

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

**TOWN MEETING**

**March 13, 2023**

The meeting of the Burgess and Commissioners of Middletown was called to order on March 13, 2023 by Burgess Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemeyer, Jean LaPadula and Chris Goodman.

**PUBLIC COMMENTS:** None.

**PERSONAL REQUEST FOR AGENDA:** None.

**CONSENT AGENDA:**

- **Town Meeting Minutes**
  - *February 2, 2023 – Town Workshop*
  - *February 13, 2023 – Town Meeting*

**Motion:** Commissioner Falcinelli motioned to approve the consent agenda as presented. Seconded by Commissioner Goodman. Motion approved (6-0).

**UNFINISHED BUSINESS:**

**Proposed Changes to Pool Regulations** - Governor Hogan signed a law to adopt national standards regarding pool regulations. The Planning Commission and the Zoning Administrator recommend amending the Town pool regulations to reference these standards and to bring the Town regulations closer to alignment with County regulations. It was asked if there was a definition of construction fencing in the definitions section. If not, then it should be added. A public hearing on this is scheduled for the April 6, 2023 Town Board workshop.

**World War I Plaque Relocation** – When Memorial Hall fell into disrepair the Town removed the WWI plaques from the building and added it to the display at Memorial Park. With renovations at Memorial Hall, it was recommended that a duplicate plaque be created and hung at Memorial Hall once construction is finished. The approved cost for a duplicate plaque was quoted at \$2838.00. During the February 13, 2023 Town Board meeting it was recommended that a statement be added to the plaques stating the plaque is a replica and where the original is located. Adding that statement has increased the cost of the plaque to \$3223.00, an increase of \$385.00. A correction was recommended to replace the word “within” in that statement to “on”.

**Motion:** Commissioner Lapadula motioned to approve the Town paying the \$385 price difference price for the changes as presented. Seconded by Commissioner Goodman. Motion approved (6-0).

**Repeal of Resolutions 20-02 & 20-03 – Related to Covid Protocols** – These two resolutions are still active and were initially enacted during the Covid-19 pandemic of 2020. The Town Attorney’s opinion regarding virtual voting and attendance is that elected officials can attend meetings virtually and vote on items virtually. These votes will count. A policy regarding virtual attendance by elected and appointed officials will be developed.

**Motion:** Commissioner Falcinelli motioned to repeal Emergency Resolution 20-02, Virtual Meetings and Emergency Resolution 20-03 Middletown Emergency Management Plan. Seconded by Commissioner Dietrick. Motion approved (6-0).

**Discussion of Veterans Banners** – The Town hangs veterans banners along Main Street throughout the months of May and November each year. Currently there are more banners (52) than there are poles (48) to hang them on. Town staff is asking for direction prior to May as to what to do. Town staff recommend using the town owned streetlights in the “economic corridor” of the downtown area to hang all veteran banners which can accommodate up to 83 banners. A second recommendation is to raise the purchase price of the veteran banner to reflect the current market value.

**Motion:** Commissioner Falcinelli motioned to approve the recommendations to use the town owned streetlights in the downtown area to hang the veteran banners and to raise the price for each banner to the current market cost at the time of purchase. Seconded by Commissioner Goodman. Motion approved (6-0).

**Review of Proposed Salary Scales – Previously:** Spring of 2022 the Town completed a comprehensive salary study. At that time it was recommended that the Town establish a salary scale for all employee positions which included a method to annually adjust for cost of living to assist in keeping salaries current. The Town Board had the draft to salary scale to review. Salary ranges are specific to a position not the employee in that position. Recommendations included that once a salary scale is approved that it should be adjusted each year in January based on one of four listed cost escalators up to 3%. A second recommendation is to have employee evaluations completed twice each year (June and December). Salary increases would be given at the end of the fiscal year.

**Tonight:** Commissioner Falcinelli recommended tabling this agenda item so that more discussion and further recommendations by the working group could take place. It was recommended that the new Town Administrator, the Director of Public Works (DPW) and the Zoning Administrator be added to this working group to provide additional input. The group will have recommendations on this agenda item for the Town Board in December.

**Additional Proposed Changes to Fence Regulations** - The proposed changes to the recently updated sign ordinance reflect that any areas of the Town Code which reference signs also refer to conforming with the provisions set forth in Chapter 17.36 Signs of the Town Code. It adds specificity and additional definitions. It also recommends removing the section on special exceptions for fences as it seemed specific to a property and instead gives the Zoning Administrator the approval on a case-by-case basis. The Town Administrator will have the staff report and the actual ordinance with the most up to date changes in the March 27<sup>th</sup> Town Board meeting packet. A public hearing on this is scheduled for the April 6, 2023 Town Board workshop.

## **REPORT OF COMMITTEES:**

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

For February water use was – 296,667 gal., spring flow was – 123,213 gal., East WWTP treated 239,000 gals. and the West WWTP treated 132,000 gals. The Town received 1.9 inches of rain in February. The Remsberg Park waterline is under construction and should be completed at the beginning of April. Work will then begin on the Linden Boulevard culvert. The Town requested that Memar test the wells for PFOS as part of the Foxfield Section 6 development. The Town is awaiting their official results from MDE

regarding PFOS/PFAS testing. The ENR study preliminary recommendations are to abandon the WWTWP as it is in a flood plain and pump everything to the EWWTP for treatment. Discharge back to Hollow Creek could then be done from the EWWTP or the location of the WWTWP.

**PUBLIC WORKS** – Commissioner Dietrick reported:

Ten lane delineators on East Green Street were struck. The DPW is recommending replacing the delineators with an 8” curbed median with reflectors. He is currently getting quotes for the costs. Fire hydrants are being powder coated and swapped out. Crews continue maintenance work on Town vehicles and building maintenance at town facilities. A concrete pad was poured for the bleachers at Memorial Park. Millings were completed at the Cone Branch Pump Station. The Town will be notifying the neighbors of 315 West Main Street about the handicap parking space being turned back into a standard parking space. Once done, the handicap parking sign will be removed.

**SUSTAINABILITY** – Commissioner Stottleyer reported:

The recycling event this past weekend was very well attended. The compost bin at Memorial Park turned in 400 pounds of compost. The committee is recommending that when Potomac Edison converts the streetlights to LEDs that they use LEDs similar to the surrounding lighting. The Middletown Library will host a sustainability class on the 5M Trees Initiative on April 20, 2023 at 6:30PM. Arbor Day tree planting will occur April 28, 2023 on Hollow Road near Layla Drive. The Green Expo is scheduled for April 22<sup>nd</sup> at Memorial Park.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The workshop will be held Wednesday, March 15, 2023. The Planning Commission meeting will be held Monday, March 20, 2023. Agenda items include improvement plan review for Foxfield Section 6 to include their lighting plan, review of the Green Street Flats site plan revisions, the Comp Plan review of Chapter 8 – Water Resource Element and Chapter 9 – Growth Element, and the 2022 Annual Planning and Zoning Report.

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

The committee will be meeting March 15<sup>th</sup> to review POS and LPPI updates, and to identify potential projects for the next round of POS funding. Current suggestions include water fountains at Remsburg Park, and items for the pickleball courts. If anyone has other ideas, please send them to Commissioner Goodman. A concrete pad and new bleachers were installed at Memorial Park. Work is continuing on the batting cage. Burgess Miller and the Town Administrator will be meeting with the MVB president to see if the bank is interested in selling the property that Heritage Park is on. POS funds could be used for its purchase.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

In February, the town website had 3460 unique Ips visit the site. The top five town website pages visited were 1. Business Directory, 2 Water & Sewer, 3. Planning & Zoning, 4. Community Calendar, and 5. Community Directory. As always, residents were reminded to sign up for town email notifications and the robocalls to keep up to date on the latest in Middletown. Commissioners were encouraged to take a picture of the Town’s Stay Connected banner which is currently hanging and share it on their social media pages.

**NEW BUSINESS:**

**Constant Yield Tax Rate (CYTR)** – Because of the CYTR many residents believe their taxes are increasing each year. What is occurring is the assessed value of their property has increased not the tax rate. The Staff Planner reviewed the 2023 CYTR Certification for Middletown. It reflects a 1.9% increase in assessed property values which equates to approximately \$30,134. Recently the State voted to end the

Constant Yield Tax Rate next year. A public hearing on the CYTR is scheduled for the May 4<sup>th</sup> Town Workshop.

**Updates to the Employee Personnel Policy** - Town staff have reviewed the employee handbook and recommend several updates. The updates include comp time clarification, dress code updates and alternative work schedules. The ad hoc committee met to review the proposed updates. With the legalization of recreational marijuana use by the State which will begin July 1, 2023, Commissioner Goodman recommended that the Town address this in its personnel policy. Town staff will research and provide recommendations to the Town Board. It was recommended to contact MML for information.

**Discussion of Soliciting Town Attorney** - The current Town attorney is a one-person office so there has been challenges in receiving opinions and information in a timely manner due to her obligations. The hourly rate she charges to the Town is roughly one-third the rate of other law offices in the area. Since the Town is beginning the annual budget preparations for FY24, is the Town Board interested in bidding out for legal services or staying with the current law office.

**Presentation of Employee Benefits – LGIT Health** – Representatives from LGIT are coming to the Town offices and provide a review of health benefits and services available to employees on April 21, 2023. This will be a lunch and learn type of presentation. It was recommended to invite spouses to attend if they are interested in receiving the information.

**FY 2024 POS Requests** – There is \$625,000 available for all the municipalities that is split 50/50 between land acquisitions and POS requests. The deadline for POS request submission is May 5, 2023. As stated previously, if anyone has suggestions to email them to Commissioner Goodman

**Community Deputy Contract for FY 2024** – The Town has received the deputy contract for FY2024. It shows a 4% increase for a total of \$488,265. This is for three community deputies at 40 hours per week for each. It was noted that if a deputy retires the cost for the contract would decrease because the deputy would be replaced with another deputy with less experience.

**Motion:** Commissioner Dietrick motioned to accept the contract as presented. Seconded by Commissioner Stottlemeyer. Motion approved (6-0).

#### **PUBLIC COMMENTS:**

The contracted auditor for FY21 and FY22 is unable to complete those audits in a timely manner due to staffing issues and workload. The Town Financial Officer sought and received pricing from a separate auditor for those audits. The FY21 audit costs would range from \$29,900 - \$32,200. The FY22 audit costs would range from \$25,600-\$26,900. The Finance Officer recommends reallocating funds from the FY23 snow removal budget to cover these audit costs.

**Motion:** Commissioner Stottlemeyer motioned to proceed with the expenditure of up to \$60,000 for the execution of the FY21 and FY22 audits by the DeLeon and Stang auditors. Seconded by Commissioner LaPadula. Motion approved (6-0).

A budget amendment will be presented at the March 27, 2023 Town Board meeting which will reallocate the needed funds from snow removal to professional services.

#### **ANNOUNCEMENTS:**

- *Green Expo – Saturday, April 22, 2023 from 10AM-2PM*

- *Arbor Day Tree Planting – Friday, April 28, 2023 from 1PM-3PM*

Workshop adjourned at 8:08 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager