Middletown

AGENDA FOR THE TOWN MEETING

February 10, 2020
7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PERSONAL REQUESTS FOR AGENDA:

- *Presentation of the FY2019 Town Audit – Rotz, Stonesifer*
  - *Mike Buhrman, Partner*
  - *Danielle Hartz, Senior Audit Associate*

CONSENT AGENDA

- Town Meeting Minutes
  - January 27, 2020 – Town Meeting [2]

UNFINISHED BUSINESS:

- Comprehensive Plan Public Participation Plan [2]
- Resolution 20-01 – Healthy Eating & Active Living [3]
- Establishment of a Financial Hardship Plan for the Capital Improvement Fee [3]
- Ordinance 20-01-01 – Illicit Discharges [4]
- Ordinance 20-01-02 – Amendments to Title 13 Public Services [4]
- Amendments to the Standard Operating Procedures for Sewer Backup Incident Response [4]

REPORT OF COMMITTEES:

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

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[1] First Appearance on Town Agenda

[2] Second Appearance on Town Agenda

[3] Third Appearance on Town Agenda

[4] Fourth Appearance on Town Agenda

NEW BUSINESS:

- **Bid Award for Reservoir Project** [2]
- **Bid Award for New Maintenance Facility Design** [2]
- **Road Patching Contract – Request for Extension of the Contract for 3-Years** [2]

PUBLIC COMMENTS:

ANNOUNCEMENTS:

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

ADJOURNMENT

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[1] First Appearance on Town Agenda

[2] Second Appearance on Town Agenda

[3] Third Appearance on Town Agenda

[4] Fourth Appearance on Town Agenda

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **January 27, 2020**

The second regular meeting of the Burgess and Commissioners of Middletown was called to order on January 27, 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, Jennifer Falcinelli, Christopher Goodman, and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- *Town Minutes – January 2, 2020 – Town Workshop*
  January 13, 2020 – Town Meeting

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

UNFINISHED BUSINESS:

Resolution 20-01 – Healthy Eating & Active Living – Burgess Miller stated that this is something that has been discussed for several years at the MML conference that the Burgess & Commissioners attend in Ocean City. Burgess Miller asked what the thoughts were of the Commissioners on pursuing this?
Commissioner Falcinelli stated that when she read this resolution it was meaning that the Town was promoting health & wellness.
Commissioner Bussard stated the idea of this resolution bothers him and is an example of government telling him what to do.
Commissioner Dietrick stated that he felt like this resolution is telling restaurants what to serve and people what to eat. Commissioner Dietrick stated that is not the governments place to do so.
Commissioner Dietrick stated that there is plenty of information available on the internet for people to get help with eating healthy.
Burgess Miller tabled this for more discussion at the February workshop

Introduction of Ordinance 20-01-01 – Illicit Discharges – 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 water system (MS4) – Drew stated that this Ordinance is a requirement of the MS4 permit that the Municipalities have to reduce their impervious areas by 20% by 2025 to help prevent harmful substances from flowing into the Chesapeake Bay. Drew stated that our current code does not say that it is illegal to dump oil or other products down storm drains.

Introduction of Ordinance 20-01-02 – Amendments to Title 13 Public Services – 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 – Drew stated that this Ordinance is correcting some titles and updating fees and rates.

Amendments to the Standard Operating Procedures for Sewer Backup Incident Response – Drew went over these new procedures with the Board. Drew basically stated that this is just formalizing our procedures.

NEW BUSINESS:

Request for Color Me Autumn Event at Memorial Park – October 17, 2020 – Pam Dietrick with the Middletown Rec Council stated that the Middletown Park will be under construction at the time of this event therefore, they are asking to hold the event at Memorial Park. Mrs. Dietrick stated that she has contacted the Christ Reformed Church to see if they can use the parking lot for this event for parking and they agreed.

Commissioner Falcinelli and Bussard asked who would be cleaning up the event? This is not a Town event therefore; we will not have staff to do so. Mrs. Dietrick agreed that the Rec Council will take care of the clean up after the event is over.

Motion by Commissioner Goodman to allow the Middletown Rec Council to use the Memorial Park on Saturday, October 17, 2020, seconded by Commissioner Falcinelli. Motion carried (4-0-1 Dietrick abstained).

Proposal from Key Sanitation for Extension of Three (3) year contract for Trash & Debris Removal Services – Motion by Commissioner Bussard to approve the 3-year contract as presented for $126,353.52, seconded by Commissioner Dietrick. Motion carried 5-0.

Discussion of Establishing a Financial Hardship Plan for the Capital Improvement Fee - Burgess Miller stated that he had been contacted by a few people asking why the Town did not have a financial hardship plan for the Capital Improvement Fee like the State has for the Bay Restoration Fee. The Board agreed to look into this. Commissioner Falcinelli stated that she will take this to the Water & Sewer Committee for their input.

PUBLIC COMMENTS:

Gene Fleeman, 209 S. Jefferson Street – In regard to the rural transportation item that was discussed at the previous workshop and meeting Mr. Fleeman stated that he did not see the memo from Burgess Miller to the Commissioners as part of the record and asked if it could be made apart of the record. Burgess Miller stated that yes, we can make that part of the record. Mr. Fleeman would like to keep this item in discussion or maybe the Burgess & Commissioners could task the Sustainability Committee with this to see what we could get in Town.

ANNOUNCEMENTS:

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

Meeting adjourned at 7:51pm.

Respectfully submitted,

Ann Griffin
Office Manager

Comprehensive Plan Update PROPOSAL

I propose we begin our review of the comprehensive Plan in March 2020 by providing "**Conversations on the Comprehensive Plan". There will be 2 community meetings** to be held in March prior to the Town conducting its review of the plan. These 2 meetings will be facilitated by a professional facilitator (there is a cost of $1500). A third meeting and any subsequent meetings will be conducted by our staff, Planning Commission members and/or the Burgess and Commissioners and will outline the process and the content of the comprehensive plan update.

These community meetings will not be a discussion of particular items or chapters of the plan but more of a chance for residents to comment on vision/goals/desires for the Town in the future. These meetings are not intended to be the only time when residents can offer input and insight to the Comprehensive Plan. We will have a full schedule of meetings, probably no less than 20 meetings when you count the Burgess and Commissioner and Planning Commission meetings and workshops. Residents will be invited to these open meetings where comment can be given and dialogue exchanged. Our website will continue to have agendas and encourage residents to sign up for emails alerting them to these meetings as well as other relevant Town business.

In addition to, and most likely preceding, the 2 facilitated meetings I am proposing an **electronic Open House** that will introduce our community to the Comprehensive Plan and encourage comment on specific chapters of the plan. This will be accomplished using our website. Residents will have an opportunity to log onto the website and review a chapter of the plan. There will be an opportunity to comment as well. This will occur about once a week. Comment time is limited in length as we will then move on to the next comp. plan chapter for residents to review. Comments will be addressed by staff or officials in a timely manner.

Some census data could be available as early as June. I would suggest that we not postpone our Comprehensive Plan update to accommodate the timeframe for inclusion of all Census Data. Census data can be added when it is available to us. In our plan, as it is currently written two chapters--Chapter2 and Chapter 8—specifically involve Census data. There will be sufficient time for residents to view census data and comment on it.

I also propose that we send notices to affected residents located within the identified Town of Middletown growth area to alert them to the Comprehensive Plan update and to inform them of dates and times should they want to comment on the plan.

Respectfully,

John

January 22, 2020

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—both meetings will have the same format. A third and possibly several additional meetings will be held on the overall comprehensive Plan, what it is in the plan and the process involved. These additional meetings will be conducted by our Town staff.

Middletown will hold two community meetings on the comprehensive plan. The information that is collected will be reviewed and 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 public meetings of the Burgess and Commissioners 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 has gone on for the county's Liveable Frederick plan which began with a plan and then sought 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 to present to the Town officials for possible inclusion into the comprehensive plan and to guide them in writing a vision statement. The information will be aggregated once all meetings are completed 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 80. **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** or calling the Town offices.

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 is Jane Tamagna

An introduction by Jane, a sharing of her qualifications and
an explanation of her methods for conducting the meetings follows:

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, March 7* at Zion Lutheran Church basement

Wednesday, March 11* at Zion Lutheran Church basement

For more information and for registration visit ***www.middletown.md.org***

tentative

We want to hear from you!

This is the year that Middletown develops its 2020 Comprehensive Plan. We would like your input. We want to hear about your vision for Middletown for the next 10-20 years (the planning window of a comprehensive plan). The Town wants to hear your ideas, identify our Town's strengths and weaknesses and propose opportunities for the Town. These comments will be used to assist us with the creation of our 2020 Comprehensive Plan.

Over the next several weeks, on this web page, you will have an opportunity to review individual chapters of the **2010 Comprehensive Plan.** You will be able to submit comments or ask questions about that specific chapter. Some chapters will generate more questions or comments than others. There will be posted ending dates for comments/questions for each chapter. Please submit your comments and questions on or before that date.

Follow these easy steps and comment on the Comp. Plan!

1. Please read the chapter of the plan for review that week.
2. Formulate your comments or questions about that chapter.
3. Submit any comments or questions to office@ci.middletown.md.us.

There will also be opportunities to participate in **"Community Conversations on the Comprehensive Plan"**. These will be facilitated meetings where residents can share their goals, visions and needs they see for our town. More information on those conversations will be provided here once a schedule and locations have been identified.

Your input is important to us. Let's work together to create a better future for Middletown.

The Burgess and Commissioners of Middletown

FACEBOOK POST

We want to hear from you--our residents and neighbors--about what your vision is for Middletown for the next 10-20 years. The Burgess and Commissioners want to hear your ideas, the strengths, the weaknesses and the opportunities of our Town as we go forward with the re-write of our Comprehensive Plan.

- The Town has engaged a professional meeting facilitator--who is also a Town resident--to conduct these meetings. There will be 2 of these meetings in March to gather your ideas.
- We will also provide opportunities through our website to comment on the individual chapters of the plan—more to come on that!
- Town staff will hold an informational meeting(s) on the Middletown Comprehensive Plan and its contents as well as the process for updating the plan.
- Following these exercises, the Town will begin the process of writing an update to the Comprehensive Plan for Middletown.
- We invite you to continue your input as we move through this year-long process by attending Planning Commission meetings and Town Board meetings to share your thoughts, ideas and proposals on each of the chapters of the plan as they are discussed.

Middletown

RESOLUTION NO. ____

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.

Middletown

To Improve Access to Healthy Food

BE IT FURTHER RESOLVED that the Burgess and Commissioners should make every effort to educate residents to the many access points to healthy food.

1. Offer a voluntary program of signage available to restaurants that educates our residents as to the restaurants that are currently providing healthy options such as Low Fat, Vegetarian, Vegan, Gluten Free. These signs would be distributed to restaurants based on the restaurant's current offerings and for the bussinesses voluntary use.

This Restaurant Proudly Serves Healthy Eating Choices including:

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

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 develop 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.

Middletown

Implementation

BE IT FURTHER RESOLVED that the Wellness Committee should report back to the Town Council annually regarding steps taken to implement the Resolution, additional steps planned, and any desired actions that could 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 _____, 2020.

Middletown

To: The Burgess and Commissioners of Middletown
From: Becky Axilbund, Main Street Manager
RE: Healthy Eating, Active Living Program
Date: February 3, 2020

Introduction:
The H.E.A.L Cities campaign is an initiative that the Maryland Municipal League introduced several years ago. It is a program under the larger nonprofit organization Institute for Public Health Innovation. Cities such as Bel-Air, Berlin, Burkitssville, Denton, Frederick, Hagerstown, Laurel, Sykesville, Westminster, and Ocean City to name a few have received this designation.

Process:
In order to receive recognition as a H.E.A.L City, the applicant, (the Town) must complete a mix of projects/policies in three main areas – access to walkability, access to food, and promote work-place health.

The Heal Cities program provides a checklist that was reviewed by Town staff, the Burgess, and resident and business volunteers. Based on comments by the reviewers, and on what the Town already does to promote health and wellness, there were fewer options for us to choose to gain the Town the H.E.A.L City recognition.

To promote access to walkability and active living, the Town can achieve these goals by formalizing things the Town already does and creating adopted Town policies.

To promote access to healthy food, this was the hardest to do – the Town has a farmers market, food bank, grocery store and other programs to promote healthy eating. What Middletown does have is a nice variety of local restaurants. Providing a sign that could be likened to a Zagat Rating gives folks quick information that Middletown restaurants provide a wide-range of health options. Of course, putting the sign up is entirely up to the restaurant. Having a door cling that lists various health-related options is friendly and inviting.

To promote work-place wellness, the resolution suggests that there are other ways to promote employees to make healthier choices. In the past, we have had contests (who can take 10K steps a day for a month, or who can drink so much water every day) are helpful. The H.E.A.L Cities program suggests coming up with a point system and a range of things that each employee can choose to do. Since the staff is varied in age, fitness level, and how much movement the office staff does versus the maintenance staff varies, coming up with one initiative has been a challenge. Creating a point system will give everyone a chance to concentrate in the areas where they need to improve.

Conclusion:
If you have any other questions about the H.E.A.L Cities initiative or resolution, please let me know and I will be happy to assist you.

Bay Restoration Fund (BRF) & Capital Improvement Fee (CIF)

Guidance for billing authorities to establish programs for exempting certain residential users from paying the BRF & CIF fee because of substantial financial hardship

The law allows, subject to approval by the Maryland Department of the Environment (MDE) and the Burgess and Commissioners of Middletown, the billing authority to establish a program to exempt certain "residential" dwellings that demonstrate substantial financial hardship.

The billing authorities may consider the factors below (or other similar financial hardship factors) in developing a program for exempting residential users from paying the Bay Restoration Fee, where the applicant meets at least **two** of the following conditions:

- Receiving energy assistance subsidy;
- Receiving public assistance - supplemental security income (SSI) or food stamps;
- Receiving veterans or social security disability benefits;
- Meeting the income criteria below

Household Size	(2019 - 2020)* Monthly Income is less than
1	$1,821
2	$2,456
3	$3,111
4	$3,755
5	$4,400
6	$5,044

* Source: Maryland Department of Human Resources/Office of Home Energy Programs www.dhs.maryland.gov/energy/benefits

The individual exemptions should be for a specified time period not to exceed 1-year without re-verification of eligibility. The proposed financial hardship exemption plan must be submitted to Burgess and Commissioners for approval and should include the following information (see form below):

- Proposed financial hardship exemption criteria
- Application procedure and forms
- Required supporting documentations for eligibility determination
- Exemption time-period and process for re-verification of eligibility
- Estimated number of residential users that may qualifying for the exemption

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:

_____
Andrew J. Bowen, Town Administrator

BURGESS AND COMMISSIONERS OF MIDDLETOWN

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 OTHR 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 **DIRECTOR OF PUBLIC WORKS** ~~[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 tterms or words used in this chapter 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 DSRA shall be restricted and dedicated solely for the purpose of payment of all obligations under the loan agreement to be entered into by and between the burgess and commissioners and the MWQFA to finance a 3.7 million dollar loan for the construction of the New East Middletown wastewater treatment plant and Cone Branch pump station improvement project, should the burgess and commissioners' "Dedicated Revenues" (as defined in the loan agreement) not be sufficient to meet such payment obligations. Moreover, the DSRA shall be reflected as a distinct and verifiable line item in the town's independently audited financial statements and may be drawn upon only with the MWQFA'a 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

Middletown

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

DRAFT

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

DRAFT

Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474
J. R. Hawkins, P.E., CIP Project Manager Email: rhawkins@ci.middletown.md.us

MEMORANDUM

TO: Burgess and Commissioners of Middletown

FROM: J. R. Hawkins, P.E., CIP Project Manager

DATE: January 30, 2020

RE: Construction Project – Raw Water Storage Improvements

The Town of Middletown received bids for the Raw Water Storage Improvements Project on January 24, 2020. The invited contractors totaled seven. Four bids ranging from $3,390,865.00 to $5,269,500.00 were received from contractors.

RHI, Inc. of State College, Pennsylvania was the low bidder with a bid of $3,390,865.00 based on the quantities in the Bid Form given by Gannett Fleming and the Town. They acknowledged all addendum and filled out the Bid Form correctly. All documents were in order. Their list of projects and references indicates that they can perform the work included in the project. References were positive.

If the Town of Middletown elects to proceed with the project, the staff recommends the award of the contract to RHI, Inc. in the amount of $3,390,865.00.

	RAW WATER STORAGE IMPROVEMENTS			BID TABULATION			
	BID DATE JANUARY 24, 2020						
				HRI, Inc.	Conewago	Mid-Atlantic	Callas
Item	Description	Unit	Estimated Quantity	Cost	Cost	Cost	Cost
1	**RAW WATER STORAGE IMPROVEMENTS PROJECT**	**LS**	**1**	**$ 2,843,905.00**	**$ 3,174,660.00**	**$ 3,434,195.00**	**$ 4,159,900.00**
2	ALTERNATE A (Suction Line)	LF	3,500	$ 357,000.00	$ 474,250.00	$ 717,500.00	$ 812,100.10
3	*CONTINGENT EXCAVATION, INCLUDING DISPOSAL*	*CY*	*2,000*	*$ 15,000.00*	*$ 10,000.00*	*$ 130,000.00*	*$ 80,000.00*
4	*CONTINGENT SELECT BACKFILL, COMPACTED*	*CY*	*2,000*	*$ 52,000.00*	*$ 30,000.00*	*$ 50,000.00*	*$ 80,000.00*
5	*CONTINGENT AGGREGATE BACKFILL, COMPACTED*	*CY*	*2,000*	*$ 76,000.00*	*$ 50,000.00*	*$ 90,000.00*	*$ 100,000.00*
6	*CONTINGENT FULL DEPTH PAVING REPAIR*	*SY*	*750*	*$ 31,500.00*	*$ 37,500.00*	*$ 52,500.00*	*$ 30,000.00*
7	*CONTINGENT STABILIZATION MATTING*	*SY*	*1,200*	*$ 3,600.00*	*$ 4,200.00*	*$ 4,200.00*	*$ 1,500.00*
8	*CONTINGENT HYDROSEEDING*	*SY*	*2,000*	*$ 1,860.00*	*$ 1,000.00*	*$ 11,000.00*	*$ 2,000.00*
9	*CONTINGENT DUCTILE IRON FITTINGS*	*LB*	*1,000*	*$ 10,000.00*	*$ 6,000.00*	*$ 3,000.00*	*$ 4,000.00*
	TOTAL			$ 3,390,865.00	$ 3,787,610.00	$ 4,492,395.00	$ 5,269,500.10

Base Bid - Low Bidder (HRI, Inc.)	$ 2,843,905.00	DHCD Loan Amendment for Main Street Waterline	
Alternate A (Suction Line)	$ 357,000.00	Loan Allocation 2017	$ 2,850,138.95
Total	$ 3,200,905.00	Loan Allocation 2020	$ 2,441,394.95
		Loan Reduction for W/L	$ 408,744.00
Approved Budget	$ 2,760,761.00		
Surplus/Deficit	$ (440,144.00)	Surplus/Deficit	$ (31,400.00)

Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474
J. R. Hawkins, P.E., CIP Project Manager Email: rhawkins@ci.middletown.md.us

MEMORANDUM

TO: Burgess and Commissioners of Middletown

FROM: J. R. Hawkins, P.E., CIP Project Manager

DATE: January 30, 2020

RE: Evaluation and Design Services - New Maintenance Facility and Storage Buildings – Phase I

The Town of Middletown received bids for the New Maintenance Facility and Storage Buildings for FY 2018 on March 28, 2018. The invited engineering firms totaled six. The project was also publicly advertised on the Town's website. Three bids ranging from $125,700.00 to $389,520.00 were received from contractors.

Frederick, Seibert & Associates (FSA), Inc. of Hagerstown, Maryland was the low bidder with a bid of $125,700.00 based on the quantities given by the Town. They acknowledged all addendum and filled out the Bid Form correctly. Second lowest bidder was Triad Engineering, Inc coming in at $233,00.00 with all documents in order. Whitman Requardt & Associates (WRA), LLP submitted a bid at $389,520.77 with all documents in order.

The proposal for this project was broken into two phases. This recommendation does not include Phase 2.

FSA's Phase I proposal was for $70,400.00.
Triad's Phase I proposal was for $100,000.00
WRA' Phase I proposal was for $129,045.36

After staff reviewed all of the proposals, we are recommending that Triad Engineering, Inc. be awarded the project.

Staff offers the following:

1. FSA, Inc. was the lowest bid, however after review of the proposals, staff did not feel that team that they had assembled was not of the quality of Triad's with respect to quality of work and experience.
2. After reviewing the price breakdown for the scope provided in the RFP, staff felt that Triad's pricing was more of a realistic number than FSA's

when considering the complexity of the project. The Town has worked with both of these engineers on previous projects. From these past experiences, staff feels that the best value to the Town would be to award to Triad.

3. Triad experience on projects of this nature that were included in the Bid Package was more extensive and more relevant. This included the Frederick County Maintenance Facility at Myersville as well as others both municipal and private.
4. Triad has been contacted and has indicated, through an email, that they are going to honor their costs and design approach even though this project bid almost two years ago.

Considering all the information presented above, I recommend that if the Town of Middletown elects to proceed with the project, the staff recommends the award of the contract to Triad Engineering, Inc. in the amount of $100,000.00.

The Town's current budget amount is $106,000.00.

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MEMORANDUM

TO: Burgess and Commissioners of Middletown

FROM: J. R. Hawkins, P.E., CIP Project Manager

DATE: January 22, 2020

RE: Road Patching Contract FY 2021

The Town of Middletown received bids for the Road Patching Contract for FY 2018 on March 23, 2018. Invited contractors totaled three. The project was also publicly advertised on the Town's website. Three bids ranging from $104,115.00 to $245,251.00 were received from contractors.

RFP, Inc. of Middletown Maryland was the low bidder with a bid of $104,115.00 based on the quantities given by the Town. They acknowledged all addendum and filled out the Bid Form correctly.

RFP, Inc. has performed the patching work for the Town in previous years as well as over the last three years. They have completed the work as required by the contract and have done an outstanding job. Per their request, I have received a proposal from them to extend their contract for another three years, through FY 2023. Their original FY 2018-2020 and their new proposal for FY 2021-2023 are included with this memo.

After reviewing their new proposal, I offer the following:

1. RFP, Inc. has held their pricing from FY 2020, the last year of the previous contract, over for the FY 2021. There is no increase in unit pricing.
2. The unit pricing for FY 2022 and FY 2023 will be increased only $0.50 each year for each line item, respectively. This is one-half of the increases that were incurred on the last contract where the unit prices increased basically $1.00 each year, respectively.

Considering all the information presented above, I recommend that the Town accept RFP, Inc. proposal as I don't believe we will get any better pricing if the contract were to go out to bid again. RFP, Inc. is also a local company that has a good track record with us.

Burgess and Commissioners of
Middletown, Maryland

Road Patching Contract FY 2021
Town of Middletown
Three Year Contract

Item	Description	Unit	Qty	2021 Unit Price	2021 Total Price	2022 Unit Price	2023 Unit Price
1	Mobilization	LS	1	$510.00	$510.00	$510.50	$511.00
2	Removal of Unsuitable Material	CY	20	$54.08	$1,081.60	$54.58	$55.08
3	Backfill for Unsuitable Material	CY	20	$52.00	$1,040.00	$52.50	$53.00
4	Aggregate Base for Patching 6" d	SY	1500	$22.00	$33,000.00	$22.50	$23.00
5	Hot Mix Asphalt Base 4" d for Patch	SY	1500	$28.50	$42,750.00	$29.00	$29.50
6	Hot Mix Asphalt Surf. 2" d for Patch	SY	1500	$22.00	$33,000.00	$22.50	$23.00
7	Pavement Milling 2" d	SY	100	$12.75	$1,275.00	$13.25	$13.75
8	Concrete Curb and Gutter up to 18" pan	LF	20	$37.00	$740.00	$37.00	$37.50
	Total Bid:				$113,396.60	BID AWARDED ON 2021 TOTAL	

Total Amount of Bid $113,396.60

Total Amount of Bid in Words One hundred thirteen thousand three hundred ninety six dollars and 60 cents

Date you will be contractually available to begin the work. As needed

Liquid Asphalt Cement Price as of bid date $461.67

RFP, Inc. 10/22/19
Name of Bidder **Date**

7303 old Middletown Rd.
Middletown, MD. 21769
Address of Principal Office

James Rounsburg Jr. Pres.
Signature of President or Vice President

Attest