



AGENDA FOR THE TOWN MEETING

October 9, 2017

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

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

CONSENT AGENDA

- [Financial Statements](#)
- Town Meeting Minutes
 - [September 7, 2017 – Town Workshop](#)
 - [September 11, 2017 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

STAFF REPORTS:

[Staff Planner](#)

[Main Street Manager](#)

[Engineers Report](#)

[Zoning Administrator](#)

UNFINISHED BUSINESS:

- Memar Annexation Update
 - [Draft Annexation Agreement](#)
 - Express Approval - Pros & Cons
- [Architectural Renderings – Miller Property](#)
- [Bid Recommendation from Reservoir Project](#)

REPORT OF COMMITTEES:

Water/Sewer

Commissioner Falcinelli

Public Works

Commissioner Bussard

Sustainability

Commissioner Dietrick

Planning Commission Liaison

Commissioner Catania

Parks & Recreation

Commissioner Goodman

Public Information

Commissioner Falcinelli

NEW BUSINESS:

- [Review of Middletown's Emergency Preparedness Plan](#)
- [Recycling Law Notification Factsheet](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Scarecrow Decorating Contest and Walk – Saturday, October 21, 2017*
- *Middletown Halloween Parade – Saturday, October 28, 2017*

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2018
 For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
REVENUE			
LOCAL TAX			
Real Property	\$ 1,253,427	\$ 778,293	\$ (475,134)
Tangible Personal Property	38,248	21,542	(16,706)
Public Utilities	9,827		(9,827)
Franchise (Cable)	50,615		(50,615)
Penalties & Interest	10,544		(10,544)
	<u>\$ 1,362,661</u>	<u>\$ 799,835</u>	<u>\$ (562,826)</u>
STATE SHARED TAX			
Admission & Amusement	\$ 21,526		\$ (21,526)
Highway Gasoline & Licenses	160,606		(160,606)
	<u>\$ 182,132</u>		<u>\$ (182,132)</u>
COUNTY SHARED TAX			
Income Taxes	\$ 896,179	\$ 90,502	\$ (805,677)
Tax Equity Grant	610,423	152,605	(457,818)
	<u>\$ 1,506,602</u>	<u>\$ 243,107</u>	<u>\$ (1,263,495)</u>
LICENSES AND PERMITS			
Business / Traders	\$ 4,900	\$ 878	\$ (4,022)
Planning / Zoning Fees	27,950	2,200	(25,750)
	<u>\$ 32,850</u>	<u>\$ 3,078</u>	<u>\$ (29,772)</u>
PARKS AND RECREATION			
Pavillion Fees	\$ 3,158	\$ 996	\$ (2,162)
	<u>\$ 3,158</u>	<u>\$ 996</u>	<u>\$ (2,162)</u>
POLICE PROTECTION			
State Grant	\$ 26,187		\$ (26,187)
	<u>\$ 26,187</u>		<u>\$ (26,187)</u>
MISCELLANEOUS			
Bank Shares Grant	\$ 2,500		\$ (2,500)
Miscellaneous & Donations		575	575
	<u>\$ 2,500</u>	<u>\$ 575</u>	<u>\$ (1,925)</u>
OPERATING REVENUES	\$ 3,116,090	\$ 1,047,591	\$ (2,068,499)
State Grants & Interest	\$ 78,703	\$ 60	\$ (78,643)
TOTAL REVENUE	\$ 3,194,793	\$ 1,047,651	\$ (2,147,142)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2018
 For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 16,500	\$ 2,600	\$ (13,900)
Communications	9,480	576	(8,904)
Dues & Subscriptions	7,400	6,485	(915)
Office Supplies & Exp	7,500	871	(6,629)
Advertising	2,500		(2,500)
Meetings & Conventions	15,000	2,944	(12,056)
	<u>\$ 58,380</u>	<u>\$ 13,476</u>	<u>\$ (44,904)</u>
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 1,700</u>	<u>\$ (8,500)</u>
	\$ 10,200	\$ 1,700	\$ (8,500)
<u>ELECTION</u>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>250</u>		<u>(250)</u>
	\$ 700		\$ (700)
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 254,512	\$ 62,437	\$ (192,075)
Postage & Printing	200		(200)
Communications	7,205	2,273	(4,932)
Computer Expenses	29,512	15,103	(14,409)
Office Supplies & Exp	27,953	5,091	(22,862)
Office Maintenance	29,600	9,527	(20,073)
Dues & Subscriptions	150		(150)
Professional Services	4,600		(4,600)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 353,832</u>	<u>\$ 94,431</u>	<u>\$ (259,401)</u>
<u>OPERATIONS</u>			
Director Salary	\$ 101,415	\$ 43,527	\$ (57,888)
Maintenance Salary	130,351	9,351	(121,000)
Communications	9,000	1,778	(7,222)
Supplies & Expenses	17,960	7,593	(10,367)
Dues & Meetings		371	371
Maintenance & Repairs	28,173	4,452	(23,721)
Tools & Equipment	<u>2,544</u>	<u>2,058</u>	<u>(486)</u>
	<u>\$ 289,443</u>	<u>\$ 69,130</u>	<u>\$ (220,313)</u>

PROFESSIONAL SERVICES

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2018
For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Independent Accounting	\$ 16,000		\$ (16,000)
Legal - Development		247	247
Legal - Ordinances	<u>7,388</u>	<u>1,159</u>	<u>(6,229)</u>
	\$ 23,388	\$ 1,406	\$ (21,982)
 <u>PLANNING & ZONING</u>			
Salary & Fees	\$ 51,797	\$ 9,142	\$ (42,655)
Other Expenses	<u>1,778</u>	<u>375</u>	<u>(1,403)</u>
	\$ 53,575	\$ 9,517	\$ (44,058)
 <u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 45,482	\$ 10,145	\$ (35,337)
Town Contribution	<u>10,000</u>	<u>11,170</u>	<u>1,170</u>
	\$ 55,482	\$ 21,315	\$ (34,167)
 <u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	16,338		(16,338)
Community Deputy Program	<u>385,232</u>	<u>99</u>	<u>(385,133)</u>
	\$ 421,570	\$ 99	\$ (421,471)
 <u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 271,796	\$ 70,449	\$ (201,347)
 <u>RECREATION AND CULTURE</u>			
Park Salary	45,030	8,951	(36,079)
Park Electric	1,175	428	(747)
Maintenance & Repairs	37,490	7,496	(29,994)
Mowing	32,319	7,656	(24,663)
Remsberg Park - Interest	7,906	2,301	(5,605)
Remsberg Park - Principal	<u>115,643</u>	<u>28,587</u>	<u>(87,056)</u>
	\$ 239,563	\$ 55,419	\$ (184,144)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2018
For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 71,266	\$ 25,375	\$ (45,891)
Street Lighting	203,160	29,862	(173,298)
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	1,380	(11,020)
Truck Repair & Operation	42,600	3,711	(38,889)
Equipment Repairs & Ops	26,675	1,840	(24,835)
Mowing	33,440	9,216	(24,224)
Interest	59,874		(59,874)
West Green St - Principal	<u>79,300</u>	<u>65,960</u>	<u>(13,340)</u>
	\$ 711,615	\$ 149,616	\$ (561,999)
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,732	333	(2,399)
Community Events	33,140	30,667	(2,473)
Payroll Taxes	58,923	12,718	(46,205)
Insurance - Property	14,445	3,248	(11,197)
Insurance - Employee	136,214	77,207	(59,007)
Retirement/Pension	68,184	3,352	(64,832)
Web Page & Directory	3,890	929	(2,961)
Real Estate Taxes	800	1,679	879
Other	<u>3,500</u>	<u>439</u>	<u>(3,061)</u>
	\$ 326,928	\$ 135,572	\$ (191,356)
TOTAL EXPENDITURES	\$ 2,816,472	\$ 622,130	\$ (2,194,342)
INCOME (LOSS) Exc. Cash Reserves	\$ 378,321	\$ 425,521	\$ 47,200
CASH RESERVES	\$ 881,203	\$ 631,560	\$ (249,643)
SURPLUS / (DEFICIT)	\$ 1,259,524	\$ 1,057,081	\$ (202,443)

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2017
 For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 3,116,090	\$ 1,047,591	\$ (2,068,499)
OPERATING EXPENSES			
Expenses	2,816,472	622,130	(2,194,342)
OPERATING SURPLUS (DEFICIT)	\$ 299,618	\$ 425,461	\$ 125,843
<u>OTHER FUND</u>			
POS - Development	\$ 76,500		\$ (76,500)
Community Legacy Grants	64,000		(64,000)
RETAINED EARNINGS	353,739		(353,739)
Interest	2,203	60	(2,143)
Improvement Fees	241,500	42,000	(199,500)
TOTAL OTHER FUNDS	\$ 737,942	\$ 42,060	\$ (695,882)
TOTAL FUNDS AVAILABLE	\$ 1,037,560	\$ 467,521	\$ (570,039)
<u>CIP PROJECTS & PURCHASES</u>			
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		(75,000)
Wayfinding Signs	8,750		(8,750)
Remsberg Park Walking Trail and	87,000	143	(86,857)
Remsberg Park Precast Bathroom	40,000		(40,000)
Memorial Park Playground Replace	36,000		(36,000)
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		(17,204)
	\$ 1,182,337	\$ 551,526	\$ (630,811)
OPERATING & CIP SURPLUS (DEFICIT)	\$ (144,777)	\$ (84,005)	\$ 60,772

Town of Middletown
 CIP Funds & Expenditures
 General Fund
 Fiscal Year 2017
 For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 881,203	\$ 436,465	\$ (444,738)
TOTAL CASH SURPLUS	<u>\$ 736,426</u>	<u>\$ 352,460</u>	<u>\$ (383,966)</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2018
For the 3 Months Ended September 30, 2017

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 175,294	\$ 41,868	\$ (133,426)
Water Distribution System			
Supplies	5,500	329	(5,171)
Repairs & Maintenance	18,900	17,128	(1,772)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	4,105		(4,105)
Sub-Total	\$ 34,005	\$ 17,457	\$ (16,548)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 23,816	\$ 12,500	\$ (11,316)
Supplies	2,000	849	(1,151)
Repairs & Maintenance	66,700	7,017	(59,683)
Chemicals	9,199	2,710	(6,489)
Tools & Equipment	2,053		(2,053)
Testing & Analysis	14,400	1,738	(12,662)
Sub-Total	\$ 118,168	\$ 24,814	\$ (93,354)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 327,467	\$ 84,139	\$ (243,328)
SEWER			
Salaries	\$ 134,998	\$ 31,013	\$ (103,985)
Sewer Collection System			
Cone Branch PS	18,500	2,491	(16,009)
Brookridge South PS	10,779	542	(10,237)
Foxfield PS	6,500	742	(5,758)
Sanitary Sewerlines & Manholes	25,000	1,657	(23,343)
I & I Accrual	75,000	18,750	(56,250)
Sub-Total	\$ 135,779	\$ 24,182	\$ (111,597)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2018
For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
REVENUE			
Water Revenue	\$ 608,726	\$ 589	\$ (608,137)
Sewer Revenue	603,153	595	(602,558)
Penalties/Reconnects	15,252	1,165	(14,087)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,228,131	\$ 2,349	\$ (1,225,782)

EXPENDITURES

ADMINISTRATIVE

Office Salaries	\$ 48,827	\$ 5,130	\$ (43,697)
Communications	11,742	2,305	(9,437)
Postage	9,503	8,000	(1,503)
Office Supplies/Expense	15,712	3,628	(12,084)
Legal - Other	2,000		(2,000)
Meetings & Seminars	2,500	25	(2,475)
Advertising	500	498	(2)
Uniforms	3,925	1,195	(2,730)
Dues/Subscrip/Certifications	500	65	(435)
Travel	200		(200)
Payroll Taxes	27,798	5,262	(22,536)
Insurance - Prop. & Liability	10,215	2,112	(8,103)
Insurance - Workers Comp	8,980	1,953	(7,027)
Insurance - Health	53,324	16,048	(37,276)
Retirement/Pension	29,230	767	(28,463)
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	\$ 79,778	\$ (180,569)

Vehicles & Equipment

2016 Truck (Pearl)	\$ 2,280		\$ (2,280)
2008 Truck	2,280		(2,280)
2012 Truck (Miller)	2,280		(2,280)
2013 Truck (Whitney)	2,280		(2,280)
2015 Meter Van (Hightman)	2,280	293	(1,987)
Misc Equipment	3,000	1,714	(1,286)
Bobcat Mini-Excavator	3,000		(3,000)
Case Backhoe	3,000		(3,000)
Sub-Total	\$ 20,400	\$ 2,007	\$ (18,393)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2018
For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 25,327	\$ 13,720	\$ (11,607)
Supplies	6,352	803	(5,549)
Repairs & Maintenance	16,600	1,160	(15,440)
Chemicals	33,725	8,231	(25,494)
Tools & Equipment	6,090		(6,090)
Testing & Analysis	34,187	4,996	(29,191)
Sludge Hauling Expense	61,800	9,432	(52,368)
Sub-Total	\$ 184,081	\$ 38,342	\$ (145,739)
West Wastewater Treatment Plant			
Electric	\$ 17,010	\$ 3,892	\$ (13,118)
Supplies	2,500	9	(2,491)
Repairs & Maintenance	2,000	603	(1,397)
Chemicals	47,949	13,718	(34,231)
Tools & Equipment	2,510		(2,510)
Testing & Analysis	11,649	1,524	(10,125)
Sludge Hauling Expense	22,650	4,312	(18,338)
Sub-Total	\$ 106,268	\$ 24,058	\$ (82,210)
TOTAL SEWER EXPENSES	\$ 561,126	\$ 117,595	\$ (443,531)
TOTAL WATER/SEWER EXPENSES	\$ 1,169,340	\$ 283,519	\$ (885,821)
CONTINGENCY FUND - 3.5%	\$ 40,927	\$ 9,923	\$ (31,004)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,210,267	\$ 293,442	\$ (916,825)
NET INCOME (LOSS)	\$ 17,864	\$ (291,093)	\$ (308,957)

Town of Middletown
CIP FUNDS and EXPENDITURES

WATER & SEWER

Fiscal Year 2018

For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,228,131	\$ 2,349	\$ (1,225,782)
Operating Expenses	<u>1,118,967</u>	<u>283,519</u>	<u>(835,448)</u>
OPERATING SURPLUS (DEFICIT)	\$ 109,164	\$ (281,170)	\$ (390,334)
Cash Reserves	\$ 579,778	\$ 618,022	\$ 38,244
Debt Service Fee - New Homes	149,600		(149,600)
Capital Improvement Fees	159,132		(159,132)
Inflow & Infiltration - Reserve A	165,000	18,750	(146,250)
Tap Fees	621,000	108,000	(513,000)
Water Tower & Land Leases	185,837	38,451	(147,386)
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>
TOTAL OTHER REVENUE	\$ 3,540,347	\$ 3,678,223	\$ 137,876
TOTAL FUNDS AVAILABLE	3,649,511	3,397,053	(252,458)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
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>
TOTAL DEBT SERVICE COSTS	\$ 918,341		\$ (918,341)
<u>WATER & SEWER PROJECTS</u>			
Main Street Waterline	\$ 1,500,000	\$ 53,184	\$ (1,446,816)
Reservoir Improvements	180,000		(180,000)
Stream Erosion - Well Field Resto	243,000	903	(242,097)
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>1,610</u>	<u>(163,390)</u>
TOTAL WATER & SEWER PROJECTS	\$ 2,449,053	\$ 58,951	\$ (2,390,102)
TOTAL CIP COSTS	\$ 3,367,394	\$ 58,951	\$ (3,308,443)

Town of Middletown
 CIP FUNDS and EXPENDITURES
 WATER & SEWER
 Fiscal Year 2018
 For the 3 Months Ended September 30, 2017

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
TOTAL FUNDS REMAINING	<u>\$ 282,117</u>	<u>\$ 3,338,102</u>	<u>\$ 3,055,985</u>

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

WORKSHOP MEETING

September 7, 2017

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

STAFF REPORTS:

Community Deputy Report - DFC Rowe gave the deputy report for August.

Staff Planner Report - Cindy gave her report.

Main Street Manager Report - Becky gave her report.

Engineers Report – Bruce gave his report.

Zoning Administrator’s Report – Ron was not present but submitted his report for the Board’s review.

UNFINISHED BUSINESS:

Town Election 2018 Schedule – Burgess Miller stated that next year we have 3 Commissioners up for re-election. Included in the packet tonight are the proposed Election 2018 dates.

Motion by Commissioner Goodman to approve the 2018 Election dates as presented, seconded by Commissioner Bussard. Motion carried 6-0.

Telecommunications Ordinance Discussion – Cindy stated that Rusty Monroe with the Center for Municipal Solutions will be visiting on Friday, September 15, 2017. During his visit, we will tour the town so he can look at the elevation and make a determination of how many towers could be allowed.

Review of Text Amendment Changes to Design Manual for Collector Roads – Drew presented the Board with section of the Design Manual that pertains to Collector Roads. Burgess Miller is suggesting that we change the one sentence under section 2.13 Traffic Control – “Centerline road markings will be required on all roads and streets except local roads”. Burgess Miller is suggesting the word will to may. Burgess Miller stated that this is up for discussion or approval on Monday.

Memorandum Annexation Update – Draft Annexation Summary - Drew provided the Board with a summary of the items that were discussed during the Annexation workshops that the Board wants in the Annexation Agreement. This will be submitted to the Town Attorney to draft the Annexation Agreement.

REPORT OF COMMITTEES:

WATER & SEWER – no report

PUBLIC WORKS – no report

SUSTAINABILITY – Commissioner Dietrick reported:

Committee looking into the use of pesticides and a program to educate the residents on. Committee drafting a recycling flyer stating the new laws and regulations.

PLANNING COMMISSION – no report

PARKS and RECREATION – no report

PUBLIC INFORMATION – no report.

NEW BUSINESS:

Resolution 17-03 – MEA Grant for Renewable Energy Program - will vote on Monday night.

Resolution 17-04 – Establishing Renewable Energy Goals for MEA Grant – will vote on Monday night.

Resolution 17-05 – Establishing Energy Reduction Goals for MEA Grant – will vote on Monday night.

Discussion of Regulations for Blasting Requirements – Drew brought this to the Town Boards attention that the new Fire Company building contractor called to seek permission for blasting. Drew told them no although we do not have anything in our Code that does not allow this. The Board directed Drew to gather information on this and bring back at next month's meeting.

COMMENT:

ANNOUNCEMENTS:

- *250th Town Talk (Preview of New Exhibit Space in Town Hall) – Friday, September 15, 2017 at 5pm. at Town Hall*
- *Visit from Comptroller Franchot – Friday, September 22, 2017 from 1:30-3:30pm.*
- *Middletown Heritage Festival – Saturday, September 30, 2017*

Workshop adjourned at 8:50pm.

Respectfully submitted,

Ann Griffin
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

September 11, 2017

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on September 11, 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

Town Meeting Minutes – August 28, 2017 - Town Meeting

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

PERSONAL REQUESTS FOR AGENDA:

Main Street Board of Directors – Donation to the Town for Heritage Park – Becky Axilbund, Main Street Manager was present tonight to present the Town with a \$4,000 donation toward the Heritage Park.

Unfinished Business:

Telecommunications Ordinance – Burgess Miller stated that Rusty Monroe with Municipal Solutions will be here on Friday. During this visit, he will tour Middletown to see the appropriate places to put these towers and to determine if we will have any problems carrying out this ordinance.

Review of Text Amendment Changes to Design Manual for Collector Roads – Drew presented the Board with the language they discussed at their workshop. Under Section 2.13 of the Design Manual we will change the sentence starting with Centerline to the following: Centerline road markings may be required on all roads and streets except local roads as determined by the Burgess and Commissioners.

Motion by Commissioner Falcinelli to approve the change to the Design Manual as stated above, seconded by Commissioner Bussard. Motion carried 6-0.

Memorandum Annexation Update – Drew provided the Board with a summary of things they discussed during the Annexation workshops. After reviewing the Board made a few changes to and this will be submitted to the Town Attorney to draft the Annexation Agreement.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for August – 295,202 gal., spring flow for August – 94,195, East WWTP treated 250,000 gals. and the WTPP treated 212,000 gals.

Divers made a temporary patch on leak in reservoir but it's not going to hold. We have received the RFP's which we are currently reviewing.

Well field stream project will begin in October.

PUBLIC WORKS – Commissioner Bussard reported:

Striping of Layla Drive and Smithfield Drive is complete.

Crosswalks were painted before the start of school.

Locust Blvd. project went over budget by \$95K.

Guys have been helping with the Heritage Gallery.

SUSTAINABILITY – Commissioner Dietrick reported:

The next Green Expo will be held on Saturday, April 21, 2018

The Committee will have a booth at Heritage

We received 2 bat houses that were donated by a resident and will be installed along the Linden Blvd. path.

Pollinator garden stated at Wiles Branch Park.

Cindy working on a Recycling fact sheet for anyone that holds an event with 200+ people now that it is a state law.

PLANNING COMMISSION – Commissioner Catania reported:

No meeting in September 2017

Miller property on East Main Street has started demolition of the rear of the building.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

Memorial Park playground was completed today.

At our next meeting, we will decide on where to put the 2 benches that were purchased for this park.

PUBLIC INFORMATION – Commissioner Falnielli reported:

Reminded the Board that the deadline to get your information in for the next Quarterly Update is Friday, September 15th.

NEW BUSINESS:

Resolution 17-03 – MEA Grant for Renewable Energy Program

Resolution 17-04 – Establishing Renewable Energy Goals for MEA Grant

Resolution 17-05 – Establishing Energy Reduction Goals for MEA Grant

Motion by Commissioner Dietrick to approve Resolutions 17-03, 17-04 and 17-05 as presented, seconded by Commissioner Bussard. Motion carried 6-0.

Discussion of Regulations for Blasting Requirements – It was the consensus of the Board to have Drew develop some language to regulate blasting within the Town limits. Drew will forward to the Town Attorney as to where this language should go in our code.

PUBLIC COMMENT:

ANNOUNCEMENTS:

- *250th Town Talk (Preview of new exhibit space in Town Hall) – Friday, September 15, 2017 at 5:00pm. at Town Hall*
- *Visit from Comptroller Franchot – Friday, September 22, 2017 from 1:30-3:00pm.*
- *Middletown Heritage Festival – Saturday, September 30, 2017*

ADJOURNMENT

Meeting adjourned at 7:55pm., with the Board entering into Executive session to discuss property acquisition.

Respectfully submitted,

Ann Griffin
Office Manager

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/2/2017

RE: Monthly Planning Update - October

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

Architectural renderings conditionally approved– August 19, 2017

Revised Lighting plan submitted for review/approval – Sept. 21, 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 – October 18, 2017

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



TO: The Burgess and Commissioners
FROM: Becky Axilbund, Main Street Manager
DATE: October 2, 2017
RE: October 4th Workshop

UPCOMING DATES TO REMEMBER:

October 3 – Promotions Committee Meeting
October 12 – Design Committee Meeting
October 17 – Town Talks at 6:30pm at The Main Cup
October 18 – Main Street Manager presenting at the Middletown Valley Historical Society Meeting
October 19 – Organization Committee Meeting
October 20 – The Tourism Council of Frederick County Breakfast at The Main Cup
October 21 – Color Me Autumn and Scarecrow Walk
October 23-27 – Business Appreciation Week through Frederick Office of Economic Development
October 25 – Frederick Business Expo –
October 26 – Business Appreciation Day in Middletown with OED
October 26 – Main Street Board Meeting

Promotions Committee:

- Main Street Middletown was a Platinum Level sponsor at the Heritage Festival.
- Main Street Middletown is scheduled to meet with a new website designer on October 10 and along with Platinum PR who is creating the out-of-county marketing plan for Main Street Middletown. We anticipate noticeable changes soon!
- The Promotions Committee has produced a new marketing piece for Frederick Chamber Business Expo. The rack card lists all businesses within the Main Street district, and was made to promote businesses to this mainly Frederick County audience. The purpose of the piece is say, there are a lot more businesses in Middletown than people realize. Businesses are also asked to supply their individual promotions materials, and volunteer. Main Street takes on the responsibility and costs of the exhibit table, which may be cost or time prohibitive for many of our smaller businesses.

Economic Development Committee:

- The Economic Development Committee will join the Frederick Office of Economic Development during their annual visit to Middletown for Business Appreciation Week. This is October 23 through the 27th. Thursday, October 26th is when the OED will visit Middletown.
- During Business Appreciation Week, Main Street Middletown will award one of the Main Street businesses our Business Partner of the Year Award. This recognition goes to the Main Street business that supports Main Street Middletown in event participation, sponsorships, and volunteer dedication that assists us in reaching our goals.

- Frederick Business Expo – October 25th is an all-day event that is geared as a cross promotional opportunity for businesses in Frederick County. Main Street Middletown has purchased a table in which we pass out information about the Main Street district as well as invite business owners to bring their own marketing materials and take an hour-shift on the booth.
- Garrett Glover will be back in Middletown in mid-October. At Heritage Festival, I heard directly from two of the businesses that are working with him how much they appreciate this opportunity that Main Street has provided and coordinated.

Design Committee:

- The Design Committee made recommendations at the Main Street Board meeting regarding the location for planters along Main Street. After the Board accepted the recommendation, Burgess Miller approached the Board at our September meeting, inquiring if we could purchase different sized planters. There are no stipulations in the grant that would prohibit Main Street from purchasing an assortment of different sized planters. Main Street is happy to partner with the Town and look at different planting options.

Organization Committee:

- Main Street has reviewed our FY 2018 budget and we are preparing to move forward with the purchase of a property in Middletown.
- The Organization Committee is completing its due diligence with having an inspection completed and now working on an appraisal for the property that we are purchasing.
- Main Street Middletown submitted a grant request for \$10,000 to help with expenses of the purchase. There was no time-line given for decisions.

250th Updates:

- The Heritage Gallery is complete! It has had a very successful launch! In working with the Main Street Promotions Committee, we will formulate a strategy and timeline for marketing and changing the exhibits from time to time.
- Heritage Park is complete and both Main Street and the 250th Committee are proud to have played a role in the park development.
- I am working on the Heart of the Civil War Mini Grant to help offset costs of getting the Walking Tours placed on the Town's website as a GIS Storybook. The grant is due in mid-October.
- Remaining 250th events include:
 - Tuesday, October 17th Town Talks at the Main Cup at 6:30pm on the history of businesses
 - Saturday, November 11 – Town Talks on Veteran's Day – rededication at Memorial Park of the World War I soldiers.
 - Saturday, December 2 – Town Talks at Christmas in the Valley –
 - Last Quarterly luncheon at Zion Lutheran, TBA.

Thank you for your support of the Main Street Program!

**Public Works Monthly Report
October 5, 2017**

COMPLETED WORK

Streets and Utilities, Facilities

Water and Sewer

New Projects

Elevated Crosswalk. Completed
GMC 5500: Completed
Brookridge PS Magmeter: 98% complete.

Unbudgeted Expenses:

CBPS soft start replacement \$3,000.00 (17 years old)

Sludge cost for FY \$ 11,310.00, 36,000 gal hauled, 23,800 gal bedded Total hauled 117,000 gal Bedded 83,300 gal

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

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

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	274,000	289,000	120,000	69,258	254,000	177,000	281,000	234,000
February	279,000	278,000	135,600	72,648	313,000	141,000	569,000	188,000
March **	301,000	289,200	132,000	90,151	217,000	190,000	179,000	170,000
April **	277,000	316,880	128,000	128,000	186,633	203,000	132,000	259,000
May	292,000	315,849	138,000	137,800	337,000	285,000	236,600	280,000
June	293,000	322,922	139,000	136,899	326,900	249,600	212,000	169,500
July	300,577	302,332	114,032	116,889	247,841	261,000	178,000	171,900
August	304,000	295,202	89,000	94,195	234,000	250,000	171,000	212,000
September	306,759	323,961	60,420	74,907	161,000	240,000	165,000	191,000
October **	317,000	312,000	75,000	59,000	181,300	138,000	144,000	223,000
Novembr**	267,000	261,000	76,000	52,000	189,000	176,000	159,000	136,000
December	273,000	275,000	86,083	53,000	227,000	139,000	177,000	206,000

Avg Daily/yr 290361 298446 107761 90396 239556 204133 216967 203367
Avg Yr Flw 105.98 108.93 39.33 32.99 87.44 74.51 79.19 74.23

**Hydrants flushed this month

April 14 709,560 October 14 725,913, October 16 938,000 April 17 732,649.

Planned Work

SCADA conversion, Construction – Well Field, Remsburg Park, I&I Project. Broad Street Streetscape Design, Reservoir Tank Design. Repair of valve at Boileau

PROJECTS

Open Projects

Well Field Stream Improvements: November estimated start date

W WWTP. Final pond baffle is malfunctioning, Investigation needed. Needs review. Met with MDE dam safety and waiting for comment on proposed building location. No action

Develop Grease Trap Ordinance and Education Program: No Action

West Green Street: Complete warranty period has begun.

Water System: Booster Station piping leak has been repaired but pipe is very thin. Will get proposal for replacement

Water system SCADA: received submittal for review and approval

Hydraulic Model: Consultant has updated model and will project future usage for possible annexations. **System:** Now metering cover waste Feb 765,312 gal diff 19.5%. March 816,138 gal diff 17.5% April 971,979 gal diff 14%, May 669,927 gal diff 9.7% June 1,032,383 gal diff 14%, July 250,036 gal diff 3.77% August 206,776 gal diff 3.2%.

Brookridge PS: 98% complete

Sidewalk Inspections: Main St adjoiners (Garage Drive, Willow, Elm, Broad and Prospect) have been notified of requirement to repair or replace. No action.

Streetscape/ Main St. Waterline Replacement: Phase 11 complete. Phase 4 has started and will be completed before Nov 15. Evaluation after Phase 4 (Creamery Row) to determine how much of Phase 5 (Creamery to Summers Drive) will be started. November 15 is the cutoff date for temporary water.

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

Reservoir Repairs Tank design RFP received, reviewed, rated and recommendation is presented at this meeting.

SSO and I&I: N Church St bids October 23, 2017. Pipe bursting (pipe replacement) for lower interceptor. 75% complete. Flood Plain permit application 5/15/17. Construction easements progressing.

Drainage Issues: Foxfield swale behind Ali needs maintenance, holding water (Simonoff). Inspected this swale and there is significant maintenance to be done and will require a budget item or authorization by the Board to compete. Current ballpark estimate to add new underdrain and recondition sand filter is \$10,000. Notified Mr. Simonoff that the Board would consider multiple solutions and place in FY 2018 budget. Engineering has reviewed and is considering several options to present to Board for budget funding. RFP to consultant. Topographic survey has been performed as of 6/1/17. At this time the swale is dry and will be monitored for seasonally wet conditions. Engineering continues to develop alternatives.

MDE /Permits: Irrigation PS renewal has been received. Lead and Copper sampling is in progress. 21 samples due by 9/30/17 we are 6 short and residents are not interested in completing.

Meter Installations: Main Street meters being installed in new vaults.

Locust Boulevard Roadway: Project is complete.

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

Franklin St Conceptual Sidewalk Plans: Placed in 2017 budget. Action required by B&C to release for design.

Rensburg Park: Project has been negotiated with low bidder. Modifications to path width (5'), grading and use of millings for the path with future paving will be within budgeted amount. Bridge delivery is scheduled for January. No start date scheduled at this time.

Chemical Pipe Chase: Reservoir chemical feed piping resolution for hard water deposits. No action.

Smithfield and Layla Road Striping: Curbs will be painted yellow in lieu of "No Parking Signs" in the next few weeks..

Developments

Cross Stone: Complete. No current construction.

Coblentz Property: Final phase of roadway work has been completed.

406 W Green St: No action

Chesterbrook IP's: No action.

Carolines View: No action.

Planned Work

Streets:

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

Broad St Streetscape

Budget purchases and contracts

Continue Fire Hydrant ID tag and numbering system installation

Regulatory: Grease Ordinance completion.

E WWTP: design spray system for clarifier,

Bid Sludge Hauling and Chemicals.

Reed Bed Development cost analysis.

Town of Middletown Zoning Staff Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 10/5/17

RE: Monthly Zoning Staff Report – September 2017

Board of Appeals (BoA) Meeting: No BoA activities during month of September 2017.

Zoning Violations:

(1) Leasing of basement apartment in R-1 residential district to person not a member of family residing in the dwelling. 4 Gray Fox Court. A complaint was received regarding the owners of an R-1 residential property renting / leasing a basement apartment to a person not a member of the family residing in the SFD. A zoning ordinance violation notification letter was sent to homeowners on May 26, 2017 advising them that if they are leasing an apartment to a person not a member of their family, it is a violation of Section 17.16.020 – R-1 district - of the Middletown Municipal Code since it is not an accepted use in an R-1 district. After much research, coordination and discussions with town attorney and other town staff, I determined that leasing an apartment in a R-1 residential community to a person who is not “a member of their family” is not a violation of Section 17.16.020 because of the non-traditional definition of family contained in Chapter 17.04 – Adoption, Purpose and Definition – of the Middletown Municipal Code. Closed.

(2) Restricted vehicle parked on residential property / car parked on grass / utility trailer parked in rear yard. 330 South Jefferson Street. A violation 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.

Note: A second complaint was received in the town office that a commercial business was being conducted from this residential property. A google search showed that the address listed for Homeland Lawn Care Services was 330 South Jefferson Street. In follow-on conversations with the wife, 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 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. Open.

(3) Motor vehicles parked on grass and unregistered / inoperable vehicle parked on grass. 331 South Church Street. A zoning ordinance violation letter was sent to property owner on July 13, 2017 advising him that he was not permitted to park motor vehicles on grass in a residentially zoned property IAW 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. He was also cited for parking an unregistered (no tags) pick-up truck on his property on grass as well as for not screening this vehicle 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. I received an email from homeowner on August 4, 2017 asking if the installation of a parking pad using “crush n run” gravel that is rolled would meet the municipal code’s definition of an impervious surface since he is unable to afford a new asphalt driveway at this time. He noted that the unregistered vehicle was removed from their residential property and that all vehicles are parked on impervious surfaces. Gravel parking pad completed in mid-September 2017. Property visited on September 19, 2017 confirmed gravel parking pad completed. Closed.

(4) Unregistered / inoperable vehicle parked in driveway. 5 Young Branch Drive. A zoning ordinance violation 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.

(5) Unregistered / inoperable motor vehicle parked in parking lot of Middletown Valley Apartments. 312 Broad Street. A zoning ordinance violation letter was sent to registered owner of Hyundai Accent sedan with expired Delaware license plates / registration) on August 17, 2017 parked in the parking lot of the Middletown Valley Apartments 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. The code 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.” I received an email on August 21, 2017 from “registered owner” of the Delaware plates on the Hyundai Accent Sedan who said the vehicle was not his and that the state of Delaware “must have recycled the plate number.” The manager of the Middletown Valley

Apartments states that they were handling this issue with one of their tenant who owns the vehicle – apartment parking lot is private property. Closed.

(6) Recreational vehicle parked in driveway. 201 Ali Drive. A zoning ordinance violation 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. Open.

(7) Recreational vehicle parked in driveway. 102 Ali Drive. A zoning ordinance violation 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. Open.

(8) Unregistered / inoperable motor vehicle parked in driveway. 101 Ali Drive. A zoning ordinance violation 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. Open.

(9) Home Occupation Approval Violation. 24 Walnut Street. A zoning ordinance violation letter was sent to property owners on September 21, 2017 for violating the home occupation approval letter dated March 7, 2016 for their firearms accessories and firearms sales business. The home occupation approval letter stipulated that their firearms sales were to be conducted on limited business hours and that those business hours were to be by appointment only. An article in The Citizen newspaper on August 24, 2017 stated that Valor Gun Exchange, which opened on June 1, 2017, was open for business on Tuesdays and Thursdays, 6:00 pm to 8:00 pm and Saturdays from 10:00 am to 6:00 pm, and any other time by appointment. The homeowners met with town officials and were upset by the violation letter and the limitations on their commercial business characterized as a home occupation in Section 17.36.220 – Home occupations – of the municipal code. **The homeowners have operated a commercial business from their property at 24 Walnut Street for over thirty years. When their business began, their property was in a town commercial (TC) zoned district. In the mid-2000s, their property and several other residential properties on Walnut Street were rezoned from TC to R-2 Residential. The homeowners were never officially notified of this re-zoning action by town officials. Because of this rezoning action, the homeowners are in a Catch-22 by operating a commercial business in a R-2 zoned district – which is not a permitted use in a R-2 zoned district (Section 17.16.030 – R-2 medium residential district). I have suspended any enforcement actions on this home occupation violation because of the unresolved zoning issues related to this property which the town officials need to address. Suspended.

(10) Motor Vehicle Parked on Grass. 307 South Church Street. A zoning ordinance violation 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. Open.

Miscellaneous Zoning Issues:

1. Seven temporary business signs were removed from various locations around town next public school complex and Town Center Shopping Center and Cross Stone Commons Shopping Center.

September 2017 Zoning Certificates - completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Keith & Andrea Moffatt – install a 15' x 40' in-ground fiberglass swimming pool with concrete decking and fence – there is an existing 4' tall fence around the perimeter of yard. A&K Construction is contractor.	106 Mariam Pass	164296	9/6/17	9/11/17	yes
Justin & Courtney Young – installation of a 14' x 31' 6" in-ground fiberglass swimming pool with concrete decking and fence. There is an existing 4' tall fence around the perimeter of the rear yard. A&K Construction is contractor.	105 Ali Drive	164297	9/6/17	9/11/17	yes
Jenifer Bern – construct a roof over existing 5' x 8' front concrete pad/porch. Mitchell Boyer is contractor.	204 Cone Branch Drive	164698	9/7/17	9/20/17	yes
Neil & Dawn Stollar – install approximately 214 feet of white PVC fencing along back and side property lines. Fence is 14 gauge black vinyl coated with welded mesh attached.	711 Glenbrook Drive	Town	9/14/17	9/14/17	yes
Middletown Commons Holdings (Middletown Glen) - new single family dwelling (SFD). (Lot 2); Ryan Homes. Style: Brentwood; Elevation A.	2 Fink Drive	164980	9/15/17	9/26/17	yes
Faith V. Hoover – convert interior room / den to full bathroom and laundry room on first floor of SFD.	711 East Main Street	164822	9/18/17	9/27/17	yes

September 2017 Zoning Certificates – completed (continued)	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Aaron & Kaitlyn Cronkilton – install 317 feet of 54” tall black aluminum fencing with a single-gate and a double gate. Frederick Fence is contractor.	8 Hoffman Drive	Town	9/20/17	9/20/17	no
Brian & Lisa McCrohan – install fencing along a portion of side yard and two small sections of fencing with single-gates from side fencing (new and pre-existing). Additionally, place a small 8’ x 10’ shed in rear yard of SFD 6’ from side and rear property lines.	16 Ali Drive	Town	9/21/17	9/21/17	no

Zoning Certificate submitted– in progress	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
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		yes
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. (need BoA approval)	307 West Main Street		7/20/17		

Zoning Certificate submitted– in progress	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
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		yes
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
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		9/20/17		yes
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

Zoning Certificate submitted -- actions pending and/or suspended	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
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

Zoning Certificate submitted -- actions pending and/or suspended (continued)	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
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).	5 Tile Silo Court		6/1/17		yes

ANNEXATION AGREEMENT

This Annexation Agreement is made this ____ day of _____, 2017, by and among **MEMAR CORP.**, a Maryland corporation (the "Owner"), and the **BURGESS AND COMMISSIONERS OF MIDDLETOWN**, a body politic and corporate of the State of Maryland (the "Town").

RECITALS

WHEREAS, Owner is the owner of a parcel of unimproved real estate consisting of 93.9380 acres of land, more or less, which it acquired by deed dated September 21, 2001 recorded in the Land Records of Frederick County, Maryland at Liber 2956 folio 1159. Said unimproved real estate (hereinafter referred to as "the Subject Property") is located in Frederick County, Maryland and adjoins and is contiguous to the corporate boundaries of the Town of Middletown; and

WHEREAS, Owner has submitted a Petition for Annexation to the Town requesting that the Subject Property be annexed into the corporate limits of the Town of Middletown and be made a part thereof; and

WHEREAS, the Town and Owner desire to provide for the orderly development of the Subject Property consistent with the Town's future plans and in an aesthetically pleasing manner, and the Town is not willing to support or approve the requested annexation of the Subject Property unless certain conditions regarding its future development are made a part thereof; and

WHEREAS, the parties have reached an agreement concerning the terms and conditions of the annexation with respect to such development issues such as provision of sewer and water, open spaces, rights-of-way for future streets, zoning, implementation of town taxes, payment for

offsite utility extensions, use of Town water system, and payment of expenses with respect to the annexation and development process.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the Town and Owner, for themselves and for their successors and assigns hereby agree as follows:

1. **RECITALS.** The recitals set forth above are incorporated herein by reference.
2. **THE PROPERTY:** The "Subject Property", as referred to herein and in the Owners' Annexation Petition, is defined as that real property consisting of 93.9380 acres of land, more or less, which was conveyed to Owner by Deed dated September 21, 2001 recorded in the Land Records of Frederick County, Maryland at Liber 2956, folio 1159. A metes and bounds description of the Subject Property prepared by Catoclin Mountain Surveys is attached to this Annexation Agreement as Exhibit "A". The Subject Property is further shown on a plat entitled "Annexation Plat for Lands of Admar Construction, Inc." prepared by Catoclin Mountain Surveys, Inc. dated May 2003 which plat is attached to this Annexation Agreement as "Exhibit B". Both Exhibit "A" and Exhibit "B" are incorporated by reference herein.
3. **EFFECTIVENES CONTINGENCY.** This Annexation Agreement is expressly contingent on the enactment of a Resolution (hereinafter "the Annexation Resolution") by the Town annexing the Subject Property into the Town of Middletown and upon the Annexation Resolution becoming effective either after the passage of the statutorily-required time period or, if the Annexation Resolution is petitioned to Referendum, then upon approval of the Annexation Resolution after the Referendum. In the event that the Annexation Resolution is not enacted or,

if enacted, fails to become final and effective, then this Annexation Agreement shall be deemed void *ab initio*, and shall be of no force and effect as if it had never been executed.

4. **RESERVATION OF LEGISLATIVE AUTHORITY.** The execution of this Annexation Agreement neither implies nor guarantees either legislative or voter approval or passage of the Annexation Resolution. This Annexation Agreement shall not be deemed to inhibit or affect the ability of the Town or its officials from properly performing their legislative functions, including but not limited to, the rejection of and decision to deny approval of the Annexation Resolution.

5. **GENERAL CONCEPT PLAN.** Owner has undertaken preliminary efforts to establish a general concept plan for the eventual development of the Subject Property. Attached hereto as Exhibit “___” is a schematic drawing of the general concept plan which identifies the proposed development as “Foxfield Section 6”. The parties acknowledge and recognize that this is a concept plan only, that it is only to be used as a general reference in this Annexation Agreement, and that the final plans will be subject to further review and approvals in accordance with the Town’s subdivision regulations and other ordinances, laws, resolutions and rules.

6. **ZONING.** In its Petition, Owner seeks to have the Subject Property classified for zoning purposes in the Town’s R-20 (Residential) District under Title 17 of the Middletown Municipal Code. The Town and Owner recognize, however, that the R-20 zoning classification would allow development of the Subject Property for land uses substantially different than the authorized use and at a substantially higher density than would be allowed under the Frederick County zoning laws and regulations. Because of this inconsistency, *Local Government Article, §4-416(b)*, Annotated Code of Maryland requires that, for 5 years after the effective date of the Annexation Resolution, no development will be allowed on the Subject Property for land uses

substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the Subject Property under the Frederick County zoning laws and regulations. However, pursuant to *Local Government Article, §4-416(c)*, the Frederick County Council may waive this restriction and give its express approval to permitting the increased level of development.

The Owner and Town, therefore, agree that, concurrent with the adoption of an Annexation Resolution approving the annexation of the Subject Property, the Town shall classify the Subject Property in the Town's R-20 (Residential) District under Title 17 of the Middletown Municipal Code; provided, however, that if the Frederick County Council fails or declines to give its express approval to waive the inconsistency restrictions of *Local Government Article, §4-416(b)*, then for five (5) years from the effective date of the Annexation Resolution, no development will be allowed on the Subject Property for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the Subject Property under the Frederick County zoning laws and regulations.

- *The Town agrees that it will / will not support a request by Owner that the Frederick County Council waive the inconsistency restrictions and expressly approve of the new zoning classification for the Subject Property pursuant to Local Government Article, §4-416(c)*
- *The Town represents that it will not take a position with the Frederick County Council to either support or not support the waiver of the zoning inconsistency or the County Council's express approval of the new zoning classification.*

7. **TRAFFIC IMPACT STUDY.** Prior to the scheduling of a public hearing on the Annexation Resolution, a traffic impact study of the Subject Property and the proposed

development thereon shall be conducted by a qualified transportation engineer. Owner shall provide a general plan, including the concept plan attached as Exhibit “___”, for the eventual development of the Subject Property and for the purpose of determining the level of service on the supporting road networks which will service the development on the Subject Property. The traffic impact study must conclude that the proposed development plan achieves a level of service grade of “C” or better before the Town will schedule a public hearing for consideration of the proposed Annexation Resolution.

Town shall select the engineer or engineering firm to conduct the traffic impact study through its usual bidding process. Upon the Town receiving an estimate for the cost of the study from the engineer or engineering firm selected, Owner shall provide funds in the amount of the estimate to the Town which will hold said funds in escrow pending completion of the traffic impact study. The Town will be solely responsible for paying the engineer or engineering firm for the work performed. In the event that further analysis of revised development plans is required in order to establish a level of service grade of “C” or better and which increases the cost of the estimate, Owner shall provide to the Town additional funds to be held in escrow to cover the additional cost estimate.

8. **DENSITY AND OPEN SPACES.** Owner proposes to develop the Subject Property primarily for residential purposes. A maximum of One Hundred Fourteen (114) residential units will be permitted on the Subject Property of which

- (1) Eighty (80) shall be Adult Active units as defined in Section 17.04.030 of the Middletown Municipal Code; and
- (2) Thirty-four (34) shall be single family homes.

These numbers of units are acknowledged by the parties to be maximum numbers, and the eventual number of permitted units may be less as determined to be appropriate by the Town or its reviewing agencies, boards and commissions based upon various development factors such as traffic, water and sewer issues. As part of the development, Owner shall design and construct an Active Adult Community Center for the sole use of the residents of the subdivision which shall be no less than _____ square feet in size, no more than _____ stories, with at least one interior space or room to hold a maximum of _____ persons in satisfaction of fire code requirements, a kitchen facility and all appropriate plumbing and lighting fixtures.

The development on the Subject Property shall include Open Space of at least 9.3 acres which will not include those areas which are wetlands, stormwater management facilities, or forest conservation areas. These Open Spaces shall include pathways and walking trails at least _____ feet in width and surfaced in _____.

9. **WATER IMPACT STUDY.** Prior to the scheduling of a public hearing on the Annexation Resolution, a water hydraulic impact study of the Subject Property and the proposed development thereon shall be conducted by a qualified hydrologist. The purpose of the impact study is to determine the impact that the development of the Subject Property will have on water pressure and fire flow to the Subject Property and to neighboring and adjacent properties. The results of the study must determine and conclude that, upon completion and full occupancy of the development, the units in the development and in all neighboring and adjacent properties serviced by the Town municipal water system will have at least fifty (50) pounds per square inch (psi) of water pressure and that any lesser pressure is not or will not be causally related to the development of the Subject Property. Owner may modify its proposed development plans in order to obtain such result; however, until such time as the water impact study determines that

this requirement will be met, no public hearing on the proposed Annexation Resolution will be scheduled.

Town shall select the hydrologist to conduct the water impact study by its usual bidding process. Upon the Town receiving an estimate for the cost of the study from the hydrologist selected, Owner shall provide funds in the amount of the estimate to the Town which will hold said funds in escrow pending completion of the water impact study. The Town will be solely responsible for paying the hydrologist for the work performed. In the event that further analysis is required in order to determine whether the water pressure requirements can be met and which increases the cost of the estimate, Owner shall provide to the Town additional funds to be held in escrow to cover the additional cost estimate.

10. **WATER WELLS.** There are six (6) high-yield production wells located on the Subject Property with the following well tag identification numbers: FR-94-3449, FR-94-3450, FR-94-3451, FR-94-3452, FR-94-5112, and FR-94-5129 (hereinafter referred to as "the Existing Wells"). To the extent not already completed, Owner shall develop the Existing Wells in accordance with applicable County, State and Federal laws and regulations so as to establish and produce a potable high-yield water supply from the Existing Wells. Owner shall apply for and obtain all necessary permits from the Maryland Department of the Environment and any other governmental entity or agency as may be required for such wells. At Owner's expense, the Existing Wells shall be connected to the Town's public water system by appropriate pipes, lines, valves and other typical equipment necessary for such connections. Town shall be entitled to receive all of the water from the Existing Wells for incorporation into the Town's public water supply.

Owner shall subdivide an area of land on which each of the Existing Wells are located of approximately twenty feet by twenty feet (20' x 20') in size and convey such land, in fee simple, to the Town. The precise location of the area of land to be conveyed shall be as agreed to by and between the parties. In addition, Owner shall grant to the Town any easements across the Subject Property that may be necessary for access, ingress and egress to and from the Existing Wells and for construction, installation, maintenance, replacement and removal of water lines and other equipment between the Existing Wells and the water lines of the Town's system. Owner shall execute such written and recordable Deeds of Easement to evidence such easements. Owner shall complete and have available for use such well(s) within _____ months of the effective date of the Annexation Resolution. No building permits for development of the Subject Property may be granted until the Existing Wells are operational, connected to the Town's water supply system, and all Deeds of Easement have been fully executed and delivered to the Town.

11. **SEWER.** The sanitary sewer disposal systems and lines on the Subject Property shall be connected to the Town's municipal sanitary sewer system. The Subject Property shall be developed using gravity-flow sewer service only, and no sewer pump stations, grinder pumps or similar types of mechanical pumping equipment shall be used in connection with sewer service on the Subject Property except as provided by the Town. Owner shall be solely responsible for obtaining any required easements that may be necessary to connect the sewer lines and system on the Subject Property to the Town's municipal sanitary sewer system.

12. **ROADS.** As shown on the attached Concept Plan (Exhibit "__"), Owner anticipates having a road constructed along the southern portion of the Subject Property to extend from Coblenz Road on the east to the western boundary of the Subject Property. The parties acknowledge that the precise location of this road will be determined as part of the

development process; however, regardless of the eventual location of this road, Owner agrees that it will construct a road to Town standards which will traverse the Subject Property and that it will complete the road, including paving, curb and gutter, the entire distance from Coblenz Road to the western boundary of the Subject Property. The Town anticipates that, in the future, this road will be extended from the western boundary of the Subject Property and across adjacent property to connect with Route 17 to the west. Consequently, the purpose of having the road fully constructed is to establish visibly that a road extends the entire distance to the western boundary and does not terminate at a point of intersection with one or more other roads to be constructed on the Subject Property.

The aforementioned road shall be constructed with a dual entrance at Coblenz Road such that there is one lane of road from which to enter the Subject Property and one lane of road from which to exit the Subject Property, each lane divided by a vegetative median strip of at least _____ feet in width. The dual entrance shall extend from Coblenz Road into the Subject Property a distance of no less than _____ feet.

13. **PROPERTY TAXES.** Pursuant to Section 8-209 et seq. of the Tax Property Article of the Annotated Code of Maryland, the Town agrees to assess the Subject Property as agricultural land for all portions of the Subject Property for which site plans have not been submitted.

14. **COST AND EXPENSES OF ANNEXATION.** The parties agree that the costs and expenses of annexation, including the Town's attorney's fees and advertising with respect to the annexation of the Subject Property, shall be the sole cost and expense of the Owner and at no cost to the Town.

15. **AMENDMENT.** This Agreement may be amended only in writing and with the mutual agreement of the Town and the Owner.

16. **ENFORCEMENT.** This Agreement is enforceable by any legal or equitable means available or applicable, including but not limited to, an action for specific performance, injunction, declaratory judgment or other equitable means or by an action for damages.

17. **ENTIRE AGREEMENT.** This Annexation Agreement constitutes the entire agreement between the parties, and no other agreement shall be binding upon the parties unless in writing and signed by the respective parties.

18. **WITHDRAWAL OF ANNEXATION.** Owner reserves the right to withdraw the annexation petition for the Subject Property at any time prior to the effective date of the Annexation Resolution.

19. **BINDING EFFECT.** This Agreement shall bind and inure to the benefit of parties hereto, their respective heirs, personal representatives, successors and assigns. The provisions of this Agreement shall be binding upon any subsequent Owners of the Subject Property and shall run with the land.

WITNESS the hands and seals of the parties hereto by their respective authorized representatives.

ATTEST:

MEMAR, CORP.
a Maryland Corporation

By: _____ [SEAL]
Farhad Memarsadeghi, President

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**
a body politic and corporate of the
State of Maryland

Andrew J. Bowen, Town Administrator

By: _____ [SEAL]
John D. Miller, Burgess

DRAFT



Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474
J. R. Hawkins, P.E., CIP Project Manager Email: rhawkins@ci.middletown.md.us

MEMORANDUM

TO: Burgess and Commissioners of Middletown

FROM: J. R. Hawkins, P.E., CIP Project Manager

DATE: October 5, 2017

RE: Evaluation and Design Services – New Raw Water Storage Tank at the Reservoir

The Town of Middletown received proposals for the Evaluation and Design Services – New Raw Water Storage Tank at the Reservoir Project on August 16, 2017. We invited 10 consultants with eight attending the non-mandatory Pre-Proposal Conference. The project was also publicly advertised on the Town's website. Five proposals were submitted and evaluated based on the RFP that was generated by the Town staff. Proposals were required to be submitted with a technical portion and a price portion in separate envelopes. The technical portion of the proposals were evaluated by a committee of three staff members, and four of the five submittals were rated to be above the 75-point criteria for opening the price proposals. The price proposals were then opened and evaluated by the same three members of the staff. The prices ranged from \$83,491.21 to \$169,863.00. A bid tabulation that includes all consultant's ratings and pricing is attached for your information.

Gannett Fleming, Inc. of Baltimore, Maryland was the highest rated consultant. They acknowledged all the addendums, provided all the required documentation, and filled out the Bid Form correctly. Their list of projects and references indicates that they can perform the work included in the project.

If the Town of Middletown elects to proceed with the project, the staff recommends the award of the contract to Gannett Fleming, Inc. and that we enter negotiations with them to finalize the \$156,432.50 with exceptions.

RESULTS OF RESERVIOR REQUEST FOR PROPOSAL EVALUATION

	AVERAGED TOTALS FOR TECHNICAL PROPOSALS	AVERAGED TOTALS FOR PRICING	TOTALS
KCI	87.08 OUT OF 100	39.67 OUT OF 50	126.75 OUT OF 150
WRA	87.83 OUT OF 100	35.50 OUT OF 50	123.33 OUT OF 150
GF	93.58 OUT OF 100	45.67 OUT OF 50	139.25 OUT OF 150****
ARRO	75.50 OUT OF 100	41.33 OUT OF 50	116.83 OUT OF 150
EADS	70.67 OUT OF 100	0.00 OUT OF 50	70.67 OUT OF 150

EADS WAS NOT EVALUATED ON PRICE DUE TO THE FACT THAT THEY DID NOT MEET THE REQUIRED 75 POINTS ON THE TECHNICAL PROPOSAL

	TOTALS	PRICING
Gannett Fleming	139.25	\$156,432.50
KCI	126.75	\$169,000.00
WRA	123.33	\$169,863.00
ARRO	116.83	\$83,491.21

Emergency Operations Plan



Middletown, Maryland

APPROVAL AND IMPLEMENTATION

**Town of Middletown, Maryland
Emergency Operations Plan**

This emergency operations plan is hereby approved. This plan is effective immediately and supersedes all previous editions.

Burgess

Date

Town Administrator

Date

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BASIC PLAN

I. PURPOSE

The purpose of this Emergency Operations Plan (EOP) is to define the actions to be taken by Town of Middletown, MD (hereafter referred to as Town) officials, in coordination with Frederick County, State of Maryland, federal agencies and other nongovernment organizations in the event of a significant disaster or emergency within the corporate limits of Middletown. This plan is intended to work in conjunction with the Frederick County (hereafter referred to as County) EOP and its more specific functional annexes. This plan establishes the overall roles and responsibilities for emergency operations, as well as the concept of operations for the Town. It is intended to be used in conjunction with established operational procedures, plans and protocols.

II. EXPLANATION OF TERMS

A. Acronyms

BOCC	Board of County Commissioners of Frederick County
DEM	Division of Emergency Management
DFRS	Division of Fire and Rescue Services
DOD	Department of Defense
DOE	Department of Energy
ECC	Emergency Communications Center
EMAC	Emergency Management Assistance Compact
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPI	Emergency Public information
FCSO	Frederick County Sheriff's Office
FEMA	Federal Emergency Management Agency
HHS	Health and Human Services
IA	Individual Assistance
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
JIC	Joint Information Center
LWP	Local Warning Point
MEMA	Maryland Emergency Management Agency
MEMAC	Maryland Emergency Management Assistance Compact
NCP	National Contingency Plan

NDMS	National Disaster Medical System
NIMS	National Incident Management System
NRF	National Response Framework
OSC	On-Scene Commander
PA	Public Assistance
PDA	Preliminary Damage Assessment
SBA	Small Business Administration
SOG	Standard Operating Guide
SOP	Standard Operating Procedure
TCC	Town Command Center

B. Definitions

1. Emergency Management Assistance Compact (EMAC)

A congressionally ratified organization that provides form and structure to interstate mutual aid.

2. Emergency Operations Center (EOC)

Specially equipped facilities from which government officials exercise direction and control and coordinate necessary resources in an emergency situation.

3. Emergency Operations Plan (EOP)

A plan put into effect whenever a crisis, man-made or natural, disrupts operations, threatens life, creates major damage, and occurs within or nearby the community.

4. Emergency Public Information (EPI)

Emergency information that is disseminated to the public before, during, or after an emergency or disaster.

5. Emergency Situation (See the County EOP for further information).

As used in this plan, this term is intended to describe a range of situations, from an incident to a major disaster. It includes the following:

- a. Event- any large-scale emergency, disaster or planned activity that results in the implementation of the Incident Command System (ICS) or Emergency Operations Center (EOC) to manage County resources and command/control activities. An event may include, but is not limited to, tornado, tropical storm, severe thunderstorm with flash flooding, influenza outbreak, large public gathering or public festival.
- b. Incident - situation that is limited in scope and potential effects.

- c. Emergency - a situation larger in scope and more severe in terms of actual or potential effects than an incident.
- d. Disaster - the occurrence or threat of significant casualties or widespread property damage that is beyond the capability of the local government to handle with its own resources.

6. Hazardous Material

A substance in a quantity or form posing an unreasonable risk to health, safety, or property when manufactured, stored, or transported. The substance, by its nature, containment, and reactivity, has the capability for inflicting harm during an accidental occurrence. It can be toxic, corrosive, flammable, reactive, irritative, or strongly sensitizing, and poses a threat to health and the environment when improperly managed. Hazardous materials include toxic substances, certain infectious agents, radiological materials, and other related materials such as oil, used oil, petroleum products and industrial solid waste substances.

7. Join Information Center

Central location where Public Information Officers (PIOs) representing agencies or jurisdictions during an emergency gather to coordinate the content of information to be conveyed to the public.

8. Inter-local agreements

Arrangements between governments or organizations, either public or private, for reciprocal aid and assistance during emergency situations where the resources of a single jurisdiction or organization are insufficient or inappropriate for the tasks that must be performed to control the situation. Commonly referred to as a mutual aid agreement.

9. Local Warning Point (LWP)

A facility in a city, County, town or community that receives warnings and activates the public warning system in its jurisdictional area of responsibility.

10. Maryland Emergency Management Assistance Compact (MEMAC)

An intrastate assistance compact among local political subdivisions within the state of Maryland.

11. National Contingency Plan

The federal government's plan for responding to both oil spills and hazardous substance releases.

12. National Disaster Medical System (NDMS)

A federally coordinated system that augments the Nation's medical response capability.

13. National Incident Management System (NIMS)

A system mandated by Homeland Security Presidential Directive (HSPD) 5 that provides a consistent nationwide approach for federal, state, local and tribal governments, the private-sector and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity.

14. National Response Framework (NRF)

Part of the National Strategy for Homeland Security that presents the guiding principles enabling all levels of domestic response partners to prepare for and provide a unified national response to disasters and emergencies. Building on the existing National Incident Management System (NIMS) as well as the Incident Command System (ICS), the NRF coordinating structures are always in effect for implementation at any level and at any time for local, state, and national emergency or disaster response.

15. On-Scene-Coordinator (OSC)

The federal official responsible for providing access to federal resources and technical assistance and coordinating federal containment, removal, and disposal efforts and resources during an oil or hazardous material incident.

16. Standard Operating Guide (SOG)

A statement written to guide the performance or behavior of departmental staff, whether functioning alone or in groups.

17. Standard Operating Procedure (SOP)

Approved method for accomplishing a task or set of tasks. SOPs are typically prepared at the department or agency level.

18. Town Command Center (TCC)

The location where Town officials provide direction and control for local response to an emergency or disaster.

19. Unified Command

Incident Commanders representing agencies or jurisdictions that share responsibility for incident management and response form a single Incident Command Post. Allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility or accountability.

III. ASSUMPTIONS

- A. Most emergency situations will be handled routinely by the normal responding emergency service agencies.

- B. In the event of a significant disaster or emergency, the immediate response priority will be to protect public health and safety, preserve the environment and protect public and private property.
- C. Disasters and emergencies can periodically occur within the Town that may require the mobilization and reallocation of Town resources.
- D. Certain emergencies or disasters will occur with enough warning that appropriate emergency notifications will be made to ensure some level of preparedness. Other emergencies or disasters will occur with little or no warning.
- E. The Town's main responsibility will be to commit available Town resources to save lives and minimize property damage in coordination with the County.
- F. For most emergencies or disasters, the Middletown Volunteer Fire Company will be the first responders and will implement initial incident command.
- G. Assistance may be available through mutual aid from nearby jurisdictions, and through the County Division of Emergency Management (DEM), the Maryland Emergency Management Assistance Compact (MEMAC), the Emergency Management Assistance Compact (EMAC), the National Disaster Medical System (NDMS), and Federal Emergency Management Agency (FEMA).
- H. Town residents and businesses can expect to use their own resources and be self-sufficient for at least three days following a significant disaster event.
- I. The effects of a disaster or emergency will likely extend beyond the Town boundaries. Many other areas of the County may also experience casualties, property loss and disruption of normal support systems.
- J. Employees of the Town may become casualties and/or experience damage to their home or property.
- K. Widespread power and communication outages may require the use of alternate methods of providing public information and delivering essential services. Everyday methods of communication may be difficult to use or unavailable due to demand exceeding capacity (i.e. no cell phone service).
- L. Upon request, the County, state or federal government will provide outside assistance if local capabilities or resources are overwhelmed or exhausted.
- M. Emergency operations will be managed in accordance with the National Incident Management System (NIMS).

IV. CONCEPT OF OPERATIONS

A. Objectives

The objectives of the Town emergency operations are to protect public health and safety, preserve the environment and protect public and private property.

B. General

1. The Town is vulnerable to various natural and technological hazards as detailed in the County Emergency Operations Plan (EOP). The scope and magnitude of these emergencies may vary from minor impact requiring a minimum response to major impact requiring a significant response.
2. It is the responsibility of Town and County officials to protect public health and safety and preserve property from the effects of hazardous events. This involves identifying and mitigating hazards, preparing for and responding to emergencies, and managing the recovery from emergency situations that affect the Town.
3. It is impossible for government to do everything that is required to protect the lives and property of the population. Citizens of the Town have the responsibility to prepare themselves and their families to cope with emergency situations and manage their affairs and property in ways that will aid the government in managing emergencies. The Town will assist citizens in carrying out these responsibilities by providing public information and instructions prior to and during emergency situations in coordination with the County.
4. The Town has limited capability to respond to emergency situations and will rely on the County to respond to significant incidents within the Town. The County maintains a robust emergency management program that includes organizing, training, and equipping local emergency responders and emergency management personnel, providing appropriate emergency facilities, providing suitable communications systems, and contracting for emergency services.
5. This plan is based on an all-hazard approach to emergency planning. It addresses general functions that may need to be performed during any emergency situation.
6. Town organizations tasked in this plan are expected to develop and keep current SOPs and SOGs that describe how their assigned emergency tasks will be performed. Departments are charged with ensuring the training and equipment necessary for an appropriate response are in place.
7. This plan is based upon the concept that the emergency functions that must be performed by many Town departments generally parallel some of their normal day-to-day functions. To the extent possible, the same personnel and material resources used for day-to-day activities will be employed during emergency situations. Because personnel and equipment resources are limited, some routine functions that do not contribute directly to the emergency may be suspended for the duration of an emergency. The personnel, equipment, and supplies that would normally be required for those functions will be redirected to accomplish emergency tasks.

C. Operational Guidance

1. Initial Response

- a. The Middletown Volunteer Fire Company and local law enforcement are likely to be the first agencies on the scene of an emergency situation. They will normally take charge and remain in charge of the incident until it is resolved or others, who have legal authority to do so, assume responsibility. They will seek guidance and direction from local officials and seek technical assistance from state and federal agencies and industry, where appropriate.

2. Implementation of the Incident Command System (ICS)

- a. The first local emergency responder to arrive at the scene of an emergency situation will implement the ICS and serve as the Incident Commander (IC) until relieved by a more senior or more qualified individual. The IC will establish an incident command post (ICP) and provide an assessment of the situation to Town and County officials, identify response resources required, and direct the on-scene response from the ICP.
- b. For some types of emergency situations, a specific incident scene may not exist in the initial response phase and the Town Command Center (TCC) or County Emergency Operations Center (EOC) may be activated to accomplish initial response actions, such as mobilizing personnel and equipment and issuing precautionary warning to the public. As the potential threat becomes clearer and a specific impact site or sites identified, an ICP may be established, and direction and control of the response transitioned to the IC.

3. Source and Use of Resources

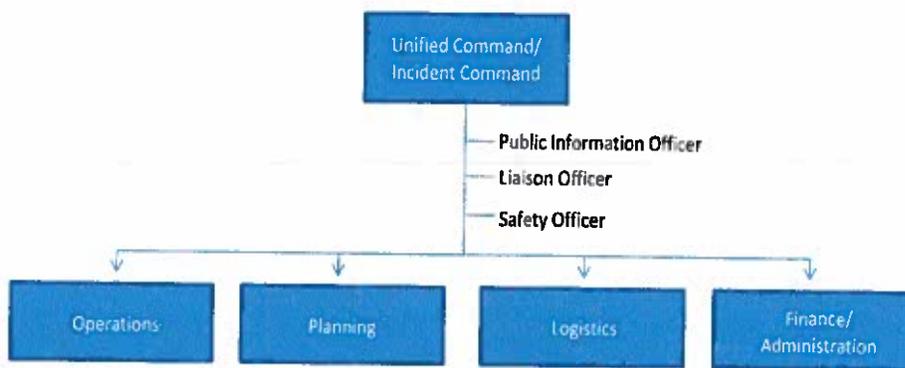
- a. The Town will use their own resources to respond to emergency situations, purchase supplies and equipment, if necessary, and request assistance if the resources are insufficient or inappropriate. The County should be the first channel through which the Town requests assistance when its resources are exceeded.
- b. The town administrator, or designee, will direct all requests for assistance that cannot be addressed through mutual aid to the County director of DEM or the County EOC.
- c. The following are sources for resources that may be available to the Town in responding to disasters and emergencies:
 - 1) Personnel, equipment, and facilities belonging to the Town.
 - 2) Resources available from the County and through mutual aid.
 - 3) Resources available from the private sector through acquisition/purchasing.
 - 4) Resources of the state of Maryland, including the National Guard.
 - 5) Mutual aid available through MEMAC.
 - 6) Mutual aid resources from other states through the EMAC.
 - 7) Resources available from the federal government under the National Response Framework (NRF).
 - 8) Donations, whether monetary, goods or volunteer workers.

D. Incident Command System (ICS)

1. The Town and County will employ ICS in managing emergencies. ICS is both a strategy and a set of organizational arrangements for directing and controlling field operations. It is designed to effectively integrate resources from different agencies

into a temporary emergency organization at an incident site that can expand and contract with the magnitude of the incident and resources on hand.

- a. The IC is responsible for carrying out the ICS function of command—managing the incident. The four other major management activities that form the basis of ICS are operations, planning, logistics, and finance/administration. For small-scale incidents, the IC and one or two individuals may perform all of these functions. For larger incidents, a number of individuals from different departments or agencies may be assigned to separate staff sections charged with those functions. The chart below depicts the standard ICS organization.



2. An IC using response resources from one or two departments or agencies can handle the majority of emergency situations. Departments or agencies participating in this type of incident response will normally obtain support through their own department or agency.
3. In emergency situations where other jurisdictions or the state or federal government are providing significant response resources or technical assistance, it is generally desirable to transition from the normal ICS structure to a Unified Command structure. This arrangement helps to ensure that all participating agencies are involved in developing objectives and strategies to deal with the emergency.
4. Within the Town, the departments identified in the table below will serve as the primary agency for specific incidents and will assume initial IC role. Depending on the incident type and magnitude, incident command may default to an official of the County Division of Fire and Rescue Services (DFRS), County Division of Health Services (hereafter referred to as Health Department), or the Frederick County Sheriff's Office (FCSO) with support, as needed, from the Town.

Designated Departments for Establishing Incident Command

Incident Type	Department/Agency
Biological incident (e.g. influenza pandemic)	Frederick County Health Department
Building collapse, construction	Middletown Volunteer Fire Company

accident	
Fire	Middletown Volunteer Fire Company
Flood	Middletown Operations and Construction
Hazardous material	Frederick County DFRS
Hurricane/tropical storm	Coordination: Frederick County DEM Remediation: Town of Middletown
Mass fatality	Depending on the circumstances, the IC could be from FCSO, Middletown Volunteer Fire Company or Frederick County Health Department.
Nuclear/radiological incident	Frederick County DFRS
Pipeline spill/fire or explosion	Frederick County DFRS
Riots, civil disturbances	FCSO
Severe thunderstorms/tornadoes	Coordination: Frederick County DEM Remediation: Town of Middletown
Terrorist incident	FCSO
Train derailment	Middletown Volunteer Fire Company
Water distribution/water quality	Town of Middletown
Winter storm	Coordination: Frederick County DEM Remediation: Town of Middletown
Dam Breach	Town of Middletown

E. Incident Command System (ICS) — Town Command Center (TCC) Interface

1. For major emergencies and disasters, the Town will activate its Command Center, located at the East Wastewater Treatment Plant, Middletown (alternate location is the Middletown Maintenance Facility). When the TCC is activated, it is essential to establish a division of responsibilities between the ICP and the TCC. A general division of responsibilities is outlined below.
2. The IC is generally responsible for field operations, including:
 - a. Isolating the scene.
 - b. Directing and controlling the on-scene response to the emergency situation and managing the emergency resources committed there.
 - c. Warning the population in the area of the incident and providing emergency instructions to them.
 - d. Determining and implementing protective measures (evacuation or in-place sheltering) for the population in the immediate area of the incident and for emergency responders at the scene.
 - e. Implementing traffic control arrangements in and around the incident scene.
 - f. Requesting additional resources from the TCC or County EOC, whichever is appropriate.
3. The TCC is generally responsible for:
 - a. Providing Town resource support for the incident command operations.
 - b. Issuing public warnings in coordination with the IC.

- c. Issuing instructions and providing information to the general public.
- d. Organizing large-scale evacuations.
- e. Coordinating with the County, as necessary, to provide shelter and mass care arrangements for evacuees.
- f. Coordinating traffic control for large-scale evacuations.
- g. Requesting assistance from the County, state and other external sources through the County EOC.

F. State, Federal, and Other Assistance

1. State and Federal Assistance

- a. If Town and County resources are inadequate to deal with an emergency situation, assistance from the state will be requested through the County. State assistance furnished to local governments is intended to supplement local resources and not substitute for such resources, including mutual aid resources, equipment purchases or leases, or resources covered by emergency service contracts.
- b. Requests for state assistance will be made in accordance with the County EOP.

2. Other Assistance

- a. If resources required to control an emergency situation are not available within the state, the Governor may request assistance from other states pursuant to a number of interstate compacts or from the federal government through FEMA.
- b. For major emergencies and disasters for which a presidential declaration has been issued, federal agencies may be mobilized to provide assistance to states and local governments. The NRF describes the policies, planning assumptions, concept of operations, and responsibilities of designated federal agencies for various response and recovery functions.
- c. FEMA has the primary responsibility for coordinating federal disaster assistance. No direct federal assistance is authorized prior to a presidential emergency or disaster declaration, but FEMA has limited authority to stage initial response resources near the disaster site and activate command and control structures prior to a declaration and the Department of Defense (DOD) has the authority to commit its resources to save lives prior to an emergency or disaster declaration. The Recovery Annex to the County EOP provides additional information on the assistance that may be available during disaster recovery.

G. Emergency Declarations

1. Non-Declared Disasters

The burgess or town administrator may direct Town personnel to respond to emergencies or disasters without a formal declaration of an emergency when the expectation is that Town resources will be used. The town administrator, or

designee, may redirect and deploy Town resources and assets, as necessary, to prepare for, adequately respond to, and quickly recover from an emergency incident.

2. Emergency Declarations

There are three types of emergency declarations that may apply to a disaster or emergency within the Town, depending upon the scope and magnitude of the event:

- a. **Local Declaration:** A local emergency declaration activates the EOP and provides for the expeditious mobilization of Town resources in responding to a major incident. The County may also declare a local state of emergency that includes the Town for incidents that impact other areas of the County.
- b. **State Declaration:** A declaration of an emergency by the Governor of Maryland provides the Town access to the resources and assistance of the departments and agencies of the state, including the National Guard, in the event local resources are insufficient to meet the needs.
- c. **Federal Declaration:** The Governor may request a federal emergency or major disaster declaration. In the event that the Town is declared a federal disaster area, the resources of federal departments and agencies are available to provide resources and assistance to augment those of the Town, County and the state.

3. Local Emergency Declaration

A local emergency is declared when, in the judgment of the burgess, the threat or actual occurrence of an emergency or disaster is of sufficient severity and magnitude to warrant a coordinated response by the various Town departments and for assistance from outside the Town.

- a. The declaration of a local emergency by the burgess activates the Town EOP. A local emergency is declared when, in the judgment of the burgess, the threat or occurrence of an incident is of sufficient severity to warrant a multi-department response by the Town and the need for outside assistance.
- b. The president of the Board of Commissioners of Frederick County (BOCC) has the authority to declare a local emergency that may include the Town.
- c. For instances where a resource shortage (e.g. gasoline, heating oil) is substantially or wholly the cause of a local emergency, a local emergency can only be declared by the Governor based upon the request of the burgess through the County director of DEM.
- d. When, in their judgment, all emergency activities have been completed, the burgess or town council will take action to terminate the declared emergency.
- e. A local emergency declaration may be enacted by the burgess for up to seven days. A local emergency may only be extended beyond seven days with approval of the town council.

4. State of Emergency

- a. The Maryland Emergency Management Act, found in the Annotated Code of Maryland, Public Safety Article, § 14-101, et. seq., prescribes the authority and implications of a declaration of a state of emergency by the Governor.
- b. The Governor may declare a state of emergency to exist whenever the Governor finds an emergency has developed or is impeding due to any cause. The state of emergency is declared by executive order or proclamation.
- c. The Governor's Declaration of a State of Emergency provides for the expeditious provision of assistance to local jurisdictions, including use of the Maryland National Guard.

5. Federal Emergency and Major Disaster Declarations

- a. Under the provisions of the Robert T. Stafford Act, the Governor may request the president to declare a major disaster or emergency declaration for incidents that are (or threaten to be) beyond the scope of the state and local jurisdictions to effectively respond.
- b. A presidential Major Disaster Declaration puts into motion long-term federal recovery programs designed to help disaster victims, businesses, and public entities.
- c. An emergency declaration is more limited in scope and without the long-term federal recovery programs of a major disaster declaration. Generally, federal assistance and funding are provided to meet a specific emergency needs or to help prevent a major disaster from occurring.
- d. The major disaster or emergency declaration designates the political subdivisions within the state that are eligible for assistance. There are three major categories of disaster aid available under a major disaster declaration
 - 1) Individual Assistance (IA): Aid to individuals and households.
 - a) Disaster Housing provides up to 18 months temporary housing assistance for displaced persons whose residences were heavily damaged or destroyed. Funding also can be provided for housing repairs and replacement.
 - b) Disaster Grants may be available to help meet other serious disaster related needs and necessary expenses not covered by insurance and other aid programs. These may include replacement of personal property, transportation, medical, dental, and funeral expenses.
 - c) Low-Interest Disaster Loans may be available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be for repair or replacement of homes, automobiles, clothing, or other damaged personal property. Loans are also available to businesses for property loss and economic injury.
 - d) Other disaster aid programs include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax,

Social Security, and Veteran's benefits. Other State or local help may also be available.

- 2) **Public Assistance (PA):** Aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. PA may include debris removal, emergency protective measures and public services, repair of damaged public property, loans needed by communities for essential government functions, and grants for repair of damaged public and private nonprofit schools and educational facilities.
- 3) **Hazard Mitigation:** Funding for measures designed to reduce future losses to public and private property.

6. Other Declarations

- a. Several federal agencies have independent authorities to declare disasters or emergencies. These authorities may be exercised concurrently or become part of a major disaster or emergency declared under the Stafford Act. These other authorities include:
 - 1) The administrator of the SBA may make a disaster declaration based upon physical damage to buildings, machinery, equipment, homes, and other property as well as economic injury.
 - 2) The Secretary of HHS may declare, after consultation with public health officials, a public health emergency in the event of a significant outbreak of infectious diseases or bioterrorist attack.
 - 3) The U. S. Army Corps of Engineers may issue a disaster declaration in response to flooding or coastal storms.
 - 4) The Secretary of Agriculture may declare a disaster in certain situations in which a County sustained a production loss of 30 percent or greater in a single major enterprise.
 - 5) A federal On-Scene-Coordinator (OSC), designated by the Environmental Protection Agency (EPA), U.S. States Coast Guard, or the Department of Energy (DOE) under the National Contingency Plan (NCP), has the authority to direct response efforts at the scene of a discharge of oil, hazardous substance, pollutants, or contaminants, depending upon the location and source of the release.

7. The Declaration Process

- a. A local emergency may be declared by the burgess. The burgess will consult with the County DEM, when possible, to assist with the declaration. The local emergency declaration may be based upon reports of an actual event or on the forecast or prediction of emergency conditions.
- b. Whenever a local emergency has been declared, the town administrator will immediately notify the County DEM through the County Emergency Communications Center (ECC). The County will notify the Maryland Emergency Management Agency (MEMA).
- c. For an incident that affects the Town and other areas of the County, the

County, concurrently with the Town declaration or upon the request of the Town, may issue the local emergency declaration.

- d. A local emergency must be declared before state and federal assistance can be requested unless a state or federal state of emergency has already been declared.
- e. Based upon the request of the County or other information available, the Governor may declare a state of emergency. The Governor's declaration of a state of emergency provides for expedited assistance from state departments, agencies and the Maryland National Guard.
- f. Once a determination is made by MEMA that the event is, or may be, beyond the capabilities of the Town, County and state, the Governor may request assistance from FEMA. Generally this request will result in joint federal/state Preliminary Damage Assessment (PDA).
 - 1) A PDA is an on-site survey of the affected area(s) by federal and state officials to determine the scope and magnitude of damages and to determine if federal assistance is warranted. Generally, a PDA is conducted prior to an official request by the Governor for a declaration of an emergency or major disaster by the president. The County director of DEM will provide assistance in facilitating the PDA process within the Town.
 - a) Depending upon the extent and scope of damages provided in the initial reports, PDA teams may be organized to assess damage to private property (Individual Assistance) and/or public property (Public Assistance).
 - b) For events of unusual severity and magnitude, state and federal officials may delay the PDA pending more immediate needs assessment activities.
 - c) The PDA process verifies the general magnitude of damage and whether federal assistance will be requested.
 - d) Based upon the results of the PDA and consultations with FEMA, MEMA will prepare for the Governor's signature an official request for an emergency or major disaster declaration.
- g. The presidential declaration will stipulate the types of federal assistance authorized for the Town.

H. Activities by Phases of Emergency Management

1. Mitigation

The Town will conduct mitigation activities to lessen or eliminate hazards, reduce the probability of hazards causing an emergency situation, or lessen the consequences of unavoidable hazards and participate in the review and updates of the County Natural Hazard Mitigation Plan.

2. Preparedness

Preparedness activities will be conducted in coordination with the County DEM to develop the response capabilities needed in the event of an emergency.

3. Response

The Town will respond to emergency situations using the resources available and will request assistance, as needed, through the County for response operations. Response activities include emergency medical services, firefighting, law enforcement operations, evacuation, sheltering and mass care, search and rescue and other associated functions.

4. Recovery

If a disaster occurs, the Town will carry out a recovery program that involves both short-term and long-term efforts. Short-term operations seek to restore vital services to the community and provide for the basic needs of the public. Long-term recovery focuses on restoring the community to its natural state.

V. ORGANIZATION AND ASSIGNMENTS OF RESPONSIBILITIES

A. Organization

1. In the event of a significant emergency or disaster impacting the Town, the burgess, assisted by the town administrator, will coordinate emergency operations within the Town and request outside resources as needed. The TCC will be activated, as necessary, to coordinate the Town's response operations. The Town may request a representative from the County DEM to assist the Town.
2. In the event the County EOC is activated to coordinate operations, the burgess may designate a representative to the County EOC to coordinate activities within the Town.

B. Assignment of Responsibilities

1. The burgess will:
 - a. Establish objectives and priorities for the emergency management program and provide general policy guidance.
 - b. Serve as, or appoint, a chief spokesperson for the Town during emergency events.
 - c. Confer with the town administrator and other town officials, as appropriate, on policy issues related to the response and recovery operations.
 - d. Coordinate with other elected officials at the County, regional and state level, including the congressional delegation.
 - e. Order evacuations and implement this plan.
 - f. Keep the public informed during emergency situations.

- g. In coordination with the County director of DEM, declare a local state of emergency, request the Governor declare a state of emergency, or invoke the emergency powers of government, when necessary.
 - h. Request assistance from other local governments, when necessary.
 - i. Exercise overall responsibility for plans and operations for emergency and disaster assistance within the Town.
2. The town council will:
- a. Monitor the emergency response during disaster situations and provide direction where appropriate.
 - b. Ensure funds are available to support emergency operations as outlined in this plan.
 - c. Communicate with the public and provide guidance on responding to an emergency or disaster.
 - d. As necessary, vote to extend a local emergency declaration beyond seven days.
 - e. Host community meetings to ensure needs are being addressed and information is provided to residents.
 - f. Promulgate the codes, regulations, and ordinances of the Town, and provides the funds required to implement and enforce an effective mitigation program.
 - g. Enact emergency ordinances, as appropriate.
3. The town administrator will:
- a. Activate the Town EOP.
 - b. Provide direction and control of Town departments and organizations during emergency operations. In the event the TCC is activated, the town administrator will serve as the TCC manager.
 - c. Direct and reallocate Town assets and resources during an emergency.
 - d. Serve as the lead for the Town in managing recovery operations.
4. The Director of Public Works will:
- a. Provide personnel, equipment, and supplies to support emergency operations, upon request.
 - b. Develop and maintain SOPs/SOGs for emergency tasks.
 - c. Monitor the status of the Town's transportation infrastructure and repair roads and traffic control systems, as necessary.
 - d. Provide support to the FCSO for traffic control, as necessary.

Deleted: director, Operations and Construction

- e. Manage snow and debris removal on Town streets.
 - f. Provide support for evacuations.
5. The Director of Public Works will:
- a. Develop and maintain SOPs/SOGs for emergency tasks.
 - b. Conduct damage assessments of water supply, distribution and control facilities, sanitary sewer systems and related facilities.
 - c. Manage the repair and restoration, as necessary, of Town water and sanitary sewer systems and related facilities.
 - d. Provide for emergency water supply and assist with distribution.
 - e. Ensure the continued supply of potable water.
 - f. Ensure continuous wastewater collection services.
 - g. In conjunction with the County Health Department, provide warnings and advice for contaminated or low water levels and "boil water" alerts.
6. Law enforcement will:
- a. Provide available staff, resources, and facilities to support emergency operations.
 - b. As appropriate, establish on-scene incident command.
 - c. Assist in evacuation operations.
 - d. Provide security of emergency site(s), evacuated areas, shelter areas, vital facilities, supplies, and other assigned locations.
 - e. Provide assistance in search operations.
 - f. Provide law enforcement services.
 - g. Initiate on-scene warning and alerting in cooperation with the Middletown Volunteer Fire Company.
 - h. Provide traffic control and management.
 - i. Conduct investigations in accordance with Federal, State, and local laws.
7. The Middletown Volunteer Fire Company will:
- a. Provide fire prevention, suppression and rescue services.
 - b. Provide support for emergency notifications.
 - c. As appropriate, establish initial on-scene incident command.
 - d. Provide emergency medical care, triage, and transportation.

Deleted: superintendent, Water and Sewer

- e. Assist in evacuation operations.
 - f. Assist in search operations.
8. Planner and Zoning Administrator will:
- a. Provide support for damage assessment operations.
 - b. Ensure that rebuilding that occurs following an emergency or disaster complies with the Town's zoning and building code, land-use regulations and comprehensive plan.
 - c. In coordination with appropriate Town officials, prepare actions that require the passage of an ordinance or regulation. Advantage will be taken of each opportunity to mitigate the effects of any further disaster.
9. Town Attorney will:
- a. Advise Town officials concerning legal responsibilities, powers and liabilities regarding emergency operations and post-disaster assistance.
 - b. Prepare, as appropriate, emergency ordinances (i.e., price gouging and curfews) and local declarations.
 - c. Assist with the preparation of applications, legal interpretations, or opinions.
 - d. Assist in obtaining waivers and legal clearances needed to dispose of debris and materials resulting from an emergency or disaster.
 - e. Assist with the implementation of isolation and quarantine orders and other court orders, as needed.

C. Response Operations Functional Responsibilities

1. The Town EOP is based upon common functions that may be needed following a significant emergency or disaster. These functions are based upon those identified in the County EOP.
 - a. Warning – The Town will use all means available to provide the Town population with appropriate warning information. This includes radio and television, loudspeakers, sirens and telephones and e-mail. The Town also has a voice/tone siren system that may be used to provide warnings to the public. Warning activities will be coordinated by the burgess and town administrator. The Town will request support from the County ECC and DEM, as needed. The Town receives warning information through the Frederick County ECC that serves as the Local Warning Point (LWP) as detailed in the Warning Annex to the County EOP. Upon activation of the TCC, warning activities in the Town will be coordinated by the EOC Manager.
 - b. Communications – the Town will request communication support, as needed, through the County as detailed in the Communications Annex to the County EOP. The Town will coordinate the use of its internal communication assets through the TCC.

- c. Radiological Protection – the Town will request support, as needed, from the County as detailed in the Radiological Protection Annex to the County EOP. Primary responsibility for this function is the County DFRS.
- d. Evacuation – the Town will be assisted by the local fire company with support requested from the County, as needed, as detailed in the Evacuation Annex to the County EOP. The local fire company may provide support in conducting door-to-door warnings and instructions.
- e. Damage Assessment – the County DEM has primary responsibility for coordinating damage assessment activities as detailed in the Damage Assessment Annex to the County EOP. The Town will be responsible for damage assessment of critical infrastructure and for providing support and information for damage within the Town boundaries.
- f. Firefighting and other Fire/Rescue Functions – the Middletown Volunteer Fire Company has primary responsibility for this function within the Town and will coordinate requests for support through the County DFRS and existing mutual aid.
- g. Emergency Medical Services (EMS) – The Middletown Volunteer Fire Company has primary responsibility for this function within the Town and will coordinate requests for support with the County DFRS and existing mutual aid.
- h. Law Enforcement – the FCSO has primary responsibility for law enforcement functions within the Town during emergency situations and will provide support as detailed in the Law Enforcement Annex to the County EOP.
- i. Direction and Control - primary responsibility for direction and control with the Town is assigned to the burgess, assisted by the town administrator. The town administrator will serve as the TCC manager upon activation and will manage the Town's emergency response operations.
- j. Hazardous Materials and Oil Spills – the County DFRS has primary responsibility for hazardous material response operations as detailed in the Hazardous Material and Oil Spill Response Annex to the County EOP. The Middletown Volunteer Fire Company will provide support, as needed.
- k. Search and Rescue – the FCSO has primary responsibility for search operations following a major disaster or emergency as detailed in the Law Enforcement Annex to the County EOP. The Middletown Volunteer Fire Company has primary responsibility for rescue operations following a major disaster or emergency as detailed in the Fire and Rescue Annex to the County EOP. The County DFRS will provide support, as necessary.
- l. Terrorist Incident – the FCSO has primary responsibility for local response to a terrorist incident as detailed in the Terrorist Incident Annex to the County EOP.
- m. Shelter and Mass Care – the County Citizens Services Division has the primary responsibility for shelter and mass care operations as detailed in the Shelter and Mass Care Annex to the County EOP.
- n. Health and Medical Services – the County Health Department has the primary responsibility for health and medical service operations as detailed in the Health and Medical Services Annex to the County EOP.

- o. Human Services – the County Citizens Services Division has the primary responsibility of coordinating human services as detailed in the Human Services Annex to the County EOP.
- p. Transportation – the Town's Operations and Construction Department has primary responsibility for coordinating transportation support. The County will assist, when requested, as detailed in the Transportation Annex to the County EOP.
- q. Emergency Public Information (EPI) - The burgess or the burgess's designee will serve as the chief spokesperson for the Town. The Town will coordinate its EPI with the County and assign a representative to the County Joint Information Center (JIC), if activated.
- r. Recovery – The town administrator will be the lead for recovery operations within the Town and will serve as the Town's point of contact with the County.
- s. Public Works and Engineering – the Town's director, Operations and Construction has primary responsibility for this function.
- t. Utilities – the Town's Superintendent, Water and Sewer, has the primary responsibility for this function.
- u. Resource Management – The Town will, upon exhaustion of Town resources, request assistance from the County.
- v. Donations and Volunteer Management - the County Citizens Services Division has the primary responsibility for coordinating donations and volunteers during an emergency response as detailed in the Donations and Volunteer Coordination Annex to the County EOP.
- w. Legal – The town attorney will provide appropriate advice to Town officials.

VI. DIRECTION AND CONTROL

A. General

1. The burgess, assisted by the town administrator, is responsible for establishing objectives and policies for emergency management and providing general guidance for disaster response and recovery operations.
2. The town administrator will provide overall direction of the response activities of all departments. As necessary, the TCC will be activated to coordinate emergency operations.
3. The IC, assisted by a staff sufficient for the tasks to be performed, will manage the emergency response at an incident site.
4. If the Town's own resources are insufficient or unsuitable to deal with an emergency situation, assistance from other jurisdictions, the County, organized volunteer groups, or the state may be requested.

B. Emergency Facilities

1. Incident Command Post (ICP)

Except when an emergency situation threatens, but has not yet occurred, and those situations for which there is no specific hazard impact site (such as severe winter storm or area-wide utility outage), an ICP or command posts will be established in the vicinity of the incident site(s). As noted previously, the IC will be responsible for directing the emergency response and managing the resources at the incident scene.

2. Town Command Center (TCC)

When major emergencies and disasters have occurred or appear imminent, the TCC, located at East Wastewater Treatment Plant, Middletown, will be activated. The alternate TCC is the Middletown Maintenance Facility. The burgess and director of County DEM will determine if a Town liaison will be deployed to the County EOC or a liaison from the County DEM will be deployed to the TCC to coordinate emergency actions between the Town and the County.

a. The following individuals are authorized to activate the TCC:

- 1) burgess
- 2) town administrator
- 3) ~~director of public works~~

Deleted: director of operations and construction

b. The general responsibilities of the TCC are:

- 1) Assemble accurate information on the emergency situation and current resource data to allow local officials to make informed decisions on courses of action.
- 2) Working with representatives of emergency services, determine and prioritize required response actions and coordinate their implementation.
- 3) Provide resource support for emergency operations.
- 4) Suspend or curtail government services, recommend the closure of schools and businesses, and cancellation of public events.
- 5) Organize and activate large-scale evacuation and mass care operations.
- 6) Provide emergency information to the public.

c. Representatives of those departments and agencies assigned emergency function in this plan will staff the TCC. The interface between the TCC and the ICP is described in paragraph V. B. above.

C. Continuity of Government

1. A major incident or emergency could include death or injury of key Town officials, the partial or complete destruction of established facilities, and the destruction of vital public records essential to the continued operations of the Town government. It is essential that law and order be preserved and government services maintained.
2. Continuity of leadership and government services is particularly important with respect to emergency services, direction of emergency response operations, and management of recovery activities. A key aspect of this control is the continued

capability to communicate official requests, situation reports, and other emergency information throughout the event.

3. The line succession for the burgess is:

- a. burgess pro tempore
- b.

4. The line of succession for the town administrator is:

- a. ~~Director of Public Works~~
- b. ~~Assistant Director of Public Works~~

Deleted: , Operations and Construction

Deleted: <#>Superintendent, Water and Sewer

VII. EVACUATION

State law does not authorize the Governor or local officials to issue mandatory evacuation orders. State and local officials may recommend evacuation of threatened or stricken areas.

A. Evacuation

The purpose of this section is to provide for the orderly and coordinated evacuation of all, or any part, of the population of the Town if it is determined that such action is the most effective means available for protecting the population from the effects of an emergency situation. This section is intended to work in conjunction with the County EOP.

B. Evacuation Situation

1. The Town is susceptible to both natural and man-made events such as floods, hurricanes, and hazardous material incidents that may necessitate an evacuation of nearby residents, businesses, and other facilities in order to save and protect lives. Evacuations may not always be the best option and Town officials or the on-scene IC may instead order affected populations to shelter in place. However, emergency situations such as a major fire, transportation accidents, hazardous material incidents, or localized flooding may require an evacuation of Town residents.
2. The Town has the primary responsibility for ordering an evacuation and ensuring the safety of its citizens. The decision to evacuate will depend on the type of hazard, its magnitude, intensity, duration, and anticipated time of occurrence, assuming it hasn't already happened.
3. The on-scene IC may implement an evacuation, as necessary, to save lives and establish a zone around the impacted or potentially impacted area. The IC will request assistance from Town officials, as required, to provide notification, traffic management and control, and other support, as necessary. Should an evacuation become necessary, warning and evacuation instructions may be disseminated via radio, television, and other available media outlets, voice/tone siren, door-to-door notifications, etc.
4. The primary means of transportation for evacuees will be by privately owned and operated motor vehicles. Town transportation resources may be utilized to provide supplementary transportation for those in need, including special needs

populations, who may require accessible transportation. As necessary, additional transportation assets will be requested from the County.

5. Depending upon the scope and magnitude of the incident, a Unified Command, including the Middletown Volunteer Fire Company, Middletown Ambulance Service, County DEM, County DFRS and the FCSO, may be established to coordinate notification to residents and businesses, and to provide direction for the orderly evacuation of the affected area. If the nature of the incident is escalating rapidly, or if large areas are impacted, the TCC may be activated to support the IC.
6. In the event that emergency shelters will need to be established to support evacuations, the Town will request support from the County to establish and operate the shelter(s), as appropriate.
7. Since the Town has no mandatory evacuation law, the burgess, or designee, can only recommend evacuation of a threatened area, not mandate it. However, when the burgess has issued a local disaster declaration, he or she may take action to control re-entry into a stricken area and the movement of people and occupancy of buildings within a disaster area.
8. Town residents are expected to plan for the care of their pets in the event of a disaster or emergency. Companion animals are not permitted in mass care shelters operated by the County except for service animals that accompany citizens with special needs. However, the County has made provisions for sheltering pets, as necessary, during emergencies. Refer to the County Animal Protection Annex for more information on the sheltering of pets during an emergency.

C. Evacuation Assumptions

1. Most people at risk will evacuate when local officials recommend that they do so. A general estimate is that 80 percent of those at risk will comply when local officials recommend evacuation. The proportion of the population that will evacuate typically increases as a threat becomes more obvious to the public or more serious.
2. Some individuals will refuse to evacuate regardless of the threat.
3. When there is sufficient warning of a significant threat, some individuals who are not at risk will evacuate.
4. Some evacuation planning for known hazard areas can, and should be, done in advance.
5. While some emergency situations are slow to develop, others occur without warning. Hence, there may be time for deliberate evacuation planning or an evacuation may have to be conducted with minimal preparation time. In the case of short notice evacuations, there may be little time to obtain personnel and equipment from external sources to support evacuation operations.
6. The need to evacuate may become evident at any time and there could be little control over the evacuation start time.
7. In most emergency situations, the majority of evacuees will seek shelter with relatives or friends or in commercial accommodations rather than in public shelters.

8. Most evacuees will use their personal vehicles to evacuate; however, transportation may need to be provided for evacuees without personal vehicles.
9. Public information messages that emphasize the need for citizens to help their neighbors who lack transportation or need assistance can significantly reduce requirements for public transportation during an evacuation.

D. Concept of Operations

1. The IC or, for large-scale emergencies, the burgess, shall assess the need for evacuation. The town administrator, as the TCC manager, will plan evacuations and coordinate support among Town departments and the County, as necessary, for the evacuation effort.
2. It may be appropriate to recommend precautionary evacuation of certain residents in advance of a general evacuation recommendation.
3. Evacuating residents with special needs may require specialized transportation.
4. Advanced planning for special needs evacuees must be coordinated to ensure that proper care may be given at designated shelter locations.
5. A recommendation to evacuate will be issued by the burgess or designee. The Town will use all means available to disseminate the evacuation recommendation.
6. Actual evacuation movement will be controlled by the FCSO.
7. The Town will request support, as needed, from the County as outlined in the County EOP. The Evacuation Annex to the County EOP provides additional information.

VIII. ADMINISTRATION AND SUPPORT

A. Agreements and Contracts

Should local resources prove to be inadequate during an emergency; requests will be made for assistance from other local jurisdictions through mutual-aid and the County EOP.

B. Records

1. Record Keeping for Emergency Operations

The Town is responsible for establishing the administrative controls necessary to manage the expenditure of funds and to provide reasonable accountability and justification for expenditures made to support emergency operations. This shall be done in accordance with the established Town fiscal policies and standard cost accounting procedures.

a. Incident Costs

All departments shall maintain records summarizing the use of personnel, equipment, and supplies during the response to day-to-day incidents to obtain

an estimate of annual emergency response costs that can be used in preparing future department budgets.

b. Emergency or Disaster Costs

For major emergencies or disasters, all departments and agencies participating in the emergency response shall maintain detailed records of costs for emergency operations to include:

- 1) Personnel costs, especially overtime costs.
- 2) Equipment operation costs.
- 3) Costs for leased or rented equipment.
- 4) Costs for contract services to support emergency operations.
- 5) Costs of specialized supplies expended for emergency operations.

These records may be used to recover costs from the responsible party or insurers or as a basis for requesting financial assistance for certain allowable response and recovery costs from the state and/or federal government.

2. Preservation of Records

- a. In order to continue normal Town operations following an emergency situation or disaster, vital records must be protected. These include legal documents as well as property and tax records. The principal causes of damage to records are fire and water; therefore, essential records should be protected accordingly. Each department will include protection of vital records in its SOPs/SOGs.
- b. If records are damaged during an emergency situation, the Town may seek professional assistance to preserve and restore them.

C. Consumer Protection

Consumer complaints regarding alleged unfair or illegal business practices often occur in the aftermath of a disaster. Such complaints will be referred to the town attorney who will pass such complaints to the Consumer Protection Division of the Office of the Attorney General.

D. Post-Incident and Exercise Review

The burgess is responsible for organizing and conducting a critique following the conclusion of a significant emergency event/incident or exercise. The critique will entail both written and verbal input from all appropriate participants. Where deficiencies are identified, an individual or department will be assigned responsibility for correcting the deficiency and a due date shall be established for that action.

IX. PLAN DEVELOPMENT AND MAINTENANCE

A. Plan Development

The town administrator is responsible for the overall development and completion of the Town's EOP and identified supporting annexes. The burgess is responsible for approving and promulgating this plan.

B. Distribution of Planning Documents

The town administrator shall determine the distribution of this plan and its annexes, if any. This plan includes a distribution list (See Appendix 1) that indicates who receives copies of the basic plan and its annexes.

C. Review

This plan and its annexes shall be reviewed annually by local officials. The town administrator will establish a schedule for annual review of planning documents by those tasked in them.

D. Update

1. This plan will be updated based upon deficiencies identified during actual emergency situations and exercises and when changes in threat hazards, resources and capabilities, or government structure occur.
2. This plan and its annexes, if any, must be revised or updated by a formal change at least every four years. Responsibility for revising or updating the plan is assigned to the town administrator.
3. The town administrator is responsible for distributing all revised or updated planning documents to all departments, agencies, and individuals tasked in those documents.

X. APPENDICES

Appendix 1	Distribution List
Appendix 2	Town Emergency Contact Information
Appendix 3	Assignment of Town Responsibilities
Appendix 4	Frederick County Emergency Operations Plan Annexes

APPENDIX 1

Distribution List

Jurisdiction/Agency Plan	Basic Plan	Annexes
Town Command Center	1	All
Burgess	1	All
Town Council	5	All
Town Administrator	1	All
Director of Public Works	1	All
Parks and Recreation	1	All
Planning and Zoning	1	All
Town Attorney	1	All
Middletown Volunteer Fire Company	1	All
Frederick County Division of Emergency Management	1	All
Frederick County Division of Fire and Rescue Services	1	All
Frederick County Division of Health Services	1	All
Frederick County Citizens Services Division	1	All
Frederick County Division of Public Works	1	All
Frederick County Sheriff's Office	1	All
Frederick County Finance Division	1	All

APPENDIX 3

Assignment of Responsibilities

RESPONSIBLE PARTY	ASSIGNMENT
Burgess	<ul style="list-style-type: none"> Establish objectives and priorities for the emergency management program and provide general policy guidance. Serve as, or appoint, a chief spokesperson for the Town during emergency events. Confer with the town administrator and other town officials, as appropriate, on policy issues related to the response and recovery operations. Coordinate with other elected officials at the County, regional and state level, including the congressional delegation. Order evacuations and implement this plan. Keep the public informed during emergency situations. In coordination with the County director of DEM, declare a local state of emergency, request the Governor declare a state of emergency, or invoke the emergency powers of government, when necessary. Request assistance from other local governments, when necessary. Exercise overall responsibility for plans and operations for emergency and disaster assistance within the Town.
Town Council	<ul style="list-style-type: none"> Monitor the emergency response during disaster situations and provide direction where appropriate. Ensure funds are available to support emergency operations as outlined in this plan. Communicate with the public and provide guidance on responding to an emergency or disaster. As necessary, vote to extend the disaster declaration for the Town beyond seven days. Host community meetings to ensure needs are being addressed and information is provided to residents. Promulgate the codes, regulations, and ordinances of the Town, and provides the funds required to implement and enforce an effective mitigation program. Enact emergency ordinances, as appropriate. Activate the Town EOP.
Town Administrator	<ul style="list-style-type: none"> Provide direction and control of Town departments and organizations during emergency operations. In the event the TCC is activated, the town administrator will serve as the TCC manager. Direct and reallocate Town assets and resources during an emergency. Serve as the lead for the Town in managing recovery operations. Provide personnel, equipment, and supplies to support emergency operations upon request.
Director of <u>Public Works</u>	

Deleted: Operations and Construction

<p>Director of Public Works</p>	<ul style="list-style-type: none"> • Develop and maintain SOPs/SOGs for emergency tasks. • Monitor the status of the Town's transportation infrastructure and repair roads and traffic control systems, as necessary • Provide support to the FCSO for traffic control, as necessary. • Manage snow and debris removal on Town streets. • Provide support for evacuations. • Develop and maintain SOPs/SOGs for emergency tasks. • Conduct damage assessments of water supply, distribution and control facilities, sanitary sewer systems and related facilities. • Manage the repair and restoration, as necessary, for Town water and sanitary sewer systems. • Provide for emergency water supply and assist with distribution. • Ensure the continued supply of potable water. • Ensure continuous wastewater collection services. • In conjunction with the County Health Department, provide warnings and advice for contaminated or low water levels and "boil water" alerts.
<p>Law Enforcement</p>	<ul style="list-style-type: none"> • Provide available staff, resources, and facilities to support emergency operations. • As appropriate, establish on-scene incident command. • Assist in evacuation operations. • Provide security of emergency site(s), evacuated areas, shelter areas, vital facilities, supplies, and other assigned locations. • Provide assistance in search operations. • Provide law enforcement services. • Initiate on-scene warning and alerting in cooperation with the Middletown Volunteer Fire Company. • Provide traffic control and management. • Conduct investigations in accordance with Federal, State, and local laws.
<p>Middletown Volunteer Fire Company</p>	<ul style="list-style-type: none"> • Provide fire prevention, suppression and rescue services. • Provide support for emergency notifications. • As appropriate, establish initial on-scene incident command. • Provide emergency medical care, triage, and transportation. • Assist in evacuation and search operations.
<p>Planner and Zoning Administrator</p>	<ul style="list-style-type: none"> • Provide support for damage assessment operations. • Ensure that rebuilding that occurs following an emergency or disaster complies with the Town's zoning, land-use regulations and comprehensive plan. • In coordination with appropriate Town officials, prepare actions that require the passage of an ordinance or regulation. Advantage will be taken of each opportunity to mitigate the effects of any further disaster.

Town Attorney

- Advise Town officials concerning legal responsibilities, powers and liabilities regarding emergency operations and post-disaster assistance.
- Prepare, as appropriate, emergency ordinances (i.e., price gouging and curfews) and local declarations.
- Assist with the preparation of applications, legal interpretations, or opinions.
- Assist in obtaining waivers and legal clearances needed to dispose of debris and materials resulting from an emergency or disaster.
- Assist with the implementation of isolation and quarantine orders and other court orders.

APPENDIX 4**Frederick County EOP Annex Assignments**

ANNEX	ASSIGNED TO:
Annex A: Warning	Director, Emergency Management Division
Annex B: Communications and Information Technology	Director, IIT Division
Annex C: Shelter & Mass Care	Director, Citizens Services Division
Annex D: Radiological Protection	Director, Division of Fire and Rescue Services
Annex E: Evacuation	Director, Public Works Division
Annex F: Fire and Rescue	Director, Division of Fire and Rescue Services
Annex G: Law Enforcement	Frederick County Sheriff
Annex H: Health and Medical Services	County Health Officer
Annex I: Emergency Public Information	County Public Information Officer
Annex J: Recovery	Director, Finance Division
Annex K: Public Works and Engineering	Director, Public Works Division
Annex L: Utilities	Director, Division of Management Services
Annex M: Resource Management	Director, Finance Division
Annex N: Direction & Control	Director, Emergency Management Division
Annex O: Human Services	Director, Citizen Services Division
Annex P: Reserved for future use.	
Annex Q: Hazardous Materials & Oil Spill Response	Director, Division of Fire and Rescue Services
Annex R: Reserved for future use.	
Annex S: Transportation	Director, Public Works Division
Annex T: Donations and Volunteer Management	Director, Citizens Services Division
Annex U: Legal	County Attorney
Annex V: Terrorist Incident Response	Frederick County Sheriff
Annex W: Animal Health Emergency	Director, Animal Control Division
Annex X: Private Sector Coordination	Director, Economic Development Division
Annex Y: Family Support	Director, Citizens Services Division
Annex Z: Damage Assessment	Director, Public Works Division

Maryland Special Event Recycling Law

A Fact Sheet for Event Organizers



In 2015, the State of Maryland enacted legislation that mandates recycling at certain special events held in public spaces.

A special event may be a street fair, concert, picnic, sports event or other activities.

When conducting such events, there are many opportunities to reduce waste and recycle materials.

There are many items that can be recycled, reused, composted or donated. This guide and helpful checklist are designed to help as you plan to minimize waste at your event.

The key to success is including your recycling efforts in the earliest stages of event planning.



What are My Responsibilities Under the State's Special Events Recycling Program (SERP)? Under Maryland Law, special event organizers are responsible for providing recycling at special events that meet the following criteria:

- Includes temporary or periodic use of a public street, publicly owned site or facility, or public park;
- Serves food or drink; and
- Is expected to have 200 or more persons in attendance.

Event organizers are responsible for providing and placing recycling receptacles adjacent to each trash receptacle at the event. Recycling receptacles must be clearly distinguished from trash receptacles by color or signage. You must ensure that the recyclables collected are delivered for recycling. Finally, you are responsible for all costs and labor to carry out the recycling program at your event.

Which Materials Must be Recycled?

You must provide for recycling of at least plastic, metal and glass containers, and paper. (Paper plates and napkins are NOT recyclable.) If serving food at the event, you must assess the availability of recycling service for food waste and if available, provide it. Food waste must be sent to a facility that is permitted or approved by the appropriate regulatory agency.

What Steps Should I Take Before the Event?

The other side of this page offers a checklist of steps for planning event recycling and waste reduction. One of the first steps is to decide how recycling will be processed after the event; event organizers can:

- Transport recyclable materials to the Frederick County transfer station and pay the prevailing tipping fee for commercial recycling.
- Contract a recycling hauler to collect materials and deliver them for recycling.
- Receive prior agreement from the site owner to use the site's existing recycling system.

Where Can I Find More Information?

For more information, please contact the Frederick County Department of Solid Waste Management by calling 301-600-2890 or by sending email to:

recycle@FrederickCountyMD.gov.

Useful information can also be found on the EPA's "Recycle on the Go" website:

www.epa.gov/epawaste/comenetools



Checklist for Special Event Recycling

- **Review the law** - Determine if the law applies to your event and understand any responsibilities required.
- **Designate a leader** - Who will be responsible for oversight of recycling and/or garbage collection? Make sure their contact information is available to staff, vendors and volunteers.
- **Identify partners** - Consider organizing a recycling committee that includes stakeholders and creates partnerships. Identify all parties that would be affected by the inclusion of recycling at the event. Stakeholders may include event organizers, promoters, facility managers, facility users, vendors and garbage and recycling collectors and processors.
- **Identify your collection system** - What size and type of containers will you use? Where will they be obtained from? Make sure recycle bins are available for both vendors and event attendees to utilize. Ideally, a recycle bin should be adjacent to each trash can. Large blue bins can be purchased from <https://www.uline.com/Product/AdvSearchResult?KeywordTyped=Recycling%20Containers&keywords=R recycling%20Containers>, and cardboard bins can be purchased from <http://www.webstaurantstore.com/images/products/main/25075/440028/large-cardboard-recyclable-trash-can-10-case.jpg>.
- **Identify your processing methods** - Who will empty bins as they become full? Where will materials be stored? Determine how recyclable materials will be collected and transported off site and who is responsible. May be self-hauled, taken by a contracted hauler or possibly processed using the site's existing recycling plan. Determine when hauling will occur - during or after the event?
- **Funding your recycling activity** - Planning should allow you to understand any costs associated with the recycling effort. Captured savings from reduced waste disposal costs may help fund recycling efforts.
- **Educating and Training** - Promote recycling and educate employees, volunteers and attendees. Utilize an effective, illustrative educational program that will be understood by all participants.
- **Reduce the amount of contaminants in the recyclables** - Teaching visitors and staff to recycle properly is essential. Use containers that are large enough and clearly marked for the successful capture of recyclables. Make sure they are adequately placed in areas that are convenient to the recycler. Also, make sure that there are adequate and strategically placed garbage containers. Recycling posters and container label templates are available for no charge at www.FrederickCountyMD.gov/EventRecycling.
- **Site Monitoring** - Look at trash cans and recycle bins during the event to assess if materials are being properly placed. Ensure that labels and posters remain visible and legible. Make adjustments to the system as necessary.
- **Measure and evaluate your recycling efforts** - After your event, record lessons learned. Ask for feedback, share your results and thank your partners and participants.

What happens to the event's recyclables?

After collection at your event, recyclables are usually sent to a processing facility where they are sorted and packaged for sale to new markets to be remade into useable products. For example, recycled plastic water bottles can be sorted, baled and sold to be made into fleece or other polyester clothing, automobile parts and new plastic bottles among many other uses. If not recycled, these bottles would be disposed and have no further use. Thank you for helping Frederick County residents "Recycle More. Waste Less."

For more information on the Maryland State Special Event Recycling Law, please visit:

Mgaleg.maryland.gov/webmag/frmMain.aspx?pid=billpage&stab=o1&d=sbo781&tab=subject3&ys=2014RS