



AGENDA FOR THE TOWN MEETING

April 14, 2014

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

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

CONSENT AGENDA

- Financial Statements
- Town Minutes
 - March 24, 2014 – Public Hearing
 - March 24, 2014 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- Ordinance 14-03-01 – Development Review Fees
- Ordinance 14-04-01 – Speed Limit on South Jefferson Street
- Ordinance 14-04-02 – Sandwich Board Regulations
- Review of Johnson Controls Project Development Agreement
- Discussion of Purchase of New Truck
- Review of Draft Ethics Ordinance
- Schedule Public Hearing for Ordinance on Adult Businesses
- POS FY 2015 Projects

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- Oath of Office for Commissioners
- Appointment of Burgess-Pro-Tempore
- Discussion of Standing Committee Assignments
- Community Sign Request – Middletown Chamber of Commerce
- Replacement of Server and Three (3) Workstations
- Request from Hollow Creek for Outdoor Music
- Appointment of Historic District Commission Members

PUBLIC COMMENTS:

Please state Name and Address for the Record

ANNOUNCEMENTS:

- *Hydrant Flushing – April 14 – 18, 2014*

ADJOURNMENT

Meetings for the month of April 2014

- | | | |
|---------------------------------------|----------------------------------|---------------|
| • <i>Planning Commission Workshop</i> | <i>Wednesday, April 16, 2014</i> | <i>7:00PM</i> |
| • <i>Planning Commission</i> | <i>Monday, April 21, 2014</i> | <i>7:00PM</i> |
| • <i>Main Street Board</i> | <i>Thursday, April 24, 2014</i> | <i>7:00PM</i> |
| • <i>Water & Sewer Committee</i> | <i>Wednesday, April 23, 2014</i> | <i>7:00PM</i> |
| • <i>Town Board Meeting</i> | <i>Monday, April 28, 2014</i> | <i>7:00PM</i> |

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,080,728	\$ 1,072,175	\$ (8,553)
Tangible Personal Property	33,500	41,393	7,893
Public Utilities	9,618		(9,618)
Franchise (Cable)	44,125	22,628	(21,497)
Penalties & Interest	9,105	528	(8,577)
	<u>\$ 1,177,076</u>	<u>\$ 1,136,724</u>	<u>\$ (40,352)</u>
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 40,628	\$ 24,524	\$ (16,104)
Highway Gasoline & Licenses	122,500	109,257	(13,243)
	<u>\$ 163,128</u>	<u>\$ 133,781</u>	<u>\$ (29,347)</u>
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 755,958	\$ 467,978	\$ (287,980)
Tax Equity Grant	584,765	438,574	(146,191)
	<u>\$ 1,340,723</u>	<u>\$ 906,552</u>	<u>\$ (434,171)</u>
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	934	(3,966)
Planning / Zoning Fees	9,500	29,968	20,468
	<u>\$ 16,350</u>	<u>\$ 30,902</u>	<u>\$ 14,552</u>
<u>PARKS AND RECREATION</u>			
Pavillion Fees	\$ 1,900	\$ 1,000	\$ (900)
	<u>\$ 1,900</u>	<u>\$ 1,000</u>	<u>\$ (900)</u>
<u>POLICE PROTECTION</u>			
State Grant	\$ 24,000	\$ 13,222	\$ (10,778)
	<u>\$ 24,000</u>	<u>\$ 13,222</u>	<u>\$ (10,778)</u>
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations		25	25
Bank Shares Grant	2,500	1,491	(1,009)
*Miscellaneous & Donations	36,274	33,410	(2,864)
	<u>\$ 38,774</u>	<u>\$ 34,926</u>	<u>\$ (3,848)</u>
OPERATING REVENUES	\$ 2,761,951	\$ 2,257,107	\$ (504,844)
State Grants & Interest	\$ 217,963	\$ 30,235	\$ (187,728)
TOTAL REVENUE	\$ 2,979,914	\$ 2,287,342	\$ (692,572)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2014
 For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 12,000	\$ 8,000	\$ (4,000)
Communications	3,480	2,509	(971)
Dues & Subscriptions	7,222	7,360	138
Office Supplies & Exp	3,600	2,542	(1,058)
Advertising	750	512	(238)
Meetings & Conventions	9,900	696	(9,204)
	<u>\$ 36,952</u>	<u>\$ 21,619</u>	<u>\$ (15,333)</u>
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 6,000</u>	<u>\$ 4,000</u>	<u>\$ (2,000)</u>
	\$ 6,000	\$ 4,000	\$ (2,000)
<u>ELECTION</u>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>250</u>		<u>(250)</u>
	\$ 700		\$ (700)
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
GS - Capital Outlay		\$ 8,865	\$ 8,865
Administrative Salary	195,536	147,892	(47,644)
Postage & Printing	2,500	41	(2,459)
Communications	7,925	5,974	(1,951)
Computer Expenses	16,905	23,122	6,217
Office Supplies & Exp	23,520	15,619	(7,901)
Office Maintenance	45,368	33,217	(12,151)
Dues & Subscriptions	150	111	(39)
Professional Services	6,600	2,400	(4,200)
Meetings & Conventions	100	22	(78)
Water and Sewer Grant	<u>100,000</u>		<u>(100,000)</u>
	<u>\$ 398,604</u>	<u>\$ 237,263</u>	<u>\$ (161,341)</u>
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay		51,678	51,678
Director Salary	85,572	63,479	(22,093)
Maintenance Salary	28,085	32,648	4,563
Communications	6,600	5,028	(1,572)
Supplies & Expenses	13,760	8,228	(5,532)
Dues & Meetings		1,460	1,460
Landscaping/Beautification			
Maintenance & Repairs	19,480	14,473	(5,007)
Tools & Equipment	3,000	2,811	(189)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
	\$ 156,497	\$ 179,805	\$ 23,308
 <u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 12,500	\$ 13,000	\$ 500
Legal - Development		323	323
Legal - Ordinances	7,500	3,629	(3,871)
	<u>\$ 20,000</u>	<u>\$ 16,952</u>	<u>\$ (3,048)</u>
 <u>PLANNING & ZONING</u>			
Salary & Fees	\$ 44,356	\$ 33,025	\$ (11,331)
Other Expenses	1,300	1,304	4
	<u>\$ 45,656</u>	<u>\$ 34,329</u>	<u>\$ (11,327)</u>
 <u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 32,136	\$ 29,767	\$ (2,369)
Town Contribution	12,000	8,555	(3,445)
	<u>\$ 44,136</u>	<u>\$ 38,322</u>	<u>\$ (5,814)</u>
 <u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 15,000	\$ 15,000	
School Crossing Guards	16,309	9,801	(6,508)
Community Deputy Program	353,499	266,630	(86,869)
	<u>\$ 384,808</u>	<u>\$ 291,431</u>	<u>\$ (93,377)</u>
 <u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 275,447	\$ 198,507	\$ (76,940)
 <u>RECREATION AND CULTURE</u>			
Park Salary	37,892	31,126	(6,766)
Park Electric	1,500	1,008	(492)
Maintenance & Repairs	32,800	10,948	(21,852)
Mowing	34,651	13,923	(20,728)
Remsberg Park - Interest	20,968	17,687	(3,281)
Remsberg Park - Principal	102,582	85,271	(17,311)
	<u>\$ 230,393</u>	<u>\$ 159,963</u>	<u>\$ (70,430)</u>

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 91,927	\$ 71,339	\$ (20,588)
Street Lighting	151,200	106,858	(44,342)
Storm Water Management	1,500	4,960	3,460
Snow Removal	52,125	65,385	13,260
Repairs & Resurfacing	100,000	16,595	(83,405)
Signs	3,500	3,920	420
Truck Repair & Operation	19,300	21,967	2,667
Equipment Repairs & Ops	11,800	1,890	(9,910)
Mowing	31,744	17,408	(14,336)
Interest	8,478	2,735	(5,743)
East Green St - Principal	11,000		(11,000)
Case Loader - Principal	<u>14,555</u>	<u>14,554</u>	<u>(1)</u>
	\$ 497,129	\$ 327,611	\$ (169,518)
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	1,500	2,029	529
Community Events	82,358	53,501	(28,857)
Payroll Taxes	44,420	31,367	(13,053)
Insurance - Property	12,748	8,483	(4,265)
Insurance - Employee	107,892	110,471	2,579
Retirement/Pension	54,607	45,996	(8,611)
Web Page & Directory	5,555	3,744	(1,811)
Real Estate Taxes	753	712	(41)
Other	<u>3,500</u>	<u>3,683</u>	<u>183</u>
	\$ 318,433	\$ 264,986	\$ (53,447)
TOTAL EXPENDITURES	\$ 2,414,755	\$ 1,774,788	\$ (639,967)
INCOME (LOSS) Exc. Cash Reserves	\$ 565,159	\$ 512,554	\$ (52,605)
CASH RESERVES	\$ 1,091,102	\$ 1,240,284	\$ 149,182
SURPLUS / (DEFICIT)	<u>\$ 1,656,261</u>	<u>\$ 1,752,838</u>	<u>\$ 96,577</u>

*Board Approved Amendment made during FY2014

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2014
 For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,761,951	\$ 2,257,107	\$ (504,844)
OPERATING EXPENSES			
Expenses	2,414,754	1,774,788	(639,966)
OPERATING SURPLUS (LOSS)	<u>\$ 347,197</u>	<u>\$ 482,319</u>	<u>\$ 135,122</u>
<u>OTHER FUND</u>			
POS - Development	\$ 90,020	\$ 30,000	\$ (60,020)
MVAA Remsberg Park	8,215		(8,215)
POS - Walking Trail Land Purchas	42,000		(42,000)
SRTS - School Walking Trail			
Other Grants	75,000		(75,000)
West Green & Walnut St Bridge Lo	700,000		(700,000)
RETAINED EARNINGS	421,311		(421,311)
Interest	<u>2,728</u>	<u>235</u>	<u>(2,493)</u>
TOTAL OTHER FUNDS	<u>\$ 1,339,274</u>	<u>\$ 30,235</u>	<u>\$ (1,309,039)</u>
TOTAL FUNDS AVAILABLE	<u>\$ 1,686,471</u>	<u>\$ 512,554</u>	<u>\$ (1,173,917)</u>
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 797,812	\$ 10,363	\$ (787,449)
*Walnut Street Bridge	290,562	259,398	(31,164)
Eastern Cr - Mill Overlay	70,000		(70,000)
Broad St-304 to Franklin	180,000		(180,000)
SWM Pond Fencing-Coblentz	16,400	14,911	(1,489)
Walking Trail Acq - E Main/Linde	42,000		(42,000)
Walking Trail Devel - Linden/Rem	85,751	60,145	(25,606)
Remsberg Park Netting	20,956		(20,956)
War Memorial Improvements	15,000	39,066	24,066
Foxfield/Wiles Trail Signage	26,400	207	(26,193)
Basketball Resurface - Wiles Bra	17,000		(17,000)
Purchase Memorial Hall	150,000		(150,000)
Remsburg Park - Other	37,226		(37,226)
Computer Replacements	5,200		(5,200)
W&S Funds - Walnut Bridge	<u>127,430</u>		<u>(127,430)</u>
TOTAL CIP COSTS	<u>\$ 1,881,737</u>	<u>\$ 384,090</u>	<u>\$ (1,365,017)</u>
OPERATING & CIP SURPLUS (LOSS)	<u>\$ (195,266)</u>	<u>\$ 128,464</u>	<u>\$ 191,100</u>

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,091,102	\$ 1,240,284	\$ 149,182
TOTAL CASH SURPLUS	<u>\$ 895,836</u>	<u>\$ 1,368,748</u>	<u>\$ 340,282</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<u>REVENUE</u>			
Water Revenue	\$ 553,200	\$ 418,540	\$ (134,660)
Sewer Revenue	552,046	415,796	(136,250)
Penalties/Reconnects	14,500	14,120	(380)
*Rain Barrel Sales	1,575	1,575	
General Fund Grant/Misc	100,000		(100,000)
TOTAL OPERATING REVENUE	\$ 1,221,321	\$ 850,031	\$ (371,290)
 <u>EXPENDITURES</u>			
ADMINISTRATIVE			
Office Salaries	\$ 41,993	\$ 29,857	\$ (12,136)
Communications	7,000	5,702	(1,298)
Postage	9,000	9,098	98
Office Supplies/Expense	11,000	11,755	755
Legal - Other	8,500	10,578	2,078
Meetings & Seminars	250	725	475
Advertising	500	863	363
Uniforms	2,800	1,646	(1,154)
Dues/Subscrip/Certifications	500	515	15
Travel		153	153
Payroll Taxes	18,471	14,347	(4,124)
Insurance - Prop. & Liability	8,000	5,884	(2,116)
Insurance - Workers Comp	12,306	6,615	(5,691)
Insurance - Health	46,504	33,657	(12,847)
Retirement/Pension	18,968	18,133	(835)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150		(3,150)
Waterline / I & I Loans	32,550	4,275	(28,275)
Sub-Total	\$ 221,784	\$ 154,095	\$ (67,689)
 Vehicles & Equipment			
1999 Truck	\$ 3,700	\$ 123	\$ (3,577)
2001 Truck	3,400	546	(2,854)
2008 Truck	3,200	2,790	(410)
2013 Truck		2,077	2,077
Misc Equipment	4,275	248	(4,027)
Bobcat Mini-Excavator		175	175
Case Backhoe	3,000	76	(2,924)
Sub-Total	\$ 17,575	\$ 6,035	\$ (11,540)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 115,895	\$ 84,012	\$ (31,883)
Water Distribution System			
Supplies	2,500	649	(1,851)
Repairs & Maintenance	22,000	34,478	12,478
Water Meters	105,838	11,867	(93,971)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500	185	(315)
Tools & Equipment	9,600	9,169	(431)
Sub-Total	\$ 145,438	\$ 56,348	\$ (89,090)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 31,370	\$ 18,037	\$ (13,333)
Supplies	7,000	641	(6,359)
Repairs & Maintenance	28,600	27,768	(832)
Chemicals	20,000	13,028	(6,972)
Tools & Equipment	2,400	2,007	(393)
Testing & Analysis	9,000	7,628	(1,372)
Sub-Total	\$ 98,370	\$ 69,109	\$ (29,261)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 359,703	\$ 209,469	\$ (150,234)
SEWER			
Salaries	\$ 114,952	\$ 79,493	\$ (35,459)
Sewer Collection System			
Cone Branch PS	34,364	23,003	(11,361)
Brookridge South PS	9,700	7,161	(2,539)
Foxfield PS	5,940	8,229	2,289
Sanitary Sewerlines & Manholes	10,500	3,566	(6,934)
I & I Accrual	75,000	50,000	(25,000)
Sub-Total	\$ 135,504	\$ 91,959	\$ (43,545)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 33,000	\$ 24,981	\$ (8,019)
Supplies	10,500	6,029	(4,471)
Repairs & Maintenance	9,700	9,332	(368)
Chemicals	42,000	21,905	(20,095)
Tools & Equipment	8,400	2,940	(5,460)
Testing & Analysis	19,500	14,661	(4,839)
Sludge Hauling Expense	56,400	36,926	(19,474)
Sub-Total	\$ 179,500	\$ 116,774	\$ (62,726)
West Wastewater Treatment Plant			
Electric	\$ 20,000	\$ 12,590	\$ (7,410)
Supplies	750	3,699	2,949
Repairs & Maintenance	6,700	30,461	23,761
Chemicals	47,520	27,121	(20,399)
Tools & Equipment	1,000	1,398	398
Testing & Analysis	7,800	5,928	(1,872)
Sludge Hauling Expense	22,650	13,351	(9,299)
Sub-Total	\$ 106,420	\$ 94,548	\$ (11,872)
TOTAL SEWER EXPENSES	\$ 536,376	\$ 382,774	\$ (153,602)
TOTAL WATER/SEWER EXPENSES	\$ 1,135,438	\$ 752,373	\$ (383,065)
CONTINGENCY FUND - 6.7%	\$ 76,074	\$ 50,409	\$ (25,665)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,211,512	\$ 802,782	\$ (408,730)
NET INCOME (LOSS)	\$ 9,809	\$ 47,249	\$ 37,440

*Board Approved budget amendment made during FY2014

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 9 Months Ended March 31, 2014

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,221,321	\$ 850,031	\$ (371,290)
Operating Expenses	<u>1,135,438</u>	<u>752,373</u>	<u>(383,065)</u>
OPERATING INCOME (LOSS)	\$ 85,883	\$ 97,658	\$ 11,775
Debt Service Fee - New Homes	\$ 136,800	\$ 103,070	\$ (33,730)
Capital Improvement Fees	118,008	88,212	(29,796)
Improvement/Tap Fees	140,000	110,000	(30,000)
Water Meter Sales	80,648	4,136	(76,512)
Water Tower & Land Leases	163,150	119,871	(43,279)
Gen Fund (Walnut St Waterline)	<u>127,430</u>	<u></u>	<u>(127,430)</u>
TOTAL OTHER REVENUE	\$ 766,036	\$ 425,289	\$ (340,747)
TOTAL FUNDS AVAILABLE	851,919	522,947	(328,972)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
BB&T Line of Credit	\$ 35,500		\$ (35,500)
CDA - Water Tower	95,250		(95,250)
MDE - East WWTP	196,190	196,190	
Interest - All Loans	<u>61,560</u>	<u>36,637</u>	<u>(24,923)</u>
TOTAL DEBT SERVICE COSTS	\$ 388,500	\$ 232,827	\$ (155,673)
<u>WATER & SEWER PROJECTS</u>			
Walnut Bridge Waterline	\$ 132,026	\$ 132,026	
Locust Court Water Extension	130,340	111,704	(18,636)
Reservoir - Dual Feed Cover	40,000	18,914	(21,086)
Maganese Removal System	<u>110,000</u>	<u></u>	<u>(110,000)</u>
TOTAL WATER & SEWER PROJECTS	\$ 412,366	\$ 262,644	\$ (149,722)
TOTAL CIP COSTS	\$ 800,866	\$ 495,471	\$ (305,395)
TOTAL FUNDS REMAINING	<u>\$ 51,053</u>	<u>\$ 27,476</u>	<u>\$ (23,577)</u>

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

March 24, 2014

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 24, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Richard Dietrick, Tony Ventre and Christopher Goodman.

PUBLIC HEARING

Ordinance 14-03-01 – An Ordinance to repeal and re-enact, with amendments, Title 17, Chapter 17.52 of the Middletown Municipal Code pertaining to the assessment and collection of fees for the submission and review of documents relating to various land use, planning and zoning matters; to establish a fee schedule for such fees, including the assessment of an electronic filing fee for certain submissions.

Town Planner Cindy Unangst stated that the Planning Commission and the Town Board have been discussing for some time the need to update the town's development review fees. The fees have not been updated since 2006 and upon review of the fees that other municipalities are charging, it has been apparent that our fees are lower than most. Included with the updated fees, the Planning Commission has recommended that an electronic filing fee be added in lieu of paper copies of plans for the Planning Commission and the town engineer.

Mike Tabor, 205 S. Church Street – asked what the definition of internal/external improvements entailed? Mr. Tabor felt like that should be spelled out.

The Burgess and Commissioners will vote on Ordinance 14-03-01 at their April 14, 2014 meeting.

CONSENT AGENDA

Town Minutes – March 10, 2014

Pam Dietrick, Middletown Rec. Council president stated that she asked for POS funds for the skate spot and that was not included in the minutes.

Commissioner Falcinelli motioned to accept this consent agenda with the correction to the minutes as stated, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

Johnson Controls – Middletown Feasibility Presentation – Mr. Heston Crandon, Senior Account Executive presented the Burgess & Commissioners with his findings of saving the Town money on energy costs with proposed solutions that will reduce the budget. Johnson Controls asked the Board to execute the project development agreement (PDA). The executed PDA does not obligate the Town to pay the fee specified in the agreement, but instead is an acknowledgement by the Town that the fee shall be incorporated into JCI's project cost, in the event JCI and the Town execute an energy performance contract.

Unfinished Business:

Budget Workshop – Review of Operating Budgets – Drew stated that included in the packets is the first draft of FY2015 budget. Drew stated that the Water & Sewer budget shows a 3% increase as well as going monthly for the entire Town beginning Jan. 1, 2015.

Review of proposed text amendment on Active Adult & Cluster Developments – Cindy stated that the Planning Commission has reviewed the proposed Active Adult text amendment submitted by Memar Corporation which would establish that parcels of land less than 100 acres could be used in their entirety for active adult communities as long as the total density remained below two units per acre. By consensus the Planning Commission recommends approval of the proposed text amendment with a modification and the inclusion of the cluster development regulations within the active adult specific standards section of the code.

Cindy stated that she disagrees with the placement of the cluster development regulations as part of the active adult regulations and feels that they should be a separate section of the code, in line with Planned Unit Developments, in order to be able to address any potential types of cluster developments which could occur elsewhere in the future. This will be forwarded to the town's attorney for his review. A public hearing will be scheduled once the town's attorney has reviewed it.

POS Requests for FY 2015 – Commissioner Ventre submitted the Parks and Rec. Committee's requests for their consideration. The following is the list of proposed projects from Parks & Rec.: 1)walking path in Wiles Branch Park from the basketball court to the existing walking path at the location of the community garden; 2)repurposing Natelli field to tennis courts(subject to funding by Mr. Natelli); 3)small pavilion at Wiles Branch Park on the hill overlooking the ball field; 4)picnic tables in Wiles Branch Park at the southwestern end of the ball field near the treatment pond; 5)crossing bridge for the walking trail into Remsberg Park; 6)stone faced bench in Remsberg Park; and 7)benches along the walking trail in Remsberg Park (this is subject to whether the eagle scout candidate is intent on completing his eagle scout project).

Commissioner Ventre stated that there is \$345,000 available in POS which would be split between 12 Municipalities.

Bob Smart, 7525 Coblenz Road – asked if the County could get POS funding for the skate spot. Commissioner Ventre stated that he met with Paul Dial with Frederick County Parks about the skate spot. Mr. Dial stated that the County is very adamant about not including the skate spot as part of the master plan until 100% funding has been received. Mr. Dial stated that the County will not be funding any of this project. After much discussion the Board decided to allow wooden benches along the trail in Remsberg Park to allow the eagle scout project to be finished.

Discussion of Cross Stone Commons – Access off East Main Street (US Alt. 40) – Cindy stated that she met with State Highway on another project here in town and they spoke about this project. SHA has denied the right in only from Main Street (US Alt.40) for Cross Stone Commons. Cindy stated that if the developer does not get the right turn only access they will need to come back in with a revised site plan. Cindy stated that the developer would like to have a sit down meeting with SHA to discuss this as if they are unable to get the right turn only this will kill the deal with CVS. The Board agreed to have Burgess Miller send a letter to SHA endorsing the right turn lane for this project.

Review of Draft Ethics Ordinance – The State has reviewed our draft ethics ordinance and is acceptable. The Board will vote on at the April 28th meeting.

New Business:

Municipal Building Security Policy & Information – Drew provided the Board with Keycard Access frequently ask questions, building usage information sheet and key access form. The Board agreed to allow staff handle this as we see fit.

Discussion of Parking in Downtown – Burgess Miller stated that he had Drew include the original drawing from the Brenengan’s showing parking decks where the current fire department is located. Burgess Miller stated that we will revisit this at a later time.

Appointment of Election Judges – Burgess Miller stated that the following people have volunteered to serve as election judges for the upcoming election on April 7, 2014: Doris Keast, Linda Despeaux, Laura Lake, Jean Smart and Alex Kunderick.

Motion by Commissioner Bussard to approve the list of election judges, seconded by Commissioner Falcinelli. Motion carried 6-0.

Discussion of Wellness Program for Employees – Drew stated that since we are self insured one of the things that Benecon would like the Town to do is implement a wellness program for our employees. Drew is suggesting that we start with any of the employees get a yearly psychical that we give them a \$75 gas card. By general consent the Board agreed and this program will start July 1, 2014.

ANNOUNCEMENTS

- *Public Hearing-South Jefferson Street traffic concerns –April 3, 2014 at 7pm.*
- *Public Hearing – Sandwich Board signs – April 3, 2014 7:25pm.*
- *Hydrant Flushing – April 14-18, 2014*

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 9:15pm.

Respectfully submitted,

Ann Griffin
Office Manager

STAFF REPORT

Date: 3/26/2014

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

The Middletown Planning Commission and the Town Board have been discussing for some time the need to update the town's development review fees. They have not been updated since 2006 and upon review of the fees that other municipalities are charging, it has been apparent that our fees are lower than most. The Planning Commission decided to look to the new fees that Myersville is charging as the basis for the updated fees in which to recommend to the Burgess & Commissioners. Town Attorney John Clapp has recommended that Section 17.52, pertaining to review fees, be repealed and replaced with a newer "slimmed down" version. The current language in Section 17.52 is very outdated, and the staff planner agrees that the proposed language will be the most efficient means to update the Code.

As part of the updated fees, the Planning Commission has recommended that an electronic filing fee be added in lieu of paper copies of plans for the Planning Commission (PC) members and ARRO Engineering. The PC researched the fees associated with the printing of plans and has recommended a flat rate of \$15.00/sheet for all plan submittals. Their hope is that the revenue garnered from this electronic filing fee can accumulate to cover the purchase of iPads and file transfer services for the PC. The Town Board agreed last fall to review the proposal to purchase iPads during the next budget cycle.

In reviewing the proposed ordinance, Staff had realized that the review fee for Home Occupation questionnaires had inadvertently been omitted from the Review Fee List. A fee of \$50 for review of Home Occupations has now been added to the proposed ordinance.

ORDINANCE NO. 14-03-01

AN ORDINANCE TO REPEAL AND RE-ENACT, WITH AMENDMENTS, TITLE 17, CHAPTER 17.52 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO THE ASSESSMENT AND COLLECTION OF FEES FOR THE SUBMISSION AND REVIEW OF DOCUMENTS RELATING TO VARIOUS LAND USE, PLANNING AND ZONING MATTERS; TO ESTABLISH A FEE SCHEDULE FOR SUCH FEES, INCLUDING THE ASSESSMENT OF AN ELECTRONIC FILING FEE FOR CERTAIN SUBMISSIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.52 of the Middletown Municipal Code be, and hereby is, **REPEALED**.

SECTION II. BE IT FURTHER ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland the following be, and it hereby is, enacted as Title 17, Chapter 17.52 of the Middletown Municipal Code.

TITLE 17 ZONING

Chapter 17.52 - Fees

17.52.010 Generally.

To partially defray the expense of administering various planning and zoning services, review and permitting processes, and administrative hearings and procedures, fees shall be paid to the Town of Middletown as specified in this Chapter. All fees required to be paid by this Chapter shall be paid to the Town of Middletown and must be paid upon submission of the applicable applications and/or materials for review or action. No consideration and/or action on any application for review or issuance of a permit or other request shall be taken by the Town until such applicable fees are paid in full.

17.52.020 Services for which fees charged.

The services for which fees are charged by the Town shall include, but not be limited to, the following:

A. Issuance of a Building Permit or Zoning Certificate for any structural alterations or improvements or other changes as required by Chapter 17.08 of this Code;

B. Inspection and approval of construction prior to the issuance of a Construction Permit;

C. Administrative procedures to include appeals to the Board of Appeals, requests for Text Amendments, applications for rezoning, applications for annexation, requests to amend the Water and Sewer Master Plan, recording of documents and review of Public Works Agreements and Homeowner Association documents;

D. Review of land use and subdivision plats and plans.

17.52.030 Submissions to Planning Commission.

All plans submitted for review and approval by the Planning Commission and all applicable fees for such review and approval must be received at the Middletown Town Office no later than noon on the Monday two weeks prior to the monthly meeting of the Planning Commission. The Planning Commission meets the third Monday of every month at 7:00 p.m.

17.52.040 Fee Schedule

The fees for the services to be rendered as set forth in this Chapter are as stated in the following Fee Schedule.

BURGESS AND COMMISSIONERS OF MIDDLETOWN, MARYLAND
 FEES FOR VARIOUS LAND USE, PERMITTING,
 SUBDIVISION AND ZONING PROCEDURES

<u>Permits</u>	<u>Fee</u>
<u>Residential Permits</u>	
Internal Improvements	\$25.00
External Improvements	\$25.00
<u>New Residence Permits</u>	
Single-Family Unit-	\$200.00
Multi-Family Unit-	\$200.00 + \$100.00/additional unit
Demolition	\$50.00
<u>Commercial Permits</u>	
Internal Improvements	\$100.00
External Improvements	\$100.00
Structure Conversion	\$100.00
New Commercial	\$500.00
Demolition	\$100.00
Change of Use	\$50.00 + all other applicable fees
Home Occupation	\$50.00 + all other applicable fees

<u>Construction</u>	<u>Fee</u>
<u>New Subdivision</u>	
Construction Inspection	1% of Total Cost Estimates for Stormwater Management, Sediment & Erosion Control and Public Improvements

<u>Development</u>	<u>Fee</u>
<u>Concept Plan</u>	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<u>Site Plan</u>	
Residential	\$250.00 + \$10/unit + \$15.00/Sheet Electronic Filing Fee
All Other	\$350.00 + \$50/acre + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Preliminary Plan Review</u>	
All Subdivisions	\$350.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Mass Grade Plan Review</u>	
All Subdivisions	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Improvement Plan Review</u>	\$300.00/page + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Forestry Plan Review</u>	
Simplified Forest Plan	\$200.00 + \$15.00/Sheet Electronic Filing Fee
Preliminary Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Final Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Inspection Fee	\$50.00 per inspection +1% of Total Cost Estimates for Plant Material and Planting
<u>Final Plat Review</u>	
Combined Prelim/Final	\$250.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
Correction Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Addition Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Final Plat	\$300.00 + \$25/Lot + \$100.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<u>Resubmission</u>	50% of original fee + 25% of Original Legal Fee and/or Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<u>Administrative</u>	<u>Fee</u>
<u>Board of Appeals</u>	
Variance	\$100.00 + \$100 advertising for non principal structure \$200.00 + \$100 advertising for principal structure
Special Exception	\$300.00 + \$100 advertising
Administrative Error	\$200.00 + \$100 advertising
<u>Text Amendment</u>	\$300.00 + \$200 advertising + \$150.00 Legal Fee
<u>Rezoning Request</u>	\$400.00 + \$20/acre + \$200.00 advertising
<u>Annexation Review</u>	\$1,000.00 + \$50/acre + \$150.00 Legal Fee + \$200.00 advertising
<u>Recording Fees</u>	
Plats	\$75 fee + \$5/plat
All other Documents	\$50.00/document
<u>Public Works Agreement Review</u>	\$225.00 + \$150.00 Legal Fee
<u>HOA Document Review</u>	\$225.00 + \$150.00 Legal Fee
<u>Water & Sewer Master Plan Change</u>	\$500.00 + \$100.00 Engineering Fee

SECTION III. 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 _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 14-04-01

AN ORDINANCE TO ESTABLISH SPEED RESTRICTIONS FOR SOUTH JEFFERSON STREET IN THE TOWN OF MIDDLETOWN.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the following be, and it hereby is, enacted as Title 10, Chapter 10.04, Section 10.04.030 of the Middletown Municipal Code.

TITLE 10 VEHICLES AND TRAFFIC

Chapter 10.04 – Traffic Regulations Generally

10.04.030 SOUTH JEFFERSON STREET

THE SPEED LIMIT SHALL BE 15 MILES PER HOUR ON SOUTH JEFFERSON STREET BETWEEN WASHINGTON STREET AND CHURCH STREET (ROUTE 17).

SECTION III. 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 _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

STAFF REPORT

Date: 3/4/2014

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

The Middletown Planning Commission on January 20, 2014 reviewed the Sign regulations in relation to temporary sandwich board signs and recommends the following changes to the Town Board for their review, approval, and inclusion in the Town Code. The Planning Commission would like the Town Board to move ahead with the proposed changes at this time, instead of waiting until the time that the Town Board moves thru the Zoning Update process. For the most part, the revisions are based on the new sign regulations approved for the Town of Myersville. At the Town Board meeting on February 10th, the Burgess & Commissioners made no changes to the proposed text. Mr. Clapp sent us two ordinances with one adopting, verbatim, the language that the Planning Commission proposed. He also sent one in which he made a few revisions to "clean" it up a bit. The substance is the same, and I feel that the "cleaned" up version is the best one moving forward.

Below are minutes from discussions that took place within the past four months concerning the proposed text amendment regarding sandwich boards:

November 18, 2013 Planning Commission meeting – Zoning Code Review – 17.36 Signs –

Discussion arose concerning the special exemption given to an off-Main Street business that has signs displayed on Main Street during the day. Chairman Carney asked what the original period of time the business was given for displaying the sign. Cindy stated 1 month if they were open 5 days a week, but a longer time was given since they are open 3 days per week now.

- **Zoning Enforcement:** Commissioner Miller asked if there was enforcement of the ordinance regarding signage for businesses on US 40 Alt. Cindy replied that the Town Board voted a stay of any enforcement as they see it as town business development. The Zoning Administrator agrees with the decision of the Town Board. Chairman Carney asked that zoning enforcement be an agenda item for the joint Town Board/ Planning Commission meeting in January.
- **Special Exemptions Process:** Commissioner Smart stated that nowhere in the ordinance does it specify a process applicants must complete to receive approval from the Planning Commission for special exemptions. Discussion continued regarding incorporating an exemption process for Planning Commission approval for special exemptions for all signs. The Planning Commission cited possible abuse of the system by businesses in the future. Review of town ordinance 17.36.130G. sign permit procedures will be added as an agenda item for the December Planning Commission meeting.

January 20, 2014 Planning Commission meeting – Zoning Code Review – 17.36 Temporary Sign permit procedures – Cindy reviewed the definitions of sandwich board signs and the modified permit procedures for displaying these signs on business property and off business property. This information is based on Myersville’s regulations.

- **Zoning Code Verbiage:** Commissioner Lake suggested removing the statement that temporary sandwich board signs not be displayed for more than 12 hours in a day from both sections regarding temporary signs located on that business property and temporary signs located off business property as point b. in each section states when the signs have to be removed daily. Chairman Carney stated that the words “upside down T” be added in parentheses after the words “T-frame signs” in section 7 of signs placed in front of a business property and also in section C subsection 4 for clarification.
- **Sign Size:** Measurements were taken of several sandwich signs businesses currently used around the Town of Middletown. They were all generally the same size. The Planning Commission discussed setting a maximum size for the entire town to use. The maximum size will be 30 inches wide by 48 inches high.

Action: Commissioner Smart motioned to forward the modified temporary sign permit procedures to the Town Board for recommendation as further clarified. Commissioner Miller seconded. Motion carried (4-0-1). Commissioner Goodman abstained.

February 10, 2014 Burgess & Commissioners meeting - Proposed Text Amendment to Sign Regulations for Sandwich Board’s – Burgess Miller stated that the permit for Sandwich Board signs will be free, each business will be allowed 2 boards offsite within ¼ mile of business. The Board accepted the proposed text amendment for Sandwich Boards. The public hearing will be held on March 6, 2014 at 7pm.

ORDINANCE NO. 14-04-02

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.36, PERTAINING TO A-FRAME, T-FRAME AND SANDWICH BOARD SIGNS; TO AMEND THE DEFINITION OF SUCH SIGNS; TO PROVIDE FOR CONDITIONS UNDER WHICH DISPLAYING SUCH SIGNS REQUIRE AND DO NOT REQUIRE A PERMIT ISSUED BY THE TOWN OF MIDDLETOWN.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.36 of the Middletown Municipal Code be, and hereby is, amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through.}~~ New language is designated by being in **BOLD CAPITAL LETTERS:**

TITLE 17 ZONING

Chapter 17.36 Signs.

17.36.020 Definitions.

"A-frame/sandwich board/T-frame sign." A sign that is constructed in the shape of an "A", also referred to as a "sandwich board" sign, **OR AN UPSIDE-DOWN "T"; AND WHICH IS** composed of two back to back sign faces oriented in opposing directions aligned in the shape of the letter "A" or **AN UPSIDE-DOWN "T" AND WHICH IS GENERALLY** ~~{This sign is}~~ used to identify goods and services available ~~[on the property on which the sign is located.]~~ **AT THE BUSINESS ESTABLISHMENT OR OTHER ENTITY DISPLAYING OR SPONSORING THE SIGN.**

{All other definitions in section 17.36.020 remain unchanged}

17.36.140 Exempt signs.

A sign permit shall not be required for the following signs; provided, however, that all such signs shall comply with the other applicable requirements of this chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

2. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;

3. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;

4. Political signs that do not exceed six (6) square feet in size;

5. Garage/yard sale signs that do not exceed six (6) square feet in size. Such signs may be displayed only one-day prior to the sale and must be removed within one day after the sale;

6. Incidental signs as defined herein;

7. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;

8. ~~[A frame, sandwich board, or T frame signs as defined herein;~~

~~9.]~~ Government sponsored banners affixed to light standards promoting community events.

17.36.150 Temporary signs.

A. *{Unchanged}*

B. A permit is not required for the following types of temporary signs:

1 – 6 *{Unchanged}*

7. **A-FRAME/SANDWICH BOARD/T-FRAME SIGNS WHICH ARE PLACED IN FRONT OF OR ADJACENT TO A BUSINESS ESTABLISHMENT FOR THE ANNOUNCEMENT OF DAILY SPECIALS OR FEATURED PROMOTIONS PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:**

A. THE SIGN IS SITUATED ON THE SAME PROPERTY AS THE BUSINESS WHICH IT IS ADVERTISING;

B. THE SIGN IS ONLY DISPLAYED DURING THE BUSINESS HOURS OF THE ESTABLISHMENT AND IS REMOVED AND STORED WITHIN THE PRINCIPAL OR COVERED ACCESSORY BUILDING OF THE ESTABLISHMENT DURING NON-BUSINESS HOURS;

C. THE SIGN IS NOT PLACED IN A LOCATION THAT IMPEDES VEHICULAR OR PEDESTRIAN TRAFFIC, IMPEDES ACCESS TO PARKING OR OBSTRUCTS THE SIGHTLINES OF EITHER;

D. THE SIGN IS NOT FASTENED TO OR ERECTED ON A SIGN POLE;

E. THE SIGN IS ONLY PLACED AT GRADE AND IS NOT ELEVATED OR SUSPENDED ABOVE GRADE AND DOES NOT PROTRUDE OR PROJECT FROM ANY OTHER STRUCTURE;

F. THE PLACEMENT OF THE SIGN COMPLIES WITH THE SETBACK REQUIREMENTS OF ITS RESPECTIVE ZONING DISTRICT;

G. THE SIGN IS NO GREATER THAN 30 INCHES WIDE AND 48 INCHES HIGH IN SIZE.

C. A permit is required for the following types of temporary signs:

1 – 3 *{Unchanged}*.

4. A-FRAME/SANDWICH BOARD/T-FRAME SIGNS WHICH ARE PLACED AT A LOCATION OTHER THAN THE PROPERTY LOCATION OF THE BUSINESS SPONSORING THE SIGN AND WHICH ANNOUNCES DAILY SPECIALS, FEATURED PROMOTIONS, OR THE LOCATION OF THE BUSINESS. THE ISSUANCE AND HOLDING OF A PERMIT FOR SUCH SIGNS IS SUBJECT TO THE FOLLOWING CONDITIONS BEING MET:

A. THE SIGN IS SITUATED IN A TC TOWN COMMERCIAL DISTRICT OR A GC GENERAL COMMERCIAL DISTRICT AND IS SITUATED WITHIN A ¼-MILE RADIUS OF THE BUSINESS WHICH IT IS ADVERTISING;

B. ONLY ONE SIGN IS PERMITTED FOR ANY ONE STREET;

C. ONLY TWO OFF-SITE SIGNS ARE PERMITTED FOR ANY ONE BUSINESS ESTABLISHMENT;

D. THE INDIVIDUAL, OWNER, OR OTHER PERSON OR ENTITY SPONSORING THE SIGN MUST PROVIDE TO THE TOWN WRITTEN AUTHORIZATION FROM THE PROPERTY OWNER PERMITTING THE PLACEMENT OF THE SIGN ON THE OWNER'S PROPERTY;

E. THE SIGN IS ONLY DISPLAYED DURING THE BUSINESS HOURS OF THE ESTABLISHMENT SPONSORING THE SIGN, AFTER WHICH HOURS THE SIGN MUST BE REMOVED;

F. THE SIGN IS NOT PLACED WITHIN ANY PUBLIC RIGHT-OF-WAY AND IS NOT PLACED IN A LOCATION THAT IMPEDES

VEHICULAR OR PEDESTRIAN TRAFFIC, IMPEDES ACCESS TO PARKING OR OBSTRUCTS THE SIGHTLINES OF EITHER;

G. THE SIGN IS NOT FASTENED TO OR ERECTED ON A SIGN POLE;

H. THE SIGN IS ONLY PLACED AT GRADE AND IS NOT ELEVATED OR SUSPENDED ABOVE GRADE AND DOES NOT PROTRUDE OR PROJECT FROM ANY OTHER STRUCTURE;

I. THE PLACEMENT OF THE SIGN COMPLIES WITH THE SETBACK REQUIREMENTS OF ITS RESPECTIVE ZONING DISTRICT;

J. THE SIGN IS NO GREATER THAN 30 INCHES WIDE AND 48 INCHES HIGH IN SIZE.

D. Signs shall not be mounted on any type of utility pole or pole used to display or support traffic control signs or devices.

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 _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

**PHASE 1 PROJECT DEVELOPMENT AGREEMENT
BETWEEN**

Town of Middletown
31 W Main St
Middletown, MD 21769

AND

Johnson Controls, Inc.
1101 Hampton Park Blvd
Capital Heights, MD 20743

The purpose of this Project Development Agreement (PDA), is to confirm the intent of Johnson Controls, Inc. (JCI) and Town of Middletown (the Town) to develop a guaranteed energy and operational savings Performance Contract. This agreement will provide the basis of the scope of the PDA, the obligations of both parties, the financial metrics to be met, the intended outcomes and timeline.

1. Scope of Work

- A. The parties desire to develop guaranteed energy and operational savings for the Town of Middletown to acquire its street lights from Potomac Edison and install a solar PV generating system at the Holter Road Waste Water Treatment Plant.
- B. JCI will conduct a detailed engineering feasibility study of the existing systems that include a comprehensive audit and analysis of all existing systems, equipment, operations and utility costs. JCI will identify technical solutions in order to maximize energy and cost savings as well as operational and maintenance savings.
- C. Within ninety (90) calendar days after the effective date of this Agreement, JCI shall prepare and deliver to the Town a project implementation proposal that include:
- Options for the Town to acquire, own and operate its existing street lights;
 - Options for the Town to acquire, own and operate a Solar PV electricity generating system, net metered and connected to the Holter Road Waste Water Treatment Plant;
 - Options for reductions in operating costs related to the existing operation and maintenance of street lights;
 - Options for possible additional infrastructure improvements that can be funded in whole or in part from program savings;
 - Such other options as shall be agreed upon, from time to time, by the parties with respect to a particular Town facility or facilities.
 - A project proforma to document all project costs on an for each year of the project. The estimated costs of financing the project shall be included. The total project costs shall be amortized over the term of the project. The following costs shall be itemized:
 - (a) Energy and Water savings (dollars)
 - (b) Operational and maintenance savings (dollars)
 - (d) Debt service
 - (e) Annual Maintenance costs (if applicable)
 - (f) Annual Monitoring and Verification (M&V) costs

2. Records and Data

During the development of the investment grade proposal, the Town will furnish to JCI, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. JCI will provide a separate document with the required information and Town of Middletown shall make every effort to provide that information within 7 days of the request.

3. Preparation of Implementation Agreement (Energy Performance Contract)

Along with the other Scope of Work required under this Agreement, JCI will develop the framework of the subsequent Implementation Agreement and the Financing Agreement if applicable. These Agreements shall be co-developed by JCI and Town of Middletown during the PDA. These documents will vary dependent on the desired Town of Middletown structure, but where possible shall be standardized JCI documents for most expedient delivery.

4. Price and Payment Terms

Town of Middletown agrees to pay to JCI the sum of Thirty Six Thousand dollars (\$36,000.00) within 60 days after the delivery to Town of Middletown of the documentation described under paragraph 1 of this Agreement. However, Town of Middletown will have no obligation to pay this amount if:

- A. JCI and Town of Middletown enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery of the documentation described under paragraph 1 of this Agreement. Costs for the PDA will be transferred to the total cost of the Implementation Contract and be subject to the payment terms outlined in the Contract.
- B. JCI determines that it's not feasible to develop an investment grade proposal that meets the financial terms outlined in "C" below and via written notice elects to cancel the proposal development.
- C. JCI fails to present an Implementation Agreement with a sufficient amount of energy and operational cost savings (and any upfront capital contributions from the Town) to payback all project costs over a term not to exceed 15 years with a financing interest rate at or below 3.5% APR.

5. Indemnity

JCI and Town of Middletown agree that JCI shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of JCI. Neither JCI nor Town of Middletown will be responsible to the other for any special, indirect, or consequential damages.

6. Disputes

If a dispute arises under this Agreement, the parties shall promptly attempt in good faith to resolve the dispute by negotiation. All disputes not resolved by negotiation shall be resolved in accordance with the Commercial Rules of the American Arbitration Association in effect at the time, except as modified herein. All disputes shall be decided by a single arbitrator. A decision shall be rendered by the arbitrator no later than nine months after the demand for arbitration is filed, and the arbitrator shall state in writing the factual and legal basis for the award. No discovery shall be permitted. The arbitrator shall issue a scheduling order that shall not be modified except by the mutual agreement

of the parties. Judgment may be entered upon the award in the highest State or Federal court having jurisdiction over the matter. The prevailing party shall recover all costs, including attorney's fees, incurred as a result of this dispute. If the parties do not agree to arbitration, then the dispute shall be litigated in the District or Circuit Court of Maryland.

7. Confidentiality

This agreement creates a confidential relationship between JCI and Town of Middletown. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. JCI may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

JCI and Town of Middletown understand that this is a confidential project and agree to keep and maintain confidentiality regarding its undertaking of this project. JCI shall coordinate its services only through the designated Town of Middletown representative and shall provide information regarding this project to only those persons approved by Town of Middletown. JCI will be notified in writing of any changes in the designated Town of Middletown representative.

8. Timeline

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA) – 3/30/2014
- JCI to deliver investment grade proposal with firm costs –05/30/2014
- Board approval – 06/23/2014
- Finalize Agreements and begin Implementation – 07/2014
- Anticipate Completion and begin System Operation – 12/2014

These timeframes may be modified by subsequent work plans approved by the parties.

9. Miscellaneous Provisions

This Agreement cannot be assigned by either party without the prior written consent of the other party. This Agreement is the entire Agreement between JCI and Town of Middletown and supersedes any prior oral understandings, written agreements, proposals, or other communications between JCI and Town of Middletown. Any change or modification to this Agreement will not be effective unless made in writing. This written instrument must specifically indicate that it is an amendment, change, or modification to this Agreement.

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

Town of Middletown

By: _____

Signature: _____

Title: _____

Date: _____

JOHNSON CONTROLS, INC.

By: Charles F. Farina

Signature: _____

Title: Regional General Manager

Date: _____

Drew Bowen

From: Katherine Thompson -Ethics- [katherine.thompson@maryland.gov]
Sent: Friday, March 28, 2014 4:08 PM
To: Drew Bowen
Subject: Re: Local Ethics Law

Good Afternoon,

We don't have this shorter disclosure option at the State level, but all it requires is a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the Town, including the name of the donor of the gift and the approximate retail value at the time of receipt and any employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

Most municipalities have included the highest level employees and Boards and Commissions that have Zoning or Procurement powers.

Hope that helps,

Kate

Katherine Thompson
Assistant General Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, MD 21401
410.260.7770

On Fri, Mar 28, 2014 at 4:00 PM, Drew Bowen <Drew@ci.middlestown.md.us> wrote:

Kate:

Do you have an example of the shorter disclosure form you referenced in your e-mail? If so, could you e-mail it to me.

Thanks Drew

Andrew J. Bowen

Town Administrator

ORDINANCE NO. _____

AN ORDINANCE TO ENACT PROVISIONS PERTAINING TO ETHICS FOR PUBLIC ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES OF THE TOWN OF MIDDLETOWN; TO PROVIDE REQUIREMENTS RELATING TO CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE; TO ESTABLISH AN ETHICS COMMISSION AND DUTIES FOR THAT COMMISSION; TO PROVIDE FOR EXEMPTIONS FROM THE REQUIREMENTS OF THE ETHICS LAW; AND TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ETHICS LAW.

SECTION I. BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown, pursuant to State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland that the Middletown Municipal Code be, and hereby is, amended by adopting and adding thereto "Title 4 – Ethics" which is attached hereto as Exhibit "A" and incorporated by reference herein.

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 _____, 2013

PASSED ON THE _____ DAY OF _____, 2013

EFFECTIVE DATE: _____, 2013

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John Miller, Burgess

TITLE 4 — ETHICS

Chapter 4.04 Short title.

4.04.010 This title may be cited as the Middletown Public Ethics Ordinance.

Chapter 4.08 Applicability.

4.08.010 The provisions of this title apply to all Town elected officials, employees, and appointees to boards and commissions of Town.

Chapter 4.12. Ethics Commission.

4.12.010 There is a Middletown Ethics Commission that consists of three (3) members appointed by the Burgess.

4.12.020 The Commission shall:

- (A) Devise, receive, and maintain all forms required by this title;
- (B) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Title regarding the applicability of the provisions of this title to them;
- (C) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this title; and
- (D) Conduct a public information program regarding the purposes and application of this title.

4.12.030 The Town Attorney shall advise the Commission.

4.12.040 The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

4.12.050 The Commission shall determine if changes to this title are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated

Code of Maryland, and shall forward any recommended changes and amendments to the Town Burgess and Board of Commissioners for enactment.

4.12.060 The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this title.

Chapter 4.16. Conflicts of interest.

4.16.010 In this chapter, "qualified relative" means a spouse, parent, child, or sibling.

4.16.020 All Town elected officials, officials appointed to Town boards and commissions subject to this title, and employees are subject to this chapter.

4.16.030 Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(A) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

(B) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(1) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(2) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(3) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

(4) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(5) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct

financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(6) A business entity that:

(i) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(ii) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(C) A person who is disqualified from participating under paragraphs (A) or (B) of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

(1) The disqualification leaves a body with less than a quorum capable of acting;

(2) The disqualified official or employee is required by law to act; or

(3) The disqualified official or employee is the only person authorized to act.

(D) The prohibitions of paragraphs (A) and (B) of this section do not apply if participation is allowed by regulation or opinion of the Commission.

4.16.040 Employment and financial interest restrictions.

(A) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(1) Be employed by or have a financial interest in any entity:

(i) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(ii) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(2) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(B) This prohibition does not apply to:

(1) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(2) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(3) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

(4) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

4.16.050 Post-employment limitations and restrictions.

(A) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.

(B) Until the conclusion of the next regular session that begins after the elected official leaves office, a former Burgess or former member of the Town Board of Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.

4.16.060 Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

4.16.070 Use of prestige of office.

(A) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(B) This section does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

4.16.080 Solicitation and acceptance of gifts.

(A) An official or employee may not solicit any gift.

(B) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(C) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(1) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(2) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(3) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(4) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(D) Paragraph (E) of this section does not apply to a gift:

(1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(3) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(E) Notwithstanding paragraph (C) of this subsection, an official or employee may accept the following:

(1) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(2) Ceremonial gifts or awards that have insignificant monetary value;

(3) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

(4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(5) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(6) A specific gift or class of gifts that the Commission exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(7) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

4.16.090 Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

4.16.100 Participation in procurement.

(A) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(B) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

Chapter 4.20. Financial disclosure — local elected officials and candidates to be local elected officials.

4.20.010

(A) This chapter applies to all local elected officials and candidates to be local elected officials.

(B) Except as provided in section 4.20.020 of this chapter, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this chapter:

- (1) On a form provided by the Commission;
- (2) Under oath or affirmation; and
- (3) With the Commission.

(C) Deadlines for filing statements.

(1) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(3) (i) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(ii) The statement shall cover:

(a) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

(b) The portion of the current calendar year during which the individual held the office.

4.20.020 Candidates to be local elected officials.

(A) Except for an official who has filed a financial disclosure statement under another provision of this chapter for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(B) A candidate to be an elected local official shall file a statement required under this chapter:

(1) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(2) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(3) In all other years for which a statement is required, on or before April 30.

(C) A candidate to be an elected official:

(1) May file the statement required under §4.20.020(B)(1) of this section with the Town Administrator with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(2) Shall file the statements required under §4.20.020(B)(2) and (3) with the Commission.

(D) If a candidate fails to file a statement required by this chapter after written notice is provided by the Town Administrator at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(E) The Town Administrator may not accept any certificate of candidacy unless a statement has been filed in proper form.

(F) Within 30 days of the receipt of a statement required under this chapter, the Town Administrator shall forward the statement to the Commission or the office designated by the Commission.

4.20.030 Public record.

(A) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this chapter.

(B) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(C) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(1) The name and home address of the individual reviewing or copying the statement; and

(2) The name of the person whose financial disclosure statement was examined or copied.

(D) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

4.20.040 Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

4.20.050 Contents of statement.

(A) Interests in real property.

(1) A statement filed under this chapter shall include a schedule of all interests in real property wherever located.

(2) For each interest in real property, the schedule shall include:

(i) The nature of the property and the location by street address, mailing address, or legal description of the property;

(ii) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(iii) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(iv) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(v) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(vi) The identity of any other person with an interest in the property.

(B) Interests in corporations and partnerships.

(1) A statement filed under this chapter shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town.

(2) For each interest reported under this section, the schedule shall include:

(i) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(ii) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(iii) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(iv) With respect to any interest acquired during the reporting period:

(a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

(b) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(3) An individual may satisfy the requirement to report the amount of the interest held under item (B)(2)(ii) of this section by reporting, instead of a dollar amount:

(i) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(ii) For an equity interest in a partnership, the percentage of equity interest held.

(C) Interests in business entities doing business with Town.

(1) A statement filed under this chapter shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (B) of this section.

(2) For each interest reported under this paragraph, the schedule shall include:

(i) The name and address of the principal office of the business entity;

(ii) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(iv) With respect to any interest acquired during the reporting period:

(a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

(b) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(D) Gifts.

(1) A statement filed under this chapter shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town.

(2) For each gift reported, the schedule shall include:

(i) A description of the nature and value of the gift; and

(ii) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(E) Employment with or interests in entities doing business with Town.

(1) A statement filed under this chapter shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

(2) For each position reported under this paragraph, the schedule shall include:

- (i) The name and address of the principal office of the business entity;
- (ii) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
- (iii) The name of each Town agency with which the entity is involved.

(F) Indebtedness to entities doing business with Town.

(1) A statement filed under this chapter shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:

- (i) By the individual; or
- (ii) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(2) For each liability reported under this paragraph, the schedule shall include:

- (i) The identity of the person to whom the liability was owed and the date the liability was incurred;
- (ii) The amount of the liability owed as of the end of the reporting period;
- (iii) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- (iv) The security given, if any, for the liability.

(G) A statement filed under this chapter shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(H) Sources of earned income.

(1) A statement filed under this chapter shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(2) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(I) A statement filed under this chapter may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

4.20.060 For the purposes of §4.20.050(e)(A), (B), and (C) of this title, the following interests are considered to be the interests of the individual making the statement:

(A) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(B) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

(C) An interest held by a trust or an estate in which, at any time during the reporting period:

(1) The individual held a reversionary interest or was a beneficiary; or

(2) If a revocable trust, the individual was a settlor.

4.20.070

(A) The Commission shall review the financial disclosure statements submitted under this chapter for compliance with the provisions of this chapter and shall notify an individual submitting the statement of any omissions or deficiencies.

(B) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Chapter 4.24. Financial disclosure — employees and appointed officials.

4.24.010 This chapter only applies to the following appointed officials and employees:

(list of appointed official titles and employee titles)

4.24.020 A statement filed under this chapter shall be filed with the Commission under oath or affirmation.

4.24.030 On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.

4.24.040 An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

4.24.050 The Commission shall maintain all disclosure statements filed under this chapter as public records available for public inspection and copying as provided in §§4.20.030 and 4.20.040 of this title.

Chapter 4.28. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of chapters 4.16 and 4.24 of this title to employees and to appointed members of Town Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this title, and the application of this title would:

- (A) Constitute an unreasonable invasion of privacy; and
- (B) Significantly reduce the availability of qualified persons for public service.

Chapter 4.32. Enforcement.

4.32.010 The Commission may:

(A) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under chapters 4.20 and 4.24 of this title; and

(B) Issue a cease and desist order against any person found to be in violation of this title.

4.32.020 Upon a finding of a violation of any provision of this title, the Commission may:

(A) Issue an order of compliance directing the respondent to cease and desist from the violation;

(B) Issue a reprimand; or

(C) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

4.32.030

(A) Upon request of by the Commission, the Town Attorney may file a petition for injunctive or other relief in the circuit court of Frederick County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this title.

(B) The court may:

(i) Issue an order to cease and desist from the violation;

(ii) Except as provided in paragraph (C) of this section, void an official action taken by an official or employee with a conflict of interest prohibited by this title when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(iii) Impose a fine of up to \$5,000 for any violation of the provisions of this title, with each day upon which the violation occurs constituting a separate offense.

(C) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

4.32.040 In addition to any other enforcement provisions in this title, a person who the Commission or a court finds has violated this title:

(A) Is subject to termination or other disciplinary action; and

(B) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

4.32.050 A Town official or employee found to have violated this title is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

4.32.060 A finding of a violation of this title by the Commission is public information.

MEMORANDUM

Date: 4/3/2014

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

The Middletown Planning Commission on March 17, 2014 again reviewed the proposed Active Adult text amendment submitted by the Memar Corporation which would establish that parcels of land less than 100 acres could be used in their entirety for active adult communities as long as the total density remained below two units per acre. By consensus the Planning Commission recommends approval of the proposed text amendment with a modification and the inclusion of the cluster development regulations within the Active Adult Specific Standards section of the Code.

The staff planner disagrees with the placement of the cluster development regulations as part of the active adult regulations and feels that they should be a separate section of the Code, in line with Planned Unit Developments, in order to be able to address any potential types of cluster developments which could occur elsewhere in the future. The Town Attorney has drafted an ordinance which is attached. A public hearing should be scheduled ahead of a vote by the Town Board on the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-ENACT, WITH AMENDMENTS, TITLE 17, CHAPTER 17.48, SECTION 17.48.015 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO SPECIAL EXCEPTION REQUIREMENTS FOR ACTIVE ADULT COMMUNITIES; TO AUTHORIZE THE ESTABLISHMENT OF AN ACTIVE ADULT COMMUNITY AS A RESIDENTIAL CLUSTER DEVELOPMENT ON PARCELS OF BETWEEN THIRTY AND ONE HUNDRED ACRES; TO ESTABLISH SPECIAL EXCEPTION STANDARDS AND REQUIREMENTS FOR ACTIVE ADULT COMMUNITIES AS A RESIDENTIAL CLUSTER DEVELOPMENT.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.48, Section 17.48.015 of the Middletown Municipal Code be, and it hereby is, **REPEALED**.

SECTION II. BE IT FURTHER ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the following is hereby adopted as Title 17, Chapter 17.48, Section 17.48.015 of the Middletown Municipal Code.

TITLE 17 ZONING

Chapter 17.48 SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS

17.48.015 Active Adult Community.

An Active Adult Community located in the R-20 residential district is subject to the requirements of that district except as modified and provided in this Section.

A. An active adult community in the R-20 district may be developed as an integral component of a larger R-20 zoned subdivision consisting of at least 100 acres in which event the active adult community portion of the development may constitute no more than fifteen (15) percent of the total acreage in the subdivision. All such active adult community developments shall be subject to the following:

1. Minimum lot area per dwelling: three thousand two hundred (3,200) square feet; minimum average lot area per dwelling, five thousand five hundred (5,500) square feet; provided that no more than twenty-five (25) percent of the total number of lots may be less than four thousand (4,000) square feet.
2. The planning commission, at its discretion, may approve reduced yards, subject to the following limitations:
 - (a) The front, rear or side yard setback from any lot fronting on a major town street (arterial or collector) shall be thirty-five (35) feet.
 - (b) Minimum setbacks for lots fronting on interior public or private subdivision streets shall be as follows:
 - (i) Front: ten (10) feet;
 - (ii) Rear: fifteen (15) feet;
 - (iii) Side: five (5) feet.
3. Any individual dead-end private drive or street may be used to serve no more than ten (10) dwelling units.
4. Pavers or other alternative materials which meet the standards approved by the town engineer may be used in the construction of private drives or streets.
5. A homeowners' association shall be established to maintain all open spaces, common areas, stormwater management facilities, and private streets and to arrange for private waste removal services, if required, and snow removal services for private streets and drives. The homeowners' association shall have the responsibility to enforce all covenants and special conditions required of residents and property owners in the active adult community. Before assuming any responsibility for lands and facilities

held or controlled by the homeowners' association, the burgess and commissioners may require that such land and facilities meet the minimum standards required of similar facilities for which the Town is generally responsible.

6. The planning commission shall approve a site development plan for the active adult community and shall have architectural review authority for the dwelling units to be constructed within the community.

7. The planning commission shall review and approve the homeowners' association declaration of covenants, articles of incorporation and by-laws prior to final approval of the site development plan for an active adult community. In the event that a homeowners' association fails, refuses or neglects for any reason to maintain, operate or improve all or part of any of the facilities, common areas, open spaces, streets, or other portions of the subdivision held or controlled by it and for which it is responsible, the Town may, but shall not be obligated to, fulfill such obligations, and upon doing so, the costs and expenses incurred by the Town shall be paid by the owners of the properties which are subject to the Homeowners' Association Declaration of Covenants. Each property shall be responsible for its' pro rata share of the expense based upon the number of properties subject to the HOA Covenants, and such charges shall be a lien upon the property and may be collected in any manner, including the collection of taxes. In no event, however, shall the Town be obligated to undertake the maintenance, operation or improvement of all or part of any of the facilities, common areas, open spaces, streets, or other portions of the subdivision for which the homeowners' association is responsible.

B. Cluster Development Regulations. On parcels less than 100 acres but more than 30 acres, the entire parcel may be used for an active adult community in accordance with the following cluster development concept and regulations

1. The purpose of these regulations is to permit such flexibility and provide performance criteria which can result in residential cluster developments in order to:

(a) encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;

(b) protect environmentally sensitive areas of a development site and preserve on a permanent basis common open space and natural features;

(c) decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;

(d) promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets;

(e) provide opportunities for social interaction and walking and hiking in common open space areas; and

(f) provide a more desirable environment than would be possible through the strict application of other sections of this Title. A residential cluster development shall be a separate entity with a distinct character in harmony with surrounding development. Common open space must be an essential and major element of the plan which is related to and affects the long-term value of the homes and other developments.

2. Definitions: As used in this sub-section, the following words and terms shall have the meanings specified herein:

“Buffer” means land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

“Cluster” or “Clustering” means a site-planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, common open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant common open space being devoted by deed restrictions for one or more eligible uses.

“Cluster development, residential” means a land development project in which the site planning technique of clustering dwelling units is employed.

“Common open space” means the portion of the site set aside in perpetuity as open space. This area may include wetlands, floodplains or flood-hazard areas, stream corridors, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development as well as easements for public utilities.

“Eligible uses” means parkland, recreational fields, trails, community buildings or similar-type uses or as approved by the Middletown Planning Commission.

“Gross buildable area” means the total area of the site minus the areas that are not buildable, such as wetlands, floodplains, steep slopes, buffers and other environmental

features. This resulting area is used to determine the maximum number of units to be built.

“Infrastructure” means the facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

“Land development project” means a project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned unit development and/or cluster development for residential, commercial, institutional, recreational, common open space, and/or mixed uses as are provided for in the zoning ordinance.

“Street, private” means a local roadway serving only abutting lots, not publicly dedicated or maintained by the Town but meeting specific municipal improvement standards and providing access for service and emergency vehicles.

3. The development of an Active Adult Community as a Cluster Development is subject to the following requirements and regulations.

(a) A residential cluster development shall be permitted in the R-20 residential zoning district. All principal and accessory uses authorized in the R-20 district shall be allowed in the cluster development.

(b) Except as otherwise provided in this sub-section B.3., the requirements for an Adult Active Community as provided in sub-section A. shall be applicable to an Adult Active Community developed as a residential cluster development. In addition, the following provisions shall apply to any residential cluster development regardless of the general requirements of the R-20 zoning district:

(i) The minimum area of the cluster development shall be 30 acres and the maximum area shall be less than 100 acres;

(ii) Total density shall be 2 or fewer units per acre;

(iii) A minimum width of 60 feet per dwelling unit shall apply unless requested by the applicant and approved by the planning commission;

(iv) A minimum side yard setback of 5 feet shall be provided between all principal buildings and structures;

(v) A minimum yard or common open space of at least 25 feet in depth shall be provided as measured from all streets and from the side and rear lot lines at the boundaries of the entire cluster development;

(vi) The maximum height limitation shall be that established for the R-20 zoning district.

(c) The preliminary and final site development plans for a residential cluster development shall include, but shall not be limited to, the following information:

(i) The maximum number and type of dwelling units proposed;

(ii) The areas of the site on which the dwelling units are to be constructed and their building envelope size showing the general area in which the dwelling unit is to be located;

(iii) The calculations for the permitted number of dwelling units based on gross buildable area;

(iv) The areas of the site on which non-residential principal and accessory uses may be located and their size;

(v) The areas of the site designated for common open space and their size;

(vi) The areas of the site designated for parking and loading and the size of the spaces;

(vii) The location of sidewalks, trails, and bike paths;

(viii) The proposed landscaping for the development;

(ix) A phasing plan for the construction of the development.

(d) Review Criteria: In reviewing a residential cluster development, the planning commission shall determine whether:

(i) The site plan satisfies all requirements of sub-section B.3.(c) above;

(ii) Buildings and structures are adequately grouped so at least 25% of the total area of the site is set aside as common open space. To the greatest degree practicable, common open space shall be designed as a single block and not divided into unconnected small parcels located in various parts of the development;

(iii) Pedestrians can easily access common open space;

(iv) The site plan establishes, where applicable, an upland buffer of vegetation of at least 50 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds;

(v) Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography;

(vi) Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;

(vii) The site plan accommodates and preserves any features of historic, cultural, or archaeological value;

(viii) Floodplains, wetlands, and areas with slopes in excess of 25% are protected from development; and

(ix) The cluster development advances the purposes of this ordinance as stated in sub-section B. 1. above.

(e) General Considerations:

(i) The planning commission may, in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the zoning and subdivision ordinances.

(ii) In approving a residential cluster development, the planning commission may reduce the pavement width of any public or private streets that would otherwise be required by the subdivision regulations if the town engineer is in concurrence. An applicant who wants the reduction of pavement width of public or private streets shall submit a statement of justification for the reduction along with the site plan.

(iii) Common Open Space. At least twenty-five (25%) percent of the entire tract of land to be developed in a residential cluster development must be devoted to common open space purposes. Areas that are reserved as common open space shall be shown on the plat and approved by the Planning Commission.

(iv) Public Utilities and Facilities. Public water and public sewer must be provided to the development. The planning commission may require the reservation of development sites for other public facilities (schools, fire or police stations, library, etc.) if the need of the development justifies the facilities.

SECTION III. 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 _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



Community Sign Interest Application

Name of Organization: Middletown Area Chamber
of Commerce

Brief Description of Organization:
Promote growth for area
businesses and connect members
with the community.

Contact Person: Brad Myers

Address: 205C S Church St.
Middletown, MD 21769

Phone Number: 301-371-0041

E-Mail: brad.myers@edwardjones.com

A large black circle containing the text 'Middletown Area Chamber of Commerce' in a serif font. The letters 'M', 'A', and 'C' are significantly larger than the other letters and are arranged vertically on the left side of the circle. The words 'Middletown', 'Area', 'Chamber of', and 'Commerce' are stacked to the right of these large letters.

Middletown
Area
Chamber of
Commerce



Burgess and Commissioners of Middletown, Maryland

Cone Branch Park Community Sign Placement Policy

Adopted August 14, 2006

Revised September 11, 2006

The Burgess and Commissioners have constructed eight (8) brick monuments for the placement of community signs for non-profit groups in the Cone Branch Park located at the intersection of Cone Branch Drive and East Main Street. The following are the procedures to be used for the placement of community signs:

- 1. The community group requesting a sign must submit in writing their request to the Burgess and Commissioners.*
- 2. The community group must be a non-profit and reside within the Town limits.*
- 3. The Burgess and Commissioners will review the request and a conceptual drawing of the sign at a Town Meeting for approval or denial.*
- 4. If approved, the community group will deliver to the Town, at the organization's expense, a 30" diameter metal sign (14 or 16 gauge).*
- 5. Town employees will install the sign.*
- 6. Since there are more community groups approved for sign placement than brick monuments, the Town will rotate these signs six (6) times a year (January, March, May, July, September, November). The criteria for rotation will be first-in first-out.*
- 7. Approval or denial is at the sole discretion of the Burgess and Commissioners.*
- 8. The following organizational signs will not be included in the bi-monthly rotation: Lion's Club, Christ Reformed Church, and Amvets.*

innovative

INCORPORATED

QUOTE

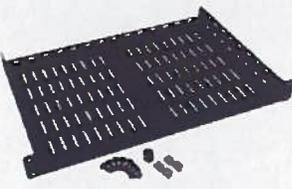
QUOTE #	AAAQ4057
DATE	Sep 11, 2013

222 East Oak Ridge Drive, Hagerstown MD 21740
 t. 301-739-7414 w. www.innovativeinc.net

To Drew Bowen
 Town of Middletown
 Middletown Municipal Center 31 West
 Main
 Middletown, MD 21769
 United States
 Phone (301) 371-6171

SALESPERSON	P.O. Number	PAYMENT TERMS	DUE DATE
Jason		Net 15	

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
Virtualization, Windows Active Directory, and Exchange Upgrade			
2	HP ProLiant DL380p G8 2U Rack Server - 1 x Intel Xeon E5-2620 v2 2.1GHz - 2 Processor Support - 48 GB Standard - Serial Attached SCSI (SAS) RAID Supported Controller - Gigabit Ethernet - RAID Level: 0, 1, 1+0 - Dual Power Supplies. 4 300GB SAS HDD (900GB usable, RAID5)  <p>The HP ProLiant DL380p Gen8 sets the next generation standards of 2U 2-socket rack servers for the industry. With enhanced configuration flexibility, unmatched performance, and leading energy efficient design the DL380p Gen8 offers the perfect solution for the dynamic compute requirements of today's demanding datacenters.</p>	\$5,156.63	\$10,313.26
2	HP Integrated Lights-Out Advanced Pack - License - 1 Server	\$399.00	\$798.00
1	VMware vSphere v.5.0 Essentials Bundle - License - 3 Host - Virtualization Software License	\$495.00	\$495.00
1	VMware vSphere v.5.0 Essentials Kit - Subscription License - 1 License - 1 Year (recurring)	\$95.00	\$95.00
2	Microsoft Windows Server 2012 Standard 64-bit	\$951.83	\$1,903.66
10	Microsoft Windows 2012 Server - License - 1 User CAL - Volume - MOLP: Open Business - PC - Single Language	\$36.68	\$366.80
1	Exchange Server Standard 2013	\$756.45	\$756.45
10	Microsoft Exchange Server 2013 Standard - License - 1 User CAL -	\$84.77	\$847.70
1	One Time Online Backup Setup Fee - Monthly online backup estimate to be \$250-\$300 per month based on current amount of used data	\$495.00	\$495.00
Standard 4 Post Rack and Accessories			

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	<p data-bbox="183 149 1101 180">Tripp Lite 4-Post Open Frame Rack Cabinet - 19" 42U - 78.5" Tall by 24" Wide by 43" Deep</p>  <p data-bbox="516 195 1117 747">SmartRack Premium open frame rack is a heavy duty open frame rack designed for secure, high density server and networking applications in IT environments. Designed with provisions to integrate power distribution and cable management. SmartRack Premium open frame racks make ideal homes for mission-critical equipment. Vendor-neutral square hole/cage nut mounting for guaranteed compatibility with all EIA-310-D compliant 19" equipment. Premium open frame racks ship fully assembled for rapid deployment and roll into place on heavy-duty casters. Toolless mounting slots allow quick installation of PDUs and vertical cable managers. Adjustable mounting rails include an easy-view depth index to eliminate time-consuming measurements. Integrated baying tabs facilitate combining premium open frame racks in rows for standard data center baying applications. SmartRack premium open frame racks hold up to 3000 lbs and support cooling, cable management, power distribution and monitoring features that keep critical servers and network equipment operating nonstop.</p>	\$1,321.20	\$1,321.20
1	Shipping Estimate	\$225.00	\$225.00
1	<p data-bbox="183 804 1101 856">Tripp Lite NetDirector 1U Rackmount LCD Console - 1 Computer(s) - 17" Active Matrix TFT Color LCD - 1 x HD-15 Keyboard/Mouse/Video - 1U Height</p>  <p data-bbox="516 867 1101 1098">Tripp Lite's 8021-000-17 1U Rackmount Console features an integrated 17" LCD panel, full 88-key keyboard, and touch pad, all in a 1U rackmountable housing. The included KVM cable kit allows for connection to a PS/2 computer or KVM, and a PS/2 to USB adapter is included, which can be used to connect to a USB computer or KVM. Constructed of heavy-duty steel housing. 1 year limited warranty.</p>	\$691.93	\$691.93
1	<p data-bbox="183 1171 621 1203">Tripp Lite Cantilever Fixed Rack Shelf - 1U</p>  <p data-bbox="516 1224 1101 1329">Fixed Shelf, 1U Cantilever mount, Cold rolled steel with black finish. Required mounting hardware included. Supports up to 40 lbs. Use two shelves back to back to create a deep fixed shelf in 2POST racks.</p>	\$58.13	\$58.13
1	<p data-bbox="183 1524 849 1556">Tripp Lite Fixed Heavy-Duty Shelf supports up to 250 lbs. - Black</p>  <p data-bbox="516 1566 1101 1707">Tripp Lite's SmartRack SRSHELF4PHD accommodates tower units, monitors and other equipment. The fixed heavy-duty shelf offers 25.5 inches of shelf depth and supports up to 250lbs. SRSHELF4PHD is designed for 4 post rack mounting. Required mounting hardware is included.</p>	\$129.60	\$129.60

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	<p>Tripp Lite PDU Basic 120V 15A 13 Outlet - 13 x NEMA 5-15R - 15 - 1U 19" Rack-mountable</p>  <p>Tripp Lite's PDU1215 AC power distribution unit offers 15 amp, 120 volt capacity in a versatile multi-mount cabinet. Detachable mounting flanges are configurable for wallmount, under-counter or 1U/0U rackmount installation. Uses only 1 rack space (1U) when installed in any 19 inch rack, with the potential for 0U mounting in the cable management area of most rack enclosures. Detachable flanges with pre-punched access holes and adjustable depth channels allow user configuration in dozens of potential mounting schemes. Attractive housing with all rear-facing outlets measures only 4.5 inches in depth. Unfiltered electrical pass-through without a power switch makes PDU1215 ideal for distributing alternate waveform UPS or generator power in rack enclosures, network closets and more. Includes 12 rear-facing NEMA5-15R outlets and one front-facing, 15-ft. AC power cord, 15 amp circuit breaker, grounding lug and rugged all-metal case design. PLUG/OUTLETS - Input: NEMA 5-15P/Output: 13 NEMA5-15R (12 rear-facing, one front-facing) ELECTRICAL - 120V AC, 50/60Hz, 15A (Requires NEMA 5-15R wall receptacle) FORMAT - Supports 19 in. rackmount (1U/0U), wallmount, under-counter and more</p>	\$80.87	\$80.87
24	Cat5E Cable - 15ft, Black	\$11.90	\$285.60
1	Misc Materials Charge (Plastic Conduit, fasteners, etc)	\$100.00	\$100.00
XP Replacements			
3	HP ProDesk 600 G1 Tower, I5-4570, 4GB Memory, 500GB Hard Drive, DVD+-RW, Windows 7, 3 Independent Display Support Standard (1 VGA and 2 Displayports 1.2), 3-3-3 Warranty.	\$901.60	\$2,704.80
3	*Optional* Upgrade from 4GB to 8GB of RAM	\$57.08	\$171.24
3	Microsoft Office 2013 Home & Business 32/64-bit - 1 Machine - Office Tool - PC - English	\$219.99	\$659.97
3	<p>HP 20" LED LCD Monitor - 16:9 - 5 ms - Adjustable Display Angle - 1600 x 900 - 200 Nit - 600:1 - WSXGA - DVI - VGA - 26 W - Black - ENERGY STAR, EPEAT Silver, China Energy Label (CEL), CECP</p>  <p>Sophisticated quality, without the sophisticated price tag This stylish, affordable monitor offers everyone the chance to enjoy everyday computing in a whole new light. The HP W2072a LED Backlit Monitor was built with a refined design in mind and quick set-up features for a simple solution when connecting to your HP desktop or notebook.</p>	\$145.81	\$437.43
2	<p>HP Video Cable DisplayPort Male Video - DVI-D (Single-Link) Female Digital Video - 7.48"</p> 	\$23.75	\$47.50

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2	HP Video Cable Adapter - 3.94 ft - DisplayPort Male - HD-15 Female VGA	\$36.25	\$72.50
			
Integration			
105	Technical Support Estimate - integrate new servers including InHance, Timberline, MVRS, Exchange, Antivirus, Backups, File, Print services - including any necessary workstation work. Install/migrate rack including relocation of wiring. Replace 3 workstations (Drew, Cindy, Ann)	\$130.00	\$13,650.00
		SUBTOTAL	\$36,706.64
		SALES TAX	\$0.00
		TOTAL	\$36,706.64

To accept this quotation, sign here and return: _____

Thank You For Your Business!



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

March 19, 2014

RECEIVED

MAR 24 2014

TOWN OF MIDDLETOWN, MD

Burgess and Commissioners
Town of Middletown
31 West Main Street
Middletown, Maryland 21769

Dear Sirs:

Hollow Creek Golf Club is requesting permission for Outdoor Music on the Patio starting May 2, 2014, and every Friday night until September 26, 2014.

As in the past, we will begin at 8:00 pm and end at 11:00pm.

We will continue to follow all decibel level restrictions as well as adhere to the current complaint process.

Thank you for your attention to this matter. If you have questions or concerns, please contact Cathy Gannon or Matt Crutchfield at 301-371-0400.

Sincerely,

Cathy Gannon
Operations Manager
Hollow Creek Golf Club



Historic District Commission

Purpose

The Burgess and Commissioners of Middletown wish to establish a Historic District Commission for the express purpose of reviewing and approving applications for a Middletown Historic District Tax Credit. Any and all applications filed for a historic tax credit would be reviewed by the Commission and a determination made as to whether or not to grant approval. The Commission will determine whether the location of the property on which the improvements are made is within the legally constituted local historic district.

Composition

The Burgess shall appoint, with confirmation by the Commissioners, four (4) members, all of whom shall be taxpayers and residents of the Town, each to serve for three (3) years or until a successor takes office. In addition, the Burgess and Commissioners may designate one member of the Town Board to serve on the Historic District Commission.

Compensation

All members shall serve with such compensation as the Burgess and Commissioners deem appropriate. All members shall be eligible for reappointment.

Current Members of the Preservation Tax Credit Commission

*Tony Ventre
Marcie Stutzman
Bob Smart
Jim Justice
Terms Expires May 2011*

New Appointments at April 2011 Town Meeting

*Tony Ventre – Town Board Liaison
Larry Bussard
Marcie Stutzman
Bob Smart
Jim Justice
Terms Expire May 2014*

Middletown Code

3.12.040 Historic district tax credit.

A. The town of Middletown shall grant a property tax credit under this section against the Middletown tax imposed on real property on which an improvement is made to an existing structure that is located in a historic district. "Historic district" is defined as any district located within the corporate limits of the town of Middletown and which is so identified or designated on the National Register of Historic Places or by the Maryland Historical Trust.

B. The property tax credit granted under this section shall be the following percentage of the increase that is due to the improvement:

1. One hundred (100) percent of the increase in the assessment of the real property in the 1st and 2nd taxable years that the improved structure is subject to the town property tax;
2. Eighty (80) percent of the increase in the assessment of the real property in the 3rd taxable year that the improved structure is subject to the town property tax;
3. Sixty (60) percent of the increase in the assessment of the real property in the 4th taxable year that the improved structure is subject to the town property tax; and
4. Forty (40) percent of the increase in the assessment of the real property in the 5th taxable year that the structure is subject to the town property tax.

C. The tax credit shall be ended after the first to occur of either:

1. The 5th taxable year that the improved structure is subject to the municipal property tax;
2. The property is conveyed; or
3. The structure is destroyed.

D. Any person, organization or entity eligible for a tax credit under this section shall file with the town office an application for the tax credit for each taxable year. Such application shall be made prior to or on October 1 of any given taxable year. If no application is received on or before that date, any credit otherwise permitted hereunder for that year shall not be allowed. The application shall be made under oath or affirmation and shall be made on forms prepared and supplied by the town. The application shall be referred to the preservation tax credit commission for review and consideration.

E. There is established a preservation tax credit commission. The commission shall consist of members, all of whom shall be residents or employees of the town of Middletown. The burgess, with the consent of the board of commissioners, shall appoint each member of the commission and shall designate one member as chairperson. The term of each member shall be three years or until his or her successor is appointed. A majority of the commission members shall constitute a quorum for the transaction of business. Any vacancy on the commission shall be filled by appointment by the burgess with the consent of the board of commissioners.

F. The duties of the preservation tax credit commission shall be:

1. To review all applications for the historic district tax credit authorized by this chapter;
2. To determine whether the property for which application is made is eligible for that tax credit;
3. To report such eligibility to the appropriate county agency or taxing authority;
4. To take such other administrative action as may be required to implement this chapter; and
5. To perform such other duties as may be requested by the burgess and commissioners.

(Ord. 05-04-04 § 1, 2005)