



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
- 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

STAFF REPORTS *(From Town Workshop):*

Staff Planner

Main Street Manager

Engineers Report

Zoning Administrator

UNFINISHED BUSINESS:

- 250th Celebration Budget Updates and Amendments
- Review of Cost Estimates for Additional Paving of Alleys – West Green Street Improvements Project

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</u> <u>BUDGET</u> | <u>YTD ACTUAL</u> | <u>OVER (UNDER)</u> <u>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 | 9,000 | 4,864 | (4,136) |
| | <u>\$ 39,830</u> | <u>\$ 17,725</u> | <u>\$ (22,105)</u> |
| <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 | 500 | 1,840 | 1,340 |
| | <u>\$ 272,230</u> | <u>\$ 80,081</u> | <u>\$ (192,149)</u> |

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) |
| Remsberg Park - Interest | 11,320 | 3,075 | (8,245) |
| Remsberg 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

| | ANNUAL BUDGET | YTD ACTUAL | OVER (UNDER) BUDGET |
|---|---------------------|---------------------|------------------------|
| <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) |
| Rensberg 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

| | <u>ANNUAL</u> <u>BUDGET</u> | <u>YTD ACTUAL</u> | <u>OVER (UNDER)</u> <u>BUDGET</u> |
|--------------------------------|--------------------------------|-------------------|--------------------------------------|
| <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) |

EXPENDITURES

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

| | ANNUAL BUDGET | YTD ACTUAL | OVER (UNDER) BUDGET |
|--|--------------------------|-------------------|--------------------------------|
| 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 |

**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

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/31/2016

RE: Monthly Planning Update - November

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013
Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
Final FRO Plan approved – April 21, 2014
Final Plats conditionally approved – November 17, 2014
Plats 1 & 2 recorded at Courthouse – May 17, 2016
Model home Certificate of Occupancy received – October 6, 2016

Site Plans and Minor Subdivisions:

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Building permit for Building #3 applied for – June 24, 2016
Plat of Correction conditionally approved – September 19, 2016

Fire Station – Fire Station plat conditionally approved – October 16, 2013

BOA approved height variance request - October 20, 2016

Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)

Franklin Commons/Chesterbrook Phase 2 - Site Plan approved – July 17, 2006

Improvement Plans approved and signed – September 16, 2008

Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)

Phase 2 FRO plan conditionally approved – January 19, 2015

Phase 2 Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)

Mylars signed – January 4, 2016

Horman Apartments- Site Plan approved – April 21, 2008

Improvement Plans conditionally approved – May 17, 2010

Currently approved SWM plans remain valid until May 4, 2017

Mylars signed – September 11, 2015

Letter sent out to property owner – August 25, 2016

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008
Forest Conservation Plan approved – October 20, 2008
Architectural plans approved by PC – March 16, 2015
BOA hearing for variance requests (approval received) – March 29, 2016

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Nicholson - Final Plat submitted for review – March 2, 2015
Subdivision plat conditionally approved by PC – June 20, 2016

Putman – Forest Conservation Plan approved – June 16, 2009
Revised Site Plan Extension request approved for 6-months – March 16, 2015
Revised Improvement Plans conditionally approved – March 16, 2015

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016
Site Plan reviewed by PC – May 16, 2016
Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

School complex – PC reviewed plans for comment to Town Board – June 20, 2016

Technology MD Network Company permit application – submitted September 22, 2016

Zion Lutheran property demolition site plan - approved by PC - August 15, 2016
Building demolished – week of September 26th

Zion Lutheran property demolition site plan – submitted October 20, 2016

Annexations:

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

Text Amendments: Sign ordinance revision for exemption standards for signs located on ballfields

Reports:

Meetings: Next Middletown Green Team Meeting – November 16, 2016

Next Joint town board/planning commission workshop – Monday, November 7, 2016



TO: Burgess and Commissioners
FROM: Becky Reich, Main Street Manager
RE: Workshop Report
DATE: November 2, 2016

Organization:

- Main Street Middletown had a “Big Idea” Strategic Planning meeting at our October meeting and each board member presented an idea of what they would like to see Main Street Middletown do or achieve. Ideas ranged from have 2-shorter meetings per month, have bi-annual stakeholder meetings, start a mentoring program, recruit two new retail businesses, host a motorcycle tour between several of our Main Street programs, host a paint night, rent a webcam during construction and show live clips on Facebook, strengthen the volunteer program, plus many more. We will be prioritizing these over the next month as we delve into details, pricing, and timing.
- Main Street Middletown Manager attended the required Maryland Main Street Quarterly meeting.

Economic Development:

- Main Street Middletown awarded our Business Partner of the Year Award to Candlelight Floral Design. Owners Melissa and Chris Popple grown their business by creative efforts and partnerships with local groups in town, Chris sits on the Main Street Board and as part of the Promotions Committee, created a 5-site Geo-Cache trail in our Main Street district. He also worked with the Heart of the Civil War Heritage Area in coordinating Middletown as part of their larger geo-cache trail. Additionally, Chris sits on Business and Industry Cabinet of Frederick County. Candlelight Floral Design instituted a weekly event for their business with \$5 Friday floral arrangements, creating reasons to return to Main Street each week.
- The next Business Mixer is for Tuesday, November 22, 2016 where we will roll out the Construction Survival Guidelines. We are very excited about this effort! The Frederick County Office of Economic Development is assisting with the graphic design of the booklet and printing copies.
- We are working on a possible Ribbon Cutting for Thursday, December 1, 2016 at Putnam Plumbing.
- The EDC took the lead on the Frederick Business Expo event that was last week. In 2015, there were right about 1000 visitors to the Expo. Early calculations of visitors who received name badges (unfortunately, not all visitors sign in), indicate a larger crowd than last year. We produced new rack cards with a simple listing of the Main Street businesses and a tag line that reads Main Street Middletown – where Charm Meets Convenience.

Promotions:

- Small Business Saturday is planned and Main Street Middletown is adding a new event to the effort. Main Street Middletown is creating the scavenger hunt, working with businesses to hand out scavenger hunt cards, and Main Street Middletown will award one lucky winner a cash prize. The hunt will consist of pictures of the signs of various businesses around town, and visitors will have to find and identify each business. We have received all of the goodies from American Express including 200 canvas Shop Small bags, stickers, crowns, pennants, hearts, pens, and more door mats. Members of the Main Street Board will be distributing these goodies to the Main Street businesses next week.

- Christmas in the Valley is scheduled for Saturday, December 3 from 4pm to 8pm. We are excited about the new Christmas Tree and its location. Main Street has been working with Commissioner Falcinelli and will also be changing the location of Main Street's collection booth for the stocking stuffer to a more central location. Main Street is also once again paying for the photo booth to set up inside Town Hall to keep little ones busy while they wait to visit Santa.
- The Promotions Committee is working with the 3-other Frederick County Main Street programs to have a joint, 2-page spread in the annual Visit Frederick magazine. This is one of our major advertisements of the year and we are really excited about the partnership and cost savings this brings.
- Please remember to mark your calendar for Saturday, December 10 for the Hayes Presidential Library visit to Middletown.

Design:

- The sale of the design books continues and is picking back up with people starting to think about holiday presents. These beautiful books make a nice present for Middletown friends and family. (We sold 6-books to one family yesterday).
- The Design Committee is working with the 250th Committee on the walking tour brochure. Our next meeting is scheduled for Tuesday, November 10. We have started working with Jeffrey Durbin, Senior Architectural Historian for the National Park Service with this endeavor.
- The Design Committee is hopeful that we will be awarded the Façade Improvement Program grant and as a result, we have begun work on setting up the program.

The 250th Commemoration:

- This is right around the corner! This week we have been concentrating on fundraising efforts and ideas as well as promotions. I have reached out to the Valley Citizen to highlight in their weekly column, "The Latest from the Last Century" to find information about the topics we'll be highlighting each month.
- The Drone Flight will take place this weekend that will become part of the exhibit in the upstairs meeting space!! This is going to be really good!
- Jennifer Ross informed Main Street that she has confirmed the official date of the Town's founding as March 3, 1767!!

Grants and Other News:

- We "won" a contest to host a small exhibit from the National Archives that focuses on the 225th Anniversary of the Bill of Rights. This small exhibit will give everyone a nice historical context to think about with the upcoming 250th.
- Main Street Middletown made a presentation to Wendi Peters, Maryland Secretary of Planning about how we have successfully used the Maryland Heritage Areas grants in our community during Community Development Week in October.
- We are still waiting to get the results from the Maryland Main Street program on two grants – the Main Street Improvement Grant for planters on Main Street and the Technical Assistance Grant to secure funding for the SBDC to assist Main Street businesses during the Road Construction Project.
- We are still waiting to hear the results from the Department of Housing and Economic Development!
- Main Street is looking to give the Cone-Man a better name – and so far we have a couple of suggestions: Cone-Main-ia and Cone-Cierge. Please let us know what you think! We'll do a little Facebook contest with this too.

Thank you for your continued support of Main Street Middletown!

Town of Middletown Zoning Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 11/3/16

RE: Monthly Zoning Update – October 2016

Board of Appeals (BoA) Meeting: The Middletown BoA met in public session on Thursday, October 20, 2016 to review an appeal (Case #MT-B-16-3) for two variances from the rear and side yard setback distances on a property in an Open Space (OS) zoned district in accordance with Section 17.28.040(B) of the Middletown Municipal Code. This section of the code requires all yard setback distances for structure twenty-five (25) feet or taller to be 2.5 times the height of the building. In this case, the yard setback requirements are seventy-one (71) feet three (3) inches for a twenty-eight (28) feet six (6) inches tall structure (fire station). The first request was for a variance of twenty (20) feet three (3) inches from the rear yard setback since the current rear yard setback distance is fifty-one (51) feet. The second request was for a variance of ten (10) feet nine (9) inches from the right side yard setback requirement since the current side yard setback distance is sixty (60) feet and six (6) inches. These variances were requested by Frederick County officials in order to construct a new fire station on the site for the MVFC. The BoA members approved the variances as requested by a vote of 3-0.

Zoning Violations:

(1) Signage issues at Middletown High School (MHS). 200 School House Drive. Zoning Administrator sent violation letter on April 27, 2016 to Executive Director of Facilities for the Frederick County Public School noting unauthorized signs at and near the MHS football/track facility. Two freestanding commercial signs (one sign was for DARCARS of Frederick) were noted. Temporary Commercial signs are not permitted in any district in Middletown in accordance with Section 17.36.150A of the municipal code and should be removed. Additionally, numerous banner signs were attached to the fence around the football/track facility. Section 17.36.140 of the municipal code allows signs to be affixed to fences of ballfields/sport complexes and scoreboards as long as they face the inside of the playing field and are in good repair. Many of the banner signs noted were on the outside of the fence with commercial advertisements on them facing the outside of the field/complex and were not securely fastened to the fence. Subsequent site visits (in September and October) noted that the business advertising signs on the fence around the MHS stadium have been replaced and were all in good repair. It was also noted that the two free standing “business” signs were still on the in violation of the municipal code. Open.

(2) Unregistered/inoperable motor vehicles parked in driveway. 5 Young Branch Drive. Home owner sent a zoning violation letter on June 10, 2016 for having two unregistered motor vehicles parked in driveway of residential property. Motor vehicles were not screened from adjoining properties in accordance with Section 17.16.060 of the Middletown Municipal Code. A second zoning violation letter (certified letter) was sent to homeowner on July 25, 2016. This is the third time over the last two and one-half years that this homeowner has been cited for parking/storing unregistered/inoperative motor vehicle in the driveway of his residential property. Certified letter sent July 25, 2016 never picked-up by homeowners. Violation letter returned to town office undelivered. Site visit on August 24, 2016 noted that unregistered/inoperative vehicle still parked in driveway. I

discussed this violation with wife of property owner and she said that they had not received notification letters. I gave her my business card and reiterated that the inoperative/unregistered vehicle parked on driveway was a violation of municipal code and needed to be resolved. A third zoning ordinance violation notification letter was sent on September 8, 2016 and a violation notice was posted to the front door of the house along with another copy of the violation letter. The son of property owner called and said the Subaru Impresa parked in the driveway was registered and had license tags on it. I visited property and took a picture of vehicle. I requested from the town administrator that the registration be verified. The town deputies determined that the tags on the Subaru Impresa in the driveway were actually tags from a Subaru Outback wagon. I'll continue to work with town administrator to identify registration status of vehicles parked in driveway or on Young Branch Drive in front of residence. Open.

(3) Recreational equipment (utility trailer) parked on street in front of residential property. 4 Sanaz Court. A zoning violation letter was sent to property owner on September 2, 2016 for having recreational equipment (utility trailer) parked on street in front of residential property which violates Section 17.32.140 of the municipal code. Subsequent visits to property noted that utility trailer still parked on street. Revisited property on September 29, 2016 and found the utility trailer was no longer parked on street in front of residence but was now parked in rear yard but not completely screened from adjoining properties. Open.

(4) Unregistered/inoperative vehicles parked in driveway. 605 East Main Street. A zoning violation letter was sent to property owner on September 16, 2016 for having at least one and maybe two unregistered/inoperative motor vehicles parked in driveway that were not screened from adjoining properties in accordance with Section 17.32.060(J)(2) of the Middletown Municipal Code. Subsequent visit determined that one unregistered vehicle is still parked in driveway in front of two car garage. Open.

(5) Large Dumpster stored on side yard of residential property. 10 Washington Street. A zoning violation notification letter was sent to property owners on September 23, 2016 for having a large trash dumpster placed in side yard of residential property that was not approved in accordance with Section 17.32.045 of the Middletown Municipal Code. Additionally, the property owners were cited for parking one or more motor vehicles in the side yard of their property on grass. Section 17.32.060(J) (3) of the code states that a person may only park a motor vehicle on an impervious surface. Examples of "impervious surfaces" defined in the Section 17.04-030 of the code are concrete, asphalt or gravel surface. Owners submitted a zoning certificate to the zoning administrator on October 26th to approval the parking of a large trash dumpster on their property until January 31, 2017 to support several major renovation projects to residential structure. Closed.

(6) Real Estate Sign on Roof of Model Home – Middletown Glen. 2 Gaver Drive. A zoning violation notification letter was sent on October 5, 2016 to Middletown Common Holdings, LLC regarding a large real estate sign "Now Selling Decorated Model – Ryan Homes" that had been placed on the roof of the model home in the Middletown Glen subdivision. The zoning violation notification letter noted that a large temporary real estate sign placed on the roof of any building in a residentially zoned district (R3/NTR) in the Town of Middletown is not authorized by the Middletown Municipal Code. The developer was asked to remove the sign from the roof of the model home as soon as possible. Additionally, I drove to the model home and addressed several signage violations with the Ryan Homes sale manager Mike Pilch. I provided him an electronic copy of Chapter 17.36 - Signs of the municipal code. The sign was removed within ten business days of receipt of zoning ordinance violation notification letter. Closed.

(7) Unregistered/inoperable vehicle parked on grass by driveway. 28 East Green Street. Property owner sent zoning ordinance violation notification letter on October 17, 2016 for parking an unlicensed motor vehicle (Ford F-150 pickup) on grass in a residentially zoned district that was not effectively screened from adjoining properties. Additionally, Section 17.32.060 (J) (3) of the code states that a person may only park a motor vehicle on an impervious surface. Examples of "impervious surfaces" defined in the Section 17.04-030 of the

code are concrete, asphalt or gravel surface. Subsequent site visits found Ford F-150 pickup removed from residential property. Closed.

(8) Boat on trailer (Recreational Equipment) parked on driveway. 28 East Green Street. Property owner sent zoning ordinance violation notification letter on October 31, 2016 for parking recreational equipment (boat on a trailer) on driveway in side yard of residential property that was not effectively screened from adjoining properties in accordance with Section 17.32.140 of municipal code. Open.

Miscellaneous Zoning Issues: None.

| October 2016 Zoning Certificates - completed | Address | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|---|--------------------------|----------|--------------------|---------------------|-----------------|
| Robin Bevington – installation of forty-one (41) roof mounted solar panels by SolarCity Corporation. | 103 Ali Drive | 149832 | 10/4/16 | 10/5/16 | yes |
| Marc Shirley – installation of privacy lattice panels next to patio in rear yard of property. Four (4) panels to be installed. Each panel; is four (4) feet by eight (8) feet. Contractor is Brian Rapp. | 108 Ali Drive | 149839 | 10/5/16 | 10/5/16 | yes |
| Middletown Commons Holdings, LLC (<i>Middletown Glen</i>)(contractor: Ashton Manor Environmental) – (1) Construct two (2) twelve (12) feet by twelve (12) feet Wood Pergolas in Green-Greenspace at intersection of Ingalls Drive and Dean Lane; (2) install Mini Shelters & cluster box mail units (3 location); and (3) Construct paver patio/block retaining wall. | 36 East Green Street | 149494 | 9/14/16 | 10/17/16 | yes |
| Hogan Properties (Cross Stone Commons (CSC)) – change of use/change of tenant for Building #3 in CSC Shopping Center. Tenant is Upcounty Donuts, LLC. | 200 Middletown Parkway | 150123 | 7/27/16 | 10/28/16 | yes |
| Jordon Stickelman – installation of twenty-nine (29) roof mounted solar panels by Vivint Solar | 214 North Pointe Terrace | 150388 | 10/18/16 | 10/18/16 | yes |

| October 2016 Zoning Certificates - completed | Address | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|----------------------|-----------------|---------------------------|----------------------------|------------------------|
| Eva Lucht - installation of twenty-eight (28) roof mounted solar panels by Solar City Corporation | 108 Manda Drive | 150469 | 10/18/15 | 10/19/16 | yes |
| Amy Winchester – install bathroom in existing office and rearrange several interior rooms (Anthony Owen Remodeling – contract) | 203 Franklin Street | 150645 | 10/25/16 | 10/25/16 | yes |
| Adele & Kevin Air – request to park large trash dumpster on property to support several renovation projects. | 10 Washington Street | Town | 10/26/16 | 10/27/16 | no |
| Jeane Rosen & Steven Greenbaum – extending current 3.5 foot picket fence in rear/side yard of property by fifty-five (55) feet to front of primary residential structure next to driveway. | 30 East Main Street | Town | 10/28/16 | 10/28/16 | no |

| Zoning Certificate submitted- in progress | Address | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|----------------------|-----------------|---------------------------|----------------------------|------------------------|
| Burgess and Commissioners of Middletown – construct a 27' x 27' pavilion & picnic tables at Wiles Branch Park. | 700 Knoll Side Place | 150571 | 7/13/16 | | yes |

| Zoning Certificate submitted -- actions pending and/or suspended | Address | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|-----------------------|-----------------|---------------------------|----------------------------|------------------------|
| Amir Bhat – install fire place and gas line from 100 gallon propane tank after tank is installed. | 19 Young Branch Drive | | 2/2/16 | | yes |
| Dennis Jiffas – construction of two-unit townhouse structure on corner lot. (Variance of 22' from front yard setback on Summers Drive approved by BoA on 3/29/16). | 406 West Green Street | | 3/29/16 | | yes |

| Zoning Certificate submitted -- actions pending and/or suspended | Address | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|----------------------|-----------------|---------------------------|----------------------------|------------------------|
| Angel Nerona – installation of thirty-nine (39) roof-mounted solar panels by SolarCity Corporation. | 13 Wagon Shed Lane | | 6/21/16 | | yes |
| Bill Heaton – install an eighteen (18) feet round above ground swimming pool in rear yard. Pool is four (4) feet tall. | 703 East Main Street | | 8/8/16 | | yes |
| Timothy Warner – installation of twenty-eight (28) roof-mounted solar panels by SolarCity Corporation. | 212 Layla Drive | | 8/12/16 | | yes |
| Dinah Esworthy – remodeling second floor bathroom by Hurd Builders Specialty Projects LCC. | 52 Boileau Court | | 10/26/16 | | yes |
| James P. Malecki, Jr. – install propane gas logs in existing masonry fire place. Gas line on outside of house to be extended to provide gas to log insert. | 8 Caroline Drive | | 10/18/16 | | yes |

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 | | |



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 | \$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 | Highways & Streets | | | | | |
| 1.00 | WEST GREEN STREET IMPROVEMENTS | \$2,253,056 | \$120,424 | \$120,229 | \$120,603 | \$120,542 |
| | SHA Streetscape Lighting | \$175,000 | | | | |
| 1.83 | Bolleau Court - Mill & Overlay | \$40,000 | \$500,000 | \$300,000 | | \$220,000 |
| | Broad St. - Franklin Street (Inlets and Road Reconstruction) | | | | | |
| 2.17 | Broad St. - Main to Locust Alley (Road Reconstruction) | | | | | |
| 2.33 | Elm Street Parking Lot Upgrades - Reconfiguration and Paving | | | | | |
| 2.50 | Linden Blvd (Broad Street to Pine Street) | | | | | |
| 2.50 | Locust Blvd & Court (Road Reconstruction) | \$415,000 | | | | \$300,000 |
| | Lombardy Court - Selective Patching, Mill & Overlay | | | | | \$35,000 |
| | Manda Court - Mill & Overlay | | | | \$78,000 | |
| | Prospect St. (Road Reconstruction) | | | | \$68,000 | |
| | Washington Street Retaining Wall | | | | \$125,000 | |
| | Young Branch Drive - Mill & Overlay | | \$5,000 | \$25,000 | \$35,000 | \$500,000 |
| | Pedestrian Bridge Rehabilitation | \$85,000 | | \$15,000 | \$15,000 | \$95,000 |
| | Pedestrian Safety Improvements - Franklin Street (Prospect to Primary School) | \$34,997 | \$16,000 | \$12,000 | | |
| | SWM Fence Replacements | | | | | |
| Recreation & Culture | | | | | | |
| | Remsburg Park - Walking Trail and Bridge over Cone Branch Creek (90% Grant; POS 10% Town \$4) | \$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 | | | | | |
| 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 | | | | | |
| | Phone System Upgrade | \$4,300 | | \$30,000 | | |
| | Ecoo Scanner Pavement Marker Remover | | | | | |
| | Dump Truck Replacement | | | \$150,000 | | |
| | Inspection Vehicle Replacement | | | \$25,000 | | |
| | Backhoe Replacement Lease (4 years) | \$15,200 | \$15,200 | | | |
| | Computer Replacements (3 Computers/Year) | \$5,400 | \$5,600 | \$5,800 | \$6,000 | \$6,200 |
| | SUB-TOTAL | \$3,242,953 | \$787,224 | \$691,057 | \$447,603 | \$961,742 |
| | SURPLUS/(DEFICIT) | \$386,451 | \$271,432 | \$94,075 | \$32,707 | -\$528,953 |



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.

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~~ 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