



## AGENDA FOR THE TOWN MEETING

April 28, 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

- Town Minutes
- [April 14, 2014 – Public Hearing & Town Meeting](#)

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- Budget Workshop – Schedule Public Hearing
- Recommendations to Address Traffic Concerns on South Jefferson Street
- [Walking Trail Property Purchase – Contract of Sale](#)
- [Bids for Upstairs Security Door Installation](#)
- [Introduction of Ethics Ordinance](#)
- [Forest Conservation Plans Coblenz Property – Off Site Planting Plan](#)

### NEW BUSINESS:

- [Financial Advisory Engagement Letter – Davenport & Associates](#)

### PUBLIC COMMENTS:

*Please state Name and Address for the Record*

### ANNOUNCEMENTS:

- *Rain Barrels Available for Purchase at Town Offices*

### ADJOURNMENT

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN MEETING MINUTES**

### **REGULAR MEETING**

**April 14, 2014**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on April 14, 2014, by Commissioner Bussard at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli (arrived late), Richard Dietrick, Tony Ventre and Christopher Goodman.

### **CONSENT AGENDA**

*Appointment of Burgess-Pro-Tempore – Commissioner Falcinelli*

*Standing Committee Assignments – No Changes*

*Public Hearing Scheduled for May 12, 2014 at 7pm.-Ordinance on Active Adult Text Amendment*

*Community Sign Request Approved – Middletown Chamber of Commerce*

*Request from Hollow Creek for Outdoor Music – Approved with Condition from previous years.*

*Town Minutes – March 24, 2014*

Commissioner Dietrick motioned to accept this consent agenda, seconded by Commissioner Goodman, passed unanimously.

### **PERSONAL REQUEST FOR AGENDA:**

**Joe Rosin, 104 Prospect Street** – Mr. Rosin was present and stated that this will be the last year that he will donate the ice cream for the Ice Cream Social held in May.

### **Unfinished Business:**

**Ordinance 14-03-01 – Development Review Fees** – This ordinance is to amend 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. Drew stated that the public hearing on this was held on March 24, 2014.

Motion by Commissioner Ventre to approve Ordinance 14-03-01 as presented, seconded by Commissioner Goodman. Motion carried 4-0.

**Ordinance 14-04-02 – Sandwich Board Regulations** – This ordinance is 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. Drew stated that the public hearing was held on April 3, 2014.

Motion by Goodman to approve Ordinance 14-04-02 as presented, seconded by Commissioner Ventre. Motion carried 4-0.

**Discussion of Traffic Concerns on South Jefferson Street** – Commissioner Falcinelli stated that a public hearing was held on April 3, 2014 to discuss the traffic concerns on South Jefferson Street. Drew stated that the Deputies ran radar and only one person was stopped for going over the speed limit.

Commissioner Falcinelli stated that there were a lot of options thrown out at the public hearing, the Burgess and Commissioners agreed to make a decision on what they would like to implement on South Jefferson Street to try to slow the traffic down at the April 28, 2014 Town Meeting.

**Review of Johnson Controls Project Development Agreement** – Drew stated that the Burgess & Commissioners agreed to have Johnson Controls do a free feasibility study. The next step is to enter into a performance contract with Johnson Controls. This contract will cost \$36,000.00 on top of the fee to buy back the street lights which is estimated to cost anywhere between \$1-\$3 million dollars. Drew stated that he met with Davenport & Associates to go over our current loans and our possible future loans to advise us on how to proceed. Dave Dunn stated that this firm has worked for Frederick County for 20+ years and stated that they are a good all around firm. The board agreed not to make a decision until we get the debt review from Davenport & Associates. Davenport & Associates will provide a proposal for the debt review services for the next Town Meeting on April 28, 2014.

**POS FY 2015 Projects** – Commissioner Ventre stated that the Parks & Rec committee met and agreed to the following projects: 1)walking bridge across creek to Remsberg Park, 2)picnic tables in pavilion at Remsberg Park, 3)resurface of trail in Wiles Branch Park and 4)small pavilion near ball field at Wiles Branch Park. After some discussion the Board agreed to have Drew submit for POS funds for these projects.

#### **REPORTS OF COMMITTEES –**

**WATER & SEWER** – Commissioner Falcinelli reported:

*Water usage* - 290,000 gallons per day

*Spring Flow* – 138,000 gallons per day

The staff walked the spring line, found 1 leak and repaired it. There is a possible leak under 70, we will see what the leak detection guy says next week.

*Hydrant Flushing* – This week from 9am.-2pm., please reduce your water usage during this time.

*Rain Barrels for sale* – \$45 first come first serve basis, we will be selling through April 30, 2014.

Next meeting will be April 23, 2014 at 7pm.

**PUBLIC WORKS** – Commissioner Bussard reported:

The guys have had 10 fire hydrants powder coated, cleaned up the trucks and equipment from all the snow/ice events we had over the winter, parks have been opened, repair made to salt building, and did some cold patching of pot holes throughout the streets over town.

*Household Hazardous Waste Drop off* – May 10, 2014 from 8am. – noon.

**PLANNING COMMISSION** – Commissioner Goodman reported:

*Cross Stone Commons* – approved architectural review for buildings 1 & 3.

*Cluster Development* – Public Hearing scheduled for May

**PARKS & RECREATION** – Commissioner Ventre reported that he reviewed the POS information earlier.

**FINANCE** – Commission Dietrick went over the current loans with the board.

**PUBLIC INFORMATION** – Commission Falcinelli reported that work has begun on updating the Community Directory, their goal is to have it ready to hand out for Heritage Weekend.

#### **New Business:**

**Oath of Office for Commissioners** – Sandra Dalton, Clerk was present to swear in the re-elected Commissioners in the absence of Burgess Miller.

**Replacement of server and three(3) workstations** – Drew presented a quote from Innovative, Inc. to replace the Town's server and 3 workstations. The quote came in at \$36,706.64.

Motion by Commissioner Bussard to approve the quote from Innovative, Inc. to replace the server and 3 workstations, seconded by Ventre. Motion carried (5-0).

**Appointment of Preservation Tax Credit Commission Members** – Motion by Commissioner Goodman to appoint Tony Ventre, Marcie Stutzman, Bob Smart, Larry Bussard, and Jim Justice to the Preservation Tax Credit Commission with terms expiring May 2017, seconded by Commissioner Dietrick. Motion carried (5-0).

**PUBLIC COMMENT:** none

**ADJOURNMENT**

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

Respectfully submitted,

Ann Griffin  
Office Manager



VICINITY MAP

NOTICE: THIS SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE UNDIVIDED INTERESTS OF THE LANDS OF RUTLEDGE AND WOODMERE SOUTH SECTIONS 1 AND 4 INTO 120 EQUAL LOTS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER CLAIMS TO THE LANDS SURVEYED AND HE IS NOT RESPONSIBLE FOR ANY SUCH CLAIMS.

GENERAL DESCRIPTION AND RESERVATION: THE LANDS SURVEYED ARE THE UNDIVIDED INTERESTS OF THE LANDS OF RUTLEDGE AND WOODMERE SOUTH SECTIONS 1 AND 4. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER CLAIMS TO THE LANDS SURVEYED AND HE IS NOT RESPONSIBLE FOR ANY SUCH CLAIMS.

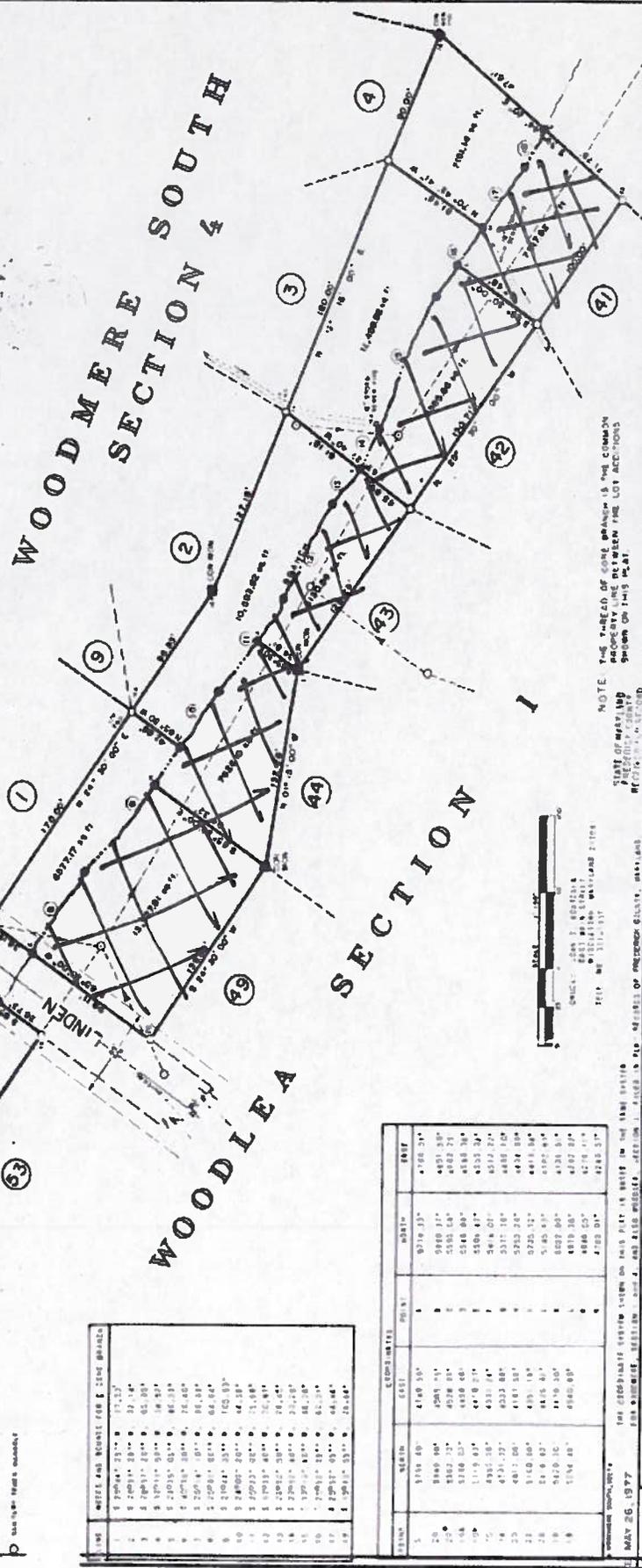
BY THE SURVEYOR: J. B. FERGUSON, INC. ENGINEERS & LAND SURVEYERS  
 100 WESTBANK CENTER, WASHINGTON, D.C. 20004  
 DATE: MAY 26, 1977

TO THE CLERK OF THE COURT  
 SECTION 23, 25 & 27, WOODMERE SOUTH  
 MIDDLETOWN, MARYLAND

WOODMERE SOUTH SECTION 4  
 WOODMERE SOUTH SECTION 1  
 WOODLEA SECTION 1

**PROPERTIES FOR PURCHASE**  
 WOODMERE SOUTH SECTION 1  
 WOODMERE SOUTH SECTION 4  
 WOODLEA SECTION 1

LANDS OF RUTLEDGE  
 ROUTE 40-A  
 LINDEN AVE



NOTE: THE THREE OF CONE BRANCH IS THE COMMON PROPERTY LINE BETWEEN THE LOT ADDITIONS SHOWN ON THIS PLAN.

START OF SURVEY: 1977  
 PROJECT NO. 1082  
 DATE: JUL 26 2 48 PM '77

**CONE BRANCH ADDITIONS**  
 TAX MAP '65, PARCEL 4  
 3RD ELECTION DISTRICT  
 MIDDLETOWN, MARYLAND

JUL 26 2 48 PM '77  
 J. B. FERGUSON, INC.  
 ENGINEERS & LAND SURVEYERS

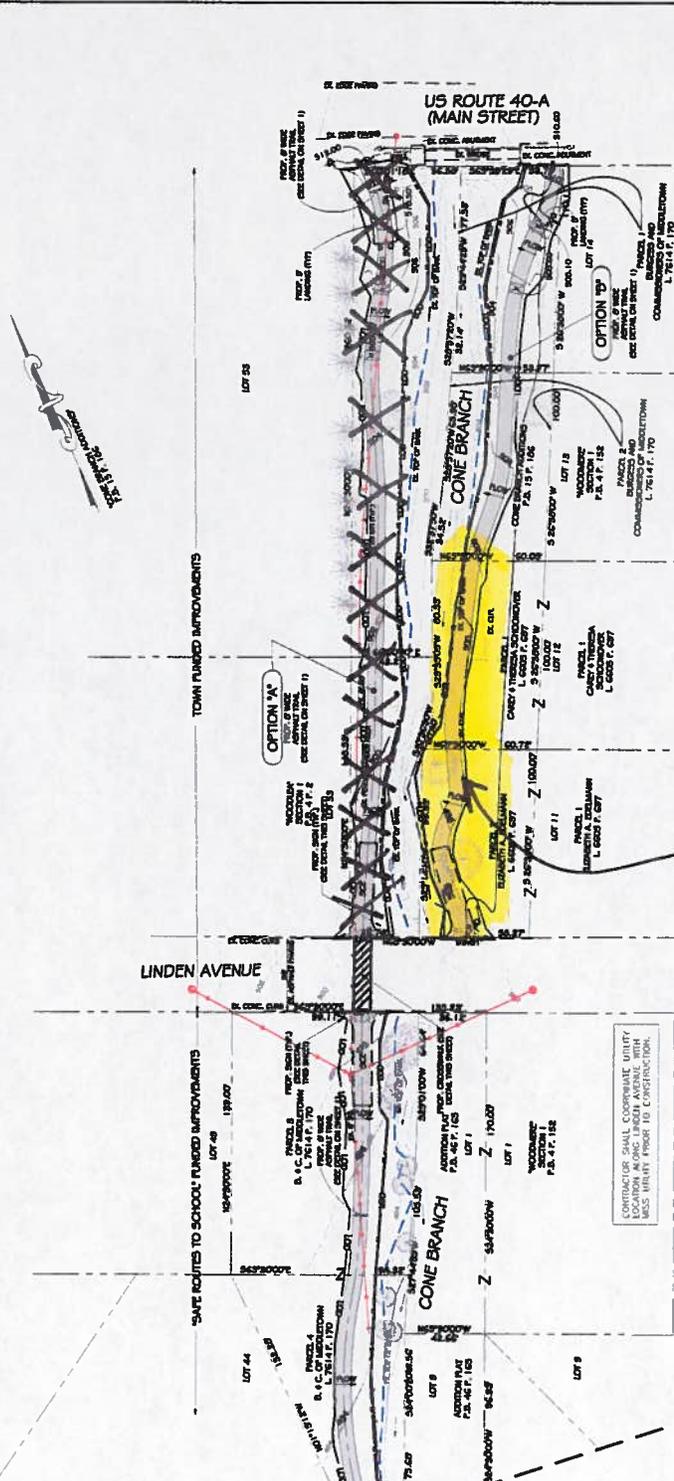
J. B. FERGUSON ENGINEERING, INC.  
 CONSULTING ENGINEERS & LAND SURVEYERS  
 HAGERSTOWN, MARYLAND 21740

100 WESTBANK CENTER  
 WASHINGTON, D.C. 20004  
 TEL: 301-311-1317

BEARINGS AND DISTANCES FOR E-CORNER BRANCH

LINE	BEARING	DISTANCE
1	S 20°14' 25" E	173.27'
2	S 20°14' 25" E	32.14'
3	S 20°14' 25" E	65.105'
4	S 20°14' 25" E	98.07'
5	S 20°14' 25" E	131.035'
6	S 20°14' 25" E	164.00'
7	S 20°14' 25" E	196.965'
8	S 20°14' 25" E	229.93'
9	S 20°14' 25" E	262.895'
10	S 20°14' 25" E	295.86'
11	S 20°14' 25" E	328.825'
12	S 20°14' 25" E	361.79'
13	S 20°14' 25" E	394.755'
14	S 20°14' 25" E	427.72'
15	S 20°14' 25" E	460.685'
16	S 20°14' 25" E	493.65'
17	S 20°14' 25" E	526.615'
18	S 20°14' 25" E	559.58'
19	S 20°14' 25" E	592.545'
20	S 20°14' 25" E	625.51'
21	S 20°14' 25" E	658.475'
22	S 20°14' 25" E	691.44'
23	S 20°14' 25" E	724.405'
24	S 20°14' 25" E	757.37'
25	S 20°14' 25" E	790.335'
26	S 20°14' 25" E	823.30'
27	S 20°14' 25" E	856.265'
28	S 20°14' 25" E	889.23'
29	S 20°14' 25" E	922.195'
30	S 20°14' 25" E	955.16'
31	S 20°14' 25" E	988.125'
32	S 20°14' 25" E	1021.09'
33	S 20°14' 25" E	1054.055'
34	S 20°14' 25" E	1087.02'
35	S 20°14' 25" E	1120.085'
36	S 20°14' 25" E	1153.05'
37	S 20°14' 25" E	1186.015'
38	S 20°14' 25" E	1218.98'
39	S 20°14' 25" E	1251.945'
40	S 20°14' 25" E	1284.91'
41	S 20°14' 25" E	1317.875'
42	S 20°14' 25" E	1350.84'
43	S 20°14' 25" E	1383.805'
44	S 20°14' 25" E	1416.77'
45	S 20°14' 25" E	1449.735'
46	S 20°14' 25" E	1482.70'
47	S 20°14' 25" E	1515.665'
48	S 20°14' 25" E	1548.63'
49	S 20°14' 25" E	1581.595'
50	S 20°14' 25" E	1614.56'
51	S 20°14' 25" E	1647.525'
52	S 20°14' 25" E	1680.49'
53	S 20°14' 25" E	1713.455'
54	S 20°14' 25" E	1746.42'
55	S 20°14' 25" E	1779.385'
56	S 20°14' 25" E	1812.35'
57	S 20°14' 25" E	1845.315'
58	S 20°14' 25" E	1878.28'
59	S 20°14' 25" E	1911.245'
60	S 20°14' 25" E	1944.21'
61	S 20°14' 25" E	1977.175'
62	S 20°14' 25" E	2010.14'
63	S 20°14' 25" E	2043.105'
64	S 20°14' 25" E	2076.07'
65	S 20°14' 25" E	2109.035'
66	S 20°14' 25" E	2142.00'
67	S 20°14' 25" E	2174.965'
68	S 20°14' 25" E	2207.93'
69	S 20°14' 25" E	2240.895'
70	S 20°14' 25" E	2273.86'
71	S 20°14' 25" E	2306.825'
72	S 20°14' 25" E	2339.79'
73	S 20°14' 25" E	2372.755'
74	S 20°14' 25" E	2405.72'
75	S 20°14' 25" E	2438.685'
76	S 20°14' 25" E	2471.65'
77	S 20°14' 25" E	2504.615'
78	S 20°14' 25" E	2537.58'
79	S 20°14' 25" E	2570.545'
80	S 20°14' 25" E	2603.51'
81	S 20°14' 25" E	2636.475'
82	S 20°14' 25" E	2669.44'
83	S 20°14' 25" E	2702.405'
84	S 20°14' 25" E	2735.37'
85	S 20°14' 25" E	2768.335'
86	S 20°14' 25" E	2801.30'
87	S 20°14' 25" E	2834.265'
88	S 20°14' 25" E	2867.23'
89	S 20°14' 25" E	2900.195'
90	S 20°14' 25" E	2933.16'
91	S 20°14' 25" E	2966.125'
92	S 20°14' 25" E	2999.09'
93	S 20°14' 25" E	3032.055'
94	S 20°14' 25" E	3065.02'
95	S 20°14' 25" E	3097.985'
96	S 20°14' 25" E	3130.95'
97	S 20°14' 25" E	3163.915'
98	S 20°14' 25" E	3196.88'
99	S 20°14' 25" E	3229.845'
100	S 20°14' 25" E	3262.81'
101	S 20°14' 25" E	3295.775'
102	S 20°14' 25" E	3328.74'
103	S 20°14' 25" E	3361.705'
104	S 20°14' 25" E	3394.67'
105	S 20°14' 25" E	3427.635'
106	S 20°14' 25" E	3460.60'
107	S 20°14' 25" E	3493.565'
108	S 20°14' 25" E	3526.53'
109	S 20°14' 25" E	3559.495'
110	S 20°14' 25" E	3592.46'
111	S 20°14' 25" E	3625.425'
112	S 20°14' 25" E	3658.39'
113	S 20°14' 25" E	3691.355'
114	S 20°14' 25" E	3724.32'
115	S 20°14' 25" E	3757.285'
116	S 20°14' 25" E	3790.25'
117	S 20°14' 25" E	3823.215'
118	S 20°14' 25" E	3856.18'
119	S 20°14' 25" E	3889.145'
120	S 20°14' 25" E	3922.11'

LINE	BEARING	DISTANCE	AREA	PERIMETER
1	S 20°14' 25" E	173.27'	173.27	173.27
2	S 20°14' 25" E	32.14'	32.14	32.14
3	S 20°14' 25" E	65.105'	65.105	65.105
4	S 20°14' 25" E	98.07'	98.07	98.07
5	S 20°14' 25" E	131.035'	131.035	131.035
6	S 20°14' 25" E	164.00'	164.00	164.00
7	S 20°14' 25" E	196.965'	196.965	196.965
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19	S 20°14' 25" E	592.545'	592.545	592.545
20	S 20°14' 25" E	625.51'	625.51	625.51
21	S 20°14' 25" E	658.475'	658.475	658.475
22	S 20°14' 25" E	691.44'	691.44	691.44
23	S 20°14' 25" E	724.405'	724.405	724.405
24	S 20°14' 25" E	757.37'	757.37	757.37
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89	S 20°14' 25" E	2900.195'	2900.195	2900.195
90	S 20°14' 25" E	2933.16'	2933.16	2933.16
91	S 20°14' 25" E	2966.125'	2966.125	2966.125



**DMW**

DART MCGUIRE WALKER INC  
 2101 SOUTH STREET, SUITE 201, HARRISBURG, PA 17104  
 P. 717.633.7000 F. 717.633.7001 WWW.DMW.COM

**IMPROVEMENT PLANS**  
 SITE GRADING AND SEC PLAN  
 CONE BRANCH TRAIL

Prepared At: Cone Branch  
 Location: Frederick County, Maryland

DATE: 11/17/2010  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: 11700-00

DATE: 11/17/2010  
 COUNTY: [Name]  
 SHEET NO: 4 of 7

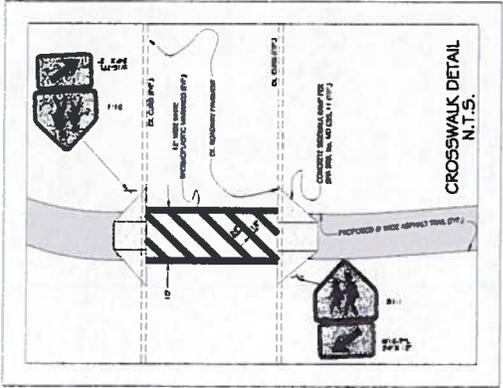
**FREDERICK COUNTY BOARD OF ZONING AND DEVELOPMENT REVIEW (FOR SWM REVIEW ONLY)**

APPROVED: [Signature]  
 DATE: [Date]

CALL "MISS VIRILTY" AT 1-800-727-1117 FOR UTILITY LOCATIONS AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.

FREDERICK SOIL CONSERVATION DISTRICT  
 APPROVED BY: [Signature]  
 DATE: [Date]

**PROPOSED WALKING TRAIL SECTION**





**Schoonover - Outlot**  
**Town of Middletown - Frederick County**





**Burgess and Commissioners  
Middletown, Maryland**

**Bids for Security Door Installation & Archway Repair**

<b>Contractor</b>	<b>Cost</b>	<b>Description</b>
Fred W. Rudy Builders	\$ 11,260.00	Furnish and install door upper floor and wall returns & archway repair
Broad Run Inc.	\$ 10,450.00	Furnish and install door upper floor and wall returns & archway repair

# **R** *Fred W.* **RUDY**

**BUILDERS and CONTRACTORS, INC.**

*Quality Service and Craftsmanship Since 1964*

January 29, 2014

**RECEIVED**

JAN 30 2014

TOWN OF MIDDLETOWN, MD.

Town of Middletown  
31 West Main Street  
Middletown, MD 21769

- BURGESS  
 COMMISSIONERS  
 ADMINISTRATOR  
 PLANNING & ZONING

Dear Burgess and Commissioners,

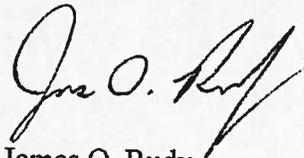
Rudy Builders is pleased to submit to you an estimate of Eleven Thousand Two Hundred Sixty Dollars, (\$11,260.00), for remodeling services to construct a new wall and door at the top of the front stairs in the Town Building located at the above mentioned address. This estimate is based on conversations and site visits with the Town administrator and on the following brief scope of work.

- Demolition and site preparation – lay out new wall location, remove carpet for wall framing only, protect surrounding floor and block off area from foot traffic for public safety during work hours only. Area will remain accessible when work is not in progress.
- Framing – using 2x4 dimensional lumber, frame wall with 36” door opening in center. Wall will not be full height; it will be capped off just below the existing multi piece crown molding in the hallway.
- There is no electrical or plumbing work included in this cost estimate.
- Wall and Ceiling Finishes – framed wall to be covered in ½” drywall on both sides, finished and ready for paint.
- Flooring – existing flooring is to remain.
- Door Unit – provide and install a new interior door unit matching existing as close as possible in size, trim profiles, finish and hardware.
- Trim Carpentry – Reproduce the wainscoting, base, casing and cap the wall off with a wider mahogany board with a small crown molding underneath. All materials will be matched as close as possible in species, profiles, and finishes.
- Painting and Staining – new walls and affected adjacent walls will be primed, and have two coats of finish paint applied in color top match existing as close as possible. All mahogany trim and door will be sealed and have two coats of finish applied matching color and sheen of existing as close as possible.
- Clean Up – remove all debris from site daily and clean protected floor and surrounding surfaces daily.

- **Arched Panel Repairs to Meeting Room – Downstairs at entrance to meeting room repair the 6 arched panels that are overhead as you reach the top of the stairs. This will involve remove existing panel trim, removing existing veneer and preparation of surfaces below. Installing new mahogany veneer and re-apply trim pieces. Stain and finish new panels and apply one coat of finish to surrounding area. While working downstairs, repair one flat panel in receptionist area that has come loose.**

Please do not hesitate to contact me with any questions regarding the proposed work, materials to be used or to schedule these projects. There will be a lead time of 10 to 15 days for door unit but during that time mahogany trim and millwork could be completed and ready for construction. Thank you for the opportunity to quote you on this project and we look forward to working with the Town and your building needs.

Sincerely,

A handwritten signature in black ink, appearing to read "James O. Rudy". The signature is fluid and cursive, with a large initial "J" and "R".

James O. Rudy  
Rudy Builders, Inc.



6400 BURKITTSVILLE ROAD  
MIDDLETOWN, MD 21769  
301-416-7735 • 301-371-0002  
FAX 301-371-4115

Town of Middletown  
31 West Main Street  
Middletown MD. 21769

**PROPOSAL/CONTRACT**  
**MHIC 39891**

**RECEIVED**

APR 16 2014

April 16, 2014

**Broad Run Construction proposes to do the following work:** **TOWN OF MIDDLETOWN, MD.**

- Remove the carpet in area where the door way is to be built, cover the remaining floor area for protection.
- Frame a wall in this area, leaving an opening for a 36" doorway in the center. The wall will stop below the crown molding in the hallway.
- Install drywall on framed wall, tape, block and sand to a smooth finish.
- Prime, paint both sides of new wall, also where it's tied in to the existing walls and surrounding area.
- Install a new mahogany door slab with matching trim, in the frame.  
(Frame & hardware provided by town).
- Build new mahogany wainscot panels & install (Total 4).
- Install new base trim, shoe molding, 2 piece door casing, and any other trim needed to finish the project.
- All of the trim, wainscot and door slab will be stained and finished to match the existing wood work as closely as possible.
- Remove & save the trim, replace the mahogany veneer, on the arched entry way. These inserts will be stained and finished as well to match the existing wood work, as closely as possible.
- We understand these areas where were working are active throughout the day. We will keep the areas as clean and safe as possible during the duration of the construction.

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

Total Cost \$ 10,450.00

**BRC, Inc. is responsible for all caulking and removal/cleanup of all trash.**  
**WE PROPOSE hereby furnish material and labor-complete in accordance with specifications for sum above**

**PAYMENT AS FOLLOWS: 1/3 down, and final payment due upon the day of completion.**  
**PAID \$ \_\_\_\_\_ with check# \_\_\_\_\_ and \$ \_\_\_\_\_ is due upon**  
**Completion of the Job.**

*All materials is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Owner to carry fire, wind damage and other necessary insurance. Our workers are fully covered by Workman's Compensation and Liability Insurance.*

*MHIC 39891*

*ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.*

**Authorized**  
**Signature** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date of Acceptance:** \_\_\_\_\_

**Signature** \_\_\_\_\_

**\*PLEASE SIGN ONE COPY AND RETURN WITH DEPOSIT\***

**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:

- Planning Commission Members
- Board of Appeals Members
- Zoning Administrator
- Town Administrator

- Director of Public Works

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 or 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.

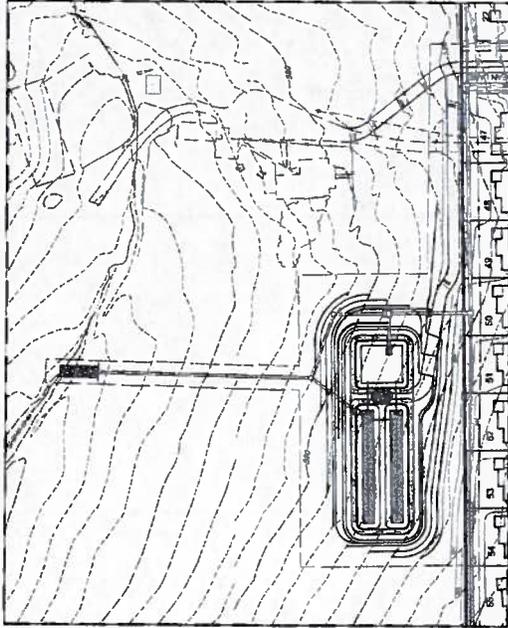
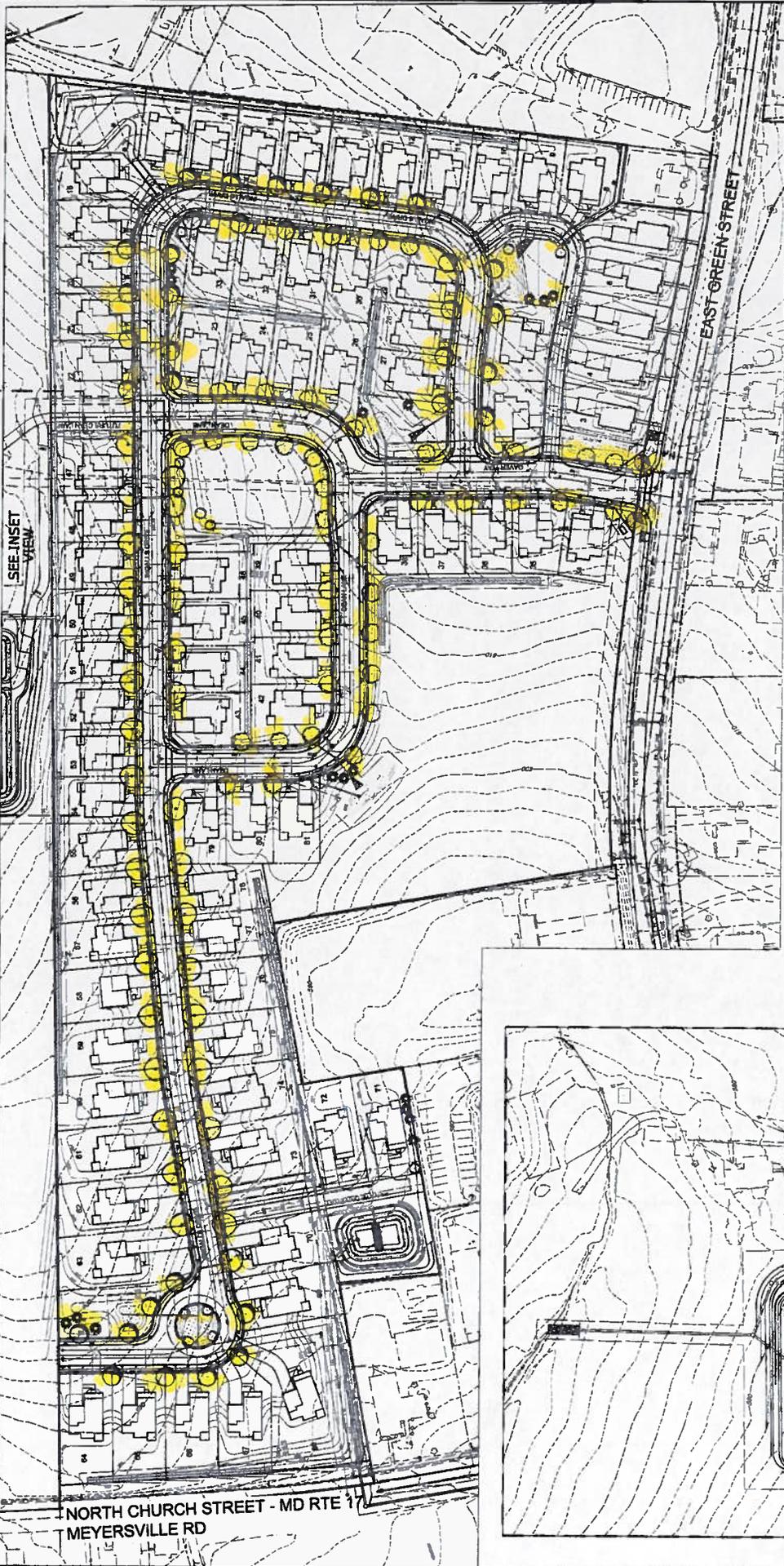
4.32.040 In addition to any other enforcement provisions in this title, a person who the Commission or a court finds has violated this title:

(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.



APPROVED  
 MIDDLETOWN  
 PLANNING COMMISSION

DATE: \_\_\_\_\_ APPROVED AUTHORITY: \_\_\_\_\_



DATE	1-10-07
BY	DATE
FOR	DATE
FILE	11/13
PROJECT	PPD-1
BY	DATE

**Coblentz Property**

L 625 F 756  
 Election District No. 3  
 Town of Middletown, Frederick County, Maryland

RELEASE FOR

1000 E. Center Road  
 Suite 300  
 Frederick, MD 21704  
 Phone: 301-291-1000  
 Fax: 301-291-1001  
 Website: www.rodgersinc.com

**RODGERS**  
 CONSULTING  
 Planning • Creative • Planning • Values

**FINAL FOREST  
 CONSERVATION PLAN**

**Owner/Developer:**  
 Halley Development, L.L.C.  
 3905 National Drive, Suite 105  
 Burtonsville, MD 20866  
 Phone: 1-301-476-7716  
 Contact: Rich Thorne

REVISION	DATE	BY	DATE

**OFF-SITE LANDSCAPE SCHEDULE**

SYMBOL	CITY	PLANT - SCIENTIFIC/COMMON NAME	NOTES
1	51	Acacia salicifolia	Sugar Maple
2	53	Malva sylvestris	Black Dam
3	48	Quercus alba	White Oak
4	52		3"-2.5" CAL.
5	54		2"-2.5" CAL.
6	55		1.5"-2" CAL.

1. The property is located on lot 55 & 501, and consists of 24.63 +/- acres.

2. The property is currently zoned - R3 residential to the west and RTTR to the east.

3. The property is located on Frederick County Sales Map 30.

4. Property information as shown on the plan was taken from available deed and plat information.

5. Topographic information was acquired from Frederick County's aerial information and shown in 2' contour intervals.

6. There is no 100 year floodplain on or within 100' of the property.

7. There were no wetlands, streams, or associated buffers observed on or within 100' of the property. White Birch, a first order tributary of Catoctin Creek (Use Class I-P flows east to west on the adjacent property to the north).

8. There were no rare, threatened, or endangered species observed on the property. An environmental review was received from DNR on May 6, 2010.

9. See Landscape Plan for planting details.

**General Notes:**

- The property is located on lot 55 & 501, and consists of 24.63 +/- acres.
- The property is currently zoned - R3 residential to the west and RTTR to the east.
- The property is located on Frederick County Sales Map 30.
- Property information as shown on the plan was taken from available deed and plat information.
- Topographic information was acquired from Frederick County's aerial information and shown in 2' contour intervals.
- There is no 100 year floodplain on or within 100' of the property.
- There were no wetlands, streams, or associated buffers observed on or within 100' of the property. White Birch, a first order tributary of Catoctin Creek (Use Class I-P flows east to west on the adjacent property to the north).
- There were no rare, threatened, or endangered species observed on the property. An environmental review was received from DNR on May 6, 2010.
- See Landscape Plan for planting details.

**FOREST CONSERVATION MONITORING**

NET PLANTING:	FILE	Customer Property PFCP
A. Net Planting: 100 trees/acre		
B. Addition to Net Planting: 100 trees/acre		
C. Reduction in Net Planting: 100 trees/acre		
D. Net Planting: 100 trees/acre		

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8. There were no rare, threatened, or endangered species observed on the property. An environmental review was received from DNR on May 6, 2010.

9. See Landscape Plan for planting details.

**ON-SITE STREET TREE SCHEDULE**

SYMBOL	CITY	PLANT - SCIENTIFIC/COMMON NAME	NOTES
1	34	Acacia salicifolia	Sugar Maple
2	33	Quercus alba	White Oak
3	35	Prunella americana	Black Cherry
4	36	Prunella americana	Black Cherry
5	37	Prunella americana	Black Cherry
6	38	Prunella americana	Black Cherry
7	39	Prunella americana	Black Cherry
8	40	Prunella americana	Black Cherry
9	41	Prunella americana	Black Cherry
10	42	Prunella americana	Black Cherry
11	43	Prunella americana	Black Cherry
12	44	Prunella americana	Black Cherry
13	45	Prunella americana	Black Cherry
14	46	Prunella americana	Black Cherry
15	47	Prunella americana	Black Cherry
16	48	Prunella americana	Black Cherry
17	49	Prunella americana	Black Cherry
18	50	Prunella americana	Black Cherry
19	51	Prunella americana	Black Cherry
20	52	Prunella americana	Black Cherry
21	53	Prunella americana	Black Cherry
22	54	Prunella americana	Black Cherry
23	55	Prunella americana	Black Cherry
24	56	Prunella americana	Black Cherry
25	57	Prunella americana	Black Cherry
26	58	Prunella americana	Black Cherry
27	59	Prunella americana	Black Cherry
28	60	Prunella americana	Black Cherry
29	61	Prunella americana	Black Cherry
30	62	Prunella americana	Black Cherry
31	63	Prunella americana	Black Cherry
32	64	Prunella americana	Black Cherry
33	65	Prunella americana	Black Cherry
34	66	Prunella americana	Black Cherry
35	67	Prunella americana	Black Cherry
36	68	Prunella americana	Black Cherry
37	69	Prunella americana	Black Cherry
38	70	Prunella americana	Black Cherry
39	71	Prunella americana	Black Cherry
40	72	Prunella americana	Black Cherry
41	73	Prunella americana	Black Cherry
42	74	Prunella americana	Black Cherry
43	75	Prunella americana	Black Cherry
44	76	Prunella americana	Black Cherry
45	77	Prunella americana	Black Cherry
46	78	Prunella americana	Black Cherry
47	79	Prunella americana	Black Cherry
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63	95	Prunella americana	Black Cherry
64	96	Prunella americana	Black Cherry
65	97	Prunella americana	Black Cherry
66	98	Prunella americana	Black Cherry
67	99	Prunella americana	Black Cherry
68	100	Prunella americana	Black Cherry

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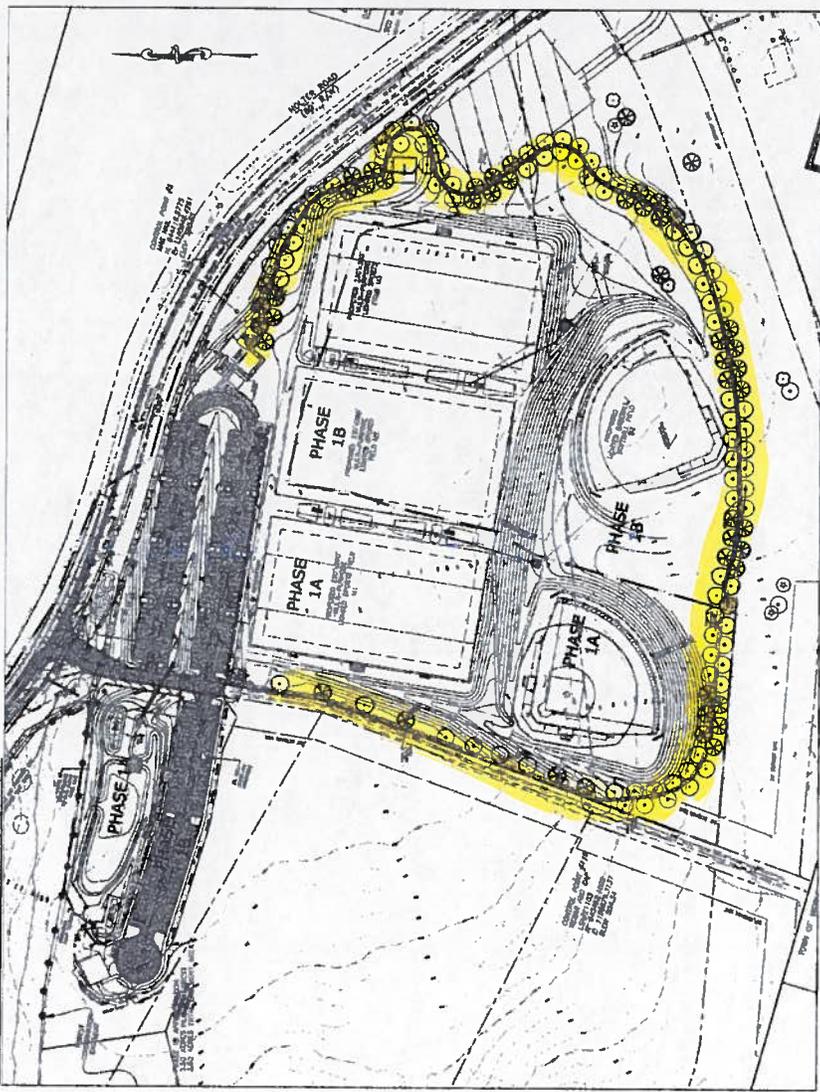
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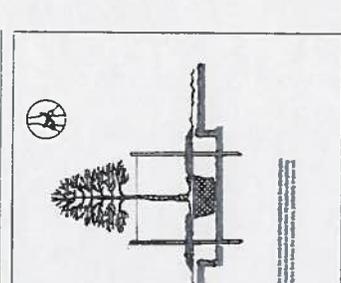
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9. See Landscape Plan for planting details.



**STAKED TREE SPECIFICATION (2)**



APPROVED  
MIDDLEBOWN  
PLANNING COMMISSION

DATE: \_\_\_\_\_ APPROVING AUTHORITY: \_\_\_\_\_

**Coblentz Property**

L625 F.756  
Erection District No. 3  
Town of Middlebown, Frederick County, Maryland

**FINAL FOREST CONSERVATION PLAN**

Owner/Developer:  
Huller Development, L.L.C.  
3905 National Drive, Suite 105  
Baltimore, MD 21086  
Tel: 410-537-7176  
Contact: Rich Thornez

**RODGERS CONSULTING**

1902 E. Center Parkway  
Suite 200  
Baltimore, MD 21206  
Tel: 410-537-7176  
Fax: 410-537-7176  
www.rodgersconsulting.com

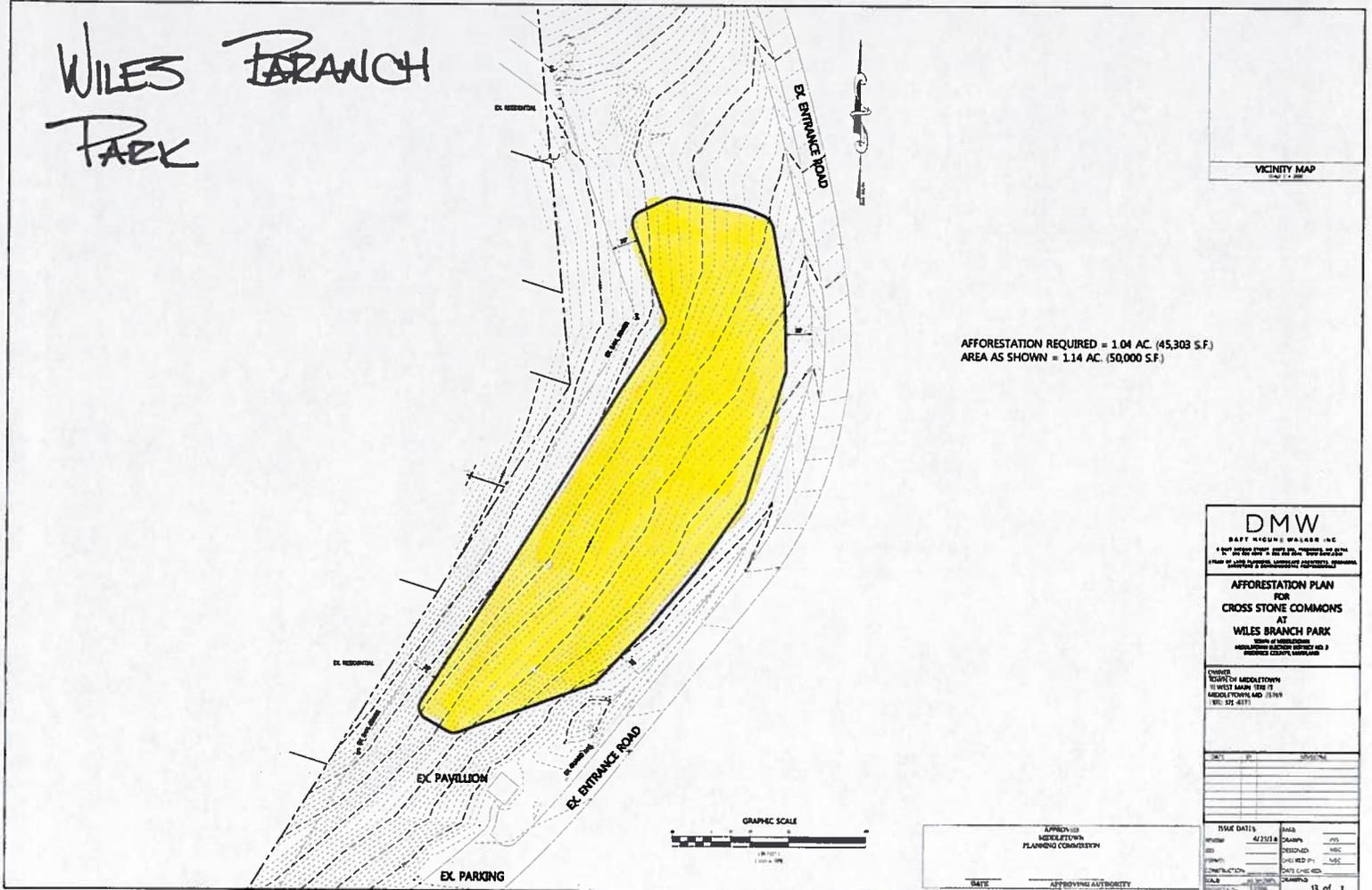
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Suite 200  
Baltimore, MD 21206  
Tel: 410-537-7176  
Fax: 410-537-7176  
www.rodgersconsulting.com

NO.	DATE	DESCRIPTION	BY
1	10/10/10	Final Forest Conservation Plan	RT
2	10/10/10	Final Forest Conservation Plan	RT
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100	10/10/10	Final Forest Conservation Plan	RT

# PROPOSED PLANTING AREA BY CROSS STONE COMMONS

WILES BRANCH  
PARK



AFFORESTATION REQUIRED = 1.04 AC. (45,303 S.F.)  
AREA AS SHOWN = 1.14 AC. (50,000 S.F.)

VICINITY MAP

DMW

DAVE MCGUIRE WALKER INC.  
1001 WEST MAIN STREET, SUITE 100, WEST MAIN, MD 21158  
PHONE: 410-326-1000 FAX: 410-326-1001  
WWW.DMWARCHITECTS.COM

**AFFORESTATION PLAN**  
FOR  
**CROSS STONE COMMONS**  
AT  
**WILES BRANCH PARK**  
COUNTY OF MIDDLESEX  
MIDDLESEX COUNTY, VIRGINIA

OWNER:  
COUNTY OF MIDDLESEX  
10 WEST MAIN STREET  
MIDDLESEX, VA 22101  
(703) 571-4871

DATE	BY	DESCRIPTION

APPROVED BY  
MIDDLESEX  
PLANNING COMMISSION

DATE: \_\_\_\_\_ APPROVING AUTHORITY: \_\_\_\_\_

ISSUE DATE	DATE	BY	DESCRIPTION
ISSUE	4/23/18	DMW	ISSUE
REV			
CONSTRUCTION			
SCALE	AS SHOWN		

# DAVENPORT & COMPANY

SINCE 1863

Maryland Executive Park  
The Chester Building  
8600 LaSalle Road Suite 324  
Towson, Maryland 21286-2011  
T 410 296-9426  
www.investdavenport.com

April 17, 2014

Mr. Andrew J. Bowen  
Town Administrator  
31 West Main Street  
Middletown, MD 21769

Dear Mr. Bowen:

For your consideration, this Engagement Letter outlines Davenport & Company's ("Davenport") proposed Scope of Services related to a Financial Advisory relationship with the Town of Middletown (the "Town"). We would welcome any feedback or commentary from you, members of Town Staff and the Town Board and we can revise this Engagement Letter as necessary in order to best meet the Town's needs.

## **Scope of Services: Part I**

The Town will engage Davenport & Company to provide a Comprehensive Financial Review and Plan of Finance, as described in the following points:

- Review and analyze the Town's historical financial results and budgetary performance;
- Review the Town's fund balance levels and assessed value trends;
- Review the Town's outstanding debt portfolio and screen for any potential refunding candidates;
- Establish a geographic and demographic peer group for the Town to provide context for the Comprehensive Financial Review;
- Discuss the Town's debt capacity and debt affordability;
- Discuss upcoming borrowing plans for new money projects (i.e. West Green Street project, Streetlight project, Main Street water line project, etc.) and the impact on the Town's debt capacity and debt affordability;
- Establish a Plan of Finance for the Town's upcoming new money projects and potential refunding candidates (if any). The Plan of Finance may include options for an issuance of new money and/or refunding bonds through a direct bank loan, participation in a Maryland CDA pool financing or other methods of sale, as appropriate;
- Propose and discuss Financial Policy Guidelines for the Town to consider formally adopting; and,
- Present the Comprehensive Financial Review and Plan of Finance to Town Staff and the Town Board at work sessions and Board meetings.

## Scope of Services: Part II

In the event that the Town elects to proceed with some or all elements of the Plan of Finance developed by Davenport and the Town desires to retain Davenport to assist with one or more refunding and/or new money financings, the following services would be provided:

- Create a detailed schedule of events and coordinate with all members of the working group (Davenport, Town Staff, Bond Counsel, Town Attorney, etc.) to ensure a clear delegation of responsibilities and compliance with any legislative/legal requirements;
- Advise the Town with respect to obtaining financing through a direct bank loan, participation in a Maryland CDA pool financing or other method of sale (including a "dual track approach" that would have the Town simultaneously pursue both a direct bank loan and a Maryland CDA pool financing);
- In the event of a direct bank loan approach, develop a detailed Request for Proposals spelling out the Town's preferred terms, conditions and debt structure for distribution to local, regional, and national banking institutions;
- Provide credit and summary financial information for distribution to banks to assist them in their lending decisions. This would include responding to questions posed by bank credit officers and others on the Town's behalf;
- Review all bids received and negotiate, on the Town's behalf, where appropriate those terms and conditions that are outside the scope of the Town's solicitation;
- Summarize and rank the bids and provide a recommendation as to the best overall bid for the Town's consideration, including a comparison to a potential Maryland CDA pool issuance;
- In the event of a Maryland CDA pool approach, assist the Town in completing the application to participate in the program;
- Coordinate with CDA and their Financial Advisor to make clear the Town's preferred debt structure as a participant in the pool;
- Prepare all detailed financing schedules required for Bond Counsel to document the financing(s) and render a tax-exemption opinion;
- Coordinate closing procedures with Bond Counsel, CDA and other members of the working group to ensure that funds are properly received and disbursed at closing;
- Provide ongoing technical assistance to Town Staff after closing, including preparation of new debt service schedules to facilitate the completion of the Town's financial records; and,
- Other tasks, as required, to assist the Town in successfully completing its refunding and/or new money financings.

Since the tasks and services identified in "Scope of Services: Part II" above will ultimately depend on the findings and results of our Comprehensive Financial Review and Plan of Finance from "Part I", we would suggest that compensation for "Part II" be revisited at the conclusion of "Part I". Davenport's compensation for "Part II" will be negotiated and agreed upon in writing at the time of the Town's refunding and/or new money financings.

### **Compensation**

Davenport typically charges an hourly rate for Financial Advisory engagements like our proposed Comprehensive Financial Review and Plan of Finance. We would propose a blended hourly rate of \$250 per hour for all work by Davenport professionals as outlined in the "Scope of Services: Part I" above. We would cap our fee at a not-to-exceed amount of \$14,000.

Davenport also seeks reimbursement for our out-of-pocket expenses such as driving mileage and meals at cost. The nature of our work also entails Administrative Expenses such as computer time, printing and other costs that are not easily allocable on a client-by-client basis. For this reason, Davenport bills an amount equal to 4% of our fee to cover Administrative Expenses.

Our proposed not-to-exceed fee for "Part I" would include up to four visits to the Town for in-person meetings with Town Staff and the Town Board. Additional visits, meetings and/or tasks that fall outside of our proposed Scope of Services will be subject to a separate Engagement Letter and compensation arrangement to be negotiated and agreed upon in advance of these additional services. Davenport does not anticipate sending an invoice for our work until we have completed all items identified in the Scope of Services section to the Town's satisfaction (i.e. no "in progress" billings). This agreement can be terminated upon 30 days written notice.

### **Conclusion**

Davenport has vast experience and a keen understanding of Maryland municipal finance and we believe that we can be a valuable resource to you and Town Staff.

Please do not hesitate to contact me at (410) 296-9426 or my colleague Joe Mason at (571) 223-5893 if you have questions or would like to discuss any of this information. If you agree to the proposed Scope of Services and Compensation outlined herein, please sign the letter and return it to us. I will countersign it and return a copy for your files.

\_\_\_\_\_  
A. Samuel Ketterman  
Senior Vice President  
Davenport & Company LLC

\_\_\_\_\_  
Andrew J. Bowen  
Town Administrator  
Town of Middletown, MD

Date: \_\_\_\_\_

Date: \_\_\_\_\_

cc: Joseph D. Mason, Senior Vice President, Davenport & Company  
Philip R. Weisshaar, Associate Vice President, Davenport & Company