



AGENDA FOR THE TOWN MEETING

June 9th, 2025

Regular Meeting - 7:00PM

Drought Status- [Code Yellow](#)

PLEDGE TO THE FLAG

CALL TO ORDER

- "If I Were Mayor Contest"- Winner's Recognition

PUBLIC HEARING

- [Zoning Map Amendment 101 & 103 Prospect Street](#)

PUBLIC COMMENT

CONSENT AGENDA

- Town Meeting Minutes
 - May 27th, 2025 – Town Board Meeting Minutes^V
 - June 5, 2025 – Workshop Meeting Minutes^V
- Drought Warning & Status Update¹⁶
- Reappointment of Daphne Gabb to the Board of Appeals^V

UNFINISHED BUSINESS

- FY26 Budget Update¹⁶
- [Remsberg Farm Lease Agreement](#)^V

NEW BUSINESS

- [PFAS Settlement Funds Account Placement](#)^V
- [Resolution 25-03 Water Rate Increase](#)
- [Resolution 25-04 to Adopt the FY26 Operating Budget](#)
- [Resolution 25-05 to Adopt the FY26 CIP Budget](#)

REPORT OF COMMITTEES:

- Water/Sewer Commissioner Falcinelli

- Public Works
- Sustainability
- Planning Commission Liaison
- Parks & Recreation
- Public Information

Commissioner Dietrick
Commissioner Stottlemeyer
Commissioner Bussard
Commissioner Goodman
Commissioner Falcinelli

ADJOURNMENT

Lifesize Meeting Invite Information

Join the meeting: <https://call.lifesizecloud.com/11085268>.

Passcode: 21769

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United States: +1 (312) 584-2401

Meeting extension: 11085268#

Passcode: 21769

Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

V Identifies a Vote to be taken on the agenda item

Middletown Planning Office

June 9, 2025

Applicant(s): Robert Wilkes, Town Administrator, Town of Middletown

Request: Rezone approximately 0.994 acres of property (TM 65B, Grid 9, Parcel 680, Lot 2) and approximately 0.87 acres of property (TM 65B, Grid 9, Parcel 680, Lot 1) from R-2 to Open Space (OS)

Findings: Mistake of fact led to incorrectly rezoning Parcel 680, Lots 1&2 during the 2010 comprehensive planning effort.

1. Compatibility – Both lots are developed with institutional uses. Lot 1 is developed with a library and lot 2 is developed with a senior center that was previously a library.
2. Comprehensive Plan – Adjacent property to the west is zoned Open Space (OS), to the north is zoned Medium Density Residential (R2), and to the west and south is zoned R1.
3. The properties have always contained institutional uses. During the 2010 comprehensive plan effort, the Burgess and Commissioners (BC) rezoned these two properties from OS to R-2 based on the anticipation of the properties being bought by a developer and the existing structures being turned into apartment units. The existing structures were never turned into apartment units and the uses on the properties remained institutional and continue to be institutional.

Staff Recommendation:

Based on the 2023 Middletown Comprehensive Plan, the properties in question are currently zoned R-2, with an Institutional land use designation. Parcel 680 has been home to the existing school prior to the Zoning Regulations being adopted on March 3, 1969. Parcel 680 was subdivided into Lots 1 & 2 on September 17, 1990, lot 2 containing the existing school building and lot 1 eventually being improved with a future library building that was built in the following year (1991). Upon subdivision, both lots 1 & 2 were zoned OS with no proposed change in the zoning. According to the Planning and Zoning meeting minutes from October 19, 2009, the Town Planner received an email from a town resident requesting that Parcel 680, Lots 1 & 2, be rezoned from OS to a residential zoning district. The Planning Commission heard testimony from several town residents. Additionally, 14 town residents, all residing on Prospect Street, signed a petition opposing the rezoning proposal. Commission member Lake also indicated that he thought the rezoning proposal was premature since there had been no Site Plan submitted yet for development of new lot 1. Commission member Lake also correctly pointed out that the only time the zoning can be changed on a property is during comprehensive rezoning or if mistake or change is proven.

On November 9, 2009, during a town meeting, the Burgess and Commissioners were informed that there was a request to change the zoning of these two properties from OS to TC. This is the first and last time that I was able to find a reference to this proposed rezoning in the Town Meeting minutes. Subsequently, the 2010 Comprehensive Plan was adopted and became effective on March 28, 2010. The properties in question show on the zoning map in the 2010 Comprehensive Plan as being zoned R-2.

Further, the Middletown Comprehensive Plan, adopted March 25, 2023, states that “Institutional properties in the Town of Middletown include schools, wastewater treatment facilities, water treatment facilities and cemeteries. There is no zoning district entitled institutional, therefore these land uses typically use the Open Space zoning district for zoning purposes.” Thus, a mistake was made in rezoning these two properties in 2010 for the following reasons:

1. There was a mistake of fact when rezoning these properties during the 2010 comprehensive planning effort since the Burgess and Commissioners (BC) anticipated the properties being bought by a developer and turned into apartment units. However, the properties were never bought by a developer and turned into apartment units. The uses on the property have always been institutional uses and remain institutional uses to this day. The BC based their decision to rezone these two properties from OS to R-2 on a mistaken assumption that the use(s) on the properties were going to change. Since the uses on the properties did not change as anticipated, the rezoning in 2010 was based on a mistake of fact and the zoning of the properties should revert to OS.
2. Lots 1 & 2 continue to contain institutional uses as a senior center (previously a library) is currently contained on lot 1, and a private school (Saint Thomas More Academy) is currently contained on lot 2. Institutional uses in the Town of Middletown have historically been zoned OS.

Staff concurs with the Town Administrator that a mistake in the existing zoning classification has been made based on arguments made previously in this document. The findings as presented above show that there was a mistake of fact that led to these properties being incorrectly rezoned in 2010. The opinion of staff is that the zoning should revert to the designation assigned to the properties prior to the adoption of the 2010 Comprehensive Plan (OS).

Further, reverting the zoning to OS would be compatible with existing and proposed development in the area, adjacent zoning, and the Comprehensive Plan. If the R-2 zoning designation remains on existing lots 1 & 2, it will be difficult for the property owner to make effective use of the property. Therefore, in addition to a mistake of fact leading to the rezoning of these properties in 2010, the OS zoning designation remains a more appropriate zoning designation for the exiting uses with regard to compatibility with the surrounding neighborhood and furthering the goals of the town’s Comprehensive Plan.

If the Planning Commission provides a favorable recommendation, staff would recommend that the following statement be added: Rezoning does not grant any waiver of subdivision or development requirements for this parcel or any remaining parcel.

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

November 9, 2009

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, November 9, 2009, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

CONSENT AGENDA

Paid Invoices

October 26, 2009 Town Minutes

October 26, 2009 Public Meeting Notes

Commissioner O'Reilly motioned to accept the consent agenda, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

UNFINISHED BUSINESS

Brookridge South Water Plant Construction Award – Conewago Enterprises submitted a proposal for the completion of the Water Plant in the amount of \$325,404.80. This quote is good until November 30, 2009. Commissioner Falcinelli motioned to go forward with the completion of this water plant in the amount of \$325,404.80, seconded by Commissioner Dietrick. Commissioner Dietrick mentioned the Town has an obligation to furnish water but doesn't like the idea of taking a loan. Commissioner Falcinelli agrees with Mr. Dietrick and by bringing this well on line, the Town will be able to apply for release from the Consent Order issued by MDE and allow the Fire Department to go forward with construction. Commissioner Bussard mentioned this project can be done in a 90 day time frame, and since other projects have been cut for lack of money, he is not interested in putting more debt on the Town. He mentioned it would take 28 taps to fund this project and so far there is a commitment for 6 taps. Jeff Holtzinger representing owners/developers of the Newton/Roderick property mentioned they would like to commit to 42 taps but would like to negotiate a lower fee. Bob Smart, 7525 Coblentz Rd., stated that this project would eventually be paid by tap fees and not the proposed quarter Capital Improvement Fee. The motion before the Board passed with a 5 to 1 (Bussard) vote.

Introduction of Charter Amendment Resolutions – A draft of the Charter proposed changes was passed out for the Board's review and will be introduced at the November 23 meeting. There are two outstanding issues, ethnic ordinance as recommended by Commissioner Ventre in Article 1 and Article 8 (because the language was old, the Town Attorney was asked to update the language). The procedure for amendments to be added to the Charter is as follows:

Advertise

Hold a Public Hearing

Post the charter changes for 4 weeks

Introduction of ordinance 09-11-01 to Refinance Existing Loan & Scheduling a Public Hearing – Burgess Miller introduced this ordinance and by general consent a Public Hearing for November 23, 2009 at 7:00 p.m. was scheduled.

Petition for Annexation – AC Jets – Commissioner O’Reilly mentioned this has been going on for the last 7 or so years and expressed the following concerns:

- on the shopping center it stated that one shop would not exceed 75,000 sq. ft and the developer has been told that 60,000 sq. ft. would be the maximum
- there is nothing about a storm retention pond (location)
- Adequate water source and easements
- Agreement mentions By Pass and plans show Parkway
- Previous petition mention a dollar amount up front and there is no mention on this petition.
- Size of Open Space area

By general consent, the Board acknowledged the receipt of this petition for annexation and will forward onto the Planning Commission for their review.

REPORT OF COMMITTEES

WATER/SEWER – Commissioner Falcinelli reported:

Water Tap Allocation Policy – With the approval of the Brookridge South Water Plant Construction, the Board reviewed a revised Water Tap Allocation Policy for the Brookridge South Wells (copy attached). Commissioner Falcinelli motioned to amend the current Water Tap Allocation Policy by adding number 3 “After the 90 day offer expires, water taps will be made available to property owners with an approved site plan or preliminary site plan.”, seconded by Commissioner Ventre and passed unanimously.

Hydrant Flushing – Flushing of the hydrants was done the week of October 12, 2009

Water Status – Springs flowing for the month of October was 67,000 gallons, last year it was 55,000 gallons. Usage for the month of October was 352,000 gallons while last year was 343,000 gallons.

Maintenance – Repairs to a pump located at the water tower cost \$8,000.00.

Capital Improvement Fee – Town is considering implementing a \$25/quarter fee on all water customers, with the exception of the ones who are currently paying a debt service fee, to help pay the existing debt and future needed improvements. The Board scheduled public meetings for Thursday, December 3 and Monday, December 14, 2009 and a letter will be sent to all existing customers.

Committee Meeting – Wednesday, November 18, 2009 at 7:00 p.m.

PUBLIC WORKS – Commissioner Bussard reported:

Town Vehicles – Staff has done maintenance/repairs for winter on the vehicles.

Snow Removal – Have issued a snow removal contract.

Elm Street Parking Lot – Handicap signs have been installed.

Halloween Parade – Staff set up and torn down for the Parade.

Allegheny Power – Commissioner Bussard stated it is taking a long time for Allegheny Power to repair the burn out lights. Staff will talk to the contact from Allegheny Power.

PLANNING AND ZONING – Commissioner Dietrick reported:

Comprehensive Plan – Approximately 30 – 40 people attended the public hearing on October 19. Comments have been posted on the Town's Web site.

Zone Change – approved the change to R2 zone for 100-128 & 101-121 E. Main St., 101-A & 5 Broad St. and 102 & 106 E. Green St.

712-A (Ahalt) and 714 (Moser) E. Main St. – Received a request from the owners to rezone part of their property to TC. Since there is no site plan to subdivide, the Commission removed this request from the Comprehensive Plan update.

Prospect St. – The Commission received a request from the Main Street Board to rezone the Library/School properties from OS to TC.

PARKS & RECREATION – Commissioner Ventre reported:

Letter of Appreciation – The committee is asking the Board to send a letter of appreciation to Pam Dietrick for efforts on bringing a skateboard spot and Lewis Corl for his work on establishing the Primary School walkway. Mr. Ventre will prepare a draft letter for the Board's review and signature.

Wiles Branch Park – The following suggestions/concerns:

Committee met at the park on November 7 to survey this park to prepare a "To Do" list.
Scheduling sports activities.

Contacting Boy Scout groups saying this park is available for overnight campouts (must register with the Town Office).

Reviewing rules and regulations for the Community Vegetable garden.

The walkway close to where the Community garden is to be located is sinking and needs to be repaired.

Primary School walking trail – amenities suggestions are; low level lighting, benches, curbing and wild flowers.

Recreational Activities – Reviewing activities for senior citizens.

Walking Trails – Staff will prepare a draft map of all walking trails for the committee's use.

Burgess Miller showed pictures of signage used for the walking trails at Rocky Gap State Park.

Memorial Park – Pam Dietrick is making a sketch showing relative places for the benches and garden.

FINANCE – Commissioner O'Reilly reported:

Workman's Comp Insurance – The Town had budget \$1,020.00 for this insurance, State of Maryland has notified the Town of an increase to \$3,740.00 causing an over budget of \$2,720.00.

PUBLIC INFORMATION COMMITTEE – Commissioner Falcinelli reported:

Web Site – Residents are encouraged to sign up for current e-mail updates.

Christmas in the Valley – Goodwill has asked if a clothing drive could be done at this event.

With the limited space, Mrs. Falcinelli will be contacting Goodwill to set up another date for this Drive.

NEW BUSINESS:

Drainage Swale Concern – 3 Larch Lane – The property owner will be notified that the Town will reduce the amount of salt spread in front of his house.

Schedule of Public Meetings – Capital Improvement Fee

December 3, 2009 at 7:00 p.m.

December 14, 2009 at 7:00 p.m.

Guidelines for Use of Phone Notification System – This system will be used only for emergencies;

Waterline breaks which cause customers to be out of water

Sewer line clogs

Hydrant flushing

Emergency road construction

Emergencies related to solid waste pickup

Other emergencies identified by the Burgess or Burgess Pro-Temp

The system is NOT to be used for any of the following types of notification:

Community Events

Town Meetings

Public Hearings

Weather related emergencies

School related functions

Recycling Schedules

Commissioner Falcinelli motioned to accept this guideline, seconded by Commissioner Dietrick and passed unanimously.

Maryland Energy Administration Grant Award – The Town received \$16,000 of EmPOWERing Clean Energy Communities Grant Fund. Staff recommended the replacement of the boiler at 301 W. Main Street with a heat pump.

Appointment of Ellen Baker to Main Street Board – Tabled until November 23, 2009

PUBLIC COMMENTS

ANNOUNCEMENTS

Meetings for the month of November 2009

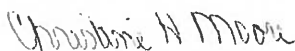
Planning & Zoning	Monday, November 16, 2009	7:00 p.m.
Parks & Recreation	Tuesday, November 17, 2009	7:00 p.m.
Water & Sewer Committee	Wednesday, November 18, 2009	7:00 p.m.
Main Street Board	Thursday, November 19, 2009	7:00 p.m.

Veterans Day Ceremony, Wednesday, November 11, 2009 at 5:00 p.m. at War Memorial on Franklin & S. Church Streets
Christmas in the Valley, Friday, December 4, 2009 at 7:00 p.m. Downtown

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned 8:25 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING/PUBLIC HEARING

November 23, 2009

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, November 23, 2009, by Burgess John D. Miller at 7:05 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

PUBLIC HEARING – Ordinance 09-11-01 To Refinance Existing FHA Loan to a Lower Interest Rate

Burgess Miller explained the current FHA loan in the amount of \$688,000 will be paid off in 2022, this was a 40 year loan with an interest rate of 5%. The current interest rate is 3.85% which would save the Town \$13,000. Bob Smart, 7525 Coblenz Road and member of the Water/Sewer Committee stated the committee looked into several loans that the is the best option. Commissioner Ventre motioned to adopt Ordinance 09-11-01 with a kick out clause stating the interest rate not to exceed 4.25% with a 13 year term, seconded by Commissioner O'Reilly and passed unanimously.

The Public Hearing adjourned at 7:20 p.m.

REGULAR MEETING

CONSENT AGENDA

November 9, 2009 Town Minutes

Commissioner O'Reilly motioned to accept the consent agenda, seconded by Commissioner Ventre and passed unanimously

PERSONAL REQUEST FOR AGENDA:

Kathleen Rudesill of the Middletown Historical Society presented the Board with a frame picture of the design that was used for the 2009 Christmas in the Valley Ornament.

UNFINISHED BUSINESS

Additional Information on Charter Amendments – By general consent the draft 308A. Forfeiture of Office will be forward to the Town Attorney for his review. A draft Ethics Provision to be included in the Town Charter was passed out for the Board's review.

Appointment of Ellen Baker to Main Street Board – Commissioner Dietrick motioned to accept the appointment of Ellen Baker to the Main Street Board, seconded by Commissioner Bussard and passed unanimously.

NEW BUSINESS:

Comcast Request for Lease for Optical Node on Hollow Road Property – The Town Attorney has reviewed this lease. The lease is for a 10 year term with the right to extend for up to 5 additional periods of 5 years. The annual rent would be \$13,000 and shall increase by 3% annually. A meeting with a representative of Comcast and the Board will be scheduled for December 3, 2009. It was noted that the lease would be contingent of approval from the Board of Appeals.

Resolution 09-05 – Municipal Government Month – The Board signed Resolution 09-05 proclaiming November as Municipal Government Works Month.

Voice/Tone Siren Testing Date – December 14, 2009 at 6:45 p.m. the Voice/Tone Siren will be tested. Carol Brumback, resident outside of the Town asked if a speaker could be installed and was told the County was not interested.

Discussion of Schoolhouse Drive & E. Green Street Intersection – Commissioner O’Reilly was present at the Sheriff’s round table meeting last week. A copy of the detailed Community Incident Report from 5/1/09 to 10/31/09 is attached. Mr. O’Reilly stated concerns with the intersection of E. Green St. and School House Drive was mentioned. Items discussed:

- 3,000 students enrolled at the complex
- Installing a 4-way stop
- BOE plans to change the bus exit from School House Dr. to E. Green St.
- Sight distance and loose tin roof on barn – Staff to talk to the owners of these properties.

The Town Administrator mentioned that Commissioner Falcinelli talked to Good Will Industries regarding a clothing drive and was told they need 5 week notice and a guarantee of at least 150 to 200 bags. Commissioner Bussard mentioned that Purple Heart will pick up at your door and these items go to Military.

PUBLIC COMMENTS

ANNOUNCEMENTS

- Christmas in the Valley, Friday, December 4, 2009 at 7:00 p.m. Downtown
- Public Meetings – Capital improvement Fee
 - Thursday, December 3, 2009 at 7:00 p.m.
 - Monday, December 14, 2009 at 7:00 p.m.

With no further business to come before the Board, the meeting adjourned at 8:00 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

December 14, 2009

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, December 14, 2009, by Burgess John D. Miller at 7:30 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre.

Prior to the meeting the Board held a public meeting to discuss a proposed Capital Improvement Fee of \$25.00 per quarter.

CONSENT AGENDA

Paid Invoices

November 23, 2009 Town Minutes

Commissioner Bussard motioned to accept the consent agenda, seconded by Commissioner O'Reilly and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

Mr. Patrick Kline, Kline & Company – Review of Town Audit FY 2009 – Mr. Kline went over the recent audit with the Board.

Streetscape Improvement Project Presentation – Harne-Bowen Architects – Scott Bowen presented to the Board a proposed Streetscape improvements that can be done in phases. It was noted there is \$100,000 grant available for the first phase. The Board is asking the Main Street Committee for directions and that they must stay within this \$100,000.

UNFINISHED BUSINESS

Charter Amendment – Discussion of Ethics Section – The Board reviewed a draft of Ethics Provisions. Commissioner Ventre motioned to delete item 6 and forward this draft to the Town Attorney so it can be included in the Town Charter, seconded by Commissioner Falcinelli and passed unanimously. It was noted that State Law requires this.

Comcast Request for Lease for Optical Node on Hollow Road Property – Mr. Bokee from Comcast was present. The lease is for \$13,000 that shall increase by 3% annually for 10 years. Commissioner Dietrick motioned to approve this lease for \$13,000 with an annual increase of

3% for a term of 10 years, seconded by Commissioner Bussard. The motion passed with a 5-0 vote. (Commissioner O'Reilly abstained).

REPORT OF COMMITTEES

WATER/SEWER – Commissioner Falcinelli reported:

Water Status – Usage for the month of November was 311,000 gallons, last year was 322,000. Spring flow was 79,000 gallons, last year was 52,000.

Water System – Had to order a replacement pump with corrosion resistant impeller in the amount of \$25,863.

Capital Improvement Fund – A public hearing is scheduled for January 7, 2010.

PUBLIC WORKS – Commissioner Bussard reported:

Weather – Town employees spread salt during the recent 2 storms.

Layla and Hollow Road – Town employees are working on installing a street light at this intersection.

Snow and Ice Removal – Residents are reminded to remove snow/ice from the sidewalks adjoining their property.

PLANNING AND ZONING – Commissioner Dietrick reported:

217-A E. Main St. – approved this plan for a Jewelry and Craft Store.

AC Jets Annexation Petition – Tabled so the Commission could further review.

Big Box Ordinance – The Commission is in agreement that 60,000 sq. ft. is sufficient. This was deferred until the December meeting in order to obtain additional information.

Sign Ordinance – The Commission is reviewing data and will discuss again at the December meeting.

PARKS & RECREATION – Commissioner Ventre reported:

Senior-related activities – more horseshoe activities, swimming possibilities and a senior-focused survey to be sent out are being discussed.

Letter of Appreciation – Commissioner Ventre is currently working on these for Lewis Corl and Pam Dietrick.

Wiles Branch Park – work with the boy and girl scouts to promote potential camp-outs. Installing a fire pit was discussed. The Committee prefers horizontal to vertical signs for the walking paths.

Community Vegetable/Pizza Garden – working on rules and regulation that will be presented to the Town Board for approval.

POS Funds – On April 27, 2009 the Board agreed to apply for \$4,000 POS funds for the Skateboard Spot and \$6,000 POS funds for signage at the Wiles Branch Park. It was suggested that all of this POS fund be set aside for the Skateboard Spot. Pam Dietrick, 707 E. Main St. mention this type of signage would be a good scouting project, then all of this could be set aside for the skateboard spot. She went on to say that Frederick County Commissioner Hagen indicated this spot could move faster if \$100,000 could be raised. Burgess Miller mentioned that all of the Town's parks have been funded with POS monies and that Wiles Branch Park has been

in the works for the last 17 years. By general consent, the Board agreed that the allocation of POS as stated in the April minutes remain the same.

Town Map – Review an oversized map featuring existing, planned and proposed trails. The committee agreed the trail should go along the creek near the AC Jets property.

FINANCE – Commissioner O’Reilly reported:

Audit – Heard the audit report from Mr. Kline earlier.

PUBLIC INFORMATION COMMITTEE – Commissioner Falcinelli reported:

Emergency Alert System – Earlier this evening a test was performed. Some concerns were the muffle voice announcement and the loudness of the siren. Staff will contact the contractor regarding these issues.

Phone Notification System – Staff performed a test sent to the Town Board which went out within seconds. Staff is requesting a test to different areas be performed every other month to be prepared should an emergency arise. By general consent, the Board agrees with this request.

Quarterly Update – Information for this update is due by December 18.

NEW BUSINESS:

Schedule Public Hearing(s) for Comprehensive Plan – A draft of this plan will be introduced on January 11, 2010. Public Hearings are scheduled for January 25 and February 4, 2010 and the vote will be either February 8 or 22, 2010.

Appointment of Planning Commission Members – Mr. Straits resigned from the Committee. Commissioner Ventre motioned to appoint Bob Miller from Alternate to Member with his term expiring May 2013 and Chris Goodman from Temporary Alternate to Alternate with his term expiring July 2014, seconded by Commissioner Bussard and passed unanimously.

Update on Frederick County MML Chapter APFO Action – Frederick County approved an APFO Ordinance regarding development restrictions related to school capacity. Municipal governments are objecting because this new regulation interferes with the right of town/cities to determine their growth policies. Commissioner Bussard motioned to have the Town Attorney file for judicial review, seconded by Commissioner O’Reilly and passed unanimously. Commissioner Falcinelli mentioned the Town has a Residential Growth Policy that they have been enforcing.

Burgess Miller introduced an Ordinance to exempt the Town from the County APFO. This ordinance will be voted on at the January 11, 2010 meeting.

Computer Server Replacement – The existing server was purchased in 2004. This system has crashed on two separate occasions this fall and consultants have told the Town between 1 to 3 months left. Staff received the following quotes for replacement:

Enstep	\$19,070.38	
New Frontiers	\$20,416.00	
Innovative	\$19,412.77	(\$20,416.00 minus savings due to service contract of (\$4745.00).

Commissioner Bussard motioned to accept the bid from Innovative but not to exceed \$20,000.00, seconded by Commissioner O’Reilly and passed unanimously.

Wash House Circle – The developer is asking the Town for permission to install barrier along this street just during working hours due to the type of equipment they are using for construction of the last row of townhouses. By general consent, the Board agreed to this request.

PUBLIC COMMENTS

Pam Dietrick, 707 E. Main St. mentioned the Rec. Council will hold a spaghetti dinner on January 10, 2010 from 11 a.m. til 7 p.m. at the Fire Hall.

ANNOUNCEMENTS

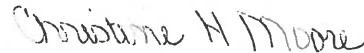
Meetings for the month of 2009

Parks & Recreation	Tuesday, December 15, 2009	7:00 p.m.
Water & Sewer Committee	Wednesday, December 16, 2009	7:00 p.m.
Main Street Board	Thursday, December 17, 2009	7:00 p.m.
Planning & Zoning	Monday, December 21, 2009	7:00 p.m.
There will be no Town Meeting on December 28, 2009		

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 9:25 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

January 11, 2010

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, January 11, 2010, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

CONSENT AGENDA

Paid Invoices

December 14, 2010 Town Minutes

Commissioner O'Reilly motioned to accept the consent agenda, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

Josh Russin, Governor O'Malley's representative to Frederick County was present. Mr. Russin mentioned the State is continuing to seek ways to trim spending and he expect substantial cuts will be made.

UNFINISHED BUSINESS

Charter Amendment – Review and Schedule of Public Hearing – Public Hearing is scheduled for February 22, 2010.

Budget Amendments for Computer Server Replacement – Commissioner Falcinelli motioned to fund the Larch Court and Computer Server from the FY 09 surplus (copy of breakdown attached), seconded by Commissioner O'Reilly and passed unanimously.

Review Bids for Larch Court Stormdrain Improvements – Four bids were received:

W.F. Delauter & Son	\$23,014.75
Satterfield Ent.	\$24,875.00
Wastler Construction	\$29,905.00
Ross Contracting	\$56,000.00

Commissioner Bussard motioned to award this contract to W. F. Delauter & Son in the amount of \$23,014.75, seconded by Commissioner Ventre and passed unanimously.

Ordinance 10-01-01 – Establishment of a Capital Improvement Fee – This fee will pay for improvement to the water system that in the past was funded by growth. Commissioner Falcinelli motioned to adopt Ordinance 10-01-01, seconded by Commissioner Bussard.

Commissioner Dietrick mentioned there are some residents currently paying the \$50 debt service fee that feel the new \$25 fee was too low and should be \$50. Mr. Dietrick stated this CIF will be reviewed annually and it most likely will go up to \$50 in the future, but currently \$25 is all we need currently. Commissioner Bussard stress the \$50.00 debt service fee is on ALL new homes built within the corporate limits of the Town since March 1999. The motion before the Board passed with a unanimous vote.

Ordinance 10-01-02 – An Ordinance to Exempt the Town of Middletown from the Provisions of Frederick County (APFO) Ordinance No. 09-28-532 – Commissioner Falcinelli mentioned that Town has a “Residential Growth Policy”. Burgess Miller stated the High School is at 112% capacity and will be dropping next year, the other school are below capacity. It was noted that 20% of the school population live within the Corporate Limits of the Town. Commissioner Ventre motioned to adopt Ordinance 10-01-02 and to be executed by Burgess Miller, seconded by Commissioner O’Reilly and passed unanimously.

AC Jets Annexation Recommendation from Planning Commission – The Planning Commission reviewed this Petition and voted to accept it and forward to the Town Board to negotiate an annexation agreement.

REPORT OF COMMITTEES

WATER/SEWER – Commissioner Falcinelli reported:

Water Status – Usage for December was 297,000 gallons, last year it was 328,000 gallons. Spring flow was 119,000 gallons, last year 73,000 and for the first week of January, the flow was 140,000 gallons.

January Meeting – Has been cancelled.

PUBLIC WORKS – Commissioner Bussard reported:

Christmas Trees Pick up – Tuesday, January 12 and January 19, 2010.

Mowing Bid – The Director of Operations and Construction is preparing the bid packets.

Layla Street light – Town Employees have installed this light at a cost saving to the Town.

Town Employees – Cleaning all snow equipment and vehicles. Commissioners Bussard thanked the Crew for the great job during the recent snow storms. Also, thanked the residents for clearing snow paths for pedestrians.

Snow removal cost – 61 tons of salt was used and the total cost incurred during this storm was \$31,605.13. The Town has applied for assistance from the State.

Bulk Trash Pick Up – Scheduled for March 27, 2010, two items can be placed at the curb.

PLANNING AND ZONING – Commissioner Dietrick reported:

Comprehensive Plan – Have forward the draft plan to the Town Board.

Special Exception – The Commission is recommending the Board of Appeals approve the special exception for the FOP and South Mountain Collision.

Big Box Store Ordinance – Have approved the language and will forward onto the Town Board.

Sign Ordinance – Currently reviewing proposed changes to this ordinance.

PARKS & RECREATION – Commissioner Ventre reported:

January Meeting – The meeting date is changed to January 26, 2010.

Community Vegetable/Pizza Garden – working on rules and regulations.

Senior Related Activities – Jean Scott is looking into some activities.

POS Funds – Commissioner Ventre again asked for clarification of the distribution of POS funds. By general consent, the Board once again agreed to POS distribution as stated in the December 14, 2009 minutes.

Committee Chairman - For the past couple of years, due to the resignation of Linda Adams and the short term of Bill Williams, a member of this committee was leading the meetings. The Town Charter states that a Commissioner will be chairman of Standing Committees. By general consent the Board agreed that Commissioner Ventre is the Chairman of the Parks and Recreation Committee.

FINANCE – Commissioner O'Reilly reported:

Budget Workshop Schedule:

Monday, February 22, 2010 at 7:00 p.m. – Operating Budgets and Community Groups

Monday, March 22, 2010 at 7:00 p.m. – Operating Budget and CIP

Monday, April 26, 2010 at 7:00 p.m. – CIP

Monday, May 24, 2010 at 7:00 p.m. – if needed

PUBLIC INFORMATION COMMITTEE – Commissioner Falcinelli reported:

e-mail updates – Residents are encouraged to register for these updates.

Emergency Alert System – This siren will be tested on a monthly basis.

Global Phone Connect – Bi-monthly testing will be performed to different sections throughout the Town.

Christmas in the Valley – Submission of designs for the 4th ornament is due by January 22, 2010.

NEW BUSINESS:

Introduction of Comprehensive Plan – Public Hearings Schedule

Monday, January 25, 2010 at 7:00 p.m.

Thursday, February 4, 2010 at 7:00 p.m.

Review of FY 2011 Budget Workshop Schedule – See Finance

Discussion of Shopping Center/Large Retail Establishment Regulations – A draft of language was passed out for the Board's review.

PUBLIC COMMENTS

David Lake, 24 E. Green St. commended the Board on the approval of the CIF fee. This will put the Town in a better position as water needs are critical. Mr. Lake is requested the Board look into installing a light at the intersection of School House Dr. and E. Green St. as a safety precaution. Commissioner Bussard mentioned this is already being looked into.

ANNOUNCEMENTS

Meetings for the month of January 2010

Parks & Recreation	Tuesday, January 26, 2010	7:00 p.m.
Water & Sewer Committee	Wednesday, January 20, 2010	7:00 p.m.
Planning & Zoning	Monday, January 18, 2010	7:00 p.m.
Town Meeting	Monday, January 25, 2010	7:00 p.m.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Christine H Moore

Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

January 25, 2010

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, January 25, 2010, by Burgess John D. Miller at 7:43 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

CONSENT AGENDA

Paid Invoices

January 7, 2010 Public Hearing

January 11, 2010 Town Meeting

Commissioner Dietrick asked that the minutes under Ordinance 10-01-01 be changed to read "Commissioner Dietrick mentioned there are some residents currently paying the \$50 debt service fee feel the new \$25 fees was too low and should be \$50. Mr. Dietrick stated this CIF will be reviewed annually and it most likely will go up to \$50 in the future, but currently \$25 is all we need."

Commissioner Dietrick motioned to accept the consent agenda with the correction to the minutes of January 11, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

UNFINISHED BUSINESS

AC Jets Annexation – Draft Agreement Review – This agreement dated 10/7/09 is similar to the Annexation Agreement that was agreed on in concept in August 2008 with the following exceptions:

Shopping Center has a 75,000 SF maximum

Open Space area is 9.26 acres

No Public Improvement Fee is included

Commissioner Bussard suggests that we tell the petitioner what we want. By general consent the Board agreed to send a letter stating the following:

60,000 SF is the maximum for then shopping center and not negotiable

12.0 acres of Open Space and is not negotiable

\$300,000 improvement fee is negotiable

Discussion of Shopping Center/Large Retail Establishment Regulations – by general consent the Board agreed to draft language for a proposed text amendment.

NEW BUSINESS:

Planning Commission Appointment – Temporary Alternate

Three names were received: Kevin Corcoran, 709 E. Main Street
Jerry Ziemba, 205 Rod Circle
Richard Gallagher, 23 Woodmere Circle

Burgess Miller motioned to appoint Kevin Corcoran, seconded by Commissioner Ventre.

Commissioner O'Reilly motioned to appoint Jerry Ziemba – no second.

Commissioner Dietrick motioned to appoint Richard Gallagher – no second.

The motion before the Board passed with a 3 to 2 (Commissioners O'Reilly and Dietrick).

PUBLIC COMMENTS

ANNOUNCEMENT

Hollow Creek has designated April 19, 2010 as Middletown Day at the Golf Course with half of all the Green fees being donated back to the Town for Community Events.

Key Sanitation contract expires this year and the owner, Bob Clark, has requested a meeting with the Board without going out for bid to discuss a contract cost. By general consent the Board agreed to meet with Mr. Clark on February 22, 2010.

Commissioner O'Reilly mentioned several residents have received a mailing from a company in Florida regard the repairs to water line breaks. Mr. O'Reilly mentioned on an average the Town may have 3 breaks a year. Residents are asked to judge this for themselves. This is not being endorsed by the Town.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 8:48 p.m.

Respectfully submitted,



Andrew J. Bowen
Town Administrator

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

PUBLIC HEARING

February 4, 2010

The Public Hearing of the Burgess and Commissioners of Middletown was called to order on February 4, 2010 by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Larry Bussard, Vince O'Reilly and Tony Ventre.

Public Hearing – Middletown Comprehensive Plan

Staff Planner gave a brief overview and mentioned concerns that were brought up at the January 25, 2010 Public Hearing and gave the following:

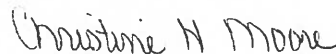
- 1 property along E. Main has a large meter which could count as 2 taps
- There are 6 properties in an R2 zone that have apartments

Tom Mende, 3020 Marker Road, Middletown, MD and personal representative to the Estate of Frances Darner. Mr. Mende mentioned the set back (see Zoning 17.20.020) for the Ingalls' property infringe on the neighboring properties. He is requesting that the Ingalls' property be zoned Town Commercial. Note: Currently this property is zoned R1 and the proposed Comprehensive Plan zoning is Town Commercial.

Mike Tabor, Church Street Business Properties, asked for a breakdown of the 6 properties with apartments and was told these include 1 on Washington St., 1 on E. Green St., 1 on E. Main St. and 3 along W. Main Street. Mr. Tabor stated that the concern at the January 25 Public Hearing was regarding the apartments on E. Main and E. Green streets.

The Public Hearing adjourned 7:10 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

February 22, 2010

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, February 22, 2010, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

CONSENT AGENDA

Paid Invoices

January 25, 2010 Town Minutes

Commissioner Ventre motioned to accept the consent agenda, seconded by Commissioner Falcinelli and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

Bob Clark, President of Key Sanitation – Mr. Clark is asking for a 3 year extension of his contract with a 5% decrease for the first year and then a 5% increase for years 2 & 3.

Mr. Clark mentioned he would like to work with the Town in cutting costs and suggest;

Doing recycling at apartment thus cutting down on tipping fees

Collecting yard waste once every two weeks, would cut the cost by approximately \$10,500.00.

Suggests doing away with furnishing yard waste bags, as no other municipalities in the county supply these bags.

Burgess Miller stated he appreciated Key Sanitation's effort with regard to trash removal during the recent back to back snow storms.

The following comments regarding the recent storms were made:

Joe Rosin, 104 Prospect St. said the crew did a fantastic job with snow removal. Mr. Rosin suggests the Town educate residents on recycling as this would help to keep the cost down.

Bob Smart, 7525 Coblenz Rd., mentioned the County is responsible for Coblenz Rd. and he did not see a county truck but the Town did clean this road.

Pam Dietrick, 707 E. Main St., invited the crew to stop by anytime in the event of another storm.

Burgess Miller read e-mails from the Latterners, Mina Dr., the Himes from Tobias Run Ct., the Ledwells, Ali Dr. and the Nivlings, Ivy Hill Dr., all expressing their appreciation to the

Town crew during the snow removal. Burgess Miller commended the Mainvilles and Butlers who took food to the Maintenance Building for the Maintenance Staff during the storms.

Commissioner Bussard thanked the Town Administrator and Town Engineer for their coordinating efforts.

UNFINISHED BUSINESS

Review of Proposed Shopping Center Text Amendment – Public Hearing is scheduled for March 22, 2010 at 7:00 p.m.

Middletown Comprehensive Plan Approval – Since the Board will be meeting with the County on February 23, 2010, to discuss land use and planning for the AC Jets property (40 acres East of the Town), Admar Property (93 acres North of the County Park) and MidNorth property(118 acres Northwest of the Town). This issue has been shelved until March. Susan Stepnick, Porter Fieldhouse, LLC, asked if a decision on the proposed indoor golf/baseball facility been made and was told there are multiple items that need to be discussed. Burgess Miller mentioned possibly a decision could be in May. Ken Kyler, 124 E. Main St. asked for status on the Petition presented to the Board regarding the zoning along E. Main St. Both the Planning Commission and the Board are reviewing due to concerns with lot size and set backs in these zones (R1 & R2).

Recommendation from Main Street Board on Streetscape Project (copy of diagram attached): This plan was based on State Highway Adm. Streetscape plan. Commissioner Bussard expressed concern with clutter. The Town has received a community legacy grant in the amount of \$103,500 from the Dept. of Housing and Community Development which must be used by the end of this fiscal year. Commissioner Dietrick motioned to approve this plan, seconded by Commissioner Bussard and passed unanimously. The Town Administrator will meet with the property owners to see if they have any objections before this goes out for bid. The Main Street Board presented the following recommendations:

- Focus from eastside of Subway to Elm Street
- Install banner pole alternating each side of the Street
- Install 18” banner brackets with electrical receptacles
- Replace all sign posts with Finials
- Installation of trash cans

REPORT OF COMMITTEES

WATER/SEWER – Commissioner Falcinelli reported:

Water Status – Usage for January was 297,000, last year it was 320,000 gallons. Spring flow was 142,000 while last year it was 89,000.

Brookridge Wells – Completion date is expected in May 2010. Can start selling taps 90 days prior to the completion date.

PUBLIC WORKS – Commissioner Bussard reported:

Mowing Bid – On hold until the snow melts.

Snow – During the 3 major storms we had, there was no major breakdown on equipment. Snow removal cost were \$146,537.43 (copy of breakdown is attached). Due to the amount of snow, the Board pardoned the clearing of sidewalks. Town employees are clearing inlets, enlarging

intersections and working on sidewalks. The Town Administrator stated Frederick and Washington Counties did not qualify for disaster relief for the December storm. This was missed by ½ inch. For the 2 storms in February, the Town is hoping to receive 40 percent back.
Larch Lane – Work on the drainage is expected to begin February 24, 2010.

PLANNING AND ZONING – Commissioner Dietrick reported:

Comcast Site Plan – approved site plan with the following contingents; revised drawing showing the secondary containment for the fuel tank and location, install a 6' chain link fence and removal of equipment from the Green Street site within 60 days.

Coblentz Property along Green St. – The contract purchasers met with PZ to show what they are planning to do with this property. They are proposing 74 units which is down from 94 units the previous owner intended.

Forest Conservation Ordinance – The Commission voted to recommend approval of this ordinance to the Town Board.

PARKS & RECREATION – Commissioner Ventre reported:

Community Vegetable Garden – have forward the final version of the rules and regulations onto the Town Board for their review/approval. Commissioner Ventre motioned to approve the rules/regulation as presented for the Community Vegetable Garden to be located in the Wiles Branch Park, seconded by Commissioner O'Reilly and passed unanimously.

Trail Signage – The Committee is recommending vertical post design.

Federal Safe Trails Program – The State has a similar program, Mr. Corl is pursuing funding through these programs. It was noted given the State budgetary woes, the likelihood of funds being available are slim to none.

Wiles Branch Park – Commissioner Bussard volunteered to obtain estimates to clean of the pond located area across from the park once the snow is melted. Creating some type of nature center at this park is being discussed.

POS funds – The committee and Town Board will meet in April to discuss these funds.

Girl Scouts – One of the troops is asking if they could plant a tree. The Town Administrator and Staff Planner will suggest a suitable location. Both boys and girls scouts are reminded the availability of Wiles Branch Park for camp outs.

Concerns raised regarding the Park Committee and its notional chairman – Burgess Miller stated:

“Let me say that we value all of our volunteers and the time and talent they give to our Town and our residents. The members of the Park Commission are no different in how we perceive their specific contributions to the Town. They have worked on contacting Scout groups to use Wiles Branch, established a community garden and reviewed rules and regulations for garden usage, discussed recreational activities for seniors with Dotty Engle, and had detailed meetings regarding trails and trail signage. As many of you know, I have been a strong advocate of parks and open space for all of my 18 years on this Town Board. I will remain a strong advocate and look forward to moving us forward in that direction with the help of the current and future members of this very capable parks and recreation committee.

I do want to clear up some misconceptions regarding our January meeting that involved the Park and Recreation committee and its notional chair Jerry Ziemba. First, Commissioner Ventre did express some consternation about the Park Committee. That consternation was not

about individual members or the chair at the time, but the direction and the perceived disproportionate amount of time spent on the skatespot. Commissioner Ventre feels as I do that while this is an important issue for our town it is not an item on which the Park Committee needs to focus much of its attention, particularly since this amenity is now more of a collaborative effort under the purview of the Frederick County Parks Department. There was never an intent to express consternation toward individual members. The committee recognizes and the Town Board has asserted that there are many other park related issues to deal with along with the skatespot.

We have, as a Town Board, met with the Park Committee and have restated our goals and purposes helping to re-direct the Park and Rec. committee. It was a very frank and beneficial meeting. Our Park Committee is a valued asset for our Town and I am sure they will continue to serve our residents in the outstanding manner they have for the last 5 years that I have been Burgess.

We appreciate the leadership of Jerry Ziemba and the insight and thoughtfulness he has exemplified during his chairmanship of the committee. While we needed to appoint the sitting Commissioner as chair of this standing committee as our charter dictates, it is in no way a reflection on the leadership and outstanding qualities possessed by Mr. Ziemba. The change in structure required in accordance with the Town Charter will bring about a more informed and active role for the Town Board and should help to eliminate any confusion and/or miscommunication as happened from December-January during this transition period.

We will enter this statement as an amendment to the minutes of the January 11, 2010 meeting.”

FINANCE – Commissioner O’Reilly reported:

Constant Yield – Revenue for last year (2009) was \$1,146,709.00 and the proposed revenue for 2010 is \$1,178,026.00 which is an increase of \$31,317.00. The proposed rate is .2247 versus 0.229. These figures will be used during the budget meetings.

PUBLIC INFORMATION COMMITTEE – Commissioner Falcinelli reported:

List Serve and Web Page - Approximately 420 have sign up for the list serve and the most visited site on the web page are the community directory and calendar. Residents are encouraged to sign up.

Global Connect System – Currently this system is being tested at no cost. The Town used this to notify residents of changes caused by the snow. This system can call 1500 residents within 10 minutes and should the Town decide to go with this system, the annual cost would be \$1,500.00

Quarterly Update – Will be going out the first of April.

NEW BUSINESS:

Announcement of Nominating Convention – Tuesday, March 2, 2010 at 7:00 p.m.

Commissioners Seats up for Election

Commissioner Bussard

Commissioner Dietrick

Commissioner Falcinelli

The convention shall nominate not less than one nor more than two candidates for each commissioner’s position

Introduction of Text Amendment to Update Forest Conservation Ordinance – Burgess Miller introduced the proposed changes to this ordinance for review.

Discussion of West Green Street Easement Purchases – Easement Cost Calculations – The Town Administrator is talking with residents in this area. Costs presented are based on the existing zone. (copy of these costs is attached).

Update on Snow Removal from Winter Storms – See Public Works

PUBLIC COMMENTS

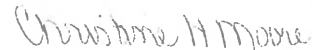
Pam Dietrick, 707 E. Main St. – mentioned the response for the Community Garden has been good, there are spots left and nearly all plots for the children's pizza garden have been taken.

ANNOUNCEMENTS

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned 8:45 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

March 8, 2010

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on, March 8, 2010, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre

CONSENT AGENDA

Paid Invoices

February 4, 2010 Public Hearing

February 22, 2010 Town Minutes

March 2, 2010 Nominating Convention

Hydrant Flushing Scheduled for April 5 – 9, 2010

Commissioner Falcinelli stated in the February 22 minutes, the annual cost for the Global Connection would be \$1,500.00 while the actual amount is \$858.00 and asked that these minutes be amended to the correct amount.

Commissioner O'Reilly motioned to accept the consent agenda with the amendment to the February 22 minutes, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

UNFINISHED BUSINESS

Middletown Comprehensive Plan Approval – Commissioner Falcinelli mentioned the Board received a petition regarding the zoning change from R2 to R1 along E. Main St. and that she agrees with the residents. Commissioner Ventre also agrees as it doesn't really affect the overall zoning plan. By general consent, the Board agreed to propose changing the zoning for 100, 104, 108, 110, 116, 118, 120, 122, 124, 126, 128, 119, 117, 115, 113, 109, 104, 103 and 101 East Main Street and 5 and 101A Broad Street from R2 to R1. Commissioner Falcinelli motioned to approve the Middletown Comprehensive Plan with the proposed change of zoning along E. Main and Broad Streets, seconded by Commissioner Bussard and passed unanimously.

Ken Kyler, 124 E. Main St., thanked the Board for their consideration on the petition regarding E. Main Street and the Planning Commission for all the work they did on the preparation of this Comprehensive Plan.

It was noted that Frederick County Planning and Zoning had 43 specific comments for the Town Comprehensive Plan and 36 of these comments were incorporated in this plan.

Charter Amendments

Article III – Resolution 10-01 – Commissioner Ventre had presented a section for removal with cause to be included as section 308A which does not appear in this resolution. It was explained that the Town Attorney felt this should be more specific. This has been tabled.

Article VI – Resolution 10-02 – Commissioner Falcinelli motioned to pass resolution 10-02 as presented, seconded by Commissioner Ventre and passed unanimously.

Article VII – Resolution 10-03 – Commissioner O'Reilly motioned to pass resolution 10-03 as presented, seconded by Commissioner Ventre. Commissioner Falcinelli asked why should Water/Sewer superintendent be appointed? After some discussion it was decided to delete Section II from this resolution. Commissioner O'Reilly amended his motion to pass resolution 10-03 with the deletion of section II, seconded by Commissioner Ventre and passed unanimously.

Article VIII – Resolution 10-04 – Commissioner Falcinelli motioned to pass resolution 10-04 as presented, seconded by Commissioner Ventre and passed unanimously.

Appointment of Election Judges – Election Judges for 2010;

Margaret Guyton, Kathleen Rudesill, Kathleen Handiboe, Eva Dean, Doris Keast, Linda Despeaux, Pat Rudy, Ann Marie Gallagher and Judith Bryant. Commissioner Bussard motioned to appoint these judges as presented, seconded by Commissioner Dietrick and passed unanimously.

Streetscape Project 3D Visual Example – Harne - Bowen Architects are preparing this visual at no cost and will be ready for the March 22 meeting.

AC Jets Annexation – Schedule Workshop – Scheduled for March 22, 2010 at 6:30 p.m.

REPORT OF COMMITTEES

WATER/SEWER – Commissioner Falcinelli reported:

Water Status – Usage for February was 299,000 gallons/day, last year it was 330,000 gallons. Spring flow was 142,000 gallons while last year it was 95,000 gallons.

Hydrant Flushing – Will be done from April 5 – 8, 2010 – residents will be notified the day before their zone is flushed.

Reservoir Covers – Replacement cost for these covers is approximately \$500,000.00

Booster Station Pump – has been replaced at a cost of \$25,000.00.

Brookridge Wells – Work completion is expected the end of May. Taps are available for purchase.

Committee Meeting – Wednesday, March 17, 2010 at 7:00 p.m.

PUBLIC WORKS – Commissioner Bussard reported:

Equipment – cleaned truck/equipment after snow removal, replaced plow motor on truck 6.

Inlet – assessing and repairing damage done during the recent storms.

Larch Lane – Work is expected to be completed by March 12.

Walnut Street Bridge – More deterioration can now see steel that was encased in concrete.

Bulk Trash Pickup – March 27, 2010, 2 items only must be placed out by 6:00 a.m.

Mowing Bids – Due March 30, 2010

John Horowitz, 1 Sanaz Court, lives on a court and said town employees worked very hard. Mr. Horowitz is asking the Town plan ahead for future storms and suggested:

Placing snow in the center of cul-de-sac

Dumping snow on side of the street while be able to park on the other side (use year for odd/even numbers as a guideline for dumping the snow).

Commissioner Bussard stated the Town does not have the equipment for large amount of snow and the employees do a great job with what they have to work with.

PLANNING AND ZONING – Commissioner Dietrick reported: - no report

PARKS & RECREATION – Commissioner Ventre reported:

Pizza Garden – With a large response, the Middletown Community Garden Assoc. is requesting additional space. By general consent, the Board agreed with this request. The Committee is asking that information regarding the pizza and community garden be placed on the web site.

FINANCE – Commissioner O'Reilly reported:

Budget Process – The Board will be meeting with the Community Groups on March 22, 2010 at 8:00 p.m.

Hollow Creek – On April 19, 2010 the owners of the golf course stated that ½ of the green fees will be donated to the Town for Community events.

PUBLIC INFORMATION COMMITTEE – Commissioner Falcinelli reported:

Global Connect – The 90 day free trial will be up the end of April. Residents can go to the Town's Web page to enroll their number. It was noted Global Connect does not sell the numbers.

Quarter Update – Will be going out the first week of April.

NEW BUSINESS:

POS Request for FY 2011 – Town Board will meet with the Park & Recreation Committee to discuss future projects for FY 2011 submission. Deadline for any request is May 3, 2010.

The following was noted from the Department of Natural Resources: "the Governor's proposed budget no local funds will be lost, however the timing of accessing funds will be impacted.."

(See Attach DNR Memo). Currently, in Frederick County encumbered POS projects can invoice up to \$921,690.14. Additional funds of \$1,215,656,55 will be available at of June 1, 2010. Due to the new restrictions, Frederick County Parks will need to track, account for and in some cases limit the amount of reimbursement of local projects. Commissioner Bussard expressed concerns with the time frame of obtaining re-imbursement. The Town will be talking to the County to see where the Town stands for re-imbursement once a bid is awarded. Phase I of the Remsberg Park is scheduled to go out for bid the week of March 15.

Constant Yield Tax Rate – Schedule Public Hearing – Scheduled for June 3, 2010 at 7:00 p.m.

Request of Additional Pizza Garden Space in Wiles Branch Park – See Parks & Recreation

Neighborhood Meetings: Burgess Miller announced:

Tuesday, May 18 Foxfield & Coblenz Farm at Active Adult Park

Tuesday, June 15 Woodmere & Airview at Corner of Larch & Linden

Tuesday, July 13 Brookridge South & Eastern Circle at Wiles Branch Park
Basketball Court
Tuesday, August 10 Cone Branch Estates at Cone Branch Park
Tuesday, September 14 Walnut Pond Ct., Broad St. & Chesterbrook Apts. at
Memorial Park

April 2, 2010 – Town Election from 7 a.m. until 8 p.m. there are 4 candidates running.
March 19, 2010 – Deadline for Petition to run for office.
2010 U.S. Census – Residents are encouraged to fill out the census form. 72% response from
Middletown was received during the 2000 census.

PUBLIC COMMENTS:

Commissioner Falcinelli mentioned MVAA held a very nice fund raiser over the weekend to
benefit Remsberg Park.
Pam Dietrick, 707 E. Main Street, mentioned the Rec. Council is sponsoring a spaghetti dinner
on April 11 at the fire hall from 11 until 7 p.m.

ANNOUNCEMENTS

Monday, March 22, 2010 – Public Hearing on Large Retail/Commercial Establishments Size at
7:00 p.m. Public Hearing on Reforestation Ordinance at 7:15 p.m.


Meetings for the month of March 2010

Planning & Zoning	Monday, March 15, 2010	7:00 p.m.
Parks & Recreation	Tuesday, March 16, 2010	7:00 p.m.
Water & Sewer Committee	Wednesday, March 17, 201	7:00 p.m.
Main Street Board	Thursday, March 25, 2010	7:00 p.m.
Town Meeting	Monday, March 22, 2010	7:00 p.m.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 8:25 p.m.

Respectfully submitted,



Christine H. Moore
Administrative Assistant

ORDINANCE NO. 10-03-01

**AN ORDINANCE TO ADOPT A NEW
COMPREHENSIVE PLAN FOR THE TOWN OF MIDDLETOWN**

WHEREAS, pursuant to Article 66B, Sections 3.01 *et seq.*, Annotated Code of Maryland, the Town of Middletown is authorized to enact, adopt, amend and execute a Comprehensive Plan for the Town of Middletown to address matters relating to land use, zoning and planning; and

WHEREAS, in March 1969, the first Comprehensive Plan and zoning ordinance were enacted for the Town of Middletown. Since that time, the Comprehensive Plan has been periodically amended, revised and up-dated in order to control and direct the use of land and buildings according to then-present and future conditions, to accomplish the most appropriate uses of land consistent with the public interest, and to safeguard the interests of individual property owners; and

WHEREAS, since the adoption of the last Comprehensive Plan in 2003, the Town of Middletown has grown in both population and size, and the Maryland State General Assembly has enacted legislation to revise planning and zoning goals for land use in the State of Maryland; and

WHEREAS, for more than two years, the Planning Commission and the Planning Staff of the Town of Middletown have devoted countless hours of careful consideration and extensive study in amending the text of the Comprehensive Plan and in creating and revising maps to accompany the text based upon considerations concerning the common needs of the Town of Middletown and its environs, and

WHEREAS, regular public meetings and workshops have been held by the Planning Commission and staff in order to discuss revisions to the Comprehensive Plan and to actively engage

residents, business owners, elected officials and others in order to obtain citizen input for revisions to the Comprehensive Plan; and

WHEREAS, the Planning Commission provided all appropriate and required notices of public hearings at which the Comprehensive Plan was discussed and addressed as required by Article 66B, Section 3.07, Annotated Code of Maryland, and after the public hearings at which all persons requesting an opportunity to speak on the proposed Comprehensive Plan were given that opportunity, the Planning Commission duly approved the proposed Comprehensive Plan and certified an attested copy of the Comprehensive Plan to the Burgess and Commissioners of Middletown; and

WHEREAS, the Burgess and Commissioners conducted two (2) public hearing to consider the final recommendation of the Planning Commission on the Comprehensive Plan on January 25, 2010 & February 4, 2010, after which the Burgess and Commissioners voted affirmatively to approve and adopt the Comprehensive Plan as certified to it by the Planning Commission.

NOW, THEREFORE, BE IT ENACTED, RESOLVED AND ORDAINED, pursuant to Article 66B, 3.08, Annotated Code of Maryland, by the Burgess and Commissioners of the Town of Middletown that the attached "Middletown Comprehensive Plan" be, and the same hereby is, adopted by and for the Town of Middletown.

BE IT FURTHER ENACTED, RESOLVED AND ORDAINED by the Burgess and Commissioners of the Town of Middletown that the "Proposed Zoning Map" included in the approved Comprehensive Plan be, and it hereby is, adopted as the official zoning map for the Town of Middletown as defined in 17.04.030 of the Middletown Municipal Code.

THIS ORDINANCE shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE 8th DAY OF February, 2010.

PASSED ON THE 8th DAY OF March, 2010.

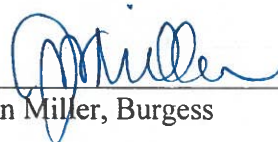
EFFECTIVE DATE: March 28, 2010.

ATTEST:

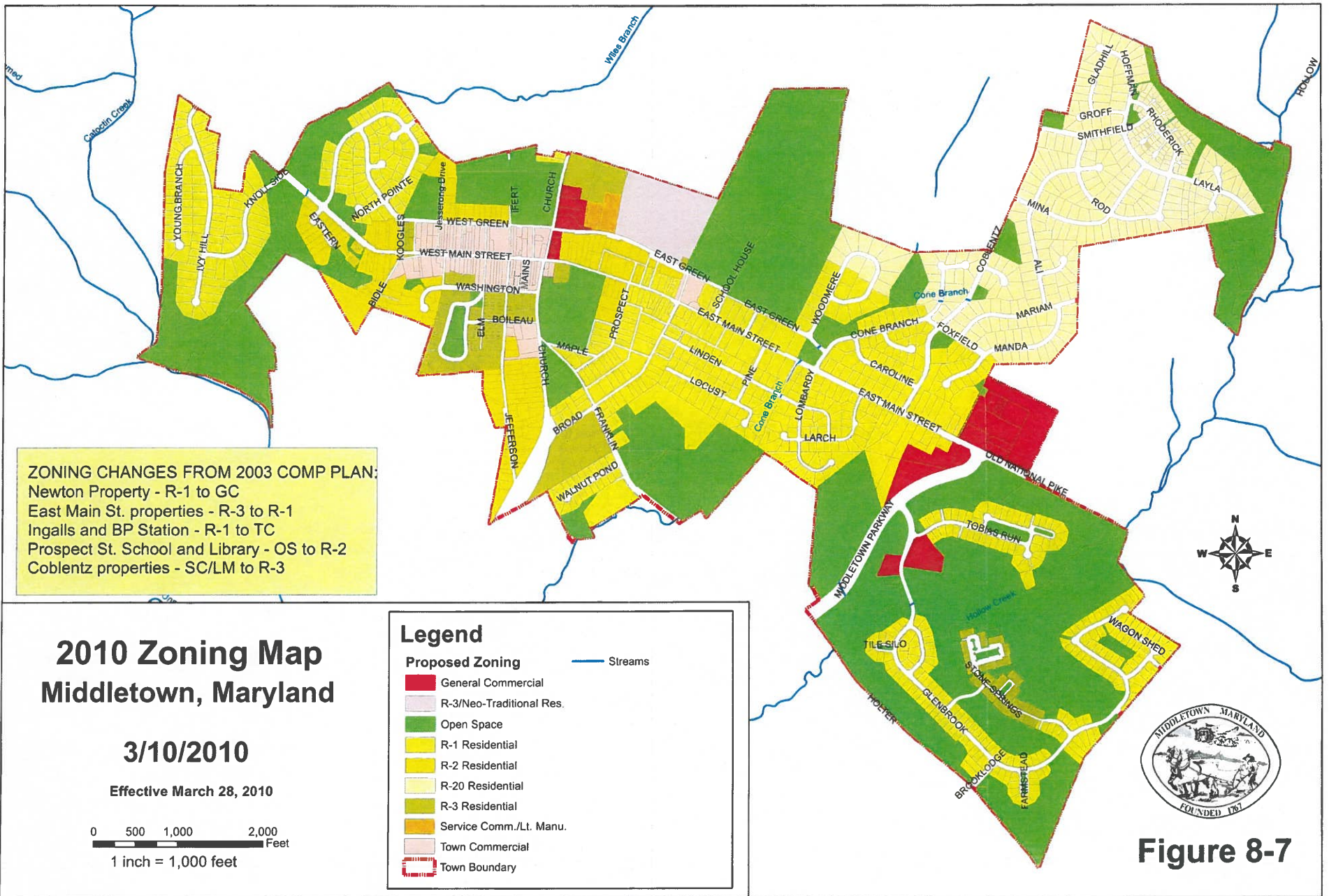


Andrew J. Bowen, Town Administrator

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

By: 

John Miller, Burgess



ZONING CHANGES FROM 2003 COMP PLAN:
 Newton Property - R-1 to GC
 East Main St. properties - R-3 to R-1
 Ingalls and BP Station - R-1 to TC
 Prospect St. School and Library - OS to R-2
 Coblenz properties - SC/LM to R-3

2010 Zoning Map Middletown, Maryland

3/10/2010

Effective March 28, 2010

0 500 1,000 2,000 Feet
 1 inch = 1,000 feet

Legend












	General Commercial		Streams
	R-3/Neo-Traditional Res.		
	Open Space		
	R-1 Residential		
	R-2 Residential		
	R-20 Residential		
	R-3 Residential		
	Service Comm./Lt. Manu.		
	Town Commercial		
	Town Boundary		



Figure 8-7

x:\projects\comp plan\zoning.mxd

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

May 27, 2025

The meeting of the Burgess and Commissioners of Middletown was called to order on May 27, 2025, by Burgess John Miller at 7:00 p.m. Present were Commissioners Rick Dietrick, Larry Bussard, and Chris Goodman. Commissioner Jennifer Falcinelli arrived later.

PUBLIC COMMENT: Becky Myers, 2 Woodmere Circle, voiced her concerns regarding the Board of Education (BoE) approval of the construction documents of the new co-located school building. She stated the proposed schedule of the “traffic loops” for the school will intersect causing traffic problems during drop off and pick up times. She was concerned that the BoE had little regard for this issue citing remarks made by others present at the BoE meeting. Mrs. Myers provided renderings of the proposed 60-foot tall/ 400-foot long building. She asked if the Town would contact the BoE to have the red brick modified to something more attractive. Mrs. Myers will be sending the information from the BoE meeting to the Town Board for review.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *May 12, 2025 – Meeting Minutes* – Commissioner Dietrick requested that the Public Works report be corrected to state that town staff pre-dug 49 holes for the scheduled tree planting and remove “dig holes” from the minutes.
- **Drought Warning & Status Update** – Burgess Miller stated that even though the town has received a large amount of rain it is still in a water deficit.

Motion: Commissioner Goodman motioned to approve the consent agenda with the correction to the May 12th meeting minutes as presented. Seconded by Commissioner Bussard. Motion passed (4-0).

UNFINISHED BUSINESS FY 2026 Budget

Community Groups – Several representatives from different community groups were present to request funding as part of the FY2026 budget. The following is the amount each group requested for FY2026:

Heritage Festival: \$7000. This is a \$1000 decrease from FY2025.

Middletown Rec Council: \$10,000.

Main Street Program: \$8,000. This will assist with mission driven work of the organization. It will be used specifically for additional advertising for targeted specific audiences, development of products to sell at the Welcome Center, and expand the experience of the Scarecrow March Down Main event in October.

Middletown PTA: \$6,000. Used for 3 movie night events (one Spring, one Summer, and one in the Fall).

Lion's Club: \$3,113. Includes the addition of a new banner and increased costs for refreshments at the Halloween parade tent.

Christmas in the Valley – Commissioner Falcinelli remarked that the ornaments on the town Christmas tree are becoming faded, and a few are cracked. The town should create an ornament replacement schedule over the next few years. Town tree ornaments are expensive to replace.

National Night Out is a town event put on by the town, so it is not included with these requests from other organizations (\$2,314).

The total amount requested from community groups is \$34,113. The amount budgeted for FY2026 is \$28,500. Discussion occurred regarding ways community groups could decrease their request amounts in order to meet the budgeted amount. Ideas included reducing the number of movie nights to 2, having the cost of the scarecrow kits covered by the remaining monies from the now defunct MAAC, and having the Rec Council find ways to cut costs.

Burgess Miller thanked the community group representatives for coming and for helping to build the community through their events and activities.

Budget Update –

- General Fund Operating – The surplus decreased \$56,223 from \$501,275 to \$445,052 since the last budget update. The decrease is due to 1. The CDA loan interest rate coming in higher than originally budgeted for (4.5% to 4.87%), increasing the debt service by \$24,068, 2. MD State retirement employer contributions for FY26 increased from 10.86% to 12.17%; equating to an increase of \$15,580, 3. Formally putting \$10,000 in budget for staff recognition/years of service awards, and 4. Employee promotions for certificates and licenses earned of \$6,575.
- General Fund CIP – The surplus decreased \$76,223 from \$197,388 to \$121,165 since the last budget update. The decrease is due to 1. The operating surplus decrease of \$56,223, 2. The addition of \$20,000 for office remodel at the municipal center, and 3. The addition of \$475,000 as revenue and expense for the DGS legislative bond bill for the Harris property.
- Water Sewer Fund Operating – The surplus decreased \$3,842 from \$31,666 to \$27,824 since the last budget update. The decrease is due to 1. Reduced PFAS water testing that is covered by the tort settlement (\$1,650), 2. MD State retirement employer contributions for FY26 increased from 10.86% to 12.17%; equating to an increase of \$4,708, and 3. Employee promotions for certificates and licenses earned of \$784.
- Water and Sewer CIP – The surplus decreased \$3,842 from \$170,619 to \$166,777 since the last budget update. The decrease is due to the operating surplus decrease of \$3,842.

The municipal center office remodel involves reconfiguring the back office into a small conference room with a computer, projector and screen. The office manager will move into the old zoning administrator office. A wall would be built to enclose the new meeting space which would also create a hallway back to the bathrooms.

Discussion of how to best use the DGS bond monies for the Harris property occurred. Ideas of use included spending monies on property improvement projects identified in the FY2026 budget, paying down the loan amount for the property purchase, creation of a master plan for the property, create a plan for the barn development on the property. The POS meeting scheduled for June 3, 2025 will assist in determining what

direction to take. Burgess Miller requested estimates for the cost of a Master Plan for the property and estimates for an architectural rendering and master plan of development for the barn on the property.

The Finance Officer relayed that the town has received its first settlement payment from the 3M PFAS lawsuit settlement. Two additional payments will be coming in FY2026. Settlement payments from the other two class action lawsuits should come in lump sum payments.

The Director of Public Works (DPW) reported that the Well 15 pump and drop pipe was replaced (\$33,000). Manganese present in the well closed the diameter of the pipe from 3" to 1" affecting the yield rate to 36gpm. The well will have to be hydro fractured at strategic locations to open the water bearing zones up (\$8,500). It is possible the bore hole will have to be cleaned with acid and brushed (\$15,000).

The DPW received an email from the EPA stating it will send testing kits (PFAS and other metals) and include 100% sampling of for all water treatment plants at no cost to the town. This could provide a windfall to cover the cost of hydrofracturing of Well 15.

The meeting adjourned at 8:22pm.

Respectfully submitted,

Annette Alberghini,
Recording Secretary

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN WORKSHEET MINUTES

June 5, 2025

The workshop of the Burgess and Commissioners of Middletown was called to order on June 5, 2025, by Burgess John Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemeyer, Larry Bussard, and Chris Goodman.

STAFF REPORTS:

Deputy Report – No deputy was present to review the provided report. The town board discussed the traffic safety issue at the Primary School. Drivers are ignoring the crossing guard in the crosswalk holding up the stop sign to stop all traffic so children can cross safely. The crossing guard has come close to being hit by vehicles on multiple occasions. The crossing guard has ideas to offer any group formed to address this safety issue. A brief discussion regarding converting the town owned flashing light into a functioning traffic signal occurred. The Town Administrator will follow up with the deputies regarding this issue.

The Director of Public Works stated that the traffic study completed by FCPS for the co-located schools included results for the intersection at Cone Branch Drive and Main Street. A warrant study is needed in order to install a traffic signal on a state road/street. The FCPS completed traffic study identified 2 of the 9 warrants at this intersection. He also stated that the traffic study does not address the traffic stacking that is occurring with east bound traffic turning left onto Schoolhouse Drive from Main Street. The current left turn only lane is too short for the current traffic. This is a “failed intersection” from the previous traffic study.

Staff Planner (SP) Report – JJ reviewed his report. Discussion included the proposed rezoning of 101 & 103 Prospect Streets from R2 to OS. In 2009 the school building at 103 Prospect Street sat empty. To assist with the marketing of the property for sale FCPS requested a zoning change of the properties from OS to R2. The Town complied with the request. The property was eventually purchased by St Thomas More Academy, but the zoning of the property remained R2 instead of being rezoned back to OS. The building is currently an existing nonconforming structure in an R2. Schools are a matter of right in OS. Schools are special exceptions in R2. The public hearing will be held June 9th, 2025 to discuss changing the zoning of those two properties back to OS. The SP has requested an opinion from the Town Attorney on this matter. This is to ensure that actions taken are correct and proper. The SP indicated that once St. Thomas More purchased the property it should have been changed back to OS. If it is changed back to OS, any developments on the property must still come before the planning commission. His staff report will be included in the meeting packet for the June 9th public hearing.

Public Works & Utilities Report – Bruce reviewed his report. The springs are currently up to 180 gpm. This increase is due to both the rainfall and the spring line section that was replaced. To date 484 meters have been installed as part of the AMI upgrade. Scada antennas have been installed at both the reservoir and the Foxfield Pump Station. The certified 2024 Lead status report has been sent to MDE. There are 39 unknown accounts. The internal maintenance and repainting of the water tower will begin in early July. While that is underway residents should not see any difference in their water pressure. A new concrete floor was installed at one of the storage buildings at the Harris property.

Main Street Manager Report – Becky provided her report. There will be a pop-op event at Wren’s Nest on Friday. The County Executive will be attending. The number of visitors to the welcome center has been increasing. She is working with the library making the welcome center a part of their summer reading destination with activities. Vintage Vehicles is this Saturday (June 7th) weather permitting. Two more interpretive signs are in development. One includes local historical information from the Revolutionary War. She will be leading walking tours on July 25th, August 8th and 22nd, and September 5th.

Finance Officer’s Report – Bea reviewed her report. The town is fully using the new financial software and is preparing and training for the utility billing migration. Bank accounts are reconciled through April 30th, 2025. The town has received its first settlement payment from the 3M PFAS lawsuit settlement. Two additional payments will be coming in FY2026. Settlement payments from the other two class action lawsuits should come in lump sum payments. She recommends setting these funds aside in its own account for future PFOS costs. She is looking for town board approval at the June 9th meeting.

All staff reports are included at the end of these meeting minutes.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *May 27, 2025 – Meeting Minutes –*

- **Drought Warning & Status Update** – Even with all the rain in May, Middletown is still in a drought status.

UNFINISHED BUSINESS

Town Park Security & Surveillance Project Update – The town is still waiting on a power drop installation by Potomac Edison. On June 16th Skyline will be programming the cameras and providing training on their usage.

Speed Enforcement in Middletown – The Town Administrator reviewed the information from the camera on Broad Street April through June 5th. The average speed is 26mph. The highest number of vehicles traveling that street is 8AM and 2PM. Jenoptic is willing to place 2 speed boxes in identified locations to gather and review traffic data, to see if there is a need for speed cameras. State law has changed recently. Speed fines increase as speed of vehicles increases.

POS & Other Grant Summary Update – The POS meeting occurred this week. The town received full funding for its 2 development projects (electric service at Heritage Park and a new roof on the Memorial Park pavilion). The town will receive \$263,000 in acquisition monies to be used towards paying down the loan for the Harris property.

The sole source letter for the security grant has been submitted for approval.

The Frederick News Post has contacted the town regarding the loss of \$9.8 million in FEMA BRIC grant funds. The town submitted the application but was never awarded the monies. Funding was cut prior to monies being awarded.

NEW BUSINESS

New Accessory Dwelling Unit (ADU) Bill – House Bill 1466 was signed into law. The town’s ADU work group will be reviewing the new law to develop a draft ordinance for the town. The Town Attorney

is reviewing the new law and will provide her interpretation. The current form of the bill does not address many questions raised by the group in the past. The law will go into effect in October 2026. The town board suspects there will be changes to the law prior to then.

Remsburg Park Farm Lease – Due to the development of the pickleball court at Remsburg Park, Sowers Farms has requested a new lease and a credit to what has been paid to date. The DPW has calculated the credit owed (\$602.64) and researched cash rental rates for pastureland by county (2014-2024). This information was included in the meeting packet. The staff’s recommendation is to apply the credit to the new lease. After discussion the town board recommended \$25/acre/month for 3 years with an extension of 1-2 years. Adding an annual escalator of 3%-5% each year was discussed.

Property Owner Issue (5 N. Church Street Lot) – Staff reviewed the map showing a plot of land south of the parking lot at the corner of North Church and East Green and north of the old post office. There is no record of who definitely owns this property. The developer of the old post office is pursuing who owns the plot of land. The Staff Planner recommends the developer hire a land use surveyor to identify the owner.

PFAS Update – MDE provided a PFAS monitoring guidance in an April 2025 memo. The DPW reviewed the town’s requirements. For the initial monitoring the town will be required to sample each treatment plant twice each year 5-7 months apart before April 26, 2027. Having 3 treatment plants equates to 6 initial samples (blank, duplicate, sample) x \$550/sample for a total cost of \$9,900. The town will save money on all samples using the UCMR5 which will test all plants under this federal program at no cost to the town. Routine monitoring will commence after April 26, 2027 with the following criteria

- The Brookridge plant and Wells 15 & 16 will be quarterly tested since they are above the trigger levels.
- Triennial testing (1/3 years) for the reservoir sources/plants if initial monitoring is below the trigger level.

The final costs after initial sampling will be; FY27 \$14,850, FY28 & FY29 \$13,200 and FY30 \$14,850. Monies from the PFAS settlements will be used to cover these costs.

Hydrant Meter Leasing Policy – Staff noted that the last page of the current hydrant meter policy still had the information from the previous town water conservation public alert system. Staff updated that section of the policy to reflect the current water conservation public alert system in place. This agenda item is for the town board to review and provide comment.

ANNOUNCEMENTS

- *Public Hearing on Broad Street Zoning Map Amendment – Monday June 9, 2025*
- *Vintage Vehicles in the Valley – Saturday, June 7, 2025*
- *Independence Day Celebration – Saturday, June 28, 2025*

The meeting adjourned at 8:41pm.

Respectfully submitted,

Annette Alberghini,
Recording Secretary



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

MEMORANDUM

DATE: June 5, 2025
TO: Middletown Burgess and Commissioners
FROM: Bruce Carbaugh, Director of Public Works
SUBJECT: Water Supply Status and Drought

May Water Supply and Drought Status

The current monthly water usage is 299,062 up from 285,129 gallons in April 2025.

The current monthly spring yield is 206,355 gpd, April 88,897. Today: 180 gpm or 259,200 gpd. Increase is a result the upsized springline and precipitation

Rainfall 10.0 inch, last year 4.7 inch

“Anchor” Well Depths as of May 5, 2025

2024 -2025



Burgess and Commissioners of
 Middletown, Maryland

Town Wells Annual Well Depth Monitoring Spreadsheet 2025

Well	Well ID #	JANUARY		FEBRUARY		MARCH		APRIL		MAY	
		Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No
# 6	FR-73-6397	19	No	49	Yes	12	No	11	No	11	No
# 7	FR-65-0491	35	Yes	37	Yes	14	No	10	No	11	No
# 8	FR-73-1944	57	Yes	63	Yes	57	Yes	78	Yes	62	Yes
# 9	FR-04-8794	46	No	46	No	46	Yes	46	Yes	46	Yes



Burgess and Commissioners of
Middletown, Maryland

Town Wells Annual Well Depth Monitoring Spreadsheet 2024

Well	Well ID #	JANUARY		FEBRUARY		MARCH		APRIL		MAY	
		Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No	Water Depth BTOC (Feet)	Well Running Yes/No
# 6	FR-73-6397	52	yes	52	yes	44	Yes	51	yes	10	No
# 7	FR-65-0491	50	yes	50	yes	14	No	48	yes	36	yes
# 8	FR-73-1944	26	yes	26	yes	58	Yes	50	yes	14	No
# 9	FR-04-8794	47	no	47	no	42	no	47	yes	11	No

CODE YELLOW (yellow water drop):

- Ground water conditions are decreasing at a rapid rate.
- Watering of lawns is prohibited.
- Additional voluntary water conservation is requested. Residents are requested to follow water conservation practices as outlined in “20 Tips to Prevent Water Waste” found on the town’s website.

Critical Factors: Any of the following factors may trigger **CODE YELLOW**: The Maryland Department of the Environment (MDE) issues a drought declaration watch, spring flows range between 43,000-59,000 (gpd), water table levels in wells are below historic levels and dropping, the U.S. Drought Monitor for Frederick County, Maryland indicate a drought condition of MODERATE.

Applicable Tips to Prevent Water Waste

1. Use a broom, not a hose, to clean driveways and sidewalks.
2. Don't allow the hose to run while washing your car.
3. Tell your children not to play with the hose and sprinklers.
4. Check for leaks in pipes, hoses faucets, and couplings.
5. Check your toilets for leaks. Put a little food coloring in your toilet tank. If, without flushing, the color begins to appear in the bowl, you have a leak that should be repaired immediately.
6. Take shorter showers.
7. Install water-saving shower heads or flow restrictors.
8. Turn off the water after you wet your toothbrush.
9. Check faucets and pipes for leaks. Even the smallest drip from a worn washer can waste 20 or more gallons a day. Larger leaks can waste hundreds.
10. Use your dishwasher and washing machine only for full loads.
11. If you wash dishes by hand, don't leave the water running for rinsing.
12. Don't let the faucet run while you clean vegetables.
13. Keep a bottle of drinking water in the refrigerator. Running tap water to cool it off for drinking water is wasteful.

Current Drought Map Thursday May 29, 2025 D1 – Moderate Drought

Map released: Thurs. May 29, 2025

Data valid: May 27, 2025 at 8 a.m. EDT

Intensity

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

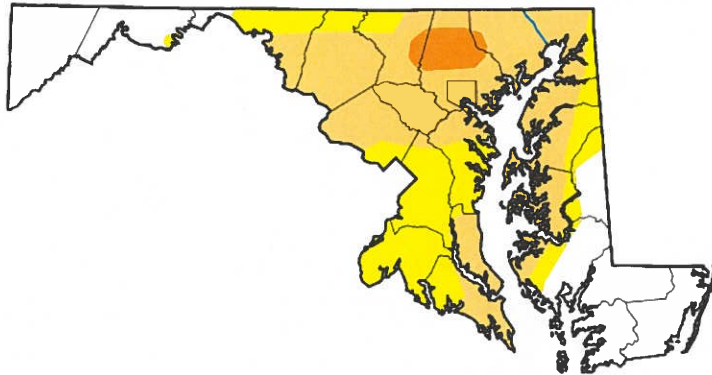
Authors

United States and Puerto Rico Author(s):

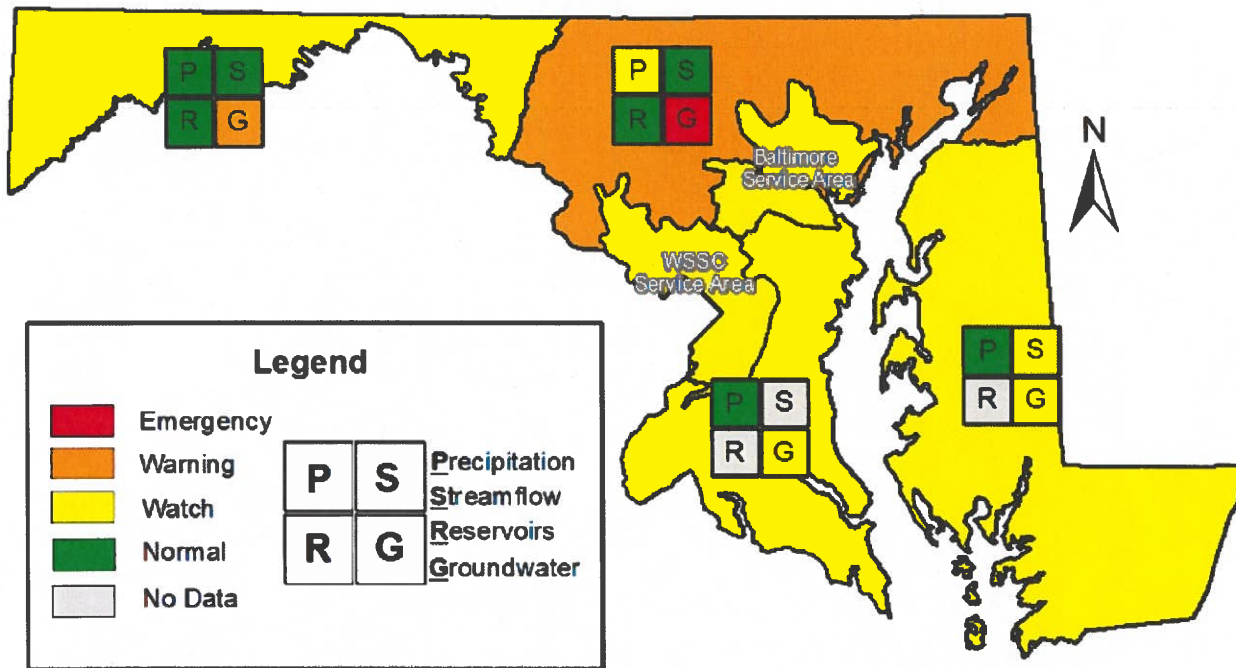
[Brad Pugh](#), NOAA/CPC

Pacific Islands and Virgin Islands Author(s):

[Daniel Whitesel](#), National Drought Mitigation Center



Drought Status in Maryland May 22, 2025



Staff Recommendation

The area has received significant rainfall for May and the trend is now moving toward Abnormally Dry but we are currently in a Moderate Drought Status. The town springs are supplying most of the water with only Well 15, 22 and 23 being run. The drought is predicted to end in the near future. The June well depths will indicate a return to normal if we continue to receive normal precipitation. Staff recommends continuing in Code Yellow.

General Fund – Operating Budget

Operating surplus decreased \$10,697 from \$445,052 to \$434,355 since the last budget update on 5/27/25. The decrease is due to the following:

- Community group additional request over FY25 - \$3,614
- Crossing guard hourly rate adjustment and minimum 2 hr per day - \$4,583
- Employee promotions for certificates and licenses earned - \$2,500

General Fund – Capital Budget

Capital surplus decreased \$10,697 from \$121,165 to \$110,468 since the last budget update on 5/12/25. The decrease is due to the following:

- Operating surplus decreased \$10,697

Water/Sewer Fund – Operating Budget

There has been no change in the operating surplus since the last budget update on 5/27/25. The operating surplus remains at \$27,824.

Water/Sewer Fund – Capital Budget

There has been no change in the capital surplus since the last budget update on 5/27/25. The capital surplus remains at \$166,777.

Town of Middletown
Budget Summary - General Fund Operating

	Approved Budget FY25	Preliminary Budget FY26	Proposed Budget FY26	Variance
1 OPERATING REVENUES				
2 Local Property Taxes	\$ 1,704,413	\$ 1,703,353	\$ 1,824,585	121,232
3 Local Income Taxes	1,324,989	1,521,440	1,521,440	-
4 Other Taxes	22,559	22,209	22,209	-
5 Intergovernmental	1,151,120	1,187,932	1,219,197	31,265
6 Licenses, Permits & Franchise Fees	86,419	77,560	77,560	0
7 Other	15,603	39,081	44,081	5,000
8				
9 TOTAL OPERATING REVENUES	\$ 4,305,103	\$ 4,551,575	\$ 4,709,072	157,497
10				
11 OPERATING EXPENSES				
12 Executive & Legislative	72,087	71,397	71,397	(0)
13 General Administrative	612,255	606,008	769,026	163,018
14 General Maintenance & Operations	882,392	825,111	825,149	38
15 Highways and Streets	908,357	1,101,894	1,074,322	(27,572)
16 Public Safety	461,836	455,151	479,284	24,133
17 Sanitation & Waste Removal	308,486	320,716	319,718	(998)
18 Parks & Recreation	190,151	258,485	258,444	(41)
19 Planning & Zoning	219,333	212,284	192,353	(19,931)
20 Main Street Program	113,942	123,934	122,974	(960)
21 Professional Services	59,500	54,500	54,500	-
22 Sustainability	7,000	7,000	7,000	-
23 Museum	2,000	-	-	-
24 Miscellaneous	185,518	293,881	100,550	(193,331)
25				
26 TOTAL OPERATING EXPENSES	4,022,857	4,330,361	4,274,717	(55,644)
27				
28 CAPITAL IMPROVEMENT CONTRIBUTION	\$ 282,245	\$ 221,214	\$ 434,355	\$ 213,140
29				
30 Adjustments:				
31 Revenue				
32 POS Acquisition Grant Revenue - Harris Property	line 17	28,756		
33 Rental License Revenue	line 28	5,000		
34 Tax Equity adjustment	line 18	2,509		
35 RE taxes adjustmenet	line 3	121,232		
36 Expense				
37 Sustainability	line 99	-		
38 Linden Culvert MS4	line 139	(5,900)		
39 Admin communication	line 66	215		
40 Bulk fuel allocation	line 144 & 145	7,300		
41 CCTV internet connections	line 131	9,600		
42 Remove Wiles Branch Concrete pad for bleachers	line 131	(9,000)		
43 Remove fence washing around SWM ponds	line 139	-		
44 Remove contracted services for snow removal	line 140	(25,000)		
45 Reduced salt allocation for snow removal	line 140	(10,000)		
46 Reduced allocation of ADA ramps	line 142	(10,000)		
47 Reduced pallet racking at Harris Farm	line 131	(3,000)		
48 Reduced Brine System Shutdown (every other year)	line 140	(4,225)		
49 Remove GMC 5500 maintenance due to replacement	line 144 & 145	(6,000)		
50 Adjusted trash tipping fees to agree to contract	line 118	(874)		
51 FT employee	line 77 & 78	-		
52 Adjust Deputy Services per contract	line 113	2,510		
53 Adjust health insurance to actual (14% reduced to 10%)	various	(8,068)		
54 Personnel changes Town Admin	line 56 & 57 & 64	(42,365)		
55 Remove Zoning Admin & allocate duties to existing staff	line 93 & 64	(20,411)		
56 Remove PT admin	line 56	(16,115)		
57 Remove Grant writer	line 70	(6,000)		
58 Add GIS upgrade	line 69	4,400		
59 Add traffic sign	line 143	1,200		
60 Added Harris Property mowing	line 130	2,069		
61 increase hourly rate for crossing guards	line 112	21,683		
62 Debt Service for CDA loan (4.5% to 4.87%)	line 146 & 147	24,068		
63 Employer state retirement rate	line 64	15,580		
64 Christmas, Performance, Years of Service Bonus and Licenses increases	line 55	12,500		
65 Certificate and Licenses promotions	various	6,575		
66 Community Groups	line 156	3,614		
67				
68 Adjusted surplus		\$ 434,355		

**Town of Middletown
General Fund Operating Capital Budget**

	DESCRIPTION	APPROVED BUDGET FY2025	DRAFT BUDGET FY2026
169	Funds Available for General Fund Capital Projects		
170	Operating Surplus		434,355
171	Carryover from prior year		89,180
172	Improvement Fees		12,000
173	Loan for Linden Blvd		1,930,000
174	DGS - Food Bank Improvements		100,000
175	DGS - Town Hall Renovations		80,000
176	DGS - Harris Property		475,000
177	Loan for MS4 Wiles Branch Stream Restoration		332,100
178	LPPI Triple Shoot Out		6,241
179	POS Grant		242,806
180	OTHER (100% GRANT)		144,715
181	Total Funds Available for Capital Projects		3,846,397
182			
183	Capital Projects Outlays		
184	General Services Administration & Operations		
185	Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems (Operating Surplus)		39,900
186	Kitchen Bunk Area conversion of welding Bay @ 715 E Main (Operating Surplus)		33,000
187	Food Bank (DGS Grant)		100,000
188	Municipal Center - HVAC Replacement (DGS Grant)		80,000
189	Cybersecurity Upgrade (Other Grant)		24,715
190	Townhall office remodel		20,000
191	Recreation & Culture		
192	Remsberg Park - Pickleball Sound (POS Grant \$25.8K, Op surplus \$13.9K)		-
193	Remsberg Park - ADA (POS Grant \$214.7K, op surplus \$42.8K)		257,612
194	Wiles Branch - Exercise equipment (POS grant \$16.8K, op surplus \$6K)		-
195	Wiles Branch Swings (POS grant \$10K, op surplus \$1.1K)		11,205
196	Heritage Park Electric (POS grant \$11.5K, op \$1.3K)		12,800
197	Memorial Park Roof (POS grant \$6.4, op \$800)		7,150
198	Wiles Branch Park Triple Shoot Out (LPPI)		6,241
199	Remsberg Park Nature Trail Design (Other Grant)		20,000
200	Park Surveillance Cameras (Other Grant)		100,000
201	Harris Property Improvements (\$30K from FY25 reserve, op surplus \$75K)		105,000
202	Harris Garage Insulation		10,026
203	Harris Property Improvements and/or debt service - DGS		475,000
204	Highways & Streets		
205	Linden Blvd - Design (FY25 reserve)		59,180
206	Linden Blvd - Construction (Loan)		1,930,000
207	Wiles Branch Stream Restoration - Construction (Loan)		332,100
208	Coblentz Rd Foxfield SWM fence repair (operating surplus)		15,000
209			
210	Vehicles & Equipment		
211	Salt Spreader for New 550 and 350 (operating surplus)		16,000
212	10' Push Box for skidloader for snow removal (operating surplus)		6,000
213	Dump truck Replacement (2006 GMC 5500) 50/50 split with W/S (operating surplus)		75,000
214	Total Outlays for Capital Projects		3,735,929
215			
216	Surplus/(Deficit)		110,468

Town of Middletown
Budget Summary - Water/Sewer Operating

	Approved Budget FY25	Preliminary Budget FY26	Proposed Budget FY26	Variance between Preliminary and Proposed FY26
1 OPERATING REVENUES	\$ 1,815,954	\$ 1,752,927	\$ 1,914,781	\$ 161,854
2				
3 OPERATING EXPENSES				
4 Administrative	198,852	257,693	274,442	16,749
5 Water				
6 Salaries and Benefits	304,925	309,832	311,121	1,289
7 Water Distribution	109,543	218,142	174,511	(43,631)
8 Water Plant/Tower/Booster Station	132,530	161,926	156,388	(5,538)
9 Electric	74,818	40,800	40,800	-
10 Sewer				
11 Salaries and Benefits	286,032	265,068	263,921	(1,147)
12 Sewer Collection	110,451	136,862	43,862	(93,000)
13 East Wastewater Treatment Plant	152,585	151,211	166,220	15,009
14 West Wastewater Treatment Plant	69,681	83,755	84,351	596
15 Electric	81,643	121,816	121,816	-
16 Debt Service	252,958	249,527	249,527	
17 Contingency Fund	41,936	-	-	-
18				
19 TOTAL OPERATING EXPENSES	1,815,954	1,996,632	1,886,958	(109,674)
20				
21 SURPLUS (DEFICIT)	\$ -	\$ (243,705)	\$ 27,824	\$ 271,529
22				
23				
24 Adjustments:	Operating Budget line reference			
25 Revenue				
26 Recommend 6% increase in water/sewer rates increase to 8% 4.28.25	line 2 & 3	124,355		
27 Sludge Removal accrual	line 9	17,500		
28 I & I accrual	line 10	20,000		
29 Expense				
30 Reduced # of valve replacements	line 49	-		
31 Dialer on SCADA - pending approval at workshop	line 49	(7,500)		
32 Reduced # of hydrant refurbishments	line 49	(3,000)		
33 Removed hydrant replacements	line 49	(5,000)		
34 Removed water model update	line 49	(3,000)		
35 Removed spring box repairs (springline grant)	line 61	(6,000)		
36 Removed Aquavar	line 60	(800)		
37 Removed Foxfield PS roof repair	line 80	(3,000)		
38 Removed sewer cleaning and video	line 81	(5,000)		
39 Removed ROW tree removal at Wash St	line 81	(12,000)		
40 Reduced Barscreen painting	line 87	(1,000)		
41 Removed Admin Bldg improvement	line 87	(3,000)		
42 Moved AED equip purch to FY25	line 87	(2,500)		
43 Moved check valve for blower to FY25	line 87	(1,000)		
44 Moved Paddle drive motor FY25	line 87	(800)		
45 Sludge Hauling Cost	line 92	21,285		
46 Bulk Fuel	line 39	5,000		
47 Reuced tools & equipment	various	(7,845)		
48 Chemical adjustment EWWTP per vendor notice	line 88	3,690		
49 Sewer Collection maint	line 81	7,000		
50 Reduced I & I	line 82	(75,000)		
51 Moved large meter purchase to FY25	line 51	(18,944)		
52 Proposed FT public works employee split 50/50 between funds to expedite AML, reduce sub contracted services	various	-		
53 Adjust Health insurance to actual 14% reduced to 10%	various	(2,853)		
54 Updated cost for booster station pump	line 60	3,500		
55 PT coverage for water & Ms Utility duties	line 36 & 44	4,251		
56 PFAS testing for Water Sources covered by tort settlement	line 66	(1,650)		
57 Employer state retirement	line 35	4,708		
58 Certificate and Licenses promotions	various	784		
59				
60 Adjusted Surplus (Deficit)		\$ 27,824		

TOWN OF MIDDLETOWN
Water Sewer Operating Capital Budget

		AMENDED BUDGET FY 2025	YTD FY25 thru 12/31/24	Projected 6/30/2025	DRAFT BUDGET FY 2026
125	Funds Available for Water/Sewer Capital Projects				
126	Operating Surplus				27,824
127	Capital Improvement Fee (\$57.50/Qtr FY26, \$60/Qtr FY27-30)				440,220
128	Tap Fees				18,000
129	General Fund Reimbursement for Memorial Hall DRZ				19,800
130	I & I Accural				10,000
131	Grant WWTP Design phase				1,000,000
132	PFAS Grant				250,000
133	Total Funds Available for Capital Projects				1,765,844
134					
135	Capital Projects Outlays				
136	Water System				
137	SCADA System Installation Well Field RTU				41,000
138	High School Waterline Replacment summer 26				100,000
139	Valve install at Boileau and S Jefferson				10,000
140	PFAS Project (100% Grant)				250,000
141	AMI Smart Point Meter Conversion (5 year install plan)				98,067
142	Sewer System				
143	Cone Branch PS - Muffin Monster				15,000
144	New WWTP Design				1,000,000
145	Inflow & Infiltration Construction Lining of Linden Blvd remain bal after ARPA				10,000
146	Vehicle & Equipment				
147	Dump truck Replacement (2006 GMC 5500) 50/50 split between funds				75,000
148					
149	Total Outlays for Capital Projects				1,599,067
150					
151	Surplus/(Deficit)				166,777

LEASE

THIS LEASE, made this _____ day of _____, 2025, by and between the **Burgess and Commissioners of Middletown**, hereinafter called “Landlord” and Sowers Farm Holdings, LLC, hereinafter called “Tenant”.

WITNESSETH:

1. **LEASED PREMISES:** For and in consideration of the covenants and agreements contained herein, the Landlord does hereby lease unto Tenant, and Tenant does hereby lease from Landlord, the two (2) parcels of real property, located in or about the Town of Middletown Maryland, consisting of:
 - a. Parcel 1: 22.78 acres of land, more or less (Remsberg Park – B);
 - b. Parcel 2: 3.22 acres of land, more or less (Remsberg Park – A).Parcels 1 and 2 (26 acres) are located on a portion of Remsburg Park, east of Old Middletown Road and west and south of Holter Road, Middletown, Maryland. The two (2) parcels are collectively hereinafter referred to as the “Leased Premises”. The Leased Premises are further depicted on the aerial photographs attached hereto collectively as “Exhibit A”.
2. **TERM:** Subject to and upon the terms and conditions set forth herein, the term of this Lease shall be three (3) years commencing on the 1st day of July, 2025, and ending on the 30th day of June 2028.
3. **RENT:** Tenant shall pay to Landlord, at such place as the Landlord may designate, rent of FIVE THOUSAND THREE HUNDRED AND FOUR Dollars (\$5,304) per year during the term of this Lease. Such rent shall be due and payable in 12 equal installments of FOUR HUNDRED FORTY-TWO Dollars (\$442) each, the first of which shall be paid on or before the 1st day of July 2025, and each subsequent installment shall be due and paid on the twenty-first day of each and every calendar month thereafter during the term of this Lease. In the event that the Tenant fails to pay the rent installments by the fifth (5th) day

after which the installment is due, then Tenant hereby agrees to pay, as additional rent, an amount equal to Five Percent (5%) of the installment due and unpaid.

4. **USE OF LEASED PREMISES:** Tenant shall use and occupy the Leased Premises only for purposes of planting, growing and harvesting crops and related agricultural purposes. The breeding, boarding or raising of animals or livestock of any nature is prohibited. Tenant shall retain all crops grown on the Leased Premises as Tenant's sole property and shall be given a reasonable time to harvest such crops in the event of the termination of this Lease as hereinafter set forth.

5. **USES PROHIBITED:**

A. Tenant shall not use the Leased Premises, nor permit it to be used, for residential purposes and shall not permit any individual(s) to occupy or reside in or on the Leased Premises. A person is deemed to occupy or reside in or on the Leased Premises when he or she is present in or on the Leased Premises on a continuing or regular basis for a period of ten (10) days or more or under such circumstances as would lead a reasonable person to consider that the individual(s) is or are using the Leased Premises as a residence on a temporary or permanent basis.

B. The use or discharge of firearms or bows and arrows on the Leased Premises are prohibited. Landlord shall be entitled to post and maintain "No Hunting" and "No Trespassing" signs around the Leased Premises boundary as determined in its sole discretion.

C. Tenant shall not make or permit any unlawful, improper or dangerous use of the Leased Premises or do anything which tends to create or maintain a nuisance or any condition which in anyway annoys or interferes with the rights of other nearby residents or persons.

D. Tenant shall comply with all requirements of applicable zoning and other governmental regulations and shall not do or permit anything on the Leased Premises which will invalidate or conflict with fire or other insurance policies or increase the

premiums on insurance policies covering the Leased Premises. Tenant shall reimburse Landlord for increases in insurance premiums due to Tenant's violation hereof.

6. **PREMISES "AS IS"**: Tenant has had an opportunity to inspect the Leased Premises and hereby acknowledges the fact that the Leased Premises were delivered in a condition permitting the agricultural uses anticipated by Tenant. Tenant accepts the Leased Premises in an "as is" condition and will furnish the labor stock, machinery, fertilizers, seed and other materials necessary or incidental to Tenant's farming endeavors and will assume all operating costs for use of the Leased Premises. Tenant shall, at the termination of the lease term, surrender the Leased Premises in good order and condition, ordinary wear and tear excepted.

7. **QUIET ENJOYMENT**: Upon payment by Tenant of rent and any other sums to be paid by Tenant to Landlord hereunder and upon the observance and performance of all of the covenants, terms and conditions to be observed and performed by Tenant, Tenant shall have the peaceful and quiet use of the Leased Premises. The peaceful and quiet use shall include all rights, servitudes and privileges belonging, or in any way appertaining thereto or granted hereby, for the term of this Lease, without hindrance or interruption by Landlord, or any person or persons lawfully claiming by, through or under Landlord. All subject, nevertheless, to the terms and conditions of this Lease, and to any mortgage, deed of trust, ground lease or agreement to which this Lease, and/or Landlord's interest in the Leased Premises is subordinate. Landlord warrants that it has full right and authority to enter into this Lease for the full term hereof.

8. **TAXES AND UTILITIES**: As part of the rental, Tenant shall pay the *pro rata* share of any and all real estate taxes or assessments, if any, which may be levied or come due annually against the Leased Premises. Tenant shall be responsible for and shall pay such tax and/or assessment, or shall reimburse Landlord for the amount thereof, within thirty (30) days of demand, as the case may be. To the extent that there are utilities, if any,

associated with the Leased Premises, Tenant shall furnish such utilities as Tenant deems necessary for the use of the Leased Premises at Tenant's sole expense.

9. **ALTERATIONS AND ADDITIONS:** Tenant shall make no alterations, additions or improvements to the Leased Premises without first obtaining Landlord's written consent. Any alterations, additions or improvements made by Tenant shall become and remain the property of Landlord at the termination of the lease term; however, Landlord may require Tenant to remove any such alterations, additions or improvements and to restore the Leased Premises to the same condition as they were at the commencement date of the lease term, normal wear and tear excepted.

10. **MAINTENANCE:** Tenant shall generally maintain the fields and grounds of the Leased Premises in a clean, sanitary and safe condition and shall be responsible for all maintenance on the Leased Premises. Tenant shall utilize standard and appropriate farming practices applicable in the Frederick County farming community in its farming operations including, but not limited to, the control or eradication of noxious weeds as defined in Maryland law, and the utilization of soil conservation practices to insure that the soil nutrient and growing capability of the Leased Premises will remain the same or better during the Lease Agreement. Tenant shall not bury, discard or dispose of significant amounts of debris, trash, hazardous material or other foreign material on the Leased Premises. In the event that Tenant fails to comply with the maintenance responsibilities in this Lease, then after ten (10) days written notice from the Landlord to Tenant of the need for maintenance, and if the maintenance is not performed, the Landlord shall have the right to complete the necessary maintenance and charge the Tenant for the expenses. The Landlord may consider the failure of the Tenant to maintain the Leased Premises in accordance with Tenant's responsibilities as a breach of this Lease and may elect to terminate this Lease. Tenant shall, at the termination of the lease term, surrender the premises in good order and condition, ordinary wear and tear excepted.

11. **INSURANCE:** Tenant shall maintain a policy of Commercial Liability insurance with a company licensed to do business in the State of Maryland to insure against any loss, damage or injury to persons or property arising from or related to the use of the Leased Premises. Such policy shall be in an amount of \$300,000.00 for any one person and \$500,000.00 for any one occurrence. The policy of insurance shall name Landlord as a named insured. Tenant shall provide to the Landlord documentation or other evidence of the existence of such insurance at such times as requested by Landlord. Tenant shall also maintain Workers' Compensation Insurance as required by Maryland law for any its employees.

12. **RELEASE, WAIVER AND INDEMNIFICATION:** Tenant hereby releases Landlord and waives as to Landlord all liabilities, actions, damages, or claims for injury, death, loss or damage to Tenant or Tenant's property from any cause arising at any time in, on or about the Leased Premises. Tenant agrees to and shall indemnify, defend and hold Landlord harmless from and against any and all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, liens, encumbrances, suits or actions for any injury, death, loss or damage to persons or property occurring anywhere on or about the Leased Premises or arising from the use or occupancy by the Tenant of the Leased Premises. Landlord shall not be liable for any loss of or damage to property by theft or burglary from the Leased Premises, or any loss or damage to the property of Tenant caused by vermin or by rain, storm water or stream that may leak into or flow from any part of the said premises or from any source. The release, waiver and indemnification provisions of this paragraph as applicable to Landlord are equally applicable to Landlord's employees, agents, officers, officials and representatives.

13. **ASSIGNMENT AND SUBLETTING:** Tenant shall not assign this Lease or sublet the Leased Premises in whole or in part without the prior written permission of Landlord which permission may be withheld by Landlord in its sole and absolute discretion.

14. **ENTRY AND INSPECTION BY LANDLORD:** Landlord, or its agents, shall have the right to enter the Leased Premises at all reasonable times to examine the same and to make such repairs, alterations, improvements or additions as the Landlord may deem necessary or desirable. Landlord may take all materials into the Leased Premises that may be necessary for such work without constituting an eviction of the Tenant. The rent shall not abate while such repairs, alterations, improvements or additions are being made. During the last thirty (30) days of the lease term Landlord may exhibit the Leased Premises to prospective Tenants and may place "For Rent" notices about the Leased Premises as may be deemed appropriate by Landlord. Tenant shall not interfere with such notices. Landlord shall have the right during the entire lease term to exhibit the Leased Premises to prospective purchasers.
15. **HOLDING OVER:** In the event Tenant remains on the Leased Premises after the expiration of the term of this Lease without having executed a new written lease, such holding over shall not constitute a renewal or extension of this Lease but shall constitute a holding over and a tenancy from month to month subject to all terms and conditions of this Lease insofar as these terms are applicable to a month to month tenancy, except that the monthly rental for each month shall be increased by five percent (5%).
16. **DEFAULT:** The failure to make a timely payment of any installment of rent shall constitute a default under the terms of this Lease, and upon such failure, Landlord shall be entitled to immediately avail itself of any remedy available to it, either at law or in equity.
- The delinquency by the Tenant in the performance or compliance with any of the conditions contained herein (except for the timely payment of rent) shall constitute an "event of default". Upon the occurrence of any "event of default", Landlord may at any time thereafter give written notice to the Tenant specifying such event of default, and Tenant shall then have thirty (30) days from the date of the notice to cure such delinquency. In the event that Tenant fails to cure the delinquency within said thirty (30) day period, the Landlord may, at its option, cure the delinquency and charge the cost and expense of doing

so to the Tenant, which amount shall be considered rent, or the Landlord may notify the Tenant in writing that the Lease shall terminate on a date specified in such notice, which date shall be at least ten (10) days from the date of the notice. All rights and remedies of Landlord shall be cumulative and the exercise of one remedy by Landlord shall not waive the right to exercise any other. Failure of Landlord to insist upon strict performance of any provision herein at any time shall not act as a waiver of Landlord's future right to enforce any provision of this lease. Tenant shall be responsible for and shall pay to Landlord all costs, expenses and attorney's fees incurred by Landlord in enforcing the provisions of this Lease, regardless of whether such costs, expenses or fees are incurred in the course of litigation. Any such costs, expenses and/or fees shall be considered as additional rent hereunder.

17. **NO REPRESENTATION BY LANDLORD:** Neither Landlord nor any official, officer, agent or employee of Landlord has made any representations or promises with respect to the Leased Premises except as herein expressly set forth, and no rights, privileges, easements or licenses are acquired by Tenant except as herein set forth.

18. **NO PARTNERSHIP:** Nothing contained in this Lease shall be deemed or construed to create a partnership, joint venture or other business enterprise of, by or between Landlord and Tenant or create any other relationship of, by or between the parties hereto other than that of Landlord and Tenant.

19. **WAIVER OF JURY TRIAL:** Each of the parties waives its right to a jury trial and freely elects to be tried by a court of competent jurisdiction without a jury in the event of any litigation arising regarding any of the terms or conditions contained in this Lease.

20. **EARLY TERMINATION FOR PARK DEVELOPMENT:** Notwithstanding any other provision of this Lease, Landlord shall have the right to terminate this Lease in the event Landlord elects, in its sole discretion, to develop or utilize the Premises, or any portion thereof, for public park purposes, including but not limited to recreational, conservation,

or community use. Landlord shall provide Tenant with no less than ninety (90) days' written notice of termination or allow Tenant to remain on the Premises until the current crop has been harvested, whichever occurs sooner. Upon such termination, Tenant shall peaceably vacate the Premises without claim for further compensation or damages.

21. **NOTICES:** Notices and communications to Tenant or Landlord shall be sufficiently served if personally delivered or mailed, registered or certified mail, by one to the other as follows:

As to Tenant: Ben Sowers
 Sowers Farm Holdings, LLC
 8305 Bolivar Road
 Middletown, MD 21769

As to Landlord: Town of Middletown
 Attention: Town Administrator
 31 West Main Street
 Middletown, Maryland 21769

Either party may designate a new address to the other by written notice. Service of notice on any one Tenant shall be deemed service on all.

22. **MISCELLANEOUS:**

- A. All of the provisions of this Lease shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
- B. This Lease constitutes the entire contract between the Landlord and the Tenant, and there are no promises, warranties, agreements or representations between the parties which have not been set forth in writing herein.

- C. This Lease shall not be modified in any way except by a writing subscribed by both parties hereto.
- D. The failure of the Landlord or Tenant to insist upon strict performance by the other or any of the covenants or conditions of this Lease in any one or more instances shall not be construed as a waiver of relinquishment for the future of any such covenants or conditions, but the same shall be and remain in full force and effect.
- E. No waiver of any provision of this Lease shall be deemed to have been made, unless it is in writing and signed by the party to be charged therewith.
- F. Time is of the essence in this Lease.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed by themselves and/or by their duly authorized representatives.

LANDLORD:

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen
Town Administrator

By: _____
John D. Miller, Burgess

Date

WITNESS:


TENANT:

Date

MEMORANDUM

DATE: June 5, 2025

TO: The Burgess and Commissioners

FROM: Robert Wilkes, Town Administrator 

SUBJECT: PFAS Settlement Funds- Bank Account Assignment

Middletown received its first payment from 3M for the PFAS lawsuit settlement in May 2025. I am requesting that we deposit these funds (\$37,667) and future PFAS settlement funds into our Truist Capital Index Account. These funds should remain separated from general funds so we can track all expenditures that are PFAS related.

RESOLUTION NO. 25-03

A RESOLUTION OF THE BURGESS AND COMMISSIONERS OF THE TOWN OF MIDDLETOWN TO AMEND THE WATER RATE SCHEDULE FOR RESIDENTIAL AND NON-RESIDENTIAL USERS EFFECTIVE JULY 1, 2026

WHEREAS, the Town of Middletown operates a municipal water system for the benefit of its residents and non-residential customers; and

WHEREAS, it is necessary from time to time to adjust the water rates in order to maintain the fiscal sustainability of the water utility, account for increased operational and capital costs, and continue to provide safe, reliable water service; and

WHEREAS, the Burgess and Commissioners have reviewed current water rates and determined that an increase of eight percent (8.0%) across all rate tiers and meter sizes is appropriate and necessary; and

WHEREAS, public notice of a proposed rate increase was given, and a duly advertised public hearing was held on June 30, 2025, to receive public input in accordance with the Town Charter; and

WHEREAS, current rate schedule can be found on the Town’s website and a copy can be and made available for public inspection during regular business hours; and

WHEREAS, after due consideration of the public comments and financial analysis presented, the Burgess and Commissioners deem it in the best interest of the Town to amend the water rate schedule as proposed.

NOW, THEREFORE, BE IT RESOLVED BY THE BURGESS AND COMMISSIONERS OF THE TOWN OF MIDDLETOWN, MARYLAND, that effective July 1, 2026, the following water rates shall apply:

RESIDENTIAL WATER RATES

Quarterly Usage	Existing Rates	Proposed Rates	Increase
for the first 3,000 gallons	\$80.63	\$87.08	8.0%
3,001 to 25,000 gallons	\$11.43	\$12.34	8.0%
25,001 to 30,000 gallons	\$17.10	\$18.47	8.0%
30,001 to 35,000 gallons	\$22.85	\$24.68	8.0%
35,001 to 40,000 gallons	\$34.24	\$36.98	8.0%
40,001 to 45,000 gallons	\$39.92	\$43.11	8.0%
45,001 to 50,000 gallons	\$45.69	\$49.35	8.0%
50,001 to 55,000 gallons	\$68.50	\$73.98	8.0%

55,001 to 60,000 gallons	\$85.65	\$92.50	8.0%
60,001 to 65,000 gallons	\$102.75	\$110.97	8.0%
65,001 to 70,000 gallons	\$119.85	\$129.44	8.0%
70,001 to 75,000 gallons	\$137.01	\$147.97	8.0%
75,001 gallons and above	\$154.13	\$166.46	8.0%

*Rates are for each additional 1,000 gallons used

NON-RESIDENTIAL WATER RATES

Quarterly Usage	Existing Rates	Proposed Rates	Increase
5/8 to 3/4 inch meter			
Base Use - 3,000 gallons	\$80.63	\$87.08	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
1 inch meter			
Base Use - 4,200 gallons	\$112.79	\$121.81	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
1.5 inch meter			
Base Use - 5,400 gallons	\$145.04	\$156.64	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
2 inch meter			
Base Use - 8,700 gallons	\$233.69	\$252.39	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
3 inch meter			
Base Use - 33,000 gallons	\$886.50	\$957.42	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
4 inch meter			
Base Use - 42,000 gallons	\$1,128.26	\$1,218.52	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
6 inch meter			
Base Use - 63,000 gallons	\$1,692.41	\$1,827.80	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%
8 inch meter			
Base Use - 87,000 gallons	\$2,337.09	\$2,524.06	8.0%
Cost / 1,000 Additional	\$11.43	\$12.34	8.0%

**This does not include debt service fees, Bay Restoration fees or Capital Improvement Fees

And it be further resolved that this Resolution shall take effect on July 1, 2026, and shall remain in effect until amended or repealed by future resolution.

ADOPTED this ___ day of _____, 2025, by the Burgess and Commissioners of the Town of Middletown, Maryland.

INTRODUCED ON THE 9th DAY OF June 2025

PASSED ON THE 30th day of June 2025

EFFECTIVE DATE: July 1, 2025

ATTEST: BURGESS AND COMMISSIONERS OF MIDDLETOWN

Robert V. Wilkes, Town Administrator

John Miller, Burgess

RESOLUTION NO. 25-04

A RESOLUTION TO ADOPT THE OPERATING BUDGET FOR THE TOWN OF MIDDLETOWN FOR FISCAL YEAR 2026.

WHEREAS, Section 602 of the Charter of the Town of Middletown requires the Burgess to prepare and submit an annual operating budget to the Commissioners at least thirty-two (32) days prior to the beginning of the fiscal year; and

WHEREAS, the proposed FY26 Operating Budget provides a complete financial plan for the fiscal year beginning July 1, 2025, and ending June 30, 2026, including anticipated revenues and proposed expenditures; and

WHEREAS, the proposed budget maintains a balanced financial plan in which total anticipated revenues equal or exceed total proposed expenditures, in accordance with the Charter; and

WHEREAS, the proposed FY26 Operating Budget has been filed with the office of the Town Administrator and made available for public inspection during normal business hours; and

WHEREAS, in accordance with Section 603 of the Charter of the Town of Middletown, a public hearing on the proposed FY26 Operating Budget was duly advertised in a newspaper of general circulation and held by the Burgess and Commissioners to receive public comment; and

WHEREAS, the Burgess and Commissioners have reviewed the proposed FY26 Operating Budget and made such modifications as deemed necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Burgess and Commissioners of the Town of Middletown, Maryland, that the Operating Budget for Fiscal Year 2026, as attached hereto and incorporated by reference, is hereby adopted.

ADOPTED this ___ day of _____, 2025 by the Burgess and Commissioners of the Town of Middletown, Maryland.

INTRODUCED ON THE 9th DAY OF June 2025

PASSED ON THE 30th day of June 2025

EFFECTIVE DATE: July 1, 2025

ATTEST: BURGESS AND COMMISSIONERS OF MIDDLETOWN

Robert V. Wilkes, Town Administrator

John Miller, Burgess

RESOLUTION NO. 25-05

A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET FOR THE TOWN OF MIDDLETOWN FOR THE FISCAL YEAR 2026.

WHEREAS, Section 602 of the Charter of the Town of Middletown requires the Burgess to prepare and submit an annual Capital Improvement Program (CIP) Budget to the Commissioners at least thirty-two (32) days prior to the beginning of the fiscal year; and

WHEREAS, the proposed FY26 CIP Budget outlines a comprehensive financial plan for capital investments and infrastructure improvements for the fiscal year beginning July 1, 2025, and ending June 30, 2026, including anticipated funding sources and planned capital expenditures; and

WHEREAS, the proposed CIP Budget ensures a fiscally responsible plan in which projected revenues and available funding sources meet or exceed total proposed capital expenditures, in accordance with the Charter; and

WHEREAS, the proposed FY26 CIP Budget has been filed with the office of the Town Administrator and made available for public inspection during regular business hours; and

WHEREAS, pursuant to Section 603 of the Charter of the Town of Middletown, a public hearing on the proposed FY26 CIP Budget was duly advertised in a newspaper of general circulation and held by the Burgess and Commissioners to receive public input; and

WHEREAS, the Burgess and Commissioners have reviewed the proposed FY26 CIP Budget and have made such revisions and adjustments as deemed appropriate to support the Town's long-term capital improvement priorities.

NOW, THEREFORE, BE IT RESOLVED by the Burgess and Commissioners of the Town of Middletown, Maryland, that the Capital Improvement Program (CIP) Budget for Fiscal Year 2026, as attached hereto and incorporated by reference, is hereby adopted.

ADOPTED this ___ day of _____, 2025, by the Burgess and Commissioners of the Town of Middletown, Maryland.

INTRODUCED ON THE 9th DAY OF June 2025

PASSED ON THE 30th day of June 2025

EFFECTIVE DATE: July 1, 2025

ATTEST: BURGESS AND COMMISSIONERS OF MIDDLETOWN

Robert V. Wilkes, Town Administrator

John Miller, Burgess