



AGENDA FOR THE TOWN WORKSHOP

May 2, 2019

6:30 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

COMMUNITY DEPUTY REPORT

BUDGET WORKSHOP

- FY 2020 General Operating Fund

PERSONAL REQUESTS FOR AGENDA:

- Broad Street Task Force Members – Review of Traffic Calming Measures and Results

STAFF REPORTS:

Staff Planner

Engineer's Report

Zoning Administrator

CONSENT AGENDA

- Budget Amendment 19-06
- Town Meeting Minutes
 - April 22, 2019 – Town Meeting

UNFINISHED BUSINESS:

- Ordinance 19-03-01 – Unsafe Properties (Vote - May 13, 2019)
- Appointment – Board of Appeals (Vote – May 13, 2019)

NEW BUSINESS:

- Petition Residents to Lower the Speed Limit within the Middletown Glen Subdivision
- Amendments to Banner Policy - Discussion
- Amendments to Design Manual for Water Service Connections - Discussion

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Stone House Open – Middletown Historical Society, Sunday, May 5, 2019, 1:00pm to 5:00pm*
- *Dinner & Auction – Middletown Historical Society, Wednesday, May 15, 2019, Auction at 5:30pm followed by Dinner at 6:30pm*
- *Walking Tour – Main Street Middletown, Saturday, May 18, 2019*
- *Memorial Day Social – Middletown Arts & Activities, Saturday, May 25, 2019*

ADJOURNMENT

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2020**

DESCRIPTION	AUDIT FY2015	AUDIT FY2016	AUDIT FY2017	AUDIT FY2018	Budget FY 2019	Budget FY2020
REVENUE						
LOCAL TAXES		104%	103%	128%		
Real Property	1,125,061	1,133,834	\$1,229,017	1,304,536	1,322,180	1,343,672
Tangible Personal Property	38,043	39,544	\$40,735	52,134	44,063	56,392
Public Utilities	11,609	9,400	\$12,869	-	14,192	-
Franchise (Cable)	46,222	48,405	\$50,981	50,664	55,145	54,750
Discounts	(13,458)	(14,112)	(14,852)	(17,289)	(17,255)	(17,501)
Penalties & Interest	8,540	8,085	10,494	9,597	11,043	11,201
	1,216,017	1,225,156	1,329,244	1,399,642	1,429,369	1,448,514
STATE SHARED TAXES						
Amusement Taxes	20,856	9,565	31,547	26,197	34,125	28,339
Highway User Taxes	137,530	156,127	154,057	161,045	177,025	225,440
	158,386	165,692	185,604	187,242	211,150	253,778
COUNTY SHARED TAXES						
Income Taxes	788,153	915,506	\$880,538	1,034,356	1,024,876	1,118,764
Tax Equity	581,111	555,964	\$566,687	610,423	632,552	674,672
	1,369,264	1,471,470	1,447,225	1,644,779	1,657,428	1,793,436
LICENSES, PERMITS & FEES						
Filing/Permit Fees	6,501	6,013	8,871	9,473	9,599	9,859
Beer, Wine & Liquor	-	-	-	-	-	-
Traders	4,899	4,752	\$4,645	6,444	4,900	4,900
Planning & Zoning	34,881	11,450	\$11,891	\$3,715	11,691	3,715
	46,281	22,215	25,207	19,632	26,189	18,474
PARKS & RECREATION						
Pavillion Fees	1,860	3,158	4,315	3,958	4,315	3,046
POLICE PROTECTION						
State Grant	24,066	24,987	\$26,320	26,197	26,187	26,197
MISC INCOME						
Other (Bank Grant, Animal, Citations)	21,909	4,910	\$13,047	3,473	2,500	2,500
LGIT Health Insurance Rebate	-	-	-	-	-	-
FredCo Municipal Recycling Reimbursement	-	-	-	-	-	-
MISC	21,909	4,910	13,047	5,743	2,500	5,000
OPERATING REVENUE	2,837,782	2,917,587	3,030,962	3,290,666	3,357,138	3,548,445
EXPENSES						
LEGISLATIVE						
Commissioner's Fees	12,000	12,900	15,800	16,750	21,000	21,000
Communications	3,127	3,185	3,376	10,521	3,480	3,120
Dues & Subscriptions	7,525	7,226	6,838	6,485	7,400	7,000
Office Supplies/Expenses	3,343	7,359	9,328	6,806	7,500	5,913
Advertising	613	2,331	1,560	-	500	500
Meetings & Conventions	6,403	15,048	6,963	12,839	7,500	8,500
	33,011	48,049	39,830	39,830	47,380	46,033
EXECUTIVE						
Burgess	6,000	7,050	10,200	10,200	10,200	10,200
ELECTION EXPENSES						
Clerk Fees	-	450	-	560	-	450
Printing, Supplies, Advertising	-	223	-	122	-	122
	-	673	-	682	-	572
GENERAL/ADMINISTRATIVE SERVICES						
Capital Outlay	-	-	-	-	-	-
Administration Salary	216,763	248,153	247,268	273,948	272,402	282,712
Postage & Printing	36	16	114	13	200	200
Communications	6,774	6,788	6,932	9,996	10,300	10,609
Computer Expenses	24,355	27,814	29,534	29,159	21,800	25,700
Supplies & Expense	24,396	26,345	37,364	46,210	42,232	33,500
Maintenance & Repairs	32,801	30,325	34,620	34,909	23,500	39,600
Professional Services	4,845	5,470	4,088	560	4,600	4,354
Dues & Subscriptions	-	-	-	-	150	150
Meetings & Seminars	132	161	345	4	100	100
Water and Sewer Grant	203,219	80,000	-	-	-	-
	513,321	425,072	360,265	394,799	375,284	396,925
OPERATIONS/MAINTENANCE						
Maintenance - Capital Outlay						

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2020**

DESCRIPTION	AUDIT FY2015	AUDIT FY2016	AUDIT FY2017	AUDIT FY2018	Budget FY 2019	Budget FY2020
Operations Salary	40,064	90,045	47,602	256,811	247,722	265,941
Communications	7,564	8,830	8,258	8,907	10,200	8,330
Supplies	10,426	11,631	11,154	13,980	19,500	14,200
Dues/Training/Certifications	449	2,299	215	1,506	1,500	1,500
Maintenance & Repairs	11,963	15,514	15,581	15,113	13,849	14,847
Mowing	12,047	11,780	11,780	12,380	12,133	17,764
Tools & Equipment	1,288	1,726	8,362	7,907	3,166	4,643
	175,152	239,340	282,384	316,604	308,070	327,224
PROFESSIONAL SERVICES						
Independent Accounting	28,100	13,000	13,000	13,475	16,000	17,500
Legal - Development & Ordinance	5,852	9,309	13,594	9,329	9,130	9,395
	33,952	22,309	26,594	22,804	25,130	26,895
PLANNING & ZONING						
Salaries	41,194	41,672	43,163	43,766	46,874	48,600
Bd Members Compensation	7,800	7,950	7,800	7,350	17,541	18,030
Zoning Expenses	3,114	1,716	2,606	2,455	2,684	2,529
	52,108	51,338	53,569		67,100	69,159
MAIN STREETS MANAGER						
Mainstreet - Capital Outlay						6,900
Salary	43,720	41,716	45,761	46,170	47,147	48,914
Town Contribution	10,366	10,970	10,260	12,503	10,000	10,000
Wayfinding Signs Grant Contribution	-	-	-	-	-	-
	54,086	52,686	56,021	58,673	57,147	65,814
PUBLIC SAFETY						
Fire Department Donation	20,000	20,000	20,000	20,000	20,000	20,000
School Crossing Guards	14,812	15,694	18,422	16,338	21,910	29,961
Deputy Contract Services	333,374	352,149	366,406	385,232	393,895	388,063
	368,186	387,843	404,828	421,570	435,805	438,024
SANITATION & WASTE REMOVAL						
Trash Collection & Disposal						
Recycling Pick-up Station	7,459	6,876	6,991	8,014	8,060	8,060
Regular Pick-up	130,862	128,862	128,862	131,637	136,900	132,371
Landfill - Tipping Fees	82,595	84,356	85,687	90,414	86,918	95,924
Yard Waste (April - Dec)	30,024	27,832	32,681	27,832	31,104	30,456
Eco-Bags	19,566	19,610	20,074	22,014	21,948	24,000
	270,507	267,536	274,295	279,910	284,930	290,811
RECREATION & CULTURE						
Park Capital Outlay						
Park Interest	17,847	14,632	11,320	7,906	4,389	918
Park Loan Payments	105,702	108,917	112,230	115,643	119,161	81,448
Park Salary	42,320	50,350	59,863	38,083	49,000	29,961
Park Electric	2,289	1,104	2,532	6,756	2,505	7,172
Park Supplies/Equipment	15,574	1,143	2,601	7,740	1,500	6,178
Park Mowing Contract	23,964	26,692	27,628	22,747	33,935	37,547
Park Repairs & Maintenance	24,439	45,351	53,151	40,295	29,650	43,300
	232,135	248,189	269,324	239,170	240,140	206,523
HIGHWAYS & STREETS						
Streets Capital Outlay						
Vehicle/Equipment Capital Outlay						
Salaries - Regular	76,647	73,748	62,668	82,589	70,232	86,361
Street Lighting	160,973	167,897	205,316	156,398	182,300	172,433
Storm Water Management	1,673	2,299	5,385	2,167	7,545	9,842
Snow Removal	100,830	72,612	32,725	76,655	85,300	110,300
Mowing (SWM & Streets)	29,696	31,744	31,744	31,720	33,440	36,177
Repairs & Resurfacing	166,470	6,794	98,079	41,556	92,000	92,450
Signs	3,904	5,083	4,010	10,459	5,300	9,000
Truck Repair & Maintenance	35,615	35,693	39,127	31,061	28,000	33,000
Equipment Repairs & Maintenance	3,135	3,511	6,961	10,986	21,172	15,120
Street Loan - Principal	11,500	12,000	111,505	112,505	100,000	117,000
Street Loan - Interest	7,418	85,447	123,174	83,248	77,358	79,203
	626,213	496,828	735,424	639,344	702,647	760,886
MISCELLANEOUS						
MT Historical Society	5,000	5,000	5,000	5,000	5,000	5,000
Donations	-	1,000	500	-	100	100
Mileage - Travel	3,436	1,957	1,301	1,027	2,278	2,084
Web Page / Directory / Public Information	3,625	15,097	2,833	2,979	3,755	3,471
Community Events	37,855	51,772	105,453	33,140	33,510	33,140
Community Events (Town Share)				34,405	19,780	38,439

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2020**

DESCRIPTION	AUDIT FY2015	AUDIT FY2016	AUDIT FY2017	AUDIT FY2018	Budget FY 2019	Budget FY2020
Payroll Taxes	42,269	54,019	53,572	54,970	63,139	66,223
Insurance						
Property	12,986	12,477	14,265	13,835	15,433	14,968
Health	96,741	122,055	121,637	132,022	142,627	150,335
Worker's Compensation	15,487	14,456	19,264	19,376	22,698	18,639
Professional	946	946	946		473	631
Pension	56,298	49,784	56,115	57,944	71,102	73,316
Real Estate Taxes	712	800	800	1,679	800	800
Miscellaneous	1,231	12,688	4,061	2,932	4,000	4,000
	276,586	342,051	385,747	359,309	384,694	411,145
TOTAL OPERATING EXPENSES	2,636,256	2,583,964	2,898,481	2,782,895	2,938,526	3,050,212
TOTAL OPERATING SURPLUS	201,526	333,623	132,481	507,770	418,612	498,233

Comparison Report

Technician Name: administrator

Location: Broad Street Lower Section

BEFORE CROWD WALK Report

3/18/2019 to 4/7/2019

Address:

AFTER CROWD WALK Report

4/8/2019 to 4/20/2019

Speed Limit: 25



Summary

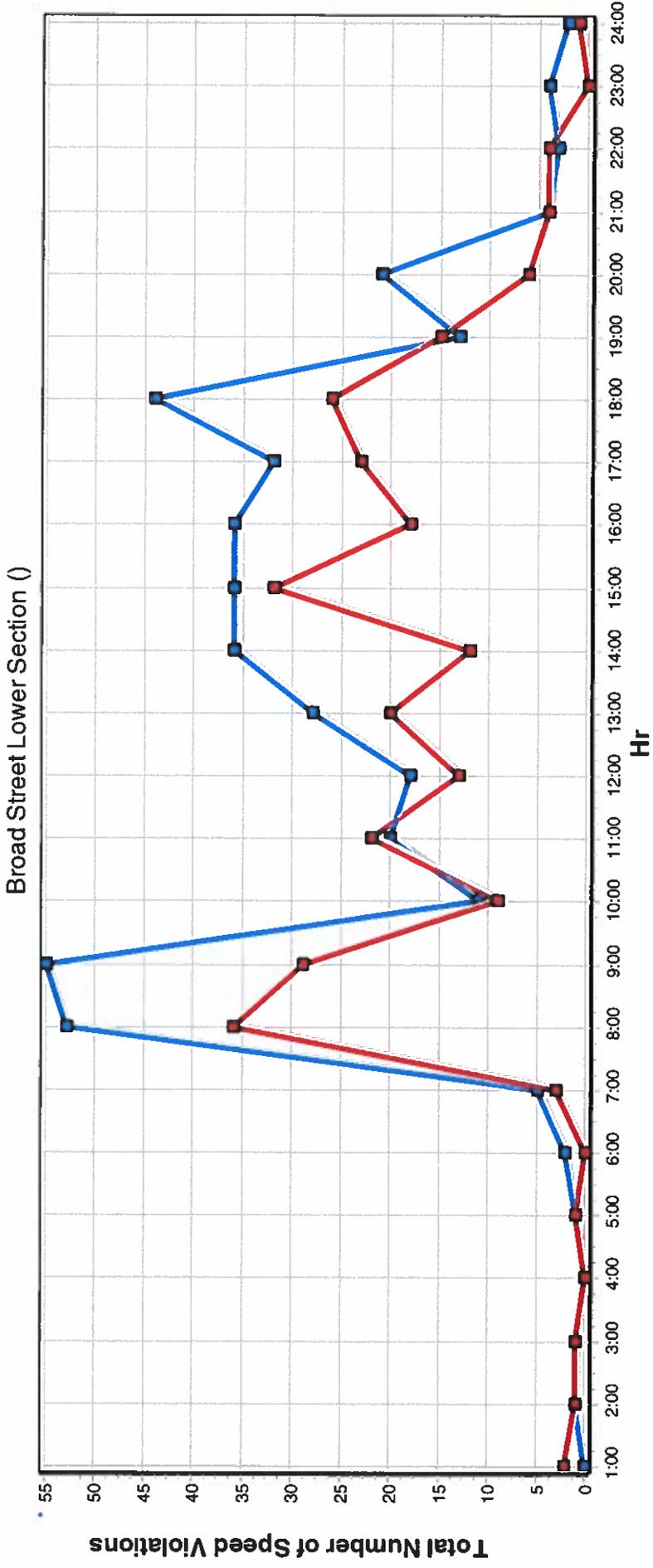
Day	Vehicle Count			Average Speed			Number of Speed Violations			% of Speed Violations		
	Period 1	Period 2	Difference	Period 1	Period 2	Difference	Period 1	Period 2	Difference	Period 1	Period 2	Difference
Monday	387	604	217	22	18	-4	71	30	-41	19%	10%	-9%
Tuesday	755	596	-159	21	18	-3	119	31	-88	22%	7%	-15%
Wednesday	775	489	-286	18	19	1	128	43	-85	21%	9%	-12%
Thursday	380	546	166	20	16	-4	68	21	-47	22%	14%	-8%
Friday	0	277	277	0	19	19	0	16	16	0%	17%	17%
Saturday	0	263	263	0	19	19	0	6	6	0%	8%	8%
Sunday	372	486	114	19	19	0	40	15	-25	12%	4%	-8%
Average:	381	466	85	20	18	-2	61	23	-38	14%	10%	-4%

Speed Bins Statistics

Speed	Total Vehicle Count			% of Vehicle Count			Total Speed Violations			% of Speed Violations		
	Period 1	Period 2	Difference	Period 1	Period 2	Difference	Period 1	Period 2	Difference	Period 1	Period 2	Difference
0 - 5	284	268	-16	11%	5%	-5%	0	0	0	0%	0%	0%
5 - 10	67	192	125	3%	4%	1%	0	0	0	0%	0%	0%
10 - 15	112	698	586	4%	14%	9%	0	0	0	0%	0%	0%
15 - 20	530	1,812	1,282	20%	35%	15%	0	0	0	0%	0%	0%
20 - 25	1,250	1,907	657	47%	37%	-10%	0	0	0	0%	0%	0%
25 - 30	385	266	-119	14%	5%	-9%	385	266	-119	90%	96%	5%
30 - 35	39	12	-27	1%	0%	-1%	39	12	-27	9%	4%	-5%
35 - 40	1	0	-1	0%	0%	0%	1	0	-1	0%	0%	0%
40 - 45	1	0	-1	0%	0%	0%	1	0	-1	0%	0%	0%
Total:	2,669	5,155	2,486	100%	100%	0%	426	278	-148	100%	100%	0%



Comparison Report Total Number of Speed Violations



Legend:
■ (3/18/2019 to 4/8/2019) ■ (4/8/2019 to 4/29/2019)

Barber *After*

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/29/2019

RE: Monthly Planning Update - May

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
FRO planting at Remsberg Park completed – February 2017
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018

Site Plans, Plats and Minor Subdivisions:

Caroline's View/Horman Apartments- 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 – Revised Site Plan conditionally approved – October 20, 2014
Improvement Plan mylars signed – November 6, 2015
Architectural renderings for Building #4 approved – March 19, 2018
Revised Forest Conservation Plan approved – January 21, 2019
Next step – submit architectural renderings for building #2 for review/approval

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Revised Concept plan reviewed by PC – January 21, 2019
Special Exception materials submitted for self-storage use – December 21, 2018
Next step – PC review/recommendation and BOA review/approval of special exception for self- storage use, or site plan submittal without self-storage use

Franklin Commons -
Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)
BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Next step – submittal of letter of credit and signing of PWA's

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

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

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

Middletown Water Storage Tank – Site Plan approved by PC – March 18, 2019 (Plans expire 3/18/22)

FSD/FCP approved by PC – March 18, 2019

Next step – submittal of improvement plans and FFCP for approval

Miller (Ingalls) – Revised Concept Plan reviewed by PC – September 16, 2013

Site plan (Phase III) conditionally approved by PC – July 20, 2015

Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)

Demolition plan conditionally approved – April 15, 2019

Next step – submittal of Phase IV site plan for approval

Richland Driving Range – 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 approval

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

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

St. Thomas More Academy Site Plan revision – conditionally approved August 20, 2018

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 – annexation petition sent to PC by Town Board – January 9, 2017

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:

Reports: Draft Annual Report being reviewed by Planning Commission

Grants: MEA Smart Energy Communities grant application – award granted – May 2017

Meetings: Next Middletown Green Team Meeting – May 21, 2019

Next Joint town board/planning commission workshop – May 6, 2019

John D. Miller
Burgess

Commissioners
Jennifer J. Falcinelli
Larry K. Bussard
Thomas S. Catania
Richard L. Dietrick
Christopher I. Goodman

Middletown
Founded in 1767



Town of Middletown
Zoning Administrator Monthly Staff Report

To: Burgess and Commissioners

From: Mark Hinkle, Zoning Administrator

Date: May 1, 2019

RE: Monthly Zoning Administrator Staff Report for April 2019

BOA Hearings: None

Storage Container & Dumpster Permit: 4 Hoffman Dr. - Removed

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.**
- 4/1/2019- 15 Woodmere Circle – Trailer in driveway, removed
- 4/5/2019 – 213 Washington Street – Boat and trailer in driveway, removed
- 4/5/2019 – 307 Washington Street – Trailer in driveway, removed
- 4/24/2019 – 5 East Main Street, Subway – Deteriorating sign post and signage for business no longer on site, letter sent

Miscellaneous:

- Investigated report of ramp built without permits at Zion Lutheran Church, they are going through the process of obtaining a permit
- Fielded several calls in relation to 123-125 W. Main St. on potential uses of property and façade improvements. Property is under contract
- Zoning Certificates are now searchable from 2000-2018 on the town drive under Zoning.
- Report prep for joint meeting between Town Board and Planning Commission
- Several questions have been asked this month regarding living areas/in law suite to be built over a garage.

Currently the code does not address this and according to an opinion from your attorney, if it is not in the code then it is not allowed. With "AirBnB" becoming more popular it may be time for a discussion.

Permits:

<i>April 2019 Zoning Certificates</i>	<i>Address</i>	<i>Permit #</i>	<i>M-town</i>	<i>M. Hinkle</i>	<i>County</i>
			<i>Received</i>	<i>Approved</i>	<i>Approval</i>
Virts-Shed	1 Valley View Ct	Town	4/1/2019	4/1/2019	No
Kopp-Demo shed	107 S. Jefferson St	192209	4/2/2019	4/3/2019	Yes
Lin-Fence	707 Glenbrook Dr.	Town	4/4/2019	4/5/2019	No
Kopp-Shed and fence	107 S. Jefferson St	Town	4/9/2019	4/10/2019	No
BOE-Portable replacement	403 Franklin St	192086	3/22/2019	4/10/2019	Yes
Kiska-pool	3 Gladhill Dr	192415	4/10/2019	4/10/2019	Yes
Middletown Commons Holdings-SFD	328 Ingalls Dr	192221	4/4/2019	4/12/2019	Yes
Lidder-Fence	1 Fink Ln	Town	4/12/2019	4/12/2019	No
Smith-Fence	97 E. Green St	Town	4/16/2019	4/17/2019	No
Kolias-Pool final inspection	4 Brooklodge Ln.	192297	4/9/2019	4/17/2019	Yes
Kolias-Deck	4 Brooklodge Ln.	192228	2/22/2019	4/8/2019	Yes
Middletown Commons Holdings-SFD	322 Ingalls Dr.	192322	4/9/2019	4/18/2019	Yes
Middletown Commons Holdings-SFD	310 Ingalls Dr.	192319	4/9/2019	4/18/2019	Yes
Middletown Commons Holdings-SFD	314 Ingalls Dr.	192321	4/9/2019	4/18/2019	Yes
Casey-Fence	8 Coblenz Ct.	Town	4/22/2019	4/22/2019	No
Lynn-Deck	211 Rod Cir	192606	4/12/2019	4/24/2019	Yes
Hahn-Deck	205 Ingalls Dr.	193346	4/16/2019	4/26/2019	Yes
Milani Construction-Trailer		193061	4/18/2019	4/26/2019	Yes
Miller- Demolition	121 E. Main St.	193482	3/7/2019	4/29/2019	Yes

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

Fiscal Year FY 2019

Amendment No. 19-06

Request Date Thursday, April 25, 2019

Fund General Fund

Budget Capital Improvements Program (CIP)

Description Reallocation of funds for paving of the Middletown Parkway intersection with East Main Street.

Significant cost savings by including in SHA Streetscape Project.

REVENUE

Line Item	Increase	Decrease
Total \$	-	\$ -

EXPENDITURES

Line Item	Increase	Decrease
Highway & Streets - Streetscape	\$ 25,000.00	
General Services - Maintenance Facility at East WWTP		\$ 25,000.00
Total \$	25,000.00	\$ 25,000.00

Town Board Approval Date _____

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

April 22, 2019

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on April 22, 2019, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Christopher Goodman, Rick Dietrick and Tom Catania.

BUDGET WORKSHOP:

FY 2020 Water & Sewer Operating Fund – Burgess Miller stated that this is the third review of the proposed Water & Sewer operating Fund. Burgess Miller stated that in this budget there is a proposed 2% water & sewer rate increase and the reason for that is, so this budget comes out with a surplus.

FY 2020-2024 Water & Sewer Capital Improvement Program (CIP) – Burgess stated that the Water & Sewer CIP is healthy, and we can fund the projects proposed. Burgess Miller stated that in this you will see the loan for the ground water storage tank at the reservoir.

Budget meeting adjourned 7:09pm.

CONSENT AGENDA:

Budget Amendment 19-05

Town Meeting Minutes – April 4, 2019 – Town workshop

April 8, 2019 – Town Meeting

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

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

Amendments to Sanitary Sewer Overflow (SSO) Standard Operating Procedures – Motion by Commissioner Falcinelli to approve the amendments to the Sanitary Sewer Overflow Standard Operating Procedures as presented, seconded by Commissioner Goodman. Motion carried 6-0.

Ordinance 19-03-01 – An Ordinance to repeal title 15, Chapter 15.08 of the Middletown Municipal Code; to enact Title 8, Chapter 8.24 pertaining to unsafe buildings; to state the purpose and scope of Chapter 8.24; to define certain terms; to prohibit the maintenance of unsafe buildings in the Town of Middletown; to establish procedures for issuing violation notices, abatement orders and conducting appeal hearings; to establish penalties for the violation of the ordinance; to authorize waivers or other relief in cases of new owners, contract purchasers and cases where good cause is shown (Third Reading) - Burgess Miller stated that this is the third reading of this Ordinance, therefore we will vote on this at the May 13th meeting.

Appointments – Board of Appeals – Daphne Gabb is up for re-appointment. Burgess Miller stated that this will be up for a vote at the May 13th meeting.

NEW BUSINESS:

Middletown Parkway Paving – Change Order Streetscape Contract – Motion by Commissioner Bussard to approve the estimate of \$25,000 from Milani to repave part of the Middletown Parkway, seconded by Commissioner Goodman. Motion carried 6-0.

Community Deputy Contract FY 2020 – Burgess Miller stated that we received the Deputy Contract for fiscal year 2020 and it is about \$5,000 less than what we expected.

Motion by Commissioner Catania to approve the Deputy Contract as presented, seconded by Commissioner Dietrick. Motion carried 6-0.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Coloring the Street Chalk Art & Green Expo – Saturday, April 27, 2019 10am. – 3pm.*

Meeting adjourned at 7:43pm.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 19-03-01

AN ORDINANCE TO REPEAL TITLE 15, CHAPTER 15.08 OF THE MIDDLETOWN MUNICIPAL CODE; TO ENACT TITLE 8, CHAPTER 8.24 PERTAINING TO UNSAFE BUILDINGS; TO STATE THE PURPOSE AND SCOPE OF CHAPTER 8.24; TO DEFINE CERTAIN TERMS; TO PROHIBIT THE MAINTENANCE OF UNSAFE BUILDINGS IN THE TOWN OF MIDDLETOWN; TO ESTABLISH PROCEDURES FOR ISSUING VIOLATION NOTICES, ABATEMENT ORDERS AND CONDUCTING APPEAL HEARINGS; TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE ORDINANCE; TO AUTHORIZE WAIVERS OR OTHER RELIEF IN CASES OF NEW OWNERS, CONTRACT PURCHASERS AND CASES WHERE GOOD CAUSE IS SHOWN.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 15, Chapter 15.08 of the Middletown Municipal Code be, and it hereby is, **REPEALED**:

SECTION II. BE IT FURTHER ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the following be enacted as Title 8 – Health and Safety, Chapter 8.24 of the Middletown Municipal Code:

TITLE 8 – Health and Safety

CHAPTER 8.24 – Unsafe Properties

§8.24.010 – Purpose

The Burgess and Commissioners find that buildings and other structures within the Town which have been neglected or abandoned, have deteriorated or have been damaged can constitute a hazard to the health and safety of owners of the property or others in the vicinity of the property, can decrease property values, can cause property damage and negatively impact the general welfare of the community at large. The purpose of this Chapter is to prevent and alleviate such hazardous structures and to provide for the remediation of such structures.

§8.24.020 – Scope

A. Except as provided in sub-section B., the provisions of this Chapter shall be applicable to any building located on public or private property within the Town of Middletown.

B. The provisions of this Chapter are not applicable to any building for a period of ninety (90) days after an application for a site plan or zoning certificate has been submitted to the Town for the purpose of making improvements to the building.

§8.24.030 – Definitions

In this Chapter, the following terms shall have the meanings indicated:

“Building” – Any assembly of materials forming a construction or structure for occupancy or use including, among other things, houses, dwellings, garages, sheds, out-buildings, barns, shops, stores, warehouses, fences, walls, driveways, swimming pools, poles, signs, parking lots and any structure of any kind, or any part thereof.

“Unsafe Building or Structure” – Any building which:

- A. Poses an unreasonable risk to the health, safety and welfare of the owner, occupant or invitee of the building or to others who may be in the vicinity of the building or which poses an unreasonable risk of property damage; or
- B. Is no longer habitable or useful for the purpose for which it was originally intended because of fire, wind, flood, or other natural cause, neglect, vandalism or physical deterioration; or
- C. Is partially completed and which is not under construction pursuant to an existing, valid building permit issued by or under the authority of the Town of Middletown; or

- D. Is not structurally sound, weathertight, waterproof or vermin proof; or
- E. Is not covered by water-resistant paint or other permanent waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- F. Contains one of more exterior openings for a period of 60 days or more not covered by a functional door or unbroken glazed window or which is not, in the case of a vacant building, neatly boarded up and protected against the elements and from vandals and rodents and other animals; or
- G. In the case of parking lots and driveways, has been allowed to deteriorate to the point where deep and numerous potholes, cracks and voids in paving have developed which pose a risk of injury or of property damage or which deterioration has progressed to the point that a commercial business operating in such structures or on surrounding properties has been or is likely to be adversely affected.

§8.24.040 – Duty of Owner or Occupant

Every owner, occupant, tenant, agent or other person in control of any building (collectively, in this Chapter, “owner”) has a duty to maintain that building so as to prevent it from becoming an unsafe building. No owner, occupant, tenant, agent or other person in control of any building shall allow, maintain or cause to be maintained an unsafe building.

§8.24.050 - Enforcement

A. This Chapter may be enforced by the Burgess and Commissioners or such of its officer(s) that it designates, including, but not limited to the Zoning Administrator or the Town Administrator.

B. Any designated enforcement officer may enter onto property to determine if an unsafe building exists on the property if the enforcement officer has an articulable basis for believing an unsafe building exists on the property; provided, however, that no such enforcement officer shall be entitled to enter into the interior of any enclosed building on the property.

C. Upon determining that an unsafe building exists on any property, the Town shall provide written notice of the violation to the owner of the property or unsafe building. The notice shall identify the location and nature of the unsafe building and shall order the owner to repair the unsafe building or take other measures to abate the condition within a reasonable time, which time shall not be less than thirty (30) days from the date of the notice and order. The notice and order shall include the advice that the owner may request a hearing to contest the violation before the Board of Commissioners as provided in this section.

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

E. An owner of property for which a notice of an unsafe building and an order to abate the violation has been issued may contest the notice and order by requesting a hearing

before the Burgess and Commissioners. Such request must be submitted to the Town Administrator no later than ten (10) days from either the date on which the notice and order were served on the owner or on which the property was posted with the notice and order. The hearing shall be held no later than thirty (30) days from the date the request for hearing is received by the Town. At the hearing, the owner shall be entitled to question any witnesses against the owner, present any relevant and material evidence the owner deems appropriate, and may be represented by counsel. At the conclusion of the hearing, the Burgess and Commissioners may affirm or modify the order to abate the condition, may overrule the notice and order, or may make any other determination which it deems appropriate to the circumstances. The owner may request judicial review of the decision of the Burgess and Commissioners by filing a Petition for Judicial Review in the Circuit Court for Frederick County pursuant to Title 7, Chapter 200 of the Maryland Rules.

F. If the owner fails to timely request a hearing before the Burgess and Commissioners and fails to abate the unsafe condition within the time period stated in the notice and order, or if the property owner fails to abate the unsafe condition within the time period established by the Burgess and Commissioners after a hearing or within the time period established by the Court after judicial review, then the Town may make the required repairs as necessary, and the owner(s) of the property shall be jointly and severally liable for the cost of doing so. The cost of the repair shall constitute a lien on the property and may be collected in the same manner as taxes on the property.

§8.24.060 - Penalties

Any person who allows, maintains or causes to maintain an unsafe building is guilty of a municipal infraction which is punishable by a fine of One Hundred Dollars (\$100.00) per day. Each day an infraction continues shall be a separate infraction. Nothing contained herein shall preclude the Town from seeking any other remedy it may have at law or in equity, including, but not limited to, injunctive relief.

§8.24.070 - Contract Purchasers and New Owners

A contract purchaser or new owner of a property on which an unsafe building is located may seek relief from the requirements of this Chapter by applying to the Town for a waiver of these requirements or a waiver of any fines or liens already imposed. The application for a waiver shall include the address of the property, the date of any contract to buy, the expected date on which settlement on the transfer of title will occur, or, if settlement has already occurred, the date of such settlement, and the proposed plan to repair, remediate or abate the conditions of the unsafe building. If the Burgess and Commissioners accept the application for a waiver, the owner shall enter into a written agreement with the Town which shall provide for the repair, remediation or abatement of the unsafe building conditions within six (6) months from either the date of the settlement on the transfer of title or the date of the agreement, whichever is earlier. The agreement shall also provide that the waiver of fines, release of liens or other relief from the requirements of this Chapter shall only become effective upon timely completion of the remediation efforts and approval of such efforts by the Town Administrator or the Zoning Administrator. The Town may grant an extension of the six-month time period if it appears that

the owner has been pursuing remediation efforts diligently and in good faith and there is a likelihood of completion in the then-near future. Such extensions may be granted or denied in the sole discretion of the Burgess and Commissioners.

§8.24.080 - Hardship waivers

The Burgess and Commissioners may grant relief from the requirements of this Chapter upon a showing of good cause. An owner seeking relief under this section may make written application to the Town stating the nature of the violation from which relief is sought, the nature of the good cause, the specific relief sought, and the owner’s plan to address the violation. As used in this section, and by way of example only, “good cause” includes, but is not limited to, disability or other medical condition which precludes an owner from addressing the violation or financial hardship. The grant of relief under this section is wholly discretionary on the part of the Burgess and Commissioners.

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 25th DAY OF MARCH, 2019

PASSED ON THE _____ DAY OF _____, 2019

EFFECTIVE DATE: _____, 2019

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Drew Bowen

From: Katrina Mahar <katrina.mahar2412@gmail.com>
Sent: Wednesday, April 10, 2019 8:17 AM
To: Drew Bowen
Subject: Middletown Glen Speed Limit Review Request
Attachments: new doc 2019-04-10 08.04.10_1.pdf

Good Morning Mr. Bowen,

Please find the attached request from the Middletown Glen community asking for the board to review the speed limit throughout the neighborhood.

We feel that due to the narrow roads and the numerous children throughout the neighborhood the speed limit is too high. We currently are not a feeder road for vehicles outside the neighborhood either. We have Children at Play signs in parts of the neighborhood and I myself have a yellow safety slow down sign that I placed in my yard yet we still have numerous people flying by our homes disregarding the signs and stop signs.

So first we would like to ask that the limit be reduced, the next step would be requesting speed bumps or other options to keep our children safe in our small community.

Thank you for time!
Katrina Mahar

Katrina
Sent from my iPhone

Middletown Municipal Center
31 W. Main Street
Middletown, MD 21769
Attn: Andrew Bowen

The Middletown Glen Community would like to request the Middletown Board to review the speed limit throughout the community (Ingalls Drive, Dean Lane and Gaver Way). The residents feel that the speed limit may be too high considering the narrow width of the roads. We greatly appreciate the Board members taking the time to review our request.

Resident Name

Resident Address

Katrina Mahar	203 Ingalls Dr.
NICHOLAS CARROLL	121 INGALLS DR.
Jen Winkler	123 Ingalls Drive
Missy Vierling	6 Gaver Way
Colleen Dunn	8 Gaver Way
Melissa Ward	10 Gaver Way
Amy Gillow	305 Ingalls Drive
Laurel Sousa	303 Ingalls Drive
Stacia Underberg	5 Fink Lane
Jessica Colter	105 Ingalls Dr
Enri Landsman	3 Dean Lane
Brittany Mills	113 Ingalls Drive
Hattie Gerst	201 Ingalls Drive.



Banner Display Policy

Approved by Burgess and Commissioners

April 8, 2019

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

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

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

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

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

Banners should meet the following criteria to withstand the elements of the weather:

- Double sided
- Size - Banner size must be 36 inches high by a maximum width of 360 inches wide
- Material – 18 oz vinyl recommended with 1-inch wide webbing sewn all around with reinforced corners
- Grommets – ½ inch grommets every 2 feet on top and bottom
- Wind Slits required on all banner sizes

Banner Prohibitions:

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

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

• **13.12.040 - Billing policies and procedures.**

- A. The provisions in this section are policy procedures only and constitute guidelines which do not create any requirements or standards which, upon non-compliance, will give rise to any claim, cause of action, or basis for non-payment for services rendered. The failure of the town to comply strictly with any of these policy procedures and guidelines is not a waiver or relinquishment of any of the rights of the town to seek payment for water and sewer services rendered nor does such failure create any defense to the obligation of the user to pay for water and sewer services rendered.
- B. Water and sewer bills are issued quarter-annually and mailed in January, April, July and October of each year for water and sewer usage during the preceding three months. **All water and sewer accounts will be established in the name of the property owner where service is rendered. Bills are mailed in the name of the property owner to the property address. The town will, however, upon written request by the property owner, mail bills to the property owner to such other address as designated by the property owner and will also mail bills in the name of the property owner but in the care of a designated property management company at that company's address. No accounts will be established and no bills will be mailed in the name of tenants.** Late notices, disconnection notices and any other notices will be mailed in the name of the property owner to the property address or to such other address or to such property management company as has been designated by the property owner for the mailing of bills.
- C. Payments of water and sewer bills are due in full on or before thirty (30) days from the date of the bill. Partial payment of bills will not be accepted. All bills may be paid at any of the following locations or in the following manner:
1. Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland from 8:00 a.m. to 4:00 p.m. Monday through Friday;
 2. Middletown Valley Bank main and branch offices;
 3. BB&T Bank, Middletown branch office;
 4. By mailing payment to the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769.
 5. By on-line banking, if such payment procedure is available through the customer's bank or other financial institution and is compatible with the procedures and billing systems of the town.
- D. Interest on Unpaid Bills. Interest at the rate of one and one-half percent per month shall be charged on and added to the amount of any bill which remains unpaid more than thirty (30) days after the date of the issuance of the bill. Additional interest of one and one-half percent of the amount of the unpaid portion of the bill shall continue to be charged for each month that the bill remains unpaid.

- E. **Late Notices.** A notice of late payment will be issued for any bill which remains unpaid for more than thirty (30) days after the date of the issuance of the bill. A second notice of late payment and a notice of disconnection of service will be issued for any bill which remains unpaid for more than sixty (60) days after the date of the issuance of the bill. The notice of disconnection of service will state the date by which payment of the water and sewer bill must be made in full in order to avoid the disconnection of service. No further notices will be provided prior to disconnection of service. Notices will be mailed to the property owner, or if applicable, the designated property management company, at the address to which bills are mailed pursuant to subsection B. The notice of disconnection of service will be mailed by certified mail, return receipt requested. A twenty dollar (\$20.00) administrative fee shall be added to any bill for which a notice of disconnection of service is mailed. An additional administrative fee of twenty dollars (\$20.00) shall be assessed against such bill for each subsequent quarter during which the bill remains unpaid and the water service remains disconnected.
- F. **Disconnection and Reconnection Policy.**
1. Payment in full of the water and sewer bill must be made prior to the disconnection date stated in the notice of disconnection of service. If payment is presented on the disconnection date stated in the notice of disconnection of service, payment must be paid in cash and/or money order in person at the Middletown Municipal Center by 9:30 a.m. of that date, and if such payment is not received by that time, the disconnection of water service will begin at 10:00 a.m. No service will be disconnected if the balance due on the bill is less than fifty dollars (\$50.00).
 2. For service to be reconnected after disconnection, a reconnection fee must be paid in the following amounts: For a first occurrence—Fifty dollars (\$50.00); for a second occurrence within any twelve (12) consecutive month period—One hundred dollars (\$100.00); for a third or more occurrence within any twelve (12) consecutive month period—One hundred fifty dollars (\$150.00). In order to have service reconnected, the unpaid balance of the bill and the reconnection fee must be paid, in full, by cash and/or money order in person at the Middletown Municipal Center.
- G. **Returned Checks.** A charge will be added to the water and sewer bill for any check which is returned as non-payable for any reason, including but not limited to, non-sufficient funds. The amount of the added charge will be that amount which is charged to the town by the returning bank or financial institution. If a non-payable check submitted in payment of a bill is returned to and received by the town after the date on which the service was to be disconnected as stated in a notice of disconnection of service, then water service will be disconnected immediately without any further notice, including the notices provided for in subsection E.

- H. Rental Properties. Property owners are responsible for the payment of any overdue bills, interest charges or disconnection, reconnection and administrative fees, and the town will not seek payment of such expenses from tenants of the property owner.
- I. Meter Reading. When a meter cannot be easily and clearly read due to obstructions such as weeds, structures, excavations, animals or other impediments, an estimate of water usage will be made based upon prior usage at that location. In that event, the town will enclose a letter with the following bill requesting that the owner correct the problem prior to the next meter reading. If an obstruction problem remains present at the time of the next reading, an estimate of water usage will again be made based upon prior usage at that location. In that event, the town will mail a letter by certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) business days in which to correct the problem or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.
- J. Broken Meters. If at the time of reading the meter a meter is not operating and recording no usage, then an estimate of water usage will be made based upon prior usage at that location. In that event, the town will mail a letter by certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) working days to schedule an appointment for meter repair or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.
- K. Replacement Meters. If a customer contends that his or her water meter is defective and informs the town of this contention, the town's water and sewer personnel will examine and test the meter. If the meter is greater than ten (10) years old, it will be replaced at no cost to the customer. If the meter is ten (10) years old or less and determined by town personnel to be working properly, the meter will be replaced upon request of the customer, however the customer must pay one hundred dollars (\$100.00) for the cost and installation of the new meter if the manufacturer of the meter confirms that the meter was working properly. If the manufacturer determines that the meter was defective, there will be no cost to the customer.
- L. Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage which is due to a broken pipe or leak in the plumbing on the property, then the Town will allow, for a first such occurrence during a five-year period, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the property owner must submit a written request to the town for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon two times the average of the water usage for the property for the four quarters immediately preceding the high water reading. In the event that there is a second occurrence within five years of an unusually high meter reading for a same property, then the property owner shall be responsible for the entire water and sewer bill;

provided, however, that if it can be demonstrated to the satisfaction of the town that the leaking water did not empty into the town's sanitary sewer system, and therefore did not require treatment at the wastewater treatment facility, then the town may, but is not required to, waive all or some of the sewer portion of the bill.

- M. The town will allow payment plans for financial hardship cases. The terms of the payment plan will be negotiated by the town administrator based upon the financial circumstances of the property owner requesting the payment plan.

(Ord. No. 13-03-02, § 1, 3-11-2013, eff. 3-31-2013; Ord. No. 12-08-01, § 1, 8-13-2012, eff. 9-2-2012; Ord. 07-02-01 § 1, 2007; Res. 99-13, 1999)

WATER SYSTEM DESIGN MANUAL

1.0 GENERAL

1.1 Introduction

This chapter of the Middletown Design Manual outlines the policies, minimum design criteria and design procedures for the preparation of feasibility reports and construction plans and specifications for Town-maintained and on-site water system improvements. Developers and/or Design Engineers shall check with the Town Office of Planning and Zoning to determine the availability of water at the site of a proposed subdivision.

1.1.1 Town Policy

a. Town-Maintained Facilities

The parts of the water supply system which are considered as the property and responsibility of the Town of Middletown are the water mains, appurtenances and that portion of the water services up to and including the curb stop or valve just inside the property line. The water supply and distribution system within the Town's rights-of-way and easements for Middletown is maintained by the Town of Middletown.

b. On-Site Facilities

The parts of the water services which lie within private property are the responsibility of the owner and are constructed and maintained by the Owner.

c. Requirements for Water Service

1. All properties will be connected to the water system of Middletown.

a.) Each building shall be serviced by a separate water tap.

(1) Multiple dwelling units such as an apartment dwelling, duplex or residential unit with apartment(s) may be served by a single water tap but will be billed quarterly water and sewer fees based on the number of dwelling units in the building.