

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

July 14, 2014

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on July 14, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Jennifer Falcinelli, Tony Ventre and Christopher Goodman.

CONSENT AGENDA

Town Minutes – June 23, 2014 Public Hearing and Regular meeting

Request for Community Parks and Playground projects

Schedule Public Hearings: CIP Budget – Aug. 11, 2014 at 7pm. and Water & Sewer Rate Increase – Aug. 11, 2014 at 7:15pm.

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

Unfinished Business:

Power Purchase Agreement – RER & Empower – Burgess Miller stated that at last month's meeting we went through the Purchase Agreement line by line answering questions or concerns the Commissioners had. In front of us tonight are spreadsheets/graphs showing actual consumption vs. estimated production tables and analysis. RER stated that they cannot design a system that generates more than 110%. RER & Empower together will create a new entity that will become licensed in the State of Maryland.

Motion by Commissioner Ventre to approve the PPA (Power Purchase Agreement) from RER and Empower Energies with the condition that the provider be licensed to do business in the State of Maryland, seconded by Commissioner Goodman. Motion approved (6-0).

Cross Stone Commons – Traffic Entrance Plan – Burgess Miller stated that Cross Stone Commons will have 2 entrances off of Middletown Parkway opposed to 1. Burgess Miller stated that he, Drew and Bruce have met with representatives from Cross Stone Commons in regards to the Parkway and entrances off of the Parkway. Bruce Carbaugh stated that the first entrance off of the Parkway will be a full entrance. There will be a left turn lane, accel/decel lane, it was also agreed up by the developers to pledge a bond (whatever the amount that the Town deems necessary) for 5 years that if that intersection becomes unsafe during that time, the Town will use that money to make the necessary repairs to the intersection. It was noted that SHA has granted the right turn lane off of 40A.

Barbara Fine, 105 S. Jefferson Street – asked if sidewalks would be on both sides? Burgess Miller stated yes sidewalks would be on both sides of the parkway.

Commissioner Dietrick motioned to move forward with the design as presented with the condition that the developer put up a bond based on what our Town Engineers feels necessary and the stipulations approved by the Board, seconded by Commissioner Goodman. Motion approved 5-1 (Bussard voted against).

Introduction of Ordinance - Adult Entertainment Business – Burgess Miller stated that this is to amend the Ordinance currently in place to put restrictions on where a business of this nature can go. Burgess Miller stated that with the current ordinance an Adult Entertainment business could go in any commercially zoned district. The amended ordinance states that “Adult Entertainment Business” cannot be located within 1,500 feet of other property used as a school, park, child day care center, church or house of worship, or another adult entertainment business.

Tawn Oconner, 101 S. Jefferson Street – asked if we could increase 1,500 feet to 5,280 feet? Burgess Miller stated that we researched this and we cannot deny this type of business but we can be very restrictive with our rules. Burgess Miller stated that the case law shows 1,500 feet as a reasonable amount of feet away from other property like parks, child day care center, schools, and house of worship.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

Spring flow: 136,000 gal., East WWTP 230,000 gal., and WWTP 261,000 gal.

Lead and Copper – initial letters have been mailed

MDE DMR & MOR – developed new with new permit required updates on both and resubmittal of corrected DMR’s

Well 15 Manganese – Bruce stated that he has not been able to get back to work on it but once the MDE forms are finished that is the next on his list.

PUBLIC WORKS – Commissioner Bussard reported:

With all the storms we’ve had recently the guys have had to clean up the downed trees in the streets.

Crack sealing is complete.

Bulk Trash pick-up scheduled for Oct. 25, 2014.

Patching contract – work should start late July. Eastern Circle mill & overlay to occur at that time, will update once a date is confirmed.

PLANNING COMMISSION – Commissioner Goodman reported:

Verizon- small cell install – Planning Commission denied their request to put on ground they are coming back this month to have it installed on a light pole.

PARKS & RECREATION – Commissioner Ventre reported:

POS meeting we were granted \$40,500 to complete our 1st project (completion of the Remsberg Park trail and install bridge).

Next Meeting is July 22 at 7pm.

FINANCE – Drew stated that the Auditor will be here the 2nd week of August.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Once the water & sewer rate increase has been approved we will add that to the community directory and go to print. Hopefully have copies for Heritage Festival.

NEW BUSINESS:

Discussion of Design Manual Proposed Changes – Burgess Miller stated that Cindy has come across some changes that need to be made to the Design Manual. With things changing throughout the years, we need to update the Design Manual to reflect.

Discussion of Mobile App for Town Website – Burgess Miller stated that he asked Annette to contact our current website administrator to see if they offer a “mobile app” for all the smartphone users. After some discussion it was agreed that this really wasn’t worth the money.

Survey Bids for Walking Trail Subdivision – Drew stated that he obtained 3 bids for the survey subdivision for the Schoonover Property. Drew stated that Mr. Edelman has agreed to sell his out lot but Mr. Schoonover would like to keep part of their land, therefore we need to do a subdivision plat for that lot to allow the Town to purchase the lot. Drew stated that once we receive these two parcels of land we

can complete the walking trail from Linden to East Main Street. Drew stated that this project is paid for from the POS Grant. Bids received by Daft, McCune & Walker - \$5,0000, Frederick, Seibert & Assoc. - \$2,850 and Lavelle & Assoc. - \$3,000.

Motion by Commissioner Falcinelli to approve the bid from Frederick, Seibert & Associates, Inc. for \$2,850, seconded by Commissioner Goodman. Motion carried (6-0).

Draft Proposal for On-Call Procedures – The Burgess and Commissioners briefly discussed this draft on-call policy. This will be discussed further at next month’s meeting with the staff providing additional alternatives.

Amendment to Personnel Policy – Burgess Miller stated that it came to his attention that we need to make a minor amendment to the Personnel Policy. Burgess Miller stated that with the event that was held this past week per the personnel policy a few of our employees violated the policy. Under the section *the following offenses shall result in immediate termination of employment:*

*C. Use, sale, or possession of illegal drugs and/or alcohol on the job, on Town property, or in Town vehicles.....*It was noted that the Maintenance staff helped to set up and clean up for the Sesquicentennial Events last week that included picking up alcohol in a town vehicle and also placing the left over alcohol in the refrigerators on town property. Burgess Miller is suggesting that we amend letter C to read *Use, sale, or possession of illegal drugs on the job, on Town property, or in Town vehicles. Add letter F to read Use, sale, or possession of alcohol on the job, on Town property, or in Town vehicles unless at a Town function authorized by the Burgess and Commissioners.*

PUBLIC COMMENT:

Bob Smart, 7525 Coblentz Road – publicly thanked the Town staff and Becky Reich the Main Street Manager for a great event last week.

ADJOURNMENT

With no further business to come before the Board, the regular meeting adjourned at 8:55p.m. with the Burgess and Commissioners entering into Executive Session to discuss employee evaluations.

Respectfully submitted,

Ann Griffin
Office Manager