AGENDA FOR THE TOWN MEETING

December 9, 2013
7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Financial Statements
- Town Minutes
  - November 11, 2013 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

Adam Cosden, Albright, Crumbacker Moul & Itell, LLC – Town Audit FY 2013

STAFF REPORT:

Community Deputy Report
Staff Planner
Zoning Administrator
Engineer's Report
Main Street Manager

UNFINISHED BUSINESS:

- Resolution 13-01 – Middletown (County) Park Annexation
- Replacement Truck Bids
- Response from Maryland Historic Trust Regarding Required Easements for Memorial Hall
- Active Adult Text Amendment – Planning Commission Response
- Introduction of Ordinance 14-01-01 – Revisions to the Forest Conservation Act

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:

- **Discussion of Tax Equity or Tax Set-Off for FY 2014 Budget**
- **Discussion of Streetlight Buy-Back Program Feasibility Study**
- **Discussion of Line of Credit with BB&T**

PUBLIC COMMENTS:

Please state Name and Address for the Record

ANNOUNCEMENTS:

December 23, 2013 Town Meeting – CANCELLED
December 17, 2013 Parks & Recreation Meeting - CANCELLED

ADJOURNMENT

EXECUTIVE SESSION: *Personnel Matter – Employee Evaluations*

Meetings for the month of December 2013

• *Planning Commission Workshop*	*Wednesday, December 11, 2013*	*7:00PM*
• *Main Street Board*	*Thursday, December 12, 2013*	*7:00PM*
• *Planning Commission*	*Monday, December 16, 2013*	*7:00PM*
• *Water & Sewer Committee*	*Wednesday, December 18, 2013*	*7:00PM*

TOWN OF MIDDLETOWN
DAILY CASH BALANCE STATEMENT
As Of December 4, 2013

		Cash Balance
GENERAL FUND		
Operating Accounts		
BB & T Operating Gen Fund	$	848,329
Petty Cash		200
BB & T Payroll		40,698
	$	**889,227**
CIP Accounts		
BB & T Index	$	1,046,204
PNC Investment		205,635
	$	**1,251,839**
TOTAL GF FUNDS AVAILABLE	**$**	**2,141,066**
Reserved Accounts *		
BB&T Rainy Day Fund	$	193,434
BB&T Reserve - Fire Company		
TOTAL GENERAL FUND RESERVES *	$	193,434
WATER & SEWER FUND		
Operating Accounts		
Middletown Valley Bank	$	58,755
BB & T Operating W/S Fund		(214,444)
	$	**(155,689)**
CIP Accounts		
BB & T Index	$	66,100
TOTAL W & S FUNDS AVAILABLE	**$**	**(89,589)**
Reserved Accounts *		
MVB Bonds	$	5,120
BB&T Index - Sludge Removal		52,840
BB & T Index - I & I		256,250
TOTAL WATER & SEWER RESERVES *	$	314,210

** These funds have been reserved for specific purposes and are not available for use.*

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
LOCAL TAX			
Real Property	$ 1,080,728	$ 702,730	$ (377,998)
Tangible Personal Property	33,500	29,870	(3,630)
Public Utilities	9,618		(9,618)
Franchise (Cable)	44,125	11,203	(32,922)
Penalties & Interest	9,105	122	(8,983)
	$ 1,177,076	$ 743,925	$ (433,151)
STATE SHARED TAX			
Admission & Amusement	$ 40,628	$ 15,320	$ (25,308)
Highway Gasoline & Licenses	122,500	96,712	(25,788)
	$ 163,128	$ 112,032	$ (51,096)
COUNTY SHARED TAX			
Income Taxes	$ 755,958	$ 303,173	$ (452,785)
Tax Equity Grant	584,765	292,383	(292,382)
	$ 1,340,723	$ 595,556	$ (745,167)
LICENSES AND PERMITS			
Beer, Wine and Liquor	$ 1,950		$ (1,950)
Business / Traders	4,900	855	(4,045)
Planning / Zoning Fees	9,500	22,068	12,568
	$ 16,350	$ 22,923	$ 6,573
PARKS AND RECREATION			
Pavillion Fees	$ 1,900	$ 250	$ (1,650)
	$ 1,900	$ 250	$ (1,650)
POLICE PROTECTION			
State Grant	$ 24,000	$ 6,611	$ (17,389)
	$ 24,000	$ 6,611	$ (17,389)
MISCELLANEOUS			
Community Events			
Parking Citations			
Bank Shares Grant	1,491		(1,491)
Miscellaneous & Donations	8,509	19,667	11,158
	$ 10,000	$ 19,667	$ 9,667
OPERATING REVENUES	**$ 2,733,177**	**$ 1,500,964**	**$ (1,232,213)**
State Grants & Interest	$ 217,963	$ 168	$ (217,795)
TOTAL REVENUE	**$ 2,951,140**	**$ 1,501,132**	**$ (1,450,008)**

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
EXPENDITURES			
LEGISLATIVE			
Commissioner's Salary	$ 12,000	$ 4,000	$ (8,000)
Communications	3,480	1,407	(2,073)
Dues & Subscriptions	7,222	7,360	138
Office Supplies & Exp	3,600	2,065	(1,535)
Advertising	750	313	(437)
Meetings & Conventions	9,900	696	(9,204)
	$ 36,952	$ 15,841	$ (21,111)
EXECUTIVE			
Burgess Salary	$ 6,000	$ 2,000	$ (4,000)
	$ 6,000	$ 2,000	$ (4,000)
ELECTION			
Clerk Fees	$ 450		$ (450)
Other Administrative Expenses	250		(250)
	$ 700		$ (700)
GENERAL SERVICES ADMINISTRATION			
GS - Capital Outlay		$ 7,200	$ 7,200
Administrative Salary	195,536	84,009	(111,527)
Postage & Printing	2,500	41	(2,459)
Communications	7,925	3,654	(4,271)
Computer Expenses	16,905	12,672	(4,233)
Office Supplies & Exp	23,520	5,941	(17,579)
Office Maintenance	45,368	12,098	(33,270)
Dues & Subscriptions	150	111	(39)
Professional Services	6,600	1,200	(5,400)
Meetings & Conventions	100	22	(78)
Water and Sewer Grant	100,000		(100,000)
	$ 398,604	$ 126,948	$ (271,656)
OPERATIONS			
Maintenance Capital Outlay			
Vehicle Capital Outlay		45,579	45,579
Director Salary	85,572	35,211	(50,361)
Maintenance Salary	28,085	12,986	(15,099)
Communications	6,600	2,679	(3,921)
Supplies & Expenses	13,760	4,516	(9,244)
Dues & Meetings		1,460	1,460
Landscaping/Beautification			
Maintenance & Repairs	19,480	7,658	(11,822)
Tools & Equipment	3,000	62	(2,938)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
	$ 156,497	$ 110,151	$ (46,346)
PROFESSIONAL SERVICES			
Independent Accounting	$ 12,500	$ 7,500	$ (5,000)
Legal - Development		323	323
Legal - Ordinances	7,500	2,223	(5,277)
	$ 20,000	$ 10,046	$ (9,954)
PLANNING & ZONING			
Salary & Fees	$ 44,356	$ 18,331	$ (26,025)
Other Expenses	1,300	700	(600)
	$ 45,656	$ 19,031	$ (26,625)
MAIN STREET PROGRAM			
Manager Salary	$ 32,136	$ 16,274	$ (15,862)
Town Contribution	12,000	8,555	(3,445)
	$ 44,136	$ 24,829	$ (19,307)
PUBLIC SAFETY			
Fire Dept. Donation	$ 15,000		$ (15,000)
School Crossing Guards	16,309	5,139	(11,170)
Community Deputy Program	353,499	177,810	(175,689)
	$ 384,808	$ 182,949	$ (201,859)
SANITATION & WASTE REMOVAL			
Resident Trash & Yard Waste	$ 275,447	$ 103,468	$ (171,979)
RECREATION AND CULTURE			
Park Salary	37,892	24,309	(13,583)
Park Electric	1,500	435	(1,065)
Maintenance & Repairs	32,800	9,922	(22,878)
Mowing	34,651	13,104	(21,547)
Remsberg Park - Interest	20,968	10,868	(10,100)
Remsberg Park - Principal	102,582	50,907	(51,675)
	$ 230,393	$ 109,545	$ (120,848)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
HIGHWAYS AND STREETS			
Salary	$ 91,927	$ 26,051	$ (65,876)
Street Lighting	151,200	53,869	(97,331)
Storm Water Management	1,500	4,797	3,297
Snow Removal	52,125		(52,125)
Repairs & Resurfacing	100,000	6,508	(93,492)
Signs	3,500	1,597	(1,903)
Truck Repair & Operation	19,300	13,774	(5,526)
Equipment Repairs & Ops	11,800	1,310	(10,490)
Mowing	31,744	16,384	(15,360)
Interest	8,478	2,734	(5,744)
East Green St - Principal	11,000		(11,000)
Case Loader - Principal	14,555	14,555	
	$ 497,129	$ 141,579	$ (355,550)
OTHER EXPENSES			
MT Historical Society - CIP	$ 5,000	$ 5,000	
Donations	100		(100)
Travel - Mileage	1,500	1,187	(313)
Community Events	82,358	24,480	(57,878)
Payroll Taxes	44,420	16,880	(27,540)
Insurance - Property	12,748	16,024	3,276
Insurance - Employee	107,892	72,144	(35,748)
Retirement/Pension	54,607	4,970	(49,637)
Web Page & Directory	5,555	3,044	(2,511)
Real Estate Taxes	753	712	(41)
Other	3,500	2,022	(1,478)
	$ 318,433	$ 146,463	$ (171,970)
TOTAL EXPENDITURES	**$ 2,414,755**	**$ 992,850**	**$ (1,421,905)**
INCOME (LOSS) Exc. Cash Reserves	**$ 536,385**	**$ 508,282**	**$ (28,103)**
CASH RESERVES	**$ 1,091,102**	**$ 1,250,114**	**$ 159,012**
SURPLUS / (DEFICIT)	**$ 1,627,487**	**$ 1,758,396**	**$ 130,909**

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
OPERATING REVENUE			
Revenue	$ 2,733,177	$ 1,500,963	$ (1,232,214)
OPERATING EXPENSES			
Expenses	2,414,754	938,733	(1,476,021)
OPERATING SURPLUS (LOSS)	**$ 318,423**	**$ 562,230**	**$ 243,807**
OTHER FUND			
POS - Development	$ 90,020		$ (90,020)
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	2,728	168	(2,560)
TOTAL OTHER FUNDS	**$ 1,339,274**	**$ 168**	**$ (1,339,106)**
TOTAL FUNDS AVAILABLE	**$ 1,657,697**	**$ 562,398**	**$ (1,095,299)**
CIP PROJECTS & PURCHASES			
West Green St Improvements	$ 797,812	$ 10,363	$ (787,449)
Walnut Street Bridge	308,208	259,398	(48,810)
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	94,801	60,145	(34,656)
Remsberg Park Netting	20,956		(20,956)
War Memorial Improvements	15,000	36,642	21,642
Foxfield/Wiles Trail Signage	26,400		(26,400)
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	127,430		(127,430)
TOTAL CIP COSTS	**$ 1,908,433**	**$ 381,459**	**$ (1,394,344)**
OPERATING & CIP SURPLUS (LOSS)	**$ (250,736)**	**$ 180,939**	**$ 299,045**

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Cash Reserves	$ 1,091,102	$ 1,250,114	$ 159,012
TOTAL CASH SURPLUS	**$ 840,366**	**$ 1,431,053**	**$ 458,057**

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
Water Revenue	$ 553,200	$ 145,968	$ (407,232)
Sewer Revenue	552,046	143,175	(408,871)
Penalties/Reconnects	14,500	4,304	(10,196)
Rain Barrel Sales	4,575	1,575	(3,000)
General Fund Grant/Misc	100,000		(100,000)
TOTAL OPERATING REVENUE	**$ 1,224,321**	**$ 295,022**	**$ (929,299)**
EXPENDITURES			
ADMINISTRATIVE			
Office Salaries	$ 41,993	$ 13,686	$ (28,307)
Communications	7,000	3,013	(3,987)
Postage	9,000	9,098	98
Office Supplies/Expense	11,000	4,832	(6,168)
Legal - Other	8,500	7,064	(1,436)
Meetings & Seminars	250	350	100
Advertising	500	587	87
Uniforms	2,800	645	(2,155)
Dues/Subscrip/Certifications	500	315	(185)
Travel		153	153
Payroll Taxes	18,471	8,194	(10,277)
Insurance - Prop. & Liability	8,000	10,859	2,859
Insurance - Workers Comp	12,306	3,477	(8,829)
Insurance - Health	46,504	21,525	(24,979)
Retirement/Pension	18,968	1,323	(17,645)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150		(3,150)
Waterline / I & I Loans	32,550	124,610	92,060
Sub-Total	$ 221,784	$ 210,023	$ (11,761)
Vehicles & Equipment			
1999 Truck	$ 3,700		$ (3,700)
2001 Truck	3,400	507	(2,893)
2008 Truck	3,200	839	(2,361)
2001 Truck	3,400	507	(2,893)
2013 Truck			
Misc Equipment	4,275	248	(4,027)
Bobcat Mini-Excavator		175	175
Case Backhoe	3,000	75	(2,925)
Sub-Total	$ 20,975	$ 2,351	$ (18,624)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	$ 115,895	$ 50,189	$ (65,706)
Water Distribution System			
Supplies	2,500	314	(2,186)
Repairs & Maintenance	22,000	16,618	(5,382)
Water Meters	105,838	7,325	(98,513)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500	185	(315)
Tools & Equipment	9,600	7,757	(1,843)
Sub-Total	$ 145,438	$ 32,199	$ (113,239)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	$ 31,370	$ 7,799	$ (23,571)
Supplies	7,000	577	(6,423)
Repairs & Maintenance	28,600	18,233	(10,367)
Chemicals	20,000	6,923	(13,077)
Tools & Equipment	2,400	1,313	(1,087)
Testing & Analysis	9,000	4,458	(4,542)
Sub-Total	$ 98,370	$ 39,303	$ (59,067)
Abandoned Well Costs			
TOTAL WATER EXPENSES	**$ 359,703**	**$ 121,691**	**$ (238,012)**
SEWER			
Salaries	$ 114,952	$ 47,064	$ (67,888)
Sewer Collection System			
Cone Branch PS	34,364	18,134	(16,230)
Brookridge South PS	9,700	2,913	(6,787)
Foxfield PS	5,940	5,713	(227)
Sanitary Sewerlines & Manholes	10,500	1,525	(8,975)
I & I Accrual	75,000	25,000	(50,000)
Sub-Total	$ 135,504	$ 53,285	$ (82,219)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	$ 33,000	$ 9,689	$ (23,311)
Supplies	10,500	3,292	(7,208)
Repairs & Maintenance	9,700	6,567	(3,133)
Chemicals	42,000	10,941	(31,059)
Tools & Equipment	8,400	755	(7,645)
Testing & Analysis	19,500	8,121	(11,379)
Sludge Hauling Expense	56,400	21,333	(35,067)
Sub-Total	$ 179,500	$ 60,698	$ (118,802)
West Wastewater Treatment Plant			
Electric	$ 20,000	$ 2,979	$ (17,021)
Supplies	750	2,467	1,717
Repairs & Maintenance	6,700	3,341	(3,359)
Chemicals	47,520	19,498	(28,022)
Tools & Equipment	1,000	59	(941)
Testing & Analysis	7,800	3,151	(4,649)
Sludge Hauling Expense	22,650	7,601	(15,049)
Sub-Total	$ 106,420	$ 39,096	$ (67,324)
TOTAL SEWER EXPENSES	**$ 536,376**	**$ 200,143**	**$ (336,233)**
TOTAL WATER/SEWER EXPENSES	**$ 1,138,838**	**$ 534,208**	**$ (604,630)**
CONTINGENCY FUND - 6.7%	**$ 76,302**	**$ 35,792**	**$ (40,510)**
ADJUSTED WATER/SEWER EXPENSES	**$ 1,215,140**	**$ 570,000**	**$ (645,140)**
NET INCOME (LOSS)	**$ 9,181**	**$ (274,978)**	**$ (284,159)**

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2014
For the 5 Months Ended November 30, 2013

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
FUNDING SOURCES			
Operating Revenue	$ 1,224,321	$ 295,022	$ (929,299)
Operating Expenses	1,138,838	534,208	(604,630)
OPERATING INCOME (LOSS)	**$ 85,483**	**$ (239,186)**	**$ (324,669)**
Debt Service Fee - New Homes	$ 136,800	$ 34,250	$ (102,550)
Capital Improvement Fees	118,008	29,406	(88,602)
Improvement/Tap Fees	140,000	90,000	(50,000)
Water Meter Sales	80,648	2,175	(78,473)
Water Tower & Land Leases	163,150	58,881	(104,269)
Gen Fund (Walnut St Waterline)	127,430		(127,430)
TOTAL OTHER REVENUE	**$ 766,036**	**$ 214,712**	**$ (551,324)**
TOTAL FUNDS AVAILABLE	**851,519**	**(24,474)**	**(875,993)**
DEBT SERVICE COSTS			
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	61,560	14,533	(47,027)
TOTAL DEBT SERVICE COSTS	**$ 388,500**	**$ 14,533**	**$ (373,967)**
WATER & SEWER PROJECTS			
Walnut Bridge Waterline	$ 132,026	$ 132,026	
Locust Court Water Extension	130,340	(1)	(130,341)
Reservoir - Dual Feed Cover	40,000	4,730	(35,270)
Maganese Removal System	110,000		(110,000)
TOTAL WATER & SEWER PROJECTS	**$ 412,366**	**$ 136,755**	**$ (275,611)**
TOTAL CIP COSTS	**$ 800,866**	**$ 151,288**	**$ (649,578)**
TOTAL FUNDS REMAINING	**$ 50,653**	**$ (175,762)**	**$ (226,415)**

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **November 11, 2013**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on November 11, 2013, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Tony Ventre (late) and Christopher Goodman.

CONSENT AGENDA
Financial Statements
Town Minutes – October 28, 2013 Town meeting
Commissioner Dietrick motioned to accept this consent agenda, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUEST FOR AGENDA:

Staff Report:
Staff Planner/Zoning Administrator:

- Coblentz Development on Green Street-Improvement plans conditionally approved.
- Coblentz Grove-2 U&O's released
- Fire Station-Plat conditionally approved and site plan has been submitted
- Cross Stone Commons- revised site plan submitted
- Valley School-building permit issued
- Thompson Funeral Home-SWM plan conditionally approved by Fred. Co.
- County Park-Annexation Public Hearing scheduled for December 5, 2013 at 7pm.

Unfinished Business:
RER Solar – Letter of Intent – RER Solar was present at the workshop meeting with the Commissioners to discuss the letter of intent.
Motion by Bussard to approve the letter of intent with RER Solar to include LGIT's comments clarifying the property insurance requirements and identifying the two options the Town Board would like to pursue (Option #1 and Option #3), seconded by Goodman. Motion carried 5-0.

Discussion of Change in the Fees for the Plan Submission – Drew presented the Board with a spreadsheet of where we stand with our fees in comparison to Brunswick and Frederick County. Our fees are substantially lower. After some discussion the Board agreed to send this back to the Planning Commission to review all of the fees charged and make a recommendation back to the Town Board for their approval. Cindy Unangst, Staff Planner was present and stated that the fees have not been increased since 2006.

Budget Amendment for Funding of Locust Court Waterline Extension – Drew stated that included in the packet was a copy of the Water & Sewer CIP approved budget. Drew highlighted a few things that could be put on hold to pay for the Locust Court waterline extension.

Motion by Dietrick to put on hold the upgrade toVFD's at Brookridge South WTP, Maple Street Waterline Replacement and the new chemical storage building at the West WWTP totaling $57,200 in savings and take the remaining $34,830 out of the Water & Sewer Operating contingency fund to fund this project, seconded by Bussard. Motion carried 6-0.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

Water usage - 312,000 gallons per day

Spring Flow – 62,000 gallons per day

Reservoir repairs – Commissioner Falcinelli thanked the residents with their effort to conserve water during the repairs. Commissioner Falcinelli thanked the staff for all their hard work to get the repairs made in a timely manner.

PUBLIC WORKS – Commissioner Bussard reported:

Town Staff have been working on getting ready for winter. They have been getting the snow plows and salt spreaders working, put the flag poles in at the War Memorial, took the scarecrows down and installed the Farmers Market signs.

PLANNING COMMISSION – Commissioner Goodman reported:

The Planning Commission will be discussing the lights for the Coblentz development in possibly putting meters on them.

PARKS & RECREATION – Commissioner Ventre reported:

Linden Blvd. walking trail – completed

Remsberg Park Trail – will be done by the end of the month

Schuyler Call, Eagle Scout project – hoping to have his presentation by the end of the month.

FINANCE – no report

PUBLIC INFORMATION – no report

New Business:

Proposal for Graphic Design of Walking Trail Maps – Burgess Miller stated that Ellen Baker has submitted a proposal to the Town to design the Walking Trails map for $1,800.

Motion by Bussard seconded by Ventre to approve the proposal from Ellen Baker for $1,800 design the walking trail maps and illustrations. Motion carried 6-0.

Review of Contractual Planting Pilot Program – Drew stated that included in the packets was a breakdown of the costs for the Landscaping Pilot Program done by Mid-Maryland Landscaping. Drew was asking the Board if they liked the program and if he should include this as a line item for the FY15 budget.

Motion by Ventre seconded by Goodman to include this as a line item in the FY15 budget. Motion carried 6-0.

Review of Monthly Billing Cost Analysis – Burgess Miller stated that the Water & Sewer Committee has made a recommendation to the Town Board that they would like to try monthly billing. If approved Glenbrook subdivision would be our "pilot program". Commissioner Falcinelli stated that the object of this to make the bills more reasonable for our residents and more cash flow coming in monthly for the water & sewer fund.

Motion by Falcinelli to approve the "pilot program" of monthly billing for the Glenbrook subdivision starting January 2014 through December 2014, seconded by Ventre. Motion carried 4-1(Bussard against)-1(Dietrick abstained).

ANNOUNCEMENTS
Burgess Miller stated that the Town will be receiving a rebate of $19,974 back from LGIT on our health insurance. Drew stated that he would like to set aside maybe $2,000 to make an incentive program for the employees.

Burgess Miller thanked all who attended the War Memorial dedication as well as the staff who helped with this.

Christmas in the Valley – December 6, 2013 at 6pm.

ADJOURNMENT
With no further business to come before the Board, the meeting adjourned at 8:07p.m.

Respectfully submitted,

Ann Griffin
Office Manager

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 12/2/2013

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green – SWM Concept Plan – approved by County October 15, 2010
Water Tap agreement approved by Burgess & Commissioners – March 2012
Planning Commission approved Forest Stand Delineation/Forest Conservation Plan – Jan 2013
Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013

Foxfield Section 4- FRO plantings have all been installed. 12 homes still to be built.
1st year FRO review – 67% compliance – 232 additional trees planted (May 2013)

Minor Site Plans and Subdivisions:

AMVETS Expansion Plans – Site Plan approved – October 15, 2012; (Plans expire 10/15/2015)

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006
Improvement Plans approved and signed – September 16, 2008
SWM waiver received from County – May 12, 2011
SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013.

Coblentz Grove minor subdivision – Preliminary/Final Plat conditionally approved – Nov. 15, 2010
FSD & Forest Conservation Plan approved – November 15, 2010
Improvement Plans conditionally approved – February 21, 2011
Final Plat approved – July 18, 2011 (recorded – October 24, 2012)
Building permits applied for – October 30, 2012
U&O's released for two of the lots – October 29, 2013

Fire Co Activities Center- SWM Plan approved by Frederick County – November 3, 2011
Revised Site Plan conditionally approved – April 22, 2013
Improvement Plans conditionally approved – April 22, 2013
Building permit issued – May 24, 2013

Fire Station – Concept plan submitted to PC for comments – April 22, 2013
Concept Site Plan reviewed by PC at their August meeting
Fire Station plat conditionally approved – October 16, 2013
Fire Station Site Plan conditionally approved – November 18, 2013

Hollow Creek – Revised Site Plan approved and signed – October 14, 2010
Revised Site Plan (leaderboard) approved – February 21, 2011; (Plans expire February 21, 2014)

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County 12/1/2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010
Revised Plans submitted to SCD for review – January 5, 2011

Horman Apartments- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008
Forest Conservation Plan approved – October 20, 2008

Middletown H.S. Stadium Concession Stand Expansion Plan – approved June 18, 2012
(Plans expire June 18, 2015)

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
Concept Plan sent to SHA for review – September 23, 2013
SHA comment letter received November 22, 2013

More Ice Cream site plan – conditionally approved – June 17, 2013
Change of Use permit approved – July 2, 2013

Newton Property (Cross Stone Commons) – Concept Plan submitted – October 1, 2012
Traffic Impact Study submitted – October 18, 2012
BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)
FRO Preliminary Plan approved – November 18, 2013
Addition Plat conditionally approved by PC – November 18, 2013
Revised Site Plan conditionally approved by PC – November 18, 2013

Potomac Gun Depot – plans conditionally approved – February 18, 2013
Revised site plan conditionally approved – June 17, 2013

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)

Subway property – site plan reviewed for ice cream parlor during workshop discussion– May 15, 2013

The Valley School – BOA special exception use hearing – May 8, 2013 (Approved)
Forest Conservation Plan approved – June 17, 2013 (fee-in-lieu paid 7/8/2013)
Site Plan and Improvement Plans approved by Planning Commission – August 19, 2013
Building permit issued – October 7, 2013

Thompson Funeral Home Revised Parking Lot Site Plan – conditionally approved April 22, 2013
SWM Plans conditionally approved by Frederick County – October 29, 2013

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009
Public hearing date - Monday, October 11, 2010
Annexation petition denied – October 11, 2010

County Park – Annexation agreement approved by BOCC – May 30, 2013
Annexation agreement approved by Town Board – June 10, 2013
Annexation recommended for approval by PC – September 16, 2013
Public Hearing scheduled for December 5, 2013

Reports:

Meetings: **MD Planning Director's Roundtable – December 4, 2013**
Municipal/County Planners Quarterly Meeting – December 13, 2013

Town of Middletown Zoning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst

Date: 12/2/2013

RE: Monthly Zoning Update

P & Z Issues:

Zoning Code review – ongoing

New State FRO Ordinance – Forest Preservation Act of 2013

House Bill 706 requires the following amendments to the Town's Forest Resource Ordinance:

- Add definition of "Stream Restoration Project"
- Add the following project types to the current list of projects that are exempt from the provisions of the Forest Resource Ordinance:
  - Stream restoration projects that meet certain criteria
  - Maintenance or retrofitting of stormwater management structures with certain stipulations
  - Redevelopment of previously developed areas covered by impervious surface where located within a Priority Funding Area

Active Adult text amendment – received language from Farhad – October 28, 2013
Planning Commission review – November 18, 2013 (no recommendation)

BOA Hearings: **none**

Zoning Violations: **Thompson Parking Lot**

November 2013 Zoning Permits	Address	Permit #	M-town	C. Unangst	County
			Received	Approved	Approval
LAM Properties - temporary signage	30 E. Green Street	Town	10/31/2013	11/1/2013	n/a
Admar Custom Homes - fences	Coblentz Grove	Town	11/20/2013	11/26/2013	n/a
Wilson - fence	101 N. Pointe Terrace	Town	11/25/2013	11/26/2013	n/a

Public Works Monthly Report
December 5, 2013

Streets and Utilities, Facilities

New Business
installed signs at Remsburg and Wiles Branch Parks, install WW1 post and sign, service truck 5 and 8, moved chemicals for W&S, pickup plywood for war memorial dedication, service truck 2, unload bags, finished plow on truck 8, installed new controller on truck 4, installed salt spreader, install weight boxes on aerator, worked in reservoir water vault, moved soil from Remsberg, installed air release in vault, service truck 3, pickup grinder for stop bars, removed interconnect line, installed HC symbols and stop bars, grind stop bars and install stop bars, rebuild air release for building, cleaned SS lines, finished stop bars in Foxfield, return grinder, bush hog Remsburg areas, plumb in air release in building, weld and install bracket on EWWTP generator, bushhog goat farm and springs, pickup truck 10, pickup Christmas tree and install, grease mini exc, walked springline, work on rubber tire loader, and reservoir vault, salted streets, cleaned shop, wreath installed at Townhall, waterline leak at Linden and Pine, cleanup leak site, remove muffin monster at W WWTP, cleanup trucks from salt. pull silt fence from walk path. Clean parks and put up banners, replaced locks on all gates, winterize bathrooms, Fertilize Remsberg and Wiles Branch fields and seed bare spots, check park toys and recycle area.

Water and Sewer

New Business
Reservoir repair and install new valve, SS lines cleaned on Lombardy CT and Drive and lower side of Larch Lane to Lombardy, Rebuilt caustic pump, Shut down effluent ps, Cleaned out fluoride line and cl2 lines at vault and booster station, installed new air release, Repaired multiple cleanouts, filled gensets, Flow testing for interconnect with FrCo, Installed new light at reservoir and repaired the well field, Walked springlines, cleared drain pipe at springline,

Sludge cost for FY $19,430.00 27000 gal hauled, 3570 gal bedded **Total hauled** 201000gal **Bedded** 137848gal

Water Use (Average Daily for the Month, Flows stated in gallons per day)
Permit Limits (gal) 381,500/486,300 AD/MMU 250,000 AD 250,000 AD

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	333,000	291,000	142,000	137,000	241,000	270,000	206,000	235,000
February	275,000	286,000	141,000	137,000	199,000	280,000	172,000	288,000
March **	293,000	284,000	141,000	137,000	223,000	276,000	188,000	190,000
April **	311,000	305,000	141,000	137,000	172,700	185,000	188,000	129,000
May	296,000	306,000	140,000	132,000	192,761	210,000	204,000	176,000
June	304,000	297,000	140,000	132,000	206,907	204,000	229,000	179,000
July	300,000	292,000	123,000	115,000	173,000	197,258	124,000	157,000
August	300,000	293,000	96,000	98,000	162,000	168,000	120,000	133,000
September	309,000	310,000	78,000	69,000	159,000	140,900	133,000	122,000
October **	311,000	312,000	79,000	62,000	215,000	180,000	248,000	167,000
Novembr**	278,000	288,000	120,000	61,000	233,000	184,000	243,000	114,000
December	343,000	287,000	134,000	126,000	267,000	217,000	258,000	147,000
Avg Daily/yr	304417	295917	122917	111917	203697	209347	192750	169750
Avg Yr Flw	111.11	108.01	44.86	40.85	74.35	76.41	70.35	61.96

**Hydrants flushed this month
April 11 696,000, April 12 563,000 gal Oct 12 778,000, April 13 684,039, Oct 13 660,700

Planned Work
replace the relief valve at the booster station, install relief valve at Well 15, SS cleaning in Glenbrook, Sewer Cleanout repairs in Foxfield, replace elements in chemical room heater, repair grit seperator

PROJECTS

Old Business

W WWTP: UV system repairs continuing, Connectors and main wiring to be repaired replaced next. Control panel partially rebuilt.
Walnut Street Bridge: Final cost is $482,354. Budget was $500,000.00.
Develop Grease Trap Ordinance and Education Program: Have a DRAFT of the Ordinance completed. Develop details to match ordinance but now on hold due to other priorities. Size the interceptor for the FD banquet hall and have determined that the Ordinance is workable.
West Green Street: Plans to be reviewed. No action. Line striping and symbol painting completed
Water System: Hydraulic Model: No action, **System**: Minimal leakage to report at the reservoir and any is likely from overflow of the reservoir.
Brookridge PS: Will need to upgrade panel with VFD's for 3 phase and purchase in next budget year. Cost is $13,000.00. No action
Sidewalk Inspections: remaining areas to be completed Glenbrook townhouses and Foxfield Active Adult.
Main St. Waterline Replacement: No action.
Streetscape: Received call from SHA and Consultant regarding utility asbuilt survey to be performed in January.
Street CIP: Eastern Circle scheduled for mill and overlay in the Spring.
Well 15 Filters: Continue working with 2 vendors for equipment selection. Restarted project and met with vendor regarding operation scheme and piping. Will continue to work on.
HVAC and Control System: Revised control for the meeting room and setup wireless stat.
Reservoir Repairs: Kickoff meeting held on Aug 16. Engineer has received fire flow rate from County. Should have report this week.
Locust Ct waterline Extension: Stakeout completed. Contractor will mobilize on Dec 6th December and anticipated start the following week. Will complete the line through the Krauss property before Christmas shutdown.
County Waterline Interconnection: Test completed and performed fairly well. The interconnect can supply adequate water to the Town for certain circumstances.
Reservoir Leak: Completed cost of $10,500.00 (sub $9036.08)

New Business
Seminar: Attended the NETdmr seminar for filling DMR's online through the EPA. This will be a requirement in the near future.
W WWTP: Muffin monster cutter cartridge replacement at $11,000.00 (budget for $9500 for CBPS will be used).

Developments
Coblentz Road Subdivision: Reviewed Asbuilts.
Foxfield: Active Adult: Released final LOC. **Phase 6:** Reduced LOC
Coblentz Grove: Released final LOC.
Coblentz Property: Reviewed 46 sheet set of improvement plans and PC has granted conditional acceptance.
Fire Department Activities Building: Need to send a letter to Fire Department regarding the use and maintenance of the grease interceptor. Waterline construction completed.

Planned Work
W Green St: Review plans
Booster Station: Pipe leak repair, replace relief valve, paint skid.
Water System: Manganese Removal Well 15 – Design, relief valve purchase and install
Regulatory: Grease Ordinance completion.
E WWTP: design spray system for clarifier,
Municipal Center: Spot light for flag pole,
Remsberg Park: Fence installation, paved path project.
Cross Stone: Completed Site plan Review
FD Site Plan: Completed Review

Projects on Hold:
Well Field Stream Restoration, School House Dr and Green Street Intersection, Elm Street Parking Lot (permit apps expired 3/2010). S Broad St.

Directors Current Project List
PRIORITIES
Locust Ct waterline construction.

Adjust regional PRV's 45 psi at Glenbrook HP
Info and letter to Vanmetre properties for waterline
Copies of HVAC plans to venders
Well 15 Filters design and relief valve
Uv system repairs
Letter to hollow creek for backflow
Letter to Fire Department regarding grease trap maintenance
Hydraulic Model Maps – review and revise
Trace Locate Shopping Ctr W/L – meter in vault?
Pull transducer at Well 16 and send back
Contact APSC- Ewwtp Power correction Capacitance – reduces surging, install on service if not there
Well Field Generator Connection
Maple Street Waterline Replacement
Brookridge PS Control Upgrade
Reprogram E WWTP Dialer and install
Order spot light for flag
Replace transducer at Golf Course pond

PLAN REVIEW
West Green St

BOOSTER STATION
Weld pinhole in Tee Replace relief valve and spool piece
Check P4 claval pilot or main valve reduced pumping
Repaint skid
Budget for pipe replacement
Inspect impellars and adjust PRV

RESERVOIR
Waterline to chem plant
Replacement Study

PARKS
Memorial Park Fountain NEW - Paul
Wiles Branch Park B Ball seal and stripe - Paul
Remsberg Park Fencing – TBD filed restoration 2 fields mid September
Memorial Park Partition Replacement Design

ROADS
Patching Contract
Mill and Overlay Eastern Circle

TO: The Burgess & Commissioners
FROM: Becky Reich, Main Street Manager
RE: Workshop Report
DATE: December 2, 2013

PROMOTION:

- **Christmas in the Valley** is scheduled for Friday, December 6, 2013. These are the businesses/organizations that are participating – a total of 29 – up from last year!
    - Dempsey's Grille
    - Maggie's Bake Shop
    - Hollow Creek
    - Mountain Spirit Yoga
    - Sue Kelley
    - Green Street Kitchenette
    - South Mountain Collision, Middletown
    - Valley Heating & Cooling,
    - Trinity Salon
    - BKG Media & Promotions
    - James Gang Pizza
    - Gladhill's Furniture
    - Middletown Valley Chamber of Commerce
    - Middletown Valley Recreational Council
    - Bobbi Prescott
    - Frederick County Library – Middletown Branch
    - Hello Gorgeous!
    - Liz Hough Photography
    - Middletown Sportsland
    - Rhosymerdre Design Group
    - Catoctin Construction
    - The Valley School
    - DeJa New
    - Hometown Gifts
    - Middletown Valley Bank
    - Pioma Pilates
    - The Main Cup
    - Dee Buchanan Dance Studio

- **Sesquicentennial –**
    - Jack Sheriff and I met with the Jubal Early re-enactor. He would bring with him several other re-enactors and horses; at a minimum, he would bring enough soldiers for us to perform the Ransom re-enactment. I am very pleased to have this particular Jubal Early attend. There are two types of re-enactors – ones who stay in character and others who provide a period look, but can jump out of character to communicate/demonstrate a craft, etc. We need a mix of both. This particular Jubal Early stays in character.
    - We have a Sesquicentennial Planning Meeting scheduled for December 10 in which we will make our final decisions on our product mix of items to sell.
    - I have a meeting with the Exhibit consultant, on Tuesday, December 17 to review the materials from the historian. On Thursday, December 19, I will meet with the historian, exhibit consultant, and graphic designer and we will make selections about images, text, and start to layout both the outdoor exhibit and interior, retractable banner exhibits.

Design:

- The Design Committee presented a Power Point presentation to the Planning Commission about design features and how one can discuss these in a measured way. We also presented a staff report with advisory comments on the proposed new construction at the corner of Main Street and Middletown Parkway. The Planning Commission has invited the Design Committee to attend their workshop on Wednesday, December 11 to go over the staff report. The staff report made specific comments on massing, size, scale, materials, features, and details of the two buildings that the site plan shows to date – a CVS and a larger 10,800 square foot building.

Economic Development:

- The Main Street Economic Development Committee is spearheading discussions with the businesses on a promotional opportunity with Destination Frederick. Because we have grant funds to help offset the cost of this advertisement, Main Street Middletown will purchase a ½-page ad to this magazine that has a year-long shelf life with more than 300,000 viewers.

Organization:

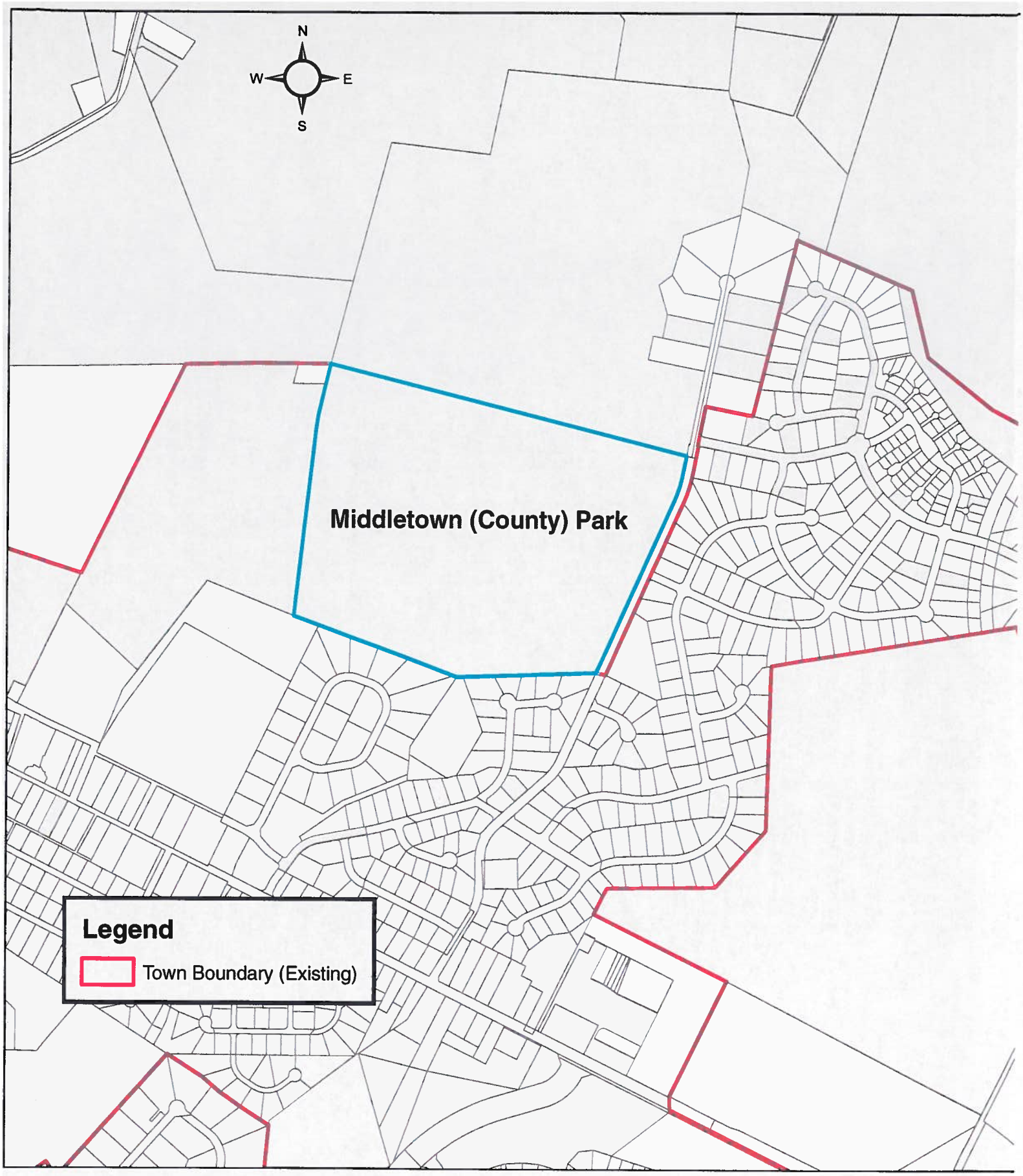
- Main Street Middletown is working on items to sell as another stream of revenue.
- Main Street Middletown has a subcommittee working on revising our vision statement. We currently have one, but it is too long. Having a more tightly articulated vision statement will help define the strategic goals for 3-5 years out.
- Main Street Middletown is working on a Policy and Procedures Manual to help the Board make quicker decisions and further formalize how the organization is run.

Grants:

- Main Street Middletown has completed a Heart of the Civil War Heritage Area Mini-Grant. The purpose of the grant is to help pay for a new website for Sesquicentennial. After the event, the website will continue to have importance as a companion piece to the outdoor exhibit, have blogging capabilities so that it is interactive, and we will continue to sell Sesquicentennial-Middletown merchandise through the website.
- Memorial Hall Grant - The Town has received correspondence that the Maryland Historical Trust is not going to require an Interior Easement on the property. This is great news! This means that once the initial rehabilitation work is completed, that the Trust would not require reviews of future changes to the interior. From Main Street's perspective, this is the best scenario. The historic structure on the exterior will be preserved, but the long term ability to lease the space out to businesses will remain business friendly. As far as the archeological easement is concerned, an archeological study is triggered by ground disturbance.

Merry Christmas and Happy New Year!

Main Street Middletown Appreciates Your Support!



Annexation Map

Town of Middletown - Frederick County

RESOLUTION NO. 13-01

A RESOLUTION INITIATED BY THE BURGESS AND COMMISSIONERS OF THE TOWN OF MIDDLETOWN TO CHANGE THE BOUNDARIES OF THE TOWN OF MIDDLETOWN, MARYLAND BY THE ANNEXATION INTO THE CORPORATE LIMITS OF THE TOWN OF 79.011 ACRES OF REAL PROPERTY, MORE OR LESS.

WHEREAS, the Burgess and Board of Commissioners desire to have certain property owned by Frederick County, Maryland hereinafter described annexed into and made a part of the Town of Middletown, Maryland; and

WHEREAS, the property to be annexed consists of 79.011 acres of real property, more or less, (hereinafter referred to as "the Property"), and the Property is more fully described on the metes and bounds description prepared by Harris, Smariga and Associates, Inc. dated March 20, 2013 which is attached hereto and incorporated by reference herein as Exhibit "A"; and

WHEREAS, the Property is owned entirely by the Board of County Commissioners of Frederick County and the Board of County Commissioners is therefore the owner of over 25% of the assessed valuation of the Property to be annexed, and there are no persons residing in or on the Property to be annexed; and

WHEREAS, the Board of County Commissioners has consented to the annexation of the Property into the corporate limits of the Town of Middletown; and

WHEREFORE, the Property is adjacent to and contiguous with the existing corporate limits of the Town of Middletown and its annexation will not create any unincorporated area completely surrounded by land now located or to be located within the corporate limits of Middletown.

NOW, THEREFORE, BE IT ENACTED AND RESOLVED by the Burgess and Commissioners of Middletown as follows:

SECTION I: The boundaries of the Town of Middletown, Maryland are extended and enlarged by adding to the Town of Middletown and making a part thereof all that real property consisting of 79.011 acres, more or less, which is described on the metes and bounds description entitled "Description of Farm Lot No.1" prepared by Harris, Smariga & Associates, Inc. and dated March 20, 2013 which description is attached hereto and incorporated by reference herein as Exhibit "A".

SECTION II: Except as otherwise provided herein, the Property and any persons now or in the future residing thereon, if any, shall be subject to the provisions of the Charter of the Town of Middletown and all ordinances and regulations enacted pursuant thereto.

SECTION III: The Property shall be annexed into the corporate limits of the Town of Middletown on the following conditions:

A. The Town of Middletown shall pay all of the expenses and costs incurred for the annexation of the Property.

B. Except as hereinafter provided, the Property shall be classified in the "Open Space" zoning classification pursuant to Title 17 of the Middletown Municipal Code which provides for uses which are substantially similar to and not more restrictive than the zoning for the Property under Frederick County law.

C. An Annexation Agreement dated August 8, 2013 was entered into by and between the Burgess and Commissioners of Middletown, Maryland and the Board of County Commissioners of Frederick County, and said Annexation Agreement is attached to this Resolution as Exhibit "B". The Annexation Agreement, and all of the terms and conditions thereof, are incorporated by reference herein and are made a part of this Resolution as though fully set forth herein.

SECTION IV: The Corporate Boundaries of the Town of Middletown, as established by Article II, Section 201 of the Town Charter (as amended), are hereby amended to add thereto the Property annexed by this Resolution.

SECTION V: This Resolution shall become effective on the forty-fifth (45th) day following its enactment, unless a Petition for Referendum, in proper form and in conformity with the requirements of Article 23A, Section 19 of the Annotated Code of Maryland, is submitted to the Burgess of the Town of Middletown.

PASSED AND ENACTED this ____ day of _____, 2013 by the Burgess and Commissioners of the Town of Middletown by a vote of _____ **FOR**, _____ **AGAINST** and _____**ABSTAINING** and _____**ABSENT**.

ATTEST:

_____
Andrew J. Bowen,
Town Administrator

BURGESS AND COMMISSIONERS OF MIDDLETOWN

By:_____
John Miller, Burgess

I HEREBY CERTIFY THAT A PUBLIC HEARING WAS HELD ON THIS RESOLUTION NO._____ ON THE _____ DAY OF _____, 2013. I FURTHER CERTIFY THAT NOTICE OF THE TIME, DATE, PLACE AND PURPOSE OF THE PUBLIC HEARING WAS PUBLISHED IN THE VALLEY CITIZEN NEWSPAPER ON THE FOLLOWING DATES:

_____, 2013
_____, 2013
_____, 2013
_____, 2013.

THE PUBLIC HEARING WAS HELD NOT LESS THAN FIFTEEN DAYS AFTER THE LAST PUBLICATION OF NOTICE.

_____
Andrew J. Bowen, Town Administrator

Date: _____

Exhibit A

Harris, Smariga & Associates, Inc.
Planners/Engineers/Surveyors
125 S. Carroll Street, Suite 100/Frederick,MD 21701
301-662-4488/FAX 301-662-4906

March 20, 2013
HSA Job No. 2382

Description of
Farm Lot No.1

Beginning at a point in Coblentz Road which is the Northeast corner of Farm Lot No.1 as shown on a plat of subdivision entitled "Boundary Survey Farmland, Farm Lot No.1, Gaver Farm Lot", as recorded among the Land Records of Frederick County, Maryland in Plat Book 23 at Page 170. Thence running with and in said roadway the following two (2) courses and distances,

S. 09° 18' 00" W.	195.00'	to a point, thence
S. 22° 39' 06" W.	1262.25'	to a point, thence leaving said roadway and continuing with said Farm Lot No.1 outline the following five (5) courses and distances
S. 86° 33' 43" W.	899.81'	to a point, thence
N. 71° 26' 17" W.	1078.59'	to a Stone Found, thence
N. 04° 35' 08" E.	1262.82'	to a point, thence
N. 12° 54' 23" E.	320.92'	to a point, thence
S. 77° 28' 01" E.	2320.98'	to the Point of Beginning.

The area of land contained by the foregoing amounts to 3,441,740 Square Feet or 79.011 acres more or less.

2013 F350 4x4 Diesel Utility Body

Bidder	Location	Truck	Price	
Crouse Ford	Taneytown	2013 F350 Super Cab	$ 45,979.00	recommended
Hagerstown Ford	Hagerstown	2013 F350 Super Cab	$ 47,988.00	
Tyson Ford	Vienna Va	2011 F350 Std Cab	$ 41,500.00	defective engine
Frederick Ford		none in stock		no bid
R&B STEEL		Western Plow	$ 5,999.00	add to all bidders
Total Cost			**$ 51,978.00**	

Previous Truck Costs

Hagerstown Ford	2012 F350 Std Cab	$	44,058.27
Hagerstown Ford	2008 F350 Super Cab	$	38,897.00

Maryland Department of Planning
Maryland Historical Trust

Sustainable Attainable

November 22, 2013

RECEIVED
NOV 25 2013
TOWN OF MIDDLETOWN, MD.

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

Re: Memorial Hall, Frederick County
Maryland Historical Trust Preservation Easement Program
Maryland Heritage Areas Authority Grant FY2014

Dear Mr. Bowen:

I appreciate you meeting with Jennifer Ruffner, and me on November 12, 2013 at Memorial Hall in Frederick County. As conveyed by letter to you on September 24, 2013, the Trust has determined that it requires the conveyance of a perpetual preservation easement on Memorial Hall. Following my site visit in it has been determined that the scope of the Easement must include **the exterior of the building** and **archeology on the property.** The Trust will prepare the Deed of easement and all photographic exhibits.

As the grantee, **you** are responsible for providing the Trust with the documents needed for drafting a Deed of Easement. Enclosed with our previous letter was a packet outlining the process of conveying a preservation easement, including basic p reservation easement background information, a checklist of required items to begin processing, the format for the required Certificate of Title, a copy of our standard deed of easement, procedures to review changes to an easement property, as well as a copy of the Secretary of the Interior's *Standards for the Treatment of Historic Properties.* This packet can also be found on our website here:
http://mht.maryland.gov/documents/PDF/Easement_Procedures_Conveyance_2013.pdf

All questions regarding the **Easement program** should be directed to me at (410) 514-7632 or by email at askinner@mdp.state.md.us.

Sincerely,

Amy M. B. Skinner
Easement Administrator
Maryland Historical Trust

cc: Jen Ruffner, MHT

BURGESS
COMMISSIONERS
ADMINISTRATOR
☐ PLANNING & ZONING

MEMORANDUM

Date: 11/21/2013

To: Burgess and Commissioners, Middletown

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Active adult text amendment

The Middletown Planning Commission on November 18, 2013 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 decided to make no recommendation to the Town Board at this time. They feel more information is needed in relation to open space requirements for active adult communities that are not addressed with the proposed text amendment. The applicant is agreeable to meet with the Planning Commission at their workshop in January for further discussion.

The Town Board is not obligated to wait for a recommendation from the Planning Commission before scheduling a public hearing on the proposed text amendment, but I feel that further discussions with the applicant would be prudent in order to discuss the need for additional language relating to clustering and open space requirements.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE16, CHAPTER 16.40, OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO FOREST CONSERVATION; TO ADD DEFINITIONS FOR THE TERMS "PRIORITY FUNDING AREA" AND "STREAM RESTORATION PROJECT"; TO ADD EXEMPTIONS FROM THE FOREST CONSERVATION REQUIREMENTS; TO AMEND THE TOWN'S FOREST CONSERVATION ORDINANCE IN ACCORDANCE WITH THE STATE OF MARYLAND FOREST PRESERVATION ACT OF 2013.

SECTION I. BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapter 16.40, Section 16.40.011 "Definitions" of the Middletown Municipal Code be, and hereby is, amended by adding definitions for "Priority Funding Area" and "Stream Restoration Project". Each definition shall be codified by inserting the definition alphabetically in section 16.40.011. New language is designated by being in **BOLD CAPITAL LETTERS:**

Title 16 Subdivisions

Chapter 16.40 Forest Conservation

16.40.011 Definitions

"PRIORITY FUNDING AREA" MEANS AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER §5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ANNOTATED CODE OF MARYLAND.

"STREAM RESTORATION PROJECT" MEANS AN ACTIVITY THAT:

(1) IS DESIGNED TO STABILIZE STREAM BANKS OR ENHANCE STREAM FUNCTION OR HABITAT LOCATED WITHIN AN EXISTING STREAM, WATERWAY, OR FLOODPLAIN;

(2) AVOIDS AND MINIMIZES IMPACTS TO FORESTS AND PROVIDES FOR REPLANTING ON-SITE AN EQUIVALENT NUMBER OF TREES TO THE NUMBER REMOVED BY THE PROJECT;

(3) MAY BE PERFORMED UNDER A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, A WATERSHED IMPLEMENTATION PLAN GROWTH OFFSET, OR ANOTHER PLAN ADMINISTERED BY THE STATE OR LOCAL GOVERNMENT TO ACHIEVE OR MAINTAIN WATER QUALITY STANDARDS; AND

(4) IS NOT PERFORMED TO SATISFY STORMWATER MANAGEMENT, WETLANDS MITIGATION, OR ANY OTHER REGULATORY REQUIREMENT ASSOCIATED WITH PROPOSED DEVELOPMENT ACTIVITY.

SECTION II. BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapter 16.40, Section 16.40.013 "Exemptions" of the Middletown Municipal Code be, and hereby is, amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS:**

16.40.013 Exemptions.

This chapter does not apply to:

(A) – (L) {Unchanged}

(M) ANY STREAM RESTORATION PROJECT FOR WHICH THE APPLICANT FOR A GRADING OR SEDIMENT CONTROL PERMIT HAS

EXECUTED A BINDING MAINTENANCE AGREEMENT OF AT LEAST 5 YEARS WITH THE AFFECTED PROPERTY OWNER.

(N) MAINTENANCE OR RETROFITTING OF A STORMWATER MANAGEMENT STRUCTURE THAT MAY INCLUDE CLEARING OF VEGETATION OR REMOVAL AND TRIMMING OF TREES, SO LONG AS THE MAINTENANCE OR RETROFITTING IS WITHIN THE ORIGINAL LIMITS OF DISTURBANCE FOR CONSTRUCTION OF THE EXISTING STRUCTURE, OR WITHIN ANY MAINTENANCE EASEMENT FOR ACCESS TO THE STRUCTURE.

(O) PREVIOUSLY DEVELOPED AREAS COVERED BY AN IMPERVIOUS SURFACE AND LOCATED IN A PRIORITY FUNDING AREA AS DEFINED IN SECTION 16.40.011 AT THE TIME OF THE APPLICATION FOR SUBDIVISION PLAN, GRADING, OR SEDIMENT CONTROL PERMIT APPROVAL.

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 _____, 201___

PASSED ON THE _____ DAY OF _____, 201___

EFFECTIVE DATE: _____, 201___

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John Miller, Burgess

OFFICE OF THE COUNTY MANAGER
FREDERICK COUNTY, MARYLAND

Budget Office

Winchester Hall • 12 East Church Street • Frederick, Maryland 21701
301-600-3191 • FAX 301-600-2305 • TTY Use Maryland Relay
www.FrederickCountyMD.gov

COMMISSIONERS

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C. Paul Smith
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Kirby Delauter

COUNTY MANAGER

Lori L. Depies, CPA

BUDGET OFFICE

Regina M. Howell, CPA
Budget Officer

October 4, 2013

RECEIVED
OCT 08 2013
TOWN OF MIDDLETOWN, MD.

The Honorable John D. Miller
Burgess of Middletown
Town Office
31 W. Main Street
Middletown, MD 21769

Re: FY 2015 Property Tax Set Off

Dear Burgess Miller,

For fiscal year 2014, Middletown opted to receive the Frederick County property tax set off as a tax rebate payment. The City of Frederick and the Town of Myersville elected the tax differential option which resulted in a lower County property tax rate for their residents in lieu of a direct tax rebate payment to the municipality. We will continue to offer both options in fiscal year 2015.

Please submit your financial statements to the Budget Office by December 31, 2013 so that we may calculate estimated tax rebate amounts and tax differential rates in January. Final calculations should be available for municipalities in February 2014. If you wish to change the method in which you receive the tax set off for FY15, please contact the Frederick County Budget Office by **March 7th, 2014**. If you have any questions, please feel free to contact me at 301-600-3191.

Sincerely,

Regina Howell

Regina Howell,
Budget Officer

cc: Lori L. Depies, County Manager

CHARACTER COUNTS!
JOSEPHSON INSTITUTE OF ETHICS SM
TRUSTWORTHINESS • RESPECT
RESPONSIBILITY • FAIRNESS
CARING • CITIZENSHIP

CHARACTER COUNTS! and the Six Pillars of Character are service marks of the CHARACTER COUNTS! Coalition, a project of the Josephson Institute of Ethics.

- [x] BURGESS
- [ ] COMMISSIONERS
- [x] ADMINISTRATOR
- [ ] PLANNING & ZONING

Utility Owned Street Lighting Buy-Back Program

In many townships and boroughs, the current street lighting system is owned and operated by the local utility provider. In this scenario the utility is responsible for operating the various types of street and roadway lighting within a municipality, and therefore charges for all of the associated costs of operating that system. In these scenarios a utility will typically charge a flat rate that includes maintenance, generation, distribution, and amortization costs. An issue with this billing process is that it results in higher charges than if the various aspects of operating street lighting were separated and charged as individual line items, allowing the customer to attempt to acquire the variable services at the best possible values.

In order to provide solutions to municipalities with street lighting systems operating under these circumstances, Stouch Lighting partners with a leading municipal lighting consultant, Suburban Lighting Consultants, to provide a turnkey program to drastically reduce the costs associated with utility owned street lighting. Below is a basic summary of the process utilized by our group that encompasses both the privatization of the lighting system, as well as the implementation of new energy efficient LED Lighting Solutions.

A municipal bill where the utility owns the street lighting system will consist of the following items-

- Generation - (Charged in KwH)
- Distribution - (Charged in KwH)
- Amortization - of existing equipment
- Maintenance – of existing equipment

By privatizing the lighting system and purchasing the existing fixtures from the utility, a municipality would then only be charged by the utility for the following –

- Generation (Kwh Reduced by more efficient lighting technology)
- Distribution (Kwh Reduced by more efficient lighting technology)

Since the municipality has privatized their street lighting system, they are no longer charged by the utility for the equipment that may have been installed years earlier, in addition the municipality is no longer charged by the utility to maintain the equipment. By installing more efficient and longer lasting LED products, the maintenance costs to the municipality are drastically reduced, if not eliminated, for the duration of the project contract.

Step 1 – Utility Bill Evaluation

1. Municipality provides relevant utility bills to Stouch Lighting.
2. Stouch Lighting determines general feasibility of project based on existing fixture types, quantities, and utility charges

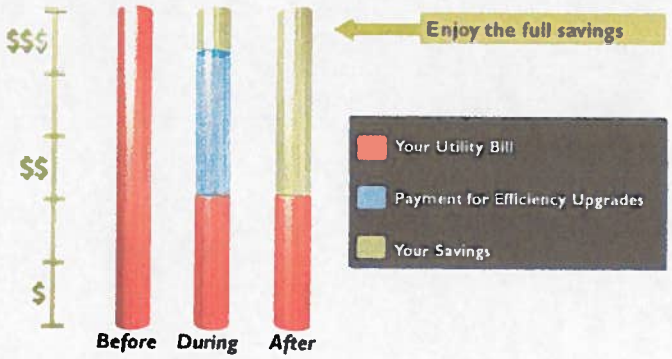
Step 2 – Client Agreement

3. Feasibility Assessment
    a. Consists of reviewing the current lighting system conditions to make or confirm a client's development assessment and to make independent recommendations toward reducing costs associated with the street lighting system
    b. Engineering
    c. Utility Bills
    d. Filed Documents
    e. Potential Utility Over-Billing
4. Street Lighting and Energy Project Development
    a. Identify economically viable energy and operations efficiency measures
    b. Facilitate strategies of implementing acquisition of street lighting system.
    c. Conversion of existing equipment to more energy efficient and longer lasting LED lighting

Step 3 – Project Contract

After the Client Agreement has been signed and the Feasibility Assessment and Project Development completed, the municipality will be provided a contract to initiate the actual project developed from the client agreement.

Utility Buy-Back Program Visual Description



The Above graph illustrates how the program works. The "Before" Bar represents the current cost of your utility owned street lighting system. The "During" Bar represents the cost of the street lighting system after privatization (Orange), this includes both energy consumption and maintenance. The "During" Bar also includes the cost of the debt service necessary to pay for the implementation of the privatization and equipment (Blue), as well as the savings generated during the contract period. Finally, the "After" bar represents the full savings realized after the contract has been completed and the municipality realizes both the savings from the privatization, as well as the energy reduction from the energy efficient LED Lighting system.

Johnson Controls

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) confirms the interest of Town of Middletown, MD (Town) in developing with Johnson Controls Inc. (JCI), a Preliminary Business Case Analysis that projects the financial benefits of a guaranteed energy and operational savings program (Program). The subject of the analysis is further defined below. This Agreement is limited to the participation and cooperation of the Parties in preparing the Business Case Analysis.

This Preliminary Business Case Analysis is a focused investment of time by JCI and The Town to determine the potential for the application of best practice to develop an economically viable technical and financial solution for the Town to acquire existing street lamps within its jurisdiction via a "Buy Back-Program" from the Utility Company. This MOU will also identify the anticipated outcomes of the analysis, and the roles and responsibilities of each party in developing a preliminary Business Case Analysis.

1. **The Town of Middletown, MD OBJECTIVES –**

   To investigate a comprehensive solution that will include the following:

   - Options to purchase Street Lamps from utility company Potomac Edison to:
     - Reduce the Town's long term operating and maintenance cost for the said lamps
     - produce cost certainty for the operation and maintenance of the said lamps
     - reduce the Town's energy consumption
     - reduce the Town's Carbon Foot.

   - Options for additional reductions in operating costs related to the operation and maintenance of Town facilities.
   - Options for improving safety and security.
   - Options for funding additional capital improvements through alternative financing for the term of the program.

2. **JOHNSON CONTROLS, INC. SOLUTION OBJECTIVES –**

   The Preliminary Business Case Analysis will investigate and assess the following:

   - Identification of an economically viable turn-key solution for the Town to

acquire and own street lamps installed within its jurisdiction.

- Identification of additional energy consumption reduction opportunities within in other Town facilities.
- Identification of additional reductions in operating costs related to the operation and maintenance of Town facilities.
- Identification of possible additional capital improvement measures through the evaluation of energy usage and operating conditions.
- Proposal of a contract funding structure that enables the Town to achieve a solution within current operating and capital budget.

3. BUSINESS CASE ANALYSIS DELIVERABLES –

Once JCI has completed the assessment described above; JCI will provide the Town with the following deliverables:

- A preliminary proposal outlining:
- A solution to pursue acquisition and ownership of street lamps
- List other potential energy efficient facility improvement measures
- Estimated savings
- Order of magnitude pricing
- Project Development Agreement
- Recommended next steps

4. PROCESS –

To enable both Parties to evaluate the potential benefits of this solution without excessive investment by JCI, or any speculative commitment by the Town, a process of progressive investment and commitment shall be undertaken. While it is understood that the Town has no commitment with this MOU beyond the first three steps of the following process, the remaining steps are provided to describe a complete standard performance contract process that may be considered.

a) The Parties will jointly develop a Timeline that identifies each process step and related milestone dates as set forth in the Timeline Attachment - "Commitment Dates and Responsibilities" attached hereto and incorporated herein.

b) The Town will provide JCI with current financial information, including audited financial statements, so that JCI can determine whether third party funding can be obtained to accomplish the objectives of the Program.

c) The Parties will jointly develop a Preliminary Business Case Analysis. The Preliminary Business Case shall set forth the Town's desired scope for the acquisition of its street lamps and implementation of other viable preliminary facility improvement measures and will also provide a comparison of financial merits between the Town's current position against an alternate approach as described by JCI.

d) Within 30 days after the Town's written approval of the Preliminary Business Case Analysis, JCI and the Town may enter into a Project Development Agreement (PDA) wherein JCI will develop a plan that meets the Town's Program Objectives set forth above, or the Town may enter into a formal process to procure the Services.

5. OBLIGATIONS OF THE TOWN OF MIDDLETOWN -

The Town will work with JCI in a diligent and timely manner according to the co-authored Timeline to develop the Preliminary Business Case Analysis. Additionally, there shall be open disclosure of information required to do an accurate assessment including:

a) Electronic copy or access to related records and documents.
b) Access to utility bills information

The Town understands that there is no financial obligation due to JCI for purposes of completing the Preliminary Business Case Analysis.

Nothing herein shall impose an obligation upon the Town to enter into an agreement following completion of the Preliminary Business Case Analysis, regardless of the outcome or results of the Assessment, unless the Town

determines that it is in its best interest to do so, which said determination shall be at the sole discretion of the Town.

6. **OBLIGATIONS OF JOHNSON CONTROLS, INC –**

JCI will work with the Town in a diligent, professional and timely manner according to the co-authored Timeline to develop and present the Preliminary Business Case Analysis, as well as provide adequate and qualified resources as necessary.

JCI agrees to make a speculative financial investment that includes the whole cost of the financial and technical evaluation, travel and lodging of JCI personnel, and to provide adequate and qualified resources and professional experts as necessary.

7. **PUBLICITY –**

Except as required by law or regulation, neither party shall, without the prior written consent of the other, make any public announcement or issue any press release with respect to this MOU or the Program contemplated hereby. Any required public announcements will be coordinated between the Parties.

8. **EFFECT OF MEMORANDUM OF UNDERSTANDING –**

The Parties do not intend this MOU to be a legally binding agreement with respect to developing the Program contemplated herein, and the Parties intend to effect a legally binding agreement with respect to the actual implementation of the Program only by the execution and delivery of definitive written agreements. Nevertheless, the Parties intend to proceed in good faith to attempt to develop the Program contemplated hereby.

Both Parties are in agreement with the intent outlined by this MOU.

This MOU represents the business intent of both Parties and is signed by individuals authorized to execute such an agreement.

IN WITNESS WHEREOF the Parties have caused their duly authorized representatives to execute this MOU, in duplicate, as of the date first written below.

Town of Middletown, MD
Memorandum of Understanding

Acceptance:	Acceptance:
The Town of Middletown, MD	**Johnson Controls, Inc.**
_____	_____
_____	Raymond W. Johnson
Name	Name
_____	Area General Manager
Title	Title
_____	_____
Date	Date

Johnson Controls

ATTACHMENT

PROPOSED TIMELINE

	Johnson Controls, Inc.	Town of Middletown
I. PLANNING PHASE		
a) Goals and Objectives Definition		_____
b) Determine procurement process		_____
• Request for Qualifications (RFQ) or		_____
• Bridge to current Maryland LEA		_____
• Selection Complete		_____
c) Approve MOU for Preliminary Analysis		_____
d) Preliminary Survey and Analysis	_____	
e) Presentation of CIP EEI Application	_____	
e) Presentation of Preliminary Business Case	_____	
g) Town's Decision to Proceed		_____
h) Approve Project Development Agreement		_____
II. DETAILED ANALYSIS PHASE		
a) Comprehensive Analysis / Engineering Study	_____	
b) Present Solution/Recommendations	_____	
III. IMPLEMENTATION PHASE		
a) Sign Final Agreement		_____
b) Project Implementation	_____	

Acceptance:
The Town of Middletown

_____

Name _____

Title: _____

Date: _____

Acceptance:
Johnson Controls, Inc.

_____

Raymond W Johnson

Area General Manager

Date: _____

MEMORANDUM

DATE: December 4, 2013

TO: Burgess and Commissioners

FROM: Andrew J. Bowen, Town Administrator

SUBJECT: $2,000,000 Line of Credit with BB&T

ISSUE

Should the Burgess and Commissioner renew the line of credit with BB&T or place the line of credit out to bid or pay off the line of credit and no longer have a line of credit.

BACKGROUND

The Burgess and Commissioners have had an open line of credit in the amount of $2,000,000 since 1999. The primary purpose of this line of credit is for gap financing for projects with different start dates then State bond issuances or when the Town Board believe it will be short-term financing only.

When the Town constructed the Brookridge South WTP, the Town Board decided to use the line of credit rather than securing a long-term loan. This was with the full intention of future development to payback the line of credit. There is currently a principal outstanding balance on the line of credit as of 11/20/13 is $401,361.82.

RECOMMENDATION

Staff is asking for direction from the Burgess and Commissioners as to how to proceed. It is recommended that the Town keep an open line of credit in the amount of $2,000,000.