



AGENDA FOR THE TOWN MEETING

February 25, 2019

7:00 p.m.

PLEDGE TO THE FLAG

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

CALL TO ORDER

CONSENT AGENDA

- Financial Statements
- Girls on the Run 5K Race
- Budget Amendments
- Town Meeting Minutes
 - January 28, 2019 – Town Meeting
 - February 7, 2019 – Town Workshop
 - February 13, 2019 – Public Information Committee Meeting

PERSONAL REQUESTS FOR AGENDA:

- *Partnerships with Frederick County Chamber of Commerce – Rick Weldon, President & Eric Soter, Board of Directors*
- *Broad Street Citizens Group – Comments on Broad Street Preliminary Design*

UNFINISHED BUSINESS:

- *Vacancy for Alternate to the Town's Ethics Commission (Vote)*
- *Updated Cost Estimate for Parking on South Church Street (Vote)*
- **MOU for Stormdrain at 306 West Main Street (Vote)**
- **Comprehensive Plan Schedule Discussion**
- **Blighted Ordinance (Second Reading)**
- **Employee Handbook Updates (Second Reading)**
- **Social Media Policy & Archiving – (Second Reading)**

NEW BUSINESS:

- Review Leasing Offer for Parking Lot – Corner of North Church Street & East Green Street (Vote)
- Discussion of Panhandling Ordinance
- Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property
- POS Annual Program Requests

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
REVENUE			
<u>LOCAL TAX</u>			
Real Property	\$ 1,304,924	\$ 1,163,287	\$ (141,637)
Tangible Personal Property	44,063	44,544	481
Public Utilities	14,192		(14,192)
Franchise (Cable)	55,145	12,347	(42,798)
Penalties & Interest	<u>11,043</u>	<u>82</u>	<u>(10,961)</u>
	\$ 1,429,367	\$ 1,220,260	\$ (209,107)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 34,125	\$ 18,225	\$ (15,900)
Highway Gasoline & Licenses	<u>177,025</u>	<u>138,303</u>	<u>(38,722)</u>
	\$ 211,150	\$ 156,528	\$ (54,622)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 1,024,876	\$ 382,752	\$ (642,124)
Tax Equity Grant	<u>632,552</u>	<u>474,414</u>	<u>(158,138)</u>
	\$ 1,657,428	\$ 857,166	\$ (800,262)
<u>LICENSES AND PERMITS</u>			
Business / Traders	\$ 4,900	\$ 316	\$ (4,584)
Planning / Zoning Fees	<u>21,290</u>	<u>8,690</u>	<u>(12,600)</u>
	\$ 26,190	\$ 9,006	\$ (17,184)
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 4,315</u>	<u>\$ 1,819</u>	<u>\$ (2,496)</u>
	\$ 4,315	\$ 1,819	\$ (2,496)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 26,187</u>		<u>\$ (26,187)</u>
	\$ 26,187		\$ (26,187)
<u>MISCELLANEOUS</u>			
Bank Shares Grant	\$ 2,500	\$ 1,491	\$ (1,009)
Miscellaneous & Donations	<u>517</u>	<u>517</u>	<u>517</u>
	\$ 2,500	\$ 2,008	\$ (492)
OPERATING REVENUES	\$ 3,357,137	\$ 2,246,787	\$ (1,110,350)
State Grants & Interest	\$ 100,900	\$ 9,947	\$ (90,953)
TOTAL REVENUE	\$ 3,458,037	\$ 2,256,734	\$ (1,201,303)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 21,000	\$ 12,250	\$ (8,750)
Communications	3,480	1,552	(1,928)
Dues & Subscriptions	7,400	6,863	(537)
Office Supplies & Exp	7,500	2,037	(5,463)
Advertising	500		(500)
Meetings & Conventions	<u>7,500</u>	<u>7,127</u>	<u>(373)</u>
	\$ 47,380	\$ 29,829	\$ (17,551)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 5,950</u>	<u>\$ (4,250)</u>
	\$ 10,200	\$ 5,950	\$ (4,250)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses			
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 272,402	\$ 161,301	\$ (111,101)
Postage & Printing	200	9	(191)
Communications	10,300	4,761	(5,539)
Computer Expenses	21,800	36,114	14,314
Office Supplies & Exp	42,232	19,079	(23,153)
Office Maintenance	23,500	13,770	(9,730)
Dues & Subscriptions	150		(150)
Professional Services	4,600	2,010	(2,590)
Meetings & Conventions	100	370	270
Water and Sewer Grant			
	<u>\$ 375,284</u>	<u>\$ 237,414</u>	<u>\$ (137,870)</u>
<u>OPERATIONS</u>			
Operations Salary	\$ 247,722	\$ 150,511	\$ (97,211)
Communications	10,200	6,007	(4,193)
Supplies & Expenses	19,500	9,686	(9,814)
Dues & Meetings	1,500	175	(1,325)
Maintenance & Repairs	25,982	9,557	(16,425)
Tools & Equipment	<u>3,166</u>	<u>1,902</u>	<u>(1,264)</u>
	\$ 308,070	\$ 177,838	\$ (130,232)
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 16,000	\$ 16,000	

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,130	1,957	(7,173)
	\$ 25,130	\$ 17,957	\$ (7,173)
 <u>PLANNING & ZONING</u>			
Salary & Fees	\$ 64,415	\$ 34,122	\$ (30,293)
Other Expenses	2,684	1,998	(686)
	\$ 67,099	\$ 36,120	\$ (30,979)
 <u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 47,147	\$ 25,542	\$ (21,605)
Town Contribution	10,000	10,000	
	\$ 57,147	\$ 35,542	\$ (21,605)
 <u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	21,910	7,905	(14,005)
Community Deputy Program	393,895	198,714	(195,181)
	\$ 435,805	\$ 206,619	\$ (229,186)
 <u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 284,930	\$ 151,055	\$ (133,875)
 <u>RECREATION AND CULTURE</u>			
Park Salary	49,000	17,347	(31,653)
Park Electric	2,505	1,252	(1,253)
Remsberg Park Electric		2,818	2,818
Maintenance & Repairs	31,150	10,082	(21,068)
Mowing	33,935	13,671	(20,264)
Remsberg Park - Interest	4,389	3,324	(1,065)
Remsberg Park - Principal	119,161	79,043	(40,118)
	\$ 240,140	\$ 127,537	\$ (112,603)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 70,232	\$ 60,198	\$ (10,034)
Street Lighting	182,300	94,006	(88,294)
Storm Water Management	7,545	2,660	(4,885)
Snow Removal	85,300	29,406	(55,894)
Repairs & Resurfacing	92,000	46,218	(45,782)
Signs	5,300	359	(4,941)
Truck Repair & Operation	28,000	14,700	(13,300)
Equipment Repairs & Ops	21,172	2,690	(18,482)
Mowing	33,440	18,432	(15,008)
Interest	77,358	2,702	(74,656)
West Green St - Principal	<u>100,000</u>	<u>65,960</u>	<u>(34,040)</u>
	\$ 702,647	\$ 337,331	\$ (365,316)
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,278	786	(1,492)
Community Events	53,290	6,110	(47,180)
Payroll Taxes	63,139	33,963	(29,176)
Insurance - Property	15,906	12,635	(3,271)
Insurance - Employee	165,325	77,341	(87,984)
Retirement/Pension	71,102	56,278	(14,824)
Web Page & Directory	3,755	3,032	(723)
Real Estate Taxes	800	1,680	880
Other	<u>4,000</u>	<u>2,564</u>	<u>(1,436)</u>
	\$ 384,695	\$ 199,389	\$ (185,306)
TOTAL EXPENDITURES	<u>\$ 2,938,527</u>	<u>\$ 1,562,581</u>	<u>\$ (1,375,946)</u>
INCOME (LOSS) Exc. Cash Reserves	\$ 519,510	\$ 694,153	\$ 174,643
CASH RESERVES	\$ 881,203	\$ 417,096	\$ (464,107)
SURPLUS / (DEFICIT)	<u>\$ 1,400,713</u>	<u>\$ 1,111,249</u>	<u>\$ (289,464)</u>

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2018
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 3,357,138	\$ 2,246,787	\$ (1,110,351)
OPERATING EXPENSES			
Expenses	3,357,138	1,562,581	(1,794,557)
OPERATING SURPLUS (DEFICIT)		\$ 684,206	\$ 684,206
<u>OTHER FUND</u>			
POS - Development	\$ 36,900		\$ (36,900)
Community Legacy Grants	64,000		(64,000)
RETAINED EARNINGS	299,658		(299,658)
Interest	865	9,947	9,082
Improvement Fees	<u>241,500</u>	<u>146,000</u>	<u>(95,500)</u>
TOTAL OTHER FUNDS	\$ 642,923	\$ 155,947	\$ (486,976)
TOTAL FUNDS AVAILABLE	\$ 642,923	\$ 840,153	\$ 197,230
<u>CIP PROJECTS & PURCHASES</u>			
SHA Streetscape Lighting	\$ 175,000		\$ (175,000)
Broad Street Reconsturction	111,000	6,573	(104,427)
Elm Street - TCS	25,000		(25,000)
Elm Street Parking Lot Upgrades	90,000		(90,000)
Manda Drive - TCS	95,000		(95,000)
Manda Court - TCS	52,000		(52,000)
Washington Street Retaining Wall	25,000		(25,000)
Foxfield Swale Reconstruction	15,000		(15,000)
Remsberg Park - Walking Trail Pa	25,000		(25,000)
Cone Branch Walking Trail - Benc	6,500	22,295	15,795
Walking Trail Signage	5,000		(5,000)
Wiles Branch Picnic Benches	4,500		(4,500)
Foxfield Walking Trail - Ext to	25,000		(25,000)
Befco Slit Seeder	8,000		(8,000)
Municipal Center - HVAC Replacem	60,000		(60,000)
Municipal Center - Boiler Replac	35,000	10,500	(24,500)
Municipal Center - ADA Improveme	30,000		(30,000)
Street Pretreatment Equipment -	60,360		(60,360)
Maintenance Facility at EWWTP		1,800	1,800
IT Computer Equipment Lease	<u>37,000</u>		<u>(37,000)</u>
	\$ 824,000	\$ 41,168	\$ (782,832)
OPERATING & CIP SURPLUS (DEFICIT)	\$ (181,077)	\$ 798,985	\$ 980,062

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2018
 For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 346,150	\$ 218,934	\$ (127,216)
TOTAL CASH SURPLUS	<u>\$ 165,073</u>	<u>\$ 1,017,919</u>	<u>\$ 852,846</u>

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

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
Water Revenue	\$ 624,139	\$ 310,096	\$ (314,043)
Sewer Revenue	616,076	308,379	(307,697)
Penalties/Reconnects	22,161	8,869	(13,292)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,263,376	\$ 627,344	\$ (636,032)
EXPENDITURES			
ADMINISTRATIVE			
Office Salaries	\$ 34,407	\$ 23,180	\$ (11,227)
Communications	11,742	7,034	(4,708)
Postage	9,750	6,000	(3,750)
Office Supplies/Expense	14,000	6,308	(7,692)
Legal - Other	2,000	2,437	437
Meetings & Seminars	500	120	(380)
Advertising	500		(500)
Uniforms	5,068	2,100	(2,968)
Dues/Subscrip/Certifications	500	679	179
Travel	200		(200)
Payroll Taxes	23,721	13,634	(10,087)
Insurance - Prop. & Liability	11,848	8,065	(3,783)
Insurance - Workers Comp	9,911		(9,911)
Insurance - Health	54,716	23,709	(31,007)
Retirement/Pension	22,912	24,674	1,762
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	1,000		(1,000)
I & I Loan Principal and Interest	32,743	32,498	(245)
Sub-Total	\$ 235,810	\$ 150,730	\$ (85,080)
Vehicles & Equipment			
2016 Truck (Pearl)	\$ 1,100		\$ (1,100)
2008 Truck	4,200	142	(4,058)
2012 Truck (Miller)	1,800	461	(1,339)
2013 Truck (Whitney)	2,600	120	(2,480)
2015 Meter Van (Hightman)	2,300	1,569	(731)
Misc Equipment		339	339
Bobcat Mini-Excavator		91	91
Case Backhoe	3,000	3,002	2
Sub-Total	\$ 15,000	\$ 5,724	\$ (9,276)

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

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 151,440	\$ 85,097	\$ (66,343)
Water Distribution System			
Supplies	5,500	11,060	5,560
Repairs & Maintenance	37,000	13,784	(23,216)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500	2,106	1,606
Tools & Equipment	4,000	50	(3,950)
Sub-Total	\$ 52,000	\$ 27,000	\$ (25,000)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Supplies	\$ 2,000	\$ 1,964	\$ (36)
Repairs & Maintenance	37,722	70	(37,652)
Chemicals	17,132	11,381	(5,751)
Tank Maintenance Contract	100,000		(100,000)
Tools & Equipment	1,932	631	(1,301)
Testing & Analysis	5,900	2,371	(3,529)
Sub-Total	\$ 164,686	\$ 16,417	\$ (148,269)
Water Electric	\$ 26,561	\$ 25,553	\$ (1,008)
TOTAL WATER EXPENSES	\$ 394,687	\$ 154,067	\$ (240,620)
SEWER			
Salaries	\$ 115,933	\$ 70,741	\$ (45,192)
Sewer Collection System			
Cone Branch PS	12,618	5,511	(7,107)
Brookridge South PS	4,000	778	(3,222)
Foxfield PS	12,500	1,569	(10,931)
Sanitary Sewerlines & Manholes	22,080	2,311	(19,769)
I & I Accrual	75,000		(75,000)
Sub-Total	\$ 126,198	\$ 10,169	\$ (116,029)

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

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Supplies	\$ 5,581	\$ 5,768	\$ 187
Repairs & Maintenance	12,600	5,893	(6,707)
Chemicals	34,285	22,301	(11,984)
Tools & Equipment	4,500	218	(4,282)
Testing & Analysis	36,611	16,111	(20,500)
Sludge Hauling Expense	55,669	17,587	(38,082)
Sub-Total	\$ 149,246	\$ 67,878	\$ (81,368)
West Wastewater Treatment Plant			
Supplies	\$ 2,500	\$ 862	\$ (1,638)
Repairs & Maintenance	15,000		(15,000)
Chemicals	50,531	30,729	(19,802)
Tools & Equipment	2,766	15	(2,751)
Testing & Analysis	10,449	4,264	(6,185)
Sludge Hauling Expense	17,250		(17,250)
Sub-Total	\$ 98,496	\$ 35,870	\$ (62,626)
Sewer Electric	\$ 75,000	\$ 31,610	\$ (43,390)
TOTAL SEWER EXPENSES	\$ 564,873	\$ 216,268	\$ (348,605)
TOTAL WATER/SEWER EXPENSES	\$ 1,210,370	\$ 526,789	\$ (683,581)
3.4% of Operating Expenses	\$ 41,153	\$ 17,911	\$ (23,242)
Liner Inspection and Repair	\$ 10,000	\$ 11,568	\$ 1,568
CONTINGENCY FUND	\$ 51,153	\$ 29,479	\$ (21,674)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,261,523	\$ 556,268	\$ (705,255)
NET INCOME (LOSS)	\$ 1,853	\$ 71,076	\$ 69,223

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 7 Months Ended January 31, 2019

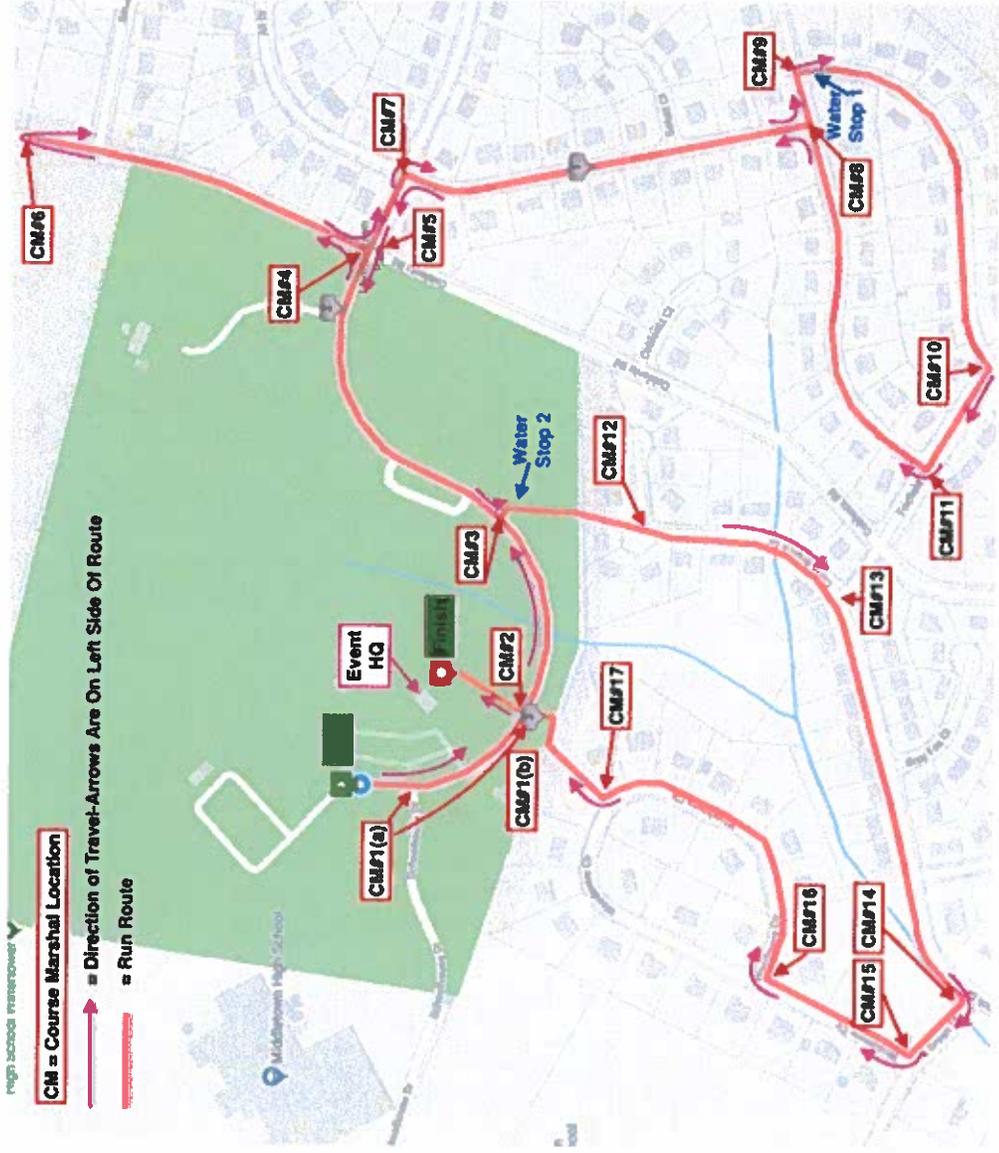
	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,263,376	\$ 627,344	\$ (636,032)
Operating Expenses	<u>1,261,523</u>	<u>526,789</u>	<u>(734,734)</u>
OPERATING SURPLUS (DEFICIT)	\$ 1,853	\$ 100,555	\$ 98,702
Cash Reserves	\$ 538,119	\$ 891,579	\$ 353,460
Debt Service Fee - New Homes	156,000	75,950	(80,050)
Capital Improvement Fees	168,966	84,338	(84,628)
Inflow & Infiltration - Reserve A	50,000		(50,000)
Sludge Removal - Reserve Account	35,000		(35,000)
Tap Fees	621,000	306,000	(315,000)
Water Tower & Land Leases	193,271	86,942	(106,329)
Main Street Waterline Loan	1,780,968	(297,669)	(2,078,637)
Reservoir Tank Loan		<u>2,895,000</u>	<u>2,895,000</u>
TOTAL OTHER REVENUE	\$ 3,543,324	\$ 4,042,140	\$ 498,816
TOTAL FUNDS AVAILABLE	3,545,177	4,142,695	597,518
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MDE - East WWTP	\$ (241,265)	\$ 220,351	\$ 461,616
Main Street Waterline Loan	(77,842)		77,842
Reservoir Loan	(6,798)		6,798
Brookridge WTP Loan Payments	<u>(195,314)</u>		<u>195,314</u>
TOTAL DEBT SERVICE COSTS	\$ (521,219)	\$ 220,351	\$ 741,570
<u>WATER & SEWER PROJECTS</u>			
Main Street Waterline	\$ 1,780,968	\$ 575,259	\$ (1,205,709)
Reservoir Improvements	104,000	19,998	(84,002)
Well Field Power Quality Monitor	10,500		(10,500)
SCADA Control System	50,000	22,932	(27,068)
BS - Replace Starters with VFDs	15,000		(15,000)
BS - Rebuild Pump #4	15,000	9,491	(5,509)
BS - Process Piping Replacment	10,000		(10,000)
Water Meter Replacements	41,200		(41,200)
PRV Vault Pipe Painting and Clean	9,000		(9,000)
InHance Billing Software Upgrade	37,000	7,712	(29,288)
West WWTP - Curtain Replacement	25,000		(25,000)
West WWTP - Plug Valve Replacment	5,000	9,491	4,491
West WWTP - Chemical Storage Buil	85,000	8,864	(76,136)

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 7 Months Ended January 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
East WWTP - Dewatering Sludge Tan	\$ 15,000		\$ (15,000)
East WWTP - Influent Flume & Ultr	20,000		(20,000)
East WWTP - Sludge Removal Reed B	35,000		(35,000)
East WWTP - Sludge Mag Meter	15,000		(15,000)
Vactor Trailer & Excavator	75,000		(75,000)
Inflow and Infiltration	50,000	87,250	37,250
TOTAL WATER & SEWER PROJECTS	\$ 2,397,668	\$ 740,997	\$ (1,656,671)
TOTAL FUNDS REMAINING	\$ 626,290	\$ 3,622,049	\$ 2,995,759

Girls on the Run of Mid & Western Maryland

Event Date:
Saturday, June 1, 2019





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

Fiscal Year FY 2019

Amendment No. 19-01

Request Date Thursday, February 7, 2019

Fund General Fund

Budget Capital Improvements Program CIP

Description Reallocation of funds from Elm Street Parking Lot Improvements to SHA Stormdrain

MOU, Streetscape.

REVENUE

Line Item	Increase	Decrease
Total	\$ -	\$ -

EXPENDITURES

Line Item	Increase	Decrease
Elm Street parking Lot Upgrades		\$ 10,652.00
SHA Streetscape	\$ 10,652.00	
Total	\$ 10,652.00	\$ 10,652.00

Town Board Approval Date _____



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

Fiscal Year FY 2019

Amendment No. 19-02

Request Date Thursday, February 7, 2019

Fund General Fund

Budget Capital Improvements Program CIP

Description Reallocation of funds for additional costs for boiler replace at the Municipal Center.

REVENUE

Line Item	Increase	Decrease
Total \$	-	\$ -

EXPENDITURES

Line Item	Increase	Decrease
Municipal Center - Boiler Replacement	\$ 25,000.00	
Washington Street Retaining Wall		\$ 25,000.00
Total \$	25,000.00	\$ 25,000.00

Town Board Approval Date _____

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

January 28, 2019

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on January 28, 2019, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Christopher Goodman, Rick Dietrick and Tom Catania.

CONSENT AGENDA:

FY 2020 – Budget Schedule

Comprehensive Plan Schedule & Public Notice

Town Meeting Minutes – January 3, 2019 - Town Workshop

January 14, 2019 – Town Meeting

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

PERSONAL REQUESTS FOR AGENDA:

Burgess Miller stated that although we do not have any personal requests this evening, I do see a few members of the Concerned Citizens of Middletown group present. Burgess Miller stated that the Board is in receipt of the letter from the Concerned Citizens group regarding the Comprehensive Plan. Burgess Miller asked if they would like to speak.

Jane Weir, 27 East Main Street – read into the record the letter that the Concern Citizens of Middletown group submitted to the Burgess & Commissioners (copy attached to minutes in minute book).

Burgess Miller addressed some of the requests from the letter that Ms. Weir read. Burgess Miller stated that we are a small town and we are not going to print out hard copies of the Comp Plan and place them at the Municipal Center or at the Library. The Comp Plan is on our website and anyone can view it at any time. Burgess Miller stated that the Comp Plan will be on all the Town Board Meetings as well as the Planning Commission meetings until it is approved, and all meetings are open to the public. Burgess Miller stated that we do a lot more than most Towns do.

Bob Smart, 7525 Coblenz Road – stated that he has an issue with the timing of the Comp Plan. Mr. Smart stated that he was apart of the 2010 Comp Plan update and recommends that the Board push back the Comp Plan update a year to incorporate the 2020 Census data. Mr. Smart stated that if we do that then we would be on a 10-year rotation with the Census data update.

Kylie Stevenson, 6 Washington Street – stated that she feels it is important to include the census data. Burgess Miller stated that we do not get citizen involvement, they don't show up at Town Meetings, we get it on Facebook, but we don't get it here.

Elizabeth Bauer, 8097 Geaslin Drive – stated that she agrees with Ms. Weir & Mr. Smarts comments.

Ms. Bauer suggested to get more citizen involvement that we send out a survey with open ended questions. Ms. Bauer also asked if there was a way that the Town Board & the Concerned Citizens of Middletown could work together to bring participation up?

Burgess Miller stated that he has asked the Elected officials not to attend the upcoming Comp Plan meetings scheduled for next month and he will also ask the Planning Commission members not to as well

so that residents are able to comment freely. Burgess Miller stated that he is willing to look at the schedule to delay it to possibly include the 2020 Census data.

Commissioner Catania stated that the Planning Commission meets twice a month and the Town Board meets 3 times a month so that is 55 more meetings this year that this will be discussed.

After much discussion Commissioner Bussard amended his previous motion to approve the Consent Agenda as presented to approve the Consent Agenda with removing the Comprehensive Plan Schedule and Public Notice, seconded by Commissioner Catania. Motion carried 6-0.

Burgess Miller stated that this will be added to the February workshop agenda for discussion.

UNFINISHED BUSINESS:

Elm Street Parking Lot Improvement Concept Plan & Cost Estimate – Drew stated that Bruce Carbaugh has given you 2 options to consider. Option 1 is just overlaying the layout currently with 42 parking spaces or Option 2 shows 40 parking spaces, adding some landscaping and street lights for a total of \$94,986.54. Drew stated that we have \$115,000 budgeted for this project.

Motion by Commissioner Catania to approve Option 2 that includes tar, chip & seal overlay, curb & gutter, landscaping and street lights as presented, seconded by Commissioner Goodman. Motion carried 6-0.

Social Media Policy – Tabled to February.

SHA Response to Parking on South Church Street – Burgess Miller stated that a few months ago we discussed the possibility of adding back the parking along South Church Street in front of the Christ Reformed Church. Bruce gave us a draft proposal and an estimated cost. Burgess Miller stated that we sent a letter to State Highway about our intentions. Burgess Miller stated that we receive a response from SHA with some requirements and the letter also stated that SHA would contribute \$12,000 toward the cost. Commissioner Bussard stated that what if a business buys the old Fire Company building that has large trucks that they wish to move in/out of will we then remove the parking from the street?

Bob Smart, 7525 Coblentz Road – stated that in the previous discussions the cost for 6 spaces was approximately \$30,000 which is \$5,000 a space and he does not feel that is an unreasonable cost.

Ed Berger, 27 East main Street – stated that the Town should buy the building and turn it into a parking deck. Burgess Miller stated that has been discussed but, it is too costly.

Elizabeth Bauer, 8709 Geaslin Drive – stated that the “State” is us – the tax payers.

Kim Brenengen, owner of Main’s Properties and Main Cup – stated that every single parking spot that the Town can acquire in the downtown area is vitality important. It is important for growth of businesses.

Rita Bradley, Serenity Salon – stated that she is with the new salon where Carousel of Beauty use to be.

Ms. Bradley stated that she doesn’t know how Norma Gray (previous owner) stayed in business for 20 years at this location because she is having trouble with her clients finding parking nearby. Ms. Bradley stated that she knew this before signing the lease but, she would love to see parking back on South Church Street.

Burgess Miller stated that this will appear on the Agenda in February with quoted costs for engineering services to address the design for the proposed parking spaces for us to hopefully be able to decide if we want to move forward with or not.

Recommendation from Water & Sewer Committee Regarding Reservoir Project – Commissioner Falcinelli stated that the Water & Sewer Committee is recommending the 1 million-gallon AWWA D115-Divided Tank Reservoir. Project cost for the tank only is \$980,000, which equates to \$0.98 per gallon. This is the most economical tank of the choices available for 1 million gallons. Commissioner Dietrick asked how many gallons our current reservoir holds. Drew stated that our current reservoir holds 2 million gallons. Commissioner Dietrick questioned why we were decreasing? Drew stated that with the way the reservoir is built the equalization pipe currently does not allow us to use the full capacity of the

reservoir and with the new tank design we will be able to do so. The new tank will have a life expectancy of 50+ years. By consensus of the Board they agree to move forward with the 1-million-gallon tank.

Maryland Smart Energy Communities Project Development Form – Drew stated that we are just letting the Board know what we are applying for. We are applying for a grant to place solar panels on the garage bay roof of the Food Bank.

Update on Street Light Buyback Program – Johnson Controls – Drew presented the Board with a power point presentation of the Street Light Buyback Program from Johnson Controls. Included in the power point presentation was the pros & cons of the buyback program. The Board asked Drew to provide them with a spreadsheet of the savings if we would proceed with the buyback program at the March Town Meeting.

Vacancy for Alternate to the Town’s Ethics Commission (Second Notice) – Burgess Miller stated that since advertising for this position we have had 3 applicants. Burgess Miller would like to vote on this at the February meeting.

NEW BUSINESS:

Introduction of Blighted Ordinance (First Reading) – Burgess Miller stated that this is our first look at this Ordinance. The Planning Commission has been working on this and decided that it should be a part of the Health & Safety Section of our code. Burgess Miller stated that this will be reviewed at the February meeting.

Employee Handbook Updates (First Reading) – Burgess Miller stated that during our Staff meetings Ann & I discussed a few updates to the Employee Handbook. Ann stated that the updates include adding a few holidays, adding our Project Manager to the FLSA Exempt and updating the State Retirement & Pension system updates.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Workshop adjourned at 9:00pm.

Respectfully submitted,

Ann Griffin
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

WORKSHOP MEETING

February 7, 2019

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

PERSONAL REQUESTS FOR AGENDA:

Broad Street Citizens Group – Comments on Broad Street Preliminary Design – Ron Moss will be present at the meeting on Monday to give the suggestions from his group.

Jane Tamagna Darr – Comprehensive Plan Public Forums – Ms. Tamagna introduced herself and gave her background. Ms. Tamagna is a business consultant and has been for over 30 years. Ms. Tamagna stated that what she will do is collect the data from these public forums with residents. Ms. Tamagna stated that when she met with Burgess Miller his desire was to get the input of the citizens. Ms. Tamagna stated that there are a million ways to collect the data but, how she likes to do it is the SWOT method. Ms. Tamagna likes to get the strengths, weaknesses, opportunities and threats (SWOT) how the public sees Middletown today versus how they see Middletown in the future. Ms. Tamagna stated that the data that she collects is kept confidential she does not collect names or who says what. Ms. Tamagna stated that the information she collects will not be perfect or enough. Ms. Tamagna also recommended that these focus group meetings not be attend by elected or appointed officials of the Town.

STAFF REPORTS:

Community Deputy Report – Sgt. Hillman gave the report for January.

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

Cindy also reported that she contacted MDP regarding the Comprehensive Plan update if there was anything that Middletown needed to submit if we wanted to defer updating our Comprehensive Plan to a later time. Cindy had also forgot about the conversation between the Town Board and the Planning Commission had in 2016 which prompted us to send a letter to MDP that we did not feel the need to do a mid-cycle update in 2017 that we would plan to update our Comprehensive Plan once we received the 2020 census data.

With this information the Burgess asked if the Board would agree to postpone this to our joint May meeting with the Planning Commission.

Engineer's Report – Bruce gave his report.

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

Zoning Administrator's Report – Mark gave his report.

UNFINISHED BUSINESS:

Vacancy for Alternate to the Town's Ethics Commission (Vote) – Drew stated that we have received 4 applications for this position. Drew stated that the volunteer applications were not put out in the packets as they have personal information that should not be shared. Drew stated that we received applications

from Matthew Gray, Joshua Bolz, Norman Hunt and Kelly Losquadro. Burgess Miller asked the Board to review the applications for a vote at the Monday, February 11, 2019 meeting.

MOU for Storm drain at 306 West Main Street (Vote) – Drew stated that the Board reviewed this months ago and agreed to proceed partnering with the State to repair the collapsed storm drain. The Town requested an MOU which is in front of us. Drew stated that previously the state had estimated a cost of \$55,300 to repair which the Board approved. The State now has firm numbers from the contractor and according to the proposed MOU the total cost of the Town for this project is \$65,952, therefore we need to do a budget amendment for \$10,652. Drew stated that with the Elm Street parking lot upgrades coming in under budget we can move the \$10,652 from that project to this storm drain project. The Board will vote on this at the February 11, 2019 meeting.

Comprehensive Plan Schedule Discussion – Burgess Miller stated that with the previous information that Cindy provided us earlier we will place this on hold until the joint Town Board & Planning Commission meeting in May.

Blighted Ordinance (Second reading) – Cindy reviewed this with the Board. Burgess Miller stated that this is the second reading of this proposed ordinance, if the Board has no comments, we will forward this to the Town Attorney to review and a vote at the February 25, 2019 meeting.

Employee Handbook Updates (Second reading) – Burgess Miller stated that this is the second reading of the proposed updates to the Employee Handbook. The Board will vote on these changes at the February 25, 2019 meeting.

Social Media Policy (Second reading) – Commissioner Falcinelli stated that she and Ann have been working on this and would like to hear feedback from the Board. Commissioner Falcinelli stated that there really isn't much out there on Elected/Appointed Officials pertaining to social media. Commissioner Falcinelli stated that Ann had a conference call with Archive Social last week and received a lot of good information from them regarding backing up our social media sites. We will look at this at the February 25, 2019 meeting. Commissioner Catania stated that he would like to have the Burgess & Commissioner pages (if the Commissioners elect to have one) backed up along with the Town's official Facebook page. Commissioner Falcinelli stated that she is trying to coordinate a meeting with her committee sometime next week.

Update Cost Estimate for Parking on South Church Street – Drew stated that the updated price from Bruce Carbaugh with meeting all the requirements from SHA is between \$40K-\$45k for 6 spaces. Drew stated that with the State giving \$12K that would still make this project approximately \$33K. Bruce stated that it would take around 10-12 months to get this project complete.

REPORT OF COMMITTEES:

WATER & SEWER – no report

PUBLIC WORKS – no report

SUSTAINABILITY – no report

PLANNING COMMISSION – no report

PARKS and RECREATION – no report

PUBLIC INFORMATION – no report

NEW BUSINESS:

Discussion of Panhandling Ordinance – Commissioner Goodman presented an example ordinance from Frederick City regarding Panhandling and stated that we do not currently have a panhandling problem in Town but, he is just trying to be proactive and asked the Board to consider a similar ordinance in Middletown. This will be discussed at future meetings.

Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property – Drew went over his findings with the Board in relation to the conflict in the Town Code Section 17.20.020 C and Section 17.48.340 E. Drew stated that the developer of the Dowd Estate has filed a preliminary site plan proposing self-storage on the property which is zoned GC. Under GC

(17.20.020 C) Special Exceptions, it listed all the special exception uses as principal, if approved by the Board of Appeals; but when you look under specific standards for Special Exceptions (17.48.340 E), it states that self-storage may be permitted only as an accessory use. The Town Board requested the opinion of the Town Attorney on how to address this conflict. The Town Attorney pointed out, under statutory construction, the status last enacted is deemed to have replaced the inconsistent term of the former.

Drew stated that section 17.20.020 C was passed in 2007 and Section 17.48.340 E was passed in 1997. Therefore, under statutory construction, a self-storage facility can be allowed as a primary use as a special exception in the GC district.

Drew stated that staff has no recommendation, but offers the following opinions for the Town Board to consider:

1. Do nothing. Use the concept of statutory construction to deem the self-storage as a principal use to be permitted only as an accessory use to be inconsistent.
2. Remove line E from 17.48.340, that would remove any inconsistency.
3. Redebate the entire issue of self-storage in GC and decide what you want today and enact and repeal a new ordinance with what the Town Board wants today.

Drew also suggested that the Town define self-storage and storage in the zoning section of the code. Commissioner Catania stated that he would like to remove line E from section 17.48.340 and add definitions for self-storage and storage.

Mark Lancaster was present representing the developer. Mr. Lancaster was looking for how the process works moving forward and time frames.

Commissioner Dietrick stated that this is the only place that he would like to see a storage facility in town, he would not like to see a storage facility in open space in town. With it being proposed behind the Safeway shopping center you won't see it.

Mark Lancaster stated the proposed storage is 1 story except for the office area to allow for signage. Mr. Lancaster stated that the preliminary plan shows a slated fence and trees around the entire area.

The Board asked Cindy to compile self-storage and storage definitions for their review.

Review Leasing Offer for Parking Lot – Corner of North Church Street & East Green Street –

Drew stated that he and Burgess Miller met with John Rudy and Lee Ropp (owners of the parking lot at the corner of East Green Street & North Church Street). This lot was previously leased by MVB but, they no longer need the space. Mr. Rudy & Mr. Ropp are willing to lease it to the Town for \$8,760 year which equals \$1.50 a space per day. The Town would be responsible for mowing the grass and removing the snow. Parking lot repairs would be up to the property owners. Mr. Rudy & Mr. Ropp are willing to lease this property to the Town for 5 years with one (1) renewable term for another five (5) years. The Board will make their decision on this at the meeting on Monday, February 11, 2019.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Workshop adjourned at 9:42pm.

Respectfully submitted,

Ann Griffin
Office Manager

Town of Middletown, MD
Public Information Committee Meeting
February 13, 2019

Present: Jennifer Falcinelli, Ann Griffin, and Bob Smart

Social Media Policy – the committee reviewed the draft Social Media Policy and made the following recommendations:

- Research how to establish Town Facebook page from personal to government and see if additional administrators can be added.
- The Employee Conduct section of the Social Media Policy should be included in the Employee Handbook.
- The Employee Conduct section needs to clearly state that this is in regard to personal social media postings by employees about Middletown matters/business.
- Recommended to remove the disclaimer for Elected/Appointed officials because the research indicates that personal Facebook pages should not be used for town business. Official Burgess/Commissioner accounts should be established for town business use.
- Recommend to review the Social Media Policy on an annual basis with the Employee Handbook since social media is ever changing and new guidance emerging.

Respectfully submitted,
Jennifer Falcinelli

MEMORANDUM OF UNDERSTANDING

US 40 Alt. Middletown Streetscape
by and between
Maryland Department of Transportation
State Highway Administration
and
The Burgess and Commissioners of Middletown, Maryland

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), executed in duplicate, made effective on this _____ day of _____, 2019, by and between the Maryland Department of Transportation State Highway Administration, acting on behalf of the State of Maryland, hereinafter referred to as “**MDOT SHA**” and the Burgess and Commissioners of Middletown, a municipal corporation of the State of Maryland, hereinafter referred to as the “**TOWN**”.

WHEREAS, MDOT SHA is currently constructing improvements under MDOT SHA Contract No. FR3505184 consisting of, amongst other things, new sidewalks along US 40 Alternate from Ivy Hill Drive to Middletown Parkway; and

WHEREAS, an Agreement was executed (MDOT SHA Control No: PO1505 M-1) on April 12, 2016 to include pedestrian lighting and the replacement of a waterline; and

WHEREAS, it was brought to the attention of MDOT SHA that an existing 100 feet long and twenty four (24) inch diameter storm drain pipe located at 306 W. Main Street needs to be replaced, hereinafter referred to as the “**DRAIN PIPE REPLACEMENT**”; and

WHEREAS, MDOT SHA and the TOWN agree to include the **DRAIN PIPE REPLACEMENT** in MDOT SHA Contract No. FR3505184 and to share the cost to design, permit and construct the **DRAIN PIPE REPLACEMENT**; and

WHEREAS, the TOWN shall reimburse MDOT SHA for the seventy percent (70%) of the cost to design, permit and construct the **DRAIN PIPE REPLACEMENT** including MDOT SHA salaries, payroll burden and overhead for Construction Engineering Services, estimated at Sixty Five Thousand Nine Hundred Fifty Two Dollars (\$65,952).

WHEREAS, sometime the **DRAIN PIPE REPLACEMENT** may be referred to as the “**PROJECT**”; and

WHEREAS, MDOT SHA and the TOWN agree that the **PROJECT** will benefit the parties of this MOU and will promote the safety, health and general welfare of the citizens of the State and the TOWN.

NOW, THEREFORE, THIS MEMORANDUM OF UNDERSTANDING WITNESSETH, that for and in consideration of the mutual promises and other good and valuable considerations, the receipt and adequacy whereof is hereby acknowledged, be it understood that MDOT SHA and the TOWN do hereby agree as follows:

I. PROJECT DESCRIPTION and DEFINITIONS

The PROJECT shall include the design, permit and construction of the DRAIN PIPE REPLACEMENT. It was brought to the attention of MDOT SHA that an existing twenty four (24) inch diameter storm drainage pipe, approximately 100 feet in length, located at 306 W. Main Street was not under the authority of the Town of Middletown as originally understood. In discussions with the owner(s) on whose property the pipe exists and additional investigations, it was determined that the pipe was undersized and needed to be replaced. Since contributing drainage area to the runoff is part TOWN and part MDOT SHA, the TOWN has agreed to share in the cost of design, permit and construction of the DRAIN PIPE REPLACEMENT.

MDOT SHA's Neat Cost to design and permit the PROJECT is Eighteen Thousand Dollars, (\$18,000) and the TOWN's seventy percent (70%) share of the Neat Cost to design and permit the PROJECT is Twelve Thousand Six Hundred Dollars, (\$12,600). MDOT SHA has negotiated with the FR3505184 contractor a price to construct the PROJECT determined to be Sixty Thousand Six Hundred Fifteen Dollars, (\$60,615), see **Exhibit 1**, and the TOWN's seventy percent (70%) share of the Neat Cost to construct the PROJECT is Forty Two Thousand Four Hundred Thirty Dollars, (\$42,430). The TOWN's share of the Neat Costs to design, permit and construct the PROJECT is Fifty Five Thousand Thirty Dollars, (\$55,030).

While the TOWN's share of the Neat Cost to design, permit and construct the PROJECT is Fifty Five Thousand Thirty Dollars, (\$55,030), the TOWN shall be responsible for seventy percent (70%) of the actual cost of the PROJECT. The TOWN's reimbursement to MDOT SHA shall include the Neat Cost, construction engineering services cost (CE Cost), and the administrative and general overhead cost (Overhead Cost).

The Neat Cost for the design and permit for the PROJECT shall be subject to the Overhead Cost and shall be determined by multiplying the Neat Cost by the federally approved overhead rate, currently seven and eighty sevenths hundredths percent, (7.87%). The TOWN's share of the cost for the design and permit of the PROJECT is estimated at Thirteen Thousand Five Hundred Ninety Two Dollars. (\$13,592).

The Neat Cost for the construction of the PROJECT shall be subject to Construction Engineering Costs and shall be determined by multiplying the Neat Cost by Fourteen and Four Tenths Percent (14.4%). The Neat Cost and CE Cost are subject to the federally approved overhead rate of seven and eighty seven hundredths percent, (7.87%). The TOWN's share of the cost for the construction of the PROJECT is estimated to be Fifty Two Thousand Three Hundred Sixty Dollars, (\$52,360).

The cost to the TOWN to design, permit and construct the PROJECT is estimated at Sixty Five Thousand Nine Hundred Fifty Two Dollars, (\$65,952). MDOT SHA and the TOWN acknowledge the calculated cost is an estimate and the actual cost may be more or less. MDOT SHA shall make a final accounting of the PROJECT cost once the

PROJECT is complete. The TOWN agrees to pay seventy percent (70%) of the actual cost to construct the PROJECT. MDOT SHA will be responsible for the maintenance upon final acceptance of the PROJECT by MDOT SHA and the TOWN.

II. DESIGN PHASE

A. MDOT SHA Responsibility

1. MDOT SHA shall design and permit the PROJECT.
2. MDOT SHA shall provide the TOWN with four (4) sets of proposed final plans and estimates for the PROJECT, for review and comment. MDOT SHA shall have final authority for approval.
3. In the event MDOT SHA desires to revise the PROJECT plans subsequent to final plan approval, but prior to initiation of construction activities, MDOT SHA shall provide the TOWN with written notification of said revisions including estimated costs.

B. TOWN Responsibility

The TOWN shall provide MDOT SHA with written review comments of all data or material provided by MDOT SHA for review within fifteen (15) working days following the TOWN's receipt thereof.

III. PROJECT RIGHT-OF-WAY PHASE

A. MDOT SHA Responsibility

In the event additional property interests are required for the PROJECT in addition to those owned by the TOWN or MDOT SHA, MDOT SHA shall accomplish all tasks necessary to acquire all property interests (e.g., right-of-way, easement, fee simple acquisition) or right-of-entry needed for the construction of the PROJECT.

B. TOWN Responsibility

The TOWN shall provide, and by execution of the MOU does provide, a right-of-entry to MDOT SHA, its contractors, subcontractor, agents, and employees, onto all TOWN owned and TOWN controlled right of way needed for the PROJECT for the purpose of designing and constructing the PROJECT, with said right of entry to terminate upon final acceptance of the PROJECT by MDOT SHA and the TOWN.

IV. PROJECT CONSTRUCTION PHASE

A. MDOT SHA Responsibility

1. MDOT SHA shall (i) redline the FR3505184 contract documents to include the PROJECT, (ii) issue a directed change to FR3505184 contract, (iii) administer the construction contract, (iv) construct the PROJECT as shown on the final PROJECT plans, and (v) provide Construction

Engineering Services (e.g., construction inspection and material testing / certification) for the PROJECT.

2. In the event that revisions to the PROJECT are required in MDOT SHA's sole judgment due to conditions encountered during construction, said revisions shall be promptly made by MDOT SHA without prior concurrence or approval by the TOWN in order to minimize or eliminate possible delay claims by MDOT SHA's construction contractor. The approval of the TOWN for revisions to the PROJECT will be requested but is not required.
3. MDOT SHA shall provide the TOWN with a copy of the price negotiated with its contractor, which shall identify the Neat Cost for construction associated with the PROJECT.
4. MDOT SHA shall obtain all permits necessary to construct the PROJECT.
5. MDOT SHA shall maintain the DRAIN PIPE REPLACEMENT once the PROJECT is complete and accepted by both parties.

B. TOWN Responsibility

In the event the TOWN desires to make revisions to the PROJECT during construction, it shall promptly submit a request in writing to MDOT SHA for MDOT SHA approval and shall include the requested revisions and their estimated costs. MDOT SHA may include such revisions in the PROJECT plans, provided that those revisions comply with MDOT SHA's policies, procurement and specifications; however, MDOT SHA shall retain sole authority to determine such compliance. The TOWN agrees that any additional costs incurred by MDOT SHA to implement the revisions requested by the TOWN shall be the sole responsibility of the TOWN.

V. PROJECT DESIGN PHASE FUNDING

A. MDOT SHA Responsibility

1. MDOT SHA shall fund thirty percent (30%) of all costs associated with the design and permitting of the PROJECT.
2. MDOT SHA shall provide an invoice to the TOWN, on a periodic basis, for seventy percent (70%) of all costs incurred by MDOT SHA for design of the PROJECT. Invoices shall include MDOT SHA's normal documentation to evidence all actual costs.
3. In the event MDOT SHA does not receive payment of an invoice or notices of disputes within thirty (30) days following TOWN's receipt of an invoice, MDOT SHA will notify the TOWN of the overdue amount and provide the TOWN the opportunity to pay such overdue amount within thirty (30) days following such notification. If payment has not been received within thirty (30) days, MDOT SHA will notify the TOWN in

writing that MDOT SHA will proceed to deduct such amount from the TOWN's share of Highway User Revenue equal to the overdue invoice amount.

B. TOWN Responsibility

1. The TOWN shall within thirty (30) days of receipt of each periodic invoice from MDOT SHA, reimburse MDOT SHA for seventy percent (70%) all cost incurred by MDOT SHA for design of the PROJECT. The TOWN's seventy percent (70%) share of the cost to construct the PROJECT is estimated to be Thirteen Thousand Five Hundred Ninety Two (\$13,592) including MDOT SHA salaries, payroll burden and overhead and other direct costs such as consultant services and materials. The TOWN shall be responsible for the actual costs to design and permit the PROJECT.
2. In the event the TOWN does not reimburse MDOT SHA as required herein, MDOT SHA may make a deduction from the TOWN's share of Highway User Revenues in the amount equal to seventy percent (70%) of MDOT SHA's cost to design the PROJECT, including MDOT SHA's direct salaries, payroll burden and other direct costs such as consultant services and materials.
3. The TOWN shall be responsible for all costs incurred by the TOWN in the review of the PROJECT documents.
4. The TOWN shall be responsible for all costs associated with providing information requested by MDOT SHA for the design of the PROJECT.

VI. RIGHT-OF-WAY PHASE FUNDING

A. MDOT SHA Responsibility

MDOT SHA shall bear costs associated with the acquisition of property interests required to construct the PROJECT that are outside of the TOWN limits.

B. TOWN Responsibility

1. The TOWN shall be responsible for all costs incurred by the TOWN in granting MDOT SHA a right-of-entry onto all TOWN owned and TOWN controlled right-of-way needed for the PROJECT.
2. The TOWN shall be responsible for all costs incurred by the TOWN in assigning rights to MDOT SHA, its contractors, subcontractor, agents, and employees to all property interests acquired or owned by the TOWN that is needed for the construction of the PROJECT.

VII. PROJECT CONSTRUCTION PHASE FUNDING

A. MDOT SHA Responsibility

1. MDOT SHA has negotiated with the FR3505184 contractor a price for the PROJECT. MDOT SHA shall; (i) issue a directed change to FR3505184 contract and administer the construction contract, (ii) construct the PROJECT as shown on the final PROJECT plans, and (iii) provide Construction Engineering Services (construction inspection, material, testing/certification) for the PROJECT.
2. MDOT SHA shall fund thirty percent (30%) of all costs associated with the construction of the PROJECT including MDOT SHA direct salaries, payroll burden and overhead for Construction Engineering Services.
3. MDOT SHA shall provide an invoice to the TOWN, on a periodic basis, for seventy percent (70%) of all costs incurred by MDOT SHA for construction of the PROJECT. Invoices shall include MDOT SHA's normal documentation to evidence all actual costs.
4. In the event MDOT SHA does not receive payment of an invoice or notices of disputes within thirty (30) days following TOWN's receipt of an invoice, MDOT SHA will notify the TOWN of the overdue amount and provide the TOWN the opportunity to pay such overdue amount within thirty (30) days following such notification. If payment has not been received within thirty (30) days, MDOT SHA will notify the TOWN in writing that MDOT SHA will proceed to deduct such amount from the TOWN's share of Highway User Revenue equal to the overdue invoice amount.

B. TOWN Responsibility

1. The TOWN shall be responsible for seventy percent (70%) of all costs incurred by MDOT SHA for construction of the PROJECT.
2. The TOWN shall within thirty (30) days of receipt of each periodic invoice from MDOT SHA, reimburse MDOT SHA for seventy percent (70%) all cost incurred by MDOT SHA for construction of the PROJECT. The TOWN's seventy percent (70%) share of the cost to construct the PROJECT is estimated to be Fifty Two Thousand Three Hundred Sixty Dollars (\$52,360) including MDOT SHA salaries, payroll burden and overhead for Construction Engineering Services. The TOWN shall be responsible for the actual cost to construct the PROJECT.
3. In the event the TOWN does not reimburse MDOT SHA as required herein, MDOT SHA may make a deduction from the TOWN's share of Highway User Revenues in the amount equal to seventy percent (70%) of MDOT SHA's cost to construct the PROJECT, including MDOT SHA's direct salaries, payroll burden and overhead for Construction Engineering Services.

VIII. GENERAL

- A. This MOU shall inure to and be binding upon the parties hereto, their agents, successors, and assigns.
- B. This MOU and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland Law.
- C. The recitals (WHEREAS clauses) at the beginning of this MOU are incorporated herein as part of this MOU.
- D. The parties hereby agree and affirm that the persons executing this MOU on their respective behalf are authorized and empowered to act on behalf of the respective parties. The parties hereby further warrant and affirm that no cause of action challenging the existence, scope, or validity of the MOU shall lie on the grounds that the persons signing on behalf of the respective parties were neither authorized nor empowered to do so.
- E. All parties to this MOU shall comply with the requirements of **APPENDIX A** (2 pages) and **APPENDIX E** (1 page) of MDOT SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discriminatory regulations and other civil rights related regulations. **APPENDIX A** and **APPENDIX E** are attached hereto and incorporated herein as substantive parts of this document.
- F. All notices and/or invoices, if to the TOWN, shall be addressed to:

Andrew J. Bowen
Town Administrator
31 West Main Street,
Middletown, MD 21769
Phone: 301-371-6171 Ext. 12
E-mail: abowen@ci.middletown.md.us

If to MDOT SHA:

John Concannon District Engineer, District 7
State Highway Administration
5111 Buckeystown Pike
Frederick MD 21701-2145
Phone 301-624-8101
Fax 301-625-8225
E-mail: jconcannon@sha.state.md.us

With a copy to:

MDOT SHA Agreements Team
Office of Procurement and Contract Management
State Highway Administration
Mail Stop C-405
707 N. Calvert Street

Baltimore MD 21202
Phone: 410-545-4300
Fax: 410-209-5025
E-mail: SHAAGreementsTeam@sha.state.md.us

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IN WITNESS WHEREOF, the parties hereto have caused this MEMORANDUM OF UNDERSTANDING to be executed by their proper and duly authorized officers, on the day and year first above written.

**MARYLAND DEPARTMENT OF
TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION**

WITNESS:

BY: _____ **(SEAL)**

Jason A. Ridgway, P.E.
Deputy Administrator/Chief Engineer for
Planning, Engineering, Real Estate and
Environment

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

RECOMMENDED FOR APPROVAL:

Assistant Attorney General

Tim Smith, P.E.
Deputy Administrator/Chief Engineer
for Operations

William J. Bertrand
Director
Office of Finance

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN
FREDERICK COUNTY, MARYLAND**

WITNESS/ATTEST:

BY: _____ (SEAL)

John D. Miller
Burgess

Date

COMMISSIONERS:

Larry K. Bussard

Richard L. Dietrick

Jennifer J. Falcinelli

Christopher I. Goodman

Thomas S. Catania

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Town Attorney

BY: _____

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such. provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction; the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. § 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 741 00);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

Quantity Notes

CRACKING HOT MIX ASPHALT PAVEMENT 0 INCH TO 2 INCH	484 SF	US 49 ALT - STA. 6945+00 TO STA. 6946+00
STANDARD TYPE A COMBINATION CURB AND GUTTER 12 INCH HIGH AND 18 INCH DEPTH	483 LF	US 49 ALT - STA. 6945+00 TO STA. 6946+00 FT
STANDARD TYPE D COMBINATION CURB AND GUTTER 12 INCH HIGH AND 18 INCH DEPTH	201 LF	US 49 ALT - STA. 6945+00 TO STA. 6946+00 FT
STANDARD TYPE D CURB 8 INCH X 16 INCH	8 LF	US 49 ALT - STA. 6946+00 TO STA. 6946+00 FT
5 INCH CONCRETE SIDEWALK	204 SF	US 49 ALT - STA. 6945+00 TO STA. 6946+00 FT
DETECTABLE WARNING SURFACE FOR CURB RAMP	10 SF	US 49 ALT - STA. 6945+00 TO STA. 6946+00 FT
MIX 2 CONCRETE FOR MISCELLANEOUS STRUCTURES	1 CY	US 49 ALT - STA. 6945+00 TO STA. 6946+00 FT



STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
COMMUNITY DESIGN DIVISION
US 49 ALT. MAIN STREET
US 49 ALT. DRIVE TO ADDUCTON PARKWAY
URBAN RECONSTRUCTION

ROADWAY PLAN SHEET

SCALE 1" = 20'

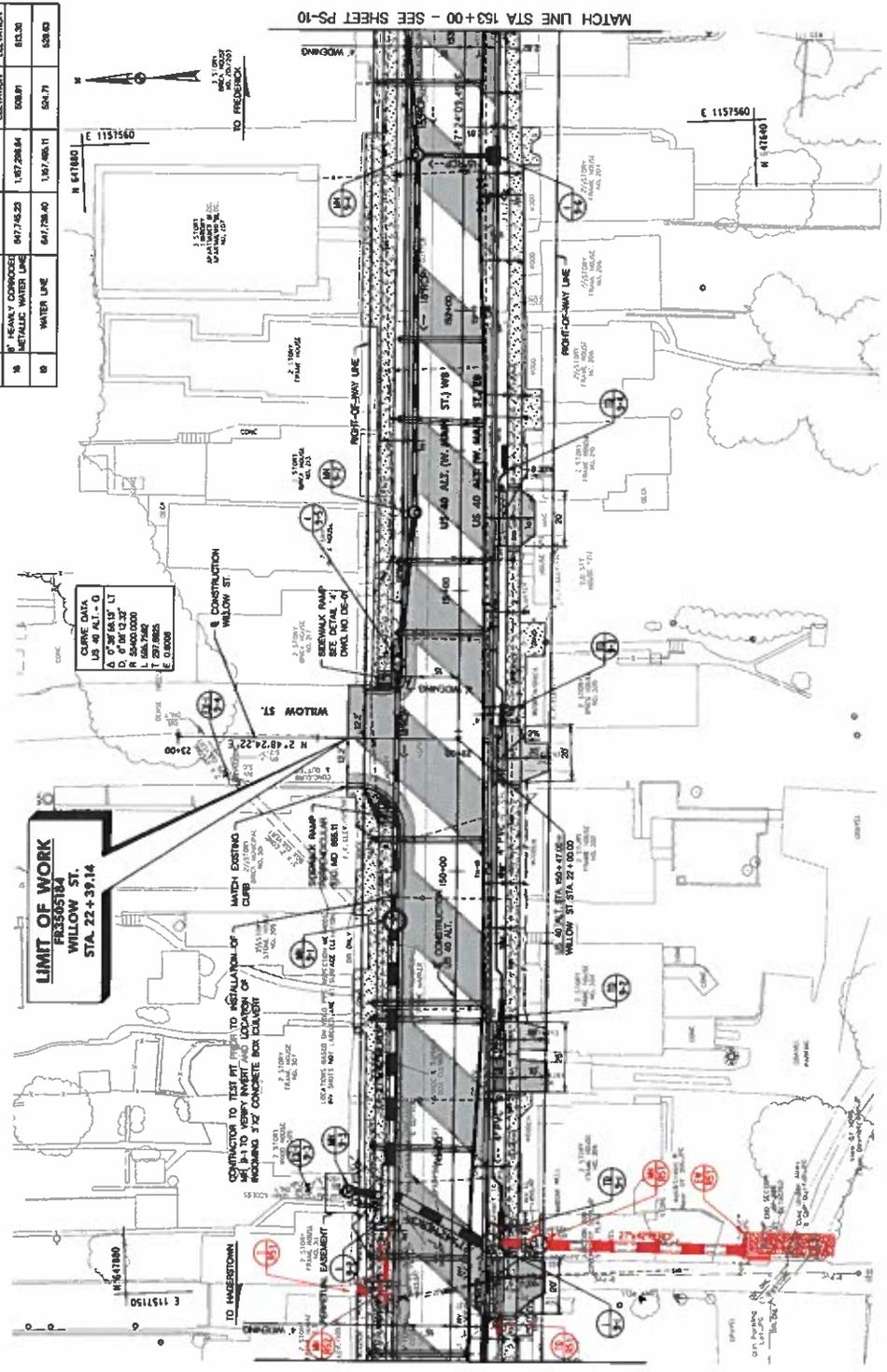
DESIGNED BY: JON FREEDRICK
DRAWN BY: JON FREEDRICK
CHECKED BY: JON FREEDRICK
DATE: 03-25-2004

CONTRACT NO. PS-10

SHEET NO. 05 OF 24/27

TEST HOLE DATA

NO.	UTILITY	NORTHING	EASTING	TOP UTILITY ELEVATION	SURFACE ELEVATION
18	HEAVY CONDUIT	607,745.23	1,877,288.84	508.81	513.20
19	METALLIC WATER LINE	607,738.40	1,877,485.11	504.71	508.83



LIMIT OF WORK
FR3505184
WILLOW ST.
STA. 22+4-39.14

ROADWAY LEGEND

[Symbol]	PROPOSED ASPHALT DRIVE OR DRIVE DETAIL
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CHUB REFERENCE

ITEM	REF. NO.
PROPOSED ASPHALT DRIVE	18
PROPOSED ASPHALT DRIVE DETAIL	19
PROPOSED ASPHALT DRIVE DETAIL	20
PROPOSED ASPHALT DRIVE DETAIL	21
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PROPOSED ASPHALT DRIVE DETAIL	50

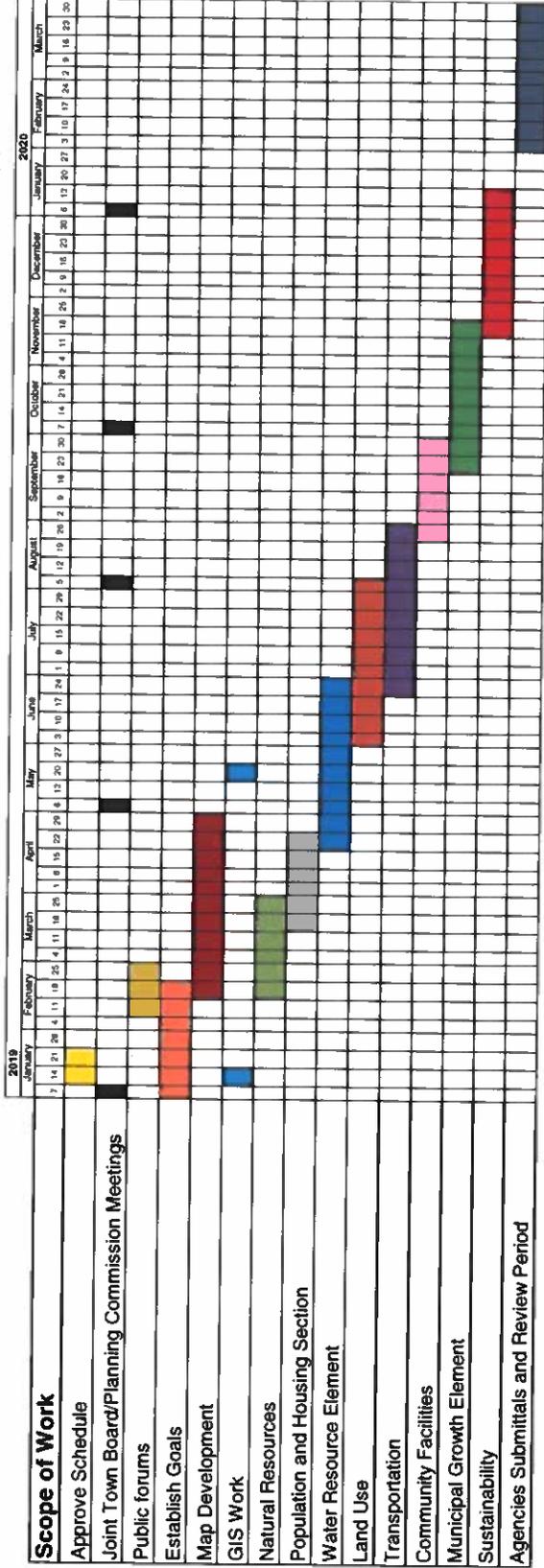
Garrett Fleming
KCI Technologies
An Joint Venture



**Burgess and Commissioners of
Middletown, Maryland**

2020 Comprehensive Plan Update Time Line

*Adoption of Plan by April 2020



MEMORANDUM

Date: 11/26/2018

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

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

Key components of the ordinance:

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

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

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

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

Definition section – Mount Airy, MD

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

Remediation incentives section – Danbury, CT

Complaints and enforcement section – Chapter 12.04.040 Sidewalk maintenance and repair

Title 8 – HEALTH AND SAFETY

Chapter 8.24 - Blight Ordinance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Burgess and Commissioners of Middletown, Maryland



Town Personnel Policy Employee Handbook

Approved by the Burgess and Commissioners

March 23, 2015

Revised _____, 2019

Town Personnel Policy
Employee Handbook

Table of Contents

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- IX. Dress Code**
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- XI. Resignation**
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- XV. Employee Appeals**
- XVI. Ethics**

I. Introduction

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

II. Equal Opportunity

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

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

III. Full – Time Employees

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

IV. Part – Time Employees

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

V. Seasonal Employees

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

VI. Work Schedule

Administrative Staff

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

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

Maintenance Staff

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

Holiday Schedule

The TOWN observes the following holiday(s):

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

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

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

Emergency Closings

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

Emergency Work

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

VII. Compensation

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

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

Pay Period

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

Time Sheets

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

Compensatory Time

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

On-Call Policy – ADDED this policy to Handbook

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

- Water & Sewer
- Streets & Utilities
- Facilities Superintendent

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

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

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

On-Call Response and Employee Behavior

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

On-Call Scheduling

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

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

Compensation for On-Call Employees

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

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

Performance Evaluations

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

VIII. Telecommuting

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

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

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

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

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

IX. Dress Code

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

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

X. Probationary Period

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

XI. Resignation

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

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

XII. Leave

Annual

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

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

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

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

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

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

Family and Medical Leave Act (FMLA)

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

Basic Leave Entitlement

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

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

Military Leave Entitlement

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

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

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

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

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

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

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

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

FMLA leave shall end:

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

Sick

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

Bereavement

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

Military

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

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

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

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

Jury Duty

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

Leave without Pay

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

XIII. Benefits

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

Health Insurance

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

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

Life Insurance

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

Workers Compensation

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

Retirement

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

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

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

XIV. Disciplinary Action

Terminations

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

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

Progressive Discipline

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

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

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

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

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

The following offenses shall result in immediate termination of employment:

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

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

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

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

XV. Employee Appeals

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

- Termination

The decision of the Burgess and Commissioners shall be final.

XVII. Social Media

Employee Conduct

Every effort will be made to keep interactions on Social Media factual and accurate and strive for transparency and openness in any interaction. When possible, links to credible sources of information will be provided.

Any communication that is later found in error will be publicly corrected.

Comments posted by Town of Middletown employees on their personal social media sites regarding Town of Middletown matters must specify the following statement “the postings on this site are my own and do not reflect or represent the opinions of the Town of Middletown for which I work”.

XVII. Ethics

Code of Ethics for Public Officials and Employees

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

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

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

Anti-Harassment Policy

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

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

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

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

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

Employee Acknowledgement of Town Personnel Policy / Employee Handbook

Approved by the Burgess and Commissioners on January 28, 2019

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

Employee signature _____ Date _____

Employee Name (Printed) _____

TOWN OF MIDDLETOWN

SOCIAL MEDIA POLICY

Purpose:

This policy establishes guidelines for the establishment and use of social media sites (including but not limited to Facebook and Twitter) by the Town of Middletown as a means of conveying information to its residents, businesses, and guests.

The intended purpose of establishing and using the Town of Middletown's social media sites is to disseminate information about the Town of Middletown's events, news, and information that is pertinent to the Town of Middletown's residents, businesses, and visitors.

Definitions:

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

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

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

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

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

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

General Policy

The official Town of Middletown web site found at <http://www.middletown.md.us> will remain the Town's predominant internet presence for official information. Whenever possible, social media sites should link back to the Town of Middletown web site for information to conduct business and communicate with the Town of Middletown.

The establishment and use by the Town of Middletown of social media sites are subject to approval by the Burgess or his/her designees. All Town of Middletown social media sites shall be administered by Town of Middletown staff.

Social media sites maintained by the Town of Middletown should make clear that they are maintained by the Town of Middletown, that they follow the Social Media Policy and adhere to applicable federal, state and local laws, regulations and policies. These guidelines must be displayed to users or made available by hyperlink.

A staff member of the Town of Middletown will monitor content on social media sites to ensure adherence to the Social Media Policy and the Purpose of the Town of Middletown's social media sites. This page is monitored weekdays between 8:00 a.m. and 4:00 p.m., excluding holidays and during emergency incidents

Any content maintained in a social media format that is related to the Town of Middletown business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. Freedom of information Act laws and policies apply to social media content and therefore content must be able

to be managed, stored and retrieved to comply with these laws. Blocking anyone on an official site may be a First Amendment violation

The Social Media Policy may be revised at any time.

Comment Policy

The Town welcomes your comments to the Town of Middletown's social media sites. Please note that these sites are moderated; prior to posting, all comments will be reviewed for adherence to the Social Media Policy, Monday through Friday, 8 am to 4 pm, excluding holidays. Comments or questions on social media do not serve as formal requests for Town service and responses have to be general. If you need immediate assistance please call the Town office at 301-371-6171 and/or visit the Town of Middletown's website at <http://www.middletown.md.us>

As a public entity, the Town of Middletown must abide by certain standards to serve all its constituents in a civil and unbiased manner. Comments containing any of the following inappropriate forms of content shall not be permitted on the Town of Middletown's social media sites and are subject to removal and/or restriction:

- a. Comments containing vulgar or profane language;
- b. Defamatory, threatening or personal attacks of any kind;
- c. Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation;
- d. Spam or links to other sites that are inappropriate;
- e. Comments not related to the original topic, including random or unintelligible comments
- f. Comments which encourage or advocate illegal activity;
- g. Promotion of particular services, products or political organizations or candidates for office;
- h. Content that violates a legal ownership interest of any other party, such as infringement on copyrights or trademarks;
- i. Comments which include personally identifiable medical information;
- j. Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations

Comments that violate the social media policy will be removed from the site and will be retained with the reason for the removal.

Those who provide content to this site agree to have no expectation of privacy in the information provided. The Town is not responsible for and does not endorse any links embedded in comments posted to this site by third parties. This site does not circumvent or supersede the Town's normal business practices or processes. For example, responses to requests for proposals, invitations for bid, or other competitive procurements are not properly submitted via this site. Content submitted to this site is not legal notice to the Town.

Comments expressed on this site do not necessarily reflect the opinions and position of the Town of Middletown or its elected officers and employees.

Employee Conduct

Every effort will be made to keep interactions on Social Media factual and accurate and strive for transparency and openness in any interaction. When possible, links to credible sources of information will be provided.

Any communication that is later found in error will be publicly corrected.

Comments posted by Town of Middletown employees on their personal social media sites regarding Town of Middletown matters must specify the following statement "the postings on this site are my own and do not reflect or represent the opinions of the Town of Middletown for which I work".

Elected/Appointed Official's Guidelines

Elected and Appointed officials who choose to have a social media presence should have separate social media accounts for:

1. Personal use.
2. Public use in representing the Town of Middletown.
3. Campaign use in elections.

Elected/Appointed officials also need to be aware that participation of a quorum of members in a social media posting may constitute a meeting and could be a violation of the Open Meetings laws.

Blocking anyone on an official site may be a First Amendment violation

Ethics Compliance

Employees/Elected and Appointed officials representing the Town through social media outlets or participating in social media features on agency websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in Town social media sites.

Town employees/Elected and Appointed officials recognize that the content and messages they post on social media sites are public and may be cited as official Town statements. Town employees/Elected and Appointed officials may not publish information on Town social media sites that include:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

If you would like to learn about the Town of Middletown, Maryland, please visit our website:

www.middletown.md.us. If you have specific questions or concerns, please contact the Town Office at 301-371-6171 or e-mail office@ci.middletown.md.us.

OVERVIEW

Protecting the Town of Middletown with Social Media Archiving



Why do we need to archive?

“With the public records law in Massachusetts, it is critical to capture all of the records produced by social media. You are protecting your community, your employees and complying with the law.”



NICHOL FIGUEIREDO
Public Information Records Access
Officer & Webmaster
Framingham, MA

▶ Our social media is creating public records.



Open records laws maintain that we need to be able to produce social media records—both from our own content, and from content our constituents create—in response to records requests.



Social media is a mission-critical part of our communication strategy, and our constituents are creating, editing, and deleting records on a daily basis.

▶ If we do not preserve our social media records, we are potentially out of compliance with state records regulations.

▶ Beyond public records responsibilities, we will increasingly need to produce records for a variety of other types of requests.



Requests from internal stakeholders



E-discovery requests

Maryland Social Media Records Guidance



MARYLAND PUBLIC INFORMATION ACT

- ▶ (i) (1) “Public record” means the original or any copy of any documentary material that:
- ▶ (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and (ii) is in any form, including: 1. a card; 2. a computerized record; 3. correspondence; 4. a drawing; 5. film or microfilm; 6. a form; 7. a map; 8. a photograph or photostat; 9. a recording; or 10. a tape.

Guidance from the Maryland Attorney General

- ▶ Maryland’s Public Information Act (“PIA”), Title 4 of the General Provisions Article (“GP”), grants the public a broad right of access to records that are in the possession of State and local government agencies.
- ▶ Public records are any records that are made or received by a covered public agency in connection with the transaction of public business. The scope is broad, and all “records” possessed by an agency generally fall within the definition of “public records.”

Excerpts from the Maryland Public Information Act Manual, pages 1-5

http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual printable.pdf

Why do we need an archiving solution – is there another way to do this?

“Facebook has no records management capability.”



JERRY LUCENTE-KIRKPATRICK
Formerly State Records Analyst
State of Arizona

Other methods don't capture the content we need.

- ▶ **We cannot rely on the social networks to archive for us.**
 -  The social networks do not provide user comments or revisions to content (edited, deleted, and hidden content) in their download features
 -  The social networks are not bound to public records laws, and have no legal obligation to retain records
- ▶ **We cannot rely on “manual” archiving, or screenshots**
 -  Screenshots are only a snapshot in time, do not capture deleted or revised content, and are not searchable
 -  Screenshots have no metadata attached to them, and are not effective in court
- ▶ **We cannot just make our social media “one-way”**
 -  There's no way to consistently block users from generating content on our social media pages
 -  For example, on Facebook, we cannot disable users' ability to comment on our posts

How much does it cost, and what is involved with implementation?

"I can't even begin to explain how much simpler and easier ArchiveSocial has made things. It's not something I even have to think about now."



SGT. CHRISTOPHER FULCHER
Chief Technology Officer
Vineland, NJ Police Department

- ▶ Pricing is fully transparent and designed to fit into discretionary budgets.



90% of agencies are priced under \$5000 per year with the Town of Middletown in the Economy Plan at \$2388 annually and prorated at \$796 to match the July 1 fiscal year



The pricing is based on average monthly record counts

- ▶ Most agencies fully connect in 20 minutes.



The system is cloud-based, and all it requires is connecting our social media accounts



No IT resources are required

- ▶ ArchiveSocial never has access to our social network passwords, and can only "read" our content.

Why should we do this now?

"If you don't have something like ArchiveSocial for your social media, you're playing Russian roulette with your daily public records responsibilities — and that's not a good idea."



REBECCA MEDINA STEWART
Director of Public Affairs and Marketing
City of Deerfield Beach, FL

- ▶ It gives us confidence that we are in compliance with state records laws, and can easily respond to records requests.

- ▶ Without it, we are losing records daily, through deleted and edited content.

- ▶ As engagement on our social media increases, it gives us insurance in case of unexpected events.



It gives us confidence to moderate content in accordance with our social media policy, confident that we have the records to defend ourselves



It gives us the ability to conduct reviews, if needed for internal stakeholders or external parties

Why ArchiveSocial?

"ArchiveSocial's functionality, ease-of-use, compliance, and reporting features are better than their competitors. I was impressed by how simple it was to add accounts and to pull up records. Brilliant!"



DAVID BRAUHN
Communications Manager
City of Walla Walla, WA

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Parking Lot Lease Offer from Model Garage, Inc.



- Location – Corner of North Church Street & East Green Street
 - 16 Parking Spaces
 - Access via East Green Street
- Five (5) year Lease with one (1) renewable term for another five (5) years
- Cost - \$8,760/Year or \$1.50/Space/Day
- Escalator – Tied to yearly Consumer Price Index with a not-to-exceed of 2%
- Maintenance of Property
 - Lawn Mowing and Snow Removal – Town
 - Parking Lot Repairs (Asphalt/Curb & Gutter) – Model Garage, Inc.



MEMORANDUM

DATE: February 4, 2019
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Panhandling

ISSUE

Should the Town Board consider enacting an ordinance to prohibit Panhandling in Town Limits?

BACKGROUND

The Town has received complaints in the past regarding panhandling within the Town Limits. Recently there has been discussion throughout Frederick County regarding the increase in Panhandling across the County.

RECOMMENDATION

Staff has no recommendations

ATTACHMENTS

Frederick County Code Section on Panhandling

Sec. 15-27.2. - Panhandling.

Panhandling shall mean to accost and beg from persons in a public place and shall include the conduct of begging which harasses, menaces, intimidates, impedes traffic or otherwise causes harm. (a)

It shall be unlawful for any person to panhandle in a public place. (b)

Any person who violates any of the provisions of this section shall be subject to a fine not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment not exceeding ninety (90) days, or both, Any such violation shall constitute a separate offense on each successive day continued. Violation of this section shall constitute a misdemeanor. (c)

(Ord. No. G-90-17, § 1, 9-6-90)



MEMORANDUM

DATE: February 4, 2019
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Town Code Conflict in General Commercial (GC) Zoning District

ISSUE

There is a conflict in the Town Code Section 17.20.020.C. and Section 17.48.340.E. How should the Town Board address this conflict?

BACKGROUND

The developer of the Dowd Estate has filed a Preliminary Site Plan proposing Self-Storage on the property which is zoned GC. Under GC (17.20.020.C.) Special Exceptions, it listed all of the special exceptions uses as **PRINCIPAL**, if approved by the Board of Appeals; but when you look under Specific Standards for Special Exceptions (17.48.340.E.), it states that Self-Storage may be permitted only as an **ACCESSORY** use. The Town Board requested an opinion from the Town's Attorney to advise the Town Board how to address this conflict. The attorney's opinion pointed out, under *statutory construction*, the status last enacted is deemed to have repealed the inconsistent term of the former.

Section 17.20.020.C. was passed in 2007 and Section 17.48.340.E. was passed in 1997. Therefore, under statutory construction, a self-storage facility can be allowed as a primary use as a Special Exception in the GC.

RECOMMENDATION

Staff has no recommendations, but offers the following options for the Town Board to consider:

1. Do nothing. Use the concept of statutory construction to deem the self-storage as an accessory use to be permitted only as an accessory use to be inconsistent.
2. Remove the line E. from 17.48.340. That would remove any inconsistency.
3. Redebate the entire issue of self-storage in GC and decide what you want today and enact and repeal a new ordinance with what the Town Board wants today.

If the decision of the Town Board is to enact any type of ordinance to address this issue, staff would suggest the new ordinance to address a couple of things to avoid any problems in the future. They are:

- i. The Town should define the following words in Zoning Section
 - a. Self-Storage
 - b. Storage
- ii. The Town has three (3) commercial zoning districts. Only GC uses the wording in the Special Exception of "*principal uses*", does the Town Board want these three (3) commercial districts to be consistent when it comes to Special Exceptions.

ATTACHMENTS

Code Section 17.20.020.C. & Section 17.48.340.E.

- **17.20.020 - GC general commercial district.**

- A. Purpose. The GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The uses permitted in this district are of such character as to provide for comparative shopping needs, service and repair needs, office uses, specialized commercial and entertainment activities and those establishments which cater primarily to the motoring public.

The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this district be on major thoroughfares in order to provide for vehicular accessibility.

- B. Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Clubs, lodges, fraternal organizations;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation—theaters, bowling alleys, amusements;
10. Places of worship;
11. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to [Section 17.20.080](#));
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to [Section 17.20.080](#));
13. Public safety services, subject to site development plan approval;
14. Farmers' markets;
15. Museums;
16. Medical care facilities.

- C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of [Section 17.44.060](#)
1. Residential uses;
 2. Gasoline stations;
 3. Greenhouses, nurseries;
 4. Private and commercial schools—dance, business trade;
 5. Shopping centers;
 6. Lumber and other building material—retail;
 7. Vehicle repairs and services;
 8. Hotels and motels;
 9. Vehicle sales;
 10. Animal kennels and clinics;
 11. Nursery schools and child care centers;
 12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
 13. Self-storage rental spaces for storage of personal goods.

(Ord. No. 15-05-01, § 1, 5-11-2015, eff. 10-1-2015; Ord. 07-12-01 § 1 (part), 2008; Ord. 07-01-01 § 2 (part), 2007: amended after public hearing, 4-6-00; Ord. 182 § 6.1, 1976)

- **17.48.340 - Self-storage.**

Self-storage facilities in the GC and SC\LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. This use may be permitted only as an accessory use to a primary business.

(Ord. No. 15-08-01, § 1, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)



FREDERICK COUNTY GOVERNMENT

DIVISION OF PARKS & RECREATION

Jan H. Gardner
County Executive

Jeremy Kortright, Director

MEMORANDUM

TO: POS Project Coordinators

FROM: Bob Hicks, CPRP - Deputy Director

DATE: February 1, 2019

SUBJECT: Submission of FY2020 POS Annual Program

The Frederick County Division of Parks and Recreation staff is requesting that those municipalities who are interested in obtaining POS funding for FY2020 (which begins July 1, 2019) to develop their Annual Programs by completing the enclosed Project Information Forms for each project for which funding is requested. Electronic files for the memo, forms and instructions are also being sent by email, as well as hard copies of these documents are being mailed. Please contact me to confirm that you have received this information.

Please remember that if a project was submitted in the past and it was not allocated funding, then it must be resubmitted for FY2020, if you so choose. The appropriate municipal officials should be informed since this information is being sent only to local Project Coordinators or the Mayor/Burgess if a coordinator has not been designated. If your municipality is not interested in obtaining POS funding for FY2020 then disregard this information.

The forms must be returned to the Frederick County Parks and Recreation offices by Friday, May 3, 2019. A summary of all municipal requests and the completed forms will be forwarded to the chairman of the Ad Hoc Committee for POS Annual Program Allocations - Frederick County Chapter- Maryland Municipal League (MML). The committee will make a decision on project funding. The proposed FY2020 POS Budget has indicated that Frederick County will receive an allocation of \$1,617,788 of which 50% or \$808,894 will be dedicated to the municipalities. Based on the Park Proximity Analysis in the 2017 Land Preservation, Parks and Recreation Plan, Frederick County has not met its local land acquisition goal. Due to this, Frederick County must dedicate at least 50% of the County's FY2020 allocation towards acquisition projects, with the remainder available for development projects. Because of this the municipalities will need to dedicate at least \$404,447 towards an acquisition project(s) and \$404,447 for development projects.

If any of your POS projects have been allocated funding, I cannot overemphasize the importance of submitting your applications as soon as possible, to encumber POS funds. Please know that it takes several months for applications to be processed and approved by the state once they are submitted. Project expenditures cannot be incurred unless you receive a Letter of Acknowledgment from the Director of POS (issued upon receipt of a completed application) or final application approval from the State Board of Public Works. **Once POS projects are approved and expenses to them are incurred, our office is strongly encouraging municipalities to expedite any reimbursement requests through DNR as soon as possible.**

(over)

Please contact me if you have any questions. Phone: 301-600-6816; Email: rhicks@frederickcountymd.gov. Thank you for your cooperation.

cc: Jeremy Kortright, Parks & Rec Jim Humerick, Thurmont
Gloria Long Rollins, Walkersville Kristin Aleshire, Myersville
Bill Rittelmeyer, Woodsboro Drew Bowen, Middletown
Bob Smith, Frederick City Winslow Burhans, New Market
Carrie Myers, Brunswick Cathy Willets, Emmitsburg
Thomas Watson, Rosemont Gina Campanile, Mount Airy
Debby Burgoyne, Burkittsville