



AGENDA FOR THE TOWN MEETING

January 27, 2020

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA

- Town Meeting Minutes
 - January 2, 2020 – Town Workshop¹
 - January 13, 2020 – Town Meeting¹

UNFINISHED BUSINESS:

- Resolution 20-01 – Healthy Eating & Active Living¹
- Introduction of Ordinance 20-01-01 – Illicit Discharges²
- Introduction of Ordinance 20-01-02 – Amendments to Title 13 Public Services²
- Amendments to the Standard Operating Procedures for Sewer Backup Incident Response²

NEW BUSINESS:

- Request for Color Me Autumn Event at Memorial Park – October 17, 2020¹
- Proposal from Key Sanitation for Extension of Three (3) Year Contract for Trash & Debris Removal Services¹
- Discussion of Establishing a Financial Hardship Plan for the Capital Improvement Fee¹

¹ First Appearance on Town Agenda

² Second Appearance on Town Agenda

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Nominating Convention – Tuesday, February 25, 2020 at 7:00PM*
- *Middletown Sustainability Committee Lecture – Saturday, February 15, 2020 at 1:00PM at Middletown Library*

ADJOURNMENT

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

January 2, 2020

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on January 2, 2020, 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:

Greg Wigle, 100 West Main Street – stated that his water was disconnected for non-payment and they are having an event next week with the Tourism Council of Frederick. Mr. Wigle stated that they do not currently have the money to pay their bill but, asked the Board if the water could be turned back on? The Board advised Mr. Wigle to email staff requesting a payment plan and ask for a one-time adjustment for the leak they had. Mr. Wigle stated that he would be out of Town on Friday but, would get the email to staff on Monday. The Board instructed staff to turn the water back on at 100 West Main Street.

STAFF REPORTS:

Staff Planner Report – Cindy gave her report.
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 – December 5, 2019 – Town Workshop*
- *Town Minutes – December 9, 2019 – Town Meeting*

UNFINISHED BUSINESS:

Discussion of Rural Transportation – Burgess Miller presented the Board with a summary of his meeting with County Executive Jan Gardner and Mayor Kinnard of Thurmont and Mayor Briggs of Emmitsburg. To provide this service would cost \$200K a year. County Executive Gardner was hoping to get 5 Municipalities involved with this to divide up the cost. If the municipalities participated it would be approximately \$40K a year. Burgess Miller stated that it was noted at the meeting that Frederick City does not pay for this service currently. Burgess stated that this meeting was strictly for informational purposes only.

Review of Accessory Structures Amendments – Burgess Miller stated that he would like to get this amendment into Ordinance form to get approval. After much discussion the Board agreed to forward this to the Town Attorney.

Tree City USA – Cindy stated that she is moving forward with this. One of the conditions was we needed to develop a Tree Board and she has several volunteers for this Board.

NEW BUSINESS:

2020 Budget Workshop Dates – Drew presented the Board with the proposed Budget Workshop schedule.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Workshop adjourned at 8:25pm.

Respectfully submitted,

Ann Griffin,
Office Manager

DRAFT

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

January 13, 2020

The first regular meeting of the Burgess and Commissioners of Middletown was called to order on January 13, 2020, 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, Tom Catania and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- *Girls on the Run 5K Race – June 6, 2020*
- *Financial Statements*
- *2020 Budget Workshop Dates*
- *Town Minutes – December 5, 2019 – Town Workshop
December 9, 2019 – Town Meeting*

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

UNFINISHED BUSINESS:

Tree City USA – Cindy has applied for this. Burgess Miller stated that there is a monetary component but, most can be done with in kind services that the Town provides.

Discussion of Rural Transportation – Burgess Miller provided the Burgess & Commissioners as well as those in the audience with an updated memo of his meeting with County Executive Jan Gardner. Burgess Miller stated that what is being proposed by the County Executive is rural transportation meaning that this bus would pick up residents and take them to doctor, grocery store, restaurants, etc. that are in Town. This bus would not take residents out of Middletown. The County Executive would like to get at least 5 municipalities involved to share in some of the cost. Burgess Miller stated that at this point he is not sure where this will go or even if it will be discussed again.

Gene Fleeman, 209 S. Jefferson Street – stated that he had prepared a statement that was based on the transportation to and from Middletown to other parts of the County. Mr. Fleeman did state that anything that could be done to reduce impacts to climate change and provide transportation needs to the citizens of Middletown should be considered by the Town Board.

Review of Accessory Structures Amendments – Burgess Miller stated that this has been discussed numerous times and feels that we are ready to have this in Ordinance form for a vote. Drew will have the Town Attorney put this in Ordinance form.

NEW BUSINESS:

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Meeting adjourned at 7:37pm.

Respectfully submitted,

Ann Griffin
Office Manager

DRAFT



RESOLUTION NO. 20-01
Middletown's Commitment to Promote
HEALTHY EATING & ACTIVE LIVING

WHEREAS, in January 2013, the Maryland Municipal League entered into a memorandum of understanding with the Institute for Public Health Innovation to work collaboratively on the HEAL Cities & Towns Campaign; and

WHEREAS, high rates of costly chronic disease such as diabetes, heart disease, cancer, arthritis, stroke and hypertension among both children and adults are correlated to environments with few options for healthy eating and active living; and

WHEREAS, Middletown has the ability to affect the health of its residents and employees; and

WHEREAS, planning and creating an environment that encourages and provides access to healthy eating and active living can promote health; and

WHEREAS, supporting the health of residents and the local workforce through the adoption and implementation of healthy eating and active can reduce health care costs, improve health and quality of life and attract economic development;

NOW, THEREFORE, LET IT BE RESOLVED that the Burgess and Commissioners of Middletown, Maryland hereby recognized that a commitment is needed to create environments that enable residents and government employees to make healthy choices safely, conveniently, and affordably. While individual lifestyle changes are necessary, individual effort alone is insufficient. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end the Burgess and Commissioners of Middletown adopts this Healthy Eating Active Living resolution:

To Improve Physical Activity, Active Transportation, and Land Use

BE IT FURTHER RESOLVED that Middletown planners, engineers, parks and recreation department, community economic and redevelopment personnel responsible for the design and construction of parks, neighborhoods, streets, and business areas should make every effort to:

1. Formalize and create a policy to have walking trails that will connect neighborhoods to schools
2. Formalize and create a policy where the Town will commit to assisting with local road races, walks, and other forms of public exercise for a safe experience.
3. Reinvigorate the Parks Committee and charge the Committee to make recommendations for amenities that allow a variety of users to enjoy our public parks, including adults, children, and those with differing physical abilities.



To Improve Access to Healthy Food

BE IT FURTHER RESOLVED that the Burgess and Commissioners should make every effort to encourage access to healthy food.

1. In partnership with Main Street Middleton, MD Inc., create a program of signage that illustrates our local restaurants providing healthy options such as Low Fat, Vegetarian, Vegan, Gluten Free.

**This Restaurant Proudly Serves
Healthy Choices including:**

1. **Low Fat**
2. **Vegetarian**
3. **Vegan**
4. **Gluten Free**

2. In partnership with Main Street Middleton, MD Inc., create economic incentives for restaurants and our health-related businesses to work together to create locally inspired dishes.

Municipal Work-Place Wellness

BE IT FURTHER RESOLVED that the Burgess and Commissioners will make every effort to encourage workplace wellness.

1. From time to time, the municipality serves food to employees and volunteers. The Burgess and Commissioners will create and adopt a policy that requires meals served must be well-balanced.
2. The Burgess and Commissioners will create and adopt a policy concerning meetings. This policy will include provisions on taking a break when a meeting has extended beyond 2-hours and guidelines for walking meetings.
3. The Burgess and Commissioners will create a Wellness Committee. This Committee will be charged with creating 2-3 initiatives per year to increase employee health and wellness and a selection of health incentives under a point system. Employees who reach a certain number of points will be given recognition through time off or gift card in the amount determined by the Burgess and Commissioners.



4. Currently the Burgess and Commissioners allow employees ONE-day to do volunteer work. As an innovative project to WorkPlace Wellness, the Burgess and Commissioners will provide local volunteer opportunities in a quarterly employee newsletter.

Implementation

BE IT FURTHER RESOLVED that the head of each affected agency or department should report back to the Town Council annually regarding steps taken to implement the Resolution, additional steps planned, and any desired actions that would need to be taken by the Council.

BE IT FURTHER RESOLVED that Town Staff shall work with HEAL Cities & Towns Campaign Staff to explore HEAL policies and to identify those policies and practices that are suitable for the Middletown's unique local circumstances.

BE IT FURTHER RESOLVED that Staff will report back to this Council with recommendations for implementation not later than **6-months** from the date of this Resolution, passed January __, 2020.

Burgess John D. Miller

Commissioner Larry Bussard

Commissioner Tom Catania

Commissioner Jennifer Falcinelli

Commissioner Chris Goodman

Ordinance No. 20-01-01

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).

SECTION 1. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that, in accordance with National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit number 03-IM-5500 MDDR055500, it is necessary and appropriate to establish a program to order the elimination of illicit discharges and the removal of illicit connections to the Town's MS4. In connection therewith, the Middletown Code, be, and it is hereby amended as shown to add the following code section.

TITLE 13 – PUBLIC SERVICES

Chapter 13.15. – ILLICIT DISCHARGES

13.15.01 - Purpose.

This 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.

13.15.02 – Definitions.

As used in this Chapter:

"Best Management Practice (BMP)" means 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" shall mean:

- (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 Chapter 13.08 of this Title 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 Town;

- (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 Town.

“Illicit Discharge” means 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.

“Manager” means the Director of Public Works or their authorized designee.

“Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, mun

icipal 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” means 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 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 point source, whether the permit is applicable to an individual or group permit is applicable to an individual or group.

“Person” means 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” means 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” means a lot, plot or parcel of land, including the structures on it.

“Prohibited Material” means 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” means 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).

13.15.03. - **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;
 - (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 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 springs; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; 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.
 - (3) 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.
- C. **Illicit Connections.** A person shall not create, construct, use, maintain, or allow the continued existence of an illicit connection.
- 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.
- E. **Reporting to Maryland Department of the Environment (MDE).** The Town may report illicit connections and illicit discharges to MDE for enforcement and/or permitting in accordance with applicable law.

13.15.04. - **Right of Entry, Investigation, and Inspection.**

- A. **Generally.** Except as provided in subsection (B) of this section, if the 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 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 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.
- D. Unreasonable refusal. A person shall not hinder, prevent, or unreasonably refuse to permit any investigation under this Article.
- E. 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.
- F. 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.
- G. 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 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 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.

13.15.05. - 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; (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 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 Town may enter the property and make the required repairs. The Manager may request that the 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.
- 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.
- G. **Costs.** All mitigation and remediation measures under this Article shall be completed at the owner's or responsible person's sole cost and expense

13.15.06. – Enforcement and Penalties.

- A. A violation of this Article shall be subject to enforcement by the Manager or the Manager's designee ("Enforcement Official"), pursuant to 1.12.040 of the Town Code
- B. The Enforcement Official is not required to issue a warning notice.
- C. A first offense shall be deemed a municipal infraction as defined in Section 1.12010 of the Town Code, and fines shall be levied in accordance with Section 1.16.020 of the Town Code.
- D. The Enforcement Official may, in consultation with the Town Attorney, seek additional legal remedies, including but not limited to injunctive relief as appropriate under the circumstances.

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

ORDINANCE NO. 20-01-02

AN ORDINANCE TO AMEND TITLE 13 TO 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, TO ESTABLISH NEW WATER AND SEWER CONNECTION FEES, AND TO REPEAL DEBT SERVICE CHARGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 13, Chapter 13.04 of the Middletown Municipal Code be, and hereby is amended to add section 13.04.020 regarding Water Meter Restrictions. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 13 - PUBLIC SERVICES

Chapter 13.04 - WATER SERVICE SYSTEM

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.**
 - 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.**

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 13, Chapter 13.08 be and is hereby amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 13.08 - SEWER SERVICE SYSTEM

13.08.010 - Definitions.

For the purpose of this title certain terms or words used in this chapter shall be interpreted as follows:

"DIRECTOR OF PUBLIC WORKS" MEANS THE TOWN ADMINISTRATOR OR SUCH DULY AUTHORIZED OR DESIGNATED PERSON AS THE BURGESS AND COMMISSIONERS MAY DEEM APPROPRIATE.

For the purpose of this title, certain terms or words used in this chapter shall be deleted as follows:

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

13.08.020 - Disposal of wastes.

{Unchanged}

13.08.030 - Discharge of wastewater.

{Unchanged}

13.08.040 - Drainwater.

{Unchanged}

13.08.050 - Unpolluted water.

13.08.060 - Toxic waste.

{Unchanged}

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 **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ 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 **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ 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 **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ are as follows:

A. – D. *{Unchanged}*;

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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} for such materials;

- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} ;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} in compliance with applicable state or federal regulations;
- H. – K. {*Unchanged*}

13.08.080 - Municipal infractions.

{*Unchanged*}

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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} .
- B. {*Unchanged*}

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 **CONNECTIONS** , if approved by the **DEPARTMENT OF PUBLIC WORKS** {~~Planning Commission~~}. 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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} , to meet all requirements of this chapter.

13.08.110 - Specifications.

- A. {*Unchanged*}
- B. {*Unchanged*}

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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} before installation.

13.08.130 - Inspection.

The applicant for the building sewer permit shall notify the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} when the building sewer is ready for inspection, and connection and testing shall be made under the supervision of the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} or his or her representative.

13.08.140 - Excavation.

{Unchanged}

13.08.150 - Required connections.

{Unchanged}

13.08.160 - Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~}, 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.

13.08.170 - Equalizing tanks.

{Unchanged}

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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} 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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} may:
1. – 4. *{Unchanged}*
- B. If the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} 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 **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} .

13.08.190 - Observation, sampling and measurement.

When required by the **DIRECTOR OF PUBLIC WORKS** {Superintendent} , 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 **DIRECTOR OF PUBLIC WORKS** {Superintendent} . 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.

13.08.200 - Reporting requirements.

The **DIRECTOR OF PUBLIC WORKS** {Superintendent} may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

A. – G. {Unchanged}

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 **DIRECTOR OF PUBLIC WORKS** {Superintendent} .

13.08.220 - Special agreements.

{Unchanged}

13.08.230 - Entry of premises.

The **DIRECTOR OF PUBLIC WORKS** {Superintendent} 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.

13.08.240 - Technical information.

The **DIRECTOR OF PUBLIC WORKS** {Superintendent} 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.

13.08.250 - Safety rules.

While performing the necessary work on the premises of private companies, the **DIRECTOR OF PUBLIC WORKS** {Superintendent} 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.

SECTION III. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 13, Chapter 13.12.050 be and is hereby amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through]~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 13.12 - WATER AND SEWER FEES AND CHARGES

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	\$ 9000 [7000]
Sewer connection fee	\$ 9000 [7000] ,
Improvement fee	7000
Total	25000

B. *{Unchanged}*

SECTION IV. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 13, Chapter 13.17.040 be and is hereby amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through]~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

13.17.040 - Definitions.

For the purpose of this title certain terms or words used in this chaaptter shall be interpreted as follows:

"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.

For the purpose of this title, certain terms or words used in this chapter shall be deleted as follows:

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

SECTION V. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 13, Chapter 20 be and is hereby repealed. Language being deleted is designated by being ~~[in brackets and stricken through]~~.

~~[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 DSRRA 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.]~~

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

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess



STANDARD OPERATION PROCEDURES SEWER BACKUP INCIDENT RESPONSE

General:

The purpose of this Standard Operating Procedure (SOP) is for a Sewer Backup Incident Response. It is to provide Water & Sewer staff with direction and the appropriate actions to be taken when a town resident experiences a sewer backup affecting their property, in order to minimize both the resident's property loss and potential health effects.

A Sewer Backup:

- Main line sanitary sewer blockage causing a surcharge of the collection system; resulting in raw sewage backing up through homeowner's sewer lateral; to spill over/out of plumbing fixtures; floor drain, toilets, showers, etc. Main line sewer blockages can affect multiply addresses and is usually a Town concern.
- Sewer Lateral blockage usually affect a single, isolated address; however, they could share common sewer lateral affecting multiple addresses. The blockage could be on the town side of cleanout or homeowner side (private property) of the cleanout. Hopefully there is a clean-out for easy access.

*** In the event that the blockage creates a Sanitary Sewer Overflow, additional notification to MDE may apply and subsequent filing an SSO will be needed (See Sanitary Sewer Overflow SOP).

Initial call: From Staff observations, homeowner, after-hours call:

- If a call is received during normal business hours, administrative staff will take name, phone number and address of person calling as well as date & time. This information is forwarded to the Assistant Director of Public Work (ADPW) who will direct Water & Sewer to address the blockage.
- If a call is received during after-hours, On-Call Water & Sewer staff responsible for responding to the after-hour call will contact homeowner and get name, phone number and address. The ADPW will also receive call complaint via TEXT message.

Dispatch Staff:

- During normal business day, response time should be maximum of 30 minutes.
- After hours On-Call response will maximum 30 minutes.
- If On-Call staff determine that additional resources are needed, they contact the ADPW.

Immediate Actions to Take On-Site:

- Determine whether the blockage is in the main line sanitary sewer collector or in the homeowner's sewer lateral coming from the house.
- If blockage is in main line sanitary sewer, take appropriate action to clear the blockage and identify possible cause of the blockage.
- If blockage is in the homeowner's sewer lateral, take appropriate action to clear the blockage through the clean-out located at the property line. However, if no clean-out exists, town staff will contact a plumber to determine cause and to clear the sewer lateral of the blockage on private property. The plumber will be able to determine where the blockage occurred.
- If the sewer blockage is beyond the capabilities of the Town resources to clear, contact an outside contractor(s) to clear blockage. The ADPW will need to be notified of this condition as soon as possible.
- Contact Assistant Director of Public Works (ADPW) for additional support.
- Provide Lacey or Ann at the office with the Onsite Sewer Backup Assessment Form the next business day. They will notify LGIT.

Site Cleanup:

- Take pictures of sewer backup damages, minimize tracking waste.
- If the blockage is a result of main line sanitary sewer blockage or a blockage between the clean-out and the main line sanitary sewer collector, the ADPW will advise the homeowner to contact a water damage restoration service provider of his/her choice immediately (i.e. Servpro or Service Master, etc).
- If the blockage is in the homeowner's private property sewer lateral, recommend to homeowner to hire professional service to start clean-up process.
- Provide property owner with the Office Number 301.371.6171 as well as LGIT's phone number 443.561.1700.

Site Repairs (if needed):

- If repairs are necessary – such as repairing the drywall or putting down new flooring – the homeowner should obtain an estimate of the cost to complete the repairs and provide LGIT with a copy of the estimate. Companies like Servpro and/or Service Master can usually complete a repair estimate OR LGIT may hire an independent adjuster to complete the estimate. It is always 100% the property owner's choice of whom he or she allows inside their residence to complete estimate and/or complete the repair work.
- If the property owner had personal property or appliances that are damaged as a result of the sewer backup – LGIT will have a professional adjuster complete an estimate of the

damage and complete a valuation of the personal property and appliances. The adjuster will take into consideration factors such as depreciation and LGIT will use the adjuster's estimate to assist with calculating a settlement. LGIT will handle the claim from start to finish.

Sewer backup follow-up investigation:

- Have the office create a sewer back-up work order for this service location.
- Office staff will provide the property owner with the claim number from LGIT so that they can follow up with LGIT directly.
- LGIT will handle the claim from start to finish.
- In the event the property owner has not heard from LGIT within 30 days, the Town will contact LGIT for a status update.
- Complete Onsite Sewer Backup Assessment/Sewer Plug Report. Appendix A
- Complete Sewer Backup Investigation Form as a result of blockage. Appendix B
- Conduct Manhole Inspection Checklist in the area of blockage. Appendix C

Contact List:

- ServPro of Frederick County
5711 Industry Lane, #45
Frederick, MD 21704
301.662.1747
- Service Master
1539 Tilco Drive, #124
Frederick, MD 21704
301.273.7161
800.971.4923
- Putman Plumbing, Inc.
9 Boileau Drive
Middletown, MD 21769
301.371.4395
- Roto-Rooter
101 N. Cannon Avenue
Hagerstown, MD 21740
301.790.2313
301.695.1750(Frederick Office)
- Middletown Town Hall
31 West Main Street
Middletown, MD 21769
301.371.6171
- Local Government Insurance Trust (LGIT)
7225 Parkway Drive
Hanover, MD 21076
443.561.1700 - Claims
443.561.1739 – Fax for Claims

January 8, 2020

**Burgess and Commissioners of Middletown
31 West Main Street
Middletown, MD 21769**

Attention: Mr. Drew Bowen, Town Administrator

Dear Drew,

Key Sanitation is proposing three years of the same continued service, at the same price, as the Town of Middletown is currently receiving with no increases throughout its full term.

Key Sanitation, Inc. has provided quality service in the past and would like to continue the service. Key has the trucks and the same personnel as well has the experience with the Town of Middletown, knowing the route, all special areas and is always committed to providing the best possible service for the residents of the Town of Middletown as demonstrated over the years.

Thank you for your consideration on this matter and if you have any questions please do not hesitate to contact me.

Sincerely,



Brian Shumaker, President



**Burgess and Commissioners
Middletown, Maryland**

Trash Hauler Cost Comparison

Municipality	Contractor	Unit Cost	Lump Sum
Emmittsburg	Mid Atlantic Area	\$ 5.54	
Thurmont	Ecology Services		\$ 137,945.00
Brunswick	Key Sanitation	\$ 6.28	
Middletown	Key Sanitation	\$ 6.29	
Boonsboro	Apple Valley Waste		\$ 127,695.00
Walkersville	Ecology Services		\$ 90,089.40
Myersville	J&J Trash Services	\$ 6.15	

****If we apply our unit rate carried through the entire year, our Lump Sum Cost would be \$ 126,353.52**