

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN WORKSHOP MINUTES

TOWN WORKSHOP

May 4, 2023

The workshop of the Burgess and Commissioners of Middletown was called to order on May 4, 2023 by Burgess Miller at 7:00 p.m. Present were Commissioners Jennifer Falcinelli, Rick Dietrick, Kevin Stottlemyer, Jean LaPadula and Chris Goodman.

PUBLIC HEARING:

Constant Yield Tax Rate (CYTR) – The 2023 CYTR Certification for Middletown was reviewed. It reflects a 1.9% increase in assessed property values which equates to approximately \$30,134. The Town tax rate is 0.232. The public hearing tonight is to hear public comments from the residents. None was given.

Recently the State voted to end the Constant Yield Tax Rate next year.

The public hearing ended at 7:04PM.

STAFF REPORTS:

Deputy Report – Deputy Chudoba reviewed his report.

Staff Planner Report – Cindy reviewed her report.

Engineer's Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report.

Zoning Administrator's Report – Robert reviewed his report.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *April 24, 2023 – Town Meeting*

Middletown Memorial Day Ceremony Update – Burgess Miller introduced Paul Mantello, Middletown's new Town Administrator to the Town Board and meeting attendees.

Middletown Memorial Day Ceremony Update - This year's ceremony is scheduled for Monday, May 29, 2023 at 11:00AM at Memorial Park. Ron Moss, the event chairperson, was present to quickly review the event program. He had previously spoken with Burgess Miller regarding renting a 20x30 tent which would provide shade and/or rain protection for the band. It would be placed above the flag court beyond the trees. He has spoken with three vendors and received two quotes for the cost of the tent rental. (\$650 and \$570). Mr. Moss has contacted the AmVets to see if they will contribute to the tent rental. There will be no canopy for the attending dignitaries.

UNFINISHED BUSINESS:

World War I Plaque Relocation – The World War I Memorial is in its new location at the War Memorial. The Town Board was shown a picture of what it now looks like. The Office Manager stated that the ordered plaque reproduction has arrived and is ready to be installed.

NEW BUSINESS:

Benefits Committee Recommendation – Commissioner Stottlemeyer reviewed the recommendations from the Benefits Committee.

- Personnel Policy - Recommendations included approving the proposed personnel policy updates that were not approved at the March 27, 2023 Town Board Meeting, increasing the on-call hourly rate from \$2.50 to \$2.75 an hour with an annual increase of 3%, and giving every employee 4 personal days at the beginning of each calendar year to be used as they see fit. These personal days can't be carried over or paid out if not used within the calendar year they are given. The Office Manager stated that as part of the proposed changes to the personnel policy is that Comp Time hours earned (CT) would be capped at 120 hours. For those currently above the 120 CT cap they would be paid for those CT hours earned above 120 hours immediately once the updates are approved. Burgess Miller requested that the CT cap and recommended payout information, including the dollar amount, be added to the memorandum before the May 8, 2023 Town Board Meeting.
- Medical Coverage – Insurance rates for FY24 have increased by 14%. The Town is invoiced for the monthly medical coverage into two categories, family and individual. However, monthly premiums used to calculate the employee's per pay contribution is broken out into several tiers: Family, Employee/Spouse, Employee/Children, Employee/Child, and Individual, as it is fairly typical amongst the industry. Since the Town is not being invoiced on the multi-tiered coverage, the disparity between what the Town pays for coverages that are employee/spouse, employee/child and employee/children has grown over the years. Also, the Town provides HSA contributions; \$2000 to an individual HSA for each full-time employee enrolled as an individual in the Town sponsored insurance or \$4000 for each employee enrolled in the Town sponsored insurance within a category other than individual. The committee recommended that the Town calculate the employee contributions according to the invoiced rates (two-tiered) instead of the multi-tiered rate. This would increase the premium costs for those employees enrolled in the employee/child, and the employee/spouse tiers substantially. The committee recommended offsetting costs for those employees in those tiers, and who make \$75,000 or less annually, by receiving a one-time pay increase to cover one-half the costs of their respective premium increases. The committee recommended reducing the HSA contributions for those not enrolled in the individual plan by \$1000 each year until the HSA contribution equals the HSA contribution for those enrolled in the individual plan (\$2000). It was also recommended to enhance the Short-Term Disability and implement Long-Term Disability coverage for employees; both to be paid for by the Town. For those employees not enrolled in the Town medical coverage they should receive an additional week of sick leave each year. The committee provided the Town Board with 3 scenarios and how those scenarios would impact employees enrolled in tiers other than individual. Scenario 1 was to continue the insurance as is, Scenario 2 was to drop the HSA contribution immediately to \$2000 for everyone, and Scenario 3 which shows the reducing the HSA by \$1000 this year. The percentages showing the cost paid by the Town is an aggregate of all the costs (Medical, Dental, Vision, STD and LTD).

During the discussion it was stated that increasing the hourly rate for those employees enrolled in those tiers as recommended could be considered discriminatory. It was recommended that a payroll stipend be paid to all employees enrolled in those tiers in lieu of an hourly pay increase to soften the blow of the

increased premium costs. Staff members present voiced their concerns regarding decreasing the HSA amounts. It is seen as a benefit. The \$22,000 spent annually on HSA's helps to retain employees.

PFAS Update – The Town has been solicited to join a mass torte 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. The Town Board agrees that it is important not to use tax monies to clean up these chemicals. There is a second class action lawsuit that the Town may also be able to join.

The new Town Administrator will contact the local attorneys representing the first lawsuit to gather more information, including future limitations, and determine possible meeting dates. The Town Attorney will also be asked to attend.

Planning Commission Temporary Alternate Position – There is an opening on the Planning Commission. It is the Temp Alternate Position. If anyone knows a resident that is interested in filling this position please have the resident contact Burgess Miller, or the Staff Planner. This opening will be advertised using the Town's social media outlets.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Green Expo – Saturday, April 22, 2023, from 10AM-2PM*
- *Arbor Day Tree Planting – Friday, April 28, 2023, from 1PM-3PM*
- *Farmers Market Opens every Thursday through October*
- *Maryland House & Garden Pilgrimage – Saturday, May 6, 2023*
- *Memorial Day Ceremony – Memorial Park, Monday, May 29, 2023*

Workshop adjourned at 8:28 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager



Middletown Community Deputies

Monthly Activity Report

April 2023

Dfc. Kelly Hewitt #0412

Dfc. Chudoba #0409

Dfc. McCarrick #0485

Traffic Stats

Citations Issued: 5 (31)

Warnings Issued: 67 (345)

Repair Orders Issued: 1 (7)

Accidents: 4 (27)

Selective Enforcement: 43 (176)

Arrest Stats

Criminal Arrests: 0 (1)

Traffic Arrests: 0 (5)

Juvenile Arrest: 0 (0)

Warrants/ Summons: 0 (4)

Proactive Enforcement

Walking patrol: 21 (114)

Bike Patrol: 7 (7)

Talks Cards: 27 (123)

Patrol Checks: 235 (974)

School Safety Checks: 39 (207)

Calls for Service

Burglaries: 0 (2)

Destruction of Property: 3 (7)

Disorderly Conduct: 0 (3)

Juvenile complaints: 3 (7)

Noise complaints: 0 (1)

Suspicious Activity: 7 (25)

Thefts: 0 (5)

Drug Incidents / Attempted Overdose

Special Events/ Important Information

Graffiti – Stone Springs Lane – Possible suspect lead, ongoing investigation.

Accidents

2 - E Main St. / Middletown Pkwy

MHS

E Main St. / S Church St.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 5/1/2023

RE: Monthly Planning Update – May

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – BOA approved special exception use – August 31, 2020
Forest Stand Delineation conditionally approved – December 21, 2020 (expires 12/21/2025)
Preliminary Forest Conservation Plan approved – January 19, 2021
Preliminary plat approved by PC – January 19, 2021 (**expires January 19, 2024**)
Improvement plans reviewed by PC – February 20, 2023/Lighting plans – March 20, 2023
Next steps – review of revised Improvement and lighting plans by PC

Site Plans, Plats and Minor Subdivisions:

Caroline’s View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010
Revised Improvement Plan mylars signed – July 21, 2017
(sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
Public Works Agreements approved by Town for signature – November 2022
Next steps – submittal of LOCS

Cross Stone Commons (Middletown Parkway) – Revised Site Plan approved – 10/20/2014
Improvement Plan mylars signed – November 6, 2015
Next step – submittal of architectural renderings for building #2 for review/approval

Hollow Creek Professional Center (Alt. 40A)
Board of Appeals approved self-storage use – April 27, 2021 (**Expired April 27, 2022**)
FRO plantings completed – March 23, 2021 (2-year inspection done April 2023)
Redline Site Plan conditionally approved by PC – June 21, 2021 (Plans expire June 21, 2024)
Improvement Plans conditionally approved by PC – September 19, 2022 (plans expire 9/19/25)
Revised architectural renderings and plans submitted to PC for review – May 1, 2023
Next steps – approval of revised plans and architectural renderings

406 W. Green St. (Summers Drive) – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
BOA approved variance request for front yard setback for triplex – November 30, 2022
Site plan conditionally approved by Planning Commission – January 17, 2023
Revised site plan approved by PC – March 20, 2023 (expires March 20, 2026)
Improvement plans submitted for review and approval – May 1, 2023
Next step – approval of Improvement Plans by PC

Memorial Hall Redevelopment Plan (E. Main St)– conditionally approved by PC – 12/21/20
Revised Site Plan with utilities approved by PC – October 17, 2022 (expires October 17, 2025)

Middletown County Park (Coblentz Road) – FSD & FCP approved – Feb. 17, 2020 (expires 2/17/25)
FRO Plantings completed and approved – November 23, 2022

Middletown Library (E. Green Street) –
Site Plan & Architectural Renderings approved by PC– March 15, 2021(expires March 15, 2024)
Improvement plans approved – November 15, 2021 (expires November 15, 2024)

Middletown Water Storage Tank (Ashky Ct.) – FRO plantings completed – May 18, 2021
1-year inspection done May 2022 and additional plantings completed June 13, 2022

Miller Property (East Main Street) –
Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019
Next step – submittal of Phase IV site plan for review and approval

St. Thomas More Academy Site Plan revision (Prospect St) –
Revised site plan to be revisited in five years – September 2025

Annexations:

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017
Town Board passed annexation resolution – April 9, 2018 - **Five-year wait for lot recordation**

Text Amendments:

Reports:

Grants:

Meetings: **Next Middletown Green Team Meeting – May 16, 2023**

Next Joint town board/planning commission workshop – Monday, June 5, 2023

Sustainability Committee upcoming dates:

Planned Work

Lead and Copper Sampling to Start June 2023. Lead and Copper (inventory due 2024), MDE water inspection corrections. Sump pump disconnect letters (1 of 2 compl). POS purchases, Pickle ball ct.

ARP Budget and WS Projects: (Franklin St, I&I, Remsburg Park Connector Water, Linden Blvd Waterline). I & I final April 15, Remsburg Park completed April 3.

Open Projects

I & I Walnut to Jefferson St.: Project completed. Will be removed from report

ADA sidewalk ramp reconstructions: SP Daly completed over half of the \$20,000 of budgeted work.

Water System:

Water Hydraulic Model:

Broad St Streetscape: Asbuilts to be submitted, 1 year warranty expires July 8, 2023. No action

SSO and I&I: Regulating flow daily to meet the flow discharge in our permits. Public Announcement for I & I Project and to disconnect illegally connected sump pumps (provide early notice). Flow Monitoring is complete, met with consultant to discuss results and finalize the initial results. Staff agreed to move forward with televising the areas that show the highest influence from storms. A summary report will be provided to the Board in the near future. Televising contractor has completed the original scope of work and found some significant leaking mains.

West Wastewater Treatment Plant: No issues.

East WWTP: No issues.

Wells: Well 23 redeveloped due to reduced yield and fouling by Iron and Manganese (unbudgeted expense \$17,670.00) This will become a budget item on a 10 year frequency. Plant is operating normally.

Municipal Center: No issues

Maintenance Facility: Contract has been executed with Triad Engineering. We have received 60% improvement plans for review. We have withdrawn the Maintenance Facility application to the County. No action

Washington Street: Asbuilts in progress.

Wiles Branch Stream Rehabilitation (MS4): MS 4 annual report is complete and submitted. Consultant is moving ahead with Wiles Branch Stream Restoration design and permitting. Construction late FY24 into 25.

Linden Boulevard Culvert Replacement and Streetscape: Timeline and estimated costs presented for streetscape and stream restoration to the Board. Culvert lining ilo replacement and stream restoration at Wiles Branch appears to be the favored options. RFP requested for design of streetscape project and met with consultant (have not recv'd RFP).

Brookridge PS: Cost proposal received, pending electrical design and cost. Staff will design electrical service.

Remsburg Park Waterline Extension: Project has been completed and water line is in service. Projected final cost \$430,500, actual is \$430,327.75. Will be removed from report.

Pickleball Courts: Once approved the siteplan/apfo/fro applications can move forward. SCD approval granted, Plat has been submitted. Awaiting grading permit. No date for construction work to start.

Developments

Middletown Library: SS Connection completed May 3. Calculating tap fee currently.

ADMAR Annexation: Design for treatment plant in progress 95% submittal reviewed. IP drawings reviewed. MDE has reviewed and commented on the WTP (PFAS testing is required). Meeting for appropriation questions on April 27.

Middletown Municipal Hall: Water meter installed 10/28/2022. No action.

Horman Property Caroline's View: Draft Public Works Agreements were returned to Developer for execution 10/24/22.

Future Budget Considerations

W&S: Comprehensive sewer plan, West WWTP ENR plant replacement (non process component for Town budget). upsize CB pumps (part of the facility review or ENR upgrade)

GF: Additional 1 ton truck. New Skilled labor position (24) and 2 future positions for 2 full crews. 3rd Party Miss utility.

Regulatory

EPA

Revised Lead and Copper: Need to provide a summary of requirements. Inventory of all public and private service lines due October 2024.

PFOA PFOS: interim health advisory levels PFOA 0.004 ppt and PFOS 0.020ppt. Sample results for Well 15 4.36 ppt, Brookridge 8.36 ppt. Town is required to participate in UCRM 5 as a result of the previous sampling. MDE / EPA will pay for the testing. MDE resampled the finished water on 9/28/2022 Well 15 3.98 ppt, 22/23 8.79 ppt.

Emergency Response Plan: Certification submitted.

MDE

Permits: East WWTP Discharge Permit (exp Dec 2021) submitted 22 months prior to expiration and then revised 14 months before expiration. MDE advertised the reapplication. We have requested an increase in discharge flow from 250,000 to 350,000. MDE has approved the County Water and Sewer Plan which requested the increase in flow. MDE is has started working on the permit may be 9 months till completed.

Irrigation Pump Station Permit Renewal has been advertised by MDE.

MS4 Permit: Received a Proposal from FSA for inspection and survey MS4 stream improvements to justify the MS4 credits and have placed in the General Fund budget. Staff has submitted the 2022 report to MDE. MDE has issued a new MS4 permit to FrCo (they administer the permit) valid for 5 years. Consultant has reviewed existing SWM ponds, the Town will receive a reduction of 2 acres credit for these ponds reducing the number of credits the Town needed from 18.67 to 16.57.

West WWTP ENR Upgrade: A meeting with MDE for planning discharge limits on December 6 revealed concerns by MDE for discharging 700,000 gpd to the Hollow Creek based on summer base flows. Received planning limits Jan 27, 2023 for review. Met with Engineer to discuss the proposed limits and options. No action

Wastewater Capacity Management reports: Submitted February 16, 2023.

MAIN STREET

MIDDLETOWN

TO: The Burgess and Commissioners
FROM: Becky Axilbund, Main Street Manager
RE: May Workshop Report
DATE: May 2, 2023

Upcoming Dates:

Saturday, May 6, 2023 – Maryland House & Garden Pilgrimage

Organization:

- At the April board meeting we focused on board education regarding the new, more detailed guidelines in which our Main Street program will be held to in order to maintain our annual designation.
- Speaking of designation, we did get our annual accreditation notification last week! Yay!
- We are currently working on the FY 2024 Budget and will have a request ready for Monday, May 8th at Community Day.
- We are geared up and ready to go volunteer wise for Maryland House and Garden and had a fantastic turnout for volunteer training last week!
- We turned in our Main Street Improvement Grant a day before the deadline – only to have the state come back and extend the deadline until mid-May.
- A contract has been signed with Rhosymedre Design to complete the odds and ends of 19 West Main – the finishes and to help with managing timelines with all the other contractors. We have contracted with Coblentz Electric, Warner, Putman Plumbing, Shawn Daly Concrete, and Main Street business, Rhosymedre Design Group.

Economic Development:

- We held an evening mixer on Thursday, April 20 in the evening at Jennifer Riley's Photography Studio. It was a nice turnout and attracted some folks who are not normally able to attend the morning meetings. We also had guests, James Constantine from the Frederick News Post, and Laura Zimmerman from the Maryland House and Garden Pilgrimage.
- We heard at the last EDC meeting that businesses were interested/ready for Main Street to bring back continuing education/speakers to the mixers, in particular, more on social media, and website management. So, we will be planning to bring in these experts soon!
- Later this month, I will be meeting with the new director of the Frederick County Office of Economic Development

Design:

- David Guiney presented proof layouts for the new interpretive signs and overall, were excellent, although there were some changes that were made. These were things, like, David had a quote from TC Harbaugh about Grant, but I thought the other choice with his lines about the beauty of Middletown would be better, and we switched out a couple of photographs on the trolley sign. David met with me and John Gladhill to fact check the information and then made a round of site visits with Phil to make sure there are no issues on the selected sites for installation. I owe them another review and then the signs will go to the fabricator.
- One of the two bicycle racks have been installed – the second one will go behind town hall and will take a bit longer to install in the asphalt versus straight into the concrete sidewalk out front.
- On Friday, May 5th our local art will be installed in the Heritage Park! Jane will need to add a detail or two, but the flower will be up and ready for the May 6th MHGP. We appreciate Jane’s talent and creativity and flexibility as we finally settled on the topic and location!
- Proposed Ice Cream Banner – this is ready to go to fabrication! I love the simplicity of this and it will be interwoven between the regular white banners with the Town’s logo. I think this is going to look great!
- Here is the design of the proposed T-shirt



Promotions Committee:

- It has been all about the MHGP lately – but I think outside of some clean up, we are good to go. We have sold almost all of the Tour Bell Tickets we have and a week ago, we had sold 138 online tickets. This on top of the we have sold approximately 200 here in person.
- In addition to the MHGP, we are concurrently hosting the high school Art on Main! This is so gratifying to have student art work decorating our downtown windows. Please vote soon because we will hand out the awards next week at the High School on the 11th.

Upcoming for MML

- For the MML table this year, I would like to bring some of the Main's Ice Cream artifacts to go along with the Middletown Ice Cream trail brochures. Timing on this event is always a little awkward at the end of the year for expenses. We are pretty good on having some clear plastic bags left over from last year, but we are out of pens and the ice cream scoops were kind of cheap looking and not as great as I would have liked.
 - The M&Ms are great and people like them – a lot! We do need to purchase more candy bags – from my quick look online 4imprint.com shows 500 bags with a one color logo print for \$330 plus an unknown for shipping. (Item 110228)
 - Pens – the green town pens are almost all gone. After doing a quick search, a good price goal would be to keep the pens to around one dollar per unit, and there are plenty of options – most notably one for 0.74 cents (that I emailed to Annette).

Grants:

- In order to try to keep things clear, I am only going to list grants that we have recently applied for:
 - The Maryland Heritage Authority Grant – Applied in February 2023 for interior furnishings for 19 West Main Street
 - The Frederick County Tourism Trip Grant – Applied in March 2023 for a reduction in advertising costs where the Tourism Council pays for 2/3s of the ads and Main Street Middletown pays for 1/3.
 - The Main Street Improvement Grant – Applied in April-now May with the extended deadline. This is a 25K grant that we can apply to operating costs; including things such as the required Main Street Manager training at the National Main Street conference, organizational capacity (we need to review and update the Main Street bylaws, add some additional policy and procedures, and strategic planning).
 - The Technical Assistance Program – this grant is due Mid-May and I will focus the request on bringing in expertise to speak at the Main Street business mixers.
 - The Community Legacy Grant – this grant is through DHCD and for Main Street we apply to this grant just about every year for the match for the Façade Improvement Program. On the DHCD website, the state suggests looking at our Sustainable Communities Action Plan to see if there are projects and or needs defined in that plan that we have not addressed yet. This grant is due at the end of the month. I am more than happy to address this if there is a defined project that is slated for next year (the grant cycle is rather lengthy). Other past Community Legacy projects have been the decorative streetlight poles that Main Street obtained for the Town through a 50K Community Legacy Grant.

*Thank you for your continued support & partnership with
Main Street Middletown!*



Town of Middletown
Zoning Administrator Monthly Staff Report

To: Burgess and Commissioners

From: Robert Wilkes, Zoning Administrator

Date: May 3, 2023

RE: Monthly Zoning Administrator Staff Report for April 2023

BOA Hearings: None

Storage Container & Dumpster Permit: None

Home Occupation Permits: Two

Zoning/Code Violations and Complaints:

Location	Complaint	Status	Date Received
Brookridge South (various Locations)	Abandoned Vehicles	2 of 3 Cars Removed	3/20/2023
116 N. Church Street- Right Away	Noise Complaint	Checking sound levels	4/21/2023
305 E. Main Street	Overgrown Grass	Violation Letter Sent	4/28/2023
1 N. Pointe Circle	Light in neighbor's window	Verifying	4/28/2023

Miscellaneous: Met with Richland Golf refence complaints from the Glenbrook HOA

Permits: 10

April 2023 Zoning Certificates	Type	Address	Permit #	M-town Received	R. Wilkes Approved	County Approval
Fogle	Home Occupations	713 E. Main Street	Town	3/31/2023	4/3/2023	No
Johnson	Fences	104 Lombardy Drive	Town	4/4/2023	4/5/2023	No
Fink	Accessory Structure	30 Boileau Court	Town	4/4/2023	4/5/2023	No
Fisher	Fences	72 Boileau Court	Town	4/5/2023	4/6/2023	No
Bello - Generator	Other	318 Cone Branch Drive	448822	4/11/2023	4/12/2023	Yes
McCracken - Pool	Pools & Hot Tubs	110 Ali Drive	455981	4/10/2023	4/12/2023	Yes
Rayamajhi	Fences	505 Glenbrooke Drive	Town	4/20/2023	4/21/2023	No
Donaldson	Home Occupations	614 Glenbrook Drive	Town	4/20/2023	4/21/2023	No
Scherer	Fences	7 Ari Court	Town	4/27/2023	4/28/2023	No
Cayli- Retaining Wall	Other	1 N. Pointe Court	Town	12/6/2023	4/28/2023	No