AGENDA FOR THE TOWN MEETING

September 26, 2016
7:00 p.m.

Red Indicates –	Action Item
Green Indicates –	Ordinance Introduction
Blue Indicates –	Link to Additional Information

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Town Meeting Minutes
  - September 1, 2016 – Town Workshop
  - September 12, 2016 –Town Meeting

PERSONAL REQUESTS FOR AGENDA:

- *Richard Thometz, Operations Manager, Middletown Commons Holdings, LLC – Streetscape Construction Site*
- *Sue Barthol & Chuck Nipe & John Bankard - Middletown Fire Station Site Plan*

UNFINISHED BUSINESS:

- Approval of the Walking Trail Maps
- Ordinance 16-09-01 – Changes to Chapter 2 of the Middletown Code

NEW BUSINESS:

- Request for Waiver of Fees for Middletown Fire Station for Board of Appeals Case
- Introduction of Ordinance 16-10-01 – Text Amendment to Sign Regulations
- Discussion of Solicitation Permit Requirement

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

WORKSHOP MEETING **September 1, 2016**

The monthly workshop meeting of the Burgess and Commissioners of Middletown was called to order on September 1, 2016, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, Christopher Goodman and Tom Catania.

Staff Reports:
Deputy – monthly report given. Commissioner Catania asked that deputy report show warning and citations.
Staff Planner – Cindy gave her staff planner's report
Engineer's Report – Bruce gave his public works report.
Main Street Manager Report – Becky gave her report.
Zoning Administrator's Report – Ron gave his report.

UNFINISHED BUSINESS:
Discussion of Construction Staging Area for Streetscape – Ifert – Drew stated that the contractor for the Streetscape project is ready to go. Milani Construction needs to get their engineering office set up so they can get started. Drew stated that in previous discussions on a site for the engineering trailer the Board didn't like the locations. Milani went on their own and contacted the Zion Lutheran Church as they have 3 acres off of Ifert Drive. The Church agreed to allow Milani to install their engineering office on this site. This came to the Board's attention and with the upgrade of West Green Street it was decided that they didn't want that type of traffic on West Green Street. The Church had already agreed to a price with Milani to allow them to put their engineering office on the Church property. Bruce Carbaugh stated that the ideal site for the engineering office is East Green Street on the future Library site. Bruce stated that this site is also 3 acres and there is going to be development on going here and along East Green Street for the next 3-4 years.
After much discussion a Motion by Commissioner Falcinelli to change the location of the streetscape engineering office to the future Library site, seconded by Commissioner Bussard. Motion approved 5-0.

Drew reported that Milani will start on the West side of Town and work their way into Town. Their plan is to work from both ends and meet in the middle. The waterline work probably won't start until they resume after the winter months in 2017.
Draft Middletown Code Changes – Burgess Miller stated that a few changes needed to be made to the Standing Committees – Delete Finance and change #5 to 4 and #6 to 5.
Discussion of Water & Sewer Tap Fee Increase – Commissioner Falcinelli stated that the Water & Sewer Committee is recommending a $2,000 Water Tap fee increase and a $2,000 Sewer Tap fee increase which would make the total water/sewer tap $18,000 (not including the improvement fee). The Water & Sewer Committee is recommending that this go into effect January 1, 2017 and this tap rate will apply to anyone who purchases a tap after this date. The Board discussed the option of making the increase go into effect July 1, 2017 which would give the developers 9 months to purchase their maximum taps at the current rate.

NEW BUSINESS:

Request for Waiver of fees for Middletown Fire Station – Drew stated that the Town has received a letter from Frederick County asking the Town to waive fees associated with the Middletown Volunteer Fire Company new building. Commissioner Falcinelli stated that the letter is asking to waive the water & sewer tap fees but she does not think that when this was discussed previously that the Board agreed to that. The Board asked Drew to look into what was discussed previously and report back.

Review of Emergency Preparedness Plan – Burgess Miller stated that September is Emergency Preparedness month, therefore he wanted to review our Emergency Preparedness Plan to make sure that it is up to date.

Request for purchase of Town Property along East Green Street – Drew stated that the Town received a request from a property owner along East Main Street in which his property runs back to East Green Street. There is a small right of way that the Town owns along East Green Street from where the transfer station is up to 22 East Green Street. Bill Williams the owner of 19 E. Main Street is asking to purchase the piece along his property from the Town. The Board asked Drew to come up with a fair market price and present it to Mr. Williams for his consideration.

ANNOUNCEMENTS:

Heritage Festival, Saturday, September 24, 2016.

Burgess Miller stated that he was challenged by the Mayor of Thurmont to raise money for Breast Cancer Awareness month in October. The Board agreed to wear pink t-shirts to show their support in October.

ADJOURNMENT

Meeting adjourned at 9:15pm.

Respectfully submitted,

Ann Griffin
Office Manager

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **September 12, 2016**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on September 12, 2016, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Rick Dietrick, Tom Catania and Christopher Goodman.

CONSENT AGENDA
Temporary Construction Site – 31 East Green Street (Future Library site)
Financial Statements
Town Minutes – August 4, 2016 – Workshop and August 8, 2016 – Town Meeting
Commissioner Bussard motioned to accept this consent agenda as submitted, seconded by Commissioner Goodman and passed unanimously.

Personal Requests for Agenda:
"If I were Mayor" – Contest Winners – Ryan Cline runner up and Giovanni Rossi winner both read their "If I were Mayor" essays to the Board and audience. Burgess Miller presented both boys with gift cards.

Joshua Bokee, Director, Government & Regulatory Affairs, Comcast – Burgess Miller asked Mr. Bokee to attend the meeting as the Town has been receiving calls in regards to Comcast and their rates increasing.
Jerry Ziemba, 205 Rod Circle – went over how his Comcast bill has increased over the last year and wanted to know why? Mr. Ziemba also asked if there were any plans for senior citizens on a fixed income? Mr. Bokee addressed Mr. Ziemba's concerns.

Unfinished Business:
Draft Middletown Code Changes – Burgess Miller stated that this will be on the October agenda as an action item.
Discussion of Tap fee increase and Potential Waivers – The Water & Sewer Committee is recommending a $4,000 increase……$2,000 on water tap and $2,000 on sewer tap, with a January 1, 2017 effective date. After much discussion of the Board members it was agreed upon to advertise the increase with a July 1, 2017 effective date. The public hearing will be held on October 6, 2016 at 7pm.

REPORTS OF COMMITTEES –
WATER & SEWER – Commissioner Falcinelli reported:
Water use for August – 304,000 gal., spring flow for July – 89,000, EWWTP treated – 234,000 gal., and the WWTP treated 171,000 gal.
No leaks found in the lining of the reservoir which is good news.
Hydrant Flushing – October 3 – 7, 2016
Well 15 – filter construction underway.
450 meters of the 500 old meters have been replaced to date.

PUBLIC WORKS – Commissioner Bussard reported:
Green Street project – pouring curb from N. Jefferson St. to Route 17 this week, the Gas Co. has been working, and according to JR they are going to try and put the base paving down on Monday & Tuesday of next week.
Maintenance crew repaired a few inlets on Main's Alley and in Foxfield, and next week they will be busy with getting ready for the Heritage Festival.
Bulk Trash pick-up date October 22, 2016.
PLANNING COMMISSION – Commissioner Catania reported:
Cross Stone Commons – submitting a plat correction.
PARKS and RECREATION – Commissioner Goodman reported:
The playground equipment at Memorial Park will be demolished the week of September 26 and the new equipment will be installed the week of October 3, 2016.
Next meeting is September 21, 2016.
FINANCE – Commissioner Dietrick reported:
Auditors will be doing field work in October.
PUBLIC INFORMATION – Commissioner Falcinelli reminded the Board members to get their information for the Quarterly Update in by September 16, 2016.

NEW BUSINESS:
Request for Waiver of Fees for Middletown Fire Station – Drew stated that back in 2013 the Board waived all the fees for the Middletown Fire Station to include the permit fees as well as the tap fees. Drew stated that the Fire Company will always receive free water. The Board discussed developing an MOU with the Fire Company stating that as a stipulation that the Town won't charge the Fire Company for water as long as there is no water used for personal use such as washing their personal cars.
Request for Purchase of Town Property East Main Street – Drew stated that the Town received a request from a property owner along East Main Street in which his property runs back to East Green Street. There is a small right of way that the Town owns along East Green Street from where the transfer station is up to 22 East Green Street. Bill Williams the owner of 19 E. Main Street is asking to purchase the piece along his property from the Town. The amount that Drew came up with is between $600-$1000. Drew will have the appraisals for the October meeting.

PUBLIC COMMENT:

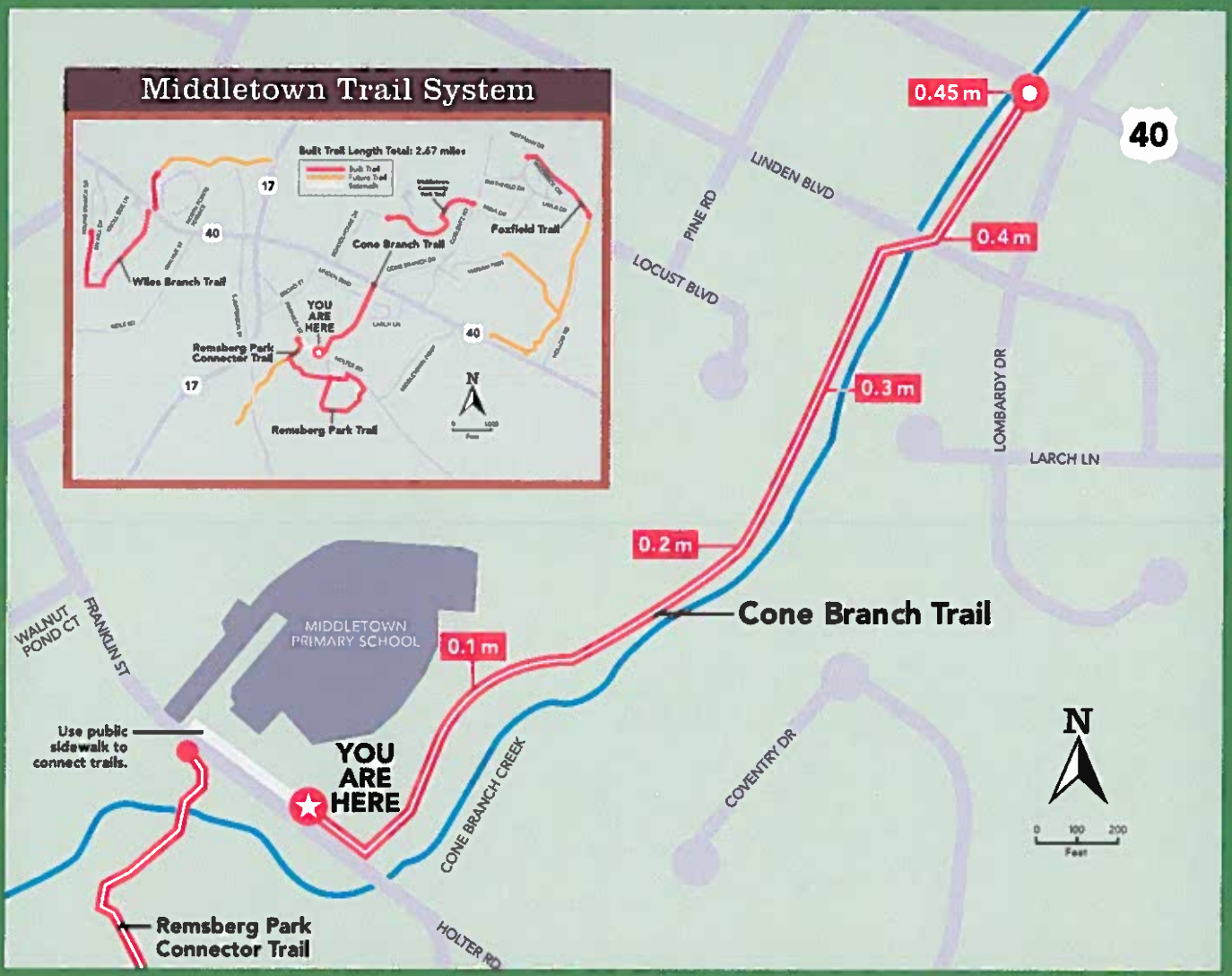
ANNOUNCEMENTS:
Heritage Festival – September 24, 2016

ADJOURNMENT
Meeting adjourned at 8:40pm.with the Board entering into Executive Session.

Respectfully submitted,

Ann Griffin
Office Manager

Cone Branch Trail



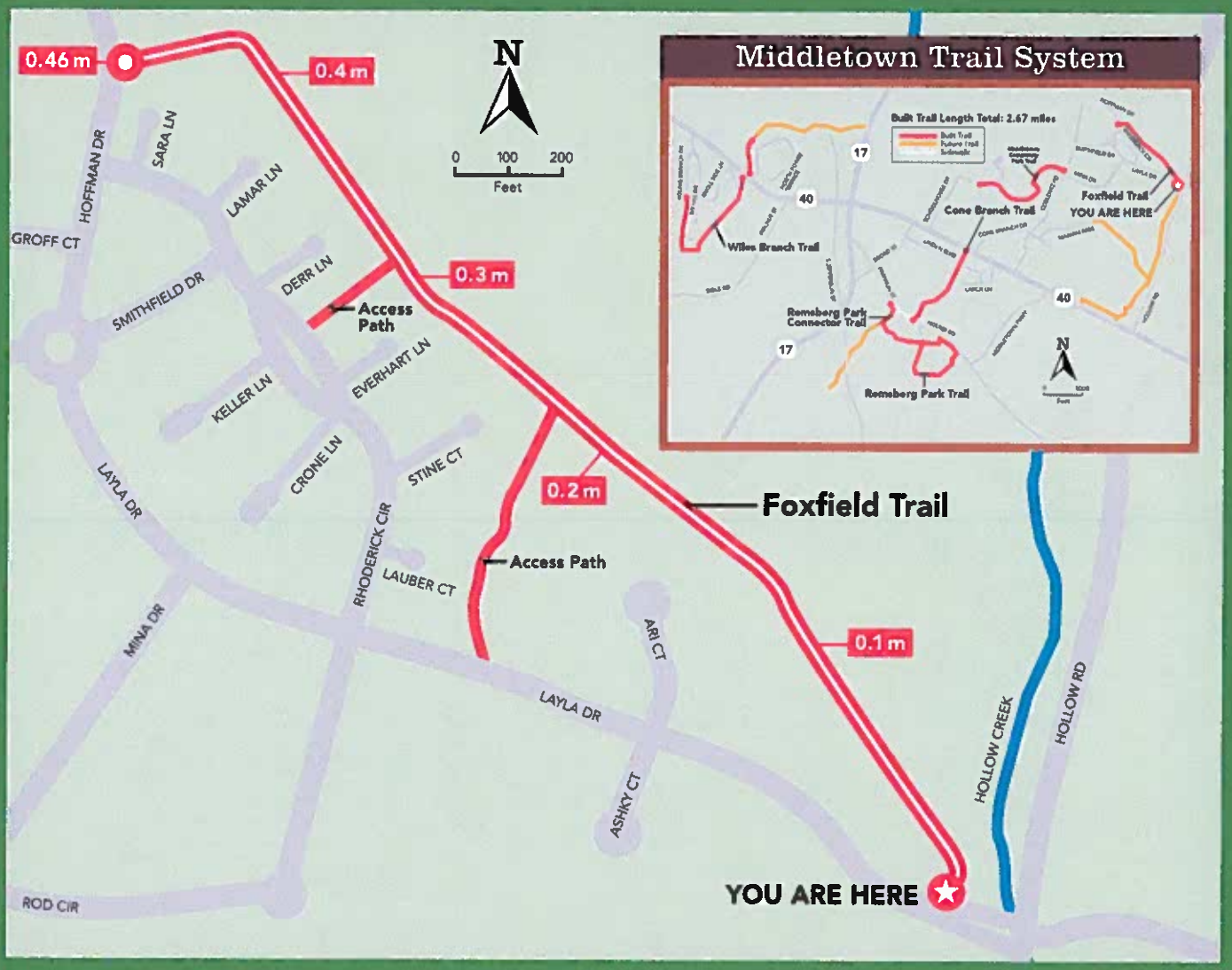
Trail Length One Way: 0.45 miles
Trail Length Out and Back: 0.90 miles
Total Elevation Change: 40 feet

Trail Width: 8 feet
Trail Surface: Paved

Middletown Trail System

Town Office: 301.371.6171 | www.middletown.md.us

Foxfield Trail



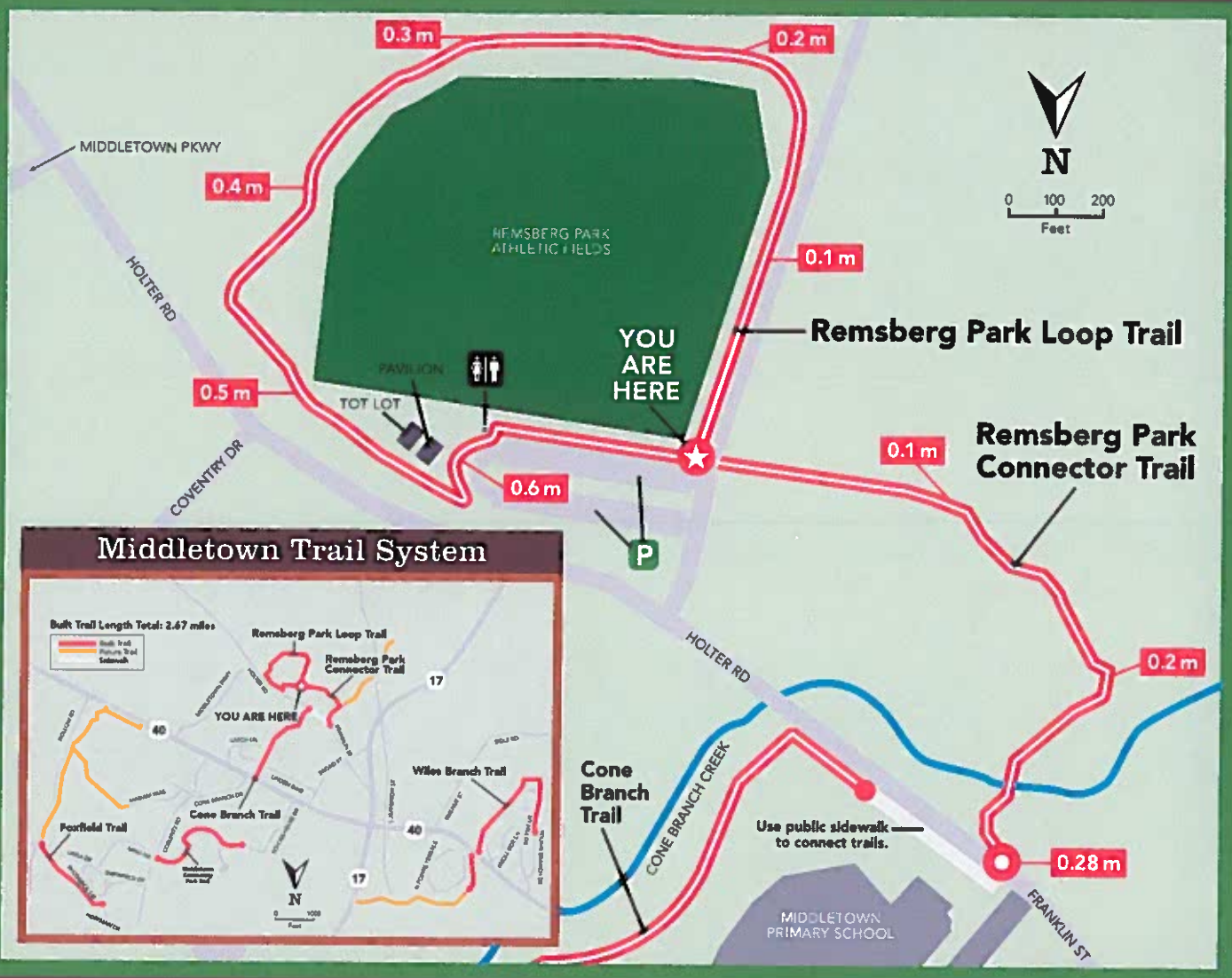
Trail Length One Way: 0.46 miles
Trail Length Out and Back: 0.92 miles
Total Elevation Change: 94 feet

Trail Width: 4 feet
Trail Surface: Paved

Middletown Trail System

Town Office: 301.371.6171 | www.middletown.in.us

Remsberg Park Trail



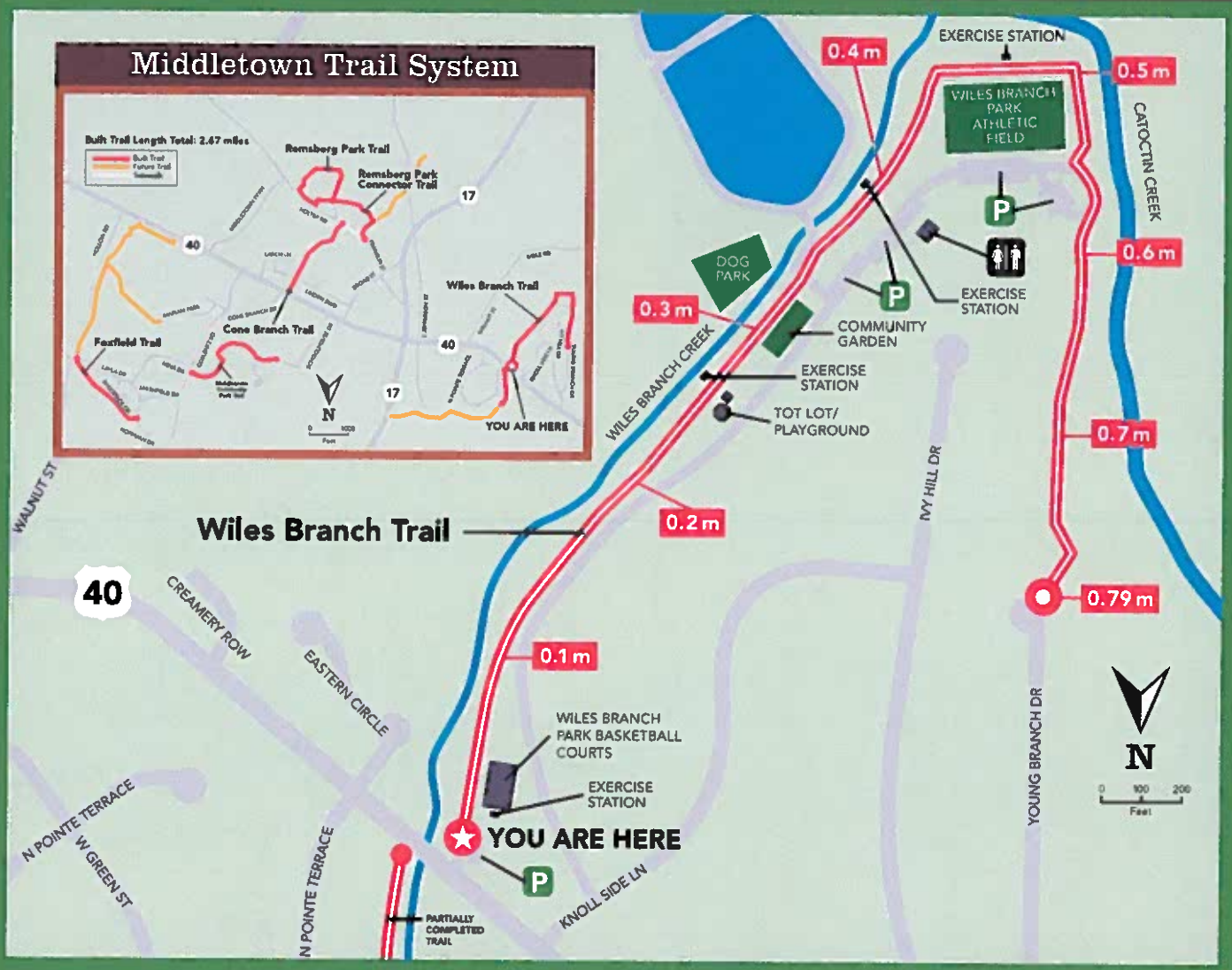
Loop Trail Length: 0.69 miles
Connector Trail Length: 0.28 miles
Combined Trail Length: 0.97 miles

Total Elevation Change: 76 feet
Trail Width: 8 feet
Trail Surface: Paved

Middletown Trail System

Town Office: 301 371 6171 | www.middletown.md.us

Wiles Branch Trail



Trail Length One Way: 0.79 miles
Trail Length Out and Back: 1.58 miles
Total Elevation Change: 14 feet

Trail Width: 10 feet
Trail Surface: Paved

Middletown Trail System

Town Office: 301-371-6171 | www.middletown.md.us

ORDINANCE NO. 16-09-01

AN ORDINANCE TO AMEND TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MIDDLETOWN MUNICIPAL CODE BY AMENDING CHAPTER 2.04, SECTION 2.04.030 PERTAINING TO STANDING COMMITTEES AND SECTIONS 2.16.020 2.16.030 AND 2.16.040 PERTAINING TO THE PLANNING COMMISSION; TO PROVIDE THAT THE MEMBERS OF STANDING COMMITTEES SHALL BE APPOINTED BY THE BURGESS AND CONFIRMED BY THE BOARD OF COMMISSIONERS; TO ELIMITATE THE REVITALIZATION COMMITTEE AND TO ESTABLISH THE SUSTAINABILITY COMMITTEE; TO PROVIDE FOR BOTH A FIRST ALTERNATE TO THE PLANNING COMMISSION AND A SECOND ALTERNATE TO THE PLANNING COMMISSION; TO ESTABLISH THE ORDER IN WHICH THE FIRST AND SECOND ALTERNATE MEMBERS OF THE PLANNING COMMISSION SHALL SIT ON THE PLANNING COMMISSION; TO PROVIDE FOR THE REMOVAL OF A MEMBER OF THE PLANNING COMMISSION IN CERTAIN CIRCUMSTANCES AFTER WRITTEN CHARGES AND A PUBLIC HEARING; TO PROVIDE FOR THE FILLING OF VACANCIES ON THE PLANNING COMMISSION; TO PROVIDE FOR THE ELECTION OF A CHAIR AND OTHER OFFICERS OF THE PLANNING COMMISSION; TO MAKE STYLISTIC AND GRAMMATICAL CHANGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 2, Chapter 2.04, Section 2.04.030 of the Middletown Municipal Code be, and hereby is, amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**. Language being deleted is designated by being ~~[in brackets and stricken through.]~~:

TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.04 - THE BURGESS AND COMMISSIONERS

2.04.030 - Standing committees.

A. There is established the following standing committees, **THE MEMBERS OF** which shall be appointed by **THE BURGESS AND CONFIRMED BY THE BOARD OF**

COMMISSIONERS. EACH SUCH COMMITTEE SHALL ~~[and]~~ report to the burgess and commissioners:

1. Water and sewer committee;
2. Public works committee;
3. Parks and recreation committee;
4. ~~Finance committee;~~
5. ~~5.~~4. ~~[Revitalization]~~ **SUSTAINABILITY** committee;
6. ~~6.~~5. Public information committee.

B. The chairperson of each standing committee shall be a [~~currently serving town commissioner~~] **MEMBER OF THE BOARD OF COMMISSIONERS.**

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 2, Chapter 2.16, Sections 2.16.020, 2.16.030 and 2.16.040 of the Middletown Municipal Code be, and hereby are, amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**. Language being deleted is designated by being ~~[in brackets and stricken through.]~~:

TITLE 2 – ADMINISTRATION AND PERSONNEL

2.16 Planning Commission

2.16.020 - Composition.

The commission shall consist of five members appointed by the burgess with confirmation by the commissioners, each to serve five years, or until a successor takes office. In addition, the

burgess and commissioners may designate [~~one~~] **A FIRST** alternate member to the commission **AND A SECOND ALTERNATE MEMBER TO THE COMMISSION. THE FIRST ALTERNATE MEMBER** [~~who~~] may sit on the commission in the absence of any member of the commission, **AND THE SECOND ALTERNATE MEMBER MAY SIT ON THE COMMISSION IN THE ABSENCE OF BOTH A MEMBER OF THE COMMISSION AND THE FIRST ALTERNATE MEMBER**. When **BOTH** the **FIRST AND SECOND** alternate **MEMBERS ARE** [~~is~~] absent, the burgess and commissioners may designate a temporary alternate to sit on the commission. The **FIRST AND SECOND** alternate **MEMBERS** [~~and temporary alternate~~] will serve for five years from the date of **THEIR** [~~original~~] **RESPECTIVE** [~~appointment~~] **APPOINTMENTS.**

2.16.030 - Compensation.

All members shall serve with such compensation as the burgess and [~~town~~] commissioners deem appropriate[~~;and~~]. **A MEMBER** may be removed by the burgess and [~~town~~] commissioners **AFTER A PUBLIC HEARING** for inefficiency, neglect of duty or malfeasance in office. **THE BURGESS AND COMMISSIONERS SHALL FILE A WRITTEN STATEMENT OF REASONS FOR THE REMOVAL.** All members shall be eligible for reappointment. **ANY VACANCY WHICH OCCURS FOR REASONS OTHER THAN THROUGH THE EXPIRATION OF A TERM OF OFFICE SHALL BE FILLED FOR THE UNEXPIRED TERM BY THE BURGESS AND COMMISSIONERS.**

2.16.040 – **APPOINTMENT OF CHAIR;** Powers, functions and duties.

THE COMMISSION SHALL ELECT A CHAIR FROM ONE OF THE APPOINTED MEMBERS AND SHALL CREATE AND FILL SUCH OTHER OF ITS OFFICES AS IT MAY DETERMINE. THE TERM OF THE CHAIR SHALL BE ONE YEAR, AND THE CHAIR SHALL BE ELIGIBILE FOR RE-ELECTION. The commission shall have all the powers, functions and duties provided for in ~~[Article 66B, Section 3.01 et seq. of the~~] **LAND USE ARTICLE, SECTIONS 2-101 ET SEQ.,** Annotated Code of Maryland ~~[(1983 Edition)]~~ **AS MAY BE AMENDED FROM TIME TO TIME.**

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2016

PASSED ON THE _____ DAY OF _____, 2016

EFFECTIVE DATE: _____, 2016

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

Jan H. Gardner
County Executive

DIVISION OF PUBLIC WORKS
Department of Engineering & Construction Management

Charles F. Nipe, Division Director
Yan-Ming (Robert) Shen, P.E. Department Head

MEMORANDUM

TO: Burgess and Commissioners of Middletown

FROM: Tracy M. Diggs, Project Manager, Office of Project Management

DATE: September 20, 2016

SUBJECT: Town Board Meeting Agenda
Waiver of appeal fees associated with Middletown Volunteer Fire Company 7

Frederick County Office of Project Management (OPM) requests to be placed on the Town Board agenda for the meeting on September 26, 2016 to discuss the Middletown Volunteer Fire Company and the impact on local roads. In addition, OPM requests that the appeals fees associated be waived. OPM understands that all documents and applications will need to be presented as usual procedures.

Sincerely,

Tracy Diggs, Project Manager

Cc: John Bankard, ADTEK Engineers
Greg Gilbert, Bignell, Watkins, Hassler
File

Drew Bowen

From: John Miller
Sent: Friday, September 09, 2016 11:20 AM
To: Chris Goodman; Jennifer Falcinelli; Jennifer Falcinelli (jenfalc@gmail.com); John Miller; Larry Bussard; Larry Bussard; Rick Dietrick; Tom Catania; Tom Catania
Cc: Drew Bowen; Cindy Unangst; Zoning
Subject: Code change proposal

Good afternoon,

I would like to propose a change to our code regarding exempt signs. 17.36.140 Exempt Signs.

Currently at Middletown High School there are signs donated by and advertising Middletown businesses and other local businesses that support the MHS athletic programs. These signs also serve to bring financial gain to the MHS athletic department. The signs have been there for many years.
These signs can be viewed only by those entering the school property. The backside of the stadium will face Middletown Glen. For that reason, proposed changes to the language includes a provision to protect that neighborhood or other neighborhoods (similar to the intent of the existing code).
The current signs have been cited (as they should be according to the current code) by our Zoning Administrator because the signs are double-sided and face the school property. I feel that this exemption is not worded to meet the conditions of the field, or in this case the stadium or, for that matter, any other field we have. This code section would also apply to other fields at MHS or in town as well as the fields at Remsberg Park. Take a drive by the stadium and surrounding fields and see what you think.

I recommend changing letter E of section 17.36.140 of the code identifying exempt signs.
It currently reads:
E. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;

Recommended change:
E. Ballfield/sports complex signs and scoreboards that are part of a playing field not directly facing a residential neighborhood or residential property or such signs that are more than 100 feet from a residential neighborhood.

I am interested in your thoughts. We can discuss Monday night.

John

John D. Miller
Burgess
Town of Middletown
240-674-7063

Solicitation in Middletown

Conflict between the first amendment right to freedom of speech of the solicitor and the 4th amendment right of privacy of our town residents is the crux of the issue.

We asked the Maryland Municipal League for advice on how other towns have dealt with this issue. The Town has also investigated this issue previously.

Most municipal codes have some requirements and restrictions on door-to-door solicitation. Below is a summary of what most codes have in common:

A permit to come into the town to solicit or sell a product is required—and it is required in Middletown. Ours is more passive in that we receive a phone call notifying us of the upcoming door-to-door sales event and we require the names of those soliciting and how many days they will be in town soliciting.

Most towns also **set a time limit on the sales**. We could limint the times they can solicit and the number of days. This would prevent the sales from taking place after dark.

Identify the solicitors as being sanctioned by the Town by requiring that a **badge is issued by the town to each individual solicitor and must be worn** during the sales event.

Some towns require that a **permit to solicit be purchased** before the sales begin. Since many of these slae are for non-profits it may work to use the fee as a "security deposit". That is to say, if there are no violations then the deposit is returned. If there are complaints or violations then the fee is retained by the Town.

Any resident has the option to **post a "No Solicitation" sign in their yard or on their door or in a window** that is visible to anyone approaching the residence.

Some common penalties for violating the municipal code and its established rules included:

Revoking the right to conduct solicitations in the town for anywhere from 6 months up to 1 year, or more.

A fine is issued or "permit deposit" retained.

Take the company to court for a violation of municipal code. This is more practical in towns/cities with their own courts.