



## AGENDA FOR THE TOWN MEETING

July 22, 2019

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

### CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
  - July 8, 2019 – Town Meeting

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- Ordinance 19-07-02 – Self Storage (Second Reading)
- Introduction of Ordinance 19-07-03 – Investment Policy Amendments (First Reading)
- Amendments to the Banner Policy
- Review of Crosswalk Standards
- Review of Speed Table Standards
- Review of Charging Costs for EV Stations
- Review of Model Ordinance for Illicit Discharge & Connection Stormwater
- Review of Capital Improvements Program (CIP)
  - General Fund CIP
  - Water & Sewer CIP

### NEW BUSINESS:

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## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *Public Hearings*
  - *Capital Improvements Program – Thursday, August 1, 2019 at 7:00PM at Municipal Center*
  - *Self-Storage Facilities Text Amendments – Thursday, August 2019 at 7:15PM at Municipal Center*
- *National Night Out – Tuesday, August 6, 2019 at 6:00PM at the MVFC Fair Grounds*
- *Movie Night – Friday, August 16, 2019 at Middletown Park*
- *Pep Rally in the Valley – Saturday, August 24, 2019*

## **ADJOURNMENT**

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>REVENUE</b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,304,924	\$ 1,323,377	\$ 18,453
Tangible Personal Property	44,063	52,682	8,619
Public Utilities	14,192		(14,192)
Franchise (Cable)	55,145	37,055	(18,090)
Penalties & Interest	<u>11,043</u>	<u>1,772</u>	<u>(9,271)</u>
	\$ 1,429,367	\$ 1,414,886	\$ (14,481)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 34,125	\$ 19,384	\$ (14,741)
Highway Gasoline & Licenses	<u>177,025</u>	<u>159,829</u>	<u>(17,196)</u>
	\$ 211,150	\$ 179,213	\$ (31,937)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 1,024,876	\$ 810,302	\$ (214,574)
Tax Equity Grant	<u>632,552</u>	<u>632,552</u>	
	\$ 1,657,428	\$ 1,442,854	\$ (214,574)
<b><u>LICENSES AND PERMITS</u></b>			
Business / Traders	\$ 4,900	\$ 3,535	\$ (1,365)
Planning / Zoning Fees	<u>21,290</u>	<u>16,075</u>	<u>(5,215)</u>
	\$ 26,190	\$ 19,610	\$ (6,580)
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 4,315</u>	<u>\$ 3,604</u>	<u>\$ (711)</u>
	\$ 4,315	\$ 3,604	\$ (711)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 26,187</u>	<u>\$ 19,402</u>	<u>\$ (6,785)</u>
	\$ 26,187	\$ 19,402	\$ (6,785)
<b><u>MISCELLANEOUS</u></b>			
Bank Shares Grant	\$ 2,500	\$ 1,491	\$ (1,009)
Miscellaneous & Donations		<u>749</u>	<u>749</u>
	\$ 2,500	\$ 2,240	\$ (260)
<b>OPERATING REVENUES</b>	<b>\$ 3,357,137</b>	<b>\$ 3,081,809</b>	<b>\$ (275,328)</b>
State Grants & Interest	\$ 100,900	\$ 18,112	\$ (82,788)
<b>TOTAL REVENUE</b>	<b>\$ 3,458,037</b>	<b>\$ 3,099,921</b>	<b>\$ (358,116)</b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 21,000	\$ 17,500	\$ (3,500)
Communications	3,480	2,216	(1,264)
Dues & Subscriptions	7,400	6,863	(537)
Office Supplies & Exp	7,500	2,587	(4,913)
Advertising	500		(500)
Meetings & Conventions	7,500	11,123	3,623
	\$ 47,380	\$ 40,289	\$ (7,091)
<b><u>EXECUTIVE</u></b>			
Burgess Salary	\$ 10,200	\$ 8,500	\$ (1,700)
	\$ 10,200	\$ 8,500	\$ (1,700)
<b><u>ELECTION</u></b>			
Clerk Fees			
Other Administrative Expenses			
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 272,402	\$ 251,409	\$ (20,993)
Postage & Printing	200	9	(191)
Communications	10,300	6,697	(3,603)
Computer Expenses	21,800	56,767	34,967
Office Supplies & Exp	42,232	30,065	(12,167)
Office Maintenance	23,500	27,594	4,094
Dues & Subscriptions	150		(150)
Professional Services	4,600	2,310	(2,290)
Meetings & Conventions	100	370	270
Water and Sewer Grant			
	\$ 375,284	\$ 375,221	\$ (63)
<b><u>OPERATIONS</u></b>			
Operations Salary	\$ 247,722	\$ 245,642	\$ (2,080)
Communications	10,200	9,376	(824)
Supplies & Expenses	19,500	14,862	(4,638)
Dues & Meetings	1,500	1,155	(345)
Maintenance & Repairs	25,982	17,047	(8,935)
Tools & Equipment	3,166	2,497	(669)
	\$ 308,070	\$ 290,579	\$ (17,491)
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 16,000	\$ 16,000	

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,130	3,790	(5,340)
	<u>\$ 25,130</u>	<u>\$ 19,790</u>	<u>\$ (5,340)</u>
 <b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 64,415	\$ 55,474	\$ (8,941)
Other Expenses	2,684	2,669	(15)
	<u>\$ 67,099</u>	<u>\$ 58,143</u>	<u>\$ (8,956)</u>
 <b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 47,147	\$ 43,160	\$ (3,987)
Town Contribution	10,000	10,470	470
	<u>\$ 57,147</u>	<u>\$ 53,630</u>	<u>\$ (3,517)</u>
 <b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	21,910	17,136	(4,774)
Community Deputy Program	393,895	298,105	(95,790)
	<u>\$ 435,805</u>	<u>\$ 335,241</u>	<u>\$ (100,564)</u>
 <b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 284,930	\$ 264,883	\$ (20,047)
 <b><u>RECREATION AND CULTURE</u></b>			
Park Salary	49,000	29,758	(19,242)
Park Electric	2,505	1,951	(554)
Remsberg Park Electric		12,714	12,714
Maintenance & Repairs	31,150	28,045	(3,105)
Mowing	33,935	19,892	(14,043)
Remsberg Park - Interest	4,389	4,388	(1)
Remsberg Park - Principal	119,161	119,161	
	<u>\$ 240,140</u>	<u>\$ 215,909</u>	<u>\$ (24,231)</u>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 70,232	\$ 94,336	\$ 24,104
Street Lighting	182,300	146,335	(35,965)
Storm Water Management	7,545	2,660	(4,885)
Snow Removal	85,300	122,027	36,727
Repairs & Resurfacing	92,000	84,205	(7,795)
Signs	5,300	8,683	3,383
Truck Repair & Operation	28,000	31,917	3,917
Equipment Repairs & Ops	21,172	10,297	(10,875)
Mowing	33,440	24,332	(9,108)
Interest	77,358	61,240	(16,118)
West Green St - Principal	<u>100,000</u>	<u>65,960</u>	<u>(34,040)</u>
	\$ 702,647	\$ 651,992	\$ (50,655)
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,278	1,168	(1,110)
Community Events	53,290	10,752	(42,538)
Payroll Taxes	63,139	55,100	(8,039)
Insurance - Property	15,906	12,531	(3,375)
Insurance - Employee	165,325	148,842	(16,483)
Retirement/Pension	71,102	74,053	2,951
Web Page & Directory	3,755	5,215	1,460
Real Estate Taxes	800	1,679	879
Other	<u>4,000</u>	<u>11,186</u>	<u>7,186</u>
	\$ 384,695	\$ 325,526	\$ (59,169)
<b>TOTAL EXPENDITURES</b>	<u>\$ 2,938,527</u>	<u>\$ 2,639,703</u>	<u>\$ (298,824)</u>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	<u>\$ 519,510</u>	<u>\$ 460,218</u>	<u>\$ (59,292)</u>
<b>CASH RESERVES</b>	<u>\$ 881,203</u>	<u>\$ 435,976</u>	<u>\$ (445,227)</u>
<b>SURPLUS / (DEFICIT)</b>	<u>\$ 1,400,713</u>	<u>\$ 896,194</u>	<u>\$ (504,519)</u>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>OPERATING REVENUE</b>			
Revenue	\$ 3,357,138	\$ 2,945,361	\$ (411,777)
<b>OPERATING EXPENSES</b>			
Expenses	3,357,138	2,641,953	(715,185)
<b>OPERATING SURPLUS (DEFICIT)</b>		<b>\$ 303,408</b>	<b>\$ 303,408</b>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 36,900	\$ 7,700	\$ (29,200)
Community Legacy Grants	64,000		(64,000)
RETAINED EARNINGS	299,658		(299,658)
Interest	865	10,412	9,547
Improvement Fees	<u>241,500</u>	<u>257,650</u>	<u>16,150</u>
<b>TOTAL OTHER FUNDS</b>	<b>\$ 642,923</b>	<b>\$ 275,762</b>	<b>\$ (367,161)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 642,923</b>	<b>\$ 579,170</b>	<b>\$ (63,753)</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
SHA Streetscape Lighting	\$ 175,000		\$ (175,000)
Broad Street Reconsturction	111,000	10,977	(100,023)
Elm Street - TCS	25,000	42,146	17,146
Elm Street Parking Lot Upgrades	90,000		(90,000)
Manda Drive - TCS	95,000		(95,000)
Manda Court - TCS	52,000		(52,000)
Washington Street Retaining Wall	25,000		(25,000)
Foxfield Swale Reconstruction	15,000		(15,000)
Remsberg Park - Walking Trail Pa	25,000		(25,000)
Cone Branch Park Benches	6,500		(6,500)
Walking Trail Signage	5,000		(5,000)
Wiles Branch Picnic Benches	4,500	7,090	2,590
Foxfield Walking Trail - Ext to	25,000		(25,000)
Befco Slit Seeder	8,000		(8,000)
Municipal Center - HVAC Replacem	60,000		(60,000)
Municipal Center - Boiler Replac	35,000	10,500	(24,500)
Municipal Center - ADA Improveme	30,000		(30,000)
Street Pretreatment Equipment -	60,360		(60,360)
Maintenance Facility at EWWTP		1,800	1,800
IT Computer Equipment Lease	37,000		(37,000)
ADA Compliance - Handicap Ramps		<u>22,295</u>	<u>22,295</u>
	<b>\$ 787,000</b>	<b>\$ 94,808</b>	<b>\$ (692,192)</b>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING & CIP SURPLUS (DEFICIT)	\$ (144,077)	\$ 484,362	\$ 628,439
Cash Reserves	\$ 346,150	\$ 237,814	\$ (108,336)
<b>TOTAL CASH SURPLUS</b>	<u><u>\$ 202,073</u></u>	<u><u>\$ 722,176</u></u>	<u><u>\$ 520,103</u></u>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
**For the 11 Months Ended May 31, 2019**

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>REVENUE</b>			
Water Revenue	\$ 624,139	\$ 453,897	\$ (170,242)
Sewer Revenue	616,076	451,700	(164,376)
Penalties/Reconnects	22,161	11,195	(10,966)
Rain Barrel Sales	1,000	(760)	(1,760)
General Fund Grant/Misc			
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,263,376</b>	<b>\$ 916,032</b>	<b>\$ (347,344)</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATIVE</b>			
Office Salaries	\$ 34,407	\$ 33,781	\$ (626)
Communications	11,742	10,789	(953)
Postage	9,750	6,000	(3,750)
Office Supplies/Expense	14,000	7,789	(6,211)
Legal - Other	2,000	2,438	438
Meetings & Seminars	500	505	5
Advertising	500		(500)
Uniforms	5,068	3,053	(2,015)
Dues/Subscrip/Certifications	500	879	379
Travel	200		(200)
Payroll Taxes	23,721	21,289	(2,432)
Insurance - Prop. & Liability	11,848	7,392	(4,456)
Insurance - Workers Comp	9,911	7,026	(2,885)
Insurance - Health	54,716	29,191	(25,525)
Retirement/Pension	22,912	14,224	(8,688)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	1,000		(1,000)
I & I Loan Principal and Interest	32,743	32,498	(245)
Sub-Total	\$ 235,810	\$ 177,146	\$ (58,664)
<b>Vehicles &amp; Equipment</b>			
2016 Truck (Pearl)	\$ 1,100		\$ (1,100)
2008 Truck	4,200	244	(3,956)
2012 Truck (Miller)	1,800	791	(1,009)
2013 Truck (Whitney)	2,600	1,312	(1,288)
2015 Meter Van (Hightman)	2,300	2,020	(280)
Misc Equipment		993	993
Bobcat Mini-Excavator		91	91
Case Backhoe	3,000	3,028	28
Sub-Total	\$ 15,000	\$ 8,479	\$ (6,521)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
**For the 11 Months Ended May 31, 2019**

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>WATER</b>			
Salaries	\$ 151,440	\$ 132,719	\$ (18,721)
<b>Water Distribution System</b>			
Supplies	5,500	17,014	11,514
Repairs & Maintenance	37,000	30,353	(6,647)
Water Line Break Repairs	5,000	2,357	(2,643)
Chemicals	500	2,106	1,606
Tools & Equipment	4,000	50	(3,950)
Sub-Total	\$ 52,000	\$ 51,880	\$ (120)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Supplies	\$ 2,000	\$ 7,169	\$ 5,169
Repairs & Maintenance	37,722	8,717	(29,005)
Chemicals	17,132	13,675	(3,457)
Tank Maintenance Contract	100,000		(100,000)
Tools & Equipment	1,932	631	(1,301)
Testing & Analysis	5,900	3,163	(2,737)
Sub-Total	\$ 164,686	\$ 33,355	\$ (131,331)
<b>Water Electric</b>	<b>\$ 26,561</b>	<b>\$ 58,148</b>	<b>\$ 31,587</b>
<b>TOTAL WATER EXPENSES</b>	<b>\$ 394,687</b>	<b>\$ 276,102</b>	<b>\$ (118,585)</b>
<b>SEWER</b>			
Salaries	\$ 115,933	\$ 113,515	\$ (2,418)
<b>Sewer Collection System</b>			
Cone Branch PS		7,128	7,128
Brookridge South PS		2,308	2,308
Foxfield PS		2,132	2,132
Sanitary Sewerlines & Manholes	22,080	13,976	(8,104)
I & I Accrual	75,000	68,750	(6,250)
Sub-Total	\$ 97,080	\$ 94,294	\$ (2,786)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
**For the 11 Months Ended May 31, 2019**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Supplies	\$ 5,581	\$ 11,954	\$ 6,373
Repairs & Maintenance	12,600	18,594	5,994
Chemicals	34,285	39,119	4,834
Tools & Equipment	4,500	1,492	(3,008)
Testing & Analysis	36,611	24,853	(11,758)
Sludge Hauling Expense	55,669	40,944	(14,725)
Sub-Total	\$ 149,246	\$ 136,956	\$ (12,290)
<b>West Wastewater Treatment Plant</b>			
Supplies	\$ 2,500	\$ 862	\$ (1,638)
Repairs & Maintenance	15,000	2,688	(12,312)
Chemicals	50,531	45,517	(5,014)
Tools & Equipment	2,766	15	(2,751)
Testing & Analysis	10,449	7,616	(2,833)
Sludge Hauling Expense	17,250	15,812	(1,438)
Sub-Total	\$ 98,496	\$ 72,510	\$ (25,986)
<b>Sewer Electric</b>	<b>\$ 104,118</b>	<b>\$ 67,447</b>	<b>\$ (36,671)</b>
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 564,873</b>	<b>\$ 484,722</b>	<b>\$ (80,151)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,210,370</b>	<b>\$ 946,449</b>	<b>\$ (263,921)</b>
3.4% of Operating Expenses	\$ 41,153	\$ 32,179	\$ (8,973)
Liner Inspection and Repair	\$ 10,000		\$ (10,000)
<b>CONTINGENCY FUND</b>	<b>\$ 51,153</b>	<b>\$ 32,179</b>	<b>\$ (18,973)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,261,523</b>	<b>\$ 978,628</b>	<b>\$ (282,894)</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 1,853</b>	<b>\$ (62,596)</b>	<b>\$ (64,450)</b>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2019**  
**For the 11 Months Ended May 31, 2019**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,263,376	\$ 916,032	\$ (347,344)
Operating Expenses	<u>1,261,523</u>	<u>946,449</u>	<u>(315,074)</u>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 1,853</b>	<b>\$ (30,417)</b>	<b>\$ (32,270)</b>
Cash Reserves	\$ 538,119	\$ 895,989	\$ 357,870
Debt Service Fee - New Homes	156,000	114,650	(41,350)
Capital Improvement Fees	168,966	126,486	(42,480)
Inflow & Infiltration - Reserve A	50,000	68,750	18,750
Sludge Removal - Reserve Account	35,000	68,750	33,750
Tap Fees	621,000	593,100	(27,900)
Water Tower & Land Leases	193,271	150,546	(42,725)
Main Street Waterline Loan	1,780,968	(818,555)	(2,599,523)
Reservoir Tank Loan		<u>2,895,000</u>	<u>2,895,000</u>
<b>TOTAL OTHER REVENUE</b>	<b>\$ 3,543,324</b>	<b>\$ 4,094,716</b>	<b>\$ 551,392</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>3,545,177</b>	<b>4,064,299</b>	<b>519,122</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
MDE - East WWTP	\$ (241,265)	\$ 220,351	\$ 461,616
Main Street Waterline Loan	(77,842)	(163,325)	(85,483)
Reservoir Loan	(6,798)	(96,500)	(89,702)
Brookridge WTP Loan Payments	<u>(195,314)</u>		<u>195,314</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ (521,219)</b>	<b>\$ (39,474)</b>	<b>\$ 481,745</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
Main Street Waterline	\$ 1,780,968	\$ 827,689	\$ (953,279)
Reservoir Improvements	104,000	52,392	(51,608)
Well Field Power Quality Monitor	10,500		(10,500)
SCADA Control System	50,000	106,987	56,987
BS - Replace Starters with VFDs	15,000		(15,000)
BS - Rebuild Pump #4	15,000	9,490	(5,510)
BS - Process Piping Replacment	10,000		(10,000)
Water Meter Replacements	41,200		(41,200)
PRV Vault Pipe Painting and Clean	9,000		(9,000)
InHance Billing Software Upgrade	37,000	33,539	(3,461)
West WWTP - Curtain Replacement	25,000		(25,000)
West WWTP - Plug Valve Replacment	5,000	9,491	4,491
West WWTP - Chemical Storage Buil	85,000	8,864	(76,136)

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
 WATER & SEWER  
 Fiscal Year 2019  
 For the 11 Months Ended May 31, 2019

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
East WWTP - Dewatering Sludge Tan	\$ 15,000		\$ (15,000)
East WWTP - Influent Flume & Ultr	20,000		(20,000)
East WWTP - Sludge Removal Reed B	35,000		(35,000)
East WWTP - Sludge Mag Meter	15,000		(15,000)
Vactor Trailer & Excavator	75,000		(75,000)
Inflow and Infiltration	<u>50,000</u>	<u>127,028</u>	<u>77,028</u>
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 2,397,668</b>	<b>\$ 1,175,480</b>	<b>\$ (1,222,188)</b>
<b>TOTAL FUNDS REMAINING</b>	<u><u>\$ 626,290</u></u>	<u><u>\$ 2,849,345</u></u>	<u><u>\$ 2,223,055</u></u>

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN MEETING MINUTES**

### **REGULAR MEETING**

**July 8, 2019**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on July 8, 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.

### **PUBLIC HEARING:**

**Ordinance 19-07-01-Water & Sewer Rate Increase** – Burgess Miller stated that this 2% increase was proposed in the operating water & sewer budget which was approved last month. Commissioner Falcinelli stated that included in our packets tonight you will see the rates decreased from what was advertised. Commissioner Falcinelli stated that we were notified by a resident today that our billing system apparently rounds up which doesn't equal what our Ordinance states. Drew stated that this was properly advertised although as Commissioner Falcinelli stated the rates shown are lower than what was advertised to avoid our billing system from over charging the residents by rounding up.

Janice Schlepp, 9 Jesserong Drive – stated that we have over charged all residents since the last Ordinance was approved at least \$0.02 cents per quarter.

Drew stated that staff was notified by this today and really haven't had time to dig into this, although we did look into it and discovered that our billing system rounds up. The Board asked staff to look further into this and we will report back to the Board our findings.

Motion by Commissioner Falcinelli to approve Ordinance 19-07-01 as presented, seconded by Commissioner Catania. Motion carried 6-0.

### **CONSENT AGENDA:**

- *Town Meeting Minutes – June 6, 2019 – Public Hearing & Town Workshop*
- *Town Meeting Minutes – June 10, 2019 – Town Meeting*

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

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

Recognition of C. Harold "Corky" Zeigler on his 100<sup>th</sup> Birthday – Burgess Miller read and presented Mr. C. Harold "Corky" Zeigler with a resolution and a gift card from Main Cup.

**Middletown Rec Council – Request for changes to the Banner Policy** – Pam Dietrick is asking the Town to change the wording to the policy to state that if there is no other banner to be hung that the second banner be allowed to be hung for the duration of their event. Drew will make changes to the policy and bring back to the Board for their approval at the next meeting.

### **UNFINISHED BUSINESS:**

#### **Code Amendments:**

- **Ordinance 19-07-02 – Self Storage (first reading)** – Burgess Miller stated that this is the first reading of this Ordinance regarding Self-Storage.

John Huegelmeyer, 110 Manda Drive – stated that the self-storage unit definition does not mention campers or boats, was that overlooked, or will that not be allowed? It was stated that would fall under personal property but, we will discuss with the attorney to identify specifically or leave it as a general definition.

- **Discussion of Parking Requirements for Apartments & Townhouses** – Burgess Miller stated that this item has been on our agenda for some time now and will discuss at the Joint meeting with the Planning Commission to get their input.
- **Discussion of Accessory Structure in Residential Zoning Districts** – Burgess Miller stated that this item will also be on the Joint meeting with the Planning Commission for discussion to get their input if the regulations need changed for accessory structures in residential zoning districts.

**Recommendation from Public Works Committee on mid-block Crosswalks Guidelines and Traffic Calming Measures** – Drew stated that the Board asked staff for standards on mid-block crosswalks and traffic calming measures. Commissioner Bussard stated that his Public Works Committee met with Bruce and JR to discuss. Bruce went over his memo that he prepared for the Board. Bruce stated that curb bump outs/chokers or speed tables/humps are the recommendations from staff. Bruce also stated that a mid-block crosswalk should never be used as a measure for traffic calming. Mid-block crosswalks sole purpose is for providing pedestrian crossing at an “uncontrolled location”. Bruce states that the Public Works department ethically cannot support the use of a mid-block crosswalk for the purpose of traffic calming as it is unsafe for the public.

Ron Moss, 213 Broad Street – questioned what other traffic calming devices are available to install as he feels they need something mid-block. Mr. Moss went over the most recent traffic statistics that he feels show a need for something mid-block.

Commissioner Falcinelli – asked Mr. Moss why they are not in favor of bump outs? Commissioner Falcinelli stated that she spoke to a traffic engineer at the MML conference last week about traffic calming measures and he stated that he recommends bump outs as it makes the road appear narrower.

Virginia Cuff, 222 Broad Street – asked what the objection to speed bumps are? Commissioner Falcinelli stated that they are hard on our snowplows and if we put them in on Broad Street, we will have every other Street in Town wanting the same. Commissioner Falcinelli stated that we would need to develop some criteria on what streets would qualify for speed bumps.

Ron Moss, 213 Broad Street – asked if a speed bump could go in mid-block on Broad Street? Bruce stated that he would recommend a speed table not a speed bump.

Amy Camarote, 226 Broad Street – asked if we could have the speed limit different during school hours?

Mrs. Scarpignato, 623 Glenbrook Drive – stated that she doesn’t think a crosswalk should be put in mid-block if there is a speed problem, your going to have people (kids) crossing with the speeding traffic.

Virginia Cuff, 222 Broad Street – stated that it is upsetting that we’ve come this far, and we are back to square one. Burgess Miller stated that we are not back to square one but there are going to have to be compromises on both sides.

**Installation of Crosswalk on Glenbrook Drive** – Drew stated that with FCPS now making the middle & high school kids walk to school from the Glenbrook Development we need to install a crosswalk at Glenbrook Drive and Middletown Parkway. Drew presented the Board with a picture of where the crosswalk will be installed but stated that staff is looking for some recommendation on what type of striping the Board would like for the crosswalk? The Board asked Bruce Carbaugh to present the Board with pictures of crosswalks currently in Town and the Board will decide.

**Petition from Residents of Middletown Glen to Lower Speed Limit** – Drew stated that he will have the speed camera installed next week to collect the speed data.

Sean Mahar, 203 Ingalls Drive – stated that would be great as most of the construction equipment should be gone.

**Review of Capital Improvements Program (CIP)**

- **General Fund** – Burgess Miller reviewed the proposed CIP general fund budget with the Board.
- **Water & Sewer Fund** – Burgess Miller reviewed the proposed CIP water/sewer fund budget with the Board.

**REPORT OF COMMITTEES:**

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

Water use for June – 321,467 gal., spring flow for June – 135,541, East WWTP treated 219,000 gals. and the West WWTP treated 233,000 gals.

Main Street waterline should be done by end of summer.

**PUBLIC WORKS** – no report:

**SUSTAINABILITY** – Commissioner Dietrick reported:

Cindy submitted the Sustainable Grant application that was due the end of June. Next meeting is July 16, 2019 at 5pm.

**PLANNING COMMISSION** – Commissioner Catania reported:

Next workshop is July 10, 2019 and the meeting is Monday, July 15, 2019 at 7pm. On the agenda is the reservoir/tank plans and self-storage text amendment.

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

The Town received a request for a trail to be installed in Jefferson Village. The Parks & Rec Committee will look into. Commissioner Goodman also stated that National Night Out is Tuesday, August 6, 2019 6-8pm.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Encouraged our residents to sign up for our list serve and robo calls.

**NEW BUSINESS:**

**Discussion of Electronic Vehicle Charging Stations and Upgrades** – Burgess Miller stated that we have company that would like to install either 2 or 4 electronic vehicle charging stations for free. It was stated that we currently do not charge for the one that we installed at the Municipal Center earlier in the year. After some discussion Drew will get data from the one, we have currently, and report back the next meeting.

**Discussion of Amendments to the Investment Policy** – Drew stated that our code does not include Insured Cash Sweep (ICS) Services. ICS is permitted with state loans. Drew stated that this is the first reading of this.

**Review of Model Ordinance for Illicit Discharge & Connection Stormwater** – Drew stated that this is the first reading of this. Drew stated that we need to create this ordinance for our MS4 permit.

**Schedule of Public Hearing for Capital Improvements Program (CIP)** – Public Hearing will be Thursday, August 1, 2019 with a vote at the Monday, August 12, 2019 meeting.

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

Meeting adjourned at 9:35pm., with the Board entering in Executive Session to discuss Employee Evaluations.

Respectfully submitted,

Ann Griffin  
Office Manager

**ORDINANCE NO. 19-07-02**

**AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO ADD DEFINITIONS FOR THE TERMS "HOUSEHOLD GOOD", "PERSONAL PROPERTY", "SELF-STORAGE UNITS", AND "STORAGE"; TO AMEND TITLE 17, CHAPTER 17.48, SECTION 17.48.030 TO DELETE AND REPEAL THE REQUIREMENT THAT SELF-STORAGE FACILITIES MAY ONLY BE PERMITTED AS AN ACCESSORY USE TO A PRIMARY BUISNESS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.04, Section 17.04.30 of the Middletown Municipal Code be, and hereby is amended as follows. The amendment shall adopt the definitions stated, and the new definitions shall be codified in this section of the Municipal Code alphabetically. The remaining provisions of Section 17.04.030 shall remain unaltered. New language is designated by being in **BOLD CAPITAL LETTERS:**

**TITLE 17 ZONING**

**CHAPTER 17.04 – ADOPTION, PURPOSE AND DEFINITIONS**

**17.04.030 - Definitions.**

For the purpose of this title certain terms or words used in this chapter shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

\*\*\*\*\*

**"HOUSEHOLD GOOD" MEANS PERSONAL PROPERTY OTHER THAN REAL ESTATE, BELONGING TO AN INDIVIDUAL OR HIS OR HER IMMEDIATE FAMILY AND INCLUDING (BUT NOT LIMITED TO) APPLIANCES, BOOKS, CLOTHING, FURNISHINGS, AND FURNITURE.**

\*\*\*\*\*

**“PERSONAL PROPERTY” MEANS POSSESSIONS OTHER THAN REAL ESTATE OR BUILDINGS. PERSONAL PROPERTY IS MOVABLE AND INCLUDES TANGIBLE (APPLIANCES, CAR, FURNITURE, JEWELRY) AND INTANGIBLE (BONDS, RIGHT TO A BENEFIT, SHARES OR STOCKS) ITEMS WHOSE OWNERSHIP BELONGS TO THE INDIVIDUAL. ALSO CALLED CHATTELS.**

\*\*\*\*\*

**“SELF-STORAGE UNITS” MEANS A BUILDING OR GROUP OF BUILDINGS CONSISTING OF INDIVIDUAL, SELF-CONTAINED UNITS LEASED OR RENTED TO INDIVIDUALS, ORGANIZATIONS, OR BUSINESSES FOR SELF-SERVICE STORAGE OF PERSONAL PROPERTY AND WHERE NO COMMERCIAL TRANSACTIONS ARE PERMITTED OTHER THAN THE LEASING AND RENTAL OF THE STORAGE UNIT.**

\*\*\*\*\*

**“STORAGE” MEANS THE ACTION OR METHOD OF STORING SOMETHING FOR FUTURE USE.**

\*\*\*\*\*

**SECTION II. BE IT FURTHER ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.48, Section 17.48.030 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~{brackets and stricken through}~~.

## TITLE 17 ZONING

### CHAPTER 17.48 – SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS

#### 17.48.340 - Self-storage.

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

A. – D. *{Unchanged}*

~~{E. — This use may be permitted only as an accessory use to a primary business.}~~

**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 \_\_\_\_\_, 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

**ORDINANCE NO. 19-07-03**

**AN ORDINANCE TO AMEND TITLE 3, CHAPTER 3.04 OF THE MIDDLETOWN MUNICIPAL CODE TO AUTHORIZE THE UTILIZATION OF INSURED CASH SWEEP (ICS) SERVICES AS PART OF THE TOWN'S INVESTMENT POLICY; TO MAKE CORRECTIONS TO ANTEDATED REFERENCES TO THE ANNOTATED CODE OF MARYLAND.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 3, Chapter 3.04, Section 3.04.070 and Section 3.04.080 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being repealed and deleted is designated by being in ~~{brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**:

**TITLE 3 – REVENUE AND FINANCE**

**Chapter 3.04 - INVESTMENT POLICY**

**3.04.070 - Authorized investments and deposits.**

The town may invest in the following types of securities and/or deposits, their authorized financial dealers and institutions:

- A. U.S. Treasury Obligations;
- B. U.S. Government Agency Securities;
- C. Repurchase agreements secured by U.S. Treasury obligations or U.S. Government agency securities;
- D. The Maryland Local Government Investment Pool;
- E. Interest-bearing accounts in any bank as provided by ~~{Article 95, Section 22}~~ **THE LOCAL GOVERNMENT ARTICLE, DIVISION IV, TITLE 17, SUBTITLE 1** of the Annotated Code of Maryland;
- F. Shares in an investment company or investment, trust, as provided by ~~{Article 95, Section 22N}~~ **THE LOCAL GOVERNMENT ARTICLE, SECTION 17-104** of the Annotated Code of Maryland.
- G. **INSURED CASH SWEEP (ICS) SERVICES.**

3.04.080 - Collateralization.

All deposits, certificates of deposit, and repurchase agreements shall be secured by pledged collateral.

- A. Collateral shall be in conformance with ~~[Article 95, Section 22]~~ **THE LOCAL GOVERNMENT ARTICLE, DIVISION IV, TITLE 17, SUBTITLE 1** of the Annotated Code of Maryland.
- B. Collateral will be held by an independent third party. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the town and retained.
- C. The right of collateral substitution is granted.

**SECTION II. 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 \_\_\_\_\_, 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



## **Banner Display Policy**

Approved by Burgess and Commissioners

April 8, 2019

Revised June 10, 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.middlestown.md.us](http://www.middlestown.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. Organizations are limited to hang 1 banner for their event, unless there isn't another organization banner scheduled, then an organization can display in both banner locations. All Town of Middletown and its committee's banners and town sponsored events will take priority and will be hung on the top.

To display your organization's banner, an application must be submitted 60 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.



## **Raised Crosswalk Policy **DRAFT****

**Previously** Approved by Burgess and Commissioners

February 22, 2016

This policy established the guidelines for determining if and when the consideration of a Raised Crosswalk is warranted on a Town Owned and Maintained Street. Raised Crosswalks will be considered under the following conditions:

- 85<sup>th</sup> percentile speed is 5 mph or more above the posted speed limit
- Road Classification – Collector road or higher volume classification required
- Locations at school crossings
- Intersections that are primary walking routes for students
- Minimum vehicles/day of 500 and not greater than 3,000 vehicles/day
- Only where speed limit is 25 mph
- Consideration of surrounding property owners sought
- Director of Public Works shall recommend to the Town Board the location
- The Town Board will approve ALL locations
- The use of Mid-Block Crosswalks is not recommended and should not be used for speed control



## **Speed Table Policy **DRAFT****

This policy established the guidelines for determining if and when the consideration of a Speed Table is warranted on a Town Owned and Maintained Street. On new roads, Speed Tables are more easily facilitated with respect to surrounding drainage and parking considerations. On existing roads, Speed Tables will require considerable study to determine their effect on surrounding drainage and other engineering considerations to determine the location for installation. Speed Tables will be considered under the following conditions:

- 85<sup>th</sup> percentile speed is 5 mph or more above the posted speed limit
- To be installed on only New or Reconstructed Roads
- Road Classification – Not on Collector Roads
- Only where speed limit is 25 mph
- Consideration of surrounding property owners sought
- Director of Public Works shall recommend to the Town Board the location
- The Town Board will approve ALL locations
- Special consideration will be given to through streets within a \_\_\_\_\_ ft radius of a school
- Speed Bumps are not permitted on Town streets

# Model Illicit Discharge and Connection Stormwater Ordinance

ORDINANCE NO. \_\_\_\_\_

## SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of ( \_\_\_\_\_ ) through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

## SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the

storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **SECTION 3. APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The \_\_\_\_\_ [authorized enforcement agency] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 5. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**SECTION 6. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**SECTION 7. DISCHARGE PROHIBITIONS.**

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**SECTION 8. SUSPENSION OF MS4 ACCESS.**

### Suspension due to Illicit Discharges in Emergency Situations

The \_\_\_\_\_ [authorized enforcement agency] may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

### Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

### **SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the [authorized enforcement agency] prior to the allowing of discharges to the MS4.

### **SECTION 10. MONITORING OF DISCHARGES.**

#### **A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

#### **B. Access to Facilities.**

(a) The \_\_\_\_\_ [authorized enforcement agency] shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the [authorized enforcement agency] ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- (c) The \_\_\_\_\_ [authorized enforcement agency] shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The \_\_\_\_\_ [authorized enforcement agency] has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the [authorized enforcement agency] and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the [authorized enforcement agency] access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the \_\_\_\_\_ [authorized enforcement agency] has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

\_\_\_\_\_ [Authorized enforcement agency] will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**SECTION 12. WATERCOURSE PROTECTION.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**SECTION 13. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the [authorized enforcement agency] within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**SECTION 14. ENFORCEMENT.**

**A. Notice of Violation.**

Whenever \_\_\_\_\_ the [authorized enforcement agency] finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**SECTION 15. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within \_\_\_ days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

**SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within \_\_\_ days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

**SECTION 17. COST OF ABATEMENT OF THE VIOLATION.**

Within \_\_\_ days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within \_\_\_ days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of \_\_\_ percent per annum shall be assessed on the balance beginning on the \_\_st day following discovery of the violation.

**SECTION 18. INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**SECTION 19. COMPENSATORY ACTION.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 21. CRIMINAL PROSECUTION.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \_\_\_\_\_ dollars per violation per day and/or imprisonment for a period of time not to exceed \_\_\_ days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**SECTION 22. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any

applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 23. ADOPTION OF ORDINANCE.**

This ordinance shall be in full force and effect \_\_ days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, by the following vote:



**BURGESS AND COMMISSIONERS OF MIDDLETOWN**  
**GENERAL CAPITAL IMPROVEMENT BUDGET**  
**FY 2020 - FY 2024**

INCOME	FY '20	FY '21	FY '22	FY '23	FY '24
CASH RESERVES	\$568,285	\$520,492	\$498,055	\$327,300	\$683,119
INTEREST INCOME	\$1,421	\$1,301	\$1,245	\$818	\$1,708
IMPROVEMENT FEES	\$259,000	\$125,650	\$7,000	\$217,000	\$217,000
OPERATING INCOME From Previous Years	\$418,612	\$419,612	\$450,000	\$475,000	\$500,000
LOAN for Broad Street			\$1,224,000		
COMMUNITY LEGACY GRANTS					
PROGRAM OPEN SPACE and Community Parks & Playground	\$64,382				
<b>SUB-TOTAL</b>	<b>\$1,311,700</b>	<b>\$1,067,055</b>	<b>\$2,180,300</b>	<b>\$1,020,119</b>	<b>\$1,401,826</b>
<b>PROJECTS</b>					
<b>Highways &amp; Streets</b>					
<u>Broad Street Reconstruction</u>					
Broad Street - Engineering and Design	\$111,000				
Broad Street - Reconstruction			\$1,224,000		
<u>Prospect Street Reconstruction</u>					
Prospect Street - Engineering and Design			\$90,000		
Prospect Street - Construction					\$531,000
<u>Linden Boulevard Reconstruction (Broad Street to Pine Street)</u>					
Linden Boulevard - Engineering and Design			\$30,000		
Linden Boulevard - Construction					\$379,000
<u>Linden Boulevard - Culvert Replacement</u>					
Linden Boulevard - Engineering and Design		\$35,000			
Linden Boulevard - Construction			\$100,000		
<u>Washington Streetscape</u>					
Washington Street - Engineering and Design	\$15,000				
Washington Street - Construction		\$172,000			
Boileau Court - TCS	\$120,000				
Cone Branch Drive & Court - TCS				\$100,000	
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)				\$100,000	
Ivy Hill Drive - TCS			\$172,000		
Knoll Side Lane - TCS				\$100,000	
Martha Mason Drive - TCS	\$12,600				
Manda Drive - TCS	\$95,000				
Manda Court - TCS	\$52,000				
Schoolhouse Drive - TCS	\$30,000				
Washington Street Retaining Wall		\$90,000			
LED Enhanced Pedestrian Signs (3 Potential Locations)	\$45,000				
<b>Recreation &amp; Culture</b>					
Remsberg Park - Walking Trail Paving (75% Grant; POS 25%)	\$65,842				
Remsberg Park - Bleacher Repair & Installation (75% Grant; POS 25%)	\$20,000				
<b>General Services Administration &amp; Operations</b>					
Municipal Center - HVAC Replacement	\$51,765				
Municipal Center - ADA Improvements	\$30,000				
Municipal Center - ADA Improvements	\$106,000	\$150,000			\$300,000
Maintenance Facility at East WWTP	\$37,000	\$37,000	\$37,000	\$37,000	\$37,000
Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems			\$50,000		
Loader Replacement		\$95,000	\$150,000		
Truck Replacement(s)	\$791,207	\$569,000	\$1,853,000	\$337,000	\$1,247,000
<b>SUB-TOTAL</b>	<b>\$520,492</b>	<b>\$498,055</b>	<b>\$327,300</b>	<b>\$683,119</b>	<b>\$154,826</b>



**Burgess and Commissioners of Middletown**  
**Water & Sewer Capital Improvement Program**  
**FY 2020 - FY 2024**

<b>INCOME</b>	<b>FY '20</b>	<b>FY '21</b>	<b>FY '22</b>	<b>FY '23</b>	<b>FY '24</b>
CASH Reserves	\$800,079	\$875,538	\$433,268	\$427,241	\$760,201
DEBT SERVICE FEE - NEW HOMES	\$160,800				
CAPITAL IMPROVEMENT FEE	\$178,800	\$347,000	\$350,590	\$350,790	\$356,990
Inflow & Infiltration - Reserve Account <sup>(Footnote #1)</sup>	\$200,000		\$125,000		
Sludge Removal - Reserve Account <sup>(Footnote #2)</sup>			\$35,000		
Land Leases	\$195,669	\$202,517	\$209,606	\$216,942	\$224,535
Tap Fees <sup>(Footnote #3)</sup>	\$666,000	\$323,100	\$18,000	\$558,000	
Slate of MD Bay Restoration Fee - Grant					\$1,000,000
Main Street Waterline Loan <sup>(Footnote #4)</sup>	\$853,871				
Reservoir Tank Loan <sup>(Footnote #5)</sup>	\$1,984,146				
<b>Total Revenue</b>	<b>\$5,039,365</b>	<b>\$1,748,156</b>	<b>\$1,171,463</b>	<b>\$1,552,973</b>	<b>\$2,899,726</b>
<b>Debt Service</b>					
EAST WWTP LOAN	\$239,265				
MAIN STREET WATERLINE LOAN <sup>(Footnote #4)</sup>	\$138,165	\$138,165	\$138,165	\$138,165	\$138,165
RESERVOIR TANK LOAN <sup>(Footnote #5)</sup>	\$43,598	\$108,965	\$108,965	\$108,965	\$108,965
<b>Total Debt Service</b>	<b>\$421,027</b>	<b>\$247,129</b>	<b>\$247,129</b>	<b>\$247,129</b>	<b>\$247,129</b>
<b>Net Income</b>	<b>\$4,618,337</b>	<b>\$1,501,026</b>	<b>\$924,334</b>	<b>\$1,305,843</b>	<b>\$2,652,596</b>
<b>Projects</b>					
<b>SYSTEM UPGRADE PROJECTS</b>					
<b>WATER SYSTEM</b>					
Main Street Waterline Program	\$853,871				
Reservoir Improvements - Ground Storage Tank & New Suction Line	\$2,274,095	\$486,666			
Booster Station - Upgrade; Pumps; VFD's; Piping	\$48,500	\$175,000			
Booster Station - Roof Replacement/Building Painting				\$5,000	
PRV Vault Pipe Painting and Cleaning		\$9,000			
New Inspection Vehicle (Subaru)	\$30,000				
Water Meter Replacements	\$34,333	\$22,093	\$22,093	\$15,842	\$14,983
<b>WASTEWATER SYSTEM</b>					
West WWTP - Curtain Replacement	\$25,000		\$80,000		
West WWTP - Plug Valve Replacement Micro Strainer Bldg		\$15,000			
West WWTP - New Chemical Storage Structure		\$85,000			
Upgrade of West WWTP (Possible Future)				\$175,000	\$1,550,000
East WWTP - Roof Replacement: Admin; Barscreen	\$16,000				
East WWTP - Bar Screen Refurbishment		\$60,000			
East WWTP - Dewatering Solution Sludge Tank - Engineering			\$15,000	\$25,000	
East WWTP - Influent Flume & Ultrasonic Meter			\$20,000		
East WWTP - Sludge Removal Reed Beds			\$35,000		
East WWTP - Sludge Mag Meter		\$15,000			
Vector Trailer & Excavator				\$125,000	
Sewer Push Camera	\$11,000				
Inflow & Infiltration	\$250,000		\$125,000		
<b>Total Projects</b>	<b>\$3,542,799</b>	<b>\$867,759</b>	<b>\$297,093</b>	<b>\$345,642</b>	<b>\$1,564,983</b>
<b>Gross Surplus/Deficit</b>	<b>\$1,075,538</b>	<b>\$633,268</b>	<b>\$627,241</b>	<b>\$960,201</b>	<b>\$1,087,613</b>
<b>CAPITAL IMPROVEMENT RESERVE ACCOUNT</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$200,000</b>
<b>Net Surplus / Deficit</b>	<b>\$875,538</b>	<b>\$433,268</b>	<b>\$427,241</b>	<b>\$760,201</b>	<b>\$887,613</b>
<b>Capital Improvement Reserve Account 5 Year Total</b>	<b>\$1,000,000</b>				
<b>Footnotes</b>					
#1	As of 3/21/2019 - \$234,462.00 Balance in the I&I Reserve Account				
#2	As of 3/21/2019 - \$181,950.00 Balance in the Sludge Reserve Account				
#3	See Growth Projections Worksheet				
#4	See Loan Breakdown Worksheet (30 Year Loan)				
#5	See Loan Breakdown Worksheet (30 Year Loan)				