

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

TOWN MEETING

May 22, 2023

The meeting of the Burgess and Commissioners of Middletown was called to order on May 22, 2023 by Burgess Miller at 6:30 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemeyer, Chris Goodman, and Jean Lapadula(who arrived late to the meeting).

BUDGET WORKSHOP

FY2024 General Fund Capital Improvement Program (CIP) – The Town Board reviewed the latest update of this budget. Some of the mill and overlay projects were moved to FY2026. Total revenue is \$1,926,190. Projected expenses total 1,705,670. This leaves a surplus of \$220,520. The Finance Officer summarized the changes made to increase the surplus from the previous draft budget. Discussion occurred regarding the General Fund repayment of \$100,000 to the Water/Sewer Fund because of the downtown revitalization incentives agreed upon with the development of Memorial Hall in 2020. Staff will review the agreement and bring the information to the Town Board.

FY2024 Water & Sewer Capital Improvement Program (CIP) - The Town Board reviewed the latest update of this budget. Total revenue is \$1,306,455. Projected expenses total \$841,160. This leaves a surplus of \$209,934. The Finance Officer reviewed the summary of changes. This budget has very little development/ tap fees to increase revenue.

FY2024 ARPA Budget Review - The Finance Officer reviewed the summary report of the ARPA budget expenditures through May 16, 2023. After moving identified projects back to CIP, unobligated ARPA funds total \$1,257,490.51. The Finance Officer recommends the Town use the remaining unobligated funds to cover a portion of the Remsberg Waterline Project that is currently in the Water/Sewer CIP for FY2023. This will allow more cash flow in the operating account and will increase cash reserves for the FY24 Water/Sewer CIP budget by this amount. Tonight’s consent agenda includes the required budget amendment for approval.

Burgess Miller recommended scheduling a budget meeting Thursday, June 1, 2023 from 5:30 – 7:00PM. This would take place before the scheduled June Workshop. The Town Board agreed by consensus to this meeting.

The budget workshop ended at 7:10PM.

PUBLIC COMMENT: None.

PERSONAL REQUESTS FOR AGENDA:

CONSENT AGENDA:

- **ARPA Budget Amendment** – As reported in the FY2024 ARPA Budget Review, the Finance Officer recommends the Town use the remaining unobligated funds to cover a portion of the Remsberg Waterline Project that is currently in the Water/Sewer CIP for FY2023. This will allow more cash flow in the operating account and will increase cash reserves for the FY24

Water/Sewer CIP budget by this amount. A budget amendment will be needed and approved for this to occur.

- **Review of Water & Sewer Capacity** – The DPW stated that nothing has changed. In 2022 the demands plus reservations totaled 354,218 gpd. The available EDU's (at 250 gpd) total 131. It does not include the Memar development or their wells. The Sewer Capacity Report shows that the town has 4 units available for the East plant, and 78 units available for the West plant. These numbers will be impacted by the library and the Green Street Flats project. When MDE approves the 100,000-gallon increase on the WWTP permit and once the Memar development is online the Town will have 400 units available.
- **Town Meeting Minutes**
 - *May 4, 2023 – Town Workshop*
 - *May 8, 2023 – Town Meeting* – It was noted that Commissioner LaPadula not Commissioner Stottlemeyer made the first motion regarding medical coverage and the minutes should be corrected to reflect that.

Discussion occurred regarding whether the motion made by Commissioner Falcinelli concerning employee health benefits had included that the \$1807 reduction was for those employees currently enrolled in those tiers in FY 2023 and not include current employees who may change their enrollment to one of those tiers in FY2024.

Motion: Commissioner Goodman motioned to approve the consent agenda with the minutes correction. Seconded by Commissioner Falcinelli. Motion passed (5-0). Commissioner LaPadula was not present for the vote.

UNFINISHED BUSINESS:

Review of Draft Ordinance for Amendment to the Ethics Ordinance – The Town Board reviewed the draft ordinance for updates to the Ethics Ordinance. The Town Attorney has reviewed it.

FY20, FY21, FY22 Financial Audits & Town Letter to DLS – The Town has outstanding audits for FY20, FY21 and FY22. This delinquency affects the Town's ability to borrow money, obtain grants and remove State shared revenue. Burgess Miler has written a letter to be sent to the State and copied to our state delegates reviewing how Middletown is rectifying this situation. The auditors know the severity of the situation and will also be providing a letter to be included in the mailing.

NEW BUSINESS:

PFAS Mass Tort Lawsuit Presentation – Nachawati Law Group – The Town has been solicited to join a mass tort lawsuit against the aqueous film-forming foam manufacturers to recover damages for government entities to help cover the costs of water and soil treatment, remediation, and testing. These man-made chemicals (PFAS) take a long time to degrade and are now in the water table. There is no expense to the Town unless an award is given. Tonight, Brian McMath from the Nachawati Law Group was in attendance. His law firm is leading a mass tort litigation against the manufacturers of PFAS. Mr. McMath spoke on his legal expertise with mass torts. He spoke of the history with PFAS and the mass tort litigation process. He stated that if the Town decides to join the mass tort he is representing there are no costs up front. As part of the litigation team. John Kane from the Kane law Group will be the local representative in Maryland. Mr. Saeid Kasraei from the Ecologix Group was present. He is also part of the team. Mr. Kasraei was formerly with MDE and is an expert on PFAS and Maryland. A PFAS fact sheet specific to Middletown was reviewed. They recommend the Town be aware of abatement needed, treatment required and any unplanned financial expenses. This group would like to represent Middletown in any PFAS Mass Tort Lawsuit against the manufacturers of PFAS.

Resolution to Appoint Municipal Code Enforcement Officers – The Town Board reviewed a resolution which would appoint the Town Administrator and the Zoning Administrator as Town Code Enforcement Officers. They would act on behalf of the Burgess and Commissioners with respect citations and serving citations relating to municipal infractions.

Motion: Commissioner Stottlemyer motioned to approve the resolution appointing Paul Mantello and Robert Wilkes as Code Enforcement Officers for Middletown. Seconded by Commissioner Dietrick. Motion passed (5-0). Commissioner LaPadula was not present for the vote.

Reclassification of Zoning Administrator as Code Enforcement Officer & Increased Hours – Since the Zoning Administrator will also have duties as a Code Enforcement Officer, the Town would like to reclassify his title to that of Code Enforcement Officer and increase his hours to 40 hours per pay period. The money to pay for this increase will come from the money saved with the retirement of the former Town Administrator. If passed, this increase in hours would become effective immediately.

Motion: Commissioner Stottlemyer motioned to approve the reclassification as a code enforcement officer and increase in work hours to 40 per pay period for Robert Wilkes. Seconded by Commissioner Dietrick. Motion passed (5-0). Commissioner LaPadula was not present for the vote.

Permit & Inspection Fee Comparison & Increase – The Zoning Administrator, Staff Planner and Office Manager have reviewed the current fee schedule for the Town and recommend increasing fees with additional fees added in. The Town Board reviewed the proposed fee schedule increase which includes an increase in the construction inspection from one percent to 5 percent. There are proposed changes to the Town Code which would remove dollar amounts and refer individuals to the Town website for specific fee costs. This would eliminate updating the code every time there is a fee increase. These changes in the fee schedule would become effective July 1, 2023.

Motion: Commissioner Falcinelli motioned to approve the fee schedule and inspection fee increases and changes to the Town Code as presented. Seconded by Commissioner LaPadula. Motion passed (6-0).

Shipping/Storage Container to East WWTP – This item coincides with the growth of the food bank. Zion Church has agreed to provide funds to do the upgrades. As part of the upgrade, the Town would relinquish the first bay of the garage adjoining the food bank to be used as part of the upgrade. What is currently stored in that bay (road signs and pallets of yard waste bags) would need to be stored at the EWWTP in a shipping container. The County permits the use of storage containers. It would be placed in a low visibility location. The cost of the container is \$5,000.

Motion: Commissioner LaPadula motioned to approve the purchase of the storage container for \$5,000. Seconded by Commissioner Goodman. Motion passed (6-0).

No Parking Zone/Loading Zone – 5 W. Main Street – The Public Works Committee has reviewed the parking issue at 5 West Main Street. Lines are striped by State Highway which shows that parking on front of that building was not intended. It does have 1-2 cars parked there daily. It is a traffic hazard if it is used as a loading/unloading zone. State highway stated that they are fine with whatever the Town decides to do in front of 5 West Main Street. The Director of Public Works has reviewed and recommended that if parking is to go that there that it be striped for one car only and have signage indicating it is a no loading/unloading zone.

Motion: Commissioner LaPadula motioned to stripe 1 parking space in front of 5 West Main Street with hash lines indicating no parking the rest of the way in front of the property and to have signage erected indicating it is a no loading/unloading area. Seconded by Commissioner Dietrick. Motion passed (6-0).

SHA District 6: USAlt 40 & MD 17 Signal Phasing Evaluation SHA District 6 – First Review – The Town Administrator spoke with State Highway (SHA) regarding the traffic light situation at the square corner (intersection of Main Street and Church Street). Split phasing the traffic light where each would be separate would worsen the traffic. During peak demand the traffic light is currently programmed such that traffic on Church Street waits longer than traffic on Main Street. Traffic on Church Street has increased so that is no longer feasible. SHA stated the traffic light is equipped with free flow sensors that tracks stacking/cueing of vehicles waiting. They suggest running the traffic lights according to these sensors and monitor to see if it relieves the traffic issues. Non-peak hours currently use the free flow sensors to operate. The lights can be switched back to their current mode of operation if the traffic worsens using this manner.

The Town Board agreed by consensus to try having the traffic lights operate 24/7 using the free flow sensors.

Payroll Services Purchase & Quotes – Town staff have reviewed the costs of utilizing a payroll service to handle the Town' employee payroll. Three companies were approached to provide information and costs. Town staff recommends contracting with PeopleWorx. They have an office in Frederick. The cost would be \$4,000 per year. It would be implemented as soon as possible. This would be a stop gap measure as the Town identifies and implements new accounting software. Using a payroll service would free up staff time for other items.

Motion: Commissioner Falcinelli motioned to engage PeopleWorx payroll services as soon as possible. Seconded by Commissioner Dietrick. Motion passed (6-0).

Proposal to Sell Property to the Town – 3120A Old National Pike – The owner of 3120A Old National Pike has approached the Town to see if there is interest in purchasing 32.4 acres of her property. 28.3 acres is in a flood plain. 4.1 acres has frontage on Old national Pike and includes a barn and outbuildings. This would require 3 appraisals. Town staff has been asked to identify the costs and bring the information back to the Town Board.

Heritage Park Property – The Town Board briefly discussed using acquisition monies from POS to purchase Heritage Park. The Town currently rents the property from Middletown Valley Bank (MVB). MVB would like to keep the parking lot at the rear of the property so the lot would have to be subdivided. Town staff has been asked to identify the costs and bring the information back to the Town Board.

PUBLIC COMMENTS:

TOWN ADMINISTRATOR'S REPORT

Rural Maryland Council Grant Applications: Springline & MS4 Projects – Applications have been submitted for funding these projects.

Streetlight LED Retrofit – 1 Year Project – Potomac Edison was contacted to provide an updated inventory of streetlights in town limits. To upgrade and retrofit the streetlights is a 1–2-year project. The lights will be dark sky certified. Once complete, this will provide the Town with approximately \$60,000/year savings. The costs per streetlight will drop from \$22 dollars to \$13 dollars per month.

Town Hall EV Charging Station – Potomac Edison is interested in installing two charging stations in the rear of the municipal center parking lot. This would take up three parking spots. It would be a lease. Users of the charging stations would use their own credit cards for usage. There is no cost to the Town. It was suggested that the Town erect signs which advertise the EV charging stations so that people are aware they are available for use.

Sick Time for PT Employees – The state passed the MD Healthy Working Families Act which requires employers to provide sick time to those part-time employees who qualify. According to the law, employers at a minimum would provide one hour of sick leave for every 30 hours worked. An employer can provide sick leave at a higher rate if they choose. Town full-time employees accrue sick leave at a higher rate. It was suggested that the Town may want to provide sick leave to their part-time employees according to that calculation. The Town Board would like to see all the information before deciding on which calculation to use. This affects 2 part-time employees on staff.

ANNOUNCEMENTS:

- *If I Were Mayor Contest Winners – June 1st. 2023*
- *Memorial Day Ceremony – Memorial Park, Monday, May 29, 2023*
- *Family Movie Night, Saturday, June 3, 2023 at Remsberg Park*

Meeting adjourned at 8:18 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager