



## AGENDA FOR THE TOWN MEETING

February 13, 2017

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

### CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
  - [January 23, 2017 – Town Meeting](#)

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

### PERSONAL REQUESTS FOR AGENDA:

*Ms. Janice Rockwell, Chairperson Main Street Board – Tourism Funding*

*Mr. David Guiney & Ms. Ruth Bielobocky – 250<sup>th</sup> Historic Displays*

### UNFINISHED BUSINESS:

- [Ordinance 17-02-01 – Establishing Design Standards for General Lighting Requirements](#)
- Scheduling Public Hearing on Improvement Fee Increase
- [Recommendation from the Water & Sewer Committee on Fluoride for Brookridge WTP and Well 15 WTP](#)
- [Financial Review of Verizon Cellular Lease Alternatives](#)

### REPORT OF COMMITTEES:

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

### NEW BUSINESS:

- [Renewal of Line of Credit with Middletown Valley Bank - \\$2,000,000](#)
- Scheduling of Memar Annexation Workshops

## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *250<sup>th</sup> Town Talk (Arts in Middletown) – Sunday, March 5, 2017 at 2:00PM at Zion Lutheran*
- *Board of Appeals Seat Coming Up for Appointment*

## **ADJOURNMENT**

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

January 23, 2017

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on January 23, 2017, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Rick Dietrick, Tom Catania and Christopher Goodman.

### CONSENT AGENDA

*Town Meeting Minutes – January 5, 2017*

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

### Personal Requests for Agenda:

**Mr. Kert Shipway, CPA & Ms. Cheryl Dodson, Albright, Crumbacker Moul & Itell, LLC** – Mr. Shipway presented the FY16 audit to the Board.

### Unfinished Business:

**Discussion of Increase to Improvement Fee** – this has been on the agenda for the past few months, Burgess Miller asked if the Board was ready to vote on this item? It was the consensus of the Board to advertise this and they will vote on at next month's meeting.

**PC Appointment Temporary Alternate** – Burgess Miller stated that he is recommending appointing Meredith McKittrick to fill the second alternate position. This was Dixie Eichelberger's term which will end June 2017. Ms. McKittrick was present and introduced herself to the Board and gave the Board a little background about herself.

Motion by Commissioner Goodman to appoint Meredith McKittrick to the Planning Commission as the second alternate fulfilling the term that will end June 2017, seconded by Commissioner Bussard. Motion carried 6-0.

### NEW BUSINESS:

**Memar Corporation – Petition for Annexation 93.938 ac.** – Drew explained that the Board has to accept any petition for annexation that comes in. Burgess Miller stated that what we are doing here tonight is accepting this petition and forwarding it onto the Planning Commission for their review.

**Request from Verizon for Cellular Lease Agreement** – Drew stated that this is the 3<sup>rd</sup> amendment to this lease agreement. Drew stated that the current lease does not expire until 2019. Verizon is proposing to decrease the monthly fee to \$3,500 with a 3% yearly increase and extend the lease for 4 additional 5 year terms. The Board discussed this and asked that Drew provide them with a spreadsheet showing some options that they can counter offer with.

**Discussion of Professional Service for Town Seal & Town Logo Design** – Burgess Miller stated that he and Commissioners Bussard and Falcinelli met with Bruce Morgan awhile back to discuss some options for the Town Seal and Logo. Mr. Morgan sent a proposal to design the Town Logo for \$5,400. After much discussion, Commissioner Falcinelli motioned to accept the proposal of \$5,400 for the design of the Town Logo, seconded by Commissioner Catania. Motion carried 6-0.

**Sensus Meter Recall** – Drew stated that we’ve recently discovered that several of our new meters were not working. We contacted LB Water (company we purchase the meters from), they contacted Sensus to inquire and it was discovered that the last order of meters we purchased are within the recall. Drew stated that Ann and I need to sit down with Dylan once he gets back from vacation to determine what the best way to handle this is. Drew stated that we will have a more detailed report at the second

**PUBLIC COMMENT:**

William Poulin, 3 Tobias Run – stated that he attended the meeting tonight to hear the discussion on fluoride. Mr. Poulin then congratulated the Board on a job well done in regards to the budget.

**ANNOUNCEMENTS:**

- *250<sup>th</sup> Town Talk – February 12, 2017 African American History 1pm. at 100-104 West Main Street*
- *Board of Appeals seat coming up for appointment*

**ADJOURNMENT**

Meeting adjourned at 8:25pm.

Respectfully submitted,

Ann Griffin  
Office Manager

**ORDINANCE NO. 17-02-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 32 OF THE MIDDLETOWN MUNICIPAL CODE BY ADDING THERETO SECTION 17.32.245 PERTAINING TO LIGHTING DESIGN STANDARDS; TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATING TO GENERAL LIGHTING; TO AUTHORIZE THE PLANNING COMMISSION TO REQUIRE A LIGHTING PLAN AS PART OF THE SUBMISSION OF CERTAIN SITE PLANS; TO PROVIDE FOR CERTAIN EXEMPTIONS FROM THE LIGHTING REGULATIONS AND REQUIREMENTS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17 – Zoning, Chapter 17.32 of the Middletown Municipal Code be, and hereby is, amended by adding thereto the following as Section 17.32.245. The new language is designated by underlining:

Title 17 – Zoning

Chapter 17.32 – Design Standards Generally

Section 17.32.245 - Outdoor Lighting Standards

A. The purpose of this section is to establish outdoor lighting standards that reduce the impacts of glare and spillover of light onto adjacent properties or into the sky, to protect against glare onto public rights-of-way that can impair vision of motorists, pedestrians, and bicyclists, to promote safety and security, and to encourage energy conservation.

B. General Lighting requirements. Exterior lighting shall comply with the following requirements and contain the following information with regard to outdoor lighting.

(1) Pole and Stand-alone lighting.

(a) All street lighting shall comply with the Street Lighting Design Manual regulations.

(b) All other lights, light fixtures, light poles and other structures holding or supporting lighting fixtures shall be located at least ten feet (10') from the closest exterior property line.

(c) All stand-alone light poles or other structures holding or supporting lighting fixtures which are located between ten feet (10') and twenty-five feet (25') of the closest exterior property line shall not exceed a maximum height of fifteen feet (15') which height shall include any base, wall pedestal, platform or other supporting building or structure. All other stand-alone light poles or other structures holding or supporting lighting fixtures shall not exceed a maximum height of twenty feet (20') which height shall include any base, wall pedestal, platform or other supporting building or structure.

(2) Wall-mounted lighting.

(a) Any lighting which is mounted or secured to a wall of a building, including wall-packs, shall not be located more than twenty-five feet (25') above the surface of the ground directly below it. All such lighting shall be located, aimed and shielded, so as to reflect light downward, below the horizontal and so that the light from such fixture is not directed toward adjacent streets, roads or adjacent properties.

(b) Wall-mounted light fixtures which are positioned and aimed to direct lighting in an upward direction on the façade of a building are not permitted. Fixtures designed and located so as to direct lighting in a downward direction down the building surface are preferred.

(3) Landscape and Architectural Lighting

Lighting which is used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, and spotlighting or floodlighting used for architectural or landscaping purposes shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields may be required in order to limit the amount of light shining outside the intended direction and in particular to shield and protect motorists and pedestrians from the glare of such lighting.

(4) Exterior lighting fixtures shall include full cutoff features and shall be directed downward on site, so that the light does not create excessive glare on adjacent properties. Light trespass from originating property shall not exceed 0.5 footcandle measured on a vertical plane five feet above grade at the property line.

C. Site Plan submissions.

(1) The planning commission may require a lighting plan on any Site Plan submission required by section 17.32.230 which Site Plan shall include:

(a) The specific location, height and type of illuminating devices, fixtures, lamps, or any other light sources;

(b) A full description of each light source, fixtures, lamps, and other devices, to include catalog cuts by manufacturers and diagrams, where appropriate;

(c) Photometric data, such as that furnished by manufacturers, or similar information demonstrating the angle of cutoff and/or light emissions;

(d) Analysis and luminance level diagrams showing that the proposed installation conforms to the lighting level standards of this section;

(e) Tests, reviewed by a lighting engineer, indicating that the lighting plan is sufficient to meet IESNA recommendations, i.e., not to exceed IESNA recommendations, may be required by the planning commission; and

(f) Computer-generated, point-by-point lighting calculations on a scaled site plan with a ten-foot-by-ten-foot grid of footcandle readings, indicating initial horizontal footcandles at grade, and initial vertical footcandles five feet above grade at the property line.

(2) If the planning commission is unable to determine that the lighting plan complies with this section, the planning commission may require the plan to be submitted to a lighting engineer or recognized testing laboratory for review. The report of such engineer or laboratory shall be submitted to the planning commission and the applicant shall bear the cost of the review and report.

(3) The site plan requirements may be modified by the planning commission if it is determined that the general intent of this section can be realized without providing all the information outlined above in Section C.(1).

#### D. Alterations after Site Plan Approval

No alteration or change in the approved Site Plan lighting plan may be made unless approved by the planning commission in accordance with this section; provided, however, that the zoning administrator may approve the replacement of a failed, broken or damaged lamp, light, fixture or supporting structure if such replacement will be in accordance with the requirements of this section.

#### E. Pre-existing Lighting

Exterior lighting, including fixtures, lamps, lights, poles and supporting structures, existing on property subject to this section on the date of the enactment of this Ordinance shall be permitted to remain. No changes or alterations or additions to such existing exterior lighting may be made without a zoning certificate being submitted to and approved by the zoning administrator in accordance with the requirements of this section. The zoning administrator may approve the replacement of a failed, broken or damaged lamp, light, fixture or supporting structure if such replacement will be substantially similar to the lighting to be replaced.

#### F. Exemptions.

The following shall be exempt from the provisions of this section:

- (1) All vehicle lighting, emergency traffic lighting, and traffic control lighting;
- (2) All athletic events and stadium use on Frederick County Public School properties;
- (3) For lighting which is reasonably related to sports, amusements, entertainment events or other public gatherings operating as part of an athletic contest, carnival, fairground activity, parade or public celebration:
  - (a) If a permit has been issued for such event, until 12:00 midnight;
  - (b) If no permit has been issued to authorize such event, until 10:00 p.m.
- (4) Temporary lighting which is typically and traditionally used for the celebration or recognition of a holiday and which is installed and removed within a reasonable period of time prior to and after the holiday.
- (5) Lighting required in order to address an emergency, including lighting required for emergency street, utility or construction repairs if such lighting is discontinued immediately upon abatement of the emergency.

**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.

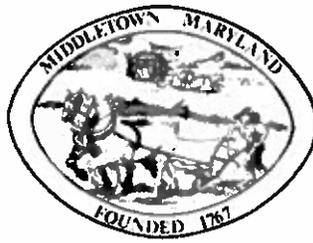
**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_**  
**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_**  
**EFFECTIVE DATE: \_\_\_\_\_, 201\_\_**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

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

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



## **MEMORANDUM**

**DATE:** January 4, 2017

**TO:** Burgess and Commissioners

**FROM:** Andrew J. Bowen, Town Administrator

**SUBJECT:** Installation of Fluoride – Brookridge WTP & Well #15

---

### **ISSUE**

Should the Burgess and Commissioners proceed with installation of fluoride injection system at the Brookridge WTP and Well #15, with the substantial increase in cost?

### **BACKGROUND**

With the construction of two additional water treatment facilities; Well #15 in 2006 and the Brookridge WTP in 2008, fluoride injection was not included in the design of either of these facilities. Fluoride is only provided at the reservoir, which is the primary source of water for the Town.

In 2015, the Town tested levels of fluoride throughout the water distribution system and determined that some sections of Town, specifically Brookridge South and Glenbrook have fluoride levels below the recommended EPA standards for the benefits of fluoride. The Town Board made a decision to have fluoride injection added to both of the new facilities and budgeted \$60,000 in the 2017 CIP. In addition, letters were sent to the affected residents informing them of the Town's plans to add the fluoride injection systems by January 2017.

With the installation of the Iron and Manganese Removal System equipment at Well #15, there is not enough physical room in the building to add a fluoride injection system. The building will have to be enlarged to accommodate a fluoride system. The preliminary cost estimate is \$30,000 to construct an addition. There is room available for the fluoride injection system at the Brookridge WTP and this project can proceed immediately.

### **RECOMMENDATION**

Staff would recommend the Town Board give serious consideration to the substantial capital cost for providing fluoride to resident's (\$90,000), which is only a benefit to a specific segment of the population, when fluoride is available through many other sources. If the Town Board decides to move forward with installation of fluoride systems at these two facilities, \$30,000 of additional funding will need to be approved.

### **ATTACHMENTS**

Approve CIP  
Letter to Residents



## Burgess and Commissioners of Middleton, Maryland

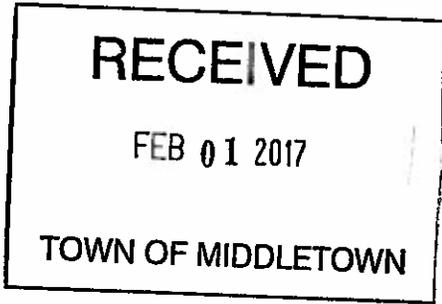
Revenue Analysis - Net Present Value Method  
Verizon Cellular Lease

Options	Yearly % Increase	Total Revenue	Net Present Value	2019	2020
<b>Existing Lease (\$4,051/4%/Year)</b>	<b>4.00%</b>	<b>\$ 1,447,797.08</b>	<b>\$1,069,817.99</b>	<b>\$ 48,619.56</b>	<b>\$ 50,564.34</b>
Example #1 (\$3,745/4%/Year)	4.00%	\$ 1,338,226.85	\$988,853.46	\$ 44,940.00	\$ 46,737.60
Example #2 (\$3,500/4%/Year)	4.00%	\$ 1,250,679.30	\$924,162.12	\$ 42,000.00	\$ 43,680.00
Example #3 (\$4,051/3%/Year)	3.00%	\$ 1,306,425.78	\$973,568.30	\$ 48,619.56	\$ 50,078.15
Example #4 (\$3,745/3%/Year)	3.00%	\$ 1,207,554.63	\$899,888.02	\$ 44,940.00	\$ 46,288.20
<b>Verizon Offer (\$3,500/3%/Year)</b>	<b>3.00%</b>	<b>\$ 1,128,555.73</b>	<b>\$841,016.84</b>	<b>\$ 42,000.00</b>	<b>\$ 43,260.00</b>
Example #5 (\$4,051/2%/Year)	2.00%	\$ 1,181,143.74	\$887,816.34	\$ 48,612.00	\$ 49,584.24
Example #6 (\$3,745/2%/Year)	2.00%	\$ 1,091,923.80	\$820,753.45	\$ 44,940.00	\$ 45,838.80
Example #7 (\$3,500/2%/Year)	2.00%	\$ 1,020,489.53	\$767,059.30	\$ 42,000.00	\$ 42,840.00



# Middletown Valley Bank

February 1, 2017



Andrew J. Bowen, Town Administrator  
Burgess and Commissioners of Middletown  
31 W. Main Street  
Middletown, MD 21769

Dear Mr. Bowen,

Thank you for the opportunity for Middletown Valley Bank to the Burgess and Commissioners of Middletown (the "Town") with a commitment for the renewal of your existing \$2,000,000 Revolving Line of Credit. Middletown Valley Bank proposes the following:

- BORROWER:** Burgess and Commissioners of Middletown
- LOAN AMOUNT:** Two Million Dollars (\$2,000,000.00)
- PURPOSE:** Revolving Line of Credit (RLOC) used to provide "gap" financing related to the purchase or construction of capital assets
- INTEREST RATE:** One- (1) Month LIBOR plus 2.01%, floating and adjusted every thirty- (30) days.
- REPAYMENT TERM:** Demand note. Line shall have an expiry of February 20, 2020
- FEES:** \$475 Commitment Fee for Three- (3) Year Credit Commitment  
Cost of documentation amending maturity date of original attorney prepared documents (attached) will be paid by Borrower at renewal
- COLLATERAL:** Unsecured (backed by full faith and credit of Town and its taxing authority)
- GUARANTORS:** None
- PREPAYMENT FEE:** None
- FINANCIAL COVENANT:** None
- OTHER TERMS:**
  - Annual Accountant Prepared Audited Financial Statements
  - The Town shall maintain a minimum deposit relationship of \$350,000 with Middletown Valley Bank for the term of the Loan

Middletown Valley Bank appreciates the opportunity to provide this commitment. The provisions of this commitment letter are only intended to advise the Borrower of certain terms and conditions under which the Loan

will be made by the Bank. The agreements, instruments, and documents prepared by us or our counsel in connection with this Loan shall contain such other covenants, terms, and conditions as the Bank and its counsel believe to be necessary with respect to this Loan.

If you wish to proceed to proceed with the Loan as herein set forth, please sign and return the enclosed copy of this letter within 5 days of the date of the commitment letter. If the enclosed copy of this letter is so signed and return within 5 days, the closing of the loan will be held by February 15, 2017 or this commitment will expire.

The terms and conditions of this commitment letter shall be merged into the closing documents and shall not survive the closing of this Loan.

Thank you for the opportunity to provide this financing.

Sincerely,



George T. Chaney, II  
Vice President  
Commercial Lending  
Middletown Valley Bank

ACKNOWLEDGED and ACCEPTED on this \_\_\_\_ day of \_\_\_\_\_, 2017.

**Borrower(s): Burgess and Commissioners of Middletown**

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

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