



AGENDA FOR THE TOWN MEETING

November 14, 2016

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

PUBLIC HEARING

Ordinance 16-10-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.36, SECTION 17.36.140 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE EXEMPTION STANDARDS FOR SIGNS LOCATED ON BALLFIELDS AND SPORTS COMPLEXES.

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

CONSENT AGENDA

- Financial Statements
- Social Media Use Training
- Town Meeting Minutes
 - October 24, 2016 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

*Councilman Jake Romanell, Vice President of New Market Council &
Mayor Randy McClement, City of Frederick*
Municipal Government Works Month

UNFINISHED BUSINESS:

- 250th Celebration Budget Updates and Amendments
- Review of Cost Estimates for Additional Paving of Alleys – West Green Street Improvements Project
- Financial Analysis of Proposed Improvement Fee Increase

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Sustainability	Commissioner Dietrick
Planning Commission Liaison	Commissioner Catania
Parks & Recreation	Commissioner Goodman
Public Information	Commissioner Falcinelli

NEW BUSINESS:

- [Review of Lease for 30 West Main Street – Middletown Valley Bank](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Planning Commission Seats (3) Coming Up for Appointment*
- *Town Office Closed for Thanksgiving and Friday, November 25, 2016*
- *Small Business Saturday, November 26, 2016*

ADJOURNMENT

ORDINANCE NO. 16-10-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.36, SECTION 17.36.140 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE EXEMPTION STANDARDS FOR SIGNS LOCATED ON BALLFIELDS AND SPORTS COMPLEXES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.36, Section 17.36.140 of the Middletown Municipal Code be, and hereby is, amended as follows. Language being deleted is designated by being ~~in brackets and stricken through.~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

Title 17 – Zoning

Chapter 17.36 Signs

17.36.140 - Exempt signs.

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

- A. – D. *{Unchanged}*
- E. Ballfield/sports complex signs and scoreboards ~~{that face the inside of a playing field}~~
WHICH ARE LOCATED WITHIN THE IMMEDIATE VICINITY OF THE PLAYING FIELD OR THE SURROUNDING SPORTS COMPLEX; PROVIDED, HOWEVER, THAT THE TEXT, PICTURE, OR OTHER GRAPHIC ON SUCH SIGNS SHALL NOT VISIBLE TO PERSONS ON PROPERTY WHICH IS USED FOR RESIDENTIAL

~~PURPOSES UNLESS SUCH SIGN IS AT LEAST 100 FEET FROM THE CLOSEST BOUNDARY OF SUCH RESIDENTIALLY USED PROPERTY.~~

F. *{Unchanged}*

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

INTRODUCED ON THE _____ DAY OF _____, 2016
PASSED ON THE _____ DAY OF _____, 2016
EFFECTIVE DATE: _____, 2016

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,228,459	\$ 779,771	\$ (448,688)
Tangible Personal Property	37,108	14,794	(22,314)
Public Utilities	12,841		(12,841)
Franchise (Cable)	49,940		(49,940)
Penalties & Interest	<u>10,357</u>		<u>(10,357)</u>
	\$ 1,338,705	\$ 794,565	\$ (544,140)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 22,500	\$ 28	\$ (22,472)
Highway Gasoline & Licenses	<u>162,421</u>	<u>111,324</u>	<u>(51,097)</u>
	\$ 184,921	\$ 111,352	\$ (73,569)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 834,937	\$ 101,771	\$ (733,166)
Tax Equity Grant	<u>566,687</u>	<u>283,343</u>	<u>(283,344)</u>
	\$ 1,401,624	\$ 385,114	\$ (1,016,510)
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	308	(4,592)
Planning / Zoning Fees	<u>20,191</u>	<u>1,746</u>	<u>(18,445)</u>
	\$ 27,041	\$ 2,054	\$ (24,987)
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 1,900</u>	<u>\$ 1,094</u>	<u>\$ (806)</u>
	\$ 1,900	\$ 1,094	\$ (806)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 26,187</u>	<u>\$ 6,547</u>	<u>\$ (19,640)</u>
	\$ 26,187	\$ 6,547	\$ (19,640)
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500		(2,500)
Miscellaneous & Donations	<u>5,000</u>	<u>2,636</u>	<u>(2,364)</u>
	\$ 7,500	\$ 2,636	\$ (4,864)
OPERATING REVENUES	\$ 2,987,878	\$ 1,303,362	\$ (1,684,516)
State Grants & Interest	\$ 42,842	\$ 136	\$ (42,706)
TOTAL REVENUE	\$ 3,030,720	\$ 1,303,498	\$ (1,727,222)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 15,600	\$ 3,900	\$ (11,700)
Communications	3,480	1,034	(2,446)
Dues & Subscriptions	7,400	6,763	(637)
Office Supplies & Exp	3,600	1,164	(2,436)
Advertising	750		(750)
Meetings & Conventions	<u>9,000</u>	<u>4,864</u>	<u>(4,136)</u>
	\$ 39,830	\$ 17,725	\$ (22,105)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 10,200</u>	<u>\$ 2,550</u>	<u>\$ (7,650)</u>
	\$ 10,200	\$ 2,550	\$ (7,650)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses			
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 247,131	\$ 78,530	\$ (168,601)
Postage & Printing	200	62	(138)
Communications	6,977	2,384	(4,593)
Computer Expenses	28,400	10,540	(17,860)
Office Supplies & Exp	26,000	9,064	(16,936)
Office Maintenance	13,400	5,665	(7,735)
Dues & Subscriptions	150		(150)
Professional Services	4,600	1,387	(3,213)
Meetings & Conventions	100		(100)
Water and Sewer Grant			
	<u>\$ 326,958</u>	<u>\$ 107,632</u>	<u>\$ (219,326)</u>
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay			
Director Salary	97,355	55,120	(42,235)
Maintenance Salary	126,742	8,708	(118,034)
Communications	9,000	2,552	(6,448)
Supplies & Expenses	17,000	6,074	(10,926)
Dues & Meetings			
Landscaping/Beautification			
Maintenance & Repairs	21,633	5,787	(15,846)
Tools & Equipment	<u>500</u>	<u>1,840</u>	<u>1,340</u>
	\$ 272,230	\$ 80,081	\$ (192,149)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 16,000		\$ (16,000)
Legal - Development		266	266
Legal - Ordinances	<u>7,796</u>	<u>1,995</u>	<u>(5,801)</u>
	\$ 23,796	\$ 2,261	\$ (21,535)
<u>PLANNING & ZONING</u>			
Salary & Fees	\$ 51,872	\$ 14,647	\$ (37,225)
Other Expenses	<u>3,207</u>	<u>1,146</u>	<u>(2,061)</u>
	\$ 55,079	\$ 15,793	\$ (39,286)
<u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 43,680	\$ 14,111	\$ (29,569)
Town Contribution	<u>10,000</u>	<u>10,000</u>	
	\$ 53,680	\$ 24,111	\$ (29,569)
<u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	15,758	2,714	(13,044)
Community Deputy Program	<u>401,611</u>	<u>97,950</u>	<u>(303,661)</u>
	\$ 437,369	\$ 100,664	\$ (336,705)
<u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 273,888	\$ 88,709	\$ (185,179)
<u>RECREATION AND CULTURE</u>			
Park Salary	34,807	19,835	(14,972)
Park Electric	2,358	410	(1,948)
Maintenance & Repairs	26,450	14,208	(12,242)
Mowing	26,215	11,682	(14,533)
Rensberg Park - Interest	11,320	3,075	(8,245)
Rensberg Park - Principal	<u>112,230</u>	<u>27,812</u>	<u>(84,418)</u>
	\$ 213,380	\$ 77,022	\$ (136,358)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 48,841	\$ 29,166	\$ (19,675)
Street Lighting	161,916	26,784	(135,132)
Storm Water Management	7,800	3,678	(4,122)
Snow Removal	75,000		(75,000)
Repairs & Resurfacing	67,195	4,261	(62,934)
Signs	6,200	647	(5,553)
Truck Repair & Operation	48,600	5,037	(43,563)
Equipment Repairs & Ops	10,000	147	(9,853)
Mowing	32,696	14,336	(18,360)
Interest	60,927	6,686	(54,241)
East Green St - Principal	12,500		(12,500)
West Green St - Principal	65,960		(65,960)
Case Loader - Principal	15,158	14,004	(1,154)
	<u>\$ 612,793</u>	<u>\$ 104,746</u>	<u>\$ (508,047)</u>
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	4,578	356	(4,222)
Community Events	30,250	9,975	(20,275)
Payroll Taxes	56,578	16,369	(40,209)
Insurance - Property	14,064	4,633	(9,431)
Insurance - Employee	123,164	34,052	(89,112)
Retirement/Pension	75,062	4,681	(70,381)
Web Page & Directory	1,400		(1,400)
Real Estate Taxes	1,242	800	(442)
Bond Issuance Costs			
Other	3,500	300	(3,200)
	<u>\$ 314,938</u>	<u>\$ 76,166</u>	<u>\$ (238,772)</u>
TOTAL EXPENDITURES	\$ 2,634,141	\$ 697,460	\$ (1,936,681)
INCOME (LOSS) Exc. Cash Reserves	\$ 396,579	\$ 606,038	\$ 209,459
CASH RESERVES	\$ 936,787	\$ 685,292	\$ (251,495)
SURPLUS / (DEFICIT)	\$ 1,333,366	\$ 1,291,330	\$ (42,036)

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2017
 For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,987,879	\$ 1,303,362	\$ (1,684,517)
OPERATING EXPENSES			
Expenses	2,634,141	697,460	(1,936,681)
OPERATING SURPLUS (LOSS)	\$ 353,738	\$ 605,902	\$ 252,164
<u>OTHER FUND</u>			
POS - Development	\$ 40,500		\$ (40,500)
West Green Street Loan	2,320,500	1,000,000	(1,320,500)
RETAINED EARNINGS	297,275		(297,275)
Interest	2,342	136	(2,206)
Other	32,000		(32,000)
TOTAL OTHER FUNDS	\$ 2,692,617	\$ 1,000,136	\$ (1,692,481)
TOTAL FUNDS AVAILABLE	\$ 3,046,355	\$ 1,606,038	\$ (1,440,317)
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 2,253,056	\$ 1,031,378	\$ (1,221,678)
SHA Streetscape Lighting	175,000		(175,000)
Broad Street Road Construction	40,000		(40,000)
SWM Fence Replacements	34,997		(34,997)
Locust Blvd/Ct Road Construction	415,000		(415,000)
Pedestrian Safety - Franklin St.	85,000		(85,000)
Remsberg Park - Walking Trail an	45,000	10,017	(34,983)
Memorial Park Playground Replace	74,000	77,758	3,758
250th Celebration	58,000		(58,000)
Municipal Center Kitchen	8,000		(8,000)
Municipal Boiler Replacment	30,000		(30,000)
Edco Scarifier Pavement	4,300		(4,300)
Backhoe Replacement	15,200	7,361	(7,839)
Computer Replacements	5,400		(5,400)
Total CIP Costs	\$ 3,242,953	\$ 1,126,514	\$ (2,116,439)
OPERATING & CIP SURPLUS (LOSS)	\$ (196,598)	\$ 479,524	\$ 676,122
Cash Reserves	\$ 936,787	\$ 685,292	\$ (251,495)
TOTAL CASH SURPLUS	\$ 740,189	\$ 1,164,816	\$ 424,627

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
<u>REVENUE</u>			
Water Revenue	\$ 577,350	\$ 162,224	\$ (415,126)
Sewer Revenue	577,015	157,686	(419,329)
Penalties/Reconnects	21,950	4,107	(17,843)
Rain Barrel Sales	1,000		(1,000)
General Fund Grant/Misc			
TOTAL OPERATING REVENUE	\$ 1,177,315	\$ 324,017	\$ (853,298)
<u>EXPENDITURES</u>			
ADMINISTRATIVE			
Office Salaries	\$ 45,134	\$ 12,516	\$ (32,618)
Communications	11,513	3,524	(7,989)
Postage	9,558	8,013	(1,545)
Office Supplies/Expense	12,600	1,989	(10,611)
Legal - Other	2,000		(2,000)
Meetings & Seminars	500		(500)
Advertising	500	559	59
Uniforms	3,925	1,316	(2,609)
Dues/Subscrip/Certifications	500		(500)
Travel	200		(200)
Payroll Taxes	23,600	6,910	(16,690)
Insurance - Prop. & Liability	8,500	2,894	(5,606)
Insurance - Workers Comp	8,718	2,363	(6,355)
Insurance - Health	52,831	11,746	(41,085)
Retirement/Pension	28,448	1,301	(27,147)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	2,000		(2,000)
Waterline / I & I Loans	6,908	32,498	25,590
Bond Issuance Costs			
Sub-Total	\$ 217,727	\$ 85,921	\$ (131,806)
Vehicles & Equipment			
2016 Truck (Pearl)	\$ 3,700		\$ (3,700)
2008 Truck (Darner)	3,700	363	(3,337)
2012 Truck (Miller)	3,700	1,068	(2,632)
2013 Truck (Whitney)	3,700	241	(3,459)
2015 Meter Van (Hightman)	3,700	1,192	(2,508)
Misc Equipment			
Bobcat Mini-Excavator	1,050		(1,050)
Case Backhoe	6,050	552	(5,498)
Sub-Total	\$ 25,600	\$ 3,416	\$ (22,184)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 139,545	\$ 43,583	\$ (95,962)
Water Distribution System			
Supplies	3,572	260	(3,312)
Repairs & Maintenance	52,450	12,258	(40,192)
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	3,874		(3,874)
Sub-Total	\$ 65,396	\$ 12,518	\$ (52,878)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 20,150	\$ 27,877	\$ 7,727
Supplies	2,000		(2,000)
Repairs & Maintenance	31,700	10,160	(21,540)
Chemicals	23,943	7,302	(16,641)
Tools & Equipment	2,400		(2,400)
Testing & Analysis	12,988	2,346	(10,642)
Sub-Total	\$ 93,181	\$ 47,685	\$ (45,496)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 298,122	\$ 103,786	\$ (194,336)
SEWER			
Salaries	\$ 121,920	\$ 35,924	\$ (85,996)
Sewer Collection System			
Cone Branch PS	18,500	1,707	(16,793)
Brookridge South PS	9,735	569	(9,166)
Foxfield PS	6,500	958	(5,542)
Sanitary Sewerlines & Manholes	25,000	76	(24,924)
I & I Accrual	75,000	25,000	(50,000)
Sub-Total	\$ 134,735	\$ 28,310	\$ (106,425)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2017
For the 4 Months Ended October 31, 2016

	<u>ANNUAL</u> <u>BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER)</u> <u>BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 29,647	\$ 1,202	\$ (28,445)
Supplies	5,802	1,200	(4,602)
Repairs & Maintenance	35,800	1,081	(34,719)
Chemicals	40,844	5,441	(35,403)
Tools & Equipment	5,573	985	(4,588)
Testing & Analysis	34,187	6,730	(27,457)
Sludge Hauling Expense	60,000	13,067	(46,933)
Sub-Total	\$ 211,853	\$ 29,706	\$ (182,147)
West Wastewater Treatment Plant			
Electric	\$ 23,084	\$ 896	\$ (22,188)
Supplies	2,500	1,068	(1,432)
Repairs & Maintenance	6,050	854	(5,196)
Chemicals	61,258	15,739	(45,519)
Tools & Equipment	1,000	959	(41)
Testing & Analysis	10,459	2,834	(7,625)
Sludge Hauling Expense	22,650	5,750	(16,900)
Sub-Total	\$ 127,001	\$ 28,100	\$ (98,901)
TOTAL SEWER EXPENSES	\$ 595,509	\$ 122,040	\$ (473,469)
TOTAL WATER/SEWER EXPENSES	\$ 1,136,958	\$ 315,163	\$ (821,795)
CONTINGENCY FUND - 3.5%	\$ 39,794	\$ 11,031	\$ (28,763)
ADJUSTED WATER/SEWER EXPENSES	\$ 1,176,752	\$ 326,194	\$ (850,558)
NET INCOME (LOSS)	\$ 563	\$ (2,177)	\$ (2,740)

**Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER**

Fiscal Year 2017

For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,177,315	\$ 324,017	\$ (853,298)
Operating Expenses	<u>1,203,662</u>	<u>315,163</u>	<u>(888,499)</u>
OPERATING INCOME (LOSS)	\$ (26,347)	\$ 8,854	\$ 35,201
Cash Reserves	\$ 251,799	\$ 251,799	
Debt Service Fee - New Homes	139,000	35,300	(103,700)
Capital Improvement Fees	149,298	37,241	(112,057)
Inflow & Infiltration - Reserve A	75,000	75,000	
Improvement/Tap Fees	710,000	204,200	(505,800)
Water Tower & Land Leases	192,028	69,855	(122,173)
Main Street Waterline Loan	<u>2,895,000</u>	<u>2,895,000</u>	
TOTAL OTHER REVENUE	\$ 4,412,125	\$ 3,568,395	\$ (843,730)
TOTAL FUNDS AVAILABLE	4,385,778	3,577,249	(808,529)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MVB Line of Credit	\$ 200,000		\$ (200,000)
CDA - Water Tower	107,000		(107,000)
MDE - East WWTP	210,349		(210,349)
Main Street Waterline & Reservoir	127,200		(127,200)
Interest - All Loans	<u>217,561</u>	<u>9,143</u>	<u>(208,418)</u>
TOTAL DEBT SERVICE COSTS	\$ 862,110	\$ 9,143	\$ (852,967)
<u>WATER & SEWER PROJECTS</u>			
CIP - Main Street Waterline - Con	\$ 2,895,000	\$ 34,331	\$ (2,860,669)
CIP - Fluoride Systems	8,000	10,157	2,157
CIP - Welll Field Restoration	125,000	3,410	(121,590)
CIP - Scada Control System	310,000		(310,000)
CIP - Booster Station Pump Bypass	25,000		(25,000)
CIP - Fire Hydrant Elm & Washingt	8,000		(8,000)
Water Meter Purchases	65,250	43,354	(21,896)
CIP - West WWTP - Curtain Replace	60,000	4,882	(55,118)
CIP - West WWTP - Chemical Storag	15,000		(15,000)
CIP - East WWTP Bar Screen Refurb	40,000		(40,000)
CIP - East WWTP - Influent Flume	16,000		(16,000)
CIP - Inflow & Infiltration	75,000		(75,000)
Brookridge PS Vault Magmeter	11,000		(11,000)
Brookridge PS - 3 Phase VFD	25,000		(25,000)

Town of Middletown
CIP FUNDS and EXPENDITURES
 WATER & SEWER
 Fiscal Year 2017
 For the 4 Months Ended October 31, 2016

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cone Branch PS - New Pumps	\$ 31,000		\$ (31,000)
TOTAL WATER & SEWER PROJECTS	\$ 3,709,250	\$ 96,134	\$ (3,613,116)
TOTAL CIP COSTS	\$ 4,571,360	\$ 105,277	\$ (4,466,083)
TOTAL FUNDS REMAINING	\$ (185,582)	\$ 3,471,972	\$ 3,657,554

November 7, 2016

To: Becky Reich, Main Street Middletown
From: Sandy Sponaugle, Platinum PR
Re: Facebook Training

Thank you for your interest in Facebook training for Middletown's business leaders. Below are a few options for your consideration.

Option 1:

One-hour training session to support general organizational Facebook questions:

- Facebook platform on desktop v. phone
- Best practices for liking and sharing content
- The similarities and differences between a personal and business Facebook account
- The behind the scenes of a Facebook page for business: boosting posts, reviewing analytics, etc.
- Investment: \$250

Option 2:

Three-hour training that would include a facilitated conversational Q&A session. This session would focus on ways to elevate organizational pages to a greater engagement level. This session could include specific hands-on elements such as creating events, targeted advertising and Facebook Live.

- Investment: \$500

Here are a few possible dates / times for this training:

- November 30 – 12pm
- December 14 – 9am
- December 15 – 9am

If you're ready to get started, please mark the option (above) and sign below!

Just Sign Here!

I have read and agree with this proposal and contract terms.

Signature _____ Name/Title _____ Date _____

Payments Terms

- 25% deposit is required for work to begin. Client will be billed monthly until project is completed. Cash or checks are accepted. Total cost will not exceed the above quoted price unless the scope of the project changes.
- Client agrees to pay interest penalties of 18% per annum on any past due balances and will be responsible for any reasonable costs or fees incurred by Platinum PR made towards collection of past due balances.

Conditions

- The deliverables described in this work order shall be deemed "works made for hire" under federal copyright laws.
- Client shall assume full responsibility for accuracy, completeness, and final proofing of copy, content, printing and fabrication. Client's signature will be required on all mechanical artwork and specifications prior to printing.
- Client shall be responsible for acquisition of all rights, permissions and payment required for any client-specified stock art.
- Client shall indemnify Platinum PR and save them harmless from any damages, costs or losses that may be suffered as a result of any claim arising out of the services and materials requested and performed and for third party claims of infringement, false advertising, libel or similar grounds.
- Client agrees to be included on Platinum PR website as a client and perhaps as a 'case study'.

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

October 24, 2016

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on October 24, 2016, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Rick Dietrick, Tom Catania and Christopher Goodman.

CONSENT AGENDA

Town Minutes – October 24, 2016 – Town Meeting

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

Personal Requests for Agenda:

Unfinished Business:

Review of MOU with Middletown Valley Bank for Display of Town Christmas Tree – Motion by Commissioner Falcinelli to approve the MOU with Middletown Valley Bank for the use of the vacant lot for display of the Town Christmas Tree, seconded by Commissioner Bussard. Motion carried 6-0.

Discussion of Contracting for Town Christmas Tree Display and Storage – Drew presented several options from a Company called Plantasia that will provide, set up, tear down and store an artificial tree. Drew stated that the Town of Myersville has went with this option this year as well. After much discussion motion by Commissioner Bussard to approve the quote to lease a 16' tree at \$9,500, seconded by Commissioner Falcinelli. Motion carried 6-0.

Middletown Certification for a Sustainable Community – Burgess Miller showed the Board the Sustainable plaque that he, Cindy, and Becky were presented at last week's conference.

NEW BUSINESS:

Proclamation of Business Appreciation Week – Burgess Miller read the proclamation and proclaimed the week of October 24-28 Business Appreciation Week.

ANNOUNCEMENTS:

Middletown Halloween Parade – Saturday, October 29th at 5pm.

Closure of bathrooms at Memorial Park – November 4, 2016.

ADJOURNMENT

Meeting adjourned at 7:50pm.

Respectfully submitted,

Ann Griffin
Office Manager



Proclamation

The Burgess and Commissioner of Middletown, proclaim November to be Municipal Government Works Month.

WHEREAS, the Town was incorporated in 1833; and

WHEREAS, Maryland is home to 156 other municipalities; and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the Town of Middletown is proud to promote municipal government awareness; and

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Burgess and Commissioners of Middletown, Maryland hereby joins the Maryland Municipal League in declaring November 2016 to be Municipal Government Works Month in Middletown.

Burgess John Miller

Commissioner Larry Bussard

Commissioner Tom Catania

Commissioner Rick Dietrick

Commissioner Jennifer Falcinelli

Commissioner Christopher Goodman



MEMORANDUM

DATE: November 7, 2016
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Budget Amendments – 250th Celebration of Middletown's Founding

ISSUE

Review of amendments to the budget for the 250th Celebration of Middletown's Founding.

BACKGROUND

On May 23, 2016, the Burgess and Commissioners approved the Town Budgets for FY 2016. Included in those budgets was a preliminary budget for the Town's 250th Celebration of Middletown's Founding. Since the approval by the Town Board, the Town has received a \$10,000 grant and the Main Street Board is proposing some modifications from the preliminary budget.

RECOMMENDATION

Amend the approved CIP Budget 2017-2021

Revenue – Grant for 250 th Celebration	Approved Budget	\$32,000
<i>Revenue – Grant for 250th Celebration</i>	<i>Amended Budget</i>	<i>\$10,000</i>
Expense – 250 th Celebration Event	Approved Budget	\$58,000
<i>Expense – 250th Celebration Event</i>	<i>Amended Budget</i>	<i>\$52,000</i>

ATTACHMENTS

Approved CIP Budget 2017-2021
Amended CIP Budget 2017-2021
250th Celebration Project Budget



Approved Budget
May 23, 2016

BURGESS AND COMMISSIONERS OF MIDDLETOWN

**GENERAL CAPITAL IMPROVEMENT BUDGET
FY 2017 - FY 2021**

INCOME

	FY '17	FY '18	FY '19	FY '20	FY '21
CASH RESERVES	\$936,787	\$386,451	\$271,432	\$94,075	\$32,707
INTEREST INCOME	\$2,342	\$966	\$679	\$235	\$82
OPERATING INCOME From Previous Years	\$297,275	\$353,739	\$300,000	\$350,000	\$400,000
IMPROVEMENT FEE	\$40,500	\$261,000	\$207,000	\$36,000	
Grant for 250th Celebration	\$32,000	\$40,500	\$6,021		
Loan - West Green Street	\$2,320,500	\$16,000			
OTHER					
SUB-TOTAL	\$3,629,404	\$1,058,656	\$785,132	\$480,310	\$432,789

PROJECTS

Ranking	Project Description	FY '17	FY '18	FY '19	FY '20	FY '21
1.00	Highways & Streets					
	WEST GREEN STREET IMPROVEMENTS	\$2,253,056	\$120,424	\$120,229	\$120,603	\$120,542
	SHA Streetscape Lighting	\$175,000				
1.83	Boileau Court - Mill & Overlay	\$40,000	\$500,000	\$300,000		\$220,000
2.17	Broad St. - Franklin Street (Inlets and Road Reconstruction)					
2.33	Broad St. - Main to Locust Alley (Road Reconstruction)					
2.50	Elm Street Parking Lot Upgrades - Reconfiguration and Paving					
2.50	Linden Blvd. (Broad Street to Pine Street)	\$415,000				\$300,000
	Locust Blvd. & Court (Road Reconstruction)					\$35,000
	Lombardy Court - Selective Patching, Mill & Overlay					
	Manda Court - Mill & Overlay				\$78,000	
	Manda Drive - Mill & Overlay				\$68,000	
	Prospect St. (Road Reconstruction)				\$125,000	
	Washington Street Retaining Wall				\$35,000	
	Young Branch Drive - Mill & Overlay		\$5,000	\$25,000		\$95,000
	Pedestrian Bridge Rehabilitation	\$85,000	\$16,000	\$15,000	\$15,000	
	Pedestrian Safety Improvements - Franklin Street (Prospect to Primary School)	\$34,997		\$12,000		
	SWM Fence Replacements					

Recreation & Culture

	Remsburg Park - Walking Trail and Bridge over Cone Branch Creek (80% Grant; POS 10% Town \$4,000)	\$45,000				
	Middletown Park - Skatespot (75% Grant POS; 25% Skateboard Group - Town Share \$0)	\$74,000	\$45,000	\$8,028		
	Memorial Park - Playground Replacement & Rehab	\$58,000				
	250th Celebration Event					
SUB-TOTAL		\$386,451	\$271,432	\$94,075	\$32,707	-\$528,953

General Services Administration & Operations

	Municipal Center - HVAC Replacement	\$8,000	\$80,000			
	Municipal Center - Kitchen Cabinets & Countertop Replacement	\$30,000				
	Municipal Center - Boiler Replacement to Natural Gas	\$4,300		\$30,000		
	Phone System Upgrade					
	Edco Scarifier Pavement Marker Remover	\$15,200	\$15,200	\$150,000		
	Inspection Vehicle Replacement	\$5,400	\$5,600	\$25,000		
	Backhoe Replacement Lease (4 years)	\$3,242,953	\$787,224	\$5,800	\$6,000	\$6,200
	Computer Replacements (3 Computers/Year)			\$691,057	\$447,603	\$961,742
SURPLUS/(DEFICIT)		\$386,451	\$271,432	\$94,075	\$32,707	-\$528,953



BURGESS AND COMMISSIONERS OF MIDDLETOWN

GENERAL CAPITAL IMPROVEMENT BUDGET FY 2017 - FY 2021

	FY '17	FY '18	FY '19	FY '20	FY '21
INCOME					
CASH RESERVES	\$936,787	\$370,451	\$255,392	\$77,995	\$16,587
INTEREST INCOME	\$2,342	\$926	\$638	\$195	\$41
OPERATING INCOME From Previous Years	\$297,275	\$353,739	\$300,000	\$350,000	\$400,000
IMPROVEMENT FEE	\$40,500	\$261,000	\$207,000	\$36,000	
PROGRAM OPEN SPACE and Community Parks & Playground	\$10,000	\$40,500	\$6,021		
Grant for 250th Celebration					
Loan - West Green Street	\$2,320,500	\$16,000			
OTHER					
SUB-TOTAL	\$3,607,404	\$1,042,616	\$769,052	\$484,190	\$416,628
PROJECTS					
Highways & Streets					
1.00 WEST GREEN STREET IMPROVEMENTS	\$2,253,056	\$120,424	\$120,229	\$120,603	\$120,542
SHA Streetscape Lighting	\$175,000				
Boileau Court - Mill & Overlay	\$40,000	\$500,000	\$300,000		\$220,000
Broad St. - Franklin Street (Inlets and Road Reconstruction)					
Broad St. - Main to Locust Alley (Road Reconstruction)					
Elm Street Parking Lot Upgrades - Reconfiguration and Paving					
Linden Blvd. (Broad Street to Pine Street)					\$300,000
Locust Blvd. & Court (Road Reconstruction)	\$415,000				\$35,000
Lombardy Court - Selective Patching, Mill & Overlay					
Manda Court - Mill & Overlay				\$78,000	
Manda Drive - Mill & Overlay				\$68,000	
Prospect St. (Road Reconstruction)				\$125,000	
Washington Street Retaining Wall				\$35,000	
Young Branch Drive - Mill & Overlay		\$5,000	\$25,000		\$500,000
Pedestrian Bridge Rehabilitation					\$95,000
Pedestrian Safety Improvements - Franklin Street (Prospect to Primary School)	\$85,000	\$16,000	\$15,000	\$15,000	
SWM Fence Replacements	\$34,997		\$12,000		
Recreation & Culture					
Remsburg Park - Walking Trail and Bridge over Cone Branch Creek (90% Grant; POS 10% Town \$4,000)	\$45,000				
Middletown Park - Skatespot (75% Grant POS; 25% Skateboard Group - Town Share \$0)			\$8,028		
Memorial Park - Playground Replacement & Rehab	\$74,000	\$45,000			
250th Celebration Event	\$52,000				
General Services Administration & Operations					
Municipal Center - HVAC Replacement	\$8,000	\$80,000			
Municipal Center - Kitchen Cabinets & Countertop Replacement	\$30,000				
Municipal Center - Boiler Replacement to Natural Gas			\$30,000		
Phone System Upgrade	\$4,300				
Edco Scarifier Pavement Marker Remover			\$150,000		
Dump Truck Replacement			\$25,000		
Inspection Vehicle Replacement	\$15,200	\$15,200			
Backhoe Replacement Lease (4 years)	\$5,400	\$5,600			
Computer Replacements (3 Computers/Year)	\$3,236,953	\$787,224	\$5,800	\$6,000	\$6,200
SUB-TOTAL	\$3,704,451	\$255,392	\$77,995	\$16,587	-\$545,114
SURPLUS/(DEFICIT)					

Project Budget

250th Commeration of Middletown's Founding

Line Item #	Work Item (Description)	Payments	Estimated Project Costs	Costs Not Covered by Grant or Paid out of Other Line Items	Total Project Cost
1	Town Hall Make-Over Meeting Room to Exhibit Gallery				\$0.00
2	Consultant Fees (Sr Planner, Graphic Designer, Writer)		\$15,010.00		\$15,010.00
	Sr Planner (66 hours x \$85 = \$5610)				\$0.00
	Museum Planner (74 hours x \$60 = \$4440)				\$0.00
	Graphic Designer (62 hours x 80 = \$4960)				\$0.00
3	Production of Window Exhibits		\$4,800.00		\$4,800.00
4	Production of Introductory Panel		\$2,200.00		\$2,200.00
5	Other Costs (travel, supplies, film, \$ needed for copyrights)		\$105.00		\$105.00
6	Display Cases - DG has suggested using the downstairs case & using this \$\$ to help pay for drone flight software		\$16,000.00		\$16,000.00
7	Installation of Cases - STAFF TIME			\$500.00	\$500.00
8	Advertisement of Grand Opening - MAY BE picked up by MSM			\$338.00	\$338.00
9					\$0.00
10	Walking Tour				\$0.00
11	Historian (125 Staff & Volunteer Hours)			\$2,840.00	\$2,840.00
	(4 Volunteers at 20 hours each x 23/hour = \$1840)				\$0.00
	(Staff at 45 hours x 22/hour = \$990)				\$0.00
12	Graphic Designer (20 hours @ \$100/hour)		\$2,000.00		\$2,000.00
13	Printing 2500 copies		\$2,000.00		\$2,000.00
14					\$0.00
15	Mobile APP (quote from MyMobileTownGuide.com)				\$0.00
	WALKING TOUR TO TOWN WEBSITE VIA STORY MAPPING THROUGH GIS		\$2,000.00		\$2,000.00
16	Formatting Data to Upload (Staff Time \$22 x 24 hours)			\$528.00	\$528.00
17					\$0.00
18	Speaker Series (Speaker Fee \$100 per Speaker)		\$600.00		\$600.00
19	Advertisement (\$76 x 15) - MSM looking to Partner with CMHL to Cover these Costs			\$1,140.00	\$1,140.00
	Design of 2-sided, full color rack card (When the Grant was written, I had a volunteer commit to the task. Now, I have to pay Bruce). I am pulling \$\$ from below in the Graphic design costs to make the banners to pay him his fees. This also includes paying for his 250th Logo		\$775.00		\$775.00
	Printing 2500 Cards to distribute		\$550.00		\$550.00
					\$0.00
21	Round Table Discussions				\$0.00
22	Printed Invitations		\$150.00		\$150.00
23	Videographer (\$100 per event)		\$400.00		\$400.00
24	Food (4 Dinners for 15 people @ \$15 per head)				\$0.00
25					\$0.00
26					\$0.00
32					\$0.00
TOTALS			\$46,590.00	\$5,346.00	\$51,936.00
Minus Grant			\$10,000.00		\$51,936.00
			\$36,590.00		



14702 Crown Lane, Hagerstown, MD 21740 • 410.313.4900

Change Order Proposal

Direct Line: (240) 313-4900
 Email: tbell@rkinsley.com

October 21, 2016

J.R. Hawkins, PE
 CIP Project Manager
 Town of Middletown, MD
 31 West Main Street
 Middletown, MD 21769

Kinsley Construction, Inc. is pleased to submit a quotation to provide all labor, equipment and materials required to complete the referenced project as outlined herein.

Code	Description	Quantity	Units	Price	Total
PAVEMENT REPAIR & UPGRADES					
GARAGE STREET:					
7110	2" MILLING	1,312.00	SY	\$6.60	\$8,659.20
7120	PAVING FABRIC OVERLAY	1,312.00	SY	\$4.60	\$6,035.20
7130	2" SURFACE ASPHALT	1,312.00	SY	\$13.90	\$18,236.80
GARAGE STREET TOTAL >>>					\$32,931.20
TOWN HALL PARKING LOT:					
7210	2" MILLING	1,446.00	SY	\$6.00	\$8,676.00
7220	PAVING FABRIC OVERLAY	1,600.00	SY	\$4.50	\$7,200.00
7230	2" SURFACE ASPHALT	1,600.00	SY	\$13.90	\$22,240.00
7240	PATCH W/ 5" G.A.B., 3" BASE ASPHALT	154	SY	\$53.50	\$8,239.00
TOWN HALL PARKING LOT TOTAL >>>					\$46,355.00
WILLOW STREET:					
7310	FULL DEPTH MILLING	548	SY	\$22.75	\$12,467.00
7320	6" STONE SUBBASE	548	SY	\$12.30	\$6,740.40
7330	4" BASE ASPHALT	548	SY	\$28.75	\$15,755.00
7350	2" MILLING (PARKING AREA)	551	SY	\$7.80	\$4,297.80
7360	PAVING FABRIC OVERLAY (PARKING AREA)	551	SY	\$6.10	\$3,361.10
7370	2" SURFACE ASPHALT (BOTH AREAS)	1,099.00	SY	\$12.50	\$13,737.50
WILLOW STREET TOTAL >>>					\$56,358.80

Code	Description	Quantity	Units	Price	Total
BUSSARD DRIVE:					
7410	2" MILLING	367	SY	\$9.40	\$3,449.80
7420	1-1/2" WEDGE & LEVEL	222	SY	\$8.00	\$1,776.00
7430	PAVING FABRIC OVERLAY	367	SY	\$8.60	\$3,156.20
7440	2" SURFACE ASPHALT	367	SY	\$15.80	\$5,798.60
BUSSARD DRIVE TOTAL >>>					\$14,180.60
KOOGLE DRIVE:					
7510	2" MILLING	487	SY	\$10.60	\$5,162.20
7520	PAVING FABRIC OVERLAY	487	SY	\$6.70	\$3,262.90
7530	2" SURFACE ASPHALT	487	SY	\$16.90	\$8,230.30
KOOGLE DRIVE TOTAL >>>					\$16,655.40
TOTAL >>>					\$166,481.00

NOTES AND CLARIFICATIONS

1. This proposal will be attached to the contract as a means of clarification describing the items of work to be completed by Kinsley Construction, Inc. Our scope of services will be strictly limited to the items as they are listed herein.
2. Price is based on one mobilization.
3. All millings to be disposed of at Remsberg Park.
4. Striping, topsoil, seeding or sodding is not included.
5. Special caulking and sealants are not included.
6. Undercutting and subsequent backfilling of soft or yielding subgrade areas will be removed at an extra cost, additional to this proposal.
7. All work is to be completed during regular work hours Monday through Friday, 10hrs/day, 50hrs/week maximum.

Thank you for the opportunity to provide a quotation for this project. If you have any questions related to this proposal please do not hesitate to contact me.

Sincerely,

Tommy Bell

Estimator

Kinsley Construction, Inc.



MEMORANDUM

DATE: November 10, 2016

TO: Burgess and Commissioners

FROM: Andrew J. Bowen, Town Administrator

SUBJECT: Financial Analysis of Proposed Improvement Fee Increase

ISSUE

What is the financial impact of increasing the improvements fee from \$6,000 to \$7,000? In addition, what would be the impact to customers without the infusion of taps fee income, i.e. no future growth?

BACKGROUND

On October 10, 2016, the Burgess and Commissioners approved an increase to the water and sewer tap fees from \$7,000 to \$9,000. Commissioner Catania requested staff conduct a financial analysis of the impact to the Capital Improvements Program (CIP) of this possible increase and the Board agreed to review the information including an overall review of the impact to customers without the infusion of tap fee income in future years.

FINANCIAL ANALYSIS

As with all financial analysis, assumptions are a critical element. The analysis will be using the following assumptions:

1. Improvements fees will continue to be allocated to the General Fund CIP;
2. Improvement fee would increase from \$6,000 to \$7,000 on July 1, 2017;
3. No future annexations;
4. No increase to the Capital Improvement Fee;
5. Analysis does reflect the increase in water and sewer tap fees approved by the Board, effective July 1, 2017;
6. Future expenses in the Water & Sewer CIP are based on the average expenditure over the last 10 years;
7. In order to determine the impact of the lack of future tap fees in the Water & Sewer Fund, a long-term review beyond the 5 year projections is required.

GENERAL FUND

The proposed increase to the improvement fee would provide additional revenue to the General Fund CIP totaling \$85,000 over the next 4 years.

FY 2018 - \$43,500

FY 2019 - \$34,500

FY 2020 - \$ 6,000

FY 2021 - \$ 1,000

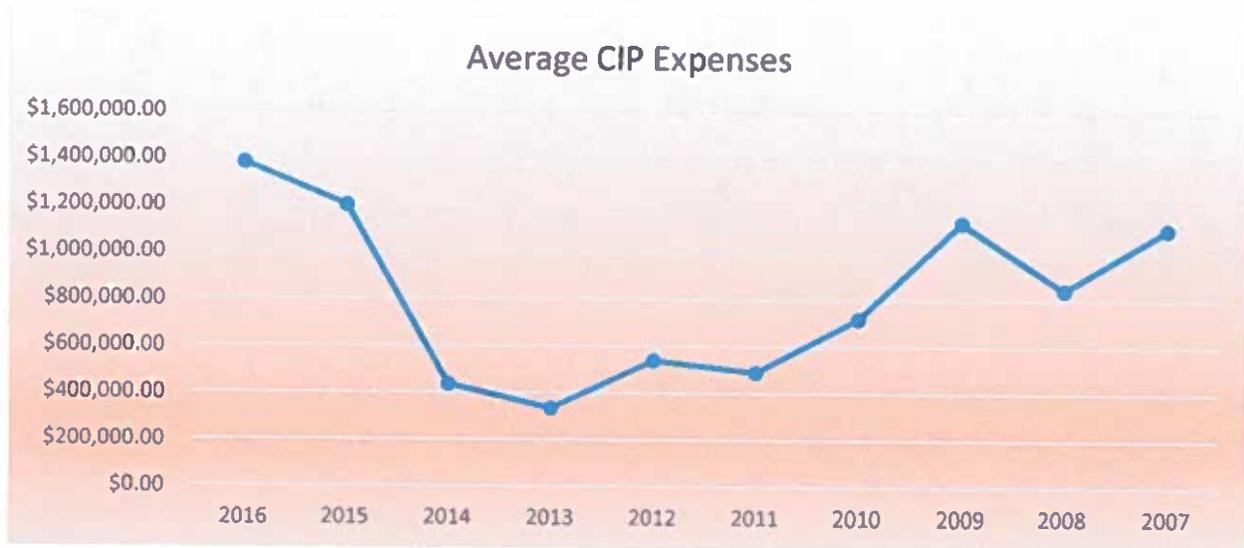
There are no future funds shown since FY 2021 would mark the last subdivision buildout in Middletown. With the anticipated expenditure for road improvements in the General Fund CIP, the infusion of funds is helpful, but not significant.



WATER & SEWER FUND

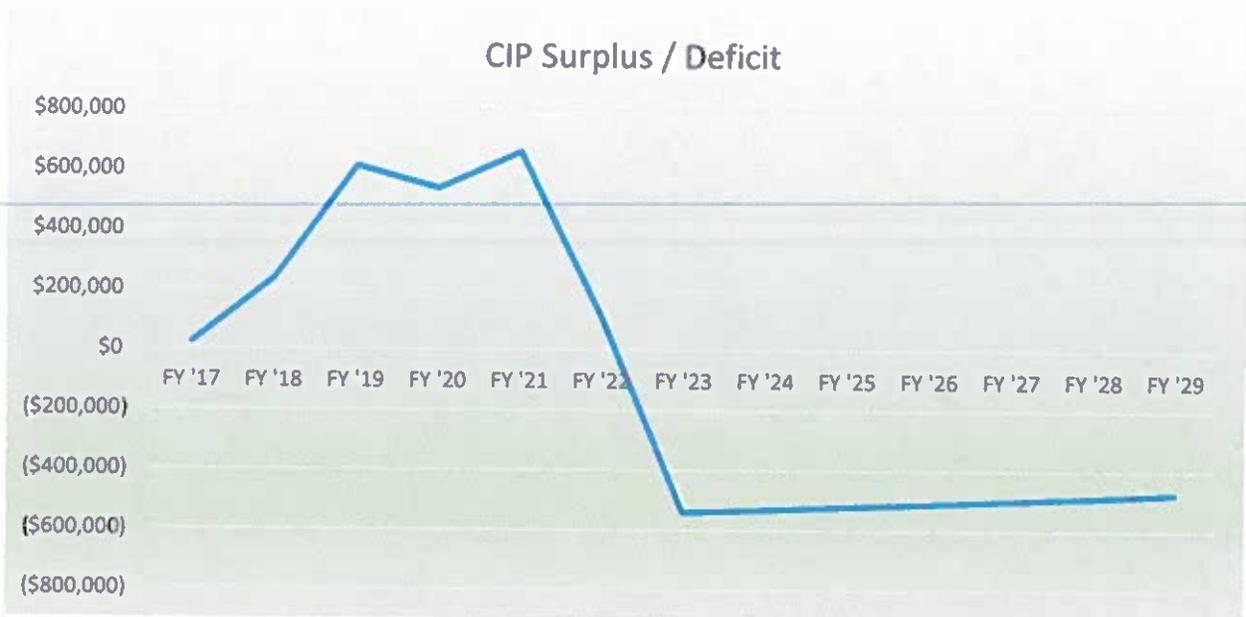
The financial analysis is based on projection from FY 2017 – FY 2029. The average expenditure over the past 10 years in the Water & Sewer CIP is \$818,257. This does not include the cost of debt service, i.e. loan payments.

On the following page is a graph representing the historical expenditures in the Water & Sewer CIP. This average expense was used for projections past the FY 2021 approved CIP. Although specific projects were not identified in this analysis.



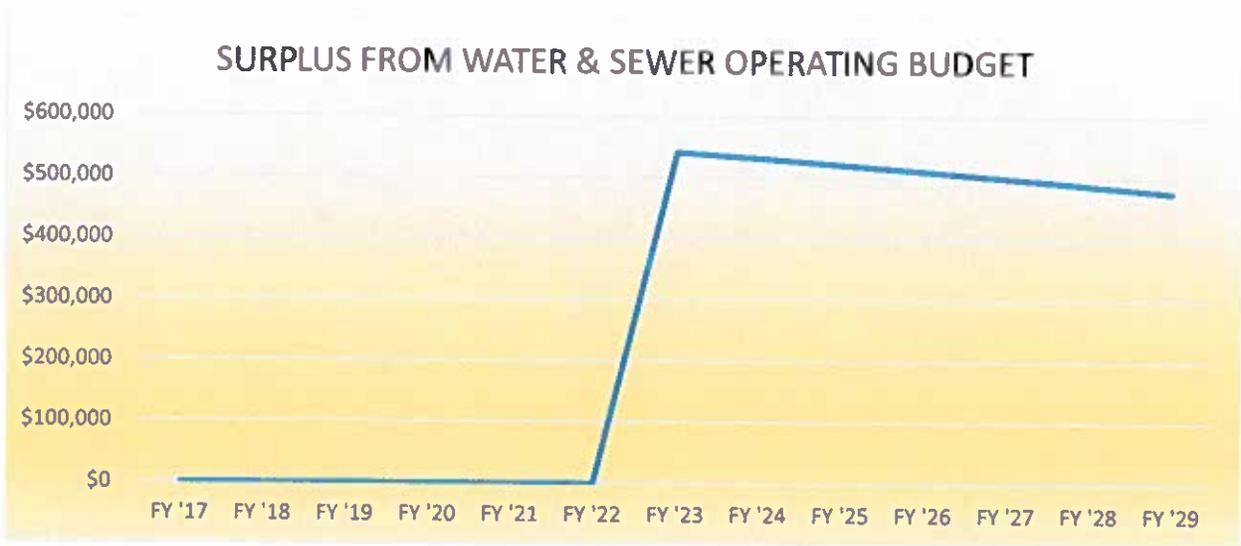
With build out anticipated to be completed by FY 2021, most future revenues become fixed. Those fixed revenue sources are Capital Improvements Fees (*Debt Service Fee will be phased out by FY 2021*) and Land Leases. The only other source of revenue would be anticipated surpluses from the Water & Sewer Operating Budget.

Historically, the Town has not normally had significant surpluses in the Water & Sewer Operating Budget to have allocated to the Water & Sewer CIP. Below is graph representing the anticipated Surplus/Deficit without any infusion of funds from the Water & Sewer Operating Budget.



In order to balance the deficit anticipated after FY 2021, an increase in the contribution from the Water and Sewer Operating Budget would be required since other revenue sources are fixed.

The amount of necessary surpluses from the Water & Sewer Operating Budget need to balance the Water & Sewer CIP budget are show in the graph below.



From FY 2023 – FY 2029, an average of approximately \$500,000/year in surplus revenue would be needed to balance the Water & Sewer CIP. Our FY 2017 total operating budget for Water & Sewer is \$1,177,315. Having to generate an additional \$500,000 of revenue/year would be a 50% increase in existing water and sewer rates, above and beyond what they are today.

CONCLUSIONS

Without the infusion of funds from tap fees or some other source of revenue, there will have to be a substantial increase in water and sewer rates to continue funding required improvements in the Water & Sewer CIP.

RECOMMENDATION

There is no recommendation as this was a financial analysis for the Town Board for informational purposes.

ATTACHMENTS

None

LEASE

THIS LEASE made this _____ day of _____ 2016, by and between **Middletown Valley Bank**, a financial institution of the state of Maryland, having an address of 24 W. Main Street, Middletown, Maryland 21769 (hereinafter called "Landlord") and **the Burgess and Commissioners of Middletown**, a Maryland municipal corporation, having an address of 31 W. Main Street, Middletown, Maryland 21769 (hereinafter called "Tenant").

WITNESSETH: That for and in consideration of the mutual promises and covenants herein contained, the Landlord and Tenant hereby agree as follows:

1. **LEASED PREMISES:** Landlord hereby leases unto Tenant and Tenant leases from Landlord all that parcel of unimproved land located at 30 West Main Street, Middletown, Maryland, Tax Identification #03-129829, which property was acquired by Landlord by deed dated July 28, 1993 from Anna J. Hoffman, attorney-in-fact for Sarah H. Derr, said deed being recorded among the Land Records of Frederick County, Maryland at Liber 1913, folio 583, EXCLUDING, therefrom, however, all that portion of said land which is currently paved and used for parking vehicles ("the Property"). The Property leased hereunder is depicted generally as that area outlined in red on the attached Exhibit "A".

2. **TERM:** The term of this Lease shall be for a period of ten (10) years commencing on the ____ day of _____, 2016, and terminating, of its own terms and without further notice, on the _____ day of _____, 2026.

3. **RENT:** Tenant shall not be required to pay, and shall not pay, any rent during the Lease term. Tenant shall, however, pay any and all such real estate taxes and assessments levied annually against the property which may come due during the lease term; provided, however, that such taxes and assessments shall be pro rated for the first and last year of the lease so that Landlord and Tenant shall each pay their respective proportionate shares for those years. Tenant

shall indemnify and hold Landlord harmless against any such taxes or assessments for which Tenant is responsible under the terms of this Lease.

4. **USE OF PROPERTY:** Tenant and Landlord have entered into this Lease with the joint goal of providing park and recreational land to be used by the general public. Therefore, Tenant shall use and occupy the Property solely for the purpose of a public park and recreational area. Tenant shall generally make repairs and maintain the Property in a clean, sanitary and safe condition and to the same degree of quality as it does with its other similar park and recreational areas in the Town of Middletown. Such maintenance shall include, but not be limited to maintenance of landscaping, trees and shrubs, mowing of grass, removal of snow and ice from sidewalks which are on or adjoin the Property, and trash removal.

5. **ADDITIONS AND IMPROVEMENTS:** Tenant shall be entitled to construct and install on the Property such additions, improvements, elements and amenities which are typical to parks and public recreational areas ("Amenities"). Amenities may include, but are not limited to, water fountains, sitting walls, decorative pavers, signs, and areas for public displays of art work and items of historical or cultural significance or interest. The design, construction, installation, repair and maintenance of any and all of the Amenities shall be at the sole cost and expense of Tenant, and Tenant shall indemnify and hold Landlord harmless against any liability for such expenses. Prior to the installation of or alteration to any Amenities, the Town shall submit the plans for such Amenities to the Landlord for review and approval. No Amenities shall be installed or altered without the prior written consent of Landlord, which consent shall not unreasonably be withheld, delayed or conditioned. The installation and maintenance of the Amenities must conform to any and all applicable building code standards, as well as any and all other applicable requirements of the federal, state and local governments. Within ninety (90) days of the expiration of this Lease, Tenant shall remove, at its sole expense, any and all Amenities which were installed on the Property during the term of the Lease.

6. **UTILITIES:** Tenant shall be solely responsible for the payment of all bills, statements or charges for utilities which serve the Property, including but not limited to water,

sewer and electricity. In the event that the Property is not served by any required or desired utility at the commencement of this Lease, then Tenant shall be solely responsible for having the Property connected to such utility service. Landlord, as the owner of the Property, shall cooperate fully with Tenant in any application for connection to such utility services. If the utility service provider requires that the utility account be entered in the name of Landlord as owner of the Property, and Landlord pays such utility bill, statement or invoice, then Tenant shall promptly either pay such bill, statement or invoice or reimburse Landlord for such expense.

7. **QUIET ENJOYMENT:** Tenant shall have the peaceful and quiet use of the demised premises in keeping with the public nature of parks and public recreational areas and without hindrance or interruption by Landlord.

8. **INDEMNIFICATION:** Tenant shall indemnify and hold Landlord harmless from and against any and all claims, actions, damages, liability and expenses, including reasonable attorney's fees, in connection with loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon or at the Property, or the occupancy or use by Tenant of the Property or any part thereof, or occasioned wholly or in part by any act or omission of Tenant, its agents, servants, employees, assignees, or invitees. In the event that Landlord, without fault on its part, is made a party to any litigation commenced by or against Tenant, then Tenant shall protect and hold Landlord harmless, and shall pay all costs, expenses and reasonable attorney's fees incurred or paid by the Landlord in connection with such litigation.

9. **INSURANCE:** Tenant shall take such measures as are necessary to have the Property covered under and included in the Tenant's policy of liability insurance to the same extent as the Tenant covers other municipal property owned or leased by it.

10. **NO PARTNERSHIP:** Nothing contained in this lease shall be deemed or construed to create a partnership or joint venture of or between Landlord and Tenant, or create any other relationship between the parties hereto other than that of Landlord and Tenant.

11. **INSPECTION:** Tenant has inspected the premises and accepts same in ~~as is~~ condition.

12. **ENTIRE AGREEMENT:** This Lease contains the entire and only agreement between the parties, and no oral statements or representations or prior written matter not contained or referred to in this instrument shall have any force or effect. This lease shall not be modified in any way except by a writing subscribed by both parties hereto. The failure of the Landlord or Tenant to insist upon strict performance by the other or any of the covenants or conditions of this lease in any one or more instances shall not be construed as a waiver of relinquishment for the future of any such covenants or conditions, but the same shall be and remain in full force and effect. No waiver of any provision of this Lease shall be deemed to have been made, unless it is in writing and signed by the party to be charged therewith.

13. **BINDING EFFECT OF LEASE:** It is agreed that all rights, remedies and liabilities herein given to or imposed upon either of the parties hereto, shall extend to their respective heirs, executors, administrators, successors and assigns.

14. **ASSIGNMENT:** This Lease may not be assigned, conveyed or transferred by either party without the prior written consent of the other party.

15. **RECORDING SHORT FORM LEASE:** As a lease which term exceeds seven (7) years, this Lease is to be recorded in the Land Records, or alternatively, a Memorandum of Lease may be recorded. Upon request of either party, the other party shall execute any such Memorandum of Lease in a form required by Maryland law.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their respective duly authorized officers.

{Signatures on following page}

LANDLORD:

MIDDLETOWN VALLEY BANK

ATTEST:

Witness

By: _____ [SEAL]
Robert Goetz, Jr., President

Date

TENANT:

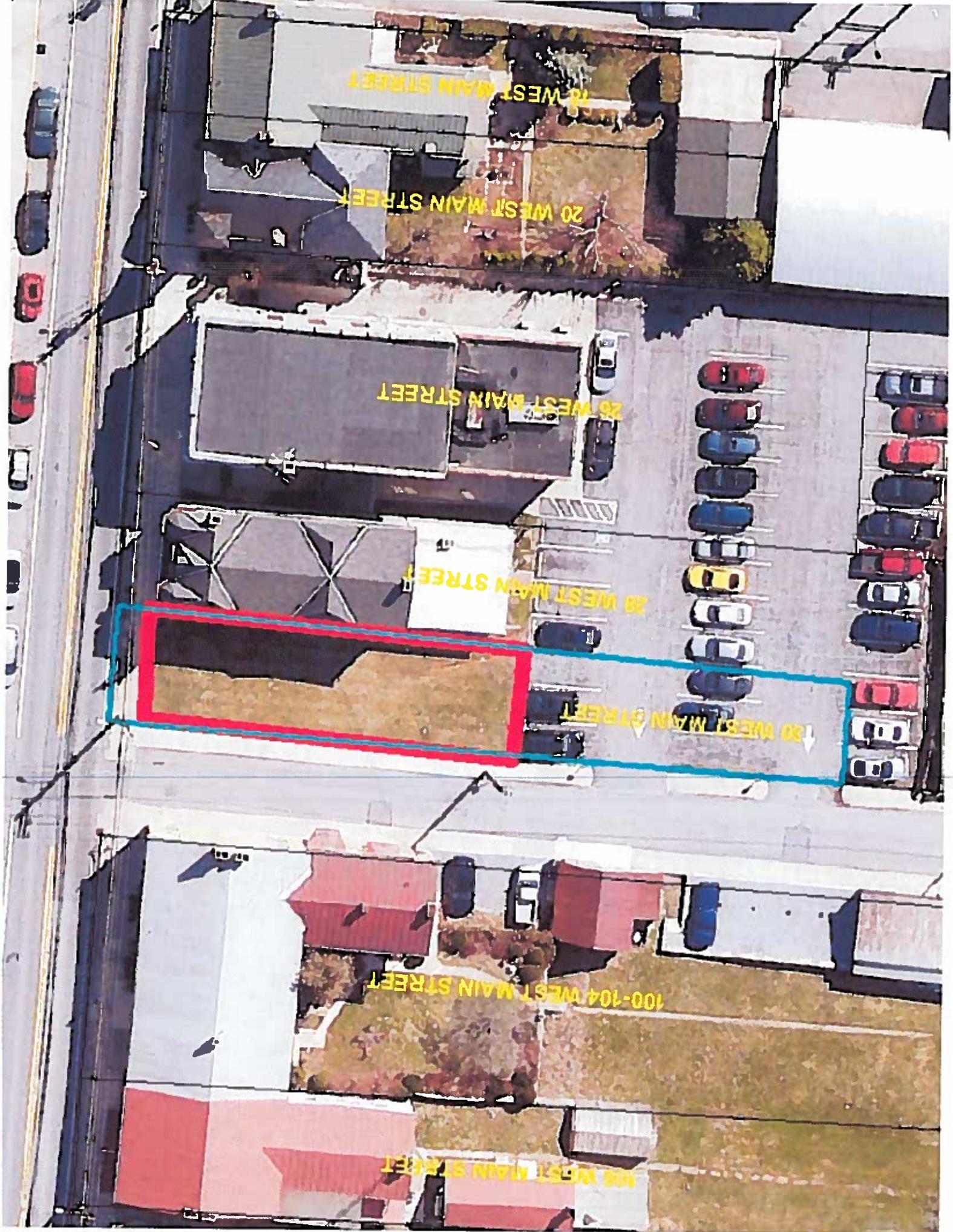
**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

ATTEST:

Andrew J. Bowen
Town Administrator

By: _____ [SEAL]
John D. Miller, Burgess

Date



18 WEST MAIN STREET

20 WEST MAIN STREET

26 WEST MAIN STREET

28 WEST MAIN STREET

30 WEST MAIN STREET

100-104 WEST MAIN STREET

106 WEST MAIN STREET