



## AGENDA FOR THE TOWN MEETING

November 25, 2019

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

### PERSONAL REQUESTS FOR AGENDA:

### CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
  - October 3, 2019 – Town Workshop
  - October 14, 2019 – Town Meeting
  - November 7, 2019 – Town Workshop

### UNFINISHED BUSINESS:

- Budget Amendment 20-01 – Increase in Crossing Guard Locations and Hours Paid  
<sup>1</sup>(Vote)
- Elevated Water Storage Tank Maintenance Contract <sup>1</sup>(Vote)
- Review of Draft Illicit Discharge Ordinance for Stormwater Management<sup>1</sup>
- Recommendation(s) from Water & Sewer Committee
  - Amendments to Title 13 – Public Services<sup>1</sup>
  - Amendments to Water Conservation Public Alert System<sup>1</sup>

---

<sup>1</sup> Second Appearance on Town Agenda(s)

## REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Sustainability	Commissioner Dietrick
Planning Commission Liaison	Commissioner Catania
Parks & Recreation	Commissioner Goodman
Public Information	Commissioner Falcinelli

## NEW BUSINESS:

- **Comcast Lease Renewal – 7700 Hollow Road <sup>2</sup>(Vote)**
- **Discussion of Rural Transportation<sup>2</sup>**
- Board of Appeals Terms<sup>2</sup>

## PUBLIC COMMENTS:

## ANNOUNCEMENTS:

- *Middletown Valley Historical Society – Trolley with Reuben Moss*

## ADJOURNMENT

## EXECUTIVE SESSION

- *Legal Matter Regarding Acquisition of Property*

---

<sup>2</sup> Second Appearance on Town Agenda(s)

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>REVENUE</b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,326,170	\$ 843,855	\$ (482,315)
Tangible Personal Property	56,392	21,151	(35,241)
Franchise (Cable)	54,750		(54,750)
Penalties & Interest	<u>11,201</u>	<u>21</u>	<u>(11,180)</u>
	\$ 1,448,513	\$ 865,027	\$ (583,486)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 28,339	\$ 6,572	\$ (21,767)
Highway Gasoline & Licenses	<u>225,440</u>		<u>(225,440)</u>
	\$ 253,779	\$ 6,572	\$ (247,207)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 1,118,764	\$ 81,901	\$ (1,036,863)
Tax Equity Grant	<u>674,672</u>	<u>168,668</u>	<u>(506,004)</u>
	\$ 1,793,436	\$ 250,569	\$ (1,542,867)
<b><u>LICENSES AND PERMITS</u></b>			
Business / Traders	\$ 4,900	\$ 104	\$ (4,796)
Planning / Zoning Fees	<u>13,574</u>	<u>4,820</u>	<u>(8,754)</u>
	\$ 18,474	\$ 4,924	\$ (13,550)
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 3,046</u>	<u>\$ 1,191</u>	<u>\$ (1,855)</u>
	\$ 3,046	\$ 1,191	\$ (1,855)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 26,197</u>	<u>\$ 6,568</u>	<u>\$ (19,629)</u>
	\$ 26,197	\$ 6,568	\$ (19,629)
<b><u>MISCELLANEOUS</u></b>			
Bank Shares Grant	\$ 2,500	\$ 1,491	\$ (1,009)
FredCo Reccling Reimbursement	8,060		(8,060)
Miscellaneous & Donations	<u>5,000</u>	<u>(139)</u>	<u>(5,139)</u>
	\$ 13,060	\$ (139)	\$ (13,199)
<b>OPERATING REVENUES</b>	<b>\$ 3,556,505</b>	<b>\$ 1,134,712</b>	<b>\$ (2,421,793)</b>
State Grants & Interest	\$ 64,382	\$ 567	\$ (63,815)
<b>TOTAL REVENUE</b>	<b>\$ 3,620,887</b>	<b>\$ 1,135,279</b>	<b>\$ (2,485,608)</b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 21,000	\$ 3,500	\$ (17,500)
Communications	3,120	576	(2,544)
Dues & Subscriptions	7,000	7,107	107
Office Supplies & Exp	5,913	941	(4,972)
Advertising	500	120	(380)
Meetings & Conventions	<u>8,500</u>	<u>1,469</u>	<u>(7,031)</u>
	\$ 46,033	\$ 13,713	\$ (32,320)
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 1,700</u>	<u>\$ (8,500)</u>
	\$ 10,200	\$ 1,700	\$ (8,500)
<b><u>ELECTION</u></b>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>122</u>		<u>(122)</u>
	\$ 572		\$ (572)
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 282,712	\$ 70,913	\$ (211,799)
Postage & Printing	200		(200)
Communications	10,609	1,359	(9,250)
Computer Expenses	25,700	14,052	(11,648)
Office Supplies & Exp	33,500	4,458	(29,042)
Office Maintenance	39,600	3,243	(36,357)
Dues & Subscriptions	150		(150)
Professional Services	4,354		(4,354)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 396,925</u>	<u>\$ 94,025</u>	<u>\$ (302,900)</u>
<b><u>OPERATIONS</u></b>			
Operations Salary	\$ 265,941	\$ 54,231	\$ (211,710)
Communications	8,330	2,592	(5,738)
Supplies & Expenses	14,200	3,673	(10,527)
Dues & Meetings	1,500		(1,500)
Maintenance & Repairs	32,611	5,587	(27,024)
Tools & Equipment	<u>4,643</u>	<u>977</u>	<u>(3,666)</u>
	\$ 327,225	\$ 67,060	\$ (260,165)
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 17,500	\$ 6,000	\$ (11,500)

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,395	665	(8,730)
	<u>\$ 26,895</u>	<u>\$ 6,665</u>	<u>\$ (20,230)</u>
 <b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 66,630	\$ 14,709	\$ (51,921)
Other Expenses	2,529	1,934	(595)
	<u>\$ 69,159</u>	<u>\$ 16,643</u>	<u>\$ (52,516)</u>
 <b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 48,914	\$ 10,178	\$ (38,736)
Town Contribution	10,000	10,000	
Main Street Capital Purchases	6,900		(6,900)
	<u>\$ 65,814</u>	<u>\$ 20,178</u>	<u>\$ (45,636)</u>
 <b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	29,961		(29,961)
Community Deputy Program	388,063		(388,063)
	<u>\$ 438,024</u>		<u>\$ (438,024)</u>
 <b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 290,811	\$ 68,537	\$ (222,274)
 <b><u>RECREATION AND CULTURE</u></b>			
Park Salary	29,961	7,892	(22,069)
Maintenance & Repairs	50,478	2,603	(47,875)
Mowing	37,547	9,290	(28,257)
Park Electric	7,172	450	(6,722)
Remsberg Park - Interest	918	13,544	12,626
Remsberg Park - Principal	81,448	30,428	(51,020)
	<u>\$ 207,524</u>	<u>\$ 64,207</u>	<u>\$ (143,317)</u>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 136,361	\$ 33,742	\$ (102,619)
Street Lighting	172,433	27,930	(144,503)
Storm Water Management	9,842	2,527	(7,315)
Snow Removal	110,300		(110,300)
Repairs & Resurfacing	92,450	3,452	(88,998)
Signs	14,000	851	(13,149)
Truck Repair & Operation	33,000	3,197	(29,803)
Equipment Repairs & Ops	15,120	148	(14,972)
Mowing	36,177	8,851	(27,326)
Interest	79,203		(79,203)
West Green St - Principal	<u>117,000</u>	<u>65,960</u>	<u>(51,040)</u>
	\$ 815,886	\$ 146,658	\$ (669,228)
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,084	261	(1,823)
Community Events	71,579	16,540	(55,039)
Payroll Taxes	66,223	14,014	(52,209)
Insurance - Property	15,599	16,224	625
Insurance - Employee	168,974	39,553	(129,421)
Retirement/Pension	73,316	4,149	(69,167)
Web Page & Directory	3,471		(3,471)
Real Estate Taxes	800	800	
Other	<u>4,000</u>	<u>403</u>	<u>(3,597)</u>
	\$ 411,146	\$ 96,944	\$ (314,202)
<b>TOTAL EXPENDITURES</b>	<u>\$ 3,106,214</u>	<u>\$ 596,330</u>	<u>\$ (2,509,884)</u>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	\$ 514,673	\$ 538,949	\$ 24,276
<b>CASH RESERVES</b>	\$ 881,203	\$ 462,585	\$ (418,618)
<b>SURPLUS / (DEFICIT)</b>	<u>\$ 1,395,876</u>	<u>\$ 1,001,534</u>	<u>\$ (394,342)</u>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>OPERATING REVENUE</b>			
Revenue	\$ 3,556,505	\$ 1,134,712	\$ (2,421,793)
<b>OPERATING EXPENSES</b>			
Expenses	3,106,214	596,330	(2,509,884)
<b>OPERATING SURPLUS (DEFICIT)</b>	<u>\$ 450,291</u>	<u>\$ 538,382</u>	<u>\$ 88,091</u>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 64,382		\$ (64,382)
Community Legacy Grants		26,000	26,000
RETAINED EARNINGS	418,612		(418,612)
Interest	1,421	567	(854)
Improvement Fees	<u>259,000</u>	<u>7,000</u>	<u>(252,000)</u>
<b>TOTAL OTHER FUNDS</b>	<u>\$ 743,415</u>	<u>\$ 33,567</u>	<u>\$ (709,848)</u>
<b>TOTAL FUNDS AVAILABLE</b>	<u>\$ 1,193,706</u>	<u>\$ 571,949</u>	<u>\$ (621,757)</u>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
Broad Street Reconstruction	\$ 111,000	\$ 14,478	\$ (96,522)
Washington Street Engineering &	15,000		(15,000)
Boileau Court - TCS	120,000	29,783	(90,217)
Martha Mason Drive - TCS	12,600		(12,600)
Manda Drive - TCS	95,000	60,821	(34,179)
Manda Court - TCS	52,000		(52,000)
Schoolhouse Drive - TCS	30,000		(30,000)
LED Pedestrian Signs	45,000	7,080	(37,920)
Remsberg Park - Walking Trail Pa	65,842		(65,842)
Remsberg Park - Bleacher Repair	20,000		(20,000)
Municipal Center - HVAC Replacem	51,765		(51,765)
Municipal Center - Boiler Replac		1,720	1,720
Municipal Center - ADA Improve	30,000	27,627	(2,373)
Maintenance Facility at EWWTP	106,000		(106,000)
IT Computer Equipment Lease	<u>37,000</u>		<u>(37,000)</u>
	<u>\$ 791,207</u>	<u>\$ 141,509</u>	<u>\$ (649,698)</u>
<b>OPERATING &amp; CIP SURPLUS (DEFICIT)</b>	<u>\$ 1,193,706</u>	<u>\$ 571,949</u>	<u>\$ (621,757)</u>
Cash Reserves	\$ 568,285	\$ 260,912	\$ (307,373)
<b>TOTAL CASH SURPLUS</b>	<u><u>\$ 1,761,991</u></u>	<u><u>\$ 832,861</u></u>	<u><u>\$ (929,130)</u></u>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
For the 3 Months Ended September 30, 2019

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b><u>REVENUE</u></b>			
Water Revenue	\$ 623,593	\$ 22,626	\$ (600,967)
Sewer Revenue	627,213	19,950	(607,263)
Penalties/Reconnects	13,584	3,414	(10,170)
Rain Barrel Sales	1,000	(1)	(1,001)
General Fund Grant/Misc		<u>1</u>	<u>1</u>
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,265,390</b>	<b>\$ 45,990</b>	<b>\$ (1,219,400)</b>
<b><u>EXPENDITURES</u></b>			
<b>ADMINISTRATIVE</b>			
Office Salaries	\$ 33,963	\$ 6,105	\$ (27,858)
Communications	12,409	2,508	(9,901)
Postage	8,173		(8,173)
Office Supplies/Expense	11,560	1,246	(10,314)
Legal - Other	9,800	2,438	(7,362)
Meetings & Seminars	3,500		(3,500)
Advertising	500		(500)
Uniforms	2,835	877	(1,958)
Dues/Subscrip/Certifications	500	125	(375)
Travel	200		(200)
Payroll Taxes	22,027	5,468	(16,559)
Insurance - Prop. & Liability	8,958	12,431	3,473
Insurance - Workers Comp	6,616		(6,616)
Insurance - Health	37,474	8,341	(29,133)
Retirement/Pension	11,007	707	(10,300)
Real Estate Taxes	292	389	97
Rain Barrel/Educational Programs	2,000		(2,000)
I & I Loan Principal and Interest	<u>32,927</u>	<u>32,497</u>	<u>(430)</u>
Sub-Total	\$ 204,741	\$ 73,132	\$ (131,609)
<b>Vehicles &amp; Equipment</b>			
2016 Truck (Pearl)	\$ 2,400		\$ (2,400)
2008 Truck (Hightman)	7,300	12	(7,288)
2012 Truck (Miller)	2,400		(2,400)
2013 Truck (Walt)	5,300	1,208	(4,092)
2015 Meter Van	3,500	210	(3,290)
Misc Equipment		441	441
Bobcat Mini-Excavator			
Case Backhoe	<u>3,000</u>	<u>172</u>	<u>(2,828)</u>
Sub-Total	\$ 23,900	\$ 2,043	\$ (21,857)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
For the 3 Months Ended September 30, 2019

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>WATER</b>			
Salaries	\$ 124,273	\$ 35,874	\$ (88,399)
<b>Water Distribution System</b>			
Supplies	11,000	(294)	(11,294)
Repairs & Maintenance	51,000	5,744	(45,256)
Water Line Break Repairs	1,028		(1,028)
Chemicals	500		(500)
Tools & Equipment	3,747		(3,747)
Sub-Total	\$ 67,275	\$ 5,450	\$ (61,825)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Supplies	\$ 1,593	\$ 5,378	\$ 3,785
Repairs & Maintenance	80,765	393	(80,372)
Chemicals	26,803	1,639	(25,164)
Tank Maintenance Contract	20,000		(20,000)
Tools & Equipment	1,101		(1,101)
Testing & Analysis	8,318	400	(7,918)
Sub-Total	\$ 138,580	\$ 7,810	\$ (130,770)
<b>Water Electric</b>	<b>\$ 40,018</b>	<b>\$ 13,601</b>	<b>\$ (26,417)</b>
<b>TOTAL WATER EXPENSES</b>	<b>\$ 370,146</b>	<b>\$ 62,735</b>	<b>\$ (307,411)</b>
<b>SEWER</b>			
Salaries	\$ 106,305	\$ 30,640	\$ (75,665)
<b>Sewer Collection System</b>			
Cone Branch PS	14,445	2,663	(11,782)
Brookridge South PS	8,932	400	(8,532)
Foxfield PS	2,637	90	(2,547)
Sanitary Sewerlines & Manholes	28,522	382	(28,140)
I & I Accrual	75,000		(75,000)
Sub-Total	\$ 129,536	\$ 3,535	\$ (126,001)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Supplies	\$ 5,576	\$ 1,980	\$ (3,596)
Repairs & Maintenance	23,100	901	(22,199)
Chemicals	44,133	7,524	(36,609)
Tools & Equipment	3,414		(3,414)
Testing & Analysis	27,789	5,340	(22,449)
Sludge Hauling Expense	<u>60,336</u>	<u>8,833</u>	<u>(51,503)</u>
Sub-Total	\$ 164,348	\$ 24,578	\$ (139,770)
<b>West Wastewater Treatment Plant</b>			
Supplies	\$ 2,378	\$ 208	\$ (2,170)
Repairs & Maintenance	17,600		(17,600)
Chemicals	57,862	7,899	(49,963)
Tools & Equipment	1,426		(1,426)
Testing & Analysis	9,908	1,548	(8,360)
Sludge Hauling Expense	<u>17,250</u>	<u>          </u>	<u>(17,250)</u>
Sub-Total	\$ 106,424	\$ 9,655	\$ (96,769)
<b>Sewer Electric</b>	<b>\$ 94,395</b>	<b>\$ 5,545</b>	<b>\$ (88,850)</b>
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 601,008</b>	<b>\$ 73,953</b>	<b>\$ (527,055)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,199,795</b>	<b>\$ 211,863</b>	<b>\$ (987,932)</b>
Cone Branch - Electric	<u>\$ 31,849</u>	<u>\$ 538</u>	<u>\$ (31,311)</u>
<b>CONTINGENCY FUND</b>	<b>\$ 31,849</b>	<b>\$ 538</b>	<b>\$ (31,311)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,231,644</b>	<b>\$ 212,401</b>	<b>\$ (1,019,243)</b>
<b>NET INCOME (LOSS)</b>	<b><u>\$ 33,746</u></b>	<b><u>\$ (166,411)</u></b>	<b><u>\$ (200,157)</u></b>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
 WATER & SEWER  
 Fiscal Year 2020  
 For the 3 Months Ended September 30, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,265,390	\$ 45,990	\$ (1,219,400)
Operating Expenses	<u>1,199,795</u>	<u>211,863</u>	<u>(987,932)</u>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 65,595</b>	<b>\$ (165,873)</b>	<b>\$ (231,468)</b>
Cash Reserves	\$ 800,079	\$ 1,003,000	\$ 202,921
Debt Service Fee - New Homes	160,800	4,705	(156,095)
Capital Improvement Fees	178,800	5,115	(173,685)
Inflow & Infiltration - Reserve A	200,000		(200,000)
Tap Fees	666,000	18,000	(648,000)
Water Tower & Land Leases	195,669	44,711	(150,958)
Main Street Waterline Loan	853,871	230,399	(623,472)
Reservoir Tank Loan	<u>1,984,146</u>		<u>(1,984,146)</u>
<b>TOTAL OTHER REVENUE</b>	<b>\$ 5,039,365</b>	<b>\$ 1,305,930</b>	<b>\$ (3,733,435)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>5,104,960</b>	<b>1,140,057</b>	<b>(3,964,903)</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
MDE - East WWTP	\$ 239,265		\$ (239,265)
Main Street Waterline Loan	138,165		(138,165)
Reservoir Loan	<u>43,598</u>		<u>(43,598)</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ 421,028</b>		<b>\$ (421,028)</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
Main Street Waterline	\$ 853,871	\$ 342,441	\$ (511,430)
Reservoir Improvements	2,274,095	36,628	(2,237,467)
BS - Upgrade; Pumps; VFDs, Piping	48,500		(48,500)
Inspection Vehicle (Subaru)	30,000		(30,000)
Water Meter Replacements	34,333		(34,333)
West WWTP - Curtain Replacement	25,000		(25,000)
West WWTP - Roof Replacement, Adm	16,000	15,750	(250)
Sewer Push Camera	11,000		(11,000)
Inflow and Infiltration	<u>250,000</u>		<u>(250,000)</u>
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 3,542,799</b>	<b>\$ 394,819</b>	<b>\$ (3,147,980)</b>
<b>TOTAL FUNDS REMAINING</b>	<b><u>\$ 1,983,189</u></b>	<b><u>\$ 745,238</u></b>	<b><u>\$ (1,237,951)</u></b>

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN WORKSHOP MEETING MINUTES**

### **WORKSHOP MEETING**

**October 3, 2019**

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on October 3, 2019, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli and Rick Dietrick.

### **PERSONAL REQUESTS FOR AGENDA:**

*Middletown Glen Residents – Discussion of Speed Limits in Neighborhood* – In April we received a request from 13 residents of the Middletown Glen asking to lower the speed limit from 25 mph to 15 mph. The Town Board directed Staff to install the speed sign on Ingalls Drive to gather data on speeds. The speed sign was installed on Ingalls Drive on 2 separate occasions and the data gathered determined that the 85% percentile was 15 mph. Drew stated that we sent letters to every resident living in Middletown Glen advising them of the meeting to discuss the change. Drew stated that we received 3 emails 2 against reducing it and 1 in favor of reducing it to 15 mph. Sean Mahar and Jean LaPadula both residents of Middletown Glen were present tonight, and both are in favor of reducing the speed. Burgess Miller stated that the Board will vote on this at the October 14, 2019 meeting.

### **STAFF REPORTS:**

Community Deputy Report – Deputy Hewitt gave the Deputy report for September.

Staff Planner Report – Cindy gave her report (copy attached).

Engineer's Report – Bruce gave his report.

Main Street Manager's Report — Becky gave her report.

Zoning Administrator's Report – Mark gave his report.

### **CONSENT AGENDA:**

- *Town Minutes – September 5, 2019 – Workshop  
September 9, 2019 – Town Meeting*

### **UNFINISHED BUSINESS:**

**Review of Traffic Study for Memar Property** – Burgess Miller stated that we have reviewed this study but have kept this item on the agenda in case anyone would have concerns or questions. Burgess Miller stated that the Board will need to accept this study so the developer can move onto the water study.

**Discussion of Crosswalk at Prospect Street and Franklin Street** – There has been some discussion about putting a crosswalk from Prospect Street across Franklin Street. It was noted that putting the crosswalk signs here we will need to take parking from in front of the sign. Bruce suggested that we just bump out the curb which would defer people from parking there.

### **Discussion of Proposed Text Amendments:**

- **Accessory Structures** – Mark reviewed what he is proposing to change in the code regarding accessory buildings. Burgess Miller stated that this will be on the Joint Town Board and Planning Commission meeting in October.

- **Residential Parking Requirements for Townhouses & Apartments** – Cindy stated that both the Town Board and Planning Commission have reviewed this and feel that we should go with what New Market has which is 2 parking spaces per dwelling unit + 0.5 per bedroom over 2 bedrooms.

**NEW BUSINESS:**

**Appointment of Town Attorney** – Burgess Miller stated that the Board will appoint Brandy Peebles as the new Town Attorney on Monday, October 14, 2019.

**Vacancy on Middletown Board of Appeals** – Burgess Miller stated that Tom Routzahn has stepped down as a BOA member. Alex Kundrick, who is the alternate, has agreed to fill out Tom Routzahn’s term. The Board will make this appointment on Monday, October 14, 2019.

**Approval of New Christmas Decorations for Christmas in the Valley** – Burgess Miller stated that this approval was done by email, therefore we will move this to the consent agenda for Monday, October 14, 2019 meeting.

**Review of Proposed Handicap Accessible Ramp for Municipal Center** – Bruce presented his recommendation on the handicap accessible ramp to the rear entrance of the Municipal Center.

**Heritage Festival** – Burgess Miller wanted to know the Boards feeling on keeping Heritage Festival on Green Street or moving it back to Main Street once the streetscape project is complete. There was some discussion about, and the Board will decide once staff has the post Heritage meeting. The Board decided to remove this item from the agenda until after the post Heritage meeting.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

- *March of Scarecrows – Saturday, October 19, 2019 at Middletown Park*
- *Color Me Autumn – Saturday, October 19, 2019 at Middletown Park*
- *Green Team Tour of East Wastewater Treatment Plant – Saturday, October 26, 2019 at 11am. (Holter Road across from Middletown Parkway)*
- *Halloween Parade – Saturday, October 26, 2019.*

Workshop adjourned at 9:07pm.

Respectfully submitted,

Ann Griffin,  
Office Manager

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

October 14, 2019

The first regular meeting of the Burgess and Commissioners of Middletown was called to order on October 14, 2019, 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, Christopher Goodman, and Rick Dietrick.

### PERSONAL REQUESTS FOR AGENDA:

#### CONSENT AGENDA:

- *Approval of New Christmas Decorations for Christmas in the Valley*
- *Town Meeting Minutes – September 5, 2019 – Town Workshop  
September 9, 2019 – Town Meeting*

Motion by Commissioner Falcinelli to approve the consent agenda as presented, seconded by Commissioner Bussard. Motion carried 5-0.

#### UNFINISHED BUSINESS:

**Speed Limit Reduction – Middletown Glen Subdivision (Vote)** – Motion by Commissioner Dietrick to approve reducing the speed limit to 15mph in the Middletown Glen Subdivision beginning December 1, 2019 and we will re-visit this in 1 year, seconded by Commissioner Goodman. Motion carried 5-0.

**Review of Traffic Study for Memar Property (Vote)** – Burgess Miller stated that this is the 4<sup>th</sup> time this item has been on the agenda. For the developer to move forward with the Water Study the Town must accept this study first. Commissioner Bussard stated that the Town chose the Traffic Engineer to do the study not the developer.

Bob Smart, 7525 Coblenz Road – stated that he thought the study was very good but, his concern is the width of Coblenz Road at Main Street.

Motion by Commissioner Goodman to approve the traffic study as presented, seconded by Commissioner Bussard. Motion carried 5-0.

**Discussion of Crosswalk at Prospect Street and Franklin Street (Vote)** – After much discussion motion by Commissioner Falcinelli to approve putting in a crosswalk at this location based on our engineer's evaluation for safety reasons, seconded by Commissioner Bussard. Motion carried 5-0.

#### Discussion of proposed Text Amendments:

- **Accessory Structures** – Burgess Miller stated that this was discussed at the Joint Meeting and the Planning Commission wanted to review and comment back.
- **Residential Parking Requirements for Townhouses & Apartments** – Burgess Miller stated that both the Town Board and Planning Commission have looked at this and discussed and agree to change the parking requirements to 2 parking spaces per dwelling unit + 0.5 per bedroom over 2 bedrooms. The Planning Commission will review and comment back.

**REPORT OF COMMITTEES:**

**WATER & SEWER** – Commissioner Falcinelli reported:

Water use for September – 339,215 gal., spring flow for September – 87,210, East WWTP treated 141,000 gals. and the West WWTP treated 154,000 gals.

Hydrant Flushing is happening this week.

Reservoir tank will go out to bid at the end of the month.

**PUBLIC WORKS** – Commissioner Bussard reported:

Our guys help set up and tear down for Heritage Festival, fuel tank at Municipal Center was removed, new boiler was turned on today, street patching contract is underway and Broad Street re-design is at 90% complete.

**SUSTAINABILITY** – Commissioner Dietrick reported:

Cindy is working on re-apply for Sustainable MD, the committee is working on a “no idle” zone at the schools, working on trying to get a composting program at Middletown Elementary and working on the Town’s tree canopy assessment. The committee is very interested in the status of the buy-back streetlight program. Commissioner Dietrick stated that we haven’t heard an update for some time now.

Next meeting is October 15, 2019 at 5pm.

**PLANNING COMMISSION** – no report.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

The Parks & Rec. committee will be developing a procedure booklet with price on where items such as bike racks, benches, trees can be placed at the different parks.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Try to stay in touch and follow us on Facebook.

**NEW BUSINESS:**

**Appointment of Town Attorney (Vote)** – Motion by Commissioner Bussard to appoint Brandy Peeples as the Town Attorney, seconded by Commissioner Dietrick. Motion carried 5-0.

**Vacancy on Middletown Board of Appeals (Vote)** – Motion by Commissioner Goodman to appoint Alex Kundrick to fill out Tom Routzahn’s term and appoint Jean LaPadula as the alternate for 3 years, seconded by Commissioner Falcinelli. Motion carried 5-0.

**Review of Proposed Handicap Accessible Ramp for Municipal Center (Vote)** – Motion by Commissioner Bussard to approve the handicap accessible ramp as designed, seconded by Commissioner Goodman. Motion carried 5-0.

**Crossing Guards Salaries** - Burgess Miller stated that we are having trouble getting people to become a crossing guard due to the salary. Burgess Miller presented the Board with a spreadsheet of what he is proposing to pay and how he is proposing to pay the crossing guards. It needs to be consistent across the Board. Drew will speak with Liz Kurtz the head crossing guard about.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

- *March of Scarecrows – Saturday, October 19, 2019 at Middletown Park*
- *Color Me Autumn – Saturday, October 19, 2019 at Middletown Park*
- *Green Team Tour of East Wastewater Treatment Plant – Saturday, October 26, 2019 at 11am. (Holter Road across from Middletown Parkway)*
- *Halloween Parade – Saturday, October 26, 2019.*

Workshop adjourned at 8:10pm.

Respectfully submitted,

Ann Griffin  
Office Manager

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN WORKSHOP MEETING MINUTES**

### **WORKSHOP MEETING**

**November 7, 2019**

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on November 7, 2019, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli, Tom Catania and Rick Dietrick.

### **PERSONAL REQUESTS FOR AGENDA:**

#### **STAFF REPORTS:**

Community Deputy Report – Deputy Hewitt gave the Deputy report for October.

Staff Planner Report – Cindy gave her report (copy attached).

Engineer's Report – Bruce gave his report.

Main Street Manager's Report — Becky gave her report.

Zoning Administrator's Report – Mark gave his report.

### **CONSENT AGENDA:**

- *Financial Statements*
- *Town Minutes – October 3, 2019 – Workshop  
October 14, 2019 – Town Meeting*

### **UNFINISHED BUSINESS:**

**Budget Amendment 20-01 – Increase in Crossing Guard Locations and Hours Paid - Drew** presented the Board with a proposed budget amendment showing an additional revenue of \$2,015 for Highway User and an expenditure of \$2,074 for increase of crossing guard hours and salary. Board will vote on this at the November 25, 2019 meeting.

**Update on Elevated Water Storage Tank Maintenance** – Bruce reviewed the 2 proposals from SUEZ and Southern Corrosion for the tank maintenance work and cost. SUEZ came in at \$873K and Southern Corrosion came in at \$425K. Bruce explained that the difference between the 2 is SUEZ proposal includes striping and re-painting the outside of the tank.

**Review of Draft Illicit Discharge Ordinance for Stormwater Management** – Drew stated that this is the first draft of this ordinance. What this ordinance states it is illegal to dump certain things down the storm drains. Drew explained that this ordinance is a requirement of the MS4 permit process.

#### **Recommendation(s) from Water & Sewer Committee:**

- **Amendments to Title 13 – Public Services** – Drew stated that the changes being made to this section is basically changing superintendent to director of public works since we decided not to have a superintendent, basically cleaning up the language and updating the rates.
- **Amendments to Water Conservation Public Alert System** – Commissioner Falcinelli stated that the water & sewer committee is recommending removing the current water drop signs to try and decrease the signs along the street. The water & sewer committee is recommending adding a decorative bracket to the welcome signs and when drought conditions are present, we hang the drops if indicated.

**NEW BUSINESS:**

**Comcast Lease Renewal – 7700 Hollow Road** – Drew stated that the Comcast lease is up for renewal. Burgess Miller wants to inquire with Comcast why they will not allow Verizon to come into Town? Drew will present this question to the Comcast representatives. Drew stated that this is the optic node and it is critical they continue this lease. Burgess Miller stated that we could increase the cost but, Comcast will just pass that onto our residents.

**Discussion of Rural Transportation** – Burgess Miller stated that he is meeting with County Executive Jan Gardner this month to discuss her recent proposal to have rural transportation in Middletown. Burgess Miller asked the Board what their thoughts were on this. The Board would like more information as to the cost.

**Board of Appeals Terms** – Burgess Miller stated that we recently appointed 1 member to finish out a member's term on the Board of Appeals Committee and 1 member to finish out the term for temporary alternate. Mark Hinkle stated that those terms will both end in early 2020 so it was suggested that Burgess & Commissioners appoint those new members for 3-year terms beginning in October 2019. The Board will make this official at the November 25, 2019 meeting.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

- *Middletown Valley Historical Society – Trolley with Reuben Moss*

Workshop adjourned at 9:07pm.

Respectfully submitted,

Ann Griffin,  
Office Manager



**Burgess and Commissioners of Middletown  
Budget Amendment Form**

Fiscal Year FY 2020

Amendment No. 20-01

Request Date Monday, October 21, 2019

Fund General Fund

Budget Operating Fund

**Description** Reallocation of funds to standardize the hours worked/day for Middletown Crossing Guard Positions  
And to account for State Mandated increase in Mimimum Wages.  
Funded via an increase in HUR.

**REVENUE**

Line Item	Increase	Decrease
State Shared Taxes - Highway User	\$ 2,015.00	
Total	\$ 2,015.00	\$ -

**EXPENDITURES**

Line Item	Increase	Decrease
Crossing Guard Payroll	\$ 2,074.00	
Total	\$ 2,074.00	\$ -

Town Board Approval Date \_\_\_\_\_

September 23, 2019

RECEIVED  
SEP 30 2019

Mr. Andrew J. Bowen  
Town Administrator  
Town of Middletown  
31 W. Main Street  
Middletown, MD 21769

RE: Highway User Revenue Revised Estimates - Fiscal Years 2020 and 2021

Dear Mr. Bowen:

The Maryland Department of Transportation has revised the estimated Highway User Revenues (HUR) for Fiscal Year 2020 and Fiscal Year 2021. This revision was based on an updated revenue forecast.

The revised HUR estimates for Town of Middletown for Fiscal Years 2020 and 2021 are \$227,455.86 and \$232,034.87, respectively. Please note that these estimates are based on the most recent registration and mileage data on file. If a change to this data is anticipated for Fiscal Year 2021, you may want to adjust your internal HUR estimate accordingly.

Please note that legislation enacted during the 2018 Session of the Maryland General Assembly altered the manner in which the State provides highway user revenues to localities. Beginning in FY 2020, these funds will be provided through capital transportation grants instead of providing a portion of the Gasoline Motor Vehicle Revenue Account (GMVRA) revenues. The distribution methodology based on registrations and lane miles remains the same.

If you have any questions or require further assistance, please feel free to contact Michele Crowder at (410) 545-5535 or me at (410) 545-5510.

Sincerely,



Okey I. Odiammadu, Chief  
Accounting Operations Division  
Office of Finance

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

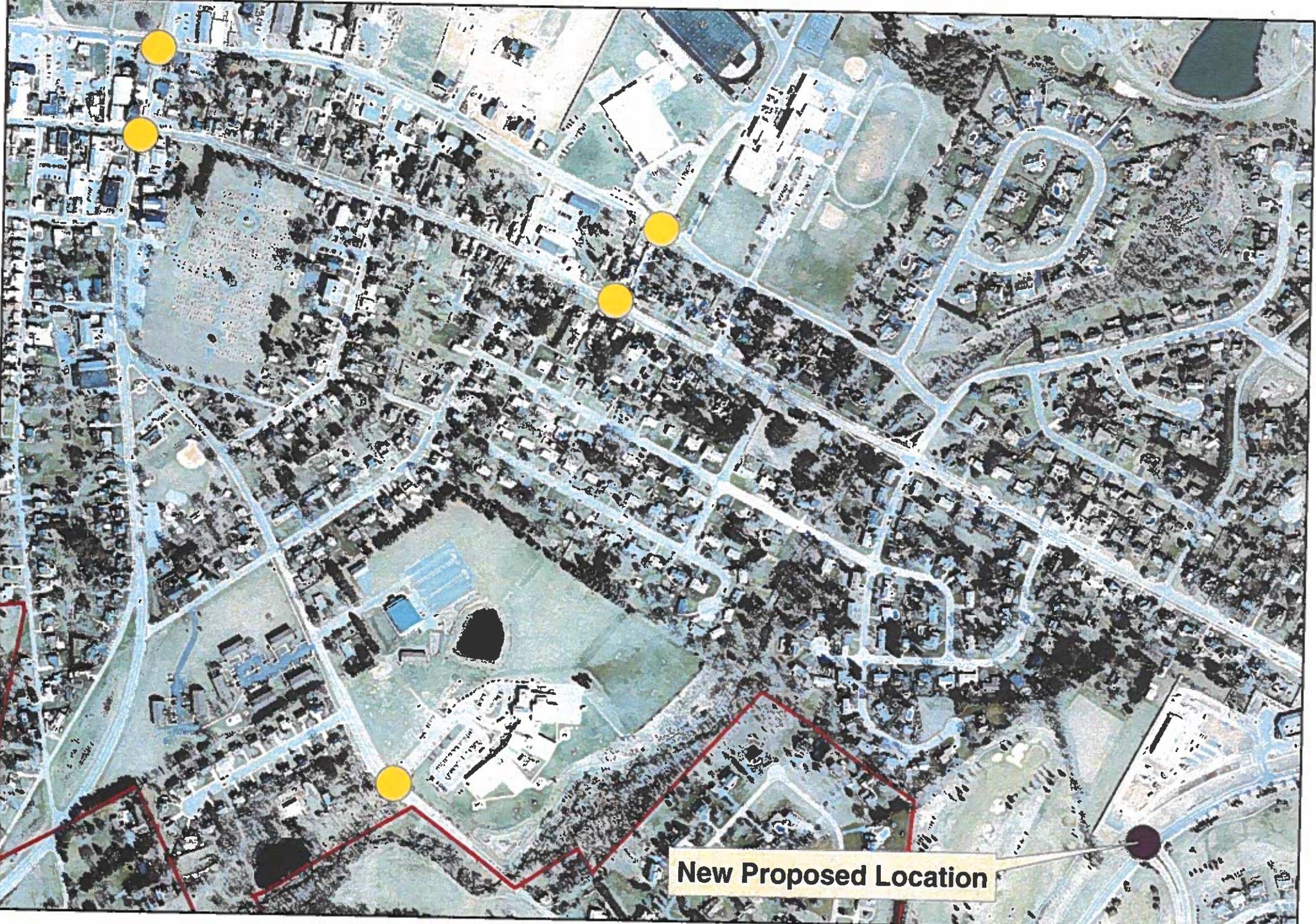
Cc: Linda Williams, MDOT TSO  
Drusilla Pierce, MDOT SHA  
Michele Crowder, MDOT SHA

**Town of Middletown  
Crossing Guard Analysis  
10/9/2019**

*Number of School Days* 183.00  
*Number of Hours Paid Per Day* 2.00  
*Number of Locations* 6.00

Actual FY 2019 Expenditures \$ 18,486.38  
 FY2020 Crossing Guard Salary Budget \$ 24,961.00  
 FY2020 Crossing Guard Budget \$ 29,961.00

	Actual Hourly Rate	Yearly Total	Budget Increase compared to FY 2019	Budget Increase from Year to Year
Crossing Guards	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 12.15	\$ 4,446.90		
	\$ 11.76	\$ 4,304.16		
	\$ 10.35	\$ 3,788.10		
<i>New Crossing Guard Position 1/2 Year</i>	\$ 10.35	\$ 1,883.70		
		\$ 27,035.22	\$ 2,074.22	
<b>FY2021</b>				
<i>Min Wage Increase</i>	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 12.15	\$ 4,446.90		
	\$ 11.76	\$ 4,304.16		
	\$ 11.75	\$ 4,300.50		
	\$ 11.75	\$ 4,300.50		
		\$ 29,964.42	\$ 11,478.04	\$ 9,403.82
<b>FY2022</b>				
<i>Min Wage Increase</i>	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 12.50	\$ 4,575.00		
	\$ 12.50	\$ 4,575.00		
	\$ 12.50	\$ 4,575.00		
	\$ 12.50	\$ 4,575.00		
		\$ 30,912.36	\$ 12,425.98	\$ 947.94
<b>FY2023</b>				
<i>Min Wage Increase</i>	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 13.25	\$ 4,849.50		
	\$ 13.25	\$ 4,849.50		
	\$ 13.25	\$ 4,849.50		
	\$ 13.25	\$ 4,849.50		
		\$ 32,010.36	\$ 13,523.98	\$ 1,098.00
<b>FY2024</b>				
<i>Min Wage Increase</i>	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 14.00	\$ 5,124.00		
	\$ 14.00	\$ 5,124.00		
	\$ 14.00	\$ 5,124.00		
	\$ 14.00	\$ 5,124.00		
		\$ 33,108.36	\$ 14,621.98	\$ 1,098.00
<b>FY2025</b>				
<i>Min Wage Increase</i>	\$ 18.83	\$ 6,891.78		
	\$ 15.63	\$ 5,720.58		
	\$ 15.00	\$ 5,490.00		
	\$ 15.00	\$ 5,490.00		
	\$ 15.00	\$ 5,490.00		
	\$ 15.00	\$ 5,490.00		
		\$ 34,572.36	\$ 16,085.98	\$ 1,464.00



New Proposed Location

# Crossing Guard Locations

Town of Middletown - Frederick County



**Maryland Municipal League**  
*The Association of Maryland's Cities and Towns*

April 26, 2019

**MEMORANDUM**

**TO:** Mayors/Managers/Administrators/Clerks/Treasurers/  
Finance Directors

**FROM:** James P. Peck, Research Specialist

**SUBJECT:** Budget Preparation Assistance Memo #2

**MARYLAND GENERAL ASSEMBLY LEGISLATION  
AFFECTING BUDGETARY DECISIONS**

*Each year this memo is largely devoted to informing you of actions by the Maryland General Assembly that could affect your budgetary decision making for the coming fiscal year and future years. The General Assembly adjourned on April 9.*

**Highway User Revenues (HURs)**

In approving the 2020 state budget, there were no changes to the HUR estimates you received earlier from the State Highway Administration and MML.

**Police Aid**

State Aid for Police Protection saw a negligible increase in the proposed budget; that was unchanged during the legislative process.

**Municipal Infractions Testimony**

House Bill 515 will help those municipalities in counties where local judges refuse to allow nationally certified municipal building inspectors or code enforcement officers to testify in municipal infractions civil proceedings without

the assistance of a prosecuting attorney. This has been a long-term problem in several areas of the state. Incorporated cities and towns that currently pay their municipal attorneys to prosecute infractions cases may experience savings where their inspectors and code enforcement officers are instead used to prosecute such cases.

#### Minimum Wage Increase Phase-In

Senate Bill 280 as enacted this year by the Maryland General Assembly will require employers, including municipal governments, to pay phased-in higher minimum wages capping out at \$15.00 per hour in 2025 for employers with 15 or more employees and in 2026 for employers with fewer than 15 employees. The phase-in is outlined below.

Unless the federal minimum wage is set at a higher rate, the State minimum wage generally is as follows for those with 15 or more employees:

- \$11.00 per hour as of January 1, 2020;
- \$11.75 per hour as of January 1, 2021;
- \$12.50 per hour as of January 1, 2022;
- \$13.25 per hour as of January 1, 2023;
- \$14.00 per hour as of January 1, 2024; and
- \$15.00 per hour as of January 1, 2025.

The State minimum wage for a small employer (an employer that employs 14 or fewer employees) is as follows:

- \$11.00 per hour as of January 1, 2020;
- \$11.60 per hour as of January 1, 2021;
- \$12.20 per hour as of January 1, 2022;
- \$12.80 per hour as of January 1, 2023;
- \$13.40 per hour as of January 1, 2024;
- \$14.00 per hour as of January 1, 2025;
- \$14.60 per hour as of January 1, 2026; and
- \$15.00 per hour as of July 1, 2026.

An employer may no longer pay a training wage as authorized under the federal Fair Labor Standards Amendments of 1989 or pay 85% of the State minimum wage rate to employees younger than age 20 for the first six months of employment or to employees who work for specified amusement, recreational, or swimming pool establishments. Instead, an employer may pay 85% of the State minimum wage rate to employees younger than age 18.

## **INFLATION**

According to information released April 10, 2019 by the U.S. Bureau of Labor Statistics, the Consumer Price Index for All Urban Consumers (CPI-U) increased 1.9% nationwide for the 12-month period ending in March 2019. Data surveys for the Baltimore/Washington metropolitan area were discontinued in January 2018.

## **BUDGET APPROVAL PROCESS**

Just a reminder - state law requires that municipal elected bodies approve budgets by ordinance - not by resolution and not by passage of a simple motion. To do otherwise could jeopardize the validity of your budget and any taxes or fees associated with budget approval.

I throw this thought in these memos year after year because a few years ago I did an exhaustive survey of Maryland municipal charters. I found at that time that more than a third of municipal charters called for budgets to be approved by resolution. I verified with several municipal attorneys that state law required budget authorization to be done by ordinance. Hence, this warning to you.

# Town of Middletown, MD

## Tank Maintenance Schedule of Work and Fees

### SUEZ Original Pricing Structure

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
Tank	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
High School Tank	Interior & Exterior Renovation, and Repairs Install PAX Mixer	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Exterior Overcoat	Visual Inspection	Interior Renovation and Repairs
Annual Fees	\$327,301.00	\$327,301.00	\$327,301.00	\$48,352.00	Annual Fees Subject to Inflationary Adjustment Per Contract Agreement								

Washout every 2 years  
Exterior recoat every 10 years  
Interior recoat every 12 years

### SUEZ Revision 1 Pricing Structure

Value at Year 10

\$1,404,127.00

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
Tank	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
High School Tank	Interior & Exterior Renovation, and Repairs Install PAX Mixer	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Washout Inspection/ Chemical Biofilm Removal	Visual Inspection	Exterior Overcoat	Visual Inspection	Interior Renovation and Repairs
Annual Fees	\$150,000.00	\$150,000.00	\$150,000.00	\$247,249.00	\$247,249.00	\$247,249.00	\$53,095.00	\$53,095.00	\$53,095.00	\$53,095.00	\$53,095.00	\$53,095.00	

Tank strip and paint, mixer and safety rail replacement  
\$873,177.00

\* The above pricing shows fixed MP base fees for this tank. These fees are fixed and will not change unless work outside the proposed scope is requested by the owner. The base fee for future years not specifically depicted are subject to inflationary factors stated in the tank management agreement. The MP for this tank is intended to be annually renewable AND may be carried on in perpetuity. **It is not a 13 year contract. Utility Service shall cover future renovations of this structure as outlined in the contract.**

### Southern Corrosion

CPI 1.7%

Value at Year 10

\$400,358.62

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 17	Year 21
Tank	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2036	2040
High School Tank	Exterior Repair, and Repairs Washout Inspection	Visual Inspection and repairs	Interior Wet Area Repair, and Interior Dry Area Repaint	Visual Inspection and repairs	Visual Inspection	Exterior Repair, and Repairs	Visual Inspection	Washout Inspection	Visual Inspection	Visual Inspection	Exterior Repair, and Repairs	Interior Wet Area Repair, and Interior Dry Area Repaint			
Annual Fees	\$35,216.00	\$35,814.67	\$36,423.52	\$37,042.72	\$37,672.45	\$38,312.88	\$38,964.20	\$39,626.59	\$40,300.24	\$40,985.35					
						\$ 20,000.00									
						\$58,312.88									

Washout every 5 years  
Exterior Recoat every 8 years  
Interior repaint every 15 years

Interior washout every 5 years until year 15 then interior will be recoated. Tank exterior will be recoated at 8 year intervals. **At NO TIME does this Tank Care Proposal include the complete abrasive blasting of the exterior of the tank nor does it include the pressure washing of the tank exterior as a stand alone item unless specifically contained in the maintenance schedule.**

2019 Tank Strip and Paint  
\$ 425,000.00

Notes: Southern Corrosion does not include a tank mixing system (16 to 20k to install) Suez does. SC Not replacing safety rail climb, Suez does. Is including cellular coordination and structural work that will be charged to the cell leases (same as Suez). Main difference in proposal is SC is NOT ever going to strip the outside of the tank. Comparison price to strip exterior of tank \$425,000 (2019).

Ordinance No. \_\_\_\_\_

AN ORDINANCE to:

Establish an inspection and enforcement program to require the elimination of and mitigate the impacts of illicit discharges, prohibited materials, and illicit connections to a Municipal Separate Storm Sewer System (MS4).

Formatted: Indent Left: 0"

In accordance with National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit number ~~11-DP-3321-MD006835703-1M-5500~~ ~~MDDR055500~~ and subsequent reissuances of the County's NPDES MS4 permit, Frederick County is required to have a program in place to order the elimination of illicit discharges and the removal of illicit connections to the ~~Town~~County's MS4. ~~Section 2-13-33 of the Frederick County Public Local Laws provides that the County may "adopt an ordinance or regulations to control illicit discharges into the [MS4]," including provisions for inspection, enforcement and the imposition of penalties for violations.~~

Commented [DB1]: JR – Do you have our MS4 Permit Numbers you can insert here?

Commented [BC2]: Should this also be changed to reflect Town of Middletown?

Commented [DB3R2]: Removed since this permit will be in the Town's name.

Formatted: Highlight

~~The County Council of Frederick County, Maryland, The Burgess and Commissioners of Middletown~~ finds it necessary and appropriate ~~to amend Chapter 1-15.2 of the Frederick County Code~~ to establish a program to allow for investigation and enforcement of situations that may impact the ~~County's~~Town's responsibilities under its MS4 permit.

This ~~Bill~~Ordinance is not intended to prohibit common residential behaviors involving the use of potable water, such as home car washing, landscape irrigation, cleaning exterior portions of an individual's dwelling, trash can and recycling container cleaning, and children's outside water use (e.g., sprinklers). However, "gray water" discharges from a residential laundry system or wastewater discharges from a point of entry water treatment system, including regeneration wastewater flows from sodium zeolite water softeners, may be classified as an illicit discharge if such discharges are determined to have a negative water quality impact on the MS4 system.

NOW, THEREFORE, BE IT ENACTED BY THE ~~COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND~~Burgess and Commissioners of Middletown, that the ~~Frederick County~~Middletown Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Formatted: Indent Left: 0.78", Space Before: 0 pt, Line spacing: single

**Exhibit 1**

**ARTICLE I: GENERAL**

\*\*\*\*\*

**§1-15.2-2.0 - Definitions.**

**BEST MANAGEMENT PRACTICE (BMP).** A structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution directly or indirectly to stormwater, receiving waters, and stormwater conveyance systems, and provide other amenities.

\*\*\*\*\*

**ILLICIT CONNECTION.** Has the following meanings:

- (1) A drain or conveyance, either on the surface or subsurface, and whether located on public or private property, which allows a discharge that is prohibited under § 1-15.2-12.1 of this Article, to enter or to be capable of imminent discharge to a municipal separate storm sewer system, regardless of whether the drain or conveyance had been previously allowed, permitted, or approved by the ~~County/Town~~; or
- (2) A drain or conveyance, whether located on public or private property, which is connected to a municipal separate storm sewer system and which has not been documented in a plan, map, or equivalent record and approved by the ~~County/Town~~.

\*\*\*\*\*

**ILLICIT DISCHARGE.** Any discharge to an MS4 that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer system) and discharges resulting from firefighting activities. Discharges identified in §1-15.2-12.1(B)(i) are generally not illicit discharges unless the Manager (defined below) determines that these discharges are not properly managed.

\*\*\*\*\*

**MANAGER.** The ~~Manager of Frederick County Office of Sustainability and Environmental Resources~~ Director of Public Works or their authorized designee.

\*\*\*\*\*

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by, among other public entities, a county that has jurisdiction over sewage, industrial wastes, stormwater, or other wastes, that discharges to surface waters and that are designed or used for collecting or conveying stormwater. See 40 CFR 122.26(b) (8). Combined sewers and systems associated with a Publicly Owned Treatment Works (POTW), as defined at 40 CFR 122.2, are not included as a part of the municipal separate storm sewer system.

\*\*\*\*\*

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT.** A permit issued by the Environmental Protection Agency or by a State acting under authority delegated pursuant to 33 U.S.C. § 1342(b) that

Commented [DB5]: Subject to Change by attorney for property reference

Commented [DB4]: Subject to Change by attorney for property reference

Commented [DB6]: Subject to Change by attorney for property reference

Commented [DB7]: Subject to Change by attorney for property reference

authorizes the discharge of pollutants to waters of the United States from a point source, whether the permit is applicable to an individual or group.

\*\*\*\*\*

**PERSON.** The federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, an individual, or any other entity.

\*\*\*\*\*

**POLLUTANT.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

\*\*\*\*\*

**PREMISES OR PROPERTY.** A lot, plot or parcel of land, including the structures on it.

\*\*\*\*\*

**PROHIBITED MATERIAL.** Material or objects which are imminently capable of creating interference with an MS4 or becoming an illicit discharge, such as, but not limited to, trash, litter, floatables, stockpiles used for construction, pet waste, containers of pesticides, herbicides or fertilizers, cut grass clippings from landscaping activities, or hazardous substances as defined in 40 CFR 122.

\*\*\*\*\*

**STORMWATER.** Water that originates from a precipitation event, including but not limited to stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b) (13).

## **ARTICLE XII: DISCHARGES TO STORM SEWERS**

### **§1-15.2-12.1. - Prohibited Activities.**

**(A) Illicit Discharges.** Except as provided in subsection (B) of this section, a person shall not,

(1) discharge an illicit discharge into an MS4, nor cause or allow an illicit discharge to be introduced or discharged into an MS4;

(2) Create any condition that results in the potential for an illicit discharge that could result in the pollution of stormwater conveyed and discharged from any outfall of an MS4; or,

(3) In any way cause or contribute to any type of illicit discharge into an MS4 that could result in a potential for adverse impacts.

**(B) Exceptions.** The following discharges are exempt from the prohibitions set forth in subsection (A) of this section:

(1) Waterline flushing; landscape irrigation; diverted stream flows; rising ground

Commented [DB8]: Subject to Change by attorney for property reference

Commented [DB9]: Subject to Change by attorney for property reference

Formatted: No underline

Formatted: No underline

Formatted: Font: 11.5 pt

Formatted: Font: 11.5 pt

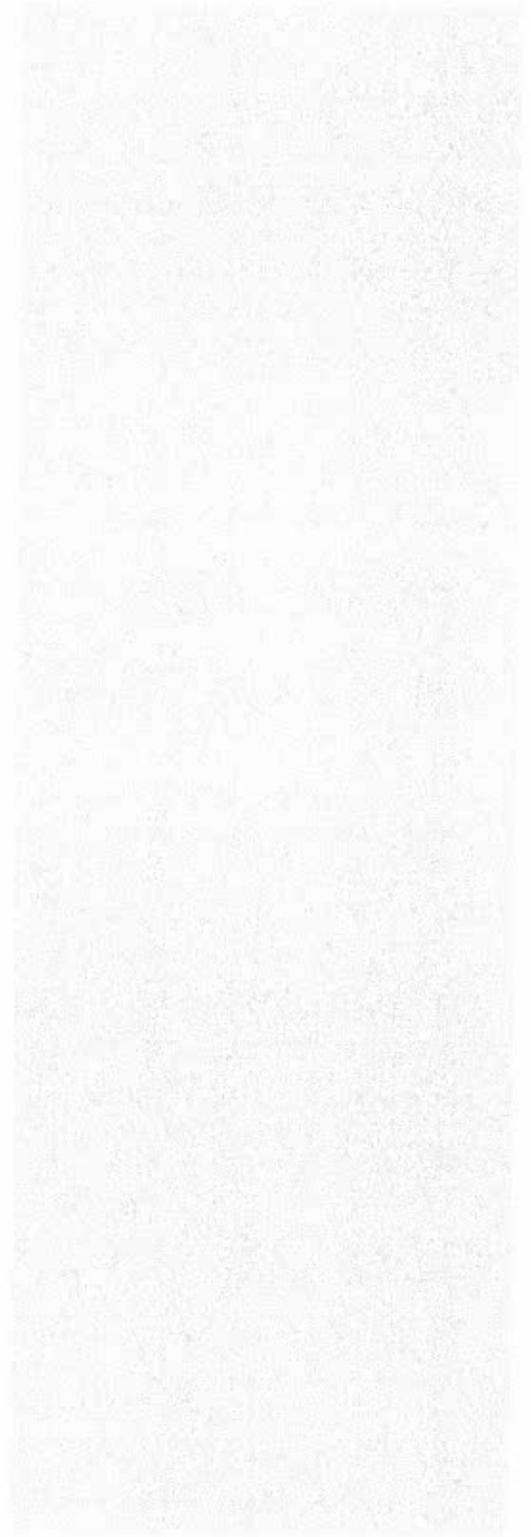
Formatted: Font: 12 pt

Formatted: Font: 11.5 pt

Formatted

Formatted: Font: 11.5 pt

waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation waters; springs; footing drains; lawn watering; individual residential car washing; flows from riparian



habitats and wetlands; ~~de-chlorinated swimming pool discharges (not including filter backwash);~~ street wash water; and firefighting activities; or

- (2) Discharges permitted under an NPDES stormwater discharge permit or a non-stormwater discharge permitted under an NPDES discharge permit.

In the event of any questions or complaints concerning the exceptions listed in subsection (B)(1) above, the Manager may take steps to determine if they are properly managed, and if not, may require mitigation measures necessary for proper management of these discharges.

**Commented [BC10]:** So any pool discharge must be dechlorinated before entering the street or SD system? Also filter backwash is not permitted to leave the subject property?

**Commented [DB11R10]:** I am removing this for the same reason we do not remove chlorine when we flush fire hydrants.

**Formatted:** Highlight

(C) Illicit Connections. A person shall not create, construct, use, maintain, or allow the continued existence of an illicit connection.

**Formatted:** Font: Not Italic

(D) Interference. A person shall not alter, obstruct, or take or permit any action that alters, obstructs, or interferes with, or is likely to alter, obstruct, or interfere with, the proper operation of an MS4, including having or maintaining a prohibited material.

**Formatted:** Font: Italic

**Formatted:** Body Text, Justified, Indent: First line: 0.29", Right: 0.08", Space Before: 5.95 pt, No bullets or numbering, Tab stops: Not at 0.58"

**Formatted:** Font: Not Italic, No underline

(E) Reporting to Maryland Department of the Environment (MDE). The ~~County-Town~~ may report illicit connections and illicit discharges to MDE for enforcement and/or permitting in accordance with applicable law.

**Formatted:** Body Text, Indent: First line: 0.29", Right: 0", No bullets or numbering, Tab stops: Not at 0.55"

**Formatted:** Body Text, Indent: First line: 0.29", No bullets or numbering, Tab stops: Not at 0.59"

**Formatted:** Font: Italic

#### §1-15.2-12.2. - Right of Entry, Investigation, and Inspection.

**Commented [DB12]:** Subject to Change by attorney for property reference

(A) Generally. Except as provided in subsection (B) of this section, if the ~~County-Town~~ becomes aware of a discharge that enters, or is capable of imminent discharge to, or to be discharged from, an MS4 or a waterbody within the ~~County-Town~~, that may be or include prohibited material, or is the result of an illicit discharge or an illicit connection, the Manager may seek access to any premises at any reasonable time for the purpose of inspecting for a violation of this Article.

(B) Consent. The Manager may enter private property to inspect for a violation of this Article with the consent of the occupant or owner. If entry is refused, the Manager may request that the ~~County-Town~~ Attorney seek a court order to permit entry to the property.

(C) Investigations. The Manager may inspect, sample, examine, and investigate the source, location, and extent of any spill, discharge, the existence of any illicit connection, the existence of any prohibited material, or the condition of any BMPs. In support of any investigation under this Article, the Manager may review and copy any records that will assist in determining whether there is a violation of this Article, including but not limited to, records maintained pursuant to the conditions of any discharge permit or approvals given under this chapter.

**Formatted:** No underline

(E)(1). A person shall not hinder, prevent, or unreasonably refuse to permit any investigation under this Article.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.22" + Indent at: 1.47"

(D) Follow Up Inspections. To determine compliance with required abatement and mitigation measures, the Manager may conduct one or more follow-up inspections of any premises from

which the discharge or other violation may have occurred, as needed to assess the existence and extent of a violation of this Article.

- (E) *Threat to Public Health and Safety.* The Manager shall have the right to enter any premises where there is evidence that a violation of this Article exists which poses an immediate threat to the public health and safety for the purpose of performing duties pursuant to the provisions of this Article. The Manager shall produce proof of identity prior to entry, and must also provide evidence of the imminent threat to public health and safety.

(F) Emergency Repairs. If the Manager has evidence that an illicit discharge, illicit connection, or prohibited material presents an immediate threat to public health or safety, the Manager may enter the premises and make take any appropriate action including but not limited to the making of repairs in order to abate the public health or public safety hazard without prior written notice to the owner or occupant of the premises. The Manager may request that the ~~County Town~~ Attorney seek a court order assessing the costs of the abatement against the owner, tenant, licensee, or any other person causing or permitting an illicit discharge or illicit connection, or that has or is maintaining a prohibited material.

**§1-15.2-12.3. – Prevention and Control of Illicit Discharges, Prohibited Materials, and Illicit Connections.**

(A) Prevention. The owner, tenant, licensee, or any other person who occupies any premises shall prevent entry into an MS4 of any spills, materials from an illicit connection, any prohibited material, or illicit discharges through the use of BMPs or other appropriate measures as directed by the Manager. In the case of an illicit connection, the owner of the premises shall disconnect the illicit connection in a manner as directed by the Manager.

(B) Control Measures. If the Manager determines, after an initial inspection, that the spill, prohibited material, material from an illicit connection, or illicit discharge has entered an MS4, the Manager may require the owner or other responsible person to take steps to abate and mitigate the material or discharge, including but not limited to: (1) disconnection and redirection, if necessary, to an approved onsite wastewater management system or to the public sanitary sewer upon approval of the Frederick County Division of Utilities and Solid Waste Management or, if applicable, the municipality that owns and operates the public sewer system; (2) delineation and containment of the discharge; (3) recovery and proper disposal of the pollutant or prohibited materials and any impacted media; and (4) restoration of the area of the discharge to pre-discharge conditions to the ~~County's Town's~~ satisfaction. The owner or responsible person shall take the steps listed above in order to mitigate the full extent of the prohibited materials, illicit discharge, or illicit connection.

(C) BMPs. Any owner or other person responsible for a spill, illicit discharge, illicit connection, or prohibited material shall be required to implement, at the owner's or responsible person's expense, additional BMPs to prevent the further discharge or introduction of any prohibited material, illicit discharge, or spilled material from entering into an MS4. Compliance with the terms and conditions of a valid NPDES permit authorizing the discharge constitutes compliance with this subsection.

(D) Monitoring. The Manager may require a person responsible for a spill, illicit connection, or illicit discharge to install monitoring equipment if the nature of the discharge warrants such installation. The sampling and monitoring equipment shall be calibrated to ensure accuracy and maintained in safe and proper operating condition at the responsible person's expense.

(E) Abatement. If the owner or any person responsible for the spill, illicit connection, or illicit discharge refuses to follow the required cleanup and mitigation measures, the ~~County Town~~ may enter the property and make the required repairs. The Manager may request that the ~~County Town~~ Attorney seek a court order assessing the costs of the abatement against the owner or any other person that causes or permits a spill, an illicit discharge, illicit connection, or that has or maintains a prohibited material.

Commented [DB13]: Subject to Change by attorney for property reference

Formatted: Highlight

Commented [BC14]: This fragment needs to be removed or DUSWM needs to be replaced with Town of Middletown

Formatted: No underline

(F) Documentation. The Manager may require the owner or any person responsible for the spill, illicit connection, or illicit discharge to maintain records demonstrating compliance with this section and, upon request of the Town, shall, within a reasonable time designated by the Manager, provide any records, manifests, invoices or other documents for inspection and review.

(A)

Formatted: Font: 12 pt

Formatted: Font: 11.5 pt

Formatted: List Paragraph, Indent Hanging: 0.31", Right: 0.08", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.32" + Indent at: 0.59", Tab stops: 0.64", Left

Formatted: Font: 11.5 pt

Formatted: Indent: Left: 0.5", First line: 0.5"

~~(B)~~(A) Costs. All mitigation and remediation measures under this Article shall be completed at the owner's or responsible person's sole cost and expense.

**§1-15.2-12.4 - Enforcement and penalties.**

Commented [DB15]: Subject to Change by attorney for property reference

- (A) A violation of this Article shall be subject to enforcement by the Manager or the Manager's designee ("Enforcement Official"), pursuant to § 1-1-9 of the Code.
- (B) The Enforcement Official is not required to issue a warning notice.
- (C) A first offense shall be deemed a Class C civil offense. Each subsequent offense by the same individual or property owner(s) shall be cited at the next highest Class of offense.
- (D) The Enforcement Official may, in consultation with the County Attorney, seek additional legal remedies as appropriate under the circumstances.

Commented [DB16]: This is what the County had for enforcement. I will have to have the Town Attorney amend this to conform with municipal enforcement.

• **Chapter 1.16 - GENERAL PENALTY**

- [https://library.municode.com/md/middletown/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.16](https://library.municode.com/md/middletown/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.16)  
GEPE SHARE LINK TO SECTION PRINT SECTION DOWNLOAD (DOCX) OF SECTIONS EMAIL SECTION COMPARE VERSIONS.

**Sections:**

Formatted: Indent Left: 0"

**1.16.010 - Misdemeanor penalties.**

Formatted: No bullets or numbering

SHARE LINK TO SECTION PRINT SECTION DOWNLOAD (DOCX) OF SECTIONS EMAIL SECTION COMPARE VERSIONS.

Unless otherwise specifically enumerated in this code, any person found guilty of violating any provision of this code for which violation is a misdemeanor, as defined in Section 1.12.010, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed sixty (60) days or both fine and imprisonment for each offense.

(Ord. 99-08-02 (part), 1999; prior code § 7-2101)

• **1.16.020 - Municipal infraction penalties.**

SHARE LINK TO SECTION PRINT SECTION DOWNLOAD (DOCX) OF SECTIONS EMAIL SECTION COMPARE VERSIONS.

The penalty for commission of a municipal infraction shall not exceed one thousand dollars (\$1000.00). If a person charged in a citation for a municipal infraction fails to pay the fine by the date of payment set forth on the citation or fails to provide written notice of intent to stand trial, the town may double the fine to an amount not to exceed one thousand dollars (\$1000.00).

(Ord. 99-08-02 (part), 1999; prior code § 7-2102)

Commented [DB17]: This is what is in our Town Code as a reference.

**SECTION II. 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  
PASSED ON THE  
EFFECTIVE DATE:**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess

**Title 13 - PUBLIC SERVICES**

**Chapters:**

**Chapter 13.04 - WATER SERVICE SYSTEM**

**Sections:**

**13.04.010 - Restrictions on water use.**

- A. The burgess and commissioners may impose reasonable restrictions on the use of water from the municipal water system during periods of short supply, protracted drought, excessive demand or other scarcity of water. Such restrictions may include, but are not limited to, limitations on or prohibitions against the use of water from the municipal water system as determined by the burgess and commissioners. The town administrator may, with the approval of the burgess and commissioners, develop and establish a water conservation public alert system or other system of codes to announce to the public differing levels of water restrictions.
- B. Any water use restriction imposed pursuant to this section shall be determined and announced at a regular or special meeting of the burgess and commissioners and shall be published in a newspaper of general circulation in the town.
- C. The watering of lawns or grassy areas of property is prohibited at any time between the hours of 9:00 a.m. and 6:00 p.m. during the least restrictive periods of water use under the water conservation public alert system (currently "Code Blue"), and upon written application to the town administrator, the watering of lawns or grassy areas during these hours shall be permitted for the purpose of watering newly seeded or sodded lawns for up to seven days after such seeding or after the installation of sod.
- D. Penalties for violating water restrictions:
  - 1. Any person detected connecting to a town fire hydrant for any nonemergency purpose will be subject to a one thousand dollar (\$1,000.00) fine for each offense.
  - 2. Any landlord, tenant, or other individual in possession of real property violating the terms and conditions of any water restriction shall be subject to the following:
    - a. Filling or topping off of pools or outdoor hot tubs during a water restriction period established pursuant to subsection A of this section will constitute a municipal infraction punishable by a fine of five hundred dollars (\$500.00) and disconnection of water service.
    - b. For all other violations of this section, a written warning and notification to refrain from any further violation will be issued for a first offense. Each subsequent offense will constitute a municipal infraction punishable by a fine of one hundred dollars (\$100.00) and disconnection of water service.
- E. Any landowner, tenant or individual in possession who has had service disconnected to his or her property pursuant to this section shall not have such service reconnected until the current reconnection fee established by the town is paid. Any further violation of the water restriction by that individual after reconnection of water service shall result in water service again being disconnected to such property, and service shall not be reconnected until the currently established reconnection fee is paid to the town.

(Ord. 06-04-01 § 1, 2006; Ord. 02-04-01 § 1, 2002; Ord. 97-09-02 § 2: prior code § 4-2203)

### 13.04.020 Water Meter Restrictions

- A. Each property within the service system shall be served with ONE (1) water meter regardless of the number of structures, tenants or users served on the property.
- a. For residential properties the ONE (1) water meter shall be sized in accordance with the current Water System Design Manual within the Middletown Design Manual.
- a-b. For commercial properties the ONE (1) water meter shall be sized by the customer's design engineer with consideration for the total number of fixture units and fire flow. Separate services for fire flow are not permitted.
- B. The burgess and commissioners, at their discretion, may approve an exception to the ONE water meter restriction for governmental properties.

## Chapter 13.08 - SEWER SERVICE SYSTEM

### Sections:

#### 13.08.010 - Definitions.

As used in this chapter:

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees centigrade, expressed in milligrams per liter.

"Building drain" means that portion of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"Director of Public Works" means the town administrator or such duly authorized or designated person as the burgess and commissioners may deem appropriate.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

"Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, or other body of surface or ground water.

"pH" means the logarithm of the reciprocal of the hydrogen concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of  $10^{-7}$ .

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow

conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public sewer" means a common sewer controlled by a governmental agency or public utility.

"Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

"Sewage" means the spent water of a community. The preferred term is "wastewater."

"Sewer" means a pipe or conduit that carries wastewater or drainage water.

"Slug" means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

"Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that could not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

"Wastewater facilities" means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial water, and sludge, sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

"Watercourse" means a natural or artificial channel for the passage of water, either continuously or intermittently.

~~"Superintendent" means the town administrator or such duly authorized or designated person as the burgess and commissioners may deem appropriate.~~

(Ord. 99-09-04 § 2, 1999; prior code § 4-2101)

#### 13.08.020 - Disposal of wastes.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, in any area under the jurisdiction of the town, any human or animal excrement, garbage, or objectionable waste.

(Prior code § 4-2201)

#### 13.08.030 - Discharge of wastewater.

It shall be unlawful to discharge to any natural outlet within the town, or in any area under the town's jurisdiction, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

(Prior code § 4-2202)

13.08.040 - Drainwater.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent or town administrator or such other person designated by the commissioners for purposes of disposal of polluted surface drainage.

(Prior code § 4-2204)

13.08.050 - Unpolluted water.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(Prior code § 4-2205)

13.08.060 - Toxic waste.

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable liquid or explosive liquid, solid or gas;
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Prior code § 4-2206)

13.08.070 - Discharge limitations.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The ~~superintendent~~ director of

public works may set limitations lower than the limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to their acceptability, the superintendent-director of public works will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent-director of public works are as follows:

- A. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fat or grease;
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits which may be established by the superintendent director of public works for such materials;
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendentdirector of public works;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent director of public works in compliance with applicable state or federal regulations;
- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processed employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- K. Any water or wastes having suspended solids or BOD in excess of three hundred (300) mg/p.

(Prior code § 4-2207)

#### 13.08.080 - Municipal infractions.

Any violation of the provisions of Sections 13.08.020—13.08.070 shall be a general municipal infraction.

(Prior code § 4-2208)

#### 13.08.090 - Cost of installation.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent/director of public works.
- B. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Prior code § 4-2301)

13.08.100 - Separate sewers required.

- A. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer with the appropriate number of sewer taps, if approved by the planning commission/Department of Public Works. But the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- B. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent/director of public works, to meet all requirements of this chapter.

Commented [MC1]: Should this be "sewer connection" instead of taps.

(Prior code § 4-2302)

13.08.110 - Specifications.

- A. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations adopted by the town.
- B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Prior code § 4-2303)

13.08.120 - Connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations adopted by the town. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed materials and procedures must be approved by the superintendent/director of public works before installation.

(Prior code § 4-2304)

13.08.130 - Inspection.

The applicant for the building sewer permit shall notify the ~~superintendent~~ director of public works when the building sewer is ready for inspection, and connection and testing shall be made under the supervision of the ~~superintendent~~ director of public works or his or her representative.

(Prior code § 4-2305)

13.08.140 - Excavation.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Prior code § 4-2306)

13.08.150 - Required connections.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days in compliance with an order to connect; and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(Prior code § 4-2307)

13.08.160 - Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~superintendent~~ director of public works, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection, in the maintaining of these interceptors the owner (s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

(Prior code § 4-2308)

13.08.170 - Equalizing tanks.

Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

(Prior code § 4-2309)

13.08.180 - Administrative discretion.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.08.070, and which in the judgment of the ~~superintendent~~ director of public works may have a deleterious effect

upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent-director of public works may:

1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge, and/or
  4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- B. If the superintendent-director of public works permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent-director of public works.

(Prior code § 4-2401)

#### 13.08.190 - Observation, sampling and measurement.

When required by the superintendent-director of public works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent-director of public works. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner so as to be safe and accessible at all times.

(Prior code § 4-2402)

#### 13.08.200 - Reporting requirements.

The superintendent-director of public works may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewater discharge at a peak rate and volume over a specified time period;
- B. Chemical analyses of wastewaters;
- C. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- D. Information on raw materials, processes, and products affecting wastewater volume and quality;
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- F. Details of wastewater pretreatment facilities;
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(Prior code § 4-2403)

#### 13.08.210 - Standard criteria.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, or with such other reference as shall be maintained in the office of the town administrator. Sampling methods,

location, times, durations and frequencies are to be determined on an individual basis subject to approval and periodic review or revision by the ~~superintendent~~director of public works.

(Prior code § 4-2404)

#### 13.08.220 - Special agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment.

(Prior code § 4-2405)

#### 13.08.230 - Entry of premises.

The ~~superintendent~~director of public works and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system.

(Prior code § 4-2501)

#### 13.08.240 - Technical information.

The ~~superintendent~~director of public works or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. In order to refuse to provide such information, a company must establish that the revelation to the public of the information in question might result in an advantage to the competitors.

(Prior code § 4-2502)

#### 13.08.250 - Safety rules.

While performing the necessary work on the premises of private companies, the ~~superintendent~~director of public works or duly authorized employees of the town shall observe all safety rules established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Prior code § 4-2503)

### Chapter 13.12 - WATER AND SEWER FEES AND CHARGES

#### Sections:

#### 13.12.010 - Authority to establish usage and tap fees.

- A. The burgess and town commissioners may set or modify by resolution a rate schedule for water and sewerage usage and for connection to the town water and sewer systems. Such rates shall be reasonable charges and shall be established to provide adequate funding for the:
1. Maintenance, repair and operation of the water and sewer systems;
  2. Necessary extensions of the water and sewer system to property lines and connections between the system and such properties;
  3. Payment of all or part of the principal and interest on any indebtedness incurred to finance the town water and sewer system;
  4. Generation of revenue for capital improvement projects to add capacity necessary for current and future town needs and to address current and future state and federal regulatory requirements for drinking water safety and purity and to meet nonpolluting standards set for sewer system discharge.
- B. Before setting a rate schedule for usage and tap fees, a notice of proposed rates shall be published once in a newspaper of general circulation in the town and a public hearing shall be conducted on the necessity or advisability of the proposed rates.

(Ord. 99-09-04 § 4, 1999; prior code § 4-2603)

#### 13.12.020 - Delinquent accounts.

All water and sewer bills levied by the town shall be due and payable within thirty (30) days from the date of the bill. Any and all bills which are not paid within said thirty (30) days shall accrue interest, as per current rate schedule, each month on the total amount outstanding. If a water and sewer bill is not paid within three months of its date, then the town, at its option, may cut off water and sewer service to the property covered by the bill.

(Prior code § 4-2601)

#### 13.12.030 - Water meter tampering.

The town shall have the right to disconnect the water service from the property of any person who tampers with, disconnects or intentionally damages any water meter or any appurtenance thereto and shall not reconnect the same until the cost to repair all damages has been paid by said customer together with a re-connect fee as per current rate schedule.

(Ord. 99-09-04 § 3, 1999; prior code § 4-2602)

#### 13.12.040 - Billing policies and procedures.

- A. The provisions in this section are policy procedures only and constitute guidelines which do not create any requirements or standards which, upon non-compliance, will give rise to any claim, cause of action, or basis for non-payment for services rendered. The failure of the town to comply strictly with any of these policy procedures and guidelines is not a waiver or relinquishment of any of the rights of the town to seek payment for water and sewer services rendered nor does such failure create any defense to the obligation of the user to pay for water and sewer services rendered.
- B. Water and sewer bills are issued quarter-annually and mailed in January, April, July and October of each year for water and sewer usage during the preceding three months. All water and sewer accounts will be established in the name of the property owner where service is rendered. Bills are mailed in the name of the property owner to the property address. The town will, however, upon written request by the property owner, mail bills to the property owner to such other address as

designated by the property owner and will also mail bills in the name of the property owner but in the care of a designated property management company at that company's address. No accounts will be established and no bills will be mailed in the name of tenants. Late notices, disconnection notices and any other notices will be mailed in the name of the property owner to the property address or to such other address or to such property management company as has been designated by the property owner for the mailing of bills.

- C. Payments of water and sewer bills are due in full on or before thirty (30) days from the date of the bill. Partial payment of bills will not be accepted. All bills may be paid at any of the following locations or in the following manner:
1. Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland from 8:00 a.m. to 4:00 p.m. Monday through Friday;
  2. Middletown Valley Bank main and branch offices;
  3. BB&T Bank, Middletown branch office;
  4. By mailing payment to the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769.
  5. By on-line banking, if such payment procedure is available through the customer's bank or other financial institution and is compatible with the procedures and billing systems of the town.
- D. Interest on Unpaid Bills. Interest at the rate of one and one-half percent per month shall be charged on and added to the amount of any bill which remains unpaid more than thirty (30) days after the date of the issuance of the bill. Additional interest of one and one-half percent of the amount of the unpaid portion of the bill shall continue to be charged for each month that the bill remains unpaid.
- E. Late Notices. A notice of late payment will be issued for any bill which remains unpaid for more than thirty (30) days after the date of the issuance of the bill. A second notice of late payment and a notice of disconnection of service will be issued for any bill which remains unpaid for more than sixty (60) days after the date of the issuance of the bill. The notice of disconnection of service will state the date by which payment of the water and sewer bill must be made in full in order to avoid the disconnection of service. No further notices will be provided prior to disconnection of service. Notices will be mailed to the property owner, or if applicable, the designated property management company, at the address to which bills are mailed pursuant to subsection B. The notice of disconnection of service will be mailed by certified mail, return receipt requested. A twenty dollar (\$20.00) administrative fee shall be added to any bill for which a notice of disconnection of service is mailed. An additional administrative fee of twenty dollars (\$20.00) shall be assessed against such bill for each subsequent quarter during which the bill remains unpaid and the water service remains disconnected.
- F. Disconnection and Reconnection Policy.
1. Payment in full of the water and sewer bill must be made prior to the disconnection date stated in the notice of disconnection of service. If payment is presented on the disconnection date stated in the notice of disconnection of service, payment must be paid in cash and/or money order in person at the Middletown Municipal Center by 9:30 a.m. of that date, and if such payment is not received by that time, the disconnection of water service will begin at 10:00 a.m. No service will be disconnected if the balance due on the bill is less than fifty dollars (\$50.00).
  2. For service to be reconnected after disconnection, a reconnection fee must be paid in the following amounts: For a first occurrence—Fifty dollars (\$50.00); for a second occurrence within any twelve (12) consecutive month period—One hundred dollars (\$100.00); for a third or more occurrence within any twelve (12) consecutive month period—One hundred fifty dollars (\$150.00). In order to have service reconnected, the unpaid balance of the bill and the reconnection fee must be paid, in full, by cash and/or money order in person at the Middletown Municipal Center.
- G. Returned Checks. A charge will be added to the water and sewer bill for any check which is returned as non-payable for any reason, including but not limited to, non-sufficient funds. The amount of the

added charge will be that amount which is charged to the town by the returning bank or financial institution. If a non-payable check submitted in payment of a bill is returned to and received by the town after the date on which the service was to be disconnected as stated in a notice of disconnection of service, then water service will be disconnected immediately without any further notice, including the notices provided for in subsection E.

- H. **Rental Properties.** Property owners are responsible for the payment of any overdue bills, interest charges or disconnection, reconnection and administrative fees, and the town will not seek payment of such expenses from tenants of the property owner.
- I. **Meter Reading.** When a meter cannot be easily and clearly read due to obstructions such as weeds, structures, excavations, animals or other impediments, an estimate of water usage will be made based upon prior usage at that location. In that event, the town will enclose a letter with the following bill requesting that the owner correct the problem prior to the next meter reading. If an obstruction problem remains present at the time of the next reading, an estimate of water usage will again be made based upon prior usage at that location. In that event, the town will mail a letter by certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) business days in which to correct the problem or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.
- J. **Broken Meters.** If at the time of reading the meter a meter is not operating and recording no usage, then an estimate of water usage will be made based upon prior usage at that location. In that event, the town will mail a letter by certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) working days to schedule an appointment for meter repair or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.
- K. **Replacement Meters.** If a customer contends that his or her water meter is defective and informs the town of this contention, the town's water and sewer personnel will examine and test the meter. If the meter is greater than ten (10) years old, it will be replaced at no cost to the customer. If the meter is ten (10) years old or less and determined by town personnel to be working properly, the meter will be replaced upon request of the customer, however the customer must pay one hundred dollars (\$100.00) for the cost and installation of the new meter if the manufacturer of the meter confirms that the meter was working properly. If the manufacturer determines that the meter was defective, there will be no cost to the customer.
- L. **Unusually Excessive Water Use.** In the event that a meter reading reflects an unusually high water usage which is due to a broken pipe or leak in the plumbing on the property, then the Town will allow, for a first such occurrence during a five-year period, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the property owner must submit a written request to the town for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon two times the average of the water usage for the property for the four quarters immediately preceding the high water reading.

In the event that there is a second occurrence within five years of an unusually high meter reading for a same property, then the property owner shall be responsible for the entire water and sewer bill; provided, however, that if it can be demonstrated to the satisfaction of the town that the leaking water did not empty into the town's sanitary sewer system, and therefore did not require treatment at the wastewater treatment facility, then the town may, but is not required to, waive all or some of the sewer portion of the bill.

- M. The town will allow payment plans for financial hardship cases. The terms of the payment plan will be negotiated by the town administrator based upon the financial circumstances of the property owner requesting the payment plan.

(Ord. No. 13-03-02, § 1, 3-11-2013, eff. 3-31-2013; Ord. No. 12-08-01, § 1, 8-13-2012, eff. 9-2-2012; Ord. 07-02-01 § 1, 2007; Res. 99-13, 1999)

13.12.050 - Connection fees.

A. Any landowner, developer, or applicant applying for a connection to the town's water and sewer system shall pay to the town the following fees at the time of the application and before any connection may be made:

Water connection fee	\$ 7,000.00
Sewer connection fee	7,000.00
Improvement fee	6,000.00
Total	20,000.00

Commented [DBZ]: Incorrect Fees. Tap Fees are Water \$9000; Sewer \$9000; Improvement Fee \$7000 for a total of \$25,000.

B. The rates established in subsection A of this section shall apply only to an application for a connection submitted to the town after the effective date of the ordinance codified in this section. Any application for a connection submitted prior to the effective date of the ordinance codified in this section shall be governed by the rates in effect on the date of the submission of the application to the town.

(Ord. 07-03-02 § 1, 2007; Res. 02-09, 2002; Res. 01-03, 2001)

13.12.060 - Rate and fee schedules—Residential and nonresidential users.

A. Residential users of water and sewer services and their accounts will be billed on a tiered system based upon the amount of quarter-annual usage of water and sewer service at the location at which service is provided. Water and sewer rates for such residential accounts shall be as follows:

For Quarter-Annual Usage of:	The Rate is:
0 to 3,000 gallons	\$54.94
3,001—25,000 gallons	\$8.07 per 1,000 gallons
25,001—30,000 gallons	\$12.10 per 1,000 gallons
30,001—35,000 gallons	\$16.14 per 1,000 gallons

35,001—40,000 gallons	\$24.20 per 1,000 gallons
40,001—45,000 gallons	\$28.23 per 1,000 gallons
45,001—50,000 gallons	\$32.27 per 1,000 gallons
50,001—55,000 gallons	\$48.39 per 1,000 gallons
55,001—60,000 gallons	\$60.50 per 1,000 gallons
60,001—65,000 gallons	\$72.59 per 1,000 gallons
65,001—70,000 gallons	\$84.68 per 1,000 gallons
70,001—75,000 gallons	\$96.79 per 1,000 gallons
75,001 gallons and above	\$108.87 per 1,000 gallons

Commented [D83]: incorrect, corrected numbers will be placed in section.

B. Nonresidential users of water and sewer services and their accounts will be billed based upon the size of the meter for the location at which service is provided. Water and sewer rates for such nonresidential accounts shall be as follows:

5/8 to ¾ inch meter	\$56.94 for 3,000 gallon base	\$8.07/1,000 gallons after base
1 inch meter	\$79.69 for 4,200 gallon base	\$8.07/1,000 gallons after base
1½ inch meter	\$102.47 for 5,400 gallon base	\$8.07/1,000 gallons after base
2 inch meter	\$165.10 for 8,700 gallon base	\$8.07/1,000 gallons after base
3 inch meter	\$626.24 for 33,000 gallon base	\$8.07/1,000 gallons after base
4 inch meter	\$797.02 for 42,000 gallon base	\$8.07/1,000 gallons after base
6 inch meter	\$1,195.54 for 63,000 gallon base	\$8.07/1,000 gallons after base

8 inch meter	\$1,650.98 for 87,000 gallon base	\$8.07/1,000 gallons after base
--------------	-----------------------------------	---------------------------------

Commented [DB4]: Incorrect, corrected numbers will be placed in section.

- C. Unless otherwise exempted as hereinafter provided, each residential and non-residential user of water and sewer services shall pay a capital improvement fee of twenty-five dollars (\$25.00) per quarter the capital improvement fee shall be in addition to the fees charged pursuant to subsections A. and B. of this section, and shall be billed and included in the quarter-annual bills for each user. Each user, customer or account which is subject to and is obligated to pay the debt service charge required by Section 13.20.010 of the Middletown Municipal Code is and shall be exempt from the obligation to pay the capital improvement fee until January 1, 2020.

Commented [DB5]: Incorrect, corrected numbers will be placed in section.

(Ord. No. 10-06, § I, 6-14-2010; Ord. No. 10-01-01, § I, 1-11-2010; Res. 09-03, § I, 5-11-2009; Res. 08-02 § I, 2008; Res. 06-04 § I, 2007; Res. 05-01 § I, 2005; Res. 02-08, 2002; Res. 01-07 § I, 2001)

#### Chapter 13.16 - UTILITY LINES

##### Sections:

##### 13.16.010 - Fees for utility lines markings.

The Burgess and Commissioners of Middletown establish the following fees for the marking of town water and sewer lines to be charged to the requesters of utility marking services:

- A. Initial Marking: Up to thirty-five dollars (\$35.00);
- B. Remarketing: Up to fifteen dollars (\$15.00).

(Res. 99-15, 1999)

#### Chapter 13.17 - CROSS-CONNECTION CONTROL PROGRAM

##### Sections:

##### 13.17.010 - Purpose.

- A. To protect the public potable water supply served by the Town of Middletown from the possibility of contamination or pollution by isolating, within its customers internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential between its customers in-plant potable water system, and non-potable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination of all potable water systems by cross-connection.

(Ord. 02-02-01 § 2 (part), 2002)

##### 13.17.020 - Authority.

The Federal Safe Drinking Water Act of 1974 stipulates that the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

(Ord. 02-02-01 § 2 (part), 2002)

#### 13.17.030 - Responsibility.

The Town of Middletown shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgement of the Town of Middletown, an approved backflow device is required at the town's water service connection to any customer's premises, the Town of Middletown, or their delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his or her premises. The customer shall, within ninety (90) days, install such approved device or devices, at his or her own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

(Ord. 02-02-01 § 2 (part), 2002)

#### 13.17.040 - Definitions.

"Approved" means accepted by the Town of Middletown as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

"Auxiliary water supply" means any water supply, on or available, to the premises other than the purveyor's approved public potable water supply.

"Backflow" means the flow of water or other liquids, mixtures or substances, under positive or reduce pressure in the distribution pipes of a potable water supply from any source other than its intended source.

"Backflow preventer" means a device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmosphere vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

1. **Air Gap.** A physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one inch.
2. **Atmospheric Vacuum Breaker.** A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.
3. **Barometric Loop.** A fabricated piping arrangement rising at least thirty-five (35) feet at its top most point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.
4. **Double Check Valve Assembly.** In assembly of two independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each valve.
5. **Double Check Valve with Intermediate Atmospheric Vent.** A device having two spring loaded cheek valves separated by an atmospheric vent chamber.

6. **Hose Bibb Vacuum Breaker.** A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.
7. **Pressure Vacuum Breaker.** A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).
8. **Reduced Pressure Principle Backflow Preventer.** An assembly consisting of two independently operating check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.
9. **Residential Dual Check.** An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

"Backpressure" means a condition in which the owner's system pressure is greater than the suppliers system pressure.

"Back-siphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

"MDE" means the state of Maryland Department of the Environment — Water Supply Program.

"Containment" means a method of backflow prevention which requires a backflow prevention preventer at the water service entrance.

"Contaminant" means a substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

"Cross-connection" means any actual or potential connection between the public water supply and a source of contamination or pollution.

"Department" means the Town of Middletown water & sewer department.

"Director of Public Works" means the director of public works, or his delegated representative in charge of the Town of Middletown, is invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the chapter.

"Fixture isolation" means a method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

"Owner" means any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

"Person" means any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality or the United States or any other legal entity.

"Permit" means a document issued by the Town of Middletown which allow as the use of a backflow preventer.

"Pollutant" means a foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.

"Water service entrance" means that point in the owner's water system beyond the sanitary control of the district, generally considered to be the outlet end of the water meter and always before any unprotected branch.

~~"Superintendent" means the superintendent, or his delegated representative in charge of the Town of Middletown, is invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the chapter.~~

"Degree of hazard" means the degree of hazard is a determination of whether the substance in the non-potable system is toxic (health hazard) or non-toxic (non-health hazard).

"Toxic substance" means any liquid, solid or gas, which when introduced into the water supply creates, or may create a danger to the health and well being of the consumer.

"Non-toxic substance" means any substance that may create a non-health hazard, is a nuisance or is aesthetically objectionable.

(Ord. 02-02-01 § 2 (part), 2002)

#### 13.17.050 - Administration.

- A. The Town of Middletown will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the MDE Cross-Connection Regulations.
- B. The owner shall allow his/her property to be inspected for possible cross-connections and shall follow the provisions of the town's program and the MDE's Regulations if a cross-connection is permitted.
- C. If the Town of Middletown requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.

He/she may utilize public health officials, or personnel from the Town of Middletown or their delegated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.

(Ord. 02-02-01 § 2 (part), 2002)

#### 13.17.060 - Requirements.

##### A. Town of Middletown.

1. On new installations, the Town of Middletown will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue permit, and perform inspection. In any case, a minimum of dual check valve will be required in any new construction. A licensed plumber shall submit a written report of the test performed on the device.
2. For premises existing prior to the start of this program, the Town of Middletown will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed, however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
3. The Town of Middletown will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
4. The Town of Middletown shall inform the owner by letter, of any failure to comply by the time of the first re-inspection. The town will allow an additional fifteen (15) days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second re-inspection, the town will inform the owner by letter, that the water service to the owner's

premises will be terminated within a period not to exceed five days. In the event that the owner informs the town of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the town but in no case will exceed an additional thirty (30) days.

5. If the Town of Middletown determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
  6. The Town of Middletown shall have on file, a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.
  7. The Town of Middletown will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of the ordinance codified in this chapter by MDE, during the calendar year 2002. Initial focus will be on high hazard industries and commercial premises.
- B. Owner.
1. The owner shall be responsible for the elimination or protection of all cross-connections on his premises.
  2. The owner, after having been informed by a letter from the Town of Middletown, shall at his/her expense, install, maintain, and test, or have tested, any and all backflow preventers on his/her premises.
  3. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
  4. The owner shall inform the Town of Middletown of any proposed or modified cross-connections and also any proposed or modified cross-connections and also any existing cross-connections of which the owner is aware but has not been found by the town.
  5. The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type of the bypass. Owners who cannot shut down operation for testing the device(s) must supply additional devices necessary to allow testing to take place.
  6. The owner shall install backflow preventers in a manner approved by the Town of Middletown.
  7. The owner shall install only backflow preventers approved by the Town of Middletown.
  8. Any owner having a private well or other private water source, must have a permit if the well or source is cross-connected to the Town of Middletown system. The owner shall be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the town's system.
  9. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the Town of Middletown's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
  10. The owner shall be responsible for the payment of all fees for permits, annual or semiannual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Town of Middletown and MDE requirements.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.070 - Degree of hazard.

The Town of Middletown recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.080 - Permits.

The Town of Middletown shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

- A. Cross-connection permits that are required for each backflow prevention device are obtained from the Town of Middletown. A fee of twenty-five dollars (\$25.00) will be charged for the initial permit and fifteen dollars (\$15.00) for the renewal of each permit.
- B. Town of Middletown permits shall be renewed every two years and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service.
- C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.090 - Installation.

Backflow prevention devices shall not be installed in below grade vaults or in locations where the device could become submerged. See Fig. 33 thru 37 (which are attached to the ordinance codified in this chapter) for typical installation.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.100 - Existing in-use backflow prevention devices.

Any existing backflow preventer shall be allowed by the Town of Middletown to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device must be installed in the event that no backflow device was present.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.110 - Periodic testing.

- A. Reduced pressure principle backflow devices shall be tested and inspected at least semi-annually and shall coincide with permit renewal.
- B. Periodic testing shall be performed by a certified tester. This testing will be done at the owner's expense.
- C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner insuring that uninterrupted water service during testing of repair of devices and is strongly recommended when the owner desires such continuity.

- D. Backflow prevention devices will be tested more frequently than specified in subsection A above, in cases where there is a history of test failures and the Town of Middletown feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the owner.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.120 - Records and reports.

- A. Records. The Town of Middletown will initiate and maintain the following:
  - 1. Master files on customers cross-connection test and/or inspections.
  - 2. Master files on cross-connection permits.
  - 3. Copies of permits and permit applications.
  - 4. Copies of the lists and summaries supplied to the MDE.
- B. Reports. The Town of Middletown will submit the following to the MDE:
  - 1. Initial listing of low hazard cross-connections.
  - 2. Initial listing of high hazard cross-connections
  - 3. Annual update lists of items 1 and 2 above.
  - 4. Annual summary of cross-connection inspections.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.130 - Fees and charges.

- A. The Town of Middletown will publish a list of fees or charges for the following services or permits:
  - 1. Testing fees.
  - 2. Fee for re-inspection.
  - 3. Inspection fees.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.140 - Residential dual check.

Effective the date of the acceptance of this cross-connection control program for Town of Middletown, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted as a time and cost permit. This retrofit shall be completed by the Town of Middletown.

The owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

(Ord. 02-02-01 § 2 (part), 2002)

13.17.150 - Strainers.

The Town of Middletown strongly recommends that all new retrofit installations of reduced pressure principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

(Ord. 02-02-01 § 2 (part), 2002)

#### Chapter 13.20 - DEBT SERVICE CHARGE

##### Sections:

##### 13.20.010 - Debt service charge—Established.

There is a quarterly debt service charge established on all new users of the town's sewer system. New users shall be defined as those users who apply for and receive sewer permits after the effective date of the resolution codified in this chapter. Said charge shall be billed and collected at a quarterly rate of fifty dollars (\$50.00) per equivalent dwelling unit (EDU). The revenues generated by said charge shall be used solely for the purpose of payment of all obligations under the loan agreement to be entered into by and between the burgess and commissioners and the MWQFA to finance a \$3.7 million dollar loan for the construction of the New East Middletown wastewater treatment plant and Cone Branch pump station improvement project.

- A. EDU Calculation. The following calculations will be used for purposes of determining an EDU:
1. An EDU shall be defined as usage averaging two hundred (200) gallons per day;
  2. Residential accounts shall be assessed one EDU for each residential dwelling unit served by the account;
  3. Nonresidential accounts will be assessed one EDU for each two hundred (200) G.P.D. usage averaged over a calendar year with minimum assessment of one EDU;
  4. EDU calculations shall employ "half rounding." For example, two hundred ninety-nine (299) G.P.D. would be assessed one EDU and three hundred (300) G.P.D. would be assessed two EDU's;
  5. EDU's for nonresidential accounts shall be reviewed and reassessed annually, prior to each July 1 through June 30, and shall be based on the prior calendar year's usage for each account.

(Res. 99-04 (part), 1999)

##### 13.20.020 - Debt service reserve account—Established.

There is established a debt service reserve account in the amount of three hundred seventy-five thousand dollars (\$375,000.00). The DSRA shall be restricted and dedicated solely for the purpose of payment of all obligations under the loan agreement to be entered into by and between the burgess and commissioners and the MWQFA to finance a 3.7 million dollar loan for the construction of the New East Middletown wastewater treatment plant and Cone Branch pump station improvement project, should the burgess and commissioners' "Dedicated Revenues" (as defined in the loan agreement) not be sufficient to meet such payment obligations. Moreover, the DSRA shall be reflected as a distinct and verifiable line item in the town's independently audited financial statements and may be drawn upon only with the MWQFA's prior written consent. The balance of the DSRA shall be maintained at the level of three hundred seventy-five thousand dollars (\$375,000.00) until all of the town's enterprise funds and accounts

directly related to the revenues and expenses of the sewer operation achieve a possible cashflow after meeting all payment obligations under said loan for two consecutive years following completion of the project as evidence by an independently audited financial statement. Thereafter, the amount of the DSRA may be adjusted annually by the written mutual agreement of the MWQFA and the town. The DSRA may be maintained by the town and may be invested in a manner similar to the manner in which other similar accounts are invested. All income earned on the DSRA shall be to the benefit of the town.

(Res. 99-04 (part), 1999)

**Commented [DB6]:** This section of the Code will need to be remove in 2020.

Middletown  
Water & Sewer Committee Meeting  
October 23, 2019

Present: Drew Bowen, Bruce Carbaugh, Mark Carney, Jennifer Falcinelli, Daphne Gabb, Bob Smart, Carolyn Spehr

### **1. Review and Proposed Amendments to the Water Conservation Public Alert System**

Water drop signage – Considering the town’s goal of decreasing signage along our roads and with the development of the Town’s social media outlets, is this sign still necessary?

Recommendation:

- The committee felt the water drop was an important visual for a change in our ground water status and is recommended that a black decorative bracket be added to the entry pillars and left empty until drought conditions are present and then hang the water drops if indicated.
- The committee recommended that we still provide notification via the Citizen Newspaper along with all over notification methods that the town presently uses.

### **2. Water Tank Maintenance Fiscal Analysis**

Recommendation:

- Based upon the Town Engineer’s evaluation and fiscal constraints, the committee is recommending Southern Corrosion for the Tank Maintenance contract.

### **3. Amended Sewer Backup Incident Procedures**

Middletown will start to use LGIT to manage damage to resident’s homes caused by sewer backups of the town’s main lines. The town is not responsible from blockages in the homeowner’s private property sewer lateral. The committee had concerns that this policy was not “replacement” and was based on depreciation. For example, if the homeowner’s washer was damaged and it was 5 years old, he would not get his washer replaced, he would get a “depreciated” value for it, which would cost the homeowner money in replacing his washer. Drew is going to get clarification on this from LGIT.

### **Update on In-Progress Projects**

- Main Street Waterline – Waterline is complete and currently working on a new PRV valve at Cone Branch Park.
- Ground Storage Tank/Reservoir – Preparing to go out to bid in November

Respectfully submitted,

Jennifer Falcinelli

**FIRST AMENDMENT TO LEASE**

Formatted: Font: 12 pt

THIS FIRST AMENDMENT TO LEASE entered into this \_\_\_\_\_ day of October, 2019, by and between the Burgess and Commissioners of Middletown, a Maryland Municipal Corporation. ("Landlord"), and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, a Delaware limited liability company ("Tenant").

WHEREAS, Tenant is tenant and Landlord is landlord under a certain lease agreement dated December 14, 2009 ("Lease"), respecting certain real property located at 7700 Hollow Rd, Middletown MD, and

WHEREAS, the Term of the Lease will expire on December 31, 2019, and both parties wish to extend the Term from January 1, 2020 through December 31, 2024.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby AMEND the Lease as follows:

1. The term of the Lease is hereby extended from January 1, 2020 through and including December 31, 2024 ("First Extension Term").

2. Rent for the First Extension Term will be as follows:

1/1/20 – 12/31/20	\$ 17,470.91 paid annually
1/1/21 – 12/31/21	\$ 17,995.04 paid annually
1/1/22 – 12/31/22	\$ 18,534.89 paid annually
1/1/23 – 12/31/23	\$ 19,090.94 paid annually
1/1/24 – 12/31/24	\$ 19,663.66 paid annually

3. Landlord grants to Tenant the options to further renew and extend the Lease for up to three (3) additional (5) five-year terms. Each \$such option may be exercised only by written notice to Landlord 6 months before the expiration of the then-current term. The annual rent for each renewal term shall increase 3% annually.

4. Section 7 (Insurance) of the Lease is amended as set forth on Exhibit A attached hereto.

5. Section 16.3 of the Lease Agreement is amended to provide that notices may be sent by nationally recognized overnight courier service, and to provide that all notices to be given to the Tenant's address for notices under the Lease is amended to: shall be addressed as follows:

Comcast of California/Maryland/Pennsylvania/Virginia/West  
Virginia, LLC  
1215 E Fort Ave, Suite 103  
Baltimore, MD 21230  
Attn: Lease Administrator

With a copy to: Comcast Cable Communications, LLC  
One Comcast Center

1701 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2838  
Attention: Real Estate Counsel

56. All other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have caused this First Amendment to Lease to be duly executed as of the date first written above.

Burgess and Commissioners of  
Middletown

By: \_\_\_\_\_  
Name:  
Title:

Comcast of  
California/Maryland/Pennsylvania/Virginia/  
West Virginia, LLC

By: \_\_\_\_\_  
Name: Scott Knaub  
Title: VP- Finance

## Exhibit A to First Amendment to Lease

### 7. INSURANCE

7.1 Tenant shall obtain and keep in effect throughout all periods of this Lease, including any extensions or renewals thereof, an insurance policy or policies with a nationally recognized Company ~~reasonable acceptable to Town~~ rated A-, VII or better by AM Best, providing general liability insurance against claims for personal injury, bodily injury (including death) and property damage in an amount of not less than \$1,000,000 per occurrence. Tenant shall also maintain fire and extended coverage insurance on the Improvements. Landlord acknowledges that Tenant currently insures all or a portion of its property assets through the use of an unrated wholly-owned insurance subsidiary (captive insurer) domiciled in the State of New York named Three Belmont Insurance Company, and that the Tenant shall have the right to continue insuring its property assets through such arrangement or another similar arrangement in lieu of procuring property insurance as otherwise required hereunder.

7.2 Landlord shall be named as an additional insured on said liability policy and, if requested by Landlord, but not more than annually, Tenant shall provide to Landlord a certificate of insurance as evidence that such insurance is in effect.

7.3 In the event that Tenant fails or refuses to obtain and keep in effect the insurance required by this paragraph, then following 10 business days' notice to Tenant and opportunity for Tenant to cure and deficiency, Landlord may obtain such insurance and the cost thereof shall be assessed to the Tenant, and Tenant shall be liable to Landlord for such costs.

## **Email from County Executive Regarding Rural Transportation**

Dear Mayors,

I have been brainstorming ideas with my Transit staff about ways to provide rural transportation. It is a hard nut to crack but the need will seem to grow over time rather than diminish as people live longer and need more transportation options. I have tossed around ideas from expanding the Taxi Access Program and making it more generous in terms of the current value to rural customers (living outside the city of Frederick and surrounding areas), adding shuttle service into and out of the City of Frederick (very expensive), and evaluating a rural in-house on demand type service for just low income households and seniors. All of these ideas have pros and cons and unfortunately a fairly significant cost per person.

I want to simply run another idea by all of you and get your thoughts on it. If the county bought a small shuttle bus that seats 12 as well as a wheelchair and hired a driver and a dispatcher, we could consider running a shuttle around your town and maybe out into the nearby county to take people to the local grocery store and shopping area, the branch library, and so forth and run the shuttle a couple of times in the morning and afternoon, one day per week in each of 4 or 5 communities or local towns that currently have no or limited service. The idea would be to provide people living within the community the option to get to the grocery store, hairdresser, library, or wherever they wanted to go one day per week. We could possibly allow people to call for a pickup at their home if it was not far off the route to accommodate some seniors. This would allow residents and seniors to plan a day when they could go to the grocery store or run other errands and know that they could get out that one day per week. If we also ran a shuttle to Frederick, now or in the future, or ran a Paratransit pick up in the area, there could be a connection to that service as well.

The annual operating cost of this service would be about \$130,000. We could run it as a pilot for a year to see if it was utilized.

I would like your initial reaction to this idea as a concept. And, I would like to know if you would be willing to contribute a relatively small amount of money to help support this type of service. It would be nice to make it a free one day circulator.

This is just a concept at this point so I am looking for an initial reaction or feedback to determine if this is worth pursuing further. If there is interest, I would then plan a meeting.

Thanks much,

Jan

Jan H. Gardner  
Frederick County Executive 12 E. Church St.  
Winchester Hall Frederick, MD 21701