



AGENDA FOR THE TOWN WORKSHOP

March 5, 2020

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

COMMUNITY DEPUTY REPORT

PERSONAL REQUESTS FOR AGENDA:

STAFF REPORTS:

[Staff Planner](#)

[Engineer's Report](#)

[Main Street Manager](#)

[Zoning Administrator](#)

CONSENT AGENDA

- Town Meeting Minutes
 - [February 24, 2020 – Town Meeting](#)¹

UNFINISHED BUSINESS:

- [Advertisement Procedures](#)¹
- [Rural Municipal Community Circulator Bus Service](#)¹
- [Proposed Text Amendment – Forest Conservation Ordinance](#)¹

¹ First Appearance on Town Agenda

NEW BUSINESS:

- Constant Yield Tax Rate EXEMPTION ¹
- FY 2021 POS Project Requests ¹
- Memorial Bench Program – Parks Committee Recommendation ¹

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Frederick County Restaurant Week – March 2-8, 2020*
- *Middletown Valley Historical Society History Program – Wednesday, March 18, 2020 at 7:00PM at Christ Reform Church*

ADJOURNMENT

¹ First Appearance on Town Agenda

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/3/2020

RE: Monthly Planning Update – March

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Active-adult special exception use recommended approval by PC to BOA – January 21, 2020

Board of Appeals hearing date – March 17, 2020

Site Plans, Plats and Minor Subdivisions:

Caroline’s View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)

Revised Improvement Plan mylars signed – July 21, 2017

Next step – submittal of PWAs for approval and apply for building and grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14

Improvement Plan mylars signed – November 6, 2015

FRO plantings completed – December 23, 2019

Next step – submittal of architectural renderings for building #2 for review/approval

Dowd Property (Alternate 40A) – Forest Stand Delineation approved – April 16, 2018

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)

Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019

Board of Appeals approved self-storage use – February 26, 2020 (Expires Feb. 26, 2021)

Revised Building renderings submitted for PC review – February 24, 2020

Next step – PC approval of architectural renderings; submission of FFCP and Improvement plans for PC review;

Franklin Commons (Franklin Street) -

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)

BOA approved height variance request – July 12, 2018 (**BOA approval expired July 12, 2019**)

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

Next step – BOA approval of height variance request, then submittal of letter of credit and signing of PWA’s

Jiffas (Summers Drive) – Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved for commercial use – October 20, 2008

Architectural plans approved by PC for duplex – March 16, 2015

BOA approval for variance requests for duplex – March 29, 2016 (**Expired March 29, 2017**)

Next step – apply for variance requests for siting of duplex building

Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020

Middletown Water Storage Tank (Ashky Ct.) –

Site Plan approved by PC – March 18, 2019 (Plans expire March 18, 2022)

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire July 15, 2022)

Miller Property (East Main Street) – Phase III Revised Site plan approved by PC – June 17, 2019

Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019

Next step – submittal of Phase IV site plan for review and approval

Richland Driving Range (Glenbrook Drive)– Concept plan reviewed by PC – January 18, 2016

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Improvement Plans reviewed and tabled by PC – September 17, 2018

Next step – submittal of improvement plans for review and approval

School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed & approved by Town Board – May 8, 2017 (informed June 2017 funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

St. Thomas More Academy Site Plan revision (Prospect St) –

Site plan conditionally approved August 20, 2018 (Expires August 20, 2021)

Revised site plan submitted to PC for review/approval – February 27, 2020

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments: Accessory structures – under review by Town Board

Residential parking requirements for townhouses and apartments – under review by Town Board

Forest Resource Ordinance amendments – under review by Town Board and PC

Reports: Annual Planning Report draft will be reviewed by PC in April

**Grants: MEA and Keep MD Beautiful grant applications submitted – December 2019
Maryland Urban and Community Forest Committee grant application approved!**

Meetings: Next Middletown Green Team Meeting – March 17, 2020

Next Joint town board/planning commission workshop – May 4, 2020

Public Works Monthly Report
March 5, 2020

COMPLETED WORK

Public Works

Well 22 pump and motor replaced, will be adding a chlorine feeder, fence or enclosure, iron buildup in pump and process pipe drops pumping rate to nearly zero. CL2 should oxidize this and the filters will remove. East WWTP NPDES permit renewal. 2 new benches installed at Wiles Branch. Concrete work at W WWTP.

New Projects

Boileau Drive: Milling and Overlay planning and scope of work in progress.

Remsburg Park Bathrooms: Begin project review and type, size and location planning.

Unbudgeted Expenses:

Booster Station Pump 3 repair or replacement. (cost to: rebuild \$7500.00)

Well 22: manganese buildup in raw water lines, pump replacement and chlorine feeder (\$6823.00)

Sludge cost for FY \$ 30,450.00, 36,000 gal hauled, 5,950 gal bedded **Total hauled** 315,000 gal **Bedded** 124,950 Gal

Water Use (Average Daily for the Month, Flows stated in gallons per day)

Permit Limits (gal) **387,000/504,000 AD/MMU** **250,000 AD** **250,000 AD**

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	311,859	295,230	124,387	96,085	268,000	257,000	562,000	262,000
February	306,568	297,096	125,499	133,808	258,000	258,000	591,000	352,000
March **	290,701	303,576	126,481	122,453	294,000	284,000	229,000	534,000
April **	321,448	321,847	136,331	129,642	282,000	228,000	235,000	401,000
May	316,907	328,737	137,261	132,987	384,000	279,000	658,745	542,000
June	304,003	321,467	137,335	135,541	303,000	219,000	345,000	233,000
July	325,311	302,495	133,855	129,973	288,000	218,000	260,000	260,000
August	320,355	301,201	127,445	113,503	267,000	159,000	268,000	158,000
September	311,932	339,215	121,589	87,210	351,000	141,000	540,000	154,000
October **	332,306	316,050	121,314	72,217	240,000	184,000	325,000	180,000
Novembr**	293,200	284,740	120,239	74,322	364,000	200,000	586,000	218,000
December	299,953	298,071	121,421	78,176	228,000	230,000	550,000	222,000

Avg Daily/yr	311212	309144	127763	108826	293917	221417	429145	293000
Avg Yr Flw	113.59	112.84	46.63	39.72	107.28	80.82	156.64	106.95

**Hydrants flushed this month

April 14 709,560 October 14 725,913, October 16 938,000 April 17 732,649. October 17 691,524 April 18 791859
 October 18 668,188 April 2019 737,446. October 2019 531,958

Planned Work

General Fund Budget

HVAC Replacements

WWTP weir flowmeter out of service, will require replacement (20+ yrs old).

301 W Main St downspout design and construction for MDSHA project

MDE water inspection corrections and emergency plan update

Remsburg Park Path Paving

Budget purchases and contracts

Continue Fire Hydrant ID tag and numbering system installation

Regulatory: Grease Ordinance completion. MDE Emergency Plan

Bid Sludge Hauling and Chemicals.

Reed Bed Development cost analysis.

Reservoir Tank: Contracts executed, project submittals and kickoff meeting 3/30, expected start beginning May.

Open Projects

I & I Walnut to Jefferson St.: Submitted plans for permit, easement document created. Construction documents at 95% and ready to bid when the budget is available. Phased into two phases. No action.

Parking Review: Sidewalk and curb revisions for potential parking across from firehouse. Revised to lane shift and sent to SHA for review. No action.

ADA sidewalk ramp reconstructions: No action

W WWTP. Final pond baffle is malfunctioning, Investigation needed. Needs review. Received chemical building plans for review. Provided info to Consultant for baffle replacement. No action

Develop Grease Trap Ordinance and Education Program: No Action

Water System:

Hydraulic Model: The model will be reviewed and updated by Ganett Flemming to include Main St, Middletown Glen. We have performed multiple hydrant tests to calibrate the model in April and GF is currently calibrating the model

System: Dec: 182,952 3%, January 235,286 3.2%, February 465,429 7.36% level issue. March 505,580, 4.8%. Apr %4.5 329,183, May 2.85% 214,305 (inaccurate due to start and finish reservoir level) 4% likely. June 4.9% 350,861. July 19 3.29% 221,980 August 19 4% 261,268 Sept 19 2.5% 195,026 Oct 19 4.6% 331,699 Nov 19 471,272 7.7%, Dec 19 433,687 6.5%. January 20, 243,581, 3.6% February 20, 217,970, 3.2%.

Streetscape/ Main St. Waterline Replacement: 99% complete. Work remaining includes removal of existing waterline.

Broad St Streetscape: Design Phase 95% complete. Will be ready to bid for FY 21. Staff needs to do final review.

SSO and I&I: No overflows.

MDE /Permits: West WWTP Discharge Permit Renewal submitted to MDE, we have received acknowledgement of receipt. East WWTP Discharge Permit submitted 10 months prior to expiration.

MDE MS4 Permit Reports: Permit Report has been reviewed and accepted with minimal comments. Will perform the first water sampling.

Franklin St Conceptual Sidewalk Plans: Placed in 2017 budget. Action required by B&C to release for design we have included the topo and design in the Broad St project. Consultant has survey the area for inclusion in the Broad St project.

Remsburg Park: No action till the path is paved.

Municipal Center: Met with CLEARResult PE Company representative for incentives for HVAC, lighting and other energy efficient replacement products. Will receive some reimbursement for HVAC and VFD's at booster station. Board will need to determine if changing out office lights to LED is worth the return. ADA ramp concrete construction is complete. Railings with in the next month.

Street Mill & Overlay: No action. Pending annual survey.

Maintenance Facility: Contract has been executed with Triad Engineering.

East WWTP: No issues. Permit renewal complete.

Washington Street: Design is currently being reviewed and for storm water management.

Garage Drive Street Lights: Meeting with adjoining Owner to discuss the light locations. No action.

Pedestrian Blinker signs: Franklin St needs survey and design. No action until after budgets completed.

Booster Station Process Pipe Replacement (\$225,000): Received first submittal of drawings for review. Construction in FY21.

Developments

Middletown County Park Improvements: Reviewed submitted revisions. No action.

ADMAR Annexation: Met with Owner and Engineer to discuss summary of requirements for water treatment, pressure and fire service supply, appropriation permit, sewer service, water and traffic study. Town staff will be performing some field reconnaissance on the wells in the next few weeks.

Cross Stone: No action

Coblentz Property / Middletown Glen: Public Improvements completed and partially accepted (in warranty period). SWM guarantees remain open.

Chesterbrook IP's: Guarantees have not been submitted. No action.

MAIN STREET

MIDDLETOWN

TO: The Burgess and Commissioners
FROM: Becky Axilbund, Main Street Manager
RE: Burgess and Commissioners Workshop Report
DATE: Thursday, March 5, 2020

Organization:

- The Main Street Board is in the process of planning our FY 2021 Budget. Committees will create their budgets this month. We have scheduled a special budget meeting for later this month.
- The Main Street Manager is working on a TRIPP grant that will help us reduce advertising spending costs.
- The Main Street Manager is working on a grant submission to the Maryland Historical Trust to remove the overhead wires that feed into the gable trim and hire a carpenter to restore the trim.
- The Main Street Manager will attend the required MD Main Street Meeting scheduled for Wednesday, March 11 which will be held in Reisterstown which is called an Affiliate Main Street community.
- During March, April, May, and June, the Main Street Board really churns out a lot of volunteer hours! If you see any of our volunteers, please thank them!!
- Volunteer hours are valued at \$28.65 per hour. Just one Main Street volunteer reported 121-hours at planning one of our events, equaling \$3466 of invested time in our community!

Economic Development:

- We hosted our February business mixer at Mountain Spirit Yoga and had one of our larger crowds. The topics addressed included cross promotions and celebrating an end of construction party!
- This is Restaurant Week! Main Street Middletown paid for 50% of the participation fee for Main Street district restaurants who wanted to participate – both Dempsey's and The Main Cup are participating. Dempsey's owner, Cybele Cook said she was getting lots of reservations for dinner! This is exciting for us!

Design:

- We received a Main Street Improvement Grant and part of that grant included \$2900 to purchase holiday decorations – which will include the bows on the wreaths and replacing the large wreath for Town Hall.

- As part of that same Main Street Improvement Grant, we received \$2400 for the purchase of Bicycle Racks. Sean O'Keefe, who sits on both the Main Street will take the lead on getting quotes to help me and Cindy out!
- The Design Committee also have \$2000 for a bench to go in front of the Main Street building. We have priced out a bench to match the Victor Stanley benches of the Town, but at a smaller size and adding two rocking chairs to the front of the Main Street building.

Promotions:

- It is Frederick County's Restaurant Week – March 2-8th!
 - We are running the TV commercial again this month – Middletown as a dining destination and it is up now on our Facebook page.
 - We have Facebook posts planned for each day to highlight our two participating Main Street restaurants – The Main Cup and Dempsey's. Dempsey's was also featured last week in the FNP for the menu items that have been selected for this week. It is a great time to try something new at reduced prices!
- Events are currently being planned! I know to write this summary in a staff report does not sound like a lot, but it is detail work, emailing, calling, purchasing items, finding the best price, and each vendor, artist, car owner, home owner, volunteer have additional ideas to enhance each event. In addition, it is coordinating the advertising across various platforms and to specific groups since each brings in different audiences.
 - Coloring the Street is being co-chaired by Gretchen Gawler and Elise Gorchesky. This event will follow the same format as last year with professional chalk art being created, along side the children's squares. In addition, Parren Collery will host her public involvement portion of her public art installation coming in August. She will bring tiles for children to paint that will become part of the larger sculpture she is creating. Date of Event: April 25
 - Walking Tour: Old East Main Street: Views to the Past – is being chaired by Janet Fox. The walking tour starts at Christ Reformed Church. We are excited to announce that there will be very limited access to the top of the steeple during the tour. The tour focuses on East Main, Prospect, and Broad streets. So far, we have access to one interior, but are looking to increase that number. Date of Event: May 16 with a Rain Date set for the 17th.
 - Vintage Vehicles - is being chaired by Jim Hoover and we are also partnering with Canine Warrior Connection again. We have refined the layout and are working closely with the deputies to insure we have a safety measures in place for when/if car owners need to leave before the end of the show (especially in case of rainy weather). Date of Event is June 13th.

Grant Chart:

Grant Name	Dates	Amounts	Notes
FY 19 OAG - NonProfit Assistance Fund	Need to Spend BY June 2020.	\$8000.00	Fundraising Plan Policy & Procedures Dvlpmnt
FY 19 OAG – Technical Assistance	Need to Spend By June 2020	\$12,000 \$2000 Match	This is Dan Campbell, our architect.
FY 19 OAG – Main Street Improvement Fund	Need to Spend by June 2020	\$6300	This has covered new banners for the Town (new Town Logo), Banners for Christmas in the Valley and we can cover one more set of banners.
FY 2020 OAG Technical Assistance Grants	Need to Spend by June 2021	\$10,000	In the grant agreement, 3K is specified for Collateral and 7K is for the website
FY 2020 OAG -Main Street Improvement Grant	Need to Spend by June 2021	\$9,000	\$2000 Purchase and Installation of Customized Bench \$200 – Selfie Station \$2400 – Purchase of Bike Racks (with Green Team) \$2900 – Christmas Lighting and Decoration for Main Street \$1500 for Banners for Coloring the Street Event
FY 2019 MD Heritage Area Grant – Capital Grant	Need to Spend by June 2021	16K with 16K Match	This is for the Foundation Repair of 19-21 west Main. Capital Grants get two years to complete
FY 2019 Community Legacy Capital Grant	Need to Spend by June 2021	50,000 No Match	This is for general rehab costs associated with 19-21 West Main.
Community Legacy FY 2018	Need to Spend by June 2020	50,000	
Community Legacy FY 2019	Need to Spend by June 2021	8400 remaining	19K paid to Middletown Valley Bank
TRIPP Grant FY 20 – Main Street	Need to Spend by June 2020		This will be reimbursed once we pay for the Visit Frederick Annual Ad
TRIPP Grant FY 20 - Town			NEED TO SUBMIT FINAL REPORT.
Current Applications			
MD Heritage Area Grant	FOR THE TOWN	Submitted February 26, 2020	For Heritage Gallery
TRIPP Grant	FOR THE TOWN	Submit by March 27	
TRIPP Grant	For Main Street	Submit by March 27	

Maryland Historical Trust Capital Fund	Due March 23		Pursuing this grant to ask specifically for repairs to the wood trim and the removal of the unidentified wires that are running into the trim.
Community Legacy	Dates Not Released		

Notes:

Grants that are in the Gray boxes are grants that were written for the Town, or they are Main Street grants that have aspects that have cost saving measures for Town.

Grants that are in the Blue boxes are the Façade Improvement Grants which is money that goes directly back to businesses who make improvements to their properties.

Grants that are in the white boxes are for Main Street Middletown.

Questions? Let me know!

***Thank you for your continued support of and partnership with
Main Street Middletown, MD Inc.***



Town of Middletown
Zoning Administrator Monthly Staff Report

To: Burgess and Commissioners

From: Mark Hinkle, Zoning Administrator

Date: March 2, 2020

RE: Monthly Zoning Administrator Staff Report for February 2020

BOA Hearings: February 26, 2020 Case MT-B-20-1 – Special Exception for Storage facility – Approved 3-0.

Storage Container & Dumpster Permit: None

Home Occupation Permit: None

Zoning Violations and Complaints:

- 1/14/2019 – 819 East Main Street, BB & T bank – Complaint received about unscreened dumpster, investigated and sent letter. Spoke with branch manager and agreed to allow them an extra 30 days so they can deal with their headquarters in North Carolina. The dumpster became obvious once the property next to them was cleared. Spoke with construction company and advised them what would be needed to be properly screened. **Plan being submitted to headquarters in North Carolina to correct issue. On hold due to Parking lot realignment efforts. Spoke with facilities maintenance 10/7/2019 and they are waiting on a decision on the lot realignment before moving forward**
- 4/24/2019 – 5 East Main Street, Subway – Deteriorating signpost and signage for business no longer on site, letter sent, spoke with owner. Safeway will be assigning a new Franchisee in the next 6 months and they plan on renovating and improving the building and signage at that time. **Working toward renovation of building and signage at same time.**
- 10/23/19- 121-125 W. Main St.-Work without a permit. Sent letter to owner and contacted Frederick County. Stop work order issued by Frederick County. Owner filed for Zoning Certificate but has not applied for permit. Owner is also meeting with Planning Commission to discuss changes to property. County still has not received Zoning Certificate to begin permit process.
- 2/24/2020 – Temporary sign at Goodwill, letter sent

- 2/24/2020 – Car for sale at Fountaindale Auto, investigating

Miscellaneous:

- Neighborhood visits
- Staff work on request for Special Exception for Foxfield Section 6, scheduling hearing
- Letter sent to owner of Franklin Commons to submit all required paperwork by January 15, 2020 to comply with decision by Board of Appeals. We did not receive the required information. Certified letter sent to owner to let them know that their past decision has expired and that they would need to file for the case to be re-heard before they can move forward.
- Met with Cindy, David Lingg and Bruce Dean regarding property beside Safeway
- Met with Cindy and Natasha Pavlovich regarding use for old fire station building
- Working with Jim Merckle at St. Thomas More regarding a change to their site plan for portable classrooms, referred to Planning Commission
- 3/2/2020 Meeting at Subway regarding signage

Permits:

February 2020 Zoning Certificates	Address	Permit #	M-town	M. Hinkle	County
			Received	Approved	Approval
Bellani-Fence	313 S. Church	Town	1/31/2020	2/3/2020	No
Phillips-Fence	1 Eastern Circl	Town	2/4/2020	2/5/2020	No
Blumberg-Fence	20 Knollside Ln	Town	2/4/2020	2/5/2020	No
Munger-Solar Panels	11 N. Pointe Terr	264602	2/4/2020	2/5/2020	Yes
Kline-Solar Panels	4 Ali Dr.	264606	2/5/2020	2/6/2020	Yes
Haines-Fence	101 Broad St.	Town	2/7/2020	2/10/2020	No
Nielson-Fence	15 Knoll Side Ln	Town	2/14/2020	2/14/2020	No
Miller-Basement	300 Stone Spring Ln.	264925	2/12/2020	2/14/2020	Yes
Habitat for Humanity-Finish basement	211 S. Jefferson St.	265020	2/14/2020	2/26/2020	Yes
Dent-Fence	200 E. Main St	Town	2/24/2020	2/26/2020	No

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

February 24, 2020

The first regular meeting of the Burgess and Commissioners of Middletown was called to order on February 24, 2020, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Christopher Goodman, Tom Catania and Rick Dietrick.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- *Financial Statements*
- *Town Minutes – February 6, 2020 - Workshop
February 10, 2020 – Town Meeting*

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

UNFINISHED BUSINESS:

Discussion of Hollow Creek Professional Office Building – The building renderings for this project were discussed at the last joint town board/planning commission meeting. At that meeting issues were raised regarding the building height and look of the professional building and the overall view of the development from all directions.

Mark Lancaster, Lancaster Craftsman Builders, the developer reviewed the architectural renderings of the site. He reviewed the changes that have been made to the 3-story professional building to make it more visually appealing. This included bump outs and brick banding to provide more architectural detail. He included new renderings which showed the proposed buildings views from various street-level points along US 40 Alt.

Commissioner Falcinelli asked if the 2 buildings in the front could be moved into alignment with the BB&T Bank and have parking behind them. Mr. Lancaster stated that that it would be confusing to customers of those buildings to park behind and then must walk around front to enter. He stated that the raised retaining wall in front of the buildings will hide the view of most of the vehicles parked in front (from headlights to the ground) currently. Mr. Lancaster will have a better idea of the view of the front two buildings once tenants are identified.

Eric Ware, 6 Washington Street, asked what if the professional building was not 3 stories tall. Mr. Lancaster stated that with state parking codes that need to be met, so much office space square footage requires 1 parking space. The project is not feasible to be a 2-story structure. He also stated that it would look more like a shopping center versus a professional building and would be less likely to be seen from the street.

The developer will provide the street level drawings to the Planning Commission to review.

Ordinance 20-01-01 – Illicit Discharges – An Ordinance to establish an inspection and enforcement program to require the elimination of and mitigate the impacts of illicit discharges, prohibited materials, and illicit connections to a municipal separate storm water system. This Ordinance is a requirement of the

MS4 permit. Commissioner Falcinelli motioned to approve Ordinance 20-01-01 as presented, seconded by Commissioner Goodman. Motion carried 5-0.

Ordinance 20-01-02 – Amendments to Title 13 Public Services – An Ordinance to amend title 13 to impose reasonable restrictions on the use of water from the Municipal water system during periods of short supply, protracted drought, excessive demand or other scarcity of water, to establish new water and sewer connection fees, and to repeal debt service charges. Commissioner Catania motioned to approve Ordinance 20-01-02 as presented, seconded by Commissioner Falcinelli. Motion carried 5-0.

NEW BUSINESS:

Review of Heritage Gallery Grant – Becky is pursuing a Heritage Area grant to be used to hire a free-lance collections specialist, collection software and preservation materials related to collections/collection pieces for the Heritage Gallery. If awarded it would require funds matching by the town of \$12,500. There is a tourism grant, Tripp Grant, that Becky can apply for that would cover half of the town’s expense. The Board agreed that Becky should apply for both grants.

Review of Advertisement Requirements – With the Middletown Valley Citizen now being a bi-weekly publication the Board is reviewing how best to address the advertising requirements needed by the Town. Only a few items, such as annexations, require successive weekly advertisement. To date, the State has not said that the use of social media, websites and public postings are enough. It still requires the use a “daily or weekly newspaper of general circulation”. Drew stated that the Frederick News-Post is the newspaper of general circulation and that using it for advertising is expensive. The budget would have to address the increase costs. Board members do not want to confuse town residents or give the appearance of hiding something because of the need to use both publications. It appears that very few residents subscribe to the Frederick News-Post, so they would be missing information if it was used regularly. Along with social media, the website and town newsletter, staff is tasked with prioritizing how advertising will be accomplished using a combination of both the Frederick News-Post and the Middletown Valley Citizen.

Commissioner Goodman suggested that people contact their state delegates to address updating advertising requirements using today’s technologies.

Discussion of Banking Services – Drew stated that with BB&T and Suntrust banks combining and becoming Truist, and with town code’s updated investment policy perhaps the Town Board would like to put together an RFP regarding the Town’s Banking. Technology has reduced the need for physically taking daily deposits to a bank. The town can still work with the town branches of BB&T and Middletown Valley Bank to take residents water/sewer bill payments. The Town Board gave a general consent to pursue an RFP.

PUBLIC COMMENTS:

MVAA Shed – MVAA sent Drew a request (with supporting documentation) to remove the existing shed at Memorial Park and replace it with a 150sqft shed to be located behind the Bathrooms, where the horseshoe pits are currently located. The Board has asked that MVAA mark the area off where the new shed will be located so that Town Board members can go and see its proposed location and size. Drew will notify Board members once it has been marked.

Washington Streetscape – Eric Ware, 6 Washington Street, asked when the proposed Washington Street improvements are scheduled to be addressed. Washington Street is in the design process this year, and depending on timing, construction could begin this summer. Improvements would be from Church Street to Elm Street.

ANNOUNCEMENTS:

- *Nominating Convention – Tuesday, February 25, 2020 at 7pm.*

Meeting adjourned at 8:12 PM.

Respectfully submitted,

Annette Alberghini
Administrative Assistant

DRAFT



MEMORANDUM

DATE: March 4, 2020
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Public Advertisements

ISSUE

With the change of the Middletown Valley Citizen going from a weekly publication to bi-weekly, should the Town Board change our newspaper of record to comply with our advertising requirements?

BACKGROUND

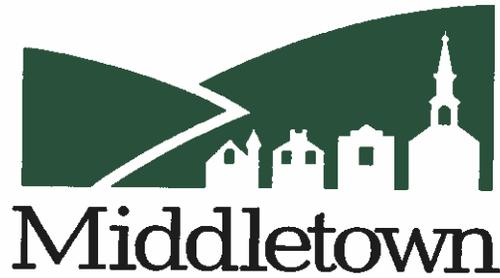
The Town of Middletown has numerous different advertising requirements depending on both State Law and Town Charter requirements. In the past, the Town has used the Middletown Valley Citizen as the “*newspaper of general circulation*”. With the Middletown Valley Citizen’s change to a bi-weekly publication, the Town can no longer meet some of our advertising requirements. Attached to this memo is an Advertising Matrix for the different types of advertising requirements.

RECOMMENDATION

Staff is recommending that all advertisement will still be done in the Middletown Valley Citizen, but when the advertisement requires more than one advertisement in successive weeks the Frederick News Post will be used as the paper of record for meeting the advertisement requirements.

ATTACHMENTS

Advertisement Matrix



**Burgess and Commissioners
Middletown, Maryland**

Advertisement Matrix

Section from Code	Type	# of Notices	Consecutive Weeks	Publication
Charter -Section 100	Charter Amendments	4	YES	FNP for Legal Requirement / Citizen for Informational
Charter - Section 600	Budget	1	NO	Citizen
Title 1 - General Provisions	Elections	1	NO	Citizen
Title 5 - Business Licenses & Regulations	Wireless Towers	2	YES	FNP for Legal Requirement / Citizen for Informational
Title 16 - Subdivision	Amendments	1	NO	Citizen
Title 17 - Zoning	Amendments	2	YES	FNP for Legal Requirement / Citizen for Informational
Title 17 - Zoning	BOA Variance & Special Exceptions	1	NO	Citizen



FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner
County Executive

Rick Harcum, Chief Administrative Officer

February 25, 2020

The Honorable Burgess Miller
The Honorable Mayor Snoots
The Honorable Mayor Kinnaird
The Honorable Mayor Briggs

RE: Rural Municipal Community Circulator Bus Service

Dear Burgess Miller, Mayor Snoots, Mayor Kinnaird, and Mayor Briggs,

I am writing to formally share my concept proposal to initiate a one-year pilot program for a circulator type bus service in and around your municipality. We have discussed this idea on multiple occasions including at our most recent "Mayor's Meeting".

The Municipal Circulator Pilot program is outlined as follows:

- County purchases a small shuttle bus or van that can accommodate multiple riders as well as provide wheel chair access;
- County hires one bus driver;
- County hires a dispatcher;
- Each of four municipalities – Emmitsburg, Thurmont, Brunswick and Middletown – would participate and be assigned circulator service on one set day per week. (If Emmitsburg and Thurmont wish to combine their routes, they would have service two days.)
- Towns would have input to
 - Design a route around your town (and possibly into the adjacent county) to take people to the local grocery store, shopping area, branch library, senior center, or other identified locations.
 - The idea is to develop a route that a bus/van could circulate around a few times each morning and afternoon so someone taking the bus would know they would be picked up by the circulator in a hour or a reasonable period of time.
 - The route could include some demand service to pick up people at their home if the deviation is not far from the route. This would require a call to Transit to schedule.
 - With adequate funding we could offer this service for free or a minimal cost.

The goal of this program is to provide seniors and others with the option to have a regular planned day when they could go the grocery store, hairdresser, library, or run other errands and

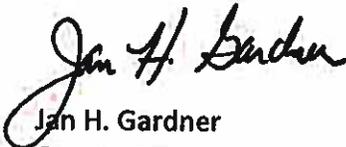
do so independently and on a timetable that assures a reasonable return trip. We know that more and more seniors need this type of service though anyone could utilize the circulator.

Because this service would be connected through a dispatcher, it could open other trips or connection options such as with a schedule ParaTransit trip or other connections to service. The total cost of this one year pilot program is estimated to be about \$200,000. I would respectfully request each municipality to consider contributing \$10,000 on a one-time basis to support the pilot program. This would also give the municipalities some ownership to the program.

This topic will be discussed at the MML meeting this week. County staff and I are also available to attend a town meeting to further discuss and present this proposal. I would like to consider funding this proposal in the upcoming budget cycle and would appreciate a formal response from each town no later than April 1, 2020.

Please let me or Roman Steichen, know if you need additional information. I appreciate your consideration of this proposal.

Regards,



Jan H. Gardner
County Executive

Cc: Rick Harcum, Chief Administrative Officer
Monica Bearden, Deputy Chief Administrative Officer
Roman Steichen, Acting Director, TransIT
Joy Schaefer, Government Affairs Director
Kelly Weaver, Budget Officer

MEMORANDUM

Date: 3/3/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Forest Conservation Ordinance proposed changes per changes in State regulations

Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State’s Forest Conservation Act. This bill requires a few changes to the Town’s Forest Resource Ordinance. Here is a summary:

- The bill adds mitigation banking to the forest conservation fund.
- The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
- The bill also requires the local governments to submit to the Maryland Forest Service:
 - A general plan identifying appropriate and potentially available areas for mitigation projects.
 - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
 - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

In accordance with State law, the Town must send all FRO text amendments to the Maryland Department of Natural Resources for review and approval. The amendments were sent to the State on September 2, 2019, with revisions sent on January 2, 2020.

Attached is a text amendment with proposed changes to the Middletown Forest Conservation Ordinance to bring it in line with the new state regulations. The Planning Commission shall review the proposed amendment and shall submit its recommendations or comments to the Burgess & Commissioners.

IF the Town is interested in emulating Frederick County’s Forest Resource Ordinance, these would be the needed additions to the Town’s ordinance:

16.40.011 - DEFINITIONS.

INTERMITTENT STREAM. [A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.] A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry

periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the Department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

PERENNIAL STREAM. [A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.] A stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

16.40.041 – RETENTION PRIORITY

B.4. Critical habitat areas for sedentary animal species; identified as threatened, endangered or in-need-of-conservation under the Maryland Nongame and Endangered Species Conservation Act, Md. Code Ann., Natural Resources Article, §§ 10-2A-01 through 10-2A-09.

5. The following trees or forested areas shall be retained and protected unless the applicant has demonstrated to the satisfaction of the Department that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

- (a) Forest areas that buffer significantly noncompatible land uses, such as industrial and residential, as determined by the Department; and
- (b) Other forested areas that because of their size, location, species composition, or quality are deemed by the Department as being worthy of conserving permanently.

16.40.043 – REFORESTATION AND CONSERVATION THRESHOLD

A.1. Calculation of Requirements. There are two methods to calculate reforestation requirements. The method that results in the most reforestation shall be used.

- (1) The first method shall require a 1:1 replacement. This means that for every one acre (or portion thereof) of forest removed, one acre must be planted.
- (2) The second method, the “Standard Method”, is set forth in subsection _____.

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 TO ALIGN THE TOWN OF MIDDLETOWN'S FOREST CONSERVATION CODE WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES STATE REGULATIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapters 16.40.028 and 16.40.030 of the Middletown Municipal Code be, and hereby is amended to add additional language concerning the Forest Conservation Fund. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 16 - SUBDIVISIONS

16.40.028 - Middletown forest conservation fund.

- A. There is established a forest conservation fund in the town of Middletown.
- B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money into the Middletown Forest Conservation Fund:
 - 1. Until September 30, 2014, at a rate of thirty (30) cents per square foot of the area of required planting;
 - 2. After September 30, 2014, at a rate adjusted for inflation as determined by the state annually by regulation.
- C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.
- D. The town shall accomplish the reforestation or afforestation for **THE EQUIVALENT NUMBER OF ACRES FOR** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.
- E. Money deposited in the local forest conservation fund:
 - 1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;
 - 2. Shall be deposited in a separate forest conservation fund; and
 - 3. May not revert to the general or any other fund.
- F. Sites for Afforestation or Reforestation Using Fund Money.
 - 1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.

2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

G. EVERY TWO YEARS, THE TOWN SHALL PROVIDE TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES A GENERAL PLAN IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS AND DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND. THE MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.

1. THE TOWN:

- (1) **MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE TOWN HAS SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUB-SECTION G. OF THIS SECTION; AND**
- (2) **SHALL ENSURE THAT THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER §5-1607 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.**

16.40.029 {Unchanged}

16.40.030 - Annual report and biennial review.

- A. On or before March 1 of each year, the town shall submit to the Department of Natural Resources an annual report which contains:
1. The number, location, and type of projects subject to the provisions of this chapter since the last annual report;
 2. The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the one hundred (100) year floodplain, in connection with a development project;
 3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;** and

4. The costs of implementing the forest conservation program.
5. The size, location, and protection of any local forest mitigation banks which are created under the forest conservation program;
6. The number, location, and type of violations and type of enforcement activity conducted in accordance with this chapter; and
7. To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

B. The town shall submit the necessary documentation to comply with COMAR 08.19.02.04 which provides for Department of Natural Resources biennial review of the local forest conservation program.

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

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess



**DEPARTMENT OF
ASSESSMENTS AND TAXATION**

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Michael L. Higgs, Jr., Director

MEMORANDUM

Date: February 14, 2020
To: Municipal Corporation Taxing Authorities
From: Michael Higgs, Director
Re: 2020/21 Constant Yield Tax Rate – Exemption

Section 6-308 of the Tax-Property Article, Annotated Code of Maryland, requires the Department of Assessments and Taxation to certify to all taxing authorities a Constant Yield Tax Rate that will produce the same revenue in the coming taxable year that was produced in the prior taxable year. This does not prevent the reduction of the tax rate.

Section 2-205(d) states that:

"The Director shall exempt a municipal corporation from the constant yield tax rate provisions of § 6-308 of this article if a difference of less than \$25,000 exists between:

(1) The property tax revenue that is provided by applying the municipal corporation real property tax rate for the preceding taxable year to the estimated assessment of all real property in the municipal corporation; and

(2) The property tax revenue that is provided by applying the constant yield tax rate for the next taxable year to the estimated assessment of all real property in the municipal corporation."

This is to certify that your jurisdiction has been exempted from the provisions of § 6-308 of the Tax-Property Article.

Attached is Form CYTR#1 which shows your Constant Yield Tax Rate exemption and also includes an estimate of the assessable real property base for the 2020/21 taxable year.

If you have any questions, please contact Zachary Grisard at our Headquarters Office in Baltimore at (410) 767-6259.

Real Property Division

300 W. Preston St., Room 605, Baltimore, MD 21201

www.dat.maryland.gov

410-767-1199 (phone)

1-800-552-7724 (MD Relay)

410-333-7275 (fax)

1-888-246-5941 (toll free)

2020 Constant Yield Tax Rate Certification

Taxing authority: **Middletown
in Frederick County**

1	1-Jul-2019	Gross assessable real property base	\$	599,695,404
2	1-Jul-2019	Homestead Tax Credit	-	<u>1,253,496</u>
3	1-Jul-2019	Net assessable real property base		598,441,908
4	1-Jul-2019	Actual local tax rate (per \$100)	x	<u>0.2320</u>
5	1-Jul-2019	Potential revenue	\$	1,388,385
6	1-Jul-2020	Estimated assessable base	\$	616,117,000
7	1-Jan-2020	Half year new construction	-	8,345,880
8	1-Jul-2020	Estimated full year new construction*	-	0
9	1-Jul-2020	Estimated abatements and deletions**	-	<u>1,868,772</u>
10	1-Jul-2020	Net assessable real property base	\$	605,902,348

11	1-Jul-2019	Potential revenue	\$	1,388,385
12	1-Jul-2020	Net assessable real property base	+	605,902,348
13	1-Jul-2020	Constant yield tax rate	\$	<input type="text" value="0.2291"/>

EXEMPT

Certified by



Director

* Includes one-quarter year new construction where applicable.

**Actual + estimated as of July 1, 2020, including Homestead Tax Credit.



FREDERICK COUNTY GOVERNMENT

DIVISION OF PARKS & RECREATION

Jan H. Gardner
County Executive

Jeremy Kortright, Director

MEMORANDUM

TO: POS Project Coordinators

FROM: Bob Hicks, CPRP - Deputy Director

DATE: February 3, 2020

SUBJECT: Submission of FY2021 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 FY2021 (which begins July 1, 2020) 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 FY2021, 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 FY2021 then disregard this information.

The forms must be returned to the Frederick County Parks and Recreation offices by Friday, May 1, 2020. 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 FY2021 POS Budget has indicated that Frederick County will receive an allocation of \$1,522,000 of which 50% or \$761,000 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 FY2021 allocation towards acquisition projects, with the remainder available for development projects. Because of this the municipalities will need to dedicate at least \$380,500 towards an acquisition project(s) and \$380,500 for development projects.

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

(over)

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

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