



## AGENDA FOR THE TOWN MEETING

July 23, 2018

7:00 p.m.

### PLEDGE TO THE FLAG

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

### CALL TO ORDER

### CONSENT AGENDA

- Town Meeting Minutes
  - [July 5, 2018 – Town Workshop](#)
  - [July 9, 2018 – Town Meeting](#)

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- **Appointment of Temporary Alternate to Planning Commission**
- **[Recommendation from Planning Commission on Microbrewery Text Amendment](#)**
- Review of Parking Shift on West Main Street
- Review of Capital Improvements Program (CIP) Budgets
  - [General Fund](#)
  - [Water & Sewer Fund](#)

### NEW BUSINESS:

- Schedule Public Hearing for Capital Improvement Fee Increase
- **[Discussion of Establishing Petition Procedures](#)**

### PUBLIC COMMENTS:

### ANNOUNCEMENTS:

- *Movie Night in the Park – “Jumanji – Welcome to the Jungle”, Friday, July 27, 2018 at 7:00PM*

### ADJOURNMENT

# ***BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND***

## **TOWN MEETING MINUTES**

### **WORKSHOP MEETING**

**July 5, 2018**

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on July 5, 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, Jennifer Falcinelli, Christopher Goodman, and Rick Dietrick.

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

**Ms. Devra Boesch & Mr. Dwight Hutchinson – Middletown Valley Historical Society –** Mr. Hutchinson stated that if the Historical Society would dissolve there seems to be question as to what would happen to the property. The Historical Society would like to see it go to the Town. Commissioner Falcinelli stated that as long as she has been a Commissioner she was told that it would be left to the Town. Ms. Boesch stated that they are unable to find that written anywhere. With the Boards approval Drew will forward to the Town Attorney to see what we need to do.

### **STAFF REPORTS:**

Community Deputy Report – Report for June was given to the Board.

Staff Planner Report – Cindy gave her report.

Engineer's Report – Bruce gave his report.

Main Street Manager's Report – Becky gave her report.

### **UNFINISHED BUSINESS:**

#### **Introduction of Ordinances & Schedule of Public Hearing**

- **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 Capital Improvements Program (CIP) Budgets – General Fund and Water/Sewer Fund -**

Burgess Miller stated he has spread out some of the projects and reworked the General Fund CIP budget. Commissioner Falcinelli asked what our future plan is for the General Fund CIP? Burgess Miller stated that the Water/Sewer CIP is healthy and really didn't need to be reworked.

### **REPORT OF COMMITTEES:**

**WATER & SEWER – no report**

**PUBLIC WORKS – no report**

**SUSTAINABILITY – no report**

**PLANNING COMMISSION – no report**

**PARKS and RECREATION – no report**

**PUBLIC INFORMATION – no report**

### **NEW BUSINESS:**

**Request for a Waiver of the Water Service Connection Policy for 116 West Main Street –** The Board will make a decision on this request at Monday, July 9, 2018.

**Appointment of Temporary Alternate to Planning Commissioner** – Burgess Miller stated that we've received 2 applications for this position. The Board will make a decision on this at the July 23, 2018 meeting.

**COMMENT:**

**ANNOUNCEMENTS:**

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

Workshop adjourned at 8:45pm.

Respectfully submitted,

Ann Griffin  
Office Manager

# ***BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND***

## **TOWN MEETING MINUTES**

### **REGULAR MEETING**

**July 9, 2018**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on July 9, 2018, by Burgess Pro Temp Falcinelli 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**

#### *Financial Statements*

*Town Meeting Minutes – June 7, 2018 – Public Hearing and Town Workshop  
June 25, 2018 – Town Meeting*

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

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

#### **Unfinished Business:**

**Introduction of Ordinance 18-06-01 – Amendments to the Demolition Ordinance Requirements –** Public hearing scheduled for August 2, 2018 at 7pm.

**Introduction of Ordinance 18-06-02 – Amendments to the Storage Container Ordinance Approval Requirements –** Public hearing schedule for August 2, 2018 at 7pm.

**Review of Capital Improvement Program (CIP) Budgets -** Drew went over the changes that the Burgess brought up at the Workshop meeting.

### **REPORT OF COMMITTEES:**

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

Water use for June – 304,003 gal., spring flow for June – 137,335, East WWTP treated 303,000 gals. and the West WWTP treated 345,000 gals.

We've done a lot of I&I work recently along Church Street as well as West Main Street that runs to our sewer plant.

Boileau Court water leak – repaired last week.

Waterline project along Main Street – they are in the 200-300 block of West Main Street currently but, not moving as fast as they did on East Main Street.

Reservoir Project – Drew stated that Bruce & JR have met with a few contractors, they are aware that our budget for this project is \$1.7 million. Bruce & JR are planning on visiting a Dutchland tank in Charlestown on July 18.

#### **PUBLIC WORKS –** Commissioner Bussard reported:

Handicap access ramps being installed over Town along our sidewalks to make them ADA accessible.

RFP has been working throughout Town patching the streets.

Bruce has the bids for the AC/Boiler repairs to be made here at the Municipal center, Bruce will be submitting those bids at the next meeting.

Wastler & Son has completed the milling & overlay project on Lombardy Court and Young Branch Drive.

**SUSTAINABILITY** – Commissioner Dietrick reported:

Discussion about the shredding event caused some traffic concerns.

Green Talks to be held Saturday, July 14 at the Middletown Library on Composting basics from 12:30-2pm.

**PLANNING COMMISSION** – Commissioner Catania reported:

Workshop on Wednesday, July 11<sup>th</sup> and regular meeting on Monday, July 16<sup>th</sup> at 7pm. Commissioner Catania stated that on the agenda is microbrewery regulations and blighted property regulations.

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

Drew received a complaint about the handicap swing at the park faces the sun and the parking lot. To make this repair it would cost approximately \$2200 dollars, it's not just an easy fix we just can't turn it around because it would not be handicap accessible. The Board will apply for a grant to make this change. Commissioner Goodman stated that we have also applied for a grant to continue the path from Remsberg Park down Holter Rod to cross at the proposed crosswalk that the County has put in their budget

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Community Meetings will be held on the following dates:

- August 2, 2018 at 6pm. at Wiles Branch Park
- September 6, 2018 at 6pm. at Remsberg Park

**NEW BUSINESS:**

**Request for a waiver of the Water Service Connection Policy for 116 West Main Street** – We received a request from the Owner of 116 West Main Street asking for a waiver of the water service connection. After a long discussion, the Board has referred this to the Water & Sewer committee for their review.

**PUBLIC COMMENT:**

**Maddy Remsberg, 336 S. Jefferson Street** – Ms. Remsberg stated that a few weeks ago she noticed a strange smell in her house. She contacted the Town and it was determined that the smell was from Duke's Root Control when they poured something down the manholes to remove the tree roots that are growing in our sewer system. Ms. Remsberg is very concerned with this as it is a toxic product. Ms. Remsberg also asked the Board to drive down S. Jefferson to see if they notice any codes/ordinances not being followed. Commissioner Goodman stated that these are all complaint driven and asked if Ms. Remsberg has filed a complaint with the Town, her response was yes. Ms. Remsberg also had concerns about the culverts along S. Jefferson Street at Church Street not being cleared out. Drew advised Ms. Remsberg that those are owned and maintained by the State Highway Administration.

**ANNOUNCEMENTS:**

- *Movie Night in the Park – "Jumanji – Welcome to the Jungle", Friday, July 27, 2018 at 7pm.*
- *Green Talks – Composting Basics, Saturday, July 14, 2018 at the Middletown Library from 12:30-2pm.*

**ADJOURNMENT**

Meeting adjourned at 8:30pm.

The Town Board will adjourn into Executive Session to review employee evaluations.

Respectfully submitted,

Ann Griffin  
Office Manager

MEMORANDUM

Date: 7/17/2018

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

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**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(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.

CIP Showing

ALL Improvements Fees in General Fund

BURGESS AND COMMISSIONERS OF MIDDLETOWN

GENERAL CAPITAL IMPROVEMENT BUDGET

FY 2019 - FY 2023



	FY '19	FY '20	FY '21	FY '22	FY '23
<b>INCOME</b>					
CASH RESERVES	\$346,150	\$257,713	\$84,469	(\$1,885,320)	(\$2,000,033)
INTEREST INCOME	\$865	\$644	\$211	(\$4,713)	(\$5,000)
IMPROVEMENT FEES	\$241,500	\$129,500	\$7,000	\$7,000	\$217,000
OPERATING INCOME From Previous Years	\$299,658	\$419,612	\$400,000	\$420,000	\$440,000
COMMUNITY LEGACY GRANTS	\$64,000				
PROGRAM OPEN SPACE and Community Parks & Playground	\$36,900	\$54,000			
<b>SUB-TOTAL</b>	<b>\$989,073</b>	<b>\$861,469</b>	<b>\$491,680</b>	<b>(\$1,463,033)</b>	<b>(\$1,348,033)</b>
<b>PROJECTS</b>					
<b>Highways &amp; Streets</b>					
SHA Streetscape Lighting	\$175,000				
Boileau Court - Mill & Overlay				\$250,000	
Broad St. - Franklin Street (Inlets and Road Reconstruction)	\$50,000		\$1,250,000		\$200,000
Cone Branch Drive & Court - Mill & Overlay					
Elm Street Parking Lot Upgrades - Reconfiguration and Paving	\$80,000				
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)		\$160,000			\$300,000
Ivy Hill Drive - Mill & Overlay					
Linden Blvd. (Broad Street to Pine Street)	\$40,000		\$590,000		
Linden Blvd. Culvert Replacement		\$35,000		\$100,000	
Mantha Mason Drive - Mill & Overlay		\$30,000			
Manda Drive - Mill & Overlay		\$175,000			
Manda Court - Mill & Overlay					\$100,000
Prospect St. (Road Reconstruction)	\$50,000		\$500,000		
Washington Street Retaining Wall	\$25,000				
Foxfield Swale Reconstruction	\$15,000				
<b>Recreation &amp; Culture</b>					
Fernsberg 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			
Befco Silt Seeder - Field Maintenance	\$8,000				
<b>General Services Administration &amp; Operations</b>					
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		\$250,000			
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	
<b>SUB-TOTAL</b>	<b>\$731,360</b>	<b>\$777,000</b>	<b>\$2,377,000</b>	<b>\$537,000</b>	<b>\$637,000</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$257,713</b>	<b>\$84,469</b>	<b>-\$1,885,320</b>	<b>-\$2,000,033</b>	<b>-\$1,985,033</b>

**CIP Showing**

**ALL Improvements Fees In General Fund**

**BURGESS AND COMMISSIONERS OF MIDDLETOWN**

**GENERAL CAPITAL IMPROVEMENT BUDGET**

**FY 2019 - FY 2023**



	FY '19	FY '20	FY '21	FY '22	FY '23
<b>INCOME</b>					
CASH RESERVES	\$346,150	\$297,713	\$529,569	(\$89,107)	(\$634,330)
INTEREST INCOME	\$865	\$744	\$1,324	(\$223)	(\$1,586)
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			
<b>SUB-TOTAL</b>	<b>\$989,073</b>	<b>\$901,569</b>	<b>\$987,893</b>	<b>\$392,670</b>	<b>\$81,084</b>
<b>PROJECTS</b>					
<b>Highways &amp; Streets</b>					
SHA Streetscape Lighting	\$175,000				
Boileau Court - Mill & Overlay				\$250,000	
Broad St. - Franklin Street (Inlets and Road Reconstruction)	\$50,000		\$415,000		\$425,000
Cone Branch Drive & Court - Mill & Overlay					\$200,000
Elm Street Parking Lot Upgrades - Reconfiguration and Paving	\$80,000				
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)					\$160,000
Ivy Hill Drive - Mill & Overlay					\$300,000
Linden Blvd. (Broad Street to Pine Street)		\$40,000		\$590,000	\$35,000
Linden Blvd. Culvert Replacement					
Martha Mason Drive - Mill & Overlay		\$30,000			
Manda Drive - Mill & Overlay		\$175,000			\$100,000
Prospect St. (Road Reconstruction)	\$50,000		\$500,000		
Washington Street Retaining Wall	\$25,000				
Foxfield Swale Reconstruction	\$15,000				
<b>Recreation &amp; Culture</b>					
Remsberg 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			
Befco Silt Seeder - Field Maintenance	\$8,000				
<b>General Services Administration &amp; Operations</b>					
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	
<b>SUB-TOTAL</b>	<b>\$691,360</b>	<b>\$372,000</b>	<b>\$1,077,000</b>	<b>\$1,027,000</b>	<b>\$1,382,000</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$297,713</b>	<b>\$529,569</b>	<b>-\$89,107</b>	<b>-\$634,330</b>	<b>-\$1,300,916</b>

**ALL IMPROVEMENT FEES TRANSFERRED TO GENERAL FUND**



**Burgess and Commissioners of Middletown  
Water & Sewer Capital Improvement Program  
FY 2019 - FY 2023**

<b>INCOME</b>	<b>FY '19</b>	<b>FY '20</b>	<b>FY '21</b>	<b>FY '22</b>	<b>FY '23</b>
CASH Reserves	\$538,119	\$671,438	\$642,204	\$192,376	\$16,506
DEBT SERVICE FEE - NEW HOMES	\$156,000	\$162,900			
CAPITAL IMPROVEMENT FEE	\$168,966	\$178,800	\$341,900	\$342,100	\$342,300
Inflow & Infiltration - Reserve Account	\$50,000		\$300,000		
Sludge Removal - Reserve Account	\$35,000			\$35,000	
Land Leases	\$193,271	\$201,002	\$209,042	\$217,404	\$226,100
Tap Fees (See Growth Projections)	\$621,000	\$333,000	\$18,000	\$18,000	\$558,000
Main Street Waterline Loan (Total Loan Amount \$2,850,138.95)	\$1,780,968				
Reservoir Tank Loan (Total Loan Amount \$1,772,603.24)		\$750,000	\$1,022,604		
<b>Total Revenue</b>	<b>\$3,543,324</b>	<b>\$2,297,139</b>	<b>\$2,533,749</b>	<b>\$804,879</b>	<b>\$1,142,905</b>
<b>Debt Service</b>					
EAST WWTP LOAN	\$241,265	\$239,265			
MAIN STREET WATERLINE LOAN	\$77,842	\$156,523	\$156,523	\$156,523	\$156,523
RESERVOIR TANK LOAN	\$6,798	\$12,815	\$97,347	\$97,347	\$97,347
<b>DEVELOPMENT PROJECTS</b>					
Brookridge WTP (Loan Payments)	\$195,314				
<i>Outstanding Balance - Last Year \$370,314</i>					
<b>Total Debt Service</b>	<b>\$521,219</b>	<b>\$408,603</b>	<b>\$253,870</b>	<b>\$253,870</b>	<b>\$253,870</b>
<b>Net Income</b>	<b>\$3,022,105</b>	<b>\$1,888,537</b>	<b>\$2,279,879</b>	<b>\$551,009</b>	<b>\$889,035</b>
<b>Projects</b>					
<b>SYSTEM UPGRADE PROJECTS</b>					
<b>WATER SYSTEM</b>					
Main Street Waterline Program	\$1,780,968				
Well Field - Power Quality Monitor PQube3	\$10,500				
Reservoir Improvements - Piping and Future Tank	\$104,000	\$750,000	\$1,250,000		
SCADA Control System	\$50,000				
Booster Station - Replace Starters with VFD's	\$15,000	\$125,000			
Booster Station - Rebuild Pump #4	\$15,000				
Booster Station - Process Piping Replacement	\$10,000	\$50,000			
Booster Station - Roof Replacement/Building Painting				\$5,000	
PRV Vault Pipe Painting and Cleaning	\$9,000				
InHance Billing Software Upgrade	\$25,000				
Water Meter Replacements	\$41,200	\$34,333	\$22,093	\$22,093	\$15,642
Amortized Depreciation from FY 2017 Audit	\$0	\$0	\$422,411	\$422,411	\$422,411
<b>WASTEWATER SYSTEM</b>					
West WWTP - Curtain Replacement	\$25,000	\$80,000			
West WWTP - Plug Valve Replacement Micro Strainer Bldg	\$5,000	\$15,000			
West WWTP - New Chemical Storage Structure		\$42,000	\$43,000		
<i>Upgrade of West WWTP (Possible Future)</i>					
East WWTP - Bar Screen Refurbishment		\$60,000			
East WWTP - Dewatering Solution Sludge Tank - Engineering	\$15,000	\$25,000			
East WWTP - Influent Flume & Ultrasonic Meter	\$20,000				
East WWTP - Enclose UV Lights Area		\$15,000			
East WWTP - Sludge Removal Reed Beds	\$35,000			\$35,000	
East WWTP - Sludge Mag Meter	\$15,000				
Vactor Trailer & Excavator	\$75,000				
Inflow & Infiltration	\$50,000		\$300,000		
<b>Total Projects</b>	<b>\$2,300,668</b>	<b>\$1,196,333</b>	<b>\$2,037,504</b>	<b>\$484,504</b>	<b>\$438,053</b>
<b>Total Project Costs</b>	<b>\$721,438</b>	<b>\$692,204</b>	<b>\$242,376</b>	<b>\$66,506</b>	<b>\$450,982</b>
<b>CAPITAL IMPROVEMENT RESERVE ACCOUNT</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>
<b>Surplus / Deficit</b>	<b>\$671,438</b>	<b>\$642,204</b>	<b>\$192,376</b>	<b>\$16,506</b>	<b>\$400,982</b>
<b>Total Capital Improvement Reserve Account after 5 Years</b>	<b>\$250,000.00</b>				

## **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. Signers must be residents of the Town of Middletown AND must be a qualified voter and listed on the Frederick County voter registration rolls.
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 as 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 referendum must appear on the back of EACH signature page. **If the summary is not affixed 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.



## **Petition Review Procedures**

The procedures listed below will be used for review of the petition for referendum for the Memar Annexation.

### **Deadline for Submission of Petition**

Wednesday, May 23, 2018 at 4:00PM (*Close of Business*)

### **Number of Required Signature for Petition to go to Referendum**

722 registered voters of the Town of Middletown

The Town will receive an up-to-date voter's registration list from the Frederick County Board of Elections. This voter's registration list will be used for verification purposes of the signers.

### **Validation of Petition Signers**

Town Staff will be reviewing the petition and validating signers on the following dates and times:

- Friday, May 25, 2018 from 10:00AM – 2:00PM

If additional time is needed to complete the validation, it will be on the following dates and times:

- Tuesday, May 29, 2018 from 10:00AM – 2:00PM
- Wednesday, May 30, 2018 from 10:00AM – 2:00PM

*Observers of this validation process are allowed but are not permitted to interfere with the review conducted by Town Staff.*

During the review of the petition, colored highlighters will be used for identification purposes. The color code will be as follows:

- Green Highlighter – Confirmation of valid registered voter
- Orange Highlighter – Signer not within the Town limits or not a registered voter
- Yellow Highlighter – Unable to determine due to other factors. These signers in yellow will be submitted to the Frederick County Board of Election for review and determination of whether or not they are valid.

Once all petition pages have been reviewed, a total count of signatures will be provided to the Burgess and Commissioners and public.

# State of Maryland

## Petition Acceptance and Verification Procedures

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**DISCLAIMER: The information provided in the Petition Acceptance and Verification Procedures is not legal advice and intended as an aid to election officials in processing submitted petitions. For others, we suggest that you consult your own legal counsel regarding the petition process and applicable laws. Material Revised: May 11, 2012**

### Acceptance:

1. Determine if you have timely received written applications for removal of signatures (see Election Law, §6-203(c)). Applications for removal must be received before the petition is filed. Copies of removal applications may be provided to the petition sponsor on request. Contact the State Board of Elections (SBE) for guidance.
2. If you are receiving this petition, SBE has determined that the verification should take place because:
  - a. The petition was timely filed;
  - b. The Information Page was complete and stated that the petition contains at least the required number of signatures;
  - c. The State's initial review indicates that the form of the petition signature page generally satisfies the requirements of law. However, as each petition signature page is verified by the election staff, the form of that page must be reviewed to determine if it satisfies the requirements of law. See below for further details; or
  - d. The State's chief election official, on advice of counsel, has determined that the petition may not comply with the law, but that the verification is in the interest of orderly management of the election.
3. If the petition is a local petition, the Local Board of Elections (LBE) shall follow the above review to determine acceptability.

### Processing:

1. Number each petition signature page: determine if the signature pages have been numbered by SBE or the Petition Sponsor or if this is a step the LBE needs to perform for a local petition.
2. Keeping the petition signature pages in numerical order, separate the pages into batches of 25 pages each.
3. All petitions must be processed using the Statewide Voter Registration System (MDVOTERS). Each LBE will perform the "Pre-Process Sheets" steps in MDVOTERS. Please see the Statewide Petition Process Checklist for pre-processing instructions. Use only the batch numbers defined for your jurisdiction. Your assigned batch numbers have been emailed or otherwise provided to the staff member designated as your LBE pre-processor.

State of Maryland  
Petition Acceptance and Verification Procedures

4. Multiple MDVOTERS users can process signature pages at the same time, but each user may only work with one batch of 25 pages at a time.
5. COMAR requires that a code be entered next to each signer's name on every signature page following a determination of validity. When indicating a validation code, the verifier should be careful not to mark over or obscure any signatures or other matter written on the signature page, and should never fill in missing information or make any marks other than the validation code. We suggest that validation codes be marked in red or green color ink – not blue or black.

**Validation of Signature Page:**

1. First, review the bottom of each signature page. Review the circulator's information block and affidavit. Invalidate each signer's name on the page if the following circulator information is missing or incorrect, and code each signer's name **CI** – Circulator Issue.
  - a. Circulator's printed or typed name is missing – an address label or stamp is OK
  - b. Circulator's residence address is missing – an address label or stamp is OK. The zip code is not required
  - c. Circulator's telephone number is missing – an address label or stamp with this information is OK. The area code is required
  - d. Circulator's name and/or address is that of an entity and not an individual (i.e., church or business name and address).
  - e. Circulator's signature is missing
  - f. Date of circulator's affidavit is missing
  - g. There is more than one circulator
  - h. The circulator's printed name is not consistent with the circulator's signed name. Do NOT invalidate signatures if the circulator's signature is illegible or does not exactly match the circulator's name as printed.
2. Next, review the top of each signature page. If any of the required information listed below is missing, the entire signature page is potentially invalid. (Please contact SBE for additional instruction if you find signature pages that are not in the proper format). If, after consultation with SBE, the petition format is found unacceptable, invalidate each signer's name on the page and code each signer's name **PF** – Petition Format Issue. Each signature page must include:
  - a. Name of county or box checked to indicate it is for Baltimore City;

*New Political Party Petition:*

- a. Political Party Name
- b. State Chairman's name and address (the State Chairman may change during the circulation of the petition – see SBE communication for information on the chairmanship changes).

*Candidate Nomination Petition:*

- a. Candidate name
- b. Candidate address
- c. Candidate party affiliation (Presidential Primary election only) or unaffiliated.

State of Maryland  
Petition Acceptance and Verification Procedures

*Statewide Referendum or Public Local Law Referendum Petition*  
(an Act passed by the Maryland General Assembly): (UPDATED 5/11/12)

- a. The full text of the Act printed on the back of the signature page; or
- b. A fair and accurate summary of the substantive provisions of the Act, which has been approved by the Attorney General, printed on the back of the signature page. If the petition sponsor elects to print a summary of the Act on each signature page, each circulator must have the full text of the Act present at the time and place that each signature is placed on the page. The signature page must state that the full text is available from the circulator. If the text of the Act is attached to the page, see step 1. If the text of the Act is not printed on or attached to the signature page, see step 4.

*Local Law Referendum Petition:*

- a. The bill number and title
- b. The language indicating that the full text of the bill appears on the back of the signature page.

**\*Local laws may provide additional requirements for Local Law Referendum Petitions\***

3. Next, determine if the “Notice to Signers” block is present and contains the complete notice. Please contact SBE for instructions if you find signature pages without the proper notice to signers. If the Notice is deemed insufficient, invalidate each signer’s name on the page and code each signer’s name **PF** – Petition Format Issue. (See below for current language.)

As of 4/2011, the appropriate Notice to Signers language is as follows:

*New Political Party Petitions:*

“Notice to Signers: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration and at least one full given name AND the initial of any other names. Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the above-named party should be recognized in Maryland and that, to the best of your knowledge, you are registered to vote in Maryland and are eligible to have your signature counted for this petition.”

*Statewide Referendum and Local Law Referendum Petitions:*

“Notice to Signers: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration AND at least one full given name AND the initial of any other names. Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the bill identified above should be placed on the ballot as a referendum question at the next general election and that, to the best of your knowledge, you are registered to vote in Maryland and are eligible to have your signature counted for this petition.”

*Candidate Nomination Petitions:*

“Notice to Signers: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration and at least one full given name and the initial of any other names. Please print or type all information other than your signature. Post Office Box

State of Maryland  
Petition Acceptance and Verification Procedures

addresses are not generally accepted as valid. By signing this petition, you agree that the above-named candidate should be placed on the ballot for the office and election indicated and that, to the best of your knowledge, you are registered to vote in Maryland and are eligible to have your signature counted for this petition.”

**If you are presented with a petition that contains a different notice to signers, please call SBE for instructions.**

*Statewide or Public Local Law Referendum Petition: (UPDATED 5/11/12)*

4. Next, determine if the bill text or summary is present on the back of the signature page. If the bill text or summary is not on the back of the signature page and is not otherwise attached, invalidate each signer’s name on the page and code each signer’s name **PF** – Petition Format Issue.

**5. NEW REJECTION CODE – TA - Text Attached**

*Statewide Referendum or Public Local Law Referendum Petition*

*(an Act passed by the Maryland General Assembly): (UPDATED 5/11/12)*

Finally, review the back of each signature page. The full text of the Act, or a fair and accurate summary of the substantive provisions of the Act, which has been approved by the Attorney General, must be printed on the back of the signature page. If the full text or summary is not printed on the back of the signature page, **but is attached** (stapled, taped, etc), invalidate each signer’s name on the page and code each signer’s name **TA** – Text Attached.

**\*\*Note – Even though a page is deemed invalid due to CI, PF or TA code, each petition entry on the signature page must be processed to capture address changes and duplicate signatures.**

**Validation of Signer Names:**

1. Review each petition entry according to the steps below to determine whether it complies with Election Law §6-203 and reflects the name of a registered voter in Maryland and whether the voter’s current residence address meets the petition criteria.
2. **Name determination**
  - a. First determine if the petition entry includes the information required by Election Law §6-203, which states “To sign a petition, an individual shall: (1) sign the individual’s name as it appears on the Statewide voter registration list or the individual’s surname of registration and at least one full given name and the initials of any other names.”

Both the printed name and the signature must be reviewed. If every required component is present when considering the printed name, the signature, or both together, the signature is to be accepted.

State of Maryland  
 Petition Acceptance and Verification Procedures

For example, a voter is registered as John Henry Smith. The printed name on the petition entry is John Smith. The signature on the petition entry is J. H. Smith. All components of the voter’s name as registered (surname, one full given name and the initial of any other name) are included when reviewing both the printed name and signature portions of the petition entry, and therefore the signature is accepted.

The printed name is not required to match the signature, but the names must be consistent.

- b. If the petition entry name does not include a suffix that appears on the voter registration list (e.g., Jr., Sr., III) but is otherwise sufficient, the name is acceptable.

Voter registration name listed in MDVOTERS – John Henry Smith

<i>Printed Name</i>	<i>Signed Name</i>	<i>Acceptable or Not?</i>
John Henry Smith	John Henry Smith	Acceptable
John Smith	John H. Smith	Acceptable
John Smith	J. Henry Smith	Acceptable
John Smith	J. H. Smith	Acceptable
Jack Smith	J. H. Smith	Not Acceptable
J. Smith	J. Smith	Not Acceptable
J. Smith	J. H. Smith	Not Acceptable

When reviewing petition entries, you are looking for evidence that the voter has identified himself or herself to the standard required by law. If a word or name (either printed or signed) is only partially legible, use any letters or portions of the name that you can read to decide whether the signer has provided the required information. Do NOT reject any name (printed or signed) only because it is illegible.

If the petition entry is for a voter who has a hyphenated (or two distinct) last names, only one of the names is required to be provided. For example, a voter is registered as Susan Jones-Smith, either Susan Smith or Susan Jones is acceptable.

For any petition entry that does not meet the above name criteria, reject the entry with a code NS – Name Standard.

- 3. For each petition entry that is processed, mark the voter’s registration record to ensure that, if this individual signs **this petition again**, it will be clear that the subsequent signature is a duplicate. Invalidate each duplicate name, and code the name **DUP – Duplicate Name**. Marking duplicate entries does not change the acceptance or rejection status on previously processed lines for the individual voter.
- 4. If you determine that the signer provided an acceptable name on the signature page, is registered and has provided the same address as listed in the Statewide voter registration list, if the address meets petition criteria, none of the other signer or date issues outlined in steps 9 and 10 below are present, AND the signer’s name is submitted on an internet/computer generated form, code the signer’s name CG (Internet/Computer Generated Page). Only

State of Maryland  
Petition Acceptance and Verification Procedures

signers who submit their names on internet/computer generated pages that would otherwise be coded OK for an Active voter should be coded CG – Internet/Computer Generated Page.

5. If you determine that the signer provided an acceptable name on the signature page, is registered and has provided the same address as listed in the Statewide voter registration list, if the address meets petition criteria, none of the signer or date issues outlined in steps 9 and 10 below are present, AND the signer's name is submitted on a non-internet/computer generated form, code the signer's name **OK for an Active voter and INV for an Inactive voter**. If the individual is listed as an inactive voter, follow the steps outlined in Section B of COMAR 33.05.07.03, quoted below.
  - B. *When Petition Address is Same as Record Address. If an individual on an inactive list signs a petition and provides the same address as the address on file at the local board office:*
    - (1) *The signature is considered written confirmation of the individual's continued residence at that address; and*
    - (2) *The election director shall remove the individual's name from the inactive list and update the individual's record in the Statewide voter registration list.*
6. If you determine that the signer provided an accepted name on the signature page, is registered but gave an in-county address different from the address in the Statewide voter registration list, if the new address meets the petition criteria, and if none of the signer or date issues outlined in steps 9 and 10 below are present, code the name **WA-OK for an Active voter and WA-INV for an Inactive voter**. If the individual is listed as an inactive voter, follow Section C(1) and (2) of COMAR 33.05.07.03, quoted below. Even if the signer's name is not valid, make an address change on the voter registration record.
  - C. *When Petition Address is Not Same as Record Address.*
    - (1) *If an individual on an inactive list signs a petition and provides an address different from the address on file at the local board office:*
      - (a) *The signature is considered written confirmation of a change of address; and*
      - (b) *The election director shall take action as provided in Section C(2), (3), or (4) of this regulation.*
    - (2) *If the address on the petition is within the same county served by the local board, the election director shall:*
      - (a) *Take appropriate action under COMAR 33.05.06.01; and*
      - (b) *Remove the voter from the inactive list.*
    - (3) *If the address on the petition is within a different Maryland county, the election director shall:*
      - (a) *Take appropriate action under COMAR 33.05.04.02; and*
      - (b) *Remove the voter from the inactive list.*
    - (4) *If the address on the petition is in a jurisdiction outside Maryland, the election director shall take appropriate action under COMAR 33.05.06.03.*

If you determine that the signer provided an accepted name on the signature page, is registered (active or inactive) but gave a new address not within your local jurisdiction,

State of Maryland  
Petition Acceptance and Verification Procedures

determine whether the new address meets the petition criteria and whether any of the signer or date issues outlined in steps 9 and 10 below is present. If the address meets petition criteria and no signer or date issue is present, determine the new county of residence and code the signer's name **OK-CT (OK (registered voter) – CT (county transfer))**. MDVOTERS will allow you to count the signer's name as valid and mark the voter's record. Send the voter's information to the new county of residence. On the signature page, you may add the county code for the new county of residence if this assists with processing the change after verification. If the address does not meet the petition criteria, or if a signer or date issue is present, do not count the signer's name as valid, but send the voter's information to the new county of residence.

7. If the signer is registered to vote in Maryland but the address does not meet petition criteria, invalidate the signer's name and code the name **WA – Invalid New Address**. (Used mostly for candidate or local charter petitions.)
8. If the signer is not registered in your local jurisdiction and, after performing a *statewide database search*, you determine that the signer is not registered in Maryland, invalidate the signer's name and code the name **NR – Not Registered**.
9. If you determine that the signer is registered in Maryland (under steps 3-7 above), but any of the following required information about the signer is missing from the petition signature page, invalidate the signer's name and code the name **SI – Signature Issue**.
  - a. Signer provided no address
  - b. Signer provided no signature

**\*\* NOTE:** If the signer does not include a printed name, but provided an accepted name in the signature space that can identify the voter on the signature page and you can determine the voter is registered, code the signer's name accept as valid and mark with the appropriate code.
10. **Date Issue:** If you determine that the signer is registered in Maryland (under steps 3-7 above), but any of the following date issues applies, invalidate the signer's name and code the name **DI -Date Issue**.
  - a. Signer provided no date (**UPDATED 2/28/12**)
  - b. Signer provided a date that was not within the acceptable time frame (For example: Referendum petition signature must have been affixed after the final action of the General Assembly on this bill)
  - c. Signer provided a date later than the date of the circulator's affidavit.

State of Maryland  
Petition Acceptance and Verification Procedures

**Petition Codes:**

**Acceptance Codes:**

OK	Valid Name
CG	Internet/Computer Generated Page
INV	Inactive Voter OK – may be counted as valid signer for this petition and will trigger confirmation mailings as per COMAR
WA-OK	Valid Name at Valid New Address – Use this code when the name is acceptable and you can determine that the voter is registered in Maryland but at an address different than the address provided on the petition (new address <u>does</u> meet petition criteria)
WA-INV	Inactive Voter at Valid New Address – may be counted as valid signer for this petition and will trigger confirmation mailings as per COMAR
OK-CT	Use this code when the signer is registered in your local jurisdiction but provided an out-of-county address on the petition (new address <u>does</u> meet petition criteria)

**Rejection Codes:**

***\*Process rejections in the following order (NEW PROCESS)***

CI	Circulator's information missing, incorrect, or incomplete
PF	Petition Format Issue – Example: if the bill number, title, or notice to signers is missing or incorrect, the party name or the chairman's name is missing
TA <b>*NEW CODE</b>	Text Attached – the text of the Act is attached (stapled, taped, etc) to the signature page, but is not printed on the back signature
NR	Not registered in Maryland
DUP	Duplicate Name – signed this petition more than once
DI	Signer Date Issue – Use this code for no date, partial date, or dated too late or too early. See State Board communication or a copy of the information page for date of last signature. (Note – use CI – Circulator Issue code if there is an issue with the circulator's signature – not this code).
SI	Signature Issue – Use this code for no signature, no printed name, no address or petition entries that exceed the number allowed on the form, petition entries clearly added by someone other than the voter, voter request received prior to petition submission to remove signature (scan and attach request to voter's record)
NS	Name Standard – Use this code if the name (either printed or signed) is not partially legible and does not use letters or portions of the name that you can read to decide whether the signer has provided the required information required in Election Law, §6-203
WA	Invalid New Address – address does not meet petition criteria, or a Post Office Box address is the only address provided and is NOT reflected in the Voter Registration record.

Refer to State Board Guidelines – Questions and Answers – Section II – Verification Process for additional guidance on acceptance and validation of petition entries.

State of Maryland  
Petition Acceptance and Verification Procedures

**Reporting Results:**

1. Only names coded **OK, CG, INV, WA-OK, WA-INV, and OK-CT** should be counted as valid. Validation must be completed within 20 calendar days from receipt of the petition.
2. Please refer to MDVOTERS Petition Training Guide for details on report preparation. For State filed petitions, please print page 1 of the PM-003 – Petition Processing Statistics Report, have the chief staff person sign and date the page and fax it to SBE. This notifies SBE that you have completed your verification.
3. SBE will notify the Petition Sponsor of the result of the validation for State filed petitions. The LBE Director must notify the Petition Sponsor of the result of the validation for local filed petitions. Within 2 business days after completion of the validation of a Statefiled petition, the petitions and all associated papers must be forwarded to the SBE.

County Codes

Allegany County	AL
Anne Arundel	AA
Baltimore City	CTY
Baltimore County	BA
Calvert County	CAL
Caroline County	CA
Carroll County	CAR
Cecil County	CE
Charles County	CH
Dorchester County	DR
Frederick County	FR
Garrett County	GT
Harford County	HA
Howard County	HO
Kent County	KT
Montgomery County	MG
Prince George's County	PG
Queen Anne's County	QA
St. Mary's County	ST
Somerset County	SO
Talbot County	TL
Washington County	WA
Wicomico County	WI
Worcester County	WO