



## AGENDA FOR THE TOWN MEETING

Revised

September 14, 2015

7:00 p.m.

**PLEDGE TO THE FLAG**

**CALL TO ORDER**

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

**CONSENT AGENDA**

- [Financial Statements](#)
- Town Meeting Minutes
  - [August 24, 2015 Regular Meeting](#)

**PERSONAL REQUESTS FOR AGENDA:**

**UNFINISHED BUSINESS:**

- [Ordinance 15-08-01 – Amendments to Special Exception Uses](#)
- [Dog Park Rules and Applications](#)
- [Review of Proposals for Parking Lot at 13 West Main Street](#)
- [Discussion of Legislation to Require Banks/Mortgage Companies to Register Vacant or Foreclosed Properties](#)
- [Position Open on Middletown Board of Appeals](#)

**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:**

- [Hollow Creek Golf Course Request for Estoppel Certificate & Agreement](#)
- [Discussion of Legislative Initiatives from the County Executive](#)
- Discussion of Exploratory Group to Organize 250<sup>th</sup> Anniversary Celebration of the Town in 2017
- Discussion of National Night Out

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

*Heritage Festival – Saturday, September 26, 2015*

**ADJOURNMENT**

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2016  
 For the 2 Months Ended August 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>REVENUE</u></b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,139,955	\$ 638,669	\$ (501,286)
Tangible Personal Property	35,540	2,112	(33,428)
Public Utilities	10,356		(10,356)
Franchise (Cable)	48,062	11,909	(36,153)
Penalties & Interest	<u>9,607</u>	<u>4</u>	<u>(9,603)</u>
	\$ 1,243,520	\$ 652,694	\$ (590,826)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 16,500		\$ (16,500)
Highway Gasoline & Licenses	<u>154,758</u>		<u>(154,758)</u>
	\$ 171,258		\$ (171,258)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 721,465	\$ 71,559	\$ (649,906)
Tax Equity Grant	<u>555,964</u>	<u>138,991</u>	<u>(416,973)</u>
	\$ 1,277,429	\$ 210,550	\$ (1,066,879)
<b><u>LICENSES AND PERMITS</u></b>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900		(4,900)
Planning / Zoning Fees	<u>19,606</u>	<u>8,520</u>	<u>(11,086)</u>
	\$ 26,456	\$ 8,520	\$ (17,936)
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 1,900</u>	<u>\$ 195</u>	<u>\$ (1,705)</u>
	\$ 1,900	\$ 195	\$ (1,705)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 24,928</u>		<u>\$ (24,928)</u>
	\$ 24,928		\$ (24,928)
<b><u>MISCELLANEOUS</u></b>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500		(2,500)
Miscellaneous & Donations	<u>5,000</u>	<u>(68)</u>	<u>(5,068)</u>
	\$ 7,500	\$ (68)	\$ (7,568)
<b>OPERATING REVENUES</b>	<b>\$ 2,752,991</b>	<b>\$ 871,891</b>	<b>\$ (1,881,100)</b>
State Grants & Interest	\$ 189,172	\$ 17	\$ (189,155)
<b>TOTAL REVENUE</b>	<b>\$ 2,942,163</b>	<b>\$ 871,908</b>	<b>\$ (2,070,255)</b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2016  
 For the 2 Months Ended August 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 12,300		\$ (12,300)
Communications	3,480	264	(3,216)
Dues & Subscriptions	7,370	7,092	(278)
Office Supplies & Exp	3,600	151	(3,449)
Advertising	750	113	(637)
Meetings & Conventions	9,000	577	(8,423)
	<u>\$ 36,500</u>	<u>\$ 8,197</u>	<u>\$ (28,303)</u>
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 6,667</u>		<u>\$ (6,667)</u>
	\$ 6,667		\$ (6,667)
<b><u>ELECTION</u></b>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>250</u>		<u>(250)</u>
	\$ 700		\$ (700)
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 227,019	\$ 43,477	\$ (183,542)
Postage & Printing	200		(200)
Communications	10,471	549	(9,922)
Computer Expenses	22,600	4,828	(17,772)
Office Supplies & Exp	27,200	2,469	(24,731)
Office Maintenance	52,680	3,693	(48,987)
Dues & Subscriptions	150		(150)
Professional Services	3,600	300	(3,300)
Meetings & Conventions	100		(100)
Water and Sewer Grant	<u>80,000</u>		<u>(80,000)</u>
	<u>\$ 424,020</u>	<u>\$ 55,316</u>	<u>\$ (368,704)</u>
<b><u>OPERATIONS</u></b>			
Maintenance Capital Outlay			
Vehicle Capital Outlay			
Director Salary	93,227	14,178	(79,049)
Maintenance Salary	35,015	2,956	(32,059)
Communications	9,000	1,018	(7,982)
Supplies & Expenses	13,000	1,061	(11,939)
Dues & Meetings			
Landscaping/Beautification			
Maintenance & Repairs	27,950	3,549	(24,401)
Tools & Equipment	<u>3,161</u>	<u>310</u>	<u>(2,851)</u>
	<u>\$ 181,353</u>	<u>\$ 23,072</u>	<u>\$ (158,281)</u>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2016  
 For the 2 Months Ended August 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 12,500		\$ (12,500)
Legal - Development			
Legal - Ordinances	7,500	1,387	(6,113)
	<u>\$ 20,000</u>	<u>\$ 1,387</u>	<u>\$ (18,613)</u>
<b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 48,946	\$ 5,816	\$ (43,130)
Other Expenses	3,109	252	(2,857)
	<u>\$ 52,055</u>	<u>\$ 6,068</u>	<u>\$ (45,987)</u>
<b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 43,522	\$ 6,089	\$ (37,433)
Town Contribution	18,000	10,000	(8,000)
	<u>\$ 61,522</u>	<u>\$ 16,089</u>	<u>\$ (45,433)</u>
<b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	17,408		(17,408)
Community Deputy Program	365,101	4,576	(360,525)
	<u>\$ 402,509</u>	<u>\$ 4,576</u>	<u>\$ (397,933)</u>
<b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 276,901	\$ 37,083	\$ (239,818)
<b><u>RECREATION AND CULTURE</u></b>			
Park Salary	46,911	8,858	(38,053)
Park Electric	1,800	224	(1,576)
Maintenance & Repairs	44,100	4,615	(39,485)
Mowing	26,215	4,095	(22,120)
Remsberg Park - Interest	14,632	2,620	(12,012)
Remsberg Park - Principal	108,917	17,971	(90,946)
	<u>\$ 242,575</u>	<u>\$ 38,383</u>	<u>\$ (204,192)</u>

**Town of Middletown**  
**Statement of Revenue & Expenditures**  
**General Fund**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 93,356	\$ 15,794	\$ (77,562)
Street Lighting	165,600	13,135	(152,465)
Storm Water Management	4,670	511	(4,159)
Snow Removal	70,000		(70,000)
Repairs & Resurfacing	57,300	1,295	(56,005)
Signs			
Truck Repair & Operation	50,700	212	(50,488)
Equipment Repairs & Ops	10,000	278	(9,722)
Mowing	32,696	5,120	(27,576)
Interest	6,941		(6,941)
East Green St - Principal	12,000		(12,000)
Case Loader - Principal	15,158	13,973	(1,185)
	<u>\$ 518,421</u>	<u>\$ 50,318</u>	<u>\$ (468,103)</u>
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,783	338	(2,445)
Community Events	19,750	229	(19,521)
Payroll Taxes	54,257	8,399	(45,858)
Insurance - Property	13,866	2,079	(11,787)
Insurance - Employee	118,839	14,891	(103,948)
Retirement/Pension	65,725	2,080	(63,645)
Web Page & Directory	5,000	5,395	395
Real Estate Taxes	1,242	800	(442)
Bond Issuance Costs		11,710	11,710
Other	3,500	707	(2,793)
	<u>\$ 290,062</u>	<u>\$ 51,628</u>	<u>\$ (238,434)</u>
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,513,285</b>	<b>\$ 292,117</b>	<b>\$ (2,221,168)</b>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	<b>\$ 428,878</b>	<b>\$ 579,791</b>	<b>\$ 150,913</b>
<b>CASH RESERVES</b>	<b>\$ 1,186,719</b>	<b>\$ 935,026</b>	<b>\$ (251,693)</b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$ 1,615,597</b>	<b>\$ 1,514,817</b>	<b>\$ (100,780)</b>

Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2016  
 For the 2 Months Ended August 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>OPERATING REVENUE</b>			
Revenue	\$ 2,752,991	\$ 871,891	\$ (1,881,100)
<b>OPERATING EXPENSES</b>			
Expenses	2,513,284	292,117	(2,221,167)
<b>OPERATING SURPLUS (LOSS)</b>	<b>\$ 239,707</b>	<b>\$ 579,774</b>	<b>\$ 340,067</b>
<b><u>OTHER FUND</u></b>			
POS - Development	\$ 144,205		\$ (144,205)
West Green Street Loan	1,000,000		(1,000,000)
RETAINED EARNINGS	304,008		(304,008)
Interest	2,967	17	(2,950)
Other			
<b>TOTAL OTHER FUNDS</b>	<b>\$ 1,451,180</b>	<b>\$ 17</b>	<b>\$ (1,451,163)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 1,690,887</b>	<b>\$ 579,791</b>	<b>\$ (1,111,096)</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
West Green St Improvements	\$ 1,000,000	\$ 908	\$ (999,092)
Franklin - Patching, Mill & Over	60,000		(60,000)
Broad Street Road Construction	20,000		(20,000)
SWM Fence Replacements	21,984		(21,984)
Walking Trail - East Main to Lin	25,750		(25,750)
Remsberg Park Bleachers	12,150		(12,150)
Remsberg Park Walking Trail	45,000		(45,000)
Remsberg Park Totlot	25,076		(25,076)
Wiles Branch Dog Park	47,872	11,103	(36,769)
Wiles Branch Park Shingles	3,100		(3,100)
Foxfield Walk Path/Booster Overl	24,100		(24,100)
Municipal HVAC	90,000		(90,000)
Municipal Carpet (2nd Floor)	20,000		(20,000)
Municipal Boiler Replacment	30,000		(30,000)
Maintenance HVAC	4,500		(4,500)
Vehicle Replacements	65,000		(65,000)
Computer Replacements	5,400		(5,400)
Backhoe Lease	15,200	13,973	(1,227)
Historical Society Donation	5,000	5,000	
<b>Total CIP Costs</b>	<b>\$ 1,520,132</b>	<b>\$ 30,984</b>	<b>\$ (1,489,148)</b>
<b>OPERATING &amp; CIP SURPLUS (LOSS)</b>	<b>\$ 170,755</b>	<b>\$ 548,807</b>	<b>\$ 378,052</b>

Town of Middletown  
 CIP Funds & Expenditures  
 General Fund  
 Fiscal Year 2016  
 For the 2 Months Ended August 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,186,719	\$ 935,026	\$ (251,693)
<b>TOTAL CASH SURPLUS</b>	<u><u>\$ 1,186,719</u></u>	<u><u>\$ 935,026</u></u>	<u><u>\$ (251,693)</u></u>

**Town of Middletown**  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

<u>REVENUE</u>	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Water Revenue	\$ 594,558	\$ 311	\$ (594,247)
Sewer Revenue	596,089	311	(595,778)
Penalties/Reconnects	15,038	3,419	(11,619)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	80,000		(80,000)
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,287,260</b>	<b>\$ 4,041</b>	<b>\$ (1,283,219)</b>

**EXPENDITURES**

**ADMINISTRATIVE**

Office Salaries	\$ 50,907	\$ 5,370	\$ (45,537)
Communications	7,500	1,091	(6,409)
Postage	9,280	9,000	(280)
Office Supplies/Expense	12,000	95	(11,905)
Legal - Other	2,000		(2,000)
Meetings & Seminars	500		(500)
Advertising	500		(500)
Uniforms	998	348	(650)
Dues/Subscrip/Certifications	500		(500)
Travel	200		(200)
Payroll Taxes	24,559	4,390	(20,169)
Insurance - Prop. & Liability	8,500	1,387	(7,113)
Insurance - Workers Comp	8,214	1,325	(6,889)
Insurance - Health	53,824	5,498	(48,326)
Retirement/Pension	23,678	731	(22,947)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	2,500		(2,500)
Waterline / I & I Loans	32,979	32,497	(482)
Bond Issuance Costs		125,569	125,569
Sub-Total	\$ 238,931	\$ 187,593	\$ (51,338)

**Vehicles & Equipment**

1999 Truck	\$ 3,700		\$ (3,700)
2008 Truck	3,200	15	(3,185)
2013 Truck	3,400		(3,400)
2015 Meter Van	3,700		(3,700)
Misc Equipment	7,000	455	(6,545)
Bobcat Mini-Excavator			
Case Backhoe		26	26
Sub-Total	\$ 21,000	\$ 496	\$ (20,504)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b>WATER</b>			
Salaries	\$ 133,411	\$ 19,544	\$ (113,867)
<b>Water Distribution System</b>			
Supplies	3,200	435	(2,765)
Repairs & Maintenance	70,950	4,931	(66,019)
Water Meters	65,250	104,290	39,040
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	4,330	676	(3,654)
Sub-Total	\$ 149,230	\$ 110,332	\$ (38,898)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Electric	\$ 26,900	\$ 1,378	\$ (25,522)
Supplies	2,000	936	(1,064)
Repairs & Maintenance	27,350	3,242	(24,108)
Chemicals	18,226	1,881	(16,345)
Tools & Equipment	2,400		(2,400)
Testing & Analysis	12,988	150	(12,838)
Sub-Total	\$ 89,864	\$ 7,587	\$ (82,277)
Abandoned Well Costs			
<b>TOTAL WATER EXPENSES</b>	<b>\$ 372,505</b>	<b>\$ 137,463</b>	<b>\$ (235,042)</b>
<b>SEWER</b>			
Salaries	\$ 124,358	\$ 23,603	\$ (100,755)
<b>Sewer Collection System</b>			
Cone Branch PS	20,000	9,723	(10,277)
Brookridge South PS	10,000	687	(9,313)
Foxfield PS	6,500	699	(5,801)
Sanitary Sewerlines & Manholes	23,952	5,036	(18,916)
I & I Accrual	75,000	12,500	(62,500)
Sub-Total	\$ 135,452	\$ 28,645	\$ (106,807)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Electric	\$ 33,279	\$ 2,494	\$ (30,785)
Supplies	5,469	45	(5,424)
Repairs & Maintenance	35,357	1,514	(33,843)
Chemicals	40,844	1,736	(39,108)
Tools & Equipment	8,400		(8,400)
Testing & Analysis	34,187	1,170	(33,017)
Sludge Hauling Expense	57,000	5,689	(51,311)
Sub-Total	\$ 214,536	\$ 12,648	\$ (201,888)
<b>West Wastewater Treatment Plant</b>			
Electric	\$ 17,934	\$ 2,590	\$ (15,344)
Supplies	2,500		(2,500)
Repairs & Maintenance	11,750	490	(11,260)
Chemicals	61,258	12,632	(48,626)
Tools & Equipment	1,000		(1,000)
Testing & Analysis	10,459	667	(9,792)
Sludge Hauling Expense	22,650	2,875	(19,775)
Sub-Total	\$ 127,551	\$ 19,254	\$ (108,297)
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 601,897</b>	<b>\$ 84,150</b>	<b>\$ (517,747)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,234,333</b>	<b>\$ 409,702</b>	<b>\$ (824,631)</b>
<b>CONTINGENCY FUND - 3.5%</b>	<b>\$ 43,202</b>	<b>\$ 14,340</b>	<b>\$ (28,862)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,277,535</b>	<b>\$ 424,042</b>	<b>\$ (853,493)</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 9,725</b>	<b>\$ (420,001)</b>	<b>\$ (429,726)</b>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,287,260	\$ 4,041	\$ (1,283,219)
Operating Expenses	<u>1,234,333</u>	<u>409,702</u>	<u>(824,631)</u>
<b>OPERATING INCOME (LOSS)</b>	<b>\$ 52,927</b>	<b>\$ (405,661)</b>	<b>\$ (458,588)</b>
Cash Reserves	\$ 120,000	\$ 120,000	
Debt Service Fee - New Homes	138,800		(138,800)
Capital Improvement Fees	139,464		(139,464)
Inflow & Infiltration - Reserve A	75,000	75,000	
Improvement/Tap Fees	1,060,000	10,000	(1,050,000)
Water Tower & Land Leases	184,642	29,565	(155,077)
Main Street Waterline Loan	<u>2,250,000</u>	<u>2,250,000</u>	
<b>TOTAL OTHER REVENUE</b>	<b>\$ 3,967,906</b>	<b>\$ 2,484,565</b>	<b>\$ (1,483,341)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>4,020,833</b>	<b>2,078,904</b>	<b>(1,941,929)</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
MVB Line of Credit			
CDA - Water Tower	102,800		(102,800)
MDE - East WWTP	205,519		(205,519)
Brookridge WTP	200,000		(200,000)
Main Street Waterline & Reservoir	60,540		(60,540)
Interest - All Loans	<u>44,766</u>	<u>24,585</u>	<u>(20,181)</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ 613,625</b>	<b>\$ 24,585</b>	<b>\$ (589,040)</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
CIP - Well #15 Mag/Iron Removal	\$ 160,000		\$ (160,000)
CIP - Main Street Waterline - Eng			
CIP - Main Street Waterline - Con	2,000,000		(2,000,000)
CIP - Reservoir Cover Replacement	440,000		(440,000)
CIP - Welll Field Restoration	125,000		(125,000)
CIP - Reservoir - Fence Replaceme	38,105		(38,105)
CIP - Booster Station Pump Bypass	8,000		(8,000)
CIP - Locust Court Waterline	310,000		(310,000)
CIP - Broad to East Green Waterli	40,000		(40,000)
CIP - West WWTP - Aerator Replace	8,000		(8,000)
CIP - East WWTP Bar Screen Refurb	40,000		(40,000)
CIP - Cone Branch Pump Station Pu	31,000		(31,000)
CIP - Inflow & Infiltration	75,000		(75,000)

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2016**  
**For the 2 Months Ended August 31, 2015**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
2015 Meter Tech Van	\$ 46,500		\$ (46,500)
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 3,321,605</b>		<b>\$ (3,321,605)</b>
<b>TOTAL CIP COSTS</b>	<b>\$ 3,935,230</b>	<b>\$ 24,585</b>	<b>\$ (3,910,645)</b>
<b>TOTAL FUNDS REMAINING</b>	<b>\$ 85,603</b>	<b>\$ 2,054,319</b>	<b>\$ 1,968,716</b>

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

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**August 24 2015**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 24, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick and Christopher Goodman.

**CONSENT AGENDA**

*Wellness Program for employees – walking challenge*

*Town Minutes – August 6, 2015 Public Hearing and August 10, 2015 Town Meeting*

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

**Unfinished Business:**

**Review of Proposals for Parking Lot at 13 West Main Street** – Burgess Miller stated that included in the packets are 3 different alternatives for the Lot behind 13 West Main Street. Commissioner Bussard stated that he is downtown on a daily basis and does not see a parking issue. We have 2 hour parking along Main Street but we don't enforce it. Commissioner Bussard also stated that the estimates here do not include the yearly maintenance that will be needed for this parking lot.

Bob Smart, 7527 Coblentz Road – stated that 12 years ago when he became active with the Town the discussion at that time was a parking deck at the Elm Street parking lot to gain 20 spaces that failed due to cost. The next discussion was making a parking lot behind the Central MD Heritage League and for various reasons that never moved forward. Mr. Smart stated that parking is a topic that continues to get brought up over & over. Mr. Smart also stated that with this proposal it is giving the Town a look at different material that we may be able to use more of in the future if we like it.

Commissioner Dietrick stated that this is really the only lot available for a parking lot to go into within the downtown area. Commissioner Dietrick also stated that he agrees with what Commissioner Bussard stated that he has never experienced a parking problem or has seen there to be a lack of parking in the downtown area.

Commissioner Falcinelli stated that she would like to see the 2 hour parking enforced along Main Street. Burgess Miller stated that he wanted to remind everyone that within the contract/lease it will stated that if the property changes hands during our lease and the new owners do not wish to keep our lease they will have to refund the cost of the parking lot back to the Town. Burgess Miller stated that this will be put on the agenda in September as an action item.

The Board also agreed to have staff send letters to the residents and businesses along Main Street reminding them of the 2 hour parking and that we will start enforcing if they do not comply with.

**Review of Project Management/Construction Inspection Alternatives** – Drew stated that he and Bruce have gone over the different options available. Drew presented a power point presentation to the Board reviewing the 3 different options available and their cost. 1)Contractual position(contract typically with an engineering company) – would cost approximately \$866K for 3 years; 2)Contractual employee(full-time employee but for a specific period of time) – would cost approximately \$375K for 3 years; or 3)Full-time employee(full-time employee with full benefits, permanent employment with the Town) – would cost approximately \$255K for 3 years. Drew stated that staff is recommending a full-time employee. This person can focus strictly on the CIP projects and keep them on task. Motion by Commissioner Falcinelli to approve hiring a full-time project manager/construction inspector at \$85,000, seconded by Commissioner Bussard. Motion carried 5-0.

**NEW BUSINESS:**

**Review Contract Extension for CJ Miller for Road Patching** - Drew stated that our contract with CJ Miller has ended but we do have jobs that we need to take care of in the fall. Drew stated that we can extend the contract for 1 year or we can postpone the jobs that need done and put the contract out to bid next year.

Motion by Commissioner Bussard to approve the 1 year extension for CJ Miller up to \$113,000 to patch the necessary streets before winter, seconded by Commissioner Dietrick. Motion carried 5-0.

**Position Open on Middletown Board of Appeals** – Burgess Miller stated that Mr. Kyler resigned from the Board of Appeals. Burgess Miller stated that we do have an alternate Mr. Kundrick, burgess will speak to Mr. Kundrick about being the member and if he accepts then we will need to find an alternate.

**Discussion of Legislation to Require Banks/Mortgage Companies to Register Vacant or Foreclosed Properties** – Burgess Miller stated that this was presented at an MML meeting and is going to be discussed at an upcoming meeting. Burgess stated that he will report back what was stated at the meeting next month.

**PUBLIC COMMENT:** no public comments

**ANNOUNCEMENTS:**

*The Heat is On, 5K & Fun Run – Saturday, August 29, 2015 at 8:30am.*

**ADJOURNMENT**

Meeting adjourned at 8:10pm.

Respectfully submitted,

Ann Griffin  
Office Manager

**ORDINANCE NO. 15-08-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.48 OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO REQUIREMENTS FOR SPECIAL EXCEPTION USES; TO DELETE PROVISIONS RELATING TO SPECIAL EXCEPTION USES FOR BOARDING AND LODGING HOUSES, HOSPITALS AND SANATORIUMS, AND OFFICES FOR INTERIOR DESIGN SERVICES; TO CLARIFY VARIOUS SECTIONS OF THAT CHAPTER AND TO MAKE OTHER GRAMMATICAL, STYLISTIC AND NON-SUBSTANTIVE REVISIONS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.48 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 17.48 - SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS**

- 17.48.010 - Compliance with specific standards required.
- 17.48.015 - Active adult community.
- 17.48.020 - Animal kennels and clinics.
- 17.48.030 - Barber shops and beauty parlors.
- 17.48.040 - ~~[Boarding house and lodging house.]~~ **RESERVED**
- 17.48.050 - Bed and breakfast homes.
- 17.48.060 - Bulk petroleum storage.
- 17.48.070 - Clubs, lodges and fraternal organizations.
- 17.48.080 - Convalescent or nursing home.
- 17.48.090 - Gasoline station.
- 17.48.100 - Greenhouse or nursery.
- 17.48.120 - ~~[Hospital and sanatorium.]~~ **RESERVED**
- 17.48.130 - Hotel and motel.
- 17.48.140 - Industrial park.
- 17.48.150 - Lumber and other building material—Retail.
- 17.48.160 - Medical ~~[centers]~~ **CARE FACILITIES.**
- 17.48.170 - Nursery schools and child care centers.
- 17.48.180 - Private and commercial schools.
- 17.48.190 - Professional office.
- 17.48.200 - Public utility buildings.
- 17.48.210 - Replacement of nonconforming use.

- 17.48.220 - Residential uses.
- 17.48.230 - Shopping centers.
- 17.48.240 - Vehicle repair and service—GC and SC/LM districts.
- 17.48.250 - Vehicle repair and service—Town commercial district.
- 17.48.260 - Vehicle sales.
- 17.48.270 - Accessory retail sales and repair.
- 17.48.280 - Farm supply and hardware sales.
- 17.48.290 - Repair services.
- 17.48.300 - Light manufacturing.
- 17.48.310 - Multifamily dwellings and townhouses.
- 17.48.320 - Restricted vehicles in residential districts.
- 17.48.330 - Antique malls.
- 17.48.340 - Self-storage.
- 17.48.350 - Commercial tour bus parking.
- 17.48.360 - Fences.
- 17.48.370 – ~~{Offices for interior design services.}~~ **RESERVED**
- 17.48.380 – Business ~~{and}~~ **WITH** warehouse facilities.
- 17.48.390 - Community centers, **PLACES OF WORSHIP, LIBRARIES AND PUBLIC SCHOOLS.**
- 17.48.400 - Solar collection systems, freestanding.
- 17.48.410 - Parking lots in R-2 districts

14.48.010 Compliance with specific standards required.

In addition to the general standards for all special exceptions as contained in Section 17.44.060(F), the specific standards in this chapter for particular uses must be ~~{met prior to the granting of a special exception.}~~ **SATISFIED IN ORDER FOR THE BOARD OF APPEALS TO GRANT A SPECIAL EXCEPTION. FOR ANY SPECIAL EXCEPTION USE WHICH REQUIRES REVIEW AND RECOMMENDATION OF A CONCEPT PLAN BY THE PLANNING COMMISSION, SUCH REVIEW AND RECOMMENDATION SHALL BE UNDERTAKEN BY THE PLANNING COMMISSION BEFORE THE BOARD OF APPEALS GRANTS THE APPLICATION FOR THE SPECIAL EXCEPTION. AS USED IN THIS CHAPTER, A “CONCEPT PLAN” IS A PLAN AND/OR SKETCH WHICH ILLUSTRATES THE GENERAL OBJECTIVES AND PLANS OF THE DEVELOPER RELATIVE TO THE INTENDED DEVELOPMENT OF LAND AND ITS CONSISTENCY WITH TOWN ORDINANCES AND DESIGN STANDARDS.**

17.48.015 - Active adult community.

An active adult community in the R-20 residential district is subject to the requirements of that district except as modified and provided in this section:

A. – G. *{Unchanged}*

H. The planning commission shall **REVIEW AND MAKE RECOMMENDATIONS REGARDING A** ~~{approve a site development}~~ **CONCEPT** plan for the active adult community ~~{and shall have architectural review authority for the dwelling units to be constructed within the community}~~.

I. **IF THE SPECIAL EXCEPTION IS GRANTED**, the planning commission shall review and ~~approve~~ **COMMENT ON** the homeowners' association declaration of covenants, ~~articles of incorporation and by laws~~ **FOR THE PURPOSE OF APPROVAL BY THE BURGESS AND COMMISSIONERS** prior to final **PLAT** approval ~~{of the site development plan for an active adult community}~~. **THE PLANNING COMMISSION SHALL ALSO HAVE ARCHITECTURAL REVIEW AUTHORITY FOR THE DWELLING UNITS TO BE CONSTRUCTED WITHIN THE COMMUNITY.**

17.48.020 - Animal kennels and clinics.

Animal kennels and clinics in a GC district are subject to the requirements of that district except as herein provided:

A. All buildings ~~{must}~~ **SHALL** be set back at least forty (40) feet from any street or property line;

B. All activities associated with the use including runs etc., ~~{must}~~ **SHALL** be located entirely within the building;

C. It ~~{must}~~ **SHALL** be located on and have access from a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.030 - Barber shops and beauty parlors.

Barber shops and beauty parlors in R districts are subject to the requirements of the district in which located except as herein provided:

A. The beautician or barber ~~{must}~~ **SHALL** be a resident of the dwelling;

B. – D. *{Unchanged}*

E. Sufficient off-street parking in the side or rear yard ~~{must}~~ **SHALL** be provided with three spaces being the minimum;

F. – G. *{Unchanged}*

17.48.040 – **RESERVED** ~~{Boarding house and lodging house.~~

~~Boarding and lodging houses in an R-3 district are subject to the requirements of that district except as herein provided:~~

~~A.—— Lot Area. There shall be at least four thousand (4,000) square feet of lot area for each dwelling unit or guest room.~~

~~B.—— Lot width. There shall be a minimum lot width of at least one hundred fifty (150) feet.~~

~~C.—— The maximum number of guests permitted shall be five.]~~

17.48.050 - Bed and breakfast homes.

Bed and breakfast homes ~~{may be permitted in all}~~ **IN THE R-1, R-2, R-3, and TC districts ARE SUBJECT TO THE REQUIREMENTS OF THE DISTRICT IN WHICH THE BED AND BREAKFAST HOME WILL BE LOCATED EXCEPT AS HEREIN** provided ~~{all of the following conditions can be met}~~:

A. – B. *{Unchanged}*

C. Off-street parking shall be provided; one space per guest room plus one additional space for each home occupant and/or employee(s). In no case shall parking be provided in the front yard. All parking areas ~~{must}~~ **SHALL** be adequately screened as required by the site plan approval of the planning commission **ONCE THE SPECIAL EXCEPTION HAS BEEN GRANTED.**

D. – E. *{Unchanged}*

F. Bed and breakfast homes shall comply with all applicable **STATE AND** county codes.

17.48.060 - Bulk petroleum storage.

Bulk petroleum storage facilities in an SC/LM district are subject to the requirements of that district except as herein modified and provided:

A. – E. *{Unchanged}*

F. Retail gasoline pump sales subject to:

1. Pump setback of at least twenty-five (25) feet from the street line and fifty (50) feet from the nearest adjoining property line;

2. Gasoline storage ~~[must]~~ **SHALL** be below ground and set back from the nearest line of adjoining property in accordance with underground storage setback standards in subsection B of this section;

3. ~~[Site]~~ **CONCEPT** plan ~~[approval]~~ **REVIEW AND COMMENDATION BY THE PLANNING COMMISSION:**

- a. Lot area—thirty thousand (30,000) square feet,
- b. Maximum density—one ~~[bed]~~ **PUMP** per one thousand (1,000) square feet of lot area,
- c. Lot width—one hundred fifty (150) feet,
- d. Yard—minimum for each—front thirty-five (35) feet, side twenty (20) feet, rear thirty-five (35) feet,
- e. Building coverage—fifteen (15) percent maximum,
- f. Access ~~[must]~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~[master]~~ **COMPREHENSIVE** plan.

17.48.070 - Clubs, lodges and fraternal organizations.

Clubs, lodges and fraternal organizations in R-3 and TC districts are subject to the requirements of the district in which located except as herein provided:

A. – D. *{Unchanged}*

E. Access ~~[must]~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~[master]~~ **COMPREHENSIVE** plan.

17.48.080 - Convalescent or nursing home.

Convalescent and nursing homes in R-2 and R-3 districts are subject to the requirements of the district in which located except as herein modified and provided:

A. – E. *{Unchanged}*

F. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.090 - Gasoline station.

Gasoline stations in the GC district are subject to the requirements of the district in which located except as herein modified and provided:

A. Buildings ~~{must}~~ **SHALL** be set back at least forty (40) feet from the street line.

B. Pumps ~~{must}~~ **SHALL** be set back at least twenty-five (25) feet from the street line and fifty (50) feet from the nearest adjoining property.

C. Where the site adjoins an R district, the lot shall be screened by a solid wall or substantial, sightly, solid fence not less than five feet in height together with a six-foot planting strip of shrubs and evergreens on the outside of the fence. A buffer yard fifty (50) feet wide ~~{must}~~ **SHALL** be provided and shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or building purposes.

D. Access drives ~~{must}~~ **SHALL** be located as follows:

1. Minimum offset from intersection of street right-of-way lines: forty (40) feet;
2. Side lot line offset: ten (10) feet;
3. Minimum width: twelve (12) feet;
4. Maximum width: thirty-five (35) feet;
5. Minimum separation of drives on same lot: twenty-five (25) feet.

E. Except along access drives, a concrete curb eight inches in height ~~{must}~~ **SHALL** be placed along all street right-of-way lines.

F. All lights shall be diverted toward the gasoline station or downward on the lot.

G. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

H. At least ten (10) percent of the lot on which the gasoline station is situated ~~{must}~~ **SHALL** be devoted to landscaping.

I. Only ~~{minors}~~ **MINOR** repairs are permitted and all repairs ~~{must}~~ **SHALL** be conducted within the building.

17.48.100 - Greenhouse or nursery.

Greenhouses and nurseries in ~~{O-S}~~ **OS** and GC districts are subject to the requirements of the district in which located except as herein modified and provided:

A. – C. *{Unchanged}*

D. In an ~~{O-S}~~ **OS** district, no sale or storage of general hardware, power tools or motorized equipment is permitted.

17.48.120 – **RESERVED** ~~[Hospital and sanatorium.~~

~~Hospitals and sanatoriums in the R-3 and GC districts are subject to the requirements of the district in which located except as herein modified and provided:~~

~~A. Lot area two acres;~~

~~B. Lot Width two hundred (200) feet;~~

~~C. Yards no portion of a building shall be within fifty (50) feet of a lot line or street line;~~

~~D. The required parking shall not be permitted in the front yard area;~~

~~E. Building coverage forty (40) percent maximum;~~

~~F. Access must be on a major street as designated in the town master plan;~~

~~G. Screening as approved by the planning commission shall be required along all R district boundaries.]~~

17.48.130 - Hotel and motel.

Hotels and motels in a GC district are subject to the requirements of that district except as herein provided:

A. Lot area—two acres minimum;

- B. Lot width—three hundred (300) feet **MINIMUM**;
- C. All buildings ~~{must}~~ **SHALL** be set back at least fifty (50) feet from the street line and forty (40) feet from side or rear property lines;
- D. Buffer yard and screening ~~{must}~~ **SHALL** be provided as approved by the planning commission along all R district boundaries;
- E. ~~{Must}~~ **SHALL** be located on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.140 - Industrial park.

Industrial parks in an SC/LM district are subject to the requirements of that district except as herein provided:

- A. – B. *{Unchanged}*
- C. All buildings ~~{must}~~ **SHALL** be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line;
- D. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized;
- E. A buffer yard one hundred fifty (150) feet wide ~~{must}~~ **SHALL** be provided on the site in all instances where the site adjoins an R district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes;
- F. *{Unchanged}*

17.48.150 - Lumber and other building material—Retail.

Retail lumber and other building material facilities in a GC district are subject to the requirements of that district except as herein modified:

- A. – B. *{Unchanged}*
- C. All buildings ~~{must}~~ **SHALL** be at least forty (40) feet from any property line or street line;
- D. Buffer yard and screening ~~{must}~~ **SHALL** be provided as approved by the planning commission when adjacent to an R district;

E. There shall be no outdoor storage of materials in the front yard area;

F. Access ~~{must}~~ **SHALL** be ~~{in}~~ **ON** a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.160 - Medical ~~{centers}~~ **CARE FACILITIES.**

Medical centers in an R district are subject to the requirements of the district in which located except as modified and provided:

A. – E. *{Unchanged}*

F. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.170 - Nursery schools and child care centers.

Nursery schools and child care centers in R and GC districts are subject to the requirements of that district except as herein modified and provided:

A. – E. *{Unchanged}*

F. There shall be an adequately sized **FULLY FENCED** play area~~[- fully fenced and enclosed].~~

17.48.180 - Private and commercial schools.

Private and commercial schools in the GC district are subject to the requirements of the district except as herein provided:

A. Lot area—one acre **MINIMUM**;

B. – D. *{Unchanged}*

17.48.190 - Professional office.

A. Professional offices (physician, dentist, architect, engineer, attorney, or similar **LICENSED PROFESSIONALS** {professions}) in R districts are subject to the requirements of the district in which located except as herein modified and provided:

1. The professional person {~~must~~} **SHALL** be a resident of the dwelling;
2. That there is not exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than that of a dwelling;
3. That there is no show window or display window;
4. Only one person other than the resident professional may be employed;
5. Sufficient off-street parking in the side or rear yard {~~must~~} **SHALL** be provided with three spaces being the minimum;
6. The total area devoted to the office does not exceed twenty-five (25) percent of the square footage of the dwelling unit.

B. In the R-3 district a nonresident office of a physician and/or dentist is permitted subject to the requirements of that district except as herein modified and provided:

1. No more than one physician or dentist and three other employees at one time;
2. That there is no exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than residential;
3. Sufficient off-street parking in the side or rear yard {~~must~~} **SHALL** be provided with one space per employee plus three additional spaces being minimum.

#### 17.48.220 - Residential uses.

Residential uses in a GC district are subject to the requirements of that district except as herein modified:

A. {~~Must~~} **SHALL** be located within a structure that is existing on the date of adoption of the ordinance codified in this title or {~~must~~} **SHALL** be in conjunction with a commercial use (e.g., caretaker dwelling etc.) or located within a building that is used principally for a commercial use;

B. {~~Must~~} **SHALL** comply with the parking requirements of this title.

#### 17.48.230 - Shopping centers.

These standards are intended to ensure that shopping centers are compatible with their surrounding areas and contribute to the unique community character of the Town of Middletown. Shopping centers in the GC district are subject to the requirements of the district in which located except as herein provided:

A. – B. *{Unchanged}*

C. All buildings ~~{must}~~ **SHALL** be setback at least fifty (50) feet from any property line and one hundred (100) feet from a street line;

D. Parking ~~{must}~~ **SHALL** be provided at the minimum ratio of five point five (5.5) parking spaces for each one thousand (1,000) square feet of total floor area;

E. Access ~~{must}~~ **SHALL** be on AN ~~{a minor}~~ arterial **STREET** as designated in the town ~~[master]~~ **COMPREHENSIVE** plan;

F. A buffer yard one hundred (100) feet wide ~~{must}~~ **SHALL** be provided on the site in all instances where the site adjoins an R district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes;

G. When adjacent to an R district except for street frontage, ~~{a screen planting as approved by the planning commission and at least six feet in height must be provided along the R district boundary}~~ **LANDSCAPE SCREENING AT LEAST SIX FEET IN HEIGHT SHALL BE PLANTED ALONG THE R DISTRICT BOUNDARY. THE LANDSCAPE SCREENING PLANS SHALL BE APPROVED BY THE PLANNING COMMISSION FOLLOWING SPECIAL EXCEPTION USE APPROVAL;**

H. – J. *{Unchanged}*

K. Shopping centers shall receive architectural review approval by the Middletown Planning Commission **FOLLOWING SPECIAL EXCEPTION USE APPROVAL.**

#### 17.48.240 - Vehicle repair and service—GC and SC/LM districts.

Vehicle repair and service facilities in a GC and SC/LM district are subject to the requirements of that district except as herein provided:

A. All repairs ~~{must}~~ **SHALL** be conducted entirely within an enclosed building.

B. Vehicle parking or storage shall not be permitted in any yard area adjacent to an R district.

C. Screening as approved by the planning commission **FOLLOWING SPECIAL EXCEPTION USE APPROVAL** shall be required along all R district boundaries.

D. All buildings ~~{must}~~ **SHALL** be set back at least forty (40) feet from the front yard line. In the GC district, all buildings ~~{must}~~ **SHALL** be set back forty (40) feet from all side yard and rear yard lines. In the SC/LM district, all buildings ~~{must}~~ **SHALL** be set back twenty (20) feet from all side yard and rear yard lines.

E. Vehicles repaired shall be limited to automobiles and trucks, not to include tandem axle or tractor trailer trucks.

F. In no case shall the sign identifying the business exceed fifty (50) square feet in size.

#### 17.48.250 - Vehicle repair and service—Town commercial district.

Vehicle repair and service facilities in a town commercial district are subject to the requirements of that district except as herein provided:

A. All repair work ~~{takes place}~~ **SHALL BE PERFORMED** within the building.

B. Parking space requirements to be determined by site plan **REVIEW OF THE PLANNING COMMISSION AFTER SPECIAL EXCEPTION APPROVAL.**

C. No storage of vehicle parts or machinery shall be allowed outside.

D. Hours of operation shall be addressed by the board of appeals.

E. A ~~{site}~~ **CONCEPT** plan shall be submitted to the planning commission **FOR REVIEW AND RECOMMENDATION.**

#### 17.48.260 - Vehicle sales.

Vehicle sales in a GC district are subject to the requirements of that district except as herein provided:

A. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the Middletown ~~{master}~~ **COMPREHENSIVE** plan. All sites ~~{must}~~ **SHALL** be located as follows:

1. Minimum ~~{offset}~~ **SETBACK** from intersection of street lines: forty (40) feet;
2. Side lot line ~~{offset}~~ **SETBACK**: fifteen (15) feet;
3. Minimum width: ~~{twelve (12)}~~ **SIXTY-SIX (66)** feet;

~~{4. — Maximum width: thirty-five (35) feet};~~

~~{5} 4. Minimum separation of access drives on same lot: twenty-five (25) feet.~~

B. Where the site adjoins an R district the lot shall be screened by a solid wall or a substantial, ~~{slightly,}~~ solid fence, not less than five feet in height together with a six foot planting strip of shrubs and evergreens on the outside of such fence or wall. A buffer yard of fifty (50) feet wide ~~{must}~~ **SHALL** also be provided. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

C. – D. *{Unchanged}*

17.48.270 - Accessory retail sales and repair.

Accessory retail sales and repair in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

A. – C. *{Unchanged}*

D. Access to the property shall be from a major street (**ARTERIAL OR COLLECTOR**) ~~{identified}~~ **AS DESIGNATED** in the town ~~{master}~~ **COMPREHENSIVE** plan.

E. – F. *{Unchanged}*

17.48.280 - Farm supply and hardware sales.

Farm supply and hardware sales in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

~~{A. — Must be primarily in a building or accessory structure which was existing on the date of the adoption of this ordinance codified in this title;}~~

~~{B}~~ A. Such a use ~~{must}~~ **SHALL** have access from a major street (**ARTERIAL OR COLLECTOR**) as ~~{identified on}~~ **DESIGNATED IN** the town ~~{master}~~ **COMPREHENSIVE** plan;

~~{C}~~ B. Any area devoted to retail sales of hardware and farm supply ~~{must}~~ **SHALL** comply with the parking requirements for retail stores or shops as set forth in Section 17.32.060(B);

~~{D}~~ C. Expansion or additions to buildings or properties containing such uses shall be permitted subject to the above requirements and the general requirements of that district. ~~{Site}~~ **CONCEPT** plan approval for any such expansion or addition ~~{must receive approval by}~~ **SHALL BE SUBMITTED TO** the Middletown planning commission **FOR REVIEW AND RECOMMENDATION**;

~~[E]~~ D. In no case shall the sign identifying the business exceed fifty (50) square feet in size.

#### 17.48.290 - Repair services.

Repair services in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

- A. One parking space per three hundred (300) square feet of gross floor area shall be provided.
- B. Access shall be from a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified]~~ **DESIGNATED** in the town ~~[master]~~ **COMPREHENSIVE** plan.
- C. In no case shall the sign identifying the business or businesses located on the premises or within the building exceed fifty (50) square feet in size. Such a sign shall be located on the building and not be free standing and otherwise conform to Chapter 17.36.

#### 17.48.300 - Light manufacturing.

Light manufacturing uses in the SC/LM district are subject to the requirements of that district except as herein provided:

- A. Such request shall be accompanied by a certification by a registered engineer or architect that fumes, odors, dirt, vibration or noise produced by the use will not be detectable at the lot line.
- B. Access shall be from a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified on]~~ **DESIGNATED IN** the town ~~[master]~~ **COMPREHENSIVE** plan.
- C. All storage of goods and material shall be within a completely enclosed structure.

#### 17.48.310 - Multifamily dwellings and townhouses.

Multifamily dwellings and townhouses in the R-2 residential districts are subject to the requirements of that district except as herein modified and provided:

- A. – B. *{Unchanged}*
- C. The proposed multifamily dwelling or townhouse development shall be accessed ~~[to]~~ **FROM** a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified]~~ **DESIGNATED** in the town ~~[master highway]~~ **COMPREHENSIVE** plan.

D. ~~[Multifamily dwellings shall receive site plan approval from]~~ **A CONCEPT PLAN SHALL BE SUBMITTED TO** the planning commission **FOR REVIEW AND RECOMMENDATION**, and townhouse development shall be in accordance with Section 17.16.080.

17.48.320 - Restricted vehicles in residential districts.

Restricted vehicles parking in the residential districts are subject to the requirements of those districts except as herein modified and provided:

~~[A. — Subject to site plan approval by the Middletown planning commission for the purpose of obtaining a special exception from the Middletown board of appeals as provided in Section 17.32.150, which at a minimum shall address screening and setbacks;]~~

~~[B.]~~ **A. THE GRANTING OF A SPECIAL** ~~[Special]~~ **exception TO A SPECIFIC PROPERTY OWNER FOR A SPECIFIC VEHICLE IS AUTHORIZED ONLY FOR THAT PROPERTY OWNER AND ONLY FOR THAT SPECIFIC VEHICLE, AND THE GRANT OF THE SPECIAL EXCEPTION IS NON-TRANSFERABLE** ~~[approval is granted for specific property owners for specific properties]~~ and shall not run with the land.

17.48.330 - Antique malls.

Antique malls in the ~~[SC/LI]~~ **SC/LM** district are subject to the requirements of that district except as herein modified and provided:

~~[A. — Must be located within a structure that exists as of the adoption of the ordinance codified in this title;]~~

~~[B.]~~ **A. [Site] CONCEPT plan REVIEW AND RECOMMENDATION** ~~[approval]~~ is required by **THE MIDDLETOWN** planning commission to include A parking designated area and ~~[sidewalk]~~ **SIDEWALKS**;

~~[C.]~~ **B.** Hours of operation shall be addressed by the board of appeals;

~~[D.]~~ **C.** Parking shall be provided at a rate of one space per three hundred (300) square feet of leasable floor area;

~~[E.]~~ **D.** Signs shall be limited to fifty (50) square feet in size and shall be affixed to the building;

~~[F.]~~ **E.** The property ~~[must]~~ **SHALL** have access to a street identified as ~~[a]~~ **AN ARTERIAL OR** collector street ~~[or greater]~~ as **DESIGNATED** ~~[identified]~~ in the town ~~[master]~~ **COMPREHENSIVE** plan.

17.48.340 - Self-storage.

Self-storage facilities in the ~~{town}~~ **GC AND SC\LM** commercial ~~{district}~~ **DISTRICTS** are subject to the requirements of ~~{that}~~ **THE DISTRICT IN WHICH THE PROPERTY IS LOCATED** except as provided in this ~~{chapter}~~ **SECTION**:

A. **MIDDLETOWN** planning ~~{and zoning}~~ commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;

B. ~~{Access to self-storage shall be controlled as to hours and location}~~ **THE HOURS TO WHICH ONE MAY HAVE ACCESS TO THE SELF-STORAGE FACILITY SHALL BE LIMITED AS ESTABLISHED BY THE BOARD OF APPEALS;**

C. ~~{Parking shall be provided as required by the planning commission}~~ **THE PROPERTY SHALL HAVE ACCESS TO A STREET WHICH IS DESIGNATED IN THE TOWN COMPREHENSIVE PLAN AS AN ARTERIAL OR COLLECTOR STREET.**

D. ~~{Site}~~ **CONCEPT** plan, **INCLUDING PARKING PROVISIONS, REVIEW AND RECOMMENDATION** ~~{approval}~~ **required BY THE PLANNING COMMISSION;**

E. This use may be permitted only as an accessory use to a primary business.

17.48.350 - Commercial tour bus parking.

Commercial tour bus parking facilities in the SC/LM district are subject to the requirements of that district except as modified in this chapter:

A. ~~{Site}~~ **CONCEPT** plan **REVIEW AND RECOMMENDATION** ~~{approval}~~ by the Middletown planning commission for commercial tour bus parking is required; at a minimum the ~~{site}~~ **CONCEPT** plan shall require:

1. Minimum fifty (50) foot setback and naturally landscaped buffer and screening from all residential ~~{zones}~~ **DISTRICTS;**

2. All parking areas be paved and provide a paved turnaround with no backing onto public streets permitted;

3. All lighting is directed on-site;

4. Proposed sign sizes and location.

5. **MINIMUM LOT AREA OF FORTY THOUSAND (40,000) SQUARE FEET**

B. **THE HOURS** ~~{Hours}~~ of operation and schedule of arrivals and departures shall be ~~{considered}~~ **LIMITED AS ESTABLISHED** by the board of appeals ~~{in determining if the site is appropriate for the tour bus parking facility}~~.

C. – E. *{Unchanged}*

**F. THE PROPERTY SHALL HAVE ACCESS TO A STREET WHICH IS DESIGNATED IN THE TOWN COMPREHENSIVE PLAN AS AN ARTERIAL OR COLLECTOR STREET.**

17.48.370 – **RESERVED** ~~{Offices for interior design services.~~

~~In the R-3 district, offices for interior design services are subject to the requirements of that district and the following requirements:~~

~~A. — There may be no exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than residential purposes;~~

~~B. — No display or show window shall be permitted;~~

~~C. — No more than four persons, excluding clients or prospective clients, may be present within the office at any one time;~~

~~D. — Sufficient off street parking in the side or rear yard must be provided with a minimum of one space per employee or office worker plus three additional spaces;~~

~~E. — The hours of operation during which the office may be open to clients and prospective clients shall be determined at the time that the special exception is considered and granted by the board of appeals.]~~

17.48.380 - Business ~~{and}~~ **WITH** warehouse facilities.

The following provisions shall apply to business and warehouse facilities in the R-3 District:

A. – C. *{Unchanged}*

D. A ~~{site}~~ **CONCEPT** plan for the storage facility shall be submitted to the planning commission for review and ~~{approval}~~ **RECOMMENDATION**. In its review, the planning commission shall consider any prior uses of the property on which the facility is to be located, the extent to which the facility and its appearance will conform to and harmonize with the surrounding R-3 neighborhood, and any other factors deemed appropriate to the commission. The planning commission **MAY MAKE**

**RECOMMENDATIONS REGARDING SIZE LIMITS** ~~{shall have size limitation authority}~~ and may require drawings, elevations and plans as necessary;

E. – F. *{Unchanged}*

17.48.390 - Community centers, **PLACES OF WORSHIP, LIBRARIES AND PUBLIC SCHOOLS.**

The following conditions shall be satisfied in order to grant a special exception for a community center in the residential districts:

A. – D. *{Unchanged}*

E. Screening and buffers ~~{must}~~ **SHALL** be provided **AND SHALL BE REVIEWED BY THE PLANNING COMMISSION AS PART OF THE CONCEPT PLAN REVIEW AND RECOMMENDATION PROCESS.**

F. At the time of ~~{site}~~ **CONCEPT** plan ~~{application}~~ **SUBMISSION**, a statement identifying all accessory uses including hours of operation, frequency of activity, and average number in attendance shall be submitted for review and approval by the planning commission.

G. In making their determination, the board of appeals should consider particularly the effect upon adjacent property of the following:

1. Signs and lighting;
2. Extent and appearance of structure(s);
3. Traffic generation and movement;
4. Parking and loading;
5. Emission of noise, odors, fumes, vibration or other hazards.

H. **ACCESS: THE LOT SHALL HAVE DIRECT ACCESS TO OR HAVE ACCESS WITHIN TWO HUNDRED (200) FEET OF A COLLECTOR ROAD.**

17.48.410 - Parking lots in R-2 districts.

In the R-2 district, parking lots are subject to the requirements of that district and shall satisfy the following requirements:

A. The parking lot ~~{must}~~ **SHALL** be situated on property which adjoins a commercial use;

B. The parking lot shall be used for parking for the adjoining commercial use;

C. The parking lot shall be ~~paved with concrete or bituminous paving material or other~~ A dust free surface. The location of the parking lot paved area shall comply with a setback requirement of thirty-five (35) feet for the front yard and twenty (20) feet for side yards. The parking area shall be enclosed by fencing along the front yard which shall be no greater than four feet high. Appropriate signage shall be placed in a clearly visible location at the entrance to advise the public that the use of the parking lot is restricted to those patronizing the adjoining commercial use or establishment;

D. A ~~site~~ **CONCEPT** plan for the parking lot shall be submitted to the planning commission for review and ~~approval~~ **RECOMMENDATION**. In its review, the planning commission shall consider the extent to which the parking lot and its appearance will conform to and harmonize with the surrounding R-2 neighborhood, and any other factors deemed appropriate to the commission. ~~the~~ **THE** planning commission will require drawings, lighting plans, elevations and plans as necessary;

E. The parking lot must be in compliance with Frederick County stormwater requirements;

F. Once the adjoining commercial use no longer exists the impervious surface will be removed and the property returned to a stabilized condition and consistent with residential development in the R-2 district.

**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 \_\_\_\_\_, 2015**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

**EFFECTIVE DATE: \_\_\_\_\_, 2015**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

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

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

## **Middletown Dog Park Rules**

- All dogs in the dog park must have current vaccinations AND must be registered at the Middletown Municipal Center, 31 W. Main Street.
- USE AT YOUR OWN RISK – Owners are legally and financially responsible for their dogs and any injuries caused by them.
- Dog waste must be cleaned up IMMEDIATELY by the dog's owner.
- Gates shall be closed immediately upon entering or exiting the dog park.
- Owners must be within the dog park and supervising their dog(s) at all times with leash readily available.
- Owners can only have 2 dogs in the dog park at one time.
- No children under the age of 13 are allowed inside the dog park. An adult must accompany children between the ages of 13 and 16.
- Pet and human food/ treats are not allowed inside the park.
- Smoking, alcohol, and glass containers are prohibited.
- Professional dog training or grooming is prohibited.
- No aggressive dogs allowed. Aggressive dogs should be leashed and removed immediately.
- Dogs should be removed immediately if they are barking excessively.
- Digging of holes must be repaired by owner.
- Dogs must remain leashed when outside the dog park and leashes must be removed when inside the Dog Park.
- No puppies under 4 months old.
- No dogs in heat. Spaying/neutering is recommended.
- All dogs must be fully immunized and have tags and I.D. on their collars.
- Sick dogs are prohibited from being within the dog park.
- Frisbees and balls are the only acceptable toys allowed in the dog park. No chew toys or treats.
- No animals other than dogs are permitted within the Dog Park.
- Lost, stolen, or damaged access cards will incur a replacement fee.

**Violators of the above rules will be subject to removal from the Dog Park and revocation of park privileges.**

**For Dog Bites/Injuries Contact Frederick County Animal Control - 301-600-1546  
For Facility Problems – 301-371-6171**

**Burgess and Commissioners  
 Middletown, Maryland  
 31 West Main Street  
 Middletown, MD 21769  
 301.371.6171**

**DOG PARK REGISTRATION FORM**

All dog owners must provide proof of a valid Frederick County or out of district license and a current rabies tag, for each dog being registered in order to receive a Middletown Dog Park key card. Spaying/neutering your dog is recommended.

**FAILURE TO COMPLETE ENTIRE APPLICATION WILL RESULT IN DENIAL OF REQUEST.**

**Membership year is from July 1<sup>st</sup> of the current year and runs through June 30<sup>th</sup> of next year.**

<b>Dog Owner's Name:</b>	
<b>Mailing Address:</b>	
<b>Email Address:</b>	
<b>Daytime Phone:</b>	
<b>Evening Phone:</b>	
<b>Cell Phone:</b>	

<b>Name, address and phone number for veterinarian:</b>	
	<b>Phone:</b>

Dog #1 Info		Dog #2 Info		Dog #3 Info	
<b>Name:</b>		<b>Name:</b>		<b>Name:</b>	
<b>Breed:</b>		<b>Breed:</b>		<b>Breed:</b>	
<b>Color(s):</b>		<b>Color(s):</b>		<b>Color(s):</b>	
<b>Weight (lbs.):</b>		<b>Weight (lbs.):</b>		<b>Weight (lbs.):</b>	
<b>Male/Female:</b>		<b>Male/Female:</b>		<b>Male/Female:</b>	
<b>Spayed/neutered(Circle one): Yes No</b>		<b>Spayed/neutered(Circle one): Yes No</b>		<b>Spayed/neutered(Circle one): Yes No</b>	
<b>Rabies#</b>	<b>Exp:</b>	<b>Rabies#</b>	<b>Exp:</b>	<b>Rabies#</b>	<b>Exp:</b>
<b>Lic.#</b>	<b>Exp:</b>	<b>Lic.#</b>	<b>Exp:</b>	<b>Lic.#</b>	<b>Exp:</b>
<b>Location License Issued:</b>		<b>Location License Issued:</b>		<b>Location License Issued:</b>	

**FEE: \$28 per Resident Household up to 3 dogs / \$40 per Non-Resident Household up to 3 dogs  
 \$4 for each additional dog – Residents only**

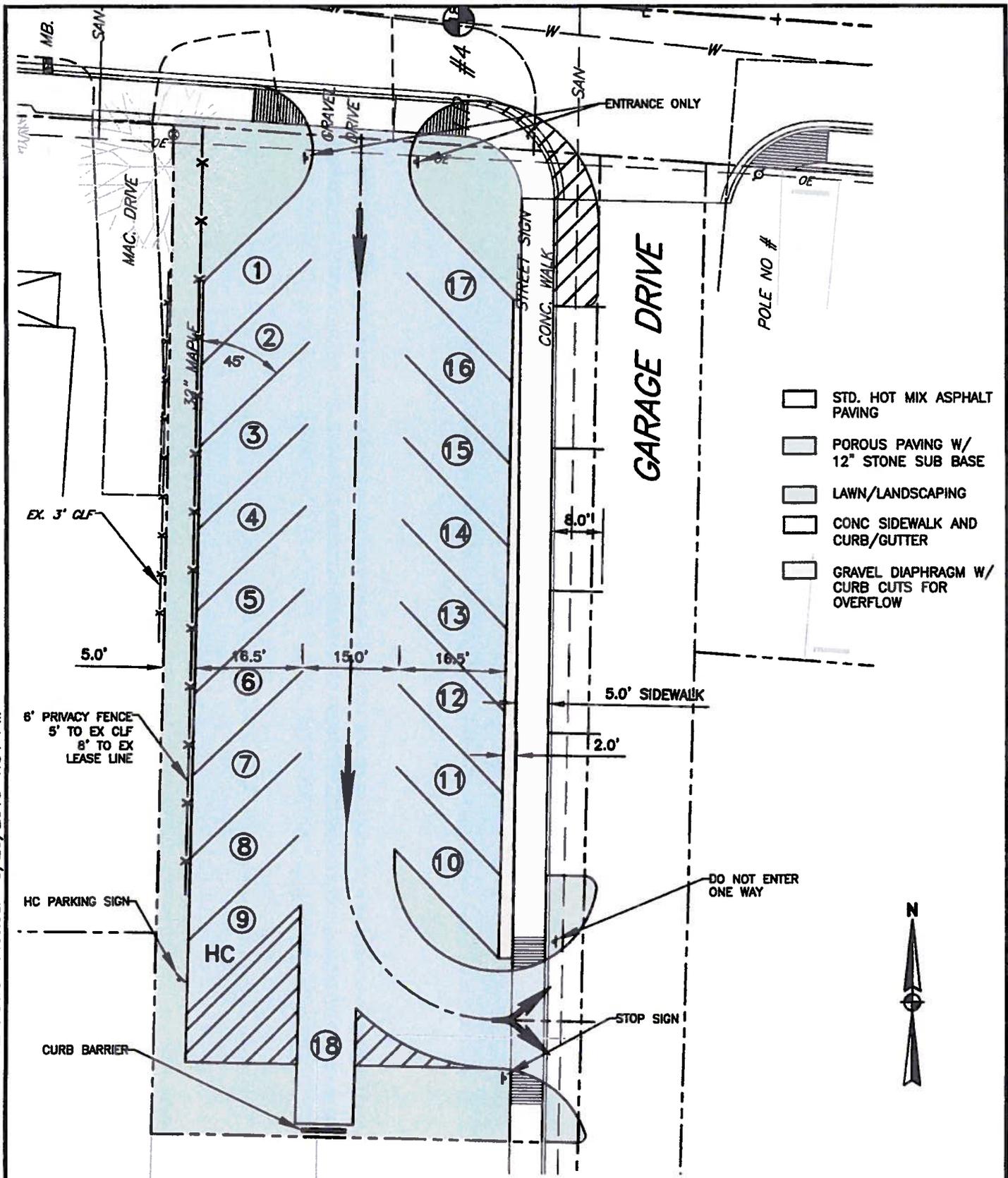
I have read the rules and regulations for the Town of Middletown Dog Park and agree to abide by the same. Application will not be accepted without legal dog owner's signature. (If less than 18 years of age, please have parent or guardian sign this application).

SIGNED: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

FOR OFFICE USE ONLY	
Middletown Tag # Issued	
Date Issued	
Fee Paid	
Received by	

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



-  STD. HOT MIX ASPHALT PAVING
-  POROUS PAVING W/ 12" STONE SUB BASE
-  LAWN/LANDSCAPING
-  CONC SIDEWALK AND CURB/GUTTER
-  GRAVEL DIAPHRAGM W/ CURB CUTS FOR OVERFLOW

EX. GARAGE

EX. PAVEMENT



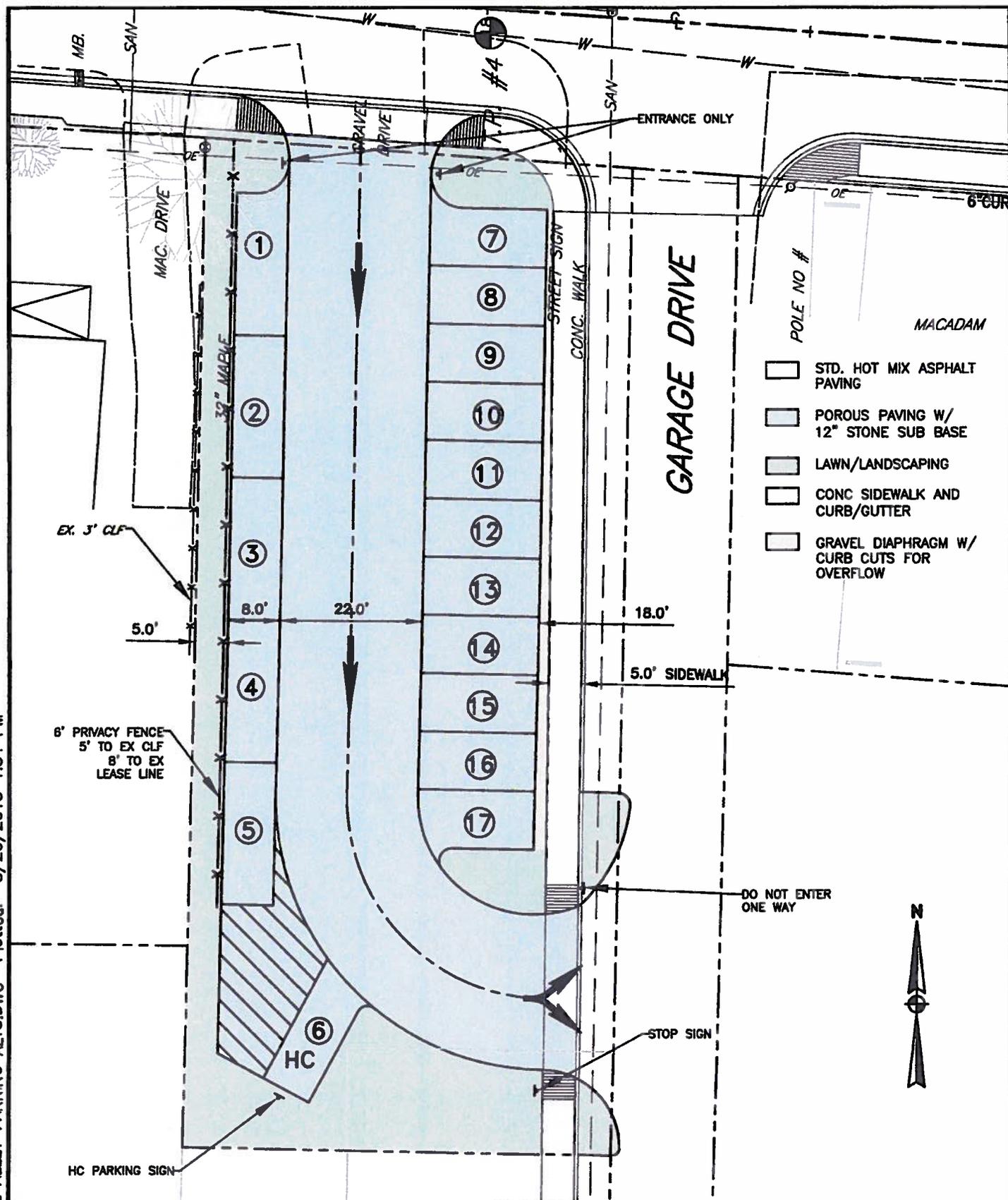
1101 OPAL COURT  
HAGERSTOWN, MD 21740  
TEL 301.791.1100

SCALE:

1"=20'

ALTERNATE 1  
18 SPACES

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



- STD. HOT MIX ASPHALT PAVING
- POROUS PAVING W/ 12" STONE SUB BASE
- LAWN/LANDSCAPING
- CONC SIDEWALK AND CURB/GUTTER
- GRAVEL DIAPHRAGM W/ CURB CUTS FOR OVERFLOW



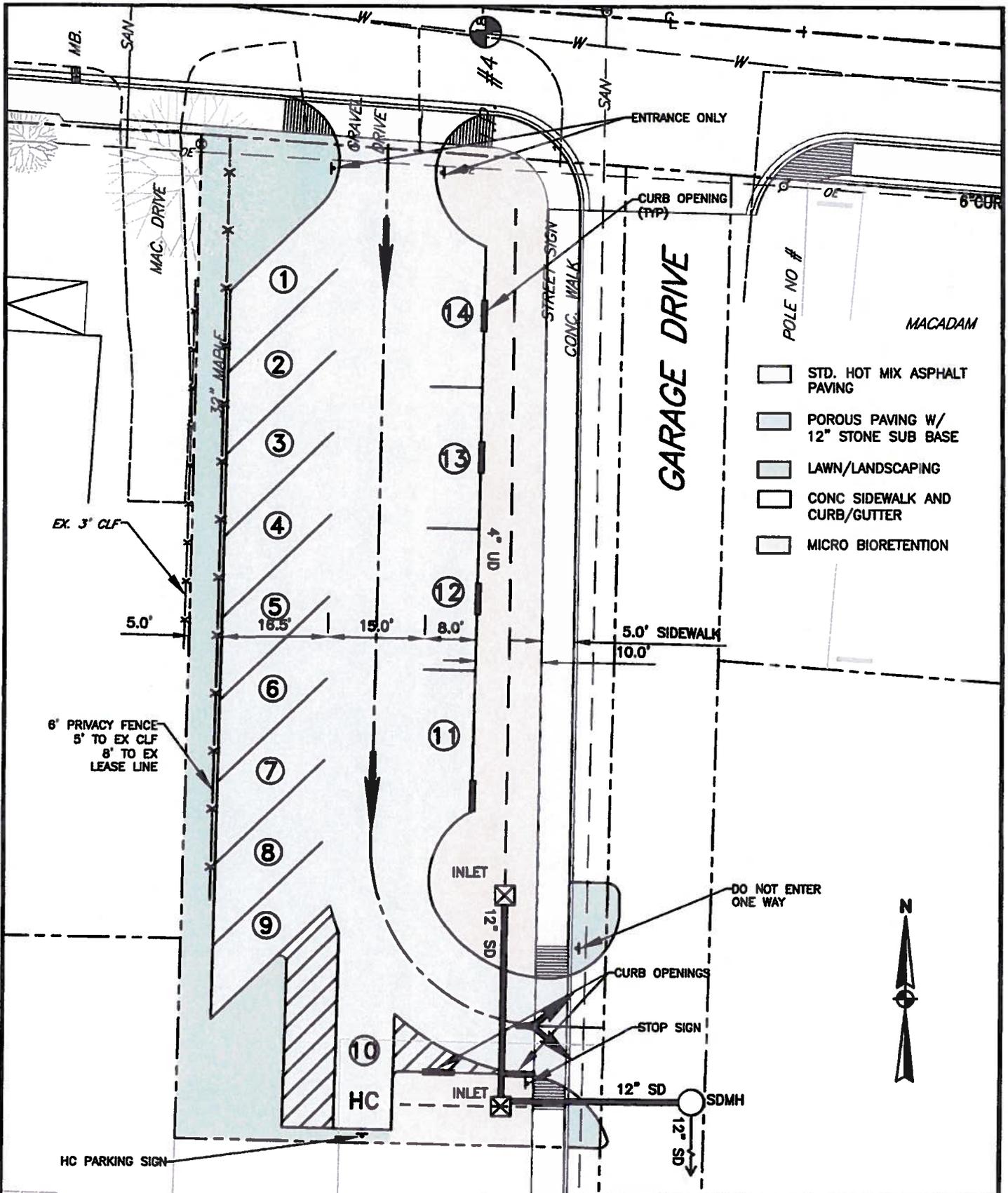
1101 OPAL COURT  
 HAGERSTOWN, MD 21740  
 TEL 301.791.1100

SCALE:  
 1"=20'

ALTERNATE 2  
 17 SPACES

EX. GARAGE  
 EX. PAVEMENT

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



- STD. HOT MIX ASPHALT PAVING
- POROUS PAVING W/ 12" STONE SUB BASE
- LAWN/LANDSCAPING
- CONC SIDEWALK AND CURB/GUTTER
- MICRO BIORETENTION

		1101 OPAL COURT HAGERSTOWN, MD 21740 TEL 301.791.1100
SCALE: 1"=20'	ALTERNATE 3 14 SPACES	

COST OPINIONS FOR PARKING ALTERNATIVES

Item #	Item Description	ALT 1			ALT 2			ALT 3		
		Per Unit	Quantity	Cost	Quantity	Cost	Quantity	Cost		
*1	Hot Mix Asphalt/6" with gravel surface	\$ 6.50	0	\$ -	0	\$ -	5550	\$ 36,075.00		
*1A	Porous Pavement/Permeable Concrete with 12" gravel surface	\$ 10.00	6700	\$ 67,000.00	6380	\$ 63,800.00	0	\$ -		
2	Topsoil, Soil and Mulch	\$ 5.00	225	\$ 1,125.00	190	\$ 950.00	125	\$ 625.00		
3	Excavation	\$ 35.00	500	\$ 17,500.00	500	\$ 17,500.00	500	\$ 17,500.00		
4	Curb and Gutter	\$ 20.00	500	\$ 10,000.00	500	\$ 10,000.00	525	\$ 10,500.00		
5	Pavement Marking, & Signage	\$ 4,000.00	1	\$ 4,000.00	1	\$ 4,000.00	1	\$ 4,000.00		
6	Concrete Sidewalk Removal and Replacement	\$ 9.00	675	\$ 6,075.00	675	\$ 6,075.00	675	\$ 6,075.00		
7	Storm Drain Inlets	\$ 2,500.00	0	\$ -	0	\$ -	2	\$ 5,000.00		
8	Storm Drain Pipe - 12"	\$ 125.00	0	\$ -	0	\$ -	150	\$ 18,750.00		
9	4" Perf. Underdrain	\$ 25.00	0	\$ -	0	\$ -	120	\$ 3,000.00		
10	6' Privacy Fence	\$ 50.00	110	\$ 5,500.00	110	\$ 5,500.00	110	\$ 5,500.00		
11	Microbioretention Soils, Plantings	\$ 10.00	0	\$ -	0	\$ -	1335	\$ 13,350.00		
12	Sediment and Erosion Control	\$ 2,500.00	1	\$ 2,500.00	1	\$ 2,500.00	1	\$ 2,500.00		
13	Construction Stakeout	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00		
14	Mobilization, Demobilization, Insurance (7.5% of Total Cost)		1	\$ 9,000.00	1	\$ 8,700.00	1	\$ 9,665.00		
15	Landscaping	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00		
TOTAL CONSTRUCTION COST ESTIMATE				\$ 128,700.00		\$ 125,025.00		\$ 138,540.00		
COST PER SPACE				\$ 7,150.00		\$ 7,354.00		\$ 9,896.00		

\* Includes pavement patch & MOT

(18 spaces)

(17 spaces)

(14 spaces)



## MARYLAND'S FORECLOSED PROPERTY REGISTRY: *Information for Local Jurisdictions*

MML Frederick County Chapter  
August 2015

### What is the Foreclosed Property Registry?

- ▶ As of October 2012, in accordance with Maryland Code, Real Property Article § 14.126.1, **purchasers of residential properties at foreclosure sales must register the property with the State of Maryland.**
- ▶ The **Foreclosed Property Registry** ("the Registry" or "FPR") contains the addresses of properties bought at foreclosure sale and the contact info for the purchasers, in addition to other information.
- ▶ The primary purpose of the Registry is to **enable identification of the owner and/or the entity responsible for maintenance of the foreclosed property** during the critical time between purchase at foreclosure auction and when a deed is recorded.
- ▶ The Registry is an internet-based, password-protected system **managed by the Office of the Commissioner of Financial Regulation** in the Maryland Department of Labor, Licensing & Regulation (DLLR).



## Why do we have a Foreclosed Property Registry?

- ▶ Foreclosed homes, which may be unoccupied, can fall into **disrepair, blight the surrounding neighborhood, and become a hot spot for criminal activity.**
- ▶ Foreclosure sale **purchasers do not always immediately record the deed** transferring ownership of the home, making it **difficult to track down the new owners** during this time period.
- ▶ The Registry fills this gap by creating one centralized database of property and ownership info – thus enabling officials to **easily identify and locate the parties responsible for foreclosed properties** prior to deed recordation.
- ▶ The Registry is intended to be used for activities such as: **code enforcement, nuisance abatement, law enforcement, and preservation of public health.**



## How to find the Foreclosed Property Registry

URL: <https://www.dllr.state.md.us/ForeclosureRegistry/>

Links are on Financial Regulation's Home page and under "Foreclosure" tab...

The screenshot shows the homepage of the Office of the Commissioner of Financial Regulation. The navigation menu includes 'HOME', 'ABOUT US', 'CONSUMERS', 'INDUSTRY', 'RESOURCES', 'FORECLOSURE', and 'CONTACT US'. The 'FORECLOSURE' tab is highlighted with a red circle. Below the navigation, there are sections for 'INDUSTRY', 'CONSUMERS', and 'QUICK LINKS'. Under 'QUICK LINKS', the 'Foreclosed Property Registry' link is circled in red. A note box in the bottom left corner states: 'NOTE: The text and appearance of this website is being updated in 2015.'



## Who has access to the data in the Registry?

- ▶ The information contained in the Registry is by law **not a public record**, and therefore is not subject to the Maryland Public Information Act.
- ▶ **Direct access to the Registry may only be granted to local jurisdictions**, their agents and representatives, and State agencies. "Local jurisdictions" includes a county or municipal corporation.
- ▶ A jurisdiction or agency that has been granted direct access **may provide information about a specific property** to a person who owns property on the same block or an HOA/condominium in which the property is located.



## What is the process for registering a property?

- ▶ Foreclosure sale purchasers or their agent(s) are required to register the property.
- ▶ A purchaser could include the foreclosing bank, a real estate investment company, or private individual(s).
- ▶ Purchasers must first register with the system as an "Input User".
- ▶ Once registered as an Input User, there are two stages to register property.
  - **Initial registration** must be completed within **30 days after sale date**.
  - **Final registration** must be completed within **30 days after the deed is recorded**.



## Initial Registration...

- ▶ Data collected:
  - Full **address** of property – street, city, zip code
  - **Date** of foreclosure sale
  - **Type** of property – single family, multi-family, or unknown (note that unimproved properties or properties greater than 4 units are not required to be registered)
  - **Status** of property – vacant, occupied, or unknown
  - Whether purchaser is in **possession** of property – yes, no, or unknown
  - **Purchaser** contact info – name, address, phone number, and email
  - Entity **accepting legal service** of behalf of purchaser – name, address, phone number, and email
  - Entity **responsible for maintenance** of property – name, address, phone number, and email
- ▶ After this info is submitted, **payment is required** – the fee is \$50 (if late, the fee is \$100).



## Final Registration...

- ▶ Data collected:
  - **Owner as appears on deed** – name, address, phone number, email
  - **Date of court ratification** of sale
  - **Date deed was recorded**
- ▶ Subsequent purchasers may not submit this information
- ▶ There is no fee for final registration



## Who has enforcement authority over the Registry?

- ▶ The law that created the Registry empowers local jurisdictions with the authority to enforce compliance with registration requirements:

**“A local jurisdiction may enact a local law that imposes a civil penalty for failure to register under this section in an amount not exceeding \$1,000.”**

- ▶ Authority for enforcing local ordinances and building codes remain with local government and is unchanged by the law; however, localities have additional recourse associated with the Registry:

**“A local jurisdiction that... abates a nuisance on a residential property registered under this section or takes action to maintain a residential property registered under this section may collect the cost associated with the abatement or other action as a charge included on the residential property’s property tax bill.”**

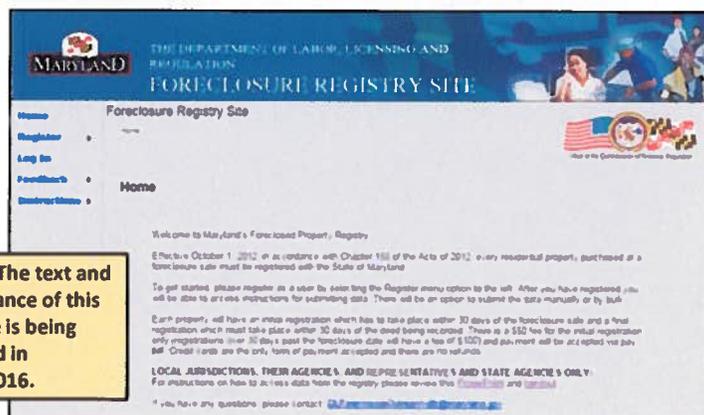
- ✓ Proper advance written notice to owner must be provided first – see the law (cited on last slide) for more details.



## Becoming an “Export User” – Instructions for Local Officials



1. Go to the Registry website at <https://www.dllr.state.md.us/ForeclosureRegistry/>



**NOTE: The text and appearance of this website is being updated in 2015/2016.**



2. Click on "Register → Export User" in the menu on the left side of the screen.



3. Enter the requested information into the form fields and click "Submit."

**Export User** [\(instructions\)](#)

\* The foreclosed property registry is not a public record.  
\* The data collected is only available to Maryland State government and local jurisdictions.

**IF YOU ARE WITH A GOVERNMENT AGENCY please complete the following information:**

Company Name

Street Address 1

Street Address 2

City  State:  Zip Code:

Position/Title

First Name

Last Name

Telephone

Email

Username



4. An email will be sent to staff within the Office of the Commissioner of Financial Regulation (OCFR) with your request for access. OCFR staff will reply with instructions for you to **mail a signed letter that briefly describes the information you seek and attests that you are authorized to make this request.**



5. Once this letter is received, and it is determined that you are authorized to access the Registry, **OCFR staff will approve you as an "Export User."** You will then receive an email with your temporary password. *Note that you will only be able to view the registrations in the county for which you work.*



## Accessing Data in the Registry- Instructions for Export Users



1. Go to the Registry website at <https://www.dllr.state.md.us/ForeclosureRegistry/>

**NOTE: The text and appearance of this website is being updated in 2015/2016.**



2. Click on "Log In" and enter your username and password to log in to the system. Then click the "Log In" button below.



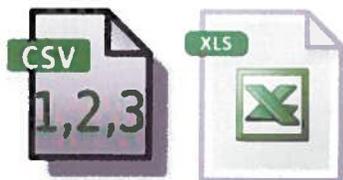
3. To download all registrations for foreclosure sales in a designated date range, click on "Data Export → Create CSV Extract". Enter the appropriate dates in the format indicated, and click "Submit."



4. To download registrations for specific data points – e.g. property street name, vacancy status, date entered, maintenance company, etc. – click on “Advanced Search” (blue rectangle in upper right corner). Enter the appropriate criteria for your search and click “Submit.”



5. The Registry data will download as a CSV file in an Excel spreadsheet.



## For more information...

- ▶ FPR Law (Real Property §14-126.1) <http://tinyurl.com/MarylandFPRlaw>
- ▶ FPR Website <https://www.dllr.state.md.us/ForeclosureRegistry/>
- ▶ FPR Email [DLForeclosureOutreach-dllr@maryland.gov](mailto:DLForeclosureOutreach-dllr@maryland.gov)

### Direct Contact Info:

Meredith Mishaga, Director of Foreclosure Administration

Phone: (410) 230-6099

Email: [meredith.mishaga@maryland.gov](mailto:meredith.mishaga@maryland.gov)

*Office of the Commissioner of Financial Regulation*

*500 N. Calvert Street, Suite 402*

*Baltimore, MD 21202*



# QUICK FACTS

- Effective October 2012, every residential property purchased at a foreclosure sale must be registered with the State of Maryland.
- The Foreclosed Property Registry (Registry) contains the addresses of residential properties bought at a foreclosure sale and the contact information for the companies or individuals that purchased the properties.
- Purchasers are required to input information in the Registry within 30 days after the foreclosure sale – before a new deed is recorded in the public land records.
- By helping to identify new owners of foreclosed properties, the Registry can assist local authorities with such activities as property maintenance, nuisance abatement and code enforcement.
- Information in the Registry is not a public record. In order to access the Registry, you must be an agent or representative of a local jurisdiction or state agency.



## MARYLAND'S FORECLOSED PROPERTY REGISTRY

Office of the Commissioner of Financial Regulation  
Maryland Department of Labor, Licensing & Regulation  
500 N. Calvert Street, Suite 402  
Baltimore, MD 21202

Main Phone: 410-230-6100

General Email: [finreg@dllr.state.md.us](mailto:finreg@dllr.state.md.us)

Facebook [/dllr.Maryland](#) | Twitter [@MD\\_DLLR](#)

**Larry Hogan, Governor**

**Boyd K. Rutherford, Lt. Governor**

**Kelly M. Schulz, Secretary**

**Gordon Cooley, Commissioner**



# MARYLAND'S FORECLOSED PROPERTY REGISTRY:

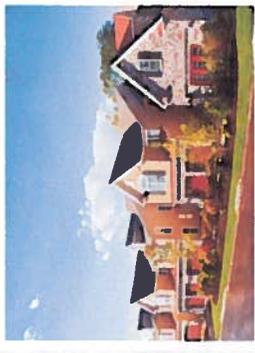


## Information for Officials in Local Jurisdictions



FROM THE  
OFFICE OF THE COMMISSIONER  
OF FINANCIAL REGULATION

# Maryland's Foreclosed Property Registry: Information for Officials in Local Jurisdictions



## About the Registry

The Foreclosed Property Registry (Registry) is a statewide resource for local officials in Maryland. The Maryland General Assembly passed a law during the 2012 legislative session that created the Registry.

The law requires a purchaser of residential property at a foreclosure sale (foreclosure sale purchaser) to enter specific information into the Registry within 30 days after the sale date. The foreclosure sale purchaser could be a foreclosing bank, a real estate investment company or a private individual. The foreclosure sale purchaser is required to enter the full property address, and the names, addresses and telephone numbers of the purchaser(s), their legal representative and their property maintenance company.

Local jurisdictions can use this information to identify the parties responsible for foreclosed properties during the time period between the sale date and deed recordation. During this time period, unoccupied properties often fall into disrepair and it can be difficult to locate or contact the new owner. The Registry is intended to facilitate code enforcement, property maintenance, nuisance abatement, law enforcement and emergency services, and other activities that primarily fall under the responsibility of local authorities.



## Registry Compliance

The statute that created the Registry empowers local jurisdictions with the authority to enforce compliance with registration requirements. A jurisdiction may enact a local law that imposes a civil penalty for failure to register a property in an amount not to exceed \$1,000.

Furthermore, the authority for enforcing code violations and conditions that may constitute a nuisance remain with local jurisdictions and are unchanged by the statute or the Registry. A jurisdiction may collect the cost associated with nuisance abatement or maintenance related to a residential property in the Registry as a charge in the real property tax bill.

## Access to the Registry

The Foreclosed Property Registry is a secure, password-protected system managed by the Commissioner of Financial Regulation in the Maryland Department of Labor, Licensing and Regulation. By law, the information contained within the Registry is private and not available to the public. Direct Access to the Registry may only be granted to "local jurisdictions, their agencies and representatives, and State agencies."

If you are in this category and would like access to the Registry, please follow these steps:

1. Go to the Registry website at <https://www.dlir.state.md.us/ForeclosureRegistry/>
2. Click on "Register Export User" in the menu on the left side of the screen.

3. Enter the requested information into the form fields and click "Submit."

4. An email will be sent to staff within the Office of the Commissioner of Financial Regulation with your request for access. Staff will reply with instructions for you to mail a signed letter that briefly describes the information you seek and attests that you are authorized to make this request.

5. Once this letter is received, and it is determined that you are authorized to access the Registry, staff will approve you as an "Export User." You will then receive an email with your username and temporary password. Note that you will only be able to access the registrations in the county for which you work.

## QUESTIONS OR CONCERNS ABOUT THE REGISTRY?

More information can be found on the Registry website at <https://www.dlir.state.md.us/ForeclosureRegistry/>. You may also contact the Commissioner of Financial Regulation's Foreclosure Administration Unit by phone at 410-230-6099 or by email at [DLForeclosureOutreach-dlir@maryland.gov](mailto:DLForeclosureOutreach-dlir@maryland.gov).



# MARYLAND'S **FORECLOSED** PROPERTY REGISTRY:



## FACTSHEET

### What is the Maryland Foreclosed Property Registry?

The Maryland Foreclosed Property Registry (the "Registry") is an online, password-protected system managed by the Office of the Commissioner of Financial Regulation in the Maryland Department of Labor, Licensing and Regulation ("DLLR"). Effective October 2012, in accordance with Maryland Code, Real Property Article § 14-126.1, every residential property purchased at a foreclosure sale must be registered in this system.

### What is the purpose of the Registry?

After a company or individual buys a property at a foreclosure sale, it can take many months before the deed is recorded in the public land records. Registration on the Foreclosed Property Registry enables local jurisdictions to identify parties responsible for foreclosed properties during this crucial time period between property purchase and deed recordation – when unoccupied homes may fall into disrepair and it can be difficult to identify or contact the new owner. The Foreclosed Property Registry closes this gap by creating one centralized database of information.

### Who can access the information in the Registry?

DLLR may grant access to the Registry only to State agencies and local jurisdictions, including counties and municipal corporations, to facilitate: code enforcement, property maintenance and nuisance abatement, law enforcement and emergency services, and other related activities that primarily fall under the responsibility of local authorities. The information contained in the Registry is by law not a public record, and DLLR cannot grant access to the general public. DLLR, or a local jurisdiction which has been granted access by DLLR, may provide information about a specific property to a person who owns property on the same block or a homeowners association or condominium in which the property is located.

### What is the process for registering a foreclosed property?

Purchasers are required to submit an initial registration of the property within 30 days after the foreclosure sale. Several data points are gathered including the name, address, and telephone number of the purchaser, their legal representative, and the property maintenance company, as well as occupancy status of the property (if known). The purchaser is also required to complete a final registration within 30 days after their new deed has been recorded.

### How is compliance with registration enforced?

The statute that created the Registry empowers local jurisdictions with the authority to enforce compliance with registration requirements. A jurisdiction may enact a local law that imposes a civil penalty for failure to register a property in an amount not to exceed \$1,000. A jurisdiction may also recoup the cost spent on any nuisance abatement or maintenance action taken on a property in the Registry as a charge on the real property tax bill.

To learn more, please visit the Registry website at <https://www.dllr.state.md.us/ForeclosureRegistry/>



- Larry Hogan, Governor
- Boyd K. Rutherford, Lt. Governor
- Kelly M. Schulz, Secretary
- Gordon Cooley, Commissioner



## **VACANCY ON MIDDLETOWN BOARD OF APPEALS**

A vacancy has occurred on the Middletown Board of Appeals and the Burgess and Commissioners are looking to fill that position. The Board of Appeals acts as a quasi-court in granting variances and special exceptions to the Middletown Code and in deciding appeals of zoning violation penalties imposed by the Town.

The board shall consist of three members and one alternate, all of whom shall be taxpaying residents of the Town of Middletown. The term of office of the members of the board of appeals is three years.

Members of the board currently serve with a compensation of \$25 per meeting and meet as required, which in recent years has been 3 to 5 times each year.

Powers of the board of appeals include:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Middletown Zoning Code or any ordinance adopted pursuant to Maryland's Land Use Article;
2. To hear and decide special exceptions in the terms of the Middletown Zoning Code;
3. To authorize upon appeal in specific cases a variance from the terms of the Middletown Zoning Code.

September 2, 2015

(VIA E-MAIL)

Mr. Andrew J. Bowen  
Town Administrator  
31 West Main Street  
Middletown, MD 21769

Re: Hollow Creek Golf Course  
Our File Number 126171.00002

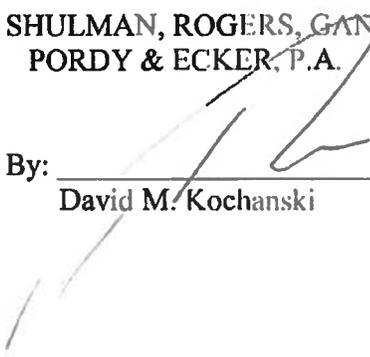
Dear Drew:

We appreciate all of your help in connection with getting the sale of the golf course to closing on Friday. As you are aware, the Lender was very concerned that there is a text amendment as well as a zoning ordinance which provides if the golf course is privately owned, ownership of the golf course shall be transferred to the Town, at no cost to the Town, if the golf course ever ceases to exist on the property. As a condition of making the loan, disbursing the funds, and allowing closing on the acquisition of the golf course to proceed, the Lender has required that the Borrower and Owner of the golf course arrange for the execution and delivery of the attached Estoppel Certificate and Agreement. If this cannot be obtained, the Lender intends to hold the Borrower in default and will presumably call the loan and foreclose on the property, which could cause the golf course to shut down.

I am providing this to you and your counsel at the same time. I would hope that when the Town Board meets on Monday, September 14<sup>th</sup>, this could be on the Agenda. If the Town attorney has any comments regarding this Agreement, I would like to be able to get back to the Lender as soon as possible. I have taken the liberty of providing a copy of this to Mr. Clapp.

Again, thank you for your assistance in this regard. I sincerely hope this Estoppel Certificate and Agreement is satisfactory to the Town.

SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

By:   
David M. Kochanski

DMK/cat  
Enclosure

cc: Ashley R. Mahan, Esq.  
John R. Clapp, Esq.  
Mr. Fan Yang  
Howard J. Ross, Esq.  
Paul Schwinn, Esq.

10465947\_1.DOC

## ESTOPPEL CERTIFICATE AND AGREEMENT

THIS ESTOPPEL CERTIFICATE AND AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the TOWN OF MIDDLETOWN, MARYLAND (the "Town"), RICHLAND ENTERPRISE, LLC, a Maryland limited liability company (the "Owner"), for the benefit of CAPITAL BANK, N.A. ("Lender").

WHEREAS, Lender has agreed to make certain loans to Owner secured by a Deed of Trust and Security Agreement (the "Deed of Trust"), on the property commonly know as the Hollow Creek Golf Course, described in "EXHIBIT A" attached hereto (the "Property"); and

WHEREAS, Owner owns the fee simple interest in the Property; and

WHEREAS, Lender has agreed to make such loan upon reliance on the certifications and agreements set forth herein.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby certify and agree as follows:

1. Town acknowledges and agrees that so long as no action has been taken to develop the Property as other than open space, including, but not limited to, its current use as a golf course, Town will take no action to obtain ownership or control of the Property pursuant to any zoning ordinance, covenant, or otherwise (herein an "Enforcement Action"). Town agrees that effective upon any notice of default under the Deed of Trust by Owner, that Lender shall, prior to the Town taking any Enforcement Action, be allowed such time as may be required to (A) institute and complete the foreclosure of the Deed of Trust pursuant to a power of sale, by judicial proceedings or other lawful means (including the acceptance of a deed in lieu of foreclosure), and the subsequent sale or assignment of the Property to the purchaser at the foreclosure sale and a sale by such purchaser and/or a sale by any subsequent purchaser, (B) for the appointment of a receiver, (C) for the right of Lender or the receiver to enter and take possession of the Property, to manage and operate the same and to collect the sub-rentals, issues and profits therefrom. Town agrees not to accept a deed to the Property from Owner without the written consent of Lender at any time while Lender shall retain a lien on the Property. Lender acknowledges the current use of the Property as a golf course, and has valued the Property based on such use.

2. Town and Lender shall send by personal delivery or by certified or registered mail, return receipt requested, to each other a copy of any notice to Owner pertaining to the issues set forth herein (herein, a "Default Notice" or "Reversion Notice"), at the same time as and whenever any such notice shall thereafter be given by Town or Lender to Owner, addressed to Lender and/or Town at the address specified below. No Default Notice or Reversion Notice to Owner shall be deemed to have been given unless and until a copy thereof shall have been so given to both Town and Lender. Town agrees to accept performance and compliance by Lender of and with any term, covenant or condition on Owner's part to be kept, observed or performed with the same force and effect as though kept, observed or performed by Owner.

3. The agreements set forth herein shall be binding upon the parties hereto, their successors and assigns.

TOWN OF MIDDLETOWN, MARYLAND

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
Attn: \_\_\_\_\_

CAPITAL BANK, N.A.

By: \_\_\_\_\_  
Paul Merritt,  
Senior Vice President

Address:  
One Church Street  
Suite 300  
Rockville, Maryland 20850  
Attn: Paul Merritt

RICHLAND ENTERPRISE, LLC, a Maryland  
limited liability company

By: \_\_\_\_\_ [SEAL]  
Fan Yang,  
Manager

By: \_\_\_\_\_ [SEAL]  
Michael Yang,  
Manager



# FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

## OFFICE OF THE COUNTY EXECUTIVE

Douglas D. Browning, Chief Administrative Officer

August 5, 2015

The Honorable John Miller  
Town of Middletown  
31 West Main Street  
Middletown, MD 21769

RECEIVED

AUG 19 2015

TOWN OF MIDDLETOWN, MD

RE: 2016 State Legislative Initiatives

Dear Burgess Miller:

I am writing to solicit your input and ideas for legislative initiatives for the upcoming General Assembly Session. Under Charter government, it is the County Executive's role to advance the legislative priorities of the county. Because I value open government and community participation, I would like to hear your ideas and suggestions for possible state legislation, as well as invite you to participate in the public process.

Attached for your information are a proposed Legislative Calendar and a summary of two initiatives currently under consideration for the 2016 Legislative Package. No decisions have been made as to which items will be submitted to the Frederick County Delegation. I will host a town hall public meeting to receive public comment and suggestions on October 8, 2015, at 7:00 pm in the first floor hearing room at Winchester Hall.

I would appreciate your response with your ideas, suggestions, or comments by Tuesday, September 8, 2015. If you would like more information, please contact Roger Wilson, Director of Government Affairs at 301-600-1621 or at [rwilson@frederickcountymd.gov](mailto:rwilson@frederickcountymd.gov). Thank you for your interest and participation.

Regards,

  
Jan H. Gardner  
County Executive

Enclosures (2)

cc: Frederick County Delegation  
Frederick County Council  
Douglas Browning, Chief Administrative Officer  
John Mathias, County Attorney  
Roger Wilson, Government Affairs & Public Policy Director  
Ragen Cherney, County Council, Chief of Staff & Legislative Director

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

*Frederick County: Rich History, Bright Future*

Winchester Hall • 12 East Church Street, Frederick, MD 21701 • 301-600-1028 • Fax 301-600-1050  
[www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)

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## 2015-16 Legislative Calendar

<b>Date</b>	<b>Activity</b>
Aug 5	Solicit for legislative ideas by letter to 85 organizations
Aug 18	Overview of proposed legislative process/solicit ideas from council
September 10	Solicit ideas from municipal leaders – Mayors/Burgess meeting
September 15	Present and Review proposed legislative initiatives with Council Review & Input
October 8	CE hosts Town Hall Meeting on proposed Legislative Package - Council invited
October 20	Present Final Package to Council Review & Input
November 1	Finalize 2016 Legislative Package
November 17	Meeting with Delegation
December 5 (tentative)	Delegation Public Hearing

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## Legislative Items for Consideration

### 1. Changes to the Maryland Public Ethics Law

The County Ethics Task Force has recommended changes to the Maryland Public Ethics Laws that pertain to Frederick County.

Recommendation #1: Pendency: Extend to four years the time to prevent an elected official from receiving contributions and acting on a land use application if campaign contributions were received from the applicant.

Recommendation #2: Expand land uses covered by affidavit of disclosure/ownership filing.

Recommendation #3: Add to the definition of applicant prohibited from making campaign contributions to include the employees or agents of land use applicants.

### 2. School Construction Cost Share

School construction costs have experienced a significant increase as a result of new state laws specifically prevailing wage and stormwater management regulations. The cost of Frederick High School increased by more than 25 percent and these cost increases are borne by local government. Thus, this legislative initiative would require a state cost share to cover school construction cost increases resulting from new state laws, mandated in regulations.