



## AGENDA FOR THE TOWN MEETING

September 28, 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

### PUBLIC HEARING

**ORDINANCE 15-09-01-** TO AMEND TITLE 17, CHAPTER 17.08, SECTION 100 OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO THE PROCEDURES AND REQUIREMENTS FOR ENACTING AMENDMENTS TO TITLE 17 OF THE CODE; TO DELETE PROVISIONS REQUIRING RE-SUBMISSION OF PROPOSED AMENDMENTS TO THE PLANNING COMMISSION WHEN THE BURGESS AND COMMISSIONERS PROPOSE CHANGES TO THE PROPOSED AMENDMENT AFTER THE AMENDMENT HAS BEEN REVIEWED BY THE PLANNING COMMISSION; TO MAKE OTHER GRAMMATICAL AND STYLISTIC CHANGES TO SECTION 100.

### CONSENT AGENDA

- Town Meeting Minutes
  - September 3, 2015 – Public Hearing
  - September 14, 2015 - Regular Meeting

### PERSONAL REQUESTS FOR AGENDA:

*Pizza Garden Certificates*

*Bruce Morgan – Walking Trails Maps*

### STAFF REPORTS:

#### Staff Planner

Zoning Administrator

Engineer's Report

Main Street Manager

### UNFINISHED BUSINESS:

- Ordinance 15-09-01 – Procedures and Requirements for Amendments
- Applicants for Middletown Board of Appeals
- Discussion of National Night Out

**NEW BUSINESS:**

- Discussion of Purchase of Additional Security Cameras
- Remsberg Park – Access to Baseball Field
- MSRS – Election for Elected & Appointed Officials Not to Participate
- Discussion of Crosswalk at Franklin Street and Broad Street

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

*Hydrant Flushing – October 12-16, 2015*

**ADJOURNMENT**

**ORDINANCE NO. 15-09-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.08, SECTION 100 OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO THE PROCEDURES AND REQUIREMENTS FOR ENACTING AMENDMENTS TO TITLE 17 OF THE CODE; TO DELETE PROVISIONS REQUIRING RE-SUBMISSION OF PROPOSED AMENDMENTS TO THE PLANNING COMMISSION WHEN THE BURGESS AND COMMISSIONERS PROPOSE CHANGES TO THE PROPOSED AMENDMENT AFTER THE AMENDMENT HAS BEEN REVIEWED BY THE PLANNING COMMISSION; TO MAKE OTHER GRAMMATICAL AND STYLISTIC CHANGES TO SECTION 100.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.08, Section 100 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**

17.08.100 - Approval of zoning amendment.

A. ~~[No]~~ **AN amendment TO TITLE 17 – “ZONING” OF THE MIDDLETOWN MUNICIPAL CODE** shall **NOT** be considered or acted upon by the burgess and commissioners ~~[unless it is first submitted to for review by and recommendation of]~~ **UNTIL** the planning commission **HAS HAD AN OPPORTUNITY TO REVIEW THE PROPOSED AMENDMENT AND PROVIDE ITS COMMENTS ON THE PROPOSED AMENDMENT TO THE BURGESS AND COMMISSIONERS.** ~~[If the planning commission recommends against approval of the amendment, it may be approved and adopted only if it receives a majority vote of the entire burgess and commissioners.]~~

B. (1) Where the purpose and effect of the proposed amendment is to change the zoning classification, the burgess and commissioners shall make findings of fact in each specific case, including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area; the recommendation of the planning commission and the relationship of such proposed amendment to the town's master plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the burgess and commission shall be kept.] **THAT**

**ADDRESS:**

(i) **POPULATION CHANGE;**

(ii) **THE AVAILABILITY OF PUBLIC FACILITIES;**

(iii) **PRESENT AND FUTURE TRANSPORTATION PATTERNS;**

(iv) **COMPATIBILITY WITH EXISTING AND PROPOSED**

**DEVELOPMENT FOR THE AREA;**

(v) **THE RECOMMENDATION OF THE PLANNING COMMISSION;**

**AND**

(vi) **THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO**

**THE TOWN COMPREHENSIVE PLAN.**

**(2) THE BURGESS AND COMMISSIONERS MAY GRANT THE AMENDMENT TO CHANGE THE ZONING CLASSIFICATION BASED ON A FINDING THAT THERE WAS:**

**(i) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR**

**(ii) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.**

**(3) THE BURGESS AND COMMISSIONERS SHALL KEEP A COMPLETE RECORD OF A HEARING ON AN APPLICATION FOR RECLASSIFICATION AND THE VOTES OF THE MEMBERS OF THE BURGESS AND COMMISSIONERS.**

~~{C. — An application for a reclassification shall not be accepted for filing by the burgess and commission if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the burgess and commission within twelve (12) months from the date of the local legislative body's decision. No substantial change in or major departure from the proposed amendment, as recommended by the planning commission, shall be made unless the same is resubmitted to the commission for its further recommendations. No amendments, supplement or change shall be adopted contrary to the recommendations of the planning commission except by a majority vote of the burgess and commissioners.}~~

**C. THE BURGESS AND COMMISSIONERS MAY NOT ALLOW THE FILING OF AN APPLICATION FOR A RECLASSIFICATION OF ALL OR PART OF ANY LAND FOR WHICH A RECLASSIFICATION HAS BEEN DENIED BY THE BURGESS AND COMMISSIONERS ON THE MERITS IN THE 12 MONTHS BEFORE THE DATE OF THE APPLICATION.**

**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

# **BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND**

## **TOWN MEETING MINUTES**

**PUBLIC HEARING**

**September 3, 2015**

The Public Hearing of the Burgess and Commissioners of Middletown was called to order on September 3, 2015 by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Richard Dietrick, Tony Ventre and Christopher Goodman.

***PUBLIC HEARING – Ordinance 15-08-01*** – Ordinance to amend Title 17, Chapters 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 sanitoriums, and offices for interior design services; to clarify various sections of that chapter and to make other grammatical, stylistic and non-substantive revisions.

With no further comment, the public hearing adjourned at 7:05pm.

Respectfully submitted,

Ann Griffin  
Office Manager

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**September 14, 2015**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on September 14, 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, Tony Ventre and Christopher Goodman.

**CONSENT AGENDA**

*Financial Statements*

*Town Minutes – July 27, 2015 public hearing and regular meeting.*

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

**Unfinished Business:**

**Ordinance 15-08-01 – Amendments to Special Exception Uses** – 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 sanitariums, and offices for interior design services; to clarify various sections of that chapter and to make other grammatical, stylistic and non-substantive revisions. Burgess Miller stated that on page 5 we need to correct number 3 Concept plan review and comment instead of commendation by the Planning Commission. Burgess stated that we should go through the ordinance and verify that all say “review and comment”.

Motion by Commissioner Bussard to approve Ordinance 15-08-01 as presented with the correction “review and comment”, seconded by Commissioner Dietrick. Motion carried 6-0.

**Dog Park Rules and Applications** – Included in the packets are the Rules and Registration form.

Commissioner Ventre stated that the only thing that needs to be corrected on the registration form is delete the residents only after \$4 for each additional dog. Commissioner Ventre stated that it will \$4 for each additional dog for residents and non-residents. Commissioner Ventre also provided the Commissioners with Dog Park Waiver and Hold Harmless Agreement.

Motion by Commissioner Ventre to approve all 3 documents as corrected, seconded by Commissioner Goodman. Motion carried 5-1 (Bussard voted against).

**Review of Proposals for Parking Lot at 13 West Main Street** – Drew showed the 3 different proposals prepared by Arro for the proposed parking area behind 13 West Main Street. Proposal one shows 18 spaces, proposal 2 shows 17 spaces and proposal 3 shows 14 spaces. Burgess Miller stated that it will be a 30 year lease, it will be developed and maintained by the Town but at any given time the property is sold and the new owner does not wish to honor the lease, the parking lot will revert back to a grassy area and the Town will be reimbursed their cost. Burgess Miller also stated that Mr. Kehoe is requesting the use of 7 spots during his prime time which is June, July & August.

Commissioner Dietrick stated that we are making an asset to this property. Commissioner Dietrick stated that Mr. Kehoe is benefiting from this at the Town’s expense.

Commissioner Goodman stated that if we are leasing this land then we should have full control of and no reserved spaces.

Bob Smart, 7525 Coblenz Road – stated that in the original proposal seen Mr. Kehoe wanted 4 spaces for his employees. Now if we are not going to exit from his property why does he want 4 spaces?

After much discussion this item failed to move forward.

**Discussion of Legislation to require banks/mortgage companies to register vacant or foreclosed properties** – Burgess Miller stated that after hearing this, it is not what the Town is looking for.

**Position Open on Middletown Board of Appeals** – Burgess Miller stated that the current Temporary Alternate does not wish to move to actual member. We will advertise for the position on the website and in the Citizen.

#### **REPORTS OF COMMITTEES –**

**WATER & SEWER** – Commissioner Falcinelli reported:

Water Use – 318,000 gal. per day, Spring flow – 106,000 gals. Per day, EWWTP treated 163,000 gals. WWTP treated 126,000 gals.

Locust Blvd. waterline is underway.

Water/Sewer Meeting September 23, 2015 at 7pm.

**PUBLIC WORKS** – Commissioner Bussard reported:

The guys have been busy painting crosswalks, installing waterline at dog park, and repairing inlets throughout Town.

Hailey project has started.

West Green Street has been pushed back with all the deadlines Bruce has had to deal with on the Main Street Waterline project.

**PLANNING COMMISSION** – Commissioner Goodman reported:

No plans on last month's agenda. This month we have the Chesterbrook Improvement Plans and the Washington Gas line from town to the Catholic Church on Rt. 17.

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

Had some vandalism to the doggie do bag containers.

Parks meeting September 22, 2015 at 7pm.

Drew stated that when the guys installed the waterline for the dog park, they also installed a yard hydrant for the Garden people to use. We can put a lock on it so that it is only used by the Garden people.

Drew also wanted to know when the Board wanted to open the dog park. Drew stated that the equipment has been ordered for the security system. The Board agreed to wait to officially open the dog park until everything has been installed.

**FINANCE** – Commissioner Dietrick reported:

We were able to get better loan interest rates than we originally planned.

**PUBLIC INFORMATION** – mock website. Drew showed the Commissioners the draft websites. The Board agreed that they liked draft #1.

#### **NEW BUSINESS:**

**Hollow Creek Golf Course Request for Estoppel Certificate & Agreement** - Drew stated that this conveys with the new property owners. Property must remain open space. According to our attorney this agreement is for the lender to make sure that the Town cannot come in and take over the property. The Town Board asked for the Town Attorney to revise the agreement to specific to this issue. This item will come back before the Town Board for approval.

**Discussion of Legislative Initiatives from the County Executive** – no comment on letter from County Executive.

**Discussion of Exploratory Group to Organize 250<sup>th</sup> Anniversary Celebration of the Town in 2017 –**  
Burgess Miller stated that Becky has agreed to co-chair this event.

**Discussion of National Night Out –** Commissioner Goodman will be gathering information to report back to the Board at the next Town Meeting.

**PUBLIC COMMENT:**

**Mike Tabor –** parking problem since 1988 on South Church Street in the vicinity of 205-107 South Church Street. Would like to see the Town put 2 hour parking in on Franklin Street.

Mr. Tabor also stated that he would like to see the lighting program be extended on Church Street, he feels it would be a great asset.

**ANNOUNCEMENTS:**

**ADJOURNMENT**

Meeting adjourned at 8:15pm. with the Board entering into Executive Session.

Respectfully submitted,

Ann Griffin  
Office Manager

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/25/2015

RE: Monthly Planning Update

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**Major Subdivisions:**

**Coblentz on Green** - Master Plan Amendment approved - March 11, 2013  
Planning Commission conditionally approved preliminary plan – March 18, 2013  
Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)  
Final FRO Plan approved – April 21, 2014  
Final Plats conditionally approved – November 17, 2014  
HOA documents approved by PC – May 18, 2015  
**Grading begun – September 2015**

**Foxfield Section 4-** 4 homes still to be built.

**Site Plans and Minor Subdivisions:**

**Franklin Commons/Chesterbrook Phase 2** - Site Plan approved – July 17, 2006  
Improvement Plans approved and signed – September 16, 2008  
Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)  
Phase 2 FRO plan conditionally approved – January 19, 2015  
**Phase 2 Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/18)**

**Fire Station** – Concept plan submitted to PC for comments – April 22, 2013  
Fire Station plat conditionally approved – October 16, 2013  
Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

**Horman Apartments-** Site Plan approved – April 21, 2008  
Improvement Plans conditionally approved – May 17, 2010  
Currently approved SWM plans remain valid until May 4, 2017  
**Mylars signed – September 11, 2015**

**Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008  
Forest Conservation Plan approved – October 20, 2008  
Revised Architectural Plans submitted and reviewed – June 16, 2014  
BOA hearing for variance requests (approval received) – December 16, 2014  
Architectural plans approved by PC – March 16, 2015

**Miller (Ingalls)** – Concept and Phase I & II Plan approved & signed – September 27, 2010  
Revised Concept Plan reviewed by PC – September 16, 2013  
SHA comment letter received February 18, 2014  
Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

**Cross Stone Commons** – BOA Special Exception Use Hearing – May 8, 2013  
Revised architectural plans approved by PC – March 17, 2014  
Final FRO Plan approved – May 19, 2014  
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)  
Phase 1 Improvement Plans conditionally approved – October 20, 2014 (Plans expire 10/20/17)  
Addition Plat recorded– November 10, 2014  
Dedication Plat conditionally approved – March 16, 2015  
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)

**Nicholson** - Final Plat submitted for review – March 2, 2015

**Putman** – Site Plan conditionally approved- November 17, 2008  
Forest Conservation Plan approved – June 16, 2009  
Improvement Plans approved and signed by all agencies – July 2010  
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)  
Revised Site Plan Extension request approved for 6-months – March 16, 2015 (Oct. 2015)  
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)

**School complex** – Kick-off meeting for parking and roadway improvements – September 9, 2015

**Washington Gas** – Holy Family Approach Plans – conditionally approved – August 7, 2015

**Annexations:**

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

**Text Amendments:**

**Zoning Code review** – Public hearing for Chapter 17.08 – Monday, September 28th

**Subdivision regulations review** – Planning Commission public hearing for proposed changes – October 19, 2015

**Reports:**

**Meetings:** Next Middletown Green Team Meeting – October 21, 2015

**Next Joint town board/planning commission workshop** – October 5, 2015



## **Applicants for Board of Appeals**

- Alim Abdulghany – 10 Ivy Hill Drive
  - Christine Beachley – 37 Boileau Court
  - Peter Canonico – 208 Lombardy Court
  - Tim Coakley – 20 West Main Street
  - Robert Wilkes – 207 Layla Drive
  - Jeffrey Zerhusen – 9 Hoffman Drive
-

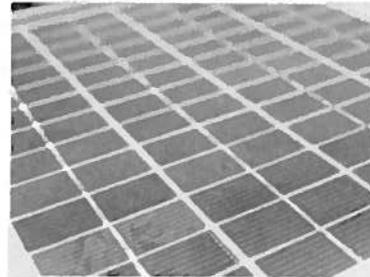


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## FlashCAM-880SX



### FlashCAM-880SX Benefits:

- All NEW system design with 5 times the battery power
- Solar-charged battery operation: Completely self-contained and no hard wiring required!
- Portable and easy to install
- Wireless download of pictures onto a laptop computer
- Operating range-up to 100 feet
- High resolution images help capture evidence used for prosecution
- Customizable voice message
- Operates in total darkness
- System operates automatically 24/7
- Monitor system status with keyfob remote controller
- Ruggedized construction makes the system resistant to vandalism

### Each system includes:

- (1) Wall mounting bracket hardware
- (1) Quick Move Adapter
- (1) 4.0 Gigabyte Secure Digital Memory Card
- (1) Battery Charger
- (1) RF Keyfob controller
- (1) CD-ROM, SX Link software to control picture downloading
- (1) User's Manual per order
- (1) One Year Factory Warranty

**CONTACT US FOR  
MORE INFORMATION**

### REGISTERED MEMBERS

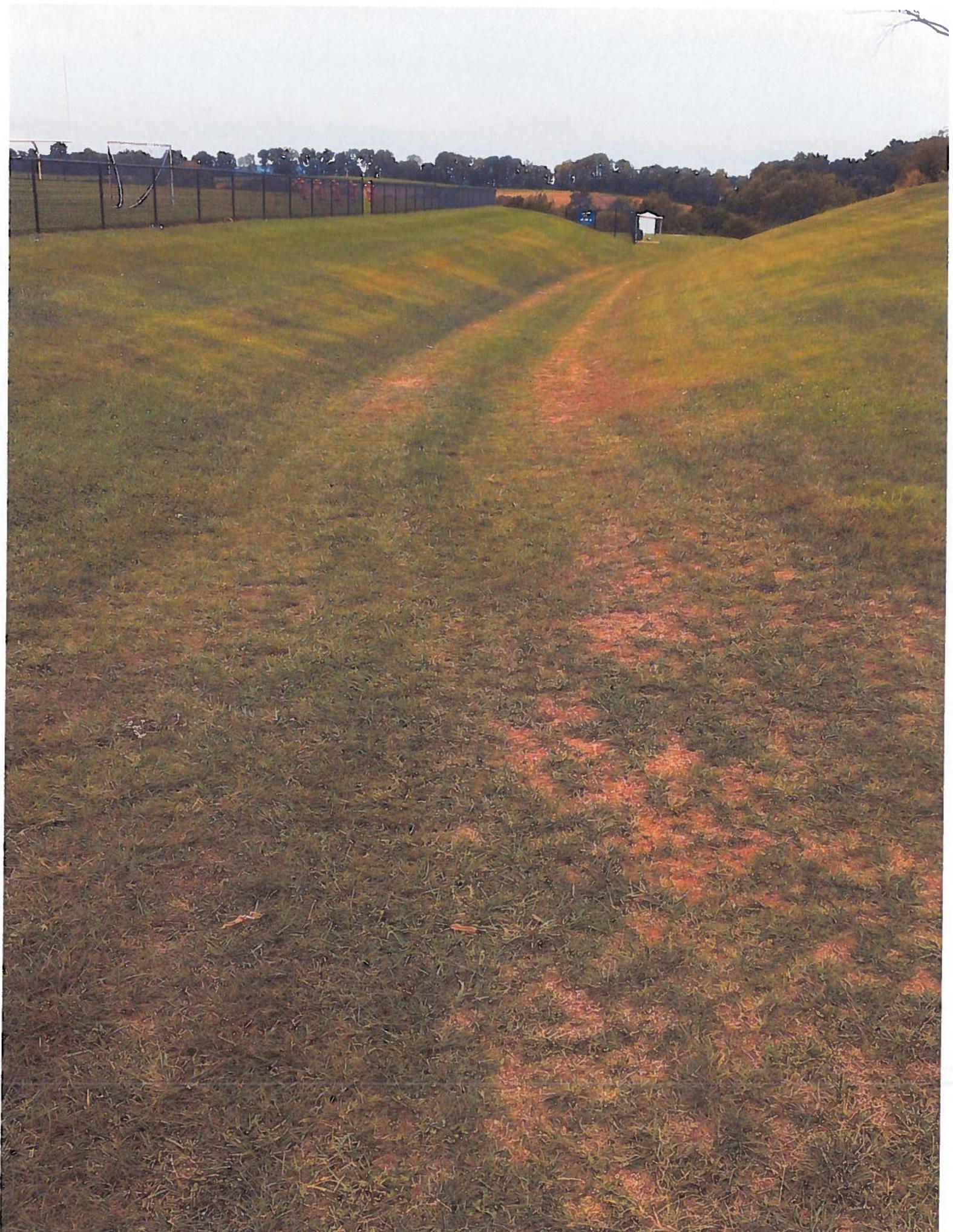
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Password

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MARYLAND  
STATE RETIREMENT  
and PENSION SYSTEM

STATE RETIREMENT AGENCY  
120 East Baltimore Street  
Baltimore, MD 21202  
Tel: 410-625-5555  
1-800-492-5909  
TDD/TTY 410-625-5535  
sra.maryland.gov

R. Dean Kenderdine  
Executive Director  
Secretary To The Board

August 21, 2015

Dear Participating Employer:

During the 2015 legislative session, the General Assembly passed and Governor Lawrence J. Hogan subsequently signed into law Senate Bill 560 that makes membership in the Employees' Pension System ("EPS") optional for certain elected or appointed officials and other specified governmental employees hired on or after July 1, 2015.

Specifically, effective July 1, 2015, membership in the EPS is optional for:

- An official, elected or appointed for a fixed term;
- An employee of the Governor's office;
- An employee of the Senate or House of Delegates;
- A member of the Prince George's County Board of License Commissioners;
- An employee of Dorchester County who is not a member of the county's general pension and retirement programs; or
- An employee of a Participating Governmental Unit ("PGU") who is employed by the PGU before the effective date of its participation in the System *and* who remains an employee of the PGU through the effective date of participation in the System.

The State Retirement Agency ("Agency") has created a Form 60.15, *Election Not to Participate in the Employees' Pension System by an Elected or Appointed Official or Specified Governmental Employee*. If an employee who is eligible for optional membership elects not to enroll in the EPS, this form must be properly completed and submitted to the Agency.

In addition, to assist in determining whether an employee is eligible for optional membership in the EPS as an elected or appointed official, the Agency has provided an *Optional Membership Eligibility Questionnaire*. The Employer must complete and submit to the Agency an *Optional Membership Eligibility Questionnaire* for any elected or appointed official electing not to enroll in the EPS. If the employee does not meet the legal threshold of an elected or appointed official, the employee must be enrolled in the EPS as a condition of employment.

A copy of both the questionnaire and Form 60.15 is enclosed with this letter. The Form 60.15 can also be found on our website at [sra.maryland.gov](http://sra.maryland.gov). If you should have any questions, please call Ms. Princess Tillman, Payroll Reporting Manager, at 410-625-5581.

Sincerely,

R. Dean Kenderdine  
Executive Director

Enclosure



