

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

**TOWN MEETING**

**October 9, 2023**

The meeting of the Burgess and Commissioners of Middletown was called to order on October 9, 2023 by Burgess Pro-Tem Jennifer Falcinelli at 7:00 p.m. Present were Commissioners Rick Dietrick, Jean LaPadula, Kevin Stottleyer and Chris Goodman.

**PUBLIC COMMENT:** None.

**CONSENT AGENDA:**

- **Town Meeting Minutes**
  - *September 7, 2023 – Town Workshop*
  - *September 25, 2023 – Town Meeting*

**Motion:** Commissioner Goodman motioned to approve the consent agenda as presented. Seconded by Commissioner Dietrick. Motion passed (5-0).

**UNFINISHED BUSINESS:**

**School Zone Speed Cameras – FCSO Speed Study** – The speed findings collected by the Frederick County Sheriff’s Office (FCSO) relating to potential speed cameras in school zones revealed the following: Generally, most drivers did drive faster than the posted speed limit, but very few (3-4%) sped at least 12 mph over the posted speed which would trigger a speed camera. The FCSO believes that the data collected is a true reflection of the traffic speed during the times of speed surveillance. The data did show that there is a speeding problem on Franklin Street. Discussion occurred regarding having a speed camera vendor review the collected data and provide an opinion if speed cameras are warranted.

**Motion:** Commissioner Goodman motioned to have the Town contact a speed camera vendor to review the collected data and provide an opinion if speed cameras are warranted. Seconded by Commissioner LaPadula. Motion failed (2-3). Commissioners Falcinelli, Dietrick and Stottleyer voted against the motion.

**WWTP ENR Upgrade Update** – Town Staff and the Water/Sewer Committee have completed review of the draft PER for the east and west wastewater treatment plants and provided comments to RK&K. Staff recommends moving forward with the membrane technology with advanced oxidation treatment which would provide a higher quality effluent for discharge into Hollow Creek. A meeting is scheduled for 10/16/23 with RK&K and Gold and Associates to review the findings. A final report will be generated and then RK&K will appear before the Town Board to review. There is a meeting scheduled for 10/10/23 with the Town Lobbyist and Delegate Korman to discuss Bay Restoration monies flexibility and/or possible new legislation to assist with costs and circumstances related to this upgrade. Senator Feldman would like to schedule a site visit in late October or early November. The lobbyist recommended having a third-party affordability analysis completed. The University of Maryland Finance Center completed one for MDE. The Town Administrator contacted them, and they can assist. The Maryland Creating Resilient Water Utilities Program (CRWUP) has categorized our WWTP into FEMA’s flood zone A. This is the highest category designation which means if the WWTP flooded it would create a danger to the public.

The CRWUP can develop a report which would include costs for the following: clean-up and remediation, public health, and the environment.

**Spring Lines** – The costs of replacing the spring lines were discussed. 40% of the Town’s water is supplied by the spring lines. This would be a 3-phase project with an estimated cost of \$8 million. Currently the Town has secured \$400,000 in grant monies to use towards the spring line replacement. Phase 1 of the project (from the Town to I-70) would cost \$1.2 million. The amortization of a \$769,400 loan (with 1.6% interest) was compared across 10-, 15-, 20-, and 30-year loans.

The Town Board agreed by consensus to send this agenda item to the Water/Sewer Committee for review and recommendations.

**Drought Warning & Status Update** – The Town is currently in Code Yellow which asks for voluntary water conservation by residents and town businesses. Town springs are currently at 30 gpm. If they drop to 20 gpm the Town then moves to a Code Red situation.

**Personnel Committee Charter Review- Resolution 23-02** –There have been no changes to this resolution. Committee meetings would most likely be in the evenings. It was asked if this would be better as a policy so it would be easier to make changes if needed. The Town Administrator stated that it would be just as easy to amend as a resolution. If a commissioner is interested in serving on this committee, please contact Burgess Miller.

**Motion:** Commissioner Stottlemeyer motioned to approve Resolution 23-02 as presented. Seconded by Commissioner Goodman. Motion passed (4-1). Commissioner LaPadula voted against the motion.

## **REPORT OF COMMITTEES:**

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

For September water use was – 319,276 gal., spring flow was – 46,212 gal., East WWTP treated 182,000 gals. and the West WWTP treated 131,000 gals. The Town received 3.75 inches of rain in September. Commissioner Falcinelli recommended that individuals review the Director of Public Works monthly report for October 5, 2023 for information. It was an agenda item in the October 5, 2023 town workshop agenda.

**PUBLIC WORKS** – Commissioner Dietrick reported:

Town crews have been busy with several event setups and tear downs (Heritage Festival, Vintage Vehicles, and the Scarecrow event). The stormwater management ponds were inspected by the County. The Town was directed to clear brush from around the outlet structures, and to paint the galvanized outlet structure at Caroline Drive. Curb stops and cleanouts have been installed around town. A meter pit was installed, and a 12-inch waterline repair was completed at Remsberg Park. The usual maintenance on vehicles and equipment continues.

**SUSTAINABILITY** – Commissioner Stottlemeyer reported:

The Middletown Library will host a sustainability class on Monarch Butterflies on October 28, 2023 at 10:30AM. There is a recycling event scheduled for October 21<sup>st</sup> from 9AM-12PM in the parking lot behind the town hall. The committee is trying to institute a composting program at the high school. The free lunch program has ended so there is less food collected for the Food Bank. The battery recycling project is going very well.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The Planning Commission workshop will be held October 11<sup>th</sup> and the meeting will be held Monday, October 16, 2023. Agenda items include the Middletown library redline plan review, the Foxfield Section 6 Improvement Plan review, the review of the Comp Plan Chapter 9 with discussion of the planned open house presentation and format. The draft has been forwarded to the State for review.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

Construction of the new pickleball courts has begun. It needs to have warm weather for the paint to be applied. Commissioner Goodman requested exploring the possibility of a natural trail around the back side of Rensburg park.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Hydrant flushing is cancelled for October. If the Town moves to a Code Red, then a banner will be made and hung to assist with notification. In September, the top five town website pages visited were 1. Community Events, 2 Water & Sewer, 3. News & Announcements, 4. Business Directory, and 5. Community Calendar. As always, residents were reminded to sign up for town email notifications and robocalls to keep up to date on the latest in Middletown.

**NEW BUSINESS:**

**Rensburg Park Annexation Process** – At the workshop the Town Board began discussion of annexing Rensburg Park. There is a prerequisite that any annexation does not create an enclave. If all the Rensburg Park property was annexed two enclaves would be created: one at Coventry Drive and the other being the Hutchinson property. Discussion concerning options pertaining to the Hutchinson property were offered to include annexing the property into town and possibly giving the town property behind the Hutchinson property to Mrs. Hutchinson, so an enclave is not created when annexing the rest of the park property into town limits. It was also suggested that the Town annex the EWWTP property within town limits as well.

**TOWN ADMINISTRATOR’S REPORT:**

**Unimproved Alleys in Town** – There is another meeting scheduled with the Town Attorney this week to discuss these alleys. Currently there are two residents suing each other over alley access. Threats have been made to include the Town in these lawsuits. Hopefully after the meeting there will be a definite answer as to who owns the se alleys.

**SERCAP Utility Rate Study – Update** – The first draft of the water rate study has been completed but not finalized. It shows that 95% of the customers use 75% of the water. The Water Sewer fund has been underrepresenting expenditures due to administration salaries portions having been covered by the General Fund. Draft suggestions included separating the fixed fee and the variable rate fees with the water bills, building reserves to cover operations and maintenance, and splitting the water sewer budgets into two separate budgets. SERCAP is currently working on the draft sewer rate analysis.

**Heritage Park Acquisition** – The Town Administrator reviewed the two appraisals completed by Valley Appraisal (\$8,700) and Bowers Appraisal (\$100,000). The higher appraisal came in as if the lot could be improved, but several variances would be needed for that to occur. The Town Administrator contacted Bowers Appraisal with the information and asked them to redo their appraisal.

**Solar Array at the Reservoir Property** – The Town has been awarded a grant from the MD Energy Administration for a solar array evaluation of the reservoir property to see if it would be cost effective. Some Commissioners are skeptical and cautious about getting another solar array. The Town is currently losing money on the solar array lease at Rensburg Park. If approved, the solar array at the reservoir

property would be owned by the Town. What electricity that is not used by the Town would be sold back to Potomac Edison as a clear return on the investment.

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Heritage Festival (RESCHEDULED) – Saturday, October 7, 2023*
- *Scarecrow March on Main Street – Saturday, October 14, 2023*
- *Bulk Trash Pick-Up– Saturday, October 21, 2023*
- *Recycling Event – Saturday, October 21, 2023, 9AM-12PM*
- *Middletown Halloween Parade – Saturday, October 28, 2023*

The meeting adjourned at 8:45 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager