



**AGENDA FOR THE TOWN MEETING**  
**REVISED**  
**July 14, 2014**  
**7:00 p.m.**

**PLEDGE TO THE FLAG**

**CALL TO ORDER**

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

**CONSENT AGENDA**

- Town Minutes
  - [June 23, 2014 – Public Hearing](#)
  - [June 23, 2014 – Town Meeting](#)
- [Request for Community Parks & Playground Projects](#)
- Schedule Public Hearings
  - Capital Improvements Program – August 11, 2014 at 7:00PM
  - Water & Sewer Rate Increase – August 11, 2014 at 7:15PM

**PERSONAL REQUESTS FOR AGENDA:**

**UNFINISHED BUSINESS:**

- [Power Purchase Agreement – RER & Empower](#)
- [Cross Stone Commons – Traffic Entrance Plan](#)
- [Introduction of Ordinance – Adult Entertainment Business](#)

**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 Design Manual Proposed Changes](#)
- [Discussion of Mobile App for Town Website](#)
- [Survey Bids for Walking Trail Subdivision](#)
- [Draft Proposal for On-Call Procedures](#)
- [Amendment to Personnel Policy](#)

**PUBLIC COMMENTS:**

*Please state Name and Address for the Record*

**ANNOUNCEMENTS:**

**Executive Session** – Employee Evaluations Review

**ADJOURNMENT**

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

June 23, 2014

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on June 23, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Tony Ventre and Christopher Goodman.

### PERSONAL REQUEST FOR AGENDA:

*"If I were Mayor" contest winners* – 1<sup>st</sup> place winner Hannah LaPadula and 2<sup>nd</sup> place winner Jillian Allen were both present and read their essays to the public. Burgess Miller presented each winner with gift cards.

### PUBLIC HEARING

Burgess Miller called to order the Public Hearing at 7:12pm.

Operating Budgets FY 2015 – General Fund and Water & Sewer Fund – Drew stated that this was properly advertised in the Citizen newspaper. Drew stated that there is no increase to the tax rate, there is a 3% water & sewer rate increase included but the Board will need to hold a separate public hearing to agree on exactly how much of a water & sewer rate increase they would like to enact. Drew stated that the budgets do not show the proposed savings of the solar array..

No public comments. The Public hearing adjourned at 7:20pm.

### CONSENT AGENDA

*Financial Statements*

*Gladhill Furniture Street banners for 100<sup>th</sup> Anniversary – The cost of the banners will be paid by Gladhill Furniture*

*Town Minutes – May 12, 2014 Town Meeting*

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

### Unfinished Business:

**Adoption of the FY 2015 Operating Budgets** – Commission Bussard motion to approve the FY 2015 Operating Budgets as presented, seconded by Commissioner Ventre. Motion carried 4-0.

**Ordinance 14-05-01 – Residential Clusters** – Burgess Miller stated that the public hearing for this Ordinance was held on May 12, 2014. At that public hearing we heard comments from residents and we took into consideration of making the driveway's longer to 20' so that pedestrians are able to use sidewalk instead of walking around vehicles into the roadway.

Commissioner Ventre stated that he has a problem with where the Planning Commission wants to place this ordinance within the Active Adult section of the zoning code only. Commissioner Ventre stated that he agrees with Cindy staff report that this should be a separate section of the code in order to address any potential types of cluster developments that could occur in other zoning districts.

Motion by Commissioner Goodman to approve the ordinance as written. Motion failed with no second. It was agreed to send this back to the Planning Commission to consider as a separate section in the zoning code for all zoning districts.

**Discussion of Elected Official Salaries** – Burgess Miller stated that the Elected Officials salaries have not been increased since 1996 and we have added more monthly meetings. The proposed increase is as follows:

- Current Burgess Salary - \$500/month
- Proposed Burgess Salary - \$850/month
- Current Commissioner Salary - \$200/month
- Proposed Commissioner Salary - \$350/month

The ordinance, if approved, would take effect following the April, 2016 election and would apply to only those officials facing election. Other elected officials would receive a salary increase following the April, 2018 election.

Bob Smart, 7525 Coblenz Road – stated that given it's been 20 years since an increase he sees no problem with.

Commissioner Goodman asked if there was a way we could put something in to have an increase go into effect every 10 years. Burgess Miller stated that the public hearing for this will be held at the August 7<sup>th</sup> Workshop at 7:00PM.

#### **War Memorial Lighting Bids**

Drew stated that included in the packets are 2 bids one from Dixie Electric for \$11,160 and one from Antietam Electrical Contractors for \$10,988. Motion by Commissioner Bussard to approve the bid from Antietam Electrical Contractors, seconded by Goodman. Motion carried 4-0. Drew stated that the Amvet's will be donating toward this but we do not know the amount to date.

**Review of Power Purchase Agreement by Town Attorney** – Representatives from RER and Empower were present to go over the Town Attorney's comments as well as comments and concerns from the Commissioners.

#### **REPORTS OF COMMITTEES –**

**WATER & SEWER** – no report

**PUBLIC WORKS** – Commissioner Bussard reported:

The maintenance guys replaced the concrete around the banner poles.

Crack sealing is going on this week.

Bulk Trash pick-up scheduled for Oct. 25, 2014.

**PLANNING COMMISSION** – Commissioner Goodman reported:

**Cross Stone Commons** – Burgess Miller stated that he and Drew met with the representatives with Cross Stone Commons about the entrance into this shopping center. Burgess Miller stated that they came up with a compromise....right turn lane only into shopping center from Alt. 40, the first entrance off of Middletown Parkway will be a full entrance and exit as well as the entrance across from Glenbrook Drive that too will be an entrance/exit.

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

POS meeting on Thursday.

**FINANCE** – no report

**PUBLIC INFORMATION** –no report

**NEW BUSINESS:**

**Planning Commission Annual Report** – Motion by Commissioner Ventre to approve the 2013 Annual Report as presented, seconded by Commissioner Bussard. Motion carried 4-0.

**Community Deputy Contract for FY 2015** – Motion by Commissioner Goodman to approve the Community Deputy Contract for FY 2015 totaling \$326,657, seconded by Commissioner Ventre. Motion carried 4-0.

**Request for Community Parks and Playground Projects** – any ideas you have for POS please forward to Commissioner Ventre.

**PUBLIC COMMENT:**

**Susan Kraus, 104 Locust Court** – publicly thanked the Town especially Drew Bowen and Bruce Carbaugh for their work on getting the water line hooked up. Ms. Kraus stated that all of her neighbors are very pleased.

**ADJOURNMENT**

With no further business to come before the Board, the regular meeting adjourned at 8:45p.m.

Respectfully submitted,

Ann Griffin  
Office Manager



**MARYLAND**  
DEPARTMENT OF  
NATURAL RESOURCES

*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*Joseph P. Gill, Secretary*  
*Frank W. Dawson III, Deputy Secretary*

June 9, 2014

RECEIVED

JUN 12 2014

TOWN OF MIDDLETOWN, MD.

Mr. Andrew J. Bowen, V  
Administrator  
Middletown  
31 W. Main Street  
Middletown MD 21769-8004

Dear Mr. Bowen:

The Maryland Department of Natural Resources is now accepting grant proposals for the Community Parks and Playgrounds Program (CP&P). These proposals will be reviewed and considered for submission to the Maryland General Assembly as part of the Governor's FY2016 budget proposal.

Maryland's CP&P is designed to enhance the livability of communities by creating, restoring or enhancing parks, playgrounds and other open spaces. For applications submitted for FY2016 funding, applicants are once again encouraged to emphasize those projects that offer public benefits enhancing quality of life in existing population centers and demonstrating the use of low environmental impact development techniques, materials and management. The following pages provide the details about the Program and how municipal corporations of the State and Baltimore City may apply for State funding assistance.

If you would like to apply for CP&P project assistance, please complete the items listed on the enclosed "Grant Proposal List," "Community Parks and Playgrounds Project Agreement," "Project Details," and "Supporting Documents." All application materials may also be accessed at <http://dnr.maryland.gov/land/pos/cpp.asp>. Please submit all required forms and attachments as directed by this package by August 18, 2014.

After reviewing the attached information, if you have any questions concerning the Program, please contact your Program Administrator listed on the enclosed "Grant Proposal Guide." We look forward to working with you to enhance the quality of life in your communities through environmentally sustainable park and recreation facilities.

Sincerely,

Hilary Bell, Deputy Director  
Land Acquisition and Planning

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



empower  
energies

# Solar Energy System for Middletown

## System Performance vs. Town Consumption

June 26, 2014

*Chris Dellinger,  
RER Energy Group,  
Regional Renewable Energy Developer*

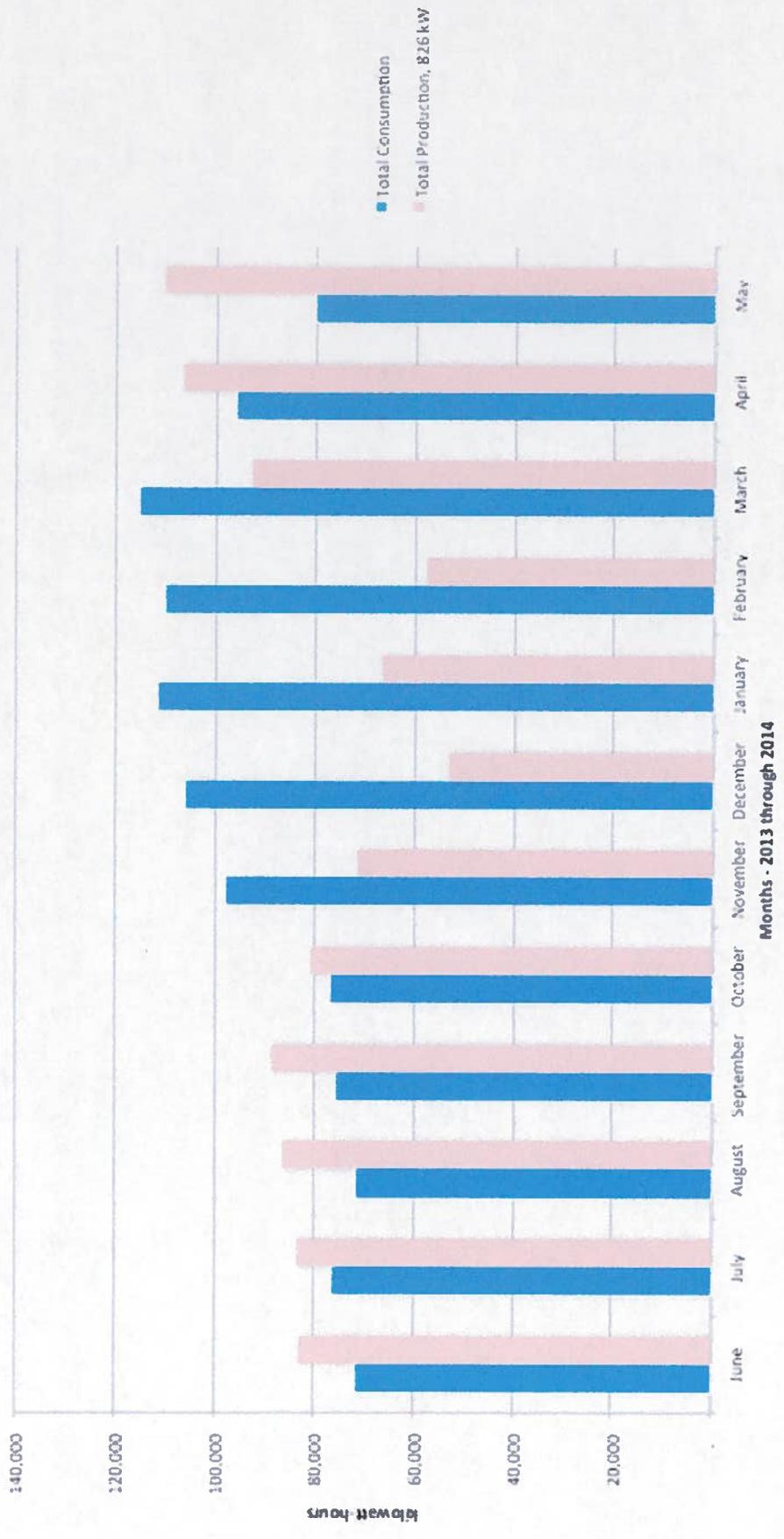
*Ed Merrick,  
Empower Energies,  
VP Business Development*



# Middletown Electricity Consumption Compared to Expected Solar System Production

## Monthly Analysis

*(Electric bills from June 2013 through May 2014 reviewed)*





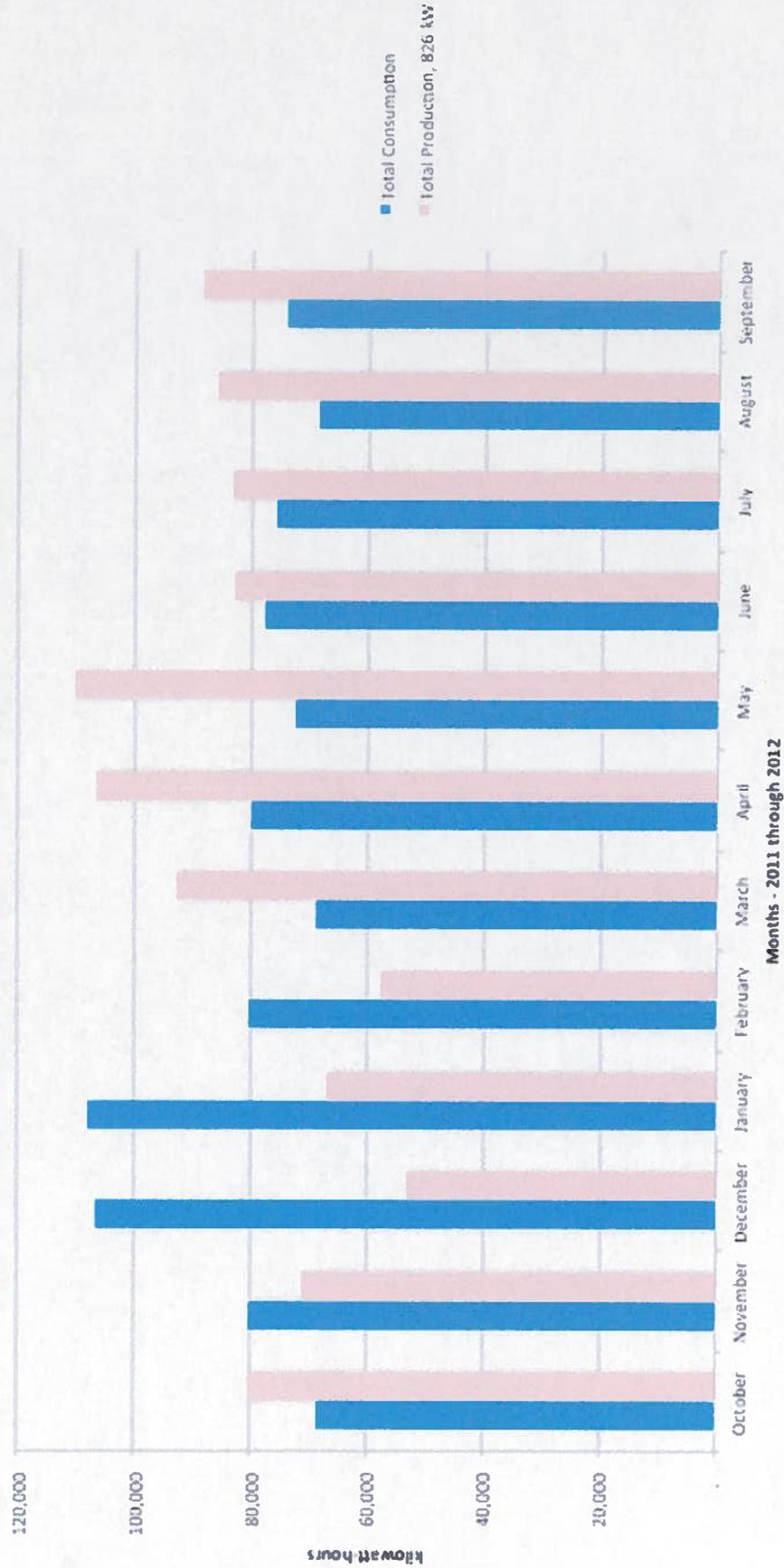
# Consumption vs. Estimated Production – Table 2011 – 2012 data

Month	Year	600 W.			Old			Total		Net Consumption
		Holter Road	Main Street	Hollow Road	Hollow Road #2	Middletown Road	715 E. Main Street	Layla Consumption	Production, 826 kW	
October	2011	25,000	19,000	2,500	2,200	6,500	12,100	1,100	80,498	(12,098)
November	2011	35,000	15,000	3,200	3,200	8,000	14,500	1,400	71,280	9,020
December	2011	52,000	22,000	3,200	3,200	8,000	15,000	3,300	53,080	53,620
January	2012	60,000	21,000	1,100	1,200	6,500	15,000	3,200	66,750	41,250
February	2012	38,000	10,000	800	800	12,000	15,500	3,300	57,698	22,702
March	2012	32,000	15,000	1,000	1,000	6,500	11,000	2,200	92,860	(24,160)
April	2012	42,000	16,000	2,000	2,000	5,500	11,000	1,400	106,649	(26,749)
May	2012	38,000	17,000	1,100	1,200	5,000	9,000	1,100	110,211	(37,811)
June	2012	36,000	23,000	1,200	1,400	5,000	10,000	1,100	82,896	(5,196)
July	2012	36,000	19,000	1,200	1,400	7,500	9,000	1,500	83,312	(7,712)
August	2012	34,000	15,500	1,200	1,400	4,000	11,000	1,400	86,062	(17,562)
September	2012	36,000	21,000	1,200	1,200	4,500	9,000	1,300	88,479	(14,279)
<b>Totals</b>		<b>464,000</b>	<b>213,500</b>	<b>19,700</b>	<b>20,200</b>	<b>79,000</b>	<b>142,100</b>	<b>22,300</b>	<b>979,775</b>	<b>(18,975)</b>

## Middletown Electricity Consumption Compared to Expected Solar System Production

### Monthly Analysis

*(Electric bills from October 2011 through September 2012 reviewed)*





# Financial Benefit – Using 2013-2014 electric bills

**Assumptions**

Starting Retail Rate, \$/kWh	\$ 0.077	Net Savings	\$ 566,051
Starting Wholesale Rate, \$/kWh	\$ 0.040	725 kW	\$ 622,657
Starting PPA Rate, \$/kWh	\$ 0.067	798 kW	\$ 893,514
		826 kW	\$ 893,514

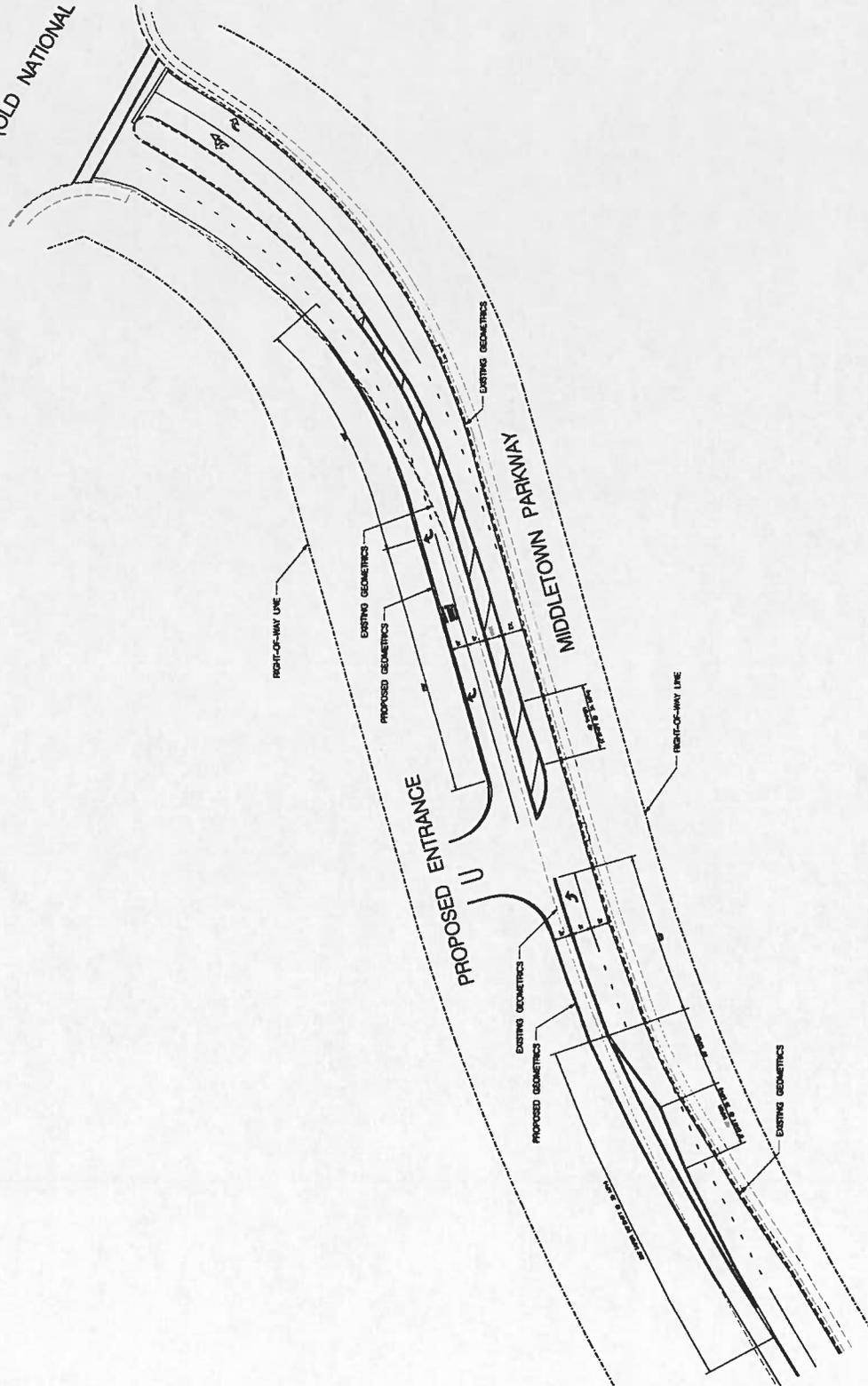
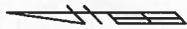
Utility Rate Escalation	3.50%
PPA Escalation Rate	2.50%

System Degradation	0.50%
kWh to kWh Produced	1,186
Load Escalation	0.0%

Year	Annual Load Requirement	Annual Production			Utility Rates			PPA Rate			826.00 kW					
		725.00 kW	797.50 kW	826.00 kW	Wholesale, \$/kWh	Retail, \$/kWh	\$/kWh	Wholesale, \$/kWh	Retail, \$/kWh	\$/kWh	kWh Balance from Utility	Payments (Credits) to Utility	Payments to PPA	Payments with Solar	Payments without Solar	Total
2015	1,087,396	859,850	945,835	979,636	\$ 0.040	\$ 0.077	\$ 0.067	\$ 0.040	\$ 0.077	\$ 0.067	107,760	\$ 4,310.40	\$ 65,636	\$ 69,946	\$ 83,729	\$ 13,783
2016	1,087,396	855,551	941,106	974,738	\$ 0.041	\$ 0.080	\$ 0.069	\$ 0.041	\$ 0.080	\$ 0.069	112,658	\$ 4,664.05	\$ 66,940	\$ 71,604	\$ 86,660	\$ 15,056
2017	1,087,396	851,273	936,400	969,864	\$ 0.043	\$ 0.082	\$ 0.070	\$ 0.043	\$ 0.082	\$ 0.070	117,532	\$ 5,036.12	\$ 68,271	\$ 73,307	\$ 89,693	\$ 16,386
2018	1,087,396	847,017	931,718	965,015	\$ 0.044	\$ 0.085	\$ 0.072	\$ 0.044	\$ 0.085	\$ 0.072	122,381	\$ 5,427.45	\$ 69,627	\$ 75,055	\$ 92,832	\$ 17,778
2019	1,087,396	842,782	927,060	960,190	\$ 0.046	\$ 0.088	\$ 0.074	\$ 0.046	\$ 0.088	\$ 0.074	127,206	\$ 5,838.88	\$ 71,011	\$ 76,850	\$ 96,082	\$ 19,231
2020	1,087,396	838,568	922,424	955,389	\$ 0.048	\$ 0.091	\$ 0.076	\$ 0.048	\$ 0.091	\$ 0.076	132,007	\$ 6,271.33	\$ 72,423	\$ 78,694	\$ 99,444	\$ 20,750
2021	1,087,396	834,375	917,812	950,612	\$ 0.049	\$ 0.095	\$ 0.078	\$ 0.049	\$ 0.095	\$ 0.078	136,784	\$ 6,725.71	\$ 73,862	\$ 80,588	\$ 102,925	\$ 22,337
2022	1,087,396	830,203	913,223	945,859	\$ 0.051	\$ 0.098	\$ 0.080	\$ 0.051	\$ 0.098	\$ 0.080	141,537	\$ 7,202.99	\$ 75,330	\$ 82,533	\$ 106,527	\$ 23,994
2023	1,087,396	826,052	908,657	941,129	\$ 0.053	\$ 0.101	\$ 0.082	\$ 0.053	\$ 0.101	\$ 0.082	146,267	\$ 7,704.20	\$ 76,827	\$ 84,531	\$ 110,256	\$ 25,724
2024	1,087,396	821,922	904,114	936,424	\$ 0.055	\$ 0.105	\$ 0.084	\$ 0.055	\$ 0.105	\$ 0.084	150,972	\$ 8,230.38	\$ 78,354	\$ 86,585	\$ 114,115	\$ 27,530
2025	1,087,396	817,812	899,593	931,742	\$ 0.056	\$ 0.109	\$ 0.086	\$ 0.056	\$ 0.109	\$ 0.086	155,654	\$ 8,782.63	\$ 79,911	\$ 88,694	\$ 118,109	\$ 29,415
2026	1,087,396	813,723	895,095	927,083	\$ 0.058	\$ 0.112	\$ 0.088	\$ 0.058	\$ 0.112	\$ 0.088	160,313	\$ 9,362.08	\$ 81,500	\$ 90,862	\$ 122,243	\$ 31,381
2027	1,087,396	809,654	890,620	922,448	\$ 0.060	\$ 0.116	\$ 0.090	\$ 0.060	\$ 0.116	\$ 0.090	164,948	\$ 9,969.93	\$ 83,119	\$ 93,089	\$ 126,521	\$ 33,432
2028	1,087,396	805,606	886,167	917,835	\$ 0.063	\$ 0.120	\$ 0.092	\$ 0.063	\$ 0.120	\$ 0.092	169,561	\$ 10,607.42	\$ 84,771	\$ 95,379	\$ 130,949	\$ 35,570
2029	1,087,396	801,578	881,736	913,246	\$ 0.065	\$ 0.125	\$ 0.095	\$ 0.065	\$ 0.125	\$ 0.095	174,150	\$ 11,275.81	\$ 86,456	\$ 97,732	\$ 135,532	\$ 37,800
2030	1,087,396	797,570	877,327	908,680	\$ 0.067	\$ 0.129	\$ 0.097	\$ 0.067	\$ 0.129	\$ 0.097	178,716	\$ 11,976.47	\$ 88,175	\$ 100,151	\$ 140,276	\$ 40,125
2031	1,087,396	793,582	872,941	904,137	\$ 0.069	\$ 0.134	\$ 0.099	\$ 0.069	\$ 0.134	\$ 0.099	183,259	\$ 12,710.77	\$ 89,927	\$ 102,638	\$ 145,186	\$ 42,548
2032	1,087,396	789,614	868,576	899,616	\$ 0.072	\$ 0.138	\$ 0.102	\$ 0.072	\$ 0.138	\$ 0.102	187,780	\$ 13,480.18	\$ 91,714	\$ 105,195	\$ 150,267	\$ 45,073
2033	1,087,396	785,666	864,233	895,118	\$ 0.074	\$ 0.143	\$ 0.104	\$ 0.074	\$ 0.143	\$ 0.104	192,278	\$ 14,286.19	\$ 93,537	\$ 107,823	\$ 155,527	\$ 47,703
2034	1,087,396	781,738	859,912	890,642	\$ 0.077	\$ 0.148	\$ 0.107	\$ 0.077	\$ 0.148	\$ 0.107	196,754	\$ 15,130.38	\$ 95,396	\$ 110,527	\$ 160,970	\$ 50,443
2035	1,087,396	777,829	855,612	886,189	\$ 0.080	\$ 0.153	\$ 0.110	\$ 0.080	\$ 0.153	\$ 0.110	201,207	\$ 16,014.38	\$ 97,292	\$ 113,307	\$ 166,604	\$ 53,297
2036	1,087,396	773,940	851,334	881,758	\$ 0.082	\$ 0.159	\$ 0.113	\$ 0.082	\$ 0.159	\$ 0.113	205,638	\$ 16,939.89	\$ 99,226	\$ 116,166	\$ 172,435	\$ 56,269
2037	1,087,396	770,070	847,078	877,349	\$ 0.085	\$ 0.164	\$ 0.115	\$ 0.085	\$ 0.164	\$ 0.115	210,047	\$ 17,908.68	\$ 101,198	\$ 119,107	\$ 178,470	\$ 59,364
2038	1,087,396	766,220	842,842	872,963	\$ 0.088	\$ 0.170	\$ 0.118	\$ 0.088	\$ 0.170	\$ 0.118	214,433	\$ 18,922.59	\$ 103,209	\$ 122,132	\$ 184,717	\$ 62,585
2039	1,087,396	762,389	838,628	868,598	\$ 0.091	\$ 0.176	\$ 0.121	\$ 0.091	\$ 0.176	\$ 0.121	218,798	\$ 19,983.54	\$ 105,261	\$ 125,244	\$ 191,182	\$ 65,938
															Total	\$ 893,514



US 40A (OLD NATIONAL PIKE)



**TRAFFIC CONCEPTS, INC.**  
 7525 Connally Drive  
 Suite B  
 Hanover, MD 21076  
 410-762-5911  
 410-762-5912  
 EMAIL: TRAFFIC@TRAFFIC-CONCEPTS.COM

**CONCEPT PLAN**  
 US 40A (OLD NATIONAL PIKE)  
 AND MIDDLETOWN PARKWAY  
 FREDERICK COUNTY

DESIGNED BY: T. ZAVEL  
 CHECKED BY: K. BOHARD  
 DATE: 6/27/24  
 SHEET NO.: 02  
 SCALE: 1" = 30'

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO PROVIDE DEFINITIONS FOR THE TERMS “ADULT ENTERTAINMENT ACTIVITIES” AND “ADULT ENTERTAINMENT BUSINESS”; TO AUTHORIZE THE USE OF PROPERTY AS AN ADULT ENTERTAINMENT BUSINESS PROVIDED IT IS NOT LOCATED WITHIN 1,500 FEET OF OTHER PROPERTY USED AS A SCHOOL, PARK, CHILD DAY CARE CENTER, CHURCH OR HOUSE OF WORSHIP, OR ANOTHER ADULT ENTERTAINMENT BUSINESS.**

**RECITALS**

**WHEREAS**, the Burgess and Commissioners of the Town of Middletown are concerned with the potential adverse secondary effects of adult oriented entertainment businesses which may elect to locate in the Town of Middletown; and

**WHEREAS**, the Burgess and Commissioners have reviewed the evidence of the adverse secondary effects of adult oriented businesses found in various studies, experiences and reports made available to them and which have been considered by other municipalities and local governments, including but not limited to:

- “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis” Eric S. McCord and Richard Tewksbury; *Crime & Delinquency*, October 2013; vol. 59, 7: pp. 1108-1125., first published on November 29, 2012.
- “Adult Business Study” Town and Village of Ellicottville, Cattaraugus County, New York January 1998.
- Testimony to Illinois State Senate Public Health Committee March 2012 re: Illinois Senate Bill 3348 of Richard McCleary, (Professor of Criminology, Environmental Health Science, and Planning, University of California, Irvine) and Lori Sexton, (Assistant Professor at the University of Missouri, Kansas City).
- “Crime-Related Secondary Effects Of Sexually-Oriented Businesses” - Report To The County Attorney Palm Beach County, Florida ; Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D. August 15, 2007.

- “The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence”, Alan C. Weinstein and Richard McCleary Cleveland-Marshall College of Law, Cleveland State University, October 2011.
- A report on the secondary impacts of adult use businesses in the city of Denver January 1998.
- Caroline County, Maryland Ordinance #2005-002 and findings stated therein;

and

**WHEREAS**, court decisions considering issues relative to the secondary effects of adult oriented businesses hold that such secondary effects are a legitimate basis for regulating such businesses. Such cases include, but are not limited to:

- *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002)
- *City of Erie v. Pap’s A.M.*, 529 U.S. 277 (2000)
- *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)
- *Steiner v. County Commissioners of Caroline County*, 490 F.Supp.2d 617 (D.Md.,2007)
- *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4<sup>th</sup> Cir. 2010)
- *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4<sup>th</sup> Cir. 2009);

and

**WHEREAS**, the material reviewed by the Burgess and Commissioners show that adult oriented businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties and property values, urban blight, litter, and sexual assault and exploitation; and

**WHEREAS**, the Town of Middletown has a population of 4,136 as of the last census (2010) and is relatively small in size having a geographic area of 1.741 square miles; and

**WHEREAS**, the Town of Middletown has no police department and must rely upon a resident Frederick County Sheriff's deputy as its primary means of law enforcement, and law enforcement efforts and effectiveness will be increasingly strained with any increase in criminal activity; and

**WHEREAS**, the Burgess and Commissioners, in an effort to prevent such secondary adverse effects in the Town of Middletown, and to protect and promote the safety, health, morals, and general welfare of the citizens of the Town of Middletown, have determined that the nature of adult oriented businesses requires the enactment of certain zoning restrictions relating thereto and that adult oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17 of the Middletown Municipal Code be, and hereby is, amended as follows.

**SECTION I.** Title 17, Chapter 17.04, Section 17.04.030, "Definitions" of the Middletown Municipal Code is hereby amended by adding thereto the definition of "Adult Entertainment Activities" and by adding thereto the definition of "Adult Entertainment Business", "Adult Oriented Business" or "Sexually Oriented Business". Said definitions shall be codified and inserted in Section 17.04.030 of the Code alphabetically. The remaining provisions of Section 17.04.030 remain unchanged.

## TITLE 17 ZONING

### Chapter 17.04

#### Section 17.04.030 – Definitions

“Adult Entertainment Activities” means:

A. Any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

B. Any performance, conduct, activity, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

1. in which an individual or individuals appear in a state of nudity or partial nudity; or
2. that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
  - (a) human genitals in a discernable state of sexual stimulation or arousal; or
  - (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
3. consists of contact with animals or inanimate objects.

“Adult Entertainment Business” also known as “Adult Oriented Business” or “Sexually Oriented Business” means a business establishment whose primary business and stock in trade is dependent upon Adult Entertainment Activities. By way of example, and not by way of limitation, the following shall be considered as an adult entertainment business:

A. An arcade or other place to which the public is permitted or invited and where photographs, motion pictures or other image-producing devices are maintained to, for money or other value, show images depicting or describing Adult Entertainment Activities.

B. A bar, club, cabaret, lounge, dance hall, restaurant, or other similar establishment or place of business which features dancers, strippers or similar entertainers or employees that engage in Adult Entertainment Activities, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

C. A motion picture theater or similar commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, CDs, DVDs, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of Adult Entertainment Activities.

D. A retail store or similar commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe Adult Entertainment Activities, and novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with Adult Entertainment Activities.

**SECTION II.** Title 17, Chapter 17.32, of the Middletown Municipal Code is hereby amended by adding thereto the following as Section 17.32.225.

## TITLE 17 ZONING

### Chapter 17.32 Design Standards Generally

#### Section 17.32.225 – Adult Entertainment Business

A. It is the purpose of this ordinance to regulate Adult Entertainment Business in order to promote the health, safety, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Entertainment Business within the town. It is the intent of the Burgess and Board of Commissioners in adopting this ordinance to enact a content neutral ordinance that imposes time, place and manner restrictions in order to address the adverse secondary effects of Adult Entertainment Business. It is not the intent of the Burgess and Board of Commissioners to suppress any speech protected by the First Amendment to the United States Constitution or Article 40 of the Maryland Declaration of Rights. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

b. Adult Entertainment Businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another Adult Entertainment Business. For the purpose of this sub-section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Business is conducted to the nearest property line of the school, park, child day care center, church or house of worship, or other Adult Entertainment Business.

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

**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**EFFECTIVE DATE: \_\_\_\_\_, 2014**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess

Town of Middletown Planning Department

To: Burgess & Commissioners  
Cc: Drew Bowen, Bruce Carbaugh  
From: Cindy Unangst, Staff Planner  
Date: 6/26/2014  
RE: Design Manual Recommended Changes

---

Below are the recommended changes to the Design Manual in relation to the references to the Planning Commission. The recommended changes are shown in *italics*.

Stormwater Management Design

1.3.1 The stormwater management practices to be used in developing a stormwater management plan must follow the Frederick County Code and be approved by Frederick County with final determination by the Middletown Director of Public Works. ~~consist of one or more of the following with the Planning Commission making the final determination as to which method(s) will be permitted:~~

- ~~\_\_\_\_\_ a. Flow attenuation by use of open vegetated swales and natural depressions;~~
- ~~\_\_\_\_\_ b. Stormwater retention structures; and~~
- ~~\_\_\_\_\_ c. Stormwater detention structures.~~

1.3.2. ~~For stormwater quality control management only and for drainage areas of less than five (5) acres, the following filtering systems may be used with the Planning Commission making the final determination as to which method(s) will be permitted:~~

- ~~\_\_\_\_\_ a. Sand Filters~~
- ~~\_\_\_\_\_ b. Open Vegetated Swales~~
- ~~\_\_\_\_\_ c. Bioretention Areas with underdrain(s) to storm drain or other outfall acceptable to the Planning Commission~~
- ~~\_\_\_\_\_ d. Filter Strips~~
- ~~\_\_\_\_\_ e. Submerged Gravel Filters~~
- ~~\_\_\_\_\_ f. Stormceptors~~

Storm Drain Design Manual

6.1.1.d. Design Storm Criteria. In the event the Town believes that a greater year storm frequency should prevail for the design of storm drain systems due to concerns over excessive private or public property damage, disruption of public services, flood damage, or other undesirable impacts that may result from implementing the minimum criteria described herein, the Town, at its sole discretion and with the approval of the Director of Public Works ~~Planning Commission~~, may require more stringent criteria be followed in the design.

8.1 Guardrails, Fences and Pipe Rails. Safety device's shall be required at all headwalls, as deemed appropriate by the Director of Public Works. ~~Planning Commission.~~

Deleted: s  
Deleted: d

## Streets and Roads Design Manual

1.4 Planning Guidelines. In the event a development is submitted for review to the Planning Commission as a Planned Unit Development (PUD), the **Planning Commission** and the *Town Board thru the Director of Public Works*, at ~~its~~ *their* discretion, may alter the design standards as they deem appropriate.

2.2.j. Layout of intersections. ~~In certain situations,~~ the design and construction of turning lanes or acceleration/deceleration lanes at intersections ~~will~~ *may* be required to facilitate the movement of traffic through an intersection and improve traffic capacity and level of service *for all intersections on collector, minor and major arterial roads. The Town may alter this requirement as they deem appropriate.* The **Planning Commission** reserves the right to require additional lanes of roadway for this purpose and to require additional rights-of-way to accommodate the additional lanes. Intersections will be reviewed on a case-by-case basis, and a final determination made by the **Planning Commission** and the *Town Board (thru the Director of Public Works)* as to the necessity for and the geometric requirements for additional turning lanes.

2.5.1.b. Cul-de-sacs. An 800-foot length shall be the maximum for cul-de-sacs unless otherwise approved by the Planning Commission *with guidance from the Director of Public Works.*

2.5.1.c. The use and design of islands will be at the discretion of the Planning Commission *with guidance from the Director of Public Works.*

2.13 Traffic Control. Crosswalks will be required as dictated by the Planning Commission *with guidance from the Director of Public Works.*

**Commented [b1]:** I would like to suggest eliminating cul de sacs. They are a problem for snow removal. Removing them also can effectively reduce the maximum number of lots created.

## Drew Bowen

---

**From:** Annette Alberghini  
**Sent:** Tuesday, June 24, 2014 1:16 PM  
**To:** John Miller  
**Cc:** Drew Bowen  
**Subject:** FW: Mobile App for Our Town Website  
**Attachments:** GovOffice professional design services 2014.pdf

Burgess Miller,

The message below is from Mike Chaloupka (sales department) for govoffice.com. Govoffice is the website administrator for our town website. Attached is information Mr. Chaloupka included.

In the message below you see what the Basic GovOffice Mobile looks like (0\$) and a view of what a "branded " mobile looks like (\$500). Neither is a mobile app, so no downloading or updating is required.

He has suggested we update our websites' design, which would include a cost. That has been included in the information attached.

He is just waiting to hear from us.

Respectfully,

Annette

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**From:** Mike Chaloupka [mailto:mike@govoffice.com]  
**Sent:** Tuesday, June 24, 2014 10:32 AM  
**To:** Annette Alberghini  
**Subject:** RE: Mobile App for Our Town Website

Thank you, Annette, for your interest.

I will be happy to assist you over the phone, but first I would like to share some information electronically that we can go over together when we talk.

First, what we offer is a graphically customized version of your existing mobile website (GovOffice Mobile). **Basic GovOffice Mobile is no charge to the Town ([www.govoffice.com/mobile](http://www.govoffice.com/mobile)).**

GovOffice Mobile is a mobile version of your regular, desktop website; it is not a mobile app. Unlike an app, there is no downloading or updating required of GovOffice Mobile.

**For those clients wanting to extend their brand to mobile users, we offer custom mobile design for a one-time only charge of \$500.**

Here is a Before and After of another GovOffice client's mobile design:



Here's something to consider, though. Your town's Web design is many years old now. Branding and marketing experts agree that professional organizations should update their Web design every few years. So, if you are serious about upgrading your mobile design to a customized design, I recommend that you consider an upgrade of your desktop design, too.

Please see the attached menu of design services. A \$500 custom mobile design may be added to a \$1295 Value or \$2495 Progressive custom design order. Custom mobile design is **included** in the \$4895 Premium design package at no added charge.

Please let me know when you're ready to have a phone conversation to go over this material.

Thank you!

Mike

Mike Chaloupka  
Director of Sales  
[GovOffice.com](http://GovOffice.com)  
877.564.4979, press 3



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**From:** Annette Alberghini [<mailto:aalberghini@ci.middlestown.md.us>]  
**Sent:** Monday, June 23, 2014 10:58 AM  
**To:** [mike@govoffice.com](mailto:mike@govoffice.com)  
**Subject:** Mobile App for Our Town Website

Hello Mike,

My name is Annette Alberghini and I am the receptionist for the Town of Middletown, MD. Our Burgess (mayor) asked that I contact our website manager to see if you all offer a mobile app. I went to your website and see that you do. Would you please contact me so that I can discuss options that are available for this app, the different features available and costs.

Our office phone number is 301.371.6171

Your assistance is greatly appreciated. I look forward to hearing from you.

Respectfully,

Annette Alberghini

Annette Alberghini  
Receptionist  
Town of Middletown  
31 West Main St.  
Middletown, MD 21769  
301.371.6171  
301.371.6474 (fax)



## GovOffice Custom Design Services

Showcase your community with a contemporary, vibrant, design!

**"Our custom design perfectly captures the essence of Manteo."**

Steve Jozik  
IT Specialist  
Town of Manteo, NC  
[www.townofmanteo.com](http://www.townofmanteo.com)

**"Each phase of the transition from our old website to our new design was flawless."**

The Town of Windsor Staff  
Town of Windsor, Wisconsin  
[www.windsorwi.gov](http://www.windsorwi.gov)

**"...exactly what we hoped for — and more!"**

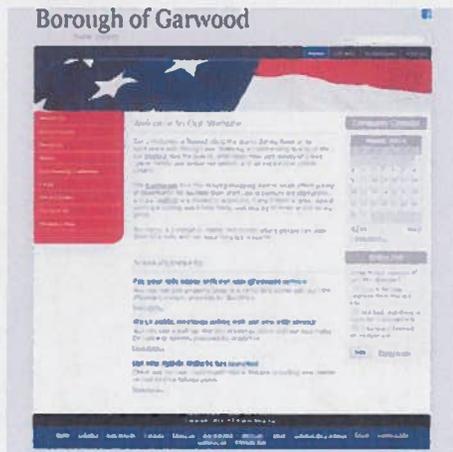
Holly Sammons  
Economic Development Director  
City of Luverne, MN  
[www.cityofluverne.org](http://www.cityofluverne.org)

**"...what an easy process!"**

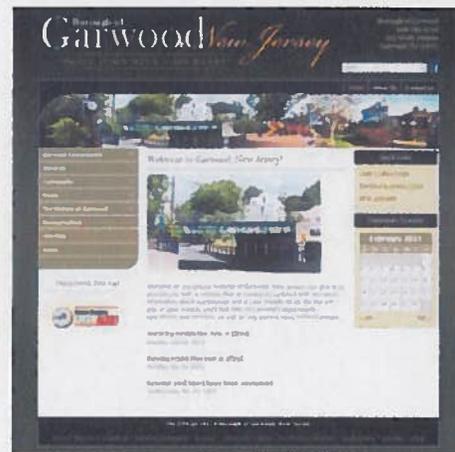
Jodi LaCroix  
City Recorder  
City of Lakesite, Tennessee  
[www.lakesitetn.gov](http://www.lakesitetn.gov)



## ★ The Value Solution - \$1295



Stock Template (Before)



Customized Template (After)

### What's Included

- Based on a stock template from the GovOffice Design Center ([www.help.govoffice.com/design](http://www.help.govoffice.com/design))
- Development of 1 custom banner containing:
  - Logo and photos supplied by client. May be a blended/collage style banner, if requested
  - Font treatment for Title (*City of Springfield*) and Slogan (*Your Hometown*) fields
- Up to 8 photos sent for inclusion in the design (numbered based on importance). The number of images included in the final design will depend on the design draft selected and the professional judgment of the graphic designer.
- Basic color scheme to match up the logo and design, which includes modifying the colors (1 each) of:
  - Title text
  - Slogan text
  - Navigation (hover and subsections)
  - Background (only if a color exists)
  - Right and left sidebars (only if a color exists)
- 1 background image to be used as a banner background or a site background or a watermark

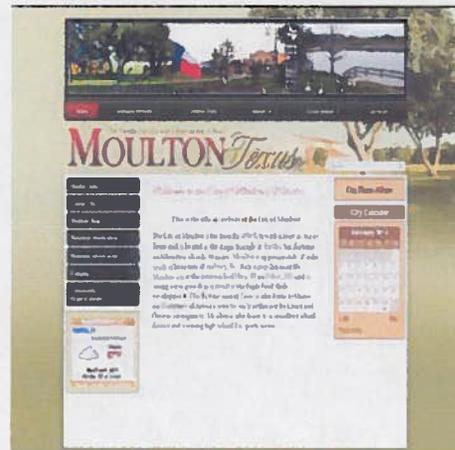
### Process

The Value Solution is a 2 draft, 1 revision process, whereby GovOffice will create 2 drafts, based on the client's design objectives for the stock design template selected. Upon evaluation of the 2 drafts, the client will inform GovOffice of the preferred draft (1 of the 2) and requested edits. GovOffice will then revise it 1 time before asking for final approval.

## ★ The Progressive Solution - \$2495



Stock Template (Before)



Customized Template (After)

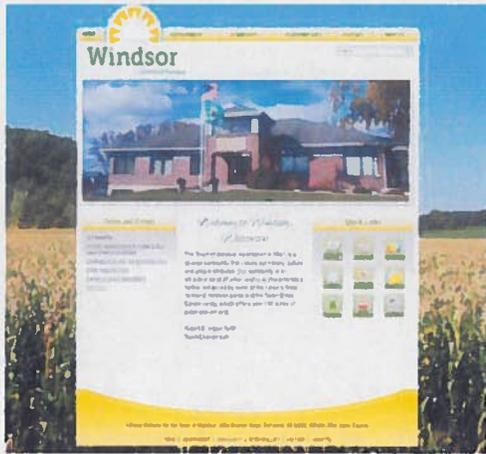
### What's Included

- Based on a stock template from the GovOffice Design Center ([www.help.govoffice.com/design](http://www.help.govoffice.com/design))
- Development of 3 custom banners containing:
  - Logo and photos supplied by client. May be a blended/collage style banner, if requested
  - Font treatment for Title (*City of Springfield*) and Slogan (*Your Hometown*) fields
  - Banners may rotate upon refresh/reload of the browser or be assigned to internal sections
- Up to **20** photos sent for inclusion in the design (numbered based on importance). The number of images included in the final design will depend on the design draft selected and the professional judgment of the graphic designer.
- Extended color scheme to match up the logo and design, which includes modifying the colors (1 each) of:
  - Title text
  - Slogan text
  - Navigation (hover and subsections)
  - Background (even if a color does not exist in the stock template)
  - Right and left sidebars (headers and content areas, even if a color does not exist in the stock template)
- 1 background image to be used as a banner background or a site background or a watermark
- Custom font treatment throughout the site (from Google font selection)
- Homepage Setup: Our content professionals will provide up to 3 hours of service in setting up or organizing new homepage content to conform to the final design draft and Web best practices.
- 5 shortcut URLs - examples: *nameofgovofficeclient.com/agendas* & *nameofgovofficeclient.com/calendar*

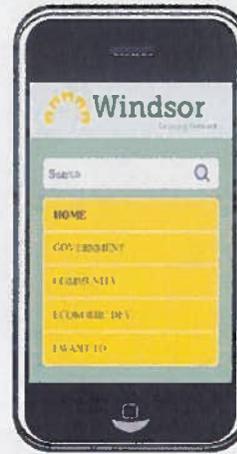
### Process

The Progressive Solution is a 2 draft, 2 revision process, whereby GovOffice will create 2 design drafts (including banners), based on the client's stated objectives for the stock design template selected. Upon evaluation of the drafts, the client will inform GovOffice of the preferred draft (1 of the 2) and requested edits. GovOffice will then revise it up to 2 more times before asking for final approval.

## ★ The Premium Solution - \$4895



Totally Unique Desktop Design



Custom Mobile Design

### What's Included

- Completely unique, custom design; **not** based on a stock template from the GovOffice Design Center
- 5 custom banners containing:
  - Logo and photos supplied by client. May be a blended/collage style banner, if requested
  - Font treatment for Title (*City of Springfield*) and Slogan (*Your Hometown*) fields
  - Banners may rotate upon refresh/reload of the browser or be assigned to internal sections
- Up to **50** photos sent for inclusion in the design (numbered based on importance). The number of images included in the final design will depend on the design draft selected and the professional judgment of the graphic designer.
- Extended color scheme to fully match the client's branding
- 1 background image to be used as a banner background or a site background and a watermark, if requested
- Custom font treatment throughout site (from Google font selection)
- Full set of social media icons (Facebook, Google+, Twitter, Pinterest, LinkedIn, YouTube, Blogger, Flickr)
- Favicon (*favorites icon*), if requested
- Custom mobile design (for display on smartphones) included, developed to appear as an extension of the custom desktop design
- Homepage Setup: Our content professionals will provide up to 3 hours of service in setting up or organizing the new homepage content to conform to the final design draft and Web best practices.
- 10 shortcut URLs - examples: *nameofgovofficeclient.com/agendas* & *nameofgovofficeclient.com/calendar*

### Process

The Premium Solution is a 3 draft, 3 revision process, whereby GovOffice will create 3 design drafts, based on the client's stated objectives for its totally unique design concept. Upon evaluation of the drafts, the client will inform GovOffice of the preferred draft (1 of the 3) and requested edits. GovOffice will then revise it up to 3 times before asking for final approval.

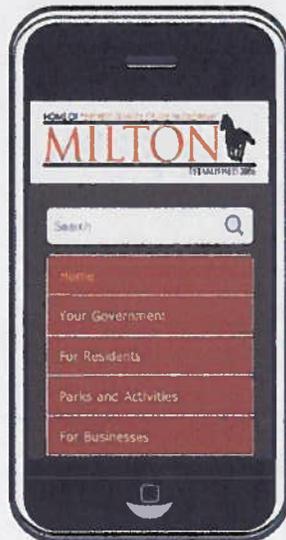
## Popular Web Design Upgrades



### Auto Image Slider

ex. [www.montevideoomn.org](http://www.montevideoomn.org)

- Showcase your community's beautiful imagery and change of season through a multi-photo slideshow
- The self-admin Slider comes with transitions from photo to photo, captions, and your photos may be linked to internal pages of your website.
- **\$1,000** cost includes incorporation of up to 5 photos



### Custom Mobile Design

ex. [www.cityofmiltonga.us](http://www.cityofmiltonga.us)

- Extend your community's brand, complete with official logo, complementary colors and stylish fonts, to an ever-growing number of citizens using smartphones
- The customized mobile website will be designed to be the perfect extension of your organization's custom desktop website design
- **\$500** cost is excellent value for an attractive mobile design using the best in Responsive Web Design (RWD) technology



### Promotional Icons

ex. [www.villagesussex.org](http://www.villagesussex.org)

- Provide single click access to the focus areas of your website with modern, attractive, custom-made icons
- Most common choices for promotional icons are: Contact Us, Agendas & Minutes, Events Calendar, Online Payments, Permits, and Parks and Rec.
- **\$500** cost includes the development, arrangement, and programming of up to 6 professional icons

**Ask your salesperson about our many other custom Web design upgrades.**

	 <b>\$1295 Value</b>	 <b>\$2495 Progressive</b>	 <b>\$4895 Premium</b>
Number of drafts	2	2	3
Number of revisions to the selected draft	1	2	3
Template-based or original design	Template-based	Template-based	Original
Custom banners, including the home page banner	1	3	5
Shortcut URLs	0	5	10
Blended/collage style banner	Yes	Yes	Yes
Stylish font type for the organization's title and slogan	Yes	Yes	Yes
Level of custom color scheme	Basic	Extended	Extended
Choice of color or image to be used as a background	Yes	Yes	Yes
Stylish font treatment site-wide	No	Yes	Yes
Incorporation of social media icons	No	No	Yes
Incorporation of a Favicon	No	No	Yes
Custom design for mobile website	No	No	Yes
Homepage Setup by content expert	No	Yes	Yes
Ownership of design transferred to the client	No	No	Yes

## Method

All custom design projects involve the following 10 creative and programming steps:

### Creative

1. Personal consultation with our graphic designer
2. Development of design drafts → number of drafts depends on the design package purchased (Value = 2, Progressive = 2, Premium = 3)
3. Presentation of all design drafts to the client via *Preview Mode*
4. Round(s) of revision to the client's chosen draft → number of rounds of revision depends on the design package purchased (Value = 1, Progressive = 2, Premium = 3)
5. After round(s) of revision are completed, presentation of final draft to the client via *Preview Mode*; client's approval is then requested

### Programming

6. Constructing the final design draft approved by the client onto a working test site (*Test Mode*)
7. Adjustment, as necessary, to the display or behavior of the design on the test site
8. Testing of the design across the latest versions of all major Web browsers; further adjustment made, as necessary
9. Schedule a date for upload (deployment) of the finished, browser-tested design with the client
10. Upload of the design to replace the client's existing design (free stock template or old custom design) on its live, public website; the project is then declared completed

## Guarantees

### Guarantees to clients upgrading from a stock template or old custom design to a new custom design:

- No content - text, uploaded images, documents, and the like - that reside on the client's existing website will be lost in the transition from the current design to a new, custom design.
- The client may continue to edit the contents of their website as usual during the custom graphic Web design process.
- The current live, public website will not be offline during development of the new, custom Web design.
- The amount of the client's Annual Service Package (site hosting, toll-free technical support, and more) will not be impacted by implementation of a new, custom Web design.

### Notices Regarding Purchase of Any Design Package

- A custom design (graphics) serves as a skin that *lays over* your loaded Web content (text, uploaded documents, links, etc.) to give the website its new, enhanced look.

With the exception of the Homepage Setup performed under the Progressive and Premium design options, the design packages do not involve the alteration of Web content by the GovOffice team.

- Each of our four design packages involves development of at least one banner, comprised of images provided by the client.

Upon approval of the banner(s) by the client, neither the banners themselves nor the images within the banners may be altered/replaced/removed by the client.

Further customization by GovOffice is required to alter a customized banner, and an hourly design charge of \$125 applies (2 hour minimum).

- While GovOffice strives to complete every custom design project as efficiently as possible, we do not guarantee the deployment of a custom design by or on a specific date.

A client's key to success is active participation and responsiveness throughout the *entire* project - from communicating ideas and sending image files to the Design Team, to selecting your preferred draft and requesting edits, and lastly, giving a clear, final approval.



## Burgess and Commissioners Middletown, Maryland

### Bids for Survey Subdivision - Schoonover Property

Contractor	Cost	Description
Daft, McCune & Walker, Inc.	\$ 5,000.00	Boundary Survey, Plat, Corners
Frederick, Seibert & Associates, Inc.	\$ 2,850.00	Boundary Survey, Plat, Corners
Lavelle & Associates, Inc.	\$ 3,000.00	Boundary Survey, Plat, Corners



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



March 24, 2014

Mr. Andrew Bowen, Town Administrator  
Town of Middletown  
P.O. Box 135  
31 West Main Street  
Middletown, MD 21769

Re: Schoonover Addition Plat  
No. 5 Lombary Drive  
Tax Map 501, Parcel 1187  
Proposal No. 19826

Dear Mr. Bowen:

Pursuant to our discussions, Daft-McCune-Walker, Inc. (DMW) is pleased to present this proposal for assistance with surveying services associated with the above referenced project. Based on our understanding of your request, we have prepared this proposal to assist you with the tasks required to prepare a Plat of Addition of Lot No. 12 and a portion of the Cone Branch additions.

#### Assumptions

The purpose of this Plat of Addition is for a land transfer from the current owners of Lot No. 12 to the Town of Middletown. A portion of the 5,751.55 square feet area deeded to Carey and Theresa Schoonover (Liber 7915 Folio 21 - Schoonover Property) will be added to Lot No. 12 with the remaining area being identified as a separate lot (or out-lot) to be transferred to the Town.

#### Scope of Services

##### Item 1: Boundary Survey

DMW will utilize our previously conducted deed and plat research and survey control for the Cone Branch Trail Project to determine the final property boundary of the Schoonover properties. We will reestablish the horizontal control and locate the boundary corners to establish the subject property boundary relative to the previously located topography. Once established, the final property corners will be used to accurately depict the boundary on the Addition Plat.

Item 2: Plat of Addition

DMW will prepare the Final Plat of Addition that will show a portion of the subject property (Liber 7915 Folio 21) to be added to Lot No. 12, Woodmere South (also Schoonover Property) and the remaining portion of the subject property (Liber 7915 Folio 21) as an out-lot, which is to be conveyed to the Town of Middletown. The plat will include the required owner's dedications and surveyor's certificates. This will include computations to establish the areas of the new lots proposed on the subject property. Also included (to the extent necessary) will be an area tabulation, curve data tables, coordinate tables, general notes, building setback dimensions and other graphics/dimensions required as part of the Addition Plat approval.

Item 3: Set Property Corners and Markers

Upon approval of the Addition Plat, DMW will physically set all missing property corners and monuments around the new lots. In accordance with the requirements of Section 3-108 of the Annotated Code of Maryland, the Addition Plat of Subdivision shall include a statement in the owner's certification and the surveyor's certification that the requirements to set these markers have been met. These statements require the setting of the property corner markers after recordation of the plat.

Items Not Included

1. Environmental assessments and wetlands delineation permits and reports (to be provided, if necessary, under a separate contract)
2. Forest Conservation Act compliance

Fees and Payments

Item 1: Boundary Survey.....	\$ 2,000	Estimated Fee
Item 2: Plat of Addition.....	\$ 2,200	Estimated Fee
Item 3: Set Property Corners and Markers.....	\$ 800	Estimated Fee
Total Estimated Fee.....		\$ 5,000

All reimbursements for such items as mileage, reproduction, messenger service, facsimiles, long distance telephone calls and other out-of-pocket expenses are not included in the fee. Subcontracted work will be billed at cost, plus 15 percent. If the project is not completed within one year of the date of this proposal, the fee for the incomplete portion of the work is subject to re-negotiation to reflect current cost.

Our work will be prepared in accordance with the municipal agency's criteria and policies in effect at the time of the date of this proposal. Changes in criteria during the process of the work may require re-negotiation.

Mr. Andrew Bowen  
Page 3  
March 24, 2014

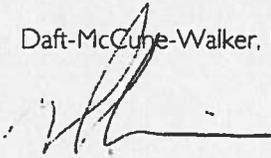
Our invoices will be based on the percent of work completed for lump sum items or the following hourly rates. Work outside the scope of services will be provided on the basis of the standard hourly rates shown below, plus direct reimbursable expenses. Additional fee authorization may be required as work continues. Additional services will be provided as ordered.

Branch and Assistant Manager.....	\$125 - \$160/Hour
Senior Engineer and Senior Surveyor.....	\$100 - \$125/Hour
Design Engineer and Surveyor.....	\$80 - \$100/Hour
Environmental Specialist.....	\$80 - \$100/Hour
Senior CADD Technician.....	\$50 - \$80/Hour
CADD Technician.....	\$40 - \$60/Hour
Survey Technician.....	\$55 - \$90/Hour
Survey Field Crew.....	\$130 - \$160/Hour
Administrative Personnel.....	\$35 - \$50/Hour

Invoices will be rendered on a periodic basis and considered due when rendered. The enclosed "Exhibit A – General Provisions" is hereby made part of this proposal.

Sincerely,

Daft-McCune-Walker, Inc.



Mark S. Crissman, P.E., P.L.S.  
Vice President | Branch Office Manager

MSC/tb

Enclosure (Exhibit A)



# FREDERICK, SEIBERT & ASSOCIATES, INC.

■ Civil Engineering ■ Land Surveying ■ Land Planning ■ Landscape Architecture ■ Environmental Engineering and Design

June 27, 2014

Town of Middletown  
31 West Main Street  
Middletown, MD 21769

Attention: Drew Bowen

RE: Simplified Plat of Subdivision

Dear Mr. Bowen,

Please find attached below our scope of work for the surveying services you requested on the additional land the town wishes to purchase from an adjoiner located in Middletown, Maryland.

### SCOPE OF WORK

1. Perform the necessary deed research at the court house.
2. Perform the necessary field surveys as required to survey and subdivide off additional land from adjoiner to add to adjoining land owned by the Town of Middletown.
3. Prepare a simplified plat and process it through the Middletown Planning Commission and related agency.
4. Set iron pins at the property corners of the new area being subdivided.

### WORK NOT INCLUDED

1. Preparing any road widening plans, variances or any other specialty engineering that may be requested by the review agencies.

### COMPENSATION AND TERMS

Lump Sum Cost for the above outlined work is: **\$2,850.00 any agency review costs, prints and recordation**

This figure includes all work and materials except the cost of any filing fees, review fees, bid advertisement or prints. All permits and filing fees and prints will be billed at cost.

Copy Size	Copy Cost	Mylar Copy Cost	Color plot on photo	B&W plot on bond	Color plot on bond	B&W plot on mylar
18" x 24"	\$2.00	\$3.60	\$12.00	\$6.00	\$10.00	\$7.50
24" x 36"	\$3.50	\$7.25	\$24.00	\$12.00	\$20.00	\$15.00
30" x 42"	\$5.00	\$9.25	\$35.00	\$17.50	\$29.25	\$21.50
36" x 48"	\$7.00	\$12.75	\$48.00	\$24.00	\$40.00	\$30.00

\*CAD plots on translucent bond will be used for producing prints for interim agency review submittals.

[www.fsa-md.com](http://www.fsa-md.com)

**Hagerstown, MD Office**  
128 South Potomac Street  
Hagerstown, MD 21740  
Hagerstown: 301.791.3650  
Fax: 301.739.4956

**Carlisle, PA Office**  
101 North Hanover Street  
Carlisle, PA 17013  
Carlisle: 717.701.8111  
Fax: 717.701.8254

**Greencastle, PA Office**  
20 West Baltimore Street  
Greencastle, PA 17225  
Greencastle: 717.597.1007  
Fax: 717.597.1028

This proposal and its associated cost is based on the rules and regulations in affect at the date of this proposal offer. Should any rules and regulations change during the life of the contract, and should the regulations require additional work by Frederick, Seibert and Associates in order to comply with same, then the estimated cost will need to be readjusted to reflect the extra work required by the new regulations.

Any additional work that may be requested and is not included in the contract will be billed at our unit costs.

All original plans, plats, descriptions and records are the sole property of the firm. No liability is assumed by Frederick, Seibert and Associates, Inc. for the accuracy of the data provided by the client or of data obtained or available from public or governmental records or sources in the public domain. Client shall obtain from the owner thereof any and all consents required to reproduce data protected by patent, trademark, service mark, copyright or trade secret, and client indemnifies and holds Frederick, Seibert and Associates, Inc. harmless from any claims against Frederick, Seibert and Associates, Inc. for the reproduction of such materials.

The standard of care for all professional services performed or furnished by Frederick, Seibert and Associates, Inc. (Consultant) under this Agreement will be the skill and care used by the members of the Consultant's profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with Consultant's services. Liability of Frederick, Seibert and Associates, Inc. shall be limited to the amount paid by client for the services provided and Frederick, Seibert and Associates, Inc. obligations hereunder shall not include any liability for special, direct, indirect, or consequential damages.

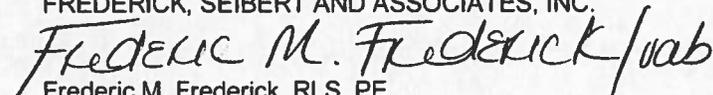
The undersigned by acceptance of this proposal, agrees to pay all attorney's and court costs incurred by Frederick, Seibert and Associates, Inc. if the matter is referred to an attorney to collect all or any portion of the actual fee for services performed.

#### INVOICES METHOD

1. Retainer is waived for client.
2. The final bill will be due upon completion.
3. Any invoices still unpaid after 30 days will be subject to a 1 1/2% per month interest rate.
4. We reserve the right to stop work on all projects with an outstanding invoice of more than 60 days.

If the above is acceptable to you, please sign at the bottom where indicated. Return one signed set to us for our files. Please call and inform us when we can start the design work.

Very truly yours,  
FREDERICK, SEIBERT AND ASSOCIATES, INC.

  
Frederic M. Frederick, RLS, PE  
President

FMF/vab.middleton pro (SP)

The terms and price above outlined meet with my and/or our approval and you are hereby authorized to proceed with the work.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

**LAVELLE & ASSOCIATES,  
INCORPORATED**  
LAND SURVEYORS • PLANNERS

June 19, 2014

Town of Middletown  
C/o Andrew J. Bowen, Town Administrator  
31 West Main Street  
Middletown, MD 21769

RE: 5 Lombardy Drive, Middletown, MD  
File No. 14-072

Dear Andrew:

Lavelle & Associates, Inc. is pleased to submit this proposal to provide professional land surveying services for the above referenced project. Based upon your request, we anticipate the following:

**Project Description:** It is the intent of the Town of Middletown to acquire 2, 327.40 S.F. of land from the Schoonover Property – Parcel Two as referred to in their deed recorded in L. 7915 ~ F. 21. An Addition Plat will be required to add the 2,327.40 S.F. on to the Town's property and the remainder of Schoonover Property – Parcel Two added to Lot 12, Woodmere South. In order to accomplish this the following is required.

<u>Operation</u>	<u>Description</u>	<u>Fee</u>
6060	<u>BOUNDARY SURVEY</u> – Preparation of a Boundary Survey to establish all lines of possession and property corners, and location of existing improvements on site. Survey to be prepared in accordance with Title 9 – Subtitle 13 – Chapter 6.03 Minimum Standards of Practice/Code of Maryland (COMAR) (copy attached).	\$750.00
6550	<u>PLAT OF ADDITION</u> - Preparation of an Addition Plat subject to Town of Middletown, Frederick County DPDR, and Department of Public Works approvals.	\$2,000.00
7080	<u>MEETINGS/CONFERENCES/ADMINISTRATION</u>	\$250.00

Prints, reproductions and other outside expenses incurred will be billed at cost. All submittal, review and recording fees are to be paid by the client.

5732 Industry Lane, Frederick, MD 21704  
Office: (301) 695-9722 • Fax: (301) 695-9766  
[www.lavellesurvey.com](http://www.lavellesurvey.com)

Andrew J. Bowen  
June 19, 2014  
Page 2

Work requested which is not covered by this proposal shall be undertaken at the following hourly rates:

Professional Land Surveyor.....	\$90.00 per hour
Office Computer/Designer.....	\$75.00 per hour
Auto-Cadd/Research.....	\$65.00 per hour
Field Survey Crew..... (2 man crew).....	\$100.00 per hour
Field Survey Crew..... (3 man crew).....	\$120.00 per hour
Administration.....	\$50.00 per hour

Accounts over 30 days past due will be subject to late fees of 1.5% per month and all costs of collections.

We look forward to working with you on this project. We thank you for the consideration and can begin work immediately with your authorization.

Sincerely,



Daniel P. Lavelle, Prof. L.S.  
President

THIS DOCUMENT AND THE ATTACHMENTS HERETO REPRESENT THE ENTIRE CONTRACT AND AGREEMENT BETWEEN THE PARTIES.

WE HEREBY AUTHORIZE LAVELLE & ASSOCIATES, INCORPORATED TO PROCEED IN ACCORDANCE WITH THE ABOVE PROPOSAL.

\_\_\_\_\_  
ORGANIZATION

\_\_\_\_\_  
DATE

BY:

\_\_\_\_\_  
TITLE

## **Rotational On-Call Program Policy**

### **Purpose**

The Town of Middletown is responsible for insuring continuous uninterrupted operation of the town's water, waste water, collection and distribution systems as well as maintaining streets, parks and building structures. The rotational on-call program insures that after-hour emergencies involving any of these operations, which could impact the residents and businesses of the Town of Middletown, are addressed in a reliable and timely manner.

### **Definitions**

**After Hours Emergencies** – is defined as those calls which require a response from an on-call employee outside of their normal work day hours for issues of public safety. Calls can include but are not limited to: water leaks, sewer clogs, pump station failure, mechanical equipment failure, electrical systems failure, street maintenance, distribution, collection infrastructure failure, public safety concerns, snow removal, buildings and parks maintenance.

**Total Response Time to the Emergency Call** – is calculated as the time an employee leaves their location to respond to an after-hours emergency call until their return once the call is completed, to include travel time to and from Middletown. If the after-hours emergency continues into normal work day hours, the total response time for that after-hours emergency call will not include any time worked during normal work day hours.

### **Staffing**

The following sections are required to participate in the rotational on-call program:

- Water & Sewer
- Streets & Utilities
- Facilities Superintendent

The Director of Public Works and the Assistant Director of Public Works will not be scheduled in the rotation, but will assist during after hour emergencies if they deem it necessary.

### **Scope**

After normal work hours and on weekends, the Town of Middletown shall maintain a weekly rotating on-call program to respond to after-hour emergencies.

Staffing for the weekly rotating on-call program will consist of two (2) employees; one (1) from Water & Sewer and one (1) from Street & Utilities (The Facilities Superintendent is included in this group's rotation.). They will respond to any after-hour emergencies for one week. The on-call rotation week begins Monday at 7AM and continues until 6:59 AM the following Monday.

All after-hour emergencies are received through an answering service; All-Ways Communication. All-Ways Communication will then call the appropriate on-call employee; depending on the nature of the emergency. The Director of Public Works and the Assistant Director of Public Works will be notified of each after hour emergency via text. Water and sewer emergency calls will go to the Water and Sewer employee and other emergencies will go to the Streets and Utilities employee as determined by All-Ways Communication staffing. After receiving the emergency notification, on-call employees will address and rectify the emergency. Additional section staff can be contacted to help mitigate the emergency if necessary.

### **On-Call Response and Employee Behavior**

On-call Employees must be at the emergency location within 90 minutes of receiving the initial phone call. The on-call employee must be prepared to drive town equipment, operate equipment, and perform public relations as needed for each emergency. On-call employees must abstain from alcohol use while on call. Failure to respond and comply with these stipulations can result in disciplinary action.

### **On-Call Scheduling**

The weekly on-call schedule is determined at the beginning of the year. This allows on-call employees to schedule leave and other appointments as needed without conflict. Every effort will be made to insure the same employee is not on-call the same holiday on consecutive years.

On-call employees can exchange scheduled dates with other employees within their section as long as the Director of Public Works, the Assistant Director of Public Works and All-Ways Communication are notified of such changes in advance. Currently, Water & Sewer staff will be in rotation every 3 weeks, while Streets and Utilities staff (to include the Facilities Superintendent) will be in rotation every 4 weeks.

### **Compensation for On-Call Employees**

On-Call employees will be permitted to drive a Town vehicle to their residence to use for after hours emergency call response. If the Employee chooses not to drive the Town vehicle they will be compensated at the rate of (the current Federal Mileage rate x the round trip distance (in miles) from their residence to the Town

garage and back). Employees will be compensated for responding to the emergency calls as either 1.) Earned comp time at the rate of (1.5 x the total response time to the emergency call), or 2.) Paid at the monetary rate of (1.5 x their normal hourly wage x the total response time to the emergency call). This choice is determined by the employee and reflected on their time sheet for that pay week. In addition, for every week an employee is on-call, that employee is given a day off with pay that must be taken either the following Friday or Monday of the next pay week.

DRAFT

# **Burgess and Commissioners of Middletown, Maryland**



## **Town Personnel Policy Employee Handbook**

Approved by the Burgess and Commissioners  
February 24, 2014

coming and when termination of benefits will occur. Employees are expected to turn in all property assigned to them at the time of termination.

### **Progressive Discipline**

We believe it is important that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future.

Progressive discipline means that we will take these steps in the following order:

1. The first offense will call for a verbal warning;
2. The next offense will be followed by a written warning;
3. Another offense will lead to a suspension; and,
4. Repeated offenses will lead to termination of employment.

If more than 12 months have passed since the last disciplinary action, the process will start over. Listed below are some of the reasons which may be causes for disciplinary action, but disciplinary action is not limited to the offenses listed below.

- A. Failure to perform assigned duties properly
- B. Insubordination (disobedience or refusal to perform assignments/duties)
- C. Chronic or habitual absenteeism or lateness
- D. Being absent without leave
- E. Inefficiency
- F. Violation of Town Ordinances, administrative regulations or department rules, policies, or procedures
- G. Conviction of violation of law bearing on job performance
- H. Inability to perform assigned duties properly
- I. Refusal to be examined by a Town appointed medical professional when so directed
- J. Conduct which is unbecoming of a Town employee
- K. Violation of a posted safety, fire prevention, health, or security rule
- L. Abuse of sick leave
- M. Unsatisfactory performance evaluation

### **The following offenses shall result in immediate termination of employment:**

- A. Unauthorized use of, removal of, theft, or intentional damage to the property of the Town or another employee, independent contractor, or customer
- B. Giving false statements to any Town official or employee, or the public
- C. Use, sale, or possession of illegal drugs and/or alcohol on the job, on Town property, or in Town vehicles **unless at an Town function authorized by the Burgess or Burgess and Commissioners.**
- D. Accepting an inducement to perform or fail to perform
- E. Falsification of Town records (e.g. hours worked)