



# AGENDA FOR THE TOWN MEETING

November 13, 2017

7:00 p.m.

## PLEDGE TO THE FLAG

## CALL TO ORDER

## CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
  - October 23, 2017 – Town Meeting

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

## PERSONAL REQUESTS FOR AGENDA:

- *Ann Payne and Joyce Tuten – Pollinator Resolution for Best Management Practices*

## STAFF REPORTS:

### Staff Planner

Main Street Manager

Engineers Report

### Zoning Administrator

## UNFINISHED BUSINESS:

- Frederick County Amendments to Comprehensive Plan – Growth Tier Maps
- Memar Annexation – Clubhouse/Community Center Options
- Discussion of Use of Municipal Center by Community Groups

## 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:**

- Lions Club Donation of Bike Racks (3) for Town Parks
- Resolution 17-07: Pollinator Habitat Best Management Practices
- Resolution 17-08: Adoption of the Frederick County Hazardous Mitigation Plan
- Action Plan – MEA Energy Reduction Plan
- Sanitary Sewer Improvements – Inflow & Infiltration Bids

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

- *Christmas in the Valley – Saturday, December 2, 2017 from 4PM-8PM*

**ADJOURNMENT**

Town of Middletown  
Statement of Revenue & Expenditures  
General Fund  
Fiscal Year 2018  
For the 4 Months Ended October 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>REVENUE</u></b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,253,427	\$ 809,745	\$ (443,682)
Tangible Personal Property	38,248	22,680	(15,568)
Public Utilities	9,827		(9,827)
Franchise (Cable)	50,615		(50,615)
Penalties & Interest	<u>10,544</u>		<u>(10,544)</u>
	\$ 1,362,661	\$ 832,425	\$ (530,236)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 21,526	\$ 11,406	\$ (10,120)
Highway Gasoline & Licenses	<u>160,606</u>	<u>122,685</u>	<u>(37,921)</u>
	\$ 182,132	\$ 134,091	\$ (48,041)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 896,179	\$ 128,180	\$ (767,999)
Tax Equity Grant	<u>610,423</u>	<u>305,211</u>	<u>(305,212)</u>
	\$ 1,506,602	\$ 433,391	\$ (1,073,211)
<b><u>LICENSES AND PERMITS</u></b>			
Business / Traders	\$ 4,900	\$ 930	\$ (3,970)
Planning / Zoning Fees	<u>27,950</u>	<u>2,825</u>	<u>(25,125)</u>
	\$ 32,850	\$ 3,755	\$ (29,095)
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 3,158</u>	<u>\$ 1,113</u>	<u>\$ (2,045)</u>
	\$ 3,158	\$ 1,113	\$ (2,045)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 26,187</u>	<u>\$ 6,558</u>	<u>\$ (19,629)</u>
	\$ 26,187	\$ 6,558	\$ (19,629)
<b><u>MISCELLANEOUS</u></b>			
Bank Shares Grant	\$ 2,500		\$ (2,500)
Miscellaneous & Donations		648	648
	<u>\$ 2,500</u>	<u>\$ 648</u>	<u>\$ (1,852)</u>
<b>OPERATING REVENUES</b>	<b>\$ 3,116,090</b>	<b>\$ 1,411,981</b>	<b>\$ (1,704,109)</b>
State Grants & Interest	\$ 78,703	\$ 828	\$ (77,875)
<b>TOTAL REVENUE</b>	<b>\$ 3,194,793</b>	<b>\$ 1,412,809</b>	<b>\$ (1,781,984)</b>

Town of Middletown  
Statement of Revenue & Expenditures  
General Fund  
Fiscal Year 2018  
For the 4 Months Ended October 31, 2017

	<u>ANNUAL</u> <u>BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER)</u> <u>BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 16,500	\$ 3,900	\$ (12,600)
Communications	9,480	854	(8,626)
Dues & Subscriptions	7,400	6,485	(915)
Office Supplies & Exp	7,500	820	(6,680)
Advertising	2,500		(2,500)
Meetings & Conventions	15,000	2,944	(12,056)
	<u>\$ 58,380</u>	<u>\$ 15,003</u>	<u>\$ (43,377)</u>
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 2,550</u>	<u>\$ (7,650)</u>
	\$ 10,200	\$ 2,550	\$ (7,650)
<b><u>ELECTION</u></b>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>250</u>		<u>(250)</u>
	\$ 700		\$ (700)
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 254,512	\$ 81,143	\$ (173,369)
Postage & Printing	200		(200)
Communications	7,205	3,260	(3,945)
Computer Expenses	29,512	19,869	(9,643)
Office Supplies & Exp	27,953	9,147	(18,806)
Office Maintenance	29,600	10,336	(19,264)
Dues & Subscriptions	150		(150)
Professional Services	4,600		(4,600)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 353,832</u>	<u>\$ 123,755</u>	<u>\$ (230,077)</u>
<b><u>OPERATIONS</u></b>			
Director Salary	\$ 101,415	\$ 58,924	\$ (42,491)
Maintenance Salary	130,351	13,282	(117,069)
Communications	9,000	2,346	(6,654)
Supplies & Expenses	17,960	9,347	(8,613)
Dues & Meetings		371	371
Maintenance & Repairs	28,173	7,356	(20,817)
Tools & Equipment	<u>2,544</u>	<u>2,267</u>	<u>(277)</u>
	\$ 289,443	\$ 93,893	\$ (195,550)

**PROFESSIONAL SERVICES**

Town of Middletown  
Statement of Revenue & Expenditures  
General Fund  
Fiscal Year 2018  
For the 4 Months Ended October 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Independent Accounting	\$ 16,000	\$ 8,000	\$ (8,000)
Legal - Development		247	247
Legal - Ordinances	<u>7,388</u>	<u>1,159</u>	<u>(6,229)</u>
	\$ 23,388	\$ 9,406	\$ (13,982)
 <b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 51,797	\$ 14,955	\$ (36,842)
Other Expenses	<u>1,778</u>	<u>561</u>	<u>(1,217)</u>
	\$ 53,575	\$ 15,516	\$ (38,059)
 <b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 45,482	\$ 13,880	\$ (31,602)
Town Contribution	<u>10,000</u>	<u>11,185</u>	<u>1,185</u>
	\$ 55,482	\$ 25,065	\$ (30,417)
 <b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	16,338	1,744	(14,594)
Community Deputy Program	<u>385,232</u>	<u>99,781</u>	<u>(285,451)</u>
	\$ 421,570	\$ 101,525	\$ (320,045)
 <b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 271,796	\$ 94,596	\$ (177,200)
 <b><u>RECREATION AND CULTURE</u></b>			
Park Salary	45,030	11,947	(33,083)
Park Electric	1,175	596	(579)
Maintenance & Repairs	37,490	9,820	(27,670)
Mowing	32,319	10,664	(21,655)
Remsberg Park - Interest	7,906	3,020	(4,886)
Remsberg Park - Principal	<u>115,643</u>	<u>38,163</u>	<u>(77,480)</u>
	\$ 239,563	\$ 74,210	\$ (165,353)

**Town of Middletown**  
**Statement of Revenue & Expenditures**  
**General Fund**  
**Fiscal Year 2018**  
**For the 4 Months Ended October 31, 2017**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 71,266	\$ 31,646	\$ (39,620)
Street Lighting	203,160	43,851	(159,309)
Storm Water Management	7,800	1,060	(6,740)
Snow Removal	83,100	920	(82,180)
Repairs & Resurfacing	92,000	10,292	(81,708)
Signs	12,400	3,143	(9,257)
Truck Repair & Operation	42,600	4,538	(38,062)
Equipment Repairs & Ops	26,675	1,933	(24,742)
Mowing	33,440	15,360	(18,080)
Interest	59,874	2,972	(56,902)
West Green St - Principal	79,300	65,960	(13,340)
	<u>\$ 711,615</u>	<u>\$ 181,675</u>	<u>\$ (529,940)</u>
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,732	359	(2,373)
Community Events	33,140	37,921	4,781
Payroll Taxes	58,923	16,922	(42,001)
Insurance - Property	14,445	4,305	(10,140)
Insurance - Employee	136,214	87,962	(48,252)
Retirement/Pension	68,184	4,454	(63,730)
Web Page & Directory	3,890	929	(2,961)
Real Estate Taxes	800	1,679	879
Other	3,500	(61)	(3,561)
	<u>\$ 326,928</u>	<u>\$ 159,470</u>	<u>\$ (167,458)</u>
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,816,472</b>	<b>\$ 896,664</b>	<b>\$ (1,919,808)</b>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	<b>\$ 378,321</b>	<b>\$ 516,145</b>	<b>\$ 137,824</b>
<b>CASH RESERVES</b>	<b>\$ 881,203</b>	<b>\$ 639,328</b>	<b>\$ (241,875)</b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$ 1,259,524</b>	<b>\$ 1,155,473</b>	<b>\$ (104,051)</b>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2017  
 For the 4 Months Ended October 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>OPERATING REVENUE</b>			
Revenue	\$ 3,116,090	\$ 1,411,981	\$ (1,704,109)
<b>OPERATING EXPENSES</b>			
Expenses	2,816,472	896,664	(1,919,808)
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 299,618</b>	<b>\$ 515,317</b>	<b>\$ 215,699</b>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 76,500		\$ (76,500)
Community Legacy Grants	64,000		(64,000)
RETAINED EARNINGS	353,739		(353,739)
Interest	2,203	828	(1,375)
Improvement Fees	241,500	49,000	(192,500)
<b>TOTAL OTHER FUNDS</b>	<b>\$ 737,942</b>	<b>\$ 49,828</b>	<b>\$ (688,114)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 1,037,560</b>	<b>\$ 565,145</b>	<b>\$ (472,415)</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
SHA Streetscape Lighting	\$ 175,000	\$ 38,958	\$ (136,042)
Locust Blvd & Court Road Reconst	207,500	491,642	284,142
Lombardy Court - Selective Patch	125,000		(125,000)
Washington Street Retaining Wall	10,000		(10,000)
Young Branch Dr Mill and Overlay	130,000		(130,000)
Foxfield Swale Reconstruction	15,000	2,900	(12,100)
Maintenance Shop Expansion	75,000		(75,000)
Pedestrian Safety Improvements	75,000	26,274	(48,726)
Wayfinding Signs	8,750		(8,750)
Remsberg Park Walking Trail and	87,000	10,143	(76,857)
Remsberg Park Precast Bathroom	40,000		(40,000)
Memorial Park Playground Replace	36,000	56,499	20,499
Heritage Park (MVB Property)	31,883		(31,883)
Heritage Museum	39,000	17,883	(21,117)
Befco Slit Seeder	8,000		(8,000)
Municipal HVAC Replacement	30,000		(30,000)
Municipal Boiler Replacement	35,000		(35,000)
IT Lease - Computers, Servers, P	37,000		(37,000)
GMC Truck Body Replacement	17,204	19,940	2,736
	<b>\$ 1,182,337</b>	<b>\$ 664,239</b>	<b>\$ (518,098)</b>
<b>OPERATING &amp; CIP SURPLUS (DEFICIT)</b>	<b>\$ (144,777)</b>	<b>\$ (99,094)</b>	<b>\$ 45,683</b>

Town of Middletown  
 CIP Funds & Expenditures  
 General Fund  
 Fiscal Year 2017  
 For the 4 Months Ended October 31, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 881,203	\$ 443,728	\$ (437,475)
<b>TOTAL CASH SURPLUS</b>	<u><u>\$ 736,426</u></u>	<u><u>\$ 344,634</u></u>	<u><u>\$ (391,792)</u></u>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2018**  
**For the 4 Months Ended October 31, 2017**

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b><u>REVENUE</u></b>			
Water Revenue	\$ 608,726	\$ 155,420	\$ (453,306)
Sewer Revenue	603,153	149,530	(453,623)
Penalties/Reconnects	15,252	3,393	(11,859)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,228,131</b>	<b>\$ 308,343</b>	<b>\$ (919,788)</b>
 <b><u>EXPENDITURES</u></b>			
<b><u>ADMINISTRATIVE</u></b>			
Office Salaries	\$ 48,827	\$ 7,860	\$ (40,967)
Communications	11,742	3,448	(8,294)
Postage	9,503	8,013	(1,490)
Office Supplies/Expense	15,712	4,758	(10,954)
Legal - Other	2,000		(2,000)
Meetings & Seminars	2,500	205	(2,295)
Advertising	500	498	(2)
Uniforms	3,925	1,563	(2,362)
Dues/Subscrip/Certifications	500	65	(435)
Travel	200	15	(185)
Payroll Taxes	27,798	7,107	(20,691)
Insurance - Prop. & Liability	10,215	2,816	(7,399)
Insurance - Workers Comp	8,980	2,603	(6,377)
Insurance - Health	53,324	19,708	(33,616)
Retirement/Pension	29,230	1,022	(28,208)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	2,000		(2,000)
I & I Loan Principal and Interest	33,099	32,498	(601)
Sub-Total	\$ 260,347	\$ 92,471	\$ (167,876)
 <b><u>Vehicles &amp; Equipment</u></b>			
2016 Truck (Pearl)	\$ 2,280		\$ (2,280)
2008 Truck	2,280	42	(2,238)
2012 Truck (Miller)	2,280	147	(2,133)
2013 Truck (Whitney)	2,280	1,483	(797)
2015 Meter Van (Hightman)	2,280	498	(1,782)
Misc Equipment	3,000	1,764	(1,236)
Bobcat Mini-Excavator	3,000	58	(2,942)
Case Backhoe	3,000		(3,000)
Sub-Total	\$ 20,400	\$ 3,992	\$ (16,408)

**Town of Middletown**  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2018**  
**For the 4 Months Ended October 31, 2017**

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b>WATER</b>			
Salaries	\$ 175,294	\$ 60,189	\$ (115,105)
<b>Water Distribution System</b>			
Supplies	5,500	386	(5,114)
Repairs & Maintenance	18,900	19,265	365
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	4,105		(4,105)
Sub-Total	\$ 34,005	\$ 19,651	\$ (14,354)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Electric	\$ 23,816	\$ 13,519	\$ (10,297)
Supplies	2,000	1,033	(967)
Repairs & Maintenance	66,700	10,730	(55,970)
Chemicals	9,199	3,351	(5,848)
Tools & Equipment	2,053		(2,053)
Testing & Analysis	14,400	2,497	(11,903)
Sub-Total	\$ 118,168	\$ 31,130	\$ (87,038)
Abandoned Well Costs			
<b>TOTAL WATER EXPENSES</b>	<b>\$ 327,467</b>	<b>\$ 110,970</b>	<b>\$ (216,497)</b>
<b>SEWER</b>			
Salaries	\$ 134,998	\$ 50,168	\$ (84,830)
<b>Sewer Collection System</b>			
Cone Branch PS	18,500	6,671	(11,829)
Brookridge South PS	10,779	844	(9,935)
Foxfield PS	6,500	1,133	(5,367)
Sanitary Sewerlines & Manholes	25,000	3,676	(21,324)
I & I Accrual	75,000	25,000	(50,000)
Sub-Total	\$ 135,779	\$ 37,324	\$ (98,455)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2018**  
For the 4 Months Ended October 31, 2017

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Electric	\$ 25,327	\$ 13,720	\$ (11,607)
Supplies	6,352	916	(5,436)
Repairs & Maintenance	16,600	2,150	(14,450)
Chemicals	33,725	13,593	(20,132)
Tools & Equipment	6,090	75	(6,015)
Testing & Analysis	34,187	7,100	(27,087)
Sludge Hauling Expense	61,800	13,334	(48,466)
Sub-Total	\$ 184,081	\$ 50,888	\$ (133,193)
<b>West Wastewater Treatment Plant</b>			
Electric	\$ 17,010	\$ 3,892	\$ (13,118)
Supplies	2,500	9	(2,491)
Repairs & Maintenance	2,000	603	(1,397)
Chemicals	47,949	16,332	(31,617)
Tools & Equipment	2,510	(1)	(2,511)
Testing & Analysis	11,649	2,492	(9,157)
Sludge Hauling Expense	22,650	5,750	(16,900)
Sub-Total	\$ 106,268	\$ 29,077	\$ (77,191)
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 561,126</b>	<b>\$ 167,457</b>	<b>\$ (393,669)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,169,340</b>	<b>\$ 374,890</b>	<b>\$ (794,450)</b>
<b>CONTINGENCY FUND - 3.5%</b>	<b>\$ 40,927</b>	<b>\$ 13,121</b>	<b>\$ (27,806)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,210,267</b>	<b>\$ 388,011</b>	<b>\$ (822,256)</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 17,864</b>	<b>\$ (79,668)</b>	<b>\$ (97,532)</b>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2018**  
**For the 4 Months Ended October 31, 2017**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,228,131	\$ 308,343	\$ (919,788)
Operating Expenses	<u>1,118,967</u>	<u>374,890</u>	<u>(744,077)</u>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$ 109,164</b>	<b>\$ (66,547)</b>	<b>\$ (175,711)</b>
Cash Reserves	\$ 579,778	\$ 627,585	\$ 47,807
Debt Service Fee - New Homes	149,600	36,450	(113,150)
Capital Improvement Fees	159,132	39,783	(119,349)
Inflow & Infiltration - Reserve A	165,000	25,000	(140,000)
Tap Fees	621,000	126,000	(495,000)
Water Tower & Land Leases	185,837	56,511	(129,326)
Main Street Waterline Loan	1,500,000		(1,500,000)
Reservoir Cover Loan	<u>180,000</u>	<u>2,895,000</u>	<u>2,715,000</u>
<b>TOTAL OTHER REVENUE</b>	<b>\$ 3,540,347</b>	<b>\$ 3,806,329</b>	<b>\$ 265,982</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>3,649,511</b>	<b>3,739,782</b>	<b>90,271</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
MDE - East WWTP	\$ 241,265		\$ (241,265)
Main Street Waterline Loan	250,184		(250,184)
Reservoir Loan	56,578		(56,578)
Brookridge WTP Loan Payments	<u>370,314</u>		<u>(370,314)</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ 918,341</b>		<b>\$ (918,341)</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
Main Street Waterline	\$ 1,500,000	\$ 55,234	\$ (1,444,766)
Reservoir Improvements	180,000		(180,000)
Stream Erosion - Well Field Resto	243,000	902	(242,098)
SCADA Control System	134,231		(134,231)
Booster Station Pump Bypass	60,000		(60,000)
Raw Waterline Cleaning ICE PIG	9,000		(9,000)
Valve Replacement Jefferson Villa	40,500		(40,500)
Water Meter Replacements	57,322	3,254	(54,068)
Vactor Trailer & Excavator	60,000		(60,000)
Vactor Trailer & Excavator	<u>165,000</u>	<u>2,784</u>	<u>(162,216)</u>
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 2,449,053</b>	<b>\$ 62,174</b>	<b>\$ (2,386,879)</b>
<b>TOTAL CIP COSTS</b>	<b>\$ 3,367,394</b>	<b>\$ 62,174</b>	<b>\$ (3,305,220)</b>

Town of Middletown  
 CIP FUNDS and EXPENDITURES  
 WATER & SEWER  
 Fiscal Year 2018  
 For the 4 Months Ended October 31, 2017

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
TOTAL FUNDS REMAINING	<u>\$ 282,117</u>	<u>\$ 3,677,608</u>	<u>\$ 3,395,491</u>

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

October 23, 2017

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on October 23, 2017, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, Chris Goodman and Tom Catania.

### CONSENT AGENDA

*Reflex Sympathetic Dystrophy Day – November 6, 2017*

*Town Meeting Minutes – October 5, 2017 - Town Workshop*

*October 9, 2017 – Town Meeting*

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

### PERSONAL REQUESTS FOR AGENDA:

Kyleigh Gray – Community Project – Kyleigh was present tonight to ask the Town for permission to place a box at the Municipal Center to collect blankets. Kyleigh is joining her cousin in this project as her cousin has collected 7,000 blankets in 6 years. The Board agreed to allow Kyleigh to place a box at the Municipal Center as well as advertise this in our upcoming newsletter.

### Unfinished Business:

**Introduction of Ordinance 17-10-01 – Telecommunication Facilities** – An Ordinance to regulate wireless telecommunication facilities and complexes within the Town of Middletown. Burgess Miller stated that the Town does not currently have an Ordinance to regulate such.

**Introduction of Ordinance 17-10-02 – Work Within Public Right-of-Ways** – An Ordinance to amend Title 12 “Streets, Sidewalks and Public Places” of the Middletown Municipal Code by enacting provisions pertaining to the regulation work within public rights of way to be designated as Chapter 12.12 “Work Within Public Rights-of-Way”. Burgess Miller stated that this Ordinance goes along with Ordinance 17-10-01.

### NEW BUSINESS:

**Presentation of FY 2017 Audit – Albright, Crumbacker, Moul & Itell** – Mr. Kert Shipway, CPA presented the FY 17 audit to the Board.

Motion by Commissioner Falcinelli to approve the FY17 audit as presented, seconded by Commissioner Goodman. Motion carried 6-0.

**Discussion of use of Municipal Center by Community Groups** – Burgess Miller stated that we must decide if we still wish to have community groups use the upstairs room that we made into the Heritage Gallery. Commissioner Bussard stated that he is not going to take his memorabilia in/out daily when groups are using the room. Ann presented the Board with the calendar showing them who uses the room each month. Burgess Miller asked staff to provide the Commissioners with the monthly calendars as well as the frequency each group uses the room for their review and decision at the workshop on November 2, 2017.

**Frederick County Amendments to Comprehensive Plan – Growth Tier Maps** – Drew stated that County is updating their County Comprehensive Plan. They are not making any changes to Middletown. The County is asking if the Town has any questions or comments on their proposed amendment. The Board has no questions regarding the proposed amendment.

**PUBLIC COMMENT:**

**ANNOUNCEMENTS:**

- *Middletown Halloween Parade - Saturday, October 28, 2017*
- *250<sup>th</sup> Town Talks - Saturday, November 11, 2017 at 2pm. at Memorial Park.*

**ADJOURNMENT**

Meeting adjourned at 8:15pm.

Respectfully submitted,

Ann Griffin  
Office Manager

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/31/2017

RE: Monthly Planning Update - November

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**Major Subdivisions:**

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

**Site Plans, Plats and Minor Subdivisions:**

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

**Fire Station** – BOA approved height variance request - October 20, 2016  
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)  
Improvement Plans conditionally approved – December 19, 2016 (Plans expire 12/19/19)  
Final plat recorded at Courthouse – February 7, 2017  
Improvement Plan mylars signed – May 30, 2017  
Building permit conditionally approved – June 29, 2017

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

**Caroline's View/Horman Apartments**- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)  
Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)  
Revised Improvement Plan mylars signed – July 21, 2017  
**Next step – submittal of PWAs for approval and apply for building and grading permits**

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

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

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

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

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

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

Revised Concept Plan reviewed by PC – September 16, 2013

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

Improvement plans conditionally approved by PC – June 19, 2017

**Revised Lighting plan approved – October 16, 2017**

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

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

Site Plan reviewed by PC – May 16, 2016

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

**Next step – submit improvement plans for review/approval**

**School Complex roadway plans** – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017

(informed in June 2017 that funding was not approved for project)

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

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

#### **Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

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

PC approval of consistency with zoning/comp plan – February 20, 2017

#### **Text Amendments:**

#### **Reports:**

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

**Meetings:** Next Middletown Green Team Meeting – November 15, 2017

**Next Joint town board/planning commission workshop** – November 6, 2017

## Town of Middletown Zoning Staff Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 11/2/17

RE: Monthly Zoning Staff Report – October 2017

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**Board of Appeals (BoA) Meeting:** No BoA public meetings / hearings during month of October 2017.

### **Zoning Violations:**

(1) Restricted vehicle parked on residential property / car parked on grass / utility trailer parked in rear yard. 330 South Jefferson Street. A zoning ordinance violation notification letter was sent to property owner on July 10, 2017 advising him that he was not permitted to park a restricted vehicle (Ford F350 stake bodies truck) on grass or in a residentially zoned property in the town of Middletown in accordance with (IAW) Sections 17.32.065 – On-Street parking of restricted vehicles in residential districts – and 17.32.150 – Restricted vehicles – of the municipal code. Additionally, property owner was cited for parking a motor vehicle on grass in violation of Section 17.32.060(J)(3) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District. A third violation was noted since the property owner was parking two utility trailers in the rear yard of his property that was not effectively screened from adjoining properties in violation of Section 17.32.140 – Recreational equipment – of the municipal code. In subsequent conversations with homeowners, they provided measurements of the stake body truck that proved it was not a restricted vehicle and that it will be parked on their impervious parking apron of their driveway in the future. They also said that they will ensure that no motor vehicles are parked on grass surfaces in the future. The utility trailers will be screened from adjoining properties when a covered roof is installed on the rear of an existing storage shed in rear yard. The homeowner was given 90 days to complete the covered roof / screening project. I suggested to homeowner that I visit his property when this project is completed to ensure the screening of the utility trailers meets the intent of the municipal code for screening. Open.

(2) Commercial business being conducted from residence. 330 South Jefferson Street A complaint was received in the town office on July 10, 2017 that a commercial business was being conducted from this residentially zoned property. A google search showed that the address listed for Homeland Lawn Care Services was 330 South Jefferson Street. In follow-on conversations with one of the homeowners, she said that the lawn services business is conducted from her son's commercial business (Spectrum Carpet & Upholstery Cleaning, 5744-M Industry Lane) in Frederick where she works as an office administrator. She said they will change the business address on the websites to reflect that the business is conducted from 5744-M Industry Drive. On September 14, 2017, the town office received additional complaints from neighbors and other citizens that a commercial business was being operated out of 330 South Jefferson Street. Complaints included: (1) business is still operated out of the residence, (2) they are piling tree limbs, dirt, etc. in rear yard, and that (3) the lawn mowers used by the homeowner for his lawn care business are started up every morning. On September 25, 2017, the wife notified the town office via email that the address for Homeland Lawn Care had changed and was to be listed as Hollow Road Box #895, Middletown, MD 21769. In all my discussions with homeowner on this matter, he adamantly denies operating a business from his residence at 330 South Jefferson Street. Closed.

(3) Unregistered / inoperable vehicle parked in driveway. 5 Young Branch Drive. A zoning ordinance violation notification letter with citation and \$200 fine was sent to homeowner on July 19, 2017 for having an unregistered or inoperative motor vehicle parked on driveway (Silver Subaru sedan) in violation of Section 17.32.060(J)(2) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District – of the municipal code which states that “The parking and storage of not more than one unregistered or inoperative motor vehicle is permitted provided that such vehicle is effectively screened from adjoining properties.” This is the *fourth time* this homeowner has been cited for this same violation over the last three years. Property posted on August 16, 2017 when certified letter returned to town office with annotation that the post office was unable to deliver letter. There has been no response on the part of the property owner to the posting of the property. In a September 22, 2017 email received from the Town Administrator, he noted that the town’s attorney is researching the requirements for the town filing for a judgment in the Circuit Court. The town attorney notes that under both State and Town Code, if the person doesn’t pay the fine before the due date and doesn’t request a trial, then he/she is automatically liable for twice the amount of the fine (\$400 fine in this case), not to exceed \$1000. The attorney noted that the matter has to be sent to the Court for the entry of a judgment, and once the judgment is entered, the town can enforce the judgment just like any other judgment, e.g., garnish wages, attach bank accounts or other property, request a lien to be filed against any real estate the person owns in the county. Open.

(4) Recreational vehicle parked in driveway. 201 Ali Drive. A zoning ordinance violation notification letter was sent to property owner on September 18, 2017 for parking a camper trailer in driveway of residential property. Because the property is a corner lot, the trailer is also parked in the front yard setback of the property in violation of Section 17.32.140 – Recreational equipment – of the Middletown Municipal code. The code states that parking or storage of recreational equipment is not permitted in the front yard setback areas of any lot, and that recreational equipment is not permitted to be parked or stored on public streets and rights-of-way. Additionally, any recreational equipment which is stored in the side and rear yards shall be appropriately screened from adjoining properties. Such screening shall be reviewed and approved by the zoning administrator. I received an email from homeowner saying camper had been removed from property and stored off-site. Closed.

(5) Recreational vehicle parked in driveway. 102 Ali Drive. A zoning ordinance violation notification letter was sent to property owner on September 19, 2017 for parking a utility trailer in the driveway of their residential property in violation of Section 17.32.140 – Recreational equipment – of the Middletown Municipal code. The code states that parking or storage of any recreational equipment in the side and rear yards of residentially zoned properties shall be appropriately screened from adjoining properties. Such screening shall be reviewed and approved by the zoning administrator. I talked with home owner on September 23, 2017 regarding screening options, etc. He was given 30 days to provide a screening plan. I’m still waiting to receive screening plan. Open.

(6) Unregistered / inoperable motor vehicle parked in driveway. 101 Ali Drive. A zoning ordinance violation notification letter was sent to property owner on September 20, 2017 for parking an unregistered (no tags) / inoperable sports car on driveway that was not screened from adjoining properties IAW Section 17.32.060(J)(2) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District – of the Middletown Municipal Code. I discussed this matter with property owner. He placed unregistered / inoperable motor vehicle in garage. Closed.

(7) Motor Vehicle Parked on Grass. 307 South Church Street. A zoning ordinance violation notification letter was sent to the property owners on September 28, 2017 advising them that they are not permitted to park a motor vehicle on grass in the front yard of their residentially zoned property in accordance with Section 17.32.060(J)(3) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District - of the municipal code. The code states that a person may only park a motor vehicle on

an impervious surface; i.e., concrete, asphalt or gravel. I discussed violation with resident. He understands he cannot park motor vehicle on any grass surfaces at his residence. Closed.

(8) Recreational equipment parked in front yard of residential property. 331 South Church Street. A zoning ordinance violation notification letter was sent to property owner on October 5, 2017 for parking a camper trailer in front of his detached garage in the front yard setback of his residential property (corner lot – two front yards) in violation of Section 17.32.140 – Recreational equipment – of the Middletown Municipal code. The code states that parking or storage of any recreational equipment is not permitted in the front yard setback areas of any lot. Additionally, in subsequent conversations with homeowner, it was noted that the camper trailer is thirty (30) feet long which makes it a restricted vehicle. Sections 17.32.065 – On-Street parking of restricted vehicles in residential districts – and 17.32.150 – Restricted vehicles – of the municipal code state that it is a violation of the municipal code to park a restricted vehicle in a residential neighborhood except upon approval of a special exception by the Middletown BoA (See Section 17.48.320 of municipal code). I ensured he understood that there is no certainty that the BoA would approve his petition for a special exception to the municipal code to park restricted recreational equipment on his property. Homeowner is considering his options. Open.

(9) Recreational equipment parked in front yard of residential property. 340 South Jefferson Street. A zoning ordinance violation notification letter was sent to property owner on October 5, 2017 for parking a motor home in the front yard setback of his residential property in violation of Section 17.32.140 – Recreational equipment – of the Middletown Municipal code. The code states that parking or storage of any recreational equipment is not permitted in the front yard setback areas of any lot. Additionally, the motor home exceeds at least one of the dimensions (height of 12 feet plus) that makes the motor home a restricted vehicle. Sections 17.32.065 – On-Street parking of restricted vehicles in residential districts – and 17.32.150 – Restricted vehicles – of the municipal code state that it is a violation of the code to park a restricted vehicle in a residential neighborhood except upon approval of a special exception by the Middletown BoA (See Section 17.48.320 of municipal code). I advised the property owner that the only way he could park motor home in a residentially zoned district was by getting a special exception approval from the BoA. The homeowner elected to remove motor home permanently from property. Closed.

(10) Inoperable / unregistered vehicle parked in driveway. 105 South Jefferson Street. A zoning ordinance violation notification letter was sent to property owner on October 10, 2017 for parking an unregistered / inoperable motor vehicle (Mercedes Sedan) on driveway that was not screened from adjoining properties in accordance with Section 17.32.060(J)(2) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District – of the Middletown Municipal Code. Open.

(11) A-frame business sign. 7 West Main Street. A zoning ordinance violation notification letter was sent to property owner and business manager (PIOMA Performance Fitness) on October 12, 2017 for leaving an A-frame sign outside their business on the sidewalk overnight during non-business hours in violation of Section 17.36.150 – Temporary signs – of the Middletown Municipal Code. Subsequent property visits found no A-frame signs displayed outside this business on sidewalk during non-business hours. Closed.

(12) Large trash dumpster stored on street in front of residential property. 20 Knoll Side Lane. A zoning ordinance violation notification letter was sent to property owner on October 17, 2017 for placing / storing a large trash dumpster on the street in front of his residential property in violation of Section 17.32.045 – Storage and disposal containers – of the Middletown Municipal Code. The code states that “no person who owns, leases, occupies or has charge of any premises or property, in whole or part, shall place, keep or maintain a storage container on the premise or property” The code does permit the zoning administrator to approve the placing, keeping or maintaining of a storage container or disposal container on property or premise in any zone if storage or disposal container is to be used for and in connection with a construction, reconstruction or renovation

project on the property or premise. Subsequent property visit found that the large trash dumpster was no longer parked on street in front of residence. Closed.

(13) Recreational vehicle parked in driveway. 331A South Jefferson Street. A zoning ordinance violation notification letter was sent to property owner on October 18, 2017 for parking a boat on trailer in the front yard setback of his residential property in violation of Section 17.32.140 – Recreational equipment – of the Middletown Municipal code. The code states that parking or storage of any recreational equipment is not permitted in the front yard setback areas of any lot. The code states that parking or storage of any recreational equipment in the side and rear yards of residentially zoned properties shall be appropriately screened from adjoining properties. Such screening shall be reviewed and approved by the zoning administrator. Open.

(14) Motor Vehicle Parked on Grass. 3 Valley View Court. A zoning ordinance violation notification letter was sent to the property owner on October 26, 2017 for parking a motor vehicle (Toyota RAVA-4 SUV) on grass next to his garage. Section 17.32.060(J)(3) – Off Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District - of the municipal code prohibits motor vehicle being parked on non-impervious surfaces such as grass or mulch. The code states that a person may only park a motor vehicle on an impervious surface; i.e., concrete, asphalt or gravel. Open.

**Miscellaneous Zoning Issues:**

No items.

<b>October 2017 Zoning Certificates - completed</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Middletown Valley Investment Partners, LLC. Business owner: <u>Cinco De Mayo Restaurant</u> in Cross Stone Commons Shopping Center, Suite 212. (Jose Antonio Ulloa – owner).	200 Middletown Parkway	163480	8/16/17	10/16/17	yes
Ann Miller (Miller Commercial Properties, LLC) – construct a new core building on the rear of existing structure. Building Systems, Inc. is contractor.	203 East Main Street	164249	8/23/17	10/4/17	yes
Carolyn Kilpnsky – install a hot tub on a concrete pad next to deck at rear of SFD. A 9’ by 9’ cement pad to be installed.	8 Sanaz Court	165855	9/20/17	10/16/17	yes
Janice Walden – finishing portions of basement to add a bathroom and bedroom. Contractor is Kidwell Construction.	2 Stine Court	166126	10/2/17	10/19/17	yes

<b>October 2017 Zoning Certificates – completed (continued)</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Stephen Thayer – install a 8 feet x 7 feet (56 sq. ft.) shed on property in rear corner of yard and two 15 feet sections of new fencing on either side of SFD in side yard.	4 Walnut Pond Court	Town	10/3/17	10/3/17	no
The Consulting Network, Inc. – installation of twenty-seven (27) roof mounted solar panels. Aurora Energy, Inc. is installation contractor.	46 Boileau Court	165150	10/3/17	10/9/17	yes
Henry Zektser - finish basement to include adding a bedroom and bath. All walls added are non-load bearing.	404 Glenbrook Drive	165694	10/5/17	10/16/17	yes
Brian & Lisa McCrohan - installing an 18' x 16' wooden deck to rear of SFD.	16 Ali Drive	165810	10/5/17	10/16/17	yes
Patricia Hansen - installing a new bigger deck on rear of SFD. Deck is approximately 20' x 12' with an additional 4' x 8' section next to side of SFD - 14' from side property line. Replacing an existing 8' x 10' deck. New deck is composite materials. No demolition required.	303 South Jefferson Street	165950	10/9/17	10/11/17	yes
Kyle Purdy - add a laminated beam and support to a load-bearing wall for an 8 foot opening between the family room and dining room. Newell Property Services is contractor.	4 Manda Court	166173	10/17/17	10/17/17	yes
Middletown Commons Holdings (Middletown Glen) - new single-family dwelling (SFD). (Lot 17); Ryan Homes. Style: Rome; Elevation E.	113 Ingalls Drive	166268	10/17/17	11/1/17	yes

<b>October 2017 Zoning Certificates – completed (continued)</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Brian Lizzi - install 4 (four) 120 gallon above ground propane tanks on back left of SFD. Aro Energy is contractor for installation. (Reference Section 17.32.100 of municipal code).	102 Prospect Street	166500	10/19/17	10/30/17	yes
William A. Williams - demolish of wooden chicken coop structure in rear yard of residential property.	19 East Main Street	Town	10/20/17	10/26/17	yes
Eric & Reba Crabtree - install a 6' x 8' shed in rear yard of townhouse property.	71 Boileau Court	Town	10/25/17	10/25/17	no
Trey Kiska - installing a 10' x 12' storage shed (accessory building) in rear yard of residentially zoned property. Shed will be installed a minimum of 6 feet from the side and rear property lines IAW Section 17.32.170(D) of the municipal code.	3 Gladhill Drive	Town	10/31/17	10/31/17	no

<b>Zoning Certificate submitted– in progress</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Middletown Valley Investment Partners, LLC. Business owner: <u>Cinco De Mayo Restaurant</u> in Cross Stone Commons Shopping Center. W.J. Stickler Signs is vendor (signage); install illuminated signage on front and right side of unit; electrical permit required for illuminated wall signs.	200 Middletown Parkway		3/2/17		yes
Fran Walsh – replace existing 12' x 7' deck on town house	72 Boileau Ct		7/26/17		yes
Annalisa Geiger – replace old metal shed with same size shed at same location. (need BoA approval)	307 West Main Street		7/20/17		

<b>Zoning Certificate submitted- in progress</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Middletown Commons Holdings (Middletown Glen) - new single-family dwelling (SFD). (Lot 33); Ryan Homes. Style: Torino; Elevation N.	112 Ingalls Drive		9/15/17		no
Robin & Norman Crim – renovations to interior of SFD with no structural changes. Previous zoning certificate (ZC) for renovations expired on 7/31/17. New ZC required to complete renovations.	13 East Main Street	148274	9/7/17		yes
Clayton & Rebecca Doing - renovate kitchen. Request approved to place a trash dumpster on property for debris removed from existing kitchen. Dumpster approved for period 1 Nov 17 to 10 Nov 17.	210 Lombardy Court		10/30/17		yes

<b>Zoning Certificate submitted -- actions pending and/or suspended</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Bill Heaton – install an eighteen (18) feet round above ground swimming pool in rear yard. Pool will be four (4) feet tall.	703 East Main Street		8/8/16		yes
Timothy Warner – installation of twenty-eight (28) roof-mounted solar panels by SolarCity Corp.	212 Layla Drive		8/12/16		yes
James P. Malecki, Jr. – install propane gas logs in existing masonry fire place. Gas line on outside of house to provide gas to log insert.	8 Caroline Drive		10/18/16		yes
Kevin & Adele Air – house renovation. Request a trash dumpster for three months during renovations.	10 Washington Street		3/24/17		yes

<b>Zoning Certificate submitted -- actions pending and/or suspended (continued)</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Eric Watson - to construct a new 24' x 14' composite deck with steps to grade on rear of SFD. Construction of deck requires a variance from rear yard building restriction line (BRL). Needs to submit paperwork for BoA public hearing.	5 Tile Silo Court		6/1/17		yes



## FREDERICK COUNTY GOVERNMENT

**DIVISION OF PLANNING & PERMITTING**  
Department of Planning

Jan H. Gardner  
*County Executive*

Steven C. Horn, *Division Director*  
Jim Gugel, *Director*

September 22, 2017

TO Municipal Officials

FROM Jim Gugel, Planning Director 

RE County Comprehensive Plan Amendment – Growth Tier Map

This amendment is proposed to incorporate the Growth Tier Map into the County Comprehensive Plan. The initial adoption of the Growth Tier Map, on February 30, 2013, was done administratively with the requirement in state code that they be subsequently incorporated into a jurisdiction's comprehensive plan.

Since this amendment is to the County Comprehensive Plan the Growth Tier Map no longer includes any growth tier designations within the current municipal boundaries except for the Village of Rosemont, which does not have its own municipal comprehensive plan. Each municipality would have the ability to adopt, if necessary, its own growth tier map as part of the municipal comprehensive plan.

This notification initiates the 60-day review period for the amendment. A public hearing before the County Planning Commission is scheduled for **Wednesday December 13, 2017 at 9:30 am**, Winchester Hall, 12 E. Church St., Frederick.

Please forward any comments regarding this amendment by December 4, 2017.

Send any comments or questions to:

Jim Gugel  
Division of Planning & Permitting  
30 N. Market St.  
Frederick MD 21701

301-600-1144  
[jgugel@frederickcountymd.gov](mailto:jgugel@frederickcountymd.gov)

Attachments

Staff report  
Growth Tier map

September 8, 2017

Frederick County Division of Planning & Permitting

## County Comprehensive Plan Amendment – Growth Tier Map

### **PROPOSED AMENDMENT**

The purpose of the Comprehensive Plan Amendment (CPA) is to incorporate the Growth Tier Map into the County Comprehensive Plan. The need for the CPA is also being driven by the transition to a state mandated comprehensive plan review cycle from a six-year cycle to a ten-year cycle. This plan update cycle was changed as part of House Bill 409 adopted in 2013.

When the Septic Bill was passed in 2012 it allowed the initial adoption of Growth Tiers to be done administratively with the provision that the growth tier map would be subsequently adopted and incorporated into a jurisdiction's comprehensive plan. Related to the comprehensive plan update cycle transition and based on the adoption of the County Comprehensive Plan in 2010, Frederick County would have been required to incorporate the growth tier map into the comprehensive plan by 2016.

The current growth tier map was adopted by the prior Board of County Commissioners in February 2013. The growth tier map proposed in this CPA has been revised to reflect revisions to the sewer plan classification of properties and annexations into several municipalities since 2013. Since this amendment is specifically for the County Comprehensive Plan, the growth tiers will not be shown within the municipalities except for the Village of Rosemont.

### **BACKGROUND**

The Maryland General Assembly passed Senate Bill 236, the Sustainable Growth and Agricultural Preservation Act of 2012 (i.e. the Septic Bill) during the 2012 legislative session. The goal of the legislation is as follows:

*"To limit the disproportionate impacts of large subdivisions on septic systems on our farm and forest land, streams, rivers and Chesapeake and Coastal Bays. "*

### **Growth Tier Mapping**

The primary component of SB 236 is the growth tier mapping, which applies to both counties and municipalities. Below is a brief description of the Tiers. The Maryland Department of Planning (MDP) has prepared an implementation guidance document for local jurisdictions to use in preparing the tier mapping.

Tier I – areas currently served by public sewerage systems

Tier II – areas planned to be served by public sewerage systems

Tier III – areas not planned to be served by public sewerage systems and would allow for major subdivisions on individual septic systems.

Tier IV – areas planned for agricultural, resource protection, preservation, or conservation

To reiterate from the Septic Bill Highlights, any limitation on major subdivisions **ONLY** applies to residential developments. Major subdivisions on septic for commercial, industrial and other non-residential developments will continue to be allowed in any property in a Tier III or IV area,

Properties within Tiers I and II are not permitted to have major residential subdivisions on septic systems. Since the County's Water and Sewer Plan already prohibits properties from using septic systems if they have a sewer classification of S-1 to S-4, being in a Tier I or II would not create any additional restriction.

### **Application of the Growth Tiers for Frederick County**

Using MDP's implementation guidance document, staff has applied the growth tier criteria using the terminology of the County's Comprehensive Plan. The County has also established definitions for the references to "served" by public sewerage and "planned" to be served by public sewer based on the County's Water and Sewerage Plan classifications. Classifications served by a public sewerage system are defined as S-1 or S-3. Classifications planned to be served by a public sewerage system are defined as S-4, S-5, or PS. For areas that do not fit the criteria described below, the State allows for the identification of sub-categories such as Tier I A, Tier II A etc. The County has several areas that are in such sub-categories and are noted below.

The growth tier criteria only describe the application to the County's jurisdiction with the exception for the Village of Rosemont, which is still referenced since they do not have a municipal comprehensive plan. The other municipalities have the ability to adopt their own growth tier mapping.

## **Tier I Criteria**

### **Unincorporated Growth Areas**

1. Within a community growth area boundary, AND
2. Sewer classification of S-1 or S-3

### **Tier I A**

1. Areas with existing public sewer service NOT in a growth area
  - Pleasant Branch WWTP – Knolls of Windsor development and other uses in the service area
  - Samhill WWTP – Samhill Estates and Heritage Ridge developments
  - White Rock and Crestview subdivisions
  - Knoxville Rural Community
  - Blue Ridge Summit Rural Community (served through Washington County)
  - Mill Bottom Rd. area just west of Mt. Airy that has been identified as a potential sewerage problem area due to failing septic systems

## **Tier II Criteria**

### **Unincorporated Growth Areas**

1. Within a community growth area boundary, AND
2. Sewer classification of S-4, S-5, or PS

### **Tier II A**

1. Areas planned for public sewer NOT in a growth area
  - Village of Rosemont
2. Areas within a Municipal Growth Element (MGE) NOT planned for sewer service
  - Would include properties around Mt. Airy, Middletown, Woodsboro, and Thurmont
3. Areas within an Unincorporated Growth Area NOT planned for sewer service
  - Be applied to Future Growth Areas as described in the County Plan and include areas within the Urbana, Jefferson, and Walkersville community growth areas

### **Tier III Criteria**

Properties within Tier III are permitted to have major subdivisions (greater than five (5) lots) on individual septic systems.

Areas outside of Community Growth Areas

1. Designated Rural Communities, OR
2. Areas designated Rural Residential that are outside of a PPA, OR
3. Areas designated Limited Industrial, General Industrial, or Mineral Mining

### **Tier IV Criteria**

The Tier IV area is primarily zoned Agricultural and Resource Conservation (RC). Under the Septic Bill properties within a Tier IV area would not be allowed to have major subdivisions (as defined by the respective jurisdiction) on septic. The legislation allows for the ability to request an exemption from this limitation, which Frederick County did apply for and received from MDP on May 31, 2013. While this Tier IV exemption was suspended for a time due to concerns about the County's adoption of the Agricultural Rights Transfer Ordinance (ARTO), the exemption was reinstated as of November 7, 2016 when the ARTO was repealed.

Areas outside of Community Growth Areas

1. Areas designated Agricultural/Rural, Natural Resource, or Public Parkland/Open Space
2. Areas within a Priority Preservation Area (PPA)

### **PROPOSED GROWTH TIER MAP REVISIONS**

Along with the process to amend the County Comprehensive Plan to include the growth tiers, the mapping is proposed to be revised to reflect changes in a property's sewer plan classification. As properties receive a sewer classification of S-3 they would be able to shift from Tier II to Tier I. There are no changes proposed in the Tier III or Tier IV areas. The following developments are proposed to shift from Tier II to Tier I.

#### **Urbana**

- Northern Town Center MXD
- Urban Green
- Boxwood section of Villages of Urbana

#### **Monrovia**

- Landsdale

#### **Linganore**

- Linganore Town Center
- Properties along Yeagertown Rd.

#### **Spring Ridge/Bartonsville**

- Beshers property
- Preserve at Long Branch (Rayburn)
- Tallyn Ridge

#### **Ballenger Creek**

- Jefferson Technology Park
- Jefferson Park West
- Manor at Ballenger
- Wedgewood West

**Jefferson**

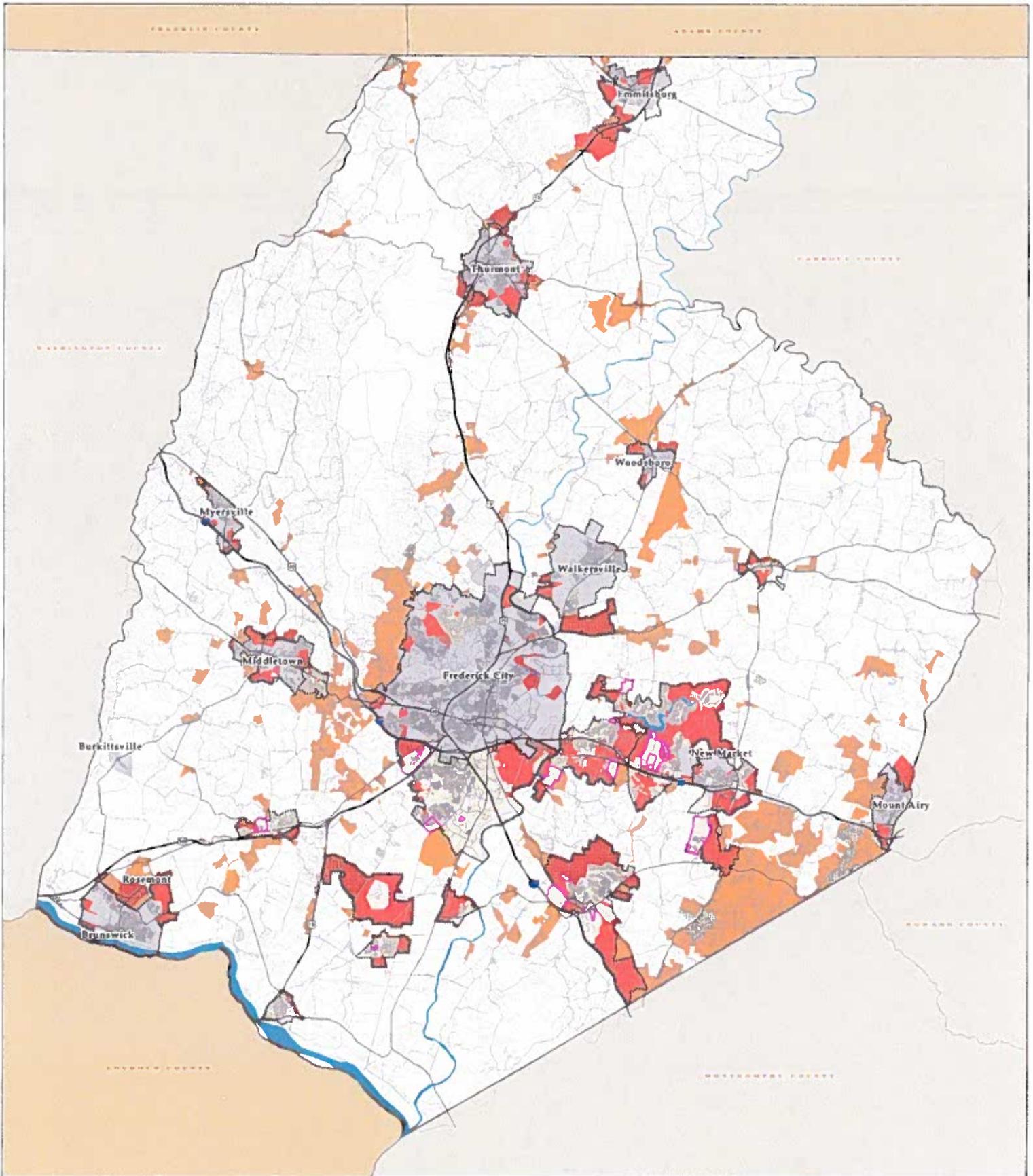
- Woodbourne Manor

**Municipalities**

Relative to the municipalities the revised map will no longer reflect growth tiers within the municipal boundaries. The mapping will however still show growth tiers for the designated municipal growth areas that are still under the County's jurisdiction.

**RECOMMENDATION**

Staff recommends that the Growth Tier Map with proposed revisions be adopted and incorporated into the County Comprehensive Plan.



# Growth Tier Map - Frederick County

- Municipality
  - Tier I
  - Tier II
  - Tier III
  - Tier IV
  - Tier IA
  - Tier IIA
  - Proposed Revisions - Tier II to Tier I
- Note: Each municipality is responsible for adopting their own growth tier mapping

  
**Draft - February 10, 2017**  



**Division of  
Planning and Permitting**  
 February 10, 2017

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reference to this map is at the risk of the user. This map is for illustrative purposes only and should not be used for surveying, engineering, or site-specific analysis.

RECEIVED

OCT 24 2017

TOWN OF MIDDLETOWN



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

*MIDDLETOWN LIONS CLUB*

*P.O. Box 190*

*Middletown, MD 21769*

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October 24, 2017

**Burgess and Commissioners  
Town of Middletown  
30 West Main Street  
Middletown, MD 21769**

**Burgess and Commissioners,**

**As part of celebration of the Lions Club International (LCI) organization's 100th birthday, individual Lions Clubs are encouraged to provide centennial projects in their respective communities. As the Centennial Chair for the Middletown Lions Club, I've coordinated with Commissioner Chris Goodman, Parks and Recreation Committee Chair, and Drew Bowen, Town Manager to identify a centennial project for the Town of Middletown. It was determined that our Centennial Project would be the purchase of bike racks for the town's three municipal parks.**

**The Middletown Lions Club at our October 23, 2017 business meeting, approved providing funds to the Town of Middletown government to purchase three (3) MYTCOAT 3 Hump Wave Bike racks (Black Powder coating) at a total cost of \$993.00 (costs includes the 3 bike racks and associated shipping) - see attached proposal. The plan, if you approve, is for the town staff to order the bike racks with the funds provided by the Middletown Lions Club as our Centennial Celebration project for the town and install the bike racks in accordance with the town's desired installation standards and at locations in the parks to be determined by the town. The plan is to install one bike rack at Wiles Branch Park, one at Middletown Memorial Park and one at Remberg Park.**

**The Middletown Lions Club requests your approval of our Centennial Project for the town.**

Sincerely,

A handwritten signature in black ink that reads 'Ronald G. Forrester'.

**Ronald G. Forrester**

**President, Middletown Lions Club**



29 Apples Church Road  
 Thurmont, MD 21788  
 (800) 385-0075  
 www.playspec.com

**ADDRESS**  
 TOWN OF MIDDLETOWN  
 ATTN.CHRIS GOODMAN  
 31 WEST MAIN ST  
 MIDDLETOWN, MD 21769

**SHIP TO**  
 SAME

**SALES REP**  
 TIM BOYLE

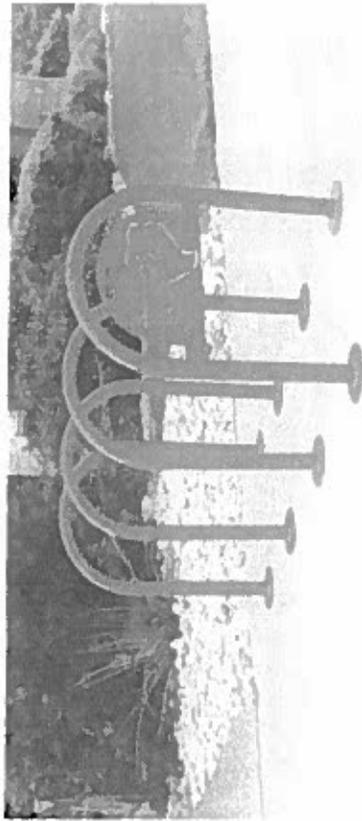
DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
<b>MYTCOAT</b> BKW37-190-PC- IM - 3 HUMP WAVE BIKE RACK - BLACK POWDER COAT	3	256.00	768.00

*3% surcharge on Visa/MasterCard	SUBTOTAL	768.00
*Valid for 30 days unless otherwise noted	TAX (0%)	0.00
*50% deposit. Balance due Net 30	SHIPPING	225.00
Sign and return with approved colors for order placement		

**TOTAL** 1093.00

Accepted By

Accepted Date



<p><b>Flattop Lid - 12" Opening</b></p> <p>Model Number: B2170 3-04-000 Available Sizes: 31 Gal/In 12" Opening Material: Formed Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Any Coating Color</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Rain Bonnet Top</b></p> <p>Model Number: B2171 3-05-000 Available Sizes: 31 Gal/In Material: Formed Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Any Coating Color</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>
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<p><b>Plastic Dome Lid</b></p> <p>Model Number: B2172 3-06-000 Available Sizes: 31 Gal/In Material: Molded Plastic</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Black Only</li> </ul>		<p><b>Plastic Liner</b></p> <p>Model Number: B2112 3-04-000 Available Sizes: 31 Gal/In Material: Rigid Plastic</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Black Only</li> </ul>
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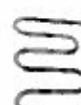
<p><b>Steel Dome Lid</b></p> <p>Model Number: B2173 3-05-000 Available Sizes: 31 Gal/In Material: Formed Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Any Coating Color</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Trash Receptacle Inground Mount</b></p> <p>Model Number: B2112 3-04-000 Available Sizes: 31 Gal/In Material: Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Protek Coat Finish</li> </ul>
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<p><b>Ash Bonnet Top</b></p> <p>Model Number: B2174 3-06-000 Available Sizes: 31 Gal/In Material: Formed Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Any Coating Color</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Trash Receptacle Surface Mount</b></p> <p>Model Number: B2112 3-04-000 Available Sizes: 31 Gal/In Material: Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Protek Coat Finish</li> </ul>
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<p><b>Ashurn</b></p> <p>Model Number: U2101 3-05-000 Material: Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Expanded Metal, Powder Coat Steel or Standard Steel</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2175 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>
<p><b>Ashurn</b></p> <p>Model Number: U2102 3-05-000 Material: Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Expanded Metal, Powder Coat Steel or Standard Steel</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2176 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>
<p><b>Ashurn</b></p> <p>Model Number: U2103 3-05-000 Material: Steel</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Expanded Metal, Powder Coat Steel or Standard Steel</li> <li>Advantage Coating or Industry Standard Coating</li> </ul>		<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2177 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>

Not All Models Number May Be Shown - Please Refer to Price List for Complete Model Number List

<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2175 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>		<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2176 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>	
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<p><b>Two Hump Wave Bike Rack - 5 Bike</b></p> <p>Model Number: B2178 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>1 1/2" OD or 1 3/4" Galvalume Steel Tubing</li> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>		<p><b>Three Hump Wave Bike Rack - 7 Bike</b></p> <p>Model Number: B2179 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>1 1/2" OD or 1 3/4" Galvalume Steel Tubing</li> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>	
<p><b>Single Loop Bike Rack - 3 Bike</b></p> <p>Model Number: B2177 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>		<p><b>Four Hump Wave Bike Rack - 9 Bike</b></p> <p>Model Number: B2180 3-05-000 Material: 2 1/2" x 3 1/2" Galvalume Steel Tubing</p> <p>Options:</p> <ul style="list-style-type: none"> <li>1 1/2" OD or 1 3/4" Galvalume Steel Tubing</li> <li>Available in Protek Coat Finish</li> <li>Advantage Coating or Industry Standard Coating</li> <li>Approved for Surface Mount</li> </ul>	

PH: (855) 657-9516 | Web: www.myload.com | FX: (888) 607-7259

**RESOLUTION NO. 17-08**

**RESOLUTION ADOPTING THE FREDERICK COUNTY HAZARDOUS MITIGATION PLAN**

**WHEREAS**, a Hazard Mitigation Planning Committee (HMPC), composed of various county agencies and representatives from Frederick County, the City of Frederick and the towns of Brunswick, Burkittsville, Emmitsburg, Middletown, Mount Airy, Myersville, New Market, Rosemont, Thurmont, Woodboro, and Walkersville was convened in order to study the risks from vulnerabilities to natural hazards, and to make recommendations for mitigating the effects of such hazards on Frederick County and its municipalities; and

**WHEREAS**, a request for proposals was issued to hire an experienced consulting firm to work with the HMPC to update a comprehensive hazard mitigation plan for Frederick County; and

**WHEREAS**, the efforts of the HMPC members and the consulting firm of Dewberry, in consultation with members of the county's public, private and non-profit sectors, have resulted in an update of the Frederick County Hazardous Mitigation Plan including the Town of Middletown.

**NOW THEREFORE, BE IT RESOLVED** by the Burgess and Commissioners of Middletown that the Frederick County Hazardous Mitigation Plan dated May 2016 is hereby approved and adopted for the Town of Middletown.

**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017**

**EFFECTIVE DATE: \_\_\_\_\_**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess

DRAFT