



AGENDA FOR THE TOWN MEETING
February 24, 2020
7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
 - February 6, 2020 – Town Workshop¹
 - February 10, 2020 – Town Meeting¹

UNFINISHED BUSINESS:

- Ordinance 20-01-01 – Illicit Discharges⁵ (Vote)
- Ordinance 20-01-02 – Amendments to Title 13 Public Services⁵ (Vote)
- Discussion of Hollow Creek Professional Office Building

NEW BUSINESS:

- Review of Heritage Gallery Grant¹
- Review of Advertisement Requirements¹
- Discussion of Banking Services¹

PUBLIC COMMENTS:

¹ First Appearance on Town Agenda
² Second Appearance on Town Agenda
³ Third Appearance on Town Agenda
⁴ Fourth Appearance on Town Agenda
⁵ Fifth Appearance on Town Agenda

ANNOUNCEMENTS:

- *Nominating Convention – Tuesday, February 25, 2020 at 7:00PM*

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2020
 For the 7 Months Ended January 31, 2020

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
REVENUE			
<u>LOCAL TAX</u>			
Real Property	\$ 1,326,170	\$ 1,321,328	\$ (4,842)
Tangible Personal Property	56,392	43,888	(12,504)
Franchise (Cable)	54,750	12,823	(41,927)
Penalties & Interest	<u>11,201</u>	<u>8,442</u>	<u>(2,759)</u>
	\$ 1,448,513	\$ 1,386,481	\$ (62,032)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 28,339	\$ 19,591	\$ (8,748)
Highway Gasoline & Licenses	<u>225,440</u>	<u>68,528</u>	<u>(156,912)</u>
	\$ 253,779	\$ 88,119	\$ (165,660)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 1,118,764	\$ 433,864	\$ (684,900)
Tax Equity Grant	<u>674,672</u>	<u>506,004</u>	<u>(168,668)</u>
	\$ 1,793,436	\$ 939,868	\$ (853,568)
<u>LICENSES AND PERMITS</u>			
Business / Traders	\$ 4,900	\$ 362	\$ (4,538)
Planning / Zoning Fees	<u>13,574</u>	<u>8,080</u>	<u>(5,494)</u>
	\$ 18,474	\$ 8,442	\$ (10,032)
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 3,046</u>	<u>\$ 1,877</u>	<u>\$ (1,169)</u>
	\$ 3,046	\$ 1,877	\$ (1,169)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 26,197</u>	<u>\$ 20,387</u>	<u>\$ (5,810)</u>
	\$ 26,197	\$ 20,387	\$ (5,810)
<u>MISCELLANEOUS</u>			
Bank Shares Grant	\$ 2,500	\$ 1,491	\$ (1,009)
FredCo Reccling Reimbursement	8,060		(8,060)
Miscellaneous & Donations	<u>5,000</u>	<u>904</u>	<u>(4,096)</u>
	\$ 13,060	\$ 904	\$ (12,156)
OPERATING REVENUES	\$ 3,556,505	\$ 2,446,078	\$ (1,110,427)
State Grants & Interest	\$ 64,382	\$ 569	\$ (63,813)
TOTAL REVENUE	\$ 3,620,887	\$ 2,446,647	\$ (1,174,240)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2020
 For the 7 Months Ended January 31, 2020

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 21,000	\$ 10,150	\$ (10,850)
Communications	3,120	1,656	(1,464)
Dues & Subscriptions	7,000	7,182	182
Office Supplies & Exp	5,913	1,558	(4,355)
Advertising	500	1,897	1,397
Meetings & Conventions	<u>8,500</u>	<u>5,288</u>	<u>(3,212)</u>
	\$ 46,033	\$ 27,731	\$ (18,302)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 5,100</u>	<u>\$ (5,100)</u>
	\$ 10,200	\$ 5,100	\$ (5,100)
<u>ELECTION</u>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>122</u>		<u>(122)</u>
	\$ 572		\$ (572)
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 282,712	\$ 172,563	\$ (110,149)
Postage & Printing	200		(200)
Communications	10,609	4,405	(6,204)
Computer Expenses	25,700	38,884	13,184
Office Supplies & Exp	33,500	15,739	(17,761)
Office Maintenance	39,600	10,827	(28,773)
Dues & Subscriptions	150		(150)
Professional Services	4,354	530	(3,824)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 396,925</u>	<u>\$ 242,948</u>	<u>\$ (153,977)</u>
<u>OPERATIONS</u>			
Operations Salary	\$ 265,941	\$ 164,233	\$ (101,708)
Communications	8,330	7,057	(1,273)
Supplies & Expenses	14,200	10,769	(3,431)
Dues & Meetings	1,500	205	(1,295)
Maintenance & Repairs	32,611	11,580	(21,031)
Tools & Equipment	<u>4,643</u>	<u>1,166</u>	<u>(3,477)</u>
	\$ 327,225	\$ 195,010	\$ (132,215)
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 17,500	\$ 11,500	\$ (6,000)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2020
 For the 7 Months Ended January 31, 2020

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,395	665	(8,730)
	<u>\$ 26,895</u>	<u>\$ 12,165</u>	<u>\$ (14,730)</u>
 <u>PLANNING & ZONING</u>			
Salary & Fees	\$ 66,630	\$ 37,951	\$ (28,679)
Other Expenses	2,529	2,955	426
	<u>\$ 69,159</u>	<u>\$ 40,906</u>	<u>\$ (28,253)</u>
 <u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 48,914	\$ 26,897	\$ (22,017)
Town Contribution	10,000	10,000	
Main Street Capital Purchases	6,900		(6,900)
	<u>\$ 65,814</u>	<u>\$ 36,897</u>	<u>\$ (28,917)</u>
 <u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	29,961	7,545	(22,416)
Community Deputy Program	388,063	193,546	(194,517)
	<u>\$ 438,024</u>	<u>\$ 221,091</u>	<u>\$ (216,933)</u>
 <u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 290,811	\$ 154,009	\$ (136,802)
 <u>RECREATION AND CULTURE</u>			
Park Salary	29,961	16,290	(13,671)
Maintenance & Repairs	50,478	10,166	(40,312)
Mowing	37,547	18,541	(19,006)
Park Electric	7,172	1,058	(6,114)
Remsberg Park - Interest	918	13,775	12,857
Remsberg Park - Principal	81,448	61,085	(20,363)
	<u>\$ 207,524</u>	<u>\$ 120,915</u>	<u>\$ (86,609)</u>

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2020
 For the 7 Months Ended January 31, 2020

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 136,361	\$ 65,119	\$ (71,242)
Street Lighting	172,433	83,759	(88,674)
Storm Water Management	9,842	15,628	5,786
Snow Removal	110,300	6,988	(103,312)
Repairs & Resurfacing	92,450	83,687	(8,763)
Signs	14,000	2,627	(11,373)
Truck Repair & Operation	33,000	19,941	(13,059)
Equipment Repairs & Ops	15,120	1,494	(13,626)
Mowing	36,177	17,701	(18,476)
Interest	79,203	2,423	(76,780)
West Green St - Principal	<u>117,000</u>	<u>65,960</u>	<u>(51,040)</u>
	\$ 815,886	\$ 365,327	\$ (450,559)
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,084	918	(1,166)
Community Events	71,579	47,044	(24,535)
Payroll Taxes	66,223	36,159	(30,064)
Insurance - Property	15,599	9,567	(6,032)
Insurance - Employee	168,974	84,467	(84,507)
Retirement/Pension	73,316	72,839	(477)
Web Page & Directory	3,471	1,560	(1,911)
Real Estate Taxes	800	5,322	4,522
Other	<u>4,000</u>	<u>3,067</u>	<u>(933)</u>
	\$ 411,146	\$ 265,943	\$ (145,203)
TOTAL EXPENDITURES	\$ 3,106,214	\$ 1,688,042	\$ (1,418,172)
INCOME (LOSS) Exc. Cash Reserves	\$ 514,673	\$ 758,605	\$ 243,932
CASH RESERVES	\$ 881,203	\$ 462,585	\$ (418,618)
SURPLUS / (DEFICIT)	<u>\$ 1,395,876</u>	<u>\$ 1,221,190</u>	<u>\$ (174,686)</u>

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2020
 For the 7 Months Ended January 31, 2020

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 3,556,505	\$ 2,446,078	\$ (1,110,427)
OPERATING EXPENSES			
Expenses	3,106,214	1,688,042	(1,418,172)
OPERATING SURPLUS (DEFICIT)	<u>\$ 450,291</u>	<u>\$ 758,036</u>	<u>\$ 307,745</u>
<u>OTHER FUND</u>			
POS - Development	\$ 64,382		\$ (64,382)
Community Legacy Grants		1,000	1,000
RETAINED EARNINGS	418,612		(418,612)
Interest	1,421	569	(852)
Improvement Fees	<u>259,000</u>	<u>7,000</u>	<u>(252,000)</u>
TOTAL OTHER FUNDS	<u>\$ 743,415</u>	<u>\$ 8,569</u>	<u>\$ (734,846)</u>
TOTAL FUNDS AVAILABLE	<u>\$ 1,193,706</u>	<u>\$ 766,605</u>	<u>\$ (427,101)</u>
<u>CIP PROJECTS & PURCHASES</u>			
Broad Street Reconstruction	\$ 111,000	\$ 18,311	\$ (92,689)
Washington Street Engineering &	15,000		(15,000)
Boileau Court - TCS	120,000	29,783	(90,217)
Martha Mason Drive - TCS	12,600		(12,600)
Manda Drive - TCS	95,000	60,822	(34,178)
Manda Court - TCS	52,000		(52,000)
Schoolhouse Drive - TCS	30,000		(30,000)
LED Pedestrian Signs	45,000	26,707	(18,293)
Remsberg Park - Walking Trail Pa	65,842		(65,842)
Remsberg Park - Bleacher Repair	20,000	11,875	(8,125)
Municipal Center - HVAC Replacem	51,765		(51,765)
Municipal Center - Boiler Replac		32,356	32,356
Municipal Center - ADA Improve	30,000	27,627	(2,373)
Maintenance Facility at EWWTP	106,000		(106,000)
IT Computer Equipment Lease	<u>37,000</u>		<u>(37,000)</u>
	<u>\$ 791,207</u>	<u>\$ 207,481</u>	<u>\$ (583,726)</u>
OPERATING & CIP SURPLUS (DEFICIT)	<u>\$ 1,193,706</u>	<u>\$ 766,605</u>	<u>\$ (427,101)</u>
Cash Reserves	\$ 568,285	\$ 260,912	\$ (307,373)
TOTAL CASH SURPLUS	<u>\$ 1,761,991</u>	<u>\$ 1,027,517</u>	<u>\$ (734,474)</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 7 Months Ended January 31, 2020

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<u>REVENUE</u>			
Water Revenue	\$ 623,593	\$ 347,944	\$ (275,649)
Sewer Revenue	627,213	340,372	(286,841)
Penalties/Reconnects	13,584	10,183	(3,401)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,265,390	\$ 698,499	\$ (566,891)
<u>EXPENDITURES</u>			
<u>ADMINISTRATIVE</u>			
Office Salaries	\$ 33,963	\$ 22,197	\$ (11,766)
Communications	12,409	6,493	(5,916)
Postage	8,173	8,000	(173)
Office Supplies/Expense	11,560	6,263	(5,297)
Legal - Other	9,800	2,438	(7,362)
Meetings & Seminars	3,500	80	(3,420)
Advertising	500		(500)
Uniforms	2,835	1,960	(875)
Dues/Subscrip/Certifications	500	549	49
Travel	200	7	(193)
Payroll Taxes	22,027	13,846	(8,181)
Insurance - Prop. & Liability	8,958	7,251	(1,707)
Insurance - Workers Comp	6,616	10,139	3,523
Insurance - Health	37,474	16,584	(20,890)
Retirement/Pension	11,007	12,759	1,752
Real Estate Taxes	292	388	96
Rain Barrel/Educational Programs	2,000		(2,000)
I & I Loan Principal and Interest	32,927	32,498	(429)
Sub-Total	\$ 204,741	\$ 141,452	\$ (63,289)
<u>Vehicles & Equipment</u>			
2016 Truck (Pearl)	\$ 2,400		\$ (2,400)
2008 Truck (Hightman)	7,300	2,373	(4,927)
2012 Truck (Miller)	2,400	2,355	(45)
2013 Truck (Walt)	5,300	1,674	(3,626)
2015 Meter Van	3,500	769	(2,731)
Misc Equipment		2,330	2,330
Bobcat Mini-Excavator		433	433
Case Backhoe	3,000	358	(2,642)
Sub-Total	\$ 23,900	\$ 10,292	\$ (13,608)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 7 Months Ended January 31, 2020

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 124,273	\$ 86,080	\$ (38,193)
Water Distribution System			
Supplies	11,000	3,654	(7,346)
Repairs & Maintenance	51,000	14,293	(36,707)
Water Line Break Repairs	1,028		(1,028)
Chemicals	500		(500)
Tools & Equipment	3,747		(3,747)
Sub-Total	\$ 67,275	\$ 17,947	\$ (49,328)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Supplies	\$ 1,593	\$ 11,464	\$ 9,871
Repairs & Maintenance	80,765	15,219	(65,546)
Chemicals	26,803	7,005	(19,798)
Tank Maintenance Contract	20,000		(20,000)
Tools & Equipment	1,101	3,325	2,224
Testing & Analysis	8,318	1,260	(7,058)
Sub-Total	\$ 138,580	\$ 38,273	\$ (100,307)
Water Electric	\$ 40,018	\$ 47,287	\$ 7,269
TOTAL WATER EXPENSES	\$ 370,146	\$ 189,587	\$ (180,559)
SEWER			
Salaries	\$ 106,305	\$ 74,823	\$ (31,482)
Sewer Collection System			
Cone Branch PS	14,445	7,121	(7,324)
Brookridge South PS	8,932	813	(8,119)
Foxfield PS	2,637	609	(2,028)
Sanitary Sewerlines & Manholes	28,522	19,942	(8,580)
I & I Accrual	75,000	43,750	(31,250)
Sub-Total	\$ 129,536	\$ 72,235	\$ (57,301)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 7 Months Ended January 31, 2020

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Supplies	\$ 5,576	\$ 6,204	\$ 628
Repairs & Maintenance	23,100	8,625	(14,475)
Chemicals	44,133	22,068	(22,065)
Tools & Equipment	3,414	1,196	(2,218)
Testing & Analysis	27,789	13,946	(13,843)
Sludge Hauling Expense	60,336	29,278	(31,058)
Sub-Total	\$ 164,348	\$ 81,317	\$ (83,031)
West Wastewater Treatment Plant			
Supplies	\$ 2,378	\$ 641	\$ (1,737)
Repairs & Maintenance	17,600	3,712	(13,888)
Chemicals	57,862	21,666	(36,196)
Tools & Equipment	1,426		(1,426)
Testing & Analysis	9,908	4,520	(5,388)
Sludge Hauling Expense	17,250	10,062	(7,188)
Sub-Total	\$ 106,424	\$ 40,601	\$ (65,823)
Sewer Electric	\$ 94,395	\$ 15,870	\$ (78,525)
TOTAL SEWER EXPENSES	\$ 601,008	\$ 284,846	\$ (316,162)
TOTAL WATER/SEWER EXPENSES	\$ 1,199,795	\$ 626,177	\$ (573,618)
Cone Branch - Electric	\$ 31,849	\$ 1,012	\$ (30,837)
CONTINGENCY FUND	\$ 31,849	\$ 1,012	\$ (30,837)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,231,644	\$ 627,189	\$ (604,455)
NET INCOME (LOSS)	\$ 33,746	\$ 71,310	\$ 37,564

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2020
For the 7 Months Ended January 31, 2020

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,265,390	\$ 698,499	\$ (566,891)
Operating Expenses	<u>1,199,795</u>	<u>626,177</u>	<u>(573,618)</u>
OPERATING SURPLUS (DEFICIT)	\$ 65,595	\$ 72,322	\$ 6,727
Cash Reserves	\$ 800,079	\$ 943,937	\$ 143,858
Debt Service Fee - New Homes	160,800	83,356	(77,444)
Capital Improvement Fees	178,800	94,151	(84,649)
Inflow & Infiltration - Reserve A	200,000	43,750	(156,250)
Tap Fees	666,000	18,000	(648,000)
Water Tower & Land Leases	195,669	127,196	(68,473)
Main Street Waterline Loan	853,871	230,400	(623,471)
Reservoir Tank Loan	<u>1,984,146</u>		<u>(1,984,146)</u>
TOTAL OTHER REVENUE	\$ 5,039,365	\$ 1,540,790	\$ (3,498,575)
TOTAL FUNDS AVAILABLE	5,104,960	1,613,112	(3,491,848)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MDE - East WWTP	\$ 239,265	\$ 225,530	\$ (13,735)
Main Street Waterline Loan	138,165		(138,165)
Reservoir Loan	<u>43,598</u>		<u>(43,598)</u>
TOTAL DEBT SERVICE COSTS	\$ 421,028	\$ 225,530	\$ (195,498)
<u>WATER & SEWER PROJECTS</u>			
Main Street Waterline	\$ 853,871	\$ 425,614	\$ (428,257)
Reservoir Improvements	2,274,095	75,385	(2,198,710)
BS - Upgrade; Pumps; VFDs, Piping	48,500		(48,500)
Inspection Vehicle (Subaru)	30,000		(30,000)
Water Meter Replacements	34,333		(34,333)
West WWTP - Curtain Replacement	25,000		(25,000)
West WWTP - Roof Replacement, Adm	16,000	15,750	(250)
Sewer Push Camera	11,000	22,008	11,008
Inflow and Infiltration	<u>250,000</u>	<u>870</u>	<u>(249,130)</u>
TOTAL WATER & SEWER PROJECTS	\$ 3,542,799	\$ 539,627	\$ (3,003,172)
TOTAL FUNDS REMAINING	<u>\$ 1,983,189</u>	<u>\$ 1,299,015</u>	<u>\$ (684,174)</u>

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

February 6, 2020

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on February 6, 2020, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli, Tom Catania and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

STAFF REPORTS:

Community Deputy Report – Deputy Hewitt gave the Deputies report for January.
Staff Planner Report – Cindy gave her report.
Engineer’s Report – Bruce gave his report.
Main Street Manager’s Report — Becky gave her report.
Zoning Administrator’s Report – Mark gave his report.

CONSENT AGENDA:

- *Town Minutes – January 27, 2020 – Town Meeting*

UNFINISHED BUSINESS:

Comprehensive Plan Public Participation Plan – Burgess Miller presented the Board with a comprehensive plan update. Burgess Miller is proposing to begin the Comp Plan conversations in March 2020. Burgess Miller is proposing to hold 2 community meetings in March that would be facilitated by a professional facilitator. Burgess Miller also is proposing to have an electronic open house that would introduce the community to the comprehensive plan and allow them to submit comments.

Resolution 20-01 – Healthy Eating & Active Living – Burgess Miller stated that this is an initiative that the Maryland Municipal League introduced several years ago. Becky Axilbund went over the process with the Board and how she came up with the proposed resolution.

Commissioner Dietrick again voiced his reasons why he is against the section of the resolution “Improve Access to Healthy Food”. Commissioner Dietrick stated that he doesn’t feel that it is the governments place to ask restaurants to do this. Commissioner Dietrick asked what this designation gives to the Town?

Burgess Miller stated that it is voluntary program and it would be a completely up to the businesses if they wanted to participate or not.

Establishment of a Financial Hardship Plan for the Capital Improvement Fee – Burgess Miller stated that he has had a few residents ask why the Town does not have a financial hardship program like the one the State has for the Bay Restoration Fee for the Capital Improvement Fee. The Board agrees with using the same criteria that the State uses.

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 sewer system (MS4). Drew stated that this is a requirement of the MS4 permit. This has been on the agenda three times.

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 basically cleaning up the language and updating the fees to what they are currently.

Amendments to the Standard Operating Procedures for Sewer Backup Incident Response – Drew stated that this is just putting how we respond to and take action to Sewer Backups in writing.

NEW BUSINESS:

Bid Award for Reservoir Project – Drew stated that we received 4 bids on the Raw Water Storage Improvements Project ranging from \$3.9 million to \$5.2 million. RHI, Inc. of State College, PA was the low bidder. Staff has been in contact with RHI and feel confident that they can perform the work included in the project.

Bid Award for New Maintenance Facility Design – Bruce stated that we bid this project in 2018 but because we did not have the funding to move forward this project was put on hold. Bruce stated that he reached out to Triad Engineering and they are willing to honor their bid price of \$100,000 from 2018. This price is for the design of the new maintenance facility and storage buildings that will be located behind the East WWTP.

Road Patching Contract – Request for Extension of the Contract for 3-Years – Bruce stated that RFP is asking to extend their contract with the Town. After reviewing their new proposal, the proposed unit prices increased basically \$1.00 each year.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

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

Workshop adjourned at 9:00pm.

Respectfully submitted,

Ann Griffin,
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

February 10, 2020

The first regular meeting of the Burgess and Commissioners of Middletown was called to order on February 10, 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, Tom Catania and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

Presentation of the FY2019 Town Audit – Rotz & Stonesifer- Mike Buhrman with Rotz and Stonesifer reviewed the FY 2019 audit with the Board.

CONSENT AGENDA:

- *Town Minutes – January 27, 2020 – Town Meeting*

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

UNFINISHED BUSINESS:

Comprehensive Plan Public Participation Plan – This is a continuation of the discussion from the workshop. Burgess Miller is proposing to begin the Comp Plan conversations in March 2020. Burgess Miller is proposing to hold 2 community meetings in March that would be facilitated by a professional facilitator. The cost for the facilitator is \$1,500.00. Invitations will be sent to the homeowner's associations in town, and letters will be sent to residents with more information, and to spur involvement. Bob Smart, 7525 Coblenz Road – asked if the intention is to have different groups at each of the meetings. Burgess Miller stated that was the intention. The agenda for each meeting is identical. Motion by Commissioner Falcinelli to approve the comprehensive plan public participation plan as well as the \$1,500 fee for the facilitator as presented., seconded by Commissioner Goodman. Motion carried 5-0.

Resolution 20-01 – Healthy Eating & Active Living – Burgess Miller stated that there have been some minor changes to the language of the resolution to promote a more voluntary participation. Commissioner Catania read a prepared statement (included with the minutes). He likes the idea of people individually taking steps for a Healthy Eating and Active Living Lifestyle but does not think it is the role of the Municipality to create policy and requirements to enforce or be viewed as enforcing this type of behavior.

Commissioner Falcinelli stated that it is in the Town Charter to promote the health of our residents. This H.E.A.L. is just a designation and not a mandate or law.

Bob Smart, 7525 Coblenz Road – stated he sees H.E.A.L. as a marketing tool with the restaurants because they offer certain food and food choices that people travelling through the area would be interested in when finding a place to eat.

Motion by Commissioner Falcinelli to approve Resolution 20-01 – Healthy Eating & Active Living as presented, seconded by Commissioner Goodman. Motion defeated 3-3, with Commissioners Bussard, Catania and Dietrick voting against.

Establishment a Financial Hardship Plan for the Capital Improvement Fee – Discussion occurred concerning residents who are currently exempt from paying the Bay Restoration fee since they qualify with the State.

Burgess Miller stated the Town could use the same criteria to determine exemption from the Town's Capital Improvement Fee.

Drew stated that annually 3-5 residents qualify for the Bay Restoration Fee exemption.

Commissioner Goodman stated that this started as a suggestion from a resident. He sees no reason to reinvent the wheel, and that the exemption should have to be renewed annually, like the Bay Restoration Fee exemption.

Bob Smart, 7525 Coblentz Road – stated that if someone qualifies for the Bay Restoration Fee exemption, they should automatically qualify for the Capital Improvement Fee exemption.

Commissioner Goodman motioned to approve the establishment of a financial hardship plan for the Capital Improvement Fee following the guidelines required for the State Bay Restoration Fee exemption, seconded by Commissioner Catania. Motion carried 5-0.

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. This Ordinance is a requirement of the MS4 permit.

Burgess Miller asked for any public comment. None given.

This item is to be voted on at the February 24, 2020 Town Board Meeting.

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.

Commissioner Falcinelli stated that this also clarifies the requirement of only 1 water meter per property. This item is to be voted on at the February 24, 2020 Town Board Meeting.

Amendments to the Standard Operating Procedures for Sewer Backup Incident Response – Drew stated that the changes to the procedures were to remove the Town as the entity to contact outside agencies to provide clean-up and repair of someone's personal property in the event of a sewer backup. LGIT stated that it was inappropriate for the Town to be in that role. It is now the property owner's responsibility.

Commissioner Catania asked that the policy be changed to further clarify when it would be the property owner's costs for clean-up and repair and when it would be the Town's costs for clean-up and repair.

Drew stated that those changes will be made.

Commissioner Falcinelli motioned to approve the amendments to the Standard Operating Procedures for Sewer Backup Incident Response to include the changes suggested by Commissioner Catania, seconded by Commissioner Bussard. Motion carried 5-0.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Booster Station Pump 3 was repaired by staff at a cost of \$7,500.00. Replacement would have cost \$27,000. Water use for January – 295,230 gal., spring flow for January – 96,085, East WWTP treated 257,000 gals. and the West WWTP treated 262,000 gals. A Town Water Conservation Initiatives handout was created to distribute at various event throughout the year. Next committee meeting is February 26th at 7:00 PM.

PUBLIC WORKS – Commissioner Bussard reported:

The mill and overlay planning for Boileau Drive is underway. The ADA sidewalk ramp reconstruction at Franklin Street and Fireman's Way is complete. Broad Street Streetscape design phase is 90% complete. Washington Street design is currently being reviewed for storm water management. The Booster Station

Process Pipe Replacement first submittal of drawings have been received for review. Construction is to begin in FY21.

SUSTAINABILITY – Commissioner Dietrick reported:

February 15th there will be a Green Lecture Series - Tree Talk at the Middletown Library at 1:00 PM. A Keep Maryland Beautiful grant was applied for, should hear something by the end of March. The committee will learn if Middletown has received a Tree City USA designation by the end of April. They also applied for an MEA grant to offset the cost for additional streetlights along Main Street and should receive notification by the end of February. A tree subcommittee has been formed. The Sustainability Committee has as one of its goals to increase the Town's tree canopy percentage. It is presently 18%. The goal is to raise it to 25% by 2025 and to 40% by 2040. This is to be accomplished by encouraging property owners to plant trees on their properties and continuing the planting of trees on Town property. The committee continues to work with the Elementary school on their composting program. The next committee meeting is February 18th at 5:00 PM.

PLANNING COMMISSION – Commissioner Catania reported:

The next workshop is February 12 and meeting is February 17 at 7pm., on the agenda will be the County Park Project Forest Stand Delineation and the County Park Project Forest Conservation Plan.

Burgess Miller stated that at the last joint meeting there were many comments and suggestions regarding the Hollow Creek Professional Center. He suggested that the Town Board might want to develop a position statement to give to the Planning Commission.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

The next meeting is scheduled for February 19th at 7:00 PM. DNR sent an acknowledgement letter that the Town will receive \$15,000 POS monies for bleachers for Remsburg Park. Commissioner Goodman received an email from MVAA requesting new bleachers for the second ball field instead of repurposing the bleachers from Frederick High School. They are asking for 36-inch high portable bleachers similar to the eight currently being used at the park. Drew will have to contact Bob Hicks, Frederick County POS Coordinator, for approval. The POS application states the request was for bleachers for Remsburg Park, so Drew does not think there would be a problem. MVAA has also requested a shed by the backside of the bathrooms at Memorial Park for storage. Commissioner Falcinelli suggested that MVAA and the Town together develop a 5-10 year comp plan for Remsburg Park. Included in the plan are MVAA's identified priorities and direction for the park. Drew stated that the park still has 35-38 acres yet to be developed. Since the park is not within town limits the town would have to go to the Frederick County Planning Commission for approval and changes.

MVAA wants to hold lacrosse tournaments. An MOU for charging for use of the fields is required. Included in the MOU will be the distribution of any profits. Burgess Miller asked that MVAA develop and present a draft MOU to bring to the Town Board. It was emphasized that MVAA should provide a concept plan with their ideas for Remsburg Park. The Town can then also include the information regarding the new maintenance facilities.

Pam Dietrick, 707 East Main street – stated that the gravel parking lot at Wiles Branch Park, next to the basketball courts has an area of standing water. The Town will investigate and rectify. She also stated that there are several benches that need painting. Commissioner Catania stated that there is 1 or 2 that look as if they are damaged and need repair. The Director of Public Works will determine if the benches need painting or replacement with composite materials.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Staff contacted Govoffice.com regarding streaming town meetings. Will have more information at the next meeting.

NEW BUSINESS:

Bid Award for Reservoir Project – The Town received 4 bids on the Raw Water Storage Improvements Project ranging from \$3.9 million to \$5.2 million. RHI, Inc. of State College, PA was the low bidder. Fund allocation for the project will have a \$31,400.00 deficit. Burgess Miller stated that the Town can

budget this cost into the next fiscal year to cover it. This project will begin this fiscal year and continue into FY22. Commissioner Bussard motioned to accept the bid from HRI, Inc for \$3,390,865.00, seconded by Commissioner Catania. Motion carried 5-0.

Bid Award for New Maintenance Facility Design – This is for the design of the new maintenance facility and storage buildings that will be located behind the East WWTP. This is Phase 1 of a two-phase project. This project was bid in 2018 but because we did not have the funding to move forward this project was put on hold. The Director of Public Works reached out to Triad Engineering and they are willing to honor their bid price of \$100,000 from 2018. Burgess Miller stated that the Board needs to develop a plan of what to do with the other buildings when the facility has been constructed. Drew stated that the Town will have to prepare a site plan for the new building to take to Frederick County that identifies where everything will be located and consider traffic flow into and out of the ball fields. Motion by Commissioner Catania to accept the Triad proposal for Phase 1 of the new maintenance facility, seconded by Commissioner Dietrick. Motion carried 5-0.

Road Patching Contract – Request for Extension of the Contract for 3-Years - RFP has requested to extend their contract with the Town. After reviewing their new proposal, the proposed unit prices increased basically \$1.00 each year. Town Engineers are pleased with the work RFP has done and recommend the Town Board approve the contract extension. Motion by Commissioner Catania to approve the road patching contract extension with RFP, Inc through FY2023, seconded by Commissioner Dietrick. Motion carried 5-0.

PUBLIC COMMENTS:

Commissioner Catania read a prepared statement (included with the minutes) regarding the benediction given by Middletown Volunteer Fire Company Chaplain, Alan Caho at the conclusion of the Middletown Volunteer Fire Company 125th Anniversary Celebration and Annual Awards Banquet. Commissioner Catania appreciated Chaplain Caho’s perspective regarding the use of the emergency siren; a call to prayer, to pause and pray for the people who require the emergency response and to pray for the first responders for a safe return to their loved ones.

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 8:40 PM.

Respectfully submitted,

Annette Alberghini
Administrative Assistant

Ordinance No. 20-01-01

AN ORDINANCE TO ESTABLISH AN INSPECTION AND ENFORCEMENT PROGRAM TO REQUIRE THE ELIMINATION OF AND MITIGATE THE IMPACTS OF ILLICIT DISCHARGES, PROHIBITED MATERIALS, AND ILLICIT CONNECTIONS TO A MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).

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

TITLE 13 – PUBLIC SERVICES

Chapter 13.15. – ILLICIT DISCHARGES

13.15.01 - Purpose.

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

13.15.02 – Definitions.

As used in this Chapter:

"Best Management Practice (BMP)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution directly or indirectly to stormwater, receiving waters, and stormwater conveyance systems, and provide other amenities.

"Illicit Connection" shall mean:

- (1) A drain or conveyance, either on the surface or subsurface, and whether located on public or private property, which allows a discharge that is prohibited under Chapter 13.08 of this Title to enter or to be capable of imminent discharge to a municipal separate storm sewer system, regardless of whether the drain or conveyance had been previously allowed, permitted, or

approved by the Town;

- (2) A drain or conveyance, whether located on public or private property, which is connected to a municipal separate storm sewer system and which has not been documented in a plan, map, or equivalent record and approved by the Town.

“Illicit Discharge” means any discharge to an MS4 that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer system) and discharges resulting from firefighting activities.

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

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

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

“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the Environmental Protection Agency or by a State acting under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States from a point source, whether the permit is applicable to an individual or group point source, whether the permit is applicable to an individual or group permit is applicable to an individual or group.

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

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

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

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

“Stormwater” means water that originates from a precipitation event, including but not limited to stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b) (13).

13.15.03. - Prohibited Activities.

- A. Illicit Discharges. Except as provided in subsection (B) of this section, a person shall not:
 - (1) discharge an illicit discharge into an MS4;
 - (2) Create any condition that results in the potential for an illicit discharge that could result in the pollution of stormwater conveyed and discharged from any outfall of an MS4; or
 - (3) In any way cause or contribute to any type of illicit discharge into an MS4 that could result in a potential for adverse impacts.
- B. Exceptions. The following discharges are exempt from the prohibitions set forth in subsection (A) of this section:
 - (1) Waterline flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation waters; springs; footing springs; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; street wash water; and firefighting activities; or
 - (2) Discharges permitted under an NPDES stormwater discharge permit or a non- stormwater discharge permitted under an NPDES discharge permit.
 - (3) In the event of any questions or complaints concerning the exceptions listed in subsection (B)(1) above, the Manager may take steps to determine if they are properly managed, and if not, may require mitigation measures necessary for proper management of these discharges.
- C. Illicit Connections. A person shall not create, construct, use, maintain, or allow the continued existence of an illicit connection.
- D. Interference. A person shall not alter, obstruct, or take or permit any action that alters, obstructs, or interferes with, or is likely to alter, obstruct, or interfere with, the proper operation of an MS4, including having or maintaining a prohibited material.
- E. Reporting to Maryland Department of the Environment (MDE). The Town may report illicit connections and illicit discharges to MDE for enforcement and/or permitting in accordance with applicable law.

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

- A. Generally. Except as provided in subsection (B) of this section, if the Town becomes aware of a discharge that enters, or is capable of imminent discharge to, or to be discharged from, an MS4 or a waterbody within the Town, that may be or include prohibited material, or is the result of an illicit discharge or an illicit connection, the Manager may seek access to any premises at any reasonable time for the purpose of inspecting for a violation of this Article.
- B. Consent. The Manager may enter private property to inspect for a violation of this Article with the consent of the occupant or owner. If entry is refused, the Manager may request that the Town

Attorney seek a court order to permit entry to the property.

- C. **Investigations.** The Manager may inspect, sample, examine, and investigate the source, location, and extent of any spill, discharge, the existence of any illicit connection, the existence of any prohibited material, or the condition of any BMPs. In support of any investigation under this Article, the Manager may review and copy any records that will assist in determining whether there is a violation of this Article, including but not limited to, records maintained pursuant to the conditions of any discharge permit or approvals given under this chapter.
- D. **Unreasonable refusal.** A person shall not hinder, prevent, or unreasonably refuse to permit any investigation under this Article.
- E. **Follow Up Inspections.** To determine compliance with required abatement and mitigation measures, the Manager may conduct one or more follow-up inspections of any premises from which the discharge or other violation may have occurred, as needed to assess the existence and extent of a violation of this Article.
- F. **Threat to Public Health and Safety.** The Manager shall have the right to enter any premises where there is evidence that a violation of this Article exists which poses an immediate threat to the public health and safety for the purpose of performing duties pursuant to the provisions of this Article. The Manager shall produce proof of identity prior to entry and must also provide evidence of the imminent threat to public health and safety.
- G. **Emergency Repairs.** If the Manager has evidence that an illicit discharge, illicit connection, or prohibited material presents an immediate threat to public health or safety, the Manager may enter the premises and take any appropriate action including but not limited to the making of repairs in order to abate the public health or public safety hazard without prior written notice to the owner or occupant of the premises. The Manager may request that the Town Attorney seek a court order assessing the costs of the abatement against the owner, tenant, licensee, or any other person causing or permitting an illicit discharge or illicit connection, or that has or is maintaining a prohibited material.

13.15.05. - Prevention and Control of Illicit Discharges, Prohibited Materials, and Illicit Connections.

- A. **Prevention.** The owner, tenant, licensee, or any other person who occupies any premises shall prevent entry into an MS4 of any spills, materials from an illicit connection, any prohibited material, or illicit discharges through the use of BMPs or other appropriate measures as directed by the Manager. In the case of an illicit connection, the owner of the premises shall disconnect the illicit connection in a manner as directed by the Manager.
- B. **Control Measures.** If the Manager determines, after an initial inspection, that the spill, prohibited material, material from an illicit connection, or illicit discharge has entered an MS4, the Manager may require the owner or other responsible person to take steps to abate and mitigate the material or discharge, including but not limited to: (1) disconnection and redirection, if necessary, to an approved onsite wastewater management system; (2) delineation and containment of the discharge; (3) recovery and proper disposal of the pollutant or prohibited materials and any

impacted media; and (4) restoration of the area of the discharge to pre-discharge conditions to the Town's satisfaction. The owner or responsible person shall take the steps listed above in order to mitigate the full extent of the prohibited materials, illicit discharge, or illicit connection.

- C. **BMPs.** Any owner or other person responsible for a spill, illicit discharge, illicit connection, or prohibited material shall be required to implement, at the owner's or responsible person's expense, additional BMPs to prevent the further discharge or introduction of any prohibited material, illicit discharge, or spilled material from entering into an MS4. Compliance with the terms and conditions of a valid NPDES permit authorizing the discharge constitutes compliance with this subsection.
- D. **Monitoring.** The Manager may require a person responsible for a spill, illicit connection, or illicit discharge to install monitoring equipment if the nature of the discharge warrants such installation. The sampling and monitoring equipment shall be calibrated to ensure accuracy and maintained in safe and proper operating condition at the responsible person's expense.
- E. **Abatement.** If the owner or any person responsible for the spill, illicit connection, or illicit discharge refuses to follow the required cleanup and mitigation measures, the Town may enter the property and make the required repairs. The Manager may request that the Town Attorney seek a court order assessing the costs of the abatement against the owner or any other person that causes or permits a spill, an illicit discharge, illicit connection, or that has or maintains a prohibited material.
- F. **Documentation.** The Manager may require the owner or any person responsible for the spill, illicit connection, or illicit discharge to maintain records demonstrating compliance with this section and, upon request of the Town, shall, within a reasonable time designated by the Manager, provide any records, manifests, invoices or other documents for inspection and review.
- G. **Costs.** All mitigation and remediation measures under this Article shall be completed at the owner's or responsible person's sole cost and expense

13.15.06. – Enforcement and Penalties.

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

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

**INTRODUCED ON THE
PASSED ON THE
EFFECTIVE DATE:**

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 20-01-02

AN ORDINANCE TO AMEND TITLE 13 TO IMPOSE REASONABLE RESTRICTIONS ON THE USE OF WATER FROM THE MUNICIPAL WATER SYSTEM DURING PERIODS OF SHORT SUPPLY, PROTRACTED DROUGHT, EXCESSIVE DEMAND OR OTHER SCARCITY OF WATER, TO ESTABLISH NEW WATER AND SEWER CONNECTION FEES, AND TO REPEAL DEBT SERVICE CHARGES.

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

Title 13 - PUBLIC SERVICES

Chapter 13.04 - WATER SERVICE SYSTEM

13.04.020 WATER METER RESTRICTIONS

- A. EACH PROPERTY WITHIN THE SERVICE SYSTEM SHALL BE SERVED WITH ONE (1) WATER METER REGARDLESS OF THE NUMBER OF STRUCTURES, TENANTS OR USERS SERVED ON THE PROPERTY.**
 - A. FOR RESIDENTIAL PROPERTIES THE ONE (1) WATER METER SHALL BE SIZED IN ACCORDANCE WITH THE CURRENT WATER SYSTEM DESIGN MANUAL WITHIN THE MIDDLETOWN DESIGN MANUAL.**
 - B. FOR COMMERCIAL PROPERTIES THE ONE (1) WATER METER SHALL BE SIZED BY THE CUSTOMER'S DESIGN ENGINEER WITH CONSIDERATION FOR THE TOTAL NUMBER OF FIXTURE UNITS AND FIRE FLOW. SEPARATE SERVICES FOR FIRE FLOW ARE NOT PERMITTED.**
- B. THE BURGESS AND COMMISSIONERS, AT THEIR DISCRETION, MAY APPROVE AN EXCEPTION TO THE ONE WATER METER RESTRICTION FOR GOVERNMENTAL PROPERTIES.**

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

Chapter 13.08 - SEWER SERVICE SYSTEM

13.08.010 - Definitions.

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

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

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

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

13.08.020 - Disposal of wastes.

{Unchanged}

13.08.030 - Discharge of wastewater.

{Unchanged}

13.08.040 - Drainwater.

{Unchanged}

13.08.050 - Unpolluted water.

13.08.060 - Toxic waste.

{Unchanged}

13.08.070 - Discharge limitations.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ may set limitations lower than the limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to their acceptability, the **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the **DIRECTOR OF PUBLIC WORKS** ~~{Superintendent}~~ are as follows:

A. – D. *{Unchanged}*;

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at

the wastewater treatment works exceeds the limits which may be established by the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} for such materials;

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

13.08.080 - Municipal infractions.

{*Unchanged*}

13.08.090 - Cost of installation.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} .
- B. {*Unchanged*}

13.08.100 - Separate sewers required.

- A. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer with the appropriate number of sewer **CONNECTIONS** , if approved by the **DEPARTMENT OF PUBLIC WORKS** {~~Planning Commission~~}. But the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- B. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the **DIRECTOR OF PUBLIC WORKS** {~~Superintendent~~} , to meet all requirements of this chapter.

13.08.110 - Specifications.

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

13.08.120 - Connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations adopted by the town. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the

prescribed materials and procedures must be approved by the **DIRECTOR OF PUBLIC WORKS** {Superintendent} before installation.

13.08.130 - Inspection.

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

13.08.140 - Excavation.

{Unchanged}

13.08.150 - Required connections.

{Unchanged}

13.08.160 - Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the **DIRECTOR OF PUBLIC WORKS** {Superintendent}, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the **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 terms 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's prior written consent. The balance of the DSRA shall be maintained at the level of three hundred seventy five thousand dollars (\$375,000.00) until all of the town's enterprise funds and accounts directly related to the revenues and expenses of the sewer operation achieve a possible cashflow after meeting all payment obligations under said loan for two consecutive years following completion of the project as evidence by an independently audited financial statement. Thereafter, the amount of the DSRA may be adjusted annually by the written mutual agreement of the MWQFA and the town. The DSRA may be maintained by the town and may be invested in a manner similar to the manner in which other similar accounts are invested. All income earned on the DSRA shall be to the benefit of the town.]~~

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

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess



An architectural rendering of a modern professional center. The main building is a long, single-story structure with a dark green gabled roof and reddish-brown brick walls. It features several large windows and a central entrance with a small portico. To the right, a taller, multi-story building with a similar color scheme and a prominent circular window is visible. The foreground shows a paved road with a white arrow pointing towards the building, flanked by green lawns. A sign on the left side of the road reads "HOLLOW CREEK PROFESSIONAL CENTER". The sky is blue with scattered white clouds.

HOLLOW CREEK PROFESSIONAL CENTER



Heritage Area Grant Application for Collection Specialist

Line Item No.	Work Item (Description)	Grant Funds	Grantee's Contribution		Other Project Costs	Total Project Cost	Source of Funds
			Cash Match	In-Kind Match			
1	Hire a Free-Lace Collections Specialist (500 hours x \$50/hr) = 25,000	\$12,500.00	\$12,500.00			\$25,000.00	
2	Collection Management Software (a decision has not been make a flat purchase or do a monthly subscription)	\$1,000.00				\$1,000.00	
3	Purchase Archvial Materials	\$2,125.00				\$2,125.00	
5	Staff Time to Assist Collection Specialist for this project (125-hours x \$25) = 3125		\$3,125.00			\$3,125.00	
6						\$0.00	
TOTALS		\$15,625.00	\$15,625.00	\$0.00	\$0.00	\$31,250.00	
			Total Match	\$15,625.00			

TOWN MATCH: \$15,625.00

Minus Staff Time: \$3125.00

Equals \$12,500 Cash Match

APPLY FOR TRIPP GRANT to cover half of the \$12,500. If TRIPP is awarded, then the total project of hiring a Collections Specialist is reduced to \$6250.

MUNICIPAL CODE REFERENCES TO NEWSPAPER POSTINGS

5.12.100 - Application requirements for a new tower, support structure, or a substantial modification or co-location.

- A. All applicants for a special use permit for a new wireless facility or complex, including for a new tower or other new support structure or that constitutes a substantial modification, shall comply with the requirements set forth in this section. In addition to the required information set forth in this section, all applications for the construction or installation of new wireless facility or complex or substantial modification shall contain the information hereinafter set forth prior to the issuance of a building permit. Any technical information must be provided in such a manner, form and with such content that it is able to be verified by a third party using the information used and provided by the applicant.
 1. Ownership and Management.
 2. Zoning and Planning.
 3. Safety.
- B. A written copy of an analysis completed by a qualified individual or organization to determine if the proposed wireless telecommunications facility or complex is in compliance with Federal Aviation Administration Regulation Part 77, and if it requires lighting, including any facility or complex where the application proposes to increase the height of the existing tower or support structure.
- C. New towers shall be prohibited on private property in residential districts, historic districts and areas officially deemed to be visual or sensitive scenic areas within the town's corporate limits.
- D. All applications for a proposed facility or complex applicable to this section shall contain clear and convincing evidence that the facility or complex is sited and designed so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved. To achieve this goal the town expressly reserves the right to require the use of stealth or camouflage siting techniques such as, but not limited to, DAS (distributive antenna system), a small cell facility or a functional equivalent as regards size, and such shall be subject to approval by the town.
- E. If proposing a new tower or support structure, or a substantial co-location or modification of an existing structure, the applicant shall be required to submit clear and convincing evidence that there is no alternative solution within the search ring of the proposed site that would be less visually intrusive and that not to permit the proposed new tower or support structure, or a substantial co-location or modification would result in the prohibition of service or the perpetuation of a significant gap in service.
- F. An applicant proposing a new tower or support structure shall use the largest search ring technically possible, and may be required to prove with certified technical/engineering documentation that the search ring used is the largest that could be used.
- G. In order to better inform the public, in the case of a new tower or support structure or substantial modification, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a ten-foot in length brightly colored balloon with horizontal stabilizers, at the maximum height of the proposed new tower or support structure or substantial modification. Unless conditions at the time preclude it for reasons of instability vis-à-vis wind speed, the use of spherical balloons shall not be permitted.
- H. At the option of the town administrator, a community meeting may be held concurrent with the balloon test, the notification of which shall be as set forth in the following subsection I.4.
- I. At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen

(14) days after the conduct of the balloon test. The sign shall be at least four feet by eight feet in size and shall be readable from the road by a person with 20/20 vision.

1. Such sign shall be placed off, but as near to, the public right-of-way as is possible.
2. Such sign shall contain the times and date(s) of the balloon test and contact information.
3. The dates, (including a second date, in case of poor visibility or wind in excess of fifteen (15) mph on the initial date) times and location of this balloon test shall be advertised by the applicant seven and fourteen (14) days in advance of the first test date in a **newspaper with a general circulation in the town and as agreed to by the town**. The Applicant shall inform the town in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours between 10:00 a.m. and 2:00 p.m. on the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. A report with pictures from various locations of the balloon shall be provided with the application.
4. The applicant shall notify all property owners and residents located within one thousand five hundred feet (1,500) of the nearest property line of the subject property of the proposed construction of the tower and facility or complex and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by first-class mail. The town administrator shall be provided an attested copy of the list of addresses to which notification is provided. The wireless telecommunications facility or complex shall be structurally designed to accommodate at least four antenna arrays, with each array to be flush mounted or as close to flush-mounted as is reasonable possible.

J.

(Ord. No. 17-10-01, § I(10), 1-8-2018)

16.08.130 - Amendments to subdivision regulations.

- A. The procedures, standards and specifications contained in these regulations, when deemed necessary, may from time to time be amended, changed, supplanted or modified.
- B. The planning commission shall hold a public hearing prior to recommending the adoption of any amendments or changes; the date and place of such public hearing shall be advertised by the planning commission at least fifteen (15) days prior to the meeting in at least one **newspaper of general circulation**.
- C. The town board, upon receiving the recommendation of the planning commission concerning the adoption of any amendments or changes shall hold a public hearing, giving fifteen (15) days' notice of said hearing in a newspaper of general circulation.
- D. The town board, after considering the recommendation of the planning commission, other agencies and interested parties, shall approve, disapprove, or modify the proposed changes and amendments. Such decision shall be binding upon the planning commission and all parties affected by these regulations.

(Ord. 187 §§ 15.1—15.4, 1977)

17.08.090 - Amendment procedure.

- A. The burgess and commissioners may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of district, regulations or restrictions herein established.

- B. A public hearing shall be held by the burgess and commissioners before adoption of any proposed amendment, supplement or change. Public notice of the time and place of such hearing, together with a summary of the proposed regulation, restriction or boundary, shall be published in at least one **newspaper of general circulation in the town once each week for two successive weeks**. The first such publication of notice shall appear at least fourteen (14) days prior to the hearing. A complete record of the hearing and the votes of all members of the burgess and commissioners shall be kept.
- C. In order to partially defray the expense of a zoning change public hearing, the person or parties petitioning for a zoning change shall pay to the town a fee, the amount of which fee shall be established, from time to time, by resolution of the burgess and commissioners. No part of such fee shall be refunded for failure of such amendment to be enacted into law.

(Ord. 00-04-04 § 5, 2000)

17.44.070 - Public hearings.

All appeals and applications for variance and special exceptions shall be heard and considered in a public hearing. The board shall schedule the hearing at a reasonable time and shall give not less than ten (10) days' public notice thereof by the posting in a conspicuous place on or near the property of at least one sign of at least three square feet in area stating the date, time, location and purpose of the hearing. The zoning administrator or agents may require additional posting in a place of common use or entrance to the community if in the judgment of the zoning administrator such posting is needed to adequately notify interested parties. All public hearings to be held by the board of appeals shall be **advertised in a weekly or daily newspaper of general circulation in the town**. Due notice shall also be given to the parties in interest including all adjoining and adjacent property owners. The board shall render its decision within thirty (30) days of the public hearing. It shall be the responsibility of the applicant to provide the names and addresses of all adjacent and adjoining property owners.

At the hearing, any party may appear in person, by agent or by attorney. The concurring vote of two members of the board shall be necessary to render any decision on the issues raised in the appeal or application.

(Ord. No. 15-12-02, § I, 12-14-2015; Ord. 182 § 10.6, 1976)