AGENDA FOR THE TOWN MEETING

October 13, 2014
7:00 p.m.

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

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Financial Statements
- Town Minutes
  - September 22, 2014 – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

Presentation of Winners of the Marbles Champions – Art Staus

Middletown High School FFA State Winning Public Speaker

UNFINISHED BUSINESS:

- Ordinance 14-08-03 - Adult Entertainment Business
- Review of e-Billing Implementation Costs

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

PUBLIC COMMENTS:

Please state Name and Address for the Record

ANNOUNCEMENTS:

- *The Town asking for volunteers to serve on the Town's Ethics Commission. Please submit a letter of interest to the Town Office.*

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
LOCAL TAX			
Real Property	$ 1,096,228	$ 656,475	$ (439,753)
Tangible Personal Property	34,505	5,003	(29,502)
Public Utilities	9,907		(9,907)
Franchise (Cable)	48,231		(48,231)
Penalties & Interest	9,241	4	(9,237)
	$ 1,198,112	$ 661,482	$ (536,630)
STATE SHARED TAX			
Admission & Amusement	$ 40,926		$ (40,926)
Highway Gasoline & Licenses	95,043		(95,043)
	$ 135,969		$ (135,969)
COUNTY SHARED TAX			
Income Taxes	$ 778,572	$ 9,116	$ (769,456)
Tax Equity Grant	581,111	145,278	(435,833)
	$ 1,359,683	$ 154,394	$ (1,205,289)
LICENSES AND PERMITS			
Beer, Wine and Liquor	$ 1,950		$ (1,950)
Business / Traders	4,900	7	(4,893)
Planning / Zoning Fees	9,500	7,117	(2,383)
	$ 16,350	$ 7,124	$ (9,226)
PARKS AND RECREATION			
Pavillion Fees	$ 1,900	$ 300	$ (1,600)
	$ 1,900	$ 300	$ (1,600)
POLICE PROTECTION			
State Grant	$ 25,835	$ 6,459	$ (19,376)
	$ 25,835	$ 6,459	$ (19,376)
MISCELLANEOUS			
Community Events			
Parking Citations			
Bank Shares Grant	2,500		(2,500)
Miscellaneous & Donations	5,000	4,919	(81)
	$ 7,500	$ 4,919	$ (2,581)
OPERATING REVENUES	**$ 2,745,349**	**$ 834,678**	**$ (1,910,671)**
State Grants & Interest	$ 130,405	$ 12	$ (130,393)
TOTAL REVENUE	**$ 2,875,754**	**$ 834,690**	**$ (2,041,064)**

Town of Middletown

Statement of Revenue & Expenditures

General Fund

Fiscal Year 2015

For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
EXPENDITURES			
LEGISLATIVE			
Commissioner's Salary	$ 12,000	$ 3,000	$ (9,000)
Communications	3,480	707	(2,773)
Dues & Subscriptions	7,370	7,225	(145)
Office Supplies & Exp	3,600	332	(3,268)
Advertising	750	50	(700)
Meetings & Conventions	9,000	2,187	(6,813)
	$ 36,200	$ 13,501	$ (22,699)
EXECUTIVE			
Burgess Salary	$ 6,000	$ 1,000	$ (5,000)
	$ 6,000	$ 1,000	$ (5,000)
ELECTION			
Clerk Fees			
Other Administrative Expenses		31	31
		$ 31	$ 31
GENERAL SERVICES			
ADMINISTRATION			
Administrative Salary	$ 196,663	$ 50,811	$ (145,852)
Postage & Printing	200		(200)
Communications	10,167	1,647	(8,520)
Computer Expenses	22,400	14,383	(8,017)
Office Supplies & Exp	30,401	4,710	(25,691)
Office Maintenance	47,262	5,489	(41,773)
Dues & Subscriptions	150		(150)
Professional Services	3,600	270	(3,330)
Meetings & Conventions	100	128	28
Water and Sewer Grant	102,740		(102,740)
	$ 413,683	$ 77,438	$ (336,245)
OPERATIONS			
Maintenance Capital Outlay			
Vehicle Capital Outlay		13,970	13,970
Director Salary	91,107	20,725	(70,382)
Maintenance Salary	45,417	1,546	(43,871)
Communications	6,797	1,566	(5,231)
Supplies & Expenses	13,334	2,312	(11,022)
Dues & Meetings			
Landscaping/Beautification			
Maintenance & Repairs	21,174	4,168	(17,006)
Tools & Equipment	3,069		(3,069)
	$ 180,898	$ 44,287	$ (136,611)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
PROFESSIONAL SERVICES			
Independent Accounting	$ 12,500	$ 6,000	$ (6,500)
Legal - Development			
Legal - Ordinances	7,500	779	(6,721)
	$ 20,000	$ 6,779	$ (13,221)
PLANNING & ZONING			
Salary & Fees	$ 50,182	$ 8,684	$ (41,498)
Other Expenses	1,300	737	(563)
	$ 51,482	$ 9,421	$ (42,061)
MAIN STREET PROGRAM			
Manager Salary	$ 43,577	$ 11,848	$ (31,729)
Town Contribution	8,800	8,800	
	$ 52,377	$ 20,648	$ (31,729)
PUBLIC SAFETY			
Fire Dept. Donation	$ 20,000		$ (20,000)
School Crossing Guards	17,121	1,715	(15,406)
Community Deputy Program	326,657		(326,657)
	$ 363,778	$ 1,715	$ (362,063)
SANITATION & WASTE REMOVAL			
Resident Trash & Yard Waste	$ 277,613	$ 71,743	$ (205,870)
RECREATION AND CULTURE			
Park Salary	45,754	13,074	(32,680)
Park Electric	1,800	737	(1,063)
Maintenance & Repairs	39,795	6,272	(33,523)
Mowing	25,451	7,371	(18,080)
Remsberg Park - Interest	17,847	6,279	(11,568)
Remsberg Park - Principal	105,702	34,904	(70,798)
	$ 236,349	$ 68,637	$ (167,712)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
HIGHWAYS AND STREETS			
Salary	$ 83,562	$ 27,887	$ (55,675)
Street Lighting	152,400	27,549	(124,851)
Storm Water Management	7,050	498	(6,552)
Snow Removal	63,000		(63,000)
Repairs & Resurfacing	94,500	19,630	(74,870)
Signs			
Truck Repair & Operation	25,000	6,169	(18,831)
Equipment Repairs & Ops	10,000	2,069	(7,931)
Mowing	31,744	9,216	(22,528)
Interest	7,418	720	(6,698)
East Green St - Principal	11,500		(11,500)
Case Loader - Principal	15,158	13,973	(1,185)
	$ 501,332	$ 107,711	$ (393,621)
OTHER EXPENSES			
MT Historical Society - CIP	$ 5,000	$ 5,000	
Donations	100		(100)
Travel - Mileage	2,500	892	(1,608)
Community Events	38,129	17,960	(20,169)
Payroll Taxes	52,753	10,474	(42,279)
Insurance - Property	12,748	15,312	2,564
Insurance - Employee	114,823	63,909	(50,914)
Retirement/Pension	67,363	3,207	(64,156)
Web Page & Directory	4,000		(4,000)
Real Estate Taxes	712	712	
Other	3,500	650	(2,850)
	$ 301,628	$ 118,116	$ (183,512)
TOTAL EXPENDITURES	**$ 2,441,340**	**$ 541,027**	**$ (1,900,313)**
INCOME (LOSS) Exc. Cash Reserves	**$ 434,414**	**$ 293,663**	**$ (140,751)**
CASH RESERVES	**$ 1,242,019**	**$ 1,084,802**	**$ (157,217)**
SURPLUS / (DEFICIT)	**$ 1,676,433**	**$ 1,378,465**	**$ (297,968)**

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
OPERATING REVENUE			
Revenue	$ 2,745,349	$ 834,678	$ (1,910,671)
OPERATING EXPENSES			
Expenses	2,441,340	541,027	(1,900,313)
OPERATING SURPLUS (LOSS)	**$ 304,009**	**$ 293,651**	**$ (10,358)**
OTHER FUND			
POS - Development	$ 78,300		$ (78,300)
POS - Walking Trail Land Purchas	42,000		(42,000)
West Green Street Loan			
RETAINED EARNINGS	333,488		(333,488)
Interest	3,105	12	(3,093)
Other	7,000		(7,000)
TOTAL OTHER FUNDS	$ 463,893	$ 12	$ (463,881)
TOTAL FUNDS AVAILABLE	**$ 767,902**	**$ 293,663**	**$ (474,239)**
CIP PROJECTS & PURCHASES			
West Green St Improvements	$ 1,000,000		$ (1,000,000)
Franklin - Patching, Mill & Over	115,000		(115,000)
Broad Street Road Construction	70,000		(70,000)
SWM Fence Replacements	9,000		(9,000)
Salt Building - Equipment Storag	35,000		(35,000)
Walking Trail Land Acq - East Ma	42,000	323	(41,677)
Remsberg Park Picnic Tables	3,000		(3,000)
Remsberg Park - Walking Trail an	45,000		(45,000)
Wiles Branch Pavilion and Tottle	24,500		(24,500)
Wiles Branch Walking Trail Resur	21,000	4,800	(16,200)
Foxfield Walking Path Overlay	23,940		(23,940)
Cone Brach Gazebo Roof Replaceme	5,000		(5,000)
Computer Replacements	5,200	4,232	(968)
Municipal Center - HVAC Replacem	85,000	7,219	(77,781)
Maintenance Equipment	47,000		(47,000)
Backhoe Lease	15,158	13,973	(1,185)
Historical Society Donation	5,000	5,000	
Total CIP Costs	**$ 1,550,798**	**$ 35,547**	**$ (1,515,251)**
OPERATING & CIP SURPLUS (LOSS)	**$ 767,902**	**$ 293,663**	**$ (474,239)**

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Cash Reserves	$ 1,242,019	$ 1,184,973	$ (57,046)
TOTAL CASH SURPLUS	**$ 2,009,921**	**$ 1,478,636**	**$ (531,285)**

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
Water Revenue	$ 588,919	$ 126,004	$ (462,915)
Sewer Revenue	565,791	125,924	(439,867)
Penalties/Reconnects	14,600	6,124	(8,476)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	70,000		(70,000)
TOTAL OPERATING REVENUE	**$ 1,240,885**	**$ 258,052**	**$ (982,833)**
EXPENDITURES			
ADMINISTRATIVE			
Office Salaries	$ 52,890	$ 11,221	$ (41,669)
Communications	7,100	1,932	(5,168)
Postage	10,222	10,280	58
Office Supplies/Expense	12,800	2,621	(10,179)
Legal - Other	8,500		(8,500)
Meetings & Seminars	250	248	(2)
Advertising	500		(500)
Uniforms	2,800	203	(2,597)
Dues/Subscrip/Certifications	500		(500)
Travel	200		(200)
Payroll Taxes	18,075	5,002	(13,073)
Insurance - Prop. & Liability	8,000	9,937	1,937
Insurance - Workers Comp	13,791	1,671	(12,120)
Insurance - Health	38,036	73	(37,963)
Retirement/Pension	19,949	838	(19,111)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150	3,600	450
Waterline / I & I Loans	33,056	32,497	(559)
Sub-Total	$ 230,111	$ 80,415	$ (149,696)
Vehicles & Equipment			
1999 Truck	$ 3,700		$ (3,700)
2008 Truck	3,200	392	(2,808)
2013 Truck	3,400	399	(3,001)
Misc Equipment	3,700	52	(3,648)
Bobcat Mini-Excavator		221	221
Case Backhoe		139	139
Sub-Total	$ 14,000	$ 1,203	$ (12,797)

WATER

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Salaries	$ 122,910	$ 28,815	$ (94,095)
Water Distribution System			
Supplies	2,500	643	(1,857)
Repairs & Maintenance	51,650	17,232	(34,418)
Water Meters	106,000	6,947	(99,053)
Water Line Break Repairs	5,000	2,232	(2,768)
Chemicals	500	894	394
Tools & Equipment	1,000	146	(854)
Sub-Total	$ 166,650	$ 28,094	$ (138,556)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	$ 31,370	$ 3,484	$ (27,886)
Supplies	2,000		(2,000)
Repairs & Maintenance	44,650	8,452	(36,198)
Chemicals	17,372	2,770	(14,602)
Tools & Equipment	2,400	720	(1,680)
Testing & Analysis	9,000	3,271	(5,729)
Sub-Total	$ 106,792	$ 18,697	$ (88,095)
Abandoned Well Costs			
TOTAL WATER EXPENSES	**$ 396,352**	**$ 75,606**	**$ (320,746)**
SEWER			
Salaries	$ 124,154	$ 25,471	$ (98,683)
Sewer Collection System			
Cone Branch PS	22,000	2,835	(19,165)
Brookridge South PS	9,700	1,593	(8,107)
Foxfield PS	6,500	1,451	(5,049)
Sanitary Sewerlines & Manholes	10,500	2,413	(8,087)
I & I Accrual	75,000	18,750	(56,250)
Sub-Total	$ 123,700	$ 27,042	$ (96,658)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	$ 33,000	$ 5,995	$ (27,005)
Supplies	10,500	628	(9,872)
Repairs & Maintenance	50,600	7,366	(43,234)
Chemicals	39,724	5,071	(34,653)
Tools & Equipment	8,400	(1,660)	(10,060)
Testing & Analysis	23,000	3,855	(19,145)
Sludge Hauling Expense	56,400	10,003	(46,397)
Sub-Total	$ 221,624	$ 31,258	$ (190,366)
West Wastewater Treatment Plant			
Electric	$ 20,000	$ 3,055	$ (16,945)
Supplies	2,500	447	(2,053)
Repairs & Maintenance	15,450	2,534	(12,916)
Chemicals	49,458	16,528	(32,930)
Tools & Equipment	1,000		(1,000)
Testing & Analysis	8,759	1,369	(7,390)
Sludge Hauling Expense	22,650	4,313	(18,337)
Sub-Total	$ 119,817	$ 28,246	$ (91,571)
TOTAL SEWER EXPENSES	**$ 589,295**	**$ 112,017**	**$ (477,278)**
TOTAL WATER/SEWER EXPENSES	**$ 1,229,758**	**$ 269,241**	**$ (960,517)**
CONTINGENCY FUND - 6.7%	**$ 82,394**	**$ 18,039**	**$ (64,355)**
ADJUSTED WATER/SEWER EXPENSES	**$ 1,312,152**	**$ 287,280**	**$ (1,024,872)**
NET INCOME (LOSS)	**$ (71,267)**	**$ (29,228)**	**$ 42,039**

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 3 Months Ended September 30, 2014

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
FUNDING SOURCES			
Operating Revenue	$ 1,240,885	$ 258,052	$ (982,833)
Operating Expenses	1,229,758	269,241	(960,517)
OPERATING INCOME (LOSS)	**$ 11,127**	**$ (11,189)**	**$ (22,316)**
Debt Service Fee - New Homes	$ 137,400	$ 34,370	$ (103,030)
Capital Improvement Fees	128,736	28,830	(99,906)
Improvement/Tap Fees	120,000	61,600	(58,400)
Water Meter Sales	16,700	4,728	(11,972)
Water Tower & Land Leases	168,044	28,559	(139,485)
General Fund Grant	100,479		(100,479)
TOTAL OTHER REVENUE	**$ 671,359**	**$ 158,087**	**$ (513,272)**
TOTAL FUNDS AVAILABLE	**682,486**	**146,898**	**(535,588)**
DEBT SERVICE COSTS			
Principal Payments			
MVB Line of Credit			
CDA - Water Tower	98,650		(98,650)
MDE - East WWTP	200,800		(200,800)
Brookridge WTP	16,700		(16,700)
Interest - All Loans	53,283	4,201	(49,082)
TOTAL DEBT SERVICE COSTS	**$ 369,433**	**$ 4,201**	**$ (365,232)**
WATER & SEWER PROJECTS			
Reservoir - Raw Water Meter & Pot	$ 5,500		$ (5,500)
Booster Station - Pumping Connect	8,000		(8,000)
Reservoir - Dual Feed Cover	60,000		(60,000)
Maganese Removal System	120,000		(120,000)
TOTAL WATER & SEWER PROJECTS	**$ 193,500**		**$ (193,500)**
TOTAL CIP COSTS	**$ 562,933**	**$ 4,201**	**$ (558,732)**
TOTAL FUNDS REMAINING	**$ 119,553**	**$ 142,697**	**$ 23,144**

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **September 22, 2014**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on September 22, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Rick Dietrick, Larry Bussard, Jennifer Falcinelli, Tony Ventre and Christopher Goodman.

CONSENT AGENDA
Public Hearing – September 4, 2014
Town Minutes – September 8, 2014
Commissioner Bussard motioned to accept this consent agenda as corrected, seconded by Commissioner Dietrick and passed unanimously.

PERSONAL REQUEST FOR AGENDA:
Brandi Wynne, 205 Broad Street – thanked the Burgess & Commissioners for painting the speed limit on the road as well as replacing and adding new signs along the street. Mrs. Wynne stated that she has only seen police presence one time on the street and would like to request more police presence.

Staci O'Rear, 109 Broad Street – asked if the Town could get an electronic speed limit sign? Burgess Miller stated that he asked the Director of Public Works to get a quote to purchase one of these signs, but one that we can move from street to street.

Presentation of Middletown Civil War Media Project – David Guiney – Mr. Guiney presented a slideshow to the Board of the pictures, brochures, banners, signs that he, Bruce Morgan, designer, Becky Reich, Main Street Manager, and Steve Bockmiller, historian developed for the Sesquicentennial Event.

Travis Warren, 29 West Main Street – Mr. Warren stated that he has issues with the noise coming from the playground at the Valley School behind his property. Mr. Warren stated that it's not a decibel issue it's the quality of noise. Mr. Warren stated that the kids are confined to a small space and this issue has degraded our life style. Mr. Warren stated that he's here to look for solutions to help with this problem. Mr. Warren stated that he has contacted the Valley School asking for them to minimize the noise but nothing has been done.

Jane Weir & Ed Berger, 27 West Main Street – Ms. Weir stated that she and her husband Mr. Berger purchased their house in 1998 and have spent a lot of money renovating their property. Ms. Weir stated that the fact that the school is wedged between private homes with a playground is unacceptable. Ms. Weir stated that putting something like this behind us to ruin our lives, she can hear intimate details about caretaker's private lives and for 11 hours a day, she can't focus on her work. Mr. Berger stated that his home has decreased in value because of its location to the school. Mr. Berger asked the Board to please do your job. Burgess Miller asked Mr. Berger what he would like us to do? Mr. Berger stated that he would appreciate some noise abatement measures. Ms. Weir stated that the school should be moved to a different location, Burgess Miller stated that is an unreasonable request.

Burgess Miller stated that the Town will have to some fact finding to respond that assertion. Commissioner Ventre stated that the Town's ability to do anything is limited to whether the school is adhering to the code. Burgess Miller also stated that the Town will speak to the Valley School and get back with Ms. Weir, Mr. Berger and Mr. Warren and try to mitigate the situation.

Unfinished Business:

Dog Park Project – Grant Funds Approved – Commissioner Ventre stated that he would like a decision if the Board wishes to move forward with the dog park. Commissioner Ventre stated that the total cost of the project is $47,872 and the Town's portion of this project is $11,968. The proposed location of the dog park is in Wiles Branch Park next to the west wastewater treatment plant. Drew stated that the yearly maintenance cost of the dog park would be approximately $2,600. Commissioner Bussard stated that he feels we could spend the $12,000 somewhere else more wisely than on a dog park. Commissioner Dietrick asked if there is a demand for the dog park? Or are we just doing it because we received grant money to do so? Commissioner Dietrick asked who is responsible if dogs fight or attack other dogs or humans? Commissioner Dietrick asked if we know what all is involved with a dog park?

Commissioner Ventre wanted to know what the sub-committee mission is going to be? Commissioner Falcinelli stated that the sub-committee be formed, research what will work what won't work and they can then bring back their findings to the Board and the Board can decide if they wish to move forward with.

Commissioner Ventre motioned to move forward with the dog park grant, with the condition that the sub-committee do a thorough investigation and make a recommendation back to the Board and if the Commissioners have any concerns about to articulate those concerns, seconded by Falcinelli. Motion carried (4-2 Dietrick & Bussard voted against).

CGI Communications – Video Showcase Program – Drew stated that CGI contacted the Town wanting to know if we would be interested in having videos such as a welcoming video on the Town's website. Drew stated that there is no cost to the Town for this service, how CGI makes their money is they ask the Town to send out a letter to all the businesses asking if they would like to put up an advertisement on our website. The advertisement would be the name of the business that would run around the video and when you click on that business it will go directly to their website. Drew stated that the cost to the businesses would be between $500-$1,500.

After some discussion, it was the consensus of the Board not to move forward with this.

NEW BUSINESS:

Discussion of e-billing for Water Bills – Commissioner Falcinelli stated that at the water & sewer meeting last week they viewed a presentation from our billing software coming on ebilling. Drew stated that by providing this service it would be a cost savings to the Town. It currently costs us approximately $0.80 per bill to print, fold, stuff & mail. By providing this service it would only cost us $0.35 per bill sent. It is the water & sewer committee's recommendation to move forward with this service. Burgess Miller asked Drew to provide the Board with the information on ebilling and the Board will vote on in October.

Streetscape Update & Discussion – Drew stated that he attended a meeting with SHA last week and per the Board's wishes of updating the waterline when the State does the streetscape project, we need to move forward with the design of the waterline. Drew provided tow (2) quotes that he obtained last year one from Arro for $18,425 and Beacon for $25,000.

Motion by Commissioner Busssard to go with Arro with a price not to exceed $20,000, seconded by Commissioner Goodman. Motion carried (6-0).

Review of Municipal Growth Element – Burgess Miller stated that he asked Cindy to provide the board with a brief overview of the Municipal Growth Element from the Town's Comprehensive Plan. Included with this overview is a map.

PUBLIC COMMENT:
Mike Tabor, 205 S. Church Street – stated that the Christ Reformed Church is not allowing anyone to park in their parking lot due to liability issues. Mr. Tabor stated that his businesses used that parking lot for overflow parking. Mr. Tabor asked if the Town could put 2 hour parking along Franklin Street from the intersection of S. Church to the Memorial Park. Burgess Miller stated that the Town will look into this.

ANNOUNCEMENTS:
The Town is asking for volunteers to serve on the Town's Ethics Commission. Please submit a letter of interest to the Town Office.

ADJOURNMENT
With no further business to come before the Board, the regular meeting adjourned at 9:15p.m.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 14-08-03

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

RECITALS

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

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

- "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis" Eric S. McCord and Richard Tewksbury; *Crime & Delinquency,* October 2013; vol. 59, 7: pp. 1108-1125., first published on November 29, 2012.

- "Adult Business Study" Town and Village of Ellicottville, Cattaraugus County, New York January 1998.

- Testimony to Illinois State Senate Public Health Committee March 2012 re: Illinois Senate Bill 3348 of Richard McCleary, (Professor of Criminology, Environmental Health Science, and Planning, University of California, Irvine) and Lori Sexton, (Assistant Professor at the University of Missouri, Kansas City).

- "Crime-Related Secondary Effects Of Sexually-Oriented Businesses" - Report To The County Attorney Palm Beach County, Florida ; Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D. August 15, 2007.

- "The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence", Alan C. Weinstein and Richard McCleary Cleveland-Marshall College of Law, Cleveland State University, October 2011.

- A report on the secondary impacts of adult use businesses in the city of Denver January 1998.

- Caroline County, Maryland Ordinance #2005-002 and findings stated therein;

and

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

- *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002)

- *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000)

- *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)

- *Steiner v. County Commissioners of Caroline County*, 490 F.Supp.2d 617 (D.Md.,2007)

- *Imaginary Images, Inc. v. Evans,* 612 F.3d 736 (4th Cir. 2010)

- *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009);

and

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

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

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

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

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

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

TITLE 17 ZONING

Chapter 17.04

Section 17.04.030 – Definitions

"Adult Entertainment Activities" means:

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

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

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

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

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

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

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

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

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

TITLE 17 ZONING

Chapter 17.32 Design Standards Generally

Section 17.32.225 – Adult Entertainment Business

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

b. Adult Entertainment Businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another Adult Entertainment Business or within 600 feet of the property line of any property located in a Residential zoning district. For the purpose of this sub-section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Business is conducted to the nearest property line of the school, park, child day care center, church or house of worship, other Adult Entertainment Business or property in a Residential zoning district.

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

INTRODUCED ON THE _____ DAY OF _____, 2014

PASSED ON THE _____ DAY OF _____, 2014

EFFECTIVE DATE: _____, 2014

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

Currently Billing Costs

Water Bill	Units	Unit/$	Cost	% of Cost
Invoices			$ 0.039500	4%
Reply Envelopes			$ 0.045500	5%
Envelopes			$ 0.045500	5%
Newsletter Costs				
Ream of Paper	500	$ 2.99	$ 0.005980	1%
Color Copies			$ 0.046100	5%
Folding/Stuffing	1,554	$ 466.20	$ 0.30	31%
Postage			$ 0.49	50%
Total Cost/Bill			**$ 0.97**	100%

Cost for e-Billing InHanceCloud

Water Bill	Units	Unit/$	Cost	% of Cost
Invoices			$ -	0%
Reply Envelopes			$ -	0%
Envelopes			$ -	0%
Newsletter Costs *(Web Link Provided within the e-Bill)*				
Ream of Paper	500	$ 2.99	$ -	0%
Color Copies			$ -	0%
Folding/Stuffing	1,554	$ 466.20	$ -	0%
Postage			$ -	0%
Charge to InHance Cloud/e-Bill			$ 0.35	100%
Total Cost/Bill			**$ 0.35**	100%

Current Projected Billing Cost - Quarterly

	2015				2016				2017				2018				2019				2020			
	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October
Bill	$ 0.132588	$ 0.132588	$ 0.132588	$ 0.132588	$ 0.134988	$ 0.134988	$ 0.134988	$ 0.134988	$0.137431	$ 0.137431	$0.137431	$ 0.137431	$ 0.140166	$ 0.140166	$ 0.140166	$ 0.140166	$ 0.142941	$ 0.142941	$0.142941	$ 0.142941	$ 0.143011	$ 0.143011	$ 0.143011	$0.143011
Newsletter	$ 0.052080	$ 0.052080	$ 0.052080	$ 0.052080	$ 0.053023	$ 0.053023	$ 0.053023	$ 0.053023	$0.053982	$ 0.053982	$0.053982	$ 0.053982	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.056147	$ 0.056147	$0.056147	$ 0.056147	$ 0.057287	$ 0.057287	$ 0.057287	$0.057287
Folding/Stuffing	$ 0.30	$ 0.30	$ 0.30	$ 0.30	$ 0.305430	$ 0.305430	$ 0.305430	$ 0.305430	$0.310958	$ 0.310958	$0.310958	$ 0.310958	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.323426	$ 0.323426	$0.323426	$ 0.323426	$ 0.329991	$ 0.329991	$ 0.329991	$0.329991
Postage	$ 0.49	$ 0.49	$ 0.49	$ 0.49	$ 0.51	$ 0.51	$ 0.51	$ 0.51	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.54	$ 0.54	$ 0.54	$ 0.54	$ 0.56	$ 0.56	$ 0.56	$ 0.56	$ 0.58	$ 0.58	$ 0.58	$ 0.58
Total	$ 0.974668	$ 0.974668	$ 0.974668	$ 0.974668	$ 1.001080	$ 1.001080	$ 1.001080	$ 1.001080	$1.028287	$ 1.028287	$1.028287	$ 1.028287	$ 1.057217	$ 1.057217	$ 1.057217	$ 1.057217	$ 1.086976	$ 1.086976	$1.086976	$ 1.086976	$ 1.115072	$ 1.115072	$ 1.115072	$1.115072
1,611	$ 1,570.19	$ 1,570.19	$ 1,570.19	$ 1,570.19	$ 1,612.74	$ 1,612.74	$ 1,612.74	$ 1,612.74	$ 1,656.57	$ 1,656.57	$ 1,656.57	$ 1,656.57	$ 1,703.18	$ 1,703.18	$ 1,703.18	$ 1,703.18	$ 1,751.12	$ 1,751.12	$ 1,751.12	$ 1,751.12	$ 1,796.38	$ 1,796.38	$ 1,796.38	$ 1,796.38
Total 6 Year Cost	$ 40,360.71																							
Year One	$ 6,280.76																							
Year Two	$ 6,450.96																							
Year Three	$ 6,626.28																							
Year Four	$ 6,812.71																							
Year Five	$ 7,004.48																							
Year Six	$ 7,185.53																							

Average Postage Increase over the last 3 years - 3.6%

Projected Billing Cost InHanceCloud- Quarterly

	2015				2016				2017				2018				2019				2020			
	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October	January	April	July	October
Bill	$ 0.132588	$ 0.132588	$ 0.132588	$ 0.132588	$ 0.134988	$ 0.134988	$ 0.134988	$ 0.134988	$0.053982	$ 0.137431	$0.137431	$ 0.137431	$ 0.140166	$ 0.140166	$ 0.140166	$ 0.140166	$ 0.140166	$ 0.140166	$0.140166	$ 0.140166	$ 0.145786	$ 0.140166	$ 0.140166	$0.140166
Newsletter	$ 0.052080	$ 0.052080	$ 0.052080	$ 0.052080	$ 0.053023	$ 0.053023	$ 0.053023	$ 0.053023	$0.053982	$ 0.053982	$0.053982	$ 0.053982	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$ 0.055057	$0.055057
Folding/Stuffing	$ 0.30	$ 0.30	$ 0.30	$ 0.30	$ 0.305430	$ 0.305430	$ 0.305430	$ 0.305430	$0.310958	$ 0.310958	$0.310958	$ 0.310958	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$ 0.317146	$0.317146
Postage	$ 0.49	$ 0.49	$ 0.49	$ 0.49	$ 0.51	$ 0.51	$ 0.51	$ 0.51	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53	$ 0.53
Total	$ 0.974668	$ 0.974668	$ 0.974668	$ 0.974668	$ 1.001080	$ 1.001080	$ 1.001080	$ 1.001080	$0.944838	$ 1.028287	$ 1.028287	$ 1.028287	$ 1.038284	$ 1.038284	$ 1.038284	$ 1.038284	$ 1.038284	$ 1.038284	$1.038284	$ 1.038284	$ 1.043904	$ 1.038284	$ 1.038284	$1.038284
Accounts	1,611	1,530	1,498	1,450	1,418	1,369	1,337	1,289	1,257	1,208	1,176	1,128	1,095	1,047	1,015	967	934	902	870	838	806	806	806	806
Total Cost for Bills	$ 1,570.19	$ 1,491.68	$ 1,460.28	$ 1,413.17	$ 1,419.21	$ 1,370.83	$ 1,338.57	$ 1,290.19	$ 1,187.26	$ 1,242.43	$ 1,209.30	$ 1,159.60	$ 1,137.42	$ 1,087.24	$ 1,053.79	$ 1,003.61	$ 970.15	$ 936.70	$ 903.24	$ 869.79	$ 840.86	$ 836.34	$ 836.34	$ 836.34
Percentage of e-Bills	0%	5%	7%	10%	12%	15%	17%	20%	22%	25%	27%	30%	32%	35%	37%	40%	42%	44%	46%	48%	50%	50%	50%	50%
Setup Charge InHance	$ 2,750.00																							
InHance Cloud Monthly	$ -	$ -	$ -	$ -	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00	$ 225.00
Accounts	-	81	113	161	193	242	274	322	354	403	435	483	516	564	596	644	677	709	741	773	806	806	806	806
Cost for e-Billing	$ -	$ 28.19	$ 39.47	$ 56.39	$ 68.89	$ 86.11	$ 97.59	$ 114.81	$ 128.81	$ 146.37	$ 158.08	$ 175.64	$ 191.06	$ 208.98	$ 220.92	$ 238.83	$ 255.86	$ 268.04	$ 280.23	$ 292.41	$ 310.84	$ 310.84	$ 310.84	$ 310.84
Total Cost for e-Bills	$ 2,750.00	$ 28.19	$ 39.47	$ 56.39	$ 293.89	$ 311.11	$ 322.59	$ 339.81	$ 353.81	$ 371.37	$ 383.08	$ 400.64	$ 416.06	$ 433.98	$ 445.92	$ 463.83	$ 480.86	$ 493.04	$ 505.23	$ 517.41	$ 535.84	$ 535.84	$ 535.84	$ 535.84
Total Cost/Quarter	$ 4,320.19	$ 1,519.87	$ 1,499.75	$ 1,469.56	$ 1,713.10	$ 1,681.94	$ 1,661.16	$ 1,630.00	$ 1,541.07	$ 1,613.80	$ 1,592.38	$ 1,560.24	$ 1,553.48	$ 1,521.21	$ 1,499.70	$ 1,467.43	$ 1,451.01	$ 1,429.74	$ 1,408.47	$ 1,387.20	$ 1,376.70	$ 1,372.18	$ 1,372.18	$ 1,372.18
Total 6 year Cost	$ 39,014.56	SAVINGS	CUM SAVINGS																					
Year One	$ 8,809.37	$ (2,528.61)	$ (2,528.61)																					
Year Two	$ 6,686.20	$ (235.24)	$ (2,763.85)																					
Year Three	$ 6,307.49	$ 318.79	$ (2,445.05)																					
Year Four	$ 6,041.83	$ 770.87	$ (1,674.18)																					
Year Five	$ 5,676.43	$ 1,328.04	$ (346.14)																					
Year Six	$ 5,493.24	$ 1,692.29	$ 1,346.15																					

Cost Comparison of Current Billing vs. e-Billing Over 6 Years
Current Billing
e-Billing Projections
$5,000.00
$4,500.00
$4,000.00
$3,500.00
$3,000.00
$2,500.00
$2,000.00
$1,500.00
$1,000.00
$500.00
$-
2015
2016
2017
2018
2019
2020