

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

**TOWN MEETING MINUTES**

**REGULAR MEETING**

**March 14, 2011**

The monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 14, 2011, by Burgess John D. Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Burgess Miller, Commissioners Jennifer Falcinelli, Larry Bussard, Richard Dietrick, Vincent O'Reilly and Anthony Ventre.

**PUBLIC HEARING**

**Ordinance 11-03-04** – To amend Title 17, Section 17.20.010 and Section 17.48.250 of the Middletown Municipal Code pertaining to special exception in the Town Commercial District; To change the types of repairs and services that are permitted by Special Exception on property used as a vehicle repair service facility; To delete provisions pertaining to the number of vehicles that may be stored at such facilities while awaiting repair; To provide that parking at such facilities shall be addressed as part of the site plan approval process. John Rudy, Model Garage, Ken Keeney, South Mountain and Dale DeLauter, LDS were in attendance. Burgess Miller read this ordinance and stated this was advertised on March 1 and 8 in the Frederick News/Post. The Town Administrator showed areas within the Town that is TC and this ordinance is to update the code that was written 35 years ago and still must go through Special Exception. Hearing no public comments, Commissioner O'Reilly motioned to approve ordinance 11-03-04 as presented, seconded by Commissioner Bussard and pass unanimously. The Public Hearing adjourned at 7:05 p.m.

**CONSENT AGENDA**

Minutes

This consent agenda was agreed to by general consent.

**PERSONAL REQUEST FOR AGENDA:**

**Mr. Ken Earle , 20 Young Branch Dr.** - On October 11, 2011 Mr. Earle requested an easement waiver on this property. The Board approved this waiver on November 22, 2011. Mr. Earle is present tonight to withdraw his request. Mr. Earle thanked the Board, Town Administrator, Town Engineer and Staff Planner for going out of their way to help him.

**UNFINISHED BUSINESS**

**Ordinance 11-03-05 to amend Snow Removal Section 12.04.020** – This ordinance to amend Title 12, Chapter 12.04, section 12.04.020 of the Middletown Municipal Code pertaining to sidewalk snow and/or ice removal; to enact provisions to authorized the Town of Middletown to remove snow and/or ice from

sidewalks when the owner or occupant has failed to do so within 48 hours of the cessation of the weather event; to charge the cost of such removal by the Town to the owner(s) of the property, and to provide that the cost of the removal shall constitute a lien on the property of the owner(s) and may be collected in the same manner as taxes on the property. Hearing no public comment, Commissioner Ventre motioned to adopt ordinance 11-03-05 as written, seconded by Commissioner Bussard and passed unanimously.

**Discussion of Ethics Code Additions to the Town Charter** – Burgess Miller presented a draft resolution for the Board’s review. Items discussed:

- “D Enforcement”            In 1-B change to read “*Impose a fine of up to \$5,000.00*”
- “Prohibited Acts”            In 1-G change the dollar amount from \$25.00 to “*\$100.00*”

This will be discussed again at the March 28 meeting.

## REPORTS OF COMMITTEES

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

**March Meeting** – Changed to March 22, 2011

**Water Status** – Usage for the month of February was 320,000 gallons, last year 299,000 gallons

**Spring Flow** – 79,000 gallons, last year 142,000. As of today the flow was 115,000 gallons

**Discharge** – East WWTP 194,000 and the West WWTP 148,000

**Water Main Break** - Town employees repaired this break around 117 E. Main St. Town Administrator stated that after closing 12 valves and opening a couple of hydrants water was not completely off but the men were able to fix the break.

**Hydrant Flushing** – Flushing of the hydrants will be April 18 to 22, 2011

**PUBLIC WORKS** – Commissioner Bussard reported:

**Snow Removal** - Cost to date for the season is \$35,050 (budget was \$34,800)

**Streets** – Cold patch is being done throughout the Town and replacing street signs

**Parks** – Cut trees under bridge at Cone Branch, clearing brush at Wiles Branch and modified picnic table at Memorial Park for handicapped accessible.

**Bulk Trash pick-up** – Scheduled for March 26, 2011 only 2 items can be placed out by 6:00 a.m.

**PLANNING COMMISSION** – Commissioner Dietrick reported:

**10 Washington St.** – Approved temporary storage container with the condition the owners report back to Staff Planner in 120 days.

**Hollow Creek Golf Course** – Approved revised site plan for the leader board.

**Coblentz Grove** – Conditionally approved Improvement Plans

**Valley Fitness** – Conditionally approved Site Plan

**Vehicle Repair text amendment** – approved with the changes submitted

**Zoning Violation Draft Ordinance** – approved with recommended changes from Town Board

**Restricted Vehicle text amendment** – denied the recommended changes from the Town Board

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

Commissioner Ventre thanked Lewis Corl for the time and energy he put into obtaining grant money for the walking trail to the Primary School. The Town was awarded \$81,500 grant for this project. This path will follow the sanitary sewer line and will be blacktopped.

**Benches** – Discussed placement of a bench near the mile marker located near the Shopping Center. The Town Administrator will contact the owners of the 2 properties. Anyone interested in donating a bench is asked to contact the Town Office.

**Foxfield Community** – discuss the placement of pocket park/gazebo as well as landscaping along the walking trail.

**Wiles Branch Pond Restoration** – Commissioner Bussard has been in contact with Nick Nicholson from Soil Conservation Service. Mr. Nicholson will be doing a site visit as the weather permits. Pam Dietrick will now be heading the project.

**POS funds** – Funds for POS came from transfer tax, the State Department of Legislative Services is planning on getting rid of this altogether and placing the money in the General Fund to balance the budget. There is a proposal to replace this with a central “pot” consisting of \$50 million for all groups in the State seeking funds. Commissioner Falcinelli mentioned this is an invaluable program for the small municipalities.

**FINANCE** – Commissioner O’Reilly reported:

8 months into the fiscal year, the general fund is ahead by \$352,560.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Quarterly update in its new format will go out the first of April.

**NEW BUSINESS**

**Appointment of Tax Preservation Committee Members** – Current member’s term expires on May 5, 2011. Burgess Miller will contact existing member to see if they are still interested in serving on this committee. Anyone interested in serving on this committee is asked to contact the Town Office.

**FY 2012 POS requests** – See Park and Recreation

**War Memorial** – Local Amvets will be paying for renovations i.e. placing of flagpoles.

**Street Signs** – By law street signs must be upgraded. The Board reviewed signs in green with white lettering and white with black lettering. With a vote of 5 to 1 (O’Reilly) the Board agreed with the white with black lettering signs to be placed along Main Street. The green signs will be placed in the subdivisions.

**PUBLIC COMMENTS**

*Pam Dietrick*, Middletown Rec. Council, mentioned the next spaghetti dinner will be held on April 10, 2011 at the firehall from 11 until 7 p.m.

**ANNOUNCEMENTS**

Dedication of playground equipment at Memorial Park will be Friday, March 18, 2011 at 6:00 p.m.

**MEETINGS FOR THE MONTH**

<i>Planning Commission</i>	<i>Monday, March 21, 2011</i>	<i>7:00 p.m.</i>
<i>Water &amp; Sewer Committee</i>	<i>Tuesday, March 22, 2011</i>	<i>7:00 p.m.</i>
<i>Parks &amp; Recreation</i>	<i>Tuesday, March 15, 2011</i>	<i>7:00 p.m.</i>
<i>Main Street Board</i>	<i>Thursday, March 24, 2011</i>	<i>7:00 p.m.</i>
<i>Town Board Meeting</i>	<i>Monday, Monday 28, 2011</i>	<i>7:00 p.m.</i>

**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Christine H. Moore  
Administrative Assistant