

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN MEETING MINUTES**

**TOWN MEETING**

**May 8, 2023**

The meeting of the Burgess and Commissioners of Middletown was called to order on May 8, 2023 by Burgess Miller at 6:30 p.m. Present were Commissioners Rick Dietrick, Kevin Stottlemyer, and Chris Goodman. Commissioners Jennifer Falcinelli, and Jean Lapadula attended via Lifesize.

**BUDGET WORKSHOP**

**FY2024 General Fund Capital Improvement Program (CIP)** - This is the Town Board's first review of this budget. This proposed budget has very little development/ tap fees to increase revenue. Some of the mill and overlay projects will be moved to the out years. Total revenue is \$1,485,301. Projected expenses total 1,298,165. This leaves a surplus of \$187,136.

The budget workshop ended at 6:54PM.

**PUBLIC COMMENT:**

**PERSONAL REQUESTS FOR AGENDA:**

**FY 2024 Community Groups** – Several representatives from different community groups were present to request funding as part of the FY2024 budget. Following is the amount each requested:

|                              |           |
|------------------------------|-----------|
| Heritage Festival            | \$5000.   |
| Middletown Rec Council       | \$10,000. |
| Main Street Program          | \$8,000.  |
| Lion's Club                  | \$2,500.  |
| Middletown Arts & Activities | \$3,800   |
| National Night Out           | \$2,500.  |
| MML Conference               | \$1,000.  |

Burgess Miller thanked them for coming and for helping to build the community through their events and activities.

**CONSENT AGENDA:**

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

**Motion:** Commissioner Stottlemyer motioned to approve the consent agenda as presented. Seconded by Commissioner Dietrick. Motion passed (6-0).

**UNFINISHED BUSINESS:**

**Constant Yield Tax Rate** – 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.

**Motion:** Commissioner Dietrick motioned to keep Middletown's tax rate the same as presented. Seconded by Commissioner Goodman. Motion passed (6-0).

**Benefits Committee Recommendations** – The benefits committee recommended approving those proposed updates that had not been passed at the March 27, 2023 Town Board meeting be approved. This includes capping earned Comp Time (CT) at 120 hours per non-exempt employee. For those employees currently above the 120 hour CT threshold, they would be paid for any CT hours earned in excess of 120 hours in the pay period immediately following the approval to the personnel policy updates (Currently totals \$4253.50). Also, the on-call hourly rate be increased from \$2.50 to \$2.75, with an annual increase of 3%. In addition to annual leave, the Town provides each full-time employee with four Personal Leave Days. This is leave that can be used for any purpose. It would be awarded at the beginning of the calendar year but if not used cannot be carried over to the next calendar year or be paid out at the end of the calendar year. If approved the personnel policy would be modified to reflect this addition.

The Town Board agreed by consensus to approve the recommended updates to the personnel policy plus giving each full-time employee 2 personal leave days to be used anytime July 1, 2023 through December 31, 2023.

Medical Coverage – Burgess Miller reviewed the seven recommendations from the benefits committee regarding health benefits. Town Board members agreed with calculating the employee contribution according to the invoiced rates (2-tiered rates), enhancing the short-term disability coverage for all employees, implementing long-term disability for all employees, for those full-time employees not enrolled in Town health coverage (But enrolled in another plan) giving them an additional week of sick leave each year, and making any recommended updates to the personnel policy to reflect these changes if needed. During the discussion it was noted that calculating the employee contribution by the 2-tiered rate would significantly increase the contribution for those employees enrolled in the employee/spouse, employee/child, and employee/children tiers. Increasing the hourly rate of those affected to cover have the contribution increase was not an option per the board.

**Motion:** Commissioner LaPadula motioned to approve recommendation number 2 as presented and to fund the HSA levels as they currently are (\$2000 Individual and \$4000 all others). The motion was not seconded. The motion failed.

Further discussion among the board members occurred on how to make this fair to those employees enrolled in tiers affected by the rate increase.

**Motion:** Commissioner Stottlemyer motioned to provide a one-time \$2591 stipend to those employees enrolled in the employee/spouse and employee/child tiers to defray the cost of the rate increase; this would not include any open enrollment changes and to fund the HSA levels as they currently are (\$2000 Individual and \$4000 all others). Seconded by Commissioner Falcinelli. Motion failed (1-5).

A town employee suggested that if those employees enrolled in the family tier are saving \$1807 by switching to the 2-tiered rate, why not reduce the employee contribution for those affected by the same amount. The Town would pay the difference.

**Motion:** Commissioner Falcinelli motioned to provide a one-time \$1807 decrease in the employee contribution for those employees enrolled in the employee/spouse and employee/child tiers to defray the cost of the rate increase in FY2024, the Town will pay the \$1807 for each of those affected, and to continue to fund the HSA levels as they currently are (\$2000 Individual and \$4000 all others), and to calculate the employee contribution according to the invoiced rates (2-tiered rates), enhancing the short-

term disability coverage for all employees, implementing long-term disability for all employees, for those full-time employees not enrolled in Town health coverage (But enrolled in another plan) giving them an additional week of sick leave each year, and making any updates to the personnel policy to reflect these changes if needed. The \$1807 decrease would be for current employees only. It would not apply to any future new employees hired. Seconded by Commissioner Stottlemeyer. Motion passed (4-1). Commissioner LaPadula had exited Lifesize before this motion.

## **REPORT OF COMMITTEES:**

### **WATER & SEWER** – Burgess Miller reported:

For April water use was – 325,983 gal., spring flow was – 142,274 gal., East WWTP treated 213,000 gals. and the West WWTP treated 117,000 gals. The Town received 3.05 inches of rain in April. The reduction difference in discharge from previous months is due to the recently completed I and I project.

### **PUBLIC WORKS** – Commissioner Dietrick reported:

Crews cleared a sewer clog at 307 South Church Street with some assistance from the County. Hydrant flushing occurred, parking lines painted in Wiles Branch Park, a leak at 7 Manda was repaired, new bike racks have been installed by the town hall, and a concrete pad was poured at Heritage Park for the latest “Art on Main” project. Crews assisted with the Green Expo, dug holes for the tree planting and installed a new hydrant on Groff Court, all while continuing the on-going usual maintenance on the fleet.

### **SUSTAINABILITY** – Commissioner Stottlemeyer reported:

The Green Expo was well attended. The Arbor Day tree planting was also successful. The Middletown Library will host a sustainability class on Bee Keeping 101 on May 20, 2023 at 1PM. The Fall Recycling event will be October 21, 2023 from 9AM – 12PM.

### **PLANNING COMMISSION** – Commissioner LaPadula reported:

The workshop will be held Wednesday, May 10, 2023. The Planning Commission meeting will be held Monday, May 15, 2023. Agenda items include reviewing the redline items for the Hollow Creek Professional Center and the Comp Plan review of Chapter 10 – Implementation.

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

DNR denied our application for grant monies. We will reapply in the future. DPW is assisting on getting the LPPI and POS monies reimbursements to the Town. There is a POS meeting at town hall May 24, 2023 at 7PM.

**PUBLIC INFORMATION** – No report given.

## **NEW BUSINESS:**

**PFAS Class Action Lawsuit** – 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, Bruce Poole from The Poole Law Group was in attendance. He is the Maryland representative for the firm Baron & Budd (Dallas, TX) who is leading a mass tort litigation against the manufacturers of PFAS. Mr. Poole 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. He would then meet with the Town Board in executive session to discuss specifics. Executive session is needed to protect attorney/client privilege. The Town has been

solicited by another law firm concerning PFAS contamination. Mr. Poole suggested asking that law firm their experience with mass tort litigation and if they will have a local representative.

**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:**

The Town Board recognized that this was the Town Administrators last Town Board meeting prior to his retirement. They thanked Drew for his 30 years of service to the Town and for all that he has done.

**ANNOUNCEMENTS:**

- *Farmers Market Opens every Thursday through October*
- *Memorial Day Ceremony – Memorial Park, Monday, May 29, 2023*
- *Family Movie Night, Saturday, June 3, 2023 at Remsberg Park*

Workshop adjourned at 8:18 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager