



## AGENDA FOR THE TOWN MEETING

March 11, 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
- Town Meeting Minutes
  - February 25, 2019 – Town Meeting

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- Employee Handbook Updates (Vote – March 11, 2019)
- Social Media Policy & Archiving – (Vote – March 11, 2019)
- Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property
- Broad Street Improvement Plans – Review of Recommendations from Broad Street Community Group
- Blighted Ordinance Review
- POS Annual Program Requests

### REPORT OF COMMITTEES:

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

**NEW BUSINESS:**

- **Banner Policy (*First Reading*)**
- **Revised Budget Workshop Schedule**

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

**ADJOURNMENT**

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>REVENUE</u></b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,304,924	\$ 1,182,001	\$ (122,923)
Tangible Personal Property	44,063	44,879	816
Public Utilities	14,192		(14,192)
Franchise (Cable)	55,145	24,855	(30,290)
Penalties & Interest	<u>11,043</u>	<u>81</u>	<u>(10,962)</u>
	\$ 1,429,367	\$ 1,251,816	\$ (177,551)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 34,125	\$ 18,225	\$ (15,900)
Highway Gasoline & Licenses	<u>177,025</u>	<u>145,396</u>	<u>(31,629)</u>
	\$ 211,150	\$ 163,621	\$ (47,529)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 1,024,876	\$ 588,496	\$ (436,380)
Tax Equity Grant	<u>632,552</u>	<u>474,414</u>	<u>(158,138)</u>
	\$ 1,657,428	\$ 1,062,910	\$ (594,518)
<b><u>LICENSES AND PERMITS</u></b>			
Business / Traders	\$ 4,900	\$ 316	\$ (4,584)
Planning / Zoning Fees	<u>21,290</u>	<u>11,950</u>	<u>(9,340)</u>
	\$ 26,190	\$ 12,266	\$ (13,924)
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 4,315</u>	<u>\$ 1,979</u>	<u>\$ (2,336)</u>
	\$ 4,315	\$ 1,979	\$ (2,336)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 26,187</u>		<u>\$ (26,187)</u>
	\$ 26,187		\$ (26,187)
<b><u>MISCELLANEOUS</u></b>			
Bank Shares Grant	\$ 2,500	\$ 1,491	\$ (1,009)
Miscellaneous & Donations		(118)	(118)
	<u>\$ 2,500</u>	<u>\$ 1,373</u>	<u>\$ (1,127)</u>
<b>OPERATING REVENUES</b>	<b>\$ 3,357,137</b>	<b>\$ 2,493,965</b>	<b>\$ (863,172)</b>
State Grants & Interest	\$ 100,900	\$ 10,377	\$ (90,523)
<b>TOTAL REVENUE</b>	<b>\$ 3,458,037</b>	<b>\$ 2,504,342</b>	<b>\$ (953,695)</b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 21,000	\$ 13,650	\$ (7,350)
Communications	3,480	1,552	(1,928)
Dues & Subscriptions	7,400	6,863	(537)
Office Supplies & Exp	7,500	2,151	(5,349)
Advertising	500		(500)
Meetings & Conventions	7,500	7,438	(62)
	<u>\$ 47,380</u>	<u>\$ 31,654</u>	<u>\$ (15,726)</u>
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 6,800</u>	<u>\$ (3,400)</u>
	\$ 10,200	\$ 6,800	\$ (3,400)
<b><u>ELECTION</u></b>			
Clerk Fees			
Other Administrative Expenses			
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 272,402	\$ 180,370	\$ (92,032)
Postage & Printing	200	9	(191)
Communications	10,300	5,060	(5,240)
Computer Expenses	21,800	41,031	19,231
Office Supplies & Exp	42,232	21,563	(20,669)
Office Maintenance	23,500	18,686	(4,814)
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>\$ 269,099</u>	<u>\$ (106,185)</u>
<b><u>OPERATIONS</u></b>			
Operations Salary	\$ 247,722	\$ 174,719	\$ (73,003)
Communications	10,200	6,490	(3,710)
Supplies & Expenses	19,500	11,858	(7,642)
Dues & Meetings	1,500	175	(1,325)
Maintenance & Repairs	25,982	10,945	(15,037)
Tools & Equipment	3,166	1,903	(1,263)
	<u>\$ 308,070</u>	<u>\$ 206,090</u>	<u>\$ (101,980)</u>
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 16,000	\$ 16,000	

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,130	2,612	(6,518)
	\$ 25,130	\$ 18,612	\$ (6,518)
 <b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 64,415	\$ 39,000	\$ (25,415)
Other Expenses	2,684	2,114	(570)
	\$ 67,099	\$ 41,114	\$ (25,985)
 <b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 47,147	\$ 29,514	\$ (17,633)
Town Contribution	10,000	10,000	
	\$ 57,147	\$ 39,514	\$ (17,633)
 <b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	21,910	9,731	(12,179)
Community Deputy Program	393,895	198,714	(195,181)
	\$ 435,805	\$ 228,445	\$ (207,360)
 <b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 284,930	\$ 172,420	\$ (112,510)
 <b><u>RECREATION AND CULTURE</u></b>			
Park Salary	49,000	17,508	(31,492)
Park Electric	2,505	1,479	(1,026)
Remsberg Park Electric		2,818	2,818
Maintenance & Repairs	31,150	11,503	(19,647)
Mowing	33,935	13,671	(20,264)
Remsberg Park - Interest	4,389	3,627	(762)
Remsberg Park - Principal	119,161	89,035	(30,126)
	\$ 240,140	\$ 139,641	\$ (100,499)

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 70,232	\$ 65,351	\$ (4,881)
Street Lighting	182,300	107,747	(74,553)
Storm Water Management	7,545	2,660	(4,885)
Snow Removal	85,300	85,444	144
Repairs & Resurfacing	92,000	46,858	(45,142)
Signs	5,300	709	(4,591)
Truck Repair & Operation	28,000	19,782	(8,218)
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	\$ 418,335	\$ (284,312)
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,278	870	(1,408)
Community Events	53,290	7,544	(45,746)
Payroll Taxes	63,139	38,785	(24,354)
Insurance - Property	15,906	21,084	5,178
Insurance - Employee	165,325	89,052	(76,273)
Retirement/Pension	71,102	68,967	(2,135)
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	\$ 238,578	\$ (146,117)
<b>TOTAL EXPENDITURES</b>	<u>\$ 2,938,527</u>	<u>\$ 1,810,302</u>	<u>\$ (1,128,225)</u>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	\$ 519,510	\$ 694,040	\$ 174,530
<b>CASH RESERVES</b>	\$ 881,203	\$ 431,096	\$ (450,107)
<b>SURPLUS / (DEFICIT)</b>	<u>\$ 1,400,713</u>	<u>\$ 1,125,136</u>	<u>\$ (275,577)</u>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2018  
 For the 8 Months Ended February 28, 2019

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>OPERATING REVENUE</b>			
Revenue	\$ 3,357,138	\$ 2,493,965	\$ (863,173)
<b>OPERATING EXPENSES</b>			
Expenses	3,357,138	1,810,302	(1,546,836)
<b>OPERATING SURPLUS (DEFICIT)</b>		<b>\$ 683,663</b>	<b>\$ 683,663</b>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 36,900		\$ (36,900)
Community Legacy Grants	64,000		(64,000)
RETAINED EARNINGS	299,658		(299,658)
Interest	865	10,377	9,512
Improvement Fees	<u>241,500</u>	<u>160,000</u>	<u>(81,500)</u>
<b>TOTAL OTHER FUNDS</b>	<b>\$ 642,923</b>	<b>\$ 170,377</b>	<b>\$ (472,546)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 642,923</b>	<b>\$ 854,040</b>	<b>\$ 211,117</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
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 Improve	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>
	<b>\$ 824,000</b>	<b>\$ 41,168</b>	<b>\$ (782,832)</b>
<b>OPERATING &amp; CIP SURPLUS (DEFICIT)</b>	<b>\$ (181,077)</b>	<b>\$ 812,872</b>	<b>\$ 993,949</b>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2018  
 For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 346,150	\$ 232,934	\$ (113,216)
<b>TOTAL CASH SURPLUS</b>	<u><u>\$ 165,073</u></u>	<u><u>\$ 1,045,806</u></u>	<u><u>\$ 880,733</u></u>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
For the 8 Months Ended February 28, 2019

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>REVENUE</b>			
Water Revenue	\$ 624,139	\$ 303,710	\$ (320,429)
Sewer Revenue	616,076	301,993	(314,083)
Penalties/Reconnects	22,161	9,793	(12,368)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,263,376</b>	<b>\$ 615,496</b>	<b>\$ (647,880)</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATIVE</b>			
Office Salaries	\$ 34,407	\$ 25,324	\$ (9,083)
Communications	11,742	7,965	(3,777)
Postage	9,750	6,000	(3,750)
Office Supplies/Expense	14,000	6,308	(7,692)
Legal - Other	2,000	4,169	2,169
Meetings & Seminars	500	120	(380)
Advertising	500		(500)
Uniforms	5,068	2,311	(2,757)
Dues/Subscrip/Certifications	500	679	179
Travel	200		(200)
Payroll Taxes	23,721	15,354	(8,367)
Insurance - Prop. & Liability	11,848	13,697	1,849
Insurance - Workers Comp	9,911		(9,911)
Insurance - Health	54,716	26,464	(28,252)
Retirement/Pension	22,912	13,326	(9,586)
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	\$ 154,507	\$ (81,303)
<b>Vehicles &amp; Equipment</b>			
2016 Truck (Pearl)	\$ 1,100		\$ (1,100)
2008 Truck	4,200	142	(4,058)
2012 Truck (Miller)	1,800	492	(1,308)
2013 Truck (Whitney)	2,600	120	(2,480)
2015 Meter Van (Hightman)	2,300	1,694	(606)
Misc Equipment		339	339
Bobcat Mini-Excavator		91	91
Case Backhoe	3,000	3,002	2
Sub-Total	\$ 15,000	\$ 5,880	\$ (9,120)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
For the 8 Months Ended February 28, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Supplies	\$ 5,581	\$ 9,724	\$ 4,143
Repairs & Maintenance	12,600	7,588	(5,012)
Chemicals	34,285	26,992	(7,293)
Tools & Equipment	4,500	1,492	(3,008)
Testing & Analysis	36,611	19,157	(17,454)
Sludge Hauling Expense	55,669	26,851	(28,818)
Sub-Total	<u>\$ 149,246</u>	<u>\$ 91,804</u>	<u>\$ (57,442)</u>
<b>West Wastewater Treatment Plant</b>			
Supplies	\$ 2,500	\$ 862	\$ (1,638)
Repairs & Maintenance	15,000	1,924	(13,076)
Chemicals	50,531	35,038	(15,493)
Tools & Equipment	2,766	15	(2,751)
Testing & Analysis	10,449	5,356	(5,093)
Sludge Hauling Expense	17,250	11,500	(5,750)
Sub-Total	<u>\$ 98,496</u>	<u>\$ 54,695</u>	<u>\$ (43,801)</u>
<b>Sewer Electric</b>	<b>\$ 104,118</b>	<b>\$ 45,226</b>	<b>\$ (58,892)</b>
<b>TOTAL SEWER EXPENSES</b>	<u><b>\$ 564,873</b></u>	<u><b>\$ 342,361</b></u>	<u><b>\$ (222,512)</b></u>
<b>TOTAL WATER/SEWER EXPENSES</b>	<u><b>\$ 1,210,370</b></u>	<u><b>\$ 683,980</b></u>	<u><b>\$ (526,390)</b></u>
3.4% of Operating Expenses	\$ 41,153	\$ 23,255	\$ (17,897)
Liner Inspection and Repair	\$ 10,000	\$ 11,568	\$ 1,568
<b>CONTINGENCY FUND</b>	<u><b>\$ 51,153</b></u>	<u><b>\$ 34,823</b></u>	<u><b>\$ (16,329)</b></u>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<u><b>\$ 1,261,523</b></u>	<u><b>\$ 718,803</b></u>	<u><b>\$ (542,719)</b></u>
<b>NET INCOME (LOSS)</b>	<u><u><b>\$ 1,853</b></u></u>	<u><u><b>\$ (103,307)</b></u></u>	<u><u><b>\$ (105,161)</b></u></u>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
**For the 8 Months Ended February 28, 2019**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,263,376	\$ 615,496	\$ (647,880)
Operating Expenses	<u>1,261,523</u>	<u>683,980</u>	<u>(577,543)</u>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 1,853</b>	<b>\$ (68,484)</b>	<b>\$ (70,337)</b>
Cash Reserves	\$ 538,119	\$ 860,079	\$ 321,960
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	50,000	15,000
Tap Fees	621,000	342,000	(279,000)
Water Tower & Land Leases	193,271	94,901	(98,370)
Main Street Waterline Loan	1,780,968	(297,668)	(2,078,636)
Reservoir Tank Loan		<u>2,895,000</u>	<u>2,895,000</u>
<b>TOTAL OTHER REVENUE</b>	<b>\$ 3,543,324</b>	<b>\$ 4,154,600</b>	<b>\$ 611,276</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>3,545,177</b>	<b>4,086,116</b>	<b>540,939</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
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>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ (521,219)</b>	<b>\$ 220,351</b>	<b>\$ 741,570</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
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	68,387	18,387
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 8 Months Ended February 28, 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	94,056	44,056
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 2,397,668</b>	<b>\$ 793,258</b>	<b>\$ (1,604,410)</b>
<b>TOTAL FUNDS REMAINING</b>	<b>\$ 626,290</b>	<b>\$ 3,513,209</b>	<b>\$ 2,886,919</b>

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN MEETING MINUTES**

### **REGULAR MEETING**

**February 25, 2019**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on February 25, 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:**

*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*

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

### **PERSONAL REQUESTS FOR AGENDA:**

***Partnerships with Frederick County Chamber of Commerce – Rick Weldon, President & Eric Soter, Board of Directors*** – Mr. Weldon was present to invite the Main Street Organization to their meetings with a free membership.

***Broad Street Citizens Group – Comments on Broad Street Preliminary Design*** – Ron Moss, 213 Broad Street – stated that he had help of a few other residents along Broad Street developing the questionnaire that was sent out. Mr. Moss stated that Virginia Cuff, 222 Broad Street, Amy Camarote, 226 Broad Street and Stephen Ramsey, 114 Locust Street were involved and will be presenting the results of the questionnaire and suggestions.

Ms. Cuff stated there are 31 residences along Broad Street, 30 of those are currently occupied. Mr. Moss stated that they sent out a questionnaire to the 30 residents and received 23 back. Below are the questions and results of the questionnaire sent.

- Do you approve of having the lower portion of Broad Street narrower? - 73.9% - No
- Do you approve of having bump outs? – 69.6% - No
- Do you feel that a narrower street will slow speeders? – 73.9% - No
- Do you approve of having sidewalks on the northwest side from Franklin to Main? – 47.8% - Yes
- Do you approve of having speed bumps on the street? – 47.8% - No and 52.2% - Yes
- Do you approve of installing a 3 way stop sign at Broad and Linden and/or at Broad and Locust? – 35.8% - No and 52.2% Yes.
- Do you approve of restricting on-street parking on the East side of the street? – 60.9% - No
- 

Ms. Camarote, 226 Broad Street - stated that they are opposed to narrowing the lower portion of Broad Street as that would be going against what our current design manual says. Ms. Camarote and Mr. Ramsey (114 Locust Street) presented some suggestions to the Board – install speed bumps, drop speed limit, 3-

way stop sign at Broad Street & Locust Street and increase police presence. Ms. Camarote stated that Broad Street is mixed with old and new families and they expressed their thanks for this opportunity to give their input into this project.

Brandi Wynne, 205 Broad Street – stated that she would like to see sidewalk down the NW side of Broad Street, she doesn't want to see bump outs like on West Green Street and she also asked if the bushes at the Rudy house at the corner of Broad & Franklin were going to be removed?

Burgess Miller stated that the reason for suggesting sidewalks and also putting the bump outs in is to meet our MS4 permit that we are required to meet by the State & Federal government by 2025. Burgess stated that we (the Town) has to reduce the storm water management flow by 20%.

Doug Martin, 103 Broad Street – asked if there was any tree planting included in this project? Burgess Miller said no.

Edward McDonald, 106 Broad Street – stated that he feels 25mph is too fast for this street that kids could jump out or run out from behind parked cars and he's afraid that one may get hit.

Burgess Miller thanked the residents of Broad Street for their work and suggestions on this project.

### **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, Dan Rudakevych, Norman Hunt and Kelly Losquadro.

Motion by Commissioner Bussard to recommend Norman Hunt as the alternate, seconded by Commissioner Goodman. Motion carried 5-1(Catania voted against).

**Updated Cost Estimate for Parking on South Church Street (Vote)** – tabled to March 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 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.

Motion by Commissioner Catania to accept the MOU as presented for \$65,952, seconded by Commissioner Goodman. Motion carried 6-0.

**Comprehensive Plan Schedule Discussion** – Burgess Miller stated that with the previous information that Cindy provided us in our letter to MDP the Comprehensive Plan will be updated 2022-2024 which we would be able to include the 2020 census data. Commissioner Catania stated that he would like to keep this on hold until our joint meeting in May. Commissioner Falcinelli stated that if we told the State that we were going to update our Comp Plan in 2022-2024 is there any reason to move the process up. Burgess Miller stated that we will discuss at the Joint Meeting in May with the Planning Commission.

**Blighted Ordinance (Second reading)** – Burgess Miller stated that we have not received this from the Town Attorney therefore, it will be tabled to next moth.

**Employee Handbook Updates (Second reading)** – Burgess Miller stated that this is the second reading of the proposed updates to the Employee Handbook. Ann stated that the only change to this is we added the Employee Social Media Conduct to the policy. The Board will vote on this at the March meeting.

**Social Media Policy & Archiving (Second reading)** – Commissioner Falcinelli stated that she, Ann and Bob Smart met previously in the month to review the social media policy. Commissioner Falcinelli stated that there really isn't much out there on Elected/Appointed Officials pertaining to social media. The only thing that we could really find is that an Elected/Appointed Official should have a separate page for personal use from their Elected/Appointed position. Ann went over the information that she received from Archive Social about backing up our social media accounts. Ann also stated that Commissioner

Catania had asked at the workshop if the Burgess & Commissioner accounts could also be backed up? Ann contacted Archive Social and yes, they recommend that any Elected official account should be backed up. The Board will vote on this at the March meeting.

**NEW BUSINESS:**

**Review Leasing Offer for Parking Lot – Corner of North Church Street & East Green Street (Vote)**

– Burgess Miller stated that we have had discussions with the owners of the parking lot at the corner of East Green Street and North Church Street. The lease agreement in front of us is \$8,760 per year we would take care of removing the snow and cut the grass and the owners would be responsible for any repairs needed to the asphalt/curb & gutter.

Rebecca Myers, 2 Woodmere Circle – asked if this lot had any handicap parking spaces? Drew stated that because this is a leased lot it is not required to have handicap spaces.

Motion by Commissioner Bussard to approve the lease agreement for \$8,760 per year, seconded by Commissioner Catania. Motion carried 6-0.

Commissioner Goodman stated that he feels this is a big step in the right direction for the Town to support our downtown businesses.

**Discussion of Panhandling Ordinance – tabled.**

**Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property** – Burgess Miller went over Drew’s findings with the Board in relation to the conflict in the Town Code Section 17.20.020 C and Section 17.48.340 E. Burgess 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.

John Huegelmeyer, 110 Manda Drive – stated that he had concerns with the portion of the parking of winnebago’s, boats, etc. on the west side of this property as the residential area that abuts up to this will be able to see that.

Lewis Corl, 110 Linden Blvd. – stated that this will have a visual impact therefore he feels there should be an excessive number of trees planted around.

Richard Favarulo, 103 Manda Drive – asked if there could be berm put in place to raise the trees higher to shield more.

Commissioner Catania stated that he is in favor of removing line E from 17.48.340, that would remove any inconsistency and also developing definitions for storage and self-storage.

Commissioner Falcinelli stated that there seems to be a misconception out there that the Town sold this property. Commissioner Falcinelli stated that the Town actually tried to buy it several years ago to build a maintenance shop but the owners at the time would not sell the property. Since that time this property has changed hands and as long as the owner or developer meet the General Commercial zoning regulations, we cannot tell them what to put on this property. This property has been zoned General Commercial since 1973.

**POS Annual Program Requests** – Commissioner Goodman stated that they will meet in March to decide what projects we should apply for POS funds.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

Workshop adjourned at 9:16pm.

Respectfully submitted,

Ann Griffin  
Office Manager

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



## **Town Personnel Policy Employee Handbook**

Approved by the Burgess and Commissioners  
March 23, 2015  
Revised January 14, 2019

**Town Personnel Policy**  
**Employee Handbook**

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## **I. Introduction**

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

## **II. Equal Opportunity**

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

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

## **III. Full – Time Employees**

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

## **IV. Part – Time Employees**

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

## **V. Seasonal Employees**

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

## VI. Work Schedule

### Administrative Staff

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

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

### Maintenance Staff

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

## Holiday Schedule

The TOWN observes the following holiday(s):

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

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

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

## **Emergency Closings**

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

## **Emergency Work**

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

## **VII. Compensation**

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

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

### **Pay Period**

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

### **Time Sheets**

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

### **Compensatory Time**

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

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

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

- Water & Sewer
- Streets & Utilities
- Facilities Superintendent

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

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

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

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

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

### **On-Call Scheduling**

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

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

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

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

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

## **Performance Evaluations**

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

## **VIII. Telecommuting**

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

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

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

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

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

## **IX. Dress Code**

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

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

## **X. Probationary Period**

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

## **XI. Resignation**

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

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

## **XII. Leave**

### **Annual**

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

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

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

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

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

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

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

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

### **Basic Leave Entitlement**

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

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

### **Military Leave Entitlement**

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

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

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

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

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

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

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

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

FMLA leave shall end:

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

## **Sick**

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

## **Bereavement**

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

## **Military**

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

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

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

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

## **Jury Duty**

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

## **Leave without Pay**

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

## **XIII. Benefits**

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

### **Health Insurance**

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

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

### **Life Insurance**

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

### **Workers Compensation**

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

## Retirement

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

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

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

## XIV. Disciplinary Action

### Terminations

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

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

### Progressive Discipline

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

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

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

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

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

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

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

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

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

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

## **XV. Employee Appeals**

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

- Termination

The decision of the Burgess and Commissioners shall be final.

## **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](http://www.middletown.md.us). If you have specific questions or concerns, please contact the Town Office at 301-371-6171 or e-mail [office@ci.middletown.md.us](mailto:office@ci.middletown.md.us).**

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](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

- ▶ **The industry leader- working with more than 1500 agencies nationwide.**
  -  From small towns to the largest cities, including NYC, Chicago, and San Francisco
  -  Currently working with agencies throughout Maryland, including Town of Walkersville, City of Hagerstown, City of Gaithersburg, City of Laurel, Washington County
- ▶ **It gives us the highest level of compliance.**
  -  ArchiveSocial preserves more content than any other solution
  -  Search and replay features that enable us to easily respond to records requests
- ▶ **They are in the top 1% of customer satisfaction scores for software companies, with a US-based customer support team ready to assist us.**



## 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

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### 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 principal use to be permitted only and 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

Jan H. Gardner  
County Executive

### DIVISION OF PARKS & RECREATION

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](mailto: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

## Draft Banner Display Policy

Only the Town of Middletown has the authority to hang and remove banners at the banner pole site. No person or organization may hang a banner on the banner poles. The Banner Display Policy must be followed in order to have a banner hung at the Town of Middletown's banner pole site. Applications for Banner Display can be found at [www.middletown.md.us](http://www.middletown.md.us).

Banners are limited to advertising or commemorating events sponsored by the Town of Middletown or non-profit groups within the 21769 zip code. All Town of Middletown and its committee's banners and town sponsored events will take priority.

To display your organization's banner, an application must be submitted 14 working days prior to the day the banner is to be displayed.

Applications must be accompanied with a sample sketch of the proposed banner.

Banners must be delivered to the Middletown Municipal Building, 31 W. Main Street 7 business days prior to approved hang date. Banners must be picked up within 7 working days after they are taken down; banners that are not picked up within the specified time period will be discarded.

Banners must meet the following criteria:

- Double sided
- Size - Maximum banner size is 36 inches high by 360 inches wide
- Material – 18 oz vinyl recommended with 1-inch wide webbing sewn all around with reinforced corners
- Grommets – ½ inch grommets every 2 feet on top and bottom
- Wind Slits – 9-inch X 9-inch. 9 wind slits per banner

**Banner Prohibitions:**

- No commercial advertisements, religious, political or ideological banners. Sponsors of events logos are allowed.
- No inappropriate material including but not limited to: offensive language, hate speech, and/or content considered derisive.

Decisions on appropriateness of banners will be solely decided by the Town of Middletown. Any banner that does not comply with the above criteria shall not be displayed.



# Town of Middletown

**Return Completed Form To:**  
Town of Middletown  
31 West Main Street  
Middletown, MD 21769

Phone (301) 371-6171  
Fax (301) 371-6474

## BANNER PERMIT APPLICATION

### APPLICANT INFORMATION

Group: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Purpose of Banner: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Banner Size: \_\_\_\_\_

Dates Requested From: \_\_\_\_\_ To: \_\_\_\_\_

**Banners are hung on Monday, and are hung for a 2 week period. The Town reserves the right to hang more than one banner at the banner location. Banner dates are reserved on a first come, first served basis.**

I understand that permission is granted only for the purpose of allowing banners to be placed on the Town Right-Of-Way and that all responsibility for public liability, injury to persons, and/or to property is borne by the applicant, not the Town of Middletown. This permit is revokable by the Town with no notice to the applicant.

Signature of Applicant : \_\_\_\_\_ Date: \_\_\_\_\_

### FOR TOWN USE ONLY

\_\_\_\_\_  
Date Application Received

\_\_\_\_\_  
Date Application Approved

\_\_\_\_\_  
Approved By



## **MEMORANDUM**

**DATE:** March 8, 2019

**TO:** Burgess and Commissioners

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

**CC:** Lacey Gordon, Financial Planner

**SUBJECT:** Revised Budget Workshop Dates

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

<b><u>Day</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Budget</u></b>
Thursday	April 4, 2019	6:30PM	Water & Sewer Operating Budget
Monday	April 8, 2019	6:30PM	Water & Sewer CIP
Monday	April 22, 2019	6:30PM	Water & Sewer Operating & CIP
Thursday	May 2, 2019	6:30PM	General Fund Operating Budget
Monday	May 13, 2019	6:30PM	General Fund CIP
Monday	May 27, 2019	6:30PM	General Fund Operating & CIP Community Groups