**

AN ORDINANCE OF THE TOWN OF THURMONT, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE "ISSUER"), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$2,945,000) OF BONDS OF THE TOWN OF THURMONT, MARYLAND, TO BE KNOWN AS "THE TOWN OF THURMONT, MARYLAND INFRASTRUCTURE BONDS, 2018 SERIES A", (OR BY SUCH OTHER OR ADDITIONAL DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN) (THE "BONDS"), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF (I) PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR FINANCING WATER AND SEWER IMPROVEMENTS, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND AND (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE ISSUER; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE OR DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING (WITHOUT LIMITATION) THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF INTEREST ON THE BONDS.

WHEREAS, the Town of Thurmont (the "Issuer") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended (now codified in pertinent part in the Local Government Article of the Annotated Code of Maryland, as amended); and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Community Development Administration (the "Administration"), a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to the authority of the Act, the Local Government Article, Section 19-301, et seq. of the Annotated Code of Maryland, and Article VII and Section 1215, of the Charter of the Town of Thurmont, the Issuer has determined to issue one or more of its general obligation bonds in the aggregate principal amount not to exceed Two Million Nine Hundred Forty-Five Thousand Dollars (\$2,945,000.00) (the "Bonds", as defined herein) for the purpose of providing all or a portion of the funds necessary for (i) financing the costs of Water and Sewer Improvements (the "Project"), (ii) funding a portion of a capital reserve fund and (iii) paying issuance and other costs related to the Bonds; and

WHEREAS, the Issuer proposes to issue and sell the Bonds to the Administration, in connection with the Local Government Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and to obtain a loan or loans from the Administration pursuant to the Program (collectively, the "Loan"); and

WHEREAS, the Issuer intends to authorize the execution and delivery of the Bonds and all other documents, certificates and other materials related to the issuance, sale and delivery of the Bonds and the Loan; and

WHEREAS, the Administration intends to issue one or more series of its Local Government Infrastructure Bonds to finance the Loan and other loans to be financed pursuant to the Program.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF THURMONT:

Section 1. Authorization, Terms, Form of Bonds.

(a) The Town of Thurmont (the "Issuer") shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit an aggregate principal amount not to exceed Two Million Nine Hundred Forty Five Thousand Dollars (\$2,945,000.00) of its general obligation bonds, to be issued pursuant to the authority of Sections 4-101 through 4-255 of the

Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), to be known as the "Town of Thurmont Infrastructure Bonds, 2018 Series A", or by such other designation as may be required by the Administration (defined below) prior to issuance (the "Bonds"). The proceeds from the sale of the Bonds shall be used for the purpose of (i) providing all or a portion of the funds necessary for financing the costs of Water and Sewer Improvements (collectively, the "Project"), (ii) funding a portion of a capital reserve fund and (iii) paying issuance and other costs related to the Bonds.

(b) The Bonds shall be issued as one or more fully registered bond certificate(s) in the aggregate principal amount not to exceed Two Million Nine Hundred Forty-Five Thousand Dollars (\$2,945,000.00) payable to the Community Development Administration (the "Administration") as the registered owner thereof. The Bonds shall be issued in such amount or such lesser amount as determined by the President of Board of Commissioners of the Town of Thurmont (the "Board President") pursuant to subsection (g) below, which shall be equal to the aggregate principal amount of the loan to the Issuer from the Administration (the "Loan") under the Local Government Infrastructure Financing Program of the Administration (the "Program").

(c) The Bonds shall be dated as of the date of issue, or as of such other date as is specified by the Administration; shall be numbered from R-1 upward or as otherwise required by the Administration; shall be initially registered in the name of the Administration or its designee; shall bear interest from the date of issuance of the Local Government Infrastructure Bonds issued by the Administration (the "Administration's Bonds"), payable semiannually on April 1 and October 1, or on such other dates as the Administration may require under the Program, at such annual rate or rates and be payable in annual principal installments at the designated office of the Administration.

(d) The Bonds shall bear interest at an aggregate rate or rates of interest for a total interest cost (expressed as a yield) not to exceed 4.35 percent for a loan with a maturity of twenty years, the actual rate or rates of interest to be borne by the Bonds to be determined and established by the Board President acting pursuant to Section 1(g) of this Ordinance.

(e) The Bonds shall be in substantially the form set forth on Exhibit A attached hereto and made a part hereof, which form, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Bonds are to be issued in connection with the Program in order to provide all or a portion of the funds necessary (i) to finance all of the Project, (ii) to fund a portion of a capital reserve fund and (iii) to pay issuance and other related costs of the Bonds. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the

Administration (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer also will execute and deliver in connection with the issuance of the Bonds and the Program any additional documents, agreements, instruments and certificates requested by the Administration (which, together with the Repayment Agreement and the Pledge Agreement are herein referred to as the "Program Documents"). The Program Documents shall be in such form and shall contain such terms and conditions as shall be approved by the Board President and acceptable to the Administration.

(g) Because this Ordinance is being adopted before the details have been finalized for the financing pursuant to which the Administration will issue the Administration's Bonds (the "Administration Financing") that will fund the Loan to the Issuer under the Program, upon the approval by a majority vote of the Board of Commissioners of this Ordinance (the "Board Approval"), the Board President is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary or appropriate to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed \$2,945,000.00 in aggregate principal amount hereby authorized, subject to final approval by the Administration; accordingly, the Board President, subject to the Board Approval, is specifically authorized: (i) to make changes to the aggregate principal amount of the Bonds in order to reflect the final aggregate principal amount of the Loan not to exceed \$2,945,000.00 as approved by the Administration and accepted by the Issuer and (ii) to authorize and approve an interest rate or rates and payment schedule reflecting the principal and interest payments with respect to the Bonds but not to exceed the maximum total interest cost to be borne by the Bonds as set forth in subsection (d) above.

(h) This borrowing shall be exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, as amended.

Section 2. Execution. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Board President, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the Clerk/Treasurer of the Issuer. The Program Documents shall be executed on behalf of the Issuer by an authorized official of the Town of Thurmont. In the event any official whose signature appears on any of the Bonds or the Program Documents shall cease to be an official prior to the delivery of the Bonds or the Program Documents, or, in the event any official whose signature appears on any of the Bonds or the Program Documents becomes an official or officer after the date of the issue, the Bonds and the Program Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Board President, consistent with the Board Approval, is hereby authorized, empowered and directed to complete the applicable form of the Bonds and to make modifications, deletions, corrections or other changes thereto in any manner which the

Board President, in the Board President's discretion, shall deem necessary or appropriate to complete the issuance and sale of the Bonds, as will not alter the substance thereof. The Board President, or other duly authorized official of the Issuer is hereby authorized, empowered and directed to complete the applicable form of the Program Documents and to make modifications, deletions, corrections or other changes thereto in any manner which such official, in the discretion of such official, shall deem necessary or appropriate to complete the execution and delivery of the Program Documents in accordance with the provisions of this Ordinance as will not alter the substance thereof. The execution and delivery of the Bonds and the Program Documents by the duly authorized official shall be conclusive evidence of such official's approval of the form and substance thereof.

Section 3. Registration of Bonds. The Clerk/Treasurer shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds. No security or bond shall be required of the Clerk/Treasurer in the performance of the duties of registrar for the Bonds.

The Issuer may deem and treat the person in whose name any Bond shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Bond and for all other purposes.

Section 4. Prepayment. The Bonds are being issued in connection with the Program and will secure payment of the Administration's Bonds, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer, among other purposes. The Repayment Agreement limits the right of the Issuer to prepay the Bonds in accordance with restrictions upon the right of the Administration to redeem the Administration's Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayments as set forth in the Bonds.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond (a "Bond" being, for purposes of this Section, any one of the Bonds) shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen: (i) may be typewritten, printed or otherwise reproduced in a manner acceptable to the Administration, and (ii) shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is

issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 6. Use of Proceeds. The proceeds of the Bonds shall be held and invested by the Administration in its sole discretion and shall be:

(a) Administered and disbursed by the Administration pursuant to the Repayment Agreement. The proceeds of the Bonds shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the Project has been completed and all Development Costs in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment, payment of interest on the Bonds or prepayment of the Bonds, as permitted by the Administration.

Section 7. Covenants. The Issuer covenants with the Administration, for the benefit of the Administration and the owners from time to time of the Bonds, that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the Administration the principal of the Bonds, premium (if any) and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited ad valorem taxes in the event that available funds are inadequate to make such payment.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, unless other funds are available for payment of principal, premium, if any, and interest on the Bonds, it shall levy annually, in the manner prescribed by law, a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, ad valorem taxes in rate and amount sufficient to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the revenues available from the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer will promptly provide to the Administration (or to any person designated by the Administration) all financial information and operating data concerning the Issuer as may be required by the Administration in its discretion in order to comply with the

requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, as in effect from time to time, applicable to the Administration's Bonds.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the purchasers and owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the Administration and/or the interests of such purchasers or owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds and the Administration.

Section 9. Pledge of Local Government Payments. As contemplated and authorized by Section 4-229(b) of the Act, the Issuer hereby pledges, assigns and grants a lien and a security interest to the Administration, its successors in trust and assigns, in all right title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, (i) to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program and (ii) to provide for deposits to the capital reserve fund securing the Bonds the amount of the Issuer's portion of any deficiency in such capital reserve fund as the Administration shall require, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds. The Bonds shall be sold for cash in accordance with the terms and provisions of this Ordinance at par, or if discount is permitted by law, at such discount as is agreed to by the Administration in accordance with the terms and provisions of this Ordinance and as authorized by Section 19-301 et seq., of the Local Government Article of the Annotated Code of Maryland and Section 4-229(a) of the Act, as amended.

Section 11. Sale of Bonds. The Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 4-229(a) of the Act and Section 1215 of the Charter.

Section 12. Authority to Take Action; Publication and Public Hearing.

(a) The officials, officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purpose of this Ordinance and the Program Documents.

(b) As required by the Act, prior to the issuance of the Bonds, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the proposed

issuance of the Bonds, which notice shall include the proposed amount of the issue, the nature of the project(s) to be financed or refinanced, the time and place of the public hearing, the name of the person(s) and address of the place where written comments may be sent, and the Issuer shall hold a public hearing on the proposed issuance of the Bonds. Such actions may be (or have been) taken prior to or simultaneously with the adoption of this Ordinance.

Section 13. Tax Matters

(a) The Board President and/or the Clerk/Treasurer shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). The Board President and/or the Clerk/Treasurer shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the 'Section 148 Certificate') which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such official or officials are hereby directed to execute the Section 148 Certificate and to deliver the same to the Administration on the date of the issuance of the Bonds. The Section 148 Certificate may be contained within any of the Program Documents at the discretion of the Administration.

(b) The Issuer shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any monies, securities or other obligations to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Issuer covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials, knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officials, officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or

appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(e) The Board President and/or the Clerk/Treasurer, on behalf of the Issuer, may make such covenants or agreements in connection with the issuance of Bonds issued hereunder as such officer(s) shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer or any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), as the Board President and/or the Clerk/Treasurer shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of such Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds. Such officer(s) may also make on behalf of the Issuer any elections, designations or determinations authorized or permitted by the Code or the Arbitrage Regulations.

Section 14. Effective Date; Miscellaneous. Pursuant to Section 4-232(c) of the Act, the Charter of the Town of Thurmont, and Local Government Article 19-301 et seq., this Ordinance shall take effect from the date of its adoption, and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the Clerk/Treasurer or the Clerk/Treasurer's successor in office shall constitute evidence of the contents and provisions hereof.

Section 15. Publication of Ordinance; Filing; Certified Copies of Ordinance. The Chief Administrative Officer of the Issuer shall cause (i) a notice of this Ordinance to be published in accordance with the requirements of Section 413(a) of the Charter, and (ii) a true and correct copy of this Ordinance to be filed in the permanent records of the Issuer and kept available for public inspection in accordance with the requirements of Section 413(b) of the Charter. Any copy of this Ordinance duly certified by the Chief Administrative Officer or any successor in office shall constitute evidence of the contents and provisions hereof.

Section 16. Severability. The provisions of this Ordinance are severable, and if any provision, sentence, phrase, clause, section or part of this Ordinance shall be held or deemed to be illegal, invalid, inoperative, or unenforceable, the same shall not affect or impair any other provision, sentence, phrase, clause, section or part of this Ordinance. Any references in this

Ordinance to any provisions of state, federal or local law are not exclusive of any other provisions of federal, state or local law applicable to any provisions hereof. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, phrase, clause, section or part had not been included herein.

ADOPTED THIS _____ DAY OF MARCH, 2018 BY BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT, MARYLAND BY AFFIRMATIVE VOTE OF _____ TO _____ OPPOSED.

APPROVED THIS _____ DAY OF MARCH, 2018

John A. Kinnaird, President
Board of Commissioners

ATTEST: _____
Linda S. Joyce, Clerk/Treasurer

Exhibit A. – Form of Bond

**United States of America
State of Maryland
THE TOWN OF THURMONT
Infrastructure Bond, 2018 Series [A]**

No. R-1

\$2,945,000.00

The TOWN OF THURMONT a MUNICIPAL CORPORATION duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to the

Maryland Community Development Administration

Or its registered assigns, the principal amount of Two Million Nine Hundred Forty Five Thousand Dollars (\$2,945,000.00), plus interest on each unpaid principal installment at the rates per annum set forth under the column designated "Coupon" on Exhibit A attached hereto for each principal installment, in lawful money of the United States of America, as follows: (a) interest on the outstanding and unpaid principal of this bond shall be due and payable in semiannual payments commencing on _____, 20__, and continuing on the first day of [October] and [April] in each year thereafter until final maturity; (b) principal of this bond shall be paid commencing on _____ and on [April] 1 in each year thereafter until final maturity in the aggregate amount of principal installments as set forth on Exhibit A. Payment of the principal hereof and the interest due hereon shall be made by check mailed to the address of the registered owner of this bond as shown on the registration books maintained by the Issuer, or in such other manner and to such other address as the registered owner of this bond may designate. If any payment of the principal of or interest on this bond shall be due on a day other than a Business Day (defined herein), such payment shall be made on the next Business Day with like effect as if made on the originally scheduled date. A "Business Day" is any day other than a Saturday, Sunday or legal holiday in the State of Maryland observed as such by the Issuer.

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate or rates of interest borne by this bond.

This bond, designated as "The Town of Thurmont Infrastructure Bond, 2018 Series [A]," is a general obligation of the Issuer, and has been duly issued by the Issuer for the purpose of

(i) providing all or a portion of the funds necessary for financing or refinancing Water and Sewer Improvements, (ii) funding a portion of a capital reserve fund and (iii) paying issuance and other costs related to the Bonds. Unless paid from other sources, the Issuer covenants that so long as any portion of this bond is outstanding and not paid, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, in rate and amount sufficient to provide for the payment of the principal of and interest on this Bond as the same become due and payable.

This bond is issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, Section 1215 (a) of the Charter of the Issuer, and Ordinance 2018-02 of the Issuer passed/adopted on March 6, 2018 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this bond and the interest to accrue hereon.

This bond is issued in connection with the Local Government Infrastructure Financing Program of the Community Development Administration, a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). This bond is subject to the terms and conditions of the Repayment Agreement dated as of _____, between the Issuer and the Administration (the "Repayment Agreement").

This bond is not subject to prepayment by the Issuer prior to [June] 1, 20____. On or after _____, this bond is subject to prepayment by the Issuer at the prepayment prices, expressed as a percentage of the principal amount to be prepaid, plus accrued interest, if any, to the prepayment date, on the principal amount thereof, and during the periods (both dates inclusive) listed below:

Period	Price
_____ through _____	%
_____ through _____	
_____ through thereafter	

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of this bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name this bond is registered as the absolute owner hereof, whether or not this bond shall be overdue, for the purpose of receiving payment

thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

This bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender this bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take this bond subject to such condition. In connection with any transfer of this Bond, the Issuer may make a charge sufficient to reimburse it for any tax, or other governmental charge required to be paid with respect to such transfer and any reasonable fees or expenses of the Issuer incurred in connection with such transfer.

Principal of this bond is paid in annual installments and this bond is subject to partial redemption without any notation of such payment being made on this bond or the surrender of this bond for cancellation and the issuance of a new bond or bonds in the amount of the unpaid principal hereof. Accordingly, the outstanding principal of this bond may be less than the stated face amount hereof and any purchaser or transferee of this bond should contact the Issuer and the prior owner of this bond to ascertain the outstanding face amount hereof.

As declared by Section 4-231(c) of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, this bond shall have and possess all the attributes of negotiable instruments as provided in Section 19-224 of the Local Government Article of the Annotated Code of Maryland, as amended. This bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the owner of the delivery of this bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, the Town of Thurmont has caused this Bond to be signed in its name by the manual or facsimile signature of its President of the Board of Commissioners, its corporate seal to be affixed hereto and attested by the manual signature of the Clerk/Treasurer, as of this 6th day of March, 2018.

ATTEST:

THE TOWN OF THURMONT

Linda Joyce, Clerk/Treasurer

By: _____
John A. Kinnaird, President
Board of Commissioners

[SEAL]

BOND PAYMENT SCHEDULE

[Use the following paragraph (with necessary modifications) to clarify the amount to be paid under the schedule prepared by the Financial Advisor.]

[Repayment Schedule to be Inserted.]

Each installment of Principal and Interest or Interest alone shall be the aggregate of amounts set forth in this Exhibit A for the date of such payment as shown under the heading designated "Debt Service."

MEMORANDUM

To: Planning Commission
From: Christopher Jakubiak, AICP, Town Planner
Date: January 23, 2018
RE: Rules of Procedure

Please see below my suggestions for changes to the Rules of Procedure.

~~Strikethrough:~~ text proposed to be deleted

Bold font: text to be added

Section 1 Officers

1.3 A designated member of the Commissioners of Thurmont shall be a liaison of the Commission, and shall serve in an ex-officio capacity (without voting power) concurrent with his/her official term.

Section 2 Meetings

2.1 Regular meetings shall be held on the 4th Thursday of each month. Generally, the Planning **AND ZONING** Commission will conduct regular monthly meetings held on the fourth Thursday of each month, at p.m. unless amended by the published Planning and Zoning Commission schedule. Adjustments are routinely made to avoid common public holidays. At a minimum, the Planning **AND ZONING** Commission shall hold its regular meetings no less frequently than quarterly. Meetings may be cancelled by the Chair if there is no business to be brought before the Commission. Special meeting and workshops may be called by the ~~chair or in his/her absence the vice chair.~~ Chair or in his/her absence the Vice-Chair. In the event of a need for a special meeting, the Planning Staff shall notify each member of the special meeting and shall notify the public via radio, website or public access television of the time and date of special meeting.

2.4 All meetings shall be recorded and the recording may be accepted as the official record until the minutes are prepared and approved by the Commission.

Comment: This squares with the updates to the Zoning Ordinance and addresses actual practice.

Section 3 Voting

3.1 ~~A quorum shall consist of a jaryt o the members.~~ Three members shall constitute a quorum.

Comment: During the final review of the Zoning Ordinance, it was decided that three members should be a quorum.

~~3.5 No member shall vote on an item brought before the Commission if he or she has a financial interest or other conflict of interest regarding that item.~~

Comment: This is proposed to be addressed along with the preferred actions to take when a member has a potential conflict. See the new Section 6.

Section 4 Conduct of Business for Applications, Plans and Related Review Items

1. The Chair shall administer the following oath to all witnesses testifying in any matter coming before the Commission:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth? If so, answer "I do.""

The Chair may administer the oath en masse at the outset of the hearing to all prospective witnesses intending to testify for that case. Before giving testimony, each witness shall state his or her name and whether he or she has been sworn. The presiding officer will administer the oath individually to any witness who has not been sworn before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.

1.2. Staff presents the staff report, providing a summary of the application and/or plan as proposed as well as summary of the issues addressed during the review of the application and plan. Staff should highlight specific recommended conditions of approval, if any, and provide any relevant information that has become available since the staff report was issued.

2.3. A representative of another Town board, agency, or department may present comments and/or the official position or recommendation of that entity.

3.4. The Commission asks clarifying questions of the staff at any time.

4.5. The applicant and/or representatives should present the project proposal and explain the application. The Planning **AND ZONING** Commission may also question the applicant(s). After questioning by the Chair and Members of the Commission, the applicant and its representatives may be cross-examined.

6. Cross-Examination – The Chair will allow reasonable cross-examination of witnesses at a time and in a manner allowed by law and considered reasonable by the Chair under the circumstances.

a. Cross-examination is designed to permit a full and true disclosure of the facts of the case, with due regard for the circumstances of each particular case, the nature of the proceedings, and the character of the rights which may be affected by it. The Commission shall allow cross-examination, in a manner best calculated to afford all parties an opportunity to present their positions and to serve the ends of justice and fairness.

- b. The right to cross-examine witnesses shall be extended to those persons who are parties to the proceedings before the Commission or who have a cognizable interest in the outcome of the proceedings as determined by the Chair.
 - c. A person or party wishing to cross examine a witness or panel of witnesses shall make the request known prior to or immediately after the time that the witness or panel of witnesses has concluded their testimony; the failure to make such a timely request shall be deemed a waiver of the right to cross examine.
 - d. Cross-examination must be: (i) brief; (ii) in the form of a question; and (iii) relevant to the testimony given by the witness. The questions must not: (i) be argumentative; (ii) be preceded or followed by a speech or testimony; or (iii) discuss personality or motives.
- 5.7. Parties interested in addressing the Commission on the matter shall be given an opportunity to do so after the close of applicant's presentation and any cross-examination. The ~~Chairman~~Chair may wish to impose a reasonable time limitation on comments and may otherwise regulate the time and manner in which comments are made. Citizen questions should be directed to the Chair.
- 6.8. The Commission ~~asks~~may ask pertinent questions of the applicants, members of the public, or staff.
- 7.9. The Commission engages in discussion and deliberation among its members and then votes.
10. Questions put to a vote are decided by a majority of the members present. A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No-Recommendation". If a motion cannot be approved on non-advisory matters (i.e. subdivision, site plan) then the matter shall be deemed "not approved" but may be brought back before the Commission on another date at the request of the applicant. As required by law, decisions of the Commission will be made based on the evidence and information presented at the Commission's public meeting or hearing, and evidence submitted.

Comment: This would be a new section and outlines the normal course of the Planning Commission meeting on a development application.

~~Section 4~~ Section 5 Conduct of Commission Members

Comment: Section 4 would become Section 5 if the suggested changes above are accepted.

Section 6 Conflicts of Interest

Any member of the **PLANNING AND ZONING** Commission who has a personal or financial interest potentially sufficient to create a conflict or potential conflict between the interest in serving the public good and the other interests shall refrain from participating in the proceedings pertaining to the matter. The member shall publicly indicate that a potential conflict exists then step down **and leave the meeting room**; abstaining from all proceedings, deliberations, and voting on the matter.

The minutes shall show **THAT** the member **RECUSED HIM/HERSELF ~~left the meeting room~~**. The "other interests" that tend to present conflicts typically fall under the category of potential private gain, financial, or personal, which may relate to the member directly or to a relative, friend, or employer of the member. A member's relationship with an applicant or ~~a~~ with a party directly ~~impacted~~affected by an applicant's project may also present a conflict of interest for a member.

Comment: This is a new broader statement regarding potential conflicts, providing guidance on what a member should do, if he/she feels a conflict is evident.

Section 7 Amending the Rules of Procedure

These Rules of Procedure may be amended at any regular meeting of the Planning AND ZONING Commission by a majority vote of the appointed members, provided the publicized agenda for that meeting includes discussion of the Rules of Procedure **AND THE MEMBERS HAVE HAD AT LEAST TWO WEEKS TO REVIEW THE PROPOSED AMENDMENTS.**

Comment: It is good to provide guidance on how Rules can be changed.

Section 8 Rules are Guidelines

These Rules of Procedure serve to guide the operation of the Commission. They do not constitute legal requirements and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Commission, Town staff, or any party to comply with any provision of these Rules shall not invalidate any otherwise valid decision or action of the Commission.

Comment: Putting the Rules in context and reinforcing the introductory sentence of these Rules.