



AGENDA FOR THE TOWN MEETING

August 13, 2018

7:00 p.m.

REVISED

PLEDGE TO THE FLAG

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

CALL TO ORDER

CONSENT AGENDA

- [Financial Statements](#)
- Town Meeting Minutes
 - [July 23, 2018 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Ordinance No. 18-06-01 – Amendments to the Demolition Ordinance Requirements](#)
- [Ordinance No. 18-06-02 – Amendments to the Storage Container Ordinance Approval Requirements](#)
- [Review of General Fund Capital Improvements Program \(CIP\) Budget](#)
- [Request for a Waiver of the Water Service Connection Policy for 116 West Main Street](#)
- [Discussion of Establishing Petition Procedures](#)
- [Recommendation on Microbrewery Text Amendment](#)
- [Parking Concerns on Tobias Run Court](#)

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:

- [Review of Zoning Administrator Job Description](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Green Talks – Cooking with Local Produce, Thursday, August 16, 2018 from 5:00PM-6:00PM at the Farmer’s Market*
- *Middletown Pride – Valley Wide Community Pep Rally – Saturday, August 25, 2018 from 5:00PM to 8:00PM*
- *Public Hearing on Capital Improvements Fee Increase – Thursday, September 6, 2018 at 7:00PM*

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 1 Month Ended July 31, 2018

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,304,924		\$ (1,304,924)
Tangible Personal Property	44,063	1,776	(42,287)
Public Utilities	14,192		(14,192)
Franchise (Cable)	55,145		(55,145)
Penalties & Interest	<u>11,043</u>		<u>(11,043)</u>
	\$ 1,429,367	\$ 1,776	\$ (1,427,591)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 34,125		\$ (34,125)
Highway Gasoline & Licenses	<u>177,025</u>		<u>(177,025)</u>
	\$ 211,150		\$ (211,150)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 1,024,876	\$ 7,893	\$ (1,016,983)
Tax Equity Grant	<u>632,552</u>	<u>158,138</u>	<u>(474,414)</u>
	\$ 1,657,428	\$ 166,031	\$ (1,491,397)
<u>LICENSES AND PERMITS</u>			
Business / Traders	\$ 4,900		\$ (4,900)
Planning / Zoning Fees	<u>21,290</u>	<u>775</u>	<u>(20,515)</u>
	\$ 26,190	\$ 775	\$ (25,415)
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 4,315</u>	<u>\$ 455</u>	<u>\$ (3,860)</u>
	\$ 4,315	\$ 455	\$ (3,860)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 26,187</u>		<u>\$ (26,187)</u>
	\$ 26,187		\$ (26,187)
<u>MISCELLANEOUS</u>			
Bank Shares Grant	\$ 2,500		\$ (2,500)
Miscellaneous & Donations		<u>68</u>	<u>68</u>
	\$ 2,500	\$ 68	\$ (2,432)
OPERATING REVENUES	\$ 3,357,137	\$ 169,105	\$ (3,188,032)
State Grants & Interest	\$ 100,900	\$ 1	\$ (100,899)
TOTAL REVENUE	\$ 3,458,037	\$ 169,106	\$ (3,288,931)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 1 Month Ended July 31, 2018

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 21,000		\$ (21,000)
Communications	3,480	211	(3,269)
Dues & Subscriptions	7,400	6,728	(672)
Office Supplies & Exp	7,500		(7,500)
Advertising	500		(500)
Meetings & Conventions	7,500		(7,500)
	<u>\$ 47,380</u>	<u>\$ 6,939</u>	<u>\$ (40,441)</u>
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>		<u>\$ (10,200)</u>
	\$ 10,200		\$ (10,200)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses			
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 272,402	\$ 22,418	\$ (249,984)
Postage & Printing	200		(200)
Communications	10,300	821	(9,479)
Computer Expenses	21,800	4,865	(16,935)
Office Supplies & Exp	42,232	1,506	(40,726)
Office Maintenance	23,500	1,362	(22,138)
Dues & Subscriptions	150		(150)
Professional Services	4,600		(4,600)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 375,284</u>	<u>\$ 30,972</u>	<u>\$ (344,312)</u>
<u>OPERATIONS</u>			
Operations Salary	\$ 247,722	\$ 18,655	\$ (229,067)
Communications	10,200	690	(9,510)
Supplies & Expenses	19,500	67	(19,433)
Dues & Meetings	1,500		(1,500)
Maintenance & Repairs	25,982	1,341	(24,641)
Tools & Equipment	3,166		(3,166)
	<u>\$ 308,070</u>	<u>\$ 20,753</u>	<u>\$ (287,317)</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 16,000		\$ (16,000)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 1 Month Ended July 31, 2018

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Legal - Development			
Legal - Ordinances	9,130		(9,130)
	\$ 25,130		\$ (25,130)
 <u>PLANNING & ZONING</u>			
Salary & Fees	\$ 64,415	\$ 3,610	\$ (60,805)
Other Expenses	2,684		(2,684)
	\$ 67,099	\$ 3,610	\$ (63,489)
 <u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 47,147	\$ 3,609	\$ (43,538)
Town Contribution	10,000	10,000	
	\$ 57,147	\$ 13,609	\$ (43,538)
 <u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	21,910		(21,910)
Community Deputy Program	393,895		(393,895)
	\$ 435,805		\$ (435,805)
 <u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 284,930	\$ 13,986	\$ (270,944)
 <u>RECREATION AND CULTURE</u>			
Park Salary	49,000	4,457	(44,543)
Park Electric	2,505	275	(2,230)
Remsberg Park Electric			
Maintenance & Repairs	31,150	2,948	(28,202)
Mowing	33,935	2,278	(31,657)
Remsberg Park - Interest	4,389	502	(3,887)
Remsberg Park - Principal	119,161	9,794	(109,367)
	\$ 240,140	\$ 20,254	\$ (219,886)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2019
 For the 1 Month Ended July 31, 2018

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 70,232	\$ 7,511	\$ (62,721)
Street Lighting	182,300	13,961	(168,339)
Storm Water Management	7,545		(7,545)
Snow Removal	85,300		(85,300)
Repairs & Resurfacing	92,000	18,639	(73,361)
Signs	5,300		(5,300)
Truck Repair & Operation	28,000		(28,000)
Equipment Repairs & Ops	21,172		(21,172)
Mowing	33,440	3,072	(30,368)
Interest	77,358		(77,358)
West Green St - Principal	<u>100,000</u>	<u>65,960</u>	<u>(34,040)</u>
	\$ 702,647	\$ 109,143	\$ (593,504)
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,278	44	(2,234)
Community Events	53,290	19,773	(33,517)
Payroll Taxes	63,139	4,709	(58,430)
Insurance - Property	15,906	12,604	(3,302)
Insurance - Employee	165,325	11,474	(153,851)
Retirement/Pension	71,102	1,150	(69,952)
Web Page & Directory	3,755		(3,755)
Real Estate Taxes	800	1,680	880
Other	<u>4,000</u>		<u>(4,000)</u>
	\$ 384,695	\$ 56,434	\$ (328,261)
TOTAL EXPENDITURES	<u>\$ 2,938,527</u>	<u>\$ 275,700</u>	<u>\$ (2,662,827)</u>
INCOME (LOSS) Exc. Cash Reserves	<u>\$ 519,510</u>	<u>\$ (106,594)</u>	<u>\$ (626,104)</u>
CASH RESERVES	<u>\$ 881,203</u>	<u>\$ 168,362</u>	<u>\$ (712,841)</u>
SURPLUS / (DEFICIT)	<u>\$ 1,400,713</u>	<u>\$ 61,768</u>	<u>\$ (1,338,945)</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 1 Month Ended July 31, 2018

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
Water Revenue	\$ 624,139	\$ (209)	\$ (624,348)
Sewer Revenue	616,076	(210)	(616,286)
Penalties/Reconnects	22,161	1,098	(21,063)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,263,376	\$ 679	\$ (1,262,697)
EXPENDITURES			
ADMINISTRATIVE			
Office Salaries	\$ 34,407	\$ 2,342	\$ (32,065)
Communications	11,742	603	(11,139)
Postage	9,750		(9,750)
Office Supplies/Expense	14,000		(14,000)
Legal - Other	2,000	2,438	438
Meetings & Seminars	500	120	(380)
Advertising	500		(500)
Uniforms	5,068		(5,068)
Dues/Subscrip/Certifications	500	100	(400)
Travel	200		(200)
Payroll Taxes	23,721	1,788	(21,933)
Insurance - Prop. & Liability	11,848	8,065	(3,783)
Insurance - Workers Comp	9,911		(9,911)
Insurance - Health	54,716	4,231	(50,485)
Retirement/Pension	22,912	270	(22,642)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	1,000		(1,000)
I & I Loan Principal and Interest	32,743	32,497	(246)
Sub-Total	\$ 235,810	\$ 52,746	\$ (183,064)
Vehicles & Equipment			
2016 Truck (Pearl)	\$ 1,100		\$ (1,100)
2008 Truck	4,200		(4,200)
2012 Truck (Miller)	1,800		(1,800)
2013 Truck (Whitney)	2,600		(2,600)
2015 Meter Van (Hightman)	2,300		(2,300)
Misc Equipment			
Bobcat Mini-Excavator			
Case Backhoe	3,000		(3,000)
Sub-Total	\$ 15,000		\$ (15,000)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 1 Month Ended July 31, 2018

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 151,440	\$ 10,373	\$ (141,067)
Water Distribution System			
Supplies	5,500		(5,500)
Repairs & Maintenance	37,000	137	(36,863)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	4,000		(4,000)
Sub-Total	\$ 52,000	\$ 137	\$ (51,863)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Supplies	\$ 2,000	\$ 263	\$ (1,737)
Repairs & Maintenance	37,722		(37,722)
Chemicals	17,132	885	(16,247)
Tank Maintenance Contract	100,000		(100,000)
Tools & Equipment	1,932		(1,932)
Testing & Analysis	5,900	26	(5,874)
Sub-Total	\$ 164,686	\$ 1,174	\$ (163,512)
Water Electric	\$ 26,561	\$ (57)	\$ (26,618)
TOTAL WATER EXPENSES	\$ 394,687	\$ 11,627	\$ (383,060)
SEWER			
Salaries	\$ 115,933	\$ 8,726	\$ (107,207)
Sewer Collection System			
Cone Branch PS	12,618	531	(12,087)
Brookridge South PS	4,000		(4,000)
Foxfield PS	12,500	267	(12,233)
Sanitary Sewerlines & Manholes	22,080		(22,080)
I & I Accrual	75,000		(75,000)
Sub-Total	\$ 126,198	\$ 798	\$ (125,400)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2019
For the 1 Month Ended July 31, 2018

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Supplies	\$ 5,581	\$ 528	\$ (5,053)
Repairs & Maintenance	12,600	29	(12,571)
Chemicals	34,285		(34,285)
Tools & Equipment	4,500		(4,500)
Testing & Analysis	36,611	1,073	(35,538)
Sludge Hauling Expense	<u>55,669</u>	<u>1,040</u>	<u>(54,629)</u>
Sub-Total	\$ 149,246	\$ 2,670	\$ (146,576)
West Wastewater Treatment Plant			
Supplies	\$ 2,500		\$ (2,500)
Repairs & Maintenance	15,000		(15,000)
Chemicals	50,531	5,828	(44,703)
Tools & Equipment	2,766		(2,766)
Testing & Analysis	10,449		(10,449)
Sludge Hauling Expense	<u>17,250</u>		<u>(17,250)</u>
Sub-Total	\$ 98,496	\$ 5,828	\$ (92,668)
Sewer Electric	\$ 75,000		\$ (75,000)
TOTAL SEWER EXPENSES	<u>\$ 564,873</u>	<u>\$ 18,022</u>	<u>\$ (546,851)</u>
TOTAL WATER/SEWER EXPENSES	<u>\$ 1,210,370</u>	<u>\$ 82,395</u>	<u>\$ (1,127,975)</u>
3.4% of Operating Expenses	\$ 41,153	\$ 2,801	\$ (38,351)
Liner Inspection and Repair	<u>\$ 10,000</u>		<u>\$ (10,000)</u>
CONTINGENCY FUND	<u>\$ 51,153</u>	<u>\$ 2,801</u>	<u>\$ (48,351)</u>
ADJUSTED WATER/SEWER EXPENSES	<u>\$ 1,261,523</u>	<u>\$ 85,196</u>	<u>\$ (1,176,326)</u>
NET INCOME (LOSS)	<u><u>\$ 1,853</u></u>	<u><u>\$ (84,517)</u></u>	<u><u>\$ (86,371)</u></u>

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

July 23, 2018

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on July 23, 2018, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Tom Catania and Chris Goodman.

CONSENT AGENDA

*Town Meeting Minutes – July 5, 2018 - Town Workshop
July 9, 2018 – Town Meeting*

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

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:

Appointment of Temporary Alternate to Planning Commission – Motion by Commissioner Goodman to appoint Lisa Paulson Newell as the temporary alternate to the Planning Commission, seconded by Commissioner Catania. Motion carried (5-0).

Recommendation from Planning Commission on Microbrewery Text Amendment – Burgess Miller stated that Cindy has provided us with the proposed changes to include Microbrewery as a permitted use in the General Commercial district but as a special exception in the Town Commercial district. David Lake a member of the Planning Commission was present. Mr. Lake stated that it was discovered that this would be a permitted use within the the TC district as a light fabrication/light assembly facility as long as it was occupying an existing building. If the request was to build a new building then, they would have to go through BOA. Burgess Miller stated that we do not have that language, therefore this will be tabled until we receive that information from the Staff Planner.

Review of Parking Shift on West Main Street – Burgess Miller stated that both the Town and the State did a study to see if we would gain or lose parking spaces. Both findings were that we would lose anywhere from 10-20 spaces by moving parking to the South side. With this new information the Board has decided to keep the parking on the North Side of West Main Street.

Review of Capital Improvements Program (CIP) Budgets for FY 2019 – Burgess Miller stated that the Water/Sewer CIP budget is good. The General Fund CIP budget needs some work. Burgess Miller stated that Bruce Carbaugh will have a detailed review of the street projects at the workshop next week.

NEW BUSINESS:

Schedule Public Hearing for Capital Improvement Fee Increase – Public hearing will be held on September 6, 2018 at 7pm.

Discussion of Establishing Petition Procedures – Burgess Miller drafted a few guidelines for petitions. Burgess Miller shared those with the Board. After some discussion a few revisions will be made. This will be brought back at the workshop meeting.

PUBLIC COMMENT:

ANNOUNCEMENTS:

- *Movie Night in the Park – Friday, July 27, 2018 at 7pm.*

ADJOURNMENT

Meeting adjourned at 8:07pm.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 18-06-01

AN ORDINANCE TO AMEND THE REQUIREMENTS FOR A DEMOLITION PERMIT; TO ALLOW DEMOLITION OF CERTAIN STRUCTURES UNDER 500 SQUARE FEET WITH THE AUTHORITY OF THE ZONING ADMINISTRATOR; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32, Section 17.32.160 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~{brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 ZONING

CHAPTER 17.32 - DESIGN STANDARDS GENERALLY

17.32.160 - Demolition site plan—Required in all districts.

- A. In all districts, a proposal and permit application for the demolition of any building or structure, as defined in Section 17.04.030, shall require site plan approval by the Town of Middletown Planning Commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:
1. The dimensions and boundaries of the property and the location of all improvements thereon;
 2. The location of the building or structure proposed to be demolished;
 3. The location of all adjacent properties and structures (**TO INCLUDE FENCES AND ACCESSORY STRUCTURES**);
 4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;
 5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;
 6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition;

7. A **SAFETY PLAN THAT OUTLINES THE** ~~{plan-of-safety}~~ precautions to be taken for the demolition **IN ORDER** to **ENSURE** ~~{protect}~~ the safety **AND PROTECTION** of persons and surrounding properties;
8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the ~~{proposed}~~ demolition **TAKING PLACE**;
9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.

Upon any demolition site plan approval granted by the planning commission and upon the issuance of a demolition permit (**ZONING CERTIFICATE**) by the Town of Middletown, all such demolitions and post demolition restoration shall be completed within ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission.

For purposes of this section, fences of any type shall not be considered a "structure" and shall, therefore, be exempt from this requirement. **ANY STRUCTURES THAT ARE UNDER 500 SQUARE FEET, AND ARE NOT CONSIDERED A CONTRIBUTING RESOURCE TO THE MIDDLETOWN HISTORIC DISTRICT, SHALL ONLY REQUIRE REVIEW AND APPROVAL BY THE ZONING ADMINISTRATOR.**

- B. All site plans for demolition shall be submitted a minimum of thirty (30) days prior to a regularly scheduled planning commission meeting. The planning commission may require bonds or guarantees to ensure restoration of the site. **ALL PLANS FOR DEMOLITION OF STRUCTURES LESS THAN 500 SQUARE FEET SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR A MINIMUM OF THIRTY (30) DAYS PRIOR TO THE PROPOSED DEMOLITION.**

C. Notices. In addition to posting a public notice sign on the property advising of the proposed demolition, an applicant seeking to demolish a building or structure hereunder shall be required to give written notice thereof to all adjacent and contiguous property owners not more than ten (10) days after submitting the demolition permit application and the demolition site plan to the Town of Middletown Planning Commission, advising of the date, time and manner of the proposed demolition. A record of such notice shall be made to the planning commission, **OR TO THE ZONING ADMINISTRATOR FOR PROPOSED DEMOLITIONS OF LESS THAN 500 SQUARE FEET.**

D. Responsibility for Damages and Indemnification. An applicant who demolishes any building or structure in the Town of Middletown shall repair and restore, at its sole cost and expense, any adjacent, contiguous, nearby or other property or structure which is damaged, in whole or in part, by the demolition **PERFORMED ON THEIR PROPERTY.** An applicant who demolishes any building or structure in the Town of Middletown shall be liable for any personal injury, property damage, or business interruption caused by or arising from, in whole or in part, the demolition, including by or from the release of any particulate matter and other hazardous material.

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

INTRODUCED ON THE _____ DAY OF _____, 2018

PASSED ON THE _____ DAY OF _____, 2018

EFFECTIVE DATE: _____, 2018

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 18-06-02

AN ORDINANCE TO AMEND PROVISIONS PERTAINING TO THE USE OF STORAGE CONTAINERS; TO AUTHORIZE THE ZONING ADMINISTRATOR TO ESTABLISH CONDITIONS ON THE USE OF STORAGE CONTAINERS AND TO DELETE SPECIFIC REQUIREMENTS FOR SUCH USE; TO REPEAL PROVISIONS PERMITTING THE CONTINUED USE OF STORAGE CONTAINERS IN EXISTENCE ON THE DATE OF ENACTMENT OF THE ORIGINAL STORAGE CONTAINER ORDINANCE; TO AUTHORIZE THE USE OF STORAGE CONTAINERS IN THE TOWN COMMERCIAL (TC) AND GENERAL COMMERCIAL (GC) ZONING DISTRICTS; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32, Section 17.32.045 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 ZONING

CHAPTER 17.32 – DESIGN STANDARDS GENERALLY

17.32.045 - Storage and disposal containers.

A. Except as otherwise provided in this section, storage and disposal containers are prohibited in the Town of Middletown, and no person who owns, leases, occupies or has charge of any premises or property, in whole or in part, shall place, keep or maintain a storage or disposal container on the premises or property. For purposes of this section, "disposal container" means a large capacity container such as a dumpster, a bagster bag, (dumpster in a bag), or similar large object which is used to hold trash, waste or debris.

B. In a commercial or industrial zone, and upon application to and approval by the zoning administrator for a zoning certificate, storage and disposal containers may be placed, kept or maintained on premises or property for a period of no more than six consecutive months. The

zoning administrator may, upon application, extend the six-month period of time for another six-month or less period. **THE STORAGE OR DISPOSAL CONTAINER SHALL BE USED IN ACCORDANCE WITH THE CONDITIONS PLACED UPON IT BY THE ZONING ADMINISTRATOR, WHO SHALL GIVE DUE CONSIDERATION TO THE FOLLOWING: THE POSITIONING OR LOCATING OF THE STORAGE OR DISPOSAL CONTAINER IN SUCH A MANNER AS TO NOT OBSTRUCT OR OTHERWISE INTERFERE WITH THE SIGHT OF MOTORISTS OR PEDESTRIANS AND THEIR ABILITY TO SAFELY ENTER OR EXIT THE PROPERTY; AND LOCATING THE STORAGE OR DISPOSAL CONTAINER IN SUCH A MANNER AS TO MINIMIZE ITS IMPACT ON ADJOINING PROPERTIES.** [~~The storage or disposal container may be approved by the zoning administrator only if (1) the storage or disposal container is situated on the property in compliance with setback requirements as established for buildings in the district, (2) its placement and use satisfies all other zoning requirements, and (3) the storage or disposal container is either situated in the rear yard of the property or is screened in a manner approved by the zoning administrator so as to visually limit as much as reasonably practicable the appearance and presence of the storage or disposal container.~~] No storage or disposal container may exceed a height of twelve (12) feet or a width of eight feet. Storage and disposal containers may not be stacked on top of each other.

C. The zoning administrator may, upon application, approve the placing, keeping or maintaining of a storage or disposal container on property or premises in any zone if the storage or disposal container is to be used for and in connection with a construction, reconstruction or renovation project on the property or premises. The storage or disposal container shall be used in accordance with the conditions placed upon it by the zoning administrator. [~~Any storage or disposal container used in connection with such an approval~~] **ALL APPROVED STORAGE OR DISPOSAL CONTAINERS** shall be removed from the property or premises immediately upon the completion of the project or at such time as provided in the **ZONING ADMINISTRATOR'S** approval **LETTER**.

[~~D. — Any storage or disposal container which is located or situated on any property or premises on the effective date of the ordinance codified in this chapter shall be permitted to continue to remain in the same location on the property or premises for a period of three years from the effective date of the ordinance codified in this chapter. Thereafter, such storage container or disposal shall be removed or otherwise conform to the requirements of this section, and the failure to do so shall constitute a violation of this section.~~]

D. IN TOWN COMMERCIAL (TC) AND GENERAL COMMERCIAL (GC) DISTRICTS, BUSINESSES ARE PERMITTED TO PERMANENTLY PLACE A TRASH DISPOSAL CONTAINER ON THEIR PROPERTY PROVIDED IT IS ENCLOSED BY A FENCE OR OTHER STRUCTURE APPROVED BY THE ZONING ADMINISTRATOR THAT EFFECTIVELY SCREENS THE TRASH DISPOSAL CONTAINER FROM ADJOINING AND ADJACENT PROPERTIES. A ZONING CERTIFICATE / BUILDING PERMIT IS REQUIRED BEFORE THE CONTAINER IS PERMANENTLY PLACED ON A GC OR TC COMMERCIAL ZONED PROPERTY. THE TRASH DISPOSAL CONTAINER'S PLACEMENT ON THE PROPERTY SHOULD MINIMIZE ITS

IMPACT ON CUSTOMER / EMPLOYEE PARKING, AND PEDESTRIAN AND VEHICULAR TRAFFIC FLOW ON THE PROPERTY AND TO MEET OTHER PLACEMENT AND ZONING REQUIREMENTS AS DETERMINED BY THE ZONING ADMINISTRATOR.

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

INTRODUCED ON THE _____ DAY OF _____, 2018
PASSED ON THE _____ DAY OF _____, 2018
EFFECTIVE DATE: _____, 2018

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

CIP Showing

Road Project Using Mill Overlay

BURGESS AND COMMISSIONERS OF MIDDLETOWN

GENERAL CAPITAL IMPROVEMENT BUDGET

FY 2019 - FY 2023



	FY '19	FY '20	FY '21	FY '22	FY '23
INCOME					
CASH RESERVES	\$346,150	(\$386,287)	(\$563,141)	(\$1,279,549)	(\$2,521,748)
INTEREST INCOME	\$865	(\$966)	(\$1,408)	(\$3,199)	(\$6,304)
IMPROVEMENT FEES	\$241,500	\$129,500	\$7,000	\$7,000	\$217,000
OPERATING INCOME From Previous Years	\$299,658	\$419,612	\$450,000	\$475,000	\$500,000
COMMUNITY LEGACY GRANTS	\$64,000				
PROGRAM OPEN SPACE and Community Parks & Playground	\$36,900	\$54,000			
SUB-TOTAL	\$989,073	\$215,859	(\$107,549)	(\$800,748)	(\$1,811,052)
PROJECTS					
Highways & Streets					
SHA Streetscape Lighting	\$175,000	\$310,000			
Boileau Court - Mill & Overlay					
Broad Street Reconstruction - Three (3) Phases					
Broad Street - Phase I (Utilities - Stormdrain, Waterline, Sewerline)	\$65,000	\$342,000	\$285,000	\$614,000	\$203,000
Broad Street - Phase II (Road Reconstruction Lower Section of Broad Street)	\$46,000				
Broad Street - Phase III (Road Reconstruction from East Main Street to Linden Blvd)	\$110,000				
Cone Branch Drive & Court - Mill & Overlay	\$140,000				
Elm Street - Mill & Overlay					
Eim Street Parking Lot Upgrades - Mill and Overlay (Reconfiguration and Paving)					
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)					
Ivy Hill Drive - Mill & Overlay	\$30,000		\$725,000	\$389,000	\$241,000
Knoll Side Lane - Mill & Overlay					
Linden Blvd - (Road Reconstruction Broad Street to Pine Street)					
Linden Blvd. Culvert Replacement	\$37,000				\$35,000
Martha Mason Drive - Mill & Overlay	\$231,000				
Manda Drive - Mill & Overlay	\$125,000				
Manda Court - Mill & Overlay	\$80,000				
Prospect St. (Road Reconstruction)				\$531,000	\$61,000
Schoolhouse Drive - Mill & Overlay	\$25,000				
Washington Street Retaining Wall	\$15,000				
Foxfield Swale Reconstruction					
Recreation & Culture					
Remsburg Park - Walking Trail Paving (90% Grant; POS 10%)	\$25,000				
Cone Branch Walking Trail - Benches (90% Grant; POS 10%)	\$6,500				
Walking Trail Signage (90% Grant; POS 10%)	\$5,000				
Wiles Branch Park Pavilion - Picnic Benches (90% Grant; POS 10%)	\$4,500				
Foxfield Walking Trail - Extension to Hollow Creek (90% Grant; POS 10%)	\$25,000	\$60,000			
Beitco Silt Seeder - Field Maintenance	\$8,000				
General Services Administration & Operations					
Municipal Center - HVAC Replacement	\$60,000				
Municipal Center - Boiler Replacement to Natural Gas	\$35,000				
Municipal Center - ADA Improvements	\$30,000				
Street Pretreatment Equipment - Snow Removal	\$60,360				
Maintenance Facility at East WWTP			\$125,000		\$125,000
Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems	\$37,000	\$37,000	\$37,000	\$37,000	\$37,000
Subaru Forester Replacement	\$30,000				
Dump Truck Replacement				\$150,000	\$971,000
SUB-TOTAL	\$1,375,360	\$779,000	\$1,175,000	\$1,721,000	\$971,000
SURPLUS/(DEFICIT)	-\$386,287	-\$563,141	-\$1,279,549	-\$2,521,748	-\$2,782,052

**CIP Showing
Road Project Using TCS**

BURGESS AND COMMISSIONERS OF MIDDLETOWN

GENERAL CAPITAL IMPROVEMENT BUDGET

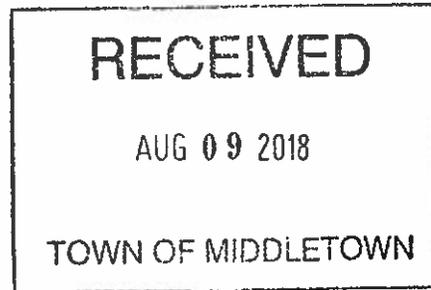
FY 2019 - FY 2023



	FY '19	FY '20	FY '21	FY '22	FY '23
INCOME					
CASH RESERVES	\$346,150	\$104,713	\$341,066	\$311,939	(\$228,281)
INTEREST INCOME	\$865	\$262	\$853	\$780	(\$571)
IMPROVEMENT FEES	\$241,500	\$129,500	\$7,000	\$7,000	\$217,000
OPERATING INCOME From Previous Years	\$299,658	\$419,612	\$450,000	\$475,000	\$500,000
COMMUNITY LEGACY GRANTS	\$64,000				
PROGRAM OPEN SPACE and Community Parks & Playground	\$36,900	\$54,000			
SUB-TOTAL	\$989,073	\$708,066	\$798,939	\$794,719	\$488,148
PROJECTS					
Highways & Streets					
SHA Streetscape Lighting	\$175,000				
Boileau Court - TCS		\$120,000			
Broad Street Reconstruction - Three (3) Phases					
Broad Street - Phase I (Utilities - Stormdrain, Waterline, Sewerline)	\$65,000		\$325,000		
Broad Street - Phase II (Road Reconstruction Lower Section of Broad Street)	\$46,000			\$285,000	\$614,000
Broad Street - Phase III (Road Reconstruction from East Main Street to Linden Blvd)	\$25,000				\$100,000
Cone Branch Drive & Court - TCS	\$90,000				
Elm Street - TCS					\$269,000
Elm Street Parking Lot Upgrades - TCS (Reconfiguration and Paving)				\$172,000	
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)					\$100,000
Ivy Hill Drive - TCS					\$35,000
Knoll Side Lane - TCS					
Linden Blvd. (Broad Street to Pine Street)		\$30,000		\$379,000	
Linden Blvd. Culvert Replacement					
Martha Mason Drive - TCS	\$95,000				
Manda Drive - TCS	\$52,000				
Manda Court - TCS					
Prospect St. (Road Reconstruction)		\$80,000			\$531,000
Schoolhouse Drive - TCS					\$30,000
Washington Street Retaining Wall	\$25,000				
Foxfield Swate Reconstruction	\$15,000				
Recreation & Culture					
Remsburg Park - Walking Trail Paving (90% Grant; POS 10%)	\$25,000				
Cone Branch Walking Trail - Benches (90% Grant; POS 10%)	\$6,500				
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Wiles Branch Park Pavilion - Picnic Benches (90% Grant; POS 10%)	\$4,500				
Foxfield Walking Trail - Extension to Hollow Creek (90% Grant; POS 10%)	\$25,000	\$60,000			
Belco Silt Seeder - Field Maintenance	\$8,000				
General Services Administration & Operations					
Municipal Center - HVAC Replacement	\$60,000				
Municipal Center - Boiler Replacement to Natural Gas	\$35,000				
Municipal Center - ADA Improvements	\$30,000				
Street Pretreatment Equipment - Snow Removal	\$60,360				
Maintenance Facility at East WWTP					\$125,000
Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems	\$37,000	\$37,000		\$37,000	\$37,000
Subaru Forester Replacement		\$30,000			
Dump Truck Replacement					
SUB-TOTAL	\$884,360	\$367,000	\$487,000	\$150,000	\$1,841,000
SURPLUS/(DEFICIT)	\$104,713	\$341,066	\$311,939	-\$228,281	-\$1,352,852



Noel S. Manalo
301.698.2321
nmanalo@milesstockbridge.com



August 8, 2018

Burgess and Commissioners of Middletown
Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

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

Re: 116-118 West Main Street - Water Meters

Honorable Burgess & Commissioners:

I am writing behalf of DLR, LLP (“Owner”), the owner of 116-118 West Main Street (the “Building”). As stated in Owner’s letter dated June 25, 2018, the Owner is requesting your assistance in relief from the Town requirements of having one (1) water meter to the Building. The existing conditions are that there are two (2) separate interior meters - one for the upper level apartments and one for the lower level restaurant (Dempsey’s).

These conditions have existed since at least 1996, and perhaps (based on information and belief) even before then.

Also since 1996, the Town has sent a separate water bill directly addressed to the lower level restaurant, and another separate water bill to the apartments. Since the restaurant tenant was used to receiving and paying their own water bill for decades, the Owner carried forward this practice in the leasing arrangements with Dempsey’s.

With the Town updating the water meters and related infrastructure, Owner faces potential hardship with a switch from two meters to one meter, and with a switch from Dempsey’s no longer directly receiving its own water bill, in its own name.

Given the historic metering and billing of the Building, and since the Town has not enforced the single metering/property owner billing regulations on the Owner and the Building for so long, it is reasonable that the Town continue the practice. Owner has reasonably relied on this practice in making its investment and business decisions.

However, the Owner acknowledges the Town’s interest in implementation of its current policies. As such, if the Town is willing to: (A) place two (2) external meters on the Building - one for the residential use and one for the restaurant use; and (B) bill both meters directly to, and in the name of, Owner, then Owner is willing to pay for the cost of installation for one (1) of

Burgess and Commissioners
August 8, 2018
Page 2

those meters. As per typical practice, the Town would own the meters and maintain/repair/replace the equipment as needed. With this proposal, the Town can discontinue billing Dempsey's directly, but the Owner is able to maintain its current business practice with minimum disruption to its operations and/or its relations with tenants.

Owner's proposal is a reasonable compromise and does not unnecessarily create unwanted precedent for the Town. If the Burgess and Commissioners were to accept the Owner's proposal, the Burgess and Commissioners would cite the unique circumstances necessitating dual external metering: separate metering and billing having occurred for decades; an existing building in the historic downtown which predated the current metering and billing policies; and the need for transitioning infrastructure and billing with minimum disruption to existing and on-going leases.

Finally, you would distinguish this case as not involving new construction, and not involving new users accessing Town utilities for the first time. Instead, you would be accepting this proposal to accommodate a long-standing building in the heart of historic downtown and existing uses that have been Town mainstays for some time.

Thank you for your thoughtful consideration of this request, and we urge that you accept this proposal as beneficial to all involved. Please let us know if you need additional information.

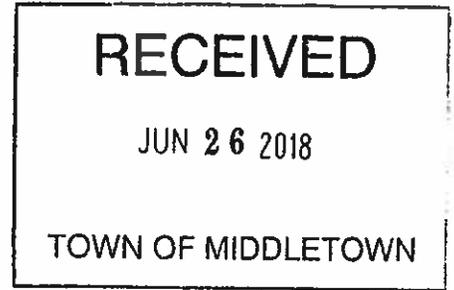
Sincerely,



NOEL S. MANALO

cc: Andrew J. Bowen, Town Administrator
DLR, LLP

DLR LLP
118 West Main Street
Middletown, MD 21769



June 25, 2018

Burgess & Commissioners
31 West Main Street
Middletown, MD 21769

Re: 118 W. Main Street
Middletown, MD

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

Dear Drew;

This letter is in reference to our previous conversation concerning the proposed waterlines to the above referenced property.

Currently, there are two water meters in the building, one for Dempsey's Restaurant and the other one for the remainder of the building. As I understand it, the current Board policy states that only one water line will be supplied to each property. As the landlord, this could have the potential for a hardship which we would like to avoid. We are requesting a waiver to the policy and request the water service remain as it is currently provided to the property with two meters.

We appreciate your consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Gladhill".

Jim Gladhill, Partner
DLR LLP

240-446-5722

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

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

E. Late Notices. A notice of late payment will be issued for any bill which remains unpaid for more than thirty (30) days after the date of the issuance of the bill. A second notice of late payment and a notice of disconnection of service will be issued for any bill which remains unpaid for more than sixty (60) days after the date of the issuance of the bill. The notice of disconnection of service will state the date by which payment of the water and sewer bill must be made in full in order to avoid the disconnection of service. No further notices will be provided prior to disconnection of service. Notices will be mailed to the property owner, or if applicable, the designated property management company, at the address to which bills are mailed pursuant to subsection B. The notice of disconnection of service will be mailed by certified mail, return receipt requested. A twenty dollar (\$20.00) administrative fee shall be added to any bill for which a notice of disconnection of service is mailed. An additional administrative fee of twenty dollars (\$20.00) shall be assessed against such bill for each subsequent quarter during which the bill remains unpaid and the water service remains disconnected.

F. Disconnection and Reconnection Policy.

1. Payment in full of the water and sewer bill must be made prior to the disconnection date stated in the notice of disconnection of service. If payment is presented on the disconnection date stated in the notice of disconnection of service, payment must be paid in cash and/or money order in person at the Middletown Municipal Center by 9:30 a.m. of that date, and if such payment is not received by that time, the disconnection of water service will begin at 10:00 a.m. No service will be disconnected if the balance due on the bill is less than fifty dollars (\$50.00).
2. For service to be reconnected after disconnection, a reconnection fee must be paid in the following amounts: For a first occurrence—Fifty dollars (\$50.00); for a second occurrence within any twelve (12) consecutive month period—One hundred dollars (\$100.00); for a third or more occurrence within any twelve (12) consecutive month period—One hundred fifty dollars (\$150.00). In order to have service reconnected, the unpaid balance of the bill and the reconnection fee must be paid, in full, by cash and/or money order in person at the Middletown Municipal Center.

G. Returned Checks. A charge will be added to the water and sewer bill for any check which is returned as non-payable for any reason, including but not limited to, non-sufficient funds. The amount of the added charge will be that amount which is charged to the town by the returning bank or financial institution. If a non-payable check submitted in payment of a bill is returned to and received by the town after the date on which the service was to be disconnected as stated in a notice of disconnection of service, then water service will be disconnected immediately without any further notice, including the notices provided for in subsection E.

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

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

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

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

WATER SYSTEM DESIGN MANUAL

1.0 GENERAL

1.1 Introduction

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

1.1.1 Town Policy

a. Town-Maintained Facilities

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

b. On-Site Facilities

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

c. Requirements for Water Service

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

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

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

Town of Middletown Maryland
Guidelines for the Submission of Petitions for Referendum

The following guidelines shall apply to all Petitions for Referendum which are submitted to the Town of Middletown and which seek a Referendum Election on an issue or proposal:

1. A Petition for Referendum shall be submitted on the form established by the State of Maryland entitled "State of Maryland – Public Local Law Referendum Petition". A copy of the form may be obtained from the Middletown Town Office.
2. Each person signing a Petition for Referendum must be a resident of the Town of Middletown and must be a registered voter in Frederick County on the day the Petition is submitted to the Town.
3. Each person signing a Petition for Referendum must sign the Petition in the presence of the person circulating the Petition. The Person circulating the Petition shall sign the Petition at the bottom of each page of signatures attesting to the fact that the circulator witnessed the signature of each person signing the Petition. Petitions for Referendum shall not be left at a location unattended by a person sponsoring the Petition.
4. Each person signing a Petition shall both sign and legibly print his or her complete name as it appears on the County voter registration list, shall provide their address and date of birth, and the date they sign the Petition.
5. All persons signing a Petition for Referendum shall do so personally. Computer-generated or similar electronic signatures shall not be deemed valid and shall not be included in tallying the number of signatures required to be submitted.
6. The Petition shall contain, in a clear and obvious location on the signature pages, a description of the subject and purpose of the Petition. If the Petition seeks to place a question on an election ballot, the Petition shall include either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal.
7. Petitions submitted to the Town of Middletown will be reviewed to validate the signatures and for compliance with these guidelines and with any applicable state law. The review will be conducted by such persons designated by the Burgess, which may include, but may not be limited to, the Town Administrator, Office Manager and Administrative Assistant.

8. All applicable state laws pertaining to the subject matter of the Petition shall be followed, including laws requiring that the Petition contain the total number of signatures required by law to be submitted and laws pertaining to time requirements for submitting such Petitions.

9. Any Petition for Referendum which is not in compliance with these guidelines shall not be considered valid and shall be rejected.

Petition Guidelines for the Town of Middletown Maryland

Petitions submitted to the Town of Middletown must be filed on the State of Maryland petition form and meet the guidelines established below:

1. A signer of the petition must be a resident of the Town of Middletown AND must be listed on the Frederick County voter registration rolls as of the day the petition is filed.
2. Any and all petition signatures must be witnessed by the petition circulator. Petitions left unattended by a circulator will be invalidated.
3. A petition form must be completed fully by the signer in order to be considered a valid petition.
4. All state laws apply to the timing of the petition as to its beginning and ending dates.
5. **No computer generated signatures will be accepted.**
6. The language of the full text of the petition for referendum must appear on the back of EACH signature page. **If the summary is not copied on to each signature page the signatures on that page will be invalidated.**
7. Petitions submitted to the Town of Middletown will be validated by the designated election/petition officials. Such officials will be, but not limited to, the Town Administrator, Office Manager and Administrative Assistant.
8. Petitions for annexation have a timeframe stipulated by state law. For de-Annexation the vote on the referendum, should there be the required number of qualified signatures, will be held at the next Town Election day. For example, if a petition for referendum for de-annexation was submitted today, the referendum vote would be held in April 2020.

MEMORANDUM

Date: 8/7/2018

To: Burgess and Commissioners, Middletown
From: Cynthia K. Unangst, Middletown Staff Planner
RE: Microbrewery text amendment

The Middletown Planning Commission on July 16, 2018 reviewed the proposed Microbrewery text amendment which would add “microbrewery” as a permitted use in the TC Town Commercial District. By consensus the Planning Commission recommends that “microbreweries” be a permitted use in the GC General Commercial District, but a special exception use in the TC Town Commercial District. Following are changes to the Zoning code as recommended by the Planning Commission:

Section 17.04.030 – to add a definition for microbrewery

Microbrewery – facility used for the production of less than 1,000 barrels of beer annually, where such beverages are brewed for consumption at an on-site tasting room, or sold as packaged goods or distribution wholesale and which possesses the appropriate license from the State of Maryland.

Section 17.20.020(B)(17) – to add microbreweries as a permitted use in the GC district

Section 17.20.010(B)(9) – to add microbreweries under light assembly and fabricating list

Section 17.20.010(C)(6)- to add microbreweries as a special exception use in the TC district

Section 17.48.420 - to include specific standards for the microbrewery special exception use which would include the following:

- A. The appearance of the microbrewery shall be compatible with and harmonize with the surrounding buildings and neighboring community. A site plan of the microbrewery and tasting room shall be submitted to the planning commission for review and approval and changes shall be made as necessary;
- B. During the site plan process, an engineer’s certificate may be required regarding noise, dust, vibration and odor for review. The certificate shall certify that the proposed operation will not increase the impacts from the above noise, dust, vibration and odor beyond other permitted uses detectable at the property line. Hours of operation may be restricted by the planning commission due to noise, light and pedestrian or vehicle traffic;
- C. The microbrewery shall meet the town’s standards concerning noise and congestion. The microbrewery shall be closed by 10pm as governed by current Maryland State law;
- D. The use of outside amplified music is not permitted for the microbrewery use.

Another option put forth by Commission member Lake would be to add microbreweries to the 'Light assembly and fabricating' list in Section 17.20.010(B)(9). Those permitted uses are subject to the regulations listed in Section 17.20.080 in which fabrication, light assembly and storage uses are permitted in the town commercial and general commercial zoning districts only in structures existing as of the date of adoption of the ordinance. As explained by Commission member Lake, this was intended to help fill vacant buildings with no need to go thru the extra hoop of getting Board of Appeals approval. A site plan, as always, would need to be approved by the Planning Commission. There are specific possible impacts such as noise, dust and odor, that can be looked at as well, which are outlined above in proposed Section 17.48.420.

As stated during the joint workshop held on Monday, August 6th, the Planning Commission is acceptable with either proposal, i.e., adding microbreweries as a special exception use in the TC district or adding them as an already approved use in the TC district under the fabrication, light assembly and storage uses.



Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474
Bruce A. Carbaugh, P.E., Director of Public Works Email: bcarbaugh@ci.middletown.md.us

MEMORANDUM

TO: Burgess and Commissioners of Middletown

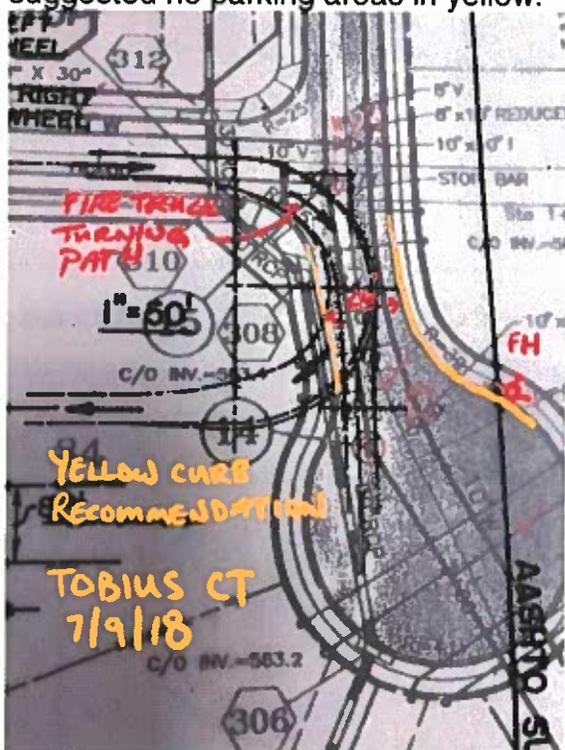
FROM: Bruce A. Carbaugh, P.E., Director of Public Works

DATE: July 9, 2018

RE: Tobius CT Parking Conflict

At the July 5 workshop the Burgess passed on a comment about parking on both sides of the entrance to the Tobius CT cul de sac. Staff has visited the location and used the turning template for a Fire Truck and agrees that there is a conflict with parking and the turning radius needed. The street width is 26 feet and as with the remaining streets in Glenbrook parking on streets of this width are restricted to one side.

This cul de sac however is an exception as it is not currently signed. Due to the turning radius and the general layout of the cul de sac parking should be restricted in the entrance to the cul de sac. The attached sketch indicates the suggested no parking areas in yellow.





The Town of Middletown, Frederick County, is seeking individuals for part-time employment. The following position is available for qualified individuals:

Zoning Administrator

Wage: \$23.00 per hour

(Part-Time; 10 hours per week; flexible schedule)

GENERAL SUPERVISION:

Under the direction and supervision of the Burgess and Commissioners of Middletown. The Zoning Administrator administers the Zoning Ordinances; administration and enforcement.

EXAMPLES OF WORK:

Zoning Administration

1. Must become thoroughly familiar with the zoning ordinance and appropriate forms.
2. Responsible for the overall administration and enforcement of the Zoning Ordinance.
3. Accepts and reviews zoning permit applications. Determines compliance with the provisions of the Zoning Ordinance and completeness of the application.
4. Issues the appropriate land-use permit when all provisions of the Ordinance are in compliance and maintains a complete file of permits issued. Notifies applicant, in writing, if the proposed use is not in compliance with ordinance standards, and assists with appropriate alternative administrative remedies necessary to attain compliance.
5. Performs inspection duties to ensure land use changes are in compliance with the Zoning Ordinance. The use of check lists and instruction lists is required.
6. Identifies, inventories, and monitors nonconforming uses.
7. Attends and prepares agendas and maintains minutes for Board of Appeals meetings, as needed, and prepares interpretations of the zoning regulations for the members. Evening meetings can be expected.
8. Provides a monthly report to the Burgess and Commissioners.
9. Responds to requests and answers questions from the general public regarding zoning.
10. Accepts applications for special exception uses, variances and claims of administrative error, routes to appropriate reviewing agencies, prepares ads, send appropriate notices, prepares and presents staff report and resolutions for the Board of Appeals.
11. Ability to write with clarity, to carry out basic communications with permit applicants, related government agencies and other offices as necessary.

Zoning Enforcement

1. Investigates alleged violations of the Ordinance and advises landowners/applicants of necessary corrective measures. Keeps an inventory of said violations, including dated photographs and/or other evidence.
2. Presents case facts and explains decisions of the Zoning Administrator's office before the Board of Appeals.
3. Attends meetings and follows the directives of the Zoning Board of Appeals, usually at evening meetings.

4. Develops recommendations regarding zoning amendments, zoning permit fee structures, zoning forms; and may propose solutions to any problem encountered in administering the Zoning Ordinance.
5. Coordinates the enforcement of the zoning ordinance with the enforcement of other related land use statutes and codes by active cooperation with other appropriate agencies.

QUALIFICATIONS AND REQUIREMENTS:

- Graduation from an accredited high school or GED equivalent with drafting and/or site plan and blueprint reading skills.
- A deductive, logical system of thought common in reading and interpreting legal documents.
- Proven ability to develop and maintain effective working relationships with co-workers and the general public.
- An ability to read legal descriptions and similar pertinent documents to zoning administration.
- Optionally, an associate's or higher degree in planning, geography, economics, or a related field.
- Some basic computer skills and knowledge in use of word processing, data base, and computer operating systems.

SPECIAL REQUIREMENTS:

- Ability to work and communicate with other elected and appointed officials and the public with appropriate etiquette and diplomacy (written and oral).
- Telephone etiquette and skills.
- Ability to speak before groups and organizations.
- Knowledge of construction and construction terms as appropriate to zoning reviews.
- Ability to pay close attention to details.
- Must possess good organizational skills.
 - Prioritize and schedule work load appropriately.
 - Be able to work independently with little supervision.
 - Meet deadlines.

Please contact the Town Office at 31 West Main Street, Middletown, MD 21769 or call at 301 371-6171 for more information.