



AGENDA FOR THE TOWN MEETING

April 6, 2017

6:30 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

BUDGET WORKSHOP

General Fund Operating Budget FY 2018

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Link to Additional Information

CONSENT AGENDA

- Financial Statements
- YMCA Triathlons
 - Kids Triathlon – June 3, 2017
 - Adult Triathlon – September 17, 2017
- Town Meeting Minutes
 - March 27, 2017 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

Councilman Jerry Donald – Safety Enhancement Funding for Raised Crosswalk

Mr. Michael Paone, Frederick County Planning Department – Livable Frederick

STAFF REPORTS:

Staff Planner

Main Street Manager

Engineers Report

Zoning Administrator

UNFINISHED BUSINESS:

- Introduction of Peddling Ordinance 17-04-01
- Public Meeting – Discussion of Addition or Deletion of Fluoride Treatment
- Franklin Street Sidewalk Extension Plans
- Memar Annexation – Annexation Topic for Discussion
 - Comp Plan Consistency
 - Proposed Zoning
 - Request for Express Approval from the County

REPORT OF COMMITTEES:

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

NEW BUSINESS:

- [Discussion of Artisan Bike Racks for Downtown and Parks](#)
- [Discussion of Wireless Telecommunications Siting Ordinance](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *250th Town Talk (Transportation History) – Thursday, April 13, 2017 at 6:30PM at Town Office*
- *Sustainability Committee Openings*
- *Middletown Board of Appeals Position Available*

ADJOURNMENT

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2017**

DESCRIPTION	AUDIT FY2014	AUDIT FY2015	AUDIT FY2016	Budget FY 2017	Budget FY 2018
REVENUE					
LOCAL TAXES					
Real Property	1,111,313	1,125,061	1,133,834	1,244,642	1,269,903
Tangible Personal Property	35,392	38,043	39,544	37,108	38,248
Public Utilities	10,664	11,609	9,400	12,841	9,827
Franchise (Cable)	45,419	46,222	48,405	49,940	50,615
Discounts	(13,585)	(13,458)	(14,112)	(16,182)	(16,475)
Penalties & Interest	1,652	8,540	8,085	10,357	10,544
	1,190,855	1,216,017	1,225,156	1,338,705	1,362,662
STATE SHARED TAXES			11.91%	3.88%	
Amusement Taxes	33,016	20,856	9,565	22,500	21,526
Highway User Taxes	132,049	137,530	156,127	162,421	160,606
	165,065	158,386	165,692	184,921	182,132
COUNTY SHARED TAXES					
Income Taxes	774,117	788,153	915,506	867,672	896,179
Tax Equity	584,765	581,111	555,964	566,687	610,423
	1,358,882	1,369,264	1,471,470	1,401,624	1,506,602
LICENSES, PERMITS & FEES					
Filing/Permit Fees	7,688	6,501	6,013	6,500	6,500
Beer, Wine & Liquor	-	-	-	1,950	-
Traders	6,898	4,899	4,752	4,900	4,900
Planning & Zoning	31,995	34,881	11,450	13,691	21,450
	46,581	46,281	22,215	27,041	32,850
PARKS & RECREATION					
Pavillion Fees	1,860	1,860	3,158	1,900	3,158
POLICE PROTECTION					
State Grant	24,236	24,066	24,987	26,187	26,187
MISC INCOME					
Other (Bank Grant, Animal, Citations)	2,016	21,909	4,910	2,500	2,500
LGIT Health Insurance Rebate	13,531	-	-	-	-
FredCo Municipal Recycling Reimbursement	-	-	-	5,000	-
Community Events (Hotel Tax)	13,386	-	-	-	38,000
MISC	28,933	21,909	4,910	7,500	2,500
OPERATING REVENUE	2,816,412	2,837,782	2,917,587	2,987,878	3,116,092
EXPENSES					
LEGISLATIVE					
Commissioner's Fees	12,000	12,000	12,900	15,600	16,500
Communications	3,394	3,127	3,185	3,480	9,480
Dues & Subscriptions	7,420	7,525	7,226	7,400	7,400
Office Supplies/Expenses	2,731	3,343	7,359	3,600	7,500
Advertising	513	613	2,331	750	2,500
Meetings & Conventions	4,633	6,403	15,048	9,000	15,000
	30,691	33,011	48,049	39,830	58,380
EXECUTIVE					
Burgess	6,000	6,000	7,050	10,200	10,200
ELECTION EXPENSES					
Clerk Fees	350	-	450	-	450
Printing, Supplies, Advertising	59	-	223	-	250
	409	-	673	-	700
GENERAL / ADMINISTRATIVE SERVICES					
Capital Outlay	14,075	-	-	-	-
Administration Salary	199,118	216,763	248,153	247,131	254,512
Postage & Printing	74	36	16	200	200
Communications	7,824	6,774	6,788	6,977	7,205
Computer Expenses	26,983	24,355	27,814	28,400	29,512
Supplies & Expense	23,750	24,396	26,345	26,000	27,953
Maintenance & Repairs	42,395	32,801	30,325	13,400	29,600
Professional Services	6,809	4,845	5,470	4,600	4,600
Dues & Subscriptions	111	-	-	150	150
Meetings & Seminars	26	132	161	100	100

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2017**

DESCRIPTION	AUDIT FY2014	AUDIT FY2015	AUDIT FY2016	Budget FY 2017	Budget FY 2018
Water and Sewer Grant	100,000	203,219	80,000	-	-
	421,165	513,321	425,072	326,958	353,833
OPERATIONS/MAINTENANCE					
Maintenance - Capital Outlay					
Director Salary	86,659	91,351	97,515	97,355	101,415
Maintenance Salary	40,297	40,064	90,045	126,742	130,351
Communications	6,878	7,564	8,830	9,000	9,000
Supplies	6,540	10,426	11,631	17,000	17,960
Dues/Training/Certifications	1,509	449	2,299	1,500	1,500
Landscaping / Beautification					
Maintenance & Repairs	13,900	11,963	15,514	8,000	14,540
Mowing	10,646	12,047	11,780	12,133	12,133
Tools & Equipment	3,256	1,288	1,726	500	2,544
	169,685	175,152	239,340	272,230	289,443
PROFESSIONAL SERVICES					
Independent Accounting	13,000	28,100	13,000	16,000	16,000
Legal - Development & Ordinance	8,892	5,852	9,309	7,796	7,388
	21,892	33,952	22,309	23,796	23,388
PLANNING & ZONING					
Salaries	39,200	41,194	41,672	44,072	43,997
Bd Members Compensation	7,800	7,800	7,950	7,800	7,800
Zoning Expenses	2,593	3,114	1,716	3,207	1,778
	49,593	52,108	51,338	55,079	53,574
MAIN STREETS MANAGER					
Mainstreet - Capital Outlay					
Salary	41,190	43,720	41,716	43,680	45,482
Town Contribution	9,523	10,366	10,970	10,000	10,000
Wayfinding Signs Grant Contribution					
	50,713	54,086	52,686	53,680	55,482
PUBLIC SAFETY					
Fire Department Donation	15,000	20,000	20,000	20,000	20,000
School Crossing Guards	13,747	14,812	15,694	15,758	16,338
Deputy Contract Services	316,375	333,374	352,149	401,611	385,232
	345,122	368,186	387,843	437,369	421,570
SANITATION & WASTE REMOVAL					
Trash Collection & Disposal					
Recycling Pickup Station	7,201	7,459	6,876	5,000	5,000
Regular Pick-up	132,025	130,862	128,862	133,126	133,126
Landfill - Tipping Fees	79,575	82,595	84,356	84,830	84,798
Yard Waste (April - Dec)	30,024	30,024	27,832	30,672	30,672
Eco-Bags	18,011	19,566	19,610	20,260	18,200
	266,836	270,507	267,536	273,888	271,796
RECREATION & CULTURE					
Park Capital Outlay	234,263				
Park Interest	20,968	17,847	14,632	11,320	7,906
Park Loan Payments	102,582	105,702	108,917	112,230	115,643
Park Salary	49,802	42,320	50,350	34,807	45,030
Park Electric	1,807	2,289	1,104	2,358	1,175
Park Supplies/Equipment	3,832	15,574	1,143	1,500	1,500
Park Mowing Contract	22,113	23,964	26,692	26,215	32,319
Park Repairs & Maintenance	28,316	24,439	45,351	24,950	35,990
	463,683	232,135	248,189	213,379	239,564
HIGHWAYS & STREETS					
Streets Capital Outlay	398,137				
Vehicle/Equipment Capital Outlay					
Salaries - Regular	90,310	76,647	73,748	48,841	71,266
Street Lighting	160,240	160,973	167,897	161,916	203,160
Storm Water Management	7,688	1,673	2,299	7,800	7,800
Snow Removal	80,759	100,830	72,612	75,000	83,100
Mowing (SWM & Streets)	27,648	29,696	31,744	32,696	33,440
Repairs & Resurfacing	34,504	166,470	6,794	67,195	92,000
Signs	5,367	3,904	5,083	6,200	12,400
Truck Repair & Maintenance	40,460	35,615	35,693	48,600	42,600
Equipment Repairs & Maintenance	2,281	3,135	3,511	10,000	26,675
Street Loan - Principal	11,000	11,500	12,000	78,460	79,300

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2017**

DESCRIPTION	AUDIT FY2014	AUDIT FY2015	AUDIT FY2016	Budget FY 2017	Budget FY 2018
Street Loan - Interest	9,016	7,418	85,447	60,927	59,874
Case Loader -Principal & Interest	14,555	28,352	-	15,159	-
	881,965	626,213	496,828	612,795	711,615
MISCELLANEOUS					
MT Historical Society	5,000	5,000	5,000	5,000	5,000
Donations	-	-	1,000	100	100
Mileage - Travel	2,698	3,436	1,957	4,578	2,732
Web Page / Directory / Public Information	4,445	3,625	15,097	1,400	3,890
Community Events	36,268	37,855	51,772	30,250	35,000
Payroll Taxes	41,414	42,269	54,019	56,578	58,923
Insurance					
Property	12,559	12,986	12,477	13,376	13,499
Health	98,119	96,741	122,055	111,243	115,842
Worker's Compensation	14,784	15,487	14,456	11,921	20,372
Professional	-	946	946	688	946
Pension	49,131	56,298	49,784	75,062	68,184
Real Estate Taxes	2,356	712	800	1,242	800
Miscellaneous	10,116	1,231	12,688	3,500	3,500
	316,890	276,586	342,051	314,938	328,789
TOTAL OPERATING EXPENSES	2,373,169	2,636,256	2,583,964	2,634,143	2,818,334
TOTAL OPERATING SURPLUS	443,243	201,526	333,623	353,735	297,757

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2017
 For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,228,459	\$ 1,187,922	\$ (40,537)
Tangible Personal Property	37,108	42,512	5,404
Public Utilities	12,841		(12,841)
Franchise (Cable)	49,940	25,407	(24,533)
Penalties & Interest	10,357		(10,357)
	<u>\$ 1,338,705</u>	<u>\$ 1,255,841</u>	<u>\$ (82,864)</u>
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 22,500	\$ 16,391	\$ (6,109)
Highway Gasoline & Licenses	162,421	130,090	(32,331)
	<u>\$ 184,921</u>	<u>\$ 146,481</u>	<u>\$ (38,440)</u>
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 834,937	\$ 502,452	\$ (332,485)
Tax Equity Grant	566,687	425,015	(141,672)
	<u>\$ 1,401,624</u>	<u>\$ 927,467</u>	<u>\$ (474,157)</u>
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	322	(4,578)
Planning / Zoning Fees	20,191	12,241	(7,950)
	<u>\$ 27,041</u>	<u>\$ 12,563</u>	<u>\$ (14,478)</u>
<u>PARKS AND RECREATION</u>			
Pavillion Fees	\$ 1,900	\$ 2,125	\$ 225
	<u>\$ 1,900</u>	<u>\$ 2,125</u>	<u>\$ 225</u>
<u>POLICE PROTECTION</u>			
State Grant	\$ 26,187	\$ 19,640	\$ (6,547)
	<u>\$ 26,187</u>	<u>\$ 19,640</u>	<u>\$ (6,547)</u>
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500	1,491	(1,009)
Miscellaneous & Donations	5,000	2,680	(2,320)
	<u>\$ 7,500</u>	<u>\$ 4,171</u>	<u>\$ (3,329)</u>
OPERATING REVENUES	\$ 2,987,878	\$ 2,368,288	\$ (619,590)
State Grants & Interest	\$ 42,842	\$ 8,141	\$ (34,701)
TOTAL REVENUE	\$ 3,030,720	\$ 2,376,429	\$ (654,291)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 9 Months Ended March 31, 2017

	<u>ANNUAL</u> <u>BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER)</u> <u>BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 15,600	\$ 10,400	\$ (5,200)
Communications	3,480	2,342	(1,138)
Dues & Subscriptions	7,400	6,838	(562)
Office Supplies & Exp	3,600	8,977	5,377
Advertising	750		(750)
Meetings & Conventions	<u>9,000</u>	<u>5,774</u>	<u>(3,226)</u>
	\$ 39,830	\$ 34,331	\$ (5,499)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 6,800</u>	<u>\$ (3,400)</u>
	\$ 10,200	\$ 6,800	\$ (3,400)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses			
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 247,131	\$ 190,002	\$ (57,129)
Postage & Printing	200	114	(86)
Communications	6,977	5,127	(1,850)
Computer Expenses	28,400	24,380	(4,020)
Office Supplies & Exp	26,000	22,567	(3,433)
Office Maintenance	13,400	15,960	2,560
Dues & Subscriptions	150		(150)
Professional Services	4,600	2,887	(1,713)
Meetings & Conventions	100	345	245
Water and Sewer Grant			
	<u>\$ 326,958</u>	<u>\$ 261,382</u>	<u>\$ (65,576)</u>
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay			
Director Salary	97,355	131,789	34,434
Maintenance Salary	126,742	35,966	(90,776)
Communications	9,000	6,051	(2,949)
Supplies & Expenses	17,000	14,535	(2,465)
Dues & Meetings		195	195
Landscaping/Beautification			
Maintenance & Repairs	21,633	10,472	(11,161)
Tools & Equipment	<u>500</u>	<u>7,785</u>	<u>7,285</u>
	\$ 272,230	\$ 206,793	\$ (65,437)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2017
 For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 16,000	\$ 13,000	\$ (3,000)
Legal - Development		5,538	5,538
Legal - Ordinances	<u>7,796</u>	<u>5,928</u>	<u>(1,868)</u>
	\$ 23,796	\$ 24,466	\$ 670
<u>PLANNING & ZONING</u>			
Salary & Fees	\$ 51,872	\$ 34,874	\$ (16,998)
Other Expenses	<u>3,207</u>	<u>2,100</u>	<u>(1,107)</u>
	\$ 55,079	\$ 36,974	\$ (18,105)
<u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 43,680	\$ 33,585	\$ (10,095)
Town Contribution	<u>10,000</u>	<u>56,850</u>	<u>46,850</u>
	\$ 53,680	\$ 90,435	\$ 36,755
<u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	15,758	11,850	(3,908)
Community Deputy Program	<u>401,611</u>	<u>195,900</u>	<u>(205,711)</u>
	\$ 437,369	\$ 227,750	\$ (209,619)
<u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 273,888	\$ 189,549	\$ (84,339)
<u>RECREATION AND CULTURE</u>			
Park Salary	34,807	39,450	4,643
Park Electric	2,358	1,248	(1,110)
Maintenance & Repairs	26,450	28,256	1,806
Mowing	26,215	15,730	(10,485)
Remsberg Park - Interest	11,320	7,735	(3,585)
Remsberg Park - Principal	<u>112,230</u>	<u>74,631</u>	<u>(37,599)</u>
	\$ 213,380	\$ 167,050	\$ (46,330)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 48,841	\$ 44,215	\$ (4,626)
Street Lighting	161,916	90,909	(71,007)
Storm Water Management	7,800	4,278	(3,522)
Snow Removal	75,000	29,746	(45,254)
Repairs & Resurfacing	67,195	95,247	28,052
Signs	6,200	3,312	(2,888)
Truck Repair & Operation	48,600	21,695	(26,905)
Equipment Repairs & Ops	10,000	6,255	(3,745)
Mowing	32,696	18,432	(14,264)
Interest	60,927	32,036	(28,891)
East Green St - Principal	12,500		(12,500)
West Green St - Principal	65,960		(65,960)
Case Loader - Principal	15,158	14,005	(1,153)
	<u>\$ 612,793</u>	<u>\$ 360,130</u>	<u>\$ (252,663)</u>
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100	500	400
Travel - Mileage	4,578	625	(3,953)
Community Events	30,250	26,487	(3,763)
Payroll Taxes	56,578	39,543	(17,035)
Insurance - Property	14,064	11,008	(3,056)
Insurance - Employee	123,164	76,779	(46,385)
Retirement/Pension	75,062	51,513	(23,549)
Web Page & Directory	1,400	2,034	634
Real Estate Taxes	1,242	800	(442)
Bond Issuance Costs			
Other	3,500	3,025	(475)
	<u>\$ 314,938</u>	<u>\$ 217,314</u>	<u>\$ (97,624)</u>
TOTAL EXPENDITURES	\$ 2,634,141	\$ 1,822,974	\$ (811,167)
INCOME (LOSS) Exc. Cash Reserves	\$ 396,579	\$ 553,455	\$ 156,876
CASH RESERVES	\$ 936,787	\$ 685,396	\$ (251,391)
SURPLUS / (DEFICIT)	\$ 1,333,366	\$ 1,238,851	\$ (94,515)

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2017
 For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,987,879	\$ 2,368,288	\$ (619,591)
OPERATING EXPENSES			
Expenses	2,634,141	1,822,974	(811,167)
OPERATING SURPLUS (LOSS)	\$ 353,738	\$ 545,314	\$ 191,576
<u>OTHER FUND</u>			
POS - Development	\$ 40,500		\$ (40,500)
West Green Street Loan	2,320,500	1,000,000	(1,320,500)
RETAINED EARNINGS	297,275		(297,275)
Interest	2,342	8,141	5,799
Other	32,000		(32,000)
TOTAL OTHER FUNDS	\$ 2,692,617	\$ 1,008,141	\$ (1,684,476)
TOTAL FUNDS AVAILABLE	\$ 3,046,355	\$ 1,553,455	\$ (1,492,900)
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 2,253,056	\$ 1,804,083	\$ (448,973)
SHA Streetscape Lighting	175,000		(175,000)
Broad Street Road Construction	40,000	17,325	(22,675)
SWM Fence Replacements	34,997		(34,997)
Locust Blvd/Ct Road Construction	415,000		(415,000)
Pedestrian Safety - Franklin St.	85,000	4,630	(80,370)
Rensberg Park - Walking Trail an	45,000	18,271	(26,729)
Memorial Park Playground Replace	74,000	77,757	3,757
250th Celebration	58,000		(58,000)
Municipal Center Kitchen	8,000		(8,000)
Municipal Boiler Replacment	30,000		(30,000)
Edco Scarifier Pavement	4,300		(4,300)
Backhoe Replacement	15,200	7,361	(7,839)
Computer Replacements	5,400		(5,400)
Total CIP Costs	\$ 3,242,953	\$ 1,929,427	\$ (1,313,526)
OPERATING & CIP SURPLUS (LOSS)	\$ (196,598)	\$ (375,972)	\$ (179,374)
Cash Reserves	\$ 936,787	\$ 685,396	\$ (251,391)
TOTAL CASH SURPLUS	\$ 740,189	\$ 309,424	\$ (430,765)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
Water Revenue	\$ 577,350	\$ 452,551	\$ (124,799)
Sewer Revenue	577,015	446,999	(130,016)
Penalties/Reconnects	21,950	11,025	(10,925)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,177,315	\$ 910,575	\$ (266,740)
<u>EXPENDITURES</u>			
ADMINISTRATIVE			
Office Salaries	\$ 45,134	\$ 31,333	\$ (13,801)
Communications	11,513	8,775	(2,738)
Postage	9,558	8,030	(1,528)
Office Supplies/Expense	12,600	7,702	(4,898)
Legal - Other	2,000		(2,000)
Meetings & Seminars	500	75	(425)
Advertising	500	559	59
Uniforms	3,925	2,841	(1,084)
Dues/Subscrip/Certifications	500	420	(80)
Travel	200		(200)
Payroll Taxes	23,600	17,113	(6,487)
Insurance - Prop. & Liability	8,500	6,513	(1,987)
Insurance - Workers Comp	8,718	5,640	(3,078)
Insurance - Health	52,831	26,030	(26,801)
Retirement/Pension	28,448	22,580	(5,868)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	2,000		(2,000)
Waterline / I & I Loans	6,908	32,498	25,590
Bond Issuance Costs			
Sub-Total	\$ 217,727	\$ 170,401	\$ (47,326)
Vehicles & Equipment			
2016 Truck (Pearl)	\$ 3,700		\$ (3,700)
2008 Truck	3,700	1,295	(2,405)
2012 Truck (Miller)	3,700	1,560	(2,140)
2013 Truck (Whitney)	3,700	343	(3,357)
2015 Meter Van (Hightman)	3,700	2,351	(1,349)
Misc Equipment		83	83
Bobcat Mini-Excavator	1,050		(1,050)
Case Backhoe	6,050	667	(5,383)
Sub-Total	\$ 25,600	\$ 6,299	\$ (19,301)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 9 Months Ended March 31, 2017

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 139,545	\$ 111,708	\$ (27,837)
Water Distribution System			
Supplies	3,572	2,893	(679)
Repairs & Maintenance	52,450	41,962	(10,488)
Water Line Break Repairs	5,000	182	(4,818)
Chemicals	500	1,857	1,357
Tools & Equipment	3,874	6,577	2,703
Sub-Total	\$ 65,396	\$ 53,471	\$ (11,925)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 20,150	\$ 56,721	\$ 36,571
Supplies	2,000	263	(1,737)
Repairs & Maintenance	31,700	15,281	(16,419)
Chemicals	23,943	14,912	(9,031)
Tools & Equipment	2,400	1,407	(993)
Testing & Analysis	12,988	5,665	(7,323)
Sub-Total	\$ 93,181	\$ 94,249	\$ 1,068
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 298,122	\$ 259,428	\$ (38,694)
SEWER			
Salaries	\$ 121,920	\$ 82,736	\$ (39,184)
Sewer Collection System			
Cone Branch PS	18,500	6,883	(11,617)
Brookridge South PS	9,735	2,449	(7,286)
Foxfield PS	6,500	3,929	(2,571)
Sanitary Sewerlines & Manholes	25,000	4,231	(20,769)
I & I Accrual	75,000	56,250	(18,750)
Sub-Total	\$ 134,735	\$ 73,742	\$ (60,993)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 29,647	\$ 11,974	\$ (17,673)
Supplies	5,802	2,206	(3,596)
Repairs & Maintenance	35,800	12,353	(23,447)
Chemicals	40,844	20,345	(20,499)
Tools & Equipment	5,573	1,693	(3,880)
Testing & Analysis	34,187	20,602	(13,585)
Sludge Hauling Expense	60,000	28,119	(31,881)
Sub-Total	<u>\$ 211,853</u>	<u>\$ 97,292</u>	<u>\$ (114,561)</u>
West Wastewater Treatment Plant			
Electric	\$ 23,084	\$ 3,527	\$ (19,557)
Supplies	2,500	1,411	(1,089)
Repairs & Maintenance	6,050	1,902	(4,148)
Chemicals	61,258	28,258	(33,000)
Tools & Equipment	1,000	1,671	671
Testing & Analysis	10,459	6,883	(3,576)
Sludge Hauling Expense	22,650	12,938	(9,712)
Sub-Total	<u>\$ 127,001</u>	<u>\$ 56,590</u>	<u>\$ (70,411)</u>
TOTAL SEWER EXPENSES	<u>\$ 595,509</u>	<u>\$ 310,360</u>	<u>\$ (285,149)</u>
TOTAL WATER/SEWER EXPENSES	<u>\$ 1,136,958</u>	<u>\$ 746,488</u>	<u>\$ (390,470)</u>
CONTINGENCY FUND - 3.5%	<u>\$ 39,794</u>	<u>\$ 26,127</u>	<u>\$ (13,666)</u>
ADJUSTED WATER/SEWER EXPENSES	<u>\$ 1,176,752</u>	<u>\$ 772,615</u>	<u>\$ (404,136)</u>
NET INCOME (LOSS)	<u>\$ 563</u>	<u>\$ 137,960</u>	<u>\$ 137,396</u>

Town of Middletown
CIP FUNDS and EXPENDITURES

WATER & SEWER

Fiscal Year 2017

For the 9 Months Ended March 31, 2017

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
FUNDING SOURCES			
Operating Revenue	\$ 1,177,315	\$ 910,575	\$ (266,740)
Operating Expenses	1,203,662	746,488	(457,174)
OPERATING INCOME (LOSS)	\$ (26,347)	\$ 164,087	\$ 190,434
Cash Reserves	\$ 251,799	\$ 251,799	
Debt Service Fee - New Homes	139,000	106,700	(32,300)
Capital Improvement Fees	149,298	111,932	(37,366)
Inflow & Infiltration - Reserve A	75,000	75,000	
Improvement/Tap Fees	710,000	454,200	(255,800)
Water Tower & Land Leases	192,028	130,596	(61,432)
Main Street Waterline Loan	2,895,000	2,895,000	
TOTAL OTHER REVENUE	\$ 4,412,125	\$ 4,025,227	\$ (386,898)
TOTAL FUNDS AVAILABLE	4,385,778	4,189,314	(196,464)
DEBT SERVICE COSTS			
Principal Payments			
MVB Line of Credit	\$ 200,000		\$ (200,000)
CDA - Water Tower	107,000		(107,000)
MDE - East WWTP	210,349	210,349	
Main Street Waterline & Reservoir	127,200	31,040	(96,160)
Interest - All Loans	217,561	109,398	(108,163)
TOTAL DEBT SERVICE COSTS	\$ 862,110	\$ 350,787	\$ (511,323)
WATER & SEWER PROJECTS			
CIP - Main Street Waterline - Con	\$ 2,895,000	\$ 34,331	\$ (2,860,669)
CIP - Fluoride Systems	8,000	10,157	2,157
CIP - Welll Field Restoration	125,000	9,349	(115,651)
CIP - Scada Control System	310,000		(310,000)
CIP - Booster Station Pump Bypass	25,000		(25,000)
CIP - Fire Hydrant Elm & Washingt	8,000		(8,000)
Water Meter Purchases	65,250	49,033	(16,217)
CIP - West WWTP - Curtain Replace	60,000	26,715	(33,285)
CIP - West WWTP - Chemical Storag	15,000		(15,000)
CIP - East WWTP Bar Screen Refurb	40,000		(40,000)
CIP - East WWTP - Influent Flume	16,000		(16,000)
CIP - Inflow & Infiltration	75,000	50,533	(24,467)
Brookridge PS Vault Magmeter	11,000		(11,000)
Brookridge PS - 3 Phase VFD	25,000		(25,000)

Town of Middletown
CIP FUNDS and EXPENDITURES
 WATER & SEWER
 Fiscal Year 2017
 For the 9 Months Ended March 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cone Branch PS - New Pumps	\$ 31,000		\$ (31,000)
TOTAL WATER & SEWER PROJECTS	\$ 3,709,250	\$ 180,118	\$ (3,529,132)
TOTAL CIP COSTS	\$ 4,571,360	\$ 530,905	\$ (4,040,455)
TOTAL FUNDS REMAINING	\$ (185,582)	\$ 3,658,409	\$ 3,843,991

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

RECEIVED

APR - 8 2017

TOWN OF MIDDLETOWN



Maryland State Highway Administration Special Event Permit - Data Sheet

Event: YMCA Frederick Kids TRIATHLON

Start Date: 6-3-2017 End Date: 6-3-2017

Start Time: 8:00am End Time: 11:00am

Purpose/Type: TRIATHLON

Organizer: YMCA of Frederick County

Contact Person: Judy Couillard Daytime Phone: 301-663-5131 x1258
 and Address: 1000 NORTH MARKET ST. Evening Phone: 240-457-1005
FREDERICK, MD 21701 Email Address: Jcouillarde@frederickymca.org

No. of Participants: 20-250 No. of Vehicles/Units: 0 Rain/Snow Date: none

Proposed Route: See Attached
 (Written Description)

Will you be occupying all or part of a highway travel lane? No Yes

Will you be closing all or part of a roadway? No Yes

If Yes to either of the above, where? _____

Have you requested Local Police assistance?* No Yes Number 2 USING FLAGGED FORCE

Have you requested Maryland State Police assistance?* No Yes Number _____

*** THE EVENT ORGANIZER IS RESPONSIBLE FOR OBTAINING LOCAL AND/OR STATE POLICE ASSISTANCE ***

CIRCLE THE DISTRICT(S) AND COUNTY(S) YOUR EVENT WILL TAKE PLACE IN

- DISTRICT 1 Dorchester / Somerset / Wicomico / Worcester
- DISTRICT 2 Caroline / Cecil / Kent / Queen Anne's / Talbot
- DISTRICT 3 Montgomery / Prince George's
- DISTRICT 4 Baltimore / Harford
- DISTRICT 5 Anne Arundel / Calvert / Charles / St. Mary's
- DISTRICT 6 Allegany / Garrett / Washington
- DISTRICT 7 Carroll / Howard (Frederick)

ATTACH THE FOLLOWING

- Map of affected routes
- Traffic Control Plan (including details on how intersections will be controlled, a detour plan, locations of police officers/volunteers and locations of all traffic control devices, as appropriate)
- Other event details The bike route are designed to stay in Middletown Park, and neighborhood adjacent to school property for safety of ages 6-15.
 (Contact the District Office to determine what, if any, additional information will be required for your event.)

*** Submit completed Data Sheet and Signature Sheet to SHA no later than 60 DAYS prior to your event ***
<http://www.marylandroads.com/!index.aspx?PageId=59>



Maryland State Highway Administration Special Event Permit - Signature Sheet

EVENT: Ymca Frederick Kid's Triathlon

ORGANIZER'S ACKNOWLEDGEMENT

I/We hereby affirm that the ORGANIZER of this EVENT and all PARTICIPANTS will comply with the Laws of the State of Maryland and any applicable county and municipal statutes and ordinances and will adhere to the terms and conditions set forth in this PERMIT. My/Our signature(s) below confirm that the ORGANIZER and all PARTICIPANTS agree to hold harmless from any liability, incurred by them or to others associated with this EVENT, the various governmental agencies providing assistance for this EVENT. The ORGANIZER may be required to obtain Liability and Property Damage Insurance with limits of at least \$300,000 per incident/\$1,000,000 aggregate.

ORGANIZER: Judy Couillard
PLEASE PRINT NAME

REPRESENTATIVE: Judy Couillard
PLEASE PRINT NAME

SIGNATURE: Judy Couillard
PLEASE SIGN

TERMS AND CONDITIONS

- 1) This EVENT shall adhere to the route, number of participants and vehicles (not more than 10% higher than the numbers on this Permit), date(s) and times shown on the attached _____ sheet(s).
- 2) The ORGANIZER shall ensure that the approved TRAFFIC CONTROL PLAN is followed.
- 3) In the event of winter weather during the event, SHA will require access to all State Highways for weather related operations. This may require cancellation of the event.
- 4) Immediately following the event, the ORGANIZER shall clean up all litter, temporary signs and other event materials and return the roadway to a condition equal to or better than its condition before the event.
- 5) Additional stipulations: _____

AGENCY APPROVALS

Before signing and giving approval for your agency, consider the following:

- 1) Ensure you have the approval authority to sign for your agency to commit manpower and resources.
- 2) Ensure you have looked over the entire application package, including the Route Map and Traffic Control Plan. If you identify any problems, have the event organizer address them prior to signing.
- 3) If reimbursement is required, ensure you have mutually agreed upon the amount (in writing) and terms under which payment will be made.

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

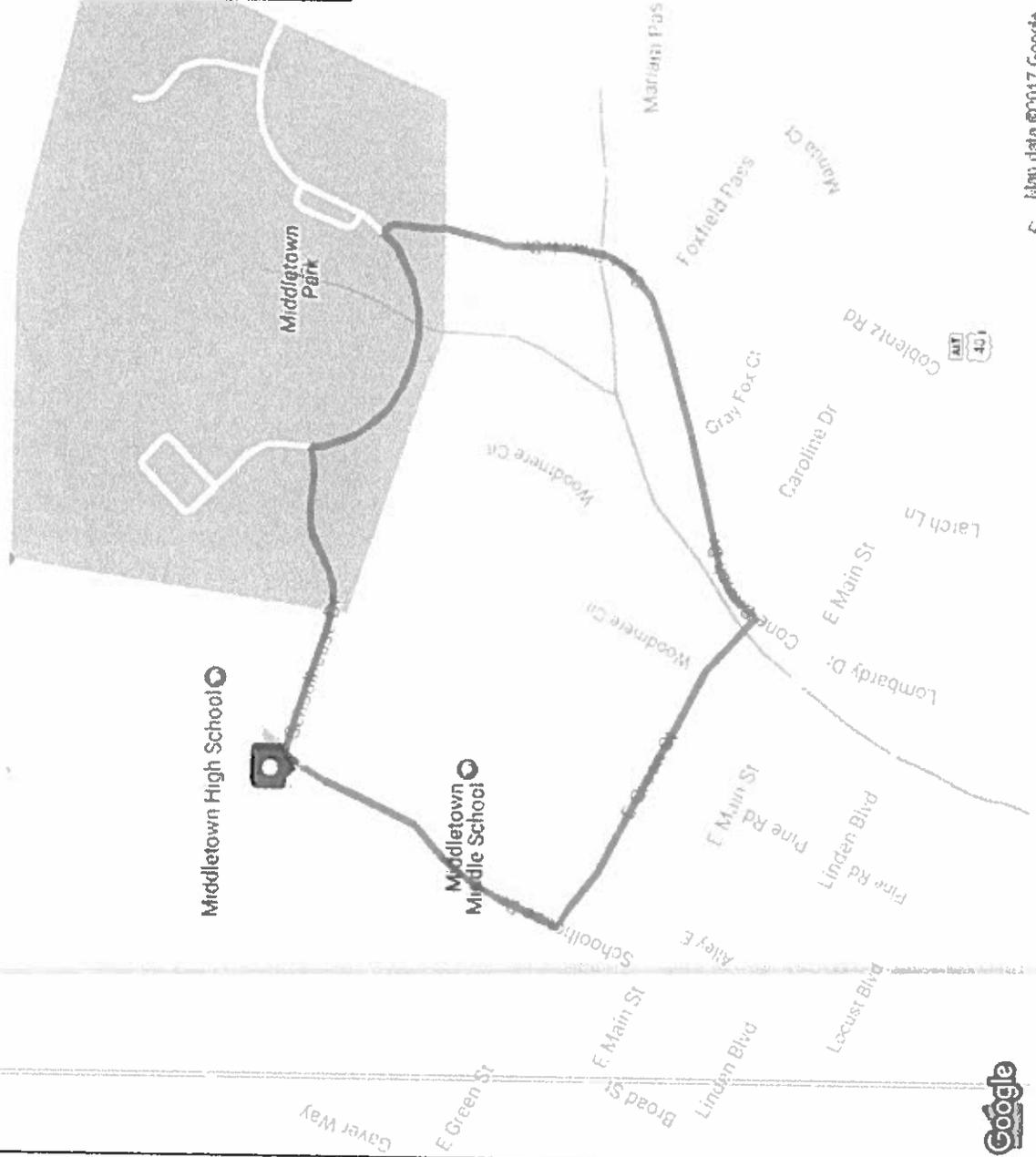
Maryland State Police: _____
SIGNATURE PRINTED NAME DATE

State Highway Administration: _____
SIGNATURE PRINTED NAME DATE

Frederick Kid's Triathlon – Bike Route (1.38 miles = 1 lap)

Traffic Control Plan

- Head northeast on **Schoolhouse Dr**
- Head south into **Middletown Park Road**
- Head southeast on bike path toward **Cone Branch Dr**
- Head south on **Cone Branch Dr** toward **Foxfield Pass**
- Head northwest on **E Green St** toward **Woodmere Cir**
- Turn right onto **Schoolhouse Dr**
- Designation at Middletown High School**



Frederick Kid's Triathlon – Run Route .5 miles= 1 LAP

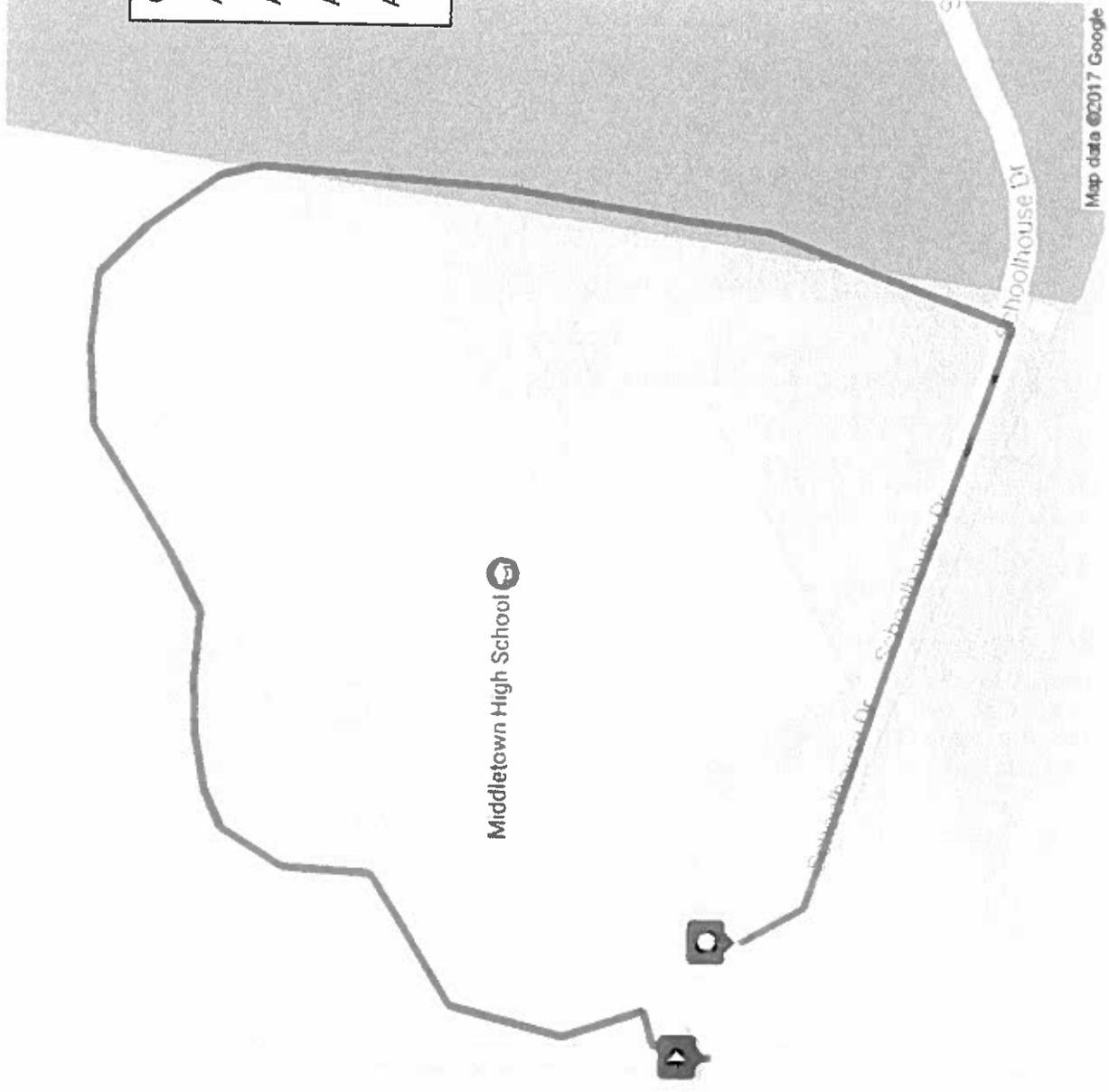
Categories

Ages 6 to 8 – ONE LAP (.5 MILE)

Ages 9 to 10 – TWO LAPS (1.0 MILE)

Ages 11 to 12 – THREE LAPS (1.5 MILES)

Ages 13 TO 15 – THREE LAPS (1.5 MILES)



- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

RECEIVED

APR - 8 2017

TOWN OF MIDDLETOWN



Maryland State Highway Administration Special Event Permit - Data Sheet

Event: Ymca Frederick TRIATHLON

Start Date: 9-17-2017 End Date: 9-17-2017

Start Time: 8:00 am End Time: 12:00 pm

Purpose/Type: Adult TRIATHLON

Organizer: Ymca of Frederick County

Contact Person: Judy Cowillard Daytime Phone: 301-663-5131 ext. 1258

and Address: 1000 North Market St. Evening Phone: 240-457-1105
Frederick, MD 21701 Email Address: JCowillarde@frederickymca.org

No. of Participants: 200-250 No. of Vehicles/Units: 0 Rain/Snow Date: none

Proposed Route: See Attached
 (Written Description)

Will you be occupying all or part of a highway travel lane? No _____ Yes

Will you be closing all or part of a roadway? No Yes _____

If Yes to either of the above, where? See Attached Traffic Control Plan

Have you requested Local Police assistance?* No _____ Yes Number 5

Have you requested Maryland State Police assistance?* No Yes _____ Number _____

*** THE EVENT ORGANIZER IS RESPONSIBLE FOR OBTAINING LOCAL AND/OR STATE POLICE ASSISTANCE ***

CIRCLE THE DISTRICT(S) AND COUNTY(S) YOUR EVENT WILL TAKE PLACE IN

- DISTRICT 1 Dorchester / Somerset / Wicomico / Worcester
- DISTRICT 2 Caroline / Cecil / Kent / Queen Anne's / Talbot
- DISTRICT 3 Montgomery / Prince George's
- DISTRICT 4 Baltimore / Harford
- DISTRICT 5 Anne Arundel / Calvert / Charles / St. Mary's
- DISTRICT 6 Allegany / Garrett / Washington
- DISTRICT 7** Carroll / Howard / **Frederick**

ATTACH THE FOLLOWING

- Map of affected routes
- Traffic Control Plan (including details on how intersections will be controlled, a detour plan, locations of police officers/volunteers and locations of all traffic control devices, as appropriate)
- Other event details _____

(Contact the District Office to determine what, if any, additional information will be required for your event.)

*** Submit completed Data Sheet and Signature Sheet to SHA no later than 60 DAYS prior to your event ***
<http://www.marylandroads.com/Index.aspx?PageId=59>



Maryland State Highway Administration Special Event Permit - Signature Sheet

EVENT: YMCA Frederick TRIATHLON

ORGANIZER'S ACKNOWLEDGEMENT

I/We hereby affirm that the ORGANIZER of this EVENT and all PARTICIPANTS will comply with the Laws of the State of Maryland and any applicable county and municipal statutes and ordinances and will adhere to the terms and conditions set forth in this PERMIT. My/Our signature(s) below confirm that the ORGANIZER and all PARTICIPANTS agree to hold harmless from any liability, incurred by them or to others associated with this EVENT, the various governmental agencies providing assistance for this EVENT. The ORGANIZER may be required to obtain Liability and Property Damage Insurance with limits of at least \$300,000 per incident/\$1,000,000 aggregate.

ORGANIZER: Judy Couillard
PLEASE PRINT NAME

REPRESENTATIVE: Judy Couillard
PLEASE PRINT NAME

SIGNATURE: Judy Cou
PLEASE SIGN

TERMS AND CONDITIONS

- 1) This EVENT shall adhere to the route, number of participants and vehicles (not more than 10% higher than the numbers on this Permit), date(s) and times shown on the attached _____ sheet(s).
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- 5) Additional stipulations: _____

AGENCY APPROVALS

Before signing and giving approval for your agency, consider the following:

- 1) Ensure you have the approval authority to sign for your agency to commit manpower and resources.
- 2) Ensure you have looked over the entire application package, including the Route Map and Traffic Control Plan. If you identify any problems, have the event organizer address them prior to signing.
- 3) If reimbursement is required, ensure you have mutually agreed upon the amount (in writing) and terms under which payment will be made.

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Local Government (_____): _____
AGENCY SIGNATURE PRINTED NAME DATE

Maryland State Police: _____
SIGNATURE PRINTED NAME DATE

State Highway Administration: _____
SIGNATURE PRINTED NAME DATE

YMCA OF FREDERICK COUNTY-WOMEN'S TRIATHLON

Bike Course-10 miles

Start in the parking lot at Middletown High School

Take Schoolhouse Drive to East Green Street

Turn Right on East Green Street and follow to Route 17

Turn Right on 17 and follow to Harmony Road

Turn Right on Harmony Road and follow to Route 40

Turn Right on Route 40 and follow to Hollow Road

Turn Right on Hollow Road and follow to Alternate 40

Turn Right on Alternate 40 and follow to Conebranch Drive

Turn Right on Conebranch Drive

Take first left off of Conebranch Drive onto East Green Street to Schoolhouse Drive

Turn Right onto Schoolhouse Drive and follow back to Middletown High parking lot

Run Course-3.1 miles

Run course will be mainly in Middletown Park

Start in Middletown High parking lot

Exit parking lot and follow to the entrance of Middletown Park adjacent to school grounds

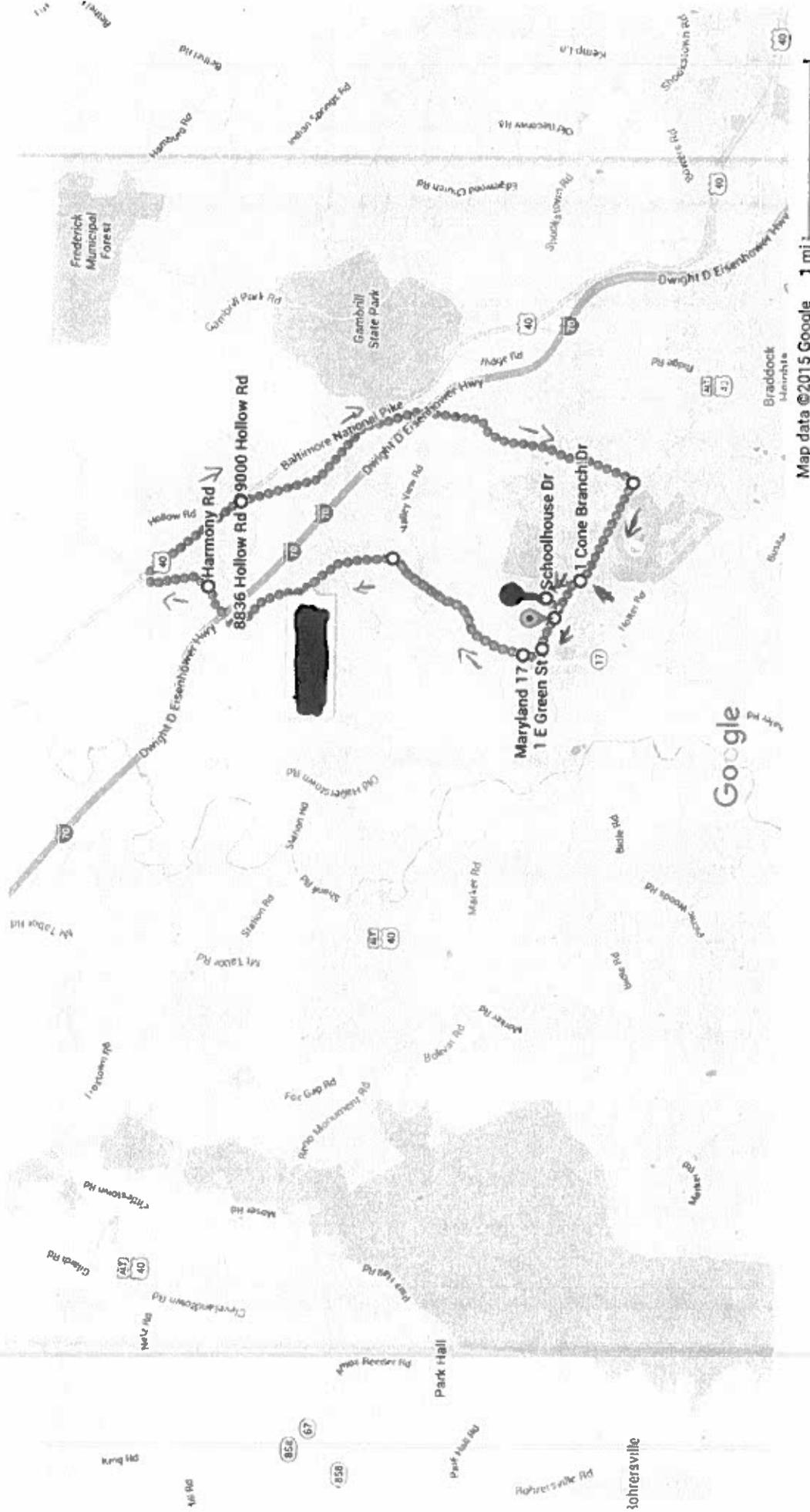
Loop through the park and back through high school parking lot

BIKE ROUTE

Go g le Maps

Schoolhouse Dr, Middletown, MD 21769 to E Green St, Middletown, MD 21769

Walk 13.0 miles, 4 h 20 min



via MD-17 N/Myersville Rd

4 h 20 min

Show terrain

13.0 miles

Details

TRAFFIC CONTROL PLAN
 YMCA WOMEN'S TRI
 10-MILE BIKE COURSE

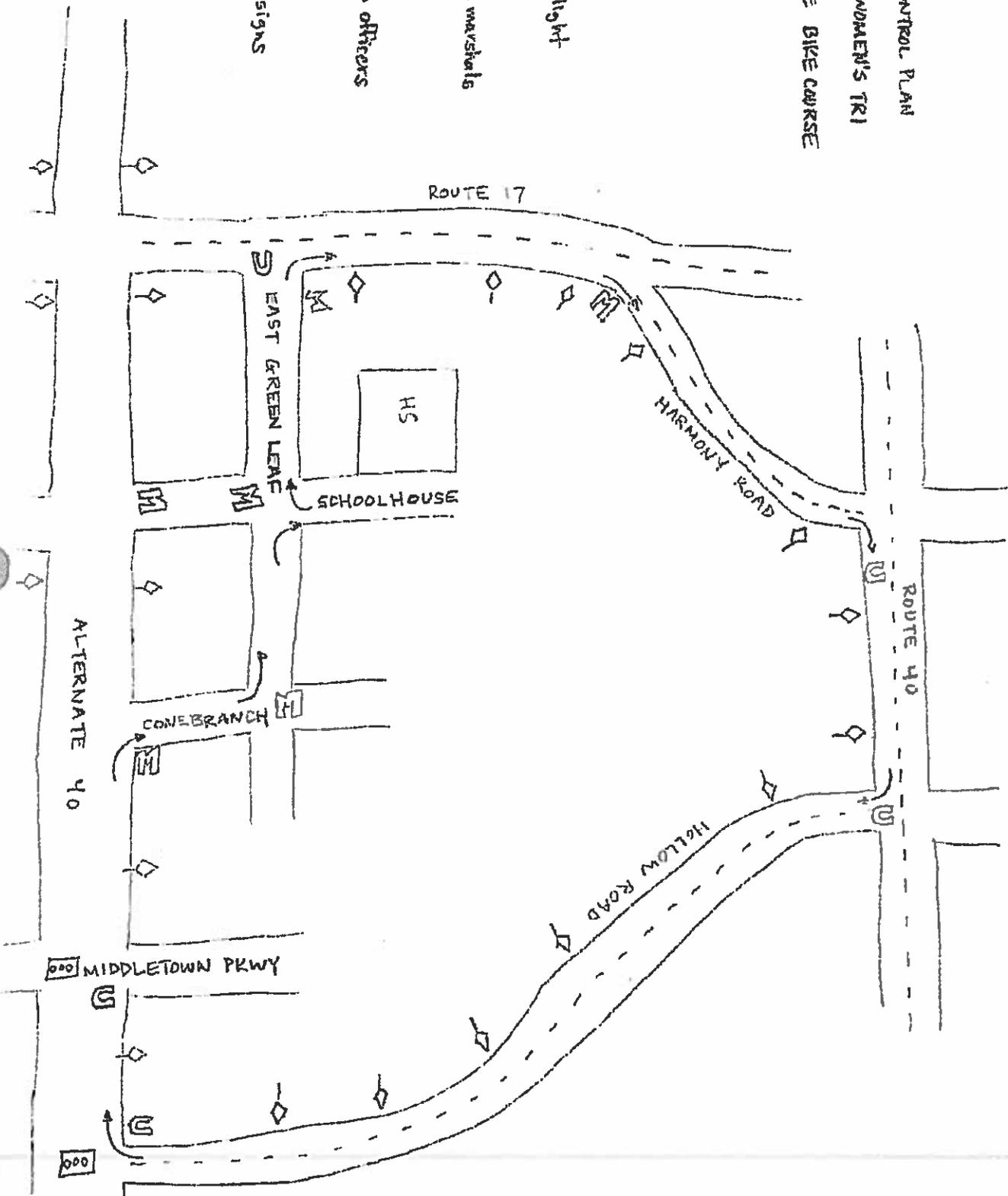
LEGEND

[Symbol] = traffic light

[Symbol] = course marshals

[Symbol] = uniform officers

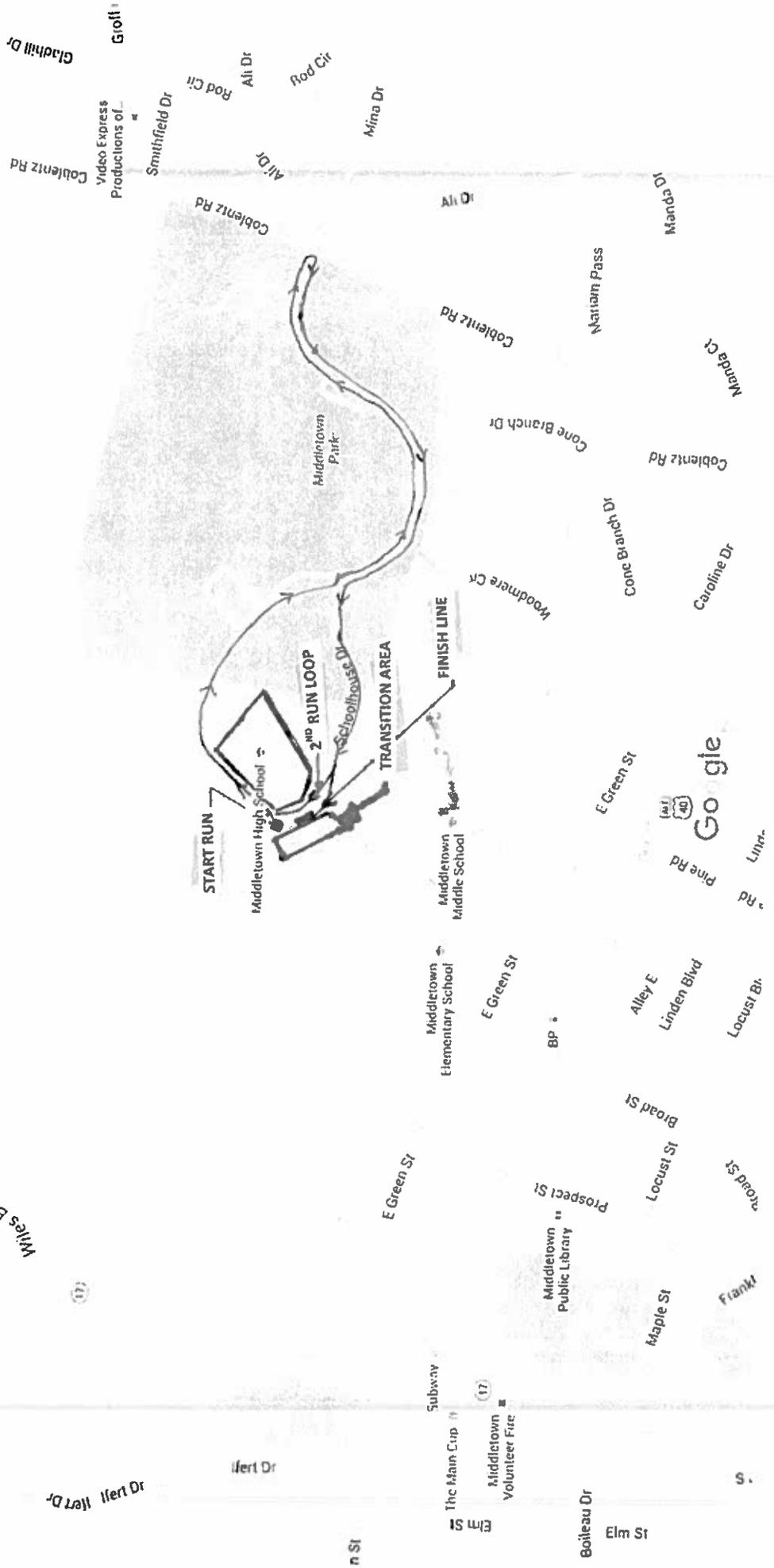
[Symbol] = caution signs



RUN ROUTE (2 LOOPS)

Go g le Maps Google Maps

Wiles Branch



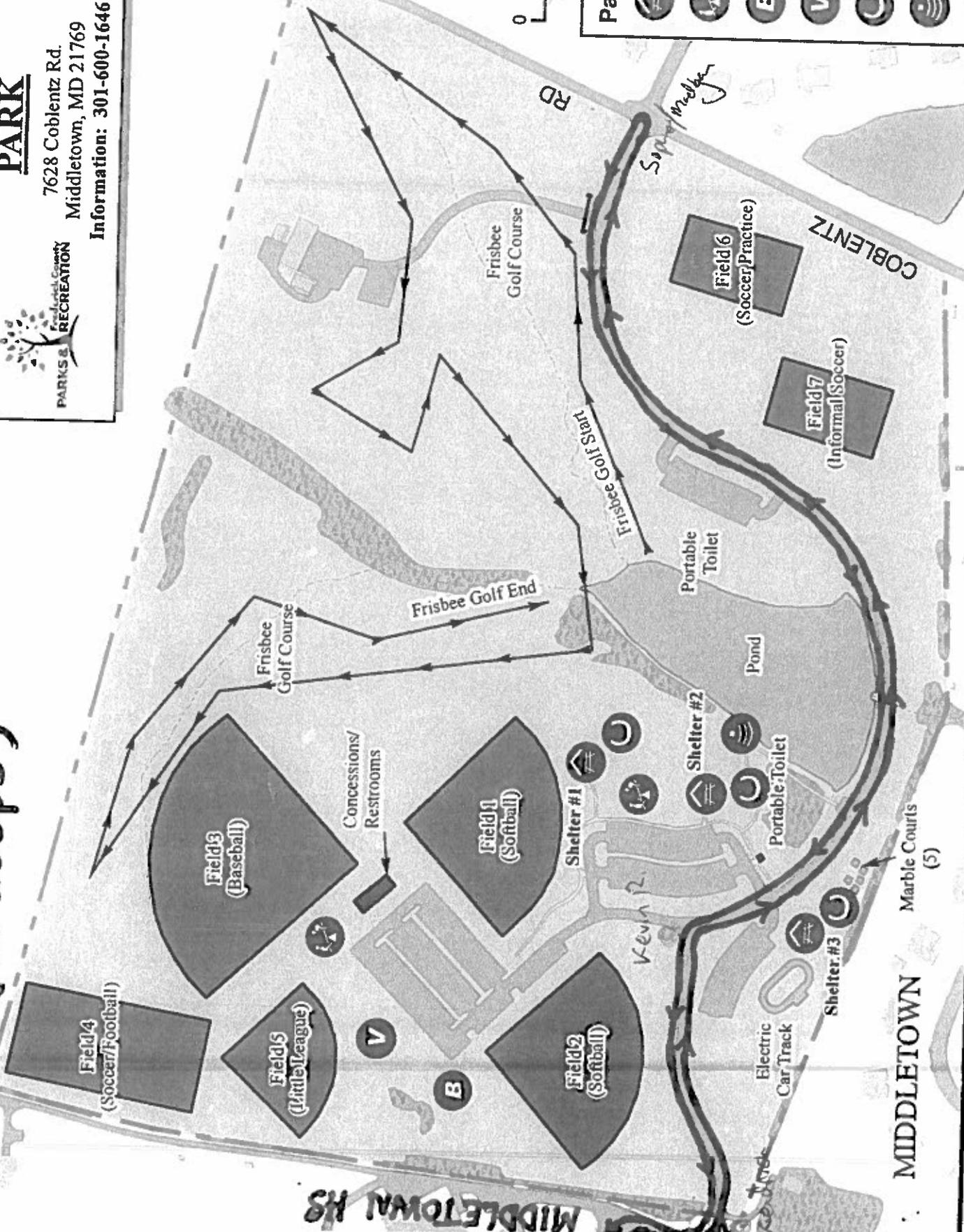
Map data ©2015 Google 500 ft

RUN ROUTE (2 Loops)

MIDDLETOWN COMMUNITY PARK
 7628 Coblenz Rd.
 Middletown, MD 21769
 Information: 301-600-1646



Park Features	
	Shelter
	Playground
	Basketball
	Volleyball
	Horseshoes
	Amphitheater



MIDDLETOWN

MIDDLETOWN HS

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

March 27, 2017

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 27, 2017, 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, Rick Dietrick, Tom Catania and Christopher Goodman.

CONSENT AGENDA

Minutes – March 2, 2017-Workshop and March 13, 2017 Town Meeting.

Commissioner Catania motioned to accept this consent agenda as submitted, seconded by Commissioner Bussard and passed unanimously.

Personal Requests for Agenda:

Unfinished Business:

Public Meeting - Discussion of Addition or Deletion of Fluoride Treatment – Commissioner Falcinelli reported that the Water & Sewer Committee met last week and because the Committee felt that due to the many complexities associated with the fluoride injection this should be a Town Board decision. Commissioner Falcinelli stated that the Town's Engineer is recommending that we do not inject fluoride into our system due to operational issues regarding calcium buildup in waterlines as the current treatment plants. Drew stated that the Town Board and staff do not disagree with the fluoride benefits but, it is more of a financial, maintenance and now operational issue. Drew showed the Board and those present in the audience a piece of the pipe that Town staff removed from the reservoir that currently has fluoride injected. The pipe is almost completely clogged from the buildup over the years. Lewis Corl, 110 Linden Blvd. – stated that with this being a health issue he would think that the cost would be minimized.

Dr. Andrea Kaleta, 10 Jesserong Drive – asked how other municipalities are able to provide fluoride with no issues? Drew explained that our water mainly comes from wells and described that our treatment process is very different than most. Dr. Kaleta stated that she sees both sides here, she would like for fluoride to be added but, she also understands the financial aspect of it as well.

Burgess Miller stated that we will continue to have this discussion at the next few meetings and then the Town Board will make their decision on to add or not to add fluoride to the system at the May 8, 2017 meeting.

Annual POS Program Requests – Frederick County – Commissioner Goodman stated that the Parks Committee met last week to discuss projects they would like to put in for grant money with Frederick County. 1. Remsburg Park bathrooms - \$40,000, 2. Wiles Branch Park – picnic tables, grilles, bike rack - \$5,443 and 3. Shrubs at Remsburg Park (to shield solar array) - \$7,500.

Discussion of Peddling Ordinance – Burgess Miller stated that this has been discussed previously. Burgess Miller presented a draft ordinance for the Board to review.

Review of FY 2016 Audit – Drew went over the FY16 audit with the Board.

Discussion of Wireless Telecommunications Siting Ordinance – Cindy presented some draft language for the Board to review on wireless telecommunication siting.

Memar Annexation – Discussion and scheduling of future workshops – Drew stated that Farhad is looking for a meeting date to meet with the Town Board to discuss the annexation agreement. Burgess Miller stated that this item will continue to be on the future agendas of the Town Board.

NEW BUSINESS:

Request from T-Mobile for Amendment to Cellular Lease Agreement – Drew stated that at the last meeting the Board agreed to counter offer with T-Mobile to keep the monthly payment the same (\$2,150) and 2% increase yearly. Drew reported that he received notification today at 3:30pm. that T-Mobile accepted our offer.

Motion by Commissioner Falcinelli to accept the offer, seconded by Commissioner Bussard. Motion carried 6-0.

Planning Commission Annual Report – Cindy stated that the Planning Commission adopted the 2016 Annual Report on March 20, 2017. Cindy reviewed the annual report with the Board.

Recommendation to stripe Smithfield and Layla Drive – Commissioner Bussard stated that Smithfield and Layla Drive are designed to be collector streets, therefore staff feels that it is in the best interest to stripe these Streets. This would be done in conjunction when the striping of West Green Street is done. It was the consensus of the Board to stripe Smithfield and Layla.

PUBLIC COMMENT:

ANNOUNCEMENTS:

- *250th Town Talk (Transportation History) – Thursday, April 13, 2017 at 6:30pm. at the Municipal Center*
- *Sustainability Committee Openings*

ADJOURNMENT

Meeting adjourned at 9:05pm.

Respectfully submitted,

Ann Griffin
Office Manager



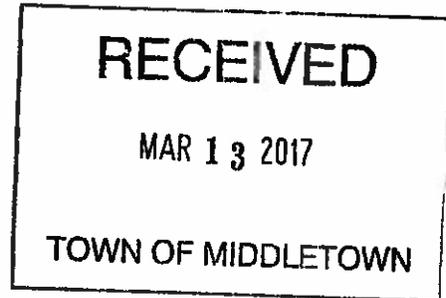
FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner
County Executive

W. Paul Dial, Chief Administrative Officer

March 7, 2017

Burgess John D. Miller
Middletown Municipal Center
31 West Main Street
Middletown, Maryland 21769



Re: Franklin Street Traffic Mitigation

Dear Burgess Miller:

Frederick County gratefully accepts your partnership offer for traffic mitigation to address motor vehicle and pedestrian access to the school and recreation center. Partnering in this fashion enhances the quality of life for the citizens of Frederick County.

Staff has been directed to provide the Town of Middletown funding for fifty percent of the estimated installation costs for a raised crosswalk at the Franklin Street entrance to the Middletown Primary School. At an April meeting, Council Member Donald will be presenting an \$8,000 check to the Town of Middletown.

Thank you for providing an opportunity for the County and Middletown to work collaboratively.

Sincerely,

Jan H. Gardner
County Executive

cc: Jerry Donald, Council Member, District One
W. Paul Dial, Chief Administrative Officer
Ragen Cherney, Chief of Staff, County Council
Charles Nipe, Director, Division of Public Works

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/3/2017

RE: Monthly Planning Update - April

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
Final Plats conditionally approved – November 17, 2014
Plats 1 & 2 recorded at Courthouse – May 17, 2016
FRO planting at Remsburg Park completed – February 2017
Plat 3 recorded at Courthouse – March 1, 2017
Next step – record additional final plats

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Building permit for Building #3 applied for – June 24, 2016
Next step – submit architectural renderings for buildings #2 and 4 for review/approval

Fire Station – BOA approved height variance request - October 20, 2016
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)
Demolition plans conditionally approved – December 19, 2016
Improvement Plans conditionally approved – December 19, 2016
Final plat recorded at Courthouse – February 7, 2017
Next steps – submittal of PWAs for approval and apply for building and grading permits

Franklin Commons - Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)
FRO plan conditionally approved – January 19, 2015
Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)
Mylars signed – January 4, 2016
Next step – submittal of PWAs for approval and apply for building and grading permits

Harris Garage demolition plans – submitted to PC for review/approval – March 16, 2017

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)
Currently approved SWM plans remain valid until May 4, 2017
Mylars signed – September 11, 2015

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

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 hearing for variance requests (approval received) – March 29, 2016 (**Expired 3/29/17**)

SWM plans submitted to SCD and Frederick County – December 5, 2016

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

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010

Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Next step – submit improvement plans for review/approval

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

Site Plan reviewed by PC – May 16, 2016

Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

Next step – submit improvement plans for review/approval

School Complex roadway plans – Improvement plans and FRO plans submitted for review and approval – March 24, 2017

Technology MD Network Company permit application – withdrawn – March 15, 2017

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

Text Amendments:

Reports: Annual Planning Report – approved by PC – March 20, 2017

Grants: MEA Smart Energy Communities grant application – submitted February 16, 2017

Meetings: Next Middletown Green Team Meeting – April 19, 2017

Next Joint town board/planning commission workshop – June 5, 2017



TO: The Burgess and Commissioners
FROM: Becky Reich, Main Street Manager
RE: Workshop Staff Report
DATE: April 4, 2017

Upcoming Dates:

- Thursday, April 13, 2017 – 250th Town Talks: Transportation History starting as early as 6:00pm; program at 7:00pm at Town Hall
- Tuesday, April 18, 2017 – Economic Development Committee’s Technical Assistance with Garrett Glover of the SBDC.
- Monday, April 24, 2017 – Budget Presentation to Burgess and Commissioners
- Saturday, April 29, 2017 – Green Expo at Memorial Park, 10:00am to 2:00pm
- Sunday, April 30, 2017 – Founding Families Luncheon at Zion Lutheran, 12:30pm
- Monday, May 1 through Thursday May 4, 2017 – National Main Street Conference

250th Events:

- Mid-Point Grant Report completed and submitted to the State
- Upcoming Event: Town Talks on April 13th with Tiffany Ahalt to discuss the history of the National Road. Committee has been working with Donald “Skip” Mason and Jim Hoover to have antique cars lined up on Main Street the night of the event. Committee has coordinated with Middletown Valley Bank to encourage event attendees to park in their lot and the Elm Street parking lot. Event has been promoted on Facebook heavily and an article is in this week’s Valley Citizen about the event.
- Founding Families Luncheon on Sunday, April 30th at Zion Lutheran – these invitation only events were created as a way to capture memories and spur discussion about the growth, development, and changes witnessed of how Middletown has grown.
- Draft of the Walking Tour has been edited and will be sent to the graphic designer before the end of this week. Photos have been selected, captioned, and also sent to the graphic designer. Deadline for finished product is May 20th – when we have the next Town Talks event which will be a walking tour of our Main Street district with the new brochure.
- Heritage Hall – Upstairs space – working with Committee members to caption all of the photographs that will be included in the “photobook” collection. Due at the end of this week.

Main Street Committee Updates:

Organization Committee:

- The Main Street Board of Directors approved a draft budget that we will present to the Burgess and Commissioners on Monday, April 24. We have an ambitious year and look forward to sharing our plans with you.
- The Heat is On fundraiser effort is being led by Sean O’Keefe and we are excited about the revised sponsorship package that we’ll roll out in April with more advertising options.
- Main Street has a NHS student seeking volunteer hours who will help out with specific projects such as record-keeping and helping at events and possibly Facebook or Instagram. We are very excited about this!
- Main Street Manager attended the required quarterly Maryland Main Street Manger’s meeting in Chestertown.

Design Committee:

- The Design Committee commented on the suggestions of the Master Gardener for the Main Street planters, suggesting that we investigate herbs such as rosemary, and also turning to other local resources for suggestions.
- The Design Committee worked with the 250th Committee on writing captions for the 250th Walking Tour Brochure.

Promotions Committee:

- The Promotions Committee is working with the Heat Is On graphics, flyers, advertisements, and tshirts.
- The Promotions Committee has one new member – Sanna Massala who is new to Middletown – if you meet her, please give her a warm welcome to Town!
- The Promotions Committee has planned out the Facebook Calendar for the month of April, please continue to Like, Share, and invite people to Like and Follow our page:
www.facebook.com/mainstreetmiddletownmd

Economic Development Committee:

- The Economic Development Committee is pleased to bring Garrett Glover from the SBDC to Main Street businesses. As part of the construction mitigation package from our Construction Survival Guide, Main Street secured grant funding to bring a small business consultant for Main Street businesses to have access to this expertise for free. Even when business is thriving, it is great opportunity to have access to and participate in these technical assistance workshops. The kick-off meeting is Tuesday, April 18 at 7:00pm at Town Hall.

Main Street Green Team:

- Main Street Middletown completed a grant through the Keep Maryland Beautiful program for the purchase of plants for our planters. We will know the results by the end of May, beginning of June.
- The Main Street Manager attended the Frederick County Main Street Managers/Office of Economic Development quarterly meeting and County Planner, Jim Gugel provided maps of 1999 Bike/Trail Plan. The County is seeking early input at their public meeting on April 11 at 7:00pm at Winchester Hall. The Frederick County Main Streets are asking the county to please make connecting the Main Streets as a County priority. John Fieseler of the Frederick Tourism Council believes that a Brunswick-Middletown-Frederick loop would make a good day-trip for cyclists on the Pittsburg-to DC bike trail.

*Thank you for your continued support of the
Main Street Middletown Program!*

**Public Works Monthly Report
April 3, 2017**

COMPLETED WORK

Streets and Utilities, Facilities

Washington St Hydrant installed. Doors and frames replaced at Memorial Park.

Water and Sewer

New explosion proof heater installed in barscreen building.

New Projects

Main St Waterline: Temporary waterline installed, making individual house connections prior to switch over.

Effluent PS: Startup, controller not working correctly – service call requested.

Washington St Hydrant: Installed new hydrant at Washington St and Elm St. CIP Item.

Chemical Pipe Chase: Reservoir chemical feed piping resolution for hard water deposits.

Unbudgeted Expenses:

Well 19 pipe, pump and controls replaced \$7,300 (2007 original install) Well 7 pipe pump and controls replaced: \$8,800 (last replaced early 2000. Well #1 pipe, pump controls and meter vault, Contract \$8,600 (last 2007), Clarifier rake driven sheeve \$3,200.00. Well 14 Pump, Pipe and electrical replacement (last 2010).

Sludge cost for FY \$ 23,780.00, 27,000 gal hauled, 29750 gal bedded **Total hauled 246,000 gal Bedded 166,900 gal**

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

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

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	274,000	289,000	120,000	69,258	254,000	177,000	281,000	234,000
February	279,000	278,000	135,600	72,648	313,000	141,000	569,000	188,000
March **	301,000	289,200	132,000	90,151	217,000	190,000	179,000	170,000
April **	311,000	277,000	135,000	128,000	233,000	186,633	171,000	132,000
May	308,000	292,000	139,000	138,000	185,000	337,000	161,000	236,600
June	299,000	293,000	137,000	139,000	191,353	326,900	184,000	212,000
July	289,000	300,577	135,000	114,032	176,515	247,841	218,000	178,000
August	318,000	304,000	106,000	89,000	163,000	234,000	126,000	171,000
September	322,000	306,759	79,000	60,420	165,160	161,000	145,000	165,000
October **	317,000	312,000	75,000	59,000	181,300	138,000	144,000	223,000
Novembr**	267,000	261,000	76,000	52,000	189,000	176,000	159,000	136,000
December	273,000	275,000	86,083	53,000	227,000	139,000	177,000	206,000

Avg Daily/yr 296500 289795 112974 88709 207944 204531 209500 187633
 Avg Yr Flw 108.22 105.78 41.24 32.38 75.90 74.65 76.47 68.49

**Hydrants flushed this month

April 14 709,560 October 14 725,913, October 16 938,000

Planned Work

PRV Maintenance, Repair of valve at Boileau, Sewer Cleanout repairs in Foxfield, Locust Blvd Streetscape Design, Broad Street Streetscape Design,

PROJECTS

Open Projects

Well Field Stream Improvements: Army Corp comments have been addressed and adjoin property Owner authorized work.

Dog Park: Culvert and path entrance requires layout before work can proceed. No action.

W WWTP. Final pond baffle is malfunctioning, Investigation needed. Needs review. Met with consultant for new chemical building. Kickoff meeting for design of new chemical building 3/29/17

Develop Grease Trap Ordinance and Education Program: No Action

West Green Street: Contractor has returned and will install conduit, small retaining wall, sidewalk construction. Paving to begin when plants reopen end of March. Street lights installed after sidewalks. April 11, 2017 substantial completion pending winter weather.

Water System: PRV minor repairs needed in two vaults. **Hydraulic Model:** Consultant has updated model and will project future usage for possible annexations. **System:** December 1,055,474 gal diff 16.0%. Jan 745,137 gal diff 12%. Now metering cover waste Feb 765,312 gal diff 19.5%. March 816,138 gal diff 17.5%

Brookridge PS: Reviewed shop drawings for control replacement and released for fabrication. Proposal amount is \$16,560.00. Budget is \$25,000. Magmeter and vault is designed, test pitted and proceeding to construction by Town Staff.

Sidewalk Inspections: Main St adjoiners (Garage Drive, Willow, Elm, Broad and Prospect) have been notified of requirement to repair or replace. Received reports for approximately 40 properties (not on Main St) that are delinquent on repairs and Drew is working with those Owners to resolve the repairs. No action.

Streetscape/ Main St. Waterline Replacement: Waterline work has begun, temporary line installed and individual connections proceeding. Couple water related problems but handled by Contractor, initiating a procedure to attempt elimination of careless mistakes.

Broad St Streetscape: Consultant has received notice of reactivation of project. Board will receive design options from Consultant to consider as next step. No action.

Reservoir Repairs: Final draft has been received. Final review not completed. Reservoir is leaking. Staff is preparing a design RFP for a replacement ground storage tank.

SSO and I&I: Consultant designing repairs for N Church St and pipe bursting (pipe replacement) for lower interceptor. 50% complete submittal received.

Drainage Issues: Foxfield swale behind Ali needs maintenance, holding water (Simonoff). Inspected this swale and there is significant maintenance to be done and will require a budget item or authorization by the Board to compete. Current ballpark estimate to add new underdrain and recondition sand filter is \$10,000. Notified Mr. Simonoff that the Board would consider multiple solutions and place in FY 2018 budget. Engineering has reviewed and is considering several options to present to Board for budget funding. RFP to consultant. No action.

Memorial Park: Door and frames installed on 4/4/17.

MDE /Permits: Received final permit for E WWTP and reviewed.

Meter Installations: 587 completed. Recall of installed meters in progress.

Locust Boulevard Roadway: Survey is complete and consultant has provided 100% drawings and is making submittal to Frederick County. Distributed plans and specifications to 3 shortlisted contractors.

MDE MS4 Permit Reports: The Town will need to comply regarding some of our operational procedures in the future to meet the permit requirements. These are related to facility maintenance. No action

Franklin St Conceptual Sidewalk Plans: Placed in 2017 budget. No action

Booster Station Pump Around: Awarded and notice to proceed and kickoff meeting scheduled for 4/4/17.

PRV / Painting Projects: High School PRV – spring, Reservoir suction vault. Scheduled for April.

Fluoride – on hold

Rensburg Park: Path and Bridge reviewed, modifications for bridge and cost estimate completed. Plan revision needed and specification for bridge installation bid. Consultant preparing revision.

Developments

Cross Stone: Construction proceeding on the next building and the right turn lane into CVS. On hold do to utility relocation and paving season. No action. Dunkin Donuts opening in April.

Coblentz Property: 7 homes under construction, street light pedestals completed with street lights to follow.

406 W Green St: No action

Chesterbrook IP's: No action.

Carolines View: No action.

Planned Work

Water System: relocation of line at Jefferson Village and new valve installation (17" deep). FY 18 budget item.

Broad St Streetscape

Reservoir Project

Budget purchases and contracts

Continue Fire Hydrant ID tag and numbering system installation

Regulatory: Grease Ordinance completion.

E WWTP: design spray system for clarifier,

Fluoride Systems to WTP: Brookridge and Well 15. On Hold.

Bid Sludge Hauling and Chemicals.

Reed Bed Development cost analysis.

Town of Middletown Zoning Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 4/6/17

RE: Monthly Zoning Update – March 2017

Board of Appeals (BoA) Meeting: There were no BoA meetings in March 2017. Alex Kundrick was re-appointed as an alternate member on the BoA to serve a 3-year term (March 2017 to March 2020) in accordance with Chapter 2.20 of the municipal code.

Zoning Violations:

(1) Car Parked on Grass/Junk Yard. 128 East Main Street. A zoning ordinance violation notification letter was sent to property owners on November 16, 2016 for parking motor vehicle on grass area in front yard of property (corner lot) and for having excessive items discarded/stored in rear yard of property that constitutes property being used as a junk yard in accordance with Sections 17.32.040 and 17.32.060(J) (3) of municipal code. Owner called zoning administrator and left message that they are working to address / correct the zoning issues outlined in the violation notification warning letter. Site visit noted that motor vehicle no longer parked on grassy surface in front yard of property. Some items still discarded/stored in rear yard of property. Open.

(2) Utility trailer parked on street in residential district. 7 Knoll Side Lane. A citation and fine letter was sent to property owner on January 18, 2017 for continuing to park recreational equipment (utility trailer) on the street in front of residential property after receipt of zoning ordinance violation warning letter, dated January 6, 2017 notifying owner that it was a municipal infraction to continue to park utility trailer on street in residential district in violation of Section 17.32.140 – Recreational equipment - of the municipal code. Utility trailer parked on street through January 18th when it was finally removed from street. I talked with homeowner on January 30, 2017 explaining why he was cited and fined. Fine has not been paid. Awaiting return of certified mail receipt and/or certified letter to determine follow-on actions. Open.

(3) C-containers stored behind Town Cleaners and Safeway in Town Center Shopping Center. 813-815 East Main Street. A zoning ordinance violation warning notification letter was sent to the Kenwood Management Company on February 1, 2017 (owners of Town Center Shopping Center) for having two C-containers stored behind the Safeway and Town Cleaners businesses in the shopping center. It is a violation of Section 17.32.045 – Storage and disposal container – of the municipal code for a “...person who owns, leases, occupies or has charge of any premises or property, in whole or part, to place, keep or maintain a storage and/or dumpster container on the premises or property.” I talked with Alan Gross the site manager for the shopping center property regarding this violation letter. He assured me that he would move the C-containers as soon as possible after emptying the containers and getting some work done to them. On March 10th, Alan Gross called and said the C-containers had been removed from behind Safeway and Town Center Cleaners. I drove to the shopping center and took a photograph of rear of building confirming that the C-Containers had been removed from shopping center. Closed.

(4) Large Trash Dumpster parked on driveway in residential district. 18 Knoll Side Lane. A zoning ordinance violation warning letter was sent to property owners on March 7, 2017 for parking a large trash dumpster on their driveway in a residentially zoned district in violation of Section 17.32.045 – Storage and disposal containers – of the municipal code. Additionally, property owners were cited for parking a motor vehicle on grass adjacent to their driveway in violation of Section 17.32.060(J)(3) – Off-street parking in residential districts – of the municipal code. A visit to the property on March 15, 2017 noted that the trash dumpster had been removed from the property and that a motor vehicle was no longer parked on grass next to driveway. Closed.

(5) Storage Container parked on property. 114 Ivy Hill Drive. A zoning violation letter was sent to property owner on March 12, 2017 for placing a large trash dumpster on property in violation of Section 17.32.045 – Storage and disposal containers – of the municipal code. Property owner called zoning administrator (ZA) on March 17, 2017 and discussed her situation. She said she was unaware of the restriction in the municipal code prohibiting the parking of a trash dumpster on her property. The storage container will only be on property for two weeks. We mutually agreed that the dumpster will be removed from property not later than March 31st. Open.

Miscellaneous Zoning Issue: There are structures normally considered to be temporary structures/shelters that are being placed on residential properties. These structures are in some cases remaining on residential properties as “permanent” accessory structures for years. These type of structures / shelters are not consistently addressed in the municipal code. In Section 17.04.030 - Definitions – of the municipal code, a “Zoning certificate is ” ...an official document issued by the zoning administrator, authorizing buildings, *structures* or *uses* consistent with the terms of this title and for the purposes of carrying out and enforcing its provisions.” Section 17.04.030, defines “Structure” as “an assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, circus tents, reviewing stands, platforms, stagings, observation towers, radio and T.V. broadcasting towers, water tanks, trestles, open sheds, shelters, fences, walls, signs, swimming pools, power line towers, pipelines, railroad tracks and poles.” Section 17.08.030 – Zoning certificate required – states that “It is unlawful to commence the excavation for or construction of any *building*, including *accessory building*, signs and fences, or to commence the moving, alteration, or change of use of any land or *buildings*, including *accessory buildings*, until the zoning administrator has issued a zoning certificate for such work.” It appears that “temporary structures” are being erected that are being used as permanent accessory structures that are not subject to the same level of review and/or approval required for “permanent” accessory buildings. The concern is that “temporary structures / shelters” – used as accessory buildings - are not reviewed or approved before being placed on properties so they may not be constructed and/or secured properly so these structures / shelters could pose a safety hazard to people and/or a potential hazard to surrounding properties in a wind storm, etc. Tim Goodfellow, Principal Planner, Frederick County Planning Department, was contacted regarding how the county’s permits and inspections department handles these type of structures. He said the county requires permits be submitted and approved when placing these type of temporary accessory buildings on properties in the county. The zoning administrator recommends that Section 17.08.030 – Zoning certificate required – be modified to read “It is unlawful to commence the excavation for or construction of any *building OR STRUCTURE*, including *accessory building / STRUCTURE*, signs and fences, or to commence the moving, alteration, or change of use of any land or *buildings OR STRUCTURES*, including *accessory buildings / STRUCTURES*, until the zoning administrator has issued a zoning certificate for such work.”

March 2017 Zoning Certificates - completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Middletown Commons Holdings (Middletown Glen) – new SFD (Lot 1); Ryan Homes. Style: Brentwood; elevation B.	4 Fink Lane	156019	3/7/17	3/13/17	yes
Middletown Commons Holdings (Middletown Glen) – new SFD (Lot 36); Ryan Homes. Style: Torino; elevation C.	6 Gaver Way	156018	3/7/17	3/24/17	yes
Cari-Ann Yarmus – finish basement (650 sq. ft. area). Anthony Owens construction is contractor.	16 Walnut Pond Court	155912	3/7/17	3/10/17	yes
Franklin Tuttle – install 4' tall paddock style white vinyl (3 rail, open, PVC style) fence on both sides of rear yard.	5 Wagon Shed Lane	Town	3/10/17	3/10/17	no
Brian & Brandi Wynne – finish basement. Admar Custom Homes is primary contractor.	205 Broad Street	156093	3/9/17	3/15/17	yes
Andrea Kaleta – install 28 roof-mounted solar panels. Sustainable Energy Systems is contractor	10 Jesserong Drive	156453	3/9/17	3/20/17	yes
Gary Madonna – construct front porch and handicap ramp on residential property. Bucheimer Company Design and Building LLC is prime contractor.	16 Eastern Circle	156388	3/16/17	3/17/17	yes
Elizabeth Giordano – install 4' (48") high white vinyl 3 board paddock style fence with 3 48" wide gates – one on each side yard section of fence and one on rear yard section of fence. Wire mesh is 2' x 4" 14-gauge wire. Albaugh & Sons Fencing LLC is contractor.	16 Wagon Shed Lane	Town	3/22/17	3/22/17	no

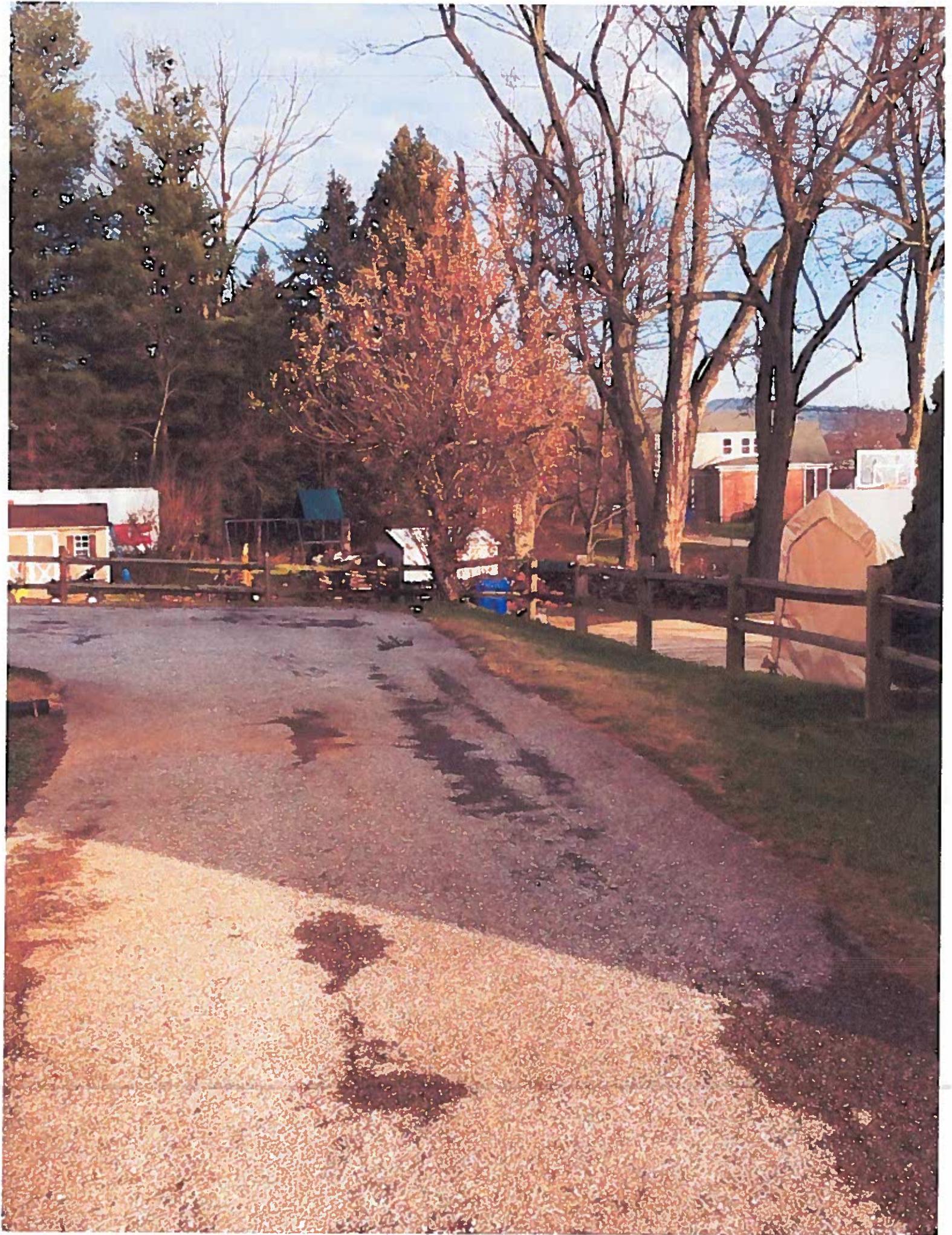
March 2017 Zoning Certificates – completed (continued)	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Mary Leatherman – change of tenant. New tenant is Back 2 Basic Nutrition LLC; Lindsey Carter is business owner.	17 West Main Street	156880	1/18/17	3/31/17	yes

Zoning Certificate submitted– in progress	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Frederick County Department of Engineering & Construction Mgmt. Construction of new fire station (ADTEK Engineers)	401 Franklin Street	152165	11/29/16		yes
Hubert Brown, Eric Moore General Contracting LLC, to construct a new SFD on property after approval of 4 (four) variances from Section 17.16.070 of the municipal code by BoA at their 2/22/17 public hearing. Demolition site plan conditionally approved by planning commission at their 2/20/17 monthly meeting.	219 South Jefferson Street		1/18/17		yes
Middletown Valley Investment Partners, LLC. Business owner: Cinco De Mayo Restaurant in Cross Stone Commons Shopping Center. W.J. Stickler Signs is vendor (signage); install illuminated signage on front and right side of unit housing restaurant; electrical permit required for illuminated wall signs.	200 Middletown Parkway		3/2/17		yes
Jim & Carrie Harris – demolition of dilapidated garage; to be reviewed and approved by the planning commission. Fred W. Rudy Builders & Contractors, Inc. is contractor	204 Prospect Street		3/16/17		yes

Zoning Certificate submitted– in progress (continued)	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Middletown Valley Investment Partners, LLC. Business owner: Upcounty Thurmont Donuts, LLC in Cross Stone Commons Shopping Center. Permit submitted to install identification signage on front and side walls (Building #3) and incidental/directional signs in parking lot and at entry/exit for drive-through. Electrical permit required for illuminated wall signs.	200 Middletown Parkway (Suite 200)		3/9/17		yes
Middletown Valley Investment Partners, LLC. Business name: Harmony Hair Salon and Spa (owner: Patcharin Sumintlee) in Cross Stone Commons Shopping Center. Permit submitted for change of use / change of tenant (Building #3).	200 Middletown Parkway (Suite 210)	156488	3/20/17		yes
Middletown Valley Investment Partners, LLC. Construct a trash dumpster enclosure IAW revision #2 to improvement plans next to Bldg #2 in Cross Stone Commons Shopping Center.	200 Middletown Parkway	156672	3/23/17		yes
Kevin & Adele Air – house renovation. Request a trash dumpster on property for three months during renovations.	10 Washington Street		3/24/17		yes
Nicholas Bergman – install 43 roof-mounted solar panels. SolarCity Corp. is prime contractor.	11 Wagon Shed Lane		3/28/17		yes

Zoning Certificate submitted -- actions pending and/or suspended	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Dennis Jiffas – construction of two-unit townhouse structure on corner lot. (Variance of 22' from front yard setback on Summers Drive approved by BoA on 3/29/16).	406 West Green Street		3/29/16		yes
Angel Nerona – installation of thirty-nine (39) roof-mounted solar panels by SolarCity Corporation.	13 Wagon Shed Lane		6/21/16		yes
Bill Heaton – install an eighteen (18) feet round above ground swimming pool in rear yard. Pool will be four (4) feet tall.	703 East Main Street		8/8/16		yes
Timothy Warner – installation of twenty-eight (28) roof-mounted solar panels by SolarCity Corporation.	212 Layla Drive		8/12/16		yes
James P. Malecki, Jr. – install propane gas logs in existing masonry fire place. Gas line on outside of house to be extended to provide gas to log insert.	8 Caroline Drive		10/18/16		yes





ORDINANCE NO. 17-04-01

AN ORDINANCE TO AMEND TITLE 5 “BUSINESS LICENSES AND REGULATIONS” OF THE MIDDLETOWN MUNICIPAL CODE BY ADDING THERETO CHAPTER 5.08 PERTAINING TO PEDDLING AND PEDDLERS; TO DEFINED THE TERMS “PEDDLING” AND “PEDDLER”; TO REQUIRE, WITH SOME EXEMPTIONS, A PEDDLER TO OBTAIN A PEDDLER’S LICENSE; TO REQUIRE CERTAIN INFORMATION TO BE PROVIDED IN AN APPLICATION FOR A PEDDLER’S LICENSE; TO AUTHORIZE THE TOWN ADMINISTRATOR TO REVIEW AND GRANT OR DENY A PEDDLER’S LICENSE; TO SET AN ADMINISTRATIVE FEE FOR SUBMISSION OF A PEDDLER’S LICENSE; TO ESTABLISH CONDITIONS FOR PEDDLING; TO PROVIDE FOR REVOCATION OF A PEDDLER’S LICENSE UPON CERTAIN CONDITIONS AND TO PROVIDE FOR AN APPEAL FROM SUCH REVOCATION; TO PROVIDE PENALTIES FOR PEDDLING WITHOUT A VALID PEDDLER’S LICENSE.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 5 of the Middletown Municipal Code be, and hereby is, amended by adding thereto the following to be codified as Chapter 5.08 “Peddling and Peddler’s License”. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 5 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 5.08 PEDDLING AND PEDDLER’S LICENSE

5.08.010 DEFINITIONS

AS USED IN THIS CHAPTER:

“PEDDLING” IS DEFINED AS THE BUSINESS OR ENTERPRISE OF GOING ABOUT FROM HOUSE TO HOUSE OR PLACE TO PLACE SEEKING SALES, FUTURE SALES, TRADES, LEASES OR CURRENT OR FUTURE DELIVERIES OF ARTICLES, GOODS, COMMODITIES, MERCHANDISE, SERVICES OR OTHER THINGS OF VALUE TO EXISTING OR POTENTIAL CUSTOMERS.

“PEDDLER” IS DEFINED AS A PERSON WHO ENGAGES IN PEDDLING AND INCLUDES, BUT IS NOT LIMITED TO, THOSE PERSONS COMMONLY REFERRED

TO AS HAWKERS, HUCKSTERS, TRANSIENT VENDORS, AND DOOR-TO-DOOR SALESPERSONS.

5.08.020 LICENSE REQUIRED AND EXEMPTIONS

A. EXCEPT AS PROVIDED IN SUB-SECTION B., NO PERSON MAY ENGAGE IN PEDDLING IN THE TOWN OF MIDDLETOWN WITHOUT FIRST APPLYING FOR AND OBTAINING A PEDDLER'S LICENSE FROM THE TOWN.

B. A PEDDLER'S LICENSE IS NOT REQUIRED WHEN THE PERSON ENGAGING IN PEDDLING IS DOING SO AS A MEMBER OF OR IN ASSOCIATION WITH A CHARITABLE, RELIGIOUS, CIVIC OR SIMILAR ELEEMOSYNARY GROUP DULY AUTHORIZED AS A NON-PROFIT OR NOT-FOR-PROFIT ORGANIZATION UNDER THE TAX LAWS OF THE FEDERAL OR STATE OF MARYLAND GOVERNMENT.

5.08.030 APPLICATION AND ISSUANCE OF LICENSE

A. EXCEPT AS PROVIDED IN SUB-SECTION E, ANY PERSON APPLYING FOR A PEDDLER'S LICENSE SHALL PROVIDE THE FOLLOWING INFORMATION ON AN APPLICATION FORM PROVIDED BY THE TOWN:

(1) THE APPLICANT'S NAME, BUSINESS AND RESIDENCE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS.

(2) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE APPLICANT'S EMPLOYER OR OTHER PERSON, FIRM OR ENTITY ON WHOSE BEHALF THE APPLICANT WILL BE ENGAGED IN PEDDLING.

(3) A DESCRIPTION OF THE TYPE OF BUSINESS IN WHICH THE APPLICANT IS ENGAGED OR OF THE TYPE OF BUSINESS OF THE APPLICANT'S EMPLOYER.

(4) THE LENGTH OF TIME THAT THE APPLICANT HAS BEEN EMPLOYED BY OR ASSOCIATED WITH THE EMPLOYER.

(5) A DESCRIPTION OF THE TYPE OF GOODS, SERVICES, COMMODITIES OR OTHER ITEMS WHICH THE APPLICANT WILL BE PEDDLING.

(6) THE NAME, ADDRESS AND TELEPHONE NUMBER OF AT LEAST TWO PERSONS WHO HAVE KNOWN THE APPLICANT FOR AT LEAST ONE YEAR AND WHO ARE REFERENCES FOR THE APPLICANT.

(7) A STATEMENT IDENTIFYING ANY CRIMES, OTHER THAN MINOR TRAFFIC VIOLATIONS, FOR WHICH THE APPLICANT HAS BEEN CONVICTED, INCLUDING PROBATION BEFORE JUDGMENTS, WITHIN THE PRECEDING TEN YEARS.

(8) THE LENGTH OF TIME DURING WHICH THE APPLICANT EXPECTS TO REMAIN IN THE TOWN FOR THE PURPOSE OF ENGAGING IN PEDDLING;

(9) PROOF OF HAVING OBTAINED ALL NECESSARY STATE AND LOCAL LICENSES, INSPECTIONS AND APPROVALS TO CARRY OUT THE PROPOSED ACTIVITY.

(10) THE APPLICANT SHALL PROVIDE A PHOTOGRAPH OF THE APPLICANT'S FACE AT LEAST 2 INCHES BY 2 INCHES IN SIZE SIMILAR TO THOSE REQUIRED IN CONNECTION WITH OBTAINING A UNITED STATES PASSPORT.

B. THE TOWN ADMINISTRATOR MAY REQUIRE THAT THE APPLICANT PROVIDE SUCH SUPPLEMENTAL INFORMATION AS MAY BE REQUIRED TO FULLY RESPOND TO THE INFORMATION REQUESTED IN THE APPLICATION. THE TOWN ADMINISTRATOR IS AUTHORIZED TO MAKE SUCH FURTHER INVESTIGATION INTO THE APPLICANT AS MAY BE DEEMED NECESSARY. THE APPLICATION FOR A PEDDLER'S LICENSE IS CONTINUING IN NATURE, AND THE APPLICANT SHALL PROMPTLY PROVIDE TO THE TOWN SUCH NEW OR SUPPLEMENTAL INFORMATION TO CORRECT ANY INFORMATION ON THE APPLICATION WHICH BECOMES INACCURATE OR INAPPLICABLE.

C. UPON THE SUBMISSION OF AN APPLICATION FOR A PEDDLER'S LICENSE, THE APPLICANT SHALL PAY A NON-REFUNDABLE FEE OF \$250.00.

D. UPON SATISFACTORY REVIEW OF THE APPLICATION AND ANY FURTHER INVESTIGATION UNDERTAKEN BY THE TOWN ADMINISTRATOR, THE TOWN ADMINISTRATOR SHALL ISSUE TO THE APPLICANT A PEDDLER'S LICENSE. UPON THE ISSUANCE AND DELIVERY OF THE PEDDLER'S LICENSE, THE TOWN ADMINISTRATOR SHALL ALSO PROVIDE TO THE APPLICANT THE CONDITIONS UNDER WHICH THE LICENSE IS ISSUED AS SET FORTH HEREIN.

E. THE APPLICATION REQUIRED TO BE SUBMITTED BY SUB-SECTION A SHALL ONLY BE REQUIRED TO BE SUBMITTED ONE TIME IN ANY ONE CALENDAR YEAR. ONCE A PEDDLER'S LICENSE HAS BEEN ISSUED TO A PEDDLER, FOR ANY SUBSEQUENT RENEWAL OF THE LICENSE DURING A CALENDAR YEAR, THE APPLICANT NEED ONLY VERIFY THE CONTINUED ACCURACY OF THE INFORMATION PREVIOUSLY PROVIDED, OR THE APPLICANT SHALL PROVIDE SUCH CHANGED, NEW AND/OR SUPPLEMENTAL INFORMATION AS REQUIRED BY SUB-SECTION A. NO APPLICATION FEE SHALL BE REQUIRED FOR ANY RENEWAL OF A PEDDLER'S LICENSE DURING ANY ONE CALENDAR YEAR.

5.08.040 CONDITIONS OF LICENSE

A. A PEDDLER'S LICENSE SHALL BE VALID ONLY DURING THE QUARTER-ANNUAL PERIOD DURING WHICH IT WAS ISSUED, SO THAT A PEDDLER'S LICENSE ISSUED AT ANY TIME DURING THE MONTHS OF JANUARY, FEBRUARY OR MARCH IS VALID ONLY DURING JANUARY, FEBRUARY AND MARCH OF THAT YEAR, AND SO ON FOR EACH QUARTER-ANNUAL PERIOD THEREAFTER. A PEDDLER'S LICENSE BECOMES VOID AND INVALID AT 11:59 P.M. ON THE LAST DAY OF THE QUARTER-ANNUAL PERIOD DURING WHICH IT WAS ISSUED.

B. NO PERSON, FIRM OR ENTITY MAY ENGAGE IN PEDDLING AT ANY RESIDENCE, BUSINESS OR OTHER PLACE WHICH DISPLAYS IN A CONSPICUOUS

LOCATION A SIGN STATING "NO SOLICITATION", "NO PEDDLING" OR SIMILAR SIGN GIVING NOTICE AGAINST PEDDLING AT THAT LOCATION.

C. NO PERSON, FIRM OR ENTITY MAY ENGAGE IN PEDDLING, OR CONTINUE TO ENGAGE IN PEDDLING, AFTER HAVING BEEN GIVEN NOTICE BY A CUSTOMER OR POTENTIAL CUSTOMER, EITHER IN WRITING OR ORALLY, TO CEASE AND TERMINATE SUCH ACTIVITY.

D. NO PERSON, FIRM OR ENTITY ENGAGED IN PEDDLING MAY ENTER THE RESIDENCE, BUSINESS OR OTHER ENCLOSED STRUCTURE WITHOUT THE EXPRESS CONSENT OF THE OWNER OR OCCUPANT.

E. NO PERSON, FIRM OR ENTITY MAY ENGAGE IN PEDDLING BETWEEN SUNDOWN OF ANY GIVEN DAY AND 9:00 AM OF THE FOLLOWING DAY.

F. EVERY PERSON, WHILE ENGAGED IN PEDDLING, SHALL WEAR IN A CONSPICUOUS AND VISIBLE LOCATION ON THEIR PERSON THE BADGE OR OTHER IDENTIFICATION TAG PROVIDED TO THEM BY THE TOWN.

G. EVERY PERSON, WHILE ENGAGED IN PEDDLING, SHALL PRESENT FOR INSPECTION THE PEDDLER'S LICENSE ISSUED BY THE TOWN UPON REQUEST OF ANY TOWN OFFICIAL, CUSTOMER OR POTENTIAL CUSTOMER.

5.08.050 REVOCATION OF LICENSE

A. THE TOWN ADMINISTRATOR IS AUTHORIZED TO REVOKE A PEDDLER'S LICENSE FOR:

- (1) FRAUD IN APPLYING FOR THE LICENSE;**
- (2) MISREPRESENTATION OR PROVIDING A FALSE STATEMENT IN THE APPLICATION;**
- (3) PROVIDING MISLEADING INFORMATION IN THE APPLICATION;**
- (3) FAILURE TO CORRECT ANY STATEMENT IN THE APPLICATION; OR**

(4) FAILURE TO OBSERVE THE CONDITIONS OF THE LICENSE.

B. PRIOR TO REVOKING ANY PEDDLER'S LICENSE, THE TOWN ADMINISTRATOR SHALL GIVE NOTICE OF SUCH PROPOSED REVOCATION TO THE PEDDLER, INCLUDING A STATEMENT OF THE REASONS THEREFOR, AND SHALL PROVIDE THE PEDDLER WITH AN OPPORTUNITY FOR A HEARING BEFORE THE TOWN ADMINISTRATOR. UPON RECEIVING SUCH NOTICE OF REVOCATION, THE PEDDLER MAY REQUEST A HEARING BEFORE THE TOWN ADMINISTRATOR WHO, UPON RECEIVING SUCH REQUEST, SHALL SET A HEARING AT A TIME, DATE AND PLACE WITHIN TEN (10) DAYS OF THE REQUEST. THE TOWN ADMINISTRATOR SHALL ISSUE A WRITTEN DECISION REGARDING THE PROPOSED REVOCATION PROMPTLY UPON THE CONCLUSION OF THE HEARING.

C. THE PERSON AGGRIEVED BY THE DECISION OF THE TOWN ADMINISTRATOR MAY APPEAL THAT DECISION TO THE BURGESS AND COMMISSIONERS BY FILING A WRITTEN REQUEST FOR A HEARING WITH THE TOWN ADMINISTRATOR WITHIN TEN (10) CALENDAR DAYS OF THE DATE OF THE DECISION OF THE TOWN ADMINISTRATOR. THE HEARING BEFORE THE BURGESS AND COMMISSIONERS SHALL BE HELD AT A TIME, DATE AND PLACE AS MAY MOST CONVENIENTLY BE SCHEDULED. THE DECISION OF THE BURGESS AND COMMISSIONERS AFTER THE HEARING SHALL BE FINAL.

D. ANY PERSON, FIRM OR ENTITY WHOSE PEDDLER'S LICENSE HAS BEEN REVOKED AS SET FORTH HEREIN MAY NOT APPLY FOR OR BE ISSUED ANOTHER SUCH LICENSE FOR A PERIOD OF TWELVE (12) MONTHS AFTER THE FINAL DECISION TO REVOKE THE LICENSE.

5.08.060 PENALTIES

ANY PERSON ENGAGED IN PEDDLING IN THE TOWN OF MIDDLETOWN WITHOUT A VALID PEDDLER'S LICENSE SHALL BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF UP TO \$1,000.00. IN ADDITION, ANY PERSON ENGAGED IN PEDDLING IN THE TOWN OF MIDDLETOWN WITHOUT A

VALID PEDDLER'S LICENSE MAY BE CHARGED, AT THE DISCRETION OF THE BURGESS, WITH A MUNICIPAL INFRACTION FOR WHICH THE FINE MAY BE UP TO \$1,000.00 TO BE ENFORCED IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE, DIVISION II, TITLE 6, ANNOTATED CODE OF MARYLAND (AS AMENDED FROM TIME TO TIME). NOTHING CONTAINED HEREIN SHALL PRECLUDE THE TOWN FROM SEEKING ANY OTHER REMEDIES AVAILABLE TO IT, EITHER AT LAW OR IN EQUITY, INCLUDING, BUT NOT LIMITED TO INJUNCTIVE RELIEF.

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 6th DAY OF April, 2017
PASSED ON THE _____ DAY OF _____, 2017
EFFECTIVE DATE: _____, 2017

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



MEMORANDUM

DATE: January 4, 2017
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Installation of Fluoride – Brookridge WTP & Well #15

ISSUE

Should the Burgess and Commissioners proceed with installation of fluoride injection system at the Brookridge WTP and Well #15, with the substantial increase in cost?

BACKGROUND

With the construction of two additional water treatment facilities; Well #15 in 2006 and the Brookridge WTP in 2008, fluoride injection was not included in the design of either of these facilities. Fluoride is only provided at the reservoir, which is the primary source of water for the Town.

In 2015, the Town tested levels of fluoride throughout the water distribution system and determined that some sections of Town, specifically Brookridge South and Glenbrook have fluoride levels below the recommended EPA standards for the benefits of fluoride. The Town Board made a decision to have fluoride injection added to both of the new facilities and budgeted \$60,000 in the 2017 CIP. In addition, letters were sent to the affected residents informing them of the Town's plans to add the fluoride injection systems by January 2017.

With the installation of the Iron and Manganese Removal System equipment at Well #15, there is not enough physical room in the building to add a fluoride injection system. The building will have to be enlarged to accommodate a fluoride system. The preliminary cost estimate is \$30,000 to construct an addition. There is room available for the fluoride injection system at the Brookridge WTP and this project can proceed immediately.

RECOMMENDATION

Staff would recommend the Town Board give serious consideration to the substantial capital cost for providing fluoride to resident's (\$90,000), which is only a benefit to a specific segment of the population, when fluoride is available through many other sources. If the Town Board decides to move forward with installation of fluoride systems at these two facilities, \$30,000 of additional funding will need to be approved.

ATTACHMENTS

Approve CIP
Letter to Residents

FLUORIDE FACT SHEET

Town of Middletown

February 21, 2017

- The Town of Middletown has three (3) water treatment facilities:
 - Reservoir WTP (Primary Source) – Fluoride Injection
 - Well #15 WTP – NO Fluoride
 - Brookridge WTP – NO Fluoride
- 2010 Census Information for the Town of Middletown

Subject	Number	Percent
Age		
Total Population	4,136	100.0%
Under 5 Years	254	6.1%
5 to 9 Years	326	7.9%
10-14 Years	406	9.8%
15 to 19 Years	354	8.6%
20 to 24 Years	164	4.0%
25 to 29 Years	163	3.9%
30 to 34 Years	174	4.2%
35 to 39 Years	256	6.2%
40 to 44 Years	368	8.9%
45 to 49 Years	382	9.2%
50 to 54 Years	365	8.8%
55 to 59 Years	266	6.4%
60 to 64 Years	220	5.3%
65 to 70 Years	136	3.3%
70 to 74 Years	112	2.7%
75 to 79 Years	85	2.1%
80 to 84 Years	55	1.3%
85 Years and Over	50	1.2%

- Average Yearly Cost to provide Fluoride at the Reservoir WTP - \$7,500. This includes the chemical costs and equipment calibration and maintenance. The average estimated yearly cost to provide Fluoride at all water treatment facilities would be \$22,500.
 - FY 2017 CIP has \$60,000 budgeted to fund two (2) Fluoride injection systems at Brookridge WTP and Well #15 WTP.
 - Due to limited space at Well #15 WTP, the building must have an addition to accommodate the Fluoride injection system. Estimated cost \$30,000, which is not budgeted as of this date.
-
- EPA is recommending lowering the level of Fluoride in public drinking water systems due to people receiving Fluoride from other sources. The original recommended level of Fluoride was 1.2 mg/L the new recommended level of Fluoride is 0.7 mg/L.

- National & State Statistics on Fluoride

These statistics were prepared using water system data reported by states to the CDC Water Fluoridation Reporting System as of December 31, 2014, and the U.S. Census Bureau state population estimates for July 2014. Revised July 2016.*

National Water Fluoridation Statistics

Total US population, persons ^a	318,857,056
US population on community water systems (CWS), persons ^b	284,099,832
Total US population on fluoridated drinking water systems, persons ^b	211,393,167
Percentage of US population receiving fluoridated water ^c	66.3%
Percentage of US population on CWS receiving fluoridated water ^d	74.4%
Number of CWS providing fluoridated water ^b	18,186
Number of CWS adjusting fluoride ^b	5,919
Number of CWS consecutive to systems with optimal fluoride levels ^b	6,015
Number of CWS with naturally occurring fluoride at or above optimal levels ^{b,*}	6,205
Population served by CWS with naturally occurring fluoride at or above optimal levels ^{b,*}	11,883,007

AND for Maryland:

State Fluoridation Percentage Calculations and States Ranked by Fluoridation Percentage

STATE PERSONS RECEIVING FLUORIDATED PERSONS SERVED BY PUBLIC WATER SYSTEMS

			%	RANK
Maryland	5,021,283	5,206,520	96.4%	5

- Local Water Systems that do NOT provide Fluoride:
 - Thurmont
 - Myersville
 - Brunswick
 - Rosemont
 - Boonsboro
 - Poolesville
 - Westernport

 - Local Water Systems that DO provide Fluoride:
 - WSSC
 - Walkersville
 - Emmitsburg
 - City of Frederick
 - Mt. Airy
 - City Hagerstown
 - Rockville
 - Westminster
-

FLUORIDE FACTS

March 23, 2017

CDC Website

Although other fluoride-containing products, such as toothpaste, mouth rinses, and dietary supplements are available and contribute to the prevention and control of tooth decay, community water fluoridation has been identified as the most cost-effective method of delivering fluoride to all, reducing tooth decay by 25% in children and adults.¹

¹ Griffin SO, Regnier E, Griffin PM, Huntley VN. Effectiveness of fluoride in preventing caries in adults. *J Dent Res.* 2007;86(5):410–414.

Benefits: Strong Teeth

Fluoride benefits children and adults throughout their lives. For children younger than age 8, fluoride helps strengthen the adult (permanent) teeth that are developing under the gums.

Absorption, Recommended dosage of Fluoride and Dietary Sources

Texas A&M University Dr.E.D.Harris NUTR/POSC 650 NUTR 450

Fluoride Absorption

20-25% of fluoride is absorbed by the stomach. Conditions of higher gastric acidity promote fluoride absorption from the stomach.

75-80% is absorbed by the small intestine.

Absorption from the small intestine is pH-independent. The majority of fluoride absorption occurs in the small intestine via passive diffusion quite possibly through membrane channels.

In the fasted state, fluoride in the form of fluoridated water or sodium fluoride tablets, the absorption is 100%. However, when fluoride is found in food sources, or taken with food, the absorption varies from 50-80%.

Absorbed fluoride enters the plasma where the concentration under usual intake ranges from 10-20µg/L. It is quickly taken from the plasma into tissue in exchange with other anions (hydroxyl, citrate, and carbonate ions). 95% of total body fluoride is found in bones and teeth. 90% of fluoride excretion occurs in the urine

Adequate Intake for Fluoride

Life Stage	Age	Males (mg/day)	Females (mg/day)
Infants	0-6 months	0.01	0.01
Infants	7-12 months	0.5	0.5
Children	1-3 years	0.7	0.7
Children	4-8 years	1.0	1.0
Children	9-13 years	2.0	2.0
Adolescents	14-18 years	3.0	3.0
Adults	19 years and older	4.0	3.0
Pregnancy	all ages	-	3.0
Breastfeeding	all ages	-	3.0

Dietary Sources of Fluoride

Food	Serving	Fluoride (mg)
Tea	3.5 ounces	0.1-0.6
Grape Juice	3.5 ounces	0.02-0.28
Canned Sardines with Bones	3.5 ounces	0.2-0.4
Fish without Bones	3.5 ounces	0.01-.17
Chicken	3.5 ounces	0.06-.1

Oregon State University, Noelle J. Fein MS Nutrition and Health Management

Mechanically separated chicken (MSC) is an ingredient in infant foods, toddler foods, canned meats, and luncheon meats. The present study examined the fluoride content of foods made with MSC to determine the extent to which they could contribute to the total fluoride intake of infants and children. Chicken sticks made with MSC had the highest fluoride concentrations followed by infant foods, luncheon meats, and canned meats. A serving of chicken sticks containing the highest fluoride concentration would provide nearly the recommended daily intake for fluoride and nearly 1/2 of the upper limit of safety for a one year old child. High

fluoride content of chicken bones found in this study supports this possibility. The major conclusion of the present study is that foods made with MSC but not those made with MST contain high concentrations of fluoride which can contribute significantly to the total fluoride intake of infants and children.

Livestrong.com

Your body needs fluoride to keep your bones strong and to help prevent tooth decay. Men should have 4 milligrams of the mineral each day, while women need approximately 3 milligrams. Most people in the United States easily meet their daily fluoride requirement by drinking fluoridated water, consuming foods and beverages that have been prepared with fluoridated water and using dental products like toothpaste or mouthwash that contain added fluoride, though some foods also naturally contain small concentrations

A 3.5-fluid ounce serving of black tea typically contains between 0.25 to 0.39 milligrams of fluoride, according to the Linus Pauling Institute. This amount would supply a man with up to 9.7 percent of his daily fluoride requirement and a woman with 13 percent of her needs per day. The fluoride found in black tea comes from the high concentration of the mineral in the tea leaves, not fluoridated water, though preparing the tea with treated water would further increase the amount per serving.

An ounce of a white wine like chardonnay contains 0.06 milligrams of fluoride, meaning that a standard 5-ounce serving of white wine supplies 0.3 milligrams. Each glass contains 7.5 percent of a man's daily fluoride needs and 10 percent for a woman.

Municipal Water Treatment – Town of Middletown

Middletown's source water consists of drilled wells and springs which contain many constituents such as iron, manganese, trace amounts of fluoride, dissolved solids, sulfates and chloride. Hardness is generally a measure of the calcium and magnesium dissolved in water. There are three water treatment facilities in Middletown and the hardness is different at each source. Generally, the water in Middletown is Hard with 100 – 200 mg/l of Calcium Carbonate. Other chemicals added at two of the treatment plants are Sodium Hypochlorite and the remaining plant (reservoir) uses Sodium Hydroxide for pH adjustment and Fluoride injection.

The reservoir feeds chemicals in an underground delivery pipe to the 12" suction pipe where they are injected into the flow stream. In the second week of March 2017 the process water meter began slowing down which typically indicates a restriction in the 2" pipe. After disassembly Town staff found the 2" pipe clogged with calcium carbonate buildup. Further investigation revealed the injection corporation stop completely clogged inside the 12" suction pipe. The solid was broken up into pieces, initially about 9" long and settled in the bottom of the pipe, then broken up and removed from the pipe. The formation in the 2" pipe cannot reasonably be removed (mechanical and chemical methods were used). A new pipe (200 feet) will need to be pulled into the underground chase. This calcification issue represents significant work and expense that is directly related to the injection of fluoride. The Water Fluoridation Manual from AWWA and several other Water Treatment Professional's support our findings.



This issue can be resolved, although not easily, at the reservoir but the remaining water treatment plants do not have this type of chemical delivery where the pipe can be replaced or "easily" pigged. The resulting calcium formation may require difficult removal, pipe replacement and temporary loss of plant service if fluoride injection is installed at the other plants.

Maintenance and Operational Cost for Fluoride Injection

Fluoride Analyzer Annual Maintenance Contract	\$2050.00
Annual Analyzer and Lab Reagents	\$1950.00
Sodium Fluoride Chemical	\$ 950.00

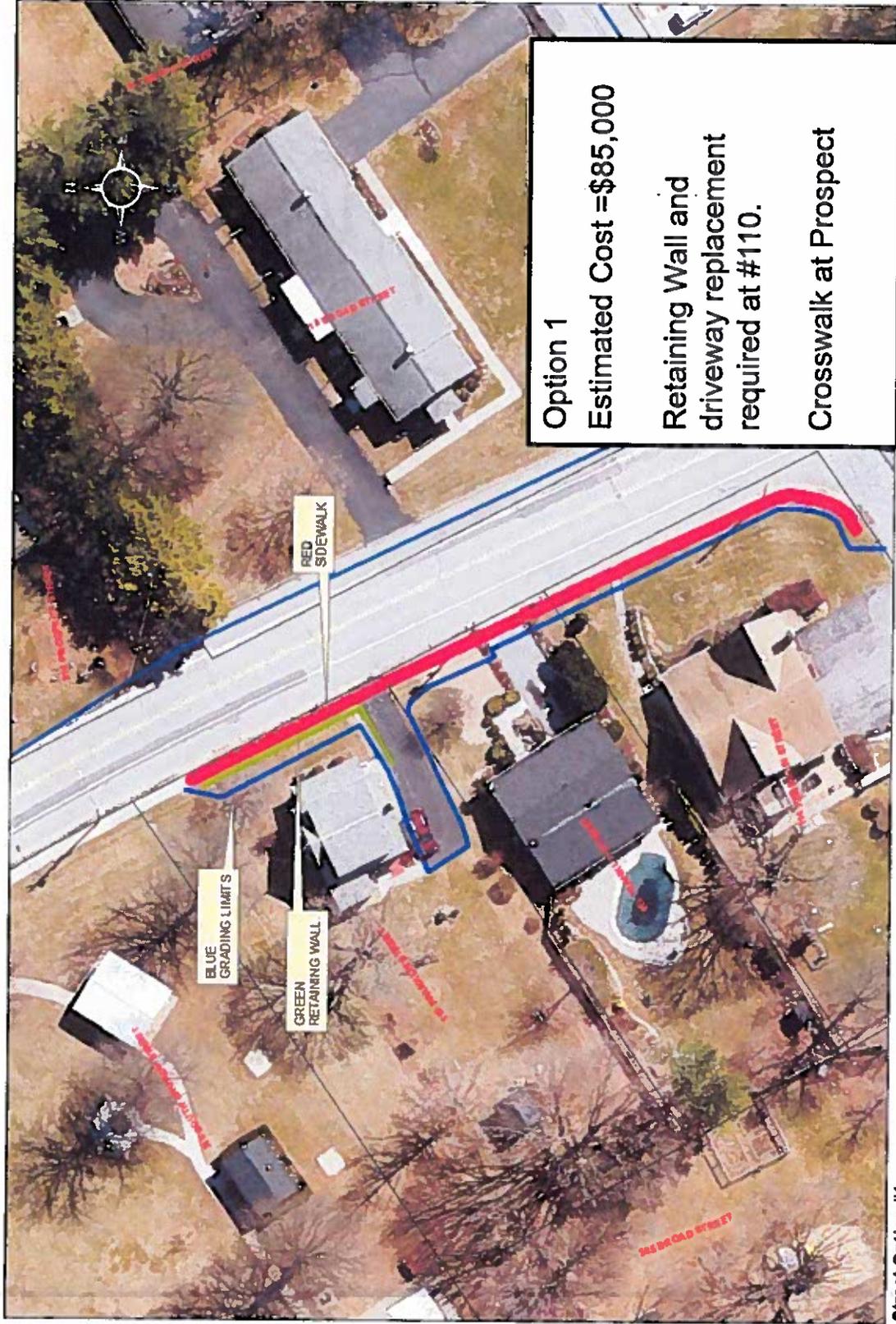
Equipment Repairs and Maintenance	
Pumps and Tubing, Parts	\$ 500.00
Salt for Softener, Softener Maintenance	\$ 150.00
Chemical Feed Piping Replacement	\$ 600.00
Total Annual M&O	\$ 6,200.00

Daily Operation - Labor	
Operator 30 min/day	\$5,475.00
Total Operational Cost per Facility	\$11,675.00

Middletown Source Water Fluoride Content

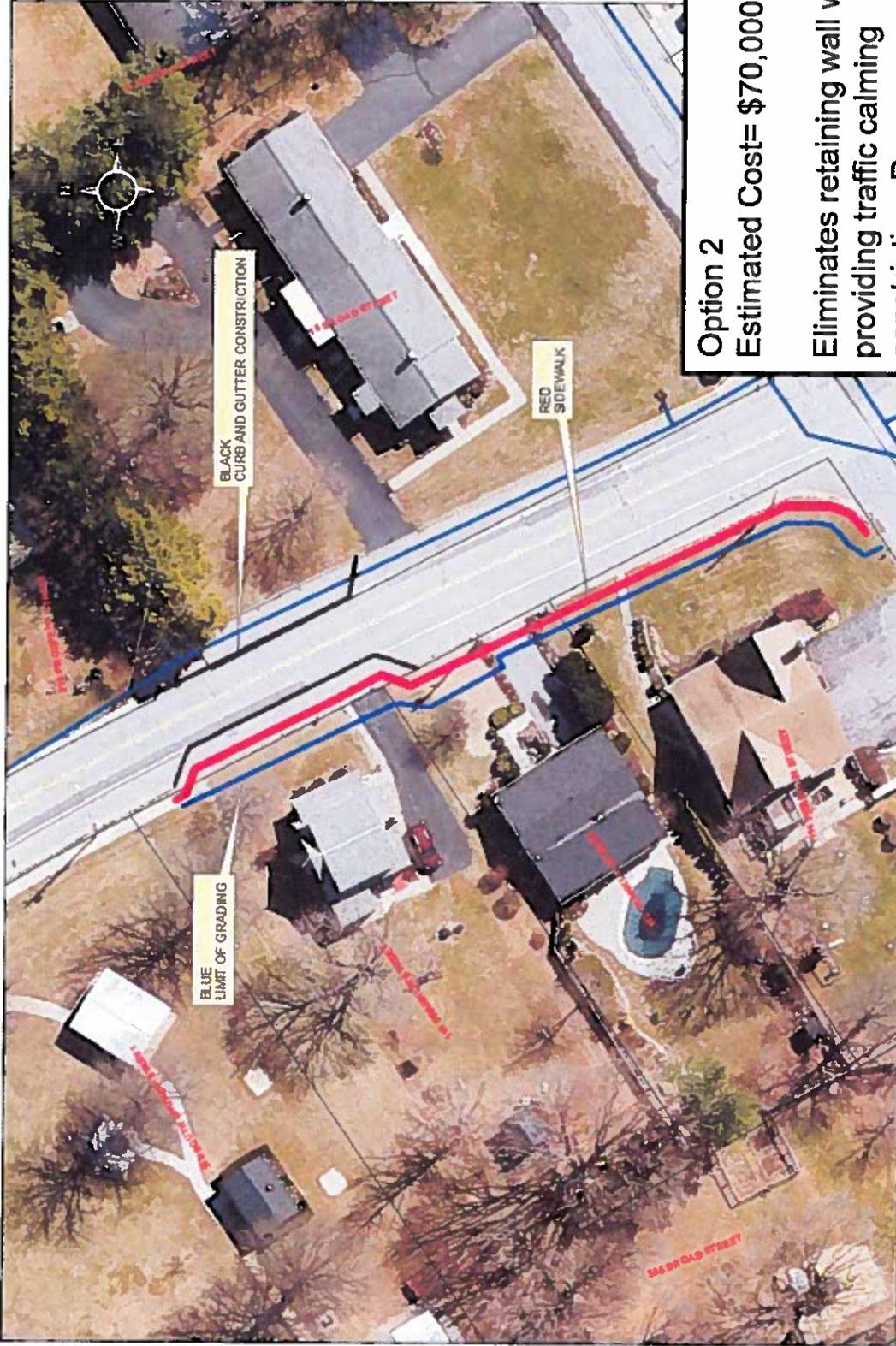
Natural Fluoride Content, as of June 01, 2015

Well 15 = 0.2mg/l Brookridge WTP <0.2 mg/l Booster Station <0.2 mg/l (limit of test is 0.2 mg/l)



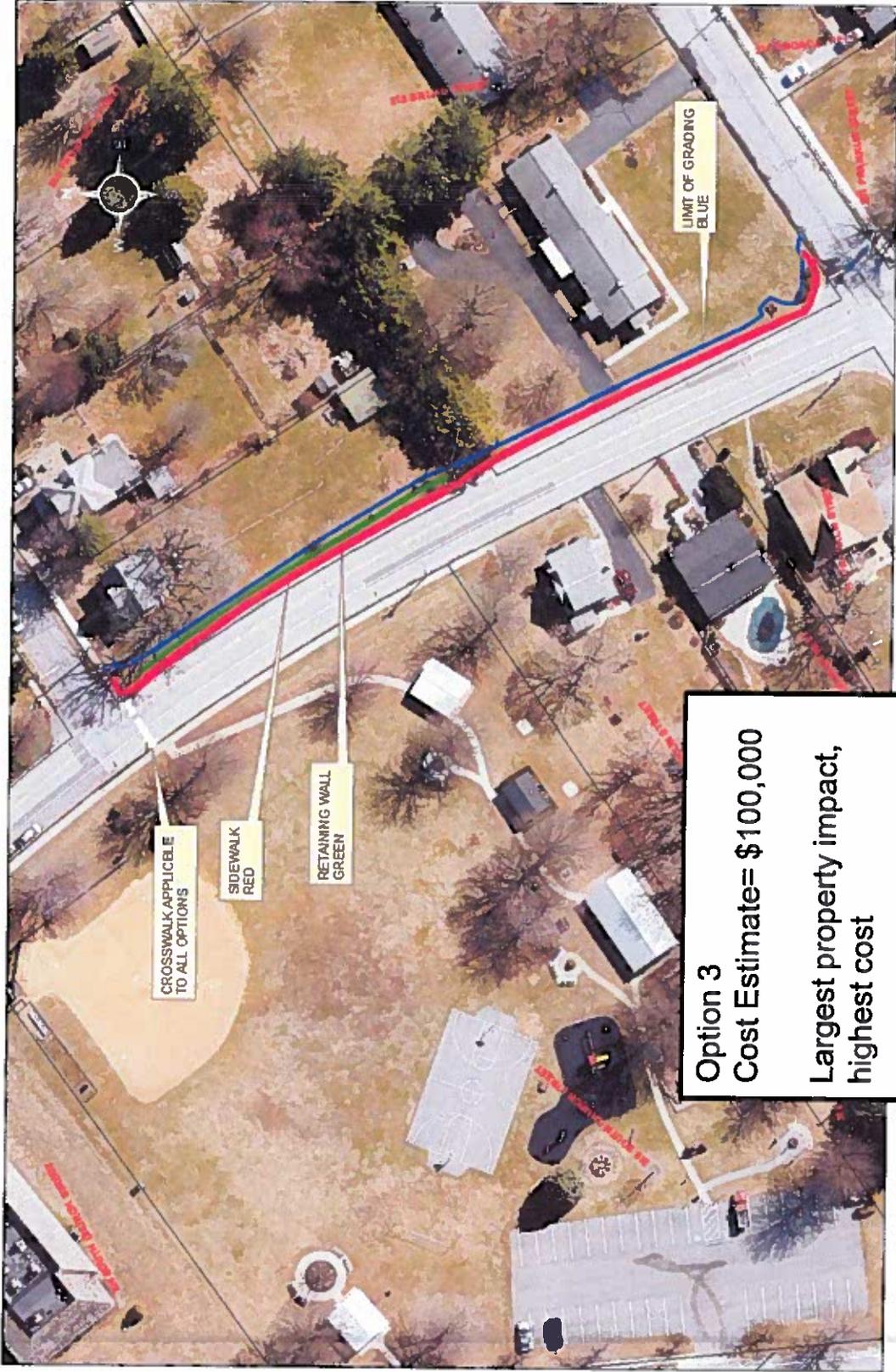
Option 1
Estimated Cost = \$85,000
Retaining Wall and driveway replacement required at #110.
Crosswalk at Prospect

Franklin Street Option #1
Aligned Sidewalk
Scale 1"=30'
Dec 2015



Option 2
Estimated Cost= \$70,000
 Eliminates retaining wall while providing traffic calming constriction. Preserves a portion of on street parking
 Crosswalk at Prospect

Franklin Street Option #2
 Offset Sidewalk and Traffic Calming Constriction
 Scale 1"=30'
 Dec 2015



Franklin Street Option #3
 Northside Sidewalk
 Scale 1"=30'
 Dec 2015

Memorandum

To: Middletown Burgess and Commissioners

From: Cindy Unangst, Staff Planner

Date: February 27, 2017

RE: MEMAR ANNEXATION PETITION

MIDDLETOWN ANNEXATION

Annexation Plan

Petitioner: Memar Corporation

Request: Annexation of 93.938 acres of land to be zoned R-20.

Location: West side of Coblenz Road, and north of Middletown County Park

Land Use & Zoning: The subject property is currently open, undeveloped farmland with drainage predominately to the south. The property is currently zoned A-Agricultural under the Frederick County jurisdiction. County A-Agricultural zoning adjoins this property to the north and west. Middletown R-20 Residential zoning is to the east and Middletown OS – Open Space is to the south for the County Park and southwest for the school complex.

Land use adjoining the subject property is a combination of agricultural, residential, open space and institutional. A large agricultural tract remains to the north, which is in the county's Agriculture Preservation program. Single-family homes adjoin the property to the east, and the remainder of the property adjoins institutional property owned by the Frederick County Board of Education and parkland owned by Frederick County Board of County Commissioners.

The petition under item #4 requests a change of zoning upon annexation to R-20 Residential. This request is not consistent with the *Frederick County's Future – Many Places, One Community - A Comprehensive Plan for Frederick County, Maryland (Adopted April 2010)* classification as outlined on the 2010 Adopted Countywide

Comprehensive Land Use Plan which designates Agricultural/Rural land use where the R-20 zoning is proposed and the Zoning Plan designates the parcel as Agricultural zoning. The request is consistent with the Middletown 20-Year Land Use Comprehensive Plan map which indicates Low Density Residential land use for the parcel in question and which is within the municipal growth boundary.

Comprehensive Plan: The *Frederick County's Future – A Comprehensive Plan for Frederick County, Maryland (Frederick County Comprehensive Land Use Plan)* designates this property as Agricultural/Rural and does not show the parcel within the growth boundary for the municipality. The County Land Use Plan shows a proposed collector road running east/west thru the southern portion of the property. The *Middletown Comprehensive Plan*, adopted March 2010, designates the property as Low Density Residential. *Middletown Comprehensive Plan* maps show an unnamed stream running north to south through the property, and the transportation map shows a future roadway running east/west thru the southern boundary of the property. The proposed annexation is within the growth boundary established by the Middletown Comprehensive Plan. **Due to the fact that the annexation petition is not consistent with the County's Comprehensive Plan, this petition would trigger the need for an Express Approval review by the County Council. The Middletown Town Board would need to request that the County Council conduct that review, which can occur before or even after the town board public hearing.**

Streets & Roads: The subject property totals 537.47 ft. of frontage on Coblentz Road, which is a 22ft. wide bituminous concrete County road with no curb and gutter. The Middletown Comprehensive Plan designates Coblentz Road as a county road. Improvements to this property with access to this road would require approval from appropriate agencies. Both the Frederick County Comprehensive Plan and the Middletown Comprehensive Plan show a proposed collector road running east/west at the southern end of the property.

Although the petition does not address this item, the concept plan does provide for the collector road which aligns to the east with Smithfield Drive. Consideration should also be given to the following:

- a traffic impact study should be required as part of the annexation agreement,**
- upgrading Coblentz Road to Town standards,**
- only one access point serving this entire development**

Community Facilities

Schools:

The subject property is located in the Middletown Primary, Middletown Elementary, Middletown Middle and Middletown High School districts. The current enrollment of each school as of December 30, 2016 is 99%, 83%, 93%, and 95% respectively. FCPS projections out to 2025 show the Primary, Elementary and Middle schools to remain at 80-99% of capacity for that time frame. There are three years during the time frame given that show the High School to be at 100-119% of capacity. Those years are projected to be at 100%, 102% and 103% of capacity. Both Middletown Middle School and Middletown High School are to have modernization projects completed by 2025, but neither will include increased student capacity.

The requested zoning of R-20 Residential (without consideration of active adult housing) could yield the following densities according to the Pupil Yield Rates Report done by Frederick County Public Schools:

Primary School – additional 24 students

Elementary School – additional 24 students

Middle School – additional 12 students

High School – additional 19 students

Water/Sewer:

The subject property, if annexed, would be required to be served by Middletown water and sewer systems. Water and sewer taps are made available for new developments through annexation agreements with the Town.

The adequate public facilities policy for the Town now requires that all development provide 250 gpd/unit of water into the system. The policy also requires that any upgrades to the sewer system to serve development be funded at the sole cost of the developer. The developer agrees to such conditions under item #3.1 in the petition.

The Town has adopted a Water/Sewer Certification Ordinance that requires that resources be available in the system prior to approval of Improvement Plans.

The petitioner requested an appropriation from MDE for a total of 57,000 gpd, but received a water rights evaluation from MDE for 34,200 gpd. This would provide for approximately 137 units based on 250 gpd/unit. The Town would need to determine whether the water must be appropriated or connected prior to the development moving

forward, whether the entire amount must be achieved before allowing development to move forward, and whether the Town would provide any existing reserve to support any “other” component of this development.

The Town has adopted a Water Resources Element and associated water and sewer service maps as a component of the Middletown Comprehensive Plan adopted in 2010. Under this plan, the property is classified a PS – Planned Service, which projects development for this property to occur within the 11-20 year time frame (2021-2030).

The designation of PS – Planned Service is not consistent with the County Master Plan for water and sewer which shows NPS – No Planned Service. The petition does not address the timeframe in which to proceed with development of the property.

Fire Service: This property would be served by the Middletown Fire and Ambulance service currently located less than 1 mile southwest of the site. The average calls for service have increased by 20-30 per year over the last decade, while the increase in residents over the last decade has been about 200 total residents.

Police Service: Police service would be provided by the Frederick County Sheriff's Department. Due to continued growth, the Town now has three deputies as well as an additional resource deputy who works out of the Middletown High School.

Solid Waste Disposal: The Town of Middletown contracts with a private hauler for trash service for residential and some smaller commercial customers. This service would be extended to this property if annexed.

Electric: Allegheny Power currently provides service to the area. This service would continue.

Parks: The Middletown Community Park adjoins this property to the south. Additional park facilities are further south and west in Town.

Although the petition does not address parkland, the concept plan shows 40 acres of open space with a proposed walking trail and gazebo. This proffer of open space should be subject to review by the Planning Commission as expressly stated in the Town residential growth policy. Further, FRO and SWM can no longer be counted as open space and each development must provide a minimum of .05 acres/ unit. Please note that based on the proposed development of 116

units, 5.8 acres would be required to meet the requirements of all policies and ordinances subject to that acreage not including FRO, SWM, and unusable areas as determined by the Planning Commission.

Growth Policy: The adequate public facilities policy requires the following:

- Must provide 250 gpd/unit for water/sewer prior to water/sewer certification being approved.

Based on the petition and the water rights analysis from MDE, the developer could build 137 units.

- Schools cannot be greater than 105% over State-rated capacity at time of Preliminary approval.

None of the schools is projected to be over 105% of the State-rated capacity prior to 2025.

- Must provide traffic impact study at time determined by Town.

There is no mention of providing a traffic impact study as part of this petition, but given the road connections, staff would assume one should be required early in the plan review process.

- Must provide .05 acre/unit of usable open space as determined by the Planning Commission.

As stated above, the concept plan does appear to meet the requirement, subject however to review and agreement on usable space provided.

- No development will receive more than 20 of the available 30 permits per year.

This phasing would be worked out under petition item #6.

- All off-site improvements will be negotiated through public works agreements with the Town.

This would be worked out under petition item #6.

Staff Comments: The requested annexation and zoning for R-20 Residential on the subject property is consistent with the adopted 2010 Middletown Comprehensive

Plan. Annexation would ensure that development occurs under Town standards and that the Town gets the tax benefits of this growth. The staff generally supports municipal annexations where facilities and services are in place to support development.

As stated in connection with other annexations, the staff is of the opinion that any future development in and around existing municipalities should first be considered for annexation. This is stated County and State policy. This proposal is within a logical area for annexation into the Town limits. In addition, this property already has water and sewer in close proximity.

Recommendations:

1. Given the most recent information regarding the Level of Service as it pertains to roads, schools, water and sewer, as well as other services, staff would recommend that all outstanding issues, affected by this proposal, be addressed and/or resolved before development of this proposed annexation is considered.
2. The Town Board will need to determine whether to request an Express Approval review by the Frederick County Council in order to avoid having to wait the five years for any development to occur.
3. Because of the amount of growth currently in the development pipeline for the Town of Middletown, it would appear to be in the Town's best interest for future growth and development to maintain the orderly process of phasing in any and all future development proposals. As the Town attempts to address infrastructure needs at all levels, this process of phasing should be updated to assure that growth remains congruent with the services that are available.
4. This site appears to contain a location for a collector road with future connection to extend west toward MD Route 17, which should be considered in the timing of development of this property. The staff would also recommend that consideration be given to Coblenz Road for improvements to Town standards.
5. Consideration should be given for this property's connectivity to the County Park adjacent to the south, and the Town should consider requiring that some open space be provided for usable recreational activities, as requested by the Middletown Parks and Recreation Committee.
6. Public Works agreements are needed to be in place so that the development of this property does not occur prior to any needed water and sewer system improvements.

7. Consideration should also be given for the development of a certain percentage of homes to be moderately-priced dwelling units in order to provide some much-needed entry-level homes within the Town.

DRAFT

John D. Miller
Burgess

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

Middletown

Celebrating 250 Years 1767 - 2017



Memorandum

To: Middletown Burgess and Commissioners

From: Cindy Unangst, Staff Planner and the Middletown Planning Commission
CKU

Date: February 27, 2017

RE: MEMAR ANNEXATION PETITION- RECOMMENDATION

After review of the proposed annexation of the 94+ acre Memar Property, the Planning Commission recommended that the petition is indeed consist with the Middletown Comprehensive Plan at their meeting held on Monday, February 20, 2017. Staff notes below information that was included in the materials submitted to the Planning Commission:

I. Findings of fact

- A. Property DOES adjoin existing corporate boundary
- B. Property DOES NOT create an enclave of any unincorporated area
- C. Property DOES NOT exceed 1.5% of the present corporate area
- D. Request for zoning of R-20 IS consistent the 2010 Middletown Comprehensive Plan

II. Recommendation – Planning Commission voted to accept the proposed annexation petition.

Foxfield Section 6

REGIONAL MAP
Middletown, Maryland



Foxfield Section 6

Master Plan
Middletown, Maryland

11-25-2014



LOT TABLE
Approximate Acres

Lot 1	1.08 Acres
Lot 2	1.28 Acres
Lot 3	0.56 Acres
Lot 4	0.17 Acres
Lot 5	0.37 Acres
Lot 6	0.37 Acres
Lot 7	0.37 Acres
Lot 8	0.38 Acres
Lot 9	0.38 Acres
Lot 10	0.73 Acres
Lot 11	0.33 Acres
Lot 12	0.33 Acres
Lot 13	1.02 Acres
Lot 14	1.47 Acres
Lot 15	0.56 Acres
Lot 16	0.56 Acres
Lot 17	0.51 Acres
Lot 18	0.51 Acres
Lot 19	0.51 Acres
Lot 20	0.51 Acres
Lot 21	0.51 Acres
Lot 22	0.51 Acres
Lot 23	0.56 Acres
Lot 24	0.56 Acres
Lot 25	0.51 Acres
Lot 26	0.51 Acres
Lot 27	0.71 Acres
Lot 28	0.56 Acres
Lot 29	0.56 Acres
Lot 30	0.56 Acres
Lot 31	0.56 Acres
Lot 32	0.88 Acres
Lot 33	0.88 Acres
Lot 34	0.73 Acres
Lot 35	0.80 Acres
Lot 36	0.80 Acres
Open Space	49.02 Acres
Total	95.00 Acres

DEVELOPMENT NOTES

Total Development Area: 95.00 Acres

Zone: P-30
 District: Broad, Single Detached
 Density: 12
 Minimum Lot Area: 20,000 SF (0.46 Acres)
 Minimum Lot Width: 100'

Private: 20
 Public: 76

Admittable: 100

Notes:
 Lot 1: 0.26 Acres
 Lot 2: 0.19 Acres
 Lot 3: 0.19 Acres
 Lot 4: 0.19 Acres
 Lot 5: 0.17 Acres
 Lot 6: 0.17 Acres
 Lot 7: 0.20 Acres
 Lot 8: 0.17 Acres
 Lot 9: 0.17 Acres
 Lot 10: 0.19 Acres
 Lot 11: 0.19 Acres
 Lot 12: 0.24 Acres
 Lot 13: 0.19 Acres
 Lot 14: 0.19 Acres
 Lot 15: 0.19 Acres
 Lot 16: 0.19 Acres
 Lot 17: 0.17 Acres
 Lot 18: 0.20 Acres
 Lot 19: 0.19 Acres
 Lot 20: 0.19 Acres
 Lot 21: 0.19 Acres
 Lot 22: 0.19 Acres
 Lot 23: 0.24 Acres
 Lot 24: 0.24 Acres
 Lot 25: 0.19 Acres
 Lot 26: 0.19 Acres
 Lot 27: 0.19 Acres
 Lot 28: 0.19 Acres
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 Lot 32: 0.19 Acres
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 Lot 34: 0.19 Acres
 Lot 35: 0.35 Acres
 Lot 36: 0.35 Acres
 Lot 37: 0.35 Acres
 Lot 38: 0.25 Acres
 Lot 39: 0.19 Acres
 Lot 40: 0.20 Acres
 Lot 41: 0.20 Acres
 Lot 42: 0.27 Acres
 Lot 43: 0.18 Acres
 Lot 44: 0.18 Acres
 Lot 45: 0.23 Acres
 Lot 46: 0.19 Acres
 Lot 47: 0.19 Acres
 Lot 48: 0.24 Acres
 Lot 49: 0.24 Acres
 Lot 50: 0.30 Acres
 Lot 51: 0.30 Acres
 Lot 52: 0.30 Acres
 Lot 53: 0.17 Acres
 Lot 54: 0.23 Acres
 Lot 55: 0.21 Acres
 Lot 56: 0.19 Acres
 Lot 57: 0.18 Acres
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 Lot 59: 0.18 Acres
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 Lot 70: 0.25 Acres
 Lot 71: 0.19 Acres
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 Lot 74: 0.19 Acres
 Lot 75: 0.19 Acres
 Lot 76: 0.19 Acres
 Lot 77: 0.19 Acres
 Lot 78: 0.19 Acres
 Lot 79: 0.19 Acres
 Lot 80: 0.22 Acres
 Lot 81: 0.22 Acres
 Lot 82: 0.22 Acres

DEVELOPMENT NOTES

Total Development Area: 95.00 Acres

Zone: P-30
 District: Broad, Single Detached
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 Lot 70: 0.25 Acres
 Lot 71: 0.19 Acres
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 Lot 75: 0.19 Acres
 Lot 76: 0.19 Acres
 Lot 77: 0.19 Acres
 Lot 78: 0.19 Acres
 Lot 79: 0.19 Acres
 Lot 80: 0.22 Acres
 Lot 81: 0.22 Acres
 Lot 82: 0.22 Acres

0 100 200 300 FT

FSA

Middletown Planning Office

MEMORANDUM

Date: 3/22/2017

To: Burgess & Commissioners, Middletown

From: Sustainability Committee

RE: Bike rack recommendation

The members of the Sustainability Committee had a discussion at their March meeting about the lack of bike racks within the Town of Middletown. Commissioner Dietrick stated that there might be POS monies available for bike racks that could be put in the town parks. The Sustainability Committee fully supports that initiative as well as the provision of bike racks in the commercial areas in town to help promote biking within the Town.

If enough funding were to be available, members of the Committee would like the Town Board to consider hiring a local artisan to make the racks (following any applicable guidelines). This would add a unique quality to the racks and put opportunities into the hands of local workers.

The Sustainability Committee is willing to suggest appropriate places for the bike racks if the Town Board requests us to do that.

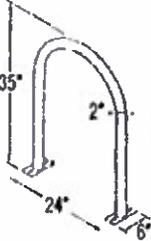
Figure 1

BICYCLE RACK DESIGNS

PREFERRED "U Rack" DESIGN







Dimensions vary by manufacturer and model.

ACCEPTABLE DESIGNS







UNACCEPTABLE DESIGNS



This type of rack can bend the wheel.



This type of rack does not support the bicycle frame in at least 2 places.

RACK ELEMENTS

The rack must:

- Support the bicycle frame in at least 2 places, allowing the frame and wheel to be locked using a U-lock or cable lock.
- Prevent the wheel of the bicycle from tipping over.
- Not damage the bicycle.
- Be durable and securely anchored.
- Allow front-in or back-in parking.



Frederick County Division of Planning Bicycle Parking Design Guide	REVISED: March 2009	
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MEMORANDUM

Date: 3/22/2017

To: Burgess and Commissioners, Middletown
From: Cynthia K. Unangst, Middletown Staff Planner
RE: Wireless Telecommunications Siting Ordinance

I recently reviewed the Wireless Telecommunications Siting ordinances that the towns of Walkersville and Emmitsburg, and the City of Brunswick, have in their Codes. While they are very extensive (27 pages), I believe it would be a good idea for the Town Board to discuss whether the Town of Middletown should also adopt such an ordinance. The ordinance is primarily for the siting of taller-type telecommunications structures for wireless antennas like we have on our water tower. However, Drew has informed me that there is no longer room for anymore antennas on the water tower and the Town might be in the position of having a telecommunications company propose an additional tower for such uses.

The ordinance outlines a policy, general regulations, exemptions, the administration process, and violations and enforcement. In reviewing the three ordinances, they are all pretty much the same, but I have attached the most pertinent sections of the ordinance that Walkersville uses since I believe it would most conform to the needs of Middletown. If the Town Board agrees that such an ordinance is needed for the Town, please make a motion to send the proposed ordinance to the Middletown Planning Commission for their review and recommendation. (I have sent the full ordinance to all of you by e-mail if you are interested in reviewing it in its entirety.)

86-1. Purpose and Legislative Intent.

The Telecommunications Act of 1996 ("the Act") affirmed the authority of the Burgess and Commissioners of Walkersville, MD., governing body of the Town of Walkersville, Maryland ("Town" or "Town of Walkersville") concerning the placement, construction and modification of "Wireless Telecommunications Facilities" as that term is defined in the Act. The Town finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Town and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and of significant benefit to the Town and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Town's land use policies, the Town is adopting a single, comprehensive, application and permit process for Wireless Telecommunications Facilities. The intent of this Ordinance is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval or denial of applications for such facilities, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Town of Walkersville.

22. "Wireless Telecommunications Facilities" means and includes a "Telecommunications Tower" and "Tower" and "Telecommunications Site" and Telecommunications Facility

and **"Personal Wireless Facility"** and means a structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water Tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, and excluding those used exclusively for the Town's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial Telecommunications where the height of the facility is below the height limits set forth in this Ordinance.

23. **"WTF Permit"** means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the Town.

§ 86-5. Overall Policy and Desired Goals for WTF Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the Town's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the Town hereby adopts an overall policy with respect to a WTF Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- 1) Implementing an application process for person(s) seeking a WTF Permit for Wireless Telecommunications Facilities;
- 2) Establishing a policy for examining an application for and issuing a WTF Permit for Wireless Telecommunications Facilities that is both fair and consistent;
- 3) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers;
- 4) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of Stealth Technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.

86- 6. WTF Permit Application and Other Requirements.

- A) All Applicants for a WTF Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The **Burgess and Commissioners of Walkersville, MD.**, is the officially designated agency or body of the community to whom applications for a WTF Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking WTF Permits for Wireless Telecommunications Facilities. The Town may at its discretion delegate or designate other official departments, agencies and commissions of the Town to accept, review, analyze, evaluate and make recommendations to the Town with respect to the granting or not granting,

recertifying or not recertifying or revoking WTF Permits for Wireless Telecommunications Facilities.

B) An Application for a WTF Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the duly authorized person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. **The landowner, if different than the Applicant, shall also sign the Application and shall be bound by all the statements and representations contained therein and by all of the terms and conditions of the WTF Permit for the Telecommunications Facilities.**

F) The Application shall include the following information:

1) Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the Town. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;

K) The Applicant shall furnish a Visual Impact Assessment which shall include:

1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen.

2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town limits as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

3) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

V) The Applicant shall examine the feasibility of designing a proposed Tower to accommodate future demand for at least five (5) additional commercial applications; for example, future Co-locations. The Tower shall be structurally designed to accommodate at least five (5) additional Antenna arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates to the satisfaction of the Burgess and Commissioners of Walkersville, MD. that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

- 1) The foreseeable number of FCC licenses available for the area;
- 2) The kind of Wireless Telecommunications Facilities site and structure proposed;
- 3) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites; and
- 4) Available space on existing and approved Towers.

- Z) In order to better inform the public, in the case of a new Telecommunication Tower Application, the Applicant shall, at least fourteen (14) days prior to the public hearing on the Application, conduct a "balloon test" on the property that is the subject of the Application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three foot (3') in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Town . The Applicant shall inform the Burgess and Commissioners of Walkersville, MD. , in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a week day.

86-7. Location of Wireless Telecommunications Facilities.

- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.
- 1) On existing Town-owned municipal structures;
 - 2) On existing structures not in residential use;
 - 3) On new Towers on Town-owned properties;
 - 4) On new Towers on non-residential properties.
- B) If the proposed site does not satisfy the criteria for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate to the reasonable satisfaction of the Town the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
- C) An Applicant may not avoid or by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address Co-location as the preference of the Town. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the Town why Co-location is Commercially Impracticable or is a hardship. Agreements between Telecommunications services providers limiting or prohibiting Co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

86-9. Height of Telecommunications Tower(s).

- A) The Applicant shall submit documentation justifying the total height of any Tower, Telecommunications Facility and/or Antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the Town, to the extent practicable, unless good cause is shown.
- B) If the need for a new Tower can be proven, the maximum permitted height of a new Tower shall be no more than **twenty feet (20')** above the neighboring tree height or the height of any nearby obstruction that would effectively block the signal in that direction.

86-16. Public Hearing and Notification Requirements.

- A) Prior to the approval of any Application for a WTF Permit for Wireless Telecommunications Facilities, a public hearing shall be held by the Town, notice of which shall be published in the official newspaper of the Town no less than ten (10) calendar days prior to the scheduled date of the public hearing. In order that the Town may notify nearby landowners, the Application shall contain the names and address of all landowners whose property is located within fifteen hundred feet (1500') of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located.

- B) There shall be no public hearing required for an Application to co-locate on an existing Tower or other structure, as long as there is no proposed increase in the height of the Tower or structure, including attachments thereto.

86-20. Application Fee.

- A) At the time that a person submits an Application for a WTF Permit for a new Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the Town. If the Application is for a WTF Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,000.00.

86-21. Performance Security.

The Applicant and the landowner of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a letter of credit (issued by a financial institution/lender with a branch office in the State of Maryland) or cash escrow, in an amount of at least **\$75,000.00** and with such sureties as are deemed sufficient by the Burgess and Commissioners of Walkersville, MD. to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any WTF Permit issued pursuant to this Ordinance. The full amount of the security shall remain in full force and effect throughout the term of the WTF Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original WTF Permit.