



AGENDA FOR THE TOWN MEETING
September 10, 2018
7:00 p.m.

PLEDGE TO THE FLAG

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Discussion Item with Links

CALL TO ORDER

CONSENT AGENDA

- Town Meeting Minutes
 - [August 27, 2018 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Approval of General Fund Capital Improvements Program \(CIP\) Budget / Vote](#)
- [Ordinance No. 18-09-01 – Increase to the Capital Improvement Fee / Vote](#)
- [First Reading/Introduction of Ordinance No. 18-09-02 – Establishing Petition Procedures](#)
- [Review of Public Information to Resident Regarding TCS for Road Improvements Projects](#)
- [Tobias Court – Emergency Vehicle Access and No Parking](#)

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Sustainability	Commissioner Dietrick
Planning Commission Liaison	Commissioner Catania
Parks & Recreation	Commissioner Goodman
Public Information	Commissioner Falcinelli

NEW BUSINESS:

- Discussion of Text Amendment Regarding Notification of Adjoining Property Owners for Site Plans/Preliminary Plans

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Green Talks Entomologist Lisa Kuder – Saturday, September 22, 2018 from 12:30PM – 2:00PM at the Middletown Library*
- *Heritage Festival – Saturday, September 29, 2018 from 10:00PM-5:00PM*

ADJOURNMENT

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

August 27, 2018

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 27, 2018, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, and Chris Goodman.

PUBLIC HEARING:

Capital Improvement Program Budget General Fund – Burgess Miller stated that the budget presented shows the Tar Chip & Seal (TSC) for our street projects which saves us over \$4 million dollars. Drew stated that this was advertised properly and has been discussed for over 6 months. Burgess Miller stated that this shows a 5-year projection and with us using TCS we are able to stay in the positive for the next 3 years. Commissioner Falcinelli stated that the reason our budget looks this way is due to the Highway User Revenue being taken away from the Municipalities for many years.

Capital Improvement Program Budget Water & Sewer Fund – Burgess Miller stated that the Water & Sewer CIP is fairly healthy until we get to Fiscal Year 2022 & 2023. Burgess Miller stated that the reason we are in the positive is due to the tap fees that we would receive from the Memar Annexation that would begin building in 2023. Drew stated that this budget was advertised properly and again has been discussed for over 6 months. Commissioner Falcinelli stated that this budget shows the \$2.7 million loan for the Main Street waterline and the \$1.8 million loan for the Reservoir tank upgrade.

David Lake, 24 E. Green Street – asked what the status of the water supply line from the well fields to the pump station? Drew stated that cost is included in the construction cost of the proposed tank.

Public Hearing ended at 7:20pm.

CONSENT AGENDA

*Town Meeting Minutes – August 2, 2018 - Town Workshop
August 13, 2018 – Town Meeting*

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

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:

Discussion of Establishing Petition Procedures – Burgess Miller stated that last month we drafted some petition procedures that were then forwarded to our attorney for his review. Mr. Clapp made some revisions to the procedures which were presented to us at our first meeting in August. The Concerned Citizens Group presented us with some questions. Burgess Miller answered those questions (copy attached herewith). The Commissioners all agreed with what was presented and the answers that Burgess Miller gave. Commissioner Falcinelli added that she thought we should add to #6 that we will adhere to the State Law.

Elizabeth Bauer, 8097 Geaslin Drive – who is with the Concerned Citizens Group asked if Burgess Miller could email his answers to their questions.

The Burgess & Commissioners will vote on the petition procedures at one of the September meetings.

Recommendation on Microbrewery Text Amendment – Burgess Miller stated that there are 2 options in front of you of how you wish to have Microbreweries added to the Zoning Code. Option 1 – to add microbreweries as a special exception use in the TC district, or Option 2 – to add microbreweries under light assembly and fabricating list.

After much discussion, it was decided to have the attorney draft the Ordinance to add microbreweries under light assembly and fabricating list with the provision that the adjoining neighbors will be notified. The Board would like to have adjoining neighbors notified whenever the Town receives a site plan so that the residents are aware of what is being proposed. Drew stated that he will discuss this with Burgess Miller at the next staff meeting.

Motion by Commissioner Bussard to add microbreweries under light assembly and fabricating list with the provision that adjoining property owners are notified, seconded by Commissioner Goodman. Motion carried 5-0. Drew will forward this onto the town attorney for him to draft the ordinance for us to hold the public hearing.

NEW BUSINESS:

PUBLIC COMMENT:

Jane Weir, 27 East Main Street – stated that the State has changed the requirement for absentee ballots. You no longer have to give a reason for requesting an absentee ballot. Ms. Weir wanted to know if the Town had any intentions of changing their charter to reflect the new law? Drew pulled up our Charter and the Town does not require residents to give a reason when requesting an absentee ballot.

ANNOUNCEMENTS:

- *Public Hearing on Capital Improvements Fee Increase – Thursday, September 6, 2018 at 7pm.*

ADJOURNMENT

Meeting adjourned at 8:00pm.

Respectfully submitted,

Ann Griffin
Office Manager

CIP Showing
Road Project Using TCS



BURGESS AND COMMISSIONERS OF MIDDLETOWN

GENERAL CAPITAL IMPROVEMENT BUDGET

FY 2019 - FY 2023

	FY '19	FY '20	FY '21	FY '22	FY '23
INCOME					
CASH RESERVES	\$346,150	\$104,713	\$341,086	\$311,939	(\$228,281)
INTEREST INCOME	\$865	\$262	\$853	\$780	(\$571)
IMPROVEMENT FEES	\$241,500	\$129,500	\$7,000	\$7,000	\$217,000
OPERATING INCOME From Previous Years	\$299,658	\$419,612	\$450,000	\$475,000	\$500,000
COMMUNITY LEGACY GRANTS	\$64,000				
PROGRAM OPEN SPACE and Community Parks & Playground	\$36,900	\$54,000			
SUB-TOTAL	\$989,073	\$708,086	\$798,939	\$794,719	\$488,148
PROJECTS					
Highways & Streets					
SHA Streetscape Lighting					
Boileau Court - TCS	\$175,000	\$120,000			
Broad Street Reconstruction - Three (3) Phases					
Broad Street - Phase I (Utilities - Stormdrain, Waterline, Sewerline)	\$65,000		\$325,000		
Broad Street - Phase II (Road Reconstruction Lower Section of Broad Street)					
Broad Street - Phase III (Road Reconstruction from East Main Street to Linden Blvd)	\$46,000			\$285,000	
Cone Branch Drive & Court - TCS					\$614,000
Elm Street - TCS	\$25,000				\$100,000
Elm Street Parking Lot Upgrades - TCS (Reconfiguration and Paving)	\$90,000				\$269,000
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)				\$172,000	
Ivy Hill Drive - TCS					\$100,000
Knoll Side Lane - TCS		\$30,000		\$379,000	
Linden Blvd. (Broad Street to Pine Street)					\$35,000
Linden Blvd. Culvert Replacement		\$10,000			
Martha Mason Drive - TCS	\$95,000				
Manda Drive - TCS	\$52,000				
Manda Court - TCS		\$80,000			\$531,000
Prospect St. (Road Reconstruction)					\$50,000
Schoolhouse Drive - TCS	\$25,000				
Washington Street Retaining Wall	\$15,000				
Foxfield Swale Reconstruction					
Recreation & Culture					
Rensberg Park - Walking Trail Paving (90% Grant; POS 10%)	\$25,000				
Cone Branch Walking Trail - Benches (90% Grant; POS 10%)	\$6,500				
Walking Trail Signage (90% Grant; POS 10%)	\$5,000				
Wiles Branch Park Pavilion - Picnic Benches (90% Grant; POS 10%)	\$4,500				
Foxfield Walking Trail - Extension to Hollow Creek (90% Grant; POS 10%)	\$25,000	\$60,000			
Belco Silt Seeder - Field Maintenance	\$8,000				
General Services Administration & Operations					
Municipal Center - HVAC Replacement	\$60,000				
Municipal Center - Boiler Replacement to Natural Gas	\$35,000				
Municipal Center - ADA Improvements	\$30,000				
Street Pretreatment Equipment - Snow Removal	\$60,360				
Maintenance Facility at East WWTP			\$125,000		\$125,000
Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems	\$37,000	\$37,000	\$37,000	\$37,000	\$37,000
Subaru Forester Replacement		\$30,000			
Dump Truck Replacement					
SUB-TOTAL	\$884,360	\$367,000	\$487,000	\$1,023,000	\$1,841,000
SURPLUS/(DEFICIT)	\$104,713	\$341,086	\$311,939	-\$226,281	-\$1,352,852

ALL IMPROVEMENT FEES TRANSFERRED TO GENERAL FUND



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

INCOME	FY '19	FY '20	FY '21	FY '22	FY '23
CASH Reserves	\$538,119	\$424,438	\$287,204	\$95,787	\$17,328
DEBT SERVICE FEE - NEW HOMES	\$156,000	\$162,900			
CAPITAL IMPROVEMENT FEE	\$168,966	\$178,800	\$341,900	\$342,100	\$342,300
Inflow & Infiltration - Reserve Account	\$50,000		\$300,000		
Sludge Removal - Reserve Account	\$35,000			\$35,000	
Land Leases	\$193,271	\$201,002	\$209,042	\$217,404	\$226,100
Tap Fees (See Growth Projections)	\$621,000	\$333,000	\$18,000	\$18,000	\$558,000
BRF Grant					\$1,000,000
Main Street Waterline Loan (Total Loan Amount \$2,850,138.95)	\$1,780,968				
Reservoir Tank Loan (Total Loan Amount \$1,772,603.24)		\$750,000	\$1,022,604		
Total Revenue	\$3,543,324	\$2,050,139	\$2,178,749	\$708,290	\$2,143,727
Debt Service					
EAST WWTP LOAN	\$241,265	\$239,265			
MAIN STREET WATERLINE LOAN	\$77,842	\$156,523	\$156,523	\$156,523	\$156,523
RESERVOIR TANK LOAN	\$6,798	\$12,815	\$97,347	\$97,347	\$97,347
DEVELOPMENT PROJECTS					
Brookridge WTP (Loan Payments)	\$195,314				
Outstanding Balance - Last Year \$370,314					
Total Debt Service	\$521,219	\$408,603	\$253,870	\$253,870	\$253,870
Net Income	\$3,022,105	\$1,641,537	\$1,924,879	\$454,420	\$1,889,857
Projects					
SYSTEM UPGRADE PROJECTS					
WATER SYSTEM					
Main Street Waterline Program	\$1,780,968				
Well Field - Power Quality Monitor PQube3	\$10,500				
Reservoir Improvements - Piping and Future Tank	\$104,000	\$750,000	\$1,250,000		
Linden Blvd Utilities			\$57,000		
SCADA Control System	\$50,000				
Booster Station - Replace Starters with VFD's	\$15,000	\$125,000			
Booster Station - Rebuild Pump #4	\$15,000				
Booster Station - Process Piping Replacement	\$10,000	\$50,000			
Booster Station - Roof Replacement/Building Painting				\$5,000	
PRV Vault Pipe Painting and Cleaning	\$9,000				
InHance Billing Software Upgrade	\$37,000				
Water Meter Replacements	\$41,200	\$34,333	\$22,093	\$22,093	\$15,642
WASTEWATER SYSTEM					
West WWTP - Curtain Replacement	\$25,000	\$80,000			
West WWTP - Plug Valve Replacement Micro Strainer Bldg	\$5,000	\$15,000			
West WWTP - New Chemical Storage Structure	\$85,000				
Upgrade of West WWTP (Possible Future)				\$175,000	\$1,550,000
East WWTP - Bar Screen Refurbishment		\$60,000			
East WWTP - Dewatering Solution Sludge Tank - Engineering	\$15,000	\$25,000			
East WWTP - Influent Flume & Ultrasonic Meter	\$20,000				
East WWTP - Enclose UV Lights Area		\$15,000			
East WWTP - Sludge Removal Reed Beds	\$35,000			\$35,000	
East WWTP - Sludge Mag Meter	\$15,000				
Vactor Trailer & Excavator	\$75,000				
Inflow & Infiltration	\$50,000		\$300,000		
Total Projects	\$2,397,668	\$1,154,333	\$1,629,093	\$237,093	\$1,565,642
Total Project Costs	\$624,438	\$487,204	\$295,787	\$217,328	\$324,215
CAPITAL IMPROVEMENT RESERVE ACCOUNT	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Surplus / Deficit	\$424,438	\$287,204	\$95,787	\$17,328	\$124,215
Capital Improvement Reserve Account 5 Year Total	\$1,000,000				

ORDINANCE NO. 18-09-01

AN ORDINANCE TO AMEND TITLE 13, CHAPTER 13.12, SECTION 13.12.060 OF THE MIDDLETOWN MUNICIPAL CODE FOR THE PURPOSE OF REVISING THE RATE SCHEDULE FOR WATER AND SEWER SERVICE FOR RESIDENTIAL USER ACCOUNTS AND NON-RESIDENTIAL USER ACCOUNTS AND THE AMOUNT OF THE QUARTER-ANNUAL CAPITAL IMPROVEMENT FEE.

WHEREAS, the Town of Middletown is authorized to establish rates and charges for water and sewer service pursuant to Annotated Code of Maryland, Environment Article, Section 9-720 *et seq.* and Chapter 13.12 of the Middletown Municipal Code; and

WHEREAS, the Burgess and Commissioners of the Town of Middletown have reviewed and considered proposed changes to the water and sewer rates for both residential and non-residential user accounts and the capital improvement fee and find said changes to be reasonably related to the cost of providing such services; and

WHEREAS, notice of a public hearing on said changes was duly publicized in a newspaper of general circulation in the Town of Middletown; and

WHEREAS, after a public hearing was held on said rate changes, the Burgess and Commissioners deem it to be in the best interest of the Town of Middletown and its citizens to revise said rates in accordance herewith.

SECTION I. BE IT ORDAINED, RESOLVED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 13, Chapter 13.12, Section 13.12.060 of the Middletown Municipal Code be amended as follows. Deleted language is designated by being in ~~{brackets and marked through}~~ and new language is designated by being in **BOLD NUMERALS OR BOLD CAPITAL LETTERS**, as the case may be:

13.12.060 Rate and fee schedules - Residential and non-residential users.

Unless otherwise exempted as hereinafter provided, each residential and non-residential user of water and sewer services shall pay a capital improvement fee of ~~{forty-four dollars and fifty cents \$44.50}~~ **FORTY-SEVEN DOLLARS AND TWENTY-FIVE CENTS (\$47.25)** per quarter the capital improvement fee shall be in addition to the fees charged of this section, and

shall be billed and included in the quarter-annual bills for each user. Each user, customer or account which is subject to and is obligated to pay the debt service charge required by Section 13.20.010 of the Middletown Municipal Code is and shall be exempt from the obligation to pay the capital improvement fee until January 1, 2020.

SECTION II: This Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

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

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John Miller, Burgess

ORDINANCE NO. 18-09-02

AN ORDINANCE TO ESTABLISH PROCEDURAL REQUIREMENTS FOR THE SUBMISSION OF A PETITION TO THE BURGESS AND COMMISSIONERS REQUESTING A REFERENDUM OR CHARTER AMENDMENT.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the Middletown Municipal Code be, and it hereby is, amended by enacting the following to be codified as Title I, Chapter 1.08, Section 1.08.100:

TITLE 1 - GENERAL PROVISIONS

Chapter 1.08 – Elections

1.08.100 - Requirements for the Submission of Petitions Seeking a Referendum or Charter Amendment

A. As used in this section, “Petition” shall mean a written submission to the Burgess and Commissioners of Middletown in which the petitioners seek an amendment to the Middletown Charter or seek a referendum election when a referendum election is permitted by law. The following requirements shall apply to all Petitions.

B. A Petition shall be submitted on the form established by the State of Maryland entitled “State of Maryland – Public Local Law Referendum Petition” as it may be revised from time to time. The Town shall make the form available to the public at no charge.

C. Each person signing a Petition must be a resident of the Town of Middletown and must be a registered voter in Frederick County on the day the Petition is submitted to the Town.

D. Each person signing a Petition must sign the Petition in the presence of the person circulating the Petition. The Person circulating the Petition shall sign the Petition at the bottom of each page of signatures attesting under the penalty of perjury to the fact that the circulator witnessed the signature of each person signing the Petition. Petitions shall not be left at a location unattended.

E. Each person signing a Petition shall both sign and legibly print his or her complete name as it appears on the County voter registration list, shall provide their address and date of birth, and the date they sign the Petition.

F. All persons signing a Petition shall do so personally. Computer-generated or similar electronic signatures shall not be deemed valid and shall not be included in tallying the number of signatures required to be submitted.

G. The Petition shall contain, in a clear and obvious location on the signature pages, a description of the subject and purpose of the Petition. If the Petition seeks to place a question on an election ballot, the Petition shall include either a fair and accurate summary of the substantive provisions of the proposed question or the full text of the proposed question; provided, however, that a Petition seeking a charter amendment shall comply with applicable provisions of state law.

H. Petitions submitted to the Town of Middletown will be reviewed to validate the signatures and for compliance with these requirements and with any applicable state or local law. The review will be conducted by such persons designated by the Burgess, which may include, but may not be limited to, the Town Administrator, Office Manager and Administrative Assistant.

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

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

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

INTRODUCED ON THE _____ DAY OF _____, 2018

PASSED ON THE _____ DAY OF _____, 2018

EFFECTIVE DATE: _____, 2018

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

DATE

NAME
STREET ADDRESS
CITY, STATE ZIP

RE: STREET RESURFACING

Dear **NAME**:

The Town of Middletown is planning on resurfacing your street in the **Spring of 2019**. We will be using a new method for this process call Tar, Chip, and Fog Seal or TCS for short. This is a multi-step process for resurfacing the roads and different than the standard milling and overlay.

The reason for this change in roadway maintenance is due to the loss of funding from the State of Maryland for road maintenance. In 2009, the State cut the funding by 90%, which has not been restored. This new method will save over \$4,000,000 over the next five (5) years and allow us to continue to maintain our streets.

The process has three (3) steps. The first is to spray tar on the street and cover it with a fine stone. This allows for the tar and stone to fill in all the cracks in the roadway and other uneven voids in the road. The second step is to come back about two to three weeks later and vacuum the road to pick up all the loose stone. The last and final step is to fog seal the road to embed the stone into the road and provide a permanent seal to the road.

The Town engineers have researched this method and have seen examples of it being used in both Frederick and Washington Counties and believe this is a proven method for maintaining and extending the life of the streets in Town. We have additional information on our website at www.middletown.md.us with videos and other information about this process if you are interested.

If you should have any questions, please do not hesitate to contact me at 301.371.6171.

Sincerely,
Burgess and Commissioners
Middletown, Maryland

Andrew J. Bowen
Town Administrator

CC: File



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

MEMORANDUM

TO: Burgess and Commissioners of Middletown

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

DATE: July 9, 2018

RE: Tobias Run CT Parking Conflict

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

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

