



**VIRTUAL MEETING  
AGENDA FOR THE TOWN MEETING**

**May 24, 2021  
7:00 p.m.**

**PLEDGE TO THE FLAG**

**CALL TO ORDER**

**PUBLIC HEARING**

**Ordinance 21-04-01**

Amendment to Title 6 of the Town Code to allow Chicken within Town Limits with conditions.

**PERSONAL REQUESTS FOR AGENDA:**

**CONSENT AGENDA**

- **Financial Statements** <sup>1</sup>
- Town Meeting Minutes
  - **May 6, 2021 – Town Workshop** <sup>1</sup>
  - **May 10, 2021 – Town Meeting** <sup>1</sup>

**UNFINISHED BUSINESS:**

- **Comprehensive Plan – Chapter Review** <sup>24</sup>
- **AC Jets Annexation Discussion** <sup>6</sup>

**NEW BUSINESS:**

- **Draft Sewer Capacity Plan for 2020** <sup>2</sup>

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<sup>#</sup> Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *Public Hearing – FY2022 Operating Budgets – Thursday, June 3, 2021 at 7:00PM*

## **ADJOURNMENT**

### **Zoom Invitation Information:**

*Topic: Town Meeting - May 24th*

*Time: May 24, 2021 07:00 PM Eastern Time (US and Canada)*

#### **Join Zoom Meeting**

**<https://us02web.zoom.us/j/88344472122?pwd=Q2tlcDNsWDNLU0RFd0xaMDlWMGUxZz09>**

*Meeting ID: 883 4447 2122*

*Passcode: 021216*

*One tap mobile*

*+13017158592,,88344472122#,,,,\*021216# US (Washington DC)*

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*Dial by your location*

*+1 301 715 8592 US (Washington DC)*

*+1 312 626 6799 US (Chicago)*

*+1 929 205 6099 US (New York)*

*+1 253 215 8782 US (Tacoma)*

*+1 346 248 7799 US (Houston)*

*+1 669 900 6833 US (San Jose)*

*Meeting ID: 883 4447 2122*

*Passcode: 021216*

*Find your local number: <https://us02web.zoom.us/j/88344472122>*

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# Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND TITLE 6, CHAPTER 4, SECTION 6.04.040 OF THE MIDDLETOWN MUNICIPAL CODE TO ELIMINATE CHICKENS FROM THE PROHIBITION OF THE KEEPING OF FARM ANIMALS WITHIN THE CORPORATE LIMITS OF MIDDLETOWN AND TO ESTABLISH A NEW CODE SECTION TO ALLOW THE KEEPING OF BACK YARD CHICKENS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 6, Chapter 04.040 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

**Title 6 – ANIMALS**

6.04.040 - Keeping of farm animals.

A. Except as otherwise provided herein, it is unlawful for any person to keep and maintain within the corporate limits of Middletown any farm animal. For purposes of this section, "farm animal" shall be defined as any animal generally considered as livestock and typically raised, bred or maintained on a farm. "Farm animal" shall include, but not be limited to animals in the family Suidae (hogs, pigs, sow, swine), animals in the family Bovidae (cows, steer, bulls, heifers, buffalo, sheep, goats, cattle and other bovines), animals in the family Equidae (horses, ponies, donkeys), animals considered poultry, **EXCEPT CHICKENS** (~~{chickens}~~), ducks, geese, turkeys, and other fowl), llamas, alpacas, and, if being raised for commercial purposes, rabbits.

B. *{Unchanged}*

**AN ORDINANCE TO AMEND TITLE 6, CHAPTER 4, SECTION 6.04.040 OF THE MIDDLETOWN MUNICIPAL CODE TO ELIMINATE CHICKENS FROM THE PROHIBITION OF THE KEEPING OF FARM ANIMALS WITHIN THE CORPORATE LIMITS OF MIDDLETOWN.**

**SECTION II. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 6, Chapter 04 of the Middletown Municipal Code be, and hereby is amended to add a new section 06.04.041 as follows. New language is designated by being in **BOLD CAPITAL LETTERS**. as shown below by adding a new section defined as Title 6, Chapter 04. New language is designated by being in **BOLD CAPITAL LETTERS**.

**6.04.41 – BACK YARD CHICKENS.**

**A. DEFINITIONS**

- (A) **IN GENERAL. FOR THE PURPOSE OF THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.**
- (B) **BACK YARD. "BACK YARD" MEANS THAT PORTION OF A LOT, EXTENDING BETWEEN THE TWO SIDE LOT FINES, BETWEEN THE REAR LOT LINE AND A LINE DRAWN PARALLEL THERETO AT THE POINT WHERE THE BACK FACADE OF THE DWELLING UNIT IS CLOSEST TO THE REAR LOT LINE.**
- (C) **CHICKEN RUN. "CHICKEN RUN" MEANS AN ENCLOSED OUTSIDE YARD FOR KEEPING CHICKENS.**
- (D) **COOP. "COOP" MEANS A STRUCTURE FOR HOUSING CHICKENS MADE OF WOOD OR OTHER SIMILAR MATERIALS THAT PROVIDES SHELTER FROM THE ELEMENTS.**
- (E) **TOWN. "TOWN" MEANS THE TOWN ADMINISTRATOR OR OFFICE THAT OVERSEES THE ENFORCEMENT OF THE MIDDLETOWN MUNICIPAL CODE.**

- (F) **OWN.** "OWN" MEANS TO KEEP, HARBOR, OR HAVE CONTROL, CHARGE OR CUSTODY OF AN ANIMAL, OR PERMIT TO BE KEPT, HARBORED OR FED UPON OR WITHIN PREMISES OWNED, LEASED, RENTED OR OCCUPIED BY A PERSON AND DOES NOT REQUIRE ACTUAL LEGAL TITLE OR CLAIM TO THE ANIMAL.
- (G) **OWNER.** "OWNER" MEANS ANY PERSON KEEPING, HARBORING, OR HAVING CHARGE OR CONTROL OF, OR PERMITTING ANY ANIMAL TO HABITUALLY BE OR REMAIN ON OR BE LODGED OR FED WITHIN BUILDINGS OR LAND OWNED, LEASED, USED OR OCCUPIED BY SUCH PERSON, IRRESPECTIVE OF WHETHER SUCH PERSON HAS LEGAL TITLE OR CLAIM TO THE ANIMAL. "OWNER" DOES NOT INCLUDE VETERINARIANS, KENNEL OPERATORS, OR LIKE PERSONS TEMPORARILY KEEPING ON THEIR PREMISES ANIMALS OWNED BY OTHERS.
- (H) **PREMISES.** "PREMISES" MEANS THE PROPERTY ON WHICH CHICKENS ARE PERMITTED TO BE OWNED UNDER THIS TITLE.

**GENERALLY.**

- (A) **PURPOSE.** IT IS HEREBY FOUND AND DECLARED THAT THE KEEPING OF CHICKENS IN THE TOWN SUPPORTS A LOCAL, SUSTAINABLE FOOD SYSTEM AS WELL AS PEST CONTROL AND ANIMAL COMPANIONSHIP AND PLEASURE. THIS TITLE IS INTENDED TO ALLOW THE KEEPING AND MAINTENANCE OF CHICKENS IN A CLEAN AND SANITARY MANNER THAT IS NOT A NUISANCE OR DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE TOWN.
- (B) **OTHER LAWS.** NOTHING IN THIS TITLE SHALL BE CONSTRUED TO ELIMINATE THE NEED FOR COMPLIANCE WITH ANY OTHER APPLICABLE LAW OR REGULATION, INCLUDING BUT NOT LIMITED TO THOSE RELATING TO BUILDING, ZONING, PROPERTY MAINTENANCE, AGRICULTURE, OR HEALTH.
- (C) **REGISTRATION.** CHICKENS OWNED UNDER THIS TITLE MUST BE REGISTERED WITH THE STATE DEPARTMENT OF AGRICULTURE, DOMESTIC POULTRY AND EXOTIC BIRD REGISTRATION DIVISION, PURSUANT TO THE ANNOTATED CODE OF MARYLAND, AGRICULTURE ARTICLE, § 3-80.
- (D) **PRIVATE COVENANTS.** THIS TITLE SHALL NOT BE CONSTRUED TO SUPERSEDE OR ALLOW THE VIOLATION OF ANY HOMEOWNERS' ASSOCIATION REGULATIONS, DEED RESTRICTIONS, OR OTHER PRIVATE COVENANTS.
- (E) **VESTED RIGHTS.** THIS TITLE CREATES ANY VESTED RIGHTS IN ANY INDIVIDUAL TO OWN OR RAISE CHICKENS.

**LOCATION.**

- (A) **SUBJECT TO THE PROVISIONS OF THIS ARTICLE, IN ANY ZONING DISTRICT, A PERSON MAY OWN LIVE CHICKENS IN THE BACK YARD OF A RESIDENTIAL LOT CONTAINING:**
- (1) **A SINGLE FAMILY DETACHED DWELLING UNIT; OR**
  - (2) **A DUPLEX. FOR PURPOSES OF THIS SECTION, "DUPLEX" MEANS A DWELLING UNIT THAT IS ATTACHED TO ANOTHER DWELLING UNIT BUT SEPARATED BY A VERTICAL PARTY WALL, WHERE EACH DWELLING UNIT IS LOCATED ON ITS OWN LOT AND BOTH DWELLING UNITS ARE SEPARATED FROM ANY OTHER STRUCTURE BY YARDS OR OTHER GREEN AREAS ON ALL SIDES.**
- (B) **THE LOT MUST HAVE AN AREA OF AT LEAST 2,500 SQUARE FEET.**

**NUMBER AND TYPE OF CHICKENS.**

**A PERSON MAY OWN NO MORE THAN ONE CHICKEN PER EVERY FIVE HUNDRED**

**(500) SQUARE FEET OF BACK YARD AREA, AND A MAXIMUM OF EIGHT (8) CHICKENS ON ONE LOT. ONLY FEMALE CHICKENS ARE PERMITTED; ROOSTERS ARE PROHIBITED.**

**PREMISES REQUIREMENTS.**

**(A) ENCLOSURE.**

- (1) CHICKENS MUST BE CONFINED TO THE BACK YARD OF THE PREMISES AT ALL TIMES.**
- (2) IF THE BACK YARD OR PORTION OF THE BACK YARD WHERE THE CHICKENS ARE KEPT IS NOT ENCLOSED BY A FENCE AT LEAST FOUR (4) FEET HIGH, THE CHICKENS MUST BE CONFINED TO A CHICKEN RUN AT ALL TIMES. THE CHICKEN RUN MUST BE EITHER COVERED OR AT LEAST FOUR (4) FEET HIGH.**
- (3) IF THE BACK YARD OR PORTION OF THE BACK YARD WHERE THE CHICKENS ARE KEPT IS ENCLOSED BY A FENCE AT LEAST FOUR (4) FEET HIGH, THE CHICKENS MAY BE PROVIDED WITH A CHICKEN RUN BUT ARE NOT REQUIRED TO BE CONFINED TO THE RUN.**

**(B) COOP.**

- (1) IN ADDITION TO THE ENCLOSURE DESCRIBED IN SUBSECTION (A) OF THIS SECTION, CHICKENS MUST BE PROVIDED WITH A COVERED, PREDATOR-RESISTANT COOP.**
- (2) A COOP MUST BE LOCATED IN A BACK YARD AND AT LEAST TEN (10) FEET FROM ANY LOT LINE.**
- (3) A COOP MUST BE:**
  - (A) AT LEAST FOUR (4) SQUARE FEET, BUT NO MORE THAN TEN (1) SQUARE FEET, PER CHICKEN IN AREA; AND**
  - (B) NO MORE THAN EIGHT (8) FEET IN HEIGHT.**
- (4) A COOP MUST BE PROPERLY VENTILATED, PROVIDE ADEQUATE SHADE FROM THE SUN AND THE ELEMENTS, AND CONSTRUCTED IN A MANNER TO RESIST PREDATORS, INCLUDING DOGS AND CATS.**
- (5) OWNER SHALL ENSURE THAT CHICKENS ARE SECURED WITHIN THE COOP DURING NON-DAYLIGHT HOURS.**

**(C) CONDITION. OWNER SHALL MAINTAIN A CHICKEN RUN AND COOP IN A NEAT, CLEAN, ODOR-FREE, AND SANITARY CONDITION AT ALL TIMES, IN A MANNER THAT WILL NOT DISTURB THE USE OR ENJOYMENT OF NEIGHBORING LOTS DUE TO NOISE, ODOR OR OTHER ADVERSE IMPACT.**

**(D) WASTE STORAGE AND REMOVAL. THE OWNER SHALL ENSURE THAT THE PROPERTY IS KEPT FREE FROM EXCESSIVE ACCUMULATED DROPPINGS AND SHALL PROVIDE FOR THE STORAGE AND REMOVAL OF CHICKEN MANURE. ALL MANURE FOR COMPOSTING OR FERTILIZING MUST BE CONTAINED IN A WELL-AERATED GARDEN COMPOST PILE. ALL OTHER MANURE NOT USED FOR COMPOSTING OR FERTILIZING MUST BE REMOVED.**

**CARE AND FEEDING OF CHICKENS.**

- (A) GENERALLY. OWNER SHALL KEEP THE CHICKENS IN A HUMANE MANNER AT ALL TIMES.**
- (B) WINGS. ALL CHICKENS MUST BE WING-CLIPPED PERIODICALLY TO PREVENT ESCAPE.**
- (C) FOOD AND WATER. OWNER SHALL ENSURE THAT THE CHICKENS HAVE ACCESS TO ADEQUATE AMOUNTS OF CLEAN FOOD AND CLEAN WATER AT ALL TIMES. ALL GRAIN AND FOOD STORED FOR THE USE OF THE**

**CHICKENS SHALL BE KEPT IN A RODENT PROOF CONTAINER.**

- (D) DEATH OF A CHICKEN. IF A CHICKEN DIES, IT MUST BE BURIED OR OTHERWISE DISPOSED OF PROMPTLY AND IN SANITARY MANNER.**

**PROHIBITED ACTS.**

- (A) CHICKENS LIVING INSIDE. AN INDIVIDUAL MAY NOT OWN A LIVE CHICKEN INSIDE A DWELLING UNIT OR OTHER STRUCTURE EXCEPT FOR THE COOP REQUIRED BY THE PREMISE REQUIREMENTS OF THIS TITLE.**
- (B) CHICKENS RUNNING AT LARGE. OWNER MAY NOT DELIBERATELY OR NEGLIGENTLY ALLOW CHICKENS TO ESCAPE OUTSIDE THE BACK YARD OF THE PREMISES.**
- (C) COMMERCIAL USE PROHIBITED. OWNER MAY OWN CHICKENS FOR PERSONAL USE ONLY. AN INDIVIDUAL MAY NOT SELL EGGS OR ENGAGE IN CHICKEN BREEDING, MEAT PRODUCTION, OR FERTILIZER PRODUCTION FOR COMMERCIAL PURPOSES.**
- (D) SLAUGHTER. OWNER MAY NOT SLAUGHTER CHICKENS ON THE PREMISES OR ON ANY OTHER RESIDENTIAL PROPERTY. THIS PROHIBITION DOES NOT PRECLUDE AN OWNER FROM HAVING CHICKENS SLAUGHTERED AT A FACILITY PROPERLY ZONED AND PERMITTED FOR SUCH USE.**
- (E) TRAINING. OWNER MAY NOT USE OR TRAIN CHICKENS FOR THE PURPOSE OF FIGHTING FOR AMUSEMENT OR SPORT.**

**ENFORCEMENT.**

- (A) MUNICIPAL INFRACTION. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, VIOLATION OF ANY PROVISION OF THIS ARTICLE IS A MUNICIPAL INFRACTION PUNISHABLE BY A FINE OF FIFTY DOLLARS (\$50.00). FOR VIOLATIONS OF A CONTINUING NATURE, EACH DAY A VIOLATION CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE.**
- (B) INSPECTIONS. THE TOWN MAY, AT ALL REASONABLE TIMES AND IN A REASONABLE MANNER, ENTER UPON AND INSPECT THE PREMISES TO DETERMINE WHETHER THE OWNER IS IN COMPLIANCE WITH THIS TITLE.**
- (C) SUSPENSION OF RIGHTS TO OWN CHICKENS WITHIN TOWN LIMITS.**
- (1) THE TOWN MAY SUSPEND THE KEEPING OF CHICKENS ISSUED UNDER THIS TITLE FOR A PERIOD OF UP TO THIRTY (30) DAYS, OR A LONGER PERIOD IF NECESSARY TO CARRY OUT THE INTENT OF THIS ARTICLE, IF THE TOWN FINDS:**
- A. THERE IS A RISK TO PUBLIC HEALTH OR SAFETY; OR**
- B. THE OWNER HAS VIOLATED ANY OF THE PROVISIONS OF THIS CHAPTER.**
- (2) UPON SUSPENSION, THE TOWN SHALL PROVIDE WRITTEN NOTICE TO THE OWNER SETTING FORTH THE GROUNDS FOR THE SUSPENSION, THE EFFECTIVE DATE OF THE SUSPENSION, AND THE LENGTH OF THE SUSPENSION.**
- (3) THE TOWN MAY REINSTATE AN OWNER WHEN THE TOWN IS SATISFIED THAT THE GROUNDS FOR THE SUSPENSION HAVE BEEN REMEDIED.**
- (D) REVOCATION OF RIGHT TO OWN CHICKENS WITHIN TOWN LIMITS.**
- (1) THE TOWN MAY REVOKE AN OWNER UNDER THIS TITLE IF THE TOWN FINDS:**
- A. THE OWNER HAS VIOLATED ANY OF THE PROVISIONS OF THIS CHAPTER, AND THE OWNER HAS BEEN SUSPENDED WITHIN THE PREVIOUS TWELVE (12) MONTHS UNDER SUBSECTION (C) OF THIS SECTION.**

**B. UPON SUSPENSION, THE TOWN SHALL PROVIDE WRITTEN NOTICE TO THE OWNER SETTING FORTH THE GROUNDS FOR THE REVOCATION AND EFFECTIVE DATE OF THE REVOCATION.**

**C. AN OWNER SHALL NOT BE ALLOWED TO OWN CHICKENS FOR A PERIOD OF ONE YEAR AFTER REVOCATION.**

**(E) REMOVAL OF CHICKENS.**

**(1) THE TOWN MAY IMPOUND OR REMOVE, OR CAUSE TO BE IMPOUNDED OR REMOVED, ANY CHICKENS FOR THE OWNER'S VIOLATION OF THIS TITLE. THE OWNER OF THE CHICKENS IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE IMPOUNDMENT OR REMOVAL UNDER SECTION 6.04.030.**

**(2) WITHIN TEN (10) DAYS AFTER RECEIPT OF A NOTICE OF THE SUSPENSION OR REVOCATION UNDER THIS TITLE, THE OWNER HOLDER SHALL REMOVE ALL CHICKENS FROM THE PREMISES.**

**(F) NOTICES. ANY WRITTEN NOTICE REQUIRED BY THIS TITLE IS DEEMED PROPERLY SERVED IF IT IS DELIVERED PERSONALLY TO THE INDIVIDUAL TO BE SERVED OR IS SENT BY FIRST CLASS MAIL TO THE PERSONS LAST KNOWN MATTING ADDRESS. NOTICE IS DEEMED RECEIVED WHEN IT IS PERSONALLY DELIVERED OR ON THE THIRD BUSINESS DAY AFTER IT IS MAILED.**

**(G) REMEDIES NOT EXCLUSIVE. IN ADDITION TO THE REMEDIES SET FORTH IN THIS SECTION, THE TOWN MAY SEEK ANY OTHER REMEDIES AVAILABLE TO IT AT LAW OR IN EQUITY.**

**(1) THE TOWN MAY IMPOUND OR REMOVE, OR CAUSE TO BE IMPOUNDED OR REMOVED, ANY CHICKENS FOR THE OWNER'S VIOLATION OF THIS TITLE. THE OWNER OF THE CHICKENS IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE IMPOUNDMENT OR REMOVAL UNDER SECTION 6.04.030.**

**(2) WITHIN TEN (10) DAYS AFTER RECEIPT OF A NOTICE OF THE SUSPENSION OR REVOCATION UNDER THIS TITLE, THE OWNER HOLDER SHAL REMOVE ALL CHICKENS FROM THE PREMISES.**

**(D) NOTICES. ANY WRITTEN NOTICE REQUIRED BY THIS TITLE IS DEEMED PROPERLY SERVED IF IT IS DELIVERED PERSONALLY TO THE INDIVIDUAL TO BE SERVED OR IS SENT BY FIRST CLASS MAN TO THE PERSON'S LAST KNOWN MATTING ADDRESS. NOTICE IS DEEMED RECEIVED WHEN IT IS PERSONALLY DELIVERED OR ON THE THIRD BUSINESS DAY AFTER IT IS MAILED.**

**(E) REMEDIES NOT EXCLUSIVE. IN ADDITION TO THE REMEDIES SET FORTH IN THIS SECTION, THE TOWN MAY SEEK ANY OTHER REMEDIES AVAILABLE TO IT AT LAW OR IN EQUITY.**

**SECTION III. 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 \_\_\_\_\_, 2021  
PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
EFFECTIVE DATE: \_\_\_\_\_, 2021**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

BY: \_\_\_\_\_  
John D. Miller, Burgess

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2021  
 For the 10 Months Ended April 30, 2021

	<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	\$ 1,370,390	\$ 1,388,627	\$ 18,237
Tangible Personal Property	51,168	37,159	(14,009)
Franchise (Cable)	53,479	37,721	(15,758)
Penalties & Interest	<u>11,516</u>	<u>10,498</u>	<u>(1,018)</u>
	\$ 1,486,553	\$ 1,474,005	\$ (12,548)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 6,250	\$ 24,286	\$ 18,036
Highway Gasoline & Licenses	<u>208,278</u>	<u>128,351</u>	<u>(79,927)</u>
	\$ 214,528	\$ 152,637	\$ (61,891)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 916,367	\$ 732,334	\$ (184,033)
Tax Equity Grant	<u>657,252</u>	<u>657,252</u>	<u>0</u>
	\$ 1,573,619	\$ 1,389,586	\$ (184,033)
<b><u>LICENSES AND PERMITS</u></b>			
Business / Traders	\$ 4,900	\$ 132	\$ (4,768)
Planning / Zoning Fees	<u>10,200</u>	<u>40,422</u>	<u>30,222</u>
	\$ 15,100	\$ 40,554	\$ 25,454
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees		<u>\$ 1,565</u>	<u>\$ 1,565</u>
		\$ 1,565	\$ 1,565
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 20,200</u>	<u>\$ 10,229</u>	<u>\$ (9,971)</u>
	\$ 20,200	\$ 10,229	\$ (9,971)
<b><u>MISCELLANEOUS</u></b>			
Bank Shares Grant	\$ 8,137	\$ 1,491	\$ (6,646)
FredCo Reccling Reimbursement			
Farm Land Lease	7,266	4,997	(2,269)
Miscellaneous & Donations	<u>0</u>	<u>12,807</u>	<u>12,807</u>
	\$ 15,403	\$ 19,295	\$ 3,892
<b>OPERATING REVENUES</b>	<b>\$ 3,325,403</b>	<b>\$ 3,087,871</b>	<b>\$ (237,532)</b>
State Grants & Interest	\$ 64,382	\$ 134	\$ (64,248)
<b>TOTAL REVENUE</b>	<b>\$ 3,389,785</b>	<b>\$ 3,088,005</b>	<b>\$ (301,780)</b>



Town of Middletown  
Statement of Revenue & Expenditures  
General Fund  
Fiscal Year 2021  
For the 10 Months Ended April 30, 2021

	<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	3,120	2,570	(550)
Dues & Subscriptions	7,200	6,913	(287)
Office Supplies & Exp	5,951	66	(5,885)
Advertising	1,035	767	(268)
Meetings & Conventions	7,277	3,625	(3,652)
	<u>\$ 45,583</u>	<u>\$ 27,591</u>	<u>\$ (17,992)</u>
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 7,650</u>	<u>\$ (2,550)</u>
	\$ 10,200	\$ 7,650	\$ (2,550)
<b><u>ELECTION</u></b>			
Clerk Fees		\$ 480	\$ 480
Other Administrative Expenses		<u>1,295</u>	<u>1,295</u>
		\$ 1,775	\$ 1,775
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 285,536	\$ 262,186	\$ (23,350)
Postage & Printing	200	226	26
Communications	7,320	6,272	(1,048)
Computer Expenses	30,200	27,721	(2,479)
Office Supplies & Exp	33,500	25,370	(8,130)
Office Maintenance	26,000	23,777	(2,223)
Dues & Subscriptions	150	509	359
Professional Services	3,489	6,930	3,441
Meetings & Conventions	1,500	904	(596)
Water and Sewer Grant			
	<u>\$ 387,895</u>	<u>\$ 353,895</u>	<u>\$ (34,000)</u>
<b><u>OPERATIONS</u></b>			
Operations Salary	\$ 286,570	\$ 304,296	\$ 17,726
Communications	11,530	13,285	1,755
Supplies & Expenses	19,600	19,406	(194)
Dues & Meetings	929	296	(633)
Maintenance & Repairs	30,944	22,269	(8,675)
Tools & Equipment	4,356	911	(3,445)
	<u>\$ 353,929</u>	<u>\$ 360,463</u>	<u>\$ 6,534</u>
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 17,500	\$ 10,900	\$ (6,600)

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2021  
 For the 10 Months Ended April 30, 2021

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development		\$ 1,180	\$ 1,180
Legal - Ordinances	<u>8,391</u>	<u>1,540</u>	<u>(6,851)</u>
	\$ 25,891	\$ 13,620	\$ (12,271)
 <b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 69,185	\$ 59,570	\$ (9,615)
Other Expenses	<u>2,605</u>	<u>6,819</u>	<u>4,214</u>
	\$ 71,790	\$ 66,389	\$ (5,401)
 <b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 50,995	\$ 43,284	\$ (7,711)
Town Contribution	10,000	10,275	275
Main Street Capital Purchases	<u>        </u>	<u>        </u>	<u>        </u>
	\$ 60,995	\$ 53,559	\$ (7,436)
 <b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	25,664	3,693	(21,971)
Community Deputy Program	<u>400,794</u>	<u>285,293</u>	<u>(115,501)</u>
	\$ 446,458	\$ 308,986	\$ (137,472)
 <b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 295,960	\$ 233,967	\$ (61,993)
 <b><u>RECREATION AND CULTURE</u></b>			
Park Salary	28,253	36,795	8,542
Maintenance & Repairs	40,900	25,865	(15,035)
Mowing	38,154	31,007	(7,147)
Park Electric	<u>16,359</u>	<u>12,602</u>	<u>(3,757)</u>
	\$ 123,666	\$ 106,269	\$ (17,397)

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2021  
 For the 10 Months Ended April 30, 2021

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 117,086	\$ 52,387	\$ (64,699)
Street Lighting	191,966	150,789	(41,177)
Storm Water Management	24,257	6,014	(18,243)
Snow Removal	108,300	106,043	(2,257)
Repairs & Resurfacing	77,073	3,290	(73,783)
Signs	9,000	6,412	(2,588)
Truck Repair & Operation	35,600	34,324	(1,276)
Equipment Repairs & Ops	13,225	5,297	(7,928)
Mowing	36,766	29,783	(6,983)
Interest	75,543	39,906	(35,637)
West Green St - Principal	<u>120,500</u>	<u>65,960</u>	<u>(54,540)</u>
	\$ 809,316	\$ 500,205	\$ (309,111)
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	1,822	113	(1,709)
Community Events	48,656	750	(47,906)
Memorial Trees and Benches		8,197	8,197
Payroll Taxes	69,747	56,457	(13,290)
Insurance - Property	14,616	18,488	3,872
Insurance - Employee	183,408	148,328	(35,080)
Retirement/Pension	80,080	89,326	9,246
Web Page & Directory	3,735	2,287	(1,448)
Real Estate Taxes	1,680	1,979	299
Other	<u>4,000</u>	<u>1,769</u>	<u>(2,231)</u>
	\$ 412,844	\$ 332,694	\$ (80,150)
<b>TOTAL EXPENDITURES</b>	<b>\$ 3,044,527</b>	<b>\$ 2,367,063</b>	<b>\$ (677,464)</b>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	<b>\$ 345,258</b>	<b>\$ 720,942</b>	<b>\$ 375,684</b>
<b>CASH RESERVES</b>	<b>\$ 881,203</b>	<b>\$ 466,203</b>	<b>\$ (415,000)</b>
<b>SURPLUS / (DEFICIT)</b>	<b><u>\$ 1,226,461</u></b>	<b><u>\$ 1,187,145</u></b>	<b><u>\$ (39,316)</u></b>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2021  
 For the 10 Months Ended April 30, 2021

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>OPERATING REVENUE</b>			
Revenue	\$ 3,325,406	\$ 3,088,005	\$ (237,401)
<b>OPERATING EXPENSES</b>			
Expenses	3,044,524	2,367,063	(677,461)
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 280,882</b>	<b>\$ 720,942</b>	<b>\$ 440,060</b>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 47,885		\$ (47,885)
Loan for Boad Street	620,000		(620,000)
RETAINED EARNINGS	442,233		(442,233)
Interest	2,606	134	(2,472)
Improvement Fees	7,000		(7,000)
<b>TOTAL OTHER FUNDS</b>	<b>\$ 1,119,724</b>	<b>\$ 134</b>	<b>\$ (1,119,590)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 1,400,606</b>	<b>\$ 721,076</b>	<b>\$ (679,530)</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
Broad Street Reconstruction	\$ 626,634	\$ 15,411	\$ (611,223)
Linden Boulevard Culvert Replace	35,000		(35,000)
Washington Streetscape	25,000	28,918	3,918
Wiles Branch Culvert Replacement	50,000	13,810	(36,190)
SWM Fence Coblantz/Lands of Lanc	12,000	483	(11,517)
Boileau Court - TCS	224,326	153,051	(71,275)
Martha Mason Drive - TCS	12,600		(12,600)
Schoolhouse Drive - TCS	30,000		(30,000)
Franklin Traffic Signal Conversi	15,000		(15,000)
LED Pedestrian Signs	24,000		(24,000)
Remsberg Park Waterline Extensio	170,000	5,725	(164,275)
Remsberg Park - Bleachers	15,000	4,825	(10,175)
Wiles Branch Pickle Ball Courts	28,350		(28,350)
Municipal Center - HVAC Replacem	52,000		(52,000)
Maintenance Facility at EWWTP	106,000	23,900	(82,100)
IT Computer Equipment Lease	37,000	40,919	3,919
Virtual Meeting Software and Vid	10,250		(10,250)
Truck/Equipment Replacements	99,075		(99,075)
	<b>\$ 1,572,235</b>	<b>\$ 287,042</b>	<b>\$ (1,285,193)</b>
<b>OPERATING &amp; CIP SURPLUS (DEFICIT)</b>	<b>\$ (171,629)</b>	<b>\$ 434,034</b>	<b>\$ 605,663</b>
Cash Reserves	\$ 1,042,225	\$ 262,539	\$ (779,686)
<b>TOTAL CASH SURPLUS</b>	<b>\$ 870,596</b>	<b>\$ 696,573</b>	<b>\$ (174,023)</b>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2021**  
For the 10 Months Ended April 30, 2021

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>REVENUE</b>			
Water Revenue	\$ 614,272	\$ 516,337	\$ (97,935)
Sewer Revenue	614,892	497,450	(117,442)
Penalties/Reconnects			
Rain Barrel Sales			
Interest and Misc Income		412	412
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,229,164</b>	<b>\$ 1,014,199</b>	<b>\$ (214,965)</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATIVE</b>			
Office Salaries	\$ 40,517	\$ 29,261	\$ (11,256)
Communications	13,386	7,553	(5,833)
Computer Software and Support		5,495	5,495
Postage	7,863	6,000	(1,863)
Office Supplies/Expense	15,160	1,829	(13,331)
Legal - Other	6,450		(6,450)
Meetings & Seminars	3,500	125	(3,375)
Advertising	500		(500)
Uniforms	4,573	2,104	(2,469)
Dues/Subscrip/Certifications	500	330	(170)
Travel	200		(200)
Payroll Taxes	24,526	21,194	(3,332)
Insurance - Prop. & Liability	8,552	15,592	7,040
Insurance - Workers Comp	7,771	7,444	(327)
Insurance - Health	32,982	43,687	10,705
Retirement/Pension	12,811	14,176	1,365
Real Estate Taxes	292		(292)
Rain Barrel/Educational Programs			
I & I Loan Principal and Interest	32,904	32,498	(406)
Sub-Total	\$ 199,101	\$ 179,735	\$ (19,366)
<b>Vehicles &amp; Equipment</b>			
2016 Truck (Pearl)	\$ 2,900		\$ (2,900)
2008 Truck (Hightman)	5,400	2,042	(3,358)
2012 Truck (Miller)	3,300	387	(2,913)
2013 Truck (Walt)	5,400	1,888	(3,512)
2015 Meter Van		533	533
Misc Equipment		3,782	3,782
Bobcat Mini-Excavator		254	254
Case Backhoe	3,000		(3,000)
Sub-Total	\$ 20,000	\$ 8,886	\$ (11,114)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2021**  
For the 10 Months Ended April 30, 2021

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>WATER</b>			
Salaries	\$ 143,953	\$ 129,467	\$ (14,486)
<b>Water Distribution System</b>			
Supplies	3,000	7,650	4,650
Repairs & Maintenance	33,400	18,837	(14,563)
Water Line Break Repairs	1,644	2,842	1,198
Chemicals	839	142	(697)
Tools & Equipment	2,050		(2,050)
Sub-Total	\$ 40,933	\$ 29,471	\$ (11,462)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Supplies	\$ 3,397	\$ 4,454	\$ 1,057
Repairs & Maintenance	16,100	13,836	(2,264)
Chemicals	24,163	19,331	(4,832)
Tank Maintenance Contract	35,814	35,639	(175)
Tools & Equipment	798	3,145	2,347
Testing & Analysis	5,738	5,764	26
Sub-Total	\$ 86,010	\$ 82,169	\$ (3,841)
<b>Water Electric</b>	<b>\$ 45,615</b>	<b>\$ 45,553</b>	<b>\$ (62)</b>
<b>TOTAL WATER EXPENSES</b>	<b>\$ 316,511</b>	<b>\$ 286,660</b>	<b>\$ (29,851)</b>
<b>SEWER</b>			
Salaries	\$ 110,564	\$ 121,749	\$ 11,185
<b>Sewer Collection System</b>			
Cone Branch PS	18,155	8,201	(9,954)
Brookridge South PS	3,500	2,758	(742)
Foxfield PS	5,462	1,102	(4,360)
Sanitary Sewerlines & Manholes	24,500	12,929	(11,571)
I & I Accrual	75,000	62,500	(12,500)
Sub-Total	\$ 126,617	\$ 87,490	\$ (39,127)

Town of Middletown  
 STATEMENT OF REVENUE and EXPENDITURES  
 WATER & SEWER  
 Fiscal Year 2021  
For the 10 Months Ended April 30, 2021

	<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	\$ 6,588	\$ 16,897	\$ 10,309
Repairs & Maintenance	24,500	6,694	(17,806)
Chemicals	45,291	42,431	(2,860)
Tools & Equipment	3,309	614	(2,695)
Testing & Analysis	28,750	23,201	(5,549)
Sludge Hauling Expense	<u>63,846</u>	<u>27,287</u>	<u>(36,559)</u>
Sub-Total	\$ 172,284	\$ 117,124	\$ (55,160)
<b>West Wastewater Treatment Plant</b>			
Supplies	\$ 1,656	\$ 1,005	\$ (651)
Repairs & Maintenance	4,000	509	(3,491)
Chemicals	45,291	32,142	(13,149)
Tools & Equipment	1,149		(1,149)
Testing & Analysis	9,640	6,780	(2,860)
Sludge Hauling Expense	<u>17,250</u>	<u>14,375</u>	<u>(2,875)</u>
Sub-Total	\$ 78,986	\$ 54,811	\$ (24,175)
<b>Sewer Electric</b>	<b>\$ 98,896</b>	<b>\$ 56,290</b>	<b>\$ (42,606)</b>
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 587,347</b>	<b>\$ 437,464</b>	<b>\$ (149,883)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,122,959</b>	<b>\$ 912,745</b>	<b>\$ (210,214)</b>
<b>CONTINGENCY FUND - 2.2%</b>	<b>\$ 24,712</b>	<b>\$ 20,080</b>	<b>\$ (4,625)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,147,671</b>	<b>\$ 932,825</b>	<b>\$ (214,839)</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 81,493</b>	<b>\$ 81,374</b>	<b>\$ (126)</b>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2021**  
**For the 10 Months Ended April 30, 2021**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,229,164	\$ 1,014,199	\$ (214,965)
Operating Expenses	<u>1,199,795</u>	<u>912,745</u>	<u>(287,050)</u>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 29,369</b>	<b>\$ 101,454</b>	<b>\$ 72,085</b>
Cash Reserves	\$ 510,104	\$ 460,797	\$ (49,307)
Capital Improvement Fees	345,000	250,300	(94,700)
Capital Improvement Reserve Accou	575,000		(575,000)
Tap Fees	18,000		(18,000)
Water Tower & Land Leases	202,517	140,900	(61,617)
Reservoir Tank Loan	<u>2,058,605</u>	<u>1,683,340</u>	<u>(375,265)</u>
<b>TOTAL OTHER REVENUE</b>	<b>\$ 3,709,226</b>	<b>\$ 2,535,337</b>	<b>\$ (1,173,889)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>3,738,595</b>	<b>2,636,791</b>	<b>(1,101,804)</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
Reservoir Loan	\$ 23,564		\$ (23,564)
Main Street Waterline	<u>134,076</u>	<u>104,500</u>	<u>(29,576)</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ 157,640</b>	<b>\$ 104,500</b>	<b>\$ (53,140)</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
Reservoir Improvements	\$ 3,200,905	\$ 1,914,353	\$ (1,286,552)
BS - Upgrade; Pumps; VFDs, Piping	200,000	2,151	(197,849)
PRV Vault Pipe Painting and Clean	9,000		(9,000)
EWWTB Bar Screen	70,000		(70,000)
EWWTB Filter Tank	58,000	52,183	(5,817)
Emergency Lombardy Sewer System R		6,810	6,810
Water Meter Replacements	10,070	26,447	16,377
Inhance Billing Software Upgrade		<u>10,569</u>	<u>10,569</u>
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 3,479,905</b>	<b>\$ 1,933,883</b>	<b>\$ (1,546,022)</b>
<b>TOTAL FUNDS REMAINING</b>	<b><u>\$ 101,050</u></b>	<b><u>\$ 598,408</u></b>	<b><u>\$ 497,358</u></b>



**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**VIRTUAL TOWN WORKSHOP MEETING MINUTES**

**WORKSHOP MEETING**

**May 6, 2021**

The virtual workshop meeting of the Burgess and Commissioners of Middletown was called to order on May 6, 2021, by Burgess Miller at 6:30 p.m. Present via Zoom were: Commissioners Kevin Stottlemyer, Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, and Rick Dietrick.

**BUDGET WORKSHOP:**

**FY2022 General Fund Operating Budget** – The proposed FY2022 budget was reviewed. This budget reflects no tax increase. The Board discussed creating a new line item in the budget for Sustainability as this initiative has developed into more than just the Green Expo each year.

**FY2022 – FY2026 General Fund – Capital Improvements Program** – The proposed FY2022 budget was reviewed. It was proposed that the Town could combine those identified Tar Chip and Seal (TSO) street reconstruction projects proposed for the next 3 years into one Mill and Overlay (M&O) (based on previous estimates) into FY22 and use monies from the America Recovery Act to fund it. This takes into consideration the increasing petroleum costs and by grouping the projects the Town could get better prices on materials.

Town Board members were reminded that they will need to decide on all budgets so that these budgets can be advertised prior to the public hearing.

The budget workshop ended at 7:03P.M.

**PERSONAL REQUESTS FOR AGENDA:**

**STAFF REPORTS:**

**Deputy Report** – A Deputy report was provided to the Burgess and Commissioners prior to the meeting.

**Staff Planner Report** – Cindy reviewed her report.

**Engineer's Report** – Bruce reviewed his report.

**Main Street Manager Report** – Becky reviewed her report.

**Zoning Administrator's Report** – Mark reviewed his report.

**CONSENT AGENDA:**

- **Financial Statements**
- **Town Meeting Minutes**
  - *April 1, 2021 – Town Workshop*
  - *April 12, 2021 – Town Meeting*
  - *April 26, 2021 – Town Meeting*

**UNFINISHED BUSINESS:**

**Comprehensive Plan – Chapter Review** – The draft updated growth boundary map was reviewed this evening. Town Board members liked this draft of the map. Once formally agreed upon town staff can compute water resource element figures needed for the Comp Plan.

**AC Jets Annexation Discussion** – The property owner is modifying their petition to request specific zoning areas with their property to bring it in line with Town zoning and the Comp Plan. The Town Board reviewed the long history of water rights and how MDE calculates water appropriation within growth areas.

**Appointment of Temporary Alternate to the Planning Commission** – Burgess Miller stated that he has spoken with Robert Wilkes concerning the Planning Commission Temporary Alternate position. Burgess Miller will be making a recommendation at the Monday, May 10<sup>th</sup> Town Board Meeting.

**NEW BUSINESS:**

**Draft Water Capacity Plans for 2020** – The draft water capacity plans were reviewed. These plans are being forwarded to the Water & Sewer Standing Committee for review and comment.

**Schedule Public Hearing for Operating Budgets** – The public hearing is scheduled for the June 3, 2021 Town Board Workshop with a vote on the budgets to occur at the June 7, 2021 Town Board Meeting.

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Public Hearing on Text Amendment to Allow Chickens in Town – Monday 24, 2021 at 7:00PM.*

Workshop adjourned at 8:41PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## VIRTUAL TOWN BOARD MEETING MINUTES

### TOWN MEETING

May 10, 2021

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on May 10, 2021, by Burgess Miller at 6:30 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

### BUDGET WORKSHOP

**FY2022 General Fund Operating Budget** – The Burgess and Commissioners heard the community groups requests for their respective FY22 budgets. There will be a new line item added to the General Fund Operating Budget for Sustainability. Sustainability will be removed from the community events line item. With that change the community groups requests totaled \$28,605.00. Discussion concerning the purchase of town cobra heads and their changeover to LED will be revisited in September.

**FY2022 – FY2026 General Fund – Capital Improvements Program** – MML has received information regarding the expenditure of monies from the American Rescue Plan. Preliminary review shows little change from what was originally put forth. Burgess Miller will provide information at the next meeting of suggested uses he has received for those monies.

The public hearing for the FY2022 budgets is scheduled for June 3, 2021. The vote on the proposed FY2022 budgets will take place at the June 14<sup>th</sup> Town Board meeting.

The budget workshop ended at 7:14 P.M.

**PERSONAL REQUESTS FOR AGENDA:** None

### CONSENT AGENDA:

- **Town Meeting Minutes**
  - *April 1, 2021 – Town Workshop*
  - *April 12, 2021 – Town Meeting*
  - *April 26, 2021 – Town Meeting*

**Motion:** Commissioner LaPadula motioned to approve the consent agenda as presented. Seconded by Commissioner Goodman. Motion approved (6-0).

### UNFINISHED BUSINESS:

**Comprehensive Plan – Chapter Review** – The draft updated growth boundary map was reviewed. Town Board members liked this draft of the map. The red area designates town limits. The blue areas designate potential future growth areas. The green areas identify a conservation boundary. Those areas in yellow identify county subdivisions on well and septic that could require an extension of Town water and sewer services during an emergency. There is no intention of annexing these subdivisions. It was suggested to modify the map and change the area at the northern end of Coblentz Road from white to yellow. This

map shows a decrease in the growth boundary of 116 acres from the 2010 Comp Plan. It was suggested to add that information as a note on this map. Town staff can now compute the water resource calculations.

**AC Jets Annexation Discussion** – The property owner is modifying their petition to request specific zoning areas with their property to bring it in line with Town zoning and the Comp Plan. The Town Board recently received an email from the Town Administrator explaining how Maryland allocates water rights and background information on the AC Jets property. There is confusion regarding the location of the wells identified on a 2008 document. The Town Administrator will verify the information with MDE.

**Appointment of Temporary Alternate to the Planning Commission** – Burgess Miller recommended Robert Wilkes as the candidate to fill the vacant Planning Commission Temp Alternate position. Mr. Wilkes has been a town resident for over 20 years, retired from a distinguished career in law enforcement, and has expressed an interest in serving on the Planning Commission both in the past and at present.

**Motion:** Commissioner Goodman motioned to appoint Mr. Robert Wilkes as the temp alternate to the Planning Commission. Seconded by Commissioner Falcinelli. Motion approved (6-0).

## **REPORT OF COMMITTEES:**

**WATER & SEWER** – Commissioner Falcinelli reported:

Water use for April – 316,000 gal., spring flow for April – 147,000 gal., East WWTP treated 221,000 gals. and the West WWTP treated 220,000 gals. The Town flushed hydrants. There was a large rain event May 3<sup>rd</sup> that impacted I&I. The Brookridge Pump Station clogging issue is getting better with the adjustments that have been made. Residents are still advised not to flush any type of “disposable wipe” down their toilets. The aqua disc at the East WWTP has been replaced by Town staff. The leak detection company was in Town and detected no leaks at this time. The builder of the reservoir is back and in the final stages of the project. The wells identified for Foxfield Section 6 have high levels of iron and manganese. The developer will have to address this. A reminder that to lessen the Town’s dependence on tap fees consideration must be given to continue to raise the capital improvement fee.

**PUBLIC WORKS** – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, veterans’ banners have been hung along Main Street. Several memorial benches have been installed. During hydrant flushing there were two waterline breaks which were repaired that day. Tree planting occurred behind Cone Branch Park. The recycling center at the Community Park has been removed. The annual inspection of fire prevention and suppression equipment in all Town facilities occurred. Spring repair and service on Town trucks is ongoing.

**SUSTAINABILITY** – Commissioner Stottlemeyer reported:

The committee is working on the first pollinator garden. They are in the design and placement stage. Once the plants arrive the garden will be installed. The committee understands and agrees with the removal of the recycling center at the county park. If more than recyclable items were placed in that dumpster than everything in that dumpster was no longer recyclable.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The next Planning Commission workshop is Wednesday, May 12th and the Planning Commission meeting is May 17, 2021. Agenda items for the May Planning Commission workshop and meeting

include both the beginning review of chapter two, Population and Housing, and the growth boundary map review of Comp Plan and the review of the draft 2020 annual report.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

Commissioner Goodman will forward the link to the POS meeting in which requests are reviewed to anyone interested in attending once he receives it. Memorial bench sales are on the rise. The Town is at the point where individuals will have to be told where the bench will be installed on some trails.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

The Town should be receiving an opinion from the Town Attorney regarding changing the Town’s Facebook page to an information only page this week. The Town Administrator has a meeting with Innovative to review a proposal for streaming with interaction live meetings once in-person meetings begin again. Commissioner Falcinelli will reverify a similar service with Govoffice. Residents are reminded to sign up for the Town email distribution service and Alert Frederick if they have not done so already.

**NEW BUSINESS:**

**Draft Water Capacity Plans for 2020** – The draft water capacity plans were reviewed. These plans are being forwarded to the Water & Sewer Standing Committee for review and comment. The graph indicates that the Town is allotted 387,000 gallons of water per day, and how that allotment is broken down. Once the Water and Sewer committee makes its recommendations this will go before the Planning Commission for review and then return to the Town Board for final input.

**Schedule Public Hearing for Operating Budgets** – The public hearing is scheduled for the June 3, 2021 Town Board Workshop with a vote on the budgets to occur at the June 14, 2021 Town Board Meeting.

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Public Hearing on Text Amendment to Allow Chickens in Town – Monday 24, 2021 at 7:00PM.*

Meeting adjourned at 7:56 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager

Figure 8-1  
05/03/2021

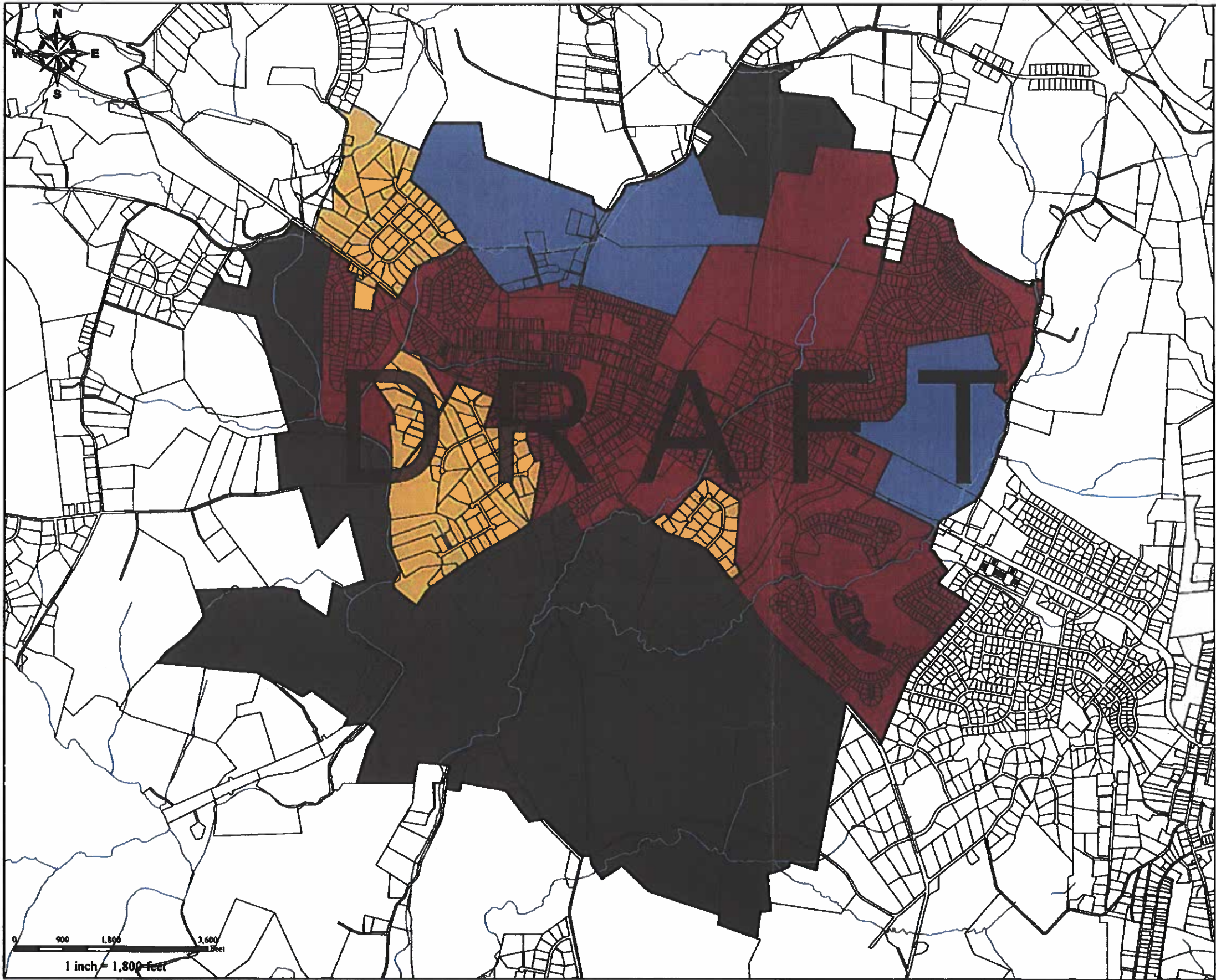
# Growth Boundary Map Middletown, Maryland



### Legend

- Stream
- Parcel
- Town Boundary
- Existing County Subdivision
- Growth Boundary
- Conservation Boundary

Source: Middletown Planning Department.





May 7, 2021

**Bruce N. Dean**  
240-503-1455 (direct dial)  
[bdean@mdglawfirm.com](mailto:bdean@mdglawfirm.com)

**VIA REGULAR AND ELECTRONIC MAIL**

Cindy Unangst, Staff Planner  
On behalf of the Town of Middletown Planning Commission  
Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

Re: Proposed Annexation of 144.05 acre AC Jets Property

Dear Ms. Unangst and Members of the Planning Commission:

Thank you for accommodating my clients' request to remove the proposed annexation of the AC Jets Property from the Planning Commission's April 14<sup>th</sup> workshop agenda. This brief delay afforded my clients the opportunity to thoughtfully reconsider the conditions to be imposed in connection with the requested annexation of the 144.05 acre AC Jets Property into the Town (with the portion of the land owned by the Petitioner located across Hollow Road and outside of the Town's growth area being excluded from the annexation request). In response to the preliminary feedback received at the at the March Planning Commission workshop and the April 5<sup>th</sup> Joint Meeting of the Middletown Planning Commission, Burgess, and Board of Commissioners, we have outlined below what we hope is an appropriate balancing of my clients' interests and the Town's long-term growth policies.

The annexation petition that my clients submitted on November 5, 2020 proposed to annex the 144.05 acre AC Jets Property into the Town with agricultural zoning. It was our belief that this zoning request honored the Town's established growth policies of slow, phased residential growth and reflected the reality that the Memar property is the Town's next planned residential development with an anticipated build out of 148 active adult units over the next several years. As we have made clear throughout our interactions with Town officials and staff, my clients have requested annexation into the Town now with the intent of adding the AC Jets Property to the Middletown pipeline as the next large project slated for development once build out of the Memar property is complete. However, based upon the projected build out of the Memar property, the AC Jets Property will remain, even after annexation, what is today – a 144.05-acre farm, actively devoted to agricultural use – for at least the next several years.

Ms. Cindy Unangst  
May 7, 2021

While several commissioners voiced concerns at the at the April 5<sup>th</sup> Joint Meeting of the Middletown Planning Commission, Burgess, and Board of Commissioners about annexing the AC Jets Property with agricultural zoning, preferring instead that the property be annexed with zoning consistent with its intended development, there did not appear to be any notable interest in advancing the development timeframe for the AC Jets Property. Thus, we offer the following as a proposed compromise:

- The Town will annex the 144.05 acre AC Jets Property into the Town boundaries (not including land owned by the Petitioner east of Hollow Road and outside the Town growth boundary);
- 132.05 acres of the AC Jets Property will be zoned, concurrent with annexation, to the "R-20 Residential" classification;
- 12 acres of the AC Jets Property located along its frontage with MD 40A will be zoned, concurrent with annexation, to the "General Commercial" zoning classification;
- The Annexation Agreement executed in connection with the annexation of the AC Jets Property will contain a provision whereby the parties agree that the Town shall not issue any building permits in the development, other than for model homes, prior to March 1, 2031, or earlier if the Town determines that the Memar development is nearing completion and an additional project should be added to the Town's pipeline;
- The Annexation Agreement will provide that the Petitioner will provide wells on the Property providing water capacity sufficient to serve or in excess of the amount needed by the proposed future development of the Property (there are currently four (4) well sites with one well providing water in excess of 150 gpm); and
- The Annexation Agreement will provide for such other proffers as are negotiated between the Town and AC Jets, including parkland, road frontage improvements, establishment of a comprehensively planned road traversing the property, and/or such other items as are mutually agreed upon by the Town and the Petitioner





Ms. Cindy Unangst  
May 7, 2021

My clients would request that as part of the above-described compromise, the Town indicate on the notice required pursuant to § 8-104(d) of the Tax Property Article of the Maryland Annotated Code, that the change in zoning classification was not requested or initiated by the property owner but was in response to the Town's concerns regarding the requested Agricultural zoning, so that during the proposed ten-year development delay, the AC Jets Property will continue to be assessed, for State real property tax purposes, as agricultural property, consistent with its current use. Thank you for your consideration, and please do not hesitate to contact me with questions or concerns.

Very truly yours,

**McCURDY, DEAN & GRADITOR, LLC**

Bruce N. Dean

Cc: Andrew Mackintosh  
James Mackintosh  
David Lingg



**Burgess and Commissioners of  
Middletown, Maryland**

**Wastewater Capacity Management Plan 2020**

Approved by Burgess and Commissioners  
Of Middletown, Maryland

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## **General Information**

### **PURPOSE OF THE WASTEWATER CAPACITY MANAGEMENT PLAN (WWCMP)**

This WWCMP is provided to assist the Town Board and Planning Commission to determine plant capacity and to track the remaining available capacity for allocation. Because of the significant lead time required for measures such as sewer rehabilitation or facility expansion, the WWCMP emphasizes the need to plan ahead to ensure that growth takes place without overloading sewage facilities. The guide enables the Town to:

- ❖ • Identify when a treatment plant's actual flows are approaching or exceeding the design capacity;
- ❖ • Make commitments for new connections with confidence that there is adequate capacity to serve the new as well as existing customers;
- ❖ • Determine when the issuance of additional building permits must be curtailed until improvements are completed so that the treatment plant can maintain compliance with its discharge permit;
- ❖ • Have more lead-time to plan for needed collection and wastewater treatment system upgrades to accommodate new growth and to arrange for the financing of the improvements;
- ❖ • Become more aware of how your facility is performing; and be encouraged to take appropriate steps to address or prevent increased flows before effluent violations, regular bypassing, or overflows occur; and
- ❖ • Provide Town Board and Planning Commission with the information needed to make informed decisions about the capacity of their wastewater systems and the ability to accommodate new connections.

### **LEGAL MANDATES**

The Town faces many challenges to maintain and operate these systems in compliance with federal and State laws and regulations. The cost to keep these increasingly complex facilities operating properly continues to increase. The ability to raise rates to keep pace with these costs is a challenge. Perhaps most challenging, however, is the need to manage the allocation of flow to new customers for residential, commercial, and industrial use, in conformance with local land use, water and sewerage plans, and the NPDES permit limits. The following language from the Maryland Environment Article makes it clear that the authority responsible for issuing building permits and subdivision plat approvals must ensure that adequate capacity is or will be available:

#### **§ 9-512 (b) Building Permits – Conformity with County Plan; Issuance of Building Permits**

- (1) A State or local authority may not issue a building permit unless:*
- (i) The water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area;*

*(ii) Any water supply system, sewerage system, or solid waste acceptance facility described in the application will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste;...*

**§ 9-512 (d) Subdivision Plats**

*(1) A State or local authority may not record or approve a subdivision plat unless any approved facility for conveying, pumping, storing, or treating water, sewage, or solid waste to serve the proposed development would be:*

*(i) Completed in time to serve the proposed development; and*

*(ii) Adequate to serve the proposed development, once completed, without overloading any water supply system, sewerage system, or solid waste acceptance facility.*

*(2) Each water supply system, sewerage system, and solid waste acceptance facility in a subdivision shall:*

*(i) Conform to the applicable county plan; and*

*(ii) Take into consideration all present and approved subdivision plats and building permits in the service area.*

In addition to the required State mandates, the Town has also passed legislation to ensure capacity is available. In April of 2003, the Town Board passed the Water & Sewer Certification Ordinance which requires capacity to be available prior to the approval of improvement plans:

**16.12.055 Water and sewer capacity certification**

*A. Upon approval of the preliminary plat, the town administrator shall conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision or the development project thereon. The review and analysis shall be conducted in coordination with the director of operations and construction and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision or project. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision or project for water and sewer shall be based upon a daily consumption of two hundred and fifty (250) gallons per equivalent dwelling unit as per the standards of the American Water and Wastewater Association.*

*B. If the town administrator determines that there is sufficient water and sewer capacity to service the proposed subdivision or project, then he shall issue a certificate of water and sewer capacity for the proposed subdivision or project.*

*C. If the town administrator determines that there is not sufficient water and sewer capacity to service the proposed subdivision or project, then a certificate of water and sewer capacity shall not be issued for the proposed subdivision or project.*

*D. The planning commission shall not approve any improvement plans for the proposed subdivision or project unless a certificate of water and sewer capacity has been issued for the proposed subdivision or project.*

*E. If an approved preliminary plat is revised after a certificate of water and sewer capacity has been issued and the revision is approved by the planning commission, and if the effect of the revision does not increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then a new certificate of water and sewer capacity shall not be required, and the previously issued certificate shall remain valid. If the effect of such approved revision is to increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then the previously issued certificate shall be void, and a new certificate shall be issued, if appropriate, in accordance with the procedures set forth above.*

*(Ord. 03-04-01 §1, 2003)*

## Executive Summary

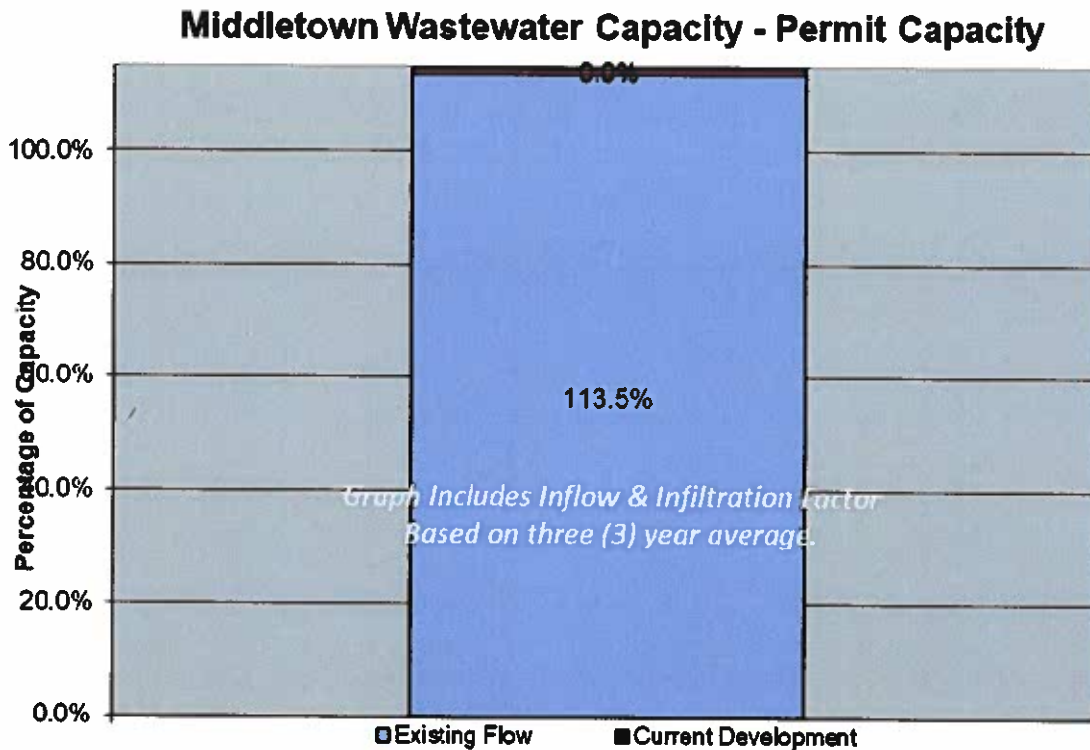
The Middletown sewage system consists of a 0.250 mgd treatment plant located on the west side of Town (West WWTP), and a 0.350 mgd activated sludge plant (expandable to 0.700 mgd) located on the east side of Town (East WWTP), three (3) sewage pump stations, and a network of 8" to 12" sanitary sewer lines. The West WWTP, which was designed in 1973, became operational in 1976 and replaced an older facility. The East WWTP, located on Holter Road, was constructed in 1999-2000 and became operational on June 14, 2000.

The West WWTP plant has a design capacity of 0.250 mgd with an NPDES Permit for the same. The East WWTP plant has a design capacity of 0.350 mgd with an NPDES Permit for 0.250 mgd. The Town has requested from MDE an increase in our permit capacity to the full design capacity. In calculating the capacity for the Town, the design and permit capacities were combined for an overall total of 0.600 mgd and 0.500 mgd respectively.

The information contained in this report was generated following the details specified in the Guidance Document – *Wastewater Capacity Management Plans* as prepared by the Maryland Department of the Environment.

### Permitted Capacity

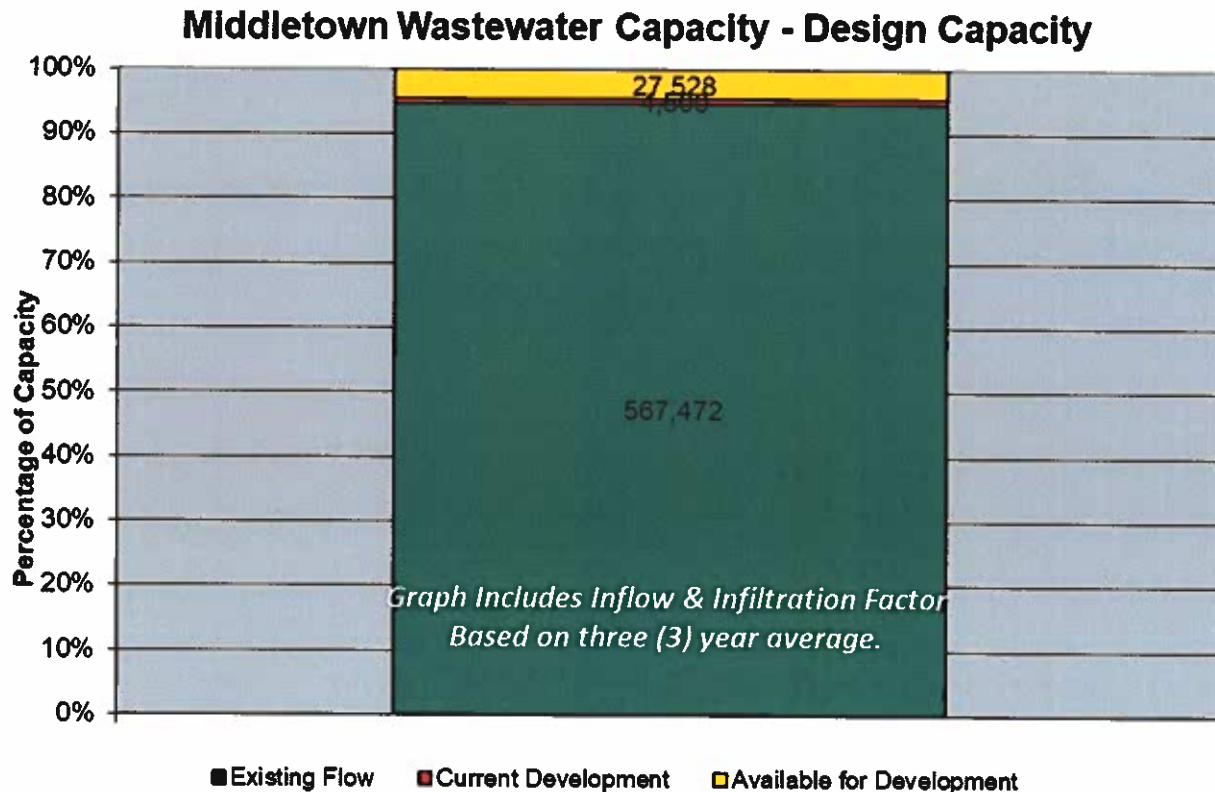
The Town of Middletown's current sewer system capacity, based on calculations by flow is 113%.



**\*\*Calculation do not include Memar Annexation**

## Design Capacity

The Town of Middletown's sewer system design capacity, based on calculations by flow, is at 95%.



**\*\*Calculation do not include Memar Annexation**

## Summary and Recommendations

Based on the current permitted capacity of 0.500 mgd the Town has capacity for existing lots of record. The Town has requested an increase in the permit at the East WWTP to the full design capacity of 0.350 mgd from MDE and is currently conducting an I&I Study to make recommendations on repairs and improvements. This I&I work is expected to substantially increase sewer capacity. In additional, the three (3) year average will not include 2018 flows which were substantially higher due to an extremely wet year with rainfall significantly above a typical year. This will cause a substantial increase in capacity for next year.

It is recommended that the Planning Commission limit the number of approved subdivision lots to no more than 110 lots to stay within the Town's design capacity until the completion of the I&I Study and Improvements are completed. An evaluation of the I&I reduction will be a factor in next year's Capacity Plan.