



## AGENDA FOR THE TOWN MEETING

January 28, 2019

7:00 p.m.

### PLEDGE TO THE FLAG

**Red Indicates – Action Item**  
**Green Indicates – Ordinance Introduction**  
**Blue Indicates – Discussion Item with Links**

### CALL TO ORDER

### CONSENT AGENDA

- FY 2020 – Budget Schedule
- Comprehensive Plan Schedule & Public Notice
- Town Meeting Minutes
  - January 3, 2019 – Town Workshop
  - January 14, 2019 – Town Meeting

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- Elm Street Parking Lot Improvements Concept Plan & Cost Estimate (Vote)
- Social Media Policy – (Second Reading)
- SHA Response to Parking on South Church Street
- Recommendation from Water & Sewer Committee Regarding Reservoir Project
- Maryland Smart Energy Communities Project Development Form
- Update on Street Light Buyback Program – Johnson Controls
- Vacancy for Alternate to the Town's Ethics Commission (*Second Notice*)

### NEW BUSINESS:

- Introduction of Blighted Ordinance (First Reading)
- Employee Handbook Updates (First Reading)

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

**ADJOURNMENT**



## MEMORANDUM

**DATE:** January 7, 2019

**TO:** Burgess and Commissioners

**FROM:** Andrew J. Bowen, Town Administrator

**CC:** Lacey Gordon, Financial Planner

**SUBJECT:** Proposed Budget Workshop Dates

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Below is the proposed Budget Workshop Schedule below for the FY 2020 budget process:

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Budget</u>
Thursday	March 7, 2019	6:30PM	Water & Sewer Operating Budget
Monday	March 11, 2019	6:30PM	Water & Sewer CIP
Monday	March 25, 2019	6:30PM	Water & Sewer Operating & CIP
Thursday	April 4, 2019	6:30PM	General Fund Operating Budget
Monday	April 8, 2019	6:30PM	General Fund CIP
Monday	April 22, 2019	6:30PM	General Fund Operating & CIP Community Groups



## Conversations on the Comprehensive Plan

We are pleased to initiate a new step in our process of updating our comprehensive plan for Middletown. We are incorporating into the process this year 2-3 community conversations. These conversations will be for residents and neighbors to attend and share their goals, visions and wants and needs for our town. You can elect to come to one of the conversation dates. A third meeting will be held on the overall comprehensive Plan, what it is in the plan and the process involved. This is the first time for Middletown to have community meetings on the comprehensive plan. The information that is collected is intended to be incorporated into this update of our plan. It is important to note that not all ideas can be incorporated into the plan due to legal, financial and regulatory constraints; however, all ideas are valued and will be reviewed in a public meeting of the Burgess and Commissioner and the Planning Commission.

Our purpose in having these conversations is to gather broad input describing how you view the town today and your hopes and wants for the future-the vision for Middletown. This is the focus of chapter 1 of the comprehensive plan. The purpose of this data is to allow the Burgess and Commissioners and the Planning Commission to create the vision and goals for the Comprehensive Plan which will then be the foundation for the more specific chapters. These conversations differ from what is going on for the county's Liveable Frederick plan which begins with a plan and seeks input to that plan. We are beginning with citizen input to be used in helping create the vision and goals of the Middletown comprehensive plan before we write the new guiding document for Middletown.

The meetings will not be used to resolve or discuss differing opinions. The meetings begin with the assumption that there will be differing opinions. The job of our facilitators is to gather these ideas and opinions, not discuss or resolve them. The structure we will use is the standard SWOT - a simple structure that asks attendees to share what they see as Middletown's strengths, weaknesses, opportunities, and threats. Our facilitators will be focused on gathering as many responses to these four areas as possible. Once we have completed the SWOT and the community meetings our facilitators will gather ideas for possible inclusion into the comprehensive plan and to write a vision statement. This information will be aggregated once all meetings are done to create a single SWOT and collected vision statements.

There are some logistical matters to deal with as well. We will need to limit the attendees to 120. **We will need you to register for a session so we know a number attending.** All of this can be accomplished by going to our website and clicking on **Conversations on the Comprehensive Plan.**

Our primary facilitator is Jane Tamagna, a noted professional in this field. Any and all facilitators are professionals in the field and their qualifications can be viewed on our website on the front page under Conversations on the Comprehensive Plan. These professionals will guide the conversations. I have asked our elected and appointed officials to not attend these meetings so a free flow of ideas and visions from you prior to any discussion of the constraints that may have to be introduced can occur. All comments will be confidential. This means no one's name will be attributed to any statement in the final compilation of results or in any conversations. More details on the process being used, our facilitators and the site, dates and times are on our website and on the back of this page. **Join the conversation!**

## **Conversations on the Comprehensive Plan**

**The facilitator—Jane Tamagna--will attend the February 7 workshop of the Burgess and Commissioners** to introduce herself, share her qualifications with the Board and explain her methods for conducting the meetings.

An excerpt of what Ms. Tamagna will share:

*You are being invited to join the conversation, and it will be helpful for you to know what to expect. To gather input to a vision for the future, we use a simple discussion technique that asks participants to share what they see as the Town's strengths and weaknesses today as well as their ideas of future opportunities and threats that should be considered in planning. This is called a SWOT and is a standard method used to begin vision and objective planning. To get your ideas, we will break you into groups of no more than 20 and simply ask four questions: What do you see as the Town's strengths? Its weaknesses? Its future opportunities? Its future threats? We will ask one other thing from you at the meeting, and that is to participate in creating suggestions for vision statement - a statement that says "In ten years Middletown will be..." We will combine the results of all discussions to reflect the comprehensive collective view.*

*A few things we hope you will think about as you consider joining this discussion. All discussions will be confidential with no names attributed at any time. In addition, this will not be a time to argue or discuss issues. We expect a broad range of ideas, and this is exactly what Burgess Miller is asking us to collect. The question is not "what should we do," but "how do we see the Town today and what do we hope for and want for the future." The broad answer to this question is the starting point for comprehensive planning. As a result, as facilitators, our job is to gather the information, and this means keeping focus on getting all views on the table without arguing merits or positions.*

*There will be time - and opportunity - to dig into issues and solutions once the specific Plan chapters about topics such as transportation, land use, environmental areas, water resources and others are presented for input. And finally, while visions always bump into reality in the form of financial, regulatory, legal, and other constraints, beginning with the vision rather than the constraints is a powerful way to plan.*

### **Dates for the community conversations are:**

Saturday, February 16 at 1:00

Wednesday, February 20 at 7:00

#### **Comprehensive Plan Overview and Process**

Tuesday, February 26 at 7:00 at the Town Hall

For more information and for registration visit [www.middletown.md.us](http://www.middletown.md.us)

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### WORKSHOP MEETING

January 3, 2019

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on January 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, Jennifer Falcinelli, Christopher Goodman, and Rick Dietrick.

### STAFF REPORTS:

Community Deputy Report – Deputy Chudoba gave the report for December.

Staff Planner Report – Cindy gave her report as attached to agenda.

Engineer's Report – Bruce gave his report.

Main Street Manager's Report – no report.

Zoning Administrator's Report – Mark gave his report.

### UNFINISHED BUSINESS:

**Wayfinding Signs** – Burgess Miller presented the Board with different options for the signs. Burgess Miller stated that right now we are only interested in putting them along Rt. 17. Burgess Miller asked for any comments and a vote will occur on Monday, January 14, 2019.

**Banner Display at Richland Golf - MOU for Banner Display at Richland Golf – Tentative Design** – The Board agreed to send the MOU to the Town Attorney for is review.

Bruce Carbaugh went over his design of the proposed Banner design with the Board, the Board liked the design presented.

**Posting of Town Parking Lots – Not to Allow Storage of RV Equipment** – Burgess Miller stated that with the demand with parking, we need to either post the parking lots or change the code as there is nothing in the code for us to enforce long term parking of vehicles in our parking lots. Mark Hinkle drafted a sign for the Board to review. The Board liked the sign but, made a few changes that Drew will change and bring back to the Board at the January 14, 2019 meeting.

**Elm Street Parking Lot Improvements Concept Plan & Cost Estimate** - Bruce went over the 2 options drafted. Option 1 has 42 parking spaces as we do now with 3 handicap spaces and small tree planting boxes. Option 2 has 40 parking spaces with 2 handicap spaces and 3 larger islands with trees. Burgess Miller stated that these improvements are an option to green this area up and eventually add lights to this parking lot. Bruce was asked to update the cost estimate to include three (3) street lights in the island in the parking light.

**Recommendation from Public Works Committee Regarding Lighting on South Jefferson Street** – this will come before the Board at the January 14, 2019 meeting.

### REPORT OF COMMITTEES:

**WATER & SEWER** – no report

**PUBLIC WORKS** – no report

**SUSTAINABILITY** – no report

**PLANNING COMMISSION** – no report

**PARKS and RECREATION** – no report

**PUBLIC INFORMATION – no report**

**NEW BUSINESS:**

**Banner Policy – Draft** – Staff has not had time to draft this policy. We will remove this item from the agenda until staff has time to draft.

**Social Media Policy – Draft** – Burgess Miller stated that Ann our Office Manager drafted this policy. Ann stated that with the use of social media becoming a part of our daily duties, this policy will allow us to regulate what is posted on our social media accounts.

**Review of Solar Array Agreements; Buyback; and Cost Analysis** – Drew reviewed the solar array agreements, the buyback costs in our contract. Drew also did a cost analysis of the solar array for FY 2018.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

Workshop adjourned at 8:56pm.

Respectfully submitted,

Ann Griffin  
Office Manager

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**January 14, 2019**

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

**CONSENT AGENDA:**

*Town Meeting Minutes – December 6, 2018 - Town Workshop & Public Hearing  
December 10, 2018 – Town Meeting*

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Goodman. Motion carried 6-0.

**PERSONAL REQUESTS FOR AGENDA:**

**UNFINISHED BUSINESS:**

**Wayfinding Signs** – Burgess Miller stated that this item has been on the Agenda for the last few months. Burgess Miller stated tonight he is seeking action on Rt. 17 only.

Motion by Commissioner Goodman to approve the signs for Rt.17 as presented, cost not to exceed \$1,000 per sign, seconded by Commissioner Catania. Motion carried 6-0.

**Banner Display at Richland Golf – Memorandum of Understanding and Design** – Burgess Miller stated that we approached Richland Golf about moving our banner to the corner of Middletown Parkway at Alt. 40 which is Richland Development LLC property. Burgess Miller stated that in front of us tonight we have the MOU between the Town and Richland Development LLC., which has been reviewed by the Town Attorney. Also, you have the design that Bruce Carbaugh is proposing.

Motion by Commissioner Bussard to enter the MOU with Richland Development LLC, seconded by Commissioner Catania. Motion carried 6-0.

Motion by Commissioner Dietrick to approve the banner display design, seconded by Commissioner Goodman. Motion carried 6-0.

**Posting of Town Parking Lots – Not to Allow Storage of RV Equipment** – Drew stated that this was a debate at the Workshop. Drew changed the sign per the comments from the Workshop.

Motion by Commissioner Bussard to place these signs at the Municipal Parking Lots with the new logo added, seconded by Commissioner Catania. Motion carried 6-0.

**Elm Street Parking Lot Improvements Concept Plan & Cost Estimate** – Burgess Miller stated that currently in the budget (\$115,000) we have the improvements as well as overlay of this parking lot. The estimate in front of you is \$94,986.54 which includes tar, chip & seal as well as curb, gutter, landscaping, and street lights. The Board had a few questions that they need clarified. This will be brought back at the next meeting.

**Recommendation from Public Works Committee Regarding Lighting on South Jefferson Street** – Commissioner Bussard stated the he met with his Committee and they visited the site multiple times and feel that a light is not needed in the area being requested (333 S. Jefferson St.)

Madelyn Remsburg, 336 S. Jefferson Street - stated that she disagrees with that recommendation. Ms. Remsburg stated that she submitted a document that all the neighbors in that area are in agreement with placing a light here.

The Board directed Drew to contact Potomac Edison to find out if a light can be placed on the pole being requested.

#### **REPORT OF COMMITTEES:**

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

Water use for December – 299,953 gal., spring flow for December – 121,421, East WWTP treated 228,000 gals. and the West WWTP treated 550,000 gals.

Reservoir tank design is complete, we have received the final report and it has been distributed, design phase to be completed end of May and bidding will proceed.

Our guys saved us almost \$5K on generator radiator repair at the EWWTP.

Water/Sewer Committee meeting will be held January 23, 2019 at 7pm.

##### **PUBLIC WORKS – Commissioner Bussard reported:**

Guys have been busy putting up and taking down Christmas decorations, replacing water valves throughout town, regional PRV repair, in truck bed water tank fabrication and the contractor continued work on making our sidewalks ADA.

Bruce has 2 estimates to get the boilers replaced here at the Municipal Center.

Request from a resident to make the intersection at Linden Blvd. and Pine Avenue the public works committee does not see the need to make this a 4 way stop.

Request from a resident from the new development Middletown Glen to place “no parking” signs along Ingalls Drive. Drew stated that according to Bruce Carbaugh the “no parking” signs have not been installed by the developer to date because it is still under construction and the Town has not yet taken over the streets.

##### **SUSTAINABILITY – Commissioner Dietrick reported:**

City of Brunswick gave us 35 composite bins. We will try to sell them to residents for \$20.

Middletown Library has agreed to advertise the “Talks” even though they are not just Middletown.

SHA is relocating some trees that were planted along Main Street that were planted on top of utilities and due to some residents not wanting them. These trees will be planted along Middletown Parkway.

##### **PLANNING COMMISSION – Commissioner Catania reported:**

Next workshop is January 16, 2019 and the meeting is Monday, January 21, 2019 at 7pm. Items of discussion for this month are Cross Stone Commons revised Forest Conservation Plan, Self-storage facility special exception use and the Comprehensive Plan Update.

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

No meeting in November or December. We will meet on January 16 at 7pm. to discuss our POS requests.

##### **PUBLIC INFORMATION – Commissioner Falcinelli reported:**

We will be discussing the banner standards and social media policy.

#### **NEW BUSINESS:**

**Social Media Policy – Draft –** Commissioner Falcinelli stated that the Public Information Committee will be reviewing this policy. Burgess Miller reported that we received a few comments by Jane Weir that she asked to be made part of the record (copy of email attached to minutes). Ms. Weir asked if the Town will be including in the social media policy what the Burgess and Commissioners post to other groups Social media sites likes Concerned Citizens of Middletown? Ms. Weir also submitted a link to an article (which you must subscribe to), therefore we were only allowed to read the first paragraph about a federal court decision that prohibits politicians from blocking public comment.

**Review of Solar Array Agreements; Buyback; and Cost Analysis –** Drew reviewed the solar array agreements, the buyback costs in our contract. Drew also did a cost analysis of the solar array for FY 2018.

**Vacancy for Alternate to the Town's Ethics Commission** – Burgess Miller stated that we advertised for this position last week and have had 2 people submit their interest.

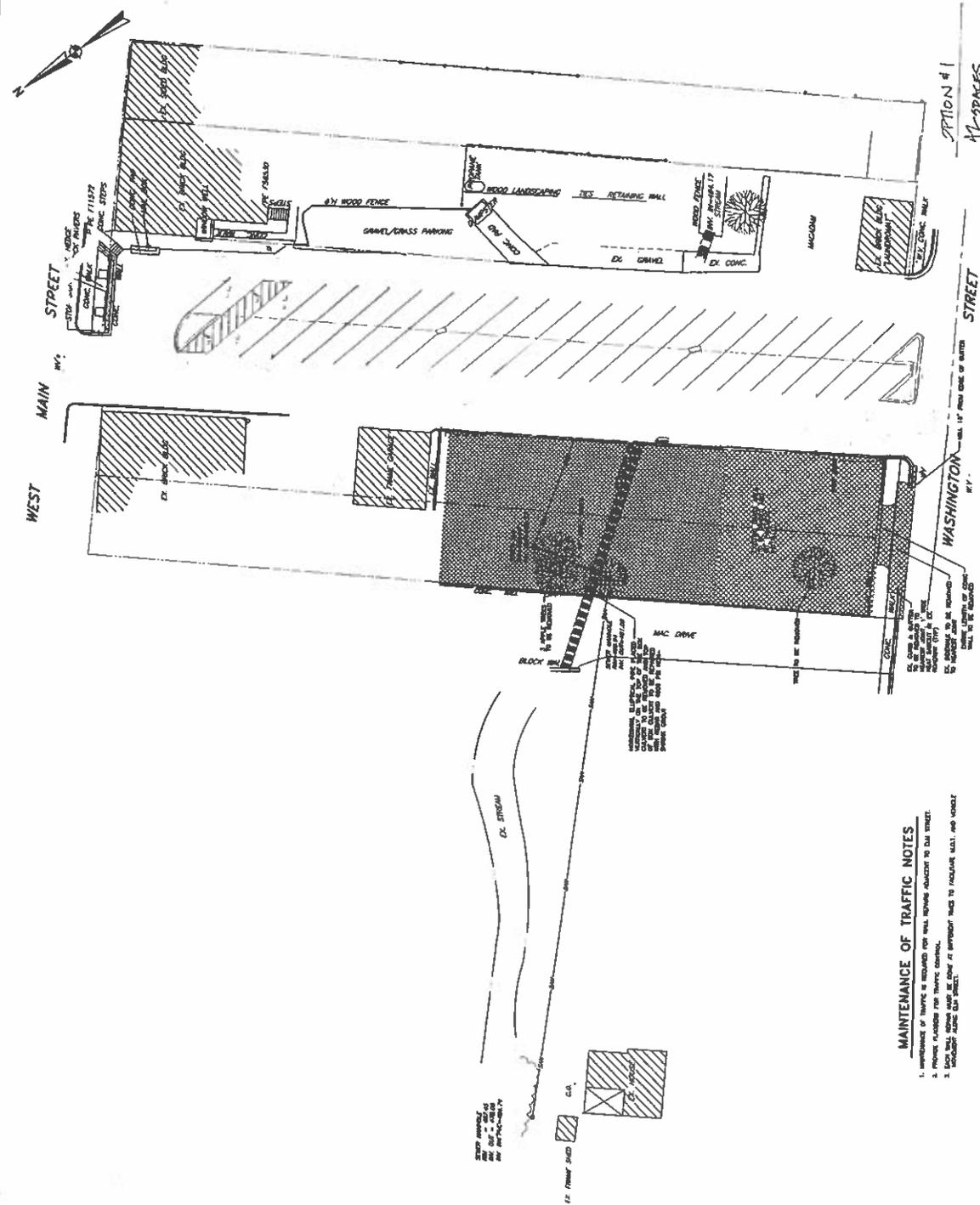
**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

Workshop adjourned at 8:51pm.

Respectfully submitted,

Ann Griffin  
Office Manager

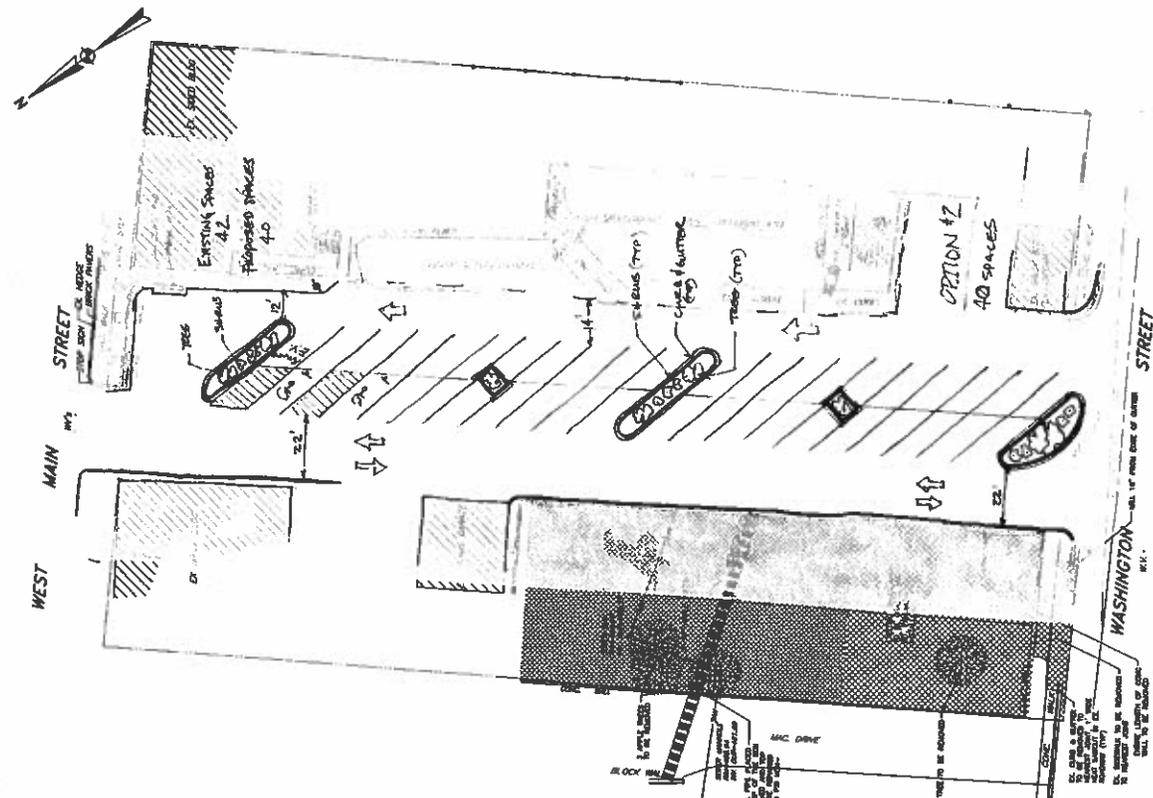


**MAINTENANCE OF TRAFFIC NOTES**

1. IMPROVEMENTS OF TRAFFIC IS REQUIRED FOR WALL REMOVAL ADJACENT TO THE STREET.
2. PROVIDE PLAN FOR TRAFFIC CONTROL.
3. MAINTENANCE OF TRAFFIC PLAN IS REQUIRED FOR IMPROVEMENTS TO MAINTAIN EXIST. AND MAINTENANCE OF TRAFFIC PLAN.

1-14-76  
 1-14-76  
 2-20-76  
 1-14-76  
 1-14-76  
 2-20-76

PROJECT NO. 6452.00 SHEET NO. 2 OF 9 DATE 11-1-76 DRAWN BY [Signature] CHECKED BY [Signature]		TITLE <b>DEMOLITION PLAN AND MAINTENANCE OF TRAFFIC PLAN</b>	
SCALE 1" = 20' PROJECTED BY 6452.00		SHEET NO. P-1	
CLIENT & PROJECT TOWN OF MIDDLETOWN 31 WEST MAIN STREET MIDDLETOWN, MARYLAND 21769			
ELM STREET PARKING LOT IMPROVEMENTS MIDDLETOWN, FREDERICK COUNTY, MARYLAND		1101 Pop Creek, Third Floor Hagerstown, Maryland 21740 Tel. 301.791.1100	
DESIGNER THOMAS G. ZUREK, P.E. LICENSE NO. 11111		CHECKED E.L. PHOENIX, P.E. LICENSE NO. 11111	
DRAWN FOR CONSTRUCTION DATE 1-14-76		DATE MAY 2003	
REVISIONS NO. DATE BY 1 1-14-76 [Signature] 2 1-14-76 [Signature] 3 2-20-76 [Signature]		REVISIONS NO. DATE BY 1 1-14-76 [Signature] 2 1-14-76 [Signature]	



**MAINTENANCE OF TRAFFIC NOTES**

1. MAINTENANCE OF TRAFFIC IS REQUIRED FOR ALL WORKS SHOWN IN THIS PLAN.
2. PROVIDE MAINTENANCE FOR TRAFFIC CONTROL.
3. WORK SHALL BE DONE AS NEARLY AS POSSIBLE TO PREVENT HAZARD AND UNLAWFUL OBSTRUCTION OF TRAFFIC.

TOWN OF MDOLETOWN 31 WEST MAIN STREET MDOLETOWN, MARYLAND 21768		<b>ARRC</b> ARROW ROAD CONSULTANTS 1101 Oak Court, Suite 100 Frederick, MD 21704 Telephone: 301.791.1100		TITLE REGULATION PLAN AND MAINTENANCE OF TRAFFIC PLAN	SCALE 1" = 30' PROJECT NO. 6452.00	SHEET NO. P-1 SHEET 2 OF 9
COLON & PENLAND TOWN OF MDOLETOWN 31 WEST MAIN STREET MDOLETOWN, MARYLAND 21768 ELM STREET PARKING LOT IMPROVEMENTS MDOLETOWN, FREDERICK COUNTY, MARYLAND				PROJECT NO. 6452.00		
ARCHIVED D. JAMES, P.E. REGISTERED P.E. R.S. PARNES, P.E. DESIGNER CHECKED DATE MAY 2007		APPROVED FOR CONSTRUCTION ISSUED FOR BIDDING ISSUED FOR CLEARING CONTRACT NO.		DATE BY APP. BY DATE BY APP. BY		

\$ 90,000.00

**Elm St Parking and Street**

		L	W	SY	COST
		41000	1	4555.6	
Tar and Chip	2650.0	\$ 9.20			\$ 24,380.00
2" Overlay 12.5mm	2650.0	\$ -			\$ -
Paving Fabric ( SY)	2650.0	\$ -			\$ -
Wedge and Level (TONS)	100.0	\$ -			\$ -
Full Depth Patch (SY)	135.0	\$ 40.00			\$ 5,400.00
Driveway Apron Replacement		22	6	0.0	
	0.0	\$ 70.00			\$ -
Curb and Gutter Remove and Replace Perimeter L = LF	0	\$ 35.00			\$ -
<b>Water Services Replacement ALLOWANCE</b>					
Installation	0	\$ 4,000.00			\$ -
Patch	0	\$ 350.00			\$ -
<b>SS Lines and Services</b>					
TV prior to construction	0	\$ 2,500.00			\$ -
Storm Drain Repair	0	\$ 1,500.00			\$ -
Sidewalk (allow 65% replacement)		300	4	133.3	
DELETE if resident reimbursed	0.0	\$ 54.00			\$ -
Curb and Gutter	325	\$ 45.00			\$ 14,625.00
Pavement Marking and Signs	1	\$ 2,000.00			\$ 2,000.00
Landscaping	1	\$ 8,000.00			\$ 8,000.00
<b>LIGHTING and POWER</b>					
Power Service and Control	1	\$ 10,000.00			\$ 10,000.00
Street Lights	3	\$ 4,500.00			\$ 13,500.00
Electric Vehicle Charging Station	1	\$ 2,050.00			\$ 2,050.00
subtotal					\$ 79,955.00
Mobilization, Insurance Bond					\$ 6,396.40
<b>Total Estimated Construction Cost (7/2018)</b>					<b>\$ 86,351.40</b>
Engineering					\$ -
<b>Project Cost</b>					<b>\$ 86,351.40</b>
		10% contingency			<b>\$94,986.54</b>

# **TOWN OF MIDDLETOWN**

## **SOCIAL MEDIA POLICY**

Welcome to the official Facebook page for the Town of Middletown, Maryland. Visit [www.middletown.md.us](http://www.middletown.md.us) for more information. This page is monitored weekdays between 8:00 a.m. and 4:00 p.m. and during emergency incidents.

The Town of Middletown understands that the widespread use of the of the internet has changed the nature of communication, and believes that the use of social media can help inform the citizens of the Town and other interested individuals.

The Town of Middletown recognizes that social media tools present bot possibilities and challenges. They allow dialogue between the Town and the public in a timely and accessible format, but carry with them the risk of being a forum for inappropriate comments or activity. To guide the Town and its citizens in the use of these tools, the following Social Media Policy has been adopted.

### **Definitions:**

**Social Media:** the various web sites and activities that integrate technology, social iteration, and content creation. By way of example, but not limitation, some commonly use social media sites are Facebook and Twitter.

**Town email account:** an email account provided or approved by the Town of Middletown, which is used for official business.

**Town Social Media/Networking Site:** a website or social media tool which has been created, reviewed and approved for use by the Burgess and/or designee.

**Post:** a message/blog submitted by the Administrator including, but not limited to text, videos, photographs, graphic links, computer applications, etc.

**Administrator:** the individual designated by the Town of Middletown to submit posts for official purposes and to review comments to assure compliance with this policy.

**Comments:** visitor submitted statements, replying to a post or offering.

### **Operational Guidelines:**

1. The purpose of this Facebook page is to present matters of public interest related to the Town of Middletown as they concern our many residents, businesses and visitors. The Town intends to create an open discussion regarding municipal activities' and services, and to encourage helpful and useful comments. This is a limited online discussion site and not a public forum. All use of social media by the Town and its employees shall be consistent with applicable federal, state, and local laws, regulations and policies, including all information technology security policies.
2. Social Media shall be used for:
  - a. Disseminating time-sensitive information as quickly as possible (i.e., emergency information, meeting notices, public hearings, etc.);
  - b. Communicating and receiving feedback from Town residents and businesses;
  - c. Marketing and promoting the information about the Town to the widest possible audience;

3. The Administrator will be responsible to post items to social media. Visitors will have the ability to comment on posts;
4. When possible, content posted to Town social media sites shall contain links directing visitors to the Town's official website for more information, forms, documents or online services;
5. The Town, at its sole discretion, reserves the right to delete submissions that violate the Visitor Guidelines provisions of this policy;
6. Freedom of information Act laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
7. The Town reserves the right to restrict or remove any content that is deemed in violation of these guidelines or any applicable law, and reserves the right to delete comments that are more than 30 days old.
8. Those who provide content to this site agree to have no expectation of privacy in the information provided. The Town is not responsible for and does not endorse any links embedded in comments posted to this site by third parties. This site does not circumvent or supersede the Town's normal business practices or processes. For example, responses to requests for proposals, invitations for bid, or other competitive procurements are not properly submitted via this site. Content submitted to this site is not legal notice to the Town.
9. Comments expressed on this site do not necessarily reflect the opinions and position of the Town of Middletown or its elected officers and employees.

#### **Visitor Guidelines:**

1. The Town welcomes you and your comments to the Town of Middletown, Maryland Facebook page. The purpose of this site is to present matters of public interest in the Town to its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns. Please note that this is a moderated page; all comments will be reviewed for appropriate content. We recognize that the web is 24/7 medium and your comments are welcome at any time. However, given the need to manage our staff resources we will generally moderate comments between 8am. – 4pm., Monday through Friday, excluding holidays.
2. Please stay on topic and show respect to those who will read your comments. The Town reserves the right to determine which comments are acceptable. The Town does not discriminate against any views, but has an obligation to all visitors to its social media sites. Comments containing any of the following shall not be allowed:
  - a. Comments containing vulgar or profane language;
  - b. Threatening or personal attacks of any kind;
  - c. Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation;
  - d. Spam or links to other sites that are inappropriate;
  - e. Comments clearly off topic;
  - f. Comments which encourage or advocate illegal activity;
  - g. Promotion of particular services, products or political organizations or candidates for office;
  - h. Content that violates a legal ownership interest of any other party, such as infringement on copyrights or trademarks;
  - i. Comments which include personally identifiable medical information;
  - j. Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations.
3. Comments or questions on social media do not serve as formal requests for Town service and responses have to be general. Any resident needing a specific response from the Town should call Town Hall.

4. This site may not be used for the submission or any claim, demand, formal or informal complaint, or any other form of legal and/or administrative notice or process, or for the exhaustion of any legal or administrative remedy.
5. Communication via the internet, whether e-mail or social networking sites, is all a public record. Information provided in comments may be publicly available on Facebook and the privacy policies of Facebook apply. Please do not include personal details in your posts or comments. The Town of Middletown disclaims any liability for any loss or damage resulting from any comments posted on this page.

**Comments:**

If you would like to learn about the Tow of Middletown, Maryland, please visit our website: [www.middletown.md.us](http://www.middletown.md.us). If you have specific questions or concerns, please contact the Town Office at 301-371-6171 or e-mail [office@ci.middletown.md.us](mailto:office@ci.middletown.md.us).

December 27, 2018

**RECEIVED**

DEC 31 2018

**TOWN OF MIDDLETOWN, MD**

The Honorable John D. Miller  
Burgess, Town of Middletown  
31 West Main Street  
Middletown MD 21769

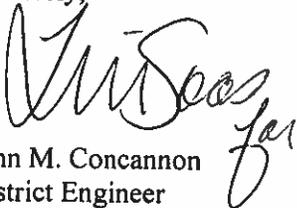
Dear Burgess Miller:

Thank you for your letter to the Maryland Department of Transportation State Highway Administration (MDOT SHA) regarding parking on South Church Street (MD 17) in front of the Christ Reformed Church. Our staff has reviewed the preliminary design, as well as the site constraints and we encourage the Town to finalize a design with the following considerations in mind:

- The through lane is noted as 12-foot wide. Please confirm the width. MDOT SHA would consider an 11-foot wide lane to help facilitate parking through this area.
- The existing sidewalk is noted as 6-foot wide. The MDOT SHA standard sidewalk width is 5-feet.
- Please retain the 8-foot wide parking lane as shown on your preliminary plan.
- MDOT SHA would prefer a consistent width of sidewalk through the reconstructed area instead of the proposed bump-outs at the stairs.
- There may be existing underground utilities adjacent to the curb that should be delineated and planned for during final design efforts.
- As final design is developed, the Town should apply and obtain all necessary permits for the work, including a District Office permit from MDOT SHA for any work within MDOT SHA Right of Way.
- MDOT SHA standards for sidewalk, curb and gutter, as well as roadway widening will need to be used for the final design and should be detailed on the permit application.
- MDOT SHA is willing to fund up to \$12,000.00 of the construction costs associated with these improvements to MD 17 to increase available parking in Middletown.

Thank you again for the opportunity to partner on this important effort. For questions regarding the District Office permit, feel free to contact Teri Soos, Acting Deputy District Engineer, at 301-624-8159, toll-free at 800-635-5119, or by email at [tsoos@sha.state.md.us](mailto:tsoos@sha.state.md.us). You may also contact me directly at 301-624-8102, toll-free at 800-635-5119, or by email at [jconcannon@sha.state.md.us](mailto:jconcannon@sha.state.md.us).

Sincerely,



John M. Concannon  
District Engineer

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

cc: Sam DeLaurence, Traffic Team Leader, MDOT SHA  
Teri Soos, Acting Deputy District Engineer, MDOT SHA

Middletown  
Water & Sewer Committee Minutes  
January 23, 2019

Present: Drew Bowen, Bruce Carbaugh, Mark Carney, Jennifer Falcinelli, Daphne Gabb, Rich Gallagher, David Lake, Bob Smart, and Carolyn Spehr

1. Review and Recommendations on Reservoir Final Report – Bruce Carbaugh and Drew Bowen presented the report to the W&S committee. Several of the committee members were very impressed with the work of Gannett Fleming.

**The Committee unanimously recommends the 1 million gallon AWWA D115-Divided Tank Reservoir.** Projected cost for the tank only is \$980,000, which equates to \$0.98 per gallon. This is the most economical tank of the choices available for 1 million gallons.

2. Review of Sanitary Sewer Ordinance – **The committee agrees with staff's recommended changes to this ordinance but also recommend a further review and some potential additions.**

Recommended to provide public service announcement in Quarterly Update reminding residents to not place dental floss and any type of wipe (even if it states "flushable" on the package) into the toilet. The dental floss gets caught in the mechanics of the sewer plant and the wipes cause back ups and can damage pumps. These repairs can cost thousands of dollars.

Respectfully Submitted,  
Jennifer Falcinelli

*Attachment A*

**MSEC Project Development Form (FY17)**

*(This form denotes the information necessary to approve an MSEC funded project.)*

<b>1. Name of Grantee</b>	
Town of Middletown	
<b>2. Policies Passed:</b>	
<input type="checkbox"/> Energy Efficiency <input checked="" type="checkbox"/> Renewable Energy <input type="checkbox"/> Transportation Petroleum Reduction	
<b>3. Grant Amount</b>	
Total FY17 Grant Amount: \$25,000	
a. Direct Project Costs: At a <b>Minimum</b> , at least 70% of the total grant amount needs to go towards direct project costs	\$25,000
b. Policy and Project Preparation Costs: <b>Maximum</b> of 30% of total grant amount	
<b>4. Project Address (or addresses, for multiple locations)</b>	
301 West Main Street, Middletown, MD 21769	
<b>5. Project Type</b>	
<input type="checkbox"/> A project focusing solely on energy efficiency (i.e., a lighting upgrade, adding insulation, etc.) <input checked="" type="checkbox"/> A project focusing solely on renewable energy/clean transportation (i.e., adding solar panels to your roof) <input type="checkbox"/> A project which combines energy efficiency and renewable energy/clean transportation	
<b>6. Amount of Grant Funds Requested Per Project and Per Funding Track (e.g. energy efficiency, renewable energy, or transportation petroleum reduction).</b>	
*For each project, please provide a breakdown of costs (e.g. equipment, material, labor, etc.) based on actual pricing obtained through your community's procurement process.	
Equipment: \$16,500 modules, inverter, optimizers, monitoring Balance of System: \$2,900 Labor: \$2,500 Design, Engineering, Permit: \$2,700	

**7. Project Narrative (For multiple projects, please include one narrative per project):**

Solar system for the roof of the Middletown Food Bank building. It is a 7.2 kW ballasted design, estimated to generate 8,417 kWh's in year one.

**8. Total Project Cost, Other Sources of Funding (e.g. Jurisdiction Match, Rebates, Other Grants, etc.). For multiple projects, please provide complete information for question 8 on a project-by-project basis.**

**9. Annual Energy Benefits Calculation/Estimate (e.g. kWh reduced, kw installed, gallons reduced) and Source of Energy Estimates**

\*Before approving any project, MEA must have a detailed estimate of projected energy savings that shows all assumptions, calculations, etc. If relying on an audit for projected energy savings, the audit should be submitted with this form. Calculations can be shown below or attached in a separate spreadsheet. Any project with incomplete or unsubstantiated energy savings estimates will not be approved. Energy efficiency projects are required to be cost effective, with a simple payback (section #11) being less than the anticipated equipment life (section #10).

The Helioscope design describes all the assumptions made as to estimating production

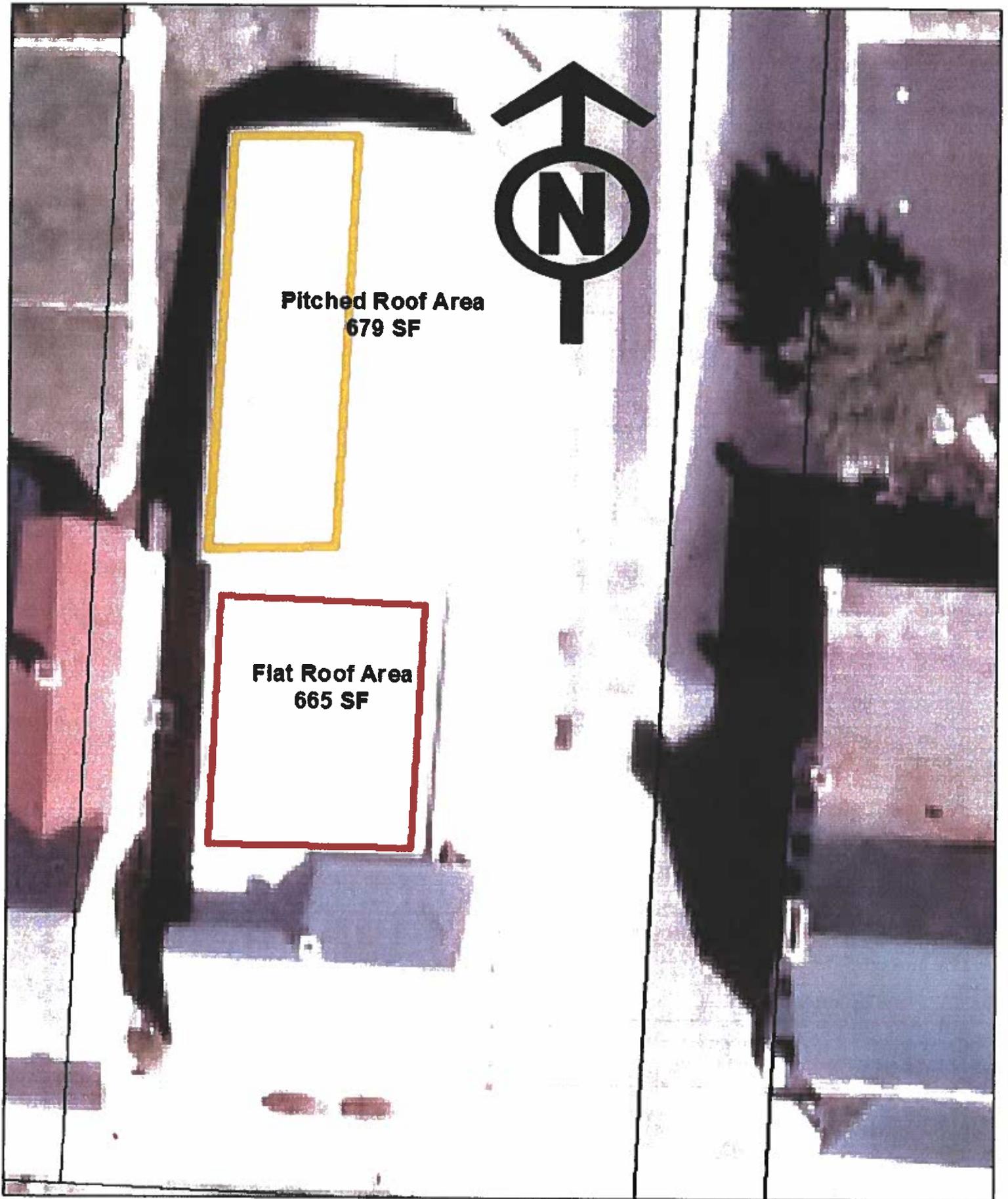
**10. Expected Life of the Installed Equipment**

Modules expected life is 25 years, Optimizers-25 years, Inverter-15 years

**11. Simple Payback of the Measures (e.g. Total project cost/annual anticipated energy savings)**

Simple payback - cost/kWh is  $\$.12 \times 8,400 \text{ kWh's/year} = \$1,008$   
 $\$24,624 / \$1008 = 24.4 \text{ years}$

<b>12. Electricity/Fuel Cost Information</b>	
Electric utility provider and cost of electricity/kWh	Potomac Edison \$0.12/kwh
Building fuel oil cost (\$/gallon)	
Natural gas utility provider and cost of natural gas (\$/MMcf)	
Propane cost (\$/gallon)	
Gasoline cost (\$/gallon)	
Diesel cost (\$/gallon)	
Other fuels not listed above (please specify):	
<b>13. Utility Rebates (if applicable):</b>	
NA	
<b>14. Documentation of Maryland Historic Trust Review (if applicable)</b>	



**Middletown Food Bank, 301 West Main Street**

**Town of Middletown - Frederick County**

MEMORANDUM

Date: 11/26/2018

To: Burgess and Commissioners, Middletown  
From: Cynthia K. Unangst, Middletown Staff Planner  
RE: Blighted Property Ordinance recommendation

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**The Middletown Planning Commission on November 19, 2018 reviewed proposed Blight Ordinance language which would provide a purpose section, scope, definition, duty of owner or occupant, designated enforcement officer, inspection and remediation, complaints and enforcement, penalties for offenses, remediation incentives, and hardship waivers sections for blight regulation provisions. By consensus the Planning Commission recommends approval of the proposed text amendment language. The draft will need to be sent to the Town Attorney to be put into ordinance form and a public hearing will need to be scheduled. As seen in the proposed draft language, the Planning Commission is recommending that the blight ordinance be located in Title 8 – Health and Safety of the Municipal Code.**

**Key components of the ordinance:**

- The ordinance would apply to buildings or structures, and not the property in general.
- The blighted structure would need to be repaired within a reasonable time frame, not to be less than thirty days from the date of the notice given.
- Penalties are the same as for other code violations - \$100 for each day a violation exists and continues.
- Fines can be waived for prospective purchasers of a blighted structure.
- The B&C can grant a property owner additional time to correct a violation where the owner establishes good cause and a written plan of action.

**The language included in the draft ordinance came from the following sources:**

Purpose section – draft demolition by neglect ordinance written for Middletown in 2006

Scope, duty of owner, designated enforcement officer, and penalties for offenses sections – Woodbridge, CT

Definition section – Mount Airy, MD

Entry, inspection and remediation and hardship waivers sections – Coventry, CT

Remediation incentives section – Danbury, CT

Complaints and enforcement section – Chapter 12.04.040 Sidewalk maintenance and repair

## **Title 8 – HEALTH AND SAFETY**

### **Chapter 8.24 - Blight Ordinance**

**Purpose** – The Burgess and Commissioners find that it would be in the best interests of the Town of Middletown, in order to protect the public health, safety and welfare of residents and property, and to preserve property values, to adopt an ordinance to enforce regulations for the prevention and remediation of blighted structures within the Town.

**Scope** –Applies to any building or structure, or part thereof. Excludes blighted structures for which a site plan or zoning certificate application for improvements to the premises is pending for 90 days from date of application submittal.

**Definition** – Blighted Structure is any dwelling, garage, or outbuilding, or any shop, store, office building, warehouse, or any other structure or part of a structure, to include private driveways and parking lots thereto, which:

- A. Because of fire, wind, other natural disaster, vandalism or physical deterioration is no longer habitable as a dwelling, is no longer useful for the purpose for which it was originally intended, or, as respects private driveways and parking lots, has been allowed to deteriorate to the point where deep and numerous potholes, cracks and voids in paving have developed which pose a risk of injury or of property damage and to the point that commercial business operating in such structures or on surrounding properties has been or is likely to be adversely affected; or
- B. Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Town of Middletown; or
- C. Is not structurally sound, weathertight, waterproof or vermin proof; or
- D. Is not covered by water-resistant paint or other permanent waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- E. Contains one of more exterior openings for a period of 60 days or more not covered by a functional door or unbroken glazed window or which is not in the case of a vacant building neatly boarded up and protected against the elements and from vandals and rodents and other animals.

**Duty of Owner or Occupant** – No owner, agent, tenant or person in control of real property (hereinafter collectively and/or singularly referred to as the “owner”) located in the Town of Middletown shall allow, maintain or cause to be maintained any blighted structures.

**Designated enforcement officer** – The Zoning Administrator or Town Administer and/or other individuals designated by the Burgess and Commissioners are charged with enforcement of this chapter. Such designated enforcement officer is hereby authorized to take such enforcement actions as are specified in this chapter.

Entry, inspection and remediation – If the designated enforcement officer reasonably believes that blight exists on a property, he or she is authorized to enter the property during reasonable hours for the purpose of inspection and remediation of any blighted condition, provided such person shall not be authorized to enter any dwelling or structure on the property.

Complaints and enforcement - Upon determining that a blighted structure exists, the designated enforcement officer shall provide notice of such hazardous condition to the owner of the property. The notice shall identify the location and nature of the blighted condition, shall advise the owner of the requirement to repair the blighted structure so as to abate the condition, and shall order the owner to abate the condition within a reasonable time, not to be less than thirty (30) days from the date of the notice and order. The notice and order shall also advise the owner of the right to request an appearance before the burgess and commissioners to contest the order of abatement.

The notice and order shall be given by certified or registered mail addressed to the last known address of the owner of the property. If the owner of the property is unknown or the owner's whereabouts cannot be determined after reasonable efforts, then the notice and order may be given by posting the notice and order on the property in a conspicuous location. Notice to any one owner of the property shall be adequate and shall be considered notice to all owners of the property.

Upon receiving a notice and order to correct the blighted condition, the owner may request an opportunity to appear before the burgess and commissioners and be heard regarding the order and necessity to abate the condition. Such request must be presented to the town administrator no later than ten (10) days from the date of the notice. The burgess and commissioners, after any such appearance, may affirm or modify the order to abate the condition.

If the property owner fails to timely request an appearance before the burgess and commissioners and fails to abate the blighted condition within the time period stated in the notice and order, or if the property owner fails to abate the blighted condition within the time period established by the burgess and commissioners after the appearance by the owner, then the town may make the required repairs as necessary, and the owner(s) of the property shall be jointly and severally liable for the cost of doing so. The cost of the repair shall constitute a lien on the property and may be collected in the same manner as taxes on the property.

Penalties for offenses – Violations of the provisions of this chapter shall be punishable by a fine of \$100 for each day a violation exists and continues.

Remediation incentives – As an incentive toward the full remediation of a structure designated as blighted, a purchaser or a prospective purchaser of such blighted structure may make application to the Town of Middletown for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this waiver, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur within six (6) months of closing of title), the specific improvements to be made, and that the

applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the Zoning Administrator or Town Administrator.

Hardship waivers – Special consideration may be given to those who require it in order to correct a violation of this article. Specifically, the burgess and commissioners may grant a property owner additional time to correct a violation where the owner establishes good cause and a written plan of action to resolve the problem. As used in this section, “good cause” includes, but is not limited to, a disabled individual or other individual who is unable to personally correct a problem due to a medical condition, or an individual who earns a low income and is unable to correct a problem due to financial hardship. In determining whether good cause exists, the burgess and commissioners shall consider whether other occupants of a property are able to assist in correcting the problem in a timely fashion and whether the severity of the problem is such that additional time is not warranted.

# **Burgess and Commissioners of Middletown, Maryland**



## **Town Personnel Policy Employee Handbook**

Approved by the Burgess and Commissioners  
March 23, 2015  
Revised \_\_\_\_\_, 2019

# **Town Personnel Policy**

## **Employee Handbook**

### **Table of Contents**

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## **I. Introduction**

The Town of Middletown (Town) is committed to fair, clearly stated and supportive relationships between the organization and its staff. The personnel policies of the Town have been established in order to provide a guide to the personnel practices of the Town and to ensure consistency of personnel decisions. It is the intention of the Town to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. This document is designed to provide guidance to staff at the Town. It is not a part of any contract between the Town and its employees. It is only a set of informal guidelines for personnel practices. Notwithstanding the provisions of the personnel policies, all employees are "*at will employees*" which means that they may be terminated at any time with or without cause without subjecting the Town to a claim for breach of an employment contract.

## **II. Equal Opportunity**

The policy and intent of the Town is to provide equal employment opportunity for all persons regardless of race, color, religion, national origin, marital status, political affiliation, status with regard to public assistance, disability, sex, or age.

The Town intends to respond affirmatively in its employment practices. Affirmative action applies to all aspects of employment practices including, but not limited to, recruiting, hiring, placement, promotion, demotion, transfer, training, compensation, benefits, layoff, recall, and termination. The Town seeks to do business with organizations that encourage equal employment opportunity.

## **III. Full – Time Employees**

Full – Time employees are defined as those employees working 40 hours / week. Full – Time employees are eligible for benefits from the Town including health insurance, life insurance, and enrollment in the Town retirement program through the Maryland State Retirement and Pension System.

## **IV. Part – Time Employees**

Part – Time employees are defined as those employees working less than the regular 40 hour / week on a regular basis. Part – Time employees are eligible for benefits from the Town only after 25 years of continuous full- time employment with the Town. Part – Time employees are eligible for retirement benefits if they work more than 500 hours in a year. No other benefits are provided for Part – Time employees.

## **V. Seasonal Employees**

Seasonal employees are defined as those employees working 40 hours / week, but no more than 500 hours in a year and no more than three (3) consecutive months in a row. No benefits are provided for Seasonal employees.

## VI. Work Schedule

### Administrative Staff

Full-time employees are paid based on a 40 hour work week including ½ hour for lunch per work day. Regular work hours are established as 8:00AM – 4:00PM, Monday – Friday. Employees other than receptionists may vary their work hours with approval from the Town Administrator. Certain positions are considered Fair Labor Standards Act (FLSA) exempt. Those positions are listed as: Town Administrator, Director of Public Works, Assistant Director of Public Works **and Project Manager**.

Some administrative staff is required to attend evening meetings held by the Town Board and/or Commission(s) and/or Committee(s). Compensation for these additional hours of work is covered in the Compensation Section of this policy.

### Maintenance Staff

Full-time employees are paid based on a 40 hour work week including ½ hour for lunch per work day. Regular work hours are established as 7:00AM – 3:00PM, Monday – Friday. In the event of extreme heat during the summer, the Director of Public Works and/or the Town Administrator may authorize a change in starting time to avoid heat related health issues. Maintenance staff and the Water & Sewer Department are required to work weekends and holidays in order to maintain the treatment facilities of the Town. Compensation for these additional hours of work is covered in the Compensation Section of this policy.

## Holiday Schedule

The TOWN observes the following holiday(s):

1. New Year's Day
2. **Martin Luther King Day - ADDED**
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. **Veteran's Day - ADDED**
8. Thanksgiving Day
9. Day After Thanksgiving
10. **Christmas Eve – change from half day to all day**
11. Christmas Day
12. Employee's Birthday

If the holiday falls on a Saturday, the preceding Friday is the observed holiday; if it falls on a Sunday, the following Monday is the observed holiday. Holiday time is classified as administrative leave. Administrative leave is defined as hours paid by employer for leave that is not deducted from an employee's vacation or sick time.

With regard to the Water & Sewer Department, the next succeeding weekday following the observed holiday is designated as the holiday time off.

## **Emergency Closings**

In cases of severe weather or other unusual work conditions, i.e. no heat or air conditioning or no running water, the Burgess may grant administrative leave and/or issue an early dismissal to employees at the workplace. This includes both full-time and part-time employees.

## **Emergency Work**

In response to emergency situations such as: waterline breaks, sewer clogs, snow storm events, etc., some employees, as identified by the Town Administrator, Director of Public Works and/or the Assistant Director of Public Works, will be required to work to resolve the emergency. Compensation for these additional hours of work is covered in the Compensation Section of this policy.

## **VII. Compensation**

There are **four (4)** FLSA exempt staff positions in the Town. They are the Town Administrator, the Director of Public Works, the Assistant Director of Public Works **and the Project Manager**. All other non-exempt positions in the Town are hourly.

Overtime will be paid at a rate of 1.5 times the employee's normal hourly rate. Overtime will be paid for all hours worked in excess of 40 hours worked per week. Vacation, sick, holiday, jury duty, voting, administrative leave or bereavement leave are not hours physically worked and cannot be used to determine hours worked in excess of 40 hours per week. In addition, any hours worked outside the normal work week will be paid at an overtime rate. Weekend work will be paid at overtime rates if in excess of the 40 hours. (Overtime pay does not apply to FLSA exempt staff positions.)

### **Pay Period**

Wages are disbursed bi-weekly on Friday's. The pay period is from Thursday – Wednesday. Employees are only offered the option of direct deposit. There are 26 pay's per year. If a pay day falls on a holiday, paychecks will be made available the day before. If there are extenuating circumstances, pay might be made available early with the approval of the Town Administrator and the Burgess & Commissioners.

### **Time Sheets**

Employees are responsible for computing and maintaining a bi-weekly time sheet. Time sheets are to be submitted to the office no later than Thursday morning by 9:00am before the bi-weekly payroll. Time sheets must be signed by the employee. Any reimbursement, such as mileage, safety clothing, or other Town related expenses must be included with the time sheet and include a copy of an invoice.

### **Compensatory Time**

Compensatory time off is time off with pay in lieu of overtime pay for irregular or occasional overtime work. Non-Exempt employees must be compensated for every hour worked. Every hour physically worked over 40 hours, in a work week, must be compensated at one and one half times their normal rate of pay as approved by the Town Administrator.

## **On-Call Policy – ADDED this policy to Handbook**

The following sections are required to participate in the rotational on-call program:

- Water & Sewer
- Streets & Utilities
- Facilities Superintendent

The Director of Public Works and the Assistant Director of Public Works will not be scheduled in the rotation, but will assist during after hour emergencies if they deem it necessary.

After normal work hours and on weekends, the Town of Middletown shall maintain a weekly rotating on-call program to respond to after-hour emergencies. Staffing for the weekly rotating on-call program will consist of two (2) employees; one (1) from Water & Sewer and one (1) from Street & Utilities (The Facilities Superintendent is included in this group's rotation.). They will respond to any after-hour emergencies for one week. The on-call rotation week begins Monday at 7AM and continues until 6:59 AM the following Monday.

All after-hour emergencies are received through an answering service; All-Ways Communication. All-Ways Communication will then call the appropriate on-call employee; depending on the nature of the emergency. The Director of Public Works and the Assistant Director of Public Works will be notified of each after hour emergency via text. Water and sewer emergency calls will go to the Water and Sewer employee and other emergencies will go to the Streets and Utilities employee as determined by All-Ways Communication staffing. After receiving the emergency notification, on-call employees will address and rectify the emergency. Additional section staff can be contacted to help mitigate the emergency if necessary.

### **On-Call Response and Employee Behavior**

On-call Employees must be at the emergency location within 90 minutes of receiving the initial phone call. The on-call employee must be prepared to drive town equipment, operate equipment, and perform public relations as needed for each emergency. On-call employees must abstain from alcohol use while on call. Failure to respond and comply with these stipulations can result in disciplinary action.

### **On-Call Scheduling**

The weekly on-call schedule is determined at the beginning of the year. This allows on-call employees to schedule leave and other appointments as needed without conflict. Every effort will be made to insure the same employee is not on-call the same holiday on consecutive years.

On-call employees can exchange scheduled dates with other employees within their section as long as the Director of Public Works, the Assistant Director of Public Works and All-Ways Communication are notified of such changes in advance. Currently, Water & Sewer staff will be in rotation every 3 weeks, while Streets and Utilities staff (to include the Facilities Superintendent) will be in rotation every 4 weeks.

### **Compensation for On-Call Employees**

On-Call employees will be permitted to drive a Town vehicle to their residence to use for after hours emergency call response. If the Employee chooses not to drive the Town vehicle they will be compensated at the rate of the current Federal Mileage rate x the round trip distance (in miles) from their

residence to the Town garage and back). Employees will be compensated for their time on-call at a rate of \$2.50/hour. In the event that an employee may be called in, they will be compensated at their overtime rate. The on-call compensation rate will be reviewed yearly by the Burgess and Commissioners during budget preparations. (On-Call Program Policy Approved by the Burgess & Commissioners August 25, 2014).

## **Performance Evaluations**

Every employee will receive a performance evaluation yearly. Performance evaluations will be conducted beginning in May of each year. Maintenance staff will have their performance evaluations conducted by the Superintendents of Water/Wastewater and Streets/Utilities. The Superintendents will have their performance evaluations conducted by the Director of Public Works and the Assistant Director of Public Works. Administrative staff will have their performance evaluations conducted by the Town Administrator. The Town Administrator will have a performance evaluation conducted by the Burgess.

## **VIII. Telecommuting**

Employees may be able to telecommute if it would benefit both the employee and the employer. Telecommuting is the practice of working at home or at a place closer to home instead of physically traveling to a central workplace. If an employee thinks that telecommuting would improve their ability to get their job done, an initial written request should be submitted to the Town Administrator. Once it has been determined by the Town Administrator that an employee is able to telecommute when necessary or as needed, that employee can send an e-mail request or request by phone instead of needing a written request.

The initial request should explain how telecommuting would be beneficial for the employee and the Town. The request should explain how the employee would be accountable and responsible, what equipment is necessary, and how communication barriers would be overcome.

In deciding if telecommuting will be permitted, the Town Administrator will look at factors such as position and job duties, performance history, related work skills, and the impact on the organization. In addition, compensation, benefits, work status, work responsibilities, and the amount of time expected to work each day or each pay period will stay the same as before starting telecommuting (unless changes are agreed upon in writing).

If telecommuting is to be done on a regular basis as opposed to an as needed basis, the employee and the Town Administrator must agree upon the schedule and document it in writing. An employee cannot change his/her schedule until the Town Administrator approves the change.

Telecommuting is an alternative method for meeting the business needs of the Town of Middletown. It is not a universal employee benefit. The Town has the right to refuse to make telecommuting available to an employee. The Town also may terminate an existing telecommuting arrangement at any time.

## **IX. Dress Code**

All Maintenance Staff are required to wear Town uniforms. The uniforms will be supplied by the Town and include laundry services. Included will be summer and winter uniforms. T-shirts will be offered to employees, but laundry service for t-shirts will be the responsibility of the employee. The Town will pay \$120.00 toward the purchase of one (1) new pair of boots and \$50.00 toward the purchase of one (1) set of coveralls each year.

All Administrative Staff are expected to wear appropriate business attire, unless specific duties for that day require other clothing.

## **X. Probationary Period**

A new employee serves a probationary period of 180 days during which performance, progress, and attitude are closely observed. An employee may be terminated at any time during the probationary period. At the end of this probationary period, a formal appraisal is completed and the employee can be removed from probationary status.

## **XI. Resignation**

An employee choosing to resign employment with the Town is asked to give at least two (2) weeks notice prior to the intended date of departure. All Town property, such as keys, uniforms, cellular phones, etc. must be turned into the Town prior to receiving the last pay. Any items that are not turned in will have the cost of the replacement deducted from the last pay.

At the time of the effective date of the resignation, the employee shall be able to use any accrued annual leave or the employee shall be paid for all unused accrued annual leave. If the employee has used all annual leave due prior to resignation, all hours used in excess of those earned shall be deducted from the employee's final paycheck at the rate of salary paid at the time of resignation. No employee shall be compensated for any unused sick leave at the time of resignation.

## **XII. Leave** **Annual**

Annual leave is accrued in accordance with the following time in service and based on **80** hours of straight-time pay and is accounted for on a calendar year:

<u>Years of Service</u>	<u>Hours Accrued Bi-Weekly</u>
1 through completion of Year 3	<b>3.08</b>
4 through completion of Year 14	<b>4.62</b>
15 and Up	<b>6.16....changed these to reflect what's earned bi-weekly</b>

For full-time employees, hours accrued per calendar year translate to 2 weeks for 3 years of service or less; 3 weeks for more than 3 years but less than 15 years of service; 4 weeks for 15 years of service or more. Although accrual of annual leave begins when an employee enters on duty, annual leave may be used only after the employee is no longer on probationary status.

Part-time employees and intermittent and/or temporary employees do not earn annual leave.

Employees may carry over 80 hours of annual leave at the end of each year, i.e. December 31<sup>st</sup>. Employees are allowed to cash out an additional 40 hours beyond the 80 hours that is allowed for carry over each year. Example: If on December 31<sup>st</sup> the employee has 130 hours of annual leave accumulated, 80 hours would carry over to the next year, 40 hours would be paid out to the employee, and 10 hours would be lost.

Employees are required to notify their direct supervisor of request for use of annual leave.

## **Family and Medical Leave Act (FMLA)**

In addition to other types of leave mentioned in this chapter, eligible regular employees may qualify for FMLA leave.

### **Basic Leave Entitlement**

Upon proper request to the Town Administrator, eligible regular employees may qualify for a total of twelve (12) work weeks of leave (paid or unpaid) during any 12 month period (measured backward from the first date the leave begins) for one or more of the following conditions:

- Birth of a child;
- Placement of a child with the employee for adoption or foster care;
- Care for spouse, child, parent or parent-in-law who has a serious health condition; or
- A serious health condition of the employee whether work-related or not.

### **Military Leave Entitlement**

Upon proper request to the Town Administrator, eligible employees with a spouse, child(ren), or parent on active military duty, or called to active duty status in the National Guard or Reserves in support of a contingency operation may qualify for up to twelve weeks during any 12 month period (measured backward from the first date the leave begins) to address certain qualifying exigencies which may include:

- Attending certain military events
- Arranging for alternative childcare;
- Addressing certain financial and legal arrangements;
- Attending certain counseling sessions;
- Attending post-deployment reintegration briefings

There is also a military caregiver leave that permits eligible employees to take up to 26 weeks of leave in a 12-month period (measured forward only) to care for a covered service member who has a serious disabling injury or illness incurred in the line of duty during active duty status.

1. All eligible accrued leave (e.g. annual, sick, holiday and/or compensatory) must be used before unpaid leave can be used. Both paid and unpaid leave will count toward the maximum total of 12 work weeks of FMLA leave within a 12 month period.
2. The Town will continue the employee's health care coverage at the regular employee's rate as long as all employee contributions are paid during the unpaid leave periods. However, if the employee does not return to work, the employee will be responsible for the Town's portion of the premiums for the unpaid leave period. Arrangements must be made with the Town Administrator.
3. During the unpaid FMLA leave periods, sick leave and annual leave will not be accrued.
4. While the employee is using FMLA leave, the employee's position will be protected, and the employee will return to the position at the same grade and rate of pay at which he/she left.
5. Whenever the need for FMLA leave is foreseeable, the employee is asked to provide 30 days advance written notice before the leave is to begin.

Whenever the leave request is for a serious health condition, the Town will require that a request for leave be supported with certification from the health care provider of the employee, spouse, child, parent or parent-in-law. The Certification of Physician or Practitioner form must be used.

If the validity of the certification is in doubt, the Town may request that the employee obtain a second opinion, at the Town's expense, from a health care provider designated by the Town. If there is a conflict of opinion between the two health care providers, the Town may request the employee to obtain, at the Town's expense, an opinion from a third provider jointly approved by the Town and the employee.

Whenever the leave request is for military family leave, the Town will require that the request be supported by an appropriate certification, as outlined below:

1. Leave for a qualifying exigency will require a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency including contact information if the leave involves meeting with a third party;
2. Leave to care for a covered service member with a serious injury or illness will require certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

FMLA leave shall end:

- When the employee, spouse, son, daughter, parent or parent-in-law is no longer affected by the serious health condition;
- If the employee fails to provide documentation to continue the leave when requested;
- When the employee has exhausted the maximum period of time eligible for FMLA leave. If additional time needed, the employee may request leave of absence in accordance with the Leave Without Pay section of the Employee Handbook. An absence beyond the maximum time under FMLA leave is not protected by that law.
- If the employee accepts other employment.

## **Sick**

Sick leave is accrued at the rate of two (2) hours for every 40 hours worked in straight-time pay status. Sick leave accrual is unlimited and accumulates throughout total employment with the Town. Sick leave in excess of three (3) consecutive workdays must be attested to by a medical certificate from a physician.

## **Bereavement**

Funeral leave, not to exceed three (3) paid days, may be granted in the event of a death of an immediate family member - parent, spouse, child, brother, sister, grandparent, and grandchild. If additional time is needed, an employee may request annual leave. With respect to other relatives - uncle, aunt, nephew, niece, and cousin - an excused absence with pay is granted not to exceed one (1) day. In other cases, an employee may request annual leave.

## **Military**

Employees absent on their annual two-week reserve or National Guard duty shall be considered on an excused leave of absence and may elect one of the following options related to their pay:

- The employee may take their vacation and retain their military pay.
- The employee may surrender their military pay to the ORGANIZATION, receive their regular salary and take their vacation at a later date.
- The employee may take unpaid leave and retain their military pay.

An employee called up to active duty is allowed an unpaid leave of absence to meet her/his military responsibilities.

Upon honorable discharge from active duty, the employee will be allowed ninety days to apply for reinstatement to her/his former job. The employee will be reinstated to the same job formerly held, with the same duties, same level of pay, benefits and seniority had s/he not been on active military duty. Employee benefits will not accumulate during the leave. The employee will be given a Consolidated Omnibus Budget Reconciliation Act notice for election to continue insurances during the leave.

### **Jury Duty**

Court leave is granted with pay when an employee has been summonsed for jury duty or as a witness on behalf of the Town.

### **Leave without Pay**

Leave without pay must be approved by the employee's direct supervisor. The request should include starting date, estimated duration, and purpose.

## **XIII. Benefits**

The Town is committed to providing a flexible and cost-effective medical care, disability income, life insurance and retirement program for all its full-time employees. The Town reserves the right, in its discretion, however, to change the nature of the benefits offered to employees, or to change insurance carriers, deductibles, premiums, or other features of any benefit. In addition, the Town may decide to discontinue one or more benefits. Covered employees will be notified of such changes or discontinuations as soon as practicable.

### **Health Insurance**

The Town provides all full-time employees with major medical, disability, and partial dental and vision coverage. The Town pays the entire insurance premium for the full-time employee and 50% of the premium of any dependents. The Town will provide coverage for part-time employees with 25 years of service up to age 65.

If an employee leaves employment with the Town, the Town will allow that individual to continue to carry health insurance coverage through the Town for an additional sixty (60) days after their last day of employment so long as they paid the entire cost of their health insurance premium.

### **Life Insurance**

The Town provides full-time employees with a \$50,000 life insurance policy.

### **Workers Compensation**

The Town provides Workers Compensation through the State of Maryland, Injured Workers Fund. Coverage limits are \$100,000 for bodily injury by accident; \$100,000 bodily injury by disease.

## Retirement

Any employee who works more than 500 regular hours during a fiscal year is enrolled in the Maryland State Retirement and Pension System. All premiums are paid by the Town. An employee is eligible for full retirement benefits according to the following table, from the Maryland State Retirement and Pension System:

<u>Age</u>	<u>Years of Service</u>
<b>55</b>	<b>30</b>
62	5
63	4
64	3
65 or Older	2

No benefits are payable with less than two years of service. Employees become vested with the **system after ten (10) years of service**. Benefits in the event of death are also payable under the Maryland State Retirement and Pension System to the employee's designated beneficiary. The employee's designated beneficiary may receive a lump-sum payment equal to the employee's annual salary if death occurs before retirement OR opt for monthly payments of benefits provided the employee was age 55 or older and had 15 years service or employee was age 62 or older.

## XIV. Disciplinary Action

### Terminations

Discharge may become necessary due to the employee's lack of ability or failure to fulfill the requirements of the job. Discharges are always unpleasant and costly, and the decision to discharge is not made lightly. Advance notice may or may not be given depending on the circumstance surrounding the termination.

All terminating employees will have an exit interview. The purpose of the interview is to be certain the reasons for the employee's termination are not founded on a misunderstanding or erroneous situation and to solicit information on what the employee understands of the company and the company benefits. The interview will also cover what compensation the employee has coming and when termination of benefits will occur. Employees are expected to turn in all property assigned to them at the time of termination.

### Progressive Discipline

We believe it is important that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future.

Progressive discipline means that we will take these steps in the following order:

1. The first offense will call for a verbal warning;
2. The next offense will be followed by a written warning;
3. Another offense will lead to a suspension; and,
4. Repeated offenses will lead to termination of employment.

If more than 12 months have passed since the last disciplinary action, the process will start over. Listed below are some of the reasons which may be causes for disciplinary action, but disciplinary action is not limited to the offenses listed below.

- A. Failure to perform assigned duties properly
- B. Insubordination (disobedience or refusal to perform assignments/duties)
- C. Chronic or habitual absenteeism or lateness
- D. Being absent without leave
- E. Inefficiency
- F. Violation of Town Ordinances, administrative regulations or department rules, policies, or procedures
- G. Conviction of violation of law bearing on job performance
- H. Inability to perform assigned duties properly
- I. Refusal to be examined by a Town appointed medical professional when so directed
- J. Conduct which is unbecoming of a Town employee
- K. Violation of a posted safety, fire prevention, health, or security rule
- L. Abuse of sick leave
- M. Unsatisfactory performance evaluation

**The following offenses shall result in immediate termination of employment:**

- A. Unauthorized use of, removal of, theft, or intentional damage to the property of the Town or another employee, independent contractor, or customer
- B. Giving false statements to any Town official or employee, or the public
- C. Use, sale, or possession of illegal drugs on the job, on Town property, or in Town vehicles
- D. Use, sale, or possession of alcohol on the job, on Town property, or in Town vehicles unless at a Town function authorized by the Burgess and Commissioners.
- E. Accepting an inducement to perform or fail to perform
- F. Falsification of Town records (e.g. hours worked)
- G. A false statement in an employee's application for employment
- H. Under the influence of an illegal drug, a controlled dangerous substance, or alcohol while on the job
- I. Dishonesty or theft
- J. Endangering the safety of or causing injury to other personnel or the public
- K. Weapons or firearms

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and Town of Middletown.

Discipline and/or discharge may result for many reasons including, but not limited to, inappropriate behavior and/or unsatisfactory performance. Inappropriate behavior is defined as including, but not limited to, misbehavior on the job, refusal to do work reasonably expected, wrongful use of or taking of agency property, conviction of a felony, and violation of any policies or practices of the Town.

Unsatisfactory performance means failure of an employee to meet performance standards, to complete tasks in a timely, competent way, or to maintain an adequate attendance record. Uncooperative behavior or negative attitudes that affect the work or morale of others may result in termination. At the discretion of the Burgess, any staff member facing termination for unsatisfactory performance may be given the option to resign as described in the above section under "Resignation."

## **XV. Employee Appeals**

Town employees have the ability to appeal the following items to the Burgess and Commissioners for their consideration:

- Termination

The decision of the Burgess and Commissioners shall be final.

## **XVI. Ethics**

### **Code of Ethics for Public Officials and Employees**

It is the policy of the Town that no official or employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. Outside employment must be disclosed and submitted to the Town for determination if a conflict exists.

To implement this policy and strengthen the faith and confidence of the people of the Town in their government, there is enacted a code of ethics setting forth standards of conduct required of town officials and employees in the performance of their official duties. It is the intent of the Town that this code shall serve not only as a guide for the official conduct of public servants in this Town, but also as a basis for discipline of those who violate its provisions.

It is the policy of the Town that public officials and employees are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officials and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered by the State Commission on Ethics with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

### **Anti-Harassment Policy**

We expect all employees to be treated with fairness, respect, and dignity. This includes customers and vendors as well as employees. Accordingly, any form of harassment based on an individual's race, color, sex, religion, national origin, age or disability is a violation of this policy and will be treated as a disciplinary matter.

The term harassment includes slurs and any other offensive remarks, jokes, graphic material, or other offensive verbal, written, or physical conduct. Unwelcome sexual advances, requests for sexual favors, and any other unwelcome, unbecoming verbal or physical conduct will not be tolerated and is not a condition of employment.

Neither submission to nor rejection of such conduct will be used as a basis for employment decisions. We are committed to maintaining a safe and healthy work environment and take all appropriate health and safety precautions consistent with current medical knowledge. Employees may not refuse to work with or cooperate with, withhold services from or otherwise harass, intimidate, degrade or isolate a co-worker because of a known or suspected disability or disease, or because of a co-worker's association with a person with a disability or disease. Any employee who believes that he or she has been subject of harassment shall immediately report the conduct to Town Administrator. If the employee believes that he or she has been the subject of harassment by the Town Administrator, then it shall be reported to the Burgess.

All complaints will be promptly investigated and all matters will be handled expeditiously, confidentially, and in a professional manner so as to protect the offended individual and other individuals providing relevant information. Upon completion of a thorough investigation by the Town Administrator (or Burgess if need be), prompt and appropriate action will be taken. There will be no retaliation against anyone for stepping forward with a concern regarding any type of harassment. All employees are to cooperate with any investigation into a harassment complaint. False accusations of harassment cause harm to innocent people and such conduct will not be tolerated.

All steps necessary to prevent any form of harassment from occurring will be taken. All supervisors and managers are informed of this policy and have been instructed as to what constitutes proper and improper behavior. The Town is prepared to promptly take steps necessary to enforce this policy. Violations of this harassment policy will result in disciplinary action, up to and including discharge.

## **Employee Acknowledgement of Town Personnel Policy / Employee Handbook**

*Approved by the Burgess and Commissioners on January 28, 2019*

I acknowledge that I have read and understood and received a copy of the policies outlined in this copy of the Town of Middletown Personnel Policy. I understand that these policies provide only a general reference and are not a full statement of Town's procedure nor are they a contract

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

Employee Name (Printed) \_\_\_\_\_