

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES**

**TOWN MEETING**

**March 14, 2022**

The meeting of the Burgess and Commissioners of Middletown was called to order on March 14, 2022, by Burgess Miller at 7:00 p.m. Present were Commissioners Kevin Stottlemyer, Christopher Goodman, Jennifer Falcinelli, Rick Dietrick and Jean LaPadula.

**PERSONAL REQUESTS FOR AGENDA:**

**Ms. Wynne – Girl Scout Project – Free Library Box at Memorial Park** – Ms. Wynne is working on her Girl Scout Silver Project. General guidelines for the project are to make or do something that makes the community better, and it must be sustainable. She is requesting permission to place a Free Little Library at Memorial Park. If approved, once constructed she would register this free little library with the National Registry of Free Little Libraries. She would like to place a collection bin at town hall for individuals to drop off books for the library. Ms. Wynne provided photos examples of other free little libraries to the Town Board for review. There are currently two other free little libraries in town. Commissioner Goodman has been in contact with Ms. Wynne regarding her silver project. He has no issues with a little free library being placed at Memorial Park. He does suggest placing it by/near the parking lot for more visibility. Ms. Wynne was asked to provide details to Commissioner Goodman as her project moves forward. The Town is happy to work with her on her project.

**PUBLIC COMMENTS:**

**Concerned Neighbors of North Pointe – 1 North Pointe Circle** – Several residents of the North Pointe Circle neighborhood addressed the Town Board regarding construction activity that has been ongoing at 1 North Pointe Circle for several months. The owner of the property received Middletown zoning certificate approval for the installation of a pool, multiple fences, and a shed addition in November 2021. He has an approved permit from Frederick County as well. Residents this evening spoke of the multiple safety concerns they have with the property. There is an open 8-foot-deep hole that has standing water in it with no viable safety fencing around it 3 feet from the sidewalk. Rebar is also present. Deliveries for this project begin at 7AM and continue throughout the day. Work on the project continues throughout the weekend. Delivery trucks park in front of other residents' driveways which block access to and from their homes. There is a trailer that alternately parks in the street and in the driveway for long periods of time without any screening. The fencing that has been erected does not meet current town code. A concrete retaining wall has been installed on the property, but residents are unsure if a permit was obtained for its construction. This construction has been ongoing over several months with little to no progress being made, and safety is still a huge concern. Residents have complained to Frederick County with little success. The fencing was approved when old standards were in place and so meets town code.

The Town uses Frederick County for inspections and permitting. Since the residents had little success with the County inspections, the Town will contact the County to begin daily inspections of the site to address the safety issues noted. The residents were asked to provide a timeline and photos which indicate the challenges they have been facing with this project to the Town Administrator. The Town Administrator and the Zoning Administrator will investigate and address the trailer issue. Residents were asked to contact the sheriff's office if their driveways are blocked by trucks.

## **CONSENT AGENDA:**

- **ARPA Project Progress Report**
- **Financial Statements**
- Town Meeting Minutes
  - **February 3, 2022 – Town Workshop**
  - **February 14, 2022 – Town Meeting**

**Motion:** Commissioner Goodman motioned to approve the consent agenda as presented. Seconded by Commissioner Dietrick. Motion passed (5-0-1), Commissioner LaPadula abstained.

## **UNFINISHED BUSINESS:**

**Comprehensive Plan – Municipal Growth Element** – John Mattingly has been contracted to do the final editing and layout of the Comp Plan. He asked that his fee be donated to Middletown Valley People Helping People. Commissioner LaPadula suggested that the growth map include the proposed road connecting to Route 17 within the Coblenz property as that street would be tied to any annexations of that property.

**Legal Review of Franchise Agreement with Shentel** – The Town Board reviewed the legal opinion provided by the Town Attorney. The wording in the proposed agreement is almost verbatim the same language used in the agreement with Comcast. Shentel developed their agreement using the Comcast agreement as a guide. The Town Attorney's comment will be shared with Shentel for feedback. Once an agreement is reach and signed, an official announcement will be made.

## **REPORT OF COMMITTEES:**

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

For February water use was – 311,685 gal., spring flow was – 105,258 gal., East WWTP treated 263,000 gals. and the West WWTP treated 195,000 gals. The Town received 2.8 inches of rain in February. The committee has developed a draft version of the Resource Water Element for the Comp Plan. The committee also reviewed the RFQ documents received. The top three will be provided to the Town Board. Because of the USPS mail service, the committee is reviewing allowing the Town Administrator the ability to waive late fees for residents under certain circumstances. Town crews repaired 2 waterline breaks and replaced valves at Washington Street and South Jefferson Street. I&I is underway in Foxfield as flow measuring devices have been installed to monitor flow during rainfall. Illegal sump pump connections to the sewer system will be identified during this process. The Brookridge Pump station is still dealing with clogs dues to residents flushing wipes. The Washington Street project is awaiting permits. It should be sent out for bid in April. The project should start in the spring and finish this summer.

**PUBLIC WORKS** – Commissioner Dietrick reported:

In addition to what was reviewed in the Water and Sewer Committee report, town crews handled a snow event, this included plowing and maintaining/washing equipment after. Several mailboxes were damaged/knocked down due to the plowing by State Highway crews. Those residents will have to contact SHA for repair/replacement. The Remsberg Park parking lots have been treated for dust. The minimum cost estimate to Tar Chip and Seal the three parking lots there is \$63,000.00. The EWWTP disk filter was cleaned and inspected. Yard bags are now available at town hall for residents. Public Works employees completed the flagger course. They also repaired the auger of the monster muffin. J&J Trash Service has provided an estimate for the cost to pick up yard bags on March 22<sup>nd</sup> and March 29<sup>th</sup>, 2022 at \$3964.00.

**Motion:** Commissioner Dietrick motioned to approve the additional J&J Trash Service yard waste pick-up dates at the cost of \$3964.00 as proposed. Seconded by Commissioner Stottlemeyer. Motion passed (6-0).

**SUSTAINABILITY** – Commissioner Stottlemeyer reported:

Committee initiatives this year include promote an increase in the following: town tree canopy, composting, recycling and pollinators. The community composter is up and running at Memorial Park. Volunteers are monitoring its use. The Green Expo is Saturday, April 23, 2022 at Memorial Park. The Potomac Edison tree planting will take place April 29, 2022. Planning is underway for low growing pollinator plantings at the solar array.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The Planning Commission workshop is scheduled for March 16, 2022. The Planning Commission meeting is scheduled for March 21, 2022. Agenda items include reviewing draft fencing and sign ordinances, and the continued review of the Municipal Growth Element of the Comp Plan.

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

Received an email from MVAA requesting permission for food trucks at the park for their events. This would include funds being given/returned to MVAA either through a percentage of the profits from the food sales, or perhaps charging a vendor fee to participate. The Town Board agreed by consensus to allow food trucks at MVAA events. POS priorities for this year are: 1. Permanent bathrooms at Remsberg Park, 2. Lighting at Remsberg Park along sidewalks and the pickle ball courts, 3. Funding for 2 more pickle ball courts and, construction of a small skate spot. The Town Administrator was asked to provide ballpark estimates for these projects.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

Residents are reminded to sign up for the Town email distribution service and Alert Frederick if they have not done so already. The new banner reminding residents to “stay connected” to what is happening in Middletown has arrived. It will be hung when there are no other banners scheduled for display.

## **NEW BUSINESS:**

**Mayors Monarch Pledge Proclamation** – Burgess Miller read the signed Mayors Monarch Pledge proclamation aloud. This is another example of how Middletown is supporting sustainability efforts in town.

**Maryland Low Income Household Water Assistance Program** – The Low Income Household Water Assistance Program (LIHWAP) is a new federally funded grant program providing benefits for water and/or wastewater costs for low-income households. Funding is being distributed through the Consolidated Appropriations Act of 2021 and American Rescue Plan and was developed in response to the COVID 19 pandemic. This program is currently only funded through December of 2023. Allocations must be designated to the utility providers by September 2023 and funds dispersed by December of 2023 and is a **one-time benefit grant of \$100 -\$2,000** that can be paid toward residential water and/or wastewater accounts that have accumulated arrearages. If the Town is interested in entering a MOU with the Maryland State Department of Human Services (MDHS), the Town will not be responsible for handling the cases, they would inform the residents about the program and direct them on how to apply. The Town Board agreed by consensus to support this program by entering into an MOU with MDHS.

**Constant Yield Tax Rate – Schedule Public Hearing** – Drew stated that the Town’s tax rate has not changed but the Town will need to schedule a public hearing because our tax rate is .2320 which is higher than the Constant Yield Tax rate that is .2270 for 2022. The public hearing will be scheduled for April 7, 2022.

**Broad Street Reconstruction –**

- **Discussion of Flashing Crosswalk for Broad Street & Franklin Street** – The Town Administrator stated that this request is possible due to the location of the crosswalk. If the board agrees to install the flashing crosswalk sign, they will have to decide if they want to add the installment to the Broad/Franklin Street construction project contract or install it after the project is complete.  
**Motion:** Commissioner LaPadula motioned to approve installing a flashing crosswalk at the intersection of Broad and Franklin Streets. Seconded by Commissioner Goodman. Motion passed (6-0). Town staff will determine the best course of action for its installation.
- **Change Order #3 – Mill & Overlay Franklin Street** – This request is to pave the Northern Lane headed West bound on Franklin Street at the cost of \$144,329.50. The Town is already paving the Southern Lane heading East bound due to the water line replacement which is paid for by ARPA funds.
- **Change Order #4 – Mill & Overlay Broad Street Extended** – This request is to pave West Broad Street when they pave Franklin Street. If the Town does the paving at the same time, the additional cost for West Broad Street will be \$39,261.00. The Director of Public Work and Project Manager both recommend not to do this action. Once Franklin Commons construction is complete this item can be reviewed again.
- **Change Order #5 – Mill & Overlay Center Section of Broad Street** – The Director of Public Works previously stated that there is a section on Broad Street that is not in the paving contract since that particular section of road is only 10 or so years old. He suggested adding this section to the contract at an additional cost of \$30,000.00, this would pave the entire road of Broad Street.
- **Discussion of Retaining Wall Responsibility** – The Director of Public Works previously requested having a MOU for the residents on Broad Street regarding the retaining wall maintenance responsibility but needs to know who will be responsible for maintaining them once the project is complete. The Town board recommends that the retaining walls will be treated like sidewalks in that it would be the property owner’s responsibility for maintenance of the retaining wall. The MOU will clarify what is the town’s responsibility and what is the property owner’s responsibility. A draft MOU and draft letter for Broad Street property owners will be ready for review at the next town board meeting.

**Motion:** Commissioner LaPadula motioned to approve both change orders #3 and #5 at a total cost of \$174329.50. Seconded by Commissioner Stottlemeyer. Motion passed (6-0).

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Town Elections – Monday, April 4, 2022 – 7:00AM to 8:00PM*
- *Coloring the Street – Saturday, April 23, 2022 – 10:00AM to 3:00PM*

- *Green Expo – Saturday, April 23, 2022 – 10:00AM to 2:00PM – Memorial Park*
- *Tree Planting Event – Friday, April 29, 2022 – 10:00AM to 12:00PM – Wiles Branch Park*
- *MML Conference Enrollment – Town Board – please provide Annette your information.*
- *Ribbon Cutting Ceremony - Deb's Artisan Bake Shop – Wednesday, March 16, 2022 at 8:30AM*

Workshop adjourned at 9:23 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager