



AGENDA FOR THE TOWN MEETING

March 13, 2017

6:30 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

BUDGET WORKSHOP

Water & Sewer Capital Improvement Program (CIP)

CONSENT AGENDA

- Financial Statements
- [Richland Golf Club – Outside Patio Entertainment](#)
- Town Meeting Minutes
 - [February 2, 2017 – Town Workshop & Public Hearing](#)
 - [February 13, 2017 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Resolution 17-02 – Increase in Improvement Fees](#)
- [Ordinances 17-03-01 & 17-03-02 – Sale of Property East Green Street](#)
- [Appointments to Board of Appeals](#)
- Memar Annexation – Discussion and Scheduling of Future Workshops

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

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

NEW BUSINESS:

- Constant Yield Tax Rate – Schedule Public Hearing
- Request from T-Mobile for Amendment to Cellular Lease Agreement
- Annual POS Program Requests – Frederick County
- Solar Array Plantings

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *250th Town Talk (Arts in Middletown) – Sunday, March 5, 2017 at 2:00PM at Zion Lutheran Church*
- *250th Town Talk (Transportation History) – Thursday, April 13, 2017 at 6:30PM at Town Office*
- *Sustainability Committee Openings*

ADJOURNMENT

RECEIVED

FEB 27 2017

TOWN OF MIDDLETOWN

2/27/2017

Town of Middletown

Attn: Zoning Administrator

31 West Main Street

Middletown, MD 21769

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

To whom it may concern,

We are writing to you to notify you of the dates and times of the entertainment we will have outside on our patio at Richland Golf Club. Consider this our formal letter of request of approval to host entertainment outside.

The dates and times we will be hosting outside entertainment are as follows:

- Every Friday evening from 7pm-11pm, beginning 5/1/2017 and ending 10/27/2017.

We are aware that our entertainment dates and times must comply with your rules and regulations, once the above dates and times are approved.

Please let us know if you have any questions.

Thanks.



Emily Delauter

Director of Sales - Richland Golf Club

50 Glenbrook Drive

Middletown, MD 21769

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

WORKSHOP MEETING

February 2, 2017

The monthly workshop meeting of the Burgess and Commissioners of Middletown was called to order on February 2, 2017, by Burgess Pro Tem Falcinelli at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Christopher Goodman, Rick Dietrick and Tom Catania.

PUBLIC HEARING:

Ordinance 17-02-01 – 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 – Drew stated that this hearing was properly advertised. Hearing no comment from the public on this the Public Hearing closed at 7:10pm.

Staff Reports:

Deputy – Deputy Rohrer gave the monthly report.

Staff Planner – Cindy gave her staff planner's report

Engineer's Report – Bruce gave his public works report.

Main Street Manager's report – Becky gave her report.

Zoning Administrator's Report – Ron gave his report.

UNFINISHED BUSINESS:

Ordinance 17-02-01 – Ordinance 17.02.01 – Board will vote on at the February 13th meeting.

Recommendation from Water & Sewer Committee on Fluoride for Brookridge WTP and Well 15 WTP – Commissioner Falcinelli reported that it was the recommendation from the Water & Sewer Committee to move forward with the installation of fluoride at Brookridge WTP and Well 15 WTP. Well 15 does not have enough room currently to allow for the fluoride equipment, we would need to make an addition onto the building to house the fluoride equipment which would cost approximately \$30,000. We currently have \$60,000 budgeted for the fluoride install at these plants. We would need to make a budget adjustment if the Board decides to move forward with this.

Financial Review of Verizon Cellular Lease Alternatives – Drew presented the Board with different options in which they could counter offer Verizon with if they choose to do so.

NEW BUSINESS:

Renewal of Line of Credit with Middletown Valley Bank \$2,000,000 – Our current line of credit expires February 15, 2017.

Scheduling of Memar Annexation Workshops– Drew stated that in the past with Annexations the Board has scheduled workshops to discuss.

ANNOUNCEMENTS:

- *250th Town Talk (Arts in Middletown) – Sunday, March 5, 2017 at 2:00pm. at Zion Lutheran*
- *Board of Appeals Seat coming up for appointment*

Respectfully submitted,

Ann Griffin
Office Manager

DRAFT

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

February 13, 2017

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on February 13, 2017, 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, Tom Catania and Christopher Goodman.

CONSENT AGENDA

Town Meeting Minutes – January 23, 2017

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

Personal Requests for Agenda:

Ms. Janice Rockwell, Chairperson Main Street Board – Tourism Funding – Mrs. Rockwell asked the Burgess & Commissioners to continue to invest in the Main Street Program. Main Street would like to use the additional money that they will receive from the County's hotel tax to put together a comprehensive marketing plan to attract out-of-town visitors. Middletown Main Street is estimated to receive \$25,591 for FY 2017. Mrs. Rockwell stated that they received their first check for \$3,200.

Mr. David Guiney – 250th Historic Displays – Mr. Guiney presented the Board with a draft idea of what he would like to do with the upstairs meeting area.

MVAA – Scott Farrow and Donnie Delauter with MVAA were present tonight to inform the Board that Delegate Afzali has applied for a grant for them to possibly install lighting on the multi-purpose fields at Remsburg Park. It was discussed that MVAA should probably meet with the Parks Committee to discuss their master plan as it seems like it has changed since the original one was developed.

Unfinished Business:

Ordinance 17-02-01 – Establishing Design Standards for General Lighting Requirements – Public Hearing on this was held on February 2, 2017.

After much discussion a motion by Commissioner Falcinelli to approve Ordinance 17-02-01 as presented, seconded by Commissioner Bussard. Motion carried 6-0.

Scheduling of Public Hearing on Improvement Fee Increase – Public hearing will be held on Thursday, March 2, 2017 at 7pm. to increase the Improvement fee \$1,000. The current Improvement fee is \$6,000.

Recommendation from the Water & Sewer Committee on Fluoride for Brookridge WTP and Well 15 WTP – Commissioner Falcinelli reported that it is the recommendation of the Water & Sewer Committee to add fluoride to the water at both the Brookridge WTP and Well 15 WTP. It was stated that there is currently \$60,000 in this fiscal year's budget for this but after the installation of the iron and manganese filters at well 15 there is no room for the fluoride equipment to go, therefore we would need to build an addition on this building. According to Bruce Carbaugh the addition would cost an additional \$30,000 to build. Staff reported that they contacted several other municipalities in Frederick County to

find out if they put fluoride in their water and we discovered that Brunswick, Thurmont, Boonsboro and Myersville do not put fluoride in their drinking water. After much discussion it was agreed to push this item off to discuss during the upcoming budget discussions.

Financial Review of Verizon Cellular Lease Alternatives – Drew presented several different options for the Board to review. Commissioner Bussard stated that he likes Option #3 to keep the payment at \$4,051 and decrease the yearly percentage rate to 3%. Commissioner Falcinelli agreed that she likes Option #3 too. Commissioner Catania suggested that we counter with a 3.5% yearly increase. Commissioner Falcinelli motioned to counter offer with option #3 keeping the monthly payment at \$4,051 and decreasing the yearly percentage rate to 3%, seconded by Commissioner Bussard. Motion carried 5-1 (Commissioner Catania voted against).

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

Water use for January – 289,000 gal., spring flow for January – 69,000

Rain Barrels will be for sale again this year during the month of April.

There appears to be a leak in the Reservoir again.

PUBLIC WORKS – Commissioner Bussard reported:

The guys have been working on building the pavilion at Wiles Branch Park, Green Street will be finished this spring and the Main Street waterline will be starting up in March.

SUSTAINABILITY – Commissioner Dietrick reported:

Green Expo April 29, 2017 from 10am.-2pm.

PLANNING COMMISSION – Commissioner Catania reported:

Workshop is Wednesday, February 15th at 7pm.

Next meeting is Monday, February 20, 2017 at 7pm.

PARKS and RECREATION – Commissioner Goodman reported:

Next meeting is Wednesday, February 15th at 7pm. They will be discussing POS ideas for this year.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Reminded everyone to sign up for the email distribution list.

NEW BUSINESS:

Renewal of Line of Credit with Middletown Valley Bank \$2,000,000 - Commissioner Bussard motioned to renew the \$2,000,000 line of credit with Middletown Valley Bank, seconded by Commissioner Dietrick. Motion carried 6-0.

Scheduling of Memar Annexation workshop – Burgess Miller stated that the Board will meet to discuss this annexation request on Monday, February 27, 2017 at 7:30pm. The regular Burgess & Commissioner meeting for this night has been cancelled.

Discussion of possible Text Amendment to allow off-site sale of alcohol in General Commercial district – Burgess Miller stated that Mr. Doll would like to open up a liquor store in the Cross Stone Commons shopping center. Our zoning ordinance currently does not allow or even address liquor stores. Ms. Leslie Powell who is Mr. Doll's attorney asked for the Board's input on what they would like to have in this text amendment. Ms. Powell asked if the Board would like this to be a permitted use or a special exception use? Commissioner Falcinelli stated that she has heard a lot of opposition on having a liquor store in town. Things that need to be taken into consideration are the closeness to a school or house of worship, signage ordinance, hours of operations, and parking requirements.

PUBLIC COMMENT:

ANNOUNCEMENTS:

*250th Town Talk (Arts in Middletown) – Sunday, March 5, 2017 at Zion Lutheran Church at 2:00pm.
Board of Appeals Seat Coming up for appointment*

ADJOURNMENT

Meeting adjourned at 9:45pm.

Respectfully submitted,

Ann Griffin
Office Manager

DRAFT

RESOLUTION NO. 17-02

A RESOLUTION TO AMEND TITLE 13, CHAPTER 12, SECTION 13.12.050 OF THE MIDDLETOWN MUNICIPAL CODE TO INCREASE THE AMOUNT OF THE CONNECTION FEES FOR CONNECTING TO THE WATER AND SEWER SYSTEM OF THE TOWN.

SECTION I. BE IT RESOLVED AND ENACTED by the Burgess and Commissioners of Middletown that Title 13, Chapter 12, Section 13.12.050 of the Middletown Municipal Code be, and hereby is, amended as follows. Material being deleted is designated by being ~~in brackets and stricken through.~~ New material is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS**:

Title 13 -- Public Services

Chapter 13.12 - Water and Sewer Fees and Charges

13.12.050 - Connection fees.

A. Any landowner, developer, or applicant applying for a connection to the town's water and sewer system shall pay to the town the following fees at the time of the application and before any connection may be made:

Water connection fee	\$ 9,000.00	
Sewer connection fee	\$ 9,000.00	
Improvement fee	[-6,000.00]	\$ 7,000.00
Total	[\$24,000.00]	\$25,000.00

B. *{Unchanged}*

SECTION II. BE IT FURTHER RESOLVED that this Resolution shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2017

PASSED ON THE _____ DAY OF _____, 2017

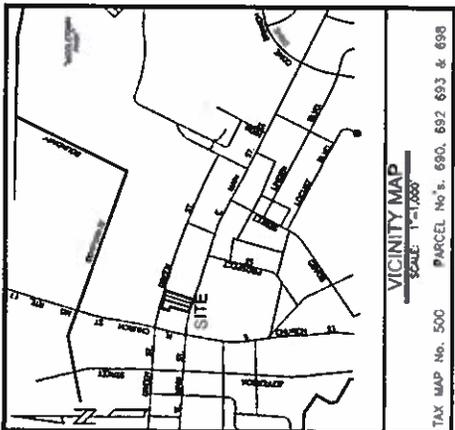
EFFECTIVE DATE:

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



TAX MAP No. 500 PARCEL No's. 690, 697, 693 & 698
 SCALE: 1"=1,000'

OWNER'S CERTIFICATION & DEDICATION
 WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, CONSENT TO AND ADOPT THIS PLAN OF SUBDIVISION AND A CONSIDERATION OF THE APPROVAL OF THIS PLAN OF SUBDIVISION AND THE RECORDATION OF THIS PLAN OF SUBDIVISION TO ESTABLISH THE UNLAWFUL BUILDING RESTRICTIONS AND DEDICATE THE STREETS, WALKWAYS, AND OTHER EASEMENTS TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAN.
 WE CERTIFY THAT THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION EXCEPT AS HEREON INDICATED.
 AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-109 (F. 759) EDITION, AND THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-109 (F. 759) EDITION, CONCERN THE MAKING OF THIS PLAN AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

DATE _____
 SURVEYOR JOHN MILLER
 FOR THE SURVEYOR AND COMMISSIONERS
 OF THE TOWN OF MIDDLETOWN

THE OWNERS HAVE SHOWN TO AND SUBSCRIBED BEFORE ME THIS DAY OF _____ 2018.

BY COMMISSIONER _____ NOTARY PUBLIC
 COPIES

OWNERS/SUBDIVIDER
 THE TOWN OF MIDDLETOWN
 c/o Andrew Witter, Esq.
 Middlebrook Management Center
 31 West Main Street
 MIDDLETOWN, MD 21769
 PHONE: 301-371-5171

ADDITION PLAT
EAST GREEN STREET
TOWN OF MIDDLETOWN (L. 2698 F. 759)
ADDITION TO
TAX PARCELS 690 & 692

SITUATE SOUTH OF EAST GREEN STREET, NORTH OF EAST MAIN STREET AND EAST OF NORTH CHURCH STREET (MD. RT. 17) TOWN OF MIDDLETOWN, MIDDLETOWN ELECTION DISTRICT No. 3 FREDERICK COUNTY, MARYLAND

DATE: December 7, 2018 SCALE: 1" = 40'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89° 18' 48" E	60.00
L2	S 89° 18' 48" E	28.81
L3	S 89° 18' 48" E	7.86
L4	S 11° 20' 07" W	3.47
L5	N 87° 23' 00" W	10.33
L6	N 13° 28' 53" E	11.87
L7	S 11° 20' 07" W	12.42
L8	N 11° 20' 07" E	10.18

POINT TABLE

POINT	NORTHINGS	EASTINGS
6	247,888.273	1,138,035.814
249	63,003.252	1,138,035.275
248	63,003.252	1,138,035.275
247	63,003.252	1,138,035.275
246	63,003.252	1,138,035.275
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23	63,003.252	1,138,035.275
22	63,003.252	1,138,035.275
21	63,003.252	1,138,035.275
20	63,003.252	1,138,035.275
19	63,003.252	1,138,035.275
18	63,003.252	1,138,035.275
17	63,003.252	1,138,035.275
16	63,003.252	1,138,035.275
15	63,003.252	1,138,035.275
14	63,003.252	1,138,035.275
13	63,003.252	1,138,035.275
12	63,003.252	1,138,035.275
1		

ORDINANCE NO. 17-03-01

AN ORDINANCE TO APPROVE THE SALE OF REAL PROPERTY BY THE BURGESS AND COMMISSIONERS OF MIDDLETOWN UPON A FINDING THAT THE PROPERTY IS NO LONGER NEEDED FOR THE PUBLIC USE; TO AUTHORIZE THE BURGESS TO TAKE SUCH MEASURES AS MAY BE NECESSARY TO COMPLETE THE TRANSACTION.

WHEREAS, the Burgess and Commissioners of Middletown (“the Town”) is the owner of a parcel of land on East Green Street consisting of approximately 1,825.034 square feet of land, more or less, which is designated and depicted as Parcel ‘A’ on a plat dated December 7, 2016 entitled “Addition Plat, East Green Street, Town of Middletown (L. 2698, F 759) Addition to Tax Parcels 690 & 692” said plat being recorded among the Land Records of Frederick County at Plat Book 98, page 60 (hereinafter, “the Property”); and

WHEREAS, the Town does not intend to utilize the Property for streets or other purposes, and the Town finds that it no longer needs the Property for the public use; and

WHEREAS, Jason A. Moser and Angela M. Moser (“the Mosers”) are the owners of property located at 17 East Main Street which is adjacent and adjoining to the Property, and the Mosers have expressed their interest in acquiring the Property; and

WHEREAS, the Town desires to enter into a contract with the Mosers to sell the Property to them for Six Hundred Dollars (\$600.00); and

WHEREAS, twenty days public notice of this proposed conveyance was given in accordance with the Town Charter, Section 401(b)(19).

NOW, THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the Town of Middletown be, and hereby is, authorized to sell, convey and transfer title to Jason A. Moser and Angela M. Moser that parcel of

unimproved real estate consisting of approximately 1,825.034 square feet of land, more or less, situate, lying and being in the Town of Middletown, Frederick County, Maryland and which is designated and depicted as Parcel 'A' on a plat dated December 7, 2016 entitled "Addition Plat, East Green Street, Town of Middletown (L. 2698, F 759) Addition to Tax Parcels 690 & 692" said plat being recorded among the Land Records of Frederick County at Plat Book 98, page 60 and a copy of said plat attached hereto and incorporated by reference herein as "Exhibit 1".

BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the sales price for such sale shall be Six Hundred Dollars (\$600.00).

BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the Burgess is authorized to negotiate and execute a Contract of Sale for the sale of the property to be conveyed and such contract shall be in the general format as attached hereto as "Exhibit 2". The Burgess is further authorized to agree to such minor revisions to the contract as may be necessary in the course of completing the transaction without changes to the substantive nature of the transaction. The Burgess is further authorized to execute such deeds, contracts, amendments, addendums, settlement statements and other forms and documents and take such other ordinary actions as may be necessary and proper to complete the transaction.

THIS ORDINANCE shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2017.

PASSED ON THE _____ DAY OF _____, 2017.

EFFECTIVE DATE: _____, 2017.

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



ORDINANCE NO. 17-03-02

AN ORDINANCE TO APPROVE THE SALE OF REAL PROPERTY BY THE BURGESS AND COMMISSIONERS OF MIDDLETOWN UPON A FINDING THAT THE PROPERTY IS NO LONGER NEEDED FOR THE PUBLIC USE; TO AUTHORIZE THE BURGESS TO TAKE SUCH MEASURES AS MAY BE NECESSARY TO COMPLETE THE TRANSACTION.

WHEREAS, the Burgess and Commissioners of Middletown (“the Town”) is the owner of a parcel of land on East Green Street consisting of approximately 674.169 square feet of land, more or less, which is designated and depicted as Parcel ‘B’ on a plat dated December 7, 2016 entitled “Addition Plat, East Green Street, Town of Middletown (L. 2698, F 759) Addition to Tax Parcels 690 & 692” said plat being recorded among the Land Records of Frederick County at Plat Book 98, page 60 (hereinafter, “the Property”); and

WHEREAS, the Town does not intend to utilize the Property for streets or other purposes, and the Town finds that it no longer needs the Property for the public use; and

WHEREAS, William A. Williams and Betty J. Williams (“the Williamses”) are the owners of property located at 19 East Main Street which is adjacent and adjoining to the Property, and the Mosers have expressed their interest in acquiring the Property; and

WHEREAS, the Town desires to enter into a contract with the Williamses to sell the Property to them for Three Hundred Dollars (\$300.00);

WHEREAS, twenty days public notice of this proposed conveyance was given in accordance with the Town Charter, Section 401(b)(19).

NOW, THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the Town of Middletown be, and hereby is, authorized to sell, convey and transfer title to William A. Williams and Betty J. Williams that

parcel of unimproved real estate consisting of approximately 674.169 square feet of land, more or less, situate, lying and being in the Town of Middletown, Frederick County, Maryland and which is designated and depicted as Parcel 'B' on a plat dated December 7, 2016 entitled "Addition Plat, East Green Street, Town of Middletown (L. 2698, F 759) Addition to Tax Parcels 690 & 692" said plat being recorded among the Land Records of Frederick County at Plat Book 98, page 60 and a copy of said plat attached hereto and incorporated by reference herein as "Exhibit 1".

BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the sales price for such sale shall be Three Hundred Dollars (\$300.00).

BE IT FURTHER RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that the Burgess is authorized to negotiate and execute a Contract of Sale for the sale of the property to be conveyed and such contract shall be in the general format as attached hereto as "Exhibit 2". The Burgess is further authorized to agree to such minor revisions to the contract as may be necessary in the course of completing the transaction without changes to the substantive nature of the transaction. The Burgess is further authorized to execute such deeds, contracts, amendments, addendums, settlement statements and other forms and documents and take such other ordinary actions as may be necessary and proper to complete the transaction.

THIS ORDINANCE shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2017.

PASSED ON THE _____ DAY OF _____, 2017.

EFFECTIVE DATE: _____, 2017.

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

LARRY HOGAN
GOVERNOR

BOYD RUTHERFORD
LT. GOVERNOR



MICHAEL HIGGS
ACTING DIRECTOR

Date: February 14, 2017
To: All Municipal Taxing Authorities
From: Michael Higgs, Acting Director
RE: 2017/18 Constant Yield Tax Rate – Instructions

RECEIVED
FEB 14 2017
TOWN OF MIDDLETOWN

The Department of Assessments and Taxation is charged with administering the Constant Yield Tax Rate law. The law is found in two separate sections of the Tax-Property Article, §§ 2-205 and 6-308. The latter section contains the provisions that must be followed by taxing authorities. We are here to answer your questions and assist you in complying with this law.

Municipal corporations may set any tax rate for personal property without regard to the Constant Yield Tax Rate process. However, failure to comply with the Constant Yield Tax Rate law could have serious consequences for your jurisdiction. If the notice requirements are not fulfilled, the Department must notify the Attorney General who has required jurisdictions to lower their real property tax rates.

Concept

The Constant Yield Tax Rate is calculated by the Department for each taxing authority in the State. It represents the Real Property Tax Rate for the coming tax year that will generate the same amount of revenue that was generated during the current tax year. As assessments increase, the Constant Yield Tax Rate decreases. Implicit in this concept is the idea that a tax rate at or below the existing tax rate is a tax increase if it is higher than the constant yield tax rate. When a taxing authority plans to impose a Real Property Tax Rate that is higher than the Constant Yield Tax Rate, it must advertise the tax increase and hold a public hearing. If the taxing authority plans to maintain its Real Property Tax Rate at the current level, but above the Constant Yield Tax Rate, it must be advertised and a hearing must be held.

For the upcoming tax year, the assessable base of some taxing authorities has decreased. Therefore, the Constant Yield Tax Rate for those jurisdictions will actually be higher than the Real Property Tax Rate for the current year. However, the legal requirements for adopting a tax rate above the Constant Yield Tax Rate remain the same. Accordingly, any taxing authority that is proposing a tax rate above the Constant Yield Tax Rate must comply with the enclosed instructions.

If the taxing authority plans to set a Real Property Tax Rate that is equal to or less than the Constant Yield Tax Rate, then the Constant Yield Tax Rate statute does not require a notice or a hearing.

Procedures

The law establishes very strict procedures governing advertisement and public hearing for tax rate increases above the constant yield tax rate. Further, the law requires that the Department of Assessments and Taxation monitor the advertising and hearing process and report to the Attorney General any apparent violations. In the past, violations have resulted in jurisdictions being ordered to reduce the tax rate after tax bills had been issued. To avoid violating the law, jurisdictions must comply with the following procedures:

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

300 W. Preston St. Room 605 Baltimore, MD 21201
www.dat.maryland.gov
410.767.4481 (phone) 1.800.735.2258 (MD relay)
410.332.2070 (fax)

LARRY HOGAN
GOVERNOR

BOYD RUTHERFORD
LT. GOVERNOR



DEPARTMENT OF
ASSESSMENTS & TAXATION

MICHAEL HIGGS
ACTING DIRECTOR

1. **Notice or Advertisement (2 options):** (1) Mail the proper notice to each property taxpayer who resides in your jurisdiction; or (2) place an advertisement in a newspaper of general circulation in your jurisdiction. If you want to mail the notice to each resident, please contact the Department for prior approval and guidance.

2. **Form of the Notice or Advertisement:** The language is specified word-for-word in the statute. An ad that deviates from the statutory requirements does not meet the requirements of the law and will be referred to the Attorney General for action. A sample notice and instructions for the arithmetic (Form CYTR#3) are included in this package. The wording in the statute is required and may not be modified. No part of this notice may be omitted. Additional language consistent with the intent of the law will be permitted (e.g. information regarding access to the hearing for the disabled). *Additional language designed to recast a tax rate in excess of the Constant Yield Tax Rate as anything other than a tax increase is contrary to the intent of the Constant Yield Tax Rate law and is not acceptable. It does not matter whether the additional language is within or outside the border of the required notice.* In order to minimize your advertising costs and avoid needless litigation, please use only the language required by law. If you have any questions about the acceptability of additional language, contact Nruti Desai at the address on the following page.

If you are using the same tax rate as last year, please note that the percentage change in Section 1 and Section 2 of the advertisement will be the same but may be different than Section 4. Even though the calculations for the new real property tax revenues generated in Section 2 and Section 4 will vary due to rounding, please use the figure from Section 2 in both sections. Please use whole dollars in the advertisement and round to one decimal place in the percent changes.

We will gladly review any advertisement prior to publication. The advertisement will be checked for any errors in the text and calculations, and any additional language will be reviewed. If you wish, we will write your advertisement for you if you furnish us with your proposed tax rate(s). We will attempt to get the advertisement back to you by the next work day. Whenever possible, you will receive a response from us the same day we receive it. Please contact Nruti Desai for additional information.

3. **Style and Placement of the Advertisement:** The ad must be at least 1/4 of a page in size and use 18 point type. The notice must not be placed on pages with legal notices or classified advertisements. The headline must be in bold face with all capital letters. The text of the advertisement must be in regular face with mixed case letters. Be sure to emphasize these requirements with the newspaper. The sample notice enclosed shows the correct form for the advertisement.

4. **Timing of the Advertisement and Hearing:** The hearing must be held on or after the 7th day and on or before the 21st day after the notice is published. Do not count the day of the notice or advertisement, but count the day of the hearing and all intervening calendar days, including Saturdays, Sundays, and holidays. This means that the advertisement must appear between one and three weeks before the hearing. The hearing must be held on or before June 17th, which is the date required by law for imposition of the property tax. This means that the absolute latest the

300 W. Preston St. Room 605 Baltimore, MD 21201
www.dat.maryland.gov

410.767.4481 (phone) 1.800.735.2258 (MD relay)
410.333.5873 (fax) 1.888.246.5941 (toll free)

LARRY HOGAN
GOVERNOR

BOYD RUTHERFORD
LT. GOVERNOR



DEPARTMENT OF
ASSESSMENTS & TAXATION

MICHAEL HIGGS
ACTING DIRECTOR

advertisement can be published is June 10th for a June 17th hearing.

5. Reporting to the Department: The taxing authority must provide a copy of the *entire* newspaper page that carried the notice or evidence that the notice was mailed to each property taxpayer. Photocopies of the newspaper page or just the advertisement itself are not acceptable. Please return the enclosed memo (Form CYTR #2). This must be sent to the Department within 15 days of the date of the advertisement. We strongly recommend that you send the Department a copy of the notice as soon as it is published, especially if the Department has not reviewed the advertisement prior to publication. We review all advertisements as soon as they are received so that if the advertisement does not conform to the law you may have time to republish it and hold a new hearing before the June 17th deadline. Failure to properly report to the Department is noncompliance that must be referred to the Attorney General.

6. Setting the Rate: The Real Property Tax Rate must be set at the Constant Yield Tax Rate hearing or at a later time if the day, time, and location that the tax rate will be set are announced at the hearing. The property tax rate applicable to personal property shall be no more than 2.5 times the rate for real property. Enclosed is the Constant Yield Tax Rate Certification (Form CYTR #1) which shows the Constant Yield Tax Rate and the associated steps in its calculation for your jurisdiction. Personal property is not part of the Constant Yield Tax Rate calculation.

Please remember that the constant yield tax rate uses an estimate of assessable real property made in February, several months before tax rates are typically set. Every effort is made to provide reliable estimates of revenue for the upcoming year. However, these estimates may be affected by subsequent reductions in assessments by the local Property Tax Assessment Appeal Board or the Maryland Tax Court for certain properties. The Department issues revised estimates on a county basis in late March which may be obtained by contacting this office or from our web site at: www.dat.maryland.gov

Questions or problems:

Maryland State Department of Assessments and Taxation
Attn: Nruti Desai, Office of the Director
Special Assistant to the Director
301 West Preston Street, Room 808
Baltimore, Maryland 21201
Phone: (410) 767-4884
E-mail: nruti.desai@maryland.gov

300 W. Preston St. Room 605 Baltimore, MD 21201
www.dat.maryland.gov

410.767.4481 (phone) 1.800.735.2258 (MD relay)
410.333.5873 (fax) 1.888.246.5941 (toll free)

2017 Constant Yield Tax Rate Certification

Taxing authority: **Middletown
in Frederick County**

1	1-Jul-2016	Gross assessable real property base	\$	533,435,018
2	1-Jul-2016	Homestead Tax Credit	-	<u>4,321,655</u>
3	1-Jul-2016	Net assessable real property base		529,113,363
4	1-Jul-2016	Actual local tax rate (per \$100)	x	<u>0.2320</u>
5	1-Jul-2016	Potential revenue	\$	1,227,543
6	1-Jul-2017	Estimated assessable base	\$	561,085,000
7	1-Jan-2017	Half year new construction	-	1,394,010
8	1-Jul-2017	Estimated full year new construction*	-	1,000,000
9	1-Jul-2017	Estimated abatements and deletions**	-	<u>6,919,086</u>
10	1-Jul-2017	Net assessable real property base	\$	551,771,904

11	1-Jul-2016	Potential revenue	\$	1,227,543
12	1-Jul-2017	Net assessable real property base	+	551,771,904
13	1-Jul-2017	Constant yield tax rate	\$	<u>0.2225</u>

Certified by



Acting Director

* Includes one-quarter year new construction where applicable.
**Actual + estimated as of July 1, 2017, including Homestead Tax Credit.
CYTR #1



LEASE EXTENSION PROPOSAL – TERM SHEET

To: Drew Bowen
From: Veren Rai on behalf of T-Mobile
Subject: 7WAN412B
Date: 2/3/2017

On the terms and conditions set forth below, T-Mobile would consider extending its existing lease agreement for the site located at:

201 High Street, Middletown, MD 21769

Current Term Expiration Date: 8/28/2017

New Rent

- A. New Base Rent \$1,092
- B. New Rent Frequency Monthly
- C. New Escalations N/A
- D. New Escalation Frequency N/A

New Term

- A. Number of Renewal Terms 5
- B. Renewal Term Length (months) 60

Rent Guarantee Period

- A. Rent Guarantee Period 60
- B. Rent Guarantee Value \$65,520

Other

- A. Please verify or write in the correct legal ownership for this Property. Is this correct? Yes / No
Town of Middletown
- B. Please verify or write in the correct address for the Property where the Site is located. Is this correct? Yes / No
201 High Street, Middletown, MD 21769
- C. Please verify or write in the correct address for notice and correspondence. Is this correct? Yes / No
31 W Main Street, Middletown, MD 21769

Landlord Initial: _____

Tenant Initial: _____

****This proposal will expire at the close of business 10 days from the date of this Term Sheet unless extended by a T-Mobile officer or director. Landlord may consent to the above terms outlined above by initialing as indicated above and returning to T-Mobile (add POC). Please note that this proposal is not a binding commitment and is subject to review and approval of documentation by all parties. Participation in this program is not required and T-Mobile will continue to abide by the terms of the original Lease Agreement between the parties, including exercising termination rights where they exist. If the parties agree to move forward with the proposed lease extension, they will enter into a mutually acceptable lease amendment, which documents the agreed upon terms and conditions in this Term Sheet.**



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

DIVISION OF PARKS & RECREATION

Jeremy Kortright, Director

MEMORANDUM

TO: POS Project Coordinators

FROM: Bob Hicks, CPRP - Deputy Director

DATE: February 1, 2017

SUBJECT: Submission of FY2018 POS Annual Program

The Frederick County Division of Parks and Recreation staff is requesting that those municipalities who are interested in obtaining POS funding for FY2018 (which begins July 1, 2017) to develop their Annual Programs by completing the enclosed Project Information Forms for each project for which funding is requested. Electronic files for the memo, forms and instructions are also being sent by E-mail. Please contact me to confirm that you have received this information.

Please remember that if a project was submitted in the past and it was not allocated funding, then it must be resubmitted for FY2018, if you so choose. The appropriate municipal officials should be informed since this information is being sent only to local Project Coordinators or the Mayor/Burgess if a coordinator has not been designated. If your municipality is not interested in obtaining POS funding for FY2018 then disregard this information.

The forms must be returned to our offices by Friday, May 5, 2017. A summary of all municipal requests and the completed forms will be forwarded to the chairman of the Ad Hoc Committee for POS Annual Program Allocations - Frederick County Chapter- Maryland Municipal League (MML). The committee will make a decision on project funding. The proposed FY2018 POS Budget has indicated that Frederick County will receive an allocation of \$1,015,843, of which 50% or \$507,922 will be dedicated to the municipalities.

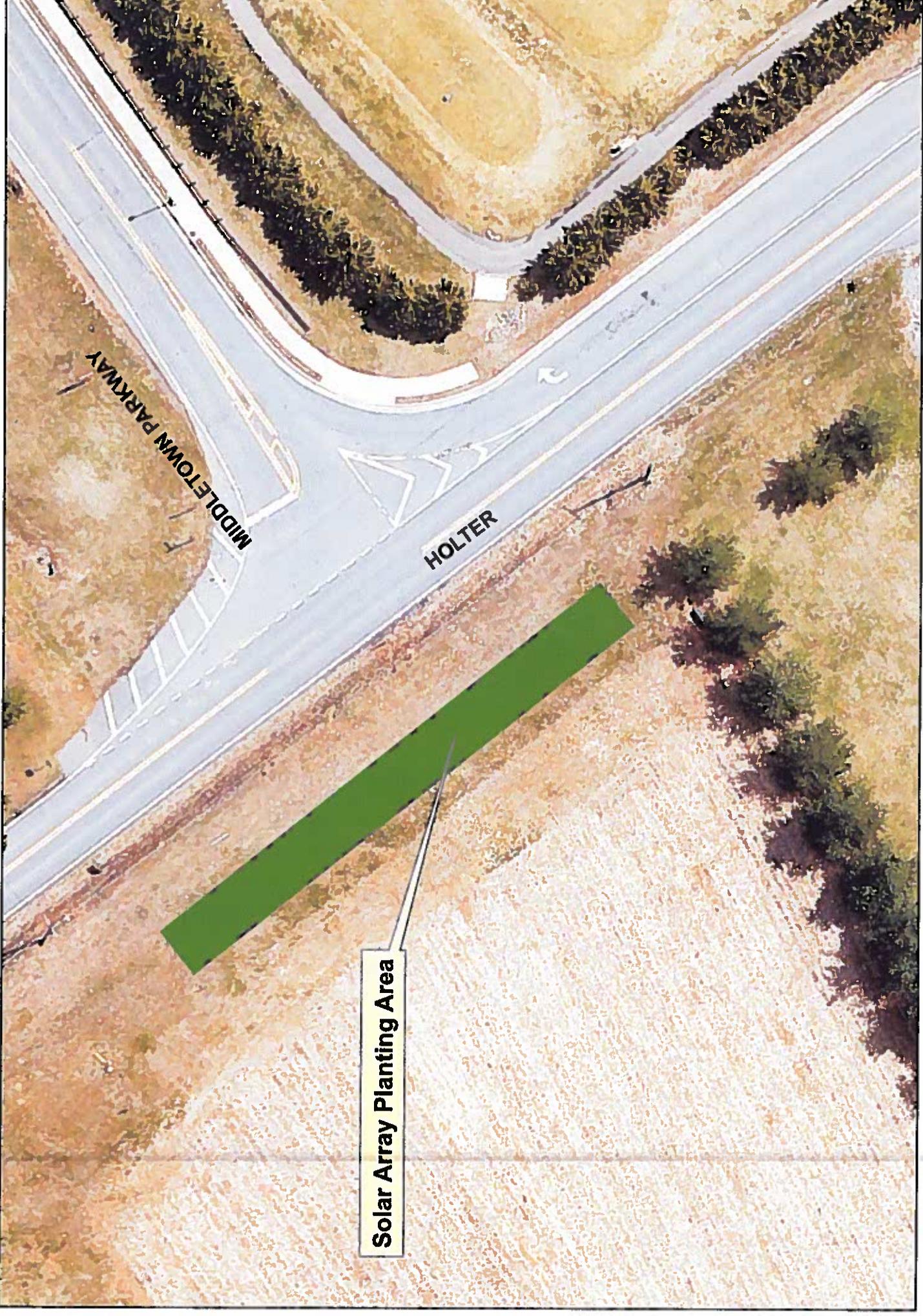
If any of your POS projects have been allocated funding, I cannot overemphasize the importance of submitting your applications as soon as possible, to encumber POS funds. Please know that it takes several months for applications to be processed and approved by the state once they are submitted. Project expenditures cannot be incurred unless you receive a Letter of Acknowledgment from the Director of POS (issued upon receipt of a completed application) or final application approval from the State Board of Public Works. **Once POS projects are approved and expenses to them are incurred, our office is strongly encouraging municipalities to expedite any reimbursement requests through DNR as soon as possible.**

Please contact me if you have any questions. Phone: 301-600-6816; E-Mail: rhicks@frederickcountymd.gov. Thank you for your cooperation.

(over)

cc: Jeremy Kortright, Parks & Rec
Gloria Long Rollins, Walkersville
Bill Rittelmeyer, Woodsboro
Bob Smith, Frederick City
Carrie Myers, Brunswick
Thomas Watson, Rosemont
Debby Burgoyne, Burkittsville
Becky Long, Thurmont

Jim Humerick, Thurmont
Kristin Aleshire, Myersville
Drew Bowen, Middletown
Winslow Burhans, New Market
Heather Smith, Mt. Airy
Cathy Willets, Emmitsburg
Monika Weierbach, Mt. Airy



Solar Array Planting Area

Solar Array Plantings Location Map

Town of Middletown - Frederick County

Jouannet Landscaping
12523 Spruce Run Rd
Myersville, MD 21773
(301) 293-3629

We propose:

Landscape construction and planting along the fence bordering the solar array at the intersection of Middletown Pkwy and Holter Rd with the purpose of diminishing the view of the array from the intersection. This will include the following aspects as per the drawing dated Feb 13, 2017;

1. Bed preparation approximately 125' long by 15' wide with the addition of 40 cubic yards of planting soil for placing around each installed plant.
2. Planting according to the list provided on the drawing including tree staking
3. Mulching area with approximately 2" hardwood mulch.

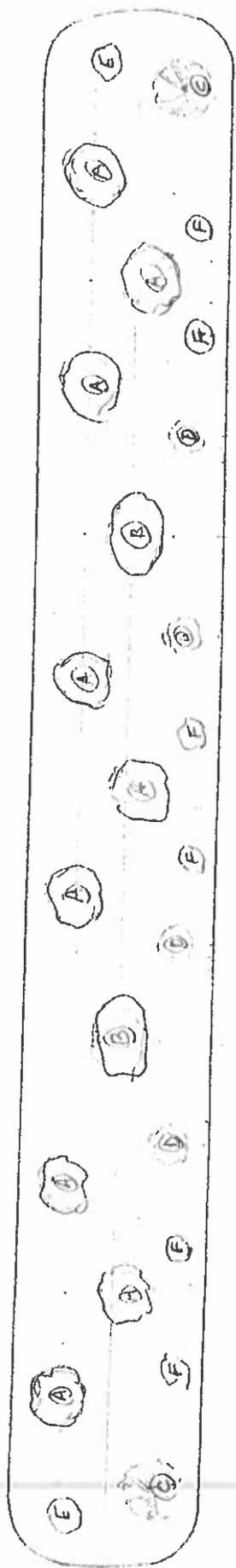
Price for the above is \$7500.00 to be invoice in 3 installments, \$2500.00 upon acceptance, \$2500.00 upon beginning work, and \$2500.00 upon completion.

Thank you very much for your business!

SOLAR ARRAY AREA

FENCE

APPROX. 755 FT.



PLANT LIST

- A - GREEN GIANT ARBOR VITAE 7-8 FT.
- B - HEAVENLY BLUE DEADCLARA CEANOR 6-7 FT.
- C - CRIPSTI HINDI CYPRESS 6-7 FT.
- D - BLUE PRINCESS HOLLY (SHRUB) 3-4 FT.
- E - BURNING BUSH EDONIAOUS (SHRUB) 24-30 IN.
- F - VARIEGATED BOXWOOD 18-20"

TOWN OF MIDDLETOWN
 PROPOSE SOLAR ARRAY PLANTING. SKETCH
 T. JOURNNEY 2-13-17
 SCALE 1/8" = 1 FT.

← MERIDGE APPROX. 28 FT. →

← STORM SEWER LINE →

← ROADSIDE APPROX 12 FT. →