



## **AGENDA FOR THE TOWN MEETING**

**January 28, 2013**

**7:00 p.m.**

### **PLEDGE TO THE FLAG**

### **CALL TO ORDER**

### **CONSENT AGENDA**

- Town Minutes
- January 14, 2013 – Town Meeting

### **PERSONAL REQUESTS FOR AGENDA:**

*Public Meeting with Residents from Walnut Street Regarding the Bridge Replacement Project*

### **UNFINISHED BUSINESS:**

- Introduction of Ordinance 13-02-01 – Amendments to Middletown Commercial Tax Credit Ordinance
- Schedule Public Hearing for Coblenz Property Master Plan Amendment
- Review Carpet Samples

### **NEW BUSINESS:**

- Update of Cost Savings from Electric Coop Contract
- Discussion of Elected Officials Compensation
- Request for Additional Trash Cans
  - Wiles Branch Park – At Footbridge
  - Remsburg Park – Parking Lot

### **PUBLIC COMMENTS:**

*Please state Name and Address for the Record*

### **ANNOUNCEMENTS:**

### **ADJOURNMENT**

***BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND***

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**January 14, 2013**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on January 14, 2013, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Larry Bussard, Richard Dietrick, Anthony Ventre, Jennifer Falcinelli and Christopher Goodman.

**CONSENT AGENDA**

*Financial Statements*

*ALERT Frederick County*

*Workshop dates for FY2014 Budget*

*Town Minutes*

December 10, 2012 Town Meeting

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

**PERSONAL REQUEST FOR AGENDA: None**

**UNFINISHED BUSINESS**

***Draft Text Amendment for Allowing Parking Lots in R-2 Districts*** – It was stated that this was discussed in length at the joint Town Board/Planning Commission meeting earlier this month. It was noted to change paragraph B to state – The parking lot shall be used primarily for parking for the adjoining commercial use; paragraph C is to be changed to – The parking lot shall comply with applicable parking requirements of Section 17.32.060F, minimum setbacks of 35-foot front yard and 20-foot side yards, enclosure fencing along the front which shall be no greater than 4-feet tall and appropriate signage for restricting parking to its intended use.

By consensus the Board agreed to schedule the Public Hearing on this for Thursday, February 7, 2013 at 7pm.

***Discussion of Possible Annexation of Admar Property Westside of Coblentz Road*** – Burgess Miller stated that per previous discussions with Farhad Memarsadeghi (owner) the majority of the Board is willing to discuss the development of 137 active adult units on this property. Commissioner Ventre stated that he is not in favor of this proposed annexation and development, he feels that it's not necessary or needed. Farhad stated that per the State's water rights calculations he has 34,200 gpd of water rights which allows him to put 228 active adult units or 137 single family units on the 94 acres. Farhad stated that he understands that the Town has a more conservative approach when it comes to developments but he has to make this development feasible for him build. Burgess Miller stated that the Town is using 250 gpd per unit and does not matter if it's single family, active adult or condo's, this

yields you to 137 units and the majority of the Board is ok with active adult units at this time. Farhad stated that is not feasible for him. Commissioner Ventre asked Farhad if this land stays in the County how many units would you be allowed to build? Farhad stated that because this is in Middletown's growth area he has not approached the County.

**Bruce Dzielinski, 7769 Coblenz Road** – stated that this land came before the Town Board a few years ago for annexation. At that time traffic was concern. Mr. Dzielinski asked if the Town had thought about the traffic concerns that would be created on Coblenz Road? Has the town thought about how they would accommodate the traffic in relationship to this development?

**Lewis Corl, 110 Linden Blvd.** – asked the Town Board to incorporate paths/trails in the planning of this development.

It was agreed that Farhad would determine what is feasible and the Board will wait to hear back from him.

**Update on Annexation of Middletown Park** – Burgess Miller stated that the Town has proposed to the County Commissioners to annex the Middletown Park into Town. The park will still be owned and operated by the County. It is on the County Commissioners agenda for their January 24, 2013 meeting.

## **REPORTS OF COMMITTEES**

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

**Water status**-December usage was 287,000gpd, last year was 343,000 gpd

**Spring flow** - 126,000 gpd

EWWTTP treated 217,000 gpd and the West plant treated 147,000gpd.

Water & Sewer Meeting will be held on January 30, 2013 at 7pm. Commissioner Falcinelli invited the Burgess and Commissioners to attend as they will be discussing the upcoming budget for FY2014.

**PUBLIC WORKS** – Commissioner Bussard reported:

**Snow events** – we had 3 small snow events in December

**Historical Signs** – moved from in front of 200 West Main to the pocket park at Elm St. parking lot.

**Holiday**– Employees took down Christmas banners, Christmas tree and un-decorated the Municipal Center.

**Recycling area** – This area continues to be used as a dumping ground as well as for recycling. Pool covers, generator, shingles and storm doors, just to name a few items are being left. We are well over budget. This program was set up to have the bin dumped every other week; we are now dumping the bin twice a week. We have placed the camera and signs up at the location, but people are still dumping outside of the bin. We are looking into possibly getting a more user friendly bin.

**PLANNING COMMISSION** – Commissioner Goodman reported:

**Coblenz Farm** – Phase I will begin in spring 2014

**Washington Gas/walking path** – working on easements from Linden to Main St.

**PARKS & RECREATION** – Commissioner Ventre reported:

The next meeting will be in February 2013 and we have POS coming up to start thinking about.

**FINANCE** – Commissioner Dietrick reported:

**Budget Workshops** – will start in March

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

**Community Directory** – Currently updating

## **NEW BUSINESS**

**Neighborhood Meeting 2013** – The Board agreed to put the Neighborhood meetings on hold for 2013 as these meetings have not been very well attended this past summer in 2012.

**Middletown Commercial Tax Credit Amendment-** Drew stated that the tax credit applies to the commercial properties and the improvements that are made. Drew explained that it has been decided to make this procedure a one stop shop, meaning you would have one application for both Middletown and Frederick County and one place to go. Drew stated that there is a slight difference between the County's ordinance and the Town's ordinance. The Town's ordinance allows for any commercial property to be able to apply where the County only lists the businesses in the GC & TC districts. The staff would like to use the same criteria as the County and are requesting to amend the Town's ordinance. It was agreed have staff draft the amendment and the Public Hearing will be held on Thursday, February 7, 2013.

**PUBLIC COMMENTS** – No comments

**ANNOUNCEMENTS**

Burgess Miller stated that the Town Board will enter into executive session to discuss a legal matter.

**MEETINGS FOR THE MONTH**

<i>Planning Commission Workshop</i>	<i>Wednesday, January 16, 2013</i>	<i>7:00 p.m.</i>
<i>Planning Commission</i>	<i>Monday, January 21, 2013</i>	<i>7:00 p.m.</i>
<i>Main Street Board</i>	<i>Thursday, January 24, 2013</i>	<i>7:00 p.m.</i>

**ADJOURNMENT**

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

Respectfully submitted,

Ann Barkdoll  
Administrative Specialist

**ORDINANCE NO. 13-02-01**

**AN ORDINANCE TO REPEAL AND RE-ENACT, WITH AMENDMENTS, SECTION 3.12.050 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO REAL PROPERTY TAXES; TO PROVIDE FOR A TAX CREDIT AGAINST MUNICIPAL REAL PROPERTY TAXES FOR REAL PROPERTY WHICH IS ENTITLED TO A PROPERTY TAX CREDIT PURSUANT TO SECTION 1-8-304 OF THE FREDERICK COUNTY CODE.**

**SECTION I. BE IT RESOLVED, ENACTED AND ORDAINED** by the Town of Middletown that Title 3, Chapter 3.12, Section 3.12.050 of the Middletown Municipal Code be, and hereby is, repealed and re-enacted to read as follows. New language is designated by being in **BOLD CAPITAL LETTERS**.

**Title 3. REVENUE AND FINANCE**

**CHAPTER 3.12 REAL PROPERTY TAXES**

**3.12.050 COMMERCIAL PROPERTY REHABILITATION TAX CREDIT.**

**A. PURPOSE. THE TOWN OF MIDDLETOWN DEEMS IT TO BE IN THE BEST INTEREST OF THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN TO PROVIDE INCENTIVES FOR OWNERS OF CERTAIN COMMERCIAL PROPERTIES TO IMPROVE, RENOVATE AND REHABILITATE DILAPIDATED, DECAYING OR NEGLECTED STRUCTURES WHICH MAY BE SITUATED ON THOSE PROPERTIES. THE PURPOSE OF THIS SECTION IS TO GRANT A TAX CREDIT AGAINST MIDDLETOWN REAL PROPERTY TAXES TO THOSE PROPERTY OWNERS WHO ARE ENTITLED TO, APPLY FOR AND**

RECEIVE A SIMILAR TAX CREDIT AGAINST FREDERICK COUNTY REAL PROPERTY TAXES. IN GRANTING SUCH TAX CREDIT, THE TOWN OF MIDDLETOWN SEEKS TO ENCOURAGE CAPITAL REINVESTMENT IN AND REVITALIZATION OF COMMERCIAL PROPERTY IN THE TOWN.

B. THE OWNER OF ANY PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF MIDDLETOWN WHO IS ENTITLED TO, APPLIES FOR AND IS GRANTED A "FREDERICK COUNTY REVITALIZATION AREA REHABILITATED STRUCTURES TAX CREDIT" PURSUANT TO SECTION 1-8-304 OF THE FREDERICK COUNTY CODE, AS AMENDED FROM TIME TO TIME, SHALL ALSO BE ENTITLED TO A CREDIT AGAINST MIDDLETOWN REAL PROPERTY TAXES FOR THAT SAME PROPERTY.

C. THE CREDIT AGAINST MIDDLETOWN REAL PROPERTY TAXES GRANTED HEREUNDER SHALL BE FOR THE SAME PERCENTAGE AMOUNTS AGAINST MUNICIPAL TAXES AND SHALL BE SUBJECT TO THE SAME REQUIREMENTS, LIMITATIONS, RESTRICTIONS, QUALIFICATIONS AND TERMINATION STANDARDS WHICH ARE APPLICABLE TO THE CREDIT AGAINST FREDERICK COUNTY REAL PROPERTY TAXES PURSUANT TO SECTION 1-8-304 OF THE FREDERICK COUNTY CODE.

D. ANY PROPERTY OWNER WHO APPLIES TO FREDERICK COUNTY FOR THE FREDERICK COUNTY REVITALIZATION AREA REHABILITATED STRUCTURES TAX CREDIT SHALL SUBMIT, AT THE SAME TIME, A COPY OF SUCH APPLICATION TO THE TOWN. UPON RECEIVING NOTICE OR OTHER DOCUMENTATION FROM THE COUNTY REFLECTING THE COUNTY'S

ACCEPTANCE FOR SUCH PROPERTY INTO THE TAX CREDIT PROGRAM, A COPY OF SUCH NOTICE OR DOCUMENTATION SHALL BE PROVIDED PROMPTLY TO THE TOWN. THE CREDIT AGAINST MUNICIPAL REAL PROPERTY TAXES SHALL NOT BE APPLICABLE UNLESS AND UNTIL SUCH DOCUMENTATION IS SUBMITTED AS REQUIRED HEREIN.

E. THIS SECTION SHALL BE APPLIED RETROACTIVELY TO SEPTEMBER 16, 2012.

SECTION II. BE IT FURTHER RESOLVED, 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 D. Miller, Burgess

**TOWN OF MIDDLETOWN**

Date of Assessment Service	1/18/2013 Electricity	SUMMARY
Region/Market	Maryland	
Distribution Company	Potomac Edlson	

	CONTRACT 24 MONTHS	Annual kWh
Contract Dates	Feb. 2012 to Feb. 2014	1,119,885
Current Supplier	<b>WGES</b>	
Contract Rate	<b>\$0.05684</b>	

	Year One	Annual kWh		
Contract Dates	Feb. 2012 to Feb. 2013	1,119,885	<b>Year One</b>	
	Default Rate Average Calculated	1,119,885	Annual Cost	
Default Rate Year One	\$0.06530	1,119,885	\$73,128	Default Rate Year One
				\$73,128
Current Supplier	Feb. 2012 to Feb. 2013	Annual kWh	Annual Cost	Year One
<b>WGES</b>	<b>\$0.05684</b>	<b>1,119,885</b>	<b>\$63,654</b>	<b>\$9,474</b> 13%
				\$9,586

	Year Two	Annual kWh		
Contract Dates	Feb. 2013 to Feb. 2014	1,119,885	<b>Year Two</b>	
	Default Rate Average Calculated	1,119,885	Annual Cost	
Default Rate Year Two	\$0.06720	1,119,885	\$75,256	Default Rate Year Two
				\$75,256
Current Supplier	Feb. 2013 to Feb. 2014	Annual kWh	Annual Cost	Year Two
<b>WGES</b>	<b>\$0.05684</b>	<b>1,119,885</b>	<b>\$63,654</b>	<b>\$11,602</b> 15%

	Next Year	Annual kWh		
Contract Dates	Feb. 2014 to Feb. 2015	1,119,885	<b>Next Year Estimate</b>	
	Default Rate	1,119,885	Annual Cost	
Default Rate Year Three	\$0.06900	1,119,885	\$77,272	Default Rate Year Three
				\$77,272
Current Supplier	Feb. 2014 to Feb. 2015	Annual kWh	Annual Cost	Year Three
<b>TBD</b>	<b>\$0.05850</b>	<b>1,119,885</b>	<b>\$65,513</b>	<b>\$11,759</b> 15%

	Annual Cost	Year One	Year Two	
<b>Summary: 2012 to 2014</b>	Contract Annual Cost	<b>\$63,654</b>	<b>\$63,654</b>	<b>\$127,309</b>
	Default Annual Cost	<u>\$73,128</u>	<u>\$75,256</u>	<u>\$148,385</u>
	Difference	<b>\$9,474</b>	<b>\$11,602</b>	<b>\$21,076</b>
	<b>Total Difference</b>			<b>\$21,076</b> 14%